



Planning Proposal

Ku-ring-gai Local Centres Local Environmental Plan

April 2012

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Background

On 24 May 2010 the Ku-ring-gai Local Environmental Plan (Town Centres) 2010 was gazetted.

The NSW Land & Environment Court declared the *Ku-ring-gai Local Environmental Plan (Town Centres) 2010* invalid on 28 July 2011 creating much planning uncertainty in Ku-ring-gai. Since that time Council has been in discussions with the Minister for Planning & Infrastructure and the Department and has now agreed on a proposal for the best way forward to resolve the strategic planning issues in Ku-ring-gai.

On 8 November 2011 Council endorsed a statement of commitments, time line and consultation for the process for the preparation of formal planning proposal for a new Local Centres Plan for six local centres in Ku-ring-gai. A revised statement of commitment was adopted by Council on 20 March 2012 which states:

- Council will complete and submit a new Town Centres LEP applying to the land covered by the former Ku-ring-gai Local Environment Plan (Town Centres) 2010 to the Department by the August 2010 “caretaker phase” of Council prior to the elections in September 2012.
- The studies prepared for the 2010 LEP and those subsequently commissioned by the present Council should inform the LEP.
- The number of new dwellings from all planning instruments will be approximately 10,000 commencing from 27 May 2004, with the take up rates of 80% not applying to any dwellings approved before 20 March, 2012.
- The LEP will not only focus on dwelling numbers but will also address issues of economic viability, employment growth, centre revitalization, community infrastructure and housing choice.
- Council will not seek repeal of LEP 194. However, Council will review individual sites of concern in the Town Centres LEP with specific regard given to interface issues.
- The LEP will include provisions to address issues of heritage protection, biodiversity and riparian lands considerations and the provision of new open space.

This Planning Proposal provides a draft Local Centres LEP based on the Council's statement of commitments and the outcomes of the community consultation process and in accordance with the requirements of Part 3 of the *Environmental Planning & Assessment Act, 1979* (the EP& A Act).

Planning Proposal

1. A statement of the objectives or intended outcomes of the proposed local environmental plan.

The intended outcome of the planning proposal is to implement a local environmental plan (LEP) following the Standard Instrument format to apply to land in St. Ives, Turramurra, Pymble, Gordon, Lindfield and Roseville that was subject to the former Ku-ring-gai Local Environmental Plan (Town Centres) 2010¹. The LEP will update land use planning controls to guide future development of these centres by rezoning land to provide additional housing and open space and facilitate additional retail / commercial development required by the Sydney Metropolitan Plan 2036 and the draft Sydney North Subregional Strategy.

In addition to rezoning land to satisfy sub regional planning objectives, the planning proposal for the new local centres LEP intends to:

1. Replace but maintain the general effect of the existing Ku-ring-gai Planning Scheme Ordinance (KPSO) to the remaining land not being up zoned by implementing equivalent standard instrument zoning and provisions.
2. Rezone certain interface sites to provide a solution to those low density housing areas adjoining land zoned for five storey apartment buildings or other higher forms of development.
3. Rezone certain existing residential and open space sites to an appropriate environmental zone having given consideration to the biodiversity, riparian and other natural resource assessment and mapping processes.
4. Include heritage conservation areas and add or delete heritage items
5. Include 'natural resource sensitivity' provisions and mapping layers to address biodiversity and riparian lands issues.
6. Rezone certain sites currently zoned Special uses in accordance with Department of Planning PN 10–001 – zoning infrastructure.
7. Rezone unzoned land to same as adjoining zoning.
8. Rezone land covered by Interim Development Orders to standard instrument equivalent.
9. Correct existing zoning anomalies, e.g. where existing open space is currently zoned residential.
10. Remove redundant road reservations following consultation with the relevant public authority.
11. Include new road and open space reservations where necessary following consultation with the relevant public authority.

¹ The LEP will not apply to land in Pymble Business Park which is currently subject to a separate planning proposal that has been issued a gateway approval.

2. An explanation of the provisions that are to be included in the proposed local environmental plan.

The Planning Proposal provides for a draft Local Environmental Plan (LEP) in the Standard instrument format prepared in accordance with section 33A of the EP&A Act. The proposed written instrument and maps can be found as Attachments A and B.

The maps that are included in the planning proposal for the draft Local Centres LEP are as follows:

- Land zoning map;
- Lot size maps;
- Building height map;
- Floor space ratio map;
- Heritage map;
- Land reservation acquisition map;
- Natural resource – biodiversity map; and
- Natural resource – riparian lands maps.

Land Use Zones

The zones proposed in the draft Local Centres LEP are as follows:

- *R2 – Low Density Residential:* - to apply to land where primarily low density housing is to be established or maintained.
- *R3 – Medium Density Residential:* - to provide for medium density housing generally in the form of townhouse development of up to 2 - 3 storeys. The zone provides for increased housing choice and is generally used as a transition area between low and high density areas.
- *R4 – High Density Residential:* - to provide for unit development (generally up to 5 storeys). Existing unit development will retain its underlying development standards.
- *B2 – Local Centre:* - to apply to the core retail commercial areas. This zone, at the core of each centre, will permit developments with a mix of retail, commercial, residential and associated community facilities.
- *B4 – Mixed Use:* - intended to integrate a mixture of suitable uses such as business, office, residential, bulky good and other car based retail, which supports and not detracts from the retail functions and viability of the core of the Gordon centre. Residential flat buildings are also proposed to be permitted in this zone. This land is on the fringe of the commercial centre since it is less accessible to the railway station and subject to greater access by car.
- *B5 – Business Development:* - enables a mix of office, retail and warehouse uses in locations which are close to, and which support the viability of centres. These locations are deemed unsuitable for residential development and as such, the zone does not permit residential uses.
- *SP1 – Special Activities:* - for special land uses or sites with special characteristics that cannot be accommodated in other zones such as cemeteries.
- *SP2 – Infrastructure:* - The main application of this zone is for main roads, the railways schools, electricity substations as well as for proposed future local roads.

- *RE1 – Public Recreation:* - to provide for a wide range of public recreation areas and activities, including local open space. A range of land uses compatible with recreation uses of the land will be permitted.
- *E2 – Environmental Conservation:* - to protect land that has high conservation value. A number of land uses considered to be inappropriate for this zone, including dwelling houses will be prohibited. For the draft Local Centres LEP, the zone is applied only to Council owned lands categorised as Natural Areas under the *Local Government Act 1993*.
- *E4 – Environmental Living:* - for land with special environmental where residential development can be accommodated. The zone has been applied where there are environmental factors, such as the presence of threatened ecological communities, riparian zones or bushfire hazard that make the protection of the values of the land impractical under a standard residential zone. Some limited additional uses are proposed in the E4 zone, namely secondary dwellings and home businesses.

Development Standards

The Standard LEP Instrument includes development standards for minimum subdivision lot sizes, height of buildings, and FSR as optional clauses. The proposed draft LEP has incorporated these optional clauses, including local objectives and sets out the numerical standards for these development standards on the relevant maps to the particular clauses.

There are also a number of additional local provisions applying to these development standards. These include:

- requiring minimum lot areas and dimensions for residential zones, which are generally consistent with those which currently apply under the KPSO;
- establishing minimum lot areas and dimensions for the new E4 – Environmental Living zone;
- limiting building height on smaller lots in the R4 – High Density Residential zone to be consistent with those currently applying Residential 2(d3) zone under the KPSO;
- establishing floor space ratios for the Business zones and the E4 - Environmental Living zones; and
- requiring residential floor space ratios consistent with those which currently apply, including limiting FSR on smaller lots in the R4 – High Density Residential zone to be consistent with those currently applying Residential 2(d3) zone under the KPSO.

Other optional provisions incorporated include:

- Clause 2.8 - Temporary Use of Land – provides for the temporary use of land in circumstances where there are no detrimental economic, social, amenity or environmental effects; and
- Clause 5.3 - Development near zone boundaries –allows the uses of the adjoining zone within a portion of special purpose zones. This clause is required for inclusion where special purpose (SP) zones are included in the Plan.

Other local provisions and schedules

Other local provisions have been incorporated into the written instrument include the following:

- *Clause 1.9A Suspension of covenants* - The draft written instrument includes provisions that would suspend any private covenant, agreement or other similar instrument applying

to land covered by the LEP except to those applying to land in the R2 Low density residential zone. The suspensions would only be to the extent necessary to enable development consistent with the Plan.

- *Clause 6.1 - Minimum lot size and street frontages for multi dwelling housing and residential flat buildings* – establishes minimum street frontages for residential flat buildings and multi dwelling housing (town houses) consistent with those currently applying to the Residential 2(d3) zone under the KPSO.
- *Clause 6.2 - Ground floor business, office and retail premises in Business zones* – mandates active ground floors on buildings in business zones to ensure more vibrant street frontages and better urban design outcomes.
- *Clause 6.3 - Minimum building street frontage in business zones*- requires a minimum frontage to the primary street to enable good visual proportions, and vehicular access and parking.
- *Clause 6.4 - Location of sex services premises* – places restrictions on sex services premises being located adjoining residential zones, community facilities, parks, schools and the like and requires consideration of the potential impact on children.
- *Clause 6.5 - Biodiversity protection*– sets out the matters of consideration in relation to lands identified on the Natural Resource – Biodiversity map. Clause 6.6 (4)(iii) requires the consent authority to be satisfied that “measures to achieve no net loss of significant vegetation or habitat have been considered. The ‘No net loss’ principle recognises the need for flexibility which may be achieved by the application of off-sets. Offsets are designed to make up for the loss of the natural values of a site, through improvements or protection. Offsets should only be used, where all other practical measures have been taken to prevent or mitigate environmental impacts. Any remaining adverse impacts are then offset by a range of management actions undertaken in such a manner that the actions maintain or improve biodiversity outcomes for the region.
- *Clause 6.6 - Riparian land and waterways* - sets out the matters of consideration in relation to lands identified on the Natural Resource – Riparian lands map. The proposed riparian provisions seek to protect or enhance waterways and riparian land in the LGA and downstream catchments. The objectives of the proposed clause relate to the protection and enhancement of water quality, aquatic and riparian habitats, (including for species and communities listed as threatened in state or federal legislation), bed and bank stability and the processes which support these. Scenic and cultural values are also sought to be protected.
- *Clause 6.7 - Earthworks* – sets out matters of consideration in relation to earthworks, while allowing minor earthworks without consent.
- *Clause 6.8 - Stormwater and water sensitive urban design* – outlines the principles of water sensitive urban design to be incorporated into the design of developments and sets out matters of consideration in relation to the management of stormwater;
- *Schedule 1 Additional permitted uses* - contains a table which identifies additional permitted uses that are permissible on particular parcels of land that would not otherwise be permitted on that land under the proposed zoning. The additional permitted uses identified in Schedule 1 principally seek to avoid potential complications arising from existing use rights on land where the zoning is changing from its current use. This is

particularly the case for a number of sites zoned for special uses under the Ku-ring-gai Planning Scheme Ordinance.

- *Schedule 2 Exempt Development* - includes provisions for some development types to be exempt from the need for development consent if they meet certain standards. The provisions are designed to reduce the number of DAs that council will need to assess, while providing adequate regulation for small scale development.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 includes a range of development types as exempt development. This is supplemented by *State Environmental Planning Policy (Infrastructure) 2007*, which exempts a range of development types, mostly, but not exclusively, carried out by or on behalf of public authorities. The inclusions in Schedule 2 are development types which have a minimal environmental impact, but are not included in these SEPPs.

- *Schedule 3 Complying Development - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* includes a range of development types as complying development, that development that can be approved through a fast track process if it meets certain standards. *State Environmental Planning Policy (Infrastructure) 2007* also provides for a range of development types to be complying development, mostly, but not exclusively, carried out by or on behalf of public authorities. No further development types are recommended for inclusion as complying development, and therefore this schedule is blank.
- *Schedule 4 – Classification and reclassification of public land* - lists sites of Council owned land to be considered for reclassification from 'community land' to 'operational land' as part of the LEP making process. This schedule is blank.
- *Schedule 5 Environmental Heritage* - lists the Heritage Conservation Areas and individual sites of local heritage significance that are identified on the Heritage Map.

3. Justification for those objectives, outcomes and provisions and the process for their implementation.

A. Need for the planning proposal.

A1. Is the planning proposal a result of any strategic study or report?

The development of the Local Centres LEP builds upon the significant number of planning studies and key work that have been undertaken by Council in recent years. These existing planning studies have been subject to revision and refinement using internal Council resources, supplemented when and where required by the use external consultants.

Key studies that have informed the process include:

Employment /commercial

- Hornsby – Ku-ring-gai Employment Lands Study (2008) – SGS Economics and Planning
- Ku-ring-gai Retail Centres Study (2006) – Hill PDA

Heritage

- Town centres Heritage conservation Area review – (2009) Paul Davies Pty Ltd
- Review of potential items in the Ku-ring-gai area (Perumal Murphy Alessi, 2006);
- Turramurra Town Centre Masterplan (Urban Heritage, 2006)
- Town Centres Heritage Review (CityPlan, 2006)
- Ku-ring-gai Urban Conservation area Study – stages 2 and 2 (a) (Godden Mackay Logan, 2002)
- Ku-ring-gai Heritage Study (Robert Moore, Penelope Pike, Helen Proudfoot, and Lester Tropman and Associates, 1987);

Environmental

- *Biodiversity and Riparian Lands Study, Ku-ring-gai Principal LEP Draft Background Study* (2011) Ku-ring-gai Council
- *Managing Bushfire Risk, Now and into the Future – Draft Background Study* (2011) Ku-ring-gai Council

Demographic

- Ku-ring-gai Development & Demographic Forecasts (2008) - SGS Economics and Planning

Open space Planning

- Ku-ring-gai Open space acquisition strategy (2006) - Environmental Partnership and Recreation Planning
- People, Parks and Bushland – Open Space Strategy for Ku-ring-gai, (2005)

Traffic and Transport

- Ku-ring-gai Integrated Transport Strategy (2011)
- Town Centres Traffic and Parking Studies (various)
- Ku-ring-gai Parking Management Plan (2010)

Community Facilities

- Ku-ring-gai Community Facilities Strategy (2009) - Elton Consulting
- Sustainability Vision Report 2008-2033 (2008);
- Ku-ring-gai Community Plan 2005/2009 (2005);
- Cultural Facilities Plan 2004-2009 (2005);

A2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The main objectives or intended outcomes of the Planning Proposal are to enable the redevelopment of certain land in and adjacent to the commercial centres of Gordon, Lindfield, Pymble, St Ives, Turramurra and Roseville for higher-density residential and commercial development that will better contribute to sub-regional planning objectives.

The preparation of a standard instrument LEP to replace the Ku-ring-gai Planning Scheme Ordinance applying to the centres would be the only means of achieving the objective of the Planning Proposal.

A3. Is there a net community benefit?

Under the Department's *A Guide to Preparing Planning Proposals*, it is recommended that the Net Community Benefit Test from the Draft Centres Policy should be followed when assessing a Planning Proposal. The following questions are contained in the Draft Centres Policy for evaluation of the Net Community Benefit Test.

- *Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?*

The proposal to increase the commercial and residential densities within the six local centres is compatible with State and Regional Directions. The Planning Proposal is considered to be consistent with the North Subregion Draft Subregional Strategy as it will provide sufficiently zoned land for employment and housing within the Ku-ring-gai LGA.

- *Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?*

No. All six centres are classified as local centres under the Metropolitan Plan for Sydney 2036 and the North Subregion Draft Subregional Strategy. They do not fall within a nominated strategic centre or corridor.

- *Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?*

Yes. The LEP is likely to change the expectations of the various landowners where the zoning, permissible uses and development controls on land will increase its development capacity. However, for the majority of land covered by the LEP, the development capacity will remain unchanged, while other land will have reduced development capacity in order to address specific localised planning issues.

- *Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?*

The Local Centres LEP is being developed in parallel with planning proposals for the up zoning of employment land in the Pymble Business Park and Council's Principal LEP, which will apply to land outside of that covered by the proposed Local Centres LEP. The cumulative effects of all three LEPs is being considered in terms of addressing Ku-ring-gai's housing and employment targets and other subregional planning outcomes.

- *Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?*

Yes. Although the LEP does not substantially increase the amount of land zoned for commercial uses or commercial floor space capacity of land within the six centres, it will help facilitate additional permanent employment generating activities. This will be achieved through increasing overall floor space capacity for mixed use development on specific sites, making them more economically feasible to redevelop.

The up zoning of mixed use sites proposed under the local centres LEP, combined with the planning proposal for the Pymble Business Park will address Councils employment targets under the North Subregion Draft Subregional Strategy and is consistent with the findings and recommendations of the Hornsby – Ku-ring-gai Employment Lands Study (2008).

- *Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?*

The Planning Proposal will increase the supply of residential land and, in combination with previously zoned residential land under the Ku-ring-gai Planning Scheme Ordinance, will facilitate an approximate 10,000 dwelling increase. This is consistent with the dwelling target contained within the North Subregion Draft Subregional Strategy and as agreed to with the Minister for Planning and Infrastructure. A summary of the potential dwelling yield from this planning proposal and other affiliated planning instruments is included as Attachment C.

- *Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?*

As part of the preparation of the former Ku-ring-gai Town Centres LEP extensive consultation was conducted with relevant public infrastructure agencies who concurred that there was sufficient infrastructure for that LEP to be made. While the new Local Centres LEP does not propose the same level of density increase as the former LEP, the infrastructure issues previously identified remain relevant. The Gateway Determination for this Planning Proposal will identify which public authorities need to be further consulted, to determine the capacity of the existing public infrastructure and whether the existing services are capable of supporting the increased development densities in the LEP.

- *Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?*

Yes. The proposal will permit an increase in the density of commercial and residential uses on the land in and adjacent to the six centres. While these changes have the potential to increase the amount of people travelling to the centres for employment purposes, they are all well serviced by public transport. Five of the centres are located on the North Shore rail line and St Ives, although not on the rail line, is serviced by two strategic buss corridors. Council has also adopted an Integrated Transport Strategy (2011) which includes actions to address public transport access within Ku-ring-gai and specifically better links between St Ives and the north shore rail line at Gordon and Pymble.

- *Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?*

The level of significant State Government investment in infrastructure and services in the area has not been determined. Potential infrastructure impacts by the proposal include increased traffic volumes on local roads, increased enrolments in local schools, increased demand for open space and community facilities and services, increased passenger trips on bus and rail routes and increased demand on electricity network and other utilities.

Council has an adopted Contributions Plan which identifies Council's commitment to the provision of new infrastructure to support the increases employment and population provided for by the planning proposal. This includes the acquisition of land for open space, provision of new community facilities, new local roads and public domain improvements.

- *Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?*

The planning proposal will have a positive affect on environmental values of the area covered by the proposed Local Centres LEP. This has been addressed through a number of mechanisms including:

- consideration of the appropriate location for major future development;
 - the protection of threatened species, populations and ecological communities, and their habitats, through the application of two maps identifying environmentally important areas; the 'Natural resource – biodiversity protection map' and the 'Natural resource-Riparian land and waterways map ' and provisions to protect and enhance the natural values of these lands natural resource maps and associated local provisions;
 - the establishment of environmental zones and associated minimum lot sizes and floor space ratios for development in these zones.
- *Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?*

Yes. An important aspect of planning proposal is to address impacts created where past zoning has left single houses adjoining apartment buildings. It is proposed to do this by utilising the R3 Medium density residential zone in the Local Centres LEP to step building heights from 5 storey apartment buildings to 2-3 storey town houses on suitable interface sites, this then creates a better transition to the mostly two storey houses.

The conservation of the heritage values and amenity of Ku-ring-gai has been addressed within the planning proposal for the Local Centres LEP through the incorporation of the heritage conservation areas and additional heritage items and associated local provisions. Consideration has also been given to the existing and proposed high density development and the location of buffers and interface sites to conserve the setting and cultural significance of heritage items and heritage conservation areas.

The proposed Local Centres LEP also seeks to establish environmental zones where a combination of ecological values and risks support a more environmentally focussed set of zoning objectives and land uses.

Council has also adopted Public Domain Plan that applies to the six centres. Under this plan the public domain improvements arising from the redevelopment of the centres include new public squares and parks, upgraded footpaths and street furniture and street tree planting.

Development contributions imposed on development occurring within the six centres will go towards financing future public domain improvements and community facilities in the area.

- *Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?*

The planning proposal seeks to ensure a balanced level of development for new retail and commercial activity, recreation, community and housing accommodation, not only for the existing community but new residents over the next 20 year period. It has been developed with sustainability, place making and economic feasibility as key considerations.

- *If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?*

No. The Proposal applies to six existing centres identified in the Metropolitan Plan and Draft North Subregional Strategy. There are no new centres contemplated for Ku-ring-gai.

- *What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?*

There are considerable public interest reasons for progressing the planning proposal for the Ku-ring-gai Local Centres LEP as it will guide development for the main centres of Ku-ring-gai over the medium term. The plan will deliver a range of significant planning outcomes for Ku-ring-gai including the protection of heritage and ecological values, increased housing stock and new housing types. Importantly, it plans for revitalisation of the centres through new shopping, commercial space and local employment opportunities as well as new places for local recreation, improved opportunities for cultural and community facilities and transport management.

The proposed Local Centres LEP will also provide an updated set of contemporary planning documentation and controls under the NSW Standard Local Environmental Plan. The new plan replaces antiquated planning approaches and documentation from more than 40 years ago and will create much more certainty and transparency in the planning process.

B. Relationship to strategic planning framework.

B1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

As outlined in 3 - A1 above, the planning strategies have been developed from a synthesis of the existing studies and updated data as they apply to areas in order to establish appropriate policy directions and strategic goals and objectives of the North Subregion Draft Subregional Strategy and Metropolitan Plan for Sydney 2036.

The key directions relevant to Ku-ring-gai Centres identified in the North Subregion Draft Subregional Strategy are:

1. *Better access to a variety of housing choice.*
2. *Enhance the local centres in the subregion.*
3. *Improve public transport access to, from and within the subregion.*

The strategy is broken down into a number of sub-strategy areas, each containing a series of objectives and actions. The actions relate to both state and local government levels. Key

strategies that relate particularly to Planning Proposal for the Ku-ring-gai local centres LEP include the following:

1. *Economy and Employment*

The draft North Subregional Strategy requires planning for and additional 4500 jobs in Ku-ring-gai by 2031. The more recent Metropolitan Plan for Sydney 2036 reinforces the need for more jobs closer to home and the need for additional housing. The subregion employment target increased to 15,000 from a 2006 base. There was no LGA split in this figure, but worth noting that the Hornsby centre target remained a 12,000 meaning the additional 1500 are to be met elsewhere in the subregion outside of the Hornsby CBD. It is yet to be determined how this additional requirement will be split between the two LGAs

In planning for employment lands in the preparation of the Ku-ring-gai town centre LEP both *Ku-ring-gai Retail Centres Strategy* (Hill PDA 2005) and *Ku-ring-gai and Hornsby Subregional Employment Study* (SGS Economics & Planning 2008) have been taken into account and balanced against the need to create economically viable, functioning centres with improved retail, commercial and leisure activities to meet changing community needs. While the SGS study recommended some reductions in the capacity of employment zoned land, the capacity has generally been retained to a level consistent with *Ku-ring-gai Planning Scheme Ordinance*. This approach is consistent with the Ministerial Directions under section 117 of the EP& A Act requiring the retention of employment zoned lands.

Pymble Business Park is, however, expected to be able to provide for a significant increase in employment capacity in the LGA, and it is likely that the employment targets can be met. However, further work may be required in the future, when negotiations with Hornsby Council in relation to the sharing of the additional employment target are completed.

2. *Centres and Corridors*

The Metropolitan Plan for Sydney 2036 is based around a “centres policy”, with the North Subregion Draft Subregional Strategy identifying a centres hierarchy for each local government area. The planning proposal for the Local Centres LEP seeks to establish a centres hierarchy consistent with that of the North Subregion Draft Subregional Strategy. The key background study informing the centres hierarchy in the Local Centres LEP include the Ku-ring-gai Retail Centres study adopted by Council in 2005 and the Employment Lands Study in 2008.

The urban role and form of the centres, including building heights and densities, have been determined in a way that is consistent with the hierarchy of centres identified in the Subregional Strategy and Council supporting studies. The hierarchy is as follows:

- Gordon – main centre
- Turramurra, Lindfield and St Ives – medium sized centres and;
- Pymble and Roseville – smaller centres

Gordon is the main centre for Ku-ring-gai, being on a railway line and centrally located, primary economic focus for Ku-ring-gai's tallest buildings, the highest densities and the greatest commercial/ retail footprint of all the centres

3. *Housing*

The North Subregion Draft Subregional Strategy sets a future dwelling target for Ku-ring-gai of 10,000 additional dwellings by 2031. It is calculated that the Local Centres LEP will facilitate the development of 1191 additional dwellings. These dwellings, combined with the existing

yield included in the LEP 194/200 and additional potential yield provided by significant sites outside the centres such as UTS Lindfield and Sydney Adventist Hospital will result in a total of 9930 dwellings from an April 2004 base. This closely approximates the 10,000 dwelling target under the North Subregion Draft Subregional Strategy.

A detailed analysis of yield potential from this suite of plans is included in the Council report for this planning proposal on 3 April 2012. **Attachment C** provides a revised summary of the potential dwelling yield from this planning proposal and other affiliated planning instruments based on the revision made to the planning instrument presented to Council on 3 April 2012. It also includes an explanation of the assumptions used in calculating dwelling yields.

The North Subregion Draft Subregional Strategy also sets a number of goals and actions regarding the provision of housing mix and housing choice and addresses the issue of housing affordability. The provision of a range of housing types within the local centres is a key objective of this draft LEP. The majority of recent development in Ku-ring-gai has been apartment buildings with large apartments aimed at “empty-nesters”. In response to this issue the draft LEP proposes to cater for a wider range of housing as listed below:

- *houses* – the plan retains single houses with gardens in close proximity to the centres;
- *residential apartments* – the plan retains current zoning and limits further extension of this zone;
- *“shop-top” apartments* – this is a new type of housing for Ku-ring-gai where apartments are located over shops in the middle of the shopping centres. These apartments will be more affordable due to their size and location and will cater for younger people or people living alone for example; and
- *town houses* – the plan provides potential for a significant number of new town houses on the edge of the centres.

The Metropolitan Plan for Sydney 2036 has revised the dwelling target for the North subregion to 29,000 new homes between 2006 and 2036. This compares to the target of 21,000 new homes between 2004 and 2031, which was outlined in the 2005 Metropolitan Strategy.

To date the housing target split between the Council's for the additional 8,000 dwellings has not been determined. It is understood Hornsby Shire Council will be addressing their commitment to the additional housing yield during their 2016 Residential Strategy review.

4. Transport

In order to address the objectives and actions of the subregional transport strategy, Ku-ring-gai Council adopted the *Ku-ring-gai Integrated Transport Strategy* (ITS) in 2011. The ITS covers key issues through the Ku-ring-gai LGA in relation to:

- All forms of public transport;
- Walking and cycling;
- Roads, traffic and parking (including arterial/ regional road performance and key intersections);
- Integration of land use and transport/ transport accessibility;
- Trip growth, and travel demand management.

Ku-ring-gai ITS presents a vision for Ku-ring-gai's transport to 2020 and assigns plans and aims to short (5 years) and long term (10 years) time frames.

Key actions in the Ku-ring-gai ITS relate specifically to Ku-ring-gai's local centres, and managing the transport task as a result of additional growth in those centres. Proposed local centre improvements in the ITS were drawn from previous comprehensive traffic and transport studies, which were commissioned to assess the existing traffic and parking conditions, and to develop traffic flow schemes to best manage future traffic through the six local centres.

Previous local centre studies considered full redevelopment scenarios and their associated traffic impacts. The scale of development being proposed in the Local Centres Planning Proposal is not as extensive and includes analysis of sites which are unlikely to redevelop. As such the previous local centre studies could be said to represent a worst case scenario which is unlikely to occur. However, less extensive redevelopment may impact on Council's development contributions towards transport infrastructure both in terms of the scope of the works programme (reduced traffic may reduce the need for some works) as well as the income anticipated from contributions. These impacts can be considered as part of the review process for the Contributions Plan.

5. *Environment and Natural Resource Management*

The strategic planning for the protection of natural resources in the LGA has been supported by a number of studies including the *Biodiversity and Riparian Lands Study, Ku-ring-gai Principal LEP Draft Background Study (2011)* and *Managing Bushfire Risk, Now and into the Future – Draft Background Study (2011)*. These studies will enable Council to address the objectives of regional and subregional plans, such as:-

- the protection of Sydney's unique plants and animals;
- improvement of the health of waterways;
- improvement in the sustainable use of resources;
- addressing and responding to climate change;
- management of bushfire risk.

The Ku-ring-gai Biodiversity and Riparian Lands Study considered the key values and threats to the natural values of Ku-ring-gai and provides a strategic assessment of the significance of the vegetation and role of riparian lands within the LGA. The findings and recommendations of have been addressed within the planning proposal for the draft Local Centres LEP through a number of mechanisms:

- consideration of the appropriate location for major future development;
- the protection of threatened species, populations and ecological communities, and their habitats, through the application of two maps identifying environmentally important areas; the '*Natural resource – biodiversity protection map*' and the '*Natural resource-Riparian land and waterways map*' and provisions to protect and enhance the natural values of these lands natural resource maps and associated local provisions;
- the establishment of environmental zones and associated minimum lot sizes and floor space ratios. This includes the establish two environmental zones:
 - E2-Environmental Conservation for Council reserves of high biodiversity value;
 - E4 – Environmental Living, where a combination of ecological values and risks support a more environmentally focussed set of zoning objectives and land uses.

6. *Heritage Planning (Heritage Conservation Areas and Heritage Items)*

The North Subregion Draft Subregional Strategy seeks to recognise where cultural heritage contributes to its unique character and quality and manage change appropriately to reinforce local distinctiveness. The Planning Proposal will achieve the conservation of Ku-ring-gai's heritage through the identification, assessment and statutory recognition of places of cultural significance and their inclusion on the heritage schedule of a Local Centres LEP

The process for identifying heritage conservation areas and additional heritage items for incorporation into the Local centres LEP built upon the significant work previously undertaken by the NSW National Trust and the subsequent work on specific areas by Godden McKay Logan as well as the other potential heritage item review in 2006 (Perumal Murphy Alessi Pty Ltd) and the work of Paul Davies Heritage Consultants in 2008/2009.

7. *Open Space and Recreation Strategy*

The *Ku-ring-gai Council Open Space Acquisition Strategy* (2007) was prepared to establish a series of principles for acquisition of open space within Ku-ring-gai, from which open space provision opportunities and priorities for acquisition can be identified. The strategy is supported by the *Ku-ring-gai Contributions Plan 2010* which provides for the acquisition and embellishment of recreation facilities and open space to meet the growth and demand of the new population. The plans jointly address the objectives of the draft Subregional Strategy and will facilitate a cohesive approach to the provision of both traditional parkland open space (local parks) and urban civic space in the town centres. Urban civic spaces are a key component of open space provision in urban settings.

Council has completed the open space planning process for the centres of St Ives, Gordon and Turramurra. The acquisition of properties is well advanced and where Council has acquired land for local open space the draft Local Centres LEP 2010 proposes to zone that land for RE1 – Public Recreation. Where civic spaces are proposed the location and details of these are encapsulated in Council's Town Centre Public Domain Plan 2010.

8. *Implementation and Governance*

In addition to the statutory consultation with state agencies, it is envisaged that ongoing dialogue will need to take place with specific state agencies and instrumentalities with land holdings in Ku-ring-gai.

In relation to the implementation of identified traffic and transport solutions, it is recognised that the operation of the road network within Ku-ring-gai is a partnership between the NSW Government and Council. Arterial roads that carry high traffic volumes are fully funded and managed by the Roads and Maritime Services. Major road projects may also receive federal funding. Therefore, it is important to understand that management of the road network and wider Sydney transport task cannot always be directly addressed by Council.

B2. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Yes. Council adopted the Community Strategic Plan 2030 on 13 October 2009. This Strategic Plan is based around the following principle activity areas:

- community development
- urban environment
- natural environment
- planning and development

- civic leadership and corporate services
- financial sustainability

The planning proposal is not inconsistent with this Strategic Plan, specifically the following visions and objectives:

The Planning & Development Vision

- *Ku-ring-gai is a place with infrastructure and planning systems that accommodate the identity of the community*
- *Ku-ring-gai provides planning systems that accommodate the needs of the community*

Objectives

- *Council planning systems apply the principles of sustainability, best practice urban design and place making to meet the needs of the community*
- *High quality urban design integrated through plans, guidelines and urban design service*
- *Comprehensive Integrated Principal LEP and Development Control Plan (DCP) completed for the local government area (LGA) that addresses the Metropolitan Strategy and North Subregion objectives*
- *Protect, enhance and where appropriate increase local biodiversity and terrestrial, habitats and connectivity between reserves*

B3. Is the planning proposal consistent with applicable state environmental planning policies?

The following table identifies the key applicable SEPPs and outlines the planning proposal's consistency with those SEPPs. A checklist of compliance with all SEPPs is contained at **Attachment D**

SEPP	Comment on Consistency
SEPP 19 - Bushland in Urban Areas	When preparing draft local environmental plans for any land to which SEPP 19 applies, other than rural land, the council shall have regard to the general and specific aims of the Policy, and give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland. Compliance with SEPP 19 is one of the considerations addressed through the biodiversity mapping and the <i>Biodiversity and Riparian Lands, Draft Background Study</i> (Ku-ring-gai Council, 2011). These have guided the implementation of planning provisions for SEPP 19 bushland.
SEPP No. 44 - Koala Habitat Protection	In order to give effect to the aims of this Policy, a council should survey the land within its area so as to identify areas of potential koala habitat and core koala habitat, and make or amend a local environmental plan to include land identified as a core koala habitat within an environmental protection zone, or to identify land that is a core koala habitat and apply special provisions to control the development of that land. The <i>Biodiversity and Riparian Lands Draft Background Study</i> (2011) included an investigation of the potential presence of core Koala habitat in Ku-ring-gai. No core koala habitat has been identified in the LGA in the land to which this SEPP applies, and the most recent koala sighting within the LGA of which Council is aware was over 40 years ago.

SEPP	Comment on Consistency
SEPP 55 - Remediation of Land	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 <i>preliminary investigation</i> where a rezoning allows a change of use that may increase the risk to health or the environment from contamination. As the planning proposal is largely a translation exercise to equivalent standard instrument zones which generally will result in the same permissible uses (although at higher densities in a number of cases). However, potential contamination matters will need to be considered as part of the process of rezoning special uses land to surrounding zones in accordance with PN 10–001 - Zoning for infrastructure in LEPs. The planning proposal seeks to zone the major Energy Australia substations as SP2 rather than the predominant adjoining zoning. This applies to the following substations: • 1225 and 1243 Pacific Highway, Turramurra ; • 206 Mona Vale Road St Ives; • 402 Pacific Highway Lindfield. The predominant adjoining zoning for the substation is either B2 (Turramurra and Lindfield) or R4 (St Ives). As both these zones permit residential development, it is contended that it would be contrary to SEPP 55 to include the substation in these zones. All three sub stations have been in place for considerable time and the extent of potential contamination on these sites is unknown. As there has been no preliminary contamination investigation undertaken on these sites, it would be contrary to SEPP 55 to zone them for residential purposes due to the unknown potential level of risk to health or the environment they may pose.
SEPP Infrastructure 2007	To complement the provisions of the SEPP Infrastructure 2007, the planning proposal will zone public infrastructure land in accordance with LEP practice note PN 10–001 - Zoning for infrastructure in LEPs. The Planning proposal proposes to zone the existing Special Uses 5(a) generally in accordance with the principals of PN 10–001. However, there are a number of circumstances where it is considered necessary or appropriate to retain an infrastructure zone (ie. SP2) on particular sites or vary from a strict application PN 10–001 'Zoning for infrastructure in LEPs'. It is proposed that all school sites be zoned SP2 rather than the predominant adjoining zoning. It is also the approach adopted by Council for the Principal LEP This approach is favoured for a number of reasons: Firstly, – Education is the largest single employer in Ku-ring-gai and zoning the sites according to adjacent land use could be construed as encouraging education providers to relocate. This was reinforced in the Ku-ring-gai & Hornsby Subregional Employment Study. To zone the sites according to the prevailing adjoining land use may send the wrong signals to the education sector about reinvestment in the industry. – Given the strength and size of the education sector in Ku-ring-gai,

SEPP	Comment on Consistency
	even if large private education providers ceased operating, it would be preferable that their facilities be made available to other education providers in the first instance, rather than be made available for alternate development as would occur if they were zoned for high density residential development for example. The quantity and scale of the buildings on many of the school's sites in Ku-ring-gai would lend themselves to reuse for education purposes. There has been no indication that any of the school sites covered by the proposed Local centres LEP are likely to be used for alternate purposes in the foreseeable future. In regard to the zoning of schools, PN 10–001 offers the following advice: <i>It is anticipated that only a minority of TAFEs and schools across NSW could be considered a 'strategic site', however, to assist in the initial assessment the following criteria should be used:</i> • <i>is it 20 hectares or more in size; and/or</i> • <i>does it provide a wide range of facilities (meeting rooms, halls, pool, sports fields, tennis courts and the like) that can also be used by the surrounding community; and/or</i> • <i>is it of regional significance (i.e. the only school servicing a large region).</i> Most of Ku-ring-gai's private schools covered by the planning proposal fall within the meaning of "large complexes or strategic sites", and if they were ever to become "surplus", a comprehensive planning assessment would need to be undertaken prior to zoning the sites for alternate uses. Specifically, it is proposed to zone the following sites <i>SP2 – Educational establishment</i>: • Masada College at St Ives; • Corpus Christi at St Ives; • PLC at Pymble; • Ravenswood at Gordon; • Roseville College at Roseville; • Cromehurst School at Lindfield; Examples of recently made standard instrument LEPs to include schools in SP2 zones include the Lane Cove LEP 2008, Marrickville LEP 2011, Parramatta LEP 2011 and Mosman LEP 2012. No exempt or complying development provisions will be included that are inconsistent with the SEPP Infrastructure 2007
SEPP Exempt and Complying Development Codes 2008	The Codes SEPP aims to provide streamlined assessment processes for development certain types of development that are of minimal environmental impact and identifying types of complying development that may be carried out in accordance with complying development codes. The planning proposal will not included exempt or complying development provisions that are inconsistent with the SEPP Exempt and Complying Development Codes 2008 The planning proposal does include the implementation of "<i>heritage conservation area(s)</i>" as defined by the Codes SEPP. This will limit the

SEPP	Comment on Consistency
	application of the codes under the SEPP on the land identified as <i>heritage conservation areas</i> in this planning proposal.
SREP No.20 Hawkesbury-Nepean River	The deemed SEPP requires consideration be given to the impact of future land use in Hawkesbury-Nepean River catchment in a regional context. It also requires an environmental planning instrument to have regard to general and specific considerations, policies and strategies related to total catchment management, water quality and quantity, environmentally sensitive areas, flora and fauna, riverine scenic quality, agriculture, aquaculture and fishing, urban and rural residential development, recreation and tourism and the Metropolitan Strategy. Considerations under the SEPP have been taken into account when developing provisions under the planning proposal. The proposal particularly addresses water quality and quantity, environmentally sensitive areas and flora and fauna within the Hawkesbury-Nepean River catchment.
SREP (Sydney Harbour Catchment) 2005	The deemed SEPP aims to establish a balance between maintaining and restoring the natural, heritage and scenic values of the Sydney Harbour catchment, promoting recreational access to the foreshore and waterways and promoting a prosperous working harbour. It establishes planning principles and controls for the catchment as a whole that are to be considered and, where possible, achieved in the preparation of environmental planning instruments. The planning proposal is consistent with the SEPP as it aims to protect and enhance identified environmentally sensitive lands and waterways and implement appropriate planning provisions.

B4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following table identifies applicable Section 117 Directions and outlines the planning proposal's consistency with those directions. A checklist of compliance with all Section 117 Directions is contained at **Attachment D**. Details of the justifiable inconsistencies in the planning proposal are contained in **Attachment E**

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 (c) support the viability of identified strategic centres. Under this direction a planning	Justifiably inconsistent Under Direction 1.1 Business and Industrial Zones, a planning proposal must retain the areas and locations of existing business and industrial zones, and not reduce the total potential floor space area for employment uses and related public services in business zones. The proposed Local Centres LEP seeks to rezone certain sites currently zoned for business to residential zones. In all cases, these sites have already been developed for strata title residential flat buildings. The

Directions under S117	Objectives	Consistency
	proposal must: (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.	inconsistency is justified on the basis that it is of minor significance as such sites would never realise the existing business floor space potential in the future and as such the new zoning will not lead to a reduction business floor space potential. In a small number of cases, land currently zoned for business and that contain existing businesses have been zoned for residential. In these cases, the business floor space potential of the sites has been retained through its listing under Schedule 1 as an additional permitted use on the site. Site specific details of where this direction is relevant can be found in Attachment E
2.1 Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas. Under this direction a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.	Consistent It is proposed that the LEP include provisions that facilitate the protection and conservation of environmentally sensitive areas. The planning proposal proposes to introduce environment protection zones and provisions with improved environmental protection standards applying to the land.
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental Heritage significance and indigenous heritage significance.	Consistent The LEP will include the provisions to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This will take the form of the standard instrument heritage conservation clause and will also include the introduction of heritage conservation areas.
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure	Justifiably inconsistent While the planning proposal, as a whole, is considered to be consistent with clause (4) of the direction by broadening the variety and choice of housing types, it is proposed that a number of sites be down zoned or have there existing permissible residential density reduced.

Directions under S117	Objectives	Consistency
	and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands. Under this Direction a planning proposal must include provisions that encourage the provision of housing that will: a) broaden the choice of building types and locations available in the housing market, and b) make more efficient use of existing infrastructure and services, and c) reduce the consumption of land for housing and associated urban development on the urban fringe, and d) be of good design. In addition a planning proposal must, in relation to land to which this direction applies: a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and b) not contain provisions which will reduce the permissible residential density of land.	The majority of these down zonings are being proposed to address existing zone interface issues or as a result of land being reserved for future parks or local roads. There is also a minor reduction in potential residential density on those sites proposed to be zoned E4 – Environmental living which will have a slightly reduced FSR and larger minimum lot size for subdivision. The justification of these inconsistencies with Direction 3.1 is based on the fact that all down zonings are offset with up-zoning elsewhere in the proposed LEP. As such, this planning proposal, in association with existing planning instruments, will achieve approximately 10,000 additional dwellings for Ku-ring-gai from an April 2004 base. This is considered to be consistent with the North Subregion Draft Subregional Strategy and the requirements of the Minister. Also many of the proposed zonings are intended “to minimise the impact of residential development on the environment and resource lands”, consistent with objective (1)(c) of the Direction. Site specific details of where this direction is relevant can be found in Attachment E
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses	Consistent The planning proposals will permit home occupations to be carried out in dwelling houses without the need for development consent.
3.4 Integrating Land Use and Transport.	The objective of this direction is to ensure that urban structures, building forms, land use	Consistent The proposal will permit an increase in the

Directions under S117	Objectives	Consistency
	locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	density of commercial and residential uses on the land in and adjacent to the six centres which are all well serviced by public transport. Five of the centres are located on the North shore rail line and St Ives, although not on the rail line, is serviced by two strategic buss corridors. Council has also adopted an Integrated Transport Strategy which includes actions to address public transport access within Ku-ring-gai and specifically better links between St Ives and the north shore rail line at Gordon and Pymble.
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent The planning proposal does not include any land that has a probability of containing acid sulfate soils
4.4 Planning for Bushfire Protection	The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	Consistent The planning proposal takes into consideration the findings and recommendations of the study <i>Managing Bushfire Risk, Now and into the Future</i> (2011 Ku-ring-gai Council), which uses a risk management approach to assess the management of bushfire risks, now and under future climate change situations and provides guidance for zoning, land uses and development standards in high risk areas. In planning for the centres the location of increased residential or commercial density in bushfire prone lands has been avoided where practical. However it is proposed to allow increased development in the B2 Local Centre zone to the south of the Pacific Highway in Turramurra (the current Franklins site). This site is adjacent to “Granny Springs” reserve and is bushfire prone. The NSW Rural Fire Service has previously advised of

Directions under S117	Objectives	Consistency
		requirements for this site. These requirements will need to be incorporated within the associated DCP The NSW Rural Fire Service will be further consulted in the process.
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent The planning proposal does not seek to incorporate additional provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, or identify development as designated development.
6.2 Reserving Land for Public Purposes	The objectives of this direction are: (f) to facilitate the provision of public services and facilities by reserving land for public purposes, and (g) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition	Consistent The planning proposal seeks to reserve land for local open space, local roads and classified road widening. These proposed reservations are identified on the Land Reservation Acquisition Map and the relevant acquisition authority is identified in clause 5.1 of the LEP. The relevant acquisition authority will either be Council (for local open space and roads) or Department of Roads and Maritime Services (RMS) (for the classified road reservations). The Direction requires consultation to take place with RMS and the Director-General of the Department of Planning and Infrastructure. This will take place once an initial gateway determination is issued, confirming the public authorities to be consulted on the planning proposal.
7.1 Implementation of the Metropolitan Strategy	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy	Consistent The planning proposal is consistent with the NSW Government's Metropolitan Plan for Sydney 2036 and the related Draft North Subregional Strategy. Details are contained under Section 3- B1 above.

C. Environmental, social and economic impact.

C1. 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?

There is no identified critical habitat within or directly adjoining the LGA at this time.

The planning proposal will have a positive affect on the protection of threatened species, populations and ecological communities, and their habitats, through the application of two maps identifying environmentally important areas; the '*Natural resource – biodiversity protection map*' and the '*Natural resource-Riparian land and waterways map*' and provisions to protect and enhance the natural values of these lands

C2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Environmental values have been addressed within the planning proposal for the draft Local Centres LEP through a number of mechanisms:

- Consideration of the appropriate location for major future development, including;
 - limiting major up zoning and/or significant increased development potential within the existing commercial areas where there are few environmental constraints or bushfire risks;
 - permitting 3 storey residential flat development (rather than 3 storey townhouses) where environmental constraints, such as topography or the extent of significant vegetation, are not compatible with the greater site coverage required by a traditional townhouse developments.
 - reducing the development potential of sites with high environmental values currently zoned 2(d3) under LEP 194 and where redevelopment has not been approved to date
- Protection of threatened species, populations and ecological communities, and their habitats, through the application of maps identifying environmentally important areas; the '*Natural resource – biodiversity protection map*' and the '*Natural resource-Riparian land and waterways map*' and provisions to protect and enhance the natural values of these lands natural resource maps and associated local provisions;
- The establishment of two environmental zones:
 - E2-Environmental Conservation for Council reserves of high biodiversity value;
 - E4 – Environmental Living, where a combination of ecological values and risks support a more environmentally focussed set of zoning objectives and land uses

C3. How has the planning proposal adequately addressed any social and economic effects?

In developing the new Local Centres LEP, Council will be able to effect, with more certainty, the planning and delivery on a range of community facilities identified in *Ku-ring-gai Contribution Plan 2010*. The new LEP also addresses (where possible) the social considerations for local employment growth, centre revitalisation, community infrastructure and improved local housing choice.

By implementing the standard instrument there will be potential positive economic and ongoing positive social effects by the introduction of certain clarity and consistency within the planning framework.

D. State and Commonwealth interests.

D1. Is there adequate public infrastructure for the planning proposal?

As part of the preparation of the former Ku-ring-gai Town Centres LEP 2010 extensive consultation was conducted with relevant public infrastructure agencies who concurred that there was sufficient infrastructure for that LEP to be made. While the new Local Centres LEP does not propose the same level of density increase as the former LEP, the infrastructure issues previously identified remain relevant.

The Gateway Determination for this Planning Proposal will identify which public authorities need to be further consulted, to determine the capacity of the existing public infrastructure and whether the existing services are capable of supporting the increased development densities in the LEP.

D2. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

The views of State and Commonwealth Public Authorities will not be known until after the initial gateway determination. Previous centres planning processes have provided Council with feedback from State and Commonwealth Public Authorities and where relevant this has been taken into consideration. It is proposed that the following State and Commonwealth Public Authorities will be further consulted:

- Office of Environment & Heritage
- NSW Roads and Maritime Services
- Department of Transport
- Department of Transport - Railcorp
- NSW Office of Environment and Heritage
- NSW Office of Water
- NSW Police Force
- NSW Rural Fire Service
- Department of Education and Communities
- Department of Housing
- Department of Health
- Sydney Water Corporation
- Energy Australia
- Hornsby Shire Council
- Ryde City Council
- Warringah Council
- Willoughby City Council
- Hawkesbury Nepean Catchment Management Authority
- Sydney Metropolitan Catchment Management Authority

4. Details of the community consultation that is to be undertaken on the planning proposal.

In preparing the planning proposal, Council has taken into consideration a wide range of stakeholders' views, expressed over time, including the outcomes of the recent preliminary community consultation undertaken by independent community engagement consultant Straight Talk. An appreciation of the key issues from local residents, developers, community groups, state agencies, NSW Department of Planning and Infrastructure and Councillors has guided the preparation of the Planning Proposal and associated draft LEP.

The planning proposal will also be exhibited in accordance with the requirements of section 57 of the EP&A Act and/ or any other requirements as determined by the Gateway process under section 56 of the EP&A Act.

ATTACHMENT A

Draft Ku-ring-gai Local Environmental Plan (Local Centres) –
Proposed Written Instrument

(See separate)

ATTACHMENT B

Draft Ku-ring-gai Local Environmental Plan (Local Centres) –
Proposed Maps

(See separate)

ATTACHMENT C

Summary Dwelling Yield Table and Calculation Assumptions

SUMMARY OF APPROVED AND POTENTIAL DWELLING YIELD FOR KU-RING-GAI LGA - WITH APPLIED TAKE-UP RATES AND AVERAGE UNIT SIZE 120 SQM

CENTRE / AREA	APPROVED & POTENTIAL DWELLING YIELD ON EXISTING LEP 194 / 200 SITES (ie. 2(d3) ZONE)			POTENTIAL DWELLING YIELD ON EXISTING KPSO SITES	POTENTIAL DWELLING YIELD ON PROPOSED LOCAL CENTRE SITES (ie. R4, R3, B2 & B4 ZONES) (including R3 potential from non-local centre sites)					APPROVED DWELLING YIELD ON OTHER SITES (ie. FORMER MINISTERS, PART 3A, 2D ZONE, SEPP (SENIORS), D.O. & SINGLE DWELLING SITES)							TOTAL APPROVED & POTENTIAL BY CENTRE
	APPROVED NET DWELLING INCREASE	POTENTIAL NET DWELLING INCREASE	TOTAL NET DWELLING INCREASE (APPROVED & POTENTIAL)	[i.e. 2(d), 2(e), 2(h) ZONES)] (80% take up)	POTENTIAL NET DWELLING INCREASE				TOTAL NET POTENTIAL DWELLING YIELD	APPROVED NET DWELLING INCREASE (up to mid-March 2012)						TOTAL NET APPROVED DWELLING YIELD (non-LEP 194)	(not incl. single dwellings/ subdivision)
	(up to mid-March 2012)	Undeveloped sites (80% take up)			Undeveloped proposed R4 sites (80% take up)	Undeveloped proposed R3 sites (50% take up)	Undeveloped proposed B2 sites (50% take up)	Undeveloped proposed B4 sites (50% take up)		Former Ministers Site	Part 3A (UTS, SAN, ST IVES)	2(d)/2(e)/2(h)	SEPP (SENIORS)	Dual Occupancy	Single dwelling/ subdivision		
WITHIN LOCAL CENTRE AREA																	
1. St Ives	650	413	1063	0	54	125	0	0	179	0	298	0	59	48	0	405	1647
2. Turramurra	402	384	786	12	0	84	0	0	84	0	0	0	15	65	0	80	962
3. Pymble	90	101	191	14	107	23	0	0	130	132	0	0	9	32	0	173	508
4. Gordon	598	418	1016	24	43	68	177	194	482	138	0	0	0	9	0	147	1669
5. Lindfield	315	310	625	5	32	66	120	0	219	65	91	0	0	12	0	168	1017
6. Roseville	228	262	490	48	15	0	0	0	15	0	0	21	4	12	0	37	590
SUBTOTAL	2283	1887	4170	104	251	366	297	194	1109	335	389	21	87	178	0	1010	6393
OUTSIDE LOCAL CENTRE AREA																	
7. Roseville to Lindfield	28	23	51	0	0	31	0	0	31	0	345	0	0	0	0	345	427
8. Killara	737	410	1147	0	0	19	0	0	19	0	0	0	33	10	0	43	1209
9. Pymble to Turramurra	210	146	356	0	0	13	0	0	13	0	0	17	0	0	0	17	386
10. Wahroonga / Warrawee	600	228	828	0	0	20	0	0	20	46	380	13	44	44	0	527	1375
SUBTOTAL	1575	806	2381	0	0	83			83	46	725	30	77	54	0	932	3396
TOTAL	3858	2694	6552	104					1191	381	1114	51	164	232	141	2083	

Total Approved:	5941
Total Potential:	3989
Total Yield:	9930
Remaining Capacity to 10,000 target:	70

DWELLING YIELD CALCULATIONS

Disclaimer

This yield information has been prepared as a summary of residential development in Ku-ring-gai. For detailed information regarding individual residential developments, reference should be made to the original development approval documentation.

While every effort has been made to ensure this information is correct at the time of publishing, Ku-ring-gai Council, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this information.

Note the approved dwelling numbers may fluctuate due to lapsed consents, or modifications to existing consents. Council is continuing to audit and update the base information.

ASSUMPTIONS

Dwellings

For the purposes of calculating residential dwelling yields the following types of dwellings are considered:

- Dwelling house
- Attached dwelling
- Dual occupancy
- Multi-dwelling housing
- Residential flat building
- Shop-top housing
- Seniors Housing

The definition of each of these can be found in the Standard Instrument LEP.

Approved Dwelling Yield – existing zones

These figures include development approvals under all existing zones or State policies including:

- KPSO/LEP 194 / 200 sites (i.e. 2(d3) zone)
- Former Ministers sites and Part 3A including the UTS and the SAN concept approvals
- KPSO 2(d), 2(e) or 2(h) zones
- SEPP (Seniors) Housing
- SEPP 53 Dual Occupancy
- KPSO 2(c) i.e. single dwellings or subdivisions

Notes

- Approvals under LEP 194 have been separated from approvals under all other zones and other mechanisms
- The total dwellings numbers are net figures (new dwellings less existing houses)
- Does not include developments approved prior to 2004

Potential Dwelling Yield – existing zones

These figures include the potential dwelling yield under existing zones or State policies:

- KPSO/LEP 194 & LEP 200 sites (i.e. 2(d3) zone)
- Former Ministers site and Part 3A (the only remaining site without a formal approval is Avon Road in Pymble); and
- KPSO 2(d), 2(e) or 2(h) zones

Notes

- The total dwellings numbers are net figures (new dwellings less existing houses)

Exclusions:

- Potential dwellings arising from the 2(c2) and 2(c1) zones
- Potential dwellings arising from future dual occupancy approvals (SEPP 53 is no longer applicable to the Ku-ring-gai LGA)
- Potential dwellings arising from new single dwellings or subdivisions
- Potential dwellings arising from SEPP (Seniors) Housing

Potential Dwelling Yield – new zones

the potential dwelling yield under new zones within the Local Centres LEP are:

- R4, R3, B2 and B4 zones

Notes

- The total dwellings numbers are net figures (new dwellings less existing houses)
- Residential dwelling yield on mixed use sites is calculated by applying a proportion of the total site FSR for commercial uses and a proportion for residential uses for example a site zoned B2 with an FSR of 3.0:1 is assumed to have 1.0:1 commercial and 2.0:1 residential

Assumed average unit size

- Apartments or units within high density residential zones (R4/2d3 zone) are assumed to be 120sqm in size
- Apartments or units within shop-top housing within B2 and B4 zones are assumed to be 100sqm in size
- Townhouses within medium density residential zones (R3 zone) are assumed to be 150sqm in size

Population

- Population is calculated on the basis of 2.9 persons per existing and new single dwelling
- 1.8 persons per existing and new unit dwelling
- 2.62 persons per existing and new dual occupancy dwelling

Assumed Development Take-up Rates

- 2(d3) High Density (apartment buildings) – 80%
- 2(d) / 2(e) / 2(h) (apartment buildings / town houses / multi-dwelling housing) – 80%
- R4 High Density (apartment buildings) - 80%
- R3 Medium Density (town houses) – 50%
- B2 Local Centre (shop-top housing) – 50%
- B4 Mixed Use (shop-top housing) – 50%
- In B2 zones where the building height is 5 storeys or lower and an FSR of 2.5:1 or less then site amalgamation and redevelopment is assumed to be not economically viable and no residential yield is included

Individual sites assumed to be unlikely to redevelop

- All existing strata title and community title properties whether commercial or residential;
- All Council owned sites that are currently classified community land;
- Isolated sites (a result of past planning approvals) where the site is less than 1200sqm in area;
- land zoned for open space, land proposed for open space/urban space, or land recently purchased by Council for open space;
- churches, schools, substations, hospitals, major health care centres, nursing homes and cemeteries;
- Other specific uses that are unlikely to redevelop for residential uses such as petrol stations;
- Sites currently identified as heritage items under State or local plans except where there is potential amalgamation with adjoining sites (in this case a 50% reduction in site area is applied to account for heritage constraint); and
- Sites where relatively new retail/commercial buildings (with extensive remaining economic life) are present on the site and/or where substantial buildings (currently developed to near the full floor space potential allowable under Draft LEP) are located.

ATTACHMENT D

Assessment of Planning Proposal Consistency with Section 117 Direction and State Environmental Planning Policies

PART A: STATE ENVIRONMENTAL PLANNING POLICIES		Not relevant	Consistent
SEPP1	Development Standards	✓	
SEPP4	Development Without Consent	✓	
SEPP6	Number of Storeys in a Building	✓	
SEPP19	Bushland in Urban Areas		✓
SEPP21	Caravan Parks	✓	
SEPP22	Shops and Commercial Premises	✓	
SEPP30	Intensive Agriculture	✓	
SEPP32	Urban Consolidation (Redevelopment of Urban Land)	✓	
SEPP33	Hazardous and Offensive Development	✓	
SEPP44	Koala Habitat Protection		✓
SEPP55	Remediation of Land		✓
SEPP60	Exempt and Complying Development	✓	
SEPP62	Sustainable Aquaculture	✓	
SEPP64	Advertising and Signage	✓	
SEPP65	Design Quality of Residential Flat Development	✓	
SEPP70	Affordable Housing (Revised Schemes)	✓	
SEPP	(Housing for Seniors or People with a Disability) – 2004	✓	
SEPP	Building Sustainability Index : Basix 2004	✓	
SEPP	Major Development	✓	
SEPP	Mining, Petroleum Production and Extractive Industries	✓	
SEPP	Temporary Structures 2007	✓	
SEPP	Infrastructure 2007		✓
SEPP	Affordable Rental Housing 2009	✓	
SEPP	Exempt and Complying Development Codes 2008		✓

PART B: REGIONAL ENVIRONMENTAL PLANS		Not relevant	Consistent
SYDNEY REP20	Hawkesbury-Nepean River		✓
SYDNEY REP	(Sydney Harbour Catchment) 2005		✓

PART C: DIRECTIONS UNDER S117(2)		Not relevant	Consistent	Justifiably inconsistent
PART 1 – GENERAL DIRECTIONS				
1. Employment and Resources				
1.1 Business and Industrial Zones				✓
1.2 Rural Zones	✓			
1.3 Mining, Petroleum production and Extractive Industries	✓			
1.4 Oyster Aquaculture	✓			
1.5 Rural Lands	✓			
2. Environment and Heritage				
2.1 Environment Protection Zones		✓		
2.2 Coastal Protection	✓			
2.3 Heritage Conservation		✓		
2.4 Recreation Vehicle Areas	✓			
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones				✓
3.2 Caravan Parks and Manufactured Home Estates	✓			
3.3 Home Occupations		✓		
3.4 Integrating Land Use and Transport	✓			
3.5 Development Near Licensed Aerodromes	✓			
4. Hazard and Risk				
4.1 Acid Sulfate Soils	✓			
4.2 Mine Subsidence and Unstable Land	✓			
4.3 Flood Prone Land	✓			
4.4 Planning for Bushfire Protection		✓		
5. Regional Planning				
5.1 Implementation of Regional Strategies	✓			
5.2 Sydney Drinking Water Catchments	✓			
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	✓			
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	✓			
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	✓			
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	✓			
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	✓			
5.8 Second Sydney Airport: Badgerys Creek	✓			
6. Local Plan Making				
6.1 Approval and Referral Requirements		✓		
6.2 Reserving Land for Public Purposes		✓		
6.3 Site Specific Provisions	✓			
7. Metropolitan Planning				
7.1 Implementation of the Metropolitan Strategy		✓		

ATTACHMENT E

Assessment of Planning Proposal Inconsistencies with Section 117 Directions

SITES WHERE CONCURRENCE FOR JUSTIFIED INCONSISTENCY WITH SECTION 117 DIRECTIONS BEING SOUGHT

Sites being rezoned RE1 and reserved for public open space acquisition							
Map ref	Address	Property Description	Current Zoning/FSR	Proposed Zoning	Relevant117 Direction	Relevant public authority	Issues
1	23, 25, 27 Duff Street & 1 Allen Street, Turramurra	Private property Single dwellings	Residential 2(c2)	RE1 Public Recreation	3.1 Residential Zones 6.2 Reserving Land for Public Purposes	Ku-ring-gai Council	Proposed acquisitions will create a new local park within close proximity to new residents and Local Centre. Council has recently acquired 1 Allen Street and 23, 25 Duff Street for open space through use of s94 funds. The additional public open space will assist in meeting the requirements of objective F2 of the Draft North Subregional Strategy, namely to provide a diverse mix of parks and public places.
3	2, 4, 6 , 8 Gilroy Road, Turramurra	Single Dwellings	Residential 2(d3)	RE1 Public Recreation	3.1 Residential Zones 6.2 Reserving Land for Public Purposes	Ku-ring-gai Council	These sites are owned by Council. They were purchased using S94 funds for open space acquisition. The additional public open space will assist in meeting the requirements of objective F2 of the Draft North Subregional Strategy, namely to provide a diverse mix of parks and public places.
4	56, 58 & 60 Stanley Street, St Ives	Private property Single dwellings	Residential 2(c)	RE1 Public Recreation	3.1 Residential Zones 6.2 Reserving Land for Public Purposes	Ku-ring-gai Council	Proposed acquisitions will expand an existing park. 56 Stanley Street has already been acquired by Council through the use of s94 funds. The additional public open space will assist in meeting the requirements of objective F2 of the Draft North Subregional Strategy, namely to provide a diverse mix of parks and public places.
5	259 Mona Vale Road, St Ives	Bushland reserve	Residential 2(c)	RE1 Public Recreation	3.1 Residential Zones 6.2 Reserving Land for Public Purposes	Ku-ring-gai Council	Site owned by Council. Current bushland reserve. Proposed zoning rectifies zoning anomaly to reflect current and future intended use. The additional public open space will assist in meeting the requirements of objective F2 of the Draft North Subregional Strategy, namely to provide a diverse mix of parks and public places.
6	11-21 Cowan Rd	Council Car	Business	RE1 Public	1.1 Business and	Ku-ring-gai	Part of current Council car park contiguous with the St

Sites being rezoned RE1 and reserved for public open space acquisition							
Map ref	Address	Property Description	Current Zoning/FSR	Proposed Zoning	Relevant117 Direction	Relevant public authority	Issues
	St Ives (located on Memorial Avenue)	park, lots B & C DP322331	3(a)(A2)	Recreation	Industrial Zones 6.2 Reserving Land for Public Purposes	Council	Ives Village Green Community land not being considered for reclassification. Proposed for future extension of St Ives Village green. The additional public open space will assist in meeting the requirements of objective F2 of the Draft North Subregional Strategy, namely to provide a diverse mix of parks and public places.
7	1042 and 1032 Pacific Highway Pymble	Bushland reserve	Residential 2(e)	RE1 Public Recreation	3.1 Residential Zones 6.2 Reserving Land for Public Purposes	Ku-ring-gai Council	Site owned by Council. Current bushland reserve. Proposed zoning rectifies zoning anomaly to reflect future current and future intended use.
8	2, 4, 6, 8, 10 Bent Street, Lindfield.	Single Dwellings	Residential 2(d3)	RE1 Public Recreation	3.1 Residential Zones 6.2 Reserving Land for Public Purposes	Ku-ring-gai Council	The additional public open space will assist in meeting the requirements of objective F2 of the Draft North Subregional Strategy, namely to provide a diverse mix of parks and public places.

Council owned sites being rezoned E2							
Map ref	Address	Property Description	Current Zoning/FSR	Proposed Zoning	Relevant117 Direction	Relevant public authority	Issues
9	16A Stanley St Ives	Bushland reserve	Residential 2(c)	E2 Environmental Conservation	3.1 Residential Zones 6.2 Reserving Land for Public Purposes	Ku-ring-gai Council	The site was dedicated to Council as condition of consent for the development at 18-22 Stanley Street. The site is bushland and managed in conjunction with larger adjoining public reserve. Current reserve owned by Council and classified as an urban park. The proposed zoning rectifies a zoning anomaly to reflect

Council owned sites being rezoned E2							
Map ref	Address	Property Description	Current Zoning/FSR	Proposed Zoning	Relevant117 Direction	Relevant public authority	Issues
							current and future intended use. The site contains Sydney Turpentine Ironbark Forest which is listed as an endangered ecological community under the Threatened Species Conservation Act 1995 and adjoins the existing bushland reserve on 3 Gillott Way. Together these areas are managed as a bushland reserve with a walking track. The proposed inclusion of this area in the E2 zone is consistent with objectives 3.1 (1) (c) of the S. 117 directions, and objective E2.1 of the Draft North Subregional Strategy (protecting Sydney's unique diversity of plants and animals) and with Object 5(a) (iv) of the EP&A Act in relation to the protection of threatened species provisions.
10	33A Ryde Rd Pymble Commonwealth land	Bushland reserve	Special Uses – Commonwealth Purposes	E2 Environmental Conservation	6.2 Reserving Land for Public Purposes	Ku-ring-gai Council	Current bushland reserve, Hammond Reserve, owned by Council and classified as community land – Natural Areas under the Local Government Act. The proposed zoning rectifies zoning anomaly to reflect future current and future intended use. The site contains Blue Gum High Forest which is listed as a critically endangered ecological community under the Threatened Species Conservation Act 1995. The proposed inclusion of this area in the E2 zone is consistent with objectives 3.1 (1) (c) of the S. 117 directions, and objective E2.1 of the Draft North Subregional Strategy (protecting Sydney's unique diversity of plants and animals) and with Object 5(a) (iv) of the EP&A Act in relation to the protection of threatened species provisions.
11	Part 3 Stonex Lane, and part 4 Duff Street, Turramurra	Bushland reserve	Business 3(a)(A2)	E2- Environmental Conservation	1.1 Business and Industrial Zones	Ku-ring-gai Council	These sites are owned by Council and classified as community land under the Local Government Act. The part of the sites to be rezoned to E2 Environmental Conservation forms part of the Granny Springs Bushlands Reserve and contains Blue Gum High Forest

Council owned sites being rezoned E2							
Map ref	Address	Property Description	Current Zoning/FSR	Proposed Zoning	Relevant117 Direction	Relevant public authority	Issues
							community which is listed as a critically endangered ecological community under the <i>Threatened Species Conservation Act 1995</i> and the <i>Environment Protection and Biodiversity Conservation Act 1999</i>. The proposed inclusion of this area in the E2 zone is consistent with objectives 3.1 (1) (c) of the S. 117 directions, and objective E2.1 of the Draft North Subregional Strategy (protecting Sydney's unique diversity of plants and animals) and with Object 5(a) (iv) of the EP&A Act in relation to the protection of threatened species provisions.

Sites proposed for rezoning to SP2 and reserved for public purposes.							
Map ref	Address	Property Description	Current Zoning/FSR	Proposed Zoning	Relevant117 Direction	Relevant public authority	Issues
11A	206 Mona Vale Road, St Ives	Substation	Residential 2(d3)	SP2 Infrastructure - Electricity transmission or distribution	3.1 Residential Zones 6.2 Reserving Land for Public Purposes	Energy Australia	Change zoning of the major Energy Australia substations as SP2 rather than the predominant adjoining zoning. Potential contamination matters will need to be considered as part of the process of rezoning special uses land to surrounding zones in accordance with PN 10-001 - Zoning for infrastructure in LEPs.
12	1243 Pacific Highway, Turramurra	Substation	Business 3(b)-(B2)	SP2 Infrastructure - Electricity transmission or distribution	1.1 Business and Industrial Zones	Energy Australia	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.
12A	1225 Pacific Highway Turramurra	Substation	Residential 2(c2)	SP2 Infrastructure – Electricity transmission or distribution	3.1 Residential Zones	Energy Australia	

Sites proposed for rezoning to SP2 and reserved for public purposes.							
Map ref	Address	Property Description	Current Zoning/FSR	Proposed Zoning	Relevant117 Direction	Relevant public authority	Issues
							The adjoining zoning for each of the substations is proposed as either B2 local Centre, R4 High Density Residential or other residential zones. As these zones permit residential development, it is contended that it would be contrary to SEPP 55 to include the substation in these zones. The sub station has been in place for considerable time and the extent of potential contamination on these sites is unknown. As there has been no preliminary contamination investigation undertaken on these sites, it would be contrary to SEPP 55 to zone them for residential purposes due to the unknown potential level of risk to health or the environment they may pose. Accordingly the most appropriate zone is SP2 – Infrastructure. This zoning was also supported previously by Energy Australia.
13	33 Moree Street (part) Gordon	Private property Single dwellings	Residential 2(c)	SP2 Infrastructure – Local Road	3.1 Residential Zones 6.2 Reserving Land for Public Purposes	Ku-ring-gai Council	Identified by Council as location for new public street to improve local access and traffic circulation around centre. Adopted by Council in Ku-ring-gai Contributions Plan 2010. Council has already acquired 32 Dumaresq Street, Gordon to take the road through to Dumaresq St. This was identified in the Gordon Town Centre Traffic Study (GTA, 2006) which was a supporting study adopted by Council.
14	23 St Johns Avenue (part) Gordon	Private property Single dwellings	Residential 2(c2)	SP2 Infrastructure – Local Road	3.1 Residential Zones 6.2 Reserving Land for Public Purposes	Ku-ring-gai Council	Identified by Council as location for new public street to improve local access and traffic circulation around centre. Adopted by Council in Ku-ring-gai Contributions Plan 2010. Council has already acquired 4A Moree Street, Gordon to take the road through to Moree St. This was identified in the Gordon Town Centre Traffic Study (GTA, 2006) which was a supporting study adopted by Council.

Sites proposed for rezoning to SP2 and reserved for public purposes.							
Map ref	Address	Property Description	Current Zoning/FSR	Proposed Zoning	Relevant117 Direction	Relevant public authority	Issues
15	4 Station Street (part) Pymble	Private property Single dwellings	Residential 2(d)	SP2 Infrastructure – Local Road	3.1 Residential Zones 6.2 Reserving Land for Public Purposes	Ku-ring-gai Council	Proposed acquisition for local access and circulation. The need for the modification was identified in the Pymble Town Centre Traffic Study (ARUP, 2006), which was a supporting study adopted by Council.
15A	402 Pacific Highway, Lindfield	Substation	Business 3(a)-(A2)	SP2 – Infrastructure - Electricity transmission or distribution	1.1 Business and Industrial Zones	Energy Australia	Zone the major Energy Australia substations as SP2 Infrastructure rather than the predominant adjoining zoning. Potential contamination matters will need to be considered as part of the process of rezoning special uses land to surrounding zones in accordance with PN 10–001 - Zoning for infrastructure in LEPs. 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. The adjoining zoning for the substation is proposed as B2 Local centre. As this zone permits residential development, it is contended that it would be contrary to SEPP 55 to include the substation in these zones. The sub station has been in place for considerable time and the extent of potential contamination on this site is unknown. As there has been no preliminary contamination investigation undertaken on these sites, it would be contrary to SEPP 55 to zone them for residential purposes due to the unknown potential level of risk to health or the environment they may pose. Accordingly the most appropriate zone is SP2 – Infrastructure. This zoning was also supported previously by Energy Australia.

Sites proposed for rezoning to SP2 and reserved for public purposes.							
Map ref	Address	Property Description	Current Zoning/FSR	Proposed Zoning	Relevant117 Direction	Relevant public authority	Issues
16	12 Bent Street (part) Lindfield	Private property Single dwellings	Residential 2(d3)	SP2 – Infrastructure – Local Road	3.1 Residential Zones 6.2 Reserving Land for Public Purposes	Ku-ring-gai Council	Proposed acquisition for local access and circulation. The need for the modification was identified in the Lindfield Town Centre Traffic Study (ARUP, 2006), which was a supporting study adopted by Council.
17	26 – 28 Tryon Road, Lindfield	School	Residential 2(d3)	SP2 – Infrastructure – Educational Establishment.	3.1 Residential Zones	Department of Education and Communities	The proposed infrastructure zoning is consistent with the approach for schools throughout the proposed LEPs for the local centres and the Principal. This approach is favoured for a number of reasons: • Education is the largest single employer in Ku-ring-gai and zoning the sites according to adjacent land use could be construed as encouraging education providers to relocate. This was reinforced in the Ku-ring-gai & Hornsby Subregional Employment Study. To zone the sites according to the prevailing adjoining land use may send the wrong signals to the education sector about reinvestment in the industry. • Given the strength and size of the education sector in Ku-ring-gai, even if the site was not used for by its current operator, it would be preferable that their facilities be made available to other education providers in the first instance, rather than be made available for alternate development as would occur if they were zoned for high density residential development for example. The quantity and scale of the buildings on many of the school's sites in Ku-ring-gai would lend themselves to reuse for education purposes.

Sites proposed for rezoning to SP2 and reserved for public purposes.							
<i>Map ref</i>	<i>Address</i>	<i>Property Description</i>	<i>Current Zoning/FSR</i>	<i>Proposed Zoning</i>	<i>Relevant117 Direction</i>	<i>Relevant public authority</i>	<i>Issues</i>
							- There has been no indication that any of the school sites covered by the proposed Local centres LEP are likely to be used for alternate purposes in the foreseeable future. - Consistent with A2.2 of the North Subregion, Draft Subregional Strategy: 'Strengthen industry clusters'.

Other sites where zoning is inconsistent with section 117 Directions							
<i>Map ref</i>	<i>Address</i>	<i>Property Description</i>	<i>Current Zoning/FSR Under KPSO</i>	<i>Proposed Zoning</i>	<i>Relevant 117 Direction</i>	<i>Relevant public authority</i>	<i>Justification for inconsistency with s117 Direction</i>
18	30 Shinfield Avenue St Ives	Vacant land. Part of heritage property at 9 Porters Lane	Residential 2(d3)	R2 Low Density Residential	3.1 Residential Zones	n/a	Property currently zoned for high density however lot is undevelopable due to vegetation cover and adjoining heritage constraints. Site forms an interface between R4 high density to west fronting Rosedale Road and proposed low density housing to east
19	187-189, 199 Mona Vale Road, St Ives	Strata town houses	Residential 2(d3)	R3 Medium Density	3.1 Residential Zones	n/a	These sites and those between them have been developed for strata town houses. Much of this housing is unlikely to change in the near future.
20	126, 128 Rosedale Road, St Ives	Single Dwellings	Residential 2(d3)	R3 Medium Density	3.1 Residential Zones	n/a	The down zoning to an R3 zone is necessary to alleviate the interface impacts (compensated by various up zonings elsewhere in the LGA). The R3 zoning through this area would continue to provide for townhouse development, a type of housing choice specifically identified as in short supply in the LGA. This will assist in the achievement of objective C2.3 of the Draft North Subregional Strategy, namely to provide a mix of housing. Further, 126 and 128 Rosedale Road are located to the

Other sites where zoning is inconsistent with section 117 Directions							
Map ref	Address	Property Description	Current Zoning/FSR Under KPSO	Proposed Zoning	Relevant 117 Direction	Relevant public authority	Justification for inconsistency with s117 Direction
							north of the neighbouring townhouse development, and therefore their down zoning will ensure there is a limited overshadowing and overlooking impact on the neighbouring sites. The proposed R3 zone in the DLEP is intended to reflect this existing and future use.
21	1035 to 1051 and 1083 Pacific Highway; 1116 Pacific Highway; 9 and 11 Everton Street, Pymble	Multi unit housing and business uses	Business 3(a)(A2)	R4 High Density Residential	1.1 Business and Industrial Zones	n/a	The majority of these sites have been developed for medium density housing over the last 5 to 12 years. The proposed R4 zone in the DLEP is intended to reflect these existing uses. The sites being rezoned to R4 which still retain business or retail uses included 1047, 1051, 1083 and 1116 Pacific Highway. Schedule 1 of the Draft LEP identifies the existing non residential uses as continuing to be permissible on these sites in the future. To ensure compliance with the existing zoning capacity requirements under the Direction, it is proposed to retain a maximum FSR of 1:1 on these sites for the additional permitted non residential uses under Schedule 1. The contraction of the area zoned for business and retail purposes in Pymble is also intended to concentrate these uses closer to the station to reinforce the centre hierarchy under the Metropolitan Plan 2036. consistent with objective B4 of the draft North Subregional Strategy, namely to concentrate activities near public transport and with the centres hierarchy established under B1.1. The North Subregion Employment Lands study has identified excess zoning capacity in Pymble for employment generating uses. Loss of business potential on this site will not prevent achievement of employment targets under the Metropolitan Plan 2036.
22	1 Alma Street, Pymble	Vacant site adjoining council car park	Residential 2(d3)	B2 Local Centre	3.1 Residential Zones	Ku-ring-gai Council	Site purchased by Council for car parking using funds collected through special levy. Proposed B2 Local Centre zone reflects intended use as

Other sites where zoning is inconsistent with section 117 Directions							
Map ref	Address	Property Description	Current Zoning/FSR Under KPSO	Proposed Zoning	Relevant 117 Direction	Relevant public authority	Justification for inconsistency with s117 Direction
							a car park and to improve local access and circulation through Pymble Centre.
23	5,7 Telegraph Road	Single Dwellings	Residential 2(d3)	R4 High Density Residential/ 0.85:1/ 11.5 metres	3.1 Residential Zones	n/a	Property currently zoned for high density development to five storeys. However, an R4 zoning with reduced FSR and height is necessary to ensure compatibility with the streetscape on Telegraph Rd leading into a highly significant proposed heritage conservation area, and to minimise interface impacts.
23A	12, 12A, 14 Park Crescent, Pymble	Single Dwellings	Residential 2(d3)	R4 High Density Residential/ 1:1/ 14.5 metres	3.1 Residential Zones	n/a	Property currently zoned for high density development. However, an R4 zoning with reduced FSR and height is necessary to ensure compatibility with the streetscape on Telegraph Rd leading into a highly significant proposed heritage conservation area, and to minimise interface impacts. The park crescent sites adjoin the heritage listed site at 10 Park Avenue, located opposite Robert Pymble Park. The reduced height will also minimise adverse impacts on the neighbouring 3 storey sites.
24	5,7,11,15 Boyd Street Turramurra	Single dwellings	Residential 2(d3)	R3 Medium Density Residential	3.1 Residential Zones	n/a	Sites are currently surrounded by 2(e) zoned sites already developed into townhouses. The proposed downzoning of 5, 7, Boyd Street and 11, 15 Boyd Street to R3 (Medium Density Residential) will ensure development that is consistent with that on the adjacent sites; and importantly, ensure a limited overlooking and overshadowing impact on the existing townhouse properties given that 5, 7, Boyd Street and 11, 15 Boyd Street are located on steep sloping sites to the north of the existing townhouse sites.
25	2, 4, and 8 Lamond Drive and 1426 Pacific Highway,	Single Dwellings	Residential 2(d3)	R4 High Density Residential/ 0.85:1/ 11.5 metres.	3.1 Residential Zones	n/a	Potential reduction in FSR There are three key issues in relation to these sites:

Other sites where zoning is inconsistent with section 117 Directions							
Map ref	Address	Property Description	Current Zoning/FSR Under KPSO	Proposed Zoning	Relevant 117 Direction	Relevant public authority	Justification for inconsistency with s117 Direction
	Turrumurra						1. The location and heritage significance of the site at 1428 Pacific Highway limits the potential scale of redevelopment for the lots at 1426 Pacific Highway and 8 Lamond Drive and at 2 and 4 Lamond Drive; 2. Five storey redevelopment on these sites would result in overshadowing of the sites to the south, especially given the steepness of the sites to the south; 3. The presence of Blue Gum High Forest, a Critically Endangered Ecological Community under the <i>TSC Act</i> and the <i>EPBC Act</i> on two of these sites only adds further to the constraints. The configuration and size of the sites, the heritage significance and other constraints support a reduced FSR. The proposed provisions are consistent with objectives 3.1 (1) (c) of the S. 117 directions, and objectives E2.1 and E2.2 of the Draft North Subregional Strategy (Improving health of waterways, and protecting Sydney's unique diversity of plants and animals) are met.
26	3-15 Lamond Drive, Turrumurra	Single dwellings	Residential 2(d3)	R4 High Density Residential/ 0.85:1/ 11.5 metres.	3.1 Residential Zones	n/a	Sites are currently located to the north of the proposed E4 sites. These sites have a significant slope, are heavily vegetated and do not have the depth of lot size afforded to those lots fronting Pacific Highway. It is recommended to downzone these sites to R4 (High Density Residential) with a height limit of 3 storeys. This will enable a development type more appropriate to the size and nature of these sites, lessening the overlooking impact on the rear interface sites and the ability of development to retain significant vegetation and setbacks to create buffer zones to adjacent sites.

Other sites where zoning is inconsistent with section 117 Directions							
Map ref	Address	Property Description	Current Zoning/FSR Under KPSO	Proposed Zoning	Relevant 117 Direction	Relevant public authority	Justification for inconsistency with s117 Direction
26A	1456A, 1454, 1448, 1446A, 1444B Pacific Highway Turramurra	Single dwellings	Residential 2(d3)	R4 High Density Residential/ Part 0.8:1 FSR/ 11.5 metres and part 1.3:1 FSR /17.5 metres.	3.1 Residential Zones	n/a	It is proposed to split these sites to provide for a FSR of 1.3:1 and 17.5 metres at the front of the sites, and a FSR of 0.8:1 and 11.5 metres at the rear of the lots within 40 metres of the rear (south-western) boundary. This would be a reduction in overall FSR from the current 1.3:1 to an average of approximately 1:1. The rear of these sites contains extensive areas of Blue Gum High Forest, a Critically Endangered Ecological Community under the <i>TSC Act</i> and the <i>EPBC Act</i>. Five storey re-development at the rear of these sites would result in unacceptable impacts on this community and also in adverse amenity impacts on the sites to the south, given the steep slopes.
27	47-49 Rohini Street Turramurra	Strata units	Business 3(a)(A2)	R4 Medium Density	1.1 Business and Industrial Zones	n/a	The site has been developed for medium density housing over the last 10 years. The proposed R4 zone in the DLEP is intended to reflect this existing and future use
28	124-130 and 132 Pacific Highway, Roseville	Multi unit housing and single dwelling	Business 3(b)(B2)	R4 High Density Residential	1.1 Business and Industrial Zones	n/a	These sites are currently used for business or retail purposes however are currently surrounded by residential zones. The contraction of the area zoned for business and retail purposes in Roseville is intended to concentrate there uses closer to reinforce the centre hierarchy under the Metropolitan Plan 2036. North Subregion Employment Lands study has identified excess zoning capacity in Roseville for employment generating uses. Schedule 1 of the Draft LEP identifies the existing non residential uses as continuing to be permissible on these sites in the future. To ensure compliance with the existing zoning capacity requirements under the Direction, it is proposed to retain a maximum FSR of 1:1 on these sites for the additional permitted non residential uses under Schedule 1.

Other sites where zoning is inconsistent with section 117 Directions							
Map ref	Address	Property Description	Current Zoning/FSR Under KPSO	Proposed Zoning	Relevant 117 Direction	Relevant public authority	Justification for inconsistency with s117 Direction
29	65 Hill Street, Roseville	Business	Business 3(b)(B2)	R4 High Density Residential	1.1 Business and Industrial Zones	n/a	The site is the only lot zoned for business uses North of Roseville Avenue. The contraction of the area zoned for business and retail purposes in is intended to concentrate there uses closer to the station to reinforce the centre's function as a village under the Metropolitan Plan. The North Subregional Employment Lands study has identified excess zoning capacity in Roseville for employment generating uses. Schedule 1 of the Draft LEP identifies the existing non residential uses as continuing to be permissible on these sites in the future. To ensure compliance with the existing zoning capacity requirements under the Direction, it is proposed to retain a maximum FSR of 1:1 on these sites for the additional permitted non residential uses under the Schedule.
30	29 , 29A and 31 Moree Street, Gordon	Single dwellings	Residential 2(d3)	R3 Medium Density Residential.	3.1 Residential Zones	n/a	The site is located between the proposed road and an existing 2 storey townhouse development. The narrowness of the two sites together would not allow for a high density development to mitigate the interface impacts on the adjoining townhouses. The configuration of the site in relation to the new road makes it an ideal site for the development of townhouses. Additionally, the R3 Medium Density Zoning is consistent with objectives C2.3 of the Draft North Subregional Strategy (Provide a mix of housing).

Other sites where zoning is inconsistent with section 117 Directions							
Map ref	Address	Property Description	Current Zoning/FSR Under KPSO	Proposed Zoning	Relevant 117 Direction	Relevant public authority	Justification for inconsistency with s117 Direction
31	1, 3 and 5 Yarabah Avenue Gordon	Single dwellings	Residential 2(d3)	R2 Low Density	3.1 Residential Zones	n/a	These 3 properties are on the intersection of the Pacific Highway and Yarabah Avenue. The properties 1, 3 and 5 have been identified as part of a small heritage Conservation Area on Yarabah Avenue. 724 and 726 Pacific Highway are adjoining properties listed as heritage items. This area is particularly difficult to resolve appropriate land use zones. The existing high density zone on the highway triggers the need for interface zoning down slope. The net result is that very little of the HCA would be retained. In this instance an R2 low density Residential zone is the preferred planning outcome to protect the street character and avoid further interface zoning. This will assist in the achievement of objective E6 of the Draft North Subregional Strategy, namely to Conserve Sydney's Cultural heritage.
32	4 & 6 Cecil Street, Gordon	Single Dwellings	Residential 2(d3)	R3 Medium Density Residential	3.1 Residential Zones	n/a	The down zoning of 4 – 6 Cecil Street, Gordon will reduce potential impact to the eastern boundary of the interface sites and most importantly will enable consistency of streetscape on this side of Cecil Street.
33	2 & 4 Khartoum Avenue & 89 Werona Avenue, Gordon	Single Dwellings	Residential 2(d3)	R2 Low Density Residential	3.1 Residential Zones	n/a	The properties 2 & 4 Khartoum Avenue are proposed to be down zoned from Residential 2(d3) to R2 Low Density Residential to provide consistency with existing Khartoum Avenue streetscape and scale and to avoid the impact on the adjacent interface sites.
34	803 -805 Pacific Highway, Gordon.	Multi unit housing	Business 3(b)(B1)	R4 High Density Residential	1.1 Business and Industrial Zones	n/a	The majority of these sites have been developed for medium density housing over the last 10 years. The proposed R4 zone in the DLEP is intended to reflect this existing and future use.
44	29 Telegraph Road, Pymble	Single Dwellings	Residential 2(c) Detached	R2 Low Density Residential No dual occupancy	3.1 Residential Zones	n/a	'Coppins' (also known as 'Eric Pratten House') is one of the sites identified under the KSPO which currently permits detached dual occupancy. However, it is a state

Other sites where zoning is inconsistent with section 117 Directions							
Map ref	Address	Property Description	Current Zoning/FSR Under KPSO	Proposed Zoning	Relevant 117 Direction	Relevant public authority	Justification for inconsistency with s117 Direction
			dual occupancy permitted	permitted			listed heritage item. The state heritage register describes its significance as follows: <i>'The Eric Pratten house is important as Griffin's largest domestic commission in Australia. It was one of his last works before leaving Australia for India and completed by his associate, Nicholls. It is one of three large Griffin houses in Ku-ring-gai. The Eric Pratten house is important as a large intact Griffin designed residence, which includes the house within its garden setting. It is rare, as the majority of his residential commissions in Australia are relatively small houses, typically one storey. The house demonstrates a high level of technical competence and excellence, particularly related to stone construction in Australia during the 1930s.'</i> The description of the site refers frequently to the interrelationship of the house and the garden, eg: <i>'The design of the house is evidence that the initial siting of the house and the planned outlook of the rooms, were designed by Griffin to take command of the site, as well as to focus on the house as the principal feature of the landscape.'</i> A dual occupancy development would compromise these heritage values. For this reason it is identified on the zoning map as R2 Low Density Residential, without carrying over the currently permitted dual occupancy use into Schedule 1.
45	1334 Pacific Highway, Turramurra	Single Dwellings	Residential 2(d)	R2 Low Density Residential	3.1 Residential Zones	n/a	Both this and its adjoining property are still used by Hornsby and Ku-ring-gai Hospital for a range of health related services and both sites are currently both proposed heritage items.

Other sites where zoning is inconsistent with section 117 Directions							
Map ref	Address	Property Description	Current Zoning/FSR Under KPSO	Proposed Zoning	Relevant 117 Direction	Relevant public authority	Justification for inconsistency with s117 Direction
							The local heritage register describes the significance of “Hillview” as follows: <i>“The complex including the original 1890s cottage, the later alterations to it, the 1913 guesthouse and later alterations to it and the various landscape elements including the stone fence along the Pacific Highway, the iron gates (now relocated), the terraced gardens and entrance drive are an excellent and rare example of a grand private guest house, built on the Upper North Shore following the opening of the railway line. The prominent hilltop setting of the house and the spectacular views towards the city and harbour (now partially lost through tree growth) add to the significance of the property”</i> The R2 Low Density Residential zoning reflects the existing development type on ‘Hillview’, and is therefore a more appropriate zoning to protect the heritage significance than the current 2(d) higher density zoning.
45A	22 Russell Avenue Lindfield	Single dwelling	Residential 2(e)	R2 – Low density residential	3.1 Residential Zones	n/a	Residential 2(e) under the KPSO allows residential flat buildings, however it is limited to 2 storeys with an FSR of 0.5:1. The site is proposed for heritage listing. Down-zoning to R2 will allow for consistency with the scale and height of with the most of Russell Avenue, including the existing medium density development under 2(e) and the proposed heritage conservation area on the other side of the street. Given its heritage significance no change would be expected on this site.
45B	26 Russell Avenue Lindfield	Single dwelling	Residential 2(c2)	R2 – Low density residential	3.1 Residential Zones	n/a	No. 26 Russell Avenue is one of the sites identified in the KPSO where detached dual occupancy is permitted. Given the irregular (triangular) shape of the lot it is proposed to simply translate the 2(c2) zone to the

Other sites where zoning is inconsistent with section 117 Directions							
Map ref	Address	Property Description	Current Zoning/FSR Under KPSO	Proposed Zoning	Relevant 117 Direction	Relevant public authority	Justification for inconsistency with s117 Direction
							equivalent standard instrument zone, namely R2, without permitting dual occupancy.

Sites for proposed rezoning to E4 Environmental Living							
Map ref	Address	Property Description	Current Zoning/FSR	Proposed Zoning	Relevant 117 Direction	Relevant public authority	Issues
35	6 to 22 Duff Street Turramurra	Single dwellings	Residential 2(c2)	E4 Environmental Living	3.1 Residential Zones	n/a	Potential increase in minimum subdivision size. Potential minor reduction in FSR Contrary to Direction 3.1 - 5 (b)
36	11A, 13 ,13A, 13B, 13C, 15, 15A, 15B, 15C, 15D Kissing Point Road Turramurra	Single dwellings	Residential 2(c2) and Residential 2(c) (No 15 only)	E4 Environmental Living	3.1 Residential Zones	n/a	These sites contain dense stands of Threatened Ecological Communities. The majority is Blue Gum High Forest, a Critically Endangered Ecological Community under the <i>TSC Act</i> and the <i>EPBC Act</i> . Some sites also include a community consistent with the determination for Sydney Turpentine Ironbark Forest, listed as a Critically Endangered Ecological Community under the EPBC Act, and an Endangered Ecological Community under the TSC Act. These sites provide for consolidation with, and connectivity to, significant remnants proposed as E2 zones under the current local centre plans, or to significant remnants outside the boundaries of the current plan. The development for a broader range or uses on these sites would be severely constrained by the threatened ecological community, and in the case of many of the sites, also by a riparian zone. A number of these sites are also bushfire prone lands and therefore the E4 zoning and increased minimum lot size will help to avoid future conflict between bushfire management and ecological protection. Some of the Roseville sites are identified in the <i>Hornsby Ku-ring-gai</i>
37	8 Finlay Rd Turramurra	Single dwellings	Residential 2(c2)	E4 Environmental Living	3.1 Residential Zones	n/a	
38	14, 16A, 20,22, 28, 34 Denman St Turramurra	Single dwellings	Residential 2(c2)	E4 Environmental Living	3.1 Residential Zones	n/a	
39	9-21 Duff St Turramurra	Single dwellings	Residential 2(c2)	E4 Environmental Living	3.1 Residential Zones	n/a	
40	15 to 29 Livingstone Avenue Pymble	Single dwellings	Residential 2(c2)	E4 Environmental Living	3.1 Residential Zones	n/a	
41	15-27 Pymble Avenue Pymble	Single dwellings	Residential 2(c2)	E4 Environmental Living	3.1 Residential Zones	n/a	
42	1A Avon Road, 8	Bushland &	Residential 2(c)	E4	3.1 Residential	n/a	

Sites for proposed rezoning to E4 Environmental Living							
Map ref	Address	Property Description	Current Zoning/FSR	Proposed Zoning	Relevant 117 Direction	Relevant public authority	Issues
	Beechworth Rd, 1 Arilla Road, & 12 Mayfield Road, Pymble	Single Dwellings.		Environmental Living	Zones		<i>Bushfire Risk Management Plan</i> as 'extreme risk' areas. The draft background study, <i>Managing Bushfire Risk Now and into the Future</i> (methodology adopted by Council in 2011) supports the zoning of these extreme risk sites as E4. Some limited additional uses are proposed in the E4 zone, (secondary dwellings and some home business type uses). This will encourage some minor redevelopment and provide opportunities to encourage restoration of the threatened ecological communities. In the case of the Avon Rd sites, a transitional Part 3A project is still with the Department of Planning and Infrastructure for these sites and others, however, no preferred project report has been submitted, the site is in receivership, and the concept plan appears to be 'in limbo'. Given the significant riparian, ecological and bushfire constraints on the site the E4 zone is appropriate. The inclusion of this area in the E4 zone and the reduction in subdivision and FSR potential is also consistent with Object 5(a) (iv) of the EP&A Act in relation to the protection of threatened species provisions. The proposed provisions are consistent with objectives 3.1 (1) (c) of the S. 117 directions, and E2.1 and E2.2 of the Draft North Subregional Strategy (Improving health of waterways, and protecting Sydney's unique diversity of plants and animals), and E5, Adapting to Climate change. In addition, it is proposed to allow secondary dwellings, and some home-based business opportunities in recognition of the proximity of these areas to infrastructure and services. The subdivision and FSR provisions will allow these additional uses to be accommodated without compromising the above objective s or the objects of the EP&A Act.
43	26, 28A, 30A, 32, 34, 36, 38A, 40A, 42A Shirley Road; 21 Pockley Avenue; 2, 4, 6 Kings Avenue, & 9-29 Alexander Parade, Roseville	Single dwellings	Residential 2(c1)	E4 Environmental Living	3.1 Residential Zones	n/a	

Proposed modifications to existing reservations							
Map ref	Address	Property Description	Current Zoning/FSR	Proposed Zoning	Relevant117 Direction	Relevant public authority	Issues
46	Part Boundary Street (Lot 14 & 15 DP 868811) Part 1 and part 5-17 , Street Pacific Highway, Roseville	Multi unit dwellings	Part Residential 2(d) Part Reserve – County Road Widening	SP2 Infrastructure – Local Road & R4 High Density Residential	6.2 Reserving Land for Public Purposes	RMS	Modifications of proposed acquisition for road widening of Pacific Highway. Consistent with previous advice from the RTA. Concurrence to be confirmed with the RMS.
47	Part 5 – 33 Boundary Street Roseville	Single Dwellings	Part Residential 2(d3) Part Reserve – County Road Widening	SP2 – Infrastructure – Local Road & R4 High Density Residential	6.2 Reserving Land for Public Purposes	RMS	Modifications of proposed acquisition for road widening of Pacific Highway. Consistent with previous advice from the RTA. Concurrence to be confirmed with the RMS.
47A	Part 3 Boundary Street Roseville	Single Dwellings	Part Residential 2(a) Part Reserve – County Road Widening	SP2 – Infrastructure – Local Road & R4 High Density Residential	6.2 Reserving Land for Public Purposes	RMS	Modifications of proposed acquisition for road widening of Pacific Highway. Consistent with previous advice from the RTA. Concurrence to be confirmed with the RMS.
48	Part 1340 Pacific Highway, Turramurra	Stables and access to main Hillview buildings	Reserve – County Road Proposed	R2 Low Density Residential	6.2 Reserving Land for Public Purposes	RMS	RTA reservation on Hillview estate. Road reservation no longer required. Reconfirming concurrence for new zones with RMS as part of the consultation phase. The site is proposed to be listed for its heritage significance, together with 1334 Pacific Highway. See discussion for site no. 45 re proposed zoning. The existing stables are included within the justification behind the listing.

Proposed modifications to existing reservations							
Map ref	Address	Property Description	Current Zoning/FSR	Proposed Zoning	Relevant117 Direction	Relevant public authority	Issues
48A	Part 1356, 1358, 1360, 1362 Pacific Highway, Turramurra	Private Property Single Dwellings	Reserve County Road Widening	B2 Local Centre	.2 Reserving Land for Public Purposes	RMS	RTA reservation on Hillview estate. Road reservation no longer required. Reconfirming concurrence for new zones with RMS as part of the consultation phase.
49	Part 1334 Pacific Highway, Turramurra	Single Dwellings	Reserved County Road Widening	R2 Low Density Residential	6.2 Reserving Land for Public Purposes	RMS	Modifications of proposed acquisition for road widening of Pacific Highway. Consistent with previous advice from the RTA. Concurrence to be confirmed with the RMS as part of agency consultation.
50	Pacific Highway (Lot 4, 5 DP 242895), Turramurra	Road Reserve	Reserve – County Road Widening	B2 Local Centre	6.2 Reserving Land for Public Purposes	RMS	Modifications of proposed acquisition for road widening of Pacific Highway. Consistent with previous advice from the RTA. Concurrence to be confirmed with the RMS as part of agency consultation.
50A	Pacific Highway (Lot 6 DP 242895), Turramurra	Road Reserve	Reserve – County Road Widening	SP2 – Infrastructure – Classified Road	6.2 Reserving Land for Public Purposes	RMS	Modifications of proposed acquisition for road widening of Pacific Highway. Consistent with previous advice from the RTA. Concurrence to be confirmed with the RMS as part of agency consultation.
51	Part 1275 Pacific Highway, Turramurra	Park	Reserve – County Road Widening	RE1 Public Recreation	6.2 Reserving Land for Public Purposes	RMS	No longer required for road widening. Consistent with previous advice from the RTA. Concurrence to be confirmed with the RMS as part of agency consultation.
52	Part 2-14, 15, 16, 18, 22, 26A, 26 and 36 Pacific Highway (part) Roseville 62 Pacific Highway (part), Roseville	Private property Multi unit dwellings Memorial Park	Part Residential 2(d) & Part County Road Widening Open Space 6(a)	SP2 – Infrastructure – Classified Road and Part Residential 2(d)	6.2 Reserving Land for Public Purposes	RMS	Modifications of proposed acquisition for road widening of Pacific Highway. Consistent with previous advice from the RTA. Concurrence to be confirmed with the RMS as part of agency consultation.

ATTACHMENT E

Assessment of Planning Proposal Inconsistencies with Section 117 Directions - Maps



Draft Ku-ring-gai Local Environmental Plan (Local Centres) 2012

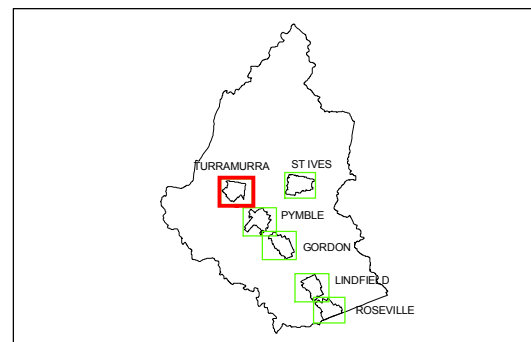
TURRAMURRA

 Section 117 Direction Sites

No reliance is to be placed upon this Plan as it is not and does not purport to be a Planning Instrument. For precise information reference should be made to the original Planning Instrument on the NSW Legislation Website.

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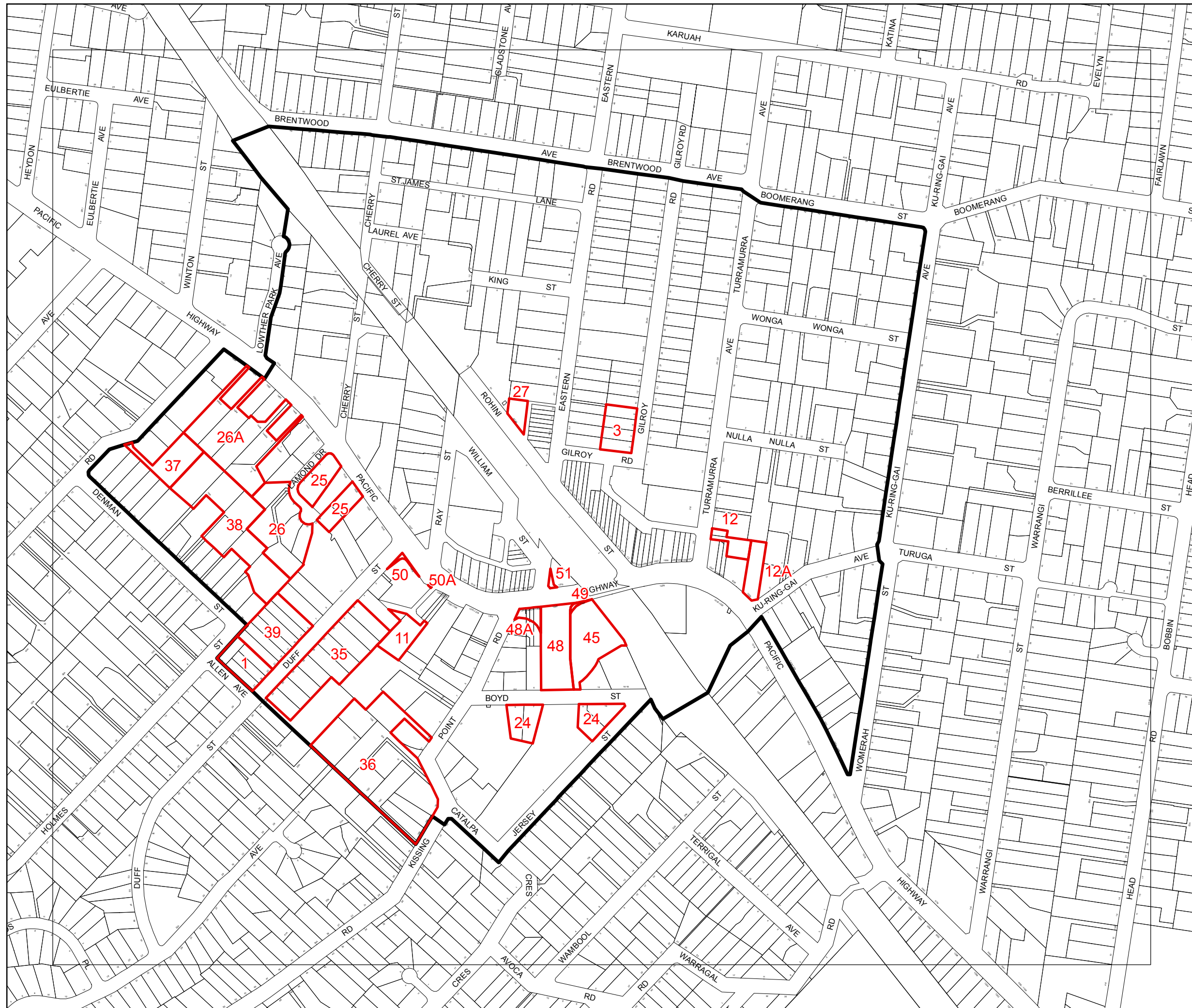


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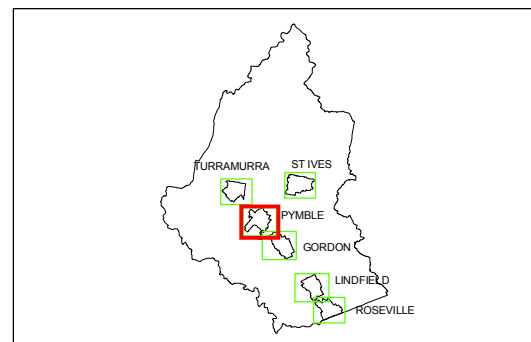
PYMBLE

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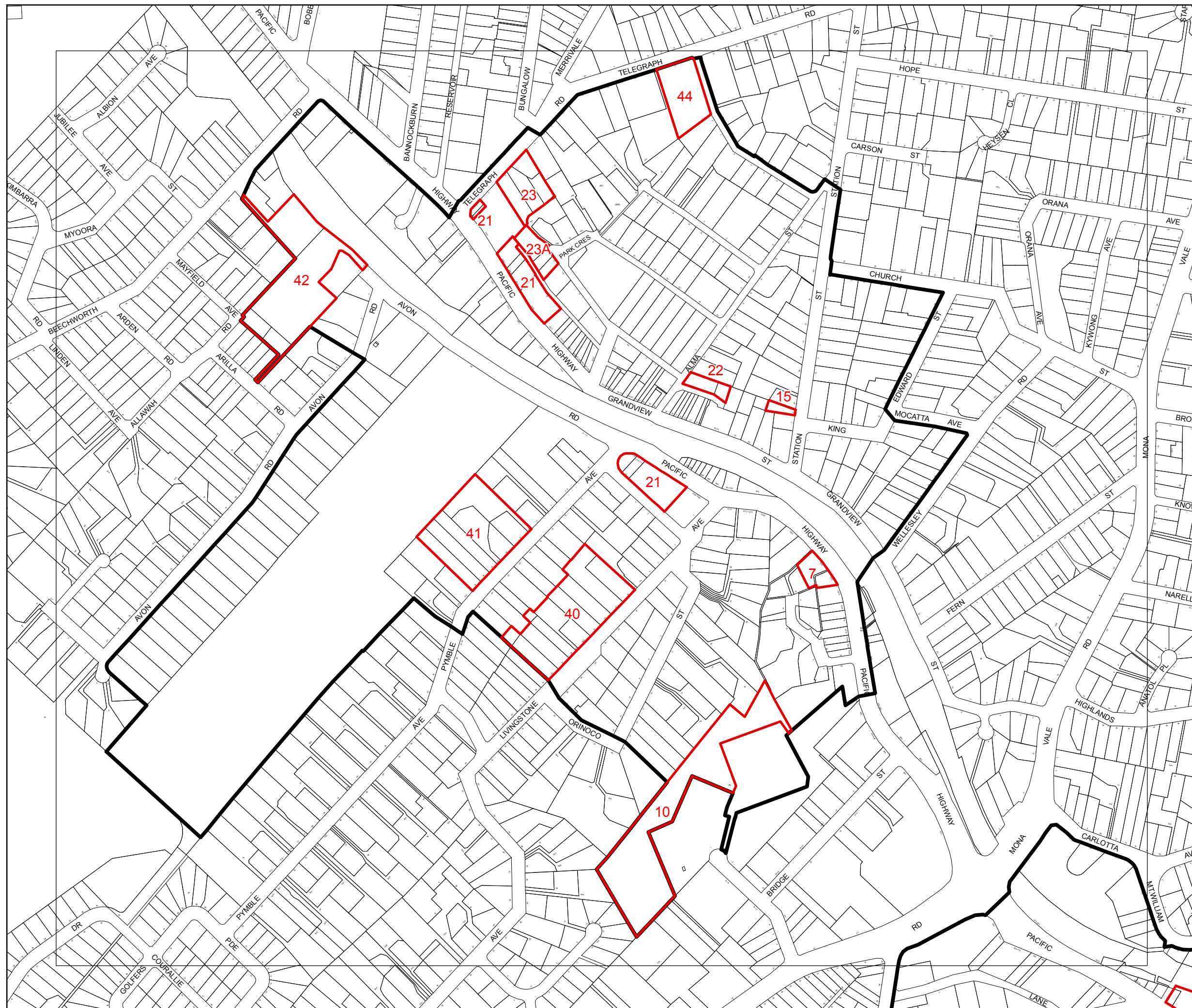
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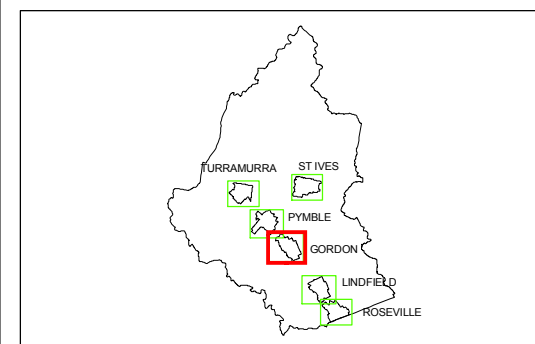
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GORDON

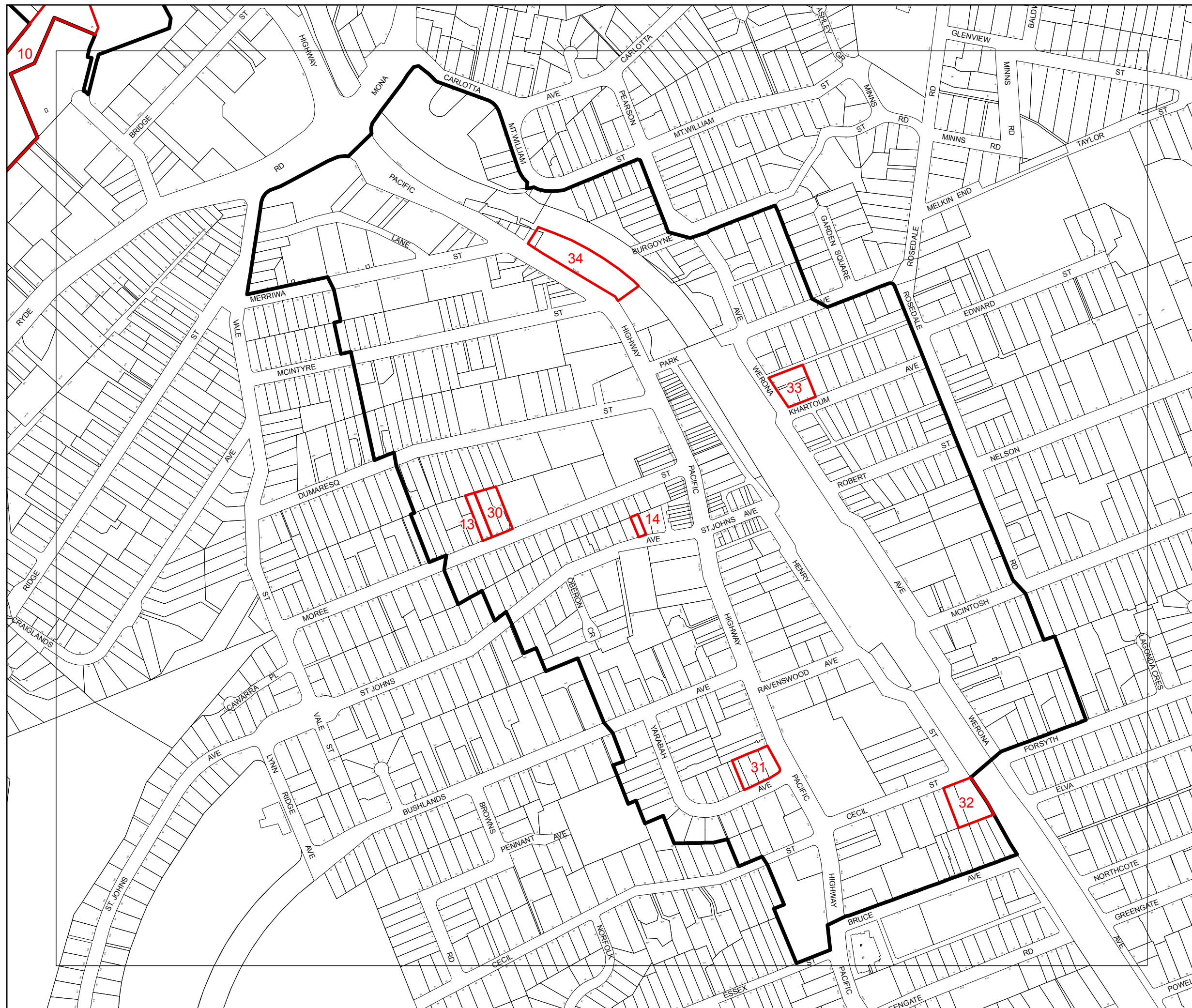
 Section 117 Direction Sites

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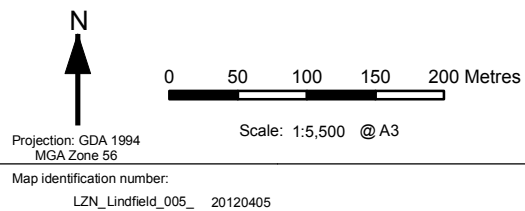
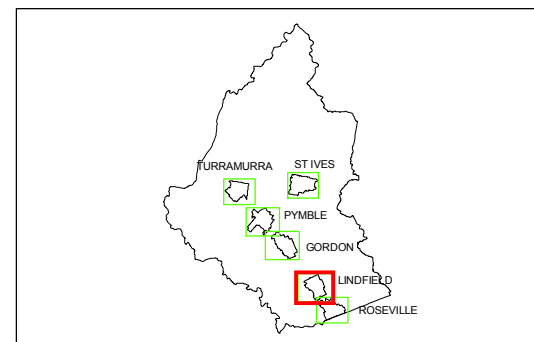
LINDFIELD

 Section 117 Direction Sites

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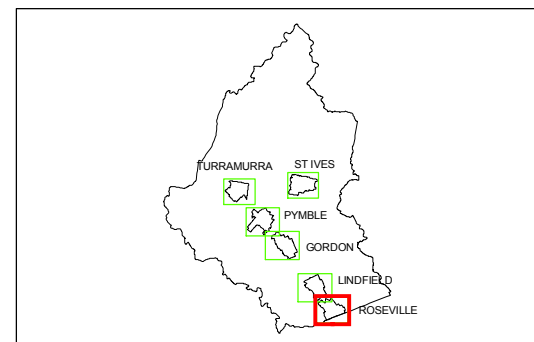
ROSEVILLE

 Section 117 Direction Sites

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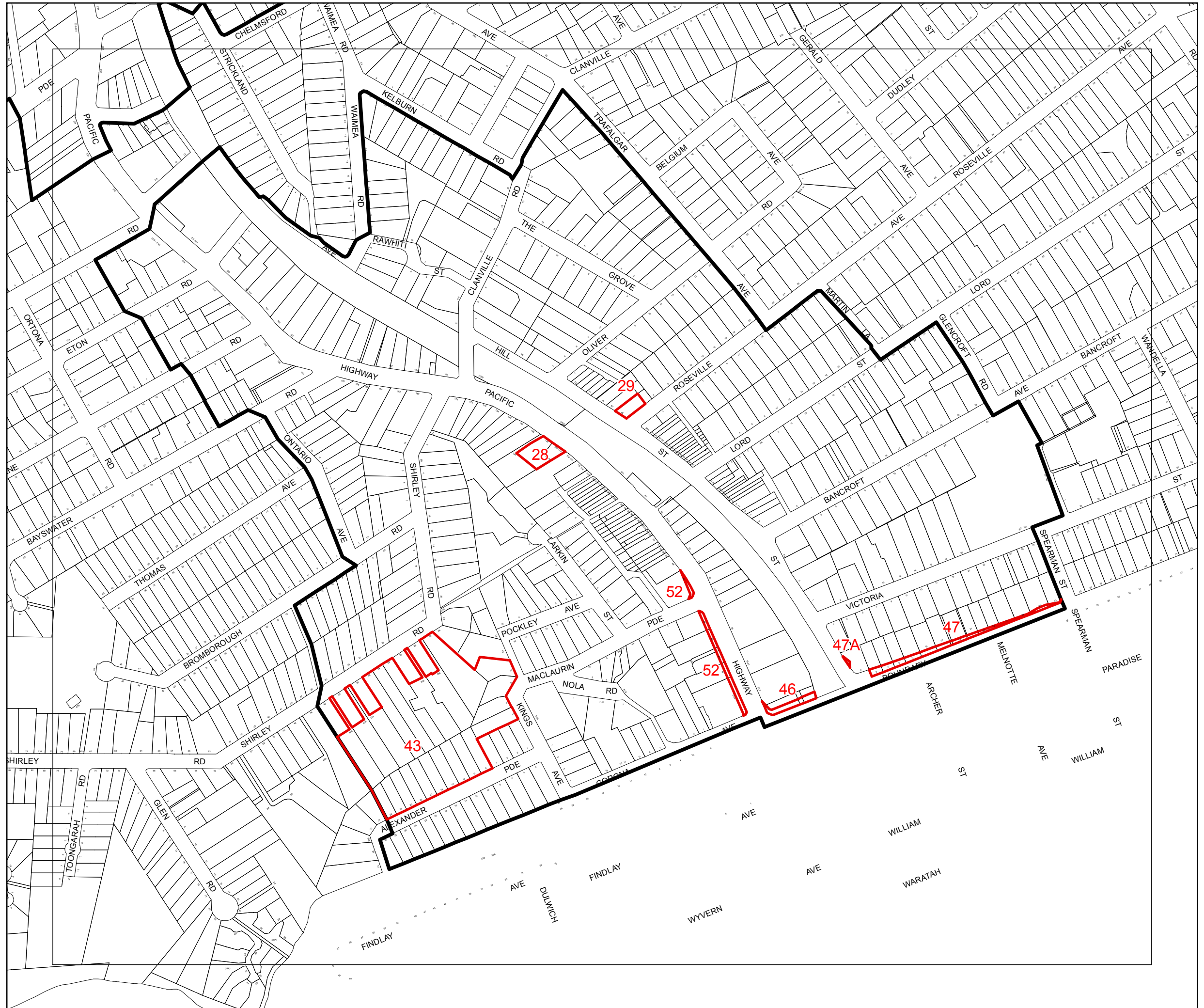
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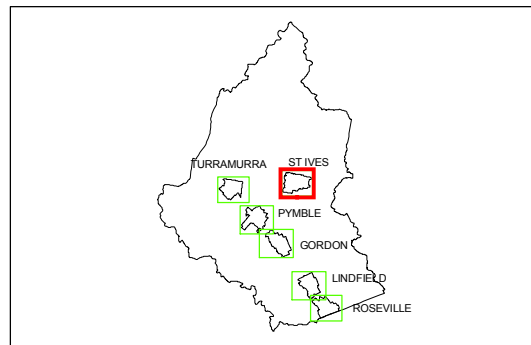
Draft Ku-ring-gai Local Environmental Plan (Local Centres) 2012

ST IVES

 Section 117 Direction Sites

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MGA Zone 56
Map identification number:
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