

Proposed amendment to zoning, height, FSR and lot size of 21 Lorne Avenue, Killara

Proposal Title : **Proposed amendment to zoning, height, FSR and lot size of 21 Lorne Avenue, Killara**

Proposal Summary : **The planning proposal seeks to rezone land at 21 Lorne Avenue, Killara to R4 High Density Residential, and increase the maximum building height to 17.5m, the maximum floor space ratio to 1.3:1 and the minimum lot size to 1,200sqm.**

PP Number : **PP_2017_KURIN_001_00** Dop File No : **17/04140**

Proposal Details

Date Planning Proposal Received : **02-Mar-2017** LGA covered : **Ku-Ring-Gai**

Region : **Metro(Parra)** RPA : **Ku-ring-gai Council**

State Electorate : **DAVIDSON** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **21 Lorne Avenue**

Suburb : **Killara** City : **Ku-ring-gai** Postcode : **2071**

Land Parcel : **Lot 1 DP409107**

DoP Planning Officer Contact Details

Contact Name : **Chantelle Chow**

Contact Number : **0298601548**

Contact Email : **chantelle.chow@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Alexandra Plumb**

Contact Number : **0294240795**

Contact Email : **aplumb@kmc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Terry Doran**

Contact Number : **0298601579**

Contact Email : **terry.doran@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : Consistent with Strategy :

Proposed amendment to zoning, height, FSR and lot size of 21 Lorne Avenue, Killara

MDP Number :	Date of Release :	
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots : 0	No. of Dwellings (where relevant) :	20
Gross Floor Area : 0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes		
If No, comment :	At this point in time, to the best of the regional team's knowledge, the Department's Code of Practice in relation to communications with lobbyists has been complied with.	
Have there been meetings or communications with registered lobbyists? :	No	
If Yes, comment :	A search of the register was undertaken on 9 March 2017. There are no records of meeting or communications with registered lobbyists.	

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment**Statement of the objectives - s55(2)(a)**Is a statement of the objectives provided? **Yes**

Comment : **The planning proposal seeks to facilitate the high density residential development at the site. It will enable the orderly development of the site and ensure the development standards applying to the site are consistent with the surrounding land.**

The planning proposal will enable the development of 20 apartments on the site.

Explanation of provisions provided - s55(2)(b)Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal seeks to amend the zoning, height, floor space ratio and lot size controls contained within the Ku-ring-gai Local Environmental Plan 2015 (Ku-ring-gai LEP 2015) by:**

- 1. amending the Land Zoning Map (LZN_014) by rezoning the site from R2 Low Density Residential to R4 High Density Residential;**
- 2. amending the Height of Building Map (HOB_014) by increasing the maximum building height for the site from 9.5m to 17.5m;**
- 3. amending the Floor Space Ratio Map (FSR_014) by increasing the maximum floor space ratio (FSR) for the site from 0.3:1 to 1.3:1; and**
- 4. amending the Lot Size Map (LSZ_014) by increasing the minimum lot size for the site from 840sqm to 1,200sqm.**

Department comment:

The Department recommends prior to exhibition, that Part 2 - Explanation of Provisions of the planning proposal (page 2) is amended to outline the existing and proposed development controls associated with the proposal.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

e) List any other matters that need to be considered :

SECTION 117 DIRECTIONS

The proposal is consistent with relevant section 117 Directions with the exception of S/117 Direction 4.1. Commentary is provided as follows:

DIRECTION 2.3 HERITAGE CONSERVATION

The site does not contain a heritage item and is not within a heritage conservation area. However the site is directly opposite (other side of Lorne Avenue) a number of local heritage items which are also part of the Marian Street Conservation Area. Council notes that the site is within the sight lines of the heritage items and conservation area.

The Heritage Impact Statement notes that the proposed zone and associated development controls for the site, are consistent with the existing development standards for the neighbouring land. In addition, the proposal would be consistent with the current streetscape of Lorne Avenue, with heritage items along the southern side of the road and setback apartment complexes along the northern side. Furthermore, the setback and screening of the heritage items from Lorne Avenue, means that the recent higher residential developments do not visually impact these items.

The Statement concludes that the planning proposal will not have an adverse impact on the heritage significance of the heritage items and conservation area.

Department Comment:

It is recommended that prior to exhibition, the consistency of the proposal with this Direction is amended to include the conclusions of the Heritage Impact Statement and the repeated paragraph under the heading of "Consistency" on page 9 of the proposal is removed. It is also recommended that consultation be undertaken with the Office of Environment and Heritage.

DIRECTION 4.1 ACID SULFATE SOILS

The site contains Class 5 Acid Sulfate Soils. Council note that further investigations will be undertaken at the development application stage.

Department Comment:

The direction specifies that a relevant planning authority must not prepare a planning proposal that proposes intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.

It is recommended that any inconsistency with this direction is justified as being of minor significance as the Class 5 Acid Sulfate Soil is the lowest classification and the site is currently zoned for residential use.

STATE ENVIRONMENTAL PLANNING POLICIES

The proposal is consistent with all relevant SEPPs.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Mapping of the current and proposed amendments are provided in Part 4 of the planning proposal. The planning proposal requires amendments to the following maps:

- Land zoning Map (LZN_014);
- Height of Building Map (HOB_014);
- Floor Space Ratio Map (FSR_014); and
- Lot Size Map (LSZ_014).

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Part 5 of the planning proposal notes that consultation will be undertaken.

Department Comment:

It is recommended that a 28 day exhibition period is appropriate. In addition prior to exhibition, Part 5 of the planning proposal should be amended to identify a 28 day exhibition period. Recommended accordingly.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **Department Comment:**
It is noted that the planning proposal contains adequate information for a Gateway determination to be issued.

However prior to exhibition, the planning proposal should be amended as follows:

- include the relevant number for each Section 117 Direction in the table on page 13;
- remove the template instructions in Part 5 of the planning proposal on page 19; and
- include the appropriate project timeline dates in Part 6 of the planning proposal on page 13.

Proposal Assessment

Principal LEP:

Due Date : **March 2015**

Comments in relation to Principal LEP : **Ku-ring-gai LEP 2015 was notified on 5 March 2015 and commenced on 2 April 2015.**

Assessment Criteria

Need for planning proposal :	The planning proposal seeks to permit the development of a residential flat building containing 20 apartment on the site. The planning proposal is required to enable the redevelopment of the site and the property adjoining the rear of the site, being 9 Lorne Avenue, Killara (Lot 2 DP 526399), for high density residential use (54 apartments). Both properties are in the same land ownership and land at 9 Lorne Avenue, Killara has the same development standards as those proposed for the subject land.
Consistency with strategic planning framework :	DRAFT NORTH DISTRICT PLAN (2016) The site is located within the North District and the planning proposal has addressed consistency with the Draft North District Plan (the Plan). The planning proposal will enable additional housing at the site which is consistent with the Liveability Actions of the Plan, as follows: - L3: Councils to increase housing capacity across the District as the proposal will facilitate the development of additional housing in an appropriate location. - L4: Encourage housing diversity as the proposal will contribute to the provision of a variety of housing types within Killara.
Environmental social economic impacts :	TRAFFIC IMPACTS The planning proposal does not address traffic impacts. However, Council's Report (7 February 2017) indicates that the additional traffic generated by the planning proposal will be minimal and it is unlikely to have a significant impact on the surrounding network. Council also notes that the Killara area does not experience significant congestion and surveys of the Killara Railway Station show high public transport usage. Council Comment: It is agreed that an additional 20 apartments will generate minimal traffic. It is recommended, however, that prior to exhibition, the planning proposal is amended to include Council's comments in regards to traffic impacts.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	Nil
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage Energy Australia Transport for NSW Transport for NSW - Sydney Trains Transport for NSW - Roads and Maritime Services Sydney Water Telstra		
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :			

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Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name

DocumentType Name

Is Public

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.3 Heritage Conservation**
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 4.1 Acid Sulfate Soils

Additional Information : **DELEGATION OF PLAN MAKING FUNCTION**
Ku-ring-gai Council has requested delegation for plan making function to finalise the planning proposal. Given the nature of the planning proposal it is recommended that authorisation be issued for Council to exercise delegation.

SECTION 117 DIRECTION 4.1 ACID SULFATE SOILS

It is recommended that the Secretary's delegate agrees that any inconsistency with this direction is justified as being of minor significance, as the Class 5 Acid Sulfate Soil is the lowest classification and the site is currently zoned for residential use.

GATEWAY RECOMMENDATION AND CONDITIONS

1. Prior to community consultation, Council is to amend the planning proposal, as follows:

- (a) amend the planning proposal cover page to include Council's logo and address details to reflect Council's adoption of the proposal;**
- (b) identify the exact proposed amendments to the development standards in Part 2 of the planning proposal (page 2);**
- (c) include the findings of the Heritage Impact Statement in addressing Section 117 Direction 2.3 Heritage Conservation and remove the repeated paragraph in the table on page 9;**
- (d) include the relevant Section 117 Direction numbers in the table on page 13 of the planning proposal;**
- (e) include Council's comments on traffic impacts from Council's Meeting Report in the planning proposal;**
- (f) identify an exhibition period of 28 days in Part 5 of the planning proposal and remove the template instructions (page 19); and,**
- (g) include the appropriate project timeline dates in Part 6 of the planning proposal (page 20).**

The amended proposal is to be submitted to the Department for information purposes.

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 under section 56(2)(d) of the Act:

- Office of Environment and Heritage;
- Transport for NSW;
- Transport for NSW – Sydney Trains;
- Transport for NSW – Roads and Maritime Services;
- Sydney Water;
- Energy Australia; and,
- Telstra.

Each public authority 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).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal would facilitate additional housing in a suitably well located area as the site is within approximately 300m of Killara Train Station (i.e. a 4 minute walk) and bus services along the Pacific Highway.

In addition if the land is not rezoned, it will result in an isolated single dwelling surrounded by 5-6 storey residential development.

Signature:



Printed Name:

T. DORAN

Date:

14/3/17

