

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

Email: krg@krg.nsw.gov.au

16 July 2026

Dear Mr Marshall,

Re: 'S15328-3' Ku-ring-gai Development Control Plan (KDCP) Amendment 13

Thank you for the opportunity to comment on this KDCP amendment. Though the objective for the amendment is understood, there are a number of areas where improvements should be considered.

Removal of KLEP land use zoning

Land use zoning is fully understood by the community and hence should remain incorporated where possible. It is still referred to in the KLEP and a raft of other planning documents and should not be eradicated.

Definitions:

'Attached dwellings'

The definition of an attached dwelling, as per KLEP, is defined as a building containing 3 or more dwellings, where

- a) each dwelling is attached to another dwelling by a common wall, and
- b) each of the dwellings is on its own lot of land, and
- c) none of the dwellings are located above any part of another dwelling.

This definition, now allowed within residential zones R2 as well as R3 does not have any limit on the number of attached dwellings. There could be 10 or more where the land size permits. This will have a destructive visible, heritage and environmental impact on a residential area. We understand that local heritage items and heritage conservation areas are not protected under the Low and Mid-Rise and dual occupancy NSW housing policies.

1. **Recommendation:** This definition needs to include a land size restriction or a limit on the number of dwellings allowed.

'Semi-detached dwelling' as per KLEP, is defined as a dwelling that is on its own lot of land and is attached to only one other dwelling.

This definition conflicts with the definition for Dual Occupancy (attached) which states:

- dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling

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2. **Recommendation:** The 'semi-attached' definition should reference the dual occupancy(attached) meaning and fall under the dual occupancy DCP controls.

Use of temporary Compliance with Low Rise Housing Diversity Design Guide for Development Applications, 2020 (Department of Planning, Housing and Infrastructure)

Multi-dwelling houses (terraces)

The characteristics of this type of development applies to:

- A development that contains three or more dwellings;
- Each dwelling has a frontage to a public road; and
- The dwellings are located side by side, with no part of a dwelling located above another dwelling.

This definition, now allowed within residential zones R2 as well as R3 does not have any limit on the number of attached dwellings. As stated earlier a large number of terraces in a row or block would have not only a high negative visual impact on the area but would also encourage wholesale destruction of trees and garden landscapes that support Ku-ring-gai's biodiversity.

The DPHI Low Density Design Guide controls that will impact the streetscape in Ku-ring-gai are:

Setbacks

Where the DCP does not contain front setback controls the following apply:

- Where existing dwellings are within 40m - average of the two closest dwelling houses, dual occupancies or multi dwelling housing (terraces), or
- Where no existing dwellings are within 40m then the front setback is 3.5m

Additionally:

- R3 zoned land - **Where the DCP does not contain front setback controls** the setback to primary road is 3.5m.
- **Where the DCP does not contain setback controls for secondary roads or to public reserves** the following apply based on lot sizes, from only 2m for a up to a 900m lot to a maximum of 5m for a lot of 1500m.
- **Where the DCP does not contain side setback controls** the side setback is 1.5m.
- The minimum rear boundary setback can be as small as 3m.

Where the LEP or DCP do not contain an FSR or Gross floor area the following maximum gross floor area applies to all buildings on a lot:

- R1, R2, or RU5 zoned land - 60% of lot area.
- R3 zoned land - 80% of lot area.

Minimum required landscaped area can be as low as 20%.

The garaging or off street parking is allowed in the front of the dwelling.

Lot Sizes allowed: If the LEP or DCP does not specify a minimum lot dimension - 600m² and width measured at the building line of 18m.

3. **Recommendation:** Council needs to overlay any allowable reference to the Low Rise Housing Diversity Design Guide with the same minimum requirements as currently applicable to KDCP Dual occupancy development for zones with a maximum height of 9.5m and Townhouse development for R3 zones or heights of 11m. Specifically relating to lot size, setbacks, landscaping, tree retention and garaging. This will be an interim measure until Council finalises the locally sensitive controls to replace the DPHI's design guide.

Manor Homes

All the minimum setback, landscape area and FSR issues exist with the Design Guide as related to Terraces.

Particularly, if there is no LEP or DCP control, it allows a minimum lot area of 600m² with a minimum lot width measured at the building line of 15m.

4. **Recommendation:** Manor Homes should be controlled to the same requirements as the existing KDCP Dual Occupancy measures.

The concern is that in the interim, prior to Council's finalisation of the Ku-ring-gai specific controls, that development applications will be allowed under controls that would never be allowed once the Ku-ring-gai Controls are in place.

There was no time limit within the proposed document, so FOKe can only assume that this may take a number of months to progress in going from consultant reports to approval and implementation.

As you would be aware, the community is extremely concerned as to the changes being wrought throughout our suburbs by the impost of the various NSW Government Housing Policies with particular impact on Ku-ring-gai's amenity, neighbourhood character, indigenous tree canopy and biodiversity, Local and State listed heritage items and heritage conservation areas (HCAs) of which only 8 out of 43 HCAs are protected from inappropriate development. Our comments reflect these concerns in that further inappropriate development would occur without clear controls and definitions, especially during a transition period.

We hope you will consider our recommendations for the KDCP amendments.

Your sincerely

Kathy Cowley

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President

Cc Mayor and councillors

cc Matt Cross MP Member for Davidson

cc The Hon Alister Henskens SC MP Member for Wahroonga

cc Nicolette Boele MP Member for Bradfield