

Planning Proposal

8A, 14 and 16 Buckingham Road, KILLARA NSW 2071
Lot 2 DP 414101, Lot 3 DP 520573, and Lot 4 DP 520573

Amended MAY 2022

Lot 2 DP 414101, Lot 3 DP 520573, and Lot 4 DP 520573
No.8A,14 and 16 Buckingham Road
KILLARA NSW 2071

CONTENTS

Executive Summary	1
Part 1 Objectives and Intended Outcomes	7
Part 2 Explanation of Provisions	8
Part 3 Justification of strategic and site-specific merit	9
• Strategic Merit	9
<i>Section A – Need for the Planning Proposal</i>	9
<i>Section B – Relationship to strategic planning framework</i>	11
• Site Specific Merit	27
<i>Section C – Environmental, Social and Economic Impact</i>	27
<i>Section D – Infrastructure (Local, State and Commonwealth)</i>	31
<i>Section E – State and Commonwealth Interests</i>	31
Part 4 Mapping	32
Part 5 Community Consultation	37
Part 6 Project Timeline	38
Supporting Documentation	39
01 – Assessment	

A.	Section 9.1 Ministerial Direction Assessment
B.	Ku-ring-gai Local Strategic Planning Statement 2020
C.	Draft Ku-ring-gai Housing Strategy to 2036

02 - Supporting Documentation

Part 2A	Urban Design Study and Concept Plans prepared by Gelder Architects
Part 2B	Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd + Additional Traffic Response
Part 2C	Statement of Heritage Impact prepared by GBA Heritage + Addendum
Part 2D	Ecological Constraints Assessment prepared by Cumberland Ecology
Part 2E	Preliminary Tree Asset Identification prepared by Catriona MacKenzie
Part 2F	Site Survey

03 – Pre-Consultation

A.	Ku-ring-gai Golf Club Letter
B	Pre-Planning Proposal Application – Meeting Report, and Checklist of submitted information

Prepared by: Mel Wijewardane
MSc (Arch) Grad Dip (L Plng)
c/o Gelder Group Architects

Executive Summary

Background

This Planning Proposal relates to three adjoining properties Lot 2 DP 414101, Lot 3 DP 520573, and Lot 4 DP 520573 (No. 8A, 14 and 16) Buckingham Road Killara, (the subject site) within the Local Government Area (LGA) of Ku-ring-gai. The site is conveniently located within walking distance of existing public transport services on Pacific Highway, Killara railway station and the local centre (Refer Figure 1A and 1B).

The site is at a lower elevation on the south side of Buckingham Road and is generally concealed by large mature trees and other vegetation along its boundaries. The land slopes gently from the north to the south with a steep drop down to the Killara golf course from its south boundary. There are three (3) two-storey dwellings located within the site, constructed in the 1950's and accessed by three (3) separate driveways into each property.

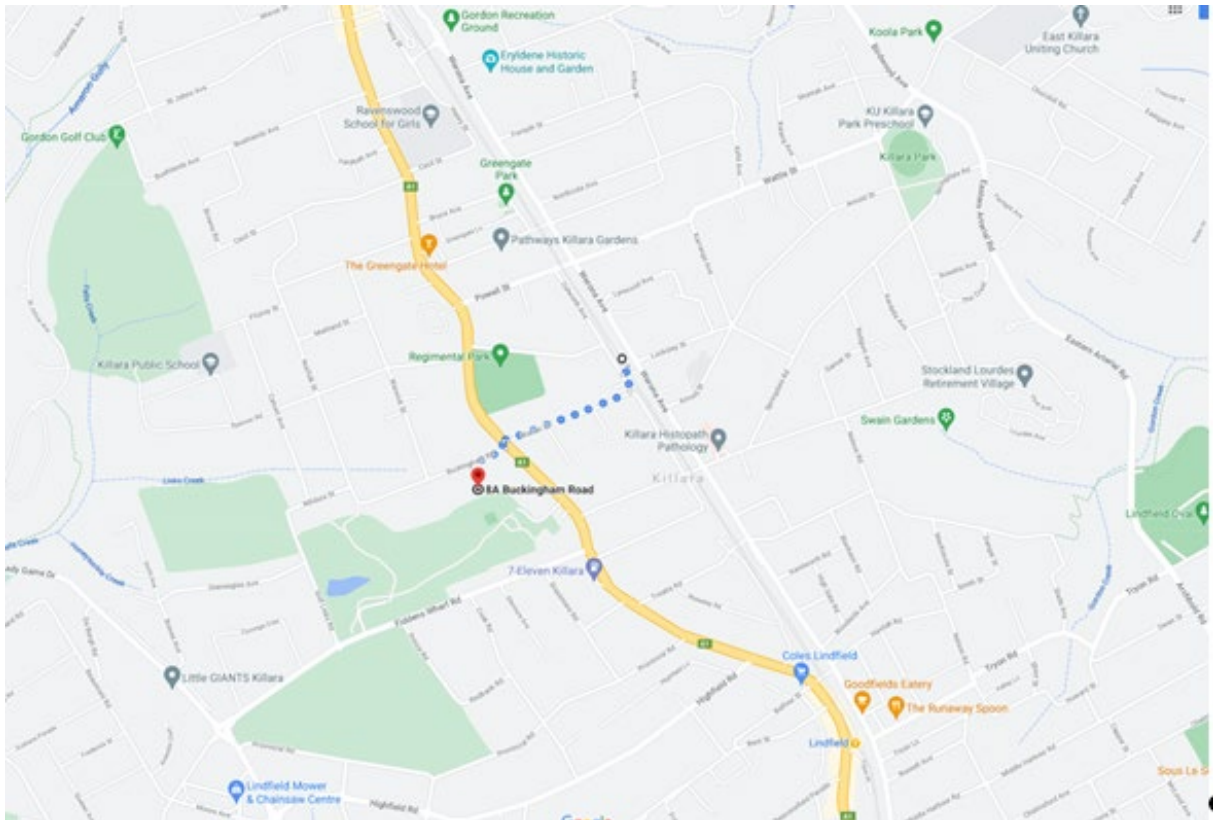


Figure 1 Locality Plan (Source – Google.com/maps)

The properties located to the east and north east of the site feature 4-5 storey residential unit development with frontage to Buckingham Road and Pacific Highway. The southern boundary of the site adjoins the Killara Golf Course, which has been partly rezoned to R4 High Density residential with potential for 3 storey development adjacent to the boundary of the subject site.

The subject site is also adjacent to heritage listed "Southdean", dwelling house at 10 Buckingham Road to the north, dwelling house at 22 Buckingham Road to the west and overlooks the Killara Golf Club Clubhouse and its curtilage to the south. There are no heritage items on the subject site, nor is it located within a Heritage Conservation Area.

Legal Description



Figure 2 Locality Plan – Detail (Source maps.six.nsw.gov.au)

Address	Legal Description	Dwellings	Site Area (m2)	Existing Number of Storeys
8A Buckingham Road	Lot 2 DP 414101	Two storey Dwelling	1,404	2
14 Buckingham Road	Lot 4 DP 520573	Two storey Dwelling	1,492	2
16 Buckingham Road	Lot 3 DP 520573	Two storey Dwelling	2,093	2
Total		3	4,989	

Table 1: Legal Description and area of Subject site

Existing Planning Controls

Land Zoning

The subject site is zoned R2 Low Density residential with R2 Low Density residential development to the west and north along Buckingham Road and R4 High Density residential development adjoining the north eastern and southern boundaries. Refer Figure 3 below.

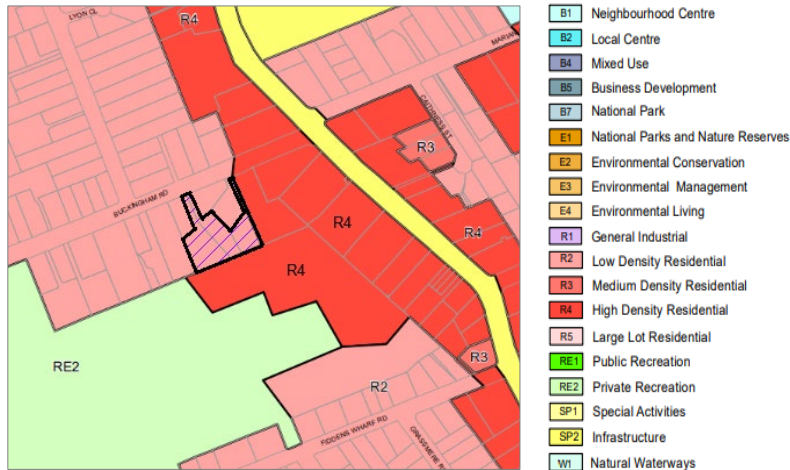


Figure-3 Land Zoning Map (source: Ku-ring-gai Council LEP Maps)

Height of Building

The subject site and low density residential area to the north and west have a height limit of 9.5m. The area to the south of the subject site has a defined maximum height limit of RL 109.5. To the east and southeast the height limit is 17.5m which is also applicable to some areas along Pacific Highway. Refer Figure 4 below.



Figure 4 Height of Building Map (source: Ku-ring-gai Council LEP Maps)

Floor Space Ratio

The subject site has an FSR of 0.3 while the FSR of adjoining sites (to the east and southeast) range from 1.05 to 1.3 denoted 'N2 & Q' in Figure 5 below.



Figure 5 Floor Space ratio Map (source: Ku-ring-gai Council LEP Maps)

Lot Size

The subject site has a 840sqm minimum lot size similar to neighbouring sites to the north and west. The adjoining sites to the south and east have a 1200sqm minimum lot size as indicated in Figure 6 below.



Figure 6 Lot Size Map (source: Ku-ring-gai Council LEP Maps)

Proposed Amendments

The original development proposal (dated May 2021) has been amended in response to matters raised by Council in December 2021 and April 2022. The revised proposal includes the following amendments which will contribute to enhanced heritage and built form outcomes for the overall site:

Height

- Reduced heights to ensure bulk and scale outcomes integrate into the surrounding context with 3 storey built form on the western end of the site, and 3 to part 4 storey built form on the western end of the site (dependent on topography). The centre block height standards retains a 2 storey built form outcome. The amended height standards seek to maintain distant views from the heritage item at 10 Buckingham Road.
- Revised building height, using maximum RLs for building height instead of metres to ensure development heights are fixed and do not vary during construction due to the sloping nature of the site. This is of particular importance given the presence of heritage items to the north and west of the site and the necessity to interface with and retain views to and from those heritage items.

Floor Space Ratio

- The floor space ratio has been reduced to accommodate height reductions and to enable building envelopes and setbacks that accommodate retention of trees.

Building Footprint

- The design divides the building envelope into three separate sections within the site, to reflect the pattern of subdivision and surrounding low density development in the locality and better integrate into the surrounding context.

Setbacks

- Building envelope setbacks are key to building envelopes and have been set to ensure the protection of the remnant Blue Gum High Forest on the site, and canopy overhang from trees on adjoining sites.

Access

- The existing driveways to No.14 and No.16 are proposed to be used as accessways (entry and exit) for the future development. An alternative would be to have the vehicular access entry from the 8A access handle with the exit through the existing driveway of No 16. Pedestrian access is proposed via No. 14 driveway.

The Planning Proposal seeks to rezone the subject site from R2 (Low Density Residential) to R4 (High Density Residential) with an increase in building height to RL 110.5 (centre) and RL115.5 (east and west) and floor space ratio of 0.7:1, thereby providing an appropriate interface between existing and proposed 3-5 storey apartments (to the east, north east and south) and 2 storey residences to the north and west.

Technical Studies

The Planning Proposal is supported by the following technical studies included:

Part 2G	Urban Design Study and Concept Plans prepared by Gelder Architects
Part 2H	Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd + Additional Traffic Response
Part 2I	Statement of Heritage Impact prepared by GBA Heritage + Addendum
Part 2J	Ecological Constraints Assessment prepared by Cumberland Ecology
Part 2K	Preliminary Tree Asset Identification prepared by Catriona MacKenzie
Part 2L	Site Survey

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning, Industry and Environment (DPIE) guidelines.

Part 1 Objectives and Intended Outcomes

The Planning Proposal seeks approval for an amendment to the *Ku-ring-gai Local Environmental Plan 2015* to alter the zoning, height, FSR and lot size standards on the subject site at 8A, 14 and 16 Buckingham Road, Killara. The standards aim to ensure a built form scale that is able to interface with both the surrounding high and low density context.

The amendment to the standards will enable delivery of approximately 36 to 40 dwellings within residential flat buildings on the consolidated sites. The lot consolidation seeks improved development and amenity outcomes for the site and its neighbouring heritage and low density dwellings.

The intended outcome of the proposed amendment is to enable an appropriate higher density residential development on land that is located adjoining a high-density residential zone along Pacific Highway to the east, north east and south and in proximity of public transport and a local centre.

The proposal expects to provide quality residential uses that complement the current development in the precinct and has the potential to improve housing choice in the locality.

Enabling this outcome will result in the orderly and economic use of the land.

Part 2 Explanation of Provisions

The outcome will be facilitated by an amendment to the *Ku-ring-gai Local Environmental Plan 2015* (KLEP) which involves the following:

- amend the Zoning Map to rezone from R2 (Low Density Residential) to R4 (High Density Residential);
- amend the Height of Building Map to increase the permitted building height from J2 - 9.5m to RL 110.5 (site centre) and RL115.5 (site east and west) enabling two, three and part four storey built form;
- amend the Floor Space Ratio Map to increase the permitted floor space ratio (FSR) from A3 - 0.3:1 to H - 0.7:1;
- amend the Lot Size Map from S - 840sqm to a minimum lot size of W – 4300;
- amend Clause 6.6 of the KLEP to include a site-specific local provision regarding amalgamation of the subject lots prior to redevelopment for the purposes of a residential flat building. The local provision will require a minimum 4,300 sqm lot size at this location as follows:

Cl 6.6 - 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.

Part 3 Justification of strategic and site-specific merit

• Strategic Merit

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of an endorsed local strategic planning statement (LSPS), Strategic Study or report?

- The Planning Proposal is consistent with relevant provisions 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 is supported by a range of studies which are summarised below:

- Urban Design Study (Part 2A - Supporting Studies), prepared by Gelder Architects, demonstrates that the indicative built form resulting from developing the site in accordance with the proposed planning controls can be achieved with acceptable impacts on streetscape, heritage, solar access and amenity. This includes indicative concept plans showing potential building massing of the future development on the site and the relationship to adjoining heritage properties (No 10 and 22 Buckingham Road) and their curtilage, retention of significant trees and the existing access driveways.
- Traffic and Parking Assessment Report (Part 2B - Supporting Studies) prepared by Varga Traffic Planning Pty Ltd, indicates that the proposed increase in residential density will not have unacceptable traffic implications, and that no road improvements or intersection upgrades are required as a consequence of the Planning Proposal. In addition, the proposal is not expected to have unacceptable parking, access or servicing implications.
- Statement of Heritage Impact and Addendum (Part 2C - Supporting Studies) prepared by GBA Heritage, which considers potential impacts on the significance of the adjacent heritage items "Southdean", dwelling house at 10 Buckingham Road, dwelling house at 22 Buckingham Road and the Killara Golf Club Clubhouse and its curtilage. The report concludes that the likely impact of the proposal on its surroundings, including the heritage items, is considered to be acceptable and no additional measures are deemed necessary to minimise any impact.
- Ecological Constraints Assessment (Part 2D - Supporting Studies) prepared by Cumberland Ecology identified three types of ecological constraints (high, medium and low) on the site. The report recommends that impacts to all areas of Blue Gum High Forest (BGHF) remnant vegetation be avoided where possible. The remnant BGHF vegetation is not expected to be affected by the proposal.
- A Preliminary Tree Asset Identification prepared by Catriona MacKenzie has examined existing trees within the subject site and identified a number of trees that need to be protected.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is the best way of achieving the objectives and intended outcomes to enable redevelopment of the subject site, as the scale of change sought is considered to be outside the scope of a variation to the current planning controls.

Additionally, a compliant scheme would not be able to adequately respond to the strategic opportunities identified in this proposal, as it would not provide the necessary yield for a feasible re-development of the subject site for its intended purpose. As such, a Planning Proposal provides a distinct benefit for the locality that would not otherwise be achievable through a compliant scheme.

Section B – Relationship to strategic planning framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies?)

Greater Sydney Region Plan- A Metropolis of Three Cities

The Planning Proposal is consistent with the Greater Sydney Region Plan- A Metropolis of Three Cities as it promotes the orderly and economic delivery of a new development area in Killara.

The Planning Proposal seeks to improve housing opportunities in the Killara locality by providing for an additional R4 (High Density Residential) area adjacent to land that is presently zoned R4.

As the proposed amendments will provide additional housing, they are consistent with the following objectives identified in Greater Sydney Region Plan- A Metropolis of Three Cities:

Objective 4: Infrastructure use is optimised

The subject site is located approximately 600m southwest of Killara Train Station, and bus stops on the Pacific Highway, are within walking distance of the subject site.

Local Killara shops are located to the north and local Lindfield shops are located to the south of the subject site. Larger centres are located to the north at Gordon and Hornsby; Chatswood to the south and the City within 30 minutes of the site.

The subject site is close to educational facilities such as the Lindfield and Killara Public Schools and independent schools such as Ravenswood School for Girls, Holy Family Catholic School and Newington College Preparatory School.

The proposed increase in housing density in proximity to existing well established infrastructure will optimise its use.

Objective 10: Greater housing supply

The Planning Proposal seeks to amend the Land Zoning Map in KLEP to rezone the subject site from R2 (Low Density Residential) to R4 (High Density Residential). This will permit the redevelopment of the subject site so that a greater housing supply can be provided. The proposal will increase housing supply from the existing 3 detached dwellings to a potential total of 36 to 40 apartment dwellings.

Objective 11: Housing is more diverse and affordable

A range of housing types provides for the needs of the community at different stages of life and caters for diverse household types. It means that as people age they can move into smaller homes and age in their own neighbourhoods, while young adults leaving home can stay close to their families and communities.

The Planning Proposal seeks to amend the zoning of the subject site from R2 Low Density Residential to R4 High Density Residential together with increases in height and floorspace ratio controls. This will permit a larger redevelopment and the opportunity for a diverse mix of housing types (including apartments) in comparison to the limited number of residences permitted under the current zoning and controls.

The Planning Proposal also has the potential to improve affordability as residences of different scales could be developed. An amendment that allows for the provision of smaller and larger apartments will ensure that the future housing is more affordable than the existing large single dwelling houses on the subject site.

Objective 13: Environmental heritage is identified, conserved and enhanced

The subject property is located in the vicinity of the following items listed in Schedule 5 of the *Ku-ring-gai Local Environmental Plan (KLEP) 2015*, as items of local heritage significance, the closest and most relevant being:

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

A Statement of Heritage Impact (Part 2C - Supporting Studies) prepared by GBA Heritage considers potential impacts on the significance of the adjacent heritage items and its curtilage.

The report notes that the Planning Proposal site is capable of achieving a built form that is able to respect their heritage curtilage and bushland setting of the heritage items at 10 and 22 Buckingham Road.

In addition, given that currently there are restricted views to and from the heritage houses and the Killara Golf Clubhouse building, the Planning Proposal would result in an acceptable visual impact on these heritage items.

The report concludes that the likely impact of the proposal on its surroundings, including the heritage items, is considered to be acceptable and no additional measures are deemed necessary to minimise any impact.

Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced

The Biodiversity Map in KLEP identifies and maps a large area on the subject site as a Biodiversity Area.

Following a site inspection by Cumberland Ecology, it was found that the majority of the subject site is comprised primarily of Urban Native/Exotic Vegetation with isolated patches of Blue Gum High Forest BGHF comprising remnant *Eucalyptus saligna* trees.

An Ecological Constraints Assessment (Part 2D - Supporting Studies) prepared by Cumberland Ecology included an ecological investigation of the subject site to determine ecological constraints to the Planning Proposal. The key ecological constraints identified are summarised below:

- Presence of native vegetation – the subject site comprises three vegetation communities, Urban Native/Exotic, Exotic Grassland and BGHF, a Critically Endangered Ecological Community listed under the *Biodiversity Conservation Act 2016*. A significant impact to the BGHF community would require offsetting under the Biodiversity Offsets Scheme and preparation of a Biodiversity Development Assessment Report.
- Presence of a Serious and Irreversible Impact (SII) entity - The BGHF community has been listed as a SII entity as under the *Biodiversity Conservation Act 2016*.
- Potential habitat for threatened species - clearing of such habitat may require the provision of offsets (i.e. species credits) to compensate for the loss of habitat.

In order to minimise impacts on the ecological constraints identified above, it is recommended that impacts to all areas of BGHF remnant vegetation be avoided where possible.

The remnant BGHF vegetation on the subject site is proposed to be retained and is therefore unlikely to be affected during any future re-development.

Objective 28: Scenic and cultural landscapes are protected

Based on an initial assessment it is not evident that there are any scenic or cultural landscapes on the subject site.

Objective 30: Urban Tree Canopy is increased

The indicative concept plans (Gelder Architects) and landscape plans will maintain significant trees on the subject site, respecting the existing landscape and retaining the established landscape character of the heritage items in the vicinity. Future landscaping is proposed to be of a species and design compatible with the existing flora to preserve views from the heritage items over the valley.

North District Plan

The proposal is consistent with relevant directions of the North District Plan as follows:

The North District will continue to grow over the next 20 years with demand for an additional 92,000 dwellings. This will be provided through urban renewal, around new and existing infrastructure, land release and infill developments.

Housing the City – Giving people housing choices

Planning Priority N5

Providing housing supply, choice and affordability, with access to jobs, services and public transport

Objective 10: Greater housing supply

Objective 11: Housing is more diverse and affordable

The Planning Proposal to amend the zoning of the subject site from R2 Low Density Residential to R4 High Density Residential together with appropriate increases in height and floorspace ratio controls, will permit a larger redevelopment by providing the opportunity for a diverse mix of housing types (including apartments) as compared to the limited number of residences permitted under the current zoning and controls. Housing provision on the site will increase from 3 dwellings to a potential total of 36 to 40 new apartment homes.

The Planning Proposal also has the potential to provide more dwellings / apartments of different sizes to ensure that the future housing is more affordable than the large single dwelling houses currently on the subject site.

As the subject site is located in close proximity to public transport, shops and community facilities, an increase in housing density will optimise the use of the existing established infrastructure and facilities.

Planning Priority N6

Creating and renewing great places and local centres, and respecting the District's heritage

Objective 13 Environmental heritage is identified, conserved and enhanced

The subject property is located in the vicinity of the following items listed in Schedule 5 of the *Ku-ring-gai Local Environmental Plan (KLEP) 2015*, as items of local heritage significance, the closest and most relevant being:

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

A Statement of Heritage Impact (Part 2C - Supporting Studies) prepared by GBA Heritage considers potential impacts on the significance of the adjacent heritage items and its curtilage.

This states that the Planning Proposal standards can achieve separation of built form from the heritage items at 10 and 22 Buckingham Road, respecting their heritage curtilage, as well as their landscape setting.

Further, given that currently there are restricted views to and from the heritage houses and the Killara Golf Clubhouse building, the Planning Proposal would have an acceptable visual impact on these heritage items.

The report concludes that the likely impact of the proposal on its surroundings, including the heritage items, is acceptable and no additional measures are deemed necessary to minimise any impact.

Planning Priority N16 Protecting and enhancing bushland and biodiversity

Objective 27 Biodiversity is protected, urban bushland and remnant vegetation is enhanced

The Terrestrial Biodiversity Map in KLEP identifies and maps a large area on the subject site as a Biodiversity Area.

Following a site inspection by Cumberland Ecology, it was found that the majority of the subject site is comprised primarily of Urban Native/Exotic Vegetation (0.21 ha) with isolated patches of Blue Gum High Forest BGHF (0.04 ha) comprised of remnant *Eucalyptus saligna* trees.

An Ecological Constraints Assessment (Part 2D - Supporting Studies) prepared by Cumberland Ecology included an ecological investigation of the subject site to determine ecological constraints to the Planning Proposal. The key ecological constraints identified are summarised below:

- Presence of native vegetation – the subject site comprises three vegetation communities, Urban Native/Exotic, Exotic Grassland and BGHF, a Critically Endangered Ecological Community listed under the *Biodiversity Conservation Act 2016*. A significant impact to the BGHF community would require offsetting under the Biodiversity Offsets Scheme and preparation of a Biodiversity Development Assessment Report.
- Presence of a Serious and Irreversible Impact (SII) entity - The BGHF community has been listed as a SII entity as under the *Biodiversity Conservation Act 2016*.
- Potential habitat for threatened species - clearing of such habitat may require the provision of offsets (i.e. species credits) to compensate for the loss of habitat.

In order to minimise impacts on the ecological constraints identified above it is recommended that impacts to all areas of BGHF remnant vegetation be avoided where possible.

The remnant BGHF vegetation on the subject site is proposed to be retained and is therefore unlikely to be affected during any future re-development.

Planning Priority N19 Increasing urban tree canopy cover and delivering Green Grid connections

The indicative concept plans and landscape plans (within the Urban Design Study) is designed to maintain significant trees on the subject site, respecting the existing landscape and maintaining the established landscape character of the heritage items in the vicinity. Future landscaping is proposed to be of a species and design compatible with existing flora to preserve views from the heritage items over the valley.

4. Is the planning proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Ku-ring-gai Local Strategic Planning Statement 2020 (LSPS 2020)

The proposal is consistent with the relevant themes of the *Ku-ring-gai Local Strategic Planning Statement 2020 (LSPS)*. An assessment of the proposal against the LSPS is located below and under Section 01 Assessment attached to this proposal.

The subject site is located within the Investigation Area for Future Housing (2026-36) see figure 2-17 below.

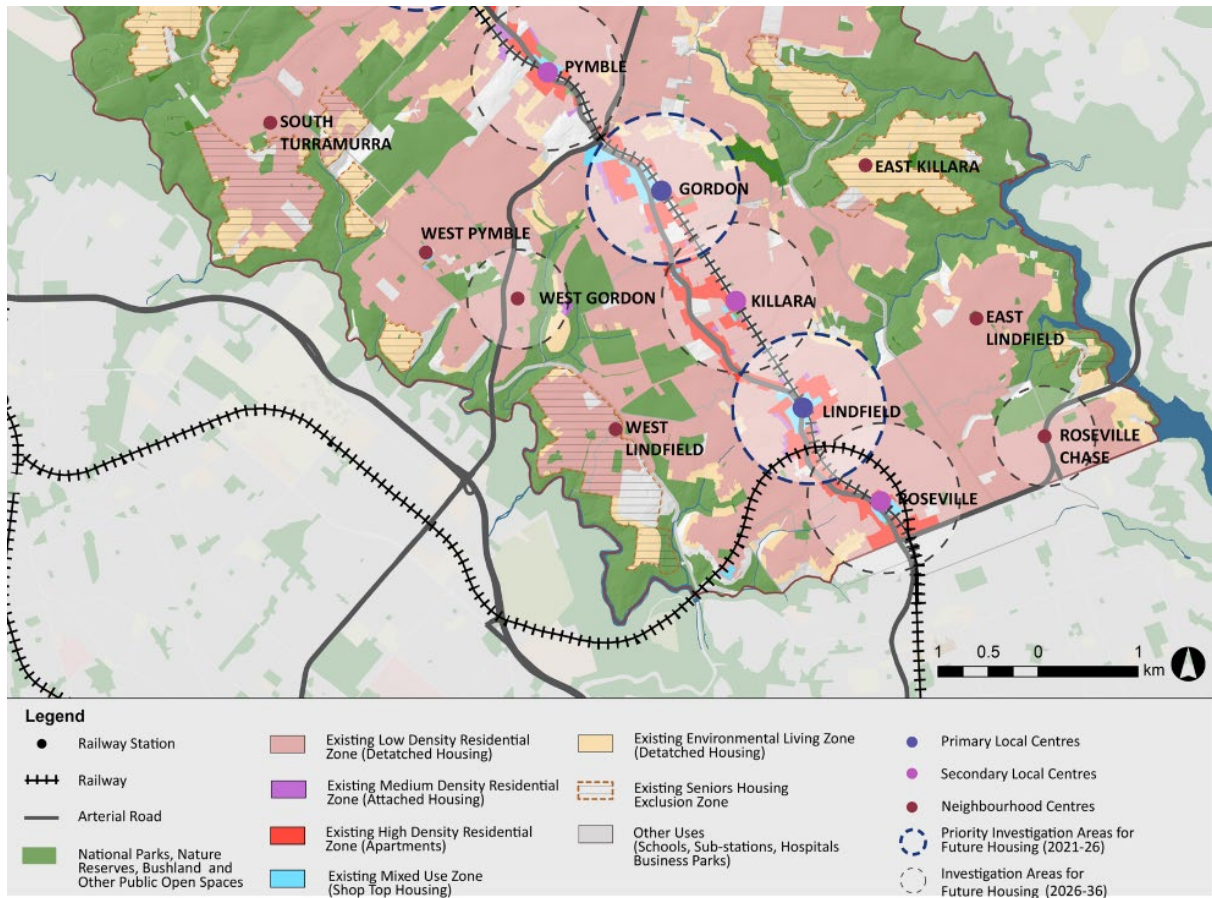


Figure 2-17 Housing Supply

LSPS Assessment

Objective/Priority		Comment
LIVEABILITY		
HOUSING		
K3	Providing housing close to transport, services and facilities to meet the existing and future requirements of a growing and changing community	<p>The subject site is located within 800 metres of the Killara Centre which is classified as a Secondary Local Centre</p> <ul style="list-style-type: none"> - containing a local railway station or bus route on an arterial road corridor, and meets the criteria for 30 minute access to a strategic centre, and - supported by retail and other services predominantly utilised by a localised residential population. <p>This location has potential suitability for additional housing (Ku-ring-gai Centres – Suitability for Additional Housing).</p> <p>Rezoning the site for higher density residential development will enable the location of additional housing in close proximity to a secondary local centre and public transport.</p>
K4	Providing a range of diverse housing to accommodate the changing structure of families and households and enable ageing in place	<p>Refer response to K3.</p> <p>The subject proposal will help to provide additional housing options that are diverse and more affordable, to cater the needs of a growing and changing community structure.</p>
K5	Providing affordable housing that retains and strengthens the local residential and business community	<p>Refer response to K3.</p> <p>By providing additional housing options within an established residential area in close proximity to Killara secondary local centre and railway station, the Planning Proposal will help to strengthen the local residential and business community.</p>
LOCAL CHARACTER AND HERITAGE		
K12.	Managing change and growth in a way that conserves and enhances Ku-ring-gai's unique visual and landscape character.	<p>The Planning Proposal location and integration will contribute to the area's existing and future landscape character, streetscapes and locality features.</p> <p>The indicative concept plans and landscape plans (within the Urban Design Study) are designed to maintain significant trees on the subject site, respect the existing landscape and maintaining the established landscape character of the heritage items in the vicinity. Future landscaping is proposed to be of a species and design</p>

Objective/Priority		Comment
		compatible with the existing ones to preserve views from the heritage items over the valley.
K13	Identifying and conserving Ku-ring-gai's environmental heritage	<p>A Statement of Heritage Impact prepared by GBA Heritage considers potential impacts on the significance of the adjacent heritage items and its curtilage.</p> <p>The report states that the Planning Proposal would result in built form that would be well separated from the heritage items at 10 and 22 Buckingham Road, respecting their heritage curtilage, as well as their bushland setting.</p> <p>In addition, given that currently there are restricted views to and from the heritage houses and the Killara Golf Clubhouse building, the Planning Proposal would have an acceptable visual impact on these heritage items.</p> <p>The following aspects of the proposal respect or enhance the heritage significance of the adjacent items:</p> <ul style="list-style-type: none"> • Retention of the bushland context of the heritage items and their contribution to the leafy character of the area. • Retention of the heritage buildings' street presentation at 22 Buckingham Road. • Retention of significant views to and from the heritage items in the vicinity, and their setting. • Retention of the existing landscape on the subject site, respecting the heritage curtilage of heritage items (10 & 22 Buckingham Road) in the vicinity of the subject site. • Retention of the existing driveway at 14 & 16 Buckingham Road for exit/entry to the new development. <p>The report concludes that the likely impact of the proposal on its surroundings, including the heritage items, is considered to be acceptable and no additional measures are deemed necessary to minimise any impact.</p>
PRODUCTIVITY		
30 MINUTE CITY		
K21	Prioritising new development and housing in locations that enable 30 minute access to key strategic centres	<p>The subject site is located within walking distance of the Killara Railway Station.</p> <p>Killara Railway Station is on the <i>T1 North Shore Railway Line</i>, providing access to key strategic centres like Hornsby, Chatswood and North Sydney within a 30 minute commute. These centres provide employment opportunities as well</p>

Objective/Priority		Comment
		<p>as shops, restaurants, community and medical facilities for future residents. The site is also close to both public and private educational facilities and sporting fields.</p> <p>The subject proposal is ideally located within the Priority Area for Future Housing (2026-36) identified in Council's Housing Supply Map (Figure 2-17 above) to cater to this need for diverse and affordable dwellings.</p>

Ku-ring-gai Housing Strategy to 2036

The proposal is consistent with the relevant objectives of the *Ku-ring-gai Housing Strategy to 2036*. An assessment of the proposal with respect to the Strategy follows.

Priority / Objectives		Comment
HOUSING		
H1	<p>Manage and monitor the supply of housing in the right locations</p> <ul style="list-style-type: none"> - To monitor the delivery of housing within areas close to services, cultural and community facilities, and within a 10 minute walking distance to key public transport nodes. - To provide homes in areas that can support the creation and growth of vibrant Local Centres and a thriving local economy. - To ensure the delivery of housing is in coordination with provision of local and state infrastructure and services. 	<p>The subject site is located within 800 metres of the Killara Centre which is classified as a Secondary Local Centre</p> <ul style="list-style-type: none"> - containing a local railway station or bus route on an arterial road corridor, and meets the criteria for 30 minute access to a strategic centre, and - supported by retail and other services predominantly utilised by a localised residential population. <p>Rezoning the site for higher density residential development will enable the location of additional housing in close proximity to a secondary local centre and public transport.</p>
H2	<p>Encourage diversity and choice of housing</p> <ul style="list-style-type: none"> - To encourage a mix of dwelling types and sizes. - To investigate housing affordability. - To ensure new homes are accessible and meet mobility needs. 	<p>The Planning Proposal seeks to amend the zoning of the subject site from R2 Low Density Residential to R4 High Density Residential together with appropriate increases in height and floorspace ratio controls. This will permit a larger redevelopment and provide the opportunity for a diverse mix of housing types (including apartments) as compared to the limited number of residences permitted under the current zoning and controls.</p> <p>The Planning Proposal also has the potential to improve affordability as residences of different scales may be developed. This will ensure that the future housing is more affordable than the larger single</p>

Priority / Objectives		Comment
		<p>dwelling houses currently situated on the subject site.</p> <p>As the subject site is located in close proximity to Pacific Highway and the Killara local centre, an increase in housing density will optimise the use of the existing established infrastructure and facilities.</p>
H3	<p>Increasing liveability, sustainability and area character through high-quality design</p> <ul style="list-style-type: none"> - To encourage housing that contributes to healthy and active neighbourhoods. - To facilitate high quality housing that is responsive to Ku-ring-gai's local character. - To promote housing that meets high sustainability performance targets. 	<p>A Statement of Heritage Impact prepared by GBA Heritage considers potential impacts on the significance of the adjacent heritage items and its curtilage.</p> <p>The report states that the Planning Proposal potential built form outcomes would be well separated from the heritage items at 10 and 22 Buckingham Road, respecting their heritage curtilage, as well as their bushland setting.</p> <p>In addition, given that currently there are restricted views to and from the heritage houses and the Killara Golf Clubhouse building, the Planning Proposal would have an acceptable visual impact on these heritage items.</p> <p>The following aspects of the proposal respect or enhance the heritage significance of the adjacent items:</p> <ul style="list-style-type: none"> - Retention of the bushland context of the heritage items and their contribution to the leafy character of the area. - Retention of the heritage buildings' street presentation. - Retention of significant views to and from the heritage items in the vicinity, and their setting. - Retention of the existing landscape on the subject site, respecting the heritage curtilage of heritage items in the vicinity of the subject site. - Retention of the existing driveway at 14 & 16 Buckingham Road for exit/entry to the new development. <p>The report concludes that the likely impact of the proposal on its surroundings, including the heritage items, is considered to be acceptable and no additional measures are deemed necessary to minimise any impact.</p>

Council Resolution - 22 September 2020

Council resolution dated 22 September 2020 in regard to Council's Housing Strategy required;

A. That Council's Housing Strategy be amended to reflect provision of new dwellings to 2036 from capacity within current planning instruments.

Response:

The Greater Sydney Regional Plan includes a 20-year housing target of 92,000 new private dwellings across northern Sydney, to be built between 2016 and 2036. The projection for the Ku-ring-gai Council area is based on the provision of 10,660 new dwellings by 2036, or 11.5% of the North District Plan's 20-year target.

Although the local housing supply targets for the Ku-ring-gai Council area are not considered a legal requirement, they have been derived from future population projections and demographic changes for the area. Projections from the Department of Planning Industry and Environment indicate that the number of people living alone in Ku-ring-gai will increase over the next 20 years, and that the average household size will become smaller as family structures change. Thus, there is an obligation to consider a 'realistic' housing target to cater to these significant changes and provide for the increased demand for diverse and affordable housing in the Local Government Area. There is also the potential risk of young families and essential workers moving away with long term effects on the future economic vitality of the area.

The subject proposal is ideally located within the Priority Area for Future Housing (2026-36) identified in Council's Housing Supply Map (Figure 2-17 above) to cater to this need for diverse and affordable dwellings.

Ku-ring-gai Housing Strategy Approval Letter and Advisory Notes – 16 July 2021

6. Council is to commit to a work program to identify areas for additional medium density housing opportunities outside of primary local centres such as Roseville, Roseville Chase, Killara, Pymble, Wahroonga, West Gordon and North St Ives as identified in the Ku-ring-gai LSPS for potential delivery in the 2031 to 2036 period. A planning proposal(s) for these centres is to be submitted to the Department for Gateway 4 Parramatta Square 12 Darcy Street Parramatta NSW 2150 | Locked Bag 5022 Parramatta NSW 2124 | planning.nsw.gov.au determination by December 2023. Where this work is not pursued by Council the Department welcomes place-based approaches by landowner/developers to explore opportunities for additional medium density housing in locations that are well served by transport, services and facilities.

The subject proposal is ideally located within the Priority Area for Future Housing (2026-36) identified in Council's Housing Supply Map (Figure 2-17 above) to cater to this need for additional dwellings in locations that are well served by transport, services and facilities.

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies ?

Future Transport 2056 (Transport for NSW)

Vision:

The 30 minute city will be one where people can conveniently access jobs and services within 30 minutes by public or active transport, 7 days a week. The vision is based on research that indicates that if people

are required to travel more than 90 minutes a day, their quality of life and the liveability of their city is impacted.

The proposed residential development is located within walking distance of the Killara Railway Station with pedestrian access provided via a signalised pedestrian crossing on the Pacific Highway immediately to the north of Buckingham Road.

Killara Railway Station is on the *T1 North Shore Railway Line*, providing access to key strategic centres like Hornsby, Chatswood and North Sydney within a 30 minute commute. These centres provide employment opportunities as well as shops, restaurants, community and medical facilities for future residents. It is also close to both public and private educational facilities and sporting fields.

6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal has been considered against the relevant State Environmental Planning Policies (SEPP). The proposal is considered to be generally consistent with the applicable SEPPs.

State Environmental Planning Policy	Consistency
State Environmental Planning Policy (Resilience and Hazards) 2021	<p>Consistent.</p> <p>The Planning Proposal seeks to intensify the residential uses of the site. Previous and existing land uses on the subject properties at No. 8A, 14 and 16 Buckingham Road, Killara, indicate a history of residential use which is not potentially contaminating. As there is potential for asbestos contamination during demolition, the following is suggested:</p> <ul style="list-style-type: none"> - Preparation of a pre demolition hazardous building material survey by an occupational hygienist, - All demolition work to be completed by a licensed asbestos demolition contractor and a clearance certificate provided post demolition by an occupational hygienist. <p>Any development of the site will be required to comply with the remediation of land requirements as stipulated in Chapter 4 of the SEPP.</p>
SEPP 65 Design Quality of Residential Flat Development	<p>Consistent.</p> <p>Any future development of residential flat buildings on the subject site will be assessed against SEPP 65.</p> <p>Urban Design Study (Part 2A - Supporting Studies), prepared by Gelder Architects, demonstrates that the indicative built form that may result from developing the site in</p>

	accordance with the proposed planning controls can be achieved with appropriate impacts on streetscape, heritage, solar access and key elements of the Apartment Design Guide.
SEPP Exempt and Complying Development Codes 2008	Consistent. Future exempt or complying development of the subject site will need to comply with this SEPP.
SEPP Building Sustainability Index: Basix 2004	Consistent. Future development of the subject site will need to comply with this SEPP.
State Environmental Planning Policy (Housing) 2021	Consistent. The Planning Proposal seeks to increase housing supply on this site from the existing 3 single dwellings to 36-40 apartment dwellings. Housing provision on the subject site will need to comply with this SEPP and consider the following: <ul style="list-style-type: none"> - Affordable housing provision stipulated in Chapter 2 of the SEPP. - Diverse housing provision stipulated in chapter 3 of the SEPP.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Consistent. The Planning Proposal site contains land mapped as having biodiversity value. The proposal has considered the mapping in the development of the increased standards. The preparation of a site specific DCP will ensure the provision of the required setbacks and tree retention considered in this Planning Proposal.

Table 2: State Environmental Planning Policy Compliance

7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The proposal has been considered against the relevant Ministerial Section 9.1 Directions below and within the supporting documentation of this proposal.

Direction	Consistency
1 – Planning Systems	
1.4 Site Specific Provisions	
Aims to discourage unnecessarily restrictive site specific planning controls.	Justifiably inconsistent. Due to the unique and complex planning issues facing the site, site specific provisions are proposed to enable the

Direction	Consistency
<p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p>	<p>orderly development of the land under the KLEP 2015.</p> <p>The site specific local provisions are not unnecessarily restrictive. They will enable an efficient use of the constrained site to provide a residential flat building design that retains trees, views and amenities on this and neighbouring properties. The provisions are as follows:</p> <ul style="list-style-type: none"> • a minimum 4,300sqm lot size consolidation of the three sites to ensure one single development able to give maximum consideration to the unique site conditions and limit neighbouring amenity impacts; • the use of RLs for building height at RL110.5 for No.14 Buckingham Road and RL115.50 for No.8A and No. 16 Buckingham Road to enable 2-3 storey outcomes which integrate with neighbouring development and preserve views from adjacent heritage buildings; • a site specific floor space ratio control based on development capacity of the site at 0.7:1 that enables development of a scale appropriate to the site and its context. <p>The proposal is justifiably inconsistent with the requirements of 6.3 Site Specific Provisions.</p>
3 - Biodiversity and Conservation	
3.2 Heritage Conservation	
<p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Consistent</p> <p>A Statement of Heritage Impact (Appendix 3) prepared by GBA Heritage considers potential impacts on the significance of the adjacent heritage items and its curtilage.</p> <p>The report states that the Planning Proposal would result in built form outcomes that would be well separated from the heritage items at 10 and 22 Buckingham Road, respecting their</p>

Direction	Consistency
	<p>heritage curtilage, as well as their bushland setting.</p> <p>In addition, given that currently there are restricted views to and from the heritage houses and the Killara Golf Clubhouse building, the Planning Proposal would have an acceptable visual impact on these heritage items.</p> <p>The report concludes that the likely impact of the proposal on its surroundings, including the heritage items, is considered to be acceptable and no additional measures are deemed necessary to minimise any impact.</p> <p>The proposal is consistent with the requirements of Direction 2.3 Heritage Conservation.</p>
4 – Resilience and Hazards	
4.4 Remediation of Contaminated Lands	
<p>Aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>	<p>Consistent</p> <p>Based on past aerial photographs and historical records the subject properties have a history of residential use and is unlikely to contain unacceptable contamination. As such the subject site is considered to be suitable, from a contamination perspective, for the proposed high-density residential land use.</p> <p>As there is potential for asbestos contamination during demolition, the following is suggested:</p> <ul style="list-style-type: none"> - Preparation of a pre demolition hazardous building material survey by an occupational hygienist, - All demolition work to be completed by a licensed asbestos demolition contractor and a clearance certificate provided post demolition by an occupational hygienist. <p>These measures will ensure consistency of the proposal with the requirements of</p>

Direction	Consistency
	Direction 2.6 Remediation of Contaminated Lands.
5 – Transport and Infrastructure	
5.1 Integrating Land Use & Transport	
<p>Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p> <p>Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>Consistent</p> <p>The subject site is located within 800 metres of the Killara Centre which is classified as a Secondary Local Centre</p> <ul style="list-style-type: none"> - containing a local railway station or bus route on an arterial road corridor, and meets the criteria for 30 minute access to a strategic centre, and - supported by retail and other services predominantly utilised by a localised residential population. <p>This location has potential suitability for additional housing (Ku-ring-gai Centres – Suitability for Additional Housing).</p> <p>As the subject site is located in close proximity to Pacific Highway and the Killara centre, an increase in housing density will optimise the use of the existing established infrastructure and facilities.</p> <p>The proposal is considered to adequately integrate land use and transport as it seeks to redevelop existing urban land in close proximity to a range of services and transport connections, including a regular bus and train service.</p> <p>The proposal is consistent with the requirements of 3.4 Integrating Land Use & Transport.</p>
6 - Housing	
6.1 Residential Zones	
<p>Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential</p>	<p>Consistent</p> <p>The Planning Proposal seeks to amend the zoning of the subject site from R2 Low Density Residential to R4 High Density Residential together with appropriate</p>

Direction	Consistency
<p>development on the environmental and resource lands.</p> <p>Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>increases in height and floorspace ratio controls. This will permit a larger redevelopment and provide the opportunity for a diverse mix of housing types (including apartments) as compared to the limited number of residences permitted under the current zoning and controls. The proposal will potentially increase dwelling numbers on this site from the existing 3 to the proposed potential total of 36 to 40 apartment dwellings.</p> <p>The Planning Proposal also has the potential to improve affordability as residences of different scales may be developed. This will ensure that the future housing is more affordable than the larger single dwelling houses currently situated on the subject site.</p> <p>As the subject site is located in close proximity to Pacific Highway and the Killara local centre, an increase in housing density will optimise the use of the existing established infrastructure and facilities.</p> <p>The proposal is consistent with the requirements of Direction 3.1 Residential Zones.</p>
Local Plan Making	
6.1 Approval and Referral Requirements	
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Consistent.</p> <p>Proposed amendments to the KLEP controls are not intended to affect the appropriate assessment of development.</p> <p>The proposal is consistent with the requirements of 6.1 Approval and Referral Requirements.</p>

- **Site Specific Merit**

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Biodiversity

The Biodiversity Map in KLEP identifies and maps a large area on the subject site as a Biodiversity Area.



Ku-ring-gai local Environmental Plan 2015 – Biodiversity Map

Following a site inspection by Cumberland Ecology, it was determined that the majority of the subject site is comprised primarily of Urban Native/Exotic Vegetation with isolated patches of Blue Gum High Forest BGHF comprised of remnant *Eucalyptus saligna* trees.

An Ecological Constraints Assessment (Part 2D - Supporting Studies) prepared by Cumberland Ecology included an ecological investigation of the subject site to determine ecological constraints to the Planning Proposal. The key ecological constraints identified are summarised below:

- Presence of native vegetation – the subject site comprises three vegetation communities, Urban Native/Exotic, Exotic Grassland and BGHF, a Critically Endangered Ecological Community listed under the *Biodiversity Conservation Act 2016*. A significant impact to the BGHF community would require offsetting under the Biodiversity Offsets Scheme and preparation of a Biodiversity Development Assessment Report.
- Presence of a Serious and Irreversible Impact (SII) entity - The BGHF community has been listed as a SII entity as under the *Biodiversity Conservation Act 2016*.
- Potential habitat for threatened species - clearing of such habitat may require the provision of offsets (i.e. species credits) to compensate for the loss of habitat.

In order to minimise impacts on the ecological constraints identified above it is recommended that impacts to all areas of BGHF remnant vegetation be avoided where possible.

The remnant BGHF vegetation on the subject site is proposed to be retained and is therefore unlikely to be affected during any future re-development.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Bushfire

The subject properties have not been identified as bushfire prone in Council's Bushfire Prone land map.

Indigenous and Non-Indigenous Cultural Heritage



Ku-ring-gai local Environmental Plan 2015 – Biodiversity Map

The subject site is located adjacent to heritage listed properties at 10 Buckingham Road to the north, dwelling house at 22 Buckingham Road to the west and overlooks the Killara Golf Club Clubhouse and its curtilage to the south, as indicated in the KLEP Heritage Map (above). There are no heritage items on the subject site, nor is it located within a Heritage Conservation Area.

A Statement of Heritage Impact (Part 2C - Supporting Studies) prepared by GBA Heritage considers potential impacts on the significance of the adjacent heritage items and its curtilage.

The report states that the Planning Proposal built form outcomes would be well separated from the heritage items at 10 and 22 Buckingham Road, respecting their heritage curtilage, as well as their bushland setting.

In addition, given that currently there are restricted views to and from the heritage houses and the Killara Golf Club Clubhouse building, the Planning Proposal would have an acceptable visual impact on these heritage items.

The Addendum to the Statement of Heritage Impact (Jan 2022) states that:

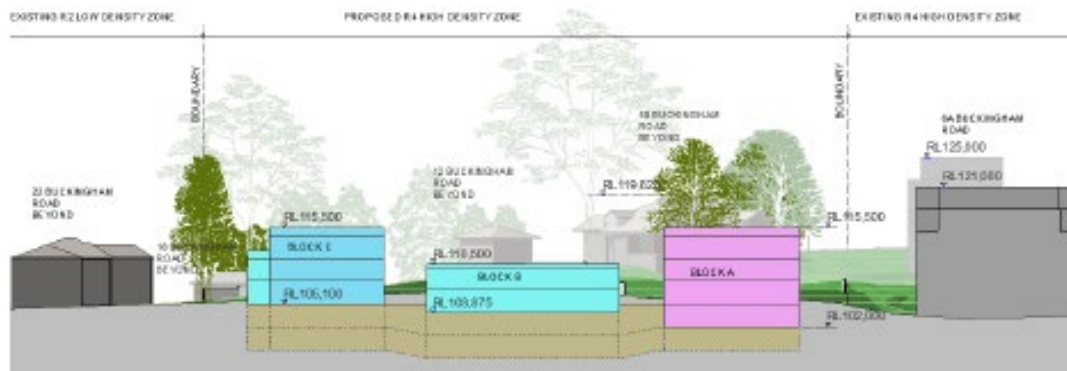
"The major changes in the previous proposal are related to the height of the three blocks, their separation at the natural ground, and their increased setback towards the north side of the subject site. The proposed reduced height of the three blocks and their location on the lowest topographical point, reduces any adverse visual impact on the heritage items in the vicinity and the low-density residential area on the north and west sides of the subject site. The revised proposal will have no adverse impact on the heritage items in the

vicinity, while the height, built form and setback of the revised proposal is considerably less than that of the previous proposal as well as the existing development on the adjoining property to the east, and the potential development to the south. The revised proposal is consistent with the requirements and guidelines of the Ku-ring-gai LEP 2015, and the Ku-ring-gai DCP 2021."

Public Domain

The proposed building envelopes indicated in the Urban Design Study have been developed by GBA Heritage and Gelder Group Architects to minimise possible impacts on the amenity and character of adjoining heritage items (10 and 22 Buckingham Road) as well as adjoining properties and the public domain.

The Planning Proposal seeks an R4 high density residential zone with a maximum building height of RL 115.50 for the two end blocks at the east and west of the site, and RL 110.50 for the centre block, with a floor space ratio of 0.7:1 is considered an appropriate outcome as discussed in the Urban Design Study:



Indicative Section showing proposed RL's

- The proposed built form consists of three blocks with the centre podium (RL 110.50 being much lower than the existing floor level of RL 112.0 of No 10 Buckingham Road) allowing for future views across to the golf course. The landscaped separation between the blocks reduces the bulk and scale of the building;

- Reduced heights on eastern and western ends of the site, allowing for up to 3 storey on the western end, and part 3 / part 4 storey on the eastern end at the low point.

- The shadow diagrams indicate that solar access to the existing residences will not be affected by the proposed built form. Having a reduced height at the centre of the building complex also allows for solar access to any future development on the Killara Golf Club property;

- The indicative-built form has been designed to retain views, outlook and curtilage of heritage properties to the immediate north and west of the subject site; and ensure protection of remnant vegetation;

- The existing driveways to No.14 and No.16 are proposed to be used as accessways (entry and exit) for the future development. An alternative would be to have the vehicular access entry from the 8A access handle with the exit through the existing driveway of No 16. Pedestrian access is via No. 14 driveway.

- The apartments at No.8 Buckingham Road, to the east of the subject site has provided a 9m setback. The proposed built form will be setback a further 6m with screen planting to provide improved privacy. In addition, the increased interface setbacks of 9m to the third level from the other boundaries would enable privacy to the surrounding low density residences;

- Retaining significant vegetation specifically to the west within the mapped biodiversity area. and proposing improved deep soil areas with additional landscaping will minimise impacts on the established landscape character of the area; and

- There will be minimum visual impact on the existing streetscape, as the subject site is at a significantly lower level with a deep setback from both Buckingham Road and Pacific Highway and screened by existing mature vegetation.

It can be concluded from the Urban Design Study that the indicative built-form resulting from developing the subject site (in accordance with the proposed planning controls) has acceptable impacts on streetscape, heritage, and amenity while catering to the housing requirements of the area.

Contamination

Previous and existing land uses on the subject properties at No. 8A, 14 and 16 Buckingham Road, Killara, indicate a history of residential use which is not potentially contaminating.

As there is potential for asbestos contamination during demolition, the following is suggested:

- Preparation of a pre demolition hazardous building material survey by an occupational hygienist; and
- All demolition work to be completed by a licensed asbestos demolition contractor and a clearance certificate provided post demolition by an occupational hygienist.

10. *Has the planning proposal adequately addressed any social and economic impacts?*

The Planning Proposal will allow the subject site to be redeveloped so that more affordable and diverse housing can be provided, whilst maintaining the existing character and amenity of the area. This will result in positive social and economic effects as the community will benefit by the orderly and economic development of the subject site. Higher density development will assist in meeting the future housing needs of the community. The Planning Proposal envisages the construction of up to 34 new residential apartments in an apartment building.

Any future development as result of the Planning Proposal will have a positive economic effect on the construction industry and the local economy in terms of job creation.

Section D – Infrastructure (Local, State and Commonwealth)

11. *Is there adequate public infrastructure for the planning proposal?*

The subject site is located within walking distance of the Killara Railway Station with pedestrian access provided via a signalised pedestrian crossing on the Pacific Highway immediately to the north of Buckingham Road.

Killara Railway Station is on the *T1 North Shore Railway Line*, providing access to key strategic centres like Hornsby, Chatswood and North Sydney within a 30 minute commute. These centres provide employment opportunities as well as shops, restaurants, community and medical facilities for future residents. The site is also close to both public and private educational facilities and sporting fields.

The Planning Proposal envisages the construction of up to 34 new residential apartments in an apartment building. A Traffic and Parking Assessment Report and Response to Council Letter - Traffic (Part 2B - Supporting Studies) by Varga Traffic Planning Pty Ltd, indicates that (based on a revised SIDRA capacity analysis) the proposed increase in residential density will not have any unacceptable traffic implications in terms of road network capacity; and that no road improvements or intersection upgrades are required. Furthermore, the proposal is not expected to have unacceptable parking, access or servicing implications.

Given the location of the subject site, any future residential development will be appropriately located to optimise the use of existing infrastructure.

Section E – State and Commonwealth Interests

12. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

Government agency and public consultation requirements will be detailed in the Gateway Determination and conducted accordingly. It is anticipated that a number of government agencies may need to be consulted, such as the following:

- Department of Planning, Industry and Environment (DPIE)
- DPIE-Biodiversity and Conservation
- Office of Environment and Heritage
- Transport for NSW
- Sydney Water
- Ausgrid

Part 4 Mapping

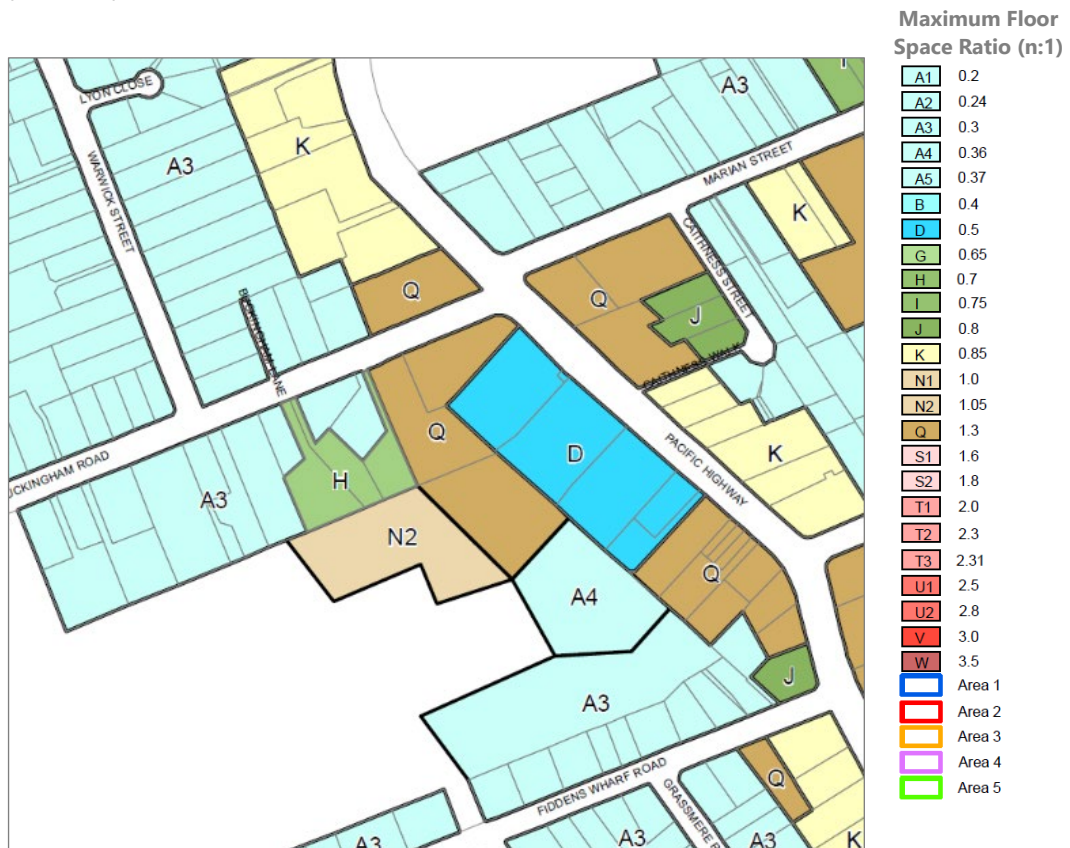
Map	Map Title
Existing Provisions	
A.	Floor Space Ratio Map FSR_ 014
B.	Height of Building Map HOB_ 014
C.	Land Zoning Map LZN_ 014
D.	Lot Size Map LSZ_ 014
Proposed Provisions	
A.	Floor Space Ratio Map FSR_ 014
B.	Height of Building Map HOB_ 014
C.	Land Zoning Map LZN_ 014
D.	Lot Size Map LSZ_ 014

Table 4: Existing and Proposed Mapping

A - Existing Floor Space Ratio Map
(A3 - 0.3:1)

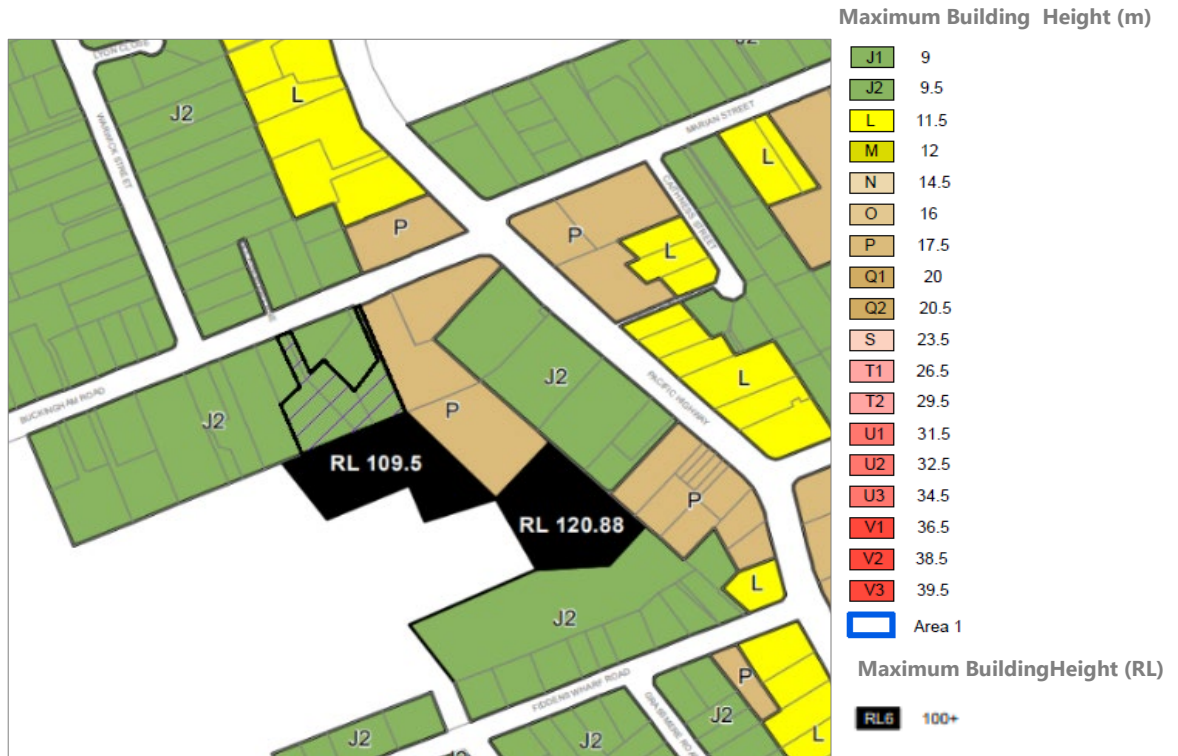


A - Proposed Floor Space Ratio Map
(H - 0.7:1)



A - Existing Height of Building Map

(J2 – 9.5m)



B - Proposed Height of Building Map

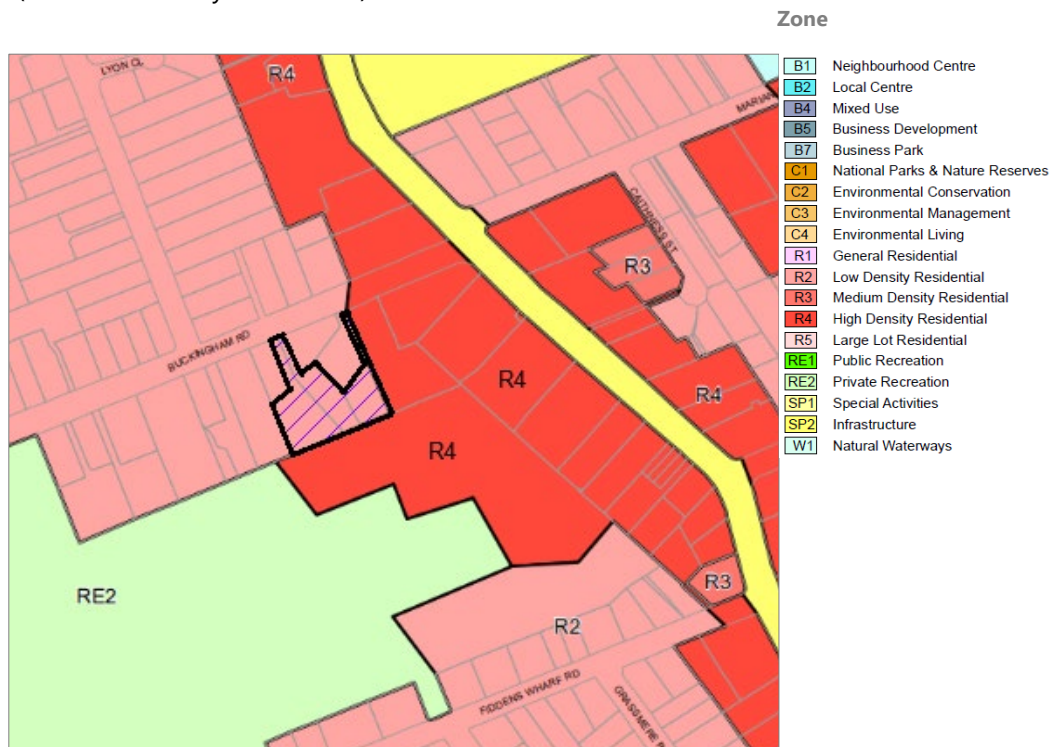
(RL110.5 – centre area on the site)

(RL115.50 – west and east areas on the site)



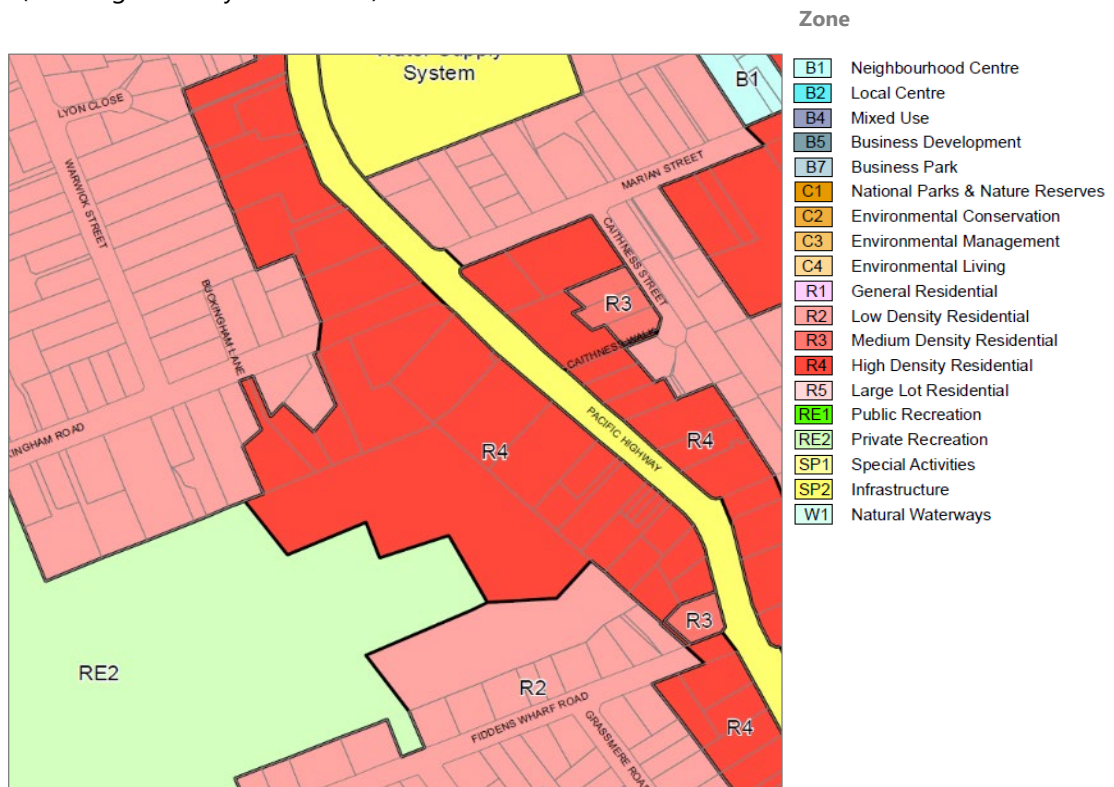
C - Existing Land Zoning Map

(R2 – Low Density Residential)



C - Proposed Land Zoning Map

(R4 – High Density Residential)



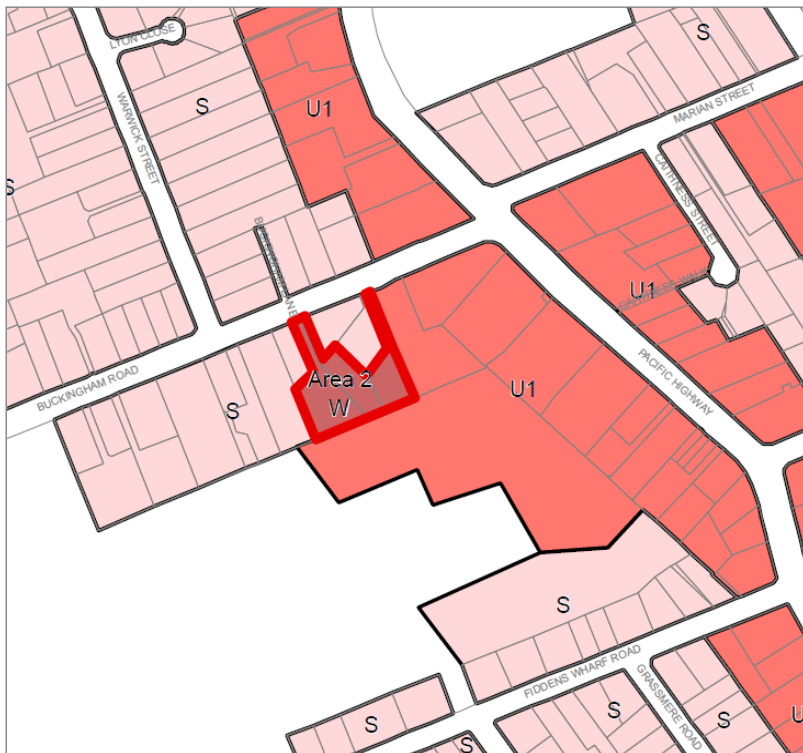
D - Existing Lot Size Map
(S – 840sqm)



Minimum Lot Size (sqm)

R	790
S	840
T	930
U1	1200
U2	1500
X	5000
Y	10000
Z	30000
Area 1	

D - Proposed Lot Size Map
(Area 2 - 4,300sqm)



Minimum Lot Size (sqm)

R	790
S	840
T	930
U1	1200
U2	1500
W	4300
X	5000
Y	10000
Z	30000
Area 1	
Area 2	

Part 5 Community Consultation

The proposal will be made available for **28** days for community/agency consultation and undertaken in accordance with any determinations made by the Gateway.

The Planning Proposal will be made available on Council's website and in accordance with Council's Community Participation Plan.

Additionally, notification of the exhibition of the proposal will be provided to adjoining landholders prior to its commencement.

The Killara Golf Club have expressed support for the current Planning Proposal on the subject site (refer Supporting Documentation 3A).

Part 6 Project Timeline

Table 5: Key Project Timeframes

Action	Date
Consideration by Council and Council decision	26/04/2022
Gateway determination	TBC
Government agency consultation (as required by Gateway determination)	TBC
Public exhibition dates	TBC
Post-exhibition review and reporting	TBC
Legal drafting of LEP	TBC
RPA makes the plan (if delegated)	TBC
Notification of Plan on Legislation website	TBC

Supporting Documentation

Table 6: Supporting Documentation to the Planning Proposal

No.	Document
01 Assessment	
A.	Section 9.1 Ministerial Direction Assessment
B.	Ku-ring-gai Local Strategic Planning Statement 2020
C.	Draft Ku-ring-gai Housing Strategy to 2036
02 Supporting Studies	
Part 2A	Urban Design Study and Concept Plans prepared by Gelder Architects
Part 2B	Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd + Additional Traffic Response
Part 2C	Statement of Heritage Impact prepared by GBA Heritage + Addendum
Part 2D	Ecological Constraints Assessment prepared by Cumberland Ecology
Part 2E	Preliminary Tree Asset Identification prepared by Catriona MacKenzie
Part 2F	Site Survey
03 Consultation	
A.	Ku-ring-gai Golf Club Letter
B	Pre-Planning Proposal Application – Meeting Report, and Checklist of submitted information

01

Assessment

A.	Section 9.1 Ministerial Direction Assessment
B.	Ku-ring-gai Local Strategic Planning Statement 2020
C.	Ku-ring-gai Housing Strategy to 2036

A - Section 9.1 Ministerial Directions

No.	Direction	Applicable	Consistent	Justifiably Inconsistent
Planning Systems				
1.3	Approval and Referral Requirements	N		
1.4	Site Specific Provisions			
Biodiversity and Conservation				
3.1	Conservation zones	N		
3.2	Heritage Conservation	Y	√	
Resilience and Hazards				
4.1	Flooding			
4.2	Coastal Management	N		
4.3	Planning for Bushfire Protection	N		
4.4	Remediation of Contaminated Land	Y	√	
4.5	Acid Sulfate Soils	N		
Employment & Resources				
1.1	Business & Industrial Zones	N		
1.2	Rural Zones	N		
1.3	Mining, Petroleum Production and Extractive Industries	N		
1.4	Oyster Aquaculture	N		
1.5	Rural Lands	N		
Transport and Infrastructure				
5.1	Integrating Land Use & Transport	Y	√	
5.2	Reserving Land for Public Purposes	N		
Housing				
6.1	Residential Zones	Y	√	

No.	Direction	Applicable	Consistent	Justifiably Inconsistent
6.2	Caravan Parks and Manufactured Home Estates	N		
Industry and Employment				
7.1	Business and Industrial Zones	N		
Primary Production				
9.1	Rural Zones	N		

S9.1 Ministerial Direction relevant to Ku-ring-gai LGA - Compliance

B - Ku-ring-gai Local Strategic Planning Statement Assessment 2020

Objective/Priority		Comment
LIVEABILITY		
HOUSING		
K3	Providing housing close to transport, services and facilities to meet the existing and future requirements of a growing and changing community	<p>The subject site is located within 800 metres of the Killara Centre which is classified as a Secondary Local Centre</p> <ul style="list-style-type: none"> - containing a local railway station or bus route on an arterial road corridor, and meets the criteria for 30 minute access to a strategic centre, and - supported by retail and other services predominantly utilised by a localised residential population. <p>This location has potential suitability for additional housing (Ku-ring-gai Centres – Suitability for Additional Housing).</p> <p>Rezoning the site for higher density residential development will enable the location of additional housing in close proximity to a secondary local centre and public transport.</p>
K4	Providing a range of diverse housing to accommodate the changing structure of families and households and enable ageing in place	<p>Refer response to K3.</p> <p>The subject proposal will help to provide additional housing options that are diverse and more affordable, to cater the needs of a growing and changing community structure.</p>
K5	Providing affordable housing that retains and strengthens the local residential and business community	<p>Refer response to K3.</p> <p>By providing additional housing options within an established residential area in close proximity to Killara secondary local centre and railway station, the Planning Proposal will help to strengthen the local residential and business community.</p>
LOCAL CHARACTER AND HERITAGE		
K12.	Managing change and growth in a way that conserves and enhances Ku-ring-gai's unique visual and landscape character.	<p>The Planning Proposal location and integration will contribute to the area's existing and future landscape character, streetscapes and locality features.</p> <p>The indicative concept plans and landscape plans (submitted as part of the Planning Proposal) are designed to maintain significant trees on the subject site, respect the existing landscape and maintaining the established landscape character of the heritage items in the vicinity. Future landscaping is proposed to be of a species and design compatible with the</p>

Objective/Priority		Comment
		existing ones to preserve views from the heritage items over the valley.
K13	Identifying and conserving Ku-ring-gai's environmental heritage	<p>A Statement of Heritage Impact (Appendix 3) prepared by GBA Heritage considers potential impacts on the significance of the adjacent heritage items and its curtilage.</p> <p>The report states that the Planning Proposal built form outcomes will be well separated from the heritage items at 10 and 22 Buckingham Road, respecting their heritage curtilage, as well as their bushland setting.</p> <p>In addition, given that currently there are restricted views to and from the heritage houses and the Killara Golf Clubhouse building, the Planning Proposal would have an acceptable visual impact on these heritage items.</p> <p>The following aspects of the proposal respect or enhance the heritage significance of the adjacent items:</p> <ul style="list-style-type: none"> • Retention of the bushland context of the heritage items and their contribution to the leafy character of the area. • Retention of the heritage buildings' street presentation at 22 Buckingham Road. • Retention of significant views to and from the heritage items in the vicinity, and their setting. • Retention of the existing landscape on the subject site, respecting the heritage curtilage of heritage items (10 & 22 Buckingham Road) in the vicinity of the subject site. • Retention of the existing driveway at 14 & 16 Buckingham Road for exit/entry to the new development. <p>The report concludes that the likely impact of the proposal on its surroundings, including the heritage items, is considered to be acceptable and no additional measures are deemed necessary to minimise any impact.</p>
PRODUCTIVITY		
30 MINUTE CITY		
K21	Prioritising new development and housing in locations that enable 30 minute access to key strategic centres	<p>The subject site is located within walking distance of the Killara Railway Station.</p> <p>Killara Railway Station is on the <i>T1 North Shore Railway Line</i>, providing access to key strategic centres like Hornsby, Chatswood and North Sydney within a 30 minute commute. These centres provide employment opportunities as well as shops, restaurants, community</p>

Objective/Priority		Comment
		<p>and medical facilities for future residents. The site is also close to both public and private educational facilities and sporting fields.</p> <p>The subject proposal is ideally located within the Priority Area for Future Housing (2026-36) identified in Council's Housing Supply Map (Figure 2-17 above) to cater to this need for diverse and affordable dwellings.</p>

C - Ku-ring-gai Housing Strategy to 2036

Priority / Objectives		Comment
HOUSING		
H1	<p>Manage and monitor the supply of housing in the right locations</p> <ul style="list-style-type: none"> - To monitor the delivery of housing within areas close to services, cultural and community facilities, and within a 10 minute walking distance to key public transport nodes. - To provide homes in areas that can support the creation and growth of vibrant Local Centres and a thriving local economy. - To ensure the delivery of housing is in coordination with provision of local and state infrastructure and services. 	<p>The subject site is located within 800 metres of the Killara Centre which is classified as a Secondary Local Centre</p> <ul style="list-style-type: none"> - containing a local railway station or bus route on an arterial road corridor, and meets the criteria for 30 minute access to a strategic centre, and - supported by retail and other services predominantly utilised by a localised residential population. <p>Rezoning the site for higher density residential development will enable the location of additional housing in close proximity to a secondary local centre and public transport.</p>
H2	<p>Encourage diversity and choice of housing</p> <ul style="list-style-type: none"> - To encourage a mix of dwelling types and sizes. - To investigate housing affordability. - To ensure new homes are accessible and meet mobility needs. 	<p>The Planning Proposal seeks to amend the zoning of the subject site from R2 Low Density Residential to R4 High Density Residential together with appropriate increases in height and floorspace ratio controls. This will permit a larger redevelopment and provide the opportunity for a diverse mix of housing types (including apartments) as compared to the limited number of residences permitted under the current zoning and controls.</p> <p>The Planning Proposal also has the potential to improve affordability as residences of different scales may be developed. This will ensure that the future housing is more affordable than the larger single dwelling houses currently situated on the subject site.</p> <p>As the subject site is located in close proximity to Pacific Highway and the Killara local centre, an increase in housing density will optimise the use of the existing established infrastructure and facilities.</p>
H3	<p>Increasing liveability, sustainability and area character through high-quality design</p> <ul style="list-style-type: none"> - To encourage housing that contributes to healthy and active neighbourhoods. - To facilitate high quality housing that is responsive to Ku-ring-gai's local character. - To promote housing that meets high sustainability performance targets. 	<p>A Statement of Heritage Impact (Appendix 3) prepared by GBA Heritage considers potential impacts on the significance of the adjacent heritage items and its curtilage.</p> <p>The report states that the Planning Proposal will result in built form outcomes that are well separated from the heritage items at 10 and 22 Buckingham Road, respecting their heritage curtilage, as well as their bushland setting.</p>

Priority / Objectives	Comment
	<p>In addition, given that currently there are restricted views to and from the heritage houses and the Killara Golf Clubhouse building, the Planning Proposal would have an acceptable visual impact on these heritage items.</p> <p>The following aspects of the proposal respect or enhance the heritage significance of the adjacent items:</p> <ul style="list-style-type: none"> • Retention of the bushland context of the heritage items and their contribution to the leafy character of the area. • Retention of the heritage buildings' street presentation. • Retention of significant views to and from the heritage items in the vicinity, and their setting. • Retention of the existing landscape on the subject site, respecting the heritage curtilage of heritage items in the vicinity of the subject site. <p>The report concludes that the likely impact of the proposal on its surroundings, including the heritage items, is considered to be acceptable and no additional measures are deemed necessary to minimise any impact.</p>

02

Studies

Part 2A	Urban Design Study and Concept Plans prepared by Gelder Architects
Part 2B	Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd + Additional Traffic Response
Part 2C	Statement of Heritage Impact prepared by GBA Heritage + Addendum
Part 2D	Ecological Constraints Assessment prepared by Cumberland Ecology
Part 2E	Preliminary Tree Asset Identification prepared by Catriona MacKenzie
Part 2F	Site Survey

Documents attached separately

03

Consultation

A.	Ku-ring-gai Golf Club Letter
B	Pre-Planning Proposal Application – Meeting Report, and Checklist of submitted information



07 June 2018

Mr and Mrs A. Hughes
8a Buckingham Rd
Killara NSW 2071

Dear Allan and Sharon,

Thank you again for forwarding your submission to Ku-ring-Gai Council on the Planning Proposal.

The Board of the Club has received advice that confirms its understanding that this is now Council's proposal and that as such there is no purpose to be served for the Club to address the points raised in your letter.

In due course, however, it may be that Council will write to the Club and ask for any comments it has on the views you have expressed.

In relation to the request that the Club permit the erection of height poles by you on its land, the Club has no objection to this occurring subject to the approval of the accompanying detail by the Club's General Manager David Gazzoli. May I suggest that you and your Planning Consultant liaise with Mr Ian Glendinning, the Club's Planning Consultant, should you wish to proceed.

I confirm that the Board has agreed that the Club will not object in principle to you seeking a rezoning of your land but advise that it would oppose any deferral of the current Planning Proposal to allow this to happen.

In relation to the matters raised in your subsequent email received by me on 7 June 2018, I advise that all of the matters raised by you in that email have received the consideration of the Board in arriving at its decision.

Our advice is that the better course of action is for you to submit a separate Planning Proposal.

Kind Regards

Rod Read
President

REFERENCE No:	2018/374543	
SITE ADDRESS:	8a, 14 and 16 Buckingham Road, Killara	
PROPOSAL:	Amendment to the Ku-ring-gai Local Environmental Plan 2015 to: <ul style="list-style-type: none"> • Rezone the sites from R2 Low Density Residential to R4 High Density Residential • Amendment to the Height of Buildings development standard from 9.5m to 17.5m • Amendment to the FSR development standard from 0.3:1 to 1.3:1 • Amendment to the Minimum Lot Size development standard from 840sqm to 1200sqm 	
DATE OF MEETING:	Wednesday 12 December 2018 - 3pm	
PRESENT AT MEETING:	Council	
	Name	Title
	<i>Antony Fabbro</i>	<i>Manager, Urban Planning and Heritage</i>
	<i>Craige Wyse</i>	<i>Team Leader, Urban Planning</i>
	<i>Penny Hemmsworth</i>	<i>Team Leader, Natural Areas</i>
	<i>Joseph Piccoli</i>	<i>Strategic Traffic Engineer</i>
	<i>Andreana Kennedy</i>	<i>Heritage Specialist Planner</i>
	<i>Alex Plumb</i>	<i>Urban Planner</i>
	Proponents	
	Name	Capacity
	<i>Tony Moody</i>	<i>Consultant Planner</i>
	<i>Allan and Sharon Hughes</i>	<i>Owners, 8a Buckingham Road, Killara</i>
	<i>John and Rosemary Kyd</i>	<i>Owners, 14 Buckingham Road, Killara</i>
	<i>Steven Wang</i>	<i>Owner, 16 Buckingham Road, Killara</i>
DOCUMENTS:	Document(s)	Dated
	Application Form	27 September 2018
	Departments Checklist	Not Dated
	Owners Consent – 8a Buckingham Road	23 August 2018
	Owners Consent – 14 Buckingham Road	26 August 2018
	Owners Consent – 16 Buckingham Road	Not Dated
	Pre- Planning Proposal for 8a, 14 and 16 Buckingham Road, Killara	Prepared by Tony Moody Planning and Development 26 September 2018
	Copy of submission made to Council in response to Killara Golf Club Planning Proposal	Prepared by Tony Moody Planning and Development on behalf of owners 8a, 14 and 16 Buckingham Road, Killara 31 May 2018
	Copy of letter to President of Killara Golf Course in response to Killara Golf Club Planning Proposal	Prepared by Tony Moody Planning and Development on behalf of owners 8a, 14 and 16 Buckingham Road, Killara 31 May 2018

Disclaimer – The information contained in this Pre-Planning Proposal Meeting Report does not bind Council Officers; the elected Council Members or other bodies in any way whatsoever and does not guarantee that a Planning Proposal will be endorsed by Council.

DESCRIPTION

The following general points were made by the proponents:

- The Planning Proposal for 8a, 14 and 16 Buckingham Road Killara has been generated by the adoption of the Planning Proposal for Killara Golf Course by Council on 27 November 2018.
- In addressing Council at the meeting of 27 November 2018, Tony Moody, Consultant Planner advised Council that the owners of 8a, 14 and 16 Buckingham Road, Killara would be lodging their own Planning Proposal if Council adopted the Killara Golf Club Planning Proposal.
- The owners would rather live in their homes as they currently are, but will be impacted by future development on the Killara Golf Club site.
- It is not known when Killara Golf Course will develop the site in accordance with the adopted Planning Proposal. It was noted that the adoption of the Killara Golf Club Planning Proposal would impact on property prices of 8a, 14 and 16 Buckingham should they sell in the future.
- In terms of context, the sites share a southern boundary with Killara Golf Club, directly adjoining the area recently upzoned by the Killara Golf Club Planning Proposal. 8a Buckingham Road shares an eastern boundary with R4 High Density Residential zone which is currently under construction for a 5 storey residential flat building. The consolidated site will have 3 access points to Buckingham Road.
- The sites have the same locational benefits in terms of access to transport and services as that as Killara Golf Course, which makes it suitable for upzoning.
- It is acknowledged that the sites are adjoined by two heritage items, and that there are significant trees on the sites and these matters would be taken into account in the Planning Proposal.
- Killara Golf Course is supportive of the Planning Proposal, and it was suggested that the same consultants would be used for this Planning Proposal given that they are familiar with the context.
- It was noted that the Height of 17.5m and FSR of 1.3:1 as submitted in the Pre-Planning Proposal would be modified as a result of the reports such as Urban Design Study and Heritage Impact Statement.

OVERVIEW OF ISSUES

The following is an overview of matters to be considered for the preparation of the Planning Proposal identified by Council staff:

Strategic Planning

- The Greater Sydney Region Plan – A Metropolis of Three Cities and the North District Plan were released in March 2018.
- Council will be undertaking a Housing Strategy to consider capacity to support the strategic housing need of the local government area for the next 20 years, and outline how Council will deliver the additional housing as required by the North District Plan. Consultation with the community will be undertaken as part of this process.
- It is questioned what is the key driver to bring the rezoning of these sites ahead of Councils Housing Strategy in response to the North District Plan and this should be justified within the Planning Proposal.

Interface and Urban Design

Interface

- It is acknowledged that 8a Buckingham Road, Killara is an interface site – as it adjoins R4 High Density Residential (5 storey) to the east, and it is acknowledged that there are issues with 5 storey development being sited next to 2 storey development. This site was assessed in 2011 as part of Councils *Interface Study*. The assessment found that upzoning of 8a Buckingham Road to R3 was not suitable due to the site providing a curtilage to the adjoining heritage item, and the site would not be able to develop successfully on its own.

Note: Interface study is available on Councils website here:

http://www.kmc.nsw.gov.au/Plans_regulations/Building_and_development/Town_Planning_Documents/Planning_resources

- It is considered that the combined sites could provide a transition from the adjoining 5 storey high density residential developments to the single dwelling houses low density residential further down the street. There may be merit in a R4 High Density zoning, but with a reduced height limit – to a maximum of 3 storeys (11.5m). This would have to be verified and supported by studies accompanying the Planning Proposal.
- An R4 zoning with a reduced height limit would provide an appropriate step down, and transition of height, also noting that the height of the Killara Golf Club Planning Proposal adjoining these sites to the south was limited to a maximum of 3 storeys in height.
- An R4 zoning with a reduced height limit has been used elsewhere in the Ku-ring-gai local government area as a response to address the interface impacts between high density sites and heritage items. The R4 zoning would allow a reduced development footprint and facilitate greater setbacks than could be achieved with a townhouse development under a R3 zone.

Urban Design Study

- As the proposal involves a change in zoning and development standards, an Urban Design Study is required to address:
 - the impact of the rezoning within the surrounding context, including R4 High Density zoning, Killara Golf Course Planning Proposal, Heritage items and R2 Low Density Residential.
 - A Built Form Analysis of height and massing demonstrating relationship to surrounding context, with particular consideration to interface and heritage items in order to demonstrate suitable height and density on the sites.
 - The built form analysis should also resolve an appropriate floor space ratio for the site.
 - Yield analysis to identify future dwelling capacity of the sites. The yield analysis will also inform the Traffic Study.
 - The study should justify the changes to the zoning, height and floor space ratio on the sites, and consider how these will sit in the broader context of the area.

Traffic, Transport and Access

Matters of strategic transport merit – North District Plan

- Productivity / Integration of land use and transport:
 - Provide analysis of journey to work characteristics of where residents of the area travel to work, mode of travel, etc;
 - Carry out assessment of level of access to public transport
 - Assess degree of access to employment / strategic centres (noting Greater Sydney Commission goal of 30min city by public transport);
 - Undertake assessment of access to local services (retail/supermarket, medical, educational) within 10min walking distance.
- Liveability:
 - Provide an assessment of access to recreation, leisure and community facilities within 10min walking distance;
 - Assess the level of access to active transport networks (walking and cycling links);

Transport infrastructure capacity

- Assess the capacity of public transport (rail, bus) and its ability to accommodate additional passengers resulting from the proposal;

- Provide an assessment of traffic generation based on residential yield analysis. For the traffic generation rate, ideally use surveys from sites with similar density and locational characteristics. If this is not possible, it is acceptable to use the traffic generation rate suggested by RMS(RTA) for the relevant land use. Assess the traffic impacts on nearby signalised intersections and local roads leading to these intersections.
 - Intersection analysis:
 - Intersection Pacific Highway/Spencer Road; and
 - Intersection Pacific Highway/Highfield Road
 - Include weekday am/pm peak hour and Saturday peak hour in the assessment.
- Undertake an assessment of the cumulative traffic impacts of the Killara Golf Club Planning Proposal on the intersections mentioned above, and key local roads connecting to them.

Heritage

- The Planning Proposal is to give consideration to the objectives of the Greater Sydney Region Plan. An objective of the Plan relevant to this Planning Proposal is Direction 5: *A city of great places: designing places for people*. This Direction contains Objective 13 being that 'environmental heritage is identified, conserved and enhanced'.
- Any proposal to increase the residential density on sites adjoining heritage items will require Heritage Impact Statements (HIS) detailing:
 - Why the item is of heritage significance
 - What impact the proposal will have on that significance
 - What measures are proposed to mitigate negative impacts
 - More sympathetic solutions are not viable
- The Planning Proposal to rezone 8a, 14 and 16 Buckingham Road will require Heritage Impact Statements for the following heritage items:
 - 10 Buckingham Road, Killara
 - 22 Buckingham Road, Killara

Note: Refer to the Office of Environment and Heritage's *Statements of Heritage Impact* guidelines for details on preparing HIS, available here:

<https://www.environment.nsw.gov.au/Heritage/publications/index.htm#S-U>

- The Heritage Impact Statement should be supported by a Built Form Analysis (part of the Urban Design Study) detailing how future height and massing will respond to the heritage context and minimise impacts upon the heritage significance of the heritage listed sites.
- An R4 zoning with a reduced height limit to 3 storeys (11.5m) may have merit, and provide an adequate interface with the heritage items, with the potential to retain garden setting

and not visually dominate or obscure all views to and from these heritage places, across the Planning Proposal site. This would have to be verified and supported by the HIS and Built Form Analysis.

Biodiversity

- Council will require an Arborist Report and Flora and Fauna Report.
- The Flora and Fauna Report should address potential habitat on site (e.g. hollows) as well as the existence of Blue Gum High Forest which is a critically endangered ecological community.
- The site includes areas mapped on the Ku-ring-gai Local Environmental Plan 2015 – Terrestrial Biodiversity Map (Clause 6.3) and Greenweb within the Ku-ring-gai Development Control Plan (Part 18). As such, the Planning Proposal should seek to address these relevant provisions, particularly with regards to a design that seeks to recognise the benefits (thermal cooling, shade, visual screening, etc) and minimises impacts upon this natural asset.
- Council acknowledges that based on the methodology outlined in the Ku-ring-gai Biodiversity and Riparian Lands Study Version 5, it is likely that the area of Biodiversity mapped within the Terrestrial Biodiversity Map (and the associated Greenweb Map) extends further from the western boundary of No.16 Buckingham Road than required (resultant from either initial mapping error or from subsequent tree removal). The Ku-ring-gai DCP states *"Variations to Greenweb mapping as proposed by either Council or the proponent will be considered on merit, based on the methodology outlined in the Ku-ring-gai Biodiversity and Riparian Lands Study Version 5"*. It will be important that your consultant map their perceived extent of remnant vegetation community on the site (considering canopy, mid and ground cover strata), and during the assessment of the Planning Proposal the mapping will be ground trothed and updated if required.
- In demonstrating a building footprint and high level design, it is important that impacts upon canopy (particularly remnant) trees are considered, including
 - Consideration of *AS4970-2009 Protection of Trees on Development Sites*
 - Changes to hydrology resultant from subbasement carparking

Contamination

- The Planning Proposal should address the potential for contamination in response to *State Environmental Planning Policy 55 – Remediation of Land*, including consideration of past activities that may pose contamination risks (e.g. golf course, garage, dry cleaning)
- Please be aware that Council's records have not highlighted contamination concern with this site.

Consultation

- Council encourages early community consultation/engagement with neighbouring properties prior to lodgement of the Planning Proposal.

THE PLANNING PROPOSAL

General

A full list of the documents required for your submission is included in the *Planning Proposal Application Form* available from Council's website. In brief, your submission is to include the following documents:

- a *Planning Proposal* in the format specified below, with any supporting studies being attached as Appendices;
- the *Checklist* from *A Guide to Preparing Planning Proposals - Department of Planning and Environment*;
- the *Application Form* and all other documentation stated on page 3 of that Form.
- the supporting studies noted above:
 - Traffic and Transport study
 - Urban Design study
 - Heritage Impact Statement
 - Arborist Report
 - Flora and Fauna Study

Checklist

The *Checklist* (from *A Guide to Preparing Planning Proposals - Department of Planning and Environment*) marked with the applicable matters to be considered as part of the Planning Proposal is attached to this meeting report. All categories identified as applicable within the Checklist must be addressed within the Planning Proposal and supporting studies.

Your Planning proposal:

Ku-ring-gai Council expects a high standard of documentation for Planning Proposals. Examples of Ku-ring-gai Council's Planning Proposals may be viewed on the Department of Planning and Environment website - <http://leptracking.planning.nsw.gov.au/>.

To assist you, this meeting report very clearly sets out the format and requirements for your Planning Proposal. The Planning Proposal is not a report. It is a document laying out a clear direction and argument for a legislative amendment; therefore, it is advisable to present your case in a method established by the Department of Planning and Environment, with explanations and

justifications in the format they seek. Your Planning Proposal is to be set out and include all information as stated in [*A Guide to Preparing Planning Proposals – Department of Planning and Environment \(August 2016\)*](#).

Note: A Guide to Preparing Planning Proposals is available on the Department of Planning and Environments website here: <https://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/Resources>

The *Guide* requires your Planning Proposal to be set out in 6 parts as below. It is highly recommended you follow the layout and content of the Planning Proposal as below, and use the same headings, subheadings, questions and numbering. Should a Part not be relevant to your Planning Proposal, it must still be included within your Planning Proposal with a brief statement why it is not relevant. All the 6 Parts are necessary for your Planning Proposal to be considered as a valid document.

Your Planning Proposal is required to be a full and complete document, with each Part and each question being answered fully with detailed explanation and full justification within that section. It will not be accepted if Council or Department has to search for the answers to the questions in your attachments, introductions or other sections. Further, in the interest of transparency, your document is required to be understood by the people that will read it during the exhibition should it receive a Gateway. Once you have stated your argument in detail within the body of your Proposal, you can then refer to attachments, but you should not rely on those attachments to argue your case.

Your Planning Proposal must be able to operate as a stand-alone document with the studies being secondary and supportive in their role.

Planning Proposal Format:

INTRODUCTION

Include a brief overview of the Planning Proposal. You can provide any relevant history, photos etc of the site/s in this section of the Planning Proposal.

PART 1 – OBJECTIVE OR INTENDED OUTCOMES

Provide a paragraph explaining the current status of each site and what you are trying to achieve on each site (not how it would be done). This *Part 1* should give the average ordinary person reading your Planning Proposal at exhibition a clear indication of what you are trying to do on each site. Relevant location and descriptive maps, that indicate adjoining land use and zones; heritage

items and conservation areas; environmental constraints, including riparian and biodiversity, can be included in this *Part 1*.

PART 2 – EXPLANATION OF PROVISIONS

State the changes being proposed to the sites, reasons for the changes, and how the changes can be made. More specifically you will need to state how the KLEP 2015 will be amended to allow your objectives. This will include any changes to the Written Instrument as well as to the Maps.

PART 3 - JUSTIFICATION

Provide detailed site and strategic justification for the objectives and outcomes sought, and the process for their implementation. It is recommended that detailed attention be given to your *Part 3 – Justification A, B, C, D*. *Part 3* is key in presenting an argument for your case. If you consider aspects of your supporting studies as important, then you need to present/state/quote that specific content under the relevant question in *Part 3*, and show how it applies to your argument. Once your argument has been made, reference to the studies may be made. The supporting studies provide the backup and evidence for your argument, but your argument has to be presented and substantiated within the body of the Planning Proposal.

Include the following sections, numbering and questions (replicated from the *Guide*) under your *Part 3*:

A. Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

Note all planning studies or reports that have been prepared for the sites, including:

- Traffic and Transport study
- Urban Design study
- Heritage Impact Statement
- Arborist Report
- Flora and Fauna Study

Current and relevant supporting studies can be included as Appendices to the Planning Proposal and referenced in the justification sections provided their arguments are paraphrased in the body of your Planning Proposal.

This section should provide strategic justifications based on the supporting studies.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

You are presenting an argument for your case and therefore you are required to explain the different methodologies available for allowing the outcomes you seek on the sites. Your methods have to be factual and rely on the means of achieving your outcomes through the legislative framework.

This question requires you to present the different ways of achieving your development objectives on the sites. State all the options you have and justify why your chosen method of amendments to the KLEP 2015 is the best means; and therefore, why this Planning Proposal should be considered above any other method. The Department will consider for themselves whether there are alternative ways you could achieve your outcome outside this Planning Proposal, so it is in your interest to state all possible methods and argue your preferred method through your Planning Proposal.

B. Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Note how your proposed outcomes are consistent or inconsistent with the following documents:

- [A Metropolis of Three Cities - Greater Sydney Region Plan \(March 2018\)](#)
- [North District Plan \(March 2018\)](#)

Note: These documents are available on the Greater Sydney Commissions website here: <https://www.greater.sydney/>

You are required to state the relevant objectives/planning priorities/actions from the plans and explain how your Planning Proposal meets those requirements. You are also required to justify the proposal where it is inconsistent with the any of the objectives/planning priorities/actions in the plans.

If you are referring to any document you attach in Appendices, you will need to pull out the information and requote/reiterate the key elements of those studies within the body of your justification. Your justification has to be robust and contain all information.

It is your responsibility to include all arguments within the body of the report as this is what will enable your proposal to progress to Gateway.

Q4. Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

State how your proposed outcomes are consistent or inconsistent with the objectives in the *Ku-ring-gai Council Community Strategic Plan 2038*, and provide justification for any inconsistencies. State the objectives from the *Community Strategic Plan 2038* and explain how your Planning Proposal meets those requirements, justifying any that it does not meet. The *Community Strategic Plan 2038* may be viewed on Council's website at:

http://www.kmc.nsw.gov.au/Your_Council/Organisation/Integrated_Planning_and_Reporting_framework/Community_Strategic_Plan_2038

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

There are several applicable SEPPs for your proposal. You are required to go through all the SEPPs, determine which are relevant, list it with a brief overview and state how your proposal is consistent or inconsistent with it. If inconsistent then give a full justification to support your argument. It is recommended this information be presented in a table as illustrated below.

SEPP	Comment on Consistency
<p>SEPP 55 Remediation of Land</p> <p>SEPP 55 requires a planning authority to give consideration to contamination issues when rezoning land which allows a change of use that may increase the risk to health or the environment from contamination and requires consideration of a report on a preliminary investigation where a rezoning allows a change of use that may increase the risk to health or the environment from contamination.</p>	<p>Insert your argument</p>

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

You are required to go through all the s117 Directions and determine which apply to your site. For each applicable s117 Direction, include a statement on how the Proposal is consistent. If the Proposal is inconsistent with a s117 Direction, then provide a justification for that inconsistency. It is recommended this information be presented in a table as illustrated below.

Directions under S117	Objectives	Consistency
1.1 Business and Industrial Zones	The objectives of this direction are to: (a) Encourage employment growth in suitable locations, (b) Protect employment land in business and industrial zones, and support the viability of identified strategic centres.	Insert your argument

C. Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Note the status of each site with regards to these aspects, stating if they contain or are in close proximity to any critical habitat or threatened species, population or ecological communities, or their habitats.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Provide an explanation of the scale of the development and any related environmental effects of the Proposal. The sites contain areas mapped as Biodiversity Significance under the KLEP 2015, and Greenweb mapping under the DCP. Fully justify the extent of impact, if any, that the proposal will have on these areas.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Provide a response in terms of the broader community and economy, not personal circumstances of the landowner. Give clear justification on the social and economic impacts or advantages your Planning Proposal will have.

D. State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Note each individual site's proximity to specific public transport and links to major arterial roads. Also, state occurrence and location of other infrastructure such as retail and educational facilities that would support the proposed uses.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Identify any consultation already conducted with state or commonwealth agencies.

Other consultation will be undertaken post-Gateway and in accordance with the Department's requirements. Consultation will likely include:

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

PART 4 - MAPPING

The amendments sought in your Planning Proposal will require changes to the KLEP 2015 mapping sheets. This section should include excerpts of the sites current mapping alongside the proposed mapping. Every map that will be altered as a result of the planning proposal is to be shown in this section, including:

- Zoning map
- Height of Buildings map
- Floor Space Ratio map
- Minimum Lot Size map

PART 5 – COMMUNITY CONSULTATION

Council encourages early consultation with surrounding properties prior to lodging the planning proposal.

Indicate the community consultation to be undertaken on the Planning Proposal and state that it will be in accordance with the Gateway. It is expected that the consultation for this Planning Proposal will be 28 days.

PART 6 – PROJECT TIMELINE

Include a table of steps as stated in the '*A Guide to Preparing Planning Proposals*' leaving the date column empty for Council to complete. An example is provided below:

Stage	Timing
Anticipated commencement date (date of Gateway determination)	Date
Anticipated timeframe for the completion of required technical information	Date
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	Date
Commencement and completion dates for public exhibition period	Date
Dates for public hearing (if required)	Date
Timeframe for consideration of submissions	Date

Timeframe for the consideration of a proposal post exhibition	Date
Date of submission to the department to finalise the LEP	Date
Anticipated date RPA will make the plan (if delegated)	Date
Anticipated date RPA will forward to the department for notification.	Date

Note: All Councils have been required to establish Local Planning Panels. From 1 June 2018, all Planning Proposals will be required to be reported to the Ku-ring-gai Local Planning Panel (KLPP) for advice.

Planning Proposals will be referred to the KLPP for advice prior to being reported to Council for consideration on whether to forward the Planning Proposal to the NSW Department of Planning under Section 3.34 for a Gateway Determination. This additional step should be taken into account in the project timeline.

APPENDIX

Include any relevant supporting information and studies to which reference has been made in the Planning Proposal. The recommended studies include:

- Traffic and Transport study
- Urban Design study
- Heritage Impact Statement
- Arborist Report
- Flora and Fauna Study

Planning Proposal Application Form

The Form must be completed in detail and ensure

- Each question is fully answered.
- The *Documents Required* checklist is filled.
- The *Planning Proposal Report Requirements* checklist is filled.
- The Department's *Checklist* is included with the required documentation.

Commencement of the review of your Planning Proposal can only begin if your Application is complete. This means your Planning Proposal is in accordance with the requirements of the Department's *Guide*, and in a form that would be adopted by Council to be forwarded to the Department for a Gateway. You are therefore advised to follow the instruction in this meeting report and ensure you have completed all requirements stipulated on the Planning Proposal Application Form available on Council's website.

The Planning Proposal Application will only be accepted and commence when all forms and documents submitted are considered by Council to be complete. A letter of acknowledgement will be sent to confirm Council's acceptance of the Application and a request that the required application fee be paid.

Note: The Application requires 2 hard copies of **all** documents including the Application Form, and one USB with a pdf copy of all the documents and an additional unlocked WORD copy of the Planning Proposal itself.

Fees and Charges

The fee for this Planning Proposal under [Council's 2018/2019 Fees and Charges](#) is **\$59,000** for Planning Proposals seeking amendments involving sites with complex planning issues.

The fee is payable upon Council confirming in writing that the application is complete and requests that the application fees be paid.

Should the Proposal proceed to exhibition, there will be an additional fee of **\$3755** for advertising costs, payable upon the issuing of a Gateway determination.

Where an application results in additional assessment or review of the Planning Proposal, an hourly rate of **\$200/hr** will be charged for the extra work undertaken.

For further guidance on key steps and information on the Planning Proposal process and the roles of Council and the Department of Planning and Environment, including the review of decisions, please refer to Council's website:

http://www.kmc.nsw.gov.au/Plans_regulations/Building_and_development/Planning_Proposals

Note: To avoid duplication or loss of information, it is advisable that you nominate a single person with whom all discussion/correspondence with Council will occur. Clearly state this in your Application Form.

Attachments:

- Checklist from A Guide to Preparing Planning Proposals
- Council Template for Planning Proposals