



REZONING REVIEW RECORD OF DECISION

STRATEGIC PLANNING PANEL of the
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	25 August 2023
DATE OF DECISION	21 August 2023
PANEL MEMBERS	Sue Francis (Acting Chair), Greg Woodhams, Blake Cansdale, Suzanne Jolly, and Barbara Newman
APOLOGIES	None
DECLARATIONS OF INTEREST	Ku-ring-gai Council's two local members - Cr Martin Smith and Cr Kim Wheatley have a conflict of interest as they considered the planning proposal (PP-2022-1137) at the council meeting of 16 May 2023 and supported the resolution to not support the proposal.

REZONING REVIEW

RR-2023-9— Ku-ring-gai LGA – PP-2022-1137- at 130 Killeaton Street, St Ives (As described in Schedule 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at briefings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel recommends that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has
 - ☐ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous

REASONS FOR THE DECISION

Strategic Merit

The Panel agreed that the planning proposal had Strategic Merit given that:

- The planning proposal is consistent with applicable strategic planning documents, particularly as they relate to the general objectives for housing. These include the Greater Sydney Region Plan, 2018; Sydney North District Plan, 2018; and the Ku-ring-gai Local Strategic Planning Statement, 2020 (LSPS).
- Delivering housing supply is a priority issue for Sydney for all levels of Government.
- The planning proposal is also responding to a change in circumstance, in that the land was previously owned by Corpus Christi Catholic Church and Primary School who in no longer requiring the land for educational purposes sold the lot for its current residential use. In the

absence of the school zoning on the land it is likely that the site would have been zoned the same as its neighbours, that is, as proposed in this planning proposal.

Site Specific Merit

The Panel agreed that the proposal had Site Specific Merit, in that :

- The planning proposal seeks to zone the site the same as the neighbouring land with the same height and FSR controls and bound by the same DCP provisions.
- The Panel acknowledges the likely impact on planted trees and vegetation but accepts that these trees are not remnant Blue Gum High Forest but planted post 1945. Further, the Panel understands that through any Development Application the retention of trees where possible will be incorporated into any design as indicated in the reference proposal.

Panel recommendations

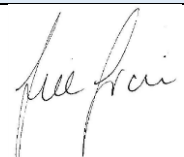



The Panel recommends that prior to submitting the Planning Proposal for a Gateway determination, the Planning Proposal is to be revised to address the following:

- Update Arborist Report to confirm the location, species identification, and level of significance of the trees (all included on the one map);
- Update Biodiversity Impact Assessment, including recommendations on the impact on significant tree species and potential Biodiversity offsets;
- Following the outcomes of the updated Arborist Report and Biodiversity Impact Assessment, confirm updates required to Council's Terrestrial Biodiversity Map and Greenweb Mapping; and
- Prepare an affordable housing viability report and clarify housing affordability rates, including floor space and number of units and method of management to respond to the offer made by the proponent to consider the delivery of affordable housing in the development consistent with the governments strategic housing policy. The Greater Sydney Region Plan and North District Plan have affordable housing targets in the range of 5-10% of new residential floor space subject to viability.

The revised Planning Proposal including supporting reports and studies is to be submitted to the Department of Planning and Environment within four weeks from the determination date of this Record of Decision.

The Panel will reconvene two weeks following the receipt of the revised Planning Proposal to assess and determine whether the Proposal has met the Panel's recommendations and is suitable for submitting to a Gateway determination.

Ku-ring-gai Council has previously refused to progress the proposal. In accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has determined to appoint itself as the PPA for this Planning Proposal.

PANEL MEMBERS	
 Sue Francis (Acting Chair)	 Greg Woodhams
 Blake Cansdale	 Suzanne Jolly



Barbara Newman

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2023-9– Ku-ring-gai LGA – PP-2022-1137- at 130 Killeaton Street, St Ives
2	LEP TO BE AMENDED	Ku-ring-gai Local Environment Plan (LEP) 2015
3	PROPOSED INSTRUMENT	<p>The proposal seeks to:</p> <ul style="list-style-type: none">• rezone the land from SP2 Infrastructure (Educational Establishment) to R4 High Density Residential;• insert a Height of Building of 17.5m; and• insert a Floor Space Ratio (FSR) of 1.3:1
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none">• Rezoning review request documentation• Briefing report from Department of Planning and Environment, 22 July 2023
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none">• Site inspections were undertaken individually:<ul style="list-style-type: none">○ Barbara Newman – 16 August 2023○ Sue Francis – 18 August 2023○ Suzanne Jolly – 19 August 2023○ Greg Woodhams – 19 August 2023○ Blake Cansdale – digital inspection via GIS and Google Earth• Briefing with Department of Planning and Environment (DPE): 12:30pm – 12:58pm, 21 August 2023<ul style="list-style-type: none">○ Panel members in attendance: Sue Francis (Acting Chair), Greg Woodhams, Blake Cansdale, Suzanne Jolly & Barbara Newman○ DPE staff in attendance: Brendan Metcalfe, David Hazeldine, Andy Ng, Douglas Cunningham, Jeremy Martin, Lisa Kennedy, Adam Williams & Taylah Fenning○ Key issues discussed:<ul style="list-style-type: none">• Planning proposal overview, locality, proposed changes, strategic and site merit issues• Biodiversity – EECs, arborist reports; conservation management plan for retained vegetation• Affordable housing• Traffic issues• Briefing with Ku-ring-gai Council: 12.58pm - 1:12pm, 21 August 2023<ul style="list-style-type: none">○ Panel members in attendance: Sue Francis (Acting Chair), Greg Woodhams, Blake Cansdale, Suzanne Jolly & Barbara Newman○ DPE staff in attendance: Brendan Metcalfe, David Hazeldine, Andy Ng, Douglas Cunningham, Jeremy Martin, Lisa Kennedy, Adam Williams & Taylah Fenning○ Council representatives in attendance: Anthony Fabbro & Craige Wyse

		<ul style="list-style-type: none"> ○ Key issues discussed: <ul style="list-style-type: none"> • Council staff not presenting. Available to answer questions • Biodiversity – Council’s concerns & request for further information; arborist reports; EECs, location & retention of critical trees; • Affordable housing – Council’s policy • Traffic issues • Briefing with Mackenzie Architects International (Proponent): 1:46pm – 2:06pm, 21 August 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Sue Francis (Acting Chair), Greg Woodhams, Blake Cansdale, Suzanne Jolly & Barbara Newman ○ DPE staff in attendance: Brendan Metcalfe, David Hazeldine, Andy Ng, Douglas Cunningham, Jeremy Martin, Lisa Kennedy, Adam Williams & Taylah Fenning ○ Proponent representatives in attendance: Dugald Mackenzie, Joseph El-Hage & Anthony George ○ Key issues discussed: <ul style="list-style-type: none"> • Biodiversity – arborist reports; Council’s request for further information; EECs, location & retention of critical trees; landscape plan; Asset Protection Zones • Affordable housing – Council’s policy & consideration of 5-10% contribution rate • Panel Discussion: 2:06pm – 2.23pm, 21 August 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Sue Francis (Acting Chair), Greg Woodhams, Blake Cansdale, Suzanne Jolly & Barbara Newman ○ DPE staff in attendance: Brendan Metcalfe, David Hazeldine, Andy Ng, Douglas Cunningham, Jeremy Martin, Lisa Kennedy, Adam Williams & Taylah Fenning
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