



IRF22/4490

Gateway determination report – PP-2022-4003

Introduce Recreation Facilities (Indoor) as an Additional Permitted Use within certain R1 General Residential zoned land and minor housekeeping amendments to existing APUs

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Acknowledgment of Country

The Department of Planning and Environment 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 – November 2022
Proposed Additional Permitted Uses Maps – 7 sheets – 3 November 2022
Council meeting agenda and minutes – 18 October 2022

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Canada Bay
PPA	Canada Bay Council
NAME	Include 'recreation facility (Indoor)' as an additional permitted use on limited land within the R1 General Residential zone.
NUMBER	PP-2022-4003
LEP TO BE AMENDED	Canada Bay Local Environmental Plan 2013 (CBLEP 2013)
ADDRESS	Mortlake and Breakfast Point
DESCRIPTION	Various sites
RECEIVED	14/11/2022
FILE NO.	IRF22/4490
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 intends to amend the Canada Bay Local Environmental Plan (CBLEP) 2013 by:

- including recreation facilities (indoor) as an additional permitted use (APU) on certain land within Mortlake and Breakfast Point zoned R1 General Residential (R1);
- introduce APU mapping to capturing all existing APUs; and
- general housekeeping updates to consistently align all existing APUs within Schedule 1 – Additional Permitted Uses.

The intended outcome of the planning proposal is to facilitate a mechanism for private gymnasiums and fitness facilities to be a permissible use with consent in limited areas zoned R1 General Residential.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to give effect to the intended outcomes by amending the CBLEP 2013 as follows:

1. New APU's for Mortdale and Breakfast Point

The planning proposal seeks to identify limited areas zoned R1 within the suburbs of Mortlake and Breakfast Point where recreation facilities (indoor)¹ are suitable as an APU.

These sites are identified as 'Item 24' on the draft APU mapping provided with this planning proposal.

Department Comment

The Department's assessment of the suitability of these APUs is found in Sections 3 and 4 of this report.

2. Housekeeping Amendments

The proposed housekeeping amendments seek to align the location of all existing sites containing an APU within Schedule 1 Additional Permitted Uses of CBLEP 2013. This will include:

New map set – Introduce Additional Permitted Uses Mapping into the CBLEP 2013

The planning proposal seeks to introduce APU Maps for all existing APUs within CBLEP 2013.

Department Comment

This amendment is minor as it seeks to identify the APUs in the int CBLEP 2013 through mapping. This amendment does not change or alter the application of existing APUs.

This administrative amendment is appropriate and is not discussed further in Section 3 and 4 of this report.

Amend Clause 7.17 to relocate the APU references to Schedule 1 – Additional Permitted Uses of the CBLEP 2013

Clause 7.17 is as follows:

"7.17 Additional permitted uses, building height and floor space in Area 3

(1) Development for the following purposes is permitted with development consent in Area 3

—

(a) health services facilities,

(b) office premises.

(2) The maximum building height for a building in Area 3 is 36 metres.

(3) The maximum floor space ratio for a building in Area 3 is 2.3:1.

(4) Development consent must not be granted to development that results in a building on land in Area 3 exceeding the maximum building height shown for the land on the [Height of Buildings Map](#), or exceeding the maximum floor space ratio shown for the land on the [Floor Space Ratio Map](#), unless—

¹ *Recreation facilities (indoor)* means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

- (a) the site area of the development is at least 6,000 square metres, and
- (b) at least 26% of the gross floor area of all buildings in Area 3 is used for the following purposes—

- (i) centre-based child care facilities,
- (ii) community facilities,
- (iii) health services facilities,
- (iv) office premises,
- (v) respite day care centres,
- (vi) seniors housing.

(5) In this clause—

Area 3 means the land identified as “Area 3” on the [Additional Local Provisions Map](#).”

Department Comment

This amendment is minor as it seeks to consolidate provisions which provide for additional permitted use into Schedule 1 – Additional Permitted Uses of the CBLEP 2013.

This amendment does not seek to alter the application or intent of the existing provision.

This administrative amendment is appropriate and is not discussed further in Section 3 and 4 of this report.

Relocate Clause 7.18 to Schedule 1 – Additional Permitted Uses of the CBLEP 2013

Clause 7.18 is as follows:

“7.18 Additional permitted uses in Leeds Street Character Area

Development for the purposes of residential flat buildings is permitted with development consent in the Leeds Street Character Area.”

Department Comment

This amendment is minor as it seeks to consolidate provisions which provide for additional permitted use into Schedule 1 – Additional Permitted Uses of the CBLEP 2013.

This amendment does not seek to alter the application or intent of the existing provision.

This administrative amendment is appropriate and is not discussed further in Section 3 and 4 of this report.

1.4 Site description and surrounding area

The planning proposal applies to land in the Canada Bay Local Government Area (LGA).

The new recreation facilities (indoor) APU applies to certain R1 zoned land within Mortlake and Breakfast Point (**Figure 1**). It is noted that these sites retain existing light industrial uses and built form which are yet to transition to residential land uses or development.

The other housekeeping amendments apply to existing APU provisions within the CBLEP 2013 and are not proposed to change under this planning proposal.



Figure 1: Subject site (source: Canada Bay Local Strategic Planning Statement)

1.5 Mapping

The planning proposal includes mapping that identifies the proposed mapping:

- of existing APUs in the CBLEP 2013; and
- for the new recreation facilities (indoor) APU on certain land zoned R1 in Mortlake and Breakfast Point (**Figures 2 and 3** over the page).

It is recommended that a separate map be included for exhibition purposes which identifies the new sites located in Breakfast Point and Mortlake which are to be identified with the APU for recreation facilities (indoor). This has been conditioned in the Gateway accordingly.

It is noted that the CBLEP 2013 has recently moved to a digital map format. This is capable of being resolved as part of the finalisation process.



Figure 2 and 2: Proposed new APU areas in Mortlake on Map Sheet APU_2 and Breakfast Point on Map Sheet APU_4

1.6 Background

It is understood that in recent years, several private gyms in Mortlake and Breakfast Point obtained Complying Development Certificates through Private Certifiers.

The Mortlake area is zoned R1 under the CBLEP 2013 which prohibits recreational facilities (indoor).

The areas identified within the planning proposal to introduce recreational facilities (indoor) as an APU are the area where all currently operating unauthorised 'gyms' are located.

It is understood Council initiated enforcement action to relevant businesses and has issued Notice of Intentions to issue Orders as a result.

On 16 August 2022, a Mayoral Minute was tabled at the Council Meeting to investigate the suitability of gyms within the R1 zone. The Mayoral Minute recognised that gyms and local fitness facilities are important local infrastructure that bring the community together for exercise, health, and wellbeing. Council resolved to investigate the potential for recreation facilities (Indoor) to be included as permitted with consent in the R1 General Residential zone. Council considers that this resolution did not foreshadow the outcomes of a planning Proposal but rather it sets in train a community consultation process with local residents, businesses, landowners, and relevant stakeholders.

On 18 October 2022, Council considered a planning proposal to permit recreation facilities (indoor) in the R1 zone.

Council subsequently resolved:

1. The Planning Proposal – Recreation Facilities (Indoor) in the R1 General Residential Zone at Attachment 1, be submitted to the Department of Planning and Environment for a Gateway Determination with the following amendment:
 - Recreational Facilities (Indoor) only be permitted on land within the R1 General Residential Zone that has a frontage to Tennyson Road, between Palace Lane and Herbert Street, and land that has a frontage to Edwin Street, between Tennyson Road to Hilly Street.

2. It be noted that the area defined in 1. above is the area where presently all currently operating gyms in Mortlake are located.
3. Delegation be requested from the Department of Planning and Environment to manage the plan making process.
4. Authority be delegated to the General Manager to make any minor modifications to the Planning Proposal.

On 14 November 2022, Council submitted the updated planning proposal to the Department for a Gateway determination.

2 Need for the planning proposal

This planning proposal to introduce recreation facilities (indoor) as an APU on certain R1 zoned land in Mortlake and Breakfast Point:

- is not the result of any strategic study or report; and
- has been initiated because of a resolution from Council to assess the appropriateness of the proposed land use within the areas identified.

The planning proposal is the best way to achieve the intended outcomes as it requires an amendment to CBLEP 2013 in accordance with the plan making process under the Environmental Planning and Assessment Act 1979 (the Act).

The planning proposal is the only appropriate means to introduce recreation facilities (indoor) as an APU on certain R1 zoned land in Mortlake and Breakfast Point.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan, *A Metropolis of Three Cities*, provides a framework and vision to guide land use and planning decisions for the next 20 years. The plan provides directions to accommodate for a growing Sydney, and identifies strategies to provide increased jobs, housing and infrastructure to create more liveable cities.

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Region Plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Department Assessment
Infrastructure	A city supported by infrastructure: The proposal delivers opportunities for the approval of recreation facilities (indoor) located near expanding community populations. The areas identified for these expanded uses are located on key road connections accessing these areas.
Productivity	<p>A well-connected city: The proposal delivers expanded options for recreational services and jobs with the potential to be available seven days a week.</p> <p>Jobs and skills for the city: The proposal is consistent with this objective in seeking to deliver an additional use within the R1 General Residential zone. The proposal will also present opportunities for occupation of ground floor commercial premises and street activation at different times of the day.</p>

Regional Plan Objectives	Department Assessment
Liveability	<p>A city for people: The proposal seeks to facilitate development of a site that has high levels of access to public transport. This will be achieved through the proposed indicative concept plan which included ground floor activation and publicly accessible through site link.</p> <p>Housing the city: Whilst the proposal seeks to promote and encourage indoor recreational uses on the nominated sites, it will not prevent future development (at the existing controls) for residential accommodation.</p> <p>A city of great places: The proposal will present opportunities for a number of sites within the allocated areas which will improve employment and activation opportunities for these sites.</p>

The proposal states it is generally consistent with the objectives of the Greater Sydney Region Plan, *A Metropolis of Three Cities*.

3.2 District Plan

The site is within the Our Greater Sydney 2056 - Eastern City District and the Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

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

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

Table 5 District Plan assessment

District Plan Priorities	Department Assessment
Infrastructure and collaboration	Enabling recreation facilities (indoor) as a permissible land use will encourage local place-based services to support and meet the demands of the communities expanding in these locations.
Liveability	<p><i>Planning Priority E3 – Providing services and social infrastructure to meet people's changing needs</i></p> <p>The planning proposal supports this planning priority by providing opportunities for business approvals which will supplement existing recreation facilities in targeted areas to support the growth in population within Breakfast Point and Mortlake.</p> <p><i>Planning Priority E4 – Fostering healthy, creative, culturally rich and socially connected communities</i></p> <p>The additional use will permit recreation activities, including gyms, which improve health and social interactions</p>

District Plan Priorities	Department Assessment
Productivity	<p><i>Planning Priority E8 – Growing and investing in health and education precincts and innovation corridor</i></p> <p>Facilitates the provision of recreational services to assist in maintaining the health of the community.</p> <p><i>Planning Priority E13 – Supporting growth of targeted industry sectors.</i></p> <p>Facilitates the approval of uses such as gyms.</p>

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Canada Bay Local Strategic Planning Statement (the LSPS)	<p>The following LSPS Planning Priorities are relevant to the planning proposal:</p> <ul style="list-style-type: none"> • 3 - Provide community services and facilities to meet people's changing needs; and • 4 - Foster safe, healthy, creative, culturally rich and socially connected communities. <p>The planning proposal is consistent with these planning priorities because:</p> <ul style="list-style-type: none"> • the proposed location of the recreation facilities (indoor) APU will provide opportunities to legalise existing and establish new recreation facilities, such as gyms, to meet the needs of the community; and • the limited application of the proposed recreation facilities (indoor) APU to existing light industrial development areas will limit potential amenity impacts, which can be further mitigated through the development application process. This includes being capable of: <ul style="list-style-type: none"> ○ accommodating sufficient on site car parking in accordance with Council's requirements; and ○ implementing other mitigation measures to retain residential amenity such as sound proofing and other noise attenuation measures.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Local Planning Panels Direction – Planning Proposals	Consistent	<p>The objective of this direction is to identify the types of planning proposals that are to be advised on by local planning panels on behalf of councils in the Greater Sydney Region and Wollongong and to establish the procedures in relation to those matters.</p> <p>The planning proposal was not reported to the Canada Bay Local Planning Panel (LPP) because Council's General Manager considered the proposal will not have any significant adverse impact on the environment or adjoining land.</p> <p>This approach is consistent with the Direction, because the planning proposal:</p> <ul style="list-style-type: none"> seeks to introduce a new APU for recreation facilities (indoor) onto limited areas where existing light industrial development is located in Mortlake and Breakfast Point to resolve existing permissibility issues; and proposes other housekeeping amendments which are administrative in nature.
1.1 Implementation of Regional Plans	Consistent	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>The planning proposal gives effect to the Greater Sydney Region Plan and is consistent with this Direction.</p>
1.3 Approval and Referral Requirements	Consistent	<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Part 1 of the planning proposal seeks to extend the permissible uses within the R1 General Residential zone, this inclusion will require development consent ensuring merits of any proposal are considered. The proposal is consistent with this Direction.</p>
1.4 Site Specific Provisions	Consistent	<p>This Ministerial Direction seeks to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The proposed additional permitted uses will expand the permissible uses available on the nominated sites with an R1 General Residential zoning.</p> <p>Furthermore, the proposed site-specific provisions would not restrict future development from being undertaken on the subject site, as all other existing controls applying to these sites in the LEP remain applicable.</p> <p>The planning proposal is consistent with this Direction.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.1 Conservation zones	Consistent	<p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>The proposal is considered consistent with this Direction.</p>
3.2 Heritage Conservation	Consistent	<p>The objective of this direction is to conserve items, areas, objects, and places of environmental heritage significance.</p> <p>This Ministerial Direction is applicable as there are several heritage items within proximity of the sites identified.</p> <p>The proposed new recreation facilities (indoor) APU is consistent with the Direction, because:</p> <ul style="list-style-type: none"> the proposal does not change existing development standards which control built form and amenity outcomes; and existing clause 5.10-Heritage conservation of the CBLEP 2013 can adequately provide for heritage considerations during the development application process.
4.1 Flooding	Consistent	<p>This Ministerial direction is to ensure 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 that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>The proposal states that it is consistent with this Direction however the sites proposed under part (1) of the planning proposal are not identified on Council's Flood Planning Map. The proposal is consistent with this Direction.</p>
4.2 Coastal Management	Consistent	<p>This direction seeks to protect and manage coastal areas of NSW.</p> <p>The planning proposal introduces an additional use within the R1 General Residential zone and is considered of minor significance. The proposal is consistent with this Direction.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.4 Remediation of Contaminated Land	Consistent	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>This Direction requires that before including any land specified in paragraph (2) (of the Direction) in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</p> <p>The planning proposal includes Recreation Facilities (Indoor) as an additional land use on limited sites within Mortlake and Breakfast Point. This area currently permits more sensitive uses including residential accommodation and childcare centres.</p> <p>Further consideration of land contamination can occur under the provisions of SEPP Resilience and Hazards 2021 as part of the DA process and is considered consistent with this Direction.</p>
4.5 Acid Sulfate Soils	Consistent	<p>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>The sites mapped potentially contain Class 2 and Class 5 acid sulfate soils. An acid sulfate soils study has not been provided although it is likely to be addressed at development application stage where a development results in the ground surface is being disturbed.</p> <p>The Direction states:</p> <p><i>(3) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.</i></p> <p>The planning proposal states it is consistent with this Direction. As the intent is to enable an additional use within the existing zone, it is considered that any inconsistency is considered minor. The proposal is considered consistent with this Direction.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
5.1 Integrating Land Use and Transport	Consistent	<p>This Ministerial Direction seeks to ensure increased access to housing, jobs, services, public transport, reduce dependence on cars and be consistent with the aims, objectives, and principles of:</p> <ul style="list-style-type: none"> Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001). <p>The planning proposal states it is consistent with this direction as it improves the flexibility in the range of uses in the sites nominated which will improve access to recreation facilities for the local community. The planning proposal is considered of minor significance due to the limited number of properties which it will apply to. The planning proposal is considered consistent with this Direction.</p>
6.1 Residential Zones	Consistent	<p>The objective of Direction 6.1 is to encourage a variety and choice of housing and make efficient use of existing infrastructure and services.</p> <p>Direction 6.1 applies because the proposal will affect land within an existing residential zone.</p> <p>The proposal is not inconsistent with this Direction because it seeks to maintain the current R1 General Residential zoning while introducing an APU for certain properties. The proposal does not alter the existing development standards applicable to the site and is therefore consistent with this Direction.</p>
7.1 Business and Industrial Zones	Consistent	<p>This direction aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres.</p> <p>The expansion of permitted uses in the R1 General Residential zone will enable new opportunities for additional business and employment to support the local centre and local community.</p> <p>The proposal is considered consistent with this Direction.</p>

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
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Resilience and Hazards	This policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.	Consistent	<p>The planning proposal seeks to include an additional permitted use to limited sites within Mortlake and Breakfast Point. More sensitive uses than indoor recreation facilities are currently permissible on these sites including residential accommodation and childcare centres.</p> <p>The application of this SEPP is not impacted by this proposal.</p>
SEPP (Exempt and Complying Development Codes) 2008 (Codes SEPP).	This policy aims to provide streamlined assessment processes for development that complies with specific development standards.	Consistent	<p>By permitting Recreation Facilities (Indoor) with consent on the properties specified within the R1 General Residential zone, approval under the Codes SEPP by Private Certifiers will be available.</p> <p>The application of the SEPP will provide a limit on the extent of facilities which will seek this pathway. Any proposed changes to the standard conditions of consent applied under a Complying Development would trigger a requirement for a development application. This would include for extension to the standard hours of operation (ie before 7am and after 7pm) which is commonly sought by gymnasiums.</p>

4 Site-specific assessment

4.1 Environmental

The site does not contain any critical habitat areas, threatened species, populations or ecological communities or their habitats. Therefore, the proposed amendment to the CBLEP 2013 is not likely to result in any adverse impacts on the environment.

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Amenity and built form

It is also considered that the limited application of the APU to sites where existing industrial built form is located will facilitate compliance with Council's existing amenity and built form requirements to limit impacts to surrounding residential development.

This can include utilising existing mitigation measures implemented for previous industrial uses, such as noise mitigation measures and building separation requirements.

4.2 Social and economic

The proposal is unlikely to result in significant negative social or economic impacts

The following table provides an assessment of the potential social and economic impacts associated with the proposal (See **Table 10** below).

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	The planning proposal is unlikely to result in any adverse social impact. Expanding the permissible uses within the R1 zone in these limited sites will enable existing recreational facilities to be legitimised and seek varied trading hours. The inclusion of gymnasiums and other indoor recreation facilities in the identified locations identified will support the social network of the community.
Economic	The planning proposal is likely to assist owners of these site by providing a broader range of potential tenants.

4.3 Infrastructure

This proposal is unlikely to have any significant impacts on the demand for, or provision of infrastructure. There is no significant infrastructure demand that will result from the planning proposal as it does not involve any amendments to the planning controls that will facilitate intensified development. The site has access to adequate public infrastructure such as water, sewer, electricity, telephone services and are near transport services.

Traffic and car parking

It is also considered that the limited application of the APU to sites where existing industrial built form is located will facilitate compliance with Council's existing on-site car parking requirements.

This can include utilising existing on-site parking spaces and other internal hard stand areas such as loading areas.

5 Consultation

5.1 Community

Council proposes a community consultation period of the month of February 2023.

The planning proposal does not detail the composition of their consultation and states that all community consultation will be in accordance with the requirements of the Gateway determination.

The planning proposal is identified as 'standard' in accordance with the LEP Making Guideline (December 2021). The Guideline's recommended community consultation timeframe for standard planning proposals is 20 working days.

The Department considers the recommended timeframe for community consultation is appropriate.

The Gateway determination includes a condition that the proposal be exhibited for a minimum of 20 working days.

It is recommended that in addition to Council's standard process for exhibition, that adjoining and surrounding landowners be contacted in writing advising them of the proposed amendments.

5.2 Agencies

The proposal does not require any additional agency consultation.

6 Timeframe

Council proposes a 6 month time frame to complete the LEP (by June 2023).

The Department recommends a time frame of 9 months to ensure adequate time is allocated and it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

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

7 Local plan-making authority

Council has requested functions as a Local Plan-Making authority.

As the planning proposal is considered to address a local matter and is consistent with all strategic documents, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it is consistent with the Eastern District Plan and the LSPS;
- it is consistent with the relevant section 9.1 Ministerial Directions;
- it is consistent with the relevant State Environmental Planning Policies;
- it provides enhanced accessibility to Recreational Facilities (Indoor) in locations where populations have expanded and demand for these services are apparent; and
- updates existing APUs by making administrative housekeeping amendments to introduce APU maps and consolidating all APUs in Schedule 1 of the CBLEP 2013.

As discussed in the previous sections 4 and 5, the proposal should be updated to provide a single map clearly showing all properties affected by the introduction of the new recreation facilities (indoor) APU.

9 Recommendation

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

1. The planning proposal is to be updated to provide a single map clearly showing all properties affected by the introduction of the new recreation facilities (indoor) APU.
2. Prior to community consultation, the planning proposal is to be revised to address condition 1.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The planning proposal must be exhibited no later than 2 months from the date of the Gateway determination.
5. The planning proposal must be reported to council for a final recommendation 6 months from the date of the Gateway determination.
6. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
7. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



(Signature)

23 December 2022 (Date)

Alexander Galea

Manager, City of Sydney and Eastern District

Assessment officer

Renee Ezzy

Senior Planning Officer, Agile Planning

8275 1266