

APPENDIX B

- Council Resolutions 26 November 2013

Draft Principal Local Environmental Plan - Consideration of Submissions

Resolved:

(Moved: Councillors Malicki/Pettett)

- 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:

(Moved: Councillors Berlioz/ Fornari-Orsmond)

- 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
- (iv) Zone E3 Environmental Management’

The above Resolution was an Amendment to an Original Motion. The Original Motion was:

(Moved: Councillors Malicki/Pettett)

- 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 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.

Draft Principal Local Environmental Plan - Consideration of Submissions

- 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.

(Moved: Councillors Malicki/Pettett)

- j. *That the land use table for the Zone B7 Business Park be amended to delete the term 'Hardware and building supplies' from part 3 Permitted with consent.*

For the Motion: Councillors Malicki, Pettett, Berlioz and Armstrong

Against the Motion: The Mayor, Councillor J Anderson, Councillors Citer, Szatow, Ossip, McDonald and Fornari-Orsmond

*No decision was taken in respect of the above matter
as the Motion when put to the vote was LOST*

- 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 Carcoola 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
 - 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:

Draft Principal Local Environmental Plan - Consideration of Submissions

- 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 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(0.2:1) 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*'
- 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.

Draft Principal Local Environmental Plan - Consideration of Submissions

- 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 Road, Pymble
 - Killara Golf Course, 556 Pacific Highway, 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:
- 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.

Recommendations A and B were CARRIED UNANIMOUSLY

(Moved: Councillors Malicki/Pettett)

- 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).

(Moved: Councillors Szatow/Citer)

3. To amend the Zoning Map for 2, 4, 6 Caithness Street, Killara to zone R2 Low density Residential with associated development standards.

For the Motion: The Mayor, Councillor J Anderson, Councillors Armstrong, Berlioz, Citer, McDonald, Ossip, Szatow and Fornari-Orsmond

Against the Motion: Councillors Pettett and Malicki

The above Resolution was an Amendment to an Original Motion. The Original Motion was:

(Moved: Councillors Malicki/Pettett)

3. *To amend the Zoning Map for 2, 4, 6 Caithness Street, Killara to zone R3 Medium density Residential*
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:

Draft Principal Local Environmental Plan - Consideration of Submissions

- Corner of Woniora Avenue and Woonona Avenue North, Wahroonga
 - Ortona Road to Westbourne Road, Lindfield
 - 90 and 92 Babbage Road, Roseville Chase
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.

(Moved: Councillors Szatow/Citer)

11. *That the area from 44 to 66 Dumaresq Street and including 14 Vale Street (corner of Dumaresq Street) be zoned R3 to extend the current interface zone.*

For the Motion: Councillors Citer and Szatow

Against the Motion: The Mayor, Councillor J Anderson, Councillors Pettett, Malicki, Ossip, Berlioz, McDonald, Fornari-Orsmond and Armstrong

*No decision was taken in respect of the above matter
as the Motion when put to the vote was LOST*

CARRIED UNANIMOUSLY

(Moved: Councillors Malicki/Pettett)

- 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.

Draft Principal Local Environmental Plan - Consideration of Submissions

- 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.

Recommendations D to F were CARRIED UNANIMOUSLY

(Moved: Councillors Berlioz/Fornari-Orsmond)

- G. That Council resolve to reclassify the land at 47 Warrane Road, Roseville Chase from Community to Operational land. After subdivision of the land, the lot not required of the current dwelling is to revert to community land.

The above Resolution was an Amendment to an Original Motion. The Original Motion was:

(Moved: Councillors Malicki/Pettett)

- G. That Council resolve to reclassify the land at 47 Warrane Road Roseville Chase from Community to Operational land.*

CARRIED UNANIMOUSLY

(Moved: Councillors Malicki/Pettett)

- H. That the LEP map be amended to make the following site Zone RE1 Public Recreation and make the associated adjustments to the FSR/Height/Lot Size Maps:
- 20 and 20A Greenvalley Avenue, St Ives.
- I. That the Lot Size Map, Height of Building Map and Floor Space Ratio Map be amended applying to 100 and 102 Rosedale Road, St Ives to delete all development standards, consistent with the E1 and E2 zoning applying to these sites.
- J. That the zoning map applying to 35 Water Street, Wahroonga be amended to zone the whole site Zone E4 Environmental Living (consistent with Ku-ring-gai Local Environmental Plan 220).
- K. That further consultation occur with the NSW Rural Fire Service and other relevant state agencies to investigate the incidence of fire and the implications on evacuation risks for South Turramurra with the view of identifying an appropriate planning response for the area, including potential further amendments to the KLEP to address bushfire issues.
- L. That the Heritage Map and Schedule 5 be amended to remove the following potential heritage item and defer it for further investigation and re-exhibition:

Draft Principal Local Environmental Plan - Consideration of Submissions

- 8 Braeside Street, Wahroonga.

M. That the written instrument be amended at clause 4.4(2B) to replace the maximum FSR "1.01" with "1.0:1".

Recommendations H to M were CARRIED UNANIMOUSLY

[Moved: Councillors McDonald/Berlitz]

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

CARRIED UNANIMOUSLY

[Moved: Councillors Ossip/Fornari-Orsmond]

O. *That the property at 121 Mona Vale Road, St Ives, is zoned R2 low density residential.*

For the Motion: Councillors Armstrong, Citer and Ossip

Against the Motion: The Mayor, Councillor J Anderson, Councillors Berlitz, McDonald, Pettett, Szatow, Malicki and Fornari-Orsmond

No decision was taken in respect of the above matter as the Motion when put to the vote was LOST

[Moved: Councillors Ossip/Citer]

P. *That the properties at 30-58 Tryon Road, Lindfield, be removed from the HCA.*

For the Motion: Councillors Armstrong, Citer and Ossip

Against the Motion: The Mayor, Councillor J Anderson, Councillors Berlitz, McDonald, Pettett, Szatow, Malicki and Fornari-Orsmond

No decision was taken in respect of the above matter as the Motion when put to the vote was LOST

[Moved: Councillors Citer/Armstrong]

Q. *That properties of 28 Clissold Road, Wahroonga and 33 to 35 Clissold Road be included within Schedule 1 of the Draft LEP to permit dual occupancy development.*

For the Motion: Councillors Armstrong, Citer and Ossip

Against the Motion: The Mayor, Councillor J Anderson, Councillors Berlitz, McDonald, Pettett, Szatow, Malicki and Fornari-Orsmond

No decision was taken in respect of the above matter as the Motion when put to the vote was LOST

Draft Principal Local Environmental Plan - Consideration of Submissions

[Moved: Councillors Szatow/Citer]

- R. i. *That the zoning for the Culworth Avenue Car Park at 20-28 Culworth Avenue be deferred until such time as the report from the Independent Chairman of the Public Hearing on the reclassification of that area be recommended to Council.*
- ii. *As a first corollary to that deferment: Recommendation A. i. g. Amend Schedule 1 permitted uses to add "car parking" as permitted on Culworth Car Park lots 1,2,3 DP 119937, Lot 6 DP3694 and Lot 2 DP932235" be likewise deferred.*
- iii. *As a second corollary to that deferment, that Recommendation C.5. Amendment of floor space ratio (from 1:0 to 1.3:1) and height (14.5 to 17.5) for 20-28 Culworth Avenue be deferred.*
- iv. *As a third corollary to that deferment, that Recommendation D.i.a. alteration of boundaries of Marian Street Conservation Area be deferred.*

For the Motion: Councillors Armstrong, Citer, Ossip and Szatow

Against the Motion: The Mayor, Councillor J Anderson, Councillors Berlioz, McDonald, Pettett, Malicki and Fornari-Orsmond

No decision was taken in respect of the above matter as the Motion when put to the vote was LOST

[Moved: Councillors Armstrong/Ossip]

- S. *That properties in Bromborough Street Roseville be removed from the HCA.*

For the Motion: Councillors Ossip and Armstrong

Against the Motion: The Mayor, Councillor J Anderson, Councillors Berlioz, McDonald, Pettett, Szatow, Malicki, Citer and Fornari-Orsmond

No decision was taken in respect of the above matter as the Motion when put to the vote was LOST

[Moved: Councillors Berlioz/Fornari-Orsmond]

- T. i. *That the following objective be added to the R2 Low Density Residential Zones: "To retain and enhance residential amenity including landscape quality and heritage value".*
- ii. *That the following objective be added to the R3 Medium Density Residential Zones: "To provide housing that is compatible with the landscaped character and amenity of Ku-ring-gai."*
- iii. *That the following objectives be added to the R4 High Density Residential Zones:*
- To allow for increased residential density in accessible locations, while minimising the potential for adverse impacts of such increased density on the efficiency and safety of the road network.*
 - To provide housing that is compatible with the amenity of Ku-ring-gai.*
- iv. *That the following objective be added to the B1 Neighbourhood Business Zone: "To*

Draft Principal Local Environmental Plan - Consideration of Submissions

minimise the effect of business uses on the amenity of adjacent areas having regard to building design, operation and activities, traffic generation and the car parking capacity of local roads."

For the Motion: Councillors Berlioz, Pettett and Malicki

Against the Motion: The Mayor, Councillor J Anderson, Councillors Armstrong, Citer, McDonald, Ossip, Szatow and Fornari-Orsmond

*No decision was taken in respect of the above matter as
the Motion when put to the vote was LOST*

- U. 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.
- V. 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.
- W. That a DCP to accompany the KLEP 2013 be prepared, and include the DCP matters identified in this Report
- X. That all persons that made a submission be notified of Council's decision.

Recommendations U to X were CARRIED UNANIMOUSLY