

PLANNING PROPOSAL FOR LAND AT 62 (PART) AND 64 - 66 PACIFIC HIGHWAY, ROSEVILLE - ROSEVILLE MEMORIAL CLUB

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider the strategic merit of the Planning Proposal for 62 (part) and 64-66 Pacific Highway, Roseville and whether it should be submitted for a Gateway Determination.

BACKGROUND:

Council has engaged consultant Helena Miller, Director of MG Planning Pty Ltd to conduct the assessment of this Planning Proposal and prepare a report on the findings.

The Planning Proposal was submitted to Council on 19 July 2018. Following review it was determined that the Planning Proposal was incomplete and the proponent was therefore requested to make amendments. An amended proposal was submitted on 1 August 2018, however this submission remained incomplete. Following further submission of revised documentation, review of the Planning Proposal formally commenced on 9 January 2019.

The site is currently occupied by the Roseville Memorial Club which is housed within an existing single storey building. The Planning Proposal seeks to amend the *Ku-ring-gai Local Environmental Plan (Local Centres) 2012* to change the zoning on part of the site (a garden bed), amend the height of building and floor space ratio standards applying to the site, and to enable residential apartments to occur in conjunction with the existing club use on the subject land at 62 (part) and 64-66 Pacific Highway, Roseville.

COMMENTS:

The Planning Proposal seeks to enable a 7 storey building on the site (one above the current permitted level) however the proposed height of 28.5m and FSR of 3.2:1 would enable the development of an 8 storey building.

The proposal was reported to the Ku-ring-gai Local Planning Panel on 18 March 2019 as required by the *Local Planning Panels Direction – Planning Proposals* issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

RECOMMENDATION:

That the Planning Proposal be amended in accordance with the recommendations of this Report and the attached *Table of Assessment* and be submitted to the Department of Planning and Environment for a Gateway Determination.

PURPOSE OF REPORT

For Council to consider the strategic merit of the Planning Proposal for 62 (part) and 64-66 Pacific Highway, Roseville and whether it should be submitted for a Gateway Determination.

BACKGROUND

Council has engaged consultant Helena Miller, Director of MG Planning Pty Ltd to conduct the assessment of this Planning Proposal and prepare this report on the findings. Assessment of traffic and transport issues has been carried out by Council's Strategic Traffic Engineer and incorporated into the *Table of Assessment* which details the assessment of all Planning Proposal documents MG Planning. The *Table of Assessment* may be viewed at **Attachment A1**.

A Planning Proposal has a separate process and different matters of consideration to a Development Application. Whilst a Development Application considers built form outcomes on the site, a Planning Proposal considers the long term strategic aspects of an amendment to an LEP and the implications of that amendment to the local and wider context.

The Planning Proposal seeks amendment to the local strategic planning instrument (*Ku-ring-gai Local Environmental Plan (Local Centres) 2012*); as such, any assessment must consider the strategic merit of the proposal as stipulated in the regional plan (*Greater Sydney Region Plan*) and the district plan (*North District Plan*), and the site specific merit relating to the local context.

The Planning Proposal was submitted to Council on 19 July 2018. Following review, it was determined that the Planning Proposal was incomplete and the proponent was therefore requested to make amendments. An amended proposal was submitted on 1 August 2018, however this submission remained incomplete. Following further submission of revised documentation, the review of the Planning Proposal formally commenced on 9 January 2019. A copy of the Planning Proposal and its appendices is included at **Attachments A4-A14**.

The proponent seeks to make the following amendments to the *Ku-ring-gai Local Environmental Plan (Local Centres) 2012* (KLEP Local Centres 2012):

1. Amend the Land Use Zoning Map to rezone a small part (one garden bed – approx. 9sqm) of Lot 2 in DP 202148 from RE1 Public Recreation to B2 Local Centre.
2. Amend the Height of Buildings Map from part Q - 20.5m, part N - 14.5m and part zero height designation, to a new height of T1 - 28.5m.
3. Amend the Floor Space Ratio Map from part T1 - 2.0:1 and part U2 - 2.8:1, to V1 - 3.2:1.
4. Amend Schedule 1 of the Written Instrument to allow residential flat buildings on the site, as long as the residential flat building is wholly located above a ground floor registered club.
5. Amend Clause 1.8A of the Written Instrument so that proposed changes are applicable to development applications that are lodged prior to the formal gazettal of the amended instrument.

The proposed amendments to the KLEP Local Centres 2012 are intended to allow for an additional floor level above that permissible under current planning controls and to provide certainty regarding the permissibility of residential dwellings above the ground level where undertaken in association with the existing club use.

Site Description and Local Context

The site is located on the Pacific Highway at the southern entry to the Roseville Local Centre, directly adjacent to the Council owned Roseville Memorial Park. The site is rectangular in shape, with frontage to both the Pacific Highway (east) and Larkin Lane (west). The site also has frontage to the Park to the south.

The site has a combined area of 1,375.3sqm comprising:

- Lot 1 DP202148 – 966.9sqm
- Lot 2 DP505371 – 251.6sqm, and
- Part of Lot 2 DP202148 – 156.8sqm.

Located on a high point within the locality, the site has a slight fall from its highest point in the north-eastern corner towards the south-west. A steep hill then falls away to the west down to a natural valley through which Bluegum Creek flows.

The site is occupied by the existing Roseville Memorial Club (Roseville RSL) within a single storey building with main entrance to the Pacific Highway. To the rear, on Larkin Lane, the site accommodates a loading dock, car parking area, garbage and storage area. One large tree is located within the site adjacent to the loading bay.

Ku-ring-gai Council owns part of the site included in this Planning Proposal and described as 62 (part) Pacific Highway. This land is located to the rear of 64 Pacific Highway, adjacent to Larkin Lane and is currently utilised for public parking and a garden bed extending from the Memorial Park. Council reclassified this parcel of land in December 2016 and considered a report on 13 June 2017 for future divestment of a number of parcels of reclassified land including the land at the rear of 64 Pacific Highway. Council has been provided with a valuation and offer from the Roseville RSL to acquire the land. The matter is under consideration and will be reported to Council once negotiations progress.

To the north, the site is directly adjoined by a two-storey building with retail use on the ground floor. Further north the area accommodates the retail and commercial buildings of the Roseville Local Centre which are typically two storeys in height. The area to the north including the subject site, is zoned B2 Local Centre.

The Roseville Railway Station is located across the Pacific Highway approximately 130 metres to the north-east of the site.

To the south, the site is directly adjacent to the Roseville Memorial Garden which accommodates a formal garden, war memorial and a number of substantial trees on the perimeter including two large trees adjacent to the boundary nearest the subject site.

The surrounding area immediately to the south, east and west is zoned R4 High Density Residential and typically accommodates three-storey residential flat buildings along the Highway.

Directly to the west of the site, across Larkin Lane, is the heritage listed dwelling “Killiecrankie” with its main entry on the corner of Maclaurin Parade and Larkin Lane. Further west of Larkin Street is an area of R2 Low Density Residential characterised by a mix of one and two-storey detached dwellings.



Aerial photo, site outlined in red (Source:Nearmap 27/12/18)



Site lot boundaries, site outlined in red (Source:Sixmaps)

As noted above the site is currently zoned B2 Local Centre, with a small portion of the land (approx. 9sqm) adjacent to the Memorial Park zoned RE1 Public Recreation, under the *Ku-ring-gai Local Environmental Plan (Local Centres) 2012*.



Zoning Map Extract KLEP Local Centres 2012

Permitted land uses in the B2 Local Centre zone include:

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Group homes (permanent); Hostels; Information and education facilities; Light industries; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Service stations; Shop top housing; Tourist and visitor accommodation; Water reticulation systems.

Permitted land uses in the RE1 Public Recreation zone include:

Animal boarding or training establishments; Bee keeping; Camping grounds; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; Emergency services facilities; Flood mitigation works; Food and drink premises; Forestry; Information and education facilities; Kiosks; Markets; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roadside stalls; Signage; Water recycling facilities; Water supply systems.

Development History

A Development Application (DA0134/18) was lodged with Council on 12 April 2018 seeking consent to demolish the existing structures on site (including Roseville RSL Club and retail tenancy) and construct a mixed-use building comprising new ground floor RSL Club, shop-top housing totalling 33 residential dwellings, basement parking and associated works. The DA is understood to generally comply with the existing height and floor space ratio controls applying to the site. However, an initial assessment made by Council's assessment team in September 2018 identified issues with development on that part of the site currently zoned RE1 (Public Recreation), plus concerns regarding landscaping, relationship to the Roseville Memorial Park, engineering, access and service issues connected with incorporation of Council's land and the associated lot subdivision and consolidation. As a result of the preliminary assessment, the subject DA has been suspended until relevant matters are resolved.

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It is understood that the proponent is in the process of negotiating a Voluntary Planning Agreement (VPA) as part of their development application to resolve issues regarding the incorporation of Council's land into the development site and to ensure the provision of public benefit commensurate with any proposed future development of the site.

COMMENTS

The Planning Proposal (**Attachment A4 – A14**) has been assessed against the provisions of the Department of Planning and Environment's *'A guide to preparing planning proposals'* and section 3.33 of the *Environmental Planning and Assessment Act 1979*.

A detailed evidence-based assessment of the Planning Proposal and its supporting studies has been conducted. The Planning Proposal provides sufficient evidence to demonstrate that the proposal has strategic and site-specific merit. Accordingly, the Planning Proposal is supported subject to the incorporation of the recommended amendments stipulated in this report and in the *Table of Assessment* at **Attachment A1**.

The following is a summary assessment of the key planning issues associated with the Planning Proposal.

Strategic Merit

A Planning Proposal must demonstrate that the proposed amendments to the Local Environmental Plan have strategic and site specific merit. The following is an assessment of the relevant merits of the Planning Proposal.

Regional Plan

The Planning Proposal is consistent with the objectives of the *Greater Sydney Region Plan – A Metropolis of Three Cities*, in particular:

- Objective 6 – Services and Infrastructure meet communities changing needs;
- Objective 7 – Communities are healthy, resilient and socially connected;
- Objective 10 – Greater housing supply; and
- Objective 14 – Integrated land use and transport creates walkable and 30 minute cities.

A Metropolis of Three Cities outlines that liveability incorporates access to housing, transport and employment as well as social, recreational, cultural and creative opportunities. Improved health, public transport and accessibility outcomes are achieved through the provision of schools, recreation, transport, arts and cultural, community and health facilities in walkable, mixed-use places co-located with social infrastructure and local services. Mixed-use neighbourhoods close to centres and public transport improve the opportunity for people to walk and cycle to local shops and services. Enhancing the safety, convenience and accessibility has many benefits, including healthier people, more successful businesses and centres. The proposal is consistent with these principles.

District Plan

The *North District Plan* highlights that the North District will continue to grow over the next 20 years with demand for an additional 92,000 dwellings. The five-year target (to 2021) for Ku-ring-gai is to provide an additional 4,000 dwellings. Additional housing is to be provided in locations

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which are linked to local infrastructure. The focus of growth is therefore on strategic centres and areas close to transport corridors.

The Planning Proposal is consistent with the following planning priorities of the *North District Plan*:

- Planning Priority N4 - Fostering healthy, creative, culturally rich and socially connected communities;
- Planning Priority N5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport;
- Planning Priority N6 - Creating and renewing great places and local centres, and respecting the District's heritage; and
- Planning Priority N12 – Delivering integrated land use and transport planning and a 30min city.

The Planning Proposal will allow for a mixed-use development providing additional dwellings in a well-located site within the Roseville Local Centre, in close proximity to public transport and a major transport route (Pacific Highway). The co-location of residential dwellings, social infrastructure and local services in centres provides for a more efficient use of land and enhances the viability of the centres and public transport. The proposal is therefore in accordance with the North District Plan strategy to focus growth in areas close to public transport and the concept of a 30-minute city.

In accordance with the Department of Planning and Environment's '*A guide to preparing planning proposals*', a Planning Proposal is deemed to have strategic merit if it is consistent with the relevant district plan. As outlined above it is considered that the proposal is consistent with the objectives, priorities and strategies of both the Greater Sydney Region Plan and the North District Plan. It is therefore considered to have strategic merit.

State Environmental Planning Policies (SEPPs) and Ministerial Directions

The Planning Proposal is not inconsistent with the State Environmental Planning Policies (SEPPs) applicable to the site and generally consistent with the applicable Ministerial Directions (Section 9.1 Directions).

Site Specific Merit

The subject site is considered to be suitable for increased height and density, particularly given its location near to public transport, the Pacific Highway and the Roseville Local Centre. Notwithstanding this, the proposal does give rise to some potential impacts that should be addressed via amendments to the Planning Proposal prior to it being forwarded to the Department of Planning and Environment for a Gateway Determination.

The following comments and recommended amendments are made cognisant of the fact that a Planning Proposal is not a development application and does not consider the specific detailed matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. A Planning Proposal only relates to an LEP amendment, and therefore needs to demonstrate that the proposed amendment itself is acceptable, with any future detailed design to be assessed at the later development application stage. Notwithstanding this, it is noted that a concept design

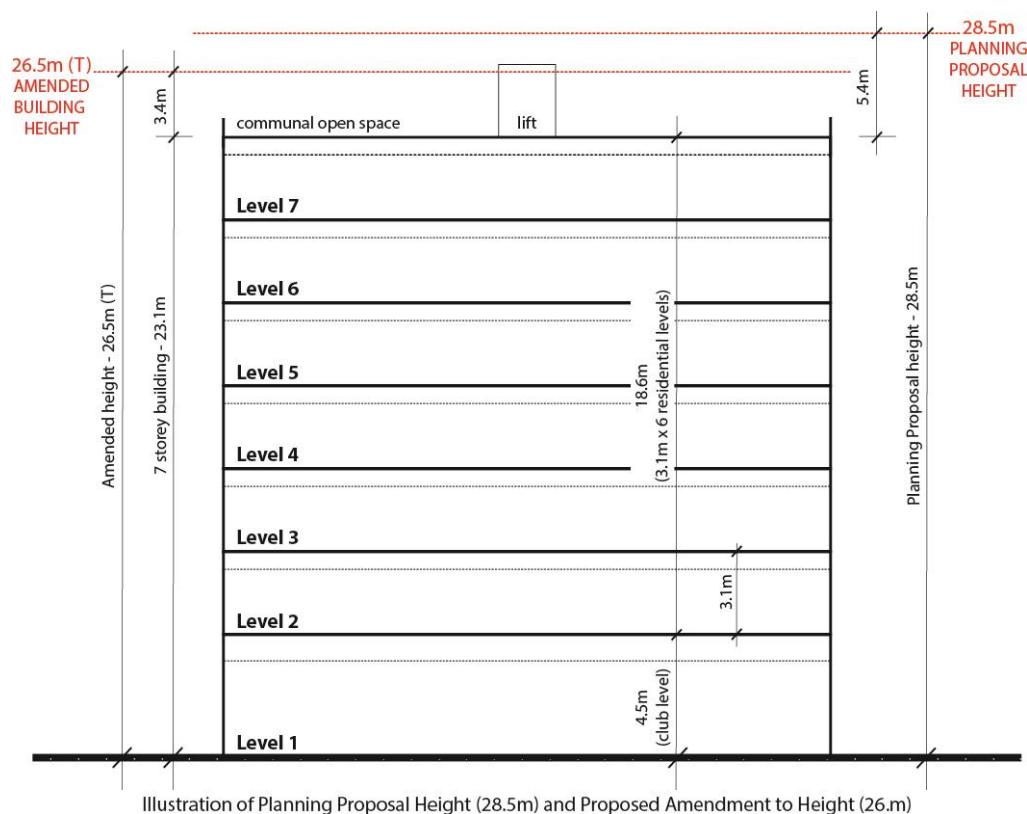
has been put forward as part of the Planning Proposal to illustrate the potential future built form that could be permissible subject to approval of the LEP amendment.

Height and floor space ratio

The Planning Proposal seeks to amend the applicable maximum height and floor space ratio (FSR) to allow for one additional storey over and above that allowed under the existing controls, that is, a total of 7 storeys. However, the proposed height (28.5m) and FSR (3.2:1) is not considered to be consistent with a 7 storey building.

Given the minimum floor height requirements under the *Ku-ring-gai Local Centres Development Control Plan* (Local Centres DCP), a height of 26.5m (existing height control 'T' under KLEP Local Centres 2012) would easily accommodate a 7 storey building with a ground floor level of 4.5m floor to floor height (allowing for a transfer slab to reduce ground floor columns plus acoustic separation), and 6 residential levels at 3.1m floor to floor height per level (allowing 2.7m floor-to-ceiling height and 0.4m for slab, floor and ceiling thickness). A 26.5m height would include an allowance of 3.4m for roof structure, and accommodates any communal open space, rooftop garden and lift provision. Any lift overrun exceeding the 26.5m height would be minor and could be addressed via a cl 4.6 variation under KLEP(LC) 2012 at DA stage where the location of the shaft to reduce visual impacts of any non-compliance with heights would be considered.

The diagram below illustrates that a 7 storey building can be accommodated within the reduced 26.5m height and that the requested height of 28.5m in the planning proposal is excessive for a 7 storey building.



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The proposed FSR also appears to be inconsistent with a 7 storey building. The SEPP 65 Apartment Design Guide (a State level instrument) states minimum apartment sizes as follows:

- 1-bedroom units – 50sqm
- 2-bedroom units – 70sqm
- 3-bedroom units – 90sqm

Utilising very generous apartment sizes to accommodate public areas including corridors on each level, an estimated gross floor area of 4,040sqm (equating to an FSR of 2.94:1) has been calculated given the proposed indicative unit mix and using the generous floor areas for each unit size, as follows:

- Ground Floor Club = 700sqm
- 11 x 1-bedroom units @ 55sqm = 605sqm
- 20 x 2-bedroom units @ 85sqm = 1,700sqm
- 9 x 3-bedroom units @ 115sqm = 1,035sqm
- Total = 4,040sqm / site area 1,375sqm = FSR 2.94:1

Allowing room for error it is therefore considered that an FSR of 3.0:1 (existing FSR control 'V' under KLEP Local Centres 2012) would sufficiently allow for a 7 storey building on the site.

In relation to the appropriateness of a 7 storey building in the subject location, it is acknowledged that the Local Centres DCP identifies the site as being suitable for a 'landmark' building being located at the 'gateway' to the Roseville Local Centre. Greater height than that provided for in the remainder of the local centre is therefore considered appropriate. The current height controls for the local centre allow for development at a scale of up to 14.5m (3-4 storeys) directly adjacent to the site and on the opposite side of the Pacific Highway adjacent to the railway station entrance, with other sites in the local centre having a maximum height control of 11.5m (2-3 storeys). Existing development adjacent to the site and to the west of the Pacific Highway (in the B2 zone) is however predominantly 2 storey.

Given that the current applicable height controls provide potential for a 3-4 storey building adjacent to the site, the transition of height to a 7 storey building is not considered to be excessive, particularly as the site is intended to accommodate a 'landmark' building. Potential amendments to the Local Centres DCP are proposed in the Planning Proposal including setbacks to the side boundary (north) of 5.5m above the fifth storey and a further 2.5m above the sixth storey to ensure an appropriate transition from any future development on the site to adjacent development to the north. Setbacks to the rear of 3m above the fourth storey and a further 6m above the sixth storey are also proposed. A setback to the east (Pacific Highway frontage) above the sixth storey is also shown (on the indicative section provided with the Planning Proposal) thereby providing for a 6 storey street wall height. It is considered that setbacks would ensure appropriate height transitions to the surrounding area and should be further considered and incorporated into site specific DCP provisions prepared by Council, with fees for this preparation being charged to the proponent in accordance with Council's Fees and Charges, following Gateway Determination. The proposed DCP provisions should be placed on public exhibition concurrent with the Planning Proposal.

It is acknowledged that a 7 storey building adjacent to the existing predominantly 2 storey development may appear out of context, at least in the short term. However, given the location of the Roseville Local Centre on the Highway and adjacent to the rail transport corridor with easy

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access to the Sydney CBD, it is an area appropriate for higher density (and height) transit-orientated development in accordance with the planning priorities outlined in the North District Plan. Given the strategic context, it is anticipated that the applicable heights and densities in the local centre will be increased in the future and that the proposed height on the site will therefore be in keeping with the future context.

It is therefore considered that it is appropriate to increase the applicable maximum height and FSR applying to the site; however, the Planning Proposal should be amended to include a maximum height of 26.5m and FSR of 3.0:1. In addition, site specific DCP provisions should also be prepared to guide the future built form and interface with surrounding development, heritage items, Memorial Park and public access to the rear at Larkin Lane.

Traffic and Parking

The Traffic Report provided with the Planning Proposal (**Attachment A6**) considers that the impacts of the additional dwellings, that would be provided for with the proposed increase in height and FSR, would be minimal in terms of traffic generation (one to two additional vehicles per hour two-way during weekday peak periods). This is based on an increase of 20% in the number of dwellings over that which would be achievable under a scheme that complies with the existing controls.

The report concludes that such a low increase in traffic generation would not have noticeable effects on the operation of the surrounding road network, and that intersections would continue to operate at their existing "satisfactory levels of service", with similar average delays per vehicle. In relation to future development of the local centre, the report considers that the intersection of the Pacific Highway and Maclaurin Parade would continue to operate at level of service 'A' which is considered to be a 'good level of service'.

The report does recognise that there are existing delays and queuing with vehicles attempting to turn right out of Maclaurin Parade being impacted by vehicles queued on the Pacific Highway travelling south, and traffic turning right into Maclaurin Parade from the Pacific Highway. The Traffic Report recommends the introduction of a short five second right turn phase from the Pacific Highway to address this existing situation. The report also recognises that future development in the local centre as a whole will result in additional delays and queuing.

Council's Strategic Traffic Engineer has reviewed the Planning Proposal and advises this existing situation has been an ongoing concern for Council and Roads and Maritime Services (RMS), and that further discussions with RMS are required to identify potential solutions. It is noted that previous requests by Council for a right turn phase from the Pacific Highway were refused by RMS on the basis that it would increase delays for northbound traffic on the Pacific Highway.

In relation to parking, the Traffic Report uses car parking rates from the residential flat building section of the Local Centres DCP (7B.1) whereas it should refer to the rates for a mixed use development (8B.2).

The DCP provisions for mixed use developments require that car parking provision for non-residential uses must also be addressed. The Traffic Report does not address parking required for the Club on the basis that this is an existing facility. The DCP (Part 22R) requires that, because club parking demand and usage is variable depending on the nature and operations of individual clubs, each situation should be treated on its merits, and therefore a traffic assessment report should assess the parking requirements based on the facilities to be provided and the parking

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demands of similar developments. The DCP (8B.2) also requires the provision of at least one car share space which has not been included in the parking requirement assessment.

Potential impacts on surrounding public car parking areas, including the Larkin Lane car park has also not been addressed in the Traffic Report to date.

In terms of the strategic context, whilst the location of the site in close proximity to public transport is recognised, further justification should also be provided within the Traffic Report in relation to the following strategic considerations:

- Integration of land use and transport:
 - mode splits for journeys to work based on the relevant travel zone, and
 - strategic centres accessible in 30 minutes by public transport, as an indicator of access to employment.
- Liveability:
 - extent of 15 minute walking and cycling catchment, and
 - analysis of extent of retail/supermarket, medical, educational, recreational, leisure and community facilities within the walking catchment.
- Capacity of public transport (rail, bus) to accommodate additional passengers resulting from the proposal:
 - rail station platform capacity,
 - bus stop capacity, and
 - bus stop and station platform accessibility.

The Traffic Report should also be amended to include details of bus and train routes, destinations, frequencies, distance to station/stops and access to other local infrastructure including schools, parks, playgrounds, retail, medical and the like.

While it is considered that the traffic and parking demand generated by the proposed LEP amendment is generally acceptable and can be accommodated, the Traffic Report should be amended to address the matters outlined above and provide evidential justifications prior to the Planning Proposal being forwarded to the Department for a Gateway Determination. Further, since any future development is able to provide retail or business uses on the ground floor in conjunction with shop top housing above under the KLEP Local Centres 2012, the Traffic Report should also consider the traffic and parking implications of the range of uses which may be permissible within the ground floor of any future development.

Heritage

The Heritage Impact Assessment (HIA) provided with the Planning Proposal (**Attachment A8**) identifies that anticipated impacts on heritage items in the vicinity will be minimal and that the proposal is acceptable from a heritage perspective.

In respect of 'Killikrankie', the heritage item located adjacent to the site across Larkin Lane, the HIA notes that the proposal is deemed acceptable as:

- It will not alter how 'Killikrankie' is appreciated as the main view to the house is across Memorial Park and will not be affected by increased height on the subject site,

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- An additional storey will alter the wider visual setting of the house, however will have an acceptable heritage impact, and
- Views from the Pacific Highway looking south towards the heritage item are not available due to existing setbacks, development and vegetation.

It is agreed that the Planning Proposal is unlikely to result in any significant impacts on heritage items in the vicinity. Specifically it is considered that the proposal is unlikely to impact upon views to 'Killikrankie' given that existing views from the Pacific Highway are limited even across the adjacent Memorial Park, with the substantial trees and shrubs to the north of the 'Killikrankie' site as well as within the Memorial Park itself restricting views. The proposal would not impact upon this view, being located to the north of the park. Further 'Killikrankie' is not currently visible from the Pacific Highway looking south. Views to 'Killikrankie' from Maclaurin Parade and Larkin Lane are also currently restricted due to the existing substantial shrubs located on the perimeter of the 'Killikrankie' site. This view would similarly not be affected given the location of the proposal outside of the view shed of 'Killikrankie'.

The proposed increase in height on the subject site will have some impact on the visual context of 'Killikrankie'. However, it is recognised that existing controls allow for a landmark building on the site in the order of six storeys, and that any visual impacts associated with an additional storey will be mitigated by the separation of the site from the item across Larkin Lane and the extent of the substantial shrubs and trees which exists on the perimeter of the 'Killikrankie' site and within the adjacent Memorial Park. The Planning Proposal proposes amendments to the Local Centres DCP to, amongst other matters, reduce the visual impact of any future development on the site. The inclusion of setback controls would mitigate visual impacts and ensure an appropriate height transition from the future development to 'Killikrankie'. Given the existing site conditions, site separation and the built form controls that will be included in site specific DCP provisions, it is therefore considered that the potential visual impacts of an additional storey on the subject site are acceptable from a heritage perspective and would not result in adverse impacts. It is however noted that this matter will be further addressed as part of any future development application(s).

Potential impacts related to overshadowing are addressed in the next section of this report, and it is recommended that amended shadow diagrams be provided. However, based on the shadow diagrams provided in the Planning Proposal's Urban Design Report, it is evident that the proposal could result in minor additional overshadowing to the east and south of the 'Killikrankie site' until 1pm on the winter solstice (June 21). The detailed design of any future building on site will be required to address overshadowing impacts and provide detailed shadow diagrams as part of any future development application(s). The application will also be required to address potential impacts on the amenity of the dwelling and the long-term health of the mixed shrubs and mature trees which provide the garden setting and curtilage of 'Killikrankie' and which contribute to its heritage significance.

Potential overlooking and privacy issues related to 'Killikrankie' will also need to be addressed as part of any future development application(s) once the final design of the building is determined. The proposed increase in height and FSR in of itself will not result in any adverse impact and potential impacts can be ameliorated through design measures.

In relation to the heritage listed former Commonwealth Bank Building and former Station Master's Residence (near the railway station) to the east across the Pacific Highway, the HIA notes that the proposal is deemed acceptable as:

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- the items are visually and physically separated from the site by the four lanes of Pacific Highway;
- no views of the items would be obscured or altered; and
- there are no changes to the streetscape setting of the items.

These heritage items are located approximately 100m from the subject site and across four lanes of the Pacific Highway and this separation means these Items would therefore not be viewed together with future built development on the site. Given site separation and the existing site context it is therefore considered that this Planning Proposal enabling one additional floor level would not adversely impact the setting of these heritage items. Similarly, with regards to the heritage listed Roseville Cinema, the distance separation and laneway interruptions along the Pacific Highway elevation reduces the potential impacts of the additional floor level that this proposal will facilitate.

For the reasons outlined above, it is therefore considered that the heritage impacts of the Planning Proposal are not likely to be significant and do not preclude further consideration of the Planning Proposal. Notwithstanding due to the proximity of the site to heritage items, a Heritage Impact Assessment would be required with any future development application(s). The heritage impact assessment would need to address in detail all relevant potential impacts on heritage items in the vicinity and particularly 'Killikrankie', and the Roseville Memorial Park which, while not heritage listed, is a registered war memorial on the NSW State Governments Register of War Memorials. Any future detailed design will be required to demonstrate that it responds to the site context and setting and the historic use of the park as well as matters such as the impact of basement excavation on mature trees within the park.

It is recommended that built form controls to address the interface of any future building on the site with the adjacent 'Killikrankie' heritage item and historic Memorial Park are included in site specific DCP provisions to be prepared in conjunction with the Planning Proposal (refer to 'Other considerations' below). These should include appropriate setbacks and controls on materials, finishes, colours and the like.

Overshadowing

Shadow diagrams have been provided in the Planning Proposal's Urban Design Report. However, the shadow diagrams show a concept scheme and should be amended to refer to building envelopes only, rather than a specific built form. Further the existing compliant envelope should also be illustrated to allow a comparison and to determine the impact of the additional proposed height in terms of shadow impacts. Amended diagrams should be provided prior to the Planning Proposal being forwarded to the Department for a Gateway Determination.

The submitted shadow diagrams however do indicate that the overshadowing impacts associated with the increased height are not likely to be significant. Further, the detailed design of any future building will need to address overshadowing impacts and provide detailed shadow diagrams to support any future development application(s). This will include shadow impacts on the adjacent "Killikrankie" heritage item.

Social and Economic Impacts

The Planning Proposal identifies the potential social and economic impacts of the proposal at a high level, with reference to potential benefits of increased supply of housing, revitalisation of the

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existing development and wider local centre, provision of employment through construction and operation, and improved public domain interface (to the Memorial Park).

However, further specific detail should be provided regarding social infrastructure including the names, location and distance to schools, parks, facilities, bus numbers and route destinations, rail line and frequencies of all services and facilities that will serve the new population resulting from this development.

In relation to economic assessment, details should be included to quantify the increase in club floor space that will result from this proposal, the economic benefits of that additional space and the benefits of new populations utilising local services and facilities. Further, since any future development is able to provide retail or business uses on the ground floor, in conjunction with shop top housing above under the KLEP Local Centres 2012, consideration should also be given to the economic implications of the range of uses which may be permissible within the ground floor of any future development.

Amendment to the Written Instrument

Under the current KLEP Local Centres 2012 definitions, shop top housing can only be located over ground floor retail or business premises. The definitions of retail and business premises within the KLEP Local Centres 2012 do not include registered clubs. This means that if the registered club use was to continue on the site, no residential dwellings could be developed above that use.

It is therefore recommended that the proposed amendment to Schedule 1 'Additional Permitted Uses' be modified to allow for a residential flat building on the site provided that the registered club use occupies the entirety of the ground level floorplate of the building footprint. This will ensure that any future development incorporates an active non-residential use on the whole ground floor and accommodates the range of uses that are currently permissible in the B2 zone and the additional registered club use. Should any retail or business uses seek to develop within the ground floor level of the site, they may continue to do so under the current KLEP Local Centres 2012 provisions which permit the development of shop top housing above retail and business uses.

Amendments required to Planning Proposal

As noted above, the Planning Proposal is supported in principle as it has demonstrated sufficient strategic and site specific merit to enable it to be forwarded to the Department for a Gateway Determination, subject to the recommended changes presented in this report and the *Table of Assessment* at **Attachment A1**.

The key changes required to the Planning Proposal prior to forwarding the proposal for a Gateway determination are as follows, with full details being stipulated in the *Table of Assessment* at **Attachment A1**:

1. Amend the Planning Proposal as stated in the *Table of Assessment* (**Attachment A1**).

This is to ensure that the content is clear, correct and consistent with Council's approach to land use planning prior to being presented for Gateway Determination and subsequent public exhibition.

2. Amend Building Height Map

As outlined in this report, the map is to be amended to include a maximum height control of

26.5m for the site as the proposed height is considered to be excessive for a 7 storey building.

3. Amend Floor Space Ratio Map

As outlined in this report, the map is to be amended to include a maximum FSR of 3.0:1 for the site as the proposed FSR is considered to be excessive for a 7 storey building.

4. Amend requirements of Schedule 1 Additional Permitted Uses

As outlined in this report, the proposed Schedule 1 amendment is to be modified to allow for a residential flat building on the site provided it only occurs above the registered club use which must occupy the entire ground floor of the site. This will ensure that no residential uses can be applied to the ground floor and that a broader range of non-residential land uses are permissible within the ground floor of the development, consistent with the zoning and to provide for future flexibility.

5. Remove proposed amendment to Clause 1.8A of the KLEP Local Centres 2012

This proposed amendment seeks to use the Planning Proposal to facilitate early lodgement of a development application, that is, prior to gazettal of the subject LEP amendment. Clause 3.39 of the EP&A Act provides an existing statutory mechanism to enable the consideration of a draft LEP amendment (Planning Proposal) when assessing a development application, with final consent on that development application only being given when the LEP amendment is gazetted.

6. Amend the Traffic Report at Appendix 2 of the Planning Proposal

As outlined in this report, an amended traffic report is to be provided which includes:

- Further detail on proposed solutions, including discussion with RMS, to address existing traffic issues associated with:
 - vehicles attempting to turn right out of Maclaurin Parade being impacted by vehicles queued on Pacific Highway travelling south, and
 - delays to traffic turning right into Maclaurin Parade from the Pacific Highway.
- Car parking provision in accordance with DCP rates for a mixed use development (8B.2), including parking provision for the Club.
- Consideration of potential impacts on surrounding public car parking areas, including the Larkin Lane car park.
- Traffic and parking implications of the range of active retail / commercial uses which area permissible within the ground floor of any future development.
- Include strategic consideration of integration of land use and transport, liveability, and capacity of public transport to accommodate additional passengers.
- Include details of bus and train routes, destinations, frequencies, distance to station/stops and access to other local infrastructure including schools, parks, playgrounds, retail, medical and the like.

7. Amend the Urban Design Study at Appendix 1 of the Planning Proposal.

As outlined in this report, the shadow diagrams are to be amended to show building envelopes only for both the proposed and existing LEP and DCP controls to enable a comparison and to determine the extent of any potential impact resulting from the

proposed LEP height amendment.

Recommendations to Gateway Determination

It is recommended that changes to the Planning Proposal and supporting studies, as outlined in this report and the *Table of Assessment* at **Appendix A1**, be made prior to submitting the Planning Proposal to the Department of Planning and Environment for a Gateway Determination.

Other Considerations

Development Control Plan Amendments

Given the identification of the site as suitable for a 'landmark' building at the southern entrance to the Roseville Local Centre, and the need to ensure appropriate height transitions to the surrounding area including heritage items, and the interface with Memorial Park and Larkin Lane, and the unique corner aspect of the site, it is recommended that site specific provisions be prepared for inclusion in the Ku-ring-gai Local Centres DCP to guide any future development. These provisions would be prepared post Gateway Determination by Council and discussed with the landowner with costs paid by the landowner in accordance with Council's fees and charges. The site specific amendments to the DCP would then be placed on public exhibition concurrent with the Planning Proposal.

It is noted that potential DCP controls are provided with the Planning Proposal, which will be considered by Council as part of the preparation of the DCP amendment. It is recommended that, in addition to the setbacks proposed to the north and west of the site, the DCP amendment incorporate a setback to the east (Pacific Highway frontage) above the sixth storey as shown on the indicative section provided with the Planning Proposal. This will ensure an appropriate street wall height and scale to the building on the highway frontage. Measures should specifically be considered in the context of addressing potential impacts on the adjacent "Killikrankie" heritage item and the historic Memorial Park. Further detailed provisions could also be included where identified as appropriate through the process.

Advice From Ku-ring-gai Local Planning Panel

Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979* requires Council to refer all Planning Proposals prepared after 1 June 2018 to the Ku-ring-gai Local Planning Panel for advice, before it is forwarded to the Minister for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

The Planning Proposal was reported to the Ku-ring-gai Local Planning Panel Meeting on 18 March 2019.

The applicant (Cityplan on behalf of Roseville RSL) submitted a letter of comment on the officer's Report submitted to the Panel, disputing the proposed amendments to their planning proposal. The letter may be viewed at **Attachment A3**. The letter presented arguments on the following issues:

- reduction of height from 28.5m to 26.5m;

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- reduction of FSR from 3.2:1 to 3:1;
- removal of clause 1.8 from the proposal.

The issues raised have been considered and found not to be well founded. Specifically, in relation to each item the following comment is made:

Height - The height diagram prepared by Council and included in this Report clearly illustrates that a seven storey building with generous floor to floor heights plus the mentioned transfer slab can easily be accommodated within the maximum height of 26.5m as recommended in this Report. City Plan has argued that an additional 2m (maximum of 28.5m) is required to accommodate primarily a lift providing access to a future roof level communal open space and required lift overrun.

As illustrated in the height diagram additional height above Level 7 up to 3.4m is provided within the proposed amended height. This could therefore easily accommodate lift access to the roof. If the lift overrun requires some additional height this could be addressed via a clause 4.6 variation during a DA application. Accordingly it is considered that the proposed 26.5m maximum height is adequate. Allowing an additional 2m as requested (to a maximum of 28.5m) could give rise to an application which provides for additional height across the entire site and not just to accommodate the lift overrun, thereby enabling an additional level on the site. This is therefore not considered appropriate.

Floor Space Ratio - As outlined in this Report, the proposed FSR of 3.2:1 is inconsistent with a 7 storey building. Calculations outlined in this Report estimate a GFA of 4,040m² based on the concept design adding the proposed ground floor club and apartments utilising the largest unit size proposed. This is generous given that the ADG unit sizes are smaller than those proposed (50sqm for a 1 bedroom compared to 55sqm, 70 sqm for a 2 bedroom compared to 85 sqm and 90 sqm for a 3 bedroom compared to 115 sqm). The variation in these units size would more than accommodate space for lobbies, an increase in the size of the ground floor club and any incidental GFA to accommodate toilets on the roof. Accordingly it is considered that a 3.0:1 maximum FSR is appropriate.

Savings provision - City Plan has requested an amendment to clause 1.8A of the Ku-ring-gai LEP (Local Centres) 2012 citing concerns regarding legal uncertainty over whether an LEP amendment would apply to a DA lodged before the making of the amendment.

Clause 1.8A is a standard template provision. It is considered that if amendments are required to the provision these should be undertaken by the Department of Planning and Environment for all Standard Template LEPs and not on a piecemeal basis. Should such an LEP amendment be made, a DA lodged prior to the making of the amendment could be determined on the basis of the provision in place when the matter is determined. In any case, under Clause 3.39 of the EP&A Act, any DA lodged may be considered under the planning proposal application standards, with any final DA approval being adopted at the time of the gazettal of the planning proposal amendment.

The Minutes from the Ku-ring-gai Local Planning Panel meeting may be viewed at **Attachment A2**. The Panel's advice was as follows:

The KLPP supported the Planning Proposal, as they considered the proposed zoning, with the changes outlined ahead in this report, is appropriate for the site.

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- a. *That the Ku-ring-gai Local Planning Panel (the Panel) recommends to Council that the Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination, subject to the amendments detailed in the staff Report and Table of Assessment at Attachment A1, subject to the changes listed below in paragraph "b".*
- b. *The Panel recommends the following amendments to the KLEP (Local Centres) 2012 as follows:*
 1. *Amend land use zoning from RE1 Public Recreation to B2 Local Centre zone for part of the site (Part Lot 2 DP 202148),*
 2. *Amend Schedule 1 to stipulate that development for the purpose of a residential flat building is permitted with development consent to a maximum height of 26.5 meters and maximum FSR of 3.0:1 if the consent authority is satisfied that the total ground floor of any such building will be used only for the purposes of a registered club. In addition that the maximum number of storeys permitted is seven (7) not including communal open space, amenities servicing that space and access to the communal open space.*
- c. *Should a Gateway Determination be issued for public exhibition of the Planning Proposal, site specific amendments to the Local Centres DCP as outlined in the staff report to be prepared and placed on public exhibition concurrent with the Planning Proposal.*
- d. *The Panel recommends Council conducts a review of the Roseville Local Centre Strategic Planning Framework and Planning Controls as a matter of priority.*

The Panel supported the proposed amendments to the planning proposal and advised of an alternate method utilising the Schedule 1 Additional Permitted Use to attach the increased height and FSR to the provision of Club use on the ground floor.

Whilst the provision of a Club use on the ground floor is valued, it is acknowledged that circumstances change and there is the possible risk that in the long term this use might not be retained on the site. In this case, due to the site's mixed-use zoning, the ground floor would be required to return to another retail/commercial use which would be inconsistent with the proposed height and FSR association in Schedule 1.

The Department of Planning and Environment's LEP practice note *PN 11-001- Preparing LEPs using the Standard Instrument: standard clauses*. It advises that listings in the LEP Schedule 1 should be minimised, with appropriate justification provided to the Department for any inclusions. Wherever possible, land uses should be governed by the Land Use Table and Schedule 1 should only be used where council has demonstrated why this cannot be achieved. It also advises that the inclusion of conditions and standards in Schedule 1 is to a minimum and where possible, these standards should be incorporated into the relevant maps (e.g. FSR/height).

The Panel's recommendation (d) for a review of the planning framework and controls for the Roseville Local Centre is noted; however, Roseville cannot be considered in isolation as a priority. Council is currently in the process of conducting an LGA wide review in accordance with the requirements of the *Greater Sydney Region Plan* and the *North District Plan*. The first step will be the development a Local Strategic Planning Statement (LSPS) to guide future strategic land use planning across Ku-ring-gai including directions for Roseville. This involves undertaking research and analysis, including the preparation of a commercial and retail strategy, and a housing strategy, which will inform the future planning directions.

Therefore, the recommendations, as presented in this Report, are maintained.

INTEGRATED PLANNING AND REPORTING

Theme 3 - Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	P2.1.1 Land use strategies, plans and processes are in place to effectively manage the impact of new development	Implement and monitor the Local Environmental Plans and supporting Development Control Plans.

GOVERNANCE MATTERS

The process for the preparation and implementation of Planning Proposals is governed by the provisions contained in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

If Council fails to make a decision within 90 days (from the commencement of the review of the application) or if Council makes a decision to not support the Planning Proposal, the proponent can make a request to the Department of Planning and Environment for a Rezoning Review.

Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979* requires Council to refer all Planning Proposals prepared after 1 June 2018 to the Local Planning Panel for advice, before it is forwarded to the Greater Sydney Commission (via the Department of Planning and Environment) for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

RISK MANAGEMENT

This is a privately initiated Planning Proposal. Council should determine its position on the matter specifically whether the Planning Proposal should be sent to the Department of Planning and Environment for a Gateway Determination and proceed to public exhibition. Council risks damage to its reputation if it does not undertake strategic land use planning in an effective and timely manner.

FINANCIAL CONSIDERATIONS

The Planning Proposal was subject to the relevant application fee under Council's 2017/2018 Fees and Charges Schedule. The cost of the review and assessment of the Planning Proposal is covered by this fee.

SOCIAL CONSIDERATIONS

The Planning Proposal is not anticipated to result in any adverse social impacts. The Roseville Memorial Club has submitted this Planning Proposal as a means of ensuring the future viability of the Club, by enabling a sufficient yield of residential dwellings. The continued provision of the Club at this location is supported as it has the potential to provide a social gathering venue capable of engaging with a wider community.

ENVIRONMENTAL CONSIDERATIONS

The potential environmental impacts of the Planning Proposal have been considered in this assessment, and there are no known impacts that prevent the further consideration of the Planning Proposal. The impacts of any specific development that may occur on the site as a result of the proposal would be considered in detail at the development application stage.

COMMUNITY CONSULTATION

In the event that the Planning Proposal is granted a Gateway Determination by the Department of Planning and Environment, the Planning Proposal would be placed on public exhibition in accordance with the requirements of the Gateway Determination and the Department of Planning and Environment's publication '*A Guide to Preparing Local Environmental Plans*'.

The public exhibition would include notification to the surrounding properties and advertisement within the North Shore Times and on Council's website.

INTERNAL CONSULTATION

The assessment of the Planning Proposal has included consultation with Council's Strategic Traffic Engineer.

SUMMARY

Council has engaged consultant MG Planning Pty Ltd to conduct the assessment of this Planning Proposal. Assessment of traffic and transport issues has been carried out by Council's Strategic Traffic Engineer.

A Planning Proposal has a separate process and different matters of consideration to a Development Application. Whilst a Development Application considers built form outcomes on the site, a Planning Proposal considers the strategic aspects of an amendment to an LEP and the implications of that amendment to the local and wider context.

The Planning Proposal seeks amendment to the local strategic planning instrument (*Ku-ring-gai Local Environmental Plan (Local Centres) 2012*); as such, any assessment must consider the strategic merit of the proposal as stipulated in the regional plan (*Greater Sydney Region Plan*) and the district plan (*North District Plan*), and the site specific merit relating to the local context.

A Planning Proposal has been submitted for 62 (part) and 64-66 Pacific Highway, Roseville, which seeks to make the following amendments to the KLEP (Local Centres) 2012:

- Amend land use zoning for part (approx.9sqm) of the site (Part Lot 2 DP 202148) from RE1 Public Recreation to B2 Local Centre zone

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- Amend height of building controls from 14.5m, 20.5m and part no height designation, to 28.5m,
- Amend the floor space ratio map control from 2.0:1 and 2.8:1 to 3.2:1,
- Amend Schedule 1 to allow residential flat buildings on the site, provided the residential flat building is wholly located above a ground floor registered club, and
- Amend Clause 1.8A 'Savings provisions relating to development applications' to ensure that proposed changes under the planning proposal are applicable to development applications that are lodged prior to the formal gazettal of the amended instrument, once the gazettal takes place.

The assessment of the Planning Proposal has resulted in the following recommendations:

1. That the Planning Proposal and its attached reports are amended in accordance with the requirements of this Report and the *Table of Assessment* (**Attachment A1**) prior to submission for Gateway determination.
2. That changes are made to the proposed amendments to the KLEP (Local Centres) 2012 as follows:
 - i. Amend land use zoning from RE1 Public Recreation to B2 Local Centre zone for part of the site (Part Lot 2 DP 202148),
 - ii. Amend height of building controls from 14.5m, 20.5m and part no height designation, to 26.5m,
 - iii. Amend the floor space ratio map control from 2.0:1 and 2.8:1 to 3.0:1, and
 - iv. Amend Schedule 1 Additional Permitted Uses to stipulate that development for the purpose of residential flat buildings is permitted with development consent if the consent authority is satisfied that the total ground floor of any such building will be used only for the purpose of a registered club.
3. That site specific DCP provisions be prepared for exhibition should a Gateway be issued for the Planning Proposal.

The Planning Proposal has been assessed against the provisions of the Department of Planning and Environment's '*A guide to preparing planning proposals*' and section 3.33 of the *Environmental Planning and Assessment Act 1979*.

It is considered that there is sufficient merit to enable the Planning Proposal to be submitted to the Department of Planning and Environment for a Gateway Determination, subject to the incorporation of the recommended amendments stipulated in this Council Report and in the *Table of Assessment* at **Attachment A1**.

RECOMMENDATION:

- A. That the Planning Proposal be amended in accordance with the recommendations in this Council Report and *Table of Assessment* at **Attachment A1**.
- B. That the Planning Proposal be forwarded to the Department of Planning and Environment for a

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Gateway Determination in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*.

- C. That delegation be given to the General Manager and Director of Strategy and Environment to verify all amendments are in accordance with the recommendations of this Council Report and *Table of Amendments* at **Attachment A1** prior to forwarding to the Department of Planning and Environment.
- D. That Council requests to be authorised as the local plan-making authority to exercise the functions under Section 3.36(2) of the Environmental Planning and Assessment Act 1979 for this Planning Proposal.
- E. That should a Gateway Determination be issued for public exhibition of the Planning Proposal, site specific amendments to Council's Comprehensive Development Control Plan be prepared in accordance with Council's fees and charges, the details in this Council Report and the *Table of Amendments* at **Attachment A1** and be placed on public exhibition concurrently with the Planning Proposal.
- F. That a Report be brought back to Council, as per any Gateway requirements, following the exhibition of the Planning Proposal and site specific *draft Development Control Plan*.
- G. That the applicant be notified of Council's Resolution.








Helena Miller
Director, MG Planning Pty Ltd

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Senior Urban Planner

Craig Wyse
Team Leader Urban Planning















Antony Fabbro
Manager Urban & Heritage Planning

Andrew Watson
Director Strategy & Environment

Attachments:	A1		Table of Assessment - Roseville RSL		2019/058845
	A2		KLPP Minutes - 18 March 2019 - Roseville RSL		2019/086266
	A3		Letter from Applicant on Panel Report		2019/086270
	A4		Planning Proposal - Roseville Memorial Club		2019/058519
	A5		Appendix 1 – Urban Design Report – PBD Architects	Excluded	2019/058518
	A6		Appendix 2 – Traffic Report – Colston Budd Rogers & Kafes Pty Ltd	Excluded	2019/058516
	A7		Appendix 3 – Acoustic Report – Noise and Sound Services	Excluded	2019/058515

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A8 	Appendix 4 – Heritage Impact Statement – NBR Architecture	Excluded	2019/058514
			
A9 	Appendix 5 – Statement from Roseville Returned Servicemen’s Memorial Club	Excluded	2019/058513
			
A10 	Appendix 6 – Survey	Excluded	2019/058512
			
A11 	Appendix 7 – Existing Development Survey	Excluded	2019/058510
			
A12 	Appendix 8 – Community Consultation Report – Urban Concepts	Excluded	2019/058509
			
A13 	Appendix 9 – Stage 1 Preliminary Site Investigation – Network Geotechnics	Excluded	2019/058508
			
A14 	Appendix 10 – Local Environmental Plan Maps	Excluded	2019/058507
			

PLANNING PROPOSAL			
PAGE	DOCUMENT/SECTION	COMMENT	RECOMMENDATION
General			
	<p>Proposed LEP amendments</p> <ul style="list-style-type: none"> Amend the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 Land Use Zoning map LZN_015C to rezone (part) Lot 2 in DP 202148 from RE1 Public Recreation to B2 Local Centre zone. Amend the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 Height of Buildings map HOB_015C from (part) 20.5m under a Height of Buildings designation of 'Q' and (part) 14.5m under a height of buildings designation of 'N' and (part) no height designation, to 28.5m under a new height of buildings designation of 'T1'. Amend the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 Floor Space Ratio map FSR_015C from (part) 2.0:1 under a Floor Space Ratio designation of 'T1' and (part) 2.8:1 under a Floor Space Ratio 	<p>This assessment considers that changes are necessary to the proposed LEP amendments within the Planning Proposal.</p> <p>The proposed amendment to the zoning applies to a small portion of land adjacent to the Memorial Park which is proposed to be amended from RE1 Public Recreation to B2 Local Centre. This is deemed appropriate to correct a minor anomaly in the zoning map.</p> <p>However, changes are recommended to the other proposed LEP amendments, as follows:</p> <ul style="list-style-type: none"> reduce the maximum height and floor space ratio (FSR) controls, modify the Schedule 1 amendment so that the additional residential use is permitted only if the entire ground floor is used for a registered club to ensure non-residential uses at ground level on the entire site, and remove the proposed amendment to Clause 1.8A. <p><u>Height and FSR</u></p> <p>The Planning Proposal seeks to amend the applicable maximum height and floor space ratio (FSR) applying to the site to allow for one additional storey over and above that allowed under the existing controls, that is, a total of 7 storeys. However, the proposed height (28.5m) and FSR (3.2:1) is not considered to be consistent with a 7 storey building. Given the minimum floor height requirements under the <i>Ku-ring-gai Local Centres Development Control Plan</i> (Local Centres DCP), a height of 26.5m (existing height control 'T' under KLEP Local Centres 2012) would easily accommodate a 7 storey building with a ground floor height of 4.4m and six residential levels at 3.1m each (allowing 2.7m floor-to-ceiling height and 0.4m for slab, floor and ceiling thickness). This includes an allowance of 3.8m for roof structure(s) including lift overrun as required.</p> <p>The proposed FSR also appears to be inconsistent with a 7 storey building. An estimated gross floor area of 4,040sqm (equating to an FSR of 2.94:1) has been calculated given the proposed indicative unit mix and using generous floor areas for each unit size, as follows:</p> <ul style="list-style-type: none"> Ground Floor Club = 700sqm 11 x 1-bedroom units @ 55sqm = 605sqm 	<ul style="list-style-type: none"> Zoning change from RE1 to B2 is supported. Proposed LEP amendments to be modified as follows: <ul style="list-style-type: none"> maximum height control reduced to T - 26.5m and maximum FSR control reduced to V - 3.0:1 Schedule 1 Additional permitted uses amendment be modified to state that: <i>Development for the purpose of residential flat buildings is permitted with development consent if the consent authority is satisfied that the entire ground floor of any such building will be used only for the purpose of a registered club,</i> and proposed amendment to Clause 1.8A is removed from the Planning Proposal. Planning Proposal and all supporting documents to be amended to incorporate the modified LEP amendments, prior to submission of the Planning Proposal to the Department for a Gateway Determination.

	<p><i>designation of 'U2', to 3.2:1 under a new Floor Space Ratio designation of 'V1'.</i></p> <ul style="list-style-type: none"> <i>Amend Schedule 1 of the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 to allow residential flat buildings on the site, as long as the residential flat building is wholly located above a ground floor registered club.</i> <i>Amend Clause 1.8A of the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 so that proposed changes are applicable to Development Applications that are lodged prior to the formal gazettal of the amended instrument, once the gazettal takes place. We understand that the interpretation of Clause 1.8A of the Standard Instrument-Principal Local Environmental Plan has been subject to legal debate as to whether it applies to future amendments of the Ku-ring-gai Local Environmental Plan (Local Centres) 2012. To provide certainty in this regard, this amendment is also proposed.</i> 	<ul style="list-style-type: none"> 20 x 2-bedroom units @ 85sqm = 1,700sqm 9 x 3-bedroom units @ 115sqm = 1,035sqm Total = 4,040sqm / site area 1,375sqm = FSR 2.94:1 <p>Allowing room for error it is therefore considered that an FSR of 3.0:1 (existing FSR control 'V' under KLEP Local Centres 2012) would sufficiently allow for a 7 storey building on the site.</p> <p>Consequently, it is recommended that the maximum height control is reduced to 26.5m and maximum FSR control reduced to 3.0:1.</p> <p><u>Additional Use (Schedule 1 Amendment)</u></p> <p>Under the current KLEP Local Centres 2012 definitions, shop top housing can only be located over ground floor retail or business premises. The definitions of retail and business premises within the KLEP Local Centres 2012 do not include registered clubs. This means that if the registered club use was to continue on the site, no residential dwellings could be developed above that use.</p> <p>It is therefore recommended that the proposed amendment to Schedule 1 'Additional Permitted Uses' be modified to allow for a residential flat building on the site provided that the registered club use occupies the entirety of the ground level floorplate of the building footprint. This will ensure that any future development incorporates an active non-residential use on the entire ground floor and accommodates the range of uses that are currently permissible in the B2 zone and the additional registered club use. Should any retail or business uses seek to develop within the ground floor level of the site, they may continue to do so under the current KLEP Local Centres 2012 provisions which permit the development of shop top housing above retail and business uses.</p> <p><u>Amendment to Clause 1.8A</u></p> <p>This proposed amendment seeks to use the Planning Proposal to facilitate early lodgement of a development application, that is prior to gazettal of the subject LEP amendment. Clause 3.39 of the EP&A Act provides an existing statutory mechanism to enable the consideration of a draft LEP amendment (planning proposal) when assessing a development application, with final consent to that development application only being granted once the LEP amendment is gazetted. Therefore, it is recommended that the amendment to Clause 1.8A is removed from the Planning Proposal as it is deemed unnecessary.</p>	
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	Reference to Roseville town centre	The Roseville centre should be referred to as a “Local Centre” rather than “Town Centre” throughout.	<ul style="list-style-type: none"> Replace references throughout documentation to Roseville as a “Town Centre” and replace with “Local Centre”
Introduction			
8	Bullet point list of proposed amendments	The list of amendments does not include all proposed amendments (i.e. does not include amendment to the written instrument Schedule 1 to allow for an additional use).	<ul style="list-style-type: none"> Modify the list of proposed amendments to include all amendments
9	<p>The list of outcomes and public benefits of the Planning Proposal includes:</p> <ul style="list-style-type: none"> <i>“Providing incentives to encourage first home buyers to enter into Sydney's competitive housing market in accordance with the NSW Government's focus on housing affordability;”</i> 	There is no evidence within the Planning Proposal that it will provide incentives for first home buyers.	<ul style="list-style-type: none"> Remove reference to the planning proposal providing incentives for first home buyers or provide further detail as to how this is to occur
Part 1 – Objectives or intended outcomes			
12	Objectives or intended outcomes	<p>The Department's ‘A guide to preparing planning proposals’ advises that Part 1 (objectives or intended outcomes) of the planning proposal should be:</p> <ul style="list-style-type: none"> a short, concise statement a statement of <u>what</u> is planned to be achieved, not <u>how</u> it is to be achieved, and written in such a way that it can easily be understood by the general community. <p>The first paragraph of the subject Part 1 describes <u>how</u> it is proposed to achieve the objectives/outcomes. It would be better if this section was amended such that the first paragraph is removed and the second paragraph only is the description of the objectives/outcomes.</p>	<ul style="list-style-type: none"> Amend the description of the ‘objectives or intended outcomes’ to be consistent with the Department's guide (short and concise)
Part 2 Explanation of provisions			
13	Explanation of provisions	The ‘explanation of provisions’ could be made more legible and understandable by the community by, for example, removing references to the full map names	<ul style="list-style-type: none"> Proposed LEP amendments to be modified as follows (as per

		<p>(such as LZN_015 etc) and rather referring to the “zoning map”.</p> <p>An explanation of why an amendment to Schedule 1 is required should be included.</p> <p>Proposed amendments to be modified in accordance with the recommendation on page 1-2 of this Table of Assessment.</p>	<p>recommendation on page 1-2 of this Table of Assessment):</p> <ul style="list-style-type: none"> - maximum height control reduced to 26.5m and maximum FSR control reduced to 3.0:1 - Schedule 1 amendment modified to state that: <i>Development for the purpose of residential flat buildings is permitted with development consent if the consent authority is satisfied that the entire ground floor of any such building will be used for the purpose of a registered club only, and</i> - proposed amendment to Clause 1.8A is removed from the Planning Proposal. • Remove reference to “Ku-ring-gai Local Environmental Plan (Local Centres) 2012 Land Use Zoning map LZN_015C” and replace with “Zoning Map” • Remove reference to “Ku-ring-gai Local Environmental Plan (Local Centres) 2012 Height of Buildings map HOB_015C” and replace with “Height of Buildings Map” • Remove reference to “Ku-ring-gai Local Environmental Plan (Local Centres) 2012 Floor Space Ratio map FSR_015C” and replace with “Floor Space Ratio Map” • Include a description of why an amendment to Schedule 1 is
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			required as stated on page 1-2 of this Table of Assessment.
Part 3 Justification			
Section A – Need for the planning proposal			
14	Q1 - Is the planning proposal a result of any strategic study or report?	<p>The Planning Proposal is supported by an Urban Design Study, Traffic Report, Acoustic Report, Heritage Impact Statement, Stage 1 Preliminary Site Investigation, and a Community Consultation Report. The key findings of these reports are identified in the Planning Proposal which provides sufficient evidence to support the proposal from a strategic and site specific basis.</p> <p>Minor typing errors need to be corrected, including the description of the Acoustic Report which says "... will have any significant acoustic impact...", should read "will <u>not</u>", and description of the Heritage Impact Statement says "... will have no adverse impact the adjacent heritage item...", should read "<u>on</u> the adjacent heritage item".</p> <p>Replace the abbreviation of PP with complete words so that the proposal is expressed in a manner understood by the wider community at exhibition.</p> <p>It is recommended that the Community Consultation Report is amended to refer only to consultation undertaken in respect of the Planning Proposal (refer comments on the Community Consultation Report further on in this table).</p>	<ul style="list-style-type: none"> • Correct minor typing errors in description of Acoustic Report and Heritage Impact Statement • Amend description of the Community Consultation Report to refer only to consultation undertaken for the Planning Proposal
17	Q2 - Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	<p>It is considered that a planning proposal is the best means of achieving the objectives / intended outcomes. The degree of variation to existing KLEP Local Centres 2012 planning controls, in terms of height and floor space ratio, would not be appropriately considered as a clause 4.6 variation to existing development controls and cannot be accommodated via a development application.</p>	<ul style="list-style-type: none"> • Amend description of Option 1 in accordance with modified LEP amendments outlined on page 2 of this Table of Assessment, such that the Schedule 1 amendment states that: <i>Development for the purpose of residential flat buildings is permitted with development consent if the consent authority is satisfied that the entire ground floor of any such building will be used for the purpose of a registered club only.</i>
Section B – Relationship to strategic planning framework			
18	Strategic merit test – 1) Consistent with the relevant	<p>The Planning Proposal provides sufficient information to demonstrate consistency with the <i>Greater Sydney Region Plan – A Metropolis of Three</i></p>	<ul style="list-style-type: none"> • Amend Figure 8 to show location of the subject site.

	<p>regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment</p>	<p><i>Cities</i>, and the North District Plan.</p> <p>The proposal is consistent with the objectives of the <i>Greater Sydney Region Plan – A Metropolis of Three Cities</i>, in particular:</p> <ul style="list-style-type: none"> • Objective 6 – Services and Infrastructure meet communities changing needs, • Objective 7 – Communities are healthy, resilient and socially connected, • Objective 10 – Greater housing supply, and • Objective 14 – Integrated land use and transport creates walkable and 30 minute cities. <p><i>A Metropolis of Three Cities</i> outlines that liveability incorporates access to housing, transport and employment as well as social, recreational, cultural and creative opportunities. Improved health, public transport and accessibility outcomes are achieved through the provision of schools, recreation, transport, arts and cultural, community and health facilities in walkable, mixed-use places co-located with social infrastructure and local services. Mixed-use neighbourhoods close to centres and public transport improve the opportunity for people to walk and cycle to local shops and services. Enhancing the safety, convenience and accessibility has many benefits, including healthier people, more successful businesses and centres.</p> <p>The North District Plan highlights that the North District will continue to grow over the next 20 years with demand for an additional 92,000 dwellings. The five-year target (to 2021) for Ku-ring-gai is to provide an additional 4,000 dwellings. Additional housing is to be provided in the right locations which are linked to local infrastructure. The focus of growth is therefore on strategic centres and areas close to transport corridors.</p> <p>The Planning Proposal is consistent with the following planning priorities of the North District Plan:</p> <ul style="list-style-type: none"> • Planning Priority N4 - Fostering healthy, creative, culturally rich and socially connected communities, • Planning Priority N5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport, • Planning Priority N6 - Creating and renewing great places and local centres, and respecting the District's heritage, and • Planning Priority N12 – Delivering integrated land use and transport planning and a 30min city. <p>The Planning Proposal will allow for a mixed-use development providing</p>	<ul style="list-style-type: none"> • Correct spelling / grammatical errors including: <ul style="list-style-type: none"> – in paragraph 2 (below the call-out box) - “refenced” should be “referenced” – in Table 1, item 1 – “ant” should be “any” – in Table 2, item 2 comment – “allowing for with one additional storey”, the word “with” should be removed
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		<p>additional dwellings in a well-located site within the Roseville local centre, in close proximity to public transport and a major transport route (Pacific Highway). The co-location of residential dwellings, social infrastructure and local services in centres provides for a more efficient use of land and enhances the viability of the centres and public transport. The proposal is in accordance with the North District Plan strategy to focus growth in areas close to public transport and enhance the concept of a 30-minute city.</p> <p>Figure 8 should be amended to show the location of the subject site (caption refers to site being identified with a star, but this is not shown on the figure).</p>	
18	Strategic merit test – 2) Consistent with a relevant local council strategy that has been endorsed by the Department	<p>The Department's <i>'A guide to preparing planning proposals'</i> requires that only those local strategic plans endorsed by the Department are considered when assessing a planning proposal. There are no Ku-ring-gai local council strategies endorsed by the Department. The plans listed here are not endorsed and should not therefore be referenced as a means of meeting the strategic merit test.</p>	<ul style="list-style-type: none"> Remove reference to these plans and provide comment that there are no local strategic plans that have been endorsed by the Secretary/Department.
18/19	Strategic merit test – 3) Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.	<p>The Planning Proposal does not demonstrate that there has been a change in demographic trends in the area that warrants a change to the planning controls i.e. to allow higher density on the subject site as proposed. Comments regarding the Club not catering for the demands of its members are not relevant as this is not a matter which is affected by planning controls. Additionally, comments on the existing planning controls not being sufficient to encourage development in the remainder of the Roseville local centre is not directly relevant to the subject Planning Proposal and is not supported by any evidence of changing demographic trends or new infrastructure.</p>	<ul style="list-style-type: none"> Modify response to this criteria to state that the Planning Proposal does not respond to a change in circumstance OR provide evidence of changing demographic trends or new infrastructure and how they are not recognised by existing planning controls
19	Site specific merit test – 1) the natural environment (including known significant environmental values, resources or hazards)	<p>The site is highly disturbed with limited vegetation, being already developed for the existing single storey Club. There is no indication that potential impacts on the natural environment as a result of future development on the site would be more than minor and would prevent further consideration of the Planning Proposal. Any impacts would need to be fully addressed as part of any future development application(s).</p>	-
19	Site specific merit test – 2) the existing uses, approved uses, and likely future uses of land in the vicinity of the land	<p>The Planning Proposal states that it does not change land use permissibility. However, this is incorrect as it includes a change of zoning on part of the site from RE1 to B2 and also proposes to include "residential flat building" as an additional permitted use on the site.</p>	<ul style="list-style-type: none"> Correct reference to the Planning Proposal not changing land use permissibility

	subject to the proposal		
20	Site specific merit test – 3) the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	The site is located in an existing developed area with access to services such as water, sewer and electricity. The additional dwellings allowed for by the planning proposal are unlikely to place an unreasonable demand on existing services and infrastructure.	-
26	Q4 - Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?	The Planning Proposal sufficiently identifies consistency with Council's Community Strategic Plan as well as the sustainability, transport and community facility strategies. The proposal will provide for additional housing to support the needs of the changing community and contribute to providing active uses within the Roseville local centre.	-
28	Q5 - Is the planning proposal consistent with applicable State Environmental Planning Policies?	<p>State Environmental Planning Policies (SEPPs) of relevance to the Planning Proposal are:</p> <ul style="list-style-type: none"> • <i>State Environmental Planning Policy No. 55 - Remediation of Land</i> (SEPP 55) • <i>State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development</i> (SEPP 65) • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP Sydney Harbour Catchment) – deemed SEPP <p>Whilst the SREP Sydney Harbour Catchment (deemed SEPP) is identified as being applicable, it is not listed in Table 6 which summarises consistency with the SEPPs.</p> <p>The Planning Proposal demonstrates compliance with the SEPPs, via the following:</p> <ul style="list-style-type: none"> • SEPP 55 - a preliminary contamination assessment (Appendix 10) • SEPP 65 - assessment against SEPP 65 and the Apartment Design Guide (Section 10.1 of the Urban Design Study, Appendix 1) • SREP Sydney Harbour Catchment – assessment against clause 12 principles provided in Table 8 of the Planning Proposal <p>Nothing in the Planning Proposal would contradict or hinder the application of the SEPPs. Detailed matters under each SEPP would need to be addressed as part of any future development application(s).</p>	<ul style="list-style-type: none"> • Update Table 6 to include SREP Sydney Harbour Catchment (deemed SEPP)

		The Planning Proposal also references SEPP (Infrastructure) 2007 which would be applicable at development application stage and is not directly relevant to this Planning Proposal. However, it is stated that the Planning Proposal has been prepared with consideration of this SEPP which, at development application stage, would require consideration of noise criteria within the dwellings due to proximity to the Pacific Highway as a major noise source.	
36	Q6 - Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?	<p>The s 9.1 Ministerial Directions that are relevant to the Planning Proposal are:</p> <ul style="list-style-type: none"> • 1.1 Business and Industrial Zones • 2.3 Heritage Conservation • 3.4 Integrating Land Use and Transport • 6.3 Site Specific Provisions • 7.1 Implementation of A Plan for Growing Sydney (redundant but not revoked) <p>These are considered below.</p> <p>The table listing the Directions does not address the relevancy of/consistency with Direction 4.1 Acid sulfate soils, and incorrectly indicates that Direction 2.3 Heritage conservation is not relevant.</p>	<ul style="list-style-type: none"> • Update the table listing the Ministerial Directions to correctly address relevancy of/consistency with Direction 4.1 Acid sulfate soils and Direction 2.3 Heritage conservation
37	Direction 1.1 Business and Industrial Zones	<p>This Direction requires that a Planning Proposal must retain areas and locations of existing business and industrial zones, and not reduce the total potential floor space area for employment uses and related public services in business zones.</p> <p>The Planning Proposal allows for the retention of the ground floor for business uses. Whilst the Planning Proposal sought an additional use (residential flat building) to be allowed based on the continued provision of a registered club on the ground floor, it is recommended that the amendment to Schedule 1 which allows the additional use is modified so that the additional use ensures the entire ground floor of any future development on the site provides non-residential use (registered club) at ground level. The provisions of the KLEP local Centres 2012 continue to apply and enable retail and business uses to the ground floor.</p>	-
38	2.3 Heritage Conservation	<p>This Direction requires that a Planning Proposal contain provisions that facilitate the conservation of heritage items and places.</p> <p>The Planning Proposal does not directly impact on a heritage site or conservation area, however the site is adjacent (across Larkin Lane) to the heritage listed "Killikrankie" dwelling house (Item 107). Other heritage listed</p>	<ul style="list-style-type: none"> • It is recommended that built form controls to address the interface of any future building on the site and the adjacent 'Killikrankie' heritage item and historic Memorial Park are included in

		<p>items (Former Commonwealth Bank Building (Item 109);and Former Station Master's Residence (Item 110)) are located further from the site near the railway station, and the heritage listed Roseville Cinema (Item 111) located along Pacific highway to the north of the site.</p> <p>As the Planning Proposal would allow for greater height and density on the subject site, it is relevant that it should consider the potential impacts upon heritage items, in particular the "Killikrankie" dwelling house.</p> <p>The Planning Proposal is supported by a Heritage Impact Statement (Appendix 4), which states that the proposed development is acceptable from a heritage perspective.</p> <p>It is considered that the proposal is unlikely to impact upon views to 'Killikrankie' given that existing views from the Pacific Highway are limited even across the adjacent Memorial Park, with the substantial trees and shrubs to the north of the 'Killikrankie' site as well as within the Memorial Park itself restricting views. The proposal would not impact upon this view, being located to the north of the park. Further 'Killikrankie' is not currently visible from the Pacific Highway looking south. Views to 'Killikrankie' from Maclaurin Parade and Larkin Lane are also currently restricted due to the existing substantial shrubs located on the perimeter of the 'Killikrankie' site. This view would similarly not be affected given the location of the proposal outside of the view shed of 'Killikrankie'.</p> <p>The proposed increase in height on the subject site will have some impact on the visual context of 'Killikrankie'. However, it is recognised that existing controls allow for a landmark building on the site in the order of six storeys, and that any visual impacts associated with an additional storey will be mitigated by the separation of the site across Larkin Lane and the extent of the substantial shrubs and trees which exists on the perimeter of the 'Killikrankie' site and within the adjacent Memorial Park. The Planning Proposal proposes potential amendments to the Local Centres DCP to, amongst other matters, reduce the visual impact of any future development on the site. These include setbacks to Larkin Lane of 3m above four storeys and a further 6m setback above six storeys.</p> <p>Such setbacks could be further considered during the preparation of the DCP provisions upon receipt of Gateway to mitigate visual impacts and ensure an appropriate height transition to 'Killikrankie'. Given the existing site conditions, site separation and the proposed built form controls it is therefore considered that the potential visual impacts of an additional storey on the subject site are acceptable from a heritage perspective and would not result in any adverse</p>	<p>site specific DCP provisions to be prepared by Council and exhibited in conjunction with the Planning Proposal (with work charged to the proponent in accordance with Council's Fees and Charges).</p>
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		<p>impacts. It is however noted that this matter will be further addressed as part of any future development application(s).</p> <p>Potential impacts related to overshadowing are addressed in the next section of this report, and it is recommended that amended shadow diagrams are provided. However, based on the shadow diagrams provided in the Planning Proposal's Urban Design Report, it is evident that the proposal could result in minor additional overshadowing to the east and south of the 'Killikrankie site' until 1pm on the winter solstice (June 21). The detailed design of any future building on site will be required to address overshadowing impacts and provide detailed shadow diagrams as part of any future development application(s). The application will also be required to address potential impacts on the amenity of the dwelling and the long-term health of the mixed shrubs and mature plantings which provide the garden setting and curtilage of 'Killikrankie' and which contribute to its heritage significance.</p> <p>Potential overlooking and privacy issues related to 'Killikrankie' will also need to be addressed as part of any future development application(s) once the final design of the building is determined.</p> <p>In relation to the heritage listed Former Commonwealth Bank Building and Former Station Master's Residence (near the railway station) to the east across the Pacific Highway, the HIA notes that the proposal is deemed acceptable as:</p> <ul style="list-style-type: none"> • The items are visually and physically separated from the site by the four lanes of Pacific Highway, • No views of the items would be obscured or altered, and • There are no changes to the streetscape setting of the items. <p>These heritage items are located approximately 100m from the subject site and across four lanes of the Pacific Highway and this separation means these items would therefore not be viewed together with future built development on the site. It therefore it is considered that the proposal enabling one additional floor level would not adversely impact the setting of these heritage items. Similarly, the distance separation and laneway interruptions to the Roseville Cinema reduce the potential impacts of the additional floor level that this proposal will facilitate. For the reasons outlined above, it is therefore considered that the heritage impacts of the Planning Proposal are not likely to be significant and do not preclude further consideration of the Planning Proposal.</p> <p>Due to the proximity of the site to heritage items, a Heritage Impact</p>	
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		<p>Assessment would be required with any future development application(s). The heritage impact assessment would need to address in detail all relevant potential impacts on heritage items in the vicinity and particularly 'Killikrankie', and the Roseville Memorial Park which, while not heritage listed, is a registered war memorial on the NSW State Governments Register of War Memorials. Any future detailed design will be required to demonstrate that it responds to the site context and setting and the historic use of the park as well as matters such as the impact of basement excavation on mature trees within the park.</p> <p>It is recommended that built form controls to address the interface of any future building on the site and the adjacent 'Killikrankie' heritage item and historic Memorial Park are included in site specific DCP provisions to be prepared in conjunction with the Planning Proposal (refer to 'Other considerations' below). These should include appropriate setbacks and controls on materials, finishes, colours and the like.</p>	
39	3.4 Integrating Land Use and Transport	<p>This Direction requires that a Planning Proposal must include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> • <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and • <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001). <p>The Planning Proposal demonstrates that the proposed development is consistent with transit orientated development principles which will promote use of public transport, and the Planning Proposal is supported by a Traffic Report (Appendix 2). However, the Traffic Report does not sufficiently consider strategic transport issues including the integration of land use and transport, liveability, and the capacity of public transport to accommodate additional passengers. The Traffic Report should also provide details of bus and train routes, destinations, frequencies, distance to station/stops and access to other local infrastructure, schools, parks, playgrounds, retail, medical etc</p> <p>Refer to further details in the comments on the Traffic Report further on in this table.</p>	<ul style="list-style-type: none"> • Amend the Traffic Report to include strategic consideration of integration of land use and transport, liveability, and capacity of public transport to accommodate additional passengers • Amend the Traffic Report to include details of bus and train routes, destinations, frequencies, distance to station/stops and access to other local infrastructure, schools, parks, playgrounds, retail, medical etc
40	Ministerial Directions - 6.3 Site Specific Provisions	The Planning Proposal is generally consistent with this Direction and provides for an additional use of the subject site beyond the existing planning controls.	-

41	7.1 Implementation of A Plan for Growing Sydney (redundant but not revoked)	<i>A Plan for Growing Sydney</i> has been superseded by the <i>Greater Sydney Region Plan - A Metropolis of Three Cities</i> . Refer to consideration of the Planning Proposal against the Region Plan above.	<ul style="list-style-type: none"> Amend to refer to <i>Greater Sydney Region Plan - A Metropolis of Three Cities</i>
Section C – Environmental, social and economic impact			
42	Q7 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	The site is highly disturbed with limited vegetation. There is no indication that potential impacts on the natural environment as a result of future development on the site would be more than minor and would prevent further consideration of the Planning Proposal. Any impacts would need to be fully addressed as part of any future development application(s).	-
42	Q8 - Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	<p>The potential impacts of increased building height, bulk and density need to be elaborated on and a more detailed response provided as to why the site is suitable for increased building height.</p> <p>The consideration of traffic impacts also needs to be amended to account for recommendations made in the Traffic Report section further outlined in this Table. This includes:</p> <ul style="list-style-type: none"> Further detail on proposed solutions, including discussion with RMS, to address existing traffic issues associated with: <ul style="list-style-type: none"> vehicles attempting to turn right out of Maclaurin Parade being impacted by vehicles queued on Pacific Highway travelling south, and delays to traffic turning right into Maclaurin Parade from the Pacific Highway. Car parking provision in accordance with DCP rates for a mixed use development (8B.2), including parking provision for the Club. Consideration of potential impacts on surrounding public car parking areas, including the Larkin Lane car park. Traffic and parking implications of the range of active retail / commercial uses which are permissible within the ground floor of any future development. Include strategic consideration of integration of land use and transport, liveability, and capacity of public transport to accommodate additional passengers. Include details of bus and train routes, destinations, frequencies, distance to station/stops and access to other local infrastructure, 	<ul style="list-style-type: none"> Amend description of potential impacts to include all impacts that have been specified in the report including heritage, contamination and overshadowing Amend description of traffic impacts consistent with comments on the Traffic Report further on in this table Amend shadow diagrams such that they refer to an LEP/DCP compliant scheme (existing vs proposed)

		<p>schools, parks, playgrounds, retail, medical etc</p> <p>Though identified elsewhere in the Planning Proposal, potential impacts related to heritage, contamination and overshadowing are not addressed in this section.</p> <p>With regards to overshadowing, the shadow diagrams provided in the Urban Design Study show a concept scheme and should be amended to refer to building envelopes only rather than a specific built form. Further the existing compliant envelope should also be illustrated to allow a comparison and to determine the impact of the additional proposed height in terms of shadow impacts.</p>	
44	Q9 - Has the planning proposal adequately addressed any social and economic effects?	<p>The Planning Proposal identifies the potential social and economic effects of the proposal at a high level, with reference to potential benefits of increased supply of housing, revitalisation of the existing development and wider local centre, provision of employment through construction and operation, and improved public domain interface (to the Memorial Park).</p> <p>Further detail should be provided on the local social infrastructure accessible to the new population that will occupy any future development of this site (refer item Q10 below).</p> <p>Further specific details should also be provided to quantify the amount of increased floorspace the proposal will provide to the RSL club, a comparison of existing and future employment numbers and other economic benefits that the expansion of a club in the subject location will deliver. It should also address the benefits of new populations utilising local services and facilities and further, as any future development is able to provide retail or business uses on the ground floor in conjunction with shop top housing above (under the KLEP Local Centres 2012) consideration should also be given to the economic implications of the range of uses which may be permissible within the ground floor of any future development.</p>	<ul style="list-style-type: none"> Provide detailed information and quantification of the economic impacts of the Planning Proposal as explained in the adjacent 'comment' column..
Section D – State and Commonwealth interests			
45	Q10 - Is there adequate public infrastructure for the planning proposal?	<p>The Planning Proposal states that the existing public infrastructure is capable of accommodating the proposal with a number of schools and other services in the area, but does not provide details. Further detail of the available public infrastructure and capacity to accommodate the additional demand generated by the proposal needs to be provided. Detail is required to illustrate the social infrastructure that is available to future populations on this site. Include names, location and distance to educational establishments including local primary</p>	<ul style="list-style-type: none"> Provide detailed analysis of local social infrastructure accessible to the new population that will occupy any future development of this site.

		and high schools, leisure facilities, parks, playgrounds, medical, retail, employment, bus stops and the route and destination of the buses plus frequencies, train station and route/destination and frequencies etc	
46	Q11 - What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	No consultation has been undertaken to date. However, the Planning Proposal identifies the State agencies that should be consulted – Roads and Maritime Services, Transport for NSW, Ausgrid, and Sydney Water. Given the location of the site, it is recommended that consultation is undertaken with the adjacent Willoughby Council as another agency for consultation due to close proximity of site to border.	<ul style="list-style-type: none"> Include formal consultation occur with Willoughby Council due to its proximity to the site.
Part 4 Mapping			
47/48	4.1 The site 4.2 Site description	Irrelevant information for the purposes of mapping is included in this section including a low detail Google Map showing the site location and site description with lot and DP numbers. This information would be better placed in the 'Introduction' section alongside other similar information. This information is not consistent with the Department's guide to preparing planning proposals which requires that mapping should clearly and accurately identify, at an appropriate scale, relevant aspects of the Planning Proposal.	<ul style="list-style-type: none"> Remove all content on pages 47 and 48 including irrelevant mapping and text on the site description to the 'Introduction' section
48	4.2 Site description	This section is not relevant to the mapping and should be removed. It is noted that the fall of the site is stated here as approximately 1.2m from its highest point at the north-eastern corner towards the south-west corner of the boundary, however the Urban Design Study (Figure 4.17) identifies the fall as approximately 0.9m.	<ul style="list-style-type: none"> Remove this content. Ensure that references to the site fall is made consistent throughout the Planning Proposal
49 / 53	4.3 Current planning provisions 4.4 Proposed planning provisions	Reference to 'planning provisions' and 'planning controls' in these sections should be amended to refer to development standards or mapping that apply to the site. It is noted that other planning provisions, such as the proposed amendment to Schedule 1, are not included in this section as they do not relate to mapping changes.	<ul style="list-style-type: none"> Reference to 'planning provisions' and 'planning controls' in this section should be amended to refer to development standards or mapping
47 - 55	Part 4 - Mapping	The separation of all maps referring to existing controls and all maps referring to proposed standards does not enable easy identification of the differences proposed. This is particularly important when the documents are on exhibition and are being read by the community who might not understand the information being presented. It is recommended that the maps be arranged to indicate the "existing" map adjacent/on same page/below the "proposed" map. For example, show the existing Building Height map and next to it show the proposed Building Height map. It is noted that this comparison is provided in	<ul style="list-style-type: none"> Rearrange all maps to place the existing and proposed maps for each mapping change adjacent to one another.

		Appendix 10 of the Planning Proposal, however it will be clearer if it is incorporated into this section.	
Part 5 Community Consultation			
56	5.1 Public consultation	<p>The description of the public consultation undertaken is not specific to the Planning Proposal and does not clearly outline that the consultation undertaken was not only for the Planning Proposal but also for the development application. This should be clearly specified, and noted where any comments refer to the development application and are therefore irrelevant.</p> <p>In addition, reference is made to the Planning Proposal being likely to be considered as 'low impact', however the proposal would be classed as a high impact proposal and it is therefore envisaged that statutory community consultation/exhibition would be required for a minimum of 28 days.</p>	<ul style="list-style-type: none"> Amend description of the public consultation undertaken to refer only to the Planning Proposal, not the development application. Delete reference to 'low impact' planning proposal and include a statement stipulating the 28 day public consultation period.
Part 6 Project Timeline			
57	Project Timeline	Timeframes need to be updated. All references to dates should be removed leaving Council to enter appropriate dates prior to forwarding the proposal for Gateway determination.	<ul style="list-style-type: none"> Delete the dates within the timeframe table.

PLANNING PROPOSAL – APPENDIX 1 – Urban Design Study			
PAGE	SECTION	COMMENT	RECOMMENDATION
-	4.4 Topography	The fall of the site is stated in the Planning Proposal (section 4.2 Site description) as approximately 1.2m from its highest point at the north-eastern corner towards the south-west corner of the boundary, however Figure 4.17 of the Urban Design Study identifies the fall as approximately 0.9m.	<ul style="list-style-type: none"> Reference to the site fall is to be made consistent throughout the Planning Proposal
-	5.2 Memorial Park as 'Town Square'	<p>The Urban Design Study suggests that the Memorial Park should become a 'town square' however this proposal is not based on any strategic plan and is outside the scope of the Planning Proposal. Rather the Local Centres DCP includes objectives to provide a new urban square at the western rail station entry and a village green on Lord Street.</p> <p>The analysis should focus on activation of the Memorial Park through future development of the site with active uses fronting the park on the ground floor and with residential apartments above to provide for passive surveillance.</p>	<ul style="list-style-type: none"> Remove references to the Memorial Park as a 'town square' throughout the Urban Design Study
-	6.1 Indicative floor plates Including 'Indicative Development Information'	The indicative development information does not provide sufficient detail to establish the basis of the proposed height (28.5m) and FSR (3.2:1). The proposed height and FSR is not considered to be consistent with a 7 storey building. As detailed in the 'General' section at the start of this table, it is therefore recommended that the maximum height control is reduced to 26.5m and maximum FSR control reduced to 3.0:1.	<ul style="list-style-type: none"> Amend proposed LEP amendments such that the maximum height control is reduced to 26.5m and maximum FSR control reduced to 3.0:1
-	8.1 Shadow diagrams – existing context permissible envelope vs proposed height 8.2 Shadow diagrams – future context permissible envelope vs proposed height	The shadow diagrams show a concept scheme and should be amended to refer to building envelopes only rather than a specific built form. Further the existing compliant envelope should also be illustrated to allow a comparison and to determine the impact of the additional proposed height in terms of shadow impacts.	<ul style="list-style-type: none"> Amend shadow diagrams such that they refer to an LEP/DCP compliant scheme (existing vs proposed)

PLANNING PROPOSAL – APPENDIX 2 – Traffic Report			
PAGE	SECTION	COMMENT	RECOMMENDATION
6	Existing traffic flows (para 2.11)	<p>The Traffic Report identifies that <i>“longer delays to a small number of vehicles may not justify upgrading an intersection unless a safety issue was also involved”</i>.</p> <p>Council’s Strategic Traffic Engineer advises that there have been three pedestrian-related crashes at the Pacific Highway / Maclaurin Parade intersection in the last five years. The proposal will increase pedestrian movements in the area and therefore should address pedestrian safety.</p>	<ul style="list-style-type: none"> Amend Traffic Report to address pedestrian safety
6	Existing traffic flows (para 2.12)	<p>Council’s Strategic Traffic Engineer has advised that there have been ongoing issues related to vehicles attempting to turn right out of Maclaurin Parade being impacted by vehicles queued on Pacific Highway travelling south. Consideration should be given to this issue and discussed with RMS.</p>	<ul style="list-style-type: none"> Potential solutions for right turn out of Maclaurin Parade to be discussed with RMS and included in Traffic Report
7	Scale of development (para 2.14)	<p>The breakdown in this section of Traffic Report of the 40 units proposed to be accommodated by the Planning Proposal is incorrect, indicating 11 x 1-bed, 21 x 2-bed, 8 x 3-bed (the Planning Proposal states 40 units – 11 x 1-bed, <u>20</u> x 2-bed, <u>9</u> x 3-bed). It is noted that the unit mix, as per the Planning Proposal, is used in the parking requirement assessment (para 2.27).</p>	<ul style="list-style-type: none"> Ensure the specified number of units per unit size is consistent throughout the Planning Proposal and supporting specialist reports
8/9	Policy context	<p>While the proposal is located in the Roseville local centre, justification should still be provided in relation to the following strategic considerations:</p> <ul style="list-style-type: none"> Integration of land use and transport: <ul style="list-style-type: none"> mode splits for journeys to work based on the relevant travel zone, and strategic centres accessible in 30 minutes by public transport, as an indicator of access to employment. Liveability: <ul style="list-style-type: none"> extent of 15 minute walking and cycling catchment, and analysis of extent of retail/supermarket, medical, educational, recreational, leisure and community facilities within the walking catchment. Capacity of public transport (rail, bus) to accommodate additional passengers resulting from the proposal: 	<ul style="list-style-type: none"> Amend the Traffic Report to include strategic consideration of integration of land use and transport, liveability, and capacity of public transport to accommodate additional passengers Include details in the Traffic Report of bus and train routes, destinations, frequencies, distance to station/stops and access to other local infrastructure including schools, parks, playgrounds, retail, medical and the like.

		<ul style="list-style-type: none"> ○ rail station platform capacity, ○ bus stop capacity, and ○ bus stop and station platform accessibility. <p>The Traffic Report should include details of bus and train routes, destinations, frequencies, distance to station/stops and access to other local infrastructure including schools, parks, playgrounds, retail, medical and the like.</p>	
12	Parking provision (para 2.27)	<p>The Traffic Report uses car parking rates from the residential flat building section of the Local Centres DCP (7B.1) however should refer to the rates for a mixed use development (8B.2). The DCP provisions for mixed use developments require that car parking provision for non-residential uses must also be addressed. The Traffic Report does not address parking required for the Club on the basis that this is an existing facility. The DCP (Part 22R) requires that, because club parking demand and usage is variable depending on the nature and operations of individual clubs, each situation should be treated on its merits, and therefore a traffic assessment report should assess the parking requirements based on the facilities to be provided and the parking demands of similar developments. The DCP (8B.2) also requires the provision of at least one car share space which has not been included in the parking requirement assessment.</p> <p>Potential impacts on surrounding public car parking areas, including the Larkin Lane car park, should be considered and addressed in the Traffic Report.</p> <p>Further, as it is recommended that the Planning Proposal be amended such that the additional use (residential flat building) is not tied to the provision of a ground floor registered Club, the Traffic Report should also consider the parking implications of the range of uses which may be permissible within the ground floor of any future development.</p>	<ul style="list-style-type: none"> • Assessment of car parking requirement to be updated to use mixed use development rates and include Club / alternate ground floor use car parking requirement and car share space. • Potential impacts on surrounding public car parking areas, including the Larkin Lane car park, to be considered and addressed.
15	Roseville local centre uplift (para 2.40)	<p>With reference to future potential development in the Roseville Local Centre, the Traffic Report highlights that additional delay and queuing could result on the Pacific Highway as a result of right turn movements into Maclaurin Parade and recommends a short five second right turn phase. This issue should be discussed with RMS. Council's Strategic Traffic Engineer has advised that previous requests by Council to introduce a right turn phase were refused on the basis that it would increase delays for northbound traffic on Pacific Highway. Alternatives should also be explored.</p>	<ul style="list-style-type: none"> • Potential solutions for right turn from Pacific Highway in to Maclaurin Parade to be discussed with RMS and included in Traffic Report

PLANNING PROPOSAL – APPENDIX 3 – Acoustic Report

PAGE	SECTION	COMMENT	RECOMMENDATION
-	Single page letter	The letter regarding acoustic controls is not relevant to the planning proposal and does not add any value to the proposal. It should be removed from the appendices as acoustics are a matter for consideration at the DA process.	Remove Appendix 3 from the planning proposal and amend the contents page and references within the proposal to the letter.

PLANNING PROPOSAL – APPENDIX 4 – Heritage Impact Statement

PAGE	SECTION	COMMENT	RECOMMENDATION
1	1.0 Introduction	Reference to the separate development application currently lodged with Council should be removed as it is confusing and not directly related to the Planning Proposal under consideration. References to the DA are also included in section 5.0.	<ul style="list-style-type: none"> Remove references to the separate development application throughout the Heritage Impact Statement
17	5.1 Background	Reference is made to landscape drawings which are not part of the subject Planning Proposal, including a plan shown at Figure 23. It is assumed that these relate to DA plans. All references should be removed to ensure there is no confusion as outlined above.	<ul style="list-style-type: none"> Delete references to landscape drawings and associated plan (Figure 23)
23	7.0 Heritage impact assessment	<p>Two sections in the report deal with heritage assessment (6.0 and 7.0). This should be clarified and consolidated where possible.</p> <p>The assessment references the development being stepped in height away from the heritage item (section 7.1 and 7.2) as a means of minimising impacts on the heritage item. However, the Planning Proposal is for a building envelope and therefore does not include building detail. These comments should be modified to refer to proposed setbacks to be included in the DCP to ensure any future building is stepped to minimise impacts on the heritage item.</p> <p>Whilst the Roseville Memorial Park is not a heritage item it is a registered war memorial on the NSW State Governments Register of War Memorials. While it is not listed, consideration should be given to the very high level of social significance and the ongoing memorial services undertaken at the Park and whether this planning proposal will impact the historic use of the park and the context and setting, including the mature trees adjacent to the</p>	<ul style="list-style-type: none"> Clarify and consolidate where possible the two report sections which deal with heritage assessment (6.0 and 7.0) Amend references to the development being stepped in height away from the heritage item as the Planning Proposal only includes a building envelope. Comments should clearly state that DCP provisions are proposed to ensure any future building is stepped to minimise impacts on the heritage item. Provide some comment on the value of and impacts to the historical Roseville Memorial Park and listed Roseville Cinema.

		<p>site and Larkin Lane that provide a setting to the memorial.</p> <p>It is acknowledged that the listed Roseville Cinema is not directly adjacent to the site, some consideration of its placement in the street elevation along Pacific Hwy needs to be given.</p>	
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PLANNING PROPOSAL – APPENDIX 5 – RRS MC Positioning Statement

PAGE	SECTION	COMMENT	RECOMMENDATION
-	-	<p>The Positioning Statement from the Roseville Returned Servicemen's Memorial Club provides background to the Planning Proposal request, and stresses the need for the increased density proposed to ensure the future viability of the Club.</p> <p>The Planning Proposal must be considered from a strategic perspective having regard to the appropriate future use of the site. It is considered that whilst in the short term the intention is to provide a club on the ground floor of any future development on site, alternate active retail / commercial uses would similarly be appropriate. The key issue is to maintain the integrity of the mixed use nature of the local centre and ensure that all ground floor areas within the B2 zone comprise non-residential uses. It is therefore recommended that the proposed amendment to Schedule 1 be modified to in effect allow for a residential flat building on the site provided that the ground floor is occupied by the club for the entirety of the site area. This will ensure that any future development incorporates an active non-residential use within the ground floor and will accommodate the range of uses that are currently permissible in the B2 zone (including a registered club).</p> <p>The Planning Proposal has been assessed from a strategic perspective, and having regard to site opportunities and constraints, rather than from the perspective of the economic feasibility of the Club. Whilst the subject statement is relevant as background it is not a material consideration for assessment of the Planning Proposal.</p>	-

PLANNING PROPOSAL – APPENDIX 8 – Community Consultation Report

PAGE	SECTION	COMMENT	RECOMMENDATION
-	-	The Community Consultation Report is not specific to the Planning Proposal and does not clearly outline that the consultation undertaken was not only for the Planning Proposal but also for the development application. This unnecessarily confuses the matters which should be taken into account when considering the Planning Proposal. The report should refer only to consultation undertaken in respect of the Planning Proposal and clearly state where any comments refer to the development application and are therefore irrelevant.	<ul style="list-style-type: none"> Provide an amended Community Consultation Report that refers only to consultation undertaken in respect of the Planning Proposal.

PLANNING PROPOSAL – APPENDIX 9 – Preliminary Site Investigation

PAGE	SECTION	COMMENT	RECOMMENDATION
N/A	Cover letter dated 31 July 2018	A cover letter has been provided which indicates that the conclusions of the contamination assessment (Stage 1 Preliminary Site Investigation) undertaken for the separate development application are relevant for the purposes of considering the Planning Proposal. The assessment concludes that the site is suitable for future high density residential development with basement car parking. The investigation has clearly been conducted for the development application that has been lodged with Council. It is recommended that this contamination assessment (Stage 1 Preliminary Site Investigation) be amended to make specific reference to the Planning Proposal.	<ul style="list-style-type: none"> Provide an amended contamination assessment (Stage 1 Preliminary Site Investigation) which makes specific reference to the Planning Proposal.

PLANNING PROPOSAL – APPENDIX 10 – Local Environmental Plan Maps

PAGE	SECTION	COMMENT	RECOMMENDATION
N/A	3 pages	All these maps should be included within Part 4 – Mapping of the Planning Proposal and this Appendix 10 should be deleted.	<ul style="list-style-type: none"> Delete Appendix 10 in its entirety as it replicates mapping that should be included in Part 4 of the Planning Proposal.

MINUTES OF KU-RING-GAI LOCAL PLANNING PANEL MEETING HELD ON MONDAY, 18 MARCH 2019

- Present: Chairperson (Jacqueline Townsend)
Expert Panel Member (Gerard Turrisi)
Expert Panel Member (Tony Blue)
Community Member (Frank Ko)
- Staff Present: Director Strategy and Environment – Strategy Management (Andrew Watson)
Planning Panels Coordinator (Kerry Frair)
- Others Present: Manager Urban & Heritage Planning – Strategy and Environment (Antony Fabbro)
Team Leader Urban Planning – Strategy and Environment (Craig Wyse)
Senior Urban Planner – Strategy and Environment (Rathna Rana)
Team Leader Urban Design – Strategy and Environment (Bill Royal)
Consultant (Lindsey Dey)
Consultant (Helena Miller)

The Meeting commenced at 12:30PM

DECLARATIONS OF INTEREST

The Chair alluded to the necessity for the panel members and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

A declaration was made by consultant Lindsey Dey – she previously worked with Gerard Turrisi and Tony Blue in previous councils.

No declaration was made by the Panel.

ADDRESSES TO THE PANEL

The following members of the public addressed the Panel on items on the agenda:

GB.2 Planning Proposal for 45-47 Tennyson Avenue and 105 Eastern Road, Turramurra.

David Hynes

GB.1 Planning Proposal for land at 62 (part) and 64 - 66 Pacific Highway, Roseville - Roseville Memorial Club

Michael Watson
Xerxes Karai

The public meeting closed at 1:03PM

GENERAL BUSINESS**KLPP02 Planning Proposal for land at 62 (part) and 64 - 66 Pacific Highway, Roseville - Roseville Memorial Club**

File: S12030

Vide: GB.1

To refer the Planning Proposal for 62 (part) and 64-66 Pacific Highway, Roseville, to the Ku-ring-gai Local Planning Panel for consideration of strategic merit with reference to strategic plans (*Greater Sydney Region Plan* and *North District Plan*) and advice to Council as required by the *Local Planning Panels Direction – Planning Proposals* issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

The Panel Advised:**A. Decision**

- a. That the Ku-ring-gai Local Planning Panel (the Panel) recommends to Council that the Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination, subject to the amendments detailed in the staff Report and Table of Assessment at **Attachment A1**, subject to the changes listed below in paragraph “b”.
- b. The Panel recommends the following amendments to the KLEP (Local Centres) 2012 as follows:
 1. Amend land use zoning from RE1 Public Recreation to B2 Local Centre zone for part of the site (Part Lot 2 DP 202148),
 2. Amend Schedule 1 to stipulate that development for the purpose of a residential flat building is permitted with development consent to a maximum height of 26.5 meters and maximum FSR of 3.0:1 if the consent authority is satisfied that the total ground floor of any such building will be used only for the purposes of a registered club. In addition that the maximum number of storeys permitted is seven (7) not including communal open space, amenities servicing that space and access to the communal open space.
- c. Should a Gateway Determination be issued for public exhibition of the Planning Proposal, site specific amendments to the Local Centres DCP as outlined in the staff report to be prepared and placed on public exhibition concurrent with the Planning Proposal.
- d. The Panel recommends Council conducts a review of the Roseville Local Centre Strategic Planning Framework and Planning Controls as a matter of priority.

B. Date of the decision: 18 March 2019.

C. The reasons for the decision: The Panel accepts the proposed site is a landmark site and that there is significant community benefit from its ongoing use as a registered club. The Panel accepts the site has unique circumstances compared to the other B2 properties.

D. How community views were taken into account in making the decision: No submissions were received however, the Panel considers public interest would be served by consideration at Gateway level.

Voting 3:1 for the proposal

Tony Blue Against

KLPP03 **Planning Proposal for 45-47 Tennyson Avenue and 105 Eastern Road, Turramurra.**

File: S12120

Vide: GB.2

To refer the Planning Proposal for 45-47 Tennyson Road and 105 Eastern Road, Turramurra on land currently operating as a plant nursey and service station to the Ku-ring-gai Local Planning Panel for advice as required by the Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning under Section 9.1 of the Environmental Planning and Assessment Act 1979.

The Panel Advised:

A. Decision

- a. The Panel endorses the contents of the staff report, including the proposed amendments to the SJB Planning Proposal for 45-47 Tennyson Avenue and 105 Eastern Road, Turramurra.
- b. That the Deep End Services Economic Assessment report needs to be reviewed in line with the staff report before the Planning Proposal is to go to Gateway for a Determination.
- c. The Panel recommends to Council that the Planning Panel for 45-47 Tennyson Avenue and 105 Eastern Road Turramurra be submitted to the Department of Planning and Environment for a Gateway Determination, subject to the amendments detailed in the staff report, and any other resultant editorial changes.
- d. The Panel recommends to Council that it commence discussions with the proponent in respect to the provision of facilities in the Tennyson Road reserve to create safe pedestrian movement between the existing B1 zone and the planning proposal site. Council should also consider entering into a VPA to facilitate such pedestrian connections.

B. Date of the decision: 18 March 2019.

C. The reasons for the decision: The Panel notes the continual ongoing use of these sites as forming part of the local neighbourhood centre.

E. How community views were taken into account in making the decision: No submissions were received however the Panel considers the public interest would be served by consideration at Gateway level.

Voting: - unanimous

KU-RING-GAI LOCAL PLANNING PANEL

Declaration of Interest

MEETING DATE	18 March 2019
Agenda Item/Panel reference number	GB.1 – Planning Proposal for land at 62 (part) and 64 – 68 Pacific Highway, Roseville – Roseville Memorial Club. GB.2 – Planning Proposal for 45 – 47 Tennyson Avenue and 105 Eastern Road, Turramurra.

In relation to this matter, I declare that I have:

no known conflict of interest ☒

an actual¹ ☐, potential² ☐ or reasonably perceived³ ☐ conflict of interest as detailed below:

Signature

Date

Jacqueline Townsend

Name

¹ An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties.

² A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future.

³ A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.

KU-RING-GAI LOCAL PLANNING PANEL

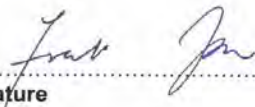
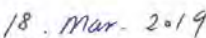
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In relation to this matter, I declare that I have:

no known conflict of interest ☒

an actual¹ ☐, potential² ☐ or reasonably perceived³ ☐ conflict of interest as detailed below:



 Signature Date

Frank Ko

Name

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KU-RING-GAI LOCAL PLANNING PANEL

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In relation to this matter, I declare that I have:

no known conflict of interest ☒

an actual¹ ☐, potential² ☐ or reasonably perceived³ ☐ conflict of interest as detailed below:


Signature

18.3.19.
Date

Gerard Turrisi

Name

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KU-RING-GAI LOCAL PLANNING PANEL


Declaration of Interest

MEETING DATE	18 March 2019
Agenda Item/Panel reference number	GB.1 – Planning Proposal for land at 62 (part) and 64 – 68 Pacific Highway, Roseville – Roseville Memorial Club. GB.2 – Planning Proposal for 45 – 47 Tennyson Avenue and 105 Eastern Road, Turramurra.

In relation to this matter, I declare that I have:

no known conflict of interest ☒

an actual¹ ☐, potential² ☐ or reasonably perceived³ ☐ conflict of interest as detailed below:


.....
Signature

18/3/2019
.....
Date

Tony Blue
.....

Name

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The determination meeting closed at 2.45pm

The Minutes of the Ku-ring-gai Local Planning Panel Meeting held on 18 March 2019 (Pages 1 - 9) were confirmed as a full and accurate record of proceedings by
Jacqueline Townsend on 18 March, 2019.

A handwritten signature in black ink, appearing to read 'Jacqueline Townsend', is written above a horizontal line.

Chairperson

15 March 2019

Our Ref: P-18007

Attn: Rathna Rana
Ku-ring-gai Council
818 Pacific Highway
GORDON NSW 2072
email@email.com.au

Dear Rathna

RE: PLANNING PROPOSAL (PP) - PART 62 AND 64-66 PACIFIC HIGHWAY, ROSEVILLE

We refer to the abovementioned PP that will be considered by the Ku-ring-gai Local Planning Panel (LPP) on Monday 18 March 2019. We note that the assessment report supports the PP, subject to various changes. On behalf of the applicant of the PP (i.e. Roseville Returned Serviceman's Meorial Club Limited) we wish to make the following comments in relation to the recommendations for the Panel's consideration.

Height

The site subject to the PP has height standards of 14.5m and 20.5m. The PP that was lodged to Council sought a proposed height of 28.5m for the subject site. Council's Assessment Report recommends that the height for the site be 26.5m, being a reduction to the height sought. Council's recommendation for this height is based on the following comments:

"Given the minimum floor height requirements under the Ku-ring-gai Local Centres Development Control Plan (Local Centres DCP), a height of 26.5m (existing height control 'T' under KLEP Local Centres 2012) would easily accommodate a 7 storey building with a ground floor height of 4.4m and six residential levels at 3.1m each (allowing 2.7m floor-to-ceiling height and 0.4m for slab, floor and ceiling thickness). This includes an allowance of 3.8m for roof structure(s) including lift overrun as required."

The suggested height by Council is not sufficient to accommodate the building as intended as per the PP. In particular, Council's suggested height did not consider the following:

- **Transfer Slab:** The future development will need to include a transfer slab between the Ground Floor Club and the residential levels above, which is required to satisfy the engineering standards between the different uses, as well as noise reduction. This results in a thicker slab between the two uses, resulting in a taller building.
- **Roof-top Communal Open Space:** As the future intended development will accommodate a ground floor club, there will be no communal open space located at ground level. It is intended to locate this on the roof of the building, which is appropriate in the location and for this form of development. To

provide equitable access to the roof, a lift is required. We understand that recent changes to the standards for passenger lifts require a minimum height of 4.45m from the floor level it serves to the top of the lift shaft.

- Slope of the site: The subject site has a varying topography, with existing ground varying between RL 111.54 (edge of eastern boundary/footpath) to 110.50 (western boundary).

Thus, on the basis of having a ground floor (with transfer slab) floor to floor height of 4.5m, six (6) storeys with floor to floors of 3.1m, and a roof top communal open space with a lift shaft of 4.45m, a minimum height of 27.6m is required. However, we seek an additional 900mm (i.e. a 28.5m height standard) as a consequence of the undulating site (up to 1m) to ensure that there will be no future variations required to the height standard, given the height of a building is measured from existing ground level.

It is requested that the Panel consider amending Council's recommendation to allow the height standard to be 28.5m, so that the future development can incorporate roof top communal open space, which is considered a better planning outcome than if it was not required. If there was still concern regarding the future height of the building, Council could include a requirement for the building to be no more than seven (7) storeys within the proposed Additional permitted uses Clause under Schedule 1 of the LEP to ensure an additional storey is not situated on the upper level.

Floor Space Ratio (FSR)

The site subject to the PP has FSR standards of 2:1 and 2.8:1. The PP that was lodged to Council sought a proposed FSR for the site of 3.2:1. Council's Assessment Report recommends that the FSR for the site be 3:1, being a reduction to the FSR sought. Council's recommendation for this FSR is based on the following comments:

The proposed FSR also appears to be inconsistent with a 7 storey building. An estimated gross floor area of 4,040sqm (equating to an FSR of 2.94:1) has been calculated given the proposed indicative unit mix and using generous floor areas for each unit size, as follows:

- Ground Floor Club = 700sqm
- 11 x 1-bedroom units @ 55sqm = 605sqm
- 20 x 2-bedroom units @ 85sqm = 1,700sqm
- 9 x 3-bedroom units @ 115sqm = 1,035sqm
- Total = 4,040sqm / site area 1,375sqm = FSR 2.94:1

Allowing room for error it is therefore considered that an FSR of 3.0:1 (existing FSR control 'V' under KLEP Local Centres 2012) would sufficiently allow for a 7 storey building on the site.

The suggested FSR by Council is not sufficient to accommodate the building as intended as per the PP. In particular, Council's suggested FSR did not consider the following:

- Toilet facilities on the roof;
- The Ground Floor Club may increase in GFA as a result of enabling the external balcony on the southern boundary to be closed during the evening to reduce noise impacts.
- The calculation has included the areas of the units only, and has not accounted for additional areas that contribute to GFA (e.g. internal lobbys).

- Provide additional flexibility to the future DA once the detailed design has been finalised, and the necessary servicing requirements are fully established that may affect the overall GFA calculation.

The suggested FSR of 3:1 by Council does not allow the flexibility in the future development to accommodate the abovementioned GFA. Thus, it is requested that the Panel consider amending Council's recommendation to allow the FSR standard to be 3.2:1 to avoid the need for any future Clause 4.6 variations. The built form of the building will be guided by the required site specific Development Control Plan (DCP) to ensure the proposed GFA is contained within the intended envelope.

Savings Provision

The PP lodged to Council sought an amendment to Clause 1.8A of the *Ku-ring-gai Local Environmental Plan (Local Centres) 2012* (KLEP). Council have recommended that this is not required as "Clause 3.39 of the *Environmental Planning and Assessment Act 1979* provides an existing statutory mechanism to enable the consideration of a draft LEP amendment (Planning Proposal) when assessing a development application". The ability to lodge a DA prior to an proposed LEP amendment is not in question. The proposed amendment to Clause 1.8A was suggested as we understand that the interpretation of Clause 1.8A of the *Standard Instrument-Principal Local Environmental Plan* has been subject to legal debate as to whether it applies to future amendments of the Ku-ring-gai Local Environmental Plan (Local Centres) 2012. That is, if a DA was lodged prior to a future LEP amendment that it relies upon, it is uncertain if those future amendments would apply to a DA that had yet to be determined, or whether the DA would need to be determined on the applicable LEP provisions at the time of lodgment. For this reason, it was requested to include an amendment to Clause 1.8A to ensure that any DA lodged prior to a imminent/future PP could be determined under the amended PP once they came into effect.

It is requested that the Panel consider the abovementioned matters as part of their recommendation/advice to Council.

Yours Sincerely,



Susan E Francis
EXECUTIVE DIRECTOR