

PLANNING PROPOSAL

Consolidation of the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 and Ku-ring-gai Local Environmental Plan 2015

March 2020

- Revised in Accordance with Gateway Determination issued 13 May 2019
- Revised Heritage Maps Turramurra and Pymble to reflect new gazetted HCAs October 2019
- Revised in accordance with Council Resolution 17 March 2020

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INTRODUCTION

This Planning Proposal explains the intended effect of, and justification for the proposed consolidation of the *Ku-ring-gai Local Environmental Plan (Local Centres) 2012* and *Ku-ring-gai Local Environmental Plan 2015*.

It has been prepared in accordance with Section 3.4 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment guide 'A Guide to *Preparing Planning Proposals*' (August 2016).

Council has requested to be authorised as the local plan making authority to exercise the functions under Section 3.36(2) of the *Environmental Planning and Assessment Act 1979* for this Planning Proposal.

Background and Context

Ku-ring-gai Council currently has three environmental planning instruments that apply to the local government area:

- Ku-ring-gai Local Environmental Plan (Local Centres) 2012
- Ku-ring-gai Local Environmental Plan 2015
- Ku-ring-gai Planning Scheme Ordinance

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

The Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (KLEP (Local Centres) 2012) applies to the 6 local centres within Ku-ring-gai, comprising of the land surrounding Turramurra, Pymble, Gordon, Lindfield, Roseville railways stations and St Ives centre.

The KLEP (Local Centres) 2012 was prepared in accordance with the *Standard Instrument LEP*, and came into effect on 8 February 2013.



Image 1 - Land to which the KLEP (Local Centres) 2012 applies

Ku-ring-gai Local Environmental Plan 2015

The Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015) applies to the majority of land within the local government area. The KLEP 2015 was largely a translation of the Ku-ring-gai Planning Scheme Ordinance into the standard instrument format. The KLEP 2015 was prepared in accordance with the *Standard Instrument LEP*, and came into effect on 2 April 2015.



Image 2 - Land to which the KLEP 2015 applies

Ku-ring-gai Planning Scheme Ordinance

The Ku-ring-gai Planning Scheme Ordinance (KPSO) was initially gazetted in 1971 and has been subject to a significant number of changes over the subsequent 40years. The KPSO is a non-standard environmental planning instrument. The KPSO now only applies to two 'Deferred Areas' - which are areas that were deferred from inclusion within the KLEP 2015 when the plan came into effect. These areas are:

- Area 14 Land in the vicinity of '*The Briars*', 14 Woonona Avenue, Wahroonga This area involves land in the vicinity of '*The Briars*', a state significant heritage item at 14 Woonona Avenue, Wahroonga. The properties that make up Deferred Area 14 include 16 & 18 Woonona Avenue (also known as 2-14 Everett Way) and 3-13, 15, 17, 19 Bundarra Avenue South, Wahroonga. The area was deferred to allow a reassessment of the proposed R4 High Density zone and development standards in this location. The reassessment of this Deferred Area 14 has been undertaken as part of the preparation of this Planning Proposal.
- Area 15 Killara Golf Course
 This involves an area of land at the Killara Golf Course. The land comprises Lot 2
 DP535219, located at the eastern portion of the Golf Club. The area was deferred to allow reassessment of the proposed RE2 Private Recreation zoning. A private Planning Proposal

(PP_2017_KURIN_005_00) has been lodged by Killara Golf Club which seeks to rezone the deferred area to part R4 High Density Residential and part R2 Low Density Residential. This Planning Proposal was placed on public exhibition from 3 May – 31 May 2018. This deferred area does not form part of this Planning Proposal.

Council Report and Resolution 11 September 2018

At the Council Meeting of 11 September 2018, Council considered a report and resolved to prepare a Planning Proposal for the consolidation of the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 and Ku-ring-gai Local Environmental Plan 2015, as follows:

- A. That a Planning Proposal be prepared for the consolidation of Ku-ring-gai Local Environmental Plan 2015 and of Ku-ring-gai Local Environmental Plan (Local Centres) 2012. The Planning Proposal is to include the mapping changes identified in **Attachment A1** and the amendments to the Written Instrument identified in **Attachment A2**.
- *B.* That the Planning Proposal be forwarded to the Department of Planning and Environment for a Gateway Determination in accordance with the provisions of the EP&A Act and Regulations.
- *C.* That Council requests the plan making delegation under Section 2.4 of the EP&A Act for this Planning Proposal.
- D. That upon receipt of a Gateway Determination, the exhibition and consultation process is carried out in accordance with the requirements of the EP&A Act and with the Gateway Determination requirements.
- E. That a report be brought back to Council at the conclusion of the exhibition period.
- *F.* That the Killara Golf Club Planning Proposal not be part of the consolidation until such time as Councillors can review it.

A copy of the Council Report and Resolution from 11 September 2018 is included at Appendix A.

PART 1 – OBJECTIVE AND INTENDED OUTCOMES

A statement of the objectives and intended outcomes of the proposed instrument

1. Consolidation of KLEP (Local Centres) 2012 and KLEP 2015

This Planning Proposal seeks to consolidate the *Ku-ring-gai Local Environmental Plan (Local Centres) 2012* into the *Ku-ring-gai Local Environmental Plan 2015* to form a single LEP applying to the whole of the local government area. Merging the two LEPs into one planning instrument will remove any inconsistencies between the two plans and assist in reducing the complexity of the local planning system.

2. Resolve mapping errors

The Planning Proposal seeks to amend site specific mapping errors. The mapping errors are minor in nature, and are generally fall into the following categories:

- residential zoned land with missing or incorrect development standards
- development standards applied to land in a zone that would not normally contain development standards e.g. Council bushland zoned E2 Environmental Conservation
- incorrect zoning being applied to land in the process of translating from the KPSO e.g.
 Council bushland or open space picking up adjoining R2 Low Density Residential zone.

3. Resolve Deferred Area 14 land surrounding 'The Briars' Wahroonga

The Planning Proposal seeks to incorporate Deferred Area 14 into the KLEP 2015 with appropriate zoning and development standards compatible with the heritage significance of the adjoining state listed heritage item '*The Briars*'.

4. Removal of existing land reservations

The Planning Proposal seeks to remove a local road reservation in Holford Crescent, Gordon as the acquisition commitment represents an unfunded liability to Council. It is also proposed to remove of the local road reservation from 33 Moree Street, Gordon as the land has been acquired by Council, and the road has been constructed.

5. Amendments to heritage listings

The Planning Proposal seeks to:

- Include new heritage listings for Turramurra, Lindfield, Pymble and Roseville train stations as local heritage items.
- Removal or adjustment of heritage listings in cases where subdivision of existing heritage items have been approved and new dwellings have been constructed on new lots.
- Minor miscellaneous corrections to Schedule 5

PART 2 – EXPLANATION OF PROVISIONS

An explanation of the provisions that are to be included in the proposed instrument

1. Consolidation of KLEP (Local Centres 2012) and KLEP 2015

The consolidation of the two LEPs will largely be an administrative process, which will be achieved via an amendment to the KLEP 2015 and will result in the repeal of the KLEP (Local Centres) 2012. The consolidation will involve both:

A. Merging of written instruments

Both the KLEP (Local Centres) 2012 and KLEP 2015 were prepared in accordance with the *Standard Instrument (Local Environmental Plan) Order 2006,* which mandated a common format and content for LEPs across NSW. Accordingly, the two LEP written instruments are similar, however there are some differences to the wording, content and application of some clauses.

As the consolidation will be achieved via an amendment to the KLEP 2015, in the majority of instances the existing clauses contained within the KLEP 2015 will continue to apply. Amendments are only being made where specific provisions or clauses relating to the local centres need be retained to ensure appropriate development controls will continue to apply in the local centres once these areas are merged in the KLEP 2015. The table below outlines the proposed amendments to the KLEP 2015 written instrument:

KLEP 2015 - Clause	Proposed Amendment to KLEP 2015
1.2 Aims of Plan	 Transfer the following aims from the KLEP LC 2012: to establish a hierarchy of centres for Ku-ring-gai to facilitate development of the centres to enhance Ku-ring-gai's economic role and cater to the retail and commercial needs of the local community to protect the character of low density residential areas, and the special aesthetic values of land in the Ku-ring-gai area
2.1 Land Use Zones	
Land Use Table - B4 Mixed Use	Transfer B4 Mixed Use zone from KLEP (Local Centres) 2012 Land Use Table – including: 1. Objectives of zone 2. Permitted without consent 3. Permitted with consent 4. Prohibited
Land Use Table – B5 Business Development	Transfer B5 Business Development zone from KLEP (Local Centres) 2012 Land Use Table – including: 1. Objectives of zone 2. Permitted without consent 3. Permitted with consent 4. Prohibited
4.3 Height of Buildings	Transfer KLEP (Local Centres) 2012 Clause 4.3(2B)
	(2B) Despite subclause (2), the height of a commercial building on land identified as "Area 2" on the Height of Buildings Map must not exceed 26.5 metres.

4.4 Floor Space Ratio	objectives: (a) to ensu- approp- within (c) to ensu- balanced m zones. Transfer KLEP (2D) Despite su- development of	Ku-ring-gai, ire that developmer nix of uses in buildir (Local Centres) 2 ubclause (2), the flo a type specified in	nt density is of the different centres at density provides a ags in the business 012 Clause 4.4(2D) oor space ratio for Column 2 of the table
	Column 1 of the Ratio Map must	e in an area specifi table and identified t not exceed the rat pecified opposite in	d on the Floor Space io for that
	Column 1	Column 2	Column 3
	Area	Development type	Floor space ratio
	Area 1	Retail premise	
	Area 2	Retail premise	
	Area 3	Commercial premises	1.0:1
	Area 4	Commercial premises	1.2:1
	(2F) Despite cla commercial buil	ause (2), the floor s	as "Area 6" on the
5.3 Development near zone boundaries		siness Developme	
6.6 Site Requirements for multi dwelling housing and	Transfer Claus	e 6.5(3) from KLE	P (Local Centres)
residential flat buildings	not be granted f or a residential identified as "Ar	for the erection of m flat building on any rea 1" on the Lot Siz	ment consent must hulti dwelling housing lot on the land ze Map unless the lot
	has an area of s	5,000 square metre	s or more.
	Transfer Claus	e 6.5(4) from KLEI	
	Transfer Claus 2012 (4) For the purp	e 6.5(4) from KLEI	P (Local Centres)
	Transfer Claus 2012 (4) For the purp axe lot or other the access hand	e 6.5(4) from KLEI	P (Local Centres)
6.7 Active street frontages in certain business zones	Transfer Claus 2012 (4) For the purp axe lot or other the access hand lot size.	e 6.5(4) from KLEI	P (Local Centres) , if a lot is a battle- nandle, the area of uded in calculating the
6.7 Active street frontages in certain business zones	Transfer Claus 2012 (4) For the purp axe lot or other the access hand lot size.	e 6.5(4) from KLEI poses of this clause lot with an access I dle is not to be inclu ed Use zone and I	P (Local Centres) , if a lot is a battle- nandle, the area of uded in calculating the
6.7 Active street frontages in certain business zones	Transfer Claus 2012 (4) For the purp axe lot or other the access hand lot size. Include B4 Mix Development z	e 6.5(4) from KLEI poses of this clause lot with an access I dle is not to be inclu ed Use zone and I cone as follows:	P (Local Centres) , if a lot is a battle- nandle, the area of uded in calculating the
6.7 Active street frontages in certain business zones	Transfer Claus 2012 (4) For the purp axe lot or other the access hand lot size. Include B4 Mix Development z (2) This clause zones:	e 6.5(4) from KLEI poses of this clause lot with an access I dle is not to be inclu ed Use zone and I cone as follows: applies to land in the sighbourhood Centr	P (Local Centres) b, if a lot is a battle- handle, the area of uded in calculating the B5 Business the following business
6.7 Active street frontages in certain business zones	Transfer Claus 2012 (4) For the purp axe lot or other the access hand lot size. Include B4 Mix Development z (2) This clause zones: (a) Zone B1 Ne (b) Zone B2 Lo (c) Zone B4 Mix	e 6.5(4) from KLEI poses of this clause lot with an access I dle is not to be inclu ed Use zone and I cone as follows: a applies to land in the sighbourhood Centre cal Centre, ixed Use,	P (Local Centres) , if a lot is a battle- handle, the area of uded in calculating the B5 Business the following business re,
6.7 Active street frontages in certain business zones 6.8 Minimum street frontages for lots in zone B2	Transfer Claus 2012 (4) For the purp axe lot or other the access hand lot size. Include B4 Mix Development z (2) This clause zones: (a) Zone B1 Ne (b) Zone B2 Lo (c) Zone B4 Mi (d) Zone B5 B	e 6.5(4) from KLEI poses of this clause lot with an access I dle is not to be inclu ed Use zone and I cone as follows: applies to land in the pighbourhood Centre	P (Local Centres) , if a lot is a battle- handle, the area of uded in calculating the 35 Business the following business e, ment
	Transfer Claus 2012 (4) For the purp axe lot or other the access hand lot size. Include B4 Mix Development z (2) This clause zones: (a) Zone B1 Net (b) Zone B2 Lo (c) Zone B4 Mi (d) Zone B5 Be (2) Development erection of a bu zone B4 Mixed	te 6.5(4) from KLEI poses of this clause lot with an access f dle is not to be inclu ed Use zone and I cone as follows: a applies to land in t eighbourhood Centr cal Centre, ixed Use, usiness Developm 4 and B5 as follow at consent must not ilding on land in Zo. Use or zone B5 B f the land will not ha	P (Local Centres) a, if a lot is a battle- handle, the area of loded in calculating the B5 Business the following business the following business the granted for the he B2 Local Centre,

Schedule 1	Transfer properties listed in Schedule 1 of KLEP (Local Centres) 2012	
	Amendment of following inaccuracies:	
	Property	Amendment and Reason
	KLEP LC 2012	3. 2 Forsyth Street, Gordon
	3. 2 Forsyth Street, Killara	Incorrect suburb is currently included in listing.
	 KLEP LC 2012 4. Use of certain land at 3 and 3a Beaconsfield Parade and 1-7 Bent Street, Lindfield (1) This clause applies to land at 3 and 3A Beaconsfield Parade and 1– 7 Bent Street, Lindfield, being Lots 1–3, DP 318518, Lot 10, DP 305356 and Lots 2–4, DP 10126 	1) This clause applies to land at 3 and 3A Beaconsfield Parade and 1–7 Bent Street, Lindfield, being Lots 1–3, DP 318518, Lot 10, DP 305356 and Lots 2–4, DP10120 Incorrect Lot and DP listed.
	KLEP LC 2012 12. Use of certain land at 14 Orinoco Street, Pymble	Remove. A Dual Occupancy has been approved, developed and subdivided to create 14
	 (1) This clause applies to land at 14 Orinoco Street, Pymble, being Lot 71, DP 539990 (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent. 	and subdivided to create 14 and 14a Orinoco Street, Pymble (Lots 501 and 502 DP1169176).
	KLEP LC 2012 21 Use of certain land at 167, 169, 169A and 171 Mona Vale Road, St Ives (1) This clause applies to land at 167, 169, 169A and 171 Mona Vale Road, St Ives, being Lot C, DP 401301, Lots 1 and 2, DP 856121 and Lot 1, DP 578867.	 21 Use of certain land at 167 Mona Vale Road and Part of 169 – 171 Mona Vale Road, St Ives (1) This clause applies to land at 167 Mona Vale Road, and Part of 169 – 171 Mona Vale Road, St Ives, being Lot C DP 401301 and Part of Lots 11 & 12 DP1230991
	5/8867.	The sites have been consolidated as part of a development – so the listing is required to be amended to reflect the new legal description.
	KLEP LC 2012 22 Use of certain land at 173, 177, 183, 183A and 185 Mona Vale Road, St Ives	22 Use of certain land at Part 169 and 177 Mona Vale Road and 183, 183a and 185 Mona Vale Road, St Ives
	 (1) This clause applies to land at 173, 177, 183, 183A and 185 Mona Vale Road, St lves, being Lot 1, DP 653503, Lot 1, DP 126732, Lot 5, DP 12504, Lots 10 	(1) This clause applies to land at Part 169 and 177 Mona Vale Road, and 183, 183a and 185 Mona Vale Road, St Ives, being Lot 1 DP1229835, Part Lots 11

and 11, DP 829668 and Lot 1, DP 1084135.	& 12 DP1230991 The sites have been consolidated as part of a development – so the listing is required to be amended to reflect the new legal description.
KLEP LC 2012 25 Use of certain land at 2	25 Use of certain land at 2 Denman Street, Turramurra
Denman Road, Turramurra	Incorrect description – change road to street.
KLEP 2015	Remove.
 7 Use of certain land at 6A Buckingham Road, Killara (1) This clause applies to land at 6A Buckingham Road, Killara, being Lots 3 and 4, DP 414101. 	6a and 8 Buckingham Road, Killara have been consolidated to one lot (Lot 1 DP1225054) and a Residential Flat Building has been approved.
(2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.	
8 Use of certain land at 8 Buckingham Road, Killara (1) This clause applies to land at 8 Buckingham Road, Killara, being Lot 1, DP 4141012.	
(2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.	
KLEP 2015 9 Use of certain land at 21 Buckingham Road, Killara (1) This clause applies to land at 8 Buckingham Road, Killara, being Lot 1, DP	 9 Use of certain land at 21 Buckingham Road, Killara (1) This clause applies to land at 21 Buckingham Road, Killara, being Lot 1, DP 125640.
125640.	Incorrect property address listed in Part 1 – required to be amended to match heading and Lot and DP.
KLEP 2015 10 Use of certain land at 20–28 Culworth Avenue and 17 Marian Street, Killara (1) This clause applies to land at 20–28 Culworth Avenue and 17 Marian Street, Killara, being Lots 1– 3, DP 119937, Lot 6, Section 1, DP 3694 and Lot 2, DP 932235	10 Use of certain land at 20–26 Culworth Avenue, 2- 4 Lorne Avenue, and 17 Marian Street, Killara (1) This clause applies to land at 20-26 Culworth Avenue, 2-4 Lorne Avenue and 17 Marian Street Killara being Lots 1-3 DP119937, Lot 1 DP169841, Lot 2 DP932235, Lots 161-164 DP1196189
	The current listing does not include the Lot and DP for 17 Marian Street, even though the address is listed – required to be amended to provide Lot and DP. Listing also required to be

	updated to reflect amended legal description of sites following acquisition of part of the site from Transport for NSW.
KLEP 2015	Remove.
20 Use of certain land at 36 Provincial Road, Lindfield (1) This clause applies to land at 36 Provincial Road, Lindfield, being Lot 3, DP 308817.	Dual Occupancy approved, developed and subdivided on 36 Provincial Road, Lindfield to create 36 +36a Provincial Road, Lindfield (Lot 31 and 32 DP1185281).
(2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.	
KLEP 2015	22 Use of certain land at 8 Church Street, Pymble
22 Use of certain land at 8 Church Street, Pymble (1) This clause applies to land at 8 Church Street,	(1) This clause applies to land at 8 Church Street, Pymble, being Lot 1A DP401840
Pymble, being Lot 1, DP 401840.	Incorrect legal description – Lot 1 instead of Lot 1A.
KLEP 2015	Remove.
28 Use of certain land at 1 Jersey Street, Turramurra (1) This clause applies to land at 1 Jersey Street Turramurra, being Lot 2, Section 1, DP 3895.	Dual occupancy approved, developed and subdivided to create 1 Jersey Street Turramurra and 2B Catalpa Crescent (Lots 20 and 21 DP1196572)
(2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.	
KLEP 2015 35 Use of certain land at 79 Coonanbarra Avenue, Wahroonga (1) This clause applies to land at 79 Coonanbarra Avenue, Wahroonga, being Lot 4, DP 4239.	 35 Use of certain land at 79 Coonanbarra Road, Wahroonga (1) This clause applies to land at 79 Coonanbarra Road, Wahroonga, being Lot 4, DP 4239. Incorrect address – street instead of road.
KLEP 2015 36 Use of certain land at 12 Eulbertie Avenue, Wahroonga (1) This clause applies to land at 12 Eulbertie Avenue, Wahroonga, being Lot 1, DP 362318.	 36 Use of certain land at 12 Eulbertie Avenue, Warrawee (1) This clause applies to land at 12 Eulbertie Avenue, Warrawee, being Lot 1, DP 362318. Incorrect suburb – Wahroonga instead of Warrawee.
KLEP 2015 37 Use of certain land at 17	37 Use of certain land at 17 Eulbertie Avenue, Warrawee
Eulbertie Avenue, Wahroonga	(1) This clause applies to land at 17 Eulbertie

	 (1) This clause applies to land at 17 Eulbertie Avenue, Wahroonga, being Lot 2, Section 1, DP 3895. 	Avenue, Warrawee, being Lot 1 DP174560 Incorrect Legal Description (Lot and DP)
	 49 Use of certain land at 15 Warrawee Avenue, Warrawee (1) This clause applies to land at 15 Warrawee Avenue, Warrawee, being Lot A, DP 382512 and Lot 1, DP 396923. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent. 	 49 Use of certain land at 15 Warrawee Avenue, Warrawee (1) This clause applies to land at 15 Warrawee Avenue, Warrawee, being Lot 1 DP 1190103. Incorrect Legal Description (Lot and DP) following subdivision of property in 2014. 15 Warrawee Avenue is still of sufficient size to
		meet the requirements for a detached dual occupancy.
Schedule 2 – Graves and monuments that are not	<i>I</i> nclude:	
heritage items (b) an excavation or disturbance of land for a of carrying out the conservation or repair of a or grave marker must be within an existing cemetery or burial ground		tion or repair of a monument thin an existing approved
Schedule 4 – Classification and reclassification of public land	Transfer sites listed in Sch of KLEP (Local Centres 20	
Schedule 5 – Environmental Heritage	Transfer properties listed i Part 2 of KLEP (Local Cent	

Appendix B contains a detailed comparison table of both the KLEP Local Centres 2012 and KLEP 2015 written instruments. The table details how any differences between the clauses within the two LEPs will be resolved.

B. Merging of mapping

The consolidation of the two LEPs requires the merging of the KLEP (Local Centres) 2012 mapping into the KLEP 2015 mapping. In doing so, all the land that is currently under the KLEP (Local Centres) 2012 will be transferred to the KLEP 2015. The following amendments will be required:

- Land Application Map Extend KLEP 2015 Land Application Map to incorporate land within KLEP Local Centres 2012.
- Zoning Map incorporate Zoning Maps from KLEP (Local Centres) 2012 into the KLEP 2015.
- Floor Space Ratio Map incorporate Floor Space Ratio Maps from KLEP (Local Centres) 2012 into the KLEP 2015.
- Height of Buildings Map incorporate Height of Buildings Maps from KLEP (Local Centres) 2012 into the KLEP 2015.
- Lot Size Map incorporate Lot Size Maps from KLEP (Local Centres) 2012 into the KLEP 2015.
- Heritage Map incorporate Heritage Maps from KLEP (Local Centres) 2012 into the KLEP 2015.

- Terrestrial Biodiversity Map incorporate Biodiversity Maps from KLEP (Local Centres) 2012 into the KLEP 2015.
- Riparian Lands and Watercourses Map incorporate Riparian Maps from KLEP (Local Centres) 2012 into the KLEP 2015.
- Acid Sulphate Soils Map KLEP (Local Centres) 2012 does not currently contain mapping for Acid Sulphate Soils. Amendment required to KLEP 2015 to include acid sulphate soils mapping for land in local centres and all land to be mapped as Class 5.
- Land Reservation Acquisition Map incorporate Land Reservation Acquisition Maps from KLEP (Local Centres) 2012 into the KLEP 2015.

Existing mapping and proposed mapping for each local centre to facilitate the merging of the LEPs included at **PART 4 – MAPPING** of this Planning Proposal.

In addition to incorporating the maps from the KLEP (Local Centres) 2012 into the KLEP 2015, there are a number of site specific mapping errors and anomalies that have been identified that are proposed to be resolved as part of this process, which are detailed at (2) below.

2. Resolving mapping errors

The mapping errors are minor in nature and generally in the form of incorrect zoning or development standing applying to sites. There are in the order of 100 sites that have been identified which contain such errors. The table below details the sites identified with mapping errors:

Site Number	Property	Proposed Map Amendments
2	Clissold Road WAHROONGA (Lot 1 DP 617020)	Floor Space Ratio, Height of Building and Minimum Lot Size
3	Junction Lane WAHROONGA (Lot 41 DP 562029)	Floor Space Ratio, Height of Building and Minimum Lot Size
4	46 Water Street WAHROONGA	Floor Space Ratio, Height of Building, Minimum Lot Size, Heritage
5	57 Water Street WAHROONGA	Floor Space Ratio, Height of Building and Minimum Lot Size
6	42 Hampden Avenue WAHROONGA	Minimum Lot Size
7	Millewa Lane WAHROONGA (Lot 10 Sec 1 DP 6297)	Floor Space Ratio and Height of Buildings
8	4 Warwilla Avenue WAHROONGA	Floor Space Ratio and Height of Buildings
9	Coonanbarra Road WAHROONGA (DP 369438)	Floor Space Ratio and Height of Buildings
10	36A & 36C Exeter Road and 89 Lucinda Avenue	Floor Space Ratio, Height of Building and

	WAHROONGA	Minimum Lot Size
11	15 Walpole Place WAHROONGA	Floor Space Ratio and Height of Buildings
12	Lister Street NORTH WAHROONGA (Land between 4 & 6 Ross Place North Wahroonga)	Zoning and Minimum Lot Size
13	43 Campbell Drive WAHROONGA	Floor Space Ratio, Height of Building and Minimum Lot Size
14	116 & 118 Fox Valley Road WAHROONGA	Height of Buildings
15	84 Fox Valley Road WAHROONGA	Minimum Lot Size
16	94 Fox Valley Road WAHROONGA	Minimum Lot Size
18	Part of 8 Muttama Street WAHROONGA	Floor Space Ratio and Height of Buildings
19	9 Gladstone Avenue WARRAWEE	Floor Space Ratio and Height of Buildings
21	Valley Park Crescent NORTH TURRAMURRA (Lot 82 DP 801942)	Minimum Lot Size
22	Stonecrop Road NORTH TURRAMURRA (Lot 21 DP 224353)	Floor Space Ratio and Height of Buildings
23	28 Cliff Avenue NORTH WAHROONGA	Zoning
25	Chatham Place NORTH TURRAMURRA (Pathway DP203164)	Floor Space Ratio and Height of Buildings
26	Burnley Avenue NORTH TURRAMURRA (Pathway DP201952)	Floor Space Ratio and Height of Buildings
27	Part of 1 Buna Close NORTH TURRAMURRA	Zoning and Minimum Lot Size
28	24 Laurence Avenue TURRAMURRA	Floor Space Ratio, Height of Building and Minimum Lot Size
29	62 Spurwood Road TURRAMURRA	Floor Space Ratio, Height of Building and Minimum Lot Size
31	Apps Avenue TURRAMURRA (Pathway DP27598)	Floor Space Ratio and Height of Buildings
32	Kissing Point Road TURRAMURRA (Lot 29 DP 220626)	Floor Space Ratio, Height of Building and Minimum Lot Size
33	1 Barellan Avenue TURRAMURRA	Minimum Lot Size
34	Kissing Point Road SOUTH TURRAMURRA (Lots 48, 49, 54, 57 & 58 DP 220615, land fronting 207 – 211 and 213 – 219D Kissing Point Road South Turramurra)	Floor Space Ratio and Height of Buildings
35	7 & 14 Warner Avenue, 43 & 45 Barwon Avenue, 4, 5 & 6 Grey Horse Close, 19 & 21 Chisholm Street SOUTH TURRAMURRA	Floor Space Ratio, Height of Building and Minimum Lot Size
36	37-41 Barwon Avenue SOUTH TURRAMURRA	Floor Space Ratio, Height of Building, Minimum Lot Size and Zoning

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37	235A & 235B Kissing Point Road SOUTH TURRAMURRA	Floor Space Ratio, Height of Building and Minimum Lot Size
38	Kissing Point Road SOUTH TURRAMURRA (Lots 3, 4, 5 & 6 DP 220615 & Lot 21 DP30919)	Floor Space Ratio, Height of Building and Minimum Lot Size
39	10B Buller Street SOUTH TURRAMURRA	Floor Space Ratio, Height of Building and Minimum Lot Size
40	Kissing Point Road SOUTH TURRAMURRA (Lot 7, 8 & 9 DP 220615)	Zoning and Minimum Lot Size
41	Bowen Avenue SOUTH TURRAMURRA (Pathway DP 217287)	Floor Space Ratio and Height of Buildings
42	33 Dalton Road ST IVES CHASE	Floor Space Ratio and Height of Buildings
43	Part of 169 Warrimoo Avenue ST IVES (Aurora Drive)	Zoning and Minimum Lot Size
44	460 Mona Vale Road, ST IVES	Zoning
45	178A Killeaton Street ST IVES	Floor Space Ratio, Height of Building and Minimum Lot Size
46	33 Lynbara Avenue ST IVES	Floor Space Ratio and Height of Buildings
47	25 Barra Brui Crescent ST IVES	Floor Space Ratio and Height of Buildings
48	43 Melaleuca Drive ST IVES and adjoining unformed road	Floor Space Ratio, Height of Building and Minimum Lot Size
49	Part of 23 Carcoola Road ST IVES	Minimum Lot Size
50	47 & 51 Killeaton Street ST IVES	Minimum Lot Size
51	20A Lynbarra Avenue ST IVES	Zoning
52	8A Edgewood Place ST IVES	Zoning
53	Merrivale Road PYMBLE (Lot 3 & 4 DP 208261)	Floor Space Ratio, Height of Building and Minimum Lot Size
54	Kiparra Street PYMBLE (Lot 91 DP 12830)	Floor Space Ratio and Height of Buildings
55	Part of 2 Warragal Road PYMBLE	Minimum Lot Size
56	20 Dakara Close PYMBLE	Minimum Lot Size
57	St Andrews Drive PYMBLE (Lot 3 DP 789892)	Minimum Lot Size
58	Part of 33A Ryde Road PYMBLE	Minimum Lot Size
62	Wallalong Crescent WEST PYMBLE (Lot 3 DP533035)	Floor Space Ratio, Height of Building and Minimum Lot Size
63	Part of 32B Rosedale Road GORDON	Minimum Lot Size
L		

64	2 Warrandoo Street GORDON	Zoning
65	62 Rosedale Road GORDON	Floor Space Ratio, Height of Building, Minimum Lot Size and Zoning
66	1 Burgoyne St, GORDON	Floor Space Ratio, Height of Building, Minimum Lot Size and Zoning
69	44A Mount William Street GORDON	Floor Space Ratio, Height of Building, Minimum Lot Size and Zoning
70	St Johns Avenue GORDON (Lot 69 DP 241717)	Floor Space Ratio, Height of Building and Minimum Lot Size
71	42 Warrington Avenue EAST KILLARA	Floor Space Ratio and Height of Buildings
72	3A Fairbairn Avenue EAST KILLARA	Zoning
73	17 Eastgate Avenue EAST KILLARA	Floor Space Ratio and Height of Buildings
74	Kimberley Street EAST KILLARA (Lot 7026 DP 93679)	Floor Space Ratio and Height of Buildings
75	Savoy Avenue EAST KILLARA (Pathway DP 217302)	Floor Space Ratio and Height of Buildings
76	Part of 151A Koola Avenue EAST KILLARA	Zoning and Minimum Lot Size
77	Part of 10A Illeroy Avenue KILLARA	Zoning and Minimum Lot Size
78	Booraba Avenue LINDFIELD (Pathway DP 32093)	Floor Space Ratio and Height of Buildings
79	4 Killara Avenue, KILLARA	Floor Space Ratio and Height of Buildings
80	31 Karranga Avenue KILLARA	Floor Space Ratio
81	29A Arnold Street KILLARA	Floor Space Ratio and Minimum Lot Size
82	19 Locksley Street KILLARA	Floor Space Ratio
83	9B Arnold Street KILLARA	Floor Space Ratio and Minimum Lot Size
84	13A Springdale Road KILLARA	Floor Space Ratio, Height of Building and Minimum Lot Size
85	87 & 89 Stanhope Road KILLARA	Floor Space Ratio, Height of Building and Minimum Lot Size
86	71 Albert Drive KILLARA	Zoning
87	Golf Links Road KILLARA (Lot 19 DP 217659, Lot 20 DP 217659, Lot 59 DP 10097)	Floor Space Ratio, Height of Building and Minimum Lot Size
88	Arthur Street KILLARA (Lot 32 DP16006)	Zoning
89	35 Blaxland Road KILLARA	Zoning
90	104 & 104A Wellington Road EAST LINDFIELD	Floor Space Ratio, Height of Building and Minimum Lot Size

91	59 Lindfield Avenue, 1, 3, 11, 15 & 17 Woodside Avenue, A2, 2 & 2B Havilah Road, LINDFIELD	Minimum Lot Size
92	11 Nelson Road LINDFIELD	Floor Space Ratio
93	49 Tryon Road LINDFIELD	Floor Space Ratio
94	42 Provincial Road & 47C Highfield Road, LINDFIELD	Floor Space Ratio, Height of Building and Minimum Lot Size
95	29 Larool Avenue LINDFIELD	Floor Space Ratio and Height of Buildings
97	81A Grosvenor Road LINDFIELD	Minimum Lot Size
98	42 Griffith Avenue ROSEVILLE CHASE	Floor Space Ratio and Height of Buildings
99	21, 29 & 30A Calga Street ROSEVILLE CHASE	Floor Space Ratio, Height of Building and Minimum Lot Size
100	Part 27A Babbage Road ROSEVILLE CHASE	Floor Space Ratio and Height of Buildings
101	2A Attunga Road ROSEVILLE CHASE	Minimum Lot Size
102	1 Archbold Road ROSEVILLE	Minimum Lot Size
103	64 Pacific Highway ROSEVILLE	Zoning and Height of Buildings
104	Alison Street ROSEVILLE (Lot 1 DP 525223)	Floor Space Ratio and Height of Buildings
106	60A Shirley Road ROSEVILLE	Floor Space Ratio and Height of Buildings
107	4A Duntroon Avenue ROSEVILLE	Height of Buildings
108	3 Recreation Avenue ROSEVILLE	Floor Space Ratio, Height of Building and Minimum Lot Size

All site specific mapping errors are included at **PART 4** – **MAPPING** of this Planning Proposal, and identified by the corresponding site number. For each site, there are maps which identify the current mapping, and the proposed amendments sought by this Planning Proposal.

3. Resolving Deferred Area 14 – Land surrounding 'The Briars' Wahroonga

It is proposed to incorporate Deferred Area 14 – the land surrounding '*The Briars*', Wahroonga into the KLEP 2015. The following table details the proposed zoning and development standards to apply to the sites:

Deferred Area 14 – Proposed amendments to KLEP 2015				
Address	Zoning	Maximum Height	Maximum FSR	Minimum Lot Size
18 Woonona Ave (Lot 1 DP1033850)	R4	L - 11.5m	0.8:1	1200sqm
16 Woonona Ave (Lot 100	R4	L - 11.5m	0.8:1	1200sqm

Deferred Area 14 – Proposed amendments to KLEP 2015				
DP1027365)				
3-13 Bundarra Ave South	R4	P – 17.5m	1.3:1	1200sqm
(Lot 100 DP1118152)	R2 (driveway/battle axe handle)	J2 – 9.5m	0.3:1	1200sqm
15 Bundarra Ave South (Lot 15 DP1210393)	R4	P – 17.5m	1.3:1	1200sqm
17 Bundarra Ave South (Lot 35 DP1210393)	R4	P – 17.5m	1.3:1	1200sqm
19 Bundarra Ave South (Lot 36 DP1210393)	R4	P – 17.5m	1.3:1	1200sqm

Deferred Area 14 – Existing zoning and development standards under KPSO				
Address	Zoning	Maximum Height	Maximum FSR	Minimum Lot Size
18 Woonona Ave (Lot 1 DP1033850)	Residential 2(d3)	13.4m (Maximum ceiling height of building – not including top storey with floor area reduced because of subclause (7) or attics, where applicable)	N/A	N/A
16 Woonona Ave (Lot 100 DP1027365)	Residential 2(d3)	13.4m (Maximum ceiling height of building – not including top storey with floor area reduced because of subclause (7) or attics, where applicable)	N/A	N/A
3-13 Bundarra Ave South (Lot 100 DP1118152)	Residential 2(d3)	13.4m (Maximum ceiling height of building – not including top storey with floor area reduced because of subclause (7) or attics, where applicable)	N/A	N/A
	Residential 2(c) - driveway/battle axe handle	8m	N/A	929sqm
15 Bundarra Ave South (Lot 15 DP1210393)	Residential 2(d3)	13.4m (Maximum ceiling height of building – not including top storey with floor area reduced because of subclause (7) or attics, where applicable)	N/A	N/A
17 Bundarra Ave South (Lot 35 DP1210393)	Residential 2(d3)	13.4m (Maximum ceiling height of building – not including top storey with floor area reduced because of subclause (7) or attics, where applicable)	N/A	N/A
19 Bundarra Ave South	Residential	13.4m (Maximum	N/A	N/A

Deferred Area 14 – Existing zoning and development standards under KPSO				
(Lot 36 DP1210393)	2(d3)	ceiling height of building – not including top storey with floor area reduced because of subclause (7) or attics, where applicable)		

It is also proposed to include Biodiversity and Acid Sulphate Soils mapping to parts of the sites.

The existing mapping under the KPSO and the proposed mapping (including zoning, development standards, Biodiversity and Acid Sulphate Soils) under the KLEP 2015 is detailed as **Site 1** in **PART 4 – MAPPING** of this Planning Proposal.

4. Removing existing land reservations

- It is proposed to remove the 'Local Road' reservation from Holford Crescent, Gordon via an amendment to the Land Reservation Acquisition Map. The existing and proposed mapping is detailed as Site 68 in PART 4 – MAPPING of this Planning Proposal.
- It is proposed to remove the 'Local Road' reservation from 33 Moree Street, Gordon via an amendment to the Land Reservation Acquisition Map. The existing and proposed mapping is detailed as Site 67 in PART 4 MAPPING of this Planning Proposal.

5. Amendments to Heritage Listings

- Inclusion of the following properties as Heritage Items of local significance
 - Roseville Station Group, Hill Street, Roseville Existing and proposed heritage map included as Site 105 in PART 4 – MAPPING of this Planning Proposal
 - Lindfield Station Group, Lindfield Avenue, Lindfield Existing and proposed heritage map included as Site 96 in PART 4 – MAPPING of this Planning Proposal
 - Pymble Station Group, Grandview Street, Pymble Existing and proposed heritage map included as Site 59 in PART 4 – MAPPING of this Planning Proposal
 - Turramurra Station Group, Rohini Street, Turramurra Note: No amendment to map required. Amendment to Schedule 5 only.
- **Removal** of the following properties as heritage items:
 - 2a Pibrac Avenue, Warrawee Existing and proposed heritage map included as
 Site 20 in PART 4 MAPPING of this Planning Proposal
 - 2b Pibrac Avenue, Warrawee Existing and proposed heritage map included as
 Site 20 in PART 4 MAPPING of this Planning Proposal
 - 46 Water Street, Wahroonga Existing and proposed heritage map included as Site
 4 in PART 4 MAPPING of this Planning Proposal

- 8 Laurel Avenue, Turramurra Existing and proposed heritage map included as Site
 30 in PART 4 MAPPING of this Planning Proposal
- 7a Fairway Avenue, Pymble Existing and proposed heritage map included as Site
 60 in PART 4 MAPPING of this Planning Proposal
- 62 Livingstone Avenue, Pymble Existing and proposed heritage map included as
 Site 61 in PART 4 MAPPING of this Planning Proposal.
- 7 Womerah Street, Turramurra Existing and proposed heritage map included as
 Site 24 in PART 4 MAPPING of this Planning Proposal.
- Amendment to the following heritage items:
 - 1 Vista Street, Pymble Item No.I656 amend item name from "Robyn Hill" to "Robin Hill"
 - 5 Womerah Street, Turramurra Item No.I815 amend property description to "Lot 4 DP31561"
 - The Broadway, Wahroonga Item No.I1101 amend item name to "The Broadway, remnant Telford type roadway", amend address to "The Broadway and Muttama Street" and amend heritage map. Existing and proposed heritage map is included as Site 17 in PART 4 MAPPING of this Planning Proposal.

PART 3 - JUSTIFICATION

The justification for those objectives, outcomes and the process for their implementation

A. Need for the Planning Proposal

Q1. Is the Planning Proposal a result of any strategic study or report?

LEP Consolidation - The consolidation of the KLEP (Local Centres) 2012 and KLEP 2015 is primarily an administrative exercise for which there is no need for a strategic study or report. It has always been the intention that the Ku-ring-gai local government area would be covered by a single LEP and for this reason the drafting to the KLEP (Local Centres) 2012 and KLEP 2015 is similar.

"Given that the draft Local Centres LEP is in the standard instrument format, it is proposed that the Principal LEP (KLEP 2015) will largely take the same format of the draft local centres LEP, including adopting the relevant local provisions such as those for biodiversity and riparian land. This will facilitate greater ease in amalgamating the two LEPs in the future to form a single LEP applying to the whole local government area."

Excerpt from "Planning Proposal – Ku-ring-gai Local Environmental Plan" August 2012.

The Planning Proposal seeks to simplify the local planning system by reducing the number of LEPs and therefore removing duplication and the opportunity for inconsistency between the two plans.

Other amendments - The Council Report OMC 11 September 2018 (**Appendix A**) provides a detailed analysis of the proposed amendments sought by this Planning Proposal including:

- Deferred Area 14 Land surrounding '*The Briars*' The Council report (Appendix A) provides a comprehensive assessment which recommends the sites be zoned to R4 High Density Residential with the exception of the access handle/driveway to 3-13 Bundarra Avenue South which is proposed to be zoned to R2 Low Density Residential due to being located directly adjacent to '*The Briars*' with the potential for the greatest impact. A mix of maximum building heights and floor space ratios are proposed across the various sites that make up the Deferred Area. The proposed building heights and floor space ratios have taken into account the existing development built on the sites and the potential impact on '*The Briars*' should the sites be redeveloped. The proposed zoning and development standards are compatible with the heritage significance of the adjoining state listed heritage item '*The Briars*'.
- Removal of land reservations The Council Report (**Appendix A**) provides background to the local road reservation at Holford Crescent, Gordon and the local road' reservation at 33

Moree Street, Gordon. An assessment is provided of the previous reservation status, and zonings under the KPSO. The land at 33 Moree Street, Gordon has been acquired by Council and the road has been constructed, accordingly the reservation is proposed to be removed. The acquisition commitment for the land reservation at Holford Crescent, Gordon is a legacy acquisition carried into the KLEP 2015 from the KPSO. Due to the limited public benefit attached to the road, the road is not included within the Contributions Plan, and accordingly represents an unfunded liability to Council. If the road remains required by a particular development (for example subdivision of an existing lot) for access, the onus is on the developer to facilitate this, and accordingly the reservation is proposed to be removed.

 Heritage Amendments – The Council Report (Appendix A) provides a detailed assessment to justify the proposed new heritage items of Roseville, Lindfield, Pymble and Turramurra Railway Stations, as well as an assessment and background information to justify the removal and amendment to existing heritage items.

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

Yes. The Planning Proposal is the best means of achieving the intended outcomes and is the only means for achieving the consolidation of the KLEP (Local Centres) 2012 and KLEP 2015 to form a single LEP applying to the whole local government area.

It is appropriate to also include the proposed amendments to:

- resolve mapping errors
- resolve Deferred Area 14
- amendments to heritage listings
- removal of existing land reservations

into the same Planning Proposal and LEP amendment, as this will avoid time delay and duplication of processes if these were to be addressed in a separate Planning Proposal. By including these amendments it will ensure the final LEP applying to the whole local government area is accurate and up-to date.

B. Relationship to strategic planning framework

Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Greater Sydney Region Plan – A Metropolis of Three Cities (March 2018)

The Greater Sydney Region Plan – A Metropolis of Three Cities was release in March 2018.

It sets out a 40 year vision and 20 year plan with objectives, strategies and actions for the growth of Greater Sydney in the context of social, environmental, and economic matters. The Ku-ring-gai local government area is located within the Eastern Harbour City.

The Planning Proposal is consistent with the following objectives provided in the Greater Sydney Region Plan:

- Objective 13 Environmental heritage is identified, conserved and enhanced The Planning Proposal is consistent with this objective as it incorporates provisions and proposed amendments which identify, conserve and enhance environmental heritage of Kuring-gai with the proposed heritage listing of Roseville, Lindfield, Pymble and Turramurra Railway Stations. Additionally, the incorporation of Deferred Area 14 into the KLEP 2015 seeks to provide zoning and development standards compatible with the heritage significance of the adjoining property '*The Briars*', ensuring the management of the cumulative impact of development on the heritage values and character of this state listed heritage item.
- Objective 39 A collaborative approach to city planning
- Objective 40 Plans refined by monitoring and reporting

The Planning Proposal to consolidate the KLEP (Local Centres) 2012 and KLEP 2015 is largely an administrative exercise. The consolidation of the LEPs is consistent with these objectives relating to the implementation of the Greater Sydney Region Plan. As Councils are now required to 'give effect to' (deliver) the objectives and priorities of the Greater Sydney Region Plan through their Local Environmental Plans, it is considered important that a platform of a single LEP applying to the whole Ku-ring-gai local government area be in place before Council undertakes this significant strategic planning work. This will help avoid complications and facilitate more efficient administration of future amendments to Ku-ringgai's LEP to implement and deliver the objectives and priorities of the Greater Sydney Region Plan.

North District Plan (March 2018)

The North District Plan was release in March 2018 and sets out the planning priorities and actions for growth of the North District in the context of economic, social and environmental matters in order to achieve the 40 year vision for Greater Sydney. The North District Plan provides a link between regional and local planning.

The Planning Proposal is consistent with the following planning priorities identified within the North District Plan:

 Planning Priority N6 – Creating and renewing great places and local centres, and respecting the District's heritage

The Planning Proposal is consistent with this planning priority as it proposed to list new heritage items, contributing to the identification and conservation of the heritage significance of the Ku-ring-gai local government area, and the North District. The Planning Proposal also proposes the removal of properties currently heritage listed, which through investigation do not have any heritage significance, for example sites that have been subdivided and new dwellings have been constructed on new lots.

Through the incorporation of Deferred Area 14 into the KLEP 2015 the Planning Proposal proposes to include zoning and development standards which are sympathetic to the heritage significance of the adjoining property state listed heritage item '*The Briars*'.

- Planning Priority N22 Preparing local strategic planning statements informed by local strategic planning
- Planning Priority N23 Monitoring and reporting on the delivery of the plan Successful implementation of the North District Plan will require Councils to prepare and implement Local Strategic Planning Statements as part of their strategic planning framework, and the update of their Local Environmental Plans. The Planning Proposal is consistent with these planning priorities of the North District Plan relating to the implementation of the plan. It is considered important that a platform of a single LEP apply to the whole Ku-ring-gai local government area before Council undertakes the significant strategic planning work required to implement the planning priorities of the North District Plan (via the development of Councils Local Strategic Planning Statement and amendments to the LEP). A single LEP applying to the whole local government area will help avoid complications and facilitate more efficient administration of future amendments to Ku-ring-gai's LEP in order to implement and deliver the planning priorities of the North District Plan.

Q4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Our Ku-ring-gai - Community Strategic Plan 2038 (June 2018)

The Community Strategic Plan reflects the aspirations and priorities of the Ku-ring-gai community into the future. The plan sits at the top of Council's strategic planning framework, and provides long term direction for the Council to align its delivery of projects, programs, policies and services. The Planning Proposal is consistent with the plan, particularly with respect to the following:

- Theme 3 Places, Spaces and Infrastructure
 - o Issue P1 Preserving the unique visual character of Ku-ring-gai

 Long term objective – P1.1 Ku-ring-gai's unique visual character and identity is maintained

The Planning Proposal seeks to consolidate the two LEPs – the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 and Ku-ring-gai Local Environmental Plan 2015. As the consolidation will be achieved via an amendment to the KLEP 2015, in the majority of instances the existing clauses within the KLEP 2015 will remain. However, in order to ensure the character, identity and development outcomes within the Local Centres are retained – some specific provisions and clauses relating to the local centres will be transferred into the KLEP 2015.

- Theme 3 Places, Spaces and Infrastructure
 - o Issue P2 Managing urban change
 - Long term objective P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai

The consolidation of the KLEP (Local Centres) 2012 and KLEP 2015 will result in a single LEP applying to the whole local government area. The merging of the two LEPs to form a single instrument will remove any inconsistencies between the two plans, and assist in reducing the complexity of the local planning system. The consolidation of the LEPs will ensure a robust local planning framework is in place to maintain the identity of Ku-ring-gai, and form a basis for the delivery of the North District Plan and Greater Sydney Region Plan.

- Theme 3 Places, Spaces and Infrastructure
 - o Issue P5 Heritage that is protected and responsibly managed
 - Long term objective P5.1 Ku-ring-gai's heritage is protected, promoted and responsibly managed

The Planning Proposal seeks to ensure that Ku-ring-gai's heritage is protected, through the heritage listing of Roseville, Lindfield, Pymble and Turramurra railway stations. The Planning Proposal also seeks to ensure that Ku-ring-gai's heritage is responsibly managed, through the removal of heritage listings from properties where it has been identified that there is no heritage significance, for example in cases where subdivisions of existing heritage items have been approved and new dwellings have been constructed on the new lots.

Q5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The following table identifies the key applicable SEPPs and outlines this Planning Proposal's consistency with those SEPPs.

SEPP	Comment/Consistency
SEPP 19 Bushland in Urban Areas	Consistent.
When preparing draft local environmental plans for any land to which SEPP 19 applies, other than rural land, the council shall	The Planning Proposal will not result in the removal or degradation of bushland, remanent plant communities, rare or endangered flora and fauna species, habitats for native flora and fauna, wildlife corridors, geological features or watercourses.
have regard to the general and specific aims of the Policy, and give priority to retaining bushland, unless it is satisfied that significant environmental,	The Planning Proposal will retain and protect bushland in the Ku-ring-gai urban area through the retention of additional local provision clause relating to biodiversity protection in the KLEP (Local Centres) 2012 and KLEP 2015, and the associated mapping of biodiversity significant lands within the local government area.
economic or social benefits will arise which outweigh the value of the bushland.	The Planning Proposal also seeks to include additional Biodiversity mapping over sites that make up Deferred Area 14 to ensure appropriate protection and consideration of the significant trees and vegetation.
SEPP 44 Koala Habitat Protection	Consistent.
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 background biodiversity studies undertaken for the preparation of the KLEP (Local Centres) 2012 and KLEP 2015 included an investigation of the potential presence of core Koala habitat in the local government area. No core Koala habitat was identified in the land to which the SEPP applies.
SEPP 55 Remediation of Land	Consistent.
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 Planning Proposal will largely retain the existing zonings and permissible land uses under the KLEP (Local Centres) 2012 and KLEP 2015. The proposed amendments to the zoning are identified mapping errors – where the sites previous zoning under the KPSO has been incorrectly translated to the KLEP (Local Centres) 2012 or KLEP 2015 e.g. Open space zones incorrectly translated to R2 Low Density Residential zones. The Planning Proposal will therefore not result in allowing change of use that may increase the risks to health or the environment from contamination.
SEPP Infrastructure 2007	Justifiable Inconsistent.
The aim of the SEPP is to facilitate the effective delivery of infrastructure across NSW.	 The Planning Proposal largely will retain all the lands and locations zoned for infrastructure under the KLEP (Local Centres) 2012 and KLEP 2015. The Planning Proposal seeks the following changes to sites currently zoned SP2 Infrastructure: 62 Rosedale Road, Gordon – the planning proposal seeks to rezone and amend the relevant planning controls for a small portion of land zoned SP2 Educational Establishment at 62 Rosedale Road, Gordon. The portion of land was sold by the Department of Education, and is now privately owned. It is proposed to rezone the portion of land to R2 Low Density Residential, with the associated development standards. This zoning is consistent with the existing zone of the privately owned residential allotment, and is consistent with surrounding land. The

SEPP	Comment/Consistency	
	 existing and proposed mapping is identified at Site 65 at PART 4 – MAPPING of this Planning Proposal 1 Burgoyne St, Gordon – the site is currently zoned SP2 Rail Infrastructure. This is a mapping error, the site is privately owned and the Planning Proposal seeks to rezone the site to R4 High Density consistent with the adjoining properties. The existing and proposed mapping is identified at Site 66 at PART 4 – MAPPING of this Planning Proposal 33 Moree St, Gordon – the site is currently zoned Part R3 Medium Density Residential and part SP2 Educational Establishment. The land has now been acquired by Council and the road has been constructed. The Planning Proposal seeks to rezone the whole site to R3 Medium Density Residential The existing and proposed mapping is identified at Site 67 at PART 4 – MAPPING of this Planning Proposal Properties in Holford Crescent, Ridge Street and Ryde Road, Gordon – the sites are currently zoned part SP2 Local Road and part R2 Low Density Residential. The land identified as land reserved for a local road is located at the rear of eight allotments. Each lot comprises a dwelling house and ancillary structure and has access to Ryde Road or Holford Crescent. The proposal seeks to rezone the SP2 Infrastructure zoned land to R2 Low Density Residential. The proposed R2 zone is consistent with the surrounding zoning and development. It is not anticipated that he rezoning will result in any negative planning outcomes. The infrastructure commitment for a local road is unfunded, and it would be difficult to justify the inclusion of the cost of acquisition in a future contributions plan due to the small number of landholders that would benefit from this infrastructure. If the continuation of the road is required by a particular development (i.e subdivision) for access, then the onus in entirely on the developer of the subject property to build that part of it that lies on their land, and that provides access to it (from the nearest part of Holford Crescent)	
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.	Consistent. The Planning Proposal seeks to retain the existing exempt and complying development provisions contained within the KLEP (Local Centres) 2012 and KLEP 2015 – which are not inconsistent with the SEPP Exempt and Complying Development Codes 2008.	

SREPP	Comment on Consistency
SYDNEY REP 20 Hawkesbury- Nepean River	Consistent.
The SREP requires consideration be given to the impact of future land use in Hawkesbury-Nepean River catchment in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture, and urban and rural	The Planning Proposal will not result in change to the existing land uses within the local government area as the Planning Proposal seeks to retain the existing zoning for sites (except for those sites identified with mapping errors). Accordingly the Planning Proposal will not impact the catchment of the Hawkesbury-Nepean River.

SREPP	Comment on Consistency
residential development.	
SYDNEY REP (Sydney Harbour Catchment) 2005 The SREP aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways. It establishes planning principles and controls for the catchment as a whole.	Consistent. The Planning Proposal with retain appropriate planning provisions to protect and enhance identified environmentally sensitive lands and waterways.

Q6. *Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?*

In accordance with Clause 9.1 of the *Environmental Planning and Assessment Act 1979* the Minister issues directions for the relevant planning authorities to follow when preparing Planning Proposals. The following directions are considered relevant to the Planning Proposal:

Direc	ctions under S9.1	Objectives	Comment/Consistency	
1.	EMPLOYMENT AND RESOURCES			
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. 	Consistent. The Planning Proposal will retain the areas and locations of existing land zoned for business purposes. The Planning Proposal will not result in a reduction of potential floor space area for employment uses within land zoned for business uses.	
2.	2. ENVIRONMENT AND HERITAGE			
2.1	Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Consistent. The Planning Proposal will retain the existing provisions within the KLEP (Local Centres) and KLEP2015 that facilitate the protection and conservation of environmentally sensitive areas within the local government area. E.g. Retention of existing Environmental zonings (E1, E2, E3, E4) and retention of local clauses related to the protection of biodiversity and riparian lands.	
2.3	Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous	Consistent. The Planning Proposal seeks to include Lindfield, Pymble, Turramurra and Roseville train stations as local heritage items. These	

Planning Proposal

Directions under S9.1	Objectives	Comment/Consistency
	heritage significance.	stations are currently listed on the s170 NSW State Agency Heritage Register, so are already identified as having heritage significance.
3. HOUSING, INFRASTRUC	TURE AND URBAN DEVELOPME	ENT
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 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.	Justifiably Inconsistent. The Direction states that a Planning Proposal must not contain provisions which will reduce the permissible residential density of land. The Planning Proposal seeks to amend mapping errors and anomalies. Some properties have been identified as being incorrectly zoned with a residential zoning. These properties were previously zoned for open space under the Ku-ring-gai Planning Scheme Ordinance and the zone should have been translated to either RE1 Public Recreation or E2 Environmental Conservation. Site Current Proposed Lister Street, E4 E2 North Environmental Living Environmental Conservation Part 1 Buna (Land between 4 & 6 Ross Place) E4 E2 Part 1 Buna Close North Environmental Living Environmental Conservation Turramurra – Lot 27 DP1224639 – Access Andle only) 37 – 41 Part R2 Low Barwon E2 Barwon South Residential Residential Environmental Conservation Varamurra – Lot 27 DP1178913 Recreation Kissing Point Residential R2 Low Residential DP3015 RE1 Public Recreation 204 Lynbarra Avenue, St Ves – Lot 44 Residential Conservation Conservation DP517837 Part E4 Residential DP1061748 Density Recreation Recreation Recreation Street, Density <t< td=""></t<>

Directions under S9.1	Objectives	Co	mment/Consis	stency
		(Access handle only) Part 10a Illeroy Avenue, Killara – Lot 104 DP17647	R2 Low Density Residential	RE1 Public Recreation
		71 Albert Drive, Killara – Lot 61 DP31533	R2 Low Density Residential	RE1 Public Recreation
		Arthur Street, Killara – Lot 32 DP16006	R2 Low Density Residential	RE1 Public Recreation
		35 Blaxland Road, Killara – Unformed Road DP641	R2 Low Density Residential	RE1 Public Recreation
		following amer		seeks to make the hing sites from a idential zone:
		Site	Current	Proposed
		Part 169 Warrimoo Avenue, St Ives – Part Lot 1	E2 Environmental Conservation	E4 Environmental Living
		DP270318 460 Mona Vale Road, St Ives – Part Lot 2816 DP728428	E1 National Parks & Reserves	E3 Environmental Management
		62 Rosedale Road, Gordon – Lot 10 DP1141908	Part SP2 Educational Establishment	R2 Low Density Residential
		1 Burgoyne Street, Gordon – Lot 6 DP825602	SP2 Rail Infrastructure	R4 High Density Residential
		33 Moree Street, Gordon – Part of Lot 13 DP666504	Part SP2 Educational Establishment	R3 Medium Density Residential
		Proposal provi mapping for al		nd proposed
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking,	was developed preparation of and KLEP 201 plans for land management,	d by Council ar the KLEP (Loc	cling, public

Directions under S9.1	Objectives	Comment/Consistency
	 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. 	The Planning Proposal will retain the existing land use locations and zonings under the KLEP (Local Centres) 2012 and KLEP 2015 - except where identified as a mapping error.
4. HAZARD AND RISK		
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 existing acid sulphate soil mapping and clauses will be retained within the KLEP 2015. Currently, the KLEP (Local Centres) 2012 does not contain any provisions or mapping of acid sulphate soils. The Planning Proposal will result in the inclusion of Acid Sulphate Soils mapping for the local centres – providing complete mapping for the local government area. The proposed Acid Sulphate Soils mapping for the Local Centres is included at PART 4 – MAPPING of this Planning Proposal. The Planning Proposal does not propose any intensification of land uses on land identified as containing acid sulphate soils.
4.3 Flood Prone Land	The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain</i> <i>Development Manual</i> 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land	Consistent. Ku-ring-gai Council is following the NSW Government's Flood Prone Land Policy and Floodplain Development Manual (2005) and is in the process of producing detailed studies (in partnership with the Office of Environment and Heritage) for each of the sub-catchments within the local government area. These detailed studies will then be used to inform land use planning, flood planning area mapping and the incorporation of the "Flood Planning" model local provisions via a future Planning Proposal.
4.4 Planning for Bushfire Protection	The objectives of this direction are: (a) to protect life, property	Consistent.

Directions under S9.1	Objectives	Comment/Consistency
	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	The Planning Proposal has had regard for <i>Planning for Bushfire Protection 2006</i> and does not introduce controls that would place inappropriate development in hazardous areas, and does not prohibit bushfire reduced in the APZ. Consultation with the NSW Rural Fire Service
	management of bush fire prone areas.	will occur following receipt of the Gateway Determination.
6. LOCAL PLAN MAKING	I	
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 any additional provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.
6.2 Reserving Land for Public Purposes		Consistent – an objective of this direction is to facilitate the removal of reservation of land for public purposes where the land is no longer required for acquisition.
		The direction states that a Planning Proposal must not create, alter or reduce existing zonings reservations of land for public purposes without the approval of the Secretary of the Department of Planning. The Secretary's approval is sought through this Planning Proposal.
		The Planning Proposal seeks to alter the zoning of the following sites:
		• Holford Crescent Gordon The road reservation in Holford Crescent Gordon was previously included in the KPSO and was carried over to the KLEP 2015 in the translation process. Under the KLEP 2015 the land has been zoned SP2 Infrastructure – Local Road. The land has also been identified on the Land Reservation Acquisition Map.
		The KPSO also included a clause (cl59) that would require a landholder to construct the identified road as part of any future subdivision of that land. However, an equivalent clause has not been included in the KLEP 2015. This is because under the EP&A Act , the only way Council can now seek a contribution to the provision of infrastructure is via section 94 (unless the landowner is willing to voluntarily dedicate the land to Council – that would require a VPA). Clause 59 of the KPSO predates the EP&A Act.
		The acquisition of the land and the construction of the road are not works identified in the current s94 plan. Therefore the future acquisition of the land for the road represents an unfunded liability for Council from a contributions viewpoint, nor is there capacity to provide an offset or reduction in

Directions under S9.1	Objectives	Comment/Consistency
		s94 contributions against any VPA or works in kind for the provision of the road should the land holder wish to do so. It would be difficult to justify the inclusion of the cost of acquisition in a future contributions plan due to the small number of landholders that would benefit from this infrastructure.
		The sites are currently zoned part SP2 Local Road and part R2 Low Density Residential. The land identified as land reserved for a local road is located at the rear of eight allotments. Each lot comprises a dwelling house and ancillary structure and has access to Ryde Road or Holford Crescent. The proposal seeks to rezone the SP2 Infrastructure zoned land to R2 Low Density Residential. The proposed R2 zone is consistent with the surrounding zoning and development. It is not anticipated that he rezoning will result in any negative planning outcomes.
		It is proposed to remove the reservation from the KLEP 2015 via an amendment to the Land Reservation Acquisition Map. The existing and proposed mapping is identified at Site 68 at PART 4 – MAPPING of this Planning Proposal.
		• 33 Moree Street, Gordon It is proposed to remove the local road reservation from 33 Moree Street, Gordon. Council has acquired the land and the delivery of a public road on the site has been delivered through a Voluntary Planning Agreement associated with development on the adjoining sites.
		The site is currently zoned SP2 Educational Establishment, which is an error with the incorrect label used on the SP2 Infrastructure zone. It is proposed to rezone the site to R3 Medium Density Residential, to match that of the adjoining land.
		The existing and proposed mapping for this site is identified at Site 67 at PART 4 – MAPPING of this Planning Proposal.
		 460 Mona Vale Road, St Ives – Part Lot 2816 DP728428
		This is part lot forms part of a larger allotment in the Northern Beaches local government area. The allotment is wholly within private ownership. The part lot within the Ku-ring-gai local government area is zoned E1 National Parks and Reserves, and the part within the Northern Beaches local government area is zoned E3 Environmental Management. It is proposed to rezone the part lot from E1 National Parks and Reserves to E3 Environmental Management. The rezoning of the part lot to E3 will ensure consistency within the adjoining zoning under the Warringah LEP. The existing and proposed mapping is identified at Site 44 at PART 4 –

Directions under S9.1	Objectives	Com	ment/Consister	ю
		MAPPING of this	s Planning Prope	osal
		62 Rosedal The planning pro- amend the relevent small portion of la Department of E owned. It is prop- land to R2 Low ID associated devent zoning is consistent the privately owned is consistent with existing and prop- Site 65 at PART Planning Propose	ant planning cor and zoned SP2 t 62 Rosedale R ducation, and is osed to rezone lopment standar tent with the exis ned residential a n surrounding lan posed mapping i 4 – MAPPING	rezone and atrols for a Educational oad, Gordon. he now privately the portion of tial, with the ds. This sting zone of llotment, and nd. The s identified at
		• 1 Burgoyne The site is curren Infrastructure. This privately owne seeks to rezone consistent with the existing and prop Site 66 at PART Planning Propose	his is a mapping ad and the Plann the site to R4 Hi he adjoining pro posed mapping i 4 – MAPPING	Rail error, the site ing Proposal gh Density perties. The s identified at
		Sites Proposed to be zoned for a Public Purpose - RE1 Public Recreation The Planning Proposal also seeks to rezone the following sites to from R2 Low Density Residential and E2 Environmental Conservation to RE1 Public Recreation.		
		Site	Ownership	Site No. (Part 4 - Mapping)
		28 Cliff Avenue, North Wahroonga	Council	Site 23
		Kissing Point Road, South Turramurra – Lot 7, 8 & 9 DP220615	Roads and Maritime Services	Site 40
		20A Lynbarra Avenue, St Ives	Council	Site 51
		2 Warrandoo Street, Gordon	Crown	Site 64
		3A Fairbairn Avenue, East Killara	Crown	Site 72
		Part 10A Illeroy Avenue, Killara – Lot	Council	Site 77

Directions under S9.1	Objectives	Comment/Consistency		
		104 DP17647 71 Albert Drive Killere		
		Drive, KillaraArthur Street, Killara – Lot 32 DP16006CouncilSite 88		
		35 Blaxland Council Site 89 Road, Killara		
		No acquisition authority is required for the proposed zoning of the above lots to RE1 Public Recreation.		
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Consistent. The Planning Proposal does not propose any amendments in order to permit a specific development to be carried out. The Planning Proposal will not result in unnecessary or restrictive site specific planning controls.		
7. METROPOLITAN PLANNING				
7.1 Implementation of the Metropolitan Strategy	The objective of this direction is to give legal effect to the planning principles, directions, and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney	Consistent. A Plan for Growing Sydney has been replaced by the Greater Sydney Region Plan – <i>A</i> <i>Metropolis of Three Cities</i> . The Planning Proposal is consistent with the objectives of the Greater Sydney Region Plan, and with the consolidation of the KLEP (Local Centres) and KLEP 2015 to a single LEP, this will avoid complications and facilitate more efficient administration of future amendments to Ku- ring-gai's LEP which have been prepared to implement and deliver the objectives and priorities of the Greater Sydney Region Plan.		

C. Environmental, social and economic impact

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

It is unlikely that the Planning Proposal will adversely affect critical habitat or threatened species, populations or ecological communities or their habitats. The amendments proposed in the Planning Proposal are mostly minor and/or administrative and will generally have no significant impacts on critical habitats, threatened species, populations, ecological communities or their habitats.

Q8. Are there any other likely *environmental effects as a result of the Planning Proposal and how are they proposed to be managed?*
The Planning Proposal is primarily an administrative exercise to merge the KLEP (Local Centres) 2012 into the KLEP 2015, and resolve mapping anomalies and inconsistences between the plans. Consequently there are unlikely to be environmental effects, either individually or cumulatively as a result of the Planning Proposal.

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

As the Planning Proposal seeks to merge the two existing LEPs – it is not expected to result in any additional adverse social or economic effects. By merging the LEPs it will result in simplifying the local planning system – this in turn may generate some positive social and economic effects through a more efficient hierarchy of local planning instruments, resulting in a more streamlined development assessment process for applicants.

The Planning Proposal includes some amendments which will have positive social impacts, such as the new heritage listings, which will increase local heritage protection.

D. State and Commonwealth interests

Q10. Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal will not generate the demand for additional public infrastructure. The Planning Proposal will retain the existing land uses and zonings under the KLEP (Local Centres) 2012 and KLEP 2015 – except on sites identified as containing a mapping error.

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

No consultation has been undertaken with State or Commonwealth public authorities at this stage. Council will consult with any state or commonwealth agencies post-gateway determination and in accordance with the conditions of the gateway determination and the *Environmental Planning and Assessment Act 1979*.

Council will also consult with any state and commonwealth authorities who have land holdings that would be affected by the Planning Proposal.

PART 4 - MAPPING

Maps, where relevant, to identify the intent of the Planning Proposal and the area to which it applies

Consolidation of

Ku-ring-gai Local Environmental Plan 2015

and

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

Proposed Mapping Amendments

Site Reference Table

Site Number	Property
1.	3-13, 15, 17, 19 Bundarra Avenue South, 16 and 18 Woonona Avenue WAHROONGA
2.	Clissold Road WAHROONGA (Lot 1 DP 617020)
3.	Junction Lane WAHROONGA (Lot 41 DP 562029)
4.	46 Water Street WAHROONGA
5.	57 Water Street WAHROONGA
6.	42 Hampden Avenue WAHROONGA
7.	Millewa Lane WAHROONGA (Lot 10 Sec 1 DP 6297)
8.	4 Warwilla Avenue WAHROONGA
9.	Coonanbarra Road WAHROONGA (DP 369438)
10.	36A & 36C Exeter Road and 89 Lucinda Avenue WAHROONGA
11.	15 Walpole Place WAHROONGA
12.	Lister Street NORTH WAHROONGA (Land between 4 & 6 Ross Place North Wahroonga)
13.	43 Campbell Drive WAHROONGA
14.	116 & 118 Fox Valley Road WAHROONGA
15.	84 Fox Valley Road WAHROONGA
16.	94 Fox Valley Road WAHROONGA
17.	32 The Broadway, WAHROONGA
18.	Part of 8 Muttama Street WAHROONGA
19.	9 Gladstone Avenue WARRAWEE
20.	2A & 2B Pibrac Avenue WARRAWEE-
21.	Valley Park Crescent NORTH TURRAMURRA (Lot 82 DP 801942)
22.	Stonecrop Road NORTH TURRAMURRA (Lot 21 DP 224353)
23.	28 Cliff Avenue NORTH WAHROONGA
24.	7 Womerah Street TURRAMURRA
25.	Chatham Place NORTH TURRAMURRA (Pathway DP203164)

26.	Burnley Avenue NORTH TURRAMURRA (Pathway DP201952)
27.	Part of 1 Buna Close NORTH TURRAMURRA
28.	24 Laurence Avenue TURRAMURRA
29.	62 Spurwood Road TURRAMURRA
30.	8 Laurel Avenue TURRAMURRA
31.	Apps Avenue TURRAMURRA (Pathway DP27598)
32.	Kissing Point Road TURRAMURRA (Lot 29 DP 220626)
33.	1 Barellan Avenue TURRAMURRA
34.	Kissing Point Road SOUTH TURRAMURRA (Lots 48, 49, 54, 57 & 58 DP 220615, land fronting 207 – 211 and 213 – 219D Kissing Point Road South Turramurra)
35.	7 & 14 Warner Avenue, 43 & 45 Barwon Avenue, 4, 5 & 6 Grey Horse Close, 19 & 21 Chisholm Street SOUTH TURRAMURRA
36.	37-41 Barwon Avenue SOUTH TURRAMURRA
37.	235A & 235B Kissing Point Road SOUTH TURRAMURRA
38.	Kissing Point Road SOUTH TURRAMURRA (Lots 3, 4, 5 & 6 DP 220615 & Lot 21 DP30919)
39.	10B Buller Street SOUTH TURRAMURRA
40.	Kissing Point Road SOUTH TURRAMURRA (Lot 7, 8 & 9 DP 220615)
41.	Bowen Avenue SOUTH TURRAMURRA (Pathway DP 217287)
42.	33 Dalton Road ST IVES CHASE
43.	Part of 169 Warrimoo Avenue ST IVES (Aurora Drive)
44.	460 Mona Vale Road, ST IVES
45.	178A Killeaton Street ST IVES
46.	33 Lynbara Avenue ST IVES
47.	25 Barra Brui Crescent ST IVES
48.	43 Melaleuca Drive ST IVES and adjoining unformed road
49.	Part of 23 Carcoola Road ST IVES
50.	47 & 51 Killeaton Street ST IVES
51.	20A Lynbarra Avenue ST IVES
52.	8A Edgewood Place ST IVES
53.	Merrivale Road PYMBLE (Lot 3 & 4 DP 208261)

54.	Kiparra Street PYMBLE (Lot 91 DP 12830)
55.	Part of 2 Warragal Road PYMBLE
56.	20 Dakara Close PYMBLE
57.	St Andrews Drive PYMBLE (Lot 3 DP 789892)
58.	Part of 33A Ryde Road PYMBLE
59.	Pymble Railway Station Group, Grandview Street, PYMBLE
60.	7A Fairway Avenue, PYMBLE
61.	62 Livingstone Avenue, PYMBLE
62.	Wallalong Crescent WEST PYMBLE (Lot 3 DP533035)
63.	Part of 32B Rosedale Road GORDON
64.	2 Warrandoo Street GORDON
65.	62 Rosedale Road GORDON
66.	1 Burgoyne St, GORDON
67.	33 Moree Street, GORDON
68.	Part of: 24 & 36 Holford Crescent GORDON, part of 42, 50, 52A, 54A & 56 Ridge Street GORDON, 46 & 52 Ryde Road GORDON
69.	44A Mount William Street GORDON
70.	St Johns Avenue GORDON (Lot 69 DP 241717)
71.	42 Warrington Avenue EAST KILLARA
72.	3A Fairbairn Avenue EAST KILLARA
73.	17 Eastgate Avenue EAST KILLARA
74.	Kimberley Street EAST KILLARA (Lot 7026 DP 93679)
75.	Savoy Avenue EAST KILLARA (Pathway DP 217302)
76.	Part of 151A Koola Avenue EAST KILLARA
77.	Part of 10A Illeroy Avenue KILLARA
78.	Booraba Avenue LINDFIELD (Pathway DP 32093)
79.	4 Killara Avenue, KILLARA
80.	31 Karranga Avenue KILLARA
81.	29A Arnold Street KILLARA

82. 83. 84.	19 Locksley Street KILLARA 9B Arnold Street KILLARA
	9B Arnold Street KILLARA
04	
04.	13A Springdale Road KILLARA
85.	87 & 89 Stanhope Road KILLARA
86.	71 Albert Drive KILLARA
87.	Golf Links Road KILLARA (Lot 19 DP 217659, Lot 20 DP 217659, Lot 59 DP 10097)
88.	Arthur Street KILLARA (Lot 32 DP16006)
89.	35 Blaxland Road KILLARA
90.	104 & 104A Wellington Road EAST LINDFIELD
91.	59 Lindfield Avenue, 1, 3, 11, 15 & 17 Woodside Avenue, A2, 2 & 2B Havilah Road, LINDFIELD
92.	11 Nelson Road LINDFIELD
93.	49 Tryon Road LINDFIELD
94.	42 Provincial Road & 47C Highfield Road, LINDFIELD
95.	29 Larool Avenue LINDFIELD
96.	Lindfield Railway Station Group, Lindfield Avenue, LINDFIELD
97.	81A Grosvenor Road LINDFIELD
98.	42 Griffith Avenue ROSEVILLE CHASE
99.	21, 29 & 30A Calga Street ROSEVILLE CHASE
100.	Part 27A Babbage Road ROSEVILLE CHASE
101.	2A Attunga Road ROSEVILLE CHASE
102.	1 Archbold Road ROSEVILLE
103.	64 Pacific Highway ROSEVILLE
104.	Alison Street ROSEVILLE (Lot 1 DP 525223)
105.	Roseville Station Group, Hill Street, ROSEVILLE
106.	60A Shirley Road ROSEVILLE
107.	4A Duntroon Avenue ROSEVILLE
108.	3 Recreation Avenue ROSEVILLE





Reason for Amendments: Area was deferred from inclusion within KLEP 2015 in order to allow further investigation into the implications of the proposed R4 High Density Residential zoning on an adjoining heritage item. Amendment to include these properties into the KLEP 2015 and resolved deferred status.

Proposed

3-13,

Site

Existing

1.

3-13, 15, 17, 19 Bundarra Avenue South,16 and 18 Woonona Avenue WAHROONGA

Lot 36 DP1210393, Lot 35 DP1210393, Lot 15 DP 1210393, Lot 100 DP1118152, Lot 100 DP1027365 and Lot 1 DP1033850



Clissold Road WAHROONGA

Lot 1 DP 617020

Instrument: KLEP 2015



Junction Lane WAHROONGA

Lot 41 DP 562029

Instrument: KLEP 2015



4.

46 Water Street WAHROONGA

Lot 1 DP 1128187

Instrument: KLEP 2015

Reason for Amendments: Amendments to remove development standards to make consistent with adjoining E2 zoned land. Removal of heritage - Council owned bushland which was acquired by Council following subdivision in 2008. Land formally formed part of larger heritage item. The heritage listing remains on 1 Glenwood Close (1932). All other lots in subdivision have listing removed





57 Water Street WAHROONGA

Lot 26 DP 12371, Lot 1 DP 1101745

Instrument: KLEP 2015



11 | P a g e



42 Hampden Avenue WAHROONGA

Lot 1 DP 1004781



Millewa Lane WAHROONGA

Lot 10 Sec 1 DP 6297

Instrument: KLEP 2015



4 Warwilla Avenue WAHROONGA

Lot 1 Sec 6 DP 6297

Instrument: KLEP 2015



9.

Coonanbarra Road WAHROONGA

DP 369438





15 Walpole Place WAHROONGA

Drainage Reserve DP 30895, Path DP 223670

Instrument: KLEP 2015



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43 Campbell Drive WAHROONGA

13.

Lot 42 DP 216409













9 Gladstone Avenue WARRAWEE

Lot D DP 318743, Lot A DP 319500

Instrument: KLEP 2015







Stonecrop Road NORTH TURRAMURRA

Lot 21 DP 224353

Instrument: KLEP 2015







Chatham Place NORTH TURRAMURRA

25.

Pathway DP203164



Burnley Avenue NORTH TURRAMURRA

Pathway DP201952

Instrument: KLEP 2015




24 Laurence Avenue TURRAMURRA

28.

Lot 102 DP 533073



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62 Spurwood Road TURRAMURRA



8 Laurel Avenue TURRAMURRA

Lot 1 DP 1215322

30.



Apps Avenue TURRAMURRA

31.

Pathway DP27598



Kissing Point Road TURRAMURRA

Lot 29 DP 220626

Instrument: KLEP 2015









3



37-41 Barwon Avenue SOUTH TURRAMURRA Lot 27 DP 1178913

Instrument: KLEP 2015

\$

A3

Proposed

A3

Reason for Amendments: Public reserve created by subdivision of former B2 County Road Reservation. Land classified a Community and categorised Natural Area. Removal of development standards to make consistent with other E2 zoned land in Ku-ring-gai

36.

Site

36 FSR Existing

A3

A3



44 | P a g e



235A & 235B Kissing Point Road SOUTH TURRAMURRA

Lot 21 & 22 DP 538546

Instrument: KLEP 2015

Kissing Point Road SOUTH TURRAMURRA

38.

Lots 3, 4, 5 & 6 DP 220615 & Lot 21 DP30919



10B Buller Street SOUTH TURRAMURRA

39.

Lot 1 DP 343196



Kissing Point Road SOUTH TURRAMURRA

40.

Lot 7, 8 & 9 DP 220615

Instrument: KLEP 2015

Reason for Amendments: This land was previously zoned 6(a) Recreation Existing under the KPSO. Amendment to remove minimum lot size development standard to make consistent with adjoining RE1 and E2 zoned land.



Bowen Avenue SOUTH TURRAMURRA

41.

Pathway DP 217287



33 Dalton Road ST IVES CHASE

42.

Lot 100 DP 793317



Part of Aurora Drive ST IVES CHASE

Part of Lot 1 DP 270318

Instrument: KLEP 2015

Reason for Amendments: Private Land. E2 zoned land not subject to reservation for acquisition. Remainder of site included as part of deferred areas. An E4 zoning and development standards would be consistent with the remainder of the site included in deferred areas planning proposal. Mapped as Regional Fauna Habitat.





178A Killeaton Street ST IVES

45.

Lot res DP 14488



33 Lynbara Avenue ST IVES

Lot 27 DP 31011, Lot 1 DP 193428

Instrument: KLEP 2015



25 Barra Brui Crescent ST IVES

47.

Lot 7065 DP 94233



43 Melaleuca Drive ST IVES and adjoining unformed road.

48.

Lot 29 DP 250329 and adjoining unformed road.











Merrivale Road PYMBLE

Lot 3 & 4 DP 208261

Instrument: KLEP 2015



Kiparra Street PYMBLE

54.

Lot 91 DP 12830

















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Wallalong Crescent WEST PYMBLE

Lot 3 DP533035

Instrument: KLEP 2015

Reason for Amendments: Public pathway previously zoned 6(a) Recreation Existing under the KPSO. Rezoned R2 as part of KLEP 2015 to match adjoining R2 land. Amendment to include development standards consistent with adjoining R2 zoned land.




62 Rosedale Road GORDON

65.

Lot 10 DP1141908

Instrument: KLEP 2015

Reason for Amendments: This part of the land was purchased from Department of Education and is now private property. Amendment to include development standards consistent with adjoining R2 zoned land.





1 Burgoyne St, GORDON

66.

Lot 6 of DP825602

Instrument: KLEP Local Centres 2012

Reason for Amendments: Site is privately owned and part of adjoining property that is zoned R4 High Density Residential. Mistakenly zoned SP2 Railway as part of KLEP (Local Centres) 2012. Rezone to R4 to match adjoining land.













St Johns Avenue GORDON

70.

Lot 69 DP 241717



42 Warrington Avenue EAST KILLARA

Part Garigal National Park

Instrument: KLEP 2015





17 Eastgate Avenue EAST KILLARA

Lot 9 DP 24476, Lot 1 DP 661563

Instrument: KLEP 2015





J2 D. P.

J2(9.5m)

ST

J2

J2

D. P. 936

Delete reference to HOB

ST

J2

J2

NEANY

J2

J2

NEANY

J2

Savoy Avenue EAST KILLARA

75.

Pathway DP 217302



Part of 151A Koola Avenue EAST KILLARA

Lot 7322 DP1163136

Instrument: KLEP 2015





Booraba Avenue LINDFIELD

Pathway DP 32093



4 Killara Avenue, KILLARA

79.

Lot 1 DP507229

Instrument: KLEP 2015

Reason for Amendments: Amendment to Height of building and FSR to make consistent with R3 zoning, and consistent with adjoining R3 zoned site.



80.

31 Karranga Avenue KILLARA

Lot 1 & 2 DP 233232



29A Arnold Street KILLARA

81.

Lot 43 DP 920807







13A Springdale Road KILLARA

Lot A DP 181876

Instrument: KLEP 2015



94 | P a g e



87 & 89 Stanhope Road KILLARA

Lot 211 DP 668081 & Lot 3C DP 172387





Golf Links Road KILLARA

Lot 19 DP 217659, Lot 20 DP 217659, Lot 59 DP 10097





RD

Delete reference to LSZ

R

02



RD

Q (790)

02

Q

Reason for Amendments: Amendment to remove development standards to make consistent with adjoining E2 zoned land.

104 & 104A Wellington Road EAST LINDFIELD

Lot 837 DP 240858 & Lot 799 DP 752031

Instrument: KLEP 2015





11 Nelson Road LINDFIELD

Lot 11 DP 9789, Lot 2 DP 315778

103 | P a g e



49 Tryon Road LINDFIELD



94.

42 Provincial Road & 47C Highfield Road, LINDFIELD

Lot 1 & 11 DP 262224



29 Larool Avenue LINDFIELD




108 | Page



42 Griffith Avenue ROSEVILLE CHASE

Lot 30 DP 13450

Instrument: KLEP 2015

109 | Page



21, 29 & 30A Calga Street ROSEVILLE CHASE

Lot 88 DP 15524, Lot 4 DP 239649, Lot 5 DP 239649, Lot 99 DP 15524

Instrument: KLEP 2015

Reason for Amendments: Amendment to include development standards to make consistent with

99.









104.

Alison Street ROSEVILLE

Lot 1 DP 525223

Instrument: KLEP 2015





116 | Page

60A Shirley Road ROSEVILLE

Lot 1 DP 951382

Instrument: KLEP 2015



106.







Ku-ring-gai Local Environmental Plan 2015 Amendment EXISTING KLEP2012 Local Centres

Acid Sulfate Soils Map GORDON



Cadastre

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The proposed amendment has been transferred from the KLEP (Local Centres) 2012







Acid Sulfate Soils Map GORDON



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Ku-ring-gai Local Environmental Plan 2015 Amendment PROPOSED

Acid Sulfate Soils Map GORDON



Cadastre











Terrestrial Bidiversity Map GORDON
Biodiversity

Cadastre















Ku-ring-gai Local Environmental Plan 2015 Amendment

EXISTING KLEP 2015



Floor Space Ratio Map GORDON Maximum Floor Space Ratio (n:1)









Ku-ring-gai Local Environmental Plan 2015 Amendment PROPOSED

Floor Space Ratio Map GORDON Maximum Floor Space Ratio (n:1)



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22 21 C12B











P Area 1

L





Height of Building Map GORDON Maximum Building Height (m)

V 39.5 Cadastre







Ku-ring-gai Local Environmental Plan 2015 Amendment PROPOSED

Height of Building Map GORDON Maximum Building Height (m)



Cadastre

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Land Reservation Aquisition Map GORDON

Classified Road (SP2) Local Road (SP2) Regional Open Space (E2) Local Open Space (RE1)

Cadastre













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Lot Size Map GORDON



Cadastre






Lot Size Map GORDON

Minumum Lot Size (sq m)



Cadastre

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Land Zoning Map GORDON



Cadastre







Land Zoning Map GORDON



Cadastre

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Category 3 Category 3a

Cadastre















Acid Sulfate Soils Map PYMBLE



Cadastre















Terrestrial Bidiversity Map PYMBLE
Biodiversity

Cadastre







Terrestrial Bidiversity Map PYMBLE

Biodiversity

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16 P 17.5 Q1

20 Q2 20.5 T 26.5 U 32.5

V 39.5

Ku-ring-gai Local Environmental Plan 2015 Amendment PROPOSED



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Lot Size Map PYMBLE



Cadastre







Lot Size Map PYMBLE



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Ku-ring-gai Local Environmental Plan 2015 Amendment EXISTING KLEP (Local Centres) 2012

Acid Sulfate Soils Map ROSEVILLE



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Acid Sulfate Soils Map ROSEVILLE



Cadastre







Acid Sulfate Soils Map ROSEVILLE



Acid Sulfate Soils

Cadastre



















Floor Space Ratio Map ROSEVILLE



Cadastre

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Height of Building Map ROSEVILLE



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Classified Road



Land Reservation Aquisition Map ROSEVILLE

Classified Road (SP2) Local Road (SP2) Regional Open Space (E2) Local Open Space (RE1)

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Ku-ring-gai Local Environmental Plan 2015 Amendment EXISTING KLEP (Local Centres) 2012

Lot Size Map ROSEVILLE



Cadastre

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Lot Size Map ROSEVILLE



Cadastre







Lot Size Map ROSEVILLE



1500 Y 10000

Cadastre

U2

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Ku-ring-gai Local Environmental Plan 2015 Amendment EXISTING KLEP (Local Centres) 2012

Land Zoning Map ROSEVILLE



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Land Zoning Map ROSEVILLE



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Land Zoning Map ROSEVILLE



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Riparian Lands Map ROSEVILLE



Cadastre















Acid Sulfate Soils Map TURRAMURRA



Cadastre







Acid Sulfate Soils Map TURRAMURRA



Cadastre







EXISTING KLEP (Local Centres) 2012

Terrestrial Bidiversity Map TURRAMURRA

Biodiversity

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Floor Space Ratio Map TURRAMURRA



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Heritage Map TURRAMURRA

Heritage Conservation Area - General Item - General

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Heritage Map TURRAMURRA

Heritage Conservation Area - General Item - General

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Height of Building Map TURRAMURRA



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Height of Building Map TURRAMURR



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The proposed amendment has been transferred from the KLEP (Local Centres) 2012



















Land Reservation Aquisition Map TURRAMURRA

Classified Road (SP2) Local Road (SP2) Regional Open Space (E2) Local Open Space (RE1)

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Lot Size Map TURRAMURRA



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Lot Size Map TURRAMURRA

Minumum Lot Size (sq m)



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EXISTING KLEP (Local Centres) 2012

Land Zoning Map TURRAMURRA



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Land Zoning Map TURRAMURRA



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Land Zoning Map TURRAMURRA



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Riparian Lands Map TURRAMURRA



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EXISTING KLEP (Local Centres) 2012

Acid Sulfate Soils Map ST IVES



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Acid Sulfate Soils Map ST IVES



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Acid Sulfate Soils Map ST IVES



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Terrestrial Bidiversity Map ST IVES

Biodiversity

Cadastre

















U 2.5 W 3.5


















J1 9 J2 9.5 L 11.5 Ν

0

Q1

14.5

16 P 17.5

20 Q2 20.5 T 26.5 U 32.5

V 39.5

Cadastre

Ku-ring-gai Local Environmental Plan 2015 Amendment PROPOSED

Height of Building Map ST IVES

Maximum Building Height (m)





















Land Reservation Aquisition Map ST IVES

Classified Road (SP2) Local Road (SP2) Regional Open Space (E2) Local Open Space (RE1)

Cadastre











Lot Size Map ST IVES



Cadastre















Cadastre



















Category 2 Category 3 Category 3a

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EXISTING KLEP (Local Centres) 2012

Acid Sulfate Soils Map LINDFIELD



Cadastre







Acid Sulfate Soils Map LINDFIELD



Cadastre







Acid Sulfate Soils Map LINDFIELD



Cadastre







EXISTING KLEP (Local Centres) 2012

Terrestrial Bidiversity Map LINDFIELD

Biodiversity

Cadastre







Terrestrial Bidiversity Map LINDFIELD

Biodiversity

Cadastre







Terrestrial Bidiversity Map LINDFIELD

Biodiversity

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The proposed amendment has been transferred from the KLEP (Local Centres) 2012







EXISTING KLEP (Local Centres) 2012

Floor Space Ratio Map LINDFIELD



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The proposed amendment has been transferred from the KLEP (Local Centres) 2012







EXISTING KLEP (Local Centres) 2012

Heritage Map LINDFIELD Heritage Conservation Area - General Item - General

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EXISTING KLEP (Local Centres) 2012

Height of Building Map LINDFIELD



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Ku-ring-gai Local Environmental Plan 2015 Amendment

EXISTING KLEP (Local Centres) 2012

Land Reservation Aquisition Map LINDFIELD

Classified Road (SP2) Local Road (SP2) Regional Open Space (E2) Local Open Space (RE1)

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Ku-ring-gai Local Environmental Plan 2015 Amendment EXISTING KLEP 2015

Land Reservation Aquisition Map LINDFIELD

Classified Road (SP2) Local Road (SP2) Regional Open Space (E2) Local Open Space (RE1)

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Ku-ring-gai Local Environmental Plan 2015 Amendment PROPOSED

Land Reservation Aquisition Map LINDFIELD

Classified Road (SP2) Local Road (SP2) Regional Open Space (E2) Local Open Space (RE1)

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The proposed amendment has been transferred from the KLEP (Local Centres) 2012







Ku-ring-gai Local Environmental Plan 2015 Amendment

EXISTING KLEP (Local Centres) 2012

Lot Size Map LINDFIELD





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Ku-ring-gai Local Environmental Plan 2015 Amendment EXISTING KLEP 2015

Lot Size Map LINDFIELD



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Ku-ring-gai Local Environmental Plan 2015 Amendment PROPOSED







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Ku-ring-gai Local Environmental Plan 2015 Amendment

2015 Amendme EXISTING KLEP (Local Centres) 2012

Land Zoning Map LINDFIELD



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Ku-ring-gai Local Environmental Plan 2015 Amendment EXISTING KLEP 2015

Land Zoning Map LINDFIELD



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Ku-ring-gai Local Environmental Plan 2015 Amendment PROPOSED

Land Zoning Map LINDFIELD



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The proposed amendment has been transferred from the KLEP (Local Centres) 2012







Ku-ring-gai Local Environmental Plan 2015 Amendment

EXISTING KLEP (Local Centres) 2012 Riparian Lands Map LINDFIELD



Category 3a

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Ku-ring-gai Local Environmental Plan 2015 Amendment EXISTING KLEP 2015

Riparian Lands Map LINDFIELD



Category 1 Category 2 Category 3 Category 3a

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PART 5 – COMMUNITY CONSULTATION

Details of the community consultation that is to be undertaken on the Planning Proposal

Community consultation for this Planning Proposal will be consistent with the requirements of the Gateway Determination and the consultation guidelines contained in the Department of Planning and Environments "*A Guide to Preparing Local Environmental Plans*" (August 2016).

Public exhibition of the Planning Proposal is generally undertaken in the following manner:

- Notification in a newspaper that circulates the area affected by the Planning Proposal
- Notification on Councils website
- Notification in writing to the affected and adjoining land owners.

During the exhibition period, the following material is made available for viewing:

- Planning Proposal
- Gateway Determination
- Information relied upon by the Planning Proposal (e.g. any reports or studies)

At the conclusion of the public exhibition, a report will be prepared and reported back to Council to allow for the consideration of any submissions received from the community.

PART 6 – PROJECT TIMELINE

Stage	Timing
Anticipated commencement date (date of Gateway determination)	May 2019
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	October 2019
Commencement and completion dates for public exhibition period	October 2019 – November 2019
Dates for public hearing (if required)	N/A
timeframe for consideration of submissions	November 2019
Timeframe for the consideration of a proposal post exhibition	December 2019
Date of submission to the department to finalise the LEP	December 2019
Anticipated date RPA will make the plan (if delegated)	N/A
Anticipated date RPA will forward to the department for notification.	February 2019

APPENDIX A – Council Report and Resolution OMC 11 September 2018

Item GB.4

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CONSOLIDATION OF KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2015 AND KU-RING-GAI LOCAL ENVIRONMENTAL PLAN (LOCAL CENTRES) 2012

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to consider the preparation of a Planning Proposal for the consolidation of the <i>Ku-ring-gai Local</i> <i>Environmental Plan 2015</i> and of the <i>Ku-ring-gai Local</i> <i>Environmental Plan (Local Centres) 2012.</i>
BACKGROUND:	Ku-ring-gai currently has three (3) environmental Planning instruments in force, being the <i>Ku-ring-gai</i> <i>Planning Scheme Ordinance</i> (KPSO), <i>Ku-ring-gai Local</i> <i>Environmental Plan (Local Centres) 2012</i> (KLEPLC) and the <i>Ku-ring-gai Local Environmental Plan 2015</i> (KLEP). The consolidation of these into a single LEP will provide a platform for upcoming LEP update to implement North District Plan
COMMENTS:	While the consolidation of the LEPs will largely be an administrative process there have been a number of mapping errors and minor planning anomalies that are proposed to be resolved as part of the process. It is also intended to finalise the remaining area deferred from the KLEP 2015.
RECOMMENDATION:	That a Planning Proposal for the consolidation of the KLEP 2015, KLEP LC 2012 and the KPSO be prepared and submitted for a Gateway Determination.

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PURPOSE OF REPORT

For Council to consider the preparation of a Planning Proposal for the consolidation of the *Ku-ring-gai Local Environmental Plan 2015* and of the *Ku-ring-gai Local Environmental Plan (Local Centres) 2012*.

BACKGROUND

Ku-ring-gai currently has three (3) environmental planning instruments in force, being the *Ku-ring-gai Planning Scheme Ordinance 1971* (KPSO), *Ku-ring-gai Local Environmental Plan (Local Centres) 2012* (KLEP LC) and the *Ku-ring-gai Local Environmental Plan 2015* (KLEP).

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

The *Ku-ring-gai Local Environmental Plan (Local Centres) 2012* (KLEP LC 2012) applies to the 6 local centres within the local government area, which comprises the land surrounding Turramurra, Pymble, Gordon, Lindfield, Roseville railways stations and St Ives. The LEP was prepared in accordance with the NSW Government's Standard Instrument LEP. The plan was made on 25 January 2013 and came into effect on 8 February 2013.



Figure 1- Land covered by KLEP LC 2012

Figure 2 – Land covered by KLEP 2015

Ku-ring-gai Local Environmental Plan 2015

KLEP 2015 applies to the majority of land within Ku-ring-gai. The KLEP 2015 was largely a translation of the Ku-ring-gai Planning Scheme Ordinance into the standard instrument format. The LEP was made on 5 March 2015 came into effect on 2 April 2015.

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In adopting the KLEP 2015, Council deferred 13 areas from the LEP for further review. 13 of these areas were identified as high bushfire evacuation risk areas which were deferred to allow reassessment of evacuation risk and proposed zoning changes. Council prepared a Planning Proposal to include these 13 areas into the KLEP 2015. The Planning Proposal was exhibited from 17 November 2016 – 16 December 2016. At the Council meeting of 2 May 2017 Council resolved to adopt the Planning Proposal. The LEP amendment to bring the 13 areas into the KLEP2015 was made on 19 January 2018 and came into effect on 2 February 2018.

The Ku-ring-gai Planning Scheme Ordinance (KPSO)

The KPSO is a non-standard environmental planning instrument that has been in force since 1971. It now only applies to the remaining 2 areas deferred from KLEP 2015. These are:

• Area 14 - Land in the vicinity of 'The Briars', 14 Woonona Avenue, Wahroonga

This area involves land in the vicinity of 'The Briars', a State listed heritage item at 14 Woonona Avenue, Wahroonga. This land includes 16 & 18 Woonona Avenue (also known as 2-14 Everett Way) and 3-13, 15, 17, 19 Bundarra Avenue South, Wahroonga. The area was deferred to allow reassessment of the R4 High Density Zone and development standards in this location.

The reassessment of deferred area 14 has been undertaken as part of the preparation of this report. This assessment is documented below and includes recommendations for the future zoning and development standards to apply to the site under KLEP 2015.

• Area 15 - Killara Golf Club

An area of land at Killara Golf Club. The land comprises Lot 2 DP535219 and is located at the eastern portion of the Golf Club. The area was deferred to allow reassessment of the RE2 Private Recreation zoning on this parcel of land, which was previously zoned part Residential 2(b) under the Ku-ring-gai Planning Scheme Ordinance.

A private Planning Proposal has been lodged by the Killara Golf Club which seeks to rezone the north-east portion of the Killara Golf Course land from the existing Low Density Residential 2(b) zoning under the KPSO to part High Density Residential R4 and part Low Density Residential R2 under the KLEP 2015, with associated height and FSR standards. The Planning Proposal also seeks to increase the extent of the existing Heritage Item Clubhouse under the KLEP 2015 to include a new curtilage.

The Planning Proposal was placed on public exhibition from 3 May to 31 May 2018 and is due to be reported back to Council in coming weeks.

Implementation of the North District Plan

The NSW Government released '*The Greater Sydney Region Plan - A Metropolis of Three Cities*' and associated North District Plan in March 2018. Section 3.8(3) of the EP&A Act requires each Council, as soon as practicable after a district strategic plan is made, to "give effect to" (deliver) the objectives and priorities of the District Plan through its local environmental plan (LEP). In order to do this, there is a considerable amount of work Council must do over the next 18 months to 2 years. This involves a number of tasks including:

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- reviewing Council's existing strategic planning framework, including a review of the existing Ku-ring-gai local environmental plans against the North District Plan;
- preparing a local strategic planning statement (LSPS) which will guide the update of local environmental plans. The role of the local strategic planning statement is to provide an alignment between regional and district plans and local strategic planning and delivery;
- undertaking necessary supporting studies and strategies such as:
 - o the preparation of local character statements;
 - the preparation of local housing strategies including identification of housing targets (6-10 years) and 20-year capacity;
 - studies on other strategic issues such as open space and recreation, accessibility, environment, employment and social infrastructure; and
 - identifying infrastructure funding opportunities, including updating of Council's existing contributions plans.

Given the significance of the upcoming strategic planning work to be undertaken by Council, it is considered important that a platform of a single LEP applying to the whole local government area be in place beforehand. This will help avoid complications and facilitate a more efficient administration of amendments to Ku-ring-gai's LEP to implement Council's future strategic planning decisions around the North District Plan delivery.

COMMENTS

It is intended that the process for consolidating the LEPs will be achieved through the KLEP LC 2012 into the KLEP 2015 to form a single LEP applying to the whole of the local government area. Merging the two LEPs into one planning instrument will remove any inconsistencies between the two plans and assist in reducing the complexity of the local planning system.

While the consolidation of the LEPs will largely be an administrative process there have been a number of minor planning anomalies that are proposed to be addressed through the process. The objectives of the process include:

- resolving the planning for the remaining area deferred from the KLEP 2015 land in the vicinity of '*The Briars*', 14 Woonona Avenue, Wahroonga. This would then allow for the repeal of the Ku-ring-gai Planning Scheme Ordinance;
- resolving mapping errors the mapping errors occurred in the course of preparing the KLEP (Local Centres) 2012 and KLEP 2015. The mapping errors are minor in nature, and are generally in the form of incorrect zoning or development standards applying to sites which occurred during the translation over from the KPSO;
- resolving a number of outstanding heritage matters including:
 - new heritage listings for Lindfield, Pymble, Roseville and Turramurra railway stations as local heritage items under Schedule 5 and on the heritage map;
 - the adjustment of heritage listing in cases where subdivisions of existing heritage items have been approved and new dwellings have been constructed on the new lots;
 - a review of the heritage listing of 663 Pacific Highway, Killara (also known as 2B Bruce Avenue, Killara);
 - minor miscellaneous corrections to Schedule 5;

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- removing two existing land reservations from KLEP 2015. These include a local road reservation in Holford Crescent in Gordon and a local open space reservation in Glen Road Roseville. In both cases the acquisition commitment represents an unfunded liability to Council; and
- merging the two written instruments and resolve inconsistencies between the instruments.

Each of these matters are discussed in further detailed below.

Mapping Corrections

Through the operation of the KLEP LC 2012 and KLEP 2015 over the last 3 to 6 years, a number of minor mapping errors or anomalies have come to light. They are generally minor in nature and occurred in the course of preparing the KLEP LC 2012 and KLEP 2015. There are in order of 100 sites that have been identified which contain such errors or anomalies. They typically fall into the following categories:

- residential zoned land with missing or incorrect development standards;
- development standards on land in a zone that would not normally contain development standards, e.g. Council bushland zoned E2 Environmental conservation; and
- incorrect zoning being applied to land in the process of translating from the KPSO, e.g. Council bushland or open space picking up the adjoining R2 Residential zone. In one case a small lot adjoining the rail corridor has been zoned SP2 Infrastructure instead of R4 High Density Residential.

All identified proposed mapping changes are included at **Attachment A1** to this report. For each site there are maps which identify the current and proposed amendments.

Note: **Attachment A1** also includes the recommended mapping changes in the following sections of this report.

Deferred Area 14 – The Briars

Background

At Council's meeting of 26 November 2013, Council resolved to defer land adjacent to Heritage Item, *The Briars*, to allow further investigation into the implications of the proposed R4 (High Density Residential) zoning on the Heritage Item. The deferred land is known as Deferred Area 14 under the Ku-ring-gai LEP 2015 (KLEP 2015).

Council's relevant resolution was as follows:

N. That Council request the Minister to defer from the draft KLEP the land in the vicinity of "the Briars 14 Woonona Ave, Wahroonga. This land includes 16 & 18 Woonona Ave (also known as 2- 14 Everett Way) and 3-13, 15, 17, 19 Bundarra Avenue South Wahroonga . Upon deferral of the land a further report be brought back to Council containing an assessment of the application of the R4 Zone and relevant development standards in this location.

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Deferred Area 14, as illustrated below, is located in Wahroonga close to the Pacific Highway and the M1 Motorway. The site is bound by Everett Way to the north, Woonona Ave to the east, and Bundarra Ave South to the west. It sits adjacent to and in the vicinity of the Heritage Item at 14 Woonona Ave, Wahroonga, known as *The Briars*.



Location Map - Deferred Area 14

Existing Zoning – KPSO and KLEP 2015

The properties within the deferred area have continued to operate under the Ku-ring-gai Planning Scheme Ordinance (KPSO), and the applicable standards under that instrument, since 2004.

On 26 November 2013, Council considered a report recommending the translation of the KPSO into the draft KLEP 2013 to align with the Department of Planning's Standard Instrument Template. The translation saw the conversion of land zoned Residential 2(d3) under the KPSO to R4 (High Density Residential) under the KLEP, maintaining the same development standards on the land. This translation was applied to all land within the Deferred Area 14 zoned Residential 2(d3). In addition, the same zoning was applied to the access handle to 3-13 Bundarra Ave South zoned Residential 2(c) under the KPSO.

The following table lists the individual affected lots and their zoning under the KPSO and the zoning that was proposed in the draft KLEP 2013 at 26 November 2013:

Deferred Area 14 – Affected Lots				
Address (Wahroonga)	KPSO – current effective	Draft KLEP 2013 – proposed 2013		
15 Bundarra Ave South Lot 105185; DP 1210393	Residential 2(d3)	R4 (High density Residential)		
17 Bundarra Ave South Lot 105186; DP 1210393	Residential 2(d3)	R4 (High density Residential)		
19 Bundarra Ave South Lot 105187; DP 1210393	Residential 2(d3)	R4 (High density Residential)		
3-13 Bundarra Ave South Lot 143460; DP 1118152	Residential 2(d3) Residential 2(c) – driveway only	R4 (High density Residential)		

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Deferred Area 14 – Affected Lots			
Address (Wahroonga)	KPSO – current effective	Draft KLEP 2013 – proposed 2013	
16 Woonona Ave Lot 139356; DP 1027365	Residential 2(d3)	R4 (High density Residential)	
18 Woonona Ave Lot 134569; DP 1033850	Residential 2(d3)	R4 (High density Residential)	



Affected Properties – Deferred Area 14

At Council's 26 November 2013 meeting, concern was raised about the impact of the proposed R4 zoning on *The Briars* heritage item. As a result Council resolved that further investigation be conducted to ensure due consideration of the implications of the proposed zoning to the Item.

As illustrated in the table above, the majority of the land surrounding *The Briars* is currently zoned under the KPSO as high density Residential 2(d3) with the exception of a battle-axe handle directly south of *The Briars*, zoned low density Residential 2(c), and a park on the eastern side which is zoned RE1 Public Recreation.

"The Briars"

The Briars, located at 14 Woonona Ave, Wahroonga is a State Significant Heritage Item listed on the NSW State Heritage Register. Built in 1895, *The Briars* is a transitional Victorian Italianate/Federation single storey brick house. *The Briars* has state heritage significance for its historic, cultural, archaeological and aesthetic values.

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KLEP 2015 Heritage Items

Front facade of The Briars -14 Woonona Avenue Wahroonga

The deferral from KLEP 2015 of the land surrounding *The Briars* provided an opportunity to further investigate zoning and, by association, potential future development of the adjoining sites to achieve outcomes more compatible with the heritage significance of the property.

Assessment

In conjunction with background research, two site visits by Council officers were conducted during September 2017 and February 2018. The following observations were made regarding the status of the deferred sites and their current and potential future impact on the Heritage Item:

15, 17, 19 Bundarra Ave South



15, 17 and 19 Bundarra Avenue South have not been redeveloped to the high density Residential 2(d3) potential currently available under the KPSO. They remain as single storey bungalows.

The sites are owned by Abbotsleigh Girls School which has its junior school located directly opposite on Everett Way with main frontage to Woonona Ave. It is likely that the site will be redeveloped for school purposes in the medium to long term.

The site is not directly adjacent to *The Briars* site, with 16 Woonona Ave separating the two. The existing one and two storey town house development at 16 Woonona Ave and the trees on *The Briars* site provide a suitable separation

and visual buffer between *The Briars* and any future high density development at 15, 17 and 19 Bundarra Avenue South. In addition, the fall of the land from *The Briars* downslope to Bundarra Avenue South will further diminish the bulk and scale of any future development on the site.

Given the fall in the land, the separation distance, and the substantial vegetative buffer, it is proposed that 15, 17 and 19 Bundarra Avenue South be zoned R4 (High Density Residential) with the same standards as the neighbouring 3-13 Bundarra Avenue South.

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1 August 2018

1210393 71402 ME SOUTH 3-13-Bundarra-Ave-South¶

3-13 Bundarra Ave South

3-13 Bundarra Avenue South is strata subdivided with two 5 storey residential flat buildings (facing Bundarra Avenue South) and one 3 storey residential flat building (at the rear of the site on the east boundary closest to the Heritage Item).

The development has addressed its locational proximity to the Heritage Item through a reduction in building height from 5 to 3 storeys at the rear of the property. The impact on the Heritage Item was assessed as part of the DA approval which found this built form response appropriate.





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The Heritage Item at 8 Woonona Avenue, located south of *The Briars* and comparable to the height and scale of *The Briars*, is owned by the Department of Health This site is heavily planted with large mature trees providing a significant tree buffer and vegetative screen between *The Briars* and the apartments at 3-13 Bundarra Avenue South.

In addition, the land drops substantially (approximately 3m) to the west downslope from *The Briars.* This fall reduces the bulk and scale of the apartments and diminishes the visual impact of the high density apartments on the single storey Heritage Item. With the apartments appearing to be of two storey height and the view to the apartments broken up and screened by the trees, the impact on the Heritage Item is considered minimal.

Whilst the site fronts Bundarra Avenue South, it has an access handle connection to Woonona Ave utilised as a pedestrian link to the development. This access handle is directly adjacent to *The Briars* with the potential for greatest impact on the Heritage Item, however the KPSO low density Residential (2c) zoning has ensured a limited impact on the Item.

The figures in the Table below illustrate that the existing apartment development under the approved DA is consistent with an R4 zoning with a reduced height building to the rear giving regard to the Heritage Item.

Existing Building Approved DA under KPSO			
	FSR	Height	
3-13 Bundarra Ave South	1.1:1	5 storey: 17.8m; 3 storey: 10.6m	
Existing Planning Standards – KPSO			
	FSR	Ceiling Height	
Residential 2(d3) high density	0.85:1 (KPSO pg.132)	13.4 (KPSO pg.61)	
Planning Standards – KLEP 2015			
	FSR	Height	
R4 (High Density Residential)	1.3:1	17.5	

It is highly unlikely that this site will be redeveloped. It is therefore proposed that 3-13 Bundarra Avenue South be zoned R4 (High Density Residential) except for the battle-axe handle, which is proposed to be zoned R2 (Low Density Residential).

16 and 18 Woonona Ave



16 and 18 Woonona Avenue comprise strata subdivided dwellings, constructed

The buildings are in good order with multiple owners and as such, their redevelopment is highly unlikely in the absence of significant development uplift.

Both properties have minimal impact on the Heritage Item as they are one to two storey developments:

16 Woonona Ave is located downslope from the Item; and, 18 Woonona Ave is separated from the Item by the driveway of 16 Woonona Ave.

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18 Woonona Ave





Whilst the existing dwellings are of a town-house type typically associated with the Ku-ring-gai LEP's R3 (Medium Density Residential) zoning, their site coverage is at approximately 48-50% which exceeds the maximum 40% permitted under the Ku-ring-gai DCP, with minimal provision of deep soil and landscaped areas as illustrated in the above diagrams. In addition the existing buildings have not developed to the full potential of the site under the current KPSO zoning.

Existing Building Approved DA under KPS0				
	FSR	Height		
16 Woonona Ave	0.4:1	6.17m		
18 Woonona Ave	0.5:1	6.85m		
Existing Planning Standards – K	PSO			
	FSR	Ceiling Height		
Residential 2(d3) high density	0.85:1 (KPSO pg.132)	13.4 (KPSO pg.61)		
Planning Standards – KLEP 2015				
	FSR	Height		
R3(Medium Density Residential)	0.8:1	11.5		
R4(High Density Residential)	1.3:1	17.5		

The KPSO stipulates a height limit of 13.4m. In the exhibited draft KLEP 2013 the height limit was proposed as 17.5m.

It is proposed to apply an R4 (High Density Residential) zoning with a reduced maximum height of 11.5m (3 storey) and FSR of 0.8:1. This will ensure that should the site be redeveloped in the very long term, the outcome will remain compatible with the Heritage Item in a similar manner to that achieved on 3-13 Bundarra Ave South (with its 3-storey building at the rear accommodating its proximity to the Item). In addition, the R4 zoning and built form generated will provide the opportunity to increase deep soil and associated landscaping provision through a reduced footprint and site coverage. This will enable the provision of large screening trees and vegetation within setbacks to The Briars.

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In addition, this proposal will enable the sites to continue to provide a suitable interface between the Heritage Item and the potential future development of 5, 17 and 19 Bundarra Avenue South with its proposed high density zoning to a maximum of 5 storeys. This approach is consistent with the KLEP 2015 where interface areas have sometimes been applied between high and low density sites.

Other Considerations

Under the draft KLEP 2013, all aspects of Deferred Area 14 were investigated. It was found that there were no heritage, riparian, key sites, land applications, or land reservation acquisitions associated with any of the sites, therefore, no amendments to the KLEP 2015 are required in these categories.

The only two aspects where amendments were proposed under the draft KLEP 2013 were the biodiversity mapping and the acid soil mapping. These were extended as illustrated in the diagrams below:



The status of the biodiversity mapping and the acid soil mapping has not altered since the exhibition of the draft KLEP 2013; therefore, it is proposed that the same mapping be replicated in this proposed amendment to KLEP 2015.

Recommendation

It is recommended that amendment be made to the KLEP 2015 to apply zoning and associated standards to the sites within Deferred Area 14 as per the table and maps below and amendments be made to the Biodiversity and Acid Soils Mapping to reflect the current status of the land, as per the maps above.

Deferred Area 14 – Proposed amendments to KLEP 2015				
Address	Zoning	Maximum Height	Maximum FSR	Minimum Lot Size
18 Woonona Ave	R4	L - 11.5m	0.8:1	1200sqm
16 Woonona Ave	R4	L - 11.5m	0.8:1	1200sqm
3-13 Bundarra Ave	R4	P – 17.5m	1.3:1	1200sqm
South	R2 (driveway)	J2 – 9.5m	0.3:1	1200sqm

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Deferred Area 14 – Proposed amendments to KLEP 2015				
15 Bundarra Ave South	R4	P – 17.5m	1.3:1	1200sqm
17 Bundarra Ave South	R4	P – 17.5m	1.3:1	1200sqm
19 Bundarra Ave South	R4	P – 17.5m	1.3:1	1200sqm

Amendments to Heritage listings

Roseville, Lindfield, Pymble and Turramurra Railway Stations

Discussion

All NSW State Government instrumentalities, organisations and agencies are required to prepare heritage and conservation registers in accordance with Section 170 of the NSW Heritage Act 1977. Section 170 requires agencies to identify, conserve and manage heritage assets owned, occupied or managed by that agency. The register identifies buildings, but may also include natural, moveable, archaeological, landscapes and Aboriginal heritage. The progress of agencies in preparing registers and managing their heritage assets is monitored by the Heritage Council, and Section 170 Registers are submitted to the Heritage Council of NSW for endorsement.

The Section 170 Register maintained by RailCorp includes all eight railway stations located within the Ku-ring-gai local government area. Currently, the KLEP 2015 and KLEP LC 2012 only include four of these railway stations as heritage items within Schedule 5 (Environmental Heritage), being Killara, Gordon, Warrawee and Wahroonga. A heritage listing exists for the Rohini House Gates, which are located at the northern end of the railway carpark at Turramurra Station. As a consequence, the Turramurra Railway Station is also mapped as a heritage item within the KLEP LC 2012; however the item name does not reference the railway station. Therefore, for the purposes of this report, Turramurra is included as a railway station not currently heritage listed.

As properties and assets included on Section 170 registers have already been assessed for their heritage significance it is recommended that Council resolve to include the remainder of the railway stations within Schedule 5 of the consolidated LEP, being Roseville Railway Station, Lindfield Railway Station, Pymble Railway Station, and Turramurra Railway Station (including reference to Rohini House Gates).

Heritage Inventory Sheets for these proposed new heritage items have been compiled from information contained within the existing Section 170 Register for Roseville, Lindfield, Pymble and Turramurra railway stations. These will form part of the publicly exhibited documents as part of the exhibition of the consolidated LEP. Additionally, several of the already listed railway stations do not have existing Inventory Sheets available to the public (Killara, Warrawee and Wahroonga). These have also been prepared and will be included in the exhibition material.

Recommendation

It is recommended that Council resolve to heritage list Roseville, Lindfield, Pymble and Turramurra railway stations within the consolidated LEP and include associated heritage inventory sheet as part of any public exhibition process. It is further recommended that Council resolve to exhibit either new or amended heritage inventory sheets for Killara, Warrawee and Wahroonga railway stations.

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663 Pacific Highway, Killara (also known as 2B Bruce Avenue, Killara)

Discussion

This property is a listed local heritage item within KLEP LC 2012 (I31). The site was initially identified in the 'Municipality of Ku-ring-gai Heritage Study' prepared by Robert Moore, Penelope Pike, Helen Proudfoot and Lester Tropman & Associates in 1987. The statement of significance for the site claims:

'The property at 663 Pacific Highway Killara is of local heritage significance for its historic values, historical associations and aesthetic values.

*The site provides evidence of the pattern of development in Killara in the early 20th century, being a substantial architect designed house in an established garden setting.*²

The State Heritage Inventory form for the property contains limited information due to age of the original study. Accordingly, an updated form has been prepared and is included to this report at **Attachment A3.**

The property is located on the boundary of the KLEP 2015 and KLEP LC 2012 but is contained within the KLEP LC 2012 area. In July 2012 Council considered a report following the public exhibition of the KLEP LC 2012, which included a response to a submission made in relation to the inclusion of 2B Bruce Avenue, Killara, as a local heritage item. The report incorrectly identified the site as being outside of the boundaries of the KLCLEP and recommended this matter be considered as part of the principal LEP. Following its consideration of the report, Council resolved, inter alia, to 'review the heritage listing of 663 Pacific Highway, Gordon'. This resolution remains valid and is being actioned as part of this report.

At Council's request, additional information was submitted by the property owner in early 2017 requesting that Council action the resolution and review the heritage listing of the site. The information provided by the owners did not include a professional heritage assessment of the property, but contests the heritage listing on the following grounds:

- the site is no longer of landmark significance and because of works over the last 40 years no longer has historical or architectural significance;
- the name of the original architect has not been located and therefore claims of architectural significance are largely void;
- the building is not a unique example of architecture from this era; for example 49 and 51 Werona Avenue, Gordon, are better examples of the architectural and municipal significance of the federation era;
- the aesthetic contribution of the property has been directly impacted by surrounding developments on all adjoining sides impacting any landmark value previously associated with the property;
- there are not known special associations with any community or cultural group and the identified land owner has little or no heritage significance as numerous other sites owned by the same owner have been subdivided and redeveloped:
- the site cannot be considered rare; and
- the site is representative of dwellings of the late 20th century middle class typologies in an area which has many other examples of this age of building.

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The subject site contains a substantial two storey Federation era Arts and Craft style dwelling house. The site is approximately 1300 square metres in size and is located on a prominent corner and is highly visible from both the Pacific Highway and Bruce Avenue. The site also contains significant tree screening, particularly to its northern boundary with 667 Pacific Highway.



663 Pacific Highway, Killara, front building elevation and facade



663 Pacific Highway, Killara, side elevation as seen from Bruce Street

This matter was considered by the Heritage Reference Committee on 28 June 2017 who concluded that '*the committee does not support the delisting and believe the substantive reasons for the listing remain*'.

The site is listed as a local heritage item and it is considered to have historic, historical association, aesthetic, rarity and representative values.

The building has historic significance as it provides distinctive evidence of the pattern of development in Ku-ring-gai in the early 20th Century through the subdivision of larger estates and ongoing development of the land.

Council staff have been able to confirm using primary historical evidence that the architect for the building was Charles Assinder Harding. Harding is considered to be a well-known building surveyor and architect who worked in both a public and private capacity. His involvement with designing three lighthouses within New South Wales gained him a reputation as the first and only specialist lighthouse architect in NSW. Additionally, the site has historical association value via its

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relationship to the subdivision of Foster's Grant and Brown's Estate. The house was commissioned by Brown's daughter, Sophia Laing (nee Brown) following her father's death in 1884.

The property meets the threshold for aesthetic significance as a substantial Arts and Crafts style Federation era dwelling house retaining much of its original form and material such as projecting front bay with deep verandah, prominent eaves with exposed rafters, recessed entrance way with shingled porch, oriel and leadlight windows, restrained timber detailing, rough cast upper second storey exterior finish and two tapered rough cast chimneys with terracotta chimney pots.

It is noted that the site has undergone modifications and a reduction in curtilage over time. However, these modifications have not undermined the assessed values of the property so as to warrant removal of the heritage listing. Despite modifications, the property still exhibit many of the characteristics and features of building of this style and is clearly discernible as an Arts and Craft Federation dwelling house.

The building is considered to be a rare surviving example of Harding's private work following his cessation of his government employment. The other properties known to have been designed by Harding, being No. 657 Pacific Highway (*Tredegarl*; and Nos. 1, 3 & 5 Bruce Avenue, Killara, have been demolished.

The property is also identified as a fine representative example of a substantial, architect designed dwelling house from the Federation Era in a Arts and Craft style.

Heritage was considered as part of the assessment of redevelopment of the adjoining land at 667 Pacific Highway and 2A Bruce Avenue for two residential flat buildings. The new structures on these sites have been set back approximately 12 metres from the heritage item's northern elevation and 18 metres from the rear of the building. Further, the facades of both new structures have been setback from their main street elevations which ensures the heritage building at 663 Pacific Highway is not visually dominated by the new structures. The corner lot location of the subject site results in the heritage item being visually prominent to both the Pacific Highway and Bruce Avenue, which has not be compromised by the new developments.

It is not agreed that the site at 663 Pacific Highway is no longer of landmark significance due to the recent development. The site remains visually prominent within the streetscape of the both Pacific Highway and Bruce Avenue. The setbacks provided to the new structures ensure that a reasonable curtilage has been maintained for the site.

It is considered that 663 Pacific Highway, Killara, meets five of the thresholds for heritage listing under the NSW Heritage Council's Standard Heritage Assessment Criteria, being historic significance, historical association, aesthetic significance, rarity and representativeness. Only one criterion needs to be satisfied to justify a heritage listing.

Recommendation

It is recommended that Council resolved to retain 663 Pacific Highway, Killara, as a local heritage item within the consolidated LEP.

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7A Fairway Avenue, Pymble

Discussion

In 2011 development consent was granted for alterations and additions to existing dwelling and construction of a new dwelling as a detached dual occupancy at 7 Fairway Avenue, Pymble. A further development application was lodged in 2011 for the Torrens Title subdivision of the dual occupancy, which led to the creation of 7A Fairway Avenue, Pymble.



Current KLEP 2015 heritage affectation for 7 and 7A Fairway Avenue, Pymble, as shown shaded in blue outline, showing both sites as heritage items

7 Fairway Avenue is a listed heritage item within the KLEP 2015. The application to subdivide the land into two separate lots did not also seek to remove the heritage listing from the newly created lot. Therefore, 7A Fairway Avenue has retained the heritage listing applied to the original lot. 7A Fairway Avenue contains a newly constructed dwelling house and should not be heritage listed.

Recommendation

It is recommended Council resolves to remove the heritage listing for 7A Fairway Avenue, Pymble (being Lot 1 in DP 1175928) from the consolidated LEP as a consequence of it being a newly created lot containing a new dwelling house. The heritage listing for 7 Fairway Avenue is to be retained.

The Broadway, Wahroonga

Discussion

The Broadway is a locally listed heritage item consisting of remnant paving and original alignment relating to a proposed thoroughfare, built by Ku-ring-gai Shire Council in 1927, to provide a western arterial route to the Harbour Bridge. It also related to remains of an access route to a proposed residential subdivision off the proposed new route. Despite neither project ever being completed, the site remains of historical value and is therefore listed as a heritage item within the KLEP 2015. The site has technical significance as the technology used in the construction of the roadway is representative of the labour intensive (possibly hand packed) sandstone base course, Telford type.

The heritage item (I1101) is mapped on the associated KLEP 2015 Heritage Map as being located at 32 The Broadway, Wahroonga. However, the location of item as shown on this map is incorrect. The remnant materials are located along the eastern edge of The Broadway and continue around to Muttama Street.

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Recommendation

It is recommended that Council resolved to amend the Heritage Map for Item No 1101 from the current mapping to the proposed new mapping (as shown at within the consolidated LEP. This change will ensure that the heritage item is correctly identified to ensure its ongoing protection.

55 Hastings Road, Warrawee

Discussion

55 Hastings Road, Warrawee, is a local heritage item known as 'Kooyong' listed in the KLEP 2015. In 2003, the NSW Land and Environment Court approved the subdivision of the land to create three lots, being 2A and 2B Pibrac Avenue, Warrawee. A new dwelling house has been erected on each lot.



Current KLEP 2015 heritage affectation for 55 Hastings Road, 2A and 2B Pibrac Avenue, Warrawee, as shown shaded in blue outline, showing both sites as heritage items

At the time of subdivision the heritage affectation was not removed from the land as part of this process. Consequently, 2A and 2B Pibrac Avenue are listed as heritage items, despite comprising new dwelling houses. As this land has been subdivided from its original lot and now contain new dwelling houses it is appropriate that the heritage listing be removed from these sites.

Recommendation

It is recommended that Council resolves to remove the heritage listing of 2A and 2B Pibrac Avenue, Warrawee as heritage items from the consolidated LEP.

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62 Livingstone Avenue, Pymble

Discussion

62 Livingstone Avenue, Pymble, is listed as a local heritage item within the KLEP 2015 (Item No. 1560). The property is also located within the draft West Pymble Heritage Conservation Area. The current property owner recently made contact with Council to query the heritage listing of his property.



62 Livingstone Avenue (I560) and 66 Livingstone Avenue (I561) as shown in KLEP 2015 Heritage Map

Investigations indicate that the building on the site was constructed in 2000, following the lot's subdivision from the adjoining lot at 66 Livingstone Avenue. At the same time nos. 8, 10 and 12 Penrhyn Avenue, Pymble, were also created as lots within DP 1009908. 66 Livingstone Avenue is a listed heritage item within the KLEP 2015 (Item No. 561). It appears that the heritage listing has inadvertently been applied to the lot at 62 Livingstone Avenue, Pymble.



Image of 62 Livingstone Avenue, Pymble

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Recommendation

It is recommended that Council resolves to remove the heritage listing of 62 Livingstone Avenue, Pymble, as a heritage item from the consolidated LEP.

1 Vista Street, Pymble

1 Vista Street, Pymble, is listed as a local heritage items known as "Robyn Hill" in the KLEP 2015 (Item No I656). Council has received advice that the property's name is incorrect and should be referred to as "Tarquinia".

Recommendation

It is recommended that Council resolves to amend the item name for 1 Vista Street, Pymble, to "Tarquinia" in the consolidated LEP.

5 Womerah Street, Turramurra

5 Womerah Street Turramurra is listed as I815 in schedule 5 with the property description Lot 3, DP 31561. In 2017 the owners amended the address to create 5 Womerah Street (Lot 4, DP 31561) and 7 Womerah Street (Lot 3, DP 31561). Subsequently, development approval was given for a new dwelling to be constructed on 7 Womerah Street.

Recommendation

It is recommended that Council resolves to amend Schedule 5 to reflect the new house numbering and the correct property description with the heritage item being at 5 Womerah Street (Lot 4, DP 31561).

Additional matters

Schedule 5 Part 1 (Heritage Items) and Part 2 (Heritage Conservation Areas)

Discussion

There are currently two Schedule 5 environmental heritage lists which apply to the Ku-ring-gai local government area contained within the KLEP 2015 and KLCLEP 2012. The process of preparing a consolidated LEP means these two lists will need to be merged into a single schedule and a new heritage map prepared. The new Schedule 5 will be developed in alphabetical order by suburb and will be included as part of the exhibition material for the consolidated LEP.

Recommendation

It is recommended that Council resolved to prepare a new, consolidated Schedule 5 Environmental Heritage Part 1 and Part 2 for inclusion within the consolidated LEP, incorporating the amendments recommended in this report.
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Removal of Existing Reservations for local infrastructure

The KLEP 2015 includes two (2) reservations for which Council is the relevant acquisition authority under cl5.1(2) LEP. These include a "local road" reservation in Holford Crescent, Gordon and a "local open space" reservation in Glen Road Roseville. If the landholders of these parcels of land can demonstrate that they will suffer hardship if there is a delay in the land being acquired by Council, section 23 of *the Land Acquisition (Just Terms Compensation) Act 1991* requires Council to acquire the land. In both cases the acquisition commitment represents an unfunded liability to Council.

Holford Crescent Gordon- Local Road Reservation

The road reservation in Holford Crescent Gordon was previously included in the KPSO and was carried over to the KLEP 2015 in the translation process. Under the KPSO the land has been zoned SP2 Infrastructure – Local Road. The land has also been identified on the Land Reservation Acquisition Map. Refer to map below.

The KPSO also included a clause (cl59) that would require a landholder to construct the identified road as part of any future subdivision of that land. However, an equivalent clause has not been included in the KLEP 2015. This is because under the EP&A Act, the only way Council can now seek a contribution to the provision of infrastructure is via section 94 (unless the landowner is willing to voluntarily dedicate the land to Council – that would require a VPA). Clause 59 of the KPSO predates the EP&A Act.

The acquisition of the land and the construction of the road are not works identified in the current s94 plan. Therefore the future acquisition of the land for the road represents an unfunded liability for Council from a contributions viewpoint, nor is there capacity to provide an offset or reduction in s94 contributions against any VPA or works in kind for the provision of the road should the land holder wish to do so. It would be difficult to justify the inclusion of the cost of acquisition in a future contributions plan due to the small number of landholders that would benefit from this infrastructure.

Consequently, it is proposed to remove the reservation from the KLEP 2015 as identified in the maps below.

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Part of 11, 23 & 25 Glen Road, Roseville - Local Open Space Reservation

Parts of the lots at 11, 23 & 25 Glen Road, Roseville have been reserved for 'local open space'. This reservation was also carried over from KPSO.

The areas subject to the reservations are zoned E2 Environmental Conservation while the balance of the lots not subject to the reservations are zoned E4 Environmental Living. The area subject to the reservation is bushland consisting of Sydney Sandstone Gully Forest and is identified as Core biodiversity land on Council's greenweb map. The adjoining bushland is owned by Council and forms part of the Blue Gum Creek Reserve.

While the *Ku-ring-gai Contributions Plan 2010* collects contributions towards the acquisition of open space, these funds can only be used to acquire land for local parks. The funds cannot be used for the acquisition of bushland. Therefore the potential future acquisition of the land represents an unfunded liability for Council from a contributions viewpoint.

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11, 23 & 25 Glen Road, Roseville – Location

KLEP 2015 Biodiversity Map Extract

It is proposed that the existing reservation applying to the lots be removed. It is also proposed that those portions of the of lots currently zone E2 Environmental Conservation be rezones E4 Environmental Living as shown in the maps below.



The Department of Planning and Environment's LEP practice note PN 09-002 outlines that when applying the E2 zone;

"Council's should be aware that uses should not be drawn too restrictively as they may, depending on circumstances, invoke the Land Acquisition (Just Terms Compensation) Act 1991 and the need for the Minister to designate a relevant acquiring authority"

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Given the restrictive nature of Ku-ring-gai's E2 zone, it is not considered appropriate to continue to apply it to these sites. To do so would not provide Council with relief from the unfunded liability from the potential future acquisition of the land under the *Land Acquisition (Just Terms Compensation) Act 1991.*

To prevent future fragmentation of the bushland on these site from potential future subdivision, it is proposed to increase the minimum lot size for these site from the standard 1500sqm for E4 Lands to a minimum of 10 000sqm. It should also be noted that any future development of these sites will be subject to the protections of the existing biodiversity and riparian land provisions of the KLEP 2015

Merging of Planning Instruments

Both the KLEP 2015 and KLEP LC 2012 were prepared in accordance with the *Standard Instrument (Local Environmental Plan) Order 2006.* The Standard Instrument LEP mandated a common format and content for LEPs across NSW, while allowing Councils to also include additional local provisions. Accordingly, the two LEPs are similar, however there are some differences to the wording, content and application of some clauses.

As part of the intended consolidation of the two planning instruments, an analysis of the provisions of both instruments has been undertaken.

As the consolidation of the KLEP 2015 and KLEP Local Centres 2012 will be achieved via an amendment to the KLEP 2015, in the majority of instances the existing clauses contained within the KLEP 2015 will apply. Amendments are only being made where specific provisions or clauses relating to the local centres need to be included to ensure appropriate development controls will continue to apply for development in the local centres, once these areas are incorporated into the KLEP 2015.

Attachment A2 contains a detailed comparison table of the clauses within the KLEP LC 2012 and the equivalent clause within the KLEP 2015. The table details how any differences in the provisions and clauses within the two LEPs will be resolved. Some of the key amendments to the KLEP 2015 written instrument as described in **Attachment A2** are summarised below:

- *Aims of Plan* It is proposed to amend the Clause 1.2 of the KLEP 2015 by transferring the specific aims from the KLEP LC 2012 relating to development in the local centres and to commercial and retail developments as follows:
 - to establish a hierarchy of centres for Ku-ring-gai;
 - to facilitate development of the centres to enhance Ku-ring-gai's economic role and cater to the retail and commercial needs of the local community; and
 - to protect the character of low density residential areas, and the special aesthetic values of land in the Ku-ring-gai area.
- B4 Mixed Use Zone The KLEP 2015 and KLEP LC 2012 contain different objectives and prohibited/permissible land uses in the B4 zone. Under the KLEP 2015 the only land zoned B4 is the former UTS building in Lindfield, on which a State Significant Development application is underway for the Lindfield Learning Village to use the former building as a school. However, under the KLEP LC 2012, there are a number of properties zoned B4 at the northern edge of the Gordon local centre. Therefore, it is proposed to amend the KLEP 2015 B4 Mixed use zone by replacing it with the B4 Mixed Use zone (including objectives,

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permitted and prohibited land uses) from the KLEP LC 2012, ensuring the objectives and land uses will continue to apply to the B4 land in Gordon once this area is incorporated into the KLEP 2015.

- *B5 Business Development Zone* The KLEP 2015 does not currently have any land zoned B5. It is proposed to transfer the B5 zone (including zone objectives and permitted and prohibited land uses) from the KLEP LC 2012 Land Use Table.
- *Height of Buildings* It is proposed to amend the KLEP 2015 Clause 4.3 by transferring Clause 4.3(2B) from the KLEP LC Centres 2012 to ensure the maximum height of buildings will continue to apply to certain sites in Merriwa, Fitzsimmons and Ridge Streets, Gordon once these areas are transferring into the KLEP 2015.
- *Floor Space Ratio* It is proposed to amend the KLEP 2015 Clause 4.4 by transferring the objectives from the KLEP LC 2012 Clause 4.4 relating to scale and density of development in centres and business zones. It is also proposed to transfer Clause 4.4(2D) from the KLEP LC 2012 relating to maximum floor space ratio for retail and commercial premises in certain areas within the local centres. Transferring these clauses will ensure that these objectives and development controls will continue to apply to sites within the local centres, once these areas are incorporated into the KLEP 2015.
- *Development near zone boundaries* Both the KLEP 2015 and KLEP LC 2012 contain this clause. It is proposed to amend Clause 5.3 in the KLEP 2015 to include the B5 Business Development zone, as per the equivalent clause currently within the KLEP LC 2012.
- Site requirements for multi dwelling housing and residential flat buildings Both the KLEP 2015 and KLEP LC 2012 contain nearly identical clauses outlining requirements for the development of multi dwelling houses and residential flat buildings, such as minimum lot size. It is proposed to amend Clause 6.6 of the KLEP 2015 by transferring Clause 6.5(3) from the KLEP LC 2012 relating to minimum lot area of 5,000sqm for development of multi dwelling housing or residential flat buildings on the Pacific Highway, Turramurra between Lamond Drive and Finlay Road.

It is also proposed to amend Clause 6.6 of the KLEP 2015 by transferring Clause 6.5(4) from the KLEP LC 2012, which outlines for the purpose of calculating lot size for this clause, the battle-axe handle is not included. This is consistent with the calculation of lot size for subdivision under Clause 4.1 of both the KLEP 2015 and KLEP LC 2012.

- Active Street Frontages Both the KLEP 2015 and KLEP LC 2012 contain nearly identical clauses requiring the ground floor in buildings in business zones to not be used for carparking or residential uses. It is proposed to amend the Claus 6.7 of the KLEP 2015 to include the B4 and B5 zones, as per the equivalent clause currently within the KLEP LC 2012, ensuring that the requirement for active street frontages will continue to apply in all business zones once incorporated into the KLEP 2015.
- Additional Permitted Uses Both the KLEP 2015 and KLEP LC 2012 contain a list of properties (Schedule 1) which have been identified with additional uses permitted with consent that would not normally be permitted under the zoning. It is proposed to amend the KLEP 2015 by adding the properties currently listed in Schedule 1 of the KLEP LC 2012 to ensure that the additional permitted uses will continue to apply once these sites are incorporated into the KLEP 2015.

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INTEGRATED PLANNING AND REPORTING

Theme 3 - Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P1.1 Ku-ring-gai's unique visual character and identity is maintained.	Strategies, plans and processes are in place to protect and enhance Ku-ring- gai's unique visual and landscape character.	Continue to review the effectiveness of existing strategies, plans and processes across all programs.
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	P2.1.1 Land use strategies, plans and processes are in place to effectively manage the impact of new development	Implement and monitor the Local Environmental Plans and supporting Development Control Plans.
P5.1 Ku-ring-gai's heritage is protected, promoted and responsibly managed.	P5.1.1 Strategies, plans and processes are in place to effectively protect and preserve Ku-ring-gai's heritage assets. Councillor Legacy 10"	Implement, monitor and review Ku-ring-gai's heritage planning controls.

GOVERNANCE MATTERS

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

Council should seek the plan-making delegation under Section 2.4 of the EP&A Act to finalise the Planning Proposal. This involves Council taking on the Director General's function under s.3.36(1) of the Act in liaising with the Parliamentary Counsel's Office (PCO) to draft the required local environmental plan to give effect to the Planning Proposal as well the Minister's function under s.3.36(2) of the Act in making the Plan.

RISK MANAGEMENT

Having a single consolidated and up to date Local Environmental Plan in place will help avoid complications and help Council to more efficiently implement future strategic planning decisions around the North District Plan delivery.

FINANCIAL CONSIDERATIONS

The cost of preparing the Planning Proposal for the consolidating LEP is covered by the Strategy and Environment operational budget.

SOCIAL CONSIDERATIONS

Social issues cover all aspects of human life, including how we live, our culture, our community, health, wellbeing and aspirations.

It is not expected that the consolidation of the KLEP 2015 and KLEP LC 2102 will result in any adverse social impacts.

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ENVIRONMENTAL CONSIDERATIONS

The consolidation of the KLEP 2015 and KLEOP LC 2102 will not result in any adverse environmental impacts as all existing environmental provisions within the LEPs will be retained.

COMMUNITY CONSULTATION

Should the Planning Proposal be granted a Gateway Determination by the Department of Planning and Environment, the Planning Proposal will be placed on statutory public exhibition in accordance with the requirements of the Gateway Determination and the Departments publication *A Guide to Preparing Planning Proposals*.

During the statutory public exhibition the community will be invited to make submissions on the proposal.

INTERNAL CONSULTATION

Council officers from Development and Regulation and Strategy and Environment have been consulted with during the preparation of the Planning Proposal and this report.

SUMMARY

Ku-ring-gai currently has three (3) environmental planning instruments in force, being the *Ku-ring-gai Planning Scheme Ordinance 1971* (KPSO), *Ku-ring-gai Local Environmental Plan (Local Centres) 2012* (KLEPLC), and the *Ku-ring-gai Local Environmental Plan 2015* (KLEP). The consolidation of these into a single LEP will provide a platform for upcoming LEP update to implement North District Plan

While the consolidation of the LEPs will largely be an administrative process there have been a number of planning anomalies that are proposed to be addressed through the process. These include:

- resolving the planning for the remaining area deferred from the KLEP 2015 Land in the vicinity of '*The Briars'*, 14 Woonona Avenue, Wahroonga. This would then allow for the repeal of the Ku-ring-gai Planning Scheme Ordinance;
- correcting mapping errors and anomalies. The mapping errors occurred in the course of
 preparing the KLEP (Local Centres) 2012 and KLEP 2015. The mapping errors are minor in
 nature, and are generally in the form of incorrect zoning or development standards
 applying to sites which occurred during the translation over from the KPSO;
- resolving a number of outstanding heritage matters including:
 - new heritage listing for Lindfield, Pymble, Roseville and Turramurra railway stations as local heritage items under Schedule 5 and on the heritage map;
 - the adjustment of heritage listing in cases where subdivisions of existing heritage items have been approved and new dwellings have been constructed on the new lots;
 - a review of the heritage listing of 663 Pacific Highway, Killara (also known as 2B Bruce Avenue, Killara);
 - o minor miscellaneous corrections to Schedule 5;

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- removing two existing land reservations from KLEP 2015. These include a local road reservation in Holford Crescent in Gordon and a local open space reservation in Glen Road Roseville. In both cases the acquisition commitment represents an unfunded liability to Council; and
- merging the two written instruments and resolve inconsistencies between the instruments.

RECOMMENDATION:

- A. That a Planning Proposal be prepared for the consolidation of *Ku-ring-gai Local Environmental Plan 2015* and of *Ku-ring-gai Local Environmental Plan (Local Centres) 2012*. The Planning Proposal is to include the mapping changes identified in **Attachment A1** and the amendments to the Written Instrument identified in **Attachment A2**.
- B. That the Planning Proposal be forwarded to the Department of Planning and Environment for a Gateway Determination in accordance with the provisions of the EP&A Act and Regulations.
- C. That Council requests the plan making delegation under Section 2.4 of the EP&A Act for this Planning Proposal.
- D. That upon receipt of a Gateway Determination, the exhibition and consultation process is carried out in accordance with the requirements of the EP&A Act and with the Gateway Determination requirements.
- E. That a report be brought back to Council at the conclusion of the exhibition period.

Alexandra Plumb **Urban Planner** Craige Wyse Team Leader Urban Planning

Antony Fabbro Manager Urba		eritage Planning	Andrew Watson Director Strategy & Environment	
Attachments:	A1	Proposed Mapping Amendmer	ts for LEP Consolidation	2018/242810
	A2	Written Instrument Comparisor Local Centres 2012	n Table - KLEP 2015 and KLEP	2018/037745
	A3	State Heritage Inventory (SHI)	- 663 Pacific Highway Gordon	2018/242831

ORDINARY MEETING OF COUNCIL – 11/09/2018

Subject:	OMC287 - Consolidation of Ku-ring-gai Local Environmental Plan 2015 and Ku-ring-gai Local Environmental Plan (Local Centres) 2012
Minute Number: Notes:	287
File Reference:	S11688 2018/034473

Resolved:

(Moved: Councillors Clarke/Spencer)

- A. That a Planning Proposal be prepared for the consolidation of *Ku-ring-gai Local Environmental Plan 2015* and of *Ku-ring-gai Local Environmental Plan (Local Centres) 2012*. The Planning Proposal is to include the mapping changes identified in **Attachment A1** and the amendments to the Written Instrument identified in **Attachment A2**.
- B. That the Planning Proposal be forwarded to the Department of Planning and Environment for a Gateway Determination in accordance with the provisions of the EP&A Act and Regulations.
- C. That Council requests the plan making delegation under Section 2.4 of the EP&A Act for this Planning Proposal.
- D. That upon receipt of a Gateway Determination, the exhibition and consultation process is carried out in accordance with the requirements of the EP&A Act and with the Gateway Determination requirements.
- E. That a report be brought back to Council at the conclusion of the exhibition period.
- F. That the Killara Golf Club Planning Proposal not be part of the consolidation until such time as Councillors can review it.

CARRIED UNANIMOUSLY

Open Item in Minutes

APPENDIX B – Written Instrument Comparison Table – KLEP (Local Centres) 2012 and KLEP 2015

KLEP Local Centres 2012	KLEP 2015	Comments and Amendments to KLEP 2015
Part 1 Preliminary		
1.1 Name of Plan	1.1 Name of Plan	Retain Plan name as Ku-ring-gai Local Environmental Plan 2015
1.1AA Commencement	1.1AA Commencement	Standard clause - retain KLEP 2015
1.2 Aims of Plan	1.2 Aims of Plan	 Both the KLEP LC 2012 and KLEP 2015 contain some identical aims which are broad and relate to development within the whole of the Local Government Area. The KLEP LC 2012 has some additional aims that relate directly to development in the Local Centres (land surrounding Turramurra, Pymble, Gordon, Lindfield and Roseville rail stations and St Ives) and as such these aims should be transferred to the KLEP 2015. Amend the KLEP 2015 to transfer the following aims from the KLEP LC 2012: to establish a hierarchy of centres for Ku-ring-gai to facilitate development of the centres to enhance Ku-ring-gai's economic role and cater to the retail and commercial needs of the local community to protect the character of low density residential areas, and the special aesthetic values of land in the Ku-ring-gai area
1.3 Land to which Plan applies	1.3 Land to which Plan applies	Standard clause - retain KLEP 2015
1.4 Definitions	1.4 Definitions	Standard clause - retain KLEP 2015
1.5 Notes	1.5 Notes	Standard clause - retain KLEP 2015
1.6 Consent Authority	1.6 Consent Authority	Standard clause - retain KLEP 2015
1.7 Maps	1.7 Maps	Standard clause - retain KLEP 2015

1.8 Repeal of planning instruments applying to land	1.8 Repeal of planning instruments applying to land	The process of consolidating the KLEP LC 2012 into the KLEP 2015, will result in the repeal of the KLEP LC 2012.
1.8A Savings provisions relating to development applications	1.8A Savings provisions relating to development applications	Standard clause - retain KLEP 2015
1.9 Application of SEPPs	1.9 Application of SEPPs	Standard clause - retain KLEP 2015
1.9A Suspension of covenants, agreements and instruments	1.9A Suspension of covenants, agreements and instruments	Standard clause - retain KLEP 2015
Part 2 Permitted or prohibited de	evelopment	
2.1 Land use zones	2.1 Land use zones	The KLEP LC 2012 contains the B5 Business Development zone which is not included in the KLEP 2015.
		Amend the KLEP 2015 to include the B5 Business Development zone.
2.2 Zoning of land to which Plan applies	2.2 Zoning of land to which Plan applies	Standard clause - retain KLEP 2015
2.3 Zone objectives and Land Use Table	2.3 Zone objectives and Land Use Table	Standard clause - retain KLEP 2015
2.4 Unzoned land	2.4 Unzoned land	Standard clause - retain KLEP 2015
2.5 Additional permitted uses for particular land	2.5 Additional permitted uses for particular land	Standard clause - retain KLEP 2015
2.6 Subdivision – consent requirements	2.6 Subdivision – consent requirements	Standard clause - retain KLEP 2015

2.7 Demolition requires development consent	2.7 Demolition requires development consent	Standard clause - retain KLEP 2015
2.8 Temporary use of land	2.8 Temporary use of land	Standard clause - retain KLEP 2015
Land Use Table		
No Equivalent zone	R1 General Residential	The KLEP LC 2012 does not have any land zoned R1 General Residential.
		There are no amendments proposed to the R1 General Residential zone within the KLEP 2015 Land Use Table.
R2 Low Density Residential	R2 Low Density Residential	The only difference between the R2 zones is that the KLEP 2015 lists 'Secondary Dwellings' under item 3 – Permitted with Consent.
		Despite 'secondary dwellings' not being listed under item 3 of the KLEP LC 2012, the SEPP (Affordable Rental Housing) 2009 permitted secondary dwellings within land zoned R2 under the Local Centres LEP 2012.
		The translation of the land zoned R2 Low Density Residential from the Local Centres LEP 2012 to the KLEP 2015 will not result in any change to the permitted or prohibited land uses.
		KLEP 2015 R2 zone Land Use Table to apply. There are no amendments proposed.
R3 Medium Density Residential	R3 Medium Density Residential	Identical.
		KLEP 2015 R3 Medium Density zone Land Use Table to apply. There are no amendments proposed.
R4 High Density Residential	R4 High Density Residential	The difference between the Local Centres LEP 2012 and KLEP 2015 R4 High Density zone is 'Seniors Housing' is listed under item 3 of the Local Centres LEP 2012, but not in the KLEP 2015.
		The SEPP (Housing for Seniors and People with a Disability) 2004 permits 'Seniors housing' on any land where dwelling houses and residential flat buildings are permitted. The Department of

		 Planning and Environment Practice Note PN 11-002 outlines 'where the permissibility of certain land uses is provided for under a relevant SEPP, there is no need to include these types of development in Standard Instrument LEPS'. Accordingly, it is not proposed to transfer 'Seniors Housing' from the Local Centres R4 Land Use Table to the KLEP 2015 R4 Land Use Table, as this land use is permitted in the R4 zone under the SEPP. KLEP 2015 R4 High Density Residential Land Use Table to apply. There are no amendments proposed.
No equivalent zone	R5 Large Lot Residential	The Local Centres LEP 2012 does not have any land zoned R5 Large Lot Residential. There are no amendments proposed to the R5 Large Lot Residential within the KLEP 2015 Land Use Table.
No equivalent zone	B1 Neighbourhood Centre	The Local Centres LEP 2012 does not have any land zoned B1 Neighbourhood Centre. There are no amendments proposed to the B1 Neighbourhood Centre zone with the KLEP 2015 Land Use Table.
B2 Local Centre	B2 Local Centre	 The translation of land zoned B2 from the Local Centres to the KLEP 2015 will result in the following: Once transferred to the KLEP 2015 the land will have an additional permitted use of 'Home-based child care' Once transferred to the KLEP 2015 the land will have additional prohibited uses of 'Landscaping Material Supplies; Plant Nurseries; Timber yards'. The KLEP 2015 B2 zone Land Use Table is to apply. There are no amendments proposed.
B4 Mixed Use	B4 Mixed Use	The KLEP LC 2012 and KLEP 2015 contain different objectives and permitted/prohibited land uses in the B4 zone Currently, under the KLEP 2015 the only land zoned B4 is the former University of Technology Sydney building at Lindfield.

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KLEP 2015 – Zoning extract B4 Zone at former UTS Ku-ring-gai
A State Significant Development application is currently underway for the Lindfield Learning Village to use the former building as a new K-12 school. There is no other land under the KLEP 2015 zoned B4.
Under the KLEP Local Centres 2012, there are a number of properties at the edge of the Gordon local centre zoned B4 Mixed Use.

		KLEP LC 2012 – Zoning Extract B4 zone at periphery of Gordon Local Centre
		KLEP Local Centres 2012 B4 zone Land Use Table to apply. It is proposed to amend the KLEP 2015 Land Use Table by transferring the B4 Mixed Use zone (including objectives, permitted and prohibited development) from the KLEP Local Centres 2012 to the KLEP 2015.
		This will ensure that the objectives and permitted and prohibited land uses will continue to apply to B4 Mixed Use land within the Gordon local centre once it transferred to the KLEP 2015.
B5 Business Development	No Equivalent zone	The KLEP 2015 does not currently have any land zoned B5 Business Development.
		KLEP Local Centres 2012 B5 zone Land Use Table to apply. It is proposed to transfer the B5 Business Development zone from the KLEP Local Centres 2012 Land Use Table to the KLEP 2015 Land Use Table.
		This will ensure that the objectives and permitted and prohibited land uses will continue to apply to land zoned B5 once transferred to the KLEP 2015.
No equivalent zone	B7 Business Park	The KLEP Local Centres 2012 does not have any land zoned B7 Business Park.
		There are no amendments proposed the B7 Business Park zone in the KLEP 2015 Land

		Use Table.
SP1 Special Activities	SP1 Special Activities	Identical. KLEP 2015 SP1 Special Activities zone Land Use Table to apply. There are no amendments proposed
SP2 Infrastructure	SP2 Infrastructure	Identical. KLEP 2015 SP2 Infrastructure zone Land Use Table to apply. There are no amendments proposed.
RE1 Public Recreation	RE1 Public Recreation	 The difference between the KLEP Local Centres 2012 and KLEP 2015 is that 'Respite day care centres' are permitted with consent under the KLEP 2015. The translation of land zoned RE1 from the Local Centres to the KLEP 2015 will result in an additional permitted use – 'Respite day care centres'. KLEP 2015 RE1 Public Recreation zone Land Use Table to apply. There are no amendments proposed.
No equivalent zone	RE2 Private Recreation	The KLEP Local Centres 2012 does not have any land that is zoned RE2 Private Recreation. There are no amendments proposed to RE2 Private Recreation within the KLEP 2015 Land Use Table.
No equivalent zone	E1 National Parks and Nature Reserves	The KLEP Local Centres 2012 does not have any land that is zoned E1 National Parks and Nature Reserves. There are no amendments proposed to E1 National Parks and Nature Reserves within the KLEP 2015 Land Use Table.
E2 Environmental Conservation	E2 Environmental Conservation	Identical. KLEP 2015 E2 Environmental Conservation zone Land Use Table to apply. There are no

		amendments proposed.
No equivalent zone	E3 Environmental Management	The KLEP Local Centres 2012 does not have any land zoned E3 Environmental Management.
		There are no amendments proposed to the E3 Environmental Management zone within the KLEP 2015 Land Use Table.
E4 Environmental Living	E4 Environmental Living	The KLEP Local Centres 2012 allows a further permitted use under item 3 – 'Group homes (permanent)'.
		It is not proposed to transfer the land use 'Group homes (permanent)' to the KLEP 2015. Council has recently been through a planning proposal to incorporate the Deferred Areas into the KLEP 2015, where the E4 zone was applied to areas of bushfire evacuation risk as a planning measure to limit further increases in residential density, and restrict uses that cater to vulnerable groups of people.
		Under the SEPP Affordable Rental Housing 2009 – The E4 zone is not a prescribed zone in which Group Homes may be carried out.
		This means that for land zoned E4 in the Local Centres, once transferred to the KLEP 2015, 'Group homes (permanent)' will no longer be a development type permitted with consent.
		The KLEP 2015 E4 zone has 3 additional objectives:
		• To minimise direct and indirect risks to life, property and the environment from bushfire events.
		• To ensure that development in this zone on land that adjoins land in Zone E1 National Parks and Nature Reserves or Zone E2 Environmental Conservation is compatible with the objectives of those zones.
		• To enable other land uses that provide facilities or services to meet the day to day needs of residents
		These additional objectives will apply to land zoned E4 within the Local Centres, once transferred to the KLEP 2015.

		KLEP 2015 E4 Environmental Living zone Land Use Table to apply. There are no amendments proposed
No equivalent zone	W1 Natural Waterways	The KLEP LC 2012 does not have any land that is zoned W1 Natural Waterways.
		There are no amendments proposed to W1 Natural Waterways within the KLEP 2015 Land Use Table.
Part 3 Exempt and complying de	velopment	
3.1 Exempt Development	3.1 Exempt Development	Standard clause - retain KLEP 2015
3.2 Complying Development	3.2 Complying Development	Standard clause - retain KLEP 2015
3.3 Environmental sensitive areas excluded	3.3 Environmental sensitive areas excluded	Standard clause - retain KLEP 2015
Part 4 Principal development sta	ndards	
4.1 Minimum subdivision lot size	4.1 Minimum subdivision lot size	The clauses are very similar, with the KLEP 2015 including an additional objective to " <i>minimise risk to life and property from environmental hazards, including bushfires</i> ". This additional objective will be a matter for consideration in the assessment of Development Applications for subdivision for land in the local centres, once transferred to the KLEP 2015. The minimum width and street frontage requirements currently applying to land zoned R2, E4,
		R3, and R4 and the requirements for subdivision of dual occupancy under the Local Centres LEP 2012 are exactly the same as within the KLEP 2015 – and so these requirements will continue to apply once the land is transferred to the KLEP 2015.
		KLEP 2015 Clause 4.1 to apply. No amendments proposed.
4.1AA Minimum subdivision lot size for community title schemes	4.1AA Minimum subdivision lot size for community title schemes	Clause 4.1AA within the KLEP LC 2012 and KLEP 2015 are identical except the clause applies to land in the E3 zone within the KLEP 2015. There is no land zoned E3 Environmental

		Management within the KLEP LC 2012.
		Clause 4.1AA will continue to apply to the land zoned R2 and E4 under in the Local Centres, once transferred to the KLEP 2015.
		KLEP 2015 Clause 4.1AA to apply. There are no amendments proposed to Clause 4.1AA in the KLEP 2015.
4.3 Height of buildings	4.3 Height of buildings	KLEP 2015 Clause 4.3 to apply.
		Clause 4.3(2A) in both the KLEP Local Centres 2012 and KLEP 2015 set out a maximum building height which overrides what is shown on the HOB map. This is a sliding scale based on lot size – for lots 1800sqm or less the maximum building height is 11.5m and for lots 1800sqm-2400sqm the maximum building height is 14.5m. In the KLEP 2015, this clause applies to all land zoned R4 High Density. However, in the KLEP Local Centres 2012 this clause only applies to land identified as "Area 1" on the HOB map.
		The land identified in "Area 1" within the KLEP Local Centres 2012 are zoned R4 and were former 2(d3) zoned sites under the KPSO – which permitted residential flat buildings up to 5 storeys. However, there are R4 zoned sites within the KLEP Local Centres 2012 that have not been identified as "Area 1" – these are former 2(d) and 2(e) sites which also allowed residential flat buildings – but only to 2-3 storeys. It is noted that many of the R4 zoned sites within the local centres not currently identified as 'Area 1' are older style 2-3 storey walk-up flats and future redevelopment of these sites would be subject to strata agreement. It is proposed that the KLEP 2015 Clause 4.3(2A) will apply in the consolidated LEP – this will mean that the maximum building height sliding scale will apply to all land zoned R4 within the local centres – not just those currently identified as 'Area 1'.
		The modification to apply the sliding scale to all sites zoned R4 within the local centres is consistent with the approach taken by Council in the drafting of the KLEP 2015.

		It is proposed to amend the KLEP 2015 Clause 4.3 by transferring KLEP Local Centres 2012 Clause 4.3 (2B): (2B) Despite subclause (2), the height of a commercial building on land identified as "Area 2" on the Height of Buildings Map must not exceed 26.5 metres. "Area 2" on the KLEP Local Centres 2012 HOB map is a group of properties on Merriwa Street, Fitzsimons Lane and Ridge Street, Gordon. The transferring of Clause 4.3(2B) from the KLEP Local Centres 2012 to the KLEP 2015 this will ensure that the maximum height of building control of 26.5m will continue to apply to these sites once they are transferred into the KLEP 2015.
4.4 Floor space ratio	4.4 Floor space ratio	KLEP 2015 Clause 4.4 to apply. It is proposed to amend the KLEP 2015 Clause 4.4 by transferring the following objectives from the KLEP Local Centres 2012: • to ensure that development density is appropriate for the scale of the different centres within Ku-ring-gai • to ensure that development density provides a balanced mix of uses in buildings in the business zones

 This will ensure these objectives will still apply to development on land under the Local Centres LEP, once transferred to the KLEP 2015. It is proposed to amend the KLEP 2015 Clause 4.4 by transferring Clause 4.4(2D) from the KLEP Local Centres 2012: (2D) Despite subclause (2), the floor space ratio for development of a type specified in Column 2 of the table to this subclause in an area specified opposite in Column 1 of the table and identified on the Floor Space Ratio Map must not exceed the ratio for that development specified opposite in Column 3 of the table. 			
Column 1 Area Area 1 Area 2 Area 3 Area 4	Column 2 Development type Retail premises Retail premises Commercial premises Commercial premises	Column 3 Floor space ratio 1.0:1 2.0:1 1.0:1 1.2:1	
within certain areas the KLEP 2015. Clause 4.4(2E) with set out a maximum based on lot size, w 1800sqm-2400sqm Density Residential. identified as "Area 5 The land identified a former 2(d3) zoned storeys. However, th been identified as "A flat buildings – but of local centres not cur	of the Local Centres will continue to in the KLEP Local Centres 2012 and FSR, which overrides what is shown ith lots 1800sqm or less the maximu its 1:1. In the KLEP 2015 this clause While in the KLEP Local Centres 20 " on the FSR map. as "Area 5" within the KLEP Local Centres sites under the KPSO – which permi- nere are R4 zoned sites within the K	e applies to all land zoned R4 High 012 this clause only applies to land entres 2012 are zoned R4 and were itted residential flat buildings up to 5 LEP Local Centres 2012 that have not 2(e) sites which also allowed residential any of the R4 zoned sites within the r style 2-3storey walk-up flats and	

		mean that the maximum floor space ratio sliding scale will apply to all land zoned R4 within the local centres – not just those currently identified as "Area 5". The modification to apply the sliding scale to all sites zoned R4 within the local centres is consistent with the approach taken by Council in the drafting of the KLEP 2015. It is proposed to amend the KLEP 2015 Clause 4.4 by transferring Clause 4.4(2F) from the KLEP Local Centres 2012: (2F) Despite clause (2), the floor space ratio of a commercial building on land shown as "Area 6" on the Floor Space Ratio Map must not exceed 3.0:1. "Area 6" on the KLEP Local Centres 2012 FSR map is a group of properties on Merriwa Street, Fitzsimons Lane and Ridge Street, Gordon. The transferring of Clause 4.4(2F) from the KLEP Local Centres 2012 to the KLEP 2015 this will ensure that the maximum FSR controls will continue to apply to these sites once transferred into the KLEP 2015.
4.5 Calculation of floor space ratio and site area	4.5 Calculation of floor space ratio and site area	Standard clause - retain KLEP 2015
4.6 Exceptions to development standards	4.6 Exceptions to development standards	Standard clause - retain KLEP 2015

Part 5 Miscellaneous provisions		
5.1 Relevant acquisition authority	5.1 Relevant acquisition authority	Standard clause - retain KLEP 2015
5.2 Classification and reclassification of public land	5.2 Classification and reclassification of public land	Standard clause - retain KLEP 2015
5.3 Development near zone boundaries	5.3 Development near zone boundaries	The only difference in this clause between the KLEP LC 2012 and KLEP 2015 is that the KLEP 2015 clause does not list the B5 zone as a zone that the clause does not apply to. This is due to the KLEP 2015 not containing any land zoned B5. Amend the KLEP 2015 Clause 5.3 to include B5 Business Development zone under 5.3(3)(ab)
5.4 Controls relating to miscellaneous permissible uses	5.4 Controls relating to miscellaneous permissible uses	Standard clause - retain KLEP 2015
5.7 Development below mean high water mark	5.7 Development below mean high water mark	Standard clause - retain KLEP 2015
5.8 Conversion of fire alarms	5.8 Conversion of fire alarms	Standard clause - retain KLEP 2015
5.10 Heritage conservation	5.10 Heritage conservation	Standard clause - retain KLEP 2015
5.11 Bush fire hazard reduction	5.11 Bush fire hazard reduction	Standard clause - retain KLEP 2015
5.12 Infrastructure development and use of existing buildings of the Crown	5.12 Infrastructure development and use of existing buildings of the Crown	Standard clause - retain KLEP 2015
Part 6 Additional local provision	S	

6.1 Earthworks	6.2 Earthworks	The clauses are almost identical, with the KLEP 2015 requiring an additional consideration " <i>any</i> appropriate measures proposed to avoid, minimise or mitigate the impacts of the development". Clause 6.2 of the KLEP 2015 to apply. No amendments are proposed.
6.2 Stormwater and water sensitive urban design	6.5 Stormwater and water sensitive urban design	Identical clauses. KLEP 2015 Clause 6.5 to apply. There are no amendments proposed to Clause 6.5 of the KLEP 2015
6.3 Biodiversity protection	6.3 Biodiversity protection	KLEP 2015 Clause 6.3 to apply. No amendments proposed to written instrument. However, amendment will be required to the KLEP 2015 Terrestrial Biodiversity Map to transfer land under the KLEP Local Centres 2012 to the KLEP 2015.
6.4 Riparian land and waterways	6.4 Riparian land and waterways	KLEP 2015 clause to apply. No amendments proposed to written instrument. However, amendment will be required to KLEP 2015 Riparian Map to transfer land under the KLEP Local Centres 2012 to the KLEP 2015.
6.5 Site requirements for multi dwelling housing and residential flat buildings	6.6 Site requirements for multi dwelling housing and residential flat buildings	 KLEP 2015 Clause 6.6 to apply. It is proposed to amend KLEP 2015 Clause 6.6 by transferring Clause 6.5(3) from KLEP Local Centres 2012 as follows: 3) Despite subclause (2), development consent must not be granted for the erection of multi dwelling housing or a residential flat building on any lot on the land identified as "Area 1" on the Lot Size Map unless the lot has an area of 5,000 square metres or more. "Area 1" on KLEP Local Centres 2012 Lot Size Map is a group of properties at Turramurra on Pacific Highway. The transferring of Clause 6.5(3) from the KLEP Local Centres to the KLEP 2015 will ensure that the requirements for a minimum site are of 5000sqm will continue to apply to these sites for the development of multi dwelling housing or residential flat building.

		The KLEP 2015 does not contain any areas on the Minimum Lot Size Map marked as "Area 1"
		KLEP Local Centres 2012 includes:
		(4) For the purposes of this clause, if a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.
		It is proposed to amend the KLEP 2015 Clause 6.6 by transferring Clause 6.5(4) from the KLEP Local Centres 2012. This will ensure that for the purposes of calculating lot size for this clause, the battle axe handle is not included. This is consistent with the calculation of lot size for subdivision under Clause 4.1 of both the KLEP 2015 and KLEP Local Centres 2012.
6.6 Ground floor development in	6.7 Active street frontages in	Clause 6.7 of KLEP 2015 to apply.
business zones	certain business zones	The clauses are nearly identical – both requiring that the ground floor of the building not be used for residential or car parking.
		Clause 6.7 of the KLEP 2015 is proposed to be amended to include zones B4 Mixed Use and B5 Business Development – as per the KLEP Local Centres 2012 Clause 6.6, as follows:
		2) This clause applies to land in the following business zones:

		(a) Zone B1 Neighbourhood Centre,
		(b) Zone B2 Local Centre,
		(c) Zone B4 Mixed Use,
		(d) Zone B5 Business Development
		The amendment will ensure that the provision for active street frontages will continue to apply to land zoned B4 and B5 in the Local Centres, once these areas are incorporated into the KLEP 2015.
6.7 Minimum street frontages for	6.8 Minimum street frontages for	KLEP 2015 Clause 6.8 to apply.
lots in business zones	lots in zone B2	Both the KLEP Local Centres 2012 and KLEP 2015 contain clauses requiring a minimum street frontage of 20m for the erection of a building in certain business zones. In the KLEP Local Centres 2012 the zones are B2, B4 and B5, while in the KLEP 2015 the zone is B2.
		The KLEP 2015 does not contain any lands zoned B5, and only the former UTS Campus at Lindfield is zoned B4.
		It is proposed to amend Clause 6.8 of the KLEP 2015 to include reference to B4 and B5 as follows:
		(2) Development consent must not be granted for the erection of a building on land in Zone B2 Local Centre, zone B4 Mixed Use or zone B5 Business Development if the land will not have a primary street frontage of at least 20 metres
		The amendment will ensure that the requirement for a minimum 20m frontage for the erection of a building will continue to apply to land zoned B4 and B5 in the Local Centres, once these areas are incorporated into the KLEP 2015.
		The title of KLEP 2015 <i>Clause 6.8 Minimum street frontages for lots in Zone B2</i> will also have to be amended to reflect that the clause will no longer only apply to land zoned B2, as follows:
		6.8 Minimum street frontages for lots in certain business zones

6.8 Location of sex services premises	6.12 Location of sex services premises	The clauses are almost identical. The only difference between the two clauses is that the KLEP 2015 includes zone R1 General Residential. This is due to there being no land within KLEP Local Centres 2012 zoned R1 General Residential. KLEP 2015 Clause 6.12 to apply. There are no amendments proposed to Clause 6.12 of the KLEP 2015.
No Equivalent clause in KLEP LC 2012	6.1 Acid Sulfate Soils	 The KLEP Local Centres 2012 does not contain any provisions or mapping for Acid Sulfate Soils. KLEP 2015 Clause 6.1 to apply. There are no amendments proposed to Clause 6.1 of the KLEP 2015. However, amendment will be required to the KLEP 2015 Acid Sulfate Soils Map to include acid sulfate soil mapping for land under the Local Centres LEP 2012. All the land within the Local Centres LEP is to be mapped as Class 5.
No Equivalent clause in KLEP LC 2012	6.9 Development in Zone B1	There is no land within the KLEP LC 2012 zoned B1 Neighbourhood Centre. No amendment to Clause 6.9 of KLEP 2015 proposed.
No Equivalent clause in KLEP LC 2012	6.10 Crimson Hill Residential Development, Lindfield	 KLEP 2015 Clause 6.10 is site specific – only applying to land within the Crimson Hill Residential Development Lindfield. This clause does not impact land currently under the KLEP Local Centres 2012. No amendment to Clause 6.10 of the KLEP 2015 is proposed.
No Equivalent clause in KLEP LC 2012	6.11 Wahroonga Estate, Fox Valley Road, Wahroonga	KLEP 2015 Clause 6.11 is site specific – only applying to land identified as Wahroonga Estate, Wahroonga. This clause does not impact land under the KLEP Local Centres 2012. No amendment to Clause 6.11 of the KLEP 2015 is proposed.
Schedule 1 - Additional permitte	ed uses	
Schedule 1 Additional permitted	Schedule 1 Additional permitted	Both the KLEP LC 2012 and KLEP 2015 contain a list of properties which have been identified

uses	uses	 with additional uses permitted with consent that would not normally be permitted under the zoning. As both contain a different list It is proposed to amend the KLEP 2015 by transferring the properties listened in Schedule 1 of the KLEP Local Centres 2012 to Schedule 1 KLEP 2015. This will ensure the additional permitted uses applying to land under the Local Centres will continue to apply, once this land is transferred to the KLEP 2015. Additionally, A review Schedule 1 in both the KLEP Local Centres 2012 and KLEP 2015 has found a number of inaccuracies that should be amended as follows: 				
			Property	Amendment and Reason		
			KLEP LC 2012 3. 2 Forsyth Street, Killara	3. 2 Forsyth Street, Gordon Incorrect suburb is currently included in listing.		
			KLEP LC 2012 4. Use of certain land at 3 and 3a Beaconsfield Parade and 1-7 Bent Street, Lindfield (1) This clause applies to land at 3 and 3A Beaconsfield Parade and 1–7 Bent Street, Lindfield, being Lots 1– 3, DP 318518, Lot 10, DP 305356 and Lots 2– 4, DP 10126	1) This clause applies to land at 3 and 3A Beaconsfield Parade and 1–7 Bent Street, Lindfield, being Lots 1– 3, DP 318518, Lot 10, DP 305356 and Lots 2– 4, DP 10120 Incorrect Lot and DP listed.		

	KLEP LC 2012	Remove.	
	 12. Use of certain land at 14 Orinoco Street, Pymble (1) This clause applies to land at 14 Orinoco Street, Pymble, being Lot 71, DP 539990 (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent. 	A Dual Occupancy has been approved, developed and subdivided to create 14 and 14a Orinoco Street, Pymble (Lots 501 and 502 DP1169176).	
	KLEP LC 2012 21 Use of certain land at 167, 169, 169A and 171 Mona Vale Road, St Ives (1) This clause applies to land at 167, 169, 169A and 171 Mona Vale Road, St Ives, being Lot C, DP 401301, Lots 1 and 2, DP 856121 and Lot 1, DP 578867.	21 Use of certain land at 167 Mona Vale Road and Part of 169 – 171 Mona Vale Road, St Ives (1) This clause applies to land at 167 Mona Vale Road, and Part of 169 – 171 Mona Vale Road, St Ives, being Lot C DP 401301 and Part of Lots 11 & 12 DP1230991 The sites have been consolidated as part of a development – so the listing is required to be amended to reflect the new legal description.	
	KLEP LC 2012	22 Use of certain land	

at 1 and Roa (1) to la 183. Vale bein Lot DP 11,	Use of certain land 173, 177, 183, 183A d 185 Mona Vale ad, St Ives This clause applies land at 173, 177, 183, 3A and 185 Mona le Road, St Ives, ing Lot 1, DP 653503, t 1, DP 126732, Lot 5, 9 12504, Lots 10 and , DP 829668 and Lot DP 1084135.	at Part 169 and 177 Mona Vale Road and 183, 183a and 185 Mona Vale Road, St Ives (1) This clause applies to land at Part 169 and 177 Mona Vale Road, and 183, 183a and 185 Mona Vale Road, St Ives, being Lot 1 DP1229835, Part Lots 11 & 12 DP1230991 The sites have been consolidated as part of a development – so the listing is required to be amended to reflect the new legal description.	
25 at 2	Use of certain land 2 Denman Road, rramurra	25 Use of certain land at 2 Denman Street , Turramurra Incorrect description – change road to street.	
7 U 6A E Killa (1) to la	Use of certain land at Buckingham Road, lara This clause applies land at 6A	Remove. 6a and 8 Buckingham Road, Killara have been consolidated to one lot (Lot 1 DP1225054) and a Residential Flat	

Killara, being Lots 3 and Building has been	
4, DP 414101. approved.	
(2) Development for the	
purpose of a dual	
occupancy (detached) is	
permitted with	
development consent.	
8 Use of certain land at	
8 Buckingham Road, Killara	
(1) This clause applies	
to land at 8 Buckingham	
Road, Killara, being Lot	
1, DP 4141012.	
(2) Development for the	
purpose of a dual	
occupancy (detached) is	
permitted with development consent.	
development consent.	
KLEP 2015 9 Use of certain land at	
9 Use of certain land at Killere	
21 Ruckingham Bood Killiala	
Killere (1) This clause applies	
(1) This clause applies 10 land at 21	
to land at & Duckingham Buckligham Koau,	
Read Killers being Let Killera, being Lot I, DF	
1, DP 125640.	
Incorrect property	
address listed in Part 1	
- required to be	
amended to match	
heading and Lot and	
DP.	

KLEP 201510 Use of certain land at 20–28 Culworth Avenue and 17 Marian Street, Killara (1) This clause applies to land at 20–28 Culworth Avenue and 17 Marian Street, Killara, being Lots 1–3, DP 119937, Lot 6, Section 1, DP 3694 and Lot 2, DP 93223510 Use of certain land at 20–26 Culworth Avenue, 2-4 Lorne Avenue and 17 Marian Street Killara being Lots 1–3, DP 119937, Lot 6, Section 1, DP 3694 and Lot 2, DP 93223510 Use of certain land at 20–26 Culworth Avenue, and 17 Marian Street, Killara being Lots 1-3 DP119937, Lot 1 DP169841, Lot 2 DP932235, Lots 161- 164 DP1196189The current listing does not include the Lot and DP for 17 Marian Street, even though the address is listed – required to be amended to provide Lot and DP. Listing also required to be updated to reflect amended legal description of sites following acquisition of part of the site from Transport for NSW.
KLEP 2015Remove.20 Use of certain land at 36 Provincial Road, LindfieldDual Occupancy approved, developed and subdivided on 36 Provincial Road, Lindfield to create 36 +36a Provincial Road, Lindfield (Lot 31 and 32

Road, Lindfield, being Lot 3, DP 308817.DP1185281).(2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.22 Use of certain land
KLEP 2015at 8 Church Street, Pymble22 Use of certain land at 8 Church Street, Pymble(1) This clause applies to land at 8 Church Street, Pymble, being Lot 1, DP 401840.(1) This clause applies to land at 8 Church Incorrect legal description – Lot 1 instead of Lot 1A.
KLEP 2015Remove.28Use of certain land at 1 Jersey Street, Turramurra (1) This clause applies to land at 1 Jersey Street Turramurra, being Lot 2, Section 1, DP 3895.Dual occupancy approved, developed and subdivided to create 1 Jersey Street Turramurra and 2B Catalpa Crescent (Lots 20 and 21 DP1196572)
 (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent. KLEP 2015

35Use of certain land at 79 Coonanbarra Avenue, Wahroonga (1) This clause applies to land at 7935Use of certain land at 79 Coonanbarra Road, Wahroonga (1) This clause applies to land at 79 Coonanbarra Avenue, Wahroonga, being Lot 4, DP 4239.35Use of certain land at 79 Coonanbarra Road, Wahroonga Coonanbarra Road, Wahroonga, being Lot 4, DP 4239.
KLEP 201536 Use of certain land at 12 Eulbertie Avenue, Wahroonga (1) This clause applies to land at 12 Eulbertie Avenue, Wahroonga, being Lot 1, DP 362318.36 Use of certain land at 12 Eulbertie Avenue, Warrawee (1) This clause applies to land at 12 Eulbertie Avenue, Wahroonga, being Lot 1, DP 362318.KLEP 201536 Use of certain land at 12 Eulbertie Avenue, Warrawee Incorrect suburb – Wahroonga instead of Warrawee.
KLEP 201537 Use of certain land at 17 Eulbertie Avenue, Wahroonga (1) This clause applies to land at 17 Eulbertie Avenue, Wahroonga, being Lot 2, Section 1, DP 3895.37 Use of certain land at 17 Eulbertie Avenue, Warrawee (1) This clause applies to land at 17 Eulbertie Avenue, Wahroonga, being Lot 2, Section 1, DP 3895.37 Use of certain land at 17 Eulbertie Avenue, Warrawee (1) This clause applies to land at 17 Eulbertie Avenue, Wahroonga, being Lot 2, Section 1, DP 3895.37 Use of certain land at 17 Eulbertie Avenue, Warrawee being Lot 10 This clause applies to land at 17 Eulbertie Avenue, Warrawee, being Lot 1 DP174560
49Use of certain land at 15 Warrawee49Use of certain land at 15 WarraweeAvenue, WarraweeAvenue, Warrawee(1)This clause applies(1)

		to land at 15 Warrawee Avenue, Warrawee, being Lot A, DP 382512 and Lot 1, DP 396923.to land at 15 Warrawee Avenue, Warrawee, being Lot 1 DP 1190103.(2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.Incorrect Legal Description (Lot and DP) following subdivision of property in 2014. 15 Warrawee Avenue is still of sufficient size to meet the requirements for a detached dual occupancy.
Schedule 2 – Exempt Developm	ent	
Advertisements – general requirements	No equivalent KLEP 2015 clause	 Exempt development provisions relating to advertising and signage are now covered by the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The Department of Planning and Environment's Practice Note PN 09-001 Exempt and Complying Development outlines that Schedule 2 and Schedule 3 of LEPs must not include or replicate the same development types that are covered by the Codes SEPP. Accordingly, exempt advertising and signage provisions were not included in the KLEP 2015 and it is not proposed to transfer these provisions from the KLEP LC 2012. There are no amendments proposed to the KLEP 2015.
Building Identification signs generally	No equivalent KLEP 2015 clause	
Business Identification signs for businesses other than sex services premises in business zones	No equivalent KLEP 2015 clause	
Advertisements – business identification signs in residential and environmental living zones	No equivalent KLEP 2015 clause	
Advertisements – changes to wording or content of approved signs	No equivalent KLEP 2015 clause	

Advertisements – construction signs (temporary)	No equivalent KLEP 2015 clause	
Advertisements – real estate and property promotion signs (advertising premises or land for sale or lease) in business zones	No equivalent KLEP 2015 clause	
Advertisements – real estate and property promotion signs (advertising premises or land for sale or lease) in residential and environmental living zones	No equivalent KLEP 2015 clause	
Advertisements – signs behind the glass line of a shop window in business zones (other than sex service premises)	No equivalent KLEP 2015 clause	
Advertisements – temporary signs for religious, cultural, social or recreational events	No equivalent KLEP 2015 clause	
Basketball hoops and stands	No equivalent KLEP 2015 clause	Exempt provisions relating to playground equipment are now covered by the <i>State</i> <i>Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</i> The Department of Planning and Environment's Practice Note PN 09-001 <i>Exempt and Complying</i> <i>Development</i> outlines that Schedule 2 and Schedule 3 of LEPs must not include or replicate the same development types that are covered by the Codes SEPP. Accordingly, exempt provisions were not included in the KLEP 2015 and it is not proposed to transfer the provisions from the KLEP LC 2012.
		There are no amendments proposed to the KLEP 2015.

Clothing bins	No equivalent KLEP 2015 clause	Exempt provisions relating to charity clothing bins is now covered by the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</i> The Department of Planning and Environment's Practice Note PN 09-001 <i>Exempt and Complying Development</i> outlines that Schedule 2 and Schedule 3 of LEPs must not include or replicate the same development types that are covered by the Codes SEPP. Accordingly, exempt provisions for charity clothing bins were not included in the KLEP 2015 and it is not proposed to transfer the provisions from the KLEP LC 2012.
		There are no amendments proposed to the KLEP 2015.
Graves and monuments that are not heritage items	Graves and monuments that are not heritage items	The provisions in both LEPs are identical except the KLEP LC 2012 outlines that evacuation or disturbance of land for the purpose of carrying out the conservation or repair of a monument or grave marker <i>must be within an existing approved cemetery or burial ground</i> .
		Amend KLEP 2015 as follows:
		(b) an excavation or disturbance of land for the purpose of carrying out the conservation or repair of a monument or grave marker <i>must be within an existing approved cemetery or burial ground</i>
Lighting (external)	Lighting (external)	The provisions in both LEPs are identical except for the KLEP 2015 outlines that lighting (external) <i>must not be constructed or installed on land that comprises, or on which there is a heritage item.</i> The Heritage Council of NSW during the preparation of the KLEP 2015 requested that heritage items be exempted from this matter, as the installation of lighting fixtures, conduit and intensity may result in adverse impact on the significance of heritage items.
		KLEP 2015 clause to apply. No amendments are proposed.
Special events (including markets)	Special events (including markets)	The content of the exempt provisions within each plan is slightly different. During the preparation of the KLEP 2015 the provisions to allow special events as exempt development were refined with the view that these provisions would apply to the whole of the Local Government Area once the two LEPs were consolidated.
		The KLEP 2015 exempt provisions for special events (including markets) are to apply to land within the Local Centres, once transferred to the KLEP 2015. No amendments are

		proposed to the KLEP 2015.
Stormwater drainage works (minor)	No equivalent KLEP 2015 clause	KLEP 2015 to apply – it is not proposed to transfer the Stormwater drainage works (minor)exempt development provisions from the KLEP Local Centres 2012 to the KLEP 2015.It is considered the provisions are too complicated to be assessed as exempt development.
Schedule 3 – Complying Develo	pment	
N/A	Dwelling houses in Zone E4 Environmental Living	The KLEP Local Centres 2012 does not provide any provisions for complying development. Within both the KLEP Local Centres 2012 and KLEP 2015, the E4 Environmental Living zone has been applied where there are environmental factors, such as the presence of threatened ecological communities, riparian zones, scenic values or bushfire hazard that make the protection of the values of the land impractical under a standard residential zone. Complying Development under the General Housing Code under the <i>State Environmental</i> <i>Planning Policy (Exempt and Complying Development Codes) 2008</i> does not apply to land zoned E4. KLEP 2015 (Amendment No.5) included complying development provisions for dwelling houses within the E4 Environmental Living zone, so long as the development is not located on part of the site mapped riparian or biodiversity. The complying development provisions contained within the KLEP 2015 will apply to land zoned E4 under the Local Centres LEP 2012, once this land is transferred to the KLEP 2015. KLEP 2015 clause to apply. No amendments are proposed to the KLEP 2015 in this regard.
Schedule 4 – Classification and reclassification of public land		
Schedule 4 Classification and reclassification of public land	Schedule 4 Classification and reclassification of public land	The KLEP LC 2012 and KLEP 2015 contain different lists of properties. It is proposed to amend the KLEP 2015 Schedule 4 by transferring the sites listed in Schedule 4 Part 1 and Part 2 of the KLEP LC 2012.

Schedule 5 – Environmental Heritage		
Schedule 5 Environmental Heritage	Schedule 5 Environmental Heritage	The KLEP LC 2012 and KLEP 2015 contain different properties listed in Part 1 – Heritage Items and Part 2 – Heritage Conservation Areas. It is proposed to amend Schedule 5 of KLEP 2015 by transferring the properties listed in Schedule 5 Part 1 and Part 2 of the KLEP Local Centres 2012. It is also proposed to amend Schedule 5 of the KLEP 2015 as follows: Include the following properties as heritage items: • Roseville Station Group, Hill Street, Roseville • Lindfield Railway Station Group, Candview Street Pymble • Turramurra Station Group, Rohini Street, Turramurra Removal of the following properties as heritage items: • 2a Pibrac Avenue, Warrawee • 2b Pibrac Avenue, Warrawee • 46 Water Street, Wahroonga • 8 Laurel Avenue, Turramurra • 7a Fairway Avenue, Pymble • 62 Livingstone Avenue, Pymble • 7a Fairway Avenue, Pymble • 62 Livingstone Avenue, Pymble • 63 Livingstone Avenue, Pymble • 64 Mater Street, Pymble from 'Robyn Hill' to 'Robin Hill' Amend item name for 1 Vista Street, Pymble from 'Robyn Hill' to 'Lot 4 DP31561'' Amend The Broadway Wahroonga (11101) item name to "The Broadway, remnant Telford type roadway", amend the address to "The Broadway and Muttama Street" and amend the heritage map
Dictionary	Dictionary	Standard clause - retain KLEP 2015