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

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

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

COMMENTS:

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

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

RECOMMENDATION:

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

PURPOSE OF REPORT

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

BACKGROUND

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

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

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

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

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

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

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

Site Description and Local Context

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

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

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

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

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

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

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

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

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

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

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

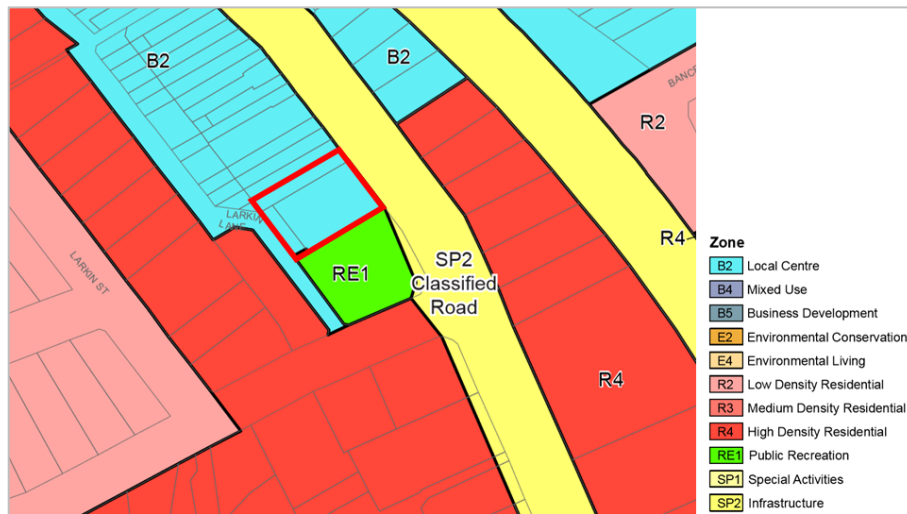


Aerial photo, site outlined in red (Source:Nearmap 27/12/18)



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

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



Zoning Map Extract KLEP Local Centres 2012

Permitted land uses in the B2 Local Centre zone include:

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

Permitted land uses in the RE1 Public Recreation zone include:

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

Development History

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

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

COMMENTS

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

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

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

Strategic Merit

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

Regional Plan

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

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

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

District Plan

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

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

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

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

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

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

State Environmental Planning Policies (SEPPs) and Ministerial Directions

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

Site Specific Merit

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

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

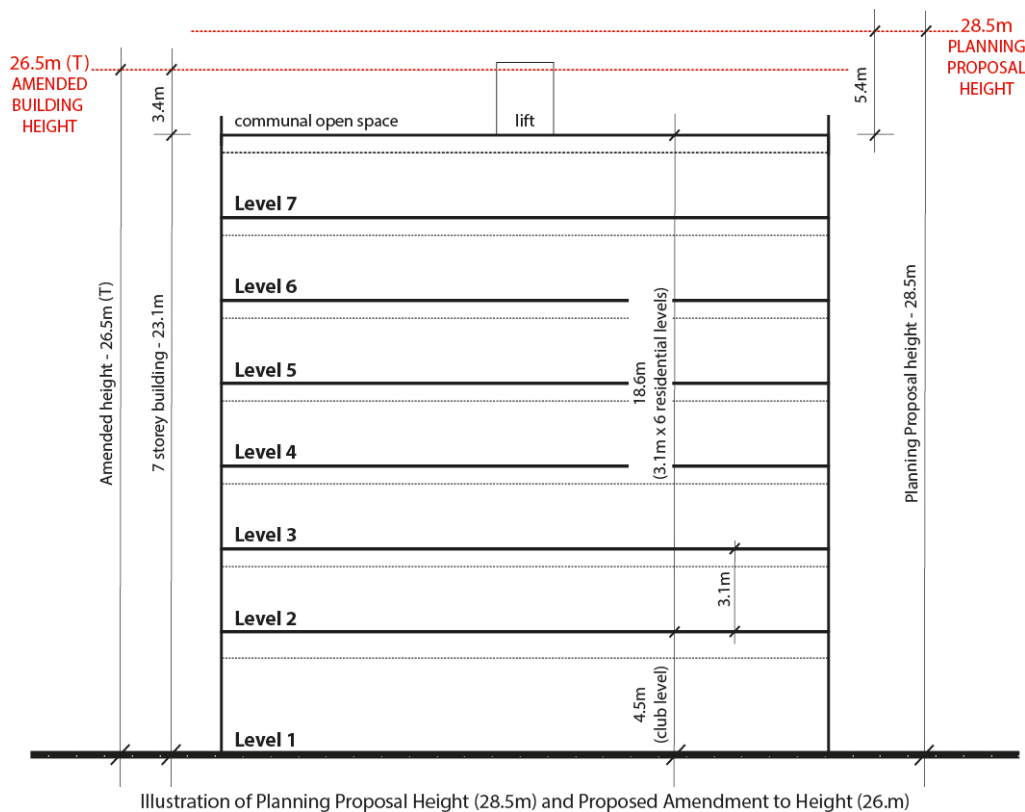
has been put forward as part of the Planning Proposal to illustrate the potential future built form that could be permissible subject to approval of the LEP amendment.

Height and floor space ratio

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

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

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



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

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

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

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

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

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

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

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

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

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

Traffic and Parking

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

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

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

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

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

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

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

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

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

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

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

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

Heritage

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

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

- It will not alter how 'Killikrankie' is appreciated as the main view to the house is across Memorial Park and will not be affected by increased height on the subject site,
- An additional storey will alter the wider visual setting of the house, however will have an acceptable heritage impact, and

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- Views from the Pacific Highway looking south towards the heritage item are not available due to existing setbacks, development and vegetation.

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

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

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

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

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

- the items are visually and physically separated from the site by the four lanes of Pacific Highway;

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- no views of the items would be obscured or altered; and
- there are no changes to the streetscape setting of the items.

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

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

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

Overshadowing

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

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

Social and Economic Impacts

The Planning Proposal identifies the potential social and economic impacts of the proposal at a high level, with reference to potential benefits of increased supply of housing, revitalisation of the existing development and wider local centre, provision of employment through construction and operation, and improved public domain interface (to the Memorial Park).

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

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

Amendment to the Written Instrument

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

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

Amendments required to Planning Proposal

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

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

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

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

2. Amend Building Height Map

As outlined in this report, the map is to be amended to include a maximum height control of 26.5m for the site as the proposed height is considered to be excessive for a 7 storey

building.

3. Amend Floor Space Ratio Map

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

4. Amend requirements of Schedule 1 Additional Permitted Uses

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

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

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

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

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

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

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

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

Recommendations to Gateway Determination

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

Other Considerations

Development Control Plan Amendments

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

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

Advice From Ku-ring-gai Local Planning Panel

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

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

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

- reduction of height from 28.5m to 26.5m;
- reduction of FSR from 3.2:1 to 3:1;
- removal of clause 1.8 from the proposal.

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

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

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

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

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

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

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

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

- a. *That the Ku-ring-gai Local Planning Panel (the Panel) recommends to Council that the Planning Proposal be submitted to the Department of Planning and Environment for a*

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Gateway Determination, subject to the amendments detailed in the staff Report and Table of Assessment at Attachment A1, subject to the changes listed below in paragraph "b".

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

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

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

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

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

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

INTEGRATED PLANNING AND REPORTING

Theme 3 - Places, Spaces and Infrastructure

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

GOVERNANCE MATTERS

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

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

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

RISK MANAGEMENT

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

FINANCIAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

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

COMMUNITY CONSULTATION

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

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

INTERNAL CONSULTATION

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

SUMMARY

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

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

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

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

- Amend land use zoning for part (approx.9sqm) of the site (Part Lot 2 DP 202148) from RE1 Public Recreation to B2 Local Centre zone
- Amend height of building controls from 14.5m, 20.5m and part no height designation, to 28.5m,
- Amend the floor space ratio map control from 2.0:1 and 2.8:1 to 3.2:1,
- Amend Schedule 1 to allow residential flat buildings on the site, provided the residential flat building is wholly located above a ground floor registered club, and
- Amend Clause 1.8A 'Savings provisions relating to development applications' to ensure that proposed changes under the planning proposal are applicable to development applications that are lodged prior to the formal gazettal of the amended instrument, once the gazettal takes place.

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

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

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

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

RECOMMENDATION:

- A. That the Planning Proposal be amended in accordance with the recommendations in this Council Report and *Table of Assessment* at **Attachment A1**.
- B. That the Planning Proposal be forwarded to the Department of Planning and Environment for a Gateway Determination in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*.
- C. That delegation be given to the General Manager and Director of Strategy and Environment to verify all amendments are in accordance with the recommendations of this Council Report and *Table of Amendments* at **Attachment A1** prior to forwarding to the Department of Planning and Environment.
- D. That Council requests to be authorised as the local plan-making authority to exercise the

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functions under Section 3.36(2) of the Environmental Planning and Assessment Act 1979 for this Planning Proposal.

- E. That should a Gateway Determination be issued for public exhibition of the Planning Proposal, site specific amendments to Council’s Comprehensive Development Control Plan be prepared in accordance with Council’s fees and charges, the details in this Council Report and the *Table of Amendments* at **Attachment A1** and be placed on public exhibition concurrently with the Planning Proposal.
- F. That a Report be brought back to Council, as per any Gateway requirements, following the exhibition of the Planning Proposal and site specific *draft Development Control Plan*.
- G. That the applicant be notified of Council’s Resolution.

Helena Miller
 Director, MG Planning Pty Ltd

Rathna Rana
 Senior Urban Planner

Craige Wyse
 Team Leader Urban Planning

Antony Fabbro
 Manager Urban & Heritage Planning

Andrew Watson
 Director Strategy & Environment

Attachments:	A1	Table of Assessment - Roseville RSL		2019/058845
	A2	KLPP Minutes - 18 March 2019 - Roseville RSL		2019/086266
	A3	Letter from Applicant on Panel Report		2019/086270
	A4	Planning Proposal - Roseville Memorial Club		2019/058519
	A5	Appendix 1 – Urban Design Report – PBD Architects	Excluded	2019/058518
	A6	Appendix 2 – Traffic Report – Colston Budd Rogers & Kafes Pty Ltd	Excluded	2019/058516
	A7	Appendix 3 – Acoustic Report – Noise and Sound Services	Excluded	2019/058515
	A8	Appendix 4 – Heritage Impact Statement – NBRIS Architecture	Excluded	2019/058514
	A9	Appendix 5 – Statement from Roseville Returned Servicemen’s Memorial Club	Excluded	2019/058513
	A10	Appendix 6 – Survey	Excluded	2019/058512
	A11	Appendix 7 – Existing Development Survey	Excluded	2019/058510
	A12	Appendix 8 – Community Consultation Report – Urban Concepts	Excluded	2019/058509

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A13	Appendix 9 – Stage 1 Preliminary Site Investigation – Network Geotechnics	Excluded	2019/058508
A14	Appendix 10 – Local Environmental Plan Maps	Excluded	2019/058507