

1 RECLASSIFICATION OF LAND AT 4 PITTWATER ROAD, GLADESVILLE FROM COMMUNITY TO OPERATIONAL LAND

Report prepared by: Senior Strategic Planner

File No.: LEP2022/14/4 - BP24/19

REPORT SUMMARY

The Planning Proposal seeks to amend Schedule 4 of the *Ryde Local Environmental Plan 2014* (RLEP 2014) by reclassifying the land at 4 Pittwater Road, Gladesville, being Lot 1 DP 816692 from Community to Operational land. The Planning Proposal has been prepared by Hunter's Hill Council, the owners of the land, with the site currently being occupied by a child care centre.

The intent of the Planning Proposal to reclassify the land from Community to Operational land is to enable Hunter's Hill Council to consider expanding opportunities for the future use of the land. It should be noted that the reclassification does not involve a proposal to develop or sell the land.

The Planning Proposal has been assessed against relevant State and local strategies and policies, and key social and economic impacts, and determined to have merit.

The proposal has been prepared in accordance with the Department of Planning, Housing and Infrastructure's '*Local Environmental Plan Making Guideline*' dated September 2022 and the LEP Practice Note PN16-001 *Classification and reclassification of public land through a local environmental plan*, dated 5 October 2016.

The Planning Proposal was submitted to the Ryde Local Planning Panel (RLPP) for its advice on 14 December 2023. The RLPP recommended to Council that the proposal be submitted for gateway determination for the purpose of seeking a land reclassification.

RECOMMENDATION:

That Council resolve to:

- (a) support the Planning Proposal to reclassify land at 4 Pittwater Road, Gladesville, being Lot 1 DP 816692 from Community to Operational land;
- (b) Submit the Planning Proposal to the Department of Planning, Housing and Infrastructure for Gateway Determination under s3.34 of the *Environmental Planning and Assessment Act 1979*.

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- (c) That the Department of Planning, Housing and Infrastructure be advised that Council wishes to be delegated as the Local Plan-Making Authority; and
- (d) That following public exhibition, the planning proposal and any submissions received be reported back to Council to finalise the proposal.

ATTACHMENTS

1	Amended Planning Proposal Final 230716 PP-2022-3966 - CIRCULATED UNDER SEPARATE COVER	40 Pages
2	Ryde LEP 2014 Maps - 4 Pittwater Road, Gladesville PP-2022-3966 - CIRCULATED UNDER SEPARATE COVER	8 Pages
3	Consistency of PP with SEPPs - 4 Pittwater Road, Gladesville PP-2022-3966 - CIRCULATED UNDER SEPARATE COVER	1 Page
4	Consistency of PP with S9.1 Directions - 4 Pittwater Road, Gladesville PP-2022-3966 - CIRCULATED UNDER SEPARATE COVER	3 Pages
5	Certificate of Title for Lot 1 in DP 816692 - 4 Pittwater Road, Gladesville PP-2022-3966 - CIRCULATED UNDER SEPARATE COVER	2 Pages
6	Deposited Plan 816692 - 4 Pittwater Road, Gladesville PP-2022-3966 - CIRCULATED UNDER SEPARATE COVER	2 Pages
7	Amended Requirements of LEP Practice Note PN 16-001 - 4 Pittwater Road, Gladesville PP-2022-3966 - CIRCULATED UNDER SEPARATE COVER	6 Pages
8	Excerpt of Council Meeting_Report and Minutes - 20 September 2021 - 4 Pittwater Road, Gladesville - CIRCULATED UNDER SEPARATE COVER	3 Pages
9	Amended Summary of Councils interest in the land PP-2022-3966 - CIRCULATED UNDER SEPARATE COVER	6 Pages
10	Excerpt of Council Meeting Report - 19 April 2021 - 4 Pittwater Road, Gladesville - CIRCULATED UNDER SEPARATE COVER	47 Pages
11	Response to Pre-Lodgement Meeting - 4 Pittwater Road, Gladesville PP-2022-3966 - CIRCULATED UNDER SEPARATE COVER	3 Pages
12	Dealing - D394665 - Memorandum of Transfer - 4 Pittwater Road, Gladesville PP-2022-3966 - CIRCULATED UNDER SEPARATE COVER	4 Pages
13	Correspondence from Council to Sydney Water dated 24 April 2023 PP-2022-3966 - CIRCULATED UNDER SEPARATE COVER	2 Pages
14	Correspondence from Sydney Water to Council dated 5 June 2023 PP-2022-3966 - CIRCULATED UNDER SEPARATE COVER	1 Page
15	Ryde Local Planning Panel 14 December 2023 - Item 3 4 Pittwater Road, Gladesville - Determination Statement of Reasons - CIRCULATED UNDER SEPARATE COVER	2 Pages

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ITEM 1 (continued)**Introduction**

The Planning Proposal seeks to amend Schedule 4 of the RLEP 2014 by reclassifying the land at 4 Pittwater Road, Gladesville, from Community to Operational land. The Planning Proposal has been prepared by Hunter's Hill Council, the owners of the land. The reclassification will enable Hunter's Hill Council to consider an expanded range of opportunities for the use and management of the site.

History

A formal pre-lodgement meeting was held between Hunters Hill Council, their consultants and City of Ryde (Council) on 23 February 2023. The Council advice from that meeting that the planning proposal, in addition to the requirements of the Department of Planning, Housing and Infrastructure's guidelines, must address the following:

- NSW Government's LEP Practice Note PN 16-00 by providing information relating to Council's interests in the land
- confirmation of the easement details for DP 390503.
- clarification of 'Council' as to when the document is referring to Hunters Hill Council and/or landowner and City of Ryde Council.
- removal of incorrect references.
- consistency of references to future development with proposed outcomes noting the potential community interest in the proposal.

The submitted planning proposal and accompanying reports (see **ATTACHMENTS 1-14**) have adequately addressed these matters.

The Site and Locality

The site is known as 4 Pittwater Road, Gladesville and consists of one allotment being Lot 1 DP 816692 (see Figure 1). The site is irregular in shape, has an area of approximately 704m² and is occupied by Gladesville Occasional Child Care Centre, a not-for-profit community based childcare centre.

The site has a single frontage to Pittwater Road as its southern boundary. Adjoining the site to the east is Gladesville Library. Adjoining the site to the west and north is City of Ryde's John Wilson public car park.

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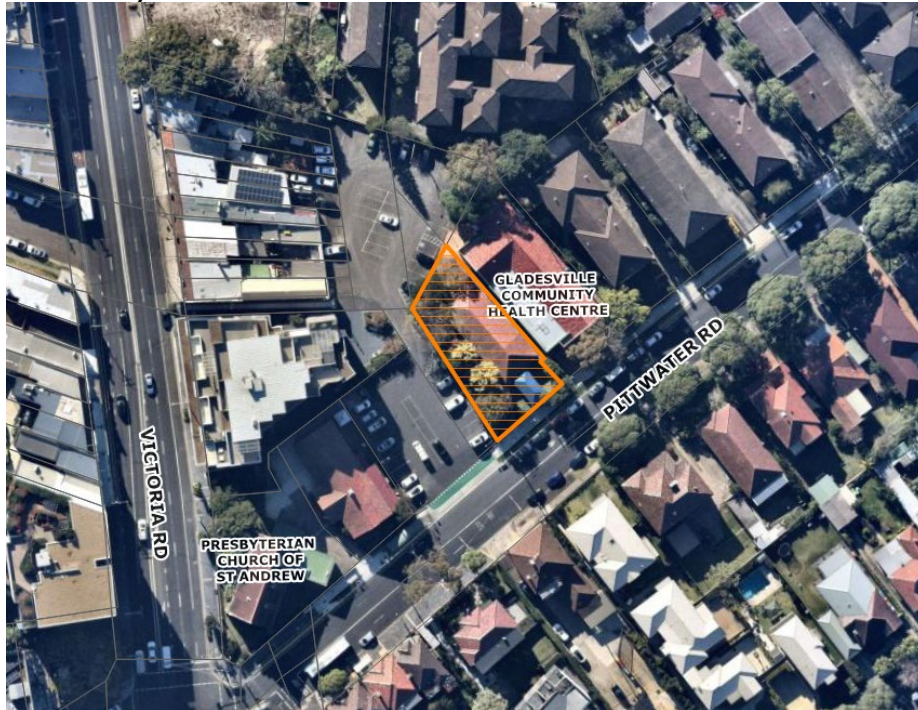


Figure 1. Site and Locality

The land is zoned MU1 Mixed Use under the RLEP 2014 (see Figure 2). The adjoining land and surrounding area are mostly mixed or residential in use with land to the north/northwest being zoned MU1 Mixed Use or R4 High Density Residential and land in the south/southeast being zoned MU1 Mixed Use or R4 High Density Residential or R2 Low Density Residential. The Planning Proposal does not seek to change the site's existing zoning.

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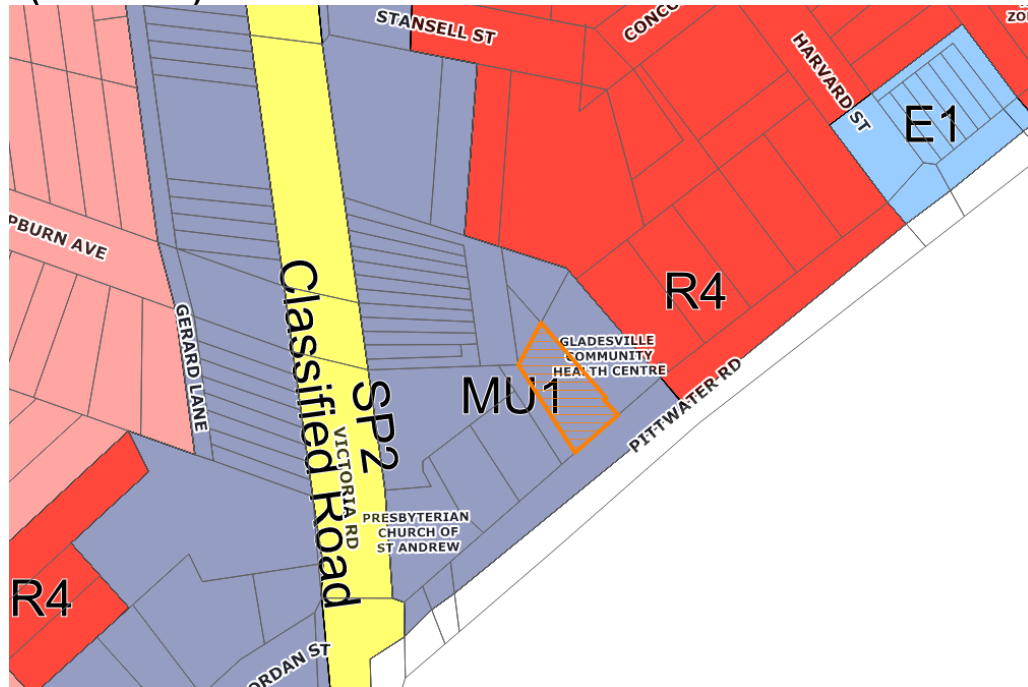


Figure 2. Land Use Zoning under RLEP

The site is subject to a height of building development standard of 22m (see Figure 3). The Planning Proposal does not seek to change the site's existing height of building standard.

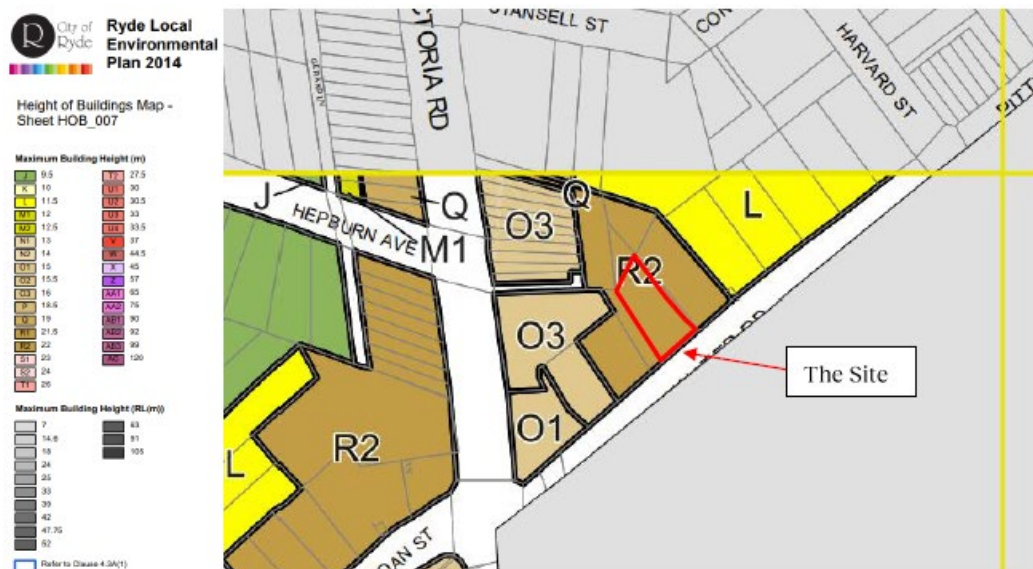


Figure 3. Height of Building under RLEP

The site is subject to a maximum floor space ratio (FSR) of 2.6:1 (see Figure 4). The Planning Proposal does not seek to change the site's existing maximum FSR standard.

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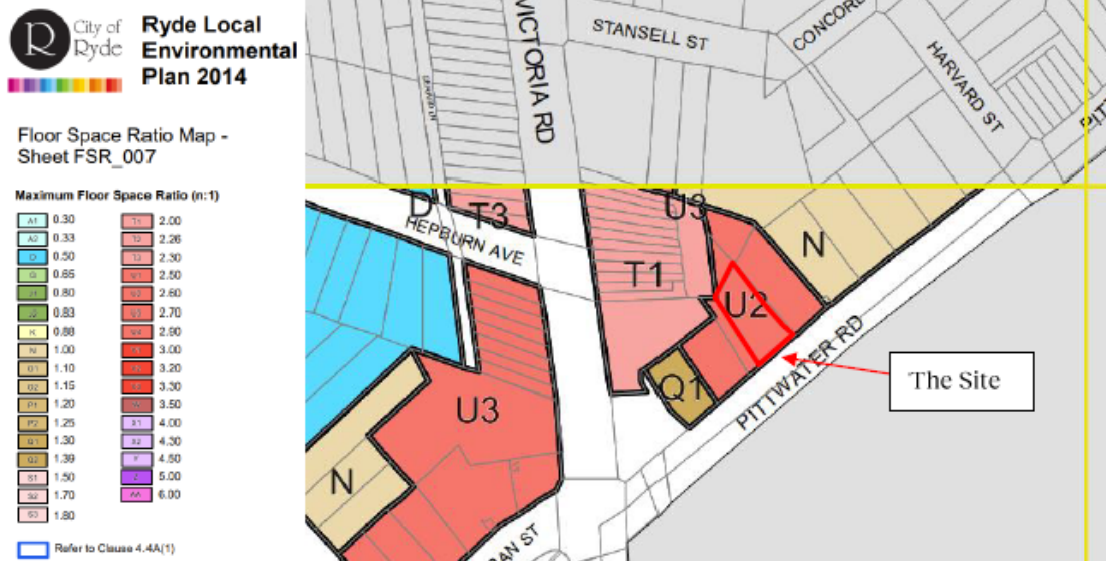


Figure 4. FSR under RLEP

The site is designated as being within the Gladesville Town Centre under the RLEP 2014 Centres map (see Figure 5).

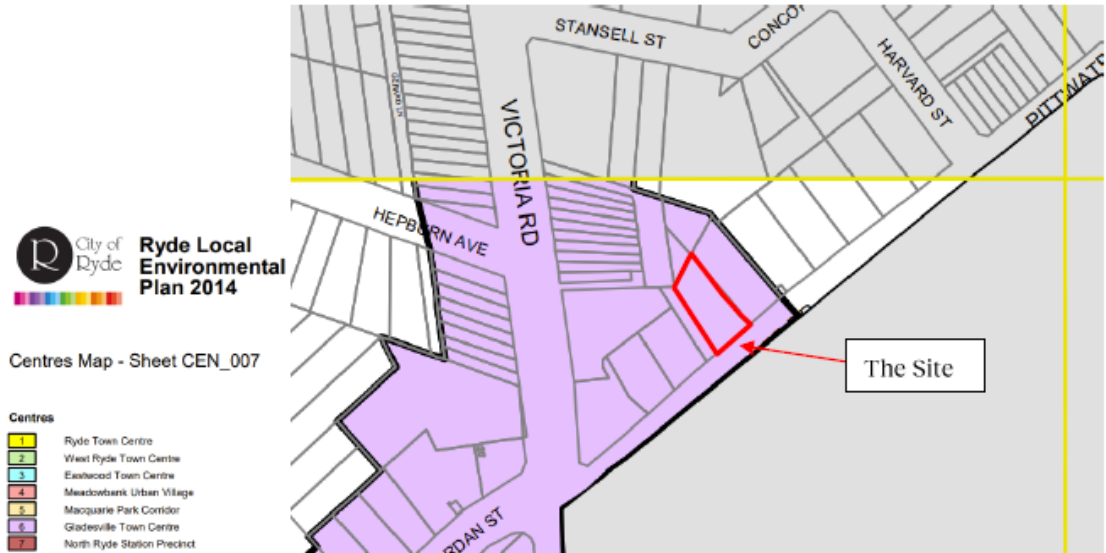


Figure 5. Centres Map under RLEP

The site is identified under Part 4.6 Gladesville Town Centre and Victoria Road Corridor under Ryde Development Control Plan (RDCP) 2014. The location of the site is within the Town Centre Precinct identified within the Precincts Vision Plan (see Figure 6).

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Figure 6. Town Centre Precincts under RDCP

There are four local heritage items listed in the RLEP 2014 that are within proximity of the site (see Figure 7):

- Local heritage item 54 'Great North Road' located on Victoria Road, within 100m of the site.
- Local heritage item 139 'Gates' located on 220 Victoria Road, within 200m of the site.
- Local heritage item 140 'Church' located on 220 Victoria Road, within 200m of the site.
- Local heritage item 142 'Church' located on 265A Victoria Road, within 100m of the site.

There is a heritage conservation area (HCA) located within 100m of the site. However, the Planning Proposal will not have any impact on these heritage items or HCA.

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Figure 7. Heritage Items and HCA under RLEP

Planning Proposal

The planning proposal seeks to amend Schedule 4 of the RLEP 2014 by reclassifying the land at 4 Pittwater Road, Gladesville, being Lot 1 DP 816692 from Community to Operational. The planning proposal has been prepared on behalf of Hunters Hill Council, the owners of the land, with the site currently being occupied by a childcare centre.

The intent of the proposal is to reclassify the land from Community to Operational to enable the classification to be consistent with the current zoning and provide Hunters Hill Council with flexibility to ensure it can deliver improved community infrastructure via redevelopment of the site or possible sale and redirection of funds to other community infrastructure.

The proposal is the result of Hunters Hill Council's Property Strategy (see **ATTACHMENT 11**) that identifies the site as surplus to the needs of Hunters Hill Council. The site currently being classified as Community Land means Hunters Hill Council is not able to develop, sell, exchange, or dispose of Community Land under the provisions of the *Local Government Act 1993*. As such, the proposed reclassification is intended to provide opportunity to unlock the existing development potential of the site to stimulate growth and development within Gladesville Town Centre.

The proposal does not involve any change to the existing zone and/or development standards that apply to the subject site. There are no interests in the land that Hunters Hill Council is seeking to discharge.

Discussion

Council, dated 2 May 2024, submitted on 26 March 2024.

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The *Environmental Planning and Assessment Act 1979* (the Act), requires a planning proposal to provide justification and to consider the strategic merit of the proposal against State and Local strategies and Policies. The planning proposal has provided adequate justification for the proposal, as summarized below:

Strategic Merit Issue	Comment
State Environmental Planning Policies and Local Directions	The planning proposal is generally consistent with the relevant State Environmental Planning Policies and Local Planning Directions under Section 9.1 of the environmental Planning and assessment Act 1979. An analysis of compliance with these policies is provided in the attached planning proposal (see ATTACHMENT 1).
Greater Sydney Region Plan - A Metropolis of Three Cities	The planning proposal is generally consistent with the Greater Sydney Region Plan - A Metropolis of Three Cities (see ATTACHMENT 1).
North District Plan	The planning proposal is generally consistent with the North District Plan (see ATTACHMENT 1).
Ryde Local Strategic Planning Statement	The planning proposal is generally consistent with the Ryde Local Strategic Planning Statement (see ATTACHMENT 1).
Requirements for Proposals to Reclassify Public Land	<p>The planning proposal is prepared in accordance with LEP Practice Note PN 16-001 (see ATTACHMENT 7). The most relevant part of that Practice Note is Attachment 1 as follows:</p> <ul style="list-style-type: none"> • The land is not a 'public reserve' as defined by the <i>Local Government Act 1993</i>. • Hunters Hill Council's property records indicate the site was transferred from Sydney Water (formerly known as Metropolitan Water and Sewerage and Drainage Board) to Hunters Hill Council for the purpose of a baby health centre in 1945 and a restriction was placed on the Title for this use at dedication to Hunters Hill Council (see ATTACHMENT 12). As such, Hunters Hill Council consulted with Sydney Water on 24 April 2023 (see ATTACHMENT 13). On 5 June 2023, comments were received from Sydney Water who raised no objection to the reclassification (ATTACHMENT 14). • There are no interests in the land that Hunters Hill Council is seeking to discharge. This may be

Council, dated 2 May 2024, submitted on 26 March 2024.

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Strategic Merit Issue	Comment
	<p>required prior to the sale of the property and completed as a separate matter to this planning proposal.</p> <ul style="list-style-type: none"> • The proposal will not affect any current uses or leases on the land. • The proposal does not involve any change to the existing zoning and/or planning controls that apply to the site. • The land is not proposed for sale at this time. However, the proposal will enable Hunters Hill Council to sell, exchange or otherwise divest and deal with the parcel of land to assist in facilitating the redevelopment of the land, whilst capitalising on the returns to Hunters Hill Council and the potential community benefits including public domain upgrades. • There are no sales or changes to the property at this time, but if sold, Hunters Hill Council will be required to appropriately account for the funds acquired as required by PN 16-001.

Planning Assessment

An assessment of the key issues relevant to the planning proposal is provided in the following table.

Site Specific Issues	Assessment
Social and economic impact	<p>The reclassification has the potential to have positive social and economic benefits for the community, in that it enables Hunters Hill Council to consider potential future development of land for uses consistent with the MU1 Mixed Use zoning under RLEP 2014.</p> <p>As per Hunter's Hill Community Infrastructure Plan (Property Strategy), the existing Occasional Care Centre is in need of updating and surplus to Hunter's Hills Council requirements. Through the proposed transition to operational land, an enhanced scope of flexibility is afforded to Hunter's Hill Council, thereby unlocking the potential to either rejuvenate or divest its assets. This strategic manoeuvre is aimed at optimising the allocation of resources towards community infrastructure</p>

Council, dated 2 May 2024, submitted on 26 March 2024.

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Site Specific Issues	Assessment
	<p>and services, thereby maximising the derived communal value.</p> <p>Furthermore, the reclassification may assist in the delivery of mixed-use development outcomes to improve economic and social vitality of the area and strengthen the economic performance of the Gladesville Town Centre.</p>
Environmental impact	<p>The reclassification does not result in any direct environmental impacts. It will, however, enable development of the land in accordance with the current MU1 Mixed Use zoning. Any environmental impacts likely to arise as a result of any future development proposal will be assessed as part of the Development Application process.</p>
Heritage	<p>The site is not affected by any heritage listing and the nearby heritage items and HCA are located 100m to 200m from the site. There is no impact on the heritage items or HCA.</p>

Ryde Local Planning Panel

As part of the assessment of the Planning Proposal, the application was referred internally to the Ryde Local Planning Panel (RLPP) for advice. The RLPP had no further comment and agreed that the proposal should proceed to a gateway determination for the purpose of seeking a land reclassification (see **ATTACHMENT 15**).

Public Exhibition of Planning Proposal

The Planning Proposal cannot be placed on public exhibition until the proposal has been endorsed by Council and a Gateway determination has been issued by the Department of Planning, Housing and Infrastructure (if the Gateway determination is to not proceed then the application is refused).

The Gateway Determination will specify the duration and extent of community consultation. The duration of exhibition depends on the complexity of the proposal. These maximum periods range from:

- Basic – 10 working days
- Standard – 20 working days

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- Complex – 30 working days
- Principle LEP – 20 working days

The public exhibition timeframe and referral requirements will be specified in the Gateway determination. In addition, the public exhibition will also include the following actions:

- A written notice sent to affected residents and land owners
- Publication of the Planning Proposal documents on Council's website for review by stakeholders, and
- Council staff will be available to answer questions

The above exhibition actions are intended to make the proposal readily available to all interested stakeholders and will be delivered above and beyond the standard minimum requirements of the Gateway determination requirements.

Financial Implications

Adoption of the recommendation will have no financial impact.

Local Plan-Making Authority

The Local Plan-Making Authority in respect of a Planning Proposal is the party delegated to make or reject the proposed amendments to the LEP following the public exhibition and consideration of the submissions.

The Gateway Determination needs to provide Council with the delegation to act as the Local Plan-Making authority, otherwise the State Government will retain the authority to make the decision as to whether or not to proceed following the public exhibition.

When submitting a Planning Proposal, councils are required to identify whether they wish to be authorised to be the Local Plan-Making Authority for the proposal. If Council does not want to be the authority, or the State declines to delegate authority to Council, the Minister for Planning (usually via a delegate at the Department of Planning, Housing and Infrastructure) undertakes the role.

It is recommended, that if Council support the proposal that it resolve to request authorisation to be the Local Plan Making Authority.

Options

To address the planning proposal, Council has two options to consider:

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- Option 1 – That Council forward the Planning Proposal (as attached) to the Department of Planning and Environment seeking a Gateway Determination to allow the proposal to proceed to Public Exhibition.
- Option 2 – That Council resolve that the proposed reclassification is not supported. Council would need to specify the concerns which would consider the specified concerns against the relevant legislated assessment considerations.

Conclusion

The Planning Proposal proposes to reclassify land at 4 Pittwater Road, Gladesville, being Lot 1 DP 816692 from Community to Operational under Schedule 4 of the RLEP 2014. The reclassification will provide new opportunities for the use and management of the land.

The information presented in the proposal and its supporting documentation sufficiently describes and analyses of the strategic planning opportunities for the site and considers the relevant environmental, social, and economic impacts. On this basis, it is recommended that the Planning Proposal be supported.

8. Recommendation

That Council support that the Planning Proposal to reclassify land at 4 Pittwater Road, Gladesville, being Lot 1 DP 816692 from Community to Operational land and submit it for Gateway Determination under s3.34 of the *Environmental Planning and Assessment Act 1979*.