



Mr John McKee
General Manager
Ku-ring-gai Council
Locked Bag 1056
PYMBLE NSW 2073

Dear Mr McKee

Planning proposal PP_2018_KURIN_003_00 to amend Ku-ring-gai Local Environmental Plan 2015

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone 47 Warrane Road, Roseville Chase, from RE1 Public Recreation to R2 Low Density Residential, apply a floor space ratio control of 0.3:1, apply a maximum building height control of 9.5 metres, and apply a minimum lot size control of 790m².

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination. The conditions include updating the planning proposal to address the relevant Planning Priorities in the North District Plan and demonstrate how the proposed new development controls will affect the surrounding existing development in regard to setback, bulk and heights.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 6.2 Reserving Land for Public Purposes is justified in accordance with the terms of the Direction. In relation to section 9.1 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the area is appropriately serviced by public recreation space. No further approval is required in relation to this Direction.

It is noted that Council has requested to be authorised as the local plan-making authority. However, considering the nature of Council's planning proposal I have conditioned that the Department of Planning, Industry and Environment be authorised as the local plan-making authority.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Ashley Richards to assist you. Ms Richards can be contacted on 8289 6776.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Brett Whitworth', with a large, stylized flourish at the end.

Brett Whitworth
Deputy Secretary
Greater Sydney Place and Infrastructure
Department of Planning Industry and Environment

Encl: Gateway determination



Gateway Determination

Planning proposal (Department Ref: PP_2018_KURIN_003_00): to rezone land from RE1 Public Recreation to R2 Low Density, apply a maximum FSR of 0.3:1, apply a maximum height of buildings to 9.5m and apply a minimum lot size of 790m² for land at 47 Warrane Road, Roseville Chase.

I, the Deputy Secretary, Greater Sydney Place and Infrastructure, at the Department of Planning, Industry and Environment, 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 (LEP) 2015 to rezone land from RE1 Public Recreation to R2 Low Density, apply a maximum FSR of 0.3:1, apply a maximum height of buildings to 9.5m and apply a minimum lot size of 790m² for land at 47 Warrane Road, Roseville Chase should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the planning proposal should be amended to:
 - (a) Update the proposal to reflect the following development standards on the site to:
 - R2 Low Density Residential zone;
 - an FSR of 0.3:1;
 - a maximum building height of 9.5m; and
 - a minimum lot size of 790m².
 - (b) Provide further justification to demonstrate the wider consequences of this loss of open space and how Council may offset or compensate for this loss;
 - (c) Provide information demonstrating the public benefits that the sale of the land will have; what, where, and in what timeframe;
 - (d) Update the proposal maps to reflect the above development standards;
 - (e) Address *Planning Priority N20 – Delivering high quality open space*, and Action 73(b) of the North District Plan;
 - (f) Prepare a traffic study for the site to assess the impacts of the proposal and the capacity of the local road network;
 - (g) Prepare a concept development scheme incorporating an urban design study demonstrating how low-density residential development on this site will achieve appropriate setbacks, privacy and a sympathetic built form;

- (h) Update the planning proposal to address Council's Local Strategic Planning Statement; and
- (i) Include a project timeline consistent with section 2.6 of part 6 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
2. Once the planning proposal is revised in accordance with condition 1, this must be submitted to the Department for approval prior to public exhibition.
3. Community consultation is required under section 3.34(2)(c) and schedule 1, clause 4 of the Environmental Planning and Assessment Act 1979 (the Act) as follows:
- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
4. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act:
- Transport for NSW, incorporating Roads and Maritime Services;
 - Sydney Water; and
 - Ausgrid.
- Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act.
6. The time frame for completing the LEP is to be **12 months** from the date of the Gateway determination;
7. Given the nature of the proposal, Council should not be authorised to be the plan-making authority to make this plan.

Dated 17th day of February 2020.



Brett Whitworth
Deputy Secretary
Greater Sydney Place and
Infrastructure
Place, Design and Public Spaces
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces