



Ku-ring-gai Council

PLANNING PROPOSAL

**Amendments to draft Ku-ring-gai Local Environmental Plan 2013
(adopted 26 November 2013)**

September 2014

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EXECUTIVE SUMMARY

Ku-ring-gai Council is currently in the process of replacing its current deemed environmental planning instrument, the Ku-ring-gai Planning Scheme Ordinance 1971(KPSO), with the draft Ku-ring-gai Local Environment Plan 2013 (KLEP 2013) which is based on the standard instrument template. The key objective of the KLEP 2013 is to update the planning framework for Ku-ring-gai. It is a direct translation of the KPSO with some strategic changes that were agreed in the initial gateway. At present the draft KLEP 2013 is with the Department of Planning and is in the final stages of being made.

Following Council's consideration of the draft KLEP 2013, several amendments were resolved by Council. This Planning Proposal incorporates the first round of general amendments to that draft Ku-ring-gai Local Environmental Plan 2013 to correct anomalies, refine local clauses and to introduce amendments arising from submissions made to the exhibition of the Plan.

The amendments proposed are

- modifications to the Zoning, Height, Lot Size, FSR, Riparian and Heritage Maps to both rectify inconsistencies between mapping and actual site status, and amend site specific development standards to address their constraints and context;
- modifications to the Land Use Table to amend objectives applying to the E3 – Environmental Management and E4 – Environmental Living zones;
- modifications to Schedule 3 to insert Complying Development provisions for dwelling houses in the E4– Environmental Living Zone.

The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act, 1979 and the NSW Government Department of Planning and Infrastructure 'A guide to preparing planning proposals.'

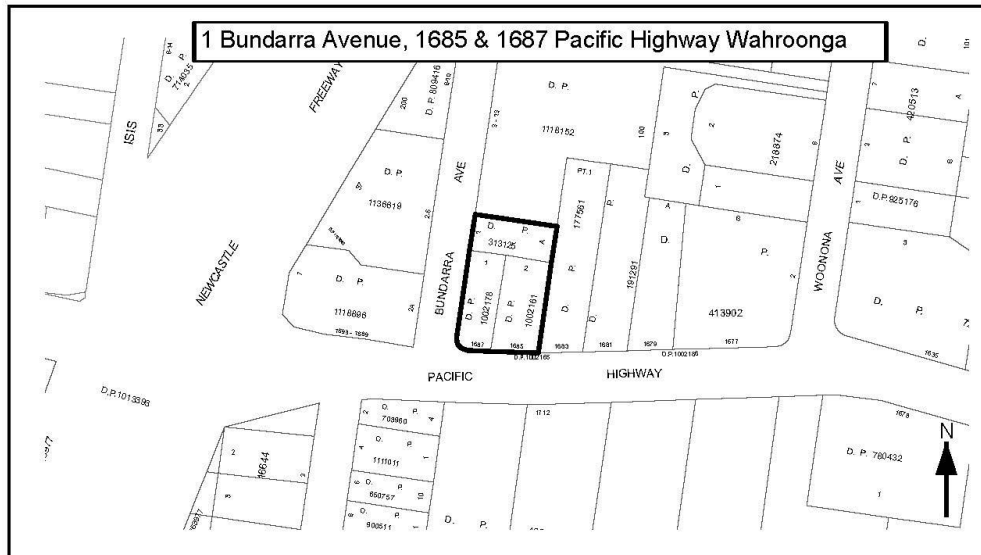
The matters included in the Planning Proposal have been supported by Council as a component of the draft KLEP 2013. A copy of the report from the Ordinary Meeting of Council, 26 November 2013, and subsequent resolutions are included in **Appendix B and C**.

Council is seeking delegations to make this plan as the matters contained in the Planning Proposal are considered to be of local significance.

b. 1 Bundarra Avenue, 1685 & 1687 Pacific Highway Wahroonga

The sites are currently zoned R4 High Density Residential with a maximum height of buildings (HOB) of 11.5m and floor space ratio (FSR) of 0.85:1 allowing 3 storey development. It is intended to increase the HOB and FSR standards of the sites to 14.5m and 1:1. This will enable a feasible development on a site constrained by its corner location on a classified road and surrounded by 5 storey development. The increase will enable a 4 storey development with good landscaped setbacks that fits into the context and ameliorates impact to the adjacent 2-4 storey building at 1683 Pacific Highway, Wahroonga.

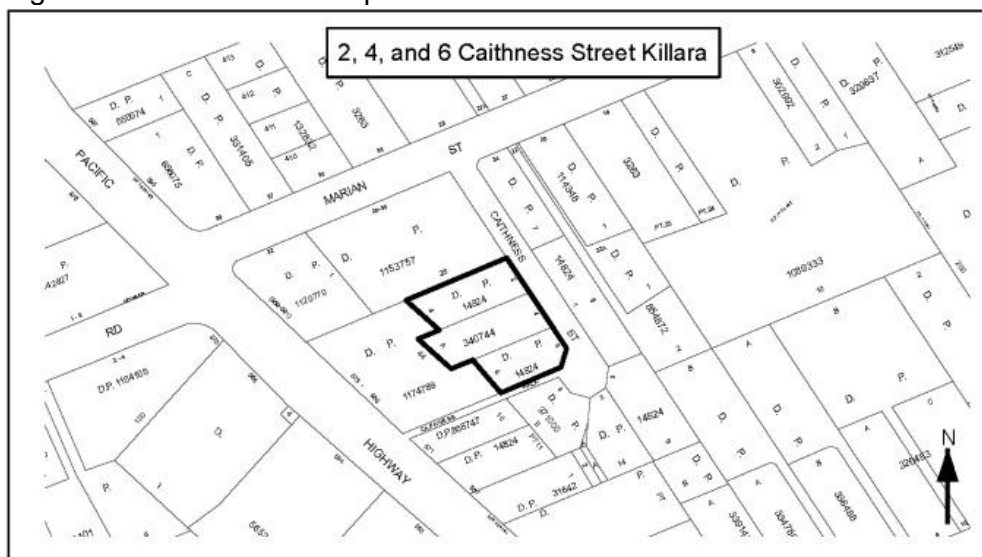
Figure 2 – Site Location Map



c. 2, 4, 6 Caithness Street, Killara

It is intended to rezone these sites to R2 Low Density Residential, with the associated development standards of that zone, to maintain the 3 existing single dwellings as a means of supporting the character of Caithness Street which is a narrow cul-de-sac and has a heritage item directly opposite these sites. Under exhibited draft KLEP 2013 these sites are zoned R4 Residential high density with a HOB of 17.5m and FSR of 1.3:1, which is the equivalent development capacity under the Ku-ring-gai Planning Scheme Ordinance. The rezoning to R2 would simultaneously reduce the HOB to 9.5m, FSR to 0.3:1, and minimum lot size to 840sqm.

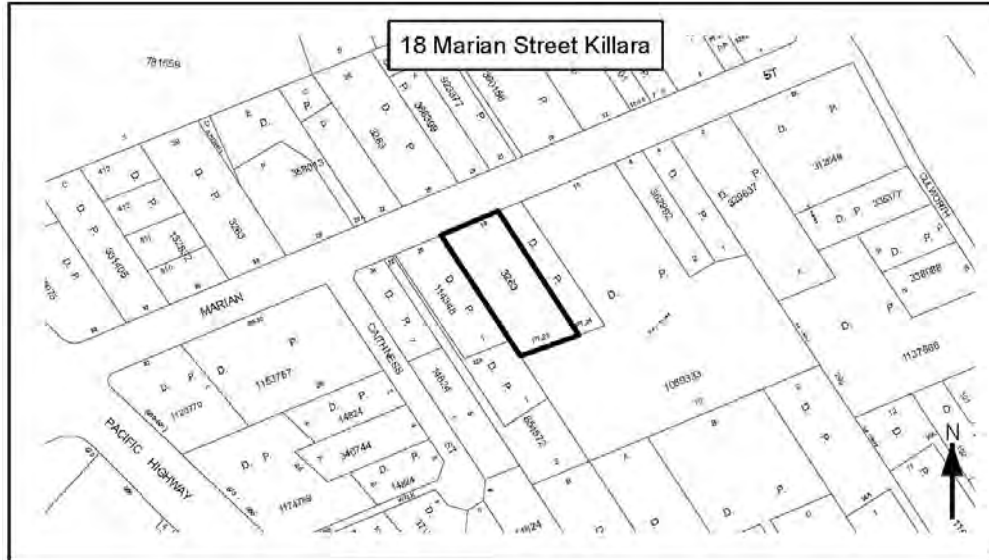
Figure 3 – Site Location Map



d. 18 Marian St, Killara

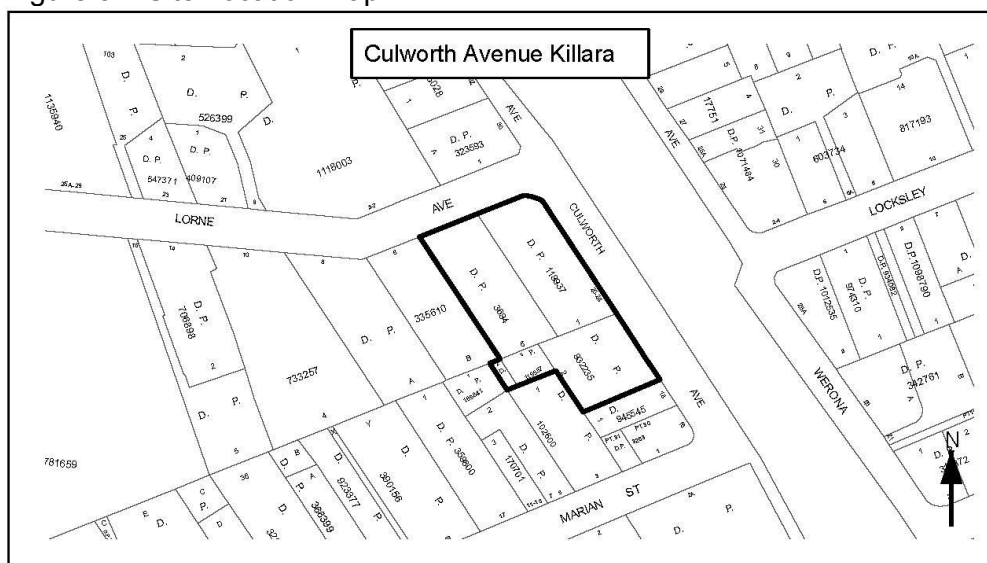
The site is currently zoned R2 Low Density Residential, however, it is already developed as a 3 and 4 storey residential flat building. It is intended to correct this anomaly and rezone the site to R4 High Density Residential with development standards of 0.85:1 FSR, 11.5m building height and 1200sqm minimum lot size, to reflect the existing development.

Figure 4 – Site Location Map

**e. Lots 1, 2 and 3 DP119937; Lot 6 DP3694; lot 2 DP932235 Culworth Ave, Killara**

The site is zoned R4 High Density Residential under the draft KLEP 2013 and is currently utilised as a paid public carpark. It is intended to increase the FSR for the site from 1:1 to 1.3:1 and the HOB from 14.5m to 17.5m. The proposed change in development standards to this Council owned site is to allow orderly standards for residential flat buildings to apply to the site. Council resolved its divestment of part of the site on 30 April 2013. The reclassification process for the site is the subject of a different planning proposal for which a gateway determination was issued on 7/8/2013 and a gateway extension issued 13/3/2014.

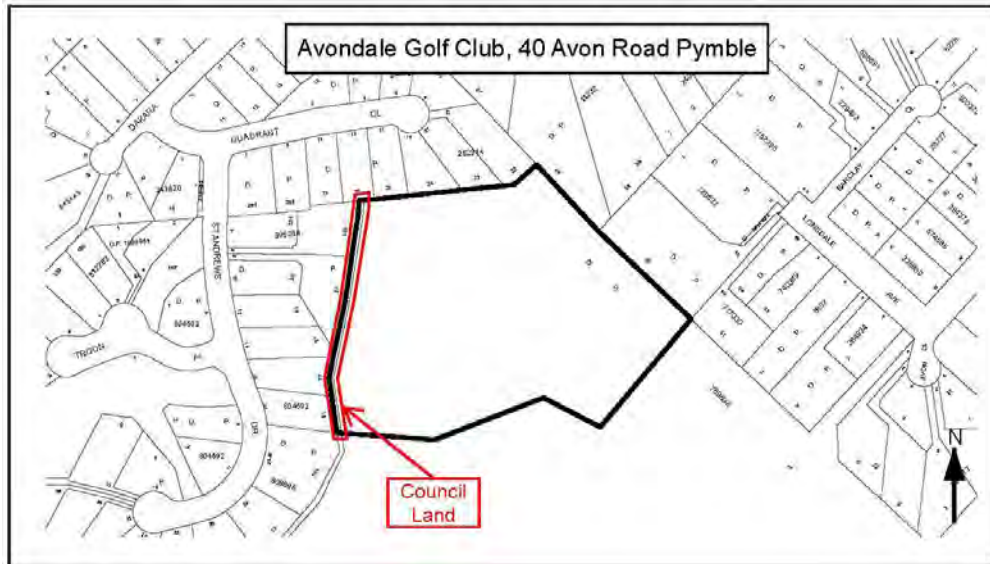
Figure 5 – Site Location Map



f. Avondale Golf Club, 40 Avon Road, Pymble

The northern corner of the Avondale Golf Club is currently zoned E2 Environmental Conservation. Following further environmental assessment of the site, it is intended to rezone this northern corner from E2 to RE2 Private Recreation as it is an isolated pocket with no link to biodiversity corridors. In addition, it is proposed to correct an anomaly along a strip of Council owned land at the western boundary of the site. The strip of land is currently zoned E2 and it is intended to rezone it to RE1 Public Recreation as investigation indicates it does not contain features that warrant the E2 zoning.

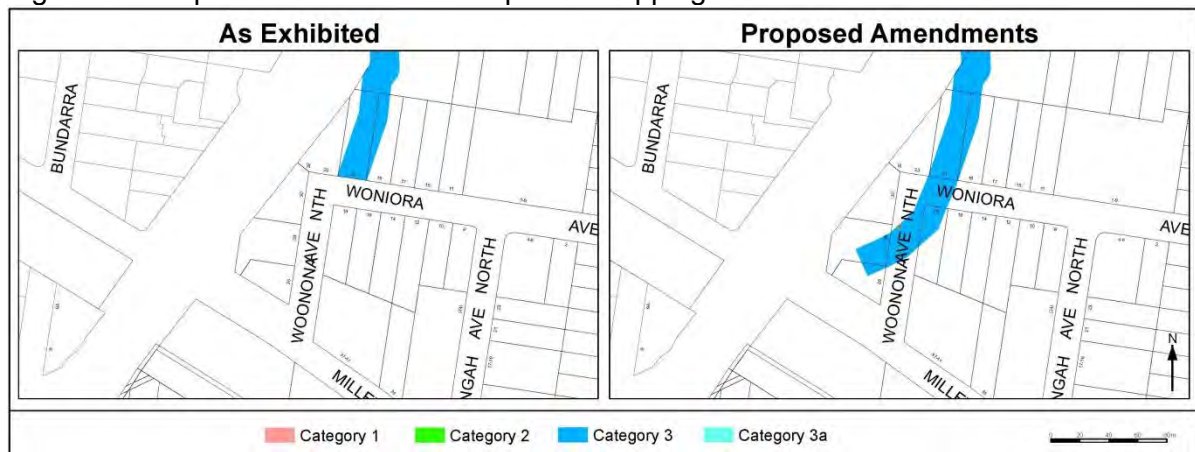
Figure 6 – Site Location Map



g. Woniara Avenue and Woonona Avenue North, Wahroonga

It is intended to correct errors in the riparian mapping to accurately reflect the existing extent of riparian lands at this location. The amendment is to extend the Category 3 riparian land as illustrated below.

Figure 7 – Proposed amendment to Riparian Mapping



h. Ortona Road to Westbourne Road, Lindfield

It is intended to correct errors in the riparian mapping to accurately reflect the existing extent of riparian lands at this location. The amendment is to extend the Category 3A and introduce a tract of Category 3 riparian land as illustrated below.

Figure 8 – Proposed amendment to Riparian Mapping



i. 90 and 92 Babbage Road, Roseville Chase

It is intended to correct errors in the riparian mapping to accurately reflect the existing extent of riparian lands at this location. The amendment is to introduce a tract of Category 3A and Category 3 riparian land as illustrated below.

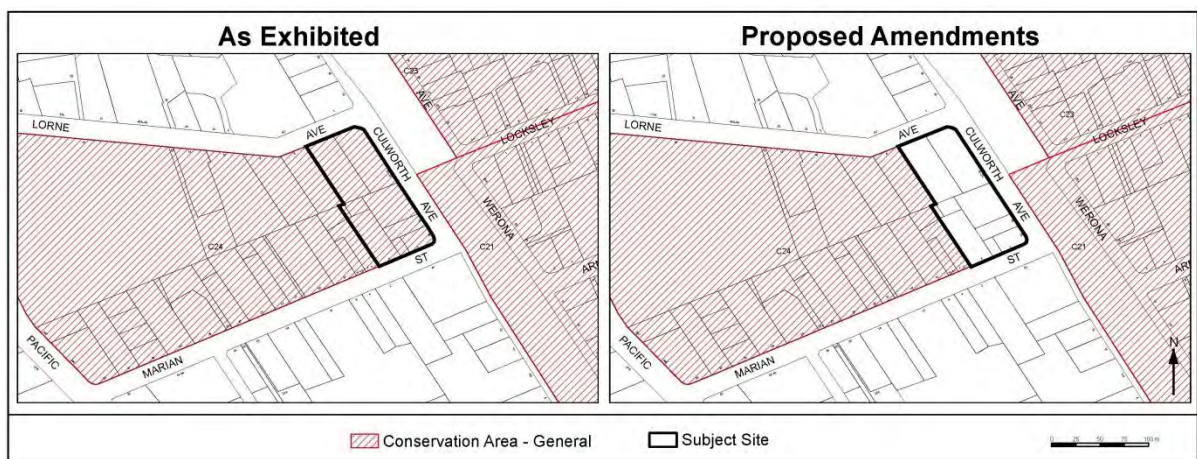
Figure 9 – Proposed amendment to Riparian Mapping



- j. **Adjustment to the boundary of HCA C24 Marian St Conservation Area to exclude Lot 6, DP 3694, Lots 1, 2, 3, DP 119937, Lot 2, DP 932235, Lot 1, DP 945545, Parts 30 and 31, DP 3263, Lot 1, DP 102600**

It is intended to adjust the boundary of the Marian St HCA to exclude Lot 6, DP 3694, Lots 1, 2, 3, DP 119937, Lot 2, DP 932235, Lot 1, DP 945545, Parts 30 and 31, DP 3263, Lot 1, DP 102600. This includes the land currently operating as Culworth Avenue car park and adjoining sites at 18 Culworth Avenue and 1 and 3 Marion Street. In their current state these lots are not considered to contribute to the HCA, and this will continue to be the case with any R4 High Density Residential development carried out under the Draft KLEP 2013.

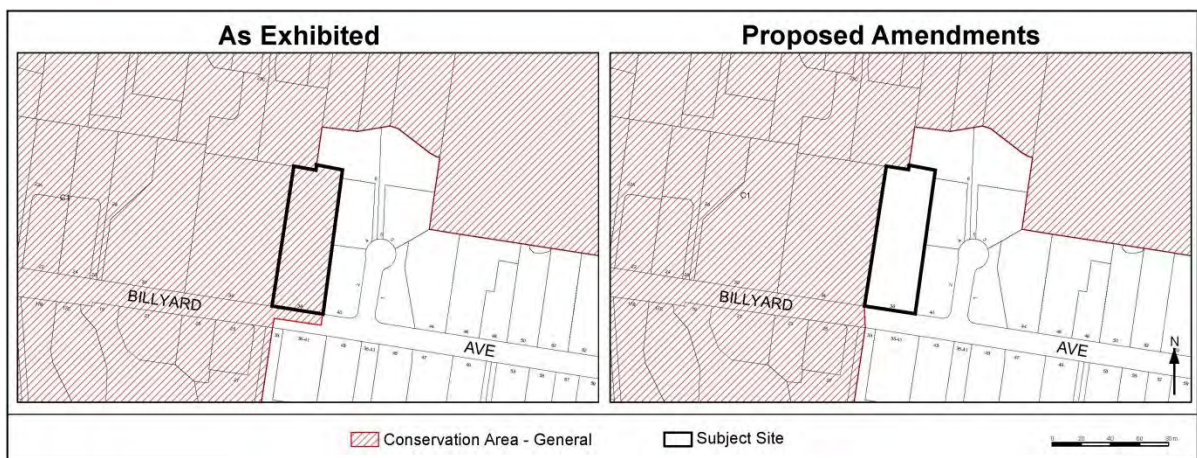
The proposed HCA boundary is illustrated in Figure 10.



- k. **Adjustment to the boundary of HCA C1 Wahroonga Conservation Area to exclude 38 Billyard Avenue, Wahroonga**

It is intended to adjust the boundary of the Wahroonga HCA by removing 38 Billyard Avenue. This property comprises a recently constructed house on the boundary of the HCA and does not contribute to the character of the HCA.

The proposed HCA boundary is illustrated in Figure 11.



2. Amendments to the Written Instrument – Land Use table/ Schedule 3

a. Land Use Table

To remove from the E3 Environmental Management zone and include in the E4 Environmental Living zone objectives relating to:

- minimising direct and indirect risks to life, property and the environment from bushfire events and bushfire management;
- ensuring that development in the E4 zone adjoining land zoned E1 National Parks and Nature Reserves or E2 Environment Conservation is compatible with the objectives for those zones; and,
- enabling other land uses that provide facilities or services to meet the day to day needs of residents.

b. Schedule 3 Complying Development

The intended outcome of this proposed amendment is to include appropriate complying development provisions for dwelling houses in the E4 Environmental Living zone, so long as it is not be located within land identified by clauses 6.6 (Biodiversity protection) or 6.7(Riparian land and waterways) of draft KLEP 2013, or on Class 1-4 lands identified in Clause 6.8 (Acid sulphate soils).

It is intended to adopt the provisions of *Part 3 General Housing Code in State Environmental Planning Policy (Exempt and Complying Development) 2008*, but excluding Clauses 3.9 (Minimum site coverage), 3.10 (Maximum floor area), 3.11(maximum floor area for out buildings) and 3.24(Landscaped area). These clauses will be replaced by appropriate local provisions.

It is also intended to adopt the provisions of *Part 4 Housing Alterations Code and Part 7 Demolition Code in State Environmental Planning Policy (Exempt and Complying Development) 2008* to apply to land in the E4 Environmental living zone.

PART 2 – EXPLANATION OF PROVISIONS

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

The proposed objectives and intended outcomes will be achieved through the following:

1. Amendment of the following maps to show changes to individual lots as detailed in Part 1 above:
 - a. Land Zoning Map Sheet LZN_007
 - b. Land Zoning Map Sheet LZN_014
 - c. FSR Map Sheet FSR_001
 - d. FSR Map Sheet FSR_014
 - e. Height Map Sheet HOB_001
 - f. Height Map Sheet HOB_014
 - g. Lot Size Map Sheet LSZ_014
 - h. Riparian Lands Map Sheet RIP_001
 - i. Riparian Lands Map Sheet RIP_015
 - j. Riparian Lands Map Sheet RIP_020
 - k. Heritage Map Sheet HER_006
 - l. Heritage Map Sheet HER_014

A copy of the draft maps described above are included in **Appendix D**

2. Amendment of the *Land Use Table* to delete the following objectives from the E3 Environmental Management zone:

Zone E3 Environmental Management

Objectives of zone

- *To minimise direct and indirect risks to life, property and the environment from bushfire events and bushfire management.*
- *To ensure that development in this zone on land that adjoins land zoned E1 National Parks and Nature Reserves or E2 Environment Conservation is compatible with the objectives for those zones.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

3. Amendment of the *Land Use Table* to include the following additional objectives for the E4 Environmental Living zone:

Zone E4 Environmental Living

Objectives of zone

- *To minimise direct and indirect risks to life, property and the environment from bushfire events and bushfire management.*
- *To ensure that development in this zone on land that adjoins land zoned E1 National Parks and Nature Reserves or E2 Environment Conservation is compatible with the objectives for those zones.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

4. Amendment of *Schedule 3 – Complying Development* to include the following complying development provisions for dwelling houses in the E4 zone:

Schedule 3 Complying Development

Part 1 Types of Development

➤ *Dwelling Houses in E4 Environmental Living zones:*

1. *Development is to be in accordance with Part 3 General Housing Code in State Environmental Planning Policy (Exempt and Complying Development) 2008, but excluding Clauses 3.9, 3.10, 3.11 and 3.24;*

2. The development must not be located within land identified by clauses 6.6 or 6.7 of this LEP, or on Class 1-4 lands identified in Clause 6.8;
3. The development must meet the following development standards:

Landscaped Area:

- i) On sites on the low side of the street which drain to bushland, the landscaped area of the dwelling house and all ancillary development draining to a dispersal trench system, infiltration trench system or rain garden must be a minimum of 65%.
- ii) The landscaped area of the dwelling house and all ancillary development on any other site must be in accordance with the following table:

Table

Site Area (m ²)	Minimum Landscaped Area %
Less than 850m ²	SA x 0.5
850m ² or greater	SA x [0.5 + (SA-850)/6,500]

Note: Where SA is the Site Area (m²)

Example: The built upon area for a 1100m² lot is as follows:

$$\begin{aligned}
 &1100 \times [0.5 + (1100 - 850)/6500] \\
 &= 1100 \times [0.5 + (250)/6500] \\
 &= 1100 \times [0.5 + 0.038] \\
 &= 1100 \times 0.538 \\
 &= 592 \text{ m}^2
 \end{aligned}$$

- iii) For alterations and additions on sites where the existing landscaped area is less than that listed above, the minimum landscaped area is the existing landscaped area.
- iv) Plans must include built elements, such as pathways, normally associated with a residential property.
- v) The front setback for any development for a dwelling house must have a minimum landscaped area of 70%.

Floor space ratio:

- i) The maximum floor space ratio for the dwelling house and all ancillary development on the site is not to exceed the relevant floor space ratio determined in accordance with the following table:

Table

Site area (m ²)	Maximum FSR
> 1,500 m ²	((250 + (0.15 × site area)) / site area):1
> 1,000 ≤ 1,500 m ²	((170 + (0.20 × site area)) / site area):1
> 800 ≤ 1,000 m ²	((120 + (0.25 × site area)) / site area):1
≤ 800 m ²	0.4:1

Maximum floor area for outbuildings:

- i) The floor area of an outbuilding on a site must not be more than the following:
 - a. 36m², if the lot has an area of less than 300m²;
 - b. 45m², if the lot has an area of at least 300m² but less than 600m²;
 - c. 60m², if the lot has an area of at least 600m².

➤ Dwelling House Alterations in E4 Environmental Living zones:

1. Development is to be in accordance with Part 4 Housing Alterations Code in State Environmental Planning Policy (Exempt and Complying Development) 2008.

➤ Demolition in E4 Environmental Living zones:

In E4 Environmental Living zones:

1. Development is to be in accordance with Part 7 Demolition Code in State Environmental Planning Policy (Exempt and Complying Development) 2008.

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?*

This Planning Proposal incorporates the first round of general amendments to the draft Ku-ring-gai Local Environmental Plan 2013 (KLEP) to correct anomalies, refine local clauses and to introduce the amendments arising from submissions made to the exhibition of the draft KLEP 2013.

The draft KLEP 2013 built upon a significant number of planning studies and key work undertaken by Council in recent years. This Planning Proposal is based on those background studies and reports as stated in the original proposal for the Draft KLEP 2013. Following community input and submissions to the draft KLEP 2013 exhibition, further investigations using Council's internal resources have been carried out. The findings of those investigations, summarised in Council's Report of 26 November 2013 at **Appendix D**, are the reason for the amendments put forward in this Planning Proposal.

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

This Planning Proposal's objectives refer to amendments to the draft KLEP 2013 Written Instrument and associated maps. A planning proposal is required in order to have such amendments to the draft KLEP made.

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)?*

At the time the draft KLEP 2013 was prepared, it was made consistent across the seven strategy areas stipulated within the North Subregional Strategy and the objectives and actions of the Metropolitan Strategy.

This Planning Proposal puts forward amendments to the draft KLEP 2013 that continue to be in alignment with the North Subregional Strategy and the objectives and actions of the Metropolitan Strategy. The proposed amendments to the Mapping make variations better suited to the site and local context to do with site specific housing provision and categorisation of natural and built heritage lands. The proposed amendments to the Written Instrument seek to amend objectives for the E3 and E4 zones and insert complying development provisions for the E4 zone. The proposed amendments in no way diminish the draft KLEP's consistency with the two Strategies.

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

At the time the draft KLEP 2013 was prepared, it was made consistent with the seven key activity areas of Council's Community Strategic Plan 2030, namely community development, urban environment, natural environment, planning and development, civic leadership and corporate services, financial sustainability.

The amendments being put forward in this Planning Proposal do not alter the strategic context of the draft KLEP and therefore continue to be consistent with Council's Community Strategic Plan 2030. In particular, the proposed amendments are aligned with the following objectives of the Strategic Plan:

- *Comprehensive Integrated Principal LEP and Development Control Plan (DCP) completed for the local government area (LGA) that addresses the Metropolitan Strategy and North Subregion objectives*
 - the proposed amendments adhere to this objective as stipulated in Q3 above.
- *Protect, enhance and where appropriate increase local biodiversity and terrestrial, habitats and connectivity between reserves*
 - the proposed amendments to the riparian mapping and preservation of biodiversity mapping reinforces this objective.
- *Council planning systems apply the principles of sustainability, best practice urban design and place making to meet the needs of the community*
 - the proposed additions of clauses pertaining to E3 and E4 development seek to make provisions that enable the community to develop within parameters that preserve and reinforce the natural and built heritage of the LGA.

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

Since this Planning Proposal seeks to make amendments to the draft KLEP whilst maintaining its consistency with all strategic and legislative documents, the same SEPPs are applicable. The following table identifies the key applicable SEPPs and outlines this Planning Proposal's consistency with those SEPPs. A checklist of compliance with all SEPPs is contained at **Attachment A**.

SEPP	Comment on Consistency
SEPP 19 Bushland in Urban Areas When preparing draft local environmental plans for any land to which SEPP 19 applies, other than rural land, the council shall have regard to the general and specific aims of the Policy, and give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland.	Compliance with SEPP 19 has been addressed through the biodiversity mapping and the Biodiversity and Riparian Lands, Draft Background Study (Ku-ring-gai Council, 2011). The amendments in this Planning Proposal relevant to SEPP 19 are the following proposed changes to zoning - at the Avondale Golf Club, Pymble from E2 Environmental Conservation to RE2 Private Recreation on privately owned land, and to RE1 Public Recreation on Council owned land, - at Edith Street, Pymble from RE1 Public Recreation to R2 Low Density Residential While these changes will increase the range of landuses permissible on these sites, it does not alter the Biodiversity or Riparian mapping within these locations. Since ecological constraints are required to be considered as part of any development application, or applications to remove trees or vegetation under cl5.9 (Preservation of Trees and Vegetation) of the draft KLEP, the integrity of the vegetated areas will have a continuing means of protection.
SEPP 44 Koala Habitat	Feed trees identified within SEPP 44 are found in Ku-ring-

SEPP	Comment on Consistency
Protection In order to give effect to the aims of this Policy, a council should survey the land within its area so as to identify areas of potential koala habitat and core koala habitat, and make or amend a local environmental plan to include land identified as a core koala habitat within an environmental protection zone, or to identify land that is a core koala habitat and apply special provisions to control the development of that land.	gai. Any potential habitat is likely to be within the areas identified as Regional Fauna Habitat which is included in the Natural Resource – Biodiversity Protection Map, with its associated provisions. However, no core koala habitat has been identified in the LGA in the land to which this SEPP applies and none on the sites that are the subject of this Planning Proposal.
SEPP 55 Remediation of Land SEPP 55 requires a planning authority to give consideration to contamination issues when rezoning land which allows a change of use that may increase the risk to health or the environment from contamination and requires consideration of a report on a preliminary investigation where a rezoning allows a change of use that may increase the risk to health or the environment from contamination.	As this Planning Proposal constitutes amendments that are consistent with the draft KLEP 2013, which in itself is largely a translation exercise to equivalent standard instrument zones from the KPSO, it will not result in a change to permissible uses. Further, there is no proposal to rezone special uses land to surrounding zones in accordance with PN 08–002 - Zoning for infrastructure in LEPs, which would require potential contamination matters to be considered.
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.	This Planning Proposal does not include exempt or complying development provisions that are inconsistent with the SEPP Exempt and Complying Development Codes 2008. The new clauses proposed for Schedule 3 Complying Development will give complying development provisions for dwelling houses in the E4 Environmental living zone, which the Codes SEPP does not cater for. These provisions are intended to be generally consistent with the General Housing Code, however will include alternative provisions for landscaped area, floor space ratio and maximum floor area of outbuildings. These alternate provisions recognise the environmental constraints of the E4 zone. It also proposed to adopt the complying development provisions of the Housing Alteration Code and Demolition Code within the E4 Environmental living zone.

SREPP	Comment on Consistency
SYDNEY REP 20 Hawkesbury-Nepean River 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 residential development.	Considerations under the SEPP were taken into account when developing provisions under the original draft KLEP 2013, addressing water quality and quantity, environmentally sensitive areas and flora and fauna within the Hawkesbury-Nepean River catchment. This Planning Proposal remains consistent with those considerations.
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.	This Planning Proposal is consistent with the SEPP as it aims to protect and enhance identified environmentally sensitive lands and waterways and implement appropriate planning provisions.

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

The following table identifies applicable Section 117 Directions and outlines this Planning Proposal's consistency with those Directions. A checklist of compliance with all Section 117 Directions is contained at **Attachment A**.

Directions under S117	Objectives	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 support the viability of identified strategic centres.	Consistent. This Planning Proposal will not alter the areas and locations of existing business and will not reduce the total potential floor space area for employment uses and related public services in business zones.
2. ENVIRONMENT AND HERITAGE		
2.1 Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Justifiably inconsistent. The draft KLEP 2013 included provisions that facilitate the protection and conservation of environmentally sensitive areas. Following further environmental assessment of land at the northern corner of the Avondale Golf Club, Pymble, it is intended to rezone that land from E2 to RE2 Private Recreation on privately owned land. Investigation shows that this land is an isolated vegetated pocket with no link to biodiversity corridors, and the zoning would make it contiguous with the land to its south enabling a more effective management of the private land. In addition, it is proposed to correct an anomaly along a strip of Council owned land currently zoned E2 at the western boundary of this site, and rezone it to RE1 Public Recreation as investigation indicates it does not contain features that warrant the E2 zoning, and would be contiguous with the strip of Council land to its south.

Directions under S117	Objectives	Consistency
		This inconsistency is of minor significance and justifiable in that the integrity of the vegetation at this location will not be compromised by the proposed change of zoning as there are strategies in place that would continue to protect it. While the change in zoning will increase the range of landuses permissible on these sites, the slope of land (20-30m height change) will limit the use of the land. The proposed rezoning does not alter the draft KLEP 2013 Biodiversity or Riparian mapping within this location and these would continue to apply and protect the existing vegetation including any STIF trees. Further, since ecological constraints are required to be considered as part of any development application, or applications to remove trees or vegetation under cl5.9 (Preservation of Trees and Vegetation) of the draft KLEP 2013, the integrity of the vegetated areas will have a continuing means of protection under the RE1 and RE2 zoning.
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental Heritage significance and indigenous heritage significance.	Consistent. The draft KLEP 2013 included provisions to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This took the form of the standard instrument heritage conservation clause the introduction of heritage conservation areas. This Planning Proposal seeks to remove certain lots from existing Heritage Conservation Areas on the basis they are inconsistent with the character of the HCA in their existing state, and which are unlikely to contribute to the future character once they are developed in accordance with the standards of the draft KLEP. These include:

Directions under S117	Objectives	Consistency
		– adjust the boundary of HCA C1 Wahroonga by removing 38 Billyard Avenue. This property comprises a recently constructed house on the boundary of the HCA and does not contribute to the character of the HCA. – adjust the boundary of HCA 24 - Marian Street to exclude certain lots that are not considered to contribute to the HCA character is highly unlikely to have environmental impact. When developed to R4 standards these lots will not be contiguous with HCA character
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
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 draft KLEP 2013 seeks to translate the existing residential zones under the KPSO to the standard instrument equivalents while maintaining the existing residential densities on these sites. The interface study conducted for the draft KLEP 2013 recommended a number of zoning changes to ameliorate the impact of adjacent high density developments on the amenity of existing low density sites. This Planning Proposal generally maintains that approach with regard to the properties at 2, 4, 6 Caithness Street, Killara. These properties are proposed for downzoning from R4 High density residential to R2 Low density residential. The sites are located adjacent to existing R4 development, supporting its current zoning; however, they front onto Caithness Street which comprises R2 low density residential development and concern is raised on the bulk and scale impact of the of R4 development on that street, and the lack of any R3 interface sites to buffer the single dwellings from

Directions under S117	Objectives	Consistency
		the R4 impact. The reduction in the development potential of the sites at 2, 4, 6 Caithness Street, Killara will be offset by the components of this Planning Proposal which seek to - marginally increase the existing R4 development potential on 1 Bundarra Ave, Wahroonga and 20-28 Culworth Ave, Killara to enable development that gives regard to the local context; - rezone 18 Marian St, Killara from R2 to R4 to reflect the existing R4 site development, with no increase to dwelling provision; - increase in the development capacity of land at 1 Bundarra Avenue, 1685 & 1687 Pacific Highway Wahroonga; - rezone an underutilised open area at Edith Street, Pymble from RE1 to R2 to provide one additional dwelling or to augment the land parcels of adjacent sites in keeping with the local context.
3.2 Caravan Parks and Manufactured Home Estates	The objectives of this direction are: (a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	Consistent. The draft KLEP2013 includes provisions that permit development for the purposes of a caravan park to be carried out on land in the existing 6(a) and 6(b) open space zones. This Planning Proposal makes no amendment that would change the provisions of the draft KLEP 2013.
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Consistent. The draft KLEP 2013 includes provisions that permit home occupations to be carried out in dwelling houses without the need for development consent. This Planning Proposal makes no amendment that would change the provisions of the draft KLEP 2013.
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use	Consistent. The draft KLEP 2013 is largely a translation exercise and does not create, alter or remove zones or

Directions under S117	Objectives	Consistency
	locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	provisions relating to urban land. This Planning Proposal makes no amendment that would change the provisions of the draft KLEP 2013.
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. Ku-ring-gai has a very low probability of containing sites with acid sulfate soils. This Planning Proposal does not propose an intensification of land uses on potential acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	Consistent. The draft KLEP 2013 involved a study to identify areas of land slip risk and appropriate zoning, land uses and appropriate principal development standards for any at risk areas. This Planning Proposal does not include any of those lands.

Directions under S117	Objectives	Consistency
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 Floodplain Development Manual 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	Justifiably inconsistent. Council is yet to complete the necessary studies to identify the extent of potential flood planning areas within the LGA to develop a "Flood Planning Area" map and determine whether or not it is appropriate to incorporate the "Flood Planning" model local provision within the LEP.
4.4 Planning for Bushfire Protection	The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	Consistent. The draft KLEP2013 took into consideration the findings and recommendations of the study Managing Bushfire Risk, Now and into the Future (2011 Ku-ring-gai Council), which uses a risk management approach to assess the management of bushfire risks, now and under future climate change situations and provides guidance for zoning, land uses and development standards in high risk areas. The NSW rural fire service will be consulted in the process. This Planning Proposal does not seek to amend development standards on lands that are considered high risk bushfire areas.
6. LOCAL PLAN MAKING		
Approval and Referral Requirements	The objective of this direction is to ensure	Consistent. This Planning Proposal does not

Directions under S117	Objectives	Consistency
	that LEP provisions encourage the efficient and appropriate assessment of development.	seek to incorporate additional provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, or identify development as designated development.
Reserving Land for Public Purposes	The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Consistent. The draft KLEP2013 included consultation with public authorities on the status of existing reservations for public purposes. This Planning Proposal does not seek to remove a reservation or put in place a new or revised reservation.
Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Consistent. This Planning Proposal rezones land to an existing zone which already applies in the draft KLEP 2013, and does not impose any development standards or requirements in addition to those already contained in that zone. In addition, this Planning Proposal does not contain or refer to drawings that show details of the development proposal
7. METROPOLITAN PLANNING		
7.1 Implementation of the Metropolitan Strategy	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.	Consistent. This Planning Proposal is consistent with the NSW Government's Metropolitan Strategy and the related Draft North Subregional Strategy. Details are contained under Section 3B above.

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?*

The draft KLEP2013 is largely a direct translation of the KPSO to the standard instrument format, and as such unlikely to have an adverse effect on critical habitat or threatened species, populations or ecological communities, or their habitats. The draft KLEP2013 extended the 'Natural resource sensitivity – biodiversity' provisions to the whole local government area which will result in a positive effect on the protection of critical habitat, threatened species, populations or ecological communities, or their habitats.

It is considered that this Planning Proposal will not adversely affect threatened species, populations or ecological communities or their habitats. The Planning Proposal is limited to amendments to rectify mapping errors, rezone and amend development standards on various parcels of land, make additions to the Land Use Table to include E4 objectives and provisions for additional complying development in Schedule 3.

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

There are no likely negative environmental effects identified as a result of the Planning Proposal.

- *Zoning Amendments to Avondale Golf Club, 40 Avon Road, Pymble*

Two areas of land within Avondale Golf Club are zoned E2 Environmental Conservation under the draft KLEP 2013. The re-assessment of these areas was triggered by the landowner's submission to the draft KLEP2013 exhibition which questioned the E2 status and how the zoning would prohibit and unfairly restrict the use of the property for recreational purposes. Whilst the western E2 zoning is being retained due to its high ecological quality, flora communities and linkage with the adjacent biodiversity corridors, site assessment of this northern corner confirms that the area is an isolated pocket of vegetation that does not link to any corridors, nor does it contain the significant communities of species present in the area to the west of the Golf Course. Further to this, the presence of the Biodiversity mapping will ensure that any future development on the land will retain the significant ecological and vegetation aspects of the site.

The narrow strip of Council owned land to the western boundary of the same site, serving as a buffer to the adjacent residential lands, does not warrant the current E2 zoning as it does not demonstrate features that would support the E2 zoning. The change in mapping will not alter the current use or vegetation of the land.

- *Amendments to Riparian Mapping*

The proposed amendments to the riparian mapping more accurately indicate the identified riparian corridors. This will result in a better environmental outcome for those localities as any development would be required to address the existing riparian status.

- *Amendments to HCAs*

This Planning Proposal seeks to remove certain lots from existing Heritage Conservation Areas on the basis they are inconsistent with the character of the HCA in their existing state, and which are unlikely to contribute to the future character once they are developed in accordance with the standards of the draft KLEP

- The adjustment to the boundary of HCA C1 Wahroonga by removing 38 Billyard Avenue is as a consequence of this property on the boundary of the HCA

comprising a recently constructed house and does not contribute to the character of the HCA.

- The adjustment to the boundary of HCA 24 - Marian Street to exclude certain lots that are not considered to contribute to the HCA character is highly unlikely to have environmental impact. When developed to R4 standards these lots will not be contiguous with HCA character. The vegetation on the site that has merit will retain protection under the biodiversity provisions of the KLEP. Further to this, any future development on these sites will be subject to Council's DCP controls for development in the vicinity of Heritage Items and HCAs.

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

The draft KLEP 2013 is largely a direct translation of the KPSO to the standard instrument format and is not expected to result in any significant additional social and economic effects. By implementing the standard instrument there will be potential positive economic and ongoing positive social effects by the introduction of certain clarity and consistency within the planning framework. The amendments proposed in this Planning proposal will not alter the social or economic context of the LGA.

- *Complying Development provisions for E4 Environmental Living zone*

Amendments to the Written Instrument will enable complying development in the E4 zone resulting in more efficient approvals. They will maintain consistency with the intent of the Codes SEPP while including additional requirements to address environmental constraints within the E4 zone.

D. State and Commonwealth interests

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

As draft KLEP 2013 is essentially a translation of the KPSO, it will result in minimal increases in residential density or intensity of land uses that will create additional demands or pressures on existing infrastructure. This Planning proposal remains consistent with this. The amendments being sought are minor and unlikely to burden the local infrastructure. Further to this, should a Gateway Determination be issued for the exhibition of this Planning Proposal, relevant infrastructure providers such as RMS, Sydney Water, Energy Australia will be consulted regarding future infrastructure requirements that might result from the amendments.

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

The views of state and commonwealth public authorities will be ascertained in accordance with the comments contained in the Gateway Determination . Consultations may include the following:

- NSW Rural Fire Service
- NSW Office of Environment and Heritage
- Transport for NSW
- Roads and Maritime Services
- Department of Primary Industries
 - Lands and Natural Resources
 - NSW Office of Water
 - Local Land Services (Greater Sydney)
- NSW State Emergency Service
- Sydney Water Corporation
- Energy Australia

PART 4 - MAPPING

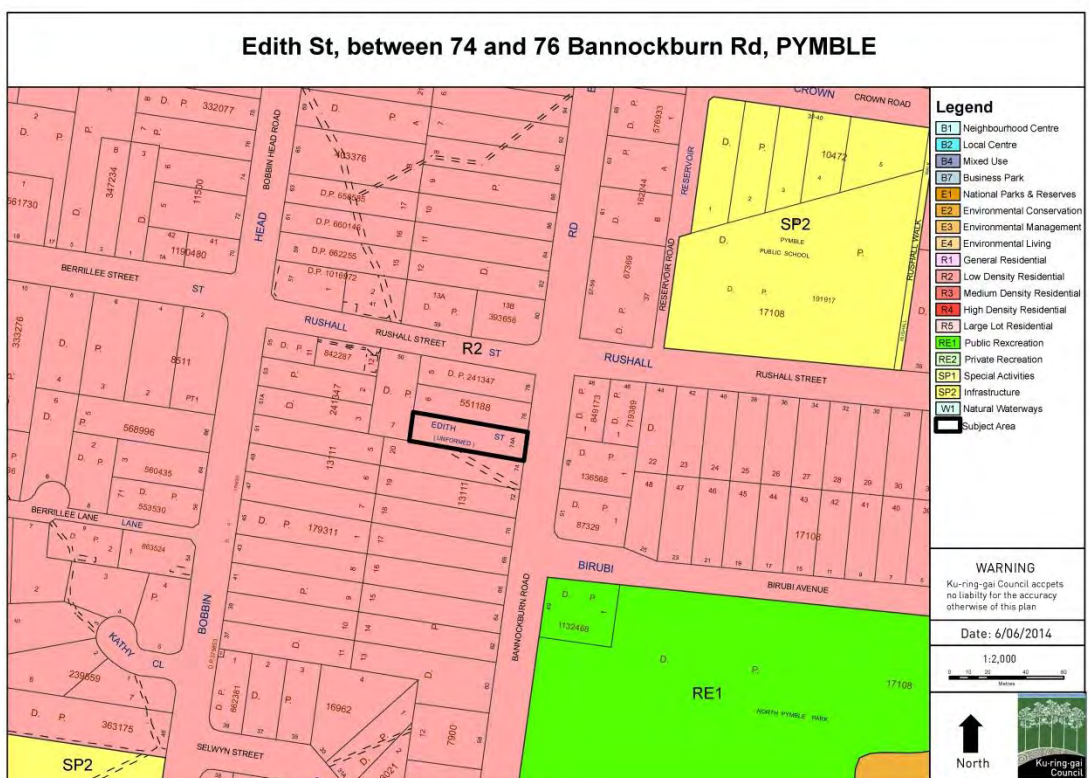
Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies

a. Edith Street, between 74 and 76 Bannockburn Road, Pymble (unformed road reserve)

Arial Photograph:



Zoning Map:

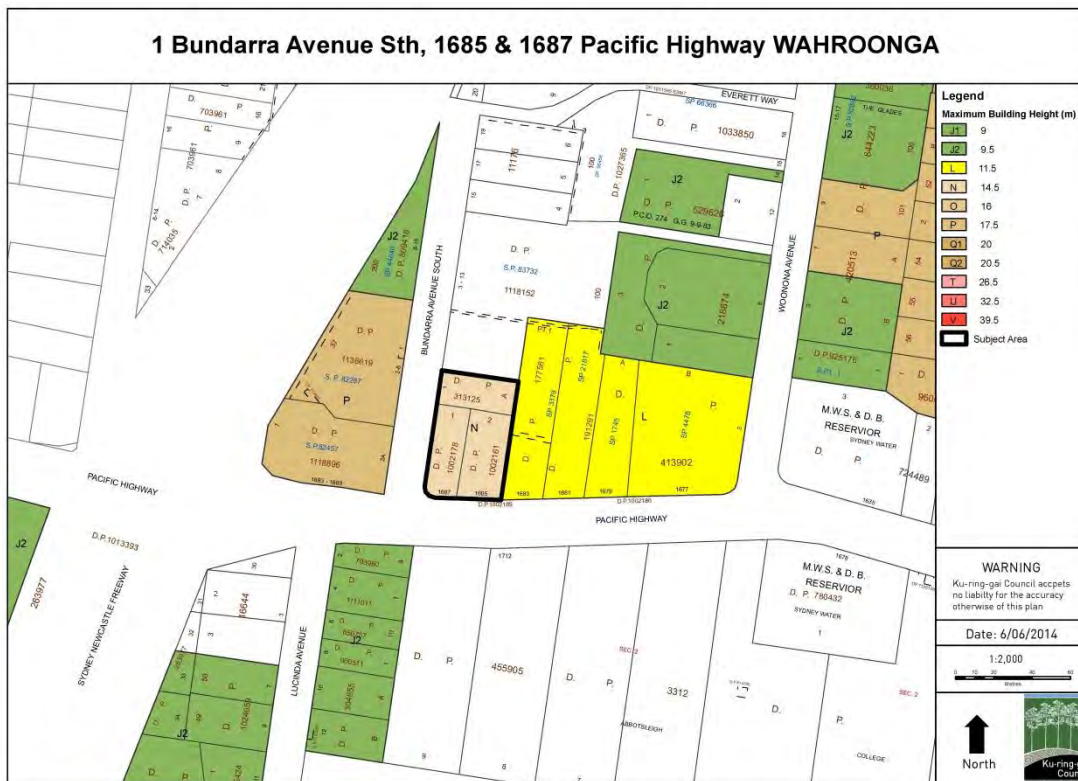


b. 1 Bundarra Avenue, 1685 & 1687 Pacific Highway Wahroonga

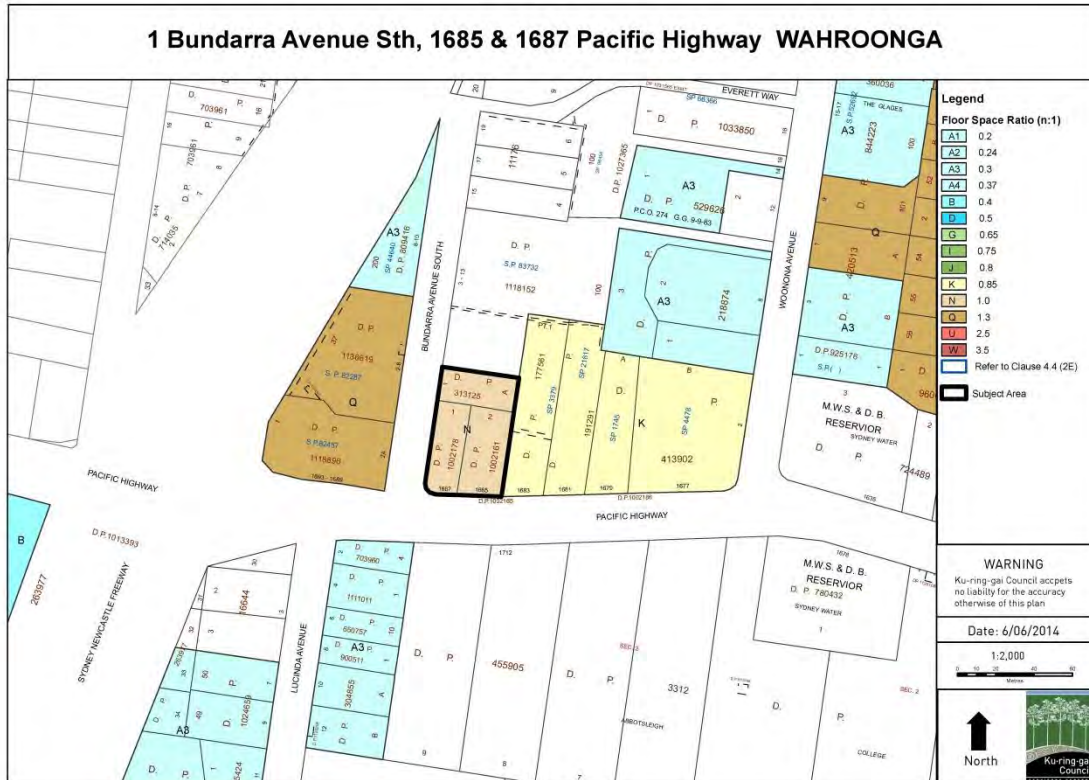
Aerial Photograph:



Height of Building Map:

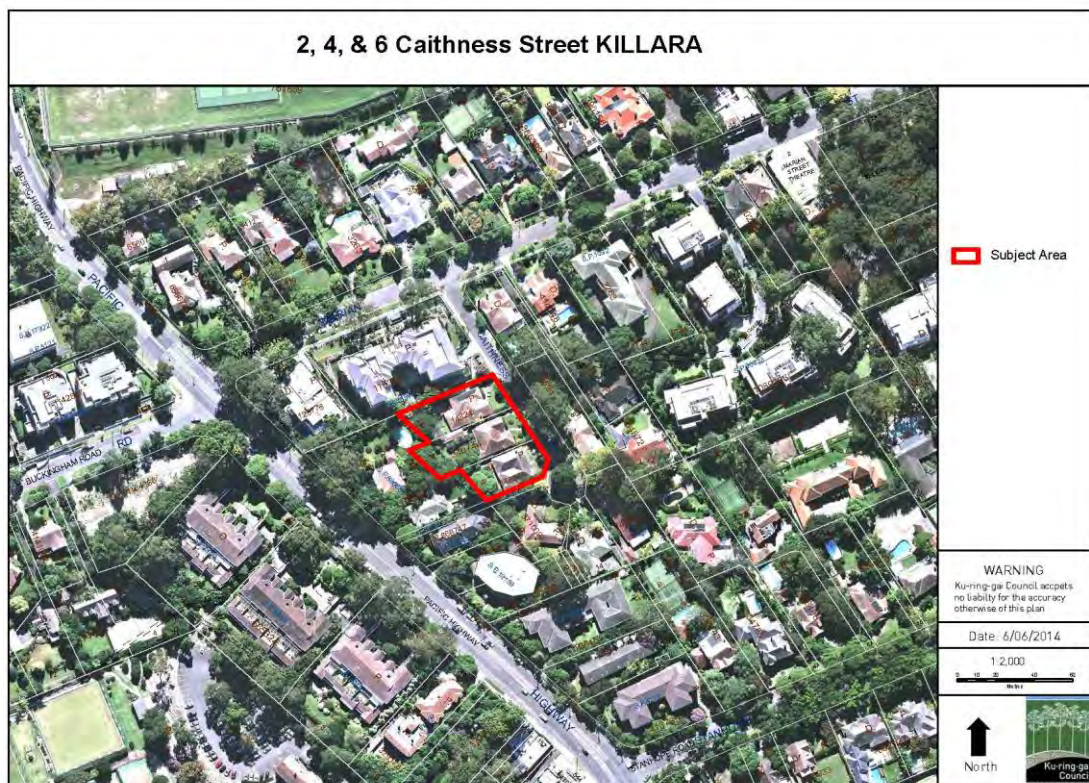


FSR Map:

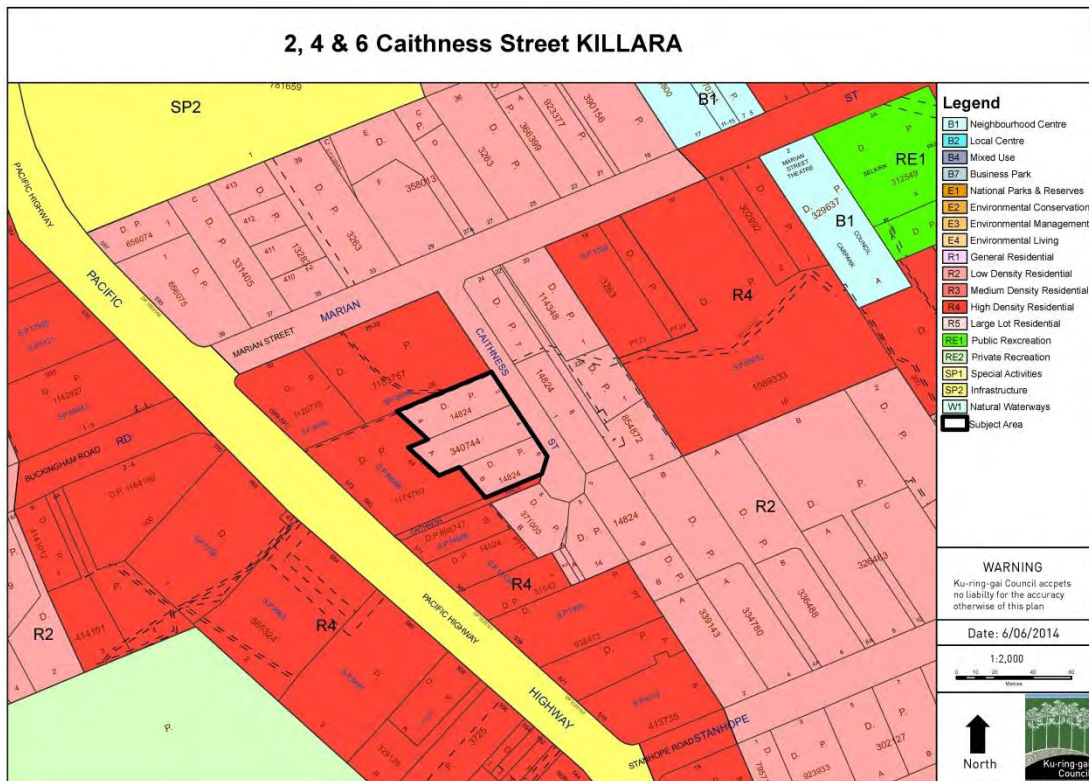


c. 2, 4, 6 Caithness Street, Killara

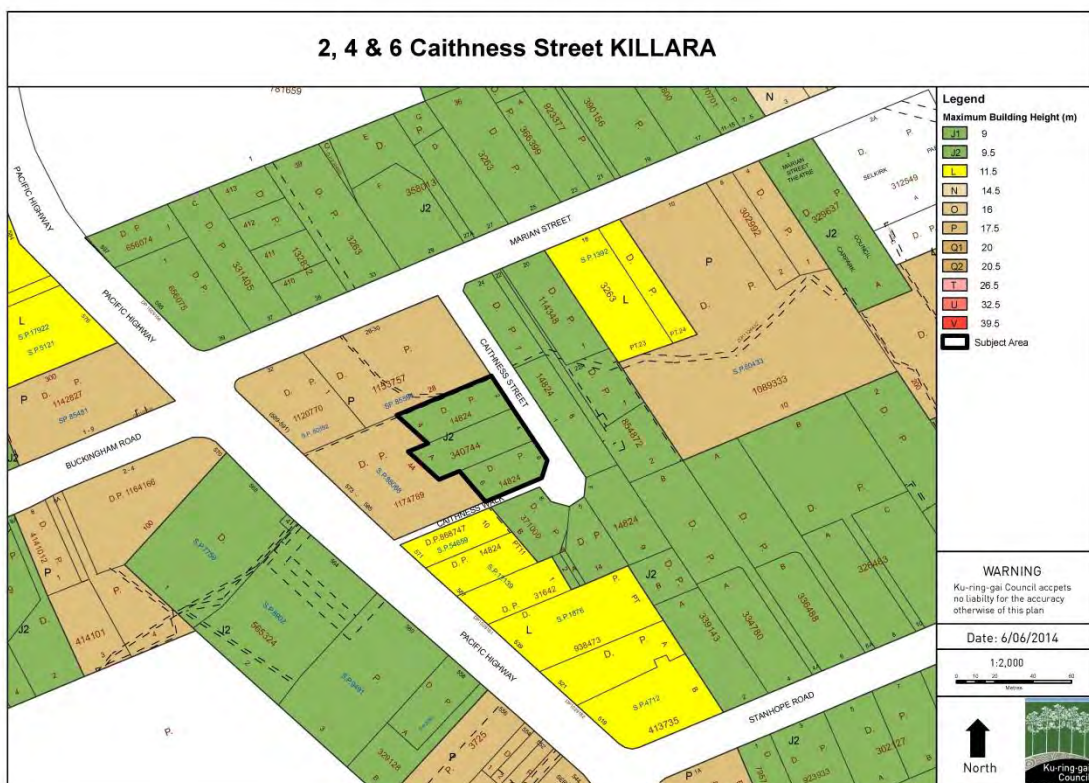
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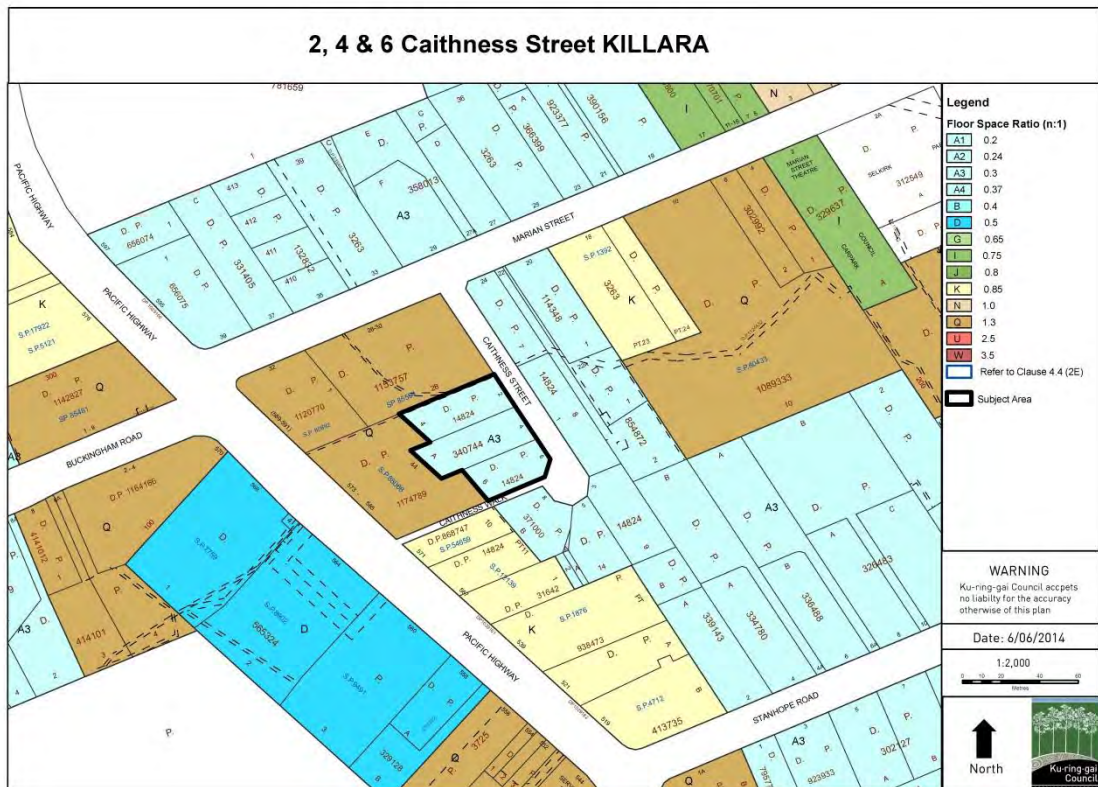
Zoning Map:



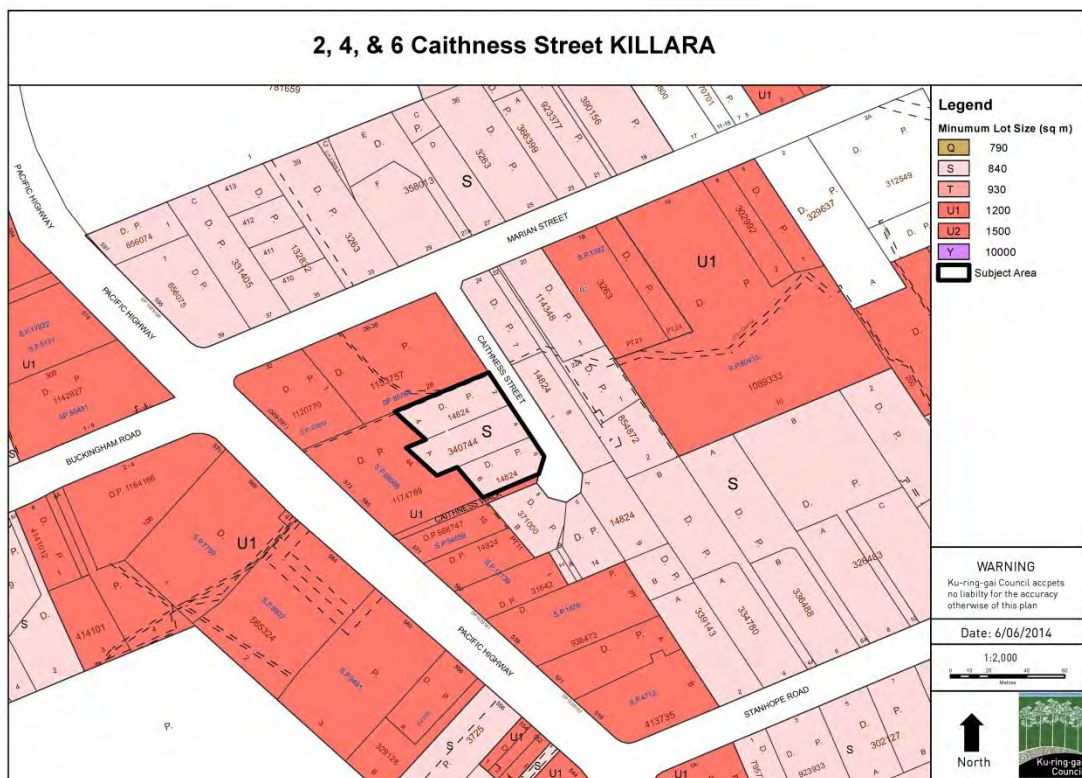
Height of Building Map:



FSR Map:



Lot Size Map:

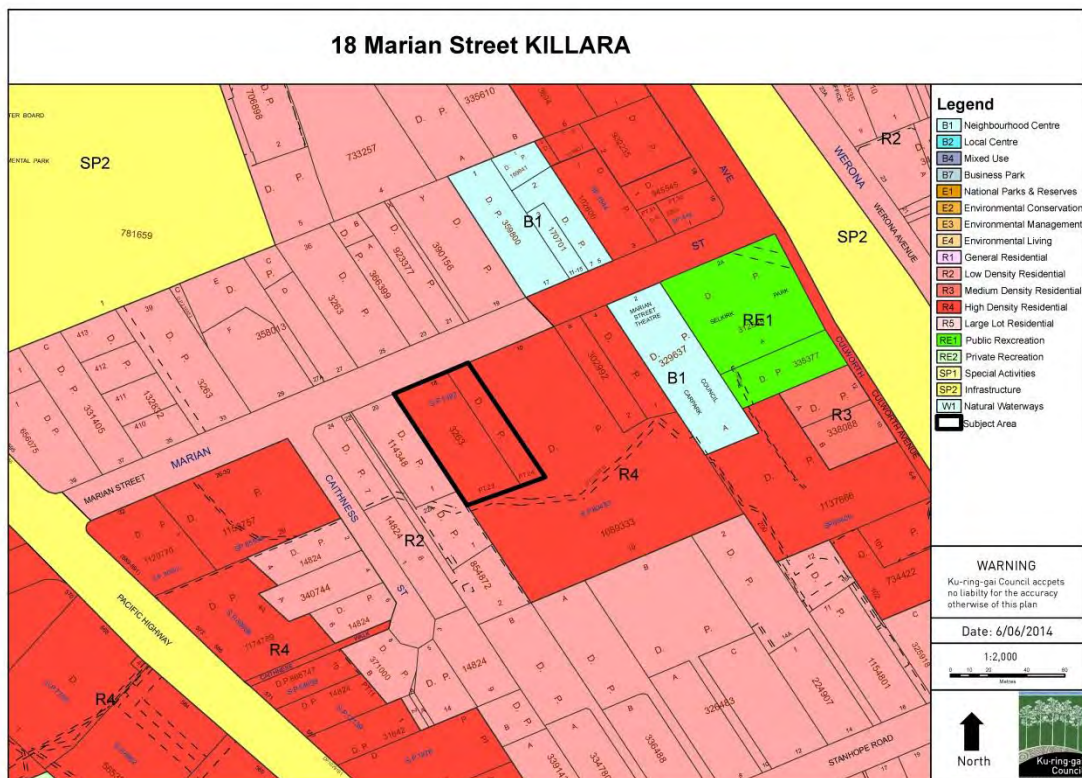


d. 18 Marian St, Killara

Aerial Photograph:



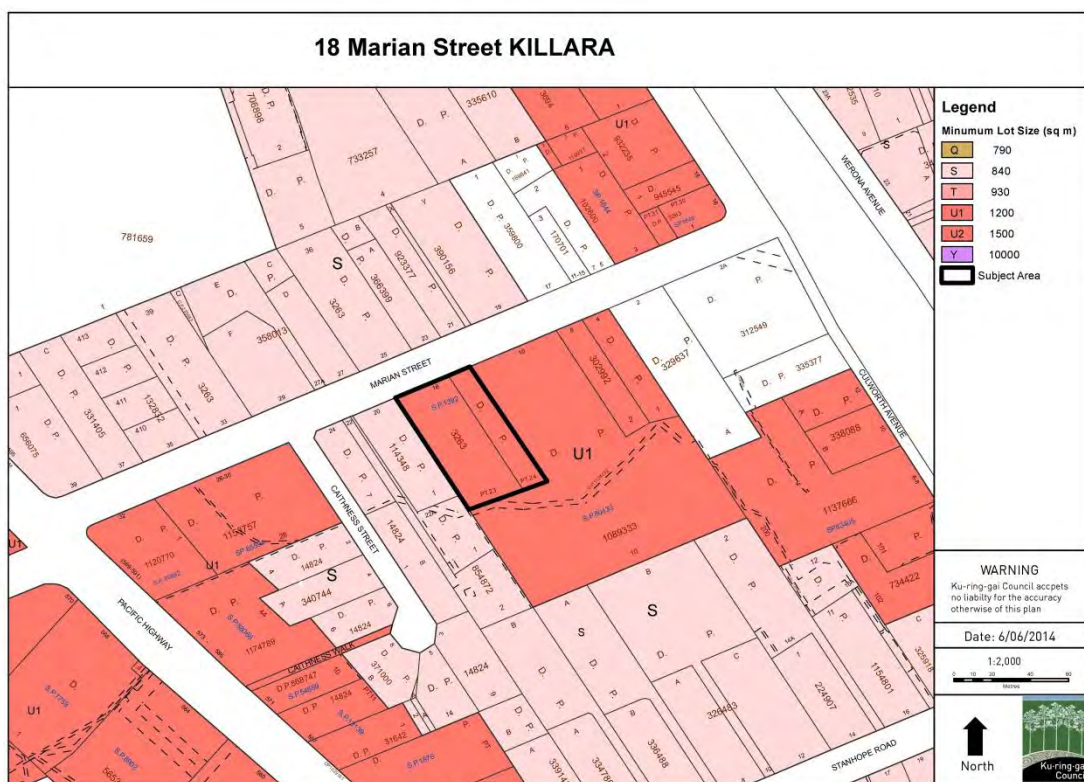
Zoning Map:



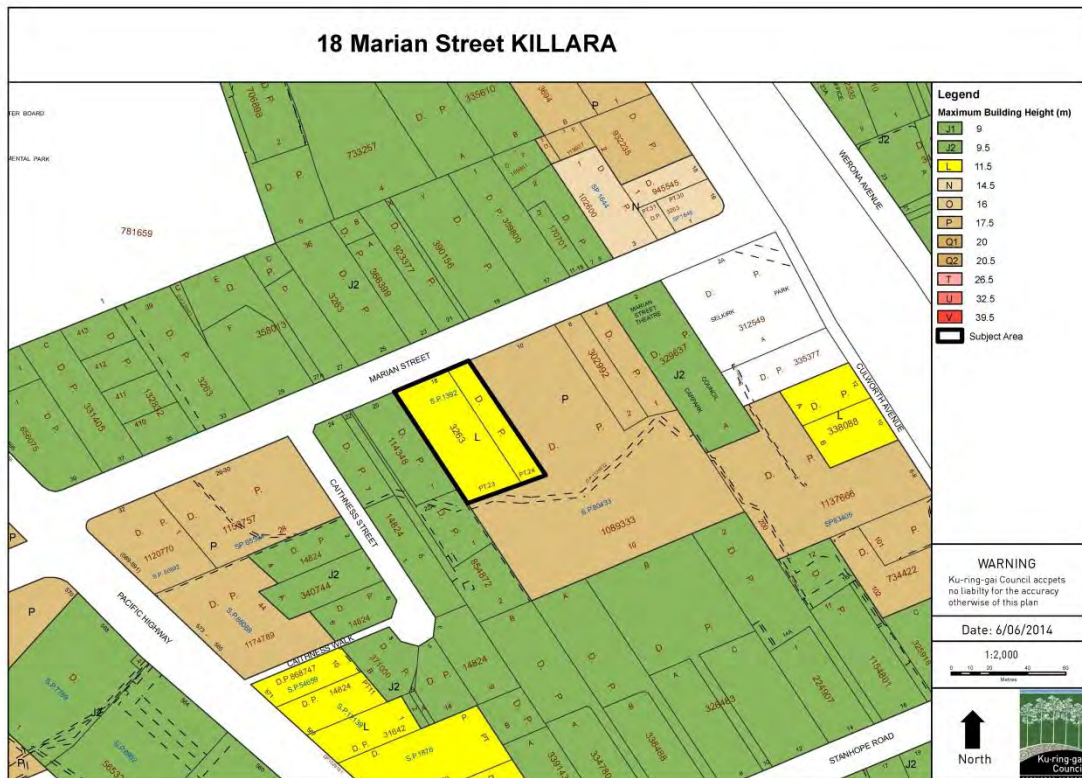
FSR Map:



Lot Size Map:



Height of Building Map:



e. Lots 1, 2 and 3 DP119937; Lot 6 DP3694; lot 2 DP932235 Culworth Ave, Killara

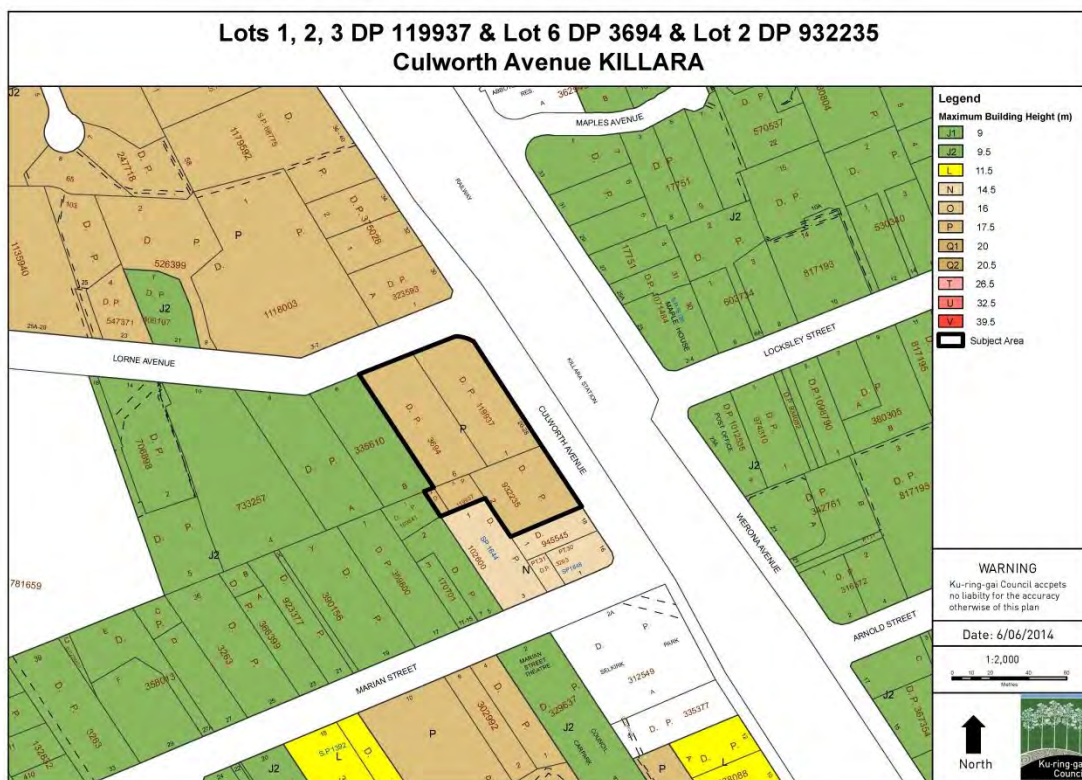
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FSR Map:

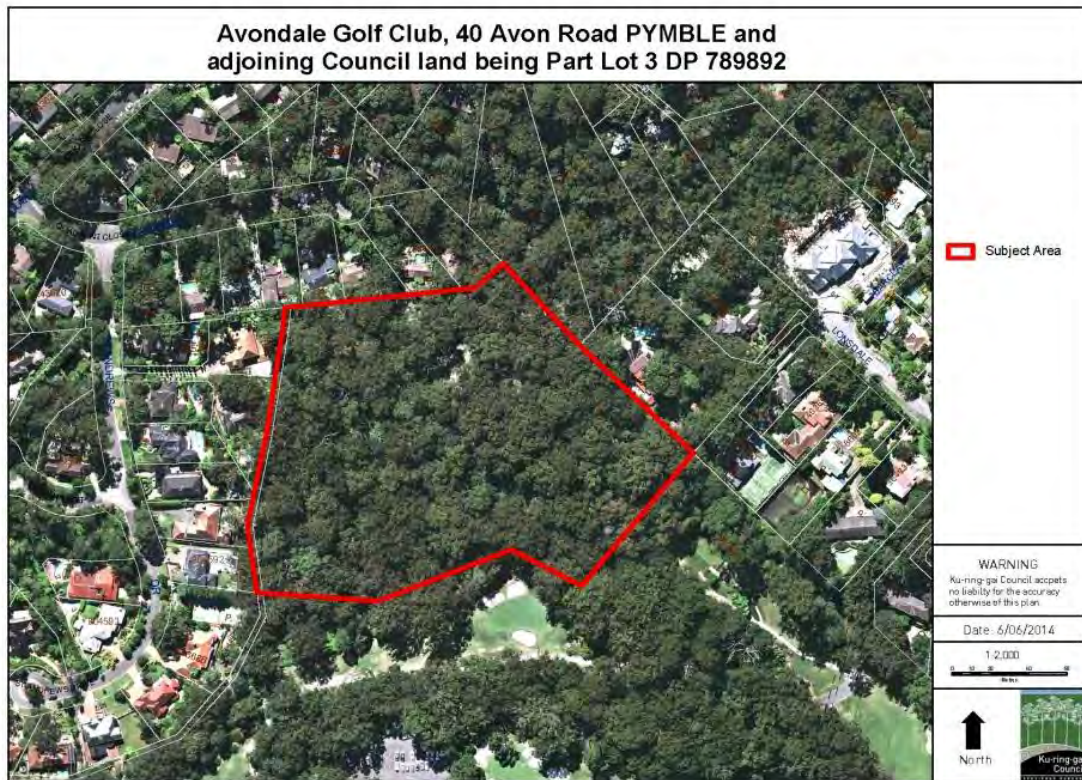


Height of Building Map:

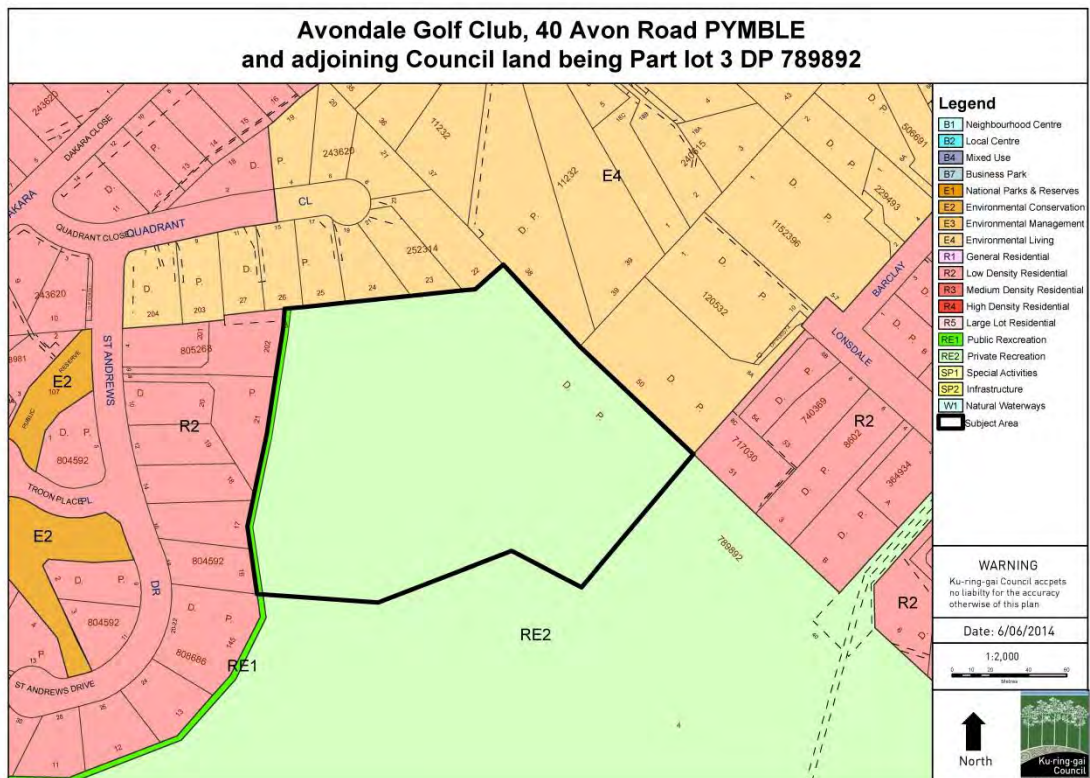


f. Avondale Golf Club, 40 Avon Road, Pymble

Aerial Photograph:

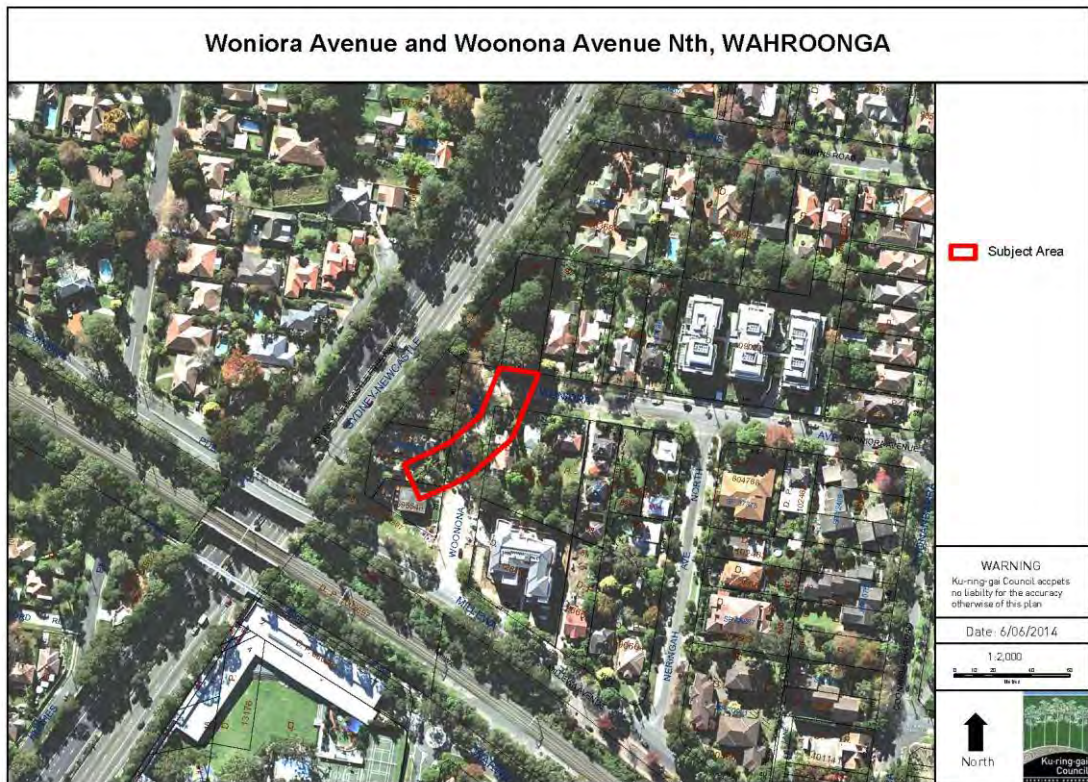


Zoning Map:

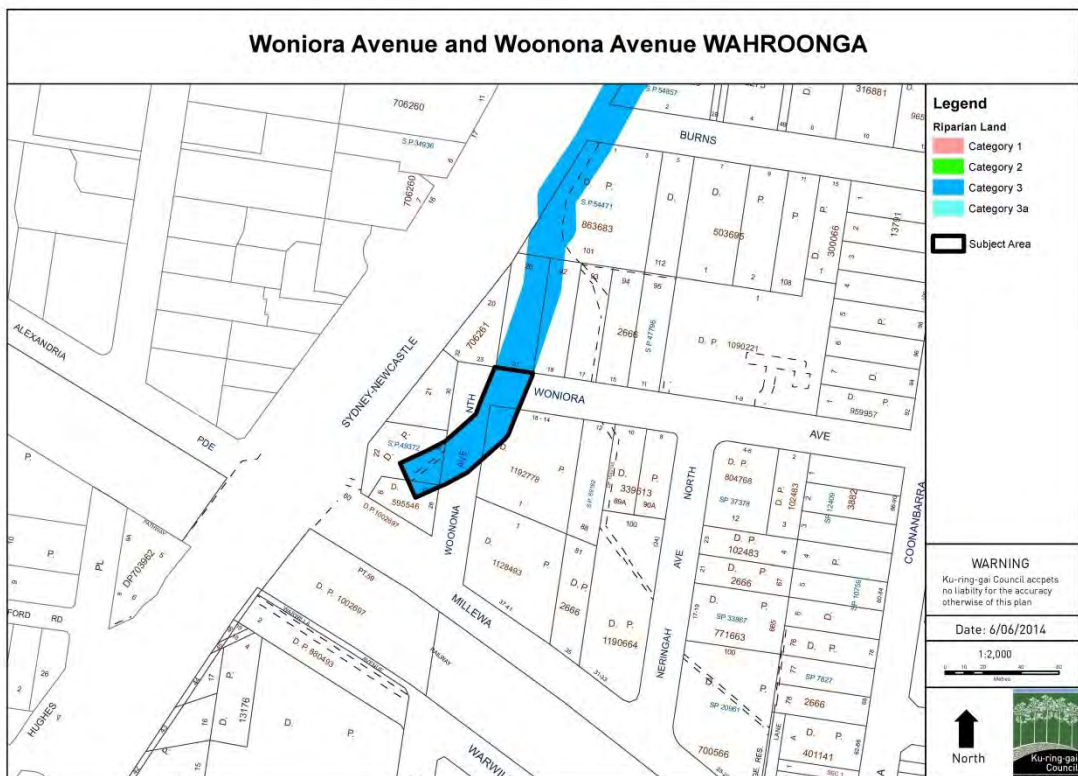


g. Woniara Avenue and Woonona Avenue North, Wahroonga

Aerial Photograph:



Riparian Map



h. Ortona Road to Westbourne Road, Lindfield

Aerial Photograph:

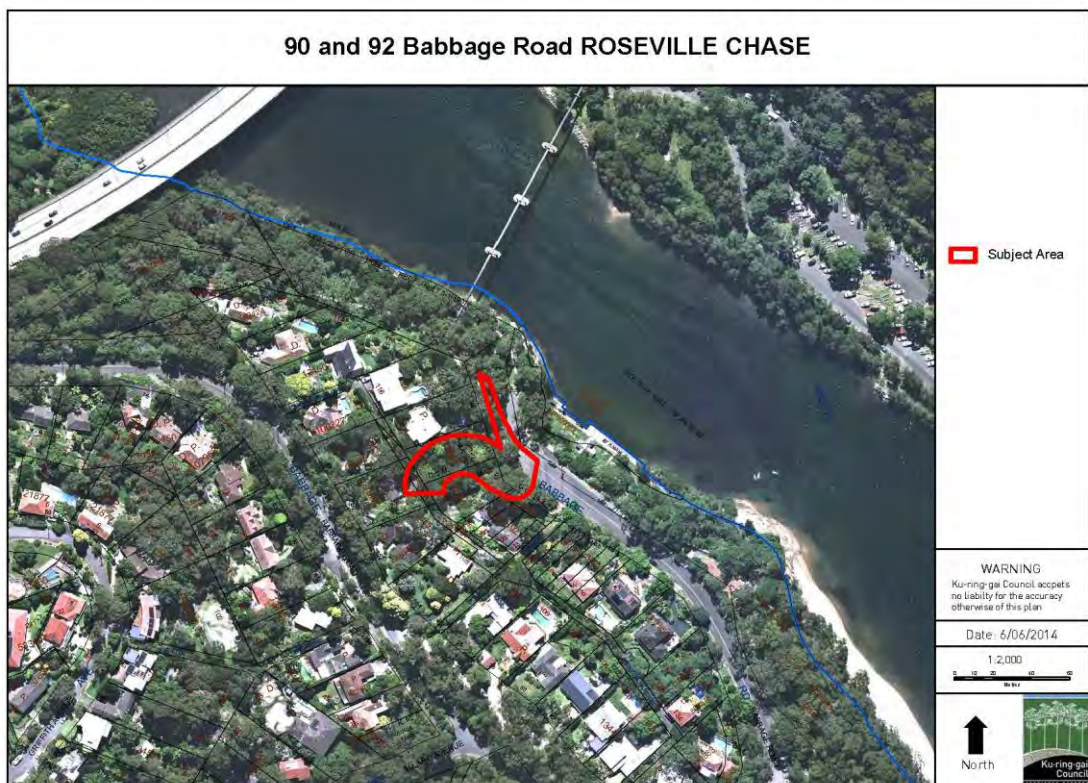


Riparian Map

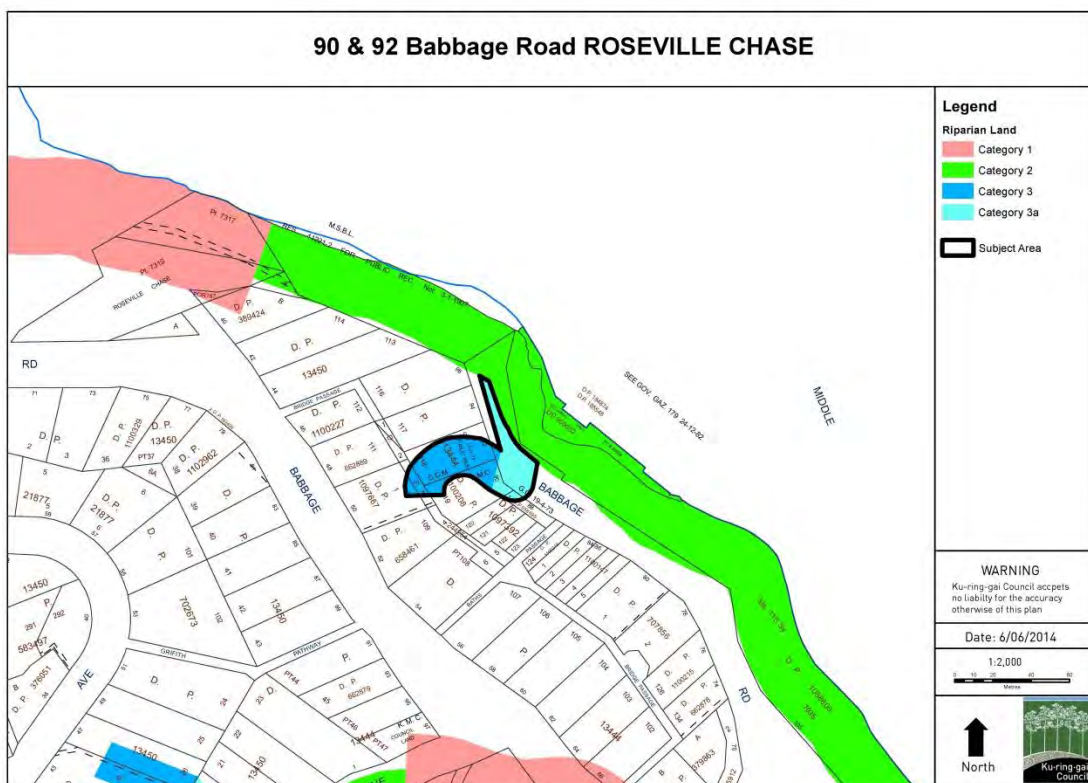


i. 90 and 92 Babbage Road, Roseville Chase

Aerial Photograph:



Riparian Map

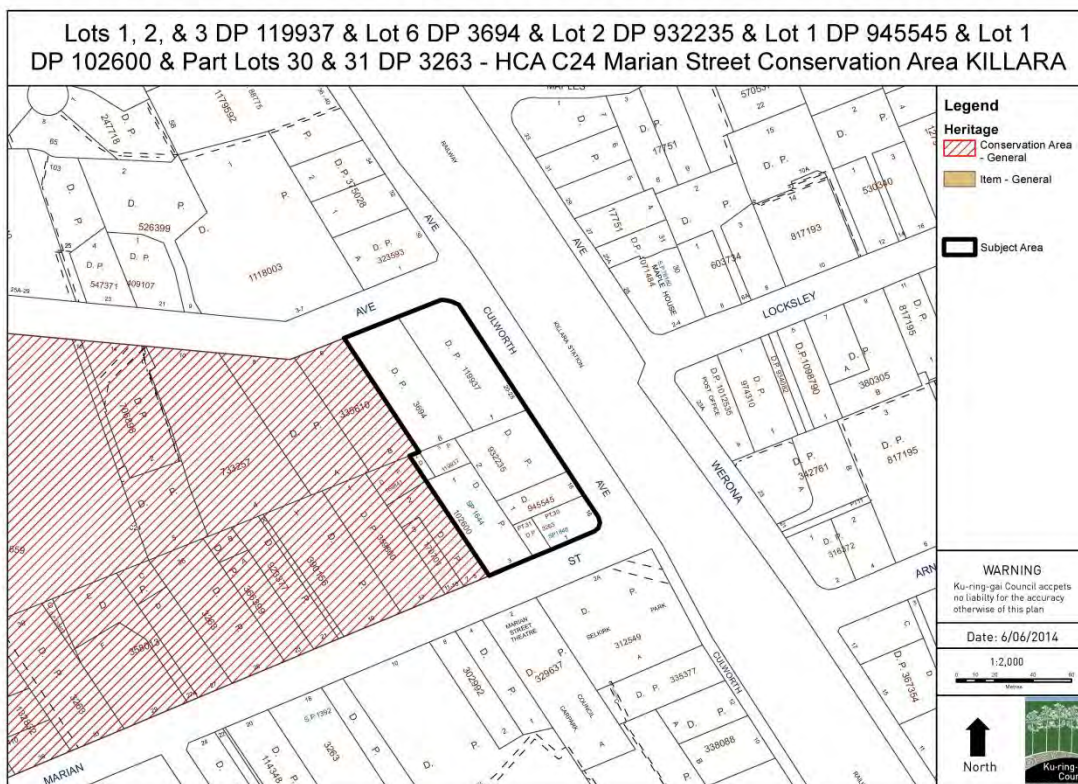


- j. Adjustment to the boundary of HCA C24 Marian St Conservation Area to exclude Lot 6, DP 3694, Lots 1, 2, 3, DP 119937, Lot 2, DP 932235, Lot 1, DP 945545, Parts 30 and 31, DP 3263, Lot 1, DP 102600

Arial Photograph:



Heritage Map:

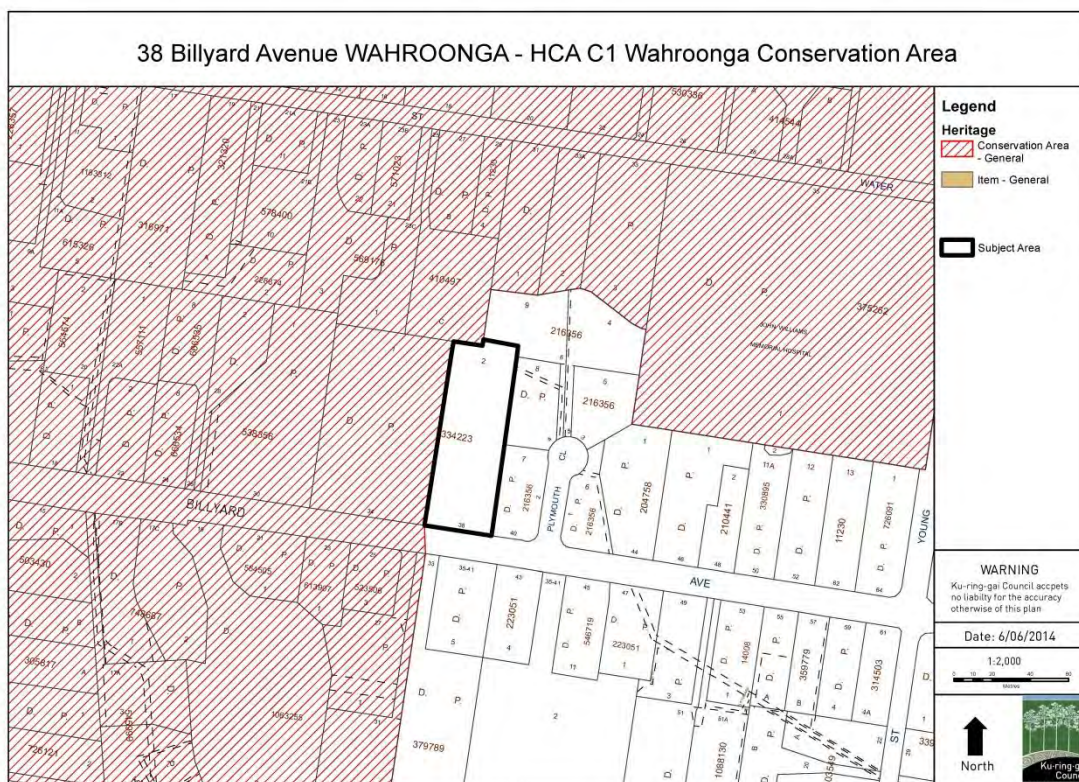


k. Adjustment to the boundary of HCA C1 Wahroonga Conservation Area to exclude 38 Billyard Avenue, Wahroonga

Arial Photograph:



Heritage Map:



Council has prepared the following draft maps to support this Planning Proposal, attached at **Appendix D:**

a. Land Zoning Map Sheet LZN_007

- Amends zoning of Edith Street, between 74 and 76 Bannockburn Road, Pymble (unformed road reserve) from RE1 Public Recreation to R2 Low Density Residential.
- Amends zoning of Avondale Golf Club, 40 Avon Road, Pymble from E2 Environmental Conservation to Zone RE2 Private Recreation to the northern corner of the site.
- Amends zoning of Council land (Part Lot 3 DP 789892) adjacent to western boundary of Avondale Golf Club, 40 Avon Road, Pymble from E2 Environmental Conservation to Zone RE1 Public Recreation.

b. Land Zoning Map Sheet LZN_014

- Amends zoning of 2, 4, 6 Caithness Street, Killara from R4 High Density Residential to R2 Low density Residential.
- Amends zoning of 18 Marian St, Killara from R2 Low Density Residential to R4 High Density Residential.

c. FSR Map Sheet FSR_001

- Amends FSR of 1 Bundarra Avenue Wahroonga, 1685 & 1687 Pacific Highway Wahroonga from K(0.85:1) to N(1:1).

d. FSR Map Sheet FSR_014

- Amends FSR of 2,4,6 Caithness Street, Killara from Q (1.3:1) to A3 (0.3:1).
- Amends FSR of 18 Marian St, Killara from A3 (0.3:1) to K(0.85:1).
- Amends FSR of Lots 1, 2 and 3 DP119937; Lot 6 DP3694; Lot 2 DP932235) Culworth Ave, Killara from N (1.0:1) to Q(1.3:1).

e. Height Map Sheet HOB_001

- Amends the height of 1 Bundarra Avenue Wahroonga, 1685 & 1687 Pacific Highway Wahroonga from L(11.5m) to N(14.5m).

f. Height Map Sheet HOB_014

- Amends height of 2,4,6 Caithness Street, Killara from P (17.5m) to J2 (9.5m).
- Amends height of 18 Marian St, Killara from J2 (9.5m) to L(11.5m).
- Amends height of Lots 1, 2 and 3 DP119937; Lot 6 DP3694; Lot 2 DP932235) from N (1.0:1) to Q(1.3:1) Culworth Ave, Killara from N (14.5m) to P(17.5m).

g. Lot Size Map Sheet LSZ_014

- Amends the lot size of 2,4,6 Caithness Street, Killara from U1 (1200sqm) to S (840sqm).
- Amends the lot size of 18 Marian St, Killara from S (840sqm) to U1(1200sqm).

h. Riparian Lands Map Sheet RIP_001

- Amends Corner of Woniora Avenue and Woonona Avenue

i. Riparian Lands Map Sheet RIP_015

- Amends Ortona Road to Westbourne Road, Lindfield

j. Riparian Lands Map Sheet RIP_020

- Amends 90 and 92 Babbage Road, Roseville Chase

k. Heritage Map Sheet HER_006

- Amends C1 Wahroonga Conservation Area to exclude 38 Billyard Avenue

l. Heritage Map Sheet HER_014

- Amends C24 Marian St Conservation Area to exclude Lot 6, DP 3694, Lots 1, 2, 3, DP 119937, Lot 2, DP 932235, Lot 1, DP 945545, Parts 30 and 31, DP 3263, Lot 1, DP 102600.

PART 5 – COMMUNITY CONSULTATION

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

The draft KLEP 2013 planning proposal was exhibited in accordance with the requirements of section 57 of the EP&A Act and the requirements as determined by the Gateway process under section 56 of the EP&A Act. The amendments subject of this Planning proposal has on the whole been triggered by that exhibition.

Planning proposal is considered a low impact because the proposed changes draft KLEP 2013:

- are generally consistent with the pattern of surrounding land use zones and/or land uses
- consistent with the strategic planning framework
- presents no issues with regard to infrastructure servicing
- are amendments to a principal LEP
- does not reclassify public land.

Consequently it is proposed to publically exhibit the planning proposal for a period of 14 days.

Following the issue of a Gateway Determination, this Planning Proposal will be exhibited in accordance with the requirements of that Gateway. Notice of the exhibition will be made in the local North Shore Times and notification letters issued to affected properties and their neighbours. This Planning Proposal is not considered a low impact proposal. Consultation will include the community through an open exhibition as well as the invitation of comment from relevant State Agencies.

PART 6 – PROJECT TIMELINE

Stage	Timing
Anticipated commencement date (date of Gateway determination)	Date: 30/6/2014
Anticipated timeframe for the completion of required technical information	N/A
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	Date: by 28/7/2014 28 days - Run concurrently with exhibition period.
Commencement and completion dates for public exhibition period	Dates: 15/9/2014 to 29/8/2014 - 14 days exhibition - plus notification and advertisement period
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	Date: 10/10/2014 - 6 weeks for review and consideration
Timeframe for the consideration of a proposal by Council post exhibition	Date: OMC on 28/10/2014 - 2 weeks for reporting
Date of submission to the department to finalise the LEP	N/A
Anticipated date RPA will make the plan (if delegated)	Date: 28/11/2014
Anticipated date RPA will forward to the department for notification.	Date: 5/12/2014

APPENDIX A**- Checklist of Consistency with Section 117 Directions and SEPPs**

STATE ENVIRONMENTAL PLANNING POLICIES		Not relevant	Consistent
SEPP 1	Development Standards	✓	
SEPP 4	Development Without Consent	✓	
SEPP 6	Number of Storeys in a Building	✓	
SEPP 19	Bushland in Urban Areas		✓
SEPP 21	Caravan Parks	✓	
SEPP 22	Shops and Commercial Premises	✓	
SEPP 30	Intensive Agriculture	✓	
SEPP 32	Urban Consolidation (Redevelopment of Urban Land)	✓	
SEPP 33	Hazardous and Offensive Development	✓	
SEPP 44	Koala Habitat Protection		✓
SEPP 55	Remediation of Land		✓
SEPP 62	Sustainable Aquaculture	✓	
SEPP 64	Advertising and Signage	✓	
SEPP 65	Design Quality of Residential Flat Development	✓	
SEPP 70	Affordable Housing (Revised Schemes)	✓	
SEPP	(Housing for Seniors or People with a Disability) – 2004	✓	
SEPP	Building Sustainability Index : Basix 2004	✓	
SEPP	Major Development	✓	
SEPP	Mining, Petroleum Production and Extractive Industries	✓	
SEPP	Temporary Structures 2007	✓	
SEPP	Infrastructure 2007	✓	
SEPP	Affordable Rental Housing 2009	✓	
SEPP	Exempt and Complying Development Codes 2008		✓

REGIONAL ENVIRONMENTAL PLANS		Not relevant	Consistent
SYDNEY REP 20	Hawkesbury-Nepean River		✓
SYDNEY REP	(Sydney Harbour Catchment) 2005		✓

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

APPENDIX B

- Council Resolutions 26 November 2013

APPENDIX C

- Council Report 26 November 2013

APPENDIX D

- Amendments to Draft KLEP 2013 Maps