



Planning,
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IRF21/3305

Gateway determination report – PP-2021-4662

Rezoning of 47 Warrane Road, Roseville Chase

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1 Planning proposal

1.1 Overview

Table 1: Planning proposal details

LGA	Ku-ring-gai
PPA	Ku-ring-gai Council
NAME	Rezoning of 47 Warrane Road, Roseville Chase (9 homes)
NUMBER	PP-2021-4662
LEP TO BE AMENDED	Ku-ring-gai Local Environmental Plan (LEP) 2015
ADDRESS	47 Warrane Road, Roseville Chase
DESCRIPTION	Lot 33 DP 3285 Lot 34 DP 3285 Lot 3 DP 26343 Lot B DP 403780
RECEIVED	23/07/2021
FILE NO.	IRF21/3305
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The intended outcomes of the planning proposal are to:

- Rezone the site from RE1 – Public Recreation to R2 Low Density Residential to facilitate the sale of land and enable potential residential development resulting in 9 dwellings. The sale of land will provide funding for other community infrastructure and the renewal and replacement of Council assets.

It is noted that the proposal does not contain a reclassification of the land, as the site is already classified as operational land.

1.3 Explanation of provisions

The planning proposal seeks to amend the Ku-ring-gai LEP 2015 per the changes below:

Table 2: Current and proposed controls

Control	Current	Proposed
Zone	RE1 – Public Recreation	R2 – Low Density Residential
Maximum height of the building	N/A	9.5m
Floor space ratio	N/A	0.3:1
Minimum lot size	N/A	790m ²
Number of dwellings	N/A	9
Number of jobs	N/A	0
Reclassify land from	The site was classified as Operational Land in 2015 as part of the introduction of the Ku-ring-gai LEP 2015	Already reclassified as Operational land.

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

1.4 Site description and surrounding area

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

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

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

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

The subject site is owned by Council (**Attachment C5**) and is classified in the Ku-ring-gai LEP 2015 as operational land in Schedule 4, Part 2 'Land classified, or reclassified, as operational land-interests changed.'



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



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

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

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

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

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

There are no heritage items listed on the site and the site is not within a heritage conservation area. The site is in the vicinity of Archibald Farms Conservation Area 'C34' and the heritage listed Victor A. Edwards Tennis School (item 716) (**Figure 5**).



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



Figure 4: Site and surrounding land zoning (Source: NSW Planning Portal – overlay by DPIE)

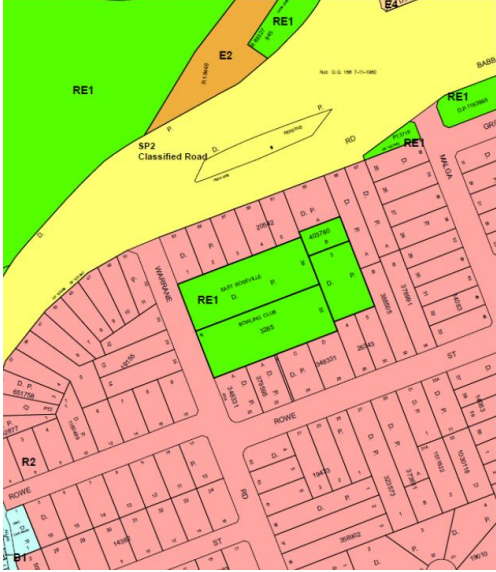
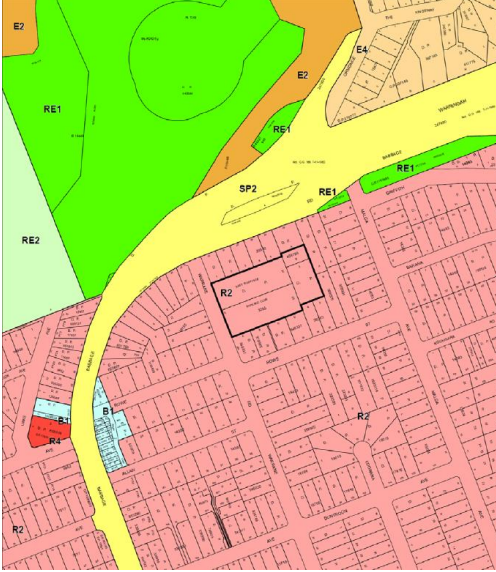



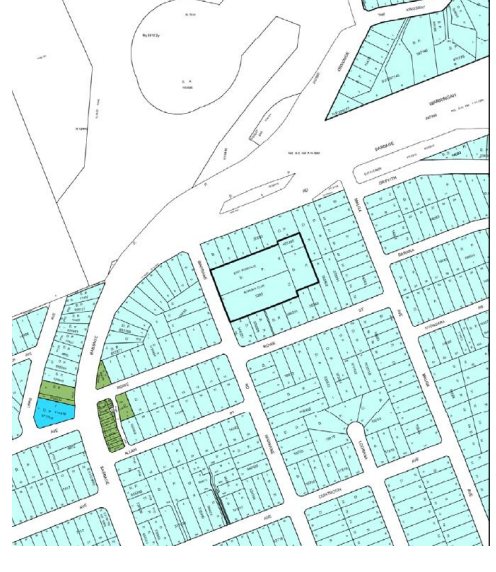
Figure 5: Heritage mapping under KLEP 2015 (Source: NSW Legislation).

1.5 Mapping

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

- Land zoning map sheet LZN_020 from RE1 Public Recreation to R2 Low Density Residential (**Figures 6 and 7**);
- FSR map sheet FSR_020 to apply an FSR of 0.3:1 (**Figures 8 and 9**);
- Height of buildings map sheet HOB_020 to apply a height of building control of 9.5m (**Figures 10 and 11**); and
- Lot size map sheet LSZ_020 to apply a Minimum Lot Size of 790m² (**Figures 12 and 13**).

Existing land zoning – RE1 Public Recreation	Proposed land zoning – R2 Low Density Residential
	
<p>Figure 6: Existing Land Zoning Map.</p>	<p>Figure 7: Proposed Land Zoning Map.</p>

Existing FSR – None	Proposed FSR – 0.3:1
	
<p>Figure 8: Existing FSR Map.</p>	<p>Figure 9: Proposed FSR Map.</p>

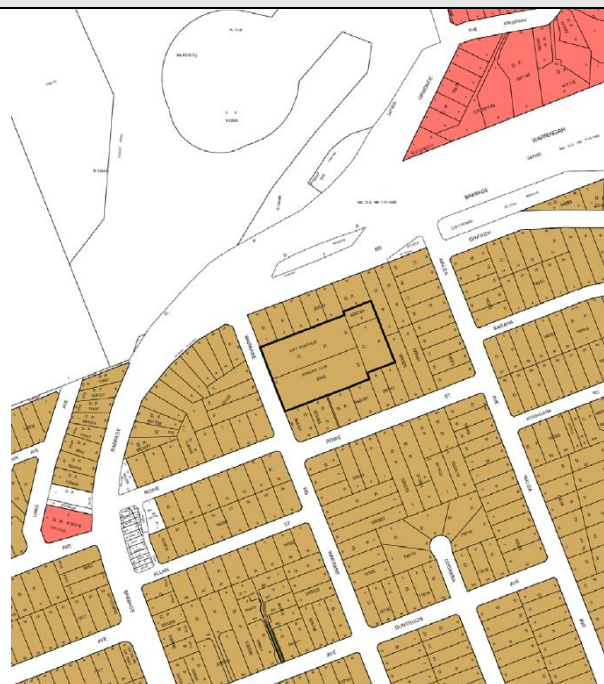
Existing height of building - None

**Figure 10: Existing Height of Building Map.**

Proposed height of building – 9.5m

**Figure 11: Proposed Height of Building Map.**

Existing minimum lot size – None

**Figure 12: Existing Lot Size Map.**Proposed minimum lot size – 790m²**Figure 13: Proposed Lot Size Map.**

1.6 Background

Records indicate that the site has been owned by Council since 1948 and it began operating as a bowling club soon after.

The site was classified as Operational Land in 2015 as part of the introduction of the Ku-ring-gai LEP 2015. Prior to this it was classified as Community Land. The change to Operational Land allowed for the potential sale and/or subdivision of the subject site. It enabled the cottage to be situated on an individual lot with a separate title and could facilitate a rezoning of the site. The remaining part of the site was to retain its public recreation zoning as a bowling club.

However, on 31 December 2017 the East Roseville Bowling Club terminated their lease and vacated the property. This made it possible for Council to consider the rezoning of the entire site to residential.

On 8 May 2018, Council at their Ordinary Meeting (**Attachment C1**), stated that the rezoning of 47 Warrane Road, Roseville Chase and any future divestment will assist Council to effectively manage its financial position to meet community expectations for renewal and replacement of assets.

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

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

On 17 February 2020, a Gateway determination was issued for the site to rezone the land to R2 Low Density Residential, with 12 months to make the LEP (Attachment E). The Gateway determination required the proposal to be amended and a number of conditions were included that Council were required to address and seek endorsement from the Department prior to exhibition of the updated proposal.

Council submitted a revised Planning Proposal on 24 March 2021 to address the pre-exhibition Gateway conditions. The Department undertook an assessment of the revised proposal and concluded that the additional information satisfactorily addressed the pre-exhibition conditions.

However, as the timeframe to make the LEP had lapsed, the Department altered the Gateway determination to not proceed (Attachment F) on 30 May 2021. Council were instead encouraged, in the accompanying letter (Attachment G), to resubmit the revised planning proposal and seek a new Gateway determination with an updated timeframe. The updated timeframe would allow both Council and the Department to monitor the progression of the proposal in a timely manner.

On 21 July 2021, Council resubmitted the planning proposal on the planning portal.

2 Need for the planning proposal

The proposal is not the result of a specific strategic study. On 28 June 2017, Council was advised by the East Roseville Bowling Club that they intended to relocate to Lindfield Bowling Club due to a reduced and aging membership. The bowling club terminated their lease and vacated the property

on 31 December 2017. The site is currently vacant and zoned RE1 Public Recreation which does not permit residential dwellings. Changing the zone to a residential use will allow for the sale and redevelopment of the site.

3 Strategic assessment

3.1 District Plan

The site is within the North District and the Greater Sydney Commission released the North District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

Table 3: District Plan Assessment

District Plan Priorities	Justification
Planning priority N3 – Providing services and social infrastructure to meet people's changing needs	With the changing population, Roseville Bowling Club merged with Lindfield Bowling Club and vacated the site. The planning proposal is to enable Council to explore alternative uses for the site and possible future sale. Council has stated that any financial gain will aid in the funding of other community infrastructure and the renewal and replacement of assets.
<u>Planning priority N5 – Providing housing supply, choice and affordability with access to jobs, services and public transport</u>	The planning proposal will provide future residential development that is close to existing public transport, infrastructure and services. It will also contribute to the 20-year strategic housing target of 92,000 dwellings for the North District and provide dwellings close to existing services, public transport and infrastructure.
<u>Planning priority N12 – Delivering integrated land use and transport planning and a 30-minute city</u>	The site is in an accessible location within 280m walking distance of the Roseville Neighbourhood Centre and approximately 3kms north-east of Chatswood shopping centre. The proposal will allow for further low-density residential uses in an area close to existing public transport, shops, services and infrastructure.
<u>Planning Priority N20 – Delivering high quality open space</u>	<p>This planning priority aims to ensure high-quality public open space is delivered.</p> <p>The proposal indicates that there is very little high-density development planned for the area and the site has access to other parks, including Malga Reserve within a 5 minute walk, Echo Point Park within a 15 minute walk and Castle Cove Park within a 15 minute walk. Malga Reserve has recently been upgraded and therefore a park at the subject site would duplicate the new facilities.</p> <p>The proposal explains that the site has only one street frontage, does not comply with the Council's Open Space Acquisition Policy requirements that all new parks have at least two street frontages. Also, the site is mostly clear of vegetation with limited biodiversity value. The proposal outlines that due to the past use of the site as a bowling club, there is potential for contamination of land. Remediation of the land could prove to be costly and could be spent on acquiring other uncontaminated sites for recreational use.</p>

The planning proposal is generally consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

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

3.2 Local

Ku-ring-gai Local Strategic Planning Strategy

The planning proposal addresses consistency with Council's Local Strategic Planning Statement (LSPS), specifically Local Planning Priorities K1, K3, K4 and K21. The proposal outlines that the site presents an opportunity for asset recycling to acquire new assets or renew existing ones.

The rezoning of the site will enable future residential development within walking distance of public transport and other services at the Roseville Chase neighbourhood centre and East Roseville Community Centre. Frenchs Forest, Chatswood, St Leonards, North Sydney and the Sydney CBD can be accessed from the site within 30 minutes by public transport.

Ku-ring-gai Community Strategic Plan 2038

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

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

The proposal will provide low density development increasing housing choice in the area. The future sale of the site would provide Council with additional funds to meet community expectations for the renewal and replacement of existing community assets. Specifically, on 8 May 2018, Council resolved at its Ordinary Meeting (**Attachment C1**) that the future sale of the site would facilitate the renovation and expansion of existing community facilities in accordance with Councils Long Term Financial Plan and the Delivery Program 2018-2021, and Operational Plan 2020-2021.

Open Space Acquisition Strategy 2007

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

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

- the area is well serviced by existing parkland including:
 - Malga Reserve with an area of approximately 4,300m² and approximately 200m and five minutes walking distance from the site;
 - Echo Point Park approximately 900m and approximately 15 minutes' walk to the east; and
 - Castle Cove Park approximately 13kms and approximately 20 minutes' walk south-east of the site;
- the site does not have high visual or landscape qualities;
- the strategy requires that new parks have at least two street frontages;
- the site had limited potential for new linkages between residential blocks;
- the site would duplicate facilities provided in the Malga Reserve;

- the site may be affected by contamination from past uses and remediation of the site would significantly increase the cost of constructing a viable park. If Council sell the site this remediation will be undertaken by the developer before being used for residential purposes and Council will make a financial return on the site instead of having to fund the remediation of the site; and
- the location is consistent with 'Safe by Design' principles in terms of passive surveillance but would be improved with the development of the site.

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



Figure 13: Public open space in the vicinity of the site (Source: Ku-ring-gai Council – overlay by DPIE)

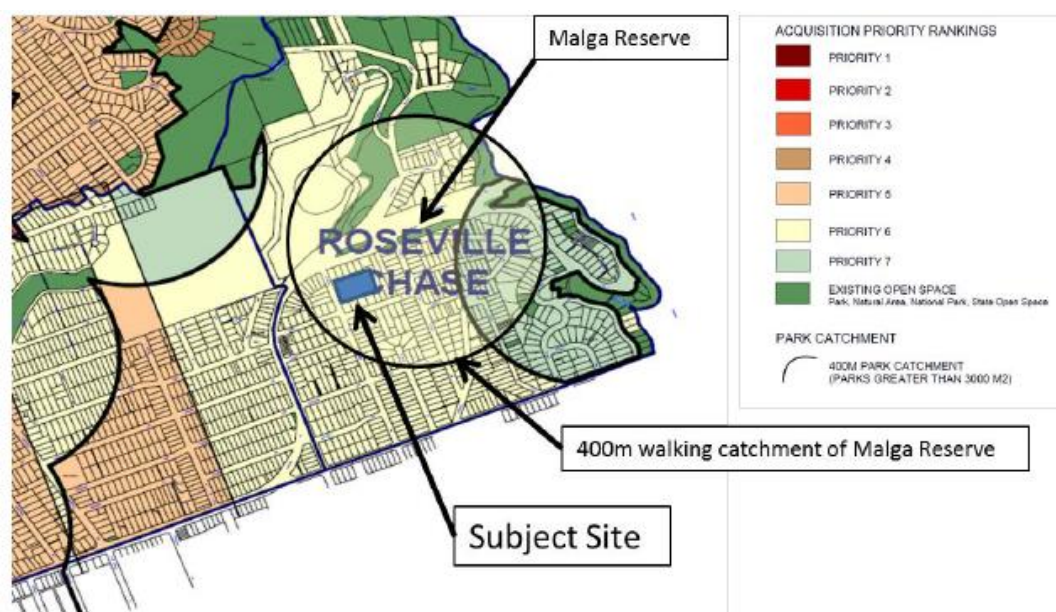


Figure 14: Open Space Acquisition Strategy with priority ranking (Source: Ku-ring-gai Council)

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 4: 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
<u>Direction 6.2 Reserving Land for Public Purposes</u>	Justifiably inconsistent	<p>The objectives of this Direction are to facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal of reservations of land for public purposes where it is no longer required for acquisition.</p> <p>The site is classified as RE1 Recreation Land and was acquired by Council and leased to the East Roseville Bowling Club. The land was reclassified from Commercial Land to Operational Land in 2015.</p> <p>In October 2017, due to a declining membership, East Roseville Bowling Club terminated their lease with Council leaving the site vacant and therefore was not required for its original purpose. Council has identified the site as surplus to requirements for public open space as it is located close to existing parks and alternative public open space such as Malga Reserve. It is also found to be unsuitable due to access constraints and potential contamination issues.</p> <p>The proposal outlines that the loss of open space will not have significant wider consequences as there are no plans for considerable population growth or increased density within the surrounding area. The site also has access to Malga Reserve, Echo Point Park, Castle Cove Park and the Roseville Golf Club within walking distance.</p> <p>During the lease of the bowls club, the site was for the club's exclusive use and did not serve the same purpose as a public park. Council indicate they will continue to acquire appropriate sites for open space and recreation purposes in order to offset or compensate for this loss of open space.</p> <p>As the site is not considered suitable for use as public open space as identified by Council's <i>Open Space Acquisition Strategy</i>, it is recommended that the Secretary's delegate agree that the inconsistency with this Direction is adequately justified.</p>

3.4 State environmental planning policies (SEPPs)

With exception of State Environmental Planning Policy 55 – Remediation of Land, the planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 5: Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP 55	<p>(a) the planning authority has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p> <p>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.</p> <p>Stage 1 and Stage 2 contamination investigations have been undertaken</p>	Yes. Can be consistent through future mitigation as part of a future development application.	<p>Stage 1 and Stage 2 contamination investigations have been conducted (Attachments C3 and C4).</p> <p>Appropriate measures have been taken to mitigate the potential contamination risks. Further assessment of the constraints are required to ensure that the site is suitable for the proposed use.</p>

4 Site-specific assessment

4.1 Environmental

Contamination

Stage 1

The Stage 1 report conducted by Alliance Geotechnical, identified issues in their report dated 21 March 2018 (**Attachment C3**), with the site including uncontrolled demolition, uncontrolled filling and the use and storage of herbicides, pesticides and chemicals. The Stage 1 report concluded that the site could be made suitable for residential use subject to further assessment.

Stage 2

A Stage 2 report was conducted by Alliance Geotechnical, dated 9 July 2018 (**Attachment C4**). The Stage 2 report recommended that:

- an additional contamination assessment should be carried out to:
 - identify potential soil contamination in the central and northern portions of AEC09, after the demolition of the existing clubhouse building;
 - identify lead contamination levels sampling point TP16 and benzo(a)pyrene (TEQ) sampling point TP17 in AEC03; and

- further characterise the nature and extent of asbestos in soil in the northern portion of AEC04;
- a remedial action plan (RAP) be prepared which includes a strategy for implementing the supplementary contamination assessment works and includes a remedial strategy for addressing identified asbestos in the soil. An addendum to the RAP may be required if unacceptable contamination is identified in AEC09 and EC03, which require management and/or remediation (**Figure 15**).



Figure 15: Sampling areas for contamination on the subject site (Source: Alliance Geotechnical)

A Remedial Action Plan (**Attachment C8**) concludes that the remedial strategies can be achieved, and that the site can be made suitable for residential use, subject to:

- the implementation of the strategies contained within the RAP;
- made amendments to the RAP if unacceptable land contamination risks are identified;
- the appropriate classification of soils to be removed be prepared by an environmental consultant; and
- the ongoing monitoring and validated of remedial works by a suitably qualified environmental consultant.

4.2 Social and economic

As identified in the Ku-ring-gai Local Strategic Planning Statement (LSPS) Council intends to employ “asset recycling”, whereby the future sale of the site will raise funds to contribute to the restoration and expansion of Council assets. The Ku-ring-gai Long Term Financial Plan and the Delivery Program 2018-2021 and Operational Plan 2020-2021 identify projects for funding from the sale of properties. Some of these include:

- The renewal of the St Ives Sports Centre and Marian Street Theatre;

- Update general assets (buildings, roads, kerbs and gutters, footpath, stormwater network, swimming pool, parks, and tennis courts; and
- Major Town Centre Projects such as Lindfield Village Hub and the Turramurra Hub.

Built Form

The proposal contains an Urban Design Study (**Attachment C6**) that demonstrates that possibility of 9 lots, each with a single dwelling house being constructed with appropriate setbacks and landscaping in accordance with Council's DCP (**Figure 16 and 17, below**). The Urban Design Study is considered satisfactory to inform the public of the intended built form outcomes, with a more detailed design to be provided during the development application stage.



Figure 16: Proposed lot layout and indicative dwelling setbacks



Figure 17: Proposed landscaping and dwelling footprints

4.3 Infrastructure

Traffic and Transport

The proposal contains a traffic and transport study report (**Attachment C7**) that details the capacity of local road network and the impacts of the proposal on the road network. The study concluded that there would be only minor impacts during both the weekday AM and PM peak hour for low-density residential development, and that development of 9 lots would have impacts comparable to the historic use of the site as a bowls club. The study highlights spare capacity on the existing local road network surrounding the site.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 14 days to comment:

- Transport for NSW;
- Sydney Water; and
- Ausgrid.

6 Timeframe

Council proposes a 4 month time frame to complete the LEP.

The Department recommends a time frame of 6 months to ensure it is completed within this timeframe in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

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

7 Local plan-making authority

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

8 Assessment summary

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

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

9 Recommendation

It is recommended that the delegate of the Secretary:

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

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

1. Community consultation is required under section 3.34(2)(c) and schedule 1, clause 4 of the *Environmental Planning and Assessment Act 1979* (the Act) as follows:
 - a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment 2016).
2. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act:
 - Transport for NSW;
 - Sydney Water; and
 - Ausgrid.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act.
4. The time frame for completing the LEP is to be 6 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should not be authorised to be the plan-making authority to make this plan.



13 August 2021
David Hazeldine
Manager, North District



31 August 2021
Brendan Metcalfe
Director, North District

Assessment officer

Michael Cividin
Planning Officer, North District
9860 1554

Attachments

Attachment	Document
Proposal	Planning Proposal
A	Gateway Determination
B	Letter to Council
C1-C8	Appendices to revised Planning Proposal
D1-D2	Council Report and Resolution - 20 July 2021
E	Previous Gateway determination – 17 February 2021
F	Previous Gateway alteration 'to not proceed' – 30 May 2021
G	Previous Letter to Council – 30 May 2021
H	Gateway Alteration Report for previous Planning Proposal – May 2021

