

28 Clissold Road, Wahroonga and 109 Bobbin Head Road, Turramurra

Proposal Title : 28 Clissold Road, Wahroonga and 109 Bobbin Head Road, Turramurra

Proposal Summary : The proposal seeks to permit dual occupancy development with consent, as an additional permitted use of land at 28 Clissold Road, Wahroonga and 109 Bobbin Head Road, Turramurra.

PP Number : PP_2015_KURIN_004_00 Dop File No : 15/0001

Proposal Details

Date Planning Proposal Received : 22-Jul-2015 LGA covered : Ku-Ring-Gai

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

State Electorate : KU-RING-GAI Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : 28 Clissold Road

Suburb : Wahroonga City : Sydney Postcode : 2076

Land Parcel :

Street : 109 Bobbin Head Road

Suburb : Turramurra City : Sydney Postcode : 2074

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : Lillian Charlesworth

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RPA Contact Details

Contact Name : Rathna Rana

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DoP Project Manager Contact Details

Contact Name : Terry Doran

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Metro North subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	2
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :	The Lobbyist Contact Register was checked on 23 July, 2015 and indicated no contact with lobbyists regarding this planning proposal.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :			

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes : **The planning proposal originally included land at 2 Loombah Avenue, East Lindfield. As
Council did not support dual occupancy development at this site, a pre Gateway review
application was lodged by the proponent on 13 July, 2015.**

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The proposal seeks to enable dual occupancy development on the subject sites subject to
Council consent.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The proposal seeks to amend Ku-ring-gai Local Environmental Plan 2015, Schedule 1 -
Additional Permitted Uses, to enable dual occupancy development on the land subject to
Council consent.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **3.1 Residential Zones
3.4 Integrating Land Use and Transport
6.3 Site Specific Provisions
7.1 Implementation of A Plan for Growing Sydney**

* May need the Director General's agreement

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

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

d) Which SEPPs have the RPA identified?

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

SECTION 117 DIRECTION 3.1 RESIDENTIAL ZONES

The proposal is consistent with this Direction as it will increase the range of housing choice in an area serviced by existing infrastructure and services.

SECTION 117 DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT

The proposal is consistent with this Direction as it will enable additional housing in an area served by public transport and in proximity to neighbourhood shops.

SECTION 117 DIRECTION 6.3 SITE SPECIFIC PROVISIONS

The proposal is consistent with this Direction as will allow an additional land use on the subject land without imposing any additional development standards or requirements other than those that currently apply to this type of development under the provisions of Ku-ring-gai LEP 2015.

SECTION 117 DIRECTION 7.1 IMPLEMENTATION OF A PLAN FOR GROWING SYDNEY

The proposal is consistent with this Direction as the proposal will contribute to meeting the need for additional housing choice.

The proposal is consistent with all Section 117 Directions and State policies.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : There is no mapping required as the proposal only seeks to amend Schedule 1 of Ku-ring-gai Local Environmental Plan 2015.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council proposes an exhibition period of 14 days as the proposal is considered low impact. A 14 day exhibition period is supported on this basis.

Consultation will include letters to adjoining and affected landowners, notification on Council's website and in the local newspaper, as well as exhibiting the proposal at Council's Administration Centre.

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 :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Ku-ring-gai Local Environmental Plan 2015 was notified on 5 March 2015 and commenced on 2 April 2015.

Assessment Criteria

Need for planning
proposal :

Following the repeal of State Environmental Planning Policy 53 - Metropolitan Residential Development on 3 June 2011, no new development applications for dual occupancy development can be made in the Ku-ring-gai area under that policy. Therefore in order to enable dual occupancy development on only the subject land, an amendment to Schedule 1 - Additional Permitted Uses of the principal plan is required.

Council has justified the proposed use of Schedule 1 in this manner because of the unique situation applying to the subject sites. In particular, their existing proximity to similarly subdivided and developed land at 2 boundaries.

Further, this approach avoids setting an undesirable precedent across all R2 zoned land if the use was permitted within that zone in the land use table.

Department Comment

As the LEP currently permits dual occupancies as an additional use for a number of sites within the local government area, and in view of the unique circumstances applying to the subject sites, no objections are held to the planning proposal proceeding on this basis.

Consistency with
strategic planning
framework :

The proposal is consistent with local, regional and State plans.

Environmental social
economic impacts :

There are no environmental or heritage constraints on, or in the vicinity of, the subject sites. The characteristics of both sites is such that a dual occupancy development would not compromise the immediate character of the neighbourhood or the amenity of adjacent properties.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority
Consultation - s56(2)
(d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

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
Council covering letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Planning Proposal - Appendix B - Council Report.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
3.4 Integrating Land Use and Transport
6.3 Site Specific Provisions
7.1 Implementation of A Plan for Growing Sydney

Additional Information : **DELEGATION OF PLAN MAKING FUNCTIONS**
 Council has requested that it exercise the Minister's plan making function for this planning proposal. Given the relatively minor nature of this proposal, this request is supported.

Accordingly, it is recommended that the delegate agree to authorisation being issued to Council to exercise the delegation.

CONSULTATION WITH PUBLIC AUTHORITIES

Given the minor nature of the proposal, no consultation with public authorities is recommended.

DETERMINATION

It is recommended that the planning proposal proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 14 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 LEPs (Department of Planning and Environment 2013).
3. Consultation is not required with public authorities under section 56(2)(d) of the EP&A Act.
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 EP&A 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 from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is supported as it will increase housing choice in a suitable location served by public transport and neighbourhood shops. The unique characteristics of the subject land will enable dual occupancy development without impacting on the character of the neighbourhood.

Signature:



Printed Name:

T DORAN

Date:

18/8/15