



IRF22/2320

Gateway determination report – PP-2022-2374

22 Winbourne Street, West Ryde

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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
Aboriginal Archaeological Assessment (29 January 2021)
Aboriginal Cultural Heritage Assessment Report (13 May 2021)

Acoustic Report (25 March 2021)

Bushfire Opportunities and Constraints Assessment Report (13 May 2021)

Detailed Site Investigation (Contamination) (17 February 2021)

Flood Statement (1 April 2021)

Flood Study Report (1 October 2021)

Preliminary Heritage Report and Comparative Analysis (15 April 2021)

Preliminary Site Investigation (Contamination) (16 December 2020)

Prescribed Ecological Actions Report (10 May 2021)

Site Infrastructure Assessment (12 May 2021)

Traffic and Transport Impact Assessment (25 March 2021)

Transport Assessment Technical Advisory Note (29 September 2021)

Response to Request for Information – Traffic (29 September 2021)

Revised Traffic Impact Assessment (30 March 2022)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	City of Ryde
PPA	City of Ryde Council
NAME	22 Winbourne St, West Ryde Rezoning (0 homes, 0 jobs)
NUMBER	PP-2022-2374
LEP TO BE AMENDED	Ryde Local Environmental Plan 2014
ADDRESS	22 Winbourne Street, West Ryde
DESCRIPTION	Lot 1 DP 1274125
RECEIVED	30/06/2022
FILE NO.	IRF22/2320
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:

- Facilitate the redevelopment of the site from a school to a netball facility by rezoning the site from SP2 Educational Establishment to part RE1 Public Recreation and part C2 Environmental Conservation.
- Retain current drainage storage areas on the site.
- Enhance landscaping on the site.

The objectives of this planning proposal are clear and adequate.

The Gateway determination requires minor updates to the proposal prior to exhibition.

1.3 Explanation of provisions

The planning proposal seeks to amend the Ryde LEP 2014 per the changes in **Table 3** below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	SP2 Educational Establishment	RE1 Public Recreation C2 Environmental Conservation
Number of dwellings	N/A	N/A
Number of jobs	N/A	N/A

The planning proposal does not seek to amend any of the LEP or development standards or provisions applying to the land.

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

The planning proposal is not accompanied by a development control plan or voluntary planning agreement offer.

1.4 Site description and surrounding area

The planning proposal applies to 22 Winbourne St, West Ryde (Lot 1 DP 220808) (**Figure 1**). The site is located in West Ryde, approximately 6km north-east of Parramatta and 4km north-west of Ryde. It is approximately 5.6 hectares in area.

The site was previously the Marsden High School. The school buildings were located on the west side of the site, while the east side was used as an open play area. There is approximately 1 hectare of high value biodiversity vegetation (Blue Gum High Forest ecological community) on the north eastern corner of the site. An intermittent natural water course known as Archer Creek runs from north to south, through the Blue Gum High Forest area and down the eastern side of the site.

The site is accessed (for both vehicles and pedestrians) from Winbourne Street and Brush Road. It is within walking distance of four bus stops, which are currently serviced by seven routes. The nearest train station, Denistone, is 30 minutes' walk away.

West Ryde is an established developed area. Ermington Public School adjoins to the south. Low density residential properties surround the site to the north, east and west. Maze Park is located south-east of the site, on the opposite side of Brush Road. (**Figure 2**)

There are no heritage items or conservation areas on the site. There are two local heritage listed items near the site. One is the former School residence and 1988 Ermington School Building, located on the western side of the adjoining Ermington Public School site. The other is Maze Park, located on the opposite side of Brush Road.

It is noted that a boundary adjustment along the southern edge of the site has been recently completed to rectify an encroachment of the Ermington Public School site onto the subject site. The subject site was previously described as Lot 1 DP 220808, but is now Lot 1 DP 1274125.



Figure 1 Subject site (source: Planning proposal 31 March 2022)

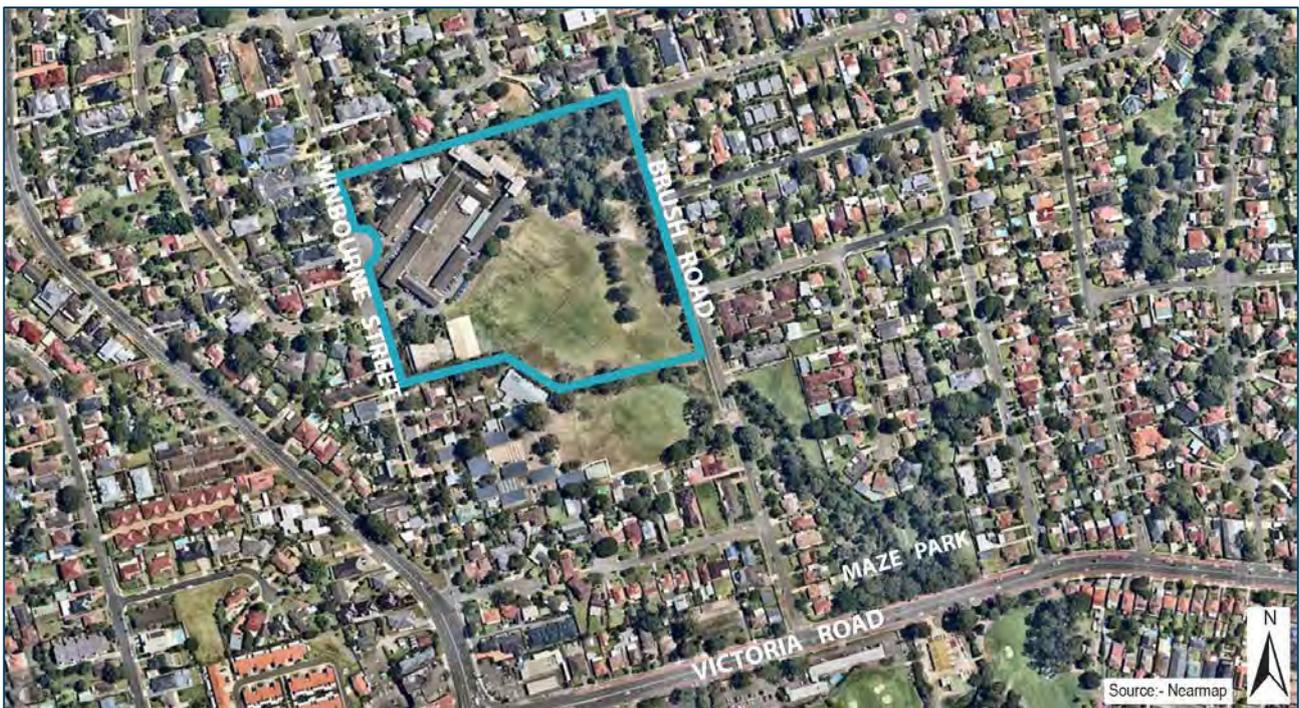


Figure 2 Site context (source: Planning proposal 31 March 2022)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Use Zoning map (see **Figures 3 and 4** below), which are suitable for community consultation.

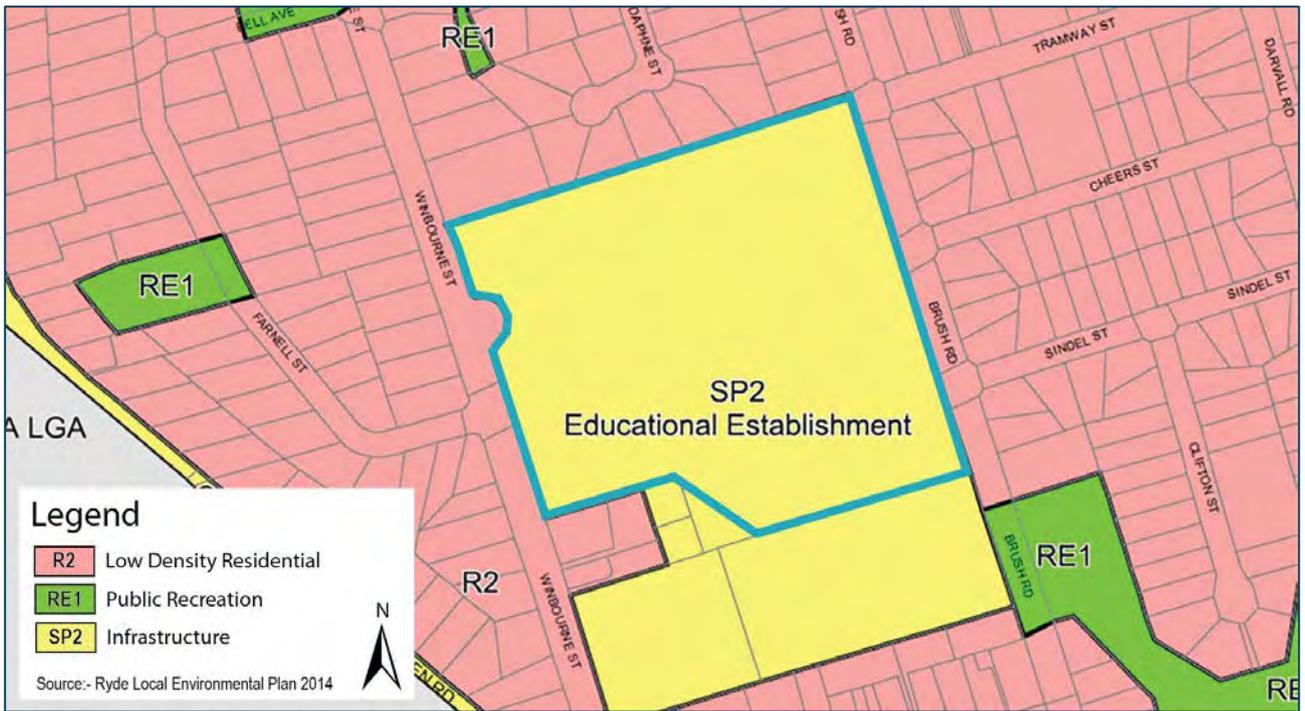


Figure 3 Current zoning map (source: Planning proposal 31 March 2021)

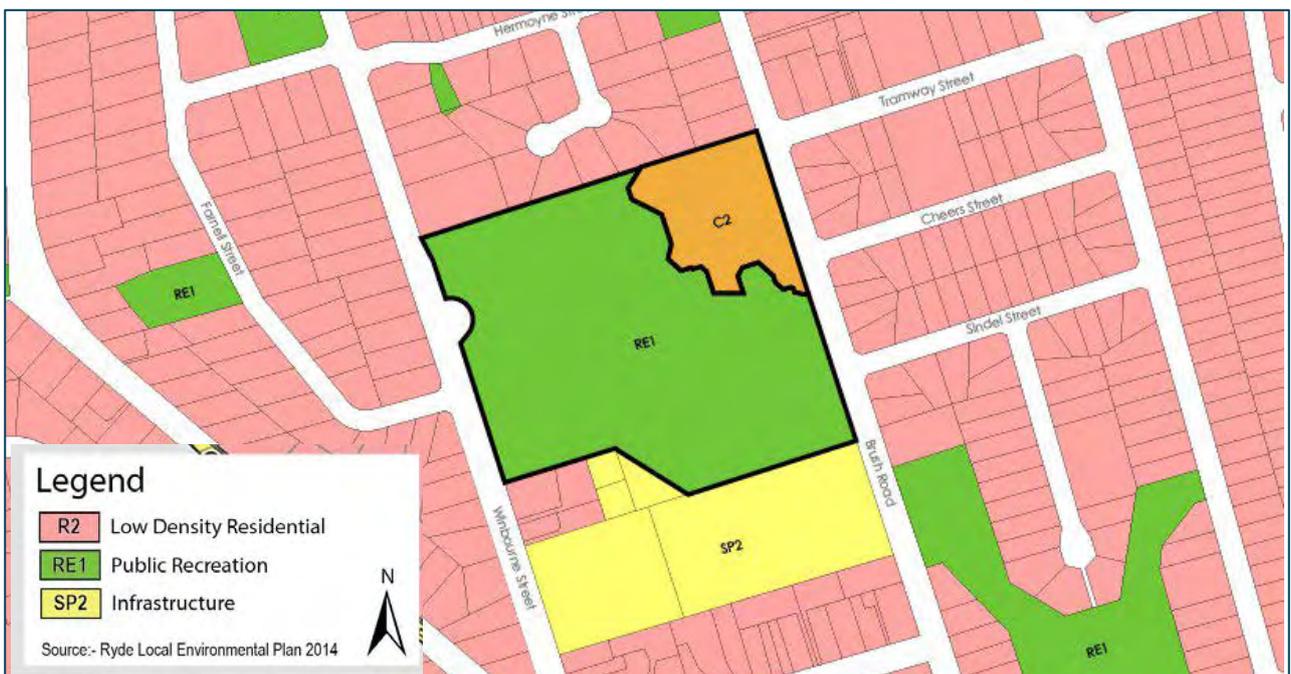


Figure 4 Proposed zoning map (source: Planning proposal 31 March 2022)

1.6 Background

A summary of the project timeline to date is provided in **Table 4** below.

Table 4 Project Timeline

Date	Event / Milestone
------	-------------------

16 March 2021	Preliminary consultation with Council staff and Schools Infrastructure NSW (SINSW) and their consultants. Traffic and noise identified as key considerations for assessment. For more information, see planning proposal (Attachment A).
4 June 2021	Planning proposal was submitted to Council
16 July 2021	Council requested further information on traffic, intersection modelling, car parking rates, and flooding. For more information, see planning proposal (Attachment A).
11 November 2021	Council requested further information regarding traffic assessment. For more information, see planning proposal (Attachment A).
9 June 2022	Planning proposal was considered by the Ryde Local Planning Panel. For more information, see section 3.4 of this report.
28 June 2022	Council resolved at its meeting of 28 June 2022 to support the planning proposal proceeding to Gateway.
30 June 2022	Planning proposal submitted to DPE for Gateway.

2 Need for the planning proposal

The planning proposal is not the direct result of any strategic study, plan or report. However, the Department notes that it is consistent with the relevant plans (see Section 3 below).

The proposal is the most appropriate mechanism to facilitate the intended redevelopment of the site from a school to a netball facility and environmental conservation land because the school is being decommissioned and demolished. The intended uses are more appropriately categorised as public recreation and environmental conservation.

Rezoning to RE1 Public Recreation and C2 Environmental Conservation aligns the intended development with the most appropriate zone and will result in an orderly planning outcome for the site.

3 Strategic assessment

3.1 Regional Plan

The planning proposal is subject to the Greater Sydney Region Plan – A Metropolis of Three Cities (2018). The Department is satisfied that the planning proposal is consistent with the plan. **Table 5** provides an assessment of the planning proposal against relevant objectives.

Table 5 Regional Plan assessment

Regional Plan Objectives	Justification
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<p>Objective 6</p> <p>Services and infrastructure meet communities' changing needs</p>	<p>Rezoning the site to part RE1 Public Recreation and developing it into a netball facility will contribute to servicing community needs for social infrastructure and active open space within the local and surrounding areas.</p>
<p>Objective 7</p> <p>Communities are healthy, resilient, and socially connected</p>	<p>Rezoning the site to part RE1 Public Recreation for the purpose of facilitating development of a netball facility will help support a socially connected community by providing recreational (sporting) facilities.</p>
<p>Objective 12</p> <p>Great places that bring people together</p>	<p>Rezoning the site to part RE1 Public Recreation for the purpose of facilitating development of a netball facility will provide opportunities to bring people together in a social setting.</p> <p>The Department notes that Objective 12 is incorrectly identified as 'Objective 11' in the planning proposal. The Gateway determination includes a condition to address this minor error.</p>
<p>Objective 13</p> <p>Environmental heritage is identified, conserved and enhanced</p>	<p>There are no heritage items on the subject site. The proposal is not expected to impact on nearby heritage items and will not affect existing heritage provisions in the Ryde LEP 2014.</p> <p>Therefore, the proposal is not inconsistent with Objective 13.</p> <p>See section 4.2 of this report for further discussion of heritage.</p>
<p>Objective 25</p> <p>The coast and waterways are protected and healthier</p>	<p>The planning proposal states that the natural waterway on the north-eastern part of the site will be retained and zoned C2 Environmental Conservation land. A Vegetation Management Plan can be prepared at later DA stage to protect the proposed C2 zoned land.</p> <p>It is considered that the proposal is consistent with Objective 25.</p>
<p>Objective 27</p> <p>Biodiversity is protected, urban bushland and remnant vegetation is enhanced</p>	<p>The planning proposal seeks to apply a C2 Environmental Conservation zone to the high value biodiversity land on the north-eastern part of the site. It is considered that the proposal is consistent with Objective 27.</p>
<p>Objective 30</p> <p>Urban tree canopy cover is increased</p>	<p>The 1 ha of high value biodiversity land on the north-eastern part of the site will be zoned C2 Environmental Conservation. This land is currently occupied by a Blue Gum High Forest ecological community. Accordingly, the proposed C2 zoning will protect urban tree canopy cover on this part of the site.</p>
<p>Objective 31</p> <p>Public open space is accessible, protected and enhanced</p>	<p>Rezoning part of the land RE1 Public Recreation will facilitate use by the wider community for recreational activities.</p> <p>Rezoning the area of high value biodiversity to C2 Environmental Conservation will protect the identified high value biodiversity land on the north-eastern section site.</p>

Objective 34
Energy and water flows are captured, used and re-used

The site presents significant opportunities for rainwater reuse for landscaping irrigation purposes. This should be given further considered at the design and development application stage.

3.2 District Plan

The site is within the North District and the Greater Sydney Commission released the North 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 in **Table 6** 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*. **Table 6** includes an assessment of the planning proposal against relevant directions and actions.

Table 6 District Plan assessment

District Plan Priorities	Justification
Planning Priority N3 Providing services and social infrastructure to meet people's changing needs	Rezoning the site to part RE1 Public Recreation for the purpose of facilitating development of a netball facility will contribute to servicing community needs for social infrastructure and active open space within the local and surrounding areas.
Planning Priority N4 Fostering healthy, creative, culturally rich and socially connected communities	Rezoning the site to part RE1 Public Recreation for the purpose of facilitating development of a netball facility will help to support a socially connected community by providing recreational (sporting) facilities.
Planning Priority N16 Protecting and enhancing bushland and biodiversity	The high value biodiversity land on the north-eastern part of the site will be zoned C2 Environmental Conservation.

3.3 Local

The proposal states that it is consistent with the Ryde Local Strategic Planning Statement 2020.

Council's report (28 June 2022) states that "The Planning Proposal is generally consistent with the Local Strategic Planning Statement – Planning Ryde".

The Department is satisfied that the planning proposal is consistent with the applicable local plans.

3.4 Local planning panel (LPP) recommendation

The Ryde Local Planning Panel (LPP) considered the proposal on 9 June 2022. The LPP supported the change in zoning but did not endorse the concept plans.

The LPP provided the following advice:

The Panel advises that it supports the Planning Proposal being submitted for Gateway Determination under 3.34 of the Environmental Planning and Assessment Act 1979 subject to the following matters being addressed:

- (a) *Preparation of a site specific DCP that identifies the important elements of the site – specifically:*
- (i) *trees to be retained and biodiversity linkages;*
 - (ii) *traffic management and upgrades required;*
 - (iii) *setbacks and /or treatment to residential interfaces; and*
 - (iv) *streetscape controls i.e., setback and vegetation retention.*

Council did not resolve to require a site specific DCP. In response to the LPP advice, Council resolved that the post-exhibition report to Council should include a detailed list of measures to address traffic and parking, - including the widening of Winbourne Street, maximising onsite parking, and pedestrian infrastructure, and noise - including a noise management plan and sound proofing. The report will also need to address implementation options and how these measures will be funded by the applicant.

3.5 Section 9.1 Ministerial Directions

The planning proposal is justifiably inconsistent with Section 9.1 Ministerial Directions 4.1 Flooding and 5.1 Integrating Land Use and Transport. It is consistent with all other applicable Directions. The Department's analysis is provided in **Table 7** below.

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	<p>Direction 1.1 aims to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>The proposal is consistent with this Direction because it is consistent with the Regional and District Plans.</p> <p>See also Sections 3.1 and 3.2 of this report.</p>
1.3 Approval and Referral Requirements	Consistent	<p>Direction 1.3 aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>The proposal does not seek to introduce provisions which specifically require concurrence or referrals of development applications. The proposal is consistent with the Direction.</p>

Directions	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
1.4 Site Specific Provisions	Consistent	<p>Direction 1.4 aims to discourage unnecessarily restrictive site specific planning controls.</p> <p>The proposal seeks to rezone the land and does not seek to introduce site-specific provisions. The proposal is consistent with the Direction.</p>
3.1 Conservation Zones	Consistent	<p>Direction 3.1 aims to protect and conserve environmentally sensitive areas.</p> <p>The proposal is consistent with the Direction. It seeks to apply a C2 Environmental Conservation zone to an identified environmentally sensitive area of the site.</p> <p>The Gateway determination includes a condition that that DPE – Environment and Heritage Group is consulted prior to exhibition.</p>
3.2 Heritage Conservation	Consistent	<p>Direction 3.2 aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The site does not contain any heritage items but there are two local heritage items nearby:</p> <ul style="list-style-type: none"> • The Former School Residence and School Building (on the adjacent Ermington Public School lot). • Maze Park (on the opposite side of Brush Road). <p>The proposal is consistent with the Direction. It will not impact on the nearby local heritage items, and the C2 Environmental Conservation zone around Archer Creek will help facilitate the conservation of any Aboriginal objects likely to be found below ground along the waterway.</p> <p>A more detailed discussion of heritage conservation is available in section 4.2 of this report.</p> <p>The Gateway determination includes a condition that that DPE – Environment and Heritage Group is consulted prior to exhibition.</p>

Directions	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
4.1 Flooding	Potentially Inconsistent	<p>Direction 4.1 aims to ensure that development of flood prone land is consistent with the relevant flood planning policies and principles and that planning controls applying to flood prone land are appropriate for the flood behaviour and consider impacts both on and off the subject site.</p> <p>The proposal is potentially inconsistent with this Direction because it seeks to permit development in a floodway area and has the potential to cause flood impacts on other properties.</p> <p>The proposal is supported by a Flood Study Report prepared by Quantum Engineers (dated 1 Oct 21) (Attachment S). It states that the proposed rezoning generally complies with the objectives of Direction 4.1 and that the Assessment was prepared in with regard to the NSW Flood Prone Land Policy, Local Government Flood Policy and the Floodplain Development Manual 2005.</p> <p>The proposal does not seek to intensify the use of the site or permit development that will result in significant flood impacts to other properties or require increased government spending on emergency management. The proposed zoning will not permit development for residential uses or use by occupants who cannot effectively evacuate.</p> <p>The potential inconsistency is considered justified because the proposal is supported by a flood and risk impact assessment accepted by the PPA which was prepared in accordance with the relevant requirements.</p> <p>The Department is satisfied that any potential flood risk can be significantly mitigated and managed during detailed design and development assessment.</p> <p>The Gateway determination includes a condition that DPE – Environment and Heritage Group is consulted prior to exhibition.</p>

Directions	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
4.3 Planning for Bushfire Protection	Consistent	<p>Direction 4.3 aims to protect life, property and the environment from bushfire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas.</p> <p>The Department notes that the site is not mapped as bushfire prone land and that the proposal is accompanied by a 'Bushfire Opportunities and Constraints Assessment Report' (dated 13 May 2021) (Attachment G).</p> <p>The Report concludes that "the site is not sterilised by the bushfire threat...the planning proposal can comply with PBP 2019".</p> <p>The Department is satisfied that the proposal is not inconsistent with the Direction.</p> <p>The Gateway determination includes a condition that the NSW Rural Fire Service (RFS) is consulted prior to exhibition.</p>
4.4 Remediation of Contaminated Land	Consistent	<p>Direction 4.4 aims 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>The proposal is accompanied by a Preliminary Site Investigation (dated 16 December 2020) and a Detailed Site Investigation (dated 17 February 2021). The Detailed Site Investigation concludes that the site is suitable for the proposed netball facility.</p> <p>The report also notes the remediation and contamination risk management measures for the demolition of the existing school buildings. The planning proposal indicates that this can be managed through the relevant development assessment process under the Act.</p> <p>The Department is satisfied that remediation and contamination have been suitably considered in the preparation of the planning proposal. Remediation matters relating to demolition of the existing school buildings does not preclude the progression of the planning proposal.</p>

Directions	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
5.1 Integrating Land Use and Transport	Potentially Inconsistent	<p>Direction 5.1 aims to ensure that urban locations improve accessibility by public and active transport modes, increase transport choice, reduce car dependence, reduce travel demand (especially by car), support efficient public transport and support efficient freight.</p> <p>The site is close to Victoria Road and Marsden Road. It is within walking distance of four bus stops, currently serviced by seven routes. The nearest train station is 30 minutes' walk away. However, it is considered likely that private car will be the most popular mode to access the proposed facility. The proposal is therefore potentially inconsistent with Direction 5.1.</p> <p>The Department considers this potential inconsistency to be justified for the following reasons:</p> <ul style="list-style-type: none"> • The intended use is typically accessed by private car, irrespective of their proximity to public transport. It is unlikely that additional public and active transport connectivity would encourage significant mode shift for the intended land use. • The Traffic Impact Assessment (TIA) supporting the proposal (Attachment R) demonstrates that the traffic and parking impacts of the intended land use can be suitably managed through the DA process. <p>The Gateway determination includes a condition that Transport for NSW(TfNSW) is consulted prior to exhibition.</p>
5.2 Reserving Land for Public Purposes	Consistent	<p>Direction 5.2 aims 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 proposal to seeks to rezone part of the land to RE1 Public Recreation. The proposal is not inconsistent with this Direction because it does not reduce any reservations of land for public purposes.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in **Table 8** below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
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SEPP (Biodiversity and Conservation) 2021	Chapter 2 Vegetation in non-rural areas Chapter 6 Bushland in urban areas	Consistent	<p>The proposal is consistent with the aims of Chapter 2. The proposed C2 Environmental Conservation zoning on part of the site will protect the biodiversity values of the significant vegetation on the site.</p> <p>The Department notes that further consideration will be given to any vegetation removal at the development application stage.</p> <p>The proposal is not inconsistent with Chapter 6.</p> <p>The Gateway determination includes a condition that DPE – Environment and Heritage Group is consulted prior to exhibition.</p>
SEPP (Planning Systems) 2021	Chapter 2 State and regional development Chapter 4 Concurrences and consents	Consistent	The intended development is not classified as state or regional development. The proposal does not interfere with the operation of the SEPP.
SEPP (Precincts – Eastern Harbour City) 2021		Consistent	The proposal does not interfere with the operation of the Eastern Harbour City SEPP.
SEPP (Resilience and Hazards) 2021	Chapter 4 Remediation of land	Consistent	The proposal does not interfere with the operation of the SEPP.
SEPP (Transport and Infrastructure) 2021	Chapter 2 Infrastructure	Consistent	<p>The proposal does not interfere with the operation of the SEPP.</p> <p>The proposal is supported by a Traffic Impact Assessment (TIA) (Attachment R).</p> <p>The Department notes that future development on the site is likely to be categorised as traffic generating development under clause 2.121. This requires concurrence from TfNSW at the development application stage. Any future development activity will be subject to further detailed assessment.</p> <p>The Gateway determination includes a condition that TfNSW is consulted prior to exhibition.</p>

4 Site-specific assessment

4.1 Environmental

The Department is satisfied that the potential environmental impacts of the proposal can be appropriately mitigated and should not prevent it from proceeding to exhibition. Detailed comments and assessment are provided in **Table 9** below.

Note that the Gateway determination includes a condition to consult with RFS on bushfire risk during public exhibition.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Ecological impacts	<p>The subject site has been largely cleared to facilitate its previous use as a school, but there is a small area of high biodiversity value land around the riparian corridor.</p> <p>The planning proposal seeks to rezone this high biodiversity area to C2 Environmental Conservation, while the majority of the site is proposed to be zoned RE1 Public Recreation. The Department is satisfied that the proposed rezoning adequately addresses potential ecological impacts.</p> <p>The Department notes that the Ecological Actions Report finds that the proposal does not trigger entry into the Biodiversity Offset Scheme or require assessment under the Biodiversity Assessment Method.</p> <p>The Gateway determination includes a condition that DPE – Environment and Heritage Group is consulted prior to exhibition.</p>
Flooding and stormwater quality	<p>The subject site is affected by overland flooding from the local upstream catchment.</p> <p>As discussed in section 3.5 of this report, the proposal is justifiably inconsistent with Direction 4.1. The proposal is supported by a Flood Study Report prepared by Quantum Engineers (dated 1 October 2021) (Attachment S). The Flood Study Report states that the intended development is expected to have a negligible impact on flood risk and that the proposal is generally compliant with the relevant flood planning requirements.</p> <p>The Department is satisfied that potential flood risks, both on the site and surrounding area can be mitigated to an acceptable level and should not prevent the proposal from proceeding to exhibition.</p> <p>The Gateway determination includes a condition that DPE – Environment and Heritage Group is consulted prior to exhibition.</p>
Contamination	<p>The proposal is accompanied by a Preliminary Site Investigation prepared by Douglas Partners (dated 16 December 2020) (Attachment K) and a Detailed Site Investigation prepared by Douglas Partners (dated 17 February 2021) (Attachment I).</p> <p>As discussed in section 3.5 of this report, the proposal is consistent with Direction 4.4. The Department is satisfied that remediation and contamination have been suitably considered in the preparation of the planning proposal.</p>

Bushfire risk	<p>The Department notes that the site is not mapped as bushfire prone land and is situated in a built up area, but that the area to be zoned C2 Environmental Conservation introduces an inherent fire risk on the site.</p> <p>The planning proposal is accompanied by a Bushfire Opportunities and Constraints Report prepared by Abel Ecology (13 May 2021) (Attachment G) which concludes that “the site is not sterilised by the bushfire threat...the planning proposal can comply with PBP 2019”.</p> <p>The Department is satisfied that future development on the site can comply with the relevant Bushfire protection requirements and that the proposal is suitable to proceed to exhibition.</p> <p>A condition to consult NSW RFS has been included as a Gateway condition.</p>
Acoustic amenity	<p>The Department notes that the intended use of the site for a netball facility is likely to cause a change in acoustic amenity for nearby properties. In particular, the periods of ‘noisiness’ (such as shouting, whistle blowing, amplified music, traffic) are likely to become shorter and more intense and will occur outside of school hours.</p> <p>The planning proposal is supported by an Acoustic Report prepared by Marshall Day Acoustics (dated 25 March 2021) (Attachment F) which concludes that “the allowable uses under an RE1 Public Recreation zoning appear to be consistent with the site location” and notes that further noise impacts and mitigation assessment will occur at the development application stage.</p> <p>The Department is satisfied acoustic impacts can be mitigated at the development application stage and that the proposal is suitable to proceed to exhibition.</p>
Lighting amenity	<p>The Department notes external lighting was identified by Council during preliminary consultation as key aspect for assessment.</p> <p>The Department considers the use of external artificial lighting to have the potential to affect surrounding properties, but impacts can be mitigated and managed at the development application stage consistent with the relevant standards and policies.</p>

4.2 Social and economic

The Department is satisfied that the potential social and economic impacts of the proposal are either positive or can be appropriately managed. Detailed comments and assessment are provided in **Table 10** below.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Open space provision	The Department notes that the proposal seeks to increase the amount of active public recreation land in the immediate area and region. This is considered a positive social outcome.

Heritage	<p>The site does not contain any heritage items but there are two local heritage items nearby.</p> <ul style="list-style-type: none"> • The Former School Residence and School Building (on the adjacent Ermington Public School lot). • Maze Park (on the opposite side of Brush Road). <p>The proposal is supported by a Preliminary Heritage report and Comparative Analysis prepared by Purcell (dated 15 April 2021) (Attachment J). This study finds that the proposal will not impact on the nearby heritage items. It also recommends that an archival photographic recording of the existing school building is made prior to demolition.</p> <p>The proposal is also supported by an Aboriginal Cultural Heritage Assessment Report (dated 13 May 2021) (Attachment E) and an Aboriginal Archaeological Assessment (29 January 2021) (Attachment D) prepared by Comber Consultants. These studies identify that there is potential the site may contain subsurface Aboriginal objects and recommend that Archer Creek and the surrounding biodiversity land be retained as a conservation zone. The planning proposal seeks to rezone this part of the site C2 Environmental Conservation.</p> <p>The Gateway determination includes a condition that that DPE – Environment and Heritage Group is consulted prior to exhibition.</p>
Employment	<p>The Department notes that the proposal will generate some employment in both the development/construction phase and in the operation of the netball facility. This is considered a minor social and economic benefit.</p>

4.3 Infrastructure

The Department considers the existing supporting infrastructure to be generally adequate to support the planning proposal and the intended development but requires updates to the Site Infrastructure Assessment and consultation with relevant agencies to confirm suitability. Detailed comments and assessment are provided in **Table 11** below.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Traffic and Parking	<p>The site is close to Victoria Road and Marsden Road. It is within walking distance of four bus stops, currently serviced by seven routes. The nearest train station is 30 minutes' walk away. However, it is considered likely that private car will be the most popular mode to access the proposed facility and that mode shift is unlikely to be achievable.</p> <p>The planning proposal is supported by a Traffic Impact Assessment (TIA) prepared by Bitzios Consulting (dated 30 March 2022) (Attachment R). The TIA demonstrates that the traffic and parking impacts of the intended land use can be suitably managed through the development assessment process. It also recommends mitigation measures to ensure traffic flow and manageable parking impacts on the surrounding streetscape.</p> <p>The Department is satisfied that the potential negative traffic and parking impacts on the surrounding area can be mitigated to an acceptable level and should not</p>

	<p>prevent the proposal from proceeding to exhibition. The Gateway determination includes a condition that Transport for NSW be consulted prior to exhibition.</p> <p>The Department also notes that the intended development will be subject to further transport, traffic and parking assessment at the design and development application stages.</p>
Utilities	<p>The planning proposal is supported by a Site Infrastructure Assessment prepared by WSP (dated 12 May 2021) (Attachment M) which considers electrical, communications, water and sewer, and natural gas infrastructure for the site.</p> <p>The Assessment notes that there is suitable servicing available from existing utilities. The Department is satisfied that utilities can be addressed in detail at the development assessment stage.</p> <p>It is noted that the Assessment identifies that water infrastructure is available on the site and that there are underground sewer mains across the site. The Gateway determination includes a condition to consult with Sydney Water prior to exhibition.</p>

5 Consultation

5.1 Community

Council has not proposed a community consultation period duration.

The Department identifies the planning proposal as 'standard' under the LEP Making Guideline (December 2021) classification scheme. The benchmark timeframe set by the Guideline for the exhibition of a standard planning proposal is 20 working days.

The recommended exhibition period is therefore a minimum of 20 working days. This minimum forms the conditions of the Gateway determination.

5.2 Agencies

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

It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- Transport for NSW
- DPE – Environment and Heritage Group
- Sydney Water
- NSW Rural Fire Service

6 Timeframe

The timeframe in the proponent's planning proposal document suggests a 6 month time frame to complete the LEP.

The Department identifies the planning proposal as 'standard' under the LEP Making Guideline (December 2021) classification scheme. The timeframe set by the Guideline for completing a standard planning proposal is 225 working days. A timeframe of 10 months is therefore considered appropriate.

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

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the intended development is a public sporting facility of regional significance, 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 proposal will facilitate the provision of public recreation infrastructure and the conservation of significant biodiversity value land.
- The proposal is consistent with the relevant regional, district and local strategic plans and State Environmental Planning Policies.
- The potential inconsistencies with Ministerial Directions 4.1 Flooding and 5.1 Integrating Land Use and Transport are justified.
- The potential environmental, social, economic and infrastructure related impacts have been appropriately addressed through supporting studies and are considered suitable for exhibition.

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

- Update the numbering in Table 5 on page 31 (Objective 12 has been identified incorrectly as Objective 11).
- Update the supporting Site Infrastructure Assessment (May 2021) to clearly state whether the electrical infrastructure on the site is adequate for the intended use.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any potential inconsistencies with section 9.1 Directions 4.1 Flooding and 5.1 Integrating Land Use and Transport are justified

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

1. Prior to community consultation, Table 5 on page 31 of the planning proposal is to be updated to correctly reference Objective 12 (which has been identified incorrectly as Objective 11).
2. Prior to community consultation, consultation is required with the following public authorities:
 - Transport for NSW
 - DPE – Environment and Heritage Group
 - Sydney Water
 - NSW Rural Fire Service

3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. The timeframe for completing the LEP is to be 10 months from the date of the Gateway determination.
5. Council should not be authorised to be the local plan-making authority.



7 July 2022

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13 July 2022

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