

Gateway Determination

Planning proposal (Department Ref: PP-2021-3494): to rezone 8A, 14 and 16 Buckingham Road, Killara, amend the height, floor space ratio and lot size standards for the site and introduce a site specific local provision.

I, the Manager, Place & Infrastructure (Metro North) at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ku-ring-gai Local Environmental Plan 2015 to rezone the site at 8A, 14 and 16 Buckingham Road, Killara, increase height of building, floor space ratio and minimum lot size and introduce a site specific local provision requiring consolidation of the subject lots prior to development, should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 5 July 2023.

Gateway Conditions

1. The planning proposal is required to be updated prior to exhibition to:
 - a. Include a Tree Removal and Retention Plan to clearly depict the trees that are proposed to be retained and removed as part of future development. No endorsement from the Department is required.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 30 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 made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within 4 months following the date of the gateway determination. The planning proposal must be reported to Council for a final recommendation 8 months from the date of the Gateway determination.

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

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

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 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 3.34(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).

5th day of July 2022.



David Hazeldine
Manager Place and Infrastructure (Metro North)
Department of Planning and Environment

Delegate of the Minister for Planning and Homes