

PRE-PLANNING PROPOSAL APPLICATION - MEETING REPORT

REFERENCE No:	S09993 / 2016/357116	
SITE ADDRESS:	Site at <ul style="list-style-type: none"> 95- 97 Stanhope Road, Killara 	
PROPOSAL:	Amendment to Ku-ring-gai LEP 2015 to <ul style="list-style-type: none"> Rezone site from R2 (Low Density Residential) to R4 (High Density Residential) and amend the associated standards (FSR, Height, Lot Size etc.) 	
DATE OF MEETING:	7 th December 2016	
PRESENT AT MEETING:	Council - Urban Planning and Heritage Department	
	Name	Title
	Antony Fabbro	Manager
	Craige Wyse	Team Leader
	Rathna Rana	Senior Urban Planner
	Andreana Kennedy	Heritage Planner
	Joseph Piccoli	Strategic Transport Engineer
	Penny Collier	Team Leader Natural Areas
	Lucy Goldstein	Student Urban Planner
	Louisa McMullen	Assistant Heritage Planner
	Applicant / Representative	
	Name	Capacity
	Lucas Flecha	Stockland
	Alison McDonagh	Stockland
	Jane Freeman	Senior Associate Urban Design & Planning, Architectus
	Ivan Ip	Senior Urban Planner, Architectus
	Jane Anderson	Urban Planner, Architectus
	Sam Fallon	Urban Designer, Architectus
Rod Rose	Director, Eco Logical	
Sheridan Burke	Partner, GML Heritage	
DOCUMENTS/ REPORTS:	Document(s)	Dated
	Application Form	22/12/15
	DPI Information Checklist	Included
	Supporting Documents and Reports	Lourdes Retirement Village Killara – Masterplan – 21 December 2015 (Architectus) NB. A revised Draft Urban Design Study was presented at Pre PP meeting
Affected Planning Instrument	Amendment to Ku-ring-gai LEP 2015	
Existing Zoning:	<ul style="list-style-type: none"> 95 Stanhope Road, Killara – R2 (Low Density Residential) 	
KEY ISSUE:	See Below:	

DESCRIPTION

The following general points were made by the applicant:

Bushfire

- Applicant has commenced talks with RFS, further discussions with RFS are to occur
- Key changes to the Planning Proposal, from when the Masterplan documents were presented to Council earlier in the year, include the relocation of the RACF. The relocation of the RACF was in response to assessment of the bush-fire attack levels – RACF cannot be located in flame zone.
- Site contains 2 ingress routes – 1 fire trail – 2 entrance streets.
- On the issue of evacuation, that despite the site being located at a dead-end road, people will be evacuating into highly developed area, rather than areas surrounded by bush.

Heritage

The main heritage issues identified include:

- Retaining existing chapel (original house) and curtilage and maintaining streetscape/setbacks/garden.
- Grotto on side of the development to be retained on the site, although the final location is yet to be resolved
- Roof design options to ensure the development sets in with the streetscape
- A Conservation Management Plan will be prepared for the chapel (original house).

Urban Design:

The following site constraints were identified:

- Existing proximity to neighbouring properties – residential interface on Western side of site
- Ensuring an active frontage
- Legible access street layout
- Bushfire
- Heritage
- View assessment has been undertaken from surrounding areas including Swain Gardens, Stanhope Road and Lindfield Cricket club (Soldiers Memorial Park)

The following issues were raised by Council:

General:

- The Planning Proposal needs to give consideration to how the proposal aligns with *A Plan for Growing Sydney* and the Greater Sydney Commission's *Draft North District Plan*.
- If the intent of the Planning proposal is for the development and ongoing provision of aged housing on the site, consideration needs to be given to how Council can receive certainty of the outcomes of future development on the site for such uses. This should include a justification of why the planning proposal is needed as opposed to developing the site under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

- If the intent of the proposed R4 zoning is also to development residential flat buildings, without the occupancy and design restrictions required of seniors housing, then this needs to be clearly articulated in the Planning Proposal and justified.
- The Planning proposal should justify not only the zoning, but also the proposed heights and density against the current use and intent of the R4 zone under the KLEP 2015. The proposal should demonstrate how it will not set a precedent within Ku-ring-gai for out of local centres higher density development.

Heritage:

- The property is within the vicinity of:
 - Seven Little Australians Park (heritage item)
 - Swain Gardens (heritage item)
 - Springdale Conservation Area.(HCA C21)
 - Crown Blocks Conservation Area.(HCA C22)
- The applicants have identified the chapel (original house) and the grotto located on the site as having heritage significance, however, neither is statutorily recognised. As such their heritage values are not protected under Council's Local Environmental Plan. The applicants are proposing to prepare a conservation management plan to protect the identified heritage values of the chapel and the grotto (relocated) however without a statutory listing the recommendations of this document cannot be enforced. To ensure greater certainty, consideration should be given to the local heritage listing of the chapel and its curtilage as part of the planning proposal.
- The draft masterplan for the site indicated new buildings up to 8 storeys. A detailed view analysis to and from the site from those heritage places in the vicinity of the subject site would facilitate a better understanding of the heritage impact of the planning proposal (see also comments re. view analysis under urban design section below).

Bushfire:

- Include evidence of discussions and advise from Rural Fire Service (RFS)
- Ensure that BAL mapping reflects location of bushfire prone vegetation to the west of the site.
- The bushfire report must address all requirements of S117(2) Direction 4.4 Planning for Bushfire Protection.
- Management of bushfire risk needs to be contained within the boundaries of the property (i.e. creation of APZ within council lands will not be accepted)
- The proposal must include details of expected dwelling numbers and include an assessment of bushfire evacuation risk in line with the methodology used by Council within [Managing Bushfire Risk, Now and Into the Future, March 2012, Ku-ring-gai Council \(pdf. 3MB\)](#)
For further information see:
http://www.kmc.nsw.gov.au/I_want_to/Ask_discuss_or_comment/Have_my_say_public_exhibitions/Public_exhibition_-_Deferred_Areas_Planning_Proposal

Biodiversity:

- An Environmental assessment of on-site flora and fauna including know threatened species and their habitat as well as areas mapped as biodiversity significance under KLEP2015.

Urban Design:

- Interface at all levels will need to be considered, particularly if the buildings are located upslope, as they will appear higher. Buildings appear to be on the highest point of the site.
- Provide a justification of proposed building heights, as in Ku-ring-gai 7-8 storey heights are typically not permitted in the R4 zone. This justification is required to address the issue of precedence, particularly as the proposed R4 zoning of the site will be set within a broader R2 zone context and is not within the main transport corridor or adjoining a centre.
- Wider view analysis needs to be done over and above the chosen points shown at the meeting. For example from the residential properties opposite the site on Stanhope Road and from the property immediately adjacent to the site on Stanhope Road, and along the Eastern Arterial Road driving towards the site with Little Australians in the foreground.
- The view analysis should consider at all vertical angles including mid and upper canopy levels when being analysed from adjoining bushland.

Transport / Car parking:

- Consider providing a transport study or statement, including a study of travel modes for the land uses on the site
- Consider on-site car share provision
- Existing bus services to/from the site operate at very low frequencies, and the site is isolated and car-dependent with low walkability/access to basic shops and services – justify how this can be alleviated
- Consider car parking provisions. For example, utilising in-ground car parking using the slope of the land
- Consider how car parking on site will impact on deep soil landscaping

Consultation Process:

- Consideration should be given to a community engagement process with neighbouring residents, prior to lodgement of the Planning Proposal.

THE PLANNING PROPOSAL

General

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

- a *Planning Proposal* in the format specified below, with any supporting studies being attached to that report as Appendices;
- the *Checklist* from *A Guide to Preparing Planning Proposals - Department of Planning and Environment (August 2016)*;
- the *Application Form* and all other documentation stated on page 3 of that Form.

Checklist

The *Checklist* (from *A Guide to Preparing Planning Proposals - Department of Planning and Environment*) submitted for the Pre-Planning Proposal Meeting was updated at the meeting. A revised checklist is attached to this report.

All categories identified as applicable within the Checklist must be addressed within the Planning Proposal.

Planning Proposal Format:

The Planning Proposal is to be set out and include all information as stated in *A Guide to Preparing Planning Proposals - Department of Planning and Environment (August 2016)*.

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

Your Planning Proposal is required to be a full and complete document, with each Part and each question being answered fully with detailed explanation and full justification within that section. It will not be accepted if Council or Department has to search for the answers to the questions in your attachments, introductions or other sections. Further, in the interest of transparency, your document is required to be understood by the people that will read it during the exhibition should it

receive a Gateway. Once you have stated your argument in detail within the body of your Proposal, you can then refer to attachments, but you should not rely on those attachments to argue your case.

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

INTRODUCTION

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

PART 1 – OBJECTIVE AND INTENDED OUTCOMES

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

PART 2 – EXPLANATION OF PROVISIONS

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

PART 3 - JUSTIFICATION

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

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

A. Need for the planning proposal

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

Note all planning studies or reports that have been prepared for the site/s. Current and relevant supporting studies can be included as Appendices to the Planning Proposal and referenced in the justification sections provided their arguments are paraphrased in the body of your Planning Proposal.

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

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

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

This section should justify why the R4 High Density Residential zoning is being proposed as opposed to developing the site under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

B. Relationship to strategic planning framework

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

Note how your proposed outcomes are consistent or inconsistent with the *A Plan for Growing Sydney* and the *Draft North District Plan* and justify any inconsistencies. You are required to state the relevant sections/clauses from the *t* and explain how your Planning Proposal meets those requirements, justifying any that it does not meet.

If you are referring to any document you attach in Appendices you need to pull out the information and requote/reiterate the key elements of those studies within the body of your justification. Your justification has to be robust and contain all information. It is your responsibility to include all arguments within the body of the report as this is what will enable your proposal to progress to Gateway.

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

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

http://www.kmc.nsw.gov.au/Your_Council/Organisation/Integrated_Planning_and_Reporting_framework/Community_Strategic_Plan_2030

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

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

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

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

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

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

C. Environmental, social and economic impact

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

Note the status of each site with regards to these aspects, stating if they contain or are in close proximity to such lands. If the site has critical habitat or threatened species, you need to provide a full justification for your proposal in light of that.

Note: An Environmental assessment of on-site flora and fauna including known threatened species and their habitat will be required with this planning proposal.

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

Provide an explanation of the scale of the development and any related environmental effects of the Proposal.

It is noted that the site contains areas of Biodiversity Lands as indicated in the Ku-ring-gai LEP 2015. Fully justify the extent of impact, if any, that the proposal will have on them.

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

Provide a response in terms of the broader community and economy, not personal circumstances of the proponent. Give clear justification on the social and economic

impacts or advantages the Planning Proposal will have. You can paraphrase any studies you have conducted to support your argument and then give reference to their location in the Appendices.

D. State and Commonwealth interests

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

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

Consultation should also be undertaken with Sydney Water to demonstrate that there will be provisions for adequate water supply for firefighting purposes.

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

Identify any consultation already conducted with state or commonwealth agencies, if any, otherwise state that it will be undertaken post-Gateway and in accordance with the Department's requirements. The exception will be the consultation with Office of Environment and Heritage which will be consulted prior to the Gateway application regarding changes heritage listings or to a Heritage Conservation Area.

Details of consultation undertaken to date with Rural Fire Service should be included within this section.

PART 4 - MAPPING

The amendments sought in your Planning Proposal will require changes to the KLEP 2015 mapping sheets. This section should include excerpts of the site with its current mapping alongside its proposed mapping. Every map that will be altered as a result of the Proposal is to be shown in this section (zoning map, heritage map, FSR map, height map, etc).

PART 5 – COMMUNITY CONSULTATION

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

PART 6 – PROJECT TIMELINE

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

Stage	Timing
Anticipated commencement date (date of Gateway determination)	Date
Anticipated timeframe for the completion of required technical information	Date
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	Date
Commencement and completion dates for public exhibition period	Date
Dates for public hearing (if required)	Date
Timeframe for consideration of submissions	Date
Timeframe for the consideration of a proposal post exhibition	Date
Date of submission to the department to finalise the LEP	Date
Anticipated date RPA will make the plan (if delegated)	Date
Anticipated date RPA will forward to the department for notification.	Date

APPENDIX

Include any relevant supporting information and studies to which reference has been made in the Planning Proposal. The required studies have been identified within the Checklist and elsewhere within this report.

Planning Proposal Application Form

The Form must be completed in detail and ensure

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

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

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

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

Fees and Charges

The fee for this Planning Proposal under Council's 2016/17 Fees and Charges is \$55,000.00. The fee is payable upon council confirming in writing that the application is complete (see above). Should the Proposal proceed to exhibition, there will be an additional fee of \$3,587.50 for advertising costs, payable upon the issuing of a Gateway determination.

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

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

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