



ORDINARY MEETING OF COUNCIL TO BE HELD ON TUESDAY, 13 AUGUST 2024 AT 7:00PM LEVEL 3, COUNCIL CHAMBER

A G E N D A

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NOTE: For Full Details, See Council's Website –
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The Livestream can be viewed here:
<https://www.krg.nsw.gov.au/Council/Council-meetings/Council-meeting-live-stream>

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In accordance with clause 3.23 of the Model Code of Meeting Practice, Councillors are reminded of the oath or affirmation of office made under section 233A of the Act, and of their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

Please refer to Part 4 of Council's Code of Conduct for Pecuniary Interests and Part 5 of Council's Code of Conduct for Non-Pecuniary Interests.

The Oath or Affirmation taken is as below:

Oath:

I *[name of Councillor]* swear that I will undertake the duties of the office of Councillor in the best interests of the people of the Ku-ring-gai Local Government area and the Ku-ring-gai Council, and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgement.

Affirmation:

I *[name of Councillor]* solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of the Ku-ring-gai Local Government area and the Ku-ring-gai Council, and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgement.

PLANNING PROPOSAL FOR 1364-1369 PACIFIC HIGHWAY AND 1, 1A, 3 AND 3A KISSING POINT ROAD, TURRAMURRA

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To refer the Planning Proposal for 1364-1396 Pacific Highway and 1, 1A, 3 and 3A Kissing Point Road, Turramurra (Turramurra Plaza site) to Ku-ring-gai Council to determine whether to forward the matter to the Minister for a Gateway determination in accordance with section 3.34 of the <i>Environmental Planning and Assessment Act 1979</i> .
BACKGROUND:	The Planning Proposal was formally submitted to Council for assessment on 25 March 2024. The Planning Proposal has been assessed by an independent planning consultant with advice from an independent urban design consultant due to part of the site being in Council ownership. The Planning Proposal was referred to the Ku-ring-gai Local Planning Panel for comment on 22 July 2024. The KLPP supported the proposal and recommended that Council forward it to the Department of Planning, Housing and Infrastructure for a Gateway determination.
COMMENTS:	<p>The revised Planning Proposal seeks to:</p> <ul style="list-style-type: none"> • Amend the maximum permissible height applying to the site on the Height of Buildings map from 17.5m to 34.5m; • Amend the maximum permissible Floor Space Ratio applying to the site on the Floor Space Ratio map from 2:1 to 3:1; • Impose a minimum commercial/retail FSR of 0.85:1; • Remove the maximum commercial FSR standard of 1.2:1 (Area 4 in clause 4.4 (2E); and • Reclassify the Council owned part of the site from community to operational land.
RECOMMENDATION: (Refer to the full Recommendation at the end of this report)	That Council resolve to forward the Planning Proposal to the Department of Planning, Housing and Infrastructure for a Gateway Determination in accordance with section 3.34 of the <i>Environmental Planning and Assessment Act 1979</i> subject to the recommendations contained in this report.

PURPOSE OF REPORT

To refer the Planning Proposal for 1364-1396 Pacific Highway and 1, 1A, 3 and 3A Kissing Point Road, Turramurra (Turramurra Plaza site) to Ku-ring-gai Council to determine whether to forward the matter to the Minister for a Gateway determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*.

BACKGROUND

Council has engaged consultant MG Planning Pty Ltd to conduct the assessment of the subject Planning Proposal as Council is the landowner of part of the site (car park site). An independent urban design assessment has also been prepared by Dr Michael Zanardo of Studio Zanardo and independent economic and retail assessment prepared by Hill PDA. Other assessments including biodiversity, natural areas, heritage, traffic and transport, survey and infrastructure and have been carried out internally by Council's specialists.

A previous Planning Proposal request for the subject site was submitted to Council by the same Proponent in May 2022. The request sought to:

- Amend the maximum permissible height applying to the site on the Height of Buildings map from 17.5m (approx. 5 storeys) to 50m (approx. 15 storeys)
- Amend the maximum permissible Floor Space Ratio applying to the site on the Floor Space Ratio map from 2:1 to 4.2:1
- Impose a minimum commercial/retail FSR of 1:1.
- Remove the maximum commercial FSR standard of 1.2:1 (Area 4 in clause 4.4 (2E)), and
- Reclassify the Council owned part of the site from community to operational land.

The matter was reported to Council in February 2023 with a recommendation that the Council resolve not to submit the Planning Proposal to the Minister for a Gateway Determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979* as the independent planning assessment concluded that the Planning Proposal did not meet the established strategic or site specific merit tests primarily as it was determined that:

- a. the proposed height and scale was inconsistent with the status of Turramurra in the established Ku-Ring-Gai centres hierarchy
- b. the proposal would have an adverse impact on the environment, adjacent development and the surrounding context and did not provide for a high quality development on site, and
- c. the proposed height and scale was inconsistent with the site location which is outside of the core redevelopment priority sites of the Turramurra local centre (to the north of the Highway) and which is where the most intense development in the centre is appropriately located.

Further the KLPP provided advice to Council recommending that the Planning Proposal not be submitted to the Minister for a Gateway Determination. On 14 February 2023 Council resolved to:

- A. *note the advice of the KLPP in respect of the subject Planning Proposal*
- B. *resolve not to submit the Planning Proposal to the Minister for a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979, and*
- C. *advise the Proponent accordingly.*

Following refusal of the original Planning Proposal request the Proponent advised that it has amended the proposal to address matters raised in the assessment report. A new Planning Proposal was formally submitted to Council on 25 March 2024 following test of adequacy and the payment of fees. Following an initial review by the independent planning and urban design consultants, issues were identified and a request for information letter issued on 26 April 2024. Issues raised in the letter in respect of the Planning Proposal include:

- Reference Scheme non-compliance with:
 - Apartment Design Guide (ADG) requirements in respect of solar access to living rooms and private open space, natural cross ventilation, number of units off a circulation core, solar access to the lower plaza area and deep soil area
 - Canopy cover requirements
 - Requirements for loading / unloading
- Solar impact to neighbouring properties (residential flat building (RFB) at 5 Kissing Point Road)
- Lack of a draft site-specific Development Control Plan (DCP)
- Loading arrangements and lack of updated SIDRA analysis, and
- Lack of Letter of Offer in respect of public benefits albeit that the Planning Proposal identified proposed dedications.

The Proponent submitted amended documentation to address the issues raised in the RFI letter on 30 May 2024. The amended information included:

- Revised Planning Proposal Report
- Stand-alone site-specific Development Control Plan
- Revised Design Report (including Reference Scheme), and
- Transport Impact Assessment.

Accordingly, a copy of the updated Planning Proposal and relevant appendices is included at **Attachments A2-A12**.

The Planning Proposal request seeks to make the following amendments to the *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015):

- Amend the maximum permissible height applying to the site on the Height of Buildings map from 17.5m to 34.5m (9 storeys where the original PP request proposed 50m/15 storeys);
- Amend the maximum permissible Floor Space Ratio applying to the site on the Floor Space Ratio map from 2:1 to 3:1 (where the original PP request proposed 4.2:1);
- Impose a minimum commercial/retail FSR of 0.85:1 (where the original PP request proposed 1:1);
- Remove the maximum commercial FSR standard of 1.2:1 (Area 4 in clause 4.4 (2E)); and
- Reclassify the Council owned part of the site from community to operational land.

As outlined in the Planning Proposal request report prepared for the Proponent by The Planning Studio, the proposed amendments to the KLEP 2015 are intended to “facilitate the development of the site for a mixed-use development including commercial premises, retail premises and shop-top housing.”

The Planning Proposal report claims that the proposal will facilitate an exemplar mixed use commercial/residential development within a Local Centre context that aligns with, supports, and promotes key strategic planning priorities of State and local government. It identifies that the objectives of the Planning Proposal are:

- *To facilitate the redevelopment of the site in accordance with the relevant principles of A Metropolis of Three Cities, the North District Plan, Ku-ring-gai Local Strategic Planning Statement (LSPS), Ku-ring-gai Housing Strategy, Turramurra Public Domain Plan and Ku-ring-gai Development Control Plan.*
- *To amend the KLEP 2015 to provide for the urban renewal of the subject site into a lively mixed use precinct which will provide opportunities for supermarkets, retail shops, commercial space, food and beverage offerings and residential accommodation. This will be achieved through the implementation of new built form controls including height and FSR, and a range of site specific provisions.*
- *To provide additional retail floor space in Turramurra Local Centre in response to a large undersupply within the Ku-ring-gai LGA as identified in the Ku-ring-gai LSPS and Preliminary Need and Impact Assessment.*
- *To facilitate the provision of a full-line supermarket in the Turramurra main trade area, and one that is underserved in supermarket floor space provision in comparison to the Sydney metropolitan average.*
- *To provide site specific controls which will ensure an appropriate massing for the site which reflects the strategic context of the site, while respecting the immediate context and minimising potential amenity impacts on adjoining neighbours, heritage items and conservation areas.*
- *To assist in achieving State and local government's housing targets and address the lack of housing availability within the locality, including the provision of affordable housing.*

The intended outcomes are stated as follows:

- *To provide additional employment in close proximity to public transport.*
- *To provide higher density residential accommodation in a centre location in close proximity to public transport, jobs and services.*
- *To improve pedestrian permeability within and around the site with two through site links.*
- *To improve traffic flow within and around the site with a new road within the southern boundary.*
- *To create a village atmosphere through the provision of public open spaces which promote social interaction within the community.*
- *To protect the adjoining Granny Springs Reserve and ensure a well managed interface to the Reserve.*
- *Be respectful and exist harmoniously with the prevailing character of the area.*

The Planning Proposal was referred to the Ku-ring-gai Local Planning Panel for advice at its meeting of 22 July 2024 as required by the Local Planning Panels Direction – Planning Proposals

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issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979*. The KLPP supported the Planning Proposal and advised as follows:

- A. That Ku-ring-gai Local Planning Panel makes a recommendation to Council that the following Planning Proposal be submitted to the Department of Planning, Housing and Infrastructure for a Gateway Determination.
- B. Should a Gateway Determination be issued for public exhibition of the Planning Proposal, the site-specific amendments to the Ku-ring-gai DCP Part 14 Urban Precinct and Sites 14B Turramurra Local Centre as outlined in this report, be placed on public exhibition concurrent with the Planning Proposal.
- C. That Council authorise the General Manager to correct any minor anomalies of a non-policy and administrative nature that may arise during the planning making process.

In providing this advice the KLPP endorsed the recommendations of the assessment report and concluded that the Planning Proposal is consistent with the E1 zoning of the site, will facilitate redevelopment of the site for appropriate uses, provides public benefits and demonstrates strategic and site-specific merit.

A copy of the KLPP minutes including resolution in relation to the Planning Proposal is provided at **Attachment A16**.

Reclassification of public land

Among other matters the Planning Proposal seeks to reclassify the Council owned part of the site from community to operational land via an amendment to Schedule 4 of KLEP 2015. Council resolved to reclassify the subject land by resolution on 16 March 2021. The Department of Planning, Housing and Infrastructure's Practice Note PN 16-001 (date 5 October 2016) sets out requirements for the classification and reclassification of public land. Accordingly, this Practice Note should be address in the Planning Proposal prior to the matter being submitted for a Gateway Determination.

Reference Scheme

The Planning Proposal is supported by a Reference Scheme prepared by DKO Architecture (Rev 4, May 2024) which comprises:

- Site area of 8,459.7m²
- Height maximum of 9 storeys
- 181 apartments (including min. 5% affordable housing)
 - 1 bedroom apartments – 31.5%
 - 2 bedroom apartments – 50.8%
 - 3 bedroom apartments – 17.7%
- GFA:
 - Retail / commercial – 7,190m²
 - Residential – 18,189m²
 - Total – 25,379m²
- Maximum FSR – 3:1
- Solar access – 132 apartments (74%) achieve 2 hours direct sunlight in midwinter (21 June)

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- Cross ventilation – 108 apartments (60.8%) achieve
- Communal Open Space – 3,400m² on ground, Level 1, 2, 7 and 9 (44% of site area)
- Car parking – 414 spaces (including 179 x residential spaces, 168 x retail spaces, 37 x commercial spaces and 30 x public spaces (in lieu of existing Council parking spaces on site))

The purpose of the Reference Scheme is not to accurately represent the final development but rather to demonstrate that a scheme which represents the proposed maximum height and FSR can readily be accommodated on the site and can comply with applicable controls and requirements without resulting in any unreasonable environmental impacts.

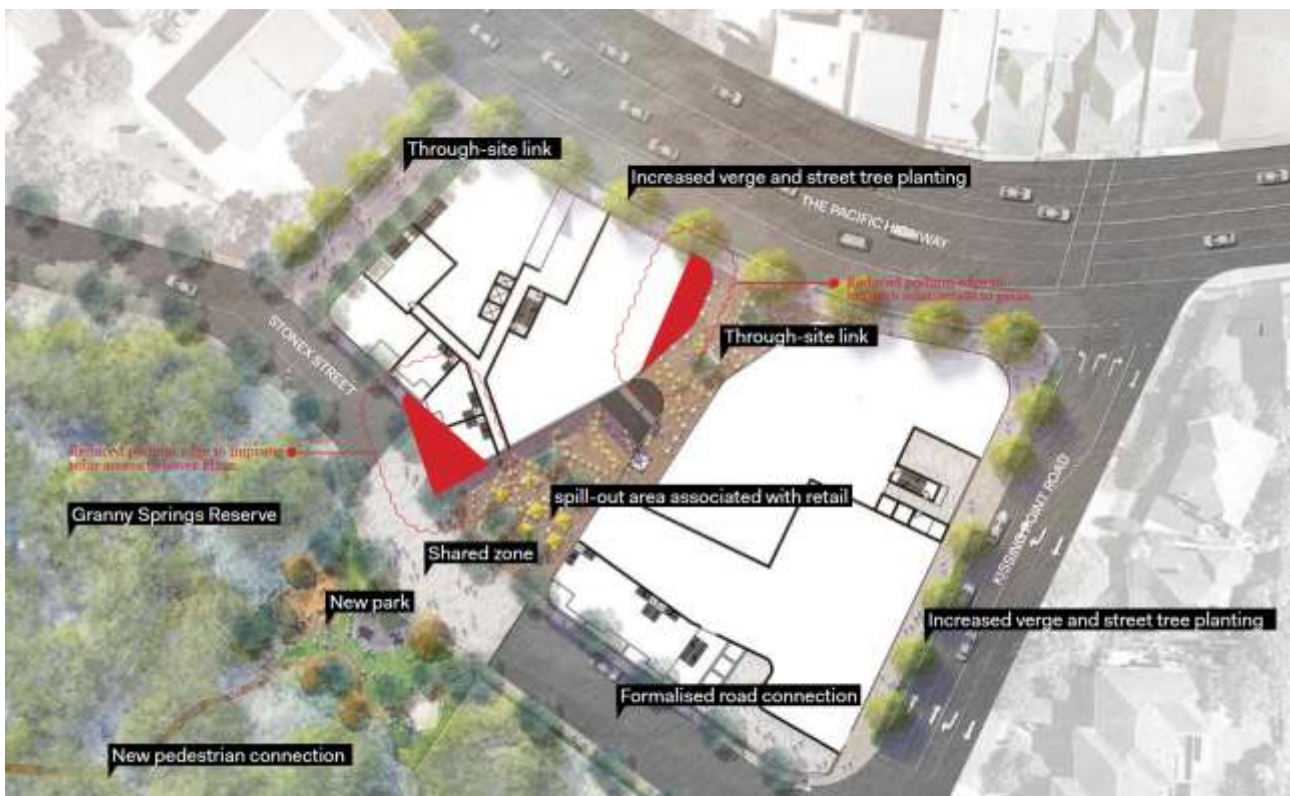


Image 1 – Reference Scheme Masterplan (Source: Urban Design Study, DKO Architecture, May 2024. *Note: amendments shown in response to preliminary RFI comments*)



Image 2 – Reference Scheme artists impression from Pacific Highway (Source: Urban Design Study, DKO Architecture, May 2024)



Image 3 – Reference Scheme artists impression from Stonex Drive (Source: Urban Design Study, DKO Architecture, May 2024)

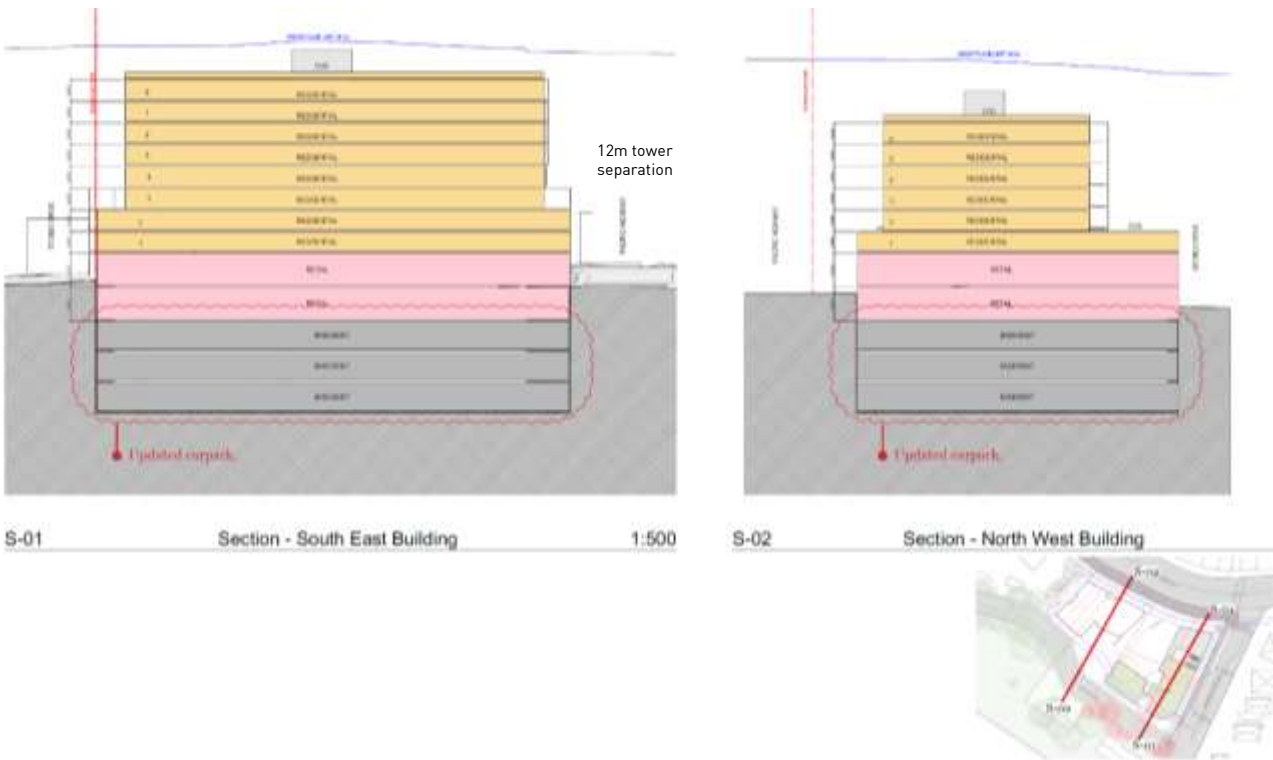


Image 4 – Reference Scheme sections (Source: Urban Design Study, DKO Architecture, May 2024)

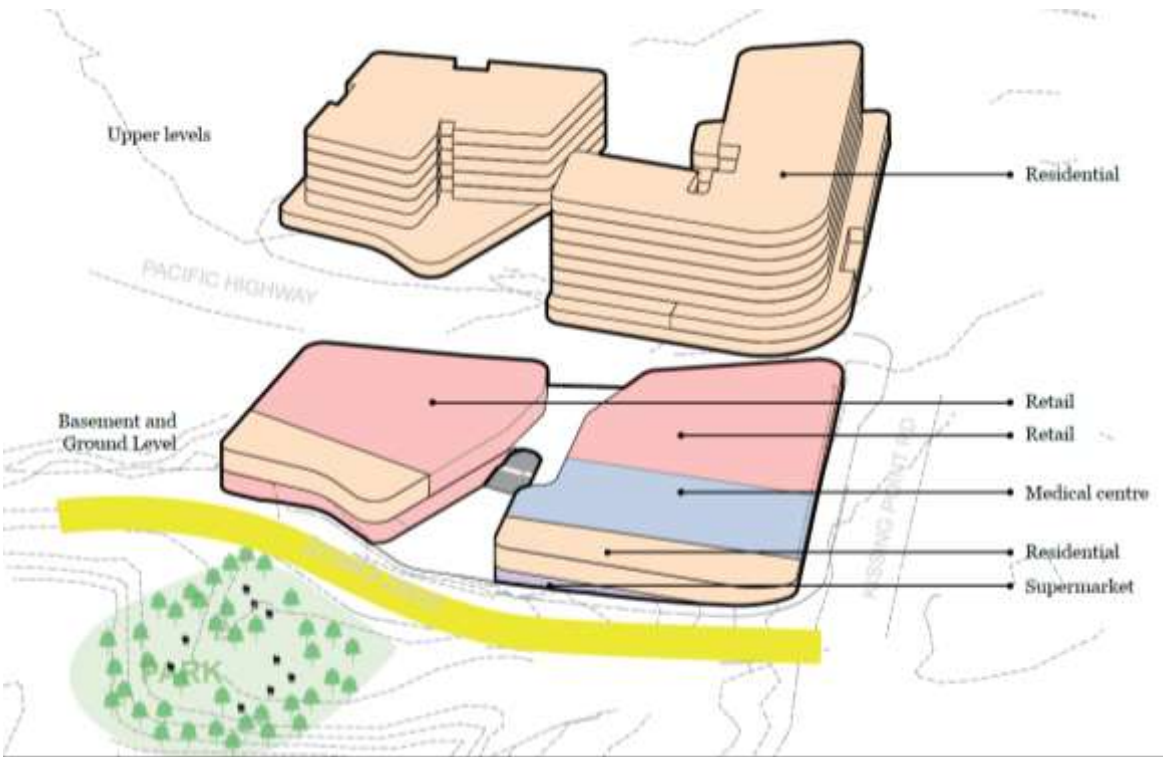


Image 5 – Design response proposed use diagram(Source: Urban Design Study, DKO Architecture, May 2024)

The proposed public benefits of the Planning Proposal as identified by the Proponent are as outlined below:

Proposed Public Benefits of Planning Proposal	
Item	Description
Land Dedication (new road, new park, road widening)	2,915m ²
New Community Park	708m ²
New Road (Stonex Street)	1,434m ²
Kissing Point Rd Upgrades	255m ²
Pavement Upgrades	1,255m ²
Pacific Highway land dedication	405m ²
Pacific Highway Fence Upgrade	96m length
Public Parking	30 Council car spaces in basement (Offsets existing Council car park spaces)
New through-site link	907m ²
Stonex Lane Upgrade	245m ²
Supplementary Street Trees	As per Public Domain Plan
Upgraded Bus Stop	1
New Bicycle Racks (on-street)	2 areas
Upgraded Street Lighting	Pacific Highway and Kissing Point Road

Site Description and Local Context

The site is located in the Turrumurra Local Centre to the south of the Pacific Highway and on the corner of the Highway and Kissing Point Road. It is approximately 130m to the south-west of Turrumurra Station and has frontage to the Pacific Highway and Kissing Point Road.

Turrumurra Local Centre is largely characterised by its early 20th Century federation houses, significant private gardens and established large canopy trees, shop top housing in the retail heart of the centre and prominent elevated topography. Turrumurra’s topography features two prominent ridges, with its urban centre focused along the higher points. The elevated ridge-line topography creates opportunities for views into and beyond the suburb, while dense tree canopies and deep valleys screen lower density development. The main ridge rises from the south-east and runs north-west, parallel to the Pacific Highway. The landscape falls steeply to the west of this ridge. Falls to the north and east are relatively gentle.

The Pacific Highway and the North Shore rail line intersect at Turrumurra. The impact of the road and rail upon the locality is the division of its centre into four constituent parts. The amenity and accessibility of the centre is significantly affected by the Pacific Highway, which carries almost 65,000 vehicles per day, and the rail corridor line which both act as significant physical barriers whilst providing good transport accessibility.

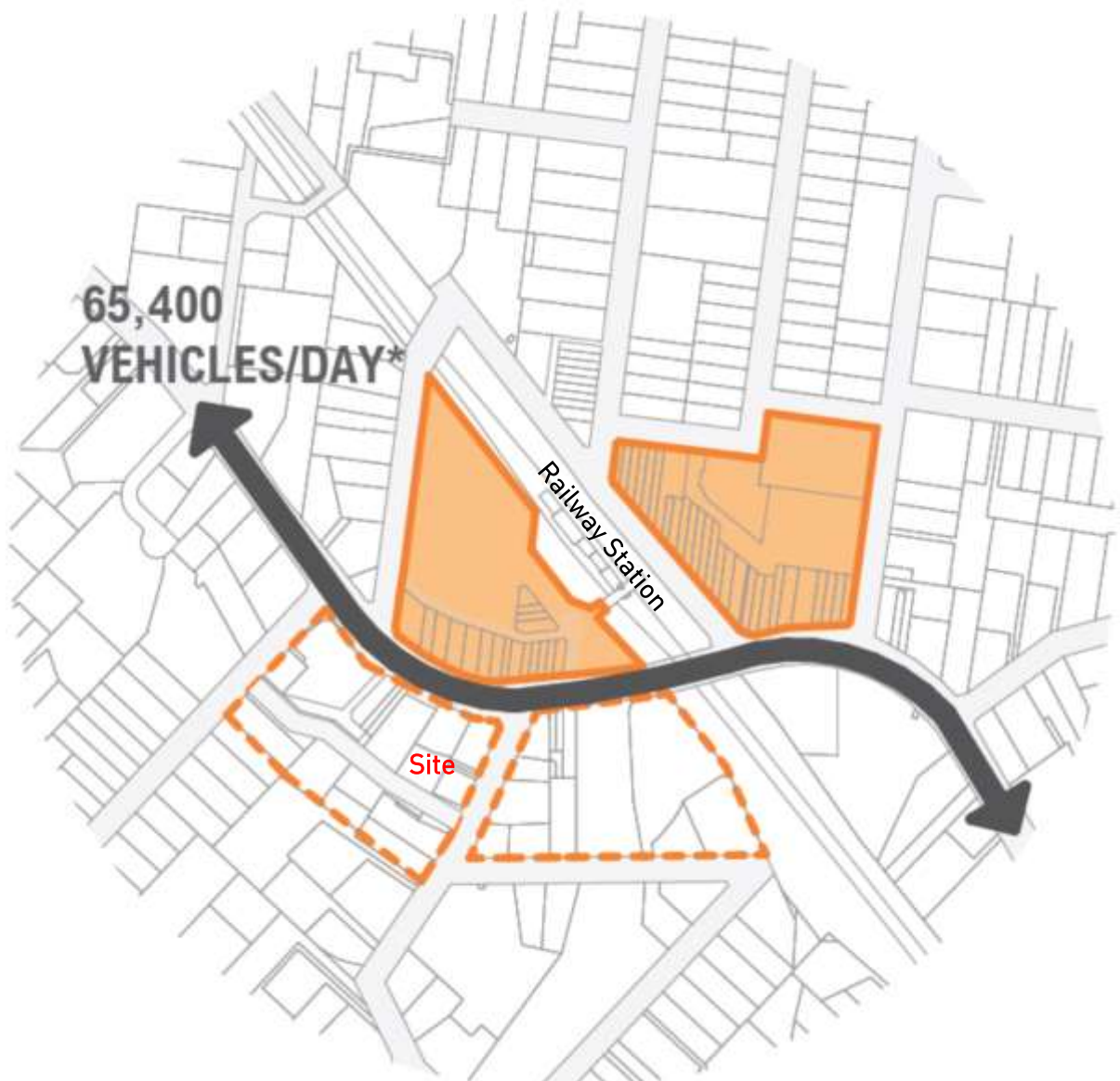


Image 6 – Turramurra Local Centre segment parts (Source: LSPS)

For pedestrians and cyclists, the approach from the southern catchment to the centre is met by a steep climb up to the ridge. There are only 3 pedestrian crossings within the Local Centre. They are at the Pacific Highway's intersection with Ray Street, Kissing Point Road and Rohini Street. The result is that the railway and highway form a physical and psychological barrier for pedestrians approaching the Local Centre from the south. A pedestrian bridge across the Pacific Highway to improve connectivity does not form part of the Planning Proposal. It is however understood that Council has previously advised against such a proposal due to issues with identifying an appropriate landing site on the northern side of the Highway.

The subject site is located in the southwestern quadrant of the Local Centre and is irregular in shape with frontages to the Pacific Highway and Kissing Pont Road (refer Image 7 below). A car park access road (Stonex Drive) enters the site from the south east to the car parking area at the rear of the north facing retail shops. The site is also connected via Stonex Drive to Duff Street to the west.



Image 7 – Aerial photo, site outlined in red (Source: Nearmap, image capture 7 April 2024)

The site is generally known as the Turramurra Plaza shopping centre (and adjacent land) and has a combined area of approximately 8,397.94m². It comprises the following landholdings:

- 1396 Pacific Highway (Lot 1 DP 629520) – private land
- 1392 Pacific Highway (Lot 2 DP 16463) – private land
- 1390 Pacific Highway (Lot 1 DP 550866) – private land
- 1380-1388 Pacific Highway (Lot 101 DP 714988) – private land
- 1370-1378 Pacific Highway (Lot 1 DP 500077) – private land
- 1364 Pacific Highway (Lot 1 DP 656233) – private land
- 1A Kissing Point Road (Lot 2 DP 500077, Lot 2 DP 502388 and Lot 2 DP 500761) – Council land
- 1 Kissing Point Road (Lot 1 DP 500761) – private land
- 3 Kissing Point Road (Lot B DP 435272) – Council land, and
- 3A Kissing Point Road (Lot A DP 391538) – Council land.

as shown below:

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SITE	LOT/DP	AREA (M ²)	ADDRESS
A	LOT 1 DP 829520	407.5	1396 PACIFIC HIGHWAY TURRAMURRA 2074
B	LOT 2 DP 154683	234	1392 PACIFIC HIGHWAY TURRAMURRA 2074
C	LOT 1 DP 350696	246.5	1390 PACIFIC HIGHWAY TURRAMURRA 2074
D	LOT 101 DP 714886	2772	1389-1388 PACIFIC HIGHWAY TURRAMURRA 2074
E	LOT 1 DP 503077	986.5	1370-1378 PACIFIC HIGHWAY TURRAMURRA 2074
F	LOT 2 DP 503077	1461	1A KISSING POINT ROAD TURRAMURRA 2074
G	LOT A DP 391538	37.94	3A KISSING POINT ROAD TURRAMURRA 2074
H	LOT 1 DP 559239	909.3	1364 PACIFIC HIGHWAY TURRAMURRA 2074
I	LOT 2 DP 503288	69.5	1A KISSING POINT ROAD TURRAMURRA 2074
J	LOT 2 DP 503761	69.5	1A KISSING POINT ROAD TURRAMURRA 2074
K	LOT 1 DP 503761	550	1 KISSING POINT ROAD TURRAMURRA 2074
L	LOT B DP 435272	926	3 KISSING POINT ROAD TURRAMURRA 2074
TOTAL SITE AREA (M ²)		8459.7	

Subject Site

Image 8 – Subject site [Source: DKO Urban Design Report, May 2024. *Note: Council owned land shown red*] (Note: survey shows H as having an area by DP of 847.5m² and 909.3m² by calculation)

As noted in Image 8 above the Proponent has calculated the site area according to the submitted survey plan via a mixed area calculation, that is, primarily by title but in the case of Area H by measured calculation. The survey states that Area H has an area of 847.5m² by title but an area of 909.3m² by calculation, that is, a discrepancy of 61.8m². This means that the site is stated by the Proponent as having a total area of 8,459.64m² whereas by title the area is actually 8,397.94m².

Council has received advice in this respect from Pinnacle Land Surveyors who has advised that it is a risk to accept a mixed area calculation (especially in this application) and that the conservative approach would be to accept the area by title for all parcels. Further they have advised that calculating all the areas by title gives Council reliable legal grounds for determining the site area and shifts risk to the ORG (Office of the Registrar General) under the Torrens Assurance Fund. The advice states that the foundational legal principle is that the title area is the point of truth for the property area however, due to the old measurement and calculation methods, that the title area often needs to be updated or corrected in older plans, and the post-developed area can differ. The advice goes on to indicate that there are certain circumstances where it might be more appropriate to assess the application based on the calculated or surveyed area, but in order to do this Council would require better certainty, and the developer needs to weigh up the cost of this against the value gained. Having regard to the advice it is considered that at this stage of the process Council should not accept the area by calculation and accordingly the site area stated in the Reference Scheme is overstated by 61.8m².

Having regard to the above advice it is considered that the site area should be taken to be 8,397.94m² in accordance with title details. Notwithstanding this discrepancy can be resolved at a later stage of the process. Notably the Reference Scheme proposes a 3:1 FSR on the site with an additional area of 61.8m². This therefore equates to an additional GFA of not more than 185.4m²

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which in the context of a development totalling in the order of 25,000m² GFA is considered to be unlikely to affect site suitability.

Of the total site area of 8,397.94m² a total of 6,134m² is in private ownership with the remaining 2,263.94m² being public land owned by Council. The application seeks to amend Schedule 4 of KLEP 2015 to reclassify the Council owned land (1A, 3 and 3A Kissing Point Road being Lot 2, DP 500077; Lot 2, DP 502388; Lot 2, DP 500761; Lot B, DP 435272; Lot A, DP 391538) from community to operational land in accordance with the requirements of the *Local Government Act 1993*.

Surrounding development is as follows:

- **North:** Directly to the north of the site is the Pacific Highway and across the highway are a range of 1-3 storey buildings with retail, commercial and food & beverage uses;
- **East:** Directly to the east of the site is Kissing Point Road and across the road are range of 2 storey commercial properties and 1-2 storey residential buildings which form a heritage conservation area, and which also includes a number of individual listed heritage items;
- **West:** Directly to the west of the site is Stonex Lane with a petrol station further to the west; and
- **South:** Directly to the south is the Granny Springs Reserve which is a bushland that contains some of the largest Blue Gum trees in the district and is home to the threatened Powerful Owl. The Reserve is listed as an endangered ecological community under the provisions of the *NSW Threatened Species Act 1995* and is critically endangered under the Environmental Protection and Biodiversity Act 1999. The site is also adjoined to the south by 5 Kissing Point Road which is a small 3 storey residential flat building.

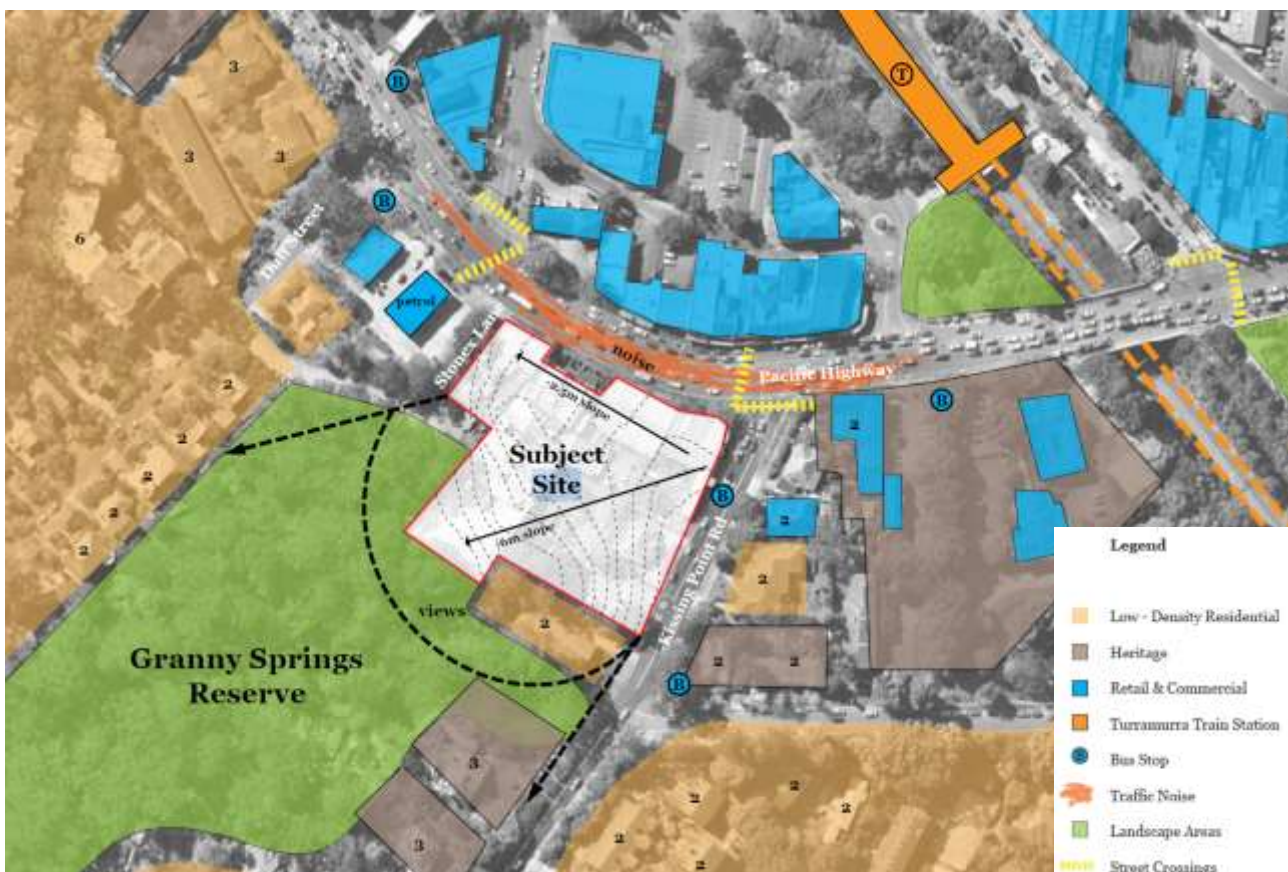


Image 9 – Site context (Source: Urban Design Report, DKO Architecture, May 2024)

The site is zoned E1 Local Centre under Ku-ring-gai Local Environmental Plan 2015.

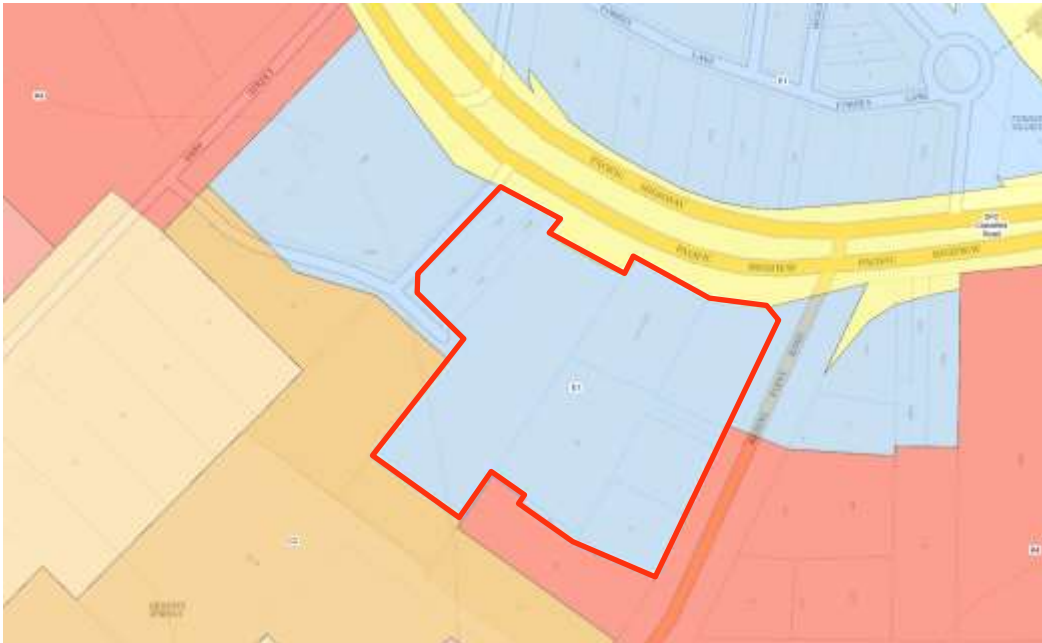


Image 10 – Zoning map extract KLEP 2015

The objectives of the E1 Local Centre zone are:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

Permitted land uses in the E1 Local Centre zone (with development consent) include:

*Amusement centres; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; **Commercial premises**; Community facilities; Entertainment facilities; Function centres; Group homes (permanent); Hotel or motel accommodation; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; **Shop top housing**; Tank-based aquaculture; Veterinary hospitals; Water reticulation systems; Any other development not specified in item 2 or 4*

Notably residential accommodation is prohibited in the E1 Local Centre zone however 'Shop top housing' which is defined as "one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities" is permitted with consent. The Reference Scheme which comprises a mixed use development of

commercial / retail development with residential above would therefore be permissible with consent.

COMMENTS

The Planning Proposal has been assessed against the provisions of the Department of Planning, Housing and Infrastructure's *'Local Environmental Plan Making Guideline'* (August 2023) and section 3.33 of the *Environmental Planning and Assessment Act 1979*.

A Planning Proposal must demonstrate that the proposed amendments to a local environmental plan have strategic and site specific merit. A detailed evidence-based assessment of the Planning Proposal and its supporting studies has been conducted. In summary it has been concluded that the Planning Proposal demonstrates sufficient evidence to demonstrate that the proposal has strategic and site-specific merit subject to recommended amendments. Accordingly, the Planning Proposal is supported in this instance.

The following is a summary assessment of the key planning issues and relevant merits associated with the Planning Proposal.

Strategic Merit

Regional Plan

The Planning Proposal is generally consistent with a number of objectives of the *Greater Sydney Region Plan – A Metropolis of Three Cities*, including:

- Objective 4 – Infrastructure use is optimised
- Objective 7 – Communities are healthy, resilient and socially connected
- Objective 10 – Greater housing supply
- Objective 11 – Housing supply is more diverse and affordable
- Objective 14 – Integrated land use and transport creates walkable and 30 minute cities
- Objective 22 – Investment and business activity in centres, and
- Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced.

A Metropolis of Three Cities outlines that liveability incorporates access to housing, transport and employment as well as social, recreational, cultural and creative opportunities. Improved health, public transport and accessibility outcomes are achieved through the provision of schools, recreation, transport, arts and cultural, community and health facilities in walkable, mixed-use places co-located with social infrastructure and local services. Mixed-use neighbourhoods close to centres and public transport improve the opportunity for people to walk and cycle to local shops and services. Enhancing the safety, convenience and accessibility has many benefits, including healthier people, more successful businesses and centres. The proposal is therefore consistent with these principles.

Turrumurra is located within the Eastern Harbour City and is identified as a local centre. The Plan sets the principles for Housing Strategies to be prepared by councils for a local government area or district and to be given effect through amendments to local environmental plans. The principles note that among other matters housing strategies should respond to amenity i.e. opportunities that improve amenity including recreation, the public realm, increase walkable and cycle friendly connections to centres. Further the Plan notes that the District Plans guide housing strategies in particular in ensuring key aspects of development are addressed, that is: capacity, viability, good

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design, environment, mix, supply, affordable rental housing, local character, etc. As discussed in further detail below it is considered that the proposal is consistent with the capacity of the site and the local character and has demonstrated the achievement of good design subject to recommended amendments.

Objective 12 of the Plan – “Great Places that Bring People Together” provides that place-based planning should be adopted to provide:

- Well-designed built environment: great places are enjoyable and attractive, they are safe, clean and flexible with a mix of sizes and functions.
- Social infrastructure and opportunity: great places are inclusive of people of all ages and abilities, with a range of authentic local experiences and opportunities for social interaction and connections.
- Fine grain urban form: great places are walkable of human scale, with a mix of land uses including social infrastructure and local services at the heart of communities.

As outlined in detail below it is considered that the proposal is consistent with this objective and the strategies which underpin it as the Reference Scheme (subject to recommended amendments, which can be addressed prior to the planning proposal being forwarded for a Gateway approval) provides for a well-designed built environment that is attractive and high amenity.

Objective 22 - Investment and business activity in centres also points to the importance of local centres and a centres hierarchy. It notes that:

The management of local centres is best considered at a local level. Developing a hierarchy within the classification of local centres should be informed by a place-based strategic planning process at a council level including an assessment of how, broadly, the proposed hierarchy influences decision-making for commercial, retail and other uses.

As discussed in detail below, the proposed height and FSR is generally consistent with the *Ku-ring-gai Retail and Commercial Centres Strategy* which was noted (although not formally adopted) by Council in December 2020. This Strategy identifies Gordon as the Ku-ring-gai LGA's major centre with Turramurra forming one of three lower order primary local centres (St Ives, Lindfield and Turramurra). The proposed 34.5m (maximum 9 storey) height limit is less than the height allowed in Gordon (38.5m or approx. 10-11 storeys) which is intended, going forward, to be the major centre. Further the maximum permitted height allowed elsewhere in the other primary local centres is approximately 9 storeys as incorporated into KLEP 2015 by the recent Lindfield Village Hub Planning Proposal (ranging from 29.5 to 36.5m but with an average of 34.5m). An allowance of an additional 2.0m in height is considered appropriate in this instance given the steepness of site slope. Accordingly, it is considered that the proposal is consistent with Objective 22.

Having regard to the above it is considered that the Planning Proposal is consistent with a number of objectives of the Greater Sydney Region Plan and with the overall intent of the plan which is to provide for high-quality development in appropriate locations consistent with the capacity of the site and whilst ensuring a high level of design quality and amenity both within the development and for existing neighbourhoods.

North District Plan

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The *North District Plan* made in March 2018 highlights that the North District will continue to grow over the next 20 years with demand for an additional 92,000 dwellings. The five-year target (to 2021) for Ku-ring-gai is to provide an additional 4,000 dwellings.

Additional housing is to be provided in locations which are linked to local infrastructure. The focus of growth is therefore on strategic centres and areas close to transport corridors. Whilst the subject site is not within a strategic centre it is in an area close to transport corridors including the Pacific Highway (immediately adjacent) and the North Shore Railway Line.

The Planning Proposal is consistent with the following planning priorities of the *North District Plan*:

- Planning Priority N1 – Planning for a city supported by infrastructure
- Planning Priority N4 - Fostering healthy, creative, culturally rich and socially connected communities
- Planning Priority N5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport
- Planning Priority N12 – Delivering integrated land use and transport planning and a 30-minute city, and
- Planning Priority N21 – Reducing carbon emissions and managing energy, water and waste efficiently.

The Planning Proposal will allow for a mixed-use development providing a new park, retail and commercial development and approximately 180 new dwellings in a well-located site within the Turramurra Local Centre, in close proximity to public transport and a major transport route (Pacific Highway). The co-location of residential dwellings, social infrastructure and local services in centres provides for a more efficient use of land and enhances the viability of the centres and public transport. The proposal is therefore in accordance with the North District Plan strategy which is to focus growth in areas close to public transport as well as with the concept of a 30-minute city.

In addition, the North District Plan also includes Planning Priority N6 which seeks to create and renew great places and local centres, and to respect the District's heritage and local character. The Planning Proposal seeks to provide for new planning controls (height and FSR) that would result in development of the site consistent with the site's capacity, the role of the Turramurra Local Centre in the Retail and Commercial Centres hierarchy, and in a manner that is considered to be compatible with the existing and emerging character of the area. As represented in the submitted Reference Scheme, the scale of the proposal generally demonstrates a high quality development that provides for appropriate amenity to proposed residential units and the proposed public space (plaza and new park).

Further Planning Priority N20 – Delivering high quality open space would be achieved by the proposal. The Reference Scheme submitted with the application illustrates that the proposed massing and built form provides for a new plaza area and new public park which are identified as key public benefits, and which will provide a high level of amenity. This matter is discussed in further detail below. It is therefore considered that the proposal is consistent with the relevant provisions of the *North District Plan*.

The Government recently (mid 2024) committed to building 377,000 new homes across the State in the next 5 years to align with the National Housing Accord. As part of this it announced new

housing targets by LGA. The housing target identified by the State Government for Ku-Ring-Gai is 7,600 dwellings to be completed by 2029. The Planning Proposal is considered to be consistent with this target and will deliver 180 new dwellings in close proximity to existing infrastructure and services.

Local Strategic Planning Statement

Council adopted its *Local Strategic Planning Statement* (LSPS) on 17 March 2020. The LSPS draws together the priorities and actions for future land use planning from Council's existing land use plans and policies and presents an overall land use vision for Ku-ring-gai.

The Planning Proposal is consistent with relevant planning priorities of the *LSPS* including:

- K1 Providing well planned and sustainable infrastructure to support growth and change
- K2 Collaborating with State Government Agencies and the community to deliver infrastructure projects
- K3 Providing housing close to transport, services and facilities to meet the existing and future requirements of a growing and changing community
- K4 Providing a range of diverse housing to accommodate the changing structure of families and households and enable ageing in place
- K5 Providing affordable housing that retains and strengthens the local residential and business community
- K6 Revitalising and growing a network of centres that offer unique character and lifestyle for local residents
- K7 Facilitating mixed-use developments within centres that achieve design excellence
- K12 Managing change and growth in a way that conserves and enhances Ku-ring-gai's unique visual and landscape character
- K17 Providing a broad range of open spaces, sporting and leisure facilities to meet the community's diverse and changing needs
- K21 Prioritising new development and housing in locations that enable 30 minute access to key strategic centres
- K22 Providing improved and expanded district and regional connection through a range of integrated transport and infrastructure to enable effective movement to, from and within Ku-ring-gai
- K23 Providing safe and convenient walking and cycling networks within Ku-ring-gai
- K25 Providing for the retail and commercial needs of the local community within Ku-ring-gai's centres
- K26 Fostering a strong local economy that provided future employment opportunities for both residents and workers within key industries
- K27 Ensuring the provision of sufficient open space to meet the need of a growing and changing community
- K31 Increasing, managing and protecting Ku-ring-gai's urban tree canopy
- K32 Protecting and improving Green Grid connections
- K34 Improving connections with natural areas including river and creek corridors, bushland reserves and National Parks
- K40 Increasing urban tree canopy and water in the landscape to mitigate the urban heat island effect and create greener, cooler places

The LSPS identifies the Planning Priority for Turramurra as K10 - Promoting Turramurra as a family-focused urban village. The priority is intended to support the growth and revitalisation of

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Turrumurra Local Centre as a community hub for local residents living in the north of Ku-ring-gai. Turrumurra is to become a well-connected and attractive place to live, work and shop. The centre's village atmosphere will be enhanced through the provision of new parks and public spaces, as well as a new library and community centre (to the north of the Highway), where local families can meet and spend leisure time.

A key principle for the Centre (relevant to the subject Planning Proposal) is to "Retain the low scale, fine grained character of the main street shops on the Pacific Highway and Rohini Street" and to "Encourage infill developments with fine grained commercial and retail street frontages." Further it identifies the priority for development as below:



Consolidate the Local Centre on the northern side of the Pacific Highway by prioritising the expansion of retail, commercial and residential uses on the northern side of the Pacific Highway. Investigate potential for a land bridge over the rail line connecting William Street with Rohini Street.

Image 11 – Local Centre consolidation priority (Source: LSPS)

The LSPS identifies the need to consolidate the Turrumurra Local Centre on the northern side of the Pacific Highway by prioritising expansion of uses in this location. It is therefore considered that the highest density of development should be located in this area with adjacent developments being of a lower scale and intensity. The revised scale of the Planning Proposal which provides for a maximum height of 34.5m / 9 storeys and FSR of 3:1 is consistent with this intent. It is anticipated that greater height and FSR may be allowed to the north of the Highway in the future where currently a maximum height of 17.5m and FSR of 2.5:1 is permissible.

The Turrumurra Local Centre Structure Plan (refer Image 12 below) identifies the site as suitable for mixed use development with a key landmark site identified in the centre of the site frontage to the north adjacent to the bend in the Highway. Council documents are inconsistent in respect of the location of the proposed landmark with the DCP identifying it on the corner of Kissing Point Road and the Pacific Highway. The subject proposal provides for a landmark building of 9 storeys on the corner of Kissing Point Road and the Pacific Highway consistent with the DCP stepping down to 7 storeys to the northwest. This is also consistent with the advice of the independent urban designer who has advised that this scale of development is appropriate to the site from an urban design perspective. The Structure Plan also identifies a new road to the south of the site connecting Kissing Point Road and Duff Street. The proposal is consistent with this requirement providing for a new Stonex Drive in this location. Accordingly, the Planning Proposal is considered to be generally consistent with the LSPS Structure Plan and the site context.

Having regard to the above it is considered that the Planning Proposal is generally consistent with the LSPS as it provides for the redevelopment of a significant site within the Local Centre of a scale that is consistent with the priorities identified for the Turrumurra Local Centre.

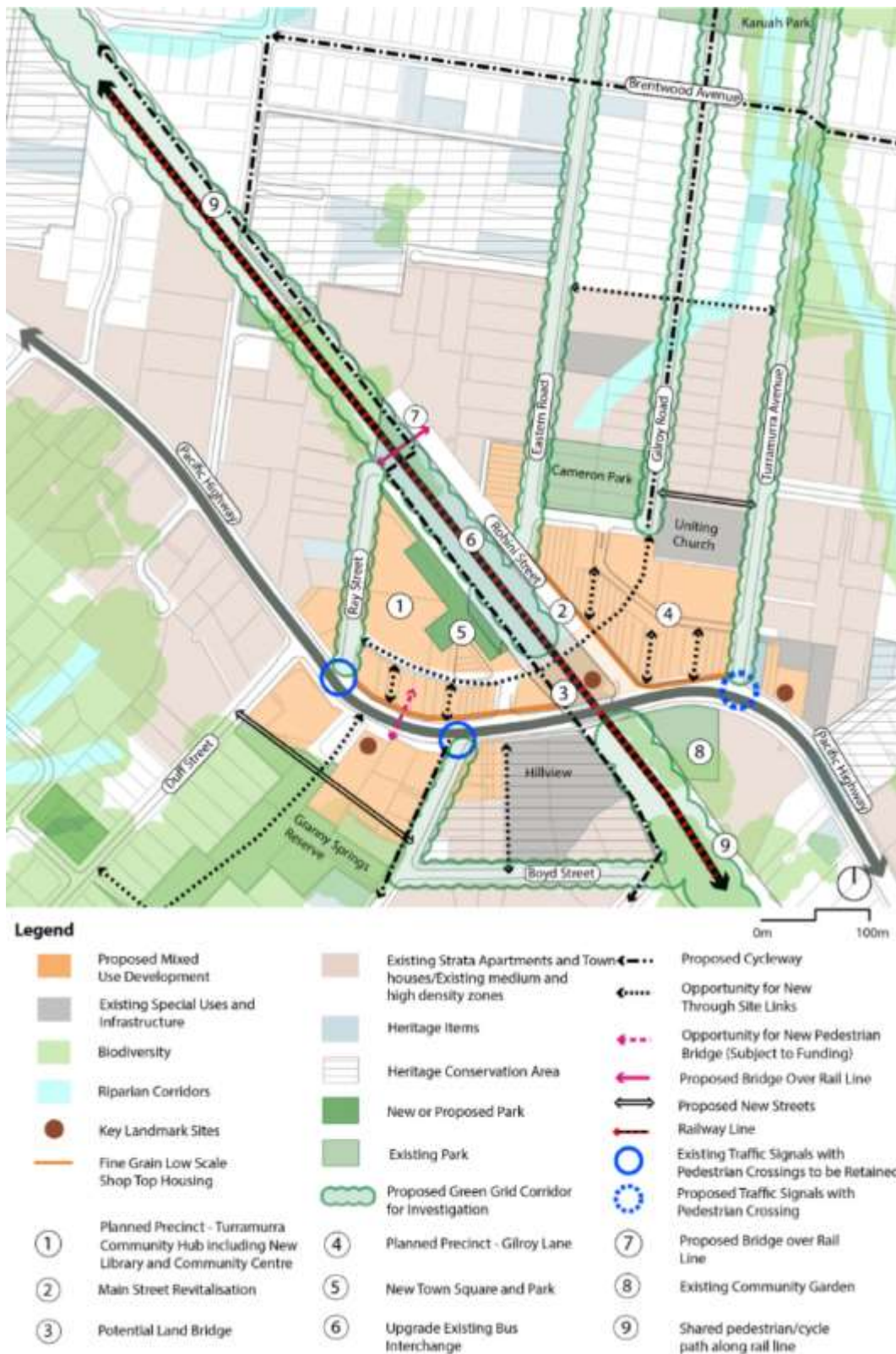


Image 12- Turramurra Local Centre Structure Plan (Source: LSPS)
Local Housing Strategy

The revised Ku-ring-gai Housing Strategy to 2036 was adopted by Council in December 2020. The purpose of the Strategy is to identify how Council intends to respond to the Greater Sydney Region

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Plan and District Plan and how it plans to deliver on housing targets. The Strategy identifies that the District Plan sets a target of 4,000 new dwelling in Ku-ring-gai for the 5 year period from 2016 to 2021 (*Note: as outlined above this target has recently been updated to 7,600 new dwellings by 2029*). It notes that more than half of the required housing supply quota has been met, with the remaining amount fully deliverable through current development approvals and existing capacity within the Ku-ring-gai Local Environmental Plans. It further states that "this means that the 0 - 5 year housing supply target of 4,000 dwellings is achievable under Council's existing planning policies and no amendment to the Ku-ring-gai Local Environmental Plan is necessary". It goes on to state:

The Greater Sydney Commission 'Letter of Support' issued March 2020 for the Ku-ring-gai LSPS outlined that the Housing Strategy is to show how Ku-ring-gai can meet an indicative draft range of 3,000 – 3,600 dwellings for the 6-10 year housing target. Correspondence from the Minister of Planning dated 8 September 2020 states 'Ultimately, Council is responsible for deciding the number of dwellings in its local housing supply target' and 'the target discussed with the Greater Sydney Commission is not a legal requirement upon Council by the Government.'

Ultimately the Housing Strategy then proposes to achieve an increase in dwellings within the LGA to meet demand as required by the Greater Sydney Region Plan and North District Plan through existing residual capacity supplemented by seniors housing and alternative dwellings where permissible. Council has not identified land for development uplift and does not consider this necessary to meet the District Plan dwelling target obligations.

Accordingly, the subject Planning Proposal which seeks to amend the planning controls applying to the subject site to create additional capacity is inconsistent with the Housing Strategy which adopts a status quo approach. However the State Government recently (mid 2024) released a new housing target of 7,600 new dwellings in Ku-ring-gai LGA by 2029. The Planning Proposal will assist in meeting this target delivering an additional approx. 180 dwellings in a location close to existing infrastructure and services.

Ku-ring-gai Retail and Commercial Centres Strategy

The *Ku-ring-gai Retail and Commercial Centres Strategy* was received and noted by Council in December 2020 although it should be noted that it has not been formally adopted. The Strategy indicates that the population of Ku-ring-gai is estimated to increase to 154,500 by 2036 which will result in demand for an additional 37,100 sqm of retail floorspace. Further it notes an existing undersupply of 35,000 sqm potentially increasing to 58,000 sqm. The undersupply is noted to be mainly an undersupply of supermarkets and lack of regional and sub-regional shopping centres in the LGA. The Planning Proposal (as detailed in the Reference Scheme provides for 7,190m² of retail and commercial floor space (5,538m² of retail floorspace) including a new supermarket which is consistent with the Strategy and that will assist to meet the existing and future retail demand in the LGA. The existing retail floor space on site is understood to be approximately 2,373m² comprising an LGA supermarket of approximately 1,260m² and 12 specialty shops totalling 1,113m². Accordingly, the proposal represents an increase in retail floor space of approximately 3,165m² and 1,652m² of commercial floor space. A full scale supermarket is also to be provided to address the current undersupply.

As noted above the Strategy identifies Gordon as the LGA's major centre with Turramurra forming one of three lower order primary local centres (St Ives, Lindfield and Turramurra). The proposed 34.5m height limit is less than the height allowed in Gordon (38.5m) which is intended to be the

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major centre for the LGA going forward. Further it is generally consistent with the maximum permitted height allowed in the other primary local centres being approximately 9 storeys as amended by the recent Lindfield Village Hub Planning Proposal (ranging from 29.5 to 36.5m but with an average of 34.5m) (Amendment 28 to KLEP 2015 made on 22 March 2022). Notably the additional 2m takes account of the slope of the site as advised by the independent urban designer and is therefore considered appropriate given the site circumstances. Clause 4.3 Height of buildings of KLEP 2015 includes the following objective:

(a) to ensure that the height of buildings is appropriate for the scale of the different centres within the hierarchy of Ku-ring-gai centres.

The proposed height is consistent with the scale of development envisaged within the Local Centre under the Ku-ring-gai centres hierarchy and is also consistent with a key objective of the Height of buildings development control under KLEP 2015.

The Centres Strategy recommends that Council investigate increases in FSR and Building Heights within the B2 (now E1) Local Centre zones to assist in meeting housing targets and to increase the viability of development. Best practice planning dictates that this should be undertaken in response to site circumstances and opportunities and constraints. The Planning Proposal is considered to be consistent with the site capability and position of Turramurra in the Centres hierarchy.

The Strategy also includes specific recommendations and actions for each centre. For Turramurra it recommends:

- *Improvement to the attractiveness of the retail offering*
- *Address the issues of deteriorating quality and escape expenditure*
- *Attract new retailers with diversified offering to capture escape expenditure.*

Redevelopment of the subject site is consistent with these recommendations. The Strategy identifies key actions for the centre as follows:

- *Provide orientation of mixed use towards the Turramurra Hub and away from the Highway*
- *Investigate opportunity for Council owned land in Gilroy Lane in conjunction with adjoining landowners to deliver a new and revitalised retail precinct*
- *Council to invest in infrastructure, streetscape, security and amenity.*

In summary the recommendations include:

- *Investigate increases of FSR within the B2 Local Centre zone to facilitate redevelopment of sites*
- *Investigate 9.5m Height of Building Control on Rohini Street, Turramurra to facilitate additional development*
- *Gilroy road prime for café/retail space - planning controls are restrictive*
- *Potential for outdoor cinema in summer in the new park to foster entertainment in centre*
- *IGA area - underdeveloped - restriction on commercial floorspace existing for adjoining corner site*
- *Hub area has restriction on commercial existing: Recommendation of deleting commercial restriction*

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- *Encourage redevelopment of Pacific Highway shops northern side to face/activate the laneway to the north.*

Accordingly, it is clear that the proposal is consistent with the Strategy as it will provide in the order of 7,190m² of retail and commercial floor space (5,538m² of retail and 1,652m² of commercial floorspace) and would enable a new full scale supermarket to be delivered which will assist to meet the existing and future shortfall. The Strategy recognises the need to potentially increase FSR's in the Turramurra Local Centre (and in particular on the subject site which it identifies as underdeveloped) to facilitate the redevelopment of sites. While it places the focus for development on land to the north of the Pacific Highway it also identified the need for redevelopment of the subject site. This is particularly in relation to mixed use development and is consistent with the LSPS (refer above). In the context of this strategic framework the Planning Proposal amendments in terms of FSR are considered to be appropriately scaled and justified.

State Environmental Planning Policies (SEPPs) and Ministerial Directions

The Planning Proposal is generally consistent with other the State Environmental Planning Policies (SEPPs) applicable to the site including Chapter 4 Design of Residential Apartment Development of *State Environmental Planning Policy (Housing) 2021* which formerly comprised *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* as outlined below. The Planning Proposal is also generally consistent with the applicable Ministerial Directions (Section 9.1 Directions).

Strategic Merit Assessment Summary

In accordance with the Department of Planning, Housing and Infrastructure's '*Local Environmental Plan Making Guideline*', a Planning Proposal is deemed to have strategic merit if it:

- *Gives effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy; or*
- *Demonstrates consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan; or*
- *Responds to a change in circumstances that has not been recognised by the existing planning framework*

As outlined above it is considered that the Planning Proposal is consistent with the objectives, priorities and strategies of both the Greater Sydney Region Plan and the North District Plan. Further the Planning Proposal is consistent with the broad intent for Turramurra outlined in the LSPS and its supporting Centres Strategy, the Centres Hierarchy and the scale of development envisaged in the subject location in both the LSPS and the Centres Strategy. Further while the Planning Proposal is considered to be inconsistent with the Council's adopted Housing Strategy it is consistent with the State government's recent housing target for the LGA and will deliver approximately 180 additional new dwellings and thereby assist to meet the LGA's 7,600 dwelling target to 2029. These dwellings are well located within a site that is ripe for redevelopment and that has good access to infrastructure and services. Accordingly it is considered that the Planning Proposal demonstrates strategic merit.

Site Specific Merit

The Planning Proposal seeks a significant uplift in height (from 17.5 m / approx. 5 storeys as existing to maximum 34.5m / 9 storeys as proposed) and FSR (2:1 to 3:1) on a site that is considered to be suitable for redevelopment. To demonstrate that the proposed height and FSR is appropriate having regard to the site's specific opportunities and constraints a Reference Scheme has been prepared and submitted with the Planning Proposal request. The below generally assesses the Reference Scheme which is intended to demonstrate site- specific merit.

Urban Design

As part of this independent assessment Dr Michael Zanardo of Studio Zanardo was engaged to provide an urban design assessment of the proposal. Studio Zanardo's advice is provided in full at **Attachment A13**. Studio Zanardo's advice follows on from the advice prepared for the previous Planning Proposal for the site which was recommended for refusal. Notably it refers to issues raised and recommendations made in respect of that former proposal and considered whether matters previously identified have been satisfied and / or recommendations complies with.

In summary the Studio Zanardo advice concludes that the Planning Proposal is generally supportable from an urban design perspective albeit that a number of issues have been raised in respect of the submitted Reference Scheme's compliance with the Apartment Design Guide (ADG) and the adequacy of the proposed Draft DCP amendment. Studio Zanardo has concluded that the Planning Proposal as illustrated by the Reference Scheme is generally appropriate and supportable, in respect of:

- Proposed Height of Buildings – at 9 storeys for the eastern tower and 7 storeys for the western tower although it has recommended a more nuanced approach to the LEP Height of Buildings Map where the mapped maximum building height more closely aligns with the proposed built form rather than a blanket height allowance of 34.5m across the entire site.
- Proposed Floor Space Ratio – proposed 3:1 maximum FSR considered appropriate having regard to the general scale of development as demonstrated by the Reference Scheme and the capacity of the site.
- Requirements of Ku-ring-gai DCP Part 14 Urban Precinct and Sites 14B Turramurra Local Centre – proposal is considered to be consistent with the requirements of the DCP including:
 - the provision of the new Stonex Drive at 15m in width
 - site geometry
 - Pacific Highway street wall height (acceptable at 3 storeys for eastern 9 storey tower and 2 storey for the western 7 storey tower)
 - Location of landmark building (9 storeys) on the corner of Kissing Point Road and Pacific Highway
 - Separation of built form into two discrete towers over a single podium with an open to the sky through site link with the two separate buildings capable of presenting with different architectural expressions
 - Providing for a built form which meets the DCP requirement of “encouraging new infill development along the Pacific Highway which respects the existing characteristics of the street including the fine-grained character of the original subdivision, setback, height and rhythm of facades, and is sympathetic to the materials and detailing of the earlier facades”
- ADG compliance in relation to:

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- Provision of a minimum of 2 hours of solar access to neighbouring units at 5 Kissing Point Road
- Building separation across Stonex Lane – required setbacks achieved (6m separation from centre line of lane for lower 4 storeys proposed and 9m for the upper storeys as required)
- Units with no solar access – maximum of 15% of units compliance achieved (13% proposed in Reference Scheme).

However, Studio Zanardo has raised outstanding concerns in respect of:

- The tower footprint size with the eastern tower being considered to be relatively large (approximately 59m long) with no articulation along Kissing Point Road. Studio Zanardo has identified that this tower footprint could be reduced and/or shaped and/or articulated to reduce its massing.
- ADG non-compliance in respect of:
 - Solar access to the lower pedestrian through site link area. The Reference Scheme provides some sunlight to the lower through site link area only before 10am and after 2pm at mid winter. This does not meet the ADG requirements for solar access to be provided year round to public spaces. Further this does not meet the DCP intention for this space described as ‘an ideal location for outdoor dining and cafes overlooking the forest.’
 - Deep soil area – The proposed deep soil zone (with a minimum width of 2m) is approximately 785m² (9% of the entire site area) (measured in CAD) and is located entirely on the southern side of the new Stonex Street. All of these areas are to be dedicated to Council. It is noted that the DCP states ‘*In all cases, where land dedication is required for a public purpose, such as a road or walkway, the affected land is to be excluded from deep soil calculations...*’ Therefore the proposal currently appears to provide no deep soil within the non-affected site area. This does not meet the minimum 7% deep soil area requirements of the ADG. There is considered to be potential for additional deep soil on the northern side of the new Stonex Street. This aspect should be given further design consideration in the indicative reference scheme. It is noted that the dispensation to not meet the control is provided is for situations where achieving the design criteria ‘may not be possible’ and there is ‘limited or no space for deep soil at ground level.’ From an urban design perspective, additional deep soil appears to be possible on this site and there is additional space for deep soil at ground level. The opportunity appears to be within the pedestrian through site link area, perhaps with further adjustment of the car parking levels below. It is desirable that this potential be explored.
 - Units with a minimum of 2 hours solar access - Studio Zanardo has concluded that only 67% (122/181) of units in the Reference Scheme meet the requirement of minimum 2 hours of solar access where 70% is required. Units in question are identified as the northern cross through units in the eastern tower which are impacted by the projecting adjacent apartment, and some of the lower units in the eastern tower facing the courtyard which are impacted by the upper levels of the western tower.
 - Noise and ventilation of habitable rooms – given location on the Pacific Highway the design needs to address noise amenity impacts having regard to natural ventilation requirements. This issue is not currently addressed in the Reference Scheme
 - Units with natural cross ventilation - Studio Zanardo has concluded that only 58% (105/181) of units in the Reference Scheme provide natural cross ventilation requirement where 60% is required. The units in question are identified as the single aspect units facing north over

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- the courtyard on the eastern tower, and the single aspect units at the southeast corner facing east on the eastern tower at the lower levels.
- Number of units off a circulation core - Studio Zanardo has notes that the Reference Scheme proposes up to 10 units off a single core in the eastern tower and 9 units in the western tower where a maximum of 8 units is allowed under the ADG. While Studio Zanardo acknowledges that the ADG otherwise allows up to 12 units off a single core this is not appropriate in the current circumstance as sunlight and natural ventilation requirements are not met (which may otherwise justify a variation).

Notwithstanding these matters Studio Zanardo has provided advice that “from an urban design perspective, such amendments to the indicative reference scheme are considered to be relatively straightforward to make such that compliance with the Apartment Design Guide could be achieved whilst the proposed development yield (gross floor area and floor space ratio) proposed in the planning proposal continues to be appropriate”. Accordingly, it is considered that amendments could be made to the Reference Scheme that would allow for compliance with the identified ADG provisions without impacting on the achievable development yield.

Studio Zanardo has also indicated, and it is agreed, that the proposed site specific Draft DCP amendment as proposed by the Proponent is inadequate and that the existing Part 14B Turramurra Local Centre should be updated to reflect the Planning Proposal and key aspects of the Reference Scheme. Additional provisions to the existing Part 14B should be included to:

- promote pedestrian activity between Pacific Highway and the future park at the rear of the site
- ensure that new development is appropriately sited and designed to manage amenity and visual impacts to neighbouring residential properties
- provide active frontages along the internal through site link
- ensure all service and loading areas are to be located in the basement
- clarify the road widening width of 1.5m to Kissing Point Road
- provide a 3m setback along Stonex Lane
- require that the pedestrian through site link should be open to the sky
- minimise opaque and blank walls at ground level
- provide 30 car spaces for public use within the basement of the future development
- require a minimum level of articulation to tower footprint
- require a minimum amount of solar access to the lower pedestrian through site link area, and
- require greater minimum deep soil zone over the site.

Inconsistencies between the Reference Scheme and the existing DCP provisions should also be rectified.

The advice provided by Studio Zanardo has informed the below assessment. Further the following comments are made cognisant of the fact that a Planning Proposal is not a development application and does not consider the specific detailed matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. A Planning Proposal only relates to an LEP amendment, and therefore needs to demonstrate that the proposed amendment itself is acceptable, with any future detailed design to be assessed at the later development application stage. The below also considers the draft site specific DCP which has been submitted to provide development guidance for any future development application in accordance with the Planning Proposal.

Housing SEPP Implications

The recent State Government Transit Oriented Development (TOD) amendments to State Environmental Planning Policy (Housing) 2021 (Chapter 5) allow a maximum height (where local planning controls are not greater) of 22m for RFBs or 24m for shop top housing (or approx. 6 storeys) in a Transport Oriented Development Area (i.e. within 400m of a railway station) which includes the Ku-ring-gai LGA centres of Gordon, Killara, Lindfield and Roseville.

Further the SEPP includes in-fill affordable housing provisions including an FSR and / or height bonus of up to 30% for projects that include residential development and provide at least 10% of the gross floor area (GFA) as affordable housing. The height of buildings bonus only applies to residential flat buildings and shop top housing. The FSR and height of buildings bonuses are effectively double (up to 30%) the minimum required affordable housing component, which must be at least 10% of the development project.

Accordingly, notwithstanding the proposed site-specific Planning Proposal and Reference Scheme there is potential that additional FSR and/or height could be achieved on the subject site via the Housing SEPP provisions. However, this applies across the board and would be dependent on the provision of a substantial affordable housing component. Accordingly assessment of this potential impact is not within the scope of this assessment and would need to be determined on merit at the DA stage.

Height

The Planning Proposal seeks to increase the permissible maximum height across the entire site from 17.5m (approx. 5 storeys) to 34.5m (maximum 9 storeys) while the Reference Scheme proposes two towers: one of 9 storeys (to the east) and one of 7 storeys (to the west). The proposed tower heights are consistent with the advice provided by Studio Zanardo on the original Planning Proposal (that sought a height of 50m) that was refused in early 2023. Consistent with the commercial centres hierarchy the proposed maximum height would be less than the maximum height allowable in Gordon, the LGA's major centre (38.5m) by 4m. Further it would be consistent with the maximum height recently amended for the Lindfield Village Hub site (ranging from 29.5 to 36.5m but with an average of 34.5m) with Lindfield being equivalent in the centres hierarchy to Turramurra.

Studio Zanardo has previously advised that the proposed 34.5m (approx. 9 storey) height limit would allow for a compatible transition to surrounding 5 to 3 storey development and accordingly it is suited to the site context. Further in respect of the current scheme it has advised that the proposed maximum is considered to be in alignment with the relevant KLEP2015 height of buildings objective which is to 'ensure that the height of buildings is appropriate for the scale of the different centres within the hierarchy of Ku-ring-gai centres' Studio Zanardo notes that as a point of comparison, the proposed height of 34.5m is significantly greater (144%) than the maximum building height of 24m for a building containing shop top housing in a Transport Oriented Development Area (SEPP Housing), which is applicable elsewhere in the Ku-ring-gai Local Government Area (Roseville, Lindfield, Killara and Gordon). It therefore states that the proposed height should, relative to this, not be considered conservative.

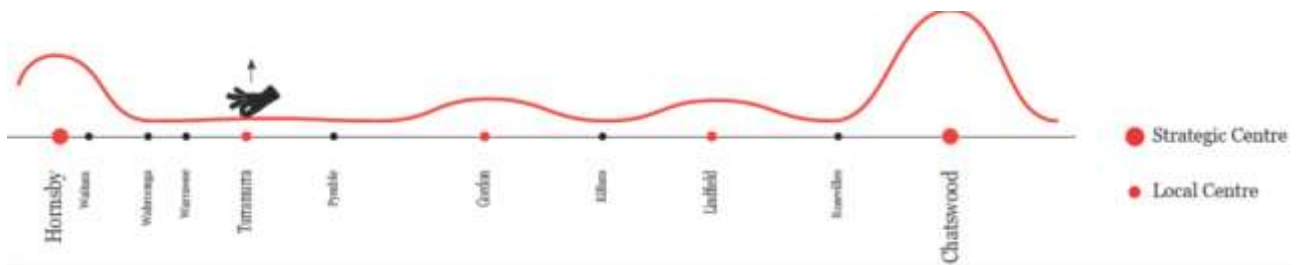


Image 13 Local Centres Extents Diagram – (Source: Urban Design Report, DKO Architecture, May 2024)

The Planning Proposal seeks to increase the height on the site to result in a convex local centre profile as shown in Image 14 below. This approach relies on adjacent sites also achieving an increase in height as shown dotted which is possible having regard to the Housing SEPP provisions or potential future LEP amendments. The proposed height provides for an acceptable transition from 7 (west) or 9 (east) storeys to the existing allowable 5 storeys. It also allows for the potential that overtime that the land to the north of the Pacific Highway, which is identified as the priority and focus for the most intense development in the Turrumbidgee Local Centre, will become the ultimate highpoint in the centre consistent with Council's articulated strategy, outlined in both the LSPS and the Centres Strategy.



Image 14 Proposed Turrumbidgee Skyline – (Source: Urban Design Report, DKO Architecture, May 2024)

In summary it is considered that the Reference Scheme submitted with the application generally demonstrates that a scheme of this scale can readily be accommodated on site without resulting in unreasonable environmental impacts and whilst achieving high amenity for the public domain, neighbouring properties and the proposed residential apartments. As outlined above some amendments to the Reference Scheme are considered to be required to ensure compliance with ADG requirements however as advised by Studio Zanardo it is considered that these amendments can be made without impacting the ultimate GFA/FSR achievable on the site and thus the relevant proposed LEP provisions. These amendments should however be made prior to the Planning Proposal being forwarded for a Gateway approval.

It is also recommended that a more nuanced approach to height be applied with the 34.5m height limit to be applied to the eastern part of the site where the proposed 9 storey tower is intended (corner of Pacific Highway and Kissing Point Road) and a reduced height limit of 28.5m applied in the north western part of the site (i.e. 6m less than the maximum) where the site adjoins existing 2 storey development and where a maximum height of 3-5 storeys currently applies. This will ensure an appropriate transition and future landmark tower on the corner site. It will also accentuate the fall in the land along the Pacific Highway and relieve the monotony of the same tower heights on the skyline, particularly if the sites to the north west on the opposite side of Stonex Lane were to be redeveloped in a similar manner. Further consistent with height mapping in the LEP the

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proposed height limits should not be applied to the land proposed to be dedicated as road, park or road reservation. It would also provide more certainty that the positive urban design qualities of the proposal relating to the variances in height will be delivered.

Floor Space Ratio

In terms of FSR a maximum FSR of 3:1 is proposed across the site (including land to be dedicated as road, park etc.) where a maximum FSR of 2:1 currently applies (note: the original Planning Proposal request proposed an FSR of 4.2:1). An estimated gross floor area of approximately 25,379m² (equating to an FSR of 2.99:1 based on a site area of 8,459.7m² in accordance with the site survey) has been calculated given the proposed land use mix illustrated in the Reference Scheme, as follows:

- GFA Residential = 18,189 m²
- GFA Retail / Commercial = 7,190 m²
- Total = 25,379m² / site area 8,459.7m² = approx. FSR 2.99:1

Consistent with the discussion above in relation to height, the proposed FSR would be less than that allowable in the Gordon major centre (at max. FSR 3.5:1) and consistent with that allowed in local centres throughout the LGA. In general, FSRs of between 2:1 and 3:1 are allowed in local centres throughout the LGA.

The Reference Scheme demonstrates that a scheme of this scale can be accommodated on site without resulting in adverse environmental impacts and whilst achieving high amenity for both the public domain and the proposed residential apartments. Studio Zanardo has advised that from an urban design perspective the proposed maximum FSR is appropriate however some amendments are required to the Reference Scheme to ensure ADG compliance. It is considered that these amendments can be made without impacting on the ultimately GFA/FSR achievable on site and thus the relevant proposed LEP provisions. The amendments should however be made prior to the Planning Proposal being forwarded for a Gateway approval.

The Planning Proposal seeks to require a minimum retail / commercial floor space of 0.85:1 where at present a maximum FSR of 1.2:1 applies to commercial development. The minimum retail / commercial floor space is based on the Reference Scheme which provides for 7,190m² GFA of retail and commercial uses. This equates to an FSR of 0.855:1 ($7,190\text{m}^2 / 25,379\text{m}^2 = 28.43\% \times 3:1 = 0.85:1:1$). Accordingly, the proposed minimum is considered appropriate. As noted by Studio Zanardo this amount of retail/commercial floor space is appropriate for the site given design parameters and will not give rise to pressure for GFA to be converted in the future from retail/commercial to residential with poor amenity. Further it equates to an increase of 3,165m² of retail floor space and 1,652m² of commercial floor space over existing. This will help to address the existing shortfall in retail floor space in the LGA and will also enable the provision of a full scale supermarket for which the area is currently undersupplied.

Compliance with Ku-ring-gai DCP site specific provisions

Ku-ring-gai DCP Part 14B Turramurra Local Centre currently applies to the subject site. The site is currently located within Precinct T3 under the DCP (refer Image 15 below) where pedestrian through site links and road dedications and upgrades are required.

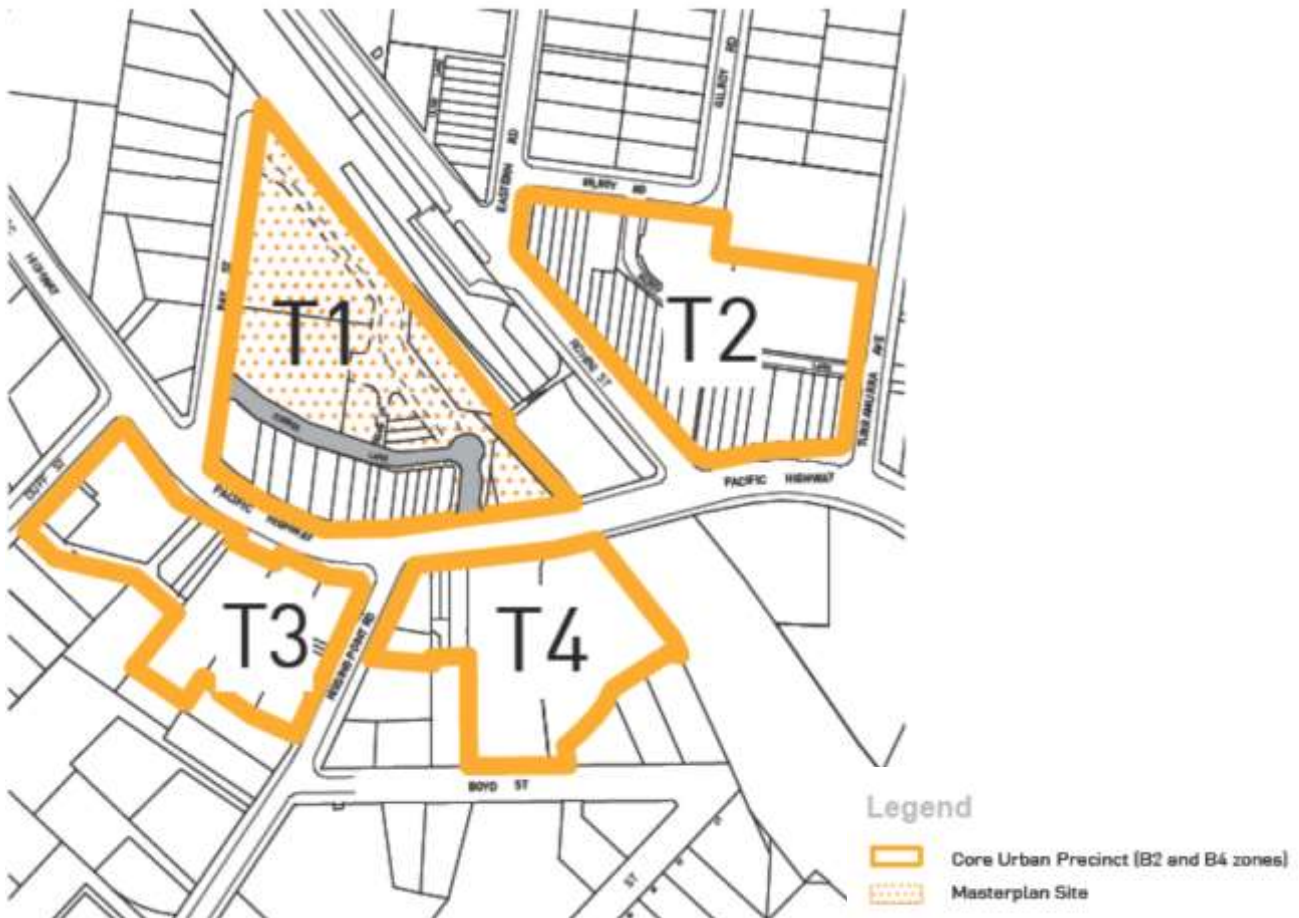





Image 15 Turramurra Local Centre Precinct Plan (Source: Ku-ring-gai DCP Part 14B Turramurra Local Centre)

The Reference Scheme is generally in accordance with the DCP provisions providing for the required through site links, pedestrian and road upgrades and dedications, new park and new Stonex Drive as outlined below. However amendments to the DCP provisions are recommended to reflect the proposal, address inconsistencies and include additional requirements to guide the final design. An assessment of the Reference Scheme against the site specific DCP provisions is provided below.

Figure	Requirement	Reference Scheme Compliance
14B.2 Public Domain and Pedestrian Access		
Figure 14B.2-1 excerpt 	Site identified as: <ul style="list-style-type: none"> location of through site link to Pacific Highway location of modified road (Stonex Drive) continuous awnings on Pacific Highway and Kissing Point Road frontages 	Complies - <ul style="list-style-type: none"> included in Reference Scheme as above able to comply
14B.3 Proposed Community Infrastructure		
Figure 14B.3-1 excerpt 	Requires: <ol style="list-style-type: none"> A new public street connecting Kissing Point Road and Duff Street with two way traffic, on-street parking (one side), and footpaths (both sides). The land is to be dedicated to Council as part of redevelopment. The road will be a minimum of 15 metres wide and will function as an Asset Protection Zone (APZ). In addition the new street will be designed to aid fire fighting and incorporate access specifications identified in Planning for Bushfire Protection 2019, and designed to minimise impact on adjoining Blue Gum High Forest. Improvements to Kissing Point Road including a new dedicated left-turn lane from Kissing Point Road to the highway. Embellishment of all the footpath areas along all streets within the Centre. Construction and embellishment of a new urban park 	Complies <ul style="list-style-type: none"> included in Reference Scheme No APZ required New dedicated left turn lane proposed Footpath embellishment proposed <p>Note: Park dedication proposed but not construction and embellishment</p>
14B.4 Setbacks		
Figure 14B.4-1 excerpt 	Requires: <ul style="list-style-type: none"> 2m setback on Kissing Point Road (plus land dedication) Land dedication setbacks from Stonex Drive and Pacific Highway <p>Note: where land dedication is required for a public purpose, such as a road or walkway, the affected land is to be excluded from deep soil calculations and included in setback requirements</p>	Complies <p>Complies – Note: dedications not included in deep soil. Deep soil to be included in developable part of site.</p>

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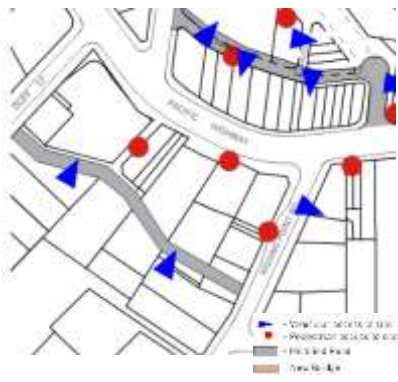

Figure	Requirement	Reference Scheme Compliance
14B.5 Built Form		
Figure 14B.5-1 excerpt 	Requires: <ul style="list-style-type: none"> Landmark building Primarily active frontage on Pacific Highway and Kissing Point Road 3 storey wall height on Pacific Highway 4m setback above street wall height on Pacific Highway Opposite Heritage Conservation Area on Kissing Point Road 	Complies Complies Complies for eastern tower, 2 storey on western tower – acceptable given reduced height Complies Complies – no adverse heritage impact
14B.6 Building Entries, Car Parking and Service Access		
Figure 14B.6-1 excerpt 	Requires: <ul style="list-style-type: none"> Pedestrian access off Pacific Highway and Kissing Point Road Vehicular access off Stonex Drive 	Complies Complies
14B.7 Environmental Protection and Bushfire Protection		
Figure 14B.7-1 excerpt 	Requires: <ul style="list-style-type: none"> 15m buffer zone including width of new Stonex Drive 	Complies – Stonex Drive 15m wide (Note: Council environmental officer has noted “Granny Springs Reserve not Bushfire Prone Land on Council’s Bushfire prone land map)
14B.10 Precinct T3: Kissing Point Road Retail Area		
<i>Planned Future Character</i> Figure 14B.10-1	1. Development is to be designed to support and enhance the planned future character as following:	Complies








Figure	Requirement	Reference Scheme Compliance
	<p>iii) This precinct will become the second retail hub for Turramurra offering a revitalised shopping precinct incorporating speciality retail, a new supermarket, new shop-top housing and improved public areas. Future development will be encouraged to occur through land amalgamation and consolidation of the building footprint. This will allow the construction of a new public street - "Stonex Street" - behind the site to connect Kissing Point Road and Duff Street. The new street will provide access to car parking and loading docks as well as providing for local traffic circulation. The street will be constructed within the existing development footprint and will function as a bush fire Asset Protection Zone (APZ) as well as protection for Granny Springs Reserve.</p> <p>iv) Retail shops will form an active edge to the Pacific Highway and Kissing Point Road. A new supermarket and associated specialty retail will be provided below the Pacific Highway level, and will open to "Stonex Street" at the rear. This will be an ideal location for outdoor dining and cafes, overlooking the forest.</p>	<p>Complies – include DCP requirement to activate through site link</p>
<p>Public Domain and Pedestrian Access Figure 14B.10-2</p>  <p>  - Pedestrian through site link  - Awnings  - Awnings where possible  - New/realigned road  - Precinct TJ </p>	<p>Requires:</p> <ol style="list-style-type: none"> 2. Provide a new public street (new street) linking Duff Street and Kissing Point Road 3. Provide an internal shopping arcade linking the Pacific Highway and the new street. 4. Provide continuous awnings to the Pacific Highway and Kissing Point Road. 5. Provide awnings to the new street where ever possible 	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Does not comply – no awnings proposed - acceptable</p>
<p>Proposed Community Infrastructure Figure 14B.10-3</p>	<p>Requires development to be designed to support and compliment the provision of key community infrastructure though the Contributions Plan, VPAs or other delivery mechanism:</p>	<p>Complies – Non binding public benefit offer provided which includes identified requirements (refer below for further detail).</p>



Figure	Requirement	Reference Scheme Compliance
 <p> ■ Footpath embellishment ■ New/realigned road ■ Proposed Community Infrastructure ■ Precinct T3 </p>	<p>11 A new public street connecting Kissing Point Road and Duff Street with two way traffic, on-street parking (one side); and footpaths (both sides). The land is to be dedicated to Council as part of redevelopment. The road will be a minimum of 15 metres wide and will function as an Asset Protection Zone (APZ). In addition the new street will be designed to aid fire fighting and incorporate access specifications identified in <i>Planning for Bushfire Protection 2019</i>; and designed to minimise impact on adjoining Blue Gum High Forest.</p> <p>12 Improvements to Kissing Point Road including a new dedicated left-turn lane from Kissing Point Road to the highway.</p> <p>13 Embellishment of all the footpath areas within the Urban Precincts on Kissing Point Road, Pacific Highway, Ray Street, Gilroy Road, Eastern Road, Turramurra Avenue and Duff Street. Works will include underground power lines, new street lighting, high quality paving and furniture, and street tree planting.</p> <p>14 Construction and embellishment of a new urban park and area within land dedicated to Council.</p>	
<p>Setbacks Figure 14B.10-4</p>  <p> ■ 2m setback ■ variable setback ■ Land dedication ■ New/realigned road ■ Precinct T3 </p>	<p>Requires zero setback with below exceptions:</p> <p>i) Properties 1A, 1 and 3 Kissing Point Road and 1364 Pacific Highway are to provide a 2m setback to the Kissing Point Road frontage. The land is to be dedicated to Council at no cost.</p> <p>ii) Property 1A Kissing Point Road is to provide rear setbacks to achieve a minimum 15m wide right-of-way between the northern property boundary of No.7 Kissing Point Road. The land is to be dedicated to Council at no cost.</p> <p>iii) Property 1380-1388 is to provide rear setbacks to achieve a minimum 15m wide right-of-way at the rear of the property that connects with the existing road way to the west from Duff Street and to the proposed road to the south-east from Kissing Point Road. The land is to be dedicated to Council at no cost.</p> <p>vi) Property 1380-1388 is to provide an Asset Protection Zone on the site in accordance with <i>Planning for Bushfire Protection 2019</i> that does not encroach on Council's reserve.</p> <p>v) Properties 1364-1408 Pacific Highway are to have front setbacks in accordance with RMS requirements.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies – although APZ no longer applicable</p> <p>Complies – confirmed by letter from TFNSW dated 21 June 2024</p>
<p>Built Form Figure 14B.10-5</p>	<p>Requires buildings to be designed in accordance with the following:</p> <p>i) Create consistent street wall of 3 storeys (11.5 metres) built parallel to the street alignments of the Pacific Highway, Kissing Point Road, and Stonex Lane.</p>	<p>Complies although 2 storey street wall for western tower</p>


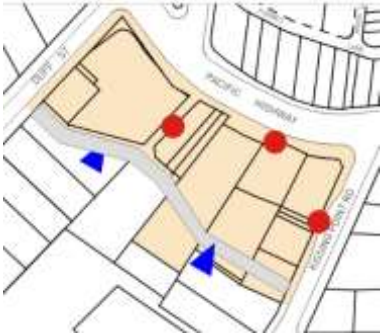
Figure	Requirement	Reference Scheme Compliance
 <p> - Principal active frontage - Supporting active frontage - 3 storey street wall - 4m upper level setback above street wall height - Landmark building - New/realigned road - Precinct T3 </p>	<ul style="list-style-type: none"> ii) Provide a setback of 4m to all levels above the street wall height along the frontages of the Pacific Highway, Kissing Point Road and Stonex Lane. iii) Provide active street frontages to the Pacific Highway, Kissing Point Road and Stonex Lane. Active street frontages are to be provided on the new street and Duff Street where possible. iv) Locate taller building elements to the rear and western side of the precinct to minimise impacts on adjoining residents and minimise visibility from areas to the east. v) Design a distinctive corner building with strong articulation addressing the Pacific Highway and Kissing Point Road intersection. vi) Design residential development over the commercial podium to minimise the width of residential facades facing the Bushfire Prone Areas. vii) Provide generous landscaped courtyards on the podium between buildings for residential amenity. 	<p>as outlined above - acceptable</p> <p>Complies</p> <p>Complies</p> <p>Does not comply – proposed design preferable – amend DCP</p> <p>Complies – 9 storeys proposed at NE edge of site, 7 storeys at NW</p> <p>Complies – bushfire N/A</p> <p>Complies</p>
<p>Building Entries, Car Parking and Service Areas Figure 14B.10-6</p>  <p> - Vehicular access to site - Pedestrian access to site - Precinct T3 </p>	<p>Requires:</p> <ul style="list-style-type: none"> 1 Provide a new public street at the rear of the site connecting Kissing Point Road and Duff Street. 2 Vehicle access to car parking, service and loading areas is to be provided via the new street. 3 All service access to the new street must be via Kissing Point Road. Access or exit via Duff Street is prohibited. 4 Residential foyers and lobbies are to be located on Stonex Lane, Kissing Point Road and the Pacific Highway. 	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>
<p>Environmental Protection and Bushfire Protection Figure 14B.10-7</p>	<p>Consideration must be given to the following to ensure the development will not result in any disturbance to the adjoining Blue Gum High Forest (BGHF):</p>	<p>Complies</p>




Figure	Requirement	Reference Scheme Compliance
 <p>  - 15m buffer zone  - Precinct T3 </p>	5 A minimum 15m buffer from the new building to the adjacent BGHF is to be provided in the form of a new street.	Complies
	6 New development must not encroach on the adjoining bushland reserve. All new development must be within the existing developed footprint (including roads, car parks and other structures).	Assess at DA stage
	7 The new road is to be built on an elevated structure to minimise impacts from earthworks.	Assess at DA stage
	8 Consultation with an ecologist and an arborist is required during the design phase of this process to minimise potential impacts on the bushland. Construction and excavation or other disturbances will be limited to the currently disturbed area (e.g. the existing car parks and building platforms).	Assess at DA stage
	9 The design of the stormwater system for the development is to minimise impact on the adjacent bushland and riparian lands.	Assess at DA stage
	10 Landscaping is to consist of predominantly native plants of the Blue Gum High Forest community (where this does not conflict with fire protection requirements).	N/A - land not bushfire prone
	Consideration must be given to the following to address bushfire protection, including:	
	11 Provide an Asset Protection Zone on the site in accordance with Planning for Bushfire Protection 2019 that does not encroach on Council's reserve.	As above – N/A
	12 The profile and length of buildings facing the bushland reserve is to be minimised so that the lowest possible surface area is open to the fire front should a fire occur.	As above – N/A
	13 All building facades facing the hazard require building construction standards to Level 3 as per AS3959. All other facades require building construction standards to Level 2 as per AS3959.	Complies – bushfire requirements N/A
	14 Entrance and exit points to underground parking and service areas are to be provided via the new street. Because the area will be subject to ember attack, radiated heat and smoke during a bush fire, appropriate measures are required to ensure safe evacuation during a fire.	As above – N/A
	15 To minimise the impacts of wind-borne ember attack, landscaped gardens are to be separated from each other by a minimum distance of 5m.	As above – N/A
		As above – N/A

Figure	Requirement	Reference Scheme Compliance
	<p>16 Garden beds that run up to a building or are up against buildings, are to be avoided, especially where they run beneath windows. Organic mulch should be avoided, with inorganic mulches such as decorative pebbles preferred.</p> <p>17 Tree plantings should not link with those trees within the reserve nor should they form rows leading up to buildings. 'Fire retardant' species should be considered for inclusion.</p> <p>18 A dedicated water supply for fighting fires is required. The tanks are to be minimum capacity of 10,000 litres and each building is to have a separate tank. Installation of tanks at ground level or below is preferred however they may be installed on upper levels of building. Signage indicating the location of the outlets should be prominent.</p> <p>19 A deluge system designed to spray water over of the building façade facing the bushland reserve is required.</p> <p>20 Air conditioning systems are to be designed to be automatically switched off in a bushfire emergency, or alternatively, have smoke scrubbers fitted.</p> <p>21 All gas, water and electricity services are to be sited below ground. Where they must be above ground then they are to be sited on the opposite side of the buildings to the hazard.</p>	As above – N/A

Compliance with Apartment Design Guide

As outlined above an assessment of the Reference Scheme against the ADG requirements has been undertaken by Studio Zanardo which has generally concludes that the proposal is appropriate. The following areas of non compliance have been identified:

- Solar access to the lower pedestrian through site link area. The Reference Scheme provides some sunlight to the lower through site link area only before 10am and after 2pm at mid winter. This does not meet the ADG requirements for solar access to be provided year round to public spaces. Further this does not meet the DCP intention for this space described as 'an ideal location for outdoor dining and cafes overlooking the forest.'
- Deep soil area – The proposed deep soil zone (with a minimum width of 2m) is approximately 785m² (9% of the entire site area) (measured in CAD) and is located entirely on the southern side of the new Stonex Street. All of these areas are to be dedicated to Council. It is noted that the DCP states 'In all cases, where land dedication is required for a public purpose, such as a road or walkway, the affected land is to be excluded from deep soil calculations...' Therefore the proposal currently appears to provide no deep soil within the non-affected site area. This

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does not meet the minimum 7% deep soil area requirements of the ADG. There is considered to be potential for additional deep soil on the northern side of the new Stonex Street. This aspect should be given further design consideration in the indicative reference scheme. It is noted that the dispensation to not meet the control is provided is for situations where achieving the design criteria 'may not be possible' and there is 'limited or no space for deep soil at ground level.' From an urban design perspective, additional deep soil appears to be possible on this site and there is additional space for deep soil at ground level. The opportunity appears to be within the pedestrian through site link area, perhaps with further adjustment of the car parking levels below. It is desirable that this potential be explored.

- Units with a minimum of 2 hours solar access - Studio Zanardo has concluded that only 67% (122/181) of units in the Reference Scheme meet the requirement of minimum 2 hours of solar access where 70% is required. Units in question are identified as the northern cross through units in the eastern tower which are impacted by the projecting adjacent apartment, and some of the lower units in the eastern tower facing the courtyard which are impacted by the upper levels of the western tower.
- Noise and ventilation of habitable rooms – given location on the Pacific Highway the design needs to address noise amenity impacts having regard to natural ventilation requirements. This issue is not currently addressed in the Reference Scheme
- Units with natural cross ventilation - Studio Zanardo has concluded that only 58% (105/181) of units in the Reference Scheme provide natural cross ventilation requirement where 60% is required. The units in question are identified as the single aspect units facing north over the courtyard on the eastern tower, and the single aspect units at the southeast corner facing east on the eastern tower at the lower levels.
- Number of units off a circulation core - Studio Zanardo has notes that the Reference Scheme proposes up to 10 units off a single core in the eastern tower and .9 units in the western tower where a maximum of 8 units is allowed under the ADG. While Studio Zanardo acknowledges that the ADG otherwise allows up to 12 units off a single core this is not appropriate in the current circumstance as sunlight and natural ventilation requirements are not met (which may otherwise justify a variation).

The Reference Scheme is otherwise consistent with the ADG requirements notably including in respect of site separation distances, privacy impacts, solar access to adjacent properties etc.

However having regard to the identified non-compliances and the need for a Reference Scheme to demonstrate a scheme consistent with the proposed LEP amendments which is of a high quality design and which meets relevant requirements, it is recommended that the Reference Scheme be amended to address the above non compliances prior to the Planning Proposal being referred for a Gateway determination. It is however considered that this can be done without impact the proposed LEP provisions but that it is essential to ensure that non-compliances at the DA stage are not argued on the basis of being pre-existing in the Reference Scheme.

Traffic and Parking

The Transport and Traffic Impact Assessment Report (TIA) prepared by JMT Consulting (31 May 2024) provided with the Planning Proposal (**Attachment A4**) includes an assessment of existing traffic conditions, proposed vehicle site access arrangements, likely traffic generated by the proposal, parking demand and proposed parking, vehicle loading and servicing arrangements, pedestrian enhancements and bicycle parking provisions. In summary it concludes that:

- Under the indicative architecture concept vehicle access would be provided off a new road (Stonex Drive) at the southern end of the site.

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- The Planning Proposal involves a number of enhancements to the existing road network supporting the site including:
 - Creation of Stonex Drive – a new two-way public street which provides an east-west connection between Kissing Point Road and Duff Street
 - Enhancements to traffic capacity along Kissing Point Road including extension of the right turn bay into the site as well as a dedicated left turn bay from Kissing Point Road onto the Pacific Highway
- The indicative architecture concept contemplates approximately 550 (*Note: reduced to 414 in amended Reference Scheme*) off-street parking bays which is consistent with the current Ku-Ring-Gai Council DCP parking controls.
- The proposal would retain a minimum of 30 public car parking spaces on the site dedicated to Council.
- A key component of the proposal is the dedication of land for the future widening of the Pacific Highway by Transport for NSW – facilitating the removal of the existing peak period tidal flow arrangements. This will result in a significantly improved traffic outcome for Turramurra and the wider precinct.
- The site is located in close proximity to various public transport facilities, including Turramurra train station and nearby bus stops.
- Detailed traffic modelling indicates that future development contemplated under the Planning Proposal will not detrimentally impact the operation of the surrounding road network. All intersections in the vicinity of the site are forecast to retain their level of service when compared to current conditions.
- Secure bicycle parking would be provided as a component of any future proposed development, in line with rates specified in the Ku-Ring-Gai Council DCP.
- Travel demand management measures have also been suggested to improve the mode share of public transport and active transport. These items should be considered further at detailed design stage.

Council's Strategic Traffic Engineer has provided an assessment of the Planning Proposal in respect of traffic and transport matters and in particular the Transport Impact Assessment. In summary the advice concludes that the Planning Proposal has the following favourable transport aspects:

- *A good proportion of residents in the Statistical Area of the site use public transport for their journeys to work, so the site is well positioned to leverage off its proximity to transport services.*
- *The site is located within 200m of Turramurra railway station, where frequent rail services operate generally between Hornsby and Sydney CBD, providing good connections to strategic centres. Sydney CBD will be within 30 minutes of the site once the Chatswood-Sydenham extension to the Sydney Metro is operational later in 2024.*
- *Bus services at the Turramurra station bus interchange provide connections to Hornsby, South Turramurra, Sydney Adventist Hospital and Macquarie Park. There appears to be sufficient capacity in rail and bus services and nearby bus stops to accommodate passenger demand resulting from the Planning Proposal. The site is well positioned to take advantage of improved bus services between Mona Vale and Macquarie Park which are foreshadowed in Future Transport Strategy.*

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- *There is a good selection of retail, health/medical, recreational and community/cultural facilities within 10 minutes' walk of the site. Schools are generally within walking distance or connected to the site by public transport.*
- *The local cycling network in the area is modestly developed, providing a degree of local and regional cycling connectivity particularly to the south towards Macquarie Park and Macquarie University.*
- *Land dedications along the Pacific Highway and Kissing Point Road frontages would facilitate future road capacity upgrades.*

The following transport constraints were also identified:

- *It has not been demonstrated how heavy vehicles could manoeuvre from on-site loading dock in the basement to leave the car park in a forward direction.*
- *The car parking assessment contemplates the retention of 30 existing Council public car parking spaces. However, as the uses relying on the existing Council car parking would be incorporated into the planning proposal (with its own parking provision), the need to retain 30 spaces dedicated to Council should be reviewed.*
- *The potential for a right turn ban imposed by Transport for NSW from Stonex Street into Kissing Point Road would have impacts to residents along the alternative route (Duff Street/Cornwall Avenue/Monteith Street) and may result in the desirable maximum environmental capacity of those roads being reached.*
- *While the Planning Proposal provides for land dedication for future road widening on Pacific Highway to enable the tidal flow arrangements to be removed by providing 3 traffic lanes in each direction, it is unclear whether this is adequate for an 8-lane cross section.*

Transport for NSW has also provided advice in respect of the proposal and has advised generally as follows:

1. *....It is noted that the current proposal makes provision for the dedication of land along the frontage to the site along the Pacific Highway that enables future widening of Pacific Highway, subject to future funding*
2. *TfNSW notes and supports vehicular access to / from the site to be via Kissing Point Road only.*
3. *Traffic modelling appears to address TfNSW concerns with the following reiterated for Council's consideration:*
 - *there should be no significant impact to the operation of signals at Pacific Hwy / Kissing Point Road intersection.*
 - *Queuing should not extend out of the right turn bay on Kissing Point Road into the site blocking through traffic on Kissing Point Road.*
 - *Maximum queue lengths heading north on Kissing Point Road onto Pacific Highway do not block the right turn bay into the site. This can potentially be mitigated by installing/maintaining the 'Keep Clear' signage should queuing become an issue in the future.*
 - *Improvements proposed at the Pacific Highway / Kissing Point Road intersection which includes an extension of the southbound right turn bay into the site along Kissing Point Road, a dedicated left turn bay from Kissing Point Road into Pacific Highway as well as two dedicated right turn lanes will need further refinement and more detailed discussions with TfNSW during the public exhibition of the planning proposal.*

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4. *The proposed new rear road located at the southern end of the site, Stonex Drive, should be designed as a shared zone and/or a low speed zone. It should not be an activated lane but one that prioritises pedestrians although cars can use it.*
5. *Bike parking should be useful and accessible at street level and not designed to be hidden in the underground parking area.*
6. *Future development on the site should consider appropriate noise attenuation measures through design measures, architectural treatments, setbacks, durable materials and / or landscaping particularly along the site's frontage to Pacific Highway to mitigate future residents against road traffic and train station noise. Council should be satisfied that any noise mitigation controls throughout the relevant draft DCP is appropriately aligned with this requirement.*

Accordingly, it is considered that from a traffic and transport perspective the proposal is appropriate however there are a number of site-specific issues that will need to be addressed at the DA stage including loading dock arrangements and design of the adjacent road network noting that TfNSW has provided advice that the proposal is generally acceptable. Council's traffic engineer has not raised any major issues with the proposal and it has been supported by TfNSW. In respect of the retention of the existing 30 council owned public car parking spaces this is a matter for Council in its negotiations with the Proponent however notably these spaces have been included in the traffic and parking assessment and are able to be accommodated on site without resulting in any adverse traffic impacts. Noise attenuation measures should also be included in the DCP to ensure that the future development is appropriately designed to mitigate traffic and train noise whilst providing natural ventilation and to ensure an appropriate level of amenity to the future residents.

Economic Impact

A Need and Impact Assessment was submitted with the Planning Proposal Request prepared by Location IQ (November 2023) (refer **Attachment 6**). The assessment outlines:

- The regional and local context of the site
- An overview of the current site and the proposed development scheme
- The main trade area to be served by supermarket-based retail facilities at Turramurra
- Main trade area current and projected population and retail spending levels
- An overview of the planning environment and centres hierarchy
- The potential for additional supermarket floorspace at Turramurra, and
- The key benefits of the proposed development.

In summary it concludes that the proposal is consistent with the Ku-ring-gai Centres hierarchy and the draft Ku-ring-gai Retail and Commercial Centres Strategy for the Turramurra Primary Local Centre. It notes that this includes the provisions of a full-line supermarket and a limited range of specialty shops. In terms of trading impacts on surrounding facilities within and beyond the main trade area it concludes that the proposal would be unlikely to affect the future viability of these centres. Further it identifies a range of positive employment and consumer impacts including:

- The provision of a wider range of retail facilities near residents' homes
- Increased convenience and price competition for residents
- Improved customer amenity, design, and aesthetic for the residents by way of a new and modern development

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- Reduced travel times
- Ongoing employment generation including from retail and complementary non-retail components of the development (conservatively estimated at net additional jobs are estimated at 178 across retail and commercial components)
- Creation of some 242 full-time, part time and temporary jobs in construction over the development timeline, and
- Including multiplier effects some 977 jobs created both directly and indirectly because of the retail and commercial redevelopment of the site.

Hill PDA was engaged by Council to undertake a peer review of the economic impact assessment. This advice (refer **Attachment A14**) notes that the existing Turramurra Plaza (subject site) is a neighbourhood shopping centre with an estimated 2,373m² of retail space. It states that this is comprised of a 1,260m² IGA supermarket and 12 specialty shops (1,113m²) and that proposed redevelopment would provide 7,015m² (now amended to 7,190m²) of employment space, representing an increase of 4,642m² (now 4,817m²) over its current provision. Upon redevelopment the report notes that the Plaza would provide:

- A 3,098m² supermarket
- 2,420m² of speciality retailing, including a 498m² grocer
- 1,497m² of commercial space (including a medical centre and gym)
- 179 residential apartments.

As noted above these numbers vary marginally from the final Planning Proposal Request as assessed herein however these minor changes do not affect the report conclusions. The Hill PDA advice takes issue with some minor matters in the Location IQ report however it generally concurs with the report findings and ultimately concludes as follows:

1. *There is demand for supermarket space within the Turramurra town centre catchment. This demand is further supported by the draft Ku-ring-gai retail and commercial centres strategy which projects the centre will require an additional 10-15,000sqm of retail space by 2036. It also recommends that the centre be anchored by up to two full-line supermarkets and an ALDI supermarket. Currently, the town centre contains a Coles supermarket which, at 1,500sqm, is half the size of a full-line supermarket. From this, it is considered that the proposal is in accordance with Council's draft strategy.*
2. *The resulting marginal increase in speciality floorspace would not likely impact the viability of current or future retail uses in the centre. The development is within the existing Turramurra centre and its impacts on existing Turramurra retailers is a matter of competition between traders in the same centre and not a relevant planning matter for determination.*
3. *The increase in retail space would not impact the established retail hierarchy in the LGA. It is consistent with the projected demand for retail space documented in the draft Ku-ring-gai retail and commercial centres strategy.*
4. *The resulting development would have additional community benefits in accordance with those detailed in the Location IQ report. However, as noted, we do consider the ongoing and construction-related employment estimates somewhat overstated in the report*

It is therefore considered that the Planning Proposal is appropriate having regard to economic impact considerations and will result in additional community benefits.

Heritage

The subject site does not contain any heritage items however is located to the west of the Hillview Heritage Conservation Area (HCA) across Kissing Point Road to the east and a number of heritage items within. A statement of heritage impact (SoHI) was submitted with the Planning Proposal Request prepared by Heritage 21 (21 November 2023) (refer **Attachment A11**). In summary the report concludes that the proposal would respect the heritage significance of the subject site and heritage items and the Hillview HCA in the vicinity and that:

- *The proposal would retain the commercial character of the Turramurra Town Centre;*
- *The proposed contemporary design, through a high standard of architectural design, would deliver a positive contribution to the streetscape, creating a distinction between the new and the existing;*
- *The proposed contemporary design is sympathetic to the significance of the heritage items and HCA in the vicinity, as it would not replicate or imitate any significant historic architectural details within the HCA and of the heritage items. The proposed design is contemporary and would be a reflection of its time, which is also keeping with the conservation principle of the Burra Charter;*
- *The proposed design has considered a sympathetic stepped and curved form, greenery and muted colour scheme which minimises the visual impact of the building height and mass;*
- *The siting of the proposed development would not impact significant view lines to and from the heritage items and heritage conservation area in the vicinity; and*
- *The proposal would involve the demolition of contemporary commercial buildings to accommodate the new building footprint.*

In respect of potential adverse impacts the SoHI notes that demolition of the dwelling at 1 Kissing Point Road may have a detrimental impact on the heritage significance and character of the area as the building does attain representative significance at the local level as an intact example of Inter-War residential buildings in the Californian Bungalow architectural style within the Ku-Ring-Gai Local Government Area. Further the SoHI notes that the building is a positive contribution to the Kissing Road streetscape. Given that the building cannot be retained, Heritage 21 has recommended a photographic archival study to document the style of the building and its contributory characteristics to the local area. They advise that this would mitigate any potential loss of heritage and streetscape character value.

Council's heritage officer has reviewed the SoHI and provided advice that the proposal is acceptable from a heritage perspective noting that there are no heritage items located on the site. Archival recording of the existing California Bungalow at 1 Kissing Point Road is recommended. This matter can be addressed via condition of any future development consent. The referral notes that the site is visually removed from the Heritage Conservation Area (and heritage items) across Kissing Point Road to the east and that it is unlikely to obscure any views to or from the precinct. The advice further notes that the proposal is also buffered from heritage items to the south by the proposed new access road and that setbacks are appropriate to ensure adverse heritage impacts are minimised. In relation to design quality the referral notes the quality of the intended design albeit at an early stage of development. In summary the heritage referral concludes that:

- that the concept can be supported from a heritage perspective
- that a development control plan should be developed for the site with the assistance of a heritage consultant to ensure that the relationship of the development to the adjoining heritage assets is managed well and a high level of design quality is achieved

- photographic Archival Recording of No 1 Kissing Point Road should be undertaken prior to its demolition.

Biodiversity Impacts

The future development of the site in accordance with the Planning Proposal will necessitate the removal of a number of trees and has the potential to result in flora and fauna impacts. A due diligence flora and fauna report was submitted with the Planning Proposal Request prepared by Narla Environmental (November 2023) [refer **Attachment A10**]. The report note that two vegetation communities were present within the site: Blue Gum High Forest and Urban Exotic/Native Vegetation. The Blue Gum High Forest vegetation within the site conforms to the *Biodiversity Conservation Act 2016* listed CEEC Blue Gum High Forest in the Sydney Basin Bioregion and the EPBC Act listed CEEC Blue Gum High Forest of the Sydney Basin Bioregion.

The assessment also revealed one threatened flora species, *Syzygium paniculatum* (Magenta Lilly Pilly) was located within the site. This species has been historically planted as it is occurring outside of its natural distribution. No other threatened flora species were present or likely to occur. The report notes that it is not anticipated that any future development will significantly impact on any locally occurring threatened flora species.

In respect of fauna minimal fauna habitat features were identified within the site assessment. The site did not contain any significant habitat features such as hollow-bearing trees; caves, crevices or overhangs; coarse woody debris; or large stick-nests. While the site may provide sporadic foraging habitat for threatened fauna species it was not anticipated that any future development will significantly impact on any locally occurring threatened fauna species.

The site was considered to have low ecological constraints, mostly comprising existing hardstand and buildings. Other areas of low ecological constraints were areas of Urban Exotic/Native Vegetation outside of BV mapped areas. These areas had the lowest ecological values, including minimal habitat values.

Areas mapped as moderate ecological constraints comprised of Urban Exotic/Native Vegetation within BV mapped areas; Biodiversity Corridors and Buffer Areas, and Canopy Remnant on the Greenweb Map; and Category 2 Riparian Land on the KLEP Riparian Lands and Watercourses Map. Additionally, this comprises Blue Gum High Forest vegetation and Greenweb mapping components that intersect the KDCP Turrumurra Local Centre Precinct Plan. The removal of any native vegetation within these areas has the potential to trigger the Biodiversity Offset Scheme (BOS). In addition, a VMP may be required if any proposed works are located within this zone.

Areas identified as high ecological constraints include those areas mapped as comprising Blue Gum High Forest; and Support for Core Biodiversity Lands and Landscape Remnant on the Greenweb map. The removal of any native vegetation within these areas has the potential to trigger the BOS. Future development applications will require the accompaniment of the appropriate environmental assessments (BDAR or FFA). If the BOS is triggered, biodiversity offsets may be required to offset the biodiversity impacts of any proposed development within this area. In addition, a VMP may be required if any proposed works are located within this zone.

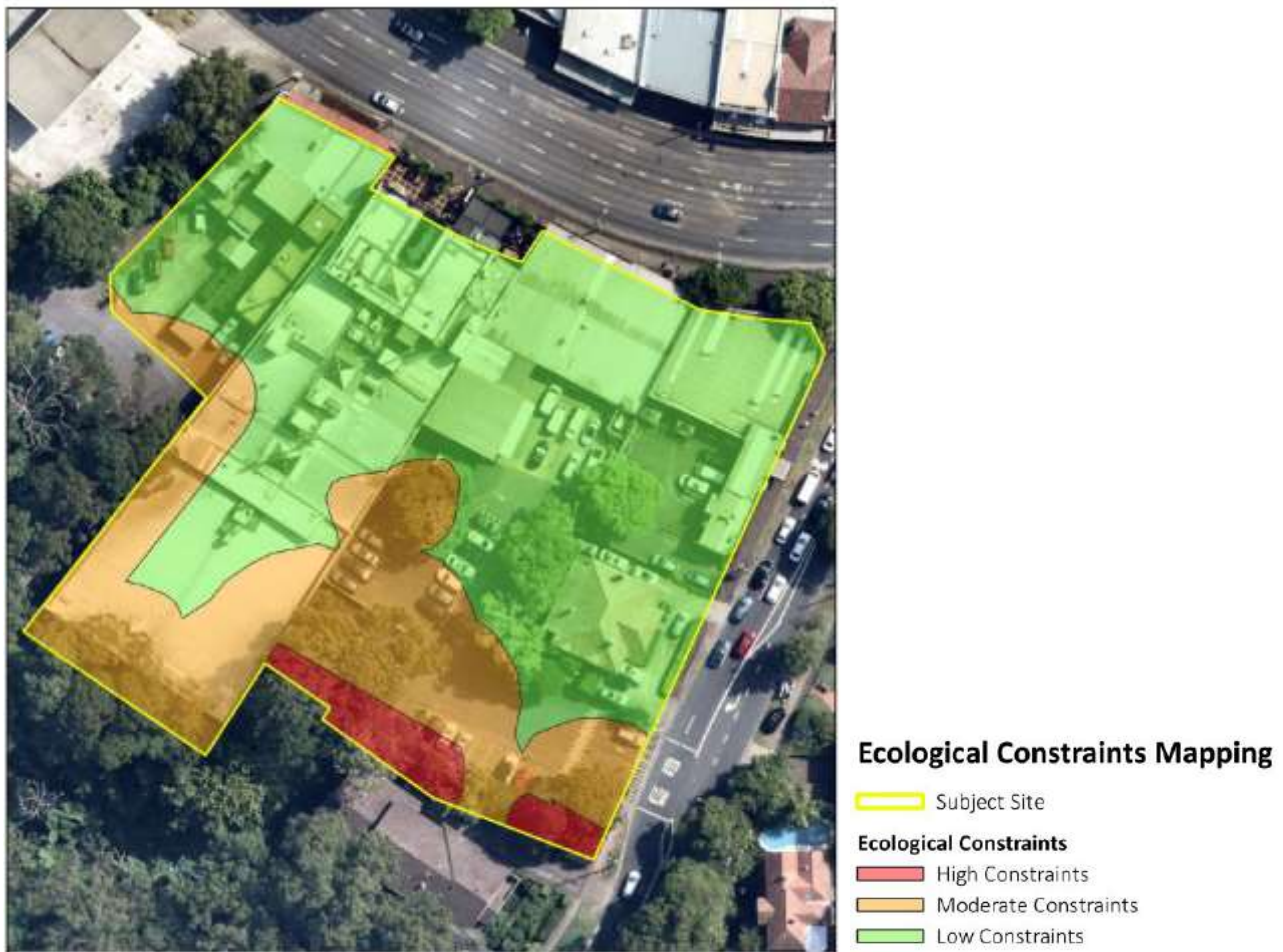


Image 16 Ecological Constraints (Source: Narla Environmental, Nov. 2023)

Overall, the Flora and Fauna Assessment concludes that the planning proposal will not impact biodiversity in its current form and that any future development applications will require appropriate environmental assessments (FFA or BDAR), as well as the implementation of number of impact mitigation strategies (such as a VMP) depending on the extent and scope of the development.

Council's Biodiversity Officer has reviewed the Flora and Fauna report and advised that that the planning proposal does not raise any significant issues noting that relevant matters will be considered at the DA stage in accordance with relevant requirements.

Tree Removal

The Planning Proposal Request, and supporting Reference Scheme, foreshadows the removal of all trees on site with the exception of within the proposed new park as shown in Image 17 below. An Arborist report prepared by Dr Treegood (Nov 2023) was submitted with the application (refer **Attachment A8**). While noting that the removal of all trees is required to accommodate the proposed development the report recommends:

- *Stonex driveway can be re landscaped with trees planted on either side of the driveway to form a possible Ave.*
- *The Pacific Highway frontage is to be modified to have a loading zone area and a greater turning zone from Kissing Point Rd into the Pacific Highway. Trees one and two fall within this*

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footprint of major road improvements. I would make assumption the power poles and overhead power lines would need to be removed and more than likely would be transferred to underground power lines. This allows the ability for possible tree planting along the footpath area and possible small landscape areas in and around the trees as used scene used by Sydney City Council.

- *The large area in between the two retail areas in the centre of the site could be a possibility for a new landscape area with specimen trees to form an idyllic corridor for pedestrian traffic and shoppers.*



Image 17 Tree removal plan (Source: Dr Treegood, Nov, 2023)

Council's Natural Areas Officer reviewed the Arborist Report and provided advice that the recommendations of the Arborist report should be addressed at the DA stage. Further the advice recommends:

- *When relocating power lines along Pacific Highway it would be ideal to put these power lines underground to allow future tree planting with tree pruning is not required to give power line clearance*
- *Replacement plants to be endemic species as outlined within the report. Endemic plants may not be suitable across all areas of the site, however suitable BGHF species should be used, particularly in the proposed park and interface with Granny Springs reserve*

These recommendations should be included in the Draft DCP provisions for the site. Subject to this recommendation it is considered that the proposal is acceptable from a tree removal perspective on balance notwithstanding the proposed tree loss, recommendations in relation to additional deep soil on site and having regard to the public benefits of the proposal.

Bushfire

A letter has been submitted with the Planning Proposal Request prepared by Blackash (dated 25 October 2023) (refer **Attachment A9**) in respect of bushfire hazard and risk. The advice notes that the subject land behind the Village is not designated as bushfire prone land (albeit that it previously was so identified) and as such, the legislative triggers of section 4.46 of the *Environmental Planning and Assessment Act 1979* (EPA Act) and section 100B of the *Rural Fires Act 1997* (RF Act) for the referral of any development to the NSW Rural Fire Service (RFS) do not exist. Development of the site does not require a Bushfire Safety Authority from the RFS. This matter was confirmed by Council's Natural Areas Officer. Notwithstanding it is noted that the proposed new Stonex Drive provides for a 15m buffer zone to adjacent vegetation as previously specified in the DCP provisions. Accordingly, it is considered that the proposal is acceptable from a bushfire perspective.

Contamination

A Preliminary Site Investigation Report was submitted with the Planning Proposal Request prepared by EI Australia (November 2023) (refer **Attachment A7**). The report concludes that:

- *Site observations indicated there were not significant visual or olfactory evidence of contamination, and no evidence of underground storage tanks or above ground storage*
- *Investigation of site history indicated that the site has been utilised as a commercial site since before 1950, including sue as a dry cleaners and motor garage. There were also several dry cleaners, petrol station and motor garages in close vicinity to the site and located hydraulically up-gradient*
- *A review of the historic aerial photography indicated that the immediate surrounding area of the site have been predominantly commercial / residential since before 1943 to date*
- *The subject site was not included on the List of NSW Contaminated Sites Notified to the EPA however two sites in the surrounding area associated with two service stations were listed for contamination or regulation under the contaminated land management act*
- *A search through the record of notices for contaminated land indicated that the subject site was free of statutory notices issues by the NSW EPA however several records pertaining to sites nearby were discovered*
- *The site was free of statutory notices and licencing agreements issues under the Contaminated Land Management Act 1997 and Protection of the Environment Operations Act 1997 however several records pertaining the nearby sites were discovered.*

Based on findings of this report and with consideration of the Statement of Limitations, EI concludes that there is potential for contamination to be present that could pose risks to sensitive receptors. This was considered to be of low to high significance in terms of risk to the human and environmental receptors identified. As such a detailed site investigation (DSI) will be required following demolition to characterise soils and groundwater and ascertain the presence of any contamination onsite.

Based on the information collected during the DSI and in reference to SEPP 2021, the site can be made suitable subject to the completion of the DSI (and after remediation and validation if required) for the residential use.

Council's Natural Areas Officer reviewed the PSI and provided advice that it is appropriate noting that a detailed site investigation is to be submitted with any development application for the site to confirm that the site will be suitable for the proposed use. Given that the PSI concludes that the site can be made suitable for the proposed residential use subject to the completion of the DSI and

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after remediation and validation if required, this is considered appropriate and in accordance with the requirements of Section 9.1 Ministerial Direction 4.4 Remediation of Contaminated Land Council can be satisfied that the site can, and will, be made suitable for the proposed use. For an abundance of caution a provision should be included in the Draft DCP requiring the submission of Detailed Site Investigation with any DA for relating to the site.

Public Benefits

A public benefit letter of offer was submitted by the Proponent with the subject Planning Proposal Request. The letter of offer notes that it is for discussion purposes only and is not intended to be binding. It generally sets out the matters to be included in a planning agreement for the site as follows:

Works	<p>Additional infrastructure to be delivered includes:</p> <ol style="list-style-type: none"> 1. New Stonex Street – a new public street connecting Kissing Point Road and Duff Street will be delivered 2. Footpath and Road along Kissing Point Road – the footpath along Kissing Point Road will be upgraded 3. Stonex Lane – Stonex Lane is to be retained and upgraded as an open-air pedestrian lane with active frontages and supporting street furniture <p>Key matters to be further resolved in discussions with Council will include:</p> <ul style="list-style-type: none"> • Timing, staging and responsibility for the above identified works • Specifications and standards to be adopted for the proposed works. <p>Some of the above infrastructure may be undertaken as 'works in kind' and deducted from the contribution amount, subject to further negotiation and discussion with Council.</p>
Dedication of Land	<ol style="list-style-type: none"> 1. New Community Park (approx. 708m²) – Land for a new public park will be dedicated to Council which is adjacent to Granny Springs Reserve. The new park has been considered as part of the concept design and identified for dedication to Council. It is understood that the land associated with the park is to be dedicated to Council, however this land will form as part of the overall site for the purposes of FSR transfer. 2. New Stonex Street (approx. 1,434m²) – a new public street will connect Kissing Point Road and Duff Street 3. Footpath and road along Kissing Point Road (approx. 255m²) – the land dedication along Kissing Point Road has been included in the concept design.
Other Public Benefits	A minimum of 30 public car parking spaces on the site dedicated to Council.
Application of section 7.11, 7.12 and 7.24	Value of the cost of the proposed works outlined above would be offset against any applicable development contributions and dealt with under a Works In Kind Agreement. The value of any land dedication including parking spaces is to be separately dealt with as part of the broader land transactions.

Council's Infrastructure Coordinator has provided advice in respect of the submitted letter of offer. This advice is provided in full below:

Proposal Planning Agreement***Background***

The proponent initially submitted a document entitled Letter of Process which outlined the general timing of actions needed to support the project from an infrastructure delivery viewpoint including land dedication, the local infrastructure to be delivered as part of the site

redevelopment and the proposed replacement of the current at-grade council car parking spaces within the development. Among other matters, an updated formal Letter of Offer was requested in the context of comments previously made on the content and process.

State Government as a party to the same planning agreement

The subject site is very complex and incorporates a significant amount of council land as well as the delivery of a number of items of public infrastructure as works-in-kind across three of the major categories in the s7.11 contributions plan (open space, roadworks and intersection upgrades and public domain works). It also requires land dedication to the NSW State Government for the widening of the Pacific Highway and the treatment of its intersection with Kissing Point Road. As such, and in view of the complexity of coordinating the NSW State Government as a party to an already complex council agreement involving the prospective sale of council land, it was recommended that the proponent pursue a separate agreement with the NSW State Government. The revised letter of offer accedes to this request and removes the NSW State Government as a party together with the affected works. This does not mean that an agreement will not still be required to be made between the proponent and the NSW State Government; only that council will not be responsible for its coordination and reduces the cost and staff resources required from council for this matter.

Land Dedication

All land that is stripped of its development potential by the transfer of FSR within the total site, is to be dedicated to Council free-of-cost. This includes the land for the new park adjoining Granny Springs Reserve at the rear of the site and (part) of the new Stonex Street.

Council car parking

The Letter of Process refers to the required reclassification of the current council car park from community to operational land and that reclassification process is underway as part of the planning proposal. The in-principle provision of a replacement 30 spaces of public car parking has been discussed over the inception period of the project from its earliest iteration in 2021. In each Letter of Offer, this proposed public car parking is listed as "Other Public Benefits" to be covered by the proposed Planning Agreement. It is presumed at this point that this intended provision will take the form of stratum space to be dedicated to council.

As Ku-ring-gai Council does not levy for the provision of car parking, any value to be attributed to the dedication of land or stratum space for public car parking must be taken into consideration as part of the overall property transaction but the proposed Planning Agreement can manage the logistics of this dedication. A final decision on the inclusion or otherwise of council-owned car parking will need to be made prior to the lodgement of a development application for the site. It should be noted that the redevelopment of the site will be required to fully cater for its own parking demand under the DCP and, as such, unlike the current situation, additional car parking for the existing IGA and other business fronting the Pacific Highway should no longer be required. A limited amount of car parking along Stonex Street near the Duff Street intersection is also not included within the site of the planning proposal.

The most recent letter of offer does acknowledge that these parking spaces must be considered within the context of the overall land transactions rather than as a contributions offset but remain listed for delivery in the current offer.

Stonex Street

Stonex Street requires both land dedication and construction. The required construction is located only partially on the area that forms part of the subject site and partially immediately adjoining the site, including directly behind part of the subject site near the intersection with Stonex Lane; but the whole makes up a continuous route providing direct vehicular access to the subject site from both Duff Street and Kissing Point Road. There seems to be agreement in the Letter of Offer that the Stonex Street as delivered will run from Duff Street to Kissing Point Road (and renamed Stonex Drive to distinguish it from the current alignment).

The dedication area cited in the letter of offer is smaller in area than the works area for the full length of Stonex Street (approximately 200 metres). The area for the works-in-kind is not cited in the Letter of Offer. As it is not logical or practical to construct / upgrade only that part of the road that is located on the dedication land, as such, for the relief of any doubt, the Planning Agreement needs to include separate sections for the delivery of the works-in-kind and the dedication of land and the land area of the works, as distinct from the dedication, should also be quantified.

It is understood that the Planning Agreement will make provision for works-in-kind that it is not practical to deliver other than concurrent with a construction phase, which cannot commence until a decision to act on a development consent. The granting of any development consent is also not fettered by the existence of this planning agreement. While this is a fact in law, it should also be explicitly understood and acknowledged by the proponent. No part of the existing area of Stonex Street or Lane should be demolished or subjected to restricted access prior to the formal commencement of the works that will trigger the delivery of the new road.

Stonex Lane

Stonex Lane has a direct connection to the property along the side boundary and provides pedestrian access from the Pacific Highway to Stonex Street. Its upgrade is valued by the s7.11 contributions plan however, offsets can only be up to the inflated value of the baseline contributions plan (in today's dollars). Additional work may be undertaken at the applicant's cost if they wish noting the direct benefit to the presentation of the redevelopment.

Other works valued by the Contributions Plan

Works surrounding the site and valued by the s7.11 Contributions Plan are also open to discussion for possible offsets as works-in-kind up to the inflated value within the baseline contributions plan. Additional works may be undertaken with agreement but cannot be offset.

References to Regional Contributions under s7.24 (HAPs Contributions)

The Letter of Offer continues to inappropriately refer to s7.24 as a contribution that can be offset. Ku-ring-gai Council has no control, influence or management capacity in respect of the NSW Government Housing and Productivity Contributions (HAPs) inclusive of calculation and collection which are exclusively via the Planning Portal. No local infrastructure provision will be offset against HAPs contributions. Nor can Council enter into any agreement impacting Division 7.1 Subdivision 4 without Ministerial approval. Any agreement regarding HAPs must be exclusively with the NSW State Government. The proposed Planning Agreement will not exclude the application of s7.24 to the proposal nor include any agreement regarding works being offset against it.

Registration on title, dispute resolution, security and costs agreements

These are standard matters and will be discussed and formalised within the Planning Agreement. A costs agreement will need to be agreed at the engagement of council's legal team and prior to work officially commencing on the detailed planning agreement.

This matter will be the subject of a separate report to Council and has not been considered in this report.

Site Specific Merit Assessment Summary

In accordance with the Department of Planning, Housing and Infrastructure's 'Local Environmental Plan Making Guideline', a Planning Proposal is deemed to have site specific merit if it demonstrates that the proposal is suitable for the site and the site is (or can be made) suitable for the resultant development. It is to be assessed against the following criteria:

Does the proposal give regard and assess impacts to:

- *the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)*
- *existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates*
- *services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision:*

As outlined above it is considered that the documentation submitted subject to the recommended amendments adequately demonstrates that the site is suitable for the Planning Proposal proposed controls as the Reference Scheme submitted with the Planning Proposal will not result in any significant adverse impacts and generally demonstrate that it is able to comply with relevant controls and/or achieve a high quality, high amenity development. Accordingly, it is considered that, subject to the recommended amendments, the Planning Proposal demonstrates site specific merit.

Recommendations to Gateway Determination

Having regard to the above assessment it is recommended that Council:

1. submit the matter to the Department of Planning, Housing and Infrastructure for a Gateway Determination subject to:
 - a. amendments to the proposed LEP Height of Building map that provide for:
 - i. two (2) height limits across the developable part of the site being 34.5m in the location of the proposed eastern tower (corner of Kissing Point Road and Pacific Highway) and 28.5m for the remainder of the developable site including the through site link and the western tower)
 - ii. No mapped height in the location of the proposed new park, new Stonex Drive and areas proposed to be dedicated for road widening (Pacific Highway and Kissing Point Road)
 - b. amendments to the Reference Scheme such that it demonstrates compliance with the Apartment Design Guide and in particular addresses the following identified non-compliances:

- i. Improved solar access to the lower pedestrian plaza area / through site link area to comply with the ADG requirement that solar access be provided year round to public spaces, to provide for a high level of comfort and amenity for pedestrians and to enable use for outdoor dining throughout the year including at lunch time in midwinter
 - ii. Incorporation of a minimum of 7% of the developable part of the site (having an area of approximately 5,636m²) as deep soil area (having a minimum dimension of 2m) and generally being located within the through site link adjacent to the Stonex Drive frontage.
 - iii. A minimum of 70% of units to comply with the solar access requirement of 2 hours of sunlight to balconies and living rooms between 9am and 3pm in mid-winter (Note: units currently in question comprise the northern cross through units in the eastern tower and some of the lower units in the eastern tower facing the courtyard).
 - iv. A minimum of 60% of units to comply with natural cross ventilation requirement Note: Note: units currently in question comprise single aspect units facing north over the courtyard on the eastern tower, and single aspect units at the southeast corner facing east on the eastern tower at the lower levels).
 - v. Design of units to address noise amenity impacts and ventilation requirements to habitable rooms given site affectation by traffic and rail noise.
 - vi. Subject to resolution of (iii) and (iv) above compliance with the maximum number of units off a circulation core in accordance with the ADG.
 - vii. Demonstrate appropriate loading arrangements within the basement including provision of entry and exit in a forward direction for service vehicles.
- c. Preparation of a Draft amendment to Ku-ring-gai DCP Part 14 Urban Precinct and Sites 14B Turramurra Local Centre to reflect the subject Planning Proposal and key aspects of the Reference Scheme and to incorporate additional provisions which:
 - i. promote pedestrian activity between Pacific Highway and the future park at the rear of the site
 - ii. ensure that new development is appropriately sited and designed to manage amenity and visual impacts to neighbouring residential properties
 - iii. provide active frontages along the internal through site link
 - iv. ensure all service and loading areas are to be located in the basement
 - v. clarify the road widening width of 1.5m to Kissing Point Road
 - vi. provide a 3m setback along Stonex Lane
 - vii. require that the pedestrian through site link should be open to the sky
 - viii. minimise opaque and blank walls at ground level
 - ix. provide 30 car spaces for public use within the basement of the future development
 - x. require a minimum level of articulation to tower footprints (i.e. maximum wall length)
 - xi. design the lower pedestrian plaza area / through site link area to comply with the ADG requirement that solar access be provided year round to public spaces, to provide for a high level of comfort and amenity for pedestrians and to enable use for outdoor dining throughout the year including at lunch time in midwinter

- xii. require a minimum of 7% of the developable part of the site (having an area of approximately 5,636m²) as deep soil area (having a minimum dimension of 2m) and generally being located within the through site link adjacent to the Stonex Drive frontage. This area is to incorporate specimen trees to form an idyllic corridor for pedestrian traffic and shoppers
 - xiii. ensure that the design is compatible with its heritage context including HCA to the east, nearby heritage items and that it reflects the character of the Tummamurra Local Centre.
 - xiv. Ensure that planting within the site is to comprise endemic species as far as possible.
 - xv. Require additional street tree planting on all street frontages where practicable.
 - xvi. Require underground power along street frontages
 - xvii. Require a Detailed Site Investigation to be submitted with any DA for the subject site.
 - xviii. Require a minimum of 5% affordable housing.
 - d. amendment of the Planning Proposal to address Department of Planning, Housing and Infrastructure's Practice Note PN 16-001 in respect of the classification and reclassification of public land.
- 2. Advise the Proponent of the above and direct that it submit an amended Reference Scheme and Draft amendment to Ku-ring-gai DCP Part 14 Urban Precinct and Sites 14B Turramurra Local Centre in accordance with the recommendations above prior to the matter being referred to the Department of Planning, Housing and Infrastructure for a Gateway Determination.

KU-RING-GAI LOCAL PLANNING PANEL ADVICE

As noted above, the matter was referred to the Ku-ring-gai Local Planning Panel for advice on 22 July 2024 as required by the Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning under Section 9.1 of *the Environmental Planning and Assessment Act 1979*. The KLPP supported the Planning Proposal and advised as follows:

- A. That Ku-ring-gai Local Planning Panel makes a recommendation to Council that the following Planning Proposal be submitted to the Department of Planning, Housing and Infrastructure for a Gateway Determination.
- B. Should a Gateway Determination be issued for public exhibition of the Planning proposal, the site-specific amendments to the Ku-ring-gai DCP Part 14 Urban Precinct and Sites 14B Turramurra Local Centre as outlined in this report, be placed on public exhibition concurrent with the Planning Proposal.
- C. That Council authorise the General Manager to correct any minor anomalies of a non-policy and administrative nature that may arise during the planning making process.

In providing this advice the KLPP endorsed the recommendations of the assessment report and concluded that the Planning Proposal is consistent with the E1 zoning of the site, will facilitate development of the site for appropriate uses, provides public benefits and demonstrates strategic and site-specific merit.

A copy of the KLPP minutes including resolution in relation to the Planning Proposal is provided at Attachment A16.

INTEGRATED PLANNING AND REPORTING

Theme 3 - Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	P2.1.1 Land use strategies, plans and processes are in place to effectively manage the impact of new development	Implement and monitor the Local Environmental Plans and supporting Development Control Plans.

GOVERNANCE MATTERS

The process for the preparation and implementation of Planning Proposals is governed by the provisions contained in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

If Council fails to make a decision within 90 days (from the commencement of the review of the application) or if Council makes a decision to not support the Planning Proposal, the Proponent can make a request to the Department of Planning, Housing and Infrastructure for a Rezoning Review.

Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979* requires Council to refer all Planning Proposals prepared after 1 June 2018 to the Local Planning Panel for advice, before it is forwarded to the Department of Planning, Housing and Infrastructure for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

RISK MANAGEMENT

This is a Planning Proposal initiated by a private landowner however affects land owned by Council and accordingly has been assessed by an independent planner. Council should, to determine its position on the matter, specifically consider whether the Planning Proposal should be sent to the Department of Planning, Housing and Infrastructure for a Gateway Determination having regard to the Local Planning Panel's advice and decide whether to proceed to public exhibition.

Council risks damage to its reputation if it does not undertake strategic land use planning in an effective and timely manner.

FINANCIAL CONSIDERATIONS

The Planning Proposal was subject to the relevant application fee under Council's 2024/2025 Fees and Charges Schedule. The cost of the review and assessment of the Planning Proposal is covered by this fee.

SOCIAL CONSIDERATIONS

The Planning Proposal is considered to have positive social benefits including the delivery of a new public park, land dedications, pedestrian footpath and road upgrades, new roadway and additional housing choice. In addition, it will provide for the replacement of the existing Council owned 30 x public car parking spaces on site.

ENVIRONMENTAL CONSIDERATIONS

The potential environmental impacts of the Planning Proposal have been considered in this assessment and it has been determined that the Planning Proposal should be supported as it will not result in any significant adverse environmental impacts and is suitable for the site. The impacts of any specific development that may occur on the site as a result of the proposal would be considered in detail at the development application stage.

COMMUNITY CONSULTATION

In the event that the Planning Proposal is forwarded for a Gateway Determination, and granted a Gateway Determination by the Department of Planning, Housing and Infrastructure, the Planning Proposal would be placed on public exhibition in accordance with the requirements of the Gateway Determination and the Department of Planning, Housing and Infrastructure's publication '*A Guide to Preparing Local Environmental Plans*'. As recommended by the KLPP an amendment to Ku-ring-gai DCP Part 14 Urban Precinct and Sites 14B Turrumurra Local Centre in respect of the subject land would also be exhibited concurrent with the Planning Proposal.

The public exhibition would also be in accordance with the Ku-ring-gai Community Participation Plan 2020.

INTERNAL CONSULTATION

The assessment of the Planning Proposal has included consultation with Council's Strategic Traffic Engineer, Heritage and Biodiversity Officers. In addition, independent advice was provided in respect to economic impacts and urban design as outlined herein. Council officers attended the site inspection with the independent planning and urban design consultants to provide a briefing. Specialist referrals are addressed within the body of this report.

SUMMARY

Council has engaged consultant MG Planning Pty Ltd (PO Box 197, Drummoyne NSW 1470) to conduct an independent assessment of this Planning Proposal. Dr Michael Zanardo of Studio Zanardo was also engaged to provide an independent urban design advice. A peer review of the economic impact assessment was also undertaken by Hill PDA. Assessment of traffic and transport, heritage and biodiversity issues have been carried out by Council's Strategic Traffic Engineer, Heritage and Biodiversity Officers respectively. A Planning Proposal has been submitted for the Turrumurra Plaza site (and adjacent land) which seeks to make the following amendments to the KLEP 2015:

- Amend the maximum permissible height applying to the site on the Height of Buildings map from 17.5m to 34.5m (9 storeys);
- Amend the maximum permissible Floor Space Ratio applying to the site on the Floor Space Ratio map from 2:1 to 3:1;
- Impose a minimum commercial/retail FSR of 0.85:1;

Item GB.14

S14408

- Remove the maximum commercial FSR standard of 1.2:1 (Area 4 in clause 4.4 (2E)); and
- Reclassify the Council owned part of the site from community to operational land.

The subject assessment concludes that the Planning Proposal is supportable subject to amendments and that recommends to Council that:

1. the Planning Proposal be submitted to the Department of Planning, Housing and Infrastructure for a Gateway Determination subject to:
 - a. amendments to the proposed height of buildings mapping;
 - b. the preparation of an amended Reference Scheme
 - c. the preparation of revised Draft DCP amendment, and
 - d. amendment of the Planning Proposal to address Department of Planning, Housing and Infrastructure's Practice Note PN 16-001 in respect of the classification and reclassification of public land
 in accordance with the detailed recommendations outlined above.
2. the Proponent be advised of the above and directed to submit an amended Reference Scheme and Draft amendment to Ku-ring-gai DCP Part 14 Urban Precinct and Sites 14B Turramurra Local Centre in accordance with the recommendations above prior to the matter being referred to the Department of Planning, Housing and Infrastructure for a Gateway Determination.

This recommendation is in accordance with the advice received from the Ku-ring-gai Local Planning Panel.

The Planning Proposal has been assessed against the provisions of the Department of Planning, Housing and Infrastructure's *'Local Environmental Plan Making Guideline'* and section 3.33 of the *Environmental Planning and Assessment Act 1979*.

It is considered that the Planning Proposal demonstrates sufficient strategic and site specific merit such that it should be submitted to the Department of Planning, Housing and Infrastructure for a Gateway Determination following amendments as outlined above and in the *Table of Assessment* at **Attachment A1**.

RECOMMENDATION:

It is recommended that:

- A. Council resolve, that following amendment as outlined above, the Planning Proposal be submitted to the Department of Planning, Housing and Infrastructure for a Gateway Determination
- B. should a Gateway Determination be issued for public exhibition of the Planning Proposal, the site-specific amendments to the Ku-ring-gai DCP Part 14 Urban Precinct and Sites 14B Turramurra Local Centre as outlined in this report be placed on public exhibition concurrent with the Planning Proposal, and
- C. the Proponent be advised accordingly.

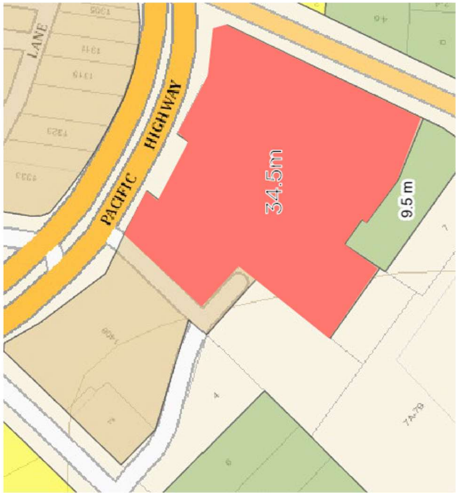
Helena Miller
Director, MG Planning Pty Ltd

Attachments:	A1	Planning Proposal Assessment Table - Turramurra Plaza Planning Proposal - MG Planning		2024/231267
	A2	Planning Proposal prepared by The Planning Studio Final (May 2024) - Turramurra Plaza		2024/231302
	A3	Planning Proposal Appendix 1 - Urban Design Study - Turramurra Plaza	Excluded	2024/231308
	A4	Planning Proposal Appendix 2 - Traffic and Transport Study - Turramurra Plaza	Excluded	2024/231314
	A5	Planning Proposal Appendix 3 - Survey Plan - Turramurra Plaza	Excluded	2024/231318
	A6	Planning Proposal Appendix 4 - Need + Impact Assessment - Turramurra Plaza	Excluded	2024/231340
	A7	Planning Proposal Appendix 5 - Preliminary Site Investigation (Contamination) - Turramurra Plaza	Excluded	2024/231324
	A8	Planning Proposal Appendix 6 - Arborist Report - Turramurra Plaza	Excluded	2024/231352
	A9	Planning Proposal Appendix 7 - Bushfire - Turramurra Plaza	Excluded	2024/231358
	A10	Planning Proposal Appendix 8 - Flora + Fauna - Turramurra Plaza	Excluded	2024/231360
	A11	Planning Proposal Appendix 9 - Heritage - Turramurra Plaza	Excluded	2024/231365
	A12	Planning Proposal Appendix 10 - Amended Letter of Offer - Turramurra Plaza		2024/231366
	A13	Urban Design Review - Studio Zanardo - Turramurra Plaza Planning Proposal		2024/231270
	A14	Turramurra Planning Proposal Economic impact assessment peer review - Final by Hill PDA	Excluded	2024/189535
	A15	Draft Site Specific DCP - Turramurra Plaza		2024/231370
	A16	KLPP 22 July 2024 - Advice - Planning Proposal Pacific Highway Turramurra		2024/249953

TABLE OF ASSESSMENT 1

PLANNING PROPOSAL – TURRAMURRA PLAZA SITE

PLANNING PROPOSAL		
PAGE	DOCUMENT/SECTION	COMMENT
General		
	<p>The Planning Proposal seeks to amend the <i>Ku-ring-gai Local Environmental Plan 2015</i> to:</p> <ul style="list-style-type: none">Amend the maximum permissible height applying to the site on the Height of Buildings map from 17.5m to 34.5m (9 storeys);Amend the maximum permissible Floor Space Ratio applying to the site on the Floor Space Ratio map from 2:1 to 3:1;Impose a minimum commercial/retail FSR of 0.85:1;Remove the maximum commercial FSR standard of 1.2:1 (Area 4 in clause 4.4 (2E); andReclassify the Council owned part of the site from community to operational land. <p>in respect of 1364-1392 Pacific Highway and 1, 1A and 3A Kissing Point Road, Turramurra (Turramurra Plaza site)</p>	<p>This assessment considers that changes are necessary to the proposed LEP and DCP amendments sought by the Planning Proposal.</p> <p>Change is recommended to proposed LEP amendments to a amend Building Height map to:</p> <ul style="list-style-type: none">Eastern part of the site – 34.5mWestern part of the site – 28.5mLand dedications including new park, new road and road widenings – no height shown <p>These matters are outlined in further detail below:</p> <p><u>Maximum Height</u></p> <p>The Planning Proposal seeks to amend the applicable maximum height and floor space ratio (FSR) applying to the site to allow for a maximum height of 34.5 as below across the entire site:</p>
		<p>Maximum height and FSR changes generally supported although change to height mapping recommended as follows:</p> <ul style="list-style-type: none">Eastern part of the site – 34.5mWestern part of the site – 28.5mLand dedications including new park, new road and road widenings – no height shown

PLANNING PROPOSAL – TURRAMURRA PLAZA SITE	TABLE OF ASSESSMENT	2
	<div></div> <p>Figure 1: Proposed Height of Building map</p> <p>It is considered that a more nuanced approach should be taken to building height consistent with the recent KLEP 2015 amendment for the Lindfield Village Hub site. The submitted Reference Scheme proposed two towers over a podium with the eastern tower being 9 storeys in height as a landmark building on the corner and the western tower building 7 storeys to provide an appropriate transition to 3-5 storey development to west. Accordingly it is recommended that the eastern part of the site has a 34.5m height limit applied while a 28.5m height limit be applied to the western part of the site to ensure the height transition.</p> <p>Further as applied through the LGA no height limit should be applied to the future park, new road (Stonex Drive) or the proposed road widening land dedications.</p> <p><u>Maximum FSR</u> The Planning Proposal seeks amendment to the LEP FSR map to allow a maximum FSR of 3:1 across the site. This is supported.</p>	

PLANNING PROPOSAL – TURRAMURRA PLAZA SITE		TABLE OF ASSESSMENT		3
	Site area	There is some question about the proposed site area with part of the site 'Area H' as identified on the survey plan shown as two areas: by title and by calculation. The remainder of the site is shown as by title. Accordingly, unless further detail is provided the PP documents should be amended to reflect the area by title (total 8,397.94m ² rather than 8,459.7m ² as currently indicated).	<ul style="list-style-type: none">PP documents to be amended to consistently reflect site area by title	
Introduction				
7	Introduction	<p>Currently states:</p> <p>The proposed amendments include:</p> <ul style="list-style-type: none">Amending the maximum permissible height applying to the site on the on the Height of Buildings map from 17.5m to 34.5m; <p>Amend to:</p> <ul style="list-style-type: none">Amending the maximum permissible height applying to the site on the on the Height of Buildings map from 17.5m to part 28.5mm, part 34.5m and part no height;	<ul style="list-style-type: none">Amend height limit proposed	
8	The Site	Figure 1 – update area of 'Area H' to accord with title and site total	<ul style="list-style-type: none">Amend Area H and total site area	
9	Site description Table 1 – Site Description	Update total area to 8,397.94m ² consistent with title details	<ul style="list-style-type: none">Provide consistent area calculation	
Part 1 Objectives and Intended Outcomes				
Part 2 Explanation of provisions				
13	Explanation of provisions	<p>Change is recommended to proposed LEP amendments to a amend Building Height map to:</p> <ul style="list-style-type: none">Eastern part of the site – 34.5mWestern part of the site – 28.5mLand dedications including new park, new road and road widenings – no height shown <p>Figure 3 – amend map as above</p>	<ul style="list-style-type: none">Amend height limit proposed	

PLANNING PROPOSAL – TURRAMURRA PLAZA SITE			TABLE OF ASSESSMENT	4
15/16	Public benefit	Table 3 - Update public benefits to reflect updated Reference Scheme and site area	• Update	
Part 3 Justification				
Section A – Need for the Planning Proposal				
20	Q1 - Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?	Ku-ring-gai Local Housing Strategy Update to include National Housing Accord and new LGA wide housing target of 7,600 dwellings	• Update to include new housing targets issued by State government 2024	
21	Q2 - Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?			
Section B – Relationship to strategic planning framework				
22	Q3. 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)?	Ku-ring-gai Local Housing Strategy Update to include National Housing Accord and new LGA wide housing target of 7,600 dwellings	• Update to include new housing targets issued by State government 2024	
	Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?			
	Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?			
61	Q6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?	Table 11 – SEPP (Biodiversity and Conservation) 2021 - refers to retaining trees on site where possible. Update to note trees proposed to be removed and potential for future BOS etc. in accordance with recommendations of the Flora and Fauna assessment	• Reflect findings and recommendations of the Flora and Fauna Assessment	
63		Table 11 –	• Update	

PLANNING PROPOSAL – TURRAMURRA PLAZA SITE		TABLE OF ASSESSMENT		5
		SEPP No. 65 – Design Quality of Residential Apartment Development – update to SEPP Housing 2021		
64	Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?	Table 12 Section 3. Biodiversity and Conservation Address Direction 3.7 Public Bushland	<ul style="list-style-type: none"> Update to address section 9.1 Direction 	
68		Table 12 Section 7 Industry and Employment Update Direction 7.1 heading 'Employment zones' not 'Business and Industrial zones'	<ul style="list-style-type: none"> Update to reflect amendments to section 9.1 Directions 	
Section C – Environmental, social and economic impact				
69	Q8 - 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?			
72	Q9 - Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?	Update Figure 10, 11 and entire section to reflect updated Reference Scheme	<ul style="list-style-type: none"> Update to reflect final Reference Scheme (to be updated) 	
81	Q10- Has the Planning Proposal adequately addressed any social and economic effects?			
Section D – Infrastructure (Local, State and Commonwealth)				
83	Q11 - Is there adequate public infrastructure for the Planning Proposal?	The Planning Proposal adequately demonstrates that the existing public infrastructure is capable of accommodating the proposal.		
Section E – State and Commonwealth interests				
83	Q12 - What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	Update to note TfNSW has advised that the Planning Proposal is acceptable and to include relevant comments. The Planning Proposal should be updated to identify the State agencies that should be consulted – Roads and Maritime Services Office of Environment and Heritage, Transport for NSW, Sydney Water.	<ul style="list-style-type: none"> Include comments from TfNSW 	

PLANNING PROPOSAL – TURRAMURRA PLAZA SITE		TABLE OF ASSESSMENT		6
		Ausgrid and Energy Australia. This is to be confirmed through the Gateway determination.		
Part 4 Mapping				
84	Height of Building Map Proposed	Update Height of Building Map to show: <ul style="list-style-type: none">• Eastern part of the site – 34.5m• Western part of the site – 28.5m• Land dedications including new park, new road and road widenings – no height shown	<ul style="list-style-type: none">• Amend Height of Building as recommended	
Part 5 Community Consultation				
86			<ul style="list-style-type: none">•	
Part 6 Project Timeline				
87		Timeframes to be updated once Reference Scheme amendment and Draft DCP prepared	<ul style="list-style-type: none">• Updated dates to be included within the timeframe table when available.	
Reclassification of Public Land				
87		Update to note the current Council resolution (22 February 2022) and incorporate the information required by Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan	<ul style="list-style-type: none">• Update to address relevant requirements	

PLANNING PROPOSAL – TURRAMURRA PLAZA SITE

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PLANNING PROPOSAL – APPENDIX 11 SITE SPECIFIC DCP			
PAGE	SECTION	COMMENT	RECOMMENDATION
All	All	<p>Redraft Draft DCP as an amendment to Ku-ring-gai DCP Part 14 Urban Precinct and Sites 14B Turramurra Local Centre which updates to existing provisions to reflect the subject Planning Proposal and key aspects of the Reference Scheme and to incorporate additional provisions as follows:</p> <p>i. promote pedestrian activity between Pacific Highway and the future park at the rear of the site</p> <p>ii. ensure that new development is appropriately sited and designed to manage amenity and visual impacts to neighbouring residential properties</p> <p>iii. provide active frontages along the internal through site link</p> <p>iv. ensure all service and loading areas are to be located in the basement</p> <p>v. clarify the road widening width of 1.5m to Kissing Point Road</p> <p>vi. provide a 3m setback along Stonex Lane</p> <p>vii. require that the pedestrian through site link should be open to the sky</p> <p>viii. minimise opaque and blank walls at ground level</p> <p>ix. provide 30 car spaces for public use within the basement of the future development</p> <p>x. require a minimum level of articulation to tower footprints (i.e. maximum wall length)</p> <p>xi. design the lower pedestrian plaza area / through site link area to comply with the ADG requirement that solar access be provided year-round to public spaces, to provide for a high level of comfort and amenity for pedestrians and to enable use for outdoor dining throughout the year including at lunch time in midwinter</p> <p>xii. require a minimum of 7% of the developable part of the site (having an area of approximately 5.636m2)</p>	<ul style="list-style-type: none">Redraft DCP Amendment as recommended

PLANNING PROPOSAL – TURRAMURRA PLAZA SITE			TABLE OF ASSESSMENT	8
		<div><div>as deep soil area (having a minimum dimension of 2m) and generally being located within the through site link adjacent to the Stonex Drive frontage. This area is to incorporate specimen trees to form an idyllic corridor for pedestrian traffic and shoppers ensure that the design is compatible with its heritage context including HCA to the east, nearby heritage items and that it reflects the character of the Tumnamurra Local Centre.</div><div>iii. Ensure that planting within the site is to comprise endemic species as far as possible.</div><div>iv. Require additional street tree planting on all street frontages where practicable.</div><div>v. Require underground power along street frontages</div><div>vi. Require a Detailed Site Investigation to be submitted with any DA for the subject site</div><div>vii. Require a minimum of 5% affordable housing.</div></div>		

PLANNING PROPOSAL – TURRAMURRA PLAZA SITE

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9

PLANNING PROPOSAL – APPENDIX 1 – Design Report			
PAGE	SECTION	COMMENT	RECOMMENDATION
All	All	Update report to reflect amended Reference Scheme which addresses recommendations of assessment report	<ul style="list-style-type: none"> Update to reflect recommendations of assessment report
9	Introduction 1.2 Site Overview	Update site H area to reflect title	<ul style="list-style-type: none"> Update to reflect title area
41	Analysis of Turramurra	Figure 3. Turramurra Skyline from Council comments – include lower 28.5m height for western tower	<ul style="list-style-type: none"> Reflect 9 and 7 storey height limits
45	Design Response	Proposed scheme – include part 34.5m and part 28.5m height limit	<ul style="list-style-type: none"> Reflect 9 and 7 storey height limits
46 +	Throughout	Update report to reflect amended Reference Scheme which addresses recommendations of assessment report	<ul style="list-style-type: none"> Update to reflect recommendations of assessment report
46 +	Throughout	Include deep soil area on developable part of site as per recommendation	<ul style="list-style-type: none"> Update to reflect deep soil recommendations of assessment report
61	Existing subject site	Update to reflect site area by title	<ul style="list-style-type: none"> Update to reflect title area
64	Street tree plan	Include street tree planting as per recommendations of Arborist report	<ul style="list-style-type: none"> Include street tree planting
67	Design Response 5.12 Public Offering	Update to reflect site area by title	<ul style="list-style-type: none"> Update to reflect title area
71	Design Response 5.14 Design Considerations	Centre diagram -Include deep soil area on developable part of site as per recommendation	<ul style="list-style-type: none"> Update to reflect deep soil recommendations of assessment report
73-77	Design Response 5.15 Masterplan	Update report to reflect amended Reference Scheme which addresses recommendations of assessment report	<ul style="list-style-type: none"> Update to reflect recommendations of assessment report
79 - 123	06 Appendix	Update report to reflect amended Reference Scheme which addresses recommendations of assessment report	<ul style="list-style-type: none"> Update to reflect recommendations of assessment report

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PLANNING PROPOSAL – TURRAMURRA PLAZA SITE

PLANNING PROPOSAL – APPENDIX 2 – Transport and Traffic Impact Study			
PAGE	SECTION	COMMENT	RECOMMENDATION
All	All	Update in accordance with updated Reference Scheme including loss of parking due to provision of deep soil within developable part of the site	<ul style="list-style-type: none">Update to reflect recommendations of assessment report
20	3.4	Update loading dock arrangements to clearly illustrate forward in forward out arrangement for service vehicles	<ul style="list-style-type: none">Illustrate appropriate loading arrangements

PLANNING PROPOSAL – APPENDIX 3 – Survey plan			
PAGE	SECTION	COMMENT	RECOMMENDATION
		Amend Area H to show title area	<ul style="list-style-type: none">Clarify area for all parts of the site is as per title rather than calculation

PLANNING PROPOSAL – APPENDIX 4 – Preliminary Need and Impact Assessment			
PAGE	SECTION	COMMENT	RECOMMENDATION
	All	Update to address comments made by Hill PDA in peer review	<ul style="list-style-type: none">Update for clarity

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PLANNING PROPOSAL – APPENDIX 5 – Phase 1 Preliminary Site Investigation			
PAGE	SECTION	COMMENT	RECOMMENDATION
		Noted	Nil

PLANNING PROPOSAL – APPENDIX 6 –Arborist Report			
PAGE	SECTION	COMMENT	RECOMMENDATION
		Noted	Nil

PLANNING PROPOSAL – APPENDIX 7 – Bushfire Advice			
PAGE	SECTION	COMMENT	RECOMMENDATION
		Noted	Nil

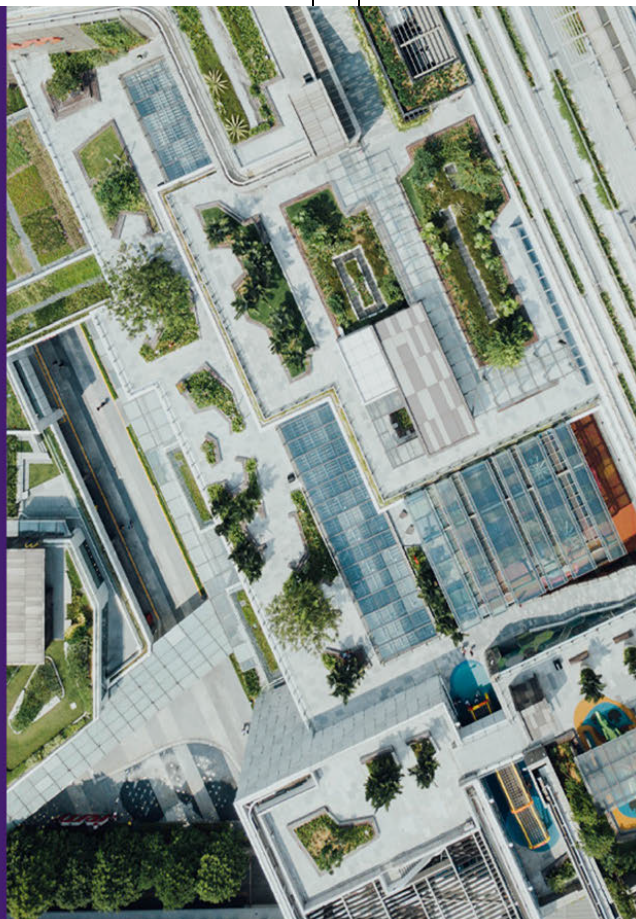
PLANNING PROPOSAL – APPENDIX 8 – Flora and Fauna Report			
PAGE	SECTION	COMMENT	RECOMMENDATION
		Noted	Update to reflect amended Reference Scheme – if required

PLANNING PROPOSAL – APPENDIX 9 – Statement of Heritage Impact			
PAGE	SECTION	COMMENT	RECOMMENDATION
		Noted	Update to reflect amended Reference Scheme – if required

PLANNING PROPOSAL – APPENDIX 10 – Community Engagement Report			
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PAGE	SECTION	COMMENT	RECOMMENDATION	
		Noted	Nil	

PLANNING PROPOSAL — Letter of Process			RECOMMENDATION	
PAGE	SECTION	COMMENT	Update to reflect amended Reference Scheme – if required	
		Noted		



1364-1396 Pacific Highway,
and 1, 1A and 3A Kissing Point
Road, Turramurra NSW 2074

Planning Proposal to Amend
the Ku-ring-gai Local
Environmental Plan 2015

On behalf of Rebel Property
Group

28 May 2024

The Planning Studio acknowledges the traditional custodians of the lands + waters of Australia, particularly the Gadigal People on whose traditional lands our office is located, and pay our respects to Elders past, present + emerging. We deeply respect the enduring Connection to Country + culture of Aboriginal and Torres Strait Islander peoples and are committed to walk alongside, listen + learn with community as we plan for equitable, sustainable, generous, and connected places. Always was, Always will be.

Project Director

[Redacted]

Contributors

[Redacted]

[Redacted]

Revision	Revision Date	Status	Authorised	
			Name	Signature
V1	4 December 2023	Final	[Redacted]	
V2	15 January 2024	Draft	[Redacted]	
V3	16 February 2024	Final	[Redacted]	
V4	6 March 2024	Final	[Redacted]	
V5	28 May 2024	Final	[Redacted]	[Redacted]

* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

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Introduction

The Planning Studio has been engaged by Rebel Property Group to prepare a planning proposal to amend the planning controls for the Turramurra Plaza site at 1364-1396 Pacific Highway and 1, 1A, 3 and 3A Kissing Point Road, Turramurra NSW 2074, also known as the Turramurra Village (the site).

This Planning Proposal requests to amend the *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015) in order to facilitate the redevelopment of the site at for a mixed-use development including commercial premises, retail premises and shop-top housing. The proposed amendments include:

- Amending the maximum permissible height applying to the site on the on the Height of Buildings map from 17.5m to 34.5m;
- Amend the maximum permissible Floor Space Ratio applying to the site on the Floor Space Ratio map from 2:1 to 3:1;
- Impose a minimum commercial/retail FSR of 0.85:1;
- Remove the maximum commercial FSR standard of 1.2:1 (Area 4 in clause 4.4 (2E); and
- Reclassify the Council owned part of the site from community to operational land.

A site specific DCP has also been prepared and is provided at **Appendix 11: Site Specific DCP**.

The Site

Site Location

The site is known as Turramurra Village and is located at 1364-1396 Pacific Highway and 1, 1A and 3A Kissing Point Road, Turramurra, NSW 2074. The site lies within the Ku-ring-gai LGA, consists of 12 individual lots, and has a combined site area of 8,459.7m². It is bounded by Pacific Highway to the north, Kissing Point Road to the east, and Duff Street to the west.

Currently, the site houses a mixture of low-rise commercial and retail buildings including an IGA, which have frontages on Pacific Highway. There is also a Council-owned car park to the rear, and a single storey medical clinic on Kissing Point Road.

The immediate area is zoned as E1 local centre, and surrounded by conservation, environmental living, and high density residential with the wider area characterised by low density residential. There are a number of cafés, bars, retail, and lifestyle opportunities such as Plus Fitness in close proximity to the site. As the site is located near a conservation area, there are also several reserves, parks, and walking tracks (Sheldon Forest) within a 500m radius.

The site is in an accessible area, with Turramurra Train Station approximately 170m to the north-east. There are also several bus routes that operate along Pacific Highway and Kissing Point Road that provide connections to Macquarie University.





Figure 1: Subject Site (DKO)



Figure 2: Local context (DKO Architecture)



Site Description

The Table below provides the legal description, and a brief summary of the site and surrounding context.

Table 1 – Site Description	
Item	Description
Legal Description	1396 Pacific Highway – Lot 1 DP 629520 1392 Pacific Highway – Lot 2 DP 16463; 1390 Pacific Highway – Lot 1 DP 550866; 1380-1388 Pacific Highway – Lot 101 DP 714988; 1370-1378 Pacific Highway – Lot 1 DP 500077; 1364 Pacific Highway – Lot 1 DP 656233; 1A Kissing Point Road – Lot 2 DP 500077, Lot 2 DP 502388 and Lot 2 DP500761; 1 Kissing Point Road – Lot 1 DP500761; 3 Kissing Point Road – Lot B DP 435272; and 3A Kissing Point Road – Lot A DP 391538.
Total Area	8,459.7m²
Location	1364-1396 Pacific Highway and 1, 1A and 3A Kissing Point Road, Turramurra, NSW 2074
Street Frontage	Approximately 92m to Kissing Point Road and 96m to Pacific Highway
Site Description	<p>The site is known as Turramurra Village and lies within the Kuring-gai LGA. It is bounded by Pacific Highway to the north, Kissing Point Road to the east, and Duff Street to the west.</p> <p>Currently, the site houses a mixture of low-rise commercial and retail buildings including an IGA, which have frontages on Pacific Highway. There is also a Council-owned car park to the rear, and a single storey medical clinic on Kissing Point Road.</p> <p>The immediate area is zoned as E1 local centre, and surrounded by conservation, environmental living, and high density residential with the wider area characterised by low density residential. There are a number of cafés, bars, retail, and lifestyle opportunities such as Plus Fitness in close proximity to the site. As the site is located near a conservation area, there are also</p>



Table 1 – Site Description	
Item	Description
	several reserves, parks, and walking tracks (Sheldon Forest) within a 500m radius.
Transport	The site is in an accessible area, with Turramurra Train Station approximately 170m to the north-east. There are also several bus routes that operate along Pacific Highway and Kissing Point Road that provide connections to Macquarie University.

Background

A Planning Proposal was previously lodged with Council on 2 May 2022. The Planning Proposal was assessed by an independent planning consultant and independent urban design consultant due to part of the site being in Council ownership. It was referred to the Ku-ring-gai Local Planning Panel for comment on 5 December 2022.

The KLPP did not support the PP and recommended that it not be submitted for a Gateway Determination. The Planning Proposal was considered by Council at a meeting on 14 February 2023 and Council resolved to not submit the Planning Proposal for a Gateway Determination. The original planning proposal sought to:

- Amend the maximum permissible height applying to the site on the on the Height of Buildings map from 17.5m to 50m.
- Amend the maximum permissible Floor Space Ratio applying to the site on the Floor Space Ratio map from 2:1 to 4.2:1.
- Impose a minimum commercial/retail FSR of 0.85:1.
- Remove the maximum commercial FSR standard of 1.2:1 (Area 4 in clause 4.4 (2E)), and
- Reclassify the Council owned part of the site from community to operational land.

This report draws upon the previous Planning Proposal, the independent review by Council and the Council Report. The scheme incorporated as part of this Planning Proposal has been designed to respond positively to all the recommendations from the previous independent planner and urban design consultant.



Part 1 Objectives and Intended Outcomes

The planning proposal seeks to facilitate an exemplar mixed use commercial/residential development within a Local Centre context that aligns with, supports, and promotes key strategic planning priorities of State and local government.

The objectives of the Planning Proposal are:

- To facilitate the redevelopment of the site in accordance with the relevant principles of A Metropolis of Three Cities, the North District Plan, Ku-ring-gai Local Strategic Planning Statement (LSPS), Ku-ring-gai Housing Strategy, Turramurra Public Domain Plan and Ku-ring-gai Development Control Plan.
- To amend the KLEP 2015 to provide for the urban renewal of the subject site into a lively mixed use precinct which will provide opportunities for supermarkets, retail shops, commercial space, food and beverage offerings and residential accommodation. This will be achieved through the implementation of new built form controls including height and FSR, and a range of site specific provisions.
- To provide additional retail floor space in Turramurra Local Centre in response to a large undersupply within the Ku-ring-gai LGA as identified in the Ku-ring-gai LSPS and Preliminary Need and Impact Assessment.
- To facilitate the provision of a full-line supermarket in the Turramurra main trade area, and one that is underserved in supermarket floor space provision in comparison to the Sydney metropolitan average.
- To provide site specific controls which will ensure an appropriate massing for the site which reflects the strategic context of the site, while respecting the immediate context and minimising potential amenity impacts on adjoining neighbours, heritage items and conservation areas.
- To assist in achieving State and local government's housing targets and address the lack of housing availability within the locality, including the provision of affordable housing.

The intended outcomes of the Planning Proposal are:

- To provide additional employment in close proximity to public transport.
- To provide higher density residential accommodation in a centre location in close proximity to public transport, jobs and services.
- To improve pedestrian permeability within and around the site with two through site links.
- To improve traffic flow within and around the site with a new road within the southern boundary.
- To create a village atmosphere through the provision of public open spaces which promote social interaction within the community.
- To protect the adjoining Granny Springs Reserve and ensure a well managed interface to the Reserve.
- Be respectful and exist harmoniously with the prevailing character of the area.



- To support amalgamation of the sites within the precinct to ensure a consolidated and cohesive planning approach.
- To support the effective delivery of infrastructure, investment, and public benefits.

A site specific DCP has also been prepared and is provided at **Appendix 11: Site Specific DCP**.



Part 2 Explanation of Provisions

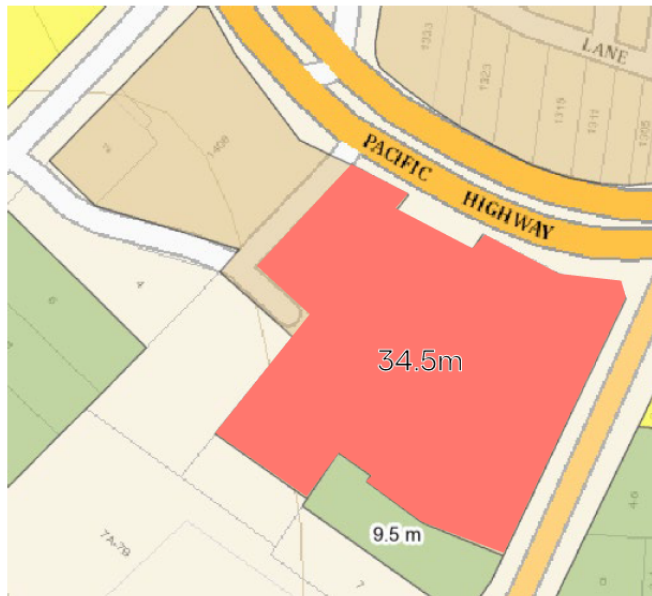
Intended Provisions

The Planning Proposal seeks to make the following amendments to the Ku-ring-gai Local Environmental Plan 2015 for the site:

- Amending the maximum permissible height applying to the site on the Height of Buildings map from 17.5m to 34.5m;
- Amend the maximum permissible Floor Space Ratio applying to the site on the Floor Space Ratio map from 2:1 to 3:1;
- Impose a minimum commercial/retail FSR of 0.85:1;
- Remove the maximum commercial FSR standard of 1.2:1 (Area 4 in clause 4.4 (2E); and
- Reclassify the Council owned part of the site from community to operational land.

Maximum Height of Building

The Planning Proposal seeks to amend the Ku-ring-gai LEP 2015 Height of Buildings Map to apply a maximum building height of 34.5m across the site, as shown in **Figure 3** below.



Note: The FSR calculation is based on the overall site area as depicted below including the future land to be dedicated to Council (FSR transfer). An LEP provision will need to be imposed to facilitate the same FSR calculation. Any such provision could also nominate a maximum total Gross Floor Area to be delivered on the site.

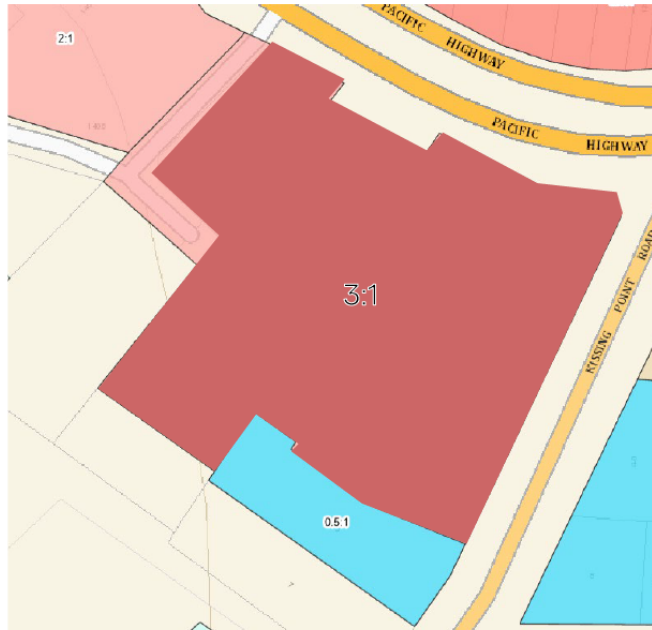


Figure 4: FSR Map – KLEP2015 (NSW Planning Portal Spatial Viewer and edits by The Planning Studio)

Minimum Commercial Floor Space Ratio

The proposal seeks to apply a minimum commercial FSR standard for the site through insertion of a new subclause within Clause 4.4 of Ku-ring-gai LEP 2015. The proposed wording of the clause is as follows:

Land within "Area 4" on the Floor Space Ratio Map is to contain a minimum commercial floor space component of 0.85:1.

The inclusion of this development standard is to provide certainty that an appropriate amount commercial floor space will be achieved on the site and ensure the objectives of the E1 Local Centre will continue to be achieved. The amount of minimum commercial floor space is in line with the total amount identified in the reference scheme as required by the independent assessment report previously conditioned and considered by Council.

Remove Maximum Commercial Floor Space Ratio of 1.2:1

The proposal seeks to remove the existing provision imposing a maximum commercial FSR of 1.2:1 for the site (Area 4). This is currently prescribed under clause 4.4(2E) of Ku-ring-gai LEP 2015.

With the introduction of the minimum 0.85:1 commercial FSR standard for the site, retaining the existing maximum 1.2:1 would be superfluous.



Reclassification of Council car park

The Planning Proposal also seeks to reclassify Council’s owned car park (which forms part of the site) from ‘community’ to ‘operational’ land under the Local Government Act 1993. Following the reclassification of Council land, a separate process will be undertaken for the divestment of the land.

The Planning Proposal seeks to amend Part 2 of Schedule 4 of Ku-ring-gai LEP 2015 by listing the Council car park land as follows:

Table 2 – Proposed Amendments to Schedule 4 of KLEP 2015		
Part 2 Land classified, or reclassified, as operational land—interests changed		
Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Turramurra	1A, 3 and 3A Kissing Point Road, being Lot 2, DP 500077; Lot 2, DP 502388; Lot 2, DP 500761; Lot B, DP 435272; Lot A, DP 391538	Nil

Public Benefit

The proposed amendments to the KLEP 2015 facilitates the delivery of a raft of public benefits including dedication of land to Council for community infrastructure, which are detailed in the table below and identified in **Appendix 1: Design Report**.

Table 3 – Public Benefits of Planning Proposal	
Item	Description
New Community Park	708m ²
New Road (Stonex Street)	1,434m ²
Kissing Point Road Upgrades	255m ²
Pavement Upgrades	1,255m ²
Pacific Highway land dedication	405m ²
Pacific Highway Fence Upgrade	96m length
New through-site link	907m ²
Stonex Lane Upgrade	245m ²



Table 3 – Public Benefits of Planning Proposal	
Item	Description
Street Trees planting	As per public domain
Upgraded Bus Stop	1
New Bicycle Racks (on-street)	2 areas
Upgraded Street Lighting	Pacific Highway and Kissing Point Road

A site specific DCP has also been prepared and is provided at **Appendix 11: Site Specific DCP**.



Part 3 Justification

A. Need for the Planning Proposal

Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The Planning Proposal has been prepared as a result of the following:

- The Ku-ring-gai LSPS – the proposal is directly implementing the LSPS Structure Plan for Turramurra Local Centre.
- Ku-ring-gai Local Housing Strategy – One of the approval conditions from DPE encourages Council to accommodate a proponent-led Planning Proposal with good planning outcomes for Turramurra Local Centre.

Each of these strategies are addressed in detail below including key sections relating to the justification of the planning proposal. Compliance with the fill objectives of the strategies are detailed in the response to Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

Ku-ring-gai Local Strategic Planning Statement

On 17 March 2020, Council adopted the Ku-ring-gai Local Strategic Planning Statement (LSPS) which plans for Ku-ring-gai's economic, social, and environmental land use needs for the next 20 years (2016-2036). The LSPS draws together the priorities and actions from Council's existing land use plans and policies to present an overall land use vision for Ku-ring-gai.

The Ku-ring-gai Structure Plan is an integral part of the LSPS which highlights the key productivity, liveability, and sustainability elements, refer to the figure below. The Structure Plan identifies Turramurra as a 'proposed community hub site', 'local centre' and area to investigate new housing opportunities between 2021 and 2026.



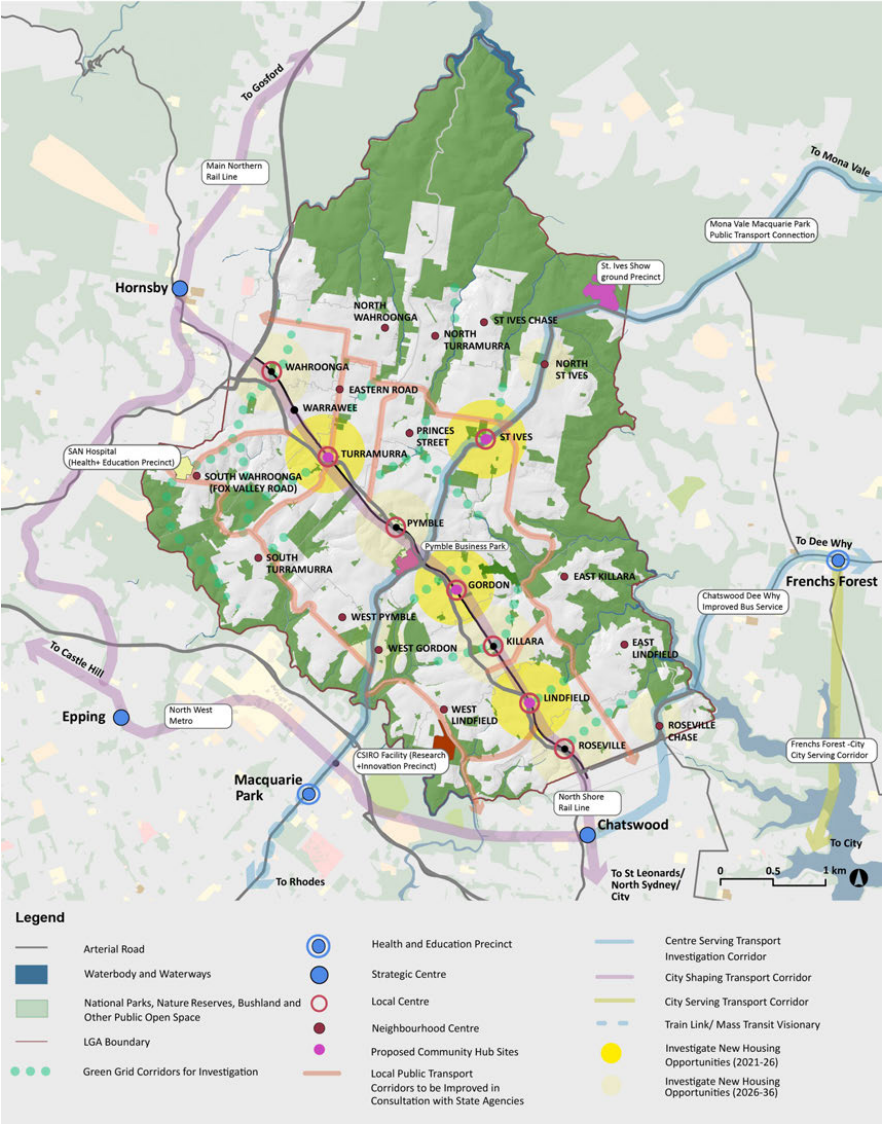


Figure 5: Housing Supply (Ku-ring-gai LSPS 2020)

The Ku-ring-gai Structure Plan provides an overall plan for the LGA whilst specific town centre structure plans are also provided for four local centres in the LSPS, including Turrumurra. The LSPS identifies Turrumurra as a primary local centre which is suitable for additional housing due to its proximity to public transport, it meets the 30-minute access criteria and incorporates a community hub project. The Ku-ring-gai Housing Strategy identifies appropriate locations for the supply of new housing within the LGA.

Council has established a planning priority for the Turrumurra Local Centre which aims to support the growth and revitalisation of ‘Turrumurra as a family focused urban village’ to create a community hub for residents. Turrumurra will become a well-connected and



attractive place to live, work and shop. The centre’s village atmosphere will be enhanced through the provision of new parks, public spaces, and community facilities, where local families can meet and spend leisure time.

At present, the Pacific Highway severely inhibits the movement within the local centre. The LSPS identifies an opportunity to renew the shops on the southern portion of the Highway (which includes the subject site) and improve connectivity between the northern and southern parts of the centre.

The LSPS includes a Turramurra Local Centre Structure Plan which illustrates the key components that support the growth and revitalisation of Turramurra Centre (refer Figure 6 below). The Turramurra Local Centre Structure Plan shows the site is a key landmark site, is to consider a through site link (western boundary), a new street (southern boundary) and cycleway (east boundary) and identifies an opportunity for a pedestrian bridge across the Pacific Highway. The Planning Proposal seeks to directly implement the Turramurra Structure Plan in the LSPS by facilitating mixed use redevelopment of the site which incorporates through site links, new roads, and a built form outcome reflective of a landmark site.

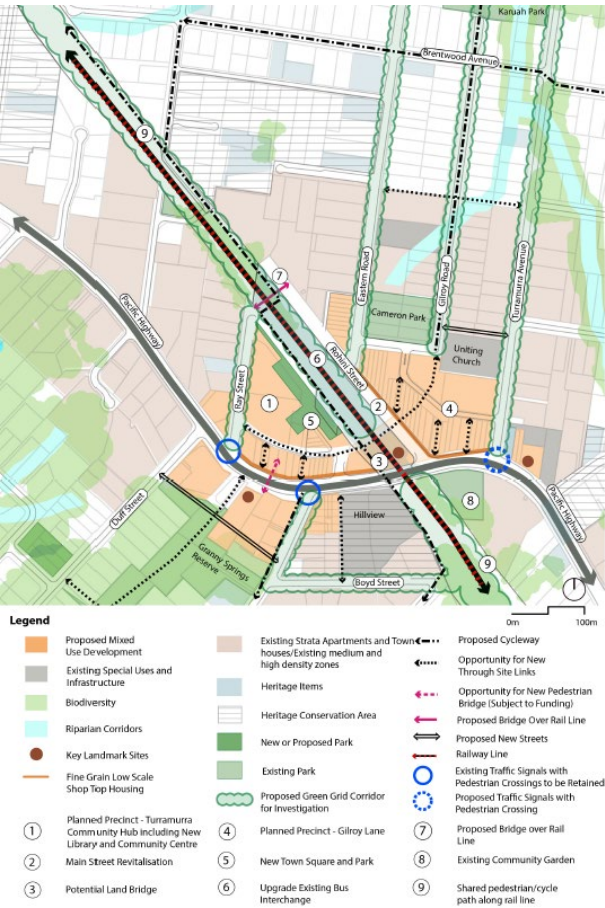


Figure 6: Turramurra Local Centre Structure Plan (Ku-ring-gai LSPS 2020)



Ku-ring-gai Local Housing Strategy

The Ku-ring-gai Local Housing Strategy (LHS) (revised December 2020) is a 20 year plan to guide future housing in Ku-ring-gai LGA to 2036. It was approved by the Department of Planning and Environment (DPE) on 16 July 2021 subject to a number of requirements.

The main objective of the LHS is to provide a guide on the quantity, location, and type of future residential development throughout the LGA. The Strategy includes priorities, objectives and actions for housing within the LGA. This includes:

- Housing is to be supplied in the right locations which are close to services, cultural and community facilities and within 10 minutes walking of public transport.
- Homes are to be provided in areas that can support the growth of vibrant Local Centres and a thriving local economy and are to be coordinated with infrastructure services.
- A diversity of housing types are to be encouraged with a mixture of dwelling types and sizes, affordable housing opportunities and accessible homes for the less mobile.

The LHS plans for delivery of housing up to 2036 by utilising capacity under existing planning controls and where permissible, supplemented by seniors housing and 'alternative dwellings' such as secondary dwellings, group homes and boarding houses.

DPE's approval of the LHS was conditional and subject to a number of requirements including that:

- DPE are supportive of planning proposals in the Turramurra local centre which should be submitted to the Department for Gateway determination by December 2022. Where these are not pursued by Council, the Department welcomes good place-based approaches by landowner/developers.

DPE's approval letter advises that this approach is consistent with the priorities and actions of Council's LSPS, and that such planning proposals are considered necessary to support the supply and delivery of housing over the medium term. They also present opportunities for new housing typologies (including affordable housing) suited to the future and changing needs of the community.

- Council or proponents for the planning of these local centres also must consult with Transport for NSW to best address transport and road/pedestrian safety issues. Specific consideration should be given to the intersections of the Pacific Highway with Ray Street, Kissing Point Road, Rohini Street and Turramurra Avenue when planning for the local centre of Turramurra.

Further, DPE's approval letter includes advisory notes that encourage Council to create a framework that makes appropriate provision for any additional housing opportunities that may arise out of sequence which are inconsistent with the LHS. The framework is to include:

- Strategic merit and case for change
- Robust demographic evidence
- Demand analysis and economic impacts
- Infrastructure delivery and funding to be borne by the proponent
- Stakeholder consultation and outcomes



- Sustainability and resilience
- Social and affordable housing contribution

This Planning Proposal responds to DPE's approval of the Housing Strategy, providing a proponent led planning proposal within the Turramurra Local Centre, to be submitted to the Department for Gateway determination prior to December 2022. It provides a good place-based approach to the redevelopment of Turramurra Plaza, providing additional housing over the medium-term and presents opportunities for new housing typologies with at least 5% of units to be provided as much needed affordable housing.

Whilst it is noted that Council passed a resolution on the 16 November 2021 that Council reject the conditions in the Letter of Approval issued by the Department of Planning, Industry and Environment, the Housing Strategy identifies a strong need for housing based on sound demographic analysis and consideration of future needs of the community. It should be noted that the Planning Proposal aligns to the existing LSPS and Housing Strategy which was never formally finalised.

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

The Planning Proposal seeks to support the renewal of the site through an increased density to address existing aspirations of the Council LSPS. To do so, the existing planning controls need to be amended to increase permissible building height, FSR and remove a maximum requirement for commercial floor space.

Accordingly, there is no other way of achieving the objectives or intended outcomes other than through a Planning Proposal to amend the KLEP 2015.

The objectives of the Planning Proposal, as detailed in Part 1, include delivering significant community benefits as well as an improved local economic and social outcome. The proposed LEP amendments are the best means to achieve these objectives. The current planning controls relating to the site do not yield a development outcome which would allow these objectives to be realised.

The site is strategically positioned to appropriately deliver on local, regional, and State strategic directions and priorities. Achieving these objectives are in the public interest and cannot be achieved should the relevant LEP planning controls not be amendment.

The proposal also involves Council owned land (car park) that is classified as 'community land'. Council is unable to sell or dispose of land classified as community land unless it is first reclassified to 'operational land'. Given a Planning Proposal will be required to increase the permitted density of development on the site, it is also sought to incorporate the reclassification of the Council car park into the Planning Proposal. This would involve an amendment to Part 2 of Schedule 4 of the KLEP 2015 to insert the carpark land known as Nos. 1, 1A, 3 and 3A Kissing Point Road, Turramurra (Lot 2 DP 500077, Lot 2 DP 502388, Lot 2 DP 500761, Lot 8 DP 435272, Lot A DP 391538) as being reclassified as operational land.

Further to the above, it is important to note that the future development of the site requires the dedication of land to Council for infrastructure, including roads and park lands. To accommodate such an outcome, the increase of building height and FSR sought under this Planning Proposal facilitates the FSR transfer from these areas to be dedicated. Such an outcome could not be achieved through other means.



B. Relationship to strategic planning framework

Q3. 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)?

This section demonstrates the Planning Proposals consistency against the applicable regional and district plans. In short, the proposal is considered to be consistent with and give effect to the key priorities and actions contained within:

- Greater Sydney Region Plan
- North District Plan

Greater Sydney Region Plan: A Metropolis of Three Cities and Eastern City District Plan

The Greater Sydney Regional Plan 2056 was published in March 2018 and sets out a vision, objectives, strategies, and actions for a metropolis of three cities across Greater Sydney. The Plan replaced the previous A Plan for Growing Sydney. The Plan outlines 10 overarching directions supported by 40 objectives which aim to provide interconnected infrastructure, productivity, liveability, and sustainability benefits to all residents.

The Plan states that Greater Sydney is growing and that by 2056, the NSW Government will need to deliver over 725,000 new homes for an additional 1.36 million people, and places for 817,000 additional jobs.

The Plan includes:

- Providing housing supply, choice and affordability with access to jobs, services and public transport;
- Delivering integrated land use and transport for a 30 minute city;
- Creating and renewing great places and local centres;
- Increasing urban tree canopy and delivering Green Grid connections;
- Growing targeted economic sectors and preserving;
- Reducing carbon emissions and managing energy, water and waste efficiently; and
- Planning for a city supported by infrastructure.

The Plan outlines that in order to deliver these new homes, housing and infrastructure policy will need to adapt to ensure that Sydney is:

- A city of housing choice, with homes that meet our needs and lifestyles. Urban renewal is essential to meet the demand for new housing in Sydney;
- Supported by local centres which are a focal point for neighbourhoods, integrate public transport access and provide day-to-day services for local populations; and
- A great place to live with communities that are strong, healthy, and well connected and where streets are streets and public places are activated.

Growth centred around strategic centres is essential for the successful delivery of the Plan's priorities and objectives. The Plan includes a focus for strategic centres to support



residents through the provision of accessible retail, employment, and services available with walkable catchment and with good levels of accessibility.

The site is situated in the Northern District of the Greater Metropolitan Sydney. Whilst Turramurra is not identified as strategic centre, it is identified as a local centre in the North District Plan and the site is within 170m of Turramurra train station and town centre.

The relevant parts of the Greater Sydney Region Plan are considered below.

Table 4 – Consistency with Greater Sydney Region Plan 2056		
Directions	Objectives	Consistency
Infrastructure and collaboration		
1. A city supported by infrastructure	Objective 1: Infrastructure supports the three cities	Consistent In relation to Objectives 1-3, the Planning Proposal is consistent as it will provide for new housing, retail/commercial space, and green/open space infrastructure in close proximity to key existing road and rail infrastructure (Pacific Highway and Turramurra Train Station). In relation to Objective 4, the Planning Proposal will optimise public transport use given it is located within walking distance to existing bus services along Pacific Highway and rail services from Turramurra Train Station. The development will maximise the use of these existing public transport assets and will reduce the need for additional infrastructure.
	Objective 2: Infrastructure aligns with forecast growth – growth infrastructure compact	
	Objective 3: Infrastructure adapts to meet future needs	
	Objective 4: Infrastructure use is optimised	
2. A collaborative city	Objective 5: Benefits of growth realised by collaboration of governments, community and business	Consistent The finalisation of the Planning Proposal will be informed by consultation with the community and relevant State agencies. The Planning



Table 4 – Consistency with Greater Sydney Region Plan 2056		
Directions	Objectives	Consistency
		Proposal has been prepared in response to Council's LSPS, DCP 2023 and Public Domain Plans which seek to revitalise Turramurra Local Centre.
Liveability		
3. A city for people	Objective 6: Services and infrastructure meet communities' changing needs	Consistent Objectives 6 and 7 are met by the Planning Proposal's indicative inclusion of high quality mixed use development in close proximity to Turramurra Train Station, encouraging active transport. The Planning Proposal also provides for new Stonex Street, through-site links from Pacific Highway to Granny Springs Reserve as well as a new public park, which are all infrastructure that is envisaged in Council's DCP and Public Domain Plan. In relation to Objective 8, a development on this site would be expected to provide a safe and pleasant pedestrian and resident experience. The provision of additional landscaping will maintain the leafy character of the neighbourhood. In relation to Objective 9, the proposal includes provision of new ground floor retail spaces that could be utilised for creative arts and industries which are permitted under the site's B2 zoning.
	Objective 7: Communities are healthy, resilient and socially connected	
	Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods	
	Objective 9: Greater Sydney celebrates the arts and supports creative industries and innovation	



Table 4 – Consistency with Greater Sydney Region Plan 2056		
Directions	Objectives	Consistency
4. Housing the city	Objective 10: Greater housing supply	Consistent The Planning Proposal will allow for high density residential dwellings on the site, which creates additional housing stock in close proximity to transport, services and jobs. The Planning Proposal delivers different types of apartments which provide a diverse range of housing sizes to meet community needs. The affordable rental housing component of the proposal will also assist in addressing housing affordability in the Kuring-gai LGA where a recognised lack of affordable rental housing exists.
	Objective 11: Housing is more diverse and affordable	
5. A city of great places	Objective 12: Great places that bring people together	Consistent In relation to Objective 12, the Planning Proposal creates a sense of place on the site through the public realm, landscaping and open spaces. The layout improves pedestrian connectivity to support the sustainability of the region and peoples wellbeing. In relation to Objective 13, there are no actual or potential heritage items on the site, nor is the site within a heritage conservation area. However, it is noted that a conservation area and heritage items are located to the east and south of the subject site. The proposal will not negatively
	Objective 13: Environmental heritage is conserved and enhanced	



Table 4 – Consistency with Greater Sydney Region Plan 2056		
Directions	Objectives	Consistency
		impact the conservation area or these heritage items.
Productivity		
6. A well connected city	Objective 14: A metropolis of three cities – integrated land use and transport creates walkable and 30-minute cities	Consistent In relation to Objective 14, the Planning Proposal will enable a significant number of additional dwellings and commercial space within Turramurra local centre which offers services and transport infrastructure as well as protected job growth.
7. Jobs and skills for the city	Objective 22: Investment and business activity in centres	Consistent With respect to Objective 22, the Planning Proposal will contribute to the investment in and revitalising of the Turramurra Local Centre including an anchor supermarket and other speciality shops which provide important day-to-day goods and services and local employment. The through site links, new Stonex Street, and cycling paths will enhance the accessibility and connectivity of the centre.
Sustainability		
8. A city in landscape	Objective 25: The coast and waterways are protected and healthier	Consistent In relation to Objective 25, future development on the site will be capable of incorporating water sensitive
	Objective 27:	



Table 4 – Consistency with Greater Sydney Region Plan 2056

Directions	Objectives	Consistency
	Biodiversity is protected, urban bushland and remnant vegetation is enhanced	<p>urban design (WSUD) and other on-site water management measures to ensure there are no adverse environmental impacts to waterways.</p> <p>In relation to Objective 27, the rear part of the site is located on the northern edge of an identified bushland corridor in the KLEP 2015 which includes Granny Springs Reserve to the south. The DCP identified new road (Stonex Street) and land to be dedicated will provide an appropriate development buffer to this bushland.</p> <p>In relation to Objective 28, the proposal will not impact on any scenic and cultural landscapes.</p> <p>With respect to Objective 30, the proposal will facilitate upgrades to the public domain of Pacific Highway, Kissing Point Road, Stonex Lane and new Stonex Street fronting the site including the provision of street trees that provide shade and help mitigate the urban heat island effect.</p> <p>With respect to Objectives 31 and 32, the proposal will provide through site links from the Pacific Highway to Granny Springs Reserve enhancing its accessibility of from Turramurra Local Centre. The proposal facilitates the provision of a future public park at Granny Springs Reserve along with cycling paths down the new Stonex</p>
	Objective 28: Scenic and cultural landscapes are protected	
	Objective 29: Environmental, social and economic values in rural areas are maintained and enhanced	
	Objective 30: Urban tree canopy cover is increased	
	Objective 31: Public open space is accessible, protected and enhanced	
	Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths	



Table 4 – Consistency with Greater Sydney Region Plan 2056

Directions	Objectives	Consistency
		Street as identified in Council's Public Domain Plan and Contributions Plan.
9. An efficient city	Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	Consistent In relation to Objective 33, the proposal will create a transit-oriented development with a variety of housing types in close proximity to jobs, services and transport within Turramurra local centre, supporting zero emission commuting through active transport. In relation to Objectives 34 and 35, the development is able to incorporate sustainable construction methods and energy efficient design measures within the building which will be explored further as part of the building detailed design and Development Application process.
	Objective 34: Energy and water flows are captured, used and re-used	
	Objective 35: More waste is re-used and recycled to support the development of a circular economy	
10. A resilient city	Objective 36: People and places adapt to climate change and future shocks and stresses	Consistent Objectives 36 and 38 could be met through specific building design features and sustainability measures which will be explored further as part of the building detailed design and Development Application process. Objective 37 will be met through a site and building design response to natural hazards. The proposal is accompanied by a report that identifies the site is not hazard
	Objective 37: Exposure to natural and urban hazards is reduced	
	Objective 38: Heatwaves and extreme heat are managed	



Table 4 – Consistency with Greater Sydney Region Plan 2056		
Directions	Objectives	Consistency
		affected. Refer Appendix 7: Bushfire Advice.
11. Implementation	Objective 39: A collaborative approach to city planning	Consistent The proposal seeks a collaborative approach to work with Council and TfNSW to deliver the renewal of the project site. Objective 40 relates to the development of performance indicators that measure the 10 Directions for Greater Sydney, as well as monitoring and reporting of housing and employment data. The proposal will not hinder this objective from being achieved.
	Objective 40: Plans refined by monitoring and reporting	

North District Plan

In March 2018, the Greater Sydney Commission released the North District Plan setting out priorities and actions for Greater Sydney’s North District.

The proposed priorities and actions for a productive and liveable North District focused on planning a city of people and of great places as well as a supply of a range of housing and employment opportunities. It is guided by the aim of establishing 30-minute cities, where people are 30 minutes from jobs and services by public transport and 30 minutes from local services by active transport. This is projected to be achieved by responding to the planning priorities outlined in the District Plan.

Turramurra is identified in the District Plan as a local centre which is emerging as a destination for eateries and cafés offering unique neighbourhood qualities and cultural facilities. Local centres are a focal point of neighbourhoods and where they include public transport and transport interchanges, they are an important part of a 30-minute city. While local centres are diverse and vary in size, they provide essential access to day-to-day goods and services close to where people live.

A five-year housing target is provided for each local government area in the North District Plan. Kuring LGA is set a target for 2016 – 2021 of 4,000 additional dwellings. A target of 92,000 additional dwellings for the District has been set as a minimum target over the next 20 years. This equates to an average annual supply of 4,600 new dwellings per year to be delivered in the District over the next 20 years.



Local centres have an important role in providing local employment and provide a range of local jobs and services that support the growing population. By encouraging the growth of local centres, it will reduce the need for people to travel long distances to access jobs and local services.

The District Plan outlines a number of place-based planning principles that local centres should address:

- provide public realm and open space focus;
- deliver transit-oriented development and co-locate facilities and social infrastructure;
- provide, increase or improve local infrastructure and open space;
- improve walking, cycling and public transport connections including through the Greater Sydney Green Grid;
- protect or expand retail and/or commercial floor space;
- protect or expand employment opportunities;
- integrate and support arts and creative enterprise and expression;
- support the night-time economy;
- augment or provide community facilities, services, arts and cultural facilities;
- conserve and interpret heritage values;
- accommodate local festivals, celebrations, temporary and interim uses;
- increase residential development in, or within a walkable distance of, the centre; and
- provide parking that is adaptable to future uses and takes account of access to public transport, walking and cycling connections.



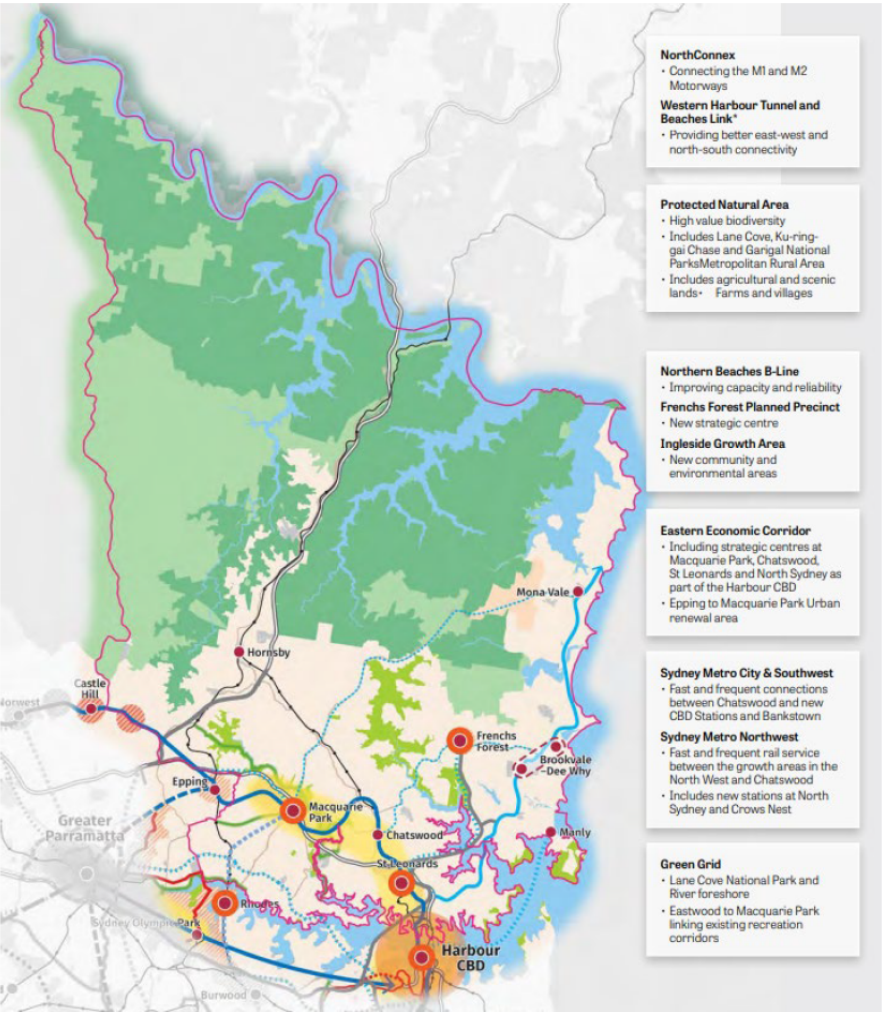


Figure 7: North District Map (North District Plan)

The relevant directions and planning priorities of the North District Plan are considered below.

Table 5 – Consistency with North District Plan		
Directions	Planning Priority/Actions	Consistency
Infrastructure and collaboration		
A city supported by infrastructure	N1: Planning for a city supported by infrastructure	The proposal is located in Turramurra, an identified local centre in the North District Plan, and will optimise existing road and



Table 5 – Consistency with North District Plan		
Directions	Planning Priority/Actions	Consistency
		<p>rail transport infrastructure including Pacific Highway and Turramurra Train Station. The proposal provides for affordable rental housing to address the shortage in the LGA and forecast growth in the need for it. The proposal also seeks to deliver Council planned infrastructure within the local centre including through site links, new Stonex Street, public park and public domain upgrades surrounding the site.</p>
Liveability		
A city for people	N3: Providing services and social infrastructure to meet people's changing needs	<p>The location of the site allows for more people to live closer to jobs, services, facilities, and transport infrastructure offered in Turramurra local centre. The proposal will improve the pedestrian connectivity on and around the site as well as cycling facilities along new Stonex Street encouraging greater physical activity and social connection.</p>
	N4: Fostering healthy, creative, culturally rich and socially connected community	<p>The proposal encourages an active and healthy lifestyle for the local community. The proposal assists in delivering walkable streets that provide direct, accessible and safe pedestrian connections from the site to schools, jobs, daily needs, retails, services and recreation facilities offered in Turramurra and other nearby local and strategic centres.</p>
Housing the city	N5: Providing housing supply, choice and affordability with	<p>The proposal allows for a mixed use commercial / residential development in highly accessible</p>



Table 5 – Consistency with North District Plan		
Directions	Planning Priority/Actions	Consistency
	access to jobs, services and public transport	location in Turramurra town centre that is linked to key infrastructure and employment opportunities. High density residential housing, including provision for affordable rental housing, will also ensure the delivery of increased housing diversity in the LGA.
A city of great places	N6: Creating and renewing great places and local centres, and respecting the District's heritage	The proposal will allow for the development of a new mixed-use precinct with a well-designed built environment incorporating fine grain urban form and high quality social infrastructure. The proposed envelopes allow for the retention of the leafy character of the north shore area, and respond to the heritage items and the heritage conservation area to the south and east of the subject site.
Jobs and skills for the city	N10: Growing investment, business opportunities and jobs in strategic centres	The proposal will allow for more people to live within a walkable distance of the Turramurra local centre and Train Station. It also encourages non-vehicle trips, which foster healthier communities. The proposal includes mixed land uses which will assist with job growth.
A Well Connected City	N12: Delivering integrated land use and transport planning and a 30-minute city	The proposal allows for a new mixed used development within Turramurra local centre with direct access to local jobs and services. The site is also provides homes within walking distance to public transport along Pacific Highway and Turramurra Train Station with less than a 30 minute public transport commute to jobs in strategic centres including



Table 5 – Consistency with North District Plan		
Directions	Planning Priority/Actions	Consistency
		Chatswood, Hornsby, Macquarie Park and St Leonards.
A city in landscape	N15: Protecting and improving the health and enjoyment of Sydney Harbour and the District’s waterways	Future development on the site will be capable of providing sufficient deep soil and landscaping, and on-site water management measures to ensure there are no adverse environmental impacts on the identified riparian corridor to the southwest.
	N16: Protecting and enhancing bushland and biodiversity	The proposal ensures the bushland corridor to the rear of the site will be protected and enhanced.
	N17: Protecting and enhancing scenic and cultural landscapes	The site is currently developed commercial land. The Planning Proposal does not affect any scenic or cultural landscapes
	N19: Increasing urban tree canopy cover and delivering Green Grid connections	The Planning Proposal allows for future redevelopment on the site to retain and increase landscaping, tree canopy and deep soil to retain the established leafy character of the neighbourhood.
	N20: Delivering high quality open space	The proposal will dedicate land to facilitate the delivery of a new public park adjacent to Granny Springs Reserve.
An efficient city	N21: Reducing carbon emissions and managing energy, water and waste efficiently	The Planning Proposal unlocks opportunities for redevelopment on the site which can achieve high quality design to improve energy, water and waste efficiency. The location of the site also



Table 5 – Consistency with North District Plan		
Directions	Planning Priority/Actions	Consistency
		encourages active modes of transport and reduces vehicle reliance.
A resilient city	N22: Adapting to the impacts of urban and natural hazards and climate change	The proposal has been designed with regard to bushfire hazard posed from Granny Springs Reserve. Through appropriate site and design considerations including buffer distances and construction standards the potential impacts of this natural hazard can be mitigated.

Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

This section demonstrates the Planning Proposals will give effect to Council’s endorsed LSPS and other endorsed local strategies or strategic plans, including:

- Ku-ring-gai Local Strategic Planning Statement (2020)
- Ku-ring-gai Community Strategic Plan 2038
- Ku-ring-gai Local Housing Strategy (2020)
- Ku-ring-gai Public Domain Plan

Ku-ring-gai Local Strategic Planning Statement

On 17 March 2020, the Council adopted the Ku-ring-gai Local Strategic Planning Statement (LSPS) which plans for Ku-ring-gai’s economic, social and environmental land use needs for the next 20 years (2016-2036). The LSPS draws together the priorities and actions from Council’s existing land use plans and policies to present an overall land use vision for Ku-ring-gai.



Table 6 –Consistency with Ku-ring-gai LSPS below provides an assessment of this Planning Proposal against relevant sections of the Ku-ring-gai LSPS:

Table 6 – Consistency with Ku-ring-gai LSPS		
Directions	Planning Priority	Consistency
Infrastructure and collaboration		
A city supported by infrastructure	Local Infrastructure K1. Providing well-planned and sustainable infrastructure to support growth and change	Consistent The proposal facilitates infrastructure upgrades to support the delivery of the proposed development and also support the broader regional demands. These include: <ul style="list-style-type: none">• Providing a new community park;• Delivering a new road;• Providing upgrades of Kissing Point Rd;• Fencing along Pacific Highway;• New through site link;• Upgrading of Stonex Lane;• Upgraded bus stop;• Land dedication along Pacific Highway; and• New street lighting and bicycle racks.
A collaborative city	K2. Collaborating with State Government Agencies, and the community to deliver infrastructure projects	Consistent The proposed planning amendments will support the delivery of significant amounts of housing in close proximity to transport, services and facilities. The housing typologies, whilst all apartments, create additional housing stock of a different type which is dominant within the broader LGA.



Table 6 – Consistency with Ku-ring-gai LSPS		
Directions	Planning Priority	Consistency
		The proposal includes 5% of housing as affordable housing.
Liveability		
Housing the city	Housing	Consistent
	<p>K3. Providing housing close to transport, services and facilities to meet the existing and future requirements of a growing and changing community.</p> <p>K4. Providing a range of diverse housing to accommodate the changing structure of families and households and enable ageing in place</p> <p>K5. Providing affordable housing that retains and strengthens the local residential and business community.</p>	<p>The LSPS identifies Turramurra Local Centre as containing suitable potential for additional housing given it contains a local railway station or bus route on an arterial road corridor, meets the criteria for 30 minute access to a strategic centre, and is supported by Council’s community hub projects with retail services and community facilities.</p> <p>The proposal will facilitate the delivery of additional dwellings in Turramurra Local Centre within 170m of Turramurra Train Station which provides direct services to strategic centres of Chatswood, Hornsby and North Sydney that are accessible within 30 minutes. The site also fronts onto the Pacific Highway which contains regular bus routes to nearby strategic centres of Hornsby and Macquarie Centre.</p> <p>The proposal will include a range of 1, 2 and 3 bedroom apartments to provide a diversity of housing and affordability capable of accommodating families but also providing options for older residents to downsize and age in place while providing good access to services and public transport in a central location.</p>



Table 6 – Consistency with Ku-ring-gai LSPS		
Directions	Planning Priority	Consistency
		The proposal incorporates at least 5% of units as affordable rental housing.
A city of great places	Local and Neighbourhood Centres. K6. Revitalising and growing a network of centres that offer unique character and lifestyle for local residents K7. Facilitating mixed-use developments within the centres that achieve urban design excellence K10. Promoting Turramurra as a family-focused urban village	Consistent The proposal will revitalise the Turramurra Local Centre and the site into a lively mixed use precinct and create a village atmosphere through the provision of public open spaces (a new park and through site link) which promote social interaction between community members. The proposal facilitates a mixed use development on a landmark site comprising a commercial podium with activated street edges and through-site links with two residential towers above. The reference scheme indicates a future development capable of achieving urban design excellence.
	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 K13. Identifying and conserving Ku-ring-gai’s environmental heritage K16. Protecting, conserving and managing Ku-ring-gai’s Aboriginal heritage assets, items and significant places	 A village atmosphere will be created through the provision of public open spaces (a new park and through site link) which promote social interaction between community members. This will be complemented by ground floor retail, restaurant and café offerings that spill out onto the through site links. The proposal respects Ku-ring-gai’s unique visual and landscape character and seeks to connect the adjacent Granny Springs Reserve into the public domain and improve the condition of the existing bushland which includes Blue Gum High Forest, a listed



Table 6 – Consistency with Ku-ring-gai LSPS		
Directions	Planning Priority	Consistency
		<p>endangered ecological community. Widening and greening of the interface along the Pacific Highway and Kissing Point Road is also sought.</p> <p>The proposal respects the local context of the site with respect to the surrounding environmental heritage items and heritage conservation areas including the Old Commonwealth Bank & Federation Style Shop and Hillview Conservation Area.</p> <p>There are no identified aboriginal heritage items or significant places that will be impacted by the proposal.</p>
A city for people	Open Space, Recreation and Sport <p>K17. Providing a broad range of open spaces, sporting and leisure facilities to meet the community's diverse and changing needs</p> <p>K18. Ensuring recreational activities in natural areas are conducted within ecological limits and in harmony with no net impact on endangered ecological communities and endangered species or their habitats</p>	Consistent <p>The proposal supports these priorities through creating a series of planning amendments which will support the delivery of new local open space areas consisting of:</p> <ul style="list-style-type: none"> • 708m² local park; and • New through site link of 907m² which will function as an urban plaza. <p>The proposal includes the provision of a new road (Stonex Street) creating a development buffer to the adjacent Granny Springs Reserve. The proposed community park is located within the existing developed footprint of the site so as to reduce potential ecological impacts to Granny Springs Reserve.</p>
Productivity		



Table 6 – Consistency with Ku-ring-gai LSPS		
Directions	Planning Priority	Consistency
A well-connected city	30 Minute City K21. Prioritising new development and housing in locations that enable 30 minute access to key strategic centres K22. Providing improved and expanded district and regional connection through a range of integrated transport and infrastructure to enable effective movement to, from and within Ku-ring-gai	Consistent The site’s location within the Turramurra Local Centre in close proximity to public transport is ideal for housing that enables 30 minute access to key strategic centres. The proposal will facilitate the delivery of new dwellings within close proximity of the Turramurra Train Station which provides direct services to strategic centres of Chatswood, Hornsby and North Sydney that are accessible within 30 minutes. The site also fronts onto the Pacific Highway which contains regular bus routes to nearby strategic centres of Hornsby and Macquarie Centre. The proposal facilitates the widening of the Pacific Highway and upgrades to Kissing Point Road fronting the site as well as provision for a new road (Stonex Street) connecting Duff Street and Kissing Point Road. This will improve permeability and movement to, from and within Ku-ring-gai, and around Turramurra Local Centre. The proposal facilitates the provision of a cycleway along the new road (Stonex Street) as well as a potential shared path along Kissing Point Road fronting the site. The through-site links also improve permeability and pedestrian access between the wider Turramurra Local Centre and public open space to the south (new community park and Granny Springs Reserve).
	Active Transport Walking and Cycling Networks K23. Providing safe and convenient walking and cycling networks within Ku-ring-gai	



Table 6 – Consistency with Ku-ring-gai LSPS

Directions	Planning Priority	Consistency
Jobs and skills for the city	<p>Local Economy and Employment</p> <p>K24. Diversifying Ku-ring-gai's local economy through expansion of tourism and the local visitor economy</p> <p>K25. Providing for the retail and commercial needs of the local community within Ku-ring-gai's centres</p> <p>K26. Fostering a strong local economy that provides future employment opportunities in Ku-ring-gai for both residents and workers within key industries</p>	<p>Consistent</p> <p>The proposal provides opportunities at the ground level for the establishment of high quality hospitality and retail operations that are attractive to visitors and can complement the nearby Turramurra Community Hub project.</p> <p>The LSPS identifies the significant undersupply of retail floor space in Turramurra. The reference scheme provides for approximately 7,035m² of retail and commercial space.</p> <p>The proposal provides for an increase in commercial and retail space on the site which will allow for future employment opportunities in Ku-ring-gai without the need to leave to larger strategic centres beyond the LGA.</p>
Sustainability		
A city in its landscape	<p>Open Space Network</p> <p>K27. Ensuring the provision of sufficient open space to meet the need of a growing and changing community</p> <p>Bushland and Biodiversity</p> <p>K28. Improving the condition of Ku-ring-gai's bushland and protecting native terrestrial and aquatic flora and fauna and their habitats</p> <p>K29. Enhancing the biodiversity values and ecosystem function services</p>	<p>Consistent</p> <p>The proposal includes the provision of new public open spaces including a new park and through site link.</p> <p>The proposal includes the provision of a new road (Stonex Street) creating a development buffer to the adjacent Granny Springs Reserve. The proposed community park is located within the existing developed footprint of the site so as to reduce potential ecological impacts to Granny Springs Reserve. The proposal will create opportunities</p>



Table 6 – Consistency with Ku-ring-gai LSPS

Directions	Planning Priority	Consistency
	<p>of Ku-ring-gai's natural assets</p> <p>Urban Forest</p> <p>K30. Improving the quality and diversity of Ku-ring-gai's urban forest</p> <p>K31. Increasing, managing and protecting Ku-ring-gai's urban tree canopy</p> <p>Green Grid</p> <p>K32. Protecting and improving Green Grid connections</p> <p>K33. Providing a network of walking and cycling links for leisure and recreation</p> <p>K34. Improving connections with natural areas including river and creek corridors, bushland reserves and National Parks</p>	<p>to further enhance and protect Granny Springs Reserve.</p> <p>The proposal facilitates urban tree canopy cover with new trees within the community park, street trees along Pacific Highway, Kissing Point Road and the new road (Stonex Street) as well as within the site including along through-site links, and within shared and private communal spaces on podium and rooftop levels.</p> <p>The proposal improves connections to Granny Springs Reserve with through site links connecting to the wider Turramurra Local Centre. A cycleway will be provided along the new road (Stonex Street). Further opportunities exist for walking trails from the new community park through Granny Springs Reserve to the southwest in accordance with the LSPS.</p>
	<p>Water Sensitive City</p> <p>K35. Protecting and improving the health of waterways and riparian areas</p> <p>K36. Enhancing the liveability of Ku-ring-gai's urban environment through integrated water infrastructure and landscaping solutions</p> <p>K37. Enabling water resource recovery through the capture, storage and reuse of water; alternative water</p>	<p>Consistent</p> <p>Future development on the site will be capable of incorporating water sensitive urban design (WSUD) and other on-site water management and efficiency measures to ensure there are no adverse environmental impacts to waterways. The use of suitable native low water use species in site landscaping will also assist in this regard.</p>



Table 6 – Consistency with Ku-ring-gai LSPS		
Directions	Planning Priority	Consistency
	supplies; and increased water efficiency	
An efficient city	<p>Energy and Greenhouse Gas Emissions</p> <p>K38. Reducing greenhouse gas emissions by Council and the Ku-ring-gai community to achieve net zero emissions by 2045 or earlier</p>	<p>Consistent</p> <p>The provided reference scheme carefully considers and identifies opportunities for reducing GHG emissions as detailed in Appendix 1: Design Report. These include:</p> <ul style="list-style-type: none">• 100% electric building utilising thermal & energy modelling to reduce energy cost smart home integration to downstream energy usage• Min. 2 0% of roof space for solar PV to offset emissions• Green power provision - no fossil fuels• Natural ways of collecting rainwater for re-use in toilet flushing + landscape irrigation, and using it as heat sinks in cooling towers• Efficient showers and taps to reduce water consumption without reducing amenity of bathrooms + kitchens



Table 6 – Consistency with Ku-ring-gai LSPS		
Directions	Planning Priority	Consistency
	<p>Waste</p> <p>K41. Reducing the generation of waste</p> <p>K42. Managing waste outcomes that are safe, efficient, cost effective, maximise recycling, and that contribute to the built form and liveability of the community</p>	<p>The provided reference scheme carefully considers and identifies opportunities for reducing waste as detailed in Appendix 1: Design Report. These include:</p> <ul style="list-style-type: none">• Site-specific waste management plan designed addressing construction and demolition• Onsite organic waste management• Considered apartment design that encourages ease of waste separation and disposal
<p>A resilient city</p>	<p>Climate Resilience and adaption to the impacts of urban and natural hazards</p> <p>K39. Reducing the vulnerability, and increasing the resilience, to the impacts of climate change on Council, the community and the natural and built environment</p> <p>K40. Increasing urban tree canopy and water in the landscape to mitigate the urban heat island effect and create greener, cooler places</p> <p>K43. Mitigating the impacts of urban and natural hazards</p>	<p>Consistent</p> <p>The provided reference scheme carefully considers and identifies opportunities for reducing impacts of climate change as detailed in Appendix 1: Design Report. These include:</p> <ul style="list-style-type: none">• Increasing urban canopy,• Responding to rising heat events through sustainable and long term energy and water efficiencies; and• Supporting and enhancing a sense of community.



The Community Strategic Plan 2032

The Community Strategic Plan 2032 is a long term strategic plan for Ku-ring-gai. It reflects the aspirations, vision and long term objectives of the Ku-ring-gai community and is based on key local plans, policies and government policy.

The Plan is structured under six key themes of: Community, People and Culture; Natural Environment; Places, Spaces and Infrastructure; Access, Traffic and Transport; Local Economy and Employment; and Leadership and Governance. The Planning Proposal's consistency with relevant aspects of the Community Strategic Plan is provided in the table below.

Table 7 – Consistency with Ku-ring-gai Community Strategic Plan 2032		
Issue	Objective	Consistency
Community, People and Culture		
C2 Housing choice	C2.1 Housing choice and adaptability support the needs of a changing population.	Consistent The proposal will provide additional hosing within the LGA, increasing the supply of modern, high quality residential apartments.
Natural Environment		
N2 Natural Areas	N2.1 Our bushland, tree canopy and biodiversity are managed and improved to enhance the health and function of ecosystems.	Consistent The proposal responds to the significance of the adjacent Granny Springs Reserve and mapped biodiversity corridor with the undertaking of environmental assessments of all trees and potential ecology communities on the site. The proposal seeks to ensure that any impacts can be avoided, minimised or mitigated.
N3 Natural Waterways	N3.1 Our natural waterways and riparian areas are enhanced and protected.	
N4 Climate Change	N4.1 A community transitioning to net zero emissions and responding to the impacts of climate change and extreme weather events.	Consistent The provided reference scheme carefully considers and identifies opportunities for reducing GHG emissions as detailed in Appendix 1: Design Report . These include: <ul style="list-style-type: none">100% electric building utilising thermal & energy modelling to reduce energy cost smart



Table 7 – Consistency with Ku-ring-gai Community Strategic Plan 2032

Issue	Objective	Consistency
		<p>home integration to downstream energy usage</p> <ul style="list-style-type: none"> Min. 2.0% of roof space for solar PV to offset emissions Green power provision - no fossil fuels Natural ways of collecting rainwater for re-use in toilet flushing + landscape irrigation, and using it as heat sinks in cooling towers Efficient showers and taps to reduce water consumption without reducing amenity of bathrooms + kitchens
N5 Sustainable Resource Management	N5.1 A community progressively reducing its consumption of resources and leading in resource recovery and the circular economy.	<p>Consistent</p> <p>The Planning Proposal unlocks opportunities for redevelopment on the site which can achieve high quality design to reduce consumption of resources and implement modern waste management systems.</p>
Places, Space and Infrastructure		
P1 Preserving Ku-ring-gai's character	P1.1 Ku-ring-gai's unique visual character and identity is maintained.	<p>Consistent</p> <p>The proposal is compatible with the local character and will facilitate the delivery of critical local infrastructure including roads and active open space. Importantly, the proposal will deliver more compact, diverse and affordable housing typologies in an accessible location, catering for different stages of life including for young couples, families, downsizers and retirees.</p>
P2 Managing Urban Change	P2.1 A robust planning framework is in place to deliver quality design	<p>Consistent</p> <p>Through the appropriate planning proposal framework, the proposal</p>



Table 7 – Consistency with Ku-ring-gai Community Strategic Plan 2032

Issue	Objective	Consistency
	outcomes and maintain the identity and character of Ku-ring-gai.	seeks to deliver a quality design outcome for the site, that responds to the identity and character of Ku-ring-gai.
P3 Quality Urban Design and Development	P3.1 The built environment delivers attractive, interactive, healthy and sustainable living and working environments.	Consistent The proposal will provide an attractive place to live and work. The provision of ground floor retail with through site links will provide an attractive place for specialty retail, cafes and restaurants and interaction amongst the community. Detailed design of the development will ensure the proposal meets the latest in environmentally sustainable building and living standards.
P4 Revitalisation of our centres	P4.1 Our centres offer a broad range of shops and services and contain lively urban village spaces and places where people can live, work, shop, meet and spend leisure time.	Consistent The proposal will revitalise the Turramurra local centre with a new mixed use development that provides local employment, affordable rental housing, active commercial spaces and shopfronts adjacent to new open space parkland so people can live, work, shop, meet and spend leisure time within the centre.
P5 Heritage that is protected and responsibly managed	P5.1 Ku-ring-gai's heritage is protected, promoted and responsibly managed.	Consistent The proposal respects the heritage of nearby heritage items and conservation areas across Kissing Point Road to the east and also to the south.
P6 Enhancing recreation, sporting and leisure facilities	P6.1 Recreation, sporting and leisure facilities are available to meet the community's diverse and changing needs.	Consistent The proposal facilitates the delivery of a new public park adjacent to Granny Springs Reserve as identified in Council's DCP and Public Domain Plan providing valuable open space adjacent to the local centre.



Table 7 – Consistency with Ku-ring-gai Community Strategic Plan 2032		
Issue	Objective	Consistency
P8 Improving the standard of our infrastructure	P8.1 An improved standard of infrastructure that meets the community’s service level standards and Council’s obligations as the custodian of our community assets.	Consistent The proposal facilitates the delivery of public domain upgrades along Pacific Highway, Kissing Point Road as well as the new Stonex Street including streetscape works such as street furniture, pavement upgrades, street lighting, bicycle paths, street tree planting.
Access, Traffic and Transport		
T1 Integrated and Accessible Transport	T1.1 A range of integrated transport choices are available to enable effective movement to, from and around Ku-ring-gai.	Consistent The proposal provides jobs, services and housing in close proximity to a range of transport options including bus and train services as well as future cycle paths.
T2 Local Road Network	T2.1 Local roads and parking operate safely and efficiently.	Consistent The proposal facilitates the delivery of new Stonex Street providing a link between Kissing Point Road and Duff Street which will improve accessibility and vehicular movement through the local centre and provide ongoing service access and improved pedestrian amenity.
T3 Regional Transport Network	T3.1 An accessible public transport and regional road network.	Consistent The proposal is in a highly accessible location adjacent to public transport services along the Pacific Highway and within close walking distance to Turramurra Train Station. The proposal also accounts for future improvements to the regional road network accounting for widening of the Pacific Highway fronting the site and upgrades to the Kissing Point Road/Pacific Highway intersection.



Table 7 – Consistency with Ku-ring-gai Community Strategic Plan 2032		
Issue	Objective	Consistency
Local Economy and Employment		
E1 Facilitating business growth	E1.1 Ku-ring-gai is an attractive location for business.	Consistent The proposal invigorates the appearance and vitality of the site and Turramurra local centre and will attract more investment with new commercial spaces for employment and services to service the local community in a highly accessible location close to key transport nodes.
E2 Partnering for business and employment growth	E2.1 Key stakeholders partner with Council to strengthen and develop Ku-ring-gai's local economic base.	Consistent The proposal provides an opportunity to work with Council in revitalising the Turramurra local centre with new employment spaces, affordable rental housing and the delivery of public assets such as roads, parks and public domain improvements.

Ku-ring-gai Local Housing Strategy

The Ku-ring-gai Local Housing Strategy (LHS) (Revised December 2020) is a 20 year plan to guide future housing in Ku-ring-gai LGA to 2036. It was approved by the Department of Planning, Industry and Environment (DPE) on 16 July 2020 subject to a number of requirements. Although it is noted that Council did not support the required amendments, the LHS continues to provide a guide on the quantity, location and type of future residential development throughout the LGA. The Strategy includes priorities, objectives and actions for housing within the LGA. The Planning Proposal's consistency with the key housing priorities and objectives is provided in the table below.

Table 8 – Consistency with Ku-ring-gai Local Housing Strategy		
Housing Priority	Housing Objectives	Consistency
1. Manage and monitor the supply of housing in the right locations	To monitor the delivery of housing within areas close to services, cultural and community facilities, and within a 10-minute walking	The Planning Proposal will provide for housing within Turramurra Local Centre that is close to services, cultural and community facilities, and within a 10-minute walking distance to



Table 8 – Consistency with Ku-ring-gai Local Housing Strategy

Housing Priority	Housing Objectives	Consistency
	distance to key public transport nodes.	key public transport nodes including Turramurra Train Station and bus services along the Pacific Highway.
	To provide homes in areas that can support the creation and growth of vibrant Local Centres and a thriving local economy.	The Planning Proposal will provide for housing within Turramurra Local Centre which will support the creation and growth of a vibrant centre with new retail and commercial spaces including a supermarket, medical centre and retail, restaurant and café offerings.
	To ensure the delivery of housing is in coordination with provision of local and state infrastructure and services.	The Planning Proposal will provide for housing within an existing local centre with access to existing local and state infrastructure and services capable of supporting the mixed-use development.
2. Encourage diversity and choice of housing	To encourage a mix of dwelling types and sizes.	The reference scheme includes provision for 1, 2 and 3-bedroom apartments of varying sizes capable of accommodating a diverse range of residents from families to older residents looking to downsize and age in place.
	To investigate housing affordability.	The proposal includes provision for at least 5% of units within the development as affordable rental housing in response to housing affordability pressures across the LGA and Sydney Region.
	To ensure new homes are accessible and meet mobility needs.	Future detailed development design will include provision for adaptable apartments in accordance with the



Table 8 – Consistency with Ku-ring-gai Local Housing Strategy		
Housing Priority	Housing Objectives	Consistency
		requirements of the ADG and relevant Australian Standards to meet mobility and access needs of residents.
3. Increasing liveability, sustainability and area character through high-quality design	To encourage housing that contributes to healthy and active neighbourhoods.	The Planning Proposal will provide for housing within Turramurra Local Centre adjacent to public open spaces, walking and cycle links, public transport, and shops and services which will reduce reliance on motor vehicles and encourage more active lifestyles and neighbourhoods.
	To facilitate high quality housing that is responsive to Ku-ring-gai's local character.	The proposal will provide high quality apartment living close to public transport and services. The provision of adaptable apartments will provide opportunities for older residents to downsize and age in place while the provision of affordable housing responds to the lack of affordability within the LGA.
	To promote housing that meets high sustainability performance targets.	At the detailed design stage, the proposal will subject to Council and industry's latest sustainability performance targets provided through the instruments including BASIX and the DCP.

Whilst the Planning Proposal is generally consistent with the stated housing priorities and objectives as outlined above, the LHS plans for delivery of housing up to 2036 by utilising capacity under existing planning controls and where permissible, supplemented by seniors housing and ‘alternative dwellings’ such as secondary dwellings, group homes and boarding houses. However, the planning proposal responds to the DPE approval letter.

DPE’s approval of the LHS was subject to a number of requirements and advisory notes. The approval advises that any planning proposals for new housing development will be assessed against the LHS, in addition to the approval requirements and advisory notes. In particular



it is noted that DPE has identified that Planning Proposals for Turramurra are to be progressed by Council and where this work is not pursued by Council the Department welcomes good place-based approaches by landowner/developers. It is considered that the planning proposal falls into this category.

The Planning Proposal's consistency with the key relevant requirements and advisory notes outlined in DPE's approval are provided in the table below.

Table 9 – Key Relevant Matters for Ku-ring-gai Local Housing Strategy	
Matter	Comment
Relevant DPE Approval Requirements	
<p>2. Consistent with Priority K3 of the Ku-Ring-Gai Local Strategic Planning Statement (LSPS), Council is to commence a masterplan, or accommodate proponent-led planning proposal(s) with good planning outcomes, for Gordon, Lindfield and/or Turramurra local centres. Planning proposal(s) for these centres are to be submitted to the Department for Gateway determination by December 2022. Where this work is not pursued by Council the Department welcomes good place-based approaches by landowner/developers.</p> <p>This approach is consistent with the priorities and actions of Council's LSPS. These planning proposals are considered necessary to support the supply and delivery of housing over the medium term and present opportunities for new housing typologies (including affordable housing) suited to the future and changing needs of the community.</p>	<p>The subject Planning Proposal is proponent-led and located within Turramurra Local Centre. The proposal is consistent with the priorities and actions of the LSPS and will support the supply and delivery of housing over the medium term and presents opportunities for new housing typologies suited to the future and changing needs of the community. This includes at least 5% of units to be provided as affordable rental housing consistent with the Greater Sydney Region Plan.</p>
<p>3. Council or proponents for the planning of these local centres is to consult with Transport for NSW to best address transport and road/pedestrian safety issues. Specific consideration should be given to the intersections of the Pacific Highway with Ray Street, Kissing Point Road, Rohini Street and Turramurra Avenue when planning for the local centre of Turramurra.</p>	<p>The proponent consulted with TfNSW as part of the initial planning proposal. It is considered that this consultation with TfNSW is still valid with regards to land dedication, intersection upgrades and other transport matters relating to the Pacific Highway and Kissing Point Road which front the site.</p>
Relevant Advisory Notes	



Table 9 – Key Relevant Matters for Ku-ring-gai Local Housing Strategy	
Matter	Comment
<p>Making appropriate provision for any additional housing opportunities that may arise out of sequence:</p> <p>The inclusion of a transparent and robust framework to consider additional opportunities will assist Council, the Department and other relevant agencies to assess proposals that are inconsistent with the LHS. It will also ensure that changes to land use or development controls do not take place without demonstrating strong strategic merit. Council is encouraged to develop a framework within which to consider such proposals, including but not limited to:</p> <ul style="list-style-type: none">• Strategic merit and case for change• Robust demographic evidence• Demand analysis and economic impacts• Infrastructure delivery and funding to be borne by the proponent• Stakeholder consultation and outcomes• Sustainability and resilience• Social and affordable housing contribution	<p>Council has not yet developed its framework additional housing opportunities that may arise out of sequence. Nonetheless, the proposal addresses the listed framework criteria in Table 11 below.</p>

Planning Proposal is consistent with DPE’s advisory notes as outlined in the Table below.

Table 10 – Consistency with Ku-ring-gai Housing Strategy Approval		
Matter	Consideration for future LHS updates and preparation and assessment of planning proposals	Response
Making appropriate provision for any additional	The inclusion of a transparent and robust framework to consider additional opportunities will assist	Whilst Council has not yet established a framework that makes provision for additional housing opportunities that arise out of



Table 10 – Consistency with Ku-ring-gai Housing Strategy Approval		
Matter	Consideration for future LHS updates and preparation and assessment of planning proposals	Response
housing opportunities that may arise out of sequence	<p>Council, the Department and other relevant agencies to assess proposals that are inconsistent with the LHS. It will also ensure that changes to land use or development controls do not take place without demonstrating strong strategic merit.</p> <p>Council is encouraged to develop a framework within which to consider such proposals, including but not limited to:</p>	<p>sequence which are inconsistent with the Housing Strategy, this Planning Proposal addresses the following matters as outlined below.</p>
	<p>Strategic merit and case for change</p>	<p>Strategic and site-specific merit of the proposal is discussed in detail under Q3 below. In summary, the strategic merit and case for change include that the proposal will give effect to:</p> <ul style="list-style-type: none"> • The Greater Sydney Region Plan and North District Plan through provision of affordable housing. • Ku-ring-gai LSPS through implementing its Turramurra Structure Plan (see Figure above). • DPE's approval requirement of the Ku-ring-gai LHS for Council to make appropriate provision for any additional housing opportunities that may arise out of sequence. • DPE's Ku-ring-gai LHS approval advice that they are supportive of planning proposals in the Turramurra local centre which



Table 10 – Consistency with Ku-ring-gai Housing Strategy Approval		
Matter	Consideration for future LHS updates and preparation and assessment of planning proposals	Response
		<p>should be submitted to the Department for Gateway determination by December 2022.</p> <ul style="list-style-type: none"> Supported by demographic evidence (refer discussion below).
	Robust demographic evidence	<p>Based on population projections from DPE, there will be an additional 13,358 people within the LGA by 2041. Therefore, there is a demonstrated need to provide for additional housing opportunities within the Ku-ring-gai LGA to meet DPE's projections.</p> <p>The Planning Proposal assists in meeting this target by allowing additional development potential on the subject site. The provided reference scheme identifies a total of 180 dwellings in the right location that are consistent with LHS priorities. These include:</p> <ul style="list-style-type: none"> New housing in the right location <ul style="list-style-type: none"> within a local centre close to services, cultural and community facilities supports the growth of vibrant Local Centres and a thriving local economy



Table 10 – Consistency with Ku-ring-gai Housing Strategy Approval		
Matter	Consideration for future LHS updates and preparation and assessment of planning proposals	Response
		<ul style="list-style-type: none"> ○ within 10 minutes walking of public transport • Provides a diversity and choice of housing <ul style="list-style-type: none"> ○ mixture of dwelling types and sizes ○ affordable housing opportunities ○ accessible homes for the less mobile
	Demand analysis and economic impacts	A Preliminary Needs and Impact Assessment has been prepared as part of the Planning Proposal and is provided at Appendix 4: Preliminary Need and Impact Assessment (Economic). The demand analysis and economic impacts of the proposal are discussed in detail under Q9 of this report.
	Infrastructure delivery and funding to be borne by the proponent	A letter of offer is submitted with the Planning Proposal to initiate discussions with Council on infrastructure delivery and funding (refer Appendix 10: Letter of Offer).
	Stakeholder consultation and outcomes	Stakeholder and community engagement will occur as the proposal progresses.
	Sustainability and resilience	The proposal ensures the provision of sufficient open space with dedication of land for a new park to meet the needs of a growing and changing community. The proposed community park is located within the



Table 10 – Consistency with Ku-ring-gai Housing Strategy Approval		
Matter	Consideration for future LHS updates and preparation and assessment of planning proposals	Response
		<p>existing developed footprint of the site and will create opportunities to further enhance and protect Granny Springs Reserve. The proposal and future detailed design DA will incorporate new urban tree canopy cover with new trees within the community park, street trees along all road frontages as well as within the site including along through-site links, and within shared and private communal spaces on podium and rooftop levels.</p> <p>Future development on the site will be capable of incorporating water sensitive urban design (WSUD) and other on-site water management and efficiency measures to ensure there are no adverse environmental impacts to waterways. The use of suitable native low water use species in site landscaping will also assist in this regard.</p> <p>The proposal will allow the site to respond to the effects of climate change including the increasing of the urban tree canopy to mitigate the urban heat island effect. The site is not in proximity to any bushfire prone land however, the provision of Stonex Street provides a buffer between future development on the site and the adjoining Granny Springs nature reserve to mitigate any potential future risk.</p>
	Social and affordable housing contribution	The proposal includes at least 5% of units to be provided as affordable rental housing. This is consistent with the Greater Sydney Region



Table 10 – Consistency with Ku-ring-gai Housing Strategy Approval		
Matter	Consideration for future LHS updates and preparation and assessment of planning proposals	Response
		<p>Plan’s general target range of 5%-10% of new residential floor space.</p> <p>The proposal includes 5% of affordable housing in recognition of the broader public benefits being provided by the proposal.</p> <p>The site’s strategic position being within Turramurra local centre provides a key opportunity to provide affordable housing in the right location close to public transport, and commercial and retail employment and services.</p> <p>The proponent has been working with major not-for-profit community housing providers to develop a strategy to provide the community affordable housing units within the proposed project.</p> <p>It is envisaged that the proponent will retain an agreed number of affordable housing properties, which will be managed by one of the registered community housing providers in accordance with the NSW affordable housing guidelines.</p>

In conclusion, whilst the Planning Proposal is generally consistent with the stated housing priorities and objectives of the Ku-ring-gai Housing Strategy, it is inconsistent with its planned implementation to deliver housing by utilising capacity under existing planning controls.

Notwithstanding this, the Planning Proposal is consistent with DPE’s approval requirements of the LHS. DPE welcomes good place-based approaches within Turramurra Local Centre that support the supply and delivery of housing over the medium term and present opportunities for new housing typologies (including affordable housing) suited to the future and changing needs of the community.



Ku-ring-gai Public Domain Plan 2022

The Ku-ring-gai Public Domain Plan guides the design of streets and public spaces. It aims to support the revitalisation of Ku-ring-gai's local centres so that they become more walkable, user friendly and attractive places.

The Ku-ring-gai Public Domain Plan correlates with Council directions and policies including the Ku-ring-gai Development Control Plan, Ku-ring-gai Community Strategic Plan – Our Ku-ring-gai 2032, the Ku-ring-gai Local Strategic Planning Statement, as well as State level policy such as Greater Sydney Commission's North District Plan.

Public domain concept plans have been prepared for six local centres – Turramurra, Gordon, Lindfield, St Ives, Pymble and Roseville. It is critical that all proposed public domain works adhere to the concept plans to ensure the delivery of quality public domain outcomes and a coherent future character for Ku-ring-gai's local centres.

Some of the key objectives of the draft Plan are to:

- deliver a high quality public realm;
- provide a consistent positive image for Ku-ring-gai with acknowledgement and retention of local character for each Local Centre;
- improve legibility and wayfinding;
- develop pedestrian focused places with improved walking experience;
- ensure an accessible, inclusive, and safe public domain;
- create vibrant streetscapes and public areas with enjoyable experiences including outdoor dining, public art installations and flexibility for events;
- promote a consistent materials palette and consistent design elements to unify and identify Ku-ring-gai LGA;
- respond to climate change by providing shelter through planting and structures / built form with canopies to reduce heat, and other cooling methods such as water features;
- preserve and enhance vegetation and landscape character of Ku-ring-gai;
- encourage sustainable design using robust, long lasting materials; and
- encourage sustainable water usage design such as water capture, water re-use and cleansing, and water efficient planting.

Part 2 of the KPDP 2022 relates to Turramurra Town Centre with a vision:

"To promote Turramurra as a family-focused urban village so that it can continue to be a well-connected and attractive place to live, work and shop, and where local families can meet and spend leisure time."

The Plan also includes the following principles:

- Promote Turramurra as a family focused urban village.
- Retain street level human scale, fine grained character of the main street shops on Pacific Highway and Rohini Street. Streetscape design is to reflect the fine grain character of building frontages.



- Consolidate the entire Local Centre on both sides of Pacific Highway and the railway line through physical and visual links, continuity of material selection and streetscape design.
- Increase the number of north south (primary) and east-west (secondary) connections to improve the connectivity of Turramurra Local Centre.
- Promote and facilitate the establishment of direct pedestrian routes along the rail corridor from surrounding residential areas.
- Encourage the activation and use of laneways for alternative pedestrian movement through the Local Centre and to provide quieter retail areas and public spaces away from Pacific Highway.
- Improve the visual link between Gilroy Lane, Rohini Street, through to William Street.
- Acknowledge and protect key views in Turramurra with historical importance.
- Ensure appropriate interface and separation between future development and Heritage Conservation Areas and heritage items.
- Enhance the public domain network of streets and open spaces as places which people enjoy and want to spend time in.
- Upgrade the landscape character and facilities of existing parks around the Turramurra Local Centre.
- Integrate public art to add interest and activation to public spaces.

The objectives and principles of the Public Domain Plan have been considered as part of this proposal and the reference scheme. Nothing in the Public Domain Plan warrants the implementation of site-specific provisions beyond those proposed within this Planning Proposal.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Future Transport Strategy

The Future Transport Strategy sets out the direction for continuing to improve every part of the transport system for the benefit of customers, the community and economy.

It aims to put people and places at the centre of decision making. It outlines a vision, strategic directions and customer outcomes, with infrastructure and services plans underpinning the delivery of these directions across the state. The vision is built on the following key outcomes:

1. Connecting our customers' whole lives;
2. Successful places for communities;
3. Enabling economic activity;

This Planning Proposal is consistent with *Future Transport Strategy* as it increases the provision of dwellings and commercial uses in close proximity to a rail station and existing bus networks. It also provides significant public benefits including new bus stops. A detailed



consideration of the traffic impacts of the proposal and its supporting reference scheme are provided at **Appendix 2: Traffic and Transport Study**.

Staying Ahead: State Infrastructure Strategy 2022-2042

The Strategy sets out Infrastructure NSW’s independent advice to the NSW Government on the State’s needs and strategic priorities for infrastructure over the long term.

Staying Ahead: State Infrastructure Strategy 2022-2042 is framed around 9 long-term objectives, each with a dedicated chapter. The Strategy makes 57 recommendations (102 including sub-recommendations) to the NSW Government aimed at improving outcomes and living standards for the people of NSW.

- 1. Boost economy-wide productivity and competitiveness
- 2. Service growing communities
- 3. Embed reliability and resilience
- 4. Achieve an orderly and efficient transition to Net Zero
- 5. Enhance long-term water security
- 6. Protect our natural endowments
- 7. Harness the power of data and digital technology
- 8. Integrate infrastructure, land use and service planning
- 9. Design the investment program to endure

This Planning Proposal reflects, and is consistent with, the objectives of the NSW State Infrastructure Strategy.

Q6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Consistency with the State Environmental Planning Policies is provided in the table below:

Table 11 – Consistency with the relevant SEPPs	
SEPP	Consistency
SEPP (Biodiversity and Conservation) 2021 Chapter 2: Vegetation in rural areas Chapter 6: Bushland in urban areas	Consistent Chapter 2 Vegetation in Non-Rural Areas Chapter 2 of the SEPP relates to vegetation in non-rural areas. The proposal seeks to facilitate redevelopment of the gateway site in accordance with the structure and precinct plans outlined in Council’s LSPS, DCP and Public Domain Plan. This will include the provision of a Council identified new road (Stonex Street) which will provide a buffer to Granny Springs Reserve to the south which consists of bushland that is zoned E2 Environmental Conservation. A southern part of the site adjoining the reserve will be dedicated to Council to provide for a new public park in accordance with the abovementioned plans. Existing trees on site will be retained where possible and the new road will establish a buffer to the bushland within Granny Springs Reserve to the south.



Table 11 – Consistency with the relevant SEPPs	
SEPP	Consistency
	<p>Consistent</p> <p>Chapter 6: Bushland in Urban Areas</p> <p>Chapter 6 of the SEPP requires that when preparing draft local environmental plans for any land to which the SEPP applies, other than rural land, the council shall have regard to the general and specific aims of the Policy, and give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland.</p> <p>The proposal relates to an existing commercially developed site that is business zoned land located within Turramurra Local Centre. The proposal seeks to facilitate redevelopment of the gateway site in accordance with the structure and precinct plans outlined in Council’s LSPS, DCP and draft Public Domain Plan. This will see the northern part of the site comprise a mixed use commercial/residential development in addition to a Council identified new road (Stonex Street) which will provide a buffer to Granny Springs Reserve to the south which consists of bushland that is zoned E2 Environmental Conservation. A southern part of the site adjoining the reserve will be dedicated to Council to provide for a new public park in accordance with the above identified plans. Existing trees on site will be retained where possible and the new road will establish a buffer to the bushland within Granny Springs Reserve to the south.</p>
<p>SEPP (Resilience and Hazards) 2021</p> <p>Chapter 4: Remediation of land</p>	<p>Consistent</p> <p>Chapter 4 of the SEPP 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. The Planning Proposal will not allow a change of use given shop top housing is permitted with consent in the zone.</p> <p>Nonetheless, a Preliminary Site Investigation has been undertaken and the report is provided at Appendix 5: Phase 1 Preliminary Investigation (Contamination). The report advises that:</p>



Table 11 – Consistency with the relevant SEPPs	
SEPP	Consistency
	<p><i>“Based on the findings of this report and with consideration to the Statement of Limitations, EI conclude that there is potential for contamination to be present that could pose risk to sensitive receptors. This was considered to be of low to high significance in terms of the risk to the human and environmental receptors identified. As such, detailed site investigation will need to be carried out following demolition to characterise soils and groundwater and ascertain the presence of any contamination onsite.</i></p> <p><i>Based on the information collected during the future DSI and in reference to SEPP 55, the site can be made suitable subject to the completion of a DSI (and after remediation and validation, if required) for the residential use.”</i></p> <p>A future detailed DSI will be carried out after demolition of buildings on the site to confirm the site will be suitable for residential use, as part of later development applications.</p>
SEPP No 65 - Design Quality of Residential Apartment Development	<p>Consistent</p> <p>The reference scheme is capable of accommodating residential development that is consistent with SEPP 65 principles and the Apartment Design Guide design criteria. Detailed assessment of compliance with SEPP 65 design principles and the Apartment Design Guide would occur at DA stage.</p>
SEPP (Sustainable Buildings) 2022	<p>Consistent</p> <p>The proposal does not contradict or hinder the application of the SEPP.</p>
SEPP (Building Sustainability Index: BASIX) 2004	<p>Consistent</p> <p>The proposal does not contradict or hinder the application of the SEPP.</p>
SEPP (Exempt and Complying Development Codes) 2008	<p>Consistent</p> <p>The proposal does not contradict or hinder the application of the SEPP.</p>
SEPP (Housing) 2021	<p>Consistent</p> <p>The proposal does not contradict or hinder the application of the SEPP.</p>



Table 11 – Consistency with the relevant SEPPs	
SEPP	Consistency
SEPP (Transport and Infrastructure) 2021	Consistent The proposal does not contradict or hinder the application of the SEPP.

Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The table below reviews the consistency of the draft Planning Proposal with the relevant Local Planning Directions for LEPs under section 9.1 of the Environmental Planning and Assessment Act 1979.

Table 12 – Consistency Section 9.1 Ministerial Directions		
Directions	Objectives	Consistency
1. Planning Systems		
1.3 Approval and Referral Requirements This direction applies to all relevant planning authorities when preparing a planning proposal.	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent The Planning Proposal does not contain any provisions which require concurrence, consultation or referral to the Minister.
1.4 Site Specific Provisions This direction applies to all relevant planning authorities when preparing a planning proposal that will allow a particular development to be carried out.	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Consistent The Planning Proposal will not result in any unnecessarily restrictive site specific planning controls.
1.4A Exclusion of Development Standards from Variation	The objective of this direction is to maintain flexibility in the application of development standards by ensuring that exclusions from the application of clause 4.6	Consistent The planning proposal does not propose to exclude the application of Clause 4.6.



Table 12 – Consistency Section 9.1 Ministerial Directions		
Directions	Objectives	Consistency
	of a Standard Instrument Local Environmental Plan (Standard Instrument LEP) or an equivalent provision of any other environmental planning instrument, are only applied in limited circumstances.	
3. Biodiversity and Conservation		
3.2 Heritage Conservation This direction applies to all relevant planning authorities when preparing a planning proposal.	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Consistent The proposal will not impact on nearby items of heritage significance, or the heritage significance of the area as demonstrated in the accompanying Heritage Impact Statement. More detailed consideration of heritage impacts can be addressed at the Development Application Stage.
4. Resilience and Hazards		
4.3 Planning for Bushfire Protection This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land. This applies where the relevant planning authority is required to prepare a bush fire prone land map under	The objectives of this direction are to: (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) encourage sound management of bush fire prone areas.	Consistent The subject site is not bushfire affected as identified in the accompanying report at Appendix 7: Bushfire Advice.



Table 12 – Consistency Section 9.1 Ministerial Directions

Directions	Objectives	Consistency
<p>section 10.3 of the EP&A Act, or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.</p>		
<p>4.4 Remediation of Contaminated Land</p> <p>This direction applies when a planning proposal authority prepares a planning proposal that applies to:</p> <p>(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</p> <p>i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p>	<p>The objective of this direction is 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>The application is accompanied by a Preliminary Site Investigation (Contamination) prepared at Appendix 5: Phase 1 Preliminary Investigation (Contamination). The report considers that the potential for gross site contamination is low to moderate. A detailed DSI will be carried out at the detailed DA Stage.</p>



Table 12 – Consistency Section 9.1 Ministerial Directions

Directions	Objectives	Consistency
ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).		
4.5 Acid Sulfate Soils This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils when preparing a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent The KLEP 2015 classifies the site as containing Class 5 Acid Sulfate Soils. Detailed Geotechnical Investigation will be provided at the DA stage, and no changes are proposed to the Acid Sulfate Soils mapping.
5. Transport and Infrastructure		
5.1. Integrating Land Use and Transport This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing	Consistent The planning proposal gives effect to and is consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001). The proposal allows for the provision of additional commercial and residential floor space



Table 12 – Consistency Section 9.1 Ministerial Directions

Directions	Objectives	Consistency
	dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	within a local centre with good access to transport and services infrastructure.
5.2. Reserving Land for Public Purposes This direction applies to all relevant planning authorities when preparing a planning proposal.	The objectives of this direction are to: (a) facilitate the provision of public services and facilities by reserving land for public purposes, and (b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Consistent The Planning Proposal seeks to remove the reservation of Council-owned car park with the approval of the relevant public authority (Council) and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General). The proposal also facilitates the dedication of land for road widening, new Stonex Street and a public park.
7. Industry and Employment		
7.1 Business and Industrial Zones	The objectives of this direction are to:	Consistent The Planning Proposal is consistent with this



Table 12 – Consistency Section 9.1 Ministerial Directions

Directions	Objectives	Consistency
<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed Employment zone (including the alteration of any existing Employment zone boundary). For the purpose of this Direction, Employment zones means the following zones</p> <ul style="list-style-type: none"> • Employment • Mixed Use • W4 Working Waterfront • SP4 Enterprise • SP5 Metropolitan Centre 	<p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in business and industrial zones, and</p> <p>(c) support the viability of identified centres.</p>	<p>direction as it will enable both commercial and residential floor space to support the viability of the Turramurra local centre. The Planning Proposal will result in an overall increase in the available commercial floor space on the site, providing new revitalised premises that will encourage employment growth in the Turramurra Town Centre.</p>

C. Environmental, social and economic impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The site is partially mapped under the KLEP 2015 as biodiversity land and riparian corridor land. The proposal has been designed to be consistent with Council's LSPS, KDCP 2023, and Public Domain Plan 2010 by providing a new road (Stonex Street) linking Duff Street and Kissing Point Road. This road will improve connectivity within the Turramurra Local Centre and create a buffer between the adjoining Granny Springs bushland and the commercial/residential development site to allow it to be preserved and enhanced. Land is also to be dedicated for a new community park (also identified in the above documents) on the southern side of the new road. An Arborist Report has been prepared to assess potential impacts on trees and is provided at Appendix 6: Arborist Report

A Flora and Fauna Assessment (Appendix 8: Flora and Fauna Report) has been prepared by Narla Environmental to assess the ecological constraints associated with the planning proposal and any future development application, particularly in regards to threatened species, populations and ecological communities listed under the Biodiversity Conservation Act 2016 (BC Act) and Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).



The report identifies the various ecological constraints of the site including the relevant biodiversity values mapping, Ku-ring-gai LEP and DCP mapping, and the new roads and park shown for the site in the DCP Turramurra Structure Plan. Critically the proposal responds to the Environmental Protection and Bushfire Protection requirements of the DCP 2022

Regarding the Biodiversity Values Map, below identifies areas mapped as containing 'Biodiversity Values' which that are present within the site. It notes that any future development applications that require the clearing of native vegetation within areas mapped as 'Biodiversity Values' on the BV Map will trigger the BOS. This will involve the preparation of a Biodiversity Development Assessment Report with the DA to assess the impacts of those works.



Figure 8: Environmental protection and bush fire protection plan, KDCP 2023.

The Figure below details the vegetation communities occurring onsite as validated by Narla in their inspection of the site. These included Blue Gum High Forest and Urban Exotic/Native vegetation communities.





Figure 9: Narla field-validated vegetation communities within the Subject Site (Narla Environmental)

Regarding Blue Gum High Forest, the report found that approximately 178m² of this vegetation community was concentrated in the southeast of the site behind the car park. The report describes:



The vegetation within this zone was highly degraded with minimal native species diversity. A canopy of Eucalyptus saligna (Sydney Blue Gum) was present, with a shrub layer comprising Acmena smithii (Lilly Pilly), Elaeocarpus reticulatus (Blueberry Ash) and Pittosporum undulatum (Sweet Pittosporum). The groundlayer was dominated by exotic species, including Asparagus aethiopicus (Asparagus Fern), Ehrharta erecta (Panic Veldtgrass), Sonchus oleraceus (Common Sowthistle), Tradescantia fluminensis (Trad) and Vinca major (Greater Periwinkle). A small patch of Lomandra longifolia (Spiny-headed Mat-rush) was however present amongst the groundlayer.

Regarding Urban Exotic/Native vegetation, the report found that approximately 464m² of this vegetation community was present, concentrated in the site's southeast quadrant surrounding the building at 1 Kissing Point Road and behind the car park. The report describes:

The vegetation within this zone was dominated by planted native and exotic species, as well as invasive exotic species. No locally occurring native canopy species were present within the zone, and only minor occurrences of native shrub and groundlayer species were present. The vegetation does not conform to a locally occurring native vegetation community and as such has been classified as 'Urban Exotic/Native'.

Based on the findings, the Flora and Fauna Report maps the site's ecological constraints on a scale as low, medium or high. The ecological constraints mapping was produced using information gathered from the desktop and site assessment completed by the Narla Ecologists.

It is noted that the majority of the site, in the northern/eastern parts, is mapped as a low constraints area deemed to have high potential for future development.

The moderate constraints area (orange) predominantly includes areas of LEP biodiversity mapping, Council's car park and areas of existing commercial buildings. The majority of this area is affected by the DCP Turramurra mapping which includes a new through road (Stonex Street) and a new public park adjacent to Granny Springs Reserve.

The high constraints area is concentrated along the southeast of the site behind the car park and appears to be along a future verge of the new DCP road (Stonex Street). The report notes that given the presence of BGHF in this area, any works will yield the highest potential ecological impact and biodiversity offsets may be required to offset the impacts of development in this area.

Q9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The Planning Proposal seeks amendments to the maximum building height and floor space ratio to facilitate the orderly redevelopment of the site. The proposed amendments to the LEP development standards will not result in any adverse environmental impacts. Potential impacts, such as those during the construction phase, are capable of being managed using appropriate mitigation measures.

Built form

The Planning Proposal is accompanied by a reference scheme prepared by DKO Architects in collaboration with Oculus (refer to **Appendix 1: Design Report**). The built form and layout of the site has been informed by the Turramurra Local Centre Structure Plan in the Ku-ring-



gai LSPS, Turramurra Local Centre Plans in KDCP 2023, the Turramurra Public Domain Plan 2022. The reference scheme proposes a 7 and 9-storey building.

The scheme includes a mixed use podium with a lower ground supermarket and grocer, ground floor specialty retail, gym and medical space, and commercial and residential floor space above.

The ground floor specialty retail uses activate the space within and surrounding street frontages. A through-site link is provided from the Pacific Highway to the new road (Stonex Street) which carves through the centre of the podium. Two residential towers are proposed to extend above the podium. The Figure below details the key moves in the proposal which successfully results in a scheme that speaks to the local context of the site.

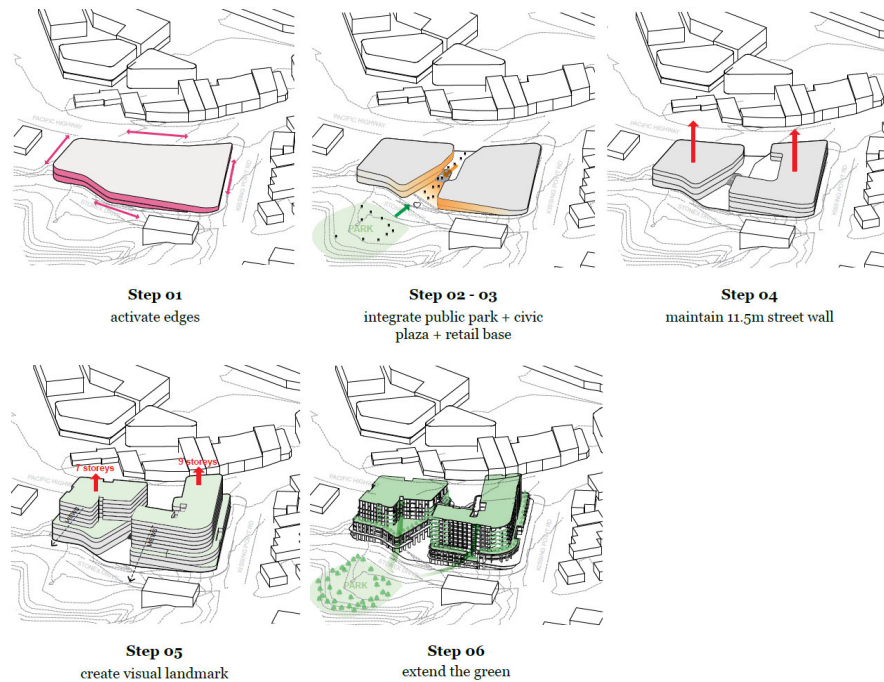


Figure 10: Built form strategy and massing (DKO)

Podium, Street Frontage Height, and Setbacks

The building is comprised of a 3-storey podium with activated street edges. The podium presents as 3-storeys to Pacific Highway and Kissing Point Road with an approximate 11.5m street wall height in accordance with the DCP. The site slopes towards the south and west with the podium presenting as 3 - 4 storeys to Stonex Lane and the new road (Stonex Street). The reference scheme accounts for required land dedication and road widening along Pacific Highway (SP2 zoned land) and Kissing Point Road (2m land dedication and 1.5m road widening).

The podium has been designed to comply with the setback requirements contained in KDCP 2023.

The project's Podium ground and lower ground level spaces not only provide quality placemaking, but also provide everyday needs, services, dining, and leisure experiences



that are visually connected to the context via ample street front presentation, sensible usage adjacencies and desired alfresco experiences. The Podium's upper levels continue the integrated mixed-use character by providing unique commercial spaces that provide convenient environments that are flexibility, offer choice, and non-traditional ways of working to support the business, entrepreneurial, learning and service industry cultures. This Podium supports the provision of additional and expanded employment opportunities within the local centre with its capability to provide a variety of settings, offerings and services designed specifically for everyday needs, leisure, and collaborative work.

Apartment Design Guide

A preliminary ADG review has been undertaken with respect to the key design criteria contained in the ADG. The proposal is generally capable of achieving compliance with the ADG with key matters discussed further below.

Building Separation

The proposal is capable of achieving ADG compliance with respect to building separation. It is noted that during detailed design of the development, some locations between the two towers will need to incorporate design measures such as blank walls privacy screens or recessed or angled hoods to satisfy these requirements. Examples of this are provided in the Urban Design Report.

Solar Access

The reference scheme indicates that 73% or greater number of apartments will receive a minimum 2 hours of solar access between 9am and 3pm mid-winter which exceeds the ADG minimum of 70%.

12% of apartments will receive no solar access between 9am and 3pm mid-winter which slightly exceeds the ADG maximum of 15%. This is a minor non-compliance and capable of being further addressed at the detailed design DA stage to achieve ADG compliance.

Natural Ventilation

The reference scheme indicates that 66% of apartments will be naturally cross ventilated which exceeds the ADG minimum of 60%.

Communal Open Space

The reference scheme indicates 44% of the total site area as communal open space over multiple levels, with a combined total of 3,717m².

Landscaping and Open Space

As shown in the Figure below and the reference scheme plans (Appendix 1: Design Report), the proposal includes several landscaping and open space opportunities across the site. This includes opportunities for deep soil landscaping within the new park to be dedicated to Council, and landscaping within the ground floor retail plaza level. Opportunities are provided for shared commercial and residential communal open spaces with community gardens on levels 1 and 2. The upper residential levels (including level 3 terrace, level 14, and rooftop) include large communal open spaces for residents to enjoy with opportunities for shared facilities, such as BBQs and lawn games, and large gardens comprising trees and shrubs.



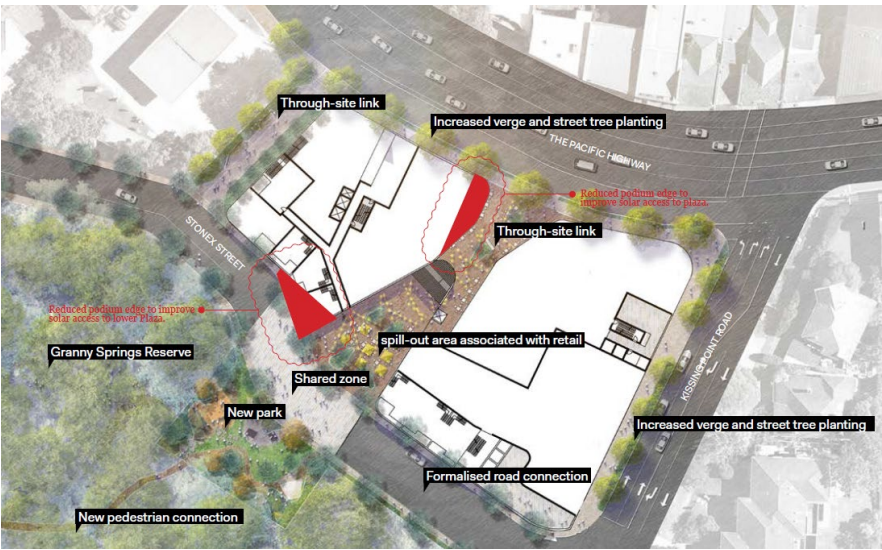


Figure 11: Landscaping and Open Space (Oculus)

Public Domain

As shown in Figure 11: Landscaping and Open Space (**Oculus**) above and the reference scheme plans (Appendix 1), the proposal presents opportunities to upgrade and embellish the existing public domain while creating a village atmosphere through the provision of public open spaces. The proposal includes streetscape embellishments along Pacific Highway and Kissing Point Road with new paving, landscaping, street furniture and street lighting.

The provision of new public open spaces including a new park and new through site links including a public plaza will promote social interaction between community members enhancing a sense of place and identity. The revitalised Granny Springs Reserve and its integration with the project will enable residents and visitors to make this connection. The upgraded and extended Stonex Street will become a shared zone where the expansion of the reserve, prioritisation of pedestrians, and outdoor amenity provide a desired transition to the local centre. This then brings a mix of residential, business, leisure, and open green space closer together to cultivate a thriving local centre with a strong local identity.

Heritage

A Statement of Heritage Impact (SOHI) (Appendix 9: Statement of Heritage Impact) has been prepared by Heritage21. The SOHI assess the heritage considerations of the site; potential impacts on surrounding heritage items and conservation areas; and includes an assessment of the potential heritage values of the existing building onsite at 1 Kissing Point Road in accordance with the relevant heritage legislation and NSW OEH guidelines.

The SOHI confirms the site is not listed:

- as an item of environmental heritage under Schedule 5 of Ku-ring- gai Local Environmental Plan 2015,



- on the NSW State Heritage Register,
- the National Heritage List,
- the Commonwealth Heritage List,
- the National Trust Register (NSW), or
- the former Register of the National Estate.

The subject site is not located within the boundaries of a Heritage Conservation Area under KLEP 2015 but is situated in the vicinity of the Hillview Heritage Conservation Area – C40 – ('HCA').

The SOHL lists the following heritage items in the vicinity of the site.

Table 13 – Heritage Items in Vicinity of Site			
Item/HCA Name	Address	Significance	Item Number
Hillview HCA		Local	C40
Rohini House gates	Railway lands, Turramurra	Local	I161
Turramurra Station Group	Rohini Street	Local	I1111
Hillview Garages	1340 Pacific Highway	Local	I156
“Hillview”	1334 Pacific Highway	Local	I155
Dwelling house	8 Kissing Point Road	Local	I139
Residential flat building	2-4 Boyd Street	Local	I132
Former Commonwealth Bank building	1356 Pacific Highway	Local	I157
Commercial buildings	1358 and 1360 Pacific Highway	Local	I158
“Leppington”, dwelling house	9 Kissing Point Road	Local	I140
Dwelling house	11 Kissing Point Road	Local	I141
“The Chalet”, dwelling house	15 Kissing Point Road	Local	I142



The SOHI advises:

Among the above heritage items in the vicinity listed above, the subject site is adjacent to or within the visual catchment of Item I132 (2-4 Boyd Street), Item I139 (8 Kissing Point Road), Item I155 (1334 Pacific Highway), Item I156 (1340 Pacific Highway), Item I157 (1356 Pacific Highway), Item I158 (1358 and 1360 Pacific Highway), Item I140 (9 Kissing Point Road), Item I141 (11 Kissing Point Road) & the Hillview HCA (C40). Accordingly, the discussion in Section 6.0 of this SOHI will discuss the potential heritage impact of the proposal on the aforementioned heritage items in the vicinity.

In its conclusions, the SOHI identifies that the proposal respects the heritage significance of the surrounding items and conservation areas an in particular:

- The proposal would retain the commercial character of the Turramurra Town Centre;
- The proposed contemporary design, through a high standard of architectural design, would deliver a positive contribution to the streetscape, creating a distinction between the new and the existing;
- The proposed contemporary design is sympathetic to the significance of the heritage items and HCA in the vicinity, as it would not replicate or imitate any significant historic architectural details within the HCA and of the heritage items. The proposed design is contemporary and would be a reflection of its time, which is also keeping with the conservation principle of the Burra Charter;
- The proposed design has considered a sympathetic stepped and curved form, greenery and muted colour scheme which minimises the visual impact of the building height and mass;
- The siting of the proposed development would not impact significant view lines to and from the heritage items and heritage conservation area in the vicinity; and
- The proposal would involve the demolition of contemporary commercial buildings to accommodate the new building footprint.

Heritage 21 is confident that the proposed amendments to the planning controls would not preclude future development from being capable of complying with pertinent heritage controls and would not engender a negative impact on the heritage significance of the subject site, the Hillview heritage conservation area and the heritage items in the vicinity.

Overshadowing

An Overshadowing Analysis demonstrates that the development facilitated by the Planning Proposal will provide minimal and compliant overshadowing impacts during the winter solstice, which represents the worst-case scenario.

The site's location within a local centre core sees surrounding land uses to the north and west predominantly commercial in nature with some residential located to the south and east. The separation afforded by streets or laneways on all sides assists with minimising overshadowing impacts, in particular to residential properties.



The overshadowing analysis provided in the reference scheme indicates that the proposal would not cast shadow over residential properties to the east along Kissing Point Road between 9am-12pm midwinter or between 9am-3pm in other periods throughout of the year. With respect to the residential flat building to the south at 5 Kissing Point Road, the overshadowing analysis indicates that in March and December there is minimal overshadowing impact. In June (midwinter) which is the worst-case, the separation between the proposed residential towers allows for adequate sunlight access to the main north facing balcony and living areas of 5 Kissing Point Road.

Traffic and Parking

A Transport and Transport Study (TTS) has been prepared by JMT Consulting (Appendix 2: Traffic and Transport Study) which provides an assessment of the existing transport conditions, the proposed vehicular site access arrangements, additional traffic movement resulting from the proposal and their associated impacts on the surrounding road network.

The TTS concludes that the traffic and transport impacts arising from the proposal are considered acceptable with the following key findings:

- Under the indicative architecture concept vehicle access would be provided off a new road (Stonex Drive) at the southern end of the site.
- The Planning Proposal involves a number of enhancements to the existing road network supporting the site including:
 - Creation of Stonex Drive – a new two-way public street which provides an east-west connection between Kissing Point Road and Duff Street
 - Enhancements to traffic capacity along Kissing Point Road including extension of the right turn bay into the site as well as a dedicated left turn bay from Kissing Point Road onto the Pacific Highway
- The indicative architecture concept contemplates approximately 550 off-street parking bays which is consistent with the current Ku-Ring-Gai Council DCP parking controls.
- The proposal would retain a minimum of 30 public car parking spaces on the site dedicated to Council.
- A key component of the proposal is the dedication of land for the future widening of the Pacific Highway by Transport for NSW – facilitating the removal of the existing peak period tidal flow arrangements. This will result in a significantly improved traffic outcome for Turramurra and the wider precinct.
- The site is located in close proximity to various public transport facilities, including Turramurra train station and nearby bus stops.
- Detailed traffic modelling indicates that future development contemplated under the Planning Proposal will not detrimentally impact the operation of the surrounding road network. All intersections in the vicinity of the site are forecast to retain their level of service when compared to current conditions.
- Secure bicycle parking would be provided as a component of any future proposed development, in line with rates specified in the Ku-Ring-Gai Council DCP.



- Travel demand management measures have also been suggested to improve the mode share of public transport and active transport. These items should be considered further at detailed design stage.
- In the above context, the traffic and transport impacts arising from the proposal are considered acceptable.

Contamination

A Preliminary Site Investigation has been prepared by EI Australia (**Appendix 5: Phase 1 Preliminary Investigation (Contamination)**) which provides an assessment of the existing environmental conditions of the site. The site has been utilised as a commercial site since before 1950, including use as a dry cleaners and motor garage. There were also several dry cleaners, petrol station and motor garages in close vicinity to the site and located hydraulically up-gradient. The site was not included on the List of NSW Contaminated Sites Notified to the EPA, however two sites in the surrounding area associated with two service stations were listed for contamination or regulation under the Contaminated Land Management Act.

The assessment concludes that there is potential for contamination to be present that could pose risk to sensitive receptors. This was considered to be of low to high significance in terms of the risk to the human and environmental receptors identified. As such, detailed site investigation will need to be carried out following demolition to characterise soils and groundwater and ascertain the presence of any contamination onsite.

Based on the information collected during the future DSI and in reference to SEPP (Resilience and Hazards) 2021, the site can be made suitable subject to the completion of a DSI (and after remediation and validation, if required) for the residential use. A Detailed Site Investigation and a Hazardous Building Materials Survey for the site is recommended to be undertaken at the detailed design stage.

Bushfire

Advice on bushfire considerations has been provided by Blackash Bushfire Consulting and is provided at **Appendix 7: Bushfire Advice**.

The advice concludes that the site and surrounding land (including Granny Springs Reserve) is not designated as bushfire prone land. Therefore, the legislative triggers of section 4.46 of the Environmental Planning and Assessment Act, 1979 (EP&A Act) and section 100B of the Rural Fires Act 1997 (RF Act) for the referral of any development to the NSW Rural Fire Service (RFS) do not exist. Development of the site does not require a Bushfire Safety Authority from the RFS.

It further advises that:

The bushfire controls within the Ku-ring-gai-DCP-Section-B-Part-16-Bushfire-Risk-2022-Amendment-1 can be incorporated into any future development if necessary. The DCP for the site are specific (Appendix 2) and provide detail for mitigation measures should these be warranted. The DCP requires a 15m setback for the provision of an asset protection zone which is consistent with remnant vegetation within Planning for Bushfire Protection 2019. This is a reasonable consideration of bushfire risk to the site.



Bushfire has been considered by Council in the DCP which provides standards for the provision of setbacks, provision of water supply and other matters to protect persons, property or the environment that may arise from a bushfire.

The Planning Proposal includes provisions for the 15m wide new road (Stonex Street) and relevant site setbacks in accordance with the DCP which provide a buffer to the adjoining Granny Springs Reserve. Further, detailed DCP provisions such as provision of water supply are capable of being addressed at the DA stage.



Figure 12: Bushfire Prone Land Map (Blackash Bushfire Consulting)



Voluntary Planning Agreement

In accordance with section 7.4 of the EP&A Act, the Proponent proposes to enter into a Voluntary Planning Agreement (VPA) with Council. The VPA will make provision for land dedication, infrastructure delivery and public benefits in accordance with Council's Development Control Plan, Contributions Plan and Planning Agreements Policy. A letter of offer has been provided in Appendix 10: Letter of Offer detailing the land dedication and local infrastructure delivery. A Voluntary Planning Agreement will also be entered into with Transport for NSW for dedication of land on Pacific Highway.

Q10. Has the planning proposal adequately addressed any social and economic effects?

Preliminary Need and Impact Assessment

A Preliminary Need and Impact Assessment (PNIA) has been prepared by Location IQ which provides an assessment of the need and impacts from the proposal for redevelopment of the Turramurra Village site (refer Appendix 4: Preliminary Need and Impact Assessment (Economic)). The findings presented in the PNIA include:

- Turramurra is a disjointed retail offer given the alignment of the Pacific Highway and the railway line. Aside from Turramurra Plaza, on the eastern side of the Pacific Highway there is a free-standing Coles of 1,580m² which has a provision of open-air car parking. A range of other retail and non-retail shopfronts are provided along both sides of the Pacific Highway and with frontage to Rohini Street which runs parallel to the railway line.
- The main trade area is limited by supermarkets at Hornsby to the north, St Ives to the east, Thornleigh to the west, and Gordon to the south.
- Residents would demand a high level of convenience-based retail facilities close to their homes, including access to a variety of full-line supermarkets. There are currently no full-line supermarkets in the main trade area.
- The full-line supermarket would provide an anchor tenant for Turramurra that would result in spending being retained locally. This would likely be to the benefit of surrounding retail and non-retail floorspace.
- The increase in specialty floorspace would be small and would not detract from the existing specialty offer in Turramurra or at other nearby centres. A new full-line supermarket would anchor the retail offer and would retain spending that is currently being directed to supermarkets outside the main trade area. This would likely have spinoff benefits for other shops in Turramurra.
- The scale of the Turramurra Plaza redevelopment would not result in a change of the position of the centre in the retail hierarchy, with the centre to serve the needs of the local population only. The redevelopment would reinforce the centre by retaining spending locally, which should be to the benefit of other existing retailers.
- The Turramurra Plaza proposed redevelopment is consistent with recommendations of the Ku-ring-gai Retail and Commercial Centres Strategy for the Turramurra Primary Local Centre. The retail plan includes a full-line supermarket and a limited range of specialty shops.



- Any trading impacts on surrounding facilities within and beyond the main trade area would be unlikely to affect the future viability and viability of these centres.
- Any trading impacts on surrounding facilities within and beyond the main trade area would be unlikely to affect the future viability and viability of these centres.
- The proposed development would result in a range of important economic benefits which will be of direct benefit to the local community. These Key positive employment and consumer impacts include:
 - The provision of a wider range of retail facilities near residents homes
 - Increased convenience and price competition for residents
 - Improved customer amenity, design and aesthetic for the residents by way of a new and modern development
 - Reduced travel times.
- Taking a conservative view and allowing for an estimated 10% of the total increase to be because of reduced employment at existing facilities, net additional jobs are estimated at 178 across retail and commercial components.
- It is estimated that the construction period of the proposed retail and commercial component (in isolation) would directly create some 242 full-time, part time and temporary jobs over the development timeline.

Affordable Housing

The site's strategic position being within Turramurra local centre provides a key opportunity to provide affordable housing in the right location close to public transport, and commercial and retail employment. The proponent has been working with major not-for-profit community housing providers, such as Bridge Housing and St George Community Housing, to develop a strategy to provide the community affordable housing units within the proposed project.

The proposal will provide at least 5% of units as affordable rental housing for low-income households, consistent with the general 5-10% target ranges identified in the Greater Sydney Region Plan. It is envisaged that the developer will retain an agreed number of affordable housing properties, which will be managed by one of the selected community housing providers. The proponent will work closely with the registered community housing provider to manage the proposed affordable housing properties in accordance with the NSW affordable housing guidelines.

The program will be implemented across a negotiated number of apartments with future details to be provided outlining the process. This can include further discussions with Council and information on managing agency agreements in relation to the individual properties in due course.

Other Social Effects

The Planning Proposal will facilitate the delivery of much needed public infrastructure within and surrounding the site including:

- New community park;
- New road (Stonex Street) to enhance connectivity around the local centre;



- Road dedication and upgrades along Pacific Highway;
- Streetscape upgrades including embellishment of all existing footpaths along Pacific Highway and Kissing Point Road with new paving, landscaping, lighting and street furniture; and
- Through site links including retaining and upgrading Stonex Lane as a pedestrian lane with active frontages and a new 8m wide pedestrian arcade linking Pacific Highway and Stonex Street.

The provision of these will have positive social benefits by revitalising and reinvigorating the public amenity of the centre, providing a village atmosphere, and promoting social interaction between community members.

D. Infrastructure (Local, State and Commonwealth)

Q11. Is there adequate public infrastructure for the planning proposal?

The site is centrally located, within the Turramurra Local Centre. It is well serviced by public transport with the Turramurra Train Station 170m to the north, and bus stops along Pacific Highway and Kissing Point Road which provide connections to Hornsby, Macquarie University, Turramurra South and Sydney Adventist Hospital. The site fronts onto the Pacific Highway, a major transport corridor, which offers vehicular access to other parts of the LGA, the city and major long-distance routes.

The proposal also facilitates the delivery of key public infrastructure including a new community park, new road (Stonex Street), road dedication and upgrades along Pacific Highway, streetscape upgrades and through-site links, servicing the proposal and the community.

E. State and Commonwealth interests

Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The views of State and Commonwealth public authorities will be known once consultation has occurred during the Gateway Determination phase.



Part 4 Mapping

This Planning Proposal seeks amend the following maps of the KLEP 2015:

- Height of Buildings Map – Sheet HOB_007A
- Floor Space Ratio Map – Sheet FSR_007A

A comparison of the existing and proposed height and FSR maps is provided below.

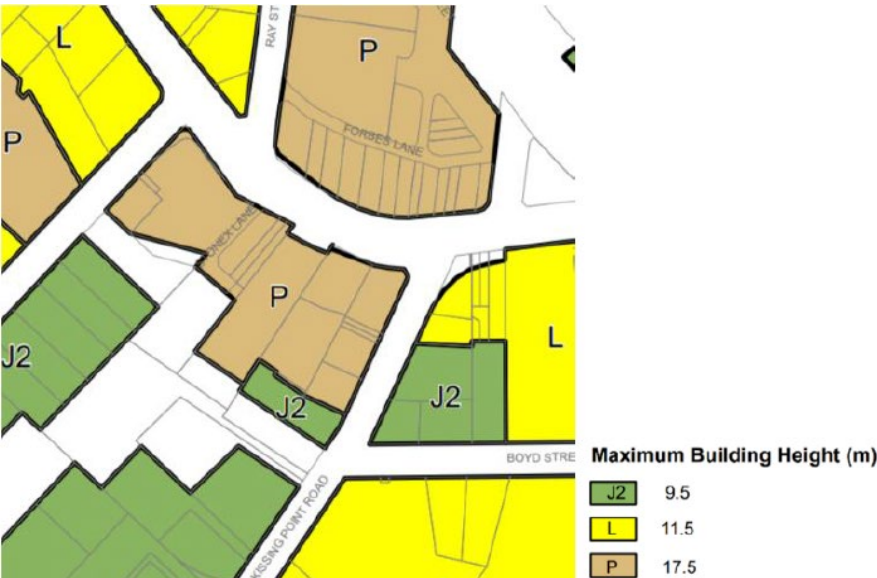


Figure 13: Existing Height of Buildings Map (KLEP2015)

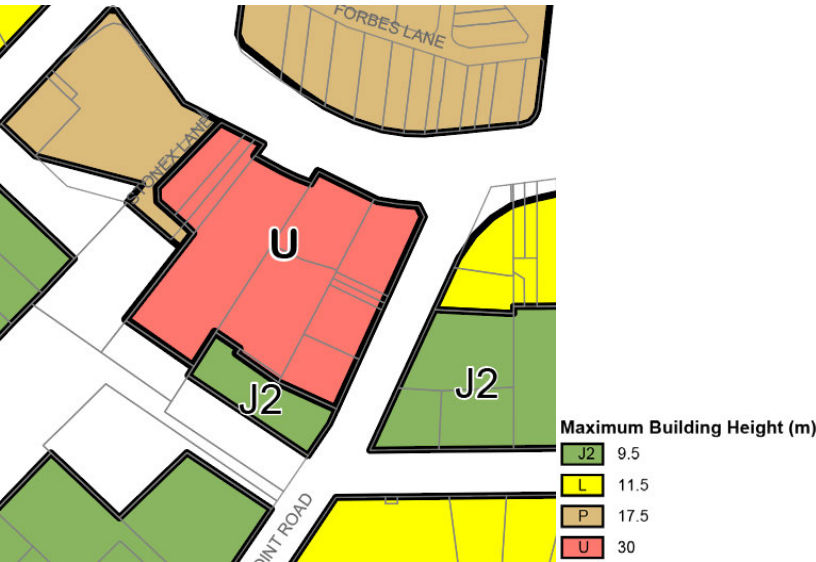


Figure 14: Proposed Height of Buildings Map (The Planning Studio)



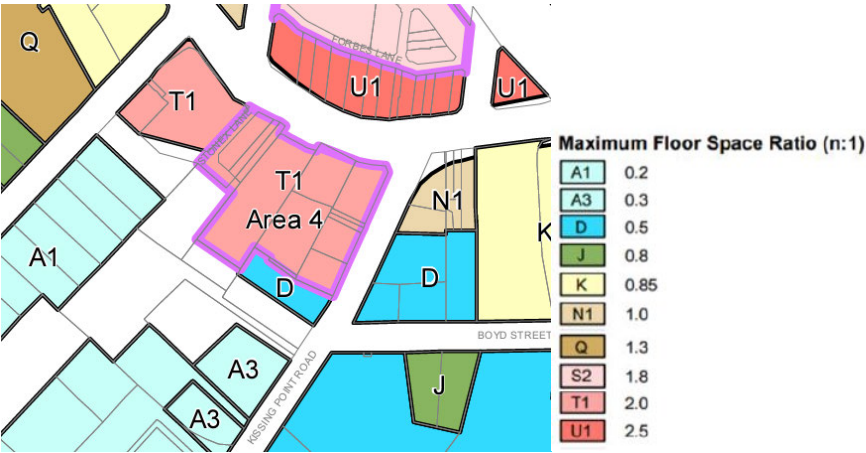


Figure 15: Existing Floor Space Ratio Map (KLEP 2015)

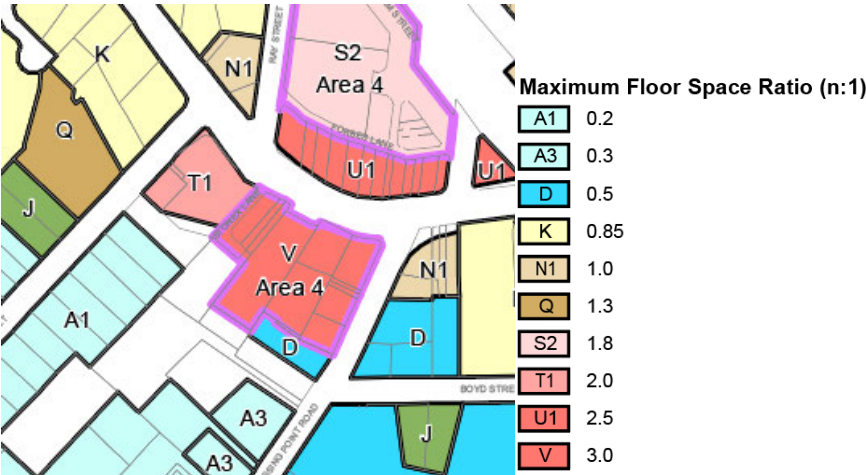


Figure 16: Proposed Floor Space Ratio Map (The Planning Studio)



Part 5 Community consultation

The Planning Proposal will be placed on public exhibition in accordance with the Gateway Determination, should DPE support the proposal. Confirmation of the public exhibition period and requirements for consultation will be detailed as part of the Gateway Determination.

Any further Community consultation will be conducted in accordance with Sections 3.33 and 3.34 of the EP&A Act, the Local Environmental Plan Making Guideline, and Council's Community Participation Plan. This is likely to involve:

- Public exhibition of the Planning Proposal including:
 - Notification on Council's website;
 - Notification in writing to affected and adjoining landowners, unless Council is of the opinion that the number of landowners makes it impractical to notify them;
- Notification letters to relevant State agencies and other authorities nominated by DPE;
- Public hearing for the reclassification of community land (Council's car park) including:
 - Notification of the hearing date on Council's website (not before conclusion of public exhibition period);
- Undertaking of any other consultation methods appropriate for the proposal.



Part 6 Project timeline

A primary goal of the plan making process is to reduce the overall time taken to gazette LEPs. The Gateway determining will confirm the level of information necessary to support a Planning Proposal and the consultation requirements. In order to meet this goal, the inclusion of a project timeline with the Planning Proposal will provide a mechanism to monitor the progress of the Planning Proposal through the plan making process.

The table below provides the project timeline anticipated for the subject Planning Proposal, which is proportionate to the nature and scale of the Planning Proposal.

Table 14 – Project Timeline	
Stage	Timing
Consideration by council	January 2024 – August 2024
Council decision	August 2024
Gateway determination	September 2024
Commencement and completion of public exhibition period	September / October 2024
Public Hearing for Land Reclassification	November 2024
Consideration of submissions and outcomes of Land Reclassification Hearing	October / November 2024
Post-exhibition review and additional studies	November 2024
Submission to the Department for finalisation	January 2025
Gazettal of LEP amendment	February 2025

Reclassification of Public Land

Planning Secretary’s requirements for planning proposals reclassifying land

Pursuant to Section 3.33 of the Act, the Secretary may issue requirements with respect to the preparation of a planning proposal. In this regard, the Department of Planning Guideline A Guide to Preparing Local Environmental Plans sets out the requirements regarding the



matters that must be addressed in the justification of all planning proposals to reclassify public land. These requirements are addressed below.

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

Detailed discussion of this question has been provided in Part 3, (A), Q1. of this report. A brief overview is provided below.

The planning proposal is the result of the Ku-ring-gai LSPS, Ku-ring-gai LHS, and a Preliminary Need and Economic Impact Assessment accompanying the proposal.

- The Ku-ring-gai LSPS – the proposal directly implements the Turramurra Local Centre Structure Plan. As shown in **Figure 17: Turramurra Local Centre Structure Plan (Ku-ring-gai LSPS 2020)** below, the site, including Council's car park, is identified to provide for a new street (Stonex Street) along with mixed use development.
- Ku-ring-gai Local Housing Strategy – One of the approval conditions from DPE encourages Council to accommodate a proponent-led Planning Proposal with good planning outcomes for Turramurra Local Centre. Refer to 0, Q4. of this report for further discussion.
- Preliminary Need and Economic Impact Assessment – The proposal will provide many positive social and economic benefits to the community including responding to the undersupply of retail floor space in Ku-ring-gai LGA and providing the Turramurra Village main trade area with a full-line supermarket. The full-line supermarket would provide an anchor tenant for Turramurra that would result in spending being retained locally. Refer to Q10. of this report for detailed discussion of the Preliminary Need and Economic Impact Assessment.



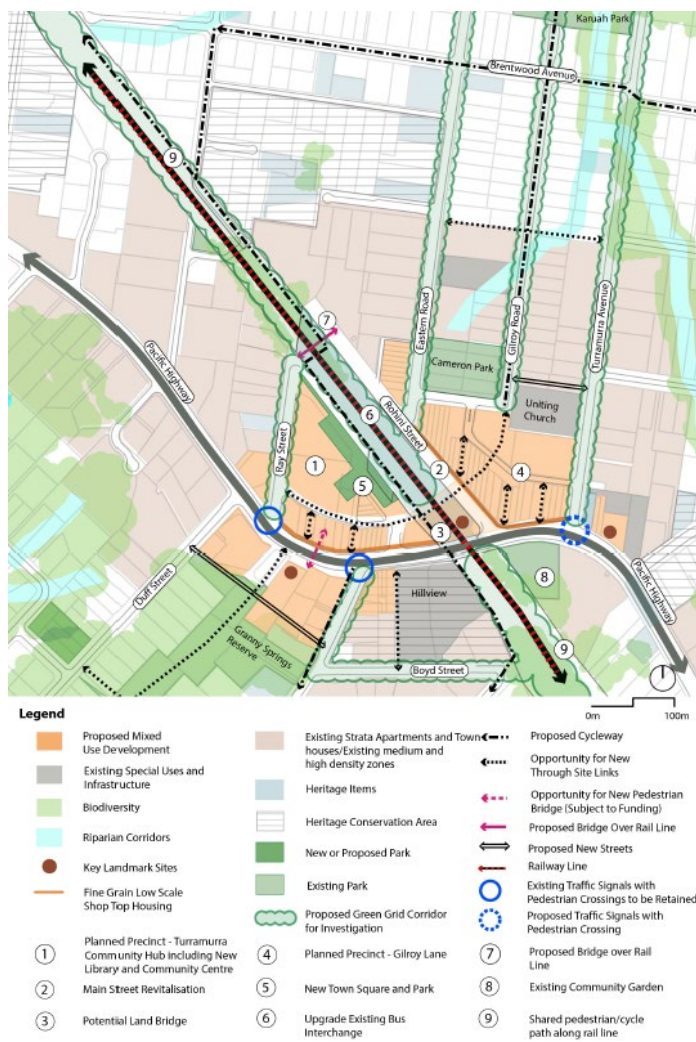


Figure 17: Turramurra Local Centre Structure Plan (Ku-ring-gai LSPS 2020)

Is the planning proposal consistent with the local council’s community plan, or other local strategic plan?

The proposal is consistent with both Council’s LSPS and Community Strategic Plan 2038. Detailed discussion and consistency with each plan are provided in Refer to 0, Q4 of this report.

If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided

This is to be confirmed with Council upon formal lodgement of the planning proposal.



The concurrence of the landowner, where the land is not owned by the relevant planning authority.

Ku-ring-gai Council is the relevant planning authority and landowner of the carpark land to be reclassified under the planning proposal.

The effect of the reclassification, including loss of open space, any discharge of interests, and/ or removal of public reserve status

The effect of the reclassification will be to permit the renewal and redevelopment of the site as envisioned by Council's LSPS. The proposal will result in the delivery of significant open space.

The strategic and site-specific merits of the reclassification and evidence to support this

The strategic and site specific merits of the planning proposal and associated reclassification are detailed in Sections 0 and 0 of this report.

Does the planning proposal deliver a public benefit?

The proposal delivers the following significant public benefits:

- Providing a new community park;
- Delivering a new road;
- Providing upgrades of Kissing Point Rd;
- Fencing along Pacific Highway
- New through site link
- Upgrading of Stonex Lane
- Upgraded bus stop;
- Affordable housing; and
- New street lighting and bicycle racks

Have the implications for open space in the LGA in relation to current and future open space needs been considered and will there be a net gain to open space?

The proposal will be directly responsible for the delivery of the following open spaces, where there currently exist none:

- 708m² local park; and
- New through site link of 907m² which will function as an urban plaza.

How funds obtained from any future sale of the land will be used

Ku-ring-gai Council is the relevant planning authority and landowner of the carpark land to be reclassified under the planning proposal.



How council will ensure funds remain available to fund proposed open space sites or improvement referred to in justifying the reclassification, if relevant

Ku-ring-gai Council is the relevant planning authority and landowner of the carpark land to be reclassified under the planning proposal.

LEP Practice Note PN 16-001 (5 October 2016)

This practice note provides guidance on classifying and reclassifying public land through a local environmental plan (LEP). This planning proposal to reclassify public land, has been prepared in accordance with the practice note and the additional matters specified in Attachment 1 to the practice note. All planning proposals classifying or reclassifying public land must address the matters in the table below for Gateway consideration (Attachment 1 to the practice note).

Council has previously advised on another planning proposal for the site that the information required by Attachment 1 of PN 16-001 (table below) will be provided upon formal lodgement of the planning proposal. Therefore, Table 15 – below will be completed after lodgement of the planning proposal when the relevant information from Council is obtained.

Table 15 – Practice Note 16-001 – Attachment 1	
the current and proposed classification of the land;	
whether the land is a ‘public reserve’ (defined in the LG Act);	
the strategic and site specific merits of the reclassification and evidence to support this;	
whether the planning proposal is the result of a strategic study or report;	
whether the planning proposal is consistent with council’s community plan or other local strategic plan;	
a summary of council’s interests in the land, including:	
how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or	



Table 15 – Practice Note 16-001 – Attachment 1	
other purpose, or a developer contribution)	
if council does not own the land, the land owner's consent;	
the nature of any trusts, dedications etc;	
whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;	
the effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);	
evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);	
current use(s) of the land, and whether uses are authorised or unauthorised;	
current or proposed lease or agreements applying to the land, together with their duration, terms and controls;	
current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);	
any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an	



Table 15 – Practice Note 16-001 – Attachment 1	
endorsed Plan of Management or strategy);	
how council may or will benefit financially, and how these funds will be used;	
how council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;	
a Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and	
preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	

Reference Scheme

A reference scheme has been developed by DKO Architecture for the Planning Proposal which provides for the following:

- Demolition of the existing buildings on the site
- Construction of a mixed use building comprising:
 - 25,353m² gross floor area
 - Commercial podium containing 7,035m² non-residential floor space including:
 - Supermarket;
 - Retail; and
 - Commercial.
 - Two residential buildings above a podium, consisting of 180 apartments:
 - Basement parking for service vehicles and 405 car spaces
- Construction and dedication of a new public road (Stonex Street) through the southern part of the site linking Kissing Point Road and Duff Street



- Dedication of land for a new public park
- Dedication of land for road widening along Kissing Point Road and Pacific Highway

The figures below detail the proposed reference scheme.

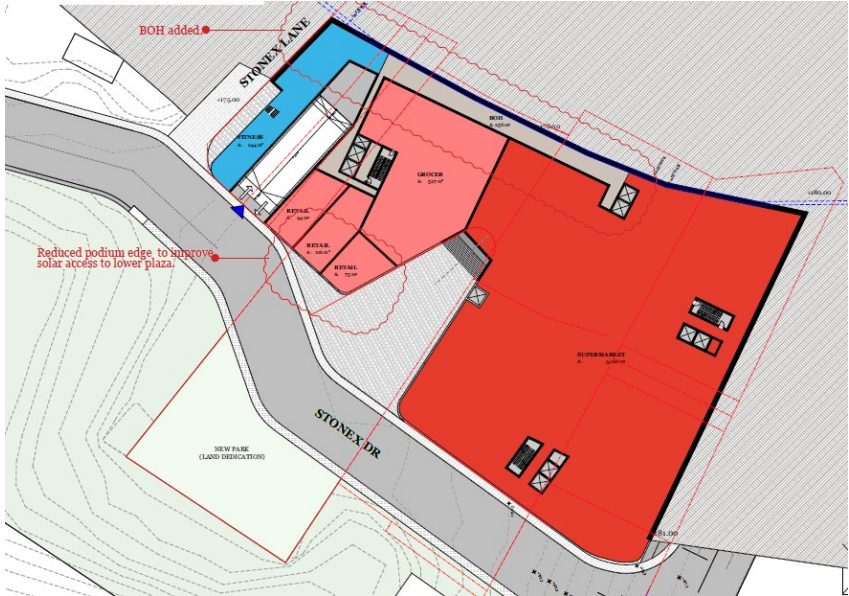


Figure 18: Basement 1 – Retail and Commercial (DKO)

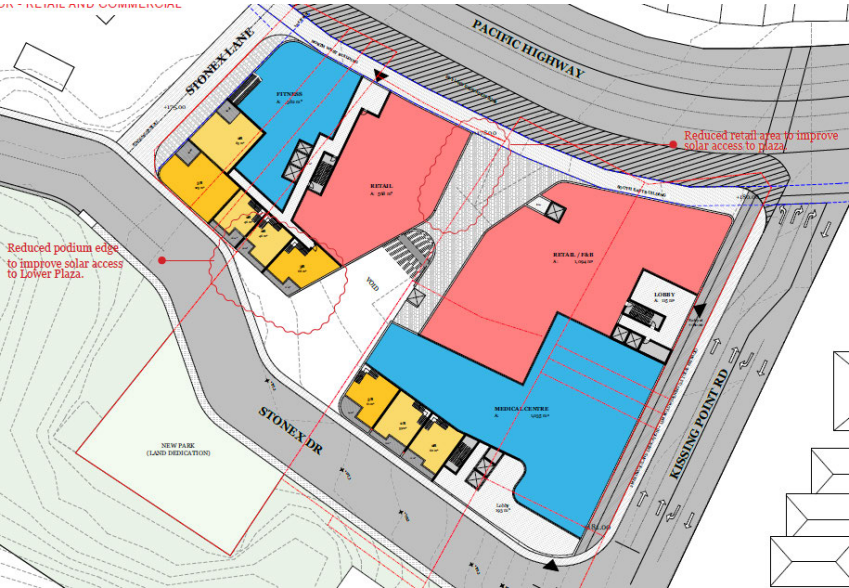


Figure 19: Ground Floor – Retail and Commercial (DKO)



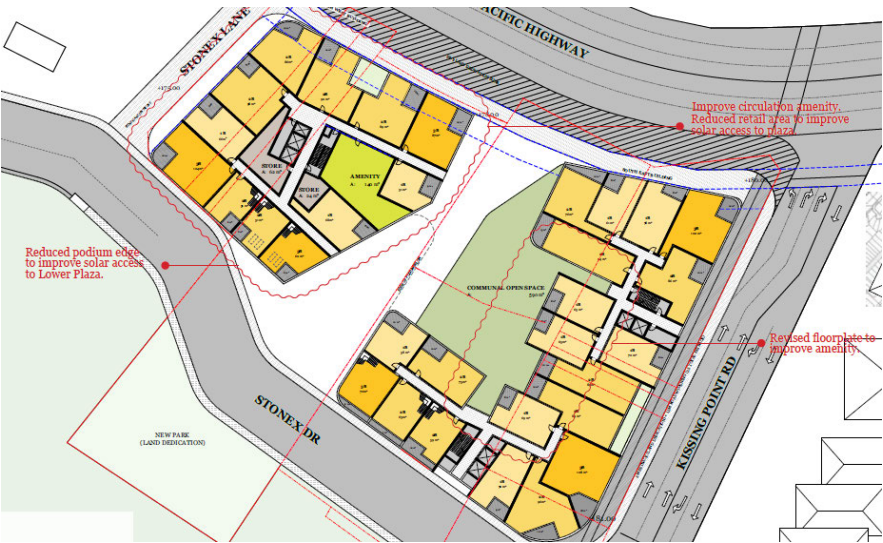


Figure 20: Level 1 Apartments (DKO)



Figure 21: Level 2 Apartments (DKO)





Figure 22: Level 3 Apartments (DKO)

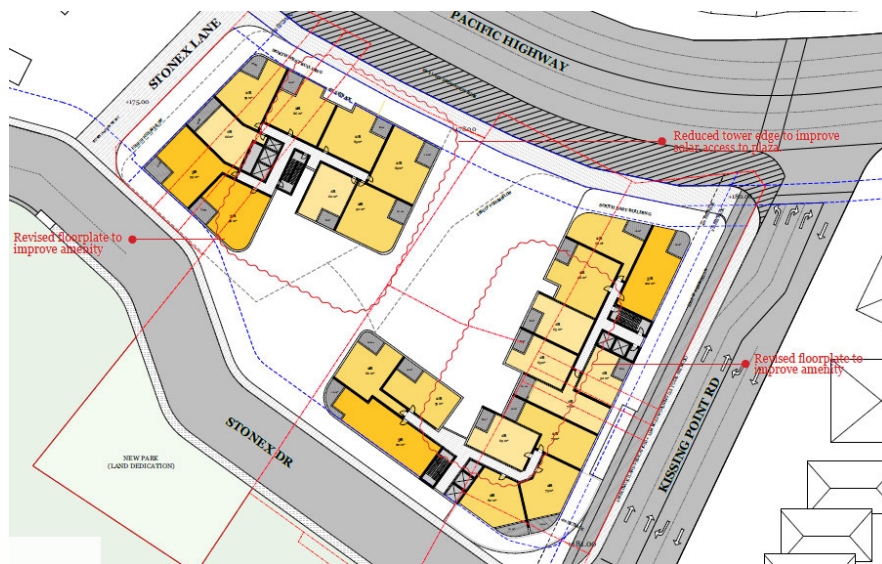


Figure 23: Level 4-6 Apartments (DKO)



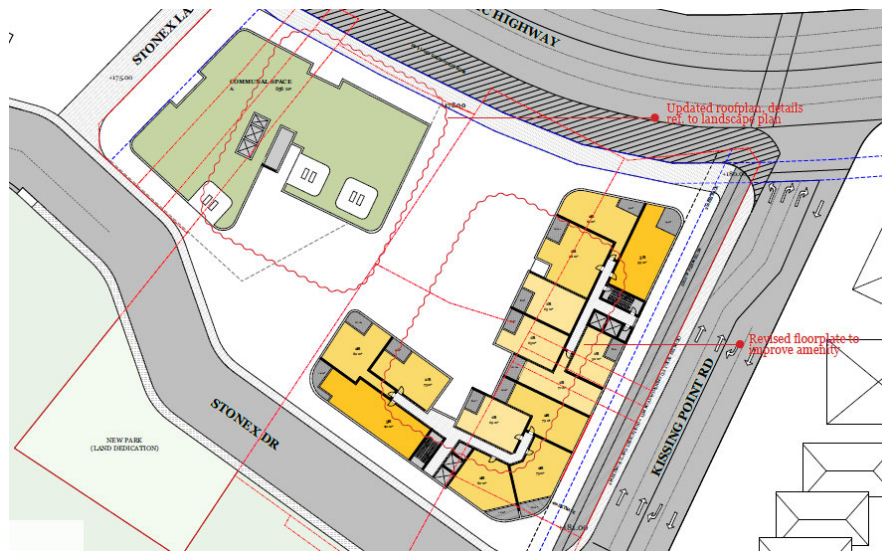


Figure 24: Level 7 Apartments (DKO)

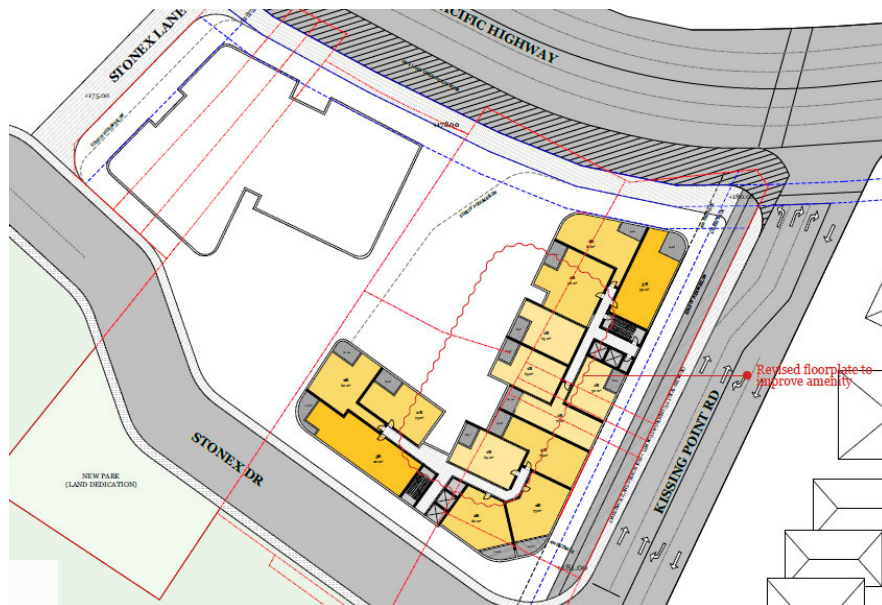


Figure 25: Level 8 Apartments (DKO)



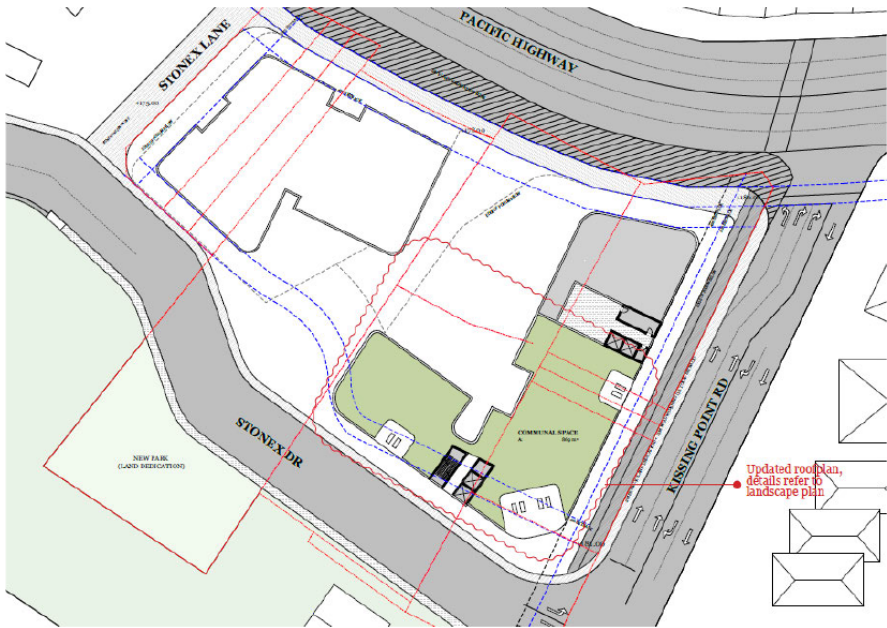


Figure 26: Roof (DKO)

Table 16 – Overview of DKO Scheme	
Item	Description
Site Area	Total: 8,459.7m²
Height (storeys)	9 storeys
Number of dwellings	181 apartments (includes at least 5% to be provided as affordable rental housing)
Apartment Mix	1 Bedroom – 31% 2 Bedroom – 51% 3 Bedroom – 18%
Gross Floor Area (GFA)	Retail / Commercial: 7,213m² Residential: 18,152m² Total: 25,365m²
Floor Space Ratio (:)	3:1



Table 16 – Overview of DKO Scheme		
Item		Description
Solar access (%)		132 apartments (74%) achieve 2 hours direct sunlight at mid-winter (21 June)
Cross Ventilation		108 apartments (60.8%)
Communal Space	Open	3,400m ² over levels ground floor, 1, 2, 7 and 9 (44%)
Car Parking		Up to 408 spaces



Appendices

Appendix 1: Design Report

Appendix 2: Traffic and Transport Study

Appendix 3: Survey Plan

Appendix 4: Preliminary Need and Impact Assessment
(Economic)

Appendix 5: Phase 1 Preliminary Investigation (Contamination)

Appendix 6: Arborist Report

Appendix 7: Bushfire Advice

Appendix 8: Flora and Fauna Report

Appendix 9: Statement of Heritage Impact

Appendix 10: Letter of Offer

Appendix 11: Site Specific DCP



Rebel Property Group

Level 8, 14 Martin Place

Sydney, NSW 2000

30th May 2024

General Manager
Ku-ring-gai Council
818 Pacific Highway
Gordon NSW 2072

Dear Sir

Planning Agreement Offer

Rebel Property Group offers to enter into a Planning Agreement with Council under section 7.4 of the *Environmental Planning and Assessment Act 1979* in connection with the Planning Proposal for the Turramurra Plaza site at 1364-1396 Pacific Highway and 1, 1A, 3 and 3A Kissing Point Road, Turramurra NSW 2074, also known as the Turramurra Village (the site).

The matters identified in this letter are for discussion with Council and are not intended to be binding until such discussions are held. It is expected that there will be a period of negotiation with Council on the particulars of the Planning Agreement, prior to its finalisation. The table below generally sets out the proposed items to be included in the Planning Agreement.

Item	Terms
Parties	Ku-ring-gai Council Rebel Property Group
Land	1396 Pacific Highway, Turramurra 2074 (Lot 1 DP 629520) 1392 Pacific Highway, Turramurra 2074 (Lot 2 DP 16463) 1390 Pacific Highway, Turramurra 2074 (Lot 1 DP 550866) 1380-1388 Pacific Highway, Turramurra 2074 (Lot 101 DP 714988) 1370-1378 Pacific Highway, Turramurra 2074 (Lot 1 DP 500077) 1A Kissing Point Road, Turramurra 2074 (Lot 2 DP 500077) 3A Kissing Point Road, Turramurra 2074 (Lot A DP 391538) 1364 Pacific Highway, Turramurra 2074 (Lot 1 DP 656233) 1A Kissing Point Road, Turramurra 2074 (Lot 2 DP 502388) 1A Kissing Point Road, Turramurra 2074 (Lot 2 DP 500761) 1 Kissing Point Road, Turramurra 2074 (Lot 1 DP 500761) 3 Kissing Point Road, Turramurra 2074 (Lot B DP 435272)
Planning Proposal / Development Application	Amend the <i>Ku-ring-gai Local Environmental Plan 2015</i> (KLEP 2015) in order to facilitate the redevelopment of the

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Item	Terms
	<p>site for a mixed-use development including commercial premises, retail premises and shop-top housing. The proposed amendments include:</p> <ul style="list-style-type: none"> • Amending the maximum permissible height applying to the site on the on the Height of Buildings map from 17.5m to 34.5m; • Amend the maximum permissible Floor Space Ratio applying to the site on the Floor Space Ratio map from 2:1 to 3:1; • Impose a minimum commercial/retail FSR of 0.85:1; • Remove the maximum commercial FSR standard of 1.2:1 (Area 4 in clause 4.4 (2E); and • Reclassify the Council owned part of the site from community to operational land.
Works	<p>Should the planning proposal be supported by Council, the redevelopment of the site provides a significant opportunity for the delivery of additional local and state infrastructure which will benefit the broader community. The additional infrastructure to be delivered includes:</p> <ol style="list-style-type: none"> 1. New Stonex Street – A new public street connecting Kissing Point Road and Duff Street will be delivered. 2. Footpath and Road along Kissing Point Road – The footpath along Kissing Point Road will be upgraded 3. Stonex Lane – Stonex Lane is to be retained and upgraded as an open-air pedestrian lane with active frontages and supporting street furniture. <p>Key matters to be further resolved in discussion with Council will include:</p> <ul style="list-style-type: none"> • Timing, staging and responsibility for the above identified works. • Specifications and standards to be adopted for the proposed works. <p>Some of the above infrastructure works may be undertaken as 'works in kind' and deducted from the contribution amount, subject to further negotiation and discussion with Council.</p>
Dedication of Land	<ol style="list-style-type: none"> 1. New Community Park (approx. 708m²) - Land for a new public park will be dedicated to Council which is adjacent to Granny Springs Reserve. The new park has been considered as part of the concept design and identified for future dedication to Council. It is

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Item	Terms
	<p>understood that the land associated with the park is to be dedicated to Council however, this land will form as part of the overall site for the purpose of FSR transfer.</p> <p>2. New Stonex Street (approx. 1,434m²) - A new public street will connect Kissing Point Road and Duff Street.</p> <p>3. Footpath and road along Kissing Point Road (approx. 255m²) - The land dedication along Kissing Point Road has been included in the concept design.</p>
Other Public Benefits	A minimum of 30 public car parking spaces on the site dedicated to Council.
Application of section 7.11, 7.12 and 7.24	Value of the cost of the proposed works outlined above would be offset against any applicable development contributions and dealt with under a Works in Kind Agreement. The value of any land dedication including parking spaces is to be separately dealt with as part of the broader land transaction.
Registration	The planning agreement will be registered on the total of the subject lands until the final responsibilities identify within are discharged.
Dispute Resolution	<p>Mediation of disputes between parties will occur agreement, before the parties may exercise any other legal rights in relation to the dispute.</p> <p>If the dispute is not resolved under mediation, the dispute may, by agreement between the parties, be agreed to be resolved by expert determination by an independent expert in the relevant field.</p>
Security	As the project progresses, a Quantity Surveyor Report will be prepared to nominate the costs of works outlined above and a bank guarantee will be required prior to the first Construction Certificate being issued.
Costs	Rebel Property Group agrees to pay Council's reasonable costs of and incidental to the negotiation, preparation and entering into the agreement, as well as administration and enforcement of the planning agreement in accordance with the terms set out in the template planning agreement.

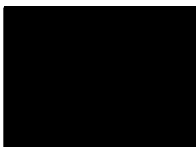
The proponent is committed to continuing discussions with Council to ensure the efficient and effective delivery of local infrastructure as well as the appropriate dedication of land as identified in the Planning Proposal.

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The proponent's intends to negotiate and enter into a Planning Agreement in accordance with Ku-ring-gai Council's Planning Agreement Policy (version 3 and dated 2019). A Valuation Report will be prepared which will determine the current value of the site and the potential uplift value. Once the Valuation Report has been prepared, further discussion will be held with Council regarding the funding, delivery and other associated contributions.

I look forward to discussing the above matters further with Council.

Yours faithfully



Managing Director
Rebel Property Group Pty Ltd

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STUDIO ZANARDO

**KU-RING-GAI URBAN DESIGN CONSULTANTS PANEL
PLANNING PROPOSAL
URBAN DESIGN REVIEW**

REVIEWER

Director, Studio Zanardo
Architect and Urban Designer
BA Arch B Arch (Hons 1) UTS PhD USYD
Nominated Architect Michael Zanardo
NSW Architects Registration Board 8273

REVIEW DATE

2 July 2024

PROPERTY

Turramurra Village
1364-1396 Pacific Highway and 1, 1A, 3 and 3A Kissing
Point Road, Turramurra NSW 2074

PROPOSAL

To amend the maximum permissible height, to amend the maximum permissible floor space ratio, to impose a minimum commercial floor space ratio, to remove the maximum commercial retail standard, and to reclassify the Council owned part of the site from community to operational land.

APPLICANT

Rebel Property Group

DEVELOPMENT ASSESSMENT OFFICER

(independent planner)

SITE VISIT

15 September 2022 and 11 April 2024

NOTES

This review is provided as advice for in-house use by Council and their consultants and is not intended for direct distribution to the Applicant. Reference has been made to previous comments (urban design review made 16 October 2022) throughout to ensure that previous, but still relevant, issues relating to this site have now been addressed.

EXECUTIVE SUMMARY

It is considered that the planning proposal is generally supportable in principle from an urban design perspective, however the indicative reference scheme and 'site-specific DCP' are currently inadequate and it is recommended that these be amended in order to further substantiate and properly support the proposed amendments to the KLEP2015. From an urban design perspective, such amendments are considered to be relatively straightforward to make such that the amendments proposed in the planning proposal continue to be appropriate.

ISSUES

Calculation method for site area (to be verified)
Mapping of 34.5m building height over entire site
Adequate non-residential floor space (to be verified)
Tower footprint size
Solar access to lower pedestrian through site link area
Deep soil area
Units with 2 hours solar access
Noise and natural ventilation of habitable rooms
Units with natural cross ventilation
Number of units off a circulation core
Site specific DCP drafting

REFERENCES

The following documentation has been reviewed for the making of this assessment:
Planning Proposal Report, The Planning Studio, Version 5, 28 May 2024 [PPR]
Cover letter Additional Information, The Planning Studio, 30 May 2024 [Cover Letter]
Turramurra Village Design Report, DKO, Revision 4, May 2024 [TVDR]
Site Specific DCP [SSDCP]
Plan Showing Detail and Levels, Survey Plus, Revision D, 9 February 2024 [Survey]
Spatial Information Exchange Maps, maps.six.nsw.gov.au [SIX Maps]
Ku-ring-gai Local Environment Plan 2015, 23 February 2024 [KLEP2015]
NSW Planning Portal Spatial Viewer [NSWPPSV]
Ku-ring-gai Development Control Plan Part 14B Turramurra Local Centre, Amendment 7, 25 March 2024 [KDCP 14B]
Ku-ring-gai Development Control Plan Part 8 Mixed Use Development, Amendment 7, 25 March 2024 [KDCP 8]
SEPP Housing 2021, 13 May 2024 [SEPP Housing]
Apartment Design Guide [ADG]
SEPP Transport and Infrastructure 2021 [SEPP T&I]
Plans from BA1548-84 5 Kissing Point Road [BA1548-84]

SITE DESCRIPTION

The site location, addresses and lot numbers, and ownership has been described previously.

The issue of how many lots the site is comprised of has been resolved. The number of individual lots has been confirmed as twelve. This aspect is now considered acceptable from an urban design perspective.

The issue of site area verification has been resolved. The site area has been confirmed as 8459.7m² [PPR p7 and TVDR p9 and Survey sheet 1 of 5]. This aspect is now considered acceptable from an urban design perspective. It is noted that this total stated area is inclusive of the 'by calculation' site area for 1364 Pacific Highway (Lot 1 DP656233), which is 61.8m² greater than the 'by Deposited Plan' site area for this lot. This approach to the calculation of site area should be verified.

The various site frontage lengths of the combined site and the relationship to adjoining lots has been described previously.

The issue of individual frontage lengths has been resolved. The frontage lengths have been confirmed as 5.015m for 1390 Pacific Highway (Lot 1 DP 550866), 4.755m for 1392 Pacific Highway (Lot 2 DP16463) and 10.69m for 1396 Pacific Highway (Lot 1 DP 629520)[Survey sheet 1 of 5]. This gives the combined site a northern frontage to Pacific Highway of approximately 98.575m including the splayed corner to Kissing Point Road (3.425m), but not including the 'returns' to the frontage of 1380-1388 Pacific Highway (5.37m and 5.65m). This aspect is now considered resolved from an urban design perspective.

The issue of remaining side and rear boundary lengths has been generally resolved. Almost all boundary lengths are now shown on, or can be derived from, the information provided. The southern boundary shared with Lot 2 DP550866 (no address - also known as Granny Springs Reserve) is 5.95m, the western boundary shared with Lot 2 DP550866 (no address - also known as Granny Springs Reserve) is 48.005m, the southern boundary shared with Lot 102 DP714988 (no address - also known as Granny Springs Reserve) is 34.625m, and the southern boundary shared with 5 Kissing Point Road (SP30677) is 61.66m (including the 'return' of 1.97m)[Survey sheet 1 of 5 and SIX Maps]. This aspect is now considered acceptable from an urban design perspective. It is noted that the length of the eastern boundary shared with 5 Kissing Point Road (SP30677) remains unable to be determined or derived from the survey.

The site falls have been described previously.

The distance from Turramurra Station and the idea of a new pedestrian bridge over Pacific Highway has been described and discussed previously.

ZONING AND CONTEXT

The site zoning, maximum building height, maximum floor space ratio, land reservation acquisition, terrestrial biodiversity and riparian lands have been described previously. These descriptions remain consistent with the current mappings under the current version of Ku-ring-gai LEP 2015 (23 February 2024). It is noted that the previous B2 Local Centre zone has now been converted to the E1 Local Centre zone.

The site zoning, maximum building height, maximum floor space ratio, terrestrial biodiversity, riparian lands and heritage of adjoining and nearby sites have been described previously. These descriptions remain consistent with the current mappings under the current version of Ku-ring-gai LEP 2015 (23 February 2024). It is noted that the previous B2 Local Centre zone has now been converted to the E1 Local Centre zone and the previous E2 Environmental Conservation zone has now been converted to the C2 Environmental Conservation zone.

HEIGHT OF BUILDINGS

The issue of building height has been resolved. The proposed new maximum building height is now 34.5m [PPR p13]. The existing mapped maximum building height for the site is 17.5m (KLEP2015 4.3(2)). The proposal is therefore seeking to increase the maximum building height development standard by 17m (197%). It is considered that this level of increase would bring this site into line with other comparable large key sites in other nearby Local Centres. Turramurra is understood to be recognised as a 'secondary' Local Centre in the hierarchy of Local Centres in Ku-ring-gai. The proposed height of 34.5m is 4m less (90%) than the maximum building height of 38.5m on the 'Gordon Centre' site [784, 786-788, 788A, 790 and 802-808 Pacific Highway][NSWPPSV] in Gordon, which is understood to be recognised as the 'primary' Local Centre in the hierarchy of Local Centres in Ku-ring-gai. The proposed height of 34.5m would sit within the maximum building height range of 29.5m-36.5m on the 'Lindfield Hub' site [1 Woodford Lane, 2-12 Bent Street, 1B Beaconsfield Parade, 19 Drovers Way, Drovers Way and Woodford Lane][NSWPPSV] in Lindfield, which is understood to be recognised as a 'secondary' Local Centre in the hierarchy of Local Centres in Ku-ring-gai, the same as Turramurra. The proposed maximum building height of 34.5m is therefore now considered to be in alignment with the relevant KLEP2015 height of buildings objective to 'ensure that the height of buildings is appropriate for the scale of the different centres within the hierarchy of Ku-ring-gai centres' (KLEP2015 4.3(1)(a)). This aspect is now considered acceptable from an urban design perspective. It is noted that, as a point of comparison, the proposed height of 34.5m is significantly greater (144%) than the maximum building height of 24m for a building containing shop top housing in a Transport Oriented Development Area (SEPP Housing 155(3)), which is applicable elsewhere in the Ku-ring-gai Local Government Area (Roseville, Lindfield, Killara and Gordon). The proposed height should therefore, relative to this, not be considered conservative. It is also noted that any future development application would be able to utilise planning height bonuses that are available, such as SEPP Housing 16(3) (or SEPP Housing 18(2)) for an additional 30% building height (when affordable housing is provided), which, on this site, would bring the height to a maximum of 44.85m (approximately three additional storeys). Whilst seemingly a large increase in height, the uptake of such a bonus is optional and cannot be anticipated, and would anyway be available to all future development applications on other sites too in an equivalent way (that is, all developments could be taller).

In terms of the numerical figure, the proposed maximum building height of 34.5m is considered to be reasonable as it allows for nine storeys of mixed use development with one level of non-residential at the Pacific Highway Level ($\pm 5.0\text{m}$ floor-to-floor), eight levels of residential over (3.2m floor-to-floor/25.6m), 1m for rooftop articulation and 2m for topographic changes (ADG 2C p31)(total 33.6m). It is noted that the land has a steep fall and some additional allowance (0.9m more, as proposed) could be desirable from a built form perspective. However, it is queried whether the mapped maximum building height of 34.5m should apply to the entire extent of the site when the western portion of the development is intended to be two storeys shorter [TVDR p115]. To provide more certainty in achieving the urban design outcome proposed, it is suggested that a more nuanced KLEP2015 height map along the lines of the 'Lindfield Hub' site where the mapped maximum building height more closely aligns with the proposed built form may be appropriate. A height limit over the western half of the site of 28.5m (minus 6m) might be considered. This aspect requires further planning consideration.

FLOOR SPACE RATIO

The issue of floor space ratio has been resolved. The proposed new maximum floor space ratio is now 3:1 [PPR p13]. The existing mapped maximum floor space ratio for the site is 2.0:1 (KLEP2015 4.4(2)). The proposal is therefore seeking to increase the maximum floor space ratio standard by 1.0:1 (150%). Similar to building height (see HEIGHT OF BUILDINGS above), it is considered that this level of increase would bring this site into line with other comparable large key sites in other nearby Local Centres. The proposed floor space ratio of 3:1 is 0.5:1 less (86%) than the maximum floor space ratio on the 'Gordon Centre' site in Gordon. The proposed floor space ratio of 3:0:1 is greater (130%) than the maximum floor space ratio of 2.31:1 on the 'Lindfield Hub' site in Lindfield, however it is noted that whilst both the site and the 'Lindfield Hub' site both have roughly equivalent proportions of undevelopable areas of roadway and footpath that generate gross floor area (approximately 25% of the site area), the 'Lindfield Hub' site is also required to provide a significantly greater portion of the site as park (approximately 25% versus 10%) which reduces the buildable footprint above ground, hence resulting in the lower floor space ratio for that site. It is noted that Lindfield also has two other large key sites with a maximum floor space ratio of 3.0:1 (305-329A Pacific Highway & 1-5 Tryon Place and 25-47 Lindfield Avenue & 2 Kochia Lane). Taking this into account, it is considered that the proposed floor space ratio is now of the same order as that of other large key sites in Lindfield. The proposed maximum floor space ratio of 3.0:1 is therefore now considered to be in alignment with the relevant KLEP2015 floor space ratio objectives to 'enable development with a built form and density that is compatible with the size of land to be developed, its environmental constraints and its contextual relationship' (KLEP2015 4.4(1)(a)), and to 'ensure that development density is appropriate for the scale of the different centres within Ku-ring-gai' (KLEP2015 4.4(1)(c)). This aspect is now considered acceptable from an urban design perspective. It is noted that, as a point of comparison, the proposed floor space ratio of 3.0:1 is greater (120%) than the maximum floor space ratio of 2.5:1 for a building containing shop top housing in a Transport Oriented Development Area (SEPP Housing 155(4)), which is applicable elsewhere in the Ku-ring-gai Local Government Area (Roseville, Lindfield, Killara and Gordon). The proposed floor space ratio should therefore, relative to this, not be considered conservative. It is also noted that any future development application would be able to utilise planning floor space ratio bonuses that are available, such as SEPP Housing 16(1) for an additional 30% floor space ratio (when affordable housing is provided), which, on this site, would bring the floor space ratio to a maximum of 3.9:1. Whilst seemingly a large increase in floor space ratio, the uptake of such a bonus is optional and cannot be anticipated, and would anyway be available to all future development applications on other sites too in an equivalent way (that is, all developments could be denser).

In terms of the numerical figure, the proposed maximum floor space ratio of 3.0:1 is considered to be reasonable as it generally reflects the floor space ratio of the reference scheme [TVDR p81 to p92 and p111](no gross floor area diagrams provided but plans measured in CAD and found to be within 2% of stated figure). This floor space ratio can also be considered to be coordinated with the proposed maximum building height. This aspect is considered acceptable from an urban design perspective.

The issue of minimum commercial/retail floor space has been resolved. The proposal now seeks to 'remove the maximum commercial FSR standard of 1.2:1' and instead 'impose a minimum commercial/retail FSR of 0.85:1.' This proposed minimum commercial/retail floor space ratio is considered to be reasonable as it generally reflects the commercial/retail floor space ratio of the reference scheme [TVDR p84 to p85 and p111](no gross floor area diagrams provided but plans measured in CAD and found to be within 2% of stated figure). This now no longer gives rise to the possibility that the non-residential floor space as shown in the reference scheme could be converted to residential floor space with poor amenity in a future development application. This aspect is now considered acceptable from an urban design perspective. It is noted that the question of whether the amount of non-residential floor space proposed is adequate relative to demand should be verified.

The issue of calculating the floor space ratio with reference to the site area has been resolved. The site area has now been confirmed (see SITE DESCRIPTION) and has been used to calculate the proposed floor space ratio [TVDR p111]. This aspect is now considered acceptable from an urban design perspective.

KU-RING-GAI DCP PART 14 URBAN PRECINCT AND SITES 14B TURRAMURRA LOCAL CENTRE

The issue of the width of the proposed new Stonex Street has been resolved. The proposed new Stonex Street (labelled as 'Stonex Drive') is now shown as 15m wide [TVDR p23 and p84](measured in CAD). This now meets the requirements of KDCP 14B.3 2(11). This aspect is now considered acceptable from an urban design perspective.

The issue of extent and geometry of land dedication along Pacific Highway has been resolved. The extent and geometry of the proposed land dedication now appears to be consistent with the requirements of KDCP Figure 14B.4-1 and KDCP 14B.10 Setbacks 7(v). This aspect is now considered acceptable from an urban design perspective. It is noted that additional areas along Pacific Highway towards the corner with Kissing Point Road have also be shown as dedicated [TVDR p62].

The proposed street wall height to the western tower podium is two storeys [TVDR p53 and p85 to p86]. This does not meet the requirements of KDCP 14B.5 1 for a three storey street wall or K14B.10 Built Form 1(i) for a consistent street wall of three storeys. However, from an urban design perspective, the proposal of a two storey podium to this seven storey building is considered desirable in terms of articulation and proportioning. The proposal of a two storey podium for the shorter western tower is also considered positive to contrast with the three storey podium for the taller eastern tower and create variety in the streetscape. The proposed two storey street wall is considered to still meet KDCP K14B.5 Objective 1 to 'To maintain a consistent street wall height with reference to existing buildings along the Pacific Highway' as the existing buildings in the vicinity range from one to three storeys in height. This aspect is considered acceptable from an urban design perspective.

URBAN DESIGN CONSIDERATIONS

The issue of creating a 'landmark building' has been resolved. The proposal now differentiates the building height to provide some variation with nine storeys to the eastern building emphasising the corner of Pacific Highway and Kissing Point Road and then stepping down to seven storeys for the western building on the corner of Pacific Highway and Stonex Lane [TVDR p53]. This is now considered to meet the requirements of Figure KDCP 14B.10-1 for a 'landmark building' to be located on the corner of Pacific Highway and Kissing Point Road, and KDCP 14B.10 Built Form 1(v) to 'design a distinctive corner building with strong articulation addressing the Pacific Highway and Kissing Point Road intersection.' This aspect is now considered acceptable from an urban design perspective.

The issue of the proposal reading as one large building with two towers over a single podium has been resolved. The proposal now breaks the podium form in two, makes the pedestrian through site link open to the sky, and allows the eastern and western buildings to be read as separate buildings capable of presenting with different architectural expressions [TVDR p53, p60 and p84 to p92]. The indicative reference scheme is now considered to come closer to meeting the requirements of KDCP 14B.5 Objective 4 to 'encourage new infill development along the Pacific Highway which respects the existing characteristics of the street including the fine-grained character of the original subdivision, setback, height and rhythm of facades, and is sympathetic to the materials and detailing of the earlier facades.' This aspect is now considered acceptable from an urban design perspective.

The issue of tower footprint size remains. The eastern tower footprint is considered to be relatively large. The proposed eastern tower is approximately 52m long (not including curved corners) with no articulation along the Kissing Point Road frontage [TVDR p89 and p93]. It is suggested that this tower footprint could be reduced and/or shaped and/or articulated to reduce its massing. This aspect should be given further design consideration in the indicative reference scheme (see also APARTMENT DESIGN GUIDE below with regard to the number of proposed units off a circulation core). It is noted that former control KDCP 8C.9 4 concerning elevational building length is no longer in the current version of the KDCP, however the concern still remains from an urban design perspective.

APARTMENT DESIGN GUIDE

The issue of adequate solar access to the neighbouring units at 5 Kissing Point Road has been resolved. The solar access diagrams [TVDR p109 to p110] demonstrate that all affected units at 5 Kissing Point Road [BA1548-84 p18 to p19] will still maintain 2 hours direct sunlight between 9am and 3pm at mid winter. This now meets the requirements of ADG 3B-2 1 and 2 and ADG 4A-1 1. This aspect is now considered acceptable from an urban design perspective.

The issue of solar access to the lower through site link area remains. The proposal appears to provide some sunlight to the lower through site link area only before 10am and after 2pm at mid winter [TVDR p94 to p96 and p108]. This does not meet the requirements of ADG 3D-4 6 for solar access to be provided year round to public spaces. This also is not considered to meet the intention for this space as described in KDCP 14B.10 Planned Future Character 1(iv) for 'an ideal location for outdoor dining and cafes overlooking the forest.' This aspect should be given further design consideration in the indicative reference scheme.

The proposed deep soil zone (with a minimum width of 2m consistent with the KDCP 1B.1 definition of 'deep soil landscaping') is approximately 785m² (9% of the entire site area)(measured in CAD) and is located entirely on the southern side of the new Stonex Street [TVDR p83 to p84]. All of these areas are to be dedicated to Council as required by KDCP 14B.4 1 [TVDR p61]. It is noted that KDCP 14B.4 1 Note states 'In all cases, where land dedication is required for a public purpose, such as a road or walkway, the affected land is to be excluded from deep soil calculations...' Therefore the proposal currently appears to provide no deep soil within the non-affected site area. This does not meet the requirements of ADG 3E-1 1 for a minimum deep soil zone of 7%. There is considered to be potential for additional deep soil on the northern side of the new Stonex Street [as shown in the diagram on TVDR p71]. This aspect should be given further design consideration in the indicative reference scheme. It is noted that the dispensation provided at ADG 3E-1 4 [Cover Letter p1] is for situations where achieving the design criteria 'may not be possible' and there is 'limited or no space for deep soil at ground level.' From an urban design perspective, additional deep soil appears to be possible on this site and there is additional space for deep soil at ground level. The opportunity appears to be within the pedestrian through site link area, perhaps with further adjustment of the car parking levels below. It is desirable that this potential be explored.

The issue of building separation across Stonex Lane has been resolved. The proposal is now set back a minimum of 6m from the centreline of Stonex Lane at the lowest four storeys, and a minimum of 9m from the centreline of Stonex Lane at the upper storeys [TVDR p84 to p89]. This now meets the requirements of ADG 3F-1 1 for minimum separations to a boundary and will allow appropriate separation distances to be shared equitably with the neighbouring site to the west on the opposite side of Stonex Lane at 1408 Pacific Highway to achieve reasonable levels of visual privacy. This aspect is now considered acceptable from an urban design perspective.

The issue of direct lines of sight across corners has generally been resolved. The proposed floor plan layouts will generally be able to control viewing between units through adequate building separation distances, or the potential for 'pop-out windows' (or other view-directing devices) to be employed. This now meets the requirements of ADG 3F-1 6 to avoid direct lines of sight for windows and balconies across corners. This aspect is now considered acceptable from an urban design perspective.

The issue of adequate solar access to units remains. The number of proposed units with 'minimum 2 hours of solar access' is stated to be 134 of 181 (74%)[TVDR p97]. However, independent assessment of the 'eye of sun' diagrams [TVDR p94 to p95] and plans [TVDR p85 to p91] indicates that only 122 of 181 (67%) units may be capable of receiving a minimum of 2 hours direct sunlight between 9am and 3pm at mid winter (with every top floor unit of both buildings included in the count as achieving solar access). This does not meet the requirements of ADG 4A-1 1 for a minimum of 70% of units. It is noted that the numbering of units on the plans has still not been provided to aid in discussion. The units in question are the northern cross through units in the eastern tower which are impacted by the projecting adjacent apartment, and some of the lower units in the eastern tower facing the courtyard which are impacted by the upper levels of the western tower. This aspect should be given further design consideration in the indicative reference scheme. It is noted that the 'eye of sun' diagrams do not include the potential redevelopment of sites to the west at 1408 Pacific Highway. 'Solar access' is defined in the ADG Glossary (p181) as 'the ability to continue to receive direct sunlight without obstruction from other buildings or impediments...' (emphasis added). In addressing the solar access issue, the documentation should factor in envelopes for the potential overshadowing from a future neighbouring development to the west.

The issue of units with no sun has been resolved. The number of proposed units with 'no solar access' is stated to be 22 of 181 (12%)[TVDR p97]. An independent assessment of the plans indicates that 23 of 181 (13%) units receive no direct sunlight between 9am and 3pm at midwinter. This meets the requirements of ADG 4A-1 3 for a maximum of 15% of units. This aspect is now considered acceptable from an urban design perspective.

The issue of apartments on busy roads remains. Many units are located facing directly towards the Pacific Highway [TVDR p86 to p91]. Pacific Highway is mapped as having an AADT greater than 40,000 (RMS Traffic Volume Map 11). SEPP Transport and Infrastructure requires that certain maximum sound levels are not exceeded to residential accommodation (SEPP T&I 2.120(3)), however ADG Objective 4B-1 requires that 'all habitable rooms are naturally ventilated.' Protection against noisy and hostile external environments is considered to be a primary residential amenity, and one that can be affected by urban design scale considerations of building layout. This aspect should be given further design consideration in the indicative reference scheme.

The number of proposed units with 'cross vent' is stated to be 110 of 181 (61%) units [TVDR p99]. However, independent assessment of the plans [TVDR p85 to p91] indicates that only 105 of 181 (58%) units may be capable of being naturally cross ventilated (with every top floor unit of both buildings included in the count as achieving natural cross ventilation). This does not meet the requirements of ADG 4B-3 1 for a minimum of 60% of units. It is noted that the numbering of units on the plans has still not been provided to aid in discussion. The units in question are the single aspect units facing north over the courtyard on the eastern tower, and the single aspect units at the southeast corner facing east on the eastern tower at the lower levels. This aspect should be given further design consideration in the indicative reference scheme.

The number of proposed units off a circulation core on a single level is up to 10 units in the eastern tower and 9 units in the western tower [TVDR p86 to p88]. This does not meet the requirements of ADG 4F-1 1 for a maximum of 8 units off a circulation core on a single level. Whilst ADG 4F-1 9 allows up to 12 units off a circulation core on a single level, the requisite design guidance required by ADG 4F-1 8 is not considered to be met as sunlight and natural cross ventilation is not adequately achieved in apartments (see above). This aspect should be given further design consideration in the indicative reference scheme.

Whilst it is acknowledged that the indicative reference scheme is not a development application, its purpose is to demonstrate 'one way' in which the proposed amendments to the KLEP2015 can be accommodated on the site and delivered successfully in a compliant way. The indicative reference scheme is currently considered to be inadequate (see above) and it is recommended that it be amended in order to further substantiate and properly support the proposed amendments to the KLEP2015. From an urban design perspective, such amendments to the indicative reference scheme are considered to be relatively straightforward to make such that compliance with the Apartment Design Guide could be achieved whilst the proposed development yield (gross floor area and floor space ratio) proposed in the planning proposal continues to be appropriate.

SITE SPECIFIC DEVELOPMENT CONTROL PLAN

The 'Site Specific DCP' provided deals only with the subject site. This approach calls into question the future status of KDCP Part 14B 'Turramurra Local Centre' (particularly parts 14B.1 'Turramurra Local Centre Context' and 14B.10 'Precinct T3: Kissing Point Road Retail Area') which deals with the subject site as well as sites to the west across Stonex Lane. It is suggested that a better approach would be to propose edits to the current KDCP Part 14B (in a 'track changes' format) to ensure that controls for the site and other sites are not lost and that the current intent and wording is kept in full where desirable. This exercise should also be an opportunity to capture concepts that are integral to the shape and quality of the indicative reference scheme and that are desirable to be retained in a future development application. New concepts in the Site Specific DCP provided that could be transferred to the existing Part 14B include: to promote pedestrian activity between Pacific Highway and the future park at the rear of the site [SSDCP p3 Objective 3]; ensuring that new development is appropriately sited and designed to manage amenity and visual impacts to neighbouring residential properties [SSDCP p3 Control 2(iii)]; provision of active frontage along the internal through site link [SSDCP p4 Control 1]; all service and loading areas are to be located in the basement [SSDCP p4 Control 3]; clarifying the road widening width of 1.5m to Kissing Point Road [SSDCP p7 Control 2]; provision of a 3m setback along Stonex Lane [SSDCP p7 Control 6]; that the pedestrian through site link should be open to the sky [SSDCP p7 Control 8]; minimising opaque and blank walls at ground level [SSDCP p7 Control 9]; and, provision of 30 car space for public use within the basement of the future development [SSDCP p9 Control 1(e)]. Concepts within the existing Part 14B that are inconsistent with the indicative reference scheme that could be updated include: continuous awnings returning down the pedestrian through site link (rather than continuing along street frontages)[KDCP 14B.2 1 and KDCP 14B.10 Public Domain 4][TVDR p58 to p60]; the extent and geometry of land dedication along Pacific Highway [KDCP 14B.2 1 and KDCP 14B.10 Setbacks 7(v)] [SSDCP p8]; active frontage returning down the pedestrian through site link (rather than continuing along the street frontages)[KDCP 14B.5 1 and KDCP 14B.10 Built Form 1(iii)][TVDR p58 to p60]; identification of a 2 and 3-storey street wall (rather than solely a 3-storey street wall)[KDCP 14B.5 1 and KDCP 14B.10 Built Form 1(i)]; notation of a 'landmark building' on the corner of Pacific Highway and Kissing Point Road (rather than centrally within the site)[KDCP 14B.5 1]; amend reference to 'internal shopping arcade' with 'pedestrian through site link open to the sky' [KDCP 14B.10 Public Domain 3]; and, remove reference to locating taller building elements to the western side of the precinct [KDCP 14B.10 Built Form 1(iv)]. Additional concepts that are considered to be beneficial to a future development application include: provision of minimum articulation to tower footprint (see URBAN DESIGN CONSIDERATIONS above); provision of a minimum amount of solar access to the lower pedestrian through site link area (see APARTMENT DESIGN GUIDE above); and, provision of a minimum deep soil zone over the site (see APARTMENT DESIGN GUIDE above).

The 'Site Specific DCP is currently considered to be inadequate (see above) and it is recommended that it be amended in order to further substantiate and properly support the proposed amendments to the KLEP2015.

PART

14X

1364-1396 Pacific Hwy, and 1, 1A and 3A Kissing
Point Rd, Turramurra

- 14X.1 Urban Precinct
- 14X.2 Pedestrian and Vehicular Access
- 14X.4 Built Form and Setbacks
- 14X.5 Public Domain

1364-1396 PACIFIC HIGHWAY, AND 1, 1A AND 3A
KISSING POINT ROAD, TURRAMURRA

URBAN PRECINCT
AND SITES

14X.1 URBAN PRECINCT:
1364-1396 Pacific Highway, and 1, 1A and 3A
Kissing Point Road, Turramurra



Figure 14X.1-1:
Planned Future Character Plan

Legend

1364-1396 Pacific Highway, and 1, 1A and 3A Kissing Point Road, Turramurra

Objectives

- 1 To ensure new built form is cohesive with the streetscape character.
- 2 To provide a transition between Pacific Highway and the adjacent low density residential character.
- 3 To promote pedestrian connectivity between Pacific Highway and the future park at the rear of the site.
- 4 Ensure future development contributes to creating a Turramurra Local Centre.
- 5 To enhance the amenity of the streetscape and public domain.

14X URBAN PRECINCT:

Controls

Planned Future Character

The site at 1364-1396 Pacific Highway, and 1, 1A and 3A Kissing Point Road, Turramurra is bounded by Pacific Highway and Kissing Point Road. The site is currently occupied by a commercial / retail building and carparking.

The planned future character of the site seeks to retain existing key features of the site, ensure future development is cohesive with surrounding character and facilitate the integration of the site into the existing Turramurra Local Centre.

- 1 All development within the site, as outlined in Figure 14X.1-1, is to be designed to support and enhance the planned future character of the site. This is to be done through compliance with these site specific requirements within Part 14X of the DCP, and compliance with other relevant parts of Section A, B, C of the DCP.
- 2 New development is to include the following key elements:
 - i) Ensure new development is cohesive with the street character, including the future character of Turramurra Local Centre.
 - ii) Ensure new development provides active street frontages to both Pacific Highway and Kissing Point Road.
 - iii) Ensure new development is appropriately sited and designed to appropriately manage amenity and visual impacts to adjoining residential properties.
 - iv) Create a mixed use development providing a range of uses on site including residential apartments, retail and commercial premises.
 - v) Extend Stonex Drive to provide access to the rear of the site and Kissing Point Road.
 - vi) Deliver a new community park of approximately 700m², south of an extended Stonex Drive.

URBAN PRECINCT
AND SITES

14X.2 PEDESTRIAN AND VEHICULAR ACCESS



Figure 14X.2-1:
Pedestrian and Vehicular Access Plan

Legend

- Active Frontage
- Indicative Site Access Point
- Indicative through site link

14K.2 PEDESTRIAN AND VEHICULAR ACCESS
(continued)

Objectives

- 1 To provide vehicle access for customers and service vehicles that is integrated into the surrounding road network.
- 2 To enable safe pedestrian access and permeability.
- 3 To minimise pedestrian and vehicle conflicts.
- 4 To minimise the number of vehicle access points on active street frontages.
- 5 To provide adequate and accessible on-site service areas and loading facilities.
- 6 To locate and design car parking so that it is integrated into the design of the site and building.
- 7 To provide for future transport and vehicle options including Electric Vehicle charging stations, e-bicycles and the like.

Controls

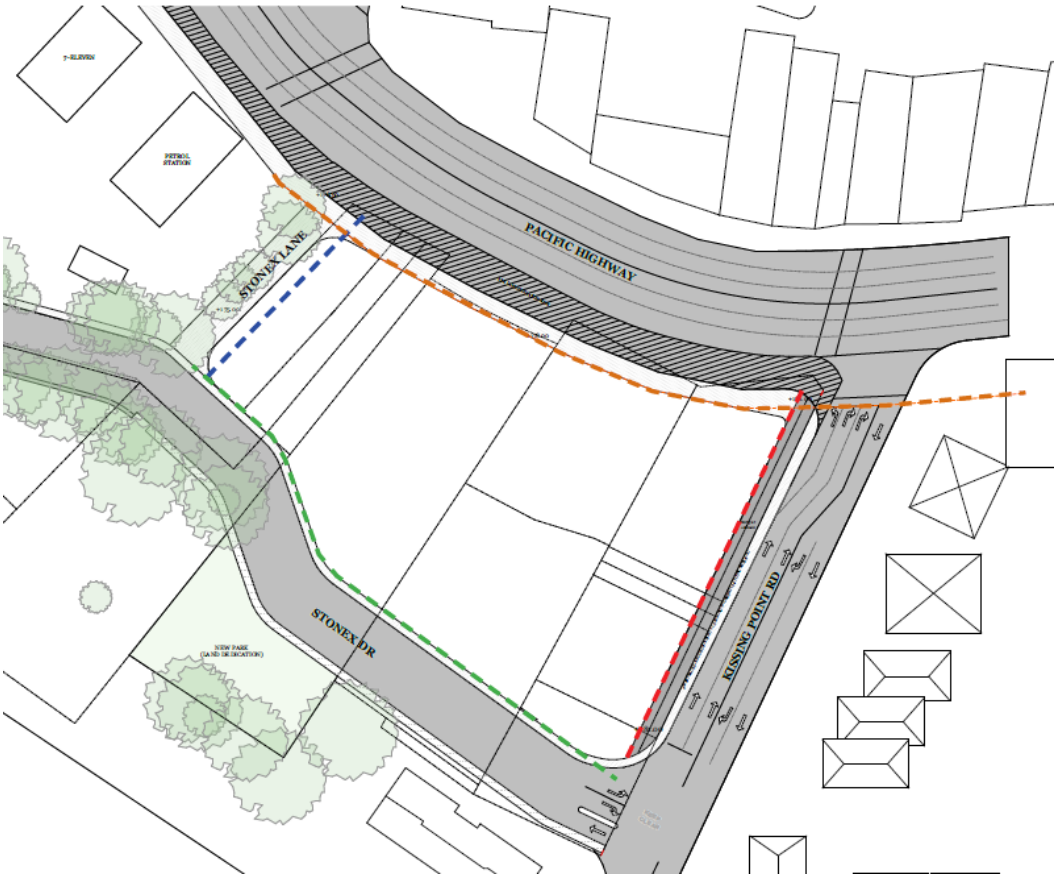
- 1 Active Frontages are to be provided along Pacific Highway and the internal through site link.
- 2 Where practicable, Active frontage are also to be provided along Kissing Point Road, noting topography and level changes.
- 3 Service/loading areas are to be located in the basement to minimise conflict between pedestrians and vehicles, and minimise amenity impacts to adjoining residential properties.
- 4 Service vehicle access must be combined with parking access.

Ku-ring-gai Development Control Plan

1364-1396 PACIFIC HWY, AND 1, 1A AND 3A KISSING POINT RD, TURRAMURRA

URBAN PRECINCT
AND SITES

14X.4 BUILT FORM AND SETBACKS



14K.4 BUILT FORM AND SETBACKS (continued)

Objectives

- 1 To ensure that buildings are designed to interact and engage with pedestrians at street level.
- 2 To ensure the façade of the building is articulated to complement and enhance the character of the street.
- 3 To ensure that corner buildings respond to the characteristics of the two streets they address, and reinforce corner elements.
- 4 To ensure future development is compatible with the height and roof form of surrounding buildings to produce a cohesive streetscape.

Controls

- 1 A variable setback along Pacific Highway is to be provided allowing land dedication as detailed in Figure 14X.
- 2 A 3.5m setback is to be provided along Kissing Point Road, consisting of 1.5m for road widening and 2m for footpath.
- 3 A 11.5m high street wall is to be provided along Pacific Highway
- 4 A minimum 4m setback above podium for buildings.
- 5 A minimum setback of 15m wide along southern boundary to allow for delivery of Stonex Drive extension.
- 6 A setback of 3m from Stonex Laneway.
- 7 The siting of buildings is to demonstrate clear visible entry points that contribute to the building facade design and enhance active street frontages.
- 8 A pedestrian through site link open to the sky is to be provided between Pacific Highway and Stonex Drive.
- 9 Active street frontages are to be provided to both Pacific Highway and Kissing Point Road to enhance the commercial potential of the space. Opaque and blank walls are to be minimised at ground level.
- 10 The active street frontage along Kissing Point may be reduced to respond to final design of buildings, and responding to site topography.
- 11 New development is to provide a high standard of external finishes and appropriate level of architectural detail.
- 12 All plant and services is to be integrated into the built form and/or roof.

URBAN PRECINCT
AND SITES

14K.5 PUBLIC DOMAIN

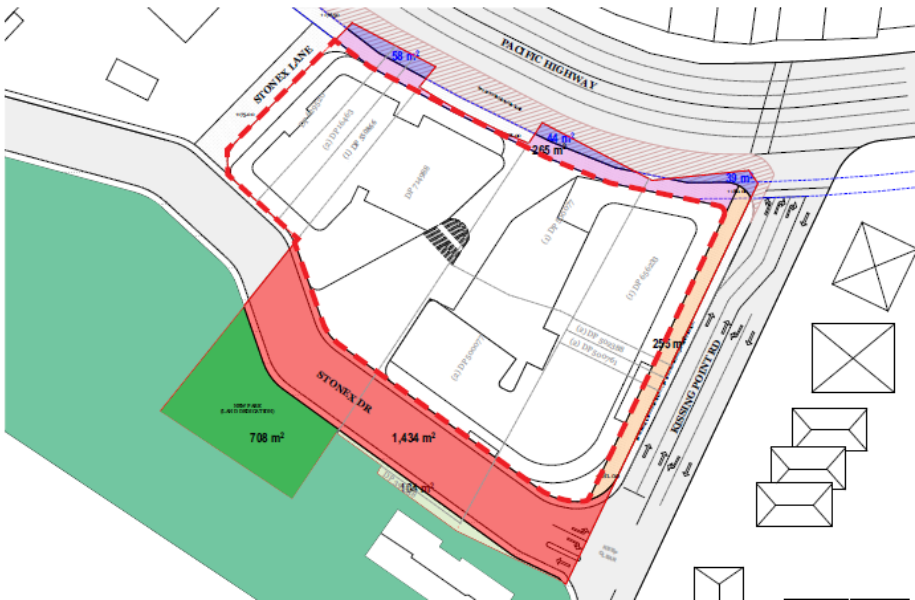


Figure 14K.5-1
Public Domain Controls

- Legend**
- New park (approx. 708m²)
 - Extended Stonex Drive (approx. 1,434m²)
 - Kissing Point Road Footpath upgrade (approx. 255m²)
 - Pacific Highway Footpath upgrade (approx. 265m²)
 - Land dedication SP2 Zone (approx. 141m²)

14K

45-47 TENNYSON AVENUE AND 105 EASTERN ROAD

p XX-XXX

14K.5 PUBLIC DOMAIN (continued)

Objectives

- 1 To provide a high quality streetscape that engages and activates the Neighbourhood Centre, and contributes to its economic viability.
- 2 To improve and enhance pedestrian connection and access within the Eastern Road Neighbourhood Centre.
- 3 To provide continuity in the streetscape and promote pedestrian amenity.
- 4 To service the public parking demands for the Turramurra Local Centre.

Controls

- 1 Public domain works are to be in accordance with Figure 14X. It is to be delivered through a Voluntary Planning Agreement (VPA) or other delivery mechanism and include the following:
 - a) A new 708sqm publicly accessible park south of the new Stonex Drive
 - b) Extension to Stonex Drive connecting to Kissing Point Road
 - c) Land dedication along Kissing Point Road and upgrading of footpath
 - d) Land dedication along Pacific Highway and upgrading of footpath
 - e) Provision of 30 car spaces for public use within the basement of future development



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KLPP13 **Planning Proposal for 1364-1396 Pacific Highway and 1,1A and 3
Kissing Point Road, Turramurra**

File: S14408

Vide: GB.3

To refer the Planning Proposal for 1364-1396 Pacific Highway and 1, 1A, 3 and 3A Kissing Point Road, Turramurra (Turramurra Plaza site) to the KLPP for advice as required by the Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning under Section 9.1 of the Environmental Planning and Assessment Act 1979.

The Panel Advised:

- A.** The Ku-ring-gai Local Planning Panel makes a recommendation to Council that the following Planning Proposal be submitted to the Department of Planning, Housing and Infrastructure for a Gateway Determination.
- B.** Should a Gateway Determination be issued for public exhibition of the Planning Proposal, the site-specific amendments to the Ku-ring-gai DCP Part 14 Urban Precinct and Sites 14B Turramurra Local Centre as outlined in this report, be placed on public exhibition concurrent with the Planning Proposal.
- C.** That Council authorise the General Manager to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan making process.
- D. Reasons for recommendation:**
 - 1. The Panel supports the findings in the assessment report and endorses the reasons for the recommendation contained in that report.
 - 2. The Planning Proposal is consistent with the E1 Local Centre Zoning of the site.
 - 3. The Planning Proposal will facilitate development of the site for a mixed use development to include commercial premises, retail premises and shop top housing within the local centre.
 - 4. The Planning Proposal will provide public benefits, including a new community park, a new public road and road widening, dedication of land fronting the Pacific Highway, public parking, a new through site link, and lane upgrade.
 - 5. The Planning Proposal demonstrates strategic and site specific merit, being generally consistent with the objectives of the Greater Sydney Regional Plan, the North District Plan, the Council's Local Strategic Planning Statement, the Council's Local Housing Strategy, the Ku-ring-gai retail and commercial centres strategy, State Environmental Planning Policies and Ministerial directions.

C: Date of the decision: 22 July 2024

Voting: unanimous

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 13 AUGUST 2024

- Present: The Mayor, Councillor S Ngai (Chairperson)
Councillors J Pettett & G Taylor (Comenarra Ward)
Councillors S Lennon & B Ward (Gordon Ward)
Councillor A Taylor (Roseville Ward)
Councillors C Kay & M Smith (St Ives Ward)
Councillors C Spencer & K Wheatley (Wahroonga Ward)
- Staff Present: General Manager (David Marshall)
Director Community (Janice Bevan)
Acting Director Corporate (Angela Apostol)
Director Development & Regulation (Michael Miocic)
Acting Director Operations (Peter Lichaa)
Director Strategy & Environment (Andrew Watson)
Corporate Lawyer (Jamie Taylor)
Acting Manager Corporate Communications (Mark Skelsey)
Manager Governance and Corporate Strategy (Christopher M Jones)
PA to Director Development & Regulation (Nicole Kratochvil)
Manager Urban & Heritage Planning (Antony Fabbro)

The Meeting commenced at 7:03PM

The Mayor offered the Acknowledgement of Country and Prayer

APOLOGIES

File: S02194

Nil

DECLARATIONS OF INTEREST

The Mayor referred to the necessity for Councillors and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

Councillor Ward declared a non-significant, non-pecuniary interest in GB.15 - Planning Proposal 51-52 Rohini Street, Turramurra (Anglicare) as she has previously worked for Anglicare. Councillor Ward will remain in the Chambers during debate on this item.

Cr Spencer declared a non-significant, non-pecuniary interest in GB.14 – Planning Proposal for 1364-1369 Pacific Highway and 1, 1a, 3 and 3a Kissing Point Road,

Report by General Manager dated 6 August 2024

Resolved:

(Moved: Councillors Ngai/Wheatley)

That in relation to the matters in this report, Council endorses the content of the Mayor's late confidential memo dated 13 August 2024, a copy of which is initialled at the Meeting by the Mayor.

For the Resolution: *The Mayor, Councillor Ngai, Councillors Kay, Lennon, Smith, A. Taylor, G. Taylor, Ward and Wheatley*

Against the Resolution: *Councillors Pettett and Spencer*

CARRIED

179

Planning Proposal for 1364-1369 Pacific Highway and 1, 1a, 3 and 3a Kissing Point Road, Turramurra

File: S14408

Vide: GB.14

To refer the Planning Proposal for 1364-1396 Pacific Highway and 1, 1A, 3 and 3A Kissing Point Road, Turramurra (Turramurra Plaza site) to Ku-ring-gai Council to determine whether to forward the matter to the Minister for a Gateway determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*.

Resolved:

(Moved: Councillors G. Taylor/A. Taylor)

That:

- A. Council resolve, that following amendment as outlined above, and subject to B and C below, the Planning Proposal be submitted to the Department of Planning, Housing and Infrastructure for a Gateway Determination.
- B. Prior to submitting the Planning Proposal for a Gateway Determination the Planning Proposal is amended by the proponent to address the following:
 - a. prepares an amended reference scheme and a feasibility assessment for a new accessible Community Space within the development of up to 400sqm to be provided in perpetuity and dedicated to Council. The assessment and

plans should align with Ku-ring-gai Council's adopted policies and plans for new Community Facilities; and,

- b. prepare an affordable housing viability report to clarify the housing affordability rates (including floor space and number of units to be provided in perpetuity) and method of management to confirm and support the offer made by the proponent within the Planning Proposal. The assessment should align with the Greater Sydney Region Plan and North District Plan requirements for new residential floor space to deliver 5-10% affordable housing subject to viability.
- C. Submission for Council consideration of a revised public benefit letter of offer clearly outlining those matters to be dealt with in the context of a prospective land transaction as opposed to those to be addressed in the context of works, dedications, and other benefits.
- D. Should a Gateway Determination be issued for public exhibition of the Planning Proposal, the site-specific amendments to the Ku-ring-gai DCP Part 14 Urban Precinct and Sites 14B Turramurra Local Centre as outlined in this report be placed on public exhibition concurrent with the Planning Proposal, and,
- E. The Proponent be advised accordingly.

For the Resolution:

The Mayor, Councillor Ngai, Councillors Kay, Lennon, Smith, A. Taylor, G. Taylor, Ward and Wheatley

Against the Resolution:

Councillors Pettett and Spencer

CARRIED

BUSINESS WITHOUT NOTICE – SUBJECT TO CLAUSE 9.3 OF CODE OF MEETING PRACTICE

NIL

QUESTIONS WITH NOTICE

NIL

INSPECTIONS– SETTING OF TIME, DATE AND RENDEZVOUS

NIL

Being the last meeting of the Council term, at the conclusion of the meeting the Mayor, Councillor Ngai and all Councillors expressed their gratitude and thanks to fellow Councillors, the community and Council staff.

The Meeting closed at 7.30PM

The Minutes of the Ordinary Meeting of Council held on 13 August 2024 (Pages 1 - 18) were confirmed as a full and accurate record of proceedings on 8 October 2024 (TBC).

General Manager

Mayor / Chairperson