

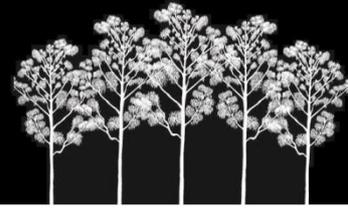


Deferred Areas Planning Proposal Frequently Asked Questions

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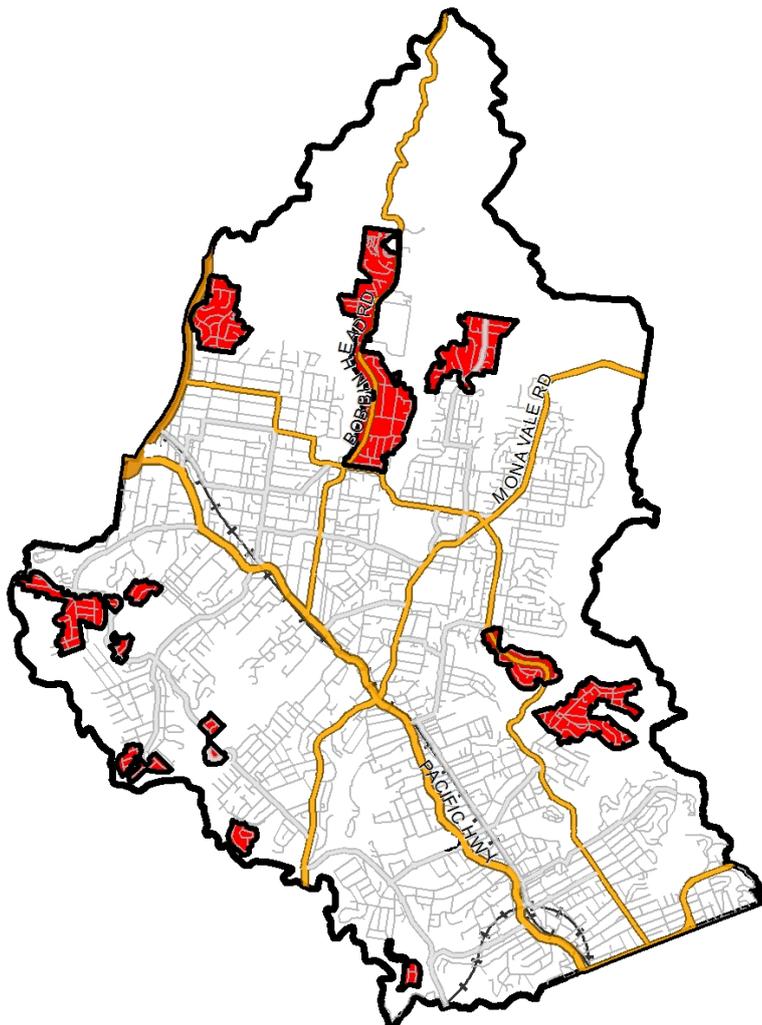
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What is a deferred area?

The deferred areas are 13 areas which were deferred from inclusion within the Ku-ring-gai Local Environmental Plan 2015 when this plan came into effect in April 2015. The Ku-ring-gai Local Environmental Plan 2015 sets out the zoning, land use and development standards for most of the Local Government Area. As the deferred areas were not included within this plan, they are still under the old zoning and development controls contained within Ku-ring-gai Planning Scheme Ordinance.

The planning proposal applies to the following 13 areas:



- North Turramurra
- North Wahroonga
- Warrimoo Avenue, St Ives Chase
- Campbell Drive, Wahroonga
- Browns Road – Fox Valley Road – Jordan Avenue, Wahroonga
- Howson Avenue, Turramurra
- Eastern Arterial Road, St Ives
- Parker Avenue – Evans Street, West Pymble
- Bowen Avenue, South Turramurra
- Ashburton Avenue, South Turramurra
- East Killara
- Bradfield Road, Lindfield
- Boronga Avenue - Gloucester Avenue (West Pymble)

Why were these areas deferred?

These areas are identified as areas of high bushfire evacuation risk due to the numbers of dwellings within each area and the limited number of exit roads, impacting on the ability of people to evacuate safely in the event of a bushfire.

On 26 November 2013 Council considered a report on the submissions received from the public exhibition of the Draft Ku-ring-gai Local Environmental Plan, and resolved to request the Minister for Planning defer these 13 areas in order to allow Council to undertake further assessment on the proposed zoning. This would allow Council to undertake further community consultation and re-exhibit the proposed zoning within these areas prior to making a final decision.

What is the planning proposal for the deferred areas?

The planning proposal has been prepared to include these 13 deferred areas into the Ku-ring-gai Local Environmental Plan 2015. The planning proposal outlines the proposed zoning, permitted land uses and development standards (height, floor space ratio, minimum lot size, etc.) for all properties within these areas.

The planning proposal is based on the recommendations contained within the background study [Managing Bushfire Risk, Now and Into the Future \(March 2012 Ku-ring-gai Council\)](#). This study was prepared as part of the background research for the preparation of KLEP 2015.

In assessing bushfire evacuation risks, the background study looked at research undertaken by Thomas Cova , *Public Safety in the Urban-Wildland Interface: Should Fire-Prone Communities Have a Maximum Occupancy?* (2005), which reasons that fire prone communities at the bushland interface should have a maximum occupancy rate and recommends a maximum number of dwellings within a catchment area based on the number of exit roads.

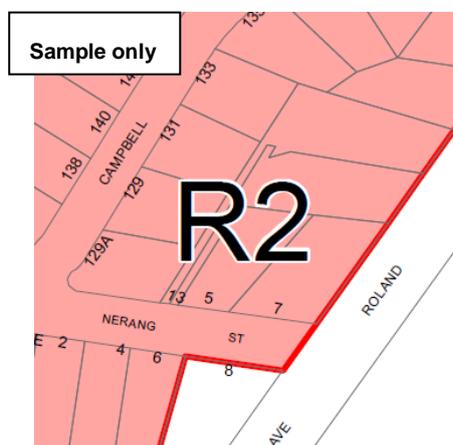
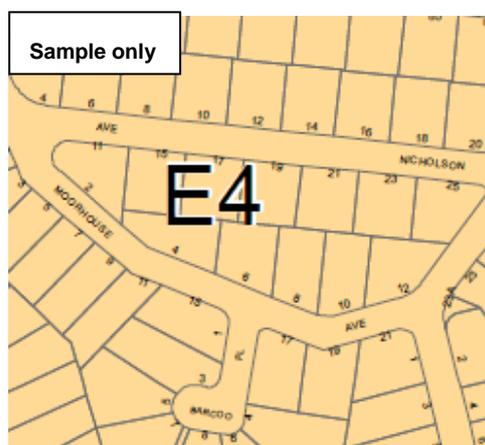
These studies are included as part of the exhibition material.

Why has Council prepared this planning proposal?

These area are under the old Ku-ring-gai Planning Scheme Ordinance planning instrument which was made in 1971 and is now outdated. The aim of the planning proposal is to include these 13 areas in the Ku-ring-gai Local Environmental Plan, and to provide appropriate land use zonings and associated development standards, recognising the high bushfire evacuation risks within these areas.

How will the planning proposal affect my property zoning?

The planning proposal proposes to zone residential properties within these areas with 'R2 Low Density Residential' or 'E4 – Environmental Living'. Refer to the maps to confirm what zoning is proposed for your property.



What does R2 Low Density Residential mean?

The R2 Low Density Residential zone is applied to land where primarily low density housing is to be established or maintained. The zone also allows for the provision of facilities and services that meet the day to day needs of the residents.

What does E4 Environmental Living Zone mean?

The E4 Environmental Living zone is a low density residential zone that allows the provision for low-impact residential development within areas of special ecological, scientific or aesthetic values. One of the objectives of the E4 Environmental Living zone is *“To minimise direct and indirect risks to life, property and the environment from bushfire events”*.

Why has my property been zoned E4?

The planning proposal seeks to provide early strategic consideration of bushfire through strategic land use management. The planning proposal has applied the E4 Environmental Living zone to properties that are located within evacuation risk areas (as identified by the blue cross hatching on the [Bushfire Prone Land Map and Bushfire Evacuation Risk Map](#)) that do not meet the minimum number of exit roads (as identified in research by Cova 2005).

The application of the E4 Environmental Living zone is a planning measure to prevent further increases in residential density within these areas of high bushfire evacuation risk, and to limit incompatible development types (particularly those that cater to vulnerable groups of people) that would increase the evacuation risks in these areas in the event of major bushfires.

What am I allowed to do within an E4 zone?

The following development is permitted with consent within the E4 Environment Living zone:

- Bed and breakfast accommodation
- Community facilities
- Dwelling houses
- Environmental facilities
- Environmental protection works
- Flood mitigation works
- Home-based childcare
- Home businesses
- Home industries
- Recreation areas
- Roads
- Secondary dwellings

For definitions of the development types please refer to the Dictionary contained within the Ku-ring-gai Local Environmental Plan 2015.

What are the differences between R2 and E4 zones?

The R2 Low Density Residential zone and the E4 Environmental Living zone are both low density residential zones. The main permitted land use in both the R2 and E4 zones is ‘Dwelling houses’. Both the R2 and E4 zone also permit Secondary Dwellings with consent.

The key differences in permitted uses are outlined in the following table:

Land Use	R2 Low Density	E4 Environmental Living
bed and breakfast	✓	✓
boarding house	✓	x
business identification sign	✓	x
building identification sign	✓	x
child care centre	✓	x
community facilities	✓	✓
dwelling houses	✓	✓
environmental protection works	✓	✓
exhibition homes	✓	x
flood mitigation works	✓	✓
group homes	✓	x
health consulting rooms	✓	x
home-based childcare	✓	✓
home business	✓	✓
home industry	✓	✓
hospitals	✓	x
neighbourhood shops	✓	x
places of public worship	✓	x
recreation areas	✓	✓
respite day care centres	✓	x
roads	✓	✓
secondary dwellings	✓	✓

The main differences in the permitted land uses within the R2 and E4 zones, is that the E4 zone prohibits uses that cater for vulnerable groups of the community – for example, child care centres, group homes, respite day care centres. These uses present additional evacuation risks in the event of bushfire.

What are the development restrictions for land zoned E4?

- Height – The maximum height of buildings development standard applying to land zoned E4 is 9.5m. This is consistent with the maximum height of buildings development standard applying to land zoned R2.
- FSR – The Floor Space Ratio maps indicate a maximum floor space ratio of 0.2:1 for land zoned E4. However, reference to Clause 4.4(2D) of the KLEP 2015 written instrument overrides the map, and provides for a sliding scale for floor space ratio up to 0.4:1, depending on the lot size. For most lots – this will mean that the maximum allowable floor space ratio will be the same or very similar as for sites zoned R2 Low Density Residential. It is only the very large lots that will have a reduced floor space ratio.
- Lot Size – The minimum lot size for land zoned E4 is 1500m². This means that in order for a site to be subdivided, each new block must have a minimum area of 1500m². The minimum lot size of 1500m² is proposed as a means to reduce the potential for increasing the density and number of people living in these areas of high evacuation risk. Increasing the number of dwellings and residents within these areas will only increase the risk of not being able to evacuate safely in the event of bushfire.

Can I do exempt development if my land is zoned E4?

Yes, you may be able to undertake 'exempt' development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provided that you comply with the specified development standards listed for each type of development.

You should check using the Electronic Housing Code – which is a free online system that allows users to determine whether proposed works fall under the requirements for 'exempt' development.

Can I do complying development if my land is zoned E4?

Yes, you may be able to undertake 'complying' development under the following parts of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*:

- Part 4 Housing Alteration Code
- Part 4a General Development Code
- Part 7 Demolition Code

You may also be able to undertake 'complying' development under Clause 3.2 and Schedule 3 of the Ku-ring-gai Local Environmental Plan 2015, which sets out the complying development provisions for dwelling houses within the E4 Environmental Living zone. The development cannot be located within any part of the site identified under the KLEP 2015 as:

- 6.1 Acid Sulfate Soil (class 1-4)
- 6.3 Biodiversity Protection
- 6.4 Riparian Land and Adjoining Waterways

How does the E4 Environmental Living zone reduce the bushfire risk?

The proposed use of the E4 Environmental Living zone is not intended to reduce the risk of bushfire to properties. Rather, the intent is to safeguard against increased risk resulting from an evacuation during a major bushfire event. The application of the E4 Environmental Living zone does not affect the bushfire risk rating of

any land. Bushfire risk is assessed and determined under the *Rural Fires Act 1997* and identified on the [Bushfire Prone Land Map and Bushfire Evacuation Risk Map](#). The zoning of the site does not override or affect the application of the provision of the *Rural Fires Act 1997*.

What consultation will be undertaken?

State Government Consultation

The Department of Planning has reviewed the planning proposal and issued a 'Gateway Determination' – which allows Council to place the planning proposal on public exhibition.

As part of the preparation of the planning proposal Council has consulted with the NSW Police and the Rural Fire Service.

The Gateway Determination also requires Council to consult with other state agencies, such as Office of Environment and Heritage, Roads and Maritime Service, SES, Department of Education, Department of Health, Fire and Rescue, Ambulance Service and Sydney Water.

Community Consultation

The planning proposal will be on public exhibition from **Thursday 17 November to Friday 16 December 2016**

The planning proposal and exhibition material will be available online at www.kmc.nsw.gov.au/exhibition. It will also be available at Ku-ring-gai Council, Customer Service, Level 4 818 Pacific Highway, Gordon from 8:30am-5pm during the exhibition period.

How do I make a submission?

Please include reference “**S11313**” on all submissions. All submissions must be received by **5pm Friday 16 December 2016**.

Submissions can be made by:



EMAIL

kmc@kmc.nsw.gov.au



POST

The General Manager
Ku-ring-gai Council
Locked Bag 1006
Gordon NSW 2072



ONLINE

kmc.nsw.gov.au/exhibition

What happens after the exhibition period?

The submissions received during the exhibition period will be reviewed by Council staff. A report to Council will be prepared which will consider the matters raised in the submissions, and if necessary will recommend any amendments to the planning proposal.

If Council resolves to adopt the planning proposal, it will be sent to the Department of Planning and Environment to finalise the plan. The Greater Sydney Commission will make the plan, it will then be notified on the NSW legislation website and comes into effect.