

Department of Planning, Housing and Infrastructure

Our ref: IRF24/426

Mr David Marshall

General Manager

Ku-ring-gai Council

818 Pacific Highway

GORDON NSW 2072

18 March 2025

Subject: Planning Proposal (PP-2024-917) - 51-53 Rohini Street, Turramurra (Anglicare)

Dear Mr Marshall

I am writing in response to the planning proposal forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) for 51-53 Rohini Street, Turramurra. The proposal seeks to amend the Ku-ring-gai Local Environmental Plan 2015 to modify the maximum building height from 11.5m to 17.5m and the floor space ratio from 0.85:1 to 1.5:1, amend and include additional local heritage items, and apply additional permitted uses to enable redevelopment of senior's housing.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with direction of the Minister under section 9.1 of the Act 1.4 Site Specific Provision and 4.5 Acid Sulfate Soils is justified in accordance with the terms of the Direction. No further approval is required in relation to the Directions.

I have determined to authorise Council to be the local plan-making authority due to the nature of the proposal.

The amending local environmental plan (LEP) is to be finalised on or before 11 December 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to

Department of Planning, Housing and Infrastructure

Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning, Housing and Infrastructure.

Should you have any enquiries about this matter, I have arranged for Jordan Clarkson to assist you. Ms Clarkson can be contacted on 02 9407 2131.

Yours sincerely

A handwritten signature in black ink, appearing to read "Jazmin van Veen".

Jazmin van Veen

Local Planning (North, East and Central Coast)

Planning, Land Use Strategy, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2024-917): To amend the Ku-ring-gai Local Environmental Plan 2015 to amend development standards, amend and include additional local heritage items and apply additional permitted uses to enable redevelopment for senior's housing.

I, the Director, Local Planning (North, East and Central Coast) at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ku-ring-gai Local Environmental Plan 2015 to amend the KLEP 2015 should proceed subject to the following conditions.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 11 December 2025.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to with the following changes:
 - a. Remove assessment against Direction 3.1 Conservation Zones.
 - b. Remove assessment against Chapter 7, Chapter 9 and Chapter 10 of SEPP (Biodiversity and Conservation) 2021 as these chapters have been repealed.
 - c. Remove assessment against the repealed SEPP 65 Design Quality of Residential Apartment Development and include an assessment against Chapter 4 of the SEPP (Housing) 2021.
 - d. Update the Urban Design Report and planning proposal to provide shadow analysis against:
 - i) The existing overshadowing on site;
 - ii) The proposed maximum LEP height of 17.5m (without SEPP bonus); and
 - iii) The proposed maximum LEP height of 17.5m with SEPP bonus.
 - e. Update Urban Design Report and planning proposal to improve the legibility of the shadow diagrams by making them multicoloured rather than displaying similar shades.
 - f. Provide an up-to-date project timeline.
 - g. Update proposed mapping to include a draft Heritage Map in line with technical standards.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working 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 made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
- Transport for NSW
 - Sydney Trains
 - Relevant utility providers
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.
4. 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. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 18 March 2025



Jazmin van Veen
Director, Local Planning (North, East and Central Coast)
Local Planning and Council Support
Department of Planning, Housing and Infrastructure

Delegate of the Minister for Planning and Public Spaces