

Planning Services

Gateway Determination Report

LGA	Ku-ring-gai
RPA	Ku-ring-gai Council
NAME	Rezoning of deferred land at Killara Golf Club (179 dwellings)
NUMBER	PP_2017_KURIN_005_00
LEP TO BE AMENDED	Ku-ring-gai Local Environmental Plan 2015
ADDRESS	556 Pacific Highway, Killara
DESCRIPTION	Part Lot 2 DP535219
RECEIVED	16 October 2017
FILE NO.	17/13811
QA NUMBER	qA419719
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of Planning Proposal

The proposal seeks to rezone land known as 'Deferred Area 15' under the Ku-ring-gai Local Environmental Plan 2015, at the Killara Golf Club to part R2 Low Density Residential and part R4 High Density Residential, and to propose development standards and mapping for minimum lot sizes, height of buildings, floor space ratios, heritage, acid sulfate soils, riparian lands, and terrestrial biodiversity.

Site Description

The subject land is located at the north-eastern portion of the Killara Golf Club (shown in Figure 1 below). The land is known as Deferred Area 15 under the Ku-ring-gai Local Environmental Plan 2015.

The site is owned by Killara Golf Club and is currently zoned Residential 2(b) under the Ku-ring-gai Planning Scheme Ordinance 1971 (KPSO). The subject land currently comprises the Killara Golf Course Clubhouse (identified as a local heritage item under Schedule 7 of the KPSO), bowling greens, tennis courts, golf fairways, parking and vehicular access from the Pacific Highway.

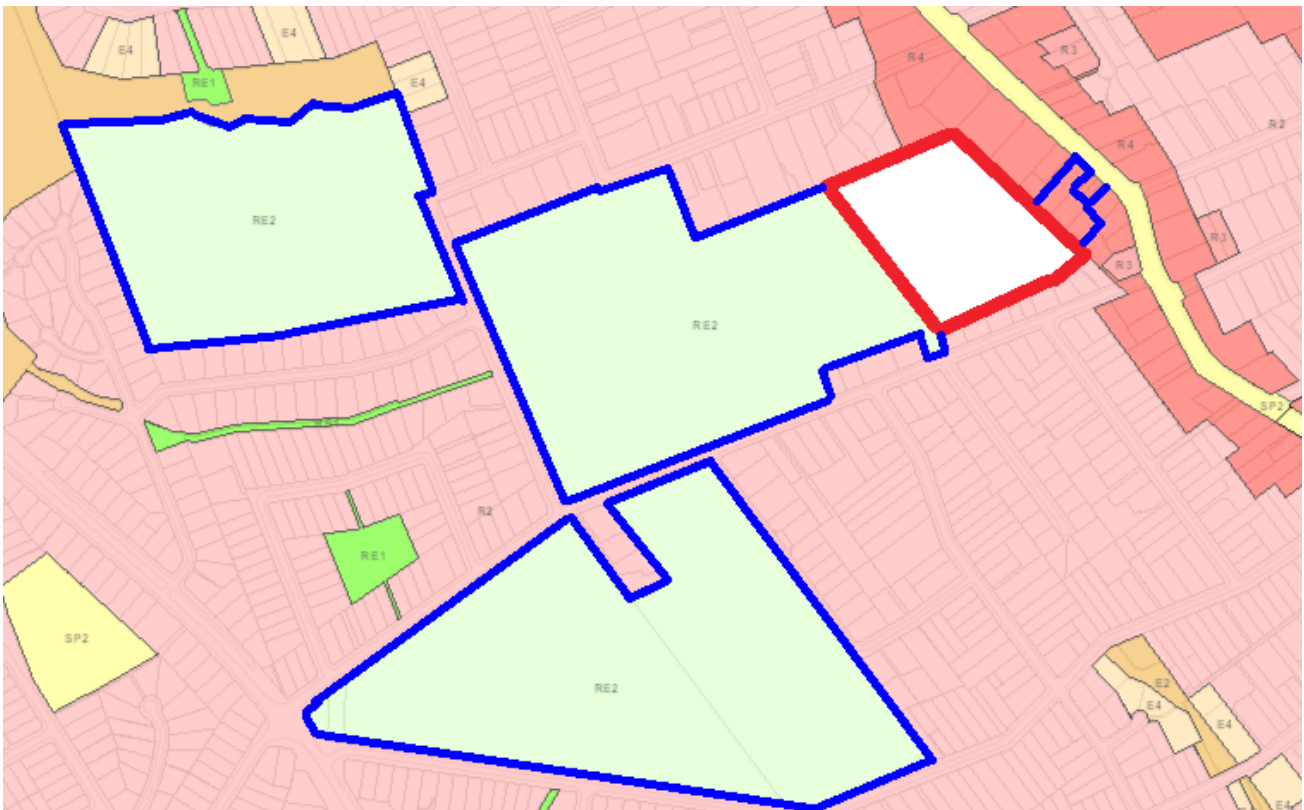


Figure 1: Killara Golf Club (outlined in blue) and subject land (outlined in red). Source Ku-ring-gai Local Environmental Plan 2015.

Surrounding Area

The majority of the remainder of the Killara Golf Club site is zoned RE2 Private Recreation, with part of the car parking area and vehicular access from Pacific Highway zoned R4 High Density Residential (as shown in Figure 1 above).

The subject site is located within a predominantly residential area with low density residential development (zoned R2 Low Density Residential) to the south fronting Fiddens Wharf Road and north-west fronting Buckingham Road. High density residential development including some small business premises (zoned R4 High Density Residential) are located to the north and east of the site, fronting the Pacific Highway.

Almost all the lots along Pacific Highway are zoned R4 High Density Residential with lots towards the north consisting of unit blocks of 4-5 storeys. Lots surrounding the site are made up of large lots of private residential housing. These lots are zoned R2 (Low Density Residential).

Summary of Recommendation

The planning proposal has merit and should proceed subject to conditions as it will enable the ongoing operation of the Killara Golf Club and associated uses. Further, the planning proposal transfers the current residential provisions from the Ku-ring-gai Planning Scheme Ordinance 1971 that applies to the subject land to the Ku-ring-gai Local Environmental Plan 2015, while also providing for potential high density residential development that has demonstrated a sympathetic response to heritage, topographic, biodiversity and built form considerations.

PROPOSAL

Objectives or Intended Outcomes

As mentioned above, the Planning Proposal seeks to amend the Ku-ring-gai Local Environmental Plan 2015 (KLEP) to allow residential development on part of the land identified as 556 Pacific Highway, Killara (also identified as 'Deferred Area 15' under the KLEP).

The KLEP applies to the majority of land within Ku-ring-gai. The LEP came into effect on 2 April 2015. There are 15 areas that have been deferred from the KLEP to allow for reassessment of proposed planning controls. The Ku-ring-gai Planning Scheme Ordinance applies to all development within a Deferred Area. The subject land of this planning proposal is the northeast portion of the Killara Golf Club identified as 'Deferred Area 15'. The area was deferred to allow reassessment of the RE2 Private Recreation zoning on this parcel of land, which was previously zoned part Residential 2(b) under the Ku-ring-gai Planning Scheme Ordinance.

Explanation of Provisions

In summary, the planning proposal seeks to amend the KLEP by:

- changing the zoning map by removing the subject land from 'Deferred Area' status and instead zoning part of the land R2 Low Density Residential and part R4 High Density Residential (shown in Figure 2);
- provide a minimum lot size of 800m² for the portion of the land to be rezoned R2 and 1,200m² for the portion of the land to be rezoned R4 (shown in Figure 3);
- provide a maximum building height of 9.5m for a portion on the land to be rezoned R2 and a range from Maximum RL 109.5, Maximum RL 120.88 and 17.5m for the portion of the land to be rezoned R4 (shown in Figure 4) to respond to curtilage of the local heritage status of the Killara Golf Course Clubhouse;
- provide a maximum floor space ratio of 0.3:1 for the portion of the land to be rezoned R2 and a range from 0.36:1, 1.05:1 and 1.3:1 for the portion of the land to be rezoned R4 (shown in Figure 5) to respond to curtilage of the local heritage status of the Killara Golf Course Clubhouse;
- identify the Killara Golf Course Clubhouse, putting green and fairway on the Heritage Map (shown in Figure 6) and list the item under Schedule 5;
- identify the land on the Acid Sulfate Map as Classification 5 (shown in Figure 7);
- identify the riparian lands and watercourse within the subject land on the Riparian Lands Map (shown in Figure 8); and
- identify the biodiversity lands within the subject land on the Terrestrial Biodiversity Map (shown in Figure 9).

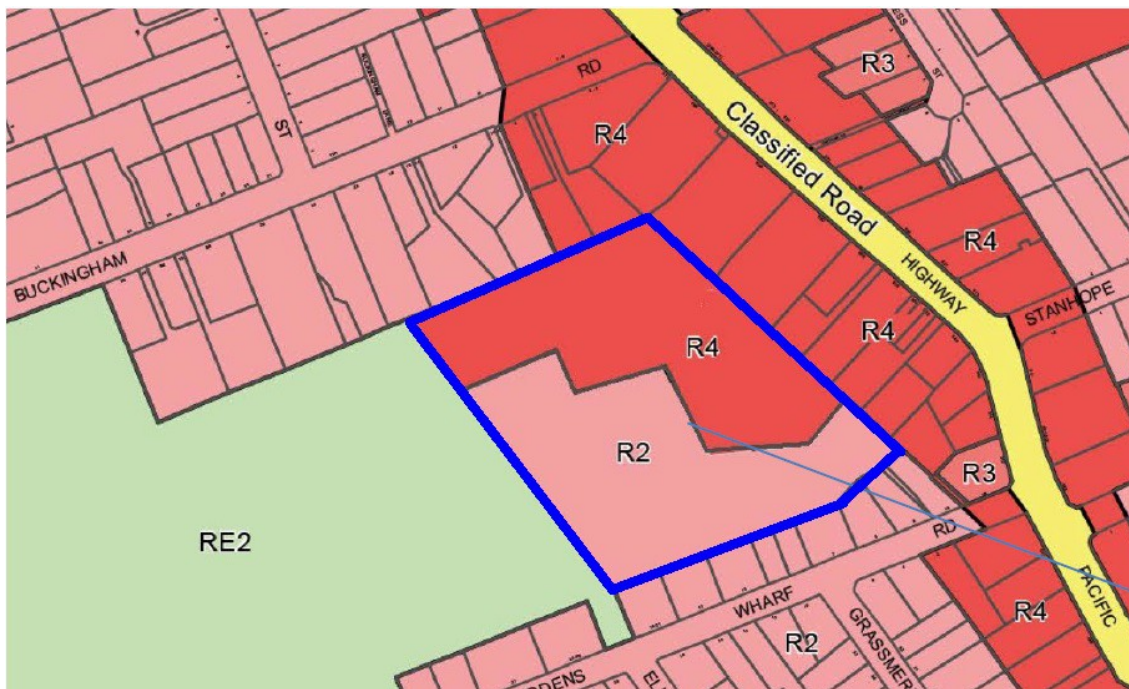


Figure 2 – Proposed amendment to Land Zoning Map (subject land outlined in blue).

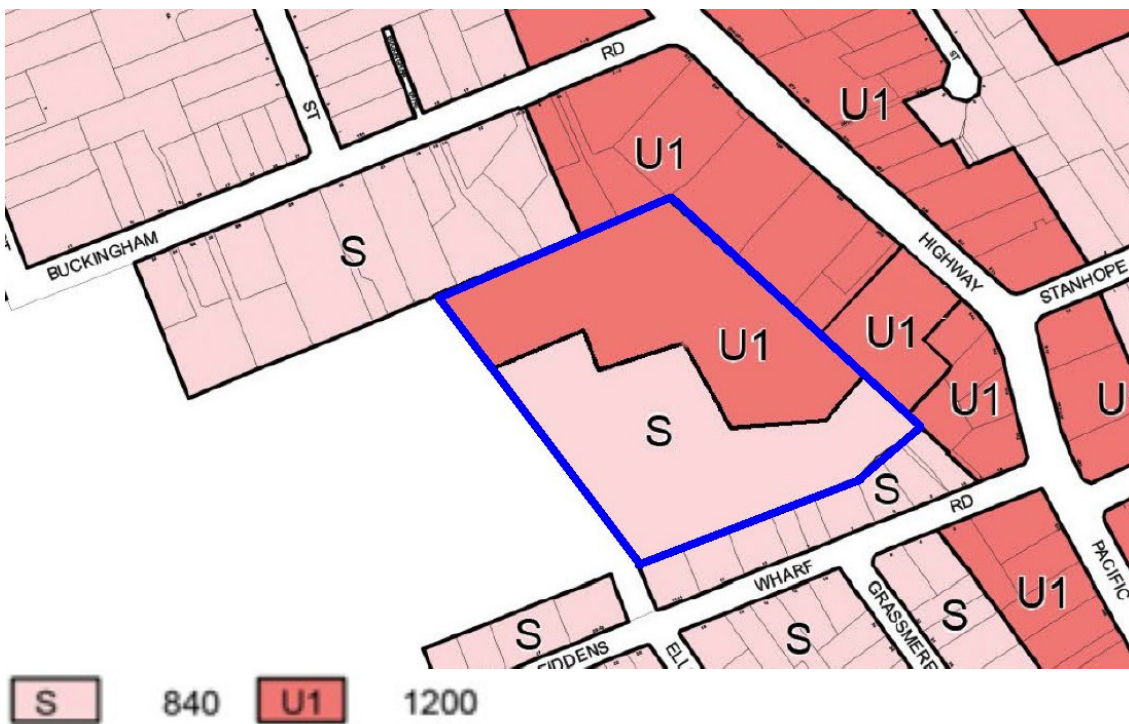


Figure 3 – Proposed amendment to Lot Size Map (subject land outlined in blue).



Figure 4 – Proposed amendment to Height of Buildings Map (subject land outlined in blue).



Figure 5 – Proposed Floor Space Ratio Map (subject land outlined in blue).




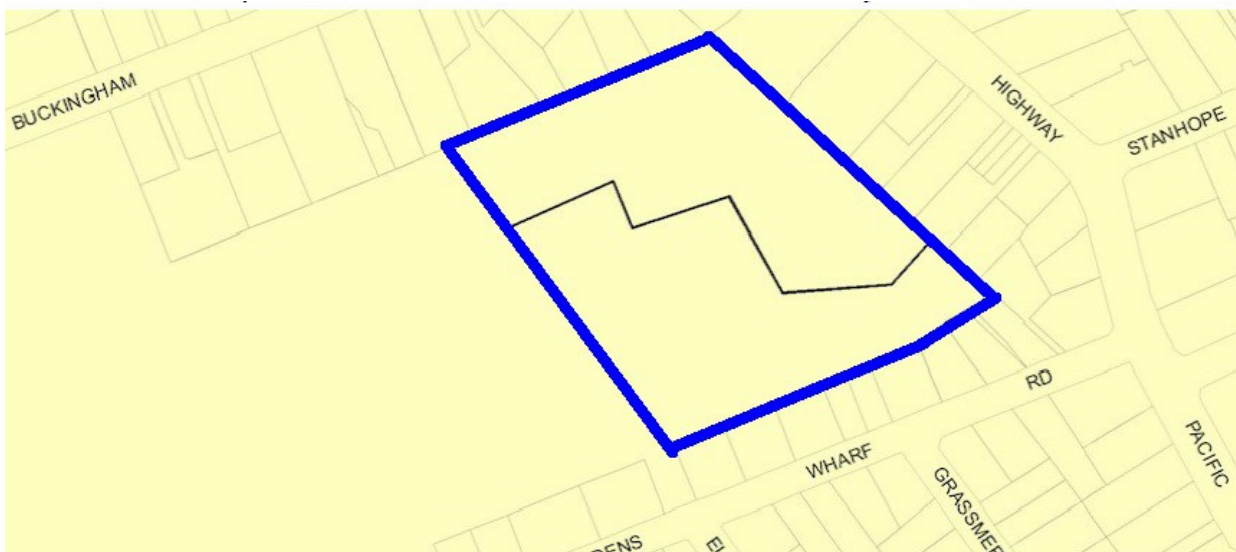
 Item - General

Figure 6 – Proposed Heritage Map (subject land outlined in blue).




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Figure 7 – Proposed Acid Sulfate Soils Map (subject land outlined in blue).

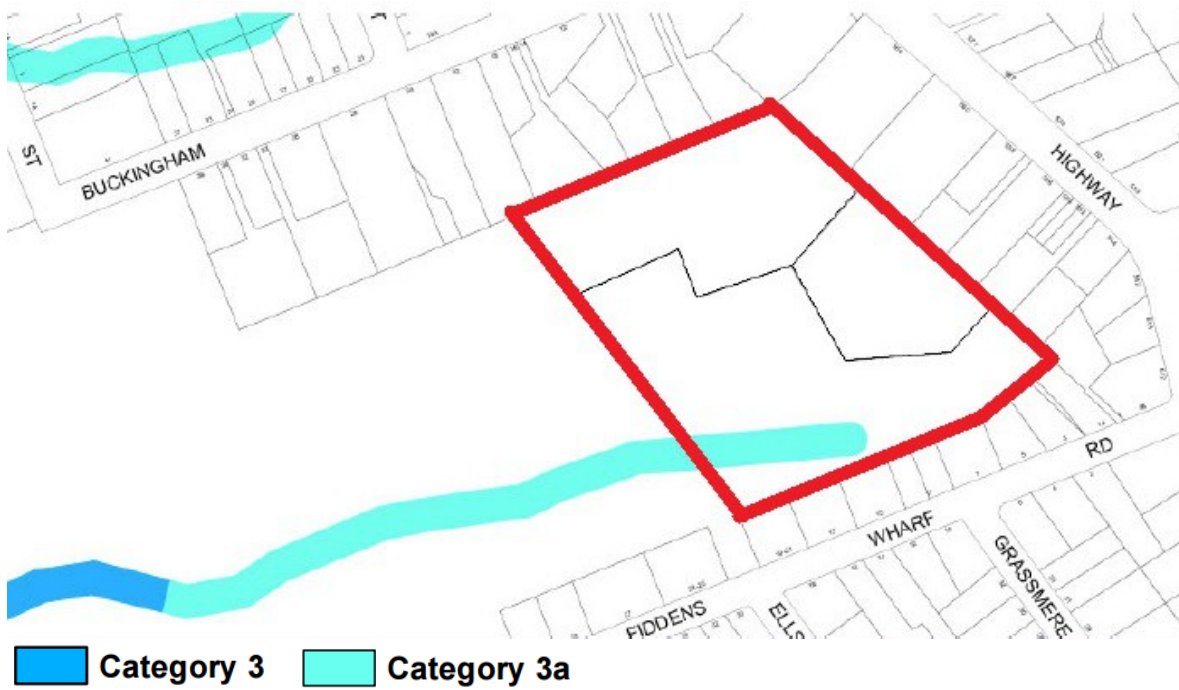


Figure 8 – Proposed Riparian Lands and Watercourses Map (subject land outlined in red).

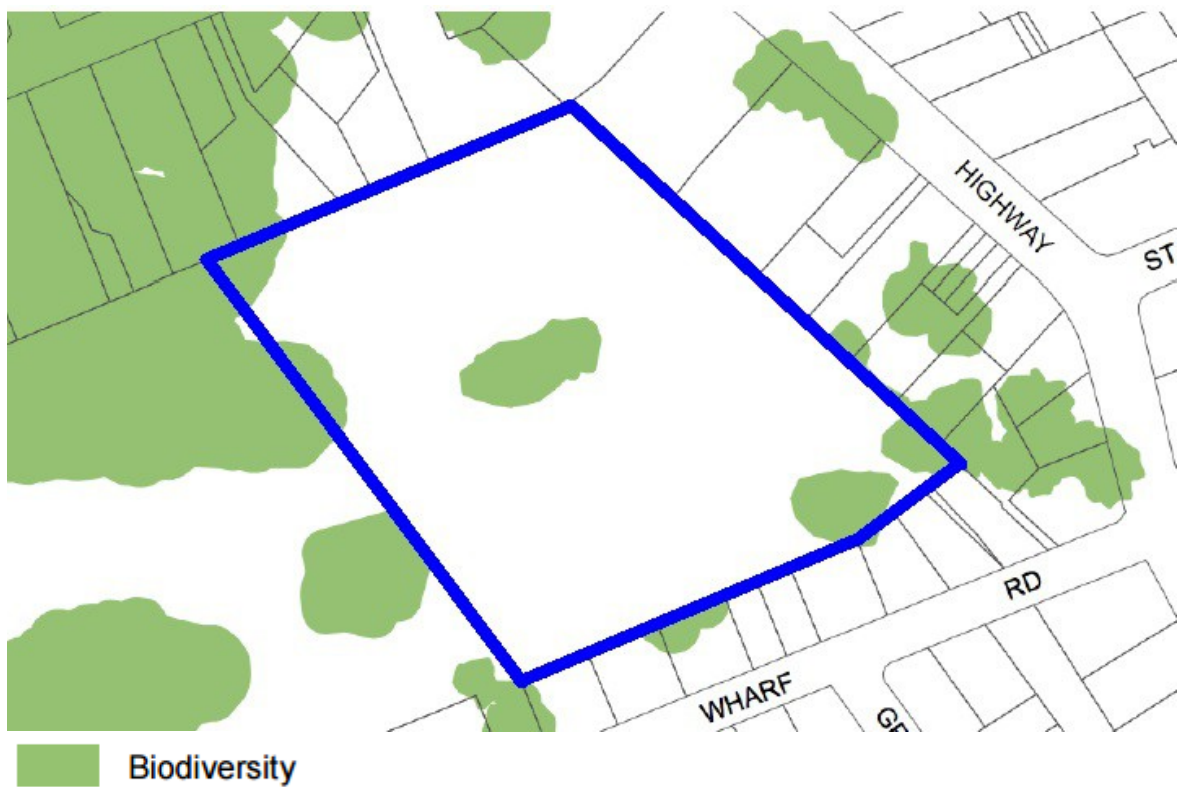


Figure 9 – Proposed Terrestrial Biodiversity Map (subject land outlined in blue).

Mapping

The mapping provided in the planning proposal is adequate for community consultation.

NEED FOR THE PLANNING PROPOSAL

The subject land is currently zoned Residential 2(b) under the Ku-ring-gai Planning Scheme Ordinance 1971 (KPSO). This parcel of land was deferred from inclusion in the Ku-ring-gai Local Environmental Plan 2015 to allow Council to consider the landowner's submission regarding the zoning and standards that apply to the site. The planning proposal states that it will enable a means of retaining the Killara Golf Club and associated facilities, which are currently experience changes to its function as the traditional recreational uses of the Golf Club are in decline.

The planning proposal provides for a transparent process to consider appropriate zoning for the land and provides a formal opportunity for landowners and stakeholders to comment on the proposal as recommended in the Gateway determination.

STRATEGIC ASSESSMENT

Regional / District

A Plan for Growing Sydney

The Directions of A Plan for Growing Sydney which apply to the proposal are:

- Direction 2.1 Accelerate housing supply across Sydney; and
- Direction 2.3 Improve housing choice to suit different needs and lifestyles.

The planning proposal aligns with these directions.

The actions of A Plan for Growing Sydney which apply to the proposal are:

- Action 1.3.2: Identify and deliver enabling infrastructure to support growth and urban renewal; and
- Action 2.1.1: Accelerate housing supply and local housing choices.

Action 1.3.2 seeks to match population growth with the delivery of social infrastructure such as recreation facilities. It is considered that the proposal is consistent with this action given the subject land's current residential zoning and the proposed intention to maintain the existing private recreational uses on the land in the immediate future.

The proposal is consistent with Action 2.1.1 as it enables the potential redevelopment of the land for future residential purposes.

The proponent's planning proposal documentation also demonstrates consistency with the North Subregion priorities under A Plan for Growing Sydney, however it is recommended that the planning proposal be updated prior to public exhibition to include an assessment against the Revised Draft North District Plan.

Draft Greater Sydney Region Plan

The Draft Greater Sydney Region Plan provides a 40 year vision for the Greater Sydney Region. The following Directions, Metrics and Objectives are considered relevant for the planning proposal:

- Direction: Housing the city – Giving people housing choices.
 - Metrics: Number of councils on track to deliver housing targets.
 - Objective 10: Greater housing supply.
- Direction: A city of great places – Designing places for people.

- Metrics: Percentage of dwellings within walking distance of a local or strategic centre; and
- Percentage of dwellings within walking distance of open space.
 - Objective 13: Environmental heritage is conserved and enhanced.
- Direction: A well connected city – Developing a more accessible and walkable city.
 - Metrics: Percentage of dwellings located within 30 minutes by public transport of a metropolitan city centre/cluster; and
 - Percentage of dwellings located within 30 minutes by public transport of a strategic centre.
 - Objective 14: A metropolis of three cities – integrated land use and transport creates walkable and 30-minute cities.

The proposal is consistent with the draft Greater Sydney Region Plan as it enables potential redevelopment of the land for future residential purposes in a location within 30 minutes by public transport of St Leonards, Chatswood and Hornsby Strategic Centres. Further, the proposal also considers the environmental significance of adjoining heritage items as discussed further in the site specific assessment part of this report.

Revised Draft North District Plan

The Revised Draft North District Plan applies to the Ku-ring-gai Local Government Area. The priorities of the District Plan which relate to the proposal are:

- N5 Providing housing supply, choice and affordability with access to jobs and services;
- N6 Creating and renewing great places and local centres, and respecting the District's heritage; and
- N12 Delivering integrated land use and transport planning and a 30-minute city.

The actions of the District Plan which relate to the proposal are:

- Action 15: Prepare local or district housing strategies that address the following:
 - a. the delivery of five-year housing supply targets for each local government area
- Action 17: Deliver great places by:
 - c. providing fine grain urban form, high amenity and walkability;
 - d. integrating social infrastructure to support social connections and provide a community hub; and
 - e. encourage contemporary interpretations of heritage where possible.
- Action 47: Integrate land use and transport plans to deliver the 30-minute city.

The planning proposal is consistent with the priorities and actions of the Revised Draft North District Plan as it will facilitate the maintenance of heritage items and curtilages and potentially assist in delivering housing.

The proponent's planning proposal documentation does not provide a strategic assessment under the Revised Draft North District Plan. As per Council's report (**Attachment A**), Council have requested the proponent to update their documentation to provide an assessment under the District Plan. Further, the Gateway determination recommends that the planning proposal documentation is updated prior to exhibition to provide an assessment against the Plan.

Local

Ku-ring-gai Community Strategic Plan 2030

The planning proposal is consistent with the following long-term objectives of the Community Strategic Plan:

- C6.1 Housing diversity, adaptability and affordability is increased to support the needs of a changing community;
- P5.1 Ku-ring-gai's heritage is protected, promoted and responsibly managed; and
- P6.1 Recreation, sporting and leisure facilities are available to meet the community's diverse and changing needs.

The planning proposal will facilitate the maintenance of heritage items and curtilages, the ongoing operation of the Killara Golf Club to meet local needs, and potentially assist in delivering housing.

Ku-ring-gai Sustainability Vision 2008

The planning proposal is consistent with the Council's Sustainability Vision document and the vision statement "Ku-ring-gai will be a place with opportunities for local businesses and employment" given that the proposal will facilitate the ongoing operation of the Golf Club.

Ku-ring-gai Integrated Transport Strategy

The planning proposal is consistent with the following actions from Council's Integrated Transport Strategy:

- Action A1: Continue to deliver remaining dwelling and employment targets in locations with good public transport; and
- Action A2: Strengthen village centres by providing greater variety and availability of services.

The planning proposal will facilitate the ongoing operation of the Golf Club and continue to provide a service to the surrounding village, and potentially assist in delivering housing.

The proponent's planning proposal documentation does not provide a strategic assessment under any local plans.

Section 117(2) Ministerial Directions

The planning proposal is consistent with the following relevant Section 117 Ministerial Directions:

- 2.1 Environment Protection Zones;
- 2.3 Heritage Conservation;
- 3.1 Residential Zones; and
- 3.4 Integrating Land Use and Transport.

State Environmental Planning Policies

The planning proposal is consistent with relevant State Environmental Planning Policies as follows:

- SEPP 55 Remediation of Land;
- SEPP 65 Design Quality of Residential Flat Building;
- SEPP (Exempt and Complying Development Codes) 2008;
- SEPP (Infrastructure) 2007; and
- SEPP (Urban Renewal) 2010.

SITE SPECIFIC ASSESSMENT

Environmental

Biodiversity

The site contains remnants of threatened ecological communities (see the Flora and Fauna Assessment at **Attachment A**) shown in Figure 10 below. The planning proposal is

considered to appropriately address the need to protect the threatened ecological communities by amending Ku-ring-gai Local Environmental Plan 2015 Terrestrial Biodiversity Map to map the extent of the remnant threatened tree species (as illustrated earlier in this report under the 'Explanation of Provisions' heading).



Figure 10 – Areas of the subject land containing species of biodiversity significance (shown in green).

Riparian Lands and Watercourses

The planning proposal seeks an amendment to the Ku-ring-gai Local Environmental Plan 2015 to map the watercourses on the subject land, consistent with the riparian lands mapping and investigations for the site, which was previously exhibited as part of the draft Ku-ring-gai Local Environmental Plan 2013 (prior to the subject land being deferred under the adopted Ku-ring-gai Local Environmental Plan 2015).

Contamination

The planning proposal's Site Investigations Contamination Reports (**Attachment A**) is considered to appropriately address the requirements of SEPP 55 – Remediation of Land. Soil sampling indicates that part of the south-eastern corner of the visitor's car park will require a remediation action plan to be undertaken prior to any future development for residential purposes. The report concludes that it is suitable for remediation to be conducted during future development of the area and it is not considered necessary to have remediation completed prior to rezoning.

Heritage

The Killara Golf Course Clubhouse is currently identified as a local heritage item under Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance 1971. The planning proposal seeks to list the 'Killara Golf Clubhouse, putting green and fairway' as a heritage item with local significance under the Ku-ring-gai Local Environmental Plan 2015 by amending Schedule 5 and heritage mapping. The planning proposal's Statement of Heritage Impact and Conservation Management Plan (**Attachment A**) identifies the local heritage

significance of 'Killara Golf Clubhouse, putting green and fairway' and provides sufficient justification for its inclusion under Schedule 5 and heritage mapping under the KLEP 2015.

The planning proposal's Statement of Heritage Impact and Conservation Management Plan also includes a curtilage analysis which aims to protect visual catchments with an important relationship to heritage items. The planning proposal recommends the inclusion of a Heritage Visual Curtilage Area to conserve primary views between the Clubhouse building and golf links which have significantly influenced the siting, orientation and design of the Clubhouse building, shown in Figure 11 below.

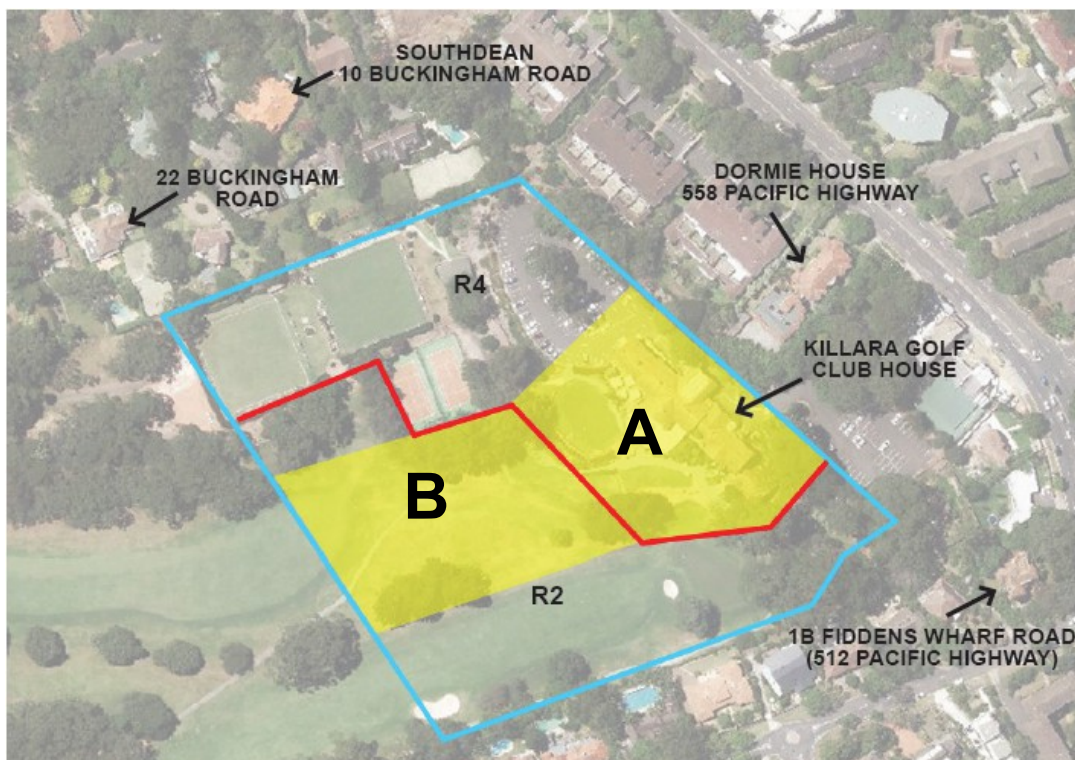


Figure 11 – Proposed Heritage Curtilage Area surrounding Clubhouse building labelled A and proposed Heritage Visual Curtilage Area labelled B (Deferred Area 15 outlined in blue). Closest listed heritage items in vicinity of subject land labelled.

The proposal's nominated zoning, height, floor space ratio and heritage areas, seek to respond to the heritage significance of the site.

Built Form

The planning proposal seeks to split controls over the site with higher density controls at the north-east portion of the land and lower density controls at the south-west portion of the land. The proposed controls for the north-east portion of the land is compatible with the surrounding area of similar density and built form particularly fronting Pacific Highway and Buckingham Road. The proposed controls for the south-west portion of the land responds directly to the lower scale of dwellings along Fiddens Wharf Road.

The planning proposal adequately demonstrates that the proposed controls will respond to the topography of the subject land, ensure no unreasonable overshadowing or impacts on solar access to adjacent properties occurs while also maintaining biodiversity and heritage curtilages.

It is noted the planning proposal nominates a combination of maximum building heights expressed in metres as well as RLs. Council's report indicates that it is essential for RL heights to apply to parts of the subject land to ensure an appropriate response to the site's

topography and interfacing low density residential and heritage items, irrespective of the ground level on the subject land. The nomination of RL height controls for part of the subject land enables any future redevelopment to adjust the number of storeys across the sloping site without impacting upon the overall built form and maximum building height across the site.

The proposed maximum building height controls expressed in metres and RLs are also consistent with the *Standard Instrument – Principal Local Environmental Plan* and has been utilised in other LEPs.

Traffic and Parking

It is noted the planning proposal's Traffic and Parking Assessment report (**Attachment A**) was prepared (dated 26 September 2017) based on an earlier version of the planning proposal which anticipated a potential 270 new dwellings, as opposed to the current proposal's potential for an estimated 179 dwellings. As the Traffic and Parking Assessment report provides an analysis of a higher yield of potential development than what is currently proposed, it is considered that an updated Traffic and Parking Assessment report is not required. The report's analysis of traffic generation and implications for the road network resulting from the potential redevelopment of the part of subject land for residential purposes indicates that any projected increases in traffic activity is minimal. Further, the report also concludes any potential redevelopment of the subject land for residential purposes will be able to accommodate additional car parking, clearance for garbage trucks and loading/service vehicles for the golf club. Given the conclusions of the report, it is considered that an updated Traffic and Parking Assessment report for the lower dwelling yield as per the current planning proposal will not add any significant value to the assessment of the proposal's traffic and parking impacts. Therefore an updated report is not required.

Social and Economic

The planning proposal will facilitate the future ongoing function of the Killara Golf Club facilities and allow for the potential development of the subject site for the purposes of residential development which will contribute to housing targets for the area. If future redevelopment of the subject land for residential purposes occurs, the landowners have indicated that the existing facilities, including the bowling greens and tennis courts, will be relocated on the Golf Club site. As recommended in the Gateway determination, a transparent community and agency consultation process is to be undertaken by Council to ensure and community and stakeholder concerns regarding social and economic impacts of the proposal are addressed.

Infrastructure

The site has reasonable access to public transport infrastructure with bus stops on Pacific Highway with regular services to Chatswood and Macquarie University (approximately 200 metres walking distance from the site) and Killara railway station within approximately 800 metres walking distance from the site. The site is also in close proximity to schools and tertiary education facilities, libraries, health services and retail services. It is considered sufficient infrastructure is accessible from the subject site.

CONSULTATION

Community

A community consultation period of 28 days is considered an appropriate amount of time to gauge the response by the community.

It is noted the proponent conducted community and stakeholder consultation in November 2016 on an earlier planning proposal scheme for the subject land as outlined in the planning proposal's Consultation Outcomes Report (**Attachment A**).

Agencies

Referral to the following agencies is recommended:

- Sydney Water;
- Office of Environment and Heritage; and
- Transport for NSW – Roads and Maritime Services.

TIMEFRAME

A period of **9 months** is recommended for the LEP amendment to be completed. Council have confirmed that this nominated timeframe is appropriate.

DELEGATION

Council has requested plan making delegations. It is recommended that delegation of the Greater Sydney Commission is issued to Council.

CONCLUSION

The planning proposal has merit and should proceed subject to conditions as it will enable the ongoing operation of the Killara Golf Club and associated uses. Further, the planning proposal transfers the current residential provisions from the Ku-ring-gai Planning Scheme Ordinance 1971 that applies to the subject land to the Ku-ring-gai Local Environmental Plan 2015, while providing for low and high density residential development with associated controls to consider heritage, topography, biodiversity and other built form considerations.

RECOMMENDATION

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is required to:
 - (a) provide an assessment of the planning proposal under the Revised Draft North District Plan; and
 - (b) include a statement in the planning proposal indicating the potential to deliver 179 dwellings.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning 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

section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

3. Consultation is required with the following public authorities and / organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:

- Sydney Water;
- Office of Environment and Heritage; and
- Transport for NSW – Roads and Maritime Services

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.

4. A public hearing is not required to be held into the matter by any person or body under section 56(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).
5. The timeframe for completing the LEP is to be **9 months** following the date of the Gateway determination.

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25/10/17

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