



Gateway determination report – PP-2024-320

Reclassification of Pioneer Place, Katoomba

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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
Attachment A – Planning Proposal
Attachment B – Gateway Determination
Attachment C – Letter to Council
Attachment D – Map of Pioneer Place
Attachment E – Local Planning Panel Determination – 11 December 2023
Attachment F – Council Meeting Minutes – 1 January 2024

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Blue Mountains
PPA	Blue Mountains City Council
NAME	Reclassification of Pioneer Place (0 homes, 0 jobs)
NUMBER	PP-2024-320
LEP TO BE AMENDED	Blue Mountains Local Environmental Plan 2015
ADDRESS	Pioneer Place, 38-40 Parke Street, Katoomba (Part).
DESCRIPTION	Lot 1 DP 1110584 Lot 1 DP 1110749 Lot 1 DP 239909 Lot 1 DP 940365 Lot 2 DP 1110584 Lot 2 DP 1110749 Lot 2 DP 309370 Lot 2 DP 585560 Lot 3 DP 239909 Lot 4 DP 598367 Lot 5 DP 239909 Lot 7 DP 239909 Lot 9 DP 239909 Lot 11 DP 239909 Lot 13 DP 239909 Lot 15 DP 239909 Lot 26 Sec 2 DP 692 Lot 29 DP 1126688 Lot 55 DP 239909 Lot A DP 388574 Lot B DP 388574 Lot C DP 388574
RECEIVED	20/02/2024

FILE NO.	IRF24/386
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 an objective and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to amend the LEP 2015 to reclassify the subject land from Community to Operational pursuant to section 27 of the *Local Government Act 1993*

The objective of this planning proposal is clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Blue Mountains LEP 2015 as follows:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	E2 – Commercial Centre	No change
Maximum height of the building	11m and 12m	No change
Floor space ratio	1.5:1 and 2:1	No change
Minimum lot size	N/A	N/A
Number of dwellings	0	0
Number of jobs	N/A	N/A
Reclassify land from	Community	Operational

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

The objective and intended outcomes of the planning proposal will be achieved by amending the BMLEP 2015 through the inclusion of part of the site as 'Operational Land' under Schedule 4 of the BMLEP 2015. The proposed wording is in Table 4 following.

The proposal does not seek to discharge any interests. It is noted that the site is currently zoned E2 – Commercial Centre and the land is not defined as a public reserve.

Table 4 Proposed insertion in Part 1 of Schedule 4 of the Campbelltown LEP

Column 1	Column 2
Locality	Description
38-40 Parkes Street, Katoomba NSW 2780	Lot 1 DP 1110584
38-40 Parkes Street, Katoomba NSW 2780	Lot 1 DP 1110749
38-40 Parkes Street, Katoomba NSW 2780	Lot 1 DP 239909
38-40 Parkes Street, Katoomba NSW 2780	Lot 1 DP 940365
38-40 Parkes Street, Katoomba NSW 2780	Lot 2 DP 1110584
38-40 Parkes Street, Katoomba NSW 2780	Lot 2 DP 1110749
38-40 Parkes Street, Katoomba NSW 2780	Lot 2 DP 309370
38-40 Parkes Street, Katoomba NSW 2780	Lot 2 DP 585560
38-40 Parkes Street, Katoomba NSW 2780	Lot 3 DP 239909
38-40 Parkes Street, Katoomba NSW 2780	Lot 4 DP 598367
38-40 Parkes Street, Katoomba NSW 2780	Lot 5 DP 239909
38-40 Parkes Street, Katoomba NSW 2780	Lot 7 DP 239909
38-40 Parkes Street, Katoomba NSW 2780	Lot 9 DP 239909
38-40 Parkes Street, Katoomba NSW 2780	Lot 11 DP 239909
38-40 Parkes Street, Katoomba NSW 2780	Lot 13 DP 239909
38-40 Parkes Street, Katoomba NSW 2780	Lot 15 DP 239909
38-40 Parkes Street, Katoomba NSW 2780	Lot 26 Sec 2 DP 692
38-40 Parkes Street, Katoomba NSW 2780	Lot 29 DP 1126688
38-40 Parkes Street, Katoomba NSW 2780	Lot 55 DP 239909
38-40 Parkes Street, Katoomba NSW 2780	Lot A DP 388574
38-40 Parkes Street, Katoomba NSW 2780	Lot B DP 388574
38-40 Parkes Street, Katoomba NSW 2780	Lot C DP 388574

1.4 Site description and surrounding area

The site is located at 38-40 Parkes Street, Katoomba and is legally described as the 22 lots listed in Table 2 Planning proposal details, and shown in Figure 1. It is an irregular shape and the lots have a combined area of approximately 1.26 hectares.

The site is owned by Council. It is occupied by a Council owned and managed carpark, accessible from both Parkes Street and Katoomba Street. The site features some landscaped vegetation on verges between car parking areas and neighbouring buildings.

The site is located in the Katoomba town centre, approximately 400m south of the Great Western Highway and 300m south of Katoomba Train Station.

To the west is a retail complex consisting of a Woolworths, Big W, and KHub. To the east are various retail and commercial premises with frontages to Katoomba Street and/or Pioneer Place. To the north is the Katoomba village shopping centre.

The southern end of Pioneer Place (not subject to this proposal) is currently zoned E2 Commercial Centre and is classified as operational land.



Figure 1 Subject site, Pioneer Place. Lots subject to the planning proposal are shown in yellow highlight, with previously reclassified lots at Pioneer Place (South) shown in blue. (source: Blue Mountains Council)

1.5 Mapping

The planning proposal does not include any proposed changes to LEP mapping.

1.6 Background

A previous attempt to reclassify land in 1994 was unsuccessful as the Council resolution was invalid due to parcels being acquired or developed using community money, meaning reclassification could only occur by way of an amending LEP. The lots reverted to Community Land at that time.

The southern extent of Pioneer Place was reclassified from Community to Operational in 2011 with the redevelopment of the adjacent shopping village as part of the Stage 1 Pioneer Place Master Plan.

The subject site was resolved by Council to proceed with reclassification on 13 March 2012, however, findings of the public hearing 8 October 2012 concluded the reclassification should not proceed until there was a Council adopted master plan for the site.

The Katoomba Master Plan was endorsed by the Council at the 28 November 2023 Ordinary Council Meeting.

2 Need for the planning proposal

The development of the current planning proposal is in response to the recent completion of the Katoomba Master Plan 2023, and legal access issues identified in the assessment process for development applications relating to 171-175 Katoomba Street and 103 Katoomba Street, which cited parking issues and functionality of the public car park.

The site's current status as community land does not allow Council to grant easements or other registered interests over Pioneer Place in favour of adjoining privately owned land. The Plan of Management (POM) applicable to the site does not allow easement for a right of way or similar, and therefore, Council cannot issue any leases and licenses for community land that is inconsistent with the POM. As community land is also not able to be dedicated as a public road, this limits Council's ability to provide legal access to the premises surrounding Pioneer Place.

The planning proposal is therefore required for Council to adequately and legally formalise vehicular access around Pioneer Place.

3 Strategic assessment

3.1 Regional Plan

The Blue Mountains Local Government Area (LGA) is subject to *Greater Sydney Region Plan: A Metropolis of Three Cities* (March 2018). The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan.

Table 5 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 4: Infrastructure use is optimised	<p>Objective 4 seeks to better utilise existing infrastructure assets through evaluation and management.</p> <p>The reclassification will allow continued and more effective use of the existing asset, whilst limiting the need to fund additional infrastructure.</p>
Objective 12: Great places that bring people together	<p>Objective 12 seeks to create distinctive places which reflect shared community values and culture.</p> <p>The reclassification of the site will enable a mix of land uses within walkable distance, which will collectively support community life and economic activation of the Katoomba Town Centre.</p>
Objective 22: Investment and business activity in centres	<p>Objective 22 seeks to enable the continued concentration of jobs, goods and services within centres and close to train stations.</p> <p>The Katoomba Town Centre includes retail, hospitality, health and administrative services. Enabling greater connections between these activities and the Pioneer Place carpark will strengthen the local economy and provide jobs closer to the population centre.</p>

3.2 District Plan

The site is within the Western City District and the Greater Sydney Commission released the *Western 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 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 6 District Plan assessment

District Plan Priorities	Justification
Planning Priority W6: Creating and renewing great places and local centres, and respecting the District's heritage.	<p>Planning Priority W6 seeks to create great places that bring people together and enhance environmental heritage.</p> <p>Katoomba is identified as a strategic centre in the plan, which requires a high degree of amenity. The proposal will enable amenity improvements in and around Pioneer Place.</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 following:

Table 7 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement: Blue Mountains 2040	<p>The LSPS is Council's plan to revitalise town centres, retain heritage and character, develop cultural precincts and build a resilient community.</p> <p>This planning proposal relates most directly to Local Planning Priority 7: Sustaining a healthy local economy, including a focus on Katoomba as the strategic centre. Relevant actions are:</p> <p>Action 7.5: Council will commence preparation of a staged Masterplan for Katoomba (refer to Structure Plan for masterplan investigation area)</p> <p>Action 7.7: Council will begin to implement priority actions around key sites within the Katoomba Masterplan</p> <p>It is noted that Pioneer Place is nominated as an investigation area for the Katoomba Masterplan. The completion of the Masterplan is the impetus for the planning proposal.</p>

3.4 Local planning panel (LPP) recommendation

The planning proposal was presented at the Blue Mountains Local Planning Panel on the 11 December 2023 (**Attachment E**). The Panel unanimously supported the housekeeping amendment on the basis of the following:

- The amendment seeks to correct an obvious anomaly in classification of the land.
- Reclassifying the northern portion of Pioneer Place to operational land will assist Council in delivering upon its adopted strategic vision for the area, including continued use of the area for public parking and vehicular and pedestrian circulation and access.

3.5 Section 9.1 Ministerial Directions

The planning proposal is consistent with relevant section 9.1 Directions.

3.6 State environmental planning policies (SEPPs)

The planning proposal is not inconsistent with all relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

As there are no proposed changes to development controls on the site, or alterations to its current operation as a predominately paved car park, no environmental impacts are anticipated as a result of the reclassification.

Any potential impacts from future development to the site will be addressed at the development application assessment stage.

4.2 Social and economic

The proposal is minor in nature and seeks to enable the current uses onsite to be developed as intended. This has the potential to enable gradual economic growth for the businesses which rely on the existing car park for access. No adverse social or economic impacts are anticipated.

4.3 Infrastructure

The site is currently serviced by infrastructure and utilities.

5 Consultation

5.1 Community

The planning proposal is classified as 'standard' in the Local Environmental Plan Making Guideline (September 2022). The benchmark community consultation timeframe in the Guideline for standard planning proposals is 20 working days.

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

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 the *Local Government Act 1993* requires a public hearing.

A period of 20 working days is consistent with 28 calendar days.

5.2 Agencies

Council has nominated public agencies to be consulted about the planning proposal.

The following agencies are to be consulted on the planning proposal and given 30 working days to comment:

- WaterNSW
- Endeavor Energy

A review of land title papers (refer to **Attachments G1 to G3**) indicates that the only public agency involved is Endeavour Energy.

The Gateway determination includes a condition for Council to consult, as above.

6 Timeframe

Council proposes a 10 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 20 January 2025 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

Council does not request delegation to be the Local Plan-Making authority.

As the site is owned by Council, and is seeking reclassification from 'community' to 'operational', the Department recommends that Council not 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:

- The planning proposal is the most appropriate way to achieve the objectives and intended outcomes.
- The planning proposal has demonstrated potential strategic and site specific merit, subject to the recommended conditions and agency consultation.

To better illustrate the location of the subject land, a condition is recommended, to include in the exhibition material, the Katoomba Master Plan 2023.

9 Recommendation

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

1. The inclusion of the Katoomba Master Plan 2023 in the exhibition package.
2. Consultation is required with the following public authorities and organisations:
 - WaterNSW
 - Endeavour Energy
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that council should not be the local plan-making authority.

The timeframe for the LEP to be completed is on or before 20 January 2025

Recommended



Terry Doran

Manager, Western, Metro West

18 March 2024

Noted



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