

Attachment F1

Issue: Comments relating to the suitable evidence base and justification of the proposal

- Area hasn't had a bushfire in 'x' amount of years, in previous bushfires no houses were lost or evacuation was not required.
- Bushfire Evacuation Risk Map is deliberate misrepresentation of component data – Council have overlaid the SEPP 5 Exclusion Areas on the RFS Bushfire Prone Land Map.
- Council justification is falsely represented as being from the RFS.
- Bushfire Evacuation Risk is a measure concocted by Ku-ring-gai Council – no other Councils or government organisations define it.
- Have direct access to main road – can evacuate in a few minutes.

Council has satisfactorily addressed all concerns regarding the evidence base used to establish the proposed zonings, development provisions, justification and objectives for the proposal. The studies (Cova Report) and methodologies employed are consistent with advice received from RFS and NSW Police. No misrepresentation in the application of the bushfire mapping, evacuation areas, or exit roads by Council has been identified.

Issue: Comments relating to Fox Valley

Pro-development comments, in the style of a pro-forma letter/note, were received by Council (and in some instances forwarded to the Department):

- The Cova report uses case studies from USA which are not comparable to local conditions within Fox Valley and Lane Cove National Park.
- Fox Valley evacuation risk is overstated, incorrectly not included all exit roads from Fox Valley Area (e.g. Fox Valley Road north of The Comenarra Parkway or new SAN access road).
- Council and RFS do not have a listed evacuation safe area for Fox Valley – conclusion is that Fox Valley is not as significant evacuation risk as areas adjoining northern and north eastern bushland.
- Inconsistent with South Turramurra, where only a few streets are proposed as E4 yet contains schools and child care centres and more exposed to bushfire compared to Fox Valley where all streets are proposed as E4 yet doesn't contain schools or childcares.

Council has satisfactorily addressed these submissions. Comments primarily relate to questioning the presumed level of bushfire evacuation risk in the Fox Valley area, asserting the level is over stated by the proposal, and therefore the need for the rezoning is not required. Council has already demonstrated the level of evacuation risk, and the NSW RFS has also identified these areas as bushfire evacuation risk. **(Attachment E)**. The use of the E4 zoning as a method to restrict residential density increase in these areas, including Fox Valley, is supported.

Issue: Suitability of E4 Environmental Living zoning and development restrictions

- E4 zoning will not reduce bushfire risk or evacuation risk
- E4 zoning will result in additional expenses for residents building or renovating homes
- E4 zoning will result in increased insurance premiums
- Negatively impact property value
- Extra development constraints will limit options to renovate
- Council will attempt to further restrict property development rights within E4 zone

Council has satisfactorily demonstrated the suitability of applying the E4 Environmental Living zoning as a method to restrict increases in population in areas of high bushfire evacuation risk. The E4 zoning does not change the nature of bushfire land or restrictions already in place. These additional development costs/insurance premiums are already applicable to the lands.

Issues: Comments relating to secondary dwellings

- Do not support secondary dwellings as a permissible development type within East Killara. Area should be zoned E3 Environmental Management not E4 Environmental Living.
- Secondary dwellings will increase density and population and lead to increased traffic and congestion in the event of evacuation.
- Concerns regarding permitting secondary dwellings in areas of bushfire evacuation risk.

Secondary dwellings are already permissible on land zoned for residential (in KPSO) in the deferred areas. Additionally, the current residential zoning means some secondary dwellings may be considered as complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

As secondary dwellings are already permissible, the application of an E4 zoning will mean that secondary dwellings will continue to be permitted, but all developments for secondary dwellings will require development consent from Council. Additionally, NSW RFS raise no objection to secondary dwellings being permitted as they maintain the status quo of what is already permissible (**Attachment E2**).

It is anticipated due to the nature of the evacuation areas, requirements for asset protection zones, and secondary dwellings being incorporated in FSR calculations on lots, development of secondary dwellings will be severely limited in these areas.

Issues: Planning process and the ethics of Council

- Did not receive notification and request for public meeting.
- E4 zoning is about Council saving money on Land and Environment Court cases and hazard reduction expenditure.
- Appendix E Comparison Table withholds true extent of difference between R2 and E4. Planning controls relating to FSR, Height, and minimum subdivision size are markedly different.

Council has confirmed that it has satisfied the notification requirements set out in the Gateway determination (notifying all affected land owners via a letter box drop, notification on Council's website, notification to those who made a submission, and notification in local newspapers).

The planning proposal material has been reviewed, including the land use comparison table, and the exhibition materials were found to be consistent with the Gateway conditions and suitable for exhibition. The land use comparison table exhibited is accurate and correct.

Issue: Comments regarding proposed alternative solutions

- Council should undertake back burning or provide additional exit roads instead of E4 zoning
- Council does not need to resort to E4 zoning to apply planning restrictions. Council should add special development restrictions in bushfire zones under R2 zoning. PN 11-002 outlines that Council can prepare additional local objectives to supplement core objectives. Council could add core objective to preclude high density development and development for vulnerable people from bushfire prone land.

Council is required to apply standard instrument zonings to the deferred areas. Alternative solutions, such as site-specific development restrictions are unsuitable due to their onerous application and inconsistency with Section 117 Direction 6.3 Site Specific Provisions. Back burning/additional exit roads are not considered a feasible or more practical approach in the short-term, compared to rezoning land to E4 Environmental Living, and are not LEP matters.