



IRF24/1298

Gateway determination report – PP-2022-3966

Reclassification of 4 Pittwater Road, Gladesville from
Community to Operational land

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal (July 2023)
RLEP 2014 Maps
Consistency of Planning Proposal with State Environmental Planning Policies
Consistency of Planning Proposal with Section 9.1 Directions
Certificate of Title for Lot 1 in DP 816692
Deposited Plan 816692
Hunters Hill Council Meeting Report & Minutes (20 September 2021)
Response to pre-lodgement meeting (March 2023)
Dealing – D394665 – Memorandum of Transfer (30 May 1945)
Summary of Council's interest in the land – Lot 1 DP 816692
Hunters Hill Council Meeting Report (19 April 2021)
City of Ryde Council Meeting Agenda and Minutes (26 March 2024)
Correspondence from Hunters Hill Council to Sydney Water (24 April 2023)
Correspondence from Sydney Water to Hunters Hill Council (5 June 2023)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Ryde
PPA	Ryde City Council
NAME	Reclassification of 4 Pittwater Road, Gladesville, from community to operational land
NUMBER	PP-2022-3966
LEP TO BE AMENDED	Ryde Local Environmental Plan 2014
ADDRESS	4 Pittwater Road, Gladesville
DESCRIPTION	Lot 1 DP 816692
RECEIVED	2/05/2024
FILE NO.	IRF24/1298
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes to explain the intent of the proposal.

The objective of the proposal is to reclassify surplus Council owned land at 4 Pittwater Road, Gladesville, from 'community' land to 'operational' land.

The proposed reclassification of land will facilitate consideration of uses consistent with the zoning of the land via redevelopment and/or potential future sale of the land.

The objectives of the planning proposal are clear and adequate.

1.3 Explanation of provisions

To facilitate reclassifying the land from operation to community, the proposal seeks to amend the Ryde Local Environmental Plan 2014 to list the site in Schedule 4 as follows:

Schedule 4 ‘Classification and reclassification of public land’

Part 1 Land classified, or reclassified, as operational land – no interests

Locality	Description
4 Pittwater Road, Gladesville	Lot 1 in DP816692.

The land does not fall under the definitions of a ‘public reserve’ as defined in the *Local Government Act 1993*.

There are no interests in the land that Council is seeking to discharge.

No changes to the LEP development standards applying to the land are proposed.

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

1.4 Site description and surrounding area

The site (**Figure 1**) is located at 4 Pittwater Road, Gladesville (Lot 1 in DP 816692) and has an area of approximately 704m². The site is traversed by the Northern Suburbs Ocean Outfall Sewer (NSOOS) critical trunk sewer main and shaft to access the tunnel.

The site is owned by Hunters Hill Council and is currently occupied by the Gladesville Occasional Child Care Centre, a not-for-profit community based childcare centre.

Surrounding development includes a Council-owned public carpark (to the north and west), the Gladesville Library (to the east) and Pittwater Road (to the south).

The site is located within the Gladesville Town Centre and is currently zoned MU1 Mixed Use under the Ryde LEP 2014 (**Figure 2**).

The Department notes the proposal identifies the site as being zoned B4 Mixed Use, however this was translated to MU1 as part of the Department’s employment zones reform to the Standard Instrument in late 2022, which came into effect in April 2023 under Standard *Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2022*. A Gateway condition is recommended that the proposal be updated prior to exhibition to reflect the current MU1 Mixed Use zoning under the Ryde LEP 2014.



Figure 1 Aerial view of the subject site, outlined in red (Source: SIX Maps, 2024)

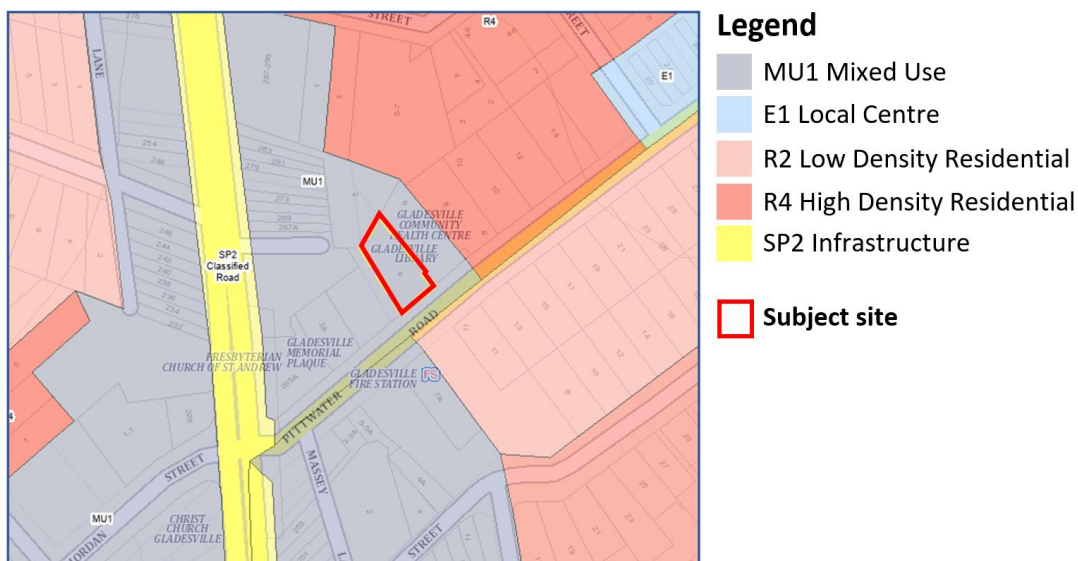


Figure 2 Land use zoning (Source: NSW Planning Portal Spatial viewer, June 2024)

1.5 Mapping

No amendments to the Ryde LEP 2014 maps are proposed.

1.6 Background

A summary of background information of relevance to the proposal is provided in **Table 3** below.

Table 3 Overview of planning proposal history

Date	Event
1945	The site was transferred from Sydney Water to Hunters Hill Council for the purposes of a baby health centre.
2021	The Hunters Hill Property Strategy identified the site as surplus to Hunters Hill Councils requirements and outlined that options to realise its value will be investigated, whilst still retaining the occasional childcare centre in the area.
20 September 2021	Hunters Hill Council resolved to prepare and lodge a planning proposal with Ryde City Council to reclassify the site to operational land.
23 February 2023	Pre-lodgement meeting held between Hunters Hill Council and consultants, and City of Ryde Council regarding the proposal.
March 2023	Hunters Hill Council lodged proposal with the City of Ryde Council.
24 April 2023	Hunters Hill Council consulted with Sydney Water in April 2023, to clarify the restriction on the future use of the land which included: <i>“That the transferee will not at any time use or occupancy or cause or permit to be used or occupied the said land hereby transferred or any part thereof otherwise than solely for the erection and conduct of a Baby Health Centre”.</i>
5 June 2023	Sydney Water raised no objection to the proposed reclassification however, advised that approval of future works over or near the assets would be required, as the site is traversed by the Northern Suburbs Ocean Outfall Sewer (NSOOS) critical trunk sewer main and shaft to access the tunnel.
14 December 2023	The Ryde Local Planning Panel (RLPP) recommended that the proposal proceed.
26 March 2024	City of Ryde Council resolved to submit the proposal for Gateway determination.
2 May 2024	Proposal submitted for Gateway determination.

2 Need for the planning proposal

The planning proposal has been prepared as an outcome to the Hunters Hill Property Strategy (2021), which identified the site as surplus land. In 2021, Hunters Hill Council resolved to reclassify the land to ‘Operational’ to enable Council to deliver improved community infrastructure via the site’s potential redevelopment or sale and redirection of funds towards other community infrastructure projects.

The report to City of Ryde Council Meeting on 24 March 2024 notes the potential to “provide opportunity to unlock the existing development potential of the site to stimulate growth and development within Gladesville Town Centre” (p.9).

Under section 25 of the *Local Government Act 1993*, public land in the management of council must be classified either ‘community’ or ‘operational’. Community land is generally for public

access and use and is subject to requirements for its management. Operational land is not subject to the same restrictions and is generally used by Council to carry out its functions and/or generate income.

The site is currently classified as ‘Community’ land and is therefore unable to be sold or transferred by Hunters Hill Council under the provisions of the *Local Government Act 1993*.

The intended outcomes of the proposal cannot be delivered under the current planning framework.

The *Local Government Act 1993* stipulates that a planning proposal is the mechanism to reclassify land from ‘Community’ to ‘Operational’. Accordingly, a planning proposal to amend the Ryde LEP 2014 is considered the best mechanism to achieve the objectives of the planning proposal.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is assessed in section 3.2 below.

3.2 District Plan

The site is located within the North District. The North District Plan (the District Plan), released by the former Greater Sydney Commission in March 2018, applies to the site. The Plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the relevant planning priorities of the District Plan, including:

- *Planning Priority N3: Providing services and social infrastructure to meet people’s changing needs*
- *Planning Priority N4: Fostering healthy, creative, culturally rich and socially connected communities*
- *Planning Priority N6: Creating and renewing great places and local centres, and respecting the District’s heritage*

The site is located within the Gladesville Town Centre and the reclassification will not inhibit employment outcomes on the site. The proposal seeks to support the potential renewal and redevelopment of the land, consistent with the current MU1 zoning.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the EP&A Act.

3.3 Local

An assessment of the consistency of the proposal with the relevant local strategic plans is included in **Table 4** as follows:

Table 4 Local strategic planning assessment

Local Strategies	Justification
Ryde 2028 Community Strategic Plan	<p>The Ryde CSP sets the vision and priorities for Ryde's future. The CSP underpins Council's future planning and decision making, and contains the following priorities considered of relevance to the proposal:</p> <ul style="list-style-type: none"> • <i>Our vibrant and liveable city</i> • <i>Our smart and innovative city</i> • <i>Our connected and accessible city</i> <p>The proposal is consistent with the CSP as it will provide opportunity for the redevelopment and renewal of a site within the Gladesville Town Centre for mixed use purposes, consistent with the current MU1 zone. This has the potential to facilitate an increase in the diversity of businesses, jobs, and the supply of housing and community facilities on land within the Gladesville Town Centre.</p>
Planning Ryde – Local Strategic Planning Statement 2020 (March 2020)	<p>The Ryde LSPS sets the vision for land use planning in the Ryde LGA over the next 20-years.</p> <p>The planning proposal is consistent with the following priorities of the Ryde LSPS:</p> <ul style="list-style-type: none"> • <i>H1 Housing supply to satisfy needs to 2039</i> • <i>H2 Maintain the City of Ryde's current strategic planning direction to focus the majority of residential growth within town centres</i> • <i>C2 Continue to develop sustainable, compact, mixed-use centres that embody accessibility and are:</i> <ul style="list-style-type: none"> ○ <i>connected to local neighbourhoods</i> ○ <i>served by safe, affordable, flexible public transport</i> ○ <i>able to minimise traffic and parking impacts.</i> <p>The proposed reclassification will enable redevelopment of the site and supports the delivery of the LSPS' vision for Gladesville Town Centre as a 'socially and economically successful mixed-use town centre'.</p>

3.4 Local planning panel (LPP) recommendation

On 14 December 2023, the Ryde LPP advised Council that:

The Panel considered the planning proposal report and agreed that the proposal should proceed to a gateway determination for the purpose of seeking a reclassification from community land to operational.

On 26 March 2024, Council considered the advice Council considered the advice of the LPP and resolved to support the planning proposal proceeding to Gateway.

3.5 Section 9.1 Ministerial Directions

Attachment 3 of the proposal address' the consistency of the proposed reclassification with the applicable section 9.1 Directions.

The Departments assessment of the planning proposal's consistency with the relevant section 9.1 Directions is discussed in Table 5.

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
5.2 Reserving Land for Public Purposes	Consistent	<p>The direction seeks to facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> <p>The site is zoned MU1 Mixed Use and has been identified in a Hunters Hill Council Strategy as surplus land. The current classification prevents it from being redeveloped for a wider range of uses.</p> <p>The proposal does not materially reduce the available community land in the management of Ryde Council.</p> <p>The proposal is consistent with this Direction.</p>
7.1 Employment Zones	Consistent	<p>The objective of this direction is to encourage employment growth in suitable locations, protect employment land in employment zones, and support the viability of identified centres.</p> <p>The direction applies as the proposal affects land within an existing employment zone. A Gateway condition is recommended that the proposal be updated to address consistency with Direction 7.1.</p> <p>Notwithstanding the above, the proposal is considered consistent with this Direction as it does not seek to alter the existing zoning or development standards that currently apply to the land, nor does it seek to impose any additional controls.</p> <p>The proposed reclassification of land will support the objectives of this direction as it will facilitate potential opportunities for redevelopment of the site, which is in the Gladesville Town Centre, consistent with the objectives of MU1 Mixed Use zone.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal includes an assessment of consistency with the relevant SEPPs. A Gateway condition is recommended that the proposal is updated prior to exhibition to remove references to repealed SEPPs.

The Department is satisfied that that the proposal is not inconsistent with any applicable SEPPs, nor will it hinder their operation, as the proposal is not seeking to amend the sites applicable planning controls or permissible uses.

3.7 Reclassification of Land

LEP Practice note PN 16-001 *Classification and reclassification of public land through a local environmental plan* and the Department's 'Local Environmental Plan Making Guideline' (August 2023) provide guidance on preparing planning proposals seeking to reclassify public land through an LEP.

The Practice note contains an information checklist of considerations to be discussed within reclassification proposals.

Attachment 6 of the planning proposal addresses these requirements.

To provide clarity during consultation, a Gateway condition is recommended that the planning proposal is updated prior to exhibition to include a simple plain English explanation for the community to understand how each of the LEP Practice note requirements have been adequately addressed and to include reference to the preliminary comments of Sydney Water.

4 Site-specific assessment

4.1 Environmental

The proposal applies to developed land within an established urban area. The proposed reclassification is not considered to result in any adverse environmental impacts, as the subject site has not been identified to contain any critical habitats or threatened species, populations or ecological communities, or their habitats.

The Department considers that any potential environmental impacts arising from any future development of the site, including any potential hazards risks, will be adequately addressed at the future DA stage.

4.2 Social and economic

The proposal is unlikely to generate any significant adverse social or economic impacts.

The proposal does not seek to rezone the land or amend the development standards that currently apply to the site under the Ryde LEP 2014. The proposed reclassification has the potential to generate social and economic benefits as it will facilitate:

- The potential opportunity for the future sale of the site by Hunters Hill Council and redirection of the sale proceeds towards community infrastructure projects (i.e. open space, roads and public facility improvements), to deliver improved liveability outcomes in the Hunters Hill LGA;
- the potential for urban renewal and revitalisation of surplus Council owned land within the within the Gladesville Town Centre.

4.3 Infrastructure

The site is currently serviced by infrastructure and utilities.

5 Consultation

5.1 Community

The planning proposal is categorised as a basic under the LEP Making Guidelines (August 2023).

It is noted that for planning proposals involving reclassification of public land, the LEP Practice Note PN 16-001 requires least 28 (calendar) days for public exhibition, and that the *Local Government Act 1993* requires a public hearing to be held.

Accordingly, the Gateway determination includes a condition that the planning proposal be exhibited for a minimum of 20 working days. Council should consider the requirements of the *Local Government Act 1993* and PN 16-001 when exhibiting the planning proposal.

5.2 Agencies

The Department acknowledges the consultation undertaken by Hunters Hill Council with Sydney Water in 2023.

Council has not nominated the public agencies to be consulted about the planning proposal.

The Department has not identified any requirement for further consultation with public authorities or government agencies regarding the proposal.

6 Timeframe

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a basic.

The Department recommends an LEP completion date of 2 May 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes and with regard to the Council meeting schedules.

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

7 Local plan-making authority

At a meeting on 26 March 2024, Ryde Council resolved to advise the Department that it wishes to be delegated as the Local Plan-Making Authority.

As the proposal does not seek to extinguish interests in the land and is not expected to require Governor approval in this regard, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal to reclassify land at 4 Pittwater Road, Gladesville, to 'operational' land is supported for the following reasons:

- The proposal is consistent with the relevant overarching state and local strategic plans and policies and ministerial directions.
- The proposal has strategic and site-specific merit as the proposal has been prepared as an outcome to the Hunters Hill Property Strategy (2021), which identified the site as surplus Council land.
- An amendment to Schedule 4 Part 1 of the Ryde LEP 2014 is the best means of achieving the objectives of the proposal.
- The proposal will not result in any adverse environmental, social or economic impacts.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- reflect the site's current MU1 Mixed Use zoning under the Ryde LEP 2014;

- ensure consistency with the Department's latest 'Local Environmental Plan Making Guideline' (August 2023) and remove references to repealed SEPPs;
- address consistency of the proposal with Direction 7.1 'Industry and Employment';
- include in Attachment 6 of the proposal, a simple plain English explanation for the community to understand how each of the LEP Practice note requirements have been addressed; and
- ensure the Project Timeline reflects the timelines included in the Gateway determination.

9 Recommendation

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

The following conditions are recommended to be included on the Gateway determination:

1. Prior to public exhibition, the planning proposal is to be updated to:
 - reflect the sites current MU1 Mixed Use zoning under the Ryde LEP 2014;
 - ensure consistency with the Departments 'Local Environmental Plan Making Guideline' (August 2023) and remove references to repealed SEPPs;
 - address the consistency of the proposal with Direction 7.1 'Industry and Employment';
 - include in Attachment 6 of the proposal, a simple plain English explanation for the community to understand how each of the LEP Practice note requirements have been addressed; and
 - ensure the Project Timeline reflects the timelines included in the Gateway determination.
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.
4. A public hearing is required to be held in accordance with Section 29 of the *Local Government Act 1993* and the Department's Practice Note PN 16-001.

It is recommended that Council is authorised to be the local plan-making authority and that the LEP is completed on or before 2 May 2025.



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5 July 2024

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