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Plan Finalisation Report – PP-2021-4662

Ku-ring-gai Local Environmental Plan 2015 (Map
Amendment No. 2)

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

Ku-ring-gai Local Environmental Plan 2015 (Map Amendment No. 2).

The plan seeks to rezone land at 47-49 Warrane Road, Roseville Chase, the site of the former East Roseville Bowling Club from RE1 Public Recreation to R2 Low Density Residential.

Council has indicated that the purpose of the proposal is to appropriately rezone this site to provide Council with the opportunity divest the land to fund the renovation and expansion of existing community facilities within the locality. It is noted the proposal was considered through the Gateway assessment process to have strategic and site-specific merit. The amendment to rezone the site also seeks to introduce a maximum building height, maximum floor space ratio and minimum lot size for the site.

1.1.2 Site description

The site is the former East Roseville Bowling Club (closed since late 2017) and is a 10,110m² area of land owned by Ku-ring-gai Council that is surrounded by low density residential housing. The land comprises a clubhouse, a car park, three bowling greens and a greenskeeper brick cottage. The site is approximately 270 metres from the East Roseville Shopping Centre (Figure 2).

Table 1 Site description

Site Description	47-49 Warrane Road, Roseville Chase (Lot 33 DP 3285, Lot 34 DP 3285, Lot 3 DP 26343 and Lot B DP 403780)
Type	Site
Council / LGA	Ku-ring-gai



Figure 1 Subject site shaded in blue (Source: Nearmap 2022)



Figure 2 Site context plan (Source: Nearmap 2022)

1.1.3 Purpose of plan

The draft LEP seeks to apply the following changes to the site:

- Rezone from RE1 Public Recreation to R2 Low Density Residential,
- Apply a maximum building height of 9.5m,
- Apply a maximum floor space ratio (FSR) of 0.3:1, and
- Apply a minimum lot size of 790m.

The proposal will support 9 additional homes. No jobs are anticipated from the proposal.

The purpose of the proposal is to provide Council with the opportunity to divest the site to fund the renovation and expansion of existing community facilities within the locality.

It is noted that Council resolved to prepare a site-specific DCP to guide future development.

The table below outlines the current and proposed controls for the LEP.

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

Control	Current	Proposed
Number of jobs	N/A	0
Reclassification of land	In 2015, the site was reclassified as Operational Land in Schedule 4 of the Ku-ring-gai LEP 2015.	N/A. (Already reclassified as Operational Land)

The proposal contains 4 mapping amendments as shown in **Figures 3 to 6** below.

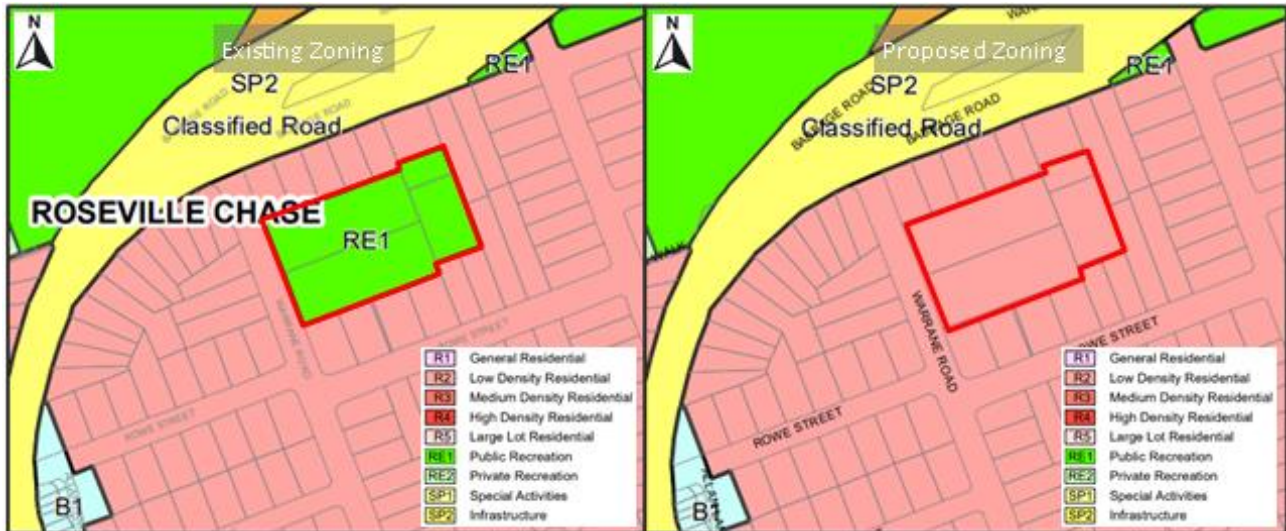


Figure 3: Existing and proposed land use zoning maps



Figure 4: Existing and proposed height of buildings maps



Figure 5: Existing and proposed floor space ratio maps

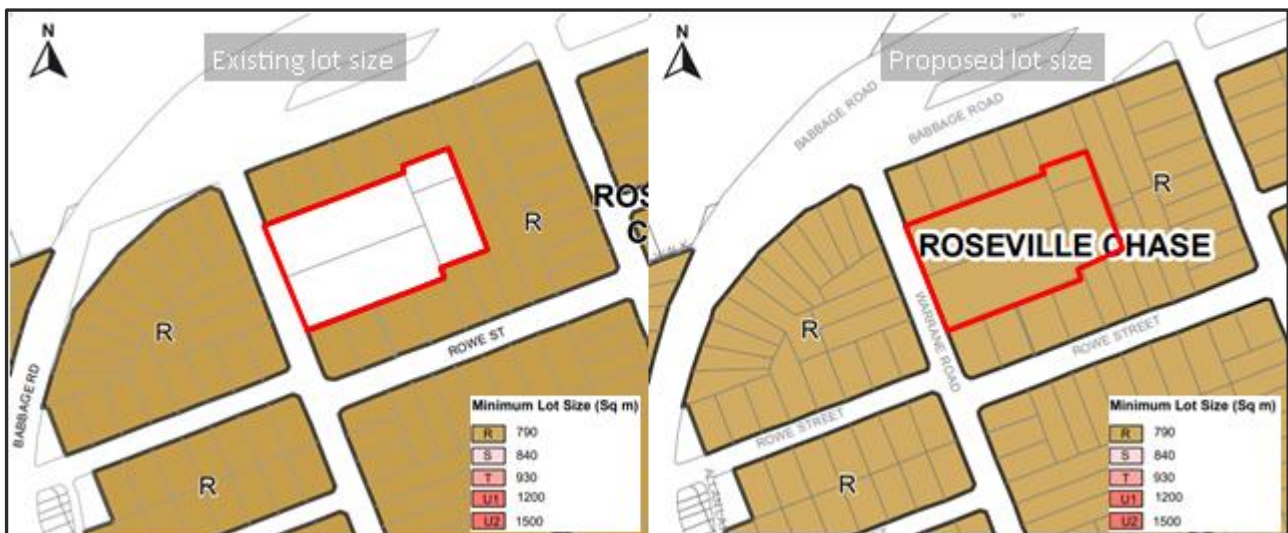


Figure 6: Existing and proposed lot size maps

1.1.4 State electorate and local member

The site falls within the Davidson state electorate. Jonathan O'Dea MP is the State Member.

The site falls within the Bradfield federal electorate. Paul Fletcher MP is the Federal Member.

To the team's knowledge, neither MP has made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination and alterations

The Gateway determination issued on 31/08/2021 (**Attachment A**) determined that the proposal should proceed subject to conditions, with a timeline of 6 months. Council has met all the Gateway determination conditions.

Background on previous planning proposal (PP-2020-143)

It is noted that, Council resolved in July 2021 (**Attachment E**) to resubmit this revised planning proposal for 47 Warrane Road to the Department for Gateway determination.

A planning proposal was originally submitted by Council on 2 October 2018 seeking to rezone the site from RE1 Public Recreation to R3 Medium Density Residential with associated planning controls. A Gateway determination was issued by the Department on 17 February 2020 including conditions to amend from R3 to R2 Low Density Residential and associated planning controls.

On 30 May 2021, the Department altered the Gateway determination to indicate that the proposal was not to proceed, primarily due to the prolonged timeframe in progressing the proposal.

3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the proposal was required to be publicly exhibited for a minimum of 28 days section 3.34(2)(c) and schedule 1, clause 4 of the *Environmental Planning and Assessment Act 1979* and consultation with the agencies below.

The planning proposal was exhibited from 16 September to 15 October 2021 in accordance with the Gateway determination and the *Kur-ring-gai Council Community Participation Plan 2020*. A total of 114 community submissions were received, comprising mostly objections with some supporting of the proposal (**Attachment F1**).

A public hearing was not required, as the site has previously been reclassified from community to operational land in 2015 with the gazettal of the Kur-ring-gai LEP 2015.

3.1 Submissions during exhibition

3.1.1 Submissions supporting the proposal

The submissions in support of the proposal are summarised below:

- The R2 Low Density zoning is appropriate and will result in the least impact to nearby residents in terms of noise and traffic on a 24-hour-basis,
- One submission suggested R3 Medium Density zoning would be appropriate and address housing affordability in Sydney,
- Continuation of recreation uses at the site are not appropriate due to poor access, noise, traffic, parking and general disturbance to neighbours,
- The current proposal for a possible 9-block subdivision is the best outcome possible,
- The proposal will improve the amenity of the local area,
- The proposal aligns with strategic planning documentation,
- The proposal will complement the surrounding neighbourhood whilst providing additional housing within a convenient location, and
- Enhances the lifestyle and value of properties in the surrounding area without disrupting the community feel.

Comments provided by the community also provide support for the development, subject to retaining part of the site for open space.

3.1.2 Submissions objecting to and/or raising issues about the proposal

The objections/concerns raised in submissions are summarised below:

Issue raised	Council response and Department assessment of adequacy of response
<p><i>Objections to R2 zoning</i></p>	<p><u>Council Response:</u></p> <p>The planning proposal seeks to rezone the subject sites to R2 Low Density Residential – this is consistent with the existing zoning of the surrounding residential area of Roseville Chase. The planning proposal proposes controls which result in the potential for up to 9 additional dwellings, this would be subject to further separate development application process.</p> <p>No amendment to planning proposal.</p> <p><u>Department Response:</u></p> <p>The proposed use is consistent with the zoning and controls immediately surrounding the subject site. The future development of the site for a potential 9 additional dwellings will be subject to further assessment through a development application. Council's response is considered adequate.</p>
<p><i>Amenity impacts</i></p>	<p><u>Council Response:</u></p> <p>While residential land uses can result in general neighbourhood noise –such as noise from pets, power tools, vehicles, air conditioners musical instruments and electronically amplified sound equipment (radios, TVs, CDs) – the noise and amenity impact from 9 additional low density residential would be no greater than existing potential noise from the existing residential neighbourhood. The subject site and surrounding residential properties do not provide any significant views (e.g., water views).</p> <p>The views currently available from surrounding properties would be general district views and an open outlook across the subject sites. Various courts have considered the rights to views, and property owners have no right to a view; the law is clear on this point and has been since 1937. The potential for reduction or increase in an individual's property value is not a planning matter for consideration under the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>No amendment to planning proposal.</p> <p><u>Department Response:</u></p> <p>The amenity impacts associated with the proposed low-density residential zoning would be no greater than the existing amenity of the residential properties surrounding the site. Some noise may be experienced during the construction phase, however, this is short term and will be required to be undertaken in accordance with working hours and relevant legislation. Council's response is considered adequate.</p>
<p><i>Increased density including objections to rezoning to R3 or R4</i></p>	<p><u>Council Response:</u></p> <p>The main concerns raised relate to increased density from medium and high-density developments, retirement/over 55's/boarding houses and the associated impacts from increased density. Concern is also raised for the potential upzoning of the site in the future.</p>

Issue raised	Council response and Department assessment of adequacy of response
	<p>The planning proposal is seeking to rezone the subject site to R2 Low Density Residential not R3 Medium Density Residential or R4 High Density Residential.</p> <p>The <i>State Environmental Planning Policy (Housing) 2021</i> permits development for seniors housing within the R2 Low Density Residential zone if the Seniors Housing will be provided for by an operator.</p> <p>The intention of the planning proposal is to rezone the subject sites to R2 Low Density Residential and Council's resolution confirms the proposal only seeks to create low density residential zoned land, consistent with the surrounding land.</p> <p>Should rezoning of the site be proposed in the future it would be subject to a separate assessment.</p> <p>No amendment to planning proposal.</p> <p><u>Department Response:</u></p> <p>Several objections raised concerns for higher densities associated with the R3 and R4 zones, which is not what the proposal is seeking.</p> <p>The proposed R2 zone is consistent with the zoning surrounding the site which is considered appropriate in the context of the locality. The proposal can be accommodated within the existing road network and the development for 9 residential blocks is unlikely to result in any long-term noise impacts. Visual privacy impacts are to be managed with future development applications.</p> <p>Council's response is considered adequate.</p>
<i>Affordable housing</i>	<p><u>Council Response:</u></p> <p>Council does not currently have an affordable housing policy in place. The Ku-ring-gai Local Strategic Planning Statement includes a specific Local Planning Priority identifying this as a key priority for future:</p> <ul style="list-style-type: none"> • K5 Providing affordable housing that retains and strengthens the local residential and business community. <p>The LSPS also identified the following actions for Council to undertake:</p> <ul style="list-style-type: none"> • Undertake a Housing Affordability Study to determine the profile of local residents and essential workers in need of affordable housing, and the appropriate location for viable provision. • Prepare a SEPP 70 Affordable Housing Contribution Scheme for Ku-ring-gai to enable a mechanism for the delivery of local affordable housing. <p>Additionally, the Ku-ring-gai Housing Strategy identified a Housing Priority to Encourage diversity and choice of housing, with a specific objective to investigate housing affordability.</p> <p>The rezoning of the site would not preclude Council from making the land available to community housing providers in the future.</p> <p>No amendment to planning proposal.</p> <p><u>Department Response:</u></p> <p>The proposed rezoning of the site does not preclude the land being available to a community housing provider. The rezoning from RE1 to R2 provides additional housing opportunities in the area and as Council indicates, the rezoning does not</p>

Issue raised	Council response and Department assessment of adequacy of response
	<p>preclude Council from making the land available to community housing providers in the future. Council's response is considered adequate.</p>
<p><i>Development standards inappropriate for the site</i></p>	<p><u>Council Response:</u></p> <p>Concern was raised regarding the height and lot size requirements. The maximum height of buildings proposed by the planning proposal for the subject site is 9.5m, which allows for 2 storey residential development. This is the same maximum height of buildings which applies to all surrounding residential properties.</p> <p>The minimum lot size proposed by the planning proposal for the subject site is 790sqm. This is the exact same minimum lot size that applies to all the surrounding residential properties should they subdivide. While the minimum lot size is 790sqm, the configuration suggested in the Urban Design Study has lot sizes ranging from 805sqm –900sqm due to the site shape and configuration with the new road.</p> <p>No amendment to planning proposal.</p> <p><u>Department Response:</u></p> <p>The land surrounding the site has a height limit of 9.5 metres and a minimum lot size of 790sqm, which is the same as proposed for the subject site. Council has undertaken an Urban Design Study and has demonstrated that the proposed controls are consistent and appropriate in the local context of the site. Council's response is considered adequate.</p>
<p><i>Retention of site for open space and recreation</i></p>	<p><u>Council Response:</u></p> <p>The site does not meet Council's criteria for new parks as per the Open Space Acquisition Strategy:</p> <ul style="list-style-type: none"> • The site is not considered a good location for a park as it is surrounded on 3-sides by housing with rear fences facing the site • The site is also long, or deep, and the rear parts of the site lack any potential for passive surveillance • The site only has one street frontage which impacts on access and public safety • A park on this site is not considered high priority community infrastructure. Council's Open Space Acquisition Strategy identifies this area as a low priority area for additional open space • Roseville chase is ranked 6 out of 7 in terms of priority (where 1 is the highest and 7 is the lowest) refer Ku-Ring-Gai Open Space Acquisition Strategy, Part 5, Figure 5 - Acquisition Priority Rankings, page 48https://www.krg.nsw.gov.au/files/assets/public/hptrim/information-management-publications-public-website-ku-ring-gai-council-website-planning-and-development/open_space_acquisition_strategy_-_november_2006_-_part_5.pdf <p>The site is within reasonable proximity to Echo Point Park, Castle Cove Park, and Malga Avenue West Park</p> <p>Provision of additional facilities would conflict with what is provided, in addition increase the financial burden of Council to maintain additional facilities.</p> <p>The site would require significant remedial works to provide a functional surface for recreation</p>

Issue raised	Council response and Department assessment of adequacy of response
	<p>The subject site has continuously been leased to the bowling club since the 1950's for their exclusive use, and accordingly the site has not served the same public open space function for the wider community that a park or reserve would.</p> <p>General maintenance and grass cutting of the former bowling has continued since the Club vacated the site, however it is noted the buildings have been vandalised.</p> <p>Council is committed to providing additional open space throughout Ku-ring-gai. Council will offset or compensate for the loss of this site by continuing to acquire sites that are better suited for the provision of the open space and recreation needs to the community.</p> <p>The whole of 47 Warrane Road, Roseville Chase was reclassified from community land to operational land as part of the preparation of the <i>Ku-ring-gai Local Environmental Plan 2015</i> on 5 March 2015. A public hearing into the proposed reclassification of the property was held on 12 June 2013, and adjoining owners were notified by letter and a notice was placed in the North Shore Times on 17 May 2013. Council resolved to proceed with the reclassification of the site on 26 November 2013. As part of the reclassification process, all interests in the land including the 1953 Declaration of Trust were discharged as part of the process.</p> <p>Comments on the existing parks in the surrounding areas are noted, parks and open space are regularly reviewed and where practical upgrades to access and improvements to facilities and services area made.</p> <p>Council is committed to providing additional open space throughout Ku-ring-gai.</p> <p>No amendment to planning proposal.</p> <p><u>Department Response:</u></p> <p>The Department notes the comments regarding adequate open space in the area. The Ku-ring-gai open Space Acquisition Strategy identifies priority locations for open space and the subject site was identified as being underutilised. Council has indicated the site does meet the criteria for new parks under the Strategy, primary as it is a deep site surrounded on three boundaries by housing, and with only one street frontage. Council advise that there are sufficient open space areas within proximity for residents and the proposed 9 additional houses are unlikely to result in a significant increase in demand for open space and recreation.</p> <p>Council's response is considered adequate.</p>
<p><i>Alternate uses of the site for recreation and community uses</i></p>	<p><u>Council Response:</u></p> <p>The site is not suitable for other uses suggested in the submissions and does not align with Council's Community Facilities Strategy. Council provided the following response:</p> <ul style="list-style-type: none"> • The site is not suitable for organised or active sports due to the proximity to residential properties and potential noise/lighting/traffic impacts • Council's most successful community gardens is in Turramurra and occupies about 1,000sqm (about 10% of the subject site area). This garden was initiated by an active, well-organised and established community group who approached Council seeking a site. These pre-requisites have not been met in this case. • There is a children's playground within about 200 metres of the site

Issue raised	Council response and Department assessment of adequacy of response
	<ul style="list-style-type: none"> • Barbeque and Picnic facilities are available at Echo Point Reserve and Davidson Reserve among others • Access to natural areas is available along the foreshore of Middle Cove • A community facility cannot be supported for this site as per Council's Community Facilities Strategy. • The suggested uses are incompatible with residential properties due to potential noise, lighting, and traffic impacts. <p>As noted in the planning proposal - the site is affected by contamination from past land uses and activities on the site. This would dramatically increase the cost of construction of the park. Such costs are not budgeted for and must be avoided to ensure maximum funds are available to create new parks with high levels of facilities and amenities.</p> <p>The retention of the site for lawns bowls would require significant investment to renew the facilities, in addition to the high ongoing cost of specialised turf management action.</p> <p>With a 0.5452% participation rate across the North District current operational facilities meet the demand without the renewal of this site.</p> <p>No amendment to planning proposal.</p> <p><u>Department Response:</u></p> <p>The Department acknowledges the submission regarding the potential alternate uses of the site; however as Council indicate, the Open Space Acquisition Strategy identifies the site as surplus to the open space needs of the Roseville Chase area. Council also indicates that a community facility, as per Council's Community Facilities Strategy cannot be supported on this site. Rezoning and sale of the site to fund priority open space and community infrastructure is an appropriate response.</p> <p>Council's response is considered adequate.</p>
<p><i>Insufficient Infrastructure and facilities to support the increased in dwellings</i></p>	<p><u>Council Response:</u></p> <p>The planning proposal to rezone the site to R2 Low Density Residential would result in 9 additional dwellings to the surrounding area. The planning proposal was referred to state government agencies, such as Transport for NSW, who did not raise any concern with the potential impact on infrastructure.</p> <p>The provision of infrastructure and facilities to support the community is a key priority for Council and is consistent with the planning priorities in the LSPS.</p> <p>The comments regarding impact on water and electricity infrastructure are noted. The planning proposal was referred to both Sydney Water and Ausgrid. Ausgrid raised no objection to the planning proposal, and Sydney Water advised there was water and wastewater servicing the subject site.</p> <p>In relation to shops, the subject site is located within proximity to the Roseville Chase Neighbourhood Centre. The centre provides surrounding residents access to retail and commercial services, and well as access to community facilities and public transport. The existing shopping facilities in the locality are sufficient to support the anticipated 9 additional dwellings.</p>

Issue raised	Council response and Department assessment of adequacy of response
	<p>In relation to public transport, the introduction of additional bus stops at the end of 2020 provides additional capacity and operates as a quasi-rapid bus service along this route, taking advantage of existing No Stopping and Clearway restrictions along the corridor and less frequent stopping patterns. This service stops at the Roseville Chase shops, which is a 5-minute walk from the site.</p> <p>No amendment to planning proposal.</p> <p><u>Department Response:</u></p> <p>The population increase anticipated through an additional 9 potential house blocks is unlikely to result in a detrimental impact on existing infrastructure, services, and facilities. Council's response is considered adequate.</p>
<p><i>Comments on Council/Government Strategies and Policies</i></p>	<p><u>Council Response:</u></p> <p>In response to the comments on the Open Space Acquisition Strategy, the site location does not meet Council's criteria for new park. This is discussed in the <i>Open space and recreation</i> section of this table.</p> <p>In response to the Community Strategic Plan and Ku-ring-gai Local Strategic Planning Statement, it is acknowledged these documents include key priorities to conserve local assets for future generations, however both these strategic documents also highlight the importance of Council utilising asset recycling, in which underutilised or surplus assets are divested with the capital being used to fund the provision of new community facilities and infrastructure or revitalise existing community facilities and infrastructure. The former Roseville Bowling Club site is no longer required for the purposes it was acquired, and its retention as open space for public recreation is not considered the best use of the site having regard for the availability of open space in the surrounding area for residents.</p> <p>In response to the Housing Strategy, whilst it is acknowledged the strategy does not specifically refer to the finalisation of this planning proposal as a requirement, should the planning proposal proceed, then any additional dwellings arising as a result of the residential zoning would be included and count towards Council's housing delivery. The proposed rezoning to R2 Low Density Residential would result in 9 new dwellings.</p> <p>In response to the North District Plan, Due to the low-density residential nature of the surrounding area, and the availability of existing open space, the Open Space Acquisition Strategy has identified the area as a low priority zone. The loss of this site as open space will not have significant wider consequences noting that: there are no significant increases in population or density planned for the surrounding area; the existing area is currently well served by existing parks and open space; and the site has been continuously leased to the bowling club since the 1950's for their exclusive use, and accordingly the site has not served the same public open space function for the wider community that a park or reserve would.</p> <p>Council is committed to providing additional open space throughout Ku-ring-gai, with the loss of this site offset by acquiring sites that are better suited for the provision of open space and recreation needs of the community. This commitment is demonstrated through the Local Planning Priorities and Actions contained in the LSPS.</p> <p>Comments regarding acquisition and divestment of land policy are noted in response to Council's Acquisition and Divestment of Land Policy. This is a planning</p>

Issue raised	Council response and Department assessment of adequacy of response
	<p>proposal, and only considers the LEP amendments to the zoning and development standards applying to the site. Any future divestment of the site would be subject to a further Council resolution.</p> <p>In response to Government policies, all comments are noted. The NSW Public Spaces Legacy Program offers funding for new and upgraded public spaces to Councils that achieve significant improvement in timeframes for their assessment of DAs and rezoning proposals during the pandemic. To be eligible for funding, Councils needed to have set out a project plan for the preparation of the LEP to provide 6-10 years of housing or employment capacity by 30 June 2021. Council's resolutions on the Ku-ring-gai Housing Strategy meant that participation in the NSW Public Legacy Program was not possible.</p> <p>No amendment to planning proposal.</p> <p><u>Department Response:</u></p> <p>The strategies and policies referred to in the submissions have been considered as part of the proposal. Council's responses are considered adequate.</p>
Carbon emissions and climate change	<p><u>Council Response:</u></p> <p>Council has in place a Climate Change Policy supported by a Climate Change Adaptation Strategy. These plans provide an adaptation response to climate change, through a series of prioritised adaptation controls to reduce Council's, the community's and the natural and built environment's vulnerability and increase its resilience to the impacts of more frequent and extreme weather events because of changing climate.</p> <p>The Ku-ring-gai Local Strategic Planning Statement (LSPS) also acknowledges the importance of planning for climate resilience and adaptation to the impacts of urban and natural hazards.</p> <p>No amendment to planning proposal.</p> <p><u>Department Response:</u></p> <p>There are various strategies and policies in place at local, state, and federal levels of government to address climate change and adaptation controls to reduce the vulnerability of the community and environment to extreme weather events as a result of climate change.</p> <p>Council's response is considered adequate.</p>
Traffic and parking impacts and lack of footpaths	<p><u>Council Response:</u></p> <p>The peak hour traffic generation of the proposed R2 Low Density residential zone would result in approximately 9 additional vehicle trips (2-way), or an average of 1 additional trip approximately every 6 minutes. Once distributed to the surrounding road network, it is not expected to have a significant additional impact to the performance of surrounding roads and intersections.</p> <p>New dwellings in the R2 low density residential zone would be required to provide accommodation for 2 cars in accordance with the Ku-ring-gai DCP. There would also be capacity on-site for visitors' vehicles, in the driveway.</p> <p>There have been no recorded crashes on Warrane Road between Duntroon Avenue and the northern end (Babbage Road) since 2009. This indicates drivers are travelling in the area with due care. 1 additional trip approximately every 6</p>

Issue raised	Council response and Department assessment of adequacy of response
	<p>minutes during the AM/PM peak hours is unlikely to significantly increase the risk of crashes.</p> <p>It is noted that there is no footpath on either side of Warrane Road between Babbage Road and Rowe Street. Provision of a footpath would improve and encourage walking access between the site and Roseville Chase neighbourhood shops and express bus services.</p> <p>Speed cushions were installed in Babbage Road between Malga Avenue and Allard Avenue in response to residents' complaints of speeding vehicles and absence of a footpath. Speed counts were undertaken, and the speed of vehicles was found to be excessive.</p> <p>New dwellings in the R2 low density residential zone would be required to provide accommodation for 2 cars in accordance with the Ku-ring-gai DCP. There would also be capacity on-site for visitors' or trades vehicles, in the driveway. A turning area for larger vehicles and waste collection vehicles can be accommodated on the site.</p> <p>The traffic study included analysis of key intersections including Clive Street/Boundary Street, Babbage Road/Boundary Street and Babbage Road/Clive Street using intersection modelling software. The analysis found that with background growth and the traffic impact of this proposal, the above intersections would perform with acceptably during peak hours. As a result, no road network upgrades are required or recommended.</p> <p>Council recommends that a site specific DCP be prepared to ensure greater control and guidance on future development outcomes on the site. This will be undertaken by Council separately to the subject planning proposal, therefore no amendment to planning proposal.</p> <p><u>Department Response:</u></p> <p>The studies undertaken as part of the proposal demonstrate there is sufficient capacity within the existing road network to cater for the proposed development. Parking requirements will be addressed as part of future development applications and is dependent on the use and scale of the future development. Council's response is considered adequate.</p>
<p><i>Impact on Local character</i></p>	<p><u>Council Response:</u></p> <p>The comments raised in submissions are noted, the planning proposal seeks to rezone the subject site to the same zoning and development standards applying to the surrounding area, ensuring that any future development on the site will be of a consistent character.</p> <p>The maximum building height will be consistent with surrounding development, and the bulk and scale applicable to the site is also consistent, so the dwellings erected are expected to be of similar style and scale. The Urban Design Study (Appendix 6) included draft DCP controls to guide development on the site, including:</p> <ul style="list-style-type: none"> • roof forms will be pitched and hipped, with articulation via the use of some single storey elements. • provision of an articulation zone within the front setback has been proposed to encourage articulation of the front façade to support an attractive streetscape.

Issue raised	Council response and Department assessment of adequacy of response
	<ul style="list-style-type: none"> Materiality is to be consistent with the adjacent development, to maintain a cohesive character throughout this area. <p>Council recommends that a site specific DCP be prepared to ensure greater control and guidance on future development outcomes on the site. This will be undertaken by Council separately to the subject planning proposal, therefore no amendment to planning proposal.</p> <p><u>Department Response:</u></p> <p>The proposal seeks to rezone the site from RE1 Public Recreation to R2 Low Density Residential, which is considered to be cohesive with the existing street character. It is noted that Council resolved to prepare a site-specific DCP informed by the Urban Design Study. Council's response is considered adequate.</p>
<i>History of the site</i>	<p><u>Council Response:</u></p> <p>The site has not been identified in heritage studies as a potential heritage item or as part of a potential conservation area. It is noted that these post-exhibition submissions are the first indicators of any potential heritage value in the planning process to date. Based on these submissions, the potential social significance from the site's historic use is acknowledged. The site does not appear to have aesthetic significance for its architecture or design. Historically, it demonstrates the post-war development of Roseville Chase and the popularity of lawn bowls currently. It is not rare for the age of the buildings or as an example of a bowling club of this period; noting Council is proposing to list a significant example in Killara. Many older buildings are recorded in the vicinity in the 1943 aerial photo.</p> <p>When the significant use is no longer viable, buildings are in poor repair and with site contamination issues, it is recognised that the significance of this use cannot be conserved and maintained in situ with the original or another similar use.</p> <p>An appropriate means to recognise the social and historic value of the site to the community at this stage in the planning process would be to insert a requirement in the DCP for a photographic recording and/or interpretation of this use as a part of the future development application. The recording would document the named awnings and other structures and spaces.</p> <p>No amendment to planning proposal.</p> <p><u>Department Response:</u></p> <p>Whilst the sites historic use is an example of post-war development and local recreation activity, the site and structures are not identified as heritage items and the studies undertaken as part of the planning process do not identify the site as a potential heritage item or part of a conservation area. Council's response is considered adequate.</p>
<i>Sale of site, use of funds and Council ownership</i>	<p><u>Council Response:</u></p> <p>As set out in the Planning Proposal a major part of Council's financial and asset strategy is the use of funds from the sale of various property assets to fund the renewal of existing infrastructure assets, to upgrade existing assets and to construct new assets, across the Local Government Area.</p> <p>This asset recycling assists Council fund specific civic and community projects through the sale of under-utilised or surplus assets (property). The reasoning for</p>

Issue raised	Council response and Department assessment of adequacy of response
	<p>Council to divest these assets is to ensure that Council meets the future needs of the community by providing purpose-built facilities and maintaining financial sustainability. Council's Long Term Financial Plan identifies asset sales as a short-, medium- and long-term funding strategy. The KLPS includes a specific Action: Continue to utilise asset recycling to invest in new assets or to revitalise existing assets (ongoing).</p> <p>This planning proposal will facilitate the future planning and redevelopment of the site. The site has been vacant since the East Roseville Club vacated the site in 2017, and the site is no longer required for the purpose that it was acquired for. The sites current zoning of RE1 Public Recreation is not considered the highest or best use of the site, and so the planning proposal is seeking to amend the zoning to R2 Low Density Residential.</p> <p>The sites present an opportunity for Council to utilise the process of asset recycling to invest in new assets or revitalise existing assets.</p> <p>The Ku-ring-gai Long Term Financial Plan and the Delivery Program 2018-2021 and Operational Plan 2020-2021 identify projects which are to be funded from asset sales. The projects being funded from the sales include:</p> <ul style="list-style-type: none"> • Renewal of existing assets –projects with funding from asset sales are the St Ives Sports Centre and Marian Street Theatre • Upgrade/new assets –including the renewal of buildings, roads, kerb and gutter, footpaths, stormwater network, swimming pool, parks, tennis courts and other recreational assets • Major town centre projects –such as the Lindfield Village Hub and Turramurra Hub, which involve the construction of many large new buildings, underground carparking and associated infrastructure. • Any future divestment of this site is earmarked to assist Council in meeting community expectations for the renewal and replacement of community infrastructure. <p>There is no resumption of public land in this instance. The plan entails a planning proposal to amend planning controls on the site.</p> <p>When the East Roseville Club notified its intention not to renew the lease, consideration was given by Council of the land's value for open space or ongoing recreational and sporting use. The assessment concluded the land was not suitable for open space and similarly for retention as a sporting or recreational facility and the potential adverse impact on the adjoining residential properties as well as the wider residential area in terms of noise, parking and lighting especially given urban development that has occurred since the bowling club was established in 1948.</p> <p>It is noted there were some changes and delays by the state government in the process of issuing a final gateway determination and this has caused some uncertainty.</p> <p>For the reasons set out above and the need to obtain planning approval for any change in the use of the site from a bowling club, short term leasing of the land was not considered to be practical.</p> <p>No amendment to planning proposal.</p>

Issue raised	Council response and Department assessment of adequacy of response
	<p><u>Department Response:</u></p> <p>Council's financial and asset strategy states the funds from the sale of various property assets will be used to fund the renewal of existing infrastructure assets, to upgrade existing assets and to construct new assets, across the Local Government Area. Council's response is considered adequate.</p>
<i>Contamination</i>	<p><u>Council Response:</u></p> <p>A Stage 1 and Stage 2 Contamination Investigation have been undertaken for the site (See Appendix 3 and 4 of the planning proposal). The investigations have identified several areas of environmental concern from past activities on the site, including uncontrolled demolition, uncontrolled filling, application of herbicides and pesticides and chemical storage. The investigations concluded that the site could be made suitable for future land uses, subject to remediation.</p> <p>A Remedial Action Plan (RAP) (See Appendix 8 of the planning proposal) has been prepared and notes that taking into consideration the extent of redevelopment works under the proposed R2 Low Density Residential zone, the preferred remedial option for the site is excavation and offsite disposal of contaminated soil.</p> <p><u>Department Response:</u></p> <p>Consultant reports provided identify the location and type of contamination on the site. A Remedial Action Plan has been prepared which provides an appropriate planning mechanism for remediation of the site to make it suitable for development. Council's response is considered adequate.</p>
<i>Reclassification</i>	<p><u>Council Response:</u></p> <p>The whole of 47 Warrane Road, Roseville Chase was reclassified from community land to operational land as part of the preparation of the Ku-ring-gai Local Environmental Plan 2015 on 5 March 2015.</p> <p>At the time of the reclassification, the East Roseville Bowling Club still leased the site and accordingly the intention would have been to retain the public recreation zoning for their ongoing use. The termination of the lease in 2017 required Council to consider how to best utilise the site into the future.</p> <p>No amendment to planning proposal.</p> <p><u>Department Response:</u></p> <p>The process for reclassification of the site to operational was undertaken in 2015. with the relevant requirements. The current planning proposal seeks to rezone the entire site following reclassification in 2015 and the termination of the lease on the site by East Roseville Bowling Club in 2017. Council's response is considered adequate.</p>
<i>Planning proposal documents</i>	<p><u>Council Response:</u></p> <p>The format and content of the planning proposal document is guided by the Department of Planning Local Environmental Plan Making Guideline.</p> <p>The planning proposal was most recently updated in June 2021, and accordingly the impacts of Covid have been considered where appropriate.</p> <p>No amendment to planning proposal.</p>

Issue raised	Council response and Department assessment of adequacy of response
	<p><u>Department Response:</u></p> <p>Council's response is considered adequate.</p>
<i>Future development</i>	<p><u>Council Response:</u></p> <p>The future development impacts on surrounding properties are not a matter for consideration at the planning proposal stage. The planning proposal only considers the high level LEP amendments, such as zoning and development standards to be applied to the site.</p> <p>These detailed matters such as stormwater runoff, cut and fill, and impacts on privacy would be taken into consideration as part of the assessment of a future Development Application on the subject site.</p> <p>No amendment to planning proposal.</p> <p><u>Department Response:</u></p> <p>The concerns raised in submissions regarding future development are a matter for consideration with development applications for further development. Council's response is considered adequate.</p>
<i>Decision making process</i>	<p><u>Council Response:</u></p> <p>The matters raised in these comments are a matter for Councillors to consider in their decision-making process.</p> <p>The planning proposal was placed on public exhibition from 16 September to 15 October 2021. The public exhibition and the ability of the community to review the documents and provide feedback has not been affected due to Covid restrictions.</p> <p>The Department of Planning, Industry and Environment has identified planning as an essential function during the Covid-19 pandemic and made changes to the planning legislation through the COVID-19 Legislation Amendments (emergency Measures) Act 2020 to ensure planning functions will still be carried out. It is essential and expect that Council will continue both DA assessment and strategic planning to ensure the continued productivity, investment, and community wellbeing.</p> <p>The public exhibition and community consultation of a planning proposal is governed by the processes and procedure outlined in the Environmental Planning and Assessment Act 1979, and Councils Community Participation Plan.</p> <p>Following the public exhibition, a report is prepared for Councillors to consider the matters raised and to make a final decision on whether to proceed with the planning proposal or not –the matter is not fait accompli as suggested.</p> <p>Planning proposals are required to provide justification and evidence to support the proposed amendments to the LEP, and accordingly Council engaged the services of consultants to prepare the specialist reports needed. These include urban design, transport and traffic and transport.</p> <p>No amendment to planning proposal.</p>

Issue raised	Council response and Department assessment of adequacy of response
	<p><u>Department Response:</u></p> <p>Council's meeting on 15 February 2022, where Council resolved to proceed with the proposal, provided the appropriate opportunity for concerns raised regarding Councillor involvement to be considered.</p> <p>The community was provided opportunity to provide feedback on the proposal between 16 September and 15 October 2021. Council and the Department were required to continue to carry out their planning functions through Covid to ensure the continued productivity, investment, and wellbeing of the community.</p> <p>Community consultation was undertaken in accordance with the relevant legislation, guidelines and Council's Community Participation Plan. Council's response is considered adequate.</p>
<i>General comments</i>	<p><u>Council Response:</u></p> <p>Due to declining membership, the former Gordon Bowling Club terminated its lease with Council in 2018 on the Gordon Bowling Club site and the site is no longer required for the reasons it was acquired. This site is subject to a separate planning proposal process. The Ku-ring-gai Local Strategic Planning Statement highlights the importance of Council utilising asset recycling, being the sale of surplus assets, and return of capital to invest in new assets or to revitalise existing assets.</p> <p>Comments on recently approved and constructed dwellings, particularly apartments within Roseville are noted. The planning proposal is seeking to rezone the site to R2 Low Density Residential –not medium or high density. The permitted land uses under the R2 Low Density Residential zone are single dwelling houses consistent with the predominant land use of the surrounding area, apartments and townhouses are not permitted.</p> <p>No amendment to planning proposal.</p> <p><u>Department Response:</u></p> <p>Council's responses are considered adequate.</p>

3.2 Advice from agencies

As required by the Gateway determination, Council undertook agency consultation with Transport for NSW (TfNSW), Sydney Water and Ausgrid with their responses summarised below and in **Attachment F2:**

- TfNSW – traffic increase as a result of the proposal would be modest, the internal road should be designed to cater for Council's waste vehicle. A pedestrian and bicycle path should be constructed on the eastern side of Warrane Road from Babbage Road to Rowe Street;
- Sydney Water – potable water and wastewater servicing may require amplifications, adjustments and/or extensions; and
- Ausgrid – no objection.

Council noted the above comments and will consider these matters during the development application process.

The Department considers Council has adequately addressed matters raised in submissions from public authorities.

3.3 Post-exhibition changes

At Council's Ordinary Meeting on 15/02/2022, Council resolved to adopt the planning proposal and that the planning proposal be submitted to the Department requesting to make the plan (**Attachment I2**) and also to prepare a site-specific DCP based on the controls in the Urban Design Study (**Attachment H1**).

There are no post-exhibition changes required to the proposal based on the submissions received.

4 Department's assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway determination (**Attachment A**) and subsequent planning proposal processes. It has also been subject to a high level of public consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal.

As outlined in the Gateway determination report (**Attachment G**), the planning proposal submitted to the Department for finalisation:

- Remains consistent with the regional and district plans relating to the site.
- Remains consistent with the Council's Local Strategic Planning Statement.
- The proposal is justifiably inconsistent with Section 9.1 Direction 5.2 (formerly Direction 6.2) Reserving Land for Public Purposes and remains consistent with all other relevant Section 9.1 Directions
- Remains consistent with all relevant SEPPs.

The following tables identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage. Where the proposal is inconsistent with this assessment, requires further analysis or requires reconsideration of any unresolved matters these are addressed in Section 4.1

Table 3 Summary of strategic assessment

	Consistent with Gateway determination report Assessment	
Regional Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
District Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Planning Panel (LPP) recommendation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Section 9.1 Ministerial Directions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

	Consistent with Gateway determination report Assessment	
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

Table 4 Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Environmental impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Infrastructure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

4.1 Detailed assessment

The following section provides details of the Department's assessment of key matters.

The planning proposal seeks to rezone the site and apply a maximum building height, maximum floor space ratio, and minimum lot size. The purpose of the proposal is to provide Council with the opportunity for sale and development of the site to fund other priority projects within the locality. It is noted the proposal was considered through the Gateway assessment process to have strategic and site-specific merit.

Rezoning of the site

The proposal seeks to rezone the entire site from RE1 Public Recreation to R2 Low Density Residential. This will allow for 9 additional dwellings on land which is otherwise underutilised and does not form part of the Council's Open Space Acquisition Strategy. The rezoning will provide additional housing opportunities within the context of an established low-density residential area of Roseville Chase.

Height of buildings

The site does not have an existing maximum building height established under the LEP. The proposal seeks to include a maximum building height of 9.5 metres for the subject site, which is consistent with the maximum building height of neighbouring sites and the immediate local area.

The proposed building height is unlikely to result in any adverse impact on adjoining properties given the likely maximum height of any dwelling will be consistent with dwelling types immediately surrounding the site. The proposed building height is compatible with the established character of the area and is supported.

Floor space ratio

The proposed floor space ratio is the same as the existing maximum floor space ratio of 0.3:1 for the immediate surrounding residential area. The proposed FSR is considered appropriate in the local context.

Minimum lot size

The proposal seeks to introduce a minimum lot size for the site to ensure any subdivision of the site is compatible with the established lot size and character of the local area.

The proposed minimum lot size is 790m² consistent with the controls for the immediate surrounding area. The Urban Design Study (**Attachment H1**) demonstrates that the proposed

minimum lot size provides a suitable building envelope for future residential development and is consistent with the requirements of Council's DCP.

Economic and Employment

Whilst the proposal does not provide any long term economic or employment benefit, it will facilitate the sale of land for reinvestment of funds to acquire land for open space. Ku-ring-gai Open Space Acquisition Strategy 2006 identifies priority areas for acquisition based on existing quantum of open space and projected population growth.

The proposal also provides short term economic and employment benefits through consultants, civil works and construction associated with the future residential development of the site.

Social

The planning proposal will allow for additional housing opportunities within a low-density residential area. The site was previously occupied by East Roseville Bowling Club who have since vacated the site which has been unoccupied since 31 December 2017.

Council's Open Space Acquisition Strategy has demonstrated there is sufficient public open space within the locality and the subject site is surplus to their needs. The proposal will have a negligible impact from a social planning perspective.

Environment

The planning proposal is supported by Stage 1 and Stage 2 contamination assessment reports prepared by Alliance Geotechnical which identified several areas of environmental concern within the subject site and recommended a Remedial Action Plan (RAP) be prepared for the site. A RAP prepared by Alliance Geotechnical has been prepared and concludes the subject site can be made suitable for residential use, subject to implementation of the recommendations in the RAP.

5 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment. Parliamentary Counsel Opinion is not required as the LEP only involves map amendments.

Table 5 Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	<p>Four maps have been prepared by the Department's ePlanning team and meet the technical requirements.</p> <ul style="list-style-type: none"> • Land Zoning Map – LZN_020 • Height of Buildings Map – HOB_020 • Floor Space Ratio Map – FSR_020 • Lot Size Map – LSZ_020. 	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, see below for details</p>
Council	<p>Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Council confirmed on 15/02/2022 that it approved the draft and that the plan should be made.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, see below for details</p>

6 Recommendation

It is recommended that the Minister's delegate, as the local plan-making authority, determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- it provides housing within close proximity to open space, services, and public transport.
- it contributes to the 30-minute city,
- it is consistent with the North District Plan and Ku-ring-gai Local Strategic Planning Statement,
- it is consistent with the Gateway Determination, and the submissions and agency comments have been satisfactorily addressed and does not warrant refusal of the proposal.



David Hazeldine
Manager, Place and Infrastructure



Brendan Metcalfe
Director, North District
Eastern Harbour City

Assessment officer

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Attachments

Attachment	Document
Proposal	Final Planning Proposal – March 2021
Maps	Draft LEP Maps
MCS	Map Cover Sheet
LEP	Draft LEP
Council	Letter to Council advising of the decision
A	Gateway Determination – 31 August 2021
B	Finalisation Request – 17 February 2022
C	Pre-Exhibition Endorsement Letter to Council – 31 August 2021
D	Council Report – 20 July 2021
E	Council Resolution – 20 July 2021
F1	Summary of Submissions – by Council
F2	Response from Agencies – by Council
G	Gateway Determination Report – 13 August 2021
H1	Urban Design Study – March 2021
H2	Traffic and Transport Study – March 2021
H3	Stage 1 Preliminary Site Investigation – March 2018
H4	Stage 2 Detailed Site Investigation – July 2018
H5	Remedial Action Plan – November 2020
I1	Council Report – February 2022
I2	Council Resolution – February 2022