

APPENDIX C

- Council Report 26 November 2013

DRAFT PRINCIPAL LOCAL ENVIRONMENTAL PLAN - CONSIDERATION OF SUBMISSIONS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To have Council consider the public submissions on the draft Ku-ring-gai Principal Local Environmental Plan 2013.
BACKGROUND:	On 26 February 2103 Council received the revised gateway determination from the Department of Planning & Infrastructure to permit the exhibition of the draft plan. Draft Ku-ring-gai Principal Local Environmental Plan 2013 was exhibited from 25 March to 6 May 2013.
COMMENTS:	Submissions received in response to the exhibition have been assessed for Council's consideration. Additionally, a public hearing was held into the proposed reclassification of two sites and further submissions were made in respect of that Public Hearing.
RECOMMENDATION:	That Council adopts the draft Ku-ring-gai Principal Local Environmental Plan 2013 and recommend to the Minister for Planning & Infrastructure that the plan be made.

PURPOSE OF REPORT

To have Council consider the public submissions on the draft Ku-ring-gai Principal Local Environmental Plan 2013.

The structure of this report is set out below.

Part 1 Introduction

Overview of background to date and the key planning processes followed to date.

Part 2 Submissions on Land Use and Infrastructure

This part outlines the general key themes and issues arising from the exhibition and a summary response on how the draft environmental plan KLEP 2013 addresses the submissions and where proposed amendments are recommended. The key themes in this part are as follows:

- Land Uses & Zones
- Height, FSR, Lot size
- Traffic
- Infrastructure

Part 3 Submissions on Site Specific Issues

This part provides a summary analysis of specific sites and an outline of the planning recommendations and proposed amendments to draft KLEP. The key themes in this part are as follows:

- Zoning
- Interface
- Reclassification of Community Land
- Dual Occupancy
- Schools, Hospitals, Seniors Living
- Other Large Sites

Part 4 Submissions on Heritage Issues

This part summarises general issues raised regarding the heritage conservation areas (HCA) and heritage items (HI) and considers specific items and areas with recommendations and proposed amendments to draft KLEP. The key themes in this part are as follows:

- General Heritage Issues
- Heritage Items
- Heritage Conservation Areas

Part 5 Submissions on Environmental and Ecological Issues

This part reviews all environmental issues raised and considers individual sites with recommendations and proposed amendments to draft KLEP. The key themes in this part are as follows:

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- Bushfire
- Biodiversity
- Riparian Lands

Part 6 Submissions on Environmental Zoning Issues

This part considers submissions made regarding the environmental zones with recommendations and proposed amendments to draft KLEP. The key themes in this part are as follows:

- Environmental Zones
- E3 Zone
- E4 Zone

Part 7 Submissions on Policy Issues and the Written Instrument (draft KLEP)

This part provides a summary analysis of submissions on policy matters and the written instrument draft KLEP. The key themes in this part are as follows:

- General & Process Related Issues
- Clauses to the Draft LEP
- Mapping
- Areas inside the Local Centre Boundaries
- Miscellaneous issues

Part 8 Other Statutory Considerations

This part responds to the submissions in response to the variations to the Department of Planning & Infrastructure (DP&I) cover letter, Gateway Determination, Ministerial section 117, directions, and consultation with relevant State Agencies and authorities.

Part 9 Internal Consultation

This part summarises and gives recommendations in response to internal Council consultation- e.g. signage.

Part 10 Reclassifications being considered as matters of this KLEP

This part puts forward the process undertaken for reclassification of two sites within this KLEP and gives recommendations in light of that process.

Part 11 Aligned Projects and Supporting Infrastructure

This part provides a brief overview of other projects that are aligned, but not included within, the draft KLEP including the proposed Principal Development Control Plan, Development Contributions Planning and alignment with Council's Local Centres LEP.

This report concludes with an overall summary and recommendations. It is recommended that Council adopts the draft Ku-ring-gai Principal Local Environmental Plan 2013, subject to amendment and recommend to the Minister for Planning & Infrastructure that the plan be made. It

is also recommended that certain lands be deferred from the plan and certain elements of the draft plan be subject to a new planning proposal and exhibition.

BACKGROUND

PART 1 - INTRODUCTION

Overview of background to date and the key planning processes followed to date.

On 20 November 2012 Council considered a revised draft PLEP that incorporated several amendments including feedback from the state agency consultation phase. Refer to the Planning Proposal at **Attachment A1**.

Council resolved:

- A. *That Council endorses the draft Planning Proposal Principal LEP at Attachments A2 to A12 and incorporating the summary of recommendations outlined in this report for public exhibition, subject to the following amendments:*
 - i) *Heritage conservation area C32 be extended to incorporate the properties in Boundary Street, Roseville consistent with Council's adopted draft LEP 218.*
 - ii) *The property at 78A Springdale Road, East Killara (Lot 103 DP 859921) be listed in schedule 5 and identified on the Heritage map as a heritage item of local significance.*
- B. *That the revised Planning Proposal be adopted and submitted to the Department of Planning and Infrastructure for a revised Gateway Determination in accordance with section 56 of the Environmental Planning and Assessment Act, 1979.*
- C. *That delegation be granted to the General Manager to make all necessary corrections and amendments to the draft Principal LEP and Planning Proposal for drafting inconsistencies, or minor amendments as necessary to ensure consistency with NSW Standard Instrument LEP Order and Department of Planning & Infrastructure policy.*
- D. *That upon receipt of a revised Gateway Determination, the exhibition and consultation process is carried out in accordance with the requirements of the Gateway Determination requirements and the Community Engagement strategy at Attachment A23.*
- E. *That during the public exhibition Council undertakes an assessment, with subsequent report back to Council, in relation to land which contains a listed item of State heritage significance, or that is located within the vicinity of a State heritage item, to ensure that the land zoning, maximum building height, minimum lot sizes and floor space ratio is appropriate for retaining and enhancing the embodied heritage significance of the State heritage item. Specifically, ensure an appropriate buffer is retained to protect views to and from heritage items; ensure that there is an appropriate transition in the scale and height of development to ensure new development does not visually*

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dominate State significant items and ensure that the land zoning will both allow and restrict certain land uses that will compliment the character of the heritage item.

F. That a report be brought back to Council for consideration of submissions at the conclusion of the exhibition period.

On 26 February 2103 Council received the revised Gateway Determination from the Department of Planning & Infrastructure to permit the exhibition of the draft plan. See Gateway Determination at **Attachment A2**

The draft Ku-ring-gai Principal Local Environmental Plan 2013 was exhibited from 25 March to 6 May 2013.

A public hearing was held on 12 June 2013 for the 2 sites to be reclassified from community land to operational land status.

The exhibition period has ended and all submissions, (including late submissions, where possible) have been assessed, summarised and presented in this report alongside recommendations for amendments to the draft KLEP.

Submissions on the exhibition have been assessed and review by staff in consultation with other departments of Council and external advice sought (e.g. State agencies and consultants) where relevant.

Copies of all submissions received in respect to the exhibition and subsequently, have been provided to Councillors. Where possible, staff have assessed submissions made post exhibition. Others received in recent weeks have been circulated under memo.

The draft Ku-ring-gai Principal Local Environmental Plan 2013 seeks to implement an LEP following the Standard Instrument format to apply to the Ku-ring-gai local government area (except for land subject to the *Ku-ring-gai Local Environmental Plan (Town Centres) 2010*).

The draft Ku-ring-gai Principal Local Environmental Plan 2013 is largely a translation of the general effect of the existing *Ku-ring-gai Planning Scheme Ordinance 1971* (KPSO) applying to the land, except where it is intended to:

- rezone unzoned land to same as adjoining zoning;
- rezone land covered by Interim Development Orders to standard instrument equivalent;
- rezone certain interface sites to provide a solution to those low density housing areas adjoining land zoned for five storey apartment buildings or other higher zonings within the town centres;
- rezone certain existing residential and open space sites to an appropriate environmental zone having given consideration to the biodiversity, riparian and other natural resource assessment and mapping processes;
- include heritage conservation areas and add or delete heritage items;
- include 'natural resource sensitivity' provisions and mapping layers to address biodiversity and riparian lands issues, consistent with Town Centres LEP;

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- rezone certain sites currently zoned Special uses in accordance with Department of Planning Practice Note PN 08-002 – Zoning Infrastructure;
- correct existing zoning anomalies, e.g. where existing open space is currently zoned residential;
- remove redundant road and open space reservations following consultation with relevant public authority; and
- include new road and open space reservations where necessary following consultation with the relevant public authorities.

Investigation was also undertaken to consider the potential application of additional local provisions for flood planning areas and landslide risk.

General Description of Land Use Zones contained in the Draft KLEP 2013

The '**Land Zoning Map**' identifies the land to which each zone applies. The zones used under the draft KLEP 2013 are as follows:

R1 – General Residential: applies to land where a broad variety of residential density and housing types is sought. It is only applied to the Wahroonga Estate and the former UTS campus site, consistent with approvals by the State Government for the redevelopment of these sites.

R2 – Low Density Residential: - applies to land where primarily low density housing is to be established or maintained. The zone objectives also encourage the provision of facilities or services that meet the day-to-day needs of residents.

R3 – Medium Density Residential: - to provide for medium density housing generally in the form of townhouse development of 2 - 3 storeys. The zone provides for increased housing choice and is generally used as a transition area between low and high density areas.

R4 – High Density Residential: - to provide for unit development. These areas are typically located along the Pacific Highway/railway corridor.

R5 – Large Lot Residential: - to cater for development within a rural setting adjacent to metropolitan areas. Lot sizes can be varied within the zone depending on the servicing availability and other factors such as topography, native vegetation characteristics and surrounding agricultural land uses. This zone is only used in North Turramurra and is strongly supported by the Draft Background Study, *Managing Bushfire Risk, Now and Into the Future*.

B1 – Neighbourhood Centre: - to enable the development of small-scale convenience retail premises including neighbourhood shops, business premises, medical centres and community uses within easy walking distance for residents. The zone also allows for shop top housing and other appropriate mixed use development.

B2 – Local Centre: - to apply to the core retail commercial areas. This zone, at the core of each centre, will permit developments with a mix of retail, commercial, residential and associated community facilities.

B4 – Mixed Use: for land where a wide variety of land uses are encouraged, generally including commercial, community and residential uses. In the draft KLEP 2013 it is applied only on the former UTS campus, consistent with state government approval for the redevelopment of this site.

B7 – Business Park: - for land that primarily accommodates office and light industrial uses, including high technology industries. The zone also permits a range of facilities and services to support the day-to-day needs of workers, such as child care centres and neighbourhood shops. This only applies to the Pymble Business Park. The draft KLEP 2013 brings the zoning and provisions of the recently gazetted LEP 219 - Pymble Business Park from the KPSO into the new LEP.

SP1 – Special Activities: - for special land uses or sites with special characteristics that cannot be accommodated in other zones.

SP2 – Infrastructure: - accommodates a wide range of human and physical infrastructure uses. The principal application of this zone is for schools, main roads and the railways as well as for proposed future local roads.

RE1 – Public Recreation: - to provide for a wide range of public recreation areas and activities, including local open space. A range of land uses compatible with recreation uses of the land will be permitted.

RE2 – Private Recreation: - to cover a wide range of recreation areas and facilities on land that is privately owned or managed. The use of facilities developed on this land may be open to the general public or restricted e.g. to registered members only. Private recreation may include, golf clubs, bowling clubs, tennis complexes and other sporting or recreational facilities.

E1 – National Parks and Reserves: - protects areas of environmental significance. This zone is comprised of existing national parks and nature reserves. Permissible uses under this zone are determined by the *National Parks and Wildlife Act 1974*.

E2 – Environmental Conservation: - to protect land that has high conservation value. A number of land uses considered to be inappropriate for this zone, including dwelling houses will be prohibited. The zone is mostly applied to public lands.

E3 – Environmental Management: - protects land that has special ecological, scientific, cultural or aesthetic attributes, or land highly constrained by hazards such as bushfire. A limited range of development including 'dwelling houses' are permitted in the zone. The zone also supports a transition between areas of high conservation value, particularly National Parks, and other land uses.

E4 – Environmental Living: - for land with special environmental or scenic values where residential development can be accommodated. The zone has been applied where there are environmental factors, such as the presence of threatened ecological communities, riparian zones, scenic values or bushfire hazard that make the protection of the values of the land impractical under a standard residential zone. Some limited additional uses are proposed in the E4 zone, namely secondary dwellings and home businesses.

W1 – Natural Waterways: - for natural waterways that are to be protected for their ecological and scenic values. A limited number of low impact uses that do not have an adverse effect on the natural value of the waterway will be permitted in this zone, such as environmental facilities.

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The draft Ku-ring-gai Principal Local Environmental Plan 2013 has prepared in accordance with the *Standard Instrument (Local Environmental Plan) Order 2006* (Standard Instrument LEP) under Section 33A of the *Environmental Planning and Assessment Act, 1979* (EP& A Act). The Standard Instrument LEP mandates provisions that are to be included in all future LEPs across NSW and substantially governs the content and operation of the Principal LEP.

PART 2 - SUBMISSIONS ON LAND USE AND INFRASTRUCTURE

The following parts present the key issues raised in the submissions and a brief discussion around the reasons for the recommendations made in this Report. For a detailed summary of all submissions, please refer to **Attachment A3** at the end of this document.

Land Uses

Whilst some submissions supported the residential land uses and rezoning proposed under the draft KLEP, others raised the following concerns:

- failure of land use zoning to provide housing choice through enabling townhouses, dual occupancy and villa style development and opportunities for aging in place through housing that can be adapted and subdivided; and
- the high density R4 zoning is detrimental to the Ku-ring-gai character and to local infrastructure, open space, wildlife and ecology.

Discussion:

The submissions indicate a misunderstanding of the principles of the draft KLEP and assume there has been an increase in R4 zoning in the LGA. Explanation has been provided in the submission summary tables reiterating that the R4 zoning has been a direct translation of the existing 2(d3) sites under the KPSO, and changes to zoning have only occurred for strategic reasons and as approved through the Gateway Determination. By the same token, in response to submissions questioning why more provision for town houses, dual occupancy, and villa type development has not been made in the draft KLEP, it is pointed out that there has been no direction from State Government for dwelling number to increase through the draft KLEP process, hence this instrument is primarily a translation of the KPSO.

With regards to concerns regarding the conflict between building development and environmental protection, Council is obliged, under the EPA Act 1979, to ensure ecologically sustainable development and as such has conducted background studies, such as the '*Ku-ring-gai Biodiversity and Riparian Lands Study*' which have informed the draft KLEP.

Recommendation:

No changes recommended

Height

Submissions requested the following:

- height decrease with concerns raised over the methodology for determining maximum building heights and the impacts of the perceived increase to heights; and

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- increase in height allowances as the current allocations are seen as restrictive. These submissions were from property owners wishing to increase the potential of their land.

Discussion:

Height limits are set by the Department's standard template and are measured in a consistent manner from existing ground level, as explained in the summary table. Since the development standards of the draft KLEP are a translation of the existing KPSO standards, decrease in heights on the specific sites nominated in the submissions are not justified. Similarly, the applications for height increase are not supported as the draft KLEP makes a direct translation of the KPSO standards and it does not have the scope to increase development potential except where there are justifiable planning grounds. Such consideration has been given to 1 Bundarra Ave South, 1685 & 1687 Pacific Hwy.

1 Bundarra Ave South, 1685 & 1687 Pacific Hwy, Wahroonga:

The submission argued for a height of 17.5m, 5 storey, and 1.3:1 FSR. The 3 properties are currently proposed for R4 zoning with reduced height of 11.5m, 3 storey, and FSR of 0.85:1 under the draft KLEP. This is a direct translation of the existing KPSO 2(d) zoning on the properties. This group of sites has 5 storey apartment buildings opposite and also adjacent to them at 3-13 Bundarra. Their other neighbour at 1683 Pacific Highway is an older style 2 to 4 storey strata building.

Although the total amalgamated area of these 3 sites is greater than 2400sqm, making 5 storey apartments theoretically possible on the land, the impact on the adjacent property at 1683 Pacific Highway has to be considered. 1683 Pacific Highway presents as a 2 storey residential flat building to Pacific Highway. The land slopes away from the Highway and the building stands as a 4 storey building with garages at ground level at the rear of the site. The building has a 5m approximate setback to the side boundary shared with these sites, with bedroom and utility area windows facing the common boundary. The impact of a 5 storey development on this 2 to 4 storey building would result in a significant reduction of amenity to 1683 Pacific Highway. Since the building presents as a 2 storey building along the greater part of the common boundary, and 3 storey for a shorter extent of the common boundary, there would be both overlooking and overshadowing issues.

It is acknowledged that these 3 sites are on a very busy road and at a corner with adjacent 5-storey buildings, and a similar 5 storey development on the site would create a continuous scale and density; however, the impact on the adjacent 2 to 4 storey building must be considered. In assessing all the issues, there are planning reasons to consider this site for some increase to its development potential, namely the corner location which requires two street frontages, and the necessity for any development on these sites to step down to the adjacent 2 storey strata building. Therefore, an R4 zoning with reduced heights of 14.5m, 4 storey, and a reduced FSR of 1.0:1 is considered feasible as it would allow both an increase in the amalgamated potential of the 3 sites as well as have the means to preserve the privacy and amenity of the adjacent building residents. The reduced FSR would enable a generous landscaped setback (similar to that of the adjacent 5 storey 3-13 Bundarra Street which also has a boundary with the 2 storey building at 1683 Pacific Highway).

Recommendation:

It is recommended that the zoning and development standards on 1 Bundarra Avenue Wahroonga, 1685 & 1687 Pacific Highway Wahroonga be re exhibited to amend the KLEP zoning, FSR and height maps to indicate R4 zoning with FSR 1:1 and Height 14.5m.

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Floor Space Ratio

Submissions primarily raised concerns regarding the following:

- draft KLEP will result in reduction in FSR to residents' properties; and
- there is a lack of housing choice being delivered through R4 densities, consequently R4 FSR should be reduced to enable more R3 and town house development.

Discussion:

Objections around FSR stem from a misunderstanding of the relationship between the FSR shown on the KLEP maps and clause 4.4 in the Written Instrument. Most submissions appeared unaware of the Written Instrument clause and others were unclear about which took precedent. The Summary Tables explain how the FSR map and the KLEP clause work together, and that FSR is calculated to give a sliding scale provision according to land size in much the same way as currently exists under the KPSO and DCP 38.

The request for more R3 townhouse type development to provide diversity of housing is understood, however the draft KLEP is not a housing strategy and whilst R3 may provide housing choice, the KLEP has to deliver on the agreed principles of translating existing zones into the Department's standard template format. R3 has only been allocated to those sites assessed as interface sites to provide a good planning outcome to properties compromised by adjacent high density development.

Recommendation:

No changes recommended

Lot size

Concerns were raised regarding the following:

- most land parcels are already smaller than the 1500sqm minimum lot size proposed for the E3 and E4 zones and the 1500sqm lot size prevents subdivision that they consider possible under the KPSO; and
- battleaxe block size requirements are being increased in the KLEP.

Discussion:

The reasoning for the large lot size in the E3 and E4 zones revolves around the preservation of the ecological value of those lands through limited subdivision patterns. The properties nominated in the submissions on the whole do not have sufficient lot size to allow subdivision under the KPSO, therefore their status under the draft KLEP remains the same.

The size requirement of a battleaxe block is generally the same within the R2 zone as in the KPSO, with a minimum 790sqm requirement excluding the access handle.

Recommendation:

No changes recommended.

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Traffic

The key issues raised are as follows:

- numerous submissions were received relating to the proposed R4 zone in the vicinity of Link Avenue Roseville, and the potential traffic and parking issues that would result; and
- there were also several submissions relating to the proposed rezoning of the Culworth Avenue car park, and that it should be retained for commuter parking.

Discussion:

The Link Avenue Roseville site is proposed to be zoned R4, but with FSR of 0.5:1 and building height of 9.5m (which is effectively the height of low density residential). This is likely to result in a relatively modest dwelling yield, and is unlikely to generate significant additional traffic and parking impacts. The site is also located in close proximity to a high frequency strategic bus corridor.

Surveys show that at its peak utilisation, the Culworth Avenue car park is typically 1/3 empty. At the commuter peak time (9am) surveys indicate the car park is typically 70% empty. This suggests commuters have a preference for parking on-street first before occupying the car park. In a report to Council on 30 April 2013, it was noted that this site has a constraint/condition that up to 100 underground spaces are to be provided depending on feasibility and demand. Therefore, retention of public car parking is subject to further investigation. Conversely, it has never been said that no parking would be provided.

Recommendation:

No changes recommended

Infrastructure

The main issues raised are as follows:

- a number of submissions related to facilities in the East Killara area (footpaths, Koola Park and Killara High School); and
- one submission suggested that the F3 to M2 link should be finalised before the land previously reserved for the F3 to M2 connection through Wahroonga and South Turramurra is rezoned and sold.

Discussion:

The submissions related to facilities in the East Killara area are not KLEP matters. They are operational issues to be dealt with by Council.

The proposed zones along the former surface corridor of the F3 to M2 link were prepared in consultation with the State agencies, including Roads and Maritime Services. An independent review into the route selection was conducted by the Federal Government in 2007, and found that the route selection was appropriate, and that the preferred route follow a Type A corridor Purple option (tunnel roughly under Pennant Hills Road). Council's current position is that it supports the need for the link although it opposes a surface route for the connection.

Recommendation:

No changes recommended

PART 3 - SUBMISSIONS ON SITE SPECIFIC ISSUES

The following parts present the key issues raised in the submissions and a brief discussion around the reasons for the recommendations made in this Report. For a detailed summary of all submissions, please refer to **Attachment A4** at the end of this document.

Zoning

The key issues raised regarding the proposed zoning are as follows:

- individual and group submissions request upzoning from R2 to R3 and also from R2 to R4;
- interface sites should be upzoned to R4 to match adjacent development;
- error to zoning in draft KLEP indicating Kirby Park, Gordon as R2 instead of open space;
- error to zoning in draft KLEP that is not a translation of the KPSO at Cates Place/Hillcrest Drive, St Ives; and
- zoning of all land within HCAs should be R2, especially sites within Culworth Avenue and Marian Street, despite existing landuse as is the case for 18 Marian Street, Killara (a high density development on a site that has R2 zoning).

Discussion:

The R3 interface zone was introduced as a planning solution to ameliorate the impacts of the KPSO 2(d3) high density sites on adjacent single dwelling sites. The R3 zone was not introduced as a means to increase densities as this was not one of the principles of the Planning Proposal guiding the draft KLEP. R3 townhouse type development was seen as a means to reduce the impact of high density R4 development on neighbouring R2 single dwelling sites, and enable R2 sites to be redeveloped and designed around the compromised amenity as well as create a stepping down of building form between the apartment building and the single dwelling. The number of sites allocated R3 zoning was based on ensuring sites could amalgamate and provide a successful interface development.

There is no requirement through this plan making process to increase dwellings in the LGA by upzoning. Ku-ring-gai Council has delivered its dwelling targets predominantly within the town centres, and there has been no direction from the Department of Planning and Infrastructure to create further increased density sites within the draft KLEP through extensions of the interface areas or nominations of new sites for R3 or R4 development. The intent of the KLEP Planning Proposal that received a Gateway Determination from the DPI, was to translate existing zoning from the KPSO into the Standard Template format. Changes to density have only been included where sites were considered to have interface issues.

It is acknowledged that land at 44 Highlands Avenue, Gordon, also known as Kirby Park, is incorrectly zoned R2 as translated from the KPSO. RE1 zoning would be a more accurate zoning to reflect the current use of the site. Similarly, the R4 zoning to the sites at Hillcrest Drive and Cates Place, St Ives is a mapping error as these sites form part of a wider R3 development. This R3 Development area is zoned 2(h) under the KPSO which translates to R3 under the KLEP.

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One submission argued for the downzoning of all development within HCA C24 to R2, arguing that medium and high density sites can be downzoned in much the same way as 18 Marian Street, Killara, a high density development with an R2 zoning. The HCA C24 area fronting Culworth Avenue and Marian Street is currently zoned 2(d3), Municipal Purposes and 3(a)-(A3) and therefore translates to R4 and B1, or has previously been approved by Council to be zoned R4 and B1. Further, as indicated in the *Heritage* section of this report, where the HCA issue is discussed, the 2(d3) and 3(a)-(A3) properties fronting Culworth Avenue are to be removed from the HCA as the zoning both as existing and as proposed is not consistent with HCA principles.

18 Marian St, Killara is zoned 2(b) under the KPSO which translates to the proposed R2 zoning. This site consists of a 3 storey residential flat building and is an anomaly in the KPSO. The proposed R2 zoning to the site is inappropriate as it does not reflect the current status of the property. A more fitting zoning would be R4 with a reduced 11.5m height and 0.85:1 FSR to reflect the current 3 storey development. LEP zoning is required to reflect development or development potential of the land it applies to.

Recommendation:

It is recommended that that the KLEP zoning map be amended to indicate zoning to 44 Highlands Avenue, Gordon (Kirby Park) as RE1; and zoning to 12,18, 28 30 Hillcrest Drive, 20 Cates Place, St Ives as R3; and zoning to 18 Marian St, Killara as R4 with a reduced 11.5m height and 0.85:1 FSR.

Interface

A number of submissions were made regarding the interface sites, the key issues are as follows:

- one submission disputed the R3 interface allocation of its neighbour at 10 Bobbin Head Rd and the impacts of the R3 on their R2 potential heritage item property at 12 Bobbin Head Rd;
- individual and group submissions were made requesting extensions to the interface sites to allow R3 development on their R2 properties; and
- sites where no interface has been provided:
 - o *Werona Avenue:*
Whilst a number of submissions supported the KLEP downzoning of 2(d3) sites along Werona Avenue as it would enable the preservation of the low density character of the area and reinforce the HCA qualities, others disputed the downzoning and requested the reinstatement of the R4 status of their properties.
 - o *Caithness Street; and Buckingham Road; and The Briars*
Submissions argued for the downzoning of R4 lands to R2 on these sites due to the lack of provision of interface between R4 and R2 properties resulting in impacted R2 sites.

Discussion:

The R3 zone was introduced as a planning solution to ameliorate the impacts of the KPSO 2(d3) high density sites on adjacent single dwelling sites. Site visits confirm that 10 Bobbin Head Road is a highly compromised site and requires a means to deal with the impact of the adjacent high density development. Further to this, it was observed that any R3 development would have minimal

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impacts on the amenity of the neighbouring R2 property as there is at least a 5m separation from the 12 Bobbin Head Road house itself to the side boundary shared with the R3 site, allowing screening vegetation; and further, should the house be heritage listed there would be more stringent controls on the adjacent development to preserve the setting of the item.

Werona Avenue

There has been no high density development on high density 2(d3) sites east of the railway line along Werona Avenue including 21 & 23 Werona Avenue. The downzoning of these sites to R2 will enable the integrity of the proposed Heritage Conservation Areas to be maintained, and remove interface issues with adjacent sites that would result from R4 development if they were to go ahead, in particular potential impacts on adjacent heritage items is mitigated. Interface zoning was briefed in the report to Council and adopted on the 6 March 2012. In addition, it was approved by the Department of Planning and Infrastructure through the Gateway Determination to have a strategic approach to the development density of land east of the railway line and keeping high density to the west of the railway line. Should the landowners wish to pursue this matter they have the option to submit a formal Planning Proposal to Council with planning justifications for the changes they seek. This will enable a fair and transparent process to occur through consultation and exhibition of the proposed modification that has not been possible through the draft KLEP process.

Caithness Street; and Buckingham Road; and The Briars

The reason for the absence of R3 interface sites in these locations was due to individual site constraints such as location of heritage items, or existing development, or topography that would not support medium density R3 development.

2,4,6 Caithness Street, Killara

The three sites are located along a narrow street with a heritage item directly opposite them at 1 Caithness St. Further, the street is a cul de sac with a small landscaped island at its centre with a narrow walkway, Caithness Walk, linking the street with the Pacific Highway. The other properties on the street are all R2 dwellings and were proposed to be downzoned from R4 to R2 in the Planning Proposal due to their questionable ability to be developed given their shape. They were also maintained as R2 to help preserve the unique quality of this cul de sac narrow street as a setting for the heritage item.

Given the narrowness of the street and the minimal frontage of the heritage item at 1 Caithness Street to the road, the concerns raised in the submission are valid. The impact of the 5 storey R4 zoning of the three sites on the setting of that heritage item and the general character of the street itself will be substantial. This is illustrated by the recently completed 5 storey development at the corner of Caithness and Marian Streets which dominates that part of Caithness Street due to its bulk, scale and character.

At the same time, it is acknowledged that should the three sites be zoned R2 as suggested by the submission, they will form interface sites themselves as they are impacted by the adjacent 5 storey R4 development which significantly reduces their privacy and amenity. Therefore, whilst it is acknowledged that the R4 status of the sites will result in substantial negative impact on the heritage setting of Caithness Street which comprises solely of R2 development, there is a need for these three sites to ameliorate impact from adjoining R4

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development on themselves should they be downzoned. For this reason a townhouse style R3 development is recommended for the three sites so that they can be redeveloped to mitigate the impact on them as interface sites whilst developing in a manner that is fitting with the heritage item and the street character. Site visits show that 2 and 4 Caithness St are highly compromised by the R4 development to their side and rear. Due to the lot configuration, the R4 development to the rear of 6 Caithness St has approximately 15m setback to the common boundary and significant trees and vegetation which give a high level of screening to the site, resulting in a site that is able to maintain its privacy despite the high density development to its rear.

It is also noted that the submission put forward one of the three sites, 6 Caithness St, as having significant heritage value, and the other two having some value. Preliminary investigations indicate that 6 Caithness St may have some value, however the other two do not appear to be unique examples of early architecture. For this reason, further detailed investigation is being recommended for 6 Caithness St.

6A and 8 Buckingham Road, Killara

6a and 8 Buckingham Road are zoned 2(d3) under the KPSO and translate to R4 under the KLEP. It is acknowledged that there is no R3 interface site between the R2 and R4 zonings. When the interface study was conducted, 8A, 10 and 11 Buckingham Road were considered for R3 zoning; however, since 10 and 11 are heritage items, R2 was maintained on them to preserve their heritage value. Although impacted, 8A on its own would be unable to successfully develop as R3 due to topography and traffic issues along the access handle to the battle-axe site, and therefore it retained its R2 status.

The submission requests the downzoning of the R4 sites at 6a and 8 Buckingham Rd to create better separation to the R2 sites. This is not possible since the sites have a current DA approved on 25/10/12 for 43 units.

The Briars, Bundarra Ave, Wahroonga

The Briars is a State listed item and has a number of R4 sites adjacent to it. The sites to the rear of *The Briars* are a direct translation to R4 from the KPSO, and they have already been developed into apartments and medium density housing. It is highly unlikely that the medium density housing to the north and to the east of *The Briars* will be redeveloped to realise the R4 potential given their existing strata title nature.

The remaining sites further away from *The Briars* fronting Bundarra Ave, and those on the opposite side of the road to *The Briars* have sufficient separation distance from *The Briars* to ameliorate the impact of any new R4 development. Further, any new development will be required to include measures to minimise the impact on the heritage item and its setting. Three Land and Environment court cases illustrate that should inappropriate R4 development be proposed around *The Briars*, it is highly unlikely that it will be approved. This is considered to be sufficient protection of the item from neighbouring development.

Recommendation:

Generally there is no change recommended however it is recommended that the zoning on 2, 4 & 6 Caithness Street, Killara be re exhibited to amend the KLEP zoning, FSR and height maps to indicate R3 zoning. It is recommended that 6 Caithness Street, Killara be investigated as a

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potential Heritage Item, and if found to be a potential item, to be re-exhibited as such and to show R2 zoning with according FSR, height and lot size standards.

Landowners at 21 and 23 Werona Avenue wishing to pursue this matter have the option to submit a formal Planning Proposal to Council with planning justifications for the changes they seek. This will enable a fair and transparent process to occur through consultation and exhibition of the proposed modification that has not been possible through the draft KLEP process.

Reclassification of Community Land

Submissions were received opposing the reclassification of various sites.

Discussion:

With the exception of the two sites discussed in Part 10 of this Report, reclassification of land is not dealt with under the KLEP. Where sites are being considered for reclassification, Council has or will engage in the process of preparing a separate Planning Proposal regarding the reclassification of each site or groups of sites. That process will involve detailed investigations and a public hearing, and include opportunities for community and State agency submissions to be made on the proposed reclassification.

The KLEP does address the rezoning aspect of certain reclassification sites raised in submissions. This is addressed below:

90 Babbage Road, Roseville Chase:

The rezoning and reclassification of 90 Babbage Road was the subject of a Planning Proposal adopted by Council on 16 July 2013. Thorough investigations were conducted to assess issues raised, including a Public Hearing. Apart from a call to rezone the land as E2, the concerns presented in the submissions to the KLEP are identical to those submitted to the Planning Proposal and have been addressed in detail in the 16 July 2013 Council Report and its attachments.

The Planning Proposal sought to rezone the site to Residential 2(a) under the KPSO. This draft KLEP indicates the zoning for the site as E4 in recognition of its value as a local biodiversity habitat. There is no justification for the E2 zoning requested in the submission, none of the studies conducted during the consideration of 90 Babbage Road revealed this as a significant site to warrant E2 zoning.

Car park area Culworth Avenue, Killara

The site is currently zoned a mixture of Municipal Purposes, 2(d) and 3(a)-(A3). The original intention for the site was for medium to high density office development. Since the KLEP is a translation of zoning and site potential from the KPSO to the standard instrument format KLEP, this site could translate to a business zone or to a high density residential zone. Given the context of the surrounding R4 zoning and residential development and the proximity to the railway station the development standards of this site should be consistent with the surrounding sites. As such it is proposed that the FSR for the site be increase from 1:1 to 1.3:1 and the maximum building height from 14.5m to 17.5m.

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Any development on the site will be subject to controls to do with setbacks and impacts on the heritage conservation area as well as on any adjacent heritage items including the station and will have to show how it mitigates impact on adjacent properties in terms of amenity, overshadowing and visual context. These issues will be addressed through the DCP controls at development application stage. For discussion regarding the relationship of the Culworth car park and its relationship to the HCA, refer to the heritage section of this Report at Part 4. With regards to the loss of public parking adjacent to Killara Station, in addition to the discussion in Part 2 of this report on traffic issues, the proposal to provide public parking within any development on the site, subject to viability, would require an addition to Schedule 1 of the draft KLEP to allow car parking use on the R4 zoning of this site.

Recommendation:

It is recommended that the LEP as it applies to 20-28 Culworth Ave, Killara (Lots 1, 2 and 3 DP119937; Lot 6 DP3694; lot 2 DP932235) be amended to a FSR of 1.3:1 and a maximum height of buildings to 17.5m. It is also proposed to amend Schedule 1- Additional permitted uses to permit 'Car parking' as a use on the car park at 20-28 Culworth Ave and 17 Marian Street, Killara.

Dual Occupancy

Submissions requested the ability to develop dual occupancies on their land, expressing the intention of their land purchase was to develop dual occupancy, and that the SEPP being repealed truncated that wish. One submission requested the removal dual occupancy status on a neighbouring site at 33 Grandview St, Pymble.

Discussion:

The intention of the KLEP is to translate the existing KPSO standards into the Department of Planning and Infrastructure's standard template format. It is not the intent of the KLEP to alter development standards except where strategic considerations have been nominated in the Planning Proposal and Gateway Determination. There is no requirement by the Department of Planning and Infrastructure for Council to increase dwelling numbers through this plan making process, therefore, the inclusion of dual occupancy development has not been a consideration of this KLEP.

In analysing submissions requesting dual occupancy on parcels of land, research has been conducted to check if any dual occupancy application was existing at the time SEPP 53 was repealed (June 2011). In all cases, there was no such evidence. All documentation and all works have clearly been commenced after the date of the repeal.

The submissions express the intention of their land purchase was to develop dual occupancy, and that the SEPP being repealed truncated that wish. The submissions do not provide sufficient planning grounds to operate against the KLEP provisions. Restricting dual occupancy to those sites with existing use rights or with applications lodged prior to the SEPP repeal will avoid creating conflict with the intention of the KLEP and the Gateway Determination.

Should landowners wish to pursue this matter they have the option to submit a formal Planning Proposal to Council with planning justifications for the changes they seek. This will enable a fair

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and transparent process to occur through consultation and exhibition of the proposed modification that has not been possible through the draft KLEP process.

33 Grandview St, Pymble

KLEP does not have provisions for dual occupancy; however should dual occupancy be permitted under the KPSO, then that planning provision has been translated into the KLEP. Dual occupancy is permitted on this site under the KPSO and hence is retained under Schedule 1 of the KLEP. The site is a corner block of size suitable for the already permitted dual occupancy subdivision. The right of way access that the submission is concerned about is owned by Council and will not change its status in the event of any development; therefore access to the rear subdivided properties will not be altered.

It is acknowledged that the site has been nominated as a potential heritage item and that further investigations are proposed to verify its significance. Should the heritage status be confirmed for this site, the dual occupancy status would be removed due to the location of the heritage item in the centre of the site and the negative impact subdivision would have on the curtilage of the heritage item. Should heritage status be confirmed this site would be subject to a re-exhibition posing the heritage status and removing the dual occupancy status.

Recommendation:

Generally there are no changes recommended, however it is recommended that further investigations be conducted to verify the heritage value of 33 Grandview Street, Pymble. Should it be found worthy of heritage listing, the dual occupancy status would be removed. The proposed changes would be the subject of re exhibition to amend the KLEP.

With regards to dual occupancy subdivisions, should the landowners wish to pursue this matter they have the option to submit a formal Planning Proposal to Council with planning justifications for the changes they seek. This will enable a fair and transparent process to occur through consultation and exhibition of the proposed modification that has not been possible through the draft KLEP process.

Schools

Private schools in the LGA raised a number of common and individual issues. The common concerns are as follows:

- main concern of the schools, listed individually by site below, were around the permissibility of uses under the KLEP and the perceived uncertainty around the status of the SEPPs that enable development on their land;
- concerns are raised by most of schools around the expansion of the facility into neighbouring properties and the ability to develop within those zonings; and
- a number of schools requested the words *Educational Establishment* in addition to *SP2* on the zoning map to be consistent with other school labelling across the LGA.

Discussion:

The Infrastructure SEPP is key in the delivery of all manner of infrastructure, including hospitals and schools. Council has been given direction by the Department of Planning and Infrastructure to

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ensure the KLEP does not overlap with the Infrastructure SEPP so that those developments can occur under that instrument in a consistent manner across the State. It is therefore highly unlikely the SEPPs will be repealed as suggested in the submissions. The new Planning Bill recently introduced into Parliament provides for all existing SEPP provisions to be retained in Local Plans, thereby ensuring a continued certainty around their delivery. Therefore sites that are within a residential zone can continue to be developed for hospital, schools and seniors living purposes under the current SEPPs and their future iterations.

Further to this, Council is required to draft the KLEP under the existing legislation, the EPA Act. Council is not in a position to assume what the status of future legislation will be and draft the KLEP on those assumptions. Should State Government alter the standing of the SEPPs from that expressed in its White Paper, all Councils across the State will be given a direction on accommodating that change and the time. Under the recent Planning Bill 2013 introduced into the parliament, SEPPs under the former Act, will continue in force as part of the relevant provisions of a local plan (s12.6(1)). In the event it is amended to fit in with the new planning reforms, it will retain its weight and direction as stated in the Planning Bill to ensure a continuing certainty around infrastructure delivery.

The Department of Planning and Infrastructure's standard template places a residential zoning across all school sites and utilises the SEPP Infrastructure to enable school development within those residential zones. Ku-ring-gai Council sought and received a special dispensation from the Department to zone school sites SP2. The justification for this was that educational establishments form a core portion of Ku-ring-gai's employment sector, and this zoning would give Council and the school establishment's certainty regarding the preservation of existing school uses on their land well into the future.

It is recognised that schools may acquire adjoining lands for the purposes of expansion. These sites remain in the zoning of the surrounding properties as school uses are permitted on them under the Infrastructure SEPP. This ensures the type of development on those sites is in keeping with, and has little impact on, the neighbouring residential amenity. Should schools acquire substantial parcels of land where there is clear separation, and hence impact on the neighbouring residential development, schools have the option to apply for an SP2 rezoning by submitting a formal Planning Proposal to Council with planning justifications for the changes they seek. This will enable a fair and transparent process to occur through consultation and exhibition of the proposed modification that has not been possible through the draft KLEP process.

The KLEP does not indicate school uses in the R2, R3, R4, E4 zones. It should be noted that Council was directed by the Parliamentary Counsel Office through the Department of Planning and Infrastructure to remove reference to schools in zones where they are permitted under the Infrastructure SEPP.

Given the status of the Infrastructure SEPP and other SEPPs in the new Planning Bill recently introduced into Parliament, it is expected that R2 sites that are in the ownership of various schools can continue to be developed for school purposes. Many of the sites acquired by schools that remain R2 form part of a strong residential context and in many cases there are a number of heritage and contributory items that contribute to the character of the local residential area. These adjoining residential areas themselves require some certainty that their amenity will not be compromised by future school development. The residential zoning ensures that any new development will integrate into the residential built fabric.

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It is acknowledged that the SP2 zoning to the majority of the school site makes no reference to its use as a school. Therefore the words 'educational establishment' should be included in the title of the land so it is clear that the land is preserved for school uses.

Recommendation:

For all school sites, it is recommended that the zoning map be amended to read *SP2 Educational Establishment* across all school sites.

Individual schools additional issues:

Sacred Heart School, Our Lady of Perpetual Succour School and Church at 2-4 Richard Porter Way

Following are issues raised in the submission:

- seeks a number of additional permitted uses in the draft KLEP to reflect the current and potential future range of programs and services provided by the parish; and
- questions the R4 zoning to 4 Richard Porter Way.

Discussion

The request in the submissions to allow uses that are not directly linked with the school use but are more linked with community provision (such as seniors housing, childcare centre, counselling and youth centres, community worship) is in direct conflict with the ordinary application of the SP2 zoning for educational purposes. Whilst the request for a holistic approach to the site and its mixture of school and community uses is understood, Council is obliged to affect the same principles across all SP2 school sites, and to ensure all uses on those sites are linked to the primary school use. For this reason it is not possible to make special circumstances for one school over another and allow non-school uses within the SP2 zone on the sites at Bobbin Head Road and 64 Kendall Street, West Pymble.

During a pre-DA with Council to place a 0-5 childcare centre on the school site it was pointed out to the applicant that whilst childcare associated with the school use, for staff, or after school care, or a pre-school run as part of the school may be permissible, the type of childcare sought would not be permitted on the school grounds because it was not ancillary to the school use, but would be an independent facility from the school.

The submission questions the R4 zoning to 4 Richard Porter Way. This is a direct translation from the KPSO in which the site is currently zoned 2(d3). However, since 4 Richard Porter Way is contiguous with the current SP2 area, there is merit in its inclusion into the adjacent SP2 zone.

Under the KLEP, Seniors Living is permitted in R1 and R3 and not in R2, R4, E4. The reason for this is that the SEPP Seniors Living permits this development type in R2, R4, E4 and the KLEP is required to avoid covering development permitted under the SEPP. Further, since the SEPP permits seniors living development on land adjacent to residential land, a development application for this type of development could be made under that instrument; therefore there is no requirement to make this an allowable use under the KLEP.

Should the landowners wish to pursue the inclusion of non-school uses on the land, they have the option to submit a formal Planning Proposal to Council with planning justifications for the changes

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they seek to zoning all or part of the school site to a residential zone permitting school and non-school uses on the site. This will enable a fair and transparent process to occur through consultation and exhibition of the proposed modification that has not been possible through the draft KLEP process.

Recommendation:

It is recommended that 4 Richard Porter Way, Pymble be included within the SP2 zoning boundary line of Sacred Heart School.

St Lucy's School

The school submission requested the inclusion of 6 & 8 Billyard Avenue, Wahroonga in the SP2 zone which covers the school area.

Discussion:

The school site has a number of lots that are zoned SP2. 6 Billyard Ave shares a common boundary with the SP2 site. Since 6 & 8 are contiguous with the current SP2 area, there is merit in its inclusion into the adjacent SP2 zone. In the interest of consistency with other school sites, the words SP2 Educational Establishment should also be indicated on the zoning map.

Recommendation

It is recommended that 6 and 8 Billyard Avenue, Wahroonga be included within the SP2 zoning boundary line of St Lucy's School.

Knox Grammar School

The issues raised in the Knox School submission are addressed below.

It should be noted that prior to LEP 218 being gazetted, the Minister (upon representations from the Knox School) amended draft LEP 218 to remove this entire HCA. This was on the basis the HCA was identified in Draft KLEP 2013 and would also provide time to facilitate further discussions and review between the Knox School and Council.

Council staff met with Knox to hear the school's issues regarding the draft KLEP including the HCA area that included the school. This meeting was arranged by Knox with Council and held on 6 August 2013. The meeting occurred after the exhibition of the draft KLEP to which Knox made a submission stating their concerns. At that meeting Council officers were again briefed on the school's issues and questioned about decisions Council would make to support the School.

The school representatives were informed that in the interest of fairness and transparency to all sectors of the Ku-ring-gai community, Council was not in a position to reveal its decisions on the draft KLEP until Council's report was made public, staff reiterated their position not to agree any special conditions for one school over any other school in the LGA, or favour one sector of the community over another. It was also clarified that staff would present a considered response to the Knox submission in their report to Council.

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Following this meeting, Council received a letter where Knox again tabled their issues over the exhibited draft KLEP pointing out that no decisions had been forthcoming in the meeting. Once again, Council officers were not in a position to address the issues in the letter as this would remove the fairness and transparency of the exhibition and reporting to Council process that operates under the EPA Act, and which is fairly and equally afforded to all sectors of the community and all submissions made on the draft KLEP. The issues have accordingly been addressed in this report with recommendations that reflect the value of the school to the area, and which are fair and without bias towards Knox school or any other sector of the Ku-ring-gai community.

The key issues raised in the school submission are as follows:

- inclusion of the Chapel site and 17 Woodville Ave, Wahroonga in SP2 zone;
- inclusion of Borambil Street in SP2 zoning instead of the residential area zoning;
- increase FSR, lot sizes, heights to those parts of the main school site that are zoned R2;
- questions E3 zoning to Curagul Fields used as playing fields in Nth Turramurra as E3 does not permit school uses in the KLEP;
- suggests inconsistency with draft Sydney Metropolitan Strategy as no R4 zoning is indicated around Warrawee Station;
- questions the heritage relevance of 15 Cleveland Street, Wahroonga which is a relatively new school building and forms part of the school site;
- removal of the school from the HCA as it is seen as a burden to future development.
- School sites zoned R2 should be rezoned SP2; and
- HCA and R2 zoning is a hindrance to school's expansion.

Discussion:

For detailed discussion regarding the HCA area and the Knox submission for removal from that HCA, refer to Part 4 of this Report.

Inclusion of 17 Woodville Ave in the SP2 zoning is supported as it is owned by the school, is contiguous with the SP2 site, and now legally forms part of the adjacent school SP2 lot 875542. It is acknowledged that a mapping error did not translate the KPSO existing zoning of the Chapel into the KLEP 2013 zoning maps. As such this site should be included in the SP2 zoning as per the adjacent land.

The request to zone Borambil Street as SP2 is not supported. The standard template requires all roads to take on the highest order of zoning of the adjacent land uses. In this case R2 is the highest order zoning as it permits a wider range of development including school uses (under the Infrastructure SEPP).

FSR, lot sizes, heights are related to the zoning of the land. There is no direction from the Department to increase densities of the area within the KLEP, it is primarily a translation of the KPSO. Most of the sites acquired by the school, that remain in the R2 zoning, form part of a strong residential context where in many cases there are a number of heritage and contributory items that lend to the quality of the local HCA. In addition, they adjoin existing residential areas that in themselves require some certainty that their amenity will not be compromised by future adjacent school building development. The residential zoning ensures that any new development will integrate into the residential built fabric therefore changes to the development standards are not supported.

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It is acknowledged that the KLEP 2013 and Infrastructure SEPP do not permit school uses within the E3 zoning. The E3 zoning covers the majority of the North Turramurra locality due to growing concerns from the RFS regarding the safe evacuation of population in the event of a serious bushfire hazard. The zone limits the density of population occupying the land so that evacuation through the limited exit routes can be conducted in a timely manner. Whilst E3 might restrict uses the reasoning behind its allocation is sound. The approach being taken to the E3 sites applies to this site. Refer to Part 6 of this report for the discussion and recommendations regarding the use of the E3 zone

Contrary to the submissions claim of inconsistency, the draft KLEP 2013 is consistent with the draft Sydney Metropolitan Strategy. Council has delivered its dwelling targets predominantly within the town centres where there is a transport node and other supporting facilities such as retail and recreational premises. The request in the submission to zone areas around Warrawee station as R4 to enable high density development in that area is not supported as it would significantly alter the character of this locality. In a similar vein, the request to remove the HCA in this area to enable R4 development is not supported. The HCA is established on the existing character of the area not on the future development potential of that area. This locality has been found to have a quality heritage standing that is worthy of retention for future generations. The school itself, given its significant heritage architecture, forms part of that heritage value. Further, there has been no direction from the Department of Planning and Infrastructure to create other high density sites within the current plan making process. The intent of the KLEP 2013 Planning Proposal that received a Gateway Determination was to translate existing zoning from the KPSO into the Standard Template format. Changes to density have only been included where sites were considered to have interface issues. In addition to this, Warrawee station has no retail or commercial uses associated with it and is of a different character and scale to the town centres where R4 zoning has been approved by the Department.

The request to remove the school site from the draft HCA is not supported. The draft KLEP has been exhibited showing the extent of the draft HCA in this location. The removal of the school site constitutes a major and significant change for which no justification or study has been provided in the Knox submission. Heritage studies conducted over several years have repeatedly stated the heritage significance of Knox school given its historical standing in the area, and the significant heritage buildings that form a part of the school itself. Refer to Part 4 of this report for specific studies conducted addressing the heritage significance of Knox school and the surrounding neighbourhood. No study has disputed this fact, nor indicated otherwise.

The Knox submission, various letters, and meeting with Council officers have not provided any evidence to give Council reason to alter its delineation of the draft HCA in this locality. Council is obliged to use the same process and have equal regard for all sectors of the community when making significant changes to the exhibited draft KLEP. Should Knox wish to pursue this matter, they have the option to submit a formal Planning Proposal to Council with planning justifications for the changes they seek to the HCA boundary. This will enable a fair and transparent process to occur through consultation and exhibition of the proposed modification that has not been possible through the draft KLEP process.

The concerns regarding aspects of the KLEP seen as a hindrance to the school expansion, namely the R2 zoning and the HCA status, are not considered obstructions to the school's expansion in the future since school development is permitted within both R2 and HCAs. No evidence or future expansion plans illustrating the perceived hindrance were provided in the submission to the draft

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KLEP to justify this claim. There is no reason why KLEP and the Infrastructure SEPP will not continue to support the future growth of Knox school in the same manner all other schools and institutions in the LGA.

The planning basis underpinning the draft KLEP ensures transparency and fairness across all sectors of the Ku-ring-gai community and gives due consideration to any changes impacting on local neighbourhoods. Should the school wish to submit a Planning Proposal for changes to the draft KLEP, Council would be given clarity on the direction the school wishes to take and consider that submission on its planning merits. Importantly, Council would be able to conduct the required community and State agency consultation on the proposal as required by the EPA Act, and make recommendations in a fair and transparent manner with full support of the relevant community and State sectors.

Recommendation

It is recommended that the main school Chapel site; 17 Woodville Ave; 15 Cleveland Street Wahroonga be included in the SP2. Refer to Part 4 of this Report for recommendations regarding heritage issues. No other change is recommended.

Hospitals and Seniors Living

The main concern of the hospitals and seniors living facilities, listed individually by site below, is around the permissibility of uses under the draft KLEP. In particular, the perceived uncertainty around the status of the SEPPs that enable their development, particularly with regards to the expansion into neighbouring residential properties and the ability to develop within those zonings

Discussion:

Whilst residential zones under the KLEP do not permit Seniors Living use in the R2, R4, E4 zones, and Hospitals under R3 and R4 zones, it should be noted that this development type is permissible in those residential zones under the SEPP Seniors Living and SEPP Infrastructure. This means Council's KLEP is consistent with the Department's requirement that the KLEP should not provide development standards on uses covered by the SEPP.

The Infrastructure SEPP is key in the delivery of all manner of infrastructure, including hospitals and schools; and, the seniors living SEPP is key in the delivery of all seniors living across the State. Council has been given direction by the Department of Planning and Infrastructure to ensure the KLEP does not overlap with the SEPPs so that such developments can occur under that instrument in a consistent manner across the State. The only exception to this has been the existing large school sites in the LGA being zoned SP2, for which Council received a dispensation.

It is therefore highly unlikely the SEPPs will be repealed as suggested in the submissions. The new Planning Bill recently introduced into Parliament provides for all existing SEPP provisions to be retained in Local Plans to ensure a continuing certainty around their delivery. Therefore sites that are within a residential zone can continue to be developed for hospital, schools and seniors living purposes under the current SEPPs and their future iteration. Further to this, under the recent Planning Bill 2013 introduced into the parliament, SEPPs under the former Act, will continue in force as part of the relevant provisions of a local plan (s12.6(1)). In the event it is amended to fit in with the new planning reforms, it will retain its weight and direction as stated in the Planning Bill to ensure a continuing certainty around infrastructure delivery.

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Further to this, Council is required to draft the KLEP under the existing legislation, the EPA Act. Council is not in a position to assume what the status of future legislation will be and draft the KLEP on those assumptions.

Recommendation:

No change recommended.

Dalcross Hospital 28 Stanhope Rd, Killara

The hospital seeks an R3 zoning with increased FSR.

Discussion:

Dalcross Hospital, 24-34 Stanhope Road is located within a low density residential area with no other high density or commercial development in the vicinity. In addition, the locality has a number of heritage items and is within a HCA. Given the context, it is important that any development on this site remain of a scale suitable to the residential context. Further to this, there has been no high density development on the high density 2(d3) sites east of the railway line along Werona Ave. The downzoning of 2(d3) sites to R2 will enable the integrity of the HCA to be maintained and remove interface issues with adjacent residential sites that would result from R4 development. Interface zoning was briefed in the report to Council and adopted on the 6 March 2012, and was approved by the Department of Planning and Infrastructure through the Gateway process.

The request to zone the Dalcross hospital sites R3 is not supported as this is a quality low density residential areas as well as a proposed HCA, of which the hospital site is a part. Hospital uses are permitted with consent within R2 zones under the KLEP. Removal of the FSR controls to individual sites is not supported as it gives unfair development advantage and does not enable Council to adopt a fair and even approach across the LGA. FSR in existing 2(c2) zones under the KPSO is covered by DCP 38 clause 4.2.1 which stipulates the FSR control within this area. This standard has been translated into the KLEP R2 zone. Despite the current relative over development of Dalcross, the streetscape remains intact and consistent with the low density residential neighbourhood.

The hospital's request for hospital-owned properties to be removed from the HCA is not supported. The removal of individual properties from HCAs is contrary to the principles of the HCA being homogenous in character. The 2010 South HCA Review assessed each of the properties at 24-34 Stanhope Road. Nos 24, 26 and 28 were assessed as contributory to the HCA. Nos 32 and 34 were assessed as neutral. The boundary of the HCA within KLEP 2013 conforms to the HCA boundary in the KPSO (which incorporates LEP 218) gazetted on 5 July 2013. Stanhope Road forms the boundary between two HCAs. These HCAs together with others in the adjoining Local Centres LEP form a large continuous historic residential precinct.

Development can still occur in HCAs provided that there is no adverse impact on the overall heritage significance of the HCA and the subject site's ability to contribute to the HCA. Any future development on the hospital site would need to continue to maintain a scale and streetscape address that is homogenous with and contribute to the existing residential fabric of this locality. Should the landowners wish to pursue this matter they have the option to submit a formal Planning Proposal to Council with planning justifications for the changes they seek. This will

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enable a fair and transparent process to occur through consultation and exhibition of the proposed modification that has not been possible through the draft KLEP process.

Recommendation:

No change is recommended.

Neringah Hospital 2-12 Neringah Ave, 3-9 Woonona Ave, Wahroonga

The submission from the hospital requested the following:

- insertion of clauses into schedule 1 to allow Hospital and Seniors Living on the site;
- removal of heritage listing on the entire property; and
- objection to listing of 'Hardie House' 4-6 Neringah Ave South, and the 1950s hospital block, and other buildings on the site as this would impede future development

Discussion:

Hospital and Seniors Living are permissible in residential zonings either under the KLEP or the SEPPs as explained above, so there is no reason to make a change to Schedule 1.

Objection raised in the submission to listing of 'Hardie House' 4-6 Neringah Ave South on the grounds of asbestos content and contradictions to healthcare; lack of justification for the listing of the main 1950s hospital block, and other buildings on the site that do not have heritage value are not supported by any accompanying studies to validate the claims.

Neringah Hospital was identified as a potential item in the Godden Mackay Logan, Heritage and Neighbourhood Character Study, 2000. More recently, the site was identified as a potential item in the Paul Davies Pty Ltd, North HCA Review, 2010.

There is documentary and physical evidence that confirms that 4-6 Neringah Avenue is a Federation period residence, donated to the Red Cross for use as a convalescent home after World War II, later incorporated into the hospital as an administration building. The hospital itself is a branch of the 'Home of Peace for the Dying' established in Wahroonga in 1958. It is acknowledged that the ongoing use of the site as a hospital is a crucial aspect of significance.

Council has adopted a staged approach to identify and assess the heritage items within the LGA. The public exhibition is part of this process; therefore, further detailed heritage assessment of this property should be undertaken in line with that approach.

Recommendation:

No change recommended regarding the permissibility of hospital or seniors living uses within the residential zones. It is recommended that the Neringah Hospital Site at 2 - 12 Neringah Avenue South, Wahroonga be removed from Schedule 5, of the draft KLEP 2013 and accompanying Heritage Map and be deferred for further investigation and re-exhibition.

Lourdes Retirement Village, Killara

Apart from the concern that Seniors Housing is not permitted in KLEP, the submission expressed that there is confusion on which instrument will determine heights as there is a difference in the development standards between the KLEP and SEPP.

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Discussion:

Seniors Living is permissible in residential zonings either under the KLEP or the SEPPs as explained above. When a DA is prepared for any development on the site, it will have to adhere to the development standards of the statutory instrument under which it is proposing the development. Each development application is assessed under the applicable instrument. If the DA operates under the KLEP then those standards need to be met, if the development complied with operates under a SEPP, then those standards need to be met. Further, a detailed DCP will be prepared to clarify and control development standards within the KLEP area to ensure the new development remains in keeping with the context of the area.

Recommendation:

No change recommended

Lady Gowrie Nursing Home, 6-10 Edward St and Melkin End, Gordon

The issues raised in this submission are as follows:

- loss of the KPSO Hospital special uses zone means Seniors Housing and Residential Care Facilities will no longer be permitted on the site under the KLEP;
- request for the site to be zoned R1 or include special provisions in Schedule 1 allowing Seniors Housing and Residential Care Facilities;
- the E4 zoning to part of the site will prevent seniors housing development due to the biodiversity value categorising the land as environmentally sensitive;
- questions the KLEP (and other Councils') methodology around permitted and prohibited uses within zones and consistency with the Department's Practice Notes;
- inability to comply with access to transport and services as stated in cl 26 of SEPP Seniors Housing should this become the instrument under which future development on the site is carried out; and
- concerns regarding the reduced FSR across the whole site.

Discussion:

Sites that are within a residential zone can continue to be developed for seniors living purposes under the current and any future iteration of SEPP Seniors Housing.

Ku-ring-gai Council continues to support the provision of facilities for aged persons within the current legislative framework. Council is consistent with the direction from the Department of Planning and Infrastructure to rezone this land from a Special Uses Hospital zone under the KPSO, to a residential zone, R2 and E4, under the KLEP. This results in the Department's desired outcome for all infrastructure development, previously given Special Uses zoning, to be carried out under the appropriate SEPP. LEP Practice Note 'Zoning for Infrastructure in LEPs' states guidelines that Council has been required to follow. Therefore the development of the site for senior's housing is in no way altered, nor is there any downzoning of the site as the uses are still permitted on the land.

Given the Department's preferred use of the SEPP for the development of special uses, SP2 zoning in Ku-ring-gai is now limited to school sites (as they form a core portion of Ku-ring-gai's

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employment sector) and those sites that have regional status in terms of their scale and infrastructure, and which were assigned the zoning by the Department under the Major Projects SEPP (such as the SAN hospital). By a similar token, Council has not assigned R1 zoning to any area within the LGA due to the conglomerate of development types permitted within that zone and the complexity in preserving a certain character (the one exception is the Screen Australia site where R1 is assigned to create a homogenous zone with existing adjacent R1 properties). R1 zoning within the LGA has previously been assigned to certain sites including the mentioned Mt Pleasant Avenue, Normanhurst, by the Department under the Major Projects SEPP which amended the KPSO. This R1 zoning has been directly translated into the KLEP. R1 zoning is not supported to the Lady Gowrie site as it would enable high density R4 type development which is inappropriate to the locality.

E4 areas have been zoned as such in recognition of their biodiversity and riparian features. The definition of biodiversity, or biological diversity, under the KLEP is separate and different to the definition of Environmentally Sensitive Land under the SEPP Seniors Housing which does not include biodiversity areas in its definition; therefore, the submission's claim that E4 zoning will hinder the development of the site for senior's housing is incorrect.

The structure of the KLEP has been endorsed by the Department of Planning and Infrastructure. The approach that has been used, and agreed through the Gateway process, is an 'open zone' approach for all commercial areas, giving them a level of development flexibility; and a 'closed zone' approach for all residential zones as land uses are more sensitive in residential areas. This approach gives certainty to the residents of Ku-ring-gai regarding land uses in close proximity to their homes and which will impact their amenity. Ku-ring-gai Council can only advise the due diligence of this Council in its decision making processes and the endorsements by the Department of Planning and Infrastructure. The criticism in the submission of other Metropolitan Councils is not within the scope of this KLEP and those matters should be pursued with those Councils to understand their rationale.

In any redevelopment, the potential exists for a pedestrian connection from the Melkin End part of the site to bus stops on Rosedale Road Gordon as this would meet the 400m distance and gradient requirements of the SEPP. If future access from this part of the site is not possible, there is also the possibility of introducing new bus stops on Rosedale Road in the vicinity of Edward Street (subject to concurrence from the bus operator Transdev/Shorelink/Transport for NSW, and Ku-ring-gai Council). Preliminary investigations show that on-street grades and distances along the travel paths to these stops would comply with the requirements of Clause 26 of SEPP (HSPD) 2004 from the Edward Street site frontage. Rosedale Road (in the vicinity of the site) is serviced by the Transdev/Shorelink 582 service linking Gordon railway station (Werona Avenue) with St Ives Shops (Memorial Avenue), and could provide direct connection to services and facilities in the St Ives and Gordon local centres, and further connections to services and facilities in Chatswood and Hornsby (via North Shore railway line).

It is acknowledged that a lower FSR has been given to the entire site to be in keeping with the E4 zoning requirements. It is agreed that since part of the site is zoned R2, the FSR to that part of the site should be in keeping with that zoning. Therefore it would be appropriate to align the FSR map with the zoning map to show A3 FSR to the R2 portion of the site

Recommendation:

It is recommended that the FSR Map be amended to show A3 to that part of the site zoned R2, and A1 to that part of the site zoned E4 for the site; and the Lot Size map be amended to show correct

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sizes for the R2 and E4 areas at Lady Gowrie Nursing Home, 6-10 Edward St and Melkin End, Gordon.

Other Large Sites

Pymble Business Park

Two main issues were raised in submissions are:

- opposition was raised to the increased height and B7 zoning for 986 Pacific Highway and 5 Suakin Street claiming that the heights will have negative impacts on residents of neighbouring properties and on the wildlife in the adjacent reserve; and
- concern about the traffic implications with the increased development that will occur within the business park.

Discussion:

The building height and FSR have been determined to ensure viability of development within the business park; nevertheless, Council is committed to ensuring the preservation of biodiversity of the locality as well as the amenities of surrounding properties. The newly prepared, exhibited and adopted DCP for the Pymble Business Park contains controls that seek to ensure amenity is preserved to neighbouring properties as well as protect biodiversity significant areas that the submission sites are located adjacent to.

A full exhibition on Pymble Business Park was conducted through a comprehensive planning process when LEP 219 for that area was prepared. Zoning for the Pymble Business Park was considered by Council on 17 July 2012. At that time, all issues regarding the heights of buildings and their impact on surrounding development was considered. It is not the intent of this KLEP to review that previous process. The intent of the KLEP Planning Proposal, as reflected in the Gateway Determination, is to translate the KPSO into the KLEP using the Department of Planning and Infrastructure's standard instrument format. The B7 zoning to Pymble Business Park underpins the provision of employment lands in the Ku-ring-gai LGA. Council has to consider the long term strategy for the business park and the preservation of the future use of the lands for commercial purposes.

Explanation has been provided in the Summary Tables that arterial roads are the responsibility of the NSW Government which is undertaking a Long Term Transport Master Plan to address key transport challenges over the next 20 years. Council will continue to lobby Transport for NSW for improvements to arterial roads as recommended in its adopted Integrated Transport Strategy.

Recommendation:

No changes are recommended.

DHA site - 100 Eton Road, Lindfield and Screen Australia - 101 Eton Road Lindfield

The submission on this site has been made by the neighbouring major landholder currently developing their own land (DHA) and local residents concerned about traffic in the area:

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- DHA requests a change of zoning on the Screen Australia site from R4 to R1 to be consistent with zoning on the adjacent DHA site;
- request for changes affecting the DHA development sites adjacent to the Screen Australia site:
 - o addition of *Exhibition Homes* and *Building Identification Signage* permitting them in the R1 zone;
 - o requests that clause 6.11 be amended to remove the word 'Edgelea' and replace it with the term 'Crimson Hill';
 - o requests zone boundary match the approved cadastral boundary between Lot 5 and part Lot 1 in the north east of the site; and
- problems of traffic and parking with restricted vision, difficulty exiting driveways, reduced access for emergency services and dislocation of garbage collection and street sweeping.

Discussion:

The zoning on the Screen Australia site allows a mix of R2 single dwelling development, and R4 residential flat development with reduced height and FSR to result in 4-storey buildings with limited footprint. Whilst the R4 with reduced development standards was considered the best option for a site with existing significant trees as it would not rise above the mature tree canopy and would limit the footprint and ground works, and allow other large species to be planted in the open areas, there is merit in providing consistency with the adjacent R1 zoning on the DHA sites. The R1 zoning would allow a flexibility of development types across the land and include the proposed R4 type development. Any overshadowing from any future development will be a consideration at DA stage where preservation of the amenity of adjacent sites will have to be demonstrated.

In terms of the DHA site, since R2, R3, R4 all permit *Exhibition Homes* and *Building Identification Signage* with consent, it would be consistent to include them in the R1 zone. There is no objection to the change of wording to reflect the new name of the DHA development, nor to the mapping adjustment to the zone boundary to match the cadastral line.

The access and parking issues around the UTS campus have resulted from the early removal of a portion of the student parking on the UTS site, resulting in students seeking parking in neighbouring streets. This is unlikely to happen if the Screen Australia site redevelops. Residential parking is to be provided as part of the proposal in accordance with Council's adopted DCPs. This includes visitor parking. New internal access roads and footpaths are to be provided as part of the proposal to ensure good site access. Road quality is subject to Council's road resurfacing program. Council staff regularly undertake traffic volume and speed monitoring of key local roads in Kuring-gai. Eton Road is one of those roads. This is currently occurring as a result of the parking issues around the campus, although the need is likely to diminish once the university ceases operation. Construction vehicle parking would be considered as part of the Construction Traffic Management Plan which would be submitted to Council before construction commences. The installation of traffic devices in any area is subject to Council's adopted criteria for traffic management works. Rate payer funded services continue as normal throughout any construction project

Recommendation:

It is recommended that the Screen Australia site at 101 Eton Road replace the R4 zoning with R1 and a site specific DCP be prepared to ensure the site is developed in a way that preserves its value and preserves the amenity of adjacent sites. It is also recommended that the word *Edgelea*

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be replaced with the words *Crimson Hill* in the title and wording of cl 6.11 and that *Exhibition Homes* and *Building Identification Signage* be included in cl 2.8 Zone R1 (3) permitted with consent of the KLEP written instrument. Further, it is recommended that the zone boundary be aligned with the approved cadastral boundary between Lot 5 and part Lot 1 in the north east of the site.

It should also be noted that there are proposed amendments to the biodiversity mapping and E3 Environmental Management zone applying to the DHA site at 100 Eton Road. Details of these changes are contained in Parts 5 and 6 of this report.

PART 4 - SUBMISSIONS ON HERITAGE ISSUES

The following parts present the key issues raised in the heritage submissions on both items and heritage conservation areas and a brief discussion around the reasons for the recommendations made in this Report. For a detailed summary of all submissions, please refer to **Attachment A5** at the end of this document.

Heritage Items

The following list of properties the owners have made detailed submissions on the proposed individual heritage listings, supported by detailed heritage submissions and/or heritage consultant assessments, the following properties are not located within a draft heritage conservation area, so are not covered by the general HCA provisions.

Detailed submissions were received for the following properties;

- 60 - 62 Pentecost Ave, Pymble;
- 66 Pentecost Avenue, Pymble;
- 6 Munderah Street, Wahroonga;
- 10 Munderah Street, Wahroonga;
- 51 Warrangi Street, Turramurra;
- 59 Warrangi Street, , Turramurra;
- Neringah Hospital Site- 2-12 Neringah Avenue South, Wahroonga;
- 12 Bobbin Head Road, Pymble;
- 88 Fox Valley Road, Wahroonga; and
- 33 Grandview Street, Pymble.

Discussion:

The heritage process recognises that the sites might change or might have additional values associated with them over time or alternatively there may be changes that reduce or alter the heritage value of an item e.g. changes in the context or setting through surround development.

In the absence of a formal heritage listing on these properties over the past years, there may have been alterations and additions approved that have impacted their level of heritage significance.

The historical significance of some these properties are well supported by evidence, however additional assessments are required through detailed site visits to review the:

- extent of alterations and additions; and

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- changes to context and setting.

In some cases a comparative analysis of the dwelling types is required to establish if the properties under review, are the most representative of their style and in terms of their condition and locational setting.

It is also acknowledged in some cases, Council has not undertaken any further review of proposed listings due to a lack of resources and/ or a focus on other heritage priorities (e.g. identification and listing of new HCAs).

Recommendation:

It is recommended that further detailed heritage assessment of these properties be undertaken to determine if the properties should be listed on Council's LEP. This will also allow for further consultation and feedback from the owners and the community prior to making a further recommendation on its listing and re inclusion in a formal planning proposal for Council's consideration.

Heritage Items- list of items requiring further detailed research and noted errors

Discussion:

A further internal review of the proposed heritage items within Schedule 5 of draft KLEP 2013 has also identified a list of heritage items that have only limited heritage research. An error was originally made in generating the heritage data base map, which inadvertently included potential heritage items identified by previous heritage reviews.

These are listed in **Attachment A9 Part A** and are located outside of the proposed Heritage Conservation Areas. These properties were originally identified in previous heritage consultants reviews (e.g. Paul Davies Pty Ltd), architectural/ heritage organisations e.g. Royal Australian Institute of Architects, internal heritage staff, or by Council's former Heritage Reference Committee.

Some of these potential items may have sufficient heritage value to warrant a formal listing, while others have been subject to change over the past years including demolition, significant alterations/additions and/or a change to their setting (adjoining development or development in the vicinity) and therefore require additional heritage assessment.

There are other properties known as errors and/or have been subject to previous Council resolutions to be removed from the heritage list. These sites do not warrant further research. These sites are listed in **Attachment A9 Part B**. It is recommended these be properties removed from draft KLEP 2013 Schedule 5- Heritage items.

Recommendation

The list of properties identified in **Attachment A9 Part A** be removed from draft KLEP 2013 Schedule 5- Heritage items and be subject to further heritage assessment and review, prior to being reported back to Council for inclusion in a new planning proposal. The sites listed in **Attachment A9Part B** are to be deleted from Draft KLEP 2013 Schedule 5 Heritage Items.

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Heritage Conservation Areas

There are 29 HCAs in the draft KLEP. Their boundaries are largely based on the recommendations of the most recent heritage studies conducted in 2010 and represent some of the best heritage streetscapes within Ku-ring-gai. During the public exhibition of KLEP, many submissions on HCAs were received. The individual submissions are addressed in detail in the Heritage Submission Summary Tables at **Attachment A5**. Key issues and recommendations from the submissions are discussed below.

Impact of draft HCAs on property values and cost of development

Several submissions were received objecting to the creation of HCAs on financial and/or economic grounds. Inclusion within an HCA would result in:

- a decline in property values;
- prices for houses within HCAs being lower than those outside HCAs; and
- increased cost of development.

Discussion:

To address in advance fears over property values being affected by heritage listing, Council included independent research on the effect of heritage listing on real estate prices in the public exhibition supporting material.

The majority of studies found that listing had marginal impact on house prices and in several instances the effect was positive. Armitage and Irons (2005), for example, attributed the positive effects on house prices in heritage precincts to the increased consistency and greater certainty of character in an area.

The concern expressed over increased cost of development was related to a perception that HCAs require higher-quality, therefore more expensive, works and the extra costs related to Council approval and consent. While inclusion in an HCA does result in different controls applying to development, it does not follow that development will be more expensive. These matters are at the discretion of the applicant. In some cases, sensitive additions and alterations to existing properties will be less expensive than demolishing and rebuilding.

Recommendation:

No change recommended.

Impact of draft HCAs on owners' ability to make changes to their property

This was the subject of many submissions. Concerns were expressed that inclusion within an HCA would:

- limit owners' ability to make changes to their property;
- create additional planning controls; and
- result in a loss of development potential.

Discussion:

While inclusion within an HCA does not preclude future new development, it does result in additional controls and restrictions. For example:

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- additions located at rear and not visible, or at the least not visually dominant, from the street;
- demolition of contributory sites for new builds generally not supported;
- additional storeys on single storey buildings generally not supported;
- lot subdivision or amalgamation may not be supported;
- rendering and painting of original face brick and previously unpainted surfaces is strongly discouraged;
- it may be possible to demolish a neutral or non-contributory building within an HCA provided the significance of the HCA is not adversely affected; and
- new dwellings and demolitions are not complying development under the Housing and Demolition Codes, thereby requiring development consent.

Development is still permitted provided the applicant is able to demonstrate that the significance of the HCA will not be detrimentally affected and the application is supported by a heritage impact statement. While this will result in property owners requiring development consent for major works, this additional requirement needs to be weighed up against the benefits of inclusion within an HCA in terms of overall higher quality and sympathetic development promoted by the HCA and associated DCP controls.

Recommendation:

No change recommended.

Unable to demolish and rebuild on a site within an HCA

This was a major concern for owners who bought property before the creation of the draft HCAs with the intention of demolishing an existing house and building a new one.

Discussion:

It should be noted that the creation of HCAs does not preclude future development as discussed above.

It is also possible (and preferable) that sensitive alterations and additions to existing houses will provide the desired increased amenity together with the benefits that accrue from inclusion within an HCA such as the conservation of historic fabric, architectural quality and streetscape consistency.

Recommendation:

No change recommended.

Uncertainty over future development controls

Several submissions expressed concern that the creation of HCAs created uncertainty as to the what property owners could do to their properties in the future.

Discussion:

This uncertainty was possibly due to HCAs being a new planning control in Ku-ring-gai with many long-term residents having no experience of HCAs.

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Development controls for the proposed heritage conservation areas will be very similar to those in the current Local Centres DCP and the main objectives of these controls are:

- to ensure new development retains the historic and aesthetic character of the HCA;
- to ensure new development minimises the visual impact upon the HCA and its streetscapes through appropriate design and siting; and
- to ensure that original building elements are retained and where new elements occur that the design is clearly related to the proportions, placement and scale of patterns of the existing HCA.

Recommendation:

No change recommended.

Some HCAs do not have heritage significance and many streetscapes lack cohesion and architectural integrity

Several submissions challenged the basis of the draft HCAs due to a perception that they lack architectural cohesion and integrity due to later alterations and additions.

Discussion:

Development in Ku-ring-gai has occurred in several waves. Early development includes large homes with the large garden estates, a few from the Victorian period, many from the Federation and Inter-war periods. In the mid-late 20th century these lots were subdivided and new housing introduced. The result is several historical layers and buildings of different styles and ages readily occur within the one streetscape.

This explains the perception that streetscapes lack significance and cohesion.

This aspect of Ku-ring-gai's built character is acknowledged in the various heritage studies. The statements of significance for the draft HCAs reflect the variety of built forms and the different phases of development. All the draft HCAs have been mapped to identify significant, contributory, neutral and non-contributory sites and several have been subject to built-era mapping as well.

Given the degree of concurrence between the different heritage studies and the number of statutory and non-statutory public exhibitions, Council can feel confident that the current draft HCAs can withstand scrutiny as areas with identified heritage significance.

Later alterations and additions have been approved according to the planning controls in place at the time.

Council supports the creation of HCAs to provide statutory protection for areas of identified heritage significance. This will ensure that future alterations and additions will contribute to the HCAs, not detract from them.

Recommendation:

No change recommended.

Recent vendors/purchasers unaware of draft HCA at time of sale/purchase

A small number of submissions were received where new owners were not aware of the draft listing of their properties.

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Discussion:

This issue arises when HCAs became draft after the sale/purchase of a property has been initiated. As a result, the s149 certificates does not accurately reflect the heritage status of the area or the property at the time the sale is completed.

The process of making a new LEP takes place over a period of time. S149 certificates are only current on the day they are issued. It is the responsibility of purchasers to ensure they are current at the time of purchase.

Recommendation:

No change recommended.

Support for HCAs

Many submissions were received in support of the draft HCAs. Particular support was received for the Treatts Road (HCA C25A Stanhope Road and HCA C26 Oliver Grant), Mahratta (HCA C4) and Archbold Farms (HCA C34).

Discussion:

For many, the inclusion of HCAs in the LEP is the culmination of years of volunteer work and community consultation. For these community members, the conservation of their local communities has been long awaited and is welcomed.

Recommendation:

No change recommended.

Request for the inclusion within an HCA of the area around Middle Harbour Road not included in any draft HCA

One submission queried the exclusion of a number of streets, including Middle Harbour Road from any HCA and argued the area includes fine examples of Federation era homes and Californian Bungalows.

Discussion:

Investigation into previous advice regarding this area revealed an oversight.

The Post-Exhibition Report on the Draft South HCA Review was considered by Council on 28 June 2011. Council's planning staff recommended the exclusion of the streets above Chelmsford Avenue within the proposed HCA 3A/6A Clanville Conservation Area due to their not being within the original National Trust HCA or the amended Godden Mackay Logan HCA boundaries and having experienced considerable recent change. However, on revision, the area between the current draft HCAs C22 (Crown Blocks) and C32 (Clanville Estate) was mistakenly identified as excluded in earlier recommended HCAs.

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This area was included within the HCA 6 (Lindfield) in the 1996 Robertson and Hindmarsh/NT conservation areas. It was also included in the Lindfield conservation area recommended by Godden Mackay Logan in 2001. It was included in the 2010 South HCA Review within the Clanville Estate (HCA3A-6A).

Godden Mackay Logan's 2001 description and assessment of the Lindfield HCA makes mention of the 'large number of high-quality intact significant houses of the Federation and Inter-war period' in Middle Harbour Road amongst others. The report also refers to the high visual amenity and landscape qualities within the proposed HCA.

The 2010 South HCA Review describes Middle Harbour Road as one of a number of streets of high quality due to the combination of street trees and intact housing.

Recommendation:

It is recommended that Council consider a review of the previously excluded area around Middle Harbour Road to determine its significance and the extent of recent change with the view to its re-inclusion as an HCA or to identify and assess potential new heritage items.

Request for the inclusion within HCAs of areas of Pymble based on the 1996 National Trust HCAs 17 and 18

A number of detailed submissions were received from Pymble residents expressing concern over the heritage management of the former National Trust HCAs 17 and 18 (east and west Pymble). Their concerns can be summarised as:

- historical subdivision layouts as the preferred basis for HCAs;
- definitions of "contributory" when assessing potential HCAs;
- use of streets as the boundaries of HCAs;
- larger HCAs to allow remediation of areas with later intrusive development;
- the more modest scale of West Pymble has not been sufficiently recognised for its heritage values; and
- specific requests for the inclusion of potential items.

The submissions are accompanied by recently commissioned reviews of HCAs 17 and 18 by Architectural Projects (April 2013).

Discussion:

Overall, the submissions express a strong desire to a return to the HCAs 17 and 18 in the 2008 HCA boundaries in the 2001 Godden Mackay Logan Heritage Study.

The concerns of residents regarding the differing approaches have been brought to the attention of Council many times.

These community concerns have been addressed with subsequent additional reviews of North HCAs by independent consultants. All consultants have used and referred to the proposed 1996-1998 National Trust conservation areas and HCA assessment by Godden Mackay Logan in 2000.

Most recently, Council resolved on 2 December 2011 to commission of an additional peer review of the north HCAs. This HCA review was completed in April 2013 by Sue Jackson-Stepowski and

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Carste Studios and the results are reported elsewhere in these Council papers. An additional peer review of Gilroy Road, Turramurra was added following a Council Resolution on 22 May 2012.

The HCA peer review largely addresses the concerns raised in these submissions and requests for additional HCAs in the Pymble area. The requested individual items are either already included in Schedule 5 of the Local Centres LEP or are on the draft KLEP Schedule 5.

The exception is 5 Avon Road Pymble which has been removed from Schedule 5 due to fire damage.

Recommendation:

Refer to the separate Council Report on the 2013 Sue Jackson-Stepowski and CARSTE Studio North HCA Peer Review where it is recommended that the 2013 Peer Review of Potential Heritage Conservation Areas (HCAs) – North Sector, including Gilroy Road be placed on non-statutory exhibition.

Requests for individual properties to be excluded from HCAs

A number of requests were received for individual properties to be excluded from an HCA:

- 18 Culworth Avenue, Killara from HCA C24 Marian Street;
- 23 Boomerang Street, Turramurra from HCA CA Ku-ring-gai Avenue;
- 29 Burns Road, Wahroonga (remove as a contributory building from HCA C1 Wahroonga contribution map;
- 5-9 Cecil Street, Gordon (within Local Centres LEP) and 22-26 Cecil Street, Gordon from HCA C19 Smith Grant;
- 1564 and 1566 Pacific Highway, Wahroonga from HCA C4 Mahratta;
- 26 Lord Street, Roseville and 39 Victoria Street, Roseville from HCA C24 Clanville;
- 24-34 Stanhope Rd, Killara owned by Dalcross Hospital within HCA25C Stanhope Road;
- 26, 30 and 34 McIntosh Street, Gordon from HCA C15 Gordon;
- 34 Marjorie Street, Roseville within HCA C32 Clanville;
- 44 Archbold Road, Roseville within HCA C32 Clanville; and
- 38 Billyard Avenue, Wahroonga within HCA C4 Mahratta

Discussion:

Generally speaking, the removal of individual properties from HCAs is not supported.

The individual circumstances of the above properties within HCAs are addressed in the submissions table. In assessing the submissions, staff visited the properties and their immediate streetscape. Staff also consulted the 2010 North and South HCA Reviews to determine how the properties had been ranked in the contributions maps and assessed the properties in relation to the inventory sheets prepared for each HCA.

In most cases, if an individual property within HCA was:

1. ranked as contributory;
2. located within a precinct of intact contributory housing;
3. located on the boundary of an adjoining HCA; and
4. specifically noted in the 2010 North and South HCA Reviews or its streetscape was noted.

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The recommendation was made to retain the property within the HCA.

It should be noted that sites within HCAs ranked as neutral or uncharacteristic will allow greater levels of development than those ranked as contributory.

Recommendations:

In the following two cases, it is recommended to remove these properties from the HCA:

- 18 Culworth Avenue, Killara from HCA C24 Marian Street – see discussion following.
- 38 Billyard Avenue, Wahroonga within HCA C4 Mahratta – a recently constructed house on the boundary of the HCA.

Request for Bromborough Road within HCA C37 Garden of Roseville to be removed from the HCA.

Several submissions, including a petition claiming to represent 81% of residents, objected to the inclusion of Bromborough Road within the draft HCA C37 Garden of Roseville due to additional restrictions and that the option to knock-down a poorly designed and very poorly maintained home will be more difficult.

Discussion:

Bromborough Road lies within HCA C37 Garden of Roseville and was recommended as an HCA in the 2010 South HCA Review by Architectural Projects. The 2010 contribution map assessed the majority of Bromborough Road as contributory.

The 2010 South HCA Review concluded that the HCA has “high aesthetic significance as a highly intact and consistent early twentieth century development. The HCA has high aesthetic significance for the high proportion of quality houses including Bayswater Road and Bromborough Road.”

The current boundary of the draft HCA within KLEP 2013 conforms to the HCA boundary in the KPSO (which incorporates LEP 218) gazetted on 5 July 2013. Bromborough Road is a major component of the HCA and its removal would compromise its viability.

While the petition represents many residents, several names on the petition are co-owners of the same property and seven signatures own houses rated as neutral or uncharacteristic.

The residents’ concerns are possibly due to the fact that HCAs are a new planning control in Kuring-gai and long-term residents have little experience of their operation. Concerns over development restrictions need to be weighed up against the benefits of inclusion within an HCA in terms of overall higher quality and sympathetic development promoted by the HCA and associated DCP controls. In addition, neutral or uncharacteristic sites will allow greater development than those assessed as significant or contributory. Without HCA listing and corresponding DCP controls there is no guarantee that rebuilt buildings will respect the historic character.

Recommendation:

No change recommended to the KLEP. It is recommended that Bromborough Road be retained within the HCA because of its high degree of intactness. One house currently under construction

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was approved before the draft HCA was created and represents the kind of undesirable development within an historic residential streetscape that HCAs are designed to control and limit.

Request for Tryon Road within HCA C22 Crown Blocks to be removed from the HCA

A large number of submissions from Tryon Road residents were received objecting to the inclusion of 30-48 Tryon Rd Lindfield within HCA C22 Crown Blocks.

The main objections raised were the lack of a consistent style or period of construction in Tryon Road, and that all the buildings in Tryon Road have had alterations and additions and lacked integrity. It was also argued that inclusion within the HCA was a restriction on future development.

Discussion:

The area covered by the Crown Blocks Estate (including Tryon Road) has been reviewed in four separate heritage studies, all of which found in favour of retaining Tryon Road within an HCA:

- National Trust conservation areas in 1996;
- Godden Mackay Logan proposed HCAs in 2002;
- Architectural Projects South Review HCAs in 2010; and
- peer review of the Crown Blocks HCA by Perumal Murphy Alessi in early 2013.

The 2013 Perumal Murphy Alessi review was sought to address residents' concerns over the inclusion of Tryon Road within the draft HCA following the public exhibition of LEP 218 for Biodiversity, Riparian Land and Heritage Conservation Areas.

On 13 November 2012 Council resolved to commission a further review of the HCA applying to Tryon Road, Lindfield.

The three most recent heritage reviews(2002, 2010 and 2013) included contribution maps and each review ranked the majority of buildings in Tryon Road as contributory.

The 2013 Perumal Murphy Alessi review found additional neutral properties in Tyron Road which reflect recent developments in the street. However, no buildings were assessed as detracting and the majority were considered contributory. The review makes the following observation:

"Many of the identified contributory items within this study are aged between 80 and 100 years old. Buildings of this age are rarely completely intact in their original form, fabric and style. It is recognised that modifications and additions are often necessary to allow the continued use of the building in a modern age. Consideration has been given to this requirement for change and the contributory items have been assessed with the consideration of the degree of change and its impact on the historical and visual character of the item and its contribution to the area when viewed from a public place."

Council's Heritage officer visited Tryon Road in June 2013 and concurs with the most recent assessment that the streetscape includes properties that have undergone change but are substantially intact. These contribute to the streetscape and warrant the retention of Tryon Road within the HCA.

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Contrary to the arguments that Tryon Road lacks a consistent style or period of construction, the Council's Heritage Officer found that the majority of the contributory properties are single-storey, detached inter-war bungalows. Some have been rendered and painted but are substantially intact retaining their original built forms, roofs and materials. Several properties are original and highly intact. Tryon Road conforms to the assessment of the Crown Blocks HCA as:

'of local historic and aesthetic significance as a good and largely intact residential precinct characterised by streetscapes of good, high quality examples of single detached houses from the Federation, Inter-war and Post-war periods.'

Recommendation:

It is recommended that Tryon Road be retained within the Crown Blocks HCA.

Re-inclusion of Boundary Street, Roseville within HCA C32 Clanville

A number of submissions (six in total) objected to the re-inclusion of Boundary Street, Roseville within HCA C32 – Clanville.

Discussion:

Boundary Street between Spearman Street and Archbold Road was not originally included in the draft Clanville HCA within LEP 218. On 13 November 2012, following the public exhibition for LEP 218, Council resolved to amend the draft HCA to re-include Boundary Street, Roseville, as per the original recommendation in the 2010 South HCA Review.

The contribution map for the South HCA Review (2010) by Architectural Projects assessed every building as contributory along this section of Boundary Street.

Concerns over a perceived decline in property values and increased costs of renovations are probably due to a lack of familiarity with HCAs within Ku-ring-gai. During several recent public exhibitions, Council provided copies of independent research on the effect of heritage listing on property values. There is no strong evidence that heritage listing directly increases or decreases property values.

Council's Heritage Officer visited Boundary Street in May 2013 and concurs with the South HCA Review (2010) that the street warrants inclusion within the HCA and that most, if not all the buildings are contributory with several intact and high-quality examples of Federation and inter-war housing.

In addition, Boundary Street is the LGA boundary between Ku-ring-gai and Willoughby Councils. The area directly south lies within a large gazetted HCA and, together with the Clanville HCA, forms a continuous conservation area spanning the two LGAs.

Recommendation:

It is recommended that Boundary Street be retained within the Clanville HCA.

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The property owners concerns over excessive noise and road traffic are noted. It is recommended that additional specific controls for Boundary Street be included within the accompanying DCP to encourage noise mitigation such as double glazing.

18 Culworth Ave Killara and adjacent car park

One submission was received in relation to 18 Culworth Avenue and adjacent council-owned car park. The submission suggested these sites should be excluded from HCA C24 Marian Street. Both sites are zoned R4 which is incompatible with the general character of the conservation area and the size of the allotment.

Discussion:

18 Culworth Avenue was assessed as neutral in 2005 by Godden Mackay Logan and contributory by Architectural Projects in 2010. The property is a modest, post-war, two-storey, red brick duplex.

It is adjacent to a draft heritage item, The Dorchester, at 1 Marian Street which is zoned R4. The Dorchester's current built form closely matches that of the zoning so the zoning is not in strong conflict with its heritage significance.

The car park was assessed as contributory in 2005 by Godden Mackay Logan and neutral by Architectural Projects in 2010. The car park has no built items. Its heritage significance appears to refer to the mature trees on the site which are protected under other Council controls.

The draft R4 zoning will provide for future development on the site similar to the 2(d) zone zoning from the KPSO.

An HCA boundary adjustment that excludes 18 Culworth Avenue and the adjacent car park is justified on the grounds that 18 Culworth Ave and the car park do not make a significant contribution to the HCA in its current state.

It should be noted that clause 5.10(5) of the draft KLEP ensures protection of heritage items, and 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. These controls and the individual listing of the Dorchester at 1 Marian Street will be sufficient to protect their heritage significance.

Recommendation:

It is recommended that the C24 Marian Street HCA boundary be adjusted to exclude the area currently covered by the draft R4 zones.

Knox Grammar School within HCA C2 Heydon Avenue, Warrawee/Woodville Avenue, Wahroonga

A detailed submission including appendices, was prepared on behalf of Knox Grammar School requesting that the school and other school-owned properties be removed from the proposed HCA C2 or that HCA C2 be abolished altogether. A further letter from Knox reiterating these points was also received.

The heritage consultants acting for the school base their objections on the SHI form not providing sufficient evidence or justification for the school's inclusion. They argue the school does not

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conform to the character statements for surrounding residential development and that it is a distinct 'island' with a separate institutional and educational character, and that the school is 'unrelated' to any of the identified aspects within the HCA statement of significance.

The submissions also query the whole HCA and argue that there is insufficient justification for the HCA due to an inadequate number of heritage items. The submissions describe the area as having 'very ordinary (if any) significance in terms of Ku-ring-gai's cultural heritage'.

Discussion:

HCA C2, including Knox school, has consistently been assessed as a single HCA in three separate independent studies between 1996 and 2010:

- the 1996 National Trust study by Robertson and Hindmarsh found that 'the area is divided into two sections by the campus of Knox Grammar School which also contains excellent examples of interwar institutional buildings.;
- the 2005 study by Godden Mackay Logan recommended an HCA covering approximately the same area as the current draft HCA: 'the area between the Pacific Highway and the railway line is a potential conservation area, comprising inter-war housing set within an established landscape, part of which is Knox Grammar School.' The accompanying contribution map identifies the school as a contributory item; and
- the 2010 study by Paul Davies recommended a conservation area slightly larger than the current draft HCA boundary. The inventory sheet describes the area as 'having a strong historical association with Knox Grammar School, established within the area in the inter-war period and the Warrawee Bowling Club, established in 1907.' Given that the overall significance of the HCA is that of a residential precinct of fine Federation and inter-war period streetscapes', the inventory sheet does link the construction and the quality of the early school buildings with that of the wider HCA via the link between the school's establishment at the same time as the residential streets and their common inter-war style features and high-quality architectural value.

The 2010 Paul Davies report recommended selected buildings within Knox School be further investigated as potential heritage items.

The 2010 Paul Davies study provided individual contribution maps for all recommended HCAs. In the case of HCA C2, the contribution map considered every building in the HCA and identified listed items, contributory, neutral and uncharacteristic items and vacant sites. The contribution map reveals an absolute majority of buildings in the HCA are listed items and contributory sites, including Knox Grammar and the Warrawee Bowling Club. No uncharacteristic sites were identified. This high concentration of identified sites and lack of non-contributory sites makes HCA C2 unique in the area and in relation to other nearby and adjacent HCAs. In addition, two sites at 1421 Pacific Highway and A2 Heydon Avenue are not identified and are mapping errors as the sites are occupied by pre-WWI villas. Other sites not identified include Warrawee Park at the end of Borambil Street and 22 Heydon Avenue which is a battle axe allotment which the consultants did not view.

It does not follow, then that the various heritage studies over time have failed to link the historical and architectural significance of Knox School and its connection with the surrounding residential

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streets. The submissions on behalf of Knox Grammar fail to acknowledge the consistent identification of the area as a draft HCA since 1996, the identification of Knox School as a potential heritage item in its own right, and the high number of listed and identified contributory items.

In addition, the number of listed items is not a valid measure for the creation of an HCA. HCAs are determined by a range of characteristics: architectural styles and quality, street plantings, subdivision pattern, remnant vegetation, private gardens, public domain features, topography, views and overall historical and aesthetic consistency and cohesion. HCAs are broader in concept than individual heritage listings and, while they generally include a number of listed heritage items, this is not a requirement for their creation.

The submissions on behalf of Knox Grammar describe the area as having 'very ordinary (if any) significance in terms of Ku-ring-gai's cultural heritage'.

HCA C2 is anything but an ordinary. It is a small enclave of high-quality Federation and Inter-War buildings which display high-level historic and aesthetic significance and this assessment has been confirmed by three independent heritage studies since 1996.

In response to the comment in the Knox School submission that the 2010 Paul Davies HCA SHI form does not provide sufficient evidence and justification for the schools inclusion, Council has undertaken further research and assessment of the HCA and expanded and amended the SHI form see Heydon Ave, Warrawee & Woodville Ave Wahroonga Heritage conservation Area (HCA C2 – 2013) **Attachment A10**.

During the recent public exhibition no objections were received by other property owners in the streets surrounding Knox Grammar to the creation of the HCA.

Recommendation:

No change to the boundary of HCA C2 is recommended; however should Knox wish to pursue this matter they have the option to submit a formal Planning Proposal to Council with planning justifications evidence that supports their request to remove the school site from HCA C2. This will enable a fair and transparent process to occur through consultation and exhibition of the proposed modification that has not been possible through the draft KLEP process. It is also recommended that Council's heritage inventory sheet for HCA C2 be amended to include evidence of, and support for, the historical and architectural significance of Knox School, including its institutional and educational character which make significant and unique contribution to HCA C2.

PART 5 - SUBMISSIONS ON ENVIRONMENTAL AND ECOLOGICAL ISSUES

The following parts present the key issues raised in the submissions and a brief discussion around the reasons for the recommendations made in this Report. For a detailed summary of all submissions, please refer to **Attachment A6** at the end of this document.

Biodiversity

A number of submissions were received highlighting resident issues with sections of the biodiversity lands mapping. The primary issues raised within the submission were:

- perceived restrictions on use created by biodiversity mapping;

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- questions relating to the process used to produce biodiversity map ;
- request to include additional remnant vegetation within the biodiversity mapping;
- concern regarding whether threatened ecological communities exist on their lands. This related primarily to where communities were degraded and consisted of scattered canopy above cleared, or non-local / non-native vegetation. Council has reviewed these sites and are of the opinion that they meet the requirements to be listed as Threatened Ecological Communities under the NSW *Threatened Species Conservation Act 1995*; and
- questions and concerns regarding use of Biodiversity mapping and values to determine E2 and E4 zoning (as elaborated on within Part 6 of this report).

Discussion:

In addition to submissions responses made within summary tables, further information regarding:

- permitted use within biodiversity mapping (or Greenweb lands) are addressed in detail contained in Draft DCP controls (for examples of what these are likely to look like see Ku-ring-gai Local Centres Development Control Plan; and
- the method used to produce the biodiversity lands and Greenweb map is provided within the Ku-ring-gai Biodiversity and Riparian Lands Background Study (as exhibited).

Conservation significance mapping within the LGA was created for incorporation into the KLEP and DCP, to highlight areas of biodiversity importance and provide triggers for consideration of biodiversity provisions. This mapping contains 5 categories of biodiversity significance and was adopted as Greenweb mapping within the Ku-ring-gai Local Centres DCP. Biodiversity mapping within the KLEP, combines Greenweb Categories 1 – 4, to create a single overlay.

Following the public exhibition and submission review, the biodiversity overlay was rerun using refined data. The revised mapping is provided within **Attachment A11**.

Variation between the exhibited draft and the proposed final biodiversity overlay consist of addition and contractions to the external extent as well as changes to DCP level categories. These variations are provided within **Attachment A12**.

These variations have resulted from changes to the following:

- riparian overlay mapping (as outlined within Riparian section below);
- vegetation mapping refinements directed by Council staff feedback, opportunistic desktop updates and LEP submissions. Submission related changes were made at:
 - o 4 Gilda Avenue, Wahroonga;
 - o 34 Banks Avenue, North Turramurra;
 - o 28A Duff Street, Turramurra;
 - o 121 Mona Vale Road, St Ives;
 - o 7 Korangi Road, Pymble;
 - o 47 Highfield Rd, Lindfield;

Vegetation mapping refinements were undertaken through both field validation and aerial photograph interpretation (primarily using 2010 aerials). This affects numerous sites, includes 4 Binalong Street West Pymble (where vegetation edits resulted in removal of non-native / non

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local vegetation and exclusion of remnant areas from the biodiversity overlay, now mapped in Category 5 Greenweb mapping).

- contractions to Regional Fauna Habitat Mapping, at the following locations:
 - o 20 to 30 Craiglands Avenue, Gordon;
 - o 100 Eton Road, Lindfield - DHA and adjacent UTS site;
- contractions to Local Fauna Habitat Mapping, along properties adjoining the south-eastern edge of Avondale Golf course (2,4, 6, 8 Coventry Place, 4 Emerstan Dr, 17, 19, 21 Doncaster Avenue, 7, 9 Avondale Place, 39, 41, 51, 53, 63, 65 Wyomee Avenue);
- removal of Natural area mapping in accordance with approved methodology at 1A Bell St Killara. Resulting in a contraction of the Biodiversity mapping within this area;
- incorporation of reclassification to remove natural areas at 90 Babbage Road, changing Greenweb mapping from Category 1 (due to natural area status) to Category 2 (due to mapping as local fauna habitat) and
- correction of Greenweb mapping error at corner of Eastern and Burn road Wahroonga, to include exhibited riparian mapping.

Recommendation:

It is recommended that Biodiversity mapping in **Attachment A11** be adopted.

Riparian

A number of submissions were received highlighting resident issues with sections of the riparian lands mapping. The primary issues raised within the submission were:

- perceived restrictions on use created by riparian lands mapping;
- questions relating to the process used to produce the riparian lands map ;
- the size of riparian buffers, particularly at the interface between residential and natural areas; and
- the alignment of some mapped riparian lands.

Many of these submissions, particularly those related to the permitted use within riparian lands and the method used to produce the riparian lands map are addressed by detail contained in the DCP controls or the Biodiversity and Riparian Lands Background Study, as outlined in the submission tables.

Discussion:

All sites highlighting issues with the buffer extent or alignment of the riparian lands map were investigated through desktop analysis. In some cases site visits were undertaken to confirm issues raised which were unclear following the initial investigation.

As a result of this additional investigation and site inspection some minor changes to the Riparian Lands overlay are recommended. Sites recommended for minor changes include:

- 59 Campbell Drive, Wahroonga – change section of riparian lands through No. 59 from category 1 to category 2, reflecting the connectivity through the residential area;
- 43 Griffith Ave, Roseville – amend mapping to reflect separate waterways present on site;

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- 4 Gilda Ave, Wahroonga – change mapping to include piped section as category 3a;
- 203-207 Fox Valley Road, Wahroonga – change mapping on these properties from category 1 to category 2 accounting for the developed nature of this section;
- 15 Morona Ave, Wahroonga – change riparian mapping in reserve next to No.15 from category 1 to category 2 to reflect the shape of the reserve; and
- 10 Taylor Street, Gordon – change riparian mapping in reserve at No.10 Taylor Street from category 1 to category 2, extending to the stormwater outlet from Waugoola Street.

The minor changes recommended above are shown in **Attachment A13**.

In addition to the submissions received from the community in response to the exhibition there are some additional sites that have been highlighted by staff where sections of waterways have been missed on the riparian lands mapping. As each of these sites have identified an addition to the riparian lands map these are considered major amendments. As such they are not proposed to be added at this stage, rather they will be part of a future planning proposal to amend the KLEP. These sites are located at:

- corner of Woniora Ave to Woonona Ave Nth, Wahroonga;
- Ortona Road to Westbourne Road, Lindfield; and
- 90/92 Babbage Road, Roseville

Recommendation:

It is recommended that changes to Riparian Mapping be adopted as per **Attachment A13**

Major changes including the three additional reaches are to be included in a future planning proposal to amend the KLEP.

Bushfire

Key Issues Raised:

- Questions and concerns regarding E3 zoning (as elaborated on within Part 6 of this report).
- House size restrictions of properties in Bushfire-prone areas (as elaborated on within Part 6 of this report).
- Queries regarding Bushfire Prone Lands mapping and advice for construction standards on private properties.
- That current controls adequately deal with Bushfire concerns.
- Concern about the application of evacuation routes (Bushfire Study – Appendix D) (as addressed within Part 6 of this report).
- Lack of Council action and increase restrictions in regards to clearing of vegetation in escape routes and private properties.
- Lack of detailed provisions for building materials and planting in E3 zones

Discussion:

A number of the submissions raise concerns regarding bushfire risk management or provision of details proposed to be included within the Ku-ring-gai Development Control Plan, rather than KLEP related issues. Whilst these have been addressed within submissions (**Attachment A6**), it

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should also be noted that management recommendations beyond those applying to the KLEP are provided within the KLEP background study '*Managing Bushfire risk, now and into the future*' (as exhibited).

Ku-ring-gai Council maintains a Bush Fire Prone Land (BFPL) map that is owned by the NSW Rural Fire Service. Under the *Rural Fires Act 1997* and *Environmental Planning and Assessment Act 1979*, councils are required to map bush fire prone land to identify areas/properties most at risk from bushfire and act as a trigger to guide appropriate development. This development is also guided by documents such as *Planning for Bushfire Protection* and *AS3959-2009 Construction of buildings in bushfire-prone areas*. The BFPL mapping is updated every 5 years or by special consent from the NSW Rural Fire Service Commissioner. Created in accordance with the *Bush Fire Prone Land Mapping Guideline (NSW Rural Fire Service, 2006)* and includes consideration of vegetation size, management and structure. The proposed KLEP E3 zoning will not influence future revisions of the Ku-ring-gai Bushfire Prone Lands Map. Nor will it affect bushfire risk management requirements including asset protection zone or construction standards relating to subdivision, or construction / alteration of buildings in bushfire-prone areas.

Ku-ring-gai Council is part of the Hornsby Ku-ring-gai Bush Fire Management Committee, with a representation from emergency services, land managers, environmental organisations, infrastructure and service providers. Each Committee is required to prepare a Bush Fire Risk Management Plan (BFRMP) to guide the strategic management of bush fire risk across the region. The risk plans detail strategies to minimise the risk of adverse impact of bush fires on life, property and the environment.

In addition to active bushfire mitigation and community education works, undertaken in accordance with the BFRMP (street meetings, fire trails, fuel load reduction and asset protection zones), council seek to manage bushfire risk through appropriate planning and building approvals.

The need for such an approach is supported by both the Ku-ring-gai's adaptation modelling (Climate Change Adaptation Strategy 2010) and Victorian Bushfires Royal Commission (2010) findings (see submission for further details).

Recommendation:

Council continue to implement appropriate bushfire mitigation works and community bushfire education as directed by the BRFMP. That recommended zoning provisions be adopted as outlined within Part 6 of this report.

PART 6 - SUBMISSIONS ON ENVIRONMENTAL ZONING ISSUES

The following parts present the key issues raised in the submissions and a brief discussion around the reasons for the recommendations made in this Report. For a detailed summary of all submissions, please refer to **Attachment A7** at the end of this document.

Zone E3 Environmental Management and bushfire risk

There were a significant number of submissions in relation to the application of the Zone E3 Environmental management. The main issues raised in submissions were as follows:

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- incorrect interpretation and application of Standard Instrument - Environmental Zones by Council. Inconsistencies with the LEP Practice Note PN09-002 and PN11-002 and the Planning White Paper. A lack of special ecological, scientific, cultural or aesthetic attributes to justify use of E3 zoning;
- inconsistent application of the of the evacuation risk assessment criteria. This included site specific objections to E3 or request for additional E3 areas based on interpretation of the E3 zonings assessment methodology;
- impact on property value through:
 - o identification as extreme bushfire risk;
 - o restrictions on secondary dwellings, child care and aged facilities;
 - o reduction of Floor Space Ratio in Bushfire prone areas;
 - o change in minimum subdivision to 1500spm;
- Council should pay compensation for property value impacts of E3 and E4 zoning;
- properties in E3 and E4 zone not be able to access to SEPP (Exempt and Complying Development) 2008. This will make it mandatory for most minor land uses to go through the DA process;
- objection to E3 on the grounds that the zoning will not reduce or mitigate the bushfire risk that already exist and have existed since development began in this area. Climate change has not increased fire danger;
- concern regarding a perceived focus by council on planning controls (eg. E3 zones) rather than on ground bushfire mitigation and better management of roads;
- objection to E3 based on ineffectiveness of using zoning measures to prevent bushfire risk;
- support for the E3 zoning of;
 - o Lot 31, 59 Miowera Road, North Turramurra; and
 - o the whole of North Turramurra.

Discussion:

Incorrect application of E3 Environmental management zoning

The Department of Planning and Infrastructure's LEP Practice Note PN09-002 advises that the E3 Environmental Management zone is '*for land where there are special ecological, scientific, cultural or aesthetic attributes or environmental hazards/processes that require careful consideration/management and for uses compatible with those values.*'

The proposed use of the E3 zone in the draft KLEP is a proactive approach to both the management of natural resources and the management of the environmental hazards caused by bushfire risk. These risks result from the historical development patterns in Ku-ring-gai which has seen fingers of bushland into residential areas protected from development and large residential sites which support an extensive tree canopy and areas of remnant bushland.

The application of the zone in the draft LEP, with the inclusion of the local objectives, is considered to be consistent with the practice note. Further, it also applies the land uses in the manner recommended in the practice note. PN 09-002 states that Councils should choose uses that do not have an adverse effect on the special values of the land. Dwelling houses are a mandatory permissible use. The practice note also identifies additional uses that may be suitable (as permitted with consent) depending on location, Of this list the E3 zone in the DKLEP has included:

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- bed and breakfast accommodation;
- building/identification signs and business identification signs (as exempt development);
- community facilities;
- environmental facilities;
- home business, home industry and home based child care; and
- recreation area.

The uses included in the E3 zone are considered to be consistent with the zone objective and maintain the integrity of the zone as required by the practice note.

In addition to the consultation with the RFS, the application of the E3 zoning was also subject to the scrutiny of the Department of Planning and Infrastructure (DP&I) and the Local Environmental Planning Panel who determine whether an LEP is satisfactory to proceed to public exhibition, and who have supported the use of the zoning. If the DP&I and/or the LEP Panel were of the view that the E3 had been applied in an inappropriate manner, a Gateway determination would not have been issued for exhibition of the LEP.

In regard to the claims that the use of the E3 zone is inconsistent with the planning changes flagged in the Planning White Paper, it is noted that the white paper relates to a proposed new planning system and has no statutory application. The KLEP is an environmental planning instrument being prepared under the existing *Environmental Planning and Assessment Act 1979* (EP&A Act). As such it needs to be prepared in accordance with the requirements of this legislation, including s117 Directions and the practice notes issued by the DP&I. The zoning has been justified against the relevant requirements to the satisfaction of DP&I. It would be inappropriate and unlawful to draft an instrument in accordance with possible changes alluded to in the White Paper.

It is noted that the new Planning Bill that was recently introduced into Parliament retains all existing zones from the Standard Instrument LEP under the EP&A Act. This is contrary to discussion in the white paper that zones would be rationalised, reflecting subsequent community. The new planning legislation, once made, will include transitional arrangements for how planning instrument prepared under the EP& Act are translated to the new planning system.

Inconsistent application and assessment of bushfire evacuation risk criteria.

The background study, *Managing Bushfire Risk Now and Into the Future*, provides details of the methodology for identifying areas to apply the E3 zone, namely:

- located within areas at extreme bushfire risk using the Bushfire Risk Management Plan (BFRMP) 2010 (HKBFMC, 2010. *Bush Fire Risk Management Plan*, Hornsby / Ku-ring-gai Bush Fire Management Committee and Bush Fire Coordinating Committee) as a guide; and
- within the 10 evacuation risk zones identified by the RFS 'Bushfire Prone Land Map and Bushfire Evacuation Risk Map' that do not meet the exit criteria identified by research by Cova, T, 2005, *Public safety in the urban-wildland interface: Should fire prone communities have a maximum occupancy ?*, Natural Hazards Review, vol. 6, No.3. pp. 99-108.

As a result of the application of the methodology, not all properties within the identified bushfire evacuation risk areas are included in the E3 zone due to the fact they do not meet one or neither of these criteria.

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In response to submissions challenging the application of the bushfire evacuation criteria, additional consultation undertaken with NSW Rural Fire Service (RFS) and NSW Police on evacuation and land zoning issues in the high evacuation risk areas in Ku-ring-gai. The key conclusions from this consultation were the following:

- Land use planning with regard to evacuation risk was a fluid problem and it would be difficult to define a cut-off. The area evacuated would depend on the incident, the fire, conditions and resources. In a worst case scenario (i.e. Catastrophic conditions) emergency services would be looking at evacuating more than those properties proposed as E3 in the draft KLEP. Properties in the R2 zone would also be at risk and need to be evacuated. The amount and location of formal evacuations will depend on the conditions, available resources and the most risk (on advice from the RFS).
- In terms of roads, Highway Patrol would be on primary feeder roads assisting in keeping these main exit roads flowing. Choke points in exit roads are critical and should be considered. There is a need to include other considerations in the methodology such as the chance of being isolated. E.g. the Commengarra Parkway at Howson Avenue as a single exit as the bushland to the north leaves the only feasible evacuation option to the south.
- It was identified that some areas are already complicated by the number of Special Fire Protection Purpose (SFPP) developments containing vulnerable people, including retirement villages, schools, hospitals and nursing homes (e.g. North Turramurra).
- The methodology should consider the inclusion of properties based on number of properties to exits including areas near the threshold, chance of isolation in an event and number of existing vulnerable facilities.
- Secondary dwellings (granny flats) do not pose as great an evacuation risk as SFPP developments. Even if properties weren't zoned E3 they may be restricted through Planning for Bushfire Protection 2006, especially for SFPP developments.

As a consequence of submissions received to the exhibition of the draft KLEP, and the further consultation undertaken with the RFS and NSW Police, a reassessment has been undertaken of the bushfire risk evacuation areas against the minimum No. of exits criteria used in the background study '*Managing Bushfire risk, now and into the future*'. As a result of the reassessment additional streets or catchments have been deemed not to satisfy the minimum number of exits criteria and therefore should be subject to the limited land uses and development standards of the environmental zoning. However, there have also been areas identified that do satisfy the minimum number of criteria and therefore should not be subject to the environmental zoning. These 13 areas are identified on the maps at **Attachment A14**.

Based on the advice from the emergencies service agencies responsible for evacuation, the following changes are also proposed to the zoning applying in these high risk areas:

- Apply the environmental zoning to all land in the evacuation risk zones identified by the RFS 'Bushfire Prone Land Map and Bushfire Evacuation Risk Map' that do not meet the exit criteria, not just those sites deemed to be extreme bushfire risk under the BFRMP. This will include areas proposed for R2 in the Draft KLEP.

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- Permit secondary dwellings within these zones but no SFPP developments. This would allow granny flats (population restricted by size, eg. 1-2 people) but not hospitals, childcare etc. Any additional structures such as a secondary dwelling would still need to comply with Planning for Bushfire Protection 2006 and Australian Standard Construction levels.

Secondary dwellings can currently be permissible in Ku-ring-gai under *State Environmental Planning Policy (Affordable Rental Housing) 2009*. Based on recent development approvals, there is not expected to be a significant take up of secondary dwellings. Although the number of complying development certificate being issued for secondary developments is unknown, only two such developments being approved by Council in Ku-ring-gai in 2012/2013. Also given the requirement that the combined floor space of a secondary dwelling and principal dwelling on a site cannot exceed the specified FSR for that site, it is not expected to result in any significant increase in populations in the bushfire evacuation risk areas.

By permitting secondary dwellings, it would align the land uses permitted in this area with the E4 Environmental Living zone. This would then facilitate the merging of the E3 zone with the E4 zone through transferring the additional local objectives relating to bushfire evacuation risk to the E4 zone. The development standards contained in the draft KLEP applying to these areas are to be retained. This includes the standards for minimum lot size and lot depth, floor space ratio and building height.

Given the extent of the changes to the methodology and zoning in these 13 areas, it is proposed that Council requests that the Minister defers the inclusion of these areas in the KLEP under S59(4) of the EP&A Act. This will allow Council to undertake further community consultation and re-exhibit the proposed changes prior to making a final decision. If deferred, it would mean that these 13 areas would remain under the Ku-ring-gai Planning Scheme Ordinance (KPSO) until the deferred matter was finalised.

The areas that are subject to the reassessment of evacuation risk and proposed zoning changes are identified on the maps at **Attachment A14**. The proposed zoning changes in the deferred areas are as follows:

Area 1: North Wahroonga

All land to be zoned E4 Environmental living except:

- o Land zoned E2 Environmental Conservation in the draft KLEP to retain exhibited zoning.

Area 2: North Turramurra:

All areas to be zoned E4 Environmental living except:

- o Land zoned B1 Neighbourhood Business, SP2 Educational establishment and RE1 Public Recreation in the draft KLEP to retain exhibited zoning.
- o The zoning applying to Lot 323 DP752031 (part of Glengarry) be amended so that the whole lot is zoned RE2 – Private recreation (refer to discussion below).

Area 3: Warrimoo Avenue

All land to be zoned E4 Environmental living except:

- o Nos 2, 4, 6, 8, 10, 12, 14, 16 and 18 Waipori Avenue, 149A, 151 and 153 Warrimoo Avenue and properties in Ovens Place to be zoned R2 Low Density Residential

Area 4 - Browns Rd - Fox Valley Rd - Jordon Avenue

All land to be zoned E4 Environmental living except:

- o 198, 200, 206, 208 and 208A The Comenarra Parkway to be zoned R2 Low Density Residential
- o Land zone E2 Environmental Conservation and RE1 Public Recreation in the draft KLEP to retain exhibited zoning

Area 5 - Campbell Drive

All Areas to be zoned R2 Low Density Residential except:

- o No.s 1, 3, 5, 7, 9 and 11 Cooper Crescent and 112 Campbell Drive to be zoned E4 Environmental Living

Area 6 - Howson Avenue

All land to be zoned E4 Environmental living.

Area 7 - Bowen Avenue

All land to be zoned E4 Environmental living

Area 8 - Ashburton Avenue

All land to be zoned E4 Environmental living

Area 9 - Parker Avenue - Evans Street

All land to be zoned E4 Environmental living

Area 10 - Boronga Avenue - Gloucester Avenue

All land to be zoned E4 Environmental living except:

- o Land zone RE1 Public Recreation in the draft KLEP to retain exhibited zoning

Area 11 - Eastern Arterial Road

All land to be zoned E4 Environmental living except:

- o A11, A9, A15, A17 and A19 Hunter Avenue to be zoned R2 Low Density Residential

Area 12 - East Killara

All areas to be zoned E4 Environmental living except:

- o Land zoned B1 Neighbourhood Business, SP2 infrastructure and RE1 Public Recreation in the draft KLEP to retain exhibited zoning.
- o No. 23 Wentworth Avenue and No.s 18 and 20 Fairburn Avenue to be zoned R2 Low Density Residential
- o Lot 32 DP28795 in Redfield Road zoned E2 Environmental Conservation in the draft KLEP to retain exhibited zoning.

NB. It is proposed to amend the zoning of the site at 20 Kanowar Avenue, East Killara from E2 Environmental Conservation to E4 Environmental living. Refer to the discussion elsewhere in this report regarding this matter.

Area 13 - Bradfield Road

All land to be zoned E4 Environmental living.

Placing environmental protection over safety of lives and property.

The main use of the E3 zone is for sites that contain bushfire prone vegetation and are located within a high bushfire risk evacuation zone as outlined in the background study: *Managing Bushfire Risk Now and in the Future*. In some locations there are also reasons related to the protection of biodiversity in these areas – especially where sites are adjacent to conservation reserves. The zone objectives reflect both of these aims.

The inclusion of a site in the E3 zone will mean that the design of development, (e.g. dwelling houses), will need to consider how the various objectives can be met in an integrated way. It does not prohibit development. Rather it encourages applicants to look at all the site constraints in a holistic way.

Applicants have in the past, frequently addressed bushfire risk without consideration of the effects on the vegetation, or proposed to retain or plant vegetation that is not compatible with the bushfire risk. This wastes valuable time and resources for both Council and the applicant. Note that the DCP will provide more guidance in how to integrate both environmental management and bushfire risk. Volume B of the Local Centres DCP provides examples of such guidance, - e.g. maintaining low fuel loads in asset protection zones through the design and location of landscaping with trees shrubs and groundcovers, or the management of remnant areas to minimise the risk.

Far from the claim that the zone and subdivision requirements put vegetation over the safety of lives or property, the E3 zone is in fact designed to ensure that the safety of residents and their homes during bushfire is paramount.

This is addressed in the land use table through prohibiting uses that are incompatible with the evacuation risk during bushfire events, such as child care centres, seniors living and hospitals. In other words, developments that provide for people who are particularly vulnerable during a bushfire event, and developments that are likely to result in more cars trying to leave the particular area during a severe or catastrophic bushfire.

The reduction in the subdivision potential of some sites is also designed to minimise the increase in the number of cars trying to leave the area during a major bushfire. All E3 areas are within the highest risk bushfire risk evacuation areas – areas where the number of road exits from the bushfire risk area is inadequate in the event of a bushfire of a magnitude where most residents choose to evacuate. The Background Study considered each of these risk areas.

Note that the larger minimum subdivision size applies to all lots, regardless of zoning, within these evacuation risk areas. The minimum lot depth requirement is designed to ensure that where subdivision takes place, an adequate space for asset protection (a 'defendable space') can be provided between the dwelling and the hazard without destroying important habitat.

It has been suggested that Clause 4.1 (minimum subdivision lot size) should include an objective that relates to its use in bushfire prone areas. It is agreed that the objective to Clause 4.1 could include a reference to protection from hazards. This could be achieved by amending objective a) in Clause 4.1(1) to add the phrase: '*and minimise risk to life and property from environmental hazards, including bushfire*'.

Impact on property value through due to development restriction:

Planning is based on the principle that over time there are changes in local (and broader) areas, in local communities and in broader community expectations, knowledge and values that justify the need for change, some of which may have financial implications (positive or negative).

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There are no provisions under the *Environmental Planning and Assessment Act 1979* that requires Council to compensate landowners where rezoning results in lower land values, just as landowners do not pay council where rezoning results in higher land values.

While there are some changes in permitted land uses and stricter subdivision controls, the development potential of the vast majority of properties (i.e. properties under 1500sqm) will not be affected. As such there is unlikely to be any significantly affect the value or resale potential of the land. The main permitted land use in both the KPSO low density residential zones and the draft KLEP E3 Environmental Management zone is dwelling houses. In both cases, community facilities, demolition, home occupations, recreation areas, subdivision and 'exempt development' are permitted.

It is acknowledged that some larger sites may no longer be able to be subdivided due to increased lot size or lot depth which may result in a reduction of their current value. However, this is not due to the zoning itself, this is due to a change in development standards for minimum lot size to 1500sqm. This standard applies to land in range of zonings including E3, E4 and R2.

If the recommendations outlined in the report are adopted, the development capacity in the land in the E3 zones under the draft KLEP will be aligned with the E4 zone. As such, the maximum FSR for land zoned E3 for lots up to 1500m² is the same as for lots zoned R2, while the FSR for sites over 1500m² is reduced but again on a sliding scale. This will still enable large dwellings on large lots and would therefore still permit single dwellings in a similar way to the existing local land use plan, the KPSO.

It should also be noted that the minimum lot size of 1500m² only applies where a subdivision is proposed. Unlike the KPSO, this lot size is not required under the draft LEP in order for a new dwelling to be built on the lot. It has no relevance to proposals to build new or alter existing single dwellings on existing sites

Not able to rely on SEPP (Exempt and Complying Development) 2008

State Environmental Planning Policy (Exempt and Complying Development) 2008 (the Codes SEPP) includes the Housing Code, Demolition Code and the Housing Alterations Code (among others) which identify certain development as complying development. Under the provisions of this SEPP, these types of development are not permitted as complying in the E3 Environmental Management and E4 Environmental Living zones.

It is not unreasonable to allow complying development in these zones, in a similar way as such development is permitted in the R2 Low Density Residential zone, as the main land use for both of these zones is dwelling houses. Appropriate standards would need to be included to ensure that the objectives of the zones could still be met. For instance, development within areas to be protected, such as riparian and biodiversity significant areas should be excluded, as such development requires merit assessment. The standards could be based in part on the SEPP, to be consistent with complying development permitted in the R2 zone, with certain clauses deleted and replaced with the equivalent of the relevant provisions from the LEP and the Local Centres DCP.

It is noted that complying development under the SEPP does not permit the removal of trees (other than those permitted as exempt under the Tree and Vegetation Protection provisions of the DCP, when made).

In addition, the SEPP incorporates standards for development in bushfire prone areas that refer to *Planning for Bushfire Protection 2006*.

It is recommended that Schedule 3 Part 1 of the draft KLEP be amended by including complying development provisions for dwelling houses in the E4 zone. The proposed provisions are included as **Attachment A15**.

E3 zoning will not reduce or mitigate the bushfire risk

E3 is not proposed to reduce the risk of bushfire but to ensure that the risk during an evacuation because of bushfire is not increased. The application of the E3 zoning does not affect the bushfire risk rating of any land. Bushfire risk is assessed and determined under the *Rural Fires Act 1997* and identified on the *Bushfire Prone Land Map and Bushfire Evacuation Risk Map*. The zoning in an LEP does not override or affect the application of the provisions of the *Rural Fires Act 1997*.

Request for a public hearing on the application of the E3 Environmental Management Zone

It is not considered that the issues raised in the submissions warrant the requirement for a public hearing under s57(5) of the EP&A Act. It is considered that all issues are adequately addressed in the report and resolved through the proposed amendments to the LEP and application of the E3 zone. Also it is recommended that additional consultation be undertaken regarding the changes to the environmental zones.

Recommendations:

It is recommended that Council requests the Minister, under S59(4) of the EP&A Act, defer the inclusion of the 13 areas identified on the maps at **Attachment A14**, and that Council re-exhibit these areas with the proposed zoning outlined in the body of this report.

It is recommended that the objectives for the E4 zone contained in the land use table under Part 2 of the KLEP be amended to include the following additional objectives:

- 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.

It is recommended that Schedule 3 Part 1 of the KLEP be amended by including complying development provisions for dwelling houses in the E4 zone in accordance with the provisions included as **Attachment A15**.

It is recommended that objective a) in Clause 4.1(1) be amended to add the phrase '*and minimise risk to life and property from environmental hazards, including bushfire.*'

Other Environmental Zoning Issues

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Addition of 'Environmental Protection Works' to be permitted without consent in the E3 zone at 100 Eton Road, Lindfield

The submission prepared by Defence Housing Australia (DHA) questions why 'Environmental Protection Works' is not a land use permitted without consent in the E3 zone, with particular reference to the site 100 Eton Road, Lindfield. This site was rezoned under the Major Development SEPP, submission requests that status quo be retained. If Council does not want to apply this arrangement, it is suggested that 'environmental protection works' is added as a site-specific permissible use without consent in Schedule 1.

It is acknowledged that the inclusion of 'environmental protection works' as permissible with consent in the E3 zone under the KLEP is inconsistent with the E3 zone applying to the former UTS Campus Lindfield site under Part IIID of the KPSO and original Major Development SEPP. This inconsistency should be amended.

It is also noted that if the recommendations of this report are regard the application of the E3 Environmental Management zone are adopted then the only area it will be apply will be the DHA site in Lindfield. In that case, it would then be consistent with the intent of the KLEP to translate the E3 land use table in the form it appears under Part IIID of the KPSO. This would in turn address the issue of 'environmental protection works' being permissible without consent.

Recommendation:

It is recommended to amend the land use table for the E3 Environment Management zone is amended to be consistent with Part IIID of the KPSO.

Request by Guides NSW/ACT to rezone the Glengarry property

The land owned by the Girl Guide Association at Glengarry consists of 4 lots:

- Lot 864, DP 704563; Lot 322 DP752031; Lot 324 DP752031 which are proposed to be zoned E2 – Environmental Conservation; and
- Lot 323 DP752031 which is proposed part E3 Environmental management and Part RE2 private recreation.

The submission in behalf of Girl Guides NSW/ACT seeks the inclusion of the whole of lot 323 to be zoned RE2. The lot is currently it is zoned part RE2 and part E3. Dwelling houses are permitted under E3, but not recreation facilities. This is inconsistent with the current land use, and should be amended. The submission also seeks to be able to have high ropes courses and environmental education in lot 324, which is zoned E2 and requests an amendment to E2 zoning on lot 324 to allow environmental education.

In regard to lot 323, it is currently zoned part Residential 2(c) and part Recreation 6(a) KPSO. The proposed zoning split in the draft KLEP reflects the zoning split under the KPSO. It is acknowledged that the E3 zone would prevent any future expansion of recreational uses on the site. The RE2 zoning would better facilitate the ongoing use of the site for its current purposes and is therefore supported.

The support for the E2 zoning is noted. 'Environmental facilities' are a use permissible with consent in the E2 Environmental Management zone. An "environmental facility" is defined as 'a

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building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.'

The recreation and educational uses described in the submission that the Girl Guide Association wish to undertake in the E2 zoned portion of the site would satisfy the definition of environmental facility and therefore would be permissible.

There was also objection to the RE2 – Private recreation zoning of the Glengarry site claiming that it should be zoned E2 which is consistent with surrounding land to protect the high biodiversity value of the site and surrounding lands.

Only one of the 4 lots (Lot 323 DP752031 - 8.1ha) that make up the Girl Guides NSW site Glengarry is proposed to be zoned RE2 Private Recreation. The remaining three lots (23.1ha) are to be zoned E2 Environmental Conservation. The RE2 zone applying to lot 323 recognises the ongoing recreational uses on the site and private ownership. The permissible uses are consistent with existing recreation 6(a) zone. The biodiversity overlay and associated provisions will continue to apply to the site, regardless of the zoning and future development on the site will need to consider areas of biodiversity significance on the site.

The application of the E2 Environmental conservation zone to Lot 323 will overly restrict uses on this privately owned site and such may invoke the Land Acquisition (Just Terms Compensation) Act 1991, forcing Council to acquire the land. It is also acknowledged that Girl Guides NSW accept and support the E2 zoning applying to the remainder of their land at Glengarry.

Recommendation

It is recommended that the zoning applying to Lot 323 DP752031 (Glengarry) be amended so that the whole lot is zoned RE2 – Private Recreation.

Application of E4 Environmental Living Zone

The main issues raised in submissions in relation to the E4 Environmental Living zone included:

- insufficient justification of the E4 zone;
- opposition to the E4 zoning changes that E4 zone due to the impact it would have relation to:
 - resale value of property;
 - ability to conduct property maintenance;
 - bushfire zone rating and safety of residents; and
 - restrictions in any preventive measures in relation to bushfire and ability to maintain fire insurance without increases of premiums or potential for insurance companies to elect not to insure properties.
- Objection to the application of the zoning on specific sites, including:
 - 3 Blytheswood Ave, Warrawee;
 - 44 Blytheswood Ave, Warrawee;
 - 88 and 88A Merrivale Rd, Pymble;
 - 65 Griffith Avenue, Roseville;
 - 121 Mona Vale Road, St Ives;

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- 26 – 30 Craiglands Avenue, Gordon;
- 7 Korangi Road, Pymble;
- 14 and 16 Taylor St, Gordon;
- 12 Carlotta Avenue, Gordon; and
- 53 Wyomee Avenue, West Pymble.

Discussion:

The following factors were considered within the determination of E4 zones – potential risks to residents and the environment, as well as the existence and site configuration of ecological values including riparian and biodiversity value (threatened species, vegetation, proximity to protected lands (natural areas, nature reserves and national parks), visual amenity, lot size. All available data including riparian and biodiversity (greenweb) mapping were used to review these factors. The existence of biodiversity or riparian mapping within a private property was not considered sufficient terms for E4 zoning on its own.

It is acknowledged that the E4 Environmental Living zone will result in some changes in permitted land uses and stricter subdivision controls when compared to the existing residential zones under the KPSO or the R2 Low density residential zone in the KLEP. However, the development potential of the vast majority of properties (i.e properties under 1500sqm) will not be affected. As such there is unlikely to be any significantly affect the value or resale potential of the land. The main permitted land use in both the KPSO low density residential zones and the draft KLEP E4 Environmental Living zone is dwelling houses. In both cases, community facilities, demolition, home occupations, recreation areas, subdivision and 'exempt development' are permitted.

The application of the E4 Environmental Living zoning does not affect the bushfire risk of any land. Bushfire risk is assessed and determined under the Rural Fires Act 1997 and identified on the Ku-ring-gai Bushfire Prone Land Map and Bushfire Evacuation Risk Map'. The zoning in an LEP does override or affect the application of the provisions of the Rural Fires Act 1997

In relation to specific sites, consideration of the submissions resulted in amendments to the biodiversity mapping as it applied to a number of properties (further details are included in part 5 of this report). IN terms of zonings and development standards, it is proposed to make the following amendments. The justifications for these amendments are detailed in the table at **Attachment A7**.

- *44 Blythewood Street, Warrawee*: Proposed to retain the E4 zoning, but decrease the minimum lot size to 930sqm, consistent with and R2 Low density residential zoning. For consistency it is also proposed to make the same amendment to the adjoining properties that are zone E4. It is noted that this will have no effect on the ability of the adjoining properties to subdivide due to the existing size.
- *88,88A, 88B, 88C Merrivale Road, Pymble*: Proposed that the E4 zone should be replaced with R2 Low density residential zone. The biodiversity and riparian overlays and constraints will still apply to these properties.
- *65 Griffith Avenue, Roseville*: Proposed that Lot 1 (DP651933) and lot 31 (DP13450) be zoned R2 to ensure consistency of zoning of the combined property.

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- *26 – 30 Craiglands Avenue, Gordon* Proposed to amend zoning to R2 low density residential as a biodiversity mapping change has resulted in a contraction of the biodiversity overlay within these properties, including a reduction of category one Greenweb. Future development, however would still need to consider biodiversity constraints of the site

Recommendation:

It is recommended to amend the Lot Size Map so that a minimum lot size of 930sqm applies to 36,42, 44, 46 Blytheswood Ave and 39, 41, 43, 45, 51 Finlay Road.

It is recommended to amend the zoning applying to 88,88A, 88B, 88C Merrivale Road, Pymble to R2 Low density residential.

It is recommended that both lots comprising 65 Griffith Avenue, being Lot 1 (DP651933) and lot 31 (DP13450), be rezoned to R2 Low Density Residential.

It is recommended to amend the zoning of 26 – 30 Craiglands Avenue to R2 Low Density Residential

Application of E2 Environmental Conservation Zone

Submissions regarding the application of the E2 Environmental Conservation zoning are covered in both the environment and ecology and Environmental zoning summary tables included as **Attachments A6 and A7**. The main issues raised are as follows:

- zoning of park land containing areas of threatened ecological communities and natural areas RE1 rather than E2;
- zoning of drainage access handles containing biodiversity value E2 rather than R2 or E4; and
- zoning of parts of Avondale Golf Course E2

Discussion:

Adjustment to E2 Environmental Conservation zone boundaries on Council land

As a result of submissions, further reviews of the application of the E2 Environmental Conservation zone on Council land have been undertaken. As a result of these reviews, the following amendments are proposed:

- *Rosedale Rd – Sage St, St Ives*: The practice in drafting the KLEP has been to align the E2 boundary with the Council's natural area land management units. It is noted the unused part of the road reserve in this location forms part of Council's identified land management unit. As such the extent of the E2 should be amended to align with the LMU.
- *59 Campbell Drive, Wahroonga. (Lot 59 DP 222034)*: The categorisation of natural area and connectivity provided by the drainage reserve, support the recommendation E2 zoning of this site.
- *The drainage reserve linking Rosedale Rd and Taylor Street, Gordon. (Lot 2 DP 115175, Lot 1 DP115175 and Lot 6 DP 242900)*: Whilst this area is small and ecologically degraded, it is

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agreed that this area provides an important biodiversity link between core areas. As such the rezoning of this site to E2 is supported.

Zoning of parts of Avondale Golf Course E2

A submission on behalf of Avondale Golf Club raises concern that the part of the Club site is zoned E2 (Environmental Conservation Zone) which will prohibit and unfairly restrict future plans to use this part of the property for golf course and recreational purposes.

Upon further review of the site it is proposed that the exhibited E2 zone located within the northern corner of the site to be rezoned RE2. However, the biodiversity mapping within this location has not been altered and ecological constraints are required to be considered as part of development applications or applications to remove trees or vegetation under cl5.9 (Preservation of trees and vegetation) of the KPLeP.

It is proposed that the E2 zone along western edge of property be retained. This area provides a key biodiversity connection between Rofe Park, Sheldon Forest and Comenarra Creek Reserve. The importance of this area is reflected through council endorsement of a 119 hectare Biobank site at Rofe Park, Sheldon Forest and Comenarra Creek Reserves (Council meeting 10 September 2013, GB5). The biobanking site will provide conservation in perpetuity and will be established through the 'Linking Landscapes through Local Action' project (a grant program being managed by the Office of Environment & Heritage and funded through the NSW Environmental Trust). The Rapid Fauna Habitat Assessment of the Sydney Metropolitan Catchment Management Authority Area, recognised the western E2 area within the golf course land as regional fauna habitat with a "very high" rating (NSW Department of Environment and Climate Change, 2008).

Recommendation:

It is recommended to amend the extent of the E2 zoning at Rosedale Rd/Sage St, St Ives to align with the natural areas LMu in that location.

It is recommended that E2 zoning be applied to 59 Campbell Drive, Wahroonga. Lot 59 DP 222034.

It is recommended that E2 zoning be applied to the drainage reserve linking Rosedale Rd and Taylor Street, Gordon. Lot 2 DP 115175, Lot 1 DP115175 and Lot 6 DP 242900.

It is recommended that the northern corner of the Avondale Golf Course be zoned RE2 Private Recreation.

PART 7 - SUBMISSIONS ON POLICY ISSUES AND THE WRITTEN INSTRUMENT (DRAFT KLeP)

The following parts present the key issues raised in the submissions and a brief discussion around the reasons for the recommendations made in this Report. For a detailed summary of all submissions, please refer to **Attachment A8** at the end of this document.

General & Process Related Issues

Key Issues raised in submission in relation to the exhibition material and consultation process included:

- Complexity of the LEP and supporting material;

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- poor quality of exhibition material;
- not having exhibition material available at libraries; and
- poor communication with residents.

Discussion:

It is acknowledged that the suite of planning documents that make up the draft KLEP are complex. All local environmental plans are required to be consistent with guidelines in the *Standard Instrument (Local Environmental Plans) Order 2006*. The Standard Instrument was created by the NSW State Government. Council has adhered to the guidelines of the Standard Instrument for the creation of the draft KLEP.

A LEP User Guide was created to assist the public to understand the functioning and components of the instrument. In addition "frequently asked questions and answers form" was also made available to the customer service centre staff and the public.

Council has conducted all public notification in accordance with the EP&A Act 1979. Notification letters were sent to all addressed affect by the KLEP 2013 and advertisements were placed in the North Shore Times. The draft LEP was on exhibition on the Council's website and at central location at the Council Chambers. The exhibition material included explanatory notes, frequently asked questions and LEP user guide and exhibition posters on key features for each aspect of the exhibition. All documentation was available to the public at Council chambers and on Council's website. Council's Planning staff were available at the customer services centres or accessible by phone throughout the exhibition period to assist the public with any enquiries on the draft plan.

Previously Council has provided local plan exhibition materials at the local Libraries- but there have been issues where materials or sections of the materials have purportedly gone missing. This was one basis of a previous NSW Land & Environment Court challenge to the validity of draft Kuring-gai Plan. Also library staff are unable to answer complex or detailed planning enquiries. Kuring-gai Council website is also accessible at all of Council's libraries.

Council went beyond its statutory obligations

Recommendation:

No change recommended

Clauses to the Draft LEP

Key Issues Raised in relation to specific clauses in the KLEP include:

- objections to the inclusion of Clause 1.9A - Suspension of covenants;
- requests to include additional objectives; and
- request to align land-use tables with Willoughby LEP.

Discussion:

Clause 1.9A - Suspension of covenants

When Council adopted the draft KLEP to be submitted for a Gateway it resolved to not include clause 1.9A. Suspension of covenants. However, the Gateway Determination issued by the

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Department of Planning and Infrastructure included the condition, that clause 1.9A must be included.

The letter accompanying the gateway, signed by the Director General, stated that it is the Department's policy that the clause be included in all Standard Instrument Local Environmental Plans. It was also stated in the Director General's letter that if, following exhibition, there are particular sites which Council believes have a strong reason to be exempt from the clause, Council may make a submission to seek to exempt them from the application of the clause.

Under the KPSO, all residential zones 2(a), 2(b), 2(c), 2(d), 2(e), 2(f), 2(g) or 2(h) are excluded from the application of suspension of covenants clause (cl68). The continued exemption from the suspension of covenants clause for low density zones, including the R2, E4 and R5 zones, could be justified on the basis that it is consistent with the intent of the LEP to largely translate the existing provisions of the KPSO and that it would not prevent the achievements of the objectives of these zones.

However, an exemption to the application of the suspension of covenants in the R1, R3 and R4 cannot be supported as existing covenants may be inconsistent with the objectives of these zones, which is to provide an increase in the choice and number of dwellings. If development in these zones is unreasonably restricted, it may lead to the need to up zone further land to achieve Ku-ring-gai's housing targets. It also should be noted that the suspension of covenants only applies to any agreement, covenant or other similar instrument that restricts the carrying out of permissible development. Covenants etc. that do not restrict permissible development will continue to apply. This last point is not widely understood

Requests to include additional aims and objectives for land use zones

In a Standard instrument LEP, the aims should not repeat the objects of the EP&A Act, nor should they refer to other documents. Instead, they should be high level and reflect the local strategic planning underpinning the LEP. The aims contained in draft KLEP 2013 address all important strategic planning issues facing Ku-ring-gai and seek to balance the management of environmental, social, economic, heritage and cultural resources. They are also supported by detailed objectives contained in local provisions covering Ku-ring-gai specific planning issues such as biodiversity, riparian lands and heritage

The purpose of zoning is to manage land use types. The proposed additional objectives to the R2 and R3 zone contained in the submission relate to development design issues. The appropriate place for such issues to be addressed is within the development control plan or within specific LEP provisions dealing with such as heritage.

Align land-use tables with Willoughby LEP

The submission provides no justifications for the deletion of the other land uses from the respective zones other than to bring the LEP in line with the Willoughby LEP. Individual Councils are free to determine land uses to be permissible within the various zones. The land uses contained in the KLEP are considered to be compatible uses that are consistent with the respective zone objectives and the overall aims of the plan.

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Recommendation:

It is recommended to amend clause 1.9A(2) (Suspension of covenants) to insert the following:

This clause does not apply to:

- (i) Zone E4 Environmental Living Zone*
- (ii) Zone R2 Low Density Residential,*
- (iii) Zone R5 Large Lot Residential*

Mapping

The main issue raised regarding the mapping of the draft KLEP was regarding the subdivisions and cadastre lines which indicated unformed roads and properties in bushland.

Discussion:

The KLEP maps show the cadastral base which includes all registered land parcels and road boundaries. The base contains both improved and unimproved property boundaries as well as formed and unformed Public and Crown roads and all subdivisions are correct and in accordance with the latest registered subdivision maps with the land titles office.

Recommendation:

No changes recommended.

Areas inside the Local Centre Boundaries

Submissions disputed issues to do with height, zoning, reclassification and character within the Local Centres.

Discussion:

These sites are outside the area covered by the KLEP and therefore those submissions have been directed to the gazetted LEP (Local Centres) 2012 and its corresponding Local Centres DCP.

Recommendation:

No changes recommended

PART 8 - OTHER STATUTORY CONSIDERATIONS

This part responds to the submissions in response to the variations to the Department of Planning & Infrastructure (DP&I) cover letter, Gateway Determination, Ministerial section 117, directions, and consultation with relevant State agencies and authorities.

State Agency Submissions

Two State Agency submissions with comment on the draft KLEP were received.

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1. AUSGRID

The submission raised concern that land being used for electricity distribution purposes be represented as such in the zoning maps so that there is clarity around the existing and ongoing use of the site and the difference in land use type from residential with it bears no relation. The submission discusses issues around three AUSGRID sites and their zoning under the KLEP. These are as follows:

Key Issues Raised:

- a. Transmission Substation at 17 Lamock Avenue (Kulgoa Road), Pymble (Lots 1 & 4 DP 444697; Lot 8 DP 30011; Lot 1 DP 445384.)
 - The submission requests the proposed draft KLEP residential R2 zoning to this site be changed to SP2 Infrastructure (Electricity Transmission and Distribution) to reflect the use of the land for ongoing electricity distribution purposes and be consistent with the zoning approach taken in the KLEP 2012 (Local Centres).
- b. Lindfield Switching Station at 2d Carlyle Road (Tyron Road), East Lindfield (Lot 1 DP 621476)
 - The submission considers the current 6(a) Recreation zoning of the site under the KPSO and the draft KLEP's RE1 Public Recreation zoning to be incorrect. It requests the site be zoned SP2 Infrastructure (Electricity Transmission and Distribution).
- c. Pymble Depot and Pymble Zone Substation at 982- 984 Pacific Highway, Pymble (Lot 1 DP 441760; Lot 1 DP 119476)
 - The submission supports the B7 zoning to the site as the land uses within the B7 zone are not dissimilar in urban scale to this site.

Discussion:

It is acknowledged that 2d Carlyle Road, East Lindfield is not a site for recreational use. Given that 2d Carlyle Road, East Lindfield (5,875m²) and 17 Lamock Avenue (27,096m²) are substantial sites with a strategic use, it is appropriate to adopt the approach in the KLEP 2012 (Local Centres) zoning key sites as SP2 Infrastructure (Electricity Transmission and Distribution). The terminology of the zoning is consistent with the SEPP Infrastructure as required in Practice Note Zoning for Infrastructure in LEPs. Further to this, the SP2 zoning will give a clear indication of an infrastructure use that is potentially high hazard and dissimilar to the surrounding residential neighbourhood. Support for the zoning allocated to Pymble Depot and Pymble Zone Substation is noted.

Recommendation:

It is recommended that the Zoning Map be amended to indicate 17 Lamock Avenue (Kulgoa Road), Pymble (Lots 1 & 4 DP 444697; Lot 8 DP 30011; Lot 1 DP 445384) as SP2 Infrastructure (Electricity Transmission and Distribution), with the same wording appearing on the Map.

It is recommended that the Zoning Map be amended to indicate 2d Carlyle Road (Tyron Road), East Lindfield (Lot 1 DP 621476) as SP2 Infrastructure (Electricity Transmission and Distribution), with the same wording appearing on the Map.

2. Office of Strategic Lands

The submission points out that the Minister owns or has acquired considerable areas of land within the Ku-ring-gai LGA. These are predominantly environmentally valuable lands adjacent to and within Lane Cove National Park and Ku-ring-gai Chase National Park. The Minister is also an acquisition agency listed within the draft KLEP to acquire land predominantly for regional open space. In the main the Office of Strategic Lands (OSL) is supportive of the zonings attached to the Minister's landholdings, and supportive of the acquisitions listed in the draft KLEP land reservation maps; however, they raise three issues as outlined below.

Key Issues Raised:

1. Corner of Exeter Road and Eastbourne Avenue (Lot 23 DP 16374)

This land is being rezoned after the abandonment of the B2/B3 road corridor and has a proposed zoning E2 - Environmental Conservation. OSL request this lot be rezoned E4 - Environmental Living in keeping with the approach to other vacant lots on the eastern side of Exeter Road which have been zoned E4, as it will allow a continuity of residential use built frontage to Exeter Road.

2. 14 Carcoola Road at St Ives (Lot 24 DP14488)

The Minister recently sold two lots to Council for public open space and only one of these lots has been zoned RE1 - Public Recreation. Lot 24 has incorrectly been zoned R2 and should be changed to RE1 to be consistent with the agreed terms of the sale of the land to Council in 2012.

3. Lot 6 DP12001, Lots 8 and 9 DP17798, End of Glen Road, adjacent to Gum Creek, Roseville

These three lots have mistakenly been shown as Regional Open Space acquisitions in draft KLEP 2013. Council's previous land reservation acquisition map shows these lots as Local Open Space acquisitions. Since no agreement has been made for these lots to become regional open space acquisitions, the submission requests the draft KLEP maps be corrected to show them as local acquisitions.

Discussion:

The request for E4 zoning to lot 23 on the corner of Exeter Road and Eastbourne Avenue is not supported. The site contains critically endangered Blue Gum High Forest and along with lot 24 to its rear, at the corner of Eastbourne Avenue and Seaton Avenue, forms a continuous bushland frontage to Eastbourne Avenue. Lot 23 and 24 together create a biodiversity corridor and visual connection with the lands on the opposite side of Eastbourne Avenue, also containing Blue Gum High Forest.

It is acknowledged that a mapping error has occurred on 14 Carcoola Road at St Ives Lot 24 DP14488 which should be corrected to indicate an RE1 zoning; and a wording error has occurred with regards to the local status of the open space at Lot 6 DP12001, Lots 8 and 9 DP17798, end of Glen Road, adjacent to Gum Creek, Roseville.

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Recommendation:

It is recommended that the Zoning map be amended to show Lot 24 in DP14488 Carcoola Road at St Ives as RE1 zoning.

It is recommended that the Land Reservation Acquisition Map be amended to remove the words 'Regional Open Space' and insert the words 'Local Open Space' on the three lots at Lot 6 DP12001, Lots 8 and 9 DP17798, end of Glen Road, adjacent to Gum Creek, Roseville

PART 9 - INTERNAL CONSULTATION-

Internal consultation has been undertaken across Council's departments in the preparation of the Draft plan. In addition Councillors have been provided with a series of information workshops and briefings throughout the key stages in the development and exhibition of the draft plan.

A copy of all submissions made in response to the draft plan have been provided to Councillors.

Additional consultation and review of the plan by internal staff has taken place since the exhibition. This part summarises and gives recommendations in response to this additional internal Council consultation.

Signage

Concerns have been raised by Council's Development Assessment and Regulation team regarding the ongoing issue and continuing complaints about the parking of trailers and vehicles at locations with no parking restrictions. These vehicles are generally covered in advertising material and are parked with the sole purpose of promoting businesses and services to passing traffic.

Under the current KPSO regulations there are no grounds to enforce against the use of trailers and vehicles as advertising structures. Repeated complaints have been received by Council regarding the placement of trailers and parked vehicles on roads and verges for the purposes of advertising. Currently Council has no way to enforce against vehicles parked on roads where there is no breach of parking restrictions.

Clauses have been added to the draft KLEP Exempt Development – Signage to give Ku-ring-gai Council the ability to enforce against trailers and vehicles parked for advertising purposes. Other changes are to ensure that the requirements in the DCPs are not more onerous than those under Exempt Development.

Recommendation:

It is recommended that Council adopt the amendments to *Schedule 2 Exempt Development Signage* clauses as per **Attachment A16**.

Special Events

A number of issues were raised by Council's Community Services and Communications section regarding standard events held by Council and other parties which could be allowed under Exempt Development. By enabling community events through the ease of the Exempt Development

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process, it is more likely that community engagement will occur, whereas the process, costs and timing required of DAs for simple functions would act as a deterrent to the arrangement.

The discussions led to minor changes in the Exempt Development - Special Events section. These include clauses that enable Council to conduct events that are in line with the "Special Events Guidelines" under Exempt Development; the inclusion of Wahroonga Park as a recognised venue; the use of fireworks with notice to Council; the safety of temporary structures and amusement devices. The clauses may be viewed at **Attachment A17**.

Recommendation:

It is recommended that Council adopt the amendments to *Schedule 2 Exempt Development Special Events* clauses as per **Attachment A17**.

Edith Street, between 74 and 76 Bannockburn Road, Pymble - unformed road reserve (public road)

The site is currently zoned RE1 under the draft KLEP. Since the exhibition of the draft KLEP, Council has resolved 30 April 2013 to reclassify and rezone a number of sites, including 74A Edith Street, for divestment. A Gateway Determination has now been received to progress that reclassification. To facilitate that reclassification and divestment process, it is prudent to zone this site R2 in keeping with its original KPSO 2c zoning.

Recommendation

It is recommended that the Zoning Map be re-exhibited the with amendment to show R2 on this site.

Bruce Avenue Park, Killara

The land at 27, 29 and 31 Bruce Avenue Killara is proposed to zoned R4 Residential High density under the Draft KLEP. The 3 sites have been purchased by Council for the purpose of a park, the construction of which is nearing completion. On acquisition of the site Council resolved to dedicate the site as a Public Reserve under Part 2 Division 3 [s49] of the *Local Government Act, 1993*.

Given Council's clear intent of the use of this site, the R4 zoning contained in the draft LEP is considered to be an error and should be amended to be RE1 Public recreation.

Recommendation

It is recommended that the zoning map be amended to zoning for 27, 29 and 31 Bruce Avenue, Killara to RE1 Public Recreation, and to amend the FSR, Height and Lot Size maps to be consistent with RE1 zoning.

35 Water Street

The site is zoned E4 Environmental Living, however the FSR Map does not reflect this. This mapping error requires correction to ensure the KLEP is consistent with the soon to be gazetted E4 zone Planning Proposal for the site.

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Recommendation

It is recommended that the FSR Map be amended to change from A3 to A1 to reflect E4 zoning for whole site.

Aboriginal Land at 20 Kanowar Avenue, East Killara

The site at 20 Kanowar Avenue (lot100 DP117602) is a 2.8ha site comprising of bushland. It is currently zoned 2(b) Residential under the KPSO. At the time of drafting of the LEP the site was Crown land and as such was proposed to be zone E2 Environmental Management in the draft KLEP. However, the site has subsequently been subject to a successful native title claim and is now owned by the Metropolitan Local Aboriginal Lands Council.

The application of the E2 Environmental zone to the site will represent a significant downzoning of from the existing Residential 2(b) zone. As this will greatly restrict uses on this now privately owned site, it may invoke the *Land Acquisition (Just Terms Compensation) Act 1991*, forcing Council to acquire the land. Council has not previously identified this land for acquisition, nor has funds identified for its acquisition. As such, it is proposed to include this site in the deferred Area 12 (refer to comments in Part 6 of this report) and re-exhibited with the E4 Environmental living zone applying. This is the same zoning as the adjoining residential land.

Recommendation

It is recommended that the site at 20 Kanowar Avenue, East Killara be zoned E4 Environmental Living and included in deferred Area 12 for re-exhibition.

81 Boundary St, Roseville

The road widening shown to this property is irregularly shaped and dissimilar to adjacent properties. Correspondence with RMS confirms this is incorrect; further, the mapping is inconsistent with the Land Reservation and Acquisition Map.

Recommendation

It is recommended that the Zoning Map be amended at 81 Boundary Street, Roseville to realign the SP2/R2 line to be consistent with the Land Reservation and Acquisition Map.

Biodiversity and Riparian Mapping

In addition to issues raised in submissions further review of the biodiversity and riparian mapping by staff has resulted in some minor modifications. Details of these changes are outlined in Part 5 of this report.

PART 10- RECLASSIFICATIONS BEING CONSIDERED AS MATTERS OF THIS KLEP

The draft KLEP proposes the reclassification of 2 sites. These are:

- 53 Bradfield Road Lindfield being Lot 1 in DP749201 which forms part only of the Bradfield Park (KU) Childcare Centre; and

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- 47 Warrane Road Roseville Chase being Lots 33 and 34 DP3285, Lot 3 DP 26343, Lot B DP 403780 and known as East Roseville Bowling Club

53 Bradfield Road Lindfield

Council owns the property at 53 Bradfield Road Lindfield. The adjoining property at 51 Bradfield Road Lindfield is owned by the CSIRO. A childcare centre currently operated by the Kindergarten Union operates in a building constructed mostly on #53 but with encroachments on to #51. The playground for the centre is located mostly on #51 and the car park straddles both lots with its entry from #51. Neither property can operate as a stand-alone childcare centre due to operational requirements. The CSIRO wishes to divest itself of 51 Bradfield Road Lindfield.

This matter has been the subject of previous reports to Council on 13 December 2011 which outlines the matter in more detail.

A Public Hearing into the proposed reclassification of this property was held on Wednesday 12 June 2013 and the report from the Chairperson is **Attachment A18**. Five people addressed the Public Hearing and the matter was the subject of considerable public interest including many written submissions.

The Public Hearing Report provides the following summary:

1. *The key issue raised at the hearing was that all efforts be made to retain Bradfield Childcare facility at the current site and at the current performance standards. From the community members and operators point of view this would involve KU in continued operation.*
2. *The status quo is unsustainable in that the CSIRO is in a position to sell its portion of the site, which would make the existing operation untenable.*
3. *From the writers viewpoint, it is not seen that reclassification of 53 Bradfield Road to operational land would reduce the potential for continuation of the Centre at the existing site. Given our understanding of the status of negotiations, it may assist in this occurring, this by facilitating consolidation of the parcels and a sale or long term lease of the site for such purposes.*
4. *KU seems to have superb levels of goodwill attributed to it in this facility and is in a strong position to continue its operations from the site under such conditions.*

The matter of the future of the operation of a childcare facility on this combined site has been the subject of previous reports to Council.

The public hearing report Recommends:

Council recognise the unique community value of the Bradfield Park Childcare Centre and continue its efforts to retain the current site and at the current performance standards.

1. *The reclassification of 53 Bradfield (Lot 1 DP749201) to operational land is supported conditional on the above.*

Recommendation:

It is recommended that Council resolve to reclassify the site at 53 Bradfield Road, Lindfield from community land to operational land.

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East Roseville Bowling Club

Council owns the site 47 Warrane Road Roseville Chase being Lots 33-34 DP 3285; Lot 3 DP 26434 & Lot B DP 403780 also known as 'East Roseville Bowling Club'. Council leases the site to the club which includes bowling greens, clubhouse, a car park, and a single dwelling house and its curtilage. The whole site is currently zoned 6(a) Open Space and is proposed to be zoned RE1 Public Recreation under *Draft Ku-ring-gai Local Environment Plan 2013*.

The Chairperson's Report from the Public Hearing into the proposed reclassification of this property is **Attachment A18**.

The current zoning of the property does not permit residential uses on the site unless it is ancillary to the bowling club use. There is evidence to suggest that a tenancy of this residential dwelling has not been in accordance with Council or legal requirements. The proposed reclassification of this site is to allow Council to permit the subdivision of the site so as to have the cottage and its curtilage situated on its own individual lot with separate title. Once subdivided, that will allow the new allotment on which the residence and its curtilage are situated to be rezoned R2 Low Density Residential which will allow the future lawful residential use of the site. The remainder of the site is intended to retain its public recreation zoning for its ongoing use for recreational purposes. That zoning is proposed to change under this *Draft Ku-ring-gai Local Environment Plan 2013* to RE1 Public Recreation from the present 6(a) Open Space under the KPSO (which is an effective translation of the existing zoning).

Recommendation:

It is recommended that Council resolve to reclassify the site at 47 Warrane Road Roseville Chase. Following the subdivision of the property, the remainder of the property that is occupied by the Bowling Club as distinct from the cottage and its curtilage can be reclassified back to community.

PART 11- ALIGNED PROJECTS AND SUPPORTING INFRASTRUCTURE

This part provides a brief overview of other projects that are aligned, but not included within, the draft KLEP including the proposed Principal Development Control Plan, Development Contributions Planning and alignment with Council's Local Centres .

Planning Proposals initiated by Ku-ring-gai Council

There are a number of sites that Council has resolved to reclassify/rezone and which have been, under separate Planning Proposals currently in the final stages. These include:

- 4 Binalong Street, West Pymble; and
- 90 Babbage Road, Roseville Chase.

Subject to conditions, Council resolved to reclassify and rezone 4 Binalong Street West Pymble and 90 Babbage Road Roseville Chase at the OMC of 19 July 2013. Since the Planning Proposal proposed zoning under the KPSO, and the future zoning of the property will actually fall under this KLEP rather than the KPSO, an amendment to those Planning Proposals will be required to enable them to amend this LEP rather than the KPSO. The zoning amendment for 4 Binalong Street, West Pymble would be from KPSO 2(c) zoning to KLEP R2 zoning; and for 90 Babbage Road Roseville Chase, would be amended from KPSO 2(a) zoning to KLEP E4 zoning. Further to this, investigations

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on 90-92 Babbage Road have identified and located the riparian area and this area has been included in the Riparian Mapping under this draft KLEP

In addition Council has resolved to commence rezoning's and reclassifications as per the Council resolution of 30 April 2013 some of these sites are in the KLEP 2013. The proposed changes under these planning proposals will run separately, until a final gazettal is made whereby they will be eventually incorporated into the KLEP 2013.

That a Planning Proposal be prepared, in accordance with section 55 of the Environmental Planning and Assessment Act, 1979, to reclassify and/or rezone the sites in the table below from Community land to Operational land either via an amendment the Ku-ring-gai Planning Scheme Ordinance (KPSO), draft Ku-ring-gai Principal Local Environmental Plan 2013 (if gazetted in the interim) or the Ku-ring-gai Local Centres LEP (2012) as appropriate:

<i>Site</i>	<i>Property Address</i>	<i>Relevant Plan</i>	<i>Planning Action</i>
1.	818 Pacific Highway, Gordon	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
2.	2-4 Moree Street, Gordon	KLEP (Local centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
3.	Culworth Avenue Car Park, Killara	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
4.	2A Park Avenue, Gordon	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
5.	4 Park Avenue, Gordon	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
6.	19 Hughes Place, East Lindfield	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
7.	62 Pacific Highway, Roseville	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
8.	27 Garrick Road, St Ives	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land and Rezone R2 Low Density Residential
9.	9 Eric Street, Wahroonga	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land and subdivide for sale as two lots
10.	56-58 Koola Avenue, East Killara	KPSO	Initiate Planning Proposal for reclassification and rezoning to R2 Low Density Residential
11.	97 Babbage Road, Roseville	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land and rezone to R2 Low Density Residential
12.	136A Morris Avenue/Junction Lane, Wahroonga	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land and rezone to R2 Low Density Residential
13.	Edith Street, Pymble (Between 74/76 Bannockburn Road)	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land

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<i>Site</i>	<i>Property Address</i>	<i>Relevant Plan</i>	<i>Planning Action</i>
14.	57 Merrivale Road, Pymble	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
15.	6A Peace Avenue, Pymble	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
16.	77A Bradfield Road, West Lindfield	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
17.	17 Marian Street, Killara	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
18.	1186 Pacific Highway, Pymble	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
19.	1186 Pacific Highway, Pymble	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land

Other Planning Proposals

There are other separate planning proposals that have been lodged with Council including:

- 35 Water Street, Wahroonga (KPSO Amendment- finals stage prior to gazettal); and
- Pymble Business Park, Pymble (Bunnings 3M Site/ KSP0 amendment- pre gateway)

The proposed changes under these planning proposals will run separately, until a final determination is made whereby any changes will be eventually incorporated into the KLEP 2013.

Local Centres LEP and DCP

The Local Centres LEP was gazetted on 25 January 2013 and the corresponding DCP came into effect on 7 June 2013. The draft KLEP 2013 is consistent with the Local Centres LEP as the intention is that the two documents will operate in a seamless manner once this draft KLEP is gazetted.

Pymble Business Park LEP and DCP

The Pymble Business Park LEP was gazetted on 25 January 2013 and the corresponding DCP, based on the Local Centres DCP, came into effect on 5 August 2013. The LEP was made under the KPSO and incorporated into that document. All development standards regarding Pymble Business Park are translated from the KPSO into this draft KLEP.

LEP 218

LEP 218 stipulating Biodiversity Areas and Heritage Conservation Areas was gazetted on 5 July 2013. The LEP was made under the KPSO and assimilated into that document. All development standards regarding Biodiversity Areas and Heritage Conservation Areas as delineated and described in LEP 218, are translated from the KPSO into this draft KLEP.

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2013 Peer Reviews of Potential Heritage Conservation Areas (HCAs) in Eastern Road, Turramurra and Fox Valley Road, Wahroonga

On 22 May 2012 Council resolved to engage an independent consultant to peer review the following precincts:

- Gilroy Road, Turramurra excluding 2, 4, 6 and 8;
- Eastern Road, Turramurra (eastern side numbers 9-17 and 23-43);
- Fox Valley Road, Wahroonga (from Pacific Highway to Lucinda Avenue),

with the findings reported back to Council and incorporated into the Principal LEP.

The peer reviews of Eastern Road, Turramurra and Fox Valley Road, Wahroonga were undertaken by John Oultram Heritage and Design and completed in July-August 2013.

The peer review of Gilroy Road, Turramurra was undertaken by Sue Jackson-Stepowski/CARSTE Studios in conjunction with the 2013 Peer Review of Potential Heritage Conservation Areas (HCAs) – North Sector and completed in April 2013.

The Council reports for these reviews appear elsewhere on this agenda. It is recommended that Council resolves to exhibit (non-statutory) the 2013 HCA Peer Reviews of Eastern Road, Turramurra and Fox Valley Road, Wahroonga by John Oultram Heritage and Design for 28 days and that Council consider a further report, following the period of public exhibition.

2013 Peer Review of Potential Heritage Conservation Areas (HCAs) – North Sector, including Gilroy Road, Turramurra

On 2 December 2011 Council resolved to engage an independent consultant to peer review the recently completed 2010 HCA North Review by Paul Davies with the findings reported back to Council and incorporated into the Principal LEP.

Sue Jackson-Stepowski and Stephen Booker of Carste Studios were selected to undertake the review. Work began in early 2012 and the completed review was submitted in April 2013. An additional peer review of Gilroy Road, Turramurra was added following a Council Resolution on 22 May 2012 and completed in April 2013.

The Council reports for these reviews appear elsewhere on this agenda. It is recommended that Council resolves to exhibit (non-statutory) the 2013 Peer Review of Potential Heritage Conservation Areas (HCAs) – North Sector, including Gilroy Road, by Sue Jackson-Stepowski and Carste Studio for 28 days and that Council consider a further report, following the period of public exhibition.

GOVERNANCE MATTERS

All councils are required to prepare a Principal Local Environmental Plan. On 20 November 2012, Council endorsed the Draft PLEP, seeking a revised Gateway Determination from the Department of Planning and Infrastructure. The NSW Minister for Planning & Infrastructure advised Council on 26 February 2013 that the draft plan could be exhibited in accordance with the revised Gateway conditions. The letter also noted “*the date to finalise the Planning Proposal, as specified in the*

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Gateway Determination dated 16 June 2012, is extended by 9 months. The Planning Proposal is now to be finalised by 16 December 2013.”

The adopted Delivery Program and Operational Plan (Places, Spaces and Infrastructure) sets out Council's 4 year Term Achievement for the Principal LEP.

- Land use strategies, plans and processes are in place to effectively manage the impact of new development. Develop plans and strategies that respond to the impacts of urban development.

The Operational Plan for 2013/2014 also identifies the following series of actions to achieve the Term Achievement;

- Complete Principal LEP and supporting DCP.

Section 451 of the Local Government Act 1993

Section 451 of the Local Government Act 1993 requires that Councillors or members of Council committees must declare a pecuniary interest in any matter being considered by the Council or committee.

451 Disclosure and presence in meetings

- (1) A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.*
- (2) The councillor or member must not be present at, or in sight of, the meeting of the council or committee:*
 - (a) at any time during which the matter is being considered or discussed by the council or committee, or*
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.*
- (3) For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.*
- (4) Subsections (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:*
 - (a) the matter is a proposal relating to:*
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant part of the Council's area, or*

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- (ii) *the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the Council's area, and*
 - (b) *the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.*
- (5) *The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the Council and must:*
 - (a) *be in the form prescribed by the regulations, and*
 - (b) *contain the information required by the regulations.*

Note: *The code of conduct adopted by a Council for the purposes of section 440 may also impose obligations on Councillors, members of staff of Councils and delegates of Councils.*

RISK MANAGEMENT

The *Ku-ring-gai Planning Scheme Ordinance (1971)* that currently applies to most land within the LGA, contains over 219 amendments. The KPSO is out-dated in terms of its approach to zoning and land use controls. As a planning document it is difficult to interpret.

There is a risk that if Council does not progress in updating its planning document and controls, there could be ongoing uncertainty, duplication and inefficient use of Councils resources for both staff and the general public. There could be increased legal costs to Council interpreting and defending a complex and out dated planning instrument.

Council is part of the NSROC Region. By continuing to rely on out dated planning controls, Council may find itself limited in its opportunities to seek funding from other levels of Government and may also find itself inhibited from effectively participating in future regional planning processes.

The Principal LEP will further enable Council to build on a wide range of contemporary planning approaches to identify, protect and monitor a range of environmental factors including the management of bushfire risk, natural resources and cultural heritage.

In regard to bushfire risk management the PLEP uses the results of a risk based study to minimise threats to life, property and environment during bushfire events. The approach allows for the continuing use of existing developments while limiting the potential for increased risk from future development. The plan also provides for an adaptation to bushfire risk under climate change.

FINANCIAL CONSIDERATIONS

The cost of the preparation of the PLEP is covered by the Strategy and Environment Department's operational budget. Any future private Planning Proposals will be subject to Council's adopted fees and charges policy and these funds contribute towards the costs of review, assessment and consultation.

SOCIAL CONSIDERATIONS

The PLEP will replace the KPSO, a 1971 planning instrument that lays the foundation of an unnecessarily complex and out-of-date planning regime. The PLEP is a more ordered planning instrument which better addresses contemporary concerns.

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There will be some variations in development potential that will affect a number of landholders in areas containing measures to reduce risk during bushfire events or to protect natural values. Heritage protection and interface planning are also addressed in the plan. The proposed approach retains current uses while minimising future damage or risk, providing an appropriate balance between landholder expectations and the protection of the community, its heritage and the environment.

ENVIRONMENTAL CONSIDERATIONS

The new Principal LEP includes a range of mechanisms to protect the natural environment, including four environmental zones, a waterway zone, map overlays and provisions. The inclusions are based on studies undertaken to guide future planning for Ku-ring-gai. In addition the Draft Plan incorporates the recently gazetted Biodiversity, Riparian and Heritage conservation area planning controls under LEP 218.

COMMUNITY CONSULTATION

Exhibition of Draft Ku-ring-gai Local Environmental Plan 2013

The Draft LEP was formally exhibited from Monday 25 March 2013 to Monday 6 May 2013 inclusive.

- Advertisements were placed in the local press and details of the exhibition provided on Council's website.
- Letters and an explanatory brochure on the new Draft LEP were sent to all households and property owners affected by the draft plan.
- The Draft LEP exhibition materials were placed at Council's customer service centre.
- Information posters also placed in Councils' libraries advising of the exhibition.
- Exhibition materials, explanatory information (FAQs, & LEP user Guide), posters, and studies also placed on Council's website.
- Council's Urban Planning team were available to answer customer enquires in person or by the phone throughout the exhibition period.
- All persons who made a submission were included on a data base and notified of this report coming back to Council.

Reclassification of 53 Bradfield Road Lindfield and 47 Warrane Road Roseville Chase – Public Hearing

In accordance with s57 of the Environmental Planning and Assessment Act, a public hearing was held into the proposed reclassification of these two properties. Notification of adjoining owners and people who made reference to this specific issue for these specific properties was made by letter/email dated 17 May 2013 and a notice was placed in the North Shore Times of Friday 17 May 2013 providing in excess of the required 21 day notice for the Public Hearing. The Public Hearing for both properties was held on Wednesday 12 June 2013 concurrent with the Public Hearing into the reclassification of properties at Woodford Lane, Beaconsfield Parade and Drovers Way (the Woodford Lane Car Park) which has been separately reported.

SUMMARY

Following the exhibition of the draft KLEP as per Council's resolution, all submissions from all sectors including State Agencies have been duly considered and recommendations put forward for

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changes to the exhibited draft KLEP. The exhibited draft KLEP documents may be viewed on Council's website at:

http://www.kmc.nsw.gov.au/Plans_and_regulations/Building_and_development/Town_planning/Draft_Ku-ring-gai_Local_Environmental_Plan_2013

In response to the submissions received and consultations undertaken, the next steps following Council's resolution to adopt the recommendations of this report would be as follows:

- adopt the draft KLEP Maps and Written Instrument subject to minor amendments;
- defer the 13 high bushfire evacuation risk areas and prepare and re-exhibit a separate planning proposal containing an alternate zoning proposal of those areas;
- prepare and re-exhibit a separate planning proposal to amend the KLEP with zoning related changes for individual sites; and
- further investigate and prepare and re-exhibit a separate planning proposal for potential Heritage Items

The changes to the draft KLEP are stated in the Recommendations below with supporting Attachments.

Next Steps

Following Council's Resolution on this matter the amended revised the *Ku-ring-gai Local Environmental Plan 2013* Planning Proposal will be forwarded to the Department of Planning and Infrastructure in accordance with Section 58 of the EPA Act.

The additional a planning proposal to recommended for the deferred areas and to amend the *Ku-ring-gai Local Environmental Plan 2013* will be prepared in accordance with section 55 of the EP&A Act and then be forwarded to the DoPI for a Gateway Determination. Once a gateway is issued, these planning proposals can then be exhibited for further public consultation.

It is also recommended that a draft DCP be prepared to accompany the LEP. When prepared, this will be reported to Council prior to going on public exhibition.

RECOMMENDATION:

- A. That Council adopt the Planning Proposal for draft *Ku-ring-gai Local Environmental Plan 2013* as exhibited and subject to the following amendments:
 - i. The Written Instrument be amended as follows:
 - a. Amend clause 1.9A (2) Suspension of covenants, agreements and instruments by inserting the following additional wording:
'This clause does not apply to:
(i) Zone E4 Environmental Living Zone
(ii) Zone R2 Low Density Residential,
(iii) Zone R5 Large Lot Residential'
 - b. Amend the Land Use Table for Zone R1 General Residential to include *Exhibition*

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Homes and Building Identification Signage as permitted with consent.

- c. Amend Land Use Table for Zone E3 Environmental Management to include '*environmental protection works*' as permissible without consent.
 - d. Amend clause 4.1(1) (a) Minimum subdivision lot size to add the following phrase to the objective 'and *minimise risk to life and property from environmental hazards, including bushfire.*'
 - e. Amend Clause 6.7 Riparian land and waterways to insert the following additional words under subclause (4) "*(a) is consistent with the objectives of this clause*"
 - f. Amend clause 6.11 Edgelea Residential Development to replace the word '*Edgelea*' with the words '*Crimson Hill*' in the title and wording of the clause.
 - g. Amend Schedule 1 Additional permitted uses to Add 'car parking' as permitted on Culworth Car Park, 20-28 Culworth Ave, 17 Marian St, Killara Lots 1, 2 and 3 DP119937; Lot 6 DP3694; lot 2 DP932235.
 - h. Amend Schedule 2 Exempt Development – Signage as identified in **Attachment A16**
 - i. Amend Schedule 2 Exempt Development – Special Events as identified in **Attachment A17**.
- ii. The LEP Maps be amended as follows:
- a. Amend the zoning map at make the following sites Zone RE1 Public Recreation and make the associated adjustments to the FSR/Height/Lot Size Maps
 - 44 Highlands Avenue, Gordon
 - 14 Caroola Road, St Ives (Lot 24 in DP14488)
 - 27, 29 and 31 Bruce Avenue, Killara
 - b. Amend the zoning map at make the following sites E2 Environmental Conservation and make the associated adjustments to the FSR/Height/Lot Size Maps
 - 59 Campbell Drive, Wahroonga (Lot 59 DP 222034)
 - Drainage Reserve linking Rosedale Rd and Taylor Street, Gordon (Lot 2 DP 115175, Lot 1 DP115175 and Lot 6 DP 242900)
 - Land in the vicinity of Rosedale Rd/Sage St, St Ives to align with the natural areas LMU in that location.
 - c. Amend the zoning map to add the words 'Educational Establishment' to all school sites zoned SP2
 - d. Amend the zoning map at make the following sites zone SP2 Educational Establishment and make the associated adjustments to the FSR/Height/Lot Size Maps
 - Knox Grammar School Chapel Site, Wahroonga (Lot 2 DP 204768).
 - 17 Woodville Ave, Wahroonga (Lot 1 DP 1186815) - Knox Grammar School
 - 15 Cleveland Street, Wahroonga (Lot 271 DP 608835) - Knox Grammar School

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- 6&8 Billyard Avenue, Wahroonga (Lot 1 & 2 DP105255) - St Lucy's School
 - 2 Richard Porter Way, Pymble (Lot 16 DP 658538) - Sacred Heart School, Our Lady of Perpetual Succour School
- e. Amend the zoning map at make the following sites zone SP2 Infrastructure (Electricity Transmission and Distribution), and make the associated adjustments to the FSR/Height/Lot Size Maps
- 2d Carlyle Road (Tyron Road), East Lindfield (Lot I DP 621476)
 - 17 Lamock Avenue (Kulgoa Road), Pymble (Lots I & 4 DP 444697; Lot 8 DP 30011; Lot 1 DP 445384)
- f. Amend the zoning map at make the following sites Zone Map: R2 Low Density Residential, the FSR Map: A3(0.3:1) and the Lot Size Map: T (930sqm);
- 88, 88A, 88B, 88C Merrivale Road, Pymble
 - 65 Griffith Avenue (Lot 1 DP651933 and lot 31 DP13450)
 - 26 – 30 Craiglands Avenue, Gordon
- g. Amend the zoning map at 12, 18, 28 30 Hillcrest Drive and 20 Cates Place, St Ives to Zone R3 Medium Density Residential. Development standards to remain unchanged.
- h. Amend the zoning map at 101 Eton Road, Lindfield (Screen Australia) to Zone R1 General Residential for that part of the site shown as zone R4 High Density Residential in the exhibited draft KLEP 2013. The FSR/Height/Lot size maps are to remain unchanged.
- i. Amend the zoning map at 100 Eton Road, Lindfield so that the R1 General Residential to E4 Environmental Management zone boundary at the Kimo Street /North Eastern end of the site be aligned with the approved cadastral boundary between Lot 5 and part Lot 1.
- j. Amend the zoning map at 81 Boundary Street, Roseville to realign the realign the boundary between the SP2 zone and the zone R2 Low Density Residential to be consistent with the Land Reservation and Acquisition Map.
- k. Amend the Lot Size Map at 36,42, 44, 46 Blytheswood Ave and 39, 41, 43, 45, 51 Finlay Road, Warrawee to 'T' (930sqm).
- l. At Lady Gowrie Nursing Home 6-10 Edward Street and Melkin End, Gordon, amend:
- the FSR Map to A3(0.3:1) to that part of the site currently zoned R2 Low Density Residential , and A1(90.2:1) to that part of the site currently zoned E4 Environmental Living, and
 - the Lot size map T (930sqm) to that part of the site currently zoned R2 Low Density Residential, and U2 (1500sqm) to that part of the site currently zoned E4 Environmental Living.
- m. Amend the Land Reservation Acquisition Map on 11,23,25 Glen Road, Roseville (Lot 6 DP12001, Lots 8 and 9 DP17798, end of Glen Road, adjacent to Gum Creek, Roseville) to remove the words '*Regional Open Space*' and insert the words '*Local Open Space*'

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- n. Amend the Biodiversity Map in accordance with the revised map included as **Attachment A11** to this Report.
- o. Amend the Riparian Lands Map in accordance with the maps included at **Attachment A13** to this report.
- p. Amend the Heritage Map and Schedule 5 to delete the following properties:
 - 32 Marian St, Killara
 - 37 Marian St, Killara
 - 15 Cleveland Street, Wahroonga (Knox School)
 - 859 Pacific Highway, Pymble
 - 2A Heydon Ave, Warrawee
 - 105 Coonanbarra Rd, Wahroonga
 - 130 Coonanbarra Rd, Wahroonga
 - 38 Billyard Avenue, Wahroonga
 - 47A Highfield Road, Lindfield
- q. Amend the Heritage Map and Schedule 5 to remove the properties listed in Part A of **Attachment A9** and defer them for further heritage investigation.
- r. Amend the Heritage Map and Schedule 5 to remove the properties, listed in Part B of **Attachment A9** to this Report.
- s. Amend the Heritage Map and Schedule 5 to include the correct description of UTS Ku-ring-gai Campus and the level of heritage significance.
- t. Amend the Heritage Map and Schedule 5 as follows to correct identified errors:
 - Item No. I1012: delete 'dwelling house' from item name and replace with 'Poole House'; delete reference to Lot 14, DP 2870 from the property description and the Heritage Map.
 - Item no. I0156: Include 34 Heydon Avenue, Warrawee on the Heritage Map.
 - Item No. I834: include 59 Boundary Road, Wahroonga on the Heritage Map.
 - Item No I1034: Amend the property description and Heritage map to include all lots comprising 51 Finlay Road, Warrawee: Lot C, DP 415439, Lot X, DP 412570, Lot 8, DP 663529, Lot 2, DP 526913.
- u. Amend the Heritage Map to be consistent with the heritage curtilage as mapped on Ku-ring-gai Heritage LEP 1 on the following sites:
 - Avondale Golf Course, 40 Avon Rd, Pymble
 - Killara Golf Course, 556 Pacific Hwy, Killara
- v. Amend the Heritage Map and Schedule 5 to remove the following potential Heritage Items and they be deferred for further investigation and re-exhibition:

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- 59 Warrangi Street, Turramurra
- 51 Warrangi, Street Wahroonga
- 6 Munderah Street, Wahroonga
- 10 Munderah Street, Wahroonga
- 2 - 12 Neringah Avenue South, Wahroonga
- 88 Fox Valley Road, Wahroonga
- 66 Pentecost Ave, Pymble
- 60 - 62 Pentecost Ave, Pymble
- 12 Bobbin Head Road, Pymble
- 33 Grandview Street, Pymble

- B. That Council request the Minister, under S59(4) of the EP&A Act, defer the inclusion of the 13 areas identified on the maps at **Attachment A14** and that Council resolve to prepare a planning proposal in accordance with section 55 of the EP&A Act to re-exhibit these areas with the proposed zoning outlined in the body of this report. This planning proposal then be forwarded to the DoPI for a Gateway Determination in accordance with the provisions of the EP&A Act and Regulations.
- C. That Council resolve to prepare a planning proposal in accordance with section 55 of the EP&A Act to amend the *Ku-ring-gai Local Environmental Plan 2013* as follows, and that the planning proposal then be forwarded to the DoPI for a Gateway Determination in accordance with the provisions of the EP&A Act and Regulations:
1. To amend the Zoning Map for Edith Street, between 74 and 76 Bannockburn Road, Pymble (unformed road reserve) to zone R2 Low Density Residential, the FSR Map: A3(0.3:1) and the Lot Size Map: T (930sqm)
 2. To amend the Zoning Map for No. 1 Bundarra Avenue Wahroonga, 1685 & 1687 Pacific Highway Wahroonga to zone R4 – High Density residential, the FSR Map: 'N' (1:1), Height Map 'N' (14.5m), Lot Size Map 'U1' (1200sqm).
 3. To amend the Zoning Map for 2, 4, 6 Caithness Street, Killara to zone R3 Medium density Residential, the FSR Map 'J' (0.8:1), the Height Map 'L' (11.5m), Lot Size Map 'U1' (1200sqm).
 4. To amend the Zoning Map for 18 Marian St, Killara to zone R4 High Density Residential, the FSR Map 'K' (0.85:1), the Height Map 'L' (11.5m), Lot Size Map 'U1' (1200sqm).
 5. To amend the Floor Space Ratio Map for 20-28 Culworth Ave, Killara (Lots 1, 2 and 3 DP119937; Lot 6 DP3694; lot 2 DP932235) to 'Q' (1.3:1) and the Height of buildings Map 'P' (17.5m).
 6. To amend the Zoning Map for Avondale Golf Club, 40 Avon Road Pymble to Zone RE2 Private Recreation to the northern corner of the site.
 7. To amend the Riparian Lands Map as it applies to the following sites:
 - Corner of Woniora Avenue and Woonona Avenue North, Wahroonga
 - Ortona Road to Westbourne Road, Lindfield
 - 90 and 92 Babbage Road, Roseville Chase

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8. To amend the Land Use table for Zone E3 Environmental Management to be consistent with Part IIID of the Ku-ring-gai Planning Scheme Ordinance.
 9. To amend the Land Use Table for Zone E4 Environmental Conservation to include the following additional objectives:
 - *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*
 10. To amend Schedule 3 Part 1 (Complying Development) to include complying development provisions for dwelling houses in the E4 zone in accordance with the provisions included as **Attachment A15**.
- D. That Council resolve to prepare a planning proposal in accordance with section 55 of the EP&A Act to amend the *Ku-ring-gai Local Environmental Plan 2013* for the following Heritage related matters and that the planning proposal be forwarded to the DoPI for a Gateway Determination in accordance with the provisions of the EP&A Act and Regulations:
- i. To amend the Heritage Map and Schedule 5 to alter the boundaries of the following HCAs:
 - a. 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.
 - b. C1 Wahroonga Conservation Area to exclude 38 Billyard Avenue, Wahroonga.
 - ii. To review the area around Middle Harbour Road, Lindfield (Archbold/Tryon/Middle Harbour and Trafalgar) as shown in the 2010 South HCA review within the Clanville Estate (HCA3A-6A), with the view to its re-inclusion as a potential HCA or to identify and assess potential new Heritage Items within the area.
 - iii. Further investigation be conducted on 6 Caithness Street, Killara as a new potential Heritage Item.
- E. That a public hearing under section 57(5) of the EP&A Act not be held on the now deferred E3 zone.
- F. That Council resolve to reclassify the land at 53 Bradfield Road Lindfield from Community to Operational land.
- G. That Council resolve to reclassify the land at 47 Warrane Road Roseville Chase from Community to Operational land.
- H. That Council, in accordance with Section 58 of the EPA Act, forward a copy of the revised Planning Proposal for the *Ku-ring-gai Local Environmental Plan 2013* to the Department of Planning and Infrastructure.

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- I. That delegation be granted to the General Manager to make all necessary corrections and amendments to the draft *Ku-ring-gai Local Environmental Plan 2013* for drafting inconsistencies, or minor amendments as necessary to ensure consistency with NSW Standard Order Template and Department of Planning & Infrastructure policy.
- J. That a DCP to accompany the KLEP 2013 be prepared, and include the DCP matters identified in this Report
- K. That all persons that made a submission be notified of Council's decision.

Rthna Rana
Urban Planner

Craig Wyse
Team Leader Urban Planning

Antony Fabbro
Manager Urban & Heritage Planning

Andrew Watson
Director Strategy & Environment

Attachments:	A1	Planning Proposal	2013/274747
	A2	Gateway Determination	2012/228492
	A3	Summary Table - Land Use and Infrastructure	2013/293405
	A4	Summary Table - Site Specific	2013/293404
	A5	Summary Table - Heritage	2013/293403
	A6	Summary Table - Environment and Ecology	2013/293402
	A7	Summary Table - Environmental Zoning	2013/293401
	A8	Summary Table - Policy and Written Instrument	2013/293399
	A9	Heritage Items for investigation or removal	2013/290204
	A10	Heydon Ave, Warrawee & Woodville Ave, Wahroonga Heritage Conservation Area (HCA C2-2013) Heritage Data Form	2013/290637
	A11	Amended KLEP Biodiversity Maps	2013/293361
	A12	Map showing changes to Biodiversity Mapping	2013/293348
	A13	Riparian Land - Proposed Amendments	2013/274262
	A14	Maps of E3 proposed deferred areas	2013/272222
	A15	Complying Development Provisions for Dwelling houses in E4 zones	2013/291836
	A16	Amendments to Signage Provisions in Draft KLEP	2013/275571
	A17	Amendment to Special Events clause in Draft KLEP	2013/275579
	A18	Public Hearing Report; Bradfield Park Childcare Centre, Lindfield (in Part) East Roseville Bowling Club, Roseville Chase P Walsh June 2013 (already added in August to the report by KP)	2013/172844

Attachment 1 Planning Proposal



Ku-ring-gai Council

Planning Proposal

Ku-ring-gai Principal Local Environmental Plan

August 2012

Background

The KPSO was initially gazetted in 1971 and has been subject to a significant number (over 200) of ad-hoc changes over the subsequent 40 years. The development of the Metropolitan Strategy and associated sub regional planning process provides the strategic framework in which now local land-use planning can be undertaken in an integrated and strategic manner. Land use planning issues to be addressed by the LEP includes sustainability, physical and social Infrastructure provision, natural and built environment, housing and employment.

On 12 October 2010, Council resolved to submit a Planning Proposal for the Ku-ring-gai Principal Local Environmental Plan (Principal LEP) to the Minister for Planning for a gateway determination. A gateway determination to proceed with the Planning Proposal was issued on 15 November 2010 requiring the Principal LEP to be completed in 18 months, i.e. May 2012.

On 14 December 2010, Council endorsed an updated timeline for the preparation of the draft Ku-ring-gai Principal LEP in line with the gateway determination issued by the Department of Planning. The report also provided a detailed work program for the completion of studies to inform the proposed Ku-ring-gai Principal LEP, including a Heritage Conservation Area review, Biodiversity and Riparian Lands Study, Bushfire Study and Interface Study. The Heritage Conservation Areas review, the Bushfire Study and Biodiversity and Riparian Lands Study were exhibited for public comment during the first half of 2011. The interface study was reported to Council in February 2011 and May 2011, however Council did not resolve to put the study on exhibition for preliminary public comment.

The NSW Land & Environment Court declared the Ku-ring-gai Local Environmental Plan (Town Centres) 2010 invalid on 28 July 2011 creating much planning uncertainty in Ku-ring-gai and resulted in delay in the progressing of the Principal LEP.

At its meeting on 8 November 2011 Council considered a report on a timing and process for a new Ku-ring-gai Local Centres LEP. The report also included a revised timeline for the Principal LEP that takes into consideration the resourcing implication of the preparation of a new local centres LEP and 2012 local government elections. As this revised timeline exceeded the timeframes for the completion of the Principal LEP contained in the original Gateway Determination, Council required an extension of the timeframe.

On 6 March 2012 Council resolved to endorse a draft Ku-ring-gai Local Environmental Plan 2012 for submission to the Department of Planning and Infrastructure seeking an extension of time to the Gateway Determination for the completion of the Principal LEP. A revised Gateway Determination was issued on 6 June 2012.

Council has recently resolved to proceed with two (2) planning proposals that also have implications for the preparation of the Principal LEP.

On the 8 November 2011 Council resolved to prepare a planning proposal to implement an LEP (draft LEP 218) to amend the KPSO to incorporate biodiversity and riparian lands provisions and Heritage Conservation Areas. This Planning Proposal is based on the outcomes of the Biodiversity and Riparian Lands Study and the Heritage Conservation Areas review. The planning proposal was placed on public exhibition from 30 January to 27 February 2012. That the consideration of public and agency submissions and resulting recommended amendments to the Planning Proposal for draft LEP 218 be incorporated within the planning proposal for the draft Principal LEP prior to public exhibition.

On the 13 December 2012, Council resolved to prepare a Planning Proposal to amend the KPSO to zone the Pymble Business Park to B7 Business Park consistent with the provision for the precinct contained in former Town Centres LEP. The planning proposal also includes land to the west of West Street and Ryde Road, Pymble currently zoned 3(b) - (B1) under the KPSO and not previously

included in the Town Centres LEP. The planning proposal was submitted to DP&I and a gateway determination was issued in February 2012. The Planning Proposal was placed on public exhibition from 23 April to 7 May 2012. A finalised planning proposal was adopted by Council on 17 July 2012 and has now been submitted to DP&I for finalisation.

The Proposal removed the Pymble Business Park from the new Local Centres LEP process and the area is now to be included draft Principal LEP, while also progressing as an amendment to the KPSO in the short term.

A new draft *Ku-ring-gai Local Environmental Plan (Local Centres) 2012* (Local Centres LEP) was adopted by Council on 31 July 2012 and has now been submitted to DP&I for finalisation.

It is proposed that the Principal LEP will largely be a translation of the Ku-ring-gai Planning Scheme Ordinance (KPSO) into the Standard Instrument format and will apply to all land in Ku-ring-gai that is not subject to the Local Centres LEP

Given that the draft Local Centres LEP is in the standard instrument format, it is proposed that the Principal LEP 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 lands. 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.

Planning Proposal

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

The intended outcome of the planning proposal is to implement a Principal Local Environmental Plan (Principal LEP) following the Standard Instrument format to apply to the Ku-ring-gai local government area (except for land subject to the draft Ku-ring-gai Local Environmental Plan (Local Centres) 2012), that replaces but maintains the general effect of the existing Ku-ring-gai Planning Scheme Ordinance (KPSO) applying to the land, except where it is intended to:

1. Rezone unzoned land to same as adjoining zoning.
2. Rezone land covered by Interim Development Orders to standard instrument equivalent.
3. Rezone certain interface sites to provide a solution to those low density housing areas adjoining land zoned for five storey apartment buildings or other higher zonings within the draft Local centres.
4. Rezone certain existing residential and open space sites to an appropriate environmental zone having given consideration to the biodiversity, riparian and other natural resource assessment and mapping processes.
5. Include heritage conservation areas and add or delete heritage items
6. Include 'natural resource sensitivity' provisions and mapping layers to address biodiversity and riparian lands issues, consistent with Ku-ring-gai Draft Local Centres LEP. Investigation will also be undertaken to consider the potential application of additional local provisions for flood planning areas and landslide risk.
7. Rezone certain sites currently zoned Special uses in accordance with Department of Planning PN 08-002 – zoning infrastructure.
8. Correct existing zoning anomalies, e.g. where existing open space is currently zoned residential.
9. Remove redundant road and open space reservations following consultation with relevant public authority.
10. Include new road and open space reservations where necessary following consultation with relevant public authority.
11. To reclassify Council owned land at 53 Bradfield Road, Lindfield (Lot 1, DP749201) and 47 Warrane Road, Roesville Chase (Lots 33 and 34, DP 3285; Lot 3, DP 26343; Lot B, DP 403780) from Community land to Operational Land.

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

It is intended that the LEP will be a translation of the KPSO into the Standard Instrument format consistent with the draft Local Centres LEP. 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. A copy of the proposed LEP written instrument and LEP maps are included as **Attachments A and B** respectively.

There are also a number of 'special provisions' in Part VII of the KPSO for which there are no equivalent standard LEP clauses. Each of these will be considered to determine whether or not it is appropriate or necessary to incorporate an equivalent local provision in the Principal LEP.

The KPSO contains a number of site specific provisions which were introduced to guide development of specific sites. As the development has occurred on these sites there is no need to carry these forward to the Principal LEP. Instead, these sites will be zoned so as to best reflect the existing development of the sites

Zoning and Development Standards

This will included converting existing zones and associated land uses to the standard instrument equivalent and retain the associated development standards including height, floor space ratio, and minimum subdivision requirements. The table below identifies the likely translations from the KPSO zones to the equivalent standard instrument zones.

Existing KPSO Zone	Proposed Standard Instrument Equivalent Zone	Comment
<i>Residential Zones</i>		
Residential 2(a), 2(b), 2(c),	R2 – Low Density Residential	General low density residential
Residential 2(a), 2(b), 2(c),	E4 – Environmental Living	Land identified as part of natural resource sensitivity studies
Residential 2(a), 2(b), 2(c),	E3 – Environmental Management	Land where there are special ecological, scientific, cultural or aesthetic attributes, as per PN 09-002. Identified as part of natural resource sensitivity studies.
Residential 2(c1), 2(c2)	R2 – Low Density Residential	Sites where detached dual occupancy currently permitted - include in Schedule 1
Residential 2(c1), 2(c2)	E4 – Environmental Living	To be identified as part of natural resource sensitivity studies
Residential 2(d)	R4 – High Density Residential	Existing key development standards to be retained
Residential 2(d3)	R4 – High Density Residential	Existing key development standards to be retained
Residential 2(e)	R4 – High Density Residential	Existing key development standards to be retained
Residential 2(f)	R4 – High Density Residential	Existing key development standards to be retained
Residential 2(g)	R5 – Large Lot Residential	Existing key development standards to be retained
Residential 2(h)	R4 – High Density Residential	Existing key development standards to be retained
<i>Business Zones</i>		
Business – Retail Services 3(a)-(A1)	B2 – Local Centre	Existing key development standards to be retained
Business – Retail Services 3(a)-(A2)	B2 – Local Centre	Existing key development standards to be retained

Existing KPSO Zone	Proposed Standard Instrument Equivalent Zone	Comment
Business - Retail Services 3(a)-(A3)	B1 - Neighbourhood Centre	Existing key development standards to be retained
Business - Commercial Services 3(b)-(B1)	B4 - Mixed Use	Land other than Pymble business Park
Business - Commercial Services 3(b)-(B1)	B7 - Business Park	Land in Pymble Business Park
Business - Commercial Services 3(b)-(B2)	B2 - Local Centre	Existing key development standards to be retained
Special uses Zones		
Special Uses 5(a)	SP2 – Infrastructure or same as the adjacent zone	As per PN 08-002
Special Uses 5(a1)	SP1 – Special Activities or same as the adjacent zone	As per PN 08-002
Special Uses 5(b) (Railways)	SP2 – Infrastructure	
Open Space Zones		
Open space Recreation existing 6(a)	RE1 - Public Recreation	Recreational uses on public land
Open space Recreation existing 6(a)	E1 - National Parks and Reserves	Land in national parks
Open space Recreation existing 6(a)	E2 - Environmental Conservation	Land with high ecological, scientific, cultural or aesthetic values outside national parks and nature reserves, as per PN 09-002. Identified as part of natural resource sensitivity studies.
Open space Recreation private 6(b)	RE2 - Private Recreation	Recreational uses on private land
Reservations		
<i>Open Space</i>		
(a) Open Space (Public Parks & Recreation)	RE1 - Public Recreation or same as adjoining zone if reservation no longer required.	To confirm ongoing reservation requirement. Also to be included on Land reservation acquisition map.
(b) County Open Space	RE1 - Public Recreation or same as adjoining zone if reservation no longer required.	To confirm ongoing reservation requirement with LPMA. Also to be included on Land reservation acquisition map.
<i>Roads</i>		
(a) County Road Proposed	SP2 – Infrastructure or same as adjoining zone if reservation no longer required.	To confirm ongoing reservation requirement with RTA. Also to be included on Land reservation acquisition map.
(b) County Road Widening	SP2 – Infrastructure or same as adjoining zone if reservation no longer required.	To confirm ongoing reservation requirement with RTA. Also to be included on Land reservation acquisition map.
Interim Development Orders		
IDO 29	RE2 - Private Recreation	Include educational establishment and function centre as permissible uses on site include in Schedule 1
IDO 78	R2 – Low Density Residential	Same uses and development standards as general low density residential.

As the development standards included in the standard instrument LEP are generally restricted to building height, floor space ratio and subdivision standards, certain other development standards currently included in the KPSO, such as 'built upon area' will not be transferred to the LEP, but will rather be included in the associated DCP.

However, it should be noted that, while it is proposed that the Principal LEP take on largely the same format of the draft Local Centres LEP, this will not extend to increasing heights and densities of commercial centres not currently covered by the draft LocalCentres LEP. It has already been demonstrated that the draft Local Centres LEP, in conjunction with LEP 194/200 before it, will deliver Ku-ring-gai's housing and employment targets under the Metropolitan Strategy and, consequently, any further up zonings are not considered justified or warranted [other than those to address zone interface issues].

Other additional provisions

In order to make the Principal LEP largely consistent with the draft Local Centres LEP, it will incorporate relevant local or optional provisions currently contained in the Draft Local Centres LEP including the following:

- 1.9A Suspension of covenants, agreements and instruments*
- 2.8 Temporary use of land*
- 5.3 Development near zone boundaries*
- 5.4 Controls relating to miscellaneous permissible uses*
- 6.1 Particular site requirements for multi dwelling housing and residential flat buildings*
- 6.2 Ground floor development in business zones*
- 6.3 Minimum building street frontage in business zones [local]*
- 6.4 Development in Zone B1 Neighbourhood Centre*
- 6.5 Location of sex services premises*
- 6.6 Biodiversity Protection*
- 6.7 Riparian land and waterways*
- 6.8 Acid sulfate soils*
- 6.9 Earthworks*
- 6.10 Stormwater and water sensitive urban design*

The KPSO contains a number of site specific provisions which were introduced to guide development of specific sites. As the development has occurred on these sites there is no need to carry these forward to the Principal LEP. Instead, these sites will be zoned so as to best reflect the existing development of the sites. There are also a number of 'special provisions' in Part VII of the KPSO for which there are no equivalent standard LEP clauses. Each of these will be considered to determine whether or not it is appropriate or necessary to incorporate an equivalent local provision in the Principal LEP.

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

A. Need for the planning proposal.

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

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

Key studies that have informed the process include:

Interface

- Ku-ring-gai interface Study (Habitation 2005)
- Principal LEP Interface Study 2011- Ku-ring-gai Council

Employment /commercial

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

Heritage

- Paul Davies Pty Ltd (2010) Northern Heritage Conservation Area Review; and
- Architectural Projects (2010) Southern Heritage Conservation Area Review.
- Review of potential items in the Ku-ring-gai area (Perumal Murphy Alessi, 2006);
- Ku-ring-gai Urban Conservation area Study – stages 2 and 2 (a) (Godden Mackay Logan, 2002)
- Ku-ring-gai Heritage Study (Robert Moore, Penelope Pike, Helen Proudfoot, and Lester Tropman and Associates, 1987);

Environmental

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

Demographic

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

Open space Planning

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

Traffic and Transport

- Ku-ring-gai Integrated Transport Strategy (2011)
- Ku-ring-gai Parking Management Plan (2010)

Community Facilities

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

- Cultural Facilities Plan 2004-2009 (2005);

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

Yes, this is the best means by which Ku-ring-gai can have standard template LEP provisions applying to the entire local government area.

A3. Is there a net community benefit?

A Principal Local Environmental Plan for Ku-ring-gai will provide a significant opportunity to update our planning controls, retain the values of Ku-ring-gai's built and natural heritage whilst also providing for the future implementation of plans to respond to the Metropolitan Strategy and sub-regional planning. The principal LEP will also address a range of issues including sustainability, physical and social Infrastructure provision, natural and built environment, housing and employment.

B. Relationship to strategic planning framework.

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

The North Subregional Strategy is broken down into seven sub-strategy areas, each containing a series of objectives and actions. The strategies are linked to those of the Metropolitan Strategy.

The seven strategy areas are as follows:-

- Economy and Employment.
- Centres and Corridors.
- Housing.
- Transport.
- Environment, Heritage and Resources.
- Parks, Public Places and Culture.
- Implementation and Governance.

Outlined below under each of the draft NSS strategic areas is an overview of how the various studies and strategies that have been undertaken apply to the Subregional Strategy areas and establish appropriate policy directions and strategic goals and objectives.

Economy and Employment

A subregional Employment Lands Study was undertaken jointly with Hornsby Council in 2008. This study identifies appropriate responses and recommendations for both Councils principal LEPs to address subregional employment targets. The relevant recommendations of this study were used to inform the development of the draft LocalCentres LEP and will also inform the Ku-ring-gai Principal LEP and DCP.

Centres and Corridors

The Metropolitan Strategy is based around a "centres policy", with the Subregional Strategy identifying a centres hierarchy for each local government area. The Draft Local Centres LEP and Draft Local Centres DCP largely establishes a centres hierarchy consistent with that of

the Subregional Strategy. The key background study informing the centres hierarchy in the Draft Local Centres LEP was the Ku-ring-gai Retail Centres study adopted by Council in 2005 and the Employment Lands Study in 2008.

It is proposed that a final comprehensive Ku-ring-gai Centres strategy be developed based on the outcomes of these studies.

Housing

The draft NSS sets a future dwelling target for Ku-ring-gai of 10,000 additional dwellings by 2031. It also sets a number of goals and actions regarding the provision of housing mix and housing choice and addresses the issue of housing affordability. With this existing yield included in the LEP 194/200 and the Draft Local Centres LEP, combined additional potential yield provided by the UTS and Sydney Adventist Hospital State significant sites outside the local centres, it is considered that the 10,000 dwelling target under the draft Subregional Strategy should be able to be met. This would then negate the need for Council to provide any significant additional yield through the Principal LEP beyond that already discussed. In this respect, it is largely intended to translate remaining Ku-ring-gai Planning Scheme Ordinance (KPSO) residential and business zones and provisions into the Standard Template equivalent zones.

Transport

In order to address the objectives and actions of the subregional transport strategy an Integrated Transport and Access Strategy has been developed for Ku-ring-gai and was adopted by Council in June 2011. This strategy picks up on the significant baseline data already compiled by Council in the 2000 RDS baseline study and the Draft Local Centres LEP traffic studies. It also incorporate the Draft Local Centres Parking Management Plan which is currently being developed.

This strategy has not only informed the development of the Principal LEP and DCP, but also identifies broader action plans for Council in the areas of:-

- Public transport.
- Walking and cycling.
- Accessibility.
- Road management.
- Transport and land use.
- Parking management, and
- Travel demand management.

Environment and Natural Resource Management

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

- the protection of Sydney's unique plants and animals;
- improvement of the health of waterways;

- improvement in the sustainable use of resources;
- addressing and responding to climate change;
- management of bushfire risk;
- the protection of indigenous heritage.

Both Managing Bushfire Risk, Now and into the Future – Draft Background Study and Ku-ring-gai Biodiversity and Riparian Lands Study -Public Exhibition Draft make a number of recommendations in relation to land use planning. The Principal LEP provides an opportunity to incorporate strategic land management approaches to integrate both biodiversity protection and bushfire management. The findings and recommendations of have been addressed within the planning proposal for the draft Principal LEP through a number of mechanisms:

- consideration of the appropriate location for major future development;
- the protection of threatened species, populations and ecological communities, and their habitats, through the application of two maps identifying environmentally important areas; the 'Natural resource – biodiversity protection map' and the 'Natural resource-Riparian land and waterways map ' and provisions to protect and enhance the natural values of these lands natural resource maps and associated local provisions;
- the establishment of environmental zones and associated minimum lot sizes and floor space ratios. This includes the establishment of two environmental zones:
 - E2-Environmental Conservation for Council reserves of high biodiversity value;
 - E4 – Environmental Living, where a combination of ecological values and risks support a more environmentally focussed set of zoning objectives and land uses.
 - E3 – Environmental Management: - protects land that has special ecological, scientific, cultural or aesthetic attributes, or land highly constrained by hazards such as bushfire. A limited range of development including 'dwelling houses' will be permitted. The zone also supports a transition between areas of high conservation value, particularly National Parks, and other land uses.

Heritage Planning (Heritage Conservation Areas and Heritage Items)

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

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

Open Space and Recreation Strategy

A number of studies have been undertaken recently by both the Department of Planning and Council that document key issues related to open space and recreation in Ku-ring-gai. This strategy will address the current gaps through planning for the following:-

- new local parks to address current undersupply of areas for passive recreation and to cater for new population;
- new urban and civic spaces within each of the draft Local centres to fulfil community and cultural needs;
- additional sportsfields to address the current undersupply;
- multi-activity sites on the fringes of bushland areas to provide regional park facilities similar to those of Bicentennial Park for example;
- provision of special recreation facilities to cater for youth and elderly people who are not currently well catered for in terms of recreation;
- opportunities for tourism and cultural activities including heritage walking trails; and
- walking tracks and trails linking with regional routes and providing local walks linking key facilities.

Implementation and Governance

In addition to the statutory consultation with state agencies, it is envisaged that ongoing dialogue will need to take place with specific state agencies and instrumentalities with land holdings in Ku-ring-gai. The purpose of this consultation would be to determine the future intention of specific sites eg. RMS County Road Reservations, County Open Space Reservations, Sydney Water lands, Energy Australia; Department of Education sites and to establish future infrastructure requirements. It will also include liaison with NSW land and Property Management Authority (LPMA) on matters to deal with crown land.

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

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

- community development
- urban environment
- natural environment
- planning and development
- civic leadership and corporate services
- financial sustainability

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

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

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

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

SEPP	Comment on Consistency
SEPP19 Bushland in Urban Areas	When preparing draft local environmental plans for any land to which SEPP 19 applies, other than rural land, the council shall have regard to the general and specific aims of the Policy, and give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland. Compliance with SEPP 19 is one of the considerations addressed through the biodiversity mapping and the Biodiversity and Riparian Lands, Draft Background Study (Ku-ring-gai Council, 2011). These have guided the implementation of planning provisions for SEPP 19 bushland.
SEPP No. 44 - Koala Habitat Protection	In order to give effect to the aims of this Policy, a council should survey the land within its area so as to identify areas of potential koala habitat and core koala habitat, and make or amend a local environmental plan to include land identified as a core koala habitat within an environmental protection zone, or to identify land that is a core koala habitat and apply special provisions to control the development of that land. The <i>Biodiversity and Riparian Lands Draft Background Study</i> (2011) included an investigation of the potential presence of core Koala habitat in Ku-ring-gai. No core koala habitat has been identified in the LGA in the land to which this SEPP applies, and the most recent koala sighting within the LGA of which Council is aware was over 40 years ago.
SEPP55 Remediation of Land	SEPP 55 requires a planning authority to give consideration to contamination issues when rezoning land which allows a change of use that may increase the risk to health or the environment from contamination and requires consideration of a report on a <i>preliminary investigation</i> where a rezoning allows a change of use that may increase the risk to health or the environment from contamination.. As the planning proposal is largely a translation exercise to equivalent standard instrument zones which generally will not result in a change to permissible uses. However, potential contamination matters will need to be considered as part of the process of rezoning special uses land to surrounding zones in accordance with PN 08-002 - Zoning for infrastructure in LEPs.
SEPP Infrastructure 2007	To complement the provisions of the SEPP Infrastructure 2007, the planning proposal will zone public infrastructure land in accordance with LEP practice note PN 10-001 - Zoning for infrastructure in LEPs. The Planning Proposal seeks to zone the existing Special Uses 5(a) generally in accordance with the principals of PN 10-001. However, there are a number of circumstances where it is considered necessary or appropriate to retain an infrastructure zone (ie. SP2) on particular sites or vary from a strict application PN 10-001 'Zoning for infrastructure in LEPs'. It is proposed that all school sites be zoned SP2 rather than the

SEPP	Comment on Consistency
	predominant adjoining zoning. It is also the approach adopted by Council for the Principal LEP This approach is favoured for the following reasons: • Education is the largest single employer in Ku-ring-gai and zoning the sites according to adjacent land use could be construed as encouraging education providers to relocate. This was reinforced in the Ku-ring-gai & Hornsby Subregional Employment Study. To zone the sites according to the prevailing adjoining land use may send the wrong signals to the education sector about reinvestment in the industry. • Given the strength and size of the education sector in Ku-ring-gai, even if large private education providers ceased operating, it would be preferable that their facilities be made available to other education providers in the first instance, rather than be made available for alternate development as would occur if they were zoned for high density residential development for example. The quantity and scale of the buildings on many of the school's sites in Ku-ring-gai would lend themselves to reuse for education purposes. There has been no indication that any of the school sites covered by the proposed Local centres LEP are likely to be used for alternate purposes in the foreseeable future. Examples of recently made standard instrument LEPs to include schools in SP2 zones include the Lane Cove LEP 2008, Marrickville LEP 2011, Parramatta LEP 2011 and Mosman LEP 2012.
SEPP Exempt and Complying Development Codes 2008	The Codes SEPP aims to provide streamlined assessment processes for development certain types of development that are of minimal environmental impact and identifying types of complying development that may be carried out in accordance with complying development codes. The planning proposal will not included exempt or complying development provisions that are inconsistent with the SEPP Exempt and Complying Development Codes 2008. The planning proposal does include the implementation of “<i>heritage conservation area(s)</i>” as defined by the Codes SEPP. This will limit the application of the codes under the SEPP on the land identified as <i>heritage conservation areas</i> in this planning proposal..
SREP20 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 have been taken into account when developing provisions under the planning proposal. The proposal particularly addresses water quality and quantity, environmentally sensitive areas and flora and fauna within the Hawkesbury-Nepean River catchment.
SREP (Sydney Harbour Catchment) 2005	The 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

SEPP	Comment on Consistency
	waterways. It establishes planning principles and controls for the catchment as a whole. The planning proposal is consistent with the SEPP as it aims to protect and enhance identified environmentally sensitive lands and waterways and implement appropriate planning provisions.

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

The following table identifies applicable Section 117 Directions and outlines the planning proposal's consistency with those directions. A checklist of compliance with all Section 117 Directions is contained at **Attachment C**.

Directions under S117	Objectives	Consistency
1.1 Business and Industrial Zones	The objectives of this direction are to: (a) Encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	Consistent As the planning proposal will retain 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.
2.1 Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Consistent It is proposed that the LEP include provisions that facilitate the protection and conservation of environmentally sensitive areas. The planning proposal proposes to introduce environment protection zones and provisions with improved environmental protection standards applying to the land.
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental Heritage significance and indigenous heritage significance.	Consistent The LEP will include the provisions to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This will take the form of the standard instrument heritage conservation clause and will also include the introduction of heritage conservation areas.
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing	Justifiably inconsistent The planning proposal seeks to translate the existing residential zones under the KPSO to the standard instrument equivalents

Directions under S117	Objectives	Consistency
	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.	while maintaining the existing residential densities on these sites. The interface study recommends a number of zoning changes to ameliorate the impact of adjacent high density developments on the amenity of existing low density sites. These recommendations include the up-zoning of exiting low density sites to R3 medium density as well as the down zoning of certain existing 2(d3) sites (R4 High density residential equivalent) to R2 Low density residential. An analysis of the overall implications of the recommended interface zoning changes on dwelling yield shows that the net result of all recommended zoning changes will be a reduction of approximately 57 dwellings. Given these low numbers in the context of Ku-ring-gai's 10,000 additional dwelling targets, the recommended interface zoning changes are considered to be yield neutral. There will also potentially be some minor reductions in FSR standards for residential development on land proposed to be zoned E4 – Environmental living. This will be consistent with the approach taken in the Draft Local centres LEP and objective (c) of the Direction.
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 planning proposal will retain 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.
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses	Consistent The planning proposals will permit home occupations to be carried out in dwelling houses without the need for development consent.
3.4 Integrating Land Use and Transport.	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following	Consistent The planning proposal is largely a translation exercise and will not create, alter or remove a zone or a

Directions under S117	Objectives	Consistency
	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.	provision relating to urban land.
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 There are minimal little known land in Ku-ring-gai that has a probability of containing acid sulfate soils. The planning proposal does not propose an intensification of land uses on this land.
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 planning proposal will involve a study to identify areas of land slip risk and appropriate zoning, land uses and appropriate principal development standards for any at risk areas.
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	Not Consistent. 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	Consistent The planning proposal takes into consideration the findings and recommendations of the study <i>Managing Bushfire Risk, Now and</i>

Directions under S117	Objectives	Consistency
	land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	<i>into the Future</i> (2011 Ku-ring-gai Council), which uses a risk management approach to assess the management of bushfire risks, now and under future climate change situations and provides guidance for zoning, land uses and development standards in high risk areas. The NSW rural fire service will be consulted in the process.
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent The planning proposal does not seek to incorporate additional provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, or identify development as designated development.
6.2 Reserving Land for Public Purposes	The objectives of this direction are: (c) to facilitate the provision of public services and facilities by reserving land for public purposes, and (d) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition	Consistent The planning proposal includes consultation with public authorities on the status of existing reservations for public purposes. Where there is an identified requirement to remove a reservation or put in place a new or revised reservation, it will be done in accordance with the requirements of this direction.
7.1 Implementation of the Metropolitan Strategy	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy	Consistent The planning proposal is consistent with the NSW Government's Metropolitan Strategy and the related Draft North Subregional Strategy. Details are contained under Section 3- B1 above.

C. Environmental, social and economic impact.

C1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

As the planning proposal is largely a direct translation of the KPSO to the standard instrument format, it is unlikely to have an adverse affect on critical habitat or threatened species, populations or ecological communities, or their habitats.

The planning proposal will actually have a positive affect on the protection of critical habitat or threatened species, populations or ecological communities, or their habitats, through the

extension of the *'Natural resource sensitivity – biodiversity'* provisions to the whole local government area.

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

As the planning proposal is largely a direct translation of the KPSO to the standard instrument format it is not expected to result in any additional negative environmental effects.

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

As the planning proposal is largely a direct translation of the KPSO to the standard instrument format it 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.

D. State and Commonwealth interests.

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

As the planning proposal is for what is essentially a translation LEP that will result in minimal increases in residential density or intensity of land uses, it is considered that there will be negligible additional demands or pressures placed on existing infrastructure.

The purpose of this consultation would be to determine the future intention of specific sites eg. RMS County Road Reservations, County Open Space Reservations, Sydney Water lands, Energy Australia; Department of Education sites and to establish future infrastructure requirements.

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

The Gateway Determination requires the following public authorities to be consulted under section 56 of the EP&A Act:

- NSW Rural Fire Service
- Office of Environment and Heritage
- Transport for NSW (including Roads and Maritime Services, Transport NSW and Railcorp)
- Department of Primary Industries, catchments and Lands
- Department of Water and Energy
- NSW State Emergency Service
- Department of Education and Training
- Department of Health
- Sydney Water Corporation
- Department of Housing
- Energy Australia
- Member for Ku-ring-gai - Mr Barry O'Farrell MP
- Member for Davidson - Mr Jonathan O'Dea MP
- Hornsby Shire Council
- Ryde City Council
- Warringah Council
- Willoughby City Council

In addition to the public authorities identified in the Gateway Determination, consultation is also being conducted with other State and Commonwealth authorities who have significant land holdings affected by the Planning Proposal.

As the planning proposal involves land that contains critical habitat or threatened species, populations or ecological communities, or their habitats which may be adversely affected, Director-General of the Department of Environment and Heritage will be consulted under section 34A of the EP&A Act.

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

A separate consultation strategy is to be developed for the Principal LEP. This strategy will establish a framework for appropriate consultation with all relevant stakeholders in the process.

At a minimum, community consultation will be conducted in accordance with the publication “*A guide to preparing local environmental plans*” released by the Department of Planning. Based on instructions in this guide, the planning proposal is not considered a low impact planning proposal as it relates to the production of a Principal LEP

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

ATTACHMENT A

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

(Circulated separately)

ATTACHMENT B

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

(Circulated separately)

ATTACHMENT C

ASSESSMENT OF PLANNING PROPOSAL CONSISTENCY WITH SECTION 117 DIRECTION AND STATE ENVIRONMENTAL PLANNING POLICIES

PART A: 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 60	Exempt and Complying Development	✓	
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	✓	

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

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

Attachment 2 Gateway Determination



Planning & Infrastructure

Office of the Director-General

Contact: Peter Goth
Phone: (02) 98601174
Email: peter.goth@planning.nsw.gov.au

Mr John McKee
General Manager
Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073

Our ref: 12/08663
Your ref:

Attention: Andrew Watson

Dear Mr McKee

Ku-ring-gai Planning Proposal – Gateway Determination – Ku-ring-gai Local Environmental Plan 2012

I am writing in response to Council's letter dated 12 April 2012, requesting a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) in respect of the planning proposal for Ku-ring-gai Local Environmental Plan 2012 which is being prepared in accordance with the *Standard Instrument (Local Environmental Plans) Order 2006*.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the revised Planning Proposal and attached instrument should proceed subject to the conditions in the attached Gateway Determination and matters outlined in this letter.

The Planning Proposal should proceed

Prior to the public exhibition of the Planning Proposal Council is required to make the amendments contained in the Gateway Determination.

These amendments include:-

1. Permitting development for the purposes of bulky goods premises in the B2 Local Centre zone. As commercial premises are mandated uses in the zone as part of the Standard Instrument Order and as bulky goods premises are part of the group term commercial premises, it is not legally possible to revise their permissibility. While Council's opposition to these uses is acknowledged, they are to be added to the draft plan for the purposes of public exhibition. If further changes occur to the Standard Instrument Order to render the uses as optional, Council may make a submission to seek to remove them from the final plan.
2. In order to ensure covenants currently suspended under the Ku-ring-gai Planning Scheme Ordinance (KPSO) are also suspended under the draft Principal LEP, it

is necessary for Council to amend the Planning Proposal to include the model suspension of covenants clause. While it is recognised that Council resolved not to include a suspension of covenants clause in the draft LEP, it is Department policy that the clause be included within Standard Instrument Local Environmental Plans. If, following exhibition, there are particular sites which Council believes have a strong reason to be exempt from the clause, Council may make a submission seeking to remove them from the plan.

3. As you are aware, the Department is looking to transfer the UTS Ku-ring-gai and Wahroonga Estates sites from Schedule 3 of the *Major Developments SEPP* into Council's local planning instrument.

The Gateway Determination includes a condition to incorporate the 'Wahroonga Estate site' which are contained in Part 25 and Part 30 of Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* within the draft LEP. The approved Part 3A Concept Plans for these sites would continue to apply and the Department will also be responsible for any Section 75W modification applications.

Timeframe for completion

The LEP is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to finalise the LEP should be made six (6) weeks prior to the projected publication date.

As an Opinion has not been issued by Parliamentary Counsel that the plan may be legally made, the Department has issued this determination on the understanding that Council, when exhibiting the draft LEP, makes it clear to the public that the draft LEP may be changed to satisfy legal drafting requirements.

Consistency with the strategic framework

Council is reminded to place the relevant State Environmental Planning Policies, any Regional Environmental Plans (deemed SEPPs) and s117 Directions that apply on exhibition with the certified draft LEP.

It has been identified that the draft LEP is inconsistent with s117 Direction 3.1 Residential Zones in that it may reduce overall number of dwellings. I have determined that the inconsistency with this Direction has been sufficiently justified by Council to enable public exhibition to be undertaken. Council should place this letter on exhibition to demonstrate that this inconsistency has been addressed.

Additionally it has been identified that the draft LEP is inconsistent with s117 *Direction 4.3 – Flood Prone Land* in that no flooding provisions are included in this Planning Proposal. The Department notes Council's preferred approach for flood planning areas and flood planning levels for the purposes of the public exhibition of the draft LEP. The *Local Government Act 1993* offers indemnity to a public authority for flood liable land decisions which it makes, or advice which it gives in good faith, in so far as it relates to the likelihood of land being flooded or the nature or extent of any such flooding. In light of liability issues, it is important that Council make use of the best information available in advising the public about flood risk. In the circumstances, Council is requested to address the issue of flood planning as quickly as possible.

Proposed provisions for bush fire risk

Similarly, the draft LEP as submitted by Council, included clause 4.1A Minimum lot size depth for subdivision of bush fire prone lands. Such provisions are generally more appropriate in development control plans (DCPs).

The Department's position, as negotiated with the Rural Fire Service, has been not to allow the inclusion of bush fire provisions in local environmental plans. The reason for this is that the consent requirements for development on bush fire prone land are already provided for under the EP&A Act (Sections 79BA and 79C), the *Rural Fires Act* (Section 100B) and the provisions of *Planning for Bush Fire Protection 2006*.

The inclusion of bush fire provisions in local environmental plans is not considered appropriate and, in certain instances, may be counteractive to the bush fire provisions enshrined in the Act and *Rural Fires Act*. As part of the agency consultation with the Rural Fire Service, Council is requested to obtain the Rural Fire Service endorsement of the retention of clause 4.1A within the draft LEP, rather than the DCP. If the Rural Fire Service does not concur, the provision should be removed to Council's DCP for exhibition.

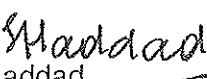
Reducing timeframes and complexity

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Any questions?

If you have any queries in regard to this matter, please contact Sandy Shewell, of the Regional Office of the Department of Planning and Infrastructure on 9860 1555.

Yours sincerely


Sam Haddad
Director General

16/6/2012

Gateway Determination

Planning Proposal KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2012

I, the Director General, Department of Planning and Infrastructure, as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the *Environmental Planning & Assessment Act, 1979* (EP&A Act) that the Ku-ring-gai Local Environmental Plan 2012 – which is being prepared in accordance with the Standard Instrument (Local Environmental Plans) Order 2006, should proceed subject to the following conditions:

1. Council is to amend the draft instrument as follows:-
 - Add clause 1.9A Suspension of Covenants (as attached);
 - Within the land use table for the B2 Local Centre zone – delete “Bulky goods premises” from Item 4; and
 - Incorporate a translation of the provisions for the 'Wahroonga Estate site' and 'UTS Ku-ring-gai Campus site (refer to the attached letter for the property descriptions) which are contained in Part 25 and Part 30 of Schedule 3 of *State Environmental Planning Policy (Major Development) 2005*.
2. Council is not to commence exhibition until the amendments have been made to the planning proposal to reflect the requirements of this determination.
3. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposal as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. Consultation is required with the Commissioner of the Rural Fire Service following receipt of a Gateway Determination under section 56 of the EP&A Act and prior to undertaking community consultation in satisfaction of section 57 of the EP&A Act.
5. Consultation is required with the following public authorities concurrent to community consultation under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Transport for NSW (including Roads and Maritime Services, Transport NSW and Railcorp)

- Department of Primary Industries, Catchments and Lands
- Department of Water and Energy
- NSW State Emergency Service
- Department of Education and Training
- Department of Health
- Sydney Water Corporation
- Department of Housing
- Energy Australia
- Member for Ku-ring-gai – Mr Barry O'Farrell, MP
- Member for Davidson – Mr Jonathan O'Dea, MP
- All adjoining local councils

Each public authority is to be provided with a copy of the planning proposal and relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. The timeframe for completing the LEP is to be **9 months** from the week following the date of the gateway determination.

Dated 16th day of June 2012


Sam Haddad
Director General
Delegate of the Minister for
Planning and Infrastructure

Attachment 3 Summary Table – Land Use and Infrastructure

Land Use and Infrastructure

Contents

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2.	Height / FSR / Lot size	4-10
3.	Traffic	11-15
4.	Infrastructure	16-17

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
LAND USES AND ZONES			
Comprehensiveness of Land Use Zones	Submissions states that as an older, long term resident he/she thinks the new maps and land zones are marvellous. The draft KLEP 2013 is marvellous. Council has done marvellous work, in particular, to the road conditions and footpaths in Fairlight Ave Killara.	Support noted	No change recommended.
Objection to General Rezoning	Submission argues that the rezoning of land around Ku-ring-gai will have a detrimental effect on our property and will negatively affect the maintenance of public amenities and infrastructure and even threaten the safety of residents. Vegetation and endangered species are already sufficiently protected, so rezoning is not necessary. Submission highlights that as home owners they are very distressed by the up-zoning of the residential streets to high density housing, which changes the character of the area irreparably.	The proposed new zoning under the KLEP2013 is mandated by the State Government and is in many cases to bring the current zoning into the Standard Template format, a direct translation. This is a process all Councils in NSW are required to undertake. The inclusion of environmental protection, including vegetation and endangered species, in the LEP is based on the study entitled '<i>Ku-ring-gai Biodiversity and Riparian Lands Study</i>.' Consideration of the environment in the LEP is a statutory requirement, as specified in the EPA Act 1979, which states that the principles of Ecological Sustainable Development must be regarded in the creation of an LEP. State Government has allocated a dwelling target for the Ku-ring-gai area to help accommodate future population increase. Provision of those numbers through apartments and townhouses was considered the best strategy in delivering housing choice as well as preserving the garden setting of the area. This prevents land subdivision across the entire LGA and additional dwelling numbers being accommodated through intensifying development within the single dwelling areas. This would be detrimental to the garden and tree character of Ku-ring-gai.	No change recommended.

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
Zoning and housing choice in South Turramurra	Submission asks for clarification on why townhouses, villas and dual occupancy are not more widely permitted in South Turramurra.	The intention of the KLEP 2013 is to translate the existing KPSO standards, including zoning, into the Department of Planning and Infrastructure's standard template format. It is not the intent of the KLEP to alter the zoning of land except where strategic considerations have been nominated in the Planning Proposal and Gateway Determination. Such considerations include heritage conservation areas, environmental zones, interface sites affected by 2(d3) zoning and development, and sites that have high impact. The KLEP is not a housing strategy and there is no requirement by the Department of Planning and Infrastructure for Council to increase dwelling numbers within the LGA therefore, the up zoning of land has not been a consideration of this KLEP.	No change recommended.
Low density zoning for Gilda Ave	Low Density Zoning for Gilda Avenue, allowing up to 2 storeys seems to be very appropriate and in keeping with the character of the area. Resident is pleased that the area is not zoned <i>Medium Density</i> or <i>High Density</i> since this would be out of character of the area.	Support noted	No change recommended
Support for Re-zoning	Submission strongly agrees with the KLEP new zoning. It will protect conservation areas. This area is a green oasis in which we wish our children to inherit free of development. The green oasis brightens our lives and home.	Support noted	No change recommended
Character and Amenity Reduce R4	Submission argues that Sydney has been ruined with apartment blocks. There is no new infrastructure or power stations and roads are more congested as a result. If there are no new houses, people will go elsewhere. Do not build anymore homes.	The intention of the KLEP is to translate the existing KPSO standards into the Department of Planning and Infrastructure's standard template format. There is no requirement by the Department of Planning and Infrastructure for Council to increase dwelling numbers within the LGA; therefore, limited additional dwellings are being provided through the KLEP. In addition the	No change recommended

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
		Gateway Determination from the Department of Planning and Infrastructure approved the down zoning of a number of interface sites to preserve the low density character of those areas.	
Gwydir Ave North Turramurra E2 Zoning	The resident would like to be advised of the proposal for open space at the end of Gwydir Ave.	The land in question is proposed for E2 zoning. E2 is an Environmental Conservation zone and utilised as natural reserve land given its value as an ecological asset.	No change recommended

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
HEIGHT / FSR / LOT SIZE			
FSR, lot size, Building height on 4 Gilda Avenue, Wahroonga	Submission supports the FSR of 0.3:1, stating it is adequate for the lot. The FSR retains the character of the suburb and avoids large unsympathetic development. Submission supports the building height proposed under the draft KLEP as it adequately reflects the character of the area. Submission agrees with the minimum lot size, however also notes that it could be reduced whilst still maintaining the garden character of the area.	<i>For response to biodiversity and ecology issues refer to Environment and Ecology table.</i> Support noted	No change recommended
Increase FSR to Low Density Residential in Lindfield	Resident argues that the proposed 0.3 FSR for Low Density Residential is the smallest FSR resident has ever seen in Sydney. Submission states that resident lives in Lindfield, and that there are a lot of lots smaller than 900sqm, for which a 0.3 FSR would be inappropriate. The current DCP shows a 0.4 FSR for lots smaller than 800sqm and 0.3 for lots bigger than 1700sqm. This would be more appropriate, especially with the draft Metropolitan Strategy for Sydney and Urban Activation Precincts on exhibition.	The FSRs in the KLEP are translations of those allowed through the KPSO and DCP 38. There is still a sliding scale FSR allowance with lots 1700sqm and greater having an FSR of 0.3:1, and lots 800sqm and smaller having an FSR of 0.4:1. All lots in between have their FSR calculated according to the formula in the KLEP clause 4.4 which takes lot size into account.	No change recommended
Increase FSR on 25 Bromborough Road, Roseville	Submission highlights the concern over the new FSR. The property is 845m ² and using the formula the resident worked out two numbers, which are 0.3:1 and 0.39:1. This was achieved using the formula provided in the LEP. But which number is it? If it's 0.3:1 then the submission objects.	FSR 0.3:1 is the indicative base FSR shown in the KLEP maps. Further to this, cl 4.4 in the written instrument provides a sliding scale calculation allowing smaller blocks to have a higher FSR to ensure they can achieve a building in keeping with the character of the locality. Using the formula, a lot of 845sqm would have an FSR of 0.39:1.	No change recommended

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
Increase FSR on 44 Archbold Road Roseville	Submission notes on the FSR map the ratio of the plot is 0.3, this is reduced from the old $170 + (0.20 \times \text{site area})$. 0.3 was only applicable to sites over 1700 sqm. This will adversely affect the development potential of my property and thus the resident objects. In addition a DA approved for a property adjoining the block will may exceed this ratio.	The FSRs in the KLEP are translations of those allowed through the KPSO and DCP 38. There is still a sliding scale FSR allowance with lots 1700sqm and greater having an FSR of 0.3:1, and lots 800sqm and smaller having an FSR of 0.4:1. All lots in between have their FSR calculated according to the formula in the KLEP cl 4.4 which takes lot size into account.	No change recommended
Increase FSR on 4-8 Marian St, Killara	Submission does not support the site being subject to an FSR limit of 1.01:1 and a height limit of 14.5m. Submission is not clear about where these limits come from. Submission gives reasons as to why the sites should have an FSR of 1.3:1 and a height limit of 17.5, and minimum lot size of 1200 square metres.	The submission is misinformed. In fact 4-8 Marian St is zoned R4 with height 17.5m, FSR 1.3:1, minimum lot size 1200 square metres.	No change recommended
Reduce Building heights	Submission argues that there should be a differentiation in height limits between dwellings with flat roofs and those with pitched roofs. Dwellings with flat roofs should have 7.5m to avoid bulky vertical walls. In zone R2 a limit of 9.5 results in over bearing and dominating effects to the street view. Pitched roof: 8.5 from existing ground level to top of pitch roof. Flat roof: 7.5 from existing ground level to the highest point of flat roof or highest point.	Building heights are now required to follow the definition and dimension under the Department of Planning and Infrastructure's standard template. This measures the height from the ground to the highest point on the building. All Development Applications are assessed against the DCP controls which consider building appearance and the issues of bulk, scale and streetscape dominance. These controls will ensure any parapet walls are aesthetically pleasing and appropriate in their context.	No change recommended
986 Pacific Hwy & 5 Suakin St, Pymble Reduce Height	Residents of nearby properties oppose the increased height and B7 zoning for 986 Pacific Highway, 5 Suakin Street claiming that heights of 32.5 meters will have negative impacts on residents of	A full exhibition on Pymble Business Park was conducted through the comprehensive planning process when the planning proposal for LEP 219 for that area was prepared. Zoning for the Pymble Business Park was considered by Council in 17 July 2012. At that time, all	No change recommended

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
	neighbouring properties. Their units overlook a wildlife reserve and we believe these changes will adversely affect the wildlife in this reserve. DCP No. 52 allows for maximum 15 meters in 'operational land' and 12 meters in 'administrative zone' for this site. So the KLEP is inconsistent with the objectives of DCP no. 52. We question the need for inclusion of the 986 Pacific Highway and 5 Suakin Street site in the Pymble Business Park (B7) zone. It is unlikely that this site will be developed in the short-term, creating uncertainty in the long term. Traffic volumes on major arterial roads leading to the Pymble Business Park are already beyond capacity.	issues regarding the heights of buildings and their impact on surrounding development was considered. It is not the intent of this KLEP to review that previous process. The intent of the KLEP Planning Proposal, as agreed with the Department of Planning and Infrastructure through the Gateway Determination, is to translate the KPSO into the KLEP using the Department's standard instrument format. B7 zoning to Pymble Business Park revolved around the provision of employment lands in the Ku-ring-gai Council area. Council has to consider the long term strategy for the business park and the preservation of the future use of the lands for viable commercial purposes. The building height and FSR have been determined to ensure viability of development within the business park. Nevertheless, Council is committed to ensuring the preservation of biodiversity of the locality as well as the amenities of surrounding properties. The newly prepared, exhibited and adopted DCP for the Pymble Business Park contains controls that seek to ensure amenity is preserved to neighbouring properties as well as protect biodiversity significant areas that the submission sites are located adjacent to. This DCP overrides DCP 52 and an LEP always takes precedence over a DCP. Arterial roads are the responsibility of the NSW Government which is undertaking a Long Term Transport Master Plan to address key transport challenges over the next 20 years. Council will continue to lobby Transport for NSW for improvements to arterial roads as recommended in its adopted Integrated Transport	

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
Properties between Warragal and Beechworth Rd, Turramurra Increase Height	Submission conveys that the land on the south-west of Pacific Highway, between Warragal and Beechworth Roads should have increased heights. The lands to the north, south and across Pacific Highway are zoned for apartments up to 6 storeys, so there is no reason why the south-west of Pacific Highway should not have the same height limits. Other councils have approved buildings up to 20 and 40 storeys in less valuable areas. It is perfectly viable to have 15 to 20 storeys in the area between Warragal and Beechworth Roads. Taller buildings would preserve most of the trees on the site and provide better views.	Strategy. The intention of the KLEP 2013 is to translate the existing KPSO standards into the Department of Planning and Infrastructure's standard template format. The KLEP is not a housing strategy. Further, it is not the intent of the KLEP to alter development standards except where strategic considerations have been nominated in the Planning Proposal and Gateway Determination. In addition, there is no requirement by the Department of Planning and Infrastructure for Council to increase dwelling numbers within the LGA; therefore, the inclusion of dual occupancy development has not been a consideration of this KLEP. The land that this submission refers to is currently zoned 2(c) under the KPSO. This translates to R2 under the KLEP. Should any landowners wish to pursue a rezoning of their land they may do so via a rezoning Planning Proposal Application to Council in which they would need to provide a full planning justification for their case.	No change recommended However the landowner has the option to submit a formal Planning Proposal.
1 Bundarra Ave, South Wahroonga 1685 & 1687 Pacific Hwy Wahroonga Increase heights	Submission highlights that the properties are surrounded by R4. Their properties are currently zoned R3 under KLEP. The submission requests the properties be zoned R4, FSR 1.3:1, Height 17.5M for the following reasons. • Located in an existing apartment area • Surrounded immediately to the North and West by 5 storey buildings zoned R4 • Located within walk to services • Two Street accesses • Main Road position • Lot Size of > 2600sqm	These 3 properties are zoned R4 with reduced FSR of 0.85, and height of 11.5m, 3 storey under the KLEP. This is a direct translation of the existing KPSO 2(d) zoning. 3-13 Bundarra adjacent to this group of sites is a new 5 storey apartment building, as is the development on the opposite side of Bundarra to the site. 1683 Pacific Highway is also adjacent to the site and is an older style 2 to 4 storey strata building. Although the total amalgamated area of these 3 sites is greater than 2400sqm, making 5 storey apartments possible on the land, the impact on the adjacent property at 1683 Pacific Highway has to be considered. 1683 Pacific Highway presents as a 2 storey residential flat	It is recommended that the zoning and development standards on 1 Bundarra Avenue Wahroonga, 1685 & 1687 Pacific Highway Wahroonga be re exhibited to amend the KLEP zoning, FSR and height maps to indicate R4 zoning with FSR 1:1 and Height 14.5m

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
	Submission argues that residents have lack of privacy, with neighbouring 5 storey developments looking down on their property, obstructing the southerly breeze to the property and cause overshadowing. Submission claims to have had developers interested in purchasing the 3 sites (2 houses and the flats) but find 3 storeys unviable, with 5 storey development being viable.	building to Pacific Highway. The land slopes away from the highway and the building stands as a 4 storey building with garages at ground level at the rear of the site. The building has a 5m approximate setback to the side boundary shared with these sites, with bedroom and utility area windows facing the common boundary. The impact of a 5 storey development next to this 2 to 4 storey building would result in a significant reduction of amenity to 1683 Pacific Highway as the building presents a 2 storey building along the greater part of the common boundary, and 3 storey for a shorter extent of the common boundary. It is acknowledged that these 3 sites are on a busy corner with adjacent 5-storey buildings; therefore, an R4 zoning with reduced heights of 14.5m 4 storey, and a reduced FSR of 1.0:1 is considered feasible as it would allow both an increase in the amalgamated potential of the 3 sites as well as have the means to preserve the privacy and amenity of the adjacent building residents. The reduced FSR would enable a generous landscaped setback (similar to that of the adjacent 5 storey 3-13 Bundarra Street which also has a boundary with the 2 storey building at 1683 Pacific Highway).	
89A Bent St, Lindfield Lot size	The submission is concerned with the minimum lot size for subdivision creating a battle-axe allotment. The submission states that the required minimum of 1105 sq. meters is too large, even for an area that values larger lot sizes. Since SEPP 53 Dual Occupancy has been repealed applicants must totally rely on their Councils LEP to allow such developments. The number of 1105 sq. meters seems to be arrived at by	The KPSO allows a minimum lot size of 1105sqm for hatchet-shaped lots and 790sqm lot size for non-hatchet shaped lots within residential zoning of 2(a). The KLEP Clause 4.1 stipulates a minimum lot size of 790sqm, excluding the access handle for a residential R2 zone. This includes all battle-axe lots and is a translation of the KPSO provisions.	No change recommended

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
	arbitrary means. The submitter has been through a meeting with a Councillor and a Senior Development Assessment officer and asked how Council arrived at the size and they were referred to Councils strategic planners, which gave the answer of a survey in which residents noted 1105 sq. meters was the most desirable lot size. The resident has lived in Ku-ring-gai for 28 years and has never heard of such a survey.		
	The submission suggests this LEP process might be the most appropriate time to review the minimum lot size requirements. The changes born by residents with the Draft LEP and the removal of SEPP 53 affect the valuations of the properties considerably. It should also be noted that the minimum requirements for subdivision creating battle-axe allotments in surrounding Councils, Willoughby for example are not as large sitting at about 790sqm the same as the front lot requirement.	The intent of the KLEP is to be largely a translation of the KPSO. The minimum lot size provisions are generally in accordance with the provisions contained in the KPSO with the exception of those in environmental zones or bushfire evacuation risk areas. In those areas minimum lot sizes have increased. The KLEP is not seeking to increase residential densities or housing numbers. Should Council be required to at some stage in the future, a review of minimum lots size may be one mechanism to increase densities.	No change recommended
Support for high density development More R4 along Pacific Highway, Wahroonga	The submission highlights the importance of higher density developments springing up along the Pacific Highway from St. Leonards to Hornsby, especially in the convenient 'walk-to-station' locations, enabling more dwellings to be built. For further house modernising, a more liberal view needs to be adopted in such conservative areas such as conservative suburbs as Turramurra, Warrawee, and Wahroonga etc. by freeing scarce land conveniently along the highway for higher density developments.	<i>For response to heritage issues refer to Heritage - Items table.</i> The intention of the KLEP 2013 is to translate the existing KPSO standards, including zoning, into the Department of Planning and Infrastructure's standard template format. It is not the intent of the KLEP to alter the zoning of land except where strategic considerations have been nominated in the Planning Proposal and Gateway Determination. There is no requirement by the Department of Planning and Infrastructure for Council to increase dwelling numbers within the LGA by way of this	No change recommended

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
		planning process; therefore the up zoning of land has not been a consideration of this KLEP. The existing zoning of the properties mentioned in this submission is 2(c) which translates to R2 under the KLEP. Should landowners of sites along Pacific Highway wish to pursue a rezoning of their land they may do so via a Planning Proposal Application to Council in which they would need to provide a full planning justification.	
31 Miowera Rd, (59 Miowera Rd) North Turramurra Subdivision Lots	Submission is opposed to the development of houses on 31 Miowera Road due to the wildlife present there (crimson rosellas, wallaby's and lizards) Submission requests some of the land be made public for use by residents. Submission requests that Council ensure that the area adjoining/falling down to the upper arm of Cowan Creek be designated as a "Public Reserve", at no cost to the Council and its rate payers.	The address 31 Miowera, North Turramurra mentioned in these submissions does not match the development stated in the submission. 31 Miowera is a single residential lot with R2 zoning proposed. The submissions may be referring to 59 Miowera Road which is a larger lot that could accommodate subdivision. Land subdivision is subject to a DA and all matters regarding ecology, including the issues raised in the submission have to be investigated and presented to Council to show what the impact of any proposal will be. Any future development of the land will have to comply with the proposed zoning for the land and consider biodiversity and riparian overlay considerations. It should be noted the land is proposed for E3 zoning which would require a minimum lot size of 1500sqm to reduce the number of subdivisions in the lot and minimise the impacts of subdivision on the land The land to the rear of 59 Miowera Road leading down to Cowan creek is proposed for E2 zoning. Increase in rates is noted but subject to a separate approval process and does not form part of the KLEP review scope.	No change recommended

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
TRAFFIC			
Building height implications on traffic on the northern side of Fox Valley Road – 3 Lisa Valley Close Wahroonga	Submission argues that a permissible building height of 39.5 m on the northern side of Fox Valley Road near the Hospital entrance has adverse implications for traffic, local bus services and servicing (delivery trucks) into the future. This route is already congested.	SAN Hospital is required to carry out a suite of road improvements around the site to cater for additional traffic growth in the area as a result of the Wahroonga Estate Master plan. The road improvements are incorporated in the approval of the Concept Plan. Council will continue discussions with Roads and Maritime Services regarding improvements around SAN Hospital.	No change recommended.
Safety concerns -22 Powell Street and 39 Werona Avenue, Killara	Submission supports the downzoning of 24 Powell Street and surrounding properties in HCA20 as the proximity to the traffic light intersection will vehicular ingress and egress issues for high density development. In addition the topography of the sites raises traffic safety concerns for development of higher densities than R2. Submission notes that the area is situated on a crest.	<i>For response to heritage and interface issues refer to Heritage - Items and Site Specific - Interface tables.</i> Access issues could be overcome with careful location of any access point, in accordance with accepted guidelines. However, the draft KLEP proposes to apply R2 zoning to these sites, and is therefore unlikely result in an access point on Werona Avenue.	No change recommended
Traffic Congestion caused by R4 1 Link Ave, Roseville	R4 zoning will increase traffic between already congested Park Ave and Babbage Rd during peak hours. The rezoning is situated on an already very busy corner of Park Ave and Link Rd and Babbage Rd, which will further aggravate the traffic flow. The road is already congested with the golfers from Roseville Golf Club, commuters and workers of the preschool this will sever to increase on street parking problems. The extra parking on the street will put lives at risk when crossing roads.	This site is proposed to be zoned R4, but with FSR of 0.5:1 and building height of 9.5m (which is effectively the height of low density residential). This is likely to result in a relatively modest dwelling yield, and is unlikely to generate significant additional traffic and parking impacts. The site is also located in close proximity to a high frequency strategic bus corridor connecting Chatswood with Dee Why/Brookvale, and Lindfield with the City (via Roseville).	No change recommended

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	The safety of the kids which use the area for preschool and before and after school care will be exposed to increased risk. Submission highlights the three sets of traffic lights within a hundred metres of each other indicates just how difficult traffic management is in this area. Introduction of R4 immediately opposite one of these traffic lights will affect the hundreds of motorists who use these roads to get to the city in the morning and to return in the evening. Submission 017 asserts that the road section along Burns and Eastern is a bottleneck in all peak hour times. The lights at Bobbin Head Road have exacerbated the problem and need adjusting to make through traffic faster. Resident asks Council to restore Link Road, which is still shown on Council plans.	Council committed to the removal of the Wahroonga Link Road in 1997 so as not to encourage additional traffic volumes and speeds through the area. The draft LEP would facilitate the removal of the Wahroonga Link Road.	
Traffic on Gladstone Parade, Lindfield	Submission is concerned with the effect of traffic on Gladstone Parade in case new developments are built along this road. Submission argues that access to Pacific Highway is not easy and that there are many problem points on this road to add more traffic to it. Lower Grosvenor Road is parked out with UTS students and any further development of this road should be well considered and avoid current pinch points.	Council has been in discussions with Roads and Maritime Services regarding improvements to access to/from Pacific Highway in Lindfield. These discussions are ongoing. The university campus is expecting to cease operation in a few years, and in the meantime Council is continuing discussions to assist UTS in managing student parking around the campus. Council will continue discussions with Roads and Maritime Services regarding improvements to the Lindfield local centre.	No change recommended.

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Creation of the unmade road at Holford Crescent	The submission is concerned with the through connection of the middle sections of unmade road on Holford crescent. The Submitters property is situated on 50 and 52 Ryde Road Gordon Lots A&B DP 365124. The submissions main concern is that of safety. The property is located at the bottom of the hill coming off Pacific Highway, cars gather a lot of speed as they come round the blind corner and it can be frightening when exiting and entering the property. The traffic has greatly increased over the 45 years the resident has owned the property and is now at a point that exits have to be planned to avoid peak traffic times. The opening of this section of the road has been on Council's books for 50 years, this shows it is a worthwhile project. In 2003 the resident received correspondence from Council ref 88/05551/01 to state that residents favoured the extension requiring dedication of half the road width on the common boundaries and that Council intended to commission the design. Council was to undertake design to its specification in total rather than have fragmented sections is exists now, and recover costs pro-rata apportioned to each property according to road frontage.	Council does not intend to resume any property for the road construction. Future developers of property on each side of the proposed road will be required to dedicate land equal to half the width of the proposed road and pay for the full cost of the design and construction of half the width of the section of road fronting the properties affected.	No change recommended.
Traffic effects of the SAN Hospital	Submission highlights that the development of the SAN site has created increasingly worse traffic conditions. It seems nothing has been done to alleviate this.	<i>For response to development issues refer to Site Specific - Hospital table</i> SAN Hospital is required to carry out a suite of road improvements around the site to cater for additional	No change recommended.

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		traffic growth in the area as a result of the Wahroonga Estate Master plan. The road improvements are incorporated in the approval of the Concept Plan. Council will continue discussions with Roads and Maritime Services regarding improvements around SAN Hospital.	
Traffic at 4 Station Street, Pymble	The submission in respect to this site is that it remains zoned as R2 low density residential and proposes that there be a Land Reservation Acquisition for this site, for a Classified Road (SP2). The reasons relate to the location of site, which as a road would results in a quite dangerous intersection with Station Street. Through-traffic generally has a notoriety for high speeds down and up Station Street, 50km speed limit signs notwithstanding. In peak hours there is a significant volume of traffic, speeding in both directions. A long established pre-school, Pinjarra Pre-school operates at no.2 King Edward St on the corner of Station St and King Edward St, and would be directly opposite the proposed intersection. There are potentially serious safety issues in the event that a collision or skid resulted in a vehicle crashing off the road and down into the pre-school site below the road. Because of the topography of the land where the pre-school is located, it effectively lies well below road level	4 Station Street Pymble is part of the Ku-ring-gai LEP (Local Centres) 2012 and is not relevant to this draft LEP.	No change recommended.
60-62 Pentecost Ave, Pymble	Submission argues that if Council wants to preserve the heritage aspects within the Pymble Golf Links Area, then it should also take a more active role in reducing traffic to the Pentecost Area, controlling speed limits	<i>For response to heritage issues refer to Heritage – Items table.</i> Pentecost Avenue is a collector road between Mona Vale Road and Bobbin Head Road, and is a popular	No change recommended.

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	and improving the presentation of the area, instead of heritage listing individual properties.	connection between Turramurra and Pymble/St Ives for residents. Council has been monitoring traffic volumes in Pentecost Avenue, and for a number of years have been found to have been relatively static at around 9,000 – 10,000 vehicles per day. Line marking treatments along the road help to manage vehicle speeds. RMS recently completed the extension of the southbound right turn bay on Mona Vale Road at Pentecost Avenue, and suggested that the existing operation of the traffic signals would not encourage additional traffic into Pentecost Avenue as a result of the extension. Council staff is monitoring traffic volumes in Pentecost Avenue and depending on the results, may consider further traffic calming treatments such as chicanes.	

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
INFRASTRUCTURE			
F3 to M2 Link	Submission argues that the F3 to M2 link should be finalised before the land previously reserved for the F3 to M2 connection through Wahroonga and South Turramurra is rezoned and sold. Submission also raises the following issues: - The congestion on the Pacific Highway through the North Shore and on Pennant Hills Road will worsen year by year until the F3 to M2 link is built. - Rezoning the reserved corridor as proposed will preclude for all time the possibility of a connection by what is the most obvious route. - The so called "preferred" option for the F3 to M2 connection is a tunnel under Pennant Hills Road. This is by no means a good deal. Any new rezoning at this stage is premature, and is not good government.	The proposed zones along the former surface corridor of the F3 to M2 link were prepared in consultation with the state agencies, including Roads and Maritime Services. Federal and State Governments have committed some funding to the project, which may indicate project approval/ commencement is imminent. An independent review into the route selection was conducted by the Federal Government in 2007, and found that the route selection was appropriate, and that the preferred route follow a Type A corridor Purple option (tunnel roughly under Pennant Hills Road). Council's current position is that it supports the need for the link although it opposes a surface route for the connection.	No change recommended
East Killara Footpaths	The submission conveys that the shopping centre and huge high school has been grossly neglected. The only paved street is the main street, Koola Avenue. Many streets feeding into Koola Ave need footpaths. Mothers wheel children on the street. Many others use the street for sure footing. The only street kerbing is in the streets bounding Killara High School.	This not a KLEP matter. Council has a footpath construction program that is reviewed annually. A section of footpath from Siala to opposite Heath Close along Koola Ave is proposed in this year's program.	No change recommended
Killara High School	Submission argues that Killara High School should have car parking. Resident suggests adjoining 26 Wentworth Avenue.	It is Council's policy that future development consents for schools in Ku-ring-gai include conditions requiring adequate parking and pick-up/set-down facilities to be	No change recommended

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	P platers have added to congestion	provided on-site. Ultimately though, inadequate set-down/pick-up or parking facilities on-street near public schools, which come to Council's attention, are referred to the NSW Department of Education and Training requesting that, in those cases, they provide the necessary facilities on-site. Discussions will continue with NSW Department of Education and Training regarding the provision of adequate parking and pick-up/set-down facilities around schools	
Koola Park Oval, East Killara	Resident points out there are no facilities to change clothes for players on playing fields nor spectator pavilions for shelter from the cold winds in winter time.	This not a KLEP matter however it should be noted that Koola Park has two toilet blocks which are open during daylight hours. There are also changing facilities which are unlocked according to bookings of the oval. There is one spectator pavilion at the northern end of the oval.	No change recommended.

Attachment 4 – Summary Table Site Specific

Site Specific

Contents

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ZONING			
Boundary St, Roseville Rezone R2 to R3	Submission argues that Boundary Street has the characteristics to become a Medium Density Zone. It is argued that its proximity to public transport and to Chatswood makes it a perfect location to meet the accommodation demand.	<i>For response to heritage issues for this site, refer to Heritage - HCA Table.</i> The intention of KLEP 2013 is to translate the existing KPSO standards, including zoning, into the Department of Planning and Infrastructure's standard template format. It is not the intent of the KLEP to alter the zoning of land except where strategic considerations have been nominated in the Planning Proposal and Gateway Determination. Such considerations include interface sites and impact of the KPSO's 2(d3) zoning and development. There is no requirement by the Department of Planning and Infrastructure for Council to increase dwelling numbers for this LEP the LGA; therefore, the up zoning of land has not been a consideration of this KLEP. The sites subject of this submission are zoned 2(c1) under the KPSO. This translates into R2 zoning as proposed in the KLEP. Should the landowners wish to pursue a rezoning of the sites they may do so through a rezoning Planning Proposal Application to Council.	No change recommended The landowner has the option to submit a formal Planning Proposal.
1 Links Ave Roseville Rezone R4 to R3	Objection to the zoning of townhouses at 1 Link Avenue Roseville to R4 with no height restriction as it is out of character. The R4 zoning would set an undesirable precedent in a very high quality low residential density area. Residents have indicated a preference to retain the large lot treed and garden suburban character of the area. Submission highlights the shortage of smaller housing for people looking to downsize. Dominance of R4 is not desirable. Traffic is already an issue as commuters	The KPSO currently has this land zoned as Residential 2(e). Residential flat buildings are permissible within this zoning. The intent of the KLEP 2013 Planning Proposal that received a Gateway Determination from the Department of Planning and Infrastructure was to translate existing zoning from the KPSO into the standard template format. This site translated to R4 zoning because of its existing status. This proposed R4 zoning, has equivalent development standards as the existing Residential 2(e) zone i.e. FSR of 0.5:1 and building height of 9.5m. The site is already developed as a residential flat building under strata title and is unlikely to be developed in the short to medium term. The East Roseville Community Centre and adjoining car park	No change recommended

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	use the road to gain access to Roseville Bridge. Proposed rezoning of the land occupied by the East Roseville Community Centre and adjoining car park is contained in the LEP and Council has not adequately articulated the impacts of this proposal. The submission considers Council's action underhanded and supports any legal challenges to the LEP.	is currently zoned Special uses 5(a) – Municipal purposes under the KPSO and classified as community land. Under the Standard Instrument LEP, special use lands should be zoned in accordance with the adjoining zone. The KLEP is consistent with this protocol, by zoning the site R2- low density residential, consistent with the adjoining sites. The KLEP does not seek to reclassify the site .	
8/33 Ryde Rd, Pymble Rezone B7 to B4	The submission refers to property, located in the Pymble Business Park. Resident recommends that the site is rezoned to mixed use for following reasons: • Unable to lease the property for 2 of the 6 years in ownership. • Rent for has decreased by approx. 25% and the value has decreased. • The buildings on either side are mostly empty. Empty buildings lead to decay of the area and financial hardship for the owners of existing commercial property in the Pymble Business Park.	A full exhibition of Pymble Business Park was conducted when the LEP 219 for that area was prepared through the Planning Proposal process. Zoning for the Pymble Business Park was considered by Council on 17 July 2012. The issue of introducing other zonings was considered at that time. Mixed uses were not considered feasible for the business park for a number of reasons, in particular the fact that the B7 zoning revolved around the provision of employment lands in the Ku-ring-gai Council area. Changing the zoning to residential uses was considered as an erosion of the employment lands now and into the future. This is still the case. Therefore, whilst the concerns of the landowner are understood in the current climate, Council is obliged to consider the long term strategy for the business park and the preservation of the future use of the lands for commercial purposes.	No change recommended.
3&5 Mona Vale Rd Pymble, 2,4&6 Carlotta St, Pymble/Gordon & 44 Highlands Avenue, Gordon (Kirby Park) Rezone R2 to R4	Submission requests to zone site to R4, and include the dedication of land within the subject site within 20m of Stony Creek as a biodiversity corridor, with that biodiversity corridor to be maintained as bushland. The biodiversity controls proposed in the KLEP would result in the properties being used for low density housing but under KPSO they could be developed for dwelling houses under the general housing code.	The intention of KLEP 2013 is to translate the existing KPSO standards, including zoning, into the Department of Planning and Infrastructure's standard template format. It is not the intent of the KLEP to alter the zoning of land except where strategic considerations have been nominated in the Planning Proposal and Gateway Determination. Such considerations include interface sites and impact of the KPSO's 2(d3) zoning and development. There is no requirement by the Department of Planning and Infrastructure for Council to increase dwelling numbers within the LGA; therefore, the up zoning of land has not been a consideration of this KLEP.	It is recommended that 44 Highlands Avenue, Gordon (Kirby Park) be zoned RE1 Public Recreation, FSR, height, lot size map be amended to be consistent with RE1 zoning.

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	The KLEP limits development in 3 and 5 Mona Vale Road due to biodiversity mapping. The proposed controls will not protect the biodiversity corridor. In contrast, if increased residential development potential was permitted on subject properties, the consent authority could require the biodiversity corridor to be set aside and actively maintained. It would be possible for Council and the Applicant to negotiate dedication of a biodiversity corridor as an extension to Kirby Park. It is noted that the draft KLEP would continue to zone Kirby Park for residential uses rather than as open space, which is contrary to the intent of the draft KLEP biodiversity and riparian land provisions. The subject sites have the following attributes to make it suitable for R4 high density housing: • Large site to accommodate residential flat development that would address dwelling targets • Site comprises cleared land, part of which can be developed without affecting the biodiversity corridor • site is within the widely accepted benchmark of under 900metres from Gordon Station • Site has access to good bus service. Developable areas of the site are generally well below street level which would limit visual bulk and scale of	The sites that this submission refers to were not nominated in the Planning Proposal and therefore have not been up zoned. They have been translated from the existing 2(c2) KPSO zoning to R2 and E4 (where sites have ecological value). The biodiversity and riparian layers do not preclude development on any site. They are triggers for consideration in any development of a site. Owners can still extend and build houses; they just need to indicate how they have considered the site biodiversity or riparian area in their design. It is acknowledged that land at 44 Highlands Avenue, Gordon, also known as Kirby Park, is incorrectly zoned R2 as translated from the KPSO. Although the site is currently zoned Residential 2(c), it is currently categorised and managed by council as a park. The RE1 Public Recreation zoning would be a more accurate zoning to reflect the current use of the site.	

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	residential flat development. Site has only a limited interface to other residential properties. Site is directly across Carlotta Avenue to Council Owned Property is zoned R4 high density residential.		
Hillcrest Dr & Cates Pl, St Ives Rezone R4 to R3	The R4 zoning would set an undesirable precedent in a very high quality low residential density area. Residents have clearly indicated a preference to retain the large lot treed and garden suburban character of the area. The townhouses in Hillcrest Drive should be retained as R3 and if further new housing in the area is required it should also be medium density R3. Submission highlights the shortage of smaller housing for people looking to downsize. Dominance of R4 is not desirable.	The sites form part of a wider R3 medium density residential development. This R3 development area is zoned 2(h) under the KPSO which translates to R3 under the KLEP. The R4 zoning to certain sites is a mapping error and should be amended.	It is recommended that the KLEP zoning map be amended to indicate 12,18, 28 30 Hillcrest Drive and 20 Cates Place, St Ives as R3 zoning.
Additional densities and housing Rezone R4 to R3	Submission suggests Ku-ring-gai municipality is more suited to medium density development of a maximum of three storeys which would generate a greater local demand than high rise apartments and would better integrate with the neighbourhood character and heritage values of Ku-ring-gai. The increase housing density is seen as unreasonable. Most of the required housing density has been reached through R4 which is inappropriate.	Ku-ring-gai Council is required, like all other Councils, to accommodate additional population. Therefore Council is required to meet the dwelling targets set by State Government. A large number of those dwellings have been provided within the town centres in the form of apartments so that future residents can benefit from transport, retail and other accessible facilities. There has also been an allocation of townhouse type housing on interface sites between apartments and single dwellings. Provision of housing close to the local centres has meant that the majority of Ku-ring-gai can retain its garden and tree character as land does not have to be subdivided to accommodate further dwellings to meet the target numbers.	No change recommended
44, 46, 50, 52,53,55A,58,60,6 2, 63B,63A, 63, 64A, 66 Dumaresq	Submission raises objection to the draft KLEP as it impacts upon their properties. They propose that the properties should be rezoned to R3 – medium density or	R3 interface sites were introduced as a planning means of ameliorating the impact of high density R4 development in neighbouring R2 single dwelling sites. R3, townhouse type development was seen as a means to enable compromised	No change recommended. The landowner has the option to submit a

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St, 14 Vale St Gordon Rezone R2 to R3	alternatively, allow dual occupancy in the R2 zone with reasonable development standards of minimum allotment size of 900m2 with a maximum FSR of 0.5:1. The sites are within easy walking distance to Gordon Railway Station, closer than many of the higher R4 density housing units. Many of the identified lots have large areas of between 1200m2 and 1350m2. Single dwellings on land of this size are an underutilisation of land and contrary to the objectives of the EP&A Act. Several of properties in this section of the street are already developed by dual occupancies and subdivision of approved dual occupancies. These include: 42 & 42A, 49 & 49A, 55 & 55A, 63 & 63A, 63B, 64 & 64A, 46, 54, 58, 60, 62, Dumaresq Street. Council is currently planning a new road between Moree and Merriwa Street that will cross Dumaresq Street. This will be subject to dramatically increased traffic flow, with impacts on residential amenity from associated air and noise pollution. In addition, it is inappropriate and inequitable for the street to be half zoned high density. Residents in this half of the street are providing the public open space for medium/high density developments without any benefit but must endure only the negative impacts associated with	R2 site to be redeveloped and design around the compromised amenity. The number of sites allocated R3 zoning was based on ensuring sites could amalgamate and provide a successful development. Further to this, Ku-ring-gai Council has delivered its dwelling targets predominantly within the town centres, and there has been no direction from the Department of Planning and Infrastructure to create further increased density sites within the KLEP 2013. The intent of the KLEP 2013 Planning Proposal that received a Gateway Determination from The Department of Planning and Infrastructure was to translate existing zoning from the KPSO into the Standard template format. Changes to density have only been included where sites were considered to have interface issues. Dual occupancy has not been a consideration of the KLEP and therefore there are no provisions regarding dual occupancy. Since the sites nominated in this submission are adjacent to R2 sites within the Local Centre boundary, they do not have any interface issues arising from R4 development. Therefore, they have been assigned their existing zoning of R2. If landowners wish to pursue a rezoning they may do so through a Planning Proposal in which they would be required to provide planning justification.	formal Planning Proposal.

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	these developments i.e. increased demands on the public open spaces, noise, traffic and loss of visual amenity		
1258-1274 Pacific Hwy Rezoned R2 to R3/R4	Submission is concerned that the properties 1258-1274 Pacific Highway are zoned R2 and not R3/R4 and that the draft KLEP has not considered multi-unit development for these properties. Whilst Blue Gum trees have been gazetted as endangered species, submission points out that the majority of these trees are close to the highway boundary and the life span of a Blue Gum tree is 60-100 years. It is argued that permissibility for multi-unit development would not affect the Blue Gum trees. Resident asks Council to have a meeting with the resident for further discussion of these issues.	The intention of KLEP 2013 is to translate the existing KPSO standards, including zoning, into the Department of Planning and Infrastructure's standard template format. It is not the intent of the KLEP to alter the zoning of land except where strategic considerations have been nominated in the Planning Proposal and Gateway Determination. Such considerations include interface sites and impact of the KPSO's 2(d3) zoning and development. There is no requirement by the Department of Planning and Infrastructure for Council to increase dwelling numbers within the LGA; therefore, the up zoning of land has not been a consideration of this KLEP. Tree preservation would be a consideration at the development application stage. The sites subject of this submission are zoned 2(c2) under the KPSO. This translates into R2 zoning as proposed in the KLEP. Should the landowners wish to pursue a rezoning of the sites they may do so through a rezoning Planning Proposal Application to Council.	No change recommended The landowner has the option to submit a formal Planning Proposal.
101 Eton Road, Lindfield - Screen Australia site and adjacent DHA site	Screen Australia site Rezoned R4 to R1 Submission supports the development of the Screen Australia site for a mix of low and medium density housing. However, it objects to the proposed R4 zoning for the southern portion of the site along with its high density objectives. For the following reasons the zoning will overshadow the oval, conflict with heritage values and the bushland character of the UTS campus. R4 is a zone only used for areas around arterial roads, and this site is not located in an environment suitable for high density.	<i>For response to heritage issues refer to Heritage - Items table.</i> The zoning on the site allows a mix of R2 single dwelling development, and R4 residential flat development with reduced height of 14.5m and an FSR of 0.85:1 to result in 4-storey buildings with limited footprint leaving ample space around the buildings for landscaping and access roadways. In determining the zoning for this site, a study was done of the location, landscape and impacts on adjoining land. The R4 with reduced development standards was considered the best option for a site with existing significant trees as it would not rise above the mature tree canopy and would limit the footprint and ground works, and allow other large species to be planted	It is recommended that the current R4 section of 101 Eton Road, Lindfield be zoned R1, with height and FSR as exhibited. A site specific DCP should be prepared to ensure the site is developed in a way that preserves its value and preserves the amenity of adjacent

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	Submission suggests that the southern portion of the site should be zoned R1 as it would protect the amenity of the residents and existing and future dwellings. The DHA development has aimed to protect local and regional views of the broader UTS Campus. The Screen Australia Development could potentially impact these views. The original design of the UTS Campus was for a hill top town. The Screen Australia site is at the highest point of the site and therefore it should respect the plateau established by the height plane of DHA's highest building and the western end of the oval. The Screen Australia site should respect the approved Concept Plan for the redevelopment of UTS Campus.	in the open areas, there is merit in providing consistency with the adjacent R1 zoning on the DHA sites. The R1 General Residential zone generally permits a mix of densities up to R4. The R1 zoning on this site would allow a flexibility of development types across the land and include the proposed R4 type development with reduced FSR and height as exhibited. Any overshadowing from any future development will be a consideration at DA stage where preservation of the amenity of adjacent sites will have to be demonstrated. The adjacent sites belonging to Defence Housing have DAs with similar scale residential flat development, and the proposed reduced R4 development standards to the Screen Australia site will not be out of character in the future setting of this location. Despite the higher land location the impact of this development will be no more than the adjacent Defence Housing residential flat development given the reduced height and FSR which will enable generous setbacks and development below the tree canopy. The formulation of a site specific DCP prior to any development occurring on the land would ensure any future development is in keeping with the character and urban principles of this location.	sites.
	DHA Site 100 Eton Road Change of site name in Clause 6.11 DHA submission requests that clause 6.11 be amended to remove the word 'Edgelea' and replace it with the term 'Crimson Hill'. Submission states that the residential development at 100 Eton Road is no longer called 'Edgelea by the DHA.'	The change in naming is noted.	It is recommended that the word <i>Edgelea</i> be replaced with the words <i>Crimson Hill</i> in the title and wording of cl 6.11 of the KLEP written instrument.
	DHA Site 100 Eton Road Addition of permitted land uses to R1 zone DHA submission suggests the addition of the following land uses to the R1 zone, as is the case in all other residential zones:	Since R2, R3, R4 all permit <i>Exhibition Homes</i> and <i>Building Identification Signage</i> with consent, it would be consistent to include them in the R1 zone.	It is recommended that <i>Exhibition Homes</i> and <i>Building Identification Signage</i> be included in cl 2.8 Zone R1 (3) permitted with consent

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	• Exhibition Homes • Building Identification Signage Submission suggests that this omission and inconsistency appears to be an error.		in the KLEP written instrument.
	DHA Site 100 Eton Road Mapping error in relation to maximum height on part of the UTS Campus site. DHA submission argues that there appears to be an error in the mapping of the maximum height on part of the UTS Campus site. Under the KPSO, land notated as J, with a height of 9 metres is not notated as J2 with a height of 9.5 meters, instead of J1. The 9 meter maximum height was established to protect the amenity of single dwellings along Winchester Avenue, Abingdon Avenue and Kino Street. Submission suggests that the land zoned R2 owned by Screen Australia, the dwellings along Winchester Avenue and 100 Eton Road should all have a 9 metres maximum permitted height.	The KLEP height map has a J2 9.5m height across the UTS site. There is no part that has a J 9.0m height. This is consistent with the height allowance of all neighbouring land and in accordance with the standard instrument.	No change recommended.
	DHA Site 100 Eton Road Clause 6.6 and Biodiversity Maps DHA submission argues that clause 6.6 and the associated Biodiversity Map add an additional layer of assessment to the development application of affected properties. Submission argues that there is a comprehensive management plan to protect the biodiversity values of the DHA site. Clause 6.6 only adds an extra layer of approval to the DA process.	Following review, the biodiversity mapping has been updated to consider the layout of the DHA development DA0677/11. Regional Fauna Habitat mapping has been reduced to prevent encroachment beyond the E3 lot layout (DHA approved development DA0677/11, as provided within submission attachment). This has resulted in Category 1 Greenweb reflecting the E3 zone. Biodiversity mapping however still extends beyond the E3 zone, in Category 4 Greenweb, consisting of an 8m buffer to category one and two (including non-vegetated areas).	The extent of biodiversity mapping has been reduced in order to reflect the reduced ecological contribution of areas outside the DHA approved development DA0677/11, E3 zone.

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	The Biodiversity Map appears to be based on out dated maps and aerial photographs. These clause and map does not reflect the approved UTS Campus Concept Plan, bushfire hazard reduction works to establish an Asset Protection Zone and Council's Urban Design Guidelines. Biodiversity Map must accurately reflect the layout of the DHA development DA0677/11 (see attached map to submission). The map should be consistent with the boundary between the E3 zone and the residential zones on the DHA site.		
	DHA Site Error in zone boundary (R1 to E3) – 100 Eton Road, Lindfield This submission prepared by Defence Housing Australia notes that the zone boundaries and approved cadastral boundaries on 100 Eton Road do not always align. The extent of the discrepancy between Lot 5 and part of Lot 1, in the north east side of the site is considerable (maps attached to submission). DA0677/11 approved the subdivision of the site into several future residential lots. The discrepancy between boundaries could compromise the future of development DA0677/11	The request to align the zone boundary with the approved cadastral boundary between Lot 5 and part Lot 1 in the north east of the site is noted and supported.	It is recommended that the R1 to E4 zone boundary at the Kimo Street North Eastern end of the DHA site be aligned with the approved cadastral boundary between Lot 5 and part Lot 1.

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	General Traffic and parking Submission by Eton Road resident request that proper controls are enforced before approval is granted for the Screen Australia apartments. The current development by Defence Housing Australia of the UTS campus has resulted in restricted vision and difficulty for residents exiting driveways, reduced access for emergency services and dislocation of garbage collection and street sweeping. The development proposed by Screen Australia could add to these issues if the following matters are not addressed: • Adequate parking for all residents of the • proposed apartments and visitor parking • Improved vehicular access to site. • Repairs and upgrading of road surfaces which are now subject to heavy use. • Traffic monitoring. • Regular checks by council to prevent illegal parking • Upgrade and provision of footpaths. • Installation of traffic devices. • A guarantee that council ratepayer funded services will not be compromised • Provision of parking for Screen Australia workforce during construction.	The access and parking issues around the UTS campus have resulted from the early removal of a portion of the student parking on the UTS site, resulting in students seeking parking in neighbouring streets. This is unlikely to happen if the Screen Australia site redevelops. Residential parking is to be provided as part of the proposal in accordance with Council's adopted DCPs. This includes visitor parking. New internal access roads and footpaths are to be provided as part of the proposal to ensure good site access. Road quality is subject to Council's road resurfacing program. Council staff regularly undertake traffic volume and speed monitoring of key local roads in Ku-ring-gai. Eton Road is one of those roads. This is currently occurring as a result of the parking issues around the campus, although the need is likely to diminish once the university ceases operation. Construction vehicle parking would be considered as part of the Construction Traffic Management Plan which would be submitted to Council before construction commences. The installation of traffic devices in any area is subject to Council's adopted criteria for traffic management works. Rate payer funded services continue as normal throughout any construction project.	No change recommended
34,30 & 26 McIntosh St, Gordon	Submission asserts the need for low density form of Multi-Unit Housing and Dual Occupancy Development • KLEP identifies this land as a Heritage	<i>For response to heritage conservation areas refer to Heritage - HCA table.</i> All three properties are located within a proposed HCA and	No change recommended The landowner has the

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
Rezone R2 to R3	Conservation Zone, combined with FSR 0.3:1 means that dwellings of a similar size to the existing dwellings could not be constructed, as they would exceed the allowable density or FSR. - This area is typified by large dwellings or large allotments and the proposed controls would not allow similar development. - Dual Occupancy provisions with a minimum, lot size of 900m² and an FSR of 0.5:1, should be allowed Submission summaries requests - Removal of the 0.3 FSR Development Control; and rezoning from R2 to R3 - The introduction of Dual Occupancy - Removal of the sites from Heritage Conservation Zone. - In the absence of the sites being rezoned, listing of the properties in Schedule 1 of the Draft LEP - Additional Permitted Uses, to allow Dual Occupancy and Subdivision of Approved Dual Occupancy Development.	are not identified as having any interface issues as they are not adjacent to any R4 development therefore there is no reason to consider any change to the zoning. Since the SEPP 53 dual occupancy provisions were repealed in 2011, there are no provisions for dual occupancy except for nominated properties. The KLEP has no provisions for dual occupancy and only translates across properties already nominated for dual occupancy under the KPSO. No new dual occupancy sites are permitted under KPSO. Ku-ring-gai Council has delivered its dwelling targets predominantly within the town centres. Further, there has been no direction from the Department of Planning and Infrastructure to create further medium/high density sites within the KLEP 2013. The intent of the KLEP 2013 Planning Proposal that received a Gateway Determination from the Department of Planning and Infrastructure was to translate existing zoning from the KPSO into the standard template format. Changes to density have only been included where sites were considered to have interface issues. If landowners wish to pursue rezoning they may do so through a Planning Proposal where they will need to provide a full planning justification.	option to submit a formal Planning Proposal.
Rezone all properties in HCA C24 to R2 to be consistent with 18 Marian St	Submission argues that all sites in the HCA C24 should be classified as R2 because they are interface sites and contributory items for the two locally listed heritage items, 33 Marian Street and 39 Marian street. Resident points out that property 18 Marian Street is zoned R2 when it is already an established high rise (probably equivalent to R3). These inconsistencies should be amended.	<i>For response to heritage issues for this site, refer to Heritage - HCA table.</i> The intention of the KLEP 2013 is to translate the existing KPSO standards, including zoning, into the Department of Planning and Infrastructure's standard template format. It is not the intent of the KLEP to alter the zoning of land except where strategic considerations have been nominated in the Planning Proposal and Gateway Determination.	It is recommended that 18 Marian St, Killara be zoned R4 with FSR 0.85:1, height 11.5m and lot size 1200sqm.

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		The area fronting Culworth Avenue and Marian Street is currently zoned 2(d3), Municipal Purposes and 3(a)-(A3) and therefore translates to R4 or B1 and has previously been approved through Council to be zoned R4, B1. Further, as indicated in the <i>Heritage - HCA Table</i> where the HCA issue is discussed, the 2(d3) and 3(a)-(A3) properties fronting Culworth are to be removed from the HCA as this zoning is not contiguous with HCA principles. 18 Marian St, Killara is zoned 2(b) under the KPSO which translates to the proposed R2 zoning. This site consists of a 3 storey residential flat building and is an anomaly in the KPSO. The proposed R2 zoning to the site is inappropriate as it does not reflect the current status of the property. A more fitting zoning would be R4 with a reduced 11.5m height and 0.85:1 FSR to reflect the current 3 storey development.	

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
INTERFACE			
Interface of Dumaresq St, Gordon Downzone R3 to R2	Submission argues that the entirety of Dumaresq Street should be zoned R2 instead of a mix of R2 and R3. Mixed zoning in one street is unacceptable. It would be in Gordon's interest to have developments on a few streets to allow the suburb to retain its charming residential character. Submission believes that the proximity of Dumaresq Street to Gordon Centre, Gordon shops and the train station makes it appropriate for the entire street to be zoned R2 only, not R3. Submission notes that some neighbours also seem to share this view.	The zoning for the upper part of Dumaresq Street has already been gazetted in the Local Centres LEP and includes R3 zoning to ameliorate the impact of adjacent R4 development. The remainder of Dumaresq Street outside the Local Centres boundary is zoned R2 as indicated in this draft KLEP, and does not contain any proposal for R3 zoning.	No change recommended.
33 Greengate Rd and 23 & 24 Powell St Downzone R4 to R2	Submission identifies potentially significant interface issues. The proposed revision of the sites' Floor Space Ratio (A3: 0.3) and Maximum Building Height (J2: 9.5m) in line with surrounding properties is also supported. They are existing heritage items which share a common boundary with, or are opposite, a high density development site. Zoning to these sites will preserve their current status and maintain the streetscape pattern along the two streets, particularly as these properties are located within a proposed HCA. The high density site that affects these properties is located at 39 Werona Avenue and 22 Powell Street. This 2(d3) site is	<i>For response to traffic issues refer to Traffic and Heritage - Items tables.</i> Support is noted. As part of a strategic approach to Werona Street, supported in the Gateway Determination from the Department of Planning, 39 Werona Avenue and 22 Powell Street have been downzoned to R2. This preserves the residential character of this locality and removes the need for interface sites to counter the impact of the 2(d3) sites.	No change recommended.

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	considered an isolated site with no similar density development surrounding it.		
Downzoning R4 to R2 of HCA C20 24 Powell St, Killara	Submission gives support to the downzoning of 22 Powell and 39 Werona as it will address interface issues, correctly identified in the Interface Planning Study: Impact Assessment February 2011 (Killara Precinct 9).	Support noted.	No change recommended
Heritage of Killara precincts 9 &10 Downzoning R4 to R2	The submission unreservedly supports the proposed KLEP 2013. Commends Council's resolution to limit High Density development to the logical delineation east of the railway line The rectified zoning will assist in maintaining the integrity of this heritage item. All the interface sites within the precincts (below) are recommended to be zoned R2 (low density residential). Killara precincts 9 and 10: 5 Powell Street, Killara; 7 Powell Street, Killara; 9 Powell Street, Killara; 11 Powell Street, Killara; 12, 14, 16, 20 Powell Street, Killara; 23 Powell Street, Killara; 24 Powell Street, Killara; 4, 6, 8, 10, 12, 14, 16, 18 Greengate Road, Killara; 20, 22, 24, 26 Greengate Road, Killara; 33 Greengate Road, Killara; 35 Greengate Road, Killara In addition it is recommended that the 2(d3) sites at 39 Werona Avenue and 22 Powell Street be downzoned to R2 (low density residential). If the DCP for the KLEP 2013 is largely to be a translation of the DCP (Town Centres), then this too is supported.	Support noted. The sites in the Killara precinct 9 & 10 mentioned in the submission, including 39 Werona Avenue and 22 Powell Street, are already proposed to be R2 zoning. The DCP developed for the KLEP will be similar to the Local Centres DCP with further controls to suit the greater LGA. 39 Werona Avenue and 22 Powell Street are downzoned in a strategic approach to retain the low rise low density character on this side of the railway line.	No change recommended

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
R4 zoning of 2, 4, 6 Caithness Street, Killara Downzone to R2	Submissions object to the R4 zoning of properties 2, 4, 6 Caithness Street, Killara because of reasons related to traffic, flooding and heritage: Heritage: while 24 Marian Street and 1 Caithness St are listed as heritage items, 2, 4, 6 Caithness St are zoned R4. This will devalue these 2 properties and will create overshadowing and lost privacy not only for these 2 properties but also for the units bordering the highway behind the site. Flooding: High-rise development on 2, 4, & 6 Caithness St would require pumping away seepage water to avoid flooding. Other developments in the area have had to install pumps to avoid flooding of their underground car parks. Submission argues that properties 2, 4, 6 Caithness Street would also have this issue. This will have a negative effect on the Sydney Blue Gum tree on Caithness Street. Traffic: Caithness St, which comes out of Marian St, is only 7m wide and traffic congestion is already a problem on this road. Submission 368 suggests that 2, 4, 6 Caithness Street should be zoned R2.	<i>For response to heritage issues for this site, refer to Heritage -Items tables.</i> The 3 sites are located along a narrow street with a heritage item directly opposite them at 1 Caithness St. Further, the street is a cul de sac with a small landscaped island at its centre with a further narrow walkway, Caithness Walk, linking the street with the Pacific Highway. The other properties on the street are all R2 dwellings and were downzoned from R4 to R2 in the planning proposal due to their questionable ability to be developed given their shape. They were also maintained as R2 to help preserve the unique quality of this cul de sac narrow street as a setting for the heritage item. Given the narrowness of the street and the minimal frontage of the heritage item at 1 Caithness Street to the road, the concerns raised in the submission regarding the impact of the 5 storey R4 zoning of the 3 sites on the setting of that heritage item and the general character of the street itself are valid. This is illustrated by the recently completed 5 storey development at the corner of Caithness and Marian Streets which dominates that part of Caithness Street due to its bulk and scale. At the same time, it is acknowledged that should the 3 sites be zoned R2 as suggested by the submission, they will form interface sites themselves as they would continue to be impacted by the adjacent 5 storey R4 development which has significantly reduced their privacy and amenity. Therefore, whilst it is acknowledged that the R4 status of the sites will result in substantial negative impact on the heritage setting of Caithness Street which comprises solely of R2 development, there is a need for these 3 sites to ameliorate impact from adjoining R4 development on themselves should they be downzoned. For this reason a townhouse style R3 development is recommended for the 3 sites so that they can	It is recommended that the zoning on 2, 4 & 6 Caithness Street, Killara be re exhibited to amend the KLEP zoning, FSR and height maps to indicate R3 zoning, FSR of 0.8:1, height of 11.5m.

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		be redeveloped to mitigate the impact on them as interface sites whilst developing in a manner that is fitting with the heritage item and the street character. Site visits show that 2 and 4 Caithness St are highly compromised by the R4 development to their side and rear. Due to the lot configuration, the R4 development to the rear of 6 Caithness St has approximately 15m setback to the common boundary and significant trees and vegetation which give a high level of screening to the site. It is also noted that the submission put forward 6 Caithness St as having significant heritage value, and the other two having some heritage value. Preliminary investigations indicate that 6 Caithness St may have some value, and the other two do not appear to be unique examples of early architecture. For this reason, further detailed investigation is being recommended for 6 Caithness St. Council has already implemented full time parking restrictions at the turning circle, to maintain accessibility for residents and waste collection vehicles. Should it be warranted, consideration could be given in the future to extending parking restrictions to 1 side of Caithness Street.	
6a & 8 Buckingham Rd, Killara Downzone R4 to R2	Submission is concerned with the series of Development Applications that have been submitted for the site 6a/8 Buckingham. The submission requests an update on the progress of a Land and Environment Court decision. Noting in some detail the specifics of the application and its unsuitability for the site. Future unsuitable development can be curtailed by a change in zoning. It is noted that the site should be down zoned to create an interface between high density	<i>For response to heritage related issues for this site, refer to Heritage- items table.</i> 6a and 8 Buckingham Road are zoned 2(d3) under the KPSO and translate to R4 under the KLEP. It is acknowledged that there is no R3 interface site between the R2 and R4 zonings. When the interface study was conducted, 8A, 10 and 11 Buckingham Road were considered for R3 zoning however, since 10 and 11 are heritage items, R2 was maintained to retain their heritage value. Although impacted, 8A on its own was unable to successfully develop as R3 due to topography and traffic issues along the access handle to the battle-axe site, and therefore retained its R2 status.	No change recommended

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	development and adjoining heritage items. An alternate option is provided this involves downzoning 8 Buckingham Road from R4 to R2 and leaving 6a as it is. The submission notes that although the heritage item Southdean is at 10 Buckingham Road Killara, the address given in the KLEP 2013 is 10 Buckingham Road Lindfield this may have some impact on the decisions as to the interface zoning. The properties 6a and 8 Buckingham Road if developed will have an impact on the heritage significance of the surrounding heritage properties.	The submission requests the downzoning of the R4 sites at 6a and 8 Buckingham Rd to create better separation to the R2 sites. This is not possible since the sites have a recent and current DA approved on 25/10/12 for 43 units. The address given for "Southdean" at 10 Buckingham, Road Killara in the KLEP is correct.	
10 Bobbin Head Rd, Pymble Interface site - Rezone R3 to R2	Submission argues that the zoning of the property is inconsistent with the purpose of the LEP and would ruin the amenity of its surroundings. The fabric, setting and views will be impacted; particularly with regard to the proposed heritage listing of the adjacent 12 Bobbin Head Rd, whose heritage value will be impacted by an adjacent medium density development. The rezoning would allow development on the property which would overshadow the lower units in the apartment building severely impacting their amenity at 4-8 and 12 Bobbin Head Road. The proposed rezoning would allow development on the property which would dominate the proposed to be listed Heritage building at 12 Bobbin Head Rd. The rezoning appears opportunistic since it is inconsistently applied. The rezoning of	<i>For response to heritage issues refer to the Heritage - Items table.</i> 10 Bobbin head Road is a highly compromised residential dwelling with R4 apartments overlooking the land. R3 zoning will enable this interface site to be redesigned to ameliorate the impact on privacy and amenity. R3 development on the site will still sit below the vision line of the R4 development when viewed from the proposed heritage item at 12 Bobbin Head Road. The proposed heritage item is located at least 5m from the shared boundary fence with 10 Bobbin Head Road. This distance, alongside the setback required on 10 Bobbin Head Road, would provide good separation and screening opportunity of the proposed heritage item. Further, any development application process will require the amenity of neighbouring development to be preserved. In addition to this should 12 Bobbin Head Road become a heritage item, any adjacent development will have to show consideration of it. R3 development cannot be designed to the same standard as	No change recommended

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	10 Bobbin Head Rd will allow further development, which is highly likely to result in the exaggeration and extension of the apartment blocks adjacent to the property which is unsympathetic and uncharacteristic of the area. A previous DA (in 2009) was rejected on the basis that it was considered over-development and an unsympathetic design to the area (specifically 12 Bobbin Head Rd), amongst other things. The rezoning to R3 appears to make it easier to apply for the sort of development which was determined to be inappropriate under the previous zoning of the block. In this light the rezoning appears contradictory.	R4 development as suggested in the submission. R3 has an 11.5 height limit and an FSR of 0.8:1. The previous development application mentioned in this submission was considered unsatisfactory due to its appearance and impact on the streetscape and prevailing residential character of the area. R3 development would be far more in keeping with the residential context of the site than the childcare centre proposed in that DA. In addition, DCP controls will ensure the inclusion of standard that improve the site and its neighbourhood	
10 Bobbin Head Rd R3 will increase traffic	Submission concerns the R3 zone change. Increasing the number of cars turning into and out of 10 Bobbin Head Rd increases the traffic complexity and therefore the risk of traffic accidents in the School Zone for the Sacred Heart Primary School. A high likelihood of an increase in the number of cars parked along Bobbin Head Rd owing to increased number of visitors to and/or residents of the medium density development on 10 Bobbin Head Rd will introduce added risks to children crossing the road and cars dropping off and picking up from the Sacred Heart school opposite	R3 zone would yield a relatively modest number of medium density dwellings and therefore relatively low traffic generation. Peak traffic generation time of the R3 development would not necessarily coincide with that of the school Parking for new development would be required to be provided on site. This includes visitor parking. Given the requirement for onsite resident and visitor parking, pedestrian visibility is unlikely to be impacted.	No change recommended

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	through: a) Impeded visibility of pedestrians on the Western side of the road for cars travelling on Bobbin Head Rd; and b) Increase in the number of cars turning (from a parallel parked position) onto Bobbin Head Rd, many of which will want to u-turn to drive South to the Pacific Highway		
16 Beaconsfield Pde Lindfield Support for interface site R3 zoning	The submission supports the R3 zoning as it mitigates the interface issues adjoining R4 high density development on two sides. R3 zoning is seen as a positive outcome from previous submissions and allows for a good design outcome and the possibility of amalgamation with other neighbouring R3 sites. Future development will respond to site constraints and comply with Councils controls.	Support noted	No change recommended
21 & 23 Werona Ave, Killara Retain R4 zoning	Submission objects to the proposed down-zoning of the site. The site is currently zoned to permit RFBs, however under the draft KLEP the site is rezoned to R2 low density residential which prohibits RFBs. The negative density change does not accord with the sites location opposite the railway line. This is a major transport hub and more housing would be beneficial. In addition, it is noted that land immediately to the west of the station (same distance to railway station entry) are proposed to be	There has been no high density development on high density 2(d3) sites east of the railway line along Werona Avenue including 21 & 23 Werona Avenue. The downzoning of these sites to R2 will enable the integrity of the proposed Heritage Conservation Areas to be maintained and remove interface issues with adjacent sites that would result from R4 development, in particular potential impacts on adjacent heritage items is mitigated. Interface zoning was briefed in the report to Council and adopted on the 6 March 2012. In addition, it was approved by the Department of Planning and Infrastructure through the Gateway Determination to have a strategic approach to the development density of land east of the railway line and keeping high density to the west of the	No change recommended. The landowner has the option to submit a formal Planning Proposal.

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	up-zoned from 2(d) to R4 high density residential. Further reasons include: • The proposed down-zoning goes against the general trend of urban consolidation. There are parks, schools, the Killara Bowling Club, Killara Lawn Tennis Club and churches nearby. • Werona Avenue is a major alternate route to Pacific Highway. • There are already residential apartments in the immediate proximity of the two properties. • There are substantial changes from the current maximum 13.4m ceiling height to a 9.5m ridge. • The proposed FSR of 0.3:1 would already be exceeded by the existing 3 storey dwellings.	railway line. The proposed R2 zoning in the adjacent translation of the 2(b) and 2(c2) predominate in this locality. FSR is dependent on site area and can exceed 0.3:1. FSR formulas are stated in Clause 4.4 of the KLEP written instrument. Should the landowners wish to pursue a rezoning of their land they may do so via a rezoning Planning Proposal Application to Council in which they would need to provide a full planning justification.	
East of the railway line along Werona Ave Support downzoning R4 to R2	Submission supports the limiting of high density development on 2(d3) sites. The down zoning of these sites to R2 (low density residential) will enable the integrity of the Heritage Conservation Areas to be maintained and remove interface issues with adjacent sites.	Support noted.	No change recommended
5 & 7 Eulbertie Ave, Warrawee Rezone R3 to R4	Submission highlights that their property is surrounded by two sides of R4 large buildings. This negatively affects resale and their backyards are over looked by eighteen balconies and units. Their properties should be rezoned to R4 seeing that it is not an interface site but in the middle of R4. R4 zoning will also help	5 Eulbertie was identified as being compromised by the adjacent R4 development and therefore it was allocated interface status with R3 zoning. The adjacent 7 Eulbertie was included into the R3 zoning to ensure the sites would be amalgamated to create a viable R3 development with limited impact on the adjacent R2 and heritage properties. 5 & 7 Eulbertie are R2 low density residential development	No change recommended

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	the resale of the properties.	with 2 and 6 Winton St to their rear being listed/proposed heritage items. R4 zoning to the site would create an interface issue to their rear and side, with overlooking and over shadowing of the adjacent R2 sites. The R3 zoning to 5 and 7 Eulbertie will allow them to redevelop and ameliorate the impact of the neighbour R4 development whilst avoiding loss of amenity to the neighbouring sites R4 development would result in a loss of amenity to neighbouring R2 sites.	
14 Woonona Ave, Wahroonga. Zoning of land around <i>The Briars</i> (State Heritage Site), Rezone R4 to R2	Submission is opposed to the R4 zoning of sites surrounding 14 Woonona Avenue, Wahroonga, which is a heritage site and proposes down-zoning to R2 low density residential to preserve the integrity of the heritage item. Down-zoning removes uncertainty of the nature of the development around the site. 3 LEC cases in recent years have established that high rise development around <i>The Briars</i> is not appropriate, regardless the zoning (See submission for quotations of submissions made to Court).	<i>For response to heritage issues refer to Heritage – Items table</i> The intent of the KLEP 2013 Planning Proposal that received a Gateway Determination from the Department of Planning and Infrastructure was to translate existing zoning from the KPSO into the standard template format. Council resolved on the 20/11/2012 to “to ensure that the land zoning, maximum building height, minimum lot sizes and floor space ratio is appropriate for retaining and enhancing the embodied heritage significance of the State heritage item.” The sites to the rear of <i>The Briars</i> have a direct translation to R4, and they have already been developed into apartments and medium density housing. It is highly unlikely that the medium density housing to the north and to the east of the <i>Briars</i> will be redeveloped to realise the R4 potential given the strata titles on the developments. The remaining sites further away from <i>The Briars</i> fronting Bundarra Ave, and those on the opposite side of the road to <i>The Briars</i> have sufficient separation distance from <i>The Briars</i> to ameliorate the impact of any new R4 development. Further, any new development will be required to include measures to minimise the impact on the heritage item and its setting.	No change recommended.

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
		The court cases mentioned in the submission refer to the following - 7 May 2008, 12 Woonona Avenue, Wahroonga was dismissed. The proposed multi-unit residential flat building was refused due to the impact on the heritage item and its setting. - 4 May 2007 demolition of the existing buildings on 3-13 Bundarra Avenue, Wahroonga was upheld subject to the height of a building located closest to The Briars being reduced from five storeys to three storeys in height and resulting in a reduction in the number of units from 76 to 66. - 27 June 2008 the erection of a revised residential flat building design at 3-13 Bundarra Avenue and 10 Woonona Avenue, Wahroonga was refused as the effect on the significance of The Briars was unacceptable. These cases illustrate precedence that, should inappropriate R4 development be proposed around the Briars, it is highly unlikely that it will be approved.	
19 Gladstone Pde, Lindfield Rezone R2 to R3	Submission requests inclusion in the R3 zoning as the property is of no historical or architectural significance. Strategically this would be advantageous as the clearance gap of two driveways between 19 Gladstone and their neighbours would allow for greater setbacks, enhance the visual impact of the development on the streetscape, provide more sunlight to the development and allow for more landscaping to soften the impact of the development and reduce noise levels provide more onsite parking and improve site access and visibility at entry points. If they are not up-zoned then setbacks will not be as great and the visual impact on	The sites on Gladstone Parade that have been allocated R3 zoning are sites that are considered compromised by adjacent R4 development. The number of lots that were allocated R3 zoning was considered in terms of amalgamation to create a viable development, and that are aligned with the rear affected battle-axe block. A minimum number of sites were allocated R3 zoning to prevent the knock on effect of the up zoning to the single dwelling character of the street. The intention of the KLEP 2013 is to translate the existing KPSO standards, including zoning, into the Department of Planning and Infrastructure's standard template format. It is not the intent of the KLEP to alter the zoning of land except where strategic considerations have been nominated in the Planning Proposal and Gateway Determination. Such	No change recommended The landowner has the option to submit a formal Planning Proposal.

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
	the streetscape, negative.	considerations include heritage conservation areas, environmental zones, interface sites affected by 2(d3) zoning and development, and sites that have high impact. There is no requirement by the Department of Planning and Infrastructure for Council to increase dwelling numbers through this planning process, therefore, the up zoning of land has not been a consideration of this KLEP. The sites subject of this submission are zoned 2(c2) under the KPSO. This translates into R2 zoning as proposed in the KLEP. Existing driveway width does not determine separation and setback between properties. Setback requirements would apply as per the DCP controls and would be standard across any R3 zoned site. Should the landowners wish to pursue a rezoning of their sites they may do so via a rezoning Planning Proposal Application to Council.	

Reclassification of Community Land

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
RECLASSIFICATION OF COMMUNITY LAND			
Rezoning and reclassification of 90 Babbage Rd, Roseville Chase	Submissions argue that the site should not be reclassified and that it should be zoned E2. Submission highlights the importance of both 90 and 92 Babbage Road in terms of its biodiversity. The two sites form a natural drainage basin. In addition both sites are zoned recreational 6a and are managed as natural areas. Issues raised include loss of privacy and amenity, bushland, need to preserve Biodiversity, Riparian and the ecological significance of the site. A residence on the land will have a detrimental effect on the habitat and animals that live there and will detrimentally impact this area. The land has a high water runoff in wet weather. Building on the site may have detrimental effects on the land stability of existing houses due to the removal of trees and vibrations from earth works. There is an increased bushfire risk with a new residence in a bushfire prone area, the lots as they are now are more like a rainforest and act as a buffer for the neighbouring sites Residents receive no benefit of the rezoning as they are not near Pymble pool. The rezoning does not make sound economic sense as Council will have to undergo many expensive works to make the land saleable. Such as piping the	The rezoning and reclassification of 90 Babbage Road was the subject of a separate Planning Proposal which included an independent public hearing process and a number of additional investigations and studies of the site to assess the concerns raised during that process. These same concerns are presented in these submissions, many of which are identical to those submitted to the Planning Proposal. Council adopted the Planning Proposal and the rezoning and reclassification of the site on 16 July 2013. For clarification of the issues raised in these submissions, refer to the 16 July 2013 Council report and its attachments giving detailed information regarding these issues. The Planning Proposal rezoned the site to Residential 2(a) under the KPSO. This draft KLEP indicates the zoning for the site as E4. The E4 zoning will further alleviate concerns raised regarding the ecology of the land when any development is proposed as it will require additional investigations and justifications around the land development. No significant value to justify the E2 zoning that the submission seeks has been uncovered through all the investigation of the site.	No change recommended.

Reclassification of Community Land

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	water course, allowing access to the properties by widening an already narrow and difficult road. The constraints on the site are considerable and the market price estimation for the sale of the land is incorrect and operating in a false economy. Due to these site constraints a buyer will not pay full market value for the land and thus Council is entering into a high risk/low yield operation, which is unwise as they are meant to be acting on behalf of the community. The submission feels the plan has been rushed and questions if due process has in fact been followed. Ecological Assessment prepared by Clarke Dowdle & Associates. Assessment concludes that the site provides potential foraging habitat for endangered and threatened species. The riparian functions of the sit cannot be understated. RGH Consulting Stormwater drainage overview is attached to submission.		
Rezoning of 17 Marian Street, Killara car park area to High Density Residential.	20-28 Culworth Avenue car park is part of the landscape setting for Killara Station, part of the historically significant ambience of the garden setting stations of the North Shore Line. Destroy the car park and the heritage setting of the station will be destroyed. The car park is blue gum high forest including Blackbutt and grey Ironbark. Blue Gum High Forest is critically endangered. Submission asks if the trees on the site will die, which goes against the tree preservation requirements. With	<i>For response to heritage issues, refer to Heritage - HCA table.</i> The site is currently zoned a mixture of Municipal Purposes, 2(d) and 3(a)-(A3). The original intention for the site was for Council Civic Centre and put residential apartment development. Since the KLEP is a translation of zoning and site potential from the KPSO into the standard instrument format of the KLEP, this principal has been maintained on this site to give the R4 zoning. The only exceptions to the direct translation have been where strategic changes were put forward in the Planning Proposal and agreed in the Gateway	No change recommended.

Reclassification of Community Land

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	housing targets being forced into Council, Council should ensure that public facilities remain public and are not converted into housing. The area is under supplied with amenities. Submission argues that the selling of this car park is directly connected to the costs associated with the new Council office space. Instead of spending resources on the new Council office, Council could reduce its staff members and start outsourcing more. This proposal flies in the face of logic, good policy and future needs of ratepayers. It should be rejected. The resident pleads to stop giving way to greedy developers like Fraser Property Group who left site vacant and with a big hole in the ground.	Determination. Most of this site is cleared tarmac parking area. The few significant trees on the site would have tree preservation controls protecting them and have to be factored into any DA for development of the site. Any threatened species, such as BGHF, would need to be preserved on the site. Any development on the site will be subject to controls to do with setbacks and impacts on the heritage conservation area as well as on any adjacent heritage items including the station. New development will have to show how it mitigates impact on adjacent properties in terms of amenity, overshadowing and visual context amongst others. Although not the original intention for the site, the site has been used for parking. Surveys show that it has low levels of utilisation. It is Councils intention to provide public parking as a part of redevelopment of the site. The Officers report and Council's resolution of 30 April 2013 outlines Council's position to the management of its land assets including the proposed reclassification of this site. This site was also subject to a separate planning proposal and public hearing for its reclassification.	
Traffic effects of the reclassification of the Culworth Car Park 17 Marian Street, Killara, and rezone to R4	Submissions argue that the replacement of Culworth Avenue with high density apartments is a short-sighted decision in terms of transport. This space supports the 'park & ride' concept that enables people to take public transport. Many residents have no access to a bus service and rely on the car to travel to the station and the car park. There is little street parking available in	<i>For response to heritage issues refer to Heritage- HCA table</i> While the KLEP will rezone the site it will not reclassify the land. The reclassification is being undertaken via a separate planning process. In terms of utilisation, surveys show that at its peak, the car park is typically 1/3 empty. At the commuter peak time (9am) surveys indicate the car park is typically 70% empty. This suggests commuters have a preference for parking on-street first before occupying the car park.	It is recommended that car parking for 20-28 Culworth Ave, Killara be added to Schedule 1.

Reclassification of Community Land

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	these areas, so these car park is popular for elderly people, for dropping school children to the station. The front car park is often near capacity and the back is able to cope with future demands. Removing it will cause more congestion as residents have to park further away from the station. The removal of commuter parking close to the Killara train station will: • displace commuter parking to residential streets; • add an extra burden for people with disabilities/elderly who want to park close to public transport; • the residents from and visitors to the proposed high density apartments will congest residential streets and contribute to the overcrowding of trains; • convenience for commuters will decrease; • the high rise developments will exacerbate the parking problem; • patronage of public transport will only increase with the rising population density throughout the municipality. Instead of converting this site into a residential lot, Council should expand the parking into a multi-storey facility. Council could get revenue by charging a higher parking fee.	In a report to Council on 30 April 2013, it was noted that this should this site suitable for reclassification to allow its sale and redeveloped, up to 100 underground spaces may be provided depending on feasibility and demand. Therefore, retention of public car parking is subject to further investigation. Since the R4 zoning prohibits the ongoing usage of car parking on the site, to ensure it is retained as an existing use, it is recommended car parking be added to Schedule 1 for this site rather than relying on existing use rights. Given that there is a high probability of the paid parking being continued on the site with a level dedicated to paid commuter parking it is unlikely there will be a change to congestion as suggested in the submission.	

Reclassification of Community Land

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	Should the site be redeveloped, equivalent parking needs to be provided elsewhere. There is a definite need to have a centralized car park in Killara.		
Reclassification of 17 Marian St, Killara	Submission supports the reclassification from community land to operational land of 17 Marian Street to enable conversion in use to take place under B1 zoning.	Support noted.	No change recommended
Reclassification of Edith St, Pymble from community to operational land	Submission is made by residents of: 74, 76 Bannockburn Road; 50 Rushall Street. Submission opposes the reclassification because: • Edith Street has provided access to adjacent properties since the 1970s. • This access point has become critical for the elderly living in adjacent houses. Resident has installed a \$30,000 motorised lift access to property facing Edith Street for resident on wheelchair. • Edith Street serves as an access point for paramedics/ambulance staff. • There are concerns with the stormwater drain at the bottom of Edith Street. • R2 zoning of this site would mean the loss of an important amenity for the community • Edith Street acts as a biodiversity corridor to Bannockburn Oval. The land has large scribbly gums, Tawny frogmouths, native birds, possums and bandicoots. • Submission 380 refers to the Council meeting prior to 15/05/13 which advises	Reclassification of this particular site is not a matter dealt with under the KLEP. Council has however resolved to commence the reclassification process for this site. Council is in the process of preparing a separate Planning Proposal. That process will involve detailed investigations, exhibition and a public hearing, and include opportunities for submissions to be made regarding that proposal.	No change recommended

Reclassification of Community Land

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	that Council is not the owner of the land and is unable to sell the block.		
Reclassification of 1186 Pacific Hwy, Pymble	Submission argues that there is no valid reason for the reclassification of the Ku-ring-gai Town Hall, Former Presbytery and Car park. The site as a whole is of considerable historical significance.	Reclassification of this particular site is not a matter dealt with under the KLEP. Council has however resolved to commence the reclassification process for this site. Council has prepared a separate Planning Proposal. This involves detailed investigations, exhibition and a public hearing, and include opportunities for submissions to be made regarding that proposal.	No change recommended

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DUAL OCCUPANCY																																	
109 Bobbin Head Rd, Turramurra Request Dual Occupancy	Submission states that the owners were not able to complete the planned development of dual occupancy. The first dwelling was constructed but the second dwelling was not approved before the repeal of the SEPP, leaving them with financial hardships. The owner wishes to subdivide the land to achieve the same planning outcome as dual occupancy. The site will be compatible with the development standard for dual occupancy. The site is well served by public transport and is in close proximity to the Princes Street neighbourhood shopping centre. The future development will be compatible with the streetscape because it will replace the original demolished dwelling in the same location. The existing lot area is 1,522m2 which allows a sizeable rear allotment of at least 930m2 which will be compliant with the future LEP controls. The site adjoins two established dual occupancy developments and the resultant density will be similar or less than those developments. A future front lot can support a dwelling that can comply with the provisions of DCP 38. No precedent will be created in the same manner that LEP 200 does not create a precedent since the rights and	The zoning and development for this land is consistent with the KLEP principals and the submission for a dual occupancy type subdivision is not supported. This site had no applications or works commenced in June 2011 when the <i>State Environmental Planning Policy No. 53</i> was repealed. The choice to construct a house set well back on the parcel of land was made after the fact and with full knowledge that dual occupancy would no longer be permissible on the land, and that the only additional building that could be constructed would be a granny flat (secondary dwelling). The development history on this site is as follows: <table><tr><th>Date</th><th>Item</th><th>Explanation</th></tr><tr><td colspan="3">DATE SEPP WAS REPEALED: JUNE 2011</td></tr><tr><td>28/07/2011</td><td>Pre-Da Application</td><td></td></tr><tr><td>24/08/2011</td><td>Pre-DA Meeting</td><td>Pre-Da meeting for proposal of: <i>Demolition of existing dwelling and associated structures and the construction of a new two storey residential dwelling</i></td></tr><tr><td>28/09/2011</td><td>Application for complying development certificate</td><td>Description of development: <i>New single dwelling/Double storey</i></td></tr><tr><td>7/10/2011</td><td>Issued complying development certificate (demolition)</td><td>Certificate number: 110120</td></tr><tr><td>12/10/2011</td><td>Issued complying development certificate (dwelling)</td><td>Certificate number: 8005594 Description of work: two storey dwelling</td></tr><tr><td>27/10/2011</td><td>Notice of commencement of building work</td><td>Decision made under: Complying development code 2008</td></tr><tr><td>2/11/2011</td><td>Date of intended building work to commence</td><td></td></tr><tr><td>13/08/2012</td><td>Interim Occupation Certificate Issued</td><td>Interim Occupation Certificate determined as approved.</td></tr></table> The intention of the KLEP 2013 is to translate the existing	Date	Item	Explanation	DATE SEPP WAS REPEALED: JUNE 2011			28/07/2011	Pre-Da Application		24/08/2011	Pre-DA Meeting	Pre-Da meeting for proposal of: <i>Demolition of existing dwelling and associated structures and the construction of a new two storey residential dwelling</i>	28/09/2011	Application for complying development certificate	Description of development: <i>New single dwelling/Double storey</i>	7/10/2011	Issued complying development certificate (demolition)	Certificate number: 110120	12/10/2011	Issued complying development certificate (dwelling)	Certificate number: 8005594 Description of work: two storey dwelling	27/10/2011	Notice of commencement of building work	Decision made under: Complying development code 2008	2/11/2011	Date of intended building work to commence		13/08/2012	Interim Occupation Certificate Issued	Interim Occupation Certificate determined as approved .	No change recommended The landowner has the option to submit a formal Planning Proposal.
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	development standards are established in an environmental planning instrument. Other parties cannot claim the same rights since this case is tied to a unique set of circumstances.	KPSO standards into the Department of Planning and Infrastructure's standard template format. It is not the intent of the KLEP to alter development standards except where strategic considerations have been nominated in the Planning Proposal and Gateway Determination. In addition, there is no requirement by the Department of Planning and Infrastructure for Council to increase dwelling numbers in this planning process, therefore, the inclusion of dual occupancy development has not been a consideration of this KLEP. Should the landowners wish to pursue a rezoning of their land they may do so via a rezoning Planning Proposal Application to Council in which they would need to provide a full planning justification.	
28 Clissold Rd, Wahroonga Request Dual Occupancy	Submission requests 28 Clissold Road be included in Schedule 1 of the KLEP to allow this site to have dual occupancy. Submission has a site description, dual occupancy floor plans, and letter to Brad Hazzard MP. A Pre-Da meeting was booked with Council for June 2011 however the meeting was cancelled due to the repeal of SEPP 53. Submission state the site bought years ago to build dual occupancy. Inclusion in Schedule 1 of the KLEP will allow certainty of outcome and public benefit. Also planned dual occupancy accords with state and local planning objectives concerning housing types which are environmental sustainable. • The design is complementary to the area. • Efficient economic use of land without	The existing provisions in the KPSO for dual occupancy only apply to a limited number of sites. These provisions require that each land parcel be no less than 550sqm each. The site has a total area of 1105 square metres and just meets this criteria. A search of Council's records shows no details of a pre-DA booking or any other discussion regarding the development of dual occupancy on this site as this submission claims. Since no development or application was commenced when the <i>SEPP 53</i> was repealed, there are no planning grounds to deviate from the KLEP provisions and allow dual occupancy on this site. Should the landowners wish to pursue a rezoning of their land they may do so via a rezoning Planning Proposal Application to Council in which they would need to provide a full planning justification. The intention of the KLEP 2013 is to translate the existing KPSO standards into the Department of Planning and Infrastructure's standard template format. It is not the intent of the KLEP to alter development standards except where strategic considerations have been nominated in the Planning Proposal and Gateway Determination. In addition, there is no requirement by the Department of Planning and Infrastructure	No change recommended. The landowner has the option to submit a formal Planning Proposal.

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	unreasonable physical, environmental or social impacts. • Improve streetscape by removing triple garage for house and landscaping. • Encouraging performance based planning. There are other dual occupancy sites close to 28 Clissold Road, makes dual occupancy feasible on this site.	for Council to increase dwelling numbers in this planning process, therefore, the inclusion of dual occupancy development has not been a consideration of this KLEP.	
2 Loombah Ave, East Lindfield	The submission requests that the following clause be added to Schedule 1: • Use of certain land at 2 Loombah Avenue East Lindfield • This clause applies to land at 2 Loombah Ave East Lindfield being Lot 31 DP 11447 • Development for the purpose of a dual occupancy (detached) is permitted with consent Previously a Dual Occupancy had been approved on the site by the LEC in 2005, the five year consent lapsed in 2010 and has not been renewed as situations changed and the need did not arise. Now there is a need for the Dual Occupancy as family situations have changed. The site has two frontages 68 Tyron Road and 2 Loombah Avenue. Lot is of a sufficient size and shape to accommodate a second dwelling. No heritage or environmental constraints are identified on the site, it is close to shops the local school and on a bus line. The dual frontage and size of the block, free from certain site constraints makes the block ideal for a detached dual occupancy	A development application for dual occupancy on this site was lodged on 22 July 2003; however it was refused by Council. On 3 May 2005 the Land and Environment Court approved a modified dual occupancy development on the site. This approval lapsed in 2010. The KLEP has no provision to reinstate a lapsed approval particularly when that approval lapsed well before the <i>SEPP</i> was repealed. Further to this, a site visit showed that the neighbouring dwellings are all single homes on a single block of land and dual occupancies are out of character with the subdivision pattern of this locality. The intention of the KLEP 2013 is to translate the existing KPSO standards into the Department of Planning and Infrastructure's standard template format. It is not the intent of the KLEP to alter development standards except where strategic considerations have been nominated in the Planning Proposal and Gateway Determination. In addition, there is no requirement by the Department of Planning and Infrastructure for Council to increase dwelling numbers under this planning process, therefore, the inclusion of dual occupancy development has not been a consideration of this KLEP. Should the landowners wish to pursue a rezoning of their land they may do so through a rezoning Planning Proposal Application to Council in which they would need to provide a full planning justification.	No change recommended. The landowner has the option to submit a formal Planning Proposal.

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	dwelling. The development can comply with development standards envisioned in the draft KL2013 and will be consistent with the current LEP 200.		
33 Grandview St, Pymble Remove dual occupancy status	Submission argues that the land at 33 Grandview St, Pymble should be removed from Schedule 1, and accordingly the development for the purpose of dual occupancy (detached) on that land should not be permitted. Because the property is L-shaped, with one boundary along the length of a narrow Right-of-Way, the entrance for construction vehicles, trucks, delivery vans, emergency vehicles and fire trucks is restricted. The Right-of-Way has no turning area, so presently cars turn only by using private garage entrance spaces. The Right-of-Way gives rear-lane access to seven properties, all which are independently accessible from their street frontages. Only 3 of the 7 properties use the Right-of-Way as the usual means of vehicular access (2 Fern Street, 33 Grandview Street, 1 Wellesley Road). To permit dual occupancy on 33 Grandview Street would be to create a landlocked site, completely inaccessible other than through the Right-of-Way. Applications to subdivide 4 Fern Street have been refused by Council on the bases on insufficient access. 33 Grandview has the same problem. In	<i>For response to heritage issues refer to Heritage – Items table.</i> KLEP does not have provisions for dual occupancy; however should dual occupancy be permitted under the KPSO, then that planning provision has been translated into the KLEP. Dual occupancy is permitted on this site under the KPSO and hence is retained under Schedule 1 of the KLEP. The site is a corner block of size suitable for the already permitted dual occupancy subdivision. The right of way access that the submission is concerned about is owned by Council and will not change its status in the event of any development; therefore access to the rear subdivided properties will not be altered. The subdivided lots to the rear were designed and purchased with full knowledge of the ownership of 33 Grandview Street and its lot boundaries. Difficulty in turning of vehicles is not a concern of 33 Grandview Street and should be dealt with on the individual sites. There are no planning reasons to alter the status of this site for this reason. It is acknowledged that the site has been nominated as a potential heritage item. Should the heritage status be finalised for this site, the dual occupancy status would be to be removed due to the location of the heritage item in the centre of the site and any subdivision of the site will negatively impact the curtilage of the heritage item. Due to this site having two conflicting issues, it is prudent to fully investigate its value as an potential item and include it in re-exhibition due to heritage status impacting the dual occupancy status.	No changes recommended, However further investigations are recommended to verify the heritage value of 33 Grandview Street, Pymble. Should it be found worthy of heritage listing, it would be re exhibited to amend the KLEP and include the removal of the dual occupancy status.

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	addition 33 Grandview Street is listed as a heritage item in Schedule 5 of the KLEP		
Dual occupancy provision	Submission highlights that Ku-ring-gai LGA consists of over 2,000 Dual Occupancy dwellings in low density residential zones. Land areas of 2,000 sq. each are sufficient to allow up to 4 new homes through dual occupancy development. The LGA could accommodate another 3,000 home sites if the dual occupancy planning control was available KLEP should allow dual occupancy subdivision and development for blocks of land greater than 600sq. The lack of dual occupancy development allowance does not align with the Metropolitan Plan objective. Submission urges Council to amend its draft KLEP to include an appropriate dual occupancy code. Currently this LGA stands unique in NSW planning as having this development prohibited Council. Please consider inclusion of dual occupancy code in the KLEP as it would provide upwards of 4-6,000 future housing stock in the LGA without intensive intrusion of bulk and height. Submission questions Council's approach to community participation and argues that Council has had a closed door policy forcing residents to go to the Land and Environment Court to seek development	The intention of the KLEP 2013 is to translate the existing KPSO standards into the Department of Planning and Infrastructure's standard template format. The KLEP is not a housing strategy; further, it is not the intent of the KLEP to alter development standards except where strategic considerations have been nominated in the Planning Proposal and Gateway Determination. In addition, there is no requirement by the Department of Planning and Infrastructure for Council to increase dwelling numbers through this planning process, therefore, the inclusion of dual occupancy development has not been a consideration of this KLEP. Should any landowners wish to pursue a rezoning of their land they may do so via a rezoning Planning Proposal Application to Council in which they would need to provide a full planning justification for their case. It is acknowledged that Council does not have dual occupancy provisions in its statutory documents except when they have already been allowed. However, there has been no requirement from the Department of Planning and Infrastructure for its inclusion in the KLEP following the repeal of the dual occupancy <i>SEPP</i>. Council is required under the EP&A Act to operate and follow certain guidelines. This includes the assessment of any development application. Should an application not meet the standards applicable to all development across Ku-ring-gai, Council is obliged to refuse the development. Every applicant then has the option to submit a new application to Council or to pursue the refused development through the LEC.	No change recommended However the landowner has the option to submit a formal Planning Proposal.

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	approval; instead, Council should allow dual occupancy development.		

Schools, Hospitals, Seniors Living

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
SCHOOLS, HOSPITALS, SENIORS LIVING			
Knox Grammar School	Submission essentially requests revision of the proposed zoning and listing so that it is consistent with the approach to other schools in the LGA; supports expansion of the school onto adjoining land; recognises the heritage sensitive development of the school facility. The submission states that the KLEP does not appropriately reflect community concerns and interests and is burdensome on the school site. The submission also claims KLEP 2013 is inconsistent with Draft Sydney Metropolitan Strategy as no R4 zoning is indicated around Warrawee Station which is a transport node	<i>For response to heritage conservation areas refer to Heritage- HCA table.</i> Ku-ring-gai Council has a high percentage of schools, public and private, across the entire LGA. Schools are recognised as one of the major employment sources within the LGA. For this reason the SP2 Educational Establishment has been utilised across the LGA to ensure the preservation of core land for school purposes. It is equally recognised that schools may acquire adjoining lands for the purposes of expansion. These sites remain in the zoning of the surrounding properties as school uses are permitted on them under the <i>Infrastructure SEPP</i>. This ensures the type of development on those sites is in keeping with, and has little impact on, the neighbouring residential amenity. Should schools acquire parcels of land where there is clear separation and hence impact on the neighbouring residential development, schools can apply for a rezoning through submitting a Planning Proposal application to Council. KLEP 2013 is consistent with the draft Sydney Metropolitan Strategy. Ku-ring-gai Council has delivered its dwelling targets predominantly within the town centres where there is a transport node and other supporting facilities such as retail and recreational premises. Further, there has been no direction from the Department of Planning and Infrastructure to create further high density sites within the KLEP 2013. The intent of the KLEP 2013 Planning Proposal that received a Gateway Determination was to translate existing zoning from the KPSO into the Standard template format. Changes to density have only been included where sites were considered to have interface issues.	
	MAIN SCHOOL Submission requests the stipulation of	Consistency of the SP2 Educational Establishment wording on the zoning maps is supported. Inclusion of 17 Woodville	It is recommended that the zoning map be

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	the words Educational Establishment in addition to SP2 on the zoning map to be consistent with other school labelling across the LGA. - Submission requests inclusion of 17 Woodville Ave in the SP2 zoning as it is owned by the school. - Submission questions the proposed R2 zoning for the Chapel site particularly as KPSO allows special uses on the site. - The submission requests to zone Borambil Street as SP2 to match the school zoning instead of the residential area zoning. - The submission claims misleading documentation in that the KPSO has not been translated into the KLEP; particularly that KLEP does not allow school uses in residential zones. - The submission questions FSR, lot sizes, heights to those parts of the main school site that are zoned R2, as this does not reflect on the ground development. - Upzoning of lands around Warrawee Station to R4.	Ave in the SP2 zoning is supported as it is owned by the school, is contiguous with the SP2 site, and now legally forms part of the adjacent school SP2 lot 875542. It is acknowledged that a mapping error did not translate the KPSO existing zoning of the Chapel into the KLEP 2013 zoning maps. As such this site should be included in the SP2 zoning as per the adjacent land. The request to zone Borambil Street as SP2 is not supported. The standard template requires all roads to take on the highest order of zoning of the adjacent land uses. In this case R2 is the highest order zoning as it permits a wider range of development including school uses (under the <i>Infrastructure SEPP</i>). The KLEP zoning has been a translation from the KPSO and follows instruction from the Department of Planning and Infrastructure regarding provisions under the <i>SEPP</i>. There is no misleading documentation. The KLEP does not indicate school uses in the R2, R3, R4, E4 zones. It should be noted that Council was directed by the Department of Planning and Infrastructure PCO to remove the references to schools in zones where they are permitted under the <i>Infrastructure SEPP</i>. The <i>Infrastructure SEPP</i> is key in the delivery of all manner of infrastructure, including schools, across the State. It is highly unlikely it will be repealed as suggested in the submission. Under the recent Planning Bill 2013 introduced into the Parliament, SEPPs under the former Act, will continue in force as part of the relevant provisions of a local plan (s12.6(1)). In the event it is amended to fit in with the new planning reforms, it will retain its weight and direction as stated in the Planning Bill to ensure a continuing certainty around infrastructure delivery. Further to this, Council is required to draft the KLEP under	amended to read SP2 Educational Establishment across the Knox school site as translated from KPSO. It is recommended that 17 Woodville Ave, Wahroonga be included within the SP2 zoning boundary line; and amend the FSR, height & lot size map to be consistent with the SP2 zoning for the site. It is recommended that the Knox Chapel site be mapped SP2 Educational Establishment as translated from KPSO. No change recommended to existing R2 zoning. The landowner has the option to submit a formal Planning Proposal.

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		the existing legislation, the EPA Act. As such it needs to be prepared in accordance with the requirements of this legislation. Should State Government alter the standing of the <i>SEPPs</i> from that expressed in its White Paper, all Councils across the State will be given a direction on accommodating that change Therefore sites that are in the school's ownership within the R2 zoning can continue to be developed for school purposes. Most of the sites acquired by the school, that remain in the R2 zoning, form part of a strong residential context where in many cases there are a number of heritage and contributory items that lend to the quality of the local HCA. In addition, they adjoin existing residential areas that in themselves require some certainty that their amenity will not be compromised by future adjacent school building development. The residential zoning ensures that any new development will integrate into the residential built fabric. FSR, lot sizes, heights are related to the zoning of the land. It is acknowledged that the Chapel area has incorrectly been mapped as R2. SP2 zoning to that land will reflect the existing KPSO development standards. The landowner may submit a formal Planning Proposal fully justifying the SP2 zoning to R2 sites outside the existing SP2 area. There is no direction from the Department to increase densities of the area within the KLEP, it is primarily a translation of the KPSO.	
	CURAGUL FIELDS Submission questions the E3 zoning to lands used as playing fields as E3 does not permit school uses in the KLEP 2013 or the Infrastructure SEPP. The submission requests school uses be permitted on the site.	It is acknowledged that the KLEP 2013 and <i>Infrastructure SEPP</i> do not permit school uses within the E3 zoning. The E3 zoning covers the majority of this North Turrumurra locality due to growing concerns from the RFS regarding the safe evacuation of population in the event of a serious bushfire hazard. The zone limits the density of population occupying the land so that evacuation through the limited exit routes can	Refer to discussion and recommendations in the main body of the Council report regarding the use of the E3 zone.

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		be conducted in a timely manner. Whilst E3 might restrict uses the reasoning behind its allocation is sound. Refer to the discussion and recommendations in the main body of the Council report regarding the use of the E3 zone	
	PREPARATORY SCHOOL - Submission requests the school site at Cleveland Street have the words Educational Establishment in addition to SP2 on the zoning map to be consistent with other school labelling across the LGA. - Submission questions the heritage relevance of 15 Cleveland Street, Wahroonga which is a relatively new school building constructed as part of the preparatory school. - The school site at 33 Bangalla Street, Warrawee is zoned SP2. Submission requests the stipulation of the words Educational Establishment in addition to SP2 on the zoning map to be consistent with other school labelling across the LGA.	The school site at Cleveland Street, Billyard Avenue and Sutherland Avenue, Wahroonga is zoned SP2. It is acknowledged that the words SP2 Educational Establishment on the zoning map should be included to be consistent with other school labelling across the LGA. The school owns 15 Cleveland Street, Wahroonga which is contiguous with the current SP2 school site under the KPSO, and houses a substantial school building it therefore merits inclusion into the SP2 zoning. It is acknowledged that the words SP2 Educational Establishment on the zoning map to the school site at 33 Bangalla Street, Warrawee should be included to be consistent with other school labelling across the LGA.	It is recommended that the zoning map be amended to read <i>SP2 Educational Establishment</i> across the Knox school site at Cleveland Street, Billyard Avenue and Sutherland Avenue, Wahroonga as translated from KPSO. It is recommended that 15 Cleveland Street, Wahroonga be included within the SP2 zoning boundary line of Knox School; and amend the FSR, height & lot size map to be consistent with the SP2 zoning for the site. It is recommended that the zoning map be amended to read <i>SP2 Educational Establishment</i> across the Knox school site at 33 Bangalla Street, Warrawee as translated

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THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
Abbotsleigh School Zoning Provisions	Permissibility of Schools in R4 The School recently purchased the properties on 15-19 Bundarra Avenue South, Wahroonga. These sites are zoned 2(d3) residential under the KPSO, in which educational establishments are permitted. The KLEP proposes rezoning to R4, in which educational establishments are prohibited. The School purchased these properties under the KPSO. The School's existing rights should be preserved. If R4 is equivalent to 2(d3), development for educational establishments should be permitted under R4 for these sites. The Bundarra Avenue Sites are adjacent to the Abbotsleigh Junior School, making them part of the School's Master Plan and completely suitable for redevelopment for the purposes of education. Submission requests that developments for the purpose of educational establishments be an additional permitted use under Schedule 1 of the draft KLEP.	Ku-ring-gai Council has a high percentage of schools, public and private across the entire LGA. Schools are recognised as one of the major employment sources within the LGA. For this reason the SP2 Educational Establishment has been utilised across the LGA to ensure the preservation of core land for school purposes. It is equally recognised that schools may acquire adjoining lands for the purposes of expansion. These sites remain in the residential zoning of the surrounding properties as school uses are permitted on them under the <i>Infrastructure SEPP</i>. This ensures the type of development on those sites is in keeping with and has little impact on the neighbouring residential amenity. Should schools acquire parcels of land where there is clear separation and hence impact on the neighbouring residential development, schools can apply for a rezoning through submitting a Planning Proposal application to Council.	from KPSO.
	SP2 Provisions The Junior School and Senior School are currently zoned Special Uses A (School) under the KPSO. The KLEP proposes to zone the Junior School as SP2 and part of the Senior School as SP2 and part as R2. There is no clear specification that schools are permitted under the SP2 zone. The draft LEP mentions that 'for the purpose shown on the Land Use Map, including		No change recommended
		It is acknowledged that the words SP2 Educational Establishment on the zoning map to the school sites should be included to be consistent with other school labelling across the LGA.	It is recommended that The zoning map be amended to read <i>SP2 Educational Establishment</i> across the Abbotsleigh school site at Woonona Ave South, Wahroonga and across the School site at Pacific Hwy/Ada Ave

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	any development that is ordinarily incidental or ancillary to development for that purpose' is permissible with consent. Submission requests that Council ensures that 'Educational Establishment' is specified as permissible land use on the Land Zoning Map.		as translated from KPSO.
	Permissibility of School in R2 The KLEP proposes to zone the Senior School as part SP2 and part R2. Development for the purpose of educational establishments is prohibited under R2. Submission requests that Council ensures that 'Educational Establishment' is specified as permissible land for those sites of the school zoned R2. This could be done through an addition to Schedule 1 of the KLEP. It is recognised that educational establishments are permitted with consent in R2 and R4 Zones under SEPP (Infrastructure) 2009. Nevertheless, submission requests the KLEP gives certainty that educational establishments will remain as is following the NSW government's planning system review, which might remove SEPP directions.	It is acknowledged that the residential zones under the KLEP do not indicate school uses in the R2, R3, R4, E4 zones. It should be noted that Council was directed by the Department of Planning and Infrastructure and the PCO to remove the references to schools in zones where they are permitted under the <i>Infrastructure SEPP</i> . The <i>Infrastructure SEPP</i> is key in the delivery of all manner of infrastructure, including schools, across the State. The new <i>Planning Bill 2013</i> introduced into Parliament states at s12.6(1) that " <i>provisions of State Environmental Planning Policies under the former Act are taken to be planning control provisions of each local plan</i> ". It is therefore highly unlikely it will be repealed as suggested in the submission. In the event it is amended to fit in with the new planning reforms, it will retain its weight and direction as stated in Planning Bill to ensure a continuing certainty around infrastructure delivery. Therefore sites that are in the school's ownership within a residential zoning can continue to be developed for school purposes. In addition, since these sites adjoin existing residential areas, the continued residential zoning gives those properties some certainty that their amenity will not be compromised by future adjacent school building development as it will have to maintain the development standards of the residential zone.	No change recommended.

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THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
Sacred Heart School, Our Lady of Perpetual Succour School and Church at 2-4 Richard Porter Way	School uses The submission requests that Council recognise the Parish's broader community role and that the KLEP reflect the current and future activities of the Parish lands. Under the KPSO, development for the purposes of educational establishments is currently permitted with consent within the 5(a) Special Uses (School) for the SH site and the 5(a) Special Uses (School and Church) for the OLPS site. The draft KLEP 2013 has the effect of either prohibiting educational establishment uses on the SH and OLPS sites or creating some uncertainty regarding the development of these sites as the land use zoning map does not identify educational establishments as permissible uses on the sites. In doing so, draft KLEP 2013 places an exclusive reliance upon ISEPP (where prescribed zones apply). It is submitted that the proposed zoning maps for the SH and OLPS land under the draft KLEP 2013 be amended as detailed in this submission. It is not considered appropriate for the SH and OLPS schools to rely exclusively on ISEPP, particularly if ISEPP is subsequently amended or repealed. • That the draft KLEP zoning map be amended to notate 'education establishment' as the identified land use on the sites. • That the draft KLEP zoning map be	The Department of Planning and Infrastructure's standard template places a residential zoning across all school sites and utilises the <i>Infrastructure SEPP</i> to enable school development within those residential zones. Ku-ring-gai Council sought and received a special dispensation from the Department to zone school sites SP2. The justification for this was that educational establishments form a core portion of Ku-ring-gai's employment sector, and this zoning would give Council and the school establishments certainty regarding the preservation of school uses well into the future.	It is recommended that the zoning be amended to read <i>SP2 Educational Establishment</i> across the school site at 1125 Pacific Highway as translated from KPSO.

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THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
	amended to zone Lot 16 in DP 658538 SP2 Infrastructure Correction to error in zoning Map 007 in relation to the school and Church site on the corner of Pacific Highway and Bobbin Head Road. It argues that the R4 zoning for part of the site is an error and should be corrected to show the whole of the site zoned as SP2. Existing uses match with the zoning of the whole site as SP2 and not with R4.		
	Other uses The Pymble Catholic parish is also seeking a number of additional permitted uses be provided for in the Draft KLEP which reflect the current and potential future range of programs and services provided by the parish. This will avoid a circumstance of any future works to the church and parish buildings relying on existing use rights provisions. The submission requests: • That the Sacred Heart Parish land at 2-4 Richard Porter Way, Pymble be included in Schedule 1 of the draft KLEP 2013 and that 'child care centre', 'place of public worship' and 'seniors housing' be included as additional permitted uses. • That the Our Lady of Perpetual Succour land at 64 Kendall Street, West Pymble be included in Schedule 1 of the Draft KLEP 2013, and that child care centre and place of public worship be included as additional permitted uses on that site.	The request in the submissions to allow uses that are not directly linked with the school use, but are more linked with community provision (such as seniors housing, childcare centre, counselling and youth centres, community worship) is in direct conflict with the agreed application of the SP2 zoning. Whilst the request for a holistic approach to the site and its mixture of school and community uses is understood, Council is obliged to affect the same principles across all SP2 school sites, and to ensure all uses on those sites are linked to the primary school use. For this reason it is not possible to make special circumstances for one school over another and allow non-school uses within the SP2 zone on the sites at Bobbin Head Road and 64 Kendall Street, West Pymble. During a pre-DA with Council to place a 0-5 childcare centre on the school site it was pointed out to the applicant that whilst childcare associated with the school use, for staff, or after school care, or a pre-school run as part of the school may be permissible, the type of childcare sought uses not be permitted on the school grounds because it was not ancillary to the school use, but would be an independent facility from the school. The submission questions the R4 zoning to 4 Richard Porter Way. This is a direct translation from the KPSO in which the	It is recommended that 4 Richard Porter Way, Pymble be included within the SP2 zoning boundary line of Sacred Heart School; and amend the FSR, height & lot size maps to be consistent with the SP2 zoning for the site. The landowner has the option to submit a formal Planning Proposal to zone the SP2 lands to R3 to permit other uses on the land

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	Pre DA meetings PRE 0103/12 indicates that an Early Learning Centre may be prohibited by the KPSO. The KLEP could have further impacts on the proposed developments and the Parish is worried that it will supersede the SEPP and prevent the development of housing on the site. The Parish would like Council to treat all its sites in a holistic way. It seeks assistance to: • Deal with one group of officials from Council that treat the DAs in a holistic way. A meeting with Council is requested. • Lodge a submission to KLEP that will be considered by Council. • Be able to develop the Parish facilities in a way that best responds to the community needs. Submission requests Council rezone the site to allow the school in combination with Southern Cross Care to provide 12x2 bedroom living units which are in keeping with the surrounding development. The proposal suggests two ways of achieving this. 1) Rezone the northern portion of the site to <i>R3 Medium Density Residential</i>. 2) Include the site within <i>Schedule 1, Additional Permitted Uses</i> of the LEP to allow for the propose seniors housing use. The Blue Gum High Forest on the site and residential lots adjoining two sides will be	site is currently zoned 2(d3). Since 4 Richard Porter Way is contiguous with the current SP2 area, there is merit in its inclusion into the adjacent SP2 zone. The <i>Infrastructure SEPP</i> is key in the delivery of all manner of infrastructure, including schools, and the <i>Seniors Living SEPP</i> is key in the delivery of all seniors living across the State. It is therefore highly unlikely these <i>SEPPs</i> will be repealed as suggested in the submission. In the event they are amended to fit in with the new planning reforms, they will retain their weight and direction as stated in the recent White Paper (page 71) to ensure a continuing certainty around their delivery. Therefore sites that are within a residential zone can continue to be developed for schools and seniors living purposes under the <i>SEPPs</i> and their future iteration. Under the KLEP, Seniors Living is permitted in R1 and R3 and not in R2 and R4. The reason for this is that the <i>SEPP</i> Seniors Living permits this development type in R2 and R4 and the KLEP is required to avoid covering development permitted under the <i>SEPP</i>. Further, since the <i>SEPP</i> permits seniors living development on land adjacent to residential land, a development application for this type of development could be made under that instrument; therefore there is no requirement to make this an allowable use under the KLEP. It is acknowledged that the SP2 zoning to the majority of the school site makes no reference to its use as a school. Therefore the words 'educational establishment' should be included in the title of the land so it is clear that the land is preserved for school uses. In addition to this, whilst the KLEP do not indicate school uses are permitted in the residential zones, and does not indicate Seniors Living use in the R2 and R4 zones; it should be noted that both these development types are permissible in the residential zones under <i>SEPPs</i>. This means Council approval is consistent	

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THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
	considered when preparing the DA. The justification of the proposal is 1) Ageing population, and Councils requirement under the Metro strategy to meet the dwelling target. This proposal will help Council to do so. 2) The site is suited to the type of development and having a mix of ages in one area has a positive impact on the community. This development will not be a gated seniors housing style of development but more of an open boutique style of development. Professional reports and assessments are attached to the submissions please see these for further detail. Submission states that a submission was made on 6 May 2013, seeking rezoning to the northern part of the Sacred Heart Parish site to R3 to include Seniors Housing as a permitted use. Submission notes that the parish supports the inclusion of Seniors Housing as an additional permitted use, rather than rezoning of the site to R3.	with the requirement that the KLEP should not provide development standards on uses covered by the <i>SEPP</i> Should the landowners be of the mind to include non-school uses on the land, they would need to submit a Planning Proposal to Council to change the zoning of all or part of the school site to a residential zone that would permit the school to continue to operate under the <i>Infrastructure SEPP</i> and also allow other non-school uses on the site. The Planning Proposal would be required to fully justify the change of zoning and the long term implications on the existing school uses.	
St Lucy's School 6&8 Billyard Avenue, Wahroonga	St Lucy's recently purchased two residential lots 6 & 8 Billyard Avenue as an extension to the school. The school has an intention to redevelop these lots to provide additional facilities. The current residential 2(c2) zoning permits educational establishments. However under the draft LEP the zoning would change to R2. Under the allowable uses of R2,	The school site has a number of lots that are zoned SP2. 6 Billyard Ave shares a common boundary with the SP2 site. Since 6&8 Billyard Avenue are contiguous with the current SP2 area, there is merit in its inclusion into the adjacent SP2 zone. In the interest of consistency with other school sites, the words SP2 Educational Establishment should be indicated on the zoning	It is recommended that 6 and 8 Billyard Avenue, Wahroonga be included within the SP2 zoning boundary line of St Lucy's School; and amend the FSR, height & lot size map to be consistent with the SP2

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	educational establishment is not permitted. It is recognised that the SEPP infrastructure allows educational establishments to be developed on land adjacent to existing educational establishment. Submission requests that the new LEP to be zoned the same as existing uses of St Lucy to reflect their intended use.		zoning for the site. It is recommended that the zoning map be amended to read SP2 Educational Establishment across the St Lucy's school site at 21 Cleveland Street, Wahroonga
Dalcross Hospital 28 Stanhope Rd, Killara	Dalcross Hospital own or have proprietary interest in 24-34 Stanhope Road, Killara. The Hospital has made strategic decisions in the past 18 months to acquire adjoining properties for the upgrading of hospital facilities. Submission requests that these properties are zoned R3 instead of R2 because the Division 10 – Health Services Facilities of SEPP (Infrastructure) 2007 does not apply to R2, but R3. Submission states the proposed R2 density 0.3:1. The existing development of this site and surrounding sites already exceeds this and the FSR is not a translation of the KPSO which has no FSR standard. The R2 zoning is seen as a significant constraint to the future development of the Hospital because of the reduced FSR permitted under it. Submission requests that 24 –34 Stanhope Road should be either: • Included in Schedule 1 – Additional Permitted uses for Hospital Purposes • Rezoned as R3	<i>For response to heritage issues refer to Heritage - HCA table.</i> Dalcross Hospital, 24-34 Stanhope Road is located within a low density residential area with no other high density or commercial development in the vicinity. In addition, the locality has a number of heritage items and is within a proposed HCA. Given the context, it is important that any development on this site remain of scale suitable to the residential context. Further to this, there has been no high density development on the high density 2(d3) sites east of the railway line along Werona Ave. The downzoning of 2(d3) sites to R2 will enable the integrity of the HCA to be maintained and remove interface issues with adjacent residential sites that would result from R4 development. Interface zoning was briefed in the report to Council and adopted on the 6 March 2012, and was approved by the Department of Planning and Infrastructure through the Gateway Determination. The request to zone the Dalcross hospital sites R3 is not supported as this is a quality low density residential areas as well as a proposed HCA; of which the hospital site is a part. Hospital uses are permitted with consent within R2 zones under the KLEP. Removal of the FSR controls to individual sites is not supported. FSR in existing 2(c2) zones under the	No change recommended. The landowner has the option to submit a formal Planning Proposal for change in zoning and FSR.

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	Deleted from the FSR 0.3:1 constraint.	KPSO is covered by DCP 38 clause 4.2.1 which stipulates the FSR control within this area. This standard has been translated into the KLEP R2 zone. Despite the current over development of the Dalcross site, the streets are still remain intact and in character with the low density residential neighbourhood. Any future development on the hospital site would need to continue to maintain a scale and streetscape address that is homogenous with and contribute to the existing residential fabric of this locality. This is especially important given the proposed HCA status of this neighbourhood. Should the landowners wish to pursue a rezoning of their land they may do so via a rezoning Planning Proposal Application to Council in which they would need to provide a full planning justification.	
Sydney Adventist Hospital Development	The commercial upgrade to SAN Hospital will result in the aesthetic annihilation of the suburb and should be targeted by Council. Traffic problems will also increase.	<i>For response to traffic issues refer to Traffic table.</i> The development of the SAN Hospital is being carried out under a Part 3A approval, and as such the approval of the works, is done by the Department of Planning and Infrastructure. Ku-ring-gai Council, alongside members of the public are only able to make submissions raising concerns regarding the development. These may be viewed on the Department's website under part 3A applications. The final decision to approve SAN hospital development is made by the Department. Concerns regarding the hospital development should be forwarded to the Department of Planning and Infrastructure.	No change recommended.
Neringah Hospital	Submission states that under the KPSO, land uses of hospital and seniors accommodation are permitted at the site (3-9 Woonona Avenue and 2-12 Neringah Avenue). However the KLEP prohibits the use of the site for the operation of a	<i>For response to heritage issues refer to Heritage- Items table.</i> It is acknowledged that the residential zones under the KLEP do not indicate hospital uses in the residential zones and do not indicate Seniors Living use in the R2 and R4 zones.	No change recommended

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	hospital. In the possible future absence of the SEPP Infrastructure 2007, in terms with the White Paper, the hospital would rely on existing use rights. Given this uncertainty, Schedule 1 of the KLEP should be amended to express the use of the site as a hospital and seniors accommodation. Submission suggests insert of clauses into schedule 1 to allow hospital and Seniors Living on the site.	However both these development types are permissible in the residential zones under <i>SEPPs</i>. Under the KLEP Seniors Living is permitted in R1 and R3 and not in R2 and R4. The reason for this is that the <i>SEPP Seniors Living</i> permits this development type in R2 and R4 and the KLEP is required to avoid covering development permitted under the <i>SEPP</i>. Council's approach is consistent with the Department's advice that residential requirement that the KLEP should not provide development standards on uses covered by the <i>SEPPs</i>. The <i>Infrastructure SEPP</i> is key in the delivery of all manner of infrastructure, including hospitals; and, the <i>Seniors Living SEPP</i> is key in the delivery of all seniors living across the State. The new <i>Planning Bill 2013</i> introduced into Parliament states at s12.6(1) that "<i>provisions of State Environmental Planning Policies under the former Act are taken to be planning control provisions of each local plan</i>". Therefore sites that are within a residential zone can continue to be developed for hospital and seniors living purposes under the current <i>SEPPs</i> and their future iteration.	

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THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
Lourdes Retirement Village 95 Stanhope Rd, Killara	The Village is zoned R2 correctly however in the draft KLEP the land use table show that Senior Housing is not 'permitted with consent'. In R1 it shows as "permitted with consent". This is inconsistent. Submission requests the inclusion of the objectives of R2 be: <i>To provide housing that is compatible with the existing environment and low density character of Ku-ring-gai. By the inclusion in this instrument and in Council's development control Plans of Development Standards that maintain that character.</i> Submission highlights that a height of 9.5m is now permitted and is unwarranted and should be changed back to the original 8 m to comply with SEPP Seniors Living as the KLEP claims to comply with the SEPP Seniors. Submission points out that how building height is measured is confusing (ground level to roof or ceiling). There are three different maximum heights. One for SEPP Exempt and Complying Codes '8.5' one for SEPP Seniors Living '8' and KLEP '9.5'. This lack of clarity will be grounds for a legal argument.	Under the KLEP Seniors Living is permitted in R1 and R3 and not in R2 and R4. The reason for this is that the <i>Seniors Living SEPP</i> permits this development type in R2 and R4 and the KLEP is required to avoid covering development permitted under the SEPP. The <i>Infrastructure SEPP</i> is key in the delivery of all manner of infrastructure, including hospitals, and the <i>Seniors Living SEPP</i> is key in the delivery of all seniors living across the State. It is therefore highly unlikely these <i>SEPPs</i> will be repealed in the future and in the event they are amended to fit in with the new planning reforms, they will retain their weight and direction as stated in the recent White Paper (page 71) to ensure a continuing certainty around their delivery. Therefore sites that are within a residential zone can continue to be developed for hospital and seniors living purposes under the <i>SEPPs</i> and their future iteration. Given that Lourdes is located within a low density residential area and is proposed R2 zoning under the KLEP, the development standards, including the heights, are consistent with the locality and the residential zone. When a DA is prepared for any development on the site, it will have to adhere to the development standards of the statutory instrument under which it is proposing the development. Each development application is assessed under the applicable instrument. If the DA operates under the KLEP then those standards need to be met, if the development operates under a <i>SEPP</i>, then those standards need to be met. Further, a new DCP will be prepared to clarify and control development standards within the KLEP area to ensure that new development remains in keeping with the context of the area.	No change recommended

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THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
Lady Gowrie Nursing Home 6-10 Edward Street Gordon	Submission outlines a detailed historical background of the site. The site is zoned special uses 5a- Hospital and residential 2(c) under the KPSO. However under the draft KLEP the subject site is zoned mostly R2 and partially E4 which prohibits the existing and future expansion of seniors housing uses as well as creating a downzoning of the existing lands and their uses. The site would need to rely on the 'Existing use' rights provisions under the EP & A Act. Therefore whilst allowing the continuance of the current existing uses, the proposed R2 zoning could inhibit the redevelopment potential of the site for seniors housing. The submission provides a list of zoning comparisons of other senior's housing development in Ku-ring-gai LGA and requests a zoning of R1 General Residential. The submission also raises objection the E4 zoning on the site, suggesting that the biodiversity layer that determined the E4 zoning would make the site an environmentally sensitive land which would stop any seniors housing being developed on it. The submission questions the methodology of the KLEP in relation to the listing of uses within each zone, and the consistency of the methodology by Ku-ring-gai Council, and other Sydney Met Councils, with Circular PS06-008 which gives a guide to standard template	Under the KLEP Seniors Living is permitted in R1 and R3 and not in R2, R4, E4. The reason for this is that the SEPP Seniors Living permits this development type in R2, R4, E4 and the KLEP is required to avoid covering development permitted under the SEPP. The <i>Infrastructure SEPP</i> is key in the delivery of all manner of infrastructure, and the <i>Seniors Living SEPP</i> is key in the delivery of all seniors living across the State. It is therefore highly unlikely the <i>SEPP</i> will be repealed in the future. In the event they are amended to fit in with the new planning reforms, they will retain their weight and direction as stated in the recent White Paper (page 71) to ensure a continuing certainty around their delivery. Therefore sites that are within a residential zone can continue to be developed for seniors living purposes under the <i>SEPP</i> and its future iteration. Ku-ring-gai Council continues to support the provision of facilities for aged persons within the current legislative framework. Council is consistent with the direction from the Department of Planning and Infrastructure to zone this land from a Hospital zone under the KPSO, to a residential zone, R2 and E4, under the KLEP. This results in the Department's desired outcome for all infrastructure development, previously given Special Uses zoning, including seniors living, residential care facilities and hospitals, to be carried out under the appropriate <i>SEPP</i> standards which permits them within residential zones. LEP Practice Note 'Zoning for Infrastructure in LEPs' states guidelines that Council has been required to follow. Therefore the development of the site for senior's housing is in no way altered, nor is there any downzoning of the site as the uses are still permitted on the land. Given the Department's preferred method is to utilise the SEPP for development of special uses, including hospitals, schools, seniors living, the only area in the KLEP that have	It is recommended that the FSR Map be amended to show A3 to that part of the site zoned R2, and A1 to that part of the site zoned E4. Amend lot size map to reflect E4 and R2 zoning.

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	permissible and prohibited uses. Given that seniors housing and residential care facility are both prohibited uses in the R2 zone, the submission thinks that Council is relying upon the applicability of SEPP Seniors Housing 2004 for any future proposed refurbishment or redevelopment of the site and questions the certainty of that document to deliver aged housing into the future. In particular the submission outlines concerns in the ability of the site to fulfil the requirements of SEPP Seniors Living clause 26 relating to proximity and access to transport and amenity facilities. The existing FSR of the site exceeds the proposed 0.2:1 FSR under the draft KLEP. A FSR of at least 0.3:1 is more appropriate for the site. Further, the site is consistent with Clause 4.4 (2A) - land zoned R2 and over 1700sq in area provides a maximum FSR of 0.3:1 for development on the site.	been assigned Special Uses zoning are schools. Ku-ring-gai Council sought and received a special dispensation from the Department to zone school sites SP2 as they form a core portion of Ku-ring-gai's employment sector, and this zoning would give Council and the school establishments certainty regarding the preservation of school uses well into the future. The only other special uses zoning is to those sites that have regional status in terms of their scale and infrastructure, and which were assigned the zoning by the Department under the <i>Major Projects SEPP</i>. Similarly Council has not assigned R1 General Residential zoning to any area within the LGA due to the conglomerate of development types permitted within that zone and the complexity in preserving a certain character. R1 zoning within the LGA was assigned to certain sites including the mentioned Mt Pleasant Avenue, Normanhurst, by the Department under the <i>Major Projects SEPP</i> and amended the KPSO to show it as such. This zoning is a direct translation of that process and the resulting zoning into the KLEP. E4 areas have been zoned as such in recognition of their biodiversity and riparian features; however, since the definition of biodiversity, or biological diversity, under the KLEP is separate and different to the definition of environmentally sensitive land under the <i>SEPP</i> which does not include biodiversity areas, the submission's claim that E4 will hinder the development of the site for senior's housing is incorrect. The structure of the KLEP has been endorsed by the Department of Planning and Infrastructure. The approach that has been used, and agreed through the Gateway process, is an open zone approach for all commercial areas, giving them a level of development flexibility; and a closed zone approach	

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		for all residential zones as land uses are more sensitive in residential areas. Further, this approach gives certainty to the residents of Ku-ring-gai regarding land uses in close proximity to their homes and which will impact their amenity. Ku-ring-gai Council can only advise the due diligence of this Council in all its decision making processes and the endorsements by the Department of Planning and Infrastructure. The criticism in the submission of other Metropolitan Councils is not within the scope of this KLEP, therefore the claimant is advised to pursue that matter with those Councils to understand their rational. In any redevelopment, the potential exists for a pedestrian connection from the Melkin End part of the site to bus stops on Rosedale Road Gordon as this would meet the 400m distance and gradient requirements of the <i>SEPP</i>. If future access from this part of the site is not possible, there is also the possibility of introducing new bus stops on Rosedale Road in the vicinity of Edward Street (subject to concurrence from the bus operator Transdev/ Shorelink, Transport for NSW, and Ku-ring-gai Council). Discussions with Transdev/Shorelink indicate new bus stops could be considered. Preliminary investigations show that on-street grades and distances along the travel paths to these stops would comply with the requirements of Clause 26 of <i>SEPP (HSPD) 2004</i> from the Edward Street site frontage. Rosedale Road (in the vicinity of the site) is serviced by the Transdev/Shorelink 582 service linking Gordon railway station (Werona Avenue) with St Ives Shops (Memorial Avenue), and could provide direct connection to services and facilities in the St Ives and Gordon local centres, and further connections to services and facilities in Chatswood and Hornsby (via North Shore railway line). It is acknowledged that a lower FSR has been given to the	

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		entire site to be in keeping with the E4 zoning requirements. It is agreed that since part of the site is zoned R2, the FSR to that part of the site should be in keeping with that zoning. Therefore it would be appropriate to align the FSR map with the zoning map to show A3 FSR to the R2 portion of the site	

Attachment 5 Summary Table – Heritage

Heritage

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GENERAL HERITAGE ISSUES			
Heritage values used for listing	Submission argues that the proposed heritage listing relies entirely on 'Aesthetic' values as set down under the heritage assessment criteria. It is important that these be considered fully based on the inclusion/exclusion guidelines determined by the NSW Heritage Council.	The different assessments of the draft HCAs by independent heritage consultants have followed NSW Heritage Council guidelines. There are seven criteria used in the assessment of heritage significance and the HCAs have been assessed against each one of these. Aesthetic values were not the only values considered – every HCA has historic significance in relation to the early estates, subdivision patterns, early orchards and roads, and the impact of the railway. Some HCAs have strong associational values with important architects and historical figures.	No change recommended.
Conservation of heritage houses	Submission conveys the need to conserve heritage homes.	Support for heritage noted. Heritage is protected by listing on Schedule 5 of Council's LEP. The comprehensive heritage reports produced by independent heritage consultants are the basis on which Council's decisions are made. It is noted on some items limited is available information and as further research is conducted or feedback provided by the community the heritage inventory sheets are updated.	No change recommended.
Level of documentation for heritage listing	Request that the Council more carefully examine the heritage items proposed to be added into the new LEP. With a view to ascertain justification for the proposed listing. In addition the submissions questions if the appropriate notification and advertising of Heritage Items as part of the LEP has been undertaken to meet the requirements for appropriate community consultation. Inaccuracies in the heritage listings of this draft LEP are similar to the inaccuracies in the original Mosman Heritage Study,	Council has adopted a staged approach to identify and assessing the heritage items in accordance with NSW Heritage Council guidelines and to determine what is listed on the LEP. The list of heritage items in the draft KLEP 2013 was translated from the heritage schedule 7 in the KPSO. Some additional items were identified in heritage studies undertaken by independent heritage consultants and individually assessed. The public exhibition of the draft KLEP is part of this ongoing process. Any issues and/or additional information brought to Council's attention during the public exhibition of the draft KLEP have been considered. Some items may require further individual	No change recommended.

General Heritage Issues

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
	which led to a Commission of Enquiry in May 2000.	assessment to confirm their heritage status and another round of re-exhibition.	

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
24, 27, 29, 32 and 37 Marian Street, Killara	Submission states that when No 24, 27, 29, 32 and 37 Marian Street, Killara were identified as heritage items, no justification for the listing was provided.	No 24, 27 and 29 Marian Street were originally identified as potential heritage items in the 2000 Ku-ring-gai Heritage and Neighbourhood Character Study by Godden Mackay Logan. These sites were assessed in detail as part of the Review of 154 Sites in Ku-ring-gai by Perumal Murphy Alessi Pty Ltd undertaken in 2006. No 24 Marian Street was in the study assessed as significant as a simplified example of Inter-war period, Mediterranean style of architecture. No 27 Marian Street was assessed as significant as an example of Inter-war period, English Cottage style designed by Architects Peddle Thorp & Walker. No 29 Marian Street was assessed as significant as an example of Inter-War period, Spanish Mission Revival style of architecture, and for its association with JG Edwards, 'the Father of Killara'.	No change recommended
24, 27, 29, 32 and 37 Marian Street, Killara	Lack of justification for the heritage listing of 32 Marian Street	This is an error and should be removed from Schedule 5, as 32 Marian Street, Killara has been demolished and replaced with an apartment block.	It is recommended that 32 Marian St, Killara be removed from the Schedule 5, of the draft KLEP 2013, and the accompanying Heritage Map.
24, 27, 29, 32 and 37 Marian Street, Killara	Lack of justification for the heritage listing of 37 Marian Street	This is an error and should be removed from Schedule 5.37 Marian Street is in and HCA, it is a contributory building however unsympathetic alterations and additions have made it unsuitable for listing.	It is recommended that 37 Marian St, Killara be removed from the Schedule 5 of the draft KLEP 2013 and the accompanying

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
24, 27, 29, 32 and 37 Marian Street, Killara	The submission claims that when No 24, 27, 29, 32 and 37 Marian Street, Killara were identified as potential heritage items, residents were initially notified. However, no formal or further communication has been received by the residents as to any change to their status.	The Perumal Murphy Alessi Review of 154 Sites in Ku-ring-gai was commissioned and completed in 2006. During the review, all affected property owners and residents were notified of the project at its commencement and again half-way through the project with an update of the progress of the review. The review was placed on non-statutory public exhibition from 20 November to 20 December 2006. A total of 41 submissions were received during the non-statutory public exhibition of the study and reported back to Council in 2006 with recommendations on each submission. On 12 June 2007 Council resolved that this property be included in the Comprehensive LEP/ DCP process as contributory items/character items within potential future HCAs or as potential heritage items under the comprehensive LEP process. All persons who made a submission were notified of Council's decisions. The recent statutory public exhibition of draft KLEP 2013 included letters and explanatory brochure sent to property owners, advertisements in the local newspaper and on Council's website and copies available for viewing at the Chambers.	Heritage Map. No change recommended
24 Marian Street and 1 Caithness Street, Killara	The submission states that development restrictions imposed by the heritage listing will devalue their home. It will be costly to maintain as a liveable heritage items.	Site constraints such as zoning, physical site constraints, impact on neighbours and impacts on the environment all contribute to development potential. There are a number of independent studies that discuss the impact of heritage listing on property value. During the public exhibition periods for 2010 South HCA Review, LEP 218 and draft KLEP 2013 Council provided copies of independent research on the effect of heritage listing on property values.	No change recommended

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
		There is no strong evidence that heritage listing directly increases or decreases property values. All properties whether heritage listed or not require periodic maintenance.	
24 Marian Street and 1 Caithness Street, Killara	24 Marian St has not been maintained by previous owners so it is not well suited to be a liveable heritage item.	The report by Perumal Murphy Alessi Pty Ltd states that the <i>'the house appears have undergone some modification and additions which have affected its original scale and character when viewed from the rear in Caithness Street.'</i> The removal of intrusive alterations/additions to a heritage item is permitted with approval from Council. Heritage homes can have sympathetic alterations and additions to meet modern living standards and requirements.	No change recommended
24 Marian Street and 1 Caithness Street, Killara	Heritage listing imposes development restrictions. Owners recently bought the property and would not have purchased it if it had heritage restrictions on it.	New development on land where a heritage item is located is permitted with approval from Council or under the NSW Housing Code.	No change recommended
24 Marian Street and 1 Caithness Street, Killara	Heritage listing some properties on the street and allowing R4 for others is inconsistent and unfair. Objection to the property being heritage listed as the surrounding lots are zoned R4 this will compromise the heritage listed items and creates a disparity in the environments created. 24 Marian Street and 1 Caithness St are listed as heritage items, No 2, 4, 6 Caithness St are zoned R4. This will devalue these two properties and will	<i>For response to zoning concerns refer to Site Specific - Interface table.</i> Caithness Street is a narrow road and does not provide ample separation between the R4 high density development at 2, 4, 6 Caithness Street. The Heritage items and 24 Marian and 1 Caithness do not have deep setbacks providing no screening opportunity to ameliorate the impacts of development on the opposite sites. In addition to the measures outlined in the <i>Interface Table</i>, any development adjacent to a listed heritage item will be required to assess and consider any impacts from the proposed development on the heritage significance of the item. The	No change recommended

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	create overshadowing and lost privacy not only for these two properties but also for the units bordering the highway behind the site.	development will have to ensure it is sympathetic to the heritage item and does not detract from its significance	
2, 4, 6 Caithness Street, Killara	Submission states that No 2, 4 and 6 Caithness Street have potential to be heritage items because they were designed by well-known Architects from the 1920s-1930s. Submission states that No 6 was designed by well-known architect Donald T Esplin. It is therefore unfair to list 1 Caithness Street and not these properties.	1 Caithness Street, Killara is a KPSO item. The current draft Schedule 5 of Heritage Items is a direct translation of the existing KPSO schedule of heritage items. In addition, 1 Caithness Street was assessed as significant in the Perumal Murphy Alessi Pty Ltd and Glen Cowell Heritage Services Pty Ltd, Status and Context Review of Fourteen Sites in the Ku-ring-gai Local Government Area, 2006. 1 Caithness Street was assessed as a significant example of Inter-war period, Georgian Revival style of architecture, constructed as part of the second wave of subdivision of the immediate area and for its contribution to the character of the streetscape. No 6 Caithness Street, can be described as an example of Inter-war period (b1920s-1930s), Georgian Revival style domestic architecture. The site is part of the 1920s subdivision into the smaller blocks still evident in Caithness Street.. Esplin designed many buildings in Sydney, including domestic in various styles including Georgian Revival, Californian Bungalows, Spanish Revival, Commercial palazzos. These include Astor Flats in Macquarie Street, the first residential tallest block of flats in Sydney b1923	It is recommended that 6 Caithness Street, Killara be investigated as a new potential heritage item
99, 105, 120 – 132 Coonanbarra Road, Wahroonga	The Coonanbarra Road timber cottages group in Wahroonga (99, 105, 120 - 132 Coonanbarra Road) should be removed from the heritage schedule of the KLEP.	The Coonanbarra Road group of timber cottages (99, 105, 120-132) were identified in the Moore, Pike, Proudfoot & Lester Tropman & Associates, Ku-ring-gai's Heritage Study, 1987 and were listed on the KPSO in 1989.	It is recommended that No 105 and 130 Coonanbarra Rd, Wahroonga be removed from

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
	The main reason for listing has come from an out-date study done in 1987. Properties 105 and 130 Coonanbarra Road have had significant alterations.	The current draft Schedule 5 of Heritage Items aims to be a direct translation of the existing KPSO schedule of heritage items. The 2000 Ku-ring-gai Heritage and Neighbourhood Character Study by Godden Mackay Logan recommended no change to the heritage listing of this group of cottages. No 105 and 130 Coonanbarra Road have been demolished and replaced with new buildings. Due this the listing is no longer relevant and should be removed.	Schedule 5, of the draft KLEP 2013 and the accompanying Heritage Map.
99, 105, 120 – 132 Coonanbarra Road, Wahroonga	122 Coonanbarra Road, Wahroonga should not be a heritage item. It is not associated with any significant person, community or cultural group and thus does not meet the criteria for listing.	Council's Heritage Advisor recently made the following comments in relation to approved works to No 122 Coonanbarra Road, Wahroonga <i>'The existing house at 122 Coonanbarra Road is one of a group of simple workers cottages built c1900. Collectively the group of simple timber houses is considered rare as they evidence a period of development in Ku-ring-gai that has largely been lost. Due to this, the retention and ongoing conservation of these cottages is important.'</i> Due to the continued significance of the cottage, withstanding the alterations and additions made, the heritage listing should be retained.	No change recommended
99, 105, 120 – 132 Coonanbarra Road, Wahroonga	122 Coonanbarra Road has had most of the original building materials removed and two extensions. A third extension has a current DA approval (DA0006/12). The architectural significance of this item is no longer relevant.	Council's Heritage Advisor made the following comments in relation to approved works to the cottage at 122 Coonanbarra Road (DA006/12) and what appears to be works to the cottage for which Council has no records: <i>'The integrity of this item has been compromised by the amount of new fabric and several ad hoc additions. A closer inspection of the property has revealed several changes and no record of approval from Council. It is recognised that the item has largely retained its cottage form and still contributes to other listed cottages in Coonanbarra Road.'</i> The removal of intrusive alterations/additions to a heritage item is permitted with approval from Council.	No change recommended

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
99, 105, 120 – 132 Coonanbarra Road, Wahroonga	No 120 and 126 Coonanbarra Road have had garage additions in recent years.	Alterations and additions to a heritage item are permitted with approval from Council or under the NSW Housing Code. Planning decisions are based on planning legislation and Council's development controls of the time.	No change recommended
99, 105, 120 – 132 Coonanbarra Road, Wahroonga	These properties are not listed on the State Heritage Register.	These properties were assessed as having local significance and were consequently included in Council's LEP. It is not a requirement for local listing that the item is listed on the State Heritage Register.	No change recommended
99, 105, 120 – 132 Coonanbarra Road, Wahroonga	Items are outside the Wahroonga heritage conservation area.	Properties do not need to be within an HCA to be considered for individual listing. The comment that these houses lie outside a HCA is a strong reason to retain the heritage listings to ensure their protection.	No change recommended
99, 105, 120 – 132 Coonanbarra Road, Wahroonga	A lot of properties within Lochville Street have similar architectural values, and are not listed as heritage items.	There are no comparable early timber cottages in Lochville Street, Wahroonga	No change recommended
31 King Edward Street, Pymble	Objection to the heritage listing of 31 King Edward St, Pymble. The submission questions inclusion in Schedule 5 as an individual heritage item.	The site was identified as a potential item in the Godden Mackay Logan, Ku-ring-gai Heritage and Neighbourhood Character Study, 2000 as a potential item. This property was assessed in detail in the Perumal Murphy Alessi Pty Ltd, Review of 154 Sites in Ku-ring-gai, 2006. The site was assessed as significant " <i>as part of the early residential development of the suburb of Pymble during the early decades of the 20th Century and the second wave of subdivision. Although having undergone some modifications to the original building and the construction of a substantial addition at the rear of the house, the original building remains largely intact externally with its original Queen Anne stylistic timber detailing. The building presents on a prominent corner allotment and makes a strong contribution to the streetscape character.</i> " More recently, the property was identified as a potential item in the Paul Davies 2010 North HCA Review and the 2013 Peer Review of North HCAS by Sue Jackson-Stepowski and Carste	No change recommended

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31 King Edward Street, Pymble	Objection to the listing of 31 King Edward St, Pymble on the grounds it has been listed as a heritage item without consultation or notification of the owners prior to the exhibition of the KLEP. It is claimed due process has not been followed.	Studio. The Perumal Murphy Alessi Review of 154 Sites in Ku-ring-gai was commissioned and completed in 2006. During the review, all affected property owners and residents were notified of the project at its commencement and again half-way through the project with an update of the progress of the review. The review was placed on non-statutory public exhibition from 20 November to 20 December 2006. A total of 41 submissions were received and reported back to Council with recommendations on each submission. On 12 June 2007 Council resolved that this property be included in the Comprehensive LEP/ DCP process as contributory items/character items within potential future HCAs or as potential heritage items under the comprehensive LEP process. All persons who made a submission were notified of Council's decisions. The recent statutory public exhibition of draft KLEP 2013 included letters and explanatory brochure sent to property owners, advertisements in the local newspaper and on Council's website and copies available for viewing at the Chambers.	No change recommended

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
31 King Edward Street, Pymble	Objection to the listing of 31 King Edward St, Pymble on the grounds it has had a rear addition visible from Church Street.	The 2006 study by Perumal Murphy Alessi Pty Ltd study states that <i>'Although having undergone some modifications ... and the construction of a substantial addition at the rear of the house, the original building remains largely intact externally with its original Queen Anne stylistic timber detailing.'</i> The removal of intrusive alterations/additions to a heritage item is permitted with approval from Council.	No change recommended
51 Warrangi Street, Wahroonga	Objection to the proposed heritage listing of 51 Warrangi Street, Wahroonga. The arguments against listing include the following: The property has not been properly assessed in compliance with the NSW Heritage Office Guidelines. The inventory sheet has factual errors based on additions facing Warrangi Street. Identification of the style is wrong, it does not have Inter War Mediterranean style features it was built in the English inspired 'cottage style'. The house no longer fits any criteria of heritage significance, having being altered extensively. It is no longer similar to its original form and thus it no longer represents an original example of Inter-war Georgian Revival architecture. The submission includes a detailed description	Council has adopted a staged approach to identify and assess the heritage items within the LGA in accordance with NSW Heritage Council guidelines. No 51 Warrangi Street, Wahroonga was identified as a potential heritage item in the 2010 Paul Davies North HCA Review. It was described in the study as an example of an Inter-war period, Georgian Revival style of architecture. The public exhibition of the draft KLEP is an important part of this process. While it is acknowledged that the age of the building is a crucial aspect of significance, the process recognises that the sites might change or might have additional values associated with them over time. The owner's submission confirms that some original elements remain. It is recommended that further detailed assessment of this property be undertaken to determine if the property should be listed on Council's LEP. This will also allow for further consultation and feedback from the owners and the community prior to making a further recommendation on its listing.	It is recommended that 51 Warrangi, Street Wahroonga be removed from Schedule 5 of the draft KLEP and the accompanying Heritage Map and deferred for further heritage investigation and re-exhibition.

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	of the works undertaken to the dwelling. Submission requests that a careful examination be prepared to ascertain the significance of this item and others proposed under the draft KLEP 2013.		
51 Warrangi Street, Wahroonga	A heritage listing would impose restrictions on internal changes to the property, which would preserve elements that date from the 1990s.	The heritage listing covers the external elements of the building and its content. External alterations/additions are also permitted with approval.	No change recommended
51 Warrangi Street, Wahroonga	Lack of consultation or formal notification to residents prior to LEP draft. Council has not told the owners the justification for listing, this is not in the public interest.	The recent statutory public exhibition of draft KLEP 2013 included letters and explanatory brochure sent to property owners, advertisements in the local newspaper and on Council's website and copies available for viewing at the Chambers.	No change recommended
51 Warrangi Street, Wahroonga	The submission requested that the residents be notified in receipt of their objection.	All submissions were sent an acknowledgment letter from Council and advising of this matter coming back to Council.	No change recommended
6, 8 and 26 Treatts Road, Lindfield	Submission supports the heritage listing of No 6 Treatts Rd, 8 Treatts Rd, Lindfield. Support is also shown for the listing of No 26 Treatts Road.	Support noted.	No change recommended
47 Highfield Road, Lindfield	Submission objects to the heritage listing of 47 Highfield Road, Lindfield. Submission states that a previous assessment concluded that the heritage value low and there is little evidence left of the original garden.	<i>For response to zoning issues refer to Environment & Ecology table</i> The submission refers to a heritage impact statement provided in support of an application for works which were refused by Council. The study states that the site is a significant example of Inter-war period, Spanish Revival styles, designed by Architect Leslie J Buckland.	It is recommended that 47A Highfield Road, Lindfield be removed from Schedule 5, Part 1 Heritage Items of the draft KLEP 2013 and accompanying Heritage Map.

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
		47 Highfield Road, Lindfield was listed as a heritage item in the KPSO schedule of heritage items in February 2005 following approval for the subdivision and works to the house. This subdivision created 47A Highfield Road, Lindfield, which has subsequently been sold and a house constructed on the site. Detailed assessment of the house and garden which formed the basis of the 2005 listing was provided by landscape architecture specialist, Professor Weirick from UNSW. Both the house and its garden have been assessed as highly significant and substantially intact. The Schedule 5 of the draft KLEP 2013 is a direct translation of the KPSO. Detailed discussion of this property and its heritage significance has occurred several times before and following its heritage listing in 2005. Council formed the view in 2005 that this property, including the garden, was significant and worthy of heritage listing. In the most recent pre-DA assessment of proposed works in September 2013, this continues to be Council's view. 47A Highfield Road continues to be listed as a heritage item. This is an error and the property should be removed from Schedule 5 of the draft KLEP 2013.	
47 Highfield Road, Lindfield	Submission requests that further subdivision of 47 Highfield Road, Lindfield should be permitted because it would not have an effect on the existing building.	The assessed significance of this site includes the garden. Further subdivision proposals are beyond the scope of the exhibition of the draft KLEP 2013 and would be subject to a detailed development application assessment and notification process.	No change recommended
6 Munderah Street, Wahroonga	Submission objects the listing of No 6 Munderah Street, Wahroonga, as a	The site was identified as a potential item in the Godden Mackay Logan, <i>Ku-ring-gai Heritage and Neighbourhood</i>	It is recommended that 6 Munderah

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
	heritage item and includes a draft 2006 Assessment by NBRSP+P. Submission states that the inventory sheet prepared by PMA contains errors of fact and opinion. All inspections by Council staff and consultants have been undertaken from the street and no enquiry has been made to the owners regarding changes to the building at various times.	<i>Character Study</i>, 2000. It was assessed in the Perumal Murphy Alessi, <i>Review of Potential Heritage Items in the Ku-ring-gai Local Government Area</i>, 2005 as having local significance as 'a good and rare example of a late Federation/ Inter-war [c1913] bungalow style dwelling, designed by a Government Architect, ...which forms part of a distinctive pair' [with No 10]. Council's Resolution dated 31 May 2007 identifies the site under Category 2 'Properties to be included in the Comprehensive LEP/DCP'. Council's Resolution dated 12 June 2007 states that 'The items listed in Category 2 and 3 are deferred and referred to a Planning Committee on a date to be notified to affected residents to further review the process for incorporation into the comprehensive LEP process including consultation with property owners and further independent consultants.'	Street, Wahroonga be removed from Schedule 5, and the Heritage Map, and deferred for further investigation and re-exhibition.
	Submission states that the house is more likely to have been designed by Architect Howard T Grove (not by Vernon).	The site was assessed in the PMA study as 'a rare example of residential design by the Government Architect for Government appointed personnel (Crown Solicitor)'. The study states that 'Munderah Street was listed in the Sands Directory 1913. There are two listings in the street in 1913 including GT Eaton, Architect, occupying 'Thurston' and Rupert S McCoy, a Solicitor...'In 1916 RW McCoy the Crown Solicitor is listed as occupying 'Ricardo' [No 6] whilst Rupert McCoy is listed as occupying 'Locarno' [No 10]'. Both No 6 and No 10 are attributed to Vernon in the GML, Ku-ring-gai Heritage and Neighbourhood Character Study, 2000. The Architect has not been verified by any of the two (PMA/NBRSP+P) consultants.	
	The site has been subdivided and substantially modified and degraded in relation to its original form and detail and	The site was assessed in the PMA study as 'contributory to the character of the immediate area and as an important component in the understanding of the popular stylistic	

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	is not architecturally significant at a local level in comparison with other buildings in the area, both listed and unlisted.	variations within the early decades of the twentieth century'... 'as a reflection of the subdivision of the area around the turn of the century' and as 'a good and largely intact example (externally)'. The site has been modified on several occasions by subsequent owners.	
	The early associations with the owner [Richard W W McCoy] were tenuous and add little to any potential historic or social significance of the property.	The documentary evidence indicates that the site was occupied by Richard W W McCoy, a prominent figure in the political and commercial life of NSW who held many honorary positions. R W W McCoy lived at the site between 1919-1932. For any place the significance will be generally greater where the evidence of the association is intact.	
	The 1950s landscape elements including the front fence warrant further investigation and possible listing (submission records the designer is unknown). The consultant recommends further research be undertaken to confirm if the items should be listed on Council's LEP.	The PMA study states that 'the sandstone fencing runs along the front of the original property boundary which now includes No 6A and No 8 which were formed in a later subdivision.' but does not include an assessment of the later phases of development of the site. (Note that 6A Munderah is described in the Paul Davies Pty Ltd, Ku-ring-gai Potential Heritage Conservation Areas North Review, 2010, as a '1960s version of Georgian Revival style' and was not identified as a potential item. No 10 was identified as a potential item.)	
10 Munderah Street, Wahroonga	Objection to the heritage listing of No 10 Munderah Street, Wahroonga. The property is identified as an item but no reason is given for its listing. Submission states that the basis of the identification of the property as a heritage item is incorrect and expresses disappointment in that Council did not include information from the heritage study provided in the past.	The site was identified as a potential item in the Godden Mackay Logan, Ku-ring-gai Heritage and Neighbourhood Character Study, 2000. The site was assessed in detail in the 2006 Perumal Murphy Alessi Review of 154 Sites in Ku-ring-gai. The site was assessed as significant as an example of a Federation/Inter-war period (c1912), bungalow constructed following the subdivision of the larger holdings in the area, and the design attributed to a Government Architect. The Perumal Murphy Alessi Review of 154 Sites in Ku-ring-gai	It is recommended that 10 Munderah Street, Wahroonga be removed from Schedule 5, and the Heritage Map, and deferred for further investigation and re-exhibition.

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
	The property had a significant extension to the back put in the 1960s and in the 1970s a large extension was made to the western end of the property.	was commissioned and completed in 2006. During the review, all affected property owners and residents were notified of the project at its commencement and again half-way through the project with an update of the progress of the review. The review was placed on non-statutory public exhibition from 20 November to 20 December 2006. A total of 41 submissions were received and reported back to Council with recommendations on each submission. On 12 June 2007 Council resolved that this property be deferred for further investigation. It is acknowledged no further assessment has been undertaken since 2007. Council has a submission by heritage consultants from the owners and these will be taken into consideration in the review. The site was again identified as a potential item in the Paul Davies, North HCA Review, 2010. The submission includes a detailed description of the works undertaken to the dwelling. The process recognises that the sites might change or might have additional values associated with them over time. It is recommended that further detailed assessment be undertaken to determine if the property should be listed on Council's LEP.	
10 Munderah Street, Wahroonga	Submission refers to North HCA Study, noting that the 'uncharacteristic modern residential flat buildings' built nearby have resulted in a change to the character of the area. Furthermore, on page 145 of the study it is noted 'This area is not recommended as a heritage conservation area due to lack of	The presence of later context does not preclude an item from individual heritage listing. Properties do not need to be within an HCA to be considered for individual listing. This item lies outside a HCA and therefore warrants further review to retain the listing if warranted.	No change recommended

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	intact streetscapes from key periods of historical significance.'		
10 Munderah Street, Wahroonga	Identification of the property and architectural style is incorrect and the date of construction wrong. The submission states that the date of construction is 1912 not 1920's.	The 2006 inventory sheet prepared by Perumal Murphy Alessi correctly identifies that the house was constructed in 1912 and first occupied in 1913 (according to the Sands Street Directory).	No change recommended
10 Munderah Street, Wahroonga	The property does not represent a distinctive architectural period.	The 2006 inventory sheet prepared by Perumal Murphy Alessi describes the house as significant as a good and largely intact example (externally) of a Late Federation Bungalow style residence. While it is acknowledged that the original period of construction of the building is a crucial aspect of significance, the way heritage is managed is constantly evolving. The process recognises that the sites might change over time or might have additional values associated with them.	No change recommended
10 Munderah St, Wahroonga	There is little intact original fabric. The property was altered in the 1940s, was effectively gutted in the early 1960s at which time the present windows were installed including a new front door. An internal screen to the hallway was also removed at that time and the internal walls were significantly altered.	The 2006 inventory sheet prepared by Perumal Murphy Alessi notes that the house has been altered but says, <i>"Despite modifications and additions the building largely retains its original form, fabric and detail."</i>	No change recommended
59 Warrangi Street, Turramurra	The submission objects to the heritage listing of the property. The report by Paul Davies November 2010 identifies the property as a potential heritage item. The basis for the identification seems to be an inspection from the street which is inappropriate as a basis for heritage listing. It is not clear that Council has undergone	The site was identified as a potential item in the 2010 Paul Davies North HCA Review, 2010. Council has adopted a staged approach to identify and assess the heritage items within the LGA. The public exhibition is part of this process. There is documentary and physical evidence that confirms that the item is an example of Inter-war period, Georgian Revival style of architecture.	It is recommended that 59 Warrangi Street, Turramurra be removed from Schedule 5, of the draft KLEP 2013 and the accompanying Heritage Map and deferred for further heritage investigation and re-exhibition.

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	any further investigation or assessment on this property. The heritage data form statement of significance is incorrect and does not address criterion C. The report identifies the style and period but does not identify significance or list the aesthetically significant features. The physical description in the data sheet is wrong the house is a two storey house and the picture taken is of the garage. The architect is not named and the information provided by the Historical society does not show that the people were of any historical significance. The building has under gone significant changes to both the interior and exterior all with Council approval, the changes have occurred in the 1980's and from 2011 onwards. Submission requests removal of 59 Warrangi Street Turramurra from the draft KLEP 2013 as a Heritage Item. The listing is without foundation and Councils documents do not establish heritage significance.	It is recommended that further detailed heritage assessment of this property be undertaken to determine if it should be listed as a heritage item on Council's LEP. This approach will also allow further consultation and feedback from the owners on the potential heritage significance of the site, prior to the matter being reported back to Council.	
66 Pentecost Avenue, Pymble	Submission objects to the heritage listing of the property. The resident has been the owner of this property for approximately two years, which is after the heritage	This is a new item which was assessed in detail in the Paul Davies Pty Ltd, Assessment of 21 Potential Heritage Items, 2010.	See below for recommendation

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
	listing project was commenced by Council.	The site was assessed as significant in the study as an example of Inter-war period, Old English style of architecture and was recommended for listing as an individual heritage item.	
66 Pentecost Avenue, Pymble	The property has undergone numerous modifications.	The Paul Davies Pty Ltd, Assessment of 21 Potential Heritage Items, 2010, includes detailed assessment of the item. The consultants have further advised this is one of the earliest houses in the 1928 Pymble Golf Links Estate subdivision, and one of three built by the subdivision company. The history states: <i>"By 1934 only three houses had been built on Pentecost Avenue and none on the rest on the estate. In 1935 Pymble Golf Links Estate Limited built three houses, now 1 Boolarong Road, 66and 68 Pentecost Avenue, presumably to encourage land sales and building"</i>. This history gives the house at No. 66 extra historical significance in terms of the development history of the estate. The only really comparable house is No. 68 Pentecost Avenue, built at the same time by the Estate in the same style.. The historical significance of this house appears to be well supported by evidence, however the physical condition (level of alteration) may require review via detailed site visits in relation to the submissions on the proposed heritage listing. The process recognises that the sites might change or might have additional values associated with them over time. It is recommended that further detailed heritage assessment of this property be undertaken to determine if it should be listed as a heritage item on Council's LEP.	It is recommended that 66 Pentecost Ave, Pymble be removed from Schedule 5 of the Draft KLEP, and the accompanying Heritage Map and deferred for further investigation and re-exhibition.
66 Pentecost Avenue, Pymble	Submission raises concerns with respect to the negative impact a heritage listing	Site constraints such as zoning, physical site constraints, impact on neighbours and impacts on the environment all	See above for recommendation

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	has on a property's value.	contribute to development potential. There are a number of independent studies that discuss the impact of heritage listing on property value. During the public exhibition periods for 2010 South HCA Review, LEP 218 and KLEP 2013 Council provided copies of independent research on the effect of heritage listing on property values. There is no strong evidence that heritage listing directly increases or decreases property values.	
66 Pentecost Avenue, Pymble	The owner notes previous action by Council in 2010 to include the property along with others in a HCA and the decision not to proceed with the listing of the HCA. Residents were not notified of the action taken by Council to have properties within that HCA reviewed by an independent consultant. The submission expresses that residents should have been notified of this review as the project had changed. Submission asserts that as the resident she was not notified Council has been derelict in its duty of care. Lack of notification of heritage listing has denied the owner the time to make the proper enquires and as such denied natural justice in this matter.	<i>For response to process issues refer to General & Process Related Issues table.</i> The recent statutory public exhibition of draft KLEP 2013 included letters and explanatory brochure sent to property owners, advertisements in the local newspaper and on Council's website and copies available for viewing at the Chambers. All persons who made a submission have been notified of this matter coming back to Council.	See above for recommendation
60 - 62 Pentecost Ave, Pymble	Objection to the heritage listing of 60-62 Pentecost Avenue, Pymble. The Ku-ring-gai Heritage Conservation Areas North Inventory Sheet there is not enough information to support the listing of	The property was assessed in detail in the Paul Davies Pty Ltd, Assessment of 21 Potential Heritage Items, 2010. The site was assessed as significant in the study as an early influential example of post-war period, American Colonial Revival style of architecture and was recommended for	See below for recommendation

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
	the property as a Post-war American Colonial Style house.	individual listing as a heritage item.	
60 - 62 Pentecost Ave, Pymble	In a heritage review by Paul Davies in November 2010, it was concluded that due to the significant number of developments, the area does not warrant heritage listing. In this report the property was incorrectly referenced as the Inter-war House Group.	Properties do not need to be within a HCA to be considered for individual listing. The comment that the item lies outside a HCA is a reason to further review the individual listing to determine if it should be protected.	See below for recommendation
60 - 62 Pentecost Ave, Pymble	A proper assessment has not been undertaken, the submission suggests the author of the heritage inventory sheet might have guessed the age and style of the property. American Colonial style in Australia appears to be open to interpretation. This style does not provide enough support for the heritage listing of the property. Submission reviews the criterion for listing and finds that the property does not meet the requirements for listing outlined by Council.	Heritage is protected by listing on Council's LEP. The comprehensive heritage reports produced by independent heritage consultants are the basis of the Burra Charter and the state heritage inventory criteria on which recommendation are made to Council. The Paul Davies Pty Ltd, Assessment of 21 Potential Heritage Items, 2010, states that the site has ' <i>historical and aesthetic significance as a very early (1951-1952), and likely influential example of the Post-war American Colonial style.</i> ' Paul Davies Pty Ltd consultants were further contacted to ascertain more information on the colloquial St Ives style dwellings (American Colonial style) identified in A pictorial guide to identifying Australian Architecture – style and terms 1788 to the present Apperly et al. There are several dwellings that have been identified within this category in Ku-ring-gai, however 60-62 Pentecost Avenue, Pymble may predate these dwellings by up to 10- 20 years, that may make it one of the earliest examples. The historical significance of this house appears to be well supported by evidence, however the physical condition (level of alteration) may require review and detailed site visits to the submission received on the proposed heritage listings.	It is recommended that 60 - 62 Pentecost Ave, Pymble be removed from Schedule 5 of the draft KLEP and the accompanying Heritage Map and deferred for further investigation and re-exhibition.
60 - 62 Pentecost	The property is one of the newest in the	The date of construction is not an aspect that precludes a	See above for

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
Ave, Pymble	area and is considered of poor aesthetic character for its style.	dwelling from being listed as a heritage item. Further review of the date and historical information is required.	recommendation
60 - 62 Pentecost Ave, Pymble	Submission lists all renovations made to the property since construction in 1955.	New development on land on which a heritage item is located including the removal of alterations and additions that do not contribute to the significance of the site is permitted with approval from Council.	See above for recommendation
60 - 62 Pentecost Ave, Pymble	This property contains two lots, which makes it a good site for future redevelopment. Heritage listing would prevent this. Council should not list individual properties without a guarantee that surrounded properties will not be developed in a way that does not devalue the heritage property.	One of the purposes of the exhibition of the draft KLEP is to identify and to determine which items warrant statutory protection. The potential for subdivision is beyond the heritage scope of the draft KLEP 2013.	See above for recommendation
60 - 62 Pentecost Ave, Pymble	Heritage listing would reduce the value of the property. Potential purchasers are not prepared to buy heritage properties.	There are a number of independent studies that discuss the impact of heritage listing on property value including the NSW Heritage Council's publication <i>Heritage listing explained: What it means for you</i> , 2011; and <i>The Economics of Heritage: Integrating the costs and benefits of heritage into government decision making</i> , 2007.	See above for recommendation
60 - 62 Pentecost Ave, Pymble	Development applications in the future will incur additional costs.	Council may request heritage impact statements and sometimes conservation management plans when assessing development applications for proposed development affecting a heritage item and/or within a HCA. The cost is generally related to the extent of works.	See above for recommendation
60 - 62 Pentecost Ave, Pymble	There was no consultation with the residents about the heritage listing. Submission states that to found out that their home was subject to this plan from a resident of Moorina Street just prior to submissions being closed is unfair.	The recent statutory public exhibition of draft KLEP 2013 included letters and explanatory brochure sent to property owners, advertisements in the local newspaper and on Council's website and copies available for viewing at the Chambers. Council staff have had several phone discussions and emails from the property owners on the proposed listing.	See above for recommendation

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	The owner is of the view that the reference to the plan as 'environmental' (draft KLEP) is misleading of Council's obligations to notify residents of the effect of this draft heritage order has on their property.	A detailed submission prepared for the owners by Graham Brooks and Associates in late October 2013, objecting to the proposed listing. It concludes ' <i>Council's nomination for heritage listing of this property has been prepared based on incomplete and inaccurate information. Based on our review of the available information we believe the property at 60-62 Pentecost Avenue, Pymble does not demonstrate sufficient local significance to be included in Schedule 5 of the Draft Ku-ring-gai LEP 2013</i> '. The report has not been reviewed due to time constraints and therefore should a decision should be made to defer for further detailed heritage investigation and re-exhibition.	
60 - 62 Pentecost Ave, Pymble	Submission requests details of the experience and qualifications of the consultant that assessed this home and of Council's heritage staff in relation to its vast mix of design elements.	Council's decisions are based on the advice of independent qualified heritage consultants skilled in the application of heritage management standards set by the NSW Heritage Council.	See above for recommendation
60 - 62 Pentecost Ave, Pymble	Submission requests a detailed list of all properties deemed 'Post-American Colonial' throughout Ku-ring-gai and their significance, date they were built, value of the property as at 1955.	It is recommended that a comparative assessment of this property be undertaken to determine if the property should be listed on Council's LEP.	See above for recommendation
60 - 62 Pentecost Ave, Pymble	Submission requests a copy of the brief to the heritage consultants as they do not understand the process of properties identified in Pentecost Avenue, Pymble.	The Paul Davies Pty Ltd, Assessment of 21 Potential Heritage Items, 2010, included an assessment of 21 properties within the Pentecost Avenue, Pymble. 19 of the 21 sites were assessed as having local heritage significance and were recommended for listing in Council's LEP.	See above for recommendation
60 - 62 Pentecost Ave, Pymble	Submission requests a response to their email dated 8 October 2013 requesting further evidence and confirmation of the name of the heritage consultants who assessed No 17 Boolarong Road (aka 6 – Carinya Road), Pymble.	The resident has contacted Council on a number of occasions and has been advised of the process and dates. No 17 Boolarong Road was included in the Paul Davies Pty Ltd, Assessment of 21 Potential Heritage Items, 2010. The site was assessed as significant as a representative example of Inter-war period, Georgian Revival style of architecture, designed by Pymble Architect William Richardson.	

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
60 - 62 Pentecost Ave, Pymble	Submission states that the owners' intention is not to develop the property in line with other SEPP55 development in the street, but to continue to add improvements including additional bedrooms.	Sympathetic alterations and additions are permitted to a heritage item with the appropriate approval.	See above for recommendation
12 Bobbin Head Road, Pymble	Submission objects to the heritage listing of 12 Bobbin Head Rd, Pymble. The proposal is to heritage list both the house and front garden. The front garden has been extensively re-landscaped since the study was undertaken. Therefore, the reviewing architect's comment that it is likely 'original' is inaccurate and the reference to the garden should be withdrawn.	The site was identified as a potential heritage item in the Paul Davies Pty Ltd, North HCA Review, 2010. The site was described in the study as an example of Federation period, Queen Anne style, in a largely intact garden setting. The 1943 aerial photo indicates front garden layout with circular drive and central palm tree is early and likely to be original. Council has adopted a staged approach to identify and assess the heritage items and to determine what is listed on the LEP. The public exhibition of the draft KLEP 2013 is part of this process. Draft heritage items might be added or removed and listing boundaries might be adjusted based on submissions and further detailed assessment. It is recommended that further detailed heritage assessment of this property be undertaken to determine if it should be listed as a heritage item on Council's LEP.	It is recommended that 12 Bobbin Head Road, Pymble be removed from Schedule 5, of the draft KLEP 2013 and the accompanying Heritage Map and be deferred for further investigation and re-exhibition
12 Bobbin Head Road, Pymble	The house has had an extensive attic conversion and significantly altered the roofline.	The attic conversion was noted and described as sympathetic in the 2010 study.	See above for recommendation
12 Bobbin Head Road, Pymble	Having only very recently (days ago) discovered that the heritage listing has been proposed, request of additional time seek a consultants advice and make second response to the heritage listing proposal if appropriate.	The recent statutory public exhibition of draft KLEP 2013 included letters and explanatory brochure sent to property owners, advertisements in the local newspaper and on Council's website and copies available for viewing at the Chambers.	See above for recommendation

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
12 Bobbin Head Road, Pymble	Submission states that the proposed re-zoning of No 10 Bobbin Head Road would result in an ability to build a medium density development which would dominate the fabric, setting and views of No 12 Bobbin Head Rd damaging the heritage significance of the site, particularly the relation to the street.	<i>For response to interface and traffic issues refer to Site Specific- Interface and Traffic tables</i> One of the purposes of the exhibition of the draft KLEP 2013 is to identify and to determine which items warrant statutory protection. Should the listing of No 12 proceed, any future development on No 10 Bobbin Head Road will be subject to Council's LEP and DCP controls for development in the vicinity of a heritage item. This is a matter that will be assessed at the development application stage.	See above for recommendation
Quaker Meeting House, No 57 - 59 Boundary Road, Wahroonga	Submission states that the entire site is not shown on the heritage map.	Error noted.	It is recommended that the draft KLEP 2013 Heritage Map be amended to include No 57-59 Boundary Road, Wahroonga.
51 Finlay Road, Warrawee	Submission objects the listing of the property at No 51 Finlay Road. The submission states that the block of land referred to as 11034 contains a swimming pool and a patio area on and that these do not fall in the usual classification for heritage items as shown in Council's documents. The owner of the adjoining property at No 44 Blytheswood Avenue is concerned that heritage listing, should this proceed, would restrict what can be done to his property.	51 Finlay Road, Warrawee was listed as a heritage item on the KPSO LEP 1 in 1989. The current draft Schedule 5 of Heritage Items is a direct translation of the existing KPSO schedule of heritage items. The site is listed on the AIA Register of Significant Buildings in NSW as a house built in c1960 by architect Bruce Rickard. The site is also listed on the AIA Register of Nationally Significant Architecture compiled by the Heritage Taskforce. The AIA's inventory sheet provides the following summary statement of significance '<i>a seminal work in the organic stream of modern Architecture in Australia. Such architecture has at its core an aesthetic, political and social response to the</i>	It is recommended that the heritage listing be extended to include the four allotments known as 51 Finlay Road, Warrawee: Lot C, DP 415439 Lot X, DP 412570 Lot 8, DP 663529 Lot 2, DP 526913.

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		<i>Indigenous natural landscape that is now an integral part of contemporary Australia's sense of national identity. It is the first house designed by Bruce Rickard for his own family in Sydney. Rickard is considered to be one of a handful of architects in the 1960s who responded to both modernism and to the Australian landscape. The house has influenced subsequent generations of architects ...who look to the Australian landscape as an inspiration ...</i> The site has been nominated for listing on the State Heritage Register and has been assessed by the committee as having State significance.	
51 Finlay Road, Warrawee	Submission is to confirm that the item has been listed on the AIA Register of Significant Buildings in NSW and has also been included on the AIA Register of Nationally Significant Architecture. Submission supports the listing of No 51 Finlay Road on Council's LEP. The submission states that the item has long been recognized as an influential work of the organic domestic architecture and the Architect, Bruce Rickard, as one of the leading exponents of organic architecture in Australia. Submission states that 'it is essential that the bush setting and the landscaped terraces, which are integral to the design of the house, are included in any description.'	Support noted.	No change recommended
121 Junction Lane, Wahroonga	Submission objects to the heritage listing of 121 Junction Lane, Wahroonga.	The site was identified in the 1987 Ku-ring-gai Heritage Study by Moore, Pike, Proudfoot and Lester Tropman & Associates,	No change recommended

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
		and was listed on the KPSO in 1989. The current draft KLEP 2013 Schedule 5 of Heritage Items is a direct translation of the existing KPSO schedule of heritage items.	
121 Junction Lane, Wahroonga	The house does not fit the criteria for heritage listing. It was not designed or built by an important architect or builder. It has little or no relevance to any creative or technical achievement.	Two of Council's heritage advisors recently visited the site and agree that 121 Junction Lane is a very good and intact example of the Inter-war Functionalist style. It includes many of the style's defining features: asymmetrical massing of simple geometric shapes, plain surfaces, clean lines, a roof concealed by a parapet, contrasting horizontal and vertical motifs, use of parallel line motifs, and a use of horizontal window styling to create a streamlined effect. The house is a modest but accomplished example of this style of architecture. While there are grander examples in Ku-ring-gai, its modest proportions, pleasing geometry, garden setting and high level of intactness justify its heritage listing. It appears to have undergone little or no change since it was built. The Inter-war Functionalist style continued to be popular after WWII, hence the construction of a house in this style in c1947. Given the post-war restrictions on building materials which were lifted in 1950, the house shows a clever use of readily available materials (e.g. the timber-framed windows with horizontal glazing bars) and design features (e.g. the stepped facade) to create in a modest home the architectural features of larger, more expensive and ambitious homes. A heritage item does not need to be consistent with other building styles in the area to be significant; this point of difference can be a reason for listing.	No change recommended
121 Junction Lane, Wahroonga	The submission questions the construction date (1947?). The neighbour states that it could have been built later to represent a	Council's historic aerial photos collection confirms that the house was built between 1947 and 1950.	No change recommended

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	1920-1940 construction, making it a copy and therefore of no more heritage value than a similar building built today.		
121 Junction Lane, Wahroonga	It is not in a HCA and does not complement any other heritage buildings near it. Its design and structure are in no way unique or consistent with other building styles in the area.	Properties do not need to be within a HCA to be considered for individual listing. The comment that the item lies outside a HCA is a strong reason to retain the individual listing to ensure its protection.	No change recommended
121 Junction Lane, Wahroonga	The property is not in a prominent position and as such contributes little to the overall feel of the municipality.	The house is readily visible in the streetscape. The house and its terraced front garden and sandstone flagging does make a positive contribution to the character of the street.	No change recommended
Neringah Hospital Site— 3 - 9 Woonona Avenue and 2 - 12 Neringah Avenue South, Wahroonga	Submission highlights that five of the buildings on the site owned by Hammond Care on have been approved for demolition (DA 0058/2012) and requests that the heritage listing which covers the entire property be removed. Submission objects to the listing of 'Hardie House' (No. 4 – 6 Neringah Avenue South) on the grounds of potential asbestos contamination and incompatibility with appropriate health outcomes for a public hospital. The submission states that the other buildings nominated for listing have no heritage significance and will soon be demolished. The owner is concerned that the listing would restrict the future development potential of the site and impede the upgrading of facilities for sub-acute	<i>For response to clauses in the draft KLEP refer to Site Specific – Hospitals table.</i> Neringah Hospital was identified as a potential item in the Godden Mackay Logan, Heritage and Neighbourhood Character Study, 2000. More recently, the site was identified as a potential item in the Paul Davies Pty Ltd, North HCA Review, 2010. There is documentary and physical evidence that confirms that 4 – 6 Neringah Avenue is a Federation period residence, donated to the Red Cross for use as a convalescent home after World War II, later incorporated into the hospital as an administration building. The hospital itself is a branch of the 'Home of Peace for the Dying' established in Wahroonga in 1958. It is acknowledged that the ongoing use of the site as a hospital is a crucial aspect of significance. Council has adopted a staged approach to identify and assess the heritage items within the LGA. The public exhibition is part of this process.	It is recommended that Neringah Hospital Site 2 - 12 Neringah Avenue South, Wahroonga be removed from Schedule 5, of the draft KLEP 2013 and the accompanying Heritage Map and be deferred for further investigation and re-exhibition.

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	hospital services and aged care.. Lack of justification for the listing of the main 1950s hospital block in Neringah Avenue South which has no identified heritage values. The submission states that the firm McPherson, Hamilton, Hassall Architects designed the wards block in 1955 and made alterations and additions.	It is recommended that further detailed heritage assessment of this property be undertaken.	
3 Woonona Avenue, Wahroonga	Submission supports the listing of No 3 Woonona Avenue as a heritage item.	Support noted.	No change recommended
58 Fox Valley Road, Wahroonga	Submission supports the listing of No 58 Fox Valley Road as a heritage item.	Support noted.	No change recommended
24 Powell Street, Killara	The submission shows strong support for the heritage listing of the property (Lot 2 DP 847660) noting that the building is listed on the AIA register. The proposed heritage listing will assist in maintaining the integrity of the item and for this reason the submission supports the listing.	Support noted. <i>For response to zoning concerns (interface zoning) and traffic issues refer to Site Specific - Interface and Traffic tables.</i>	No change recommended
24 Powell Street, Killara	The submission unreservedly supports the draft KLEP 2013.	Support noted.	No change recommended.
38 Billyard Avenue, Wahroonga	Submission objects the listing of No 38 Billyard Avenue as a heritage item. The submission states that the land was subdivided and redeveloped in c1992.	No 38 Billyard Avenue is located within the historical lot of No 34 Billyard Avenue, an item identified in the 1987 Ku-ring-gai Heritage Study by Moore, Pike, Proudfoot and Lester Tropman & Associates, and was listed on the KPSO in 1989. The site has been subdivided and the current house, swimming pool and tennis court were built in c1992. It is unlikely that any significant landscape feature has survived.	It is recommended that 38 Billyard Avenue, Wahroonga be removed from Schedule 5 of the Draft KLEP 2013 and the accompanying Heritage Map.
34 Billyard Avenue,	The submission supports the listing of No	Support noted.	No change

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Wahroonga	34 Billyard Avenue. Submission states it is former convent, and an excellent example of the quality housing from the 1890s – 1960s period.		recommended.
38 Billyard Avenue, Wahroonga	Submission objects to the inclusion of No 38 Billyard Avenue as a contributory item in the HCA. It degrades the quality of heritage housing contained within the HCA.	<i>For response to the objection to the inclusion of 38 Billyard Avenue, Wahroonga in an HCA, refer to the HCA table.</i>	No change recommended.
10 Buckingham Road, Killara	The submission supports the listing of No 10 Buckingham Road. Submission states that the houses located on battle axe blocks at 6 and 8 Buckingham Road are worthy of listing. Specifically, No 6a was built in 1965 to resemble an Inter-war period house and designed by Architects Stevenson & Turner.	Support noted. <i>For response to zoning concerns (interface zoning) identified for this site refer to Site Specific - Interface table.</i> The buildings at 6A and 8 Buckingham Road, Killara were approved for demolition in 2012.	No change recommended.
10 Buckingham Road, Killara	No 10 Buckingham Road Killara is referred to as No 10 Buckingham Road, Lindfield. This may have caused some confusion in zoning and interface related issues.	This submission refers to a diagram in the Godden Mackay Logan, Heritage and Neighbourhood Character Study, 2000. The correct address is shown in Schedule 5 of the draft KLEP 2013.	No change recommended.
14 Woonona Avenue, Wahroonga	Submission is opposed to the R4 zoning of sites adjacent No 14 Woonona Avenue, Wahroonga, which is a heritage site. Down-zoning removes uncertainty of the nature of the development around the site. Submission states that three Land and Environment Court decisions in recent years have established that high rise	<i>For response to zoning issues refer to Site Specific - interface table.</i> Over the past decade or so the land surrounding the Briars has been developed into medium and high density residential strata units and is therefore unlikely to be redeveloped in the short to medium term. Further to this, previous Land and Environment Court rulings	No change recommended.

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	development adjacent to the site is not appropriate, regardless the zoning. Submission proposes down-zoning to R2 low density residential adjacent to the heritage item.	have prevented large scale development adjacent to the item. A new park at the front of the dwelling was recently purchased and established by Council, significantly improves the curtilage and setting and provides views to and from the street to the historic dwelling.	
14 Woonona Avenue, Wahroonga	Submission acknowledges that Council has shown support to the conservation and appreciation of the item by developing Balcome Park to the east of the site. Council and State have the duty to protect The Briars for future generations of Australians.	Support noted.	No change recommended.
14 Woonona Avenue, Wahroonga	Submission supports the listing of the site as a State item. Submission states that the site is the only privately owned State-listed heritage property in Ku-ring-gai outside of a Town Centre. This site continues to be open for viewing by members of the National Trust, Historic Houses Trust and Abbotsleigh Junior School.	Support noted. There are other examples of privately owned State items in Ku-ring-gai LGA.	No change recommended.
1566 and 1566 Pacific Highway, Wahroonga	Submission objects to the heritage listing of No 1564 and 1566 Pacific Highway, Wahroonga. Submission requests the removal from the heritage schedule and states that these houses have no historical significance.	<i>For response to high density development refer to Height/FSR/ Lot size table.</i> The properties were identified as potential items in the Godden Mackay Logan, Ku-ring-gai Heritage and Neighbourhood Character Study, 2000. More recently, these properties were identified as potential items in the Paul Davies Pty Ltd, North HCA Review, 2010. The properties were assessed in detail in the Perumal Murphy	No change recommended.

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		Alessi Pty Ltd, Review of 154 Sites in Ku-ring-gai, 2006. Affected property owners and residents were notified. A total of 41 submissions were received during the non-statutory public exhibition of the study and reported back to Council in 2006. On 12 June 2007 Council resolved that these property be included in the Comprehensive LEP/ DCP process as contributory items/character items within potential future HCAs or as potential heritage items under the comprehensive LEP process. All persons who made a submission were notified of Council's decisions. The study assessed the properties as significant examples of Inter-war period, Old English style of architecture.	
1566 Pacific Highway, Wahroonga	No 1566 Pacific Highway, Wahroonga is large and difficult to maintain, it will eventually become rundown and be an eyesore.	The condition of the item is not a matter for consideration when assessing heritage significance. All properties whether heritage listed or not require periodic maintenance.	No change recommended.
1536 to 1576 Pacific Highway, Wahroonga	The submission objects to the listing of the properties from 1536 to 1576 Pacific Highway in the HCA.	<i>For response to the inclusion of 1536 to 1576 Pacific Highway and other properties along the Pacific Highway in HCA C4 Mahratta, see the HCA table.</i>	No change recommended.
859 Pacific Highway, Pymble	Submission supports the listing of No 859 Pacific Highway (former Travellers Rest Hotel) as a heritage item. Submission states that the site is an important and rare remnant of the pre-railway Pymble village. Submission states that while the front elevation has a modern shopfront, the building is an important landmark and the external building form is still evident.	The Travellers Rest Hotel at 859 Pacific Hwy was assessed in the 1989 Moore & Pike Heritage Study and not recommended for listing. It was deferred and later included in the 1995 Heritage Study review by Tropman & Tropman. This study did not recommend heritage listing. It is Council's view that the heritage listing is no longer justifiable due to the significant unsympathetic alterations and additions to the item. The listing appears to have been an error.	It is recommended that 859 Pacific Highway, Pymble be removed from Schedule 5, of the draft KLEP 2013 and the accompanying Heritage Map.

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950 Pacific Highway, Pymble	Community nomination of No 950 Pacific Highway, Pymble (3M Building) for listing on Council's LEP. A completed heritage inventory sheet is attached to the submission.	Council resolved to commission an independent heritage assessment of the site on 27 August 2013 This matter will be reported back to Council separately.	The site is currently under investigation.
950 Pacific Highway, Pymble	Submission is to advise that the site has been listed on the National Trust (NSW) Register. The inventory sheet provides the following statement of significance 'of high significance as the former purpose-built national head office administrative building for the Minnesota Mining and Manufacturing (Australia) Pty Limited (3M) company. It is a rare and highly competent example of a post-war International building incorporating a curved facade. It is believed to be the first curvilinear building in this style on Sydney's North Shore...a well-known Sydney landmark, well beyond Ku-ring-gai.'	Support noted.	The site is currently under investigation.
950 Pacific Highway, Pymble	Submission is to advise that the item has been nominated for listing on the AIA Register. The Institute notes the association with the firm Hanson, Todd & Partners. The Institute considers the building to be 'a fine representative example of 1960s architecture'.	Support noted.	The site is currently under investigation.
950 Pacific	Submission is to advise that the site is	Support noted.	The site is currently

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
Highway, Pymble	listed on the Twentieth Century Heritage Society of NSW Register. The submission states that the site is considered to be 'a considered response to its site and makes a positive contribution to the local townscape'. Submission supports the Friends of Pymble submission.		under investigation.
88 Fox Valley Road, Wahroonga	Submission objects the listing of 88 Fox Valley Road, Wahroonga. Submission states that extensive repairs are required to resolve the leaking roof, to remove the asbestos and to reduce foundation movement. Submission states that the current financial support for heritage-i.e. rare reduction, is minimal compared to the cost involved. Note The submission includes detailed plans for the future development of site beyond the scope of the draft KLEP exhibition.	This is a new item identified as a potential item in the Paul Davies Pty Ltd, Ku-ring-gai Potential HCAs North Review 2010. The documentary and physical evidence confirms that the site is an example of Federation period Bungalow of American shingle style influence. Council has adopted a staged approach to identify and assess the heritage items and to determine what is listed on the LEP. The public exhibition of the draft KLEP is part of this process. It is recommended that further detailed heritage assessment of this property be undertaken.	It is recommended that 88 Fox Valley Road, Wahroonga be removed from Schedule 5, of the Draft KLEP 2013 and the accompanying Heritage Map, and deferred for further investigation and re-exhibition.
88 Fox Valley Road, Wahroonga	Submission questions the notification process and states that the owners wrote to Council in November 2012 and received no response except that their query was being addressed.	The recent statutory public exhibition of draft KLEP 2013 included letters and explanatory brochure sent to property owners, advertisements in the local newspaper and on Council's website and copies available for viewing at the Chambers. The matter remains under consideration.	No change recommended.
2A Heydon	Submission objects the listing of 2A	This site is located within the historical lot of No 2 Heydon	It is recommended

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
Avenue, Warrawee	Heydon Avenue as a heritage item.	Avenue, Warrawee. The land has been subdivided, the tennis court demolished and it is now a vacant block. It is unlikely that any significant features have survived.	that 2A Heydon Ave, Warrawee be removed from Schedule 5 of the Draft KLEP 2013 and the accompanying Heritage Map.
33 Grandview Street, Pymble	Submission objects the inclusion of No 33 Grandview St in Schedule 1.22 which allows for dual occupancy (detached) with consent. Submission states that a previous application to subdivide No 4 Fern Street was refused by Council.	<i>For response to dual occupancy issues refer to Site Specific – Dual Occupancy table.</i> The site is located within a KPSO LEP 218 HCA. Subdivision of land in a HCA and on land on which a heritage item is located is permitted with approval from Council under clause 5.10 of the draft KLEP 2013.	No change recommended.
33 Grandview Street, Pymble	Submission supports the listing of No 33 Grandview Street as a heritage item and supports the HCA and the listing of other items in the vicinity.	Should the heritage status be finalised for this site, the dual occupancy status would be removed due to the location of the heritage item in the centre of the site and any subdivision of the site will negatively impact the curtilage of the heritage item. Due to this site having two conflicting issues, it is prudent to fully investigate its value as an item and include it in re-exhibition due to heritage status impacting the dual occupancy status. This is a new item identified as a potential item in the Paul Davies Pty Ltd, <i>Ku-ring-gai Potential Heritage Conservation Areas North Review</i> , 2010. It is recommended that further detailed heritage assessment of this property be undertaken.	It is recommended that 33 Grandview Street removed from the draft KLEP 2013, Schedule 5, and the accompanying Heritage Maps and be deferred for further investigation and re-exhibition.
Knox Grammar School – 15 Cleveland Street, Wahroonga	Submission objects to the listing of No 15 Cleveland Street, Wahroonga as a heritage item.	<i>See response to the inclusion of Knox Grammar School and other school-owned properties within HCA C2, see the HCA table.</i> This appears to be an error.	It is recommended that of No 15 Cleveland Street, Wahroonga be removed from

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
		The 2002 Godden Mackay Logan Heritage Study identified 15 Cleveland Street as a potential heritage item. At the time the site was occupied by a house called 'Greta'. In c2003 the house was demolished to make way for the current building. The existing building on the site is a recent addition replacing an earlier house on the site which was demolished in c2003-2004. The new building occupies a separate allotment. The 2010 Paul Davies North HCA Review noted that the building was new and recommended it not be further investigated as a potential heritage item.	Schedule 5, of the draft KLEP 2013 and the accompanying Heritage Map.
Know Grammar School – 2 Borambil Street, Warrawee	Objection to the listing of No 2 Borambil Street, Warrawee	The site was identified in the 1987 Ku-ring-gai Heritage Study by Moore, Pike, Proudfoot and Lester Tropman & Associates, and was listed on the KPSO in 1989. The current draft KLEP 2013 Schedule 5 of Heritage Items is a direct translation of the existing KPSO schedule of heritage items. According to Council records, the school bought the property on 4 December 1998 and it can be assumed heritage listing of the building was known at the time. Appendix reports by several heritage consultants argue for the removal of 2 Borambil Street as a heritage item on the grounds of insufficient evidence. However, neither consultant provides a detailed assessment that justifies its removal. In 2009 the school sought approval to make minor interior alterations to the property. The Statement of Heritage Impact that accompanied the application was prepared by a heritage consultant and includes the following assessment of the property:	No change recommended

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
		<i>'There is no specific information contained within the inventory sheet to support the listing. It is clear however that the house is a fine and intact example of a well built, two-storey interwar face brick house set in a large garden on a prominent corner site.'</i> The Statement of Heritage Impact goes on to say: <i>'The subject house is a good and well-built example of interwar domestic architecture, with a prominent front verandah forming the entry porch.'</i> The same heritage consultant now proposes that 2 Borambil Street be removed from the KLEP on the grounds of insufficient evidence so there appears to be a fundamental inconsistency in the heritage advice provided in this submission.	
UTS Ku-ring-gai Campus – 100 Eton Road, Lindfield, Main Building	Submission requests that Council amends an error in relation to the description of the heritage item in Schedule 5 of the draft KLEP 2013 to include UTS Ku-ring-gai Campus, 100 Eton Road, 'Main Building including the gymnasium and footbridge'. Submission notes that the word 'Local' has been omitted from the level of significance column.	<i>For response to zoning, height and traffic issues refer to Site Specific – Zoning table.</i> Error noted.	It is recommended that Schedule 5, of the draft KLEP 2013 be amended to include the correct description of UTS Ku-ring-gai Campus and the level of significance.
Abbotsleigh Junior School - 22 Woonona Avenue, Wahroonga	Submission questions the heritage listing of No 22 Woonona Avenue and suggests that this is a mistake. The description of the item under Schedule 5 of the draft KLEP 2013 as a 'dwelling house' (singular) suggests that only one dwelling house is meant to be	Error noted. The listing as noted in the draft KLEP 2013 is for the 'Poole House', Lot 1 in DP 1004733.	It is recommended that the property description in Schedule 5 of the Draft KLEP 2013, and the accompanying Heritage Map be amended to include

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
	listed. Submission argues that the listing should be for the 'Poole House' on Lot 1, DP 1004733.		the 'Poole House', Lot 1, DP 100473.
Abbotsleigh Junior School - 22 Woonona Avenue, Wahroonga	The School is not aware of any studies undertaken by Council in relation to the listing of Lot 14 DP 2870.	Noted	See above for recommendation
34 Heydon Avenue, Warrawee	Submission states that the site is not correctly shown on the heritage map.	Error noted.	It is recommended that the Heritage Map of the Draft KLEP 2013 be amended to include Lot 2, DP 16271.
Avondale Golf Club – 40 Avon Road, Pymble	Submission objects to the listing of the entire site as a heritage item. Heritage listing of the golf course is seen as an unnecessary bureaucratic and cost burden that would potentially stop emergency works, such as tree lopping as a result of storm damage, annual course maintenance and improvement plans. Submission supports the heritage listing of the clubhouse and a curtilage of 10 meters surrounding the building.	<i>For response to Environmental zoning issues refer to Environment & Ecology table.</i> The site was identified in the 1987 Ku-ring-gai Heritage Study by Moore, Pike, Proudfoot and Lester Tropman & Associates, and was listed on the KPSO in 1989. The site was assessed as significant as a fine design by golf course Architect and golfer E Apperly. The current draft KLEP 2013 Schedule 5 of Heritage Items is a direct translation of the existing KPSO schedule of heritage items. The curtilage under the KPSO (Heritage LEP 1) showed only the club houses as shaded. The LEP should be changed to reflect this original intention.	It is recommended that the Heritage Map accompanying the Draft KLEP 2013 be amended to reflect the heritage curtilage as mapped on Ku-ring-gai Heritage LEP 1.
Killara Golf Course, 556 Pacific Highway, Killara	Submission objects to the listing of the entire site as a heritage item. The listing of the whole course is	The site was identified in the 1987 Ku-ring-gai Heritage Study by Moore, Pike, Proudfoot and Lester Tropman & Associates, and was listed on the KPSO in 1989.	It is recommended that the Heritage Map accompanying the draft KLEP 2013 be

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
	unnecessary and would impinge on the club's day-to-day running. The proposed heritage listing would prove to be inconvenient and cumbersome. Management and maintenance of the golf course facilities will require consent unless Council agrees that these works be exempt. The listing could increase costs and delay emergency works such as removal of dangerous tree limbs as a result of storm damage.	The current draft KLEP 2013 Schedule 5 of Heritage Items is a direct translation of the existing KPSO schedule of heritage items. The curtilage under the KPSO (Heritage LEP 1) showed only the club houses as shaded. The LEP should be changed to reflect this original intention.	amended to reflect the heritage curtilage as mapped on Ku-ring-gai Heritage LEP 1.
Killara Golf Course, 556 Pacific Highway, Killara	Killara Golf Club accepts and agrees that the clubhouse should be listed.	Support noted.	No change recommended

Heritage Conservation Areas

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Support for HCA	Wolseley Road was recognised as HCA in the Local Centres Plan. The creation of a HCA on Treatts Road provides for an interconnection between HCAs.	Support noted.	No change recommended.
Treatts Road, Lindfield	Submission supports the creation of a HCA on Treatts Road and Killara Avenue	Support noted.	No change recommended
Pymble east and west HCAs	A number of detailed submissions expressing concern over the heritage management of the former National Trust HCAs 17 and 18 (east and west Pymble). The submissions are accompanied by recently commissioned reviews of HCAs 17 and 18 by Architectural Projects (April 2013). Overall, the submissions express a strong desire to a return to the HCAs 17 and 18 in the 2008 HCA boundaries in the 2001 Godden Mackay Logan Heritage Study.	The differing approaches by the two independent consultants for the 2010 North and South HCAs has been noted. The concerns of residents regarding the differing approaches have been brought to the attention of Council many times. These community concerns have been addressed with subsequent additional reviews of North HCAs by independent consultants. All consultants have used and referred to the proposed 1996-1998 National Trust conservation areas and HCA assessment by Godden Mackay Logan in 2000. Areas within HCAs 17 and 18 were most recently peer-reviewed by Sue Jackson-Stepowski and CARSTE Studio completed in January 2013. The Peer Review largely addresses the concerns raised in these submissions and requests for additional HCAs in the Pymble area. Refer to the separate Council Report on the 2013 Sue Jackson-Stepowski and CARSTE Studio North HCA Peer Review. Where submissions refer to Local Centres LEP or DCP matters, no comment is made.	No change recommended.
Pymble east and west HCAs	The National Trust HCA 18 covering areas of Pymble west of the train line	The NT/Robertson and Hindmarsh Study that identified HCA 18 was conducted in 1996. Since then, the area has been	No change recommended.

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THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
	should be adopted by Council for inclusion within the LEP.	assessed in two separate heritage studies by Godden Mackay Logan and Paul Davies. These heritage studies have not supported the inclusion of HCA 18 as a single HCA. Instead, they have recommended areas within it as smaller HCAs. The reasons for their recommendations are based on their assessment of the area's historic significance (as opposed to its high level of amenity), subsequent development since 1996 and the mapping methodologies employed. The consultants used differing methodologies and reached similar conclusions which recommend that HCA 18 does not warrant heritage listing as a single HCA. The most recent heritage assessment of the former HCA 18 is included within the 2013 Sue Jackson-Stepowski and CARSTE Studio North HCA Peer Review reported elsewhere in this Council business paper.	
Pymble east and west HCAs	Re-examination of previously excluded rendered contributory items within reviewed HCAs.	The issues raised in relation to differences in the mapping and assessment methodology by different heritage consultants are addressed by the 2013 Sue Jackson-Stepowski and CARSTE Studio North HCA Peer Review.	No change recommended.
Pymble east and west HCAs	Inclusion of parts of Wellesley Road as an historic subdivision of heritage significance within an HCA.	Wellesley Road was included within the Study Area of the 2013 Sue Jackson-Stepowski and CARSTE Studio North HCA Peer Review reported elsewhere in this Council business paper.	No change recommended.
Pymble east and west HCAs	Inclusion of the Orana Avenue bird sanctuary, Mocatta Avenue, the remainder of King Edward and church Streets and Orana/Kwong Avenues within an HCA.	These streets were included within the Study Area of the 2013 Sue Jackson-Stepowski and CARSTE Studio North HCA Peer Review reported elsewhere in this Council business paper.	No change recommended.
Pymble east and west HCAs	Inclusion of Telegraph Rd and Graham Avenue within an HCA.	These streets were included within the Study Area of the 2013 Sue Jackson-Stepowski and CARSTE Studio North HCA Peer Review reported elsewhere in this Council business paper.	No change recommended.

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THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
Pymble east and west HCAs	Inclusion of Mona Vale Rd up to Dalrymple-Hay Forest within an HCA.	This area was included within the Study Area of the 2013 Sue Jackson-Stepowski and CARSTE Studio North HCA Peer Review reported elsewhere in this Council business paper.	No change recommended.
Pymble east and west HCAs	Inclusion of individual properties on Schedule 5 list of heritage items: • Pymble railway station • Sutton Stores, 975-985 Pacific Highway • Crawford Stores, 959-969 Pacific Highway • Cains Pharmacy, 81 Grandview Street • Old hairdressers, 85 Grandview Street • Travellers Rest Hotel, 859 Pacific Highway.	The following is recommended for removal as a heritage item in the draft KLEP: • Travellers Rest Hotel, 859 Pacific Highway. <i>For discussion of this recommendation, refer to Heritage Items table.</i> The following lie within the Local Centres LEP and are not subject to Draft KLEP 2013: • Pymble railway station (listed on State Rail Heritage Register, protected under the s170 provisions of the Heritage Act) • Sutton Stores, 975-985 Pacific Highway • Crawford Stores, 959-969 Pacific Highway • Cains Pharmacy, 81 Grandview Street • Old hairdressers, 85 Grandview Street.	It is recommended that 859 Pacific Highway, Pymble be removed from Schedule 5 Part 1 Heritage Items of the Draft KLEP 2013 and the accompanying Heritage Map.
Pymble east and west HCAs	Original subdivision patterns and boundaries are an appropriate basis for HCAs.	Paul Davies in the 2010 North HCA Review made reference to the original subdivisions and pre-1943 surviving built forms. However, when it came to mapping the current built form, he found in favour of smaller HCAs that did not necessarily match the original subdivisions. The 2010 South Review found in favour of the historical layout patterns. This result is attributable not so much to the historical significance of the layout pattern, but to the existing building stock being more intact and more cohesive which justified the larger, broader HCAs, as recommended by the heritage consultant.	No change recommended.

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THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
		The peer reviews of the North HCAs by Paul Davies (2010) found that the former HCAs 17 and 18 had undergone significant redevelopment and change since they were originally mapped by Godden Mackay Logan in 2001. As a consequence, many areas were found to be no longer intact and unable to reach the significance threshold for heritage listing. When determining HCAs, the original subdivision boundaries are only one aspect of significance. The current built fabric, the level of intactness, the architectural consistency and historical cohesion are also important factors, as well as social and technical significance. The original subdivision patterns and layout are not in themselves a sufficient measure of heritage significance. In most cases, regardless of later development and subdivision, the original subdivision patterns are still evident in the street grid and allotment pattern. Therefore, the call for large HCAs based on historical subdivision layouts needs to be tempered with the realities of the area's current built forms. This issue is also addressed by the 2013 Sue Jackson-Stepowski and CARSTE Studio North HCA Peer Review.	
Pymble east and west HCAs	The methodology in the Paul Davies 2010 North HCA Review that classified rendered buildings as non-contributory was flawed. There is a need to remap the National Trust HCAs 17 and 18 using a different methodology to assess contributory, neutral and non-contributing items.	The 2013 Sue Jackson-Stepowski and CARSTE Studio North HCA Peer Review addresses this issue.	No change recommended.
Pymble east and west HCAs	Larger HCAs allow for the remediation of non-contributory sites within HCAs via tighter DCP controls.	Nearly all HCAs include non-contributory items. However, the main purpose of an HCA is to conserve and protect areas with a majority of significant and contributory items.	No change recommended.

Heritage Conservation Areas

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
		A high percentage of neutral and non-contributory sites weakens the concept and viability of the HCA as an area of significant historic fabric. Council's DCP controls are designed to promote good design and complementary development within established precincts, regardless of whether they are HCAs or not. Such issues are DCP matters, not LEP ones.	
Pymble east and west HCAs	Wherever possible HCA boundaries should include both sides of the street.	The 2013 Sue Jackson-Stepowski and CARSTE Studio North HCA Peer Review addresses this issue.	No change recommended.
Pymble east and west HCAs	The smaller, more modest scale of development on the west side of Pymble, north and south of PLC needs to be recognised. The area's typography, and natural setting created by remnant bushland, established exotic trees and domestic gardens are emphasised. The variety of styles and the common scale in the housing, the tree canopy, the gardens and green verges work together to create informal streetscapes that show the different layers of history and have a pleasing harmony.	See discussion of areas within West Pymble in the 2013 Sue Jackson-Stepowski and CARSTE Studio North HCA Peer Review.	No change recommended.
Pymble east and west HCAs	The following individual properties in West Pymble have been previously identified as significant: 11 Avon Road – Macquarie Cottage 1 Avon Road – Railway Commissioners Residence 5 Avon Road Avondale Gold Club and Grounds 19 Avon Road – Capera Cottage	The following are included in Schedule 5 of the draft KLEP: • 11 Avon Road – Macquarie Cottage • Avondale Gold Club and Grounds • 19 Avon Road – Capera Cottage • 11 Arilla Road • 9 Beechworth Road • 41 Beechworth Road – Coombe Cottage • 57 Avon Road	No change recommended.

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THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
	Pymble Ladies College 11 Arilla Road 6 Beechworth Road 9 Beechworth Road 41 Beechworth Road – Coombe cottage 6 Arden Street – designed by Sydney Anchor in 1949 57 Avon Road 67 Avon Rod – Avonleigh 27 Beechworth Road 7 Kimbarra Road 9 Kimbarra Road - Sunningdale 12 Kimbarra Road	67 Avon Rod – Avonleigh 27 Beechworth Road 7 Kimbarra Road 9 Kimbarra Road – Sunningdale 12 Kimbarra Road The following lie within the Local Centres LEP: 1 Avon Road – Railway Commissioners Residence (listed item in Local Centres LEP) - Pymble Ladies College (within Local Centres LEP) 6 Beechworth Road (listed item in Local Centres LEP) 6 Arden Street – designed by Sydney Anchor in 1949 (listed item in Local Centres LEP) The following is delisted due to damage by fire 5 Avon Road.	
Extension to Wahroonga HCA	Objection to the 'extension of the proposed Wahroonga Conservation Area to the north of the original definition', and argues heritage listing of individual properties grants them protection and the predominant character of the area is mixed and does not warrant inclusion in the HCA.	The reference to 'Extension to the Wahroonga HCA' in the supporting documents is an historical one and refers to the 1996 Robertson and Hindmarsh study for the National Trust which included an additional area called an extension. It was, however, part of the original report and recommendations. Subsequent consultants have continued to use the term in their mapping and assessment. This area has always formed part of HCA C1 Wahroonga Conservation Area and is not a recent or later extension of the HCA boundary. The 2010 contribution map by Paul Davies which covers the 'extension' as defined by Robertson and Hindmarsh shows a large number of listed and contributory sites. Creation of the HCA will protect the identified contributory items. When viewed as part of the whole HCA boundary, inclusion of this portion within the current draft HCA is justified.	No change recommended.
18 Culworth Ave	18 Culworth Avenue and adjacent council-	<i>For response to zoning and traffic issues for these sites, refer</i>	It is recommended

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THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
Killara and adjacent car park	owned car park should be excluded from HCA C18 Marian Street. Both sites are zoned R4 which is incompatible with the general character of the conservation area and the size of the allotment.	<i>to Site Specific - Reclassification of Community Land and Traffic tables.</i> 18 Culworth Avenue was assessed as neutral in 2005 by Godden Mackay Logan and contributory by Architectural Projects in 2010. The property is a modest, post-war, two-storey, red brick duplex. It is adjacent to a draft heritage item, The Dorchester, at 1 Marian Street which is zoned R4. The Dorchester's current built form closely matches that of the zoning so the zoning is not in strong conflict with its heritage significance. The car park was assessed as contributory in 2005 by Godden Mackay Logan and neutral by Architectural Projects in 2010. The car park has no built items. Its heritage significance appears to refer to the large number of mature trees on the site which are protected under other Council controls. The draft R4 zoning is a translation from the 2(d) zone and Municipal Purposes from the KPSO. An HCA boundary adjustment that excludes 18 Culworth Avenue and the adjacent car park is justified on the grounds that 18 Culworth Ave and the car park do not make a significant contribution to the HCA. Any future development on these sites will be subject to Council's DCP controls for development in the vicinity of heritage items and HCAs. These controls and the individual listing of the Dorchester at 1 Marian Street will be sufficient to protect its heritage significance.	that the draft KLEP 2013 Heritage Map be amended to adjust the boundary 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.
Alterations and additions in heritage	The heritage development conditions proposed in the draft DCP 7.4 Alterations and Additions in heritage conservation	This response appears to be referring to the new Local Centres DCP and the current DCP 38. Supports the concept of DCPs but not HCAs to control development.	No change recommended.

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THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
conservation areas	areas are at odds with the existing development and an unfair imposition on the properties that have not been developed and properties that have previously been developed but through changing needs and building condition need to be redeveloped.	The issue of DCP controls is not a matter relevant to the draft KLEP.	
Alterations and additions in heritage conservation areas	Properties that are 'heritage listed' and/or contributing items have been developed with forms of development which would not be allowed under the proposed DCP.	Current and past decisions have been made within the framework of the legislation and development controls of the time. Previous decisions not sympathetic to the proposed HCA highlight the need to create HCAs to conserve Ku-ring-gai's heritage.	No change recommended.
Alterations and additions in heritage conservation areas	Submission urges Council not to accept HCA as a solution to limit the use of CDC. There must be a legislative alternative.	Council supports the creation of HCAs to provide statutory protection for areas of identified heritage significance.	No change recommended.
Re-inclusion of Boundary St within HCA C32 - Clanville	A number of submissions (six in total) objecting to the re-inclusion of Boundary Street within HCA C32 – Clanville. The objections are summarised and addressed below.	<i>For response to zoning issues, refer to Site Specific - Zoning table.</i> Boundary Street between Spearman Street and Archbold Road was not originally included in the draft Clanville HCA within LEP 218. On 13 November 2012, following the public exhibition for LEP 218, Council resolved to amend the draft HCA to re-include Boundary Street, Roseville, as per the original recommendation in the 2010 South HCA Review. The boundary of the draft HCA within KLEP 2013 conforms to the HCA boundary in the KPSO (which incorporates LEP 218) gazetted on 5 July 2013.	No change recommended.
Re-inclusion of Boundary St within HCA C32 - Clanville	Heritage listing will devalue their property.	During the public exhibition periods for 2010 South HCA Review, LEP 218 and KLEP 2013 Council provided copies of independent research on the effect of heritage listing on property values. There is no strong evidence that heritage	No change recommended.

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THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
		listing directly increases or decreases property values.	
Re-inclusion of Boundary St within HCA C32 - Clanville	Heritage listing will increase the cost of renovations.	The cost of renovations to any building is determined by the style, choice of materials and the extent of works. These are not LEP matters.	No change recommended.
Re-inclusion of Boundary St within HCA C32 - Clanville	Boundary Street has no heritage character.	The contribution map for the South HCA Review (2010) by Architectural Projects assessed every building as contributory along this section of Boundary Street. Boundary Street is the LGA boundary between Ku-ring-gai and Willoughby Councils. The area directly south lies within a large gazetted HCA and, together with the Clanville HCA, forms a continuous conservation area spanning the two LGAs.	No change recommended.
Re-inclusion of Boundary St within HCA C32 - Clanville	Boundary Street is busy.	The property owners concerns over excessive noise and road traffic are noted.	It is recommended that additional specific controls for Boundary Street be included in the DCP to accompany the Draft KLEP 2013, to encourage noise mitigation such as double glazing and allow higher-than-usual front fencing.
Re-inclusion of Boundary St within HCA C32 - Clanville	The Council has not consulted with affected property owners over the re-inclusion of Boundary Street within the HCA.	The 2010 South HCA Review, LEP 218 and KLEP 2013 have all been placed on public exhibition with notification letters sent to property owners. Every person who made a submission on Draft LEP 218 for Biodiversity, Riparian Land and Heritage Conservation Areas was notified of Council's decision to re-include Boundary Street by letter on 20 November 2012.	No change recommended.
HCA's generally	Support for HCAs across the whole LGA,	Support noted.	No change

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	especially the Archbold Estate HCA.		recommended.
Archbold Estate HCA	Support for the Archbold Estate HCA.	Support noted.	No change recommended.
Objection to inclusion within HCA C6A Ku-ring-gai Ave	Objection to the inclusion of 23 Boomerang St in HCA C6A Ku-ring-gai Avenue	The Ku-ring-gai Avenue HCA was assessed by Paul Davies to be of “historic, aesthetic, social and technological significance as one of the most socially prestigious Federation period streets in Sydney and potentially New South Wales”. The inventory sheet for the HCA also highlights the high streetscape qualities of the area created by the mature street trees, stone fencing and high hedges. 23 Boomerang St was assessed to be a contributory item to this streetscape and the HCA. The boundary of the draft HCA within KLEP 2013 conforms to the HCA boundary in the KPSO (which incorporates LEP 218) gazetted on 5 July 2013.	No change recommended.
Objection to inclusion within HCA C6A Ku-ring-gai Ave	Inclusion within an HCA is discriminatory because the house across the road are not within an HCA	The boundaries of the draft HCA are those recommended by Paul Davies in 2010, which excluded the area east of No 24, including Nos 20 and 22 on the opposite side of the road.	No change recommended.
Objection to inclusion within HCA C6A Ku-ring-gai Ave	Flawed consultative process and this submission is a waste of time given that KMC intends to implement the LEP anyway.	The 2010 North HCA Review, LEP 218 and KLEP 2013 have all been placed on public exhibition with notification letters and explanatory brochure sent to property owners. Every public submission has been addressed following each public exhibition.	No change recommended.
Objection to inclusion within HCA C6A Ku-ring-gai Ave	Back to basics – HCAs are a waste of ratepayers’ money	Council has a legal obligation to identify and protect Ku-ring-gai’s natural and cultural heritage.	No change recommended.
Objection to inclusion within HCA C6A Ku-ring-gai Ave	Development approvals in the last 40 years have confirmed to guidelines and compliment of the character of the area so why have a HCA now?	The submission’s observation that recent developments have all complemented the streetscape seems an argument in favour of the HCA, rather than against it, as property owners appear to be in agreement to conserve and protect the area’s aesthetic and historic qualities through careful development.	No change recommended.

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THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
		Council supports the creation of HCAs to provide statutory protection for areas of identified heritage significance instead of the informal (non-statutory) method advocated in this submission.	
Objection to classification as a contributory building in HCA C1 Wahroonga	Objection to the inclusion of 29 Burns Rd Wahroonga as a contributory building in HCA maps.	Concern noted. Council has previously agreed that the site should be ranked neutral. The contribution maps on display during the exhibition period were those of Paul Davies (2010) without amendment, hence unchanged.	It is recommended that the contribution map, as it will appear in the DCP to accompany the Draft KLEP 2013, to be revised to show of 29 Burns Road, Wahroonga as neutral.
HCA C4 Mahratta	Several submissions (seven) in support of the draft HCA C4 Mahratta, especially the conservation of Myall Avenue and Gilda Avenue.	Support noted.	No change recommended.
	1940s aerial photographs of the Mahratta area show many homes built by the 1940's are still intact, and supports the Mahratta HCA as part of KLEP 2013.	The intactness of Mahratta HCA's pre-1943 housing stock (based on aerial photos) is fully acknowledged by Paul Davies in his assessment of the HCA and is included in the draft SHI listing sheet.	No change recommended.
	R2 zoning supported to protect the Mahratta area from undesirable high-density development.	R2 zoning supported to protect area from undesirable high-density development.	No change recommended.
	Preference for a larger HCA as proposed by Godden Mackay Logan in 2005.	The 2010 North HCA Review by Paul Davies considered very carefully HCA 26 proposed by the Godden Mackay Logan in 2005. Originally the 2010 North Review did not recommend the area as an HCA due to the lack of intact streetscapes from the key periods of historical significance. However, following public submissions and the advice of Council's heritage staff, the current boundary for the Mahratta HCA was determined. This HCA was included in LEP 218 and now in KLEP 2013.	No change recommended.
Smith Grant HCA	Remove 5-9 Cecil St from Local Centres	5-9 Cecil St lie within the Local Centres LEP and 22-26 Cecil	No change

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THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
	HCA and 22-26 Cecil St from the KLEP Smith Grant HCA in view of the adjacent 5-storey developments providing a lack of transition, and proximity to Pacific Highway impacting on the quality of these properties.	St lie within the Principal LEP but form part of a continuous HCA that also abuts HCA C18 Yarabah to the north. The apparent lack of transition between high-density and low-density development is noted. However, all the properties referred to, except one, were assessed as contributory items to the three HCAs. Further, the zoning for the three HCAs is all R2 – low density, which means that the zoning reflects the current built character and protects the HCAs from further high-density development and erosion around the edges.	recommended.
Smith Grant HCA	Concern that property owners will not maintain their properties, thus detracting from the rest of the HCA.	The future maintenance of properties is not a matter that a LEP can address or control.	No change recommended.
1566 Pacific Hwy and HCA C4 Mahratta	Support for re-zoning along the Pacific Highway Wahroonga within HCA C4 Mahratta to provide greater densities closer to transport links.	In the KPSO, the zoning for Pacific Highway within HCA C4 Mahratta was 2(c1). The proposed zoning of R2 is a direct translation of the previous zoning.	No change recommended.
1566 Pacific Hwy, Wahroonga and HCA C4 Mahratta	Objection to inclusion of 1564 and 1566 Pacific Highway, Wahroonga in the HCA C4 Mahratta.	<i>For response to the individual listing of 1664 and 1566, see Heritage Items table</i> These two properties lie within the recently gazetted HCA C4 Mahratta. They were assessed as contributory items to the proposed HCA by Paul Davies in 2010. The report and the accompanying contributions map noted these two properties as potential heritage items following their individual assessment by Perumal Murphy Alessi in 2006). The inventory sheet for the HCA prepared by Paul Davies makes specific mention of 1566 Pacific Highway as a two storey Inter War Old English style house that makes an important contribution to the HCA. The boundary of the draft HCA within KLEP 2013 conforms to the HCA boundary in the KPSO (which incorporates LEP 218) gazetted on 5 July 2013.	No change recommended

Heritage Conservation Areas

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
1566 Pacific Hwy, Wahroonga	Objection to inclusion of 1536-1574 Pacific Highway, Wahroonga within HCA C4 Mahratta. Submission invites Council members to inspect the properties to see their lack of value. No. 1564 is a very old brick and wooden house with a well tended garden; No. 1568 is a plain brick bungalow (used sparingly by a chiropractor); No. 1572 is also a very plain dwelling (currently undergoing some renovation as it reportedly changed hands recently) etc. None have any obvious historical significance but have been unfairly included in this HCA merely because of their location and being sandwiched between a couple of larger "heritage" estates, such as No. 1576 "Rosemoran".	This submission is objecting to the inclusion within HCA C4 of the row of properties at 1536-1574 Pacific Highway, Wahroonga between Fox Valley Road and Warrawee Park, Wahroonga. This row was most recently assessed by Paul Davies in the 2010 North HCA Review and recommended for inclusion within an HCA. According to the 2010 contributions map prepared by Paul Davies, every property in this row except 1558 was assessed as an existing item, potential item or contributory. The inventory sheet for the HCA prepared by Paul Davies makes specific mention of the following properties as making important contributions to the HCA: "Yaamba", 1544 Pacific Highway, a 2 storey Federation house, "Kyeamba" 1548 Pacific Highway, a fine c. 1930s house, 1566 Pacific Highway - a two storey Inter War Old English style house, 1568 Pacific Highway, a Federation Queen Anne style house, "Rosemoran", 1576 Pacific Highway – a two storey Federation period house. High front fences along the Pacific Highway frontage, built for privacy, obscure views of many of these houses. This row of properties lies within the recently gazetted HCA C4 Mahratta. The boundary of the draft HCA within KLEP 2013 conforms to the HCA boundary in the KPSO (which incorporates LEP 218) gazetted on 5 July 2013.	No change recommended
HCA C37 Garden of Roseville	Several submissions including petition objecting to the inclusion of Bromborough Road within the draft HCA C37 Garden of Roseville due to the imposed restrictions subjected to council approval.	Bromborough Road lies within HCA C37 Garden of Roseville and was recommended as an HCA in the 2010 South HCA Review by Architectural Projects. The report concluded that the HCA has "high aesthetic significance as a highly intact and consistent early twentieth century development. The HCA has	No change recommended.

Heritage Conservation Areas

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
		high aesthetic significance for the high proportion of quality houses including Bayswater Road and Bromborough Road.” The 2010 contribution map assessed the majority of Bromborough Road as contributory. The boundary of the draft HCA within KLEP 2013 conforms to the HCA boundary in the KPSO (which incorporates LEP 218) gazetted on 5 July 2013.	
HCA C37 Garden of Roseville	The submission claims to represent 81% of the residents.	Several names on the petition are co-owners of the same property so this reduces the claim of the petition to represent 81% of property owners. Seven signatures own houses rated as neutral or uncharacteristic.	No change recommended.
HCA C37 Garden of Roseville	Development under the streamlined Complying Development process will not be possible under draft HCA	Concerns over development restrictions need to be weighed up against the benefits of inclusion within an HCA in terms of overall higher quality and sympathetic development promoted by the HCA and associated DCP controls.	No change recommended.
HCA C37 Garden of Roseville	The option to knock-down a poorly designed and very poorly maintained home will be close to impossible even when owner wish to rebuild the character.	Neutral or uncharacteristic sites will allow greater development than if they were significant or contributory. Council supports the creation of HCAs to provide statutory protection for areas of identified heritage significance. Without HCA listing and corresponding DCP controls there is no guarantee that rebuilt buildings will respect the historic character.	No change recommended.
HCA C22 Crown Blocks	Objection to the inclusion of 30-48 Tryon Rd Lindfield within HCA C22 Crown Blocks with an accompanying heritage assessment prepared by an independent consultant.	The 2013 Perumal Murphy Alessi review was commissioned following the public exhibition of LEP 218 for Biodiversity, Riparian Land and Heritage Conservation Areas. On 13 November 2012 Council resolved to commission a further review of the HCA applying to Tryon Road, Lindfield. This review was completed in early 2013.	No change recommended.
HCA C22 Crown	There is no consistent period of	On the contrary, most of the buildings on the north side of	No change

Heritage Conservation Areas

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
Blocks	construction or style – late Federation, inter-war or post-war	Tryon Road are modest, single-storey, detached inter-war bungalows.	recommended.
HCA C22 Crown Blocks	The reliance on historical subdivision patterns is flawed. Historic subdivision patterns can be retained through the retention of lot sizes and layout even when accompanied by redevelopment. Thus historic significance can be No change recommended and acknowledged through non-heritage planning controls.	Council supports the creation of HCAs to provide statutory protection for areas of identified heritage significance.	No change recommended.
HCA C22 Crown Blocks	HCAs require a cohesive aesthetic character created by a common period of development, historical associations, materials, form and scale. There is no consistent style or period of construction in Tryon Road.	The area covered by the Crown Blocks Estate (and in particular Tryon Road) has been reviewed in four heritage studies: • National Trust conservation areas in 1996 • Godden Mackay Logan proposed HCAs in 2002 • Architectural Projects South Review HCAs in 2010 • Peer Review of the Crown Blocks HCA by Perumal Murphy Alessi in 2013. All four studies found in favour of including Tryon Road within the Crown Blocks HCA and the three most recent studies included contribution maps and ranked the majority of the buildings in Tryon Road as contributory. The 2013 Perumal Murphy Alessi review found additional neutral properties in Tryon Road which reflect recent developments in the street. However, no buildings were assessed as detracting and the majority were considered contributory. The boundary of the draft HCA within KLEP 2013 conforms to the HCA boundary in the KPSO (which incorporates LEP 218) gazetted on 5 July 2013.	No change recommended.

Heritage Conservation Areas

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
HCA C22 Crown Blocks	All the buildings in Tryon Road have had alterations and additions and lack integrity.	The 2013 Perumal Murphy Alessi review makes the following observation: <i>“Many of the identified contributory items within this study are aged between 80 and 100 years old. Buildings of this age are rarely completely intact in their original form, fabric and style. It is recognised that modifications and additions are often necessary to allow the continued use of the building in a modern age. Consideration has been given to this requirement for change and the contributory items have been assessed with the consideration of the degree of change and its impact on the historical and visual character of the item and its contribution to the area when viewed from a public place.”</i>	No change recommended.
HCA C22 Crown Blocks	Recent Council heritage studies have been associated with State Government initiatives to increase densities and have been used by Council to resist change.	The 2013 Perumal Murphy Alessi review was the result of a Council resolution on 13 November 2012 following the exhibition of LEP 218 for Biodiversity, Riparian Land and Heritage Conservation Areas. The review was sought to address residents' concerns over the inclusion of Tryon Road within the draft HCA.	No change recommended.
HCA C22 Crown Blocks	None of the buildings in Tryon Road meet the standard criteria for being listed as heritage items.	Buildings do not need to meet the criteria for listed as a heritage item to be contributory in an HCA. The accompanying report by a heritage consultant describes most of the buildings on the north side of Tryon Road as 'typical' and retaining original features. This suggests they are contributory buildings to the HCA.	No change recommended.
HCA C22 Crown Blocks	A number of submissions objecting to the inclusion of Tryon Road Lindfield within HCA C22 Crown Blocks.	The boundary of the draft HCA within KLEP 2013 conforms to the HCA boundary in the KPSO (which incorporates LEP 218) gazetted on 5 July 2013.	No change recommended.
HCA C22 Crown Blocks	Objection to inclusion of 36 Tryon Rd Lindfield within HCA. The house was bought before the draft HCAs were exhibited with the intention to demolish it and build a new house. The submission	See comments above. The submission presents similar arguments to that above. The report that accompanies this submission assesses the house as an early intact inter-war bungalow and recommends	No change recommended.

Heritage Conservation Areas

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
	includes a report by town planner and heritage consultant. The objections can be summarised as: • Lack of streetscape consistency • Insufficient justification for inclusion in an HCA • Insufficient architectural or landscape qualities • Lack of heritage significance. The accompanying consultant's report concludes: • the house as a largely intact modest house and a typical interwar bungalow from the 1920s to the early 1930s. • the house is 'one of the last extant and intact examples of an inter-war dwelling within Tryon Road'. • the house is unlikely to satisfy the criteria for individual listing and the HCA should exclude Tryon Road. • 'we strongly recommend considering the retention and adaptive re-use of the existing dwelling in the first instance.'	retention. As an intact representative example of an inter-war bungalow, this is the kind of early house HCAS are designed to conserve and protect. Buildings do not need to meet the criteria for listed as a heritage item to be contributory in an HCA.	
HCA C22 Crown Blocks	Objection to inclusion within the HCA on the grounds there is no conformity or architectural similarity between this property and the adjacent ones and the streetscape has changed dramatically and irrevocably. Almost all properties on Tryon	This property is not within the draft HCA boundary. The boundary of the draft HCA within KLEP 2013 conforms to the HCA boundary in the KPSO (which incorporates LEP 218) gazetted on 5 July 2013.	No change recommended.

Heritage Conservation Areas

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
	Road have been added to or completely rebuilt in the past few years and the recommendations of heritage consultants ignore this fact.		
Inclusion within HCA C32 Clanville	Objection to inclusion of 34 Marjorie Street, Roseville within HCA C32 Clanville. HCAs are undemocratic, lower the value of property value and allow others to control what property owners can do.	This property was assessed as a contributory building by Architectural Projects and is an intact inter-war brick bungalow surrounded by a park and other houses assessed as contributory. The removal of individual properties from HCAs is not supported. The boundary of the draft HCA within KLEP 2013 conforms to the HCA boundary in the KPSO (which incorporates LEP 218) gazetted on 5 July 2013.	No change recommended.
Inclusion within HCA C32 Clanville	Objection to inclusion of 44 Archbold Road, Roseville within HCA C32 Clanville.	The removal of individual properties from HCAs is not supported. The boundary of the draft HCA within KLEP 2013 conforms to the HCA boundary in the KPSO (which incorporates LEP 218) gazetted on 5 July 2013.	No change recommended.
Inclusion within HCA C32 Clanville	The area around Archbold Road was originally a farm and this is not significant enough reason to create an HCA as most of the country was a farm at some point.	HCAs are based on a combination of variety of attributes: historical subdivision plans, historic fabric, architectural features, intactness, integrity etc. These are considered in full by the consultants when determining the recommended HCA boundaries.	No change recommended.
Inclusion within HCA C32 Clanville	My property at 44 Archbold Road, Roseville is set back much further from the front relative to all properties along the road	Historically irregular front building setbacks are a common feature of HCAs and this is not of any significance in itself.	No change recommended.
Inclusion within HCA C32 Clanville	Archbold Road is a major road, and not all properties along it are part of the HCA. It is unfair that properties on one side of the road are heritage listed and those on the other side are not. In the future this could	Agree that using roads as boundaries of HCAs can be problematic in terms of future inconsistencies in built form and character. However, Archbold Road has been recommended as the boundary of an HCA by three separate heritage consultants. The National Trust in 1995, Godden Mackay	No change recommended.

Heritage Conservation Areas

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
	create an inconsistency of character, affecting the local amenity and reducing the value of this and other properties. Major roads should not be subject to heritage listings.	Logan in 2002 and Architectural Projects in 2010.	
Inclusion within HCA C32 Clanville	Californian bungalows are not the most heritage significant style of architecture.	Californian bungalows are a significant type of architecture in Ku-ring-gai.	No change recommended.
Inclusion within HCA C32 Clanville	Heritage listing prevents building a larger home in the future.	Property was assessed as uncharacteristic in the HCA by Architectural Projects. As an uncharacteristic building within the HCA, this site will allow greater development than if it were significant or contributory.	No change recommended.
Previous council resolution to exclude individual properties from Draft HCA C24 Clanville	Two property owners (26 Lord Street and 39 Victoria Street, Roseville) whose properties were removed from the draft HCA by Council resolution (28 June 2011) following the non-statutory public exhibition of the 2010 South HCA Review by Architectural Projects. They want to know why they have been re-included within the HCA within KLEP 2013 and request they be removed and written confirmation of this be provided. Minutes of relevant Council meeting attached to the submission.	A letter was sent (30 April 2013) in response to this issue. Both properties were assessed as contributory by Architectural Projects in 2010. Following the non-statutory exhibition of the 2010 Architectural Projects draft HCAs, Council agreed to remove several individual properties, including these, following requests by property owners at the 28 June 2011 meeting. Subsequently, these two properties were re-included in the draft HCA by Council resolution on 13 November 2012 following the exhibition of LEP 218 for Biodiversity, Riparian Land and Heritage Conservation Areas. This was done on the recommendation of Council's planning staff as the removal of individual properties from HCAs is not supported. Letters to those who made submissions were notified of Council's decision by letter on 20 November 2012. The owners of these two properties were not notified of Council's decision as they did not make a submission during the exhibition period. The boundary of the draft HCA within KLEP 2013 conforms to the HCA boundary in the KPSO (which incorporates LEP 218) gazetted on 5 July 2013.	No change recommended.

Heritage Conservation Areas

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
Objection to the inclusion of 72 Pymble Ave, Pymble within HCA	New owner claims they did not know of inclusion within draft/proposed HCA and objects to its inclusion on the grounds the house is not visible from the street and has no individual heritage significance.	A 149 certificate was issued to the selling agents the day before this property was purchased. The certificate indicated the property was within a draft HCA. The property is a large intact inter-war house within landscaped grounds. It contributes to the significance of the HCA.	No change recommended.
HCA C34 Archbold Farms Roseville	Support for the HCA.	Support noted.	No change recommended.
Inclusion of Dalcross Hospital-owned sites within draft HCA C25A Stanhope Rd	Objection to the inclusion of Dalcross Hospital-owned properties on Stanhope Hope in draft HCA C25A Stanhope Road.	<i>For response to zoning issues refer to Site Specific - Hospitals table.</i> Stanhope Road forms the boundary between two HCAs. These HCAs together with others in the adjoining Local Centres LEP form a large continuous historic residential precinct. The removal of individual properties from HCAs is not supported. The boundary of the draft HCA within KLEP 2013 conforms to the HCA boundary in the KPSO (which incorporates LEP 218) gazetted on 5 July 2013.	No change recommended
Inclusion of Dalcross Hospital-owned sites within draft HCA C25A Stanhope Rd	Which aspects of the existing Dalcross Hospital and adjoining dwellings are representative of a heritage building.	The 2010 South HCA Review assessed each of the properties at 24-34 Stanhope Road. Nos 24, 26 and 28 were assessed as contributory. Nos 32 and 34 were assessed as neutral.	No change recommended
Inclusion of Dalcross Hospital-owned sites within draft HCA C25A Stanhope Rd	Draft HCA C25A is seen as a significant barrier to future development of the Dalcross Hospital site.	Development can still occur in HCAs provided that there is no adverse impact on the overall heritage significance of the HCA and the subject site's ability to contribute to the HCA. The new controls for the accompanying DCP will be closely modelled on the HCA controls in the Local Centres DCP.	No change recommended
Knox Grammar School	Detailed submission including appendices, on behalf of Knox Grammar School.	<i>For response to zoning issues refer to Site Specific - Schools table.</i>	No change recommended.

Heritage Conservation Areas

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
		<i>For response to the heritage listing of Knox School-owned properties at 2 Borambil Street Warrawee and 15 Cleveland Street Wahroonga, refer to the Heritage Items table.</i>	
Knox Grammar School	Exclude Knox School and surrounding non-contributory properties owned by the school from the proposed HCA C2 or abolish the entire HCA C2 altogether The heritage consultants acting for the school base their objections on the SHI form not providing sufficient evidence or justification for the school's inclusion. They argue the school does not conform to the character statements for surrounding residential development and that it is a distinct 'island' with a separate institutional and educational character, and that the school is 'unrelated' to any of the identified aspects within the HCA statement of significance. Objection to the inclusion of Knox-owned properties within draft HCA C2 at: 17 Woodville Avenue 6 Borambil Street 16 Heydon Avenue 22 Heydon Avenue.	HCA C2, including Knox school, has consistently been assessed as a single HCA in three separate independent studies between 1996 and 2010. The original National Trust study by Robertson and Hindmarsh in 1996 found that 'the area is divided into two sections by the campus of Knox Grammar School which also contains excellent examples of interwar institutional buildings.' The 2005 Study by Godden Mackay Logan recommended an HCA covering approximately the same area as the current draft HCA. While it does not mention Knox School, the accompanying contribution map identifies the school as a contributory item. The 2010 Study by Paul Davies recommended the current draft HCA boundary. The inventory sheet describes the area as 'having a strong historical association with Knox Grammar School, established within the area in the inter-war period and the Warrawee Bowling Club, established in 1907.' Given that the overall significance of the HCA is that of a residential precinct of fine Federation and inter-war period streetscapes', the inventory sheet does link the construction and the quality of the early school buildings with that of the wider HCA via the link between the school's establishment at the same time as the residential streets and their common inter-war style features and high-quality architectural value. The 2010 Paul Davies report also recommended selected buildings within Knox School be further investigated as potential heritage items.	It is recommend that the there is no change and the Knox School (defined by its current and traditional boundary and including the chapel site) should remain within the Woodville Street Heydon Avenue HCA C2.

Heritage Conservation Areas

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
		It does not follow, then that the various heritage studies over time have failed to link the historical and architectural significance of Knox School and its connection with the surrounding residential streets. The submissions fail to acknowledge the consistent identification of the area as a draft HCA since 1996 and the identification of Knox School as a potential heritage item in its own right. The school owns several properties on Borambil Street and Woodville Avenue. The 2006 contribution map by GML identifies the Knox-owned 17 Woodville Avenue, 6 Borambil, and 16 and 22 Heydon Avenue as non-contributory items. In 2010 Paul Davies assessed 16 Heydon Ave and 17 Woodville Avenue as contributory and assessed the others as non-contributory, vacant or neutral. If the Knox School wish Council to consider removal of the HCA (defined by its current and traditional boundary and including the chapel site) within the Woodville Street Heydon Avenue HCA), a planning proposal should be submitted to Council along with details of their overall master plan for their land holdings. Further detailed assessment to establish heritage significance and to guide future management of the area could also be completed. The lodgement of a formal planning proposal will also facilitate an open process of community consultation for this precinct, in particular for the surrounding residential properties.	
Inclusion of properties within HCA C15 Gordon Park	Submission requests the removal of 26, 30 and 34 McIntosh Street from the HCA.	<i>For response to FSR and zoning issues, refer to the Site Specific – Zoning table.</i> These three properties lie within a draft HCA recommended in	No change recommended

Heritage Conservation Areas

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
		the 2010 HCA South Review by Architectural Projects. McIntosh Street is noted as a significant street within the HCA for its intact streetscape of high-quality Federation and inter-war housing and for its street trees. 34 McIntosh Street was assessed as contributory. Neutral or uncharacteristic sites will allow greater development than if they were significant or contributory. Council supports the creation of HCAs to provide statutory protection for areas of identified heritage significance. The removal of individual properties from HCAs is not supported. The boundary of the draft HCA within KLEP 2013 conforms to the HCA boundary in the KPSO (which incorporates LEP 218) gazetted on 5 July 2013.	
38 Billyard Ave, Wahroonga within HCA C4	Submission requests the removal of 38 Billyard Avenue from draft HCA C4.	The inclusion of 38 Billyard Avenue within HCA C4 is an oversight based on the mistaken listing of the property as a heritage item. The allotment was created by subdivision in 1936 and the current house, swimming pool and tennis court were built in c1992. It is not considered likely that any garden or landscaping features from the time it was part of the grounds of the adjacent convent remain on the site. The property lies on the boundary of the HCA. <i>For response to the objection to the heritage listing of 38 Billyard Avenue, Wahroonga, refer to the Heritage Items table.</i>	It is recommended that the Heritage Map of the Draft KLEP be amend to exclude 38 Billyard Avenue, Wahroonga from the boundary of HCA C1.
Exclusion of Middle Harbour Road, Lindfield from draft	Submission queries the exclusion of Middle Harbour Road, Lindfield from any draft HCA and argues the area includes	The Post-Exhibition Report on the Draft South HCA Review was considered by Council on 28 June 2011. Council's planning staff recommended the exclusion of the streets above	It is recommended that Council review the area around

Heritage Conservation Areas

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
HCA	fine examples of Federation era homes and Californian Bungalows. Requests the area be re-included.	Chelmsford Avenue within the proposed HCA 3A/6A Clanville Conservation Area due to their not being within the original National Trust or amended Godden Mackay Logan HCA boundaries and having experienced considerable recent change. The Council voted in support of the recommended HCA boundaries. However, on revision, the area between the current draft HCAs C22 (Crown Blocks) and C32 (Clanville Estate) was mistakenly identified as excluded in earlier recommended HCAs. This area was included within the HCA 6 (Lindfield) in the 1996 Robertson and Hindmarsh/NT conservation areas. It was also included in the Lindfield conservation area recommended by Godden Mackay Logan in 2001. It was included in the 2010 South HCA review within the Clanville Estate (HCA3A-6A). Godden Mackay Logan's description and assessment of the Lindfield HCA makes mention of the 'large number of high-quality intact significant houses of the Federation and Inter-war period' in Middle Harbour Road amongst others. The report also refers to the high visual amenity and landscape qualities within the proposed HCA. The 2010 South HCA Review describes Middle Harbour Road, Lindfield as one of a number of streets of high quality due to the combination of street trees and intact housing.	Middle Harbour Road, Lindfield (Archobld/Tryon/Middle Harbour and Trafalgar) as shown in the 2010 South HCA review within the Clanville Estate (HCA3A-6A), with the view to its re-inclusion as a potential HCA or to identify and assess potential new Heritage Items within the area.

Attachment 6 – Summary Table Environment and Ecology

Environment and Ecology

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THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
BUSHFIRE			
Bushfire-prone land restrictions - Safety	Development in bushfire prone lands should not be restricted, especially subdivision. Additional provisions to reduce risk should be considered, such as the removal of vegetation. Fuel reduction measures would contribute more to safety than building restrictions. It seems ludicrous to preference vegetation over life: <i>"We want to be as safe as possible."</i> The science and technicalities in relation to reducing fire damage should be considered, such as protection afforded by fuel reduction on the property or adjacent properties and suitable reduction in large shrubs and tree limbs. Consider the extensive redevelopment of the SAN site (Surrounded by bushfire prone land) and that a lot of bushfire prone lands abut major arterial roads. (eg. Fox Valley Rd).	In many locations in Ku-ring-gai where there aren't existing asset protection zones (APZs or Firebreaks) clearing cannot be achieved in bushland due to standards limiting mechanical works on slopes over 18°. Once slopes exceed 18° the fire rate of spread negates standard asset protection zone widths. Therefore defensible space may only be able to be achieved on private land. Clearing to the extent needed to assist in protecting a home in extreme or catastrophic conditions would result in the loss of nearly a thousand hectares of bushland within Ku-ring-gai. Mechanical maintenance is extremely resource intensive. The financial, resource, amenity and environmental impacts would far outweigh any reduction in risk from such a proposal. Such a buffer would protect development from radiant heat. However, most dwellings are lost through ember attack. The impact from such a buffer on the incidence of ember attack would not be significant and certainly would not satisfy any cost benefit analysis. Existing bushfire mitigation works will continue as managed by the district Bush Fire Management Committee. This committee is a collection of land managers, fire agencies and infrastructure providers who work together to undertake coordinated multi-agency treatments to reduce bushfire risks to assets. Treatments include asset protection zone maintenance on public bushland, fire trail maintenance, hazard reduction burning and community education. Each year Ku-ring-gai Council manages a 44km network of fire trails, 24.5 km of asset protection zones and for 2013/14 - 21 hazard reduction	No change recommended Refer to the main body of the report regarding proposal for lands included in the E3 zone.

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
		burns and 5 community education events. Hazard reduction is extremely resource intensive and there may be limitations in undertaking further works. Changing climatic conditions are limiting hazard reduction opportunities. Existing works will continue and Council will apply for grants where available but these activities on public land alone are not enough to reduce the risk. Land use changes are proposed in addition to existing works that will encourage a greater shared responsibility in line with legislation. Development construction standards are set at a National level through Australian Standard AS3959 -2009 and State legislation. These were improved after the Victorian Bushfires in 2009 as they were not considered to adequately cover important components of bushfire risk. The standards and restrictions are designed to improve the ability of buildings in bush fire prone areas to withstand attack from bushfire and give greater protection for any occupants while the fire front passes. It is in a resident's best interests to protect their life and property. Having a more resilient house can assist neighbours house survival as well. Assistance in understanding the relevant legislation and requirements can be sought through Council, the NSW Rural Fire Service, Bushfire Consultants and through a number of guidelines/ building information kits aimed at the resident. Landscaping and creation of defensible space on properties are addressed in documents such as Planning for Bushfire Protection. Fuel reduction measures need to be undertaken in combination with improving building resilience and addressing density and evacuation risk measures. Fuel reduction measures have limitations: The	

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
		effectiveness of hazard reduction rapidly declines when extreme weather conditions are experienced (McCarthy and Tolhurst, 2001 cited in Fernandes and Botelho, 2003). It has also been shown that fuel reduction measures promote a false sense of security in the community. They then perceive the risk of bushfire as less and fail to adequately prepare (Cheney, 1996 cited in Fernandes and Botelho, 2003). The Victorian Bushfires Royal Commission states that: <i>“The approach the Commission proposes acknowledges the complexity of the planning system and seeks to strengthen consideration of bushfire throughout the planning process by giving greater recognition to bushfire risk without imposing unacceptable biodiversity costs.”</i> <i>“Construction of houses be restricted on high-risk blocks that are too small to enable a defensible space to be created and maintained”.</i> Ku-ring-gai’s adaptation modelling suggests that resorting to more burning is a simplistic measure with questionable benefit in terms of hazard control (KMC, 2010). Arguably, a better return on investment could be achieved by improving the resilience of the built environment and engaging local residents in activities to encourage and strengthen greater awareness, preparedness and recovery capacity. Fernandes, p.M. Botelho, H.S. 2003. A review of prescribed burning effectiveness in fire hazard reduction, <i>International Journal of Wildland Fire</i>. 12, pp. 117-128. VBRC, 2010. Final Report: Summary. Victorian Bushfires Royal Commission. Government Printer for the State of Victoria. KMC, 2010. Climate Change Adaptation Strategy, Ku-ring-gai Council, Sydney.	

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
Minimum Lot Size in Bushfire prone area	Submission asks if Managing Bushfire Risks regarding Minimum Lot Size & Depth applies if resident subdivides the lot but not if resident is just doing further building or re-building (because of Bushfire damage).	The lot size and depth maps only apply for the purposes of subdivision. They do not affect development of the existing lot.	No change recommended
Size of property in Bushfire-prone areas	It is inappropriate that house sizes are determined by the size of the land, which raises the question why a larger block closer to the bushfire prone areas can build larger homes than those smaller blocks further away from the bush (especially for the residents of Valley Park Crescent).	The Victorian Bushfires Royal Commission states: <i>“Construction of houses be restricted on high-risk blocks that are too small to enable a defendable space to be created and maintained”.</i> Normal building envelopes will apply. A larger house will only be achieved if appropriate setback and defendable space can be incorporated and taking into account other planning controls. VBRC, 2010. Final Report: Summary. Victorian Bushfires Royal Commission. Government Printer for the State of Victoria.	No change recommended
Bushfire Concerns 306 Bobbin Head Road North Turramurra	Being located in the Red Bushfire Zone, resident realised that any dwelling on this site would have to be built with non-combustible materials, have sprinklers on the roof, fire proof windows and door shutters on the western side, water tanks and perhaps a pool with pump as an extra water source. It would however become difficult to provide the required setback between 65m to 90m from the bush on the western boundary as specified in Clause 4.1 A (3) or (4). Resident asks Council to advice on this matter.	Where possible on all new lots/ developments, asset protection zones should always be incorporated on the land forming the new lot/ development. Neither the RFS nor a Council has the power to impose an APZ on an adjoining landowner (see <i>Planning for Bushfire Protection</i>). Some exceptional circumstances may apply eg. Trade-offs for higher construction standards. A qualified bushfire consultant would be required to assess the site to determine the necessary construction standards.	No change recommended
Bushfire Category	The 2008 bushfire prone land map	The bush fire prone land map is owned by the Rural Fire	No change

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for 9 Allard Avenue, Roseville Chase	shows that 9 Allard Avenue, Roseville Chase is a Category 2 Bushfire zone. The buffer zone indicated on this block seems to extend too far into the block and that it should cover only the back of the property.	Service. The mapping was done in accordance with the Bush Fire Prone Land Mapping Guideline (NSW Rural Fire Service, 2006). Ku-ring-gai's mapping was last updated in 2008 and is due to be reviewed during the 2013/14 financial year. If the vegetation extent has significantly changed and the vegetation structure is no longer deemed at risk of carrying/ maintaining a bushfire then these extents will be revised. This will not necessarily alter the zoning due to a range of factors including evacuation risk.	recommended
Request to remove the zoning of property 41 Winchester Avenue, Lindfield on the Bush Fire Prone Land.	Submission requests that the Yellow Category 2 zone on one of the corners of 41 Winchester Avenue be removed. It is assumed that the reason for this zoning was a large Blue Gum tree on the neighbouring property which used to overhang the property. This tree has been completely removed so there is no more bush fire risk associated. Submission requests that map zoning be changed to Red –buffer zone.	The Yellow Category 2 zone refers to the bush fire prone land mapping not LEP zoning. The Bush Fire Prone Land Map is owned by the NSW Rural Fire Service and revisions are due during 2013/14 and 2014/15. The discrepancy is noted and will be addressed when the revision takes place. This should not impact the draft LEP zoning as even if the Category 1 zoning is removed the property will still be noted as bush fire prone and the buffer will apply. The property would still require a bushfire consultant report and would need to adhere to AS3959 -2009 should they wish to do any alterations/ additions/ rebuild.	No change recommended for Draft LEP. Note: refer changes to bushfire prone land mapping revision.
Current Controls on Bushfire Risk are enough	The current controls adequately deal with Bushfire concerns. It is unseen how a new planning zoning can improve or benefit the active and effective management of bushfire risk. The Community Fire unit is much more effective as preventing damage to properties and is effective in spotting and stopping spot fires. Access out of the Fox Valley Streets to safe zones in the event of a Bushfire is good with relatively short travel distances.	The proposed zoning and bushfire related controls in the draft LEP seek to limit increases development densities in areas subject to high evacuation risk during extreme or catastrophic bushfire events. Climate modelling suggests that weather conditions associated with bushfires appear likely to intensify as a result of increases in average temperature, decreases in winter rainfall, longer fire seasons and the rise in frequency of very high or extreme fire-risk days. Based on these factors, it is likely that fire frequency and intensity of fires will increase. Victorian bushfires demonstrated that existing management and standards were inadequate for extreme or catastrophic bushfire conditions. The Victorian Bushfires Royal Commission states that:	No change recommended

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		<i>"The approach the Commission proposes acknowledges the complexity of the planning system and seeks to strengthen consideration of bushfire throughout the planning process by giving greater recognition to bushfire risk without imposing unacceptable biodiversity costs."</i> From the Fire and Rescue NSW website (http://cfu.fire.nsw.gov.au/index.php?q=node/1): <i>The community fire unit is an effective measure to engage the community at the interface to prepare, prevent and protect from bushfires. Volunteer CFU members do not fight fires, nor are they fire fighters.</i> VBRC, 2010. Final Report: Summary. Victorian Bushfires Royal Commission. Government Printer for the State of Victoria.	
Lack of account for escape routes in the Bushfire Study	Submission argues that there are serious inconsistencies in the bushfire study Annex D, which does not take into account the exit routes from streets in South Turramurra, in which the 2002 bushfire come right up to property boundaries. These streets were Hinkler Avenue, Ulm Avenue, Kingsford Avenue, Cove Street, Alfred Place, Saddington St, Berwang Avenue, Anderson Avenue, Kissing Point Road (South End).	As a consequence of submissions a reassessment has been undertaken of the bushfire risk evacuation areas against the minimum No. of exits criteria used in the background study <i>'Managing Bushfire risk, now and into the future.'</i> As a result of the reassessment additional area streets or catchments have been deemed not to satisfy the minimum number of exits criteria. This includes the Bowen venue and Ashburton Avenue areas of South Turramurra, Gloucester and Boronga Avenues in West Pymble and Bradfield Road in West Lindfield. For further detailed discussion on this matter and recommendations on proposed planning solutions, please refer to the body of the main report.	Refer to recommendations in the main body of the report
Concern about the application of Appendix D in the Bushfire Study – evacuation routes	Submission raises the following points in regards to the review of exits from evacuation risk areas in appendix D of <i>'Managing Bushfire risk, now and into the future'</i> : 1. Number 12 shows Chisholm Street	The assessment of exits from bushfire evacuation risk areas was only applied to the areas identified as being a bushfire evacuation risk on the <i>'Ku-ring-gai Bushfire Prone land and Bushfire Evacuation Risk Map'</i> These are the areas that have been certified by the Commissioner of the Rural Fire Service as having evacuation risk issues.	Refer to recommendations in the main body of the report

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	and Kissing Point Road with 4 exits. In reality Chisholm Road has 4 exits, all leading to Kissing Point Road, which has one exit to the Comenarra Parkway. As a result of showing 4 exists in the study, South Turramurra has been zoned R2, when in fact it should be E3. 2. Number 14 shows Browns, Road, Fox Valley and Jordan Road as having 1-2 exits. In reality these roads have 1 exit to The Comenarra Parkway each, adding up to 3 exits. In accordance to page 45 of the Bushfire Study, an area with 3 exit roads allows for a maximum of 600 households.	In the case of South Turramurra, it is only the areas south of Havelock Street that is considered to have an evacuation risk by the RFS. A reassessment has been undertaken of the bushfire risk evacuation areas against the minimum No. of exits criteria used in the background study '<i>Managing Bushfire risk, now and into the future.</i>' For further detailed discussion on this matter and recommendations on proposed planning solutions, please refer to the body of the main report.	
Lack of Council determination to allow for preventive clearing of vegetation in escape routes	Submission argues that Council has been resistant to the clearing of vegetation. This resistance was evident when multiple car accidents happened in one day in Commenara parkway close to Stainsby Close and an on-site meeting with the Local Area Police got Council to clear the native vegetation that had encroached meters beyond the crash fence.	Submission appears to be a roadside vegetation/ line of sight maintenance issue. In terms of bushfire, Council has undertaken vegetation maintenance along this section in response to both road hazard complaints and to aid the implementation of a proposed hazard reduction burn along the road edge.	No change recommended
Objection to <i>Clause 6.6 Biodiversity Protection</i>	Resident is strongly opposed to clause 6.6 because it puts lives and property at risk. It creates even more fire hazards close to properties, adds more restrictions to land use and takes away the private property rights from residents. Resident argues that the KLEP has the	This clause is designed to require the consideration of impacts upon biodiversity; it does not prevent the implementation of bushfire hazard reduction works. Whilst protection of life and property takes a high precedence; implementation of bushfire mitigation works should be designed with consideration of biodiversity impacts. This includes appropriateness for new structures, consideration of increased bushfire construction requirements, and	No change recommended

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	same 'increased environmental and biodiversity protection' that was central to the tragic deaths of 209 people in the 2009 Victorian bushfires, as concluded by the Victorian Royal Commission. Submission argues that this clause is more about saving plants and animals than protecting humans. If clearings of bush would be put into place, then animals at least could have escape routes. The Canberra fires, in which animals escaped incineration by using the buffer cleared zones is an example of this. Increasing biodiversity connectivity significantly increases risks to both people and wildlife.	consideration of site constrains (including slopes >18 degrees). The intention was to address areas of extreme risk through zoning and other means because for the most part further hazard reduction on public land is largely unachievable due to reduced windows of opportunity, limited resources, extreme slopes where any treatment will be relatively ineffective. Hazard reduction programs on public land will continue but added measures will assist in protecting properties	

Sustainability / Riparian Lands / Biodiversity

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SUSTAINABILITY / RIPARIAN LANDS / BIODIVERSITY			
Sustainability	Submission argues that the KLEP 2013 is based on the Metropolitan Strategy which is totally flawed. The government has not calculated the energy cost and hence whether it's available or affordable. Submission argues that all Councils should vehemently oppose the targets forced upon them by a peak oil and global warming ignorant government. The more flats approved means longer petrol lines. Resident has done research, which shows that peak oil has already occurred. This has not been considered.	The Department of Planning and Infrastructure has deemed that the draft KLEP 2013 is consistent with the Metropolitan Strategy, as required under S117 of the EP&A Act. The draft KLEP 2013 can be considered to be yield neutral in regards to dwelling numbers proposed by changes in the zoning. The dwelling targets for Ku-ring-gai for this planning process are in the order of 10,000 additional dwellings. This figure was achieved with the making of the Ku-ring-gai Local Centres LEP 2012. The net result of all recommended zoning changes could be a reduction of approximately 57 dwellings. The preparation of the draft KLEP 2013 was made having into consideration the parameters of Ecological Sustainable Development, as stated under the EPA Act 1979.	No change recommended
Concentration of trees in Gilda Avenue 4 Gilda Avenue, Wahroonga	Submission mentions that the KLEP Maps correctly show the cluster of substantial trees including gum trees for this property. If anything, some substantial gum trees are missing on the map from the street frontage along Gilda Avenue and could possibly be added. The Gilda Avenue and Myall Avenue streetscapes are heavily tree lined.	<i>For response to development standards refer to Land Use and Infrastructure table.</i> A site inspection was undertaken on the 15/08/2013. The following was observed / actioned: - Trees within the front of the properties were mapped are mapped but classed as Greenweb Category 5 and as such are included within the DCP only. - The extent of mapped blue gum high forest at the rear of the property was reduced to exclude an area of other vegetation (non-local / non-native / non remnant vegetation).	It is recommended that there be a small vegetation mapping extent change to the rear of 4 Gilda Avenue, Wahroonga, has reduced the extent of biodiversity mapping, within this and adjacent properties.

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	Resident asks what the concentration of trees is required as criteria to be added to the biodiversity map.	Therefore there is no required change to the biodiversity mapping within the front of 4 Gilda Avenue.	
2 & 4 Gilda Ave, Wahroonga Riparian concern	Submission agrees to the identified a Category 3 zone at the lower end of the backyard. An open creek extends right across No. 6 Gilda Avenue, and so the Category 3 zone could be extended further to the west as shown in your map. The "creek" in our backyard has been running through a covered underground pipe, buried just below the surface, for all of the 5+ years we have lived here.	Site visit on 20/08/2013 confirms the creek enters a headwall at the boundary of the public reserve. The only amendment recommended is to update the mapping to reflect piping referred to in submission.	It is recommended that mapping to be updated to include piped section on 4 Gilda Avenue, Wahroonga.
Riparian area on 7, 9 Allard Avenue and 41, 43, 47 Griffith Avenue, Roseville	Submissions argue that the riparian map for these properties have clear errors. The riparian mapping should be done in regards to the present condition of the creek and the current draft KLEP map does not reflect the current condition for this creek. (See photos attached to submission number 247) There are two independent drainage lines. The main drainage has been designed to cope with heavy urban stormwater, the second one is designed for smaller flows. It is argued that the riparian map should include both the watercourses but the not the artefacts. Resident of 9 Allard Avenue believes that their block should be inspected by a council representative to review the categorisation or riparian and biodiversity zoning.	The submission notes the existence of two watercourses on 43 Griffith (the main one along the boundary with 47 (easement shown) and one following the contours described as a "...second smaller drainage line takes the dispersed groundwater seepage from the second sandstone bench....drainage from the rubble pits servicing the roof of the main building on 41....and significant portion of lawn...A relatively small amount of drainage comes from the land to the north". The submission claims Lidar channel indications are an "artefact - there is no evidence of established water channels" A site inspection was undertaken on 15/08/2013 to confirm exact position of reaches on 43 Allard and position of pits on 7 and 9 Allard Ave. In regards to the Allard properties, cat 3a is identified as a linkage between open sections of waterway up and down stream. The riparian overlay only raises issues of consideration, which depend on the proposed development. This issue should be more clearly addressed in the DCP.	It is recommended to amend riparian mapping on 43 Griffith Avenue, and 7-9 Allard Avenue, Roseville as follows: • Adjust category 3 reach to boundary of 43 and 47 Griffith as per easement • Include separate category 3 reach for 'spring fed' creek line at rear of 43 Griffith • Adjust category 3a to align with boundary of 7-9 Allard and inlets for reaches from 43 Griffith • The DCP should address issues over perceived restrictions.

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	Resident argues that: 'The riparian zoning should be removed from our block and the biodiversity zone restricted to the back of the block.' There is a piped watercourse at the back of the property, which is periodically inspected by council workers. In the 2004 riparian map, this watercourse was not mapped. This can only mean that this watercourse was considered not to have potential for reinstatement during the preparation of the 2004 Map. This area is highly developed and the drainage trajectory has been altered, so this supports the lack of potential for reinstatement of this watercourse. If this riparian classification is kept, it would make adjacent property (7 Allard Avenue) unusable as a residential block. Riparian zones in Calga Street, Roseville, have been removed in this LEP, so it is inconsistent that 9 Allard Avenue continues to have this riparian zone.	As identified within the Background study, the desktop nature of the 2004 riparian mapping is the most likely reason for omissions or incorrect lines shown. Modification to the riparian mapping, following field visits are provided within the adjacent recommendation section. Small changes to the vegetation mapping were made within this area. However they will not influence changes within the biodiversity mapping or greenweb overlay. The biodiversity mapping will be updated to reflect modification to the riparian overlay (as per Greenweb methodology).	It is recommended the biodiversity mapping will be updated to reflect modification to the riparian overlay (as per greenweb methodology).
Error in the biodiversity map, 9 Allard Avenue, Roseville	Submission argues that the biodiversity mapping of this property is incorrect and extends too far into the property. Resident requests inspection from Council to correct error.	Biodiversity mapping within this site relates directly to the riparian mapping, with all vegetation within a category 3 CRZ included within the biodiversity mapping (Category 2 Greenweb mapping). A site inspection was undertaken on 15/08/2013 to review on	It is recommended to amend riparian mapping on 7-9 Allard Avenue, Roseville as follows: Adjust category 3a to align with boundary

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		ground riparian and biodiversity mapping. It was observed that the category 3a (piped) riparian area should be moved in order to align with boundary of 7-9 Allard, rather than further down the property. This will effectively remove Category 2 Greenweb mapping from the site. However Category 4 mapping (being an 8m area of consolidation from category 2) including no vegetated areas will still be included within part of 9 Allard Avenue.	of 7-9 Allard It is recommended the biodiversity mapping be updated to reflect modification to the riparian overlay (as per Greenweb methodology).
Mapping error	Submission argues that the riparian zone on the property is an illegal storm water discharge Council has running through the site and carries pollution and enriched nutrient levels. It is not a riparian zone and should not be mapped as one.	205 Fox Valley Road, Wahroonga The stormwater system follows a natural depression all the way from the Commenarra Parkway and as such has been identified as a natural watercourse, artificially modified. The Category 1 Riparian zoning on this area is mostly due to bushland on the western side of the channel, however as we cannot have different categories on each side of single reach – this issue should be considered at DA stage.	It is recommended to amend riparian mapping around 205 Fox Valley Road, Wahroonga to have category 2 riparian reach, as a transition from pipe outlet for first 2 lots. 
Categorisation of Biodiversity zones/Riparian zones	Submission states that the fact that there is no categorisation of Biodiversity zones in the LEP makes it impossible for residents to predict the implications of being in a biodiversity area for land owners. The KLEP provides no distinction or explanation of Riparian Category 1 and 2. The LEP has no reference to the methodology for categorising stream orders and mapping riparian corridors. For example the watercourses mapped	The Biodiversity mapping will be split into a number of categories within the associated DCP. This more detailed mapping was provided within the background study exhibited with the draft LEP. In regards to comments relating to the onsite channel. Site inspection was undertaken and it was determined that the channel is consistent with other areas of Ku-ring-gai. Containing a channel on a steep slope with stormwater headwalls discharging to the channel. The reach from Morona Ave, adjacent to number 15, is currently mapped as category 1 (so includes a larger buffer area). It is recommended to amend to a category 2 riparian zone.	It is recommended to amend mapping the section of category 1 reach adjacent to 15 Morona Ave, Wahroonga to category 2 riparian lands, (as highlighted) 

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	in the LEP do not exhibit the features of a defined channel with bed and banks as defined by the NSW Office of Water in the Water Management Act 2000. Riparian categories should be re-mapped and reclassified and proper explanation of the categories should be provided in the LEP.	The background study made available with the exhibition clearly identifies the methods used to complete the riparian mapping.	
Zoning of riparian land between Wahroonga Estate Development and Lucinda Avenue.	The property at 91 Lucinda Avenue are currently zoned R2 under the draft LEP and is currently undeveloped open woodland. The site offers future public access to the riparian land, now zoned E2 above. Proposed that this property be rezoned RE1 or E3 to provide an access to point to the E2 area due to importance of property 89 for the purposes of accessibility to Coups Creek.	The property referred to is known as 89 Lucinda Avenue and is owned by the Department of Planning and Infrastructure (DP&I). DP&I own several properties in the precinct which had been acquired for the now abandoned freeway corridor. Extensive consultation has been undertaken with DP&I on their land holdings in this precinct and appropriate zonings were allocated depending on the environmental qualities of the land. This has included the use of the E2, E4 and R2 zones. The R2 zone is considered appropriate for 89 Lucinda Ave and is consistent with the zoning in the rest of the street. It is also noted that should DP&I dispose of this site for redevelopment, additional protection would be afforded by the biodiversity mapping applying to the site.	No change recommended.
Biodiversity of William Lewis Park	This park contains Sydney Blue Gum and Grey Ironbark, so a small area like this one is very important. It is encouraged that Council place an 'Environmental Sensitive Area' sign in this park. Resident proposes that the whole park is zoned E2 instead of RE1, to protect these trees.	An 'Environmental Sensitive Area' sign is already in place within the bushland area at the rear of the park. Current zoning for the site matches council land management categorisations under the <i>Local Government Act</i>, with the Natural area zoned E2 and Park zoned RE1. Placement of E2 over the park area would simply serve to confuse management further. Whilst these categories reflect on ground values and management objectives, it is acknowledged that Blue Gum High Forest does occur within the area zoned as RE1. Vegetation within this area is however more disturbed and is included within garden areas rather than within regeneration	No change recommended

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		areas. Vegetation within the park area (RE1) is also included within the biodiversity mapping.	
Lindfield west side Riparian Zoning - Drovers Way, Lindfield	Submission is in relation to the area covering Drovers Way, Beaconsfield Parade and Gladstone Parade. These areas contain a creek that is category 3 Riparian. Submission argues that this creek is essential from an environmental and biodiversity point of view. Submission asks that the protection at the lower end of 9B Gladstone Parade is maintained. This property is at the border with the Local Centres area. Submission states that the properties in this area have been subdivided a number of times but no main drainage supply has been added to the area. Resident is concerned about the setbacks that will be in place for their property because of its closeness to a riparian zone.	Any future development (including subdivision) would include consideration of impacts upon the identified Riparian Zone and Biodiversity mapping. Biodiversity mapping includes all vegetation with the riparian zone (Category 2 green web), and a 10m buffer area surrounding the riparian zone vegetation (mapped as category 4 green web area). There is a consistent application of the biodiversity and riparian mapping and provisions in the KLEP and the Local Centres LEP. This will provide for a seamless transition of development controls across the boundary of the two LEPs and provide for ease of merging of the two LEPs in the future.	No change recommended
Biodiversity Mapping for Treatts and Wolseley Roads, Lindfield 6 Treatts Road, Lindfield	Submission supports the identification and mapping of the remnant Blue Gum High Forest in the vicinity of Treatts and Wolseley Roads. This biodiversity area is mapped on the Local Centres LEP but it affects the Treatts Road area in the KLEP. This biodiversity area forms part of a larger remnant forming bio linkages in all directions.	The site is in the Local centres boundary and therefore is not a matter to be considered under this KLEP.	No change recommended.

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Riparian Mapping of 59 Miowera Road, North Turramurra (Lot 31 DP3002)	The open upper reach should ideally be a Category 2 not Category 3 as it provides significant terrestrial and aquatic habitat, has to the potential to be fully restored and is an important linkage to Cowan Creek and ultimately, Ku-ring-gai National Park. The creek has sandstone beds and a definable flow. Residents mow the kerb and the bush care group is prepared to clear the bamboo in the creek and making the creek a street feature. The creek has a large diversity. The piped section of the creek on Lot 31 has potential to be reopened to create continuity between the open section and the reserve. This would also enhance its value for native fauna. During heavy rain the pipe overflows. This pipe should be mapped. The mapping of this creek is consistent with Ku-ring-gai council's and the NSW Office of Water policy to not pipe or disturb creeks and to encourage their restoration. Another Submission states support for the Riparian Land Category 3a categorisation on the site.	The linkage potential is acknowledged, however, the reach has undergone significant alteration and current habitat value is commensurate with that provided by a category 3 riparian zone with at 10m fully vegetated buffer measured from the top of each bank – more than this would be hard to justify on such a site. The category 3a riparian lands mapping recognises the potential to re-open piped sections of waterways. This is addressed by the DCP controls for category 3 riparian lands.	No change recommended.
Biodiversity mapping of 59 Miowera Road,	Submission states that there is no vegetation mapped on the top half of the lot besides the riparian zone. This needs	Biodiversity mapping for this site has been undertaken in accordance with the methodology exhibited within the background study. Following provides a review of the	No change recommended.

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North Turramurra (Lot 31 DP3002)	another look since this area contains mature native trees and is part of the same ecology as E2. Surely some trees should be mapped as Category 4, which includes a buffer applied to areas of Category 1 and 2 (<i>p62 – Biodiversity Study</i>). There are definitely trees within the buffer zone on both the Girl Guides site and Lot 31 that fit this category. Attachment shows scribbly gums. Submission welcomes a site visit by council staff to display the significant Vegetation. Native trees along the piped section of the creek and adjoining Category 2 bush should ideally be mapped as they form a vegetation and wildlife corridor along the length of the riparian zone. There is a very rich diversity of flora and wildlife living on the site. It would be a tragedy to lose, not only the loss of animals but the loss of ecosystem that enriches our lives and others. The biodiversity corridor marked near Miowera Road adjoining the south boundary of property 59 should be maintained. It is a habitat for Bandicoots, Brush turkeys, Goannas and wallabies).	methodology and on site mapping: - The piped section of the creek is mapped as Category 3a. The methodology will only include Key vegetation communities (KVC) within Category 3a.CRZs. Whilst important in providing connectivity at a local scale, the vegetation in no a KVC and as such is not included within the biodiversity. Within this area riparian vegetation will be considered under the Riparian Clause 6.7. - Category 4 (buffer area) has been included along Category 1 which runs to the north and east of more disturbed areas of this site. - Vegetation within the bulk of the property is sandstone vegetation (non a KVC). The Greenweb methodology does not include non KVCs unless they are within the following – Biodiversity corridor, Riparian CRZ cat 1-3, Natural area / OEH lands, or regional or local fauna habit, Category 4 (Areas of consolidation for Category 1 & Category 2). Where they meet criteria, trees within the bulk of this site will be protected by the TPO. An assessment of fauna habitat would also likely be required during any development proposal.	

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	The map should be drawn to show the whole of the southern boundary of the property as a biodiversity corridor		
Clause 6.7 in the Written Instrument – Riparian Land and Waterways	The clause should include the CRZ widths for each Category (i.e. 40, 20, 10 metres from the top of the bank or 10 metres from the centreline) as recommended by the NSW Office of Water for the Local Centres LEP. The Clause should be consistent with the Biodiversity Protection Clause 6.6 and include at (4) that Development consent must not be granted unless the consent authority is satisfied that the development: (a) is consistent with the objectives of this clause	The riparian overlay provides location of mapped riparian zones. The non-inclusion of the CRZ widths in the LEP provision is a drafting requirement of the Department of Planning and Infrastructure. CRZ widths for the various riparian categories and other detailed development controls will be contained in DCP. The inclusion of the proposed additional wording under subclause 4 will not alter the way in which the clause is applied. Development must be consistent with the objectives of a clause whether it is stated in the clause or not. For no other reason than to provide drafting consistency with Clause 6.6, the inclusion of the proposed additional provision in clause 6.7 can be supported.	It is recommended to amend Clause 6.7 by inserting the following additional words under subclause (4) <i>“(a) is consistent with the objectives of this clause”.</i>
Objection to the Riparian Categories Associated to E3 at 18 Morona Avenue, Wahroonga	Submission objects to the impact that the riparian categories outlined on the Ku-ring-gai Biodiversity and Riparian Lands Study will have for E3 zoned properties. Resident argues that these categories were not present when they bought their property. It is unfair to apply these categories now which will significantly impact the residents' current enjoyment of their properties.	This reach was mapped as a category 3 riparian zone in the 2004 policy mapping. It has been revised to category 2 to reflect riparian zone present in the adjacent public reserve. The riparian overlay raises issues of consideration, not restrictions on use.	No change recommended
57-59 Boundary Street, Wahroonga	Submission points out the existing common garden as having biodiversity protection value. Submission wants to know the reasoning for a fourfold increase of the riparian buffer zone.	The Category 3 riparian land with a 10m core riparian zone measured from the top of each bank is the same as 2004 map, no increase has occurred.	No change recommended

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Objection to Category 3 riparian zoning for 53 Wyomee Avenue, West Pymble	Residents of 53 Wyomee Avenue argue that the riparian zone mapped on their property does not exist as the open drain is bounded on both sides by a retaining wall constructed by Council to adequately separate the drain from the local regional allotments and surrounding ecosystems. The retaining wall has reduced the ability of the naturally formed banks to absorb the natural flow and in effect has increased flows of Lovers Jump Creek as a tributary of the Lane Cove river. By gazettement this land as riparian, residents are concerned that there will be restrictions to the use of land in the future. Resident asks Council to reconsider this zoning as category 2. The buffer of 70 meters required under Category 3 would affect the value and property use of 53 Wyomee Avenue. There is no opportunity for remedial construction or consideration for a return to a natural water course due to regular high flows and volumes.	The subject watercourse has been artificially modified with rock lining/retaining walls; the category 3 riparian land recognises this, being a reduction from the category 2 in 2004 mapping. Riparian mapping is an overlay which provides issues for consideration, not a zoning that is gazetted and enforces restrictions. The corridor for category 3 is 20m + Channel width not 60m + channel width as per NOW categories – this has been confused. To go from Ku-ring-gai's category 3 to category 2 – this would be an increase in width	No change recommended
Turpentine's at 34 Banks Avenue, North Turramurra	The submissions talks about 5 Turpentine's approx.150 years old on their property. Submission requests the inclusion of the	A site inspection was undertaken on 15/08/2013 to review on ground vegetation. Vegetation within the area was modified including the identification of remnant Turpentine's. These areas have been incorporated into the Greenweb / Biodiversity mapping.	No changes to Biodiversity mapping in LEP. Note: vegetation edits

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	trees in the Biodiversity maps. The trees are part of a key vegetation Community. They could be Category 2 beings close to adjoining bush valley which is mapped as Category 1.	Vegetation mapping changes will result in the mapping of Category 5 Greenweb within the site. Category 5 Greenweb is included within the DCP and not the LEP, as such no change to the biodiversity mapping will occur within his location.	have resulted in additional Category 5 Greenweb included within the DCP.
Objection to the biodiversity mapping of 24-36 Leuna Avenue, Wahroonga.	Submission points out that the properties on 24-36 Leuna Avenue, Wahroonga are mapped as having part of their land in the biodiversity significance area. Submission argues that these properties do not contain areas of biodiversity significance. In fact, they are separated from areas of biodiversity significance by a fire break. The rear of these properties contains established non-native gardens Submission requests that the Biodiversity map is altered so that the rear of 24-36 Leuna Avenue is not shaded green.	Biodiversity mapping for this area has been undertaken in accordance with the methodology exhibited within the background study. Following provides a review of the methodology and on site mapping: - Category 1 applies to all Natural areas (including fire breaks). The LEP provides matters of considerations, which would need to be given to the presence of a formal fire break within this area. There by reducing the biodiversity value of that small part. - Biodiversity mapping within the properties has been mapped as Greenweb Category 4 (Areas of consolidation for Category 1 & Category 2). As stated within the methodology "This consists of a buffer applied to areas of Category 1 and 2, in order to highlight areas where improved connectivity/consolidation is sought. This may include both vegetated and non-vegetated areas."	No change recommended
Concern about the Leuna Avenue area being considered of 'high biodiversity significance' for Exempt and Complying Development	Submission is concerned about the effect of having the rear of the properties on 24-36 Leuna Avenue mapped as biodiversity significant areas in the consideration of exempt and complying development. Submission states that Clause 1.9 of the SEPP (Exempt and Complying	Land identified by the biodiversity mapping under the KLEP is not excluded from the application of the SEPP (Exempt and Complying Development) 2008. The definition of an "environmentally sensitive area" refers to land of " high biodiversity significance". Land covered by the biodiversity mapping identified as having "biodiversity significance". The omission of the word " high " from the KLEP provisions was a deliberate drafting requirement of the Department of Planning & Infrastructure so as not to exclude the application of the	No change recommended

Sustainability / Riparian Lands / Biodiversity

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
	Development) 2008 provides that exempt and complying development cannot be carried out on land that is 'environmentally sensitive area', which is defined in clause 1.5 as land of high biodiversity significance. Submission is concerned that this will mean that minor developments, otherwise considered exempt and complying would not be able to be carried out because of the mapping of the rear of 24-36 Leuna Avenue as biodiversity area.	SEPP(Exempt and Complying Development) 2008.	
Biodiversity – 7 Morona Ave, Wahroonga	Submission strongly supports maintaining the near pristine environment at the rear of this property adjoining the Lane Cove National Park, however, it is difficult to comment on the application of Biodiversity classification without these "best practice guidelines". There is a history of conflict between the Rural Fire Service requirements for bushfire protection and maintaining the environment adjoining the National Park. It is difficult to comment on Biodiversity classification that applies to the rear of my property until it is clear what requirements/restrictions are included in the DCP. It is presumed, however, that the Rural Fire Service requirements would still take precedence over LEP/DCP requirements. KMC's Biodiversity Strategy 2006	The consideration and management of bushfire hazard is considered both important and required by the RFS and Council. The action referred to in Council's Biodiversity Strategy 2006, has included considerations such as vegetation communities that require the exclusion of fire (e.g. Rainforest), and limitation of hazard reduction works due to steep slopes. Within these areas appropriate alternative hazards reduction techniques are required (e.g. Increased construction standards). Other than broad policy guidelines (as contained within the Bushfire management policy 2008 - due to be revised), no specific guidelines outlining where "<i>Rural Fires Act requirements do not apply</i>" have been created. Clause 5.11(Bush fire hazard reduction) of the KLEP is a compulsory clause and states that "<i>Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent</i>". The provision of biodiversity mapping will simply be another	No change recommended

Sustainability / Riparian Lands / Biodiversity

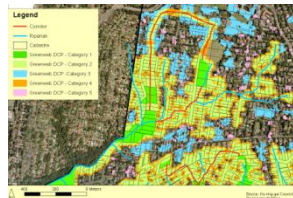
THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
	identifies: <i>'Conflict between biodiversity principles, urban habitat and planting and the requirements for hazard management under the Rural Fires Act 1997.'</i> And recommends: <i>'Research and develop best practice guidelines to help resolve conflict between these two principles including identification of high conflict areas. Identify habitat areas where Rural Fires Act requirements do not apply.'</i>	consideration within the assessment of bushfire risk management, to be addressed on a site by site basis. The DCP that will accompany the KLEP will provide more detailed controls for bushfire risk management biodiversity, similar to those already in the Local Centres DCP.	
Riparian lands	Submissions highlights that there must be recognition that existing residential development within the Riparian Category 1 zone is exempt from construction limitations that may prevent rebuilding a house (eg. if destroyed by fire) within FSR & height restrictions for the zoning.	Riparian overlay does not prevent using the land for the purpose of which it is zoned – only raises issues of consideration for designing development. Bushfire, riparian and planning considerations will all need to be assessed on an individual site basis	No change recommended
Maintenance – Fox Valley water. 6 Seymour Close, fox Valley	Submission highlights that nobody looked at the environmental impact of having many litres of treated water run off down the pipes and into the small bush allotment under our property. The local wildlife population was swept downstream into further parts of Fox Valley.	Riparian provisions within the LEP are only one component of riparian management. The submission refers to a Sydney Water incident. In terms of such incidences Sydney Water are required to remediate any environmental damage they cause. This is not an LEP issue.	No change recommended
Existing residential development within Riparian Category 1 should be exempted from the	Submission argues that, although they support maintaining the natural vegetation and biodiversity of Ku-ring-gai, restrictions on existing properties under riparian Category 1 should not	Riparian overlay will raise matters of consideration for development, not restrictions on land use, as such existing development is considered. The DCP will provide more information in relation to this.	No change recommended

Sustainability / Riparian Lands / Biodiversity

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
restrictions of the LEP	apply to their property.		
Objection to the biodiversity objectives in the KLEP Aims of Plan	Submission argues that the aims of the LEP are too 'lofty' and they do not take into account the residents. Submission argues that the objectives are too environmentally focused, when the priority should be the people, the rate-payers. Improvements to flora and fauna do not happen through zoning, so restrictions on development because of biodiversity are not beneficial, compared to Council directly working on issues.	The aims of the LEP are intended to be high level and should reflect the local strategic planning underpinning the LEP. The land use planning outcomes being sought by the KLEP seek to balance the management of environmental, social, economic, heritage and cultural resources issues. It is considered that the aims in the draft KLEP address all these issues at an appropriate level.	No change recommended
Former LEP 194 areas and areas of significant biodiversity	The submission is concerned that former 2(d3) areas under LEP 194 in the railways/highway corridor are translated to an R4 zone when some of these areas contain significant biodiversity. In addition, the submission outlines the need for E4 zones in order to effectively protect land containing significant biodiversity	The main intent of the KLEP is to maintain the general effect of the existing Ku-ring-gai Planning Scheme Ordinance (KPSO) by generally maintaining the capacity of existing zones. Council is also obliged to provide its share of future housing growth in Sydney. If existing 2(d3) sites were to be downed zoned would, this would need to be offset by up zonings in other areas. In order to address biodiversity and other environmental concerns in areas already zoned for units, the KLEP introduces 'natural resource sensitivity' provisions and mapping layers. This will provide an added level of protection to these sensitive areas.	No change recommended

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
Support for low density housing and conservation areas.	S.T.E.P submission The submission supports the extensive areas of low development R2 and large conservation areas. It's essential to protect high rainfall and shale soil at the North Shore. The retention of the large lot subdivisions without dual occupancy is essential to conserving large tall native Blue Gum High Forest.	Support noted	No change recommended
63 The Chase Rd Riparian concern	Resident is concerned about the general effects of the draft KLEP on his property and does not think KLEP is being realistic. Resident mentions the existence of a riparian zone, category (3a) on his property, which would create a control width of 10 meters on either side of the water course. Resident feels like this control would not allow him to build a suitable dwelling for his remaining years of life.	Riparian overlay does not prevent development; it just raises issues of consideration when a development is proposed. Category 3a recognises the creek has been piped. The DCP for these areas will provide clarity on how development can successfully be carried out within the riparian zone and what considerations need to be made.	No change recommended
Riparian Area -Echo Pt. Park foreshore precinct Riparian concern	S.T.E.P submission The riparian area of the foreshore land off Babbage Rd has been classified as category 2. While some of the bushland is weedy, the foreshore has exceptional biodiversity for an urban area. A wide range of sea shells often litter the beach, and there are areas of mangroves and saltmarsh. STEP believes the riparian area should be classified as category 1. This would also reinforce the high significance of the bio-corridor in this area.	Riparian mapping is largely based on existing vegetation present. This area of the foreshore is primarily developed as a parkland and the Category 2 riparian lands recognises the habitat values of the area and given the developed nature of the park it is not consistent with the overall mapping to identify this area as Category 1.	No change recommended

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
Bannockburn Park Zoning E2 zoning	Submission requests that Council should rezone more of the Bannockburn Park area as E2 instead of RE1. Submission argues that whilst the open area in the middle of the Park is used as a sporting ground, the Park is surrounded on all sides by trees including the protected Blue Gum High Forest. These trees are shown in the draft KLEP Biodiversity Map and are protected by state legislation. It is argued that classifying more of Bannockburn Park as E2 would conform to appropriate protection measures.	It is acknowledge that Bannockburn Park contains mature vegetation including BGHF species. Council has previously undertaken a review of the categorisation of selected Council lands. Categorisation under the Local Government Act for this land parcel is currently split into parkland (including the oval, open recreational space and scout hall) and natural area (with the more intact vegetation areas being included within natural area). Land categorisation (and as such vegetation condition) was used to delineate the E2 and RE1 areas, providing a clear management boundary. Further split zoning of this land is likely to create management issues for Council. Any uses that are proposed within or adjacent to the biodiversity mapping(see map below) are subject to biodiversity matters of consideration and an Environmental Assessment (given the presence of BGHF).	No change recommended
Rosedale Rd – Sage St, St Ives E2 zoning	The cadastral at Rosedale Rd – Sage St, St Ives do not correspond to the actual location of the street. The area forms part of a critical bio-corridor linking Dalrymple Hay Nature Reserve and Browns Forest to Garigal National Park. Realignment of the boundaries to match the existing road and zoning to E2 would improve the biodiversity corridor in this area	The alignment of the cadastre boundaries is a land titles administrative issue and beyond scope of LEP. The practice in drafting the KLEP has been to align the E2 boundary with the Council's natural area land management units. It is noted the unused part of the road reserve identified in the submission forms part of Council's identified land management unit. A such the extent of the E2 should be amended to align with the LMU. Biodiversity map, showing natural area LMU in red: KPSO zoning: 	It is recommended to amend the extent of the E2 zoning at Rosedale Rd/Sage St, St Ives to align with the natural areas LMU in that location.

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
2 sites adjoining 14 Exeter Rd. Wahroonga E2 zoning	Zoned E4 in draft KLEP2013, but merit E2 zoning. They have full Blue Gum High Forest canopy cover on shale soil and should form part of a recovery program for this critically endangered ecological community. The forest links to STIF in the south, further increasing the significance of these sites.	Owner of the site: Roads and Maritime Service (RMS) The sites are adjoined by residential dwellings to the north and south. Creation of E4 within these two properties provides a logical streetscape / usage along Exeter Rd and will not result in the breaking of connectivity along the biodiversity corridor. Connectivity will be ensured through the existence of E2 to the rear of these properties. Whilst additional protection will be provided by the biodiversity mapping (category 2 greenweb within the draft DCP), it is acknowledged that development within the site will impact Blue Gum High Forest. The use of E2 within Lot 23 Eastbourne Avenue ensures a consistent street scape with directly across the road (Lots 7 – 9 Eastbourne Avenue) which is similar in nature, containing open space with Blue Gum High Forest. In addition to providing consistent street scape along Eastbourne road, the presence of vegetated open space provides connectivity across Eastbourne. This is supported by the mapping of a biodiversity corridor (as incorporated within Greenweb) along this area (see map below). Draft DCP Biodiversity map (showing riparian areas, draft Green web DCP and identified biodiversity corridor)  Aerial map	No change recommended

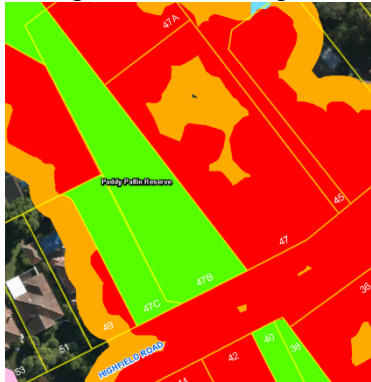
THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
			
Western edge of Browns Field E2 zoning	Submission states the area should be zoned E2 as it has the rare diatreme soils. Which allow for natural rain forest development with species rare to the region. Also the drainage reserve at 59 Campbell Dr should be included as E2. It provides an important linkage between the endangered ecological communities on the eastern SAN land and bushland reserves to the south west.	Owner of site: Ku-ring-gai Council 59 Campbell Drive: Draft DCP Biodiversity map - showing riparian areas, draft Green web DCP and identified biodiversity corridor.  The categorisation of natural area and connectivity provided by the drainage reserve, support the recommendation E2 zoning of this site.	It is recommended that E2 zoning be applied to 59 Campbell Drive, Wahroonga. Lot 59 DP 222034 It is recommended that the riparian zone 59 Campbell Drive, Wahroonga be change from category 1 to category 2

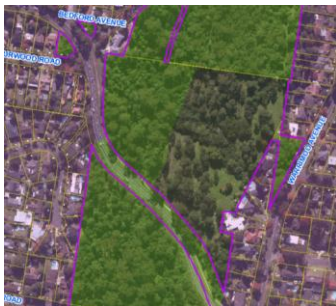
THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
Strip of land between 21 Horace St and 49 Alvona Pl St Ives E2 zoning	Submission asserts that the area should be zoned E2. Although a narrow strip, it still provides a linkage between the reserves in Lynbarra Av and Lancaster Street. Categorized as a natural area, this forest is over 1ha in size and contains both BGHF and STIF.	21 Horace St – 49 Alvona Pl - Owned by Council This area contains and existing footpath within natural area (including Blue Gum High Forest and Sydney Turpentine-Ironbark Forest). Any future management needs to be consistent / consider the natural area classification of the site and the existence of Category 1 Greenweb. The proposed RE1 zoning recognises the presence of a formal access way within this site. The treatment of this lot is consistent with the natural area / green web and zoning for Ivor Wyatt Reserve within Local Centres LEP. Greenweb (showing Biodiversity corridor in white) 	No change recommended
Drainage Reserve linking Rosedale Rd and Taylor Street, Gordon. E2 zoning	This is part of a critical bio-corridor linking the STIF on Richmond Park to the Bat Colony reserve and ultimately Garigal National Park. The land parcels should not be zoned E4, but protected with E2 zoning.	Whilst this area is small and ecologically degraded, it is agreed that this area provides an important biodiversity link between core areas. Rezoning of this site to E2 is supported.	It is recommended that E2 zoning be applied to the drainage reserve linking Rosedale Rd and Taylor Street, Gordon. Lot 2 DP 115175, Lot 1 DP115175 and Lot 6 DP 242900

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
Land between Babbage Rd, Roseville Chase and Middle Harbour and 90-92 Babbage Rd E2 zoning	Warringah Road is an effective barrier to most land animals. The narrow corridor under the western side of Roseville Bridge provides the only safe access for animals moving between Garigal National Park and the large bushland reserves in Castle Cove and Middle Cove. The migration is more common during severe drought and large bushfire events. The southern routes include the natural areas between Babbage Rd and Middle Harbour, and the less used fire trail which links to the natural areas of 90-92 Babbage Rd and the rather odd network of public land. Submission believes both the natural areas between Babbage Rd and Middle Harbour and 90-92 Babbage Rd should be fully protected with E2 zoning. The narrow public network shown in Fig 8 should also be protected with either E2 or RE1 zoning.	The site at 90 Babbage Road is owned by Council and currently zoned Recreation existing 6(a) under the KPSO. The site is currently categorised and managed as a natural area by Council. Council has recently resolved to proceed with the reclassification and rezoning of this site to residential 2(a), which is the same as the adjoining residential zone under the KPSO. This process examined the planning and environmental issues relevant to the site and is supported by the findings of a public hearing. This rezoning and reclassification process is nearing completion. Once the reclassification process is complete, the site will no longer be categorised a natural area. The E4 zoning on 90 Babbage Road under the KLEP is consistent with this position, i.e. maintaining the same zoning as the adjoining residential land. The site at 92 Babbage Rd Roseville is owned by Roads and Maritime Services (RMS). The site is a gazetted public reserve under the care, control and management by Council. When consulted on the draft KLEP under section 56(2)(d) of the EP&A Act, RMS raised no objection to the proposed E4 zoning on 92 Babbage Road, which is similar to Council's adjoining land at 90 Babbage Road. Once the rezoning of this land is completed, RMS is proposing to initiate de-gazettal of the current care, control and management by Council, and proceed with the disposal of the land. In the meantime the site is managed by Council as a natural area and is mapped as category 1 in Greenweb and is subject to the biodiversity provisions of the KLEP. The zoning of the site will not affect the application of the biodiversity provisions applying to the site.	No change recommended.

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
St Ives Showground E2 zoning	The submission against the RE1 zoning of the land between the Bushland Education Centre and the Showground in St Ives. The group believe that the Recreational zoning of this corridor will allow for clearing for playing fields or other intensive land use. E2 to preserve the current corridor on the southeast side of Mona Vale Road zoned E1 and the current E2 immediately north of the proposed draft KLEP RE1 area. This area is the habitat of rare plants, including endangered ones and most of it is recognised as riparian. Rezoning of this corridor to E2 would be more effective for conservation than the volunteer program 'Habitat Stepping Stones'. Submission states that large areas here have been zoned RE1. Much of the area is mapped as Duffys forest and endangered ecological community. The area is fragmented; the main values are the tree canopy and rare laterite soils. STEP identified to areas of importance and is mapped as land management unit 20 natural areas. It should be zoned as E2 which is consistent with Council policy – Biodiversity and Riparian Lands Study Feb 2011. Submission highlights that E2 allows for recreational use but affords protection. This protection will also serve the adjoining National Park.	The submission refers to the RE1 zoning of the St Ives showground (highlighted in green within the figure from STEP below). As part of the LEP creation process Ku-ring-gai Council went through a process of refining categorisation boundaries of natural areas. Ensuring that the natural area boundary (and as such greenweb category 1) aligned to on ground biodiversity values (vegetated areas). This was undertaken for the wildflower garden (22nd Feb 2011 GB2). The RE1 zone includes parts of the natural area and Category 1 Greenweb (see maps below) The proposed RE1 zone boundary has been created to as far as possible, align to definable points (including existing fire trails or cadastral boundaries) (see map below). Modification of zone boundaries to follow natural area boundaries would result in increased fragmentation of the zones, decreasing management efficiency of Council lands. Further, should Council ever decide to alter any part of its lands, it is obliged to produce environmental assessments to determine the impact of any valuable ecology in the vicinity. Regardless of the zoning of land, Council is bound to manage all LMUs in accordance with the relevant Plan of Management. Greenweb, RE1 and natural area: (Natural Area - stripy black, RE1 zoning – white line)	No change recommended.

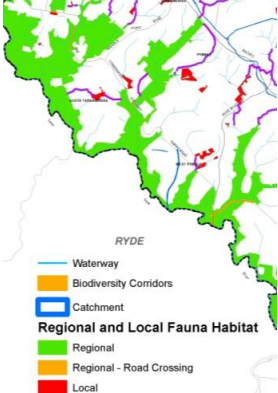
THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
	RE1 and E2 both have the objective “to protect manage and restore areas of high ecological, scientific cultural or aesthetic value” Submission states it is contradictory to have the same objective for different zones.	 Aerial, RE, cadastre and walking track (RE1 zoning – white line, cadastre – yellow line, walking tracks – red line) 	
47 Highfield Rd, Lindfield E4 zoning	This submission objects the rezoning of 47 Highfield Road to E4 and proposes a zoning of R2 for this property. Submission requests that subdivision to a density of 1 dwelling to 1200sqm should be permitted for this property. The current potential for subdivision under 2(c2) zoning is 836sqm. The E4 zoning will increase the minimum lot size for subdivision to 1,500sqm. The submission finds no justification for this increase. The KPSO (Part 111A) includes the objectives to provide increased housing choice. The increase of minimum lot size controls would put unnecessary constraints to this objective.	<i>For response to heritage issues refer to Heritage- Items table</i> Site inspections of this property, undertaken by council ecologists, have identified the presence of remnant Sydney Turpentine Ironbark Forest (STIF) (listed as an Endangered Ecological Community under the Threatened Species Conservation Act 1995) within the western and the frontage portion of the site. The STIF community comprised of canopy dominated by Syncarpia glomulifera (Sydney Turpentine) & Angophora costata (Smooth-barked Apple) and the occasional native groundcover. The extent of mapped STIF was reduced within two areas to reflect clearing or non-native / non local vegetation. This will slightly reduce the extent of Category 2 Greenweb within the property. However this will not influence the biodiversity mapping extent.	No change recommended.

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
	A report on Riparian Ecological Constraints prepared by GIS consultants dated August 2009 found that the riparian area does not contain any endangered ecological communities or threatened species. The environmental circumstances of this site make it suitable for R2 zoning instead of E4. Submission argues that limited subdivision of this site will actually allow better management of the property and greater opportunity to achieve desired riparian and biodiversity outcomes. The rezoning of the site to R2 will allow for better outcomes.	The combination of riparian, heritage and biodiversity constraints on this site support the E4 zoning proposed. Subdivision of this site would likely require either development into the creek or removal / significant modification of the existing heritage building and Sydney Turpentine Ironbark Forest vegetation. Further, this site is identified as being within the buffer of the category 2 riparian lands relating to the creek in Paddy Pallin reserve. The riparian overlay raises issues for consideration and any existing development within the category 2 riparian lands will be taken into consideration during a development application. For the above reasons it is not recommended to change the E4 zoning. Greenweb: 	

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
Burns Rd – Warrimoo Av St Ives RE1 zoning	Although the area zoned RE1 was categorized as a natural area it is clear the land had been cleared in the past. Council's vegetation map indicates it still retains some Coastal Shale Sandstone Forest trees. In this case any development of the site should be subject to offset provisions if any of the remnant vegetation.	The RE1 zone in question is restricted to the area of land that has been disturbed and includes large areas of replanting (see aerial map below). It is considered that this area has the capacity to allow low impact recreational facilities / activities. Connectivity within both the RE1 and adjacent E2 zone is a major priority to facilitate north / south flora and fauna movement. Any future management needs to be consistent with / consider, the biodiversity mapping (greenweb category1) and the natural area requirements and restrictions. Aerial and KLEP zoning: 	No change recommended
Edenborough Rd Reserve Roseville RE1 zoning	Formerly, the natural bushland areas were linked ensuring reasonable connectivity for ecosystem services. The zoning to RE1 has led to a shift in the boundary of the natural area and resulted in separate bushland patches. It is recommended the connectivity be restored by adjusting the RE1 boundary.	It is Council's belief that the presence of Category 1 Greenweb mapping and the natural area classification of the site sufficient to manage and maintain connectivity between vegetated areas. Any future management needs to be consistent with / consider, the biodiversity mapping (greenweb category 1) and the natural area requirements. The proposed RE1 zone boundary has been created to align to definable points in order to assist with accurately determining zone boundaries.	No change recommended

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
Avondale Golf Club partial E2 zoning.	Submission on behalf of Avondale Golf Club state the south-western part of the Club site is zoned E2 (Environmental Conservation Zone). Submission is concerned that the zoning will prohibit and unfairly restrict future plans to use this part of the property for golf course and recreational purposes. The Club seeks that the land be zoned RE2 on the basis of DoP Directions. It is noted that there is no acquisition provision relating to this land resulting in the land being exempted from any development rights without compensation.	Upon further review the following changes have been proposed: - Exhibited E2 zone located within the northern corner of the site, to be rezoned RE2. The biodiversity mapping within this location has not been altered. Ecological constraints are required to be considered as part of development applications or applications to remove trees or vegetation under cl5.9 (Preservation of trees and vegetation) of the KPLEP. - The exhibited E2 zone along western edge of property provides a key biodiversity connection between Rofe Park, Sheldon Forest and Comenarra Creek Reserve (See maps below). The importance of this area is reflected through Council endorsement of a 119 hectare Biobank site at Rofe Park, Sheldon Forest and Comenarra Creek Reserves (Council meeting 10 September 2013, GB5). The biobanking site will provide conservation in perpetuity and will be established through the 'Linking Landscapes through Local Action' project (a grant program being managed by the Office of Environment & Heritage and funded through the NSW Environmental Trust). <i>The Rapid Fauna Habitat Assessment of the Sydney Metropolitan Catchment Management Authority Area</i>, recognised the western E2 area within the golf course land as regional fauna habitat with a "very high" rating (NSW Department of Environment and Climate Change, 2008). This area has been mapped as Regional Fauna Habitat within Category one of Ku-ring-gai's Greenweb Mapping (see the exhibited Biodiversity	Rezone the northern corner of the site RE2. Modification to Local Fauna Habitat Mapping has reduced the extent of biodiversity mapping from adjoining private residences along the south-eastern edge of Avondale Golf course. This includes: 2,4, 6, 8 Coventry Place, 4 Emerstan Dr 17, 19, 21 Doncaster Avenue, 7, 9 Avondale Place, 39, 41, 51, 53, 63, 65 Wyomee Avenue, West Pymble

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
		and Riparian Lands Background Study and maps below for further details). - Local Fauna Habitat Mapping (included within Category 2 Greenweb) has been removed from adjoining private residences along the south-eastern edge of Avondale Golf course. Category 4 Greenweb (including a buffer from Category 2), still exists within these properties. 2,4, 6, 8 Coventry Place 4 Emerstan Dr 17, 19, 21 Doncaster Avenue 7, 9 Avondale Place 39, 41, 51, 53, 63, 65 Wyomee Avenue The mapping of Local Fauna Habitat along this area is directly supported by Sydney Metropolitan Catchment Management Authority submissions received as part of agency consultation undertaken for the Draft comprehensive LEP (Council report 6 March 2012, attachment 16). Legend - Riparian - Local government boundary - Proposed Biobanking site - Council managed lands - Natural Area - Scrub - Park - Sports Reserve  Proposed Biobank Site and Council Managed Lands Proposed Biobank Site and Council Managed Lands:	

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
		 Regional and Local Fauna Habitat & Biodiversity Corridors (as per the exhibited Biodiversity and Riparian Lands Background Study):	

Attachment 7 Summary Table – Environmental Zoning

Environmental Zoning

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Environmental Zones General

THEME	ISSUE / CONCERN	COMMENT	RECOMMENDATION
Environmental Zones General			
Support and recommendations for E3 concerning bushfire.	As a whole, planning provisions for bushfire prone areas should be strengthened. - In some areas where the bush fire risk is extreme, development including new subdivision of existing areas should not be permitted. - A minimum lot size for a dwelling should be provided for in planning instruments - There is a need to review the currently accepted 100m buffer between houses and vegetation.	Supported by the Rural Fire Service, which as a relevant agency was consulted, provided with a copy of the LEP and given opportunity to comment prior to this exhibition. They have also been consulted again following exhibition in relation to the E3 zone and evacuation risk issues. The Rural Fire Service has no objections to the proposed LEP or zonings.	Refer to recommendations in body of the report regarding the E3 zone.
Support for Objectives in the written instrument	Submission supports the objectives of the Zone E1 National Parks and Nature Reserves Zone E2 Environmental Conservation and Zone E3 Environmental Management. Submission supports the prohibited uses for E3 and encourages that it not be changed.	Support noted.	No change recommended.
Support for Environmental Zones in relation to bushfires	Submission supports the Environmental zones, maps and criteria in the LEP. Submission thanks staff for the excellent work in creating the plan and the recognition of the bushfire threats.	Support noted.	No change recommended.
Inconsistencies in the zoning between E3, E4 and R zones	Submission asks on what basis are business identification signs, exhibition homes or health consulting rooms acceptable in Residential zones but not in zones E3 and E4? How are they related to	The intent of the E3 and E4 zones is to limit the future increases in development intensity in areas with high environmental qualities and/or pose an evacuation risk in the event of extreme bushfire events. Uses such as exhibition home and health consulting rooms represent a more intense	Refer to recommendations in body of the report regarding the E3 zone.

Environmental Zones General

THEME	ISSUE / CONCERN	COMMENT	RECOMMENDATION
	fire risks? Or bed and breakfast accommodation and Environmental facilities acceptable in zoned E3 and E4 but not in Residential zones? Why are secondary dwellings not permitted in E3, but permitted in E4? In short, there appears to be a lack of consistency in the application of zones E3, E4 and Residential and given the restrictive nature of E3 and E4. More explanation is needed.	land use then normal residential uses. Business identification signs are permissible in E3 and E4 zones as exempt development. Bed and breakfast accommodation is permissible in all residential zones including E3 and E4. However, they are limited only 3 bedrooms and therefore considered compatible with the zone intent. The permissibility of secondary dwellings within the E3 zone has been reviewed. Refer to recommendations in body of the report regarding the E3 zone.	
E1 and E2 zoning in the upper Lane Cove Valley bushland:	The bushland of the upper Lane Cove Valley adjacent to Fox Valley is proposed for zoning in blocks of E1 and E2 zoning types. Several of the areas proposed for E2 zoning are of equal high/pristine quality bushland to the adjacent E1 areas. Examples are the E2 area around George Christie oval (particularly to the West) and also the E2 area South-West of Browns Road. These areas should be zoned E1 consistent with surrounding bushland, rather than E2.	The E1 and E2 zonings have been applied consistent with the requirements of the Standard Instrument LEP. The E1 - National Parks and Nature Reserves zone intended to cover existing national parks and nature reserves, and new conservation areas proposed for reservation that have been identified and agreed by the NSW Government. The E2 Environmental Conservation zone is intended to protect land that has high conservation values outside the national parks and nature reserve system. This includes Council's Natural Areas.	No change recommended.
Concerns about effects of houses in E3 being damaged by fire.	Submissions argue that in case of E3 and E4 properties being destroyed or damaged by fire, the constraints imposed on E3 and E4 zones will: • lead to bad home design • penalise residents • result in loss of land value	In the event of damage or destruction of dwellings from fire, redevelopment can still occur on E3 and E4 sites. Under current legislation, the location, design and materials of a proposed dwelling are required to comply with <i>Planning for Bushfire Protection 2006</i>, regardless of the zone. The increased lot size and lot depth would have no or minimal effect on house design. The land uses permitted in the E3 and	Refer to recommendations in body of the report regarding the E3 zone.

Environmental Zones General

THEME	ISSUE / CONCERN	COMMENT	RECOMMENDATION
	It is unfair that such controls are applied to properties that are small and would not be able to be modified with such a restrictive measure	E4 zones are still mainly residential. Other land uses are limited by the zone, but would not affect dwelling design. The standards and zone objectives do however seek to ensure that development is designed to allow adequate defensible space to enable the protection of the dwelling, while ensuring that any other site values (such as ecological values) are taken into account. As demonstrated by the aerial photos in Appendix B in the Background Study, this has not historically been the case. Ensuring that there is adequate defensible space on a site is best practice, and helps to reduce risk to life and property. This is not a penalty, nor is it a reason that good dwelling design should suffer as a result. Rebuilding in line with the requirements of Planning for Bushfire Protection following a bushfire would not result in loss of land value.	
Concern about motives behind reduction of FSR in Bushfire prone areas (E3 and E4)	Submission highlights the concern in North Turramurra about the Ku-ring-gai Councillors attempting to reduce the land rights of residents through the reduction of FSR to 0.2:1 in areas close to bushfire prone zones. Resident proposes a reduction of dangerous canopy, instead of FSR restrictions. Resident is concerned that this measure was created for Council to cover failed measures to reduce fire hazards, money, the resident is concerned that Council is engendering residents. Resident is concerned about there being a	The proposed bushfire provisions for North Turramurra have no or minimal effect on house design. The land uses permitted in the E3 zones are still mainly residential. Other land uses are limited by the zone, but would not affect dwelling design. The FSR within the E3 zone will remain unchanged for lots under 1500sqm. Council takes its bushfire mitigation works very seriously. Existing bushfire mitigation works will continue as managed by the district Bush Fire Management Committee. This committee is a collection of land managers, fire agencies and infrastructure providers who work together to undertake coordinated multi-agency treatments to reduce bushfire risks to assets. Treatments include asset protection zone maintenance on public bushland, fire trail maintenance, hazard reduction burning and community education. The bushfire related provisions contained in the LEP are aimed	Refer to recommendations in body of the report regarding the E3 zone.

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	long term embezzlement conspiracy behind this zoning, which does not properly address human life and property risks under bushfire. Submission states that Council should take full responsibility over the risk of bushfire. Resident is concerned that Council is not addressing this. The information about E4 on page 5 of the 'Users Guide' noting that the zoning gives precedence to 'scenic value' over rate payers. The submitted feels Council has not taken into account residents reactions to being rezoned.	at minimising direct and indirect risks to life, property and the environment from bushfire events and bushfire management. The NSW Rural Fire Service has supported both the Background study (which includes the rationale for the E3 zoning and subdivision controls) and the draft KLEP.	
Request for the creation of Public Safety Plans	Submission by residents of 24 The Comenarra Parkway suggests that Council should produce more efficient and effective public safety plans, to reduce the risks associated with bushfires.	Whilst this is not an LEP issue, the following is noted: Bushfire management is directed by the NSW Rural Fire Service through the Bush Fire Management Committee. All bushfire management is undertaken through coordinated multi-agency treatments and the risks are prioritised and strategically managed through a 5-year Bush Fire Risk Management Plan. The Hornsby Ku-ring-gai Bush Fire Risk Management Plan is one of the most thorough plans in the state and the methods employed by the NSW RFS and other agencies to manage bush fire risk including bush fire prone land mapping, community protection plans, and communication messages are now some of the most advanced in Australia. Reducing exposure to loss from bushfire is a multi-dimensional proposition (extending beyond operational management) and Ku-ring-gai Council is working to address our need to strengthen our resilience to extreme weather events through climate change adaptation and emergency management processes.	No change recommended

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Objection to E3 based on increased Bushfire Risks due to tree planting requirements, especially Turpentine Trees.	Submissions argue that the requirement for developments nearby national parks to plant trees including Turpentine on the edge of properties, increase the bushfire risk due to their height, sap and rough fibrous bark. This, combined with a lack of back burning, increases bushfire risks and goes against the objective to reduce bushfire hazards. The Australian Native Plants Society advocates against native planting in bushfire prone areas in the March 1994 issue of "Native Plants for New South Wales", the newsletter of the Society's NSW Region. It appears that the planting requirements of Council go against the objectives behind the E3 zoning, which state that E3 zones 'minimise direct and indirect risks to life, property and the environment'. Instead of E3 zoning, the LEP should look towards natural ways to minimise direct and indirect risks to life, property and the environment and not introduce trees detrimental to residents' lifestyle.	The LEP does not remove the requirement to consider bushfire risk. Whilst planting requirements are a DCP matter - it is intended that at planting requirements within the DCP are to provide a percentage native requirement rather than a volume of planting. Native planting will be based upon the use of species within existing vegetation communities. With reference to areas containing Sydney turpentine ironbark forest, there are a number of species within this community that are less fire prone (eg. species that do not have ruff bark extra). The creation of E3 is about reducing housing density pressures within areas of bushfire risk. The purpose of the zoning is to restrict vulnerable land uses within the bushfire evacuation risk areas. Building and landscape design are not matters that are dealt with by an LEP. Issues such as the location, design and materials of a proposed dwellings and landscaping in bushfire areas are covered by <i>Planning for Bushfire Protection 2006</i>. Council we are looking beyond what can be achieved by hazard reduction burning due to limited windows of opportunity to treat the hazard by simulating natural fire regimes. A variety of methods is required at every site and this includes a strategic program of burning, combined with planning, zoning, community education, mechanical maintenance, and increased building resilience.	Refer to recommendations in body of the report regarding the E3 zone.
Lack of provisions for building materials and planting in E3 zones	The LEP is not clear as in how E3 will prevent bushfire hazards. Consideration of appropriate building materials and planting of vegetation should be added to the KLEP.	The purpose of the zoning is to restrict vulnerable land uses within the bushfire evacuation risk areas. Building and landscape design are not matters that are dealt with by an LEP. Issues such as the location, design and materials of a proposed dwelling in bushfire areas are covered by <i>Planning for Bushfire Protection 2006</i> . Council's development Control Plan will also contain design controls addressing bushfire risk management.	Refer to recommendations in body of the report regarding the E3 zone.
Interpretation of	Submission highlights that environmental	Council is taking a proactive approach to both the management	Refer to

Environmental Zones General

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Standard Instrument - Environmental Zones by Council 12 Wongalee Avenue, Wahroonga 124 Hurstville Road 2 Wandella Avenue, ROSEVILLE NSW 2069	zones (E3 and E4) are intended to be transitional areas between agricultural or residential uses and areas of high conservation. They are not intended to relate to residential areas under the Standard Instrument. The title of a zone should reflect its primary land use under the Standard Instrument. The E3 and E4 zones do not adequately describe a zone where the primary land use is residential. Management zones are not intended to relate to residential. The existing KPSO contains provisions protecting biodiversity values and vegetation in clause 25C. These provisions are more adequate for residential areas than treating these areas as 'Environmental Management'. Submission states that Council has misconstrued the nature of E3 and E4 from the Standard Instrument.	of its natural resources and the management of the bushfire risk. The standard LEP provides for four environmental zones. Of these, the Department of Planning and Infrastructure's LEP Practice Note PN09-002 advises that the E3 Environmental Management zone is <i>'for land where there are special ecological, scientific, cultural or aesthetic attributes or environmental hazards/processes that require careful consideration/management and for uses compatible with those values.'</i> More relevant than the name of a zone is the objectives of a zone. The application of the zone in the draft LEP with the inclusion of the local objectives is consistent with the Practice note. Further, it applies the land uses in the manner recommended in the Practice Note. The fact that council is proactive in its use of the zone for this purpose does not make it inconsistent with the standard LEP. Clause 25C of the KPSO outlines objectives for certain residential zones, including the 2(d3) zone which permits residential flat buildings. The objectives of the E3 and E4 zones have been tailored to be more specific to the environmental issues and hazards faced in areas covered by these zones.	recommendations in body of the report regarding the E3 zone.

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E3 Zone General			
Call for public meeting on E3	Given the complexity and uncertainty associated with the KLEP, submission states that it would seem reasonable to provide additional time for public debate. A community public hearing is requested for discussion about the E3 and E4 zoning.	It is not considered that the issues raised in the submissions warrant the requirement for a public hearing under s57(5) of the EP&A Act. It is considered that all issues are adequately addressed in the report and resolved through the proposed amendments to the LEP and application of the E3 zone. Also it is recommended that additional consultation be undertaken regarding the changes to the environmental zones.	Recommended that a public hearing under s57(5) of the EP&A Act <u>not</u> be held
	Argument against E3 zone on 5 Leuna Avenue based on accessibility and equipment. Wahroonga is well served with many fire trail roads, which give any necessary fire fighting equipment access the local bushland. Hazard reduction would easily be carried out, so E3 zoning is not necessary.	The creation of E3 is about reducing housing density pressures within areas of bushfire risk. The purpose of the zoning is to restrict vulnerable land uses within the bushfire evacuation risk areas. Even if an area is well serviced by fire trails it would be imprudent to rely on emergency services being present in the numbers needed to protect properties, particularly in a large fire. This could cost lives. Hazard reduction burning has been undertaken but is limited primarily due to weather conditions, resourcing, impacts to biodiversity (too frequent burning can also encourage fire tolerant plant species increasing bush fire risk) and creating a false sense of security under extreme conditions. Therefore the zoning is necessary as it considers public safety from a community / neighbourhood perspective.	No change recommended.
Concerns about pruning and removal of trees under E3	Local network providers are not permitted to prune or remove trees under power lines in the local streets as per the Electricity Supply Act 1995 -increasing danger to property and residents. Council needs to be accountable for any loss of life or housing.	Network providers will continue to be able to prune or remove trees in local streets. Clause 43(k) of SEPP Infrastructure identifies the following as exempt development: <i>'k) vegetation management complying with a tree management plan prepared in accordance with clause 103 of the Electricity Supply (General) Regulation 2001 or vegetation management that is exempted under clause 21 of the Native Vegetation Regulation 2005'</i> <i>ISSC3 Guidelines for Managing Vegetation near Power Lines</i> is the management plan prepared for NSW network providers in	No change recommended.

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		accordance with the above clause. In addition, it should be noted that Council's Tree Preservation provisions also exempts tree works that involve the removal of branches within 0.5m of electrical service lines to properties.	
Objection to E3 based on ineffectiveness of using zoning measures to prevent bushfire	Submission asks what steps will be taken for the "minimisation of direct and indirect risks to life, property and the environment from bushfire events and bushfire management" in the E3 zone? Submission argues that changing the zoning will not reduce or mitigate the fire (or storm) risk that already exist and have existed since development began in this area. What benefits/advantage does this proposed rezoning provide?	The zoning, and minimum lot size and depth controls are intended restrict vulnerable land uses within the bushfire evacuation risk areas to ensure that the risk during an evacuation because of bushfire is not increased. The background study also outlines other potential measures to mitigate existing risks which are essentially beyond the scope of an LEP.	No change recommended.
Secondary dwellings should be allowed in E3	Submissions argue that granny flats should be allowed under E3 because of the following reasons Prices of housing keep rising, it's very good to have family living in the house, and they can look after each other but live separately. Granny flats allow seniors to maintain their independence, being close to family members at the same time. Granny Flats are allowed under the 'Planning for Bushfire Protection Guidelines 2006' and AS3959-2009.	A key objective of the E3 zone is to minimise direct and indirect risks to life, property and the environment from bushfire events and bushfire management. This is addressed in the land use table through prohibiting uses that are incompatible with the evacuation risk during bushfire events, such as child care centres, seniors living and secondary dwellings. These forms of development provide for people who are particularly vulnerable during a bushfire event, and developments that are likely to result in more cars trying to leave the particular area during a severe or catastrophic bushfire. Additional consultation was undertaken with NSW Rural Fire Service (RFS) / NSW Police on evacuation and land zoning issues during the exhibition period of the KLEP. In regard to secondary dwellings, it was the view of the emergency services that they do not pose as great an evacuation risk as Special Fire Protection Purpose (SFPP) developments containing vulnerable	Refer to recommendations in body of the report regarding the E3 zone.

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	The heavy restrictions would force residents who need to live with parents or kids to move. Need to accommodate future buyer's needs and changing demographics. Other neighbouring councils have not placed E3 restrictions on secondary dwellings The area of a secondary dwelling is included in the FSR of the overall house, so there is no difference from having a bigger house. There is no evidence to support the claim that granny flats increase the number of cars. Restrictions on E3 properties are unfair, when R2 properties a few blocks away do not have restrictions on child care and aged facilities, which contribute to traffic. It is unrealistic from Council to expect that allowing secondary dwellings will suddenly encourage every house to build a granny flat. If council are worried about increasing people on the property limit, square meters which is fairer than dictating how people can use the space they are entitled to.	people, including retirement villages, schools, hospitals and nursing homes. It was also noted that additional structures such as a secondary dwelling would still need to comply with PBP and Australian Standard Construction levels. As a result of this further consultation and consideration of issues raised in submissions it is proposed to amend the manner in which the E3 zoning is applied in the bushfire evacuation risk areas. For more detailed discussion and recommendations, please refer to the main body of the report.	

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	Purchased property knowing that building a secondary dwelling would be allowed under the Exempt and Complying Development SEPP. It is argued that it is unfair to put restrictions like this one in place because resident would not have purchased the property if it he had known about this. The E3 rezoning goes against State Government Policies on housing for an ageing population. It is against policies of provision of affordable and high density housing. SEPP (Affordable Rental Housing) 2009 takes into account the total floor area, the so proposed changes impose unnecessary limitations. Restricting secondary dwellings is against Council's aim to promote housing choices. Submission argues that E3 zoning goes against Council's policies to provide assistance to the elderly. E3 zoning will make elderly residents completely dependent on living spaces funded by the government, such as retirement homes, hostels and hospitals. Granny Flats are socially acceptable modes of living for the elderly, especially when children grow up and they cannot afford to buy a property.	The State Governments policies regarding housing choice for an ageing population and housing affordability are acknowledged. However these policies outcomes need to be weighed against the need to ensure that such housing is not located in areas that pose a potential safety risk to those people occupying it. This is the same reasoning behind the State Government policy that now prohibits any further seniors housing in the same bushfire evacuation risk areas under SEPP Seniors. These are the same areas in which the E3 zone has been applied. High concentrations of secondary dwellings occupied by elderly resident could be viewed as posing as evacuation risk similar to that of seniors housing. In this regard, the application of the E3 zone is considered consistent with State Government Planning Policy . However, as a result of further consultation and consideration of issues raised in submissions it is proposed to amend the manner in which the E3 zoning is applied in the bushfire evacuation risk areas including permitting secondary dwellings. For more detailed discussion and recommendations, please refer to the main body of the report	Refer to recommendations in body of the report regarding the E3 zone.
Child Care and	Submission questions the need to have	Such facilities provide for people who are unable to evacuate	No change

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Aged Facilities under E3	zoning to prevent development of child care and aged facilities.	without help, nor are they able to defend a site. These sorts of facilities are therefore inappropriate where there is a high risk during an evacuation event. The principal purpose of zoning is to control/restrict land uses. The restriction of these land uses in high risk evacuation areas is supported by the Rural Fire Service.	recommended
Inconsistency of E3 zoning as a residential zone	Submission argues that, although Council has added E3 zoning as a residential zone, the nature of residential zones is not reflected in E3. Submission argues this based on the lack of consideration of the location of sex premises (6.5) in E3 zones. Standards for sex premises exist for residential zones but not for E3, which is indicative of the non-standard nature of E3 for residential purposes.	The omission of references to the E3, E4 and R5 zones from clause 6.5 is due to the fact that there are no instances where these zones adjoin a zone where sex service premises is a permissible use i.e the B2 and B7 zones. It is not an indication that the E3 zone is not considered to be a residential zone.	No change recommended
E3 Inconsistencies with Department of Planning's Directions sec 117	Inconsistencies with Department of Planning's Directions sec 117 applicable in the preparation of the draft LEP. Submissions propose to keep the current zoning of R2, which has applied to the land for over 40 years, instead of E3.	The Planning Proposal submitted to the Department of Planning and Infrastructure justified any inconsistencies with the Section 117 directions. Note that dwellings are still permitted in E3 zones as they are in the KPSO. The purpose of the E3 zone is to minimise risk during a severe bushfire by restricting vulnerable land uses within the bushfire evacuation risk areas. The E3 zoning was not applied on the basis of historical bushfires. Just because a bushfire has not been through an area in a given period, does not mean it will not in the future. The background study, Managing Bushfire Risk, Now and into the Future, considers research highlighting the likelihood that fire behaviour will change with the changing climate. These changes include increasing fire intensity. As we have seen in other areas, increased intensity leads to the burning of larger areas, and sometimes with less warning	No change recommended.
Concern about	Submission notes the LEP Written	Under the State Environmental Planning Policy (SEPP) (Mining,	No change

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inclusion of SEPP (Mining, Petroleum Production and Extractive Industries) in the E3 provisions	Instrument states that for E3 zone SEPP (Mining, Petroleum Production and Extractive Industries) may apply. Submission asks: does this mean that our residential land is more vulnerable to mining development due to this zoning?	Petroleum Production and Extractive Industries) 2007, underground mining can be carried out on any land, regardless of the zoning with development consent. Under this SEPP, surface mining can be carried out with consent on land for which agricultural and industrial uses are permitted. These uses are not permitted in any residential or environment zone under the KLEP. The use of the E3 zone does not make any land more susceptible to mining. The inclusion of the note at the beginning of the E3 land use table is a standard local environment plan drafting requirement for the E3 zone.	recommended.
Management of roads in bushfire risk areas 205 Fox Valley Road, Wahroonga 3 Yanilla Avenue, Wahroonga 38 Howson Avenue, Turramurra 32 Howson Avenue 32 Kallang Parade, Wahroonga 36 Howson Ave, Turramurra	Submissions argue that Council should focus on better management of roads, rather than land classification. Bobbin Head Road for example, is restricted by barriers at a lot different points. Trailers and cars parked along the road, as well as other obstacles, make Bobbin Head Road too narrow for proper evacuation in case of fire.	The background study, <i>Managing Bushfire Risk Now and Into the Future</i> (p.61) also recommends that Council: • <i>'Undertake an audit of each of the road access routes to/from evacuation risk zones</i> • <i>Investigate whether any standards of codes currently exist for such roads in other jurisdictions;</i> • <i>Prepare a code for the design and/or management of these roads as evacuation routes, and if necessary, consider preparing a program to implement any required upgrades to the evacuation routes.'</i>	No change recommended.

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9 Wongalee Avenue, Wahroonga 250 Bobbin Head Road, North Turramurra	Submission highlights if bushfire is such a danger, council should upgrade the emergency vehicle track at Howson Ave oval to Warrawee.	While, these measures would go some way to ameliorating the risk in these zones, they are largely policy and operational matters for Council and cannot be implemented via a LEP. The measures proposed under the draft LEP, however, will ensure that future development does not increase the risk. Fire trails are categorised based on the size of the fire truck. Most trails in Ku-ring-gai including the trail to the Oval at Warrawee near Howson Avenue are classified essential Category 1 trails – the highest level of classification.	No change recommended.
Studies on bushfire minimisation and property protection for E3 and E4	The submission asks if there has been a full and robust study on bushfire minimisation and property protection prior to the creation of E3 and E4 zones. Submission asks if Council is liable should any issues arise from the E3 and E4 zones, especially in relation to bushfire risks.	The background study: <i>Managing Bushfire Risk, Now and Into the Future</i> was prepared to assess the risk and the range of measures to address the risk to the Ku-ring-gai local government area from bushfire. It considered • historical and likely future fire behaviour, • the vulnerability and resilience of the area and its community, • existing management measures; • the potential consequences of bushfire events; • a range of measures to address the risk, including, but not limited to, land use measures. This document was exhibited as part of the supporting documentation for the draft KLEP 2013 during the consultation period. The E3 zone is proposed to minimise risk to property and life during a severe bushfire.	Refer to recommendations in body of the report regarding the E3 zone.
Objection to E3 a result from climate change	Submissions presume that E3 is Council's response to bushfire risks associated to climate change. It is argued that the	The E3 zoning was not applied on the basis of historical bushfires. Just because a bushfire has not been through an area in a given period, does not mean it will not in the future. The	Refer to recommendations in body of the report

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Objection to E3 on the grounds that the bushfires in Ku-ring-gai have not damaged any residences or injured people	environment around Howson Avenue, Turramurra has not changed in any dramatic manner; therefore the zoning of E3 is unnecessary and incomparable with beachside erosion or other serious climate change effects.	background study, Managing Bushfire Risk, Now and into the Future, considers research highlighting the likelihood that fire behaviour will change with the changing climate. These changes include increasing fire intensity. As we have seen in other areas, increased intensity leads to the burning of larger areas, and sometimes with less warning. See comments above.	regarding the E3 zone.
	Bushfire danger has not increased over the past four decades.		
	During the worst bushfire period from 1991-1996 when almost all of the Lane Cove Valley was burnt by bushfire none of the properties in the Fox Valley area were damaged. Why have only some areas with potential bushfire risks been zoned E3 and some have not?	Increasingly we are seeing fires of greater intensities that are requiring greater resourcing than ever before. The fires in the Lane Cove Valley of 2002 were the first fires to use the Sky crane. This in itself is a comment on the increasing intensity. Evidence heard in the Victorian Bushfires Royal Commission stated that the effectiveness of hazard reduction burning rapidly declines when extreme weather conditions are experienced.	
	The risk of bushfire has only been raised by Council and not by any change in the environment	Council regularly inspects areas of bushland bordering the Lane Cove Valley and works closely with other land managers to strategically prioritise bushfire management works. Works may provide protection even if they are not directly adjacent to a property. See the data in the Managing Bush Fire Risk.	
	There has not been a bushfire in his area since the 1950s. There have had several bushfires (some severe) close by numerous times and no residences or people had been affected. If council continues to perform controlled burns to reduce the undergrowth, this situation will continue as it is. Therefore there is no need for the environmental zoning.		
	Other areas in South Turramurra and West Pymble have had fires closer to properties than the ones closer to Browns		

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	Road. E3 is then inconsistent. In 2001 bushfires around Cove Street, South Turramurra had to be protected by helicopter water bombing, but still, these properties were zoned Residential. Council has never actually inspected areas bordering the Lane Cove Valley. Instead Council has relied on data from the Managing Bushfire risk study.		
E3 inconsistencies with Bushfire Risks	Submission objects to the proposed rezoning of Wahroonga (Fox valley) from Residential to (E3). The E3 zoning is based on a combination of extreme bushfire risk and evacuation risk, which is an inconsistent combination. There are many other areas within Council boundaries that have similar risks. No properties have been damaged by bushfire in Fox Valley unlike other areas which border Lane Cove National Park. Our bushfire risk has NOT increased so there is no need to change existing zoning. The E3 zoning is more extensive in the Fox Valley area than in South Turramurra or Comenarra Parkway which have a History of bushfire risk.	The methodology for identifying areas to apply the E3 is outlined in the background study, <i>Managing Bushfire Risk Now and Into the Future</i>, The criteria that was consistently applied was: 1. located within areas at extreme bushfire risk using the <i>Bushfire Risk Management Plan (BFRMP) 2010 (Hornsby and Ku-ring-gai Councils: 2010) as a guide: and</i> 2. within the 10 evacuation risk zones identified by the RFS 'Bushfire Prone Land Map and Bushfire Evacuation Risk Map' that do not meet the exit criteria identified by research by Cova (2005). No inconsistency is evident. The risks have been assessed in accordance with a set of criteria developed in the Background study: <i>Managing Bushfire Risks, Now and into the Future</i>. Whether a property has been previously damaged by bushfire was not one of the criteria used. As explained in the Background Study, historical patterns of bushfire cannot be relied on for the future because of the changing climate. The likely changes include decreased days suitable for prescribed burns, increased bushfire season, and importantly, increased fire intensities. Cova, T, 2005, <i>Public safety in the urban-wildland interface: Should fire-prone communities have a maximum occupancy?</i>, Natural Hazards Review, vol. 6, No. 3, pp. 99-108	Refer to recommendations in body of the report regarding the E3 zone.

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Inconsistency of the objectives of E3 with the land uses of E3 zone	Submission points out that the core objectives of E3 do not include any mention to the provision of housing. The lack of inclusion of housing in the objectives leads to the concern that any future development could be challenged on the grounds that it is not compatible with the objectives of the zone. Potential developers of E3 properties may see that Council is not supportive of residential development in E3 zones. The message sent by the objectives is that if council seeks to enforce the objectives these zones may seem to the comparable with adjoining E1 and E2 zones. The word 'protect' in the objectives of E3 is ambiguous and it might imply that any future development would be prohibited. Resident asks for clarification about the measures to 'protect' the environment in the LEP, which do not seem to match with the real residential objectives.	The ability to have stand-alone single dwelling houses on decent sized lots will not be reduced by the E3 zone. Dwelling houses remain a permissible development. The objectives do not prevent this sort of development in any way. Rather, they ensure that matters such as bushfire risk and biodiversity values are considered up front when designing a development – rather than an applicant finding that these matters need to be addressed when they are well down the design path, as is too often the case now. The objectives under the KPSO cover much of the same matters, just more broadly as do the E3 objectives under the DKLEP 2013.	Refer to recommendations in body of the report regarding the E3 zone.
Precedence of bushfire and biodiversity objectives in E3 zones	Council has given precedence to the management of bushfire risks and biodiversity protection over the residential objectives that currently apply to properties zoned E3. Submission is against the inclusion of the objective that forces development to comply with the National Parks and Wildlife Act 1974. Submission argues that clauses 6.6 and 6.7 of the LEP provide	The E3 zoning does not reduce the ability to have stand-alone single dwelling houses on decent sized lots. The objectives do not prevent residential development in any way. Rather, they ensure that matters such as bushfire risk and biodiversity values are considered up front when designing a development. The objectives of the E3 zone do not reference the <i>National Parks and Wildlife Act 1974</i>. The objective refers to ensuring land use types permitted in the E3 zone are compatible with the adjoining national parks and nature reserves. It does not introduce any additional development standards and controls or	Refer to recommendations in body of the report regarding the E3 zone.

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	sufficient indicators to determine the effects on ecological and scientific values outlined in the objectives of E3 Zone so it is unnecessary to include this Act in the objectives.	other considerations that would not otherwise be required by the <i>National Parks and Wildlife Act 1974</i> on any adjoining land, regardless of zoning.	
Objection to Council's universal rezoning approach for E3 properties	Submission argues that Council has employed a blanket approach to zoning, without undertaking assessment on individual sites and property scale based on merit. Submission suggests that an assessment at a site-specific scale should be carried out to fairly determine the impacts of bushfire risks on properties. Submission argues that the land zoning maps and Biodiversity maps under the LEP2013 are inconsistent with the maps in the 'Bushfire Prone Land Map and Bushfire Evacuation Risk Map'. These inconsistencies are reflected in some properties being zoned as E3 without evidence of a site base assessment and some properties being zoned residential even if they have been identified as Bushfire Prone land. Resident notes that their property (1 Kerela Avenue) has only half of the land identified as Bushfire Prone land but the whole property has been classified as E3. Resident argues that this is unfair and inconsistent Many properties identified as 'Bushfire Prone Vegetation Buffer 100m and 30m'	The methodology for identifying areas to apply the E3 is outlined in the background study, <i>Managing Bushfire Risk Now and Into the Future</i>. The criteria that was consistently applied was: 1. located within areas at extreme bushfire risk using the <i>Bushfire Risk Management Plan (BFRMP) 2010</i> (Hornsby and Ku-ring-gai Councils: 2010) as a guide: and 2. within the 10 evacuation risk zones identified by the RFS 'Bushfire Prone Land Map and Bushfire Evacuation Risk Map' that do not meet the exit criteria identified by research by Cova (2005). Not all properties within the identified bushfire evacuation risk areas are included in the E3 zone due to the fact they do not meet one or neither of these criteria. Properties identified as 'Bushfire Prone Vegetation Buffer 100m and 30m' under the 'Bushfire Prone Land Map' and 'Bushfire Evacuation Risk Map' was not a criteria, nor was land identified by the biodiversity map. The biodiversity overlay applies regardless of the zoning. Subsequent to the exhibition of the draft KLEP, further consultation was undertaken with the RFS and NSW Police regarding land zoning and evacuation issues. In addition, further assessment has also been undertaken on the application of the Cova (2005) evacuation criteria. As a result of this consultation and further assessment, there are proposed changes to the application of zoning in high risk evacuation areas. Further discussion and recommendations are included in the main body of the report. Cova, T, 2005, <i>Public safety in the urban-wildland interface: Should fire-prone communities have a maximum occupancy?</i>, Natural Hazards Review, vol. 6, No. 3, pp. 99-108	Refer to recommendations in body of the report regarding the E3 zone.

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	under the Bushfire Prone Land Map and Bushfire Evacuation Risk Map' that have not been classified as E3. Properties identified in the KLEP Biodiversity Map that have not been classified as E3		
Objection to E3 based on Council's interpretation of SEPP 5	Council has simply overlaid the SEPP 5 <i>Exclusion Areas</i> from their 'SEPP5 bushfire evacuation risk map 2004' onto the NSW RFS bushfire maps to create their 'Bushfire Prone Land Map and Bushfire Evacuation Risk Map'. Submission states that SEPP 5 is <u>only</u> a bushfire evacuation risk zone for seniors housing, retirement villages and nursing homes.	As outlined in the background study, <i>Managing Bushfire Risk Now and Into the Future</i>, the methodology for identifying areas to apply the E3 zone was not solely based on the existing SEPP 5 evacuation risk areas. The criteria used was: 1. located within areas at extreme bushfire risk using the Bushfire Risk Management Plan (BFRMP) 2010 (Hornsby and Ku-ring-gai Councils: 2010) as a guide: and 2. within the 10 evacuation risk zones identified by the RFS 'Bushfire Prone Land Map and Bushfire Evacuation Risk Map' that do not meet the exit criteria identified by research by Cova (2005). As a result of the application of the methodology, not all properties within the identified bushfire evacuation risk areas are included in the E3 zone due to the fact they do not meet one or neither of these criteria. Subsequent to the exhibition of the draft KLEP, further consultation was undertaken with the RFS and NSW Police regarding land zoning and evacuation issues. In addition, further assessment has also been undertaken on the application of the Cova (2005) evacuation criteria. As a result of this consultation and further assessment, there are proposed changes to the application of zoning in high risk evacuation areas. Further discussion and recommendations are included in the main body of the report. NB: The Bushfire Prone Land Map and Bushfire Evacuation Risk Map and the NSW RFS Bushfire maps are the same maps. The bushfire Prone Land Map and associated data is owned by the RFS and Council maintains it.	Refer to recommendations in body of the report regarding the E3 zone.

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		Cova, T, 2005, <i>Public safety in the urban-wildland interface: Should fire-prone communities have a maximum occupancy?</i> , Natural Hazards Review, vol. 6, No. 3, pp. 99-108.	
It is unclear how zoning will reduce bushfire risks	Submission argues that, although the rationale for implementing the E3 zone based on limited means of escape by road in the case of a bushfire is clear, it is not clear how E3 zoning in any way reduced the risk. Another reason could be the proximity to Lane Cove National Park, but again this does not explain how risks will be <u>reduced</u>.	The purpose of the E3 land use zoning is not to reduce the risk of bushfire themselves, but rather to minimise direct and indirect risks to life, property and the environment from bushfire events and bushfire management. This is addressed in the land use table through prohibiting uses that are incompatible with the evacuation risk during bushfire events, such as child care centres, seniors living and secondary dwellings. These forms of development provide for people who are particularly vulnerable during a bushfire event, and developments that are likely to result in more cars trying to leave the particular area during a severe or catastrophic bushfire. The background study, <i>Managing Bushfire Risk Now and Into the Future</i> (p.61) also recommends that Council: • <i>'Undertake an audit of each of the road access routes to/from evacuation risk zones</i> • <i>Investigate whether any standards of codes currently exist for such roads in other jurisdictions;</i> • <i>Prepare a code for the design and/or management of these roads as evacuation routes, and if necessary, consider preparing a program to implement any required upgrades to the evacuation routes.'</i> While, these measures would go some way to ameliorating the risk in these zones, they are largely policy and operational matters for Council and cannot be implemented via a LEP. The measures proposed under the draft LEP, however, will ensure that future development does not increase the risk.	Refer to recommendations in body of the report regarding the E3 zone.
Questioning of the use of bushfire risks by Ku-ring-	Resident objects to Council linking Bushfire Risk to the definition of E3, Ku-ring-gai is the highlights the main reason it	The history of development in Ku-ring-gai with fingers of bushland protected from development and large residential sites which support an extensive tree canopy and areas of remnant	Refer to recommendations in body of the report

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gai Council	appears is not that only council in the metropolitan area doing this.	bushland, makes it uncommon in the Sydney Metropolitan Area. Council is taking a proactive approach to both the management of its natural resources and the management of the bushfire risk resulting from these (and other) factors. The fact that council is proactive in its use of the zone for this purpose does not make it inconsistent with the standard LEP.	regarding the E3 zone
Inconsistency of the application of E3 will prevent a potential merge of Ku-ring-gai and Hornsby	Submission argues that Hornsby Council has used the E3 zone adequately following the DoP guidelines (LEP Practice Notes PN09-002 and PN11-001) to identify areas of bushland which appear to need remediation or other attention. Meanwhile, Ku-ring-gai's application of E3 zoning is inconsistent with the guidelines and is based solely on bushfire risks, which will inevitably lead to difficulties in the event of a merge of Ku-ring-gai and Hornsby Councils. Submission argues that properties in Cowan, Hornsby are also bushfire prone land, but the proposed zoning is R2. An inconsistency is evident here.	The E3 zone under the SI is intended to be applied to land where there are special ecological, scientific, cultural or aesthetic attributes or environmental hazards/processes that require careful consideration/management and for uses compatible with these values. PN 09-002 requires that Prior to applying the relevant Environmental zone, the environmental values of the land should be established, preferably on the basis of a strategy or from an environmental study developed from robust data sources and analysis. The background study, <i>Managing Bushfire Risk Now and Into the Future</i> provides the necessary evidence base and justification for the application of the zone. Council is not bound to apply any zone in the exact same manner as any other Council area. The application of the zone should be guided by the core zone objectives as well as the advice in the Practice notes published by DP&I. The application of the zone in the draft LEP with the inclusion of the local objectives is consistent with the Practice note. Further, the LEP also applies the land uses in the manner recommended in the Practice Note.	Refer to recommendations in body of the report regarding the E3 zone
Inconsistencies with the LEP Practice Note PN09-002 and PN11-002	Submission argues that Council's study '<i>Managing Bushfire Risk, Now and into the Future</i>' is a false interpretation of the Department's LEP Practice Note PN09-002. Council's bushfire study recommends that	The Department of Planning and Infrastructure's LEP Practice Note PN09-002 advises that the E3 Environmental Management zone is <i>'for land where there are special ecological, scientific, cultural or aesthetic attributes or environmental hazards/processes that require careful consideration/management and for uses compatible with</i>	Refer to recommendations in body of the report regarding the E3 zone

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	E3 zoning be applied to all bushfire prone lands within the evacuation risk areas. PN11-001 states that E3 applies to areas that demonstrate 'special' features. Submission argues that the concept of 'special' is unsustainable when applied to several hundred residential properties on the southern side of Comenarra Parkway, for example. Submission argues that a careful reading of PN09-002 and PN11-001 makes it entirely obvious that what is meant by 'environmental hazards' is hazards to the environment, not hazards to residents. In the KLEP 2013, Council is seeking to apply this zoning entirely on the basis of potential hazards to residents, and has not provided any justification for considering land that has special needs for rehabilitation, restoration and protection. PN09-002 states that Environmental zones are applied when the protection of the environmental significant of the land is of consideration. This importance should be in the form of tourism and job creation. Submission argues that the significance of the land was considered 50 years ago when it was zoned for residential purposes and the state of the environment significance has not changed since, apart from Council's extension of the Comenarra	<i>those values.'</i> The proposed use of the E3 zone is a proactive approach to both the management of natural resources and the management of the bushfire risk resulting from the historical development patterns in Ku-ring-gai. This has seen fingers of bushland protected from development and large residential sites which support an extensive tree canopy and areas of remnant bushland. The application of the zone in the draft LEP with the inclusion of the local objectives is consistent with the Practice note. Further, it also applies the land uses in the manner recommended in the Practice Note. PN 09-002 state that Councils should choose uses that do not have an adverse effect on the special values of the land. Dwelling houses are a mandatory permissible use. The Practice note also identifies additional uses that may be suitable (as permitted with consent) depending on location, Of this list the E3 zone in the DKLEP has included,: - bed and breakfast accommodation - building/identification signs and business identification signs (as exempt development) - community facilities - environmental facilities - home business, home industry and home based child care - recreation area The uses included in the E3 zone are considered to be consistent with the zone objective and maintain the integrity of the zone as required by the practice note. The Practice Note identifies a range of potential applications of	

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	Parkway, so E3 is not consistent with PN09-002 reference to the environmental significance of the land.	the E3 zone, including tourism and job creation as outlined in the submission. Council has chosen to use the zone to manage environmental risk, a permissible use of the zone. The local objectives reflect the intended use of the zone. The fact that council is proactive in its use of the zone for this purpose does not make it inconsistent with the standard LEP.	
Application of E3 zone Inconsistent with Planning White Paper	Submission states the KLEP is inconsistent with the principles outlined in the White Paper. In figure 24 of the White Paper E3 zone is clearly marked as indicative of rural areas. The 610 properties zoned E3 in South Turramurra and West Pymble are not in a rural environment. Principles 1, 4, 6, 9 and 10 of section 5.1 of the White Paper have not been satisfied.	The KLEP is an environmental planning instrument being prepared under the existing Environmental Planning and Assessment Act 1979 (EP&A Act). As such it needs to be prepared in accordance with the requirements of this legislation, including s117 Directions and the practice notes issued by the DP&I. The zoning has been justified against the relevant requirements to the satisfaction of DP&I. The planning white paper relates to a proposed new planning system and has no statutory application. It would be inappropriate and unlawful to draft an instrument in accordance with the speculations of the White Paper. It is noted that the new planning bill introduced into parliament retains all existing zones from the Standard Instrument LEP under the EP&A Act. This is contrary to the speculation in the white paper that zones would be rationalised. Once the new planning legislation, once made, will include transitional arrangements for how planning instrument prepared under the EP& Act are translated to the new planning system.	Refer to recommendations in body of the report regarding the E3 zone
Involvement of the NSW Rural Fire Service in E3 zoning	Submissions question the position of the NSW RFS to pass judgement on the proposed land zoning rationale. Interpretation of NSW Department of Planning guidelines on defining land use zones is a strictly a matter for Local and	Section 117 Directions are made under the Environmental Planning and Assessment Act. Under Direction 4.4 Planning for Bushfire Protection Council is required to consult with the NSW Rural Fire Service when preparing a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. The requirements of this direction are as follows: (1) <i>In the preparation of a planning proposal the relevant</i>	Refer to recommendations in body of the report regarding the E3 zone

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	State Governments and the RFS is not specified in any NSW Department of Planning LEP guidance documentation as a stakeholder in this process. It is therefore doubtful that the RFS would claim (or feel competent, or the need) to be across all the technicalities of interpreting NSW Department of Planning LEP guidance documentation into land zoning definitions. Council's attempt to justify its rationale for E3 zoning by submitting its report to the NSW RFS is transparently self-serving. As Ku-ring-gai is the only council attempting to link bushfire risk to land zoning, so unsurprisingly it is the only Council to have sought support of this rationale from the NSW RFS. I doubt that the NSW RFS would endorse council's recommendation for E3 zoning in isolation and suspect that the NSW RFS support was of a general nature for the document as a whole. I therefore believe Council's misrepresentation of NSW RFS support for its E3 zoning rationale is disingenuous. Council also appears to have omitted the fact that there are 7 Fire and Rescue NSW (FRNSW) Community Fire Units (CFU) within the valley, with volunteer residents trained and equipped to assist in protecting their own homes should there be a bushfire event.	<i>planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</i> (2) <i>A planning proposal must:</i> (a) <i>have regard to Planning for Bushfire Protection 2006,</i> (b) <i>introduce controls that avoid placing inappropriate developments in hazardous areas, and</i> (c) <i>ensure that bushfire hazard reduction is not prohibited within the APZ.</i> In addition to the consultation with the RFS, the application of the E3 zoning was also subject to the scrutiny of the DP&I and the LEP Panel who determine whether an LEP is satisfactory to proceed to public exhibition. If the DP&I and /or the LEP Panel were of the view that the E3 had been applied in an inappropriate manner, a Gateway would not have been issued for exhibition of the LEP. The Background Study <i>Managing Bushfire Risk Now and Into the Future</i> (p. 40) recognised the existence of the CFUs in the area. Council strongly supports this initiative. However, as has been seen in recent years, (eg 2009 Black Saturday fires in Victoria, Canberra, 2003) some fires are so severe that evacuation is the only reasonable option. The severity of some of these fires has led to a new categorisation of bushfires that now includes 'catastrophic'. For such events, it is critical that safe evacuation is possible.	

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E3 Site Specific			
	Submission by resident of 3 Stainsby Close argues that Council has misinterpreted the application of E3 zones. Resident attaches a table of inconsistencies to the zoning of his property: 1. Property has no special ecological, scientific, cultural or aesthetic values. In the Biodiversity and Riparian and study, 3 Stainsby Close is not identified as significant. 2. Land is not a transition between high conservation value land and residential land because other similar properties that also border Ku-ring-gai national Park have been zoned Residential. 3. Land is not for purpose of rehabilitation and restoration. 4. Land is not highly constrained where elements such as slope, erosion or salinity have key impacts. Submission also argues that as described in PN09-002, E3 zones are primarily intended for rural environments. PN09-002 states that 'where the primary focus is not conservation and/or management of environmental values, a different zone type should be applied.'	The Department of Planning and Infrastructure's LEP Practice Note PN09-002 advises that the E3 Environmental Management zone is <i>'for land where there are special ecological, scientific, cultural or aesthetic attributes or environmental hazards/processes that require careful consideration/management and for uses compatible with those values.'</i> The application of the zone in the draft KLEP with the inclusion of the local objectives is consistent with the Practice note. Further, it applies the land uses in the manner recommended in the Practice Note. The fact that council is proactive in its use of the zone for this purpose does not make it inconsistent with the standard LEP. The application of the E3 zoning was also subject to the scrutiny of the DP&I and the LEP Panel who determine whether an LEP is satisfactory to proceed to public exhibition. If the DP&I and /or the LEP Panel were of the view that the E3 had been applied in an inappropriate manner, a Gateway would not have been issued for exhibition of the LEP.	Refer to recommendations in body of the report regarding the E3 zone

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	The primary focus of 3 Stainsby Close and all other E3 and E4 properties is residential, thus the correct zone should be R2		
Fox Valley Road Community Consultation for rezoning to E3 and E4 Community Consultation prior to rezoning to E3 and E4	Council has not been clear and open. Information was insufficient and unclear to some residents. Request that Council should explain in detail specific written reasons for the rezoning as required by the terms of the Draft KLEP, to allow residents to understand the impacts and articulate their concerns. Residents highlighted that they had no notification by mail about the draft Plan. The Fox Valley Community was not notified concerning the rezoning and proper consultation as encouraged under the EPA Act has not been carried out. Local residents are concerned about the rights of a relatively small group of people to make such a decision about the uses of the land ratepayers have invested in. Many residents only became aware of the Draft LEP through their neighbours. The E3 and E4 zonings affect the rights of homeowners in the area, and therefore residents should be able to voice their opinion.	The rationale for rezoning to E3 and E4 was provided in the supporting documentation during the exhibition, the background studies: <i>Managing Bushfire Risk, Now and Into the Future</i> and <i>Ku-ring-gai Biodiversity and Riparian Lands Study</i>. In addition, both of these background studies were publicly exhibited in their own right over a year ago. Additional explanatory information has also been available on Council's website since the commencement of the exhibition period. Notification for the current Draft KLEP 2013 exhibition included a letter of notification sent to affected residents advising of them of the exhibition and advertisements in the local newspaper. All exhibition materials were available to view on the Council's website and at the main Council Chambers building in Gordon. The draft KLEP and supporting and explanatory material were on exhibition from 25 March 2013 to 6 May 2013. The draft KLEP exhibition materials are still available to view and download on Council's website	Refer to recommendations in body of the report regarding the E3 zone Refer to recommendations in body of the report regarding the E3 zone

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Objection to E3 zoning in Fox Valley	Submission seeks to know if all submissions have been tabulated and addressed and by whom. Resident would like to know how and if Council intends to address and satisfy the concerns of Fox Valley residents.	All submissions are summarised and responded to in this and the associated tables attached to the Council report. Main issues and recommendations are included in the main body of the report. Councillors are also provided a copy of all submission for their consideration when making their decisions on the KLEP.	No change recommended
	The qualifications, credentials and professional experience of Mr Andrew Watson Director of Strategy and Environment and the relevant Council officers responsible for the LEP are questioned. The submission seeks to understand the motivations of Mr Watson and staff in being objective and to operate in the interests of Fox Valley residents. Mr Watson's political alliances are questioned and asked to be made public. Along with any donations made to the Greens should be made known as this is a conflict of interest, any other undisclosed interests should be addressed. The resident asks if any Council officers are environmental activists and do any belong to an environmental conservation group or give donations to such a group. Does Council intend to exclude those who have a conflict of interest in the proposal from the final decision making?	These matters are not relevant to the LEP. Nevertheless, details of Mr Watson's qualifications and professional experience are available on Council's website and all senior planning staff are required to submit annual disclosure of interest returns in accordance with section 449 of the <i>Local Government Act 1993</i> and Part 8 of the <i>Local Government (General) Regulation 2005</i>. These disclosures are tabled at a meeting of the council and kept on a register by the General Manager and accessible to the public.	No change recommended
	The submission feels the rezoning puts the environment over people. Council does not have the power to invoke such a mandate over the community without an election to seek such a mandate, due to	The draft LEP is being prepared in accordance with the statutory requirements of the <i>Environmental Planning and Assessment Act 1979</i>. Council's decision making on the LEP is governed by the <i>Local</i>	No change recommended

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	this it is ethically right to call for an election and the resident would like to know if Council will do this? The submission requests that Council inform residents as to their legal rights against Council. If the proposed LEP goes through then the resident seeks the community to ask Council to resign together with the Council officers responsible for the proposal. As Council no longer has the trust of its residents. The submission questions Councils right to devalue a personal investment. The submitter feels strongly that the rezoning will result on negative outcomes and attitude to the environment as a result of diminished house prices. Due to this large impact Councils justification is sought for the position taken. The intersection of Fox Valley Road and the Comenarra Parkway is dangerous and highly prone to accidents. A slip road turning right into Fox Valley road off the Comenarra Parkway would be simple and inexpensive solution, Turn left after stopping signs would also alleviate some risk	<i>Government Act 1993.</i> It is not Council's responsibility to provide legal advice to residents. There is no requirement under <i>the Environmental Planning and Assessment Act 1979</i> to undertake the financial impact of zoning decisions. Rather, zoning is based on achieving identified planning and environmental outcomes. The intersection of Fox Valley Road and The Comenarra Parkway will be upgraded as part of the redevelopment of the Sydney Adventist Hospital Site. This upgrade is to cater for the additional traffic generated by the expansion of the hospital. The choke point of only one exit from area to the south of The Comenarra Parkway will not be alleviated by an intersection upgrade.	No change recommended No change recommended
Classification of E3 on Valley Park Crescent does not make planning sense	Submission highlights Valley Park Crescent is an already developed area, it is not a wildlife corridor, it is not a conservation zone and it does not have any ecological significance. The area is already subject to bushfire zone	The E3 zoning is intended to ensure that evacuation risks during a severe or catastrophic bushfire event are not increased. It also applies to some sites adjoining National Parks. The zoning applies whether or not the site has any intrinsic natural environmental values.	Refer to recommendations in body of the report regarding the E3 zone

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	restrictions. Hence E3 is not needed.		
Permissibility of existing specifications for E3 rezoned land	Residents are concerned that, in case of extensive damage to property, rebuilding would not be able to be done following existing specifications, which currently do not follow the E3 requirements. Submissions ask if there assurance that rebuilding to present specifications would be permissible in the unlikely event of extensive damage.	The E3 zone permits residential development and will permit development of the same size as properties zoned R2 for properties up to 1500 sqm and only a minor reduction in FSR on lots over 1500sqm. Should extensive damage occur, the same FSR would still apply. Dwelling houses in the bushfire prone lands would be required to comply with <i>Planning for Bushfire Protection 2006</i>, whether they are located within an R2 or an E3 zone. Dwelling houses are by far the most common existing and future use in both the R2 and the E3 zones. However, certain developments permitted in the R2 zone, such as schools, child care centres and secondary dwellings would not be permitted in E3 zones. If an existing development was now prohibited under the E3 zone (eg secondary dwelling) and extensively damaged, existing use provisions in the Environmental Planning and Assessment Act may be used to replace the development. Again, <i>Planning for Bushfire Protection</i> requirements would apply, in the same way as if someone were to demolish and replace a secondary dwelling on bushfire prone land in the R2 zone.	Refer to recommendations in body of the report regarding the E3 zone
Safety and Risks – Fox Valley Rd	Resident feels that as the street and surrounding area is no longer residential the essential services that provided by council, maintenance of trees over power lines, storm water drains and bin collection will no longer function although they will continue to pay their rates. The resident feels they are being downgraded because they are no longer under a residential zoning and that the zoning helps maintain the services to the area.	Zoning does not dictate services, it controls land uses. The E3 zoning allows for residential development. A change in zoning is not tied to a reduction in services. These two functions of council run independently of each other. The change in zoning is not proposing to remove essential services such as bin collection.	Refer to recommendations in body of the report regarding the E3 zone
Maintenance – Fox Valley water	Submission highlights that nobody looked at the environmental impact of having many litres of treated water run off down	This is not a matter of consideration in the DKLEP 2013. This incident was the responsibility of Sydney Water.	No change recommended.

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	the pipes and into the small bush allotment under our property. The local wildlife population was swept downstream into further parts of Fox Valley.		
Objection to E3 based on quality of roads	Submission argues that evacuation options in North Turramurra /Wahroonga are better than other areas within Ku-ring-gai which have not been zoned E3 and have had residential losses during this period. Example Booraba Rd Lindfield. Resident is able to drive to the San Hospital in Fox Valley in 2 minutes and walk from home to the San Hospital in 7 minutes.	Comment noted. Upon examination of the area surrounding Booraba Road there are at least 97 properties to a single exit road being Bradfield Road after the Carramar side road (which joins to other streets). The <i>Managing Bushfire Risks – Background Study</i> discusses research by Cova (2005) which recommends a max of 50 households for 1 access road. Although this area has been identified as a high evacuation risk zone it has not been referred to in the 10 zones identified as exceeding the number of exits. Following the exhibition of the DLEP and in response to submissions, a full reassessment has been undertaken on the application of the Cova (2005) evacuation criteria. As a result of this further assessment, there are proposed changes to the application of zoning in high risk evacuation areas. Further discussion and recommendations are included in the main body of the report. A resident may be able to access essential facilities or exit a high evacuation risk area in a number of minutes in normal conditions; however in hazardous conditions such as a major fire event, experiences have shown that conditions are smoky, windy, hot and dark. In these conditions narrow streets can become clogged and chaotic as residents try to evacuate, emergency services try to access around parked cars and potential fallen trees etc. creating road blocks and increasing the risk of accidents. Areas around hospitals are critical for access purposes during emergencies. Cova, T, 2005, <i>Public safety in the urban-wildland interface: Should fire-prone communities have a maximum occupancy?</i>, Natural Hazards Review, vol. 6, No. 3, pp. 99-108.	Refer to recommendations in body of the report regarding the E3 zone
Need to construct	Part of the contribution funds from all	As part of the Concept Approval the Wahroonga Estate	No change

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alternative escape routes for E3 zoning	development that is taking place north of The Comenarra be used to upgrade the south side of Fox Valley Road (instead of the E3 rezoning). Given that more escape routes can be constructed and emergency gated roads are provided, E3 zoning is unnecessary. The change in zoning will have a high cost to property value and to the resident than building more escape routes. It would seem more reasonable to build better escape routes instead. 'Kiogle Lane' from behind the shops onto the Comenara Pkwy could disperse residents/ vehicles that side of The Broadway, allowing personnel to use the latter as emergency (normal) entry, together with CFU volunteers returning home to assist and defend homes. A 'Fox Valley Lane' gated at the end of Fox Valley Rd. to Wongalee / Beltana & another from Beltana to Morona would	development are required to undertake a number of intersection and road upgrades including the upgrading of the Fox Valley Road/ Comenarra Parkway intersection and the widening of Fox Valley Road. Future development on the site will also be required to pay development contributions for works identified in Council's contributions land. Road works in the area referred to in the submission are not included in Council's existing Contributions Plan. Any contributions must be included in the Development Contributions plan in order to be collected. In order for the upgrade to take place development would need to occur in the Fox Valley area, as the LEP is not encouraging any increased densities this is unlikely to occur. Areas where additional roads can be built are restricted by the landscape. Creating new roads through bushland will not necessarily negate the risks unless large tracts of open space are maintained either side. While it is unlikely that additional roads could be provided, the consideration of physical impediments along roads and road surface quality should be a high priority. Caution should be exercised using narrow laneways unless clear directional access is utilised and standards for emergency vehicle access can be met.	recommended. No change recommended

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	allow more access in & out for personnel & residents during emergencies only. If the barrier was removed from the car park behind the Fox Valley Shops a further exit could be provided into the Comenarra Parkway. Submission notes some road widening, extensions and opening of fire trails to the public as escape routes. In addition to this, the submission notes that the land shown as Fox Valley Road on the original Council sub division plans and the land is still owned by council.	The section of fire trail referred to within this submission includes a 12m rise in 70m run here, and the 6m rise over 20m run from Kalang to Eurong. The steepness of these areas may explain why the roads weren't connected when they were constructed originally. This would not be a viable option as an escape route for a residential area, for use in smoky condition. Even if constructed this road would not qualify as another exit, as the pinch point would still remain with the single exit at the intersection of Fox Valley Road and the Comenarra Parkway.	No change recommended
Objection to the suggestion of extending Fox Valley Road as a bushfire exit point	Submission objects to any suggestion of extending Fox Valley Road as an exit point. Submission suggests that a better exit point would be an extension to Eurong Street, but even this one is unnecessary, as Talgai is adequate.	These roads do not qualify as another exit, as the pinch point would still remain with the single exit at the intersection of Fox Valley Road and the Comenarra Parkway.	No change recommended
Contradiction between Fire Hazard provisions and Environmental Management provisions for rezoning of Fox Valley Area to E3	Submissions argue against apparent avoidance of its responsibilities to assist Fox Valley to mitigate bushfire and evacuation risk. It appears that by rezoning Fox Valley to E3, council on the one hand indicates Fox Valley to have the worst bushfire and evacuation risk but does not seem willing	In Ku-ring-gai, it is not uncommon for environmental values to occur on sites that are bushfire prone. In other words, these issues currently co-exist. It is therefore important that Council identify these up front for landowners, so that any tension between them can be resolved early in the design phase.	Refer to recommendations in body of the report regarding the E3 zone

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	to in mitigating this risk Submission argues that the Fire Hazard provisions and Environmental Management provisions are contradictory of each other and cannot reasonably co-exist. Restricted land uses and/or minimum depth could be applied across sites that contain lands within 55m of the hazard, identified as Category 1 and 2 '<i>Vegetation in the Bushfire Prone Lands Map</i>.' Thus if a property in Fox Valley is within 55 metres of bush land, Council may reject a development proposal on this basis.	Many applications in the past have addressed bushfire risk without consideration of the effects on the vegetation or habitat, or they have proposed to retain or plant vegetation that is not compatible with the bushfire risk. The outcome of both types of applications is the need for significant amendments late in the process, resulting in both increased time and costs to the landowner/developer and to council. By addressing this upfront Council is seeking to alleviate this tension. The use of zones such as the E3 and E4 zones, the increase in minimum lot size and lot depth, and the natural resource overlays, are designed to encourage future development to consider these issues in an integrated way. The DCP will provide more guidance here. The minimum lot size and lot depth controls only apply to the future subdivision of land. They will not prevent existing lots being developed for any use that is permissible in the zone. e.g. dwellings houses.	No change recommended No change recommended
Moona Parade and Kiogle Street, Wahroonga	Submission questions why Moona Parade and Kiogle Street have been zoned R2 while the rest of the neighbourhood has been zoned E3. Submission argues that it is unfair and unjustified to have a patch of R2 surrounded by E3 and E2.	As outlined in the background study, Managing Bushfire Risk Now and Into the Future, the methodology for identifying areas to apply the E3 zone was: 1. <i>located within areas at extreme bushfire risk using the Bushfire Risk Management Plan (BFRMP) 2010 (Hornsby Ku-ring-gai BFMC, 2010) as a guide: and</i> 2. <i>within the 10 evacuation risk zones identified by the RFS 'Bushfire Prone Land Map and Bushfire Evacuation Risk Map' that do not meet the exit criteria identified by research by Cova (2005).</i> As a result of the application of the methodology, not all properties within the identified bushfire evacuation risk areas are included in the E3 zone due to the fact they do not meet one or neither of these criteria.	Refer to recommendations in body of the report regarding the E3 zone

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		Subsequent to the exhibition of the draft KLEP, further consultation was undertaken with the RFS and NSW Police regarding land zoning and evacuation issues. In addition, further assessment has also been undertaken on the application of the Cova (2005) evacuation criteria. As a result of this consultation and further assessment, there are proposed changes to the application of zoning in high risk evacuation areas. Further discussion and recommendations regarding the application of the E3 zone in Fox Valley and other areas are included in the main body of the report. Cova, T, 2005, <i>Public safety in the urban-wildland interface: Should fire-prone communities have a maximum occupancy?</i>, Natural Hazards Review, vol. 6, No. 3, pp. 99-108. HKBFMC, 2010. <i>Bush Fire Risk Management Plan</i>, Hornsby/ Ku-ring-gai Bush Fire Management Committee and Bush Fire Coordinating Committee.	
Objection to the classification of the Fox Valley area as Bushfire Prone Area.	Submissions argue against the apparent 'Inconsistent Application of E3 zoning': Submission argues that Ku-ring-gai Council is the only Sydney Metropolitan Council to base the proposed E3 zoning primarily on bushfire-related risks, specifically evacuation criteria. Council has determined that only Fox Valley and its immediate environs are to be zoned E3 out of all council areas bordering the Lane Cove Valley. Many other areas bordering Lane Cove National Park, such as the ones in Willoughby Council, have experienced similar or much greater threat from bushfires and do not have controls as tight as E3.	The standard LEP provides for four environmental zones. Of these, the Department of Planning and Infrastructure's LEP Practice Note PN09-002 advises that the E3 Environmental Management zone is <i>'for land where there are special ecological, scientific, cultural or aesthetic attributes or environmental hazards/processes that require careful consideration/management and for uses compatible with those values.'</i> Council is not bound to apply any zone in the exact same manner as any other Council area. The application of the zone should be guided by the core zone objectives as well as the advice in the Practice notes published by DP&I. The application of the zone in the draft LEP with the inclusion of the local objectives is consistent with the Practice note. Further, it also applies the land uses in the manner recommended in the Practice Note. A number of other councils have used the E3 zoning to address	Refer to recommendations in body of the report regarding the E3 zone

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	Submission is concerned that Fox Valley has been singled out an inappropriate and unfair use of criteria, in comparison to other similar suburbs with bushfire risks. The zoning is not necessary On these criteria the following areas which are also rated A1 Extreme bush fire risk and have similar length single exit roads to Fox Valley should also be zoned E3: • South Turramurra is twice the area of Fox Valley but most of it has been zoned R2; it has only two exists to the Comenarra Parkway. The exit via Maxwell Street does not have traffic lights, which makes evacuation difficult. • Bowen, Ashburton and Koombalah Avenues in South Turramurra (East) • Bradfield Road at West Lindfield has only one exit and properties in this area have been damaged by bushfire in recent years, but it was zoned R2. • Winchester and Cole Roads, West Lindfield Gloucester Avenue in West Pymble (Pymble South).	environmental risk, eg: • Albury – risks associated with landfill • Corowa – flood risk • Dubbo – saline risks • Fairfield – acid sulphate soil risk Manly – pollution risk to foreshore. The methodology for identifying areas to apply the E3 has been consistently applied as outlined in the background study, <i>Managing Bushfire Risk Now and Into the Future</i>, The criteria that was consistently applied was: 1. located within areas at extreme bushfire risk using the Bushfire Risk Management Plan (BFRMP) 2010 (BFMC, 2010) as a guide: and 2. within the 10 evacuation risk zones identified by the RFS 'Bushfire Prone Land Map and Bushfire Evacuation Risk Map' that do not meet the exit criteria identified by research by Cova (2005). The classification is based on the number of houses to exits rather than just the length of the access exit road itself. The ability of an exit to act as a sufficient evacuation route is largely dependent on its capacity above other things not just the risk rating. Following the exhibition of the DLEP and in response to submissions, a full reassessment has been undertaken on the application of the Cova (2005) evacuation criteria. This has resulted in additional areas being deemed to meet the criteria including Bowen and Ashburton Avenues in South Turramurra, Bradfield Road at West Lindfield and Gloucester Avenue in West Pymble. As a result of this further assessment, there are proposed changes to the application of zoning in high risk evacuation	Refer to recommendations in body of the report regarding the E3 zone

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	- Robin Avenue, Geoffrey Street and Eden Avenue - Other areas in South Turramurra, West Lindfield and West Pymble Streets in Wahroonga on the western side of Lovers Jump Creek are not E3, although they are adjacent to bushland.	areas. Further discussion and recommendations are included in the main body of the report Some of the streets given as examples in the submission are classified E4 rather than E3 (eg. Winchester Avenue) or outside of evacuation risk areas (e.g. areas north of Havelock St in South Turramurra). E4 areas are outside of evacuation risk areas but are still classified bush fire prone under the Bush Fire Prone Land Map and Bush Fire Risk Management Plan. This means they may still be at extreme risk from fire but the evacuation risk (capacity) is not as restricted. Other hazard reduction works that are undertaken by Council, fire agencies or other land managers eg. National Parks are a priority for all areas listed as extreme risk. Any proposed development within a bush fire prone area regardless of whether they are E3 or E4 will still have to comply with construction standards outlined in Planning for Bushfire Protection and AS3959-2009. E4 zones still have restrictions on lot size and a designated minimum lot depth for sites within 55 metres of bushfire prone vegetation. <i>Cova, T, 2005, Public safety in the urban-wildland interface: Should fire-prone communities have a maximum occupancy?, Natural Hazards Review, vol. 6, No. 3, pp. 99-108.</i>	
Objection to E3 zoning on Jordan Road / Terrell Ave	Jordan Rd/Terrell Ave is shown on both sides as E3 yet the street runs from North to South on a South East facing slope and as such is not exposed to a fire risk. Bushfire risk is less serious in because egress is available east west and north.	Risk is based on number of houses to exit roads. High intensity fires can be highly unpredictable. Even though the general direction of a fire under bad fire conditions is North West, when a large fire under extreme conditions burns in a gully system the topography causes turbulence and the winds can be highly erratic. Ku-ring-gai tends to experience strong Southerly wind changes at times of the day when fire conditions are worst pushing the fire rapidly up a south facing slope	Refer to recommendations in body of the report regarding the E3 zone
Objection to E3 for Browns Road	Residential zoning seems more consistent for this area, because it has appropriate	A resident may be able to exit a high evacuation risk area in a number of minutes in normal conditions; however in hazardous	Refer to recommendations in

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based on evacuation capability	evacuation routes. Properties farthest from an exit on Browns Road are no more than 500 meters from exit. Some (80 and 83 Browns Road) are less than 150 meters from an exit onto Comenara Parkway, which meets with Fox Valley Road and hence, other escape routes Browns road has been used by the Fire Services as an observation point to Pennant Hills Park due to its easy access, good visibility and low traffic and there has never been a fire close to Browns road. This area should remain R2.	conditions such as a major fire event, experiences have shown that conditions are smoky, windy, hot and dark. In these conditions narrow streets can become clogged and chaotic as residents try to evacuate, emergency services try to access around parked cars and potential fallen trees etc. creating road blocks and increasing the risk of accidents. Areas around hospitals are critical for access purposes during emergencies.	body of the report regarding the E3 zone
Bushfire Prevention under E3 - South Wahroonga	Submissions raise concerns about the safety of residents in E3 zones, should the LEP proceed as it is. It is argued that priorities of rehabilitating vegetation over residential protection of homes from bushfires. Rather than the residential objective in place for 40 years. Resulting in increased fuel loads that will put residents at risk. Residents situated around Bradley reserve and Robert Menzies Park strongly object to the rezoning of properties from Residential to Environment Management (E3). Submission by residents of 9 Yanilla Avenue states that the dominant character of the area should have precedence in zoning. This character is residential, not the natural environment.	The main use of the E3 zone is for sites that contain bushfire prone vegetation and are located within a high bushfire risk evacuation zone as outlined in the background study: <i>Managing Bushfire Risk Now and in the Future</i>. In some locations there are also reasons related to the protection of biodiversity in these areas – especially where sites are adjacent to conservation reserves. The zone objectives reflect both of these aims. The inclusion of a site in the E3 zone will mean that the design of development, (eg dwelling houses), will need to consider how the various objectives can be met in an integrated way. It does not prohibit development. Rather it encourages applicants to look at all the site constraints in a holistic way. Applicants have in the past, frequently addressed bushfire risk without consideration of the effects on the vegetation, or proposed to retain or plant vegetation that is not compatible with the bushfire risk. This wastes valuable time and resources for both Council and the applicant. Note that the DCP will provide more guidance in how to integrate both environmental management and bushfire risk. Volume B of the Local Centres DCP provides examples of such guidance,- eg maintaining low fuel loads in asset protection zones through the design and	Refer to recommendations in body of the report regarding the E3 zone

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		location of landscaping with trees shrubs and groundcovers, or the management of remnant areas to minimise the risk. Far from the claim that the zone and subdivision requirements put vegetation over the safety of lives or property, the E3 zone is in fact designed to ensure that the safety of residents and their homes during bushfire is paramount. This is addressed in the land use table through prohibiting uses that are incompatible with the evacuation risk during bushfire events, such as child care centres, seniors living and secondary dwellings. In other words, developments that provide for people who are particularly vulnerable during a bushfire event, and developments that are likely to result in more cars trying to leave the particular area during a severe or catastrophic bushfire. The reduction in the subdivision potential of some sites is also designed to minimise the increase in the number of cars trying to leave the area during a major bushfire. All E3 areas are within the highest risk bushfire risk evacuation areas – areas where the number of road exits from the bushfire risk area is inadequate in the event of a bushfire of a magnitude where most residents choose to evacuate. The Background Study considered each of these risk areas. Note that the larger minimum subdivision size applies to all lots, regardless of zoning, within these evacuation risk areas. The minimum lot depth requirement is designed to ensure that where subdivision takes place, an adequate space for asset protection (a 'defendable space') can be provided between the dwelling and the hazard without destroying important habitat.	
Suggestion for a different rezoning method for the Fox Valley Area	Submissions argue that council can add a local objective to the R2 zone to preclude certain types of development from areas with the same bushfire risk rating as they are currently using to determine their proposed E3 zones. Then 'Fox Valley can	Under the NSW State Government's standard template Council cannot permit uses in one part of an R2 zone, and prohibit them in another, no matter what objectives are included. The only way to provide for a different set of land uses is to apply a different zone.	No change recommended.

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	have the planning restrictions it wants without having to resort to an environmental zoning synonymous with bushfire risk.' Fox Valley residents can be protected from inappropriate development while retaining their R2 Residential zoning In the 'Core Zone Objectives' section of the <u>Preparing LEPs using the Standard Instrument: standard zones PN 11-002</u> document the NSW Department of Planning states that councils can: <i>"Prepare additional local objectives to supplement core objectives where appropriate, provided that these are not inconsistent with the core objectives and mandated land uses, and do not conflict with any relevant State or regional planning guidance. Any additional local objectives will appear below the core objectives for each zone in the council's LEP."</i> Accordingly, Council could consider adding local objectives to existing R2 zone and still be able to achieve bushfire management and biodiversity protection objectives	It is agreed that Council can include local objectives to a land use zone. Indeed the E3 Environmental Management zone used in the draft KLEP included a local objective relating to risk during a bushfire. However, all zones also include a specific list of land uses that are permitted, and those that are prohibited. The Department's Practice Note on the E zones, PN 09-002 (p. 7/10) states that: <i>'It is important that council maintain the integrity of the E zones by including only uses consistent with the zone objectives.'</i> Experience in the Land and Environment Court shows that the court takes the view that if the use is permissible in the zone, it is only the design of the particular development that should be considered. In other words, there is a presumption in favour of the use, where it is permitted in the zone. Making it inappropriate to include objectives based on bushfire risk in the more general residential zones.	
E3 North Turramurra			
Support to	Submission by North Turramurra Action	As outlined in the background study, <i>Managing Bushfire Risk</i>	Refer to

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applying E3 to the whole of North Turramurra	Group notes that the whole of North Turramurra was identified as an evacuation risk zone in council's Managing Bushfire Risk, Now and into the Future. Therefore, the whole of North Turramurra should be zoned E3, including the areas that are currently identified as R2 in the draft KLEP. The R2 properties in North Turramurra would allow child care centres, hospitals (etc), therefore it would be prudent to zone the whole of North Turramurra as E3. NTAG notes that houses along Ellalong Road, Burnley Avenue and Bedford Avenue are zoned R2. Consistent with the crosshatched area identified on previous fire maps, the entire peninsula north of Killeaton St and Burns Road should be zoned E3. Submission states that the parts of North Turramurra zoned R2 should be zoned E3 to make it fair. Under the R2 zoning child care centres and respite day care can be built. It is vital to prevent any difficulty in evacuation due to an increase in population and vulnerable groups lower down the peninsula.	<i>Now and Into the Future</i>, the methodology for identifying areas to apply the E3 zone was not solely based on the existing SEPP 5 evacuation risk areas. As a result of the application of the methodology, not all properties within the identified bushfire evacuation risk areas are included in the E3 zone due to the fact they do not meet one or neither of these criteria. Subsequent to the exhibition of the draft KLEP, further consultation was undertaken with the RFS and NSW Police regarding land zoning and evacuation issues. In addition, further assessment has also been undertaken on the application of the Cova (2005) evacuation criteria. As a result of this consultation and further assessment, there are proposed changes to the application of zoning in high risk evacuation areas. Further discussion and recommendations are included in the main body of the report. Cova, T, 2005, <i>Public safety in the urban-wildland interface: Should fire-prone communities have a maximum occupancy?</i>, Natural Hazards Review, vol. 6, No. 3, pp. 99-108.	recommendations in body of the report regarding the E3 zone
Home design under the E3 requirements 306 Bobbin head Road	North Turramurra - Bobbin Head Road north of Burns Road resident concerns: The requirement for a minimum property size of 1500 square meters to prevent bushfire-related issues is not consistent	The concept of urban consolidation seeks to increase the density of development close to facilities, services and transport. North Turramurra does not satisfy these criteria. The Background Study: <i>Managing Bushfire Risk, Now and Into the Future</i> identified North Turramurra as an area of extremely high evacuation risk during a major bushfire event. The study	No change recommended.

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	with the concept of creating more homes closer together using good design.	identified that this area already contains around 890 households more than the recommended number given the number of exits available during such a fire (see Appendix D of the Study). Capping the residential density of this area to prevent further exacerbation of this risk requires measures to prevent further subdivision or additional dwellings.	
311 Bobbin Head Road, North Turramurra	Owners object to the rezoning of their property to R2 as they do not believe the acceptable permissible uses on R2 properties are satisfactory. If council were to rezone their property they also object to being rezoned E3. If rezoned they would require notification and time to review the limitations and make a submission.	The proposed uses in the R2 Low density residential zone are consistent with the land uses currently permissible in the 2 (c) residential zone under the KPSO. Subsequent to the exhibition of the draft KLEP, further consultation was undertaken with the RFS and NSW Police regarding land zoning and evacuation issues. In addition, further assessment has also been undertaken on the application of the Cova (2005) evacuation criteria. As a result of this consultation and further assessment, there are proposed changes to the application of zoning in high risk evacuation areas. Further discussion and recommendations regarding the application of the E3 zone in North Turramurra and other areas are included in the main body of the report. Where zoning changes are proposed, a further public exhibition will be undertaken to allow community input. Cova, T, 2005, <i>Public safety in the urban-wildland interface: Should fire-prone communities have a maximum occupancy?</i>, Natural Hazards Review, vol. 6, No. 3, pp. 99-108.	Refer to recommendations in body of the report regarding the E3 zone
Consideration of different ways to prevent Bushfire North Turramurra - Bobbin Head Road north of Burns Road	Submission is concerned that North Turramurra must be penalised by being subject to size and FSR controls under E3 zoning only for the households at The Landings and other development further down in the bush area to be able to evacuate in case of bushfire.	The North Turramurra area has a number of existing vulnerable land uses, including aged care, seniors housing, hospital and school. The risk to occupants and users of these facilities <i>and</i> the residents of single dwellings, should be minimised. While it agreed in hindsight by various agencies and the community, that some development types, and levels of density in these areas are unsuitable, prior approvals (e.g. by the Land and Environment Court) made at a time when there were few	No change recommended.

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	Submissions argue that this is a problem that the council should have had in mind before allowing development in this area. These developments are on the front line of the bush fire danger zone. These developments in fact ensure that North Turramurra's fire risk is now negligible. As high attention has to be paid to fire prevention around these developments. Where the rest of North Turramurra which is further south, (away from the most probable fire starting point in the bush to the north) is now well protected.	controls in relation to the minimisation of risks during a bushfire. Show the need for controls to ensure appropriate development. Due to the increased knowledge and likely increased risks from a changing climate it would be irresponsible to continue allowing inappropriate development. The E3 zoning controls are applied to all areas identified as high bushfire evacuation risk zones. They are designed to prohibit further uses that are incompatible with the evacuation risk (but not necessarily to directly aid the evacuation procedures of existing facilities themselves). In the event of a major fire, facilities such as The Landings have predefined evacuation plans that are centred on evacuating residents either early or into a centrally located building within the grounds of the site, therefore reducing the contribution to egress issues along Bobbin Head Road. Subsequent to the exhibition of the draft KLEP, further consultation was undertaken with the RFS and NSW Police regarding land zoning and evacuation issues. In addition, further assessment has also been undertaken on the application of the Cova (2005) evacuation criteria. As a result of this consultation and further assessment, there are proposed changes to the application of zoning in high risk evacuation areas. Further discussion and recommendations regarding the application of the E3 zone in North Turramurra and other areas are included in the main body of the report. Cova, T, 2005, <i>Public safety in the urban-wildland interface: Should fire-prone communities have a maximum occupancy?</i>, Natural Hazards Review, vol. 6, No. 3, pp. 99-108.	
	Thinning of the canopy and creating a fire break along the national park, which could become a bicycle and walking track, are proper solutions to bushfire risks. Allowing	Management of the National Park is a matter for the <i>Office of Environment and Heritage</i>. While there are some locations where firebreaks are incorporated, it is important to recognise that the risks associated with a development should be borne by	No change recommended

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	people in this area to thin the canopy for safety reasons is also a must. The council should spend money on infrastructure, better manage the bushland and reconsider the density of the tree cover instead of putting restrictions on FSR or land classification.	the developer. It is unreasonable to expect Council or the State Government to take on the management of risk caused by a private development. Having said this, it is recognised that historical approvals by both levels of government have resulted in the current level of risk. It is agreed that residents do need to be able to manage the risk on their own sites. This is allowed for under clause 5.11 of the draft LEP and through the Rural Fires Act. In many locations in Ku-ring-gai asset protection zone works cannot be achieved in bushland due to standards limiting mechanical works on slopes over 18°. Once slopes exceed 18° the fire rate of spread negates standard asset protection zone widths. Therefore defendable space may only be able to be achieved on private land. The standards and zone objectives for proposed E3 lands seek to ensure that development is designed to allow adequate defendable space to enable the protection of the dwelling, while ensuring that any other site values (such as ecological values) are taken into account.	
Extension of Bobbin Head Road	Submission argues that the problem of bushfire in North Turrumurra should not be addressed through E3 zoning. Instead, providing 3 lanes as a minimum to Bobbin Head Road and removing the physical impediments constructed along Bobbin Head Road would be the solution to improve evacuation in case of bushfire.	The background study, <i>Managing Bushfire Risk Now and Into the Future</i> (p.61) also recommends that Council: • 'Undertake an audit of each of the road access routes to/from evacuation risk zones • Investigate whether any standards of codes currently exist for such roads in other jurisdictions; • Prepare a code for the design and/or management of these roads as evacuation routes, and if necessary, consider preparing a program to implement any required upgrades to the evacuation routes.' While it is unlikely 3 lanes could be provided, the consideration of physical impediments along this road should be a high priority	No change recommended

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		in the above. These measures would go some way to ameliorating the risk in these areas and are a matter for Council's Operation and Delivery Plan. The measures proposed under the draft LEP will ensure that future development does not increase the risk.	
E3 zone inconsistencies. Zoning additional lots E3	Submission notes that houses along Ellalong Road, Burnley Ave and Bedford Ave are showing as R2 when they should definitely be zoned E3 as they are within the 100 metre vegetation buffer. They are also in the extreme zone on Hornsby Ku-ring-gai Bushfire Risk Management maps.	This distance from a vegetation buffer is not the criteria for E3 zoning. Please see <i>Planning for Bushfire Risk Now and Into the Future</i> for rationale on E3 zoning.	No change recommended
Dual Occupancy should not be allowed in North Turramurra	Even though SEPP 53 has been repealed, dual occupancy should not be allowed in North Turramurra or on Lot 31. As per the recommendations of the Victorian Bushfire Commission, Rural Fire Service, S117 Directions and SEPP 53 it would be totally inappropriate to allow dual occupancy, which would increase the number of residents on the site and in the suburb of North Turramurra.	Dual occupancy is not permitted in the draft LEP, in R2 low density or environmental zones used in North Turramurra.	No change recommended
59 Miowera Road, North Turramurra (Lot 31 DP3002) - County Open space	Submissions are against any attempt to redevelop 59 Miowera Road previously owned by NSW Girl Guides Association. Submission has conveyed that the county open space portion should have never been sold. The property be zoned E2 and acquired by council as an important natural bushland	The most environmentally significant portion of the site is currently zoned as County Open Space under the KPSO and is proposed to be zoned E2- Environmental Conservation. This portion of the site has also been identified on the Land Reservation Acquisition Map as reserved for regional open space for future acquisition by the State Government. This reservation has the concurrence of the state Governments Office of Strategic Lands. This portion of the site cannot be redeveloped.	No change recommended

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	and riparian corridor. It is a significant area of bush that forms part of the natural corridor along Cowan Creek. This reserve joins Ku-ring-gai National Park. Submission highlights the council's Biodiversity and Riparian Lands Study asserts that the land should be bought by council and preserved as natural heritage for the community. This would be consistent with objectives of SEPP 19 – Bushland in Urban Area.	The remainder of the site is currently zoned Residential 2(c) under the KPSO and is proposed to be zoned E3, consistent with other residential land in bushfire evacuation risk areas in north Turramurra. The E3 zoning is accompanied by an increased minimum lot size from 929sqm to 1500sqm. This accompanied with the application of the biodiversity and riparian provisions is considered to provide sufficient safeguards and will facilitate appropriate future residential development on the site. The Biodiversity and Riparian Lands Study does not include any reference to compensation in relation to E2 zoning of private lands. SEPP 19 will apply regardless of the zoning applicable to that land.	
Support for the E3 zoning of 59 Miowera Road, North Turramurra (Lot 31 DP3002)	Submissions state that the property should be zoned E3 as it directly borders the bush and is in the red zone on bushfire prone mapping and extreme zone on Hornsby Ku-ring-gai Bushfire Risk Management maps. Submission supports minimum lot depths for subdivisions in bushfire prone areas such as 31 Miowera Rd.	The site is proposed to be part zoned E3 Environmental management and part zoned E2- Environmental Conservation. While the E3 zone is being reviewed, E2 zone and the development standards regarding lots size, building height and FSR are recommended to be retained. Further discussion and recommendations regarding the E3 zone are included in the main body of the report.	Refer to recommendations in body of the report regarding the E3 zone
Request by Guides NSW/ACT to rezone the Glengarry property	The Girl Guides Association currently owns Lot 323 which contains Girl Guides State training facilities and camping and Lot 324, which is a bushland property. Submission in behalf of Girl Guides NSW/ACT seeks the inclusion of the whole of Glengarry property lot 323 to be zoned RE2. Currently it is zoned part RE2	The land owned by the Girl Guide Association at Glengarry consists of 4 lots: - Lot 864, DP 704563; Lot 322 DP752031; Lot 324 DP752031 which are proposed to be zoned E2 – Environmental Conservation; and - Lot 323 DP752031 which is proposed part E3 Environmental management and Part RE2 private recreation. The support for the E2 zoning is noted.	It is recommended that the zoning applying to Lot 323 DP752031 (Glengarry) be amended so that the whole lot is zoned RE2 – Private recreation.

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	and part E3. Dwelling houses are permitted under E3, but not recreation facilities. This is inconsistent with the current land use, and should be amended. Submission seeks to be able to have high ropes courses and environmental education in lot 324, which is zoned E2. Could there be an amendment to E2 for lot 324 to allow environmental education?	In regard to lot 323, it is currently zoned part Residential 2(c) and part Recreation 6(a) KPSO. The proposed zoning split in the draft KLEP reflects the zoning split under the KPSO. It is acknowledged that the E3 zone would prevent any future expansion of recreational uses on the site. The RE2 zoning would better facilitate the ongoing use of the site for its current purposes and is therefore supported. ‘Environmental facilities’ are a use permissible with consent in the E2 Environmental Management zone. An “<i>environmental facility</i>” is defined as ‘a building or place that provides for the <u>recreational use or scientific study of natural systems</u>, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.’ The recreation and educational uses described in the submission that the Girl Guide Association wish to undertake in the E2 zoned portion of the site would satisfy the definition of environmental facility and therefore would be permissible.	
Objection to the RE2 zoning for land owned by Girl Guides NSW (Glengarry State Training Centre)	This should be zoned E2 which is consistent with surrounding land. There is a high biodiversity value here and it should be protected Submission highlights laser skirmish at the girls guides. This activity is harmful to the bush and should not be allowed. If the change in zoning goes ahead there is no way to stop these activities.	Only one of the 4 lots (Lot 323 DP752031 - 8.1ha) that make up the Girl Guides NSW site Glengarry is proposed to be zoned RE2 Private recreation. The remaining three lots (23.1ha) are to be zoned E2 Environmental Conservation. The RE2 zone applying to lot 323 recognises the ongoing recreational uses on the site and private ownership. The permissible uses are consistent with existing recreation 6(a) zone. The biodiversity overlay and associated provisions will continue to apply to the site, regardless of the zoning and future development on the site will need to consider areas of biodiversity significance on the site. The application of the E2 Environmental protection to Lot 323	No Change recommended

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		will overly restrict uses on this privately owned site and such may invoke the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>, forcing Council to acquire the land. Girl Guides NSW accept and support the E2 zoning applying to the remainder of their land at Glengarry.	
Site specific issue with E3 Zoning - 430 Bobbin Head Road	The resident is concerned with the E3 zoning. Resident thinks that Council has incorrectly zoned this land. Owners of property have requested review for 36 years. All surrounding lands have been subdivided and residents of this property haven't been able to. Resident appeals to be allowed to submit a D/A for subdivision under a R1 zoning between endorsement and Gazettal as an act of good faith by council.	The site at 430 Bobbin Head Road is currently zoned Residential 2(g), which is a large lot residential zone and also applies to land on the opposite side of Bobbin Head Road. The current 2(g) zoning on the site is an anomaly in that the site area is only 1834sqm, while the 2(g) zone has a minimum lot size of 10,000sqm (1ha). The draft KLEP seeks to rectify this irregularity by zoning the land consistent with the adjoining residential land, i.e. E3. It should be noted that the application of the E3 zone in North Turramurra and other areas has been reviewed. Further discussion and recommendations are included in the main body of the report. There is no provision under the EP&A Act to permit the submission of a development application under a zone unless it applies to the site gazetted or draft environmental planning instrument. While it is noted that the zoning irregularity has been in place for some time, the owner has not been prevented from submitting a rezoning application during that time to allow the subdivision of the land.	Refer to recommendations in body of the report regarding the E3 zone
Request to include 402 Bobbin Head Road, North Turramurra in 'Additional Permitted uses'	Submission requests the inclusion of its existing use as seniors housing in Schedule 1, 'Additional Permitted Uses'. This will allow for submission of a development application to replace the existing out dated facility and also bring about compliance with Planning for	The site at 402 Bobbin Head Road is currently zoned Special Uses 5(a) (Aged Persons Home) under the KPSO and is proposed to be zoned E3 Environmental Management under the KLEP. The intent of the E3 zone is to restrict any further intensification of development within bushfire evacuation risk areas, particularly	No change recommended

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	Bushfire Protection 2006.	Special Fire Protection Purpose (SFPP) developments containing vulnerable people such as retirement villages. This is particularly the case in North Turramurra, where there is a particularly high concentration of existing aged care facilities. By including seniors housing as an additional permitted use on the site under Schedule 1 of the KLEP, it would potentially allow the redevelopment of the site at a more intense level and with an increased vulnerable population then currently exists. This would be inconsistent with the objectives and intent of the E3 zone and potentially create an undesirable precedence for other existing seniors housing developments in North Turramurra. As noted in the submission, the E3 zoning will not prevent the ongoing use of the site for seniors housing due to existing use rights provisions under the EP&A Act. This means that a development application can be lodged to upgrade or replace the existing facility at 402 Bobbin Head Road, or any other existing facility, so long as it does not result in a more intensive use of the site. Such an outcome would be consistent with the zone objectives.	
E3 North Wahroonga			
Density of Boundary Road on Grosvenor Rd and Chunooma Rd, North Wahroonga	Submission highlights the issue of density in causing potential evacuation problems for the area. The submission suggests that consideration should be given to limiting density along the entire area. Submissions suggest that the whole of Chunooma Road should be zoned E3 instead of just the upper section. The lower half of the road not zoned E3 will suffer from the density of the upper half of Chunooma Road especially because of	The methodology for identifying areas to apply the E3 has been consistently applied as outlined in the background study, <i>Managing Bushfire Risk Now and Into the Future</i>, The criteria that was consistently applied was: 1. <i>located within areas at extreme bushfire risk using the Bushfire Risk Management Plan (BFRMP) 2010 (Hornsby Ku-ring-gai BPMC, 2010) as a guide: and</i> 2. <i>within the 10 evacuation risk zones identified by the RFS 'Bushfire Prone Land Map and Bushfire Evacuation Risk Map' that do not meet the exit criteria identified by research by Cova (2005).</i> As a result of the application of the methodology, not all	Refer to recommendations in body of the report regarding the E3 zone

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	the topography present. Problem such as increased water flow due to increased concrete and impervious surfaces higher up the road will heavily impact the property.	properties within the identified bushfire evacuation risk areas are included in the E3 zone due to the fact they do not meet one or neither of these criteria. Subsequent to the exhibition of the draft KLEP, further consultation was undertaken with the RFS and NSW Police regarding land zoning and evacuation issues. In addition, further assessment has also been undertaken on the application of the Cova (2005) evacuation criteria. As a result of this consultation and further assessment, there are proposed changes to the application of zoning in high risk evacuation areas. Further discussion and recommendations regarding the E3 zone are included in the main body of the report. Consistent application of the E3 zone along Chunooma Road will ensure that all lots are subject to the same development regulations. Cova, T, 2005, <i>Public safety in the urban-wildland interface: Should fire-prone communities have a maximum occupancy?</i>, Natural Hazards Review, vol. 6, No. 3, pp. 99-108. HKBPMC, 2010. <i>Bush Fire Risk Management Plan</i>, Hornsby/ Ku-ring-gai Bush Fire Management Committee and Bush Fire Coordinating Committee.	
SAN Hospital and E3 zoning	Submission states that E3 would be acceptable if it protects against inappropriate development. Sydney Adventist Hospital has been permitted to undertake a large rebuilding and expansion. How does this relate to the restrictions placed on development due to bush fire risk? Submission notes that protection against this sort of development can be ensured without the E3 zoning and that, doctors' offices may be permitted under the 'Permitted with consent' definition within	<i>For response to zoning concerns identified for the specified properties refer to Site Specific - Interface table.</i> The SAN hospital redevelopment was identified as a State Significant Site under <i>State Environmental Planning Policy (Major Development) 2005</i>. It has also been issued a Concept Approval by the Department of Planning and Infrastructure (DP&I) under the former Part 3A of the <i>Environmental Planning And Assessment Act 1979</i> (EP&A Act) As required by DP&I, the DKLEP 2013 directly translates the zoning and provisions of the SEPP (Major Development). Future development on the site cannot be inconsistent with the requirements of Concept Approval.	No change recommended

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	the Zone E3 definition. SAN high density zoning will result in excessive development and overpopulation for this suburban area, remote from the Ku-ring-gai Town Centres. Submission highlights that this will cause gridlock conditions on the already choked Fox Valley road. This should be changed to a low or medium density residential zoning. Submission questions if the increased size of the SAN hospital complex is an excuse for trying to rezone Fox Valley to E3.		
Addition of 'Environmental Protection Works' to permitted without consent in the E3 zone	This submission prepared by Defence Housing Australia questions why 'Environmental Protection Works' is not a land use permitted without consent in the E3 zone. Part IIID of the KPSO this land use does not require consent. This submission has particular emphasis on the site 100 Eton Road, Lindfield. This site was rezoned under the Major Development SEPP, submission requests that status quo be retained. If Council does not want to apply this arrangement, submission suggests that 'environmental protection works' is added as a site-specific permissible use without consent in Schedule 1.	It is acknowledged that the inclusion of 'environmental protection works' as permissible with consent in the E3 zone under the KLEP is inconsistent with the E3 zone applying to the former UTS Campus Lindfield site under Part IIID of the KPSO and original Major Development SEPP. This inconsistency should be amended.	Recommended to amend the land use table for the E3 Environment Management zone to include ' <i>environmental protection works</i> ' as permissible without consent

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57-59 Boundary Street, Wahroonga – the Religious Society of Friends	Submission would like to draw council's attention to the common garden that sits astride the boundary between the two properties. This may conflict with the objective of E4 zone 'ensure development does not result in further fragmentation of ecological communities, biodiversity corridors or other significant vegetation.	The existence of vegetation and riparian areas have resulted in both the riparian and connectivity values of these properties being identified within the proposed riparian and biodiversity mapping as part of the LEP. Future development within these sites would need to consider constraints of the onsite biodiversity and riparian values and LEP mapping. Both sites currently contain a residential dwelling and as such E4 is believed to be the most appropriate zoning.	No change recommended.
Questioning of zoning boundary in Roland Avenue	The submission objects to the zoning of E3 placed on their site. They believe it will devalue their land and prevent future sale of property. Submission questions the zoning boundary placed at the high side of Roland Avenue between properties zoned E3 and R2. Five properties on the high side of Roland Avenue are zoned E3 (103, 101, 99, 87, 95) and the rest of the high side of Roland Avenue is zoned R2.	Following the exhibition of the DLEP and in response to submissions and further consultation with RFS and Police, a full reassessment has been undertaken on the application of the Cova (2005) evacuation criteria. As a result of this further assessment, the evacuation risk area in the vicinity of Campbell Drive and Roland Avenue no longer satisfies the evacuation risk criteria. As a result there are proposed changes to the application of zoning in this area. Further discussion and recommendations for the zoning of this precinct are included in the main body of the report. Cova, T, 2005, <i>Public safety in the urban-wildland interface: Should fire-prone communities have a maximum occupancy?</i>, Natural Hazards Review, vol. 6, No. 3, pp. 99-108.	Refer to recommendations in body of the report regarding the E3 zone
Fauna and Flora Assessment for Reclassification of Lot 5/512700 to E4	Address: 28A Duff Street, TURRAMURRA Submission has a detailed Flora and Fauna Assessment of significance Report attached. This property has been proposed to be rezoned as E4 (Environmental Living). Recent flora and fauna assessment as part of Development Application	A site inspection was undertaken on 15/08/2013 to review on ground vegetation. It was determined that the site contains remnant canopy considered to form BGHF under the TSC Act (species include <i>Eucalyptus pilularis</i> and <i>Eucalyptus saligna</i>). Scattered understory species also known to occur within BGHF, including <i>Dianella caerulea</i> var <i>caerulea</i>, <i>Dianella longifolia</i> var <i>longifolia</i> and <i>Pomax umbellata</i>, also occur on site. Modifications to vegetation mapping within and surrounding the site were made to remove areas of non-native vegetation. Thereby modifying the extent of the biodiversity overlay	No change recommended to zoning. Contraction to the extent of BGHF within the area have resulted in contractions to the biodiversity overlay within and adjoining 28A Duff Street.

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	(DA0065/13) has determined that it is no longer representative of Blue Gum High Forest. Submission would like to see this property zoned as R2 similar to neighbouring properties.	mapping. Vegetation within this site provides support for BGHF within the neighbouring Granny Springs Natural Area and is surrounded by remnant vegetation (mapped as Category 2) adjoining most boundaries. For the reasons above E4 is still proposed within this site.	
Blackburn Reserve (Blackburn St with Cambourne Ave)	Submission asks Council to extend the zoning to the park at the end of Blackburn St, creating a dog park and a fire break.	The existing park is currently reserve open space, and the adjacent bushland is currently county open space. The park is owned by Council with proposed to be zoned RE1 Public Recreation zoning. The reserve to the rear is owned by Department of Environment and Conservation and proposed to be zoned E1 National Parks and Nature Reserves. The ongoing control and management of the site will be the responsibility of the National Parks and Wildlife Service, not Council.	No change recommended
Objection to E3 zoning of 51 Wentworth Avenue, Killara and surrounding properties	Submission argues that the property is less susceptible to bushfire spread as the pocket of bushland is to the south of the property and not to the north, which has more risk given winds coming from the north. There is a category 1 Riparian Land at the rear of the property, which is usually humid and would stop the fire spreading. The evacuation routes of properties 23-52 Wentworth Avenue are the same as the ones for properties on Wentworth Road zoned R2. The distance from 51 Wentworth Avenue	Risk is based on number of houses to exit roads during a high intensity fire. High intensity fires can be highly unpredictable. Even though the general direction of a fire under bad fire conditions is North West, when a large fire under extreme conditions burns in a gully system the topography causes turbulence and the winds can be highly erratic. Ku-ring-gai experiences strong Southerly wind changes at times of the day when fire conditions are worst. This can then push the fire rapidly up a south facing slope. As outlined in the background study, Managing Bushfire Risk Now and Into the Future, the methodology for identifying areas to apply the E3 zone was: 1. located within areas at extreme bushfire risk using the Bushfire Risk Management Plan (BFRMP) 2010 (Hornsby Ku-ring-gai BPMC, 2010) as a guide: and	Refer to recommendations in body of the report regarding the E3 zone

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	to escape routes is shorter than the one for properties along Truscott Place, Eastgate Avenue, Roper Place, Fairlight, Monash avenue and Salisbury Avenue. In comparison with other properties zoned R2, it is unfair to zone the Wentworth Avenue area as E3. Properties on Wentworth Avenue are less vulnerable than properties on Collette Place in terms of exit routes.	2. within the 10 evacuation risk zones identified by the RFS 'Bushfire Prone Land Map and Bushfire Evacuation Risk Map' that do not meet the exit criteria identified by research by Cova (2005). As a result of the application of the methodology, not all properties within the identified bushfire evacuation risk areas are included in the E3 zone due to the fact they do not meet one or neither of these criteria. Properties along Truscott Place, Eastgate Avenue, Roper Place, Fairlight, Monash avenue and Salisbury Avenue are not within the RFS identified evacuation risk zones and therefore do not fall within the criteria used in the background study. Subsequent to the exhibition of the draft KLEP, further consultation was undertaken with the RFS and NSW Police regarding land zoning and evacuation issues. In addition, further assessment has also been undertaken on the application of the Cova (2005) evacuation criteria. As a result of this consultation and further assessment, there are proposed changes to the application of zoning in high risk evacuation areas. Further discussion and recommendations regarding the application of the E3 zone in East Killara and other areas are included in the main body of the report. <i>Cova, T, 2005, Public safety in the urban-wildland interface: Should fire-prone communities have a maximum occupancy?, Natural Hazards Review, vol. 6, No. 3, pp. 99-108.</i>	
Objection to E3 – 43 Koola Ave, East Killara	Submission objects to the rezoning of his property due to the following The land does not back into bushland and is no closer than 7,9,11,15,17 Koola Ave which are zoned R2. 39, 37 Birdwood Road is backed into bushland is also to be zoned R2	As outlined in the background study, Managing Bushfire Risk Now and Into the Future, the methodology for identifying areas to apply the E3 zone was: - located within areas at extreme bushfire risk using the Bushfire Risk Management Plan (BFRMP) 2010 (Hornsby Ku-ring-gai BPMC, 2010) as a guide: and - within the 10 evacuation risk zones identified by the RFS 'Bushfire Prone Land Map and Bushfire Evacuation Risk Map' that do not meet the exit criteria identified by research	Refer to recommendations in body of the report regarding the E3 zone

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	Submission asserts that this seems to be discriminatory to the owner of this property and in fact the property marked as RE1 next to 28 Koola ave is a fenced managed property and would not be classed as "Bushland" today although it may have been in the past. The rezoning process should be paused to allow more time for public discussion and advice.	by Cova (2005). As a result of the application of the methodology, not all properties within the identified bushfire evacuation risk areas are included in the E3 zone due to the fact they do not meet one or neither of these criteria. The property at 43 Koola Avenue satisfies both criteria in that it is identified as extreme bushfire risk under the BFRMP and does not meet the exit criteria. The properties at 15 and 17 Koola Avenue, although do not meet the exit criteria, are not identified as extreme bushfire risk under the BFRMP. The other properties identified in the submission in Koola Avenue and Birdwood Avenue are not within the RFS bushfire evacuation risk area. As a result of this consultation and further assessment, there are proposed changes to the application of zoning in high risk evacuation areas. Further discussion and recommendations regarding the application of the E3 zone in East Killara and other areas are included in the main body of the report. It is proposed that further community consultation be undertaken on the proposed changes. Cova, T, 2005, <i>Public safety in the urban-wildland interface: Should fire-prone communities have a maximum occupancy?</i>, Natural Hazards Review, vol. 6, No. 3, pp. 99-108.	
Objection to zoning inconsistencies 1 The Broadway, Wahroonga	Resident of 1 The Broadway asks why two adjoining streets are residential and his not. Submission states the zoning of East Killara E3 and west Killara/West Lindfield R2 is a reckless indifference and should there be any loss of life the Council may	As outlined in the background study, Managing Bushfire Risk Now and Into the Future, the methodology for identifying areas to apply the E3 zone was: - located within areas at extreme bushfire risk using the Bushfire Risk Management Plan (BFRMP) 2010 (Hornsby Ku-ring-gai BFMC, 2010) as a guide: and - within the 10 evacuation risk zones identified by the RFS 'Bushfire Prone Land Map and Bushfire Evacuation Risk	Refer to recommendations in body of the report regarding the E3 zone

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	face legal action.	Map' that do not meet the exit criteria identified by research by Cova (2005). As a result of the application of the methodology, not all properties within the identified bushfire evacuation risk areas are included in the E3 zone due to the fact they do not meet one or neither of these criteria. As a result of submissions and further consultation and further assessment, there are proposed changes to the application of zoning in high risk evacuation areas. Further discussion and recommendations regarding the application of the E3 zone in East Killara and other areas such as West Lindfield are included in the main body of the report. It is proposed that further community consultation be undertaken on the proposed changes. Cova, T, 2005, <i>Public safety in the urban-wildland interface: Should fire-prone communities have a maximum occupancy?</i>, Natural Hazards Review, vol. 6, No. 3, pp. 99-108.	
4 Gwydir Ave, North Turramurra. Decrease Lot size	Submission asks if the minimum lot size (map LSZ-005) for the property and surrounding properties is U2 - 1500m ² . Is this correct? If so, none of the blocks in this area would comply? Would T - 930m ² be more appropriate?	The property is located in the E3 zone where the minimum lot size is 1500sqm. The reason for this is to minimise lot subdivision into smaller blocks and hence limit population in the E3 area deemed to be high bushfire evacuation risk. The provision only applies to the creation of new lots. The lot size does not affect existing lots that are less than 1500sqm.	No change recommended
119,121 & 123 Junction Lane, Wahroonga Lot size	These properties have lot size U2 1500 square metres. U1 is more appropriate due to their lot size of 1245m ² . The frontage of these blocks is approximately 28 m and their depth 45 m. If with the same frontage, they were 150m ² then their depth would be a further 8.6m more than they currently are. Submission notes that subdivision is not an option. It would be unfair to treat these blocks as if they were 1500m ² . The correct course of	The properties are located in the E4 zone where the minimum lot size is 1500sqm. The reason for the lot size is to minimise lot subdivision into smaller blocks and hence limit the damage to any ecological value on the land. The provision only applies to the creation of new lots. It does not affect existing lots that are less than 1500sqm.	No change recommended

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	action is to treat them as U1 (1200m2).		

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E3 Property Value			
Property Value impacts of E3 and E4	Residents are concerned that the value of their property and land will be negatively impacted due to the change in zoning. Smaller lot size for subdivision, FSR, reduced permitted uses and restrictions on alterations and additions reduces a potential buyer's freedom and therefore value of the land. Buyer will be advised of the zoning, its underlying meaning and restrictions and will be unwilling to invest in it. Submission states that The Minister for Planning and Infrastructure said that the NSW Government will act to ensure the rights of existing landowners are protected. Residents made a conscious decision about the purchase of their properties and it is wrong of Council to change the zoning after residents have made the purchase. The zoning is a down zoning and has the potential to reduce property values without proven reduction in bushfire risk. The restrictions and objectives under the E3 zone will result in loss of property value and sale potential. Submission suggests that there is no justification for the devaluing of properties. The re-zoning to E3 is in fact downzoning	While there are some changes in permitted land uses and stricter subdivision controls, the development potential of the vast majority of properties (i.e properties under 1500sqm) will not be affected. As such there is unlikely to be any significantly affect the value or resale potential of the land. The main permitted land use in both the KPSO low density residential zones and the draft KLEP E3 Environmental Management zone is dwelling houses. In both cases, community facilities, demolition, home occupations, recreation areas, subdivision and 'exempt development' are permitted. If the recommendations outlined in the report are adopted, the development capacity in the land in the E3 zones under the Draft KLEP will be aligned with the E4 zone. As such, the maximum FSR for land zoned E3 for lots up to 1500m2 is the same as for lots zoned R2, while the FSR for sites over 1500m2 is reduced but again on a sliding scale. This will still enable large dwellings on large lots and would therefore still permit single dwellings in a similar way to the existing local land use plan, the KPSO Some larger sites may no longer be able to be subdivided due to increased lot size or lot depth which may result in a reduction of their current value. However, this is not due to the zoning itself, this is due to a change in development standards for minimum lot size to 1500sqm. This standard applies to land in range of zonings including E3, E4 and R2. As a result of submissions and further consultation and further assessment of evacuation risk, there are proposed changes to the application of zoning in high risk evacuation areas. Further discussion and recommendations regarding the application of the E3 zone are included in the main body of the report. It is	Refer to recommendations in body of the report regarding the E3 zone

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	and will affect property values because restrictions will have an effect on the rights of property owners It is unfair to zone some parts of sector 11 as E3 and some as R2 because this affects the value of the lands zoned E3 A Value Impacts/ economic analysis study should be made public in regards to the effect of the environmental zoning (E3 and E4) across the whole LGA. The study should also consider overall costs to residents of the change to an E3 zoning, versus the cost of alternative options to remediate risk. Residents propose that some form of compensation to be provided by council is given to properties which will be devalued by the new zoning. Submission states that legal action will be taken to recover any value changes. Submission states that this is like introducing a retrospective tax. The E3 clarification on Council's website is disingenuous because there is no evidence to the statement that E3 will not affect the resale potential of the land. The link between E3 and bushfire risks will inevitably reduce the value of properties in	proposed that further community consultation be undertaken on the proposed changes. There is no requirement under <i>the Environmental Planning and Assessment Act 1979</i> to undertake an economic analysis of zoning decisions. Rather, zoning is based on achieving identified planning and environmental outcomes. Planning is based on the principle that over time there are changes in local (and broader) areas, in local communities and in broader community expectations, knowledge and values that justify the need for change, some of which may have financial implications (positive or negative). There are no provisions under the <i>Environmental Planning and Assessment Act 1979</i> that requires Council to compensate landowners where rezoning results in lower land values, just as landowners do not pay council where rezoning results in higher land values. Issues of downzoning are covered by the Section 117 directions under the EP&A Act. The proposed E3 zoning was reviewed by the Department of Planning and Infrastructure prior to the issuing of a gateway, which was satisfied that it is consistent with the Section 117 directions, in particular Direction 3.1 Residential Zones. The application of the E3 zoning does not affect the bushfire risk of any land. Bushfire risk is assessed and determined under the	Refer to recommendations in body of the report regarding the E3 zone Refer to recommendations in

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	Fox Valley. Submissions object to the rezoning to E3 because 'E3 zoning in Ku-ring-gai is uniquely and primarily based on bushfire risks and as such will have an impact on the resale value of homes' specifically homes in Fox Valley. The rational for the zoning is bushfire risk and evacuation; this may deter buyers and cause them to look elsewhere. The naming of the zone also has a negative connotation for buyers. This link to bushfire risk could increase insurance premiums and ability to attain house insurance. This is an extra expense to residents that Council has created and will impact on resale value and wiliness to buy effected properties.	<i>Rural Fires Act 1997</i> and identified on the <i>Bushfire Prone Land Map and Bushfire Evacuation Risk Map</i>'. The zoning in an LEP does override of affect the application of the provisions of the <i>Rural Fires Act 1997</i>. The E3 zone will not place any more onerous requirements for residential, location, design, construction and materials then already required under Planning for Bushfire Protection 2006 in any other zone.	body of the report regarding the E3 zone
Property Value arguments against rezoning to E3	Council, by using the Environmental Zoning approach, is declaring a priority over environmental management and thus creating the perception that dwelling houses are not welcome. In turn, this affects the property values of properties. If council wants the land for environmental purposes they should purchase the land at the currently zoned (highest and best use) residential rates.	The E3 zoning is not a purely environmental zoning, the main land use allowed is still residential. Far from the claim that the zone and subdivision requirements put vegetation over the safety of lives or property, the E3 zone is in fact designed to ensure that the safety of residents and their homes during bushfire is paramount. The ability to have stand-alone single dwelling houses on decent sized lots will not be reduced by the E3 zone. The objectives do not prevent this sort of development in any way. Rather, they ensure that matters such as bushfire risk and biodiversity values are considered up front when designing a development – rather than an applicant finding that these matters need to be addressed when they are well down the design path, as is too often the case now.	Refer to recommendations in body of the report regarding the E3 zone

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Inconsistencies in the LEP2013 E3 Frequently Asked Questions (FAQ)	Submission finds the statements in the FAQ document that 'rezoning changes are unlikely to significantly affect the resale potential of land' and that 'the planning proposal is largely a translation of the KPSO' to be unsupported statements. Especially when the Planning Minister has already acknowledged in a media release (20 September, 2012) that E3 in the North Coast NSW would ultimately devalue rural land. If the transition from rural to environmental will be detrimental, the transition from residential to environmental would be more so.	The value of land is not determined by the name of the zone alone. Rather land value is determined by permissible land uses and development standards applying to that land, principally FSR and minimum lot size. The maximum FSR for land zoned E3 for lots up to 1500m ² is the same as for lots zoned R2, while the FSR for sites over 1500m ² is reduced but again on a sliding scale. This will still enable large dwellings on large lots and would therefore still permit single dwellings in a similar way to the existing local land use plan, the KPSO and therefore have little impact on the real value or resale potential of land. The Ministers comments as quoted in the submission was referring to one potential application of the E3 environmental zoning as applied to rural land. Council has used the zone for a different purpose (to mitigate bushfire evacuation risk) and thus the comment is not relevant to this LEP.	Refer to recommendations in body of the report regarding the E3 zone

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E3 Development Standards			
FSR in relation to E3 – Environmental Management Zone	A number of submissions raised concerns that the E3 zone under the new KLEP has a FSR of 0.2:1, a large reduction from 0.3:1 under the KPSO. This reduction and should be amended. Many existing houses would exceed the proposed maximum FSR and lot size. In the event of property damage, the proposed FSR of 0.2:1 would make it impossible for owners to rebuild an adequately sized house and rendering useable land useless Submissions highlight that Council has already identified an error in Clause 4.4 and how it relates to proposed E3 Zone. Residents were advised that Clause 4.4 (2C) has been drafted incorrectly and that it should also include the same provisions for land in Zone E3 (Environmental Management) as it does for land in Zone E4 (Environmental Living). The residents ask that this be changed so as not to disadvantage small property owners.	The floor space ratio (FSR) map for all sites proposed to be zoned E3 Environmental Management is shown as an FSR of 0.2:1. This map relates to Clause 4.4 in the written instrument. Clause 4.4(2) provides that the maximum floor space is set by the map. The following clauses set out further detail which overrides the FSR on the map in certain circumstances. Subclause 4.4 (2C) provides for a maximum FSR for land zoned E4 on a sliding scale, such that the FSR for lots up to 1500m² is the same as for lots zoned R2, while the FSR for sites over 1500m² is reduced but again on a sliding scale. This will still enable large dwellings on large lots. The E3 Environmental Management Zone was inadvertently omitted from subclause 4.4(2C). The main objectives of the E3 zone relate to risk reduction during a bushfire event, and the protection of the environment, in particular, reserves adjoining private property. Neither of these objectives would be compromised by adopting the same sliding scale FSR as is applied to the E4 zone for properties in the E3 zone under the draft KLEP. If the recommendations outlined in the report are adopted, the development capacity in the land in the E3 zones under the Draft KLEP will be aligned with the E4 zone. This would negate the need for the inclusion of the E3 zone in Clause 4.4(2C), as discussed above.	No change recommended.
Support for revision to Clause 4.4 (2C) to include E3	Resident supports the clarification regarding E3 Environmental Management zone document issued by Council. Submission supports the floor space ratios	Support noted. If the recommendations outlined in the report are adopted, the development capacity in the land in the E3 zones under the Draft KLEP will be aligned with the E4 zone. This would negate the need for the inclusion of the E3 zone in Clause 4.4(2C), as discussed above.	No change recommended.

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	as exhibited for North Turramurra, including Lot 31, as explained in the Clarification Regarding E3 Environmental Management Zone document with E3 included in Clause 4.4, the floor space ratios are exactly as they currently are in DCP 38, except for being slightly less for large blocks over 1500sq m.		
Relation between Minimum lot size and FSR for E3 Zoning	Submissions point out that the lot size map sets a minimum lot size of 1500 sqm for E3. Many lots especially in North Turramurra are smaller than this.	The minimum lot size of 1500m ² only applies where a subdivision is proposed. Unlike the KPSO, this lot size is not required under the draft LEP in order for a new dwelling to be built on the lot. It has no relevance to proposals to build new or alter existing single dwellings on existing sites.	No change recommended.
	A FSR of 0.2:1 would not match the existing lot sizes (most of which are under 1500 sqm).	Under the current KPSO controls the minimum lot size in low density residential areas is 790/839/929m ² (depending on the zone), therefore a lot of at least 1580m ² would be required to permit the lot to be subdivided into 2 x 790m ² lots. If one of the resultant lots were to be a battleaxe allotment (likely in most cases) the original lot would need to be bigger again.	No change recommended.
	A great number of lots zoned E3 are lots of less than 1000 sqm. What does this mean for owners of existing lots?	Therefore the minimum lot size will not impact existing smaller lots which would not be permitted to subdivide under the current regime.	
	Residents of 306 Bobbin Head Road North Turramurra object to the 0.2 FSR because it does not take into consideration property sizes. This FSR would only allow a dwelling of 287 square meters including a double garage. A battleaxe block of this size throughout Ku-ring-gai would normally have a large 2 storey 4 to 5 bedroom house. This property has a larger lower	As stated above, the FSR of 0.2:1 shown on the FSR map is overridden for the E4 zone by the Written Instrument Clause 4.4(2C) and it is recommended that the E3 zone be added to this clause. The resultant permitted FSR and GFA is identical to the FSR permitted in the R2 Low Density Residential zone. It is only for large sites over 1500sqm that the FSR is reduced, and then only on a sliding scale. A very large house can still be built on a very large lot.	No change recommended.

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	section below the cliff face is an open space bush fire buffer towards the adjacent bush. The lowering the floor space ratio (FSR) to 0.2 does not address the problem of bush fire safety. Restrictive measures for the E3 zone outlined in the KLEP 2013 are so restrictive on size as FSR that their property stands to be devalued to the extent of being unsaleable.		
Property Sizes under E3 Rezoning	The submission questions the plausibility of a house being built on a site given the constraints outlined in the KLEP. Residents argue that they consider this site as a long term retirement investment for either a later sale or development. Residents ask: To protect us from the detriment of E3 zoning, do we need to lodge a development application to build a dwelling on this site at the existing FSR of approximately 0.318? Submission asks Council to provide the date and time deadline for the D.A. lodgement before this Draft KLEP 2013 becomes law.	Neither the FSR nor the E3 zoning would prevent the construction of a new 2 storey dwelling on a vacant E3 site. Any new dwelling on bushfire prone land would need to comply with the requirements of <i>Planning for Bushfire Protection 2006</i>, for instance any requirements in relation to setbacks from the hazard, landscape management requirements or particular construction materials. This is true regardless of which zone the site is located within. As outlined above the FSR for this site is recommended to be the same as under the current controls for low density residential development, and consistent with the proposed FSR for the R2 zone. The Department of Planning and Infrastructure requires that Council submit the plan to them in time for gazettal in December this year. The actual time of gazettal is unknown.	Refer to recommendations in body of the report regarding the E3 zone
Suggestions for Clause 4.1 – Minimum subdivision lot size	Clause 4.1 should include an objective that relates to its use in bushfire prone areas. It could be consistent with Clause 4.2 and read – “to ensure that lot sizes	The objective to Clause 4.1 could include a reference to protection from hazards. This could be achieved by amending objective a) in Clause 4.1(1) to add the phrase: ‘and <i>minimise risk to life and property from environmental hazards, including</i>	It is recommended that objective a) in Clause 4.1(1) be amended to add the

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	minimize risk to life and property from bushfire events and resulting evacuation measures” Clause 4.1 appears to further reduce the ability of the resident to subdivide their land, resulting in less land being available for population growth as stated in State policies. Resident argues that this puts the environment over the residents.	<i>bushfire’.</i> The KLEP 2013 does not seek to accommodate increased residential densities in response to State government growth policies. Council’s housing targets have already been achieved through previous planning instruments including the recently made KLEP (Local centres) 2012. One of the aims and intended outcomes of KLEP 2013 is ‘<i>to manage risks to the community and the environment in areas subject to natural hazards and risks</i>’. Clause 4.1A is consistent with this aim. The minimum lot size is intended to affect large lots which may (if there are no substantial constraints) be subdivided under the KPSO. This is consistent with a key intent of the E3 zone, namely to limit the density within these zones to protect the lives of residents evacuating during a bushfire event.	phrase ‘and <i>minimise risk to life and property from environmental hazards, including bushfire.</i>’ No change recommended.
Objection to Clause 4.1A	Clause 4.1A completely overlooks and fails to mention the 2 critical points in preventing bushfire from putting lives and property at risk. It is argued that this clause should mention that the cause of the risk in the bushland and that mitigation work is essential to reduce the risk. It should also mention that adequate setbacks and asset protection zones in the bushland are essential.	Where possible on all new lots/ developments, asset protection zones should always be incorporated on the land forming the new lot/ development. Neither the RFS nor a Council has the power to impose an APZ on an adjoining landowner (see <i>Planning for Bushfire Protection</i>). Some exceptional circumstances may apply eg. Trade-offs for higher construction standards. Bushfire mitigation works will continue as managed by the district Bush Fire Management Committee. This committee is a collection of land managers, fire agencies and infrastructure providers who work together to undertake coordinated multi-agency treatments to reduce bushfire risks to assets. Treatments include asset protection zone maintenance on public	No change recommended.

E3 Development Standards

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		bushland, fire trail maintenance, hazard reduction burning and community education. Each year Ku-ring-gai Council manages a 44km network of fire trails, 24.5 km of asset protection zones and in 2013/14 21 hazard reduction burns and 5 community education events. Hazard reduction is extremely resource intensive and there may be limitations in undertaking further works i.e. Mechanical works are not permitted under Rural Fire Service legislation on slopes over 18°. In light of changing weather conditions further limiting hazard reduction opportunities, these land use changes are proposed in addition to existing works that will continue to assist risk reduction.	
Support for Clause 4.1A	Support for the use of clause 4.1A in the Written Instrument and the exhibited mapping of the minimum lot depth for subdivisions, as long as it is no less than what is currently required under the <i>Planning for Bushfire Protection 2006</i> and Australian Standard AS3959-2009 Construction of Buildings in Bushfire Prone Areas. Adding the minimum lot depth in the LEP will make it a legislative requirement for subdivisions to adhere to appropriate setbacks from vegetation, which will improve safety and risk to property and life.	General support for the minimum lot depth clause is appreciated. However, it is not possible to do an assessment for each individual site for what the exact minimum lot depth required to provide an asset protection zone for a new dwelling in accordance with <i>Planning for Bushfire Protection 2006</i> would be, as the individual circumstances of each site and proposal are quite different (including vegetation type, slope, dwelling size, materials and design). The minimum lot depth supports the achievement of adequate asset protection zones while protecting valuable vegetation, but due to such individual circumstances and the nature of the existing urban area, strict compliance with <i>Planning for Bushfire Protection 2006</i> would require a deeper lot. Such circumstances would need to be considered on a site by site basis under the bushfire legislation.	No change recommended.
Support for minimum subdivision size of 1500 sqm in North Turramurra	Support for the minimum subdivision size of 1500 square metres for North Turramurra, which will reduce risks when it comes to bushfire evacuation. North Turramurra Action Group) points out that North Turramurra has continued to have numerous smaller subdivisions approved for the St Columban's site, Glengarry Girl Guides site, Stonecrop	Support noted	No change recommended.

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	road, Miowera Road and Curragal road. NTAG supports the minimum lot size because of the following reasons: - It follows recommendations in 'Managing Bushfire Risk, Now and Into the Future'. - It is supported by the RFS It is in line with Minister's 117 directions (4.4 and 2.1)		
Need for clearer statement of the implications of minimum subdivision in E3	Submission argues that there is no clear stipulation about the development requirements for smaller properties being rezoned to E3 and whether new dwelling can even be built on these properties. It is argued that the 'implications of the text' must be clearly stated. Clauses that restrict the subdivision of properties of less than 1500 sqm do not explicitly state what is allowable for existing dwellings, they all pertain to future subdivisions. Before the final draft is made, the LEP should be amended to include more details for existing dwellings. The 1500 sqm in E3 does not have enough justification. The argument on generalised bushfire risk is too vague for such a restriction.	The minimum lot size of 1500m2 only applies where a subdivision is proposed. Unlike the KPSO, this lot size is not required under the draft LEP in order for a new dwelling to be built on the lot. It has no relevance to proposals to build new or alter existing single dwellings on existing sites. The minimum lot size is intended to affect large lots which may (if there are no substantial constraints) be subdivided under the KPSO. This is consistent with a key intent of the E3 zone, namely to limit the density within these zones to protect the lives of residents evacuating during a bushfire event. See <i>Planning for Bushfire Now and Into the Future (2006)</i> for rationale on the application of E3 zoning. As outlined above it is recommended to amend objective a) in Clause 4.1(1) to add the phrase: 'and minimise risk to life and property from environmental hazards, including bushfire.' This will reinforce the intent of the minimum subdivision requirements.	It is recommended that objective a) in Clause 4.1(1) be amended to add the phrase 'and minimise risk to life and property from environmental hazards, including bushfire.'
Bushfire and planting under E3	With regard to E3 management, fire mitigation and the conservation of trees. Does this mean Council will dictate the plants or style of garden a resident can have? This potential threat does not	<i>Planning for Bushfire Protection 2006</i> includes measures for development within bushfire prone lands, including the establishment of asset protection zones within the site. This applies regardless of the zoning.	Refer to recommendations in body of the report regarding the E3 zone

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	appear in E4 restrictions	Council already has requirements for the protection or planting of appropriate native species in some circumstances (e.g. where there is existing habitat, or within a certain distance of bushland). Where there are significant areas of vegetation, sensitive management of these areas is appropriate and required not just by Council, but by state and/or federal legislation. Areas of strategic biodiversity significance in Ku-ring-gai are identified on the Biodiversity Map. However, it is important to recognise that native species can be incorporated into any garden style, and that even where planting from a particular vegetation community is sought, there are a range of plants of varying form, height, structure and flower colour from which to choose.	
"Permitted with Consent" uses for the R2 zone	Submission supports the fact that seniors-living is prohibited for R2 and that dual occupancy has to be listed in Schedule 1. These uses should not be included for R2 after exhibition. A large area in the middle of North Turramurra is zoned R2. This area should be zoned E3 but if it remains as R2 then both seniors living and dual occupancy should not be permitted.	Support noted. Seniors Living is prohibited in this area via <i>State Environmental Planning Policy (Housing for Seniors and People with a Disability)</i>. The new LEP will not change this prohibition. Dual occupancy is not permitted in the R2 zone (other than Schedule 1 sites). It is agreed that there is potential to compromise the intent through increasing the number of households, or development for vulnerable uses such as child care within these R2 areas. A compromise option from the background paper was selected- where E3 applied to areas most directly at risk, less vulnerable areas between retain R2 zoning, but the entire evacuation risk area has a greater minimum lot size. A stricter approach would include the R2 areas surrounded by E3 in the E3 zone. As a result of submissions and further consultation and further assessment of evacuation risk, there are proposed changes to the application of zoning in high risk evacuation areas. Further discussion and recommendations regarding the application of the E3 zone are included in the main body of the report. It is	Refer to recommendations in body of the report regarding the E3 zone

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		proposed that further community consultation be undertaken on the proposed changes.	
"Permitted with Consent" uses for the E2 zone	Submission states general support for the list of "Permitted with Consent" uses for E2 (p18, <i>Written Instrument</i>) There should be no road allowed on the E2 portion of Lot 31.	Support noted The inclusion of roads as a permissible use in the E2 zone is considered important to allow access to effectively manage Council owned bushland. Under the standard instrument LEP, it is not possible to exclude uses permissible by a zoning for specific sites. Nevertheless, any road development will need to be assessed against all relevant provisions, including biodiversity and riparian considerations contained in the KLEP.	No change recommended.
"Permitted with Consent" uses for the E3 zone- Demolition	Submission argues that while under the KPSO, Residential B zones allow for 'Demolition of a building or work' with development consent; under the DKLEP, the E3 zone does not list demolition of a building and Prohibited lists 'any other development not specified in item 2 or 3'. In the event of an E3 property being destroyed or damaged by bushfire, or in the need for upgrades, demolishing will be 'prohibited'. The KPSO allows Council to provide development consent for any other development 'prohibited by column 4'. In the DKLEP E3 zone, development consent is given for a very limited number of categories.	Demolition is addressed by Clause 2.7 ' <i>Demolition requires development consent</i> '. This clause permits the demolition of a building or work on any land with development consent.	No change recommended.
Objection to E3 based on lack of special ecological, scientific, cultural or aesthetic attributes	Resident bought the house to live under existing zoning. The property does not have "special ecological, scientific, cultural or aesthetic attributes".	Planning is based on the principle that over time there are changes in local (and broader) areas, in local communities and in broader community expectations, knowledge and values that justify the need for change, some of which may have financial implications (positive or negative). Council does not pay	It is recommended that Schedule 3 Part 1 of the draft LEP be amended by including complying

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	The re-zoning means that the NSW Housing Code no longer applies and the restrictive controls means that consent to retain a dwelling on the property or carry out any improvements is not guaranteed. If Council is interested in the property for Environmental Management then Council should purchase the property at the current zoning valuation.	landowners were rezoning results in lower land values, just as landowners do not pay council where rezoning results in higher land values. Refer to comments and recommendations below regarding application of the NSW Housing Code.	development provisions for dwelling houses in the E4 zone
Objection to E3 and E4 zone based on inconsistencies with SEPP (Exempt and Complying Development) 2008 Development Approval Process under E3 and E4	Submission is concerned about reducing the ability for homeowners to access cost-effective complying and exempt mechanisms for minor alterations when zoned as Environmental or biodiversity significant. Submission argues this is inconsistent with the moves by the State Government to streamline development processes. Council's interpretation of E3 and E4 zoning is a big stretch from the original intention. Submission argues that this can be explained by Council trying to exercise approval control gained by the classification no longer having access to the NSW Housing Code. Submission asserts that all residents should have access to the NSW Housing code. Property purchased on the basis that the NSW Housing Code would apply to any	<i>State Environmental Planning Policy (Exempt and Complying Development) 2008</i> (the SEPP) includes the Housing Code, Demolition Code and the Housing Alterations Code (among others) which identify certain development as complying development. Under the provisions of this SEPP, these types of development are not permitted as complying in the E3 Environmental Management and E4 Environmental Living zones. It is not unreasonable to allow complying development in these zones, in a similar way as such development is permitted in the R2 Low Density Residential zone, as the main land use for both of these zones is dwelling houses. Appropriate standards would need to be included to ensure that the objectives of the zones could still be met. For instance, development within areas to be protected, such as riparian and Greenweb areas should be excluded, as such development requires merit assessment. The standards could be based in part on the SEPP, to be consistent with complying development permitted in the R2 zone, with certain clauses deleted and replaced with the equivalent of the relevant provisions from the LEP and the Local Centres DCP. It is noted that complying development under the SEPP does not permit the removal of trees (other than those permitted as exempt under the Tree and Vegetation Protection provisions of	It is recommended that Schedule 3 Part 1 of the draft LEP be amended by including complying development provisions for dwelling houses in the E4 zone. Refer to the main body of the report for details of propose provisions.

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	improvements that he may wish to effect. The proposed rezoning would deny this. This is infringing basic tenant rights. Submission explains that to date complying development has been permissible where the Bushfire Attack Level (BAL) has been Bal-29 or lower. Because not all properties zoned E3 and E4 are the same, the opportunity to use Complying Development should remain. Bushfire reports can be created for all Das Submission argues that the environmental zones will make it mandatory for most minor land uses to go through the DA process, which will take significantly more time and money. This contradicts the intent of the State Government to make planning processes more cost effective and efficient.	the DCP, when made). In addition, the SEPP incorporates standards for development in bushfire prone areas that refer to <i>Planning for Bushfire Protection 2006</i>. It is recommended that Schedule 3 Part 1 of the draft LEP be amended by including complying development provisions for dwelling houses in the E4 zone. Refer to the main body of the report for details of propose provisions.	

E3 Bushfire Risks & Evacuation

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E3 Bushfire Risks & Evacuation			
Objection to E3 based on argument that no major hazard reduction burns or clearing in key risk areas have been undertaken	Submissions argue that no major hazard reduction burns or significant clearing pruning of vegetation in key risk areas have been undertaken in at least 20 years This is either negligence or perhaps mistaken identity. Council's/RFS's own behaviour does not support the E3 proposal. E3 shows that Council will continue to neglect their duty. Specifically Fox Valley and Howson Avenue have been named as areas where clearing has not occurred.	Unlike most other local government areas Ku-ring-gai Council resources a fire mitigation team which consists of fire break maintenance, fire trail access, bushland regeneration and bushfire strategic management. Agencies also work together to undertake co-ordinated multi-agency treatments with other land managers as directed by a district committee and a 5 year risk management plan. The fire break team currently manages 24.5 km of fire breaks (asset protection zones) along the urban bushland interface. These breaks are in strategic locations due to aspect, slope and exposure. The remaining interface areas are restricted to the development of APZs in part due to slopes over 18 degrees, their risk priority and funding available. Maintenance is divided into two yearly rotations (north and south in the LGA) over the last year most of the breaks across the LGA (both rotations) have received multiple treatments and inspections particularly as hazard reduction burns were limited due to adverse weather conditions. Council also maintains a 44km network of fire trails and all trails are trafficable in accordance with guidelines produced by the NSW RFS. Additional upgrade works are undertaken each year reliant upon external grant funding and/ or environmental levy funding. Hazard reduction burning remains a high priority as part of effective fire management. Each year a works program is created by the district committee as guided by the 5 year risk management program. For 2013/14 burns on Ku-ring-gai Council tenure total 17 burns, with a further 6 burns in the Ku-ring-gai Local Government Area under other land tenures. The total area is equal to 488.6 ha.	No change recommended

E3 Bushfire Risks & Evacuation

THEME	ISSUE / CONCERN	COMMENT	RECOMMENDATION
		Hazard reduction burning is largely constrained by weather conditions. On average 10 appropriate weather days are experienced each year. Hazard reduction burning cannot be undertaken when weather conditions are not appropriate due to safety issues and the burn will be unlikely to reduce the hazard. On average in a good year (ie. Appropriate weather conditions are experienced) an average of 60 hectares is able to be burnt in this LGA. Bushfire management is a complex logistical operation and in light of climate change and more extreme weather events we are looking at additional ways that we can improve bush fire risk management as we cannot achieve this through traditional measures alone. This has seen an increasing emphasis placed on community engagement, workshops, building retrofitting and resilience, land use planning and facilitating the development of support networks to improve resilience in emergencies. I don't believe this demonstrates negligence on behalf of council.	
	The fact that RFS supported the background study (although they are not listed as stakeholder in this zone) yet have not done hazard reduction is particularly disingenuous (see submission 252 for details).	RFS are the lead Bushfire agency and chair the district Bush Fire Management Committee. Bushfire management is a multi-agency collaboration. See comments above in regard to restrictions on hazard reduction burning. RFS are regularly consulted in regard to additional measures that Council is taking to reduce bushfire risk and have contributed, provide advice and support for these activities in conjunction with overseeing existing commitments and legislative requirements in terms of agency operational bushfire management.	No change recommended
	Submission argues that Council has not removed combustible material, including illegal and noxious plants growing on	See comments starting above regarding Council's bushfire management practices.	No change recommended

E3 Bushfire Risks & Evacuation

THEME	ISSUE / CONCERN	COMMENT	RECOMMENDATION
	Council bush land in the Fox Valley.	Without specific reference to areas it is hard to give precise reasons. Not all noxious weeds require removal – it depends on the Class of weed. In terms of land management sometimes it is better to leave weeds as a buffer or for erosion control or habitat. Some weed plumes can provide protection from fire particular as they occur in drainage lines. It can also drain resources trying to fix a weed problem when addressing the source is a larger problem. Treatment of fuel loads along the urban interface is prioritised according to the Hornsby Ku-ring-gai Bush Fire Management Committee Bush Fire Risk Management Plan 2010. This is a 5 year plan that sets out a program of co-ordinated multi-agency treatments. The community was consulted in the creation of this plan in order to accurately identify important community assets and determine vulnerabilities and consequences. Under the criteria used across the state, 49% of the Ku-ring-gai interface has an extreme risk however no organisation has limitless resources to deal with adverse risk so it is necessary to prioritise these resources across all areas of extreme risk (an est. 44.1 km). Treatments listed for Fox Valley in the Bush Fire Risk Management Plan include Managing Community Fire Units on an annual basis (FRNSW responsibility), perform annual maintenance on APZs (Yanilla-Aleta, Browns Road, Mitchell-Gipps, Parkinson-Hicks – KMC responsibility), Undertake mosaic burning (Beltana, Campbell Drive, Leuna (2012), Tarook, Coups Creek (SAN hospital private burn) hazard reduction burns and inspect and maintain fire trails as required.	
	Zoning is only a way for Council and fire authorities to avoid responsibility for ameliorating fire risks.	See comments above regarding Council's bushfire management practices.	No change recommended
	Submission asks council how it will help residents in the supposed "high risk"		

E3 Bushfire Risks & Evacuation

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	bushfire areas. These areas are too large to be physically changed so to the resident Council is appearing to be all talk & no action. Other residents argue that no serious action to create fire breaks have been made in the last 40 years or so.	There is a role for all of the traditional techniques to manage bush fire risk (burning, APZs etc.) but by themselves they will not stop bushfires or prevent loss of lives or house loss. Some points to note: • There is evidence to suggest that fire breaks allow for more active defence of properties. • The most effective distance is within 40m of the house. This primarily includes private property. • Construction of new asset protection zones is authorised under the Bushland Plan of Management (pursuant to the Environmental Planning and Assessment Act 1979). • APZs are ineffective on steep slopes. The creation of APZs is prohibited on slopes > 18° due to accelerated erosion. Some other potential areas may be inaccessible. • Under extreme conditions most firebreaks fail if spotting occurs • When large fires hit a sudden break in fuel the vertical convection is broken and this can cause the flames to lie flat along the ground and reach forward. • We have a lot of threatened species in close proximity to urban development. • In extreme conditions house to house propagation occurs and defensible space is rendered effectively nil. • Most of our existing treatments are within close proximity to houses (>effectiveness within 0.5 km). • HR burning more effectively reduces the rate of spread, flame height and intensity and subsequent spotting than	No change recommended

E3 Bushfire Risks & Evacuation

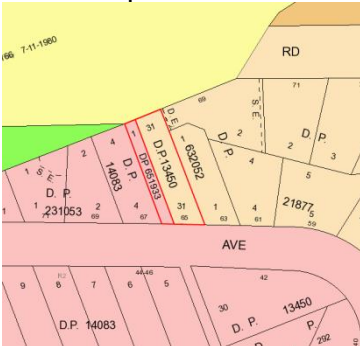
THEME	ISSUE / CONCERN	COMMENT	RECOMMENDATION
	Submission asserts that the NSW RFS routinely undertakes bushfire hazard reduction in the Lane Cove National Park. This reduction needs to occur as part of the Lane Cove Park management plan, and is not an isolated requirement for Fox Valley.	APZs. - Once the fire threatens the APZ the property is already involved in the footprint of the fire. - Clearing can encourage thicker vegetation growth. The resources we have are sometimes better allocated to a range of other hazard reduction methods. All bushfire management is undertaken under the co-ordination of the Hornsby Ku-ring-gai Bush Fire Management Committee. Burns in National Park are coordinated by the National Parks and Wildlife Service not the NSW RFS. All fire management is guided by the Bush Fire Risk Management Plan prioritisation which is based on an agencies strategic planning and bushfire management plans. No planning is done in isolation and agencies work together to ensure treatments are consistent and effective.	No change recommended
Lack of mitigation to bushfire risks Howson Ave, Turramura	Action by Council to rezone Howson Ave has the effect of allowing Council and fire authorities to avoid or reduce responsibilities for ameliorating fire risks for residents in the immediate vicinity. In the past 40 years I cannot recall that there has been any action by authorities to clear a fire break or to initiate hazard reduction burning off immediately behind our properties.	This area near Howson has burnt by wildfire in the past (last fire 1994). The eastern side of the reserve was last burnt by hazard reduction in 2002 and an area to the north of the oval was burnt in 2004 and 2006. This fire interval for the area immediately adjacent to Howson is noted and options to treat will be investigated. Strategically, protection will be afforded to Howson Avenue by a 9 hectare burn on the southern side of The Comenarra Parkway, directly opposite the intersection with Howson Avenue.	No change recommended

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E4 Zone General			
Level of detail in E4 Zone provisions	Submission seeks clarification on exactly what is to be changed under E4 in relation to properties. Submission argues that apart for references to studies relating to biodiversity and environment, there is no clear information on what the changes will be. Resident opposes any changes that E4 would imply in relation to: • Resale value of property. • Ability to conduct property maintenance. • Bushfire zone rating and safety of residents. Restrictions in any preventive measures in relation to bushfire and ability to maintain fire insurance without increases of premiums or potential for insurance companies to elect not to insure properties.	The R4 will result in some changes in permitted land uses and stricter subdivision controls when compared to the existing residential zones under the KPSO or the R2 Low density residential zone in the KLEP. However, the development potential of the vast majority of properties (i.e properties under 1500sqm) will not be affected. As such there is unlikely to be any significantly affect the value or resale potential of the land. The main permitted land use in both the KPSO low density residential zones and the draft KLEP E4 Environmental Living zone is dwelling houses. In both cases, community facilities, demolition, home occupations, recreation areas, subdivision and 'exempt development' are permitted The application of the E4 zoning does not affect the bushfire risk of any land. Bushfire risk is assessed and determined under the <i>Rural Fires Act 1997</i> and identified on the <i>Ku-ring-gai Bushfire Prone Land Map and Bushfire Evacuation Risk Map</i>'. The zoning in an LEP does override of affect the application of the provisions of the Rural Fires Act 1997.	No change recommended.

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E4 Site Specific			
Public Hearing for Reclassification of Lot 5/512700 to E4	28A Duff Street, TURRAMURRA Lot 5/512700 is council owned and is classified as Community Land. Submission asks if Council is able to rezone as E4 without a public hearing as per other classifications of community land in this LEP.	Lot 5 DP 512700 is a 306sqm lot at the rear of 28A Duff Street. The lot is currently zoned Residential R2 and is classified community land. The KLEP seeks to rezone the land E4, consistent with the adjoining residential land. The KLEP is not seeking to reclassify the land to operational and therefore a public hearing is not required.	No change recommended
Objection to E4 for properties on 3 Blytheswood Ave 44 Blytheswood Ave 88 Merrivale Rd, Pymble 88A Merrivale Road	Submissions highlight a number of isolated E4 zoned properties in map LZN_007. Submission highlights the supporting document "Ku-ring-gai Council – Biodiversity and Riparian Lands Study 2013" which was used to support zoning states (pp. 64) <i>"Isolated lots that meet these criteria would not be zoned E4. The zone would be applied to lots in groups"</i> None of the Council's materials support that 3 Blytheswood Av represents an area with 'special ecological, scientific or aesthetic values. Submission objects on the ground that the land is not bush fire prone land. The land has no ecological significance, endangered wild life or protected trees. The property is no different from the R2 zoned houses. Submission 3 Blytheswood Ave states that the far back end of the lot boundary	3 Blytheswood Ave includes areas mapped as category 2 Greenweb and Category 4 (including a non-vegetated buffer to category 2). Vegetation within the category 2 area includes Blue Gum High Forest (BGHF). Vegetation within the Warrawee Public School and the adjoining 1 Blytheswood Ave contains good condition BGHF; whilst vegetation to the rear and south of the property contain trees forming part of the BGHF ecological community but lack a native dominated understory. Within some areas of Lot 3, vegetation included within Category 2 (greenweb), would be restricted to canopy overhang from the adjoining properties. This is however consistent with mapping within other locations as vegetation mapping is based upon canopy extent. No change to zoning is recommended. <i>For response to zoning issues refer to Ecology and Riparian table.</i> Biodiversity  Riparian 	No change recommended

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	in the north west corner is category 3, the stream does not run anywhere else on the property. The stream runs on the land's far end boundary; within the portion of 9 m length that exceeded the far end boundary of no. 7. (no. 3 is 51 m long while no.7 is 42m in length) 5) Currently the land 930.5 sqm meets the current minimum lot size (T) of 930sq m, the proposed (U2) minimum lot size of 1500 which is unreasonable for nature of the lot. Submissions argue that the isolated areas zoned as E4 should be zoned R2.		
Objection to E4 for properties on 44 Blytheswood Ave	Submission for 44 Blytheswood Avenue points out that E4 only directly affects 42 and 44 Blytheswood. These properties have never been singled out as exception from other properties. The density of gum trees-vegetation is consistent with neighbouring properties zoned as R2. The E4 classification means that this property, despite being 2275 sqm, would never be able to be subdivided to achieve the long term goal of allowing resident's children to build their home on this land. While building a second house would still be possible subject to existing development guidelines, the removal of	44 and 42 Blytheswood Ave have been reviewed. And it is noted that there are significant topographical, biodiversity and riparian constraints on the south eastern end of the sites. These constraints are not present at the centre of the site at No.44. As such there may be potential to subdivide the lot to permit the erecting of an additional dwelling in the middle portion of the lot. This of course would be subject to a full environmental evaluation and planning assessment. Ongoing biodiversity and riparian constraints will still apply to 44 and 42 Blytheswood Ave, and any future development would also be subject to the biodiversity and riparian provisions of the KLEP. As a result it is proposed to retain the Retain E4 zoning, but decrease the minimum lot size to 930sqm, consistent with and R2 Low density residential zoning. For consistency it is also proposed to make the same amendment to the adjoining properties that are zone E4. It is noted that this will have no effect on the ability of the adjoining properties to subdivide due to the existing size.	It is recommended to amend the Lot Size Map so that a minimum lot size of 930sqm applies to 36, 42, 44, 46 Blytheswood Ave and 39, 41, 43, 45, 51 Finlay Road.

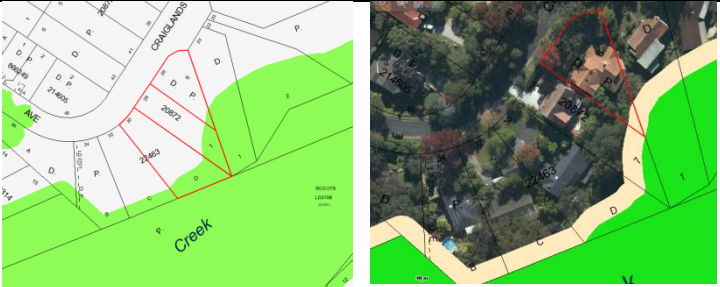
THEME	ISSUE / CONCERN	COMMENT	RECOMMENDATION
	the option of subdivision means that access to finance would be restricted, penalising the owner of the property.	Biodiversity Riparian 	
Objection to E4 for properties on 88 Merrivale Rd, Pymble 88A Merrivale Road	Resident of 88A Merrivale Road points out that in a visit to Council, he was told that the reason for E4 classification of this property was its location on the bank of a creek. Resident objects to this because it is not possible for any future building to encroach the creek area due to the main sewer pipeline running along this area and the topography of the property, which makes it unsuitable for anything except Residential Living.	Following a review of 88,88A, 88B, 88C Merrivale Road, it was determined that the proposed E4 should be replaced with R2. Biodiversity and riparian overlays and constraints will still apply to these properties. Biodiversity Riparian 	Recommended to amend the zoning applying to 88,88A, 88B, 88C Merrivale Road, Pymble to R2 Low Density Residential.
65 Griffith Avenue, Roseville – zoning	This submission is made in behalf of the owner of 65 Griffith Avenue. This property comprises two lots because one of the lots used to be	The properties within this area have been mapped as E4 in order to help maintain visual amenity from both land and the river. A review of 65 Griffith Av, suggests that the properties orientation results in it not being as critical to the view plane from Middle Harbour as the adjoining properties. As such it is proposed that	It is recommended that both lots comprising 65 Griffith Avenue, being Lot 1 (DP651933) and lot

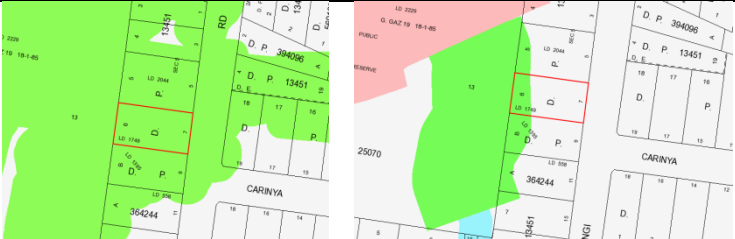
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	community land and it was consolidated into 65 Griffith Avenue in the 1960s. Lot 1 (DP651933) is zoned R2 and lot 31 (DP13450) is zoned E4 under the draft LEP. Submission states that both should be zoned R2. The two lots are the same property and there is no reason for them to be treated differently. Both are fully developed so E4 is inappropriate in this case.	Lot 1 (DP651933) and lot 31 (DP13450) be zoned R2 to ensure consistency of zoning of the combined property. KLEP map 	31 (DP13450), be rezoned to R2 Low Density Residential.
Objection to E4 zoning of property 121 Mona Vale Road, St Ives	The owner of 121 Mona Vale Road objects to the E4 zoning of her property. The reasons are: The rights of the private owner are not taken into account in the KLEP. The cause of bushfire is not related to private properties, but to the management of the bushland, from where fire emerges. Resident asks if the asset protection zones are necessary, if no fire prevention methods are carried out by council. Mitigation measures should come from outside the boundaries of properties. Submission points out that the property is 5236 sqm. It is a big property and hard to maintain, with increasing rates and costs. The lot depth and subdivision restrictions	The property at 212 Mona vale road, St Ives is proposed to be zoned E4 – Environmental Living due to the environmental constraints on the site rather than bushfire related issues. The property is also listed as a heritage item of local significance. The site is located immediately adjacent to Browns Forest and Dalrymple Hay Reserve, containing Critically Endangered Blue Gum High Forest, listed under both state and federal legislation. The presence of this vegetation increases the importance of appropriate development and site management, as does the topography of the site in relation to the reserve. Runoff from the property enters directly into the reserve, increasing potential impacts including changes to hydrology, nutrient loads and weed spread. The planning provisions in draft KLEP2013 will not prevent the site from being subdivided, however, will restrict future development density by increasing the minimum lot size from 930sqm to 1500sqm. This increase in minimum lot size provides	No change to zoning recommended. Revision of the Biodiversity and Greenweb mapping, including contraction of the Biodiversity mapping, and Category 2 Greenweb mapping within 121 and 127 Mona Vale Road.

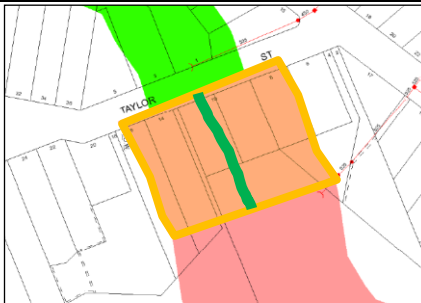
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	are unfair as they decrease the value of the property and make it unmanageable. Increased traffic noise and a large development next door add to the need for subdivision. Resident states that measures to protect biodiversity in fact have destroyed the garden, with weed and tick infestation, and plants devoured. Further restrictions by zoning this property as E4 would further devalue the property According to submission, the property is very amenable for development because it is located on a main traffic corridor, with a bus stop outside the door, close to shops and services. There is a shortage of housing in NSW. It is illogical to put restrictions on this property that reduce it to parkland. Greater density for this site would be in fact beneficial	greater scope to address environmental constraints of the site. This is consistent with the objective of the E4 zone to: '<i>... ensure development does not result in further fragmentation of ecological communities, biodiversity corridors or other significant vegetation or habitat.</i>' Future development within the site would need to consider impacts to the adjacent reserve, including runoff, weed management as well as allowing for appropriate bushfire management requirements (including construction and asset protection zones). As the site is bushfire prone land any future subdivision will also be subject to the requirements of <i>Planning for Bushfire Protection 2006</i>. These provisions would apply regardless of the zoning under KLEP 2013. Following a desktop review of the site, vegetation mapping has been adjusted to more accurately reflect on ground vegetation extents. Including areas of Blue Gum High Forest consisting of canopy overhang from the adjoining reserve. This revised vegetation mapping has been incorporated into the revision of the Biodiversity and Greenweb mapping. Resulting in a contraction of the Biodiversity mapping, and Category 2 Greenweb mapping within 121 and 127 Mona Vale Road. The development on the adjoining site at 127 Mona Vale Road was approved under SEPP Seniors and is not a form of development supported by Council in this location. Council is not seeking to accommodate increased residential densities in response to State government growth policies through KLEP 2013. Council's housing targets have already been achieved through previous planning instruments including the recently made KLEP (Local centres) 2012.	No change recommended

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	The neighbouring property is a 4000 sqm Seniors Living development. Some of the houses built a few meters to the Browns Forest. Resident questions the fairness of E3 controls, when neighbouring property has similar conditions and was built to the boundary. This Seniors Living development could be considered medium-high density, so there is no reason, 121 Mona Vale Road cannot have similar development. Resident argues that according to the minimum lot depth for subdivision of bush fire prone land on page 25, that imposes a 65 meter distance to the nearest lot allowable for development, the main road would also be unsafe because it borders the bushland at some points. Resident argues that this is having double-standards.	The site is not subject to the minimum lot depth provisions of clause 4.1A	
Objection to E4 zoning for Craiglands Avenue based on size of bushfire	Submission argues that any fire that would impact Craiglands Avenue is unlikely to have the size to warrant the minimum lot depths in the 'Managing Bushfire' report. The most likely fire is one that starts at the reserve next to Craiglands Avenue, which is less than 100 meters wide, and run uphill. It is unlikely that it reaches sufficient intensity to reach the forest canopy. An alternative scenario is a fire started at Lane Cove National Park that travels through the valley. It would require a	In regards to application of E4 zoning (in terms of Greenweb biodiversity value) and recommended amendments, see submission below. In terms of fire: The fire run is actually calculated from the length of the reserve rather than the width of the reserve The fire run from Lady Game Drive direct to residential property in Craiglands Ave is in the measure of 1300m. The bushland reserve is formed around Blackbutt Creek and is a narrow gully. In a severe fire, particularly under a strong southerly influence fire could be pushed up this gully. Turbulence in the wind from the narrow gully sides has the potential to cause erratic and intense fire behaviour. Also a fire running uphill moves faster (for every 10° increase in slope the	See recommendation below for Craiglands avenue zoning changes. No changes recommended as a result of bushfire risk.

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	north west wind and a strong southerly change at the start of Blackbutt Creek to reach Craiglands Avenue. These scenarios are not sufficient to zone Craiglands Avenue as E4.	fire rate of spread doubles). The properties may not be impacted directly by flame contact or radiant heat but definitely by embers.	
Objection to E4 zoning of 26 – 30 Craiglands Avenue, Gordon	Submission by resident of 28 Craiglands Avenue asks the zoning for 26-30 Craiglands Avenue should remain low density residential R2, as opposed to E4. Submission states that the use of Category 1 in the mapping of E4 is not appropriate. The mapping is inaccurate and given too much weight in determining the zoning. 28 Craiglands Avenue has no vegetation with a native understorey on the property, so the vegetation mapping must contain an error. It is argued that Biodiversity Categories should be used as a 'trigger' to a site specific assessment, not as an assessment in itself. It seems like the interpretation of the categories in 'Managing Bushfire Risk, Now and into the Future' that resulted in the E4 zoning put too much value on the accuracy of the biodiversity mapping. Submission argues that properties 26-30 Craiglands Avenue, zoned E4 because part of their property was mapped vegetation Category 1 in fact have a very small portion mapped as Category 1	The sites at 26-30 Craiglands Avenue have areas mapped as Regional Fauna Habitat to the rear of the sites (as such they include Category 2 and Category 4 Greenweb mapping). 32-36 Craiglands Avenue have no vegetation mapped within their properties. Greenweb mapping is restricted to Category 4 (including a buffer from the reserve). Following a review of the sites, the area of regional fauna habitat within the f 20 to 30 Craiglands was reduced to align with the core riparian zone. This change has resulted in a contraction of the biodiversity overlay within these properties, including a reduction of category one Greenweb. As a consequence, it has been determined to zone 26-30 Craiglands Avenue to R2 low density residential. Future development would however still need to consider biodiversity constraints of the site.	Recommended to: Amend the zoning of 26 – 30 Craiglands Avenue as R2 low density residential. Contract the biodiversity overlay within 20 to 30 Craiglands Avenue

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	vegetation. As contrasted with 32-36 Craiglands Avenue that have not been zoned E4, although all bushfire risks factors are higher for these properties but they do not have a vegetation boundary. In addition, properties 91-101, 107-113 St Johns Avenue, Gordon, have equivalent areas of mapped vegetation within property boundaries, but have not been zoned E4, although they are closer to the vegetation connecting corridor and are located on a north west slope. It is argued that Craiglands Avenue has a smaller risk of bushfire than other areas. Craiglands Avenue is not an asset protection zone or a community fire unit. Submission requests alternative options for bushfire management, not zoning.	 Preliminary DCP Greenweb The application of the E4 zone to the properties in Craiglands avenue was for biodiversity reasons, not bushfire reasons. Refer to comments and recommendations above regrading 26 - 30 Craiglands Avenue.	
Site-specific objection to E4 zoning 7 Korangi Road, Pymble	Residents of 7 Korangi road object to the E4 zoning of their property, as the zoning will have an impact on the ability to undertake reasonable development and potentially sell the property. Currently the house is 200 sqm so there is room for further development. There are other properties on the same side of Korangi Road facing the Maddison Reserve that have not been zoned E4. Residents understand that reasons for rezoning were the substantial Blue Gum Tree on the border of the	This site adjoins a natural area on two sides and contains Blue Gum High Forest on all sides. Following a desktop review of this site, vegetation mapping has been refined to more accurately reflect on ground vegetation extents. This revised vegetation mapping has been incorporated into the revision of the Biodiversity and Greenweb mapping, which has not resulted in a change to the Biodiversity mapping, but has reduced the extent of Category 2 Greenweb within the site.	It is recommended to revise the vegetation mapping as part of the Biodiversity and Greenweb mapping. Reduce the extend of Category 2 Greenweb within 7 Korangi Road, Pymble.

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	property and a biodiversity corridor running through the property. However the Blue Gum tree is surrounded by non-native under planting. The tree is isolated from Blue Gum forest vegetation. The border of the creek is overrun by Trad. The tree is less than 7 meters to the border of the house and 30% of the branches overhang the house. This tree would need to be removed as part of the Asset Protection Zone requirements. It represents property and safety risks.	 Biodiversity Riparian	
Opposition to E4 zoning and riparian zoning of 14 and 16 Taylor St and E2 zoning of 10-12 Taylor Street, Gordon	Residents of 14 and 16 Taylor Street, Gordon oppose the E4 zoning and Riparian Category 1 zoning of their property. Reason is the existence of 35000 flying foxes affecting the lives of the residents. Residents do not want their property and areas around it to be considered flying fox reserves under E4/Riparian zone. Residents ask for a 100m buffer between houses and areas affected by flying foxes, instead of an E4/Riparian zoning. Resident of 10-12 Taylor Street asks Council to take measures to improve the quality of life of properties affected by flying foxes, which is not resolved through Environmental zoning,	The use of E4 within 14 and 16 Taylor Street, Gordon and other properties adjoining the Ku-ring-gai Flying Fox Reserve will provide a minimum lot size provision of 1500m2 and minimum lot depth provision. This will help to reduce further subdivision and allow for houses to be further from the reserve. These restrictions will assist reduce the escalation of future pressures and conflicts between residents and the protected Grey Headed Flying Fox colony. Consideration was made in regard to the Category 1 Riparian Lands mapping through the reserve at 10 Taylor Street. The constrained nature of the riparian land at this point of the reserve has been recognised and it is recommended that the riparian lands mapping be amended to Category 2 from Taylor Street to the point where the stormwater from Waugoola St discharges into the reserve. The proposed change is highlighted on the image below.	No change recommended to zoning. Riparian Lands mapping through the reserve at 10 Taylor Street, reduced from Category 1 to Category 2. Riparian changes updated in biodiversity mapping resulting in a contraction of biodiversity mapping.

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	Residents of East Gordon are seeking legal advice on this issue after a meeting with 10 households on May 1, 2013. Submission 188 strongly objects to any zoning or classification of land immediately adjoining their residences which is designed to encourage the already unsustainable overpopulation of bats in the Flying Fox Reserve.	 Riparian mapping changes will be reflected within the Biodiversity and Greenweb mapping. This will include the contraction of Biodiversity and Greenweb mapping and removal of Category 2 Greenweb from 8 and 14 Taylor Street Gordon.	
Objection to minimum subdivision lot size for E4 - 12 Carlotta Ave, Gordon	Submission objects to the rezoning. 12 Carlotta Ave, Gordon: The change in the minimum subdivision from 900 to 1500m² is unnecessary, 900 m² is large enough and environmental friendly Large land for subdivision is not necessary. 900sm is abundantly spacious. Increased land size will put pressure of maintenance on the block. Large subdivision sizes are out dated and does not meet modern, especially for this site considering its convenient location. Unappealing current street scape and length of the property (110m) combined with the fact most properties on the same	The site at 12 Carlotta Avenue is 1780sqm in area and currently zoned 2(c2). As such, it could not be subdividable under KPSO which applies a minimum lot size of 929sqm. The application of the E4- Environmental Living zone to this and surrounding properties acknowledges the environmental constraints of the area. The site at 12 Carlotta Avenue has a combination of Category 3 riparian zone and biodiversity corridor running through the front portion of the site. This would add further restriction to subdivide and redevelopment of the site.	No change recommended.

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	street are already subdivided means this lot should be allowed to subdivide. If allowed to subdivide the property in front will provide a better streetscape.	Biodiversity Riparian This is consistent with the objectives of E4 zone: <i>“To ensure development does not result in further fragmentation of ecological communities, biodiversity corridors or other significant vegetation or habitat.”</i> The KLEP 2013 does not seek to accommodate increased residential densities in response to State government growth policies. Council’s housing targets have already been achieved through previous planning instruments including the recently made KLEP (Local centres) 2012.	
Objection to minimum subdivision lot size for E4 - 53 Wyomee Avenue, West Pymble	Increased land size is too big for daily maintenance on the block. Large land size is out dated, does not meet modern living requirements of the communities. Young generations require convenient living. The minimum subdivision size is disproportionate for the average size of existing properties of 1000 sqm. Restrictions on subdivision for E4 properties is against the national	<i>For response to zoning issues refer to Ecology and Riparian table</i> The KLEP 2013 does not seek to accommodate increased residential densities in response to State government growth policies. Council’s housing targets have already been achieved through previous planning instruments including the recently made KLEP (Local centres) 2012. The site has a combination of Category 3 riparian zone and biodiversity corridor running through the front portion of the site. This constraint limits the potential to subdivide and redevelopment of the site.	No change recommended.

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	requirement to provide additional housing in the future that are within reasonable reach of transport and infrastructure. There are a few blocks that are available for sympathetic development. Council should allow for appropriate development to happen.	 The restrictions on the subdivision of this and adjoining sites is consistent with the objective of the E4 zone <i>“To ensure development does not result in further fragmentation of ecological communities, biodiversity corridors or other significant vegetation or habitat.”</i>	

Attachment 8 Summary Table – Policy and Written Instrument

Policy and Written Instrument

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GENERAL & PROCESS RELATED ISSUES			
Complexity of the LEP	Submission raises the concern that it is very difficult for residents to study the draft LEP online, as it is separated into different files and there are no explanations of what the components are. Submission argues that it is illogical to have to go to council chambers instead of looking at the documents in a local library. The complexity of this obstructs community involvement. Submission argues that involvement of the residents can only happen when the information is presented in an easy-to-understand manner. Submission states the lack of transparency and lack of easy to understand information available around the proposed application and the implications of the Environment zoning Submission states that the resident spent many hours reading the LEP and found that other residents found it to be not meaningful due to its complexity. In addition submission asks how the LEP can be properly looked at while the DCP is unavailable. Submission notes that elderly ratepayers cannot browse the internet to fully understand the proposal of rezoning.	It is noted the suite of planning documents are complex. The draft KLEP is required to be consistent with guidelines in the <i>Standard Instrument (Local Environmental Plans) Order 2006</i>. The Standard Instrument was created by the NSW State Government. Council has adhered to the guidelines of the Standard Instrument for the creation of the KLEP. A LEP User Guide was created to assist the public to understand the functioning and components of the instrument. In addition "frequently asked questions and answers form" was also made available to the customer service centre staff and the public. The draft LEP was on exhibition on the Council's website and at the Council Chambers. Council's Planning staff were available at the customer services centres or accessible by phone throughout the exhibition period to assist the public with any enquiries on the draft plan. Previously Council has provided Local Plan exhibition materials at the local Libraries- but there have been issues where materials or sections of the materials have purportedly gone missing. This was one basis of a previous NSW Land & Environment Court Challenge to the validity of the Town Centres LEP. Library Staff are unable to answer complex or detailed planning enquiries. Ku-ring-gai Council website is also accessible at all of Council's libraries. Council went beyond its statutory obligations in the exhibition process.	No change recommended
Accuracy of the	Submission supports the KLEP 2013 and	Support noted.	No change

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KLEP 2013	highlights that Council staff have performed an accurate analysis.		recommended
Clarity of Information	Submission congratulates Council and staff for explaining and answering questions related to the draft KLEP.	Support noted.	No change recommended
Confusing information	Submission highlights that whilst the information provided online covers the documentation, it does not provide locations and /or maps of the areas affected by re-zoning. The submission questions the KLEP material to be inaccessible and requests the consultation be conducted more effectively. Submission argues that the fragmentation of the zoning map in the KLEP is not indicative of areas that have been downzoned and leads to confusion. Resident argues that it is impossible for residents to digest and comment on the reports prepared for the Council Meetings of 20th November, 2012; 6 March, 2012; 13 December, 2011.	The information online provided access to the exhibition material including the full set of statutory maps. An address search function was available through Council's website that brought up all the relevant maps for the specified site. Staff were available to answer any questions during the exhibition both at the customer service centre and by phone. In addition the website had a LEP user guide and a frequently asked questions section to help navigate through documents.	No change recommended
Communication with residents	Submissions question KMC way of communicating with local residents. Residents of 1 Link Ave and surrounding areas have not received appropriate information in regarding to what is going to happen in his/her neighbourhood. Submissions state that many residents are unaware of the existence of this plan. Considering the significance of this LEP and its implications for residents, Council should have formally notified all resident in writing. "The Councillor for our ward did not communicate with us regarding to this very	Council has conducted all public notification in accordance with the <i>EP&A Act 1979</i> and associated regulations. Notification letters were sent to all addressed affect by the KLEP 2013 and advertisements were placed in the North Shore Times. All documentation was available to the public at Council chambers and on Council's website. It is acknowledged that the elderly might have found access to the documentation difficult. Council staff were available to assist in person or by the phone throughout the exhibition. Issues that relate toward Ward councillors should be taken up directly with them. The exhibition covered a 6 week period and submissions have been lodged and processes up to 3 months after the	No change recommended

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	important matter.” “Many residents in the neighbourhood are old, and have no internet skill, or mobility to view plan displayed in somewhere else.” “We demand a written letter with details of re-zone plan to be sent to each resident nearby to make sure everyone is equally informed with this matter.” Resident of 19 Valley Park Crescent argues that due to Easter and the school holidays, many residents of Ku-ring-gai may be away during a great part of the exhibition period. Submission requests for an extension after the 6th of May 2013. Submissions request an extension of the public exhibition period.	exhibition period closed.	
Policy Breaches	Submission highlights several apparent breaches of the following policies with recent approval of DAs in Lindfield, with specific reference to: Riparian and Biodiversity policies, DCP 47 – Water Management, LEP 194 and the Water Management Act 2000. Submission asserts Council closely observe their own policies in relation to KLEP 2013, in compliance with the wishes of the vast majority of the residents and not those of the developers.	Any breaches of policies are not directly relevant to this exhibition process. They are matter to be dealt with by Councils Development and Compliance Unit. All enquiries regarding these issues should be made directly to that section of Council.	No change recommended
Complaint about the quality of the public exhibition	Submission states that the quality of the exhibition was poor, with a table of randomly scattered documents, which are just the hard copies of the information available on the website.	Council is obliged to follow procedure as per the <i>EP&A Act</i> . Council’s exhibition included exhibition material, explanatory notes, frequently asked questions and LEP user guide and exhibition posters on key features for each aspect of the exhibition. Council staff were also available at customer service to explain and answer questions.	No change recommended

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	People were entirely dependent on Council staff to give them information. This information was highly variable and in some cases incomprehensible.		
Notification to the Department of Planning and RFS	Submission expresses resident's concern regarding the extent of consultation that Council has undertaken with the Department. It is argued that the KLEP does not comply with 117 Directions. Submission argues that the RFS is not specified in any LEP guideline documentation, and therefore should not be in the position to interpret the Department of Planning guides.	Section 117 Direction 4.4 Planning for Bushfire Protection states that "In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of The Act, and take into account any comments so made." The Planning Proposal submitted to the Department of Planning and Infrastructure justified any inconsistencies with the Section 117 directions and a gateway determination was given. The Department is aware of the provisions of the draft KLEP.	No change recommended
Flawed consultative process	Submission finds that there was a lack of considerations in the consultative process. Council chambers were unable to make an appointment for further discussion, only able to help through a planner at the stand-up counter in the general reception area.	Council is obliged to follow procedure as per the <i>EP&A Act</i> . Council's exhibition included exhibition material, explanatory notes, frequently asked questions and LEP user guide and exhibition posters on key features for each aspect of the exhibition. Council staff were also available at customer service or by phone to explain and answer questions.	No change recommended

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
CLAUSES OF THE DRAFT LEP			
Comprehensiveness of the document/ clauses	Submission congratulates Council on a very extensive document and doing an all-round great job.	Support noted	No changes recommended
Suspension of covenants - objection to Clause 1.9A	This clause effectively suspends all agreements and instruments for the purpose of enabling development on land in any zone to be carried out in accordance with the LEP. The Gateway Determination letter states it is DOPI's policy to include this clause but there is no evidence on DOPI website that it is a mandatory clause. An LEP Practice Note – <i>Preparing LEPs Using the Standard Instrument Standard Clauses</i>, does not include Clause 1.9A at all – not as a mandatory, optional or standard clause. Model clauses are listed elsewhere but are not mandatory. If Clause 1.9A must be inserted then it should only suspend the same zones as those suspended in the KPSO. The Principal LEP is supposed to be a translation of the KPSO and DOPI has said the clause is to be included to ensure the suspension of covenants under the KPSO. The clause should definitely exclude the low density residential zone R2, as has previously been approved by DOPI. It should now also include other low density	When Council adopted the draft KLEP to be submitted for a gateway it resolved to not include clause 1.9A. (Suspension of Covenants). However, the Gateway determination issued by the Department of Planning and Infrastructure included the condition, that clause 1.9A must be included. The letter accompanying the gateway, signed by the Director General, stated that it is the Department's policy that the clause be included in all Standard Instrument Local Environmental Plans. This instruction from the Director General holds, regardless of what practice notes may or may not be published the Department. It was also stated in the Director General's letter that if, following exhibition, there are particular sites which Council believes have a strong reason to be exempt from the clause, Council may make a submission to seek to exempt them from the application of the clause. Under the KPSO, all residential zones 2(a), 2(b), 2(c), 2(d), 2(e), 2(f), 2(g) or 2(h) are excluded from the application of suspension of covenants clause (cl68). The continued exemption from the suspension of covenants clause for low density zones, including the R2, E4 and R5 zones, could be justified on the basis that it is consistent with the intent of the LEP to largely translate the existing provisions of the KPSO and that it would not prevent the achievements of the objectives of these zones.	It is recommended to amend clause 1.9A (2) to insert the This clause does not apply to: (i) Zone E4 Environmental Living Zone (ii) Zone R2 Low Density Residential, (iii) Zone R5 Large Lot Residential.

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Object to Clause 1.9A Heritage agreements	zones such as E3 and E4 which are meant to protect the environment and prevent overdevelopment. Other Councils have excluded a range of residential zones in Clause 1.9A for their Standard Instrument LEPs, including Ryde, Sydney, and the recently exhibited Sutherland Shire (excluded R3, R2, E3, and E4). Covenants are as relevant today as they were when they were made. Most if at all purchasers are aware of a restrictive covenant or the benefit of one over their land when they purchase. The historical approach of allowing the subjects of the covenant to discuss the terms if they need to be changed should be all that is required. This is the fairest way to allow development to go forward and any compensation to be paid. For many who benefit from a covenant, it will devalue their property and potentially impact on amenity in various ways. No compensation is available. No opportunity to object later will be available to those property owners who are unaware of the exhibition of the LEP	NB. Please refer to the main body of the report regarding the future application of the E3 – Environmental management zone An exemption to the application of the suspension of covenants in the R1, R3 and R4 cannot be supported as existing covenants may be inconsistent with the objectives of these zones, which is to provide an increase in the choice and number of dwellings. If development in these zones is unreasonably restricted, it may lead to the need to up zone further land to achieve Ku-ring-gai's housing targets. It also should be noted that the suspension of covenants only applies to any agreement, covenant or other similar instrument that restricts the carrying out of permissible development. Covenants etc. that do not restrict permissible development will continue to apply.	
	Ku-ring-gai is unique and has been made so and kept so by covenants. Should they be removed it would erode amenity and value of properties. The Department of Planning		

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	and Infrastructure's guideline which covers Clause 1.9 A notes its inclusion if optional given the impact to residents and their private property rights, some zones may be excluded from the clause. All residential zones be removed from the clause. The clause is not mandatory and not all Councils need include it. The premise that the Clause is a continuation of Clause 68 under the KPSO is mistaken. Clause 68 excludes covenants in relation to the majority of the Municipality being residential zones. Stay as status quo and if that is not possible only allow the clause to apply to non-residential zones.		
	The clause should also exclude heritage agreements within the meaning of Part 3B of the Heritage Act 1977 as requested in the submission from the Heritage Council of NSW dated 27/9/2012.	It is not necessary to exclude heritage agreements from the operation of CI 1.9A as they are already excluded by s. 46 of the Heritage Act which states: <i>46 Heritage agreement cannot be suspended by EPI</i> <i>A heritage agreement is not a regulatory instrument for the purposes of section 28 (Suspension of laws etc by environmental planning instruments) of the Environmental Planning and Assessment Act 1979.</i> It is not considered necessary to repeat in the planning instrument what has been made clear by the legislation.	No changes recommended

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Increased development costs - objection to Clause 6.6	Submission argues that clause 6.6 will require an ecologist to examine biodiversity impacts for any re-development. This will increase the costs of development and will make it unbearable for residents to make upgrades to properties.	A clause equivalent to cl 6.6 is already incorporated into the KPSO (cl 61L). A vegetation management plan and report are currently required where it is likely that a proposal will impact either directly or indirectly on areas of remnant native vegetation and/or riparian areas. In addition, if a development has the potential to impact on a threatened species habitat, population or ecological community, an assessment of significance or "seven part test" is required. The introduction of the KLEP is no more onerous in this regard.	No changes recommended
Addition of objectives	Submission outlines that the Willoughby LEP 'Aims of Plans' are far more encompassing for the protection of Ku-ring-gai than those currently outline in the draft KLEP.	In a Standard instrument LEP, the aims should not repeat the objects of the EP&A Act, nor should they refer to other documents. Instead, they should be high level and reflect the local strategic planning underpinning the LEP. The aims contained in draft KLEP 2013 address all important strategic planning issues facing Ku-ring-gai and seek to balance the management of environmental, social, economic, heritage and cultural resources. They are also supported by detailed objectives contained in local provisions covering Ku-ring-gai specific planning issues such as biodiversity, riparian lands and heritage. The aims contained in Willoughby LEP are very detailed and appear to drill down into specific details that are more appropriate as objectives of specific provisions within the LEP rather than the overarching, higher level aims of the overall plan. The existing aims in the KLEP are considered to be comprehensive and at an appropriate level.	No change recommended

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
Amend Objectives of R2 and R3, R4.	Make amendments to the objectives in the Land Use Table for R2 Low Density Residential to add the following: • To retain and enhance residential amenity, including views, solar access, aural and visual privacy and landscape quality • To retain the heritage values of particular localities and places • To encourage self-sufficiency in respect to energy. Home industry in Ku-ring-gai is not compatible with the character of the area. In addition, development permitted without consent should be in line with the Willoughby LEP. Removing, building identification signs, business identification sign, exhibition homes, home industry, health consulting rooms, hospitals, neighbourhood shops. Adds objectives to R3 Medium Density Residential as follows: • To provide a transition between low density residential housing and higher density forms of housing development that is compatible with the scale and character of the surrounding residential area. • To encourage innovative design in providing comfortable and sustainable living environment that also has regard to solar access, privacy noise, views, vehicular access, parking and	The purpose of zoning is to manage land use types. The proposed additional objectives to the R2 and R3 zone contained in the submission relate to development design issues. The appropriate place for such issues to be addressed is within the development control plan or within specific LEP provisions dealing with such as heritage. <i>'home industry' is defined as</i> <i>"a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:</i> <i>(a) the employment of more than 2 persons other than those residents,</i> <i>(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,</i> <i>(c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,</i> <i>(d) the exhibition of any signage (other than a business identification sign),</i> <i>(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, but does not include bed and breakfast accommodation or sex services premises.</i> In addition the KLEP restricts home industry to less than 70sqm of floor area. Home based employment is currently a significant industry sector in Ku-ring-gai and it is important that the KLEP facilitate the retention of this sector. This is consistent with	No change recommended

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
	landscaping. Deletion of development permitted with consent under R4 zoning Bed and breakfast accommodation, building identification sign, business identification sign, exhibition homes, home industry, hostels.	the aim of the LEP to provide for a diversity of employment. Given the size and the definitional restrictions, home industry is considered to be a compatible use within residential zones. The submission provides no justifications for the deletion of the other land uses from the respective zones other than to bring the LEP in line with the Willoughby LEP. Individual Councils are free to determine land uses to be permissible within the various zones. The land uses contained in the KLEP are considered to be compatible uses that are consistent with the respective zone objectives and the overall aims of the plan.	

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
MAPPING			
Closure of unformed roads and undeveloped blocks:	The proposed land zoning maps show many unformed roads extending into bushland and undeveloped blocks that are currently bushland. The LEP proposal should include plans to extinguish these blocks and roads, to protect bushland reserves from future development. Examples are Beltana place Wahroonga. The land zoning map indicates a vehicular connection between the end of Beltana place through to the North West end of Morona Avenue however this does not exist and both Beltana place and Morona Avenue at this location are dead-ends. Unformed through the LCNP to Lane Cove River; Field of Mars, Riverview and Tarook unformed roads through bushland between Canoon road South Turramurra and The Broadway at Fox Valley; Undeveloped blocks at the ends of Aleta place, Yanilla Avenue, Leuna Avenue and West of George Christie Oval at Wahroonga. All such unformed roads and undeveloped blocks should be removed from maps and simply marked as bushland reserves or national park.	The KLEP maps show the cadastral base which includes all registered land parcels and road boundaries. The base contains both improved and unimproved property boundaries as well as formed and unformed Public and Crown roads. While it is acknowledged that the sites nominated in the submission are within terrain that is highly unlikely for development, the cadastral base must be included as it is a legal representation of the registered property boundaries.	No change recommended.

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
Error in the Mapping of Roland Avenue 101 Roland Ave, Wahroonga	Submissions point out that the draft LEP maps show Roland Avenue extending through the bush. In reality Roland Avenue stops after 109 Roland Ave and it becomes a very steep rocky bushland. Map should be amended to remove the road marked on the map, as it does not exist.	The KLEP maps show the cadastral base which includes all registered land parcels and road boundaries. The base contains both improved and unimproved property boundaries as well as formed and unformed Public and Crown roads. While it is acknowledged that the sites nominated in the submission are within terrain that is highly unlikely for development, the cadastral base must be included as it is a legal representation of the registered property boundaries.	No change recommended.
Mapping of 9 Lindsay Close, Pymble	The base maps for 9 Lindsay Close, Pymble, are incorrect. The land shown as 9, 11 and 12 Lindsay Close were subdivided by Council before 9 and 12 sold at auction in 1979. Boundaries should be updated.	The mapping of the area and the site mentioned are correct and in accordance with the latest registered subdivision maps with the Land Titles office.	No change recommended.
Mapping enquiry	Submission notes the exhibition that there is large parcel of land is classified "Cadastre" 14/3/2013 Land and Property Management Authority. Does it mean this parcel of land will not be controlled by your Council re: future planning? Looking at the date (14/3/2013), is it recently decided? Why we, as residents, are not consulted? Who decided this? Can we overturn this decision? The residents within your Council do not have any control or say about any development planning in our neighbourhood.	The reference to 'Cadastre' 14/3/2013 is referring to the legal lot boundary lines across every single property. The large grey area that the submission refers to is the outline of the local town centres area that does not form part of this KLEP. All land within the local centres boundaries are covered by the KLEP (Local Centres) 2012 which has already been gazetted.	No change recommended.

Areas inside the Local Centre Boundaries

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
AREAS INSIDE THE LOCAL CENTRE BOUNDARIES			
Character of St Ives Shopping Centre	Submission raises the issue that height restrictions to maximum 4 storeys should not impact on Village Green. Submission asks if there will be sufficient car spaces for all users of shopping and park areas. Submission is concerned that the increased size of the shopping centre will impact of traffic and safety of resident, schools and churches in the area. Submission shows concern over the role of the shopping centre owners in shaping the character of the area without having the residents' wishes into account. Submission emphasises that the setbacks are highly desirable to maintain the character of the area, streetscape and landscaping are also important.	The site subject of this submission is within the St Ives Local Centre. This draft KLEP does not cover the areas within the Local Centres. All development standards regarding building heights are specified in the already gazetted LEP (Local Centres) 2012. In addition, the draft DCP (Local Centres) sets further controls for parking, traffic impacts, safety and setbacks for the St Ives local centre.	No change recommended.
Objection to the rezoning of Gordon preschool to R4	Submission objects to the rezoning of property 2A Park Avenue (Gordon Preschool) to R4, which is within the Local Centres LEP.	This is not a matter dealt with under the KLEP. Council as it is within the Gordon Local Centre, covered by the LEP (Local Centres) 2012. It should be noted that Council is in the process of preparing a separate Planning Proposal regarding the reclassification of this site. That process will involve detailed investigations and a public hearing and include opportunities for submissions to be made regarding that proposal.	No change recommended.
Building Height for Pymble Local Centre	Submission mentions that Pymble Village should not be considered a Village but a small village, and therefore it should not have heights above 2 storeys.	The site subject of this submission is within the Pymble Local Centre. This draft KLEP does not cover the areas within the Local Centres. All development standards regarding building heights are specified in the already gazetted LEP (Local Centres) 2012. In addition, the draft DCP (Local Centres) sets further development controls for the Pymble local centre.	No change recommended.
Reclassification of Part	Submission argues that this lane provides	The site subject of this submission is within the Pymble	No change

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
Post Office Lane – rear lane access purposes Post Office St, Pymble	essential delineation and separation between the shops in Grandview Street and the heritage property at 4A Park Crescent. Reclassification would expose that heritage item to potential commercial development on its boundaries.	Local Centre. This draft KLEP does not cover the areas within the Local Centres.	recommended.
Creswell O'Reilly Lookout 1032-1052 Pacific Highway, Pymble	Submission opposes the reclassification on 1032-1052 Pacific Highway, Pymble. Submission quotes passage of Ordinary Meeting of Council (11 August 2009): 'The existence of these lots, where they extend into the R3 zone, prevents the consolidation of adjoining private residential lands to achieve efficient development parcels.' Submission argues that because there are new dwellings constructed as part of Ku-ring-gai targets to 2036, there is no need for additional opportunities for new dwellings. The park is a lookout to the valley and should remain a lookout. It is the only open public space in Pymble along the highway (apart from Secret Park, which is also due for reclassification). The park is named after W. Creswell O'Reilly, known as 'the tree mayor'. It would be an irony for Council to mark its esteem to his legacy with a reclassification that honours high-rise development. It is argued that this land should be retained as 'community' land because this park is Pymble's second most significant park after Robert Pymble Park.	The site is outside the boundaries of the draft KLEP 2013, and therefore not a matter for consideration under this plan. The site is located within the Ku-ring-gai LEP Local Centres 2012 area.	No change recommended.
Reclassification of 1 and 2 Alma St, Pymble	Submission states that these two properties should be retained as community land. It is argued that Alma street is really narrow as it	The sites are outside the boundaries of the draft KLEP 2013, and therefore not a matter for consideration under this plan. The sites are located within the Ku-ring-gai LEP	No change recommended.

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
	reaches Grandview Street, with negligible setbacks, and is vulnerable to a canyon effect, should both properties be redeveloped. Property 2 Alma street should be kept as an extension of Robert Pymble Park, because it would provide a gateway park vista for the main approach to Robert Pymble Park. This implementation could be incorporated at minimal cost and it is naturally suited for this purpose. Submission also proposes this land to become a park-based pavilion-type café, which would provide a popular link between Grandview Street and the park. No 1 Alma street should be retained as an extension of Robert Pymble Park and could become a treed casual parking area for the visitors of Robert Pymble park and the potential café on 2 Alma Street.	Local Centres 2012 area.	
Reclassification of 65 Grandview St, Pymble	Submission suggests that the pedestrian pathway on this property should remain in community ownership so as to ensure that unrestricted access for pedestrians, bicycles, prams, etc. is maintained away from the hazards to vehicular traffic. Public pedestrian walkways are recognised as a necessary element of good civic design. This pathway provides an important link for the Grandview St shops.	The sites are outside the boundaries of the draft KLEP 2013, and therefore not a matter for consideration under this plan. The sites are located within the Ku-ring-gai LEP Local Centres 2012 area.	No change recommended.
Reclassification of 1192 Pacific Hwy, Pymble	Submission is against the reclassification of this land because it contains Blue Gum High Forest and it provides important streetscape	The sites are outside the boundaries of the draft KLEP 2013, and therefore not a matter for consideration under this plan. The sites are located within the Ku-ring-gai LEP	No change recommended.

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
	relief from the multistorey development adjoining it on the western side of the highway. It is a very important part of the aesthetic amenity at the top of Pymble Hill and should be retained as such.	Local Centres 2012 area.	
12, 12A,&14 Park Crescent	The presently proposed zoning for the site is R4 high density residential, with a maximum building height of 14.5m (4 storeys). The sites are surrounded on three sides by a maximum building height of 11.5m (3 storeys) and on one side by a maximum building height of 9.5 (2 storeys). The proposed maximum building height of 14.5m for these sites would not be consistent with the maximum heights and character of the adjoining sites. In particular, these sites front onto pristine Robert Pymble Park, where the maximum building heights are otherwise limited to 11.5m and 9.5m	The submission refers to three land parcels that are not the subject of this KLEP. The sites fall within the Local Centres LEP and the zoning has already been gazetted under that instrument. Should the landowners require a change to existing zoning or heights under the Centres LEP, they would need to submit a Planning Proposal to Council justifying the change.	No change recommended.
1083 Pacific Hwy & 1 Telegraph Rd	The current zoning for the site is R4 high density residential with a maximum building height of 11.3m (3 storeys). The site is surrounded by a maximum building height of 9.5m (2 storeys) and lies opposite heritage items at no. 1188 Pacific Highway and no. 1186 Pacific Highway. The proposed R4 zoning for the site would not be consistent with the maximum height of the adjoining site at 1081 Pacific Highway	The submission refers to three land parcels that are not the subject of this KLEP. The sites fall within the Centres LEP and the zoning has already been gazetted under that instrument.	No change recommended.

Areas inside the Local Centre Boundaries

THEME	ISSUE/CONCERN	COMMENT	RECOMMENDATION
	and 3 Telegraph Rd. The submission proposes that the maximum building height for the site should be changed to 9.5m (2 storeys).		
Commercial Area - Wahroonga/Lindfield	A model based on Wahroonga station would be desirable for the re-development of Lindfield station as it already has elements Wahroonga shopping district in Lindfield today. However submission notes the village atmosphere has been lost and that creating walking paths over the highway will reduce this fragmentation. This would allow the development of tree linked open space with cafes and specialty shops creating a European like setting. Limiting traffic to certain areas would also help to contribute to this open space approach. The underground car parking is supported.	The Lindfield station and adjacent retail area is in the local centre area, and is therefore not a matter for the KLEP. The local centres are covered by the gazetted Ku-ring-gai Local Environmental Plan (Local Centres) 2012 and the Local Centres Development Control Plan. The enquiry about the Lindfield Station should refer to these documents to understand what development is permissible with local centres.	No change recommended.
Rezoning to Middle Harbour Rd, Lindfield	Request for the re-zoning of the area bound by Middle-Harbour Road, Lindfield Avenue, Trafalgar Avenue and Chelmsford Avenue to be returned to R2 residential zone.	The area bound by Middle-Harbour Road, Lindfield Avenue, Trafalgar Avenue and Chelmsford Avenue lies solely within the Local Centres LEP and is not a matter for consideration under the draft KLEP.	No change recommended.
Development Control Plan, St Ives Shopping Village	Submission requests that the intended purpose of the buildings at St Ives Village will not dominate the area and that the vegetation will not be compromised.	The sites are outside the boundaries of the draft KLEP 2013, and therefore not a matter for consideration under this plan. The sites are located within the Ku-ring-gai LEP Local Centres 2012 area.	No change recommended.

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
MISCELLANEOUS			
Retrospective effects of the Plan and costs for affected residents	Submissions argue that the draft LEP has large implications of retrospectivity. Many residents have invested on their homes for years, doing everything right in terms of following Council laws. Submissions ask why residents now subject to different laws that devalue their property. If this plan goes ahead, it is likely that residents would demand that the unimproved capital values of properties be devalued by the Valuer-General, which will have impact on the rates payable to Council. Submission highlights that Council should realise that this Plan will lead to enormous costs as those affected would be most likely to take the issue to the Land and Environment Court at great detriment to Council revenues. Council should revise the impact that the LEP will have on some properties, looking at these issues in retrospective. In case of damage, owners should be allowed to restore their properties to their original specifications. Retrospectivity does not pose threats to the Municipality.	The Draft KLEP 2013 is largely a translation of the out-dated Ku-ring-gai Planning Scheme Ordinance. The rating base for properties is a separate matter. It is understood there is an appeal/review process for valuer general issued land valuations. The draft KLEP 2013 is replacing the out-dated KPSO. The KLEP 2013 is based on contemporary legislation and urban planning practice and policies. Schedule 1 additional permitted uses – carries over provisions lawful uses of sites.	No change recommended.
Ku-ring-gai Municipal Elections – Representational Model	Resident believes that the proposed KLEP should be out on hold until the Ku-ring-gai Municipal Elections to allow for a fully	The process and legislation for holding the exhibition for KLEP 2013 are set by the NSW State Government and are independent to Local Government election cycles.	No change recommended.

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
	citizen representational model to be implemented. Resident believes that changes to the rules of areas that are already inhabited must be done by representational model procedures. Therefore anyone wanting to change the rules must do it through elections.		
General objection to KLEP	Resident strongly objects to the proposal. The belief is that this will negatively impact their property (no address is given).	Objection noted. It is difficult to comment on such a general statement with no specific address or issue being raised. It should be noted that the KLEP is a direct translation of the existing KPSO and is a requirement by the Department of Planning so that it meets the format and content of the standard instrument template. In general no new issues are dealt with in the KLEP except where they were part of a strategic requirement presented in the Planning Proposal and approved through the Gateway Determination.	No change recommended.
DCP46 demolition	Submission highlights under DCP46 demolition under 40 square metres is exempt. The SI LEP states that "The demolition of a building or work may be carried out only with development consent". Will small demolitions remain exempt from planning approval as in DCP46	Once KLEP 2013 is made DCP 46 will no longer apply. Exempt development will be governed by schedule 1 of KLEP or <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> (the Codes SEPP) Although clause 2.7 of KLEP 2013 requires development consent for the demolition of a building or work, certain demolition works may be carried out without consent as exempt development or complying development under the Codes SEPP.	No change recommended.
Suggestions for Council to reduce costs	Submission suggests that Council should outsource more of its processes and cut back on numbers of staff. There is too much inefficient red tape. Council should review all its functions to see	These matters are noted however not relevant to the exhibition of the Draft KLEP 2013	No change recommended

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
	if they are really needed. For example library use should be reviewed as the introduction of book e-readers has changed the panorama for libraries. This submission is connected to the rezoning of Culworth car park (costs should be reduced instead of selling the car park).		
Suggestion to include On-site Stormwater Detention (OSD) in the KLEP	Submission by a member of the Institution of Engineers Australia comments on the preferred methods of OSD as previously adopted and now proposed by Council in the KLEP. Submission describes Surface OSD, Below Ground Tank OSD, Below Driveway Tank OSD, Above Ground Tank OSD and the concept of retention versus detention.	Clause 6.10 of the KLEP provides objectives and design principals aim at achieving water sensitive urban design. The Development Control Plan (DCP) will provide more detailed guidance on how development can facilitate the achievement of the requirements of clause 6.10. The preferred methods of on-site stormwater detention discussed in the submissions are matters that are relevant to the detailed controls to be contained in the DCP.	No change recommended
Support for Ku-ring-gai general DCP based on the DCP (Town Centres)	The draft Town Centres DCP details revised development guidelines for properties in HCAs. Of particular relevance are the setting and setback requirements for new developments. This document clearly indicates Council's good intentions regarding maintenance of privacy and prevention of incongruous development. Submission supports the KLEP and the future DCP if the DCP for the KLEP 2013 is largely to be a translation of the DCP (Town Centres).	Support noted	No change recommended.
Housing choice - Adaptable housing	Submission states that with an increasing number of single person households,	The KLEP is not a housing strategy. It is a translation of the KPSO development standards into the standard	No change recommended

THEME	ISSUE/ CONCERN	COMMENT	RECOMMENDATION
	homes should be adaptable to the changing needs of families throughout life. Submission quotes the definition of 'Life House Dwellings' in Camden Growth Centre Precincts DCP Appendix A: A house initiative that is designed to facilitate the changing lifestyle needs of the home buyer. When built, the Life House can respond to current need of the resident, and the house can grow/downsize according to needs. Resident suggests that this concept should be added to the LEP as it is in line with the NSW Planning objectives.	template format as required by the Department of Planning and Infrastructure. As such it is not within the scope of the KLEP to investigate or include housing strategies.	

Attachment 9 – Heritage Items for investigation or removal

PART A - Potential Heritage Items for additional research

It is recommended that the following potential Heritage Items be removed from the Heritage Map and Schedule 5 of the KLEP, and be deferred for further investigation:

1. 19 Ada Avenue, Wahroonga
2. 18 Ada Avenue, Wahroonga
3. 57 Avon Road, Pymble
4. 67 Avon Road, Pymble
5. 31 Bannockburn Road, Pymble
6. 27 Beechworth Road, Pymble
7. 3 Berrillee Lane, Turramurra
8. 10 Berrillee Street, Turramurra
9. 72 Bobbin Head Road, Turramurra
10. 33 Bobbin Head Road, Pymble
11. 31 Bobbin Head Road, Pymble
12. 27 Bobbin Head Road, Pymble
13. 25 Bobbin Head Road, Pymble
14. 21 Bobbin Head Road, Pymble
15. 19 Bobbin Head Road, Pymble
16. 17 Bobbin Head Road, Pymble
17. 65 Braeside Street, Wahroonga
18. 73 Braeside Street, Wahroonga
19. 86 Braeside Street, Wahroonga
20. 82 Braeside Street, Wahroonga
21. 49 Fox Valley Road, Wahroonga
22. 51 Fox Valley Road, Wahroonga
23. 93 Fox Valley Road, Wahroonga
24. 145 Fox Valley Road, Wahroonga
25. 14 Fox Valley Road, Wahroonga
26. 10 Fox Valley Road, Wahroonga
27. 7 Kimbarra Road, Pymble
28. 9 Kimbarra Road, Pymble
29. 12 Kimbarra Road, Pymble
30. 17 Kintore Street, Wahroonga
31. 16 Kintore Street, Wahroonga
32. 51 Kissing Point Road, Turramurra
33. 53 Kissing Point Road, Turramurra
34. 69 Kissing Point Road, Turramurra
35. 54 Kissing Point Road, Turramurra
36. 28 Kissing Point Road, Turramurra
37. 20 Kissing Point Road, Turramurra
38. 5 Kywong Avenue, Pymble
39. 56 Livingstone Avenue, Pymble
40. 11A Lucinda Avenue, Wahroonga
41. 37A Lucinda Avenue, Wahroonga
42. 41 Lucinda Avenue, Wahroonga
43. 24 Lucinda Avenue, Wahroonga
44. 55A Mona Vale Road, Pymble
45. 59 Mona Vale Road, Pymble
46. 105 Mona Vale Road, Pymble

47. 102 Mona Vale Road, Pymble
48. 1282 Pacific Highway, Turramurra
49. 77B Pymble Avenue, Pymble
50. 49 Telegraph Road, Pymble
51. 66 Telegraph Road, Pymble
52. 52 Telegraph Road, Pymble
53. 42 Telegraph Road, Pymble
54. 2 Telegraph Road, Pymble
55. 11 The Glade, Wahroonga
56. 9 Wahroonga Avenue, Wahroonga
57. 5 Warrangi Street, Turramurra
58. 37 Warrangi Street, Turramurra
59. 29 Bobbin Head Road, Pymble
60. 22 Bungalow Avenue, Pymble
61. 12 Anatol Place, Pymble
62. 26 Bent Street, Lindfield
63. 32 Bent Street, Lindfield
64. 30 Bent Street, Lindfield
65. 73 Braeside Street, Wahroonga
66. 158 Burns Road, Turramurra
67. 48 Bushlands Avenue, Gordon
68. 34 Carlotta Avenue, Gordon
69. 32 Chilton Parade, Warrawee
70. 19 Douglas Street, St Ives
71. 2 Merrivale Road, Pymble
72. 4 Merrivale Road, Pymble
73. 3 Millewa Avenue, Warrawee
74. 2 Oroya Parade, Roseville
75. 29 Pleasant Avenue, East Lindfield
76. 21 Station Street, Pymble
77. 29 Station Street, Pymble
78. 33 Station Street, Pymble
79. 37 Station Street, Pymble
80. 41 Station Street, Pymble
81. 28A Station Street, Pymble
82. 135 Springdale Road, East Killara
83. 35 Vale Street, Gordon
84. 20 Warrangi Street, Turramurra
85. 48 Warrimoo Avenue, St Ives
86. 33 Warrangi Street, Turramurra
87. 29 Ada Avenue, Wahroonga
88. 68 Ridge Street, Gordon
89. 57A Lucinda Avenue, Wahroonga
90. 45 Warrangi Street, Turramurra
91. 67 Clissold Road, Wahroonga
92. 146 Fox Valley Road, Wahroonga

PART B - Properties to be removed due to error

It is recommended that the following properties be removed from the Heritage Map and Schedule 5 of the KLEP:

1. 57 Boundary Road, Wahroonga
2. 72 Pentecost Avenue, Pymble
3. 87 Pentecost Avenue, Pymble
4. 43 Pentecost Avenue, Pymble
5. 10 Culworth Avenue, Killara
6. 12 Culworth Avenue, Killara
7. 39 Selwyn Street, Pymble
8. 3 Warwick Street, Killara
9. 21A Lynwood Avenue, Killara
10. 21 Grandview Street, Pymble
11. 9 Pibrac Avenue, Warrawee
12. 4 Burns Road, Wahroonga
13. 16 Burns Road, Wahroonga
14. 21 Lorne Avenue, Killara
15. 33 Illoura Avenue, Wahroonga
16. 31 Elva Street, Killara
17. 2 Smith Street, Lindfield

Attachment 10 – Heydon Ave, Warrawee
& Woodville Ave, Wahroonga Heritage
Conservation Area Heritage Data Form

Heritage Data Form

ITEM DETAILS							
Name of Item	Heydon Ave, Warrawee and Woodville Ave, Wahroonga Heritage Conservation Area (HCA C2)						
Other Name/s Former Name/s							
Item type (if known)							
Item group (if known)							
Item category (if known)							
Area, Group, or Collection Name	Heritage conservation area						
Street number	See attached map for boundary of HCA.						
Street name	Various						
Suburb/town	Warrawee/Wahroonga					Postcode	
Local Government Area/s	Ku-ring-gai Council						
Property description							
Location - Lat/long	Latitude				Longitude		
Location - AMG (if no street address)	Zone		Easting			Northing	
Owner	Various						
Current use	Residential/recreational/educational						
Former Use	Residential/recreational/educational						
Statement of significance	The Heydon Avenue Warrawee/Woodville Avenue Wahroonga Heritage Conservation Area (HCA C2) is a distinctive residential area of high local significance. The HCA is clearly able to demonstrate various phases of historical development through the subdivision pattern, early tree plantings, and the large number of architect-designed houses and buildings from the 1890s through to the 1950s. The deliberate actions of its wealthy residents in the 1920s and 1930s to exclude commercial development also contributed to its predominately residential character. The HCA includes two large non-residential institutions: Warrawee Bowling Club (1907) and Knox Grammar School (1924), which were developed in conjunction with the surrounding residential streets and are historically linked to them. The Warrawee Bowling Club was formed in 1907 by a group of local residents wishing to provide sporting and recreation facilities close to home and is thus strongly associated with the residential character and historical development of the area. Knox Grammar was established in 1924 to take advantage of the movement of Sydney's wealthy and professional classes from areas such as Burwood and Strathfield to Ku-ring-gai following the opening of the North Shore Railway. In the early years, its function as a boarding school for the sons of graziers saw an emphasis on providing a congenial and welcoming "home away from home" for its						

Heritage Data Form

	boarding students. As the school grew, additional buildings were designed to combine residential and educational functions using styles, materials and a scale (one-to-two storey) that complemented the surrounding inter-war residential streets and views from the train line. The HCA is strongly associated with a large number of notable politicians, philanthropists, professionals and architects, making it an historical and architectural enclave of high local significance. The HCA includes high-quality examples of the work of many well-known architects as well as many fine and imposing houses whose designer or architect is unknown. The HCA is notable for its high number of listed items, contributory buildings and potential heritage items.	
Level of Significance	State ☐	Local X

DESCRIPTION	
Designer	Various
Builder/ maker	Various
Physical Description	The overall topography of the HCA is flat to gently sloping. The North Shore train line forms the eastern boundary and a number of cul-de-sacs have been created by the rail line interrupting the street grid. The roads south of Knox Grammar terminate at Warrawee train station. This creates an enclosed feel to the streets with narrow streets and limited access. The area includes early trees surviving from former private gardens as well as street trees, hedges and private trees whose canopies overhang the streets and create an urban forest character. The dominant residential character of the HCA is created by several large freestanding residences/villas built in the 1890s and by subsequent residential subdivision and development in the 1920s-1930s. Following the construction of the North Shore rail line in 1900 and the opening of Warrawee Station in 1910, the original estates formed in the 1890s were broken up and subdivided. The current allotment pattern was established in the 1920s and further residential infill took place in the 1940s with the construction of several large inter-war functionalist houses. Residential development was largely completed by the end of WWII, and the HCA has seen little subsequent development, subdivision or battle-axe development. This has created a small, high-quality residential precinct demonstrating a variety of historical styles with a high degree of intactness. The houses are freestanding within a regular grid of similar sized allotments. Notable exceptions are Redleaf and Knox Grammar School which are survivors of the late nineteenth-century villa estates. The houses are single-storey and two-storey and display a variety of face brick and rendered styles. Overall cohesion is created by the residential scale and character, regular allotment pattern, consistent front and side setbacks, use of steep pitched and hipped roof lines and slate, terracotta tile or terracotta shingling, matching front walls and fences, and established garden settings. Windows are usually vertically proportioned and timber framed. Many of these houses are architecturally imposing and include established gardens and mature trees. Architectural styles represented within the area include Federation Queen Anne, and Inter-war styles including Old English, Mediterranean, Californian Bungalow and some later styles (eg Inter-war

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	Functionalist). It is expected that more detailed research will identify the architects and designers of other houses in the HCA. Knox Grammar School and the Warrawee Bowling Club buildings contribute to the built character of the HCA in employing the same palette of materials (red brick, terracotta tiles, timber windows etc) and built forms (single-storey and two-storey, pitched roofs, garden settings etc) as the surrounding residential streets. The area contains a predominance of contributory sites, listed heritage items and potential heritage items. The contribution map within the 2010 North HCA Review by Paul Davies indicates no non-contributory sites within the HCA.					
Physical condition and Archaeological potential						
Construction years	Start year	1876	Finish year	1950	Circa	X
Modifications and dates						
Further comments	Geographically contained by the railway and the Pacific Highway, this area has been identified and recommended as an HCA by three separate heritage studies between 1996 and 2010. • 1996 National Trust study by Robertson and Hindmarsh • 2005 Heritage and Neighbourhood Study by Godden Mackay Logan • 2010 North HCA Review by Paul Davies. The 2010 Paul Davies report also recommended selected buildings within Knox School be further investigated as potential heritage items.					

HISTORY	
Historical notes	Pre-contact and early contact Aboriginal history The name Ku-ring-gai comes from the Kuringgai or Guringai Aboriginal language group of the people who inhabited the area from Port Jackson north across Broken Bay and beyond Brisbane Water. The name has been adopted for both the Local Government area and the adjacent National Park to the north. There were two bands of the Guringai in what is now the Ku-ring-gai Local Government area: the Garrigal or Carigal people, who lived around West Head, and the Terramerragal, who lived in the Turramurra area. A ridge-top pathway made by the Guringai people was the route followed by what is now the Pacific Highway through Ku-ring-gai. Within six weeks of the arrival of the British First Fleet in Sydney in 1788, Governor Phillip went exploring around Broken Bay, and commented on the friendliness of the Aboriginal people. However, when he returned a year later, all except those too sick with smallpox fled from him. By 1790, over half of the Guringai nation had been wiped out by smallpox. By the 1840s, most of the Aboriginal people had disappeared from Pittwater and their traditional lands had been taken over by white settlers. Some Guringai survivors of the small pox epidemic formed what was known to the British colonists as the Broken Bay tribe led by Bungaree, who was notable for completing the first circumnavigation of Australia with Matthew Flinders in 1801-1802. Another notable Guringai person in the early contact

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	period was Bennelong's wife, Barangaroo, who was noted in colonist's records for her strong personality. Today, there are over 800 culturally significant Aboriginal sites found in Ku-ring-gai National Park, including rock engravings, rock shelter drawings, paintings and stencils, axe grinding grooves and shell middens, and Aboriginal people live throughout Sydney metropolitan area. There are around 100 recorded Aboriginal sites in the Ku-ring-gai LGA and large areas are considered to have high potential for unrecorded sites. These sites are still important to Aboriginal people living in the region and there are many Aboriginal people and local residents actively working to protect these sites and promote the rich Aboriginal heritage of the area. European settlement in the Ku-ring-gai area Captain John Hunter and Captain Arthur Phillip let the first expeditions north of Sydney Cove into the tribal lands of the Gurringai soon after the landing of the First Fleet searching for suitable agricultural land and fresh water. Rock carvings are the only surviving evidence of Aboriginal habitation. In 1896 a large expanse of bushland was reserved as parkland and named Ku-ring-gai Chase for the original inhabitants. This name was adopted by the shire formed in 1906 and the municipality gazetted in 1928. The earliest European settlement in Ku-ring-gai was along the major roads, and was generally rural in nature. During the 19th century, timber getting and orchards were major activities, and a few villas were built which are still extant (for example in the 1880s Grandview on Pymble Hill, 1178 Pacific Highway, the former orange orchard of which now forms part of the grounds of PLC school). Millwood Farm on Blue Gum Creek was established in 1814 by a marine, William Henry, the first white settler in the Ku-ring-gai area. In the 1920s ex-convict Joseph Fiddens, a major force in the district's development, eventually became a ferryman after a brief attempt at farming. He rowed sawn timber from the government sawpits on the Lane Cove River to Sydney and dropped off supplies to settlements on his way home. The sly-grog and other facilities he provided at the infamous Fiddens Wharf attracted the rough-living sawyers and bushmen of the district. Later, Daniel Mathew established two sawmills, one at Clanville (Roseville) in 1825 and another at Rosedale (Pymble) in 1838. Most of the sawyers moved on when the trees were felled, leaving cleared land from the farmers and orchardists who followed. One was Robert Pymble who gave his name to the suburb where he established the first north shore orange orchard. The other early settlers were Richard Archbold at Roseville and Robert Pockley at Killara. The Lane Cove River was used to carry produce to Sydney. Ku-ring-gai grew slowly in the nineteenth century, its population being 4000 by 1901. However, over the next two decades its population quadrupled. By this time, with its large residences in beautiful leafy surrounds, it had changed from a district with a dubious reputation to one that attracted people of high socio-economic status, 73 per cent of whom were home owners. Development of Warrawee Early land leases and timber getting As with Wahroonga to the north, Warrawee was a prime timber-getting area from c1815, dominated by the landholdings of timber contractor Thomas Hyndes to the east and west of Lane Cove Road (present-day Pacific Highway). By 1822 Hyndes had leased 2000 acres (809 ha) to the east of the road and in 1840 this land was re-leased to John Terry Hughes, a prominent merchant and brewer, to whom a deed of grant was made out in 1842. An area of 640 acres to the west of Lane Cove Road was granted to Hyndes in 1838. As the timber was removed, the cleared land was converted to use as orchards and market gardens.

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The North Shore Railway and the first residential subdivisions (1890s)

The announcement of plans for the North Shore railway as early as 1882 heralded the beginnings of present-day Warrawee. The residential potential of the area next to the proposed railway line was immediately apparent and subdivision of the original orchards and market gardens occurred quickly. Land that had been bought for 3-4 pounds per acre in the 1870s was subdivided and re-sold for 200 pounds an acre in the 1890s. The first subdivisions were relatively large (1-4 acres) and the new owners were professionals, businessmen and politicians who built large private villas.

Two surviving late nineteenth century villas are Redleaf (built in 1899 on five acres) and Earlston (on 12 acres and now part of Knox Grammar). The oldest surviving house in the area is reputedly Reaycroft at 17 Heydon Avenue built in 1895 which originally occupied a larger site, including present-day Yosefa Avenue.

Development following the opening of Warrawee Station

When the North Shore rail line opened in January 1890, there was initially no station at Warrawee due to its proximity to Wahroonga. After a period of lobbying by local Warrawee residents, including J.C. Remington, the second owner of Pibrac, a station at Warrawee was built and opened on 1 August 1900.

This 10-year delay and the area's level of affluence meant that the large-acre allotments created in the 1890s were retained until the 1920s. Whereas the southward extension of the North Shore railway saw subsequent re-subdivision and residential intensification in other suburbs, Warrawee developed its own solely residential character with no shops, post office, public schools or churches near the station.

The area's reputation as a high-quality residential suburb was at times used to promote sales of land in new subdivisions, for example the 1914 sale of the Winton Estate, with ten lots offered for sale in Winton Avenue, advertised the area as "The District of Beautiful Houses".

Post-WWI subdivision

The exclusive residential character of the area became more pronounced after WWI as prominent wealthy residents, particularly Joseph Beresford Grant, sought to preserve the area's exclusive character, and gazumped commercial developers by buying up sites with commercial potential and building houses on them instead.

One house, Woodcourt at 34 Heydon Avenue, immediately opposite Warrawee Station, was designed by architect Leslie Wilkinson in 1934 for Joseph Beresford Grant. It was built to block a row of shops destined for the site. (Grant was responsible for the construction of a number of substantial residential dwellings in Warrawee, Pymble and Killara, many by well-known architects.)

Woodville Avenue

At the northern end of the HCA, Redleaf currently occupies four blocks at 28 Woodville Avenue. It was completed in 1899 to the design of Howard Joseland for solicitor Walter Parish of the Sydney legal firm Parish Patience and McIntyre and sat within an extensive garden of five acres. By 1915 the property was owned by Arthur Crane of the Tap Manufacturers GE Crane and Sons.

In 1926 the Redleaf estate was resumed by Ku-ring-gai Council to provide better access to Wahroonga Station. The Council subdivided the estate into residential allotments in 1929 with the subdivision called the Ku-ring-gai Council's Model Town Subdivision. At the time Redleaf was purchased by the Sisters of Mercy and converted into a nursing home, a use which continued until 1966 when it reverted to a private residence.

The Ku-ring-gai Council Model Town Subdivision of 1929 also formed Redleaf Avenue and extended Woodville Avenue north to intersect with Redleaf Avenue.

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	The Council auctioned the Redleaf estate in October 1929, just a little over two weeks before the Wall Street Crash. Due to the timing of this subdivision, the area around Redleaf and Woodville Avenues, is dominated by housing built after 1929 (in the 1930s and 1940s). Knox Grammar School (1924) The strip of land between the Pacific Highway and the train line extending south from the Redleaf Estate at Wahroonga saw the establishment of Knox College in 1924. Knox Grammar occupies the site of Earlston designed by architects Spain and Cosh and built in 1908 for Sir William Moses MLC. It was subsequently owned by Sir Charles MacKellar, and in 1923 several North Shore businessmen took out a mortgage and bought the house and its 12 acres of land to donate to the Presbyterian Church for a new school. The four benefactors were John James Gilmore, Robert Winton Gillespie, Andrew Reid and William McIlwrath. The foundation of Knox Grammar School as a private Presbyterian boys' school parallels the establishment of Pymble Ladies College (PLC) on the other side of the Pacific Highway in February 1916. PLC was established as a branch of PLC Croydon and reflects the overall movement of Sydney's wealthy and professional classes from areas such as Burwood and Strathfield to Ku-ring-gai following the opening of the North Shore rail line. Knox School was officially opened on 5 February 1924 by the NSW Premier with 28 students, six of whom were boarders. The school's first prospectus emphasised the school's strong Presbyterian character, the climate of the locality, the school's home-like appearance with large rooms, wide balconies and verandahs, and the school's emphasis on a liberal education and the encouragement of 'manly sports' (SMH, 27 September 1923 and <i>Knox: A History of Knox Grammar</i>). The school expanded quickly and new buildings were needed immediately. Earlston was extended and became known as the School House (now Gillespie Heritage House). It provided accommodation for the boarders and by the end of the first term in 1926 there were 25 boys in residence. Over the next decades, a series of additional buildings were constructed on the site, the Preparatory School was established in Wahroonga following the purchase of Ewan House in 1928 and properties adjacent to the main school site were acquired or donated to extend the school grounds. In 1924 local architect John Shedden Adam of Power and Adam designed the first of a series of buildings he would design for the school over the next 10-15 years. The first was a new classroom block which established the school's architectural style. Much thought was given to its siting within the grounds. It was decided by the school's first headmaster, Neil MacNeil that the most important view of the school was that from the railway and the playing fields and so it was decided to present an ordered arrangement of buildings as seen from that vantage point rather than from any other (<i>Knox: A History of Knox Grammar</i>). A long-serving first headmaster, the long-term plans for growth set by the School's governing board, the use of the same architectural firm over many years and the desire of the school to operate as a unified and harmonious presence within its immediate residential surroundings led to a series of school buildings that employed a common palette of architectural forms and materials that matched that of the surrounding streets and created an architecturally cohesive school environment. Early school buildings include: 1923 – SMH reported that the opening of the school with new buildings already under construction. 1925 – new classroom building and laboratories officially opened (Power and Adams). 1925 – new dormitories for boarders (Power and Adams)

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	1930 – extensions to the School House (Power and Adams). 1933 – new workshop and classroom block (Power and Adams) 1934 – new hospital block (Power and Adams) 1962 – War Memorial Chapel opened on 4 November 1962. The architectural style established by John Sheddon Adam in the 1920s indicates the school's keen awareness of the surrounding residential development taking place at the same time and the school's desire to provide a homely environment for its students, especially its boarders. All the early school buildings are either single or two storey with verandahs, colonnades and balconies and use the same red face brickwork, steep pitched roofs with terracotta tiles and vertically proportioned windows. The result is a combined residential and educational character that is in keeping with the Inter-war domestic styles and materials of the neighbouring streets and also signals its educational function. In recent years, Knox Grammar School have undertaken the following large-scale works: • Several houses in Woodville Avenue purchased and demolished to create a car park. One building was retained and adapted as a visitors facility (previously proposed as a heritage item). • New entrance gates installed in Woodville Avenue and metal palisades erected on existing stone fences along the Pacific Highway and Borambil Street. • The former "hospital" at the corner of Pacific Highway and Woodville Avenue demolished for a 2-3 storey-scale boarder accommodation building. • An aquatic centre and hall built near the Woodville Avenue entrance under a State school policy. • 2 Borambil Street (heritage item) was converted to a uniform store, involving minor internal works. • Approval granted by the L&E Court for a large 4-storey "seniors school" building in Borambil Street near Warrawee Station. Heydon Avenue To the east of Knox Grammar School, Heydon Avenue (originally Beaufain Avenue, renamed after Judge C.G. Heydon who lived there) was largely developed in the 1920s and 1930s following subdivision of Heydon's estate Reaycroft in 1924. His home, Reaycroft at 17 Heydon Avenue was built in 1895 to a design by Castleton and Lake in the Federation Queen Anne style, and is the area's oldest home. Yosefa Avenue Yosefa Avenue, named after Judge Heydon's wife, who built the house Yosefa in the 1890s, was laid out in 1924, with the house demolished for the subdivision. Yosefa Avenue contains ten houses, four designed by architect Augustus Aley including Innisfree at No. 8, which he designed for himself in 1920 and Santos at No. 11, also designed by Aley for his own use in 1929. Warrawee Bowling Club (1907) The Warrawee Bowling Club was incorporated in January 1906 as the Ku-ring-gai Recreation Company Ltd. It was formed by a group of local residents and businessmen with the intention to provide facilities for local sports and to create a "haven of harmony and of enduring friendships". The seven founding members were all local Wahrenoonga, Turramurra and Warrawee residents, including Sam Nettleton who later lived in Yosefa Avenue. A prospectus was issued and money was raised by

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	subscription to purchase land on the corner of the Pacific Highway and Heydon Avenue. The company was created to provide sport and recreation facilities including cricket, bowls, tennis, croquet and indoor amusements and to then lease these facilities to local organisations. The separate Ku-ring-gai Recreation Club was then formed shortly after, with Sam Nettleton as the Club's first President. The first bowling green was laid out in 1906-1907, making it one of the earliest on the North Shore. The program for the official opening of the grounds on 7 September 1907 stated that the club "would be a means of creating a good social feeling among residents of the surrounding districts and encouraging the younger members of resident families to take their recreation in the vicinity of their homes". In 1908 the first clubhouse was built and the site originally included a bowling green, croquet lawn, cricket ground and three tennis courts. During the Depression, the club raised additional funds by subdividing land on Heydon Street into six residential allotments, leaving the club in possession of 3.5 acres. After WWI the cricket ground was converted to bowling greens and in 1949 the greens were relocated to allow for the widening of the Pacific Highway. The road widening meant the destruction of the first clubhouse. With the money received from the Main Roads Board for the land resumption, the club built a new clubhouse in 1955. The architects were Robertson and Marks and builders were Girvan Brothers for a cost of 25,000 pounds. It was first occupied on 13 August 1955 and officially opened by the NSW Governor on 19 November. A greenkeepers cottage was also built in 1955 on land donated by William McIlwrath. Throughout the 1950s and 1960s several proposals were put forward for the creation of a Women's Bowling Club. Finally in 1971 in a special general meeting member agreed unanimously to change the constitution to admit women members and to allow the formation of the Warrawee Women's Bowling Club. In September 1978 the clubhouse building was extensively damaged by fire. Reconstruction of the building took place over the next few months and the building was re-opened on 27 April 1979. Other streets Eulbertie Avenue, Winton Street and Borambil Street were subdivided and developed between 1900 and 1908.

THEMES	
National historical theme	Building settlements, towns and cities
State historical theme	State Historic Theme 1: Towns, suburbs and villages State Historic Theme 2: People

APPLICATION OF CRITERIA	
Historical significance SHR criteria (a)	The Heydon Avenue Warrawee/Woodville Avenue Wahroonga Heritage Conservation Area is a distinctive residential area of high local significance. The HCA is clearly able to demonstrate various phases of historical development through the subdivision pattern, early tree plantings, and the high number of architect-designed houses and buildings built from the 1890s through to the 1950s. Its

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	development was largely determined by the construction of the North Shore rail line and the delay in the construction of Warrawee Station which stalled commercial development and allowed its continuation as an exclusively residential enclave. The deliberate actions of its wealthy residents to exclude commercial development also contributed to its predominately residential character. In this regard, Warrawee differs from other Ku-ring-gai "villages" that developed around the North Shore train stations. The area was also the subject of a model town subdivision by Ku-ring-gai Council in 1929 following the resumption of Redleaf estate and works to improve access to Wahroonga Station. The HCA includes two large non-residential institutions: Warrawee Bowling Club (1907) and Knox Grammar School (1924), which were created in conjunction with the surrounding residential streets and are historically linked to them. The Warrawee Bowling Club, originally called the Ku-ring-gai Recreation Company, was formed in 1907 by a group of local residents wishing to provide sporting and recreation facilities close to their homes and is thus strongly associated with the residential character and historical development of the area. It was also responsible for the creation of a row of residential allotments on Heydon Avenue in the 1930s. The club is one of the oldest bowling clubs on the North Shore. Knox Grammar was established in its current location following the purchase and donation of Sir Charles Mackellar's large estate for a private Presbyterian boys' school. The school was established to take advantage of the growth of the North Shore following the construction of the North Shore railway and the movement of Sydney's wealthy and professional classes from areas such as Burwood and Strathfield to Ku-ring-gai. In the early years, its function as a boarding school for the sons of graziers saw an emphasis on providing a congenial and welcoming "home away from home" for its boarding students and Mackellar's house, Earlston was originally used as accommodation for the boarders.
Historical association significance SHR criteria (b)	The HCA has an historical association with Judge CG Heydon and his wife Miriam Josepha whose house Reaycroft (1895) is reputedly the oldest surviving house in the HCA and after whom Heydon and Yosefa Avenues are named. The HCA has strong historical associations with a number of well-known architects who, over time, designed many houses in the HCA, in Ku-ring-gai and elsewhere: Spain and Cosh Gillespie Heritage House (formerly Earlston) within Knox School (1908) 1485 – 1493 Redleaf, 20-30 Woodville Avenue (1899) Inglewood, 1493 Pacific Highway (c1908) Hugh Venables Vernon Harwood, 4 Winton Street for himself (1907) Augustus Aley 7 Yosefa Avenue (1926) Villa Maria, 8 Yosefa Avenue (c1920) 9 Yosefa Avenue (c1927) Santos, 11 Yosefa Avenue (1929) Castleton and Lake Reaycroft, 17 Heydon Avenue (1895)

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	John Brogan Chantreys, 32 Heydon Avenue (c1934) Leslie Wilkinson Woodcourt, 34 Heydon Avenue (1934) McCredie and Richardson 20 Heydon Avenue (1951) Peddle Thorp and Walker Collingwood, 5 Yosefa Avenue (1927) Eleanor Cullis-Hill (daughter of Joseph Beresford Grant) 6 Yosefa Avenue (c1955) and later her own home Robertson and Marks Warrawee Bowling Clubhouse (1955) John Shedden Adam Knox Grammar School buildings (1924 to c1940) Tikinui, 2 Heydon Avenue (1920s) The HCA has strong historical associations with a series of prominent Wahroonga/Warrawee businessmen who recur in historical records as patrons, benefactors and administrators for local clubs and institutions. For example: • Sir William Moses MLC • the Vickery family • William McIlwrath • Sam Nettleton • Joseph Beresford Grant • Robert Gillespie. It is expected that more detailed research will identify the architects and designers of other houses in the HCA.
Aesthetic significance SHR criteria (c)	The Heydon Avenue Warrawee/Woodville Avenue Wahroonga Heritage Conservation Area is a distinctive residential area of high-level aesthetic significance due to its large number of fine Federation and Inter-war period houses and intact streetscapes, and large number of heritage items. This architectural concentration has created a small, high-quality residential precinct demonstrating a variety of historical styles with a high degree of intactness. The houses are freestanding within a regular grid of similar sized allotments. Notable exceptions are Redleaf and Knox Grammar School which are survivors of the late nineteenth-century villa estates. The houses are one and two storeys and display a variety of face brick and rendered styles. Cohesion is created by the residential scale and character, regular allotment pattern, consistent front and side setbacks, use of steep pitched and hipped roof lines, slate, terracotta tile or terracotta shingling, matching front walls and fences, and established garden settings. Windows are usually vertically proportioned and timber framed. Within Knox Grammar are a series of school buildings designed by architect John Sheddon Adam over a period of 15 or more years (1924 – c1940) that carefully combine residential and education functions using styles, materials and built scale which complement the surrounding inter-war residential streets

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	and views from the train line. It appears that the school strove to match the materials and scale of the nearby residential streets being developed at the same time and to create a homely environment for its students. In the 1920s views of the school from the train line were considered to be the most important, and so its proximity to the railway and access to the school by train was a major factor in the siting of the buildings and the landscaping of the school grounds. Important views of Knox School are available from the train line, the Pacific Highway and the surrounding streets. Warrawee Bowling Club occupies a large, highly visible site on the Pacific Highway. The large grounds and open space provide a green landscaped oasis in the midst of the surrounding residential streets. Throughout the early surviving trees, later street trees, private gardens, hedges and mature garden tree canopies overhanging streets provide an urban forest character. The HCA includes significant tree plantings and several mature trees that date from the first villa developments in the 1890s: • Warrawee Park, Heydon Street • Brush/carotir laurel placement in Heydon Avenue • Bunya bunya pine in Heydon Street.
Social significance SHR criteria (d)	The Heydon Ave, Warrawee and Woodville Ave, Wahroonga Heritage Conservation Area has high-level social significance for the many residents that live in the HCA, for the present and past students and teachers of Knox Grammar School, for the members and the visitors of the Warrawee Bowling Club and for those in the wider community that regularly use Warrawee train station. This high level of social significance is demonstrated by the evident pride displayed through the tended gardens, well maintained houses, the ongoing local membership of the bowling club and area's preserved remnant and early planted trees.
Technical/Research significance SHR criteria (e)	
Rarity SHR criteria (f)	Rare for its close concentration of many fine and large architect-designed houses able to demonstrate its three key periods of development (late Victorian, Federation and Inter-war).
Representativeness SHR criteria (g)	A very good example of an intact enclave of high-quality late Victorian, Federation and Inter-war period housing.
Integrity	High level of integrity of the building stock.

HERITAGE LISTINGS

Heritage listing/s	Identified as part of a National Trust Urban Conservation Area in 1986.

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INFORMATION SOURCES Include conservation and/or management plans and other heritage studies.				
Type	Author/Client	Title	Year	Repository
Report	Godden Mackay Logan	Ku-ring-gai Urban Conservation Areas Study Stages 2 and 2(a)	2002	Ku-ring-gai Council
Report	Moore R., Pike, P., Proudfoot, H. and Tropman, L.	Municipality of Ku-ring-gai Heritage Study	1987	Ku-ring-gai Council
Report	Godden Mackay Logan	Ku-ring-gai Urban Conservation Areas Study Stage 3	2005	Ku-ring-gai Council
Report	Godden Mackay Logan	Ku-ring-gai Urban Conservation Areas Study Stage 4	2005	Ku-ring-gai Council
Report	Paul Davies Architects	Ku-ring-gai Town Centres – HCA Review	2008	Ku-ring-gai Council
Report	Paul Davies Architects	North HCA Review	2010	Ku-ring-gai Council
Report	Godden Mackay Logan Keys Young	Ku-ring-gai Heritage and Neighbourhood Character Study Research	2000	Ku-ring-gai Council
Report	M.A. Schell & Associates	Street by Street Assessment of Visual Character of Ku-Ring-Gai September 1999	1999	Ku-ring-gai Council
Written		The Historian, Vol 38, No 1, Oct	2009	Ku-ring-gai Library
Written	Edwards, Zeny	The Architectural Gems of Warrawee	2000	Ku-ring-gai Library
Written	unknown	History of the Warrawee Bowling Club 1906-1956	1956	Ku-ring-gai Library
Written	Bruce Mansfield	Knox: A History of Knox Grammar 1924-1974	1974	Ku-ring-gai Library
Written	Sydney Morning Herald	Various, from 1923-1935		Trove – Online Newspapers
Map		Subdivision maps	1890s – 1930s	Ku-ring-gai Library, Mitchell Library, Dept of Land and Property Information

RECOMMENDATIONS	
Recommendations	Still to come

SOURCE OF THIS INFORMATION			
Name of study or report	Ku-ring-gai North HCA Review	Year of study or report	2010
Item number in study or report			
Author of study or report	Paul Davies Pty Ltd		

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Inspected by			
NSW Heritage Manual guidelines used?		Yes X	No ☐
This form completed by	Robin Hedditch, Ku-ring-gai Council, based on the SHI form prepared by Chery Kemp of Paul Davies Architects in 2010 and amended in October 2013	Date	2013

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IMAGES - 1 per page

Image caption	2 Borambil Street – heritage item (owned by Knox School) (above) 2 Heydon Avenue – designed by John Sheddon Adam (below)				
Image year	2013	Image by	Robin Hedditch	Image copyright holder	Ku-ring-gai Council



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Image caption	32 Heydon Avenue – designed by John Brogan (above) 24 Heydon Avenue – designed by Leslie Wilkinson (below)				
Image year	2013	Image by	Robin Hedditch	Image copyright holder	Ku-ring-gai Council



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Image caption	Inglewood, 1485 – 1493 Pacific Hwy – designed by Howard Joseland (above) Warrawee Bowling Clubhouse – designed by Robertson and Marks (below)				
Image year	2013	Image by	Robin Hedditch	Image copyright holder	Ku-ring-gai Council



Attachment 11 – Amended KLEP Biodiversity Maps



Revised Draft
Ku-ring-gai Local
Environmental
Plan 2013

Biodiversity Map - Sheet BIO_ 001

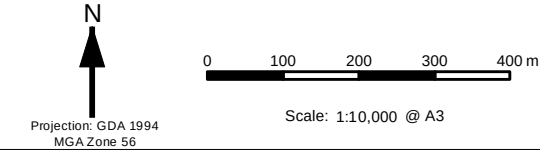
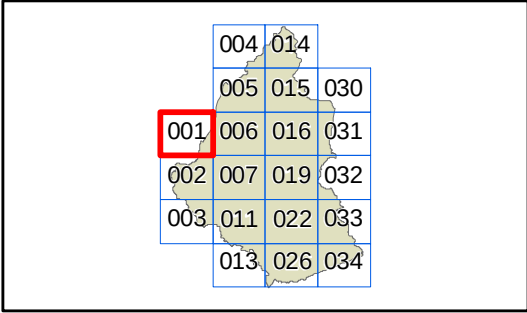
Biodiversity

Areas of Biodiversity Significance

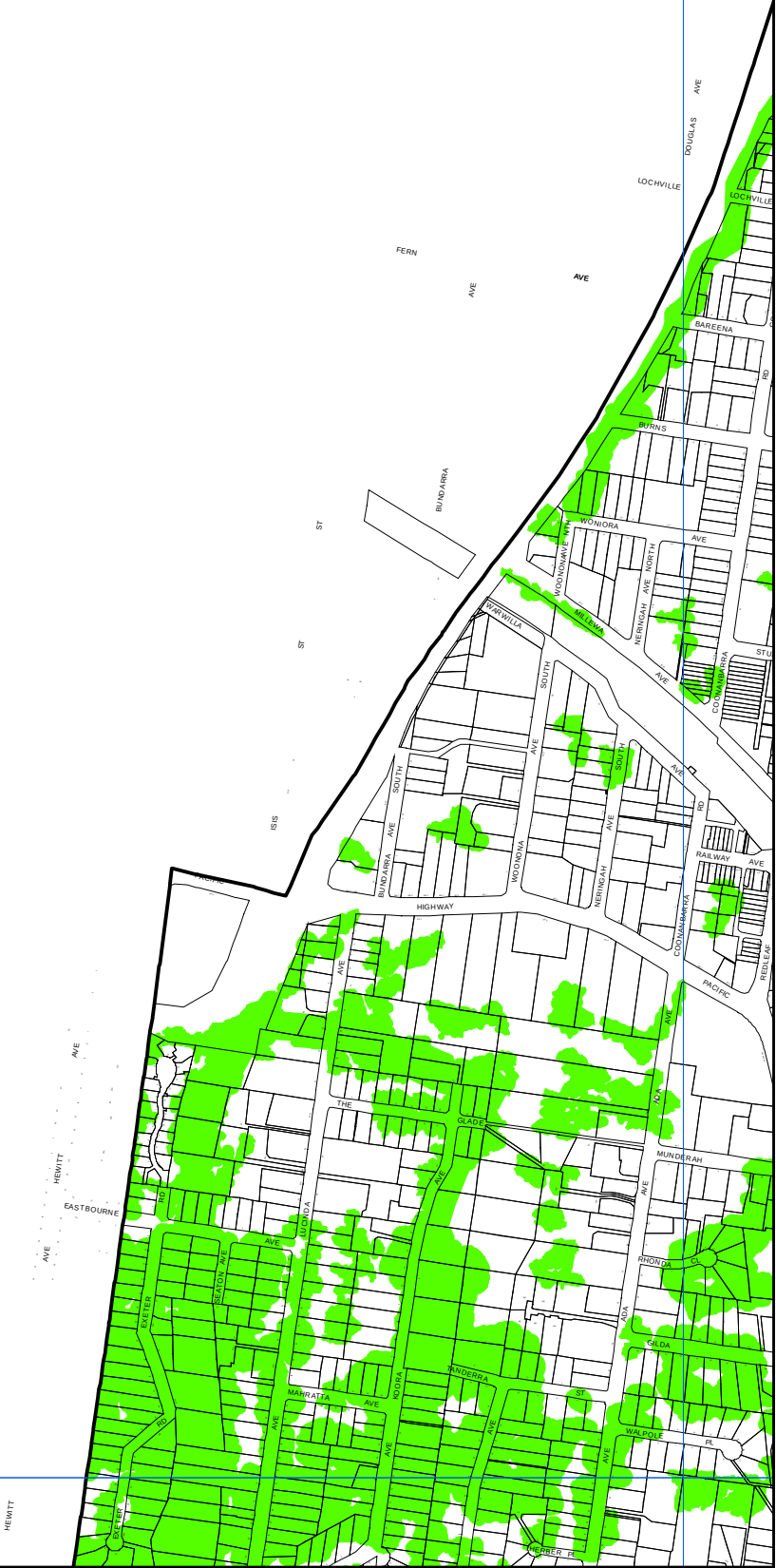
Cadastre

Cadastre 15/11/2012 © Land & Property Management Authority

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This plan has been prepared as part of a review process only and as such no reliance is to be placed upon this plan as it is not and does not purport to be a Planning Instrument. Ku-ring-gai Council accepts no liability for the accuracy or otherwise of this plan.



Map identification number: 4500_COM_BIO_ 001_010_20131114





Revised Draft Ku-ring-gai Local Environmental Plan 2013

Biodiversity Map - Sheet BIO_002

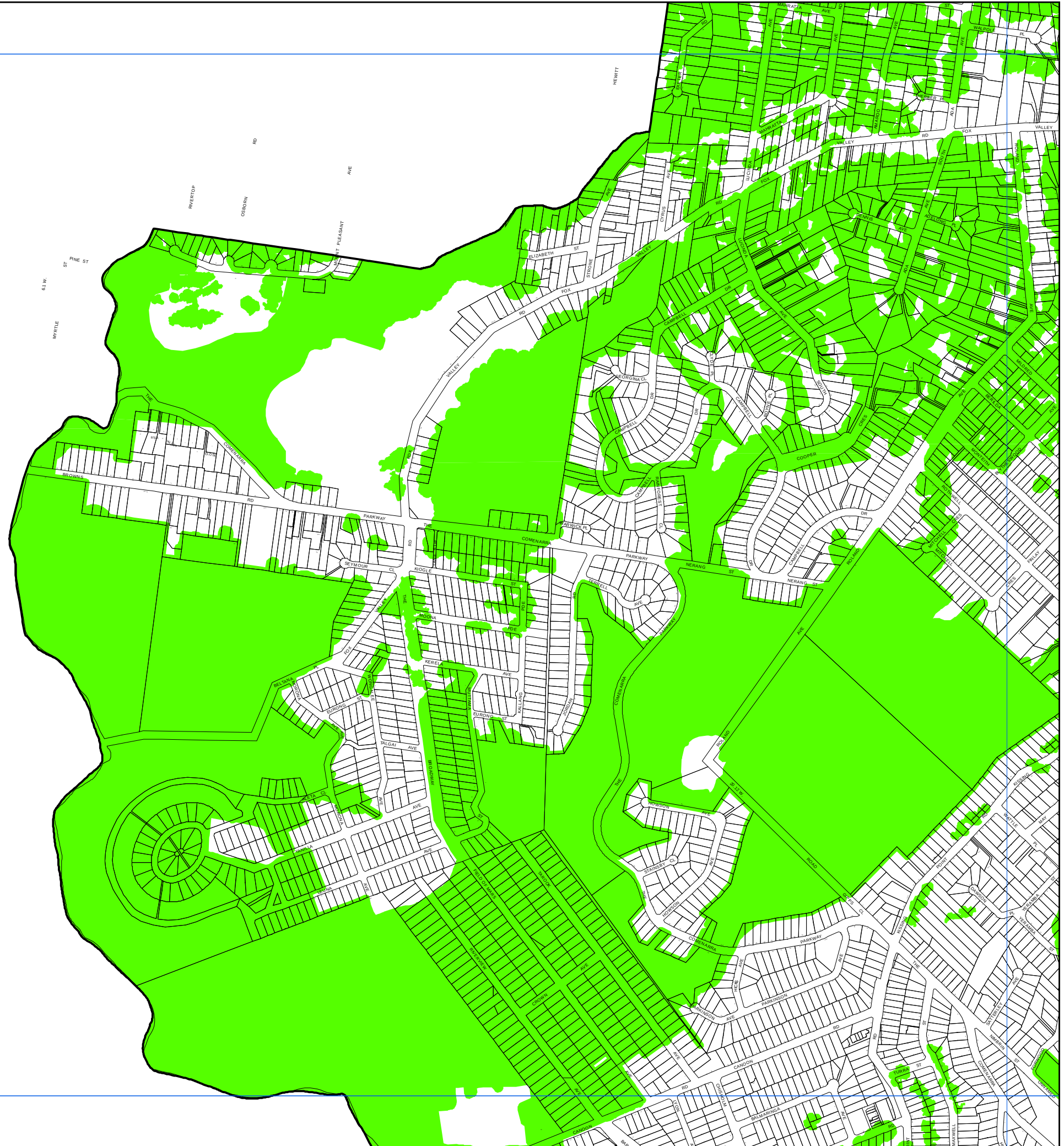
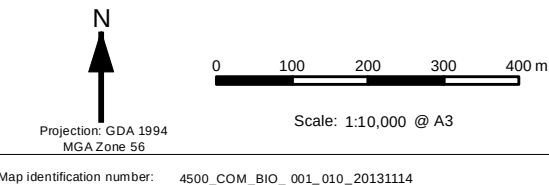
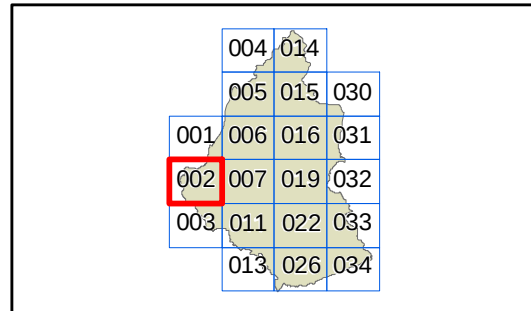
Biodiversity

 Areas of Biodiversity Significance

Cadastre

 Cadastre 15/11/2012 © Land & Property Management Authority

DISCLAIMER:-
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Ku-ring-gai Local
Environmental
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Biodiversity Map - Sheet BIO_ 003

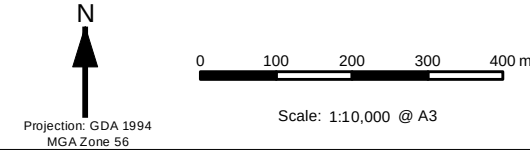
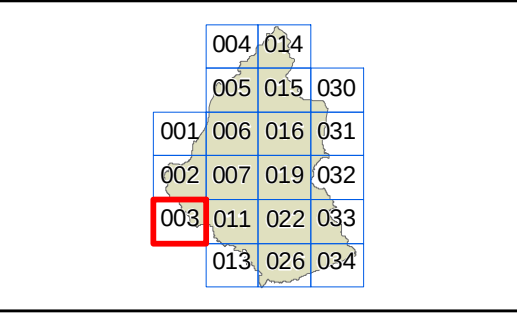
Biodiversity

 Areas of Biodiversity Significance

Cadastral

 Cadastral 15/11/2012 © Land & Property Management Authority

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Revised Draft Ku-ring-gai Local Environmental Plan 2013

Biodiversity Map - Sheet BIO_ 004

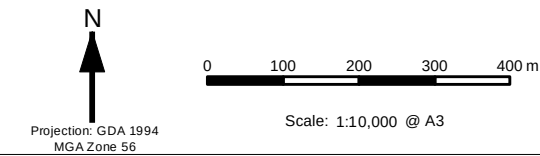
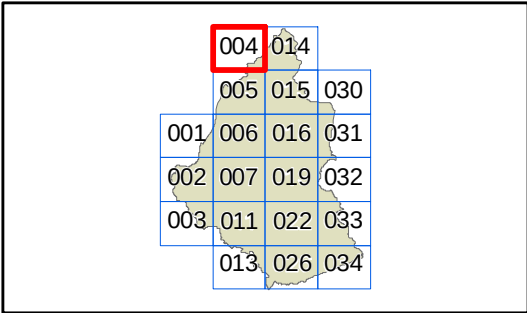
Biodiversity

 Areas of Biodiversity Significance

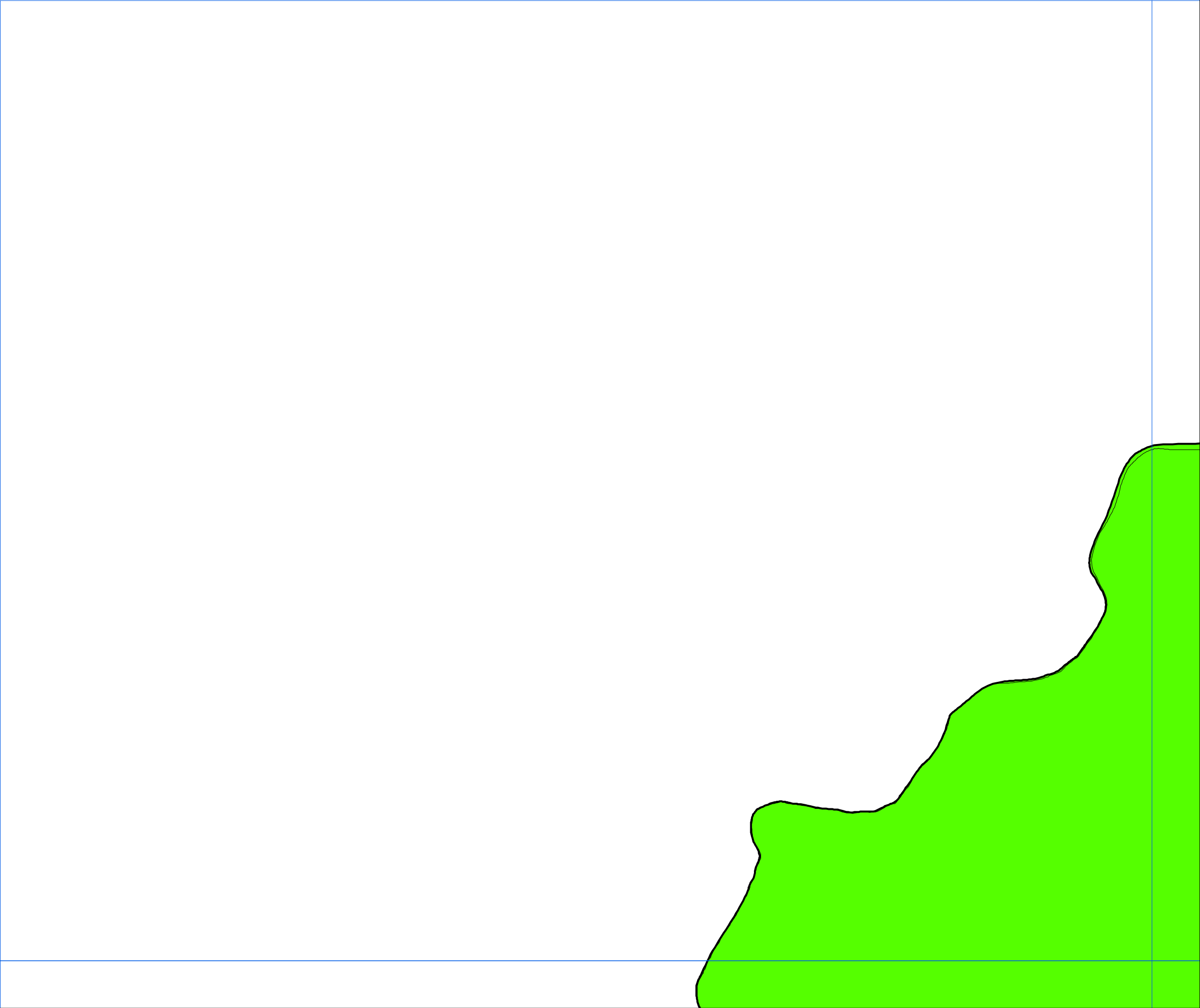
Cadastre

 Cadastre 15/11/2012 © Land & Property Management Authority

DISCLAIMER:-
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Map identification number: 4500_COM_BIO_ 001_010_20131114





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Environmental
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Biodiversity Map - Sheet BIO_005

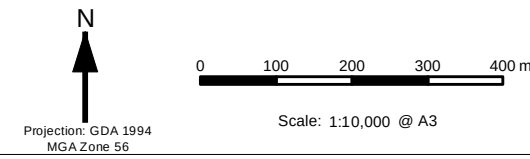
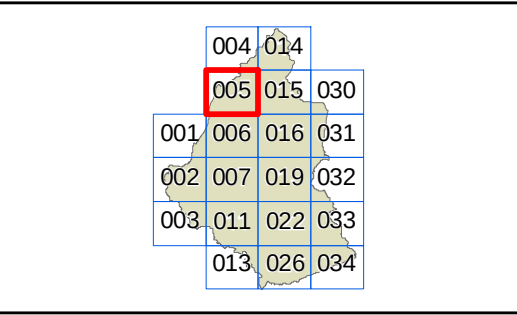
Biodiversity

 Areas of Biodiversity Significance

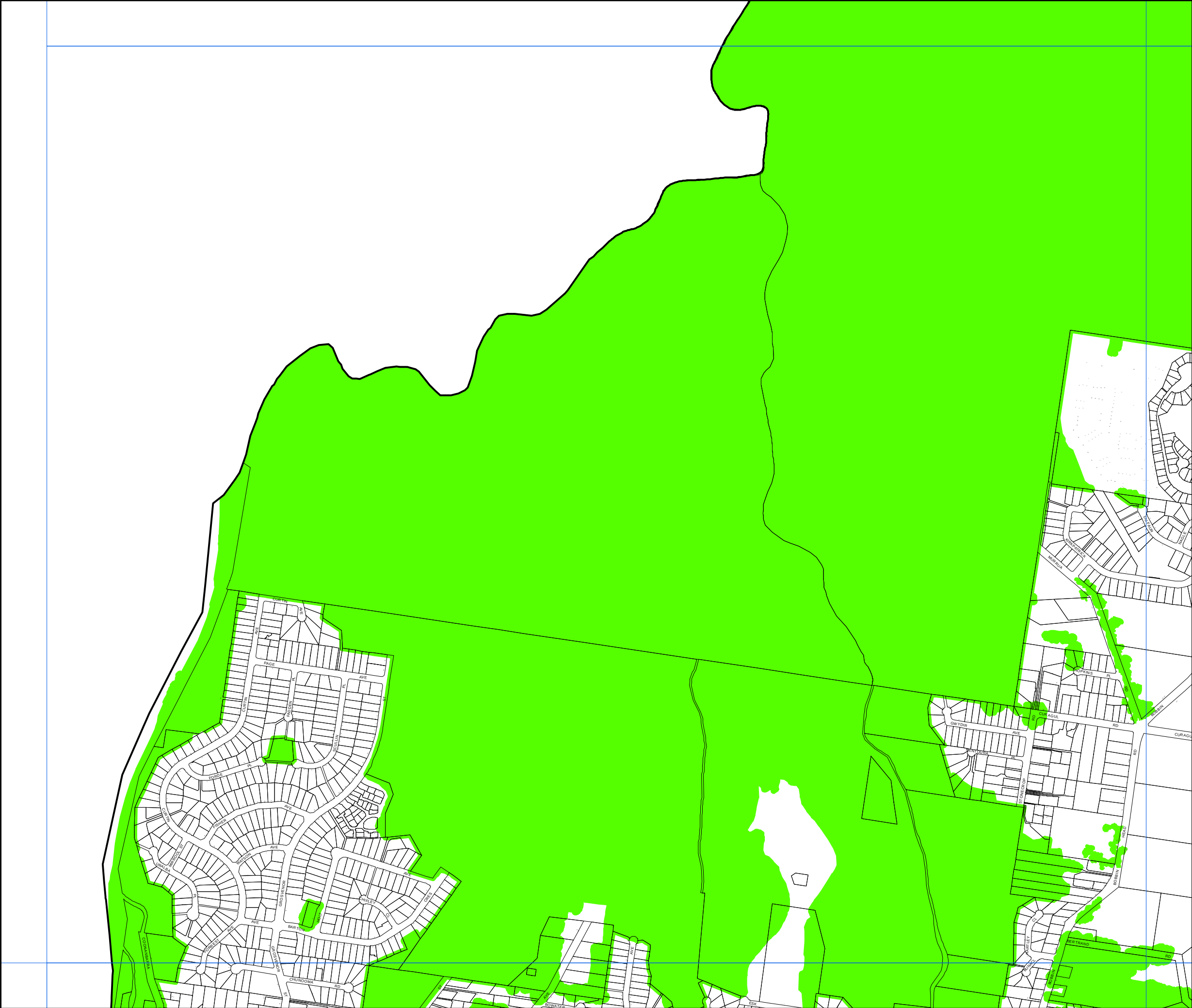
Cadastral

 Cadastral 15/11/2012 © Land & Property Management Authority

DISCLAIMER:-
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Map identification number: 4500_COM_BIO_001_010_20131114





Revised Draft Ku-ring-gai Local Environmental Plan 2013

Biodiversity Map - Sheet BIO_006

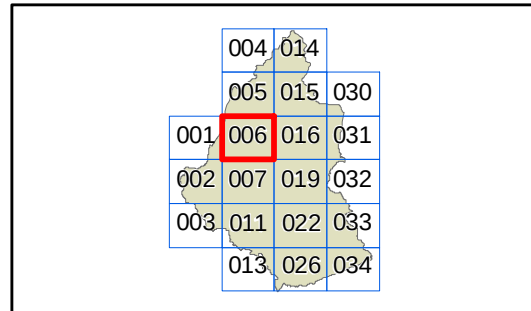
Biodiversity

 Areas of Biodiversity Significance

Cadastre

 Cadastre 15/11/2012 © Land & Property Management Authority

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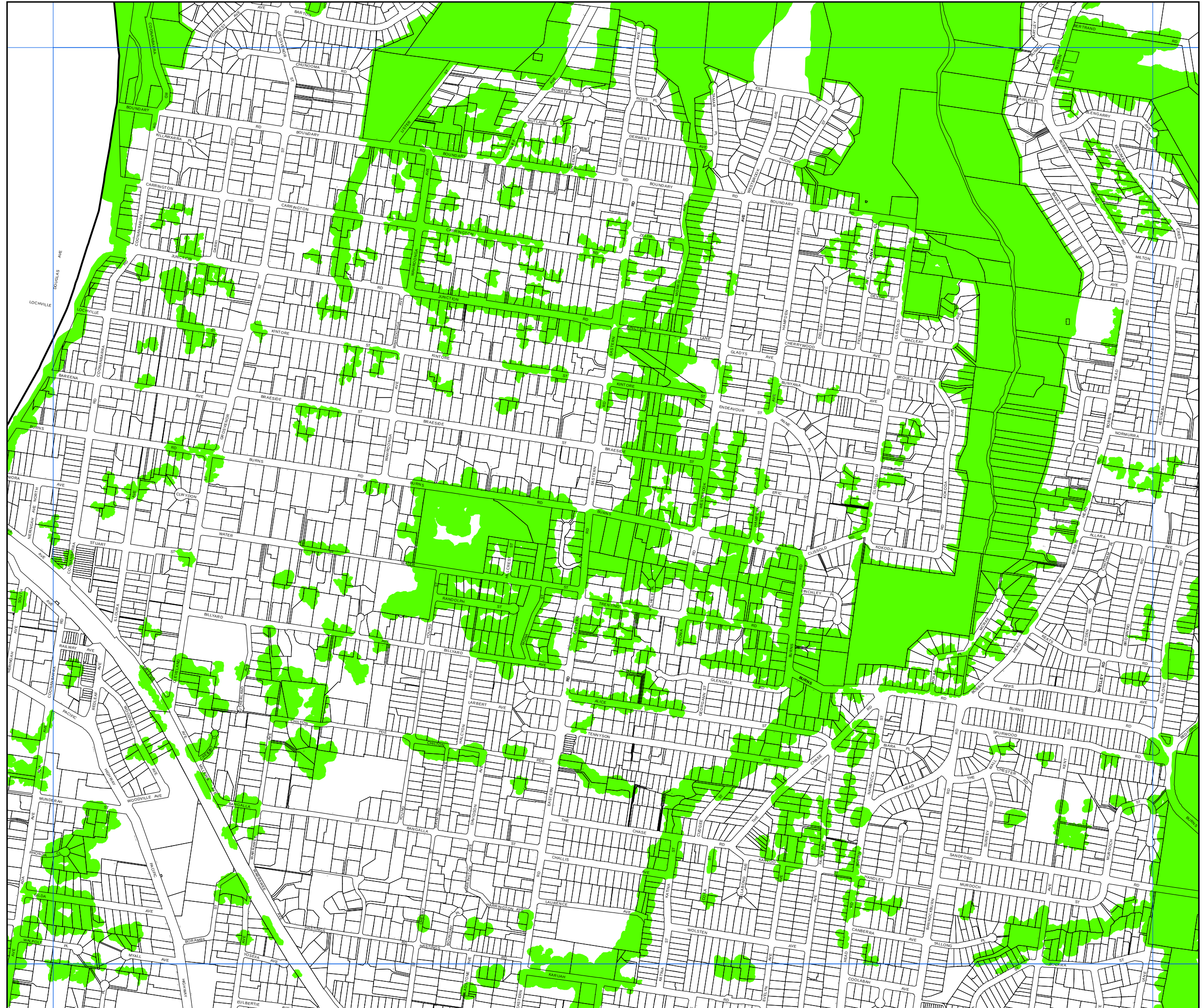


0 100 200 300 400 m

Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

Map identification number: 4500_COM_BIO_001_010_20131114





Revised Draft Ku-ring-gai Local Environmental Plan 2013

Biodiversity Map - Sheet BIO_007

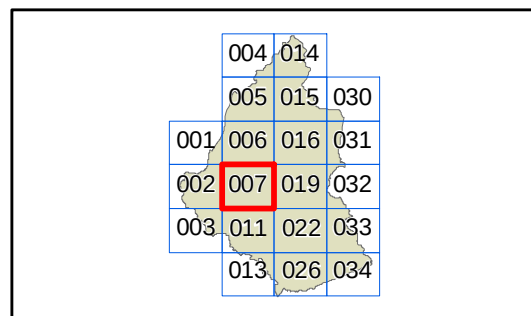
Biodiversity

 Areas of Biodiversity Significance

Cadastre

 Cadastre 15/11/2012 © Land & Property Management Authority

DISCLAIMER:-
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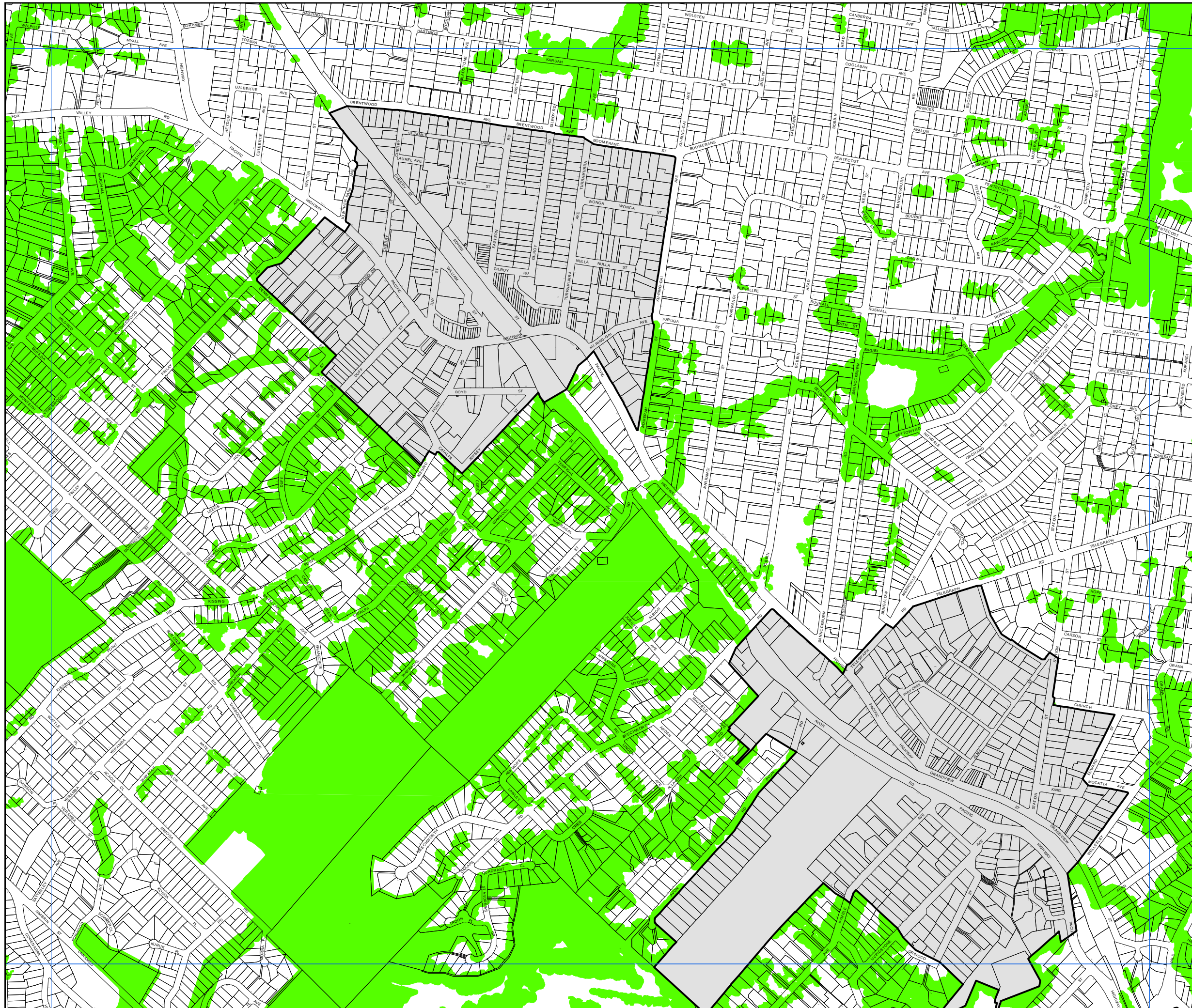


Projection: GDA 1994
MGA Zone 56

0 100 200 300 400 m

Scale: 1:10,000 @ A3

Map identification number: 4500_COM_BIO_001_010_20131114





Revised Draft Ku-ring-gai Local Environmental Plan 2013

Biodiversity Map - Sheet BIO_ 011

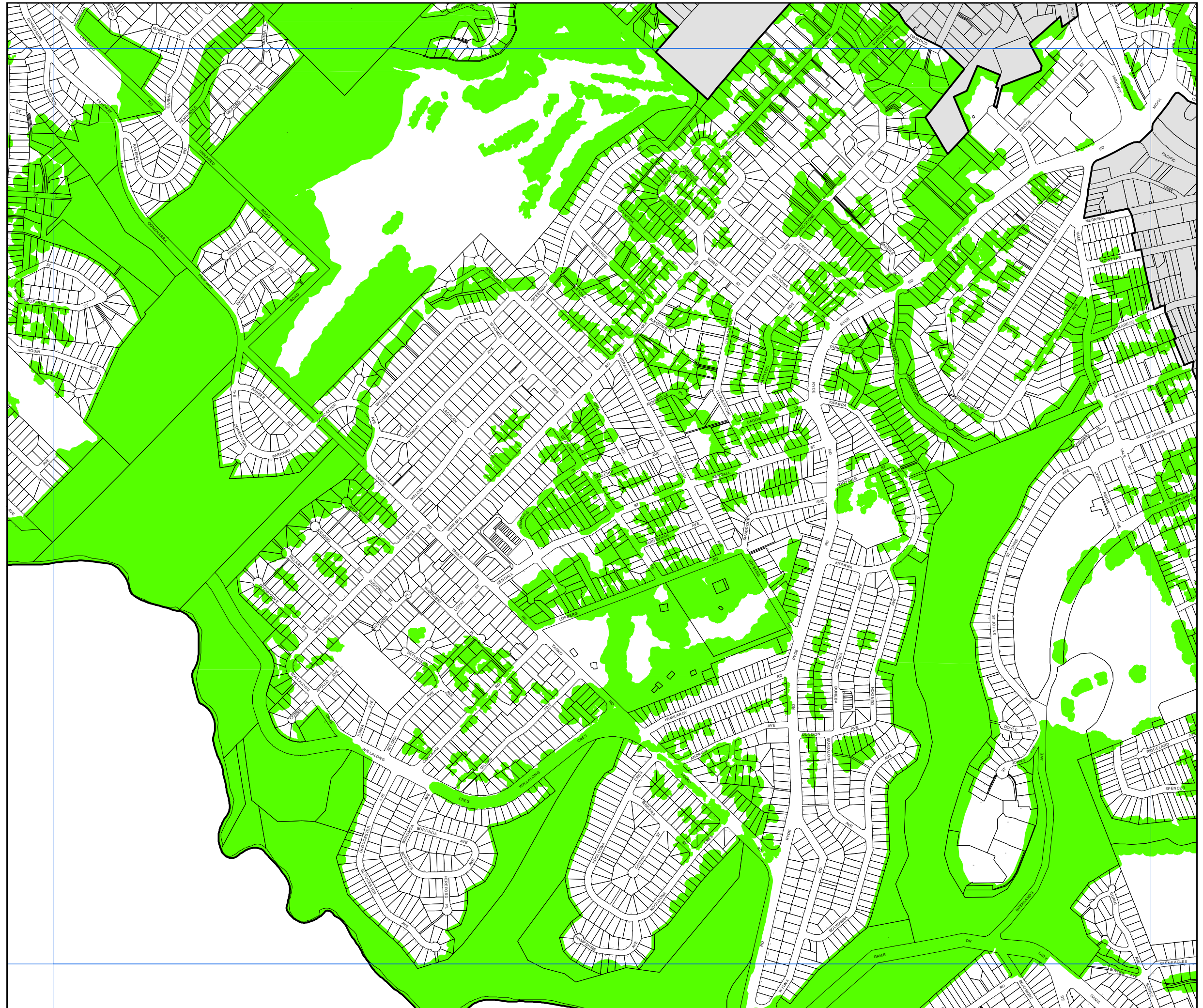
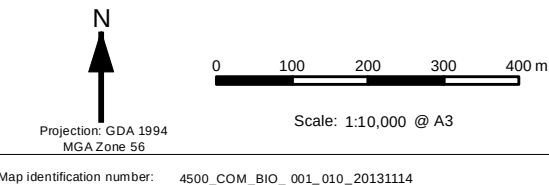
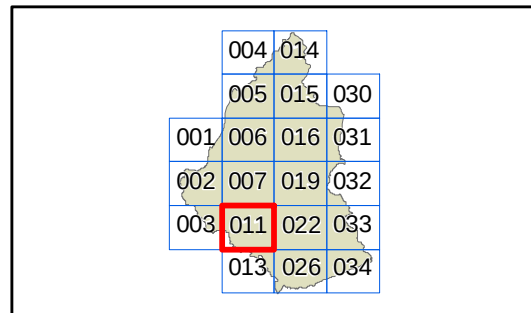
Biodiversity

 Areas of Biodiversity Significance

Cadastre

 Cadastre 15/11/2012 © Land & Property Management Authority

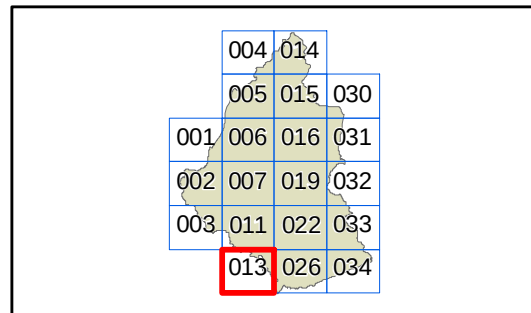
DISCLAIMER:-
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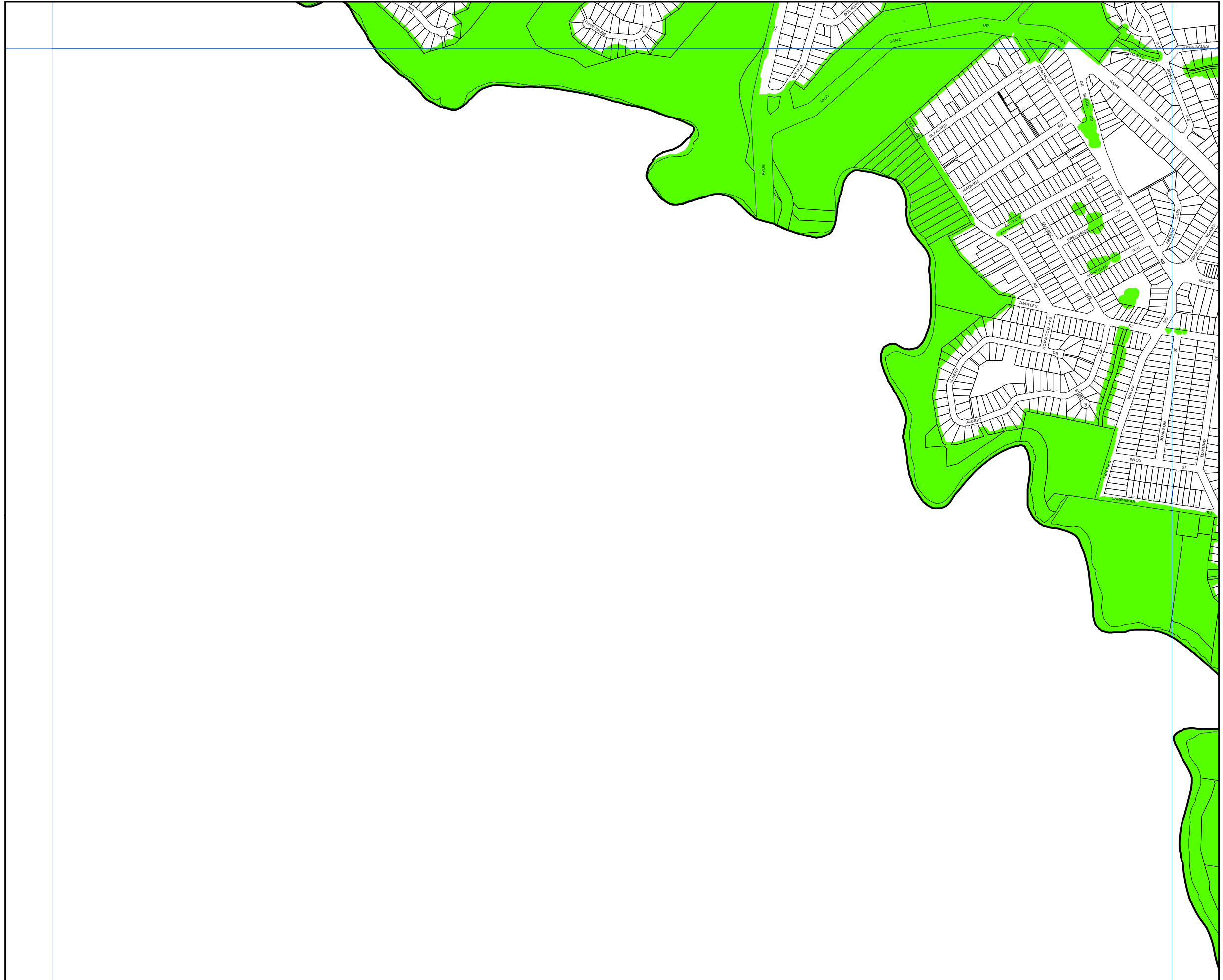
DISCLAIMER:-
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Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

Map identification number: 4500_COM_BIO_001_010_20131114





**Revised Draft
Ku-ring-gai Local
Environmental
Plan 2013**

Biodiversity Map - Sheet BIO_ 014

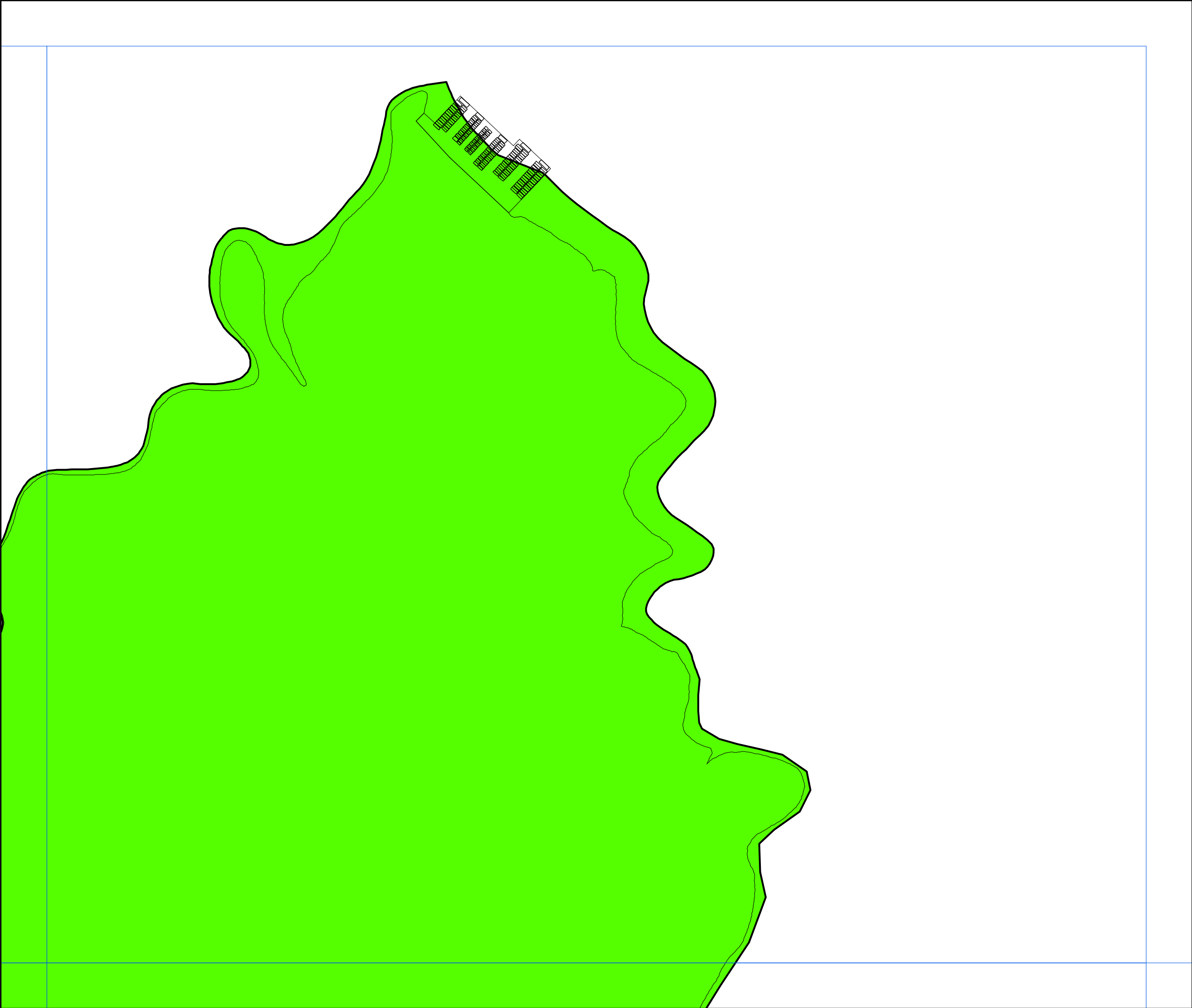
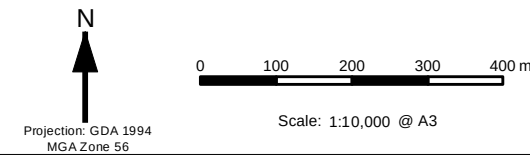
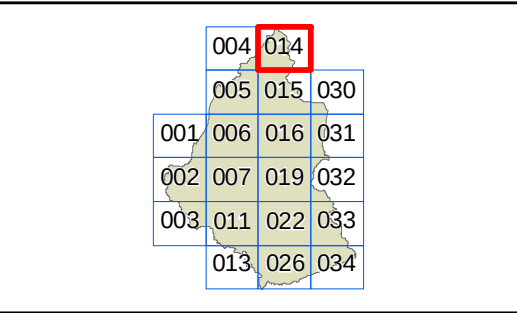
Biodiversity

 Areas of Biodiversity Significance

Cadastral

 Cadastral 15/11/2012 © Land & Property Management Authority

DISCLAIMER:-
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Biodiversity Map - Sheet BIO_ 015

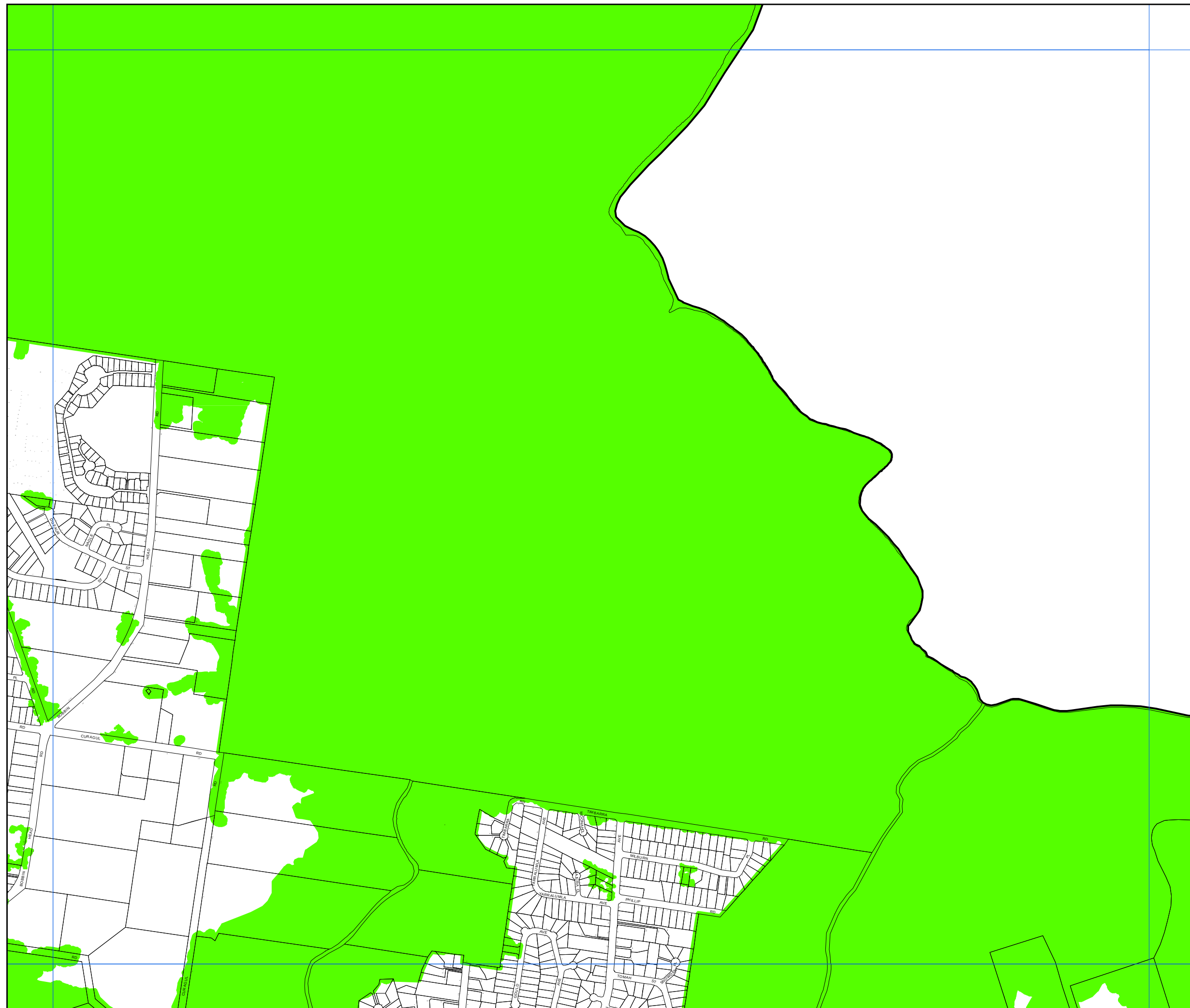
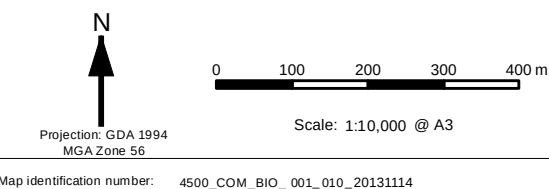
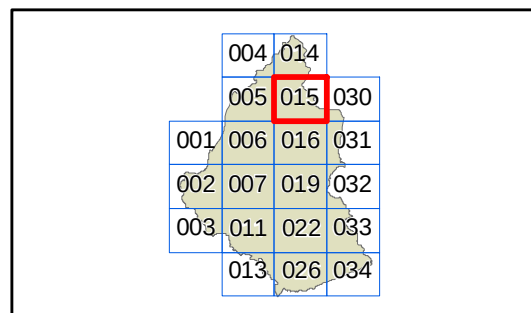
Biodiversity

 Areas of Biodiversity Significance

Cadastral

 Cadastral 15/11/2012 © Land & Property Management Authority

DISCLAIMER:-
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Revised Draft Ku-ring-gai Local Environmental Plan 2013

Biodiversity Map - Sheet BIO_ 016

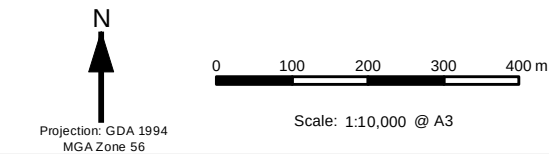
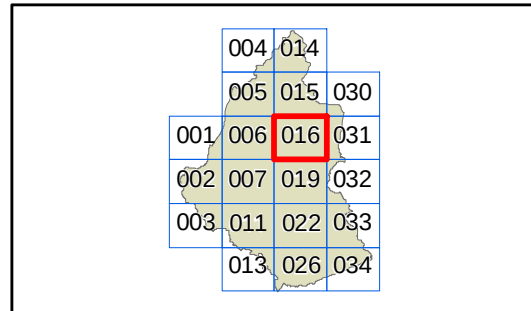
Biodiversity

 Areas of Biodiversity Significance

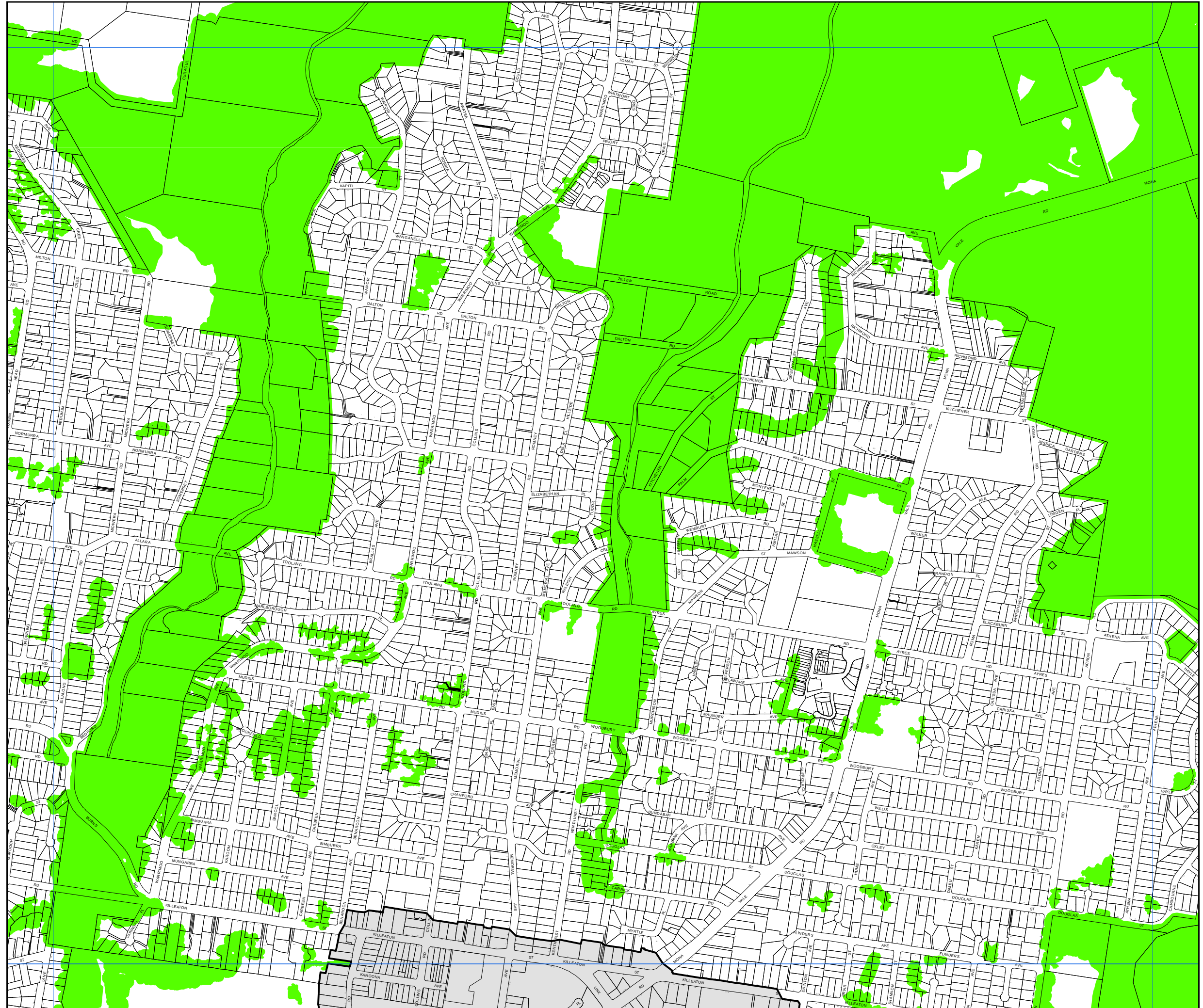
Cadastre

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DISCLAIMER:-
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Map identification number: 4500_COM_BIO_001_010_20131114





Revised Draft Ku-ring-gai Local Environmental Plan 2013

Biodiversity Map - Sheet BIO_ 019

Biodiversity

 Areas of Biodiversity Significance

Cadastre

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	004	014	
	005	015	030
001	006	016	031
002	007	019	032
003	011	022	033
	013	026	034



Projection: GDA 1994
MGA Zone 56

0 100 200 300 400 m

Scale: 1:10,000 @ A3

Map identification number: 4500_COM_BIO_ 001_010_20131114





Revised Draft Ku-ring-gai Local Environmental Plan 2013

Biodiversity Map - Sheet BIO_022

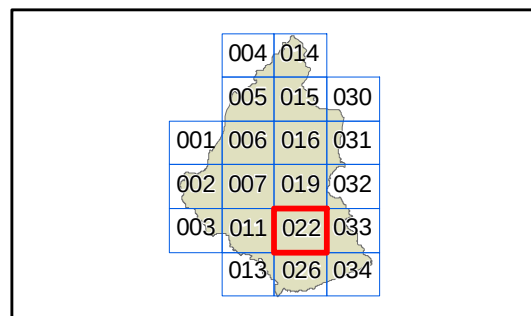
Biodiversity

 Areas of Biodiversity Significance

Cadastre

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DISCLAIMER:-
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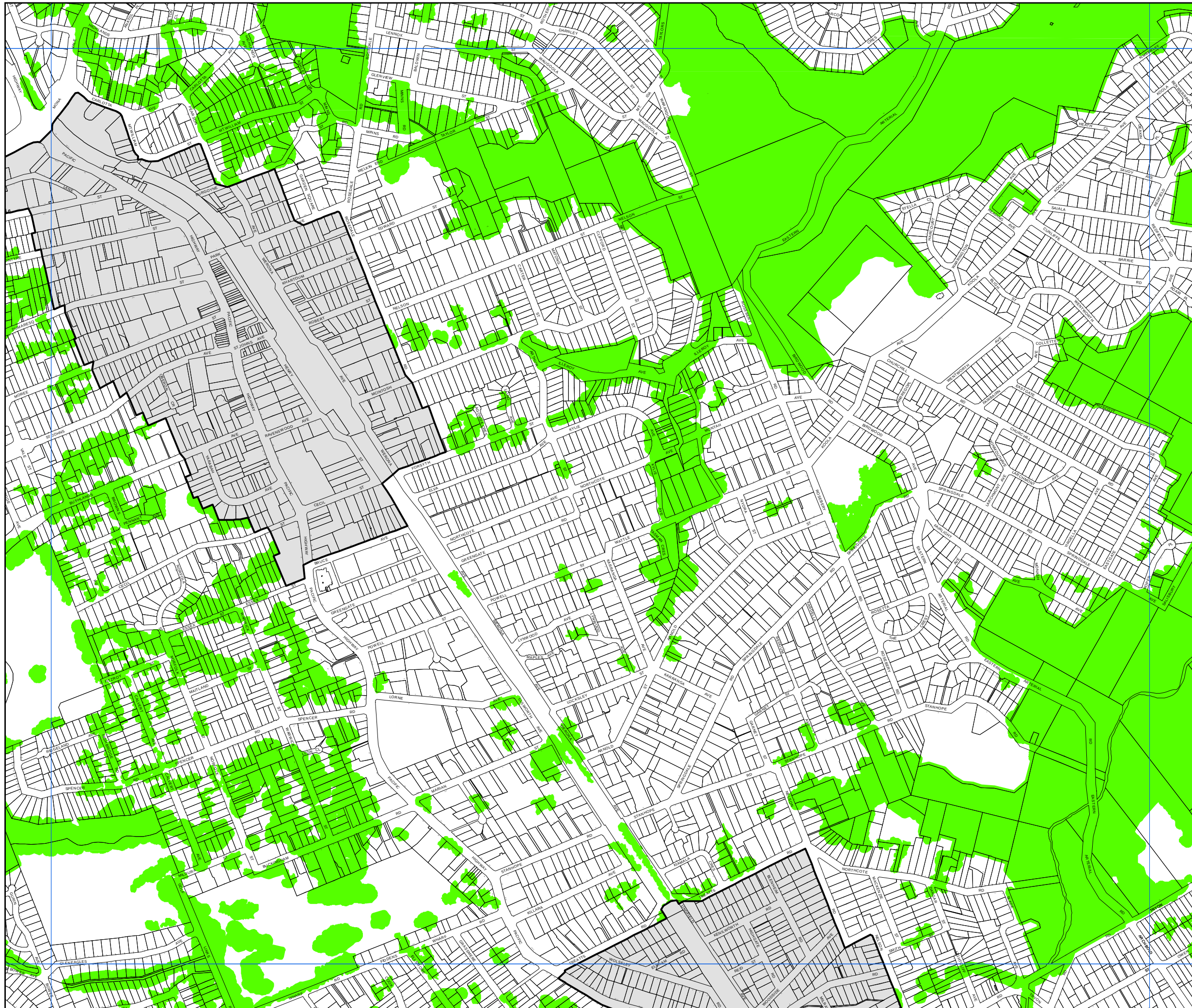


Projection: GDA 1994
MGA Zone 56

0 100 200 300 400 m

Scale: 1:10,000 @ A3

Map identification number: 4500_COM_BIO_001_010_20131114





Revised Draft Ku-ring-gai Local Environmental Plan 2013

Biodiversity Map - Sheet BIO_026

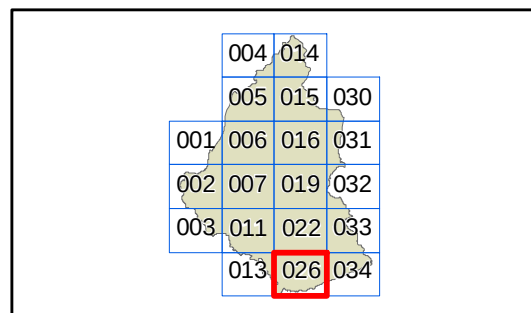
Biodiversity

 Areas of Biodiversity Significance

Cadastre

 Cadastre 15/11/2012 © Land & Property Management Authority

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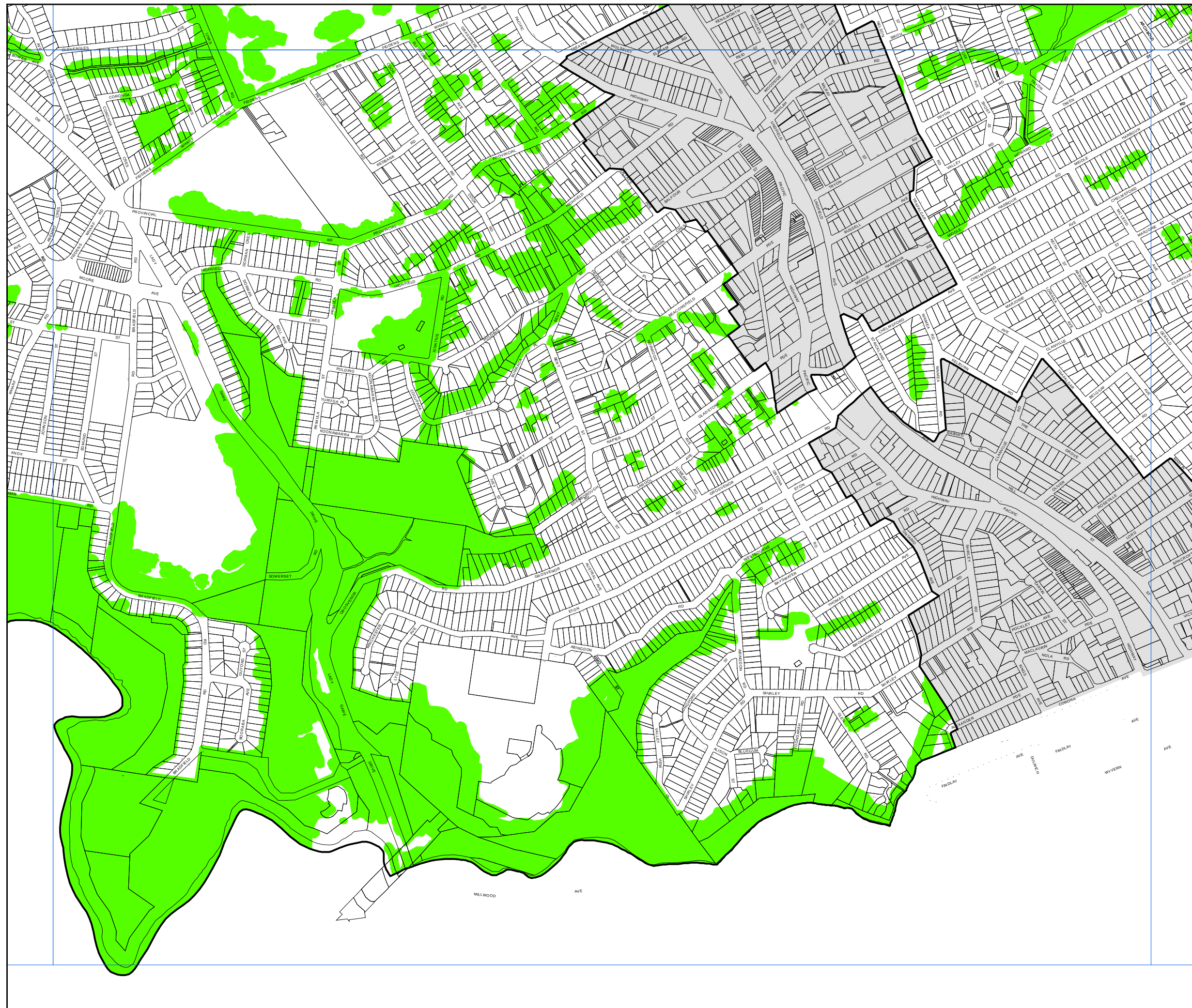


0 100 200 300 400 m

Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

Map identification number: 4500_COM_BIO_001_010_20131114





**Revised Draft
Ku-ring-gai Local
Environmental
Plan 2013**

Biodiversity Map - Sheet BIO_ 030

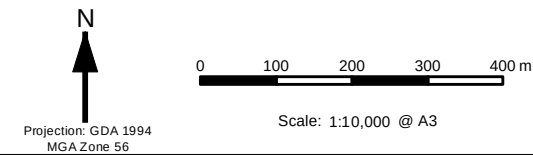
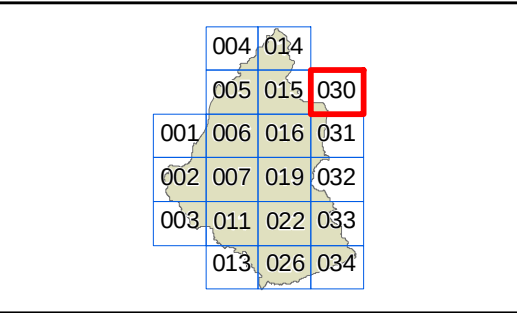
Biodiversity

 Areas of Biodiversity Significance

Cadastral

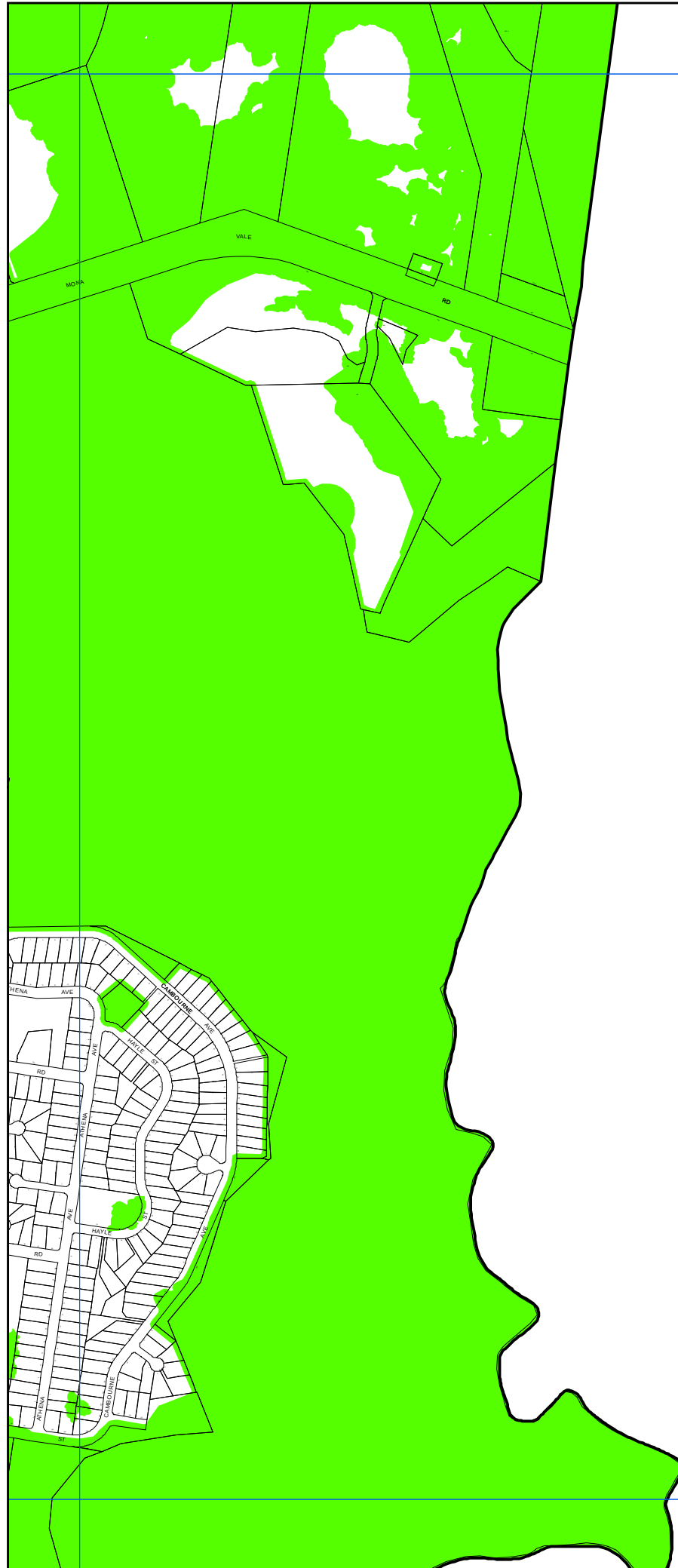
 Cadastral 15/11/2012 © Land & Property Management Authority

DISCLAIMER:-
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Map identification number: 4500_COM_BIO_001_010_20131114





**Revised Draft
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Environmental
Plan 2013**

Biodiversity Map - Sheet BIO_ 032

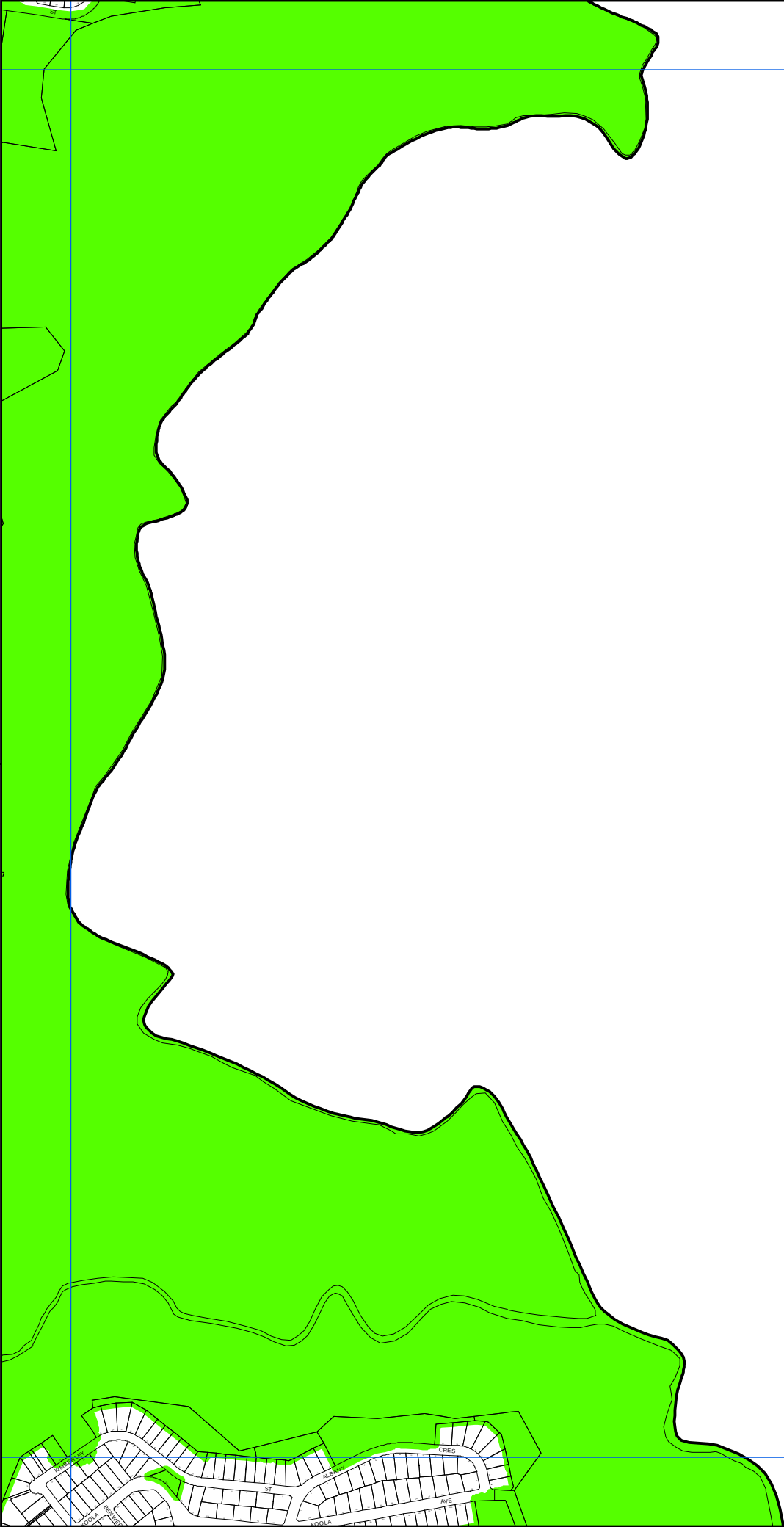
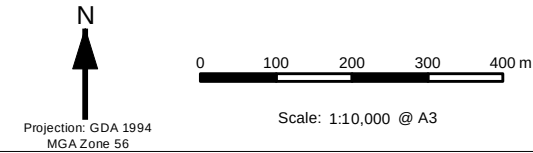
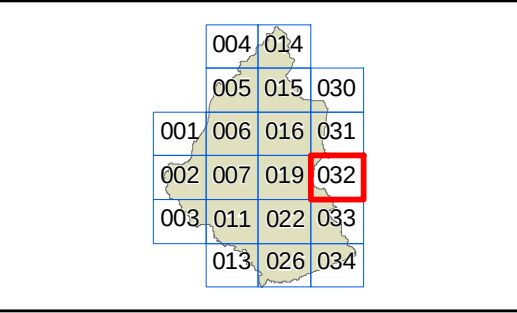
Biodiversity

 Areas of Biodiversity Significance

Cadastral

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**Revised Draft
Ku-ring-gai Local
Environmental
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Biodiversity Map - Sheet BIO_ 033

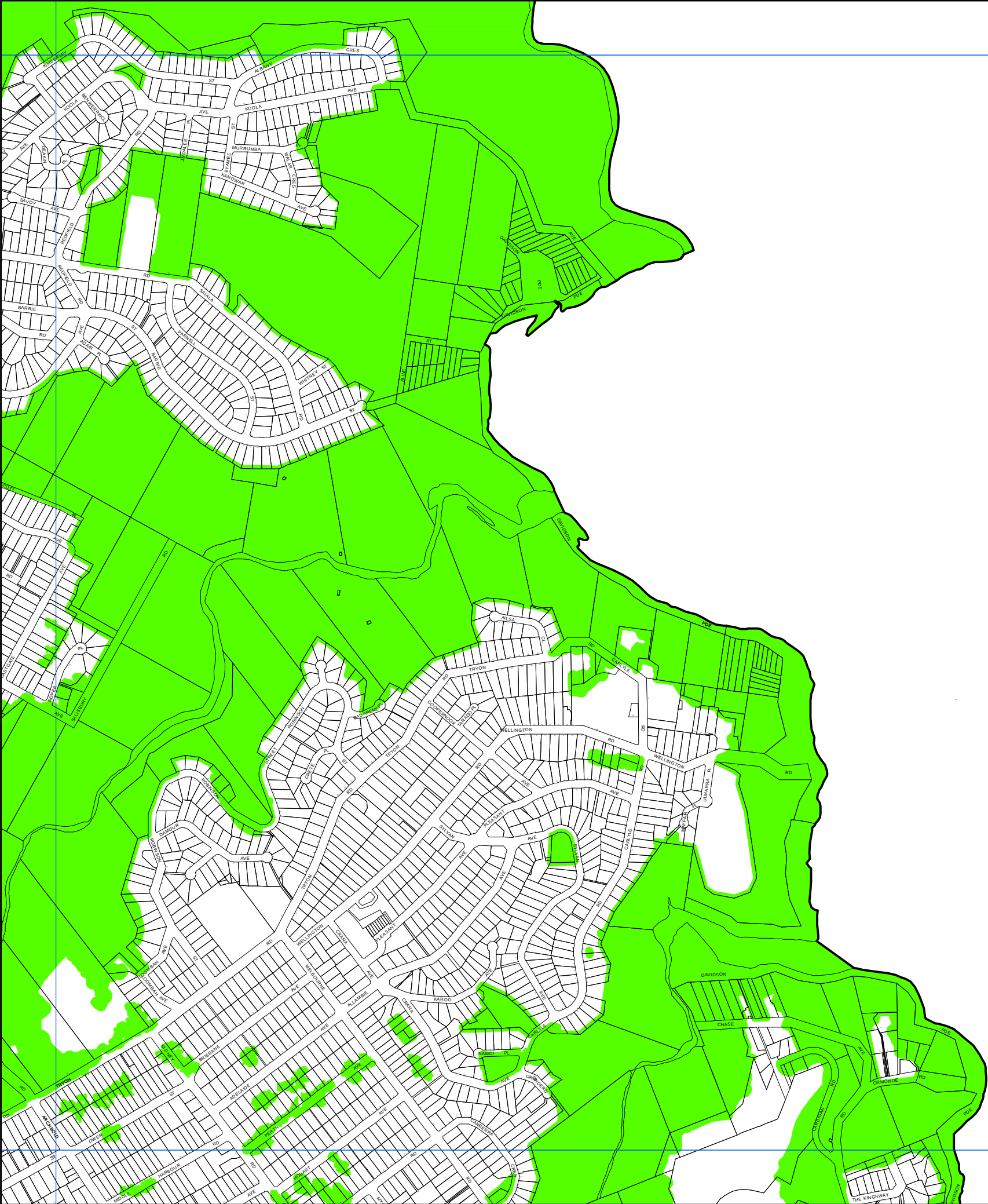
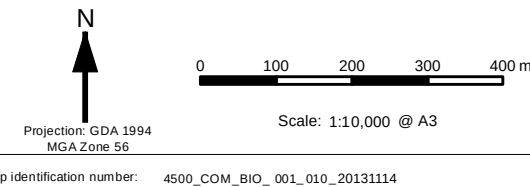
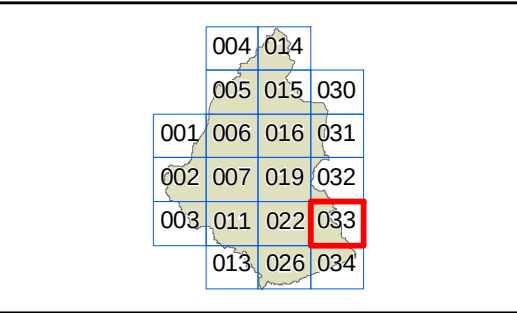
Biodiversity

 Areas of Biodiversity Significance

Cadastre

 Cadastre 15/11/2012 © Land & Property Management Authority

DISCLAIMER:-
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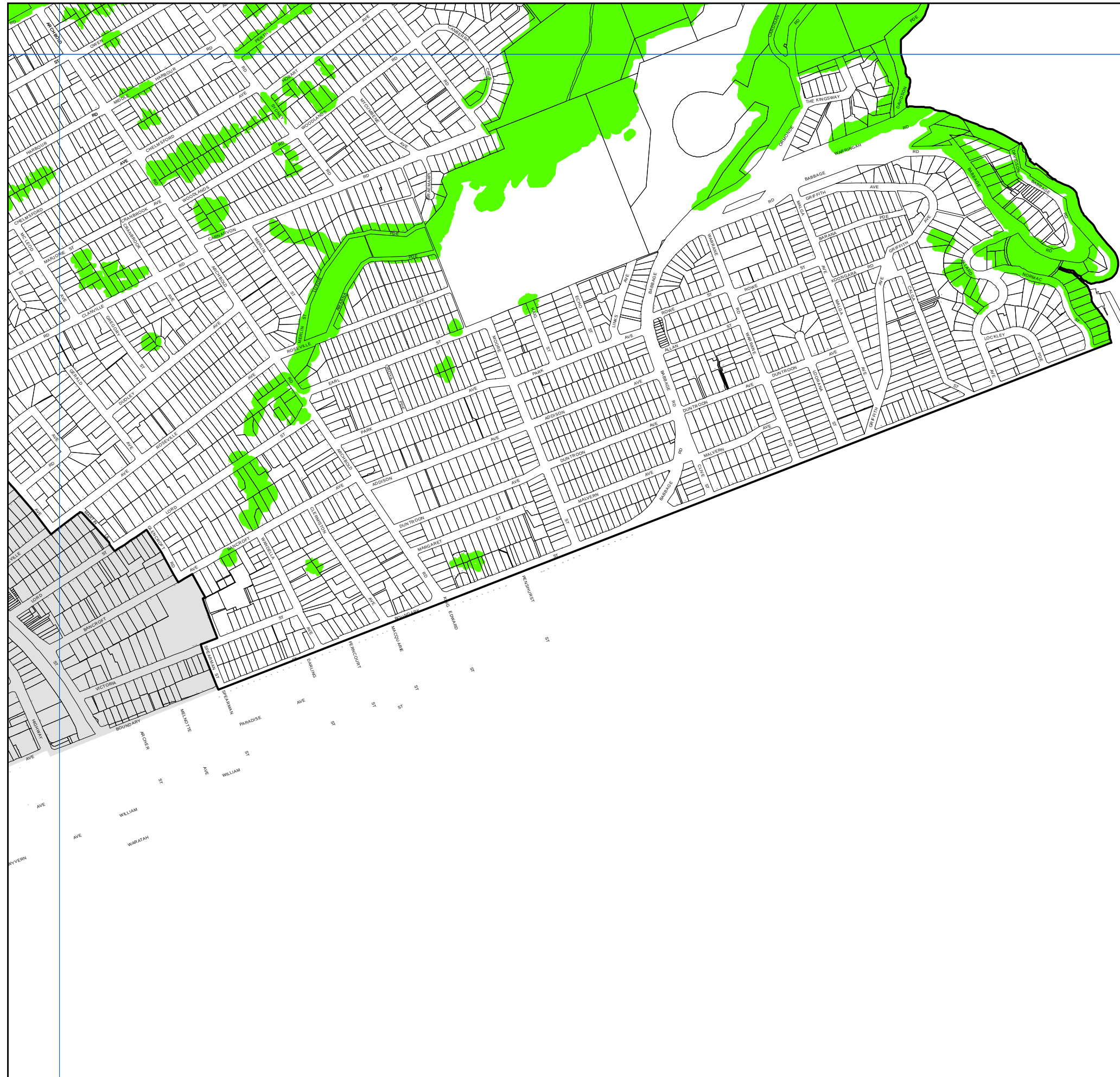
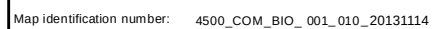


☐ Cadastre 15/11/2012 © Land & Property Management Authority

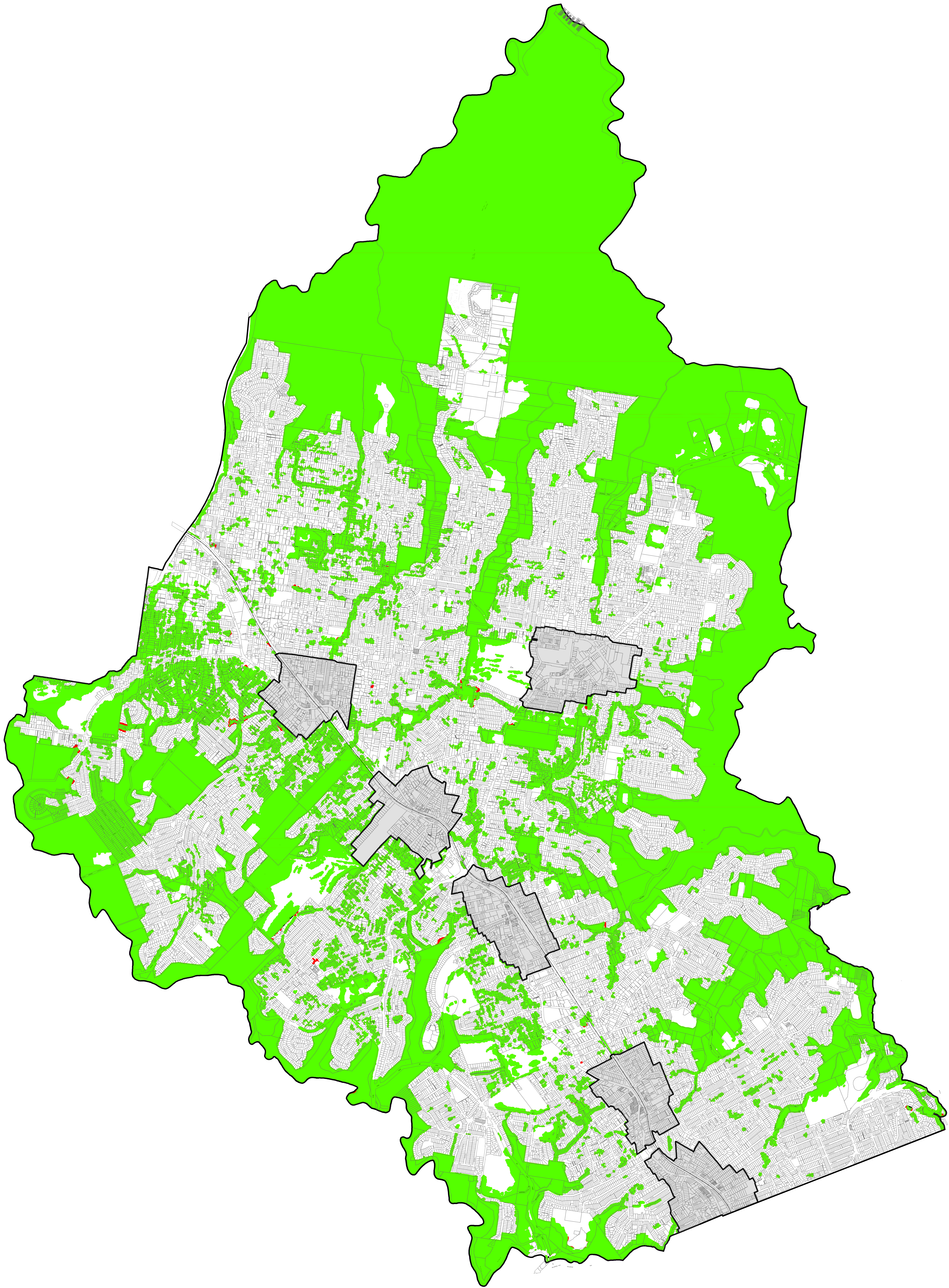
A 5x5 grid of numbers. The numbers are arranged as follows:

	004	014		
	005	015	030	
001	006	016	031	
002	007	019	032	
003	011	022	033	
	013	026	034	

The number 034 is highlighted with a red border.



Attachment 12 – Map showing changes to Biodiversity Maps



Biodiversity

- Biodiversity Contraction
- Biodiversity Expansion
- Areas of Biodiversity Significance

Council Report dated - 26-11-2013

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

**Revised Draft Ku-ring-gai Local
Environmental Plan 2013**

BIODIVERSITY MAP

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NORTH

SCALE:- 1:15500



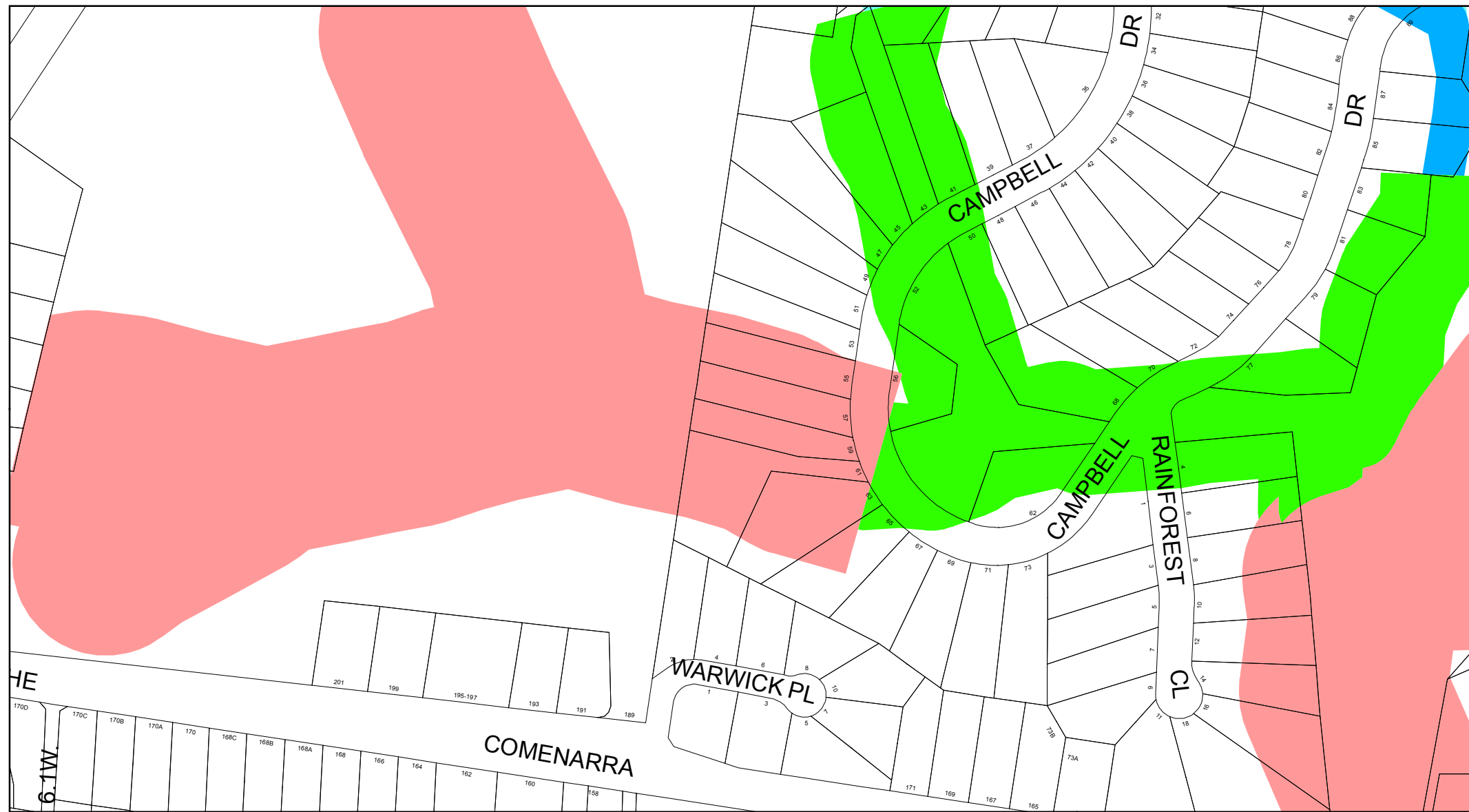
Attachment 13 – Riparian Lands – Proposed Amendments



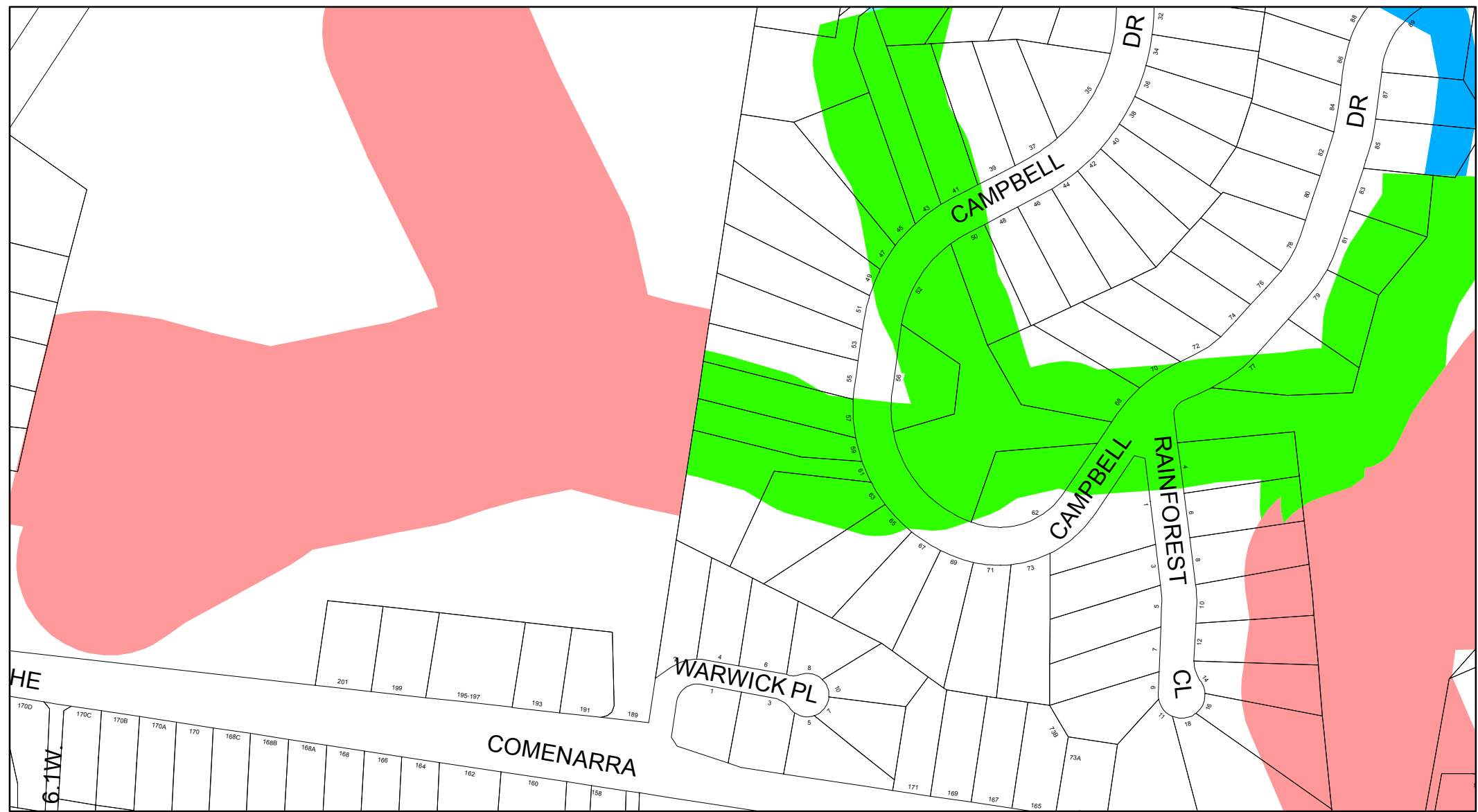
Draft Ku-ring-gai Local Environmental Plan 2013

Riparian Land - Proposed Amendments

59 Campbell Drive - As Exhibited



59 Campbell Drive - As Amended



Projection: GDA 1994
MGA Zone 56

0 25 50 75 100 m

Scale: 1:2,500 @ A3

- Category 1
- Category 2
- Category 3
- Category 3a

DISCLAIMER:-

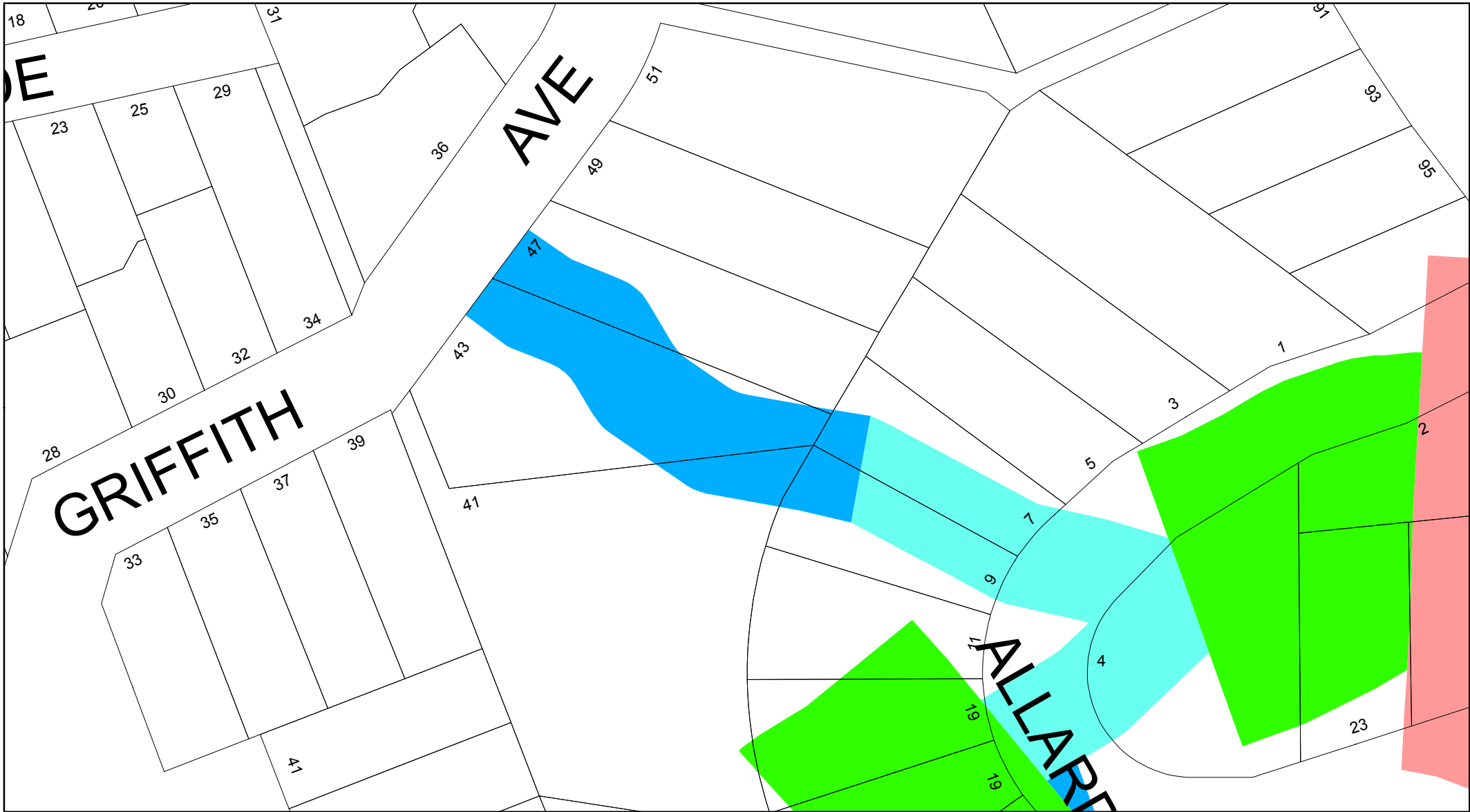
This plan has been prepared as part of a review process only and as such no reliance is to be placed upon this plan as it is not and does not purport to be a Planning Instrument. Ku-ring-gai Council accepts no liability for the accuracy or otherwise of this plan.



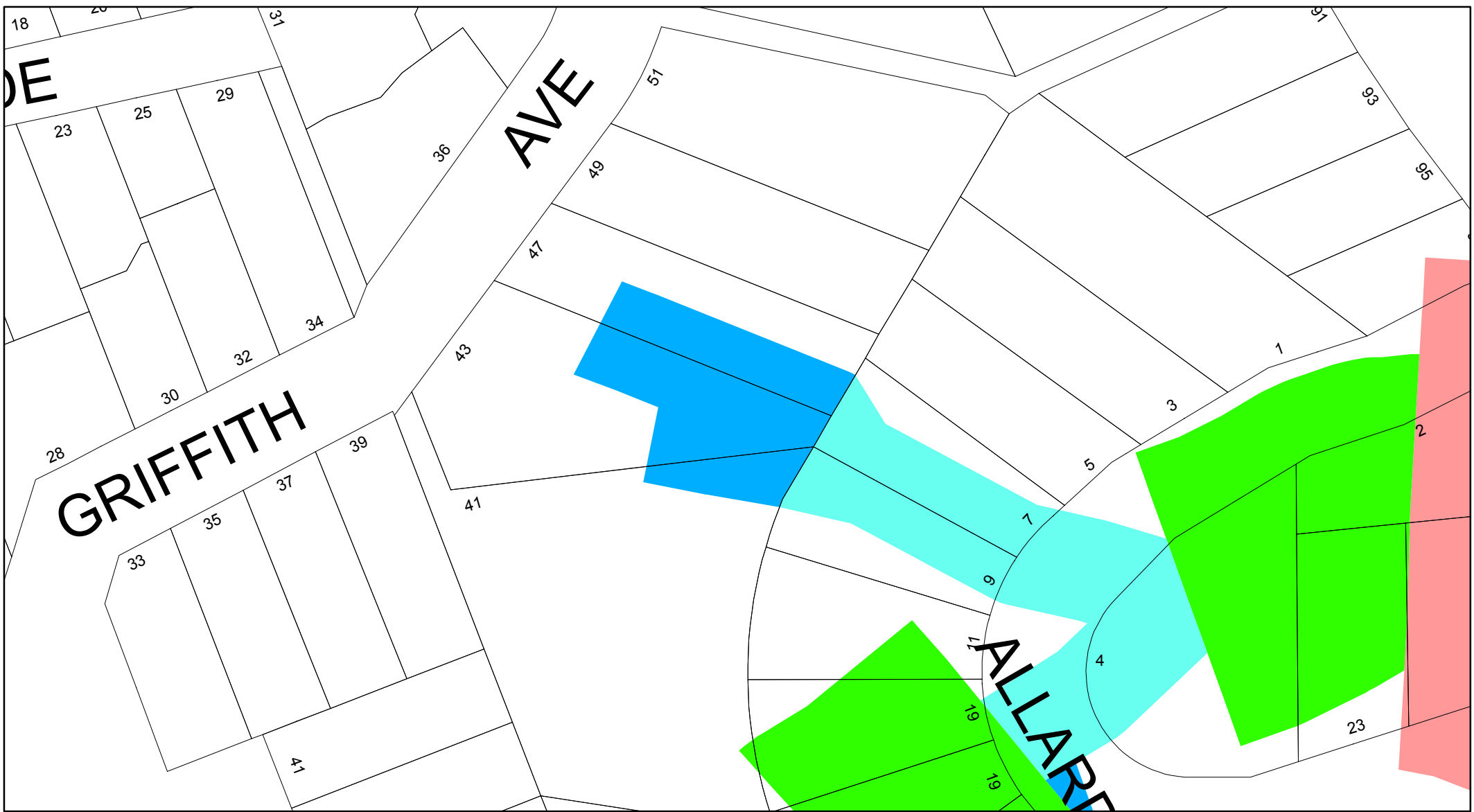
Draft Ku-ring-gai Local Environmental Plan 2013

Riparian Land - Proposed Amendments

43 Griffith Avenue - As Exhibited



43 Griffith Avenue - As Amended



N



Projection: GDA 1994
MGA Zone 56

0 10 20 30 40 m

Scale: 1:1,000 @ A3

- Category 1
- Category 2
- Category 3
- Category 3a

DISCLAIMER:-

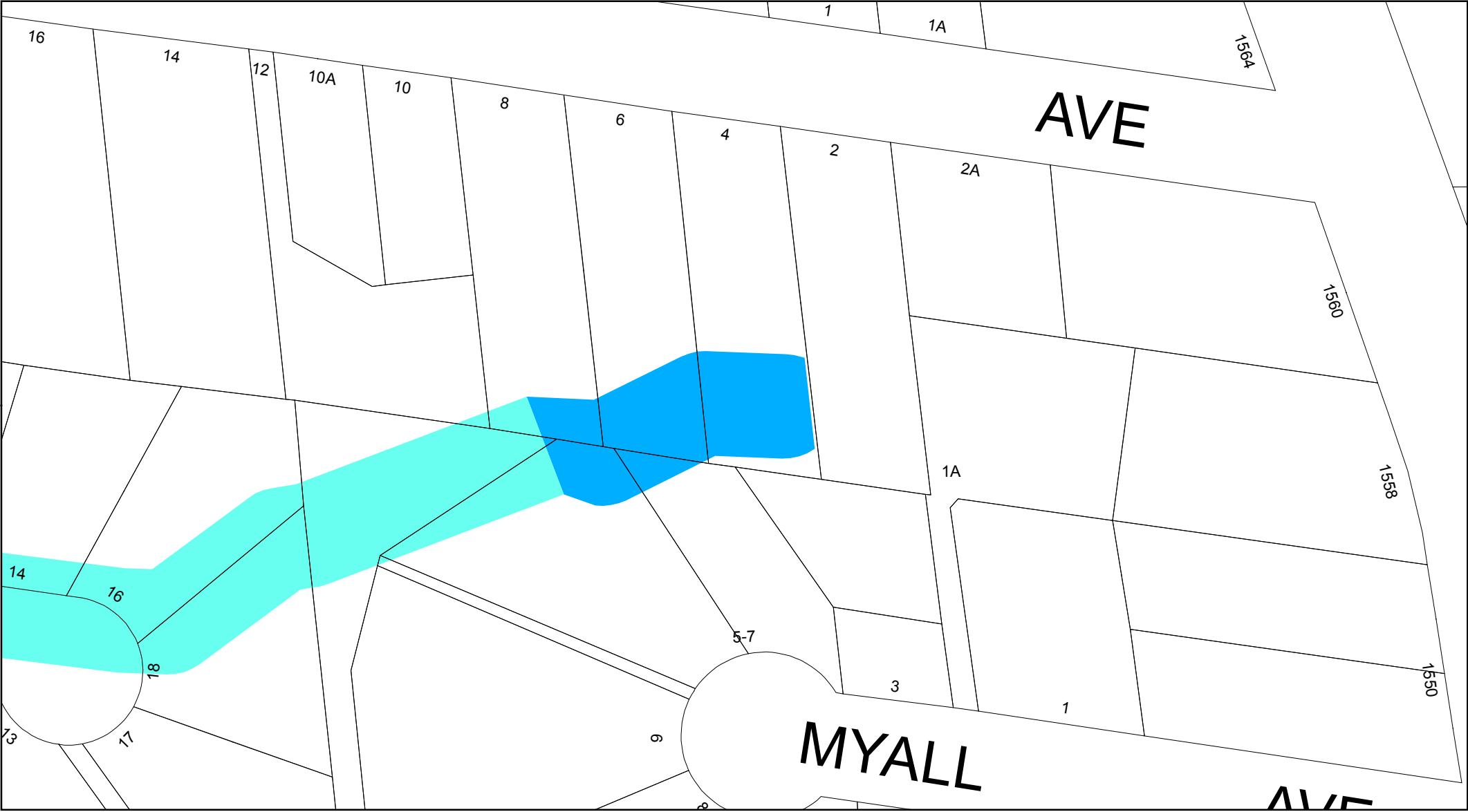
This plan has been prepared as part of a review process only and as such no reliance is to be placed upon this plan as it is not and does not purport to be a Planning Instrument. Ku-ring-gai Council accepts no liability for the accuracy or otherwise of this plan.



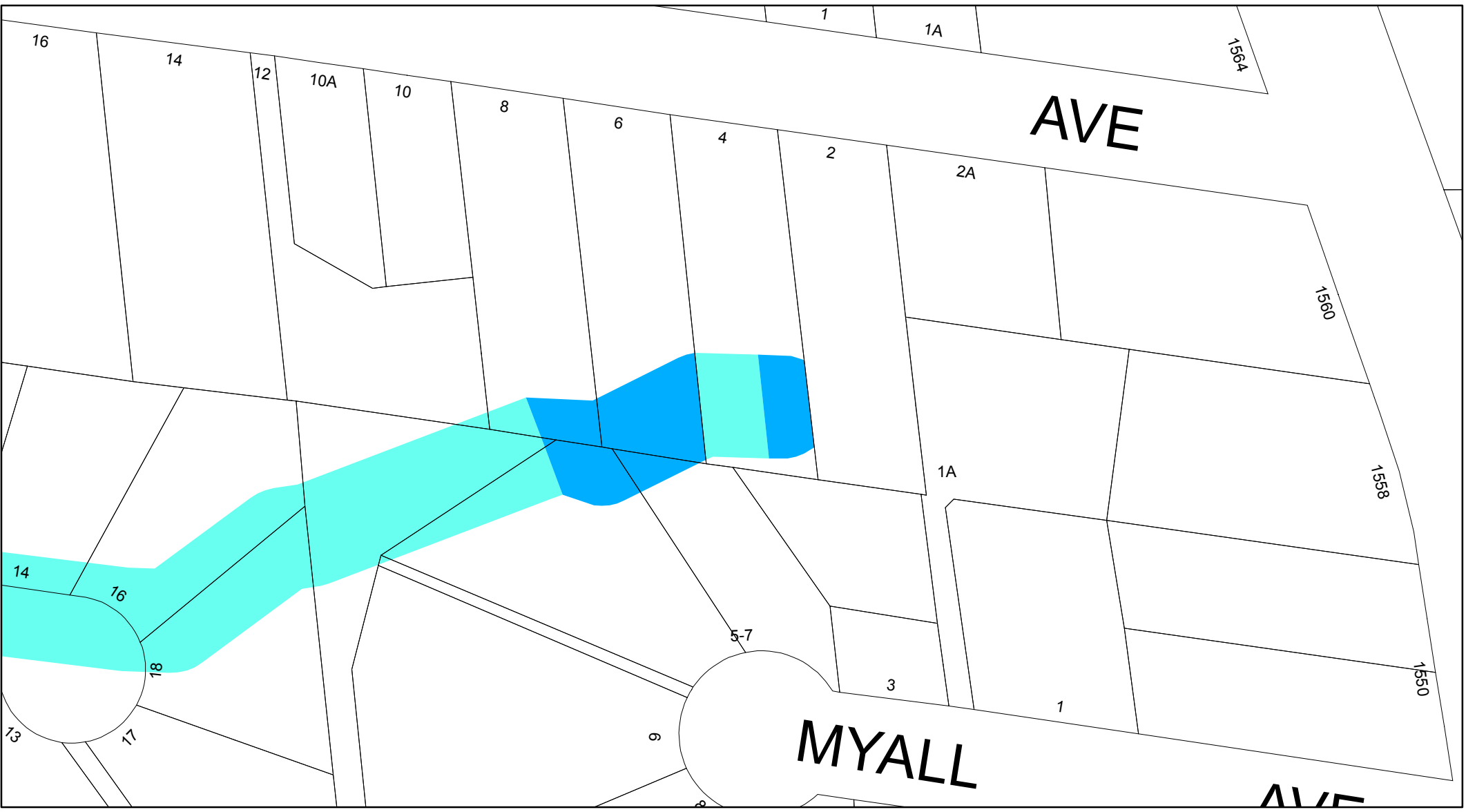
Draft Ku-ring-gai Local Environmental Plan 2013

Riparian Land - Proposed Amendments

4 Gilda Avenue - As Exhibited



4 Gilda Avenue - As Amended



N



Projection: GDA 1994
MGA Zone 56

0 10 20 30 40m

Scale: 1:1,000 @ A3

- Category 1
- Category 2
- Category 3
- Category 3a

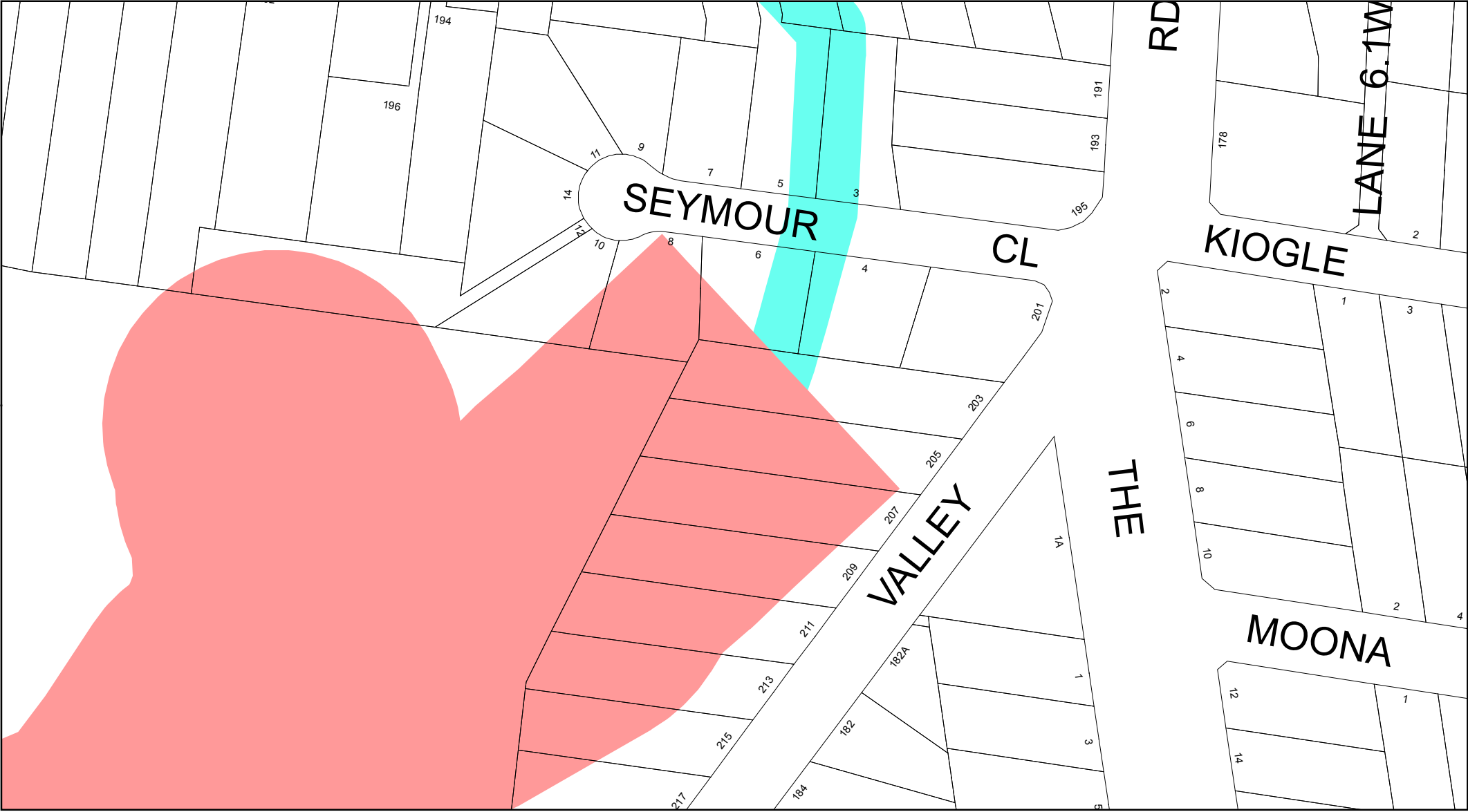
DISCLAIMER:-
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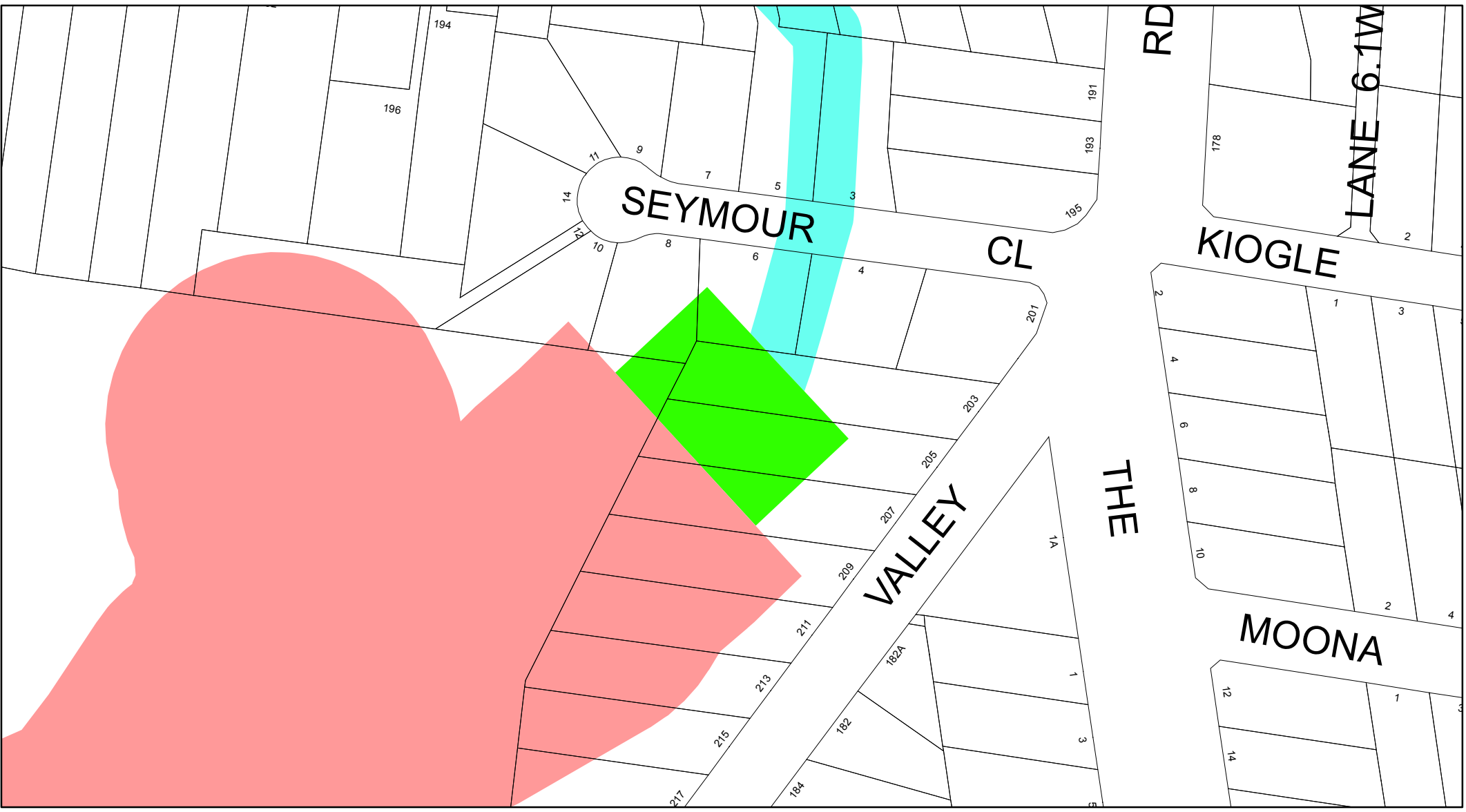
Draft Ku-ring-gai Local Environmental Plan 2013

Riparian Land - Proposed Amendments

203-207 Fox Valley Road - As Exhibited



203-207 Fox Valley Road - As Amended



N



Projection: GDA 1994
MGA Zone 56

0 10 20 30 40 m

Scale: 1:1,500 @ A3

- Category 1
- Category 2
- Category 3
- Category 3a

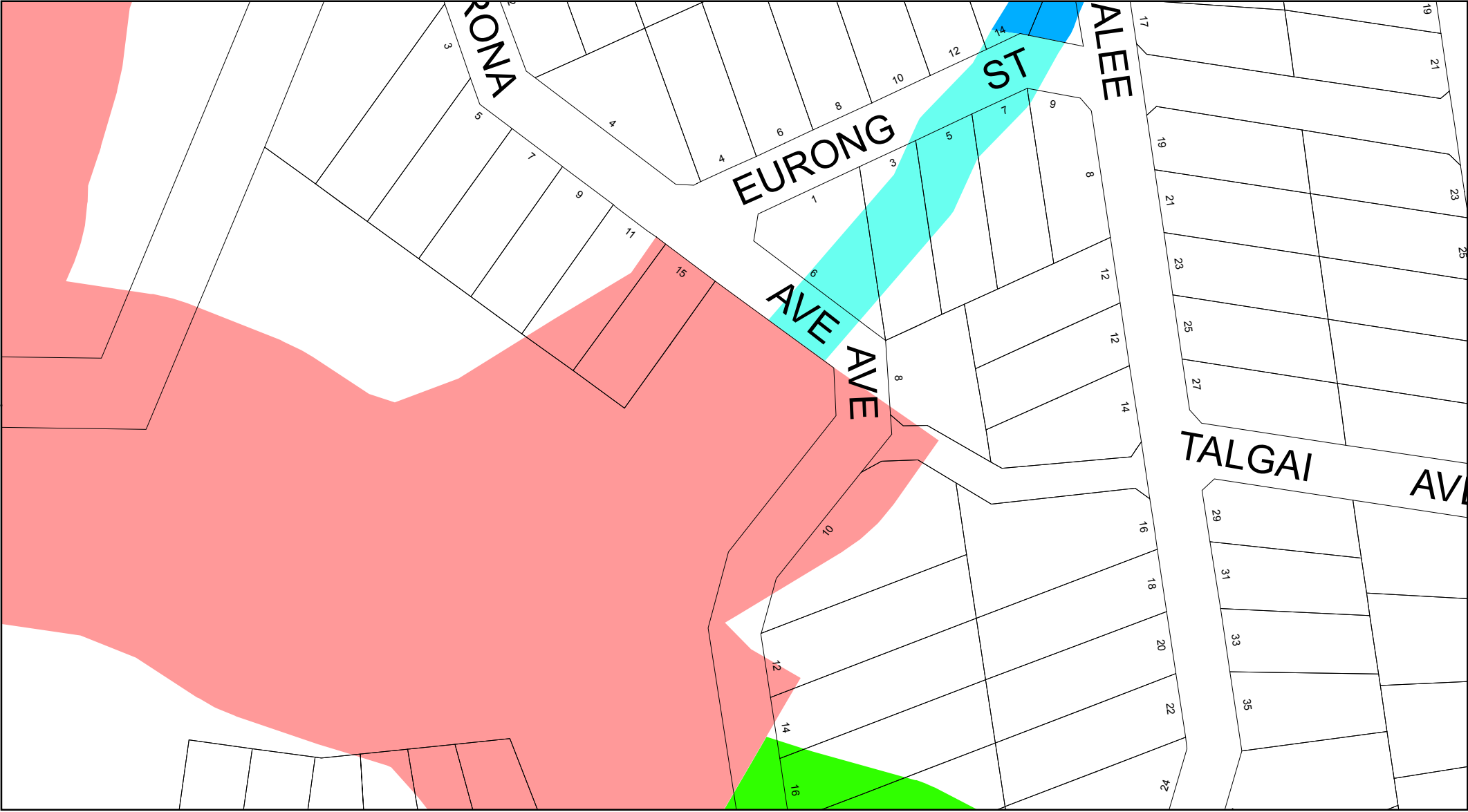
DISCLAIMER:-
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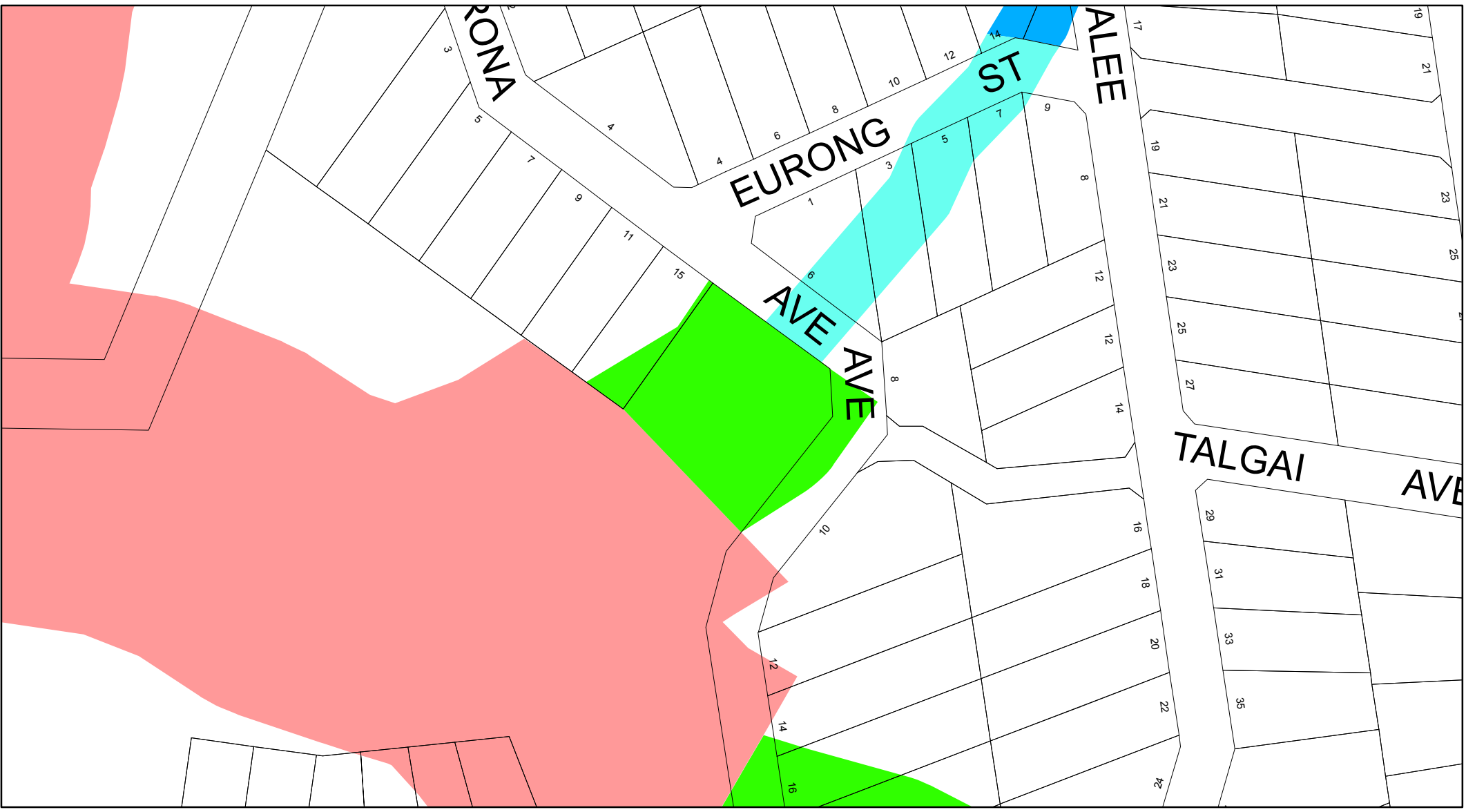
Draft Ku-ring-gai Local Environmental Plan 2013

Riparian Land - Proposed Amendments

15 Morona Avenue - As Exhibited



15 Morona Avenue - As Amended



N



Projection: GDA 1994
MGA Zone 56

0 10 20 30 40 m

Scale: 1:1,500 @ A3

- Category 1
- Category 2
- Category 3
- Category 3a

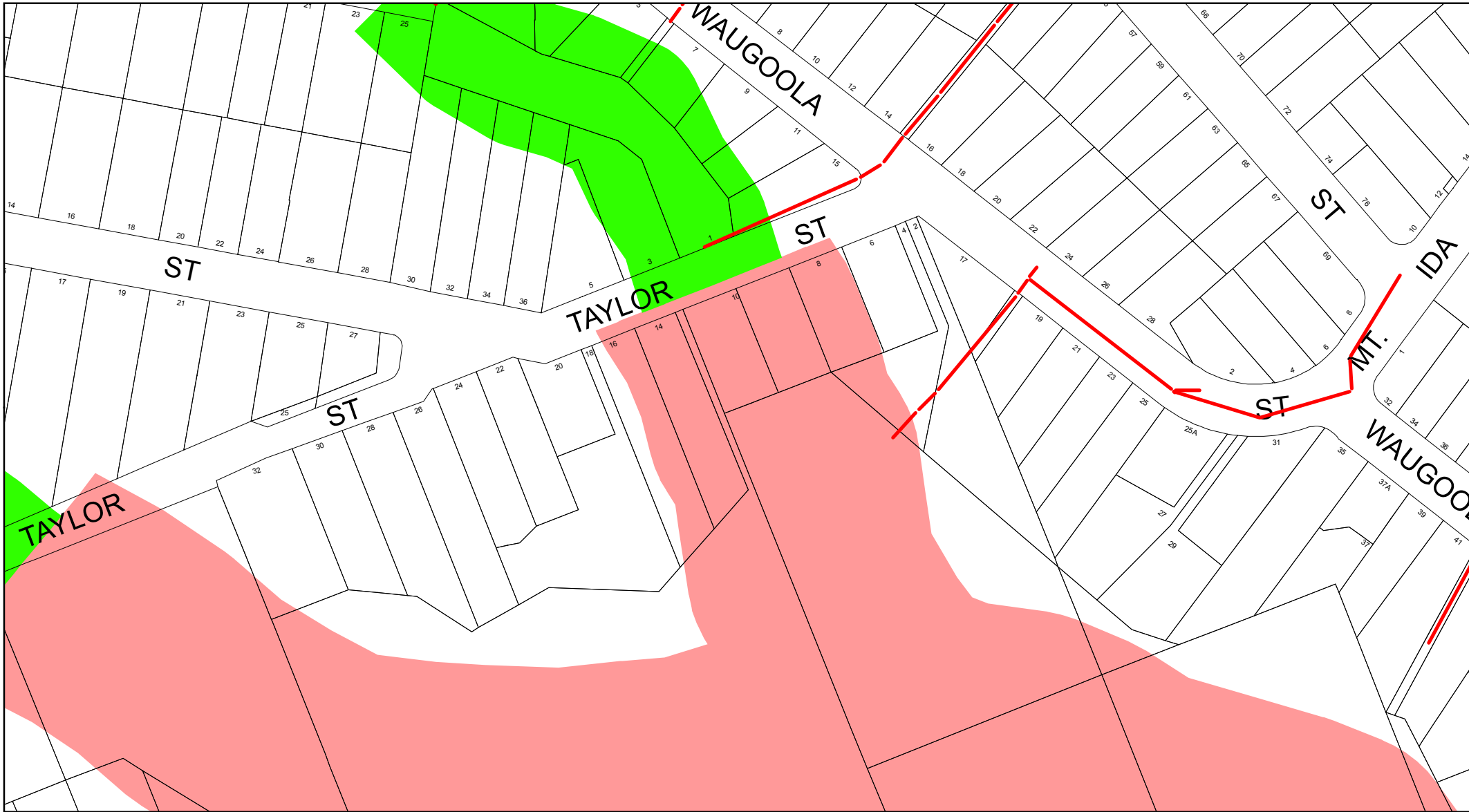
DISCLAIMER:-
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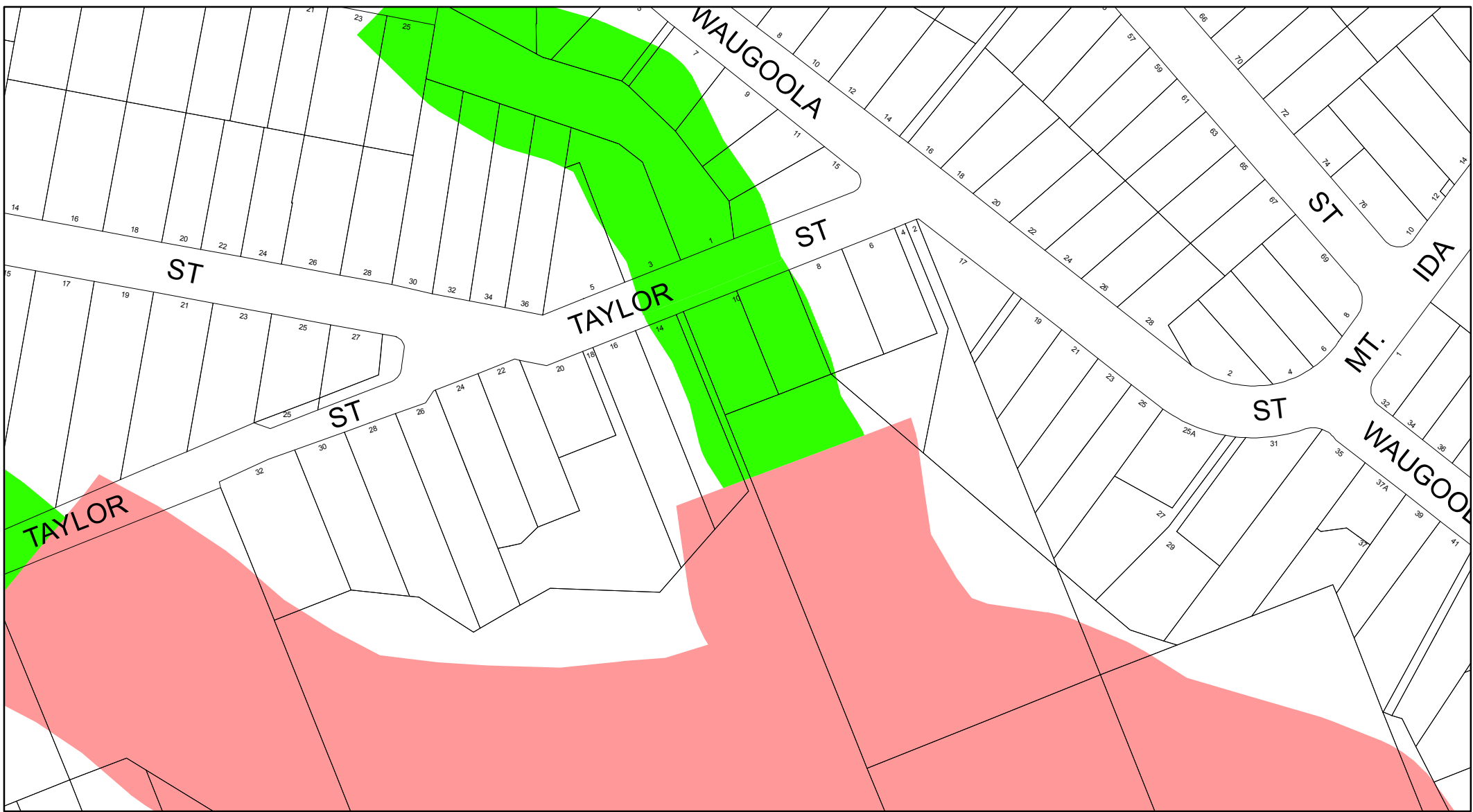
Draft Ku-ring-gai Local Environmental Plan 2013

Riparian Land - Proposed Amendments

10 Taylor Street - As Exhibited



10 Taylor Street- As Amended



N



Projection: GDA 1994
MGA Zone 56

0 20 40 60 80 m

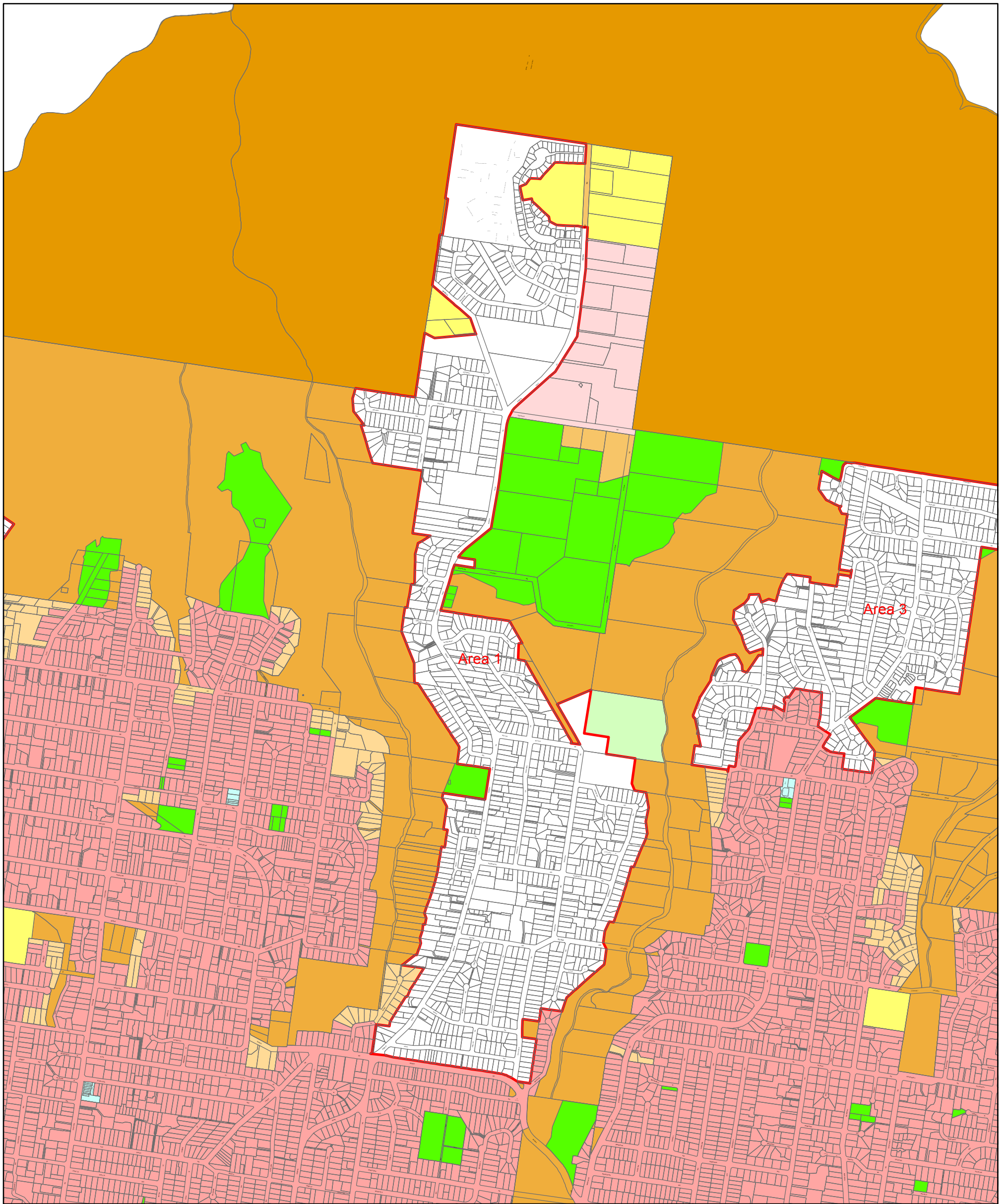
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- Category 1
- Category 2
- Category 3
- Category 3a

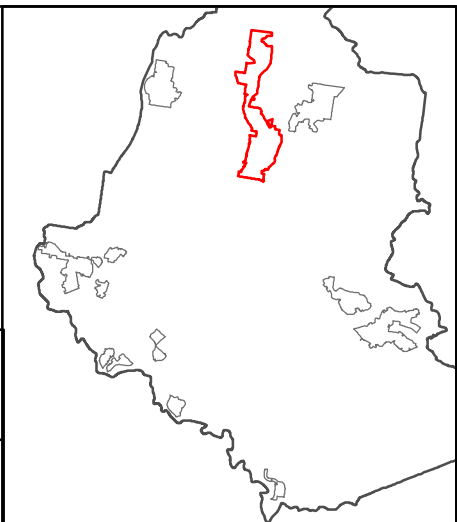
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Attachment 14 – Maps of E3 proposed deferred areas

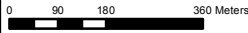


Draft Ku-ring-gai Local Environmental Plan 2013
Proposed Deferred Areas
Area 1 - North Turramurra



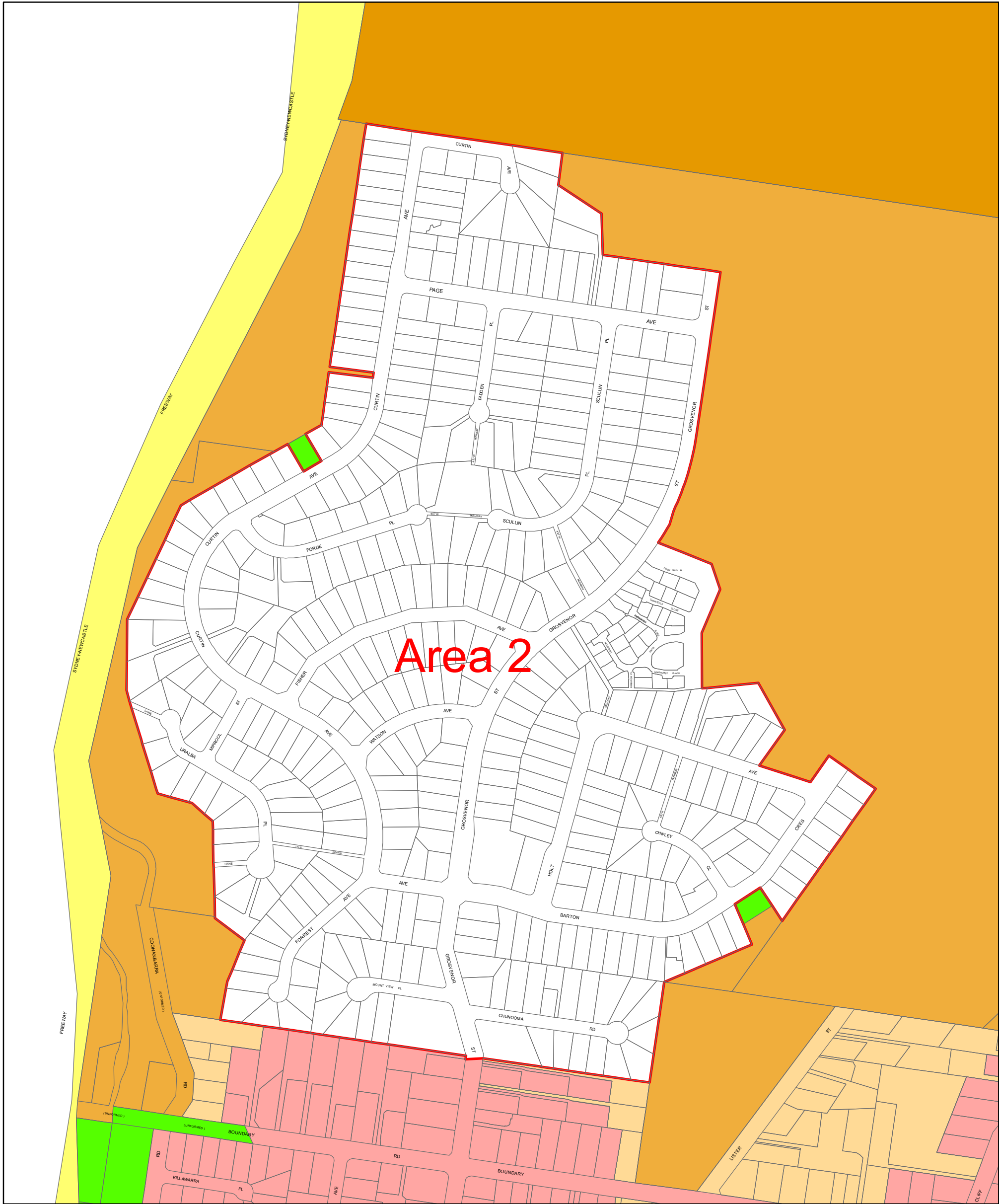
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Deferred Area

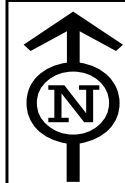
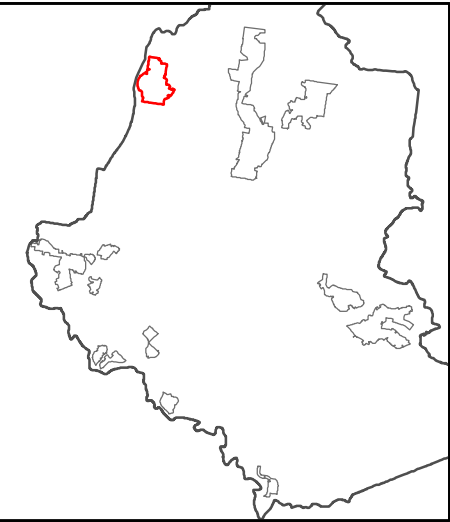
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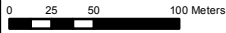
Proposed Deferred Areas

Area 2 - North Wahroonga



Date: 22/10/2013

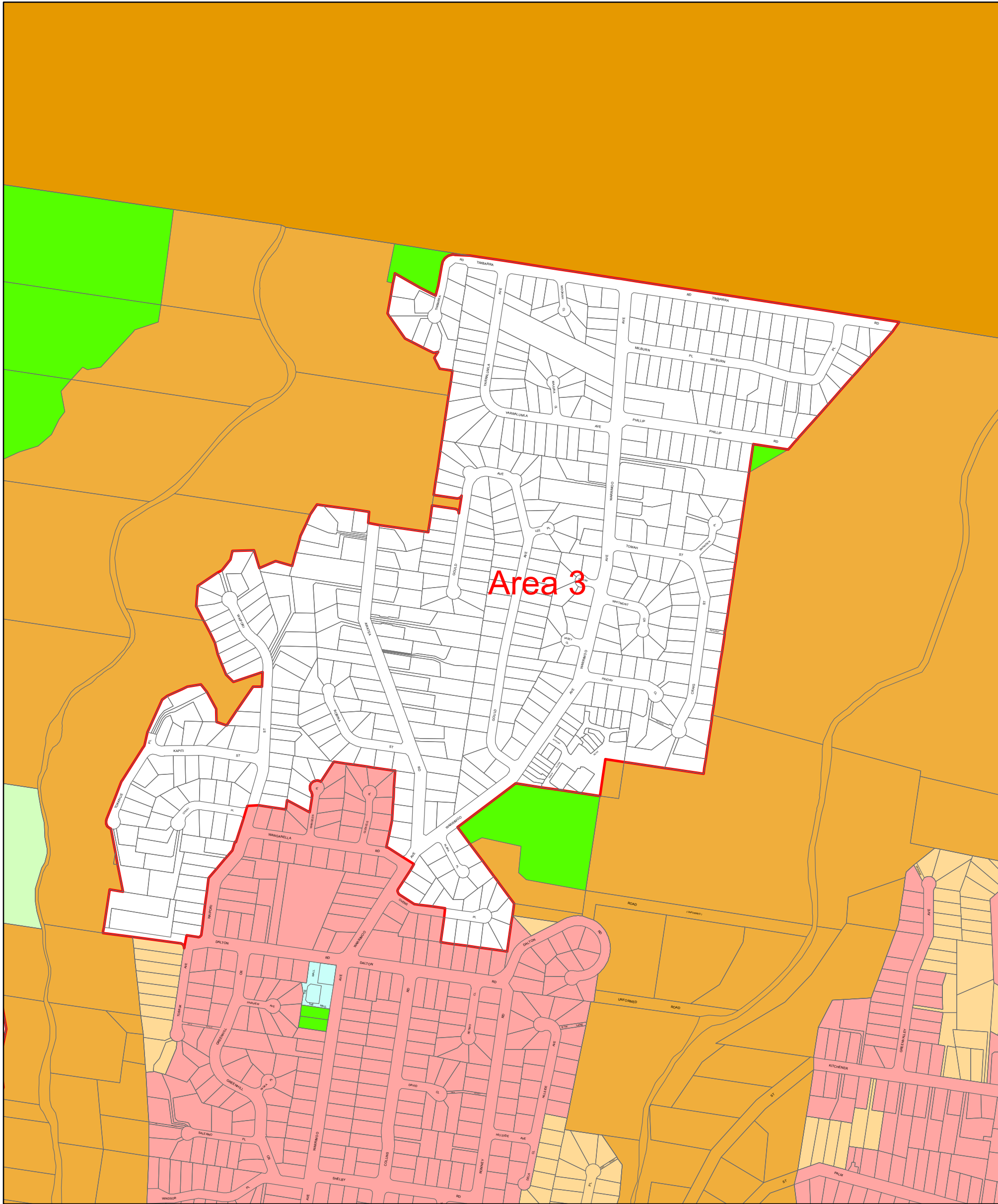
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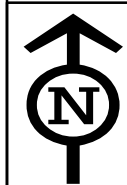
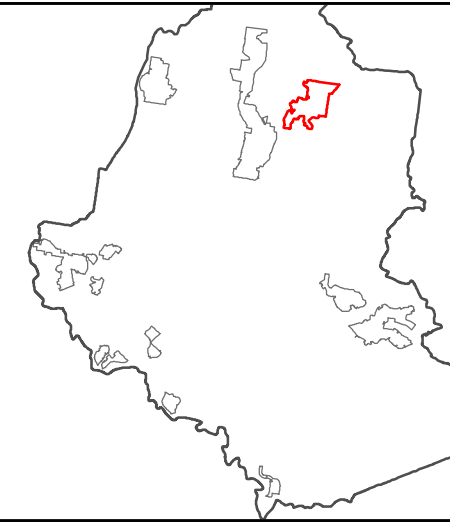
Deferred Area

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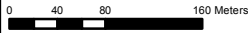


Draft Ku-ring-gai Local Environmental Plan 2013
Proposed Deferred Areas
Area 3 - Warrimoo Avenue



Date: 22/10/2013

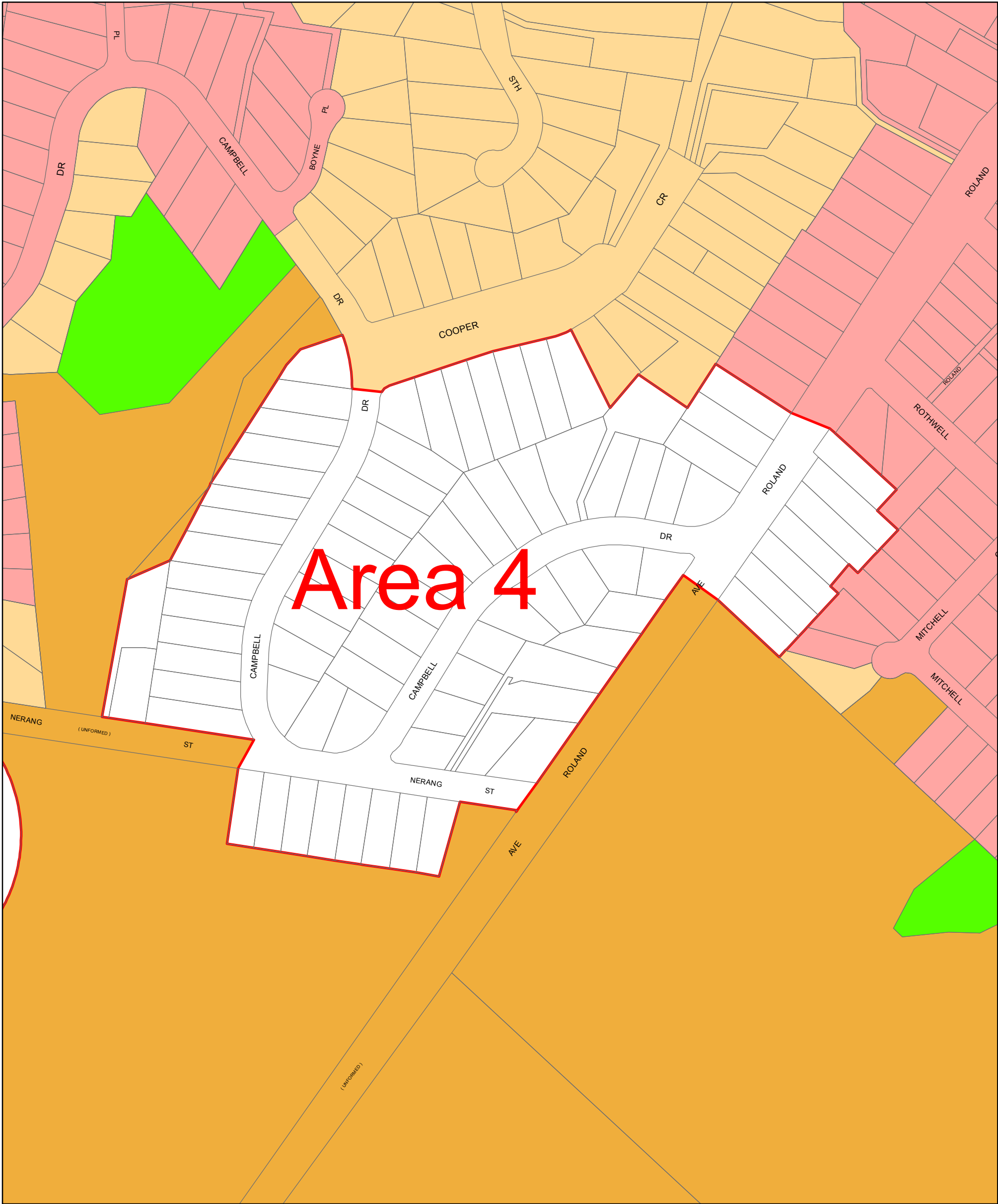
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Deferred Area

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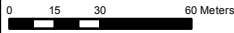
Proposed Deferred Areas

Area 4 - Campbell Drive



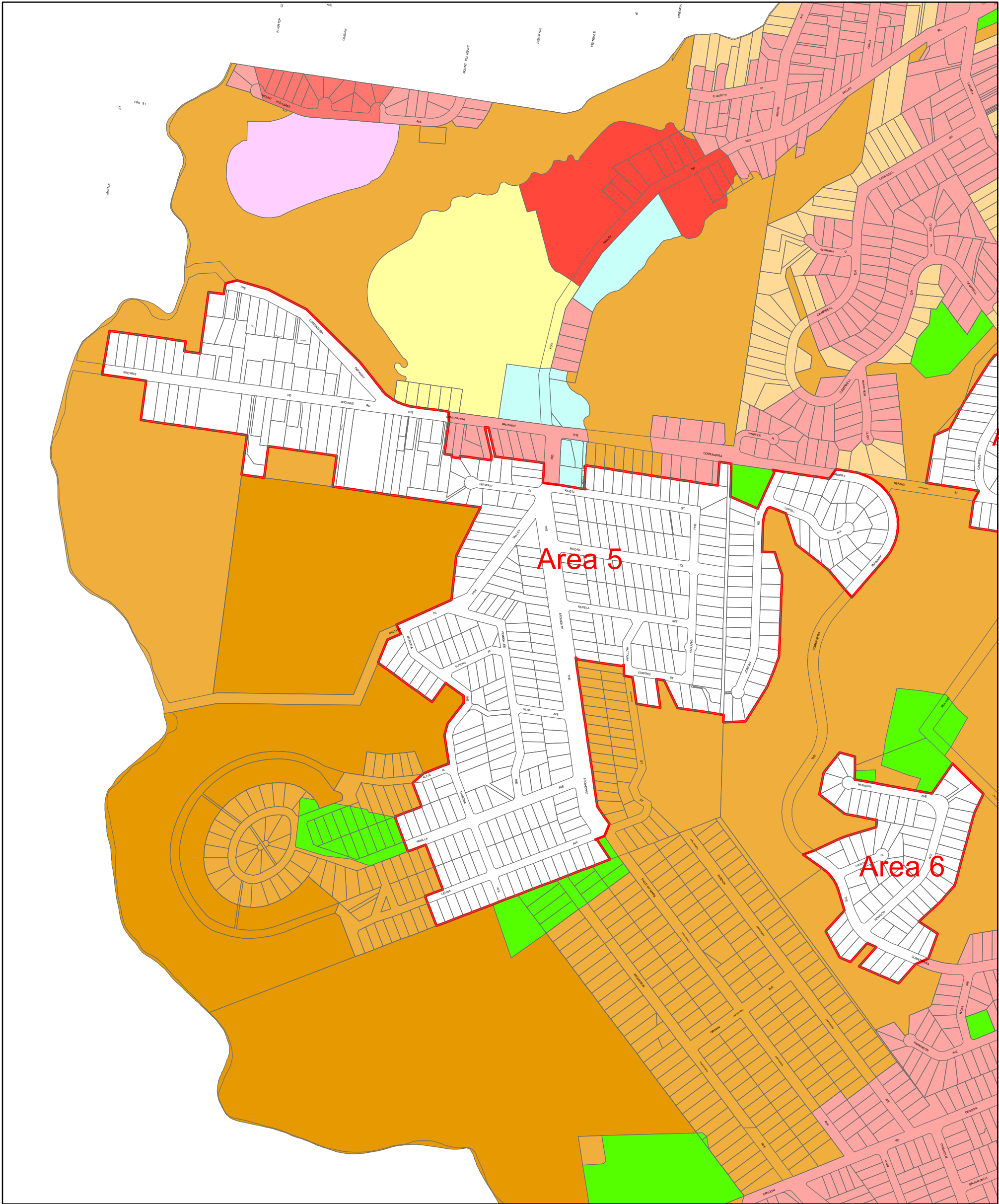
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Deferred Area

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Area

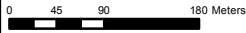
Draft Ku-ring-gai Local Environmental Plan 2013 Proposed Deferred Areas

Area 5 - Browns Rd - Fox Valley Rd - Jordon Avenue



Date: 22/10/2013

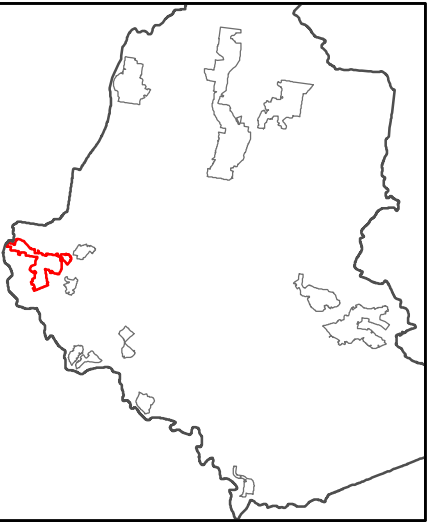
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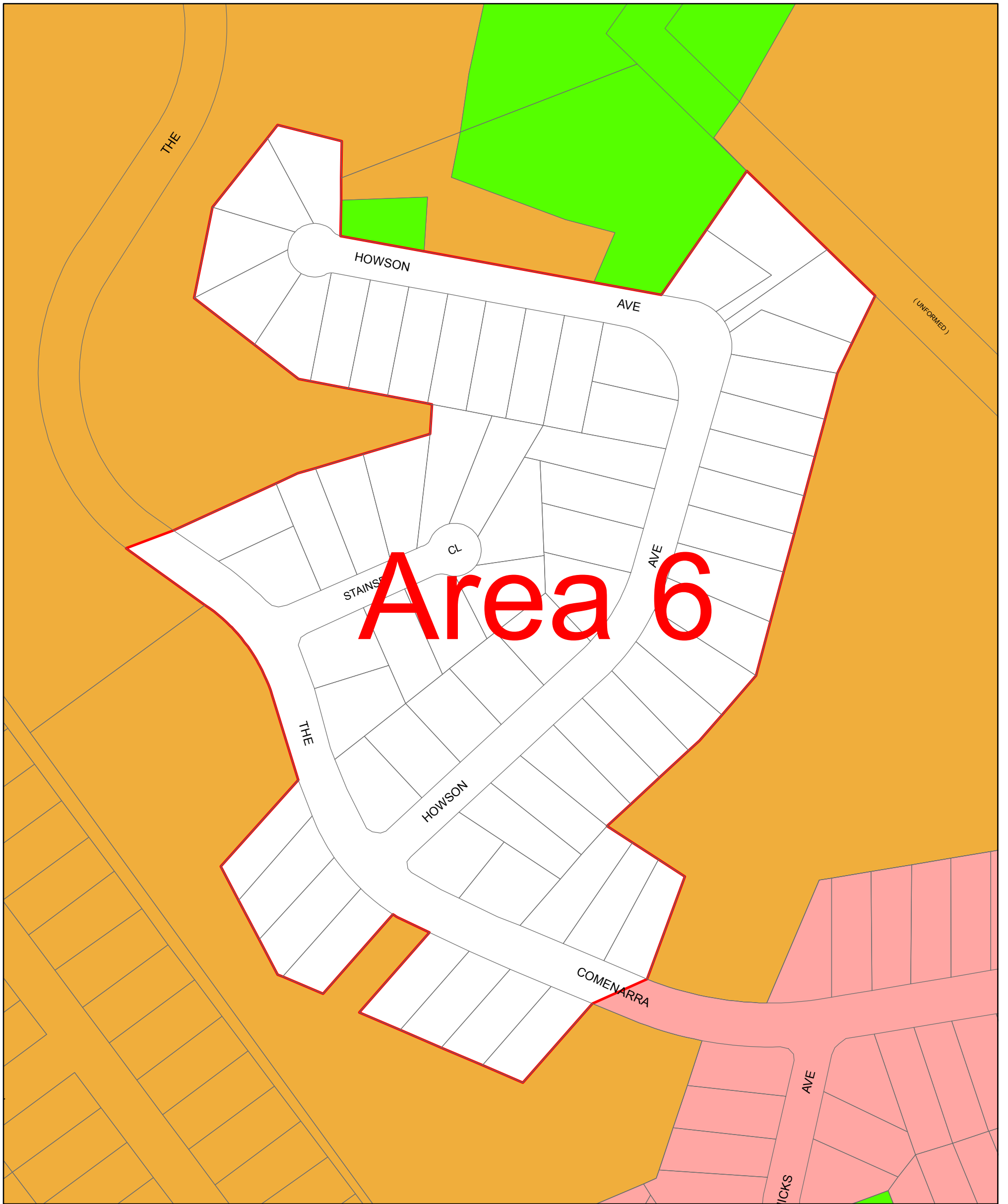


Deferred Area

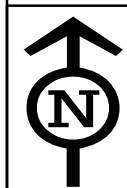
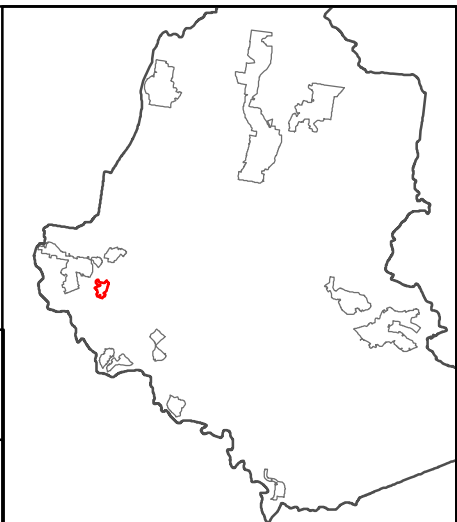
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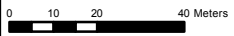


Draft Ku-ring-gai Local Environmental Plan 2013
Proposed Deferred Areas
Area 6 - Howson Avenue



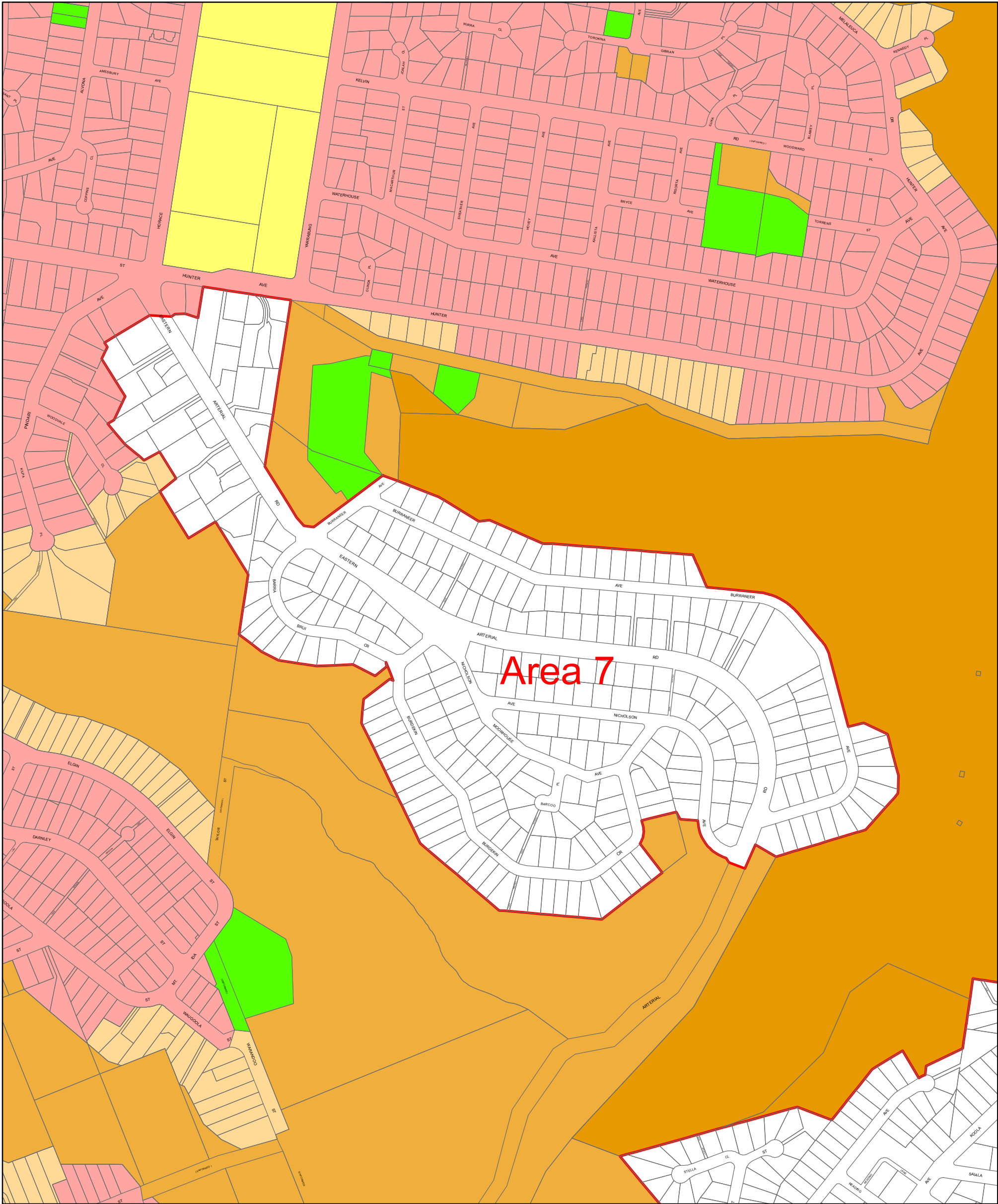
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Deferred Area

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Draft Ku-ring-gai Local Environmental Plan 2013

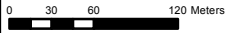
Proposed Deferred Areas

Area 7 - Eastern Arterial Road



Date: 23/10/2013

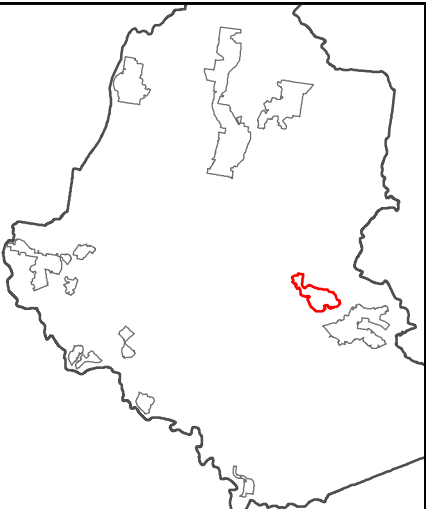
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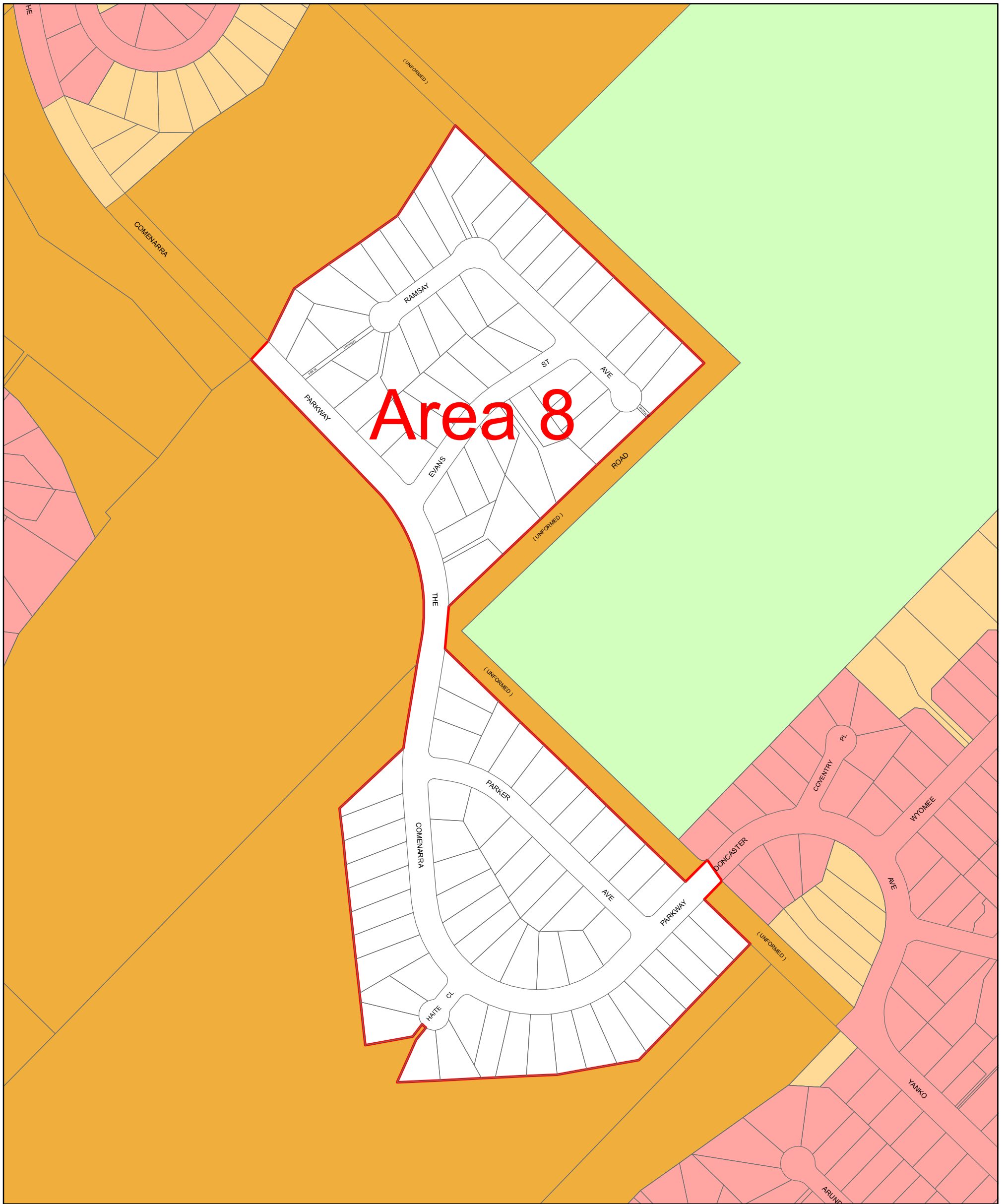


Deferred Area

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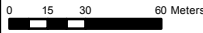


Draft Ku-ring-gai Local Environmental Plan 2013
Proposed Deferred Areas
Area 8 - Parker Avenue - Evans Street



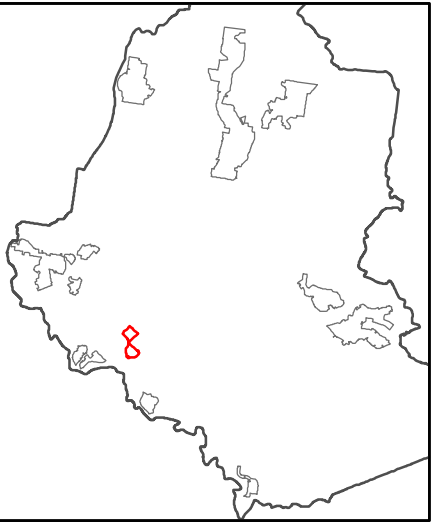
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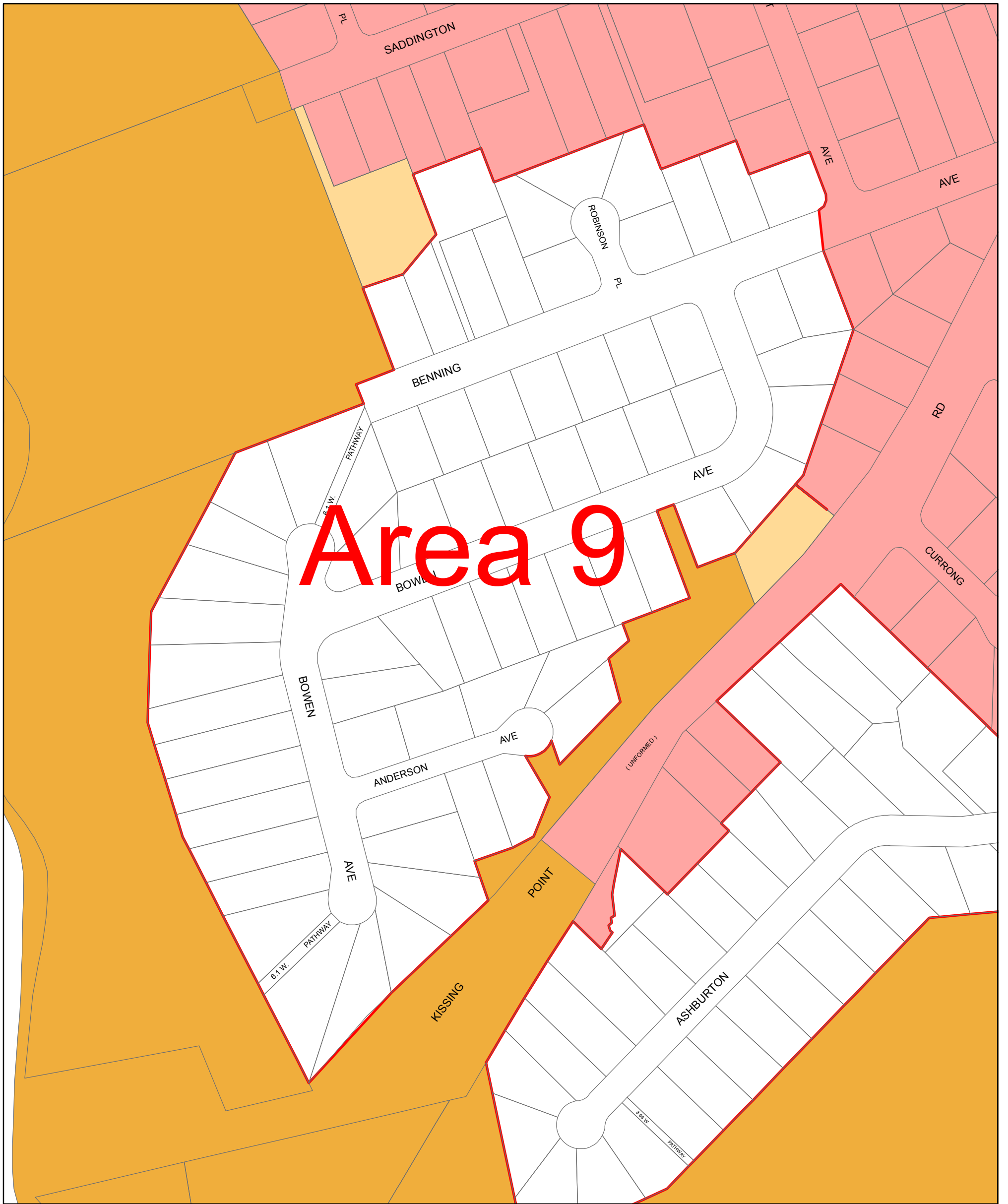
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Deferred Area

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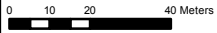


Draft Ku-ring-gai Local Environmental Plan 2013
Proposed Deferred Areas
Area 9 - Bowen Avenue



Date: 22/10/2013

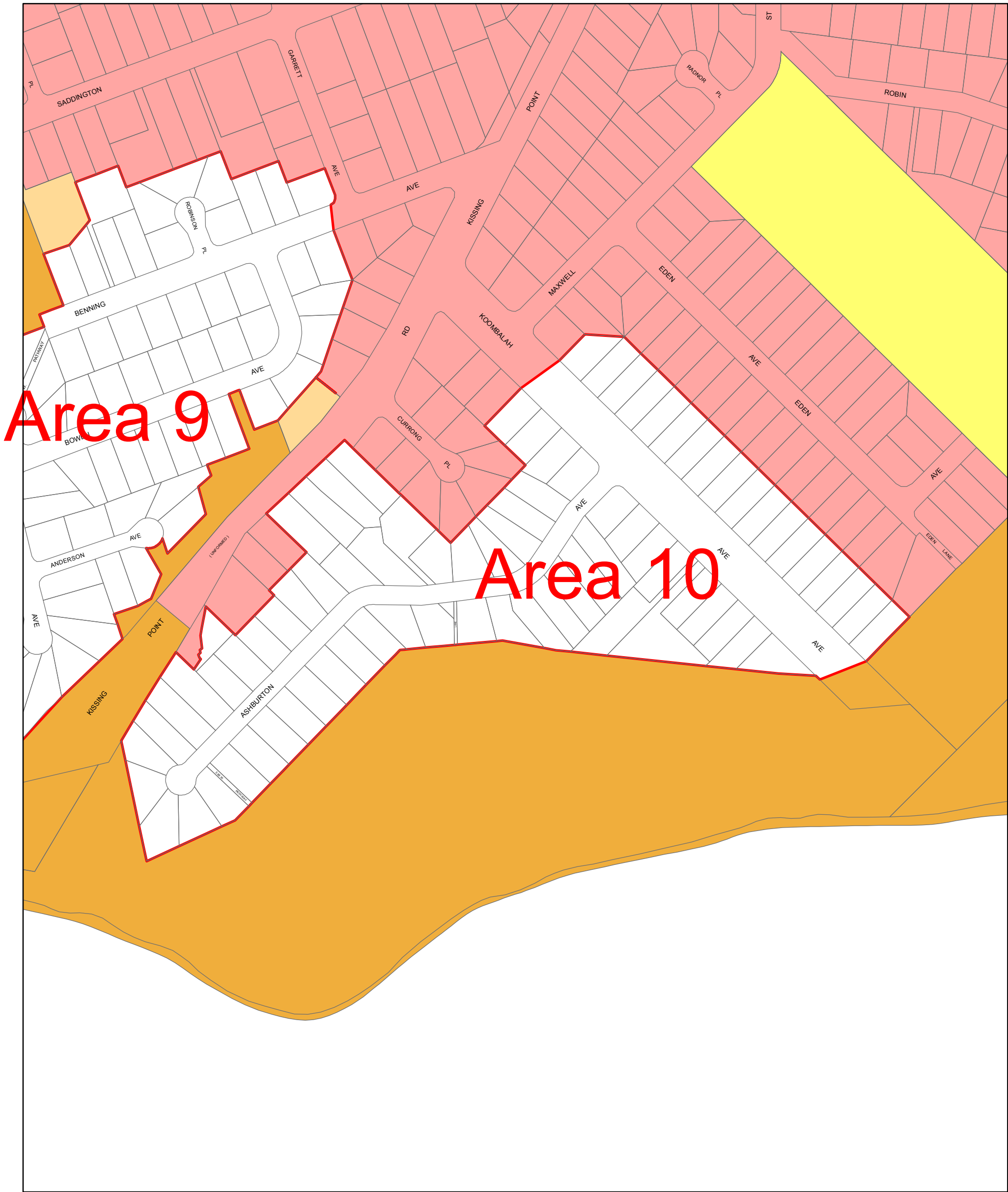
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Deferred Area

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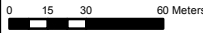


Draft Ku-ring-gai Local Environmental Plan 2013
Proposed Deferred Areas
Area 10 - Ashburton Avenue



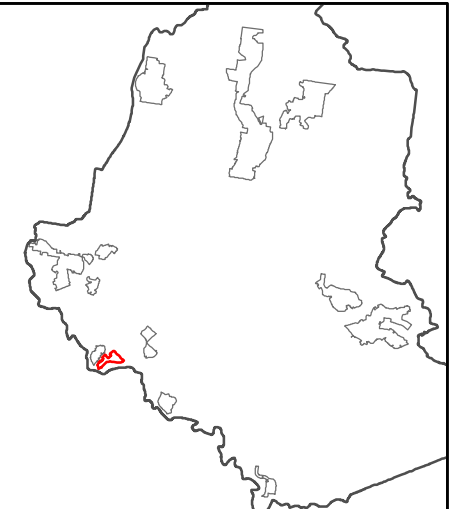
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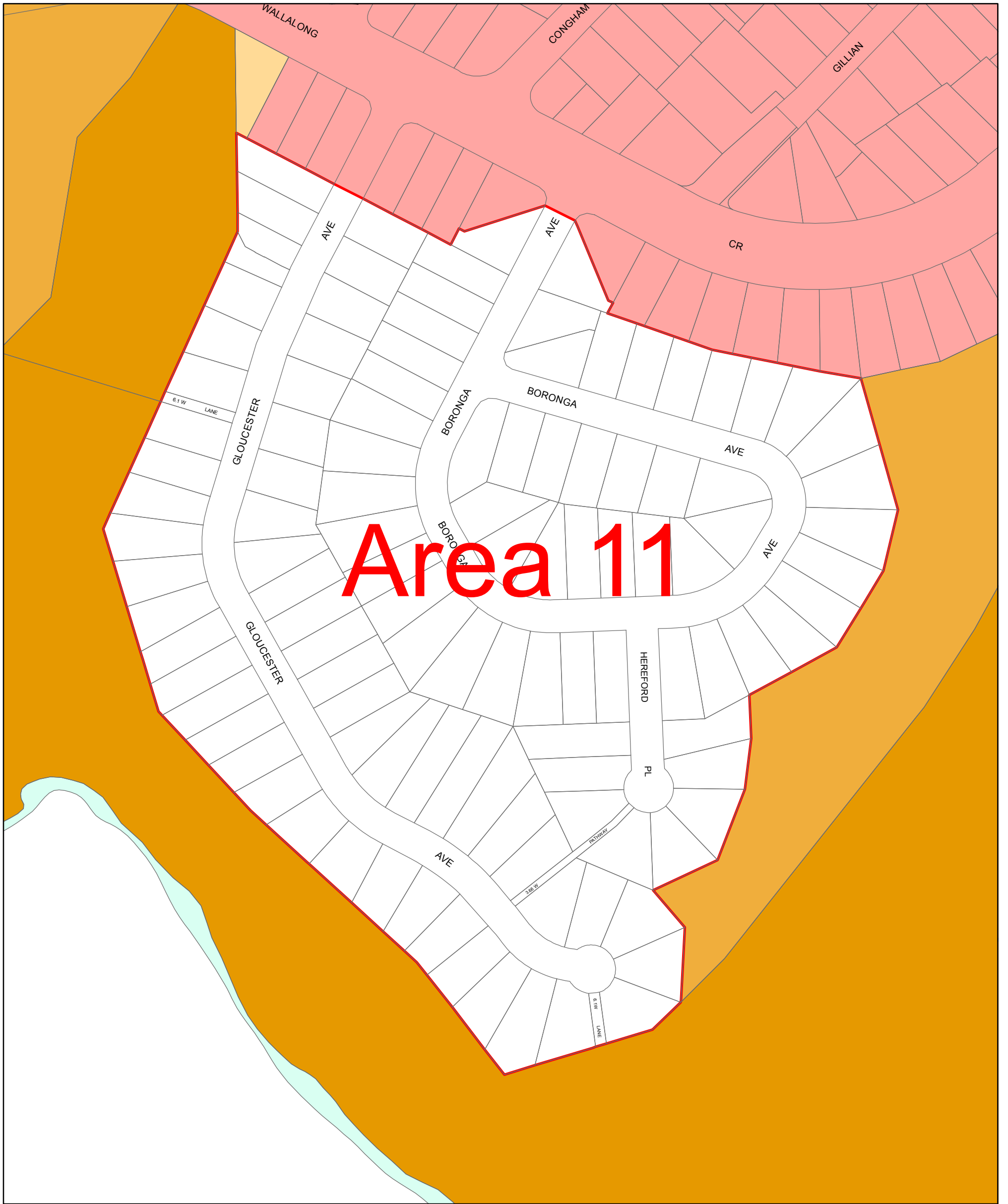
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Deferred Area

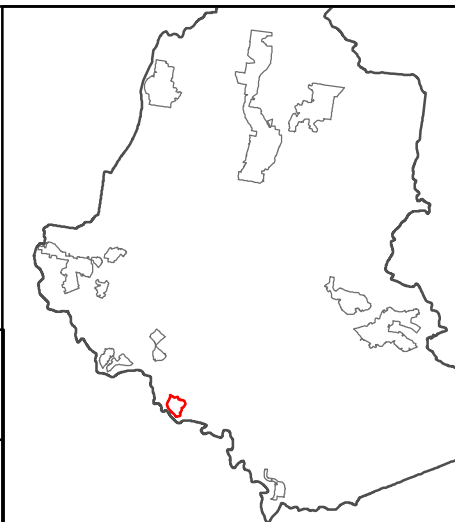
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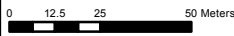
Draft Ku-ring-gai Local Environmental Plan 2013 Proposed Deferred Areas

Area 11 - Boronga Avenue - Gloucester Avenue



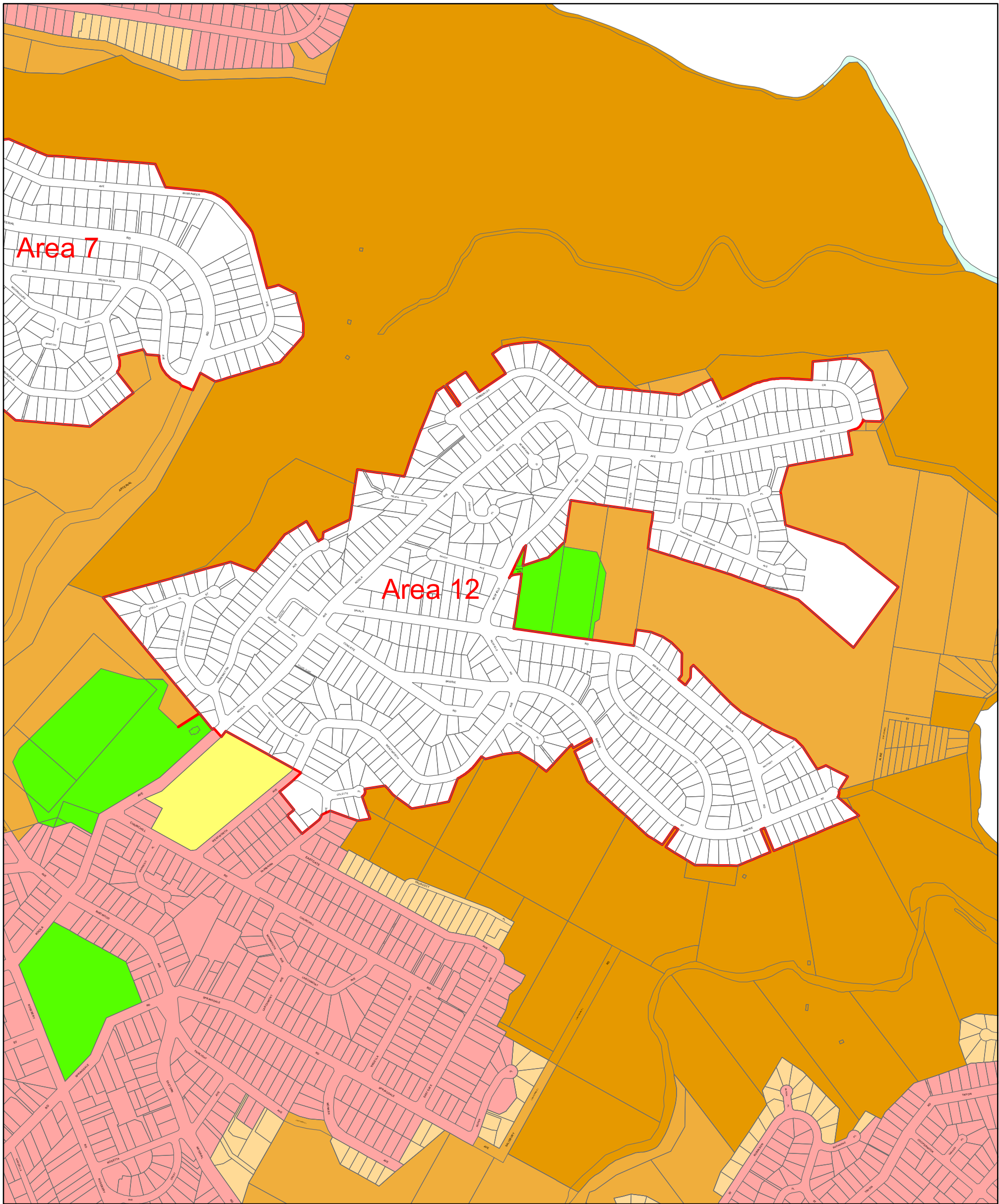
Date: 22/10/2013

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Deferred Area

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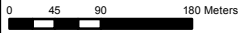
Proposed Deferred Areas

Area 12 - East Killara



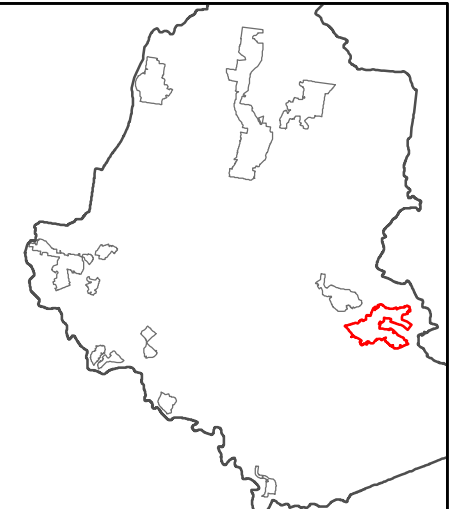
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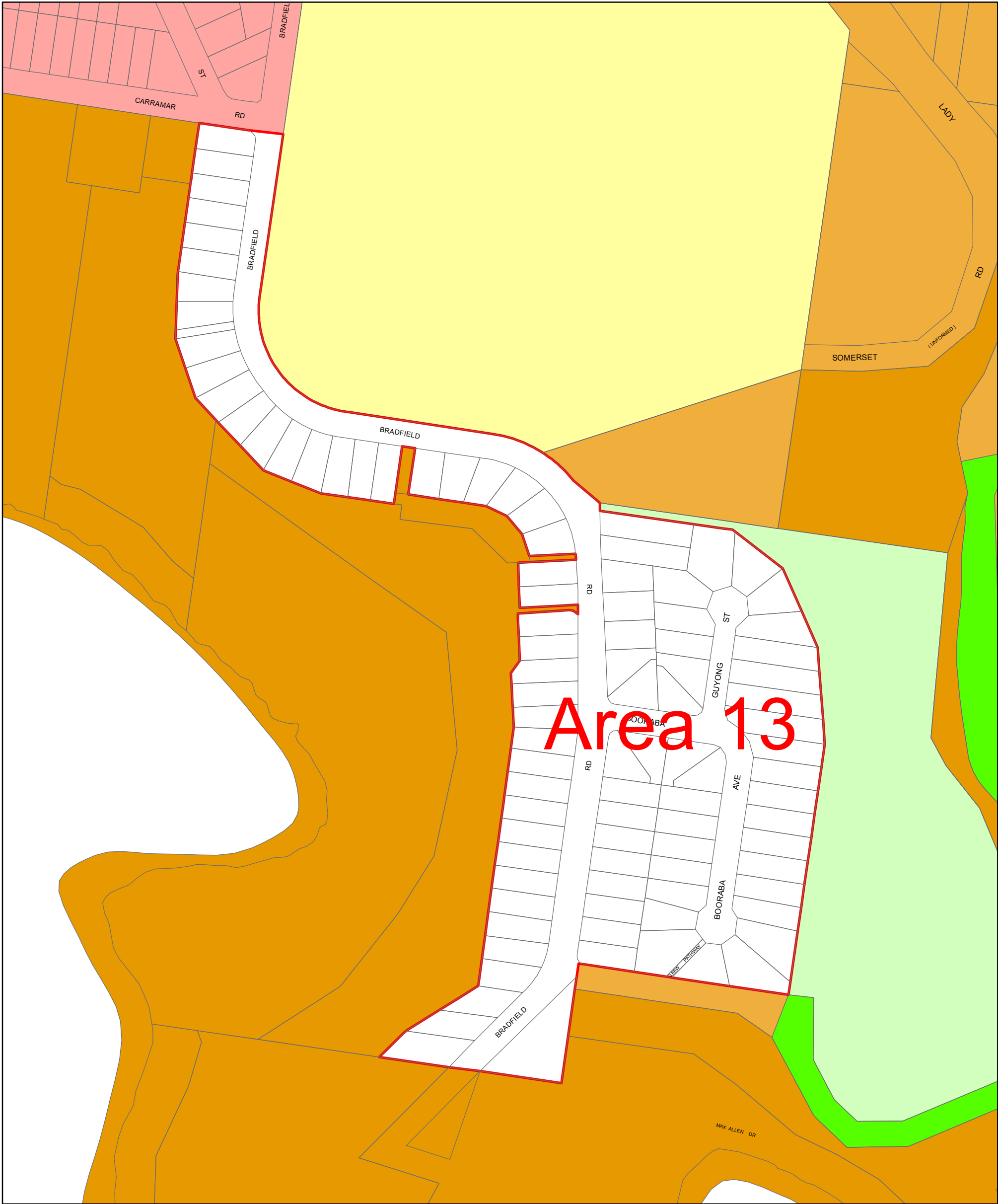
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Deferred Area

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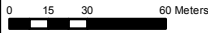


Draft Ku-ring-gai Local Environmental Plan 2013
Proposed Deferred Areas
Area 13 - Bradfield Road



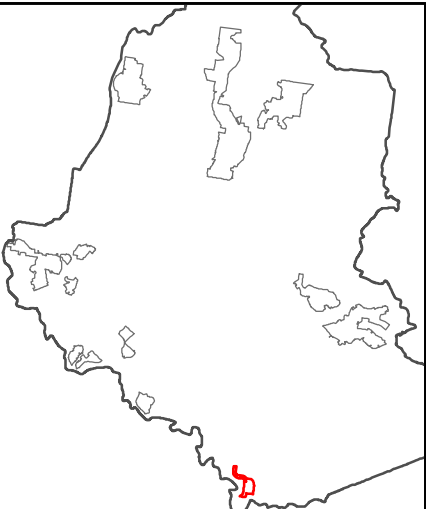
Date: 22/10/2013

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Deferred Area

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Attachment 15 – Complying Development Provisions for Dwelling houses in E4 zones

Proposed Complying Development Provisions for Dwelling Houses in E4 Environmental Living Zone

It is recommended that Schedule 3 Part 1 of the draft LEP be amended by including the following as complying development:

Dwelling houses

In E4 Environmental Living zones;

1. in accordance with Part 3 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	$((250 + (0.15 \times \text{site area})) / \text{site area}):1$
> 1,000 ≤ 1,500 m ²	$((170 + (0.20 \times \text{site area})) / \text{site area}):1$
> 800 ≤ 1,000 m ²	$((120 + (0.25 \times \text{site area})) / \text{site area}):1$
≤ 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:
- 36m², if the lot has an area of less than 300m²,
 - 45m², if the lot has an area of at least 300m² but less than 600m²,
 - 60m², if the lot has an area of at least 600m².

Dwelling House Alterations

In E4 Environmental Living zones;

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

Demolition

In E4 Environmental Living zones;

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

Attachment 16 – Amendments to Signage Provisions in the Draft KLEP

SCHEDULE 2 – Exempt development

Signage – General requirements

- (1) All signage must relate to the land on which the signage is located or to premises on the land and specify one or more of the following particulars:
 - (a) the purpose for which the land or premises is or are used,
 - (b) the identification of a person residing or carrying on an occupation or business on the land or premises,
 - (c) a description of an occupation or business referred to in paragraph (b),
 - (d) particulars of the goods or services dealt with or provided on the land or premises.
- (2) Must not be placed on vehicles unless the vehicle is being used for the conveyance of passengers or goods (or both) to and from points of destination.
- (3) Must not be located on stationary vehicles parked on roads, including trailers principally for the purpose of advertising and must not be parked on roads:
 - (a) other than directly in front of the business premises,
 - (b) other than directly in front of the residential premises of the business owner.
- (4) Must not be located on land that comprises, or on which there is, a heritage item.
- (5) Must be non-moving, non-flashing and non-inflatable.
- (6) Must be attached to front fence or within the boundary of the land to which it applies unless in a business or an industrial zone.
- (7) Must not be illuminated except where stated otherwise in this schedule.
- (8) Must be at least 600mm from any public road.
- (9) If located above a public footpath, the underside of the sign must be at least 2.6m above the footpath.
- (10) Must relate to the lawful use of the building (except for temporary signs).
- (11) Must reflect the character and style of the building on which the sign is located.
- (12) Must not be an A-frame sign.
- (13) Must have the consent of the owner of the property or building on which the sign is located.
- (14) The use of banner signs must not be for commercial purposes.
- (15) Must not advertise a third party, activity or trade other than that associated with the building to which the sign is attached.
- (16) Must not be hoarding signs, painted bulletins or advertisements in the nature of posters (except newsagents headlines) or stickers affixed to the exterior of the building.
- (17) Must not be above awning level, except for building identification signs.
- (18) Must not be affixed to or attached to telephone booths, trees, poles, signs, shelters, sheds, bins and the like.

Signage - building identification signs generally

- (1) Must meet the general requirements for signage.
- (2) Must be attached to gateways, fences or building facades only.
- (3) Must measure not more than 2.5m² except where otherwise stated in this schedule.
- (4) Must not be located more than 3m above ground level (existing).
- (5) Only 1 sign per building street frontage.

Signage- business identification signs for businesses other than sex services premises in business zones

- (1) Must meet the general requirements for signage.

(2) Under awning sign

Sign must be attached to the underside of an awning other than a fascia or return end, and

- (a) must meet the general requirements for advertisements,
- (b) only 1 sign per ground floor premises with street frontage,
- (c) maximum length of 2.5m,
- (d) maximum height of 0.3m,
- (e) must be erected in a horizontal location at right angles to the building façade,
- (f) must have a minimum clearance of 2.6m underside of the sign, measured from the ground / pavement level,
- (g) must be separated by at least 3m from other under awning signs,

- (h) must not project beyond the awning fascia,
- (i) must be set back at least 600mm from the face of the kerb,
- (j) may be either illuminated and non-illuminated,
- (k) if illuminated:
 - (i) must be connected to an automatic timer,
 - (ii) must be illuminated only between the hours of 6 am and 10.30 pm,
 - (iii) illumination must be concealed in, or integral to, the sign,
 - (iv) cabling to signs must be concealed,
 - (v) must use LED diode technology or a lighting source of equivalent efficiency,
 - (vi) must not use red, amber and green if within 60m of a signalised intersection.

(3) Flush wall sign

Sign must be attached to the wall of a building (other than the transom of a doorway or display window) and not projecting more than 50mm, and

- (a) must meet the general requirements for advertisements,
- (b) maximum area of 2.5m²,
- (c) only 1 sign per building street frontage,
- (d) must not be located more than 3m above ground level (existing).

Note: For the purpose of this section, flush wall sign means a sign other than a hoarding that is attached to the wall of a building which does not project horizontally more than 50mm from the wall.

(4) Top hamper sign

Sign must be attached to the transom of a doorway or of a display window of a building, and

- (a) must meet the general requirements for advertisement,
- (b) only 1 sign per premises street frontage,
- (c) must not extend below the level of the head of the doorway or window above which it is attached,
- (d) must have a maximum length of 4m,
- (e) must not exceed 400mm in height,
- (f) must not project more than 150mm from the building façade.

(5) Fascia signs

Sign must be attached to the fascia or return of the awning, and

- (a) must meet the general requirements for advertisements,
- (b) 1 sign per premises or 1 per street frontage,
- (c) must not project above, below or beyond the fascia or return end of the awning to which it is attached.

Signage - business identification signs in residential and environmental living zones

- (1) Must meet the general requirements for signage.
- (2) Only 1 sign per premises.
- (3) Maximum area of 0.24m².
- (4) If a pole or pylon sign, maximum height of 2m.
- (5) Must not be located more than 3m above ground level (existing).
- (6) Must not be illuminated.
- (7) Must be located wholly within the property boundaries of the land to which the sign relates.

Signage - changes to wording or content of approved signs

- (1) Must meet the general requirements for signage.
- (2) The existing sign must have been lawfully erected.
- (3) Must not result in any additional signage or increase in signage area, unless permitted otherwise in this Schedule.

Signage - construction signs (temporary)

- (1) Must meet the general requirements for signage.
- (2) Must not be illuminated or flashing at any time.

- (3) Must be located wholly within property boundaries of the land to which the sign relates, or be flush mounted and attached to the front fence or front wall.
- (4) Only 1 sign per property.
- (5) Must not exceed 2.5m².
- (6) Must not be located more than 3m above ground level (existing).
- (7) Must include all information required in the relevant condition of development consent or the complying development certificate.
- (8) Must be removed within 14 days of the completion of all construction work.

Signage- real estate and property promotion signs (advertising premises or land for sale or lease)

- (1) Must meet the general requirements for signage.
- (2) Must be within the boundary of the property to be sold or leased or currently under construction, unless located on either the awning of the building or attached to the front fence or wall of the building.
- (3) Only 1 sign per premises, except:
 - (a) on inspection day, when directional signs not more than 0.8m² in area may be erected within the property during the advertised hours of inspection,
 - (b) on the day of sale by auction, when bunting may be erected fully within the property, provided that it is removed promptly after the auction.
- (4) Must be removed within 14 days of the completion of the sale or granting of the lease, or 1 year after erection, whichever is the sooner.
- (5) Direction signs not more than 0.8m² in area may be erected on inspection day in front of the property during the advertised hours of inspection.
- (6) All signage is to be erected within the confines of the property to which it refers. Bunting and sandwich boards may be used on the day of sale by auction provided that they are within the property and promptly removed after the sale.
- (7) The erection of signs on telegraph poles, street trees, sign posts, road traffic facilities or the like, is prohibited.
- (8) The maximum size of signboards is as follows:
 - (a) Where single dwellings, dual occupancy development or single units within multi-unit housing are being advertised for sale the maximum signboard size is 1.15m²,
 - (b) Where commercial or industrial premises are being advertised the maximum signboard size is 4.5m²,
 - (c) Where premises other than those listed in i) and ii) above are being advertised for sale the maximum signboard size is 2.5m².

Signage – internal shopfront window sign in business zones (other than sex services premises)

- (1) Must meet the general requirements for signage.
- (2) Maximum area of 2.5m².
- (3) Must not occupy more than 20% of the area of the window.

Signage - temporary signs for religious, cultural, social or recreational events

- (1) Must meet the general requirements for signage.
- (2) Only 1 per street frontage.
- (3) Must be located entirely within the property at which the event is taking place, unless the sign is a banner located at a Council-approved banner location.
- (4) If the sign is a banner as described in item (3):
 - (a) maximum size of 2.8m × 1.0m,
 - (b) must be securely attached to poles.
- (5) If the sign is not a banner as described in item (3):
 - (a) maximum area of 1.5m²,
 - (b) maximum location of 3m above ground level (existing).
- (6) Must not include commercial advertising apart from name of the event sponsor/s.
- (7) Must not be displayed earlier than 14 days before, or later than 2 days after, the event.

Attachment 17 – Amendments to Special Events clause in Draft KLEP

SCHEDULE 2 – Exempt development

Special events (including markets)

- (1) Held by or on behalf of Council, and conducted in accordance with Council's "Special Events Guidelines".
- (2) Must be social, family, corporate, religious, or community functions, markets or events.
- (3) If located on Council owned or managed land:
 - (a) must not occur outside the standard hours of operation for that land;
 - (b) must be formally booked with Council;
 - (c) all relevant fees are paid to Council prior to the event.
- (4) Must not contravene any specific condition of development consent that applies to the land on which they will be held;
 - (a) must not occur outside the standard hours of operation for the land;
 - (b) must have a duration of not more than 7 days over any 3 month period.
- (5) If located on private land, must be located on land supporting:
 - (a) a place of public worship;
 - (b) educational establishment;
 - (c) hospital;
 - (d) community facility;
 - (e) residential care facility; or
 - (f) child care centre.
- (6) Not more than 2000 people attend the event at any one time, or if the event is held at St Ives Showground, Bicentennial Park or the SAN Hospital, not more than 5000 people must attend the event at any one time; or, if the event is held at Wahroonga Park, not more than 3500 people must attend the event at any one time.
- (7) All lighting must be directed away from the residential properties.
- (8) Must not involve laser shows or bonfires.
- (9) Must notify Council if any fireworks are to be used.
- (10) Must ensure any temporary structures and amusement devices are structurally sound, and erected and used in accordance with the manufacturer's instructions.
- (11) If the event will disrupt normal traffic and transport systems:
 - (a) a detailed Local Traffic Management Plan must be submitted to Council in accordance with Council's requirements and approved prior to the event.
 - (b) the local police must be informed at least 7 days in advance and relevant requirements of NSW Police are to be met.
 - (c) not less than 7 days prior to the event, written notice of the special event must be given to any residential properties within a 200m radius of the land at which the event is to be held to advise the time, date and type of event.
- (12) Arrangements must be made for the collection and disposal of waste and recyclable materials by an authorised trade waste contractor.
- (13) Adequate provision of sanitary facilities must be made for all anticipated staff and patrons.
- (14) Temporary food premises, stalls and mobile vendors must comply with Council's Food Premises Code and/or Food Vending Vehicles Code, as applicable.

Notes1. Small events and gatherings that do not involve erection of temporary structures, erection of amusement devices or disruption to normal traffic and pedestrian flows and are events for which the land has been designed are not considered to be special events and will not require any form of development consent. Such activities include family picnics, regular sports training or games, casual exercise, and passive enjoyment of a park.

2. Provisions of the *Local Government Act 1993* may also apply, including Plans of Management and Alcohol Free Zones.

3. Council's *Open Space Booking Policy* also applies.

Attachment 18 – Public Hearing Report

Report to Ku-ring-gai Council

Proposed Reclassification of Public Land

**Bradfield Park Childcare Centre, Lindfield (in Part)
Woodford Lane Carpark, Lindfield
East Roseville Bowling Club, Roseville Chase**

Report on a Public Hearing and other Submissions

Prepared by:

Peter Walsh FPIA
Chairperson of Public Hearing
PO Box 793
Newport NSW

June 2013

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1. INTRODUCTION

1.1 Context

There are proposals before Ku-ring-gai Council (Council) to reclassify three sites from *community* land to *operational* land classification. The sites comprise:

- 53 Bradfield Road Lindfield (Lot 1 DP749201) – which forms part of *Bradfield Park Childcare Centre*
- 1B Beaconsfield Parade and 19 Drovers Lane, Lindfield - known as *Woodford Lane Carpark*
- 47 Warrane Road Roseville Chase (Lot 33&34 DP 3285, Lot 3 DP 26343, Lot B DP 403780) – known as *East Roseville Bowling Club*.

The Woodford Lane Carpark site is proposed to be reclassified as an amendment to Ku-ring-gai LEP (Local Centres) 2012. The other reclassification proposals are included as components of draft Ku-ring-gai Local Environmental Plan (LEP) 2013.

Under the regime for *classification* of public land introduced with the Local Government Act 1993 (LG Act), all public land must be classified as either community or operational land. Public land comprises all land “vested in or under the control of the council”¹. As such, both land which a council may have under its control for use by the community, and land which a council may hold, say, for investment purposes or for storage of plant and equipment, are all designated as public land. The principal effect of the classification of public land is to “restrict the alienation and use of the land”².

Operational land has no special restrictions other than those that may apply to any piece of land.

Community land is different. Classification as community land reflects the importance of the land to the community because of its use or special features. Generally it is land intended for public access and use.... This gives rise to the restrictions in (the LG Act), intended to preserve the qualities of the land. Community land:

- *Cannot be sold*
- *Cannot be leased, licensed or any other estate granted over the land for more than (30 years)*³
- *Must have a plan of management prepared for it.*

(Department of Local Government)⁴

1.2 Public Hearing

Where there is a proposal to reclassify community land to operational land, Section (s) 29 of the LG Act provides that Council must arrange a public hearing under s57 of the Environmental Planning and Assessment Act 1979 (EPA Act), in respect of the proposal.

¹ There are some exceptions noted in the Dictionary to the LG Act (eg public roads, and lands subject to Crown Lands Act).

² Department of Local Government, *Public Land Management – Practice Note 1 Revised May 2000*, ISSN 1320-6788.

³ Note the maximum lease period has been extended from 25 years to 30 years since the source publication.

⁴ Op cit (2000).

Among other things, s 57(7) of the EPA Act provides that at the conclusion of a public hearing:

... (a) report of any public hearing is to be furnished to the (council) and may be made publicly available by that (council).

Section 47G(2) of the LG Act provides as follows:

The person presiding at a public hearing must not be:

- a) a councillor or employee of the council holding the public hearing, or*
- b) a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.*

In accordance with the above provisions I was appointed to preside over the hearing and prepare a report. This document is intended to comprise the report of the public hearing.

The general administration of the public hearing was undertaken by Council officers. I understand that appropriate notice of the public hearing was given in a local newspaper.

In accordance with this notice, the hearing was held on the evening of Wednesday 12 June 2013 at Council's Administrative Centre in Gordon. The hearing proceedings commenced with an overall introduction to the hearing and reporting process by the chairperson. Then the hearing worked through the three individual reclassification proposals in turn, in each case commencing with: an introductory submission on behalf of Council administration (Antony Fabbro Manager Urban Planning), followed by individual submissions.

1.3 Other Submissions

The public hearing is only one aspect of the opportunity available for public comment on the proposed reclassifications, and indeed this hearing report is only one of the considerations before Council in its deliberations on these three matters. While there is no statutory requirement to do so, Council has requested me to review submissions made direct to Council and include consideration of these submissions in this report.

1.4 Report Structure

This report now works through the three individual reclassification proposals in the following order:

- Bradfield Park Childcare Centre (Part)
- Woodford Lane Carpark
- East Roseville Bowling Club.

The following documentation reports on the individual reclassification proposals as follows:

- Outline of purpose/intent (based on Council administration submission and background documents
- Oral submissions to hearing
- Other submissions
- Commentary
- Conclusions and recommendations.

2. Bradfield Park Childcare Centre

2.1 Council Submission – Background and Purpose of Reclassification

Mr Fabbro introduced the history of this site and its particular idiosyncrasies which are well known to Council. The Bradfield Park Childcare Centre was established by the CSIRO and Ku-ring-gai Council in 1989 to provide childcare services for CSIRO staff and local residents.

53 Bradfield Road is owned by Council and has a community classification.

51 Bradfield Road is owned by the CSIRO. See Photo.



Photo 1 – The land subject to reclassification is highlighted in red. CSIRO own the adjoining parcel to the north which accommodates some of the centre's parking, a building encroachment, outdoor play space etc.

The CSIRO granted Council a 21 year lease at nominal rent on its property at 51 Bradfield Road that expired on 31 December 2011. A two-year extension to that arrangement will expire at the end of 2013. The Childcare Centre, straddling both properties, operates as a complete entity and neither of the properties could meet licensing and access requirements as a childcare centre alone. However, the CSIRO has advised Council that it intends to sell its part of the childcare centre at 51 Bradfield Road Lindfield.

Council wishes to retain the site as a childcare centre but sees a number of options for this occurring into the future, including:

1. Council acquire 51 Bradfield Road (through property budgetary processes) thus consolidating the childcare centre in a single ownership
2. Current operator (KU) acquire 51 Bradfield Road and renegotiate a lease with Council for 53 Bradfield
3. CSIRO sell 51 Bradfield to another interested party (either interested in childcare or otherwise)
4. Council and CSIRO join to market the whole property as an existing childcare centre.

Council sees a reclassification of the site from its current community land classification to operational land would increase the range of options available to it.

2.2 Oral Submissions to Hearing

KU Children's Services

KU Children's Services provided a written submission to the draft reclassification proposal and an oral submission to the hearing. Chris Legg introduced herself as the Chief Executive Officer of KU Children's Services, a not for profit organisation which has had a long term agreement with Council concerned with the lease and operation of the premises. Key points from the KU Children's Services submission included:

- Long standing presence of KU in the local government area (LGA) ie since 1944.
- Unique service model, based on such factors as childhood *education* rather than just childcare, family and wider community involvement emphasis, quality programming at an affordable cost.
- Evidence of relatively low supply of childcare places in the Ku-ring-gai LGA now (indicated that recent data has shown that there was only 1099 childcare places available in the LGA, but some 7235 aged between 0-5 years) and concern that the impending closure of the UTS kids campus would increase supply problems.
- This centre is registered for 53 children and caters for 80 families, which need certainty about the future service.
- KU appreciative of Council support to date (recognises existing discounted rental rates) and financial pressures which councils are exposed to in today's setting. KU remains willing to work with Council towards a long term lease which will provide certainty for the community into the future.
- In the interim Council should dismiss the plans to sell the adjacent parcel and instead work with KU and other stakeholders to ensure a better overall outcome.

The written submission from KU included 97 letters of support and "over 4100 signatures" in support of continuation of the services at the current location.

Jane Makeham

Ms Makeham, an East Lindfield resident, has familiarity with the history of the Centre, including: its initial development as a co-operative arrangement essentially run by parents, the reasoning behind the decision to select KU (quality/community focus/not-for-profit), the success since this time linking the professionalism of KU and continuing local community involvement in programming, ensuing spinoffs in terms of service and goodwill among children and families. A special mention was made of Councillor Jennifer Anderson's role in shepherding the Centre through a transition period to the point where KU took over running of the facility.

Ms Makeham commended the quality of performance of KU ("cannot speak highly enough of the care and attention ...") and sees it as detrimental and a particular loss to the local community if the facility were unable to continue to operate. Encouragement given to Council to work with KU and

CSIRO to reach an agreement to allow KU to continue to operate. It follows in Ms Makeham's view that the "community" classification should continue for the site.

Jennifer Coleman

Ms Coleman agreed with the points on quality of care by KU at this Centre indicated above, highlighting staff stability, the fact that the carers at Bradfield "teach" rather than just play with the children, and positive work with children with special needs. Ms Coleman welcomed the stability provided here when compared with poor experiences previously. Ms Coleman also noted the broader question of how quality childcare helps primary carers ("mainly women") to participate in the workforce, with "uncertainty about childcare (meaning) uncertainty about our ability to work". Parents generally (ie of either sex) were seen as having a capacity to provide a role model to children in terms of lifestyle that includes a career. The uncertainty on childcare provided a real barrier (for example Ms Coleman had recently turned down a full time role due to the current uncertainty). This Centre was a something that "really works" and should be allowed to continue.

Suresh Manickem

Mr Manickem, a Lindfield resident, expressed deep concern about the proposed reclassification as he saw it as potentially a step in what would "effectively force the closure" of the Centre. Supporting generally the concerns raised above, childcare was also noted as a "vital service" to the community, and one which Council is involved in ensuring satisfactory delivery. It was emphasised that the notion of "return on investment" needs to go well beyond normal understandings and to include "societal returns on investment that our community is making in our children". The numbers of letters and petitions indicated the significance of the issue to the local community. Mr Manickem indicated that the uncertainty over 2014 enrolments was already bringing distress, and suggested that Council had a "moral obligation" to resolve.

Andrea Brischetto

Ms Brischetto, another local resident, ratepayer and working mother, was concerned about what this reclassification meant for her young son's "quality of life and education". Further endorsement to the quality of service offered by KU staff was provided. Quotes from Council's website were reproduced which suggested a commitment to child care, but the proposed reclassification was seen to be at odds with this. Ms Brischetto indicated that if Council does have plans to replace Bradfield Park with an alternative there was some credit due. However there was a serious concern about the quality of outcome with such an alternative given the "unique" features of the existing Bradfield Park facility.

It was requested that note be taken of the number of persons supportive of the existing facility who attended the hearing. I noted that there were some 25 persons in total attending the hearing who had this item as their particular interest.

2.3 Other Submissions

Written Submissions Directed to the Hearing

Christina Whitely: This detailed submission expressed concern with economic hardship on families as fees would rise with a "for profit" childcare centre even if the site were retained for this purpose. There was also potential for "unsafe, inferior and totally unsatisfactory" outcome if families needed to go elsewhere, as well as loss of positive relationships and security. Concerned with problems for staff and businesses associated with the Centre ("those losing their jobs and services should be compensated"). This site operates well and is well located, it is easier for Council to retain than find another site as it would find difficult to secure anything as acceptable as the current site. Believes

Council has “not fought hard enough” to secure Commonwealth and State government support, or an appropriate delay on any action by CSIRO.

The 416 Group: The site was originally dedicated to Council and should remain so. The Centre is integral to the West Lindfield/West Killara community. There is a possibility for a smaller centre on 53 Bradfield Road if CSIRO site is lost. The loss of this Centre will potentially mean more childcare centres in inappropriate locations.

Other Submissions

I have also reviewed the many letters to Council on this matter as provided to me (which indeed number some 97 and a further submission with apparently over 4000 signatures) and note the general endorsement of the views indicated above. These submissions were from workers and KU, parents, wider family members (eg grandparents), people with related expertise, and other community members. The submissions highlighted a set of common themes:

- This facility is perceived as very special and unusual in the quality of care and early childhood education, stable staffing, community connectedness and affordability it provides. The not for profit aspect is seen as an important feature which is argued to be an important link with the qualities mentioned above. Overall, many of the submissions expressed a sense that the offer provided by this facility, in this setting, could not be replaced.
- There is already a shortage of childcare spaces in the local area
- The current situation has already created serious uncertainty for families (especially parents and their work life arrangements) and instability for children
- Concern about financial and other losses as a consequence of parents no longer being able to work due to loss of child care services which meet their needs
- General desire for Council to not sell the land and to instead enter into a long term lease arrangement with KU.
- Importance of community services of this kind to the young and old in society.

There was also a submission (which I understand has been lodged generally for Council reclassification proposals) that Council should not be planning to sell off open space/community assets, as they belong to the community and should not be for sale.

2.4 Comments, Conclusions and Recommendations

This presents as a quite unusual if not unique reclassification proposal. It is very apparent that this facility has a great degree of community support from families with young children at the Centre, and a wide group of other local community members. Based on the evidence to the hearing this facility is very well operated and provides a quality of service and special value to users in terms of financial costs (with the not-for-profit nature of the business very often cited), but also in terms high levels of confidence and stability for families and the sometimes very young children whose care is provided for here. The arguments being put by those very many people making submissions is that the special services on offer here (and costs for these services) are very especially valued.

Council, also, has indicated its preference that the site remains intact as a childcare provider. It needs to be recognised that this proposal is not simply about attempting to reclassify what is a highly valued community asset against local community wishes, and perhaps on-selling the site to meet other fiscal objectives. The circumstances here are that this important facility straddles two parcels of land. One of the owners of the land upon which the Centre operates (ie Commonwealth Government through CSIRO) now wishes to retire from what has been a long term partnership. If the CSIRO were to sell its ownership as a discrete parcel, which it seems to have the right to do, many complications would likely arise for the ongoing operation of the site. However this would not

necessarily be the case if either Council or the current well regarded operator (KU) were to be the purchaser of this parcel.

What seems to be occurring in the background to this reclassification proposal is a complex property-related negotiation among at least three parties. Both the Commonwealth and Council will be seeking to act fiscally responsibly for their communities of interest as these negotiations continue. In this case, and recognising the fact that the Centre straddles public and private land, the question of land classification seems to be a somewhat inappropriate interference in the negotiations at hand. It is here that I disagree with some of the submissions that reclassification to operational land “forces” closure of the site. That is, even if Council were willing to acquire 51 Bradfield Road and consolidate the two sites, entering into a long term (ie preferential) lease with KU, 53 Bradfield Road would still require operational land classification. Similarly, if KU determined that it wished to purchase Lot 51 it would need a long term lease over 53 Bradfield Road (and thus an operational classification). While many would be unhappy should this occur, it is not out of the question that other operators or interests may also enter negotiations, and stake their claims, but clearly there is a hard act to follow here and a great degrees of local support for the incumbent operator.

Conclusion:

There is hardly a more important thing for parents of young children than the quality of care they receive. The questions around childcare are difficult and involve dealing with stressful and ambiguous family goals. It is clear that those involved hold the existing facility at Bradfield Road in high regard. The community has made very strong petitions that this facility should stay in place and that KU should continue to be the operator. Council should acknowledge the great community value of this facility and its potential to continue to provide services into the future. However, and perhaps this is not always easy to acknowledge for parties with such deep interests, discretionary allocation of public funding will always a limiting factor in situations like this. It seems to me that retaining the community land classification would place Council in a constrained negotiating position in the current dialogue between the parties to the potential disadvantage of the Ku-ring-gai community. In my view reclassification of 53 Bradfield Road provides a better likelihood of the desired community outcome given the position currently adopted by CSIRO on disposal of its land, and the attitudes expressed by Council.

Summary

1. The key issue raised at the hearing was that all efforts be made to retain Bradfield Childcare facility at the current site and at the current performance standards. From the community members and operators point of view this would involve KU in continued operation.
2. The status quo is unsustainable in that the CSIRO is in a position to sell its portion of the site, which would make the existing operation untenable.
3. From the writers viewpoint, it is not seen that reclassification of 53 Bradfield Road to operational land would reduce the potential for continuation of the Centre at the existing site. Given our understanding of the status of negotiations, it may assist in this occurring, this by facilitating consolidation of the parcels and a sale or long term lease of the site for such purposes.
4. KU seems to have superb levels of goodwill attributed to it in this facility and is in a strong position to continue its operations from the site under such conditions.

Recommendation:

1. Council recognise the unique community value of the Bradfield Park Childcare Centre and continue its efforts to retain the current site and at the current performance standards.
2. The reclassification of 53 Bradfield (Lot 1 DP749201) to operational land is supported conditional on the above.

3. Woodford Lane Car Park

3.1 Council Submission – Background and Purpose of Reclassification

Mr Fabbro outlined the context of the current reclassification proposal for 1B Beaconsfield Lane and 19 Drovers Way, Lindfield (Part Lot 1 DP 929131 and Lots 1-16 DP 1099330) – also known as the Woodford Lane Carpark. See **Photo 2**.



Photo 2 – The site is shown without ghosting in the aerial photo. It comprises the land between Woodford Lane and Drovers Way, as well as land west of Drovers Way.

There is an intention to upgrade and expand existing community facilities and carparking in Lindfield following the recent increase in residential development in the vicinity. Some of these facilities are to be funded under Council’s Contributions Plan (in particular, funding from contributions from recently approved housing developments). However, Council also needs to have a mind to wider opportunities for services provisioning (“the window of opportunity can be limited”). In this case such an opportunity has arisen under a NSW government program, with Transport for NSW (TfNSW) proposing to provide an additional 240 car parking spaces and a new kiss-and-ride zone at Lindfield Station.

Council has subsequently entered into negotiations with TfNSW on the commuter carpark project to ensure that the “public interest is protected”. A precinct master plan for the project is to be prepared in a partnership between TfNSW and Council. Subsequently Council has also resolved to prepare a master plan for the “Lindfield community hub on Woodford Lane”. TfNSW have given assurances that the project program has now been extended to allow time for proper planning to take place on the site before a final car park design is finalised.

It was indicated that the proposed reclassification of this site is to allow Council to negotiate with third parties to deliver a combined community asset on the site – including car parking and a civic space and, possibly, including community facilities. Any proposals arising from such discussions will be subject to various public notification and/or exhibition processes including Council Reports, draft designs and applications for development.

3.2 Oral Submissions to Hearing

Andrew Sweeney

Mr Sweeney was a member of a group called *Support Lindfield* which was formed in 2012 to provide a community voice in the planning for the proposed commuter carpark. It was indicated that the original TfNSW proposal would have provided a poor community outcome and Support Lindfield had worked on the idea that there was a need, and opportunity, to create a new heart for Lindfield as an aligned project with the proposed carpark changes. This was seen as a once in a lifetime opportunity for future of Lindfield and its generations ahead. Some 100 people had attended a design and ideas workshop and design concepts had been prepared. A key point of emphasis was underground parking.

Mr Sweeney supported the comments from Mr Fabbro that recently there had been progress with both TfNSW and Council. However there are still major concerns. Especially that community land will be sold for no community benefit beyond the carpark. There was a need for monies derived from sale of community land to be kept for site redevelopment. It was acknowledged that Council’s report of 28 May 2013 provided an important emphasis on the future, and clearer emphasis on positive steps to achieve the stated community goals for Lindfield centre.

3.3 Other Submissions

I have been forwarded six written submissions on this matter which I am advised were received during the public consultation process. One of these submissions was from Mr Sweeney again on behalf of the Support Lindfield group. These submissions make the following points:

- Concern that reclassification removes the land from public accountability for its future use and as such the proposal is not in the public interest. Concern that over time the public interest aspects would be weakened with a major redevelopment (recent experiences at Chatswood were cited where free parking time periods had been reduced on private landholdings). Concern that in on-selling the land Council is unlikely to get full value for the community (again examples are cited where developers were able to “on-sell” prior carparking land for “double its value”).
- Recognition of need for carparking near rail station to help limit the use of private cars. But placing the carpark underground would allow for better use of the land and efforts should be continued on public domain improvements in this area (eg open markets, eat streets, perhaps a new library), so community can make full use of the area. Problems with impacts of a large above ground parking area on locals.

- Concern about the separation of the reclassification process from the intended development of the commuter carpark when they are inter-related. Council should bring forward a masterplan for the site incorporating highest and best uses as well as a commuter carpark integrated with railway station, pedestrian crossing and shopping precinct redevelopment.
- Concern that the proposed changes in classification may, in fact, result in a loss of carparking for shoppers on the western side of the railway at Lindfield. These shops are highly dependent on convenient parking. Any proposal needs to provide sufficient parking for commuters, new uses, but also the existing shops in this precinct.
- Emphasis on importance of the existing parking area to the local shops, cafes, banks etc, and to make sure it is not “taken away”, with a redevelopment.

The general submission, also referenced in the previous reclassification proposal, that Council should not be planning to sell off open space/community assets as they belong to the community also applied to this site.

In addition there were a number of submissions from government authorities. However these submissions are not seen to raise matters pertinent to the land reclassification question.

3.4 Comments, Conclusions and Recommendations

Since its original conception, there appears to have been significant progress in the planning for the commuter parking proposal at Lindfield, and in particular its integration with planning for Lindfield Centre. This has occurred in part, at least, in response to submissions from the local community especially the Support Lindfield group. In alignment with the requests raised in submissions, Council has now initiated a masterplan process for what is being described as the Lindfield Community Hub.

I have reviewed the report to Council on this matter dated 28 May 2013 and referenced by Mr Sweeney in his oral submission. It is clear that there is a complex, multi-faceted and multi-million dollar project now underway, wherein Council is seeking to meet both community and fiscal objectives for the site, while also realising on the co-dependencies with the TfNSW commuter carpark project.

There is a key remaining concern that the realisation of any monies from the sale of the community land be available for allocation to the community hub project. As I understand it, this concern includes that of Council not being “short-changed” or perhaps inappropriately losing control of the project as may be a possibility with an early sale of the land.

Conclusion:

It seems that quite a dynamic platform for more detailed planning for Lindfield centre is now in place. In this setting, the reclassification of the carpark site has potential to draw out the inter-related benefits of best community outcomes, commuter parking and beneficial economic uses on the land. Council would already be mindful of the important status of land ownership (of Woodford Lane Carpark) in its ongoing analysis of options for the precinct. It is creditable that there is now an engagement process in place with local community members which would be expected to allow effective interactive arenas for discussion on project objectives and practicalities as the various and sometimes complex steps are taken into the future.

With the scale of investment, the parties involved and their varying individual interests, and the still evolving development opportunities which may arise for the site and surrounds, complex contractual arrangements are likely to be required. For Council to have the capacity to sell or enter into long term leases over the subject land would be expected to increase its capacity to achieve the outcomes sought by the community. For me, the obligation on Council to act professionally and in the public interest need not be demonstrated by retaining the current classification, or even the continued ownership of the land holding. However in parallel with its commitment to land reclassification, Council should demonstrate and appropriately document its commitments to the Lindfield Community Hub concept, and be able to clearly demonstrate how negotiating protocols and any future contracts with TfNSW and others, retain the required “line of site” to the achievement of the evolving community outcomes sought for the area.

Recommendation:

1. Negotiations and any future contracts with TfNSW, and others, retain the required “line of site” to the achievement of the outcomes sought from the Lindfield Community Hub, and Council document protocols for achievement of this.
2. The reclassification of 1B Beaconsfield Lane and 19 Drovers Way, Lindfield (Part Lot 1 DP 929131 and Lots 1-16 DP 1099330) to operational land is supported conditional on the above.

4. East Roseville Bowling Club

4.1 Council Submission – Background and Purpose of Reclassification

Mr Fabbro provided background on this proposal as follows. Council owns the site 47 Warrane Road, Roseville Chase being Lots 33-34 DP 3285; Lot 3 DP 26434 & Lot B DP 403780 also known as 'East Roseville Bowling Club'. Council leases the site to the club which includes bowling greens, clubhouse, a car park, and a single dwelling house and its curtilage. The whole site is currently zoned 6(a) Open Space and is proposed to be zoned RE1 Public Recreation under the draft Ku-ring-gai LEP 2013.



Photo 3 – East Roseville Bowling Club. The dwelling is shown in the bottom left corner of the bowling club site highlighted in yellow.

The existing open space zoning does not permit residential uses on the site unless it is ancillary to the bowling club use. There is evidence to suggest that a tenancy of this residential dwelling has not been in accordance with Council or legal requirements. The proposed reclassification of this site is for the purposes of allowing Council to:

- Subdivide the site so as to have the cottage and its curtilage situated on its own individual lot with separate title.
- Rezone the new lot on which the cottage stands to R2 Low Density Residential to allow future lawful residential use of the site.
- Retain the public recreation zoning on the balance of the site for its ongoing use for recreational purposes.

4.2 Submissions

There were no oral submissions to the hearing on this matter. Neither were there written submissions provided to me by Council for review. There were questions from the floor at the hearing. These questions were not concerned with the land reclassification and were attended to by Council officers, apparently to the satisfaction of those attending.

4.3 Comments and Conclusions

There were no submissions on the matter of reclassification of 47 Warrane Road Roseville Chase and thus nothing for this report to add to Council's deliberations on this matter.

5. Concluding Remarks

This constitutes the report on the public hearing held into the following three sites:

- 53 Bradfield Road Lindfield (Lot 1 DP749201) – which forms part of *Bradfield Park Childcare Centre*
- 1B Beaconsfield Parade and 19 Drovers Lane, Lindfield - known as *Woodford Lane Carpark*
- 47 Warrane Road Roseville Chase (Lot 33&34 DP 3285, Lot 3 DP 26343, Lot B DP 403780) – known as *East Roseville Bowling Club*.

Recommendations at pages 7 and 11 of the report are put forward for Council's consideration.



30 June 2013

Peter Walsh

Appointed Chairperson