



IRF24/1884

Plan finalisation report – PP-2022-1137

Ku-ring-gai Local Environmental Plan 2015
130 Killeaton Street, St Ives

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Acknowledgment of Country

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

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Attachments

Attachment A – Gateway Determination Report

Attachment B – Gateway Determination

Attachment C – Post-exhibition Report

1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

Ku-ring-gai Local Environmental Plan 2015 (Map Amendment No. 5).

1.1.2 Site description

Table 1 Site description

Site Description	130 Killeaton Street, St. Ives (Lot 1 DP 748682)
Type	Site
Council / LGA	Ku-ring-gai

The site has an area of 2,803m² and is occupied by a 2-storey dwelling (**Figure 1**). Surrounding the site includes:

- residential flat buildings to the immediate east and west with the land zoned R4 High Density Residential,
- a two-storey aged care facility under construction to the north across Killeaton Street,
- the Corpus Christi Catholic Church and Primary school to the immediate south and west, and
- the Kehillat Masada Synagogue and College to the south.

The site is zoned SP2 Infrastructure (Educational Establishment) and is associated with the adjoining Church and Primary school. The site was previously owned by Corpus Christi Catholic Church and Primary School prior who used it for education purposes.



Figure 1 – The site highlighted red (source: Nearmaps 2024)

1.1.3Purpose of plan

The planning proposal seeks to rezone the land to R4 High Density Residential, amend the maximum height of buildings and floor space ratio to facilitate the redevelopment of the site for a residential flat building (approximately 40 dwellings).

The table and figures below outline the current and proposed controls for the LEP.

Table 2 Current and proposed controls

Control	Current	Proposed
Zone	SP2 Infrastructure (Educational Establishment)	R4 High Density Residential
Maximum height of the building (HOB)	N/A	17.5m
Maximum Floor space ratio (FSR)	N/A	1.3:1

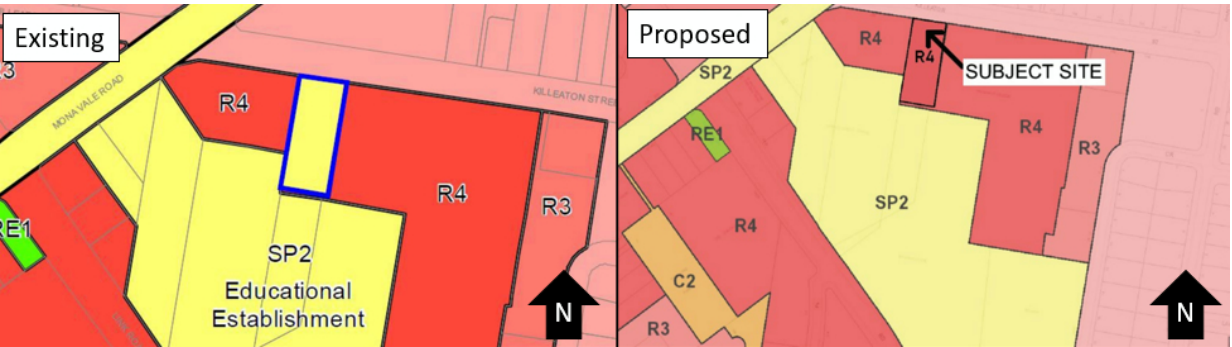


Figure 2: Existing and proposed zoning maps (source: Planning Proposal, 2022)

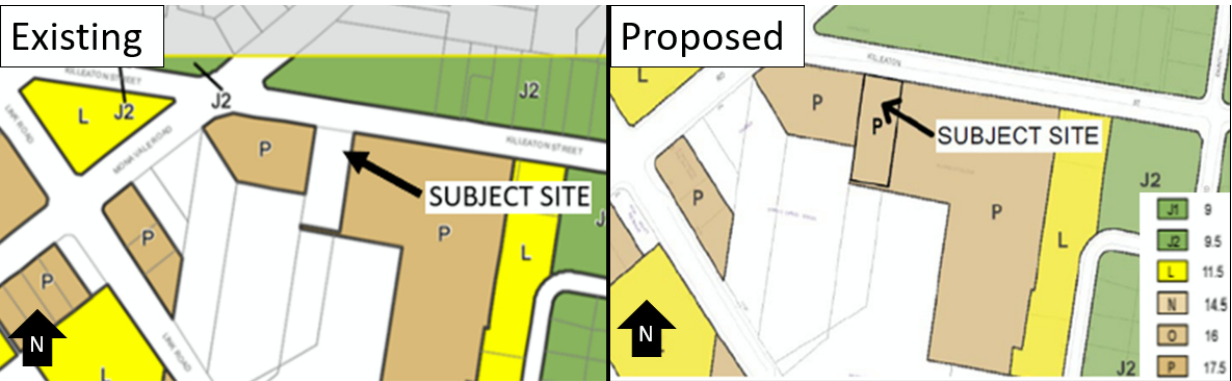


Figure 3: Existing and proposed maximum HOB maps (source: Planning Proposal, 2022)



Figure 4: Existing and proposed maximum FSR (source: Planning Proposal, 2022)

1.1.4 State electorate and local member

The site falls within the Davidson State electorate. Matt Cross MP is the State Member.

The site falls within the Bradfield Federal electorate. Paul Fletcher MP is the Federal Member.

To the team's knowledge, the MPs have not made any written representations regarding the proposal. There are no donations or gifts to disclose, and a political donation disclosure is not required. There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Rezoning Review and Gateway determination

The proposal was not supported by Ku-ring-gai Council and so proceeded to a rezoning review with the Sydney North Planning Panel (the Panel) determining the proposal had strategic and site merit on 25 August 2023.

Subsequently, a Gateway assessment was undertaken (report at **Attachment A**), and a Gateway determination (**Attachment B**) was issued on 22 December 2023 for the proposal to proceed, subject to conditions. Consultation with agencies and the community required by the Gateway determination conditions (as altered) has now been completed.

The Department is satisfied that the conditions of the Gateway determination have been addressed and in accordance with the Gateway determination (as altered) the proposal is due to be finalised on or before 22 September 2024.

3 Public exhibition

In accordance with the Gateway determination, the planning proposal and supporting material were publicly exhibited on the NSW Planning Portal for 20 working days from 16 February to 15 March 2024.

A total of 67 submissions were received during the exhibition period, including:

- 63 community submissions, including 2 duplicates
- three government agency submissions, and
- a submission from Ku-ring-gai Council.

The post-exhibition report to the Sydney North Planning Panel (**Attachment C**) provides responses to submissions.

3.1 Submissions during exhibition

3.1.1 Submissions from the community

A total of 59 community submissions (94%) objected (including the two duplicates) to the planning proposal.

Two submissions (3%) were received in support and two submissions (3%) raised concerns but were neither in support nor objected.

In summary, the concerns raised in community submissions, include:

- traffic congestion (63%)
- biodiversity loss (63%)
- lack of car parking (52%)
- need for infrastructure improvements (40%)
- privacy issues for nearby residents (6%)
- outdated studies (5%)
- noise due to traffic and construction (5%)

The Department is satisfied that the post-exhibition report to the Panel has responded to submissions.

3.1.2 Submissions from agencies

In accordance with the Gateway Determination, the following agencies were consulted:

- Transport for NSW (TfNSW)
- Environment and Heritage Group (EHG) (Now Biodiversity, Conservation and Science), and
- Ausgrid.

All agencies consulted made a submission. No agency submission raised objections with the planning proposal.

The Department is satisfied that the post-exhibition report to the Panel has responded to submissions.

3.1.3 Submission from Ku-ring-gai Council

A submission was received from Ku-ring-gai Council, which referred to the Council resolution from their 16 May 2023 meeting, being:

'A. That the planning proposal is not supported by Council.

B. That the NSW Department of Planning and Environment be advised of Council's position and the Planning Proposal not be submitted for a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979.

C. That Council updates Greenweb mapping to reflect the occurrence of Sydney Turpentine Ironbark Forest (STIF) and Blue Gum High Forest (BGHF) at 130 Killeaton Street, St Ives.'

The Department is satisfied that the post-exhibition report to the Panel has responded to the matters raised in Council's submission.

4 Department's assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway determination and subsequent planning proposal processes. It has also been subject to public consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council's Local Strategic Planning Statement.

The following tables identify whether the proposal as submitted for finalisation is consistent with the assessment undertaken at the Gateway determination stage as set out in the Gateway Determination Report. **No post-exhibition changes have been made.**

Table 4 Summary of strategic assessment

	Consistent with Gateway determination report assessment
Regional Plan	<input checked="" type="checkbox"/> Yes
District Plan	<input checked="" type="checkbox"/> Yes
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes
Local Planning Panel (LPP) recommendation	<input checked="" type="checkbox"/> Yes
Section 9.1 Ministerial Directions	<input checked="" type="checkbox"/> Yes
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes

Table 5 Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report assessment
Social and economic impacts	<input checked="" type="checkbox"/> Yes
Environmental impacts	<input checked="" type="checkbox"/> Yes
Infrastructure	<input checked="" type="checkbox"/> Yes

5 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

Table 6 Consultation following the Department's assessment

Stakeholder	Consultation
Mapping	Maps have been prepared by the Department's ePlanning team and meet the technical requirements.
Panel	On 19 August 2024, the Panel, as Planning Proposal Authority, was consulted

	<p>on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>The Panel confirmed the maps and instrument are satisfactory.</p>
Council	<p>Council was consulted on the draft maps (6 August 2024) and instrument (19 August 2024).</p> <p>Council confirmed the maps and instrument are satisfactory.</p>

6 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority, determine to make the draft LEP, under clause 3.36(2)(a) of the *Environmental Planning and Assessment Act 1979* because:

- it demonstrates strategic and site-specific merit;
- the conditions of the Gateway have been met;
- community and agency consultation has occurred in accordance with the Gateway determination; and
- there are no outstanding matters from community and agency consultation.



26.08.24

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29/08/2024

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