

APPENDIX B**Council Report and Resolutions 26 May 2015**



Ku-ring-gai Council Ordinary Council 26 May 2015

Resolved:

- A. That the Planning Proposal to amend the *Ku-ring-gai Local Environmental Plan 2015* to allow dual occupancy on 28 Clissold Road Wahroonga be supported subject to the amendments outlined in this Report.
- B. That the Planning Proposal to amend the *Ku-ring-gai Local Environmental Plan 2015* to allow dual occupancy on 109 Bobbin Head Road Turramurra be supported subject to the amendments outlined in the Report.
- C. That the Planning Proposal to allow dual occupancy at 2 Loombah Avenue ,East Lindfield not be supported.
- D. That the Planning Proposal be amended by the applicant and prepared to the satisfaction of the Director, Strategy and Environment, and then be forwarded to the Department of Planning and Environment for a Gateway Determination in accordance with the provisions of the EP&A Act and Regulations.
- E. That Council request the plan-making delegation under Section 23 of the EP&A Act for this planning proposal.
- F. That upon receipt of a Gateway Determination, the exhibition and consultation process be carried out in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and with the Gateway Determination requirements.

For the Resolution: *Councillors Citer, McDonald, Pettett, Malicki, Ossip and Armstrong*

Against the Resolution: *Councillors Szatow, Fornari-Orsmond and Berlioz*

PLANNING PROPOSAL TO ALLOW DUAL OCCUPANCY ON 28 CLISSOLD ROAD WAHROONGA; 2 LOOMBAH AVENUE EAST LINDFIELD AND SMALL LOT SUBDIVISION ON 109 BOBBIN HEAD ROAD TURRAMURRA

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to consider a Planning Proposal to amend the <i>Ku-ring-gai Local Environmental Plan 2015</i> to allow dual occupancy on 28 Clissold Road Wahroonga and 2 Loombah Avenue East Lindfield; and to allow a small lot subdivision on 109 Bobbin Head Road Turramurra.
BACKGROUND:	At the meeting of 21 April 2015, Council resolved to defer this matter pending site inspections of the three properties. Site inspections were held on Saturday 9 May 2015.
COMMENTS:	Dual occupancy is currently not a form of housing supported within Ku-ring-gai. Key to the consideration of this Planning Proposal is that no precedent allowing dual occupancy across Ku-ring-gai should be created. A general precedent cannot be set as the review of this Planning Proposal application, and any provision of dual occupancy, is tied to each site and its unique set of circumstances. Dual occupancy is only supported where, given the circumstances, a good planning outcome can be achieved by this built form and does not set a precedent across the Ku-ring-gai Council area..
RECOMMENDATION:	That the Planning Proposal to amend the <i>Ku-ring-gai Local Environmental Plan 2015</i> to allow dual occupancy only on 28 Clissold Rd, Wahroonga and 109 Bobbin Head Rd, Turramurra be supported subject to the amendments outlined in this report; and, that the Planning Proposal to allow dual occupancy at 2 Loombah Ave, East Lindfield not be supported; and, that the Planning Proposal be amended by the applicant and prepared to the satisfaction of the Director Strategy and Environment, and then be forwarded to the Department of Planning and Environment for a Gateway Determination in accordance with the provisions of the EP&A Act and Regulations.

PURPOSE OF REPORT

For Council to consider a Planning Proposal to amend the *Ku-ring-gai Local Environmental Plan 2015* to allow dual occupancy on 28 Clissold Road Wahroonga and 2 Loombah Avenue East Lindfield; and to allow a small lot subdivision on 109 Bobbin Head Road Turramurra.

BACKGROUND

On 3 June 2011 *SEPP 53 Metropolitan Residential Development* (SEPP 53) was repealed. This meant that after that date no new development applications for dual occupancy could be made. In 2013 three separate landowners sought dual occupancy status through submission to the exhibition of draft Ku-ring-gai Local Environmental Plan 2013 (KLEP 2013), now effective as KLEP 2015.

Since the intention of the draft KLEP 2013 was to translate the existing KPSO standards into the Department of Planning and Environment's standard template format, no alterations to development standards were made, except where strategic considerations were nominated at the outset. Consequently, dual occupancy development was not considered or acted on through the draft KLEP 2013. Dual occupancy only applied to those sites with existing use rights under the KPSO, and to applications for a development assessment (DA) lodged prior to the SEPP 53 repeal.

The landowners of the three sites attended a pre-planning proposal meeting with Council officers on 30 April 2014 where they expressed their original intention at purchase of their properties was to develop dual occupancy, and that the SEPP 53 repeal truncated that wish. A search of Council's records showed no details of a pre-DA booking or any other discussion regarding the development of dual occupancy on any of the sites prior to the repeal of SEPP 53.

The three landowners have now applied for dual occupancy and small lot sub-division consideration via the Planning Proposal process. Their Planning Proposal was submitted to Council in January 2015. The documents submitted were not in accordance with the Department of Planning and Environment's requirements as set out in their *A Guide to Preparing Planning Proposals*. Following amendments to the Planning Proposal by the applicant, the review of the proposal commenced in February 2015.

This report was considered at the Council meeting of 21 April 2015, where Council resolved to defer the matter pending site inspections of the 3 sites:

- 28 Clissold Road Wahroonga
- 2 Loombah Avenue East Lindfield
- 109 Bobbin Head Road Turramurra

Site inspections of the properties were held on Saturday 9 May 2015. Notes from the site inspection are included at **Attachment A1**.

COMMENTS

This Report considers the concept of dual occupancy development on the 3 sites. It does not consider the actual development that would be achieved through a dual occupancy development on the site as this is the domain of a development application (DA) process. The DA process would analyse and ensure the buildings achieve the DCP requirements of setbacks, building separation, amenity etc. The Planning proposal only considers whether

The Planning Proposal (**Attachment A2**) requests amendments to the KLEP 2015 to allow dual occupancy on 28 Clissold Rd, Wairoonga, and 2 Loombah Ave, East Lindfield; and small lot subdivision on 109 Bobbin Head Road, Turramurra.

The key concern about allowing any new dual occupancy development sites within Ku-ring-gai is that at present this is not a housing form supported by Council due to the intensification of development resulting from the reduced 550sqm lot sizes. The KLEP 2015 has a general minimum lot requirement ranging from 790sqm to 930sqm in all R2 low density zones. The intensification of dwellings over numerous sites within a single street has the potential to alter the Ku-ring-gai character of homes in a large garden setting with substantial landscaping features, including mature trees, to the street frontage.

Therefore, in considering the application of dual occupancy and small lot subdivision to these three sites, the particular circumstances of the site must demonstrate not only its fulfilment of the general criteria under which dual occupancy has been retained within the KPSO and KLEP 2015, but also that the location of dual occupancy will not compromise the immediate character of the neighbourhood or the amenity afforded to adjacent properties. In this way, any approval for dual occupancy on these three sites cannot set a general precedent for the agreement of such development. Further to this, where it is permitted in limited historical cases, all dual occupancy development has to be carried out through the development application process, giving Council the means of merit assessment to ensure the integration of the development into the local context and its consistency with the Ku-ring-gai character.

Since the Planning Proposal has made a case for consideration, this Report seeks to assess the proposal and whether it should progress to the Department of Planning and Environment for a Gateway Determination. Whilst the Planning Proposal has combined the application for three sites, each site has to be considered individually and assessed on its own merit.

Provisions for dual occupancy within Ku-ring-gai only apply to a limited number of sites. These sites were individually mapped and incorporated into the KPSO via LEP 194 and have now been translated from the KPSO to the KLEP 2015. These sites generally met certain criteria including the following:

- location - the site is in good proximity to transport, retail and other local facilities;
- streetscape - the dual occupancies have a streetscape appearance of a single home and are in keeping with the local residential context;
- access - the site has dual street frontage allowing separate entry and address to each dwelling; and
- site area - each land parcel is over 1200sqm and can be subdivided to two minimum 550sqm lots.

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Below is a synopsis of each site and discussion of whether it meets the above criteria and is appropriate for dual occupancy and small lot subdivision.

28 Clissold Rd, Wahroonga

Council has no records of any pre-DA meeting appointments or discussions regarding dual occupancy development on this site prior to the repeal of SEPP 53. In terms of the criteria for dual occupancies, the following is noted for this site:

- Location - The site is located close to a number of local facilities: Wahroonga neighbourhood shops, Wahroonga Public School, bus routes along Clissold Rd to Wahroonga, Turramurra and Hornsby Stations and Macquarie University, train stations at Wahroonga and Warrawee. Cherrywood Reserve is also located within close proximity.
- Streetscape - The local area is characterised by low density residential dwellings. There are dual occupancy type developments adjacent to both of the boundaries of this site, and opposite the site on Clissold Rd. In addition, there are 2 seniors living developments to its north. The site itself is level; however, both adjacent properties along Chauvel St and Clissold Rd are substantially elevated towards the rear corner of the site resulting in direct overlooking and a substantial, approximately 2.5m high, retaining wall to the northern boundary.
- Access - This is a flat corner site with access from Clissold Rd and Chauvel St. There are no heritage or environmental constraints identified on, or in the vicinity of, the site.
- Site Area - The site has a total area of 1105sqm which would result in two lots of 552.5sqm.

Whilst the overall lot size of 28 Clissold Rd is marginally under the 1200sqm, it is still able to meet the minimum 550sqm for each lot required for dual occupancy development; therefore it is considered to substantially meet the above criteria. Key to this site is that the land is flat, set below both its neighbours particularly at its rear, and has compromised amenity. In addition, there are a number of similar dual occupancy scale developments adjacent to both its boundaries and in the vicinity of this property. A dual occupancy development on this site would not be out of context in this particular setting and would not compromise the neighbouring properties.

Dual occupancy development on this site may be a built form that could improve its compromised amenity, particularly at its rear corner where the neighbouring house sits at a higher ground level, appears to be built at the boundary line, and has windows opening onto this site. In addition, given the Ku-ring-gai Development Control Plan has requirements for building separation between the dual occupancy houses, the new dwellings could enable a more central open private area and utilise the building bulk as a means of creating privacy. Further, any application for dual occupancy on this site would be managed through a development application to ensure the built form does not compromise the local streetscape scale or setting, and maintains the same amenity and standards as required from dwelling houses in the vicinity.

Dual occupancy on this site is therefore supported.

2 Loombah Ave, East Lindfield

In terms of the criteria for dual occupancies, the following is noted for this site:

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- Location - The site is located close to a number of local facilities: East Lindfield neighbourhood shops, East Lindfield Public School, bus routes along Tryon Rd to Lindfield and Chatswood train stations, train station at Lindfield. Lindfield Oval Park is also located within close proximity.
- Streetscape - The local area is characterised by low density residential dwellings, generally large homes with landscaped gardens to the street frontage. There appears to be only one other dual occupancy type development in the vicinity of this site, along Tryon Rd at a distance of approximately 100m from the site. That development is not discernible as the land is flat and the building is in keeping with the streetscape pattern, setbacks and landscaping.
- Access - This is a sloping corner site, high side at Tryon Rd falling away down Loombah Ave. The site has access from Loombah Ave and Tryon Rd. There are no heritage or environmental constraints identified on, or in the vicinity of, the site.
- Site Area - The site has a total area of 1233sqm which would result in two lots of 616.5sqm.

Whilst 2 Loombah Ave meets some of the criteria above, there are a number of key concerns. Firstly, the dwellings in the vicinity of this site are all single homes on a single block of land and as such, dual occupancies are out of character with the subdivision pattern and built form in this locality. Secondly, this site is a corner site with its high point at Tryon Rd making any development intensification highly visible along Loombah Ave and therefore obviously different from its context. Thirdly, since there is no adjacent dual occupancy development to this site's boundaries, the impact of dual occupancy development on the neighbouring properties' privacy and amenity is questionable, particularly given the sloping land.

It is noted that a development application for dual occupancy on 2 Loombah Ave 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, well before SEPP 53 was repealed. Council has no records of any appointments or discussions regarding the extension of the dual occupancy approval on this site prior to the repeal of SEPP 53. Since the built landscape of this locality has not substantially changed since 2003 when Council deemed refusal on the dual occupancy development, a dual occupancy development is still considered inappropriate in this local context. The issues raised in Council's refusal to the development application refusal are still of concern. Although an approval was granted by the Court, dual occupancy is still considered inappropriate and out of context in this location.

Further to this, this site is typical of many other single dwelling sites, and an approval for dual occupancy on this site could result in setting a precedent for application from other area wide sites with similar settings.

Dual occupancy on this site is therefore not supported.

109 Bobbin Head Road, Turramurra

Council has no records of any pre-DA meeting appointments or discussions regarding dual occupancy development on this site prior to the repeal of SEPP 53. The Planning Proposal requests a small lot subdivision for this site. Since the built outcome of a small lot subdivision is similar to dual occupancy development, the criteria is considered the same as that for dual occupancy. The following is noted for this site:

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- Location - The site is located close to a number of local facilities: Turramurra Princes Street neighbourhood shops, Pymble Public School, bus routes along Bobbin Head Rd to Turramurra Station, train station at Turramurra. Irish Town Grove Park is also located within close proximity.
- Streetscape - The site is located in a low density residential area with dual occupancy developments adjacent to its side boundary and another adjacent to its rear boundary. There is also another dual occupancy in the site's vicinity at Pentecost Ave.
- Access - This site has a single access from its frontage to Bobbin Head Rd. There are no heritage or environmental constraints identified on, or in the vicinity of, the site.
- Site Area - The site has a total area of 1518sqm. The rear of the site, which has a new dwelling and a separating retaining wall, has an area of approximately 768sqm, leaving a 612sqm site area to the front of the property. This smaller parcel includes the 156sqm driveway providing access to the house on the rear part of the site.

109 Bobbin Head Rd meets all the criteria except for the dual frontage requirement. The site is located adjacent to dual occupancy developments on both its side and rear boundaries, and has other similar development in its vicinity. Although this site does not have a dual frontage, the absence of built form to the street frontage creates inconsistency with the streetscape of Bobbin Head Rd. This warrants consideration of what type of built form could fill the gap and make the frontage congruous with the streetscape.

The original house on 109 Bobbin Head Rd was in accordance with the streetscape and setback patterns of Bobbin Head Rd. Shortly after the repeal of the SEPP 53, the landowner attended a pre-DA meeting to discuss options for their land. Between November 2011 and August 2012 the existing house was demolished and replaced with a dwelling to the rear of the site, developed under Complying Development. The new house left vacant land at the front of this site leaving a street frontage and setback inconsistent with that of neighbouring dwellings and with Bobbin Head Rd in general. Under the KLEP 2015 the only structure that would now be permitted at the street frontage would be a secondary dwelling. Given the character of the local area and sizeable house frontages to the street, the limited maximum size of a secondary dwelling would not allow the mass or scale of dwelling required to match adjacent dwellings, and to create consistency of built form in the streetscape.

The landowner is seeking a small lot sub division through this Planning Proposal which would achieve the same eventual outcome as dual occupancy. Small lot subdivision would enable the landowner to sell the vacant land at the front of his property allowing it to be developed independently by the new landowner. Whilst the development of an additional dwelling on the vacant land is supported, the process of small lot subdivision is not supported. The key reason for this is that upon completion of the subdivision, a new dwelling on the site can be constructed through Complying Development. This would remove any ability for Council to ensure the new development includes features that are synonymous with the Ku-ring-gai character.

Complying Development on small lots is infrequent within the Ku-ring-gai locality which, for the most part, does not have small lots in the vicinity of 550sqm. Where these lots exist, they have generally been developed as dual occupancy sites which require a development application; alternatively, they have been constructed through a development application prior to the existence of Complying Development. The value of the development application process is that there is a means for Council to guarantee that development on small sites preserves amenity to its own and to adjacent residents, and includes elements that are consistent with the Ku-ring-gai character,

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such as architectural form and landscaping. Therefore, since small lot subdivision could allow a dwelling that avoids the development application process, only dual occupancy development will be considered on this site through this Planning Proposal.

Should the landowner wish to pursue the path of small lot subdivision, the appropriate mechanism would be a development application (DA) utilising KLEP 2015 Clause 4.4 Floor Space Ratio. That process will enable a detailed investigation of the subdivision including assessing the feasibility of locating a new dwelling on the land through Complying Development, alongside all its associated requirements such as vehicular access and stormwater drainage. This detailed examination is not within the scope of the Planning Proposal process, and therefore small lot subdivision cannot be progressed through this Planning Proposal.

In considering the site for dual occupancy development, the presence of similar scale developments directly next to and in the vicinity of this property means that a dual occupancy type development would not be out of context in this particular setting, and would not compromise two of the neighbouring properties which are both dual occupancy type developments. Further, any application for dual occupancy on this site could be managed through a development application to ensure the built form does not compromise the local streetscape scale or setting, and maintains the same amenity and standards expected of dwelling houses in this LGA. Given the site context and proximity to dual occupancy development, dual occupancy is considered a viable way to improve the street presentation of this site.

Small lot subdivision is not supported on this site; however, dual occupancy development is supported.

The Planning Proposal

The Planning Proposal (**Attachment A2**) is generally in accordance with the requirements of the Department of Planning and Environment's *A Guide to Preparing Planning Proposals*. Given the above discussion, the Planning Proposal would require amendment if it is to proceed to the Department for a Gateway Determination. Following are the key amendments that the applicant is required to make and re-submit to Council before the Planning proposal can be forwarded to the Department.

1. Removal of 2 Loombah Ave, East Lindfield in its entirety from all sections of the Planning Proposal.
2. Correction to all details regarding 109 Bobbin Head Rd, Turramurra to cancel reference to small lot subdivision and replace it with dual occupancy, adjusting all arguments to reflect dual occupancy.
3. Removal of incorrect statements and assumptions, such as inferences that the sites have undergone Council processes regarding dual occupancies prior to the SEPP 53 repeal. Council has no records to validate these statements, and unless the applicant can provide evidence supporting such statements, they are to be removed from all parts of the Planning Proposal.
4. Corrections and updated references to current documents. Outdated references include draft KLEP 2013 and Metropolitan Strategy.

5. Provide detail to support the justification for dual occupancy on the individual sites. The general statements that dominate the planning proposal justification do not give sufficient proof of the proposal's consistency, or evidence in support of the proposal. In particular, provide detail to the questions in Part 3-Justification including to the following questions:

- Section A(1) - demonstrate how the proposal is consistent with KLEP 2015, quote relevant clauses and explain consistency of the proposal;
- Section B(4) - quote relevant clauses from the Ku-ring-gai Community Strategic Plan and explain how the proposal is consistent with those clauses;
- Section B(5) - list SEPPs that apply to the land and comment on relevance, quoting clauses with explanation how the proposal is consistent or justifiably inconsistent.
- Section B(6) - justifications and demonstrations of consistency with 117 Directions that have been provided are too general and lack site specific detail. For example at (6.1) detail is required in place of the statements 'minor change', 'insignificant impact', 'appropriate level', 'an explanation of what these mean would give substance to the applicant's justification. Similarly, at (6.3) an explanation is required of how the proposal will provide the 'orderly development' referred to by the applicant.
- Section C(8) - explain what is meant by 'compatible with the capacity of the site, natural environment, and character of locality'.
- Section (D10) - specific details for each site are required on transport provision, destinations and proximity to each site. In addition reference to other facilities and local amenities would strengthen the argument. Remove the statement asking the reader to refer to another document or section for the detail. All relevant detail that answers the question and supports the proposal must be provided within the answer to the question and not elsewhere.

6. Amendment of other minor inconsistencies and errors.

Conclusion

Dual occupancy is not supported for 2 Loombah Ave, East Lindfield.

Small lot subdivision is not supported for 109 Bobbin Head Rd, Turramurra.

Dual occupancy is only supported for 28 Clissold Rd, Wahroonga, and 109 Bobbin Head Road, Turramurra as both sites would be able to manage the impacts of site intensification and integrate the development into the local context. Further, any application for dual occupancy would be managed through the required development application to ensure the built form does not compromise the local streetscape scale or setting, and maintains the same amenity and standards as required from dwelling houses in the vicinity.

Assessment of each site has taken into account the appropriateness of the site for dual occupancy and whether dual occupancy is the best means of providing a good planning outcome for the site and streetscape, with no compromise to the local area character. This dual occupancy provision will not create a precedent across Ku-ring-gai as this form of housing is not supported and its provision is tied to a unique set of circumstances.

Before the Planning Proposal can be forwarded to the Department for a Gateway Determination, the Planning Proposal requires a number of amendments, as outlined above, to ensure it is correct and consistent with Council's approach. It is proposed that when the Planning Proposal has been

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amended to the satisfaction of Council's Director Strategy and Environment, the necessary steps be taken to progress it through the Department.

INTEGRATED PLANNING AND REPORTING

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

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P1.1 Ku-ring-gai's unique visual character and identity is maintained.	Strategies plans and processes are in place to protect and enhance Ku-ring-gai's unique landscape character.	Continue to review existing strategies and plans.

Places, Spaces and Infrastructure - P2 - Managing Urban Change

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai.	Strategies, plans and processes are in place to effectively manage the impact of new development.	Implement and monitor Principal Local Environmental Plan and supporting Development Control Plan.

GOVERNANCE MATTERS

The process for the preparation and implementation of planning proposals is governed by the provisions of the *Environmental Planning and Assessment Act, 1979* and the *Local Government Act, 1993* (where relevant).

Council will seek the plan-making delegation under Section 23 of the EP&A Act to finalise the Planning Proposal. This involves Council taking on the Director General's function under s59(1) of the Act in liaising with the Parliamentary Counsel's Office (PCO) to draft the required local environmental plan to give effect to the Planning Proposal as well the Minister's function under s59(2) of the Act in making the Plan.

RISK MANAGEMENT

This is a privately initiated Planning Proposal. Council needs to determine its position on the matter and provide this to the Department of Planning and Infrastructure for consideration for a gateway determination. If a timely decision is not made on this matter, it is understood the applicant may have recourse to a further review under the proposed amendments to the local plan-making process under the EP&A Act and EP&A Regulations recently announced by the NSW Minister for Planning and Environment.

FINANCIAL CONSIDERATIONS

The Planning Proposal was subject to the relevant application fee under Council's Schedule of Fees and Charges. The cost of the review, advertising and assessment of the Planning Proposal is

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covered by the application fee. The lumping together of a number on effectively unrelated matters into a single planning proposal has highlighted the need to review Council's fee structure for such applications.

SOCIAL CONSIDERATIONS

The sites are located in good proximity to local buses with bus routes to local train stations. In addition there are retail, educational and recreational parks and facilities close by. The increase by one family unit on each site, allowed by dual occupancy, would have ready access to facilities shared by the local community and therefore avoid isolation.

ENVIRONMENTAL CONSIDERATIONS

None of the sites have any biodiversity or riparian mapping. The proposal will not change or impact any environmental aspects on the sites or adjacent to the sites.

COMMUNITY CONSULTATION

In the event the Planning Proposal is granted a Gateway Determination by the Department of Planning and Environment, this Planning Proposal will be placed on public exhibition in accordance with the requirements of the Gateway and the Department's publication *A Guide to Preparing Planning Proposals*.

INTERNAL CONSULTATION

Discussions were held with Development and Assessment officers to determine the history of the sites.

SUMMARY

Ordinarily, it is not Council's policy to allow dual occupancy within the LGA following the repeal of SEPP 53; however, the submission of this Planning proposal requires Council's due consideration of the matter.

The consideration of the unique circumstances of two out of the three sites, subject of this Planning Proposal, indicates that the sites at 28 Clissold Rd, Wahroonga, and 109 Bobbin Head Road, Turramurra meet the basic dual occupancy criteria. Further to this, they are able to integrate within their context without impact on the local character. In addition, it is considered that dual occupancy would provide a good planning outcome and improve the streetscape and urban quality at these locations.

Dual occupancy on 2 Loombah Ave, East Lindfield is not supported as the site sits within a context of single dwellings in large lots with mature landscaping. Further to this, this site is typical of many other single dwelling sites, and an approval for dual occupancy on this site could result in setting a precedent for application from other area wide sites with similar settings.

RECOMMENDATION:

- A. That the Planning Proposal to amend the *Ku-ring-gai Local Environmental Plan 2015* to allow

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dual occupancy on 28 Clissold Road Wahroonga be supported subject to the amendments outlined in this Report.

- B. That the Planning Proposal to amend the *Ku-ring-gai Local Environmental Plan 2015* to allow dual occupancy on 109 Bobbin Head Road Turramurra be supported subject to the amendments outlined in the Report.
- C. That the Planning Proposal to allow dual occupancy at 2 Loombah Avenue ,East Lindfield not be supported.
- D. That the Planning Proposal be amended by the applicant and prepared to the satisfaction of the Director, Strategy and Environment, and then be forwarded to the Department of Planning and Environment for a Gateway Determination in accordance with the provisions of the EP&A Act and Regulations.
- E. That Council request the plan-making delegation under Section 23 of the EP&A Act for this planning proposal.
- F. That upon receipt of a Gateway Determination, the exhibition and consultation process be carried out in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and with the Gateway Determination requirements.

Rathna Rana
Senior Urban Planner

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Manager Urban & Heritage Planning

Andrew Watson
Director Strategy & Environment

Attachments: A1 Site Visit Notes - 9 May 2015
A2 Planning Proposal - 28 Clissold Road Wahroonga - 2 Loombah
Avenue East Lindfield - 109 Bobbin Head Road Turramurra

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