



PLANNING PROPOSAL

TO REZONE AND RECLASSIFY COUNCIL OWNED LAND BEING LOT Y IN DP387680 PART OF 4 PENNANT AVENUE, GORDON

March 2021

**Prepared for
Ku-ring-gai Council**

**By
BBC Consulting Planners**

Job No. 18-107B

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I. INTRODUCTION

Overview

This planning proposal contains an explanation of the intended effect and justification for a proposed amendment to the Ku-ring-gai Local Environmental Plan 2015 (“the LEP”). The planning proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (“the EP&A Act”) and the relevant Department of Planning guidelines and practice notes including ‘A Guide to Preparing Local Environmental Plans’ and ‘A Guide to Preparing Planning Proposals’ (“the guidelines”) and Practice Note *PN 16-001 Classification and reclassification of public land through a local environmental plan* prepared by the Department of Planning and Environment dated 5 October 2016.

This planning proposal seeks an amendment to the LEP to reclassify land from ‘community land’ to ‘operational land’ and to change the zoning, height, floor space ratio, and minimum lot size controls relating to a Council owned site being Lot Y in DP 387680, part of 4 Pennant Avenue, Gordon (“the site”).

The site comprises part of the former Gordon Bowling which closed in early 2018 due to declining membership. The site is no longer needed for the purposes for which it was originally acquired. The reclassification of the site from community land to operational land will extinguish relevant interests in the land and provide Council with greater flexibility in dealing with the land in the future.

At the Ordinary Meeting of Council on 8 May 2018, Council considered a report recommending that Council commences the process of amending the controls relating to the site (see **Appendix 1**).

A copy of the minutes to the Ordinary Meeting of Council on 8 May 2018 is provided at **Appendix 1** to this planning proposal. Council resolved as follows:

- “A. That a Planning Proposal be prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 to amend the Ku-ring-gai Local Environmental Plan 2015 for part of 4 Pennant Avenue, Gordon being Lot Y DP387680 to:*
- 1. rezone Lot Y DP387680 from RE1 Public Recreation to R3 Medium Density Residential;*
 - 2. apply floor space ratio development standard of 0.8:1, height of buildings of 11.5m and minimum lot size of 1200sqm;*
 - 3. reclassify Lot Y DP387680 from ‘community land’ to ‘operational land’ and formally seek to extinguish all necessary interests that apply to the land.*
- B. That the Planning Proposal be submitted to the Department of Planning and Environment for Gateway Determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.*
- C. That upon receipt of a Gateway Determination, the exhibition and consultation process is carried out in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the Gateway Determination.*
- D. Public access being maintained through to Bushlands Avenue.*

E. That a report be brought back to Council at the end of the exhibition process.”

BBC Consulting Planners has been engaged by Ku-ring-gai Council to prepare a planning proposal in relation to the above resolution. The planning proposal was submitted to the Department of Planning, Industry and Environment for a Gateway Determination on 2 October 2018.

A Gateway Determination was issued by the Department of Planning, Industry and Environment on 17 February 2020. The Gateway Determination included a number of conditions which required amendments to be made to the Planning Proposal prior to public exhibition, including:

1. *Prior to undertaking public exhibition, the planning proposal should be amended to:*
 - a. *Update the proposal for the site to reflect the following development standards:*
 - *Zone R2 Low Density Residential;*
 - *FSR of 0.3:1*
 - *a maximum building height of 9.5m; and*
 - *a minimum lot size of 840sqm*

Gateway Determination conditions also required a number of supporting studies to be prepared, including:

- Urban design study incorporating a concept development scheme
- Traffic study
- Flood risk Management Study
- Heritage Impact Statement

At the Ordinary Meeting of Council on 20 June 2020 Council considered a report on the Gateway Determination issued by the Department of Planning, Industry and Environment and considered options on how to proceed with the planning proposal (**Appendix 2**). Due to economic necessity for Council to continue to plan and deliver its planned community infrastructure in a timely manner, Council resolved (**Appendix 2**) to proceed with the planning proposal for the site as R2 Low Density Residential as conditioned by the Gateway Determination. The Council resolution also noted that in progressing the planning proposal with the R2 Low Density Residential zone, it will be made clear that Council considers an R3 Medium Density Residential zoning on the site has sufficient justification and strategic merit, and that an R3 zoning would be sought on the site in the future.

In accordance with Section 3.33 of the EP&A Act, this planning proposal seeks to explain the intended effect of the proposed instrument and sets out the justification for making the proposed instrument. This planning proposal addresses matters that are intended to be included in the Ku-ring-gai Local Environmental Plan 2015.

Section 45 of the Local Government Act 1993 (“the LG Act”) prevents Council from selling, exchanging or otherwise disposing of community land. Accordingly, it is proposed to reclassify and amend the planning controls relating to the site. Reclassification is sought from community land to operational land in accordance with Section 27 of the LG Act which states that classification or reclassification of public land may be made by a local environmental plan.

Some Definitions

Department of Planning and Environment *Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan* contains some definitions of terms used in this planning proposal.

Public land is defined in the LG Act as any land (including a public reserve) vested in, or under council control. Exceptions include a public road, land to which the Crown Lands Act 1989 applies, a common, land subject to the Trustees of Schools of Arts Enabling Act 1902 or a regional park under the National Parks and Wildlife Act 1974.

Public reserve is defined in the LG Act and includes a public park and land declared or dedicated as a public reserve. Land can be dedicated as a public reserve by either:

- registering a deposited plan with a statement creating a lot(s) as 'public reserve', or
- publishing a notification in the Government Gazette for an existing parcel

Community land is land council makes available for use by the general public, for example, parks, reserves or sports grounds.

Operational land is land which facilitates the functions of council, and may not be open to the general public, for example, a works depot or council garage.

Classification of public land occurs when it is first acquired by a council and classified as either community or operational.

Reclassification of public land occurs when its classification is changed from community to operational, or from operational to community.

Land classified as community land means that Council cannot sell, exchange or grant an interest to another party other than in accordance with the provisions of the Local Government Act 1993.

Land classified as operational land means that Council can sell, exchange or grant an interest to another party other than in accordance with the provisions of the Local Government Act 1993.

II. Land to which this planning proposal relates

Location

The land to which this planning proposal relates comprises part of the former Gordon Bowling Club, Lot Y DP 387680, known as 4 Pennant Avenue, Gordon ("the site"). The site is located at the eastern end of Pennant Avenue, Gordon approximately 600 metres (10 minute walk) from Gordon Railway Station which is serviced by the T1 line and the Central Coast Line.

The site details and its immediate surroundings are shown in **Figures 1 – 4** below. The immediate locality is generally characterised by single and two storey detached dwelling houses. The immediate environs of the site is predominantly low density residential with the site located mid-block adjoining the rear or side boundaries of approximately 16 dwellings.

Figure 1: Site Location (source: SixMaps)



Figure 3: Aerial Image (Detail) (source: Nearmap)



Figure 4: Site Context (Wider Area) (source: Nearmaps)



Description

The subject site of the Planning Proposal is legally described as Lot Y in DP 387680 and has an area of approximately 1.12ha. The site is irregular in shape with a main frontage to Pennant Avenue and pedestrian access handle to the north of the site provided access to Bushlands Avenue, Gordon (between numbers 18 and 22 Bushlands Avenue).

Lot X in DP 387680 adjoining the site to the west is also owned by Council as a public reserve. No change is sought to the classification of land or the planning controls applying to this site. It is intended that this area retain its RE1 Public Recreational zoning and community land classification. This would allow the area to be classified as Natural Area acknowledging the significance of the vegetation on the site including canopy remnants identified as *Sydney Turpentine-Ironbark Forest* (STIF) vegetation community. Retention of this area provides for the reservation of urban bushland and open space which would allow for passive recreation.

The site comprises the following:

- A single storey former clubhouse building in the central portion of the site;
- An asphalt paved carpark area located within the south western portion of the site;
- Three lawn bowls greens;
- A greenkeepers shed a storage space adjacent to the eastern boundary of the site;
- A toilet block and additional greenkeepers storage space towards the south eastern corner of the asphalt car parking area; and
- An asphalt pathway along the access handle in the northern portion of the site, which provides pedestrian access to Bushlands Avenue.

Access

The site has vehicular access from Pennant Avenue, a public road with a variable width reducing to approximately 9 metres at the site boundary. Access to the site is currently provided through the adjoining Lot X in DP 387680 via separate entry and exit driveways. Pennant Avenue connects to Browns Road which provides access via Bushlands Avenue and Cecil Street to the Pacific Highway and the surrounding road network.

There is a pedestrian connection to Bushlands Avenue via a 1.8 metre wide footpath forming part of the site.

Vegetation

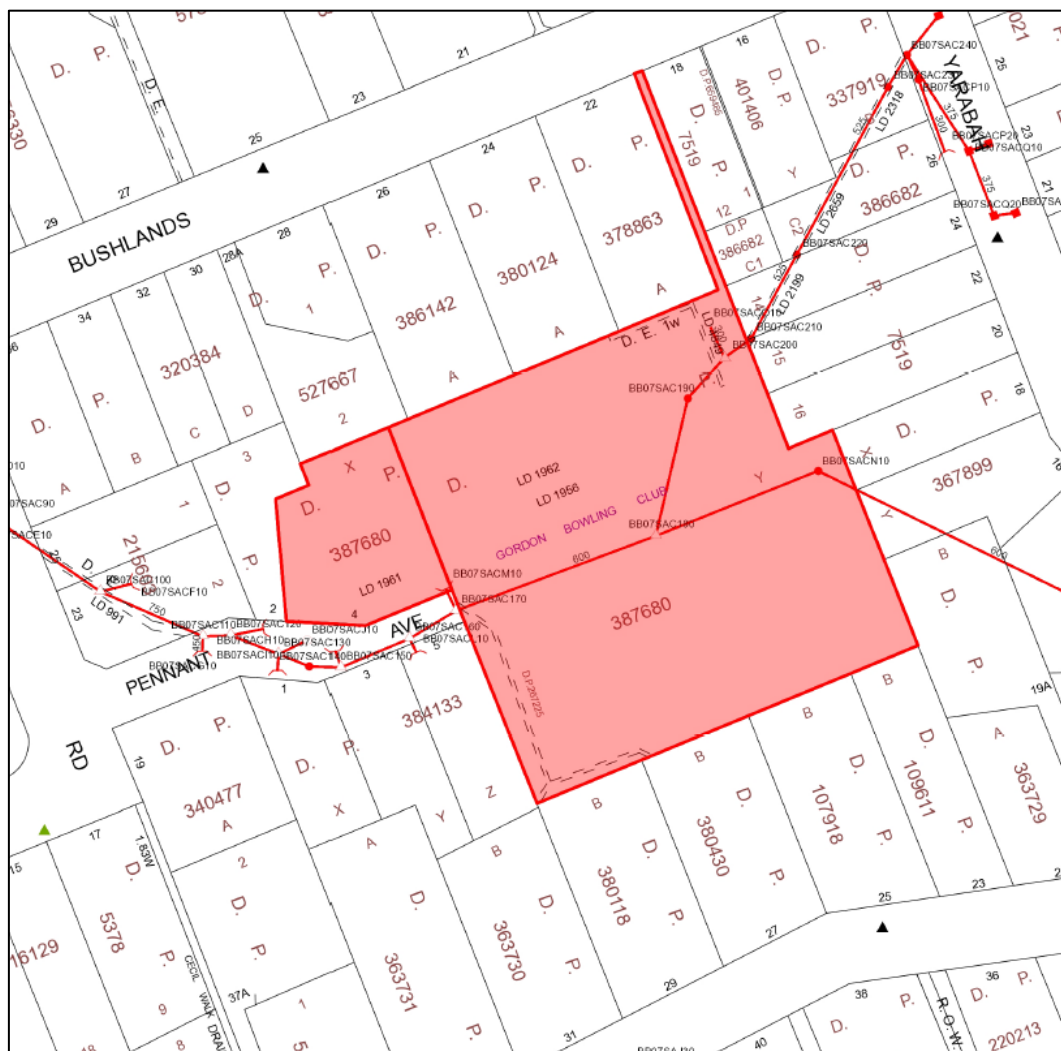
Previous assessments by Councils landscape officers indicate that the site is characterised by broad open grassed expanses, including bowling greens, and sporadic exotic ornamental species.

Drainage and flooding

The site is within the catchment of Blackbutt Creek draining to the Lane Cove River. The site is mapped under the LEP as Category 3a Riparian Land (discontinuous or piped watercourse). There does not appear to be any natural water courses on the site. The site contains Council drainage infrastructure as shown on Figure 3 entering the site from the north and east and exiting the site at Pennant Avenue. A number of drainage easements provide connections from private properties to this infrastructure.

The site is identified in the *Ku-ring-gai Council Blackbutt Creek Floodplain Risk Management Study and Plan* dated 9 June 2018 prepared by GHD as affected by an overland flow path. The site is also identified in this report as an overland escape route for the 20% and 1% AEP event, a High Trapped perimeter for the PMF and as having evacuation problems due to the flood flow over the road.

Figure 5: Drainage Infrastructure

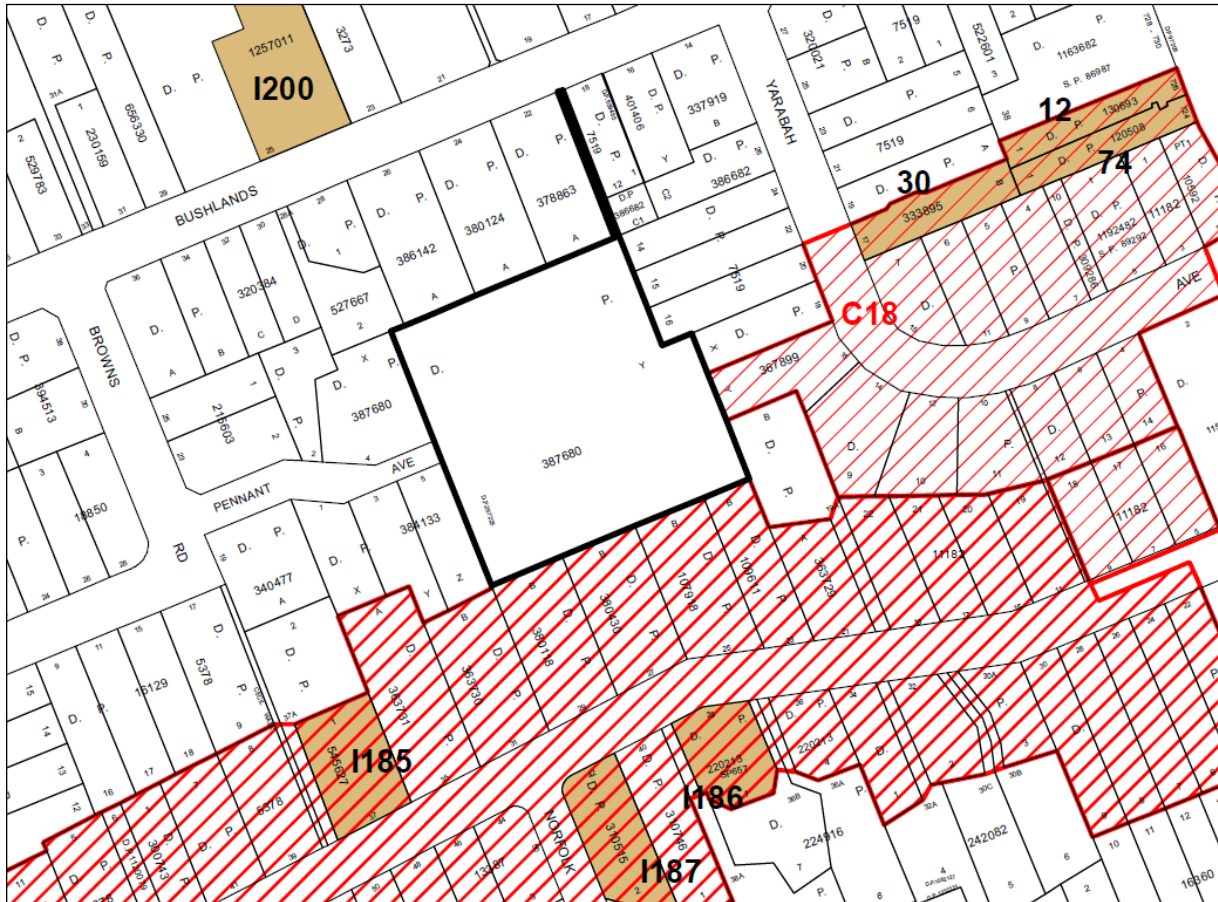


Heritage

The site is not identified as a heritage item nor is it located within a heritage conservation area under the LEP. The southern boundary of the site adjoins the Smith Grant Heritage

Conservation Area (C19) and the eastern boundary of the site adjoins the Yarabath Avenue Conservation Area (C18).

Figure 6: Excerpt from Heritage Map – Surrounding Heritage Items and Conservation Areas



III. Reason site was acquired

Gordon Bowling Club was formed in 1950, following which Council agreed to investigate sites to purchase for the club. Between 1951 and 1953 the rear portions of properties fronting Bushlands Avenue and Cecil Street were progressively acquired by Council. This included the pedestrian access to Bushlands Avenue. DP387680 was registered in December 1953 creating the site. At this time a caveat was registered on title referring to a Declaration of Trust to the effect that the site be held as a public reserve. It is understood that the site has been in the continued possession of, and occupation by, Gordon Bowling Club who constructed the greens and buildings on the site and maintained them. The site has been continuously used as a private recreation facility by the Gordon Bowling Club and its members.

The site has been leased to Gordon Bowling Club Limited since 1953 when the club was granted a 50 year lease to use the land. On 15 August 2017 Gordon Bowling Club Limited advised Council that they wished to terminate their lease and vacate the property in early 2018.

The site is no longer needed for the purpose it was acquired. The site has been vacant since 2018.

IV. Interests in the land




The certificate of title and deposited plan (**Appendix 5**) indicates the following interests in the land:

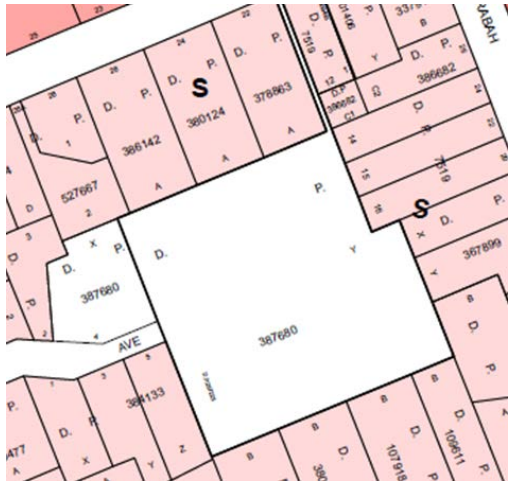


| | |
|----------|--|
| F815777 | Covenant affecting that part of the site marked "Z" in the title diagram (for drainage) |
| F993941 | Caveat by Registrar General. By Trust Deed No 18029 dated 9 December 1953, the site (and Lot X in DP 387680 are held by Council as Public Reserve . |
| T118588 | Easement to drain water |
| F815777 | Easement to drain water |
| DP267225 | Easement to drain water |
| 523615 | Easement to drain water |
| AB762565 | Lease to Gordon Bowling Club (since expired) |




V. Existing Planning Controls

Table 1 below details the existing planning controls and development standards contained within the LEP that apply to the site to which this planning proposal relates.

Table 1: Existing planning controls relating to the site

| Planning Control | Development Standard | Map |
|-----------------------------------|---------------------------------------|--|
| Land Zoning | RE1 Public Recreation |  |
| FSR (n:1) | No FSR control |  |
| Maximum Height of Building | No maximum height of building control |  |

| | | |
|--|--|--|
| <p>Minimum Subdivision Lot Size</p> | <p>No minimum lot size control</p> |  |
| <p>Riparian Land and Waterways</p> | <p>The site is mapped as containing Category 3a Water Course Restoration Riparian Land pursuant to the LEP maps. A Category 3a watercourse is defined as being a discontinuous or piped watercourse.</p> |  |
| <p>Biodiversity Protection and Greenweb</p> | <p>The site is mapped as containing areas of Biodiversity significance pursuant to the LEP. The DCP further breaks down the biodiversity significance into different categories in Greenweb maps. The site contains canopy remnants, biodiversity corridors and buffer areas, and support for core biodiversity lands pursuant to the DCP Greenweb maps.</p> |  |

| | | |
|----------------------------|---|--|
| | |  |
| Heritage | The site is not identified as a heritage item nor is it located within a heritage conservation area under the LEP. The southern boundary of the site adjoins the Smith Grant Heritage Conservation Area (C19) and the eastern boundary of the site adjoins the Yarabath Avenue Conservation Area (C18). |  |
| Bushfire Prone Land | Not bushfire prone land |  |

Maps of the site's current zoning and development standards are included in Part 4 of this Planning Proposal, alongside the proposed maps.

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

The objectives of the planning proposal are to:

- Rezone the site so as to enable redevelopment of the site for the purposes of residential accommodation;
- Reclassify the site to enable Council greater flexibility in dealing with the land in the future;
- Better provide for the orderly, economic and prompt development of the site; and
- Ensure that development within the Ku-ring-gai LGA appropriately supports the objectives of planning policies and plans including Council's *Community Strategic Plan*, the *Greater Sydney Regional Plan A Metropolis of Three Cities*, the *North District Plan* and the *Ku-ring-gai Local Strategic Planning Statement*.

PART 2 – EXPLANATION OF PROVISIONS

This section establishes the means through which the objectives of the planning proposal as described in Part 1 will be achieved via an amendment to the LEP. The planning proposal will result in the following amendments to the LEP:-

- Rezone the site from RE1 Public Recreation to R2 Low Density Residential;
- Apply a Floor Space Ratio Control of 0.3:1;
- Apply a Maximum Building Height Control of 9.5m;
- Apply a Minimum Lot Size Control of 840m²; and
- Amendment of Schedule 4 ('Classification and reclassification of public land') by inserting the following in Part 2 ('Land classified, or reclassified, as operational land – interests changed') of that Schedule:

| Under Column 1 Locality | Under Column 2 Description | Under Column 3 Any trusts etc not discharged |
|----------------------------|--|--|
| Gordon | Lot Y in DP 387680, known as 4 Pennant Avenue, Gordon, identified as operational land. | T118588 Easement to drain water F815777 Easement to drain water DP267225 Easement to drain water 523615 Easement to drain water |

The reclassification of the site through this planning proposal will allow Council to sell, exchange, or otherwise divest of, or deal with, the site.

Upon reclassification to operational land, the site will be available for divestment (if required) and this would be conducted in accordance with the procedures outlined in Council's *Acquisition and Divestment of Land Policy* and with relevant provisions of the Local Government Act 1993. The future divestment of the site would be the subject of a separate resolution of Ku-ring-gai Council following the proposed reclassification.

This planning proposal, when finalised, will discharge any trusts, estates, interests, dedications, conditions, easements, restrictions, or covenants affecting the land holdings other than that indicated in the table above.

PART 3 – JUSTIFICATION

This section establishes the reasons for the proposed outcomes of the planning proposal and proposed amendments of the LEP.

The following questions are set out in the NSW Department of Planning and Environment guidelines “*A Guide to Preparing Planning Proposals*”. The questions address the need for the planning proposal, its strategic planning context, the environmental, social and economic impacts and the implications for State and Commonwealth government agencies.

Section A – Need for the Planning Proposal

On 15 August 2017 Gordon Bowling Club Limited advised Council that they wished to terminate their lease and vacate the property in early 2018. The site is and is no longer needed for the purpose it was acquired.

It is appropriate that the planning controls which apply to the site be changed to enable the site to be developed or used in an orderly and economic manner as determined by Council’s strategic planning investigations. Thus there is seen to be a need for a planning proposal for the site.

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The planning proposal is a result of the Ku-ring-gai Local Strategic Planning Statement (KLSPS). The KLSPS includes Local Planning Priority *K.1 Provide well-planned and sustainable infrastructure to support growth and change* and outlines Councils adopted approach of asset renewal to assist Council fund specific civic and community projects through the sale of under-utilised or surplus assets (property). The reasoning for Council to divest these assets is to ensure that Council meets the future needs of the community by providing purpose built facilities and maintaining financial sustainability. Council’s Long Term Financial Plan identifies asset sales as a short, medium and long term funding strategy. The KLPS includes a specific Action: *Continue to utilise asset recycling to invest in new assets or to revitalise existing assets (ongoing)*.

This planning proposal will facilitate the future planning and redevelopment of the site. The site has been vacant since the Gordon Club vacated the site in 2018, and the site is no longer required for the purpose that it was acquired for. The sites current zoning of RE1 Public Recreation is not considered the highest or best use of the site, and so the planning proposal is seeking to amend the zoning to R2 Low Density Residential.

The sites present an opportunity for Council to utilise the process of asset recycling to invest in new assets or revitalise existing assets. A major part of Council’s financial and asset strategy is the use of funds from the sale of various property assets to fund renewal of existing infrastructure assets, to upgrade existing assets and to construct new assets. The Ku-ring-gai Long Term Financial Plan and the Delivery Program 2018-2021 and Operational Plan 2020-2021 identify projects which are to be funded from asset sales. Projects with funding from asset sales include:

- Renewal of existing assets – projects with funding from asset sales are the St Ives Sports Centre and Marian Street Theatre

- Upgrade/new assets – including the renewal of buildings, roads, kerb and gutter, footpaths, stormwater network, swimming pool, parks, tennis courts and other recreational assets
- Major town centre projects – such as the Lindfield Village Hub and Turrumurra Hub, which involve the construction of many large new buildings, underground carparking and associated infrastructure.

Any future divestment of this site is earmarked to assist Council in meeting community expectations for the renewal and replacement of community infrastructure.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, in a statutory sense, the orderly and economic use of the site for the purposes of residential accommodation is only possible through a residential zoning. A planning proposal is the only means of which an LEP can be amended. Accordingly the best means of achieving the objectives or intended outcomes is through a planning proposal.

Additionally, the site is currently classified as community land. Therefore Council is not able to develop, sell, exchange, or dispose of community land under the provisions of the Local Government Act 1993. Amending the LEP would be the only means of achieving the objectives of the planning proposal. A planning proposal for the site is therefore considered appropriate.

Section B – Relationship to Strategic Planning Framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal is consistent with the following regional and subregional strategies:

Greater Sydney Regional Plan – A Metropolis of Three Cities (March 2018)

The Greater Sydney Regional Plan 2056 – A metropolis of three cities – connecting people was released in March 2018. It sets out a vision, objectives, strategies and actions for a metropolis of three cities across Greater Sydney. Gordon is located within the Eastern Harbour City area.

The planning proposal is consistent with the following objectives provided by the Greater Sydney Regional Plan:

- Objective 6 – Services and infrastructure meets communities changing needs - This objective outlines the importance of the delivery of necessary facilities and services to meet the community's needs. As the site is vacant, and no longer required for the purposes it was acquired, the planning proposal will facilitate alternative uses for the site and any future divestment of the property through Council's asset recycling program, will release funds for other social infrastructure required by the community such as upgrades to the Marian Street Theatre, and the St Ives High School Join Use Indoor Courts, as well as upgrades to existing Council assets such as the renewal of buildings, roads, kerb and gutter, footpaths, stormwater network, swimming pool, parks, tennis courts and other recreational assets . Any future divestment of the site will assist

Council to effectively manage its financial position to meet community expectations for renewal and replacement of assets

- Objective 10 - Greater Housing Supply- This objective highlights the importance of providing housing supply and housing types in the right locations to create liveable neighbourhoods and support the Greater Sydney growing population. The objective outlines that a range of housing types is required to provide for the needs of the community, and that housing should be located in areas with access to transport, shops, services and facilities. The planning proposal seeks to rezone the site from RE1 Public Recreation, to R2 Low Density Residential, would have the result in increasing the supply of land available for new dwellings, and has the potential to increase the housing supply in Sydney. The R2 Low Density Residential zone has the potential to provide for 9 additional lots, or the potential for the provision of seniors living housing under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 as demonstrated through the analysis in the Urban Design Study (**Appendix 6**).

It provides the opportunity for local infill development in an existing urban area with walkable access to centres, facilities and public transport achieving greater housing diversity.

- Objective 14 - Integrated land use and transport creates walkable and 30 minute cities: The site is well located in terms of public transport with Gordon Railway Station located approximately 10 minutes (600 metres) walking distance north east of the site which is serviced by the T1 line which provides access to the metropolitan centre of Sydney's CBD, and the strategic centres of Chatswood, Hornsby, Macquarie Park and St Leonards. Additionally, the site is located within close proximity to Gordon local centre which comprises a number of local shops and services which can be accessed by future residents of the site. As the plan suggests, it is appropriate that future residents of the site have access to the services, jobs and skills which are available within centres. A central goal of the Greater Sydney Regional Plan 2056 is to strategically plan Sydney to ensure that residents will have quick and easy access to jobs and essential services. It is intended that workers will be closer to knowledge intensive jobs, city scale infrastructure and services, and entertainment and cultural facilities. The site is located within close proximity to public transport services and other amenities that can be readily accessed by future residents of the site. It would seem that the proposed future establishment of a new residential development within at the site in accordance with its proposed zoning would be entirely consistent with the objectives of the Greater Sydney Regional Plan.

North District Plan

The North District Plan was released in March 2018. It sets out the planning priorities and actions for the growth of the North District.

The planning proposal is consistent with the plan, particularly with respects to the following planning priorities:

- Planning Priority N3 - Providing services and social infrastructure to meet people's changing needs: This planning proposal seeks to recognise the need to provide services and local infrastructure to meet the needs of the community through different

stages of life. The site was acquired for the purposes of the Gordon Bowling Club which has since closed and no longer requires the site. The planning proposal facilitates alternative uses for the site and any future divestment of the property through Councils asset recycling program will release funds for other social infrastructure required by the community. The reclassification and rezoning of the subject site will allow Council to effectively manage its financial position to meet community expectations for projects and service delivery, such as upgrades to the Marian Street Theatre, and the St Ives High School Joint Use Indoor Courts, as well as upgrades to existing Council assets such as the renewal of buildings, roads, kerb and gutter, footpaths, stormwater network, swimming pool, parks, tennis courts and other recreational assets.

- Planning Priority N5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport: This planning proposal outlines the need to provide for new housing in the right locations to meet the needs of the community through all stages of life. The planning proposal is consistent with this planning priority in that it will facilitate the future development of the site to provide additional residential accommodation within close walkable proximity to excellent public transport services such as Gordon Railway Station which service the metropolitan cluster of Sydney's CBD and the strategic centres of Chatswood, Hornsby, St Leonards, and Macquarie Park. Additionally, the site is located within close proximity to Gordon local centre which comprises a number of local shops and services which can be accessed by future residents of the site

The planning proposal meets the objectives relating to greater housing supply and in that it would contribute to meeting the North District's housing target of 92,000 dwellings from 2016-2036. The proposed R2 Low Density Residential zoning allows for the site to better cater for the demand of Sydney's changing population by providing a broader range of housing options to suit different lifestyle and affordability needs which include single dwelling housing, or potentially seniors housing options permissible under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. It provides the opportunity for local infill development in an existing urban area with walkable access to centres, facilities and public transport achieving greater housing diversity.

- Planning Priority N12 - Delivering integrated land use and transport planning and a 30 minute city: This planning proposal outlines the key consideration of the integration of land use and transport planning in order to create a 30minute city, whereby people will have public transport access to their closest metropolitan or strategic centre within 30mins. The site is well located in terms of public transport, being within a 600m walk to Gordon Station and the North Shore Rail Line, which is identified as a City Shaping Transport Corridor. The site and Gordon Local Centre has high levels of accessibility to adjoining strategic centres of Chatswood, St Leonards, North Sydney and the Sydney CBD. Its rezoning and reclassification to facilitate additional residential development would allow the benefits of its accessibility to be better utilised.
- Planning Priority N20 – Delivering high quality open space – This planning priority outlines the key considerations for planning for open space, which includes quality, quantity and distribution, and the need to provide for open space areas for recreation, sport and social activity is important to support healthy and active lifestyles.

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.

Ku-ring-gai local government area has 3,356 hectares of open space comprising:

- 1747 hectares of bushland within three local national parks
- 1151 hectares of natural areas
- 98 hectares of parkland and gardens
- 116 hectares of sportsfields
- 68 hectares of Council owned golf courses
- 176 hectares of drainage reserves.

Planning for open space and recreation in Ku-ring-gai is based on the following strategies:

- Ku-ring-gai Open Space Strategy 2005
- Ku-ring-gai Open Space Acquisition Strategy 2006
- Ku-ring-gai Contributions Plan 2010

The Ku-ring-gai Open Space Acquisition Strategy establishes a series of principles for acquisition of open space and identifies priority areas for acquisition based on existing quantum of open space and projected population growth. Significant progress has been made since 2010 in terms of providing new open space; at this point in time Council is just over half way through the delivery program set out in the Ku-ring-gai Contributions Plan 2010 and Council has created or is in the process of creating, over 23,000sqm of new parks and civic spaces.

The key considerations for open space outlined in the North District Plan, being *quality*, *quantity* and *distribution* are addressed within Council Ku-ring-gai Open Space Acquisition Strategy through the acquisition principles, objectives and criteria which provide a checklist for evaluating properties and targets for open space acquisition. While the subject site is already owned by Council and as such is not being acquired for open space, the acquisition principles are a useful tool in evaluating the sites future potential as open space.

| Acquisition Principles | Assessment of 4 Pennant Avenue, Gordon |
|-----------------------------------|---|
| Open space provision/distribution | <p>The site is located on the junction of priority 1 and 2 zones which might indicate that there is a need for a park in this location however there are three factors to consider:</p> <ul style="list-style-type: none"> - there has been very little new development within walking distance (500 metres) of the subject site on the western side of the highway. With two heritage conservation areas to the south and north |

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| | <p>and a golf course to the west future significant development in the surrounds is unlikely;</p> <p>- Council has recently constructed a park (Greengate Park) on Bruce Avenue, which is approximately 500 metres from the subject site;</p> |
| Recreation provision | The retention of the site for recreation provision may result in negative impacts such as noise, parking, lighting associated with recreation use on residential amenity of adjoining properties. |
| Natural systems | <p>The site is mostly cleared of all vegetation and is characterised by open grass expanses of the former bowling greens. On the boundaries of the site there are remnant components of the critically endangered ecological community (CEEC) Blue Gum High Forest (BGHF).</p> <p>The site is subject to flood overland flow. The required flood management measures including swales and a cascading storage area would limit the amount of available space for recreation uses on the site.</p> |
| Cultural heritage | The site does not have any heritage values (e.g. cemetery, heritage buildings or memorials) that would be protected or enhanced through use as open space. |
| Visual / landscape quality | The site does not have particularly high visual or landscape qualities that would enhance the recreational use of the site. |
| Access | The site is not in a prominent location and highly visible from public street and there is only two access points, one via a narrow walkway. The OSAS requires that new parks have at least 2 street frontages, the subject site does not comply with this requirement. |
| Connectivity | The site would not provide potential to create new linkages between residential blocks. Further land acquisition would be required to achieve this outcome. |
| Carrying capacity | The site does not extend or build on an existing reserve or system of reserves. A park in this location would duplicate the facilities already provided in Greengate Park (approx. 500m from site). |
| Economic viability / efficiency | Assessment of a walking catchment around the subject site indicates that a park in this location would not maximise the number of people within a 400 metre radius given the largely low density residential environment. Given the low levels of new development around the subject site a park in this location would be unlikely to meet S7.11 nexus criteria, and would not be optimal use of Council and community resources. |

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| Management and maintenance | The subject site is likely to be affected by unacceptable risks such as contamination given the past use. This would dramatically increase the cost of construction of the park. Such costs are not budgeted for and must be avoided to ensure maximum funds are available to create new parks with high levels of facilities and amenities |
|----------------------------|---|

The above assessment demonstrates that the site is not suitable for, and would have a low value with a future use of open space due to limited access, visibility, duplication of facilities and contamination risks.

The Ku-ring-gai Open Space Strategy, 2005 includes an action relating to the management of open space resources, including 'low value' sites as follows:

- Action 6.2: *Continue to identify park and open space sites which should be considered for alternative uses and develop guidelines for reinvesting the funds released in other local and district scale recreation opportunities*
- Indicator: *Disposal of 'low value' sites in accordance with asset management principles. Measure increase in recreation opportunity via use of proceeds from disposal of 'low value' sites.*

The rezoning of the site from RE1 Public Recreation to R2 Low Density Residential would enable the future divestment of the site as part of Council's asset recycling program. Any future divestment of the sites is earmarked to assist Council in meeting community expectations for the renewal and replacement of social and community infrastructure, such as the upgrade to the Marian Street Theatre and new recreation opportunities with St Ives High School Joint Use Indoor Courts, as well as upgrades to existing Council assets such as the renewal of buildings, roads, kerb and gutter, footpaths, stormwater network, swimming pool, parks, tennis courts and other recreational assets.

The loss of this site as open space will not have significant wider consequences noting that:

- There are no significant increases in population or density planned for the immediate surrounding area – noting the Heritage Conservation Areas.
- The existing area is currently well served by existing parks and open space areas, including Greengate Park (approx.500m)
- The subject site has continuously been leased to the bowling club since the 1950's for their exclusive use, and accordingly the site has not served the same public open space function for the wider community that a park or reserve would.
- Part of the site, being Lot X DP 387680 is to be retained as RE1 zoned land and will provide open space for passive recreation.

Council is committed to providing additional open space throughout Ku-ring-gai. Council will offset or compensate for the loss of this site by continuing to acquire sites that are better suited for the provision of the open space and recreation needs to the community. This is demonstrated by the actions contained within the Ku-ring-gai LSPS as follows:

- *Prepare a revised Open Space Strategy that will provide the overarching*

framework and strategic direction for public open space planning in Ku-ring-gai for the next 15-20years. This strategy will be integrated with sport and recreation needs studies. (Medium Term 3-5years)

- *Undertake detailed analysis of areas and precincts with identified gaps in open space provision for potential locations for new parks*
- *Integrate the new Open Space Strategy with current state government and council policies*
- *Increase proportion of homes in urban areas within 10min walk of quality, green, open and public space by 10% within 10 years*
- *Complete and commence implementation of the Recreation in Natural Areas Strategy*
- *Undertake an integrated Open Space, Sport and Recreation Needs Study*
- *Continue to implement a program of improvements to existing recreation, sporting and leisure facilities*
- *Continue to work closely with sporting organisations and clubs, user groups and residents to develop and manage Councils sporting assets*
- *Negotiate a Heads of Agreement with the Department of Education for the construction and joint use of an indoor sports facility at St Ives High School.*

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another local strategy or strategic plan?

Yes, the planning proposal will give effect to the priorities of the Ku-ring-gai Local Strategic Planning Statement and Ku-ring-gai Community Strategic Plan 2038.

Ku-ring-gai Local Strategic Planning Statement

- K1. Providing well planned and sustainable local infrastructure to support growth and change: This Local Planning Priority outlines Councils adopted approach of asset renewal to assist Council fund specific civic and community projects through the sale of under-utilised or surplus assets (property). The reasoning for Council to divest these assets is to ensure that Council meets the future needs of the community by providing purpose built facilities and maintaining financial sustainability. Council's Long Term Financial Plan identifies asset sales as a short, medium and long term funding strategy. The KLPS includes a specific Action: *Continue to utilise asset recycling to invest in new assets or to revitalise existing assets (ongoing).*

This planning proposal will facilitate the future planning and redevelopment of the site. The site has been vacant since the Gordon Bowling Club vacated the site in 2018, and the site is no longer required for the purpose that it was acquired for. The sites present an opportunity for Council to utilise the process of asset recycling to invest in new assets or revitalise existing assets. The sites current zoning of RE1 Public Recreation is not considered the highest or best use of the site, and so the planning proposal is seeking to amend the zoning to R2 Low Density Residential. Any future divestment of the sites 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, as well as upgrades to existing Council assets such as the renewal of buildings, roads, kerb and gutter, footpaths, stormwater network, swimming pool, parks, tennis courts and other recreational assets..

- K3. Providing housing close to transport, services and facilities to meet the existing and future requirements of a growing and changing community: The planning proposal is consistent with this Local Planning Priority in that the proposed rezoning of the site to R2 Low Density Residential will facilitate the future development of the site to provide residential accommodation within close walkable proximity to public transport services including the North Shore Train Line, and bus interchange and a range of other community facilities and services provided within the Gordon Local Centre, including shops, supermarkets, restaurants, services, and community facilities such as the Gordon Library.
- K4. Provide a range of diverse housing to accommodate the changing structure of families and households and enable ageing in place: The proposed R2 Low Density Residential zone allows for the site to cater for the demand of Sydney's changing population by providing a range of housing options to suit different lifestyle and affordability needs, which include single dwelling housing, or potentially seniors housing options permissible under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. These housing options are explored through the concept development schemes contained within the Urban Design Study (**Appendix 6**). It provides the opportunity for local infill development in an existing urban area with walkable access to centres, facilities and public transport achieving greater housing diversity.
- K21. Prioritising new development and housing in locations that enable 30minute access to key strategic centres: The planning proposal is consistent with this Local Planning Priority which seeks the integration of land use and transport planning in order to create a 30minute city, whereby people will have public transport access to their closest metropolitan or strategic centre within 30mins. The site is well located in terms of access to public transport, the Traffic and Transport Study (**Appendix 7**) notes there are 13 bus stops located in a 2km radius surrounding the site, which provide access to West Pymble, Macquarie University, St Ives Shopping Centre, Mona Vale, Hornsby, Turramurra, East Killara, Lindfield, and Chatswood. Gordon Train Station is located 1.1km from the site, and is serviced by the T1 North Shore Line, T9 Northern Line and CCN Central Coast and Newcastle line, which provides access to the metropolitan centre of Sydney's CBD, and the strategic centres of Chatswood, Hornsby, Macquarie Park and St Leonards. Additionally, the site is located within close proximity to Gordon Local Centre which comprises a number of local shops and services which can be accessed by future residents of the site. The site's rezoning to facilitate residential development would allow the benefits of its accessibility to be better utilised.

Ku-ring-gai Community Strategic Plan 2038

- C4.1 - A community that embraces healthier lifestyle choices and practices: The planning proposal contributes to the provision of a range of cultural, recreational and leisure facilities and activities are available to encourage social interaction and stimulate everyday wellbeing. It provides additional residential opportunities in a location within walking distance of Gordon Town Centre.

- **C6.1 - Housing Choice and Affordability:** The planning proposal seeks to rezone the site to R2 Low Density Residential which allows for the site to cater for the demand of Sydney's changing population by providing a range of housing options to suit different lifestyle and affordability needs, which include single dwelling housing, or potentially seniors housing options permissible under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. It provides the opportunity for local infill development in an existing urban area with walkable access to centres, facilities and public transport achieving greater housing diversity.

L2.1 - Council rigorously manages its financial resources and assets to maximise delivery of services: A major part of Council's financial and asset strategy is the use of funds from the sale of various property assets to fund the renewal of existing infrastructure assets, to upgrade existing assets and to construct new assets. This asset recycling assists Council fund specific civic and community projects through the sale of under-utilised or surplus assets (property). The reasoning for Council to divest these assets is to ensure that Council meets the future needs of the community by providing purpose built facilities and maintaining financial sustainability. Council's Long Term Financial Plan identifies asset sales as a short, medium and long term funding strategy. The KLPS includes a specific Action: *Continue to utilise asset recycling to invest in new assets or to revitalise existing assets (ongoing)*.

This planning proposal will facilitate the future planning and redevelopment of the site. The site has been vacant since the Gordon Club vacated the site in 2018, and the site is no longer required for the purpose that it was acquired for. The sites current zoning of RE1 Public Recreation is not considered the highest or best use of the site, and so the planning proposal is seeking to amend the zoning to R2 Low Density Residential.

The sites present an opportunity for Council to utilise the process of asset recycling to invest in new assets or revitalise existing assets. The Ku-ring-gai Long Term Financial Plan and the Delivery Program 2018-2021 and Operational Plan 2020-2021 identify projects which are to be funded from asset sales. Projects with funding from asset sales include:

- Renewal of existing assets – projects with funding from asset sales are the St Ives Sports Centre and Marian Street Theatre
- Upgrade/new assets – including the renewal of buildings, roads, kerb and gutter, footpaths, stormwater network, swimming pool, parks, tennis courts and other recreational assets
- Major town centre projects – such as the Lindfield Village Hub and Turrumurra Hub, which involve the construction of many large new buildings, underground carparking and associated infrastructure.
- Any future divestment of this site is earmarked to assist Council in meeting community expectations for the renewal and replacement of community infrastructure.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Table 2 below details the consistency of the Planning Proposal with State Environmental Policies (SEPPs) or Deemed SEPPs.

Table 2: SEPP and deemed SEPP Compliance Table

| State Environmental Planning Policy (SEPP) or Deemed SEPP | | Consistency |
|---|--|--|
| SEPP | (Vegetation in Non-Rural Areas) 2017 | Consistent. Any future development application on the site would be subject to the provisions of the SEPP. |
| SEPP No 55 | Remediation of Land | See discussion below |
| SEPP No 65 | Design Quality of Residential Apartment Development | Consistent. Any future development application on the site would be subject to the provisions of the SEPP. |
| SEPP | (Affordable Rental Housing) 2009 | Consistent. Any future development application on the site would be subject to the provisions of the SEPP. |
| SEPP | (Housing for Seniors or People with a Disability) 2004 | Consistent. Any future development application on the site would be subject to the provisions of the SEPP. |
| SEPP | (Building Sustainability Index: BASIX) 2004 | Consistent. Any future development application on the site would be subject to the provisions of the SEPP. |
| SEPP | (Infrastructure) 2007 | Consistent. Any future development application on the site would be subject to the provisions of the SEPP. |
| SEPP | (Exempt and Complying Development Codes) 2008 | Consistent. Any future development application on the site would be subject to the provisions of the SEPP. |
| SEPP | (Urban Renewal) 2010 | Consistent. Any future development application on the site would be |

| State Environmental Planning Policy (SEPP) or Deemed SEPP | | Consistency |
|---|---------------------------------|---|
| | | subject to the provisions of the SEPP. |
| SREPP | (Sydney Harbour Catchment) 2005 | Consistent. Any future development application on the site would be subject to the provisions of the deemed SEPP. |

The planning proposal's compliance and consistency with the above SEPPs and deemed SEPP would be determined during the assessment of a development on the subject site.

State Environment Planning Policy No 55 – Remediation of Land

Pursuant to Clause 6(1) of SEPP55, a planning proposal should not be prepared unless:

- “(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 at the site (see **Appendix 3 and 4** respectively). The Stage 1 report identified a number of areas of environmental concern from past activities, including uncontrolled demolition, uncontrolled filling, application of herbicides/pesticides and chemical storage. It concluded that the site could be made suitable (from a land contamination perspective) for future land use settings subject to further assessment, management and remediation. The Stage 2 assessment concluded:

- *the detected concentrations of identified contaminants of potential concern in the soils assessed are considered unlikely to present an unacceptable direct contact human health exposure risk;*
- *the detected concentrations of identified contaminants of potential concern in the soils assessed are considered unlikely to present an unacceptable inhalation / vapour intrusion human health exposure risk;*
- *the detected concentrations of identified contaminants of potential concern in the soils assessed are considered unlikely to present a petroleum hydrocarbon management limit risk;*
- *the asbestos detected in the soils assessed, are considered unlikely to present an unacceptable human health exposure risk, with the exception of soils in the vicinity of TP16, TP17 and TP08;*
- *the concentrations of contaminants of potential concern in the AEC06 (footprint of former building underlying existing club house), have not been assessed, due to access constrained by the presence of the existing club house building; and*

- the site could be made suitable for the proposed land use setting, subject to assessment of soils in AEC06 and management/remediation of asbestos in soil in AEC06 and in the vicinity of TP08.

The Stage 2 report recommended as follows:

- a supplementary contamination assessment should be undertaken to:
 - further characterise the extent of asbestos in soil risks in AEC04 and in the vicinity of TP08;
 - characterise the nature and extent of soil contamination in AEC06, following removal of the existing clubhouse building;
- consideration should be given to preparation of a remedial action plan (RAP), which includes a strategy for implementing the supplementary contamination assessment works recommended, and which includes a preferred remedial strategy for addressing identified asbestos in soil risks. It is noted that an addendum to the RAP may be required in the event that contamination risks are identified in AEC04, which require management and/or remediation.

A Remedial Action Plan (RAP) has also been prepared for the site by Alliance Geotechnical (**Appendix 10**). The RAP outlines that taking into consideration the proposed residential nature of the site, and the required extent of redevelopment works, that the preferred remedial option for the site is the excavation and offsite disposal of contaminated soil.

The Stage 1 and Stage 2 Reports, and the Remedial Action Plan satisfy the requirements of SEPP55 for the purposes of ensuring the planning authority is satisfied that the site can be remediated to be suitable for the purposes for which land in the zone concerned is permitted to be used.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Table 3 identifies the proposal's consistency with relevant Ministerial Directions.

Table 3: s9.1 Ministerial Directions Consistency

| Section 9.1 Directions | Consistency of Planning Proposal |
|--|---|
| 2.1 Environment Protection Zones <u>Objective</u> (1) The objective of this direction is to protect and conserve environmentally sensitive areas. | Consistent. The site is not within an environmental protection zone. Part of the site is subject to clause 6.3 of the LEP dealing with biodiversity protection and clause 6.4 dealing with riparian land and waterways. These provisions of the LEP would continue to apply to the site. |
| 3.1 Residential Zones <u>Objectives</u> (1) The objectives of this direction are: | Consistent. This planning proposal would rezone an area to allow for low density residential development which |

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| <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p> | <p>would help to provide for existing and future housing needs. The future residents of the site would have excellent access to existing infrastructure and services. The planning proposal is entirely consistent with relevant strategic planning considerations provided for the Greater Sydney Region and locally for Ku-ring-gai Council.</p> <p>The LEP does not contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it).</p> <p>However, given the site is in an established urban area it is expected that all urban utility services are available or can be readily augmented to meet the needs of the development allowed by this planning proposal. Inconsistency with this requirement is justified because it is of minor significance.</p> <p>The planning proposal will not reduce the permissible residential density of the land.</p> |
| <p>3.4 Integrating Land Use and Transport</p> <p><u>Objectives</u></p> <p>(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p> | <p>Consistent. The planning proposal rezones land in an existing urban area that has good connections to the surrounding road network including Pacific Highway and to public transport including Gordon Railway Station and is within walking distance to an existing centre being Gordon Local Centre.</p> <p>The Traffic and Transport Study (Appendix 7) notes there are 13 bus stops located in a 2km radius surrounding the site, which provide access to West Pymble, Macquarie University, St Ives Shopping Centre, Mona Vale, Hornsby, Turramurra, East Killara, Lindfield, and Chatswood.</p> |

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| | <p>Gordon Train Station is located 1.1km from the site, and is serviced by the T1 North Shore Line, T9 Northern Line and CCN Central Coast and Newcastle line.</p> <p>The residential zoning on the site would be supported by public transport connections, enabling access to jobs and services in surrounding local and strategic centres.</p> |
| <p>4.1 Acid Sulfate Soils</p> <p><u>Objective</u></p> <p>(1) The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> | <p>Consistent. A review of the New South Wales Department of Land and Water Conservation (NSW DLWC 1997, 2nd Ed) Acid Sulfate Risk Map series for Prospect – Parramatta River indicates that the site lies in an area mapped as 'No Known Occurrence' with respect to acid sulfate soils.</p> |
| <p>4.3 Flooding</p> <p><u>Objectives</u></p> <p>(1) The objectives of this direction are:</p> <p>(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</p> <p>(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> | <p>Consistent.</p> <p>A Flood Impact Assessment (Appendix 9) has been prepared for the subject site, under both concept development schemes of R2 Low Density Residential and Seniors Living developments.</p> <p>The Flood Impact Assessment notes that both the concept development options provide for the suitable management of flood flows through the site, and more specifically, the flood flows entering the site are concentrated in dedicated drainage areas and carry floodwaters away from the habitable sections of the site.</p> <p>The Flood Impact Assessment also includes an assessment against S9.1 Ministerial Direction 4.3 Flooding which notes that the inconsistency with sub-clause 6(c) of Direction 4.3 should be considered a minor significance due to:</p> <ul style="list-style-type: none"> the planning proposal being consistent with the |

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| | <p>Flood Plain Development Manual 2005</p> <ul style="list-style-type: none"> Although there will be an increase in development potential of the land, the site has been subject to detailed studies which have incorporated solutions to manage the flood risk on the site and ensure downstream properties are not impacted. Further detailed assessment of flood risk would be undertaken at DA stage. |
| <p>4.4 Planning for Bushfire Protection</p> <p><u>Objectives</u></p> <p>(1) The objectives of this direction are:</p> <p>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) to encourage sound management of bush fire prone areas.</p> <p>from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the noncompliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.</p> | <p>Consistent. The site is not identified as bushfire prone land.</p> |
| <p>6.1 Approval and Referral Requirements</p> <p><u>Objective</u></p> <p>(1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> | <p>Consistent. The planning proposal does not include provisions that require the concurrence, consultation or referral of future DAs to a Minister or Public Authority.</p> |
| <p>6.2 Reserving Land for Public Purposes</p> <p><u>Objectives</u></p> <p>(1) The objectives of this direction are:</p> <p>(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> | <p>Justifiably inconsistent. The Secretary's approval is sought through this Planning Proposal.</p> <p>As previously stated, the site was leased by Council to Gordon Bowling Club for use of the site for the purposes of a Bowling Club. Since it was progressively acquired between 1951-1953, the site has been used by Gordon Bowling Club, which, due to declining membership terminated their lease with Council and vacated the property in early 2018. The land is therefore no longer required for the original purposes it was acquired being a Bowling Club.</p> <p>Additionally, as indicated above, the site is not</p> |

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| | considered suitable for use as public land for open space when assessed against the principles and criteria provided by Council's OSAS primarily due to limited access and visibility as well as contamination risk. Ku-ring-gai Council is the relevant public authority. |
| 6.3 Site Specific Provisions <u>Objective</u> (1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. | Consistent. The proposal does not contain any restrictive site specific planning controls. |

Further detail on its consistency with the above Ministerial Directions will be provided following consultation with relevant public and private authorities.

Section C – Environmental, Social and Economic Impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There are no records of any threatened species on the site. The remnant trees provide some marginal habitat for highly mobile and urban adapted species. There is no critical habitat within or adjoining the site.

The site contains remnant components of the critically endangered ecological community (CEEC) blue gum high forest (BGHF). The remnant trees are located on the boundary of the site. Any future development would be required to be designed and sited to avoid impacts to this CEEC. Construction would also be required to protect the trees and comply with AS4970-2009 Protection of trees on development sites and the relevant provisions of the Ku-ring-gai Development Control Plan and Local Environmental Plan.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Built form and future development

The planning proposal proposes density and building height development standards for the site that are typical of and are consistent with the surrounding land zone R2 Low Density Residential. This is an FSR of 0.3:1 and a maximum building height of 9.5 metres. The suitability of these development standards have been investigated further as part of an Urban Design Study (**Appendix 6**) prepared by Studio GL. The Urban Design Study has been prepared having regard to factors such as existing site conditions, and site context including:

- Access opportunities to the site;
- Managing flooding on the site;
- Level differences across site, and between adjoining properties

The Urban Design Study has included two concept development schemes for the site under the proposed R2 Low Density Residential zone:

1. Subdivision into 9 new lots

This concept masterplan create a new one way loop road, developed as an extension to Pennant Avenue. The new road loops around the central space that operates as an on-site detention system for flood conveyance and storage, which will double as open space during non-flood times. The road will also be a shared surface, to be used by pedestrians and low speed vehicles. The central location of the road, and the size of the required flood mitigation works results in the creation of 9 new lots (4x 840sqm, 4 x 850sqm and 1 x 1030sqm). The lots have direct access to the road, and are located to generally match the orientation of the neighbouring properties, so that in almost all cases the rear of the new lots back on the rear of adjoining properties.

To confirm the capacity of each of the new lots to carry the proposed yield, a conceptual design for a 4 bedroom dwelling has been provided for each new lot. The designs are generic, but confirm that a dwelling of the identified floor space ratio and height is possible on each of the new lots.

Figure 7: Concept Development Scheme – subdivision



The significant topography that currently exists across the site has been incorporated in the subdivision through a series of stepped levels, with the general intent to reinstate the levels so that they are compatible with the levels present on adjacent sites.

The Urban Design Study also includes site specific DCP controls in order to guide future development on the new lots and to ensure minimal impact on adjoining properties.

2. Seniors living scheme under the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004

This concept scheme is for 17 infill self-care housing (Independent Living Units) under the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004. Under the SEPP, these are defined as containing 2 or more self contained dwellings, where none of the following services are provided on site: meals, cleaning services, personal care or nursing care.

The dwellings are 1 and 2 storey in height and the Urban Design Study provides an assessment against the requirements of the SEPP for this housing type.

Figure 8: Concept Development Scheme – seniors living independent living units



Heritage

The southern boundary of the site adjoins the Smith Grant Heritage Conservation Area (C19) and the eastern boundary of the site adjoins the Yarabath Avenue Conservation Area (C18).

A Heritage Impact Statement has been prepared by John Oultram Heritage and Design (**Appendix 8**)

INCLUDE DISCUSSION FROM HIS

Flood

The site is within the Falls Creek catchment, which is part of the wider Blackbutt Creek catchment. Existing flood modelling completed as part of the Blackbutt Creek Flood Study (Jacobs 2014) and the subsequent Blackbutt Creek Floodplain Risk Management Study (GHD 2018) identified parts of the site being subject to overland flooding.

Flood Impact Assessment has been prepared by Catchment Simulation Solutions (**Appendix 9**) for the site in order to address the existing overland flood risk, and potential for any proposed redevelopment to adversely impact on existing flooding across neighbouring properties.

The Flood Impact Assessment considered and assessed the two conception development schemes included in the Urban Design Study, being a low density residential subdivision of 9 lots or a seniors living development.

The existing site is considered to primarily be a flood storage area, with the bowling greens providing most of the flood storage volume.

1. Subdivision into 9 new lots

The concept design involves subdividing the site to create 9 residential lots, the central area in the middle of the loop road will act as flood conveyance and storage. This central area cascades through the site, with 4 levels separated by walls to provide temporary storage for floodwaters entering the site and enabling safe passage of this flow (i.e the walls will serve to slow down the movement of floodwaters through the site). The storage area has been designed to provide adequate flood detention to offset the additional runoff from the development. Stormwater infrastructure will be connected through the centre of the site to convey low flows below ground, and ensure that the storage areas drain after rainfall events.

In addition to the cascading central storage area, two swales have also been incorporated into the site, one in the north-eastern corner of the site, and one in the south eastern corner of the site. The swales have been included to convey the bulk of the floodwater entering the site towards the central storage area.

The simulation of the post development site under this concept scheme indicates that most of the site will remain safe for people in floods up to the 0.5% AEP event. The assessment notes that this development option appear to provide for the suitable management of flood flows through the site, and more specifically, the flood flows entering the site are concentrated in dedicated drainage areas and carry floodwaters away from the habitable sections of the site.

2. Seniors living scheme

This concept development scheme involves the creation of 17 residential dwellings that would be used for seniors living. Similar to the subdivision option, it incorporates a cascading centre storage area for flood conveyance and storage, as well as functioning for open space during non-flood times. Stormwater is to be connected through the

centre of the site to convey low flows below ground and ensure that the storage areas drain after rainfall events. Two swales have also been incorporated into the site (north eastern and south eastern corners)

The simulation of the post development site under this concept scheme indicates that most of the site will remain safe for people in floods up to the 0.5% AEP event. A flood planning map was prepared, which shows that almost all of the habitable development would fall outside the flood planning area, with only a small number of locations where lots intersect with the flood planning area. The assessment notes that the concept scheme provides for the suitable management of flood flows through the site.

Traffic

Any redevelopment of the site consequential to the rezoning of the site to R2 Low Density Residential would result in additional traffic generation. A Traffic and Transport Study (**Appendix 7**) has been prepared by SMEC to understand and assess the traffic impacts should the site be rezoned to R2 Low Density Residential, and future development in accordance with the rezoning is realised. The Traffic and Transport Study has included an assessment of the existing transport conditions adjacent to the site, the traffic generation, distribution and access routes for the proposed R2 Low Density Residential zone and concept development scheme, assessment of the future road and traffic conditions adjacent to the site, analysis of future intersection performance, identification of any likely impacts to road users and options to mitigate any adverse impacts.

The analysis of the potential impact of both the low density subdivision concept and seniors livings concept on traffic generation would be modest, and all intersections would continue to operate with acceptable level of service. The study notes that the traffic impacts with the future use of the sites as a residential use would be comparable to the historic use of the site as a bowling club.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Yes. The planning proposal will have social benefits for the community in that it will facilitate future residential development within the locality that would provide additional housing stock and diversity that is more affordable. The public interest is best served by the orderly and economic use of land for permissible purposes in a form which is cognisant of and does not impact unreasonably on development on surrounding land and which satisfies the need for economic development of the land.

A major part of Council's financial and asset strategy is the use of funds from the sale of various property assets to fund the renewal of existing infrastructure assets, to upgrade existing assets and to construct new assets. This asset recycling assists Council fund specific civic and community projects through the sale of under-utilised or surplus assets (property). The reasoning for Council to divest these assets is to ensure that Council meets the future needs of the community by providing purpose built facilities and maintaining financial sustainability. Council's Long Term Financial Plan identifies asset sales as a short, medium and long term funding strategy. The KLPS includes a specific Action: *Continue to utilise asset recycling to invest in new assets or to revitalise existing assets (ongoing).*

This planning proposal will facilitate the future planning and redevelopment of the site. The site has been vacant since the Gordon Club vacated the site in 2018, and the site is no longer required for the purpose that it was acquired for. The site's current zoning of RE1 Public Recreation is not considered the highest or best use of the site, and so the planning proposal is seeking to amend the zoning to R2 Low Density Residential.

The sites present an opportunity for Council to utilise the process of asset recycling to invest in new assets or revitalise existing assets. The Ku-ring-gai Long Term Financial Plan and the Delivery Program 2018-2021 and Operational Plan 2020-2021 identify projects which are to be funded from asset sales. Projects with funding from asset sales include:

- Renewal of existing assets – projects with funding from asset sales are the St Ives Sports Centre and Marian Street Theatre
- Upgrade/new assets – including the renewal of buildings, roads, kerb and gutter, footpaths, stormwater network, swimming pool, parks, tennis courts and other recreational assets
- Major town centre projects – such as the Lindfield Village Hub and Turramurra Hub, which involve the construction of many large new buildings, underground carparking and associated infrastructure.
- Any future divestment of this site is earmarked to assist Council in meeting community expectations for the renewal and replacement of community infrastructure.

In relation to the economic impacts, the rezoning sought by the planning proposal will allow the future upgrade and redevelopment of the site pursuant to the site's new R2 Low Density zoning under the LEP. The planning proposal will enable a positive public economic impact in facilitating the orderly and economic development of an under-utilised Council asset.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

The proposal may result in a minor increase in demand for facilities in an existing residential area where all utility services are available.

Consultation with key agencies regarding infrastructure capacity to service the site was not undertaken prior to the lodgement of this planning proposal to the Department of Planning and Environment. Consultation will need to be undertaken with public authorities.

Consultation with State and Commonwealth agencies will be undertaken in accordance with Section 5 of this planning proposal.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Gateway Determination issued by the Department of Planning, Industry and Environment requires consultation with the following public authorities:-

- Environment, Energy and Science (ESS)
- Sydney Water Corporation;
- Ausgrid;
- Transport for NSW (incorporating Roads and Maritime Services).



PART 4 – MAPPING

Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies

The amendments sought in this Planning Proposal will require changes to the LEP mapping sheets.

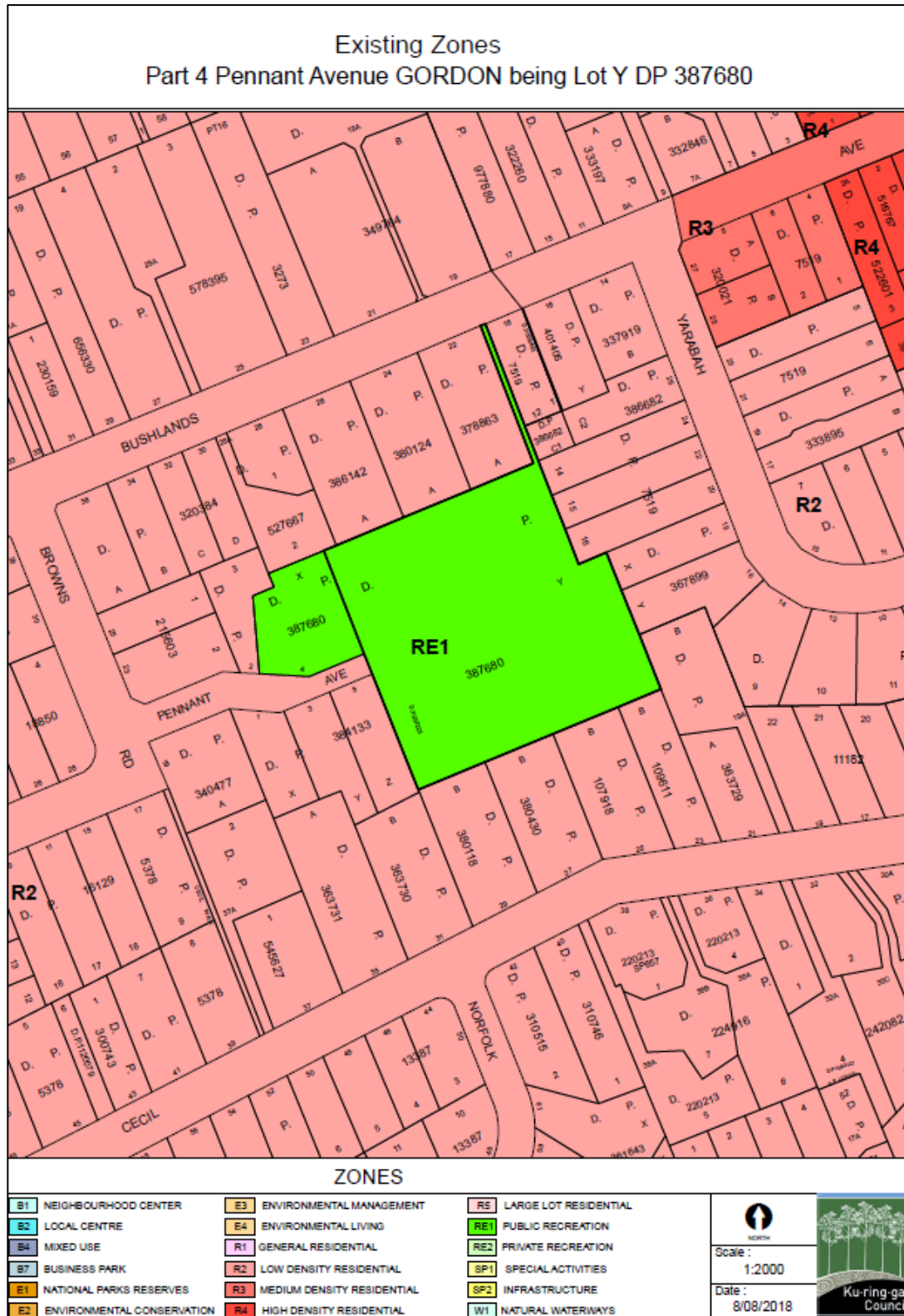
Indicative maps are included in this section as well as excerpts of the site with its current mapping alongside its proposed mapping.

Amendments to the following Ku-ring-gai Local Environmental Plan 2015 maps are proposed:

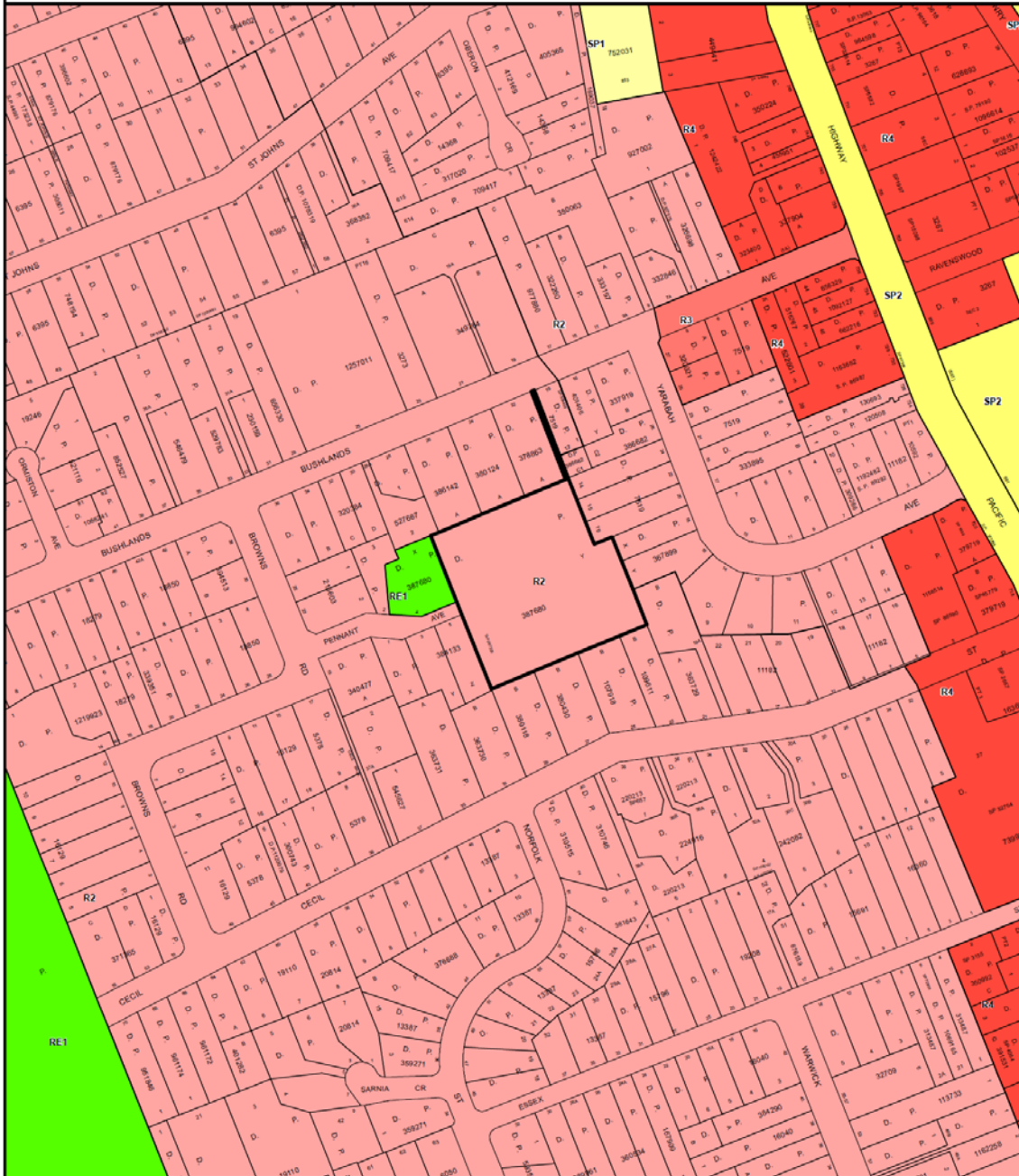
1. Zoning Map
2. Floor Space Ratio
3. Height of Building Map
4. Minimum Lot Size Map

There are no changes proposed to the existing Heritage Map, Biodiversity Significance Map or Riparian Lands Map

1. Zoning Map



Proposed Zone Map Part 4 Pennant Avenue GORDON being Lot Y DP 387680



Zone

| | | |
|---|---|--|
| B2 Local Centre | E4 Environmental Living | RE1 Public Recreation |
| B4 Mixed Use | R2 Low Density Residential | SP1 Special Activities |
| B5 Business Development | R3 Medium Density Residential | SP2 Infrastructure |
| E2 Environmental Conservation | R4 High Density Residential | |

NORTH
 Scale :
 1:3500
 Date :
 19/02/2021

Kuring-gai Council

2. Floor Space Ratio Map



Proposed Floor Space Ratio Map
Part 4 Pennant Avenue GORDON being Lot Y DP 387680



Floor Space Ratio

| | | | | | | | |
|----|------|---|------|---|------|---|-----|
| A1 | 0.2 | B | 0.4 | J | 0.8 | U | 2.5 |
| A2 | 0.24 | D | 0.5 | K | 0.85 | W | 3.5 |
| A3 | 0.3 | G | 0.65 | N | 1.0 | | |
| A4 | 0.37 | I | 0.75 | Q | 1.3 | | |



Scale :
1:3500

Date :
19/02/2021



3. Height of Building Map



Proposed Height of Building Map Part 4 Pennant Avenue GORDON being Lot Y DP 387680



Height of Building

| | | | | | | | |
|----|------|---|------|----|------|---|------|
| J1 | 9 | M | 12 | P | 17.5 | T | 26.5 |
| J2 | 9.5 | N | 14.5 | Q1 | 20 | U | 32.5 |
| L | 11.5 | O | 16 | Q2 | 20.5 | V | 39.5 |

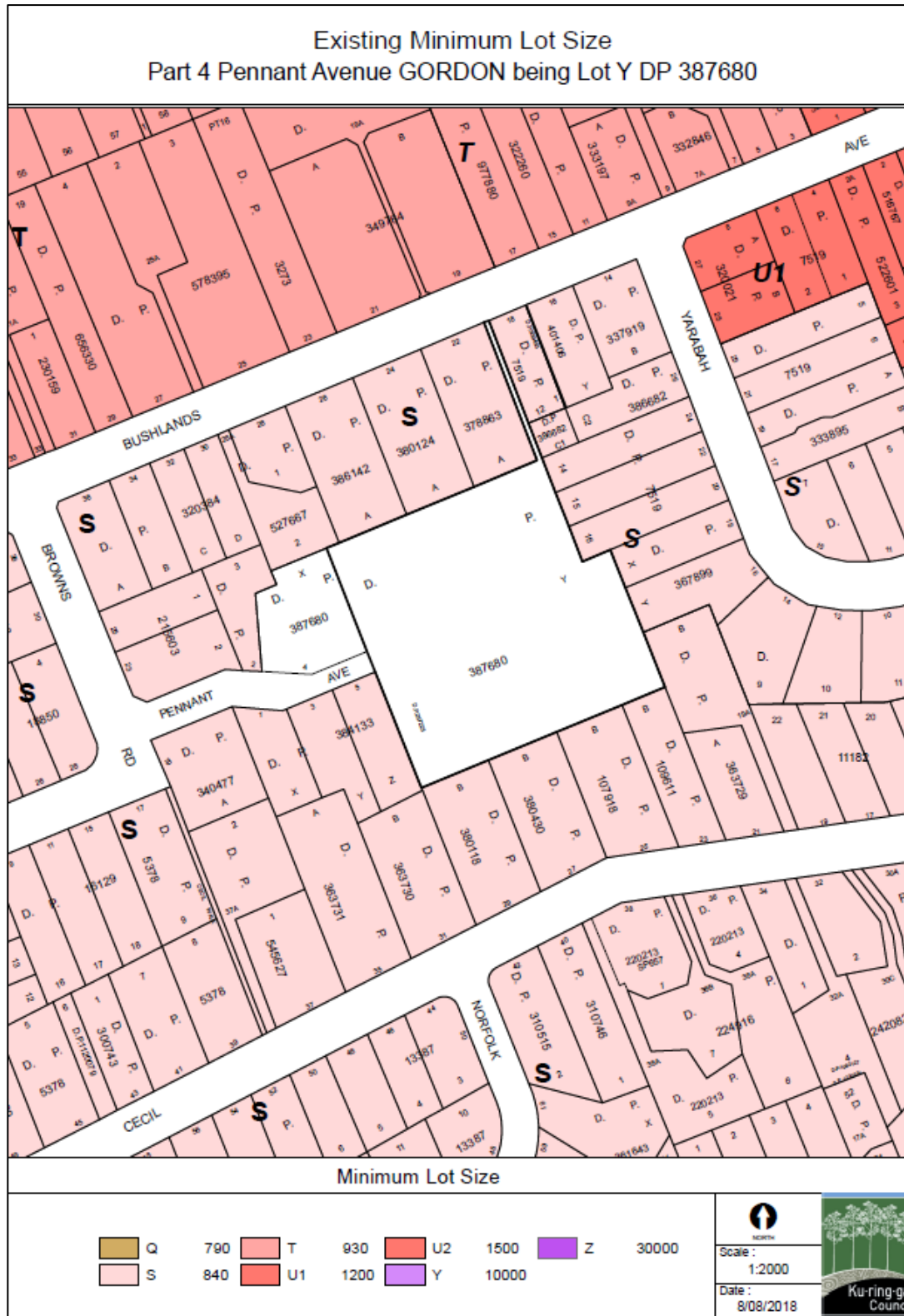
NORTH

Scale : 1:3500

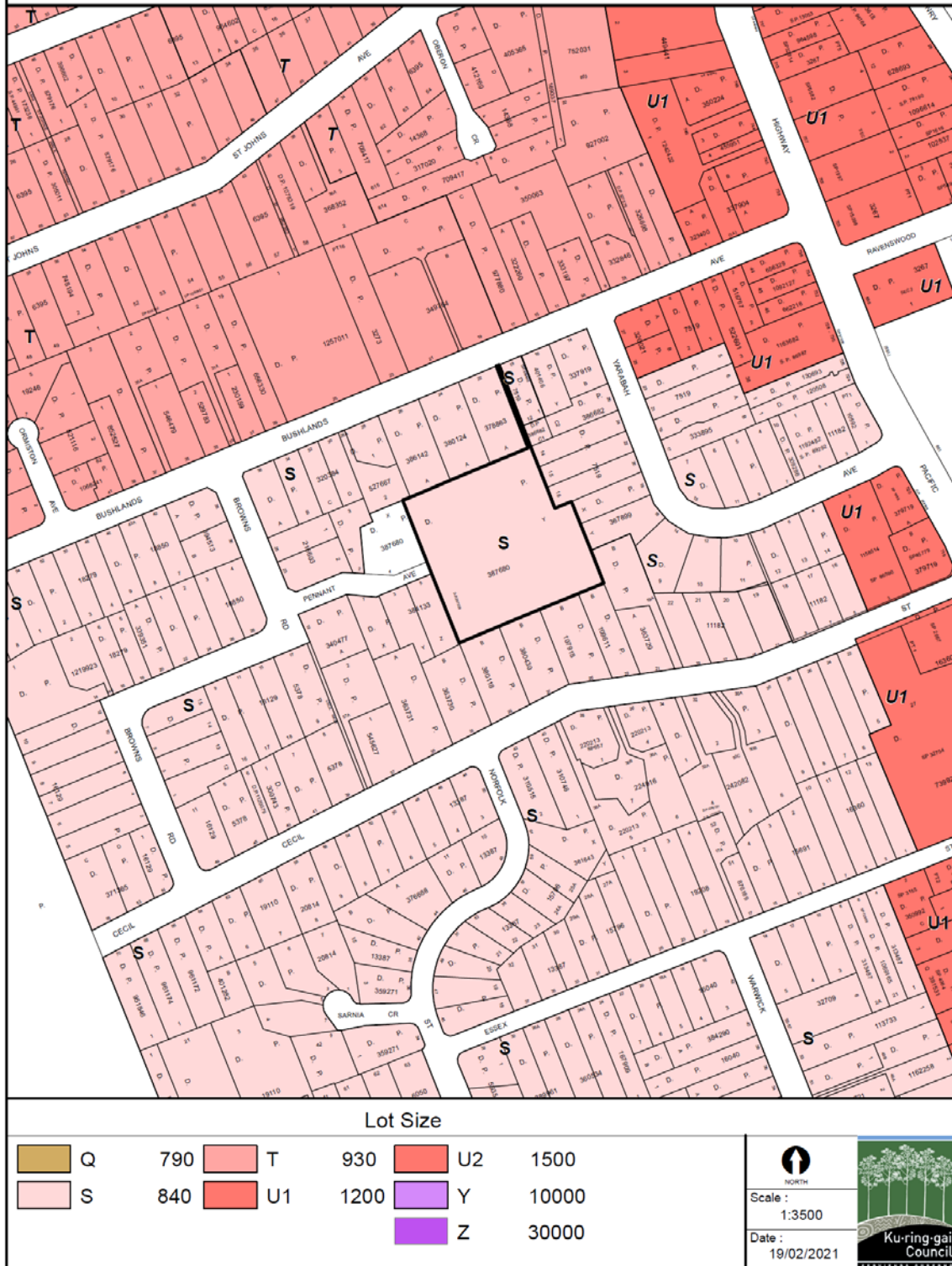
Date : 19/02/2021

Ku-ring-gai Council

4. Minimum Lot Size Map



Proposed Lot Size Map
Part 4 Pennant Avenue GORDON being Lot Y DP 387680



PART 5 – COMMUNITY CONSULTATION

Community consultation on the planning proposal will be undertaken by Ku-ring-gai Council in accordance with the conditions of the Gateway Determination, Council's Community Participation Plan and the publication '*A Guide to Preparing Local Environmental Plans*', published by the Department of Planning.

Council's consultation may include, the following:-

- forwarding a copy of the planning proposal, the gateway determination and any relevant supporting studies or additional information to State and Commonwealth Public Authorities identified in the gateway determination;
- undertaking consultation if required in accordance with requirements of a Ministerial Direction under Section 9.1 of the EP&A Act and/or consultation that is required because, in the opinion of the Minister (or delegate), a State or Commonwealth public authority will be or may be adversely affected by the proposed amendments to the LEP
- exhibiting the planning proposal in accordance with the gateway determination, which requires a public exhibition period of at least 28 days duration;
- exhibiting the planning proposal pursuant to Schedule 1 Clause 4 of the EP&A Act
- exhibiting the planning proposal in accordance with Council's Community Participation Plan.
- notifying of the planning proposal's exhibition on Council's website, including providing copies of the planning proposal, all supporting studies and additional information and the gateway determination;
- notifying affected landowners and adjoining land owners where relevant;
- holding a Public Hearing in accordance with Section 29 of the Local Government Act 1993 in relation to the reclassification of the site from community land to operational land; and
- any other consultation methods deemed appropriate for the proposal.

RECLASSIFICATION OF PUBLIC LAND

Planning Secretary's requirements for planning proposals reclassifying land

Pursuant to Section 3.33 of the Act, the Secretary may issue requirements with respect to the preparation of a planning proposal. In this regard, the Department of Planning Guideline *A Guide to Preparing Local Environmental Plans* sets out the requirements regarding the matters that must be addressed in the justification of all planning proposals to reclassify public land.

These requirements are addressed below:

A - Is the planning proposal the result of any strategic study or report?

Yes. The planning proposal is a result of the Ku-ring-gai Local Strategic Planning Statement (KLSPS). The KLSPS includes Local Planning Priority *K.1 Provide well-planned and sustainable infrastructure to support growth and change* and outlines Councils adopted approach of asset renewal to assist Council fund specific civic and community projects through the sale of under-utilised or surplus assets (property). The reasoning for Council to divest these assets is to ensure that Council meets the future needs of the community by providing purpose built facilities and maintaining financial sustainability. Council's Long Term Financial Plan identifies asset sales as a short, medium and long term funding strategy. The KLPS includes a specific Action: *Continue to utilise asset recycling to invest in new assets or to revitalise existing assets (ongoing)*.

This planning proposal will facilitate the future planning and redevelopment of the site. The site has been vacant since the Gordon Club vacated the site in 2018, and the site is no longer required for the purpose that it was acquired for. The sites current zoning of RE1 Public Recreation is not considered the highest or best use of the site, and so the planning proposal is seeking to amend the zoning to R2 Low Density Residential.

The sites present an opportunity for Council to utilise the process of asset recycling to invest in new assets or revitalise existing assets. A major part of Council's financial and asset strategy is the use of funds from the sale of various property assets to fund renewal of existing infrastructure assets, to upgrade existing assets and to construct new assets. The Ku-ring-gai Long Term Financial Plan and the Delivery Program 2018-2021 and Operational Plan 2020-2021 identify projects which are to be funded from asset sales. Projects with funding from asset sales include:

- Renewal of existing assets – projects with funding from asset sales are the St Ives Sports Centre and Marian Street Theatre
- Upgrade/new assets – including the renewal of buildings, roads, kerb and gutter, footpaths, stormwater network, swimming pool, parks, tennis courts and other recreational assets
- Major town centre projects – such as the Lindfield Village Hub and Turramurra Hub, which involve the construction of many large new buildings, underground carparking and associated infrastructure.

Any future divestment of this site is earmarked to assist Council in meeting community expectations for the renewal and replacement of community infrastructure.

Council resolved, at the Ordinary Meeting held on 8th May 2018, to prepare a planning proposal to rezone and reclassify the site from community land to operational land (see **Appendix 1**).

B - Is the planning proposal consistent with the local council's community plan, or other local strategic plan?

Yes. These matters are discussed in Section B of this planning proposal. The planning proposal will give effect to, and is consistent with the priorities of the Ku-ring-gai Local Strategic Planning Statement, and the Ku-ring-gai Community Strategic Plan 2038.

Ku-ring-gai Local Strategic Planning Statement

- K1. Providing well planned and sustainable local infrastructure to support growth and change:
- K3. Providing housing close to transport, services and facilities to meet the existing and future requirements of a growing and changing community:
- K4. Provide a range of diverse housing to accommodate the changing structure of families and households and enable ageing in place:
- K21. Prioritising new development and housing in locations that enable 30minute access to key strategic centres:

Ku-ring-gai Community Strategic Plan 2038

- C4.1 - A community that embraces healthier lifestyle choices and practices
- C6.1 - Housing Choice and Affordability
- L2.1 - Council rigorously manages its financial resources and assets to maximise delivery of services

C- If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished?

At the Ordinary Meeting held on 8 May 2018 (**Appendix 1**), Council resolved to reclassify Lot Y DP387680 from 'community land' to 'operational land' and formally seek to extinguish all necessary interests that apply to the land. The site is subject to the following interests and easements:

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| F815777 | Covenant affecting that part of the site marked "Z" in the title diagram (for drainage) |
| F993941 | Caveat by Registrar General. By Trust Deed No 18029 dated 9 December 1953, the subject site being Lot Y in DP387680 (and adjoining Lot X in DP 387680) are held by Council as Public Reserve . |
| T118588 | Easement to drain water |
| F815777 | Easement to drain water |
| DP267225 | Easement to drain water |
| 523615 | Easement to drain water |
| AB762565 | Lease to Gordon Bowling Club (since expired) |

The caveat and associated Declaration of Trust dated 1953 to the effect that the land shall be held by Council as a public reserve. The planning proposal seeks to extinguish this interest in the land for the following reasons:

- The site is the former Gordon Bowling Club, which due to declining membership terminated their lease with Council and vacated the property in early 2018. The site was acquired for the purposes of the Bowling Club between 1950 and 1953. The site is no longer required for the purpose it was acquired for.
- The site is not considered suitable for continuing future use as open space due to accessibility issues and contamination.
- The site's future use under the current RE1 Public Recreation zoning is not considered the highest or best use. The reclassification and rezoning of the site provides Council with greater flexibility in dealing with the land in the future, including an opportunity for Council to utilise the process of asset recycling to invest in new assets or revitalise existing assets. The Ku-ring-gai Long Term Financial Plan and the Delivery Program 2018-2021 and Operational Plan 2020-2021 identify projects which are to be funded from asset sales. Projects with funding from asset sales include:
 - Renewal of existing assets – projects with funding from asset sales are the St Ives Sports Centre and Marian Street Theatre
 - Upgrade/new assets – including the renewal of buildings, roads, kerb and gutter, footpaths, stormwater network, swimming pool, parks, tennis courts and other recreational assets
 - Major town centre projects – such as the Lindfield Village Hub and Turramurra Hub, which involve the construction of many large new buildings, underground carparking and associated infrastructure.

The existing drainage easements are not proposed to be extinguished.

D - The concurrence of the landowner, where the land is not owned by the relevant planning authority.

Council is the landowner and has resolved to prepare the planning proposal.

LEP Practice Note PN 16-001 (5 October 2016)

This practice note provides guidance on classifying and reclassifying public land through a local environmental plan (LEP). This planning proposal to reclassify public land, has been prepared in accordance with the practice note and the additional matters specified in Attachment 1 to the practice note. All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration (Attachment 1 to the practice note):

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| <input type="checkbox"/> the current and proposed classification of the land; | <p>The site is currently community land and is proposed to be reclassified as operational land</p> |
| <input type="checkbox"/> whether the land is a 'public reserve' (defined in the LG Act); | <p>The land has been used as a bowling club and is held by Council as a public reserve under a Declaration of Trust. The land was acquired by Council for the purpose of the Gordon Bowling Club.</p> |
| <input type="checkbox"/> the strategic and site specific merits of the reclassification and evidence to support this; | <p>Discussed in Section B this planning proposal.</p> <p>The reclassification of the site from community land to operation land has both strategic and site specific merits:</p> <p><u>Strategic:</u></p> <ul style="list-style-type: none"> • The site is no longer required for the purposed it was acquired for and has been identified by Council as an asset which could be divested in order to enable the funds from the sale to be used for the renewal of existing community assets or the construction of new community assets <p><u>Site specific</u></p> <ul style="list-style-type: none"> • The site is not suitable, and would have a low value for retention as a future use as open space, as it does not meet the criteria or requirements under Councils Open Space Acquisition Strategy due to limited access, visibility, duplication of facilities with existing open space and parks within close proximity to the site, and contamination risks |

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| | <ul style="list-style-type: none"> The site is within the middle of a low density residential area and as such the reclassification and rezoning to a low density residential zone is consistent with the surrounding context, as well as providing additional housing supply within close proximity to the Gordon Local Centre, with shops, services and public transport. |
| <p><input type="checkbox"/> whether the planning proposal is the result of a strategic study or report;</p> | <p>Discussed in Section B of this planning proposal.</p> <p>Council resolved to prepare the Planning Proposal at its Ordinary meeting on 8 May 2018 (see Appendix 1).</p> <p>The planning proposal is a result of the Kuring-gai Local Strategic Planning Statement (KLSPS). The KLSPS includes Local Planning Priority <i>K.1 Provide well-planned and sustainable infrastructure to support growth and change</i> and outlines Councils adopted approach of asset renewal to assist Council fund specific civic and community projects through the sale of under-utilised or surplus assets (property). The reasoning for Council to divest these assets is to ensure that Council meets the future needs of the community by providing purpose built facilities and maintaining financial sustainability. Council's Long Term Financial Plan identifies asset sales as a short, medium and long term funding strategy. The KLPS includes a specific Action: <i>Continue to utilise asset recycling to invest in new assets or to revitalise existing assets (ongoing)</i>.</p> <p>This planning proposal will facilitate the future planning and redevelopment of the site. The site has been vacant since the Gordon Club vacated the site in 2018, and the site is no longer required for the purpose that it was acquired for. The sites current zoning of RE1 Public Recreation is not considered the highest or best use of the site, and so the planning proposal is</p> |

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| | <p>seeking to amend the zoning to R2 Low Density Residential.</p> <p>The sites present an opportunity for Council to utilise the process of asset recycling to invest in new assets or revitalise existing assets. A major part of Council's financial and asset strategy is the use of funds from the sale of various property assets to fund renewal of existing infrastructure assets, to upgrade existing assets and to construct new assets. The Ku-ring-gai Long Term Financial Plan and the Delivery Program 2018-2021 and Operational Plan 2020-2021 identify projects which are to be funded from asset sales. Projects with funding from asset sales include:</p> <ul style="list-style-type: none"> • Renewal of existing assets – projects with funding from asset sales are the St Ives Sports Centre and Marian Street Theatre • Upgrade/new assets – including the renewal of buildings, roads, kerb and gutter, footpaths, stormwater network, swimming pool, parks, tennis courts and other recreational assets • Major town centre projects – such as the Lindfield Village Hub and Turramurra Hub, which involve the construction of many large new buildings, underground carparking and associated infrastructure. <p>Any future divestment of this site is earmarked to assist Council in meeting community expectations for the renewal and replacement of community infrastructure.</p> |
| <p><input type="checkbox"/> whether the planning proposal is consistent with council's community plan or other local strategic plan;</p> | <p>Discussed in Section B of this planning proposal.</p> <p>The planning proposal will give effect to the priorities of the Ku-ring-gai Local Strategic Planning Statement and Ku-ring-gai Community Strategic Plan 2038.</p> |

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| | <p><u>Ku-ring-gai Local Strategic Planning Statement</u></p> <ul style="list-style-type: none"> • <u>K1. Providing well planned and sustainable local infrastructure to support growth and change:</u> This Local Planning Priority outlines Councils adopted approach of asset renewal to assist Council fund specific civic and community projects through the sale of under-utilised or surplus assets (property). The reasoning for Council to divest these assets is to ensure that Council meets the future needs of the community by providing purpose built facilities and maintaining financial sustainability. Council's Long Term Financial Plan identifies asset sales as a short, medium and long term funding strategy. The KLPS includes a specific Action: <i>Continue to utilise asset recycling to invest in new assets or to revitalise existing assets (ongoing).</i> <p>This planning proposal will facilitate the future planning and redevelopment of the site. The site has been vacant since the Gordon Bowling Club vacated the site in 2018, and the site is no longer required for the purpose that it was acquired for. The sites present an opportunity for Council to utilise the process of asset recycling to invest in new assets or revitalise existing assets. The sites current zoning of RE1 Public Recreation is not considered the highest or best use of the site, and so the planning proposal is seeking to amend the zoning to R2 Low Density Residential. Any future divestment of the sites is earmarked to assist Council in meeting community expectations for the renewal and replacement of community</p> |
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| | <p>infrastructure, such as the Marian Street Theatre and the St Ives High School Joint Use Indoor Courts, as well as upgrades to existing Council assets such as the renewal of buildings, roads, kerb and gutter, footpaths, stormwater network, swimming pool, parks, tennis courts and other recreational assets..</p> <ul style="list-style-type: none"> • <u>K3. Providing housing close to transport, services and facilities to meet the existing and future requirements of a growing and changing community:</u> The planning proposal is consistent with this Local Planning Priority in that the proposed rezoning of the site to R2 Low Density Residential will facilitate the future development of the site to provide residential accommodation within close walkable proximity to public transport services including the North Shore Train Line, and bus interchange and a range of other community facilities and services provided within the Gordon Local Centre, including shops, supermarkets, restaurants, services, and community facilities such as the Gordon Library. • <u>K4. Provide a range of diverse housing to accommodate the changing structure of families and households and enable ageing in place:</u> The proposed R2 Low Density Residential zone allows for the site to cater for the demand of Sydney's changing population by providing a range of housing options to suit different lifestyle and affordability needs, which include single dwelling housing, or potentially seniors housing options permissible under the State Environmental Planning Policy |
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| | <p>(Housing for Seniors or People with a Disability) 2004. These housing options are explored through the concept development schemes contained within the Urban Design Study (Appendix 6). It provides the opportunity for local infill development in an existing urban area with walkable access to centres, facilities and public transport achieving greater housing diversity.</p> <ul style="list-style-type: none"> • <u>K21. Prioritising new development and housing in locations that enable 30minute access to key strategic centres:</u> The planning proposal is consistent with this Local Planning Priority which seeks the integration of land use and transport planning in order to create a 30minute city, whereby people will have public transport access to their closest metropolitan or strategic centre within 30mins. The site is well located in terms of access to public transport, the Traffic and Transport Study (Appendix 7) notes there are 13 bus stops located in a 2km radius surrounding the site, which provide access to West Pymble, Macquarie University, St Ives Shopping Centre, Mona Vale, Hornsby, Turramurra, East Killara, Lindfield, and Chatswood. Gordon Train Station is located 1.1km from the site, and is serviced by the T1 North Shore Line, T9 Northern Line and CCN Central Coast and Newcastle line, which provides access to the metropolitan centre of Sydney's CBD, and the strategic centres of Chatswood, Hornsby, Macquarie Park and St Leonards. Additionally, the site is located within close proximity to Gordon Local Centre which comprises a number of local shops and services |
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| | <p>which can be accessed by future residents of the site. The site's rezoning to facilitate residential development would allow the benefits of its accessibility to be better utilised.</p> <p><u>Ku-ring-gai Community Strategic Plan 2038</u></p> <ul style="list-style-type: none"> • <u>C4.1 - A community that embraces healthier lifestyle choices and practices:</u> The planning proposal contributes to the provision of a range of cultural, recreational and leisure facilities and activities are available to encourage social interaction and stimulate everyday wellbeing. It provides additional residential opportunities in a location within walking distance of Gordon Town Centre. • <u>C6.1 - Housing Choice and Affordability:</u> The planning proposal seeks to rezone the site to R2 Low Density Residential which allows for the site to cater for the demand of Sydney's changing population by providing a range of housing options to suit different lifestyle and affordability needs, which include single dwelling housing, or potentially seniors housing options permissible under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. It provides the opportunity for local infill development in an existing urban area with walkable access to centres, facilities and public transport achieving greater housing diversity. <p><u>L2.1 - Council rigorously manages its financial resources and assets to maximise delivery of services:</u> A major part of Council's financial and asset strategy is the use of funds</p> |
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| | <p>from the sale of various property assets to fund the renewal of existing infrastructure assets, to upgrade existing assets and to construct new assets. This asset recycling assists Council fund specific civic and community projects through the sale of under-utilised or surplus assets (property). The reasoning for Council to divest these assets is to ensure that Council meets the future needs of the community by providing purpose built facilities and maintaining financial sustainability. Council's Long Term Financial Plan identifies asset sales as a short, medium and long term funding strategy. The KLPS includes a specific Action: <i>Continue to utilise asset recycling to invest in new assets or to revitalise existing assets (ongoing)</i>.</p> <p>This planning proposal will facilitate the future planning and redevelopment of the site. The site has been vacant since the Gordon Club vacated the site in 2018, and the site is no longer required for the purpose that it was acquired for. The sites current zoning of RE1 Public Recreation is not considered the highest or best use of the site, and so the planning proposal is seeking to amend the zoning to R2 Low Density Residential.</p> <p>The sites present an opportunity for Council to utilise the process of asset recycling to invest in new assets or revitalise existing assets. The Ku-ring-gai Long Term Financial Plan and the Delivery Program 2018-2021 and Operational Plan 2020-2021 identify projects which are to be funded from asset sales. Projects</p> |
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| | <p>with funding from asset sales include:</p> <ul style="list-style-type: none"> • Renewal of existing assets – projects with funding from asset sales are the St Ives Sports Centre and Marian Street Theatre • Upgrade/new assets – including the renewal of buildings, roads, kerb and gutter, footpaths, stormwater network, swimming pool, parks, tennis courts and other recreational assets • Major town centre projects – such as the Lindfield Village Hub and Turrumurra Hub, which involve the construction of many large new buildings, underground carparking and associated infrastructure. <p>Any future divestment of this site is earmarked to assist Council in meeting community expectations for the renewal and replacement of community infrastructure.</p> | | |
| <input type="checkbox"/> a summary of council's interests in the land, including: | <p>The site was acquired by Council progressively between 1951 – 1953 for the purposes of a Bowling Club.</p> | | |
| <p>- how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)</p> | <p>It was not dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution.</p> | | |
| <p>- if council does not own the land, the land owner's consent;</p> | <p>The land is owned by Council.</p> | | |
| <p>- the nature of any trusts, dedications etc;</p> | <p>The site is subject to the following Trust Deed:</p> <table border="1"> <tr> <td>F993941</td><td> Caveat by Registrar General. By Trust Deed No 18029 dated 9 December 1953, the subject site being Lot Y in </td></tr> </table> | F993941 | Caveat by Registrar General. By Trust Deed No 18029 dated 9 December 1953, the subject site being Lot Y in |
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| | <table border="1"> <tr> <td data-bbox="794 338 975 499"></td><td data-bbox="975 338 1350 499"> DP387680 (and adjoining Lot X in DP 387680) are held by Council as Public Reserve. </td></tr> </table> | | DP387680 (and adjoining Lot X in DP 387680) are held by Council as Public Reserve . |
| | DP387680 (and adjoining Lot X in DP 387680) are held by Council as Public Reserve . | | |
| <input type="checkbox"/> whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why; | <p>Council resolved at the OMC 8 May 2018 to formally seek to extinguish all necessary interests that apply to the land.</p> <p>The registrar Generals caveat and associated Declaration of Trust will be discharged. The extinguishments of the caveat and declaration of trust are required to enable the site to be developed in accordance with the proposed low density residential zoning.</p> <p>Existing drainage easements will not be discharged.</p> | | |
| <input type="checkbox"/> the effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged); | <p>The reclassification will result in the land ceasing to be a public reserve. As operation land, and in conjunction with the proposed rezoning of the site to a low density residential zone, the use of the site will change from an open space recreation use to a residential use. The loss of this site as open space will not have significant wider consequences noting that:</p> <ul style="list-style-type: none"> -There are no significant increases in population or density planned for the immediate surrounding area – noting the Heritage Conservation Areas. -The existing area is currently well served by existing parks and open space areas, including Greengate Park (approx.500m) and the Gordon Golf Course (approx.350m). -The subject site has continuously been leased to the bowling club since the 1950's for their exclusive use, and accordingly the site has not served the same public open space function for the wider community that a park or reserve would. -Part of the site, being Lot X DP 387680 is to be retained as RE1 zoned land and will provide open space for passive recreation. | | |

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| | <p>Council is committed to providing additional open space throughout Ku-ring-gai.</p> <p>Council will offset or compensate for the loss of this site by continuing to acquire sites that are better suited for the provision of the open space and recreation needs to the community. This is demonstrated by the actions contained within the Ku-ring-gai LSPS and Ku-ring-gai's Open Space Acquisition Strategy.</p> | | | | | | | | | | | | | | |
| <p><input type="checkbox"/> evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);</p> | <p>The certificate of title and deposited plan (Appendix 5) indicates the following interests in the land:-</p> <table border="1"> <tr> <td>F815777</td><td>Covenant affecting that part of the site marked "Z" in the title diagram (for drainage)</td></tr> <tr> <td>F993941</td><td>Caveat by Registrar General. By Trust Deed No 18029 dated 9 December 1953, the site (and Lot X in DP 387680 are held by Council as Public Reserve.</td></tr> <tr> <td>T118588</td><td>Easement to drain water</td></tr> <tr> <td>F815777</td><td>Easement to drain water</td></tr> <tr> <td>DP267225</td><td>Easement to drain water</td></tr> <tr> <td>523615</td><td>Easement to drain water</td></tr> <tr> <td>AB762565</td><td>Lease to Gordon Bowling Club (since expired)</td></tr> </table> | F815777 | Covenant affecting that part of the site marked "Z" in the title diagram (for drainage) | F993941 | Caveat by Registrar General. By Trust Deed No 18029 dated 9 December 1953, the site (and Lot X in DP 387680 are held by Council as Public Reserve . | T118588 | Easement to drain water | F815777 | Easement to drain water | DP267225 | Easement to drain water | 523615 | Easement to drain water | AB762565 | Lease to Gordon Bowling Club (since expired) |
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| 523615 | Easement to drain water | | | | | | | | | | | | | | |
| AB762565 | Lease to Gordon Bowling Club (since expired) | | | | | | | | | | | | | | |
| <p><input type="checkbox"/> current use(s) of the land, and whether uses are authorised or unauthorised;</p> | <p>The site and buildings are vacant. Previously used by Gordon Bowling Club.</p> | | | | | | | | | | | | | | |
| <p><input type="checkbox"/> current or proposed lease or agreements applying to the land, together with their duration, terms and controls;</p> | <p>No current lease agreements.</p> | | | | | | | | | | | | | | |
| <p><input type="checkbox"/> current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either</p> | <p>No current or proposed business dealings. Subject to a Council resolution, the site may be divested, with funds from the sale being used to fund renewal of existing infrastructure assets, to upgrade existing</p> | | | | | | | | | | | | | | |

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| <p>immediately after rezoning/reclassification or at a later time);</p> | <p>assets and to construct new assets. The Ku-ring-gai Long Term Financial Plan and the Delivery Program 2018-2021 and Operational Plan 2020-2021 identify projects which are to be funded from asset sales. Projects with funding from asset sales include:</p> <ul style="list-style-type: none"> • Renewal of existing assets – projects with funding from asset sales are the St Ives Sports Centre and Marian Street Theatre • Upgrade/new assets – including the renewal of buildings, roads, kerb and gutter, footpaths, stormwater network, swimming pool, parks, tennis courts and other recreational assets • Major town centre projects – such as the Lindfield Village Hub and Turramurra Hub, which involve the construction of many large new buildings, underground carparking and associated infrastructure. <p>Any future divestment of this site is earmarked to assist Council in meeting community expectations for the renewal and replacement of community infrastructure.</p> |
| <p><input type="checkbox"/> any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);</p> | <p>There is a rezoning associated with the reclassification which will change the zoning from RE1 Public Recreation to R2 Low Density Residential and introduce a floor space ratio development standard of 0.3:1 and a maximum building height development standard of 9.5 metres. The proposed R2 Low Density Residential zone and development standards are consistent with the surrounding residential properties.</p> |
| <p><input type="checkbox"/> how council may or will benefit financially, and how these funds will be used;</p> | <p>Subject to a Council resolution, the site may be divested, with funds from the sale being used to fund renewal of existing infrastructure assets, to upgrade existing assets and to construct new assets. The Ku-ring-gai Long Term Financial Plan and</p> |

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| | <p>the Delivery Program 2018-2021 and Operational Plan 2020-2021 identify projects which are to be funded from asset sales. Projects with funding from asset sales include:</p> <ul style="list-style-type: none"> • Renewal of existing assets – projects with funding from asset sales are the St Ives Sports Centre and Marian Street Theatre • Upgrade/new assets – including the renewal of buildings, roads, kerb and gutter, footpaths, stormwater network, swimming pool, parks, tennis courts and other recreational assets • Major town centre projects – such as the Lindfield Village Hub and Turramurra Hub, which involve the construction of many large new buildings, underground carparking and associated infrastructure. <p>Any future divestment of this site is earmarked to assist Council in meeting community expectations for the renewal and replacement of community infrastructure.</p> <p>Any divestment of property would be accordance with Councils Acquisition and Divestment of Land Policy and the provisions of the LG Act. Any future divestment would be the subject of a separate Council report and resolution.</p> |
| <input type="checkbox"/> how council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal; | The Ku-ring-gai Long Term Financial Plan and the Delivery Program 2018-2021 and Operational Plan 2020-2021 identify which projects which are to be funded from asset sales. |
| <input type="checkbox"/> a Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and | The reclassification only applies to part of the existing bowling club site being, Lot Y in DP387680. |
| <input type="checkbox"/> preliminary comments by a relevant government agency, including an agency | Comments from government agencies will be sought during consultation undertaken |

that dedicated the land to council, if applicable.

in accordance with the requirements of the EP&A Act (see Section 6).

PROJECT TIMELINE

The timeline for the progression for this planning proposal is indicated in the following table.

| Stage | Timing |
|---|---|
| Anticipated lodgement date | 21 July 2021 |
| Anticipated date for Gateway determination | 31 August 2021 |
| Anticipated timeframe for additional technical information | N/A |
| Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination) | September 2021 28 days Run concurrently with exhibition period |
| Commencement and completion dates for public exhibition period | September 2021 28 days exhibition Plus notification and advertisement period |
| Dates for public hearing | October 2021 21 days public notice |
| Timeframe for consideration of submissions | October – November 2021 4 weeks for consideration |
| Timeframe for the consideration of a proposal post-exhibition | November 2021 2 weeks for reporting |
| Legal drafting | November 2021 6 weeks |
| Anticipated date Relevant Planning Authority (RPA) (Ku-ring-gai Council) will forward to the Department of Planning and Environment | November 2021 |



APPENDICES



APPENDIX 1

Report to Council and Resolution – Ordinary Meeting 8 May 2018



APPENDIX 2

Report to Council and Resolution – Ordinary Meeting of Council 30 June 2020



APPENDIX 3

Stage 1 Preliminary Site Investigation prepared by Alliance Geotechnical



APPENDIX 4

Stage 2 Detailed Site Investigation prepared by Alliance Geotechnical



APPENDIX 5

Title Information



APPENDIX 6

Urban Design Study incorporating Concept Development Scheme



APPENDIX 7

Traffic Study



APPENDIX 8

Heritage Impact Statement



APPENDIX 9

Flood Risk Management Assessment/Study
