

Planning and Assessment

IRF18/5512

Gateway determination report

LGA	Ku-ring-gai
PPA	Ku-ring-gai Council
NAME	47 Warrane Road, Roseville (30-34 homes)
NUMBER	PP_2018_KURIN_003_00
LEP TO BE AMENDED	Ku-ring-gai Local Environmental Plan 2015
ADDRESS	47 Warrane Road, Roseville Chase
DESCRIPTION	Lot 33 DP 3285 Lot 34 DP 3285 Lot 3 DP 26343 Lot B DP 403780
RECEIVED	3 October 2018
FILE NO.	IRF18/5512
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. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend Ku-ring-gai Local Environment Plan (LEP) 2015 for land at the former East Roseville Bowling Club at 47 Warrane Road, Roseville Chase (**Figure 1**) to:

- rezone the land from RE1 Public Recreation to R3 Medium Density Residential;
- introduce a maximum FSR of 0.8:1;
- introduce a maximum Height of Buildings to 11.5m; and
- introduce a minimum lot size of 1200m².

1.2 Site description

The site is a slightly irregular rectangle shaped area located at 47 Warrane Road, Roseville Chase that comprises of four adjoining lots with a combined site area of approximately 10,110m² (**Figure 2**). The site is owned by Ku-ring-gai Council and legally known as:

- Lot 33 DP 3285 with a total area of approximately 3,844m²;
- Lot 34 DP 3285 with a total area of approximately 3,844m²;
- Lot 3 DP 26343 with a total area of approximately 1,766m²; and
- Lot B DP 403780 with a total area of approximately 656m².

The site is classified as Operational Land and therefore does not require to be reclassified as part of this proposal. The site is bounded by Warrane Street to the west (from where the site is accessed) and residential dwellings to the north. To the east, the site adjoins the side of the residential lots off Babbage Road and Rowe Street with residential dwellings beyond in Malga Avenue. To the south, the site adjoins residential dwellings along Rowe Street (**Figures 1 and 13-15**). The site is currently vacant and contains a two-storey brick and tile clubhouse, a hard stand car park, three bowling greens and a greenkeeper brick cottage with curtilage in the south western corner of the site (**Figure 1**).

The land falls to the north-east and is accessed by Warrane Road. There is no connection to the site from Babbage Road or Warringah Road to the north. The site is not bushfire prone or affected by riparian, biodiversity or greenweb overlays (**Figures 9-12**).

The subject site is owned by Council (**Attachment H**) and is classified in the Ku-ring-gai LEP 2015 as operational land in Schedule 4, Part 2 Land classified, or reclassified, as operational land-interests changed.



Figure 1: Aerial view of subject site (Source: Near Map – overlay by DPIE)



Figure 2: Map showing lot numbers (Source: Six Maps – overlay by DPIE)



Figure 3: Site location (Source: Near Maps – overlay by DPIE)

1.3 Existing planning controls

Under the Ku-ring-gai LEP 2015, the site:

- is zoned RE1 Public Recreation (**Figure 4**);
- has no maximum building height control (**Figure 5**);
- has no maximum FSR control (**Figure 6**); and
- has no minimum lot size (**Figure 7**).

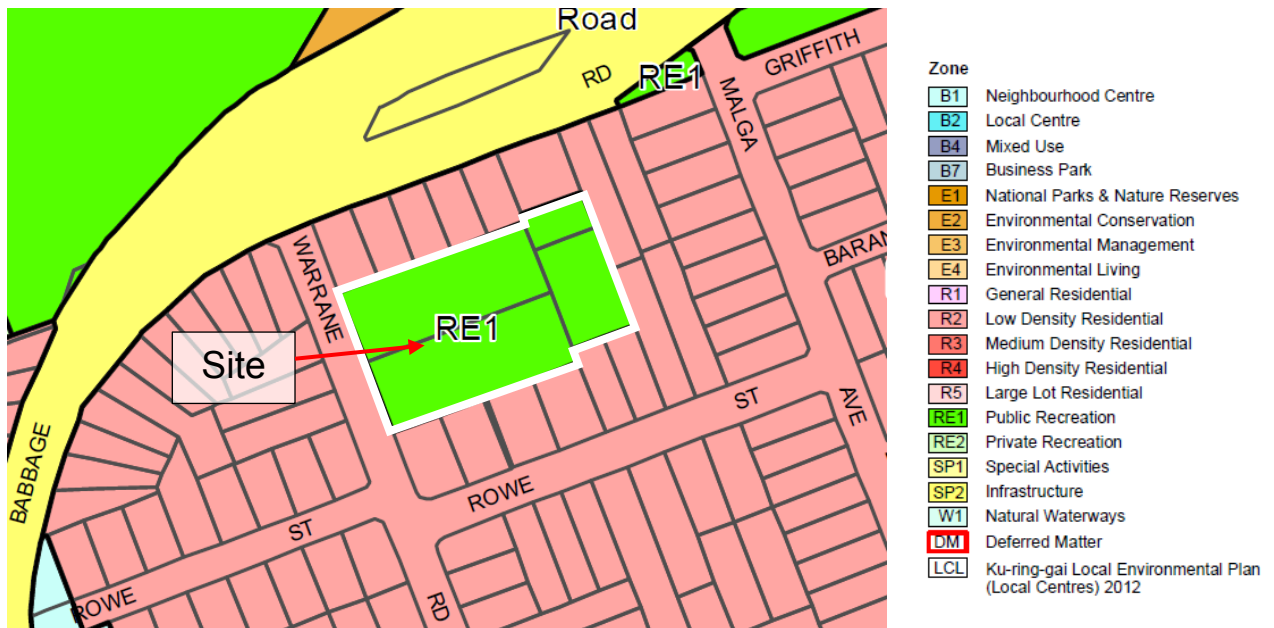


Figure 4: Ku-ring-gai LEP 2015 Land Zoning Map (LZN_020)

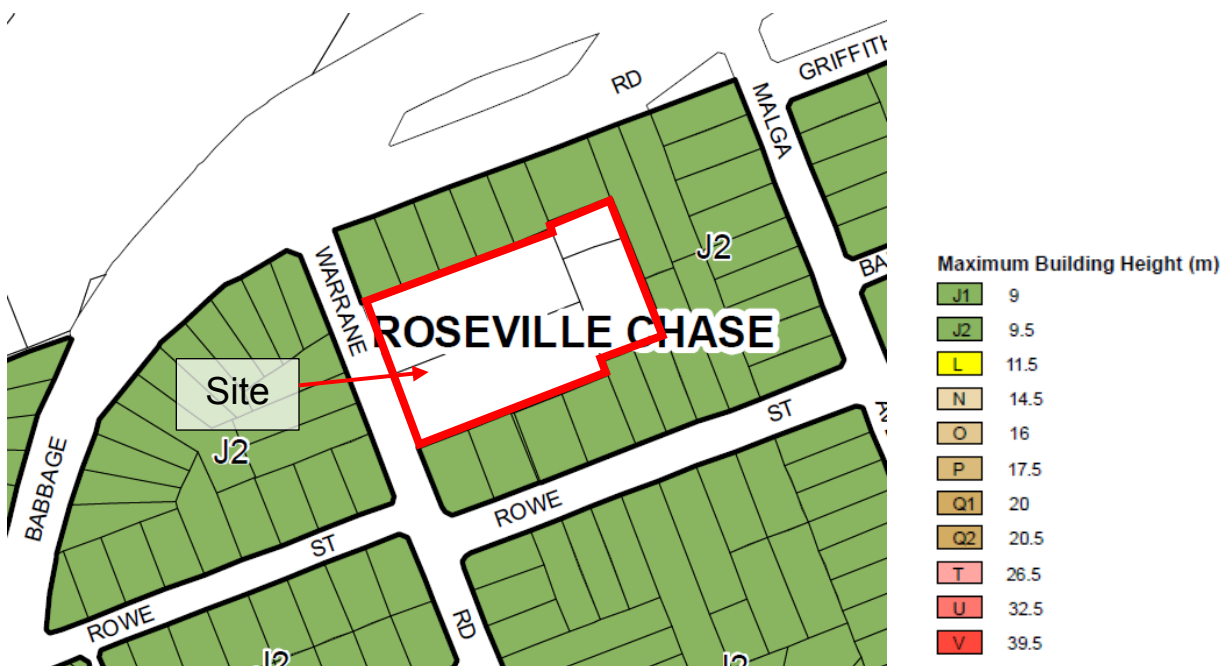
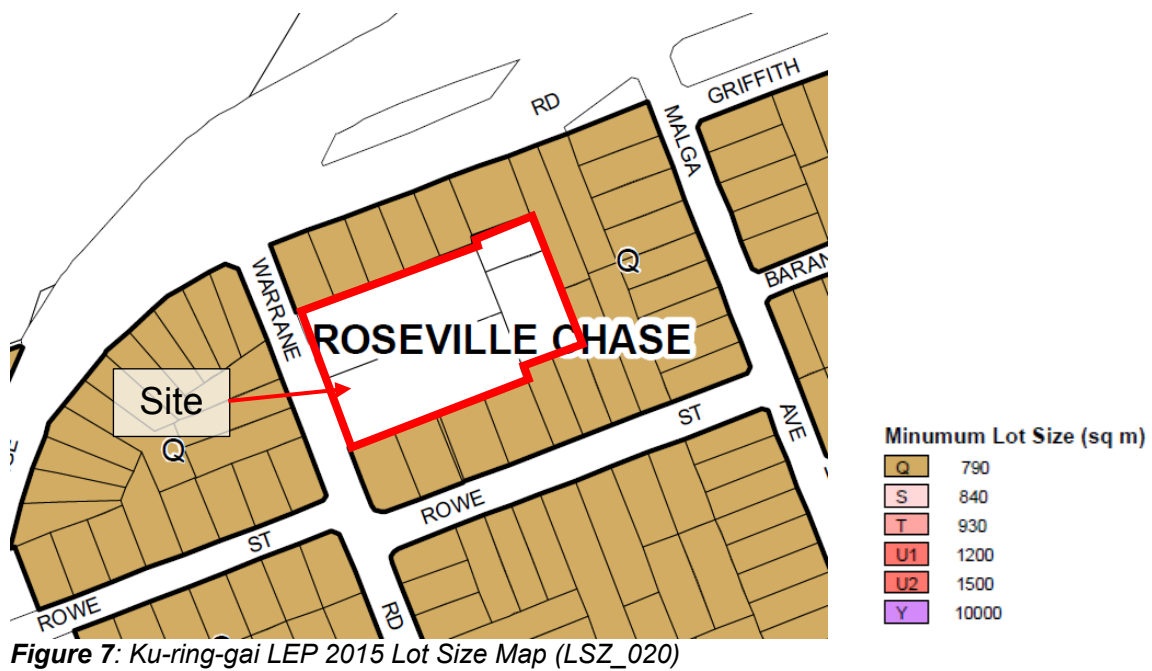
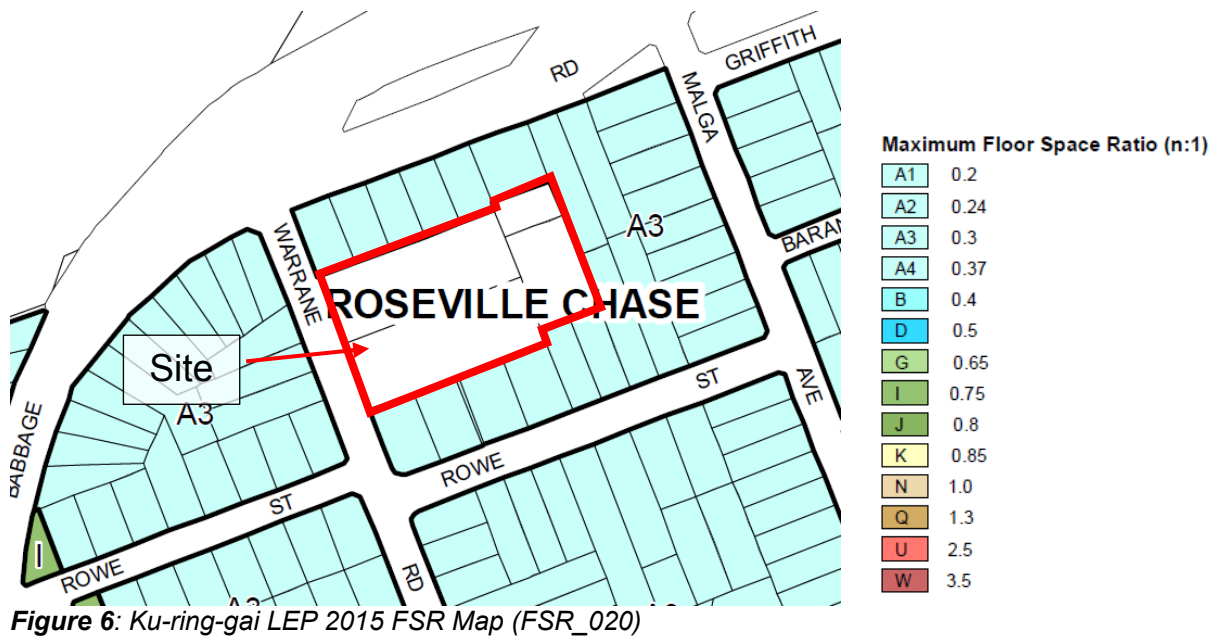


Figure 5: Ku-ring-gai LEP 2015 Height of Buildings Map (HOB_020)



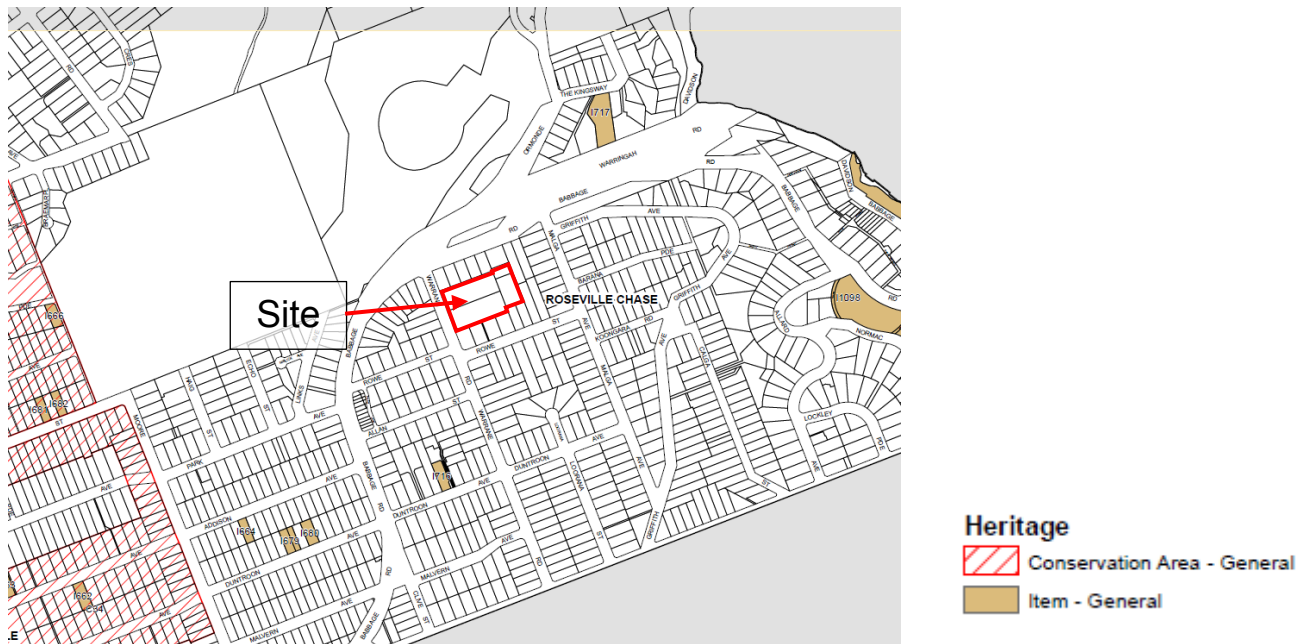


Figure 8: Ku-ring-gai LEP 2015 Heritage Map (HER_020)



Figure 9: Ku-ring-gai LEP 2015 Riparian Lands and Watercourses Map (WCL_20)



Figure 10: Ku-ring-gai LEP 2015 Terrestrial Biodiversity Map (BIO_020)

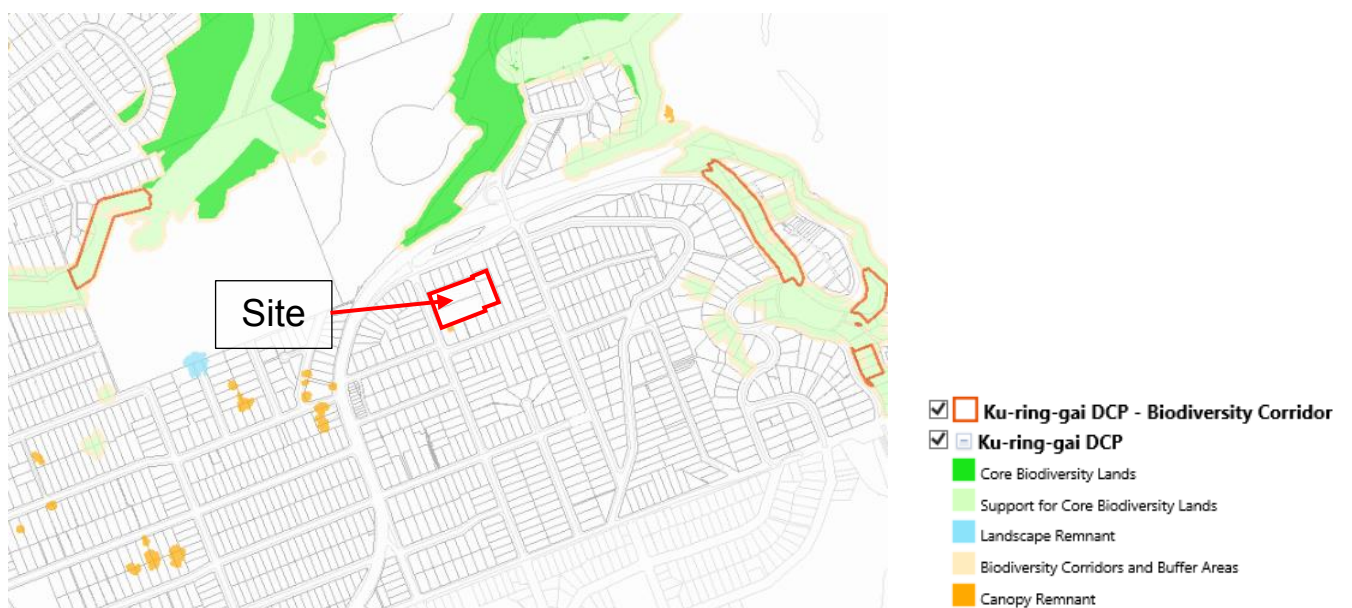


Figure 11: Ku-ring-gai LEP 2015 Greenweb and biodiversity (Source: Ku-ring-gai Council)

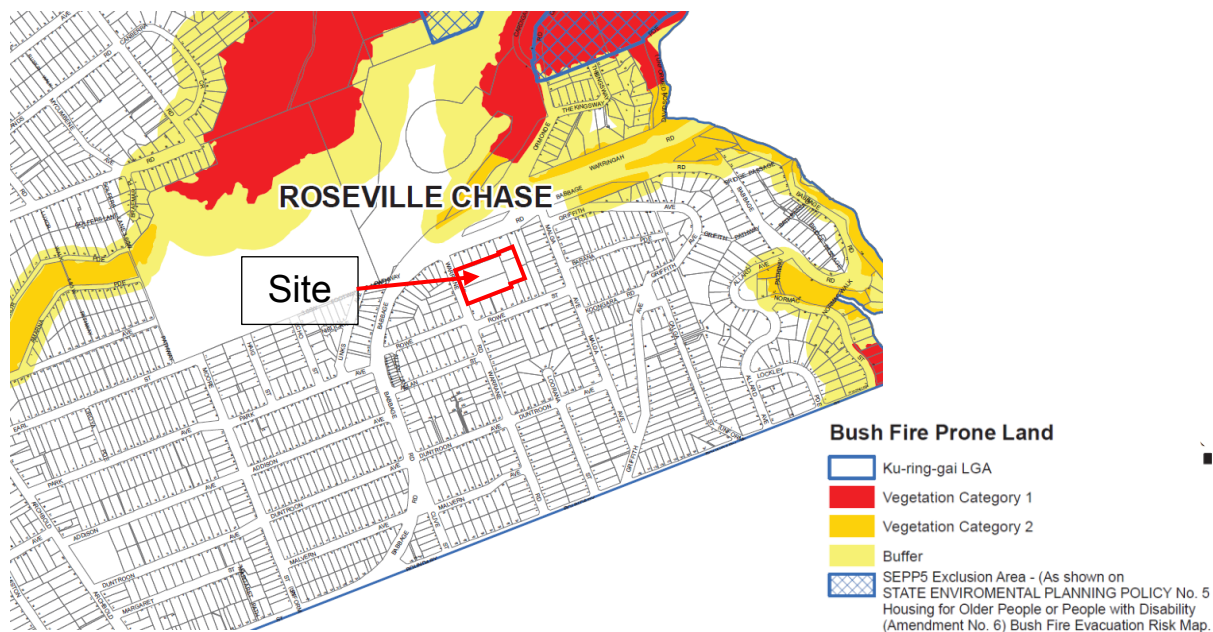


Figure 12: Ku-ring-gai LGA – Bush Fire Prone Map (Source: Ku-ring-gai Council)

1.4 Surrounding area

The surrounding land use is zoned R2 Low Density Residential under the Ku-ring-gai LEP 2015 (**Figure 4**). Warrane Street to the west is characterised by detached single and two storey residential dwellings of various ages and styles. Warrane Street terminates to the north-western end and there is no access to Babbage Road. Babbage Road to the north is also characterised by detached single and two storey residential dwellings. Beyond Babbage Road is Warringah Road and Babbage Road merges with Warringah Road to the west (**Figure 1**).

Roseville Golf Club and course is situated approximately 250m to the north-west of the site on the northern side of Warringah Road (**Figure 3**).

To the east, the site adjoins the side of the residential lots off Babbage Road and Rowe Street with residential dwellings beyond in Malga Avenue. To the south along Rowe Street (the site adjoins residential one and two storey dwellings of various ages and styles) (**Figures 1 and 13-15**).

The site is approximately 280m walking distance from north-east of the East Roseville Shopping Centre along Babbage Road. The site is well services by bus connections along Babbage Road and Warringah Road to the Sydney CBD, Chatswood, Manly and Terry Hills. Roseville train station is approximately 2.6kms to the west and Chatswood shopping centre is approximately 3kms to the south-east of the site.

There are no heritage items listed on the site and the site is not within a heritage conservation area. The site is in the vicinity of Archibald Farms Conservation Area 'C34' and the heritage listed Victor A. Edwards Tennis School (item 716) (**Figure 8**).



Figure 13: View of Roseville Bowling Club from Warrane Street looking north-east (Source: Google Maps)



Figure 14: Residential dwellings along Rowe Street, Roseville Chase, directly adjoining the site to the south (Source: Google Maps)



Figure 15: Residential dwellings along Babbage Road, Roseville Chase, directly adjoining the site to the north (Source: Google Maps)

1.5 Background

Records indicate that the site has been owned by Council since 1948 and has operated as a bowling club.

The site was classified as Operational Land in 2015 as part of the introduction of the Ku-ring-gai LEP 2015. Prior to this it was classified as Community Land. The change to Operational Land allows the sale and/or subdivision of the subject site. This would enable the cottage and curtilage to be situated on an individual lot with a separate title and to be rezoned to R2 Low Density Residential. The remaining part of the site was to retain its public recreation zoning; however, Council stated that the East Roseville Bowling Club terminated their lease and vacated the property on 31 December 2017 (**Attachment D and K**). This made it possible for Council to consider the rezoning of the entire site to residential.

On 8 May 2018, Council, at their Ordinary Meeting (**Attachment D and E**), stated that infrastructure such as the Lindfield Branch library needed a significant overhaul as it is unable to meet the future needs of the community. Council envisions providing new services that could potentially be in part funded by the sale of the Roseville Chase Bowling Club.

On 17 September 2018, the Ku-ring-gai Local Planning Panel considered the planning proposal to rezone the land and amend the development standards at the site. The Panel determined that the current zoning was not the best use for the site and that rezoning to enable redevelopment of the site would provide an increase in housing supply and a variety of housing choices, offering a better financial outcome for the community (**Attachment I and J**).

On 1 November 2018, in an email to the Department (**Attachment L**), Council stated that the inconsistency with *Planning Priority N20 Delivering High quality open space* was justifiable as Council's *Open Space Acquisition Strategy (2007)* identified that the site is well served by parks such as:

- Malga Reserve within approximately 200m or five minutes' walk from the site;
- Echo Point Park approximately 900m and approximately 15 minutes' walk to the east; and
- Castle Cove Park within approximately 1.3kms or approximately 20 minutes' walk from the site.

In the planning proposal (**Attachment A**), Council also stated that the site is located in a 'priority 6' zone. This zone is a low-level priority and current planning provisions indicate very little higher density is planned for the area. The area is well serviced by public open space and the provision of a park would duplicate the recently upgrade facilities at the nearby Malga Reserve approximately 200m from the site.

2. PROPOSAL

2.1 Objectives or intended outcomes

The intended outcomes of the planning proposal are to:

- rezoning to R3 Medium Density Residential to enable potential residential development resulting in approximately 30-34 dwellings;
 - provide a variety of affordable housing in an R3 Low Density Residential zone close to existing public transport, services, public open space and infrastructure; and
- provide funding for other community infrastructure and the renewal and replacement of assets such as the Lindfield Branch library.

2.2 Explanation of provisions

The planning proposal seeks to amend Ku-ring-gai LEP 2015 by:

- rezone the land from R1 Public Recreation to R3 Medium Density Residential;
- introduce a maximum FSR of 0.8:1;
- introduce a maximum Height of Buildings to 11.5m; and
- introduce a minimum lot size of 1200m².

Under the R3 proposed zoning the proposal is expected to result in the provision of 30-34 residential dwellings and the future sale of the site will enable funding of Council's existing Community infrastructure such as the East Lindfield Community Centre and the Lindfield Branch Library.

2.3 Mapping

The planning proposal seeks to amend the following maps in the Ku-ring-gai LEP 2015:

- land zoning map sheet LZN_020;
- FSR map sheet FSR_020;
- height of buildings map sheet HOB_020; and
- lots size map sheet LSZ_020.

3. NEED FOR THE PLANNING PROPOSAL

The proposal is a result of a strategic study. On 28 June 2017, Council was advised by the East Roseville Bowling Club of they intended to relocate to Lindfield Bowling Club due to a reduced and aging membership. The bowling club terminated their lease and vacated the property on 31 December 2017. The site is currently vacant and zoned RE1 Public Recreation which does not permit residential dwellings. Changing the zone to a residential use will allow for the sale and redevelopment of the site.

4. STRATEGIC ASSESSMENT

4.1 North District Plan

The North District Plan is of relevance to the site and contains 24 planning priorities and associated actions that are important to achieving a liveable, productive and sustainable outcome for the district.

The planning proposal is consistent with the following liveability and productivity planning priorities:

Planning priority N3 – Providing services and social infrastructure to meet people's changing needs

With the changing population, Roseville Bowling Club considered a merge with Lindfield Bowling Club and has vacated the site. The planning proposal is to enable Council to explore alternative uses for the site and possible future sale. Council has stated that any financial gain will aid in the funding of other community infrastructure and the renewal and replacement of assets.

Planning priority N5 – Providing housing supply, choice and affordability with access to jobs, services and public transport

The planning proposal will provide future residential development that is close to existing public transport, infrastructure and services. It will also contribute to the 20-year strategic housing target of 92,000 dwellings for the North District and provide dwellings close to existing services, public transport and infrastructure.

Planning priority N12 – Delivering integrated land use and transport planning and a 30-minute city

The site is in an accessible location within 280m walking distance of the Roseville Neighbourhood Centre and approximately 3kms north-east of Chatswood shopping centre. The proposal will allow for further low-density residential uses in an area close to existing public transport, shops, services and infrastructure.

Planning Priority N20 – Delivering high quality open space

This planning priority aims to ensure high-quality public open space is delivered. This planning priority has not been addressed in the planning proposal.

It is recommended as a condition of Gateway that Council amend the planning proposal to address Planning Priority N20, including Action 73(b) requiring investigation of opportunities to provide open space.

4.2 Future Transport Strategy 2056

This 40-year strategy covers the future planning for the transport system in greater Sydney. It is to shift the focus away from private car usage towards a more integrated solutions such as public transport and to support the character of places and communities.

A relevant initiative under the strategy is the investigation for improved bus services between Northern Beaches and Chatswood proposed to travel near the site along Boundary Road, continuing to Warringah Road.

Access to transport should be addressed in any further work investigating the additional traffic generation in the surrounding area.

4.3 Ku-ring-gai Community Strategic Plan 2038

Council's strategic plan was adopted in June 2018 and outlines plans to preserve the area's character combined with the need to plan and provide for a growing and changing population.

The proposal was assessed against the objectives in the strategy. The proposal is in an area that is well serviced by existing public transport with direct links to existing services, infrastructure and open space, reducing the reliance on private vehicles.

The proposal will provide low density development increasing housing choice in the area. The future sale of the site would provide Council with additional funds to meet community expectations for the renewal and replacement of existing community assets. Specifically, on 8 May 2018, Council resolved at its Ordinary Meeting (**Attachment E**) that the future sale of the site could finance the rebuild or restoration and expansion of the East Lindfield Community Centre.

4.4 Open Space Acquisition Strategy 2007

The proposal has been assessed by Council against its Open Space Acquisition Strategy, which establishes principles for acquiring open space in Ku-ring-gai. The site was assessed by Council to determine if it was suitable to be retained as public open space.

A report to Council on 8 May 2018 outlined that the suitability of the site for open space was found to be minimal as:

- the area is well serviced by existing parkland including:
 - Malga Reserve with an area of approximately 4,300m² and approximately 200m and five minutes walking distance from the site;
 - Echo Point Park approximately 900m and approximately 15 minutes' walk to the east; and
 - Castle Cove Park approximately 13kms and approximately 20 minutes' walk south-east of the site;
- the site does not have high visual or landscape qualities;
- the strategy requires that new parks have at least two street frontages;
- the site had limited potential for new linkages between residential blocks;
- the site would duplicate facilities provided in the Malga Reserve;
- the site may be affected by contamination from past uses and remediation of the site would significantly increase the cost of constructing a viable park. If Council sell the site this remediation will be undertaken by the developer before being used for residential purposes and Council will make a financial return on the site instead of having to fund the remediation of the site; and
- the location is consistent with 'Safe by Design' principles in terms of passive surveillance but would be improved with the development of the site.

For the above reasons Council considered the site unsuitable for public open space and therefore wish to rezone the site for a residential use.



Figure 7: Public open space in the vicinity of the site (Source: Ku-ring-gai Council – overlay by DPIE)

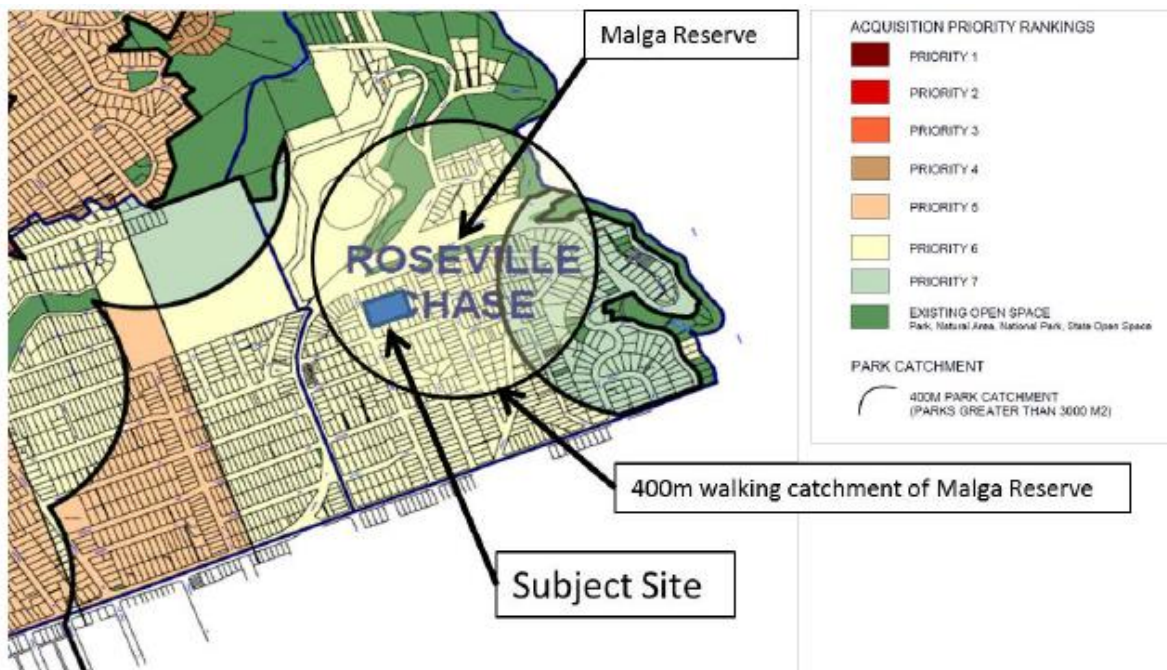


Figure 8: Open Space Acquisition Strategy with priority ranking (Source: Ku-ring-gai Council)

4.5 Section 9.1 Ministerial Directions

The proposal is consistent with all relevant Section 9.1 Directions, except for the following:

Direction 6.2 Reserving Land for Public Purposes

The objectives of this Direction are 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 it is no longer required for acquisition.

The site is classified as RE1 Recreation Land and acquired and leased to the East Roseville Bowling Club. The land was reclassified from Commercial Land to Operational Land in 2015.

In October 2017, due to a declining membership, East Roseville Bowling Club terminated their lease with Council leaving the site vacant and is therefore not required for its original purpose. Council has identified the site as surplus to requirements for public open space as it is located close to existing parks and alternative public open space such as Malga Reserve. It is also found to be unsuitable due to access constraints and potential contamination issues

Council has prepared the subject planning proposal (**Attachment A**) requesting that the site be zoned R3 Medium Density Residential and indicated that any funds from the sale of the site would contribute to other infrastructure in the area, namely the East Linfield Community Centre.

The Department considers that there is merit to zoning this site for residential development, however, there is inadequate justification provided to demonstrate that an R3 Medium Density Residential zone is appropriate for the site as this land use outcome is inconsistent with the surrounding land. It is considered that Gateway determination can be given to amend the site's zone from RE1 Public Recreation to R2 Low Density Residential and to alter development controls to be consistent with the height of buildings, the floor space area and the minimum lot size of existing low-density surrounding area (**Figures 4 to 7**).

It is recommended that these development standards be altered to ensure that future development is compatible with the character of the surrounding low-density residential area.

As the site is not considered suitable for use as public open space as identified by Council's *Open Space Acquisition Strategy*, it is recommended that the Secretary's delegate agree that the inconsistency with this Direction can be adequately justified.

4.6 State environmental planning policies (SEPPs)

SEPP No 55 – Remediation of Land

Stage 1 and Stage 2 contamination investigations have been conducted on the site (**Attachment F and G**) which found areas of possible contamination during the site inspection and testing.

Stage 1 and Stage 2 reports found that the site can be remediated for the proposed permitted land uses. A Remedial Action Plan (RAP) may be required prior to the development of the site.

Table 1 provides an assessment of the proposal against other relevant SEPPs applying to the site and its development.

Table 1: Other relevant SEPPs

State Environmental Planning Policy (SEPP)	
SEPP (Vegetation in Non-Rural Areas) 2017	Consistent. Any future development application on the site would be subject to the provisions of the SEPP.
SEPP 65 Design Quality of Residential Apartment Development	Consistent. Any future development application on the site would be subject to the provisions of the SEPP.
SEPP (Affordable Rental Housing) 2009	Consistent. Any future development application on the site would be subject to the provisions of the SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent. Any future development application on the site would be subject to the provisions of the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent. Any future development application on the site would be subject to the provisions of the SEPP.
SEPP (infrastructure 2007)	Consistent. Any future development application on the site would be subject to the provisions of the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent. Any future development application on the site would be subject to the provisions of the SEPP.
SEPP (Urban Renewal) 2010	Consistent. Any future development application on the site would be subject to the provisions of the SEPP.
SREP (Sydney Harbour Catchment) 2005	Consistent. Any future development application on the site would be subject to the provisions of the SEPP.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

As identified in the Ku-ring-gai Local Strategic Planning Statement (LSPS) Council intends to employ “asset recycling”, whereby the future sale of the site will raise funds to contribute to the restoration and expansion of Council assets, such as the East Lindfield Community Centre and the Lindfield Branch library. It is the Department’s preference that any monetary benefit obtained from the sale of this land should be utilised for open space in another location.

It is recommended that the planning proposal be altered, prior to public exhibition, to clearly outline what the transfer of this public benefit will be due to intended sale of the land.

5.2 Environmental

Contamination

Stage 1

The Stage 1 report conducted by Alliance Geotechnical, identified issues in their report dated 21 March 2018 (**Attachment F**), with the site including uncontrolled demolition, uncontrolled filling and the use and storage of herbicides, pesticides and chemicals. The Stage 1 report concluded that the site could be made suitable for residential use subject to further assessment.

Stage 2

A Stage 2 report was conducted by Alliance Geotechnical, dated 9 July 2018 (**Attachment G**). The Stage 2 report recommended that:

- an additional contamination assessment should be carried out to:
 - identify potential soil contamination in the central and northern portions of AEC09, after the demolition of the existing clubhouse building;
 - identify lead contamination levels sampling point TP16 and benzo(a)pyrene (TEQ) sampling point TP17 in AEC03; and
 - further characterise the nature and extent of asbestos in soil in the northern portion of AEC04;
- a remedial action plan (RAP) be prepared which includes a strategy for implementing the supplementary contamination assessment works and includes a remedial strategy for addressing identified asbestos in the soil. An addendum to the RAP may be required if unacceptable contamination is identified in AEC09 and EC03, which require management and/or remediation (**Figure 9**).



Figure 9: Sampling areas for contamination on the subject site (Source: Alliance Geotechnical)

Built form

The surrounding zoning and local character of the area is low-density detached housing. The Department considers that prior to community consultation that the proposal be updated to reflect the intention to rezone the site to a R2 Low Density Residential zone with complementing development controls.

It is noted that the proposal has not been accompanied by any scheme to demonstrate what type of development and how this relate to the adjoining land. However and despite this, it is considered that there has been insufficient justification that the R3 Medium Density Residential is appropriate for the site as this zone is not in keeping with existing low density zoning and character of the surrounding and adjoining land. Nor is this site in close proximity to high amenity areas, town centre or a key transport hub.

It is considered that Gateway determination can be given with the the site's zone being amended from RE1 Public Recreation to R2 Low Density Residential, to ensure future development of the site is consistent with the surrounding area.

Accordingly, it is recommended that the development standards applied to this site be consistent with the development controls and character of the adjoining low-density residential area:

- rezone from RE1 Public Recreation to R2 Low Density Residential;
- alter the maximum floor space ratio (FSR) permitted on site from no FSR to 0.3:1;
- alter the maximum building height permitted on site from no maximum building height to 9.5m; and
- alter the minimum permissible lot size from no minimum lot size identified to 790m².

The Gateway determination has been conditioned for Council to provide an urban design study demonstrating how low-density residential development on this site will achieve appropriate setbacks, privacy, built form and have regard to the surrounding local character.

5.3 Economic

As identified in the Ku-ring-gai Local Strategic Planning Statement (LSPS) Council intends to employ "asset recycling", whereby the future sale of the site will raise funds to contribute to the restoration and expansion of Council assets, such as the East Lindfield Community Centre and the Lindfield Branch library.

The rezoning and reclassification may have economic benefits for the community as it assists Council manage its financial position towards the upgrade of assets in its long-term financial plan.

5.4 Infrastructure

The site is currently serviced by existing public transport including bus services along Babbage Road Warringah Road to Roseville train station, the Sydney CBD, Chatswood, Manly and Terry Hills.

However, it is anticipated that the proposal will result in additional traffic generation in the surrounding area. A traffic study is required to be prepared before exhibition of the proposal in order to assess the access to the site and the capacity of the local road network.

The proposal does not include any details on the infrastructure and servicing of the site as consultation has not been undertaken. It is recommended that Council consult with Sydney Water and Ausgrid to determine if there is capacity to service the proposed development.

5.5 Summary of Assessment

It is considered that the planning proposal has general strategic merit in relation to providing residential development and residential diversity in a location close to public transport and services.

However, the Department considers that there has been insufficient justification that the R3 Medium Density Residential is appropriate as it is not in keeping with existing low density zoning and character of the surrounding land use. It is considered that Gateway determination can be given to amend the site's zone from RE1 Public Recreation to R2 Low Density Residential and complementary development controls to ensure future development is consistent with the surrounding area.

As identified in Council's draft Ku-ring-gai Local Strategic Planning Statement (LSPS), Council intends to comprehensively plan for open space, sport and recreation for the local government area in an integrated manner. Although it is noted that there is public open space close to the site at Malga Reserve within five minutes' walk (approximately 200m), the loss of the RE1 Public Recreation land will need to be quantified and mitigated by Council.

Council has stated that the future sale of the site will enable Council to raise funds to contribute to the restoration and expansion of Council assets, including the Lindfield Branch library through a process of "asset recycling".

The potential impacts of the proposal associated with traffic have not been assessed. It is recommended that the proposal proceed with conditions requiring studies to be prepared in relation to traffic prior to community consultation.

6. CONSULTATION

6.1 Community

A community consultation period of 28 days is considered appropriate for this proposal.

6.2 Agencies

The following agencies and public authorities should be consulted as part of the public exhibition of the planning proposal:

- Transport for NSW, incorporating Roads and Maritime Services;
- Sydney Water; and
- Ausgrid.

7. TIME FRAME

The time frame for the planning proposal is recommended to be 12 months from the date of the Gateway determination. It is recommended that the planning proposal include an updated project timeline.

8. LOCAL PLAN-MAKING AUTHORITY

Given the nature of the proposal, Council should not be authorised to be the plan-making authority considering Council's interest in the subject land.

9. CONCLUSION

It is considered that the planning proposal has general strategic merit in relation to providing residential development and residential diversity in a location close to public transport and services.

The planning proposal will repurpose surplus land allowing the divestment of this land and allow Council to "recycle their assets" and finance the rebuilding, renovation and expansion of existing community facilities.

The Department considers that the R3 Medium Density Residential is not an appropriate land use in this location. The site is better suited to be zoned R2 Low Density Residential consistent with the low-density residential character and development standards of the surrounding area.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that the inconsistency with section 9.1 Direction 6.2 Reserving Land for Public Purposes is minor and can be justified.

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

1. Prior to undertaking public exhibition, the planning proposal should be amended to:
 - (a) Update the proposal for the site to reflect the following development standards:
 - R2 Low Density Residential zone;
 - FSR of 0.3:1;
 - maximum building height of 9.5m; and
 - minimum lot size of 790m².
 - (b) Provide further justification to demonstrate the wider consequences of this loss of open space and how Council may offset or compensate for this loss;
 - (c) Provide clear information showing what public benefits the sale of the land will have; what, where, and in what timeframe;
 - (d) Update the proposal maps to reflect the above development standards;
 - (e) Address *Planning Priority N20 – Delivering high quality open space* in the North District Plan;
 - (f) Prepare a traffic study for the site to assess the impacts of the proposal and the capacity of the local road network;
 - (g) Prepare a concept development scheme incorporating an urban design study demonstrating how low-density residential development on this site will achieve appropriate setbacks, privacy and a sympathetic built form;

- (h) Update the planning proposal to address Council's Local Strategic Planning Statement; and
 - (i) Include an updated project timeline consistent with section 2.6 of part 6 of *A Guide to Preparing Local Environmental Plans* (Department of Planning and Environment 2016).
2. Once the planning proposal is revised in accordance with Condition 1, it must be submitted to the Department for approval prior to public exhibition.
 3. Community consultation is required under section 3.34(2)(c) and schedule 1, clause 4 of the *Environmental Planning and Assessment Act 1979* (the Act) as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
 4. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act:
 - Transport for NSW, incorporating Roads and Maritime Services;
 - Sydney Water; and
 - Ausgrid.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
 5. 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 Act.
 6. The time frame for completing the LEP is to be **12 months** from the date of the Gateway determination.
 7. Given the nature of the proposal, Council should not be authorised to be the plan-making authority to make this plan.



Ashley Richards
Specialist Planning Officer,
North District
Eastern Harbour City



Amanda Harvey 17 February 2020
Acting Executive Director,
Eastern Harbour City
Department of Planning
Industry and Environment

Noted BW
17/2/20