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## POST EXHIBITION - CONSIDERATION OF SUBMISSIONS - PLANNING PROPOSAL FOR THE CONSOLIDATION OF LOCAL ENVIRONMENTAL PLANS (LEPS)

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

For Council to consider the submissions received during the public exhibition of the Planning Proposal to consolidate LEPs.

**BACKGROUND:**

Ku-ring-gai currently has three (3) environmental planning instruments in force:

- Ku-ring-gai Planning Scheme Ordinance (KPSO);
- Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (KLEP (LC) 2012);
- Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015).

The consolidation of these into a single LEP for the whole of Ku-ring-gai will provide a platform for upcoming LEP amendments in order to implement the North District Plan.

The consolidation is largely an administrative process.

**COMMENTS:**

The Planning Proposal was placed on public exhibition for a period of 28 days, from Friday 25 October 2019 to Friday 22 November 2019.

A total of 5 submissions were received from the community and 5 from State agencies.

**RECOMMENDATION:**

That Council adopts the Planning Proposal, and requests the Department of Planning, Industry and Environment make the plan.

## PURPOSE OF REPORT

For Council to consider the submissions received during the public exhibition of the Planning Proposal to consolidate LEPs.

## BACKGROUND

On 11 September 2018 Council considered a report on the preparation of a Planning Proposal for the consolidation of the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 and Ku-ring-gai Local Environmental Plan 2015, and resolved:

- A. *That a Planning Proposal be prepared for the consolidation of Ku-ring-gai Local Environmental Plan 2015 and of Ku-ring-gai Local Environmental Plan (Local Centres) 2012. The Planning Proposal is to include the mapping changes identified in Attachment A1 and the amendments to the Written Instrument identified in Attachment A2.*
- B. *That the Planning Proposal 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.*
- C. *That Council requests the plan making delegation under Section 2.4 of the EP&A Act for this Planning Proposal.*
- D. *That upon receipt of a Gateway Determination, the exhibition and consultation process is carried out in accordance with the requirements of the EP&A Act and with the Gateway Determination requirements.*
- E. *That a report be brought back to Council at the conclusion of the exhibition period.*
- F. *That the Killara Golf Club Planning Proposal not be part of the consolidation until such time as Councillors can review it.*

A Planning Proposal was prepared in accordance with Resolution A of OMC 11 September 2018. The Planning Proposal seeks to consolidate the Ku-ring-gai Local Environmental Plan (Local Centre) 2012 and Ku-ring-gai Local Environmental Plan 2015 into a single LEP applying to the whole of Ku-ring-gai. This is primarily an administrative process.

In addition to the consolidation process, the planning proposal also seeks to make the following amendments and resolve the following matters:

- **Resolve Deferred Area 14** – land surrounding The Briars, Wahroonga. The planning proposal seeks to incorporate this Deferred Areas, which is currently under the Ku-ring-gai Planning Scheme Ordinance into the consolidated LEP.
- **Removal of existing land reservations.** The Planning Proposal seeks to remove local road reservations from Holford Crescent, Gordon as the acquisition commitment represents an unfunded liability to Council, and Moree Street, Gordon as the land has now been acquired by Council.
- **Amendments to heritage listings.** The Planning Proposal seeks to include new heritage listings for the train stations at Turrumurra, Lindfield, Pymble and Roseville, remove or adjust existing heritage listing where sites have been subdivided and new dwellings constructed on new lots, and other minor miscellaneous corrections to Schedule 5.

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- **Resolve mapping errors.** The Planning Proposal seeks to amend site specific mapping errors, which are generally minor in nature and generally in the form of incorrect zoning or development standards applying to sites.

These amendments will ensure the final consolidated LEP is correct and up-to date.

It has always been the intention that the Ku-ring-gai local government area would be covered by a single LEP and for this reason, the drafting of the clauses contained within the KLEP (Local Centres) 2012 and KLEP 2015 is similar.

*“Given that the draft Local Centres LEP is in the standard instrument format, it is proposed that the principal LEP (KLEP 2015) 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 land. 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” – Excerpt from Planning Proposal – Ku-ring-gai Local Environmental Plan – August 2012*

### Gateway Determination

The Planning Proposal was submitted to the Department of Planning for a Gateway Determination on 22 November 2018. The Department of Planning issued a Gateway Determination on 13 May 2019 (**Attachment A1**). The Gateway Determination included conditions 1(a)-(f) which required amendments to be made to the Planning Proposal prior to public exhibition.

The amended Planning Proposal was re-submitted to the Department of Planning for review and approval prior to exhibition on 7 August 2019. The Department of Planning endorsed the amended Planning Proposal for public exhibition on 3 September 2019 (**Attachment A2**).

### Updated Planning Proposal – New Heritage Conservation Areas

In order to avoid duplication and potential confusion by the community, it was Council’s preference that the Planning Proposal for additional Heritage Conservation Areas in Pymble, Turramurra and Wahroonga be finalised prior to the public exhibition of the Planning Proposal to consolidate LEPs. The Planning Proposal to include additional Heritage Conservation Areas was gazetted on 4 October 2019.

Following the gazettal of the new Heritage Conservation Areas, the heritage maps contained within the Planning Proposal to consolidate LEPs were updated to reflect the new, gazetted Heritage Conservation Areas.

## COMMENTS

### Public Exhibition

The Planning Proposal was placed on public exhibition for 28 days, from 25 October 2019 to 22 November 2019. A copy of the Planning Proposal included at **Attachment A3** (circulated separately due to size).

**A. Community Submissions**

A total of 5 of submissions were received from the community during the public exhibition. A submission summary table is included at Attachment A4, which details all the submissions received, Council comment in response and a recommendation on whether changes should be made to the Planning Proposal.

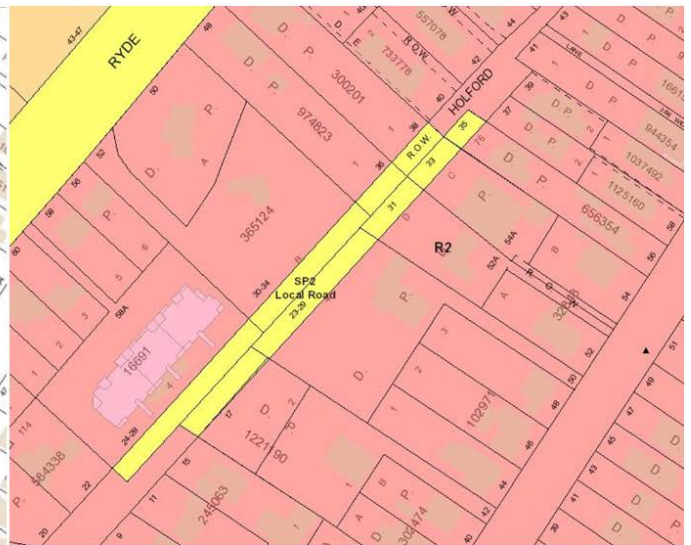
**Holford Crescent, Gordon – Local Road Reservation**

In addition to the formal submissions made during the exhibition period, representations were made by a landowner that would be effected by the proposed removal of the local road reservation at Holford Crescent in Gordon. The landowner had made a financial contribution towards the construction of the road as well as being required to dedicate land as part of an historic approval and is seeking a refund of the contribution paid in the in the event of Council removing the local road reservation and not proceeding with the construction of the road.

Holford Crescent is located between Ryde Road and Ridge Street in Gordon. It arises from a series of dual occupancies and/or subdivisions ,which were approved from about the mid-1990s onwards with the new properties having direct frontage to Holford Crescent. At the time of these consents, Council required the dedication of the land frontage required to extend the road reserve of Holford Crescent. This process has not reached completion with Holford Crescent remaining in two sections that do not meet in the middle as shown on the maps below



Holford Crescent - Local Road Reservation - Land Acquisition Map



Holford Crescent - Local Road Reservation - Zoning Map

The former Ku-ring-gai Planning Scheme Ordinance (KPSO) included this local road reservation to facilitate the staged dedication process as each lot was subdivided as well as a special provision requiring the proponent to construct the road as part of the subdivision. The reservation was translated into the present SP2 zoning, as shown on the Zoning Map and the Land Reservation Acquisition Map under KLEP 2015. The clause requiring construction of the road was not able to be included in the new standard instrument LEP. The Planning Proposal for the consolidating LEP

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seeks to remove the local road reservation from Holford Crescent, Gordon, as the infrastructure commitment is currently unfunded.

The historical process of developing Holford Crescent was further investigated with particular reference to the properties affected by the as yet uncompleted sections of Holford Crescent. The land identified as land reserved for a local road is located at the rear of eight existing allotments:

- o 24-28 Holford Crescent (58A Ryde Road)
- o 52 Ryde Road (30-34 Holford Crescent)
- o 36 Holford Crescent (48 Ryde Road)
- o 46 Ryde Road (38 Holford Crescent)
- o 56 Ridge Street (35 Holford Crescent)
- o 54A Ridge Street (33 Holford Crescent)
- o 52A Ridge Street (31 Holford Crescent)
- o 50 Ridge Street (23-29 Holford Crescent)

In the event of an application for subdivision into smaller allotments, the current battle-axe arrangements are unlikely to be supported and frontage from an extension of Holford Crescent would be required.

On either side of these, a number of properties have dedicated land upon subdivision for the creation or widening of Holford Crescent. Additionally several properties in the northern section are known to have made a monetary contribution of \$5,200 towards the future construction of the road as engineering development consent conditions during the late 1990s or thereabouts. Council retains the responsibility to utilise those funds for the purposes for which they were provided.

As such, the matter of the continuation of Holford Crescent requires some resolution by inclusion in either an LEP or a DCP, but it does not have to be the LEP as is currently the status quo.

The removal of the SP2 reservation is an appropriate fiscal response as its retention would involve Council acquiring land for the provision of a predominantly private benefit, being access to private property, and this is the practical effect of a formal SP2 Land Acquisition reservation under the current LEP. It is also a departure from the past procedure of land dedication upon development and subdivision, which is the point at which the private property requires access from Holford Crescent. However, notwithstanding the mechanism, the planning outcome of ensuring that all affected properties progressively achieve frontage to – and vehicular access from – Holford Crescent, should be supported and can be iterated in the Development Control Plan supporting the LEP. The DCP is the appropriate mechanism for providing the supporting detail for the desired outcome of the development process. It is critical that the supporting DCP should be amended to include Holford Crescent before the gazettal of the LEP as both the northern and southern sections remain incomplete, with several half-width areas and partial dedications.

## B. State Agency Consultation

The Gateway Determination required consultation with the following public authorities under Section 3.34(2)(d) of the *Environmental Planning and Assessment Act 1979*:

- NSW Rural Fire Service;
- Transport for NSW;
- Transport for NSW – Sydney Trains;

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- Transport for NSW – Roads and Maritime Services;
- Office of Environment and Heritage;
- Office of Environment and Heritage – Heritage Division;
- NSW National Parks and Wildlife Service.

The State Agencies were provided a copy of the Planning Proposal, and 21 days to comment as per the conditions of the Gateway Determination. Responses were received from Environment, Energy and Science Group (combined comments with NSW National Parks and Wildlife Service), Heritage NSW, TfNSW, RMS and Sydney Trains. No response has been received from NSW RFS, despite multiple attempts by Council following the expiration of the 21-day period.

Copies of the State Agency responses are included at **Attachment A5**, and a submission summary table of the matters raised by each agency and Council response is included at **Attachment A6**.

**C. Proposed Amendments to Planning Proposal**

As a result of submissions and matters raised during the public exhibition, the following amendment is proposed to be made to the Planning Proposal:

- **Amendment to Heritage Item Name – 1 Vista Street Pymble** – The Planning Proposal sought to amend the name of heritage item 1 Vista Street Pymble (Item Number I656) from *Robyn Hill* to *Tarquinia*. Following a submission from the owner, and further research from Council staff it is proposed to revise the Planning Proposal to amend the heritage item name from *Robyn Hill* to *Robin Hill*. For further discussion, refer to the Submission Summary Table – **Attachment A4**.

**INTEGRATED PLANNING AND REPORTING**

Theme 3 – Places, Spaces and Infrastructure

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	P2.1.1 Land use strategies, plans and processes are in place to effectively manage the impact of new development	P2.1.1.2 Continue to review the effectiveness of existing strategies, local environmental plans, development control plans and processes across all programs

**GOVERNANCE MATTERS**

The process for the preparation and implementation of Planning Proposals is governed by the provisions contained within the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

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Council requested to be authorised as the local plan-making authority for this Planning Proposal in order to finalise the Plan. However, in issuing the Gateway Determination, the Department of Planning determined not to issue authorisation due to the complexity of the Planning Proposal. Should Council resolve to adopt the Planning Proposal, it will be required to be submitted to the Department of Planning in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979* for the drafting and making of the final plan.

### **RISK MANAGEMENT**

Having a single consolidated and up-to date Local Environmental Plan in place will help avoid complications and remove any minor inconsistencies between the two LEPs. It will also help Council to more effectively implement future strategic planning amendments required to deliver and give effect to the North District Plan.

### **FINANCIAL CONSIDERATIONS**

The cost for the preparation of this Planning Proposal is covered by the Urban Planning budget.

The removal of the SP2 reservation applying to Holford Crescent, Gordon represents a significant new infrastructure commitment that is largely unfunded and not recognised in Council's Long Term Financial Plan. The removal of the SP2 reservation from this land is an appropriate fiscal response as its retention would involve Council acquiring land for the provision of a predominantly private benefit, being access to private property.

### **SOCIAL CONSIDERATIONS**

There is a community expectation that places of heritage significance within Ku-ring-gai will be identified and protected. The Planning Proposal seeks to heritage list the train stations at Turramurra, Lindfield, Pymble and Roseville as local heritage items.

### **ENVIRONMENTAL CONSIDERATIONS**

All existing environmental mapping and clauses contained with the KLEP (Local Centres) 2012 and KLEP 2015 (such as biodiversity and riparian land) will be retained as part of the consolidation process.

Acid Sulphate Soil mapping will be provided for land within the boundary of the KLEP (Local Centres) 2012, as this LEP does not currently have any Acid Sulphate Soil mapping, while land within the boundary of the KLEP 2015 does. This will ensure the final consolidated LEP is consistent across the whole of Ku-ring-gai.

### **COMMUNITY CONSULTATION**

The Planning Proposal was placed on public exhibition for a period of 28 days (25 October 2019 – 22 November 2019) in accordance with the requirements of the Gateway Determination.

The public exhibition was advertised within the North Shore Times. The Planning Proposal and supporting documents were available online on Council's website, and in hard copy at Customer Service and all branch libraries.

The Gateway Determination also required that:

*4. Each property owner affected by the proposed amendments must be individually notified of any change that applies to their land during the public exhibition period.*

Accordingly, individual letters and map sheets detailing the proposed site specific mapping amendments were sent to the following:

- all property owners within Deferred Area 14 – land surrounding ‘The Briars’;
- all property owners of sites identified with site specific mapping amendments;
- all property owners of sites identified with Amendments to Schedule 1 Additional Permitted Uses ;
- all property owners of sites identified with amendment to heritage items; and
- all property owners adjoining sites identified with amendment to heritage items.

All persons who made a submission were notified of this matter going back to Council.

## INTERNAL CONSULTATION

The preparation of the Planning Proposal has involved internal consultation with Council officers from Development and Regulation Department and Strategy and Environment Department.

## SUMMARY

The Planning Proposal has been prepared to consolidate the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 and Ku-ring-gai Local Environmental Plan 2015 to form a single Local Environmental Plan (LEP) applying to the whole of Ku-ring-gai.

The consolidation of the LEPs into a single LEP will provide a platform for upcoming strategic amendments required to implement the North District Plan.

The Planning Proposal was placed on public exhibition for a period of 28 days, from 25 October 2019 to 22 November 2019. A total of 5 of submissions were received from the community and 5 number from state agencies.

As a result of submissions and matters raised during the public exhibition, the following amendment is proposed to be made to the Planning Proposal:

- Amending the name of an existing heritage listed property at 1 Vista Street Pymble

The Planning Proposal will remove the local road reservation from Holford Crescent, Gordon, as the infrastructure commitment is currently unfunded. However, Council should reiterate its commitment to the retention and enhancement of Holford Crescent by inclusion of the appropriate provisions in consequential amendments to the supporting Development Control Plan

## RECOMMENDATION:

A. That Council adopts the Planning Proposal for the consolidation of the Ku-ring-gai Local Environmental Plan (Local Centres)2012 and Ku-ring-gai Local Environmental Plan 2015 to form a single LEP for the whole of Ku-ring-gai, subject to the following amendment:

1. Amendment to heritage listing – 1 Vista Street, Pymble Item No. I656 amend item name



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from 'Robyn Hill' to 'Robin Hill'

- B. That Council reiterate its commitment to the retention and enhancement of Holford Crescent, Gordon by inclusion of the appropriate provisions in consequential amendments to the supporting Development Control Plan
- C. That the Planning Proposal be submitted to the Department of Planning, Industry and Environment in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning, Industry and Environment be requested to make the plan.
- D. That those who made submissions be notified of Councils decision.

Alexandra Plumb  
Urban Planner

Craige Wyse  
Team Leader Urban Planning

Antony Fabbro  
Manager Urban & Heritage Planning

Andrew Watson  
Director Strategy & Environment

<b>Attachments:</b>	A1	Gateway Determination - Consolidating LEPs Planning Proposal		2019/335377
	A2	Letter from Department of Planning - Endorsed for Public Exhibition		2019/266804
	A3	Planning Proposal - Consolidation of LEPs - Updated October 2019 with Appendix A & B - Public Exhibition Version	Excluded	2019/322006
	A4	Submission Summary Table		2020/035954
	A5	Combined State Agency Submissions - Planning Proposal to consolidate LEPs		2020/037439
	A6	State Agency Submission Summary Table - Planning Proposal Consolidate LEPs		2020/050999

## State Agency Consultation - Planning Proposal to consolidate Ku-ring-gai LEPs

Matters raised in submission	Council Comment	Recommendation
<b>Environment, Energy and Science Group (EES)</b>		
EES does not object to the Planning Proposal and agrees the consolidation will reduce the complexity of Ku-ring-gai's local planning system.	Noted.	No amendment to Planning Proposal.
<p><b>Site 23 - 28 Cliff Avenue, North Wahroonga</b></p> <p>Site currently zoned E2 Environmental Conservation. There have been a few records of the threatened plant species, <i>Darwinia biflora</i> on site. EES recommendation that the site should remain E2 and that the permissible uses of the land be restricted to those consistent with the conservation of those values.</p>	<p>The proposed zoning area reflects the area currently used as a scout hall, including the most bushfire resilient scout hall within the LGA (due to its construction materials), located within a mown area dominated by exotic grasses.</p> <p>Zoning of this area to RE1 is consistent with the approach taken for other scout halls within the LGA. The propose rezoning, would not result in alteration of the KLEP 2015, Terrestrial Biodiversity Map. Biodiversity controls under Part 18 of the DCP, map this site as Core Biodiversity Lands (due to the existence of Regional Fauna Habitat). Both the LEP and DCP biodiversity mapping, cover the entire lot, providing protection to native vegetation, fauna habitat and threatened species (such as <i>Darwinia biflora</i>).</p>	No amendment to Planning Proposal.
<p><b>Site 43 – Part of Aurora Drive, St Ives</b></p> <p>Planning Proposal seeks to amend zoning from E2 Environmental Conservation to E4 Environmental Living which allows residential development on land with special environmental or scenic values. The site contains no threatened ecological communities or threatened species and it is expected that the subject site would be developed for residential purposes. Should residential development be undertaken, Asset Protection Zones (APZ) are to be provided within the</p>	<p>Noted.</p> <p>The provision of Asset Protection Zones (APZ) would be a consideration for any future development application on the site.</p>	No amendment to Planning Proposal.

## State Agency Consultation - Planning Proposal to consolidate Ku-ring-gai LEPs

developable area of the site. The APZs are to be clear of flammable objects, and other obstructions.		
<b>Heritage NSW</b>		
<p><b>The Briars</b> Proposed zoning, height of buildings, floor space ration and minimum lot size to land surrounding State Heritage Item 'The Briars' reflects the existing development patterns and limits the height and floor space ration to the north and west of the State Item to 11.5m This is considered to be an acceptable heritage outcome. If a significant change to the planning controls is proposed in the future, Council should prepared a Statement of Heritage Impact.</p>	Support for proposed zoning and development standards noted.	No amendment to Planning Proposal.
<p><b>Railways Stations</b> Proposed heritage listing of Roseville, Lindfield, Pymble and Turramurra Railway Stations as items of local heritage significance. Heritage NSW encourages identification and listing of new heritage items, provided that necessary due diligence, assessment and notification has taken place and council should be satisfied that this has occurred prior to finalising the Planning Proposal.</p>	Noted. The required assessments have been undertaken and Sydney Trains have been consulted on the Planning Proposal under Section 3.34(2)(d) of the EP&A Act 1979.	No amendment to Planning Proposal.
<p><b>Removal and adjustment to heritage items</b> Proposed removal and or adjustment to some local heritage listing in cases where subdivision has been approved and new dwellings have been constructed. Council is the consent authority and any decision on impacts rests with Council.</p>	Noted.	No amendment to Planning Proposal.
<b>Transport for NSW (TfNSW)</b>		
Planning Proposal reviewed and no issues are raised in relation to its intent of consolidating the Ku-ring-gai LEP (LC) 2012) into the Ku-ring-gai KLEP 2015 and other amendments of a housekeeping nature.	Noted.	No amendment to Planning Proposal.
<b>Sydney Trains</b>		


**State Agency Consultation - Planning Proposal to consolidate Ku-ring-gai LEPs**

<p><b>Heritage listing of Turramurra, Lindfield, Pymble and Roseville Stations</b>          Understood that the proposed local heritage listings of these stations is to accord with the Section 170 Register maintained by RailCorp.          A holistic review of the entire Section 170 Register will shortly commence, which will include a reassessment of the significance of heritage assets including these four stations. As Sydney Trains does not know what the findings of the reassessment will be, it is requested that Council not proceed with the proposed new heritage listings until the review of the register has been finalised and there is a better understanding of the heritage status of the four subject stations.</p>	<p>Council in completing the inventory sheets for the Roseville Station Group; Lindfield Station Group; Pymble Station Group and Turramurra Station Group utilised information contained within the s170 register but also other sources including information provided by the Ku-ring-gai Historical Society when they nominated the North Shore Railway Line for local heritage listing. In addition, the sites were visited for on the ground assessment of the fabric.</p> <p>After completing a heritage assessment consistent with the Office of Environment and Heritage publication <i>Assessing heritage significance</i> it was the conclusion of Council heritage staff that these four stations do have local heritage significance. For the protection of these recently assessed and recognised local heritage places it is recommended that the local listing proceed.</p>	<p>No amendment to Planning Proposal.          Recommendation that Council proceed with heritage listing of Turramurra, Lindfield, Pymble and Roseville Stations.</p>
<p><b>TfNSW – Roads and Maritime Services</b></p>		
<p>No objection in-principle to the planning proposal, subject to TfNSW road corridor reservations being maintained in any mapping amendments. TfNSW can provide shapefiles of the road reservations under a separate cover if required.</p>	<p>Noted.          The Planning Proposal does not seek to remove any TfNSW (RMS) road corridor reservations.</p>	<p>No amendment to Planning Proposal.</p>

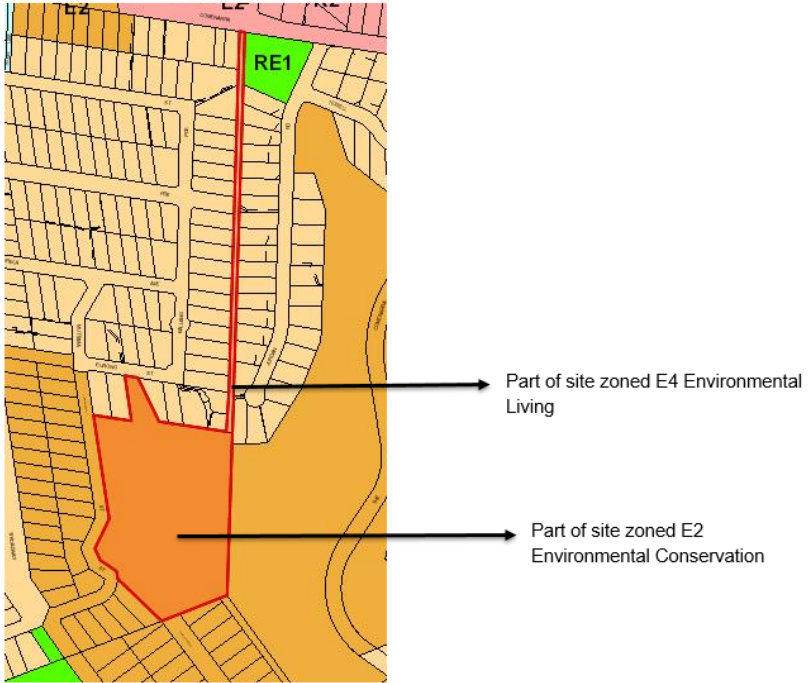
## Submission Summary Table - Planning Proposal to consolidate Ku-ring-gai LEPs

Property / Matters raised in submission	Council Comment	Recommendation
<p><b>1 Vista Street, Pymble</b></p> <ul style="list-style-type: none"> <li>• Change of heritage item name from ‘<i>Robyn Hill</i>’ to ‘<i>Tarquinia</i>’</li> <li>• What grounds to change name?</li> <li>• Have no knowledge of the relevance of name ‘<i>Tarquinia</i>’</li> <li>• Why proposal to change the heritage name of property with strong history and connection to local community.</li> <li>• Request for reasoning behind name change</li> <li>• Oppose change to name</li> </ul>	<p>1 Vista Street, Pymble, was constructed c. 1933. Media articles from the 1930s (The Sydney Morning Herald, Tue 23 Feb 1937, page 10) indicate that the property was named “<i>Robin Hill</i>”. Another article on the property from 1985 indicates that the property was named by the owners (and original architect) after a house in the novels <i>The Forsyte Saga</i> (which is spelt Robin Hill). The Deposited Plan for the site dated 1987 also notes the name of the property as “<i>Robin Hill</i>”. This is also confirmed in DP 220613 from 1964 which relates to land adjustments related to the widening of Mona Vale Road at this time and shows the site as named “<i>Robin Hill</i>”. It is not known when or why the spelling for the property was amended from “<i>Robin Hill</i>” to “<i>Robyn Hill</i>”. However, available evidence indicates that the property’s name was originally spelt “<i>Robin Hill</i>”.</p> <p>Field research has identified another property in the near vicinity named “<i>Tarquinia</i>”. This property is located at 2 Vista Street (also known as 115 Mona Vale Road).</p> <p>Based on the above information, it is likely that the request for Council to amend the name of 1 Vista Street, Pymble to ‘<i>Tarquinia</i>’ was based on incorrect information.</p> <p>It is recommended that Schedule 5 of the KLEP 2015 be amended for 1 Vista Street, Pymble (I656) to show the Item Name “<i>Robin Hill</i>” to reflect the original name for the property.</p>	<p>Revise Planning Proposal to amend heritage item name from:</p> <ul style="list-style-type: none"> <li>• <i>Robyn Hill</i> to</li> <li>• <i>Robin Hill</i></li> </ul>
<p><b>Site 91- 2B Havilah Road, Lindfield</b></p> <ul style="list-style-type: none"> <li>• Disappointed to find out the land adjacent is to be rezoned to R4</li> <li>• Wrong that land can be rezoned at any time by Council.</li> <li>• Rezoning will devalue property and spoil village atmosphere and lead to more cars parked in the adjacent streets.</li> <li>• Nothing has been done to relieve traffic problems in Lindfield</li> </ul>	<p>The Planning Proposal does not propose to rezone any land around 2B Havilah Road, Lindfield. The proposed mapping amendment sought by the Planning Proposal to correct an error in the Minimum Lot Size map – where properties 59 Lindfield Avenue, 1,3,11,15 and 17 Woodside Avenue, A2, 2 and 2B Havilah Road, Lindfield currently do not have any minimum lot size. It is proposed to add a minimum lot size of 1200sqm to these properties, which is consistent with the minimum lot size applied to other R3 and R4 zoned land within Ku-ring-gai.</p>	<p>No amendment to Planning Proposal.</p>

## Submission Summary Table - Planning Proposal to consolidate Ku-ring-gai LEPs

Property / Matters raised in submission	Council Comment	Recommendation
	 <p>Existing Zoning Map Excerpt – Showing exiting R3 Medium Density and R4 High Density surrounding 2B Havilah Road, Lindfield.</p>	
<p><b>Ravenswood – 691 Pacific Highway, Gordon – <i>Iolanthe</i></b></p> <ul style="list-style-type: none"> <li>• Current heritage listing and mapping of “<i>Iolanthe</i>” dwelling house (I10) contains an error and should be corrected.</li> <li>• Listing in KLEP Local Centres 2012 identifies as being of State Heritage Significance, and is listed as applying to whole Lot 100 DP776508.</li> <li>• State Heritage Register identified property description as being <i>Part Lot 100</i> and mapping in State Heritage Register only applies to part of Lot 100</li> <li>• Seek that mapping of <i>Iolanthe</i> be corrected as part of this Planning Proposal so that it is consistent with the State Heritage mapping and applies to only part of Lot 100.</li> </ul>	<p>The Consolidating LEPs Planning Proposal never contemplated any site specific amendments to this site or heritage item.</p> <p>The amendments requested by the submission have not been publically exhibited, nor have they been subject to consultation with state agencies. As <i>Iolanthe</i> is a State Heritage Item, the requested amendments would require consultation with Heritage NSW.</p> <p>Post exhibition amendments, such as this request to amend the heritage listing for <i>Iolanthe</i>, would necessitate the re-exhibition of the Planning Proposal, leading to delays in finalising the Planning Proposal and subsequent combined LEP.</p> <p>There is no compelling reason why this amendment should be included within this Planning Proposal at this late stage within the process. Should Ravenswood wish to pursue the amendment to the heritage map and property description for <i>Iolanthe</i>, they have the option to either lodge a private planning proposal or request that it be addressed by Council within a future LEP review within the next few years. This</p>	<p>No amendment to Planning Proposal.</p>

## Submission Summary Table - Planning Proposal to consolidate Ku-ring-gai LEPs

Property / Matters raised in submission	Council Comment	Recommendation
	would enable proper consideration of the amendments requested, as well as state agency and community consultation.	
<p><b>Site 18 – Part of 8 Muttama Street, Wahroonga</b></p> <ul style="list-style-type: none"> <li>• Currently forms vegetated land link to the endangered ecological communities on the eastern SAN land.</li> <li>• Should retain zoning as E2</li> <li>• Council would get little value if land was rezoned and sold to neighbouring properties.</li> <li>• If R2 zoning is required, then a portion of the adjoining park off The Comenarra Parkway should be retained as E2 to improve the biocorridor linkage to the eastern SAN land.</li> </ul>	<p>The Planning Proposal does not propose any changes to the existing zoning of 8 Muttama Street, Wahroonga. The site is currently zoned part E2 Environmental Conservation and part E4 Environmental Living.</p>  <p>The Planning Proposal seeks to apply Height of Buildings 9.5m and FSR 0.2:1 development standards only to the part of the site zoned E4 Environmental Living. This is consistent with all other land zoned E4 throughout Ku-ring-gai.</p> <p>The proposed amendments do not impact on the biodiversity values of the existing vegetation on the site. Council currently does not have any plans to sell the E4 portion of the site to neighbouring residential properties.</p>	No amendment to Planning Proposal



## Submission Summary Table - Planning Proposal to consolidate Ku-ring-gai LEPs

Property / Matters raised in submission	Council Comment	Recommendation
<p><b>Schedule 3 – Complying Development</b></p> <ul style="list-style-type: none"> <li>Complying Development under the General Housing Code does not apply to land zoned E4 and this exclusion should be retained for bushfire prone areas.</li> <li>Provisions in KLEP LC 2012 should apply and not those in the KLEP 2015 as proposed in the exhibited documents.</li> <li>Most bushfire prone properties slope downwards to bushland, and stormwater from development discharges into bushland which promotes the invasion of weeds which become added fire hazard. The Complying Development SEPP does not achieve careful development and co-ordination of landscape and water management.</li> <li>Complying Development approved by private certifiers has a history of poor compliance. Not suited to development that has special requirements that could ultimately endanger neighbouring properties.</li> </ul>	<p>The SEPP Exempt and Complying Development Codes 2008 does not permit complying development within the E4 zone. Council has specifically included complying development provisions within Schedule 3 of the KLEP 2015 to allow complying development on land zoned E4, so long as the development is not located on parts of the site identified as biodiversity, riparian or acid sulphate soils. The Schedule 3 complying development provisions for E4 zoned land have been in place since 23 October 2015.</p> <p>The complying development provisions for E4 zoned land were specifically included in the KLEP 2015, as the ability to undertake complying development within the E4 zone was considered to not be unreasonable, as the main land use within this zone is ‘dwelling house’ – the same as the R2 Low Density Residential zone. The ability to undertake complying development to a dwelling house within the E4 zone does not result in any increase to bushfire risk.</p> <p>The Schedule 3 complying development provisions for E4 land within the KLEP 2015 require that Clause 3.4 Complying Development on Bushfire Prone Land, Part 3 General Housing Code also apply to all complying development on E4 zoned land within Ku-ring-gai.</p>	<p>No amendment to Planning Proposal.</p>
<p><b>Site 80 - 31 Karranga Avenue, Killara</b></p> <ul style="list-style-type: none"> <li>Lot 1 and Lot 2 DP233232</li> <li>What is the situation if the existing house is inconsistent with the A3 minimum floorspace ratio requirement for Lot 1?</li> <li>Lot 1 rezoned to permit dual occupancy. How is the proposed A3 FSR for Lot 1 consistent with the dual occupancy zoning?</li> <li>Pay escalated rates based on value of land which reflects dual occupancy and this is inequitable if it were not practical to develop the block.</li> </ul>	<p><b>Existing Dwelling</b></p> <p>The Floor Space Ratio of the existing dwelling would be calculated over the entire property (comprising both Lots 1 and 2 DP233232), which has a total lot size is 2,129.8sqm. The Floor Space Ratio would only be a matter for consideration if future development, such as alterations and additions, were proposed to the existing dwelling. A Floor Space Ratio of 0.3: 1 is the standard floor space ratio applied to all low density residential properties within Ku-ring-gai.</p> <p><b>Dual Occupancy</b></p> <p>Lot 1 DP233232 is listed within Schedule 1 Additional Permitted Uses of the KLEP 2015, and development for the purposes of a dual occupancy is permitted with development consent. There are not many properties within Ku-ring-gai which benefit from the additional permitted use of dual occupancy. The properties which are identified were specifically chosen due to their:</p>	<p>No amendment to Planning Proposal.</p>



### Submission Summary Table - Planning Proposal to consolidate Ku-ring-gai LEPs

Property / Matters raised in submission	Council Comment	Recommendation
	<ul style="list-style-type: none"> <li>• Dual frontage/corner allotment</li> <li>• Size (generally over 1200sqm)</li> </ul> <p>As outlined above, a floor space ratio of 0.3:1 is the standard floor space ration applied to all low density residential properties within Ku-ring-gai. Despite the proposed 0.3:1 Floor Space Ratio on the FSR Map, Clause 4.4(2B) of the KLEP 2015 written instrument overrides this and sets out that if dual occupancy (detached) is permitted on the land, the floor space ratio for the dual occupancy (detached) is 0.4:1. The site has the capacity to be developed for a dual occupancy development.</p>	