



IRF22/2020

Gateway determination report – PP-2021-3494 8A, 14 and 16 Buckingham Place, Killara

Ku-ring-gai Local Environmental Plan 2015

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Land Surveys
Ecological Constraints Assessment
Urban Design Study
Statement of Heritage Impact
Preliminary Tree Asset Identification
Traffic and Parking Assessment Report
Planning Proposal
Council Report and Resolution – 26 April 2022

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Ku-ring-gai Council
PPA	Ku-ring-gai Council
NAME	Rezoning of Buckingham Place (36 to 40 homes)
NUMBER	PP-2021-3494
LEP TO BE AMENDED	Ku-ring-gai Local Environmental Plan 2015
ADDRESS	8A,14 and 16 Buckingham Road, Killara
DESCRIPTION	Lot 2 DP 414101, Lot 3 DP 520573, and Lot 4 DP 520573
RECEIVED	7/06/2022
FILE NO.	IRF22/2022
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

1.2 Objectives of planning proposal

The planning proposal (**Attachment A**) seeks to amend the Ku-ring-gai Local Environmental Plan (KLEP) 2015 to:

- rezone the site from R2 (Low Density residential) to R4 (High Density residential);
- increase the maximum height of building from 9.5m to RL 110.5 (centre of site) and RL115.5 (east and west of site);
- increase floor space ratio from 0.3:1 to 0.7:1;
- minimum lot size from 840sqm to 4,300sqm; and
- include a site specific local provision requiring that development consent not be granted unless all the subject lots (mapped as Area 2) are consolidated, in addition to the minimum 4,300sqm lot size.

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal. The objectives of the planning proposal are to:

- enable the delivery of approximately 36 to 40 dwellings within residential flat buildings;
- ensuring a lot consolidation that seeks improved development and amenity outcomes for the site and its neighbouring heritage and low density dwellings;
- ensure built form scale has an appropriate interface with both the surrounding high and low density context; and

- provide quality residential uses which complement the current development in the area and improve housing choice in the locality.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions.

The planning proposal seeks to amend the KLEP 2015 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	R2 – Low Density Residential	R4 – High Density Residential
Maximum height of the building	9.5m	RL 110.5 (centre of site) and RL 115.5 (east and west of site)
Floor space ratio	0.3:1	0.7:1
Minimum lot size	840sqm	4300sqm
Number of dwellings	3 detached dwellings	36 to 40 dwellings
Number of jobs	N/A	N/A
Site specific local provision (Clause 6.6)	N/A	3a) Despite subclause (2), development consent must not be granted for the erection of multi dwelling housing or a residential flat building on a lot on land identified as “Area 2” on the Lot Size Map unless the lot has an area of at least 4,300sqm.

The planning proposal also seeks to prepare a site specific DCP to provide detailed design guidance for the site. Council intends to exhibit this DCP alongside the proposal.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The planning proposal applies to land at 8A, 14 and 16 Buckingham Road, Killara. The site is close to public transport services on the Pacific Highway, Killara station and the local centre.

The site adjoins 4-5 storey residential apartments with frontages to Pacific Highway and Buckingham Road to the east and north east and R2 low density residential development to the west and north along Buckingham Road. To the south of the site is the Killara golf course, which have areas rezoned to R4 High Density residential allowing for future 3 storey development adjacent to the site (**Figure 1 and Figure 2**).

The site is adjacent to heritage listed dwellings, “Southdean” a dwelling house to the north (at 10 Buckingham Road) and dwelling house to the west at 22 Buckingham Road. To the south east is the heritage listed Killara Golf Clubhouse.

The site currently comprises 3 residential lots containing two storey residential dwellings.

The area has a gentle slope from north to south and a significant drop in topography from the south to the Killara golf course.



Figure 1 Subject site outlined in red (source: Nearmap 2022)



Figure 2 Site context (source: Nearmap 2022)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the KLEP 2015 maps, which are suitable for community consultation.

Land Zoning Map

The site is currently mapped as R2 Low Density residential zone under KLEP. The planning proposal seeks to amend the zoning map to rezone the site from R2 Low Density residential to R4 High Density residential (**Figure 3**).

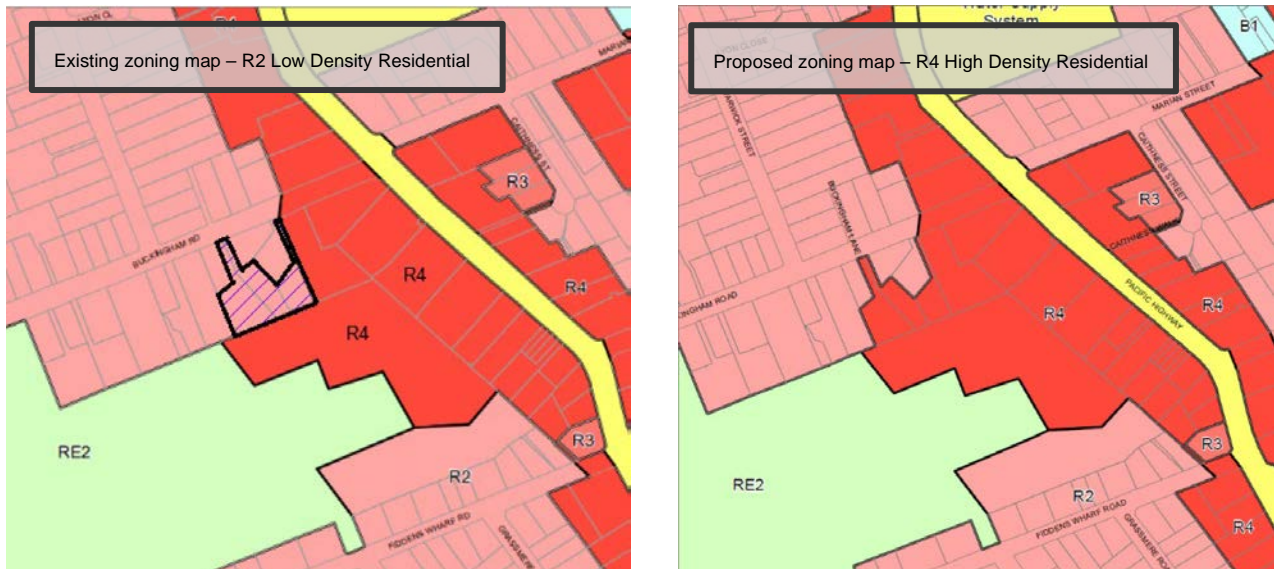


Figure 3 Existing and proposed zoning map (Source: Ku-ring-gai planning proposal)



Figure 4 Existing and proposed height of building map (Source: Ku-ring-gai planning proposal)

Height of Building Map

The site has a current maximum height of building of 9.5m in the KLEP 2015. The planning proposal seeks to amend the height map to increase building height to RL 110.5 (centre of site) i.e. approximately 2 storey and RL 115.5 (east and west of the site) i.e. approximately 3-4 storey (**Figure 4**). The variations in height seeks to allow for an appropriate interface with existing 3-5 storey apartments (to the east, north east and south) and 2 storey dwellings (to the north and

west). In particular the proposed lower maximum RL 110.5 (2 storey) central section of the site, aims to preserve the views from the heritage listed dwelling at 10 Buckingham Road.

Floor Space Ratio Map

The site has a current FSR of 0.3:1 under KLEP 2015. The planning proposal seeks to amend the FSR map to increase the FSR to 0.7:1 (**Figure 5**).



Figure 5 Existing and proposed floor space ratio map (Source: Ku-ring-gai planning proposal)

Lot Size Map

The site has a current minimum lot size of 840sqm under KLEP 2015. The planning proposal seeks to amend the lot size map to have a minimum lot size of 4300sqm for the site specific to the consolidation of the subject lots for the purposes of development (**Figure 6**).



Figure 6 Existing and proposed lot size map (Source: Ku-ring-gai planning proposal)

1.6 Background

The planning proposal has been amended to address matters relating to heritage and built form raised by Council in December 2021 and April 2022. The original planning proposal included:

- Height of Buildings development standard of 17.5m (5 storey) on 8a and 16 Buckingham Road, and retain the 9.5m (2 storey) on 14 Buckingham Road;
- Floor Space Ratio of 1.3:1 across all sites; and
- Minimum Lot Size of 1,200sqm on all sites.

The revised and current proposal involves reduced heights to maintain heritage views (to and from 10 Buckingham Road) and improve the interface from the existing 5 storey buildings to the east of the site (with maximum 17.5 metre building height control) and to transition to the existing 2 storey dwellings to the north and west of the site. In addition, the reduction in overall FSR aligns with the reduced heights and intention to retain the threatened species and significant vegetation.

2 Need for the planning proposal

The planning proposal is a result of the Ku-ring-gai Local Strategic Planning Statement (LSPS) and Ku-ring-gai Housing Strategy. The subject site is located within the 'Investigation Area for Future Housing (2026-36)' and 'Ku-ring-gai Centres – Potential Suitability for additional housing'.

The planning proposal enables the development of the site to allow for high density residential to improve housing choice and supply in the locality. Therefore, amending the land zone and planning controls of the site is required to permit redevelopment of this scale, which otherwise cannot be achieved through the existing planning controls.

3 Strategic assessment

3.1 District Plan

The site is within the North District and the Greater Sydney Commission released the North District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
Planning Priority N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>The proposal enables the delivery of 36-40 dwellings, improving housing supply. The proposal intends to provide apartments of different sizes to achieve housing affordability and choice. The site benefits from convenient access to public transport, retail, and community facilities.</p> <p>The Department is satisfied that the proposal is consistent with this planning priority.</p>
Planning Priority N6 – Creating and renewing great places and local centres, and respecting the District's heritage	<p>The Statement of Heritage Impact (Attachment E) identifies that the proposal will ensure appropriate separation between built form and heritage to protect heritage curtilage. The planning proposal states that visual impact on heritage items is unlikely given the existing restricted views. Further discussion on the impact the development may have on the existing heritage context is at Section 4 below.</p> <p>The Department is satisfied that the proposal is consistent with this planning priority.</p>
Planning Priority N16 – Protecting and enhancing bushland and biodiversity	<p>The planning proposal is consistent with this priority as it will retain remnant Blue Gum High Forest (BGHF) vegetation during future development. A Tree Removal and Retention Plan is required to be prepared prior to exhibition to clearly indicate trees that are to be retained and removed, including outlining how threatened and significant vegetation can be preserved. This is recommended as a condition within the Gateway determination (Attachment B)</p>
Planning Priority N19 – Increasing urban tree canopy cover and delivering Green Grid connections	<p>The planning proposal will enable the preservation of significant trees on the site. The proposal intends to incorporate landscaping species and design which is compatible with existing vegetation..</p>

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>The planning proposal gives effect to the Ku-ring-gai Local Strategic Planning Statement (LSPS) specifically priorities surrounding providing housing supply, diversity and affordability (K3, K4, K5), conserving and enhancing local character and heritage (K12, K13) as well as enabling 30 minute access to strategic centres (K21).</p>
Ku-ring-gai Housing Strategy 2036	<p>The planning proposal gives effect to the Ku-ring-gai Housing Strategy specifically priorities surrounding improving housing supply, choice and affordability through high-quality design (H1, H2, H3).</p>

3.3 Ku-ring-gai Local planning panel recommendation

The Ku-ring-gai local planning panel considered the proposal on 14 March 2022 (**Attachment J**) and advised that the site specific Development Control Plan should be prepared for the site and exhibited concurrently with the planning proposal.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.4 – Site Specific Provisions	Justifiably inconsistent	<p>The proposal intends to include a site specific local provision to ensure the delivery of a residential flat building on the consolidated subject lots to address the significant locational constraints in a sympathetic manner.</p> <p>The provision requires amalgamation of the subject lots prior to development to allow for maximum and holistic consideration of site conditions and its context. The standards proposed for height of buildings and floor space ratio for the site ensures development compliments and transitions between the surrounding low density residential and high density residential uses and preserves heritage, views and significant trees and threatened species.</p> <p>No further assessment of the inconsistency of this Direction is required.</p>
3.2 – Heritage Conservation	Consistent	<p>The proposal intends to protect and conserve the surrounding heritage items and their curtilage. The proposal provides appropriate separation between development and heritage items. Given the existing restricted views to and from heritage items, the proposal will not have a significant visual impact.</p> <p>Further assessment of the impact on the surrounding heritage values is discussed in Section 4, below.</p>
4.4 – Remediation of Contaminated Lands	Consistent	<p>The proposal states the site has a history of residential use and is therefore unlikely to contain significant contamination. The proposal will involve a pre-demolition hazardous material survey, involvement of licensed asbestos demolition contractor and the completion of clearance certificate to address potential asbestos contamination during demolition.</p>
5.1 – Integrating Land Use and Transport	Consistent	<p>The proposal enables the delivery of residential apartments and the site is close to existing amenity and transport services.</p>

6.1 – Residential Zones	Consistent	The proposal enables the delivery of a diverse mix of housing, an increase in dwelling numbers and potential to improve housing affordability through varying apartment sizes. The proposal will also utilise existing infrastructure and services close to the site.
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3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Resilience and Hazards) 2021	Consistent	The proposal states that the sites history of residential use does not suggest significant contamination. The proposal does propose further investigation for potential asbestos during demolition.
SEPP 65 Design Quality of Residential Flat Development	Consistent	The proposal states any future development of the site will need to comply with the SEPP requirements. The Urban Design Study (Attachment D) proposes indicative built form resulting from new planning controls that can achieve SEPP requirements. Further assessment of the development against SEPP 65 and the Apartment Design Guide (ADG) is required at the development assessment stage.
SEPP Exempt and Complying Development Codes 2008	Consistent	The proposal states any future exempt and complying development of the site will need to comply with the SEPP requirements.
SEPP Building Sustainability Index: Basix 2004	Consistent	The proposal states any future development of the site will need to comply with the SEPP requirements.
State Environmental Planning Policy (Housing) 2021	Consistent	The planning proposal seeks to increase housing supply on the site. Future residential development will need to comply with the SEPP, specifically Chapter 2 Affordable Housing and Chapter 3 Diverse Housing.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Consistent	The planning proposal states that the site comprises of land mapped as having biodiversity value which has been considered in the preparation of proposed standards. Council is also preparing a site specific DCP to prescribe provisions for setbacks and tree retention.

4 Site-specific assessment

4.1 Environmental

Ecological Constraints and Tree Removal

An Ecological Constraints Assessment (**Attachment F**) prepared by Cumberland Ecology, determined the site comprises primarily of Urban Native and Exotic vegetation and Exotic Grassland with isolated patches of Blue Gum High Forest (BGHF) comprised of remnant *Eucalyptus saligna* trees. The extent and distribution of vegetation communities within the site is provided in **Figure 7**.

BGHF is a Threatened Ecological Community (TEC) and is listed as a Critically Endangered Ecological Community (CEEC) under the *Biodiversity Conservation Act 2016* and the *Environment Protection and Biodiversity Conservation Act 1999*.

The report highlights several threatened fauna species which have been identified to potentially occupy the site, with main areas of habitat being the BGHF and native planted vegetation.

The report summarises the following key ecological constraints:

- Significant impact to the BGHF community has the potential to require offsetting under the Biodiversity Offsets Scheme and/or be determined to result in Serious and Irreversible Impact (SAIL) entity. A proposal determined to be SAIL to the community will not be granted development consent.
- Impacts to threatened fauna species may require offsetting costs if there are significant loss of habitat.

The report recommends avoiding impacting areas of BGHF remnant species to minimise impacts on the above ecological constraints.

A Preliminary Tree Assessment Identification (**Attachment G**) has been prepared by Catriona MacKenzie which identified which existing trees which require protection (**Figure 8**). The planning proposal intends to retain all the remnant BGHF vegetation and significant trees. The proposed built form and its relation to tree canopy cover can be seen in **Figure 9**.

The Department also recommends the preparation of a Tree Removal and Retention Plan which clearly depicts the trees to be removed and retained. This is recommended as a condition of the Gateway determination (**Attachment B**).



Figure 7 Extent and distribution of vegetation communities within the site (Source: Ecological Constraints Assessment)

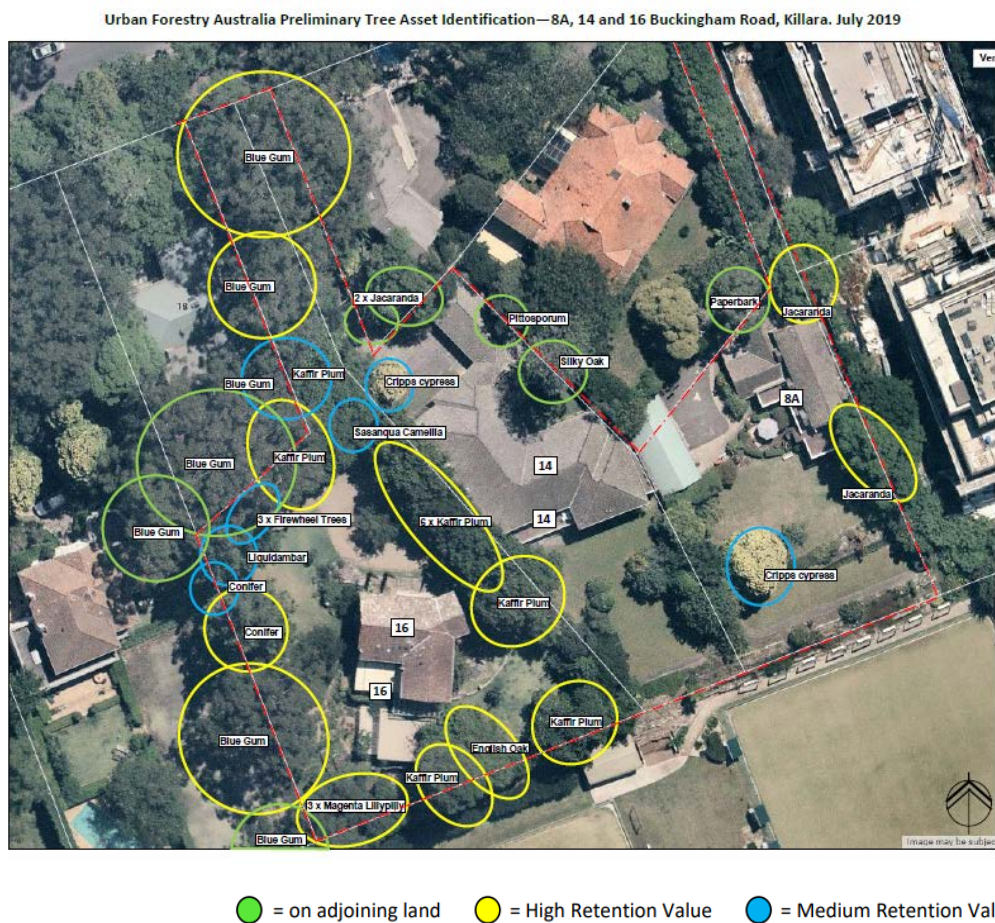


Figure 8 Preliminary Tree Asset Identification within the site (Source: Urban Forestry Australia)



Figure 9 Proposed development and tree canopy (Source: Urban Design Study)

Heritage Significance

A Statement of Heritage Impact (**Attachment D**) was prepared by GBA Heritage, to consider potential impacts of the adjacent heritage items to the site. The report highlights the following three items located in the vicinity listed in schedule 3 of the KLEP 2015, as items of local heritage significance:

- “Southdean”, dwelling house at 10 Buckingham Road (item I255 in KLEP); and
- Dwelling house at 22 Buckingham Road (item I257 in KLEP); and
- Killara Golf Course Clubhouse at 556 Pacific Highway (item I341 in KLEP).

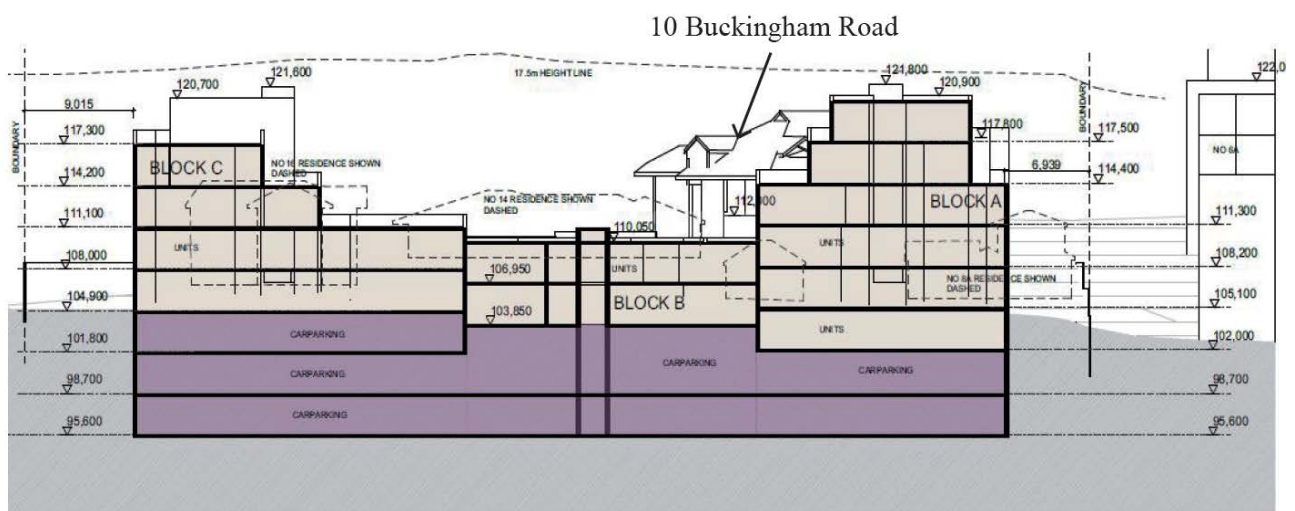
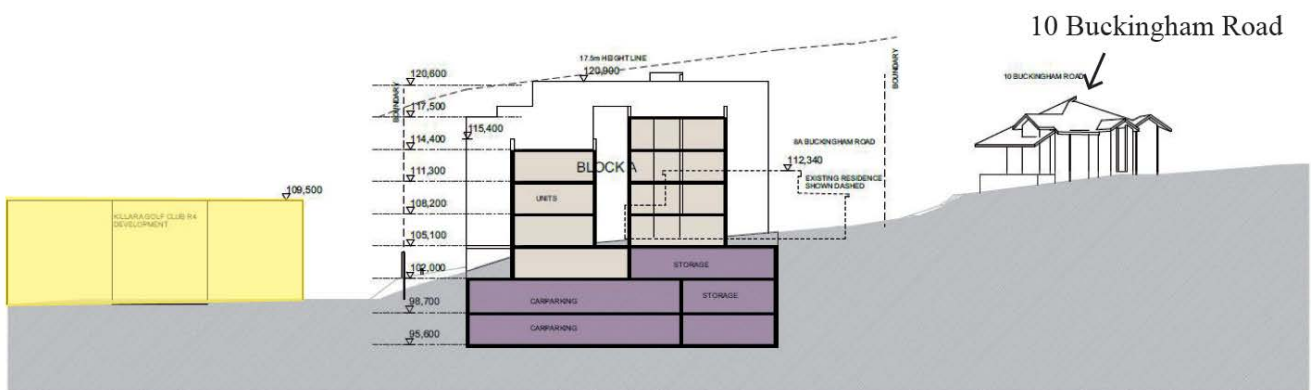
The locations of the above heritage items are provided in **Figure 10**.



Figure 10 Locations of key heritage items (Source: Statement of Heritage Impact)

The proposal provides appropriate separation from proposed built form and the dwelling houses at 10 and 22 Buckingham Road, to respect heritage curtilage and their bushland context which contributes to the streetscape character. It is expected that the proposal will retain current trees on the subject site to preserve the existing landscape character of the heritage items. Further, the existing driveways at 14 and 16 Buckingham Road are proposed to be used for entry and exit into the future development, allowing for the preservation of existing landscape. The site specific DCP which will support the proposal will reinforce the requirements for setbacks and tree retention.

Further, the report suggests the proposal will have no adverse visual impacts to and from the dwelling houses and the Killara Golf Course Clubhouse, given the existing loss of views by dense vegetation, well-established trees and houses. The proposed built form consists of a transition of height, with the centre block at a lower height, to maintain distant views (from 10 Buckingham Road) to the Killara Golf Course (**Figures 11, 12, 13 and 14**).

**Figure 11 Proposed development (Blocks A, B and C) from the southern side of the heritage item (10 Buckingham Road), demonstrating the preservation of horizontal views of the heritage item. (Source: Gelder Groups Architects)****Figure 12 Proposed development (Block A) from eastern side of the heritage item (10 Buckingham Road) demonstrating the preservation of horizontal views of the heritage item. The Killara Golf Club is shaded yellow. (Source: Gelder Groups Architects)**

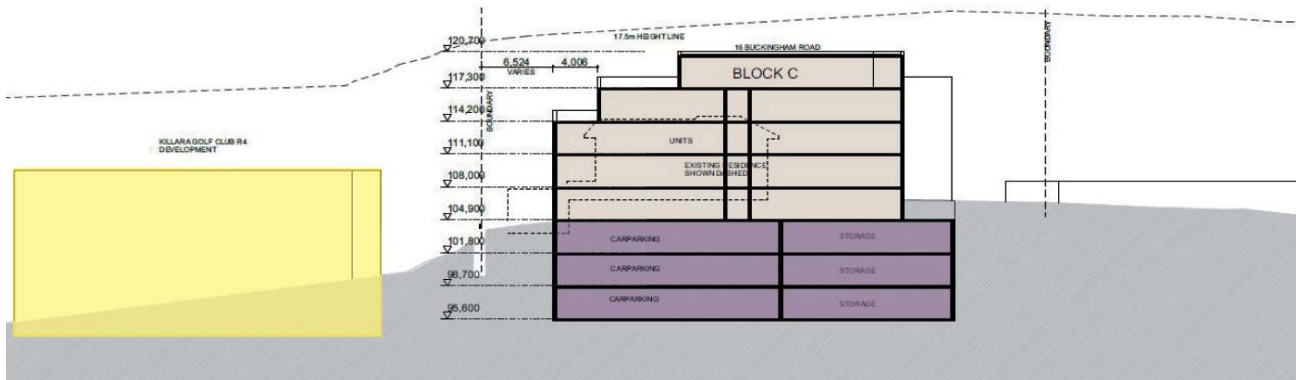


Figure 13 Position of proposed development (Block C) on subject site. The Killara Golf Club is shaded yellow. (Source: Gelder Groups Architects)

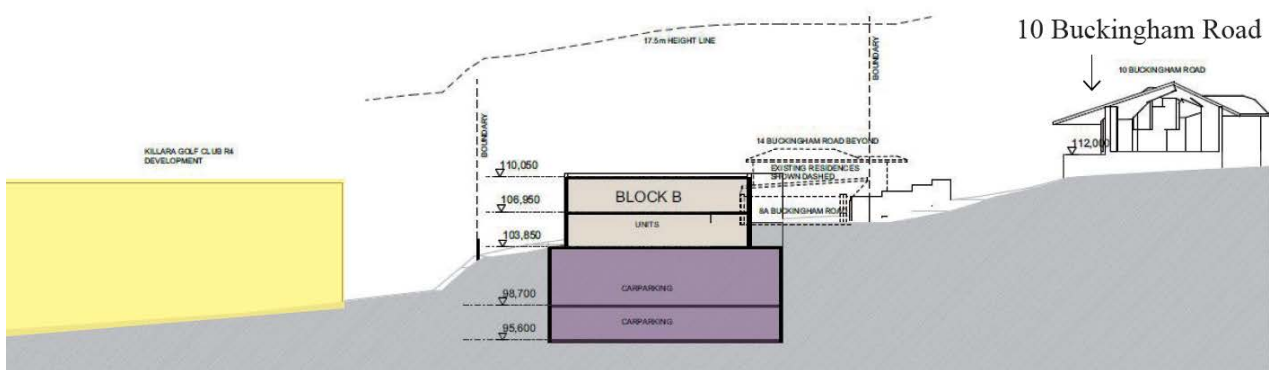


Figure 14 Position of proposed development (Block B) on subject site. The Killara Golf Club is shaded yellow. (Source: Gelder Groups Architects)

The proposal is supported by the heritage report which concludes that it will have minimal impact on heritage and its surrounds and proposes no additional mitigation measures. The Department is satisfied that the proposal will not have adverse impacts on the adjacent heritage items or views. While the bulk and scale of the proposed development is considered acceptable at this stage, further assessment of this issue is appropriate at the development assessment stage.

4.2 Social and economic

Solar Access and Overshadowing

The Urban Design Study (**Attachment D**) prepared by Gelder Group Architects provide shadow diagrams that indicate that the proposed built form will not affect solar access to existing residential properties (**Figure 15, 16 and 17**). It is also expected that the lower height of the centre block will protect solar access for any future development of the Killara Golf Club.

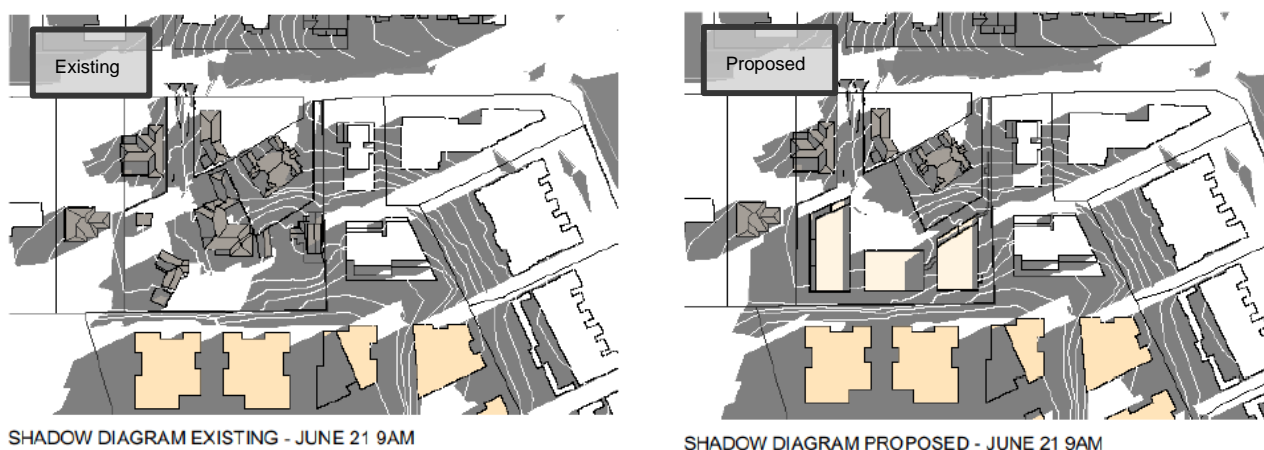


Figure 15 Existing and proposed shadow diagrams June 21 at 9am (Source: Gelder Groups Architects)

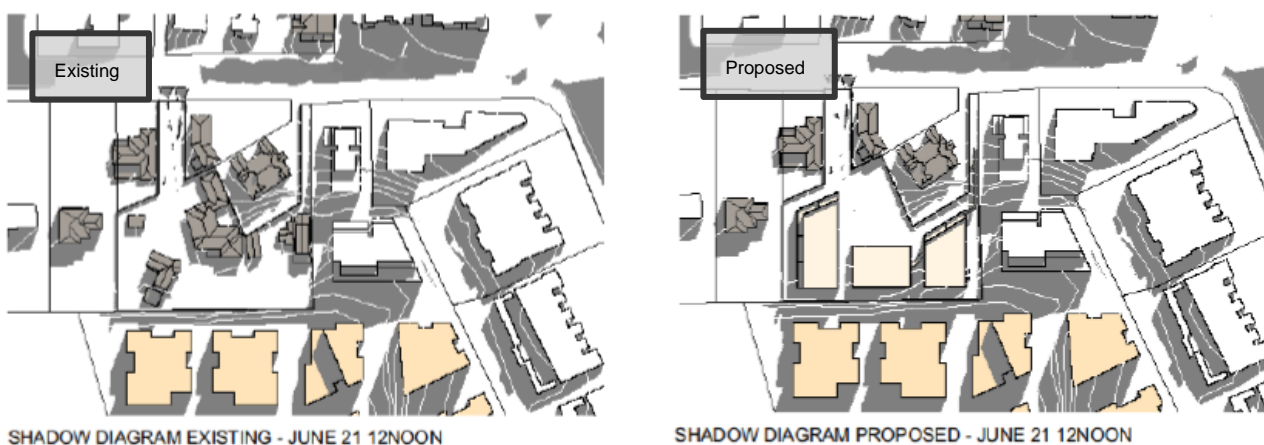


Figure 16 Existing and proposed shadow diagrams June 21 at 12noon (Source: Gelder Groups Architects)

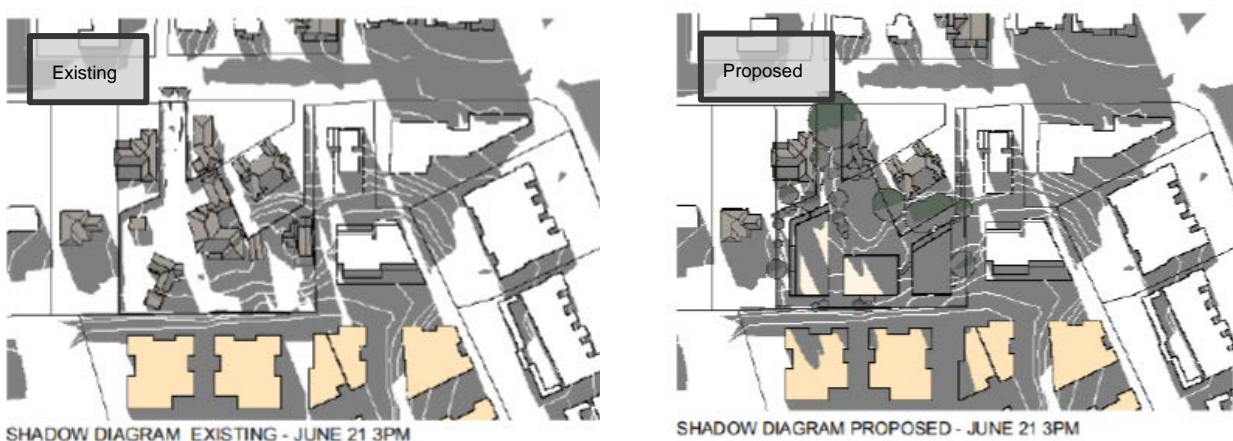


Figure 17 Existing and proposed shadow diagrams June 21 at 3pm (Source: Gelder Groups Architects)

Traffic and Parking

The site is well located approximately 600m from the existing Killara Railway Station, providing access to key strategic centres such as Hornsby, Chatswood and North Sydney within 30 minutes.

A Traffic and Parking Assessment Report (**Attachment H**) by Varga Traffic Planning Pty Ltd, indicated that the proposal will generate 13 vehicles per hour during peak hours with surrounding key roads continuing to operate to similar to the current conditions. It is also not expected that road improvements or intersection upgrades are required as a result of the proposal.

Although the exact unit mix of the proposal is not yet determined, the report indicates that the preliminary concept plans can deliver up to 85 car parking spaces if required via a basement car park. See **Figure 18** for an indicative basement floor plan.

Parking and access design details can be assessed as part of a future development application to confirm compliance with relevant requirements and standards.

The Department is satisfied that the proposal will not result in significant traffic or parking implications in the locality.

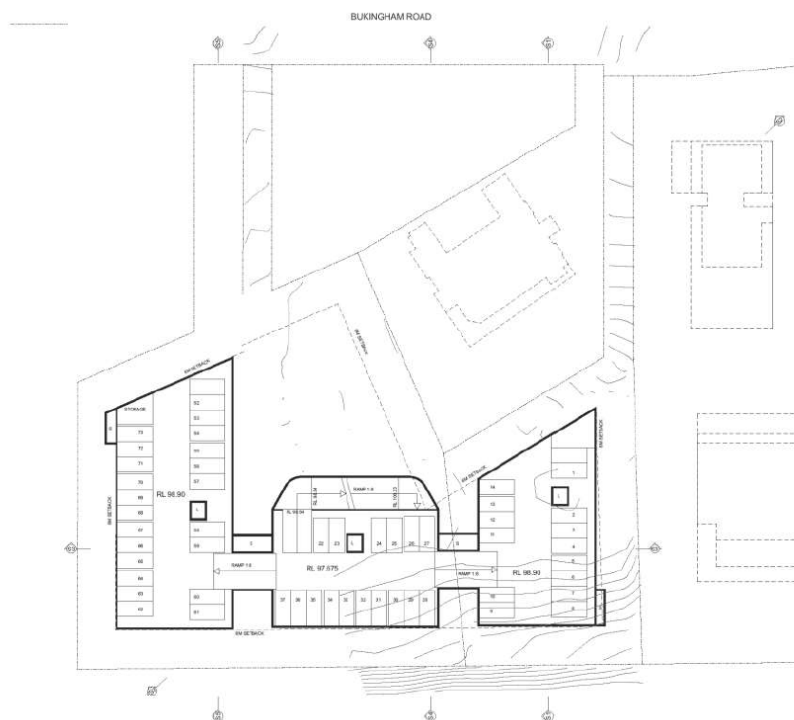


Figure 18 Proposed basement floor plan (Source: Gelder Groups Architects)

Housing Delivery

The planning proposal would increase housing supply by delivering approximately 36 to 40 apartment dwellings, broadening housing choice in a location which is near existing public transport and a local centre. The proposal can also improve housing affordability by delivery units of different scales on the site.

4.3 Infrastructure

The site is in an established urban area that is well-served by existing public transport, infrastructure and facilities. The proposed quantum of residential dwellings (36-40 dwellings) proposed is unlikely to generate the need for additional local or regional infrastructure and would benefit from the use of existing services and facilities.

5 Consultation

5.1 Community

Council proposes a community consultation period of 30 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

Council has nominated the public agencies to be consulted about the planning proposal.

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- Office of Environment and Heritage
- Transport for NSW
- Sydney Water
- Ausgrid
- Relevant telecommunications and utilities

6 Timeframe

Council initial submission did not include a timeline. Following discussions with the Department, Council provided a timeframe on 22 June 2022 for the proposal to be finalised within 12 months.

The Department is satisfied that timeframe of 12 months is appropriate to ensure the LEP is completed in line with its commitment to reduce processing times. It is recommended that the gateway includes conditions related to milestone dates for exhibition to assist both Council and the Department reach finalisation within the twelve-month timeframe.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the site/planning proposal is a local matter, the Department recommends that Council be authorised to be the local plan-making authority for this proposal. A local plan-making report template will be sent with the Letter to Council, should the proposal be supported.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal seeks to enable the increase housing supply by delivering 36-40 dwellings;
- The proposal intends to provide housing of different scales to achieve housing affordability;
- The proposal is located in a well-established urban area with convenient access to transport and infrastructure;
- The proposed built form and scale appropriately compliments the surrounding low density residential and high density residential context;
- The proposal is supported by a Statement of Heritage Impact (**Attachment E**) that identifies the proposed development will have minimal impact on heritage;
- The proposal gives effect to North District Plan; and

- The proposal gives effect to Council's LSPS.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Include a Tree Removal and Retention Plan to clearly depict the trees that are to be retained and removed to provide clarity for the community of the impacts of the proposal.

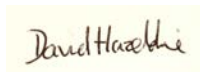
9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.4 – Site Specific Provisions are justified.

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

1. The planning proposal is to be updated prior to exhibition to:
 - Include a Tree Removal and Retention Plan to clearly depict the trees that are to be retained and removed to provide clarity for the community of the impacts of the proposal.
2. Consultation is required with the following public authorities:
 - DPE – Biodiversity and Conservation
 - Office of Environment and Heritage
 - Transport for NSW
 - Sydney Water
 - Ausgrid
 - Relevant telecommunications and utilities
3. The planning proposal should be made available for community consultation for a minimum of 30 days.
4. The planning proposal must be exhibited within 4 months following the date of the Gateway determination.
5. The planning proposal must be reported to council for a final recommendation 8 months from the date of the Gateway determination.
6. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
7. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



5 July 2022

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