



IRF25/804

Gateway determination report – PP-2024-321

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

May 25

Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Title: Gateway determination report – PP-2024-321

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

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Acknowledgment of Country

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

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A - Planning Proposal (Jan 2025)
Attachment B - Heritage Impact Statement (Nov 2023)
Attachment C - Ku-ring-gai Local Planning Panel Minutes (22 July 2024)
Attachment D - Flora and Fauna Report
Attachment E - Bushfire Advice (Oct 2023)
Attachment F - Preliminary Site Investigation (Contamination) Report (Nov 2023)
Attachment G - Traffic and Transport Assessment (May 2024)
Attachment H - Ku-ring-gai Council Minutes and Resolution (13 August 2024)
Attachment I - Need and Impact Assessment (Nov 2023)
Attachment J - Urban Design Report (Jan 2025)
Attachment K - Draft amendment to Ku-ring-gai DCP 2023 Part 14 Turramurra Local Centre
Attachment L - Affordable Housing Viability Report (Dec 2024)
Attachment M - Letter of Offer (VPA) (4 December 2024)
Attachment N - Arborist Report
Attachment O - Survey Plan

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Ku-ring-gai Local Government Area	
PPA	Ku-ring-gai Council	
NAME	Turramurra Village (180 dwellings, 178 jobs)	
NUMBER	PP-2024-321	
LEP TO BE AMENDED	Ku-ring-gai Local Environmental Plan 2015	
ADDRESS	1364-1396 Pacific Highway and 1,1A and 3A Kissing Point Road, Turramurra	
DESCRIPTION	Lot 1 DP 629520 Lot 2 DP 16463 Lot 1 DP 550866 Lot 101 DP 714988 Lot 1 DP 500077 Lot 1 DP 656233	Lot 2 DP 500077 Lot 2 DP 502388 Lot 2 DP500761 Lot 1 DP500761 Lot B DP 435272 Lot A DP 391538
RECEIVED	20/02/2025	
FILE NO.	IRF25/804	
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required	
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal	

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The planning proposal seeks to facilitate a mixed use commercial and residential development to deliver 180 dwellings (including 5% affordable housing) and 178 jobs.

The objectives of the planning proposal are to:

- Facilitate redevelopment of the site to a high-quality mixed-use development in close proximity to public transport, recreation facilities and services while ensuring appropriate transition in height from the Turramurra local centre to the surrounding residential areas.
- Provide additional retail and commercial floorspace in the Turramurra Local Centre in response to the identified undersupply within the Ku-ring-gai LGA.

- Reclassify Council owned car park at 1A, 3 and 3A Kissing Point Road from “community” to “operational” to allow for the divestment of the land. Council supports the reclassification of the Council car park.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Ku-ring-gai LEP 2015 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	E1 Local Centre	No change
Maximum height of the building	17.5m	28.5m and 34.5m
Floor space ratio	2:1	3:1
	Clause 4.4(2E) Floor Space Ratio: 'Area 4' - maximum commercial FSR of 1.2:1	Amend Clause 4.4 to: <ul style="list-style-type: none"> • Introduce a minimum retail/commercial FSR of 0.85:1 Amend FSR map to: <ul style="list-style-type: none"> • Remove the maximum commercial FSR of 1.2:1 by removing the site from 'Area 4'
Number of dwellings	N/A	180
Number of jobs	N/A	178
Reclassify land at 1A, 3 and 3A Kissing Point Road, Turramurra	“Community” land	“Operational” land

It is not proposed to extinguish any of the interests in the land as part of the reclassification process.

1.3.1 Commercial Floor Space Ratio

The planning proposal looks to introduce minimum retail/commercial FSR of 0.85:1 for the site through the inclusion of a subclause within Clause 4.4 of Ku-ring-gai LEP 2015 and remove the maximum commercial FSR of 1.2:1.

The Department notes that in describing the proposed amendment, the planning proposal interchanges the terms non-residential FSR and commercial/retail FSR to mean the same thing. The Department notes that these terms are not interchangeable and may inadvertently impact the intended outcome of the proposal. A **Gateway Condition** will recommend the planning proposal be updated to clarify the intent for the provision.

Within its explanation of provisions, the planning proposal proposes the wording:

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

The Department notes that ‘Area 4’ applies to the planning proposal site and to land north of Pacific Highway. In its explanation, the planning proposal is not clear if it seeks to remove the maximum commercial FSR of 1.2:1 and apply the minimum commercial/retail FSR to only the sites that are subject to the planning proposal or the entirety of ‘Area 4’. A **Gateway condition** will recommend the planning proposal be updated to confirm the amendment only relates to the subject site and does not seek to amend the maximum FSR for all sites identified in ‘Area 4’.

In addition, the Department notes that the drafting of provisions is a matter for Parliamentary Counsel and that the explanation of provisions should only contain clear statements setting out the proposed amendments to the LEP. This is to facilitate accurate drafting of the amendments to ensure they adequately achieve the intended objectives of the proposal. A **Gateway Condition** will recommend the planning proposal be updated to clarify that draft wording for the new subclause within Clause 4.4 is one example of how the proposed amendment could be worded, with final wording subject to drafting and agreement by Parliamentary Counsel’s Office.

1.4 Site description and surrounding area

The planning proposal (**Attachment A**) applies to land known as the Turramurra Village (the site). The site encompasses 12 lots (**Figure 1**) including a site at 1364-1396 Pacific Highway and 1, 1A, 3 and 3A Kissing Point Road. The site has an area of approximately 8,459.7sqm and is bounded by Pacific Highway to the north, Kissing Point Road to the east and Duff Street to the west.

The site is currently zoned E1 Local Centre and comprises a range of low-rise commercial and retail buildings including an IGA, these buildings front Pacific Highway. A Council owned car park is located to the rear of the site, and a single storey medical clinic located on Kissing Point Road.



Figure 1 Subject site (source: Planning proposal)

To the south, southeast and southwest of the site is low to medium residential development including detached dwellings and 3-4 storey apartment buildings. Immediately south-west of the site are a number of environmental conservation zoned sites, commonly known as the Granny

Springs Reserve. To the north of the site is the Turramurra Local Centre, characterised by a mix of one, two and three storey retail/commercial uses and services.

Within close proximity to the site are a range of cafés, bars and retail uses. There are also several reserves, parks and walking tracks, such as Sheldon Forest, within a 500m radius.

The topography of the Turramurra Local Centre is characterised by its elevated landscape and two prominent ridgelines, with the local centre focused along the higher points. The site is located in the middle of the local centre and its topography falls 2.5m to the west and 6m towards the south-west of the site. The proposal notes the indicative reference scheme will respond to the topography of the site.

There are no local heritage items within the site however located adjacent to the site is Hillview Heritage Conservation Area (HCA). A number of local heritage items listed under Schedule 5 of the KLEP 2015 are located within close proximity as shown in **Figure 2** including:

- I156: Hillview Garages – 1340 Pacific Highway
- I155: “Hillview” - 1334 Pacific Highway
- I139: Dwelling House – 8 Kissing Point Road
- I132: Residential flat buildings – 2-4 Boyd Street
- I157: Former Commonwealth Bank – 1356 Pacific Highway
- I158: Commercial buildings – 1358 and 1360 Pacific Highway
- I140: “Leppington”, dwellings house – 9 Kissing Point Road
- I141: Dwelling House – 11 Kissing Point Road

The site is located within 200m of the Turramurra Train Station, located to the northeast. Several bus routes also operate along the Pacific Highway and Kissing Point Road that provide connections to larger metro hubs like Chatswood and Macquarie University.

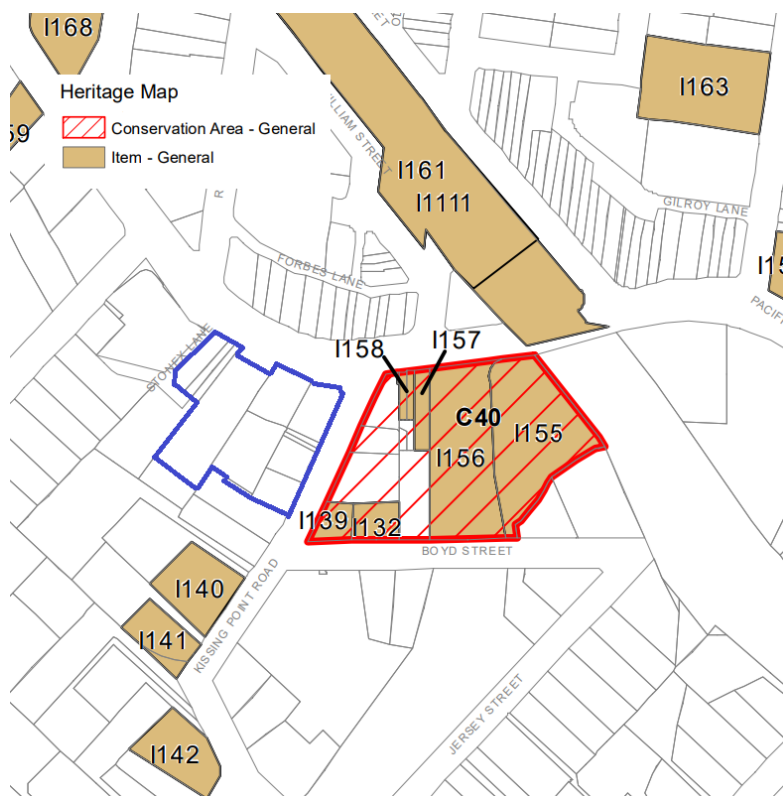


Figure 2 Heritage Map – site bound in blue (source: Ku-ring-gai LEP 2013)



Figure 3 Site context (source: Urban Design Report)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the height of buildings and floor space ratio maps, which are suitable for community consultation.

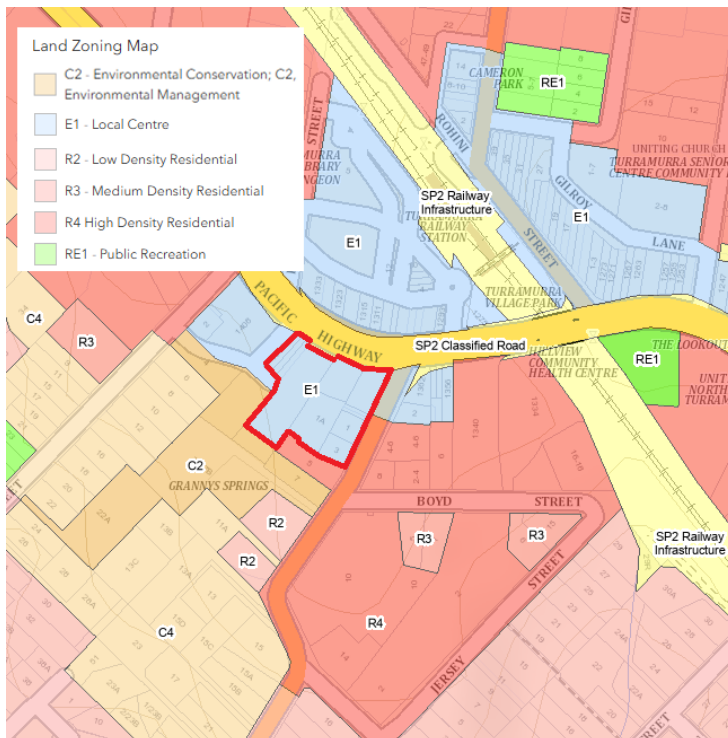


Figure 4 Current zoning map, no changes proposed – site bound in red (source: Department)

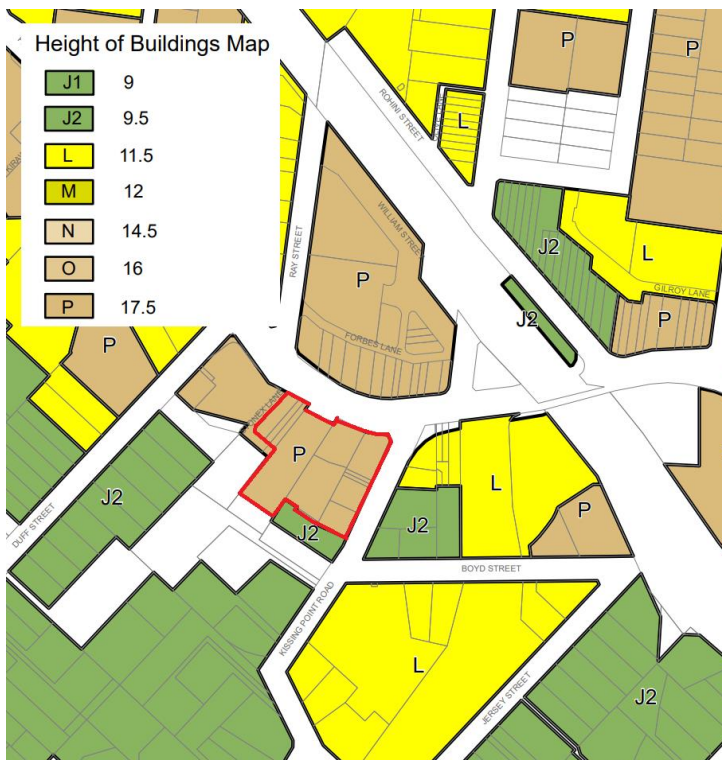


Figure 4 Current height of building map – site bound in red (source: Ku-ring-gai LEP)

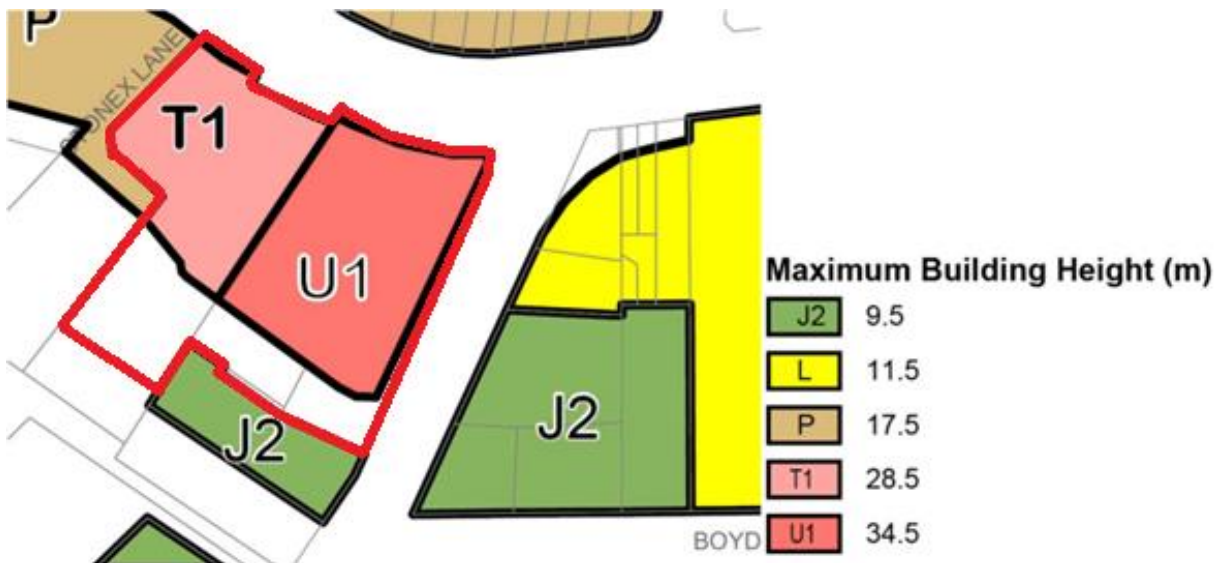


Figure 5 Proposed height of building map - site bound in red (source: Planning Proposal)

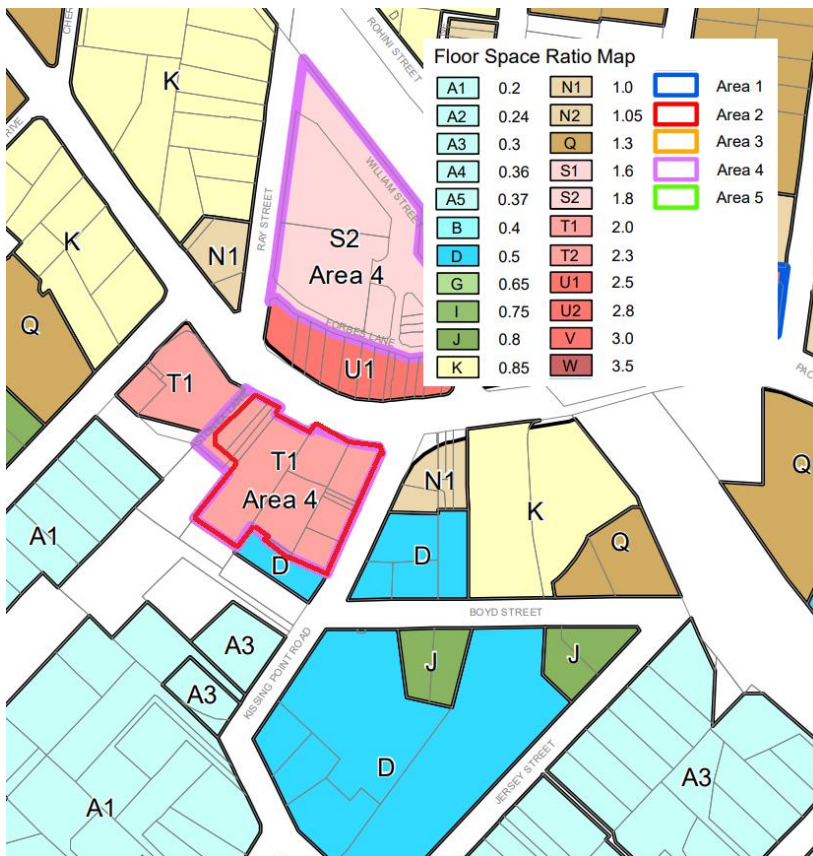


Figure 6 Current floor space ratio map - site bound in red (source: Kur-ring-gai LEP)

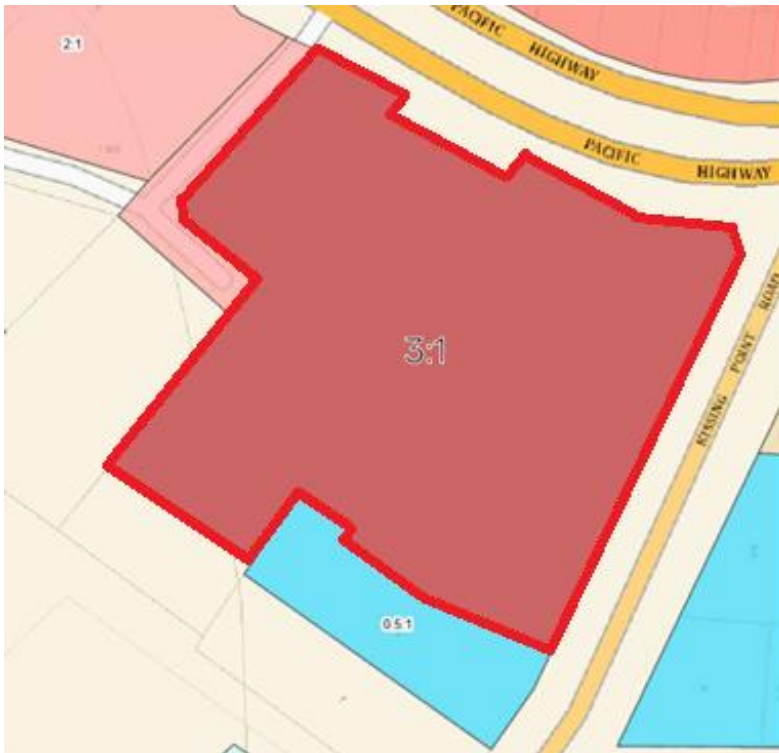


Figure 7 Proposed floor space ratio map (source: Planning Proposal)

A **Gateway Condition** will recommend the zoning map within the urban design report and references to zones within the planning proposal and associated documents be updated to reflect

the new zoning labels within the Ku-ring-gai LEP 2015 which occurred through the employment zones reform.

1.6 Background

In May 2022, a previous planning proposal for the site was lodged with Ku-ring-gai Council. An independent planning consultant and independent urban design consultant assessed the planning proposal as part of the site is within Council ownership. The proposal sought to:

- Amend the maximum permissible height applying to the site 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.

On 5 December 2022, the planning proposal was referred to the Ku-ring-gai Local Planning Panel (KLPP) for comment. The KLPP did not support the planning proposal and recommended it not be lodged for Gateway Determination.

At its meeting on the 14 February 2023, Council resolved to not submit the planning proposal to the Department for Gateway Determination.

The current planning proposal (subject to this report) draws upon the previous planning proposal including recommendations provided by the independent planner and urban design consultant as well as the Council report (dated 14 February 2023).

2 Need for the planning proposal

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The planning proposal responds to the Ku-ring-gai local strategic planning statement (LSPS) which looks to implement a structure plan for the Turramurra Local Centre. The proposal also responds to the Ku-ring-gai Local Housing Strategy (LHS) which encourages Council to consider proponent-led planning proposals with good planning outcomes, that are consistent with the planning principles in the LSPS for the Turramurra Local Centre.

The LSPS and LHS are considered in more detail in **Section 3.3**.

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 implement specific LEP provisions. There are no other mechanisms other than a planning proposal to amend statutory planning controls to facilitate the intended outcome.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (the Region Plan), released by the NSW Government in 2018, sets out the strategic planning vision for Greater Sydney.

The Region Plan aligns land use, transport and infrastructure planning to reshape Greater Sydney as a metropolis of three connected cities: the Western Parkland City, the Central River City, and the Eastern Harbour City. The Ku-ring-gai LGA is in the Eastern Harbour City.

Under section 3.8 of the Environmental Planning and Assessment Act 1979 (EP&A Act) a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is addressed in **Section 3.2** below.

3.2 District Plan

The site is within the North District and the Greater Sydney Commission released the North District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
2 – Infrastructure and Collaboration	
Planning Priority N1 Planning for a city supported by infrastructure	Objectives 1-2 of the District Plan aim to provide infrastructure that aligns with the forecasted growth, future needs, and is of optimal use. The proposal aims to provide housing growth and services near existing infrastructure including: <ul style="list-style-type: none"> Turramurra Town Centre within 200m of the site, with access to shops, health services and restaurants. Turramurra Train Station and bus interchange within 100 to 200 metres, providing access to other services by nearby public transport including Hornsby.
3 - Liveability	
Planning Priority N3 Providing services and social infrastructure to meet people's changing needs	The planning proposal will provide a range of new retail and commercial services and enable an increase in residential development through mixed uses, as well as providing for public open space. The site is located within close proximity to the Turramurra town centre and close to public transport. The proposal will assist in providing additional employment and higher residential accommodation within a local centre close to public transport, jobs and service facilities. The proposal will enable creation of a village atmosphere that promotes social interaction within the community. Being close to accessible public transport will reduce the reliance on private vehicle usage and short trips.

<p>Planning Priority N4</p> <p>Fostering healthy, creative, culturally rich and socially connected community</p>	<p>The planning proposal will enable increased development to provide for new commercial floorspace and additional retail floorspace activating the street level.</p> <p>The indicative concept scheme proposes two buildings, with a height of 28.5m and 34.5m, and a public retail plaza connecting the two buildings. This plaza looks to provide amenity as well as connect the development and the town centre with green open space to the south in the form of a new public park, access to Granny Springs Reserve and additional rooftop open space for residents.</p> <p>The proposal will provide a mix of housing including the provision of 5% affordable housing. The mechanism for delivery of affordable housing is discussed further in detail in Section 4.2.</p> <p>The planning proposal is consistent with this priority.</p>
<p>Planning Priority N5</p> <p>Providing housing supply, choice and affordability with access to jobs, services and public transport</p>	<p>The proposal will facilitate high density residential housing in a well-located area providing access to retail, health services and public transport.</p> <p>The reference scheme identifies the development will deliver approximately 180 dwellings. The proposal seeks to deliver these dwellings as a mix of 1, 2 and 3-bedroom units.</p> <p>The planning proposal has included a provision of 5% affordable housing. The planning proposal has noted this will be provided as a part of a public benefit offer via a Voluntary Planning Agreement (VPA). Refer to Section 4.2 for further discussion.</p>
<p>Planning Priority N6</p> <p>Creating and renewing great places and local centres, and respecting the District's heritage</p>	<p>The proposal site is located adjacent to Hillview Heritage Conservation Area and has nearby heritage items on Kissing Point Road/Pacific Highway.</p> <p>A Heritage Impact Statement (Attachment B) has been prepared to support the planning proposal and concludes the proposal does not have an adverse impact on the heritage significance of the Hillview Heritage Conservation Area or the nearby heritage items.</p> <p>Further assessment on heritage impacts will be discussed in Section Error! Reference source not found.</p>
<p>Planning priority N10</p> <p>Growing investment, business opportunities and jobs in strategic centres</p>	<p>The proposal looks to provide a mixed-use development that includes high density residential accommodation with supporting commercial and retail uses on site including a full supermarket within proximity to public transport and the Turramurra town centre. The proposal notes this will ensure new residential housing can benefit from access and services in local centres.</p> <p>The proposal will provide 178 jobs on site jobs through the commercial and retail uses close to public transport. The proposal will also provide a number of jobs during construction.</p>
<p>Planning Priority N12</p> <p>Delivering integrated land use and transport planning and a 20-minute city</p>	<p>The planning proposal is consistent with the priority as it supports existing transport infrastructure such as heavy rail and bus routes. The proposal will increase the number of dwellings and provide jobs within 30-mins of a strategic centre via public and active transport.</p>

4 – Productivity

<p>Planning Priority N16</p> <p>Protecting and enhancing bushland and biodiversity</p>	<p>The planning proposal site contains areas of mapped ‘Biodiversity Values’ towards the south of the site and is also partly mapped as Biodiversity on Ku-ring-gai LEP 2015 Terrestrial Biodiversity Map. Any future DAs that require the clearing of native vegetation within the areas mapped as ‘Biodiversity Values’ in the will need to consider an appropriate biodiversity impact and address the provisions of Clause 6.3 Biodiversity Protection.</p> <p>The site is also located adjacent to the Granny Springs reserve which includes Blue Gum High Forest, a critically endangered ecological community (CEEC). Section 3.5 will provide further discussion on the CEECs and biodiversity on the site.</p> <p>The proposal seeks to protect and enhance this bushland corridor through expansion of the green corridor with the inclusion of a public park.</p> <p>The planning proposal is consistent with this priority.</p>
<p>Planning Priority 19</p> <p>Increasing urban tree canopy cover and delivering green grid connections</p> <p>Planning Priority N20</p> <p>Delivering high quality open space</p>	<p>The proposal will enable both public and private open space including upgrades to existing infrastructure. The proposed through site link will provide a connection from the site to the town centre. The proposal seeks to provide several landscaped/open spaces across the site including a new park to be dedicated to Council through a VPA.</p> <p>The proposal notes the retention and expansion of significant tree canopy and green corridors within the site. On site currently, there is minimal vegetation located along the south-western boundary of the site, adjacent to the Granny Springs reserve. The reference scheme demonstrates an increase in the tree canopy of the site with the inclusion of the public park, landscaping in common areas and street trees along Pacific Highway, Kissing Point Road and the proposed new road (Stonex Street).</p> <p>Tree canopy and open space will be further assessed during the detailed development assessment stage.</p>

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>The Ku-ring-gai LSPS is a 20-year plan (2016 – 2036) which provides guidance on location and type of future housing stock. It also identifies the future character of local centres including Turramurra. The proposal is consistent with the LSPS and its priorities as it:</p> <ul style="list-style-type: none"> Locates high density housing within a 10-minute walk (800 metre radius) to public transport to access primary and secondary local centres: Gordon, Lindfield and Turramurra.

- Complies with the requirement that all high-density residential areas (over 60 dwellings/ha) are within 200m of quality public open space.
- Increases the proportion of homes in urban areas within 10-minute walk of quality green, open and public open space by 10% within 10 years by providing additional open space including a public dedicated park on site.
- Will enable revitalisation of the Turrumurra Local Centre to create a village atmosphere for local residents' with access to additional open space, through site link and urban plaza.
- Provides a mixed-use development within the local centre that comprises of a commercial podium, activated street edges and residential accommodation.

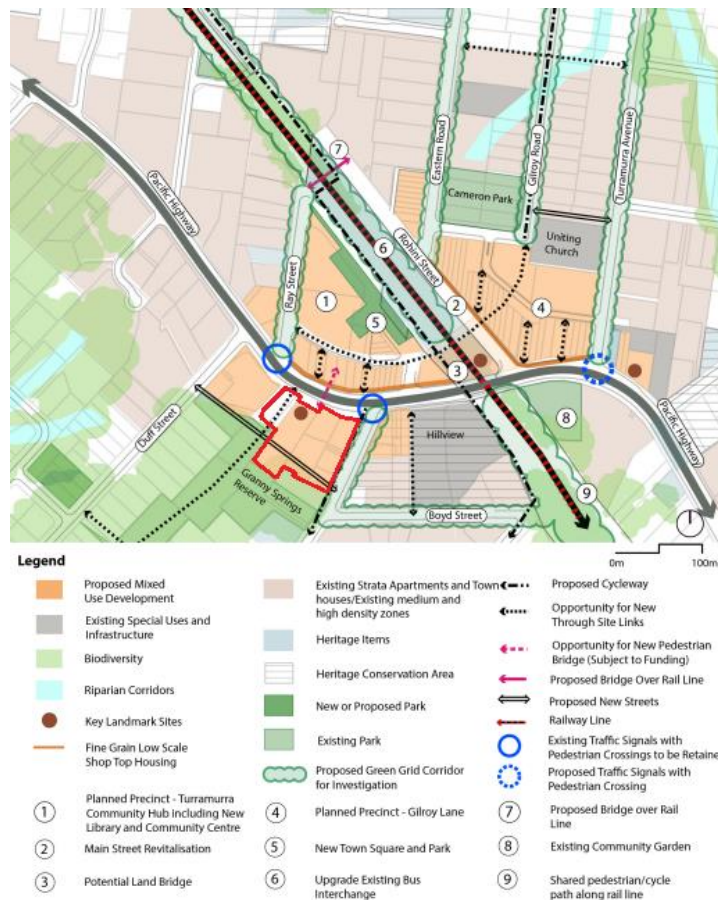


Figure 8 Turrumurra Local Centre Structure Plan (Source: Ku-ring-gai LSPS)

The LSPS includes a Structure Plan for the Turrumurra Local Centre that provides an overview of the key components to be included within town centre (**Figure 8**). The components relate to land use, built form, movements, key sites, streetscape and public spaces. The LSPS identifies the site as a mixed-use development 'key landmark site' that is dissected by a new street.

The planning proposal generally aligns with the structure plan outlined in the LSPS. The development will facilitate high-density residential accommodation, commercial and retail uses (including a supermarket) that are close to green space and local centres. In addition to the structure plan, the proposal will enable delivery of additional open space available to the public in the form of a public park, to be dedicated to Council, as well as other active green spaces in the form of a through

	site link, urban plaza and communal open space for commercial and residential tenants.
Ku-ring-gai Local Housing Strategy to 2036 (2020)	<p>The Ku-ring-gai Local Housing Strategy to 2036 (2020) highlights that there is a strong need for a diverse range of housing types across the Ku-ring-gai LGA. The objectives of the housing strategy are:</p> <p>H1 - To monitor the delivery of housing within areas close to services, cultural and community facilities, and within a 10-minute walking distance to key public transport nodes.</p> <p>H2 - To encourage a mix of dwelling types and sizes.</p> <p>H2 - To ensure new homes are accessible and meet mobility needs.</p> <p>H3 - To encourage housing that contributes to healthy and active neighbourhoods.</p> <p>This proposal seeks to provide good quality housing within the Ku-ring-gai local government area. This site is located within the Turramurra town centre and will provide an additional 180 dwellings in a range of 1, 2, and 3 bedroom apartments. This allows for diversity in housing types to provide for families and the ageing population who may seek to downsize in an area experiencing growth over the next 10 years.</p>
Ku-ring-gai Public Domain Plan	<p>The Ku-ring-gai Public Domain Plan 2022 is a Council led plan that describes the vision to revitalise the public domain areas of town centres throughout the LGA. It also outlines public domain design guidance for individual centres including Turramurra. For Turramurra local centre there are 12 public domain principals that guide the desired future character of the centre. The proposal aligns with the following principles of the plan including:</p> <ul style="list-style-type: none"> • Principle 5 - Promote and facilitate the establishment of direct pedestrian routes along the rail corridor from surrounding residential area. • Principle 9 - Ensure appropriate interface and separation between future development and Heritage conservation Area and heritage items. • Principle 10 - Enhance the public domain network of streets and open spaces as places which people enjoy and want to spend time in.

The Turramurra Public Domain Plan illustrates the key components that will assist in the revitalisation of the Turramurra Local Centre (**Figure 9**).



Figure 9 Turramurra Public Domain Plan – site in blue (Source: Ku-ring-gai Public Domain Plan)

The Public Domain Plan identifies the inclusion of a through site link on site as well as public space adjoining Granny Spring Reserve, street level activation ensuring the low scale and fine grain character of main street shops on Pacific Highway through appropriate street scapes as well as the inclusion and activation of the new Stonex Street.

The Department is satisfied that the planning proposal will enable development that aligns with the public domain plan and is consistent with the public domain principles for the wider LGA.

3.4 Local planning panel (LPP) recommendation

The Ku-ring-gai Local Planning Panel (KLPP) (**Attachment C**) considered the planning proposal on 22 July 2024 and recommended that the proposal be submitted to the Department of Planning, Housing and Infrastructure for Gateway determination as it demonstrated strategic and site-specific merit.

Council prepared an assessment report with recommended changes to be endorsed by the KLPP. The KLPP supported the planning proposal and recommendations of Council's assessment report.

In providing this advice, the KLPP concluded that the planning proposal is consistent with the E1 Local Centre zone of the site, will facilitate redevelopment of the site for appropriate uses, provide public benefits and demonstrate strategic and site-specific merit.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Focus area 1: Planning System		
1.4 Site-specific provisions	Inconsistent, considered justified	<p>The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls including imposing any development standards or requirements in addition to those already contained in the planning instrument being amended.</p> <p>The planning proposal seeks to include a minimum commercial/non-residential FSR for the site through the introduction of a subclause into Clause 4.4 of the Ku-ring-gai LEP 2015. The inclusion of this provision is considered inconsistent with the Direction.</p> <p>The Department considers the inconsistency to be justified as the provision does not result in any unnecessarily restrictive site-specific provisions and will assist in ensuring employment generating uses are provided within the Ku-ring-gai Town Centre.</p>
Focus area 3: Biodiversity and Conservation		
3.1 Conservation zones	Unresolved, further information required	<p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>The Department notes that this direction applies as the site contains two vegetation communities that are present in the southern edge of the site. This includes the Blum Gum High Forest and Urban Exotic/Native Vegetation.</p> <p>The Blue Gum High Forest Vegetation community is listed within the <i>Biodiversity Conservation Act 2016</i> and EPBC Act 1999 as a critically endangered ecological community (CEEC) within the Sydney Basin Bioregion.</p> <p>The Department notes the Flora and Fauna Report (Attachment D) identifies that ecological communities only cover a small portion of the site (Figure 1010). The indicative masterplan demonstrates a suitable outcome can be achieved which will be further assessed at the DA stage.</p>



Figure 10 Vegetation Mapping (Source: Flora and Fauna Report)

The proposal noted the intent to retain existing trees on site while also enabling the provision of additional open space, including the public park to the south of the site, that will connect to the neighbouring C2 Environmental Conservation zoned land at Granny Springs Reserve.

The Department notes the planning proposal has not provided an assessment against the direction. A **Gateway Condition** will recommend the planning proposal be updated to provide assessment of the planning proposal against the direction.

The Department has found that the proposal is inconsistent with the Direction as it seeks to modify development standards applying to the site. Despite this, the Department considers that the inconsistency is justified as it is in accordance with the North District Plan, and suitable mechanisms within the LEP and other legislation will ensure consideration environmental issues at the development application stage.

3.2 Heritage Conservation	Consistent	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The site is located directly west of the Hillview Heritage Conservation Area (HCA) (C40). There are also several heritage items near the site including:</p> <ul style="list-style-type: none"> • I156: Hillview Garages – 1340 Pacific Highway • I155: “Hillview” - 1334 Pacific Highway • I139: Dwelling House – 8 Kissing Point Road • I132: Residential flat buildings – 2-4 Boyd Street • I157: Former Commonwealth Bank – 1356 Pacific Highway • I158: Commercial buildings – 1358 and 1360 Pacific Highway • I140: “Leppington”, dwellings house – 9 Kissing Point Road • I141: Dwelling House – 11 Kissing Point Road <p>The proposal is supported by a Statement of Heritage Impact (Attachment B). It concludes that the proposal will not result in a negative impact on the heritage significance of the Hillview HCA and the nearby heritage items and will not have significant impact on view lines to and from the heritage items and HCA.</p> <p>The Department considers that the proposal is consistent with the direction and has adequately considered its surrounding heritage context. The Department notes the existing heritage provisions within the LEP and future redevelopment of the site would require consideration of these provisions as part of the detailed development assessment stage.</p>
3.7 Public Bushland	Consistent	<p>The objective of this direction is to protect bushland in urban areas, including rehabilitated areas and ensure the ecological viability of the bushland.</p> <p>The proposal is located in close proximity to Granny Springs Reserve and is unlikely to result in any adverse impact on the ecological viability of this bushland.</p> <p>The proposal looks to enable additional open space, including the public park to the south of the site, that will connect to the Granny Springs Reserve (C2 Environmental Conservation zoned land). This will assist in protecting and providing connection to the public bushland.</p> <p>The Department considers the proposal is consistent with the direction.</p>

Focus area 4: Resilience and Hazards

4.3 Planning for Bushfire Protection	Not applicable	<p>The objective of this Direction is to protect life, property, and the environment from bushfires by discouraging the establishment of incompatible land uses and encourage the sound management of bush fire prone areas.</p> <p>The site and surrounding bushland are not identified as bushfire prone land. The planning proposal is also supported by Bushfire Advice (Attachment E) that has identified the site and surrounds are not located within bushfire prone land.</p> <p>As a result, the Department notes this Direction does not apply.</p>
4.4 Remediation of contaminated land	Consistent	<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>The planning proposal is supported by a Preliminary Site Investigation (Contamination) Report (Attachment F). The report concluded that there is potential for contamination to be present that could pose risk to the human and environmental receptors.</p> <p>The report noted that there is no significant visual evidence of contamination and no evidence of underground or above ground storage tanks. The site has not been included on the <i>List of NSW Contaminated Sites Notified</i> to the EPA, however the report noted two nearby services stations that have been identified on the list. These sites are located in close vicinity and located hydraulically up-gradient (where the groundwater moves from a higher area to lower area).</p> <p>The report recommends a detailed site investigation be required at development assessment stage and following demolition to characterise soils and groundwater to ascertain presence of any contamination on site.</p> <p>The Department notes there are no proposed changes to land uses and considers the proposal is consistent with the direction and further site investigations will be done at development assessment stage.</p>
4.5 Acid Sulfate Soils	Inconsistent, considered justified	<p>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.</p> <p>The site has been identified in the Ku-ring-gai LEP 2015 as being located within a Class 5 are on the Acid Sulfate Soils Map. The Department notes there are no class 1, 2, 3 or 4 land with 500m of the site and therefore consent under the</p>

LEP acid sulfate provisions would not be required for development.

The Department considers the proposal's inconsistency with this direction is minor and justified.

Focus area 5: Transport and Infrastructure

5.1 Integrating Land Use and Transport	Consistent	<p>This direction seeks to improve access to housing, jobs and services by walking, cycling and public transport and reducing dependency on private vehicles.</p> <p>The planning proposal intends to amend the planning controls on the site to facilitate 180 residential dwellings and a range of commercial and retail uses within walking distance to a variety of public transport options including bus services along Rohini Street/Eastern Road and regular T1 (Berowra to City, via Gordon) rail services through Turramurra Station.</p> <p>The supporting Traffic and Transport Assessment (Attachment G) states traffic and transport impacts arising from the proposal are considered acceptable. This is further discussed in Section Error! Reference source not found.. The proposal is consistent with the direction.</p>
5.2 Reserving Land for Public Purposes	Consistent	<p>The objective of this Direction is to facilitate the provision of public services and facilities by reserving land for public purposes and ensure the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> <p>The Department notes a small section of land located in the northern part of 1370-1378 Pacific Highway is mapped on the Land Reservation Acquisition Map. The Department notes the proposal will not alter or reduce the existing reservation of land.</p> <p>The planning proposal seeks to reclassify Council-owned car park (located at 1a, 3 and 3a Kissing Point Road) to enable future divestment to achieve the public benefits outcomes proposed. The proposed reclassification of the site from community to operational does not amend zoning or reservations of land for public purposes.</p> <p>The planning proposal has identified it will dedicate the proposed public park, land for road widening on Pacific Highway, new Stonex Street and footpath along Kissing Point Road to Council at no cost. The Department notes this is proposed to be dedicated to Council through a Voluntary Planning Agreement (VPA).</p> <p>The Department considers the proposal is consistent with the direction as the proposed public benefits including the proposed Stonex Street will be delivered through the associated draft VPA and not the reservation of land for public purposes.</p>

Focus area 6: Housing

6.1 Residential Zones	Consistent	<p>Under this Direction, a planning proposal must broaden housing choice, make efficient use of existing infrastructure, reduce consumption of land for housing on the urban fringe and be of good design.</p> <p>The direction applies as the proposal is in a zone that permits significant residential development. The proposal will facilitate approximately 180 new residential dwellings, including the provision of 5% affordable housing. The additional housing will provide residential development in an established urban area with existing infrastructure and services. The proposal will enable development to be of good design and detailed design of the future development will be assessed at development application stage.</p> <p>The planning proposal is consistent with the Direction.</p>
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Focus area 7: Industry and Employment

7.1 Business and Industrial Zones	Consistent	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in employment zones, and (c) support the viability of identified centres. <p>The planning proposal is considered consistent with this direction as the proposal seeks to increase the amount of floorspace for employment uses, above existing provisions by approximately 4,642 sqm. It will provide for commercial and retail uses including a supermarket, grocer, speciality shops, fitness centre and medical centre. The proposal will do this while also facilitating 180 new residential dwellings.</p> <p>The planning proposal is supported by a Need and Impact Assessment (Attachment I) that notes the proposal is estimated to create approximately 178 jobs, with additional jobs created during construction. The proposal looks to include a minimum non-residential FSR of 0.85:1 for the site in an effort to retain employment uses on site and in the local centre.</p> <p>The proposal is consistent with the direction.</p>
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3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
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Biodiversity and Conservation SEPP 2021	The management and maintenance of existing 'prescribed' vegetation is required prior to issue of development consent	Yes	<p>Chapter 2 Vegetation in Non-Rural Areas</p> <p>This chapter look to protect the biodiversity values of trees and other vegetation as well as preserve the amenity of non-rural areas.</p> <p>As discussed in Section 3.5, under Direction 3.1 the planning proposal notes two vegetation communities are present within the southern area of the site, this includes the Blum Gum High Forest and Urban Exotic/Native Vegetation.</p> <p>Future development of the site will be required to consider the relevant provisions of this SEPP in relation to biodiversity and conservation of land during the development assessment stage</p> <p>Chapter 6 Bushland in urban areas</p> <p>The planning proposal has provided assessment against Chapter 6 Bushland in Urban Areas. The Department notes that a new clause protecting public bushland has been inserted into all relevant LEPs which replaced provisions in Chapter 6 of the SEPP.</p> <p>The Department notes a Gateway Condition will recommend the planning proposal be updated to remove assessment against Chapter 6 Bushland in urban areas from the planning proposal as this has been repealed and will be considered further at detailed development assessment stage.</p>
Resilience and Hazards SEPP 2021	This SEPP looks to manage hazards and ensure responsible land use, including contaminated land remediation	Yes	<p>Chapter 4 Remediation of land</p> <p>The objective if this chapter is to provide a statewide planning approach to remediation of contaminated land.</p> <p>As discussed in Section 3.5, under Direction 4.4 the supporting Preliminary Site Investigation (Contamination) Report (Attachment F) notes that there is potential for contamination to be present on site that could pose a risk to human and environmental receptors.</p> <p>The Department considers a detailed site investigation at development application stage appropriate to determine the</p>

			<p>presence of contamination on site and notes the planning proposal does not propose a change to the zone and residential uses are currently permitted under the zone.</p>
Transport and Infrastructure SEPP 2021	This SEPP aims to provide well designed and located transport and infrastructure with land use.	Yes	<p>Chapter 2 Infrastructure – Division 17 Road and Traffic - Subdivision 2</p> <p>Subdivision 2 addresses Development in or adjacent to road corridors and road reservations. The planning proposal notes that the proposal does not contradict or hinder the application of the SEPP.</p> <p>Consideration of subdivision 2 is needed as the site is located adjacent to the Pacific Highway which is a classified state road. A Gateway Condition will recommend consultation with TfNSW.</p> <p>The Department notes that compliance with this part will be further considered during the detailed development assessment stage and the proposal does not hinder application of the SEPP.</p>
Housing SEPP 2021	The objective of this SEPP is to provide diverse, well-designed housing choices for residents	Yes	<p>Chapter 4 Design of residential apartment development</p> <p>Previously known as SEPP 65, Chapter 4 seeks to improve the quality of residential flat development.</p> <p>The planning proposal notes that the redevelopment of the site is capable of satisfying the relevant objectives of the Apartment Design Guide. The proposal seeks to ensure the design suits all potential residents through its equitable access to solar and be naturally ventilate.</p> <p>Compliance with this SEPP will be further considered during the detailed development assessment ensuring that the residential uses meet design requirements.</p> <p>A Gateway Condition will recommend the planning proposal be updated prior to exhibition to remove the assessment against the repealed SEPP 65 and</p>

include an assessment against Chapter 4 of the SEPP (Housing) 2021.

Chapter 6 Low and mid rise housing

The Department notes that since the planning proposal has been submitted for gateway determination, Stage 2 of the Low and Mid-rise Housing Reforms have come into effect around the Turrumurra station and town centre area. The planning proposal does not hinder the application of this SEPP.

4 Site-specific assessment

4.1 Environmental

The following provides an assessment of the potential environmental impacts associated with the proposal.

4.1.1 Built form and open space

The proposal seeks to facilitate redevelopment of the ‘Turrumurra Village’ with the aim to provide local residents with a village atmosphere that facilitates mix-use development, on-site community facilities and is surrounded by landscaped open space with easier access to services and public transport.

Built form and density

The planning proposal is supported by an indicative masterplan which demonstrates the potential built form outcomes that could be enabled by the proposed amendments to the Ku-ring-gai LEP 2015. The Urban Design Report (UD Report) (**Attachment J**) illustrates two separate buildings consisting of mix-use podiums with a lower ground supermarket and grocer, ground floor specialty retail, gym and medical space, and commercial levels. Above each podium is a residential tower that will house a mix of dwelling types and affordable housing.

The planning proposal notes the built form and layout of the site has been informed by the Turrumurra Local Centre Structure Plan identified in the Ku-ring-gai LSPS, Turrumurra Local Centre Plan in the Ku-ring-gai DCP 2023 and the Turrumurra Public Domain Plan 2023.



Figure 11 Indicative concept design (Source: Urban Design Report)

The UD Report notes that the proposal looks to concentrate higher density development within the centre while ensuring the site blends the interfaces between new housing and surrounding development. The reference scheme proposes 28.5m and 34.5m height limits on site to accommodate the envisaged 7 and 9 storey buildings. These heights are considered appropriate in the context of the Turrumurra Centre as they will provide a compatible transition to the surrounding 3-5 storey developments.

The Department notes that although the site is prominent within the local town centre, the proposed height will not result in significant overshadowing impacts during mid-winter. The planning proposal has identified that the separation between the proposed residential towers will provide adequate sunlight access to the main north facing balcony and living areas of 5 Kissing Point Road. The Department notes that further impact from overshadowing will be considered at detailed development assessment stage.

The planning proposal states that the indicative reference scheme generally complies with the Apartment Design Guidelines. In response to Council endorsement for submission for Gateway determination, the planning proposal and UD Report were updated to amend massing and built form outcomes to ensure the proposal is capable of achieving compliance with respect to building separation, solar access to apartments, natural ventilation and communal open space.



Figure 12 Indicative masterplan (Source: Urban Design Report)

The Department notes that the planning proposal is supported by a draft amendment to the Ku-ring-gai DCP 2023 Part 14 Urban Precinct and Sites 14B Turramurra Local Centre (**Attachment K**). The amendment looks to update existing provisions to better reflect the intention of the planning proposal and key aspects of the reference scheme. In the Council resolution (**Attachment H**), a number of recommendations were made to redraft the amendment to better reflect the development outcomes of site prior to submission of the planning proposal for gateway assessment. This update incorporated additional provisions that related to setbacks, pedestrian activity, active frontages, road widening, amenity and site-specific controls.

Open space and public domain

The Turramurra Local Centre Plans within the Ku-ring-gai DCP 2024 and Ku-ring-gai LSPS (**Figure 8**) have identified the site as a 'landmark site'. These plans seek to ensure high levels of community infrastructure including appropriate public domain and amenity are provided. In addition, the Turramurra Public Domain Plan (**Figure 9**) provides an overview of the recommended public domain outcomes for the centre including the proposal site. The Department is satisfied that the proposal is generally consistent with the open space and public domain outcomes recommended in these plans have been discussed in more detail above in **Section 3.3**.

The planning proposal will facilitate development which is proposed to include a range of open spaces across that will be mostly publicly accessible with some used for private access for commercial and resident occupants (**13**). This includes the public through site link that will connect pedestrian access from Pacific Highway through to Stonex Street and onto the public park adjoining Granny Spring Reserve. The Department notes Stonex Street and the public park are proposed as a part of the associated draft VPA. The through site link will also serve as a public plaza and provide some communal open space for the public to utilise.

The Department notes the proposed through site link will facilitate improved access through the development and connections from the town centre to the proposed park (**Figure 13**). The indicative reference scheme has considered the objectives and principles of the Turramurra Local Centre Domain Structure Plan to provide a north to south through site link and encourage activation and use of laneway/links. The associated draft VPA (**Attachment M**) also proposes a community facility to be provided within this space, the inclusion of this facility will be an outcome of negotiations with Council.

The Department notes that proposed public park located to the south of the site is planned to be dedicated to Council. The inclusion of this park aligns with the Turramurra Public Domain Plan and

provides a connection from the site to the adjacent Granny Springs Reserve while offering open space that will be accessible to the Turrumurra Local Centre and range of retail uses proposed on site. The park will provide additional green space and tree canopy that currently does not exist on site and within the E1 Local Centre Zone.

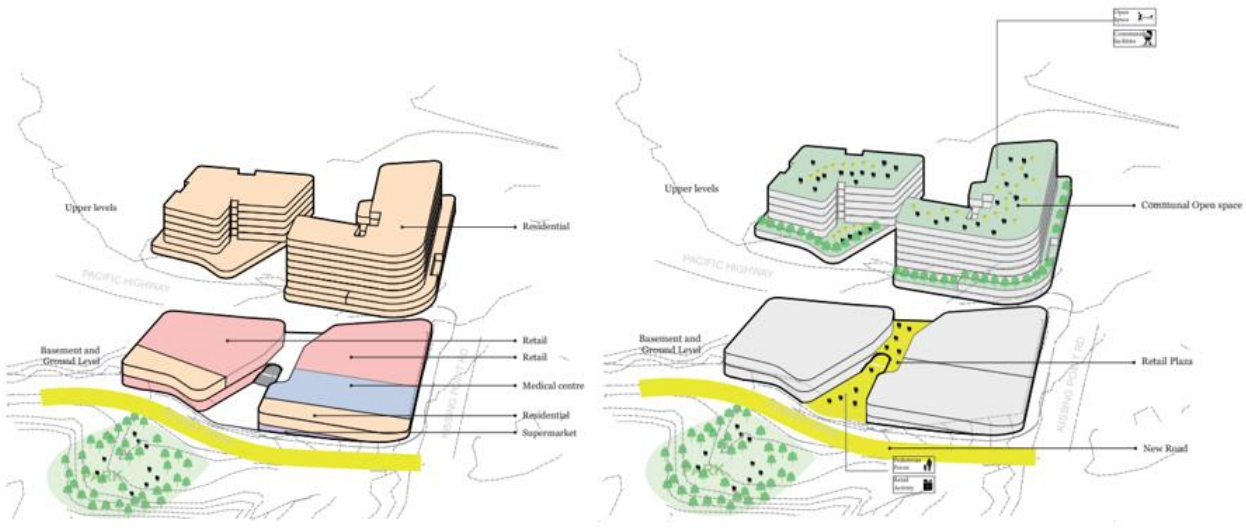


Figure 13 Proposed use and open space (Source: Urban Design Report)

The Department notes the planning proposal has been updated in response to the Council Resolution (**Attachment H**), to include additional deep soil areas on the indicative scheme and within the proposed DCP amendment. This can be seen as the green shaded area in **Figure 14**. The Department notes associated site-specific DCP (**Attachment K**) has proposed a provision of 7% deep soil zone with a minimum dimension of 2m and to be located adjacent to the Stonex Drive frontage of the through site link.

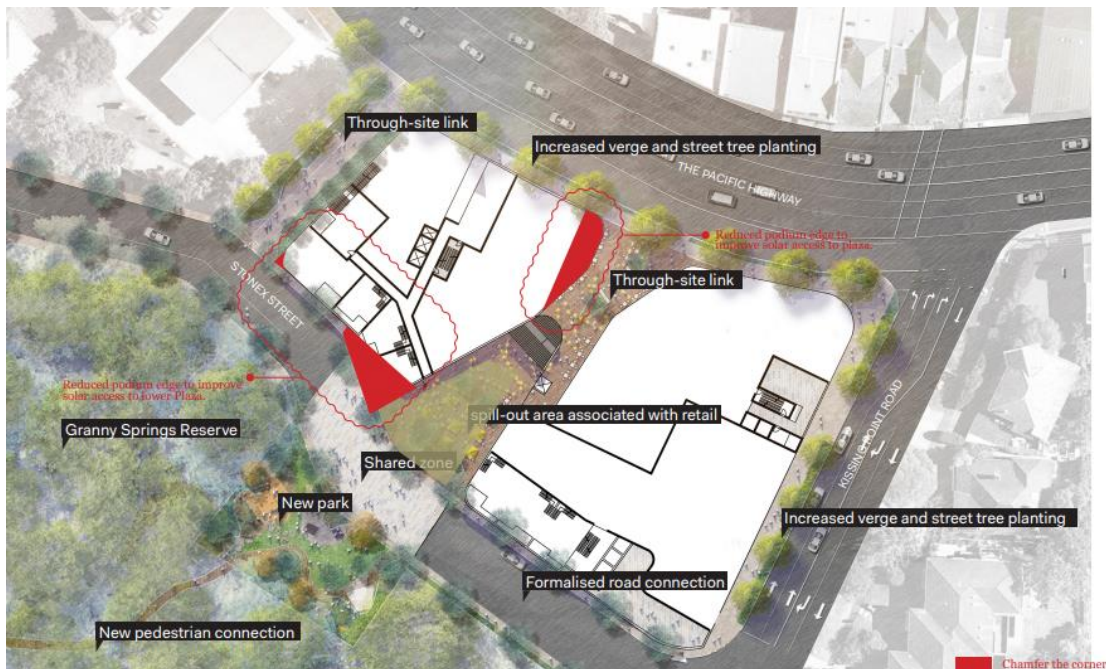


Figure 14 Detailed masterplan (Source: Urban Design Report)

4.1.2 Traffic and Transport

A Traffic and Transport Study (**Attachment G**) has been prepared as a part of the proposal. The assessment considered the proposed development and its location and found that the proposal is not expected to detrimentally impact the operation of the surrounding public transport network and services.

The Traffic and Transport Study concluded:

- The planning proposal provides a number of enhancements to the existing road network including:
 - Creation of Stonex Street – a new two-way public street that provides an east-west connection between Kissing Point Road and Duff Street (identified as Stonex Drive in **Figure 15**)
 - Enhancements to traffic capacity along Kissing Point Road including extension of the right turn bay into the site as well as dedicated left turn bay from Kissing Point Road onto Pacific Highway
 - Dedication of land for future road widening of Pacific Highway by Transport for NSW. This would assist in the reducing the traffic outcome for Turrumurra and the wider precinct with less congestion on the Pacific Highway in the town centre during peak periods.
- Provides approximately 550 off street parking spaces for all residents, staff and visitors generating no on street parking needs. This is consistent with the Ku-ring-gai DCP parking controls. A minimum of 30 public parking spaces are also proposed to be dedicated to Council to offset the existing Council car park, this is to be provided through the draft VPA.
- The site is not expected to compromise the safety or function of the existing and future surrounding road network or the capacity of the nearby public transport network.



Figure 15 Proposed Stonex Street and pedestrian environment of the site (Source: Traffic and Transport Assessment)

The Department acknowledges that the enhancements to the pedestrian environment (**Figure 15**) including the widening of existing footpaths on Kissing Point Road and Pacific Highway and

upgrade of Stonex Lane to provide pedestrian connection between Duff Street and Kissing Point Road, are to be provided through the associated draft VPA. If implemented on site, these enhancements along with the proposed public through site link between Pacific Highway and Stonex Street (through the site) will provide good amenity for residents and pedestrians accessing the site.

Given the sites location on a significant road corridor being the Pacific Highway, a **Gateway condition** will also recommend formal consultation with TfNSW as a part of public exhibition.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Housing	<p>The proposal will facilitate the delivery of housing supply, choice, and diversity redeveloping the 'Turramurra Village' to introduce residential accommodation that aligns with modern day design and accessibility standards.</p> <p>The planning proposal will have acceptable economic benefits as it will provide housing choice and diversity in an established residential area near infrastructure and services.</p> <p>The proposal seeks to redevelop the site to include approximately 180 dwellings with a mix of 1, 2 and 3 bedroom apartments. The proposal seeks to provide a range of housing appropriate for families and the ageing population who may seek to downsize in an area experiencing growth over the next 10 years.</p>
Jobs	<p>The Need and Impact Assessment (Attachment I) that supports the planning proposal notes that the proposal will generate 178 retail and commercial jobs in the 'Turramurra Village'.</p> <p>Approximately 242 temporary jobs will be provided during the construction phase.</p>
Affordable Housing	<p>The Ku-ring-gai LEP 2015 does not contain any provisions for development to contribute towards affordable housing for this site nor is there an Affordable Housing Scheme that applies to LGA.</p> <p>The planning proposal is supported by an Affordable Housing Viability Report (Attachment L) that notes at least 5% of the proposed apartments can be used for affordable housing. As a result, the planning proposal seeks to include a 5% affordable housing provision for future development on site.</p> <p>The planning proposal notes the proponents would work closely with a registered community housing provider to manage the proposed affordable housing properties in accordance with the NSW Affordable Housing Guidelines.</p> <p>Two options for the delivery mechanism of affordable housing in perpetuity have been proposed for the planning proposal. These include:</p> <ol style="list-style-type: none"> 1. Affordable housing provision included in a Voluntary Planning Agreement (VPA) that is to be negotiated and agreed with Council; and

2. Incorporation of an affordable housing clause into the Ku-ring-gai LEP 2015.

The planning proposal has noted that option 2 would need to ensure that conditions imposed relating to affordable housing would require an affordable housing scheme to be in place. The Department concurs with this note and recognises that the time needed for Council to prepare and finalise an affordable housing contribution scheme would be greater than the timeframe for finalisation of this planning proposal.

The Department notes that in its endorsement of the proposal to proceed for Gateway determination, Council recommended a draft amendment to the *Ku-ring-gai DCP Part 14 Urban Precinct and Site 14B Turramurra Local Centre* be prepared to incorporate additional provisions including a provision that requires a minimum of 5% affordable housing be provided.

To ensure the affordable housing is delivered, a **Gateway Condition** is recommended for a suitable mechanism to be in place prior to the finalisation of the planning proposal to secure 5% affordable housing on the site.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Public Transport	<p>The site is located on Pacific Highway with frequent bus service to various locations including South Turramurra, Macquarie University, Sydney Adventist Hospital and onto other strategic centres.</p> <p>The site is also located just over 200 metres from Turramurra railway station with heavy rail services that operate frequently. This includes T1 North Shore, Northern and Western Line services. The T1 trains operate every 3 mins during peak hours, with services from Turramurra to the Sydney CBD, northern and western suburbs.</p>
Utilities	<p>The site is within an established urban area and it is anticipated that servicing is available. A Gateway condition is recommended to refer the planning proposal to the relevant utility providers.</p>
Proposed infrastructure	<p>The planning proposal is accompanied by a Letter of offer to enter into a Voluntary Planning Agreement (VPA) (Attachment M) that proposes a range of public benefits including land dedication and infrastructure delivery.</p> <p>Following the redevelopment of the site and introduction of new infrastructure, the proponent noted the VPA will enable the dedication of the following to Council:</p> <ul style="list-style-type: none"> - New Community Park (approx. 708 sqm) – the new public park has been considered as a part of the indicative reference scheme and identified to be dedicated to Council. The park is located adjacent to the Granny Spring Reserve. It is noted within the VPA that this land will form as part of the overall site for the purpose of FSR transfer.

- **New Stonex Street** (approx. 1,434sqm) – public street connecting Kissing Point Road and Duff Street
- **Footpath and road along Kissing Point Road** (approx. 255sqm) – land dedication along Kissing Point Road has been included in the indicative reference scheme. The Department notes these arrangements will be subject to discussion and agreement with Transport for NSW.
- **A community centre of up to 400sqm** – Council on 13 August 2024 resolved to support the proposal and recommended an amended reference scheme and a feasibility assessment for a new accessible community space up to 400sqm be prepared to be provided in perpetuity and dedicated to Council. The indicative reference scheme has been prepared to include a community space of 380sqm.
- **Financial compensation for the Council sites as determined in accordance with the Councils own Acquisitions and Divestment of Land (Policy) Version dated 20th November 2019.**
- **Public car parking** – a minimum of 30 public car parking spaces on the site will be dedicated to Council.

The planning proposal notes that infrastructure land that will be stripped of its development potential by the process of utilising that floorspace within the development site will be dedicated free of cost back to Council.

The Department notes that the draft VPA includes a provision that states the mechanism for affordable housing has not yet been determined but could be included as a part of the planning agreement. Refer to **Section 4.2**, for further discussion on the delivery mechanism for affordable housing.

The Department notes that the Letter of Offer was sent to Ku-ring-gai Council on 4 December 2024.

The Department notes the proposal also includes a reclassification to facilitate the intended outcome of the proposal. The planning proposal includes appropriate consideration against Practice Note PN16-001 Classification and reclassification of public land through a local environmental plan. The proposal will be subject to a public hearing in accordance with the requirements of the *Local Government Act 1993*.

5 Consultation

5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Transport for NSW
- Relevant utility providers

6 Timeframe

Council proposes a 6 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as standard.

The Department recommends an LEP completion date of 28 January 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the Gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the planning proposal looks to reclassify Council owned land from “community” to “operational” the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The planning proposal is generally consistent with the strategic planning framework including the North District Plan.
- The planning proposal is consistent with the Ku-ring-gai Local Strategic Planning Statement.
- The planning proposal is generally consistent with the relevant section 9.1 Directions.
- Inconsistency of the planning proposal with Direction 4.5 Acid Sulfate Soils is considered minor and justified.
- The proposal will contribute towards housing targets providing a mix of housing dwellings including the provision of 5% affordable housing
- The planning proposal is generally consistent with relevant SEPPs.
- The proposal has considered the likely environmental, social and economic, and infrastructure impacts.

As discussed in the previous sections 4 and 5, the proposal should be updated to:

- Provide further clarification to address Direction 3.1 Conservation Zones.
- Provide assessment against Division 17 Road and Traffic, Subdivision 2 of the Transport and Infrastructure SEPP 2021 and Chapter 4 of the SEPP (Housing) 2021.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Direction 1.4 Site Specific Provisions, 3.1 Conservation Zones and Direction 4.5 Acid Sulfate Soils justified in line with the Directions.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to exhibition, the planning proposal is to be amended with the following changes:
 - (a) Clarify if the amendment seeks to include a minimum commercial FSR or non-residential FSR provision;
 - (b) Clarify if the proposed FSR map amendment only relates to the subject site and does not seek to amend the maximum FSR for all sites identified in 'Area 4'.
 - (c) Clarify that draft wording for new subclause within Clause 4.4 is one example of how the proposed amendment could be worded, with final working subject to drafting and agreement by Parliamentary Counsel's Office.
 - (d) Update land zoning maps within the planning proposal and associated documents to reflect new zoning labels within the Ku-ring-gai LEP 2015.
 - (e) Provide assessment against Direction 3.1 Conservation zones.
 - (f) Remove assessment against Chapter 6 Bushland in urban areas of the Biodiversity and Conservation SEPP 2021.
 - (g) Provide assessment against Division 17 Road and Traffic, Subdivision 2 of the Transport and Infrastructure SEPP 2021.
 - (h) Remove assessment against SEPP No 65 – Design Quality and Residential Flat Development and replace with assessment against Chapter 4 of the SEPP (Housing) 2021.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - Transport for NSW (TfNSW)
 - Relevant utility providers

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.
4. Council must arrange a public hearing in respect of the planning proposal to reclassify community land as operational land in accordance with the requirements of section 3.34(2)(e) of the Local Government Act 1993.
5. Council must ensure that all relevant obligations in relation to the reclassification of public land through a local environmental plan are undertaken in accordance with the Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2023) and

Practice Note PN16-001 Classification and reclassification of public land through a local environmental plan.

6. Prior to finalisation, a suitable mechanism must be in place to secure 5% affordable housing on the site.

The timeframe for the LEP to be completed is on or before 28 January 2026.



23 April 2025

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9 May 2025

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