



**EXTRAORDINARY MEETING OF COUNCIL
TO BE HELD ON THURSDAY, 15 DECEMBER 2005 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

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NOTE: For Full Details, see Council's Website –
www.kmc.nsw.gov.au under the link to Business Papers

APOLOGIES

DECLARATION OF PECUNIARY INTEREST

DOCUMENTS CIRCULATED TO COUNCILLORS

GENERAL BUSINESS

GB.1 St Ives Town Centre - Draft Local Environmental Plan, Draft Development Control Plan & Traffic Study

File: S04019

To have Council consider and adopt for formal exhibition, a Draft Local Environmental Plan, a Draft Development Control Plan and associated strategies for the St Ives Town Centre.

Recommendation:

That Council adopt the Plans for formal exhibition.

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MAYORAL MINUTE

RESIGNATION OF GENERAL MANAGER

Last Friday I received the resignation of Brian Bell, Council's General Manager for the past 3 years. Brian will leave on 8th February 2006 for a new position at Lake Macquarie City Council in the Lower Hunter Region of New South Wales. Lake Macquarie is a very large City Council with a population of approximately 200,000 and a growth of 70,000 people expected over the coming years.

Lake Macquarie is one of the largest Councils in New South Wales and this area is undergoing major changes. At his new Council Brian will be able to use all of his skills and qualifications in environmental science, management and public health, particularly in the area of Sustainability where his expertise lies.

This will most likely be Mr Bell's last Council meeting at Ku-ring-gai so I wanted to take this opportunity to publicly congratulate Brian on such a prestigious appointment which shows how fortunate Ku-ring-gai has been to have had him as General Manager over the past three years. It is a great credit to his skills and leadership that he has been selected for this major career advancement.

Brian's contribution has been an important one, especially in his recruitment of exceptional senior staff and in his team building with these officers. There is no doubt that Ku-ring-gai Council will benefit for years to come from the selection and development of our talented Directors and for that we are very grateful to Brian. Ku-ring-gai is in good hands for the months and years to come.

The past three years have been a challenging time for Ku-ring-gai with State Government directives which are changing the face of Ku-ring-gai, and Brian has assisted the Council in moving forward on these complex issues as well as bringing efficiencies and the all important reduction in the DA backlog and processing times for development applications.

I have enjoyed working closely with Brian over these past three months as Mayor through some very difficult issues. I have appreciated the mutual support and the professionalism of the relationship and want to thank Brian for this period of time when I was able to work with him so closely. Two previous Mayors have echoed my sentiments in e-mails to Brian which shows that the Mayor/General Manager relationship over the years has been a very positive one.

On behalf of Councillors and staff I would like to wish Brian every success in his new appointment which I am sure is a great joy to his family. Although we will miss Brian we are also delighted that he is making such a significant career move to Lake Macquarie City Council and we wish him a long and successful career.

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We would also welcome Brian back to our Centenary celebrations including the ex Councillors and staff dinner in March and the Festival on the Green in June.

I would be happy to hear from any Councillor or Director who would like to support my comments.

RECOMMENDATION

That the Mayoral Minute as printed be endorsed by Council.

Mayor

PETITION

OBJECTION TO RE-CLASSIFICATION OF COMMUNITY LAND IN KU-RING-GAI - (FOUR HUNDRED & EIGHTY-THREE [483] SIGNATURES)

The following Petition was presented by Councillor Bennett:

"We, the undersigned, object to the re-classification of all car parks within Ku-ring-gai from "Community Land" to "Operational Land" within the meaning of the Local Government Act 1993.

These lands are Community assets.

We understand the "Operational" classification permits easy disposal or re-use of land and that land classified "Community Land" cannot be sold."

RECOMMENDATION

That the Petition be received and referred to the appropriate officer of Council for attention.

ST IVES DRAFT LEP AND DRAFT DCP

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To have Council consider and adopt the final Draft Local Environmental Plan (LEP), Draft Development Control Plan (DCP) and associated strategies for the St Ives Centre, to adopt the Draft documentation for consultation with state agencies under section 62 of the EPA Act and to submit the draft plans to the Department of Planning to seek approval for formal exhibition of the Draft LEP & DCP.

BACKGROUND:

The Minister has directed Council to prepare plans for additional housing in and around its town centres and to provide for retail and commercial activities to meet the needs of the local community. Following Council's resolution of 19 July 2005, this report provides the further detailed planning and urban design analysis, building envelopes, and feedback from further range of studies on traffic, feasibility studies and stakeholder consultation. The key planning controls and documentation for the St Ives Centre are presented including a draft LEP & DCP for adoption for formal public exhibition for the St Ives Centre.

COMMENTS:

Council has adopted and integrated, place-based approach to planning for St Ives Centre. Preliminary exhibition period has drawn a range of responses; formal exhibition is expected in March 2006

RECOMMENDATION:

That Council endorse the plan for formal public exhibition as outlined in the recommendations.

PURPOSE OF REPORT

To have Council consider and adopt the final Draft Local Environmental Plan (LEP), Draft Development Control Plan (DCP) and associated strategies for the St Ives Centre, to adopt the Draft documentation for consultation with state agencies under section 62 of the EPA Act and to submit the draft plans to the Department of Planning to seek approval for formal exhibition of the Draft LEP & DCP.

BACKGROUND

In a letter dated 27 May, the State Government gave a direction (under section of the 55 Environmental Planning and Assessment Act) to Council to prepare an LEP in relation to areas in and around existing retail and commercial centres in the Rail / Road corridor and St Ives Centre as Stage 2 of its Residential Development Strategy.

This requires Council to prepare plans for additional medium density housing, including shop-top housing and re-evaluation of density controls on existing medium density zones. It also requires Council to provide for retail and commercial activities in town centre to cater for the needs of the local community. In line with this direction, Council has finalised the planning for St Ives Centre in the form as a draft LEP and DCP and associated strategies for formal exhibition in early 2006.

Following, Council's resolution of 19 July 2005, this report provides the further detailed planning and urban design analysis, building envelopes and feedback from a further range of studies on traffic and parking, feasibility studies and stakeholder consultation and responses. The key planning controls and documentation for the St Ives centre are presented as attachments, including a draft LEP & DCP for adoption for formal public exhibition for the St Ives Centre.

The planning documentation has been prepared by Council's integrated town centres team and specialist consultants. It includes traffic, parking and transport modelling, comprehensive urban design analysis, community facilities and open space plan, the framework for a preliminary public domain concept plan and independent economic feasibility analysis/testing of proposed development scenarios. A development contributions strategy is also being prepared to identify and allocate funding mechanisms to implementation. Continuing community engagement will relate these to whole-of-community aspirations for St Ives Centre.

Council's 2005-2009 Management Plan sets out the direction of Council in relation to planning for the commercial centres.

Longer Term Perspective

"This planning will provide a good foundation for Ku-ring-gai being a vibrant place to live in the decades ahead, while maintaining its unique character, natural environment and heritage. Integration of Council's planning will improve the liveability and vitality of local communities and the sustainability of the area. Council must respond to NSW Government and community demands for additional housing, greater housing choice and associated facilities, mindful of the need to enhance quality of life at Ku-ring-gai in the 21st century".

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9 December 2005**Shorter Term Perspective**

Council's Management Plan identifies the following actions relevant to planning for the St Ives Centre:

- Continue to implement stage 2 of the Residential Development Strategy by preparing plans for major commercial centres
- Review classifications of community landholdings in association with Stage 2 of the Residential Development Strategy
- Prepare a comprehensive Public Domain plan
- Develop plans for Traffic Management and other forms of transport in the main centres.

Measuring our achievements in 2005/2006

- Finalise the Integrated Plan for St Ives Centre.

The St Ives Centre Integrated Plan will:

- Produce a DCP and LEP for the St Ives Centre consistent with the community's values and vision, with requirements of the Ministers Section 55 direction, LEP 194 and DCP 55, and in accordance with best practice planning principals and SEPP 65 and the NSW Residential Flat Design Code, the Draft NSW standard LEP template and the Metropolitan Strategy.
- Seek, engage and build-in community and relevant stakeholder values, during the formal exhibition of the draft plans.
- Following the exhibition of a draft LEP and DCP, review submissions and finalise a suite of planning documents for final adoption by Council and submission to the NSW Department of Planning, including new St Ives Development Contribution Strategy, and action plans for Public Domain, Traffic & Parking, and Community Facilities.

The St Ives Centre Hybrid Option as per Council's resolution 19 July 2005 can be summarised as follows:

- Total of around 35,000sqm of retail in St Ives Centre, which is a district centre scale.
- Additional 5,000sqm capacity for retail in Ives identified in the retail strategy shifted to Gordon.
- The potential for St Ives Shopping Village to be increased by a maximum of 10,000sqm to 28,000sqm of retail.
- The strip shops on the northern side of Mona Vale Road will be retained and expanded;
- A potential new neighbourhood shopping centre on Stanley St will be created with a total
- Of 5,500sqm of retail space, this may include a new supermarket, 15-20 specialty shops and expansion of the existing strip shops on Mona Vale Road.
- Encourage commercial and professional offices and live-work accommodation;
- Mixed use "shop top" housing over all retail areas.

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9 December 2005**Draft Ku-ring-gai (Town Centres) Local Environmental Plan**

A draft local environmental plan (DLEP) has been prepared to implement the recommended future development option for the St Ives Centre. The DLEP, to be called the Draft Ku-ring-gai (Town Centres) Local Environmental Plan, is the statutory planning instrument that will control what can be developed on various parcels of land in the St Ives centre. The DLEP is complemented by the draft development control plan (DDCP) which will provide the controls for the detailed planning and design issues. The controls contained in the DDCP must be consistent with any provisions of the draft LEP.

A copy of the proposed Draft Ku-ring-gai (Town Centres) Local Environmental Plan is included as Attachment A1.

Draft Standard Local Environmental Plan

The draft Ku-ring-gai (Town Centres) LEP is based on the draft standard LEP that was recently exhibited by the Department of Planning (DoP). The draft Standard LEP is part of the State Governments planning reforms and contains standard zones and planning provisions to apply to all Councils across NSW. DoP have required Council to prepare the town centres LEP in the new standard template format.

It is important to note that DoP is yet to finalise the standard LEP. DoP have indicated that there will be some changes to the draft standard LEP, as exhibited and that the final version is proposed to be released in February 2006. As a result, it is likely that the DLEP presented in this report will need to be amended to make it consistent with the final version of the standard LEP.

Discussions with DoP have indicated that any further delay in the release of the final standard LEP template should not be used as an excuse to further delay Council's exhibition of a draft LEP for the St Ives Centre. Therefore, if there are to be any amendments to the Draft Ku-ring-gai (Town Centres) LEP mandated by the final standard LEP, these will be made in such a way as not to alter the desired development vision for St Ives contained in the DLEP adopted by Council. This will include ensuring Council's adopted development standards are maintained.

It is proposed that the DLEP to apply to the St Ives Centre will form the basis of the LEP to apply to each subsequent town centre to be planned as part of RDS Stage 2. The LEP applying to the town centres would then form the basis for incorporating Ku-ring-gai's new comprehensive LEP which Council is required to develop over the next 5 years.

Components of Draft Ku-ring-gai (Town Centres) LEP

The DLEP consists of the following components:

i) Written instrument

The written instrument contains the detailed planning provisions that will apply to land covered by the LEP. This includes such things as aims, standard zone descriptions and zone objectives, permitted land uses and development standards subdivision provisions and numerous miscellaneous

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provisions. The draft Standard LEP mandates provisions that are to be included in all future written instruments of LEPs.

Council has the ability to include a number of provisions within the written instrument to achieve desired local planning outcomes. These included Council's own aims, additional zone objectives, certain permissible and prohibited land uses development standards and additional local provisions as long as they are not inconsistent with the compulsory provisions. To this end, the following local provisions have been included in the DLEP:

- Aims of the Plan (cl 2(2))
- Additional zone objectives for the Medium Density Residential, High Density Residential and Mixed Use zones (cl 10)
- Land use table for the Medium Density Residential, High Density Residential Mixed Use and Infrastructure zones (cl 12)
- Objectives and development standards for subdivisions (cl 20)
- Objectives for development standards relating to building height (cl 37). The actual development standards are included on a map (see point iv) below).
- Objectives for development standards relating to floor space ratio (cl 38). The actual development standards are included on a map (see point v) below).
- Limitations on development near zone boundaries (cl 43)
- Objectives for development standards relating to building site coverage (cl 47). The actual development standards are included on a map (see point vi) below).

The relevant local aims, objectives and development standards included in the attached DLEP have been highlighted in ***bold italic***.

The draft standard LEP also contains a optional clauses that Councils may choose to include or not include in their LEP's. The optional clauses that have been retained in the DLEP are marked as such and include:

- Clause 16 – Additional permitted uses
- Clause 17 – Additional prohibited uses

The other optional clause - 'Clause 29 – Temporary use of land' has not been included in the DLEP as the wording of the clause provided insufficient certainty and it is considered that the existing zoning and exempt and complying provisions adequately address any desirable temporary uses.

All other clauses are compulsory clauses that Council has no option but to include in the DLEP

The DLEP also includes a number of schedules as follows:

Schedules 1 & 2 – Exempt and Complying Development

Clauses 14 and 15 of the draft standard LEP requires that all exempt and complying development provisions be listed in schedules under the LEP. This different from the existing situation where Councils can make DCPs containing exempt and complying development provisions.

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Council introduced a new development control plan for exempt and complying development in 1999 (DCP 46). Review of this document began in 2002. Draft DCP 46 was exhibited in June / July 2003 but was not referred to Council for adoption.

The most recent version of Draft DCP 46 has therefore been modified for consistency with the Standard LEP and included as Schedules 1 and 2 of the DLEP as required. **Attachment D** includes a table which identifies the various amendments that have been made to the exhibited Draft DCP 46 before inclusion in Schedules 1 and 2.

While it is understood that Council is generally at liberty to develop its own list of exempt and complying developments, the LEP template clauses (14 and 15) containing the standards for exempt and complying development cannot be modified. Council has already raised concerns about these standards in its submission to the Department of Planning, as discussed in a previous report to Council.

The review of the exempt and complying development provisions has focussed largely on reducing the number of unnecessary development applications received by Council without compromising the character and environment of Ku-ring-gai. The review has involved many additions to the development categories, particularly for exempt development, together with more comprehensive provisions.

Schedules 3 and 4 – Additional permitted uses and additional prohibited uses

Schedule 3 contains a table which identifies additional permitted uses that is permissible on particular parcels of land that would not otherwise be permitted on that land. The additional permitted uses identified in schedule 3 of the DLEP principally relate the desire to allow commercial or medical uses in association with residential flat buildings and also to avoid potential complications arising from existing use rights on land where the zoning changing from its current use.

The DLEP does not propose to include any additional prohibited uses under schedule 4 at this stage.

Schedule 5 - Classification and reclassification of public land.

Schedule 5 of the DLEP includes a list of the Council own land that is to be considered for reclassification from 'community land' to 'operational land' as part of the LEP making process. The sites included in this schedule are those sites Council resolved to consider for reclassification in its resolution of 19 July 2005. There are statutory procedures required by the Local Government Act and the Environmental Planning and Assessment Act that must be followed during the exhibition period of the DLEP to facilitate the reclassification of this public land.

Schedule 6 – Environmental Heritage

Schedule 6 list sites to be included as heritage items under the DLEP. In the case of the St Ives Centre, the only existing heritage item to be covered by the DLEP is former St Ives Public School site at 207 Mona Vale Road.

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9 December 2005**ii) Land Application Map (Refer Attachment A2)**

This map shows which land will be rezoned by the Ku-ring-gai (Town Centres) LEP. This generally includes only those sites where there is to be a change in the land use and or residential density under Council's adopted preferred planning option for the St Ives Centre. This includes:

- all land currently zoned Business 3(a);
- the Eden Brae site in Stanley Street;
- Council's land containing community facilities and car parking at 207 Mona Vale Road;
- Properties in Mona Vale Road, Porters Lane, Rosedale Road and Memorial Venue currently zoned 2(d3) and where ground floor commercial use is proposed;
- 161-163 Rosedale Road (currently zoned 2(c) and 2(c2));
- 238-240 Mona Vale Road (former Camellia Grove Nursery);
- 124 -128 Killeaton Street (currently zoned 2(c) and 2(c2));
- Commonwealth Bank training centre on Link Road;
- The pathway between Newhaven Place and Link Road;

The DLEP also includes a number of additional sites that are currently zoned Residential 2(d3) and there is no proposed change to their land use. The reason for including these sites is to be able to incorporate site specific development controls for these sites into the DCP that will address potential interface impacts from the development of these sites. This includes sites in Shinfield Avenue, Rosedale Road, Porters Lane, Mona Vale Road, Link Road and the Passionist College site at 132-138 Killeaton Street.

The planning controls on all other land not identified in the Land Application Map will remain unchanged and the Ku-ring-gai Planning Scheme Ordinance (KPSO) will continue to apply.

iii) Zoning Map (Refer Attachment A2)

This map shows the new zones that will apply to the land covered by the Ku-ring-gai (Town Centres) LEP. The DLEP introduces 4 new zones for St Ives, they being Medium Density Residential, High Density Residential, Mixed Use and Infrastructure zones.

The medium density zone is intended to provide for medium density housing in the form of villas or townhouses and generally has a height limit of 2 to 3 storeys.

The High Density Residential Zone has been applied to land in the DLEP that is currently zoned 2(d3) under LEP 194 or LEP 200 and is intended to provide for residential flat development to the same scale and density as that provided in the existing 2(d3) zone. It has also been necessary to apply the high density Residential zone to those sites where council wishes to permit some commercial floor space but no retail floor space. The reason for not using the Mixed Use Zone on these sites is because under the draft standard LEP it is not possible to prohibit retail uses in a mixed use zone. As a result, commercial uses have been added to certain sites zoned high density via Schedule 3 of the DLEP.

The Mixed Use zone has been applied to that land currently zoned Business 3(a) under the KPSO. The Mixed Use zone will permit development contain a combination of retail, commercial and

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residential development. The height and density of the development within the Mixed Use zone varies from site to site and is specified on the FSR and height maps and reinforced through the envelope controls in the DDCP.

An Infrastructure zone has been applied to Council's community facilities site on the corner of Mona vale Road and Rosedale Road and also to part of Council's car park adjacent to the Village Green. The permissible future uses on these sites have been annotated on the zoning map, namely community facilities or car parking and will also permit uses ancillary to the nominated uses.

The details about the various zones, zone objectives and permitted land uses in the zones are described in the LEP written instrument.

iv) Building Height Map (refer to attachment A2)

This map shows the maximum height of buildings permitted on any parcel of land. The heights range from 2 up to 5 storeys, which is reflected by the building envelope controls contained in the DDCP. There will be a requirement that, for any building of three storeys or more, the area of top storey will be limited to 60% of the area of the storey below it. This is consistent with the approach adopted under LEP 194 and is reinforced by the floor space ratio provisions in the DLEP and the controls contained in the DDCP.

v) Floor Space Ratio Map

This map shows the maximum floor space ratio (FSR) that can be developed on each parcel of land. FSR is the gross floor area of a building as a ratio to the total site area. The FSR standards have been derived from the detailed building envelopes developed in the DDCP, ensuring consistency between the two plans.

In the case of land in the High density Residential zone, the prescribed FSR standard reflects the density of development that would be permitted in the 2(d3) zone under LEP 194

The FSR controls also specify minimum and maximum amounts of retail and commercial floor space that can be developed on sites where these uses are permitted. This includes the Mixed Use zone and some sites in the High Density Residential zone. Minimum FSR standards are included to ensure that some retail/commercial space will be provided on particular sites as required by the overall planning strategy for St Ives. Maximum retail/commercial FSRs place a cap on the maximum amount of floor space for these uses, consistent with the adopted planning strategy for the centre. The maximum FSR identified for each site refers to the total floor space for all uses including residential, retail and/or commercial.

vi) Draft LEP – Building Site Coverage Map

The building site coverage map shows the maximum percentage of a site that any future building can cover. The Building Site Coverage percentages contained in the map have been derived from the detailed building envelopes developed in the DDCP. Generally, those sites to be zoned residential high density have the same 35% site coverage standard that currently applies to the 2(d3) zone under LEP 194.

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9 December 2005**vii) Draft LEP – Dictionary**

The Dictionary defines the terms used in the written instrument. The dictionary comes from the draft standard LEP template. Council can not change or delete any of the definitions contained in the Dictionary. Council can only add definitions to the dictionary with the consent of the Planning Minister and then that definition having a state wide application.

It is understood that some definitions may be amended or added to the dictionary in the final standard LEP.

Changes to exhibited preliminary Draft Ku-ring-gai (Town Centres) LEP

As a result of certain comments received during the preliminary exhibition period and following a closer examination of the preliminary draft LEP Council staff and the consultant and review of associated studies, the DLEP presented to Council with this report has included some amendments to the DLEP which was originally placed on preliminary exhibition. These changes include the following:

- i) The proposed zoning of Village green parade and a portion of Council's car park running along the village green has been changed to the Infrastructure – Car parking zone. This involves a strip of land approximately 18 metres wide for the entire length of the interface with the Village Green. The reason for this change in zoning is to provide greater certainty for the Council and the community over the future use of this land. The revised zoning pattern, will still permit some potential expansion of the shopping centre over Council land, as described in the DDCP, but will any future expansion would not go closer than 18m from the village green should a departure from the DCP be sought.

The proposed infrastructure zoning would still cater for the proposed master plan and public domain plans contained in the DDCP. It will permit this land to be used for the purposes of car parking, either surface or underground, as well as the proposed revised road and public domain improvements.

- ii) The development standards applying to the site at 15-17 Stanley Street have been amended to facilitate the future development of this site as a mixed use development containing retail space. Revised development controls are also being prepared for this site that will be consistent with the revised development standards contained in the DLEP. The revised detailed development controls will be incorporated into the DDCP prior to the formal exhibition period.
- iii) There has been a minor amendment to development standards applying to land at 197-189 Mona Vale Road. This involves an increase of the total permissible FSR from 1.4:1 to 1.5 :1 and the building site coverage from 50% to 60%. This is necessary to ensure the financial viability of the commercial ground floor component and ensuring the proposed maximum 0.5:1 commercial FSR can be achieved. Revised development controls are also being prepared for this site that will be consistent with the revised development standards

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contained in the DLEP. The revised detailed development controls will be incorporated into the DDCP prior to the formal exhibition period.

- iv) Additional sites have been included into the High Density Residential Zone. This involves land currently zoned 2(d3) on the corner of Mona Vale Road and Link Road as well as the former Passionist College site at 132-138 Killeaton Street. The reason for including these sites under the DLEP is the same as including other existing 2(d3) sites, in that it enable Council to incorporate site specific development controls for these sites into the DDCP. As discussed above, the height and density to apply to these sites is the same as that which would be permitted under the existing 2(d3) zoning. The controls retain the remaining heritage buildings on the site.
- v) In accordance with Council's resolution of 8 November 2005, the public pathway between Newhaven place and Link Road has been included in the DLEP. It is proposed that this land be zoned Residential High Density with development standards consistent with the adjoining 2(d3) zones.

This public pathway is currently unzoned and is governed by the provisions of the Roads Act. If Council wishes to close the pathway and dispose of the land it will need to commence the statutory procedures required by the Roads Act for a road closure.

Detailed evaluation of this proposal has not taken place. It is proposed that comments be sought as part of the consultation process and that the report to Council finalising the LEP considers the current values of access provided by this link how they may be alternatively provided.

When a road closure is affected the land is automatically then categorised as community land. This matter also needs to be addressed should Council wish to pursue the matter.

Draft Town Centre Development Control Plan

The proposed Draft Ku-ring-gai Town Centres Development Control Plan (DDCP) is included as **Attachment B** to this report.

Recent amendments to Part 3 of Environmental Planning and Assessment Act has resulted in Council only being able allowed to have one development control plan (DCP) applying to land covered by the Draft Ku-ring-gai (Town Centres) LEP. This has resulted in the draft town centre DCP being drafted as a comprehensive DCP, containing all development controls to apply to land covered by the DLEP. Following the implementation of this plan, Council will no longer be able to apply the provision of existing development control plans to any land covered by the new LEP.

The amendments to the Act, which introduces the new section 74C, also clarifies that a DCP may not duplicate the provisions of an LEP, be inconsistent with an LEP or contain provisions that prevent compliance with an LEP. Every effort has been made to ensure that the DDCP satisfies the requirements of s74C, with the controls contained in the DDCP being consistent with the development standards contained in the DLEP.

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Like the DLEP, the DDCP will only initially apply to land in St Ives, however has been structure in a way that will allow it to be easily amended to incorporate the detailed planning for the subsequent town centres.

The overall structure of DDCP is as follows:

Part 1A: Preliminary

This part contains general statutory information about the DCP and its relationship to the DLEP and other planning and design documents. This section reinforces the requirement that the DCP must be consistent with the DLEP.

This part also provides the overall aims of the DDCP. While the aims of the DCP will only initially apply to the St Ives centre, they have been drafted in such a way as to be applicable to future centres.

Part 1B: Definitions

This part includes a series of definitions to clarify terms used in this DCP. It does not include definitions for terms listed in the dictionary of the DLEP. However, the definitions contained in the dictionary of the DLEP will also apply to the DDCP. Definitions contained in the DDCP can not be inconsistent with the any definition contained in the DLEP.

Part 2: Vision, Objectives and Strategies

This part contains the vision for St Ives Centre developed in conjunction with the community. It also presents a series of objectives and strategies guiding future character, form and function to help achieve the vision. It is intended that this part sets out a framework for the proposed controls and guidelines in Parts 3 and 4 by providing an understanding of the development context.

The structure of the DDCP allows for the inclusion of a specific vision, objectives and strategies for each subsequent town centre to be included in the DCP.

Part 3: Public Domain Controls

This part contains a set of controls and guidelines to help guiding the public domain improvements in conjunction with the development of private land. It provides a strategic guidance for the desired future character of the public open space (existing and proposed) and streets within St Ives Centre.

The public domain controls are in the form of street by street controls include controls/guidelines for street definition, parking, paving, street tree planting, street furniture, lighting and powerlines, whilst taking into consideration the potential of adjoining properties and public spaces. A Public domain Manual and Town Centre Style Guide is also to be developed that will address detailed design requirements for public domain improvements and ensure consistency of design within and across centres.

Part 4: Primary Development Controls

Part 4 of the DDCP contains the provisions of the final detailed master plan that has been developed for the St Ives centre. A detailed discussion on how the master plan responds to the planning considerations of each site and Council's previous resolutions on the St Ives Centres is included later in this report. The development standards contained in the DLEP are consistent with the master plan provisions and facilitate the enforcement of the master plan.

This part includes site specific building envelope controls for each of the key sites within St Ives Centre. There is a focus both mixed use and straight residential development areas, to ensure desired built form outcome. These controls specifically respond to the objectives and strategies set out in Part 2 that define the future urban structure for St Ives Centre.

Building Envelope Controls

The site specific controls are in the form of building envelopes which establish the allowable bulk, height and the position of development on each site. The primary development controls includes controls for building use and ground floor activities, site amalgamation, building height, building depth and separation, building setback, building articulation, active frontage, vehicle access and deep soil zone/private open space. It is intended that this urban form methodology provides a greater certainty of outcome for Council, community and site owners.

The building envelope control drawings are expressed through a combination of drawings (plans and sections) and text. Three-dimensional diagrams are also used to assist in the interpretation of the development guidelines and controls. It is important to note that the orange areas of these diagrams represent allowable building envelopes, not building footprints. It is important to note that a building envelope is not a building, but a three dimensional zone that limits the extent of a building in any direction. It defines the extent of the overall building zone in plan and section within which a future building can be located.

Part 5: General Development Controls

Part 5 includes the general development controls that will apply to all development covered by the DDCP. This part sets broad parameters within which good design of buildings can occur by illustrating the use of development controls and consistent guidelines. It outlines design objectives and controls that guide the detailed resolution of buildings. These are an additional layer of controls to those outlined in Part 4 and are applicable across a range of sites and across different types, forms and densities of development.

The objectives, controls and guidelines are contained in Part 5 that directly relates to the primary development controls outlined in Part 4. They primarily focus on two types of development including mixed use and residential developments of 3 storeys and above. There are controls grouped under 'General' which will apply to both types of developments. There are also additional controls grouped under 'Mixed use' and 'Residential' that will be applicable to each specific building type. Precedent images and diagrams have been included to assist in communicating the design objectives.

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The multi unit residential controls are contained in Part 5 and are consistent with DCP 55. It also incorporates provisions from LEP 194 that could not be facilitated under the draft standard LEP to the extent that these provisions do not conflict with DLEP provisions.

As the DDCP is required to be a comprehensive DCP, it is necessary to incorporate controls from all relevant existing Council DCPs under Part 5. The DDCP attached to this report has included relevant provisions from DCP 43 – Car Parking, DCP 29 – Advertising signs, DCP 31 – Access and DCP 40 – Waste Management. Work is still to be completed on incorporating the controls relating to water management (DCP 47) and child care centres. All provisions from these DCP will be incorporated into the DDCP will be, as far as possible, consistent with the existing adopted DCPs. It is intended that these provisions will be incorporated into the DDCP prior to the exhibition period.

The draft standard LEP also requires that tree preservation provisions must be included as DCP controls. As a consequence, it is necessary to incorporate Council's tree preservation order (TPO) into the DCP if it is to continue to have effect to land covered by the DLEP. A review of Council's TPO is currently being undertaken, with a new draft TPO to be reported to Council early in the 2006. Should the new draft TPO be available prior to the exhibition of the DDCP, then it is proposed that the new draft TPO provisions be incorporated into the DDCP. Otherwise the existing TPO provisions will be incorporated.

ANALYSIS & RESPONSE TO 19TH JULY COUNCIL RESOLUTION

This section is structured to provide a detailed account and analysis of the process of resolving the final building envelopes which form Part 4 of the Draft St Ives DCP.

Each subsection contains:

- Account of recommendations and Council's resolutions from the 19th July 2005
- Background (specific to the planning topic)
- Issues and Opportunities (assessment, feedback from testing and solutions)
- Final analysis and recommendations (including the relevant LEP/DCP Controls or recommended actions)
- The final outcomes of this discussion are included in Part 4 of the Draft DCP (DDCP).

1. MIXED USE (RESIDENTIAL AND RETAIL)

In relation to mixed use (residential and retail) development in St Ives Centre Council resolved the following on the 19th July 2005:

“That the draft LEP proposes rezoning of the lands shown as either light blue or dark blue and edged with a dark line (including “Eden Brae” Lot 1- 24 Stanley Close but excluding 152 Mona Vale Road), on the map shown in attachment G for mixed use development permitting development of 4 to 6 storeys in accordance with the principles for mixed use set out in the Section headed ‘Proposals for Zoning’”.

In addition,

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“Council adopts the recommendation of the retail consultant that there be a range of 3,500 to 5,000sqm retail increase on the East side of Mona Vale Road. That the lower figure be adopted in view of the impacts on Stanley Street and the Stanley Street/Mona Vale intersection”.

The following sites were included in these resolutions:

- St Ives Shopping Village
- 176-200 Mona Vale Road strip shops (north side)
- 164 and 164a Mona Vale Road
- 213-237 Mona Vale Road strip shops (south side)
- 15-17 Stanley Street shops
- “Eden Brae” Lot 1-24 Stanley Close

Each of these sites is discussed in detail below.

1 (a) St Ives Shopping Village, 166-172 Mona Vale Road, St Ives*Background*

Council resolved on July 19th 2005 that “The St Ives Shopping Village be increased by a maximum of 10,000sqm to 28,000sqm of retail including the strip shops on Mona Vale Road”. This resolution was in accordance with the Ku-ring-gai Retail Strategy that recommended Gordon to be the main retail centre in the LGA and that the retail growth in St Ives needed to be capped at an appropriate level.

A number of options were considered for this site to determine how best to accommodate the retail space and the car parking requirement. These were presented to the Planning Committee on the 13 September and on the 13 October 2005:

- Option 1 showed the Shopping Village contained within the existing site boundaries, the retention of Denley Lane with a 12 metre extension on the northern boundary onto Councils land and a 600sqm town square on the north east corner.
- Option 2 showed the Shopping Village wholly contained within its current boundaries, the retention of Denley Lane, and a 600sqm town square on the north east corner.
- Option 3 showed the Shopping Village wholly contained within its current, the retention of Denley Lane, and no town square.

A number of meetings were held with the Shopping Village owner and their architects and traffic planners to discuss the options. A briefing has also been provided to staff and councillors by the landowner.

Issues/opportunities

During the development of building envelopes for the site the following issues were considered:

- Functional requirements have determined that part of Denley Lane is required to accommodate the additional retail, car parking and the loading dock for the expansion of the Shopping Village. It was considered preferable to use Denley Lane for these functions, than other areas, as generally there had been little support for the retention of the lane from community and Council.

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- The Shopping village identified ownership of a block of shops on 176-188 Mona Vale Road which could be incorporated within the envelope
- The remaining shops are currently in individual ownership and the retention of Denley Lane is necessary to continue to service these shops
- Traffic advice and advice from the landscape consultant identified the importance of maintaining the Village Green Parade as a one way street with parking to provide access to the Village Green and to ensure active frontages.
- Car parking is the factor limiting development on the site. Both underground and above ground car parking is required. The use of adjoining Council lands, currently occupied by car parking, is also required to accommodate basement parking
- 3 storeys of residential on top of 2 storeys of retail was determined to be the maximum height for the development

Final analysis and recommendation

Option 1 was determined to be the preferred option based on analysis and assessment by the economic and S94 consultant. The provision of a 12 metre extension of the development on the northern boundary onto Council's land is considered the best way to control the quality and type of development along the interface and to assist in ensuring an active interface.

Part of Denley Lane was incorporated into the envelope to ensure that adequate site access and servicing can be provided.

The final building envelope for the site is shown in St Ives Centre DCP Part 4 Lot A Built Form Controls. In summary they are:

- 26,000sqm NLFA (33,790sqm GFA) of retail an increase from 16,000 NFA
- 3000sqm GFA commercial office space (but within total FSR for the site)
- Two stories maximum of retail
- 3 stories of residential on top of the retail facing Mona Vale Road and facing the Village Green
- Car parking at a rate of 1 space per 17sqm retail as per Council's DCP.

Preliminary economic feasibility model found the proposed retail envelope, including the cost of relocating the council owned car parks underground, to be economically feasible. The model assumed a large proportion of underground car parking with some above ground parking and retention of a proportion of the existing building and car parking with demolition and reconstruction of the remainder.

1(b) Mona Vale Road strip shops (north side) - 190-200 Mona Vale Road, 2 Durham Avenue and 2 Memorial Avenue, St Ives*Background*

- The strip shops on the north side of Mona Vale Road (No's 176-200), Durham Avenue and Memorial Avenue are zoned currently commercial and fall within the Minister's Direction for shop top housing and therefore recommended for rezoning to mixed use.

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- Council resolved on July 19th 2005 that “The St Ives Shopping Village be increased by a maximum of 10,000sqm to 28,000sqm of retail including the strip shops on Mona Vale Road”.
- Preliminary building envelopes for mixed use buildings with no setbacks were prepared for the sites and first presented to Council Planning Committee on the 13th September. A site visit followed on the 17th September, 2005.

Issues/opportunities

- Consultation with the Shopping Village landowner established that the shops from 176-188 Mona Vale Road are owned by the Shopping Village
- This was taken into account when designing the building envelopes for the Shopping Village (refer 1(a) above)
- A key planning principle for St Ives is to protect strip shops as they provide a valuable service. For this reason the building envelopes for the remaining strip shops have been designed to retain physical separation rather than being amalgamated into the Shopping Village
- Denley Lane and Durham Avenue have been retained to retain service access to these shops/residents
- concern expressed at preliminary drawings showing no building setbacks on Mona Vale Road
- Revised drawings presented to Council Planning Committee on the 13th October indicated building setbacks to improve pedestrian amenity and allow street tree planting

Final analysis and recommendation

The final building envelopes for the sites are shown in the Draft St Ives Centre DCP Part 4 Lot A Built Form Controls. In summary:

- 5 storey mixed use development;
- Ground floor retail with 4 storeys of residential;
- The total retail is 2300sqm GFA; and
- Front setbacks on Mona Vale Road for street trees and wider footpaths
- Public domain area in Durham Avenue

1(c) Existing commercial uses - 164 and 164a Mona Vale Road, St Ives*Background*

- The two properties are an existing Ampol service station and a two storey commercial building. Both building have large setbacks, the commercial building has a large landscaped setback with mature trees.
- The properties are zoned commercial 3(a) retail and fall within the Minister’s Direction for potential shop top housing and were therefore recommended for rezoning to mixed use.
- The sites were included in council’s resolution on July 19th 2005 that “The St Ives Shopping Village be increased by a maximum of 10,000sqm to 28,000sqm of retail including the strip shops on Mona Vale Road”.

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Preliminary building envelopes for mixed use buildings with retail with no setbacks were prepared for the sites and first presented to Council Planning Committee on the 13th September. A site visit followed on the 17th September, 2005.

Issues/opportunities

- concern was expressed on the site visit about retail in this location and the impact of loss of setbacks and landscape, the visual length of the buildings
- Location considered preferable for commercial uses
- Importance of retaining landscape also noted
- Consultation with owners indicated the service station was unlikely to move in the foreseeable future.

Final analysis and recommendation

Revised drawings presented to Planning Committee on the 13th October with larger landscape setbacks and non-retail commercial uses.

The final building envelopes and controls for the sites are shown in the Draft St Ives Centre DCP Part 4 Lot A Built Form Controls. In summary:

- 5 storey High density residential development
- mandatory 1700sqm commercial uses on the ground floor
- 4 storeys of residential above
- 10 metre landscape setbacks

1(d) Mona Vale Road strip shops (south side) - 213-237 Mona Vale Road*Background*

The strip shops at 213-237 Mona Vale Road are zoned commercial 3(a) and fall within the Minister's Direction for shop top housing. The sites were therefore recommended for rezoning to mixed use. Council resolved, along with "Eden Brae" and the shops at 15-17 Stanley Street, to create a mixed use zone with a total of 3,500sqm extra retail and residential development.

Following preparation of draft site master plans and consultation with landowners three options were considered for the sites:

- 5storey development with one storey of retail on the ground floor and 4 storeys of residential
- 5 storey development with one storey of retail on the ground floor and 4 storeys of commercial
- 5 storey development with one storey of retail on the ground floor and 3 storeys of commercial and a top floor for residential (this option was raised by the landowner as preferable to residential)

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Economic feasibility modelling indicated that the residential option is the more feasible of the three. However the consultant noted that given the high land value/high rental value of the properties; the good/new condition of existing shops; and the presence of strata title property at 213-231 Mona Vale Road these shops were unlikely to change in short term to medium term even with the substantial increase in FSR proposed.

Traffic modelling showed the additional commercial office space proposed in the second option placed unacceptable load on the Stanley Street/Mona Vale Road intersection. This option was discounted.

The third option was discounted prior to economic evaluation because of the design and function related issues of providing lifts and servicing to one level of residential.

Final recommendation

The draft building envelopes and controls for these sites are shown in St Ives Centre DCP Part 4 Lot C Built Form Controls. In summary they are:

- 5 storey mixed use development with ground floor retail and up to 4 storeys of residential
- Retail floor area of approximately 3000sqm representing an increase of 1000sqm from existing
- Rear setbacks from Stanley Lane to allow for widening of the lane, pedestrian footpaths, street trees and on street car parking

1(e) “Eden Brae” - Lots 1-24 Stanley Close*Background*

The site is an existing single storey villa-type residential subdivision zoned Residential 2(h) under the KPSO. The properties may be impacted by an approved 5 storey residential building on Lynbara Avenue to the south and future redevelopment of the commercial property at 15-17 Stanley Street shops to the north.

Eden Brae falls within the Minister’s Direction which requires Council to examine all existing medium density zones including 2(d), 2(e), 2(f) and 2(h) to determine which areas are appropriate for rezoning to higher densities compatible with Residential 2(d3).

Eden Brae was also considered for rezoning because in urban design terms the development does not relate well to the adjoining uses; the area provides limited deep soil zone for canopy tree planting; and it is a walled estate offering no passive surveillance of the streets, surrounding car parks and public areas thereby reducing safety and security in the area.

The Hybrid option for St Ives identified the Eden Brae site as a location for a supermarket based convenience centre to serve residents on the southern side of Mona Vale Road and to support the existing strip shops.

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On the July 19th Business Paper Council officers recommended this area for “rezoning for up to 6 storey mixed use development incorporating a neighbourhood shopping centre (Hybrid Option) or medium density development (Alternative Option) consistent with the density of LEP 194”.

Council adopted the recommendation and that of the retail consultant “that there be a range of 3,500 to 5,000sqm retail increase on the East side of Mona Vale Road. That the lower figure be adopted in view of the impacts on Stanley Street and the Stanley Street/Mona Vale intersection”.

Following the resolution a preliminary draft building envelope was prepared for the site with five storey mixed use buildings, a 2500sqm supermarket, 1000sqm of specialty retail and approximately 100 residential units. The draft envelopes were presented to the Planning Committee on the 13th September and on the 13th October 2005 for comments.

Issues/opportunities

- Initial modelling undertaken in the planning options stage suggested the redevelopment would be feasible, however this assumed only one storey of basement parking.
- With the development of building envelopes it was found that a minimum of two levels of basement parking would be required for a mixed use development primarily due to the parking requirements of a supermarket.
- Updated economic modelling indicated that the cost of providing the required car parking underground was not economically feasible given the high cost of purchasing all of the existing town houses.
- Another option was modelled which assumed one level of parking and paying car parking contributions for the remainder. This was also not economically feasible nor was another site available to provide the parking offset.
- Meetings with industry representatives indicated the site was well located but would be difficult to implement given the requirement to amalgamate all 23 town houses into one site.
- Eden Brae residents strongly opposed the proposal and the majority indicated they would not be interested in selling, therefore preventing the future development of the site
- There was also significant broader community opposition to the proposal.
- A third option (residential only option) was considered assuming a 1.6:1 FSR. This option was found to be viable.

Final analysis and recommendation

The option of a supermarket based convenience centre on Stanley Street while a desirable planning outcome could not be made to work from an economic feasibility point of view. For this reason a mixed use zoning as per Council’s resolution of the 19th July is not recommended.

The shortfall in retail space (approximately 2,000sqm) will be further investigated as part of the Comprehensive LEP process. This will involve identifying appropriate sites within St Ives Centre catchment for a small supermarket and speciality retail.

The draft building envelope for the site is shown in St Ives Centre DCP Part 4 Lot C Built Form Controls.

These show a 5 storey residential development with a 1.3:1 FSR and similar controls to DCP 55 in terms of deep soil and setbacks. An allowance has been made for some flexible

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residential/commercial office space (not compulsory) at ground floor to provide an active frontage along Stanley Lane.

It should be noted that the building envelopes as shown in the Lot C Built Form Controls is not economically viable. It is therefore recommended that the draft building envelopes be modified to make the project feasible and provide the residents with a degree of certainty. The recommended changes should include a higher residential FSR (maximum 1.6:1) and an additional FSR allowance for small scale retail shops fronting Stanley Street retail. This would also assist with the current short fall of retail in the area.

1(f) Shops - 15-17 Stanley Street, St Ives*Background*

15-17 Stanley Street falls within the Minister's Direction for shop top housing and was therefore recommended for rezoning to mixed use. Council resolved along with Eden Brae and the shops at 213-237 Mona Vale Road to create a mixed use zone with a total of 3,500sqm extra retail.

Issues/opportunities

This property is currently zoned 3(a) and in land use terms forms part of the group of shops fronting Mona Vale Road. However in urban design terms the site is considered part of the "Eden Brae" development site. The reasons for this are as follows:

- The property directly adjoins lots 1, 3, 5, 7, 9 and 11 of Eden Brae. These homes are single storey and have small rear courtyards. The homes are no more than a few metres from the rear boundary.
- Redevelopment of 15-17 Stanley Road above 2 storeys would have significant impacts on parts of Eden Brae Villas including overshadowing and over-looking as well as scale issues.
- For this reason it has been determined that 15-17 Stanley Street forms part of the Eden Brae site and amalgamation should be a mandatory requirement.
- building envelopes for the site have been developed with this in mind

Following preparation of preliminary building envelopes and consultation with the landowner three options were considered for the site:

- 5 storey development with one storey of retail on the ground floor and 4 storeys of residential
- 5 storey development with one storey of retail on the ground floor and 4 storeys of commercial
- 5 storey development with one storey of retail on the ground floor and 3 storeys of commercial and a top floor for residential (this option was raised by the landowner as preferable to residential)

The third option was discounted prior to economic evaluation because the design and function related issues of providing lifts and servicing to the residential component.

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The economic feasibility of the above options was tested in conjunction with “Eden Brae”. Modelling showed that the residential/retail option was more feasible. This is primarily due to the increased cost basement parking with commercial (which requires more parking spaces than residential).

Final analysis and recommendation

- Drawings placed on preliminary exhibition showed 5 storey High Density Residential development with commercial and residential uses.
- Council received a submission from the landowner concerned about loss of retail use on his property.
- Review of controls indicates the omission of retail on this site was an oversight
- Accordingly the draft DCP and LEP has been subsequently modified to allow retail uses.

The final controls are shown in St Ives Centre DCP Part 4 Lot C Built Form Controls:

- retail floor space of 656sqm
- 5 storey mixed use with ground floor retail and up to 4 storeys of residential
- side setbacks from Stanley Lane to allow for widening of the lane, pedestrian footpaths, street trees and on street car parking
- further investigations required as to provisions in the DCP or LEP ensuring mandatory amalgamation of 15-17 Stanley Street with the “Eden Brae” redevelopment as per council’s resolution of the 19th July 2005
- further consultation with the owner is also required

2. MIXED USE RESIDENTIAL AND NON-RETAIL COMMERCIAL - ADAPTABLE COMMERCIAL FLOOR SPACE

The rationale for providing commercial floor space in St Ives centre is to cater for the wide range of small businesses, medical practitioners and professional services that currently operate in the centre and to allow for future demand for space to cater for such uses.

The recommended option (Hybrid Option) put to Council and adopted by Council on the 19th July for St Ives Centre recommended:

“No limits for commercial offices and live-work accommodation (flexible zoning which is provided for by and development controls permitting units that can be adopted for either residential or commercial use);

In relation to residential and commercial development in St Ives centre Council resolved the following on the 19th July 2005:

“That the draft LEP propose the rezoning of the lands shown dark red and edged with a dark line on the map shown in attachment G to permit commercial and professional consultancy use and associated parking with the density in LEP 194”

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and

“That the draft LEP proposes rezoning of the lands shown as either light blue or dark blue and edged with a dark line (including “Eden Brae” Lot 1- 24 Stanley Close but excluding 162 Mona Vale Road), on the map shown in attachment G for mixed use development permitting development of 4 to 6 storeys in accordance with the principles for mixed use set out in the Section headed “Proposals for Zoning”.

The properties included in the resolutions are:

- 167 to 186 Mona Vale Road from the corner of Shinfield Avenue east along Mona Vale Road.
- St Ives Triangle - 206, 208, 210 Mona Vale Road (including a Council car park); and 3, 5, 5A, 7 and 9 Memorial Avenue.
- 126 and 128 Rosedale Road; 169, 171 and 173 Rosedale Road; and 3 Porters Lane.

The following provides a detailed background and analysis of the process of resolving the final building envelopes which form Part 4 of the Draft St Ives DCP. There are two types of commercial floor space recommended:

- Where commercial office space is mandatory
- Where potential future office space is provided through flexible or adaptable building design

It is important to note that Council’s resolution regarding mixed use zoning is required to be modified in accordance with the draft LEP Template issued by DoP. Mixed use in the template must allow retail uses. Where Council is seeking non-retail commercial uses the approach is to zone the area for High Density Residential with a schedule of allowable uses.

2(a) Mandatory commercial floor space - 167 to 186 Mona Vale Road, St Ives

Background

The recommendation for a mixed use zone for this group of properties recognizes that there are already several shops on the corner of Shinfield Avenue and Mona Vale Road that are used for viable commercial purposes and which may have existing use rights that would permit continuation of such uses in the event of redevelopment.

The proposals for rezoning referred to land to be rezoned mixed use with non-retail uses. The intention with this zone is ensure a minimum commercial provision through FSR requirements and allowing greater site coverage.

The proposal slightly extends the area resolved by Council to include 187-189 and 199 Mona Vale Road

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- Preferable to have commercial premises on ground floor on Mona Vale Road to minimise noise impacts
- Provide large setbacks for noise and enhance landscape character of Mona Vale Road
- Discussions with the landowner who has a current DA on 173 -177 for residential 2(d3) indicates support for commercial uses given the poor amenity of ground floor residential in this area including the impacts of adjoining service station on residential development
- Service station unlikely to relocate in foreseeable future
- Provide adequate commercial floor space to make viable
- Extended zone beyond Council resolution to take up additional site 187-189 Mona Vale Road and 199 Mona Vale Road

Final recommendation

The draft controls are shown in St Ives Centre DCP Part 4 Lot B Built Form Controls:

- 5 storey development with ground floor commercial and 4 storeys residential
- Front setbacks to be compatible with 2(d3) zones

Council has received subsequent correspondence from the landowner requesting minor modifications to amalgamation pattern to reflect existing ownership and FSR/site coverage to make commercial uses feasible. These changes are considered minor and have been incorporated into the draft LEP. Changes to the DCP, consistent with the LEP, will be necessary prior to formal exhibition.

2(b) Adaptable commercial floor space - 206, 208, 210 Mona Vale Road (including Council's car park); and 3, 5, 5A, 7 and 9 Memorial Avenue; 126 and 128 Rosedale Road; 169, 171 and 173 Rosedale Road; and 3 Porters Lane.

Background

- All the above properties are currently zoned 2(d3).
- Discussions with existing medical practitioners in the "St Ives triangle" area and other businesses in the area indicate a demand for commercial space for medical professionals. A number of these practices are located in the Triangle area and will be lost with LEP 194 approved developments.
- The intention is to require adaptable residential apartments on the ground floor including higher floor to ceiling heights; internal walls that can be easily removed (non-structural) to create professional office space; and associated car parking.
- The commercial space would be set within a garden setting with large front setbacks typical of a 2(d3) zone.
- This allows adaptation of the apartments in the future for small scale commercial uses such as professional consulting rooms as demand arises.

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The draft controls are shown in St Ives Centre DCP Part 4 Lot B and E Built Form Controls.

- 5 storey development with ground floor residential or commercial and 4 storeys residential
- Front setbacks and deep soil zones compatible with adjoining 2(d3) zones.
- Requirements for adaptable commercial space can be found in Part 5 St Ives Centre DCP 5.9 Flexible Building and Spaces and 5.17 Professional Suites - Location Design and Size

3. RESIDENTIAL USES

In relation to residential development in St Ives centre Council resolved the following on the 19th July 2005:

“That the draft LEP rezone the following properties to permit medium density development up to 5 storeys consistent with the density in LEP

194:

1. “Rosedale” 201 Mona Vale Road, St Ives
2. 165 Mona Vale Road, St Ives
3. “Pemberley Grove” 8 Shinfield Avenue, St Ives
4. 12, 16, 18-22 Stanley Street, St Ives
5. 5 to 9 Cowan Road, St Ives.”

And

“That the draft LEP rezone the following properties to permit medium density development up to 3 storeys:

1. 124, 126 and 128 Killeaton Street, St Ives
2. 161 and 163 Rosedale Road, St Ives
3. 27 College Crescent, St Ives Chase (also known as 327 Link Road – former CBA Training Centre)
4. 238-240 Mona Vale Road, St Ives (formerly known as Camelia Grove Nursery)”

The rationale for recommending rezoning of these sites was based on a number of key objectives and principles:

- The Minister’s Directive requires Council to review all existing medium density zones including 2(d), 2(e), 2(f) and 2(h) to determine which areas are appropriate for rezoning to higher densities.
- Council has identified 10 sites within St Ives Centre study area that are defined as interface sites as per Council’s Resolution.
- Other properties do not sit with in the Ministerial Directive or Council’s interface sites however they are recommended for rezoning to ensure compatible land use and to minimize potential impacts in the long term.
- Other planning reasons for rezoning may include creating the opportunity to create through-site public access ways. St Ives has large suburban blocks which tend to restrict access by foot around the area and to and from the centre

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It should be noted that while Council resolved “medium density” residential the LEP Template requires the term High Density residential where apartment buildings are proposed.

The following section provides a detailed background and analysis of the process of resolving the final building envelopes which form part of the Draft St Ives DCP and inform the LEP.

3(a) “Pemberley Grove”, 8 Shinfield Avenue; “The Tines”, 18-22 Stanley Street; 12 and 16 Stanley Street; “Rosedale”, 201 Mona Vale Road; and 5-9 Cowan Road St Ives

Background

Pemberley Grove; 12 and 16 and 18-22 Stanley Street are all existing 2(c) residential zones occupied by two storey medium density townhouse style development. They are all potential interface zones as defined by Council and they have one or more boundaries in common with future 5 storey medium density development.

5-9 Cowan Road is an existing town house development zoned 2(h) and as such falls under the Minister’s Direction. It was recommended for medium density development up to 5 storeys to be consistent with adjoining lots to the south and east.

“Rosedale” is an existing SEPP 5 townhouse development currently zoned Residential 2(e) which was recommended to be rezoned to allow medium density development up to 5 storeys. The proposal was in response to the Minister’s Direction and to make zones consistent within the adjoining zones noted above.

Council staff recommended the sites discussed above for be rezoning to residential 2(d3). At the time it was acknowledged that the zoning would not trigger redevelopment in the short to medium term given the sites are all strata title. The rationale was that the plan had a long term view and economic conditions and laws may change. The proposed zoning also gave residents the opportunity to change in the future when and if the full impacts of adjoining developments are realised.

Issues/opportunities

- Council received strong negative community feedback, particularly by residents of the properties, who did not support the recommended rezoning of the areas.
- The community indicated support for the town house style housing type. Residents felt they provided housing choice.
- Traffic modelling was undertaken to determine the impact of the proposed new dwellings (some 400) on the Stanley Street intersection. Findings indicated that there was a small impact at the intersection with the additional dwellings.
- Economic advice noted that given existing densities and current strata laws five storey development with 35% site coverage on these sites would not be economically viable
- St Ives has limited public transport and is not located on a railway line

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Taking into account economic feasibility and community opposition it is recommended that these sites remain within their current zone and be excluded from the St Ives Centre LEP and DCP.

3(b) Former Camellia Grove Nursery site*Background*

A number of options for the site were considered during the early stages of planning including retail, commercial, open space and residential:

- A retail use on the Camellia Grove site was not compatible with the hybrid option which concentrates retail in and around Memorial Avenue and Stanley Street.
- The site was considered for its potential as open space such as tennis courts or basketball. This use was not recommended because it was seen as isolated and poor amenity
- Commercial uses were also considered however the distance from the centre was seen as a disadvantage. Such uses are to be encouraged closer to the centre
- Residential use was also considered and remains the preferred option.
- Other considerations include retaining a treed frontage to Mona Vale Road and retaining elements of the sites former use/history as a Camellia nursery.

Issues/opportunities

- The site is currently zoned 2(c2) and was recommended for medium density residential development between 2-3 storeys.
- The site is highly constrained by its shape and its boundaries being defined by busy roads.
- Issues of noise, access need to be addressed.
- The site is in a transition zone from 5 storeys apartment building on "St Ives Triangle" to the south west to two storey detached residential/SEPP 5 multi unit housing to the north and east.
- Killeaton Street between Link Road and Mona Vale Road is proposed, as part of the St Ives Centre DCP, to be reduced in width and cater for one way west bound traffic only. This will significantly improve the amenity and safety of the road.
- Existing use rights for the site are assumed to be extinguished.
- A meeting with representatives of the landowner have indicated a preference for a commercial use for the site rather than residential.

Final analysis and recommendation

The draft controls are shown in St Ives Centre Draft DCP Part 4 Lot D Built Form controls. Briefly they are:

- 3 storey apartment buildings
- Killeaton Road address
- Large green space area on the Mona Vale Road corner.

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- The ownership of this space needs to be determined whether it is private open space or whether there may be potential for acquisition by Council forming part of a series of pocket parks along Mona Vale Road including Ivor Watts Reserve, Memorial Park and Rotary Park.
- A park in this location will be low maintenance and provide aesthetic relief and enhance the character of the area

Council has met with representatives of the landowner prior to completion of this report. The submission recommends consideration of a hospital and aged care facility. The submission will be considered as part of the formal exhibition.

3(c) Commonwealth Bank training site - 27 College Crescent*Background*

- The Commonwealth Bank of Australia Training Site, 27 College Crescent, is currently zoned Special Uses - Training Centre. This zoning is overly restrictive for the current owner
- Meetings with the landowners representative indicated that it is likely the Bank will not require the site as a training centre in the future
- The site was recommended for medium density residential development of 2-3 storeys. No decision had been made at the point when the resolution was made whether the appropriate height was to be 2 or 3 storeys
- A residential zoning could still allow institutional uses such as a school if required.

Issues/opportunities

- Adjoining uses to the site include low density residential to the south; Bedes Forest (Public Reserve) to the east with large remnant trees; a Masada school to the north; and Link Road to the west.
- Site access is currently from College Crescent. Residents in the area have expressed concern over possible access for new residential uses via a local street.
- Existing remnant trees along the Link Road frontage of the site require protection

Final analysis and recommendation

The final draft buildings for the site took into account the following:

- Potential overshadowing of adjoining houses to the south of the site
- Apartment buildings not considered appropriate building type in this context
- Requirement to protect existing canopy trees along Link Road frontage and minimise impacts on Bedes Forest
- The desirability of public access through the site from College Street to Link Road
- Vehicle access to the site via Link Road is preferred. This will require discussion with the RTA

The draft building envelopes and controls are shown in St Ives Centre Draft DCP Part 4 Lot D Master Plan. Briefly they are:

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- 2 storey town house development, possibly with attic
- 24 metre landscape setback to Link Road
- Public access through the site

3(d) 165 Mona Vale Road (corner of Shinfield Avenue)

Background

- The site is an existing 2(c) zone with a SEPP 5 development (two attached dwellings)
- The site is defined as an interface site as per Council's resolution
- The site adjoins 2(d3) zoned sites to the south
- Recommended to be rezoned to medium density 5 storey development to be consistent with adjoining sites
- Earlier submissions made by the landowner

Issues/opportunities

- Traffic and access to existing 2d3 allotments
- Opportunity to develop a building envelope for three lots 161, 163 and 165 Mona Vale Road

Final recommendation

The draft building envelopes and controls are shown in St Ives Centre Draft DCP Part 4 Lot B Master Plan. In summary:

- 5 storey high density residential zone
- Controls as per DCP 55

3(e) 161 and 163 Rosedale Road (corner of Shinfield Avenue)

Background

- existing 2(c) zone with detached dwellings on each property
- defined as an interface site as per Council's resolution
- Council resolved to rezone the following properties to permit medium density development up to 3 storeys
- a number of subsequent meetings with landowner and representatives to refine the draft controls

Issues/opportunities

The following issues were taken into account in developing the draft building envelopes:

- the sites to the north are zoned for 5 storey development
- 163 Rosedale Road will be heavily impacted by development to the north as it is on land that slopes away to the south

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- Four dwellings are currently under construction on the adjoining property on the eastern side. Each dwelling is two storey plus attic
- 163 Rosedale Road is a corner site
- The sites are in a height transition zone from five storeys in the north and west, 2.5 storeys to the east and two storeys to the south

Final recommendation

Given the issues identified for the site it was considered appropriate to allow 4 storeys (3.6 storeys) on the sites. This is an increase from 2.6 storeys as per Council's resolution of the 19th July.

The draft building envelopes and controls are shown in St Ives Centre Draft DCP Part 4 Lot B Master Plan. In summary:

- 3.6 storeys
- front setbacks, site coverage and deep soil zones as per DCP 55

4. OTHER RESIDENTIAL

A number of other key sites have been considered during the planning process following Council Meeting of 19 July. These sites are being considered for rezoning in addition to those resolved by Council for the following reasons:

- where the current zoning is no longer considered appropriate or where a change of use could be anticipated;
- The lands are recommended for rezoning to ensure compatible land use and to minimize potential impacts in the long term;
- Where it is considered desirable to introduce building envelopes to existing 2(d3) zones for example the former Passionist College site; and
- Where rezoning Council land is considered appropriate in planning terms for residential development.

4(a) 124, 126 and 128 Killeaton Street, St Ives*Background*

- 124, 126 and 128 Killeaton Street (near the corner of Mona Vale Road) are 3 existing lots zoned 2(c) and 2(c2).
- The zoning for the sites require rationalization. The zones are not consistent with surrounding zones arising from LEP 194 and LEP 200.
- The intention is to allow for a single medium density zone permitting residential development up to 3 storeys with consistent controls including a building envelope for the site.

Issues/opportunities

- The site is located between two 5 storey 2(d3) residential zones.

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- No other issues have arisen during the planning process.
- a landowner attended an early planning workshop and no concerns were raised.

Final recommendation

The draft building envelopes and controls are shown in St Ives Centre Draft DCP Part 4 Lot D Built Form Controls. In summary:

- 3 storey apartment buildings
- Similar controls to DCP 55 in terms of setbacks and site coverage

4(b) St Ives Occasional Child Care - 261 Mona Vale Road (also known as 27 Link Road) and 20-25 Link Road

Background

- 261 Mona Vale Road is Council owned land currently leased to the St Ives Occasional Child Care. Currently zoned 2 (d3)
- The other two properties to the south are also zoned residential 2(d3)
- The intention is to allow for a single high density zone permitting residential development up to 5 storeys with consistent built form controls including a building envelope that covers the 3 lots.
- Council can thereby introduce building envelopes for the sites based on DCP 55 controls
- This will provide greater certainty of outcome to Council

Issues/opportunities

- 261 Mona Vale Road is community land and will require reclassification in order for the site to be developed.
- Council's new Child Care DCP does not encourage child care centres within 100 metres of main roads. This site is located at the intersection of two major roads.
- The strategy for community facilities in Part 2 of the St Ives Centre Draft DCP recommends relocating the service to a better location closer to the centre.

Final recommendation

The draft building envelopes and controls are shown in St Ives Centre Draft DCP Part 4 Lot D Master Plan. In summary:

- 5 storey residential development
- Similar controls to DCP 55 in terms of setbacks and deep soil zones

4(c) Council car park - 11-19 Cowan Road

Background

- Council owned land zoned currently zoned commercial 3(a) which allows retail uses

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- utilised for car parking by visitors to the St Ives Shopping Village
- The zoning for the site is not consistent with the predominantly residential character of adjoining sites and the residential character of Cowan Road.
- The intention is to allow for a high density residential zone permitting development up to 5 storeys with consistent controls including building envelopes for the site.

There are a number of reasons for proposing to rezone this land:

- The site falls within the Ministers Directive
- EPA Act has the objective of the promotion and co-ordination of the orderly and economic use and development of land
- Economic modelling found there is potential for significant returns on the site to Council which would potentially fund community facilities or other public benefits
- The land is elevated land with good views and adjoins parkland
- Residential use of the site would enhance the character of Cowan Road
- Residential use of the site would provide passive surveillance and enhance safety in the area

Issues/opportunities

- Existing Council owned car parking on the site would require relocating to underground car parking. Funding mechanisms for this are to be determined.
- The land requires reclassification from community land to operational land.
- It is possible to locate public car parking under the site. Provision will be required for minimum soil depths to allow canopy tree planting.

Final recommendation

The draft building envelopes and controls are shown in St Ives Centre Draft DCP Part 4 Lot A Built Form Controls. In summary:

- 5 storey residential development
- Similar controls to DCP 55 in terms of setbacks
- Buildings orientated east-west to optimise northern aspect and minimise façade length facing Cowan Road

4(d) Former Passionist College site, 132-138 Killeaton Street; and existing 2(d3) sites along Shinfield Avenue, Rosedale Road and Porters Lane*Background*

- All sites are existing 2(d3) residential zones
- The intention is to rezone the sites under the St Ives Centre LEP to high density residential
- Council can thereby introduce building envelopes for the sites based on DCP 55 controls. This will provide greater certainty of outcome to Council and the community.

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- The new building envelopes for the former Passionist College site retains the existing main college building as part of the residential development with potential adaptive re-use
- The envelopes address critical interface issues for adjoining properties

Final recommendation

The draft building envelopes and controls are shown in St Ives Centre Draft DCP Part 4 Lot D Built Form Controls. In summary:

- 5 storey residential development
- Similar controls to DCP 55 in terms of setbacks and deep soil zones
- Protection of existing main college building with potential for adaptive re-use

SUMMARY OF CHANGES

The following tables provide a summary of the changes made to residential dwelling numbers, retail floor space and commercial floor space since the Council resolved to adopt the Hybrid Option on the 19th July 2005.

Table 1 shows there has been an overall decrease in the number of residential dwellings proposed of some 489 dwellings. This is primarily due to the removal of existing medium density areas (such as Pemberley Grove and Rosedale) recommended for rezoning as part of the Hybrid Option. The total new dwellings proposed in the St Ives Centre DCP and LEP is 628. This is considered sufficient as St Ives is not on a railway line; the yield is based on urban design and economic feasibility considerations.

TABLE 1: SUMMARY OF CHANGES TO THE NUMBER OF RESIDENTIAL DWELLINGS

	Hybrid Option	Draft LEP	Variation
Residential			
Lot A	349	277	- 72
Lot B	259	52	-207
Lot C	210	186	-24
Lot D	299	113	-186
Lot E	No new dwellings proposed	No new dwellings proposed	-
Total	1117	628	- 489

Note:

1. lot references refer to precinct based built form Controls in the St Ives Centre DCP
2. all numbers represent number of dwellings based on an average of 110sqm per dwelling

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Table 2 shows there has been an overall decrease in the retail floor space proposed of approximately 1800sqm. This is primarily due to the removal of the supermarket on the “Eden Brae” site for economic feasibility reasons. The total new retail gross letable floor area proposed in the St Ives Centre DCP and LEP is 31,722sqm (GLFA).

The shortfall in retail space (approximately 2,000sqm) will be further investigated as part of the Comprehensive LEP process. This will involve identifying appropriate sites within the St Ives Centre retail catchment for a small supermarket associated with speciality retail.

It is important to note that the amount of retail at the Stanley Street shops area is recommended to be increased from by 1,700sqm.

TABLE 2: SUMMARY OF CHANGES TO RETAIL FLOOR SPACE

	Existing	Hybrid Option	Draft LEP	Variation From Hybrid
Retail				
Lot A	18,000	28,000	28,000	-
Lot B	1,000	-	-	-
Lot C	2,000	5,500	3,722	-1,778
Lot D		-	-	-
Lot E		-	-	-
Total	21,500	33,500	31,722	-1,778

Notes:

1. retail areas are gross letable floor area (GLFA)
2. lot references refer to precinct based built form controls in the St Ives Centre DCP

Table 3 shows the total commercial floor space proposed in the St Ives Centre DCP and LEP is just over 15,000sqm GLFA. There has been a small increase (10%) in the overall commercial floor space proposed when compared to the amount currently available.

The comparison is made with the existing situation as no specific amount was identified in the Hybrid Option. The rationale for the Hybrid Option was to maximise the amount of space for small offices and professional services in the town centre and ensure adequate provision for local employment.

It should be noted that only a portion of the total overall provision of commercial space is mandatory and when compared with the existing situation there is likely to be an overall loss of commercial space in the town centre of just over 4,000sqm. This is of concern giving the anecdotal evidence that commercial space is in high demand in St Ives Centre, it is currently fully occupied; and is only likely to increase in the future. A review is required as part of the new comprehensive LEP, this commercial space could be considered for co-location with the additional retail space.

TABLE 3: SUMMARY OF CHANGES TO COMMERCIAL FLOOR SPACE

	Existing	Hybrid Option	Draft LEP	Variation
Commercial				
Lot A	8630	Not specified	5589#	- 3,041
Lot B	1368	Not specified	3834# 3231*	+5697
Lot C	3051	Not specified	1223*	-1828
Lot D	-	-	-	-
Lot E	600	-	1456*	+ 856
Total	13,651		15,333	+ 1,682

Notes:

3. * denotes adaptable commercial floor space
4. # denotes mandatory commercial floor space
5. commercial areas are gross lettable floor area (GLFA)
6. lot references refer to precinct based built form controls in the St Ives Centre DCP

TRAFFIC AND PARKING

Background

At Council's meeting of 19 July 2005 and 23 August 2005, Council considered reports on the St Ives Centre planning and the traffic assessment associated with likely traffic and parking impacts from Stage 1 residential development and Stage 2 town centre planning. Council resolved to receive and note the report.

Transport and Urban Planning Traffic Consultants were engaged to undertake a traffic and parking study to assess the current traffic and parking conditions and develop options to best manage future traffic generation and parking through the St Ives Centre, associated with the Stage 2 Residential Development Strategy (**See attachment C**). The study also modelled the impact on the road network likely to be generated from the residential redevelopment under LEP 194 and LEP 200.

COMMENTS

Present Situation

Based on existing 2005 traffic conditions, the study found that intersections such as Mona Vale Road/Link Road, Link Road/Killeaton Street and Killeaton Street/Cowan Road experience excessive delays during certain peak traffic times. Delays are also experienced at the intersection of Cowan Road and Mona Vale Road.

The study also found that parking and traffic around the St Ives Village shopping centre is congested because there are insufficient car parking spaces and motorists are regularly observed circling the car parks to look for parking spaces. The parking for the St Ives Village shopping

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centre was calculated to be 150 to 200 parking spaces short of the required number of parking spaces based on the current floor area and demand.

Traffic implications associated with LEP 194 residential redevelopment

With the inclusion of all the proposed residential development under LEP 194 and 200, traffic modelling was undertaken to determine what the traffic generation from the new residential developments will have on the existing network. The major finding of this part of the traffic modelling was that the intersection of Memorial Avenue and Mona Vale Road will become critical and extensive delays will be experienced unless new treatments are carried out to improve traffic flow at this intersection.

Under the current Section 94 plans, developers are only required to contribute funding for traffic improvements based on what additional traffic the sites contribute to the existing flow. This essentially equates to about 10% increase in traffic and therefore the balance of funds required for any improvements identified by the study will need to be funded by Council. However, a further assessment of the traffic generation from LEP 194 sites is being considered for an amendment to the existing Section 94 Plan for contribution to some of the planned works under Stage 2.

Some funding can be obtained from the existing Section 94 plan for minor traffic works but there was not sufficient funding available from Council to fund the type of work required for traffic improvements in the shopping centre and this will need to be taken into consideration when preparing the new development contributions plan under the Environmental Planning Assessment Amendment (Development Contributions) Act 2005 No 19.

It should be noted that while traffic through St Ives is considered to be congested at times during the peak traffic conditions, the area does not experience delays as excessive as those experienced around North Ryde where traffic generated by the Macquarie Business Centre regularly causes morning peak traffic to bank back to West Gordon.

If no improvements were to be made to the intersections with Mona Vale Road, extensive delays would be experienced when all redevelopment works are complete for Stage 1 (i.e. LEP 194 and 200 sites).

Consequently, the traffic study recommended several options to deal with the likely traffic generation increases from both Stage 1 and Stage 2 redevelopment of the town centre. This was taken into consideration when developing the appropriate planning options for St Ives.

Proposed Planning Options

Council at its meeting of 19 July 2005 resolved to adopt the following planning options:

- (i) *Council adopt the hybrid retail and commercial option as shown in Attachment D of the report to guide future development of retail and commercial activity in St Ives as amended.*
- (ii) *Council adopts the recommendation of the retail consultant that there be a range of 3,500 to 5,000sqm retail increase on the east side of Mona Vale Road. The lower figure*

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adopted in view of the impacts on Stanley Street and the Stanley Street/Mona Vale Road intersection.

- (iii) *The St Ives Shopping Village be increased by a maximum of 10,000 square metres to 28,000 square metres of net retail floor area including the strip shops on Mona Vale Road.*

Since the meeting of 19 July 2005, there has been some modifications to the composition of the planning options with regard to retail, commercial and residential development. The traffic study has modelled the final option based on the yields provided and this is included in the final draft report.

The traffic options suggested in the traffic study were considered to assist in focusing traffic to its specific uses. Forcing traffic to use the side streets and the limited parking has caused congestion in these areas. With the programming of the traffic signals on Mona Vale Road to favour the flow on Mona Vale Road, limited time is given to the side streets. Hence, a direct access into the shopping centre would reduce the volume of traffic in the side streets.

Admittedly, any additional traffic signals on Mona Vale Road would require the Roads and Traffic Authority's approval and traffic modelling would need to demonstrate improvements in the flow of traffic along Mona Vale Road. Hence, the new proposed traffic signals on Mona Vale Road at the St Ives Village Shopping Centre as suggested would also require the proposed changes at Memorial Avenue and Rosedale Road to be implemented for the system to work and not impact on traffic flow along Mona Vale Road.

Traffic Options to overcome issues associated with increased traffic from Stage 1 and 2 redevelopment of St Ives.

The suggested traffic improvements as indicated in the traffic study are as follows:

1. New intersection with Mona Vale Road and the St Ives Village Shopping Centre.

This involves the addition of a new set of traffic signals with a right turn bay from Mona Vale Road into the shopping centre. The purpose of this new intersection is to have traffic enter the shopping centre directly off Mona Vale Road and free up congestion at intersections with Mona Vale Road at Cowan Road and at Memorial Avenue.

This new intersection will need to be assessed by the Roads and Traffic Authority to ensure that peak traffic flows along Mona Vale Road are not adversely delayed by the new proposed intersection.

It is intended that the shopping centre traffic will be directed to a new underground car park in the shopping centre and traffic will also be allowed to exit the shopping centre onto Mona Vale Road in both directions.

Traffic modelling for this intersection was based on an increased retail GLFA of 10,000 square metres and additional residential development of approximately 480 new dwellings and shows a satisfactory level of service.

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9 December 2005**2. *Improvements to Memorial Avenue and Mona Vale Road including the closure or partial closure of Rosedale Road.***

With the additional traffic expected by the residential development in St Ives and the likely expansion of the shopping centre, it will be necessary to improve the capacity of the intersection of Mona Vale Road and Memorial Avenue. With the traffic likely to be generated from residential development under LEP 194, the modelling indicated poor levels of service at this intersection. Improvements to this intersection could be achieved by either the closure or partial closure of Rosedale Road between Porters Lane and Mona Vale Road. The closure will then allow for two (2) right turn lanes from Memorial Avenue into Mona Vale Road and the removal of the pedestrian phase from the southern side of the intersection.

This will increase the capacity of the intersection because the traffic coming from Rosedale Road will be no longer using this intersection and the focus will be on traffic from Memorial Avenue. Also, the removal of the pedestrian phase on the southern side of the intersection will allow free flow out of Memorial Avenue into Mona Vale Road.

The modelling indicated that direct access from Memorial Avenue to Rosedale Road could be maintained as this will not increase the number of signal phases.

The modelling indicated that the right turn lane from Mona Vale Road into Rosedale Road should be banned and traffic will need to travel to Stanley Street for access into this area of St Ives.

Traffic wishing to go to the north will be able to use Porters Lane and then onto Mona Vale Road. Traffic wishing to travel south will be able to access Mona Vale Road via the slip lane adjacent to Memorial Park. This will also be used to access the shopping centre through the new intersection with Mona Vale Road.

3. *Closure of Village Green Parade and Undergrounding of Car Park*

The survey of residents indicated that the major concerns with the St Ives shopping area were traffic and parking issues. The car parking for the shopping centre is deficient by approximately 200 car parking spaces and any expansion of the shopping centre will need to incorporate more car parking spaces. The undergrounding of the car park will assist in directing traffic to various exits at either the new traffic signals at Mona Vale Road or at Memorial Avenue.

The closure of Village Green Parade will allow for a pedestrian only environment and better entrance to the St Ives Village Green. Access to the centre will be by ramps with “in” only from Cowan Road and both entry and exit from Memorial Avenue.

As new residential development will be incorporated in the Stage 2 redevelopment, different access points will be created for the residential developments to keep this separated from the shopping centre and community facilities parking. The study indicated that the likely increase in parking that could be accommodated with the revised traffic arrangements would be approximately 1800 car parking spaces which is an increase of 780 spaces from the existing arrangement for the retail expansion only.

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9 December 2005**4. *Improvements to Killeaton Street and Link Road intersections.***

The current intersection of Link Road and Mona Vale Road is heavily congested during all peak traffic conditions. While it might be desirable to close off the right turn opening in Mona Vale Road into Killeaton Street, this would involve the addition of a second right turn lane in Mona Vale Road. The traffic modelling has showed that this would not achieve increased capacity at this intersection and therefore the cost involved in creating another right turn bay would not be warranted.

The traffic study is proposing to make Killeaton Street between Mona Vale Road and Link Road one-way for west bound traffic. Traffic proposing to travel north would be required to use the intersection of Link Road and Mona Vale Road with the creation of a double left turn lane. This treatment does not create additional pressure on the intersection as very little traffic uses the left turn lane to head north. This treatment is intended to avoid the traffic conflicts at both Link Road and Mona Vale Road.

A new kerb landscaped blister arrangement will be constructed to direct traffic away from this section of Killeaton Street.

5. *Installation of new traffic signals at Killeaton Street and Cowan Road and deletion of pedestrian signals.*

This will improve access into and out of Cowan Road and will take pressure off the intersection of Memorial Avenue and Mona Vale Road.

This will also involve the removal of the signalised pedestrian crossing in Killeaton Street and relocation of the crossing to the intersection of Killeaton Street and Cowan Road.

Other minor changes may be proposed but this will be dependant on what preferred option is chosen and the likely traffic generation in Shinfield Avenue or Stanley Street.

Attached is a copy of the Revised Draft Traffic Study.

The traffic modelling carried out by the traffic consultant showed that there are expected to be improvements to each of the intersections if these works were to be carried out.

If no improvement works were done, then extensive delays would be experienced in side streets such as Memorial Avenue, Cowan Road and Stanley Street.

The traffic consultant was requested to undertake further modelling based on the likely controls. The conclusions from the report are as follows:

Following the collection and analysis of detailed traffic volumes and car parking data for the St Ives Study area, the main study conclusions are:

- Traffic congestion currently occurs at a number of intersections with Mona Vale Road in the morning and afternoon peak traffic periods, and also on Saturday mornings with the St Ives shopping centre traffic.

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- The existing St Ives Village Shopping Centre 16,500m² GLFA has off street parking for some 1,050 vehicles. Conservatively, current opinion may suggest that existing peak car parking demands exceed the current provisions of 1,050 spaces by some 150 to 200 spaces.
- The parking and traffic around the St Ives Village shopping centre is congested because there are insufficient car parking spaces, and motorists are regularly observed circling the car parks looking for parking opportunities. As a consequence overflow car parking occurs within Cowan Road and Memorial Avenue competing with residential demands and weekend parking demands associated with the playing fields / sporting facilities bounded by Village Green Parade, Cowan Road, Kanoona Avenue, Killeaton Street and Memorial Avenue.
- The existing Mona Vale Road (RTA) SCATS System is already constrained with very little spare capacity in peak times under existing traffic conditions.
- LEP 194 has already approved the development of a further 1,929 medium density residential dwellings resulting in an additional (design hour) 1,157 vehicle trips in the AM / PM peak hours (based on RTA Traffic Generation Guidelines).
- The overlay of LEP 194 residential traffic volumes will severely impact on peak hour traffic service levels at Memorial Avenue, Stanley Street and Link Road.
- However with the various stage 2 intersection improvements, opportunities can be created to facilitate limited further retail, office / commercial and residential growth within the Study Area and in particular, the precincts zones either side of Mona Vale Road.
- For any of the 3 option models to derive acceptable performance indicators a new access intersection from Mona Vale Road into the St Ives Shopping Centre is essential and Memorial Avenue and Mona Vale Road needs to be, primarily, a tee junction although Rosedale Road can be open for one way southbound traffic flows excluding the right turn from Mona Vale Road. As a consequence the part closure of Rosedale Road has a significant influence on the Stanley Street intersection particularly for the right turn movement into Stanley Street from Mona Vale Road and exit flows from Stanley Street.

Likely Future Traffic Implications

If Council was to not undertake any improvements to the intersections, then there will be extensive delays experienced at several intersections with the likely future impacts of increased traffic from LEP 194 sites. Any additional traffic from Stage 2 works would make things significantly worse. The likely impact for the partial closure of Rosedale Road would mean that traffic wishing to enter this section of St Ives would be diverted to Stanley Street and hence a longer route. In reality, residents wishing to access this area are likely to change their traffic patterns and enter the area through other parts of the road network. The current right turn bay at Mona Vale Road and Rosedale Road is not an extensively used right turn bay and its deletion is not considered to be significant.

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The traffic report indicates that the hybrid option is possibly the best option for traffic management but there will be a need to extend the right turn bay in Mona Vale Road into Stanley Street to accommodate additional traffic into this area.

The right turn bay into the St Ives Shopping Village will need to be approximately 80 metres long and a localised road widening will be required to accommodate this change. Also, the preferred location for the entrance to the Shopping Village will need to be located near the existing medical centre and Council's current car park to allow for an appropriate length of the right turn bay and good sight distance for turning traffic. Sufficient on site storage capacity will also be required to accommodate traffic at the signals until it can be dispersed.

The traffic study took into consideration future traffic growths expected along Mona Vale Road from outlying areas.

With any expansion of the shopping centre and changes to the shopping centre there will be an expected increase in traffic generation but in time the growth patterns level out and the shopping centre tends to cater for the surrounding catchment

CONSULTATION

Since Council's resolution 19 July, 2005, some 800+ interested St Ives residents and businesses have been informed by e-mail of progress and availability of details of the resolved hybrid option, accessible at the Council web-site and via printed copies/CDROM of documents and maps, for reference and borrowing at the St Ives and Gordon Libraries. In addition, feedback session was provided to the St Ives Chamber of Commerce members on 20 July 2005.

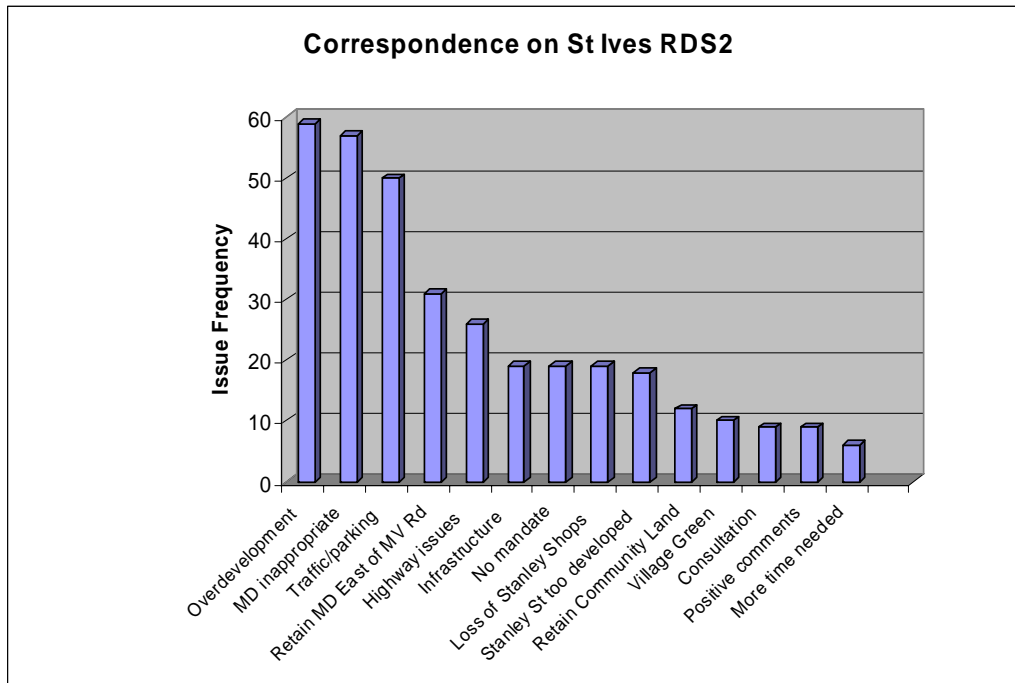
A large scale map display of the adopted option for St Ives Centre was also mounted at the St Ives Library. Interested persons above have been advised of availability of updated materials, including the Traffic Study, as it became available. Copies of the above printed material and CDROM were made available to interested parties, including St Ives Progress Association and St Ives Shopping Village.

In accordance with Council's resolution a two week Preliminary Exhibition period was held from 15 November to 30 November, however this period was extended into early December.

A range of correspondence was received during this period, as many persons took the opportunity of providing initial feedback to Council on issues they liked and disliked about the planning elements comprising the option presented. In some cases, detailed planning submissions were made and, where time has permitted, these have been considered by Council staff and consultants.

A summary of the issues in the range of correspondence received by post and email follows:

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Many of some 110 above correspondents raised a number of issues. By far the greatest issue of concern (raised by some 60 correspondents) was overdevelopment – of St Ives losing a *Village Feel* and becoming too large and impersonal. Second highest (at around 55) was that medium density was inappropriate for the town centre, with traffic and parking concerns (at some 50) ranking third. Fourth highest concern (raised by 30 correspondents) was that the existing medium density areas east of Mona Vale Road should not be rezoned to a higher density, and fifth (at some 25) were concerns expressed about traffic and access to and from Mona Vale Road.

A form-letter petition was also received from 186 shoppers, etc, of businesses in Stanley Street, organised by some business/landowners in that precinct. The petition highlighted five issues of concern:

1. Council's hybrid option was adopted *without a mandate*
2. Council has no right to sell land *around the St Ives Village green area*
3. *Excessive overdevelopment of the St Ives Village shopping centre*
4. *Removal of the proposed neighbourhood shopping centre in Stanley Street*
5. *Removal of the existing retail zoning at 15-17 Stanley Street, giving a further monopoly to the St Ives Village Centre.*

Where practical, and as time has permitted, the above material has been taken into consideration by Council staff and consultants at this stage. A full copy of the summary issues, including the above petition and other above correspondence, has been made available in the Councillors' Room.

Council will continue to work closely with all stakeholders it has established consultative contact with over the last 12 months, to seek submissions on the Draft LEP & DCP during the formal exhibition period. During the formal exhibition period of the Draft LEP a range of exhibition tools

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will be used, including information on Council's website, manned staff displays, static displays at the Council Customer service centre and St Ives Library and a web based survey.

NOTIFICATION

In accordance with Council's resolution, Preliminary Section 62 notifications have been made to surrounding Councils and to relevant government agencies. Replies have been received from Sydney Water and the NSW Heritage Office raising no objection. Additional notifications will be done, providing additional comprehensive information from the outcomes of this report, during the months prior to and following formal exhibition of the Draft DCP and LEP, expected in March 2006.

The 800+ interested persons noted in Consultation above, have been notified by e-mail of this report going to Council, together with web-link details to access the report and its attachments. These have kindly provided their e-mail contact details to Council, for advice and feedback on St Ives and Council-wide issues, when they responded to the 2004 St Ives householders' survey, or at subsequent consultations, or following local media information. In addition, letters advising land-owners within the study area of St Ives were posted on 8 December 2005. The Ku-ring-gai Council Mayoral Column of the North Shore Times of 8 December also includes specific reference notifying and inviting interested persons of this report to a special Meeting of Council on 15 December about the St Ives Centre.

FINANCIAL CONSIDERATIONS

All primary costs are met by the Departments' operational and projects budgets. Additional funding opportunities for new and enhanced public facilities will be sourced through the preparation of a new section 94 plan, potential grant funding and other planning mechanisms. Other funding sources will also be incorporated into the project, including a new development contributions strategy that will include s94 developer contributions, options for planning agreement and other potential grant funding mechanisms, such as environmental levy funds.

As indicated previously in this report, the preliminary estimated costs of the proposed traffic improvements are identified as follows:

- | | |
|--|-------------------------|
| 1. New intersection with Mona Vale Road and the St Ives Village Shopping Centre. | \$850,000 to \$1million |
| 2. Improvements to Memorial Avenue and Mona Vale Road including the closure or partial closure of Rosedale Road. | \$350,000 |
| 3. Closure of Village Green Parade and Undergrounding of Car Park. | \$400,000
\$9million |
| 4. Improvements to Killeaton Street and Link Road intersection. | \$600,000 |
| 5. New traffic signals at Cowan and Killeaton Street and removal of signalised crossing. | \$250,000 to \$300,000 |

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The likely cost of the proposed improvements are identified as follows, however, it should be stressed that the estimates are very preliminary as design details are not known:

- | | |
|--|-------------------------|
| 1. New intersection with Mona Vale Road and the St Ives Village Shopping Centre. | \$850,000 to \$1million |
| 2. Improvements to Memorial Avenue and Mona Vale Road including the closure or partial closure of Rosedale Road. | \$350,000 |
| 3. Closure of Village Green Parade and Undergrounding of Car Park. | \$400,000
\$9million |
| 4. Improvements to Killeaton Street and Link Road intersection. | \$600,000 |
| 5. New traffic signals at Cowan and Killeaton Street and removal of signalised crossing. | \$250,000 to \$300,000 |

As Council would not have sufficient funds to undertake these works it will be necessary to incorporate these works in a Development Contributions Plan or a Planning Agreement.

Comments on submission received from the preliminary exhibition.

Of the submissions received from the preliminary exhibition, the major concerns relate to the accuracy of the data and the currency of the traffic data. It should be noted that hourly traffic counts were taken at all major intersections during March 2005 for AM Peak, PM Peak and Saturday Peak traffic conditions.

Hourly traffic data is more relevant for the SCATES analysis and the AADT data whilst several years old it does not serve any real purpose other than to assist in determining traffic growth.

The information presented to a St Ives Progress Association meeting showed analysis based on Council figures and an analysis called INTERNAL. This software provides information on the Level of Service of a intersection but only provides an isolated analysis. The SCATES analysis provides an assessment of all the intersections in the study area as a group which better represents the real situation.

It should be noted that all modelling is based on current data and proven traffic modelling techniques. Comments from residents from the preliminary exhibition will be forwarded to the Traffic Consultant for assessment and consideration in preparing the final report.

The traffic options are considered to be the best options for dealing with the expected increase in traffic generation and parking from the Stage 1 and Stage 2 proposed redevelopment of the Town Centre.

COMMUNITY FACILITIES

There is an increasing demand for a range of community facilities in the St Ives area which will continue for the next 5 to 10 years, additionally the anticipated population growth in the area will place an extra strain on existing services and facilities.

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The majority of facilities experience a high level of patronage and there is a significant under supply of community facilities space. Other pressures leading to greater demand for community facilities include deinstitutionalisation policies at both a State and Commonwealth government level and the delivery of services at a local level with community based solutions.

The main factors restricting the performance of the existing facilities are:

- facilities and buildings have dated internal configurations, are undersize, and are unable to cope with current usage trends
- incompatibility of existing users/uses as a number of facilities are not purpose built
- insufficient parking
- quality of facilities do not meet the expectations of new users
- building design limitations that do not allow for flexible or multipurpose use of facilities.
- poor accessibility.

The range of services provided from Council owned facilities in St Ives include:

- Library Services – St Ives library
- Children's Services – St Ives Occasional Care, St Ives Early Childhood Health Centre
- Youth Services – St Ives Youth Centre Fitz Café
- Frail Aged and Disability Services – Ku-ring-gai Neighbour Aid, St Ives Action for People with Disability Inc., Sunshine Home
- Recreation/Leisure Services – Y.M.C.A. (adults, children and school holiday programs).
- Multicultural Services – Hornsby Ku-ring-gai Settlement Support Service, Ku-ring-gai Neighbourhood Centre (English language classes), Jewish Care
- Information Services – Ku-ring-gai Neighbourhood Centre
- Education and Support Services– Hornsby Ku-ring-gai Community College, Alcoholics Anonymous
- Family Support Services - Ku-ring-gai Family Support Program (operating from the Ku-ring-gai Neighbourhood Centre premises)

Existing Community Services

Many of the services located in Council facilities have outgrown their existing floor space allocation. Currently Council has 2,700sqm of floor space for community services. It is anticipated that to meet current and future demands for community space, approximately 4,500sqm to 5,000sqm would be required. The estimate does not take into account the multipurpose children's centre facility. The redevelopment and/or relocation of some of these facilities would provide the following benefits:

- i) significantly enhance the capacity of organisations to meet future demands for services;
- ii) increase the range of activities available for residents;
- iii) improve utilisation levels of facilities through provision of multi-purpose space;
- iv) increase partnership opportunities and attract new services into the area;

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- v) improve the financial viability of provision of community facilities by Council;
- vi) enhance the compatibility of services/uses using Council facilities;
- vii) lead to planned and coordinated community facilities in response to identified community needs;
- viii) improve accessibility, parking and traffic flow.

Public space for the community to meet is considered a basic prerequisite for community development. A sense of identification with an area and seeing it as “our community” is encouraged in a number of ways, an important one being shared activities carried out in a locality. Local community facilities both provide a home for existing groups, encourage the formation of new groups and offer a place for both to meet and integrate. Locally based groups are some of the key building blocks of community cohesion and often the focus of effective neighbourhoods. This is particularly true for an area likely to experience rapid population growth and new people moving into Ku-ring-gai who are not familiar with its history or local characteristics that are highly valued by its residents.

St Ives Branch Library

Space requirements and siting criteria for the St Ives Branch library have been provided by Dr David J. Jones, Building and Planning Advisory Service, State Library of NSW.

Space Requirements

The space requirements were derived using benchmarks provided by the Library Council of NSW (2000). The population-based benchmark was used, which allows for a certain floor area per thousand population, with different calculations for branch and central libraries.

It should be noted that these space requirements are intended as minimum requirements only for a library facility, and local community needs, such as exhibition areas and community activities spaces, may exceed the minimum specified.

Compliance with these guidelines is also a prerequisite for applications for Library Development Grants from the State Library of NSW.

Based on the identified catchment areas, the minimum space requirement, using the population-based formula, for the St Ives Branch library is 1169 sq metres. The current library is 312 sq metres, a space shortfall of 857 sq metres. This space shortfall is considerable, and to reach the benchmarked floor area, a branch library serving the St Ives catchment, would need to be three times the size of the current library building. As well as the shortfall in terms of the benchmark, there is also evidence from observation that the St Ives branch is not adequate in size to meet community needs.

Specifically, a larger branch library at St Ives would provide all the facilities and services expected from a modern branch library, including distinctive children's areas, discrete spaces for young adults, extensive informal seating, adequate numbers of study seats, including quiet study space, more access to computers, groups study and meeting rooms, wide isles, lower shelves, a collection that meets the needs of the community, display shelving and space for exhibitions or displays.

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The Library Council of NSW, in its publication *People Places: a guide for public buildings in NSW* (2000) provides the following criteria for assessing library sites:

- Proximity to Shops In a main street or shopping area location which is highly visible, particularly from the shopping area.
- Street Frontage On a street frontage, and not hidden from the road by trees or other buildings
- Transport Within walking distance to public transport
- Site area/expansion Site able to accommodate future expansion if required
- Parking Access to adequate and secure parking
- Vehicle access Accessible for deliveries and other vehicles
- Accessibility A site which will enable easy ground floor access. Safe and attractive pedestrian access, particularly for people with disabilities, older people, children, and parents with prams
- Local criteria Other locational criteria that may be important to specific communities e.g. within a cultural precinct

It should be noted that a site which is suitable may not necessarily score the maximum in all categories.

The consultant considers that the logical site for a branch library for the St Ives catchment is within, or immediately adjacent to, the St Ives Shopping Village. There is a close association between shopping and library use and a location close to the St Ives Shopping Village would perform well against the Library Council siting criteria. Features of the site include the fact that it is reasonably central to and readily accessible from all parts of the catchment, there is potential for a street/pedestrian access, it is within or adjacent to a major shopping centre, it is near bus routes, is adjacent to car parking, and is close to other community facilities including sport and recreation areas, community hall and youth centre and skateboard park.

Ku-ring-gai Neighbourhood Centre

The siting criteria established for libraries apply equally to a number of community facilities including neighbourhood centres. Co-locating the Ku-ring-gai Neighbourhood Centre next to the St Ives Library would satisfy this criteria and build upon the high compatibility of uses for both services. The Neighbourhood Centre provides a range of services including:

- Information provision
- Neighbour aid service
- Family support service
- Migrant settlement services
- English language classes
- Craft group
- Shopping bus service
- Coffee mornings
- Ancillary services i.e. photocopying, faxing, internet access, laminating, book sales etc.

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It is proposed that the Neighbourhood Centre cover an area of 300 sq.m. - this would include office space, consulting rooms, meeting space, reception area, storage and kitchen and toilet facilities.

Multipurpose Children Centre

It is proposed to construct a multipurpose children's facility in the vicinity of the Cowan Street side of the current St Ives Village Shopping Centre. It is estimated that the multipurpose children's centre would cover an area of 3,000 sq.m to 3,500 sq.m. In determining the space allocation for the various components of the multipurpose children's centre, a number of services were used including the Best Practice Guidelines in Early Childhood Physical Environments existing Council operated services and/or owned facilities and a multipurpose children's centre operating in Northern Sydney. The size of the facility can vary depending on the scope and range of services to be collocated within centre. The current supply of childcare places and increase in population will result in the increased demand for a range of children's services in Ku-ring-gai.

The range of children's services proposed to be co-located within this facility would provide a comprehensive level of service for children and families. These include:

- 50 place long day care centre (1,700sqm)
- Kitchen and catering area (inclusive of above design)
- 25 place occasional care service (1,000sqm)
- Ku-ring-gai Family Day Care Service (400sqm)
- Early Childhood Health Centre (120sqm)
- Consultation rooms for specialist children's services (100sqm)

A multi-purpose child care facility offers Council and the community the following advantages:

- The ability to maximise the use of the facility by accommodating a range of complementary early childhood services groups
- The capacity to maximise and promote community partnerships among early childhood user groups
- Improved access for families to services by offering a range of complementary services in the one convenient location ("one-stop-shop" model)
- Enhanced partnerships between like groups to achieve economies of scale, resource sharing and a reduction in service duplication; and
- The ability for capital grant monies to be pooled in order to construct a purpose built quality facility, catering for a wide range of community needs.

Community and Youth Centre

It is proposed to construct a Community and Youth Centre on the St Ives Village Green in the vicinity of the current St Ives Community Hall and Youth Centre. The facility would cover an area of 1,500sqm. The space requirements were derived using benchmarks in the Ku-ring-gai Section 94 Contributions Plan 2004 – 2009 – Residential Development. The population-based and standards approach was used, which allows for a certain floor area per thousand population. *"Commonly used standards suggest the provision of one community centre of 750 – 1,000 square metres on a site of*

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3500 -4,000 square metres for 10,000 – 20,000 people.” (Ku-ring-gai Section 94 Contributions Plan 2004 – 2009 – Residential Development page 49) The existing (16,877 people) and projected population of St Ives based on Stage 1 LEP 194 - St Ives (3,200 people) and Stage 2 Additional Population - St Ives Town Centre (1,000 people) is approximately 21,077 people.

Based on the identified catchment areas, the space requirement, using the population-and standards based formula, for the St Ives Community and Youth Centre. is 2,000 sq metres. In addition, the Youth Centre would have a catchment area that covers to whole local government area covering a population of 19,618 young people.

The proposed range of functions and uses contained within the facility include:

- Youth centre and entertainment area
- Meeting and workshop rooms
- Multi use hall, including capacity for passive and active recreational activities
- School holiday activities
- Kitchen and catering area
- Storage space

This facility would replace the existing community hall/youth centre and will be designed to accommodate a number of groups at any one time. This would include private hirers of the facility, youth and community groups. The multi use component of the facility would significantly increase utilisation levels, financial effectiveness and meet community expectations for high quality facilities.

St Ives Community Group Centre

It is recommended that in the short to medium term, 5 to 10 years, that these facilities remain intact. Once the new facilities including the branch library, children's and community centres have been built and operating, an assessment can be made regarding demand for additional community facilities. As some of these services have a local government area focus and beyond, it may be possible to relocate some of the services to other town centres within Ku-ring-gai. However, in the short term, there is a need to improve access at the St Ives Community Group Centre, including an installation of a lift within the building. Currently the second floor, which is utilised by the Hornsby Ku-ring-gai Community College, is not accessible. Other proposed works would be contained within Council's Maintenance Schedule.

OPEN SPACE

As outlined within the 19 July 2005 report to Council, this DLEP does not seek the specific rezoning of any land to open space. The current Section 94 Plan relating to current forecast population growth and development (LEP 194) is collecting funds towards the acquisition and embellishment of open space within the St Ives areas.

It is anticipated that further development, improved access and possibly increased acquisition of open space will be required to meet the needs of anticipated future population growth. These matters will be addressed within the development of the Section 94 Plan.

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A number of potential options for future open space have been identified that seek to extend current opportunities or to satisfy future deficiencies. The development of an Open Space Acquisition Strategy, identified as a project in the current Section 94 Plan and in this year's Management Plan has begun. Once complete, Council can seek to enter negotiation with the owners of appropriate sites. Should an owner not wish to consider sale, acquisition of that site will not be further considered.

In addition to acquisition and having regard to the development of the public domain, including some of the pocket parks on Mona Vale Road, further enhancement to usable open space areas will be essential. Primary to these is the Village Green. Initial indicative concepts have been outlined with the public domain plans. These will be required to be developed into considerably more detailed landscape masterplans consistent with the approach resolved by Council on 6 December 2005 (GB Item 14). The current Section 94 Plan identifies funds for upgrading the playground pathways and ancillary facilities. Additional funds will be required to fully realise the potential of its unique location.

Active sport is an extensive user of the Village Green, including William Cowan Oval and the actual "green". Whilst these uses are an important component of the character of the St Ives Village Green, they can be quite dominating uses, particularly on weekends.

The change in residential density over time in the surrounding area will place pressure on the park. Demand for access to informal active recreation areas will require support. The development of suitable sporting infrastructure for current users should also be supported. The current facilities offered by the Village Green, including parking and suitable playing areas less than adequate and are preventing further opportunities for growth of these sports. Planning for both the future of the Village Green and sporting users will need to be cognisant of these issues.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The integrated planning approach has ensured input from all Council departments throughout the project and involved a range of external specialist advice on traffic and transport, land economics, development contributions, urban design and landscape architecture /public domain planning.

Development Contributions Strategy for the St Ives Centre

Council has engaged a consultant to prepare a development contributions strategy for the St Ives Centre. Councillors and senior staff have been briefed on the approach to preparing the strategy this will include a range of funding tools including S94 development contributions plan, S94A levies and planning agreements. A draft development contributions strategy including a section 94 plan is being prepared and for consideration by Council for exhibition in conjunction with the Draft LEP and DCP for the St Ives Centre.

Retail Short Fall

The shortfall in retail space (approximately 2,000sqm) will be further investigated as part of the Comprehensive LEP process. This will involve identifying appropriate sites within the St Ives Centre retail catchment for a small supermarket associated with speciality retail.

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It should be noted that only a portion of the total overall provision of commercial space is mandatory and when compared with the existing situation there is likely to be an overall loss of commercial space in the town centre of just over 4,000sqm. This is of concern giving the anecdotal evidence that commercial space is in high demand in St Ives Centre, it is currently fully occupied; and is only likely to increase in the future.

SUMMARY

The Minister has directed Council to prepare plans for additional housing in and around its town centres and to provide for retail and commercial activities to meet the needs of the local community. Following, Council's resolution of 19 July 2005, this report provides the further detailed planning and urban design analysis, building envelopes, planning controls and feedback from further range of studies on traffic and transport, economic feasibility studies, community facilities and further stakeholder consultation. A development contributions strategy is also being prepared to assist with funding the new services and facilities created by the plans. The key planning controls and documentation for the St Ives Centre are presented including a draft LEP & DCP for adoption for formal public exhibition.

Project Program

In accordance with the RDS Stage 2 Timetable provided to the Department of planning and the Minister the next key stage for the St Ives centre are Draft DCP, LEP and section 94 Plan to

In order to meet these tight timeframes following Council's resolution on this report, all information will immediately be distributed to the urban design team and specialist consultants with a request and that the analysis is progressed and information submitted to s

Changes to the Draft NSW Template and how we deal with minor and major amendments

ST IVES CENTRE

PROJECT PROGRAM Nov 05 - Apr 06

Preparation of building envelopes, public domain master plan, S94 plan, DCP and LEP

1	Preliminary exhibition of design drawings (2 WEEKS)	16Nov – 30 Nov
2	Finalise Draft LEP, DCP and other documents	30 Nov – 8 Dec
3	Complete Council report	8 Dec
4	Special Council meeting to adopt Draft LEP, DCP and supporting information	15 Dec
5	Amend and revise Draft LEP, DCP following Council resolution and S62 modification to State Agencies	Jan 06
6	Commence preparation for exhibition and consultation period	Feb 06
7	Statutory exhibition of Draft DCP/LEP (4 WEEKS) **	Complete end Mar 06
8	Finalisation of DCP and LEP and report to Council following period of exhibition	Apr 06
9	To Department of Planning for Gazettal	Apr 06

** Note: exhibition dates subject to certificate being issued by Department of Planning and finalisation of Standard LEP Template

RECOMMENDATION

- A. That Council adopt the Draft Ku-ring-gai (Town Centres) Local Environmental Plan with the following amendment:
 - (i) The draft building envelopes for “Eden Brae” Stanley Close, St Ives be modified to make the project feasible. The changes to include a higher residential FSR (maximum 1.6:1) and an additional floor space allowance for small scale retail shops fronting Stanley Street, St Ives.
- B. That Council adopt the draft Ku-ring-gai (Town Centres) Development Control Plan including further minor amendments as necessary to ensure consistency with Council’s adopted LEP and with the final NSW standard template LEP.
- C. That Council write to the Director General, Department of Planning under Section 64 Environmental Planning and Assessment Act requesting that a certificate under section 65(2) be issued for exhibition of the Draft St Ives Centre LEP.
- D. Subject to a certificate under section 65 (2) being issued to Council for exhibition of the draft St Ives Centre LEP, the exhibition be undertaken during February/ March 2006 for a period of 28 days as required under the EPA Act.
- E. That a further report following the exhibition period be presented to Council in April 2006 with an assessment of submissions and a final LEP and DCP.
- F. That Council adopt the St Ives Centre Traffic Study (revised November 2005) prepared by Transport and Urban Planning Consultants Pty Ltd.
- G. That any changes to the Draft Ku-ring-gai (Town Centres) LEP mandated by the final standard NSW LEP are to be consistent with the adopted development standards for the St Ives Centre and consistent with the associated Draft Ku-ring-gai (Town Centres) Development Control Plan.
- H. The shortfall in retail space (approximately 2,000sqm) will be further investigated as part of the Comprehensive LEP process. This will involve identifying appropriate sites within the St Ives Centre retail catchment for a small supermarket associated with speciality retail.
- I. That potential shortages of commercial floor space be also further investigated as part of the development of the comprehensive LEP as in recommendation H.
- J. Consultation process during the exhibition period be consistent with that outlined in this report.

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- K. That the economic feasibility reports be released to the Department of Planning on a confidential basis to support Council's request for a certificate to exhibit the draft Plan (attachment E – confidential).
- L. That Council acknowledge those who have made submissions and that they be informed of Council's resolution.

Steven Head
Director Open Space & Planning

Antony Fabbro
Manager Urban Planning

Greg Piconi
Director Technical Services

Janice Bevan
Director Community Services

Bill Royal
Senior Urban Designer

Craig Wyse
Senior Urban Planner

Attachments:

- A. Draft Ku-ring-gai Town Centre Local Environmental Plan (A1), Maps (A2) and Dictionary (A3) - 562871, 562872, 562873**
- B. Draft Ku-ring-gai Development Control Plan**
- C. St Ives Traffic Study - 562877, 544711, 534908**
- D. Exempt & Complying Development - amendments made to exhibited draft - 562874**
- E. Economic feasibility assessments - confidential - to be circulated separately**

(ATTACHMENT A 1)
Draft Ku-ring-gai (Town Centres) Local Environmental Plan

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the Environmental Planning and Assessment Act 1979.

Minister for Planning

Part 1 Preliminary

1 Name of plan

This plan is Draft Ku-ring-gai (Town Centres) Local Environmental Plan

2 Aims of plan

- (1) This plan aims to make local environmental planning provisions for land in Ku-ring-gai in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this plan are as follows:
 - (a) *A unique village character for each town centre.*
 - (b) *High quality and environmentally sustainable urban and architectural design.*
 - (c) *Retention and enhancement of Ku-ring-gai's landscape character.*
 - (d) *Protection of Ku-ring-gai's built heritage.*
 - (e) *Town centres that enhance Ku-ring-gai's economic role and cater to the retail and commercial needs of the local community.*
 - (f) *Housing choice within Ku-ring-gai's town centres.*
 - (g) *An accessible and efficient traffic, transport and parking system.*
 - (h) *Safety and access for pedestrians, cyclists and public transport users.*
 - (i) *A network of high quality parks and urban spaces that cater for a range of community needs.*
 - (j) *Community facilities that cater to the needs of a diverse population.*

3 Land to which plan applies

This plan applies to the land identified on the Draft Ku-ring-gai (Town Centres) Local Environmental Plan Land Application Map.

4 Definitions

The Dictionary at the end of this plan defines words and expressions for the purposes of this plan.

5 Consent authority

The consent authority for the purposes of this plan is (subject to the Act) the Council.

6 Maps

- (1) A reference to a named map adopted by this plan is a reference to a map by that name:
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended from time to time by maps declared by environmental planning instruments to amend that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this plan to any such named map is a reference to the relevant part of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

7 Repeal of other local planning instruments applying to land

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this plan applies are repealed.
- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this plan applies and to other land cease to apply to the land to which this plan applies.

8 Application of SEPPs and REPs

- (1) This plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this plan as provided by section 36 of the Act.
- (2) The following provisions of State environmental planning policies and regional environmental plans do not apply to the land to which this plan applies:

.....
Note. A list of the provisions of SEPPs and REPs which have been covered by compulsory standard provisions will be included here.

Part 2 Permitted or prohibited development

9 The land use zones

The land use zones under this plan are as follows:

The Residential Zones

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Rural Residential

The Rural Zones

- Agriculture
- Intensive Agriculture
- Rural Small Holdings
- Investigation

The Business Zones

- Neighbourhood Business
- Local Centre
- Mixed Use
- Commercial Core
- Enterprise Corridor

The Industrial Zones

- Light Industrial
- General Industrial
- Heavy Industrial
- Business/Technology Park

The Special Area Zones

- Special Uses
- Infrastructure

The Recreation Zones

- Local Open Space—Public
- Local Open Space—Private
- Regional Open Space

The Environment Protection Zones

- Natural Areas
- Waterways/Watercourses
- Conservation

10 Objectives for development in zones

- (1) The objectives for development in each zone are set out in the Table to this clause.

Note: Additional local objectives for Ku-ring-gai are identified in ***bold italic***

- (2) The consent authority is to have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

TABLE—Objectives for development in zones

Residential Zones

(1) Low Density Residential

- (a) to provide neighbourhoods of low density housing,
- (b) to enable other land uses that provide facilities or services to meet the day to day needs of residents.

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

(2) Medium Density Residential

- (a) to provide a variety of housing types,
- (b) to enable other land uses that provide facilities or services to meet the day to day needs of residents,
- (c) *to provide housing that is compatible with the existing environmental character of Ku-ring-gai and the desired future character of the locality,*
- (d) *to provide a comfortable living environment for residents, and*
- (e) *to provide buildings within a landscape setting and ensure that the tree canopy is protected and enhanced.*

(3) High Density Residential

- (a) to provide a variety of housing types, including residential flat buildings,
- (b) to enable other land uses that provide facilities or services to meet the day to day needs of residents,
- (c) *to provide housing that is compatible with the existing environmental character of Ku-ring-gai and the desired future character of the locality,*
- (d) *to provide buildings within a landscape setting and ensure that the tree canopy is protected and enhanced,*
- (e) *to provide a comfortable living environment for residents, and*
- (f) *to appropriately integrate commercial land uses into residential areas adjacent to town centres.*

(4) Rural Residential

- (a) to provide rural/residential housing, while preserving environmentally sensitive locations and the scenic quality of the area,
- (b) to ensure that allotments created in rural/residential estates do not hinder the proper and orderly development of urban areas in the future,
- (c) to ensure that development in the area does not unreasonably increase the demand for public services or public facilities.

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

Rural Zones

(1) Agriculture

- (a) to protect and maintain land for agriculture and other rural purposes,
- (b) to avoid the fragmentation of agricultural land and conflict between land uses, and to restrict unnecessary dwellings and incompatible development,
- (c) to provide other rural land uses, such as mining, extractive industries, forestry and energy generation,
- (d) to provide for the protection, enhancement and conservation of areas of significance for nature conservation, of habitat of threatened species, populations and ecological communities and of other areas of native vegetation,
- (e) to maintain the scenic amenity and landscape quality of the area.

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

(2) Intensive Agriculture

- (a) to protect and maintain prime crop and pasture land that is suitable for intensive agricultural activities,
- (b) to prevent the inappropriate development of land with a high potential for agricultural productivity.

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

(3) Rural Small Holdings

- (a) to enable small-scale commercial agriculture,
- (b) to maintain the rural character of the land.

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

(4) **Investigation**

- (a) to protect land that has a potential for conservation and biodiversity,
- (a) to protect, and prevent the fragmentation and inappropriate development of, land that may have potential for future development.

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

Business Zones

(1) **Neighbourhood Business**

to provide small-scale retail and commercial development that serves the surrounding neighbourhood.

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

(2) **Local Centre**

to provide a range of retail and commercial development that serves the local community.

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

(3) **Mixed Use**

- (a) to provide a mixture of compatible land uses,
- (b) to integrate suitable employment, residential, retail and commercial development in accessible locations so as to maximise public transport patronage and encourage travel by foot and bicycle from surrounding areas.
- (c) *to ensure that development contributes to efficient traffic and transport network, and*
- (d) *to provide a vibrant and pleasant environment for residents.*

(4) **Commercial Core**

to provide a wide range of retail, commercial and entertainment facilities.

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

(5) **Enterprise Corridor**

- (a) to provide for development that requires a large floor space area and a mix of commercial and retail uses, particularly those that require good access by road and rail,
- (b) to accommodate employment generating development that is well serviced by road or rail transport.

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

Industrial Zones

(1) **Light Industrial**

- (a) to establish a broad range of light industrial land uses,
- (b) to minimise any adverse effect of industry on land uses in other zones.

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

(2) **General Industrial**

- (a) to establish a broad range of industrial and warehouse land uses (other than offensive or hazardous industries),
- (b) to minimise any adverse effect of industry on land uses in other zones.

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

(3) **Heavy Industrial**

- (a) to establish a broad range of heavy industrial land uses (including offensive or hazardous industries),
- (b) to provide suitable areas for those industrial enterprises that need to be separated from residential neighbourhoods and other sensitive land uses,
- (c) to minimise any adverse effect of industry on land uses in other zones.

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

(4) **Business/Technology Park**

- (a) to establish business and technology parks,
- (b) to encourage the integration of all buildings, structures and landscape areas with strong visual and aesthetic appeal,
- (c) to minimise any adverse effect of industry on land uses in other zones.

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

Special Area Zones

(1) **Special Uses**

- (a) to permit land uses that are not provided in other zones,
- (b) to recognise the importance of sites with special land uses or natural characteristics,
- (c) to protect and enhance those identified land uses or natural characteristics,
- (d) to allow additional development that will not detract from existing development or have an adverse impact on surrounding land.

(2) **Infrastructure**

- (a) to provide for required infrastructure and facilities,
- (b) to prevent the development of the identified land for any uses that are not compatible with or that may detract from the provision of required infrastructure and facilities.

Recreation Zones

(1) **Local Open Space—Public**

- (a) to enable land that is or is to be owned by the local council to be used for open space or recreational purposes,
- (b) to enable development to be carried out for the recreational needs of the local community,
- (c) to enable related uses that will encourage the enjoyment of the land for recreational purposes,

- (d) to enhance, restore and protect the natural environment for recreational purposes.

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

(2) **Local Open Space—Private**

- (a) to enable land to be used for private open space, recreational and associated purposes,
- (b) to enable development to be carried out for the recreational needs of the local community,
- (c) to enable related uses that will encourage the enjoyment of the land for recreational purposes,
- (d) to enhance, restore and protect the natural environment for recreational purposes.

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

(3) **Regional Open Space**

- (a) to enable land to be used for regional open space,
- (b) to preserve and enable the management of regional open space for conservation and recreational purposes for the recreational needs of the regional community,
- (c) to enhance, restore and protect the natural environment for recreational purposes.

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

Environment Protection Zones

(1) **Natural Areas**

to enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974*.

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

(2) **Waterways/Watercourses**

- (a) to protect the ecology and scenic values of waterways and watercourses,

- (b) to ensure the navigability of waterways,
- (c) to provide for water-based and foreshore development that will contribute to the recreational and tourism potential of the locality.

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

(3) Conservation

- (a) to conserve areas of environmental significance,
- (b) to conserve biological diversity, native vegetation corridors, aboriginal heritage or other social or cultural values of the areas, and their scenic qualities,
- (c) to prevent development that could destroy or damage areas of environmental, social or cultural significance.

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

11 Zoning of land to which plan applies

For the purposes of this plan, land is within the zones shown on the Ku-ring-gai (Town Centres) Local Environmental Plan Land Zoning Map.

12 Land use table

- (1) The land use table set out at the end of this clause specifies the following for each zone:

- (a) development that may be carried out without consent,
- (b) development that may be carried out only with consent,
- (c) development that is prohibited.

Note. Schedule 1 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development that may be carried out without consent is nevertheless subject to Part 5 of the Act. Schedule 2 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).

- (2) Development that may, with consent, be carried out on land in a Special Uses or Infrastructure Zone is development for the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.
- (3) Development within a zone that is not referred to in the land use table may be carried out *with development consent*.
- (4) This clause is subject to the other provisions of this plan.

Land use table

Medium Density Residential Zone

(1) **Permitted without consent**

Public utility undertakings & utility installations

(2) **Permitted with consent**

boarding houses; childcare centres; community facilities; drainage; dual occupancies; dwelling houses; educational establishments; granny flats; home industries; home occupations; hospitals; hostels; medical centres; neighbourhood shops; places of public worship; recreation areas; roads; schools; telecommunications facilities; townhouses; villas

(3) **Prohibited**

Any use not otherwise permitted with or without consent

High Density Residential Zone

(1) **Permitted without consent**

Public utility undertakings & utility installations

(2) **Permitted with consent**

boarding houses; childcare centres; community facilities; drainage; dual occupancies; dual occupancies (attached); dual occupancies (detached); dwelling houses; educational establishments; granny flats; home industries; home occupations; hospitals; medical centres; motels; neighbourhood shops; places of public worship; recreation areas; residential flat buildings; roads; schools; telecommunications facilities; townhouses; villas

(3) **Prohibited**

Any use not otherwise permitted with or without consent

Mixed Use Zone

(1) **Permitted without consent**

Public utility undertakings & utility installations

(2) **Permitted with consent**

Advertisements; advertising structures; bed and breakfast establishments; bus stations; car parks; childcare centres; commercial premises; community facilities; drainage; educational establishments; home industries; home

occupations; hospitals; hotels; medical centres; motels; motor showrooms; neighbourhood shops; offices; places of public worship; public buildings; recreation areas; recreation facilities; registered clubs; residential flat buildings; restaurants; roads; schools; service stations; shop top or attached housing; shops; telecommunications facilities.

(3) **Prohibited**

Any use not otherwise permitted with or without consent

Infrastructure Zone

(1) **Permitted without consent**

Public utility undertakings & utility installations

(2) **Permitted with consent**

Roads; telecommunications facilities; development for the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

(3) **Prohibited**

Any use not otherwise permitted with or without consent

13 Unzoned land

- (1) Development may be carried out on unzoned land only with consent.
- (2) Before granting consent, the consent authority:
 - (a) must consider the objectives for development in the zones of land adjoining the unzoned land, and
 - (b) be satisfied that the development is appropriate and compatible with permissible adjoining land uses.
- (3) Despite anything to the contrary in this plan, development carried out on unzoned land is not exempt or complying development.

14 Exempt development

- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent.

- (2) Development specified in Schedule 1 that meets the standards for the development contained in that Schedule and that complies with the requirements of this clause is exempt development.

- (3) To be exempt development:
 - (a) the development must:
 - (i) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (ii) be more than 1 metre from any easement or public sewer main, and
 - (iii) if it relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9, the building must have a current fire safety certificate or fire safety statement or the building must be a building for which no fire safety measures are currently implemented, required or proposed, and
 - (b) the development must not:
 - (i) if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, or
 - (ii) require a tree to be removed, or
 - (iii) create interference with the neighbourhood because it is noisy, causes vibrations, creates smells, fumes, smoke, vapour, steam, soot, ash, dust, waste water, grit or oil, or
 - (iv) be designated development.
- (4) Exempt development cannot be carried out on:
 - (a) the site of a heritage item that:
 - (i) is listed on the State Heritage Register under the *Heritage Act 1977*, or
 - (ii) is subject to an interim heritage order under the *Heritage Act 1977*, or
 - (b) land within a heritage conservation area, or
 - (c) an environmentally sensitive area of State significance, or
 - (d) a sensitive coastal location.

15 Complying development

- (1) The objective of this clause is to identify development as complying development.

Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.
- (2) Development specified in Schedule 2 that is carried out in compliance with the development standards listed in that Schedule in respect of the development and that complies with the requirements of this clause is complying development.
- (3) To be complying development, the development must:
 - (a) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (b) be more than 1 metre from any easement or public sewer main, or comply with any requirements specified by the Council for building over sewers, and

- (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) Complying development cannot be carried out on:
 - (a) land within a heritage conservation area, or
 - (b) a site that has at any time previously been used:
 - (i) as a service station, or
 - (ii) as a sheep or cattle dip, or
 - (iii) for intensive agriculture, or
 - (iv) for mining (but not underground mining) or an extractive industry, or
 - (v) for waste storage or waste treatment, or
 - (vi) for the manufacture of chemicals, asbestos, or asbestos products, or
 - (c) an environmentally sensitive area of State significance, or
 - (d) a sensitive coastal location, or
 - (e) land:
 - (i) that requires an acid sulfate soil management plan to be considered before consent can be granted to the development, or
 - (ii) identified as Class 1–4 on the Ku-ring-gai Acid Sulfate Soils Map.

16 Additional permitted uses [optional]

Despite anything to the contrary in this plan, development described or referred to in Schedule 3 may be carried out:

- (a) with consent, or
- (b) if the Schedule so provides—without consent.

17 Additional prohibited uses [optional]

Despite anything to the contrary in this plan, development described or referred to in Schedule 4 is prohibited.

18 Other provisions that require consent for development

Other provisions of this plan impose requirements for consent for the carrying out of development.

Part 3 Subdivision

19 Subdivision—consent requirements

- (1) Land to which this plan applies may be subdivided, but only with consent.

- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
- (a) widening a public road,
 - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
 - (c) a minor realignment of boundaries that does not create additional dwelling entitlements or additional lots,
 - (d) a consolidation of lots that does not create additional dwelling entitlements or additional lots,
 - (e) rectifying an encroachment on a lot,
 - (f) creating a public reserve,
 - (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, bushfire brigade or other emergency service purposes or public conveniences.
- (3) In addition, consent is not required for a subdivision under the *Strata Schemes (Freehold Development) Act 1973*, *Strata Schemes (Leasehold Development) Act 1986*, or *Community Land Development Act 1989*, but only if it does not subdivide:
- (a) a building to which *State Environmental Planning Policy No 10—Retention of Low-Cost Rental Accommodation* applies, or
 - (b) a building designed or approved for occupation as a single dwelling house.
- (4) **[Note:** Optional sub-section not included]

20 Development standards—lot size

Note: Additional local objectives and development standards for Ku-ring-gai are identified in ***bold italic***

- (1) Land in any zone may be subdivided only if the consent authority is satisfied that:
- (a) the resulting lots will conform to the requirements of this clause applicable to subdivision in that zone, and
 - (b) the resulting lot can be developed in accordance with this plan.
- (2) ***The objectives of this clause are:***
- (a) ***to set minimum lot areas and minimum street frontage lot widths that provide for the orderly and economic development of land while maintaining the local character, and***
 - (b) ***to set minimum lot areas and minimum street frontage lot widths for lots in residential zones that provide for development to occur in a garden setting by substantial setbacks to enable long term sustainability of trees.***
- (3) ***A subdivision must not create a lot which is less than the minimum area and minimum street frontage for the zone specified in the following Table:***

Zone	Minimum lot size	Minimum street Frontage
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Medium Density Residential	<i>1200 sqm</i>	<i>23 metres</i>
High Density Residential	<i>1800 sqm</i>	<i>30 metres</i>

(4) Without limiting the other provisions of this clause, consent may be given to subdivision of or to create, battle-axe allotments.

21 Subdivision—lots not supplied with reticulated water

- (1) This clause applies to a subdivision of land that will create a lot for a dwelling if a reticulated water supply is not available for the dwelling.
- (2) Consent must not be granted to a subdivision to which this clause applies unless the consent authority is satisfied that there will be an adequate potable water supply for any such lot in the subdivision.

22 Subdivision of a caravan park

- (1) Development consent is required for a subdivision of a caravan park that is effected by the grant of a lease.
- (2) However, consent for any such subdivision must not be granted if the land has been reserved or dedicated for any public purpose under the *Crown Lands Act 1989*.

23 Subdivision of a manufactured home estate

- (1) Development consent is required for subdivision of a manufactured home estate that is effected:
 - (a) by the grant of a lease, or
 - (b) under the *Community Land Development Act 1989*.
- (2) However, consent for any such subdivision must not be granted if:
 - (a) the land has been reserved or dedicated for any public purpose under the *Crown Lands Act 1989*, or
 - (b) any of the lots intended to be created by the proposed subdivision would contravene a requirement of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

24 Subdivision for farm adjustment [compulsory if land to which plan applies includes land within “Agriculture” or “Intensive Agriculture” zone]

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

25 Subdivision for the purpose of agriculture in the [insert “Agriculture zone” or “Intensive Agriculture zone” as relevant] [compulsory if land to which plan applies includes land within “Agriculture” or “Intensive Agriculture” zone]

Note: There is no land in this zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

Part 4 Miscellaneous provisions

26 Classification and reclassification of public land

- (1) The objective of this clause is to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 to the *Local Government Act 1993*.
- (2) The public land described in Part 1 or Part 2 of Schedule 5 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 5 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) Public land described in Part 1 of Schedule 5:
 - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) Public land described in Part 2 of Schedule 5, to the extent (if any) that it is a public reserve ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
 - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 5, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (6) In this clause, the **relevant amending plan**, in relation to land described in Part 2 of Schedule 5, means this plan or, if the description of the land is inserted into that Part by another environmental planning instrument, that instrument.
- (7) Before the relevant amending plan inserted a description of land into Part 2 of Schedule 5, the Governor approved of subclause (5) applying to the land.

27 Community use of educational establishments and child care centres

- (1) The objective of this clause is to allow the use of educational establishments and child care centres, including their site and facilities, for other community purposes.
- (2) An educational establishment or child care centre (including the site and facilities) may, with consent, be used for any other community purpose, whether or not any such use is a commercial use of the land.
- (3) Nothing in this clause requires consent to carry out development on any land if that development could, but for this clause, be carried out on that land without consent.

28 Telecommunications facilities

- (1) The objective of this clause is to minimise the impacts of telecommunication facilities and retain streetscape amenity.
- (2) Consent is required to carry out development for the purpose of a telecommunications facility if it includes:
 - (a) the erection of a structure or facility, or
 - (b) the carrying out of work for the purpose of a telecommunications facility.
- (3) The consent authority must consider the following before determining an application for any such consent:
 - (a) potential to install the facility underground,
 - (b) potential to co-locate the facility with existing facilities or other structures,
 - (c) impact of the facility on visual amenity,
 - (d) impact of the facility on the heritage significance of the area,
 - (e) impact of the facility on vegetation and street infrastructure.
- (4) This clause does not apply to the following:
 - (a) installation of low impact facilities (as listed in the *Telecommunications (Low Impact Facilities) Determination 1997* of the Commonwealth) and subscriber cabling, including cabling across streets,
 - (b) installation of defence facilities,
 - (c) installation of facilities authorised by a facility installation permit issued by the Australian Communications Authority,
 - (d) inspection of land, including making surveys, sinking bores, digging pits and examining soil,
 - (e) maintenance of telecommunications facilities, including the alteration, removal, repair or replacement of the whole or part of the facility, and the cutting down or lopping of vegetation.

29 Temporary use of land [Optional]

Note: This optional clause is not included in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

30 Development along arterial roads

- (1) The objectives of this clause are:
 - (a) to ensure that new development does not compromise the effective and ongoing operation and function of arterial roads, and
 - (b) to prevent or reduce the potential impact of traffic noise on development adjacent to arterial roads.
- (2) Consent must not be granted to the development of land that has a frontage to an arterial road unless the consent authority is satisfied that:

- (a) where practicable, vehicular access to the land is provided by a road other than the arterial road, and
 - (b) the safety, efficiency and ongoing operation of the arterial road will not be adversely affected by the proposed development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the proposed development, or
 - (iii) the nature, volume or frequency of vehicles using the arterial road to gain access to the land, and
 - (c) the development is of a type that is not sensitive to traffic noise, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise within the site of the proposed development.
- (3) Development proposed on land with a frontage to an arterial road is to incorporate mitigation measures in accordance with noise control guidelines of the Department of Environment and Conservation to ameliorate potential traffic noise.

31 Development in proximity to a rail corridor

- (1) The objective of this clause is to ensure that development for noise sensitive purposes within 60 metres of an operational or proposed railway line (a ***rail corridor***) is not adversely affected by rail noise or vibration.
- (2) Development consent must not be granted to the development of land:
 - (a) that is within any such rail corridor, and
 - (b) that the consent authority considers is, or is likely to be, adversely affected by rail noise or vibration,unless the consent authority is satisfied that the proposed development incorporates all practical mitigation measures for rail noise or vibration recommended by Rail Corporation New South Wales.

32 Development in flight paths

- (1) The objectives of this clause are:
 - (a) to provide for the effective and on-going operation of airports, and
 - (b) to ensure that any such operation is not compromised by proposed development within the flight path of an airport.
- (2) Development consent is required to erect a building:
 - (a) that is on land within the flight path of an airport, and
 - (b) the proposed height of which would exceed the obstacle height limit determined by the Department of the Commonwealth responsible for airports.
- (3) Any such consent must not be granted unless the consent authority is satisfied that the building will not constitute an obstruction or hazard to aircraft flying in the vicinity.
- (4) Before granting any such consent, the consent authority must consider:

- (a) any comment made by that Commonwealth Department within 28 days of its having been given notice of the proposed development by the consent authority, and
 - (b) any aircraft noise exposure forecasts of that Commonwealth Department, and
 - (c) whether the proposed use of the building will be adversely affected by aircraft noise.
- (5) For the purposes of this clause, the flight path of an airport is such land as is determined to be within that flight path by that Commonwealth Department and notified to the consent authority.

33 Development in areas subject to airport noise [compulsory if ANEF exceeds 20]

- (1) The objective of this clause is to ensure that development for residential purposes, or for any other purpose involving regular human occupation, on land subject to significant exposure to aircraft noise incorporates appropriate mitigation measures.
- (2) This clause applies to land where the ANEF contour exceeds 20.
- (3) Development consent is required for the erection of a building on land to which this clause applies if it is erected for residential purposes or for any other purpose involving regular human occupation.
- (4) Any such consent must not be granted unless the consent authority is satisfied that measures to mitigate aircraft noise will be taken that accord with section 3 of AS 2021.
- (5) For the purpose of this clause, the extent of aircraft noise reduction is to be estimated in accordance with clause 3.2.2 of AS 2021.
- (6) In this clause:

ANEF means a relevant Australian Noise Exposure Forecast contour map showing the forecast of aircraft noise levels that is expected to exist in the future produced in accordance with the *Guidelines for the Production of Noise Contours for Australian Airports* published by Airservices Australia.

AS 2021 means AS 2021–2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

34 Development within the coastal zone

Note: There is no land in the coastal zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan

35 Foreshore building line

Note: There is no land that the Council sets a foreshore building line in Draft Ku-ring-gai (Town Centres) Local Environmental Plan 2006

36 Development for the purpose of sandmining

Note: There is no land in the coastal zone in Draft Ku-ring-gai (Town Centres) Local Environmental Plan 2006

37 Development standards—height of buildings

Note: Additional local objectives for Ku-ring-gai are identified in ***bold italic***

- (1) The height of a building on any land is not to exceed the maximum height shown for the land on the Ku-ring-gai (Town Centres) Height of Buildings Map.
- (2) The objectives of the maximum height of buildings restrictions are:
 - (a) *to ensure that development responds to the desired scale and character of the Town Centre as described in the Development Control Plan applying to the land,*
 - (b) *to ensure an appropriate interface between the town centres and the adjoining lower density residential and open space zones,*
 - (c) *to minimise the visual bulk of buildings of 3 storeys or more by the provision of a recessed top storey, and*
 - (d) *to provide reasonable solar access and natural ventilation for buildings, open space and private landscaped areas.*

38 Development standards—floor space ratio

Note: Additional local objectives for Ku-ring-gai are identified in ***bold italic***

- (1) The floor space ratio of a building on any land is not to exceed the floor space ratio shown for the land on the Ku-ring-gai (Town Centres) Floor Space Ratio Map.
- (2) The objectives of the floor space ratio restrictions are:
 - (a) *to ensure development density is in keeping with the desired future landscape and built character,*
 - (b) *to ensure the desirable mix of uses in each building in the mixed use zone,*
 - (c) *to minimise the impacts of traffic generation from retail and commercial development, and*
 - (d) *to minimise the visual bulk of buildings of 3 storeys or more through a reduced floor space on the top storey.*

39 Development for the purpose of a caravan park

- (1) The objectives of this clause are:
 - (a) to provide for the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and
 - (b) to promote the social and economic welfare of the community through the proper management and development of land used as a caravan park and the provision of community facilities, and

- (c) to protect the environment of, and in the vicinity of, land used as a caravan park.
- (2) Development consent is required for development for the purpose of a caravan park (including the extension or redevelopment of an existing caravan park).
- (3) Before granting any such consent, the consent authority must be satisfied the proposed development will be consistent with achieving the objectives of this clause and must consider the following:
 - (a) whether, because of its location or character, the land concerned is suitable for use as a caravan park for short-term or long-term residence, and
 - (b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites within the caravan park for long-term residence, and
 - (c) whether there is adequate low-cost housing, or land available for low-cost housing, in that locality, and
 - (d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and if those facilities and services are reasonably accessible to the occupants of the caravan park, and
 - (e) the provisions of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.
- (4) Nothing in this clause requires development consent for installing or placing a single moveable dwelling on land on which development for the purpose of a caravan park is being lawfully carried out if:
 - (a) the dwelling is to be located on a site on which such a dwelling may lawfully be installed or placed, and
 - (b) the dwelling does not exceed one storey in height, and
 - (c) the land is not identified as flood liable or subject to another natural hazard.
- (5) This clause does not apply to land reserved under the *National Parks and Wildlife Act 1974*.

40 Development for the purpose of a manufactured home estate

- (1) The objectives of this clause are:
 - (a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and
 - (b) to encourage the provision of affordable housing in well designed estates, and
 - (c) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and
 - (d) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and

- (e) to protect the environment surrounding manufactured home estates.
- (2) Development consent is required for development for the purpose of a manufactured home estate.
- (3) Any such consent must not be granted unless the consent authority is satisfied that:
 - (a) each of the sites on which a manufactured home is or will be installed within the manufactured home estate is or will be adequately provided with reticulated water, a reticulated sewerage system, drainage and electricity, and
 - (b) the manufactured home estate is or will be provided with adequate public transport services, and
 - (c) sufficient community facilities and services, whether situated within or outside the estate, are or will be available that are reasonably accessible to the residents of the manufactured home estate, and
 - (d) the development will not have an adverse effect on any:
 - (i) conservation area, or
 - (ii) heritage item, or
 - (iii) waterway or land having special landscape, scenic or ecological qualities.
- (4) Before granting any such consent, the consent authority must be satisfied the proposed development will be consistent with achieving the objectives of this clause and must consider the following matters:
 - (a) the cumulative impact of the proposed development and other manufactured home estates in the locality,
 - (b) the provisions of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.
- (5) Nothing in this clause requires development consent for installing or placing a single manufactured home on land to which development for the purpose of a manufactured home estate is being lawfully carried out if:
 - (a) the home is to be located on a site on which such a home may lawfully be installed or placed, and
 - (b) the home does not exceed one storey in height, and
 - (c) the land is not identified as flood liable or subject to another natural hazard.
- (6) This clause does not apply to:
 - (a) land reserved under the *National Parks and Wildlife Act 1974*, or
 - (b) land within a Crown reserve.

41 Acid sulfate soils [compulsory if land to which plan applies contains acid sulfate soils]

Note: There is no land to which this plan applies contains acid sulfate soils.

42 Development below mean high water mark

Note: There is no land to which this plan applies contains tidal waters.

43 Development near zone boundaries

Note: Additional local development standards for Ku-ring-gai are identified in ***bold italic***

- (1) The objective of this clause is to provide flexibility where detailed investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to land within **50 metres** of a boundary between any 2 zones.
- (3) This clause does not apply to:
 - (a) land within ***the residential zones***, or
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
 - (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) The clause does not prescribe a development standard that may be varied under this plan.

44 Excavation and filling of land

- (1) The objectives of this clause are:
 - (a) to ensure that any land excavation or filling work will not have a detrimental impact on environmental functions and processes, neighbouring uses, or cultural or heritage items and features, and
 - (b) to allow land excavation or filling work of a minor nature without separate development consent.
- (2) Development consent is required to excavate or fill land.
- (3) Before granting any such consent, the consent authority must consider the following matters:
 - (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
 - (b) the effect of the proposed development on the likely future use or redevelopment of the land,

- (c) the quality of the fill or of the soil to be excavated, or both,
 - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
 - (e) the source of any fill material or the destination of any excavated material,
 - (f) the likelihood of disturbing relics,
 - (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.
- (4) Any such consent is not required for the excavation or filling of land that, in the opinion of the consent authority, is of a minor nature.

45 Managing salinity in urban areas

- (1) The objective of this clause is to protect natural hydrological systems by minimising disturbance and ensuring appropriate land use and management where urban development may affect the process of salinisation, or where the land is affected by groundwater salinity.
- (2) This clause applies to development in existing or proposed urban areas that may affect the process of salinisation, or where the land is affected by groundwater salinity.
- (3) Consent must not be granted for development to which this clause applies unless the consent authority has considered:
 - (a) the impact of the proposed development on local and regional salinity processes, and
 - (b) the impact of salinity on the proposed development.

46 Preservation of trees

- (1) The objective of this clause is to preserve the amenity of the area through the preservation of trees.
- (2) This clause applies to land in a Residential, Business, Industrial, Special Uses, Rural Small Holdings or Investigation Zone (other than land to which the *Native Vegetation Act 2003* applies).
- (3) This clause applies to trees of the species, kind or size prescribed for the purposes of this clause by a development control plan applying to the land to which this clause applies.
- (4) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree to which this clause applies without the authority conferred by:
 - (a) development consent, or
 - (b) a permit granted by the Council.
- (5) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

- (6) This clause does not apply to a tree that the Council is satisfied is dying or dead or has become dangerous.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree:
 - (a) that is or forms part of a heritage item, or
 - (b) that is situated on land in the vicinity of a heritage item, or
 - (c) that is within a heritage conservation area.
- (8) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree is advertised development if:
 - (a) the tree is or forms part of a heritage item or is within a heritage conservation area, and
 - (b) in the opinion of the consent authority, the ringbarking, cutting down, topping, lopping, removal, injuring or destruction of the tree will adversely affect that heritage significance of the heritage item or heritage conservation area.
- (9) This clause does not apply to or in respect of:
 - (a) trees within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
 - (b) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Electricity Safety Act 1945*, the *Roads Act 1993* or the *Surveying Act 2002*, or
 - (c) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

47 Development standards—building site coverage

Note: Local objectives for Ku-ring-gai are identified in ***bold italic***

- (1) The building site coverage on land is not to exceed the maximum percentage cover shown for the land in Ku-ring-gai (Town Centres) Building Site Coverage Map
- (2) For the purposes of determining the relevant percentage for a building on any site, any part of the site area on which the erection of any such building is prohibited, or proposed to be used as an access driveway or right of way, is to be excluded from the calculation.
- (3) ***The objectives of the building site coverage restrictions are:***
 - (a) ***to provide for the orderly and economic development of land within mixed use zone while ensuring development is in keeping with the desired future landscape and built character,***
 - (b) ***to protect the tree canopy of Ku-ring-gai, and***
 - (c) ***to ensure the provision of viable deep soil landscaping within residential developments in order to maintain and improve the tree canopy in a sustainable way and so that the tree canopy will be in scale with the built form.***

48 Heritage conservation

(1) Objectives

The objectives of this clause are:

- (a) to conserve the environmental heritage of the land to which this plan applies, and
- (b) to conserve the heritage significance of existing significant relics, Aboriginal objects, settings and views associated with the heritage significance of heritage items and heritage conservation areas, and
- (c) to conserve archaeological sites, and
- (d) to conserve places of Aboriginal heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving a heritage item or a building, work, relic, or tree within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,
- (c) altering a heritage item that is a building, by making changes to its interior, including making changes to its detail, fabric, finish or appearance,
- (d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,
- (f) carrying out any other development on land on which a heritage item is located or that is within a heritage conservation area.

(3) When consent not required

However, consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
 - (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

- (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance.

(4) Impact of development

Consent must not be granted under this clause to development on land:

- (a) on which a heritage item is situated, or
- (b) within the immediate vicinity of a heritage item, or
- (c) within a heritage conservation area,

unless the consent authority is satisfied that the impact of the proposed development on the heritage significance of the relevant heritage item or of the heritage conservation area is acceptable.

(5) Heritage impact statements and conservation management plans

The consent authority:

- (a) must, before granting consent under this clause, consider a heritage impact statement that addresses such matters as may be required by the regulations under the Act to be addressed by such a statement, and
- (b) may decline to grant consent under this clause until it has considered a conservation management plan.

(6) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order applies):

- (a) consider how the proposed development would affect the heritage significance of any relic known or reasonably likely to be located at the site, and
- (b) notify the Heritage Council of its intention to grant the consent and take into consideration any response received within 28 days after the notice is sent.

(7) Places of Aboriginal heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and
- (b) notify the local Aboriginal communities (in such way as it thinks appropriate) of its intention to grant the consent and take into consideration any response received within 28 days after the notice is sent.

(8) Demolition of item of State significance

The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 6 as being of State heritage significance (other than an item listed on the State Heritage Register or to which an interim heritage order applies):

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received within 28 days after the notice is sent.

(9) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this plan if the consent authority is satisfied that:

- (a) the retention of the heritage item depends on the granting of consent, and
- (b) the proposed development is in accordance with a conservation management plan that has been approved by the consent authority, and
- (c) granting consent to the proposed development would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item or its setting, and
- (e) the proposed development would not have any significant adverse affect on the amenity of the surrounding area.

49 Outdoor advertising

- (1) The objective of this clause is to ensure that outdoor advertising is compatible with the desired amenity and visual character of the locality and is of a high quality design and finish.
- (2) A person must not, without development consent, carry out development for the purposes of an advertising structure.
- (3) This clause does not require consent for:
 - (a) a change in the content of the advertisement on any lawful outdoor advertising structure, or
 - (b) the maintenance, renewal or replacement of any lawful advertising structure if no change is made to the overall structure.
- (4) Consent must not be granted to development for the purpose of an advertising structure or sign unless:
 - (a) the consent authority is satisfied that the proposed development is compatible with the existing or desired future character of the area in terms of location, appearance, scale, design and finishes, illumination, and overall design and form, and
 - (b) the consent authority is satisfied that the proposed development is in a suitable location for such a structure, and
 - (c) if in a residential zone—the consent authority is satisfied that the content of the advertisement:
 - (i) relates to the land or adjacent land, and

- (ii) specifies one or more of the following:
 - (A) the purpose for which the land is used,
 - (B) the name of the person residing or carrying on an occupation or business on the land,
 - (C) an occupation or business carried out on the land,
 - (D) particulars of the goods or services dealt with or provided on the land, or
 - (E) identifies a heritage item or use of a building identified as a heritage item, and
- (d) if in a rural or non-urban zone—the consent authority is satisfied that the content of the advertisement complies with requirements for development in a residential zone specified in paragraph (c), or:
 - (i) has the principal purpose of directing the travelling public to tourist facilities or activities, or to places of scientific, historic or scenic interest, and
 - (ii) has no greater dimensions and overall size than are required for so directing the travelling public, and
- (e) if within 250 metres of a classified road—the consent authority is satisfied that the advertising structure:
 - (i) does not detract from the operation and safety of the road, and
 - (ii) is consistent with RTA guidelines on the matter, and
- (f) if within a sportsground—the advertising structure is consistent with any plan of management for the ground.

50 Acquisition and development of land reserved for classified roads

- (1) The objective of this clause is to provide a standard acquisition procedure for land required for classified roads.
- (2) The owner of any land reserved for the purposes of a classified road or a proposed classified road, may, by notice in writing, require the Roads and Traffic Authority (RTA) to acquire that land if:
 - (a) the RTA has decided not to give concurrence required by subclause (4) to an application for consent for the carrying out of development on the land, or
 - (b) according to the works on classified roads that are scheduled to be carried out by the RTA or Government contractors, work on the road is due to commence within 5 years.
- (3) On receipt of a notice under this clause, the RTA must acquire the land unless the land might reasonably be required to be dedicated for a public road.
- (4) Consent for development on land reserved for the purposes of a classified road or a proposed classified road may be granted only if:
 - (a) the development is carried out with the concurrence of the RTA, and

- (b) the development is of a kind, or is compatible with development of a kind, that may be carried out on land in an adjoining zone.
- (5) In deciding whether to grant concurrence to proposed development under this clause, the RTA must take the following matters into consideration:
 - (a) the need to carry out development on the land for the purposes of a classified road or a proposed classified road, and
 - (b) the imminence of acquisition of the land by the RTA, and
 - (c) the likely additional cost to the RTA resulting from the carrying out of the proposed development.
- (6) After land reserved for the purposes of a classified road or proposed classified road has been acquired by the RTA and before it is used for that purpose, development may be carried out on the land, with development consent, for any purpose.

51 Land acquisition within certain zones

- (1) The objective of this clause is to provide for the acquisition of land reserved for certain public purposes (other than a classified road).
- (2) The owner of any land within a zone shown below may, in writing, request the public authority shown opposite the zone to acquire the land.

Zone	Public authority
Local Open Space— Public	The Council
Regional Open Space	The corporation constituted by section 8 (1) of the Act

- (3) On receipt of a notice under this clause, the public authority concerned must acquire the land, unless the land might reasonably be required to be dedicated to a public authority as a condition of consent to the carrying out of development.

52 Waterbodies and riparian land

- (1) The objectives of this clause are:
 - (a) to ensure that development in or adjoining waterbodies takes account of impacts on the environment and other users of the waterbodies, and recognises any relevant management plans for those areas, and
 - (b) to maintain the relative stability of the bed and banks of waterbodies, and
 - (c) to protect and enhance water quality and aquatic ecosystems, including natural wetlands, and
 - (d) to maintain and, where possible, enhance the ecological and water quality functions of riparian vegetation, and
 - (e) to protect the scenic and cultural heritage values of waterbodies and riparian land, and

- (f) to facilitate public access to, and use of, waterbodies where the access does not compromise the above objectives.
- (2) This clause applies to development within waterbodies and on riparian land.
- (3) Development for the purpose of the following must not be carried out on land to which this clause applies:
 - (a) abattoirs,
 - (b) airports,
 - (c) animal boarding or training establishments,
 - (d) animal cemeteries,
 - (e) biosolid waste applications,
 - (f) cemeteries,
 - (g) composting facilities,
 - (h) intensive livestock agriculture,
 - (i) land fill,
 - (j) liquid fuel depots,
 - (k) materials recycling depots,
 - (l) sawmills,
 - (m) stock and sale yards,
 - (n) waste management facilities or works,
 - (o) wool scouring plants.
- (4) Before granting consent to development on land to which this clause applies, the consent authority must be satisfied that the proposed development will be consistent with achieving the objectives of this clause. For that purpose the consent authority must consider the following matters:
 - (a) the recommendations in any relevant management plans of which it is aware (such as water management or wetland management plans) applying to the waterbody,
 - (b) whether the development needs to be in or adjoining a waterbody and whether there is a better location for it,
 - (c) any effect of the development on the relative stability of the bed and banks of the waterbody, whether on the site, upstream or downstream,
 - (d) any effect of the development on water quality or the functions of aquatic ecosystems (such as habitat and connectivity),
 - (e) any effect of the development on riparian vegetation, including its ecological functions (such as habitat and connectivity) and water quality functions,
 - (f) any effect of the development on scenic and cultural heritage values,

- (g) any effect of the development on public access and use of the waterbody and its foreshores, and whether any increase in access and use may have an adverse impact,
- (h) whether the development would affect access to and use of the waterbody for commercial fishing and, if so, whether there is sufficient alternative access in the locality,
- (i) whether the development will increase water extraction for domestic and stock supply and the impact of this extraction on stream flow,
- (j) the likely impact of pests, such as biting midges or mosquitoes, on residents and visitors, and the environmental impacts of any measures used to control these pests,
- (k) the need for specific measures to:
 - (i) minimise the clearing of native riparian vegetation associated with the development, and
 - (ii) protect and enhance the ecological functions (such as habitat and connectivity) of the waterbody and adjoining land, and
 - (iii) protect scenic and cultural heritage values, and
 - (iv) stabilise the bank or shoreline of the waterbody, without compromising natural processes of erosion and deposition, and
 - (v) rehabilitate riparian vegetation, including revegetation of cleared land to enhance the functions of the native vegetation, and
 - (vi) minimise the risk of water pollution, and
 - (vii) facilitate appropriate public access to the waterbody, and
 - (viii) limit or control access to the waterbody and its foreshores to avoid damage to sensitive areas, and
 - (ix) prevent any increase in extraction of water from the waterbody for domestic and stock uses, and
 - (x) ameliorate any identified impact of pests such as biting midges or mosquitoes.

53 Development on flood prone land [compulsory if land to which plan applies contains flood prone land]

Note: There is no land to which this plan applies contains flood prone land.

54 Exceptions to development standards

- (1) The objectives of this clause are:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

- (2) Consent may be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument, subject to this clause.
- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Consent must not be granted for development that contravenes a development standard if:
 - (a) one or more of the following circumstances apply to the proposed development:
 - (i) the development is a subdivision of land that will result in 2 or more lots of less than the minimum area specified for such lots by a development standard,
 - (ii) the development is a subdivision of land that will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard, and
 - (b) the development is proposed on, or is a subdivision of, land that is within a rural zone (not including Rural Residential) or an environment protection zone.
- (7) Consent must not be granted for development that contravenes a development standard if the development:

- (a) is proposed in relation to land within the River Murray as defined by clause 6 (2) of *Murray Regional Environmental Plan No 2— Riverine Land*, and
 - (b) would result in the erection of a building or the carrying out of a work that encroaches on the minimum setback for the land by a distance of more than 10% of that minimum distance.
- (8) However, subclause (7) does not prevent:
 - (a) minor alterations or additions to an existing building or existing work that does not comply with the minimum setback for the land, if the alterations or additions will:
 - (i) not be located closer to the River Murray than the existing building or work, and
 - (ii) not include the addition of a storey, or
 - (b) the erection of a building that is a class 10 building under the *Building Code of Australia* on a lot of land if:
 - (i) another class 10 building that does not comply with the minimum setback is in existence on that lot at the commencement of this plan, and
 - (ii) the proposed class 10 building will not be located closer to the River Murray than the existing class 10 building.
- (9) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (10) This clause does not allow consent to be granted for development that would contravene any of the following:
 - (a) a development standard for complying development,
 - (b) a development standard specified in, or adopted by, the *Building Code of Australia*,
 - (c) a development standard for development in the coastal zone,
 - (d) a development standard listed in the table to this clause.

Note. Additional exclusions may be listed in a table to this clause. An exclusion for BASIX to be included.

55 Bushfire hazard reduction

Bush fire hazard reduction may be carried out on any land without consent.

56 Development for group homes

- (1) If development for the purpose of a dwelling house or a dwelling in a residential flat building may lawfully be carried out in accordance with this plan, the dwelling may, subject to this clause, be erected or used for the purpose of a group home.
- (2) Consent is required to erect or use a transitional group home.
- (3) Consent is required to erect or use a permanent group home that contains more than 5 bedrooms.

- (4) Consent is required to erect or use a permanent group home that contains 5 or less bedrooms and that is occupied by more residents (including any resident staff) than the number equal to the number calculated by multiplying the number of bedrooms in that home by 2.
- (5) Consent may not be refused under this clause unless an assessment has been made of the need for the group home concerned.
- (6) Nothing in this clause requires consent to be obtained by the Department of Housing (or by a person acting jointly with the Department of Housing) to erect or use a transitional group home.

57 Specific development requiring consent

The following development must not be carried out without consent:

- (a) erection of a building that contains more than 2 floors,
- (b) development on land that forms part of a wetland or a waterbody.

Note. Additional categories of development may be added.

Schedule 1 Exempt development

(Clause 14)

Access ramps	See "Disability access"
Advertising structures	
<ul style="list-style-type: none"> business advertising signs on building facades 	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) comply fully with all relevant requirements of the <i>Building Code of Australia</i>, including Part B1 "Structural Provisions" in all respects; b) do not cover any mechanical ventilation inlet or outlet vents; c) are erected in a business zone; d) relate to the activity carried out on the premises to which the sign is affixed; e) do not exceed 2.5m² in area; f) are not higher than the awning, if one is present, or otherwise do not exceed 3.0 metres in height above ground level (existing) at any point; g) do not involve the painting of any wall or glass; and h) if illuminated, are not flashing at any time.
<ul style="list-style-type: none"> business advertising signs - suspended under-awning 	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) comply fully with all relevant requirements of the Building Code of Australia, including Part B1 "Structural Provisions" in all respects; b) do not cover any mechanical ventilation inlet or outlet vents; c) are erected in a business zone; d) relate to the activity carried out on the premises to which the sign is affixed; e) do not exceed 1.5m² in area and/or more than 300mm in depth; f) either do not project beyond the awning or, if no awning exists, do not have a length greater than 2.5 metres; g) are not higher than 3.0 metres above ground level (existing) at any point; h) are suspended with a clearance of at least 2.6 metres as measured from the ground / pavement level; i) are horizontal and erected at right angles to the building to which they are attached; j) if illuminated, are not flashing at any time; and k) not more than one such sign is erected per premises.
<ul style="list-style-type: none"> community signs (temporary) 	See "Banners".
<ul style="list-style-type: none"> construction signs (temporary) 	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) their erection complies fully with all relevant requirements of the <i>Building Code of Australia</i>, including Part B1 "Structural Provisions"; b) do not cover any mechanical ventilation inlet or outlet vents; c) are not illuminated, self-illuminated or flashing at any time; d) are located wholly within a property where construction is being undertaken; e) refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken; f) are restricted to two such signs per property; and g) are removed within 14 days of the completion of all construction works at the site.
<ul style="list-style-type: none"> home occupation identification signs 	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) comply fully with all relevant requirements of the <i>Building Code of Australia</i>, including Part B1 "Structural Provisions";

	<ul style="list-style-type: none">b) do not cover any mechanical ventilation inlet or outlet vents;c) are displayed wholly within the property boundaries;d) are not affixed to a front fence;e) have a height not greater than 1.5 metres above ground level (existing);f) do not exceed 2.5 m² in area; andg) are not illuminated, self-illuminated or flashing at any time.
<ul style="list-style-type: none">▪ real estate signs (temporary)	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">a) their erection complies fully with all relevant requirements of the Building Code of Australia, including Part B1 "Structural Provisions";b) do not cover any mechanical ventilation inlet or outlet vents;c) are not illuminated, self-illuminated or flashing at any time;d) advertise only the premises and/or land to be sold or leased;e) are located wholly within the properties to which they refer;f) not more than one such sign is erected on the frontage of any premises except (i) on inspection day, when directional signs not more than 0.8m² in area may be erected in front of the property during the advertised hours of inspection and (ii) on the day of sale by auction, when bunting may be erected fully within the property, provided that it is removed promptly after the sale by auction;g) are not more than 2.5m² in area;h) are not illuminated in any way; andi) are removed within 14 days of the completion of the sale or granting of the lease.
<ul style="list-style-type: none">▪ residential identification signs	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">a) their erection complies fully with all relevant requirements of the Building Code of Australia, including Part B1 "Structural Provisions";b) they are erected on gateways fences or building facades only;c) measure not more than 2.5 m² unless erected on a multi-unit housing development, in which event they measure not more than 5.5 m².d) have a maximum height not greater than 2.5 metres as measured from ground level.
<ul style="list-style-type: none">▪ sporting and special events signs (temporary)	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">e) their erection complies fully with all relevant requirements of the Building Code of Australia, including Part B1 "Structural Provisions";f) do not cover any mechanical ventilation inlet or outlet vents;g) are not illuminated, self-illuminated or flashing at any time;h) are advertising or sponsorship hoardings;i) are securely fixed;j) are present only for on the day of the sporting or special event at which they are erected;k) are located entirely within the property at which the event is taking place; andl) are removed immediately upon the conclusion of the event.
Aerials / antennae including microwave antennae	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">a) are installed for domestic purposes only;b) are single mast only;c) are wall mounted or roof mounted;d) are, at the highest point, not more than 3.6 metres higher than the roof ridge of the dwelling;e) have a width not greater than 1.5 metres;f) are not located within or beneath the canopy of an existing tree or within

- 10 metres of bushland;
- g) are limited to one per allotment; and
- h) if located on a property listed as a heritage item or located within a heritage conservation area, are not visible from the street or any public place.

Note: See also “Satellite dishes”.

Air conditioning units

- **for detached single dwellings and dual occupancies**

Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:

 - a) are limited to one per dwelling;
 - b) are not located along the front building line;
 - c) are either ground-mounted or attached to an external wall;
 - d) are located at least 1.2 metres from any pool safety fence;
 - e) will not compromise the structural integrity of the buildings to which they are attached;
 - f) any openings created for the purposes of installing the units are adequately weatherproofed;
 - g) are located at least 3 metres from the nearest property boundary and any existing trees and bushland;
 - h) the noise levels do not, at any time, exceed the ambient sound pressure levels by 5dB(A) at the property boundary; and
 - i) in accordance with the *Protection of the Environment Operations Act 1997*, the unit is not audible within any habitable room of an adjoining building between 10pm and 7am on weekdays or 10pm and 8am on weekends and public holidays.
 - **for commercial premises**

Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:

 - a) are not located along the front building line;
 - b) in accordance with the *Protection of the Environment Operations Act 1997*, the unit is not audible within any habitable room of an adjoining premises between 10pm and 7am on weekdays or 10pm and 8am on weekends and public holidays;
 - c) the noise levels do not, at any time, exceed the ambient sound pressure levels by 5dB(A) at the property boundary;
 - d) will not alter the structural integrity of the building to which they are attached; and
 - e) any openings created for the purposes of installing the units are weatherproofed; and
 - f) approval from the body corporate / owners corporation is obtained in the first instance.
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Alterations

- **external alterations to dwelling houses**

Note: See also “Alterations and additions to dwellings” and “alterations to commercial premises” in Schedule 2 - Complying Development

Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:

 - a) involve work of the following nature: rendering, painting (in accordance with the colour palette at Appendix 1), plastering, cladding of existing walls, bagging, attachment of fittings and decorative work;
 - b) are conducted on single detached dwellings, sheds, carports, garages and/or cabanas only;
 - c) are non-structural changes and do not affect the stability of the dwelling;
 - d) do not increase the number or size of windows;
 - e) do not alter the amount of natural light or natural ventilation capable of entering the dwelling;
 - f) if located in a bushfire prone area, any new fittings are of non-

combustible materials and comply with the relevant standards of AS 3959 and *Planning for Bushfire Protection*;

- g) any removal of asbestos, asbestos cement or lead paint complies fully with any requirements of WorkCover Authority NSW, and, in particular, no contamination to the air, soil or surrounding lands results;
- h) removal of asbestos complies with the Code of Practice for the Safe Removal of Asbestos contained in the Worksafe Australia Code *Asbestos* prepared by the National Occupational Health and Safety Commission; and
- i) all lead and asbestos contaminated material is disposed of in accordance with the NSW Environment Protection Authority requirements.

Note: See also “Maintenance works”.

▪ **internal alterations to dwelling houses**

Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:

- a) do not affect the load-bearing capacity of any load-bearing component of the building;
- b) involve work of the following nature: replacement of doors, non-structural walls, ceiling linings, floor linings and/or deteriorated frame members with materials of equivalent or greater quality than those being replaced; renovations to bathrooms, laundries and kitchens; renovation of rooms (including where change of use is proposed); and/or addition of vanities, cupboards, wardrobes and other fixed storage spaces;
- c) do not, for any reason, result in the addition of rooms;
- d) do not alter the floor space of the dwelling;
- e) any work involving the removal of asbestos, asbestos cement or lead paint complies fully with any requirements of WorkCover Authority NSW and, in particular, no contamination to the air, soil or surrounding lands results;
- f) works involving the removal of asbestos comply with the Code of Practice for the Safe Removal of Asbestos contained in the Worksafe Australia Code *Asbestos* prepared by the National Occupational Health and Safety Commission; and
- g) all lead and asbestos contaminated material is disposed of in accordance with the NSW Environment Protection Authority requirements.

Amusement devices (temporary)

▪ **automated**

Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:

- a) are designed primarily for the use of children 12 years of age or under;
- b) are mini ferris wheels, battery operated cars, miniature railways or the like;
- c) are erected for not more than 96 hours in total;
- d) are removed within 24 hours of the close of the event for which they were erected;
- e) in the case of rotating devices, have a maximum rotation of 14 revolutions per minute;
- f) the ground or other surface on which they are to be erected and operated is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason;
- g) are registered under the *Construction Safety Regulations 1950*;
- h) are erected and operated in accordance with all conditions relating to their erection and operation set out in the current certificate of registration issued for the device under those Regulations;
- i) there exist for the devices a current log book within the meaning of those Regulations;
- j) in the case of devices that are installed in a building, fire egress is not

- obstructed;
- k) there is in force a contract of insurance or indemnity that indemnifies to an unlimited extent (or up to an amount of not less than \$10,000,000 in respect of each incident) each person who would be liable for damages for death or personal injury arising out of the operation or use of the device and any total or partial failure or collapse of the device against that liability;
- l) a certificate of adequacy from a practicing structural engineer to certify that they have been erected to operate safely under the intended load is provided to Council not less than one week before they are used;
- m) WorkCover approval for their operation is provided to Council;
- n) proof of public liability is provided to Council not less than one week before they are used; and
- o) the structures do not alter the availability of car parking at the site on which they are erected.

Note: Approval may be required under the *Local Government Act 1993*, even where the development is exempt development.

▪ **non-automated**

Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:

- a) are not erected for more than 96 hours;
- b) are removed within 12 hours of the close of the event for which they were erected;
- c) are structurally sound;
- d) the ground or other surface on which they are to be erected and operated is sufficiently firm to sustain the devices while they are in operation and is not dangerous because of its slope or irregularity or for any other reason;
- e) there is in force a contract of insurance or indemnity that indemnifies to an unlimited extent (or up to an amount of not less than \$10,000,000 in respect of each incident) each person who would be liable for damages for death or personal injury arising out of the operation or use of the device and any total or partial failure or collapse of the device against that liability; and
- f) proof of public liability is provided to Council not less than one week before they are used.

Antennae	See "Aerials and antennae".
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Attachment of fittings	See "Alterations – external alterations to dwelling houses".
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Aviaries	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">a) are used for birds other than poultry or pigeons only and are not used for commercial purposes;b) have an area not greater than 10m²;c) have a height not greater than 2.4 metres;d) are set back at least 2 metres from any property boundary or tree;e) are located at least 4.5 metres from the nearest dwelling;f) if located on a residential property, the total site built-upon area at the completion of the development is not more than 60%;g) if located in a bushfire prone area, comply with the relevant standards of AS 3959 and <i>Planning for Bushfire Protection</i> and are:<ul style="list-style-type: none">(i) located at least 10 metres from any dwelling or tree, or(ii) constructed of non-combustible materials other than aluminium;h) are not constructed of masonry or brick and have a non-reflective finish;i) are not located forward of the front building line or within the setback to a
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- secondary street frontage, except where they are
 - (i) located on a battleaxe allotment, or
 - (ii) located on a property that is used for multi-unit housing, and are not visible from the street;
- j) are designed and located so as to ensure that all wash-down waste removed from the structure is contained within the subject property; and
- k) are limited to one such structure per property.

Awnings

- Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:
- a) the maximum total area of all awnings erected on the property is 10m²;
 - b) the property on which they are located is not listed as a heritage item and is not located within a heritage conservation area;
 - c) are located wholly within the property boundary;
 - d) are not located forward of the building line or within the setback to a secondary street frontage, except where they are
 - (i) located on a battleaxe allotment, or
 - (ii) located on a property that is used for multi-unit housing and are not visible from the street;
 - e) are set back at least 2 metres from any property boundary;
 - f) if located in a bushfire prone area, comply with the relevant standards of AS 3959 and *Planning for Bushfire Protection*, are constructed of non-combustible materials other than aluminium and are not sail cloths; and
 - g) have a non-reflective finish.
- Note:** See also Complying Development for awnings up to 20m².

Bagging

See "Alterations – external alterations to dwelling houses".

Banners

- Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:
- a) are installed at a Council-approved banner location listed in the Ku-ring-gai Council Banner Policy;
 - b) are booked and paid for in accordance with Council's Banner Policy (**Note:** fees are not charged to not-for-profit groups and community organisations);
 - c) display appropriate content in relation to community activities and conform with Council's Corporate Communication standards;
 - d) are securely attached to poles;
 - e) are not illuminated or self-illuminated in any way;
 - f) are not more than 2.8 x 1.0 metres in size, except at the Council Chambers, where the standard and size must accord with the appropriate Council Corporate Communication standard;
 - g) are installed in accordance with the Ku-ring-gai Council Banner Policy.

Barbecues

- **on Council land** Will not require development consent if they meet the requirements for exempt development listed in Section 2 of this schedule, are established by or on behalf of Council on Council managed land for Council purposes and are not located within 600mm of a property boundary.
Note: For shelters over barbecues, refer to "Shade structures".
- **in residential or business zones (portable gas)** Will not require development consent if they meet the requirements for exempt development listed in Section 2 of this schedule.
- **in residential or business zones** Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:

(solid fuel)	<ul style="list-style-type: none">a) have a total maximum area of 3m²;b) have a maximum height of 1.8 metres above ground level or patio / deck level;c) are not located forward of the front building line or within the setback to a secondary street frontage, except where they are located<ul style="list-style-type: none">(i) on a battleaxe allotment, or(ii) on a property that is used for multi-unit housing and are not visible from the street;d) if located in a bushfire prone area, comply with the relevant standards of AS 3959 and <i>Planning for Bushfire Protection</i> and are located at least 10 metres from any building or tree;e) are located at least 1.2 metres from any pool safety fence; andf) are limited to one per property. <p>Note: For shelters over barbecues, refer to “Shade structures”.</p>
Basketball Hoops and Stands	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">a) are freestanding on posts and concreted into the ground;b) if located on a residential property, are located in the rear yard;c) if located on a residential property, have a maximum height of 2.5 metres;d) backboards and posts are securely affixed so as to prevent vibration and noise; ande) comply with AS 4226 Guidelines for safe housing design (Amendment 1).
Bird Houses	See “Aviaries”
Boardwalks	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">a) are constructed by or on behalf of Council on Council owned and/or managed land;b) are installed and maintained in accordance with an adopted Plan of Management for the subject land;c) do not involve topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Council’s Tree Preservation Order applies;d) are not constructed in a natural area or bushland as defined in <i>State Environmental Planning Policy No. 19 – Bushland in Urban Areas</i> as identified in the natural category on Council’s Open Space Categories and Land Use Map; ande) have a width of not more than 4 metres. <p>Note: An approval or permit other than development consent may be required, for example under then <i>Rivers and Foreshores Improvement Act</i> 1948. Contact the Department of Natural Resources for further information.</p>
Bollards	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and are installed by or on behalf of Council on Council managed land for Council purposes.</p>
Boundary adjustments	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">a) no additional lot is created by the boundary adjustment;b) is not undertaken on bushfire prone land;c) is implemented for one of the following purposes:<ul style="list-style-type: none">(i) making an adjustment to a boundary between allotments;(ii) rectifying an encroachment upon an allotment;d) is not implemented for the purpose of leasing land;

- e) the size of any lot is not altered by more than 10%;
- f) no new property boundary is located within 0.9 metres of any building;
- g) all buildings on the subject properties will continue to meet deemed-to-satisfy provisions of the *Building Code of Australia*;
- h) the boundary adjustment is not within 3 metres of any tree to which Council's Tree Preservation Order applies;
- i) there is no impact on the drainage or access rights for any of the subject allotments or any adjoining premises;
- j) a written notice and copy of the plan of subdivision is lodged with Council prior to lodgement with the Land Titles Office; and
- k) any notice of transfer is forwarded to Council with the appropriate lodgement fee.

Bridges

Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:

- a) are constructed by or on behalf of Council in a public park or recreation space for pedestrian / bicycle use only;
- b) do not involve topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Council's Tree Preservation Order applies;
- c) are not constructed in a natural area or bushland as defined in *State Environmental Planning Policy No. 19 – Bushland in Urban Areas* as identified in the natural category on Council's Open Space Categories and Land Use Map;
- d) are installed and maintained in accordance with an adopted Plan of Management for the subject land;
- e) have a span not greater than 10 metres between abutments;
- f) the height of the underside of the bridge is 500mm above the 1 in 100 year flood level;
- g) are designed, fabricated and installed in accordance with the *Building Code of Australia* Section B;
- h) when constructed of steel, are designed, fabricated and installed in accordance with AS 4100; and
- i) when constructed of timber, are designed, fabricated and installed in accordance with AS 1720.

Note: An approval or permit other than development consent may be required, for example under the *Rivers and Foreshores Improvement Act 1948*. Contact the Department of Natural Resources for further information.

Building alterations

See "Alterations".

Cabanas

The requirements for cabanas are the same as those for gazebos.

Canopies

See "Awnings".

Cat exercise enclosures

Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:

- a) are used for the exercise of domestic cats only;
- b) are not larger than 10m²;
- c) have an overall height not greater than 2.4 metres;
- d) are set back at least 1 metre from any property boundary and at least 4.5 metres from the nearest dwelling;
- e) if located on a residential property, the total site built-upon area at the completion of the development does not exceed 60%;
- f) if located in a bushfire prone area, comply with the relevant standards of AS 3959 and *Planning for Bushfire Protection* and are:
 - (i) located at least 10 metres from any dwelling or tree, or
 - (ii) constructed of non-combustible materials other than

- aluminium;
- g) are not located forward of the front building line or within the setback to a secondary street frontage, except where they are located
 - (i) on a battleaxe allotment, or
 - (ii) on a property that is used for multi-unit housing, and are not visible from the street;
- h) are designed and located so as to ensure that all wash-down waste removed from the structure is contained within the subject property; and
- i) are limited to one such structure per property.

Change of use	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) involves one of the following changes: office to office; office to business premises; business premises to office; or shop to shop; b) the new use is permissible in the zone and does not contravene the conditions of the most recent development consent issued; c) does not involve change of use to a refreshment room, hairdressing salon, beauty salon, adult bookshop, sex shop, brothel, remedial massage, food shop or mortuary; d) the new use does not involve the exhibition, display, sale or showing of restricted publications within the meaning of the <i>Indecent Articles and Classified Publications Act 1975</i> and/or the display or exhibition of any non-printed matter that is an article, within the meaning of that Act, that is primarily concerned with sexual behaviour; e) the new use does not involve the conduct of activities to which Section 10 of the <i>Indecent Articles and Classified Publications Act 1975</i> applies; f) the new use is consistent with the classification of the building under the <i>Building Code of Australia</i>; g) the hours of operation are not altered; h) where necessary in accordance with this DCP, DCP No. 28 (Advertising Signs) and <i>State Environmental Planning Policy No. 64</i>, consent is granted by Council for any new advertising signage required that is associated with the new use; i) the change of use will not involve any change to the floorspace, carparking requirements or landscaping area; j) internal alterations to the premises do not involve any alteration to the load-bearing capacity of load-bearing components; k) where trade waste is to be discharged into a Sydney Water sewerage system, written permission is obtained from Sydney Water Corporation prior to the change of use being made; and l) the building complies with the Category 1 fire safety provisions applicable to the proposed new use. [Note: 'Category 1 fire safety provisions' has the same meaning as in Part 9 of the <i>Environmental Planning and Assessment Regulation</i>.
Children's play equipment	See "Cubby houses" and "Playground equipment"
Cladding	See "Alterations – external alterations to dwelling houses"
Clothes lines or clothes hoists	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) are not located forward of the front building line or within the setback to a secondary street frontage; and b) are installed in accordance with the manufacturer's specifications.

Clothing bins	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">a) are associated with, run and collected by a registered charity;b) are not located within a road reserve (including footpath); andc) are maintained in a presentable state.
Community banners	<p>See "Banners".</p>
Contaminated land remediation	<p>SEPP 55 and Council's Contaminated Land Policy define the nature of Category 1 and Category 2 land remediation works. If the remediation works are Category 2 and undertaken in accordance with the policy, the development will be exempt. However, environmental assessment under Part 5 of the <i>Environmental Planning and Assessment Act 1979</i> may still be required.</p>
Cubby houses	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">a) are free standing and are not tree houses;b) if located on a residential property, the total site built-upon area at the completion of the development is not more than 60%;c) have a maximum floor area of 10m²;d) have a maximum height of 2.4 metres;e) are not located forward of the front building line or within the setback to a secondary street frontage, except where they are located<ul style="list-style-type: none">(i) on a battleaxe allotment, or(ii) on a property that is used for multi-unit housing, and are not visible from the street;f) are located not less than 5 metres from any dwelling on an adjoining property and not less than 2 metres from a boundary or tree;g) do not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Council's adopted tree preservation order applies;h) if located in a bushfire prone area, are:<ul style="list-style-type: none">(iii) located at least 10 metres from any dwelling or tree, or(iv) constructed of non-combustible materials other than aluminium;i) are not constructed of brick or masonry; andj) have a non-reflective finish.
Decks	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">a) are not located forward of the front building line or within the setback to a secondary street frontage, except where they are located<ul style="list-style-type: none">(i) on a battleaxe allotment, or(ii) on a property that is used for multi-unit housing, and are not visible from the street;b) are set back at least 2 metres from any property boundary or tree;c) are not larger in area than 10m²;d) if located on a residential property, the total site built-upon area at the completion of the development is not more than 60%;e) do not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Council's adopted tree preservation order applies;f) if located in a bushfire prone area, comply with the relevant standards of AS 3959 and <i>Planning for Bushfire Protection</i> and are constructed of non-combustible materials other than aluminium;g) have a finished surface not more than 500mm above ground level, except where the area of land on which they are located has a slope of more than 15%, in which event the finished surface may be not more than 800mm above ground level;

- h) if constructed of timber, have a minimum clearance of 200mm to the underside of the bearers; and
- i) are limited to one such structure per allotment.

Note: See also Complying Development for decks up to 20m².

Decorative work	See "Alterations – external alterations to dwelling houses"
Demolition	<p>Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">a) the property on which it is undertaken is not within a draft heritage conservation area or on a site adjoining a listed heritage item;b) either construction of the item would be exempt development under this LEP or the total footprint of the structures to be demolished at the site measure not more than 40m²;c) the structure to be demolished is not a dwelling or part of a dwelling;d) is not undertaken within 5 metres of the trunk of any tree to which Council's adopted tree preservation order applies;e) is carried out in accordance with AS 2601 – 1991 – Demolition of Structures;f) is undertaken between the hours of 7am and 5:30pm on Mondays to Fridays and between the hours of 8am and 12 noon on Saturdays and is not undertaken on Sundays or public holidays;g) all works are undertaken in accordance with Council's <i>Development Control Plan No. 40 and Policy for Construction and Demolition Waste Management</i>;h) any work involving the removal of asbestos, asbestos cement or lead paint complies fully with any requirements of WorkCover Authority NSW, and, in particular, no contamination to the air, soil or surrounding lands results;i) works involving the removal of asbestos comply with the Code of Practice for the Safe Removal of Asbestos contained in the Worksafe Australia Code <i>Asbestos</i> prepared by the National Occupational Health and Safety Commission; andj) all lead and asbestos contaminated material is disposed of in accordance with the NSW Environment Protection Authority requirements. <p>Note: Approval or permit other than development consent may be required, for example under then <i>Rivers and Foreshores Improvement Act 1948</i>. Contact the Department of Natural Resources for further information.</p>
Disability access including ramps, paths and internal inclinator for people with disabilities	<p>Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">a) is constructed wholly within the boundaries of the subject property;b) is not installed on a heritage item or in a heritage conservation area;c) is not an elevator (lift);d) has a maximum height of 600mm above ground level;e) has a maximum grade, at any section, of 1:14;f) is not longer than 9m; andg) complies with Australian Standard AS 1428.1 – Design for access and mobility - General requirements for access – New building work.
Display of merchandise	For display of goods and merchandise on footpaths, see "Footpath Activities".
Dog houses	See "Kennels"
Effluent discharge into sewer	Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and is connected to Sydney Water's sewerage system and satisfies any Sydney Water Trade Waste

requirements.

Note 1: Discharge of effluent into a sewer will require approval by Council under section 68 of the *Local Government Act 1993*.

Note 2: See also "Sewage discharge into sewer".

Electricity poles	See "Power Poles"
Events	See "Special events"
External alterations	See "Alterations"
Fences including gates and boom gates	
<ul style="list-style-type: none"> ▪ hoardings and other temporary fencing 	<p>May be erected without development consent if it meets all the requirements for exempt development listed in Clause 14 of this LEP and where it is required to ensure that danger is not posed to life, property and/or the environment.</p> <p>Note: If located on Council land, an application must be made to Council under s.68 of the <i>Local Government Act</i>.</p>
<ul style="list-style-type: none"> ▪ on Council land 	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) are erected by or on behalf of Council on Council managed land for Council purposes; b) are erected in accordance with an adopted Plan of Management for the subject land; or c) are erected for the purpose of increasing public safety.
<ul style="list-style-type: none"> ▪ boundary fencing on residential land 	<p>Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) are not situated between the street frontage and the existing front building line or along a secondary street frontage; b) are not fences around swimming pools; c) will not impede the natural flow of stormwater from the site; d) comply with all relevant provisions of the <i>Dividing Fences Act 1991</i>; e) are consistent in style and material with those typical to the area; f) if erected in a bushfire prone area, comply with the requirements of <i>Planning for Bushfire Protection</i> and <ul style="list-style-type: none"> (i) are constructed of non-combustible materials other than aluminium and are not brushwood fencing, or (ii) are located at least 10 metres from any other building or tree; g) are not higher than 1.8 metres unless constructed adjacent to bushland, in which event they must be not higher than 1.5 metres and constructed of cyclone wire or metal frame; h) the erection of the fence does not require any cut or fill; and i) gates open inwards to the property. <p>Note: It is highly recommended that persons wishing to erect a side or rear boundary fence consult with all neighbours prior to construction.</p>
<ul style="list-style-type: none"> ▪ front fences (fencing to a public street) 	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) their maximum height as measured from ground level to the top of the fence is <ul style="list-style-type: none"> (i) 1.2 metres if the fence is of transparent design and construction, or (ii) 900mm if the fence is of non-transparent design and construction and constructed of timber, metal or light-weight material;

<p>(diagram to explain meaning of 'in subject block on same side of street')</p>	<ul style="list-style-type: none"> b) 75% or more of the properties in the street in the subject block and on the same side of the subject street have a front fence that has been erected with development consent or in accordance with this Plan; and c) the properties on which they are erected are not heritage items or in heritage conservation areas; and d) if erected in a bushfire prone area, comply with the requirements of Planning for Bushfire Protection and <ul style="list-style-type: none"> (i) are constructed of non-combustible materials other than aluminium and are not brushwood fencing, or (ii) are located at least 10 metres from any other building or tree. <p>Note: See also "Maintenance works – fence maintenance".</p>
<p>Filming</p>	<p>Certain types of filming are exempt development in accordance with <i>State Environmental Planning Policy No. 4</i>. The criteria listed in this instrument were developed by the Department of Planning.</p>
<p>Fish ponds</p>	<p>See "Ponds"</p>
<p>Fireworks</p>	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) are set off as part of an event held on land that is not zoned for residential purposes; b) are planned, prepared and set off by appropriately qualified persons; c) are set off no later than 12:30 am, except where set off in association with a school, scout or similar event in a residential area, in which event they must be set off no later than 9:30 pm. d) the duration of the fireworks display is not longer than twenty minutes on any single night; e) not less than seven days prior to the event, written notice of the intention to set off fireworks is given to any residential properties within a 200m radius of the land on which the fireworks are to be set off to advise the date and time of the fireworks display.
<p>Flagpoles</p>	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) are not used for corporate or commercial advertising; b) have a height not greater than 6m; c) no filling of the land occurs for or as a result of the flagpole installation; d) are set back at least 7m from any property boundary; e) are structurally sound and installed to manufacturer's specifications; f) protocol relating to Australian flags is observed; and g) not more than one flagpole is established on any residential property.
<p>Footpath activities</p>	<p>Footpath activities carried out in accordance with Council's adopted <i>Outdoor Dining and Footpath Trading Policy</i>, do not require development consent. However, approval may be required under the <i>Roads Act 1993</i>. Please consult the Policy for further information.</p>
<p>Fountains</p>	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) are not more than 10m² in area; b) have a minimum setback of 1 metre to the nearest property boundary; c) if located on residential properties, the total site built-upon area at the completion of the development does not exceed 60%; d) are not more than 1.8 metres high or wide; e) have a maximum water depth of not more than 300mm; f) appropriate barriers (eg. vegetation, wire mesh or edging) are established so that young children cannot readily access the water;

	<p>g) the noise levels do not, at any time, exceed the ambient sound pressure levels by 5dB(A) at the property boundary and the fountain is not audible within any habitable room of an adjoining premises; and</p> <p>h) not more than one fountain is established on any single allotment.</p>
Garden sheds	See "Sheds"
Gates	<p>See "Fences" for standard gates and boom gates.</p> <p>See "Lychgates" for roofed gates.</p>
Gazebos	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <p>f) are not located forward of the front building line or within the setback to a secondary street frontage, except where they are located</p> <p>(i) on a battleaxe allotment, or</p> <p>(ii) on a property that is used for multi-unit housing and are not visible from the street;</p> <p>g) if located on residential properties, the total site built-upon area at the completion of the development does not exceed 60%;</p> <p>h) do not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Council's tree preservation order applies;</p> <p>i) are open-sided on all sides;</p> <p>j) have a maximum area of 10m²;</p> <p>k) are not greater than 2.4 metres in height;</p> <p>l) are set back at least 2 metres from any property boundary;</p> <p>m) are located at least 4.5 metres from the nearest dwelling;</p> <p>n) not more than one such structure is erected on the property</p> <p>i) if erected in a bushfire prone area, comply with the requirements of AS 3959 and <i>Planning for Bushfire Protection</i> and</p> <p>(i) are constructed of non-combustible material other than aluminium, or</p> <p>(ii) are located at least 10 metres from any other building or tree.</p>
Goal posts	See "Sporting structures"
Greenhouses	See "Sheds"
Heaters	See "Solid fuel heaters"
Hire of community land	See "Lease of community land"
Hoarding	See "Fencing"
Hoods for doors and windows	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <p>a) the property on which they are located is not listed as a heritage item or located in a heritage conservation area; and</p> <p>b) do not project more than 650mm from any façade of the building.</p>
Home occupations	Will not require development consent if they are consistent with the definition of Home Occupation in the Ku-ring-gai Planning Scheme Ordinance.
Inclinators	See "Disability access"

Internal alterations	See "Alterations"
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Kennels	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">a) do not exceed 10m² in area;b) if located on a residential property, the total site built-upon area at the completion of the development is not more than 60%;c) do not exceed 2.0 metres in height;d) have a setback of not less than 1.0 metres from the side and rear boundaries;e) are not less than 2.0 metres from any tree; andf) are not located forward of the front building line or within the setback to a secondary street frontage, except where they are located<ul style="list-style-type: none">(i) on a battleaxe allotment, or(ii) on a property that is used for multi-unit housing, and are not visible from the street.
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Landscape Works	
<ul style="list-style-type: none">▪ landscape works on residential land	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">(i) do not involve the removal of any tree except in accordance with Council's adopted Tree Preservation Order;(ii) do not involve cut or fill in excess of 300mm above or below ground level;(iii) no plants used are declared noxious weeds;(iv) if any noise-generating equipment is used, works are undertaken between the hours of 7am and 5:30pm on Mondays to Fridays and between the hours of 8am and 12noon on Saturdays and are not undertaken on Sundays or public holidays; and(v) any fill used is clean fill or is sourced from the property on which the works are to be undertaken. <p>Note 1: "Paving", "Retaining walls" and "Ponds" are listed separately in Exempt Development.</p> <p>Note 2: See also "Maintenance".</p>
<ul style="list-style-type: none">▪ landscape works on Council land	<p>In accordance with the provisions of the <i>Ku-ring-gai Planning Scheme Ordinance</i>, do not require consent if undertaken on land zoned 6(a).</p>

Lease of community land	<p>May be undertaken without development consent in accordance with the provisions of the <i>Local Government Act 1993</i> and the relevant Plan of Management for the land.</p>
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Letter boxes	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">a) if they are detached new structures, measure not more than 1.2 metres at any point above existing ground level;b) are not more than 500mm in width;c) not more than one letter box is established per dwelling; andd) not more than three letterbox structures are established for any one allotment, regardless of the number of dwellings on the allotment.
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Lighting	<p>Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">a) is installed by or on behalf of Council on Council open space land for Council purposes;
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- b) is of a post top design;
- c) is not designed to be used for lighting of playing fields;
- d) light is directed and/or shielded so as not to cause light spill to habitable rooms of adjoining premises;
- e) security lighting is located and focuses so as not to cause light spill into habitable rooms of adjoining premises; and
- f) garden lighting is established in accordance with AS 4282 – 1997 Control of the obtrusive effects of outdoor lighting, so as not to generate light spill into habitable rooms of adjoining premises.

Note: See also “Replacement of Items” and “Landscape Works”.

**Loudspeaker Use
including use of sound
amplifying devices**

Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and:

- a) the loudspeaker or sound amplifying device is set up, operated or used on community land;
- b) it is undertaken in association with a special event that has been booked with Council (see “Special events”); or
- c) if a notice has been erected by Council on the land on which it is undertaken, it is done in accordance with that notice; or otherwise
- d) is undertaken between the hours of 9am and 6pm on Mondays to Fridays and between the hours of 10am and 6pm on Saturdays and is not undertaken on Sundays or public holidays.

Note: An application for use of loudspeakers must be made under section 68 of the *Local Government Act 1993*.

Lychgates

Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:

- a) the width and depth of the structures is not greater than 1.8 metres;
- b) the height of the structures is not greater than 2.4 metres as measured from ground level to the highest point of the roof;
- c) are located at least 2.0 metres from any tree; and
- d) if erected in a bushfire prone area, comply with the requirements of AS 3959 and *Planning for Bushfire Protection* and:
 - (i) are located at least 10 metres from any structure or tree, or
 - (ii) are constructed of non-combustible material other than aluminium.

Maintenance works

Note: See also “Replacement of items” and “Alterations – external alterations to dwellings”

▪ **cleaning**

Will not require development consent if it meets the requirements for exempt development listed in Section 2 of this schedule, except where the cleaning is undertaken on a heritage item, in which event the works may comprise the cleaning of gutters, drainage systems, ponds, dams and other water storage drainage areas only.

▪ **fence maintenance**

Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and the appearance, height, design and material of the existing fence is not altered, except where the fence must be straightened or resecured to its original position, but not where:

- a) the fence is a side or rear boundary fence constructed of or comprising asbestos, or
- b) the fence is a front fence constructed of or comprising asbestos, colorbond or rough-sawn timber materials.

Note: Materials must not be stored on the nature strip.

▪ **roof maintenance**

Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and:

	<ul style="list-style-type: none"> a) involves the resealing of loose elements on a roof; <u>or</u> b) involves structural repairs to guttering or the like.
<ul style="list-style-type: none"> ▪ tree surgery 	<p>Will not require development consent if it meets the requirements for exempt development listed in Section 2 of this schedule, is undertaken by a qualified horticulturalist or tree surgeon and is necessary for the survival of the vegetation.</p> <p>Note: Council has a Tree Preservation Order under which the cutting down, topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which the Order applies is prohibited unless prior approval has been obtained from Council. The carrying out of tree surgery as exempt development must not contravene Council's Tree Preservation Order.</p>
<ul style="list-style-type: none"> ▪ other maintenance 	<p>Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) there is no alteration to design, material and/or appearance of the structure to be maintained; and b) the building or property on which it is undertaken is not a heritage item.
Marquees	See "Temporary buildings"
Meetings	See "Public meetings"
Outdoor dining	Approval is required under the <i>Roads Act 1993</i> . See Council's adopted <i>Outdoor Dining and Footpath Trading Policy</i> .
Outdoor furniture	<p>Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) involves the erection and/or installation of one or more seats, rubbish bins, picnic tables, picnic platforms and/or shelters over picnic facilities; b) if established for or on behalf of Council, on Council managed public land, is established in accordance with a Plan of Management; and c) is designed, fabricated and installed in accordance with relevant standards including, where applicable, the <i>Building Code of Australia</i>. <p>Note: See also "Gazebos".</p>
Park Furniture	See "Outdoor furniture"
Paths	See "Paving", "Decks" or "Disability access"
Patios	See "Paving" or "Disability access"
Paving including patios	Note: See also "Driveways" in Complying Development.
<ul style="list-style-type: none"> ▪ on private property 	<p>Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) there will not be more than 35m² of paving laid; b) if established on a residential property, the total site built-upon area at the completion of the development is not more than 60%; c) no stormwater is directed to neighbouring properties as a result of the paving; d) is not established within seven metres of the trunk of any tree to which Council's Tree Preservation Order applies; e) the level of the fill placed at any point on the site does not exceed

	500mm above existing ground level; and
	f) any fill used in establishing the paving is sourced from the site on which the paving is established or is clean sand / gravel.
▪ in open space lands and road reserves	Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and: a) is established on land that is managed by Council in accordance with a Plan of Management; b) is established by or on behalf of Council on Council managed land for Council purposes.

Pergolas	Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and: a) are not roofed; b) measure not more than 10m ² in area; c) have a maximum height of 2.4 metres above ground level; d) are set back at least 2 metres from any property boundary or tree; e) if erected in a bushfire prone area, comply with the requirements of AS 3959 and <i>Planning for Bushfire Protection</i> and: (i) are constructed of non-combustible material other than aluminium; or (ii) are located at least 10 metres from any other building or tree; f) are not located forward of the building line or within the setback to a secondary street frontage, except where they are located (i) on a battleaxe allotment, or (ii) on a property that is used for multi-unit housing and are not visible from the street; and g) not more than one pergola is erected per property.
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Plastering	See "Alterations – external alterations to dwelling houses"
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Playground equipment	
▪ on private property	Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and: a) is free standing; b) if softfall is installed, it is done so in accordance with the manufacturer's instructions and the relevant safety standards; c) occupies a maximum area of 15m ² , including any softfall area; d) has a maximum height of 2.4 metres; e) is not located forward of the front building line or within the setback to a secondary street frontage, except where it is located: (i) on a battleaxe allotment, or (ii) on a property that is used for multi-unit housing and is not visible from the street; and f) is located not less than 5 metres from any dwelling on an adjoining property and not less than 2 metres from the boundary.
▪ in open space lands and road reserves	Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and is established by or on behalf of Council on Council managed land for Council purposes.

Plumbing works	Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and: a) appropriate approvals for the works are obtained from Sydney Water Corporation;
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- b) works involving the removal of asbestos comply with the Code of Practice for the Safe Removal of Asbestos contained in the Worksafe Australia Code *Asbestos* prepared by the National Occupational Health and Safety Commission; and
- c) all lead and asbestos contaminated material is disposed of in accordance with the NSW Environment Protection Authority requirements.

Note: See also “Stormwater drainage”.

**Ponds
including fish ponds**

Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:

- a) are not more than 10m² in area;
 - b) are located at least 1m from the nearest property boundary;
 - c) are designed such that the maximum water depth is not more than 300mm at any point;
 - d) are not located forward of the front building line or within the setback to a secondary street frontage, except where they are located
 - (iii) on a battleaxe allotment, or
 - (iv) on a property that is used for multi-unit housing and are not visible from the street;
 - e) appropriate barriers (eg. vegetation, wire mesh or edging) are established so that young children cannot readily access the water;
 - f) the noise level does not, at any time, exceed the ambient sound pressure level by 5dB(A) at the property boundary; and
 - g) not more than one pond is established on any allotment.
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Portable classrooms

May be exempt development under the provisions of SEPP 4.

Portaloos

See “Temporary buildings”

Power poles

Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:

- a) are installed in accordance with the requirements of EnergyAustralia;
 - b) are located within 3 metres of a side property boundary; and
 - c) evidence is provided by EnergyAustralia that underground connection is not available.
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Privacy screens

Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:

- a) are not located forward of the building line or within the setback to a secondary street frontage, except where they are located
 - (i) on a battleaxe allotment, or
 - (ii) on a property that is used for multi-unit housing, and are not visible from the street;
 - b) are not more than 2.1 metres in height;
 - c) if erected in a bushfire prone area, comply with the requirements of AS 3959 and *Planning for Bushfire Protection* and:
 - (i) are constructed of non-combustible materials other than aluminium, or
 - (ii) are located at least 10 metres from any other building or tree;
 - d) are constructed of lightweight materials; and
 - e) if installed at ground level, landscaping is employed at or around the privacy screen in order to soften its appearance.
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Public art

Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and is carried out or installed by or on behalf of Ku-ring-gai Council.

Public meetings	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and they are conducted either outdoors or in a building that is a Class 9b building, being a building of a public nature, as defined by the <i>Building Code of Australia</i>.</p> <p>Note: Approval from Council may be required under section 68 of the Local Government Act.</p>
Public toilets	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) have a maximum area of 30m²; b) are designed for access and use by persons of any gender with physical disabilities; c) are designed to be energy and water efficient; d) are installed by or on behalf of Ku-ring-gai Council on Council managed land; e) are installed and maintained in accordance with any adopted Council Plan of Management for the site; f) a section 73 Compliance Certificate is obtained from the Sydney Water Corporation.
Rainwater tanks	See "Water tanks"
Ramps	See "Disability access"
Recladding	See "Alterations – external alterations to dwelling houses"
Remediation	See "Contaminated Land Remediation"
Rendering	See "Alterations – external alterations to dwelling houses"
Renovations	See "Alterations"
Replacement of structures and materials	Note: See also "Maintenance"
<ul style="list-style-type: none"> ▪ carport and garage replacement 	<p>Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) the structure is not a heritage item or in a heritage conservation area; b) no part of the structure is located forward of the front building line; and c) the new materials are similar to those being replaced in terms of design and appearance, except where located in a bushfire prone area, in which event the materials may be altered to non-combustible materials other than aluminium.
<ul style="list-style-type: none"> ▪ deck replacement 	<p>Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) if located in a bushfire prone area, complies with the requirements of AS 3959 and <i>Planning for Bushfire Protection</i> and is constructed of non-combustible materials other than aluminium; and a) the new deck is similar to the deck that it replaces in terms of appearance, height, design and material.
<ul style="list-style-type: none"> ▪ driveway replacement 	<p>Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) it has the same or lesser built-upon area as the driveway being replaced;

	and
	b) it is contained wholly within the property boundaries.
▪ garage replacement	See “carport and garage replacement” above.
▪ glass replacement	See “Maintenance – window and glass door maintenance”.
▪ lighting replacement (including floodlighting towers) on Council land	<p>Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">a) the height of the lighting is not greater than that being replaced;b) the appearance is substantially the same as that being replaced;c) structural integrity is not reduced; andd) the alignment and lux levels of the lighting, including at adjoining and surrounding and properties, are equivalent to those at the site prior to the pole being replaced.
▪ paving replacement	<p>Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">a) it has the same or lesser built-upon area as the paving being replaced;b) it is contained wholly within the property boundaries; andc) it is graded away from the house and does not obstruct drainage of the site on which it is carried out or in any way affect the drainage of neighbouring properties.
▪ roofing material replacement	<p>Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and the new materials (tiles, corrugated iron or the like) are similar to those being replaced in terms of design and appearance, except where located in a bushfire prone area, in which event the materials (but not the appearance) may be altered so as to comply with AS 3959 section 3.9.</p>

Retaining walls

Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:

- a) they are not located at the site of a heritage item or in a heritage conservation area;
- b) the total combined height of all retaining walls is not more than 900mm above or below ground level (existing);
- c) backfill used consists of either clean granular backfill or fill sourced from the property on which they are located;
- d) are designed and constructed so as to cause no interference to the natural flow of stormwater across the site and do not result in additional surface runoff being directed to neighbouring properties;
- e) the retained area is not located within the drip line of any tree;
- f) where erected on residential properties, are set back at least 2 metres from any property boundary;
- g) if constructed of masonry materials, comply with the following Australian Standards: AS 3700 – Masonry Code; AS 3600 – Concrete Structures; and AS 1170 – Loading Code; and
- h) if constructed of timber materials, comply with the following Australian Standards: AS 1720 – Timber Structures; and AS 1170 – Loading Code.

Note 1: See also “Maintenance”.

Note 2: An approval or permit other than development consent may be required, for example under then *Rivers and Foreshores Improvement Act 1948*. Contact the Department of Natural Resources for further information.

Sail cloths

See “Awnings”

Satellite dishes

Note: See also “Aerials / antennae”

▪ ground mounted

Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:

- a) not more than one satellite dish is established per allotment;
- b) are not more than 1.8 metres high at any point above ground level (existing);
- c) have a diameter not greater than 1.0 metres;
- d) are located in the rear yard except where they are located
 - (i) on a battleaxe allotment, or
 - (ii) on a property that is used for multi-unit housing;and are not visible from the street;
- e) are located at least 900mm from any property boundary;
- f) are structurally sound; and
- g) if located on commercial premises, do not reduce the amount of carparking available.

▪ roof mounted

Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:

- a) are not visible from any public place;
- b) have a diameter not greater than 1.0 metres;
- c) are erected below the ridge level of a pitched roof and not more than 1m above a flat roof;
- d) are structurally sound; and
- e) not more than one satellite dish is established per allotment.

Scaffolding

Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP.

Note: Scaffolding erected on Council land requires an application under section 68 of the *Local Government Act*.

Sewage discharge into sewer

Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and is connected to Sydney Water's sewerage system and satisfies any Sydney Water Trade Waste requirements.

Note 1: See also “Effluent Discharge into Sewer”.

Note 2: Discharge of sewage into a sewer will, however, require approval from Council under section 68 of the *Local Government Act 1993*.

Shade structures

▪ residential

Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:

- a) have a maximum area of 20m²;
- b) are not located forward of the building line or within the setback to a secondary street frontage except where they are
 - (i) located on battleaxe allotments, or
 - (ii) located on a property that is used for multi-unit housing;
- c) have a maximum height of 2.4 metres at any one point; and
- d) if erected in a bushfire prone area, comply with the requirements of AS 3959 and *Planning for Bushfire Protection* and are
 - (i) located not closer than 10 metres to any structure or tree, or
 - (ii) constructed of non-combustible materials other than aluminium.

▪ other locations

Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:

- a) if installed at a Council managed park or recreation area, are installed and maintained by or on behalf of Council in accordance with any relevant adopted Council Plan of Management;

	<ul style="list-style-type: none"> b) if erected in a bushfire prone area, comply with the requirements of AS 3959 and <i>Planning for Bushfire Protection</i>, and are <ul style="list-style-type: none"> (i) located not closer than 10 metres to any structure or tree, or (ii) constructed of non-combustible materials other than aluminium.
Sheds and greenhouses including shadehouses	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) are located in the rear yard, except where they are located <ul style="list-style-type: none"> (i) on battleaxe allotments, or (ii) on properties that are used for multi-unit housing, and are not visible from the street; b) have a floor area not larger than 12m²; c) have a height not greater than 2.4 metres; d) are set back at least 2 metres from any side or rear property boundary if higher than 1.8 metres or otherwise 1.0 metres; e) are set back at least 2 metres from all trees; f) are free-standing; g) if erected in a bushfire prone area, comply with the requirements of AS 3959 and <i>Planning for Bushfire Protection</i>; and <ul style="list-style-type: none"> (i) are constructed of non-combustible materials other than aluminium, or (ii) are located at least 10 metres from any other building or tree; h) are finished in a manner that ensures non-reflectivity; and i) if erected on residential premises, not more than one shed and / or greenhouse is erected per allotment. <p>Note: If the proposed shed is not exempt development, see “Sheds and Greenhouses” under Complying Development.</p>
Sight screens	See “Sporting structures”
Signs	See “Advertising structures”
Skylights	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) the area occupied by skylights is not more than 5% of the total area of the roof; and b) on properties listed as heritage items or located within a heritage conservation area, are erected on the rear roof elevation and are not visible from the streetscape or a public place.
Solar cells	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none"> a) no trees are lopped in order to achieve solar access for the cells; b) are not located on the front façade of the building to which they are attached except where they are located: <ul style="list-style-type: none"> (i) on battleaxe allotments, or (ii) on properties that are used for multi-unit housing, and are not visible from the street; and c) if the property at which they are to be established is in a bushfire prone area, solar matting on roofs for pools is not established.
Solar water heaters	See “Water heaters”
Solid Fuel Heaters	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP.</p> <p>Note: Council approval under the <i>Local Government Act 1993</i> section 68 may be required.</p>

Special events

Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:

- a) are social, family, corporate or community functions or events;
- b) if located on Council owned or managed land:
 - (i) are purposes listed in a Plan of Management for the location,
 - (ii) will not occur outside the standard hours of operation for that land,
 - (iii) are formally booked with Council in accordance with Council's Open Space Booking Policy, and
 - (iv) all relevant fees are paid to Council prior to the event;
- c) do not contravene any specific condition of development consent that applies to the land on which they will be held;
- d) will not occur outside the standard hours of operation for the land;
- e) if located on Special Use zoned land, have a duration of not more than 7 days over any 3 month period;
- f) no alcohol is consumed on land that is an alcohol free zone;
- g) any amplification of sounds, erection of temporary structures or erection of amusement devices is undertaken in accordance with the specific conditions listed in this schedule for those development types (see "Loudspeaker Use", "Amusement Devices" and "Temporary Structures" in this table);
- h) not more than 2000 people will attend the event at any one time, or if the event is held at St Ives Showground, Bicentennial Park or the SAN Hospital, not more than 5000 people will attend the event at any one time;
- i) all lighting is directed away from the residential properties;
- j) does not involve laser shows or bonfires;
- k) if the event will disrupt normal traffic and transport systems:
 - (i) a detailed Local Traffic Management Plan is submitted to Council in accordance with Council's requirements and approved prior to the event, and
 - (ii) the local police are informed of the event, and
 - (iii) not less than seven days prior to the event, written notice of the special event is given to any residential properties within a 200m radius of the land at which the event is to be held to advise the time, date and type of event;
- l) arrangements are made for the collection and disposal of waste and recyclable materials by an authorised trade waste contractor;
- m) adequate provision of sanitary facilities is made for all anticipated staff and patrons; and
- n) temporary food premises, stalls and mobile vendors comply with Council's *Food Premises Code* and/or *Food Vending Vehicles Code*, as applicable.

Note 1: Events that do not involve erection of temporary structures, erection of amusement devices or disruption to normal traffic and pedestrian flows and are events for which the land has been designed will not require any form of development consent. Such activities include family picnics, regular sports training or games, casual exercise, and passive enjoyment of a park.

Note 2: In accordance with the provisions of the *Local Government Act 1993*, certain activities and works including temporary structures, food stalls, mobile food vendors, activities on community land, installation of moveable dwellings, certain amusement devices and public entertainment, will require a separate approval from Council that is not development consent.

Note 3: See also "Lease of community land" and "Fireworks" in this schedule and "Special events" in the Complying Development schedule.

Sporting structures including goal posts,

Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:

sight screens and the like	<p>a) are established for the playing of team and / or ball sports on public open space land that is managed by Council;</p> <p>b) are installed and maintained in accordance with the applicable adopted Sportsgrounds Plan of Management; and</p> <p>c) are structurally sound.</p> <p>Note 1: Sportsfield lighting, grandstands, amenities buildings and dressing sheds are not exempt development.</p> <p>Note 2: See also “Basketball hoops”.</p>
Stages	See “Temporary Buildings”
Stairs	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <p>a) if are constructed by or on behalf of Council in a public park or recreation space, are installed and maintained in accordance with an adopted Plan of Management for the subject land;</p> <p>b) when constructed of steel, are designed, fabricated and installed in accordance with Australian Standard AS 4100 – Steel Structures;</p> <p>c) when constructed of timber, are designed, fabricated and installed in accordance with AS 1720 – Timber Structures; and</p> <p>d) are designed, fabricated and installed in accordance with the <i>Building Code of Australia</i> Section B.</p>
Storm blinds	See “Awnings” or “Hoods for doors and windows”.
Stormwater drainage works (minor)	<p>Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and:</p> <p>a) the works are undertaken wholly within the subject property and/or within a legal interallotment drainage easement benefiting the subject property and do not traverse more than a single property benefited by the works and not more than one associated interallotment drainage easement;</p> <p>b) the works are not undertaken within 7 metres of any tree subject to Council’s Tree Preservation Order;</p> <p>c) the pipes measure between 100 to 150mm (inclusive) in diameter;</p> <p>d) no pipes or trenches are located, either during or at the completion of works, within the zone of influence of the footing system for any structure; and</p> <p>e) a Road Opening Permit is obtained for any works undertaken within Council property (including a public road reserve).</p> <p>Note 1: Works undertaken within an interallotment drainage easement by or on behalf of the owner of the property benefited by the easement do not require concurrence of the owner of the land over which the easement has been established.</p> <p>Note 2: See also “Plumbing Works”.</p> <p>Note 3: An approval or permit other than development consent may be required, for example under then <i>Rivers and Foreshores Improvement Act</i> 1948. Contact the Department of Natural Resources for further information</p>
Street furniture	See “Outdoor furniture”
Subdivision	See “Boundary adjustments”
Telephones	See “Public telephones”
Temporary buildings	Will not require development consent if it meets the requirements for exempt

including portaloos, marquees, tents, stages and construction sheds	<p>development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">a) except where associated with a special event, are not erected for more than 96 hours;b) are removed within 24 hours of the close of the event for which they were erected;c) the availability of car parking on the site is not altered; andd) where they are tents or stages, WorkCover approval for their use is provided to Council. <p>Note 1: See also "Amusement devices"</p> <p>Note 2: Council approval may be required under section 68 of the <i>Local Government Act 1993</i>.</p>
Tents	See "Temporary buildings"
Toilets	<p>For public toilets see "Public toilets".</p> <p>For portaloos (temporary toilets) see "Temporary buildings"</p>
Use of community land	See "Lease of community land"
Waste disposal	<p>Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and, in accordance with the <i>Local Government (Approvals) Regulation</i> it is done in accordance with the arrangements for waste disposal put in place by the Council. The disposal of waste where no bins or other waste disposal units have been provided is not permitted.</p>
Waste transportation	<p>Will not require development consent if it meets the requirements for exempt development listed in Clause 14 of this LEP and, in accordance with the <i>Local Government (Approvals) Regulation</i>, it involves the transportation of waste through open space in the Ku-ring-gai local government area and:</p> <ul style="list-style-type: none">a) the transportation of waste has been licensed under the <i>Protection of the Environment Operations Act 1997</i> or, if a licence is not required, the transportation of waste complies with the requirements of the <i>Protection of the Environment Operations (Waste) Regulation 1996</i>; andb) the waste is not deposited or collected in the Council area.
Water heaters including solar hot water heaters and solar matting / panels for pools	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">a) at their highest point, do not exceed the highest point of pitched roof, or are not more than 1 metre higher than a flat roof, of the buildings they serve;b) do not require topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Council's tree preservation order applies in order to achieve solar access for the water heater;c) are not located on the front façade of the building to which they are attached except where they are located<ul style="list-style-type: none">(i) on battleaxe allotments, or(ii) on properties that are used for multi-unit housing, and are not visible from the street; andd) if the property at which they are to be established is in a bushfire prone area, solar matting on roofs for pools is not established.
Water supply	<p>Will not require development consent if they meet the requirements for exempt development listed in Clause 14 of this LEP and:</p> <ul style="list-style-type: none">a) the works are public or civil works constructed by or for the Council; andb) all necessary interdepartmental and/or intergovernmental referrals have

been made.

Water features

See "Ponds" or "Fountains" as appropriate.

Water tanks

Water tanks with a volume of up to 10,000 litres are exempt development where they comply with *State Environmental Planning Policy No. 4* (SEPP 4). Council holds copies of the document.

Further to the water tank requirements listed in SEPP 4, water tanks installed on land that is bushfire prone must be constructed of non-combustible materials and must not be plastic or aluminium.

Windows

See "Maintenance Work" and "Alterations"

Schedule 2 Complying development

(Clause 15)

Alterations and additions to dwellings

An application for a **Category 1** Complying Development Certificate may be submitted if the alterations and additions comply with all conditions listed at Clause 15 of this Plan and:

- a) the dwelling is a detached dwelling house;
- b) the works are undertaken at or below the ground floor level, including any roof associated with the dwelling's ground floor;
- c) the completed development will not increase the total built-upon area of the site by more than 70 m²;
- d) the total site built-upon area following development is not more than 60%, except where the property falls away from the street and a drainage easement is unavailable, in which event the built-upon area following development is 30%;
- e) the works comply with the relevant sections of AS 3959 – Construction of Buildings in Bushfire Prone Areas;
- f) it does not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Council's tree preservation order applies;

Location

- g) is on land with a slope of 15% or less;
- h) no part of the alterations and additions are located within:
 - (i) 50 metres of a Category 1 Environmental Corridor, or
 - (ii) 30 metres of a Category 2 Terrestrial and Aquatic Habitat, or
 - (iii) 10 metres of a Category 3 Bank Stability and Water Quality zone, as defined in Council's adopted Riparian Policy.
- i) the development, including associated works, will not be undertaken within the dripline of any tree protected under Council's adopted Tree Preservation Order;

Setbacks

- j) at completion, the dwelling has a front setback of:
 - (i) at least 9 metres, if on the low side of the street; or
 - (ii) at least 12 metres, if on the high side of the street; and not less than the existing setback if the setback observed by buildings at adjoining properties is greater than that required as at (i) or (ii) above;
- k) at completion, the dwelling, has a setback to the secondary street frontage of:
 - (i) at least 3.8 metres at any point and
 - (ii) an average of 4.5 metres.
- l) the rear boundary setback is 12 metres or 25% of the average site depth, whichever is the greater;
- m) the side setbacks are not less than 2 metres;

Building design

- n) no wall is more than 12 metres long unless it contains at least one major physical break (including a window) and/or return;
- o) windows in habitable rooms are designed and located so as to minimise overlooking to habitable rooms at adjoining properties by offsetting the window edges from those on the adjoining property by at least 500mm;
- p) cut and fill on the site does not exceed 900mm above or below ground level (existing);
- q) the finished floor level is not more than 500mm above the pre-development level of the ground;
- r) the underside of the uppermost ceiling is not more than 2.7 metres high as measured from the finished floor level, or is not more than the existing ceiling height for that floor, whichever is the greater;

Drainage

- s) the stormwater disposal method does not adversely affect the subject property or any adjoining property;
- t) stormwater drainage is either;
 - (i) by gravity to the street gutter or to a legal interallotment drainage easement and associated pipes or

- (ii) not possible via a legal interallotment drainage easement, in which case the stormwater is drained to an on-site dispersal system designed, by a consulting hydraulic engineer, for the whole built-upon area and the built-upon area is no more than 30% if the pre-development built-upon area is less than 30%;

Materials and finishes

- u) the external materials and finish of the new elements of the building (including roof, walls and windows) are compatible with that of the existing.
-

Alterations and additions to commercial premises

▪ **internal**

An application for a **Category 6** Complying Development Certificate may be submitted if the alterations comply with all conditions listed at Clause 15 of this Plan and:

- a) if the commercial premises are used as a food shop, hairdressing salon, beauty salon, brothel or mortuary, the alterations are changes to appearance only (ie, not structural changes) and do not include changes to food preparation facilities or to water supply or disposal facilities;
- b) where trade waste is to be discharged into a Sydney Water sewerage system, written permission is obtained from Sydney Water Corporation prior to the alterations being made;
- c) the works are wholly contained within the walls of the building; and
- d) the number of shops at the premises is not altered.

Note: For change of use requirements, see Schedule 1 – Exempt Development.

▪ **external**

An application for a **Category 7** Complying Development Certificate may be submitted if the alterations comply with all conditions listed at Clause 15 of this Plan and:

- a) the alterations are to a shopfront, window and/or awning only;
 - b) the alterations are not carried above the level of the awning level;
 - c) no alteration works are undertaken beyond the boundaries of the property at which the premises are located; and
 - d) it does not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Council's tree preservation order applies;
 - e) the alterations do not involve or result in an alteration to the carparking or landscaping at the site.
-

Awnings and sail cloths

An application for a **Category 3** Complying Development Certificate may be submitted if the awning / sail cloth complies with all conditions listed at Clause 15 of this Plan and:

- a) the total area of awning and sail cloth at the property, whether attached to the building or not, is not more than 30m²;
- b) has a maximum height of 2.7 metres above ground level;
- c) if erected in a bushfire prone area, complies with AS 3959 – Construction of Buildings in Bushfire Prone Areas, is not less than 10 metres from bushland and is not a sail cloth;
- d) is not located forward of the existing building line, except where it is located on a battleaxe allotment and is not visible from the street;
- e) is set back at least 2 metres from any property boundary.

Note: Awnings and sail cloths up to 10m² may be Exempt Development.

Carports and garages

An application for a **Category 2** Complying Development Certificate may be submitted if the carport complies with all conditions listed at Clause 15 of this Plan and:

General

- a) upon completion, the total floor area of all carport and garage accommodation on the property will not exceed 40 square metres;
- b) where erected on a residential property, the total site built-upon area at the completion of the development is not more than 60%, except where the property falls away from the street and a drainage easement is unavailable, in which case the built-upon area following development does not exceed 30%;
- c) complies with the relevant sections of AS 3959 – Construction of Buildings in Bushfire Prone Areas;
- d) no part of the carport is located within:
 - (i) 50 metres of a Category 1 Environmental Corridor, or
 - (ii) 30 metres of a Category 2 Terrestrial and Aquatic Habitat, or
 - (iii) 10 metres of a Category 3 Bank Stability and Water Quality zone, as defined in Council's adopted Riparian Policy;
- e) it does not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Council's tree preservation order applies;

Setbacks

- f) is not located forward of the existing residential building, except where it is located on a battleaxe allotment and is not visible from the street;
- g) is not located along a secondary street frontage;
- h) the setbacks comply with the requirements of Council's Development Control Plan No. 38;
- i) has a minimum setback from the rear property boundary of 8m;
- j) is not located within the dripline of any tree on the subject or adjoining property that is protected under Council's adopted Tree Preservation Order;

Design

- k) the roof has a maximum ridge height of 4.0 metres and, if flat, has a maximum height of 3.0 metres;
- l) cut and fill are not more than 900mm above or below ground level (existing);
- m) finished floor level is not more than 500mm above ground level;

Drainage

- n) the stormwater disposal method does not adversely affect the subject or any adjoining property;
- o) stormwater drainage is either:
 - (i) by gravity to the street gutter or to a legal interallotment drainage easement and associated pipes or
 - (ii) not possible via a legal interallotment drainage easement, in which event the stormwater is drained to an on-site dispersal system designed, by a consulting hydraulic engineer, for the whole built-upon area and the built-upon area is not more than 30% if the pre-development built-upon area is less than 30%;

External Finish

- p) the external materials and finish are compatible with those of the dwelling; and
- q) the finish is non-reflective.

Note: See also "Driveways". An application for a complying development certificate for both may be submitted on the same form.

Decks and verandahs

An application for a **Category 3** Complying Development Certificate may be submitted if the deck / verandah complies with all conditions listed at Clause 15 of this Plan and:

- a) the total area of deck and/or verandah attached to the building will not be

- more than 20m²;
- b) where erected on a residential property, the total site built-upon area at the completion of the development is not more than 60%, except where the property falls away from the street and a drainage easement is unavailable, in which case the built-upon area following development is 30%;
- c) where roofed, has a maximum roof height of 2.7 metres above the existing ground level;
- d) has a maximum finished floor level of 500mm above ground level;
- e) complies with AS 3959 – Construction of Buildings in Bushfire Prone Areas;
- f) it does not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Council's tree preservation order applies;

Location

- g) no part of the deck / verandah is located within:
 - (i) 50 metres of a Category 1 Environmental Corridor, or
 - (ii) 30 metres of a Category 2 Terrestrial and Aquatic Habitat, or
 - (iii) 10 metres of a Category 3 Bank Stability and Water Quality zone, as defined in Council's adopted Riparian Policy;
- h) is not located forward of the existing front building line, except where it is not visible from the street;
- i) is set back at least 2 metres from any side property boundary;

External Finish

- o) in its appearance is compatible with the building to which it is attached.

Drainage

- p) the stormwater disposal method does not adversely affect the subject or any adjoining property; and
- q) stormwater drainage is either:
 - (i) by gravity to the street gutter or to a legal interallotment drainage easement and associated pipes or
 - (ii) not possible via a legal interallotment drainage easement, in which event, the stormwater is drained to an on-site dispersal system designed, by a consulting hydraulic engineer, for the whole built-upon area and the built-upon area is not more than 30% if the pre-development built-upon area is less than 30%.

Note: Decks and verandahs up to 10m² may be Exempt Development.

Driveways

An application for a **Category 9** Complying Development Certificate may be submitted if the driveway complies with all conditions listed at Clause 15 of this Plan and:

- a) is not located in a heritage conservation area;
- b) where erected on a residential property, the total site built-upon area at the completion of the development is not more than 60%, except where the property falls away from the street and a drainage easement is unavailable, in which case the built-upon area following development does not exceed 30%;
- c) the driveway is connected to an existing and approved vehicular crossing for the property;
(Note: if no vehicular crossing exists, a development application must be submitted.)
- d) no part of the driveway is located within:
 - (i) 50 metres of a Category 1 Environmental Corridor, or
 - (ii) 30 metres of a Category 2 Terrestrial and Aquatic Habitat, or
 - (iii) 10 metres of a Category 3 Bank Stability and Water Quality zone, as defined in Council's adopted Riparian Policy;
- e) it does not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Council's tree preservation order applies;

- f) the width of the driveway is not less than 3.0 metres;
- g) the stormwater disposal method does not adversely affect the subject or any adjoining property;
- h) stormwater drainage is either:
 - (i) by gravity to the street gutter or to a legal interallotment drainage easement and associated pipes, or
 - (ii) not possible via a legal interallotment drainage easement, in which event the stormwater is drained to an on-site dispersal system designed, by a consulting hydraulic engineer, for the whole built-upon area, which is to be no more than 30% of the site area;
- i) the gradients of the driveway are designed to align with footpath crossing levels issued by Council and to comply with the access gradient requirements of AS 2890.1-2004;
- j) the gradient of the driveway does not exceed 25% and grade changes are in accordance with AS 2890.1-2004;

Note: If the vehicular crossing and/or layback are also to be replaced, an application must be made to Council to obtain crossing levels.

**Dwelling houses
new single storey**

An application for a **Category 1** Complying Development Certificate may be submitted if the dwelling complies with all conditions listed at Clause 15 of this Plan and:

- a) is a detached single dwelling that is not part of a dual occupancy or medium density housing development;
- b) has a maximum gross floor area of 150m²;
- c) the total site built-upon area following development is not more than 60%, except where it the property falls away from the street and a drainage easement is unavailable, in which case the built-upon area following development does not exceed 30%;
- d) if located in a bushfire prone area, meets the performance criteria outlined in *Planning for Bushfire Protection* and conforms with AS3959;
- e) all aspects of the structure comply with relevant requirements of the *Building Code of Australia*, including with respect to site preparation, footings and slabs, masonry construction, framing, roof and wall cladding, glazing, fire safety, health and amenity, safe movement and access;
- f) the works comply with the relevant sections of AS 3959 – Construction of Buildings in Bushfire Prone Areas;
- g) it does not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Council's tree preservation order applies;

Location

- h) is on land with a slope of 15% or less;
- i) no part of the dwelling house is located within:
 - (i) 50 metres of a Category 1 Environmental Corridor, or
 - (ii) 30 metres of a Category 2 Terrestrial and Aquatic Habitat, or
 - (iii) 10 metres of a Category 3 Bank Stability and Water Quality zone, as defined in Council's adopted Riparian Policy;
- j) the dwelling has a minimum front setback of:
 - at least 9 metres, if on the low side of the street, or
 - (i) at least 12 metres, if on the high side of the street, but
 - (ii) not less than the existing setback observed by buildings at adjoining properties, including where the established setbacks exceed those prescribed at (i) and (ii) above;
- j) has a setback to the secondary street frontage of at least 3.8 metres at any point and an average of 4.5 metres.
- k) the dwelling has a setback of at least 2 metres from any side property boundary and where a site width is 20m or more, the minimum setback of 9% of the site width;
- l) the rear boundary setback is:

- 12 metres on sites with a depth greater than 48 metres or
 - 25% of the average site depth on sites with a depth of less than 48 metres
- m) the building and all associated works will not be undertaken within the dripline of any tree protected under Council's adopted Tree Preservation Order;

Building Design

- n) no wall is more than 12 metres long unless it contains at least one major physical break (including a window) and/or return;
- o) windows in habitable rooms are designed and located so as to minimise overlooking to habitable rooms at adjoining properties by offsetting the window edges from those on the adjoining property by at least 500mm;
- p) cut and fill do not exceed 900mm above or below ground level (existing);
- q) cut and fill do not extend more than 900mm from the building footprint nor beyond any property boundary;
- r) the finished floor level is not more than 500mm above ground level;
- s) the ceiling has a height of not more than 2.7 metres as measured from the finished floor level;

Drainage

- t) the stormwater disposal method does not adversely affect the subject or any adjoining property;
- u) stormwater drainage is either:
- (i) by gravity to the street gutter or to a legal interallotment drainage easement and associated pipes, or
 - (ii) not possible via a legal interallotment drainage easement, in which event the stormwater is drained to an on-site dispersal system designed, by a consulting hydraulic engineer, for the whole built-upon area, which is to be no more than 30% of the site area;

Car Parking

- v) one car parking space, either covered or uncovered, that complies with AS 2890.1-2004 – Off-Street Carparking, is provided behind the front building line.

Note 1: See also "Carports" and "Garages".

Garages	See "Carports and garages"
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Greenhouses	See "Sheds and Greenhouses"
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Pergolas	<p>An application for a Category 3 Complying Development Certificate may be submitted if the pergola complies with all conditions listed at Clause 15 of this Plan and:</p> <ul style="list-style-type: none">a) the total area of all pergolas at the property is not more than 25m² at the completion of the development;b) has a maximum height of 2.7 metres;c) is not covered with any material that may serve as a roof;d) complies with AS 3959 – Construction of Buildings in Bushfire Prone Areas;e) is not located forward of the front building line, except where<ul style="list-style-type: none">(i) it is located on a battleaxe allotment, or(ii) it is located on a property that is used for multi-unit housing; and is not visible from the street;f) is set back at least 2 metres from any side property boundary;g) in its appearance, including with respect to colour, is compatible with the building to which it is attached. <p>Note 1: Pergolas up to 10m² may be Exempt Development.</p> <p>Note 2: Where paving beneath the pergola is proposed, the requirements will be the same as at "Decks and verandahs".</p>
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Pools	See "Swimming Pools"
Sail cloths	See "Awnings and sail cloths"
Shadehouses	See "Sheds and greenhouses"
Sheds and greenhouses	<p>An application for a Category 5 Complying Development Certificate may be submitted if the building complies with all conditions listed at Clause 15 of this Plan and:</p> <ul style="list-style-type: none">a) upon completion, the maximum total gross floor area of all sheds and greenhouses on the property does not exceed 25m²;b) where erected on a residential property, the total site built-upon area at the completion of the development is not more than 60%, except where the property falls away from the street and a drainage easement is unavailable, in which case the built-upon area following development does not exceed 30%;c) complies with the relevant sections of AS 3959 – Construction of Buildings in Bushfire Prone Areas;d) it does not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Council's tree preservation order applies; <p>Location</p> <ul style="list-style-type: none">r) no part of the structure is located within:<ul style="list-style-type: none">(i) 50 metres of a Category 1 Environmental Corridor, or(iii) 30 metres of a Category 2 Terrestrial and Aquatic Habitat, or(iv) 10 metres of a Category 3 Bank Stability and Water Quality zone, as defined in Council's adopted Riparian Policy.e) is on land with a slope of 15% or less;f) is not located forward of the front building line except where it is located on a battleaxe allotment;g) is not located within the dripline of any tree to which Council's adopted Tree Preservation Order applies;h) has a minimum setback of 2 metres from any side or rear property boundary to the nearest external wall of the shed / greenhouse; <p>Design</p> <ul style="list-style-type: none">i) the roof, if pitched, has a maximum ridge height of 4.0 metres and, if flat, has a maximum height of 3.0 metres;j) the measurement from the finished floor level to the underside of the eaves is not more than 2.7 metres;k) has a finished floor level of not more than 500mm at any one point above natural ground level and not more than 900mm below natural ground level; <p>Drainage</p> <ul style="list-style-type: none">l) the stormwater disposal method does not adversely affect any adjoining property;m) stormwater drainage is either:<ul style="list-style-type: none">(i) to the street gutter or to an existing legal drainage easement by gravity, or(ii) not possible via a legal interallotment drainage easement, in which event the stormwater is drained to an on-site dispersal system designed, by a consulting hydraulic engineer, for the whole built-upon area and the built-upon area is no more than 30% if the pre-development built-upon area is less than 30%; <p>External finishes</p> <ul style="list-style-type: none">n) the external materials and finish are compatible with those of the dwelling

- on the site; and
 - o) the finish is non-reflective.
-

Spas

See "Swimming pools and spas"

Swimming pools and spas

■ construction of pools and spas

An application for a **Category 4** Complying Development Certificate may be submitted if the swimming pool and/or spa complies with all conditions listed at Clause 15 of this Plan and:

- a) has a maximum water surface area of 40m²;
- b) where erected on a residential property, the total site built-upon area at the completion of the development is not more than 60%, except where the property falls away from the street and a drainage easement is unavailable, in which case the built-upon area following development does not exceed 30%;
- c) complies fully with the *Swimming Pool Act 1992* and the *Swimming Pool Regulation 1998*;
- d) the pool fencing and ancillary items shall be installed in accordance with the provisions of AS 1926-1986 - Swimming Pool Safety - Location of fencing for private swimming pools;
- e) the installation and construction of the pool complies, where relevant, with:
 - (i) AS/NZS 1838:1994 - Swimming Pools - Premoulded fibre-reinforced plastics - Design and Fabrication, and AS/NZS 1839:1994 - Swimming Pools - premoulded fibre-reinforced plastics - Installation, or
 - (ii) AS 2783-1992 - Use of reinforced concrete for small swimming pools;
- f) it does not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Council's tree preservation order applies;

Location and Setbacks

- g) no part of the swimming pool / spa (including the coping) is located within:
 - (i) 50 metres of a Category 1 Environmental Corridor, or
 - (ii) 30 metres of a Category 2 Terrestrial and Aquatic Habitat, or
 - (iii) 10 metres of a Category 3 Bank Stability and Water Quality zone as defined in Council's adopted Riparian Policy.
- h) is located on a residential property and will not be used for commercial purposes;
- i) is not located forward of the front building line, except where
 - (i) it is located on a battleaxe allotment, or
 - (ii) it is located on a property that is used for multi-unit housing; and is not visible from the street;
- j) is set back a minimum of 2 metres from any side or rear property boundary to the outer edge of the nearest coping edge
- k) at least 1.5 metres width of the setback between the pool and any property boundary is landscaped with trees and shrubs that typically attain a height of at least 3.0 metres;
- l) is set back a minimum of 6 metres from any window or door to a habitable room on an adjoining residential property;
- m) is not located within the dripline of any tree protected under Council's Tree Preservation Orders

Design

- n) including the coping, projects above ground level not more than:

- (i) 500mm, where the pool is an in-ground construction or
- (ii) 1.5 metres, where the pool is an above-ground construction;
- o) including the coping, is surrounded by not more than 25m² of paving;
- p) is not enclosed by walls or roof;
- q) pool and spa filter equipment are encased in an acoustic enclosure, so that the maximum noise increase is 5dBA above the ambient background level, when measured at any property boundary of the subject site;

Drainage

- r) no water is diverted from the pool or spa to an adjacent property;
- s) stormwater drainage is either:
 - (i) to the street gutter or to an existing legal drainage easement by gravity, or
 - (ii) not possible via a legal interallotment drainage easement, in which event the stormwater is drained to an on-site dispersal system designed, by a consulting hydraulic engineer, for the whole built-upon area and the built-upon area is either:
 - no more than 30% if the pre-development built-upon area is less than 30%, or
 - not more than the existing built-upon area if the pre-development built-upon area is greater than 30%.
- t) all pool waste shall be disposed of via an approved sewerage system.

▪ **alterations to pools and spas**

An application for a **Category 5** Complying Development Certificate may be submitted if the swimming pool and/or spa complies with all conditions listed at Clause 15 of this Plan and:

- a) the water surface area is not increased beyond 40m²;
- b) where erected on a residential property, the total site built-upon area at the completion of the development is not more than 60%, except where the property falls away from the street and a drainage easement is unavailable, in which case the built-upon area following development does not exceed 30%
- c) is set back a minimum of 2 metres from any side or rear property boundary to the outer edge of the nearest coping edge;
- d) is set back a minimum of 6 metres from any window or door to a habitable room on an adjoining residential property;
- e) it does not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Council's tree preservation order applies;
- f) the height of the coping is not increased;
- g) complies fully with the *Swimming Pool Act 1992* and the *Swimming Pool Regulation 1998*;
- h) the pool fencing and ancillary items are installed in accordance with the provisions of AS 1926.2-1995 - Swimming Pool Safety - Location of fencing for private swimming pools;
- i) the installation and construction of the pool complies, where relevant, with:
 - (i) AS/NZS 1838:1994 - Swimming Pools - Premoulded fibre-reinforced plastics - Design and Fabrication, and AS/NZS 1839:1994 - Swimming Pools - premoulded fibre-reinforced plastics - Installation, or
 - (ii) AS 2783-1992 - Use of reinforced concrete for small swimming pools; and
- j) pool and spa filter equipment are encased in an acoustic enclosure, so that there is a maximum noise increase of 5dB(A) above the ambient background level, when measured at any property boundary of the subject site.

Verandahs

See "Decks and Verandahs"

Schedule 3 Additional permitted uses

(Clause 16)

Lot Description	Address	Additional Permitted Uses
Lot 1 DP 701232	164 Mona Vale Road, St Ives	Commercial premises, medical centre, offices, service stations
Part Lot C DP 401301, Lot 1 and 2 DP 856121, Lot 1 DP 578867	167, 169, 169A, 171 Mona Vale Road, St Ives	Commercial premises, medical centre, offices, shops
Lot 1 DP 653503, Lot 1 DP 126732, Lot 5 DP 12504	173, 177 Mona Vale Road, St Ives	Commercial premises, medical centre, offices
Lot 3 and 4 DP 12504	179 Mona Vale Road, St Ives	Commercial premises, medical centre, offices, service stations
Lot 10 and 11 DP 829668, Part Lot A DP 344776, Part Lot 1 DP 1084135	183, 183A, 185 Mona Vale Road, St Ives	Commercial premises, medical centre, offices
Lot 1 DP 816806	207 Mona Vale Road, St Ives	Car carking, restaurants
Lot 2 to 23 DP 285276	1-20, 22, 24 Stanley Close, St Ives	Medical centre, offices
Part Lot 3 DP 17413, Part Lot 1, 11, 12 and 13 DP 29167, Lot 14 DP 631319, Lot 2, 3 ,4, 5 and 6 DP 29167	206, 208, 210, 212, 214 Mona Vale Road, St Ives and 3, 5, 5a, 7, 9 Memorial Avenue, St Ives	Medical Centre, offices
Lot A DP321567 Lot 1 DP504794 Lot A and B DP 336206	11-19 Cowan Road, St Ives	Car parking
Lot 1 DP 238521, Part Lot A DP 341616 , Part Lot B DP 341616 , Part Lot A DP 366620	238-240 Mona Vale Road, St Ives	Residential flat building
Lot 1, 2 and 3 DP230508	124-128 Killeaton Street, St Ives	Residential flat building

Schedule 4 Additional prohibited uses

(Clause 17)

Lot Description	Address	Additional Prohibited Uses
------------------------	----------------	-----------------------------------

Schedule 5 Classification and reclassification of public land

(Clause 26)

Reclassification of Land as Operational

Item No.	Address	Property	Description
	176 Mona Vale Road, St Ives	Lot 103 DP 627012 Lot 105 DP 629388	Car park
	11 – 19 Cowan Road and Village Green Parade, St Ives	Lot A DP321567 Lot 1 DP 504794 Lot A and B DP 336206 Lot 2 DP 822373 Lots B and C DP322331	St Ives Village Shopping Centre car park
	166 Mona Vale Road, St Ives	Pt Lot 1 DP 420106	Early Childhood Centre and Neighbourhood Centre, St Ives Library
	208 -210 Mona Vale Road, St Ives	Lots 11 and 12 DP29167	Car park
	261 Mona Vale Road, St Ives	Lot 31 DP 719052	Occasional Child Care Centre

Schedule 6 Environmental heritage

(Clause 48)

Heritage Items

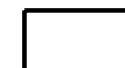
Item No	Address	Property	Description	Item Name
	207 Mona Vale Road	Lot 1 DP 816806	Building	St Ives Public School – original school building



NORTH



SCALE:1:4000



Land to which this plan applies

DRAWN BY: COUNCIL'S LAND INFORMATION DIVISION

PLANNING OFFICER : ANTONY FABBRO

COUNCIL FILE NO.

DEPT. FILE NO.

CERTIFICATE ISSUED
UNDER SEC.65 E.P.A.ACT

GOVT. GAZETTE NO. DATE

ENVIRONMENTAL PLANNING & ASSESSMENT ACT,1979

KU-RING-GAI COUNCIL

DRAFT KU-RING-GAI (TOWN CENTRES) LOCAL ENVIRONMENTAL PLAN

Land Application Map

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

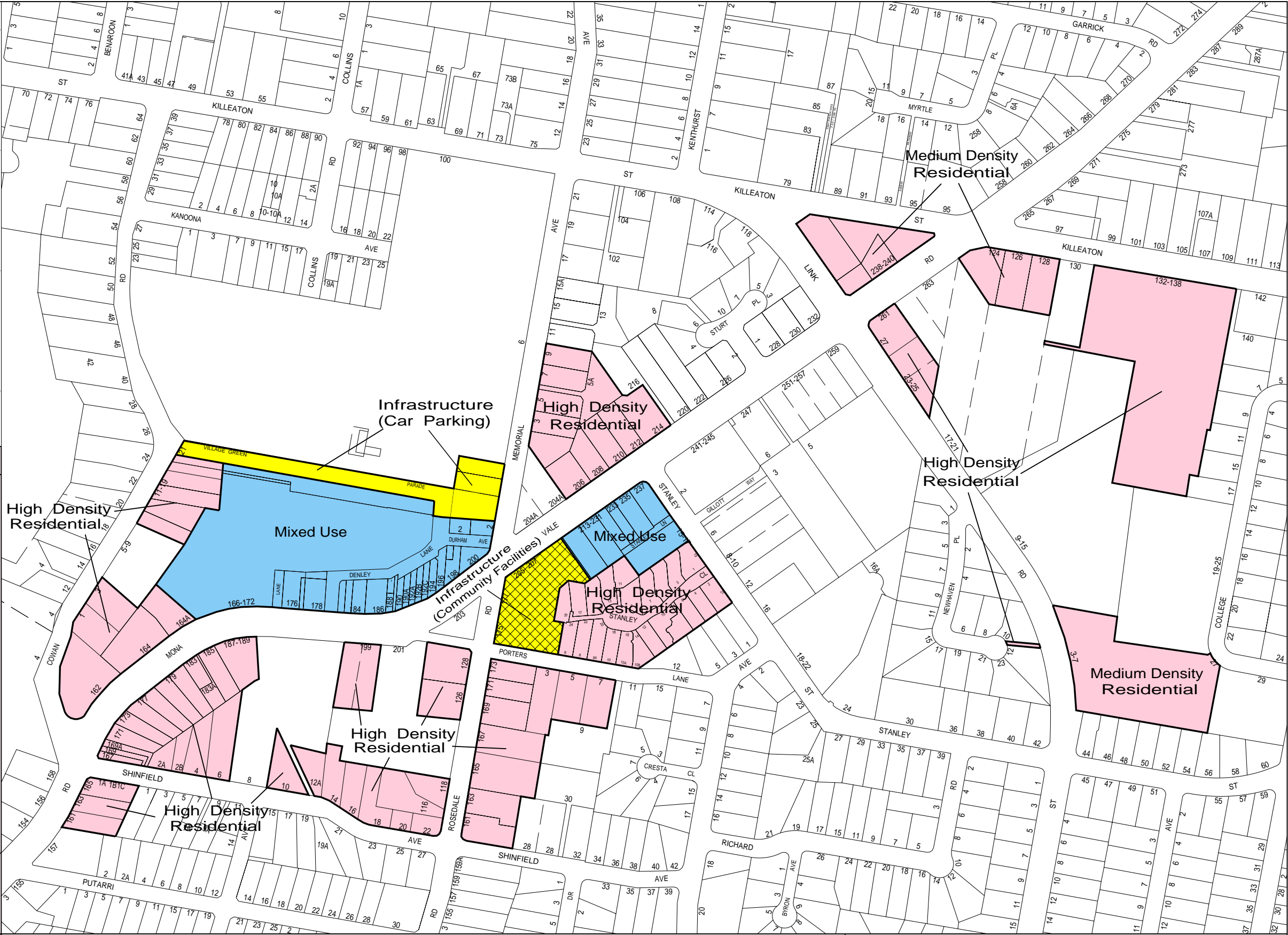
AMENDS THE KU-RING-GAI PLANNING SCHEME

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.

GENERAL MANAGER

DATE _____

Zone Description	
Residential Zones	<div></div>
Medium Density Residential	
High Density Residential	
Local Centre	<div></div>
Mixed Use	
Special Area Zones	<div></div>
Infrastructure	
Item	
Heritage Item	<div></div>
Heritage Conservation Area	<div></div>
Archaeological site	<div></div>
Access across boundaries restricted	<div></div>
Foreshore protection line	<div></div>
Foreshore protection area	<div></div>
Scenic protection area	<div></div>
Environmentally sensitive land	<div></div>
Riparian land	<div></div>
<div></div> North	SCALE: 1:4000
DRAWN BY: COUNCIL,S LAND INFORMATION DIVISION	
PLANNING OFFICER : ANTONY FABBRO	
COUNCIL FILE NO.	
DEPT. FILE NO.	
CERTIFICATE ISSUED	DATE
UNDER SEC.65 E.P.A.ACT	
GOVT. GAZETTE NO.	DATE



ENVIRONMENTAL PLANNING & ASSESSMENT ACT,1979

KU-RING-GAI COUNCIL

DRAFT KU-RING-GAI (TOWN CENTRES) LOCAL ENVIRONMENTAL PLAN

Land Zoning Map

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMENDS THE KU-RING-GAI PLANNING SCHEME

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.

GENERAL MANAGER DATE



NORTH



SCALE:1:4000

1.3:1

Floor Space Ratios (FSR)

DRAWN BY: COUNCIL,S LAND INFORMATION DIVISION

PLANNING OFFICER : ANTONY FABBRO

COUNCIL FILE NO.

DEPT. FILE NO.

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ENVIRONMENTAL PLANNING & ASSESSMENT ACT,1979

KU-RING-GAI COUNCIL

DRAFT KU-RING-GAI (TOWN CENTRES) LOCAL ENVIRONMENTAL PLAN

Floor Space Ratio Map

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMENDS THE KU-RING-GAI PLANNING SCHEME

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.

GENERAL MANAGER

DATE _____

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Dictionary

(Clause 4)

Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

acid sulfate soils means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

Acid Sulfate Soils Guidelines means guidelines by that name published by the Director-General.

adjoining land includes land that would be adjoining land if it were not separated by a public road.

advertisement has the same meaning as in the Act.

Note. When this plan commenced, it was defined to mean a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

advertising structure has the same meaning as in the Act.

Note. When this plan commenced, it was defined to mean a structure used or to be used principally for the display of an advertisement.

affordable housing has the same meaning as in the Act.

Note. When this plan commenced, it was defined to mean housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

agricultural produce industry means a business activity involving the handling, treating, processing or packing of produce from agriculture, intensive livestock agriculture, intensive plant agriculture or aquaculture (including dairy products, seeds, fruit, vegetables or other plant material but does not include livestock processing industry) derived principally from surrounding districts, and includes such land uses as flour mills, cotton seed oil plants, cotton gins, cheese and butter factories, and juicing or canning plants.

agriculture means:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops), or
- (b) the grazing of livestock, or
- (c) animal boarding or training establishments, or
- (d) farm forestry, or
- (e) bee keeping, or
- (f) other land uses defined to be agriculture in this Dictionary,

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for commercial purposes, but does not include:

- (g) intensive plant agriculture,
- (h) intensive livestock agriculture, or
- (i) aquaculture.

airport means facilities (including terminals, buildings for the parking, servicing or maintenance of aircraft, installations or movement areas) for the landing, taking-off or parking of aeroplanes, and may include heliport facilities.

animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes, and may include any associated riding school and/or ancillary veterinary clinic, but does not include the agistment of horses.

aquaculture has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows:

aquaculture means:

- (a) cultivating fish or marine vegetation for the purposes of harvesting the fish or marine vegetation or their progeny with a view to sale, or
- (b) keeping fish or marine vegetation in a confined area for a commercial purpose (such as a fish-out pond),

but does not include:

- (c) keeping anything in a pet shop for sale or in an aquarium for exhibition (including an aquarium operated commercially), or
- (d) anything done for the purposes of maintaining a collection of fish or marine vegetation otherwise than for a commercial purpose, or
- (e) any other thing prescribed by the regulations (*made under the Fisheries Management Act 1994*).

archaeological site means the site of one or more relics.

arterial road means:

- (a) a road for which the appropriate roads authority under the *Roads Act 1993* is or will be the RTA or other State government agency, or
- (b) a road proclaimed to be a main road under the *Roads Act 1993*, or
- (c) a road declared to be a secondary road under the *Roads Act 1993*.

artificial waterbody means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond or lake, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

attic means any habitable space, but not a separate dwelling, contained wholly within a roof pitched at not more than 36 degrees above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

backpackers accommodation means a building used for the purposes of providing temporary accommodation for tourists, travellers or persons engaged in recreational pursuits and that:

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- (a) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (b) will generally provide accommodation on a bed basis (rather than by room).

bank in relation to a natural waterbody means:

- (a) in the case of a tidal waterbody, the shoreline of the mean high water mark, or
- (b) in the case the non-tidal section of a watercourse, the highest edge of the channel that normally contains the watercourse flow, or
- (c) in the case of a lake or wetland, the shoreline at the highest recorded water level.

basement means the space of a building where the floor level of that space is predominantly below ground level (natural) and where the floor level of the storey immediately above is less than 1 metre above ground level (natural).

bed and breakfast establishment means a dwelling (including ancillary buildings and parking) used by its permanent residents to provide short term accommodation only for commercial purposes that:

- (a) offers meals for guests only, and
- (b) does not contain cooking facilities for the preparation of meals within guests' rooms, and
- (c) does not offer dormitory-style accommodation.

biodiversity means biological diversity.

biological diversity has the same meaning as in the *Threatened Species Conservation Act 1995*.

Note. The term is defined as follows:

biological diversity means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or ecosystems.

biosolid waste application means the application of sludge or other semi-solid products of human sewage treatment plants to land for the purpose of improving land productivity, that is undertaken in accordance with the NSW Environment Protection Authority's guidelines titled "*Environmental Guidelines: Use and Disposal of Biosolids Products*" dated October 1997 and *Addendum to Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 2000).

boarding house means a building:

- (a) that is wholly or partly let in lodgings, and
- (b) that provides lodgers with a principal place of residence for 3 months or more, and
- (c) that generally has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (d) that has rooms which accommodate one or more lodgers,

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and includes a private hotel (not being premises to which a hotelier's licence under the *Liquor Act 1982* relates).

boat launching ramp means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

boat repair facility means any building, structure or facility used primarily for the construction, maintenance, repair, sale or hire of boats, whether or not including the storage of boats or other vessels, but does not include a commercial or private marina.

boat shed means a building or other structure used for the storage and routine maintenance of a boat or boats and which is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

building has the same meaning as in the Act.

Note. When this plan commenced, it was defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure) or a temporary structure within the meaning of the *Local Government Act 1993*.

building height means the vertical distance between ground level (natural) to the highest point of the building (including plant and lift overruns, but excluding communication devices, chimneys, flues and the like). Where ground level (natural) cannot be reasonably determined due to insufficient topographical information, Ground Level (Mean) is to be used.

building identification sign means a sign that identifies or names a building, and that may include the name of a building the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.

building line or **setback** means the horizontal distance between the property boundary or other stated boundary and a building wall or the outside face of a balcony, deck or the like, or the supporting posts or a carport or verandah roof.

bulky goods sales means a building or place used primarily for the sale by retail, wholesale or auction, the hire or the display of goods or materials, which are of such size, shape or weight to require:

- (a) a large area for handling, display or storage, and/or
- (b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading and unloading the items into their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing, unless the sale of such items is ancillary to the sale of bulky goods.

bus depot means a building or place used for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus transport undertaking.

bus station means a building or place used as a terminal for the assembly and dispersal of passengers travelling by bus.

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bush fire hazard reduction work has the same meaning as in the *Rural Fires Act 1997*.

Note. The term is defined as follows:

bush fire hazard reduction work means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

bush fire prone land has the same meaning as in the Act.

Note. When this plan commenced, it was defined to mean, in relation to an area, land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the *Environmental Planning and Assessment Act 1979*.

bush fire risk management plan means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person or business, and
 - (ii) the nature of the business carried on by the person or business, at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not include any advertising relating to a person or business that does not carry on business at the premises or place.

canal estate development means development that:

- (a) incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and
- (b) includes the construction of dwellings (which may include tourist accommodation) of a kind other than, or in addition to:
 - (i) dwellings that are permitted on rural land, and
 - (ii) dwellings that are used for caretaker or staff purposes, and
- (c) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

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car park means a building or place primarily used for the purpose of parking motor vehicles, and any manoeuvring space and access thereto, whether operated for gain or not, but does not include parking space that is ancillary to a development.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

catchment action plan has the same meaning as in the *Catchment Management Authorities Act 2003*.

Note. The term is defined as follows:

catchment action plan means a catchment action plan of an authority that has been approved by the Minister under Part 4 (of the *Catchment Management Authorities Act 2003*).

cemetery means a building or place for the interment of deceased persons or ashes and may include a funeral chapel or crematorium.

charter and tourism boating facilities means any structure used for charter boating or tourism boating purposes, being a structure that is open only to users or operators of the structure, and having a direct structural connection between the foreshore and the waterway, but does not include a private marina or commercial marina.

child care centre means a building or place used for the supervision and care of children which:

- (a) may provide long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator,

but does not include:

- (c) a family day care home or home-based child care home,
- (d) an out-of-home care service provided by an agency or organisation accredited by the NSW Office of the Children's Guardian,
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned,
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised,
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility,
- (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring,
- (i) a school, or

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- (j) a service provided at exempt premises (within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

classified road has the same meaning as in the *Roads Act 1993*.

Note. The term is defined as follows:

classified road means any of the following:

- (a) a main road,
- (b) a State highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(see *Roads Act 1993* for meanings of these terms).

clearing native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

clearing native vegetation means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See *Division 3 of Part 3 of the Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities).

coastal foreshore means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

coastal lake means a body of water specified in Schedule 1 to *State Environmental Planning Policy 71—Coastal Protection*.

coastal zone has the same meaning as in the *Coastal Protection Act 1979*.

Note. The term is defined as follows:

coastal zone means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

(The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal

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waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State).

commercial marina means a permanent boat storage facility (whether located wholly on land, wholly on the waterway or partly on land and partly on the waterway) together with any associated facilities, including:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats, and
- (b) any facility for providing fuelling, sewage pump-out or other services for boats, and
- (c) any facility for launching or landing boats, such as slipways or hoists, and
- (d) any associated car parking, commercial, tourist or recreational or club facility that is ancillary to a boat storage facility, and
- (e) any associated single mooring,

but does not include a boat repair facility or a private marina.

commercial port facility means any structure used in connection with the carrying of goods or persons by water from one port to another for business or commercial purposes, being a structure having a direct structural connection between the foreshore and the waterway.

commercial premises means a building or place used for business or commercial purposes.

Note. In the Land Use Matrix/Table in clause 12, commercial premises does not include a building or place specifically referred to in that Matrix/Table.

community facility means a building or place owned or controlled by a public authority used for the physical, social, cultural or intellectual development or welfare of the community, but does not include a building or place elsewhere defined in this Dictionary.

Note. In the Land Use Matrix/Table in clause 12, community facility does not include a building or place specifically referred to in that Matrix/Table.

community land has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

community land means land that is classified as community land under Division 1 of Part 2 of Chapter 6 (of the *Local Government Act 1993*).

correctional centre means any premises declared, or intended to be declared, a correctional centre under the *Crimes (Administration of Sentences) Act 1999* and includes a juvenile correctional centre or periodic detention centre.

crematorium means a building in which human corpses are cremated and may include a funeral chapel

Crown reserve means:

- (a) a reserve, within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common, within the meaning of the *Commons Management Act 1989*, or
- (c) land within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

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but does not include land that forms part of a reserve for accommodation under Part 5 of the *Crown Lands Act 1989*.

curtilage in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, which contributes to its heritage significance.

demolish in relation to a heritage item, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, relics or tree.

depot means a building or place used for the storage (but not sale) of plant, machinery, goods or materials (which support the operations of an existing undertaking) when not required for use.

Note. In the Land Use Matrix/Table in clause 12, depot does not include a building or place specifically referred to in that Matrix/Table.

drainage means any activity which intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

dual occupancy means 2 self contained dwellings (whether attached or detached) on one lot of land but does not include a granny flat.

dual occupancy—attached means dual occupancy dwellings attached to each other by a common wall or ceiling or floor where the dwellings maintain the appearance of a single building.

dual occupancy—detached means dual occupancy free standing dwellings.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling (or one dwelling and a granny flat allowed by this plan), but does not include a building predominantly used otherwise than for the purpose of a dwelling.

earthworks means excavation or filling.

eco generating works means a generating works that produces energy, power or fuel by using:

- (a) renewable resources, such as solar, wind or tidal energy and the like, or
- (b) resources such as methane gas produced from land fill operations, or
- (c) agricultural produce or by products.

ecologically sustainable development has the same meaning as in the Act.

educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or

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- (b) a tertiary institution, including a university and a TAFE college, that provides formal education and is constituted by or under an Act, or
- (c) an art gallery or museum that is not used to sell the items displayed, whether or not it provides accommodation for staff or students and whether or not it is used for the purpose of gain.

entertainment facility means a building or place used for entertainment, exhibitions, displays or cultural events, such as:

- (a) sports stadiums, showgrounds and race courses, and
- (b) theatres, cinemas, music halls, concert halls, dance halls, open air theatres and drive-in theatres, and
- (c) entertainment centres, convention centres and exhibition centres.

environmental facility means a building or place which provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like.

environmentally sensitive area of State significance means:

- (a) coastal waters of the State, or
- (b) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies, or
- (c) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*, or
- (d) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention, or
- (e) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance, or
- (f) land reserved as a State conservation area under the *National Parks and Wildlife Act 1974*, or
- (g) land, places, buildings or structures listed on the State Heritage Register, or
- (h) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or
- (i) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

estuary has the same meaning as in the *Water Management Act 2000*.

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Note. The term is defined as follows:

estuary means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

extractive industry means the winning or removal of extractive materials by methods such as excavating, dredging, tunnelling or quarrying or that store, stockpile or process extractive materials by methods such as washing, crushing, sawing or separating.

extractive material means sand, soil, stone, gravel, rock, sandstone or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, outbuilding or the like, but does not include a dwelling.

feedlot means a confined or restricted area used to rear and fatten cattle, sheep or other animals for the purpose of meat production, fed (wholly or substantially) on prepared and manufactured feed, but does not include a poultry farm or piggery.

fill or filling means the depositing of soil, rock or other material obtained from another area, whether from the same site or not, but does not include the depositing of topsoil, or feature rock imported to the lot that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns.

filming means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) video recording of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) video recording as a visitor or tourist for non commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

fish has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows:

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Definition of “fish”

- (1) **fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) **fish** includes:
 - (a) oysters and other aquatic molluscs, and
 - (b) crustaceans, and
 - (c) echinoderms, and
 - (d) beachworms and other aquatic polychaetes.
- (3) **fish** also includes any part of a fish.
- (4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations (*under the Fisheries Management Act 1994*).

flood mitigation work is a work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

flood prone land means the land shown as such on the map marked “(Name of local government area) Flood Prone Land Map”.

floor space ratio means the ratio of the gross floor area of all buildings on a site area to the site area.

forestry has the same meaning as **forestry operations** in the *Forestry and National Park Estate Act 1998*.

Note. The term is defined as follows:

forestry operations means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

freestanding advertisement means an advertisement that is displayed on an advertising structure that is mounted on the ground on one or more supports.

freight transport terminal means a building or place used principally for the bulk handling of goods for transport by road or rail, and includes any facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles, or for the engines or carriages involved.

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funeral chapel means premises used to arrange, conduct and cater for funerals and memorial services and includes facilities for the short term storage, dressing and viewing of bodies of deceased persons but does not include premises with mortuary facilities.

funeral home means premises used to arrange and conduct funerals and memorial services and includes facilities for the short term storage, dressing and viewing of bodies of deceased persons and includes premises with mortuary facilities.

generating works means a building or place used for the purpose of making or generating gas, electricity or other forms of energy.

granny flat means a dwelling the use and occupation of which is connected and subordinate to another larger dwelling on the same lot, whether physically connected to the other dwelling or not.

gross floor area means the sum of the floor area of each storey of the building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine within the storey, and
- (b) habitable rooms in a basement, and
- (c) any shop, auditoriums, cinema, and the like, in a basement,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage,
 - (ii) vehicular access, loading areas, garbage and services, and
 - (iii) car parking, and
- (f) plant rooms and other areas used exclusively for mechanical services and ducting, and
- (g) communal recreational areas in residential flat buildings up to 5 % of the gross floor area of the building,
- (h) balconies with walls less than 1.4 metres high.

ground level (existing) means the existing level of a site at any point.

ground level (finished) means, for any location on a site, the ground level after completion of an excavation or earthworks for which consent has been granted.

ground level (mean) means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels along ground level (finished) of the outer surface of all external walls of the building.

ground level (natural) means, for any location on a site, the ground level that existed at that point prior to the commencement of any building or works on the site.

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group home means a dwelling that is permanent group home or a transitional group home.

hazardous industry means development for the purpose of an industry that, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

hazardous storage establishment means any establishment where goods, materials or products are stored that, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

headland includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

health care professional means any person registered under an Act for the purpose of providing health care.

heavy industry means an industry that is large scale in nature or requires separation from other land uses because of the nature of the processes involved, or the materials used, stored or produced. It may consist of or include a hazardous or offensive industry or involve the use of a hazardous or offensive storage establishment.

helipad means a place not open to the public used for the taking off and landing of helicopters.

heliport means a place open to the public used for the taking off and landing of helicopters whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

heritage conservation area means:

- (a) an area of land that is shown as a heritage conservation area on the map marked "....." and includes any heritage items situated on or within the land, or
- (b) a place of Aboriginal heritage significance.

heritage conservation management plan means a document prepared in accordance with the requirements of the NSW Heritage Office that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

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heritage impact statement means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item, place of Aboriginal heritage significance or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

heritage item means a building, work, relic, tree, place or Aboriginal object specified in an inventory of heritage items that is available at the office of the Council and the site and nature of which is described in Schedule 6.

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

high technology industry means industry that has as its primary functions the manufacture, development, production, processing or assembly of, or research into, any of the following:

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology, computer software or hardware,
- (c) instrumentation or instruments,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) multi-media, communications or telecommunications systems, goods or components,
- (f) other goods, systems or components intended for use in science or technology.

home-based child care or family day care home means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and which satisfies the following conditions:

- (a) the service is appropriately licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*, and
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

home industry means an industry carried on in a building (other than a dwelling-house or a dwelling in a residential flat building) in the following circumstances:

- (a) the building does not occupy a floor space exceeding 50 square metres and is erected within the curtilage of the dwelling-house or residential flat building occupied by the person carrying on the industry or on adjoining land owned by that person, and
- (b) the industry does not:

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- (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, or
- (ii) involve exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (iii) require the provision of any essential service main of a greater capacity than that available in the locality,

but does not include sex services premises or use of the premises for the purpose of sex services.

home occupation means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by the permanent residents of the dwelling that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling house or dwelling to indicate the name and occupation of the resident), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a bed and breakfast establishment or sex services (home occupation).

horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage, or nursery products, including the operation of a plant nursery and viticulture, for commercial purposes.

hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for:

- (a) day surgery, day procedures or health consulting rooms, or
- (b) accommodation for nurses or other health care workers, or
- (c) accommodation for persons receiving health care or for their visitors, or
- (d) shops or refreshment rooms, or
- (e) transport of patients, including helipads and ambulance facilities, or
- (f) educational purposes, or

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- (g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes), or
- (h) any other health-related use.

hostel means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

hotel means premises which require a hotelier's licence to be granted under the *Liquor Act 1982*.

industry means the manufacturing, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food or beverage products, or articles for commercial purposes and includes use of offensive or hazardous storage establishments, but does not include rural industry or extractive industry.

Note. In the Land Use Matrix/Table in clause 12, industry does not include a building or place specifically referred to in that Matrix/Table.

installation of manufactured homes means the process of connecting the major sections of the manufactured home, and any associated structures forming part of the manufactured home, and attaching them to footings and includes:

- (a) constructing or assembling the components of any associated structures, and (where appropriate) attaching them to footings, and
- (b) connecting the home or associated structure to gas, electricity, telephone, water, sewerage and drainage services.

intensive livestock agriculture means the keeping or breeding of livestock, poultry, or other birds, that are fed wholly or substantially on externally sourced feed, and includes operation of feed lots, piggeries, poultry farms or restricted dairies, but excludes operation of facilities for drought or similar emergency relief.

intensive plant agriculture means:

- (a) the cultivation of irrigated crops (excluding irrigated pasture and fodder crops),
- (b) horticulture, or
- (c) turf farming,

for commercial purposes.

jetty means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

kiosk means a shop (a size limit such as "with a gross floor area not exceeding X square metres" may be inserted):

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- (a) that is intended to provide food or light refreshments to the users of a recreation area, recreation facility or land in public ownership, and
 - (b) may be used for providing other small convenience items, such as newspapers, films and the like, and
 - (c) that does not dominate the open space,
- but does not include a restaurant.

Land Application Map means the map referred to in clause 3.

land fill means use of land for the purpose of disposing of waste, including use of a site for the collection and disposal of industrial, trade or domestic waste.

Land Zoning Map means the map referred to in clause 11.

landscaped area means a part of a residential site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

light industry means small-scale industry, not being a hazardous or offensive industry or involving use of a hazardous or offensive storage establishment, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

liquid fuel depot means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid and at which no retail trade is conducted.

livestock processing industry means the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes such activities as abattoirs, knackereries, tanneries, woollscours and rendering plants.

maintenance in relation to a heritage item or a building, work, relic, tree or place within a heritage conservation area, means ongoing protective care. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

major putrescible landfill site means a landfill site that is or is intended to be used for the purpose of disposing of putrescible waste, or waste including putrescible waste, brought to the site from the surrounding region and that has a capacity to receive:

- (a) more than 75,000 tonnes per year of waste, or
 - (b) more than 650,000 tonnes of waste over the life of the site,
- whether or not it results from the extension of, or addition of land to, a landfill site of less capacity.

manufactured home has the same meaning as in the Act.

Note. When this Dictionary commenced, it was defined to mean a self contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

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- (a) that comprises one or more major sections, and
- (b) that is not a registrable vehicle under the *Road Transport (Vehicle Registration) Act 1997*,

and includes any associated structures that form part of the dwelling.

manufactured home estate means land on which manufactured homes are, or are to be, erected.

market means an open-air area or an existing building used for the purpose of selling, exposing or offering goods, merchandise or materials for retail sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

materials recycling and management centre means a building or place used for the recycling or recovery of resource materials, excluding sludge-like material, from waste materials that would otherwise be acceptable as landfill, and involves separating and sorting, processing (such as baling, crushing, shredding and composting) and sorting, transferring and the sale of recycled or recovered material but does not involve the re-manufacture, chemical manufacture or incineration of the material.

mean high water mark means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

medical centre means a building or place used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to out patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services.

mezzanine means an intermediate floor within a room.

mine means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

mine subsidence district means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

mooring means a detached or freestanding apparatus to which a vessel is moored and that is subject to a licence issued by the Waterways Authority.

mooring pen means an arrangement of freestanding piles or other restraining devices within which a vessel is permanently berthed.

mortuary means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

motel means premises used for the temporary or short-term accommodation of travellers and the provision of meals to those travellers or the general public, but does not include a hotel, bed and breakfast establishment, serviced apartments, backpackers accommodation.

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motor showroom means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicles accessories, caravan accessories or boat accessories are sold or displayed there.

moveable dwelling has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

native fauna means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

native flora means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

Meaning of native vegetation

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
 - (a) trees (including any sapling or shrub, or any scrub),
 - (b) understorey plants,
 - (c) groundcover (being any type of herbaceous vegetation),
 - (d) plants occurring in a wetland.
- (2) Vegetation is indigenous if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
- (3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

natural waterbody means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, lake, lagoon, natural wetland, estuary, bay or inlet.

navigation aid means any device or system, external to vessels, which is approved by the Waterways Authority and is designed or operated to enhance the safe and efficient navigation of vessels or vessel traffic on the waterway.

neighbourhood shop means a shop used for the purpose of selling foodstuffs, personal care products, and other small daily convenience goods (and may include

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ancillary services such as a post office, bank, newsagency or dry cleaning), which is conducted in a building on the same lot as one dwelling.

non potable water means water that does not meet the health and aesthetic values set out in the Australian Drinking Water Guidelines issued from time to time by the National Health and Medical Research Council and the Agriculture and Resource Management Council of Australia and New Zealand.

offensive industry means any development for the purpose of an industry that would, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

offensive storage establishment means any establishment where goods, materials or products are stored and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

office means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis (otherwise than by appointment), except where this is a minor activity that is ancillary to the main purpose for which the building or place is used.

Note. In the Land Use Matrix/Table in clause 12, office does not include a building or place specifically referred to in that Matrix/Table.

operational land has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

operational land means land that is classified as operational land under Division 1 of Part 2 of Chapter 6 (of the *Local Government Act 1993*).

parking space means an area dedicated for the storage or parking of motor vehicles, including any manoeuvring space and access to it, but does not include a car park.

permanent group home means a dwelling:

- (a) used to provide a household environment for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

but does not include a building to which *State Environmental Planning Policy (Seniors Living) 2004* applies or a transitional group home.

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place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

plant nursery means a building or place at which horticulture involving the growing of nursery products (such as trees, shrubs, bulbs, seeds, and propagating material) is carried out for sale by retail or wholesale, and may include the ancillary sale of landscape supplies (including earth products) or other landscape and horticulture products.

pond based aquaculture means aquaculture undertaken in structures that are constructed by excavating and reshaping earth, which may be earthen or lined, and includes any part of the aquaculture undertaken in tanks, such as during the hatchery or pre-market conditioning phases, but does not include aquaculture in a natural waterbody.

Note. Typical pond based aquaculture is the pond culture of prawns, yabbies or silver perch.

potable water means water that meets the health and aesthetic values set out in the Australian Drinking Water Guidelines issued from time to time by the National Health and Medical Research Council and the Agriculture and Resource Management Council of Australia and New Zealand.

potentially hazardous industry means development for the purpose of any industry that, if the development were to be carried out without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment,

and includes a hazardous industry and use of hazardous storage establishment.

potentially offensive industry means development for the purpose of an industry that, if the development were to be carried out without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and use of an offensive storage establishment.

private marina means an apparatus or structure located on or in the waterway and used for restraining 2 or more vessels, but does not include a commercial marina or mooring pen.

private open space means an area of land external to a building that is used for private outdoor purposes ancillary to the use of the building.

property vegetation plan has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

property vegetation plan means a property vegetation plan that has been approved under Part 4 (of the *Native Vegetation Act 2003*).

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public authority has the same meaning as in the Act.

public building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes.

public entertainment has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public entertainment means entertainment to which admission may ordinarily be gained by members of the public on payment of money or other consideration:

- (a) whether or not some (but not all) persons are admitted free of charge, and
- (b) whether or not the money or other consideration is demanded:
 - (i) as a charge for a meal or other refreshment before admission is granted, or
 - (ii) as a charge for the entertainment after admission is granted.

public hall has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public hall means a public hall that is used or intended to be used for the purpose of conducting public meetings or providing public entertainment.

public land has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

public meeting has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public meeting means an assembly held for a public purpose to which admission may ordinarily be gained by members of the public (whether or not on payment of money, or other consideration, as the price or condition of admission), but does not include an assembly held for the purpose of religious worship only.

public reserve has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public reserve means:

- (a) a public park, or
- (b) any land conveyed or transferred to the council under section 340A of the *Local Government Act 1919*, or
- (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the *Local Government Act 1919*, or
- (d) any land dedicated or taken to be dedicated under section 49 or 50, or
- (e) any land vested in the council, and declared to be a public reserve, under section 37AAA of the *Crown Lands Consolidation Act 1913*, or

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- (f) any land vested in the council, and declared to be a public reserve, under section 76 of the *Crown Lands Act 1989*, or
- (g) a Crown reserve that is dedicated or reserved:
 - (i) for public recreation or for a public cemetery, or
 - (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the *Crown Lands Act 1989*,
being a Crown reserve in respect of which a council has been appointed as manager of a reserve trust for the reserve or for which no reserve trust has been established, or
- (h) land declared to be a public reserve and placed under the control of a council under section 52 of the *State Roads Act 1986*, or
- (i) land dedicated as a public reserve and placed under the control of a council under section 159 of the *Roads Act 1993*,

and includes a public reserve of which a council has the control under section 344 of the *Local Government Act 1919* or section 48, but does not include a common.

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

public water transport facilities means any structure that will be used primarily in connection with transporting the public by water.

rainwater tank means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

reception centre means a building or place used for the holding of functions or occasions that involve the consumption of food (which may or may not be prepared on site) in the building or at the place, including wedding receptions, celebratory functions, conferences or the like.

Note. In the Land Use Matrix/Table in clause 12, reception centre does not include a building or place specifically referred to in that Matrix/Table.

recreation area means a building or place used for outdoor recreation that is normally open to the public, such as:

- (a) a children's playground,
- (b) an area used for community sporting activities, and
- (c) a public park.

recreation facility means a building or place used for indoor recreation, a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building of a like character used for recreation

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and whether used for the purpose of gain or not, but does not include an entertainment facility.

Reduced Level (RL) means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

registered club means a building or place that is required to be registered under the *Registered Clubs Act 1976* and may include such a building or place used for social, literary, political, sporting, athletic or other lawful purposes.

regrowth has the same meaning as **protected regrowth** in section 10 of the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

Meaning of protected regrowth

- (1) **protected regrowth** means any native vegetation that is regrowth and that is identified as protected regrowth for the purposes of this Act in:
 - (a) a property vegetation plan, or
 - (b) an environmental planning instrument, or
 - (c) a natural resource management plan of a kind prescribed by the regulations, or
 - (d) an interim protection order under this section.
- (2) **protected regrowth** also includes any native vegetation that is regrowth and that has been grown or preserved (whether before or after the commencement of this Act) with the assistance of public funds granted for biodiversity conservation purposes.
- (3) Before native vegetation is identified as protected regrowth in an instrument referred to in subsection (1) (a)–(c), the person or body making or approving the instrument must be satisfied that, based on available scientific evidence, the preservation of the vegetation is consistent with State-wide natural resource management standards and targets adopted for the purposes of the *Catchment Management Authorities Act 2003*.
- (4) Before native vegetation is identified as protected regrowth in a property vegetation plan, the Minister is to have regard to the social and economic implications of the preservation of the vegetation.
- (5) The Minister may make and publish an interim protection order for the purpose of protecting regrowth from being cleared pending an assessment of whether it should be identified as protected regrowth.
- (6) The regulations may make provision for or with respect to the making, duration and revocation of, and other matters relating to, interim protection orders under this section.
- (7) The landholder of any land affected by an interim protection order under this section may appeal to the Land and Environment Court against the making of the order.

Meanings of remnant native vegetation and regrowth

- (1) **remnant native vegetation** means any native vegetation other than regrowth.
- (2) **regrowth** means any native vegetation that has regrown since the earlier of the following dates:
 - (a) 1 January 1983 in the case of land in the Western Division and 1 January 1990 in the case of other land,

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- (b) the date specified in a property vegetation plan for the purposes of this definition (in exceptional circumstances being a date based on existing rotational farming practices).
- (3) In subsection (2) (b), **existing rotational farming practices** means rotational farming practices:
 - (a) that are reasonable and in accordance with accepted farming practice, and
 - (b) that have been in place since the date specified in the plan.
- (4) Regrowth does not include any native vegetation that has regrown following unlawful clearing of remnant native vegetation or following clearing of remnant native vegetation caused by bushfire, flood, drought or other natural cause.

relic means any deposit, object or other material evidence of human habitation:

- (a) that relates to the settlement of the area of [*insert name local government area*], not being Aboriginal settlement, and
- (b) that is more than 50 years old.

residential care facility means accommodation for seniors (people aged 55 years or more) or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hospital or psychiatric facility.

residential flat building means a building containing 3 or more dwellings.

restaurant means a building or place, the principal purpose of which is the provision of food or beverages to people for consumption on the premises and that may also provide takeaway meals.

restricted dairy means a dairy where cattle can have access to grazing for less than 10 hours in a 24 hour period (excluding during period of drought or similar emergency relief).

restricted premises means business premises or a shop that, due to its nature, restricts access to customers over 18 years of age and includes sex shops and similar premises, but does not include a hotel, sex services (home occupation) or sex services premises.

riparian corridor map means the map marked “[*Name of local government area*] Riparian Corridor Map”.

riparian land means the land adjoining a natural waterbody that is (*insert one of the following*):

- (a) shown as riparian land on the riparian corridor map, or
- (b) within [*insert distance*] metres of the bank of any natural waterbody shown on the map.

road transport terminal means a building or place used for the bulk handling of goods for transport by motor vehicles and includes any area used for the loading and unloading of containers.

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roadside stall means a place or temporary structure used for retail selling of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

roof or sky advertisement means an advertisement that is displayed on, or erected on or above, the parapet or eaves of a building.

rural industry includes:

- (a) agricultural produce industry, or
- (b) livestock processing industry, or
- (c) use of composting facilities and works (including to produce mushroom substrate), or
- (d) use of sawmill or log processing works, or
- (e) use of stock and sale yards, or
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise,

undertaken for commercial purposes.

rural worker's dwelling means a dwelling, ancillary to a dwelling house on the same landholding, used as the principal place of residence by persons employed for the purpose of agriculture or a rural industry on that land.

salinisation means the accumulation of salts in soils and water.

salinity means the presence of soluble salts in water, soil, buildings and infrastructure, at a level where adverse impacts on natural systems, land use or the lifespan of buildings or infrastructure are occurring.

salinity hazard means the extent to which natural physical characteristics (including topography, soils, geology and climate, but excluding land cover) predispose a landscape to salinisation.

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

school means a government school or non-government school within the meaning of the *Education Act 1990*.

sea wall means a structure placed partially or wholly along the land water interface to protect the land from the sea or a waterbody, or to prevent erosion of the shoreline, but does not include a breakwater.

seniors housing is residential accommodation that is, or is intended to be, used permanently for accommodation of the following:

- (a) seniors (people aged 55 years or more) or people with a disability,
- (b) people who live within the same household with seniors or people who have a disability,

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(c) staff employed to assist in the administration of and provision of services in connection with the residential accommodation,
consisting of:

- (d) a residential care facility, or
 - (e) a hostel, or
 - (f) a group of self-contained dwellings, or
 - (g) a combination of these,
- but does not include a hospital.

sensitive coastal location means land in the coastal zone that is any of the following:

- (a) land within 100 metres above mean high water mark of the sea,
- (b) a bay, an estuary or a coastal lake,
- (c) a declared Ramsar wetland within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth,
- (d) a declared World Heritage property within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth,
- (e) land declared as an aquatic reserve under the *Fisheries Management Act 1994*,
- (f) land declared as a marine park under the *Marine Parks Act 1997*,
- (g) land within 100 metres of any of the following:
 - (i) the water's edge of a coastal lake,
 - (ii) land to which paragraph (c), (d), (e) or (f) applies,
 - (iii) land reserved under the *National Parks and Wildlife Act 1974*,
 - (iv) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* applies,
- (h) residential land (within the meaning of *State Environmental Planning Policy No 26—Littoral Rainforests*) that is within a distance of 100 metres from the outer edge of the heavy black line on the series of maps held in the Department of Planning and marked "*State Environmental Planning Policy No 26—Littoral Rainforests (Amendment No 2)*".

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

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serviced apartment means a building or part of a building providing self-contained tourist and visitor accommodation that is serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

sewage treatment works means works or land used for the collection, treatment and disposal of sewage by or for a public authority.

sex services means sexual acts or sexual services in exchange for payment.

sex services (home occupation) means the provision of sex services in a dwelling, or in a building ancillary to a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any notice, advertisement or sign, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home occupation or sex services premises.

sex services premises means premises habitually used for the purposes of sex services, but does not include a home occupation or sex services (home occupation).

shop means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, (whether the items are goods or materials).

shop top or associated housing means a single dwelling located on the same lot as retail or commercial premises where no building is more than 2 storeys high.

site area means the area of any land on which development is carried out, or is proposed. The land may include the whole or part of one lot, or more than one lot, if they are contiguous to each other.

site coverage means the proportion of a site area covered by buildings. However:

- (a) For residential development, the following are not included for the purpose of calculating site coverage:
 - (i) a basement,
 - (ii) pedestrian awnings adjoining the street frontage,
 - (iii) eaves.
- (b) For commercial development, the following are not included for the purpose of calculating site coverage:
 - (i) a basement,
 - (ii) pedestrian awnings adjoining the street frontage,
 - (iii) unenclosed pedestrian decks adjoining the street frontage,
 - (iv) transparent or translucent roof structures over a landscaped area.

spa pool has the same meaning as in the *Swimming Pools Act 1992*.

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Note. The term is defined as follows:

spa pool includes any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

stock and sale yard means a building or place used on a commercial basis for the purpose of offering livestock or poultry for sale and may be used for the short-term storage and watering of stock.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room,
- (b) a mezzanine, or
- (c) an attic.

swimming pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined as follows:

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations (*made under the Swimming Pools Act 1992*) not to be a swimming pool for the purposes of this Act.

tank-based aquaculture means aquaculture utilising structures that are constructed from materials such as fibreglass, plastics, concrete, glass or metals, are usually situated either wholly or partly above ground, and may be contained within a purpose built farm or industrial style sheds or plastic covered hothouse to assist in controlling environmental factors.

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or to be used, in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

the Act means the *Environmental Planning and Assessment Act 1979*.

town houses means a group of 3 or more dwellings, each more than one storey in height, whether attached or not, that are on a single lot of land, or adjacent lots that

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constitute a single site, where each dwelling has a separate entrance accessible from an outside area and direct access to private open space at finished ground level.

transitional group home means a dwelling:

- (a) used to provide temporary accommodation, for the purposes of relief or rehabilitation, for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, either with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

but does not include a building to which *State Environmental Planning Policy (Seniors Living) 2004* applies.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, business, industry or shop.

transport terminal means a building or place used for the assembly and dispersal of passengers or goods by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle forming part of that undertaking.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

utility installation means a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a show-room.

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

vehicle repair station means a building or place used for the purpose of carrying out repairs or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a building or place used for body building, panel building, panel beating, spray painting or chassis restoration.

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

villas means a group of 3 or more single storey dwellings, which may or may not be attached, on a single lot of land, or adjacent lots that constitute a single site, where each dwelling has a separate entrance accessible from an outside area and direct access to private open space at finished ground level.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

Note. In the Land Use Matrix/Table in clause 12, any such centre does not include a building or place specifically referred to in that Matrix/Table.

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water recreational facilities means piers, wharves or other structures which have a direct structural connection between the shore and the waterway and are used primarily for public recreational purposes.

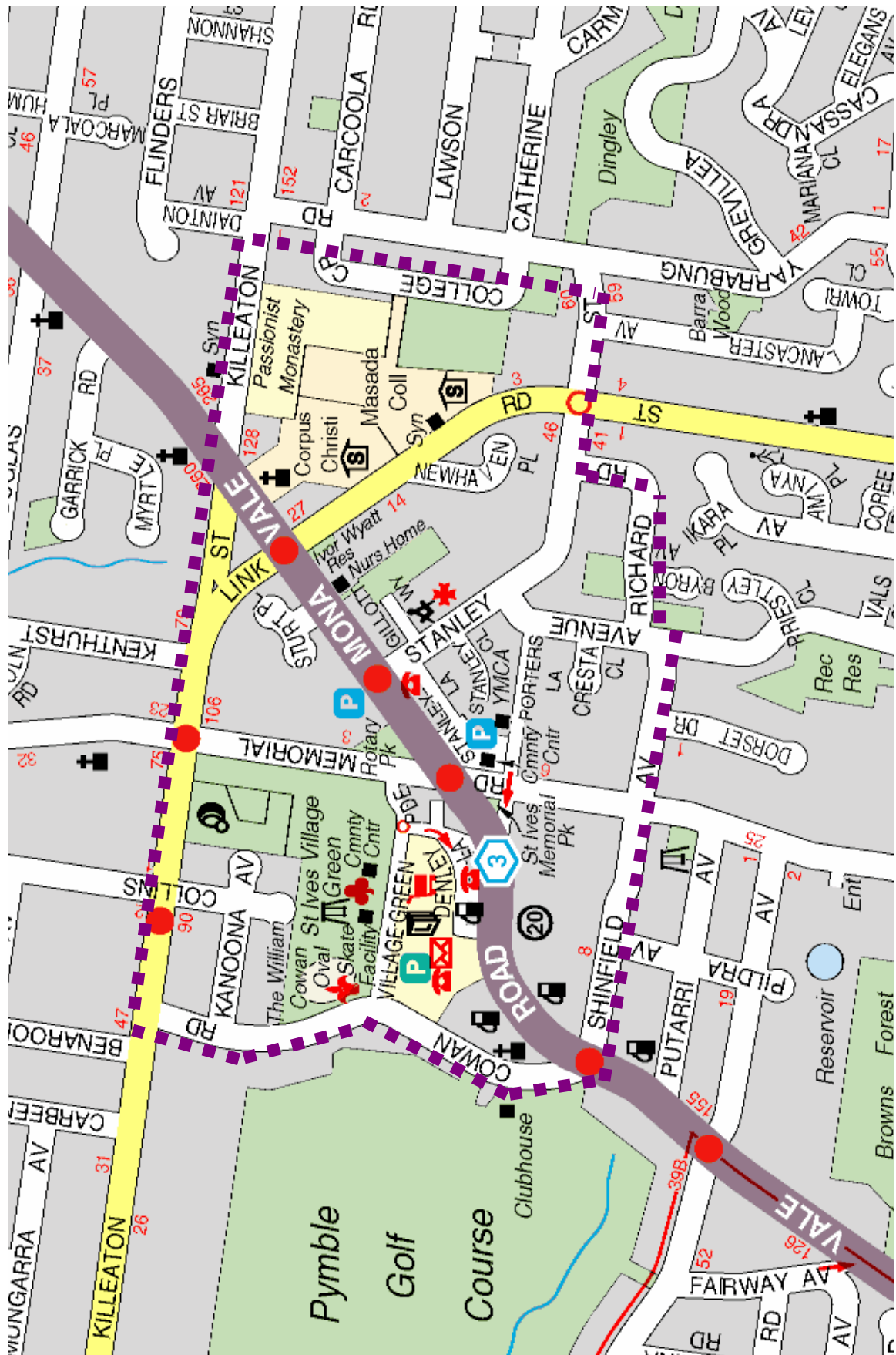
waterbody means a natural waterbody or artificial waterbody.

watercourse means any river, creek, or natural stream, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel.

waterway means all waters that are from time to time capable of navigation and are open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

wetland means:

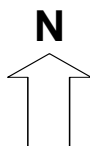
- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow water body (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.



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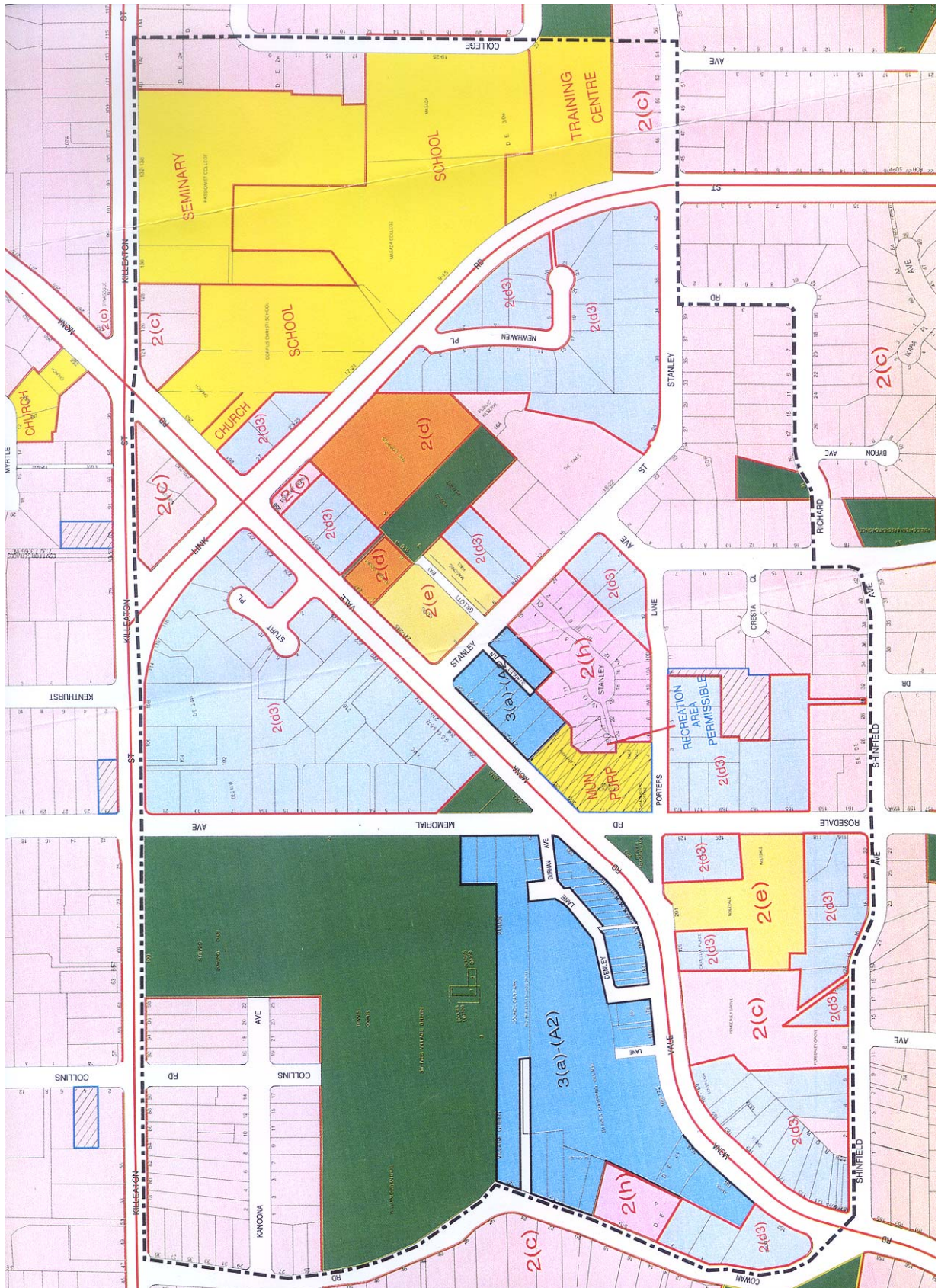
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NOT TO SCALE

FIGURE 1A
TRAFFIC STUDY
ST IVES TOWN CENTRE
STUDY AREA

JOB NO. 25024



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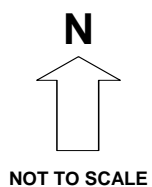
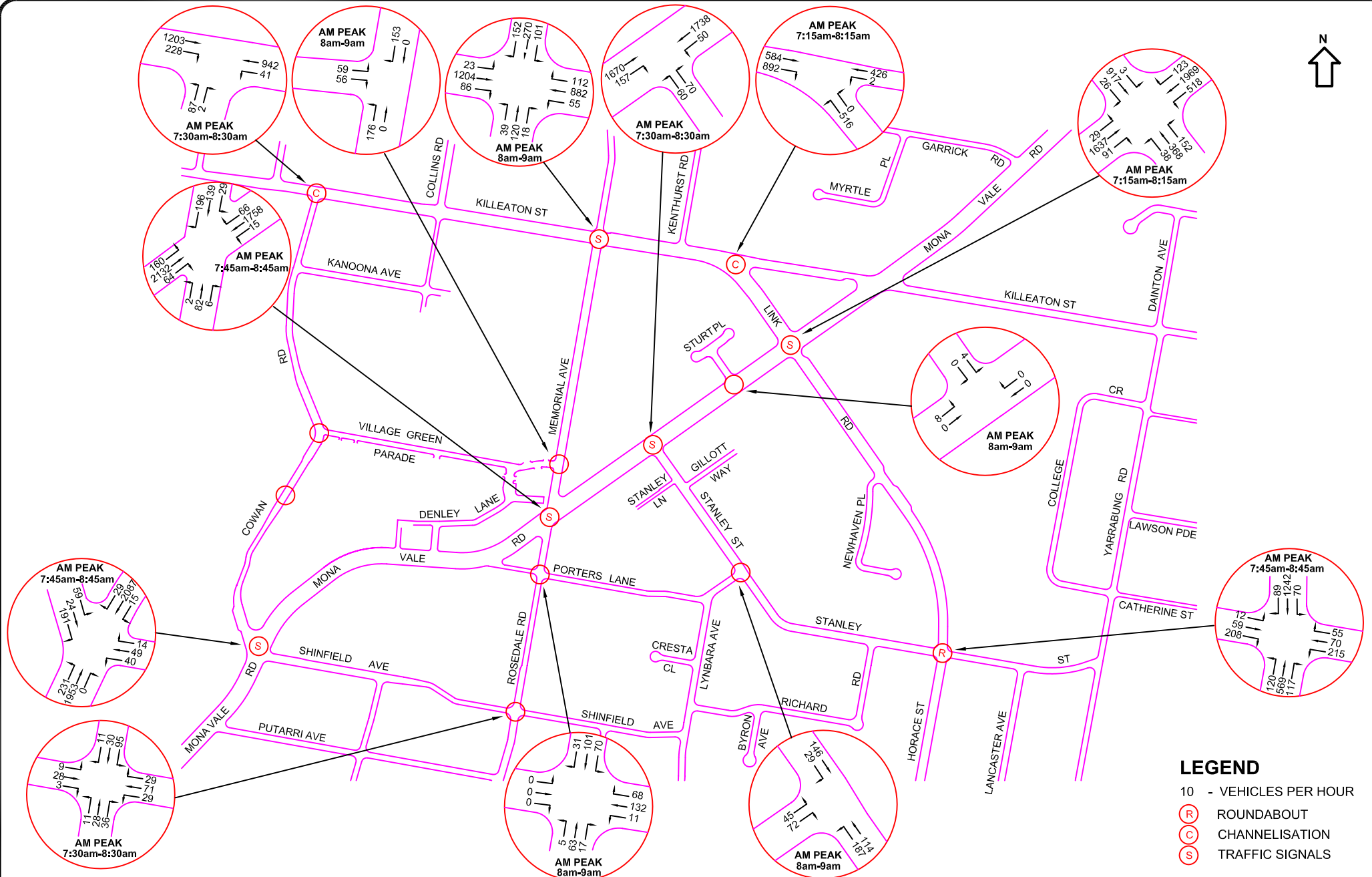


FIGURE 1B
 TRAFFIC STUDY
 ST IVES TOWN CENTRE
STUDY AREA ZONING
 JOB NO. 25024



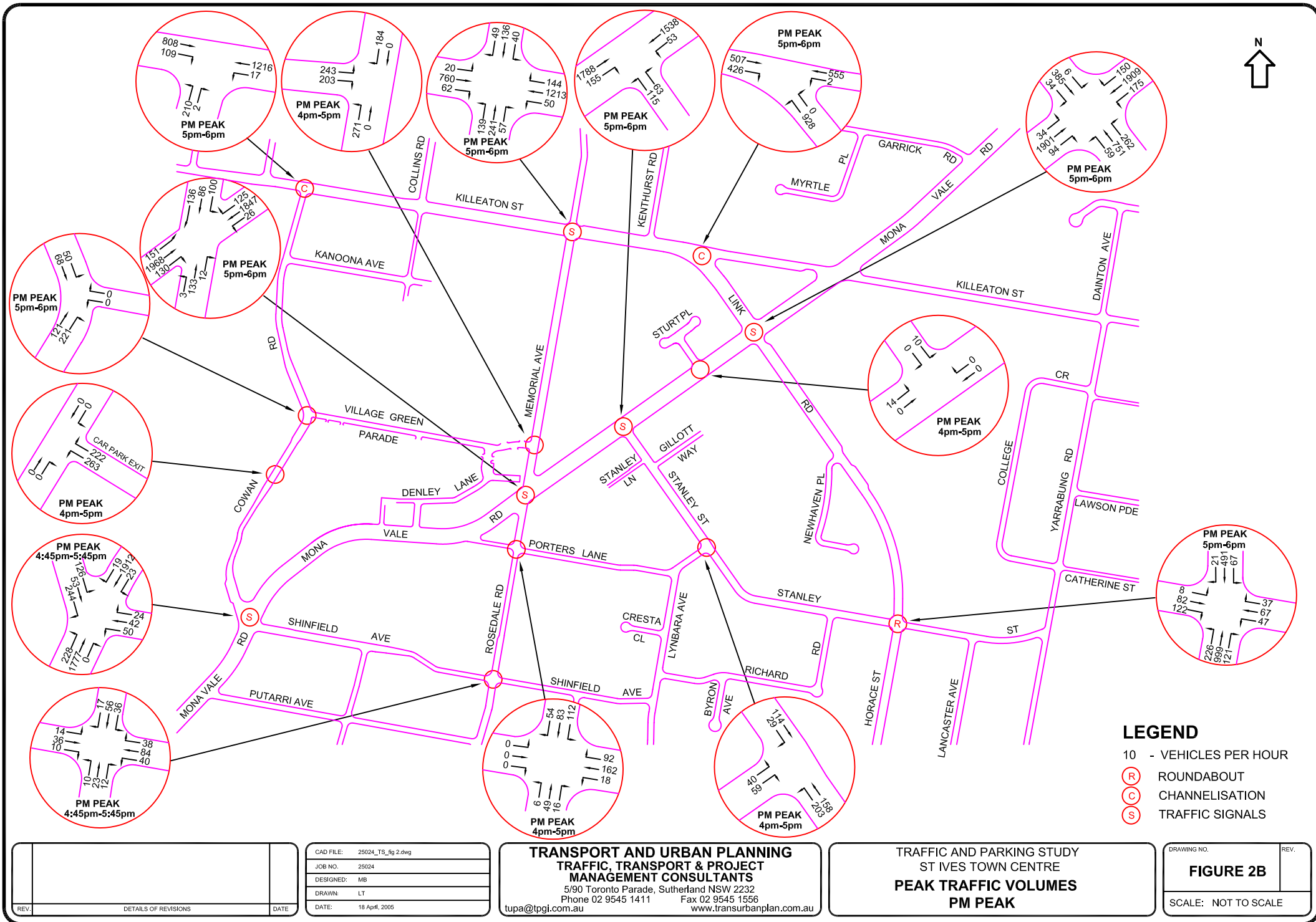
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JOB NO.	25024
DESIGNED:	MB
DRAWN:	LT
DATE:	18 April, 2005

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TRAFFIC AND PARKING STUDY
ST IVES TOWN CENTRE
PEAK TRAFFIC VOLUMES
AM PEAK

DRAWING NO.	REV.
FIGURE 2A	
SCALE: NOT TO SCALE	

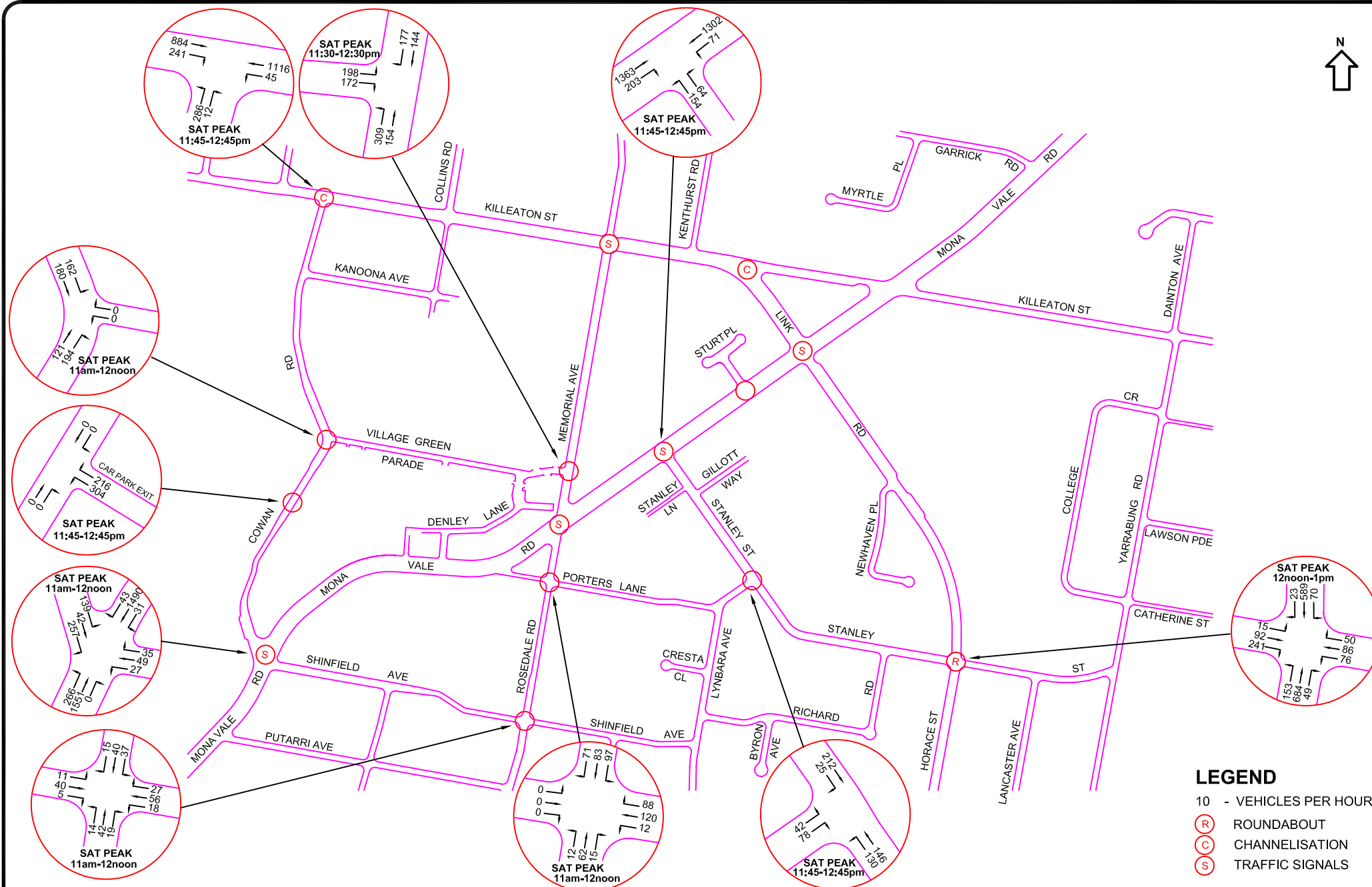


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 DATE: 18 April, 2005

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TRAFFIC AND PARKING STUDY
 ST IVES TOWN CENTRE
PEAK TRAFFIC VOLUMES
PM PEAK

DRAWING NO. **FIGURE 2B** REV.
 SCALE: NOT TO SCALE



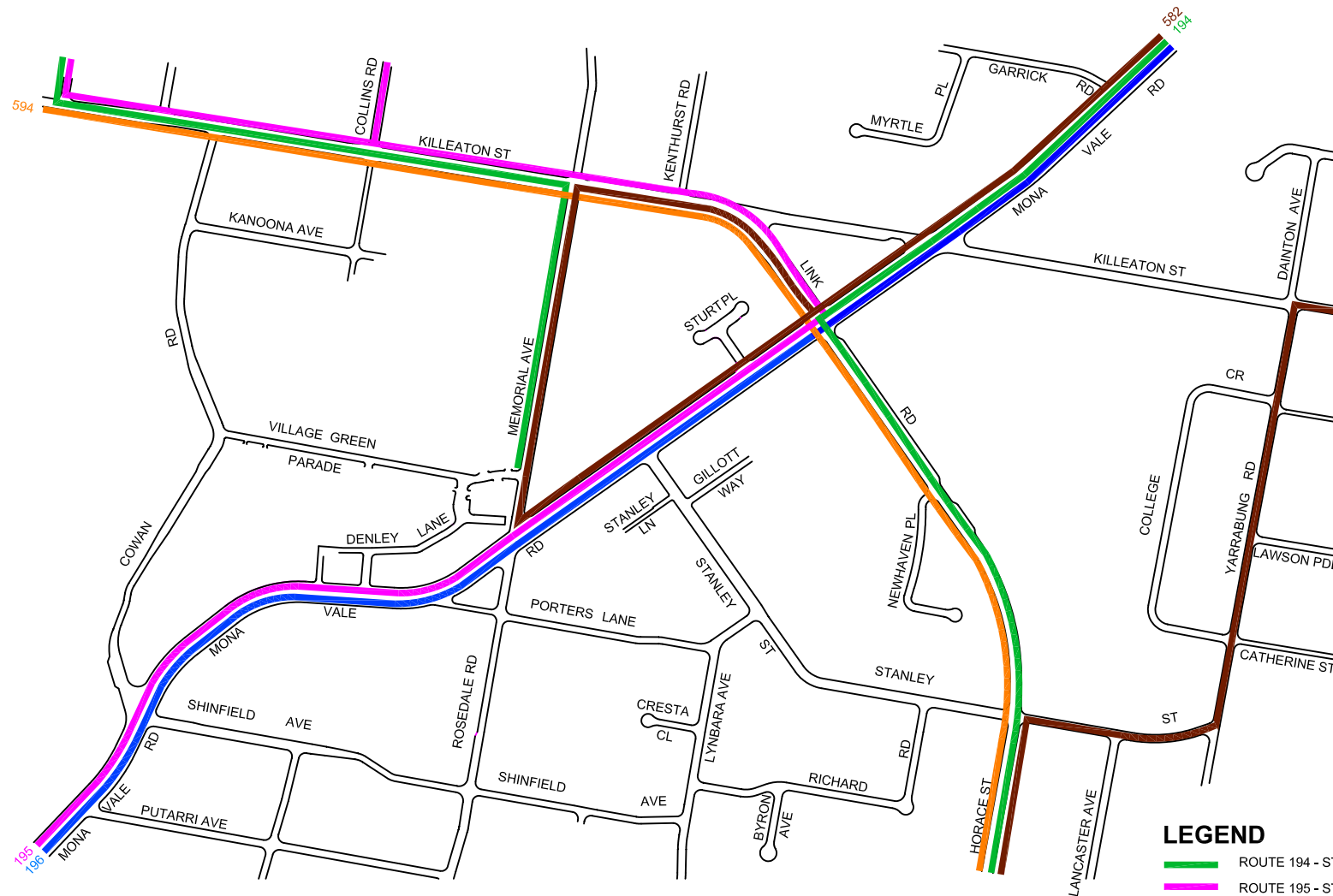
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DATE:	18 April, 2005

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TRAFFIC AND PARKING STUDY
ST IVES TOWN CENTRE
PEAK TRAFFIC VOLUMES
SATURDAY PEAK

DRAWING NO.	REV.
FIGURE 2C	
SCALE: NOT TO SCALE	



LEGEND

- ROUTE 194 - ST IVES CHASE - CITY
- ROUTE 195 - ST IVES CHASE - GORDON STATION
- ROUTE 196 - MONA VALE - GORDON STATION
- ROUTE 582 - ST IVES - GORDON
- ROUTE 594 - KURING-GAI - CITY

REV.	DETAILS OF REVISIONS	DATE

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JOB NO:	25024
DESIGNED:	MB
DRAWN:	FS
DATE:	21 JULY, 2005

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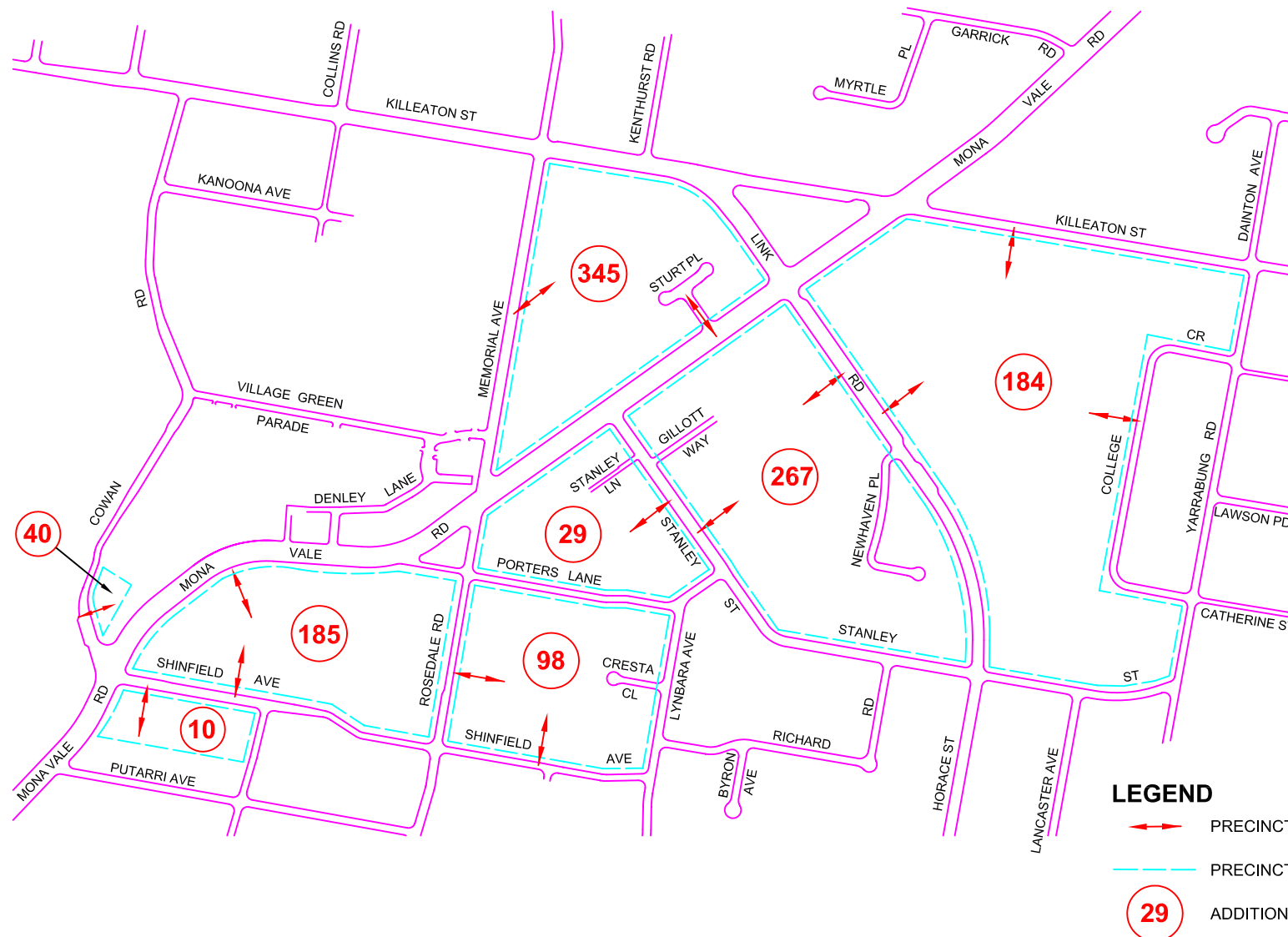
TRAFFIC AND PARKING STUDY
ST IVES TOWN CENTRE
EXISTING BUS ROUTES

DRAWING NO.	REV.
FIGURE 3	
SCALE: NOT TO SCALE	

NOTES

ASSUMPTIONS

1. AM / PM SPLIT OF 80 / 20 OUTBOUND / INBOUND.
2. 50% OF ALL TRAFFIC ONTO OR ACROSS MONA VALE ROAD.



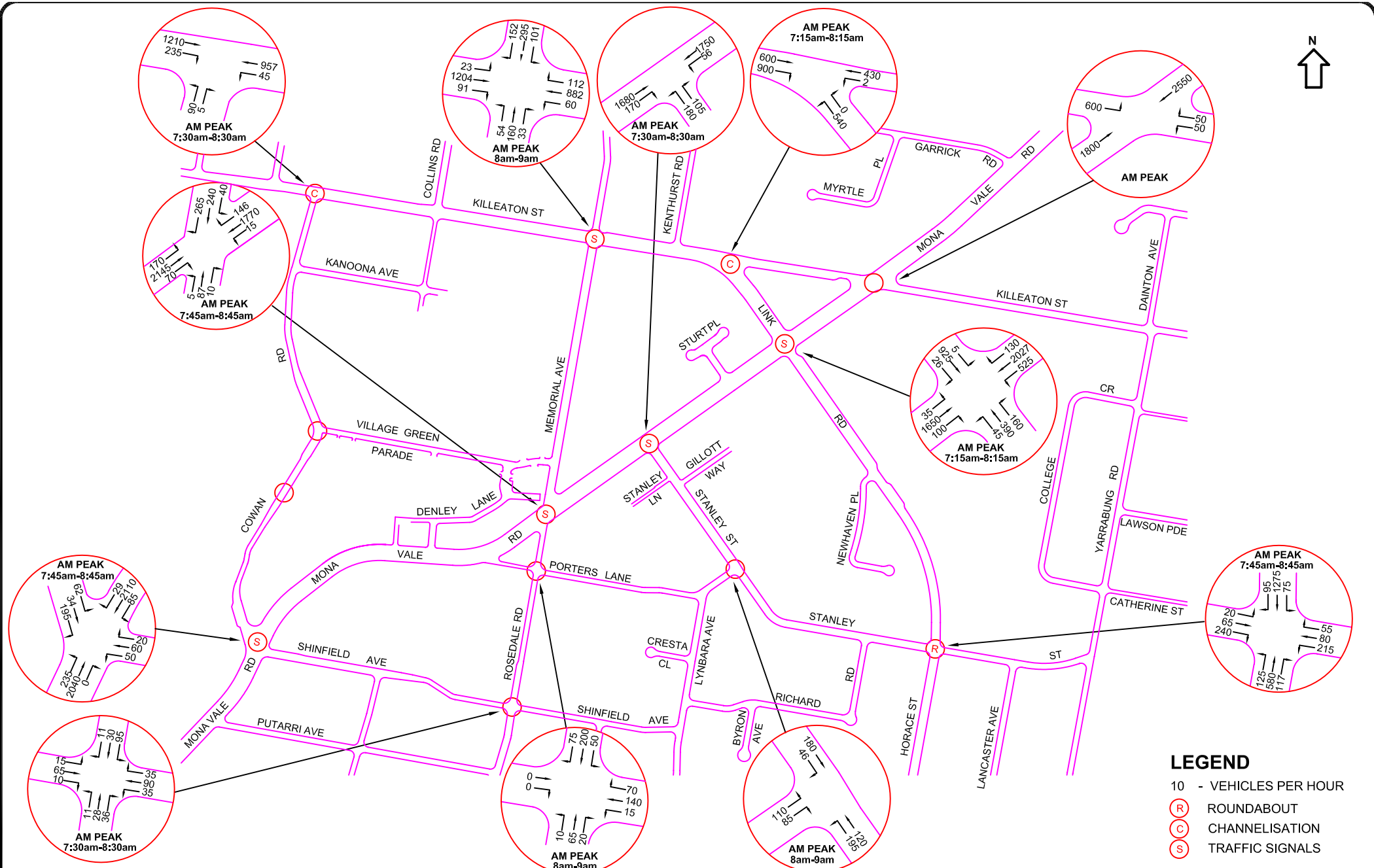
REV.	DETAILS OF REVISIONS	DATE

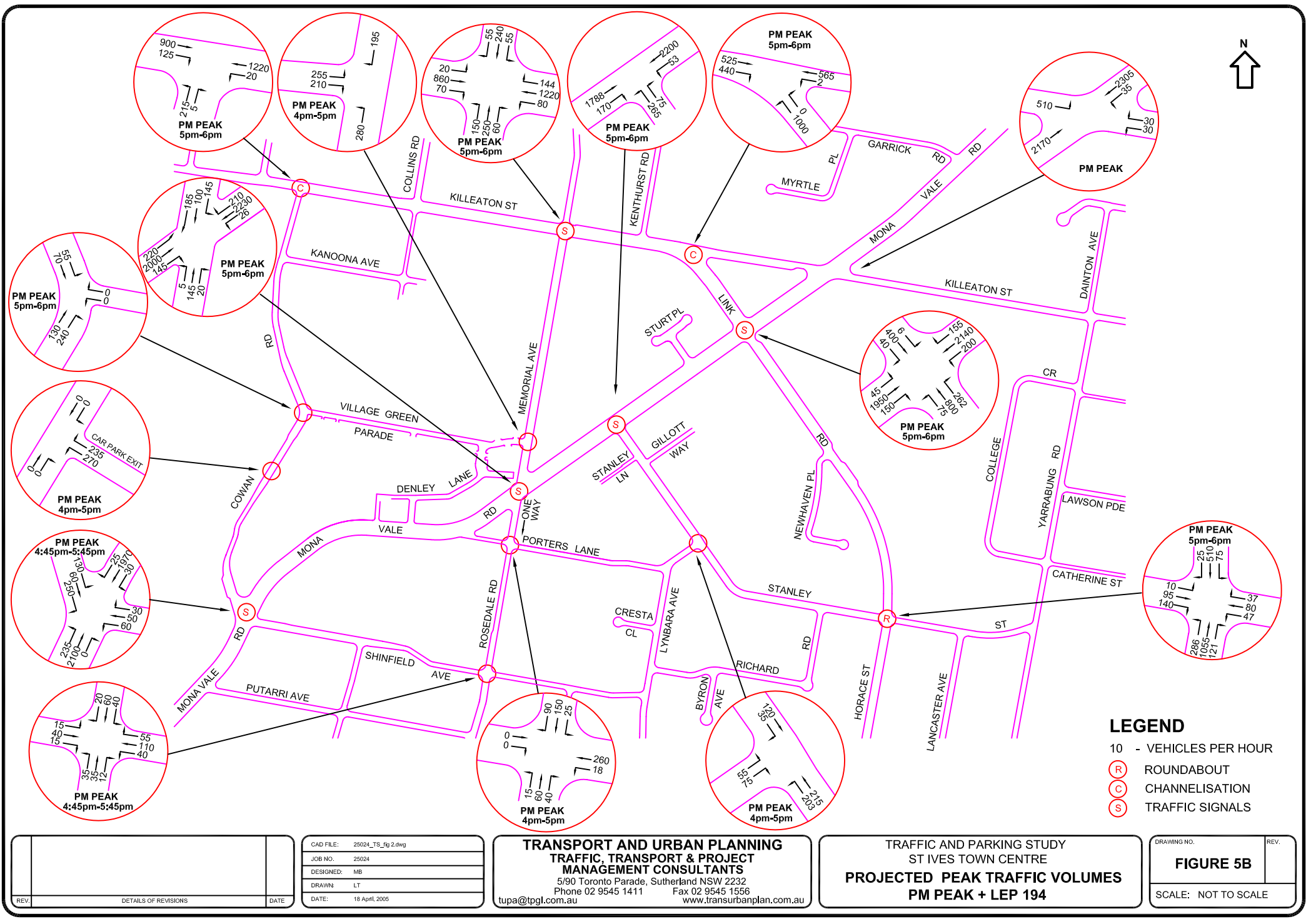
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DRAWN:	LT
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TRAFFIC AND PARKING STUDY
 ST IVES TOWN CENTRE
LEP 194 ADDITIONAL PRECINCT TRAFFIC
AM AND PM PEAK

DRAWING NO.	REV.
FIGURE 4	
SCALE: NOT TO SCALE	





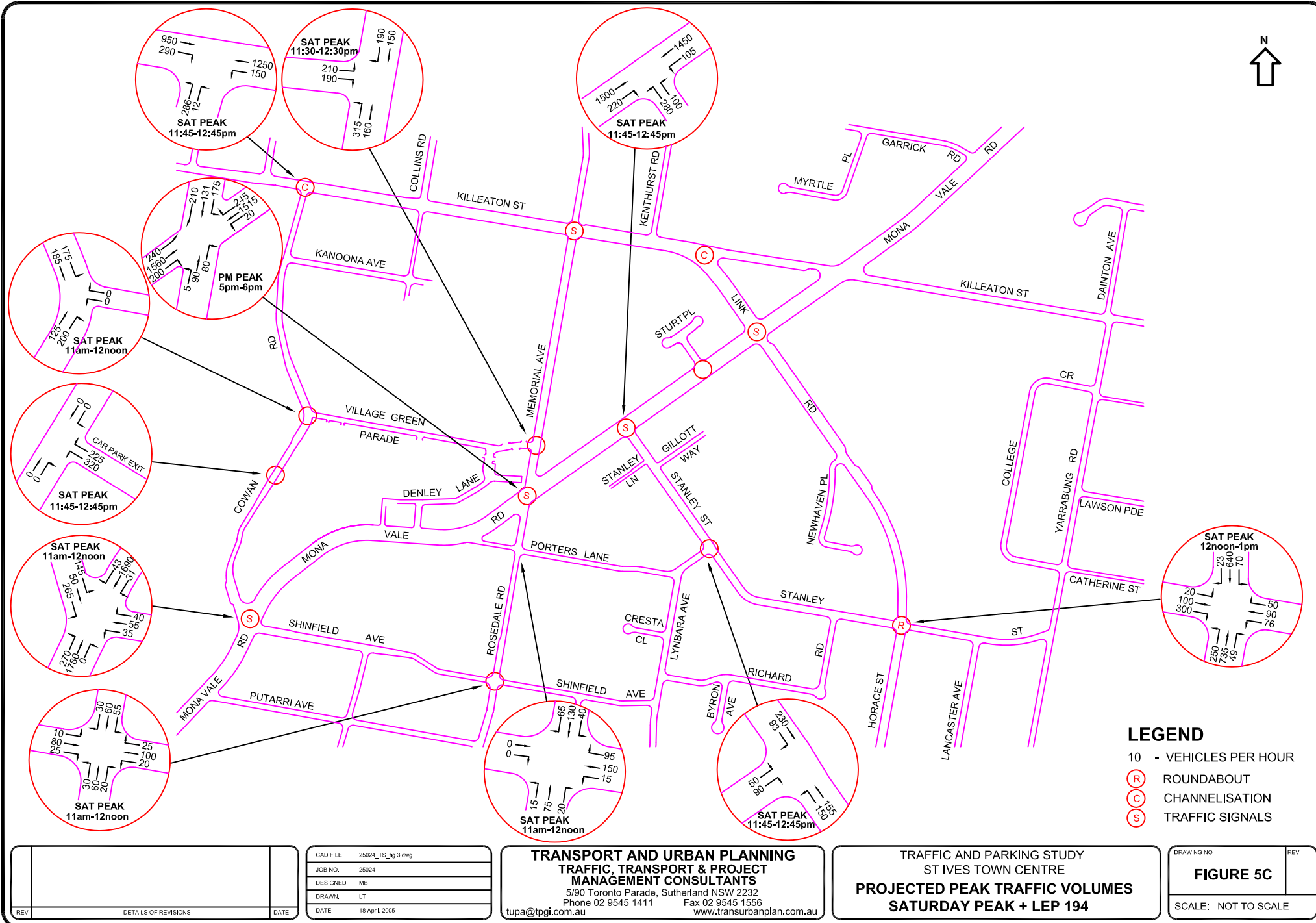
REV.	DETAILS OF REVISIONS	DATE

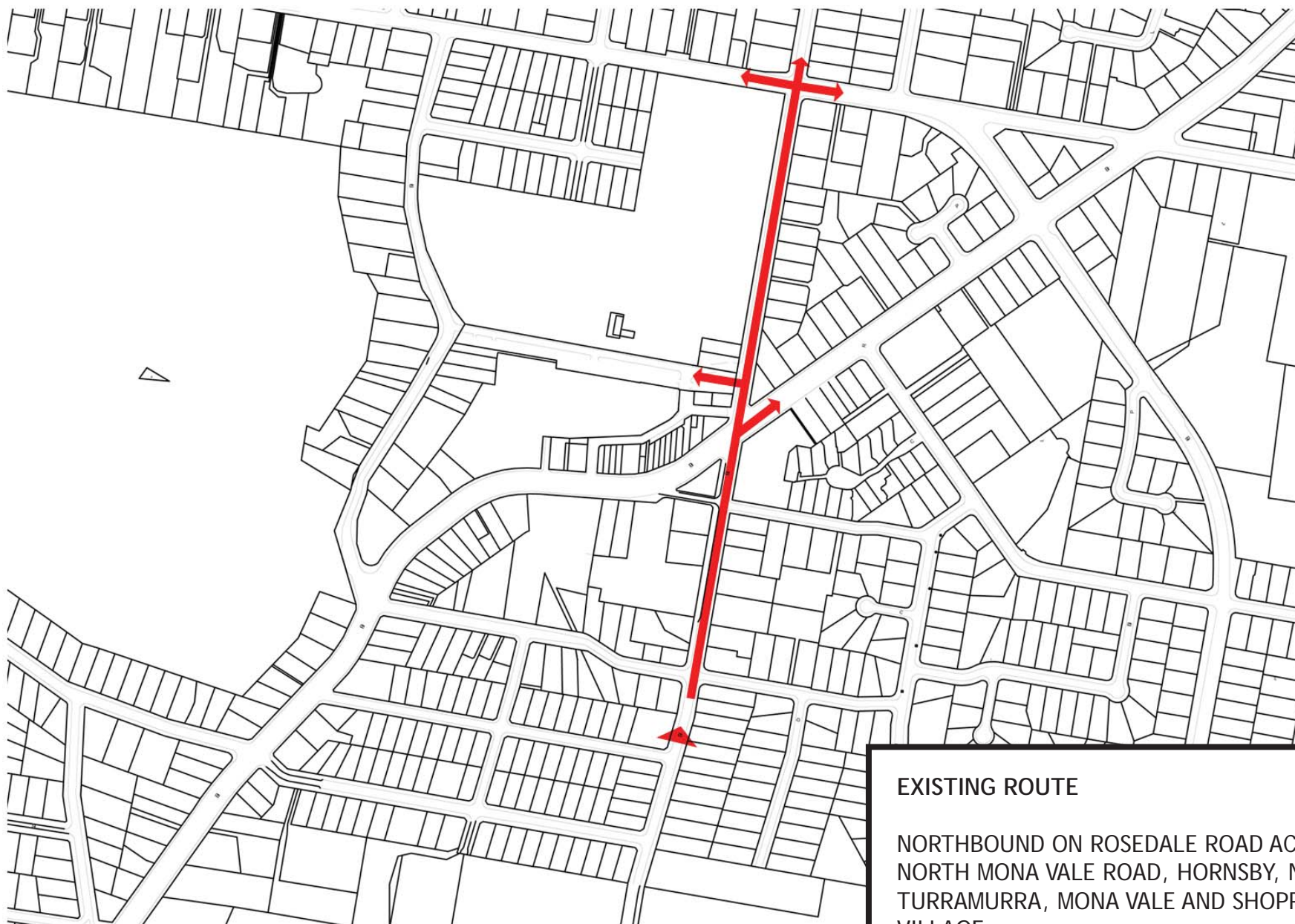
CAD FILE:	25024_TS_fig 2.dwg
JOB NO:	25024
DESIGNED:	MB
DRAWN:	LT
DATE:	18 April, 2005

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TRAFFIC AND PARKING STUDY
ST IVES TOWN CENTRE
PROJECTED PEAK TRAFFIC VOLUMES
PM PEAK + LEP 194

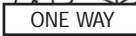
DRAWING NO. **FIGURE 5B** REV.
SCALE: NOT TO SCALE



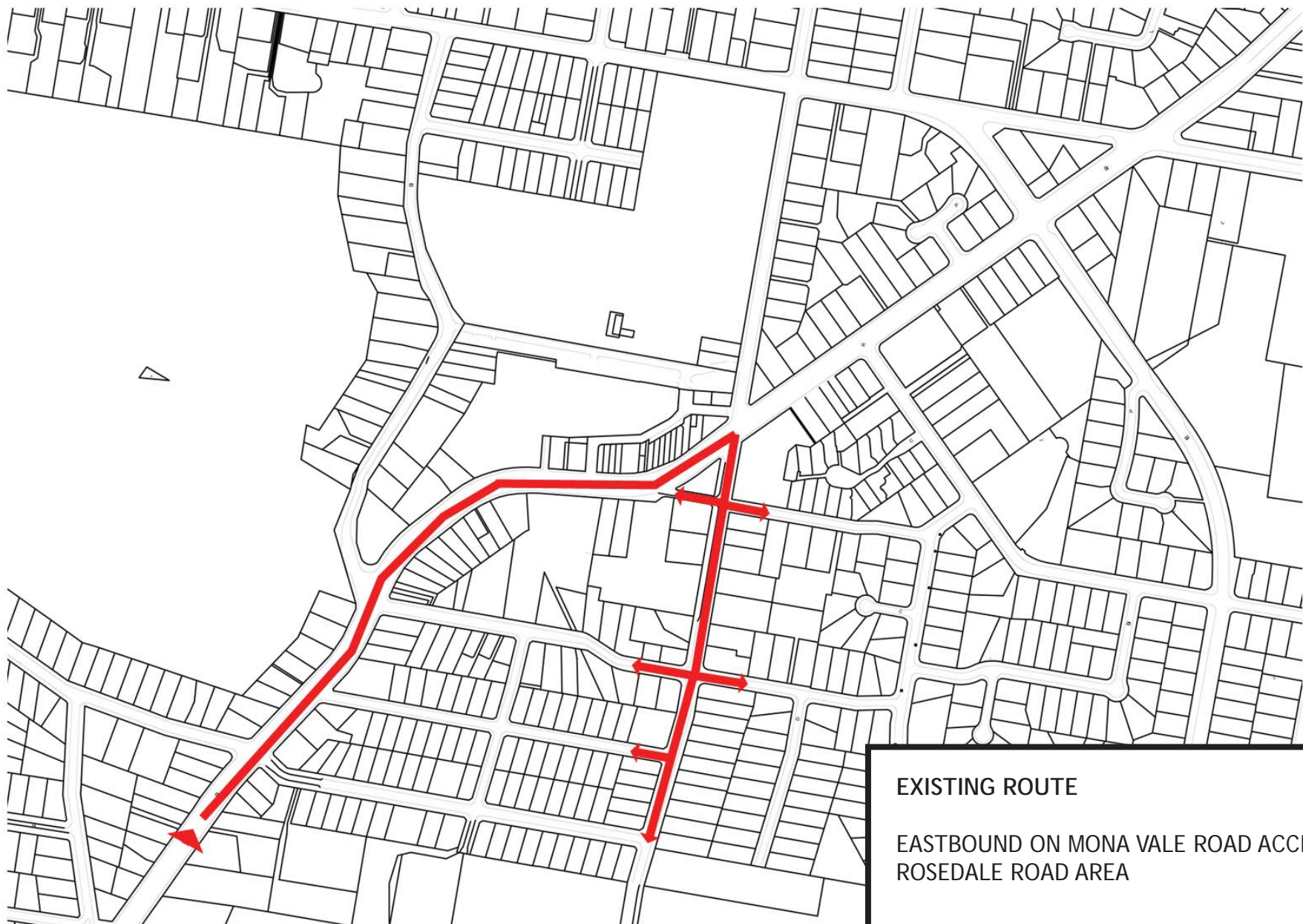


EXISTING ROUTE

NORTHBOUND ON ROSEDALE ROAD ACCESSING
NORTH MONA VALE ROAD, HORNSBY, NORTH
TURRAMURRA, MONA VALE AND SHOPPING
VILLAGE

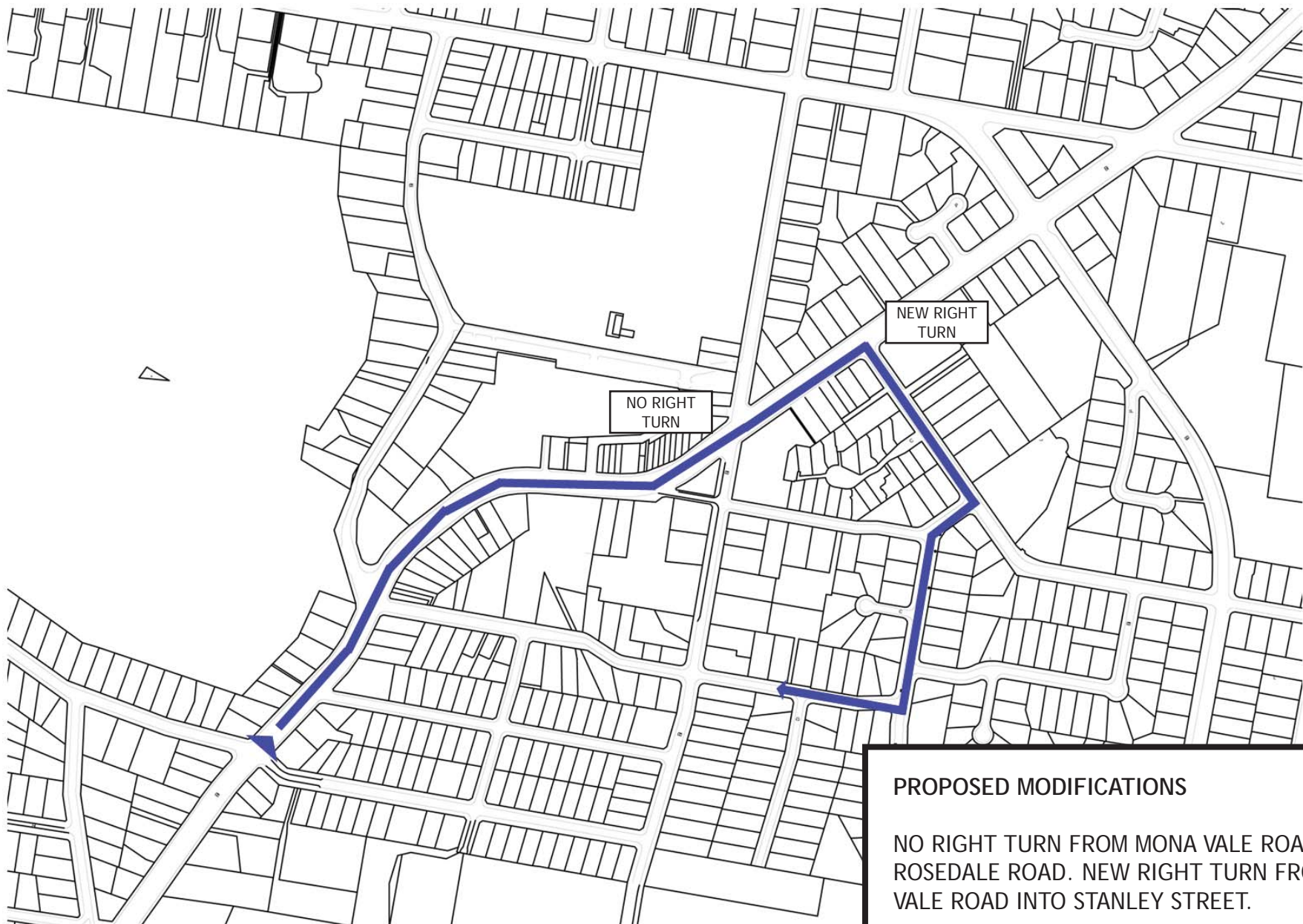


ONE WAY ROSEDALE ROAD SOUTHBOUND
BETWEEN MONA VALE ROAD AND PORTERS LANE



EXISTING ROUTE

EASTBOUND ON MONA VALE ROAD ACCESSING
ROSEDALE ROAD AREA



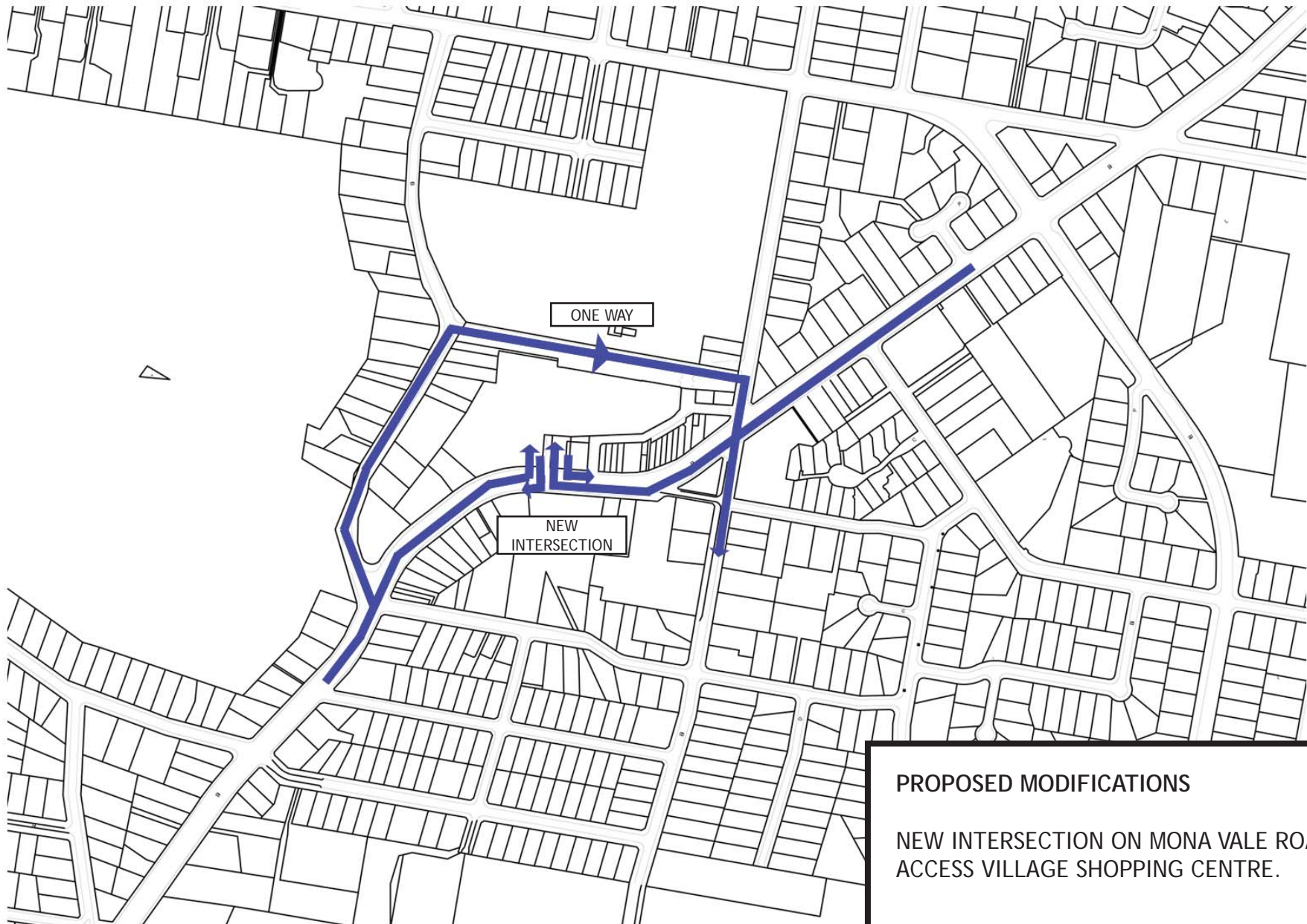
PROPOSED MODIFICATIONS

NO RIGHT TURN FROM MONA VALE ROAD INTO ROSEDALE ROAD. NEW RIGHT TURN FROM MONA VALE ROAD INTO STANLEY STREET.



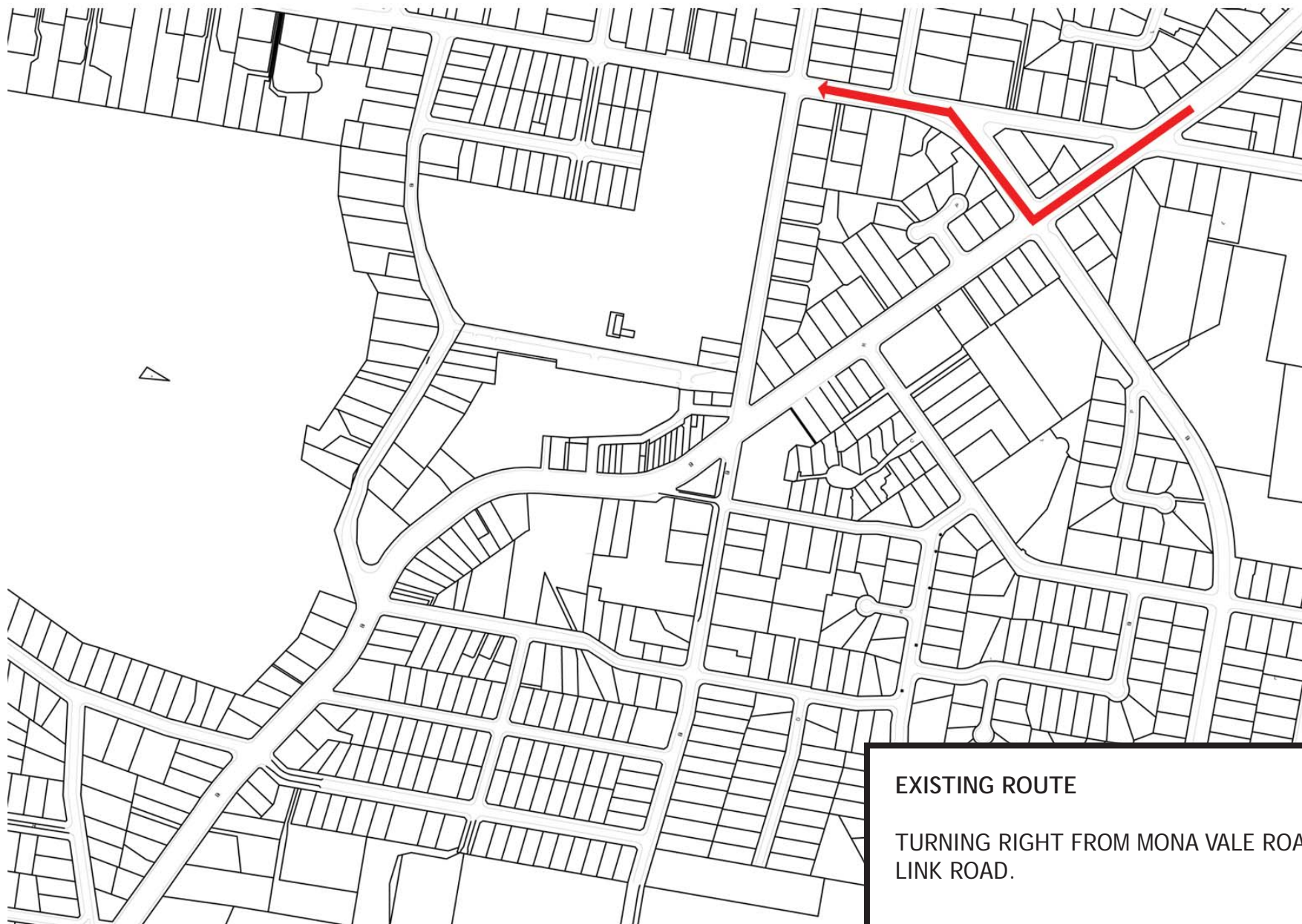
EXISTING ROUTE

ACCESSING VILLAGE SHOPPING CENTRE FROM
MONA VALE ROAD.



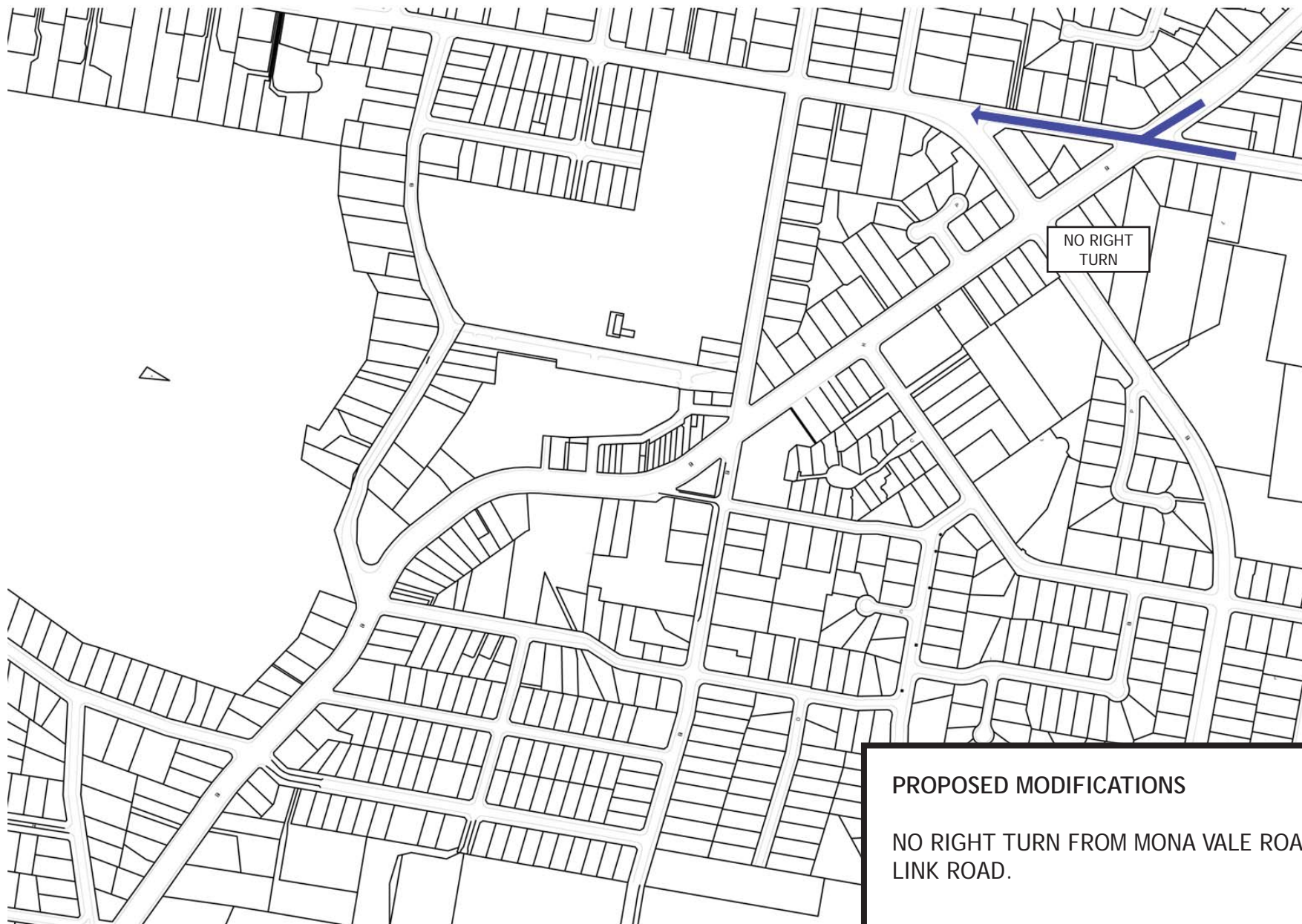
PROPOSED MODIFICATIONS

NEW INTERSECTION ON MONA VALE ROAD TO ACCESS VILLAGE SHOPPING CENTRE.



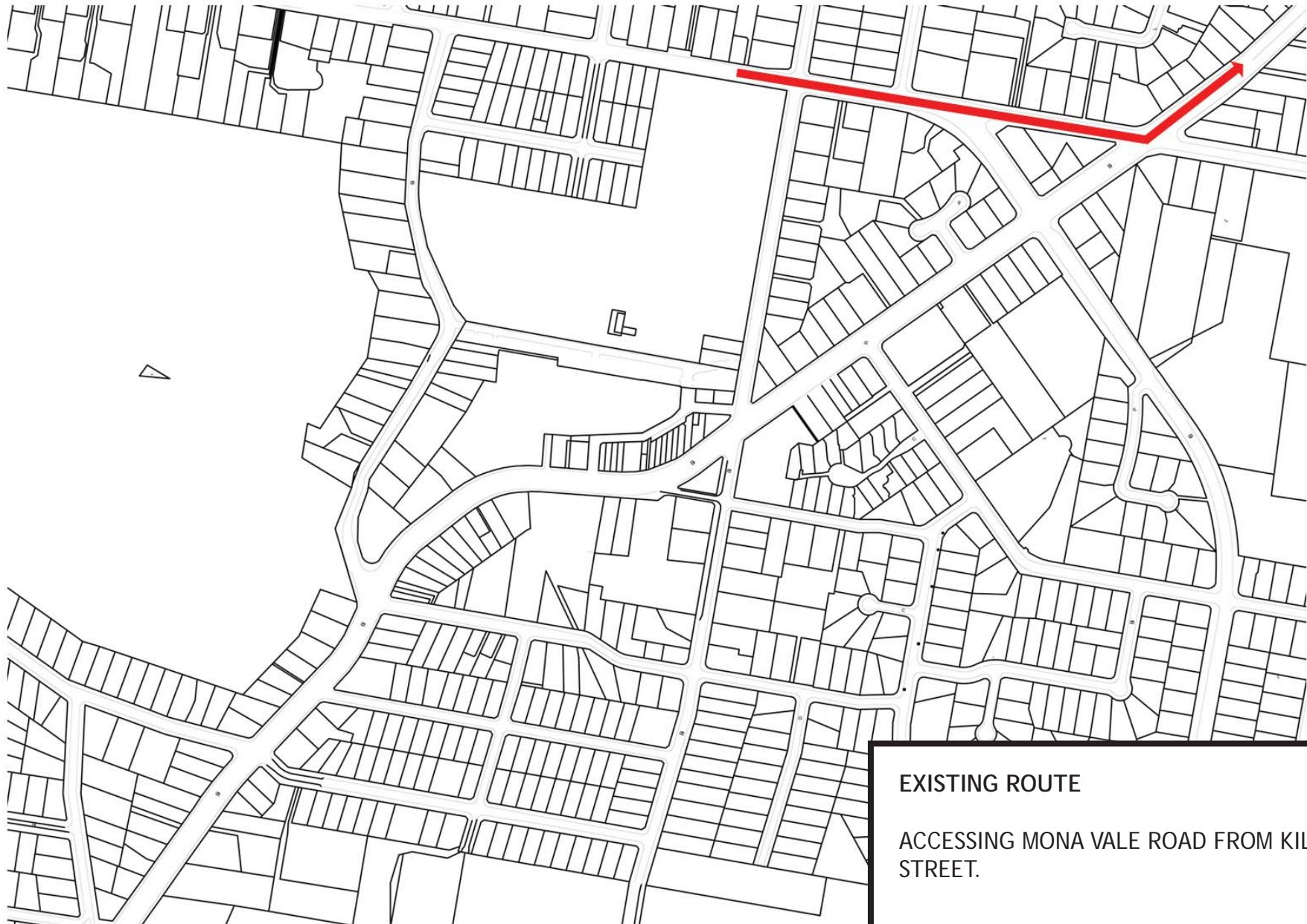
EXISTING ROUTE

TURNING RIGHT FROM MONA VALE ROAD INTO
LINK ROAD.



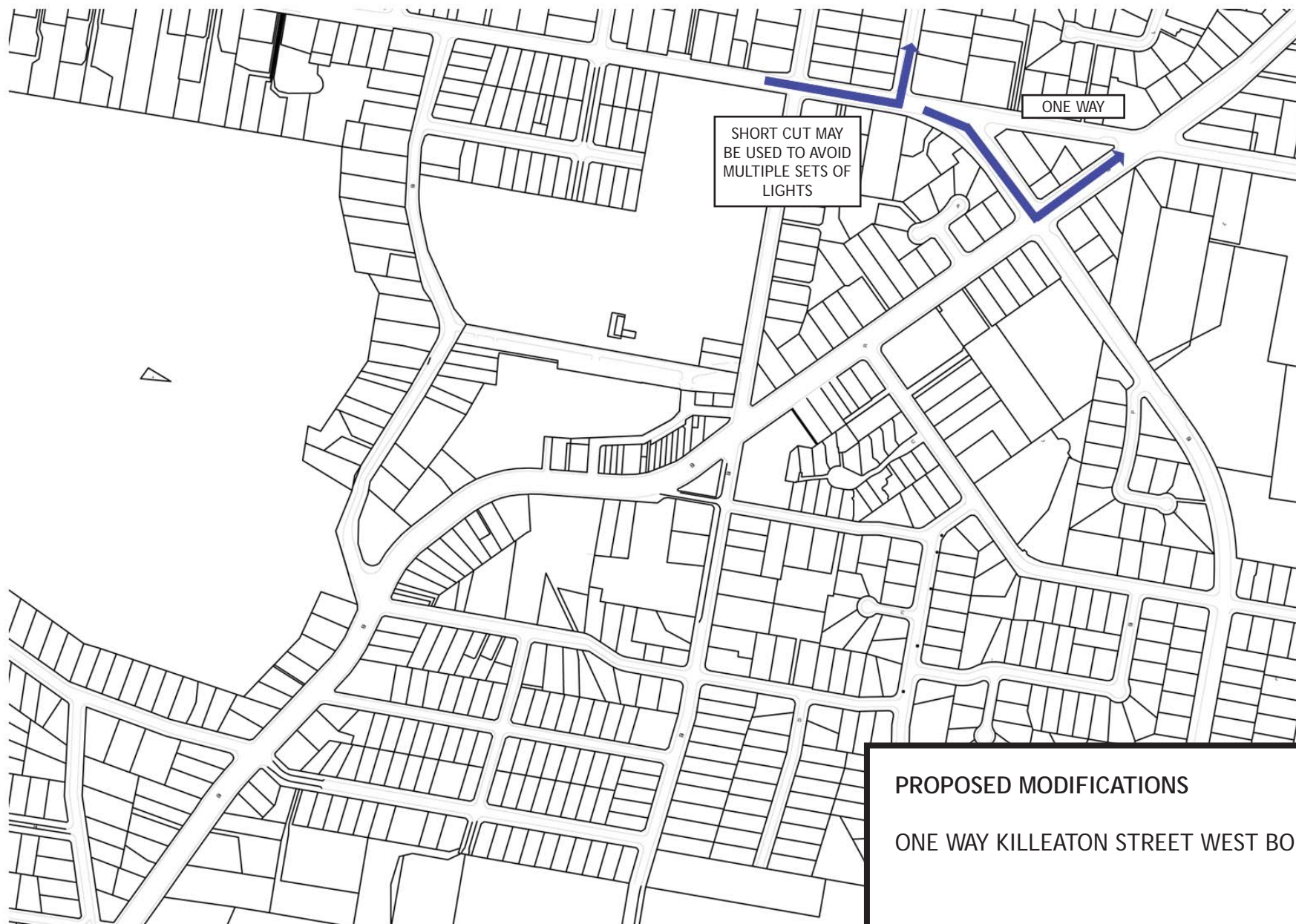
PROPOSED MODIFICATIONS

NO RIGHT TURN FROM MONA VALE ROAD INTO LINK ROAD.



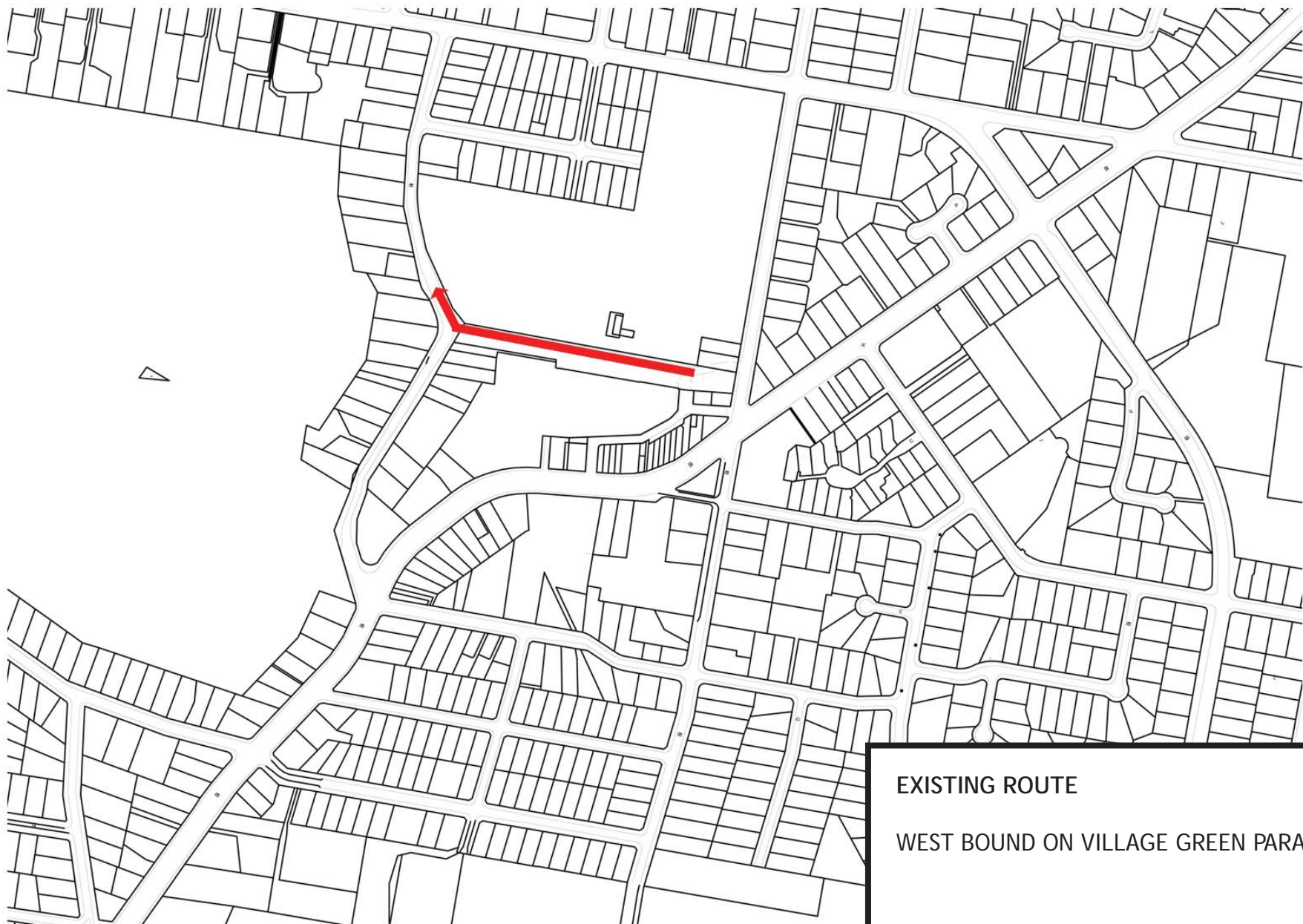
EXISTING ROUTE

ACCESSING MONA VALE ROAD FROM KILLEATION STREET.



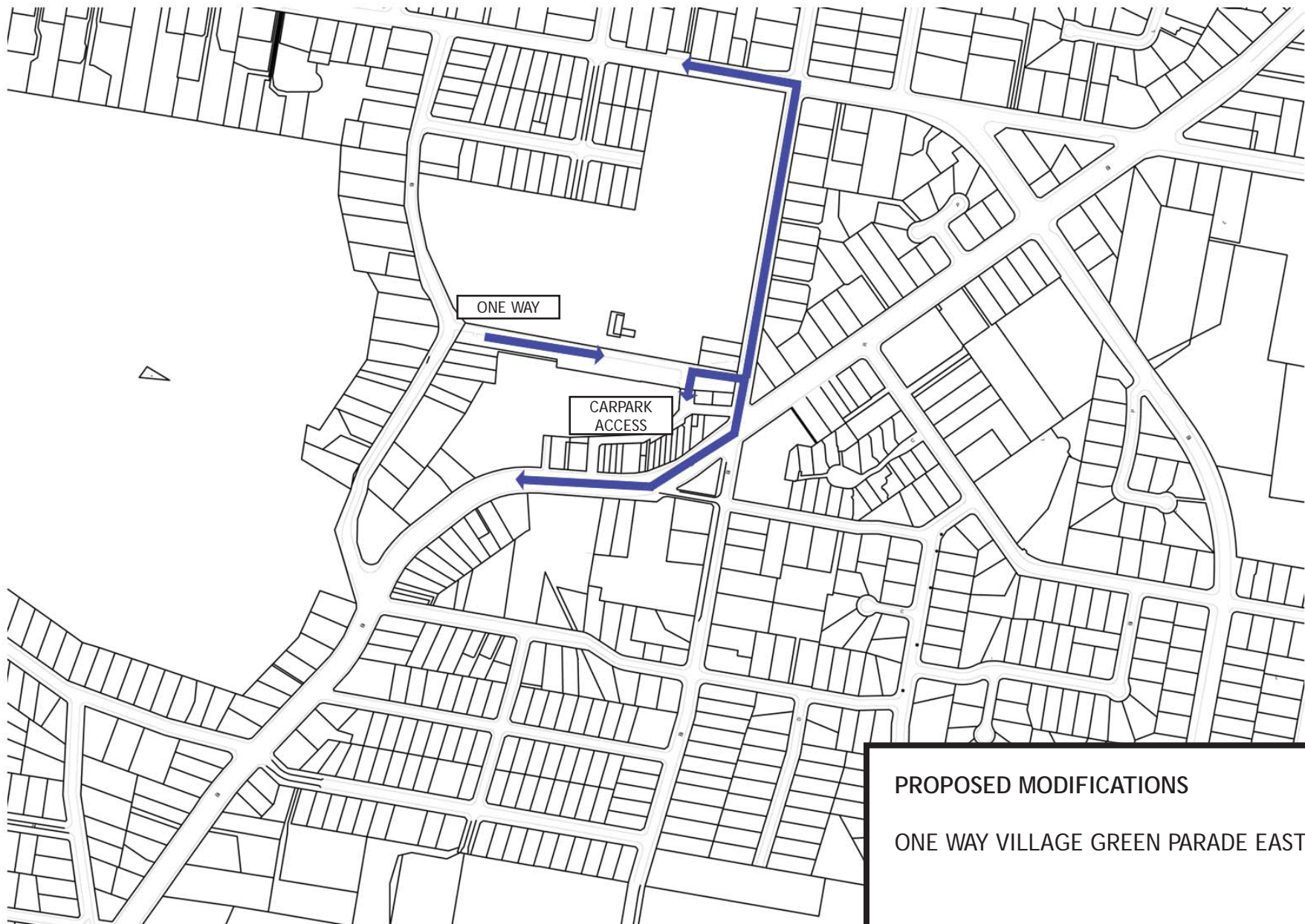
PROPOSED MODIFICATIONS

ONE WAY KILLEATON STREET WEST BOUND.



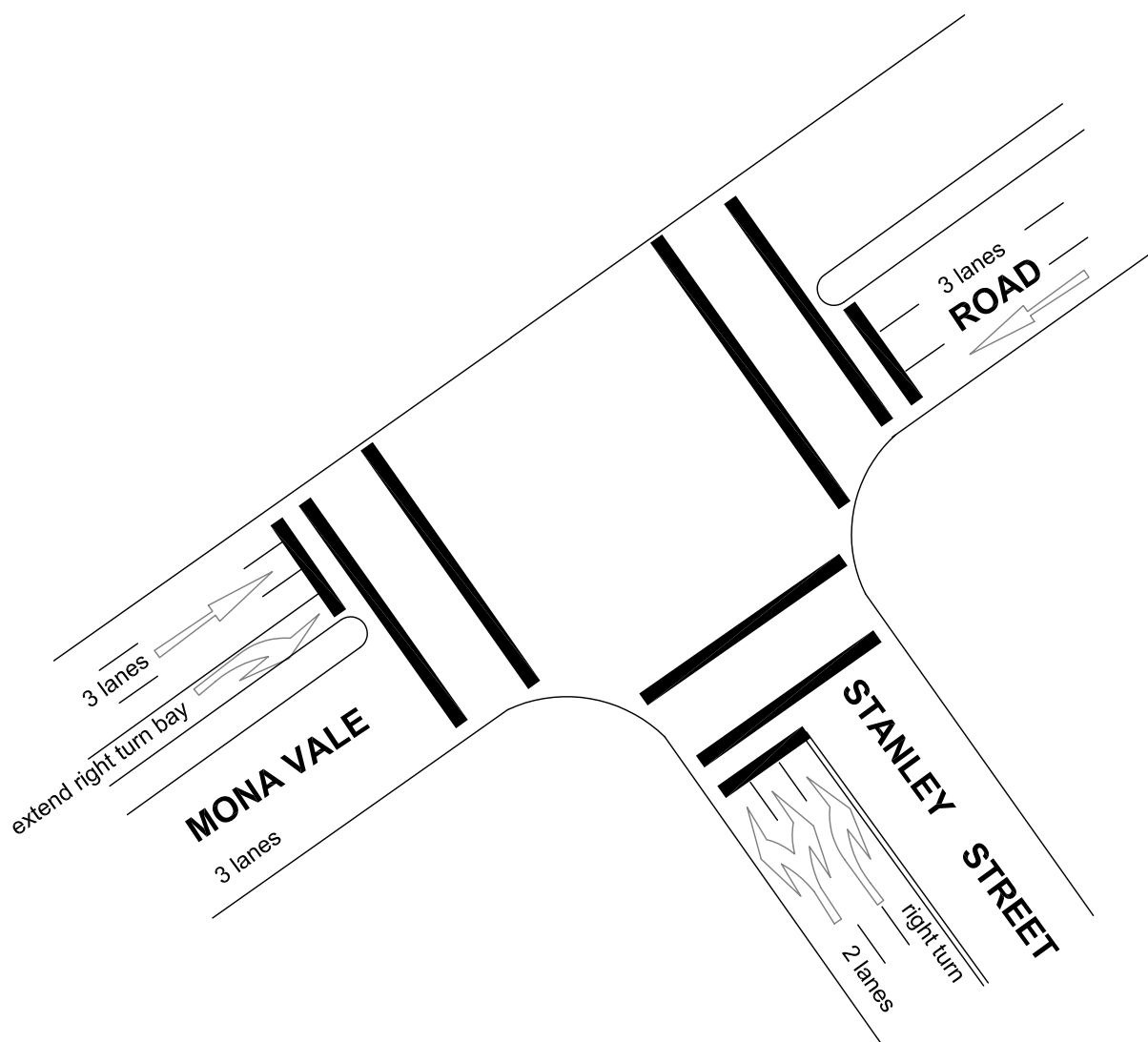
EXISTING ROUTE

WEST BOUND ON VILLAGE GREEN PARADE.



PROPOSED MODIFICATIONS

ONE WAY VILLAGE GREEN PARADE EAST BOUND.



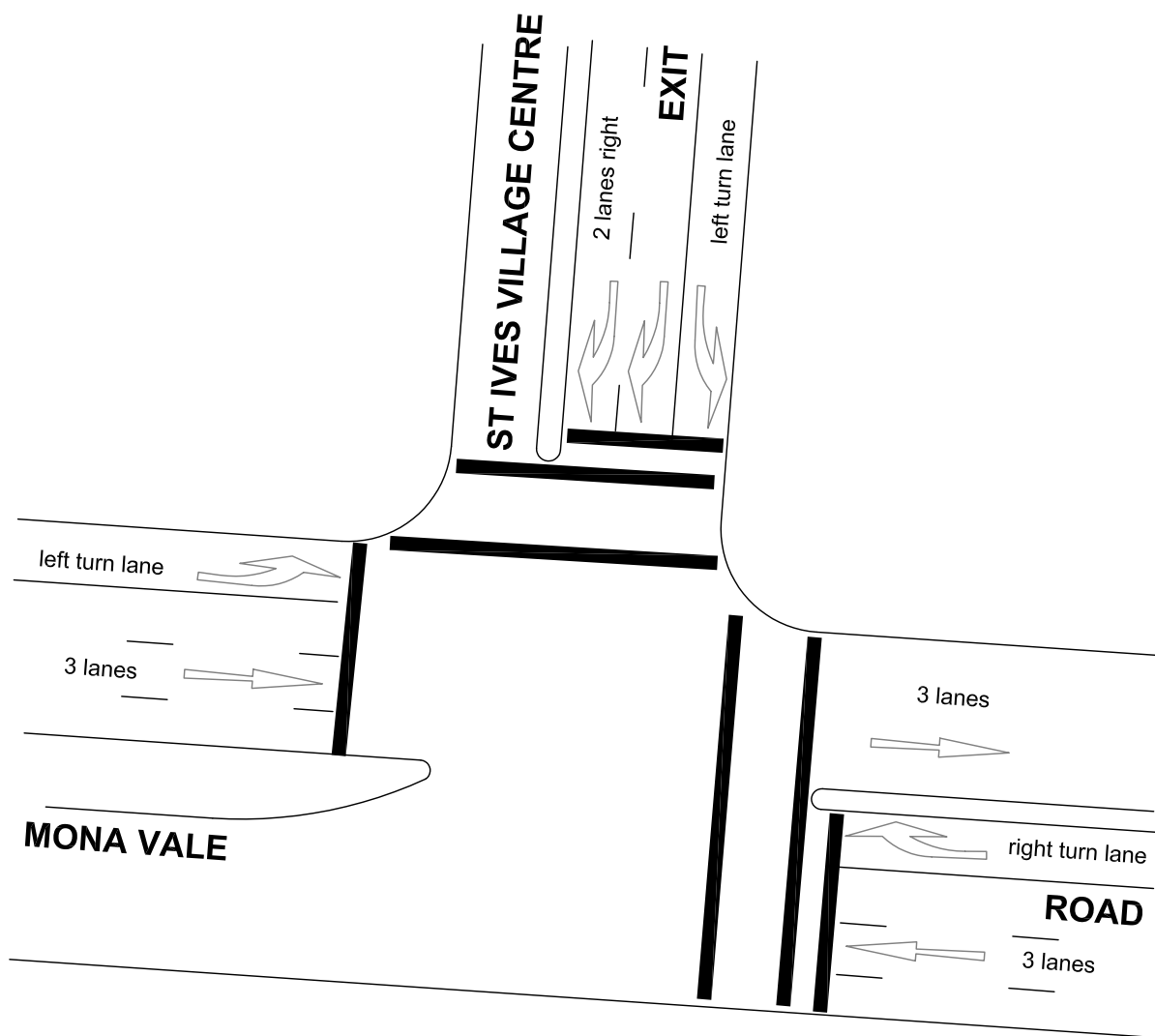
EXISTING TRAFFIC SIGNALS

NO PROPOSED ALTERATIONS

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TRAFFIC & PARKING STUDY-ST IVES TOWN CENTRE
**MONA VALE ROAD AND
STANLEY STREET**



PROPOSED NEW INTERSECTION WITH TRAFFIC SIGNAL CONTROL

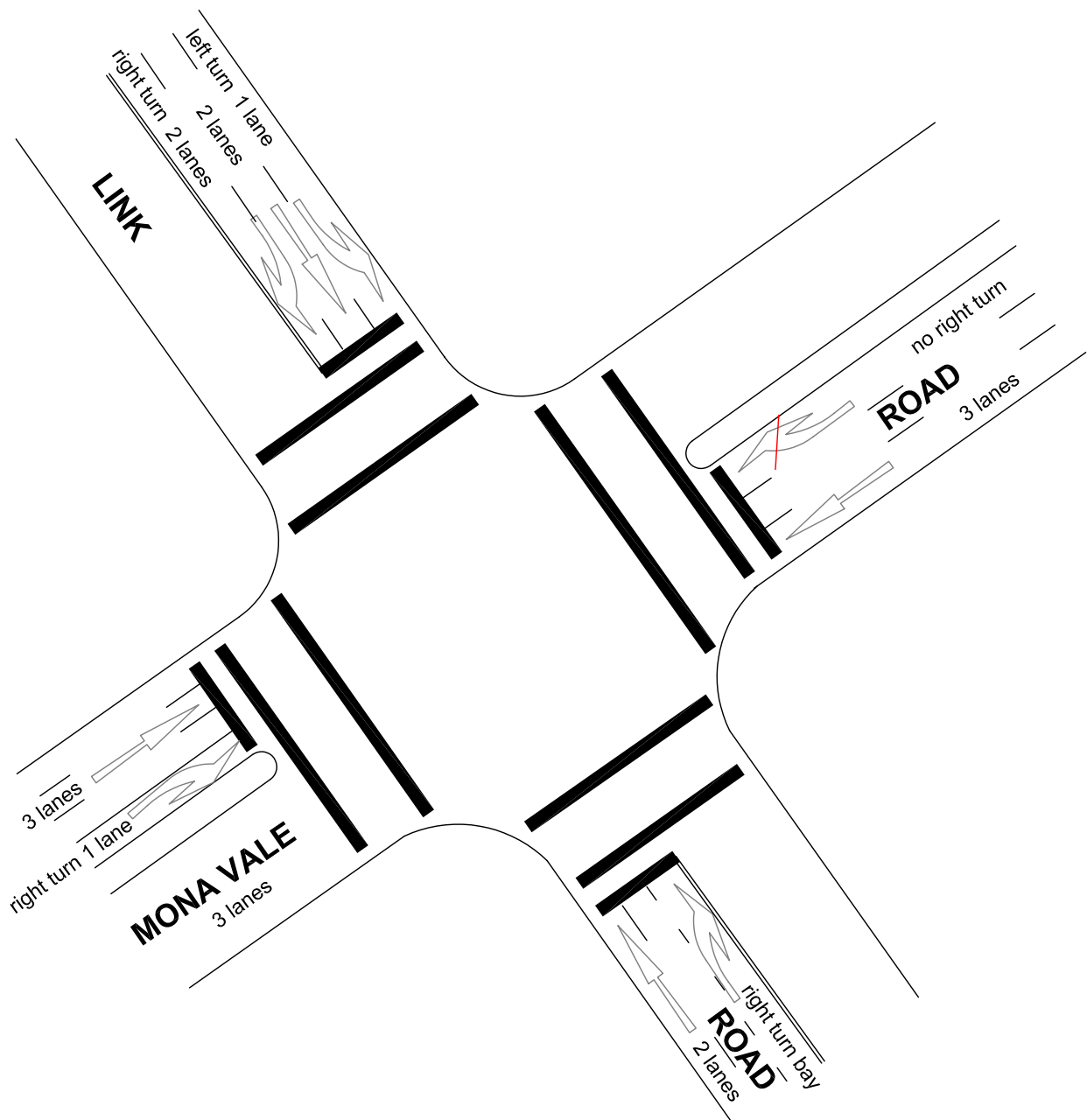
(3 PHASE SIGNAL OPERATION)

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TRAFFIC & PARKING STUDY-ST IVES TOWN CENTRE

PROPOSED NEW ST IVES VILLAGE ACCESS



PROPOSED ALTERATION TO EXISTING TRAFFIC SIGNALS

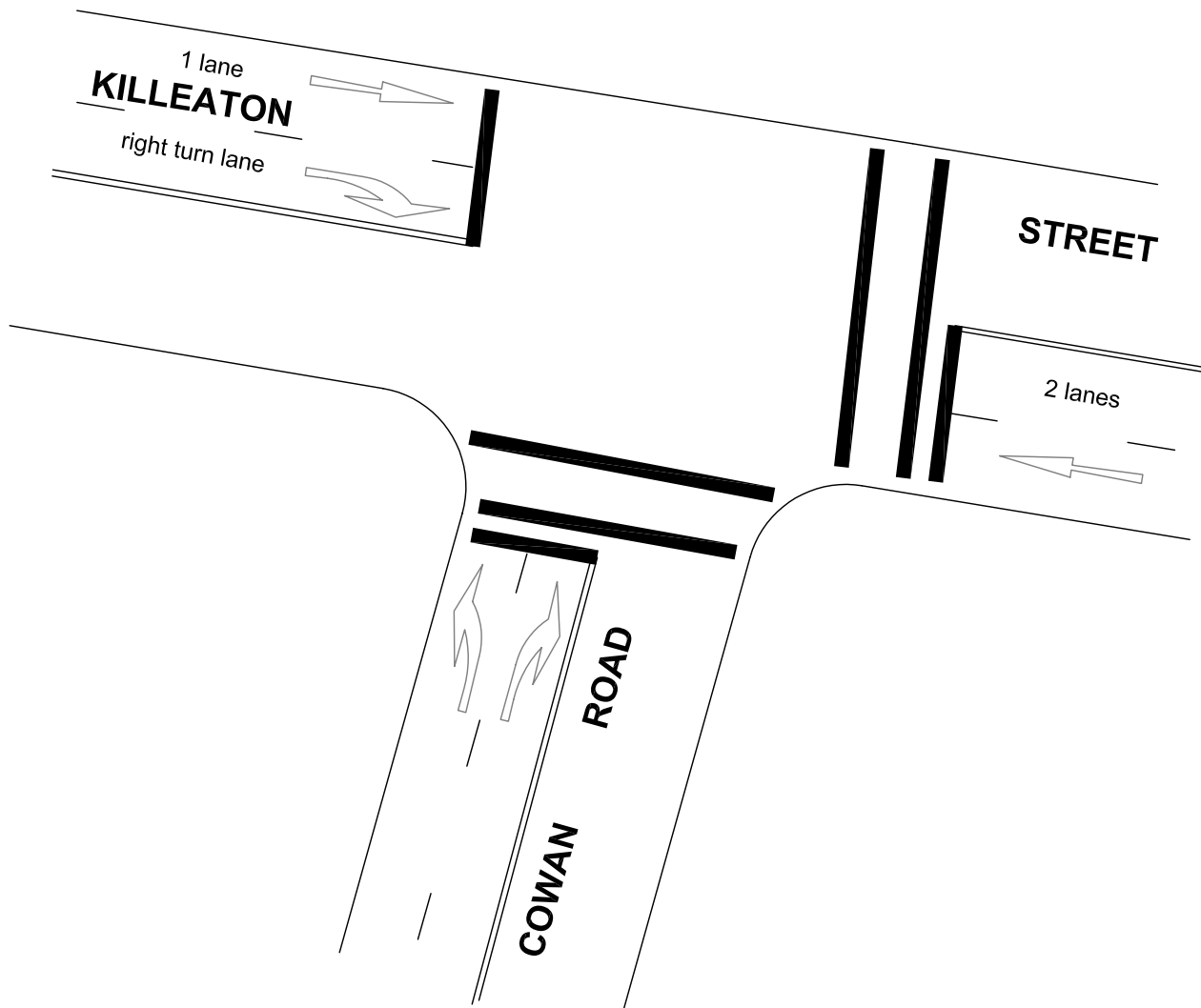
TO IMPROVE SIGNAL OPERATION
(SINGLE DIAMOND OVERLAP SIGNAL OPERATION)

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TRAFFIC & PARKING STUDY-ST IVES TOWN CENTRE

MONA VALE ROAD AND LINK ROAD



PROPOSED NEW TRAFFIC SIGNAL CONTROL

(3 PHASE SIGNAL OPERATION)

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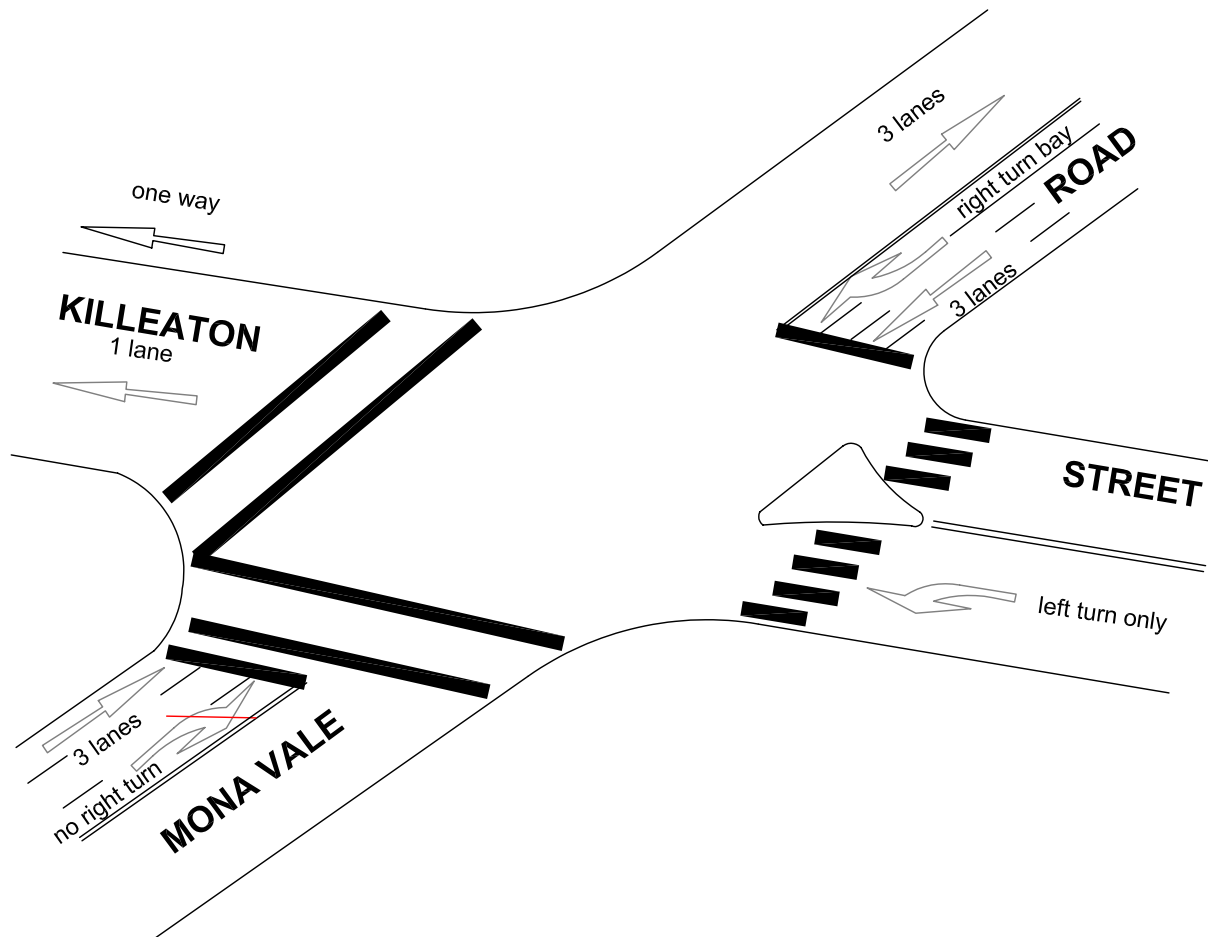
Fax 02 9545 1556

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TRAFFIC & PARKING STUDY-ST IVES TOWN CENTRE

**KILLEATON STREET AND
COWAN ROAD**



PROPOSED TRAFFIC SIGNAL CONTROL

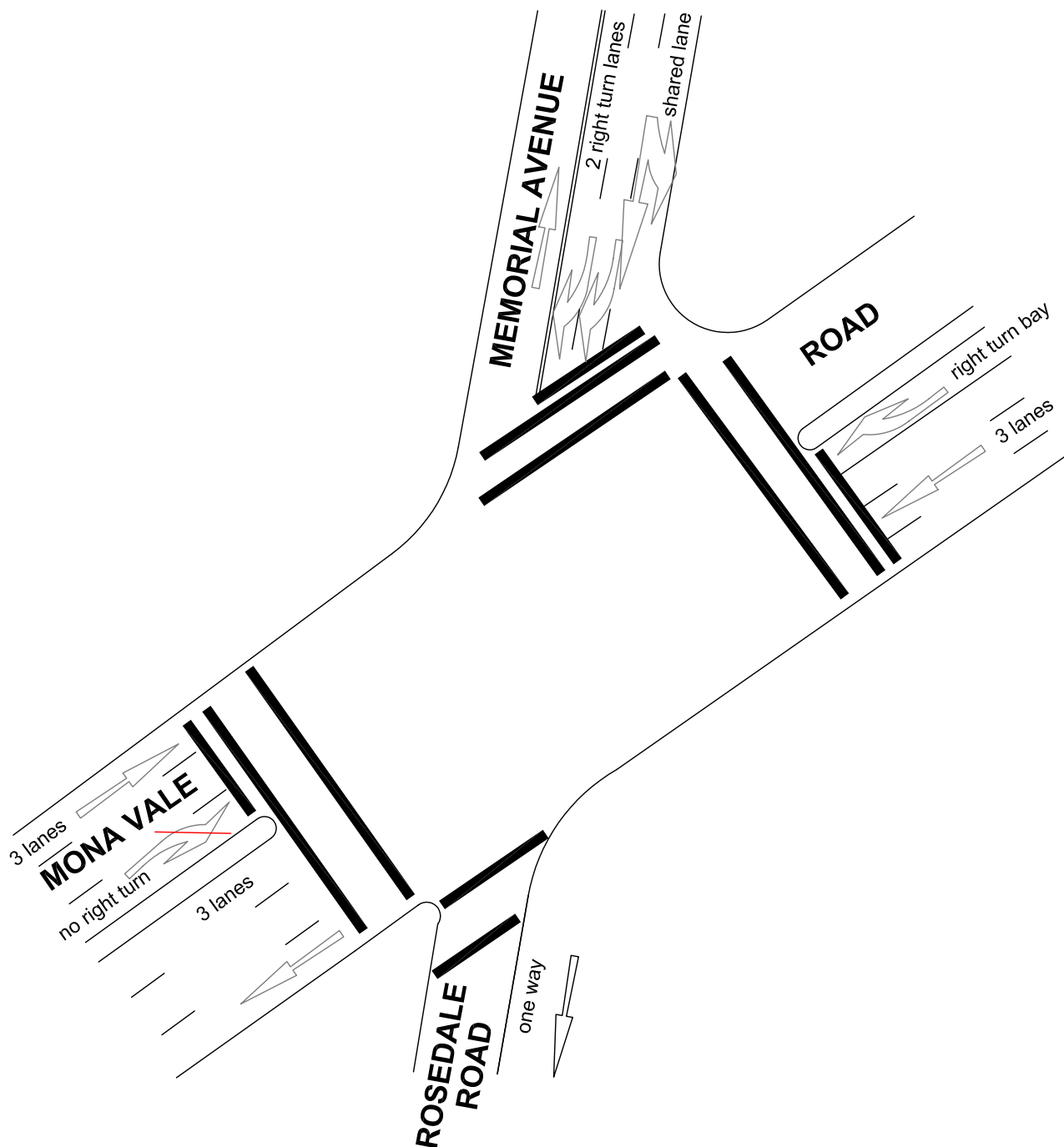
(2 PHASE SIGNAL OPERATION)

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TRAFFIC & PARKING STUDY-ST IVES TOWN CENTRE

**MONA VALE ROAD AND
KILLEATON STREET**



PROPOSED ALTERATION TO EXISTING TRAFFIC SIGNALS

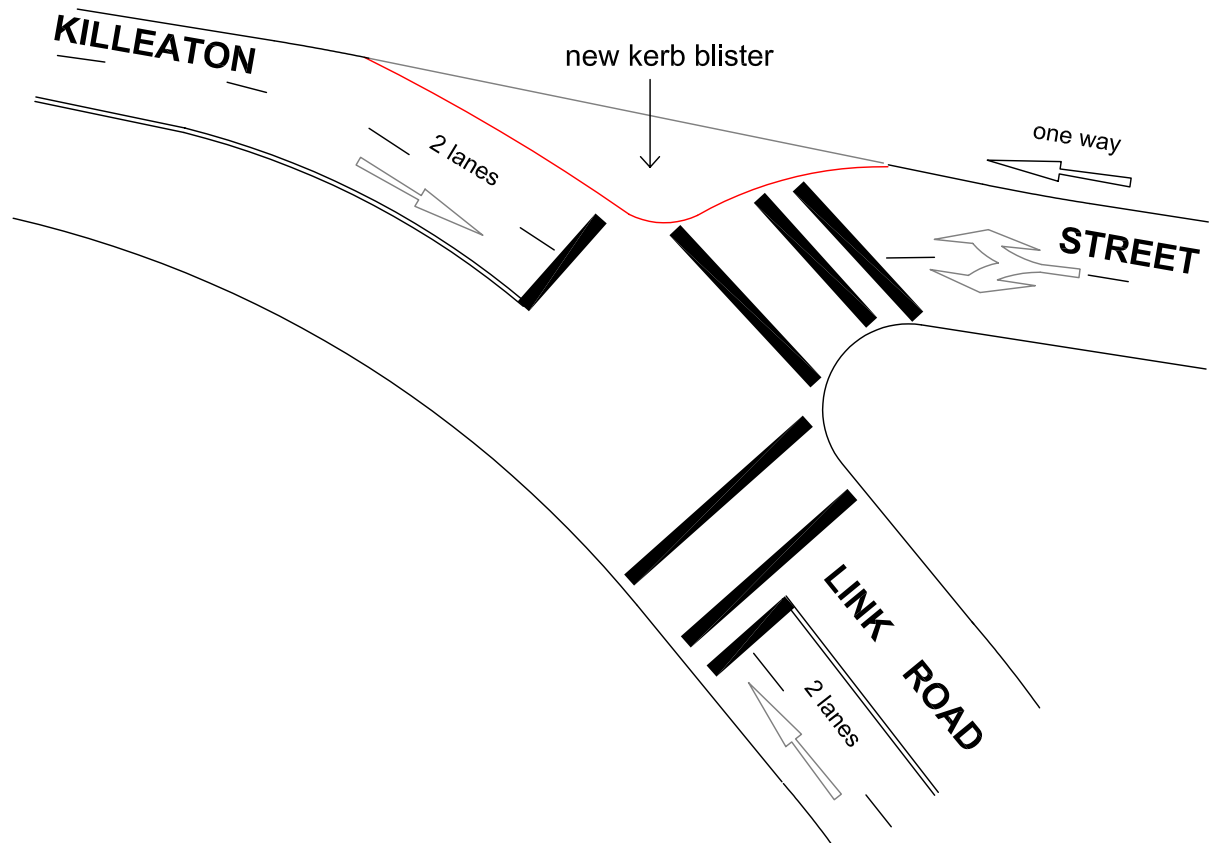
TO ACCOMODATE PROPOSED PART ROAD CLOSURE OF ROSEDALE RD
(TO IMPROVE SINGLE DIAMOND OVERLAP OPERATION)

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TRAFFIC & PARKING STUDY-ST IVES TOWN CENTRE

**MONA VALE RD, MEMORIAL AVE
AND ROSEDALE RD**



PROPOSED NEW TRAFFIC SIGNAL CONTROL

(2 PHASE SIGNAL OPERATION)

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MANAGEMENT CONSULTANTS

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TRAFFIC & PARKING STUDY-ST IVES TOWN CENTRE

KILLEATON STREET AND
LINK ROAD

ATTACHMENT D

Exempt and Complying Development Summary of adopted, exhibited and proposed Schedules

This table is a summary only of the principal changes made to the listings of development types for exempt and complying development. The table does not comment on minor amendments to text or controls or provide detail on the provisions for the development types.

Where the table does not indicate the location of the item, this signifies that the item is not mentioned in the present document and therefore requires a development application before it may be undertaken. Some names for development types have been changed from the existing (adopted) DCP. The table below uses the new titles, however, cross-referencing has been included within the draft schedules for greater ease of use for customers and staff.

Development Type	Current	Exhibited (<i>reason for change</i>)	Proposed (<i>reason for change</i>)
Advertising structures			
▪ business advertising	complying	exempt below awning or not higher than 3m (<i>It is considered reasonable to enable the erection of a standard sign that does not affect the streetscape but to require a formal application for those that do affect the streetscape.</i>)	exempt
▪ high rise / corporate centres	complying	require DA (<i>Such signs can have a major impact on the streetscape. It is preferable that they be assessed by Council.</i>)	require DA
▪ home occupation	-	exempt (<i>It is considered reasonable to allow a small sign to be erected where a business lawfully exists.</i>)	exempt
▪ residential identification	-	-	exempt (<i>It is considered reasonable for dwellings, including multi-unit developments, to have a relatively small name attached for reasons of identification.</i>)
▪ temporary construction	-	-	exempt (<i>It is considered reasonable to allow contractors / builders to display their business names while they are undertaking work on a property.</i>)
▪ temporary real estate	exempt	exempt	exempt
▪ temporary at events	-	exempt (<i>Standardises common practice, no permanent visual impact.</i>)	exempt
▪ service stations	complying	require DA (<i>Such signs can have a major impact on the streetscape. It is preferable that they be assessed by Council.</i>)	require DA
Aerials	exempt	exempt	exempt
Air conditioning units	exempt for dwellings	exempt for dwelling houses, dual occupancies and commercial premises (<i>Recognises that air conditioning units can be operated with minimal impact in buildings other than detached dwellings.</i>)	exempt for dwelling houses, dual occupancies and commercial premises
Alterations - minor			
▪ internal	exempt	exempt	exempt

▪ external	exempt for recladding only	exempt for many types of minor alterations (<i>It is considered unnecessary to involve Council where works will not affect built-upon area or significantly affect the streetscape.</i>)	exempt
Alterations and additions to commercial premises	complying	complying	complying
Alterations and additions to dwellings - major	complying	complying	complying
Amusement devices	exempt under 'temporary buildings'	exempt as a separate category of development (<i>Ensures consistency with the Local Government Act and includes specific requirements necessary to ensure safety.</i>)	exempt
Antennae	exempt	exempt	exempt
Aviaries	exempt	exempt	exempt
Awnings	exempt to 10m ² , complying to 30m ²	exempt to 10m ² , complying to 30m ²	exempt to 10m ² , complying to 30m ²
Banners	exempt	exempt	exempt
Barbecues	exempt	exempt	exempt with different provision for Council land, portable gas and solid fuel barbeques
Basketball hoops	-	exempt (<i>Considered to be minor works with no significant impact.</i>)	exempt but refers to Australian Standard for safety
Boardwalks	-	-	exempt where undertaken for or by Council (<i>To create greater efficiency for Council's operations.</i>)
Bollards	-	exempt on Council managed land (<i>To create greater efficiency for Council's operations.</i>)	exempt
Boundary adjustments	exempt	exempt (listed as "subdivision")	exempt
Bridges	exempt	exempt	exempt
Bus shelters	complying	deleted (<i>Bus shelters are located in road reserves, which are unzoned land in Ku-ring-gai and are not assessed under Part 4.</i>)	-
Cabanas	exempt to 10m ² , complying to 20m ²	exempt to 10m ² , complying to 20m ²	exempt to 10m ² , complying to 20m ²
Carports	complying	complying	complying
Cat exercise enclosures	-	exempt (<i>Has the same environmental impact as an aviary.</i>)	exempt
Change of use (business)	complying	exempt (<i>Ensures consistency with SEPP4.</i>)	exempt
Clothes hoists	exempt	exempt	exempt
Clothing bins	-	exempt (<i>Considered reasonable to allow the erection of such small items for charitable works without a full development application.</i>)	exempt
Contaminated land remediation	-	-	exempt (<i>To create consistency with Council's remediation policy.</i>)

Cubby houses	exempt	exempt	exempt
Decks	exempt to 10m ² , complying to 20m ²	exempt to 10m ² , complying to 20m ²	exempt to 10m ² , complying to 20m ²
Demolition	exempt to 25m ² , complying to 35m ²	exempt if <25m ² or a Class 10 building other than dwelling (<i>Considered generally more appropriate to determine significance of structure by type as well as size.</i>)	exempt either if (a) construction of the item would be exempt under this LEP or (b) the total area of the structures to be demolished on the property does not exceed 40m ² , but does not allow demolition of a dwelling.
Disability access	exempt	exempt	-
Driveways	-	-	complying (<i>Driveways can already be added as complying development if undertaken in conjunction with construction of a new dwelling or alts and adds to a dwelling. It is logical to also allow driveways as complying development where the house is already constructed.</i>)
Dwelling houses, new single storey	complying	complying	complying
Effluent discharge into sewer	references Local Govt. Regulation under exempt	exempt, consistent with Regulation (<i>Needed clarification.</i>)	complying
Fences:			
▪ on Council land	-	exempt (<i>To create greater efficiency for Council's operations.</i>)	exempt
▪ temporary fencing	-	exempt	exempt, specifies that hoardings are included
▪ side and rear boundary fencing	exempt	exempt (<i>To create greater efficiency for Council's operations and to increase safety for people.</i>)	exempt
▪ front fencing	complying	complying	exempt or DA (<i>If listed as complying development, front fences will not be considered on merit. It is more logical to allow fences as exempt development in limited circumstances and to otherwise require a DA.</i>)
Filming	-	reference to exemption in SEPP 4 ¹ (<i>Providing a reference in the document will improve understanding of the planning system for customers.</i>)	reference to exemption in SEPP 4
Fireworks	-	-	exempt (<i>Unreasonable to require a DA when fireworks are used for community events.</i>)
Flagpoles	exempt	exempt	exempt
Footpath activities	-	exempt (<i>To create consistency with Draft DCP 54.</i>)	refers to Council's adopted Outdoor Dining and Footpath Trading Policy (<i>Works cannot be exempt / complying if they are undertaken in the road reserve.</i>)
Fountains	-	exempt (<i>Landscape features that may not be viewed from the street</i>	exempt

¹ State Environmental Planning Policy No. 4 – Development Without Consent
9 December 2005

		<i>and that protect child safety have no significant impact.)</i>	
Garages	complying	complying	complying
Gazebos	exempt to 10m ² , complying to 20m ²	exempt to 10m ² , complying to 20m ²	exempt to 10m ² , complying to 20m ²
Greenhouses	exempt to 10m ² , complying to 15m ²	exempt to 10m ² , complying to 20m ² (<i>To create consistency with other provisions in the DCP.</i>)	exempt to 12m ² , complying to 25m
Home occupations	references the KPSO ² provisions	references the KPSO provisions	references the KPSO provisions
Hoods (window / door)	-	exempt (<i>It is considered unnecessary to involve Council where works do not increase built upon area or have a significant impact.</i>)	exempt
Kennels	-	-	exempt
Landscape works	-	exempt (<i>To facilitate improvements that may have a positive effect on the streetscape.</i>)	exempt
Lease of community land	-	-	exempt (<i>Clarifies the provisions of the Local Government Act 1993.</i>)
Letter boxes	-	exempt (<i>It is considered reasonable that a letterbox may be erected for receiving mail without consent.</i>)	exempt
Lighting	-	exempt on Council land (<i>To create greater efficiency for Council's operations and to recognise the paramount importance of safety.</i>)	exempt
Loudspeaker use	references Local Govt. Regulation under exempt	exempt, consistent with Regulation (<i>Provides greater clarity and ensures consistency with the Local Government Act.</i>)	exempt
Lychgates	exempt	exempt	exempt
Maintenance works	-	exempt (<i>To enable the upkeep of items for their preservation.</i>)	exempt
Outdoor dining	exempt	exempt	refers to Council's adopted Outdoor Dining and Footpath Trading Policy (<i>Works cannot be exempt / complying if they are undertaken in the road reserve.</i>)
Outdoor furniture	exempt	exempt	exempt
Paving	exempt	exempt	exempt, including for patios
Pergolas	exempt to 10m ² , complying to 20m ²	exempt to 10m ² , complying to 20m ²	exempt to 10m ² , complying to 25m ²
Playground equipment	exempt	exempt	exempt
Plumbing works	-	exempt (<i>Standardises a common practice that has no significant</i>	exempt

² Ku-ring-gai Planning Scheme Ordinance
9 December 2005

		<i>impact.)</i>	
Ponds	-	exempt (<i>Landscape features that may not be viewed from the street and that protect child safety have no significant impact.</i>)	exempt
Portable classrooms	-	-	refers to SEPP4 provisions
Power poles	-	exempt (<i>Where it is not possible to get an underground power supply, a pole must be erected within residential land to enable the transfer of EnergyAustralia power. It is considered unreasonable to require a DA where no other option for power supply exists.</i>)	exempt
Privacy screens	-	exempt (<i>It is considered reasonable that a privacy screen may be erected without consent to improve amenity for residents.</i>)	- (<i>Not considered necessary to specify this owing to routine and acceptable use of privacy screens.</i>)
Public art	exempt	exempt	exempt
Public meetings	exempt	exempt	exempt
Public toilets	exempt	exempt	exempt
Replacement of structures and materials	-	exempt for certain items (<i>To enable the upkeep of a property without change to the appearance.</i>)	exempt for certain items
Retaining walls	exempt	exempt	exempt
Sail cloths	-	exempt to 10m ² , complying to 20m ² (<i>Creates consistency with the provisions for awnings.</i>)	exempt to 10m ² , complying to 30m ²
Satellite dishes	exempt	exempt	exempt
Scaffolding	exempt	exempt	exempt
Sewage discharge	references Local Govt. Regulation under exempt	exempt, consistent with Regulation (<i>Ensures consistency with the Local Government Act.</i>)	exempt
Shade structures	exempt excluding residential	exempt including residential (<i>Creates consistency with the provisions for awnings.</i>)	exempt
Sheds	exempt to 10m ² , complying to 20m ²	exempt to 10m ² , complying to 20m ²	exempt to 12m ² , complying to 25m ²
Skylights	exempt	exempt	exempt
Solar cells	-	-	exempt
Solid fuel heaters	exempt	exempt	exempt
Spas	complying	complying	exempt
Special events	exempt to 500 people, complying to 1000 people	exempt and complying – depends on structures being erected (<i>To place greater emphasis and controls on the structural safety of items erected at such events and to facilitate special events at locations designed for large numbers of people.</i>)	exempt to 2000 people, or 5000 in certain locations
Sporting structures	exempt	exempt	exempt

Stairs	exempt	exempt	exempt
Storm blinds	exempt	exempt	exempt
Stormwater drainage works	references Local Govt. Regulation under exempt	exempt consistent with Regulation (<i>Ensures consistency with the Local Government Act.</i>)	exempt consistent with regulation
Swimming pools	complying	complying	complying
Subdivision	exempt for boundary adjustments	exempt for boundary adjustments	exempt, but now listed as “boundary adjustments”
Temporary buildings	exempt	exempt	exempt including construction sheds
Waste disposal	references Local Govt. Regulation under exempt	exempt consistent with Regulation (<i>Ensures consistency with the Local Government Act.</i>)	exempt consistent with Regulation
Waste transportation	references Local Govt. Regulation under exempt	exempt consistent with Regulation (<i>Ensures consistency with the Local Government Act.</i>)	exempt consistent with Regulation
Water heaters (incl. solar)	exempt	exempt	exempt including solar matting / panels
Water supply	references Local Govt. Regulation under exempt	exempt, consistent with Regulation (<i>Ensures consistency with the Local Government Act.</i>)	exempt, consistent with Regulation
Water tanks	exempt to 3000L	references SEPP4, allowed to 10,000L (<i>Providing a reference in the document will improve understanding of the planning system for customers.</i>)	references SEPP4, allowed to 10,000L