



Gateway Determination

Planning proposal (Department Ref: PP_2019_KURIN_004_00): amend Ku-ring-gai Local Environmental Plan (Local Centres) 2012 to rezone a portion of the site from RE1 Public Recreation to B2 Local Centre, amend the Height of Buildings and Floor Space Ratio standards, and amend Schedule 1 Additional Permitted Uses to allow a residential flat building on the site, with the stipulation that the ground floor be used solely as a registered club. This will allow a seven-storey residential development with a registered club operating on the ground floor at 64-66 Pacific Highway, Roseville.

I, the Executive Director, Eastern Harbour City 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 *Ku-ring-gai Local Environmental Plan (Local Centres) 2012* to amend Schedule 1 Additional Permitted Uses, rezone part of the site and amend development standards as described should proceed subject to the following conditions:

It is recommended that the delegate of the Secretary:

1. Agree that the inconsistency with section 9.1 Direction 6.3 Site Specific Provisions is minor and will be resolved once the proposed amendment to 1.8A of the Instrument is removed from the Planning Proposal.

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

1. Prior to undertaking public exhibition, the planning proposal should be amended as follows. The revised planning proposal is to be forwarded to the Department for review and approval before exhibition.
 - (a) Remove the fifth point from the explanation of provisions, "*If necessary, appropriately amend the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 to allow the facilitation of any Development Applications that are lodged prior to the formal gazettal of the amended instrument, and to be determined under the provisions of the new amended instrument, once gazettal takes place. This may be required to overcome any future interpretations of Clause 1.8A of the Standard Instrument – Principal Local Environmental Plan and whether it applies to future amendments of the Ku-ring-gai Local Environmental Plan (Local Centres) 2012.*", and all references to this from the proposal.

- (b) Remove all references to a maximum height limit of **28.5m** and any references to rooftop facilities requiring a height limit above 26.5m. Remove all references to a maximum FSR of **3.2:1**.
 - (c) Shadow diagrams must be resubmitted to illustrate building envelopes only, not a specific built form.
 - (d) 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). The project timeline is to provide a mechanism to monitor the progress of the planning proposal.
2. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act:
- (a) Transport for NSW;
 - (b) Transport for NSW (Roads and Maritime Branch)
 - (c) Ku-ring-Gai Council;
 - (d) Sydney Water;
 - (e) Endeavour Energy;
 - (f) NSW Environment, Energy and Science; and
 - (g) other relevant infrastructure service providers.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

3. 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. 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.
5. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

6. Given the nature of the planning proposal, the Department of Planning, Industry and Environment should be the local plan-making authority.

Dated: 1 June 2020



Malcolm McDonald
Executive Director,
Eastern Harbour City
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces