



IRF25/2332

Gateway determination report – PP -2025-2441

Part of Moore Park (22A Ferry Avenue, Beverley Park)

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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
Council report, 8 September 2025
Planning proposal, November 2024
LPP minutes, 3 July 2025

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Georges River
PPA	Georges River Council
NAME	Moore Park, Beverley Park reclassification
NUMBER	PP-2025-2441
LEP TO BE AMENDED	Georges River Local Environmental Plan 2021
ADDRESS	Part of 22A Ferry Avenue, Beverley Park, NSW 2217
DESCRIPTION	Part of Lot 160 in DP 19098
RECEIVED	30/09/2025
FILE NO.	IRF25/2332
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 that adequately explain the intent of the proposal.

The objectives of the planning proposal are to reclassify part of Moore Park (Council-owned land) from “Community” to “Operational” by amending Schedule 4 of the Georges River Local Environmental Plan (LEP) 2021. There is no applicable interest proposed to be discharged by this planning proposal. The planning proposal also does not include any change to the existing RE1 Public Recreation zoning and applicable development standards.

The planning proposal’s intended outcome is to enable the sale of the land to St Georges Leagues Club to enhance accessibility and manage traffic flow around the existing building by connecting the car parking areas currently separated by the park.

1.3 Explanation of provisions

The planning proposal seeks to amend the Georges River LEP (GRLEP) 2021 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RE1 Public Recreation	No change
Classification	Community land	Operational land (part of site)

There are no other relevant development controls that apply to the site (e.g. height of building, floor space ratio, minimum lot size, heritage or land reservation acquisition).

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

Moore Park is a 5,840m² public open space located at 22A Ferry Avenue Beverley Park. It comprises of Lot 160 DP19098, Lot 159 DP 19288 and Lot 269 DP20568 and includes a fenced dog park. The part of the site proposed for reclassification is a triangular-shaped portion of land located in the north western corner of Moore Park (part of Lot 160 DP19098) and has an area of 305m². St Georges Leagues Club is located to the north and west. The remainder of the site is surrounded by mostly residential use. There are some scattered trees on the subject site.

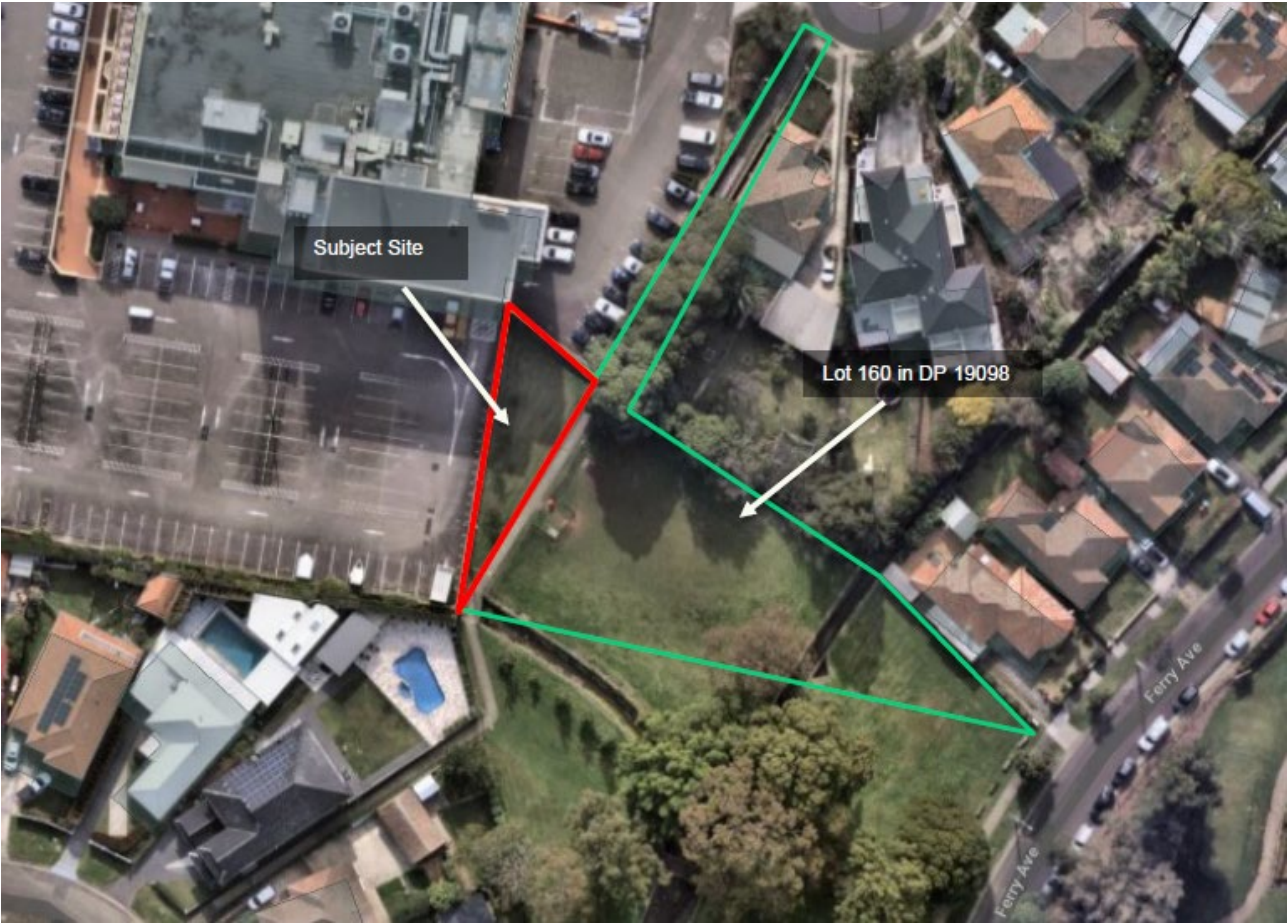


Figure 1 Subject site (source: Planning Proposal, 2024)



Figure 2 Site context (source: Planning Proposal, 2024)

1.5 Mapping

Given the reclassification applies to part of a lot, to clearly identify the proposed amendments, a gateway condition requires that the planning proposal and supporting documents be updated prior to exhibition to provide a Land Reclassification Map for the proposed site.

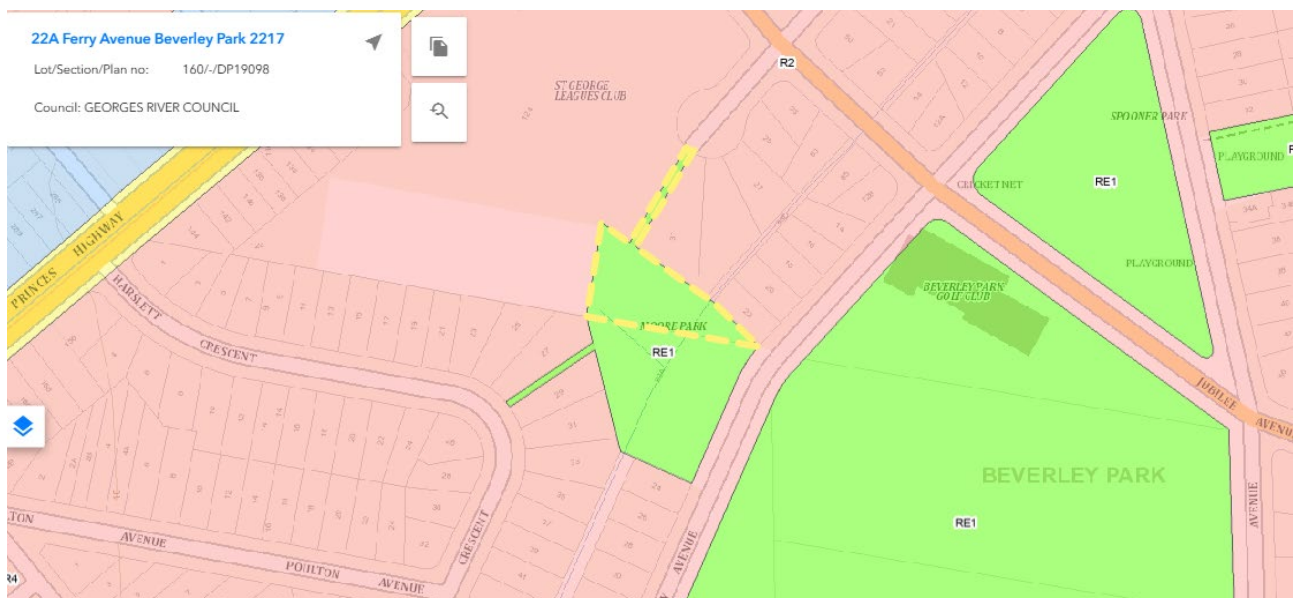


Figure 2 Current zoning map (Spatial Viewer, 2025)

1.6 Background

Moore Park originally formed part of an approximate 4.04 hectare parcel of land that was resumed and vested in the Council of the Municipality of Kogarah by notification published in Government Gazette dated 13 August 1937 Folios 3302 to 3303 (**Attachment 1 of Council Report**). The land was later subdivided to provide residential, commercial and recreational land uses.

In 2023, Georges River Council was approached by the St George Leagues Club to acquire part of Moore Park to assist with the traffic flow associated with the existing leagues club car park.

Georges River Council considered the matter on 8 May 2023 and resolved that a further report be presented to Council outlining all costs, considerations payable and options in regard to the replacement of open space.

Council considered a confidential report at its meeting on 24 June 2024 and resolved to proceed with the sale of the land subject to relevant required process, including reclassification of the part of subject site.

A confidential report was considered by Council on 24 June 2024. The minutes indicate that Council resolved to proceed with the sale of the land as follows:

- a) *That Council note the legal advice from Council's General Counsel in relation to this matter (Attachment 3).*
- b) *That the General Manager, in accordance with Section 377(h) of the Local Government Act 1993, be authorised to execute the Contract for Sale, Transfer Document and all other documentation in this matter, to effect the disposal of part Lot 160 in DP19098, pursuant to the advice and terms provided within Attachment 4 of the report.*
- c) *That prior to disposal, the subject part of Lot 160 in DP19098 (being approximately 330 square metres as shown in Attachment 1) be reclassified from Community to Operational land and any costs associated with the reclassification process are reimbursed by the purchaser.*
- d) *That any monies derived from the proposed land sale be held in restricted reserve for the future embellishment or acquisition of public open space within any suburbs of the current Kogarah Bay Ward.*
- e) *That any monies derived from the proposed land sale be made public within the relevant public document, after settlement takes place.*
- f) *That owner's consent for any development application or planning proposal for Part Lot 160 in DP19098, does not form part of the Contract for Sale, noting that the sale will not fetter Council's discretionary powers as the local Consent Authority.*
- g) *That if the counteroffer is not accepted, other options outlined in this report from the legal advice received is communicated to the St George Leagues Club.*

2 . Need for the planning proposal

The planning proposal is not the direct result of a Council LSPS, strategic study or a report. It is a response to a Council resolution to dispose of part Lot 160 in DP 19098 to St Georges Leagues Club. The site is currently classified as community land and therefore Council is not able to develop, sell, exchange or dispose of community land under the provisions of the Local Government Act 1993. Reclassifying the land to operational land by amending the Georges River LEP 2021 is the only means of achieving the intended outcome.

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 within the South District and the Greater Sydney Commission released the South 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 sustainability in the plan which seeks to deliver high quality open space. The planning proposal applies to a small portion (305m²) of the land which is poorly located. The remainder of Moore Park will be retained as public open space and there are several other parks (Kogarah Park, Spooner Park and Leighton Park) within the vicinity of the site. It is noted that page 22 of the Mecone report states: “*There will be approximately 5,700m² of public open space remaining as Moore Park.*” However, the Council report identifies the area of the park as approximately 5,840m². To address this inconsistency, a condition is imposed requiring Council to update the planning proposal and all supporting documentation to reconcile and clarify the discrepancy. The reclassification allows for the sale of underutilised public space, and the money generated from the sale to be reinvested in more accessible public open spaces in the area. Given that the funds from the sale will be reinvested into open space that better meets the community needs, the planning proposal will have minimal impact on overall open space supply in the LGA.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

3.3 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 5 Local strategic planning assessment

Local strategies	Justification
Georges River Local Strategic Planning Statement (LSPS) 2040	Priority 19 of the LSPS seeks that “ <i>Everyone has access to quality, clean, useable, passive and active open and green spaces and recreation places</i> ”. The planning proposal states that it is consistent with this priority as the proposal will contribute to “ <i>maintaining and improving access to quality, usable open spaces for the community</i> ”.

Community Infrastructure Needs Assessment and Acquisition Area Strategy	This strategy provides guidance around public open space and the provision of community facilities. The planning proposal states that it is consistent with this strategy as the <i>“reclassification will not reduce the local accessibility of open spaces. The land is not well located for co-location of other social infrastructure”</i> .
Open Space, Recreation, and Community Facilities Strategy 2019-2036	This strategy provides a high-level direction for community facilities in Georges River LGA and a key objective of the strategy is to make the most efficient use of underutilised open space. The planning proposal states that it aligns with the strategy as it aims <i>“to maximise the utility of open spaces for broader benefits, including financial stability”</i> . It is intended that the proceeds from the sale of this land will contribute to improving or embellishing other utilised open space in the LGA.

The Department considers the planning proposal is broadly consistent with local plans and endorsed strategies.

3.4 Local planning panel (LPP) recommendation

Georges River LPP, at its meeting on 3 July 2025 supported the planning proposal subject to the for requirements below. Council obtained legal advice to address concerns raised by the LPP.

Table 6 LPP concerns and the Department’s comments

Requirements	Department’s comments
<i>Given that the land was resumed under the Local Government Act 1919, for a specific purpose and is currently zoned RE1 - Public Recreation under the Council’s current LEP indicates that the question as to whether the land is “subject to a trust for public purposes” is relevant and this should be thoroughly investigated prior to a report being presented to Council.</i>	The subject site is intended to be used as an extension of the club’s car parking area and the proposed use of the subject site can be defined as a road, which is permissible with consent in the existing RE1 Public Recreation zone.
<i>A careful analysis of the facts and the legislative provisions pursuant to which the land was acquired is recommended to be undertaken. The Panel considers that it is important that all interests are identified upfront as part of any planning proposal to reclassify land to operational, to explicitly discharge any interests.</i>	The land title supplied by Council notes that there is no public reserve status of the land. Council has investigated the history of the site and found that there is no public interest identified for the land. The reclassification through the planning proposal will establish that land will not need to be retained for community use, as such can be disposed of as intended.
<i>Endorse the forwarding of the PP to the NSW Department of Planning, Housing and Infrastructure (DPHI) to request a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979 for an amendment to the GRLEP by reclassifying the northwestern portion of the land at 33 Lobb Crescent, Beverley Park (Part of Lot 160, DP 19098).</i>	The planning proposal was forwarded to the Department for a Gateway Determination on 30 September 2025.

3.5 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
1.1 Implementation of Regional Plans	Consistent	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. The planning proposal is broadly consistent with the planning priorities contained in the Region Plan, South District Plan and LSPS.
3.7 Public Bushland	Not applicable	This direction seeks to protect public bushland in urban areas. The subject site is not considered to be a public bushland as it is not a remaining area of the natural vegetation or representative of the structure and floristics of the natural vegetation. As such, this direction is not applicable to this planning proposal.
4.1 Flooding	Consistent	This direction applies to planning proposals that create, remove or alter a zone or a provision that affects flood prone land. The site is identified as flood affected on Council's flood maps. However, the proposal is only seeking reclassification of the site and will not alter other provisions applicable to the site that would introduce new land uses or increase density on the land. Therefore, the planning proposal is consistent with this direction.
4.5 Acid Sulfate Soils (ASS)	Consistent	This direction seeks to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. The planning proposal does not seek to rezone the land or intensify the use of the land. Additionally, any future development consideration for ASS can be adequately assessed through clause 6.1 of the GRLEP 2021. The planning proposal is consistent with this direction.
5.2 Reserving Land for Public Purposes	Consistent	This direction seeks to facilitate the provision of public services and facilities by reserving land for public purposes and facilitate the removal of reservations of land for public purposes where the land is no longer required. The planning proposal seeks to reclassify a portion of council-owned land, Moore Park Reserve, from 'community' to 'operational'. The proposal does not seek to alter the site's RE1 Public recreation zoning and there are no changes to development standards proposed as part of the planning proposal. The park is not identified as a public reserve and there is no public interest being discharged.

Directions	Consistent/ not applicable	Reasons for consistency or inconsistency
		The planning proposal is considered consistent with this direction by removing underutilised and poorly located open space to fund embellishment of higher quality open space.

3.6 State environmental planning policies (SEPPs)

The planning proposal is assessed against relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ not applicable	Reasons for consistency or inconsistency
Transport and Infrastructure 2021	This policy aims to facilitate the effective delivery of infrastructure across the State.	Consistent	The planning proposal will not result in development of the site or rezoning of the site. The proposal does not hinder the application of this policy.
Biodiversity and Conservation 2021	This policy aims to protect the biodiversity values in non-rural areas.	Not applicable	The subject site is no identified an area with high biodiversity value or an area which is to be conserved.
Resilience and Hazard 2021	This policy aims to promote an integrated and co-ordinated approach to land use planning in areas affected by hazards.	Not applicable	The proposal does not hinder the application of this policy as the proposal does not rezone or introduce non compatible use to the subject site.

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 Department's 'Local Environmental Plan Making Guideline' (August 2023) outlines the Planning Secretary's requirements for reclassifying land is discussed below:

Table 9 Planning Secretary's Requirements

Secretary's requirements	Department's comments
Is the planning proposal the result of a strategic study or report?	The planning proposal is not the direct result of a strategic study or report. It is a response to a Council resolution to dispose of part Lot 160 in DP 19098.

Secretary's requirements	Department's comments
Is the planning proposal consistent with the council's community plan, or other local strategic plan?	The planning proposal is consistent with relevant local strategies as discussed under section 3.3.
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 should be provided	The subject site does not have a public reserve status, easement or any other interest. No interests are to be discharged by this reclassification.
The concurrence of the landowner must be obtained, where the land is not owned by the PPA	Council is the current landowner.
The effect of the reclassification, including loss of open space, any discharge of interests, and/ or removal of public reserve status	The proposal does not seek to discharge any interests or alter reserve status. The site is zoned RE1 Public Recreation and the planning proposal does not propose to rezone the land. The loss of open space is considered minor and acceptable as addressed elsewhere in this report.
The strategic and site-specific merits of the reclassification and evidence to support this	The proposed reclassification is consistent with relevant state and local plans and policies. As discussed throughout the report, the reclassification will dispose an underutilised open space and result in broader public benefit by funding future works to other more utilised open spaces.
Does the planning proposal deliver a public benefit?	The planning proposal report states " <i>The funds derived from the sale will be utilised for the acquisition or embellishment of public open space to better serve the needs of the local community</i> ".
Have the implications for open space in the LGA in relation to current and future open space needs been considered and will there be a net gain to open space?	The Georges River Community Infrastructure Needs Assessment and Acquisition Area Strategy highlights the majority of residents of Georges River enjoy high accessibility to open space within a 400m walking catchment. Whilst the proposal will result in a reduction of 305m ² of existing open space, the area to be disposed is poorly located and underutilised. The majority of the Moore Park remains for the use for open space and there are several other parks within the vicinity of the site. Council has resolved to use the funds resulting from this sale of the land to enhance other open spaces.
How funds obtained from any future sale of the land will be used	Georges River Council resolved on Monday 24 June 2024 (CCL027A-24)- " <i>that any monies derived from the proposed land sale be held in restricted reserve for the future embellishment or acquisition of public open space within any suburbs of the current Kogarah Bay Ward.</i> "

Secretary's requirements	Department's comments
How council will ensure funds remain available to fund proposed open space sites or improvement referred to in justifying the reclassification, if relevant	The planning proposal notes that <i>"The funds will be held in restricted reserve for the future embellishment or acquisition of public open space in accordance with the Council resolution of 24 June 2024 (CCL027A-024)."</i>

4 Site-specific assessment

4.1 Environmental

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

Table 10 Environmental impact assessment

Environmental impact	Assessment
Natural hazards-bushfire, flooding	The planning proposal does not relate to an area identified to be bushfire. The site is affected by flooding. The proposal does not introduce new land uses or intensify development on the site. Any future development will be required to address flood requirements.
Contamination	The planning proposal is not identified to be historically used for hazardous activity and does not introduce any sensitive use to the subject site by rezoning the land. Any future relevant development of the land can consider potential contamination during the planning or development approval stage.

4.2 Social and economic

The subject site is an isolated fragment of the Moore Park bound by the fenced dog park and the Leagues Club, and is not utilised for any particular recreation activity. While the proposal reduces public open space, the proceeds from the sale of the underutilised isolated portion of the site will contribute to improvement other open space areas within the LGA.

4.3 Infrastructure

The proposal does not result in any additional infrastructure. Any demand from future development can be assessed as part of the development application process.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

LEP practice note 'PN16-001 Classification and reclassification of public land through a local environmental plan' requires planning proposals to reclassify public land are to be publicly exhibited for at least 28 days.

A public hearing is also required to be held in accordance with Section 29 of the Local Government Act 1993. A gateway condition has been recommended in this regard.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

Given the administrative nature of the proposal, consultation with government agencies is not required within the recommendation for gateway determination.

6 Timeframe

Council proposes a 6 month time frame to complete the LEP.

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

The Department recommends an LEP completion date of 21 August 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

The Department recommends that Council not be authorised to be the local plan-making authority for this proposal reclassifies Council-owned land that is intended to be sold.

8 Assessment summary

The planning proposal is supported to proceed with conditions as the proposal:

- is consistent with and gives effect to the South District Plan
- is consistent with local plans- Georges River Local Strategic Planning Statement (LSPS) 2040, Community Infrastructure Needs Assessment and Acquisition Area Strategy, and Open Space, Recreation, and Community Facilities Strategy 2019-2036
- is consistent with the relevant State Environmentally Planning Policies and Section 9.1 Ministerial Directions
- will dispose of a small portion of underutilised open space to generate funds to enhance other public open spaces that will provide a broader public benefit.

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

- include a Land Reclassification Map for the proposed site to support the planning proposal.
- resolve discrepancies regarding the total site area of the park, including clarification on the portion to be retained as public open space.

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. The planning proposal is to be updated to:
 - include a Land Reclassification Map for the proposed site to support the planning proposal.
 - resolve discrepancies regarding the total site area of the park, including clarification on the portion to be retained as public open space.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. The planning proposal must comply with the requirements for public exhibition of planning proposals identified in LEP Practice Note PN 16-001.
4. 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 Environmental Planning and Assessment Act 1979.
5. A public hearing is required to be held in accordance with the section 29 of the Local Government Act 1993 and the Practice Note PN 16-001.

Given the nature of the planning proposal, it is recommended that the Council not be the local plan-making authority and that an LEP completion date of 21 August 2026 be included on the Gateway.



24 October 2025

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27 October 2025

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