

Gateway Determination

Planning proposal (Department Ref: PP-2022-658): to rezone the site at 95-97 Stanhope Road, Killara (Lourdes Retirement Village) to R3 Medium Density Residential; amend the maximum building heights to heights ranging from 9.5m to 22m; and amend the maximum FSR from 0.3:1 to 0.75:1 under Ku-ring-gai LEP 2015.

I, the Executive Director at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ku-ring-gai Local Environmental Plan 2015 to rezone land at 95-97 Stanhope Road Killara from R2 Low Density Residential to R3 Medium Density Residential, amend maximum building heights from 9.5m to 22m and amend maximum FSR from 0.3:1 to 0.75:1, should proceed subject to the following conditions:

1. The planning proposal is to be updated and submitted to the Department for review and endorsement prior to public exhibition to include:
 - (a) Consideration of the following:
 - objective 13 'Environmental heritage is identified, conserved and enhanced and objective 37 'Exposure to natural and urban hazards is reduced' of the Greater Sydney Region Plan.
 - Planning Priority N16 'Protecting and enhancing bushland and biodiversity' of the North District Plan.
 - the approved Ku-ring-gai Local Housing Strategy.
 - the updated Section 9.1 Ministerial Directions.
 - the consolidated State Environmental Planning Policies (SEPPs) and their relevant Chapters and remove reference to repealed SEPPs:
 - SEPP (Resilience and Hazards) 2021.
 - SEPP (Housing) 2021 and provide further discussion on relevant provision of the SEPP that may apply to the site should a rezoning proceed.
 - SEPP (Biodiversity and Conservation) 2021.
 - an alternative option to maintain the site's zone as R2 Low Density Residential and include additional permitted uses for seniors housing and nominated residential uses (multi-dwelling housing, attached dwellings and semi-detached dwellings).
 - provide clarification as to why serviced apartments for seniors living is not proposed to be a continued use on the site.
 - (b) An updated Transport Assessment with consideration of:
 - Potential vehicular arrival/movement profile of proposed non-seniors dwellings.
 - Implications of the number of car parking spaces proposed above the minimum rates set under Ku-ring-gai Council DCP 2021, particularly in relation to traffic impacts to Stanhope Road.
 - Reducing the number of car parking spaces allocated to the non-seniors dwellings.

- (c) An updated Urban Design Study to:
 - Identify and provide analysis of townhouses that will not meet the Ku-ring-gai DCP 2021 requirements for solar access and include precedents where the design solutions proposed for the townhouses have been adopted to improve solar access.
 - Review and provide rationale for the townhouses' setback and interface with the adjoining bushland to the south and east.
 - The side setbacks of the terrace housing to the south and east present as hard edges to the surrounding bushland and a softer bushland edge with the built form should be considered.
 - (d) An updated Draft Site Specific DCP to include:
 - Controls related to appropriate building depths of the seniors housing development.
 - Consideration of the side setbacks of the terrace housing to the south and east to ensure the built form does not result in hard built edge to the surrounding bushland and responds to the landscape setting.
 - Updated references to Ku-ring-gai DCP 2021.
 - (e) An updated project timeline.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of **30 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within **3 months** following the date of the gateway determination.

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act:
- The Commissioner of the NSW Rural Fire Service (RFS);
During consultation, RFS should specifically determine whether detached dwellings, dual occupancies and/or semi-detached dwelling land uses could provide appropriate bushfire risk mitigation for the seniors housing as an alternative to the proposed medium density dwellings.
 - Transport for NSW;
Including the consideration of the new street layout and site access for existing Transport for NSW bus services.
 - NSW Department of Education;
 - NSW Department of Health;
 - NSW Environment and Heritage;

- Ku-ring-gai Council;
- Ausgrid; and
- Sydney Water Corporation.

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

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The Minister for Planning (or an appointed delegate) will be the Local Plan-Making Authority for this planning proposal.
6. The post exhibition report on the planning proposal must be reported to the Planning Panel for a final recommendation **9 months** from the date of the Gateway determination
7. The LEP should be completed within **12 months** of the date of the gateway determination.

Dated 10th day of May 2022.



Alison McLaren
Executive Director, Metro Central and
North
Planning and Land Use Strategy Division
Department of Planning and Environment

Delegate of the Minister for Planning

Alteration of Gateway Determination

Planning proposal (Department Ref: PP-2022-658)

I, Brendan Metcalfe, Director, North District at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 10 May 2022 for the proposed amendment to the Ku-ring-gai Local Environmental Plan 2015 as follows:

1. Delete:

“condition 6:”

and replace with:

a new condition 6: “The post exhibition report on the planning proposal must be reported to the Planning Panel for a final recommendation by **end of September 2023**”

2. Delete:

“condition 7”

and replace with:

a new condition 7: “The LEP should be completed by **22 December 2023**”

Dated 3rd day of August 2023.



Brendan Metcalfe
Director, Metro North
Department of Planning and Environment
Delegate of the Minister for Planning and Public Spaces