



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 27 JULY 2004 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

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESS THE COUNCIL

NOTE: Persons who address the Council should be aware that their address will be tape recorded.

DOCUMENTS CIRCULATED TO COUNCILLORS

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 20 July 2004

Minutes numbered 321 to 348

MINUTES FROM THE MAYOR

PETITIONS

GENERAL BUSINESS

- | | | |
|------|---|----------|
| GB.1 | 4 Munderah Street Wahroonga - Demolition Of Heritage Listed Property | 1 |
|------|---|----------|

Recommendation:

GB.2 213 Kissing Point Road, Turramurra - Installation Of A Host Telecommunications Flag Pole Structure At 213 Kissing Point Road, Turramurra

Recommendation:

GB.3	64 To 66 Pacific Highway, Roseville - Demolition Of Existing Commercial Building (No 66) And Additions And Alterations To A Club Building - Supplementary Report	75
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To respond to the issues raised by Council at its Meeting of 9 March 2004 and seek determination of the development application.

Recommendation:

Refusal

GB.4 60a Clanville Rd, Roseville - Firs Estate Cottage – Briefing 134

File: P39240

To brief Council on the present situation regarding the proposed lease of Firs Estate Cottage 60A Clanville Road, Roseville.

Recommendation:

That Council authorise the refurbishment of the cottage at an estimated cost of \$93,000 and issue a fresh Expression of Interest

GB.5 Lady Game Drive - Transport Infrastructure Development Corporation - Freehold And Leasehold Compulsory Acquisition 140

File: S02026

To advise Council of the divestment status of various parcels of land subject to freehold and leasehold compulsory acquisition by the Transport Infrastructure Development Corporation (formally the Parramatta Rail Link) and to seek Council's approval to sell/lease the land.

Recommendation:

That Council accept a lump sum amount of \$150,000 in full settlement of all claims.

GB.6 Application To Amend Ku-Ring-Gai Planning Scheme Ordinance Regarding 657-661 Pacific Highway, Killara 149

File: S02029

To assess the merits of an application to amend the Ku-ring-gai Planning Scheme Ordinance in relation to Nos 657-661 Pacific Highway, Killara.

Recommendation:

That Council formally exhibit Draft Local Environmental Plan No 202 for 657-661 Pacific Highway, Killara in accordance with the provisions of the EP&A Act & Regulations.

GB.7 Revised Draft Development Control Plan 55 - Multi-Unit Housing - Railway / Pacific Highway Corridor And St Ives 377

File: S02036

To have Council consider and adopt for public exhibition a revised Draft Development Control Plan No 55 to apply to multi-unit housing developed under LEP194 and subsequent amending LEPs.

Recommendation:

That Council adopt the revised Draft Ku-ring-gai Multi-Unit Housing DCP55 for land in the vicinity of the Pacific Highway / Railway Corridor and St Ives Centre for public exhibition. That the Draft DCP be exhibited and notified in accordance with the provisions of the Environmental Planning & Assessment Act.

GB.8 Local Government Association Of New South Wales 2004 Election Of Executive Committee 382

File: S02046

To advise Council of the 2004 election of the Executive Committee of the Local Government Association of New South Wales.

Recommendation:

That Council determine if it wishes to nominate a Councillor/s for the Local Government Association of New South Wales 2004 Executive Committee.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

CONFIDENTIAL BUSINESS TO BE DEALT WITH IN CLOSED MEETING - PRESS & PUBLIC EXCLUDED

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Environmental Planning & Assessment Act 1979
(as amended)

Section 79C

1. Matters for consideration - general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

a. The provisions of:

- i. any environmental planning instrument, and*
- ii. any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
- iii. any development control plan, and*
- iv. any matters prescribed by the regulations,*

that apply to the land to which the development application relates,

- b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c. the suitability of the site for the development,*
- d. any submissions made in accordance with this Act or the regulations,*
- e. the public interest.*

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	4 MUNDERAH STREET WAHROONGA - DEMOLITION OF HERITAGE LISTED PROPERTY
WARD:	Comenarra
DEVELOPMENT APPLICATION N^o:	1699/03
SUBJECT LAND:	4 Munderah Street Wahroonga
APPLICANT:	Dr Susan O'Reilly
OWNER:	Dr. Susan O'Reilly
DESIGNER:	N/A
PRESENT USE:	Residence
ZONING:	Residential "C"
HERITAGE:	Yes
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	N/A
COMPLIANCE WITH CODES/POLICIES:	N/A
GOVERNMENT POLICIES APPLICABLE:	N/A
COMPLIANCE WITH GOVERNMENT POLICIES:	N/A
DATE LODGED:	22 December, 2003
40 DAY PERIOD EXPIRED:	31 January, 2004
PROPOSAL:	Demolition of Heritage listed property
RECOMMENDATION:	Approval

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DEVELOPMENT APPLICATION N^o	1699/03
PREMISES:	4 MUNDERAH STREET WAHROONGA
PROPOSAL:	DEMOLITION OF HERITAGE LISTED PROPERTY
APPLICANT:	DR SUSAN O'REILLY
OWNER:	DR. SUSAN O'REILLY
DESIGNER	N/A

PURPOSE FOR REPORT

Determination of an application for the demolition of a heritage listed property.

HISTORY

Development Application 532/02

Council on 27 May 2003 granted deferred commencement consent for subdivision of the site into two lots. Deferred commencement matters relate to drainage rights over downstream properties and are yet to be satisfied.

The subdivision consists of a rear, hatchet shaped, lot (area 1608m² exclusive of access corridor) with the 4.6 metres wide corridor located between the existing residence and the eastern boundary of the site. The access corridor required the demolition of the existing brick garage on the site.

The front lot, containing the existing heritage dwelling, has a frontage of 29.445 metres to Munderah Street and an area of 1662m².

THE SITE

Zoning:	Residential "C"
Visual Character Study Category:	Heritage 1890 - 1920
Lot Number:	61
DP Number:	819554
Area:	3497 m ²
Side of Street:	South
Cross Fall:	North-south
Stormwater Drainage:	N/A
Heritage Affected:	Yes – Heritage Item
Required Setback:	N/A
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

SITE DESCRIPTION

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The site is located on the southern side of Munderah Street, between Ada Avenue and Pacific Highway Wahroonga. It is a large site, with the existing heritage building set back approximately 32 metres from Munderah Street.

The site contains an existing single storey, heritage residence, brick garage and a galvanized iron shed.

The site falls away from Munderah Street in a north-west to south-east direction.

There are a number of mature trees on the site.

THE PROPOSAL

The proposal is to demolish the existing, heritage listed, building and other structures on the site.

CONSULTATION - COMMUNITY

In accordance with Council's Notification Policy, adjoining owners were given notice of the application.

In response, the following submissions were received:

1. D W Knox - 1 Lynn Ridge Avenue, Gordon
2. Mrs J B Phillips - 8 Rhonda Close, Wahroonga

The building has heritage significance and is a good example of a Californian Bungalow.

Council's Heritage Advisor does not oppose the demolition of the building. (Refer to comments on page 4.)

The property could be developed for subdivision without the need to demolish the building.

The development application is for demolition of the buildings on the site and Council must assess the application on its merits.

Existing trees may be lost with future development.

This is a matter for consideration in any future development application. Council cannot speculate on what may happen to the existing trees as a result of a future and unknown development proposal.

Privacy impacts of future development.

This is a matter for consideration in any future development application.

CONSULTATION - WITHIN COUNCIL

Landscape Development Officer

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This application is supported subject to conditions.

The existing dwelling stands centrally within the subject site on a level platform, generally well clear of surrounding trees. Two trees: 1 Jacaranda mimosifolia (Jacaranda), that leans over the single garage towards the dwelling's south-eastern corner, and 1 Magnolia grandiflora (Bull-bay Magnolia), that stands adjacent to the driveway, will require trunk protection during demolition works. There is no objection to the removal or damage to a 1 metre high Ligustrum sinense (Small-leaved Privet) hedge growing across the edge of the rear terrace during the demolition works due to its noxious plant status.

Heritage Advisor

Demolition of a heritage item is not a recommendation that I would usually agree with as removal of the building is usual a negative activity and the heritage significance can not be recovered. However, there are instances where it could be considered and include:

- items that were incorrectly identified;*
- items where the condition is so poor that repair would require almost total reconstruction with loss of heritage fabric;*
- change in the context of the item, either by development near the item that had reduced or obscured its setting or change in its setting;*
- or additions/alterations that were intrusive to the point that the value of the heritage item had been so diminished that there was little public benefit in its retention.*

This property was much larger when initially identified in the 1986 heritage study and included in the LEP in 1989. In 1992 Council approved a subdivision for one lot with a street frontage to Munderah Street and a large two storey house was built on the site. The effect of that work was to alter the street presentation of the house and alienate part of its garden setting. Formerly the house was the middle of the site set back about 30 m. The subdivision disturbed the original garden layout and as the land falls to the rear reduced its visual contribution to the streetscape and the heritage of Ku-ring-gai.

In 2003, Council approved another subdivision of the land by a battle axe allotment behind the house with an access handle to the east. That subdivision allowed removal of the existing garage, which is a component of the site, further reducing its integrity and setting.

In 2003, the owner request that the heritage listing be removed. That request was considered by Council Officers and Council's Heritage Advisory Committee. In December 2003 a site inspection was made by the Heritage Planner and several Heritage Advisory Committee members. Both the interior and exterior of the house was inspected. The Committee recommended that as the house had been altered on several occasions with removal of significant fabric and elements and that it was not necessary to retain the heritage listing.

To remove a heritage listing it is necessary to prepare a draft LEP and go through a lengthy process of public consultation. Heritage LEPs are usually prepared when there are several nominations, requests for removal or requests for amendments due to subdivision or other matters.

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An amending heritage LEP has not been prepared since the Heritage Advisory Committees advice and the matter has not been presented to Council.

A critical issue when considering the significance of the item is the 1930s addition. The addition has changed the aesthetic value of the original form of the house. The addition was built for Mr Knox, the owner at the time. Substantial research has been undertaken to discover who designed the addition, but so far had failed to connect the addition with the work of the architect, James Peddle. Research has included discussions with the Knox family members, examining the archives of the architectural firm, researching Council's building register and studies undertaken by others on the architectural firm. If it was confirmed that the addition is the work of the original architect, it would be difficult to recommend the heritage listing could be removed or the building could be demolished.

At the inspection, it was evident that the interior has been altered by removal of original joinery and plasterwork, painting of face brickwork and unsympathetic repairs/alterations and a local of maintenance. The condition of the house is not at the point where it could not be repaired/restored and the owner has not submitted a condition report. However, after living in the house for a few years, the owner has concluded that it is not economically feasible to retain the house. In my opinion, the house could be retained/restored but it would be costly and there is probably little public benefit in seeing it conserved given the potential cost, the reduction of the site with loss of its setting after two subdivisions, potential loss of its garage and the limited visual access to the house.

The house has retained its original diesel powered boiler, which is under the house. It is operational and still supplies hot water and heat. This is a very unusual and interesting item and would have some interest from an industrial archaeological point of view and should be fully recorded by an industrial archaeologist. There is some health risk as the boiler and pipes are covered with asbestos lagging which is unstable.

In my opinion there is little public benefit in retaining the heritage listing on the property as it has been compromised by two subdivisions, a series of alterations that have removed or covered detail architectural elements and an addition undertaken in 1930 that reduced the integrity of the original design. I conclude that demolition is a reasonable option if adequate recording of the site, the existing structures and the boiler is undertaken to the Heritage Office guidelines.

Heritage Office Advice

The property is in the National Trust UCA No 26. Council is currently reviewing this area but the draft consultant report has not yet been finalised or provided to Council, however the maps have been prepared and suggest that UCA 26 should be divided into 3 precincts with much of the middle removed. This site is included in the Ada and Lucinda Avenue precinct. The map grades 4 properties in this street as contributory, including No 4 Munderah Avenue and 10 sites as non-contributory. One site is shown as a heritage item. The consultants have always maintained that at least 50% of the properties should be contributory items to reach the threshold for inclusion in the UCA. It certainly appears that the overall contribution of this street is low. There is another house at the corner of Ada Avenue that was designed by James Peddle and it is more intact than this property. An additional consideration is that several of the properties adjacent to No 4 has been

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rezoned under LEP 194 for medium density development and there could be further impacts on this street that would affect its contribution to the UCA.

The second letter that Council received from the Heritage Office is a little ambiguous because it does not object to removal of the heritage listing but recommends that it is a contributory item in the UCA and should be appropriately managed. It is unusual that the Heritage Office is placing emphasis on its contribution to the UCA as the National Trust UCA has no statutory requirements and they have not graded it as a contributory item.

A property only has value to the UCA if it has historic and aesthetic values that contribute to the immediate streetscape and the UCA. In this case, the land has been subdivided twice with a loss of some of its setting and components on the site such as the garage, thus has lost some of its historic value. The house is still recognizable as an early house, but due to a number of alterations and subdivision the aesthetic value has reduced and in my opinion its contribution to the streetscape and the UCA is questionable. It currently has only a limited presence in the streetscape and this would be further eroded if the recently subdivided lot were developed. As stated earlier, if the owner were to repair/conservate the house some of the aesthetic values could be restored, however the current owner has indicated that this is not feasible. It is difficult to speculate whether any new owner would wish to retain, conserve and adapt the house in the future. In conclusion I suggest that the contribution to the streetscape and the UCA is limited and retention for its contribution is not warranted.

CONSULTATION - OUTSIDE COUNCIL

NSW Heritage Office

The NSW Heritage Office has provided two sets of comments related to the proposal.

The first set was based on information provided by Council but did not include the Heritage Assessment & Statement of Heritage Impact for “Aeolia”, as prepared by the applicant’s heritage consultant, Noel Bell Ridley Smith & Partners Pty Ltd (N B R S & P).

The second set of comments included the above assessment and is based on a more expansive interpretation of the facts.

1st Comment

Re: Demolition of the house at 4 Munderah Street, Wahroonga

Proposal: to demolish the house and associated structures.

Development Application no. 1699/03 referred to the NSW Heritage Council on 13 May 2004. Information received with application: site plan, inventory sheet from the Heritage Study of the Municipality of Ku-ring-gai.

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It is noted that the Ku-ring-gal Planning Scheme Ordinance identifies the property as a heritage item with (presumed) local heritage significance. The Heritage Office does not have information that, would lead us to evaluate the house's significance as being higher than local heritage significance. It is understood that Ku-ring-gai Municipal Council has referred the application to the Heritage Office to seek our comments. It should be noted that as the heritage item is not currently listed on the State Heritage Register the NSW Heritage Office is not the consent authority for this development application and does not therefore have a statutory role in the planning process in this instance. Accordingly, these comments are provided to assist Ku-ring-gai Municipal Council in making its decision.

As delegate of the NSW Heritage Council, I have considered the above application and recommend to Ku-ring-gal Municipal Council that the application be refused for the following reasons:

From the information provided, we believe that the house is a relatively early example (1916) of a large California Bungalow in sufficiently intact condition to be interpreted as a house of this period and style in its setting. The house is located within Urban Conservation Area 26 (UCA26) identified by the National Trust of Australia (NSW), and the house and setting contributes to the historical and aesthetic values of this identified area. There are other houses in the vicinity of this property that contribute together as a precinct to UCA26. The proposed demolition of this house would have a negative impact on UCA26.

2nd Comment

Re: Demolition of the house 'Aeolia' at 4 Munderah Street, Wahroonga

Proposal: to demolish the house and associated structures.

Development Application no. 1699/03 originally referred to the NSW Heritage Council on 13 May 2004, with additional information received 10 June 2004.

Information received with application: Heritage Assessment & Statement of Heritage Impact for Aeolia, by N B R S & P; site plan; and inventory sheet from the Heritage Study of the Municipality of Ku-ring-gai.

Thank you for the Heritage Assessment of Aeolia by N B R S & P, sent by Paul Dignam and received by the Heritage Office on 10 June 2004. We refer to our previous letter dated 31 May 2004, concerning Aeolia.

It is noted that the Ku-ring-gai Planning Scheme Ordinance identifies the property as a local heritage item. It is understood that Ku-ring-gai Municipal Council has referred the application to the Heritage Office to seek our comments. It should be noted that as the heritage item is not currently listed on the State Heritage Register, the NSW Heritage Office is not the consent authority for this Development Application and does not therefore have a statutory role in the planning process in this instance. Accordingly, these comments are provided to assist Ku-ring-gai Municipal Council in making its decision.

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The Heritage Office has examined the Heritage Assessment & Statement of Heritage Impact for Aeolia 4 Munderah Street, Wahroonga, by N B R S & P. The assessment finds that Aeolia is an early example of a bungalow designed by the significant architectural practise of Peddle & Thorpe, and is representative of the early Inter-War development of the area as well as purpose-designed bungalows. However, the house has clearly been altered and extended a number of times, reducing its integrity. The interior is particularly lacking in characteristic original detailing.

On the issue of rarity, the N B R S & P assessment finds that approximately 60 residential works were undertaken by Peddle & Thorpe between 1900 and 1930. While a number of these properties are known to the Heritage Office to be fine and extant examples, we urge some caution in adopting any implication that residential works by Peddle & Thorpe remain in these numbers. The Heritage Assessment by N B R S & P does not record how many of these survive.

The assessment by N B R S & P presents considerable evidence for the case that the house at 4 Munderah Street does not meet the threshold of significance for a heritage item in Ku-ring-gai. While the Heritage Office would not object to the delisting of Aeolia given the evidence presented, we urge caution in allowing the demolition of the house until the Urban Conservation Area Study for UCA 26 Wahroonga is completed as Aeolia appears to be a contributory item in UCA 26, and the proposed demolition of this house could have a negative impact on UCA 26.

The assessment by N B R S & P finds that whatever heritage significance Aeolia has, it “does not rely on the large setting provided by the original site or by the land to the rear of the house”. Further subdivision may therefore be possible without causing a substantial heritage impact on UCA 26.

PROVISIONS OF RELEVANT LEGISLATION

The Environmental Planning & Assessment Amendment Act 1979 Section 79C

1. Environmental Planning Instruments

Ku-ring-gai Planning Scheme Ordinance

Clauses 61D and 61F of KPSO allow Council to grant consent to the demolition, provided that the application has been notified to the Heritage Council and Council has considered the heritage impacts of demolition. Refer to the comments of Council’s Heritage Advisor with regard to the comments provided by the heritage Office.

2. Likely Impacts

Apart from the heritage implications of the proposed demolition, the proposal is unlikely to have any significant impact on the natural or built environment nor on the social or economic aspects of the locality.

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CONCLUSION

The NSW Heritage Office and Council's Heritage Advisor both agree that the house does not warrant listing as a heritage item in the KPSO. However, the opinions do vary as to the demolition of the house. The Heritage Office believes that Council should not consider the demolition of the house, until such time that the importance of the house as a contributory item within proposed UCA26 is determined. Council's Heritage Advisor is of the opinion that the house is not of significant value in either setting to warrant its retention.

On this basis and considering the competing arguments, it is recommended that Council grant approval to the demolition of the house on the basis that:

- (i) The integrity of the house has been reduced through building changes over the years.
- (ii) The site is the subject of a subdivision approval.
- (iii) There is no public benefit in retaining the house.

Council is also advised that should consent be granted for the demolition, that the heritage listing of the site also be removed from the KPSO.

RECOMMENDATION

- A. That Development Application No.1699/03 for demolition of the existing building and associated structures at 4 Munderah Street Wahroonga, being Lot 61, DP 819554, be approved for a period of two years from the date of the Notice of Determination, subject to the following conditions:
 - 1. The demolition to be in accordance with Development Application No. 1699/03 lodged with Council on 22 December, 2003.
 - 2. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
 - 3. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
 - 4. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
 - 5. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.

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6. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.

7. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
8. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
9. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
10. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
11. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
12. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
13. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safely stockpiled and not likely to become a harbourage for vermin.

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14. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
15. Fire hoses are to be maintained on site during the course of demolition.
16. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
17. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
18. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
19. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
20. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
21. Any such sign is to be removed when the work has been completed.

This clause does not apply to:

- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
22. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
23. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.
24. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.

CONDITION S TO BE COMPLIED WITH PRIOR TO DEMOLITION WORK COMMENCING

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25. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
26. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

Note: Required if cost of works exceed \$25,000.00.

27. To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings. The trunk protection shall be maintained intact until the completion of all work on site. Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Tree/Location

Jacaranda mimosifolia (Jacaranda)

Close to the garage and the dwelling's south-eastern corner.

Magnolia grandiflora (Bull-bay Magnolia)

Adjacent to the driveway close to the dwelling's north-eastern corner.

28. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.
29. Detailed archival recording of the heritage item is to be submitted to Council prior to the commencement of work for the approval of the heritage adviser. Recording shall be undertaken in accordance with the New South Wales Heritage council standards. Particular emphasis is to be placed on the boiler and this is to be recorded by an industrial archaeologist.

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Information shall be bound in an A4 report format. It shall include copies of black and white photographs, referenced to plans of the affected property. Two (2) copies (one (1) copy to include negatives of photographs) shall be submitted to Council's Department of Environmental and Regulatory Services, to be held in the Local Studies Collection of Kuring-gai Library.

G Stewart
**Development
Control Officer**

A Bailey
**Team Leader,
Comenarra
Ward**

M Prendergast
**Manager
Development
Assessment
Services**

M Miocic
**Director
Environment &
Regulatory
Services**

Attachments: **Locality Sketch**
 Site Plan
 Approved subdivision
 Photographs (2)
 Heritage data (2)

Item 2

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	213 KISSING POINT ROAD, TURRAMURRA - INSTALLATION OF A HOST TELECOMMUNICATIONS FLAG POLE STRUCTURE AT 213 KISSING POINT ROAD, TURRAMURRA
WARD:	Comenarra
DEVELOPMENT APPLICATION N^o:	619/03
SUBJECT LAND:	213 KISSING POINT ROAD, TURRAMURRA
APPLICANT:	Hutchison Telecommunications Australia Pty Ltd, c/- Greg Wilson, J G Service Pty Ltd
OWNER:	Thurling Petroleum Pty Ltd
DESIGNER:	Sinclair Knight Merz
PRESENT USE:	Service Station
ZONING:	Zone 3(a) (Business - Retail Service)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO, DCP 14
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	N/A
COMPLIANCE WITH GOVERNMENT POLICIES:	N/A
DATE LODGED:	9 December 2003
40 DAY PERIOD EXPIRED:	18 January 2004
PROPOSAL:	Installation of a host telecommunications flag pole structure at 213 Kissing Point Road, Turramurra
RECOMMENDATION:	Refusal

Item 2

DEVELOPMENT APPLICATION N^o 619/03
PREMISES: 213 KISSING POINT ROAD, TURRAMURRA
PROPOSAL: INSTALLATION OF A HOST
TELECOMMUNICATIONS FLAG POLE
STRUCTURE AT 213 KISSING POINT
ROAD, TURRAMURRA
APPLICANT: HUTCHISON TELECOMMUNICATIONS
AUSTRALIA PTY LTD, C/- GREG WILSON,
J G SERVICE PTY LTD
OWNER: THURLING PETROLEUM PTY LTD
DESIGNER: SINCLAIR KNIGHT MERZ

PURPOSE FOR REPORT

To determine DA 1619/03, for erection of a thirty (30) metres high host telecommunications flag pole structure at the BP service station at 213 Kissing Point Road, Turramurra. This matter has been referred by the Director Environment & Regulatory Services

EXECUTIVE SUMMARY

Issues: (i) Streetscape; and
(ii) Likely further visual bulk/impact caused through the co-locating of low impact antennae on the host structure.

Submissions: Twenty-nine (29) submissions received, including two petitions.

Land & Environment Court Appeal: No appeal to the Land and Environment Court has been lodged.

Recommendation: Refusal

HISTORY

Property History:

The subject site is currently used as a service station. Existing telecommunications infrastructure located on the site consists of Hutchison antennae for both their CDMA and third generation networks located on the BP sign at the property frontage at a height of 12.6 metres. The antennae are connected via cable that extend along the edge of the southern property to two separate equipment shelters located at the rear of the property, behind the service station building.

The applicant has requested that Council commit to the mediation of this development proposal. In addition, the applicant has indicated a willingness to reducing the height of the flag pole by 5m to 25 metres in height, and is not in the public interest.

In the circumstances of this case, it is the staff opinion that mediation would not result in a satisfactory outcome. The erection of a flag pole structure whether it is 25m or 30m in height is a foreign and intrusive element within the surrounding area.

Item 2

THE SITE AND SURROUNDING AREA

The Site

Zoning:	Business 3(a) (Business – Retail Centre)
Visual Character Study Category:	Pre Post 1968
Lot Number:	55 & 56
DP Number:	29436
Heritage Affected:	No
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No

The subject site is located on the western side of Kissing Point Road, between Canoon and Aluba Roads, South Turramurra. The site is occupied by a BP Service Station immediately to the north of the local retail centre, located at the intersection of Aluba and Kissing Point Roads.

THE PROPOSAL

The proposal is to erect a thirty (30) metres high host telecommunications flag pole structure at the BP service station at 213 Kissing Point Road, Turramurra. Details of the proposed development are as follows:

- (i) The existing network antennae, located on the existing BP sign structure at the entrance of the BP Service Station, are to be removed;
- (ii) The erection of a 30 metres high flag pole structure towards the rear of the service station property. Attached to the pole is a 10m long flag. The applicant has not identified the nature of the flag;
- (iii) The re-attachment of the existing antennae on the proposed 30 metres high flag pole. The existing Hutchison third generation antennae would be incorporated into the pole at a centreline elevation of 27.5 metres, whilst the Hutchison CDMA network antennas would be incorporated into the pole at a centreline elevation of 24.7 metres. Neither sets of antennae will be discernable as separate elements from the proposed flag pole; and
- (iv) The reconnection of the antennae via proposed cables and conduits to the existing Hutchison equipment shelters located at the rear of the service station building. All elements of the cabling and associated conduits would be hidden both within the proposed flag pole and underground to the equipment shelter.

CONSULTATION - COMMUNITY

In accordance with Council's Notifications Policy, owners of surrounding properties were given notice of the application. In response, submissions from the following were received:

1. Petition with 27 signatories;

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2. Petition with 213 signatories;
3. P. & C. O'Regan, 185 Kissing Point Rd, South Turramurra;
4. P. & J. McNeil, 203 Kissing Point Rd, South Turramurra;
5. C. & C. Black, 208 Kissing Point Rd, South Turramurra;
6. D. & K. Garlick, 211 Kissing Point Rd, South Turramurra;
7. J. Duffy, 212 Kissing Point Rd, South Turramurra;
8. S. Daver, 220 Kissing Point Rd, South Turramurra;
9. P. Arif, 1 Balmaringa Ave, South Turramurra;
10. R. & M. Elstone, 1 Balmaringa Ave, South Turramurra;
11. W. & D. Sorby, 2 Balmaringa Ave, South Turramurra;
12. T. Forwood, 4 Balmaringa Ave, South Turramurra;
13. P. Pierce, 5 Balmaringa Ave, South Turramurra;
14. G. & F. Vaughan, 12 Balmaringa Ave, South Turramurra;
15. G. Lukey & S. Portefaix, 14 Balmaringa Ave, South Turramurra;
16. D. & L. Cole, 17 Balmaringa Ave, South Turramurra;
17. D. & P. Harrison, 25 Balmaringa Ave, South Turramurra;
18. K. Hill, 5 Aluba Rd, South Turramurra;
19. J. & J. Shrimski, 7 Aluba Rd, South Turramurra;
20. T. & R. Chappell, 8 Aluba Rd, South Turramurra;
21. A. Le Marchant, for KU Childrens Services, lessees of 10A Aluba Rd, South Turramurra;
22. D. & E. Begg, 21 Aluba Rd, South Turramurra;
23. G. Bloomfield, 16 Canoon Rd, South Turramurra;
24. B. & J. Knoblauch, 31 Canoon Rd, South Turramurra;
25. R. Carmicheal, 41 Canoon Rd, South Turramurra;
26. B. Lewis, 10 Maxwell St, South Turramurra;
27. W. & E. Wright, 2 Gipps Cl, Turramurra;
28. R. Wilson & M. Cooper, 6 Gipps Cl, Turramurra; and
29. J. & S. Knight, 8 Gipps Cl, Turramurra.

The submissions raised the following issues:

Harmful effects of electro-magnetic emissions (EMEs).

The applicant has engaged EMC Technologies to prepare an expert report on the maximum Radio Frequency (RF) Electromagnetic Energy (EME) levels for the existing and proposed telecommunication infrastructure at 213 Kissing Point Road (Refer attachments). The content and findings of these reports are not contested. The report indicates that the reconfiguration of the antennae into the flag pole structure will result in the maximum power levels from the operation of the facility being more than ten times lower than that from the current configuration. The report, prepared by EMC Technologies, also indicates that in all measurements taken, the maximum power densities calculated at each of the locations did not exceed the levels referred to in the Australian Communications Authority (ACA) Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003.

Excessive height of proposed structure and consequent negative visual impact.

It is agreed that the proposed erection of the structure will have an unsatisfactory visual impact upon the area (This issue is discussed further in the report under “Likely Impacts”).

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Inappropriate structure and use within a residential area and within close proximity to playgrounds and pre-schools.

The proposed structure is an unsympathetic visual element within the area. However, there is no evidence to suggest that the use will have a negative impact upon the health of persons in the surrounding area. The expert report prepared by EMC Technologies indicates a significant reduced impact arising through the reconfiguration of the existing telecommunications within the proposed flag pole structure.

The proposed structure is not in the public interest.

It is considered that there is sufficient justification to warrant the refusal of the application based upon planning merit considerations as well as those concerns raised by the public.

Removal of trees.

The proposed flag pole structure will not require the removal of any trees.

Excessive size of flag and likely noise impacts resulting from the flag.

It is considered that any noise generated by the flag would not result in a detrimental impact upon the surrounding residents to warrant the refusal of the application.

Negative impact upon the ability to rent nearby properties.

This is not a relevant consideration under the Environmental Planning and Assessment Act 1979.

Loss of privacy and noise impacts during the maintenance of the pole.

Impacts arising from maintenance of the pole will be short lived and would not be of sufficient weighting in of themselves to warrant the refusal of the application.

Negative impact upon ability to future develop surrounding properties due to the location of the pole.

This is not a relevant consideration under the Environmental Planning and Assessment Act 1979.

Precedent set by the development.

The approval of this application would allow for the future co-location of low impact antennae upon the proposed structure without the need for prior approval of the Council. The future uninhibited erection of more antennae to the host pole would further exacerbate the inappropriateness of the structure within the surrounding area.

Danger due to proximity to petrol.

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There is no evidence to suggest that the location of telecommunication infrastructure within proximity of a petrol station is a dangerous situation. Council is reminded that telecommunication infrastructure currently exists on the site.

CONSULTATION - WITHIN COUNCIL

No internal referrals are required for this development proposal.

CONSULTATION – OUTSIDE COUNCIL

No referrals to external concurrence bodies are required for this development proposal.

STATUTORY PROVISIONS

The Telecommunications Act 1997

The Telecommunications Act 1997 provides exemptions to carriers from State and Territory planning legislation, where the following criteria are met:

Clause (6) Installation of facilities.

The carrier may carry out installation if:

- (a) the carrier is authorised by a facility installation permit; or*
- (b) the facility is a low impact facility; or*
- (c) the facility is a temporary facility for use by a defence organisation for defence purposes; or*
- (d) all of the following are satisfied:*
 - (i) the installation occurs before 1 July 2000;*
 - (ii) the installation involves connecting a network to a building/home etc;*
 - (iii) the whole or part of the network existed prior to 30 June 1997.*

The existing antennae attached to the BP sign are compliant with the parameters of the Telecommunications (Low Impact Facilities) Determination 1997 and therefore exempt from the requirement for development consent from Ku-ring-gai Council.

The installation of a stand alone host structure for future telecommunications infrastructure does not fall within the ambit of the above mentioned clause (6). Consequently, the subject development is subject to assessment under the provisions of the Environmental Planning and Assessment Act 1979 and requires development consent from Ku-ring-gai Council.

Council is advised that any future co-location of antennae to the host pole, were it to be approved, would be defined as low-impact facilities and as such would be exempt from requiring development consent from Council.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

Zoning:

The subject development is permissible upon land zoned Business 3(a) (Business - Retail Services).

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Objectives of the zone:

The primary objective of the Business 3(a) zone is to provide services that meet the needs of the community to which the retail centre serves. The subject retail centre, within which the development is proposed, is localised shopping area small in scale. The erection of a telecommunications tower within this retail centre is not considered to reflect the objectives for development in the Business 3(a) zone as it applies to this particular centre.

POLICY PROVISIONS

Development Control Plan 14 – Development in the Business Zones

There are no applicable controls for consideration.

LIKELY IMPACTS

The following issues are relevant considerations:

1. Suitability of the site for telecommunications infrastructure

The subject site is currently used as a service station and telecommunications infrastructure is currently present upon the site. The continued provision of telecommunications infrastructure upon the site is not opposed. However, it is considered that the scale and form of the proposed structure and the likely cumulative impacts resulting from further co-location of antenna to the host structure are such that consent should not be granted by Council.

2. Visual Impact

The proposed 30m high flag pole will be significantly taller than any other built element in the surrounding area. The applicant has prepared photomontages of the proposed structure as taken from varying vantage points. There is no dispute that from certain locations the visibility of the pole will be masked by existing trees within the area. However, where visible and, in particular from those primary public domain spaces such as the roadways and parklands, the presence of a 30m high flag pole is a foreign and visually intrusive element within a predominantly low scale environment. The height of the tower will dwarf all the surrounding buildings and due to its highly imposing appearance (i.e. a large pole), attention to its form will undoubtedly be drawn. This tower has no relationship to the character of the area and its erection is considered to be inappropriate. It is considered that the resulting unsatisfactory visual impact of the flag pole structure warrants refusal of the application.

The integration of telecommunication infrastructure with existing built structures upon the site would be a more appropriate outcome as opposed to the erection of a new stand alone 30m high flag pole structure.

3. Co-location of future antenna (visual impact)

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Under the Telecommunications Act 1997, a host tower structure requires development consent. However, once consent has been granted, the future co-location of low impact antennae does not require development consent and there is no limitation to the amount of additional infrastructure that can be attached to the host structure. The future uninhibited erection of more antennae to the host pole would add unnecessary bulk to the structure and further exacerbate the visual inappropriateness of the structure within the low scale built form of the surrounding area.

4. Electromagnetic energy (EME)

Mobile carriers must comply with standard on exposure to electromagnetic energy set by the ACA. This requirement is given effect through the Radio Communications Act 1992 and the Radio Communications (electromagnetic radiation – human exposure) Standards 1999. The legislation refers to the document AS2772.1 Int 1998 that sets limits for human exposure.

The reconfiguration of the existing network antennae from the BP site to the flag pole structure results in a reduction in the EME levels (Refer attachment for report prepared by EMC Technologies).

The major cause for the reduction in the EME levels is the increase in height of the reconfigured network antennae. Currently, the centre-line elevation for the CDMA and third generation network antennae is 12.17 metres. The antennae within the proposed flag pole structure will have centre-line elevations of 24.7m and 27.5m, respectively. Consequently, the reconfiguration of the antennae will result in the maximum power levels from the operation of the facility being reduced to a tenth of the emissions of the current configuration. The report prepared by EMC Technologies indicates that in all measurements taken, the maximum power densities calculated at each of the locations did not exceed the levels referred to in the Australian Communications Authority (ACA) Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003.

There is no evidence before Council to oppose the findings of EMC Technologies.

SUITABILITY OF THE SITE

It is considered that the erection of the flag pole structure upon the site results in unsatisfactory impacts in terms of visual appearance. On this basis it is considered that consent should not be granted.

ANY SUBMISSIONS

All submissions received have been considered in the assessment of this application.

PUBLIC INTEREST

The approval of the application is not considered to be in the public interest.

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for discussion.

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CONCLUSION

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be unsatisfactory. Therefore, it is recommended that the application be refused.

RECOMMENDATION

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979:

That Council, as the consent authority, refuse development consent to Development Application No. 1619/03 for erection of a thirty (30) metres high host telecommunications flag pole structure at the BP service station at 213 Kissing Point Road, Turramurra, as shown on plans numbered A01, A02 & A03 all revision A, dated 15/9/03 and drawn by Sinclair Knight Merz, for the following reasons:

1. Visual impact

The proposed development results in an unsatisfactory impact upon the visual character of the area on the basis that the erection of a 30m high flag pole structure will be a visually foreign element within a typically low scale built environment.

2. Objectives of the Zone

The erection of a 30m high telecommunications pole is contrary to the objectives of the Business 3(a) Zone in that this structure and use does not meet the needs and demands of employees within the centre and the community to which the centre serves.

3. Public Interest

The proposed development is not in the public interest.

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Environment & Regulatory Services

Attachments:

1. Architectural Plans
2. EME Reports prepared by EMC Technologies
3. Petitions

64 TO 66 PACIFIC HIGHWAY, ROSEVILLE - DEMOLITION OF EXISTING COMMERCIAL BUILDING (NO 66) AND ADDITIONS AND ALTERATIONS TO A CLUB BUILDING - SUPPLEMENTARY REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To respond to the issues raised by Council at its Meeting of 9 March 2004 and seek determination of the development application.

BACKGROUND:

On 9 September 2003, Council, at its Ordinary Meeting, resolved to defer consideration of the DA subject to:

1. Consideration by Council of options for expansion of the car park in Larkin Lane and/or Six Mile Lane.
2. The drafting of conditions of consent that limit the number of club patrons in proportion to the capacity to provide the required number of car spaces. The conditions are to take into account the closeness of the club to the railway line and provide credit for any future demonstrated consistent travel mode shift by patrons and staff from private car usage.

On 9 March 2004, Council considered an assessment report and recommendation from its officers in respect of the above mentioned matters. It again deferred consideration of the matter to allow for objectors, affected business/shop owners on that part of Pacific Highway and affected property owners to be notified of Option 2 and be invited to make submissions in accordance with Council's standard Notification Policy.

COMMENTS:

Responses to the notification are summarised within the contents of this report.

Given the inability to provide for suitable parking to meet the expected requirements of the Club and its patrons, the application is unacceptable.

RECOMMENDATION:

Refusal

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PURPOSE OF REPORT

To respond to the issues raised by Council at its Meeting of 9 March 2004 and seek determination of the development application.

BACKGROUND AND COMMENTS

On 9 September 2003, Council considered an assessment report and recommendation from its officers in respect of an application proposing:

- The consolidation of two lots:
- The demolition of No. 66 Pacific Highway:
- An extension of the Roseville RSL Club building into the area of No. 66 Pacific Highway:
- The relocation of the existing loading/service to the rear of the extension:
- Internal alterations to provide for an enlarged public dining and bar areas, gaming area and ancillary rooms: and
- The addition of an “alfresco” outdoor dining area facing Memorial Park.

No additional car parking was proposed as part of this development and the existing facade and entrance from Pacific Highway was to be maintained.

The officer’s report recommended refusal of the DA for the following reasons:

1. *Pursuant to Section 79C (1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposal conflicts with the Ku-ring-gai Planning Scheme Ordinance Clause 30C(g) in that sufficient off-street parking to meet the demands generated by the development has not been provided.*
2. *The proposal is inconsistent with the form of development envisaged under Council’s Development Control Plan No. 14- Business Zones and Development Control Plan No 43-Car Parking.*
3. *The proposed development will result in an overdevelopment of the site.*

Having considered the officer’s report, Council resolved to defer consideration of the DA subject to:

- 1) **Consideration by Council of options for expansion of the car park in Larkin Lane and/or Six Mile Lane.**

Further investigations were carried out by Council’s Technical Services Section of various options for the RSL Club to contribute to providing additional car parking.

Six options were considered to determine if the additional 28 parking spaces nominated by the RSL Club’s traffic report could be incorporated into the Council car park.

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On 9 March 2004, Council considered a further assessment report in this regard, however, resolved to defer consideration of the matter to allow for objectors, affected business/shop owners on that part of Pacific Highway and affected property owners to be notified of Option 2 and be invited to make submissions in accordance with Council's Notification Policy.

Option 2. Parallel parking on western boundary of Larkin Lane car park.

The 9.15m wide strip along the western boundary of the car park is a public road (Larkin Lane) and under the Roads Act, adjoining owners are entitled to access.

This edge of the car park falls away steeply towards the property boundary line but could be retained at the boundary and filled. This would allow parallel parking for ten vehicles between private property driveways.

CONSULTATION-COMMUNITY

In accordance with Council's resolution, adjoining owners were given notice of Option 2. Submissions from the following were received:

1. D S & SD Mill, 1 Maclaurin Parade, Roseville
2. A Minnaard & E Thomson, 2/19-21 Larkin Street, Roseville
3. L Hannan, 15 Larkin Street, Roseville
4. M Higgins, 17 Larkin Street, Roseville
5. P Dong & J Xu, 11 Larkin Street, Roseville
6. D & E Blair, Unit 4, 5-7 Larkin Street, Roseville
7. R Tanner, Marlowe, 3 Sixth Mile Lane, Roseville
8. J & S Cockram, 1/5-7 Larkin Street, Roseville
9. J S & AZhang, 9 Larkin Street, Roseville
10. W & P Longman, 3 Larkin Street, Roseville

The submissions raised the following issues.

- ***The residents would prefer the RSL club to cap patron numbers and provide commuter buses for members and guests as an alternative to ten (10) additional car spaces.***

It is reasonable to assume that increased commercial floor area will lead to increased trade volumes and further demand upon a Council provided facility (ie public car parking). It appears illogical to sustain an argument that substantial additions will not at some stage be aimed at increasing trade. Under certain restrictive usage, any increase in any commercial property could be similarly argued to not result in additional parking demands. This assumption, however, cannot be reasonably guaranteed. It is unlikely that any condition, limiting patronage, could ever be effectively policed. Similarly, conditions specifying proposed limitations over events or attractions cannot be expected to be effectively enforced. Furthermore, the provision of commuter bus services may have very

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little impact upon car parking generated by the club, as persons who traditionally use this service do not drive.

- ***Additional car parking in this car park should be assessed independently and this solution is inconsistent with Council's Section 94 Contribution scheme.***

The original application involved the demolition of No. 66 Pacific Highway and an extension of the existing club building, comprising internal alterations and additions to provide for an enlarged public dining and bar areas, gaming area and ancillary rooms.

The application now involves consideration of various options for the expansion of the car park in Larkin Lane and/or Six Mile Lane.

Concerns are raised given that the works associated with the enlargement of the car park now included as a matter of consideration will render the application not substantially the same development as was originally submitted. Should Council favour this option, it is recommended that a separate application be submitted for the enlargement of the carpark to address this concern.

The Section 94 Plan accepts contributions for extensions to the Council car park at Larkin Lane.

- ***Over development of car park site for little benefit***

The proposed works associated with Option 2 will result in significant level changes on the common, western, boundary of the car park and adjoining residential properties through retention of land and infill which will significantly alter the natural landforms in this location. The height of retaining structures necessary to accommodate the additional car spaces has been estimated at its maximum at approximately 2m and is considered to be excessive given the inappropriate setbacks provided at approximately 1.2m which also has to cater for pedestrian access. Consequently, the additional car spaces would be an inappropriate design response in this location in terms of maintaining residential amenity.

The additional car spaces also limit the opportunity to provide appropriate landscape treatment to soften the affects of the increased size of the car park and additional impacts relating to noise, headlight glare and amenity.

- ***Loss of privacy***

No details have been submitted as to the accurate resolution of level changes. The existing embankment is quite steep, with up to a 2.0m level difference from the site boundary to the level of the existing car park. A retaining wall will be required. This will require some form of safety barrier or fencing. Without suitable fencing and some form of screening, the proposed additional spaces will result in significant overlooking into the rear gardens of the dwellings.

- ***Decrease in general amenity of the locality***

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The potential adverse impacts of the proposed development upon the natural environment and associated impacts, including noise, headlight glare and pedestrian and vehicular conflict, suggest that there will be a marked decrease in the general amenity of the residential properties adjoining the car park.

- ***Decrease in property value***

This cannot be sustained nor is this objection a valid reason for refusal as it is not a relevant planning matter under Section 79C of the Environmental Planning & Assessment Act, 1979.

- ***Loss of vegetation will adversely affect character of locality.***

Council's Landscape Development Officer has not raised objection to the removal of the trees necessary to proceed with Option 2. The existing vegetation provides valuable screening to the existing dwellings when viewed to and from the existing car park. The vegetation also provides a physical barrier between the car park and the dwellings which adds to resident amenity. Concerns have been raised in relation to the reduction in setback to the property boundaries and the possibility of providing suitable replenishment species in combination with providing safe pedestrian access.

- ***Difficult visibility for existing residents by virtue of slope of driveways***

The existing domestic access driveways to the southern end of Larkin Lane will require retaining walls along both sides to accommodate the proposed widening of Larkin Lane and the parallel parking spaces. This will potentially create an added sight line obstruction to traffic travelling one-way along Larkin Lane.

- ***Design unsafe and impractical in relation to pedestrian and vehicular conflict and existing access arrangements. Also wider lay backs would be required for vehicular and pedestrian safety thus limiting number of car spaces provided.***

The existing driveways are particularly steep and are already compromised, given their existing grades their location near the bend in Larkin Lane. Additional retaining walls will compound this issue.

Access to proposed parking spaces 46, 47 & 49 would require a reverse parking manoeuvre across the domestic access driveways. This may create a potential conflict between those vehicles reverse parking and a vehicle reversing into Larkin Lane from the affected dwellings.

The reverse parking manoeuvre into proposed spaces 45 and 46 (against the one-way traffic dedication) may create a potential conflict for vehicles travelling one-way at the bend into Larkin Lane.

The widths of the existing access driveways and laybacks would need to be maintained.

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- ***Vehicle dimensions underestimated in terms of providing adequate car spaces.***

The proposed parallel parking space dimensions of 3.5m width and 6.6 m length appear to be adequately sized in terms of access and manoeuvrability to and from the carriageway of Larkin Lane (when compared against clause 2.4.4 of Australian Standard 2890.1 – 2004 “Off-Street car parking” and noting that this Australian Standard applies to off street parking facilities).

- ***Additional traffic and car parking congestion.***

The additional car spaces will not result in any material increase in traffic generation, however, the new car parking spaces will create additional congestion as a result of potential conflict between those vehicles reverse parking and a vehicle reversing into Larkin Lane from the affected dwellings. This may also interrupt the free flow of traffic entering Larkin Lane.

- ***Loss of garbage collection points.***

The installation of the proposed parking spaces would remove all existing bin storage areas at the Lane level (while they are waiting for collection). The western side of Larkin Lane would need to remain clear at all times to allow efficient vehicle movement in the public road. Further, the proposed lane widening will provide limited access points for residents to bring garbage bins up to the Larkin Lane level for collection.

- ***Increase in criminal activity***

The additional car spaces will not substantially alter the existing situation and should offer adequate passive surveillance opportunities. The removal of the existing vegetation and replacement with more suitable species would adequately address this concern.

- ***Excessive retaining wall structure will result in adverse visual impact and loss of solar access.***

Any retaining structure necessary to accommodate the additional spaces will not result in any material increase in overshadowing of adjoining dwellings or private open spaces. This is due to the fact that the proposed shadows largely fall within the existing shadows cast by the existing landform and structures along the property boundary.

- ***Increasing the paved area would have an adverse impact upon drainage and storm water runoff.***

Council’s Development Engineer has advised that the disposal of stormwater from any associated works can be satisfactorily conveyed to Council’s existing drainage system.

- ***The proposal would eliminate existing garbage collecting areas.***

The installation of the proposed parking spaces would remove all existing bin storage areas at the Lane level (while they are waiting for collection).

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1. CONSULTATION - WITHIN COUNCIL

Development Control Engineer

The following comments are provided in relation to the concept plan showing an additional ten (10) parallel parking spaces in Larkin Lane.

The plan provided is rather conceptual and does not allow for an accurate assessment of the direct impact of the proposed Larkin Lane widening on adjacent property and infrastructure. In general, the proposed parallel parking space dimensions of 3.5 metres width and 6.6 metres length appear to be adequately sized in terms of access and manoeuvrability to and from the carriageway of Larkin Lane (when compared against clause 2.4.4 of Australian Standard 2890.1 – 2004 “Off-Street car parking” and noting that this Australian Standard applies to off street parking facilities).

It appears that garbage collection for the properties accessed from Larkin Lane occurs from the Larkin Lane level. The installation of the proposed parking spaces would remove all existing bin storage areas at the Lane level (while they are waiting for collection). The western side of Larkin Lane would need to remain clear at all times to allow efficient vehicle movement in the public road. Further, the proposed Lane widening will provide limited access points for residents to bring garbage bins up to the Larkin Lane level for collection.

The existing domestic access driveways to the southern end of Larkin Lane will require retaining walls along both sides to accommodate the proposed widening of Larkin Lane and the parallel parking spaces. This will potentially create an added sight line obstruction to traffic travelling one-way along Larkin Lane. These driveways are particularly steep and are already compromised given their existing grades their location near the bend in Larkin Lane.

Access to proposed parking spaces 46, 47 & 49 would require a reverse parking manoeuvre across the domestic access driveways. This may create a potential conflict between those vehicles reverse parking and a vehicle reversing into Larkin Lane from the affected dwellings. The reverse parking manoeuvre into proposed spaces 45 and 46 (against the one-way traffic dedication) may create a potential conflict for vehicles travelling one-way at the bend into Larkin Lane.

Some of the existing pedestrian access steps from Larkin Lane to the domestic properties will require removal under the proposal.

The widths of the existing access driveways and laybacks would need to be maintained.

The existing drainage infrastructure in the location of the proposed parking spaces would need to be altered to maintain existing inlet capacity and appropriate gradings to such.

Overall, the appropriateness of assessing such a proposed increase in public car-parking facilities and its subsequent design, in the context of this Development Application, is questioned.

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Given the numerous issues raised by Council's Development Control Engineer, proposed Option 2 should not be supported.

Landscape Development Officer

It is proposed to extend the existing car park at the rear of the existing shops that front Pacific Highway in Roseville. This is proposed to be by the provision of ten (10) car parking bays adjacent to the south western boundary of the existing car park. As existing this proposed area is an embankment immediately adjacent to numerous private residential properties, some of which have vehicular access.

*The embankment at present supports numerous trees, primarily Paperbarks (*Melaleuca* spp.) and Bottlebrush (*Callistemon* spp.) and a couple of mature Eucalypts. The existing vegetation is not considered significant within the broader landscape, but does provide valuable screening to the existing dwellings to and from the existing car park. The subject area also provides a physical barrier between the car park and the dwellings which adds to resident amenity.*

As proposed the additional ten car spaces will result in the removal of all the existing vegetation adjacent to the south western side of the car park. This will adversely impact upon the existing residences and significantly exacerbate the visual and physical impacts of the car parking area as a whole. In addition the available area between the site boundary and the car parking bays is approximately 1.2m. This will only allow for pedestrian access and limits the available area for tree replenishment and/or screen planting.

Although the individual tree/shrub plantings are not significant within the broader landscape, they do provide valuable amenity to existing residents. Further information is required to fully assess the impacts of level changes and the need for replenishment screen planting.

Council's Landscape Officer has stated that the existing trees and setting adjoining the residential properties would be adversely affected by the proposed development. The setbacks necessary to accommodate suitable replenishment planting are inadequate and, consequently, the interface concerns raised in relation to the provision of additional car spaces in this location will be compounded.

SUMMARY

It is proposed to almost double the floor area of the club from 586 square metres to 950 square metres (62% increase). The applicant's traffic consultant recommends that, based on current patron per square metre figures, parking demands will increase by 28 vehicles (page 7 of Christopher Hallam Traffic Statement). No on-site car parking is provided by the Club.

Council's Traffic Engineer considers this a conservative estimate as increases in area of similar clubs would require 17 to 58 additional parking spaces. Typically, parking provision in these Council areas tends towards greater provision rather than less. This aspect of the proposal has been previously addressed in detail by Council's Traffic Engineer.

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Notwithstanding the additional ten (10) off street car parking spaces that may result from Option 2, it is apparent that there is still insufficient capacity to satisfactorily cater for potential patronage and functions provided by the RSL club. The provision of the spaces is also problematic in that the design would necessitate considerable change to the land form at the western boundary which would result in loss of vegetation and adverse amenity impacts and an increase in the potential for vehicular and pedestrian conflict for the adjoining properties in this location.

The applicant has not provided conclusive survey data or comparable data to support their argument that the additional area will not lead to increased patronage. This assumption cannot be reasonably guaranteed. It is unlikely that any condition limiting patronage could ever be effectively implemented. Similarly, conditions specifying proposed limitations over events or attractions cannot be effectively enforced.

There seems to be no justifiable planning grounds upon which to argue that this shortfall should be reduced or set aside because 50% of Club patrons arrive by car and existing car parks and street parking is full or close to capacity even after normal business hours due to competition, possibly from cinema patrons.

Also, the evening sessions of the Roseville cinema coincide with peak evening times of the club. Therefore, the club will be competing with the cinema and other activities in the area, such as cafes, for parking in the Larkin Lane car park and surrounding streets.

On these grounds and as the development does not provide adequate off street car parking for the sole use of the RSL Club, it is recommended that the application be refused.

RECOMMENDATION

That Development Application DA1366/02 for demolition of a commercial building, alterations and additions to the RSL Club, and site consolidation at Lot 2 DP 505371 and Lot 1 DP 202 148, being No's 64 to 66 Pacific Highway, Roseville, be refused for the following reasons:

1. Pursuant to Section 79C (1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposal conflicts with the Ku-ring-gai Planning Scheme Ordinance Clause 30C(g) in that sufficient off-street parking to meet the demands generated by the development has not been provided.
2. The proposal is inconsistent with the form of development envisaged under Council's Development Control Plan No 14- Business Zones and Development Control Plan No 43 - Car parking.
3. The proposed development will result in an overdevelopment of the site.

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**Team Leader, Roseville
Ward**

**Manager Development
Assessment Services**

**Director
Environment & Regulatory
Services**

Attachments: **Locality plan**
 Site plan
 Floor plan
 Elevations
 Previous report considered by Council on 9 September 2003
 Previous report considered by Council on 9 March 2004
 Sketch plans for car parking options
 Draft conditions of consent

60A CLANVILLE RD, ROSEVILLE - FIRS ESTATE COTTAGE - BRIEFING

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To brief Council on the present situation regarding the proposed lease of Firs Estate Cottage 60A Clanville Road, Roseville.
BACKGROUND:	Following Expressions of Interest for the lease, operation and management of Firs Estate Cottage for use as a Café, Council granted a five year lease to a partnership which has since been dissolved.
COMMENTS:	Council approval is sought to refurbish the cottage at an estimated cost of \$93,000 and issue a fresh Expression of Interest for the lease of the building.
RECOMMENDATION:	That Council authorise the refurbishment of the cottage at an estimated cost of \$93,000 and issue a fresh Expression of Interest.

PURPOSE OF REPORT

To brief Council on the present situation regarding the proposed lease of Firs Estate Cottage 60A Clanville Road, Roseville.

BACKGROUND

Firs Estate Cottage is a Council owned residential property located within Roseville Park. It is thought to have been built between 1875 and 1900, and is considered by some to be among the oldest buildings in Ku-ring-gai.

The cottage is of Edwardian Style, construction is of brick and timber with a fibro extension.

The land is classified Community Land (within the meaning of the Local Government Act 1993) and categorized "General Community Use" and "Area of Cultural Significance".

In the past it has been tenanted by Council staff, but has not been occupied for the past seven to eight years. It is now in a semi derelict condition, requiring considerable repairs, maintenance and refurbishment.

Tyrrells Technical Services Australia Pty Ltd were engaged by Council in January 2001 to provide an estimated cost of essential repairs and maintenance. The estimate for urgent repairs was \$93,000; additional medium term maintenance requirements were assessed at a further \$19,000.

The above costs were described as indicative only, it was recommended that quotes be obtained from a licensed builder for a more accurate figure.

At its ordinary meeting of Council on 7 May 2002 Council resolved:

"That Council seek a response from a Heritage Architect in relation to the property maintenance report prepared by Tyrrell's Technical Services and the condition of 'Firs Estate' Cottage, 60A Clanville Road, Roseville and comment further on the appropriateness of keeping the internal structure intact."

And

At its ordinary meeting of Council on 3 September 2002 Council resolved:

- "A. That Council receive and note the report by Tanner & Associates (Heritage Architects) on the Tyrrells Building Maintenance report.*
- B. That Council approve the issue of an Expression of Interest for 'Firs Estate' Cottage, 60A Clanville Road, Roseville*

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- C. *That upon receipt of expression of interest a further report be submitted to Council."*

In September 2002 Expressions of Interest were called and five submissions were received.

A staff selection panel comprising of Council's Depot Manager, Manager Revenue Accounting, Heritage Conservation Planner and Commercial Services Coordinator reviewed the submissions. The submissions were culled to a short list of two from which the partnership of B. Nicholson, J. Nicholson, Bee Ann Chew and J McCausland were recommended as the preferred proponent.

The Expression of Interest for the premises that was issued in September 2002 included the option for proponents to undertake the restoration at their cost and be granted a rent holiday, or that Council carry out the works and fund the restoration and the successful applicant pay market rent.

Of the six Expressions of Interest, five favoured Council carrying out the repairs, the one opting to restore the building, later withdrew.

At its ordinary meeting of Council on 17 December 2002 Council resolved:

- "A. *That Council enter into a lease agreement for 5 years with B Nicholson, J Nicholson, Bee Ann Chew and J McCausland.*
- B. *That approval of the lease is subject to consents under relevant legislation being obtained eg. development consent.*
- C. *That this approval is further subject to the conditions under Section 47A of the Local Government Act and that Council issue a Public Notice as prescribed by the Act.*
- D. *That the restoration of the building be carried out by Council.*
- E. *That funding required for the restoration of the building be taken from Council's property reserve (\$93,000).*
- F. *The lease to include quarterly reporting to Council on Casual Hire. Permanent Hire to be referred to Council to ensure compliance with the Plan of Management.*
- G. *That income received from the lease of Firs Estate Cottage be allocated to Council's property reserve until fully repaid.*
- H. *That Council affix the Common Seal to any necessary documents.*
- I. *That the execution of any documents be delegated to the Mayor and the General Manager."*

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The premises are located on land classified Community Land (within the meaning of the Local Government Act 1993). Section 47 of the Act requires that public notification be undertaken.

Public notification commenced on 25 March 2003. Following the public notification period the applicant was required to submit a DA for the proposed use of the land and improvements to the building.

Council on the 13 August 2003 was advised that the partnership that was formed to lease, operate and manage the premises as a Café was dissolved.

Legal advice was sought on whether to:

1. Issue a selective expression of interest to the two parties only,
2. Issue a new open expression of interest (existing proponents could apply if they so chose)

For details of legal advice provided to Council by Abbott Tout on 17 October 2003 refer confidential **attachment** Appendix A.

Advice was received in January 2004 that the DA had been refused on the grounds that critical information had not been made available.

COMMENTS

The Plan of Management permits the following uses:

- Casual and permanent hire for recreation / leisure activities including community events.
- Community group meetings and activities.
- Passive recreation.
- Childcare / preschool / playgroup.
- Residential / Caretaker.
- Museum / Art Gallery / Antique Shop.
- Low key commercial uses (eg Café, art gallery within the limits imposed by the Plan, existing zoning and requirements of relevant legislation).

Council resolved to grant a five year lease to a partnership. That partnership has been dissolved.

It is now recommended that Council repair and refurbish the building in accordance with the Tyrrell report at an estimated cost in January 2001 of \$93,000 for urgent or required maintenance.

It should be noted that the above costings were considered by Council's Depot Manager to be conservative.

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Following the restoration of the building (works to be supervised by Council's Heritage Conservation Planner) Council seek fresh Expressions of Interest for the use of the premises as a Café.

The Heritage classification of the building is such that any works undertaken must be strictly in accordance with the Conservation Management Plan. It is considered likely that should the works be undertaken by and at the cost of the proposed lessee, it would increase the risk of the work not being done to the required standard and result in ongoing disputation.

The maintenance and repairs carried out by Council to be funded from the Property Reserve would be of a general nature in order to make the building sound and to present it in a manner to attract a good market rent.

Site specific improvements would be carried out by and at the cost of the successful applicant, subject to Council consent.

CONSULTATION

Legal advice was sought from Abbott Tout on this matter.

FINANCIAL CONSIDERATIONS

The cost of the repairs, maintenance and refurbishment are recommended to be funded from the Property Reserve and subsequently repaid from revenue received from the rental of the property.

An additional financial comment is attached in confidential **attachment B**.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Staff from Technical Services, Planning and Environment and Finance and Business Development were involved in the Expression of Interest process.

SUMMARY

Expressions of interest were sought for the lease operation and management of Firs Estate Cottage.

The successful proponent (a partnership) was granted a five year lease subject to compliance with the relevant legislation, Section 47 and 47A of the Local Government Act 1993 and appropriate Development Consent. The partnership has since been dissolved due to irreconcilable difficulties.

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It is suggested that Council undertake the repairs and maintenance and refurbishment of a general nature in accordance with the Conservation Management Plan at its cost which will be recouped from the market rent of the premises.

Subsequent to the repairs taking place, fresh Expressions of Interest to be sought for the lease of the building as a Café.

Additional site specific improvements, if required, to be carried out (subject to Council consent) by the lessee at the lessee's expense.

RECOMMENDATION

- A. That Council approve repairs and maintenance of the Firs Estate Cottage 60A Clanville Road, Roseville at an estimated cost of \$93,000. These funds to be secured from the property reserve and repaid from subsequent income as previously resolved by Council.
- B. That Council approve the issue of a fresh Expression of Interest for the use of Firs Estate Cottage as a Café.
- C. That a report be brought back to Council on the outcome of the Expressions of Interest.

John McKee
Director Finance and Business

Greg Piconi
Director Technical Services

Keith Woosnam
Commercial Services Coordinator

Attachments: **Confidential Appendix A. Legal Advice from Abbot Tout Solicitors dated 17 October 2003.**
 Confidential Appendix B. Additional Financial Comment.

LADY GAME DRIVE - TRANSPORT INFRASTRUCTURE DEVELOPMENT CORPORATION - FREEHOLD AND LEASEHOLD COMPULSARY ACQUISITION

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To advise Council of the divestment status of various parcels of land subject to freehold and leasehold compulsory acquisition by the Transport Infrastructure Development Corporation (formally the Parramatta Rail Link) and to seek Council's approval to sell/lease the land.
BACKGROUND:	The subject land includes Council owned land and Crown land over which Council has care, control and management. Various parcels of land located at the southern end of Lady Game Drive are the subject of compulsory acquisition by the Transport Infrastructure Development Corporation (TIDC) for the purpose of constructing the Parramatta Rail Link.
COMMENTS:	The land has already been compulsory acquired and gazetted. Council and the TIDC are in the process of determining a lump sum price for the freehold and leasehold land.
RECOMMENDATION:	That Council accept a lump sum amount of \$150,000 in full settlement of all claims.

PURPOSE OF REPORT

To advise Council of the divestment status of various parcels of land subject to freehold and leasehold compulsory acquisition by the Transport Infrastructure Development Corporation (formally the Parramatta Rail Link) and to seek Council's approval to sell/lease the land.

BACKGROUND

Council was advised on 17 July 2002 that certain parcels of land located at the southern end of Lady Game Drive (refer to **attached** Appendix A) would be the subject of compulsory acquisition for the purpose of constructing the Parramatta Rail Link and compulsory leasehold acquisition for a works depot on land adjacent to the rail corridor.

Land subjected to acquisition

Land required for the construction of the rail tunnel/corridor is described below as part A10, Part A9 and A12 has already been acquired and gazetted 2 August 2002. For details refer to the **attached** site plan Appendix B.

Reference on Plan	Description	Area of Councils Interest	Remarks
Part 'A10' on DP1041540	Lot 19 DP822305	1438 m ² (approx)	Part land in Commonwealth Gazette 16 July 1931
Part 'A9' on DP1041540	Lot 1 DP822305	423 m ² (approx)	Part land in Commonwealth Gazette 16 July 1931
*'A12' on DP1041540	Lot 88 DP860851	1982 m ² (approx)	Crown Land part R89885 administered by Ku-ring-gai Council

* A12 is Crown Land (no claim applicable)

Land subject to leasehold acquisition (lease period 6 years)

Land required for the works depot (adjacent to the rail corridor) is the subject of a 6 year lease, which has also been compulsory acquired leasehold and gazetted on 2 August 2002. For details refer below, and for site plan refer to **attached** Appendix C.

Reference on Plan	Description	Area of Councils Interest	Remarks
'H' on DP1042440	Lot 3 DP822305	267.8 m ²	Part land in Commonwealth Gazette 16 July 1931
'J' on DP1042440	Lot 19 DP822305	1222 m ²	Part land in Commonwealth Gazette 16 July 1931

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On 17 July 2002 Council received a lump sum offer from the then Parramatta Rail Link of **\$107,000** which included an amount of \$3,000 for disturbance (costs, valuations and legals etc).

Council engaged Egan National Valuers on 19 February 2003 to provide a valuation assessment under the terms of the land acquisition (Just Terms Compensation) Act 1991. The valuation provided was not in a form acceptable to Council.

On 29 October 2003 an amended assessment was provided to Council. The lump sum amount was **\$180,113** which included an amount of \$7,700 for disturbance.

The difference between the above valuation assessments was \$73,000. A meeting was proposed by the then Parramatta Rail Link at which the valuers could justify there 'professional differences' with a likely outcome that they would agree to meet halfway.

Given the above, both parties held the view that subject to approval by higher authority, that an agreement should be reached halfway between the two valuations \$143,500, which was rounded up to \$150,000 in full settlement of all claims.

The above amount includes an additional acquisition of easements over small parcel of land 125sqm on a Crown Reserve in Lot 9 DP1041540 for a rock anchor (the purpose of which is to anchor the side of the tunnel to the rock), 3 to 5 metres below the surface. Being on crown land Council has no entitlement to claim on this parcel of land. For details refer to the **attached** site plan Appendix D.

COMMENTS

The freehold and leasehold divestment of these parcels of land by compulsory acquisition which was gazetted on 2 August 2002 is somewhat of a fate accompli, the only consideration being the financial return to Council.

The market value for acquisition assessment for compulsory acquisition was based on a market value of \$70 /m² for land on both an acquisition and leasehold basis.

The following inputs have been assessed in this claim for compensation:

Market Value of the land \$70 /m²

Operational Land	100% of market value
Community Land	50% of market value

Rental Rate

Operational land	10% of market value
Community Land	5% of market value
Crown Land	No claim applicable

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There was a substantial difference between the 2 valuations. Valuations in situations such as this are invariably difficult in that good comparables do not exist. In this instance for valuations to be obtained by the parties and to meet halfway is a reasonable outcome.

CONSULTATION

Council sought valuation advice from Egan National Valuers.

FINANCIAL CONSIDERATIONS

It is recommended that the funds received from the compulsory acquisitions be transferred into Council's Property Reserve.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not Applicable.

SUMMARY

This matter is less a commercial transaction, more a transfer of land between instrumentalities for the construction of major state infrastructure.

It is recommended that Council accept in principal the offer of the lump sum payment of \$150,000 in full settlement of all claims and includes payment for the land and a provision for associated costs.

RECOMMENDATION

- A. That Council approves the divestment of freehold and leasehold land in favour of Transport Infrastructure Development Corporation details of which are contained in this report.
- B. That Council accept a lump sum offer of \$150,000 in full settlement of all claims.
- C. That Council authorise the Mayor and General Manager or their delegates to sign all necessary documents associated with the transfer of this land.
- D. That Council authorise the affixing of the Common Seal of Council to all documents necessary for the transfer of this land.

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- E. That the funds of \$150,000 be transferred into Council's Property Reserve.

John McKee
Director Finance and Business

Keith Woosnam
Commercial Services Coordinator

Attachments: **Appendix A. Site Plan of whole site**
 Appendix B. Site Plan of land subject to Acquisition
 Appendix C. Site Plan of land subject to Lease
 Appendix D. Site Plan of land subject to Rock Anchor

APPLICATION TO AMEND KU-RING-GAI PLANNING SCHEME ORDINANCE REGARDING 657-661 PACIFIC HIGHWAY, KILLARA

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To assess the merits of an application to amend the Ku-ring-gai Planning Scheme Ordinance in relation to Nos 657-661 Pacific Highway, Killara.
BACKGROUND:	The application seeks to permit development for the site 4,257sqm with a concept residential flat building (up to 5 levels) and townhouse development (3 levels) with an indicative FSR of 1:1. The residential flat building is above 2 basement car parks. One car park (with 67 spaces) would be used by patrons of the adjoining Greengate Hotel. The other basement car park contains 76 spaces for use by residents of the residential flat building.
COMMENTS:	Following the preliminary exhibition of the proposal 35 submissions were received raising concerns over traffic, urban design, safety and heritage. Thirty three submission objected to the proposal and two letters supported the application. As part of the site has been rezoned under LEP 194, the applicant has now submitted revised plans.
RECOMMENDATION:	That Council formally exhibit Draft Local Environmental Plan No 202 for 657-661 Pacific Highway, Killara in accordance with the provisions of the EP&A Act & Regulations.

PURPOSE OF REPORT

To assess the merits of an application to amend the Ku-ring-gai Planning Scheme Ordinance in relation to Nos 657-661 Pacific Highway, Killara.

BACKGROUND

In November 2002, Council received a rezoning application from Thiessen Architects Pty Ltd regarding 657-661 Pacific Highway, Killara. The application sought to rezone the subject land to "Business 3A" whilst permitting a residential flat building of up to 4 storeys and two basement car parks, one of which was to provide parking for patrons of the adjoining Greengate Hotel.

An initial report was presented to Council in 1 April 2003 suggesting that applications within the DLEP 194 area be rejected and at that stage Draft Local Environmental Plan No 194 be the mechanism for future rezonings. Following Council's resolution, further discussions were held between staff from Planning and Environment and the applicant. As a consequence of these discussions the applicant requested that consideration of the proposal be deferred.

On 30 June 2003 the applicant submitted an amended proposal, the essence of which was not to seek rezoning of the site, but to amend the Ku-ring-gai Planning Scheme Ordinance (KPSO) to permit a proposal otherwise prohibited by that Scheme.

On May 28th 2004 Local Environmental Plan 194 was gazetted and now applies to part of the site at No 661 Pacific Highway, Killara which is zoned Residential 2(d3).

Further amendments have now been made by the applicant in light of the gazettal of LEP 194.

A complete outline of the applicant's proposal as shown in the report and reduced plans contained at "**Attachment A**". Summary details of the application are as follows:

APPLICATION DETAILS

Subject Property:	Nos 657-661 Pacific Highway, Killara- currently both sites are vacant land
Existing Zoning:	No 657 – Residential 2(d) Nos 659-661 – Residential 2(d3) LEP 194
Proposed Amendment To the KPSO (as described by the applicant):	Inclusion of the properties into Schedule 8 of the KPSO to enable the construction of a multi-unit housing complex and basement car parking associated with the Greengate Hotel (which is on the adjoining land).
Proposed End Use (as	Construction of a part 5 storey RFB, part 3

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described by the Applicant):	storey town houses complex comprising 51 dwellings and two basement car parking levels containing a total of 143 cars, (67 are proposed be exclusively for the Greengate Hotel).
Property Ownership:	Arafura Properties Pty Ltd.
Date application Lodged (Amended Version)	30 June 2003 Amendments March 2004
Applicant:	Thiessen Architects Pty Ltd
Site Area:	4,257m ²

Description of Site:

The site comprises 3 irregularly shaped, approximately rectangular vacant lots which border the Pacific Highway to the west, Bruce Avenue to the North, Greengate Lane to the east and Greengate Hotel to the south. From the Pacific Highway boundary to the Greengate Lane boundary the land falls by 3 – 5 metres. A fall of 3 metres occurs between the Bruce Avenue boundary and the Greengate Hotel boundary. The fall in the site is gentle rather than sizeable. The location of vegetation on the site reflects the current and former positioning of buildings and are situated primarily along front, side and rear boundaries. Trees are limited to those along boundaries. Due to its frontage to the Pacific Highway the site experiences traffic noise. Vehicular access to the site (as a whole) can be achieved from the Pacific Highway, Bruce Avenue and Greengate Lane.

When viewed from the Pacific Highway the site is a large level open space, with perimeter vegetation.

Description of Surrounds / Setting:

The site is located amongst a mix of land uses. Immediately to the north and east of the site are detached one and two storey dwellings along the length of Bruce Avenue and opposite the site along the Pacific Highway. No 663 Pacific Highway is a two storey dwelling listed as a heritage item under the Ku-ring-gai Planning Scheme Ordinance. To the west of the site along the Pacific Highway (and the upper end of Essex Street) are several 3 storey residential flat buildings and detached dwellings. South of the site along the highway are numerous 1 and 2 storey commercial / retail buildings along both sides of the Pacific Highway.

Immediately south of the site is the heritage listed, 2 storey Greengate Hotel, listed in the KPSO and zoned Business 3(a)-(A2) Retail Services. Beyond the hotel in Greengate Road is a 2 storey residential flat building. The remainder of Greengate Road comprises detached dwellings, with the exception of a 1-2 storey nursing home at 9-15 Greengate Road.

Apart from the residential flat buildings at the corner of the Pacific Highway and Essex Street and the recently developed lighting shop, development in the vicinity is long established. Building heights are relatively low scale (varying from 1-3 storeys).

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Traffic along the Pacific Highway creates a busy character along this thoroughfare, although all the intersecting streets must be regarded as quiet. Greengate Road experiences high levels of on street parking, in contrast to neighbouring streets. Vegetation in the precinct is established, however the built form is the dominant element in the streetscape. Killara and Gordon Railway stations are located 700m and 800m to the south east and north east respectively.

LEP 194 (Gazetted May 28, 2004), and the subject site and surrounds:

The site is affected by LEP 194 in the following manner:

- | | |
|-------------------------|---|
| 657 Pacific Highway | - This site was not included in LEP 194 as it is zoned 2(d) under the KPSO which permits residential flat buildings at an FSR of 0.85:1. The site area is 2,131 sqm (approx). |
| 659-661 Pacific Highway | - Zoned 2(d3) with a site area of approximately 2,198 sqm |

Land surrounding the subject site is affected by LEP 194 in the following manner:

Bruce Avenue (southern side): - zoned 2(d3) under LEP 194 (up to 5 levels max)

Bruce Avenue (northern side): - zoned 2(d3) under LEP 194 (up to 5 levels max)

Greengate Road: - zoned 2(c2), both sides with the exception of existing residential flat buildings and heritage items.

Pacific Highway: - properties to the south as far as Powell Street have not been included in LEP 194 as they are already zoned to permit apartments. On the opposite side of the Pacific Highway from the site land is already zoned to permit residential flat buildings or zoned commercial and hence has not been included in LEP 194.

Description of the proposal:

As described in the rezoning application and associated reports, the proposal involves:

- Construction of two basement level car parks, with parking for 143 vehicles, with 67 spaces to be exclusively available for patrons of the Greengate Hotel, the remaining 76 car spaces to be available for the 51 residential units.
- Access to the car park for the Greengate Hotel is to be via the Pacific Highway with exit through the Hotel site and thence onto Greengate Road.
- Entry to and exit from the car park for the apartments is to be via exclusively from Bruce Avenue.

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- Construction of two residential flat buildings. One building is to be situated along the Pacific Highway at 5 storeys in height with a change in design and roof form where it interfaces with the heritage listed Greengate Hotel. The second residential building is a 3 storey structure (town house/terrace style) which extends along the site's boundary with Greengate Lane, terminating approximately 19 metres from the boundary with the Greengate Hotel.
- A total of 51 units spread between both buildings.
- A landscaped podium above the basement car park separates the building.
- Opportunities for deep soil landscaping are approximately 27% of the total area and comprises a 4 metre wide strip along Greengate Lane boundary, 3 metres along Bruce Ave, a triangular parcel between the Pacific Highway with a width varying between 2.5 and 7.6 metres, and in a rectangular parcel adjoining the boundary with the Greengate Hotel, in which 2 large oak trees are located.

COMMENTS

Analysis of the application measured against Council's rezoning assessment criteria

In determining the merit of each rezoning application, the proposal is measured against criteria outlined in the information package Council provides to the community. Councillors will be aware that State Government requirements /guidelines on rezonings are relatively minimal when compared to those for development applications. In addition, and specific to the issues of residential zonings, is Council's adopted Residential Development Strategy (LEP 194), which outlines Council's intentions with respect to appropriate locations for future multi-unit housing.

Comparison with LEP No 194 (Residential Strategy LEP)

A multi-unit housing DCP has not been finally adopted by Council at this time. Accordingly, a comparison of the proposal with LEP 194 is presented in the table below:

Standard / Control / Issue	LEP194 Control for the site	Proposal for the Site
Zoning	Not rezoned under LEP 194	<p>No 657:</p> <p>Included No 657 as part of the overall proposal although extent of development on this portion of the site is more limited and would not exceed 0.85:1 FSR</p> <p>Nos 659-661:</p> <p>Included as part of proposal, however LEP 194 does not contain a zone that would be consistent with proposed development.</p> <p>*A car park for the adjoining commercial Greengate Hotel is proposed for the site.</p>
Floor Space Ratio	<p>No 657: 0.85:1 under KPSO</p> <p>Nos 659-661: No floor space ratio specified-development subject to LEP 194 controls</p>	Indicative FSR of 1.08:1 for the combined under the proposal submitted in March 2004.
Height	<p>No 657: 3 storeys maximum under KPSO</p> <p>No 659-661: 5 storeys maximum under LEP 194</p>	Combination two of buildings at 5 and 3 levels
Site Area Minimum	2400m ²	4,257m ²
Deep Soil Zone	50 %	27%
Street Frontage Minimum	30 metre minimum	Smallest frontage is Bruce Avenue which is 50m
Maximum Site Coverage	Residential Flat Buildings 35%	35%
Car Parking	1 space per dwelling <u>plus</u> 1 space for each dwelling with 3 or more bedrooms <u>plus</u> 1 visitor space for every 4 dwellings	1.4 spaces per dwelling (76 spaces for 51 proposed dwellings). Complies with LEP194.

Urban Consolidation Planning Principles

The following principles are promoted by the State Government as applicable to ensuring appropriate urban consolidation:

- Integration of housing and local neighbourhood facilities;
- Incorporation of high density residential developments in prime, well served, high amenity locations rather than in “left over” over pockets of the district;

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- Maximising residential development within attractive town and village centres;
- Designing neighbourhoods which allow ease of access by public transport and encourage walking and cycling;
- Maximising use of all existing urban services such as schools, shopping centres, recreation amenities, social services, water and sewerage based on infrastructure capacity;
- Promoting a match between housing needs (demand) and the type and quality of housing provided.

There are some neighbourhood facilities close to the subject site, however the ready provision of railway station at Killara permits access to such facilities across a wider area of Ku-ring-gai.

The site is on a major thoroughfare (the Pacific Highway), is within several hundred metres of Killara Railway Station and within 50 metres of Killara Shopping Centre. In this regard it must be regarded as a prime, well served location. The amenity enjoyed by a residential development at this location, without appropriate design, would be reduced by the Pacific Highway traffic noise and vehicle fumes. It is recognised however that the Highway has served as the location for multi-unit housing in Ku-ring-gai for many decades.

As an established urban area, redevelopment of the subject site would maximise use of existing infrastructure, schools, shopping centres and recreation facilities.

Consistent with the findings of Council's Housing Needs Study, the proposal promotes a match between demand for multi-unit housing and supply. Accordingly, the proposal is said to satisfy the State Government's urban consolidation principles.

Objects of the Environmental Planning & Assessment Act (Section 5) and SEPP No 65 Design Quality of Residential Flat Development

The Environmental Planning and Assessment Act (EP&AA) and its objects set the framework within which town planning is carried out at the local level. It is appropriate therefore to measure this proposal against the relevant aims contained in that document.

Section 5(i) This subsection requires "*the proper management, development and conservation of natural and man-made resources for the purpose of promoting the social and economic welfare of the community and a better environment*".

Section 5(ii) requires "*the promotion and co-ordination of the orderly and economic use of the land*".

The degree to which this application satisfies Section 5(i) of the Act will be covered in this report. In this regard key considerations will be urban design outcomes, relationship of the proposal to heritage items, the degree to which the proposal responds to its setting and Ku-ring-gai character as well as the impact of the proposed commercial car park in the residential zone.

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The proposal is considered to satisfy section 5(ii) of the Act through its efforts to achieve both urban consolidation and seeking to address the issue of car parking.

Context and Setting

Analysis of the proposal with respect to its response to the site's context and setting is complex due to the mixed land use surrounding the site and the change to the future local character likely to arise as a result of development under LEP 194.

With respect to development that may occur under LEP 194, buildings up to 5 storeys high could be found immediately behind the site in Greengate Lane and diagonally across from it in Bruce Avenue (and further to the north along the Pacific Highway). However, these new buildings could be setback considerably from the front and rear boundaries and be substantially screened by dense landscaping incorporating tall trees, located within the deep soil zone.

Due to the fact that the proposal has a basement car park and residential flat building extending almost to the perimeter of Greengate Lane, Bruce Avenue and a considerable proportion of the Pacific Highway, there is reduced opportunity for the impact of the building to be screened or softened. In this regard the proposal must be considered inconsistent with the likely future character of the precinct.

Existing development to the north and east of the proposal comprises single and double storey dwellings setback 8 metres from front boundaries and surrounded by landscaping. In light of this, the proposed buildings with minimal setbacks perimeter landscaping presents a substantial contrast in character.

In so far as the proposal's relationship to the commercial buildings in Killara Business Centre to the south, the bulky, more urban form proposed can be said to be consistent with established office and retail buildings. However, none of the existing commercial buildings are 5 storeys high, typically being 2-3 storeys maximum.

It should be noted that two heritage items – being the Greengate Hotel at 655 Pacific Highway and a two storey dwelling at 659 Pacific Highway are located at either end of the site.

Potential Site Contamination Issues

Section 4.9 of the applicant's submission considers the issue of possible contamination. The submission states that the land has been used for residential purposes and has been zoned for such use since 1971. It further state there is no evidence of any significant fill having been placed on the land or any soil polluting activities on the site. The report states:

“there are no evident sources of potential contaminates emanating from activities on surrounding properties. In these circumstances, the use of the land for residential purposes would not be constrained by soil conditions in terms of contamination or stability”.

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Council's Environmental Projects officer responsible for contamination issues advises that the subject land has not been included on Council's schedule of sites with potential contamination. Accordingly, the issue does not apply to this site.

Public Domain

The public domain impact in this instance refers to views towards the sites from surrounding public streets and implications associated with the commercial car park.

As the site occupies the corner of Bruce Avenue and the Pacific Highway it is highly exposed to large numbers of the public daily. To date, Ku ring-gai has sought to ensure residential flat buildings along the Pacific Highway and elsewhere are screened and softened by landscaping. If endorsed by Council, this proposal would represent a change in position in relation to such developments, presenting as a more urban form than has occurred to date. Given that Council's position on multi-unit housing – as expressed through LEP 194 – is to reinforce the landscape elements, the proposed concept has limited deep soil landscaping and will be inconsistent with the desired character of the precinct.

Noise and Vibration

Noise related issues associated with this application may relate to vehicles entering and exiting the development from Bruce Avenue and Greengate Avenue. These streets are relatively quiet street with limited on-street parking and through traffic. If approved the proposal would result in increased resident/hotel related traffic movement. This may generate noise into surrounding residential streets. Additionally, if the Greengate Hotel's basement car park serves to attract more patrons, if all the spaces are occupied drivers may opt to park on local streets as an alternative. Returning from the hotel the patrons may be noisy and impact on local residential amenity.

Noise and vibration problems may also be experienced by residents of the 2 storey flat building at No 2 Greengate Road. The application proposes that vehicles exit through the Greengate Hotel site, directly past No 2 Greengate Road. Given that the hotel closes at midnight on Thursday- Saturday and 10pm on Sundays and 11pm on remaining nights, the level of amenity enjoyed by residents at No 2 Greengate is likely to be significantly diminished at sensitive times of the night when compared to current noise levels experienced by those residents. A more detailed assessment would be conducted on these issues at the development application stage.

Safety, Security and Crime Prevention

The safety of patrons leaving the hotel and walking along the Pacific Highway, particularly crossing intersections and the entry point into the proposed commercial car park are of some concern. The proposed layout and design of the residential component appears acceptable, however these matters would be dealt with in detail at the development application stage.

Privacy

The subject site is immediately opposite existing single storey residential development on the southern side of Bruce Avenue and an existing heritage item at No 663 Pacific Highway (which

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intersects with Bruce Avenue). The proposed development will overlook these properties and may lead to reductions in privacy these matters will be dealt with in detail at the development application stage.

Overshadowing

A shadow diagram submitted by the applicant indicates that no nearby residential development will be overshadowed as a result of the proposal (based on the indicative scheme submitted).

Social Impact

Social impacts associated with this development may relate to increased attraction to the Greengate Hotel arising from the provision of additional parking. This outcome may change the usage / vitality (and hence character) of Bruce Avenue and Greengate Road. The social consequences of this may be attractive to some residents. Other residents may perceive the change as a threat to their values and their aspirations for their street and hence a reduction in their amenity. There is also potential for increasing patrons to have an effect on safety or generate anti-social behaviour in streets not subject to such activity – at any significant level - at present. As stated above however, such outcomes are difficult to predict reliably.

Economic Impact in the Locality

The economic impact – as with the social impact – is difficult to ascertain reliably. The impact would be felt following a development's completion rather than at rezoning stage. This is particularly the case since surrounding land values are likely to have increased as a result of LEP 194. The proposal will have a potential positive impact on the operation of the hotel, local employment and the continued use of heritage listed hotel.

Precedent and Consequent Cumulative Impact

Unlike determination of development applications, Council decisions on a rezoning does not set a legal precedent for future rezoning proposals. However, Council's determination will set the tone for deliberation on similar applications in the future, sending a clear message to the community and developers regarding Council's view on similar proposals.

There are two precedents that would be set by this decision. Firstly, the application proposes to permit car parking for commercial development in a residential precinct.

Secondly, the application seeks to address an existing, long established on-street parking congestion through the provision of additional off-street parking.

If this application is approved and Council endorsed providing car parking for commercial developments in residential precincts the cumulative impacts may be:

- A potential reduction in residential amenity in areas where density is at its highest (and consequently where amenity is at a premium). - This would be brought about through changes in traffic movement and the associated noise, vibration etc. The effective extension of the

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commercial car park incorporated into a residential use. Council needs to these uses and the interface are well designed to over come potential problems associated with the Hotel car park and the proposed and existing residences.

- A potential change in the leafy character of residential areas surrounding commercial centres. This would arise from the removal of trees and lack of deep soil area due to the intrusion of the basement car park in particular on the Bruce Ave and Pacific Highway frontages.

The Public Interest

Both the Federal and State Governments encourage urban consolidation as one means of limiting the need for motor use, greenhouse gas emissions and complying with the amended International Kyoto Protocol on the Environment. The rezoning would be appear to be consistent with these objectives with respect to proposed increased densities.

State or Regional Plans, Circulars or Ministerial Directions

The proposal appears to be consistent with all relevant State or Regional Plans, Circulars and Ministerial Directions. If Council resolved to proceeds LEP for the site it would need to comply with SEPP 65 – Design Quality of Residential Flat Development, the proponent has submitted a statement of compliance with SEPP No.65.

Substantial Public Benefit

The rezoning application package requires proponents to demonstrate a “Substantial Public Benefit” related to the proposal. The package describes the benefits as follows:

A rezoning application has “substantial public benefit” if:

- *When, compared to any of the range of activities presently permitted on the site, the proposal will result in an improved physical, social and economic environment not only for the subject site but for its surrounds and Ku-ring-gai as a whole, and*
- *The application satisfies Council’s rezoning application assessment criteria.*

A summary of the applicant’s description of the benefits accruing from the application is described below:

“The concept plan has been designed to ensure:

- *The retention of two (2) oak trees on the site;*
- *The configuration, massing and setback of proposed buildings is compatible with the heritage values of the Hotel and the amenity of surrounding residential properties;*
- *The appropriate management of parking and traffic; and*
- *The proper management of stormwater runoff, erosion and sedimentation.*

The consolidation of the significant land holding comprising 657-661 Pacific Highway and the associated application represents a unique one-off opportunity:

- *To redress the parking deficiencies associated with the Hotel within the constraints of the heritage values imposed by the Hotel itself; and*
- *To increase residential densities in terms of the land's desirable location relative to:*
 - *The arterial road network;*
 - *Public transport facilities;*
 - *The diverse character of development in this locality; and*
 - *The site's relative visual and functional isolation from surrounding residential properties by the existing road network.*

The Greengate Hotel was built between 1940-43. It was not designed to cater for off-street car parking and its size and siting limit opportunities for the provision of off-street parking. In fact, there are only seven (7) car parking spaces on the site. Two (2) of these spaces are required to be set aside for use in connection with the Manager's residence in the Hotel. Patrons of the Hotel can, therefore, only resort to parking in the public roads surrounding it. The Hotel has been identified as a "heritage item" in Schedule 7 of the Ku-ring-gai Planning Scheme. Consequently, there is no way in which additional parking can be provided on the site. Based on surveys carried out by Masson Wilson Twiney, peak-parking demand generated by the Hotel varies between 63 and 64 car spaces on Friday and Saturday evenings, exclusive of any demand associated with the use of function rooms within the Hotel. The only way in which existing street parking can be reduced is by increasing the off-street car parking capacity associated with the Hotel and this requires the use of adjoining land".

This application represents one of the few occasions when an applicant can be said to have attempted to demonstrate genuine substantial public benefit associated with a proposal.

Using the substantial public benefit criteria contained in Council's Planning Scheme Amendment Package the following comments are made:

- It is recognised that the applicant is seeking to address an on-street parking problem which primarily affects Greengate Road.
- The most recent analysis of parking problems in Ku-ring-gai conducted by GHD Consultants in 2000 identified on-street parking in Greengate Road (associated with the hotel and Killara commercial area) as an issue but not a matter warranting attention. The above study also sought to address the issue of parking through better management of existing spaces rather than the provision of additional spaces.
- The economic environment for the Greengate Hotel and surrounding businesses may improve through the provision of additional parking. However, the physical environment for neighbouring residents may be reduced, as the new car park will result in a building form that links deep soil. Amenity may also deteriorate as a result of vehicle noise experienced particularly by residents at No 2 Greengate Road who will be subject to up to 80 vehicle movements late at night. Bruce Avenue residents would also be subject to additional vehicle movements associated with Bruce Avenue access to the new car park.

CONSULTATION

This initial report was referred to relevant government authorities for comment. Note, if Council proceeds with exhibition a formal process of consultation with state government agencies will be conducted under Section 62 of the EPA Act.

NSW Police

With reference to the above-mentioned matter, in principal there are no Police objections to this occurring.

The fact is, this may prove fruitful to Police. We receive numerous complaints with regard to the parking patrons in the street surrounding the Greengate Hotel. The extra parking involved might prove a win-win situation. A win for the patron of the Hotel and a win for the local community.

Roads and Traffic Authority

I wish to advise that the RTA has no objection to the proposed rezoning subject to direct vehicular access being provided off Bruce Avenue and Greengate Road. In the absence of justification for retaining direct vehicular access to the Highway, and to maintain efficient traffic flow, the RTA does not support direct vehicular access to the subject site via the Pacific Highway.

The Authority has previously resumed and dedicated land for road along the frontage of the subject property, as shown by the grey colour on the attached plan. However, the submitted plans do not appear to accurately define the surveyed boundaries of the site, especially the splay corner at Bruce Avenue.

Therefore, there are no objections to the development proposal on property grounds provided any new buildings or structures are located within the surveyed boundaries of the freehold property.

The RTA has reviewed the submitted traffic report for which the proposal will add additional traffic and we acknowledge that there are no concerns regarding the operational efficiency at the following intersections: Pacific Highway/Cecil Street and Pacific Highway/Bruce Avenue.

However, the RTA recommends the need for a Section 94 Plan to be prepared and adopted to fund improvements to accommodate the traffic improvements for future development along the Pacific Highway.

The proposed development should be designed such that road traffic noise from classified roads is mitigated by durable materials, in accordance with EPA criteria for new land use developments ('The Environmental Criteria for Road Traffic Noise, May 1999'). The RTA's Environmental Noise Management manual provides practical advice in selecting noise mitigation treatments.

Where the EPA external noise criteria would not practically or reasonably be met, the RTA recommends that Council applies the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia:

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- *All habitable rooms other than sleeping rooms: 45 dB (A) Leq (15hr) and 40 dB (A) Leq (9hr); and*
- *Sleeping rooms: 35 dB (A) Leq (9hr).*

Sydney Water

Sydney Water raised no “in principle” objection to any development arising from the proposal subject to satisfaction of standard restrictions/recommendations relating, relating to compliance of connections/piping, building over/adjacent to sewers, landscaping and its relation to pipes and incorporation of water conservation measures.

INITIAL PUBLIC EXHIBITION AND RESIDENT NOTIFICATION

In accordance with the requirements of Council’s Notification Policy and the process for assessing applications to amend the KPSO, surrounding owners were notified in writing of the initial proposal and invited to inspect the plans and comment. A notice appeared in the local newspaper advising the community of the exhibition of the application from 9 July 2003 until 8 August 2003. It should be noted that the exhibited proposal was of a different scale to the amended proposal, however the majority of issues and comments are still valid.

In response to the exhibition 35 submissions were received. 33 submissions objected to the proposal and 2 raised no objection or supported the application. Amongst the objections was a petition with 35 signatures, received by Council at its meeting of 26 August 2003. The petition objected to the proposal. Copies of submissions and the petition are shown at **Attachment B and C**. It should be noted these submissions were made over 1 year ago based on an earlier version of DLEP194 and since that time LEP194 has come into effect.

Summary of key issues raised in submissions (for detailed analysis please see **Attachment F**).

- Issues of bulk, scale and height of the proposal in relation to surrounding properties and heritage items.
- Traffic, access and safety issues in particular Greengate Road, Pacific Highway and Bruce Avenue.
- Issues associated with parking in local street and patrons entering / leaving the site (amenity issues of noise, anti social behaviour etc.).
- Impact on streetscape – lack of deep soil planting and screening for the development.

FINANCIAL CONSIDERATIONS

There are no financial implications for Council arising from consideration of this report. Assessment and exhibition is covered by the rezoning fee and advertising fee.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The application was referred to relevant Council departments. The following responses were received:

Traffic and Parking

Council's Strategic Traffic Engineer has provided the following (please see Attachment D for the full report).

Conclusions

The parking provision for the residential dwellings satisfies the requirements in LEP194. Although the parking provision for the hotel would not comply with Council's DCP43 if the hotel was a new development, the provision of 67 spaces would therefore reduce the amount of on-street parking in Greengate Road and Bruce Avenue associated with the hotel.

The additional traffic generated by the residential development, and the redistribution of trips to/from the proposed hotel car park are not considered to have a significant impact to traffic volumes in surrounding roads. Some improvements and parking restrictions would be required in Bruce Avenue north of Greengate Road.

The Roads and Traffic Authority requires further justification as to the reasons for accessing the hotel car park via Pacific Highway, and failing justification, the Applicant would have to find an alternative access point location.

Council's Urban Design Adviser/Consultant

Streetscape/context

The elevation to the highway has an uncomfortable dualism between the pitched roofed section to the south and the higher flat roofed section to the north. The entrance loggia is an unattractive feature which causes several internal planning problems eg lack of natural light and ventilation to living room of unit A3.

Bulk, form and scale

The northern end of the apartment building is too high and visually unsympathetic to the adjacent house at No 663 Pacific Highway (a heritage item).

The long narrow corridors in block B are unattractive. I recommend revising the design of the entry and making two or more entrances.

The drawings are diagrammatic and give few details eg materials, landscaping. These should be improved and coloured perspectives should be prepared. More work is needed to evolve a suitably refined design for this important site.

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Comment

These matters are noted and would be assessed under S79C at the development application stage and under SEPP No.65 Design Quality of Residential Flat Buildings.

Heritage

There are two heritage items on either side of the subject site being the Greengate Hotel at No 655 Pacific Highway (immediately adjoining the site) and No 663 Pacific Highway (on the opposite side of Bruce Avenue). Council's Heritage Planner has reviewed the documentation and provided the following conclusions (please see attachment D)

Conclusions

As a major redevelopment in a proposed Urban Conservation Area, consideration should be deferred until the recommendations of the consultant undertaking the UCA study are known.

I agree with Sean Johnson's view that there should be more unity in the north and south parts of the building and be designed to fit in with both buildings. The scheme appears to be relating to the Greengate Hotel, but not the heritage item at 663 the Pacific Highway. The increased setbacks would provide more opportunities for landscaping and screening but the height is excessive in relation to the streetscape.

The greater separation between the hotel and the units would allow more sun and views to the first floor terrace of the hotel. The height of the apartment building would tend to dominate the streetscape and reduce the visual prominence of the Greengate Hotel which is a strong visual focus.

The townhouses need more design development. I am a little concerned about their fit in the context of the UCA particularly the length as the UCA is characterized by houses with landscaping between facing the streets and secondary buildings such as garages along the lanes. The scheme needs much more design development to tie them into their context. The amenity of the existing dwellings backing on to the lane would need to be considered, particularly overlooking.

The large podium area between the units and townhouses would need careful development so that they could become attractive common areas for residents and not areas for the hotel patrons. The concept of providing parking for the hotel in this development is acceptable.

The subject site is located within the National Trust listed Greengate precinct and is currently being reviewed by Councils' consultants Godden Mc Kay Logan as a formal Urban Conservation Area under Council's Planning Scheme. The impact of lands rezoned under LEP194 and how this will be managed are part of the review currently being conducted by the consultants. The detailed design and layout matters are noted, however are most appropriately considered at the development application stage.

Landscape Flora & Fauna

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The site and its surrounds have been developed for approximately 70 years. As a result, there is no evidence of any significant native fauna on the site and thus the proposal will have no adverse fauna impacts.

With respect to flora-related issues, Council's Landscape Development Officer has assessed the proposal and inspected the site and makes the following comments:

"There are a few existing trees, mostly around the perimeter of the site. An assessment of vegetation prepared by Dr Annemarie Clements has been submitted with the application. The most significant trees on the site are two large old Quercus robur (English Oak) in good condition, located close to the southern boundary of 657 Pacific Highway and a large Cinnamomum camphora (Camphor laurel) in good condition, located at the rear of No 659 within Bruce Lane. The Camphor laurel is considered to be an environmental weed and would normally be encouraged to be removed, although Council's Urban Forest Officer would need to be consulted regarding the removal of this tree. A Phoenix canariensis (Canary Island Palm), located at the rear of No 661 close to Bruce Lane is also worth retaining.

A Calodendron capense (Cape Chestnut) located within No 657 close to the Pacific Highway is an attractive old specimen but has some trunk decay making it less of a priority for retention. Two Lagerstroemia indica (Crepe Myrtle) are healthy specimens worth retaining but are not considered to be a priority for retention.

Reference is made to my memo dated 5 May 2004 which was written in response to the submission of amended plans. At the time I did not have the previous plans to compare them with but requested that there be at least an 8 metre setback from the Bruce Avenue boundary to allow for the growing of substantial canopy trees. The architect has now forwarded a section which he believes supports his assertion that a 4 metre wide setback is sufficient room to grow such trees. I still do not agree with this and feel that recently gazetted LEP 194 supports my view as follows.

In LEP 194, in Division 3, under 25D "Consideration of residential objectives and impact on heritage", "(2) Objectives for residential zones", clauses (e) and (f) are particularly relevant.

"(e) to provide built upon area controls to protect the tree canopy of Ku Ring Gai and to ensure particularly the provision of viable deep soil landscaping in order to maintain and improve the tree canopy in a sustainable way, so the tree canopy will be in scale with the built form"

"(f) to encourage the planting of tree species that are endemic to Ku Ring Gai"

In Division 5 "Further controls", minimum standards for deep soil landscaping are provided in section 2

"(c) a site with an area of 1800 square metres or more is to have deep soil landscaping for at least 50% of the site area"

A 4 metre wide setback is not enough room in which to grow canopy size trees because there simply is not enough room for a balanced root system to develop. As can be seen in the section the

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majority of the root development would be on only one side of the tree, therefore the future stability of the tree could be compromised

A 4 metre setback would result in, at best, medium height trees (as shown in the section) in a single row. To prevent the building from dominating the Pacific Highway a combination of tall and medium height trees would be required with taller trees being higher than the built structure to allow the tree canopy to continue to dominate as is typical at present. This tree canopy should include indigenous tree species such as Blue Gums which currently exist along the Pacific Highway ridge and are a dominant element of the landscape. I have sketched the size of tree which would be required onto the section and this is attached. A minimum setback of 8 metres is essential if these types of trees are to be accommodated.

The site area is 4257sqm and the proposed deep soil area is approximately 1050sqm which is well short of the 50% asked for in LEP194. Even with the 8 metre wide setback this is well short of the 50%. Even the removal of the townhouses would not bring the deep soil landscaping up to 50%

I have also noted that the bridge between the car park for the hotel and the hotel site has moved from the eastern side of the two Oak trees to the western side the trees. I do not think that this likely to be a problem for the trees. In doing this an additional townhouse has been located along Greengate Lane, which is already rather tight.

Inclusion of 657 Pacific Highway, Gordon

A matter that has arisen in the assessment of this application is the potential to include No 657 Pacific Highway as an additional site under the same provisions of LEP 194.

The site is currently zoned 2(d) which permits 3 storey residential flat buildings with an FSR not exceeding 0.85:1. Council has consented to demolition of the existing 2 – 3 storey apartment building on the site and these have now been removed from the site.

Given that the adjoining site are zoned 2(d3) and surrounding sites are zones under LEP 194, and the sites (657 – 661 Pacific Highway) are under common ownership. To achieve an integrated outcome there would be merit in including No 657 Pacific Highway under the 2(d3) zone through amendment to LEP 194.

SUMMARY

This application seeks to amend the KPSO to permit the subject land to be developed as a part 5 storey apartment building and part 3 level townhouse style building with two basement car parking levels. One of the basement car parks is proposed to be used exclusively for Greengate Hotel patrons and staff. The proposed floor space ratio is indicative at 1.2:1.

The footprints of the basement car parks are larger than the requirements for the apartments parking needs due to the incorporation of the Greengate Hotel car park. The result of this enlarged basement footprint is a deep soil landscaped area of only 27%. As a consequence the proposal presents limited opportunity for larger canopy trees, most notably along street boundaries. A very urban built form is an extension of this outcome.

Thirty five (35) submissions (including a petition with 35 signatures) were received in response to preliminary public exhibition of the application. Of the submissions 33 objected to the proposal and 2 supported or did not object. The applicant has submitted additional information and has amended the plans.

CONCLUSION

It is recommended that the following amendments and qualifications be made to the proposal prior to formal exhibition to achieve an appropriate planning outcome.

1. Include No 657 Pacific Highway as an additional site (2d3) zone under the same provisions of LEP 194 with associated residential basement level parking this will allow a single residential zone and associated planning controls across the site.
2. Permit one level of basement commercial car parking for the exclusive use of the Greengate hotel patrons, on the basis that the site is adjoining the hotel currently zoned Business – (3a) Retail Services, the proposal provides additional parking for continued use of the heritage listed Greengate Hotel.
3. To meet the requirements for landscaping and provision/maintenance of deep soil zone, and the requirements for the commercial car parking associated with the Greengate Hotel permit a variation the deep soil zone requirements (normally required under the KPSO as amended by LEP 194) for this site at a minimum of 25% as per the NSW Residential Flat Design Code and requiring along the Bruce Avenue frontage a minimum 8 metre deep soil setback zone and minimum deep soil zone of 8 metres along the Pacific Highway frontage.
4. Accordingly Draft Ku-ring-gai LEP 202 has been prepared for exhibition purposes (see attachment E) . At this stage an amendment to DCP No.55 is recommended to further clarify the controls under DLEP 202 for the proposed deep soil zones, setbacks, heritage and parking and access. The proposed DCP amendment will be brought to council, following the finalisation of the DLEP 202.

RECOMMENDATION

- A. That Council exhibit Draft Local Environmental Plan No 202 for Nos 657-661 Pacific Highway, Killara.
- B. That Council notifies the Department of Infrastructure Planning and Natural Resources under Section 54 of the EPA Act of its decision.
- C. That Council publicly exhibit the draft Ku-ring-gai Plan No 202 in accordance with provisions of the Environmental Planning and Assessment Act 1979 and Regulations.
- D. That development controls under DCP No. 55 Multi Unit housing under DCP No55- Railway/Pacific Highway Corridor and St Ives Centre be prepared for Nos 657-661 Pacific Highway for consideration by Council at the end of the exhibition period.

- E. That a report be brought back to Council at the end of the exhibition period.

Antony Fabbro
Manager Strategic Planning

Leta Webb
Director Planning & Environment

Attachments:

- A - Copy of application and supporting documentation.**
- B - Copy of letters of submission in relation to the preliminary notification.**
- C - Copy of petition regarding the exhibited application.**
- D - Copy of officers reports for Traffic, Heritage and Landscape.**
- E - Copy of Draft LEP202.**
- F - Analysis of Issues and Comments from submissions.**

REVISED DRAFT DEVELOPMENT CONTROL PLAN 55 - MULTI-UNIT HOUSING - RAILWAY / PACIFIC HIGHWAY CORRIDOR AND ST IVES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To have Council consider and adopt for public exhibition a revised Draft Development Control Plan No 55 to apply to multi-unit housing developed under LEP194 and subsequent amending LEPs.
BACKGROUND:	The Draft DCP55 adopted by Council on 16 December 2003 was based on the provisions of Draft LEP194 as submitted to the Minister for Planning on 1 December 2003. LEP194 was gazetted on 28 May 2004. Draft DCP55 needs to be revised and amended to provide consistency and respond to the development standards contained in the gazetted LEP.
COMMENTS:	Draft DCP55 has been reviewed and significantly revised to provide consistency with the gazetted LEP194 and the design quality principles of SEPP65. The DCP also includes specific principles and controls for nominated former "Special Areas" under Draft LEP194 and other areas.
RECOMMENDATION:	That Council adopt the revised Draft Ku-ring-gai Multi-Unit Housing DCP55 for land in the vicinity of the Pacific Highway / Railway Corridor and St Ives Centre for public exhibition. That the Draft DCP be exhibited and notified in accordance with the provisions of the Environmental Planning & Assessment Act.

PURPOSE OF REPORT

To have Council consider and adopt for public exhibition a revised Draft Development Control Plan No 55 to apply to multi-unit housing developed under LEP194 and subsequent amending LEPs.

BACKGROUND

On 16 December 2003, Council adopted Draft Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 for land in the vicinity of Pacific Highway / Railway Corridor and St Ives Centre, as amended. This followed the exhibition of the draft DCP in October and November 2003.

The draft DCP 55 adopted by Council was based on the provisions of Draft LEP 194 as submitted to the Minister for Planning on 1 December 2003.

LEP 194 was gazetted on 28 May 2004 and included significant amendments to the provisions and development standards contained in the Draft LEP 194 previously adopted by Council and submitted to the Minister. This has resulted in the draft DCP 55 adopted by Council containing extensive inconsistencies with the gazetted LEP 194. Consequently, the draft DCP needs to be revised and amended to provide consistency with LEP 194 and respond to the development standards contained in the gazetted LEP.

COMMENTS

The Draft DCP 55 adopted by Council on 16 December 2003 has been reviewed and significantly revised to provide consistency with the gazetted LEP 194. The DDCP has also been extensively restructured to provide clearer response to the design quality principles of State Environmental Planning Policy No. 65 – Design Quality (SEPP 65). The extent of the changes to the draft DCP requires it to be re-exhibited in accordance with the EP&A Act.

The Draft Development Control Plan deals specifically with the multi unit housing within the 2(d3) Zone and the interface with surrounding residential 2 (c1) & 2(c2) zones. It should be noted it does not cover dual occupancy development and family flats. It is proposed that these changes be prepared and incorporated into the Draft DCP as amendments at a later date.

Proposed significant amendments to the draft DCP include:

- Enhanced character, heritage and Urban Conservation Area provisions to ensure development responded to appropriate context considerations;
- Highlighting the importance and emphasis on minimum deep soil landscaping standards over maximum site coverage standards;
- Clearly defining building footprint and building envelope controls to ensure appropriate densities following the removal of floor space ratio standards (FSR) from LEP 194;
- Including details on how clause 25I(4) of LEP 194 relating to development of smaller sites should be applied in relation to site amalgamations that leave isolated undersized sites.
- Revised setback controls in response to the increased site coverage standards in LEP 194;

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- Increased minimum building length control
- Removal of home offices and break up of private courtyards on street frontages; and
- Inclusion of detailed provisions for former special areas in Roseville (Special Area 1) Wahroonga (Special Area 6) and St Ives (special Area 7).

The revised Draft DCP is structured as follows:

Section 1. Introduction

Contains the general statutory information for a Development Control Plan, relationship to other Planning Instruments and plans, general aims and scope, and how the design objectives and controls work within the DCP. The Draft DCP has been prepared in accordance with the ten design quality principles under SEPP No.65: Design Quality of Residential Flat development and the NSW Residential Flat Design Code (September 2002). Definitions have also been included in this section.

Section 2. Local Context

This section of the DCP addresses the SEPP 65 Design Principal relating to Context. It establishes the context for development in Ku-ring-gai, including statements of the existing and desired future character of Ku-ring-gai and in particular the Railway/Pacific Highway Corridor and St Ives Centre. It also provides objectives and controls for development in Urban Conservation areas and development in the vicinity of Heritage Items. Development should be designed to suit the site, the streetscape and locality and the desired future character of the locality.

Section 3. Design principles and controls

This section contains the Objectives and Controls that are to be applied to all multi-unit residential development in order to achieve the design principles under SEPP 65. The particular design principles addressed in this section are:

- Scale
- Built form
- Aesthetics
- Density
- Resource, energy and water efficiency
- Landscape
- Amenity
- Safety and security
- Social dimensions

Section 4 Parking and vehicular access

This section contains objectives and controls for parking and vehicular access. It also provides specific restrictions or Development fronting arterial roads

Section 5 Consideration of Isolated sites

This section contains requirements for development that results in isolated sites. The gazetted LEP 194 removed the clause relating to developments leaving isolated sites and allows smaller sites to be developed under Clause 25I(4) of the LEP. This section of the draft DCP provides details on the application of this clause.

Section 6 – Specific Controls for nominated areas

This section of the draft DCP identifies specific Principles and Controls for nominated former ‘Special Areas’ under draft LEP 194 and other areas. The controls in this section have been prepared by urban design consultants and override other controls in the draft DCP to the extent of any inconsistency.

CONSULTATION

The revised draft DCP 55 will need to be exhibited in accordance with the requirements of the EP&A Act and Regulations. Consultation will be conducted through the formal exhibition process.

FINANCIAL CONSIDERATIONS

The urban design consultant’s engaged to prepare for the former special areas have been funded from the Planning and Environment budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The draft DCP has been reviewed and revised in consultation with officers from Planning and Environment, Environment and Regulatory Services, Open Space and Technical Services

SUMMARY

Draft DCP 55 has been reviewed and significantly revised to provide consistency with the gazetted LEP 194 and the design quality principles of State Environmental Planning Policy No. 65 – Design Quality (SEPP 65).

The DCP also includes specific principles and controls for nominated former ‘Special Areas’ under draft LEP 194 and other areas. The controls in this section have been prepared by urban design consultants.

The revised draft DCP 55 is to be exhibited in accordance with the requirements of the EP&A Act and Regulations.

RECOMMENDATION

- A. That Council adopt the Draft Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 for land in the vicinity of Pacific Highway / Railway Corridor and St Ives Centre for public exhibition.
- B. That the draft Development Control Plan be exhibited and notified in accordance with the provisions if the Environmental Planning and Assessment Act.

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- C. That a report be brought back to Council at the end of the exhibition period.

Craig Wyse
Senior Urban Planner

Leta Webb
Director Planning & Environment

Attachments: Revised Draft DCP55 - Ku-ring-gai Multi-unit Housing - Pacific Highway / Railway Corridor and St Ives Centre (circulated separately).

Draft Ku-ring-gai Multi-Unit Housing
Development Control Plan No. 55
Railway/Pacific Highway Corridor and St Ives Centre

22 July 2004

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1 Introduction

1.1 Name of this DCP

This plan is the “Ku-ring-gai Multi-unit Housing Development Control Plan No. 55

1.2 Commencement date

This Development Control Plan was adopted by Council resolution of _____ and will be considered in the assessment of development applications lodged with Council from _____ and may be subject to amendments. Applicants should check with Council to make sure that this is the most up-to-date issue.

1.3 Land affected by this DCP

This plan applies to land as defined in the Ku-ring-gai Local Environmental Plan 194.

1.4 Consistency of DCP with the EP&A Act 1979

This Development Control Plan (DCP) has been prepared in accordance with Section 72 of the Environmental Planning and Assessment Act 1979 (the Act). Council is required by Section 79C of the Act to take the DCP into consideration when determining development applications to which the DCP applies.

1.5 Purpose of the plan

The purpose of this Development Control Plan is to provide detailed principles and controls for multi-unit housing in Ku-ring-gai. The DCP is intended to support the Objectives and Provisions of Ku-ring-gai Local Environmental Plan No.194 by providing more detailed objectives and controls for multi-unit development. The objectives and controls of the DCP are responsive to both community expectations and an applicant's right to have a level of certainty in the development process.

1.6 General aims of the plan

This plan aims to:

- a) accommodate demand for additional housing in a way that reflects the desired future character of Ku-ring-gai;
- b) recognise the heritage significance of heritage items and their settings and the heritage significance of heritage conservation areas.
- c) achieve a high quality urban design and architectural design of buildings and in the relationship of buildings with neighbouring development, the public domain and landscape quality;
- d) demonstrate that landscape design will result in a high level of aesthetic quality and amenity for both occupants and the adjoining public domain;
- e) provide for a harmonious relationship between new multi-unit housing and the natural environment of Ku-ring-gai, including biodiversity, general tree canopy, natural watercourses and to reduce and mitigate impacts of development on natural areas including National Parks and bushland reserves;
- f) promote the principles of ecologically sustainable development including water sensitive urban design, climate responsive building design, energy efficiency, and selection/use of building materials;
- g) achieve a high level of residential amenity in building design for the occupants of the building through sunlight/daylight access, acoustic control, privacy protection, natural ventilation, passive security design, outdoor living, landscape design, indoor amenity and storage provision.
- h) facilitate buildings and landscaping that are designed for all age groups and degrees of mobility;
- i) incorporate traffic control measures and outcomes to improve access by traffic and promote pedestrian safety;
- j) encourage the use of public transport, walking and cycling, and manage local traffic impacts.

1.7 Key planning and urban design principles

This DCP has been formulated in response to the design quality principles of State Environmental Planning Policy No. 65 – Design Quality (SEPP 65). The design of residential flat buildings is to be considered in accordance with the SEPP 65 design principles, being:

Principle 1: Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

Principle 2: Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Principle 3: Built form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Principle 4: Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Principle 5: Resource, energy and water efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Principle 6: Landscape

Good design optimizes that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Principle 7: Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

Principle 8: Safety and Security

Good design optimizes safety and security, both internal to the development and for the public domain.

Principle 9: Social dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

Principle 10: Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development.

1.8 Scope of this DCP

Applicants should read this section of the DCP in order to understand the scope of the DCP.

- **Section 1** explains the policy context, process and what is required to lodge a development application. Check that the application is consistent with the aims and design principles.
- **Section 2** establishes the context for development in Ku-ring-gai, including statements of the existing and desired future character of Ku-ring-gai and in particular the Railway/Pacific Highway Corridor and St Ives Centre. It also provides objectives and controls for development in the vicinity of Heritage Items and development in Urban Conservation Areas. Development should be designed to suit the site, the streetscape and the desired future character of the locality.
- **Section 3** contains the objectives and controls that are to be applied to all multi-unit residential development in order to achieve the design principles under SEPP 65. Check that the development addresses the general and specific controls contained in the DCP.
- **Section 4** contains objectives and controls for parking and vehicular access. Check that the development addresses the general and specific Controls contained in the DCP
- **Section 5** contains principles and requirements for development that results in isolated sites
- **Section 6** identifies specific Principles and Controls for nominated areas. Development in these nominated areas is to address the principals and controls in this section as well as other general controls contained in this DCP.

1.9 Which applications does this DCP apply to?

This DCP applies to all multi-unit housing, including residential flat developments, townhouses and villas in 2(d3) zones. This DCP applies to development applications and applications to modify development consents under section 96 of the Environmental Planning and Assessment Act 1979 which are made on or after the commencement date of this plan.

Note: In some sections, the DCP contains different design principles and controls for different housing types. It is important that you refer to the definitions of the LEP 194 to find out what type of dwelling(s) your application relates to.

1.10 Relationship to Planning Instruments and Other Plans

This DCP complements the strategic and statutory requirements in Ku-ring-gai's deemed environmental planning instrument, known as the Ku-ring-gai Planning Scheme Ordinance 1971 (as amended by Local Environmental Plan No. 194) by providing detailed provisions and controls to be considered when assessing applications for multi-unit housing development. The provisions of this DCP are also to be read in conjunction with all other relevant Environmental Planning Instruments, DCPs and Council Policies including:

- State Environmental Planning Policy No. 1 – Development Standards
- State Environment Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and NSW Residential Flat Design Code 2002.
- Sydney Regional Environmental Plan No. 20 – Hawkesbury–Nepean River
- Development Control Plan No. 31 – Access
- Development Control Plan No. 40 – Construction and Demolition Waste Management
- Development Control Plan No. 43 – Car Parking
- Development Control Plan No. 46 – Exempt and Complying Development
- Development Control Plan No. 47- Water Management DCP
- Notification Policy
- Tree Preservation Order, 1995

Details of the above statutory requirements and policies are available from Council on request. This DCP has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* and its Regulations. Also, this DCP has been prepared in accordance with State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (Amendment No. 1). The preparation of this DCP has had regard to the publication NSW Residential Flat Design Code 2002.

The applicant should submit sufficient information to demonstrate compliance with the relevant Controls. Where there are inconsistencies between this DCP and the above DCPs, policies and orders, this DCP prevails.

The Heads of Consideration contained in Section 79C of the Environmental Planning and Assessment (EP&A) Act 1979 must be addressed in any application for multi-unit housing. A Statement of Environmental Effects addressing these matters (a schedule of matters is in the Regulations) which must accompany each Development Application for Multi-unit housing.

1.11 Preparing and lodging a Development Application (DA)

Applicants should refer to Council's Development Application Guide before preparing and lodging a development application under this DCP.

The Development Application Guide is available from Council's Customer Service centre and provides a simple, step-by-step guide to preparing an application and outlining all information that should be submitted with an application.

1.12 How to use the DCP design objectives and controls

Sections 3 to 5 of this DCP provide design objectives and controls. Applicants are required to comply with these objectives and controls in order to ensure their development meets the DCP's requirements.

The '**Objectives**' for each topic describe the outcomes that proposed developments are required to achieve. In order to gain Council approval, developments need to demonstrate that they have fulfilled the relevant objectives for each topic.

The '**Controls**' represent specific ways in which a development proposal meets the 'objectives' for the topic. Development proposals are required to comply with all relevant 'Controls'.

Section 6 of this DCP provides **specific design principles and controls for nominated areas**. Development in these nominated areas must be in accordance with the relevant design controls contained in this section. In the event of any inconsistency between the design controls in section 6 and design controls elsewhere in the DCP, the section 6 design controls will prevail to the extent of any inconsistency.

Compliance with the design controls of this DCP is not a sufficient basis for approval. Emphasis will be given by Council to ensure that the proposal satisfies the aims and objectives of this plan and LEP 194 and the objectives for each design element is achieved. While the DCP contains most of the detailed design Objectives and Controls for multi-unit housing development, LEP 194 also contains important objectives and development standards that will need to be met.

Note: Not all Controls are relevant to all sites. Where an applicant's wishes to vary a Control to respond to the particular circumstances of their site, they must provide written justification in the Statement of Environmental Effects accompanying the development application. The written justification must establish that the departure from the Control/s achieves the Principles. A suitably qualified person in the areas of either architecture, landscape architecture or urban planning must prepare the written justification for the departure from the Control/s.

1.13 Definitions

In this DCP the following definitions apply:

access handle means a strip of land that provides access from an allotment to a street or other public land, whether or not the strip forms part of the allotment.

balcony means any unenclosed balustraded platform 0.3 metres or more above adjacent finished ground level either cantilevered or supported over open space, which is attached to a dwelling and used for the exclusive enjoyment of the occupants.

basement refers to a level of a building, which is wholly below natural ground level.

bedroom means any habitable room, which in the opinion of Council, is capable of being used as a bedroom.

building footprint means the total maximum extent of the two dimensional area of the plan view of a building including all levels, but excluding any part of the building below ground and minor ancillary structures such as barbeques, letterboxes and pergolas.

building line means the minimum distance between the boundary of an allotment adjoining a public road, public place or public reserve and the nearest external face of the building.

built upon area means the area of a site containing any built structure (whether covered or uncovered), any building, carport, terrace, pergola, hardsurface recreation area, swimming pool, tennis court, driveway, parking area or any like structure, but excluding minor landscape features.

***Note.** Any underground structure such as an on-site detention system or tank is not exempt from the built upon area calculation. Underground tanks should not be provided within areas suitable for landscaping and are encouraged to be provided, for example, under a driveway or car park, being an area which would normally be included as part of the built upon area.*

bushland means land on which there is vegetation which is either a remnant of the natural vegetation on the land or, if altered, is still representative of the structure and floristics of the natural vegetation.

common property refers to that part of the site not subject to exclusive or private use by any particular residents or occupants of the building(s).

deep soil landscaping means a part of a site area that:

- (a) is not occupied by any structure whatsoever, whether below or above the surface of the ground (except for paths up to 1 metre wide), and
- (b) is not used for car parking.

dwelling means a room or suite or rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

ecologically sustainable development has the same meaning as in the *Local Government Act 1993* and includes the following:

- (a) conservation of natural resources,
- (b) optimisation of the use of natural features,
- (c) optimisation of energy efficiency,
- (d) maintenance or improvement of air, water and soil quality,
- (e) reduction of car dependence, and
- (f) waste avoidance and minimisation, and cleaner production.

floor space ratio of a building means the ratio of the gross floor area of the building to the site area.

gross floor area means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the inner faces of the external enclosing walls, as measured at a height of 1,400 millimetres above each floor level, but excluding:

- (a) columns, fin walls, sun control devices, awnings and any other elements, projections or works outside the general lines of the outer face of the external walls, and
- (b) lift towers, cooling towers, machinery and plant rooms, and air conditioning and ventilation ducts, and
- (c) ancillary car parking and any associated internal designated vehicular and pedestrian access thereto, and
- (d) space for loading and unloading of goods, and
- (e) internal public areas, such as arcades, atria and thoroughfares, terraces and balconies with outer walls less than 1,400 millimetres high.

ground level means the natural level of the ground before the erection of any building or carrying out of any work.

habitable room means all rooms in a dwelling other than bathrooms, separate toilets and laundries

hard landscape area means all paved outdoor areas, decks, driveways, pools and tennis courts, which form part of the built upon area.

heritage item means a building, work, relic, tree or place of heritage significance to the area of Ku-ring-gai as identified in Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance.

landscaped area means that part of the site which is not covered by any building, car parking, pedestrian or vehicle access ways or drying areas and is predominantly landscaped by way of planting, gardens, lawns, shrubs or trees. Permeable surfaces including soft paving may be included within the landscaped area

living room shall be one room of the following type:

- i) sunroom;
- ii) lounge room;
- iii) open plan living areas, including eat in kitchen areas; and

It shall not include bedrooms, bathrooms or storage areas.

manageable housing means housing in accordance with Class C – Adaptable Housing Features as set out in Australian Standard AS 4299 – 1995 – *Adaptable Housing* and must contain a bedroom, kitchen, dining area and bathroom on the ground floor or, where not on the ground floor, on a level to which lift access is provided.

multi-unit housing means three or more dwellings on one allotment, whether attached or not.

north facing is defined as between 30 degrees east and 20 degrees west of true solar north

objectives are statements of the desired outcomes to be achieved in the completed development.

perimeter ceiling height means the vertical distance measured between ground level at any point and the topmost point of any ceiling where it meets, or where a horizontal projection of the ceiling would meet, any external or enclosing wall of the building.

private open space refers that part of the site area not occupied by any building/s, except for swimming pools or other outdoor recreation facilities, which is landscaped by gardens, lawns, shrubs or trees and is available for the exclusive use of the occupants of the respective dual occupancy dwelling and which is directly accessible and is at the same level as the principle living area or areas, but excludes driveways, turning areas, vehicular and pedestrian access ways, car spaces narrow elongated curtilage areas within the boundary setback areas, drying yards and service areas

residential flat building means a building containing three or more dwellings.

site area, in relation to proposed development, means the areas of land to which an application for consent to carry out the development relates, excluding the area of any access handle.

site coverage means the proportion of the building footprint to the site area, expressed as a percentage.

site slope means the proportion, expressed as a percentage, of the vertical difference in levels between the highest and lowest points of the ground level at the outer edge of the building footprint of proposed development to the horizontal distance between those same two points.

setback means the distance between any given boundary of an allotment and the external plane of the building being erected or proposed to be erected, including the external plane of any balcony, carport or the like.

shadow shall be that caused by a proposed structure, together with any existing structures to be retained, and does not include that cast by trees and vegetation or boundary fences.

soft landscape area means the area planted with gardens, trees, lawns and includes remnants of the natural landscape.

streetscape means the character of the locality (whether it be a street or precinct) defined by the spatial arrangement and visual appearance of built and landscape features when viewed from the street.

storey in relation to a building, means the space between any 2 successive floors, or the space between natural ground level and any floor immediately above that level, or the space between any floor and its ceiling or roof above.

Note: Any such space that exceeds 3.5m in height is counted as 2 storeys. Any space where the ceiling of that floor or level is more than 1 metre above natural ground level at any point will be counted as a storey.

townhouse means a dwelling included in multi-unit housing, being a dwelling that has a separate entrance door accessible from an outside area and a private courtyard area at a level the same as, or similar to, the floor level of the dwelling.

Urban Conservation Area means land identified in maps 1 to X in Appendix ?? of this DCP as a urban conservation area and includes buildings, works, relics, trees and places situated on or within the land.

villa means a townhouse which has only one storey.

2 Local Context

This section of the DCP addresses the SEPP 65 Design Principal relating to Context.

Principal 1: Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

Developments should be designed to be consistent with the stated Desired Future Character of the 2(d3) zones, while not detracting from the existing character of adjoining or surrounding areas.

Ku-ring-gai also a large number of heritage items and identified Urban Conservation. All future residential flat development needs to occur in a manner that will not compromise the integrity of heritage items in the vicinity, or compromise the integrity Urban Conservation areas.

2.1 Existing Character of Ku-ring-gai

Council adopted statements on "The Character of Ku-ring-gai and "A Statement of Heritage Significance" on 9 March 2004. Copies of these statements are included as **Appendix B** of this DCP. These statements provided a clear **context** for residential development in Ku-ring-gai.

All future development must not detract from the established character of adjoining or surrounding areas.

Ku-ring-gai also contains most of the last remnants in the Sydney 'bioregion' of the towering tall Blue Gum High Forests. The tall forest character is a significant contributor to the visual character and amenity of Ku-ring-gai. The extent of the remnant Blue Gum High Forest vegetation association is shown in the maps contained in **Appendix C**.

2.2 Desired future character

The statement below outlines Council's desired future character for the areas in Ku-ring-gai to be development for multi-unit housing in the 2(d3) zone.

In order to achieve this desired future character, general Controls and specific Controls are adopted in this DCP. The key planning and urban design principles below provide the basis for detailed Principles and Controls in subsequent sections of this DCP

Council's vision is that multi-unit housing will be in a setting where vegetation, especially in the form of tall trees, is the dominant impression.

Ku-ring-gai's streetscape and landscape will be dominated by indigenous canopy trees and bushland and appropriate exotic trees for sunlight access to dwellings and energy efficiency. This will require that up to half the site be available for deep soil planting. The leafy setting creates a strong visual and aesthetic identity and, equally important, serves as a basis for the rich biodiversity which is evidenced by the variety of flora and fauna that lives and visits the area. Included in this are many rare and endangered species such as the grey headed flying fox and three threatened vegetation communities. Preserving these attributes will form the foundation for environmental and genetic sustainability of this area and region.

Several areas along the Pacific Highway/railway corridor have outstanding heritage buildings and urban conservation areas with many intact high quality residential areas of 19th and 20th century buildings. New development should be of a design incorporating sustainable development principles whilst protecting the integrity of heritage buildings and urban conservation areas, roof forms, articulation, modulation and other design elements, residential medium density that adjoins should complement their character.

Built form for multi-unit housing zone is that development be done to achieve a cohesive streetscape character through consistency in colours, materials and setbacks within the 2(d3) zone while allowing scope for contemporary architectural expression.

New development will be highly accessible and where possible provide improved permeability, allowing improved pedestrian access through blocks to town centres, railway station and community facilities.

Residences in adjacent zones should retain, as far as practicable, current levels of privacy and solar access. Buildings should achieve designs that create climatically sensitive dwellings that are accessible and comfortable to live in with minimum need for heating or cooling. New development should optimise water sensitive urban design.

2.3 Development within a Urban Conservation Area

Ku-ring-gai has 28 precincts that the National Trust has termed “Urban Conservation Areas” (UCA). These precincts contain a number of elements of heritage significance, such as historic subdivision layouts, a consistent pattern of building ‘footprints’ within each block (setbacks), buildings of historic and architectural importance from several periods including Federation and Interwar styles, road alignments, gardens, trees gutters and kerb edges which combine to create a sense of place that is worth keeping. It is Council’s intention to conserve the UCAs while allowing appropriate new medium density development that respects and enhances the existing values

Maps and statements of UCAs are in appendix C of this DCP. All medium density development in these areas must consider and respond to and not reduce the existing streetscape values.

If the proposed development is within a UCA, it is strongly recommended that the applicant discuss the proposed development with Council’s Heritage Advisor at the early stages of the design development and before pre-DA consultation takes place so that potential conflicts can be avoided and the applicant has more assurance of a successful outcome that will met with Council’s objectives and responsibilities.

Objectives

- O-1 To ensure that new residential flat development is in keeping with the identified historic and aesthetic values and character of the Urban Conservation Area
- O-2 To ensure that new residential flats do not visually dominate the UCA or the immediate streetscape.

Controls

Medium density development in a UCA should:

- C - 1 respect the architectural character, and be designed with reference to the predominant design elements of the UCA such as the style and pitch of roofs, proportions of window and door openings and external materials and colours
- C - 2 the facade should be well articulated to avoid long continuous facades facing the street frontage and preferably should be broken up into discrete buildings separated by landscaped areas, with reference to the subdivision pattern of the surrounding houses;
- C - 3 on corner sites with two street frontages the building should be set back from the corner and be designed so that there are no long continuous facades facing each street frontage;
- C - 4 be set back at least 12 meters from the front boundary and not forward of adjacent development;

- C - 5 be set down to a maximum of two storeys within 6 meters of the side boundary;
- C - 6 be setback to a maximum of four storeys within 10 meters of the side boundary;
- C - 7 have front and side fences no higher than of adjoining buildings and be visually transparent; and
- C - 8 have landscaping schemes consistent with the overall streetscape character and with the immediate neighbouring properties.

2.4 Development within the Vicinity of a Heritage Item

Ku-ring-gai contains some of the State's and Nation's most significant residential architecture and intact 19th and 20th Century streetscapes. Built heritage is a significant contributor to visual character of the Rail corridor (Source: Ku-ring-gai Heritage LEP 1989).

Ku-ring-gai's heritage comprises a rare blend of fine domestic architecture within a landscape of indigenous forest and exotic plantings. Development is predominantly residential with a marked absence of industrial and little commercial developments. It is this rare blend of houses within their garden settings and treed landscapes that distinguish Ku-ring-gai from other residential areas of Sydney. Heritage inventory sheets for all existing heritage items are available from Council.

Development within the vicinity of a heritage item must consider the impact on the heritage significance of the item. The term '*in the vicinity*' not only means immediately adjoining the site, but depending on site context can be extended to include other sites with a high visual presentation due to landform, size or location of the heritage item.

It is strongly recommended that the applicant discuss the proposed development with Council at the early stages of the design development and before pre-DA consultation takes place so that potential conflicts can be avoided and the applicant has more assurance of a successful outcome that will meet with Council's objectives and responsibilities.

Objectives

- O-1 To ensure that new medium density development respects the heritage significance of the adjoining or nearby heritage items,
- O-2 To ensure that new medium density does not visually dominate an item,
- O-3 To ensure that new medium density does not reduce the views from or to an item from the

Controls

Medium density development adjacent to a heritage item shall:

- C-1 step down to a maximum of two storeys with set back at least 10 meters immediately from the adjacent heritage building;
- C-2 step down to a maximum of four storeys with setback at least 15 meters of a heritage

public realm and

- O-4 To ensure that new medium density does not impact on the garden setting of an item, particularly in terms of overshadowing the garden or causing physical impacts on important trees;

building;

- C-3 be set back from the front boundary so that it is not closer than the adjoining item;
- C-4 allow direct sunlight into the building and garden for at least 3 hours during the day at all times of the year;
- C-5 have appropriate screen planting on all boundaries with an item to achieve a height of at least 4 meters.
- C-6 respect the aesthetic character of the item and not dominate it;
- C-7 have colours and building materials that are complementary to the heritage building;
- C-8 have front and side fences of which the solid component is no higher than the fence of the adjoining item and any additional height must be visually transparent;
- C-9 outbuildings and other elements including letterboxes, garbage areas, garden pavilions and pools are to be located away from the boundaries of an item; and
- C-10 driveways and garaging are to be located so that they do not dominate the street frontage and are located away from the boundary with an item.

3 Design principles and controls

This section provides design Objectives and Controls for all development, in terms of the following SEPP 65 Design Principles:

- I. Scale
- II. Built form;
- III. Density
- IV. Resource, energy and water efficiency
- V. Landscape
- VI. Amenity
- VII. Safety and security
- VIII. Social dimensions
- IX. Aesthetics

3.1 Scale

This section deals with the following SEPP 65 Design Principles:

Principle 2: Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

Explanation

Building bulk must be compatible with the desired streetscape character of the area by adhering to height controls and sensitively responding to setback controls.

LEP 194 provides development standards that control the scale of future development. These include standards for number of storeys, maximum perimeter ceiling height, maximum ceiling height generally, minimum site frontage, maximum site coverage, minimum deep soil area, top floor area, and car parking rates. In addition, LEP 194 contains standards for building setbacks at the interface of the 2(d3) zone and any adjoining zone.

Refer to **Appendix A** of this DCP for the relevant development standards that apply under LEP 194

3.1.1 General Controls

Objectives

- O-1 To achieve site-responsive development at a scale which is compatible with local context by control of visual impacts relating to height and bulk;
- O-2 To provide front setbacks that reinforce the desired future streetscape character and provides for the establishment of tall canopy trees.
- O-3 To provide rear setbacks that ensure rear gardens are adjacent rear gardens of other properties and that sufficient ground area is available for tall tree planting,
- O-4 To provide side setbacks that enable effective landscaping, tree planting between buildings, separation of buildings for privacy and views from the street to rear landscaping;

Controls

- C-1 Setbacks:
 - i. Refer to the specific Controls in Table 1 below for setback provisions for different height buildings.
 - ii. The following building components may encroach into the setback:
 - Eaves;
 - Basement car parking by up to 10% of the front and rear setback dimension (not side setbacks)
 - iii. The front setbacks are to be incorporated as part of the deep soil landscaping area. There are to be no intrusions into the front setback other than common entrances to buildings and common driveways. There is to be no private open space or visitor parking in the front setback.
- C-2 Corner sites:
 - i) Building setbacks for corner sites are to be a minimum of 12 metres on both street frontages.
 - ii)

Table 1 Setback Controls

Site Area	Maximum No. Storeys	Minimum Front Setbacks	Minimum Rear Setbacks	Minimum Side Setbacks*
<1800sqm	3	12 m	12 m	3m,or 6m to windows of habitable rooms
1800 – 2399sqm	4	12 m	12 m	6 m
2400sqm+	5	12 m	12 m	6 m

*Refer to clause 25L of LEP 194 for side setbacks standards applying to zone interfaces

- O-5 To provide for the top floor design that minimises the visual bulk impact a building as viewed from the street.

C-3 Top floor design:

This clause refers to the top floor as referred to in LEP 194 which is 60% of the floor area of the level below.

- i. The top floor is to be designed in the form of setback floor space, attics and dormers, lofts and clerestories in order to minimise the appearance of the top floor as viewed from the street.
- ii. The top storey of a residential flat building of 3 storeys or more must be within an angle that does not exceed 35 degrees from the horizontal at the perimeter of the storey immediately below.



Figure 1. Four storey residential flat development

Example of four storey apartment building. The photograph show the example substantially screened by vegetation planted in the large setback. Note the articulation of the building form: recessed balconies for privacy and variety of facade treatment.

3.2 Built Form

This section deals with the following SEPP 65 Design Principles:

Principle 3: Built form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Principle 10:

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

Explanation

Large buildings can visually impact on the public domain and must be modulated in their building width facing the street. In order that soft landscape features predominate, it is important that there is sufficient separation between neighbouring buildings by side landscaped areas for views from the street between buildings to rear landscaping reinforcing the vegetated character of the locality.

High quality architectural and landscape design are essential in multi-unit residential zones to mitigate the change in scale to nearby single dwelling zones.

Objectives

- O-1 To promote high architectural quality in residential flat buildings in Ku-ring-gai;
- O-2 To ensure building elements are integrated into the overall building form;

Controls

- C-1 Building designs must incorporate a varied articulation pattern of solid/void, light/shade in the articulation of building facades.
- C-2 The width of a single building on any elevation facing the street is not to exceed 36 metres.
- C-3 Balconies are to be integrated into the overall architectural form and detail of residential flat buildings and not run the full length of a facade of a building.
- C-4 Balconies are to have a minimum internal width of 2.4m and project a maximum of 1.2m from the building façade.



Figure 2. Balcony design

Design of balconies integrated into the overall architectural form and detail of residential flat buildings

- O-3 To maintain visual connections between dwellings and the public domain



Figure 3. Facade design

Use of materials and finishes and variation in facade design reduces the visual bulk and provides the opportunity for visual interest.

- C-5 Buildings must address the street by providing main entrances to lift lobbies directly accessible and visible from the street footpath. Where site configuration is conducive for a side entry, ensure that the path to the building entry is readily visible from the street.



Figure 4. Facade articulation

Provide a varied articulation pattern of solid/void, light/shade in building facades.

- C-6 Main pedestrian entries to buildings are to be located and designed so that they are a clearly identifiable element of the building.
- C-7 Common corridors are;
- to be short and serve a maximum of 6 dwellings on a floor and to have access to natural light; and,
 - be at least 1.8m wide to allow ease of movement of furniture.

-
- C-8 Unit layouts must respond to the natural and built environments and optimise site opportunities, by:
- i) orienting main living spaces to the front or rear of a property rather than to a side boundary where practicable; and
 - ii) locating main private open space adjacent to main living areas.

C-9 Single aspect apartments are not to be orientated towards side boundaries

C-10 Roof design:

- i) Minimise the visual intrusiveness of service elements by integrating them into the design of the roof. These elements include lift over runs, service plants, vent stacks, telecommunications infrastructures, gutters and down pipes; and

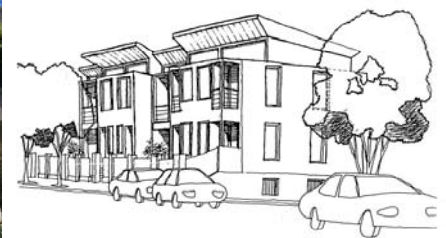


Figure 5. Roof design/roof space

Roof design should be both attractive and visually complementary to the surrounding architectural character. Habitable top floors may be designed in a variety of forms including attics and dormers, lofts, clerestoreys and setback floor space.

3.3 Density and Building Envelopes

This section deals with the following SEPP 65 Design Principles:

Principle 4: Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

Explanation

LEP 194 seeks to control density of future development through maximum standards for building foot prints and height. In order to achieve the desired landscaped and built character of Ku-ring-gai, the capacity of development in the 2(d3) zone will be limited by the ability to achieve the minimum deep soil landscaping requirements on a particular site.

3.3.1 General Controls

Objectives

- O-1 To ensure that the density of development is in keeping with the optimum capacity of the site and the desired future character of the area.

Controls

- C-1 The total built upon area of a site must not prevent the minimum deep soil landscaping standards under LEP 194 being achieved on any site.

Building footprints

- C-2 The maximum building foot print must not exceed the following:

Development type	Building foot print as % of total site area
Residential flat buildings	35%,
Townhouses	40%,
Villas	50%,
Combination of townhouses and villas	50%.

- C-3 Building footprint calculations are to include all elements within the external plane of a building, including the external plane of any balcony on the first floor or above.
- C-4 Any areas of ground floor balconies, terraces or courtyards that extend beyond the external plane of the above floor/s may not be included in building footprint calculations.



Figure 6 Building footprint:

Building footprint includes all elements within the external plane of the building

Building envelopes

- C-5 Buildings must not extend beyond a three dimensional building envelope determined by the building footprint, maximum building height and minimum setbacks as established by LEP 194 and this DCP. This building envelope is not a building, but a three dimensional zone that limits the extent of a building in any direction.
- C-6 The maximum gross floor space of a building is not to exceed 75% of the total possible combined floor area within the building envelope established in accordance with C-5 above.

3.4 Resource, energy and water efficiency

Principle 5: Resource, energy and water efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

The Application of BASIX

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 came into effect on 1 July 2004. It incorporates BASIX, which is a comprehensive web-based planning tool for Councils and proponents of residential dwellings to assess the potential performance of their development against an agreed set of indices for energy and water conservation.

The SEPP and the BASIX will apply to all residential flat development from 1 October 2004. From this date BASIX requirements will take precedence over this section of the DCP that relate to 'Design for climate and energy conservation' and 'Water cycle and water sensitive urban design'.

3.4.1 Ecological sustainability

Explanation

Ecologically sustainable development principles have been adopted at national, state and local levels. The aim of applying ESD is to integrate viable development with environmental responsibility, so that future generations enjoy a natural, social and economic environment that does not compromise their needs.

The principles of ESD are:

- a) Application of the Precautionary Principle;
- b) Achieving inter-generational equity
- c) Conservation of biological diversity and ecological integrity
- d) Improved valuation of environmental resources

These principles are addressed below in terms of the following elements:

- 1) Design for climate and energy conservation; and
- 2) Building materials;
- 3) Biodiversity, topography and soils;
- 4) Water cycle and water sensitive urban design; and
- 5) Waste management.

Each element is addressed below:

3.4.2 Design for climate and energy conservation

Explanation

Energy efficient development is designed to harness natural heating by the sun and the cooling effects of breezes and shade, so minimising the need to utilise extra forms of energy for heating and cooling.

A well designed residential flat development that makes use of the local and microclimatic conditions will have comfortable, even temperatures all year round, make good use of natural light, and require less energy to heat/cool and light than a conventional development.

Orientation of dwellings for optimum solar access may need to be balanced with other issues such as local context, buildings addressing streets, sloping land and relationship with neighbors. It is noted that the Controls for generous landscaped area surrounding multi-unit developments may compensate for less than optimum solar orientation because of the high level of daylight access afforded by the setback Controls.

Design for climate includes active measures such as solar collectors for hot water and electricity. Solar collectors or photovoltaic technology are now being used to provide price competitive, zero greenhouse emission energy to residents and businesses throughout Australia.

Objectives

O-1 To provide for a high level of thermal comfort within buildings, and minimise energy required for construction, heating, cooling and lighting.

Controls

- C-1 Ventilation:
- i) Optimise natural cross ventilation.
 - At least 65% of apartments are to have cross ventilation (i.e. where units span from one side of the building to the opposite side or corner units or double storey units facing in one direction);
 - Single aspect apartments are to have a maximum depth of 10m; and
 - At least 25% of kitchens in a residential flat building are to have an external wall for natural ventilation and light.
 - ii) Air conditioning and mechanical ventilation is discouraged. If airconditioning units are proposed, they are to be incorporated into the design of the building and are to avoid acoustic impacts to neighbouring properties.

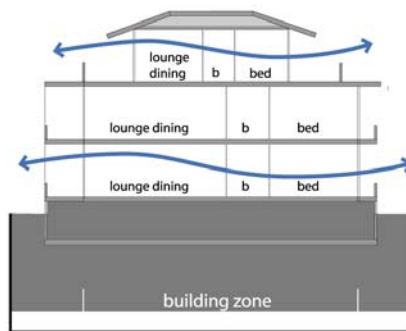


Figure 7. Cross ventilation

Dwellings can optimise cross ventilation through cross over design and appropriate building depth.

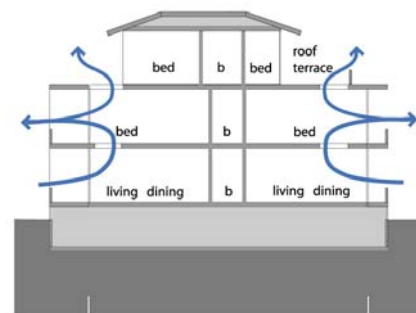


Figure 8. Vertical form of cross ventilation

Vertical cross ventilation can be achieved by allowing warm air to escape at an upper storey. Maisonette and two storey apartments can achieve vertical ventilation.

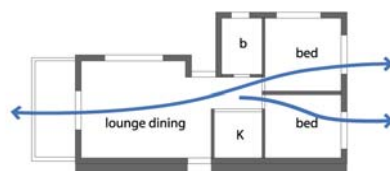


Figure 9. Cross ventilation

Provide openings on two opposite walls of an apartment to allow through ventilation.

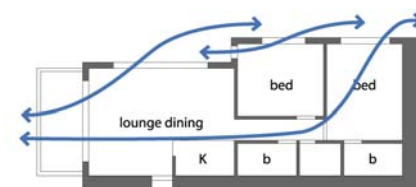


Figure 10. Cross ventilation for corner apartment

Provide openings on two walls of a corner apartment to facilitate cross ventilation.

Controls



Figure 11. Example of shading of balconies

Shading of balconies with adjustable screens can improve resident amenity by screening hot summer sunlight and provide privacy.

- C-2 NatHERS energy rating: At least 90% of dwellings in a development are to achieve an average NatHERS energy efficiency rating of at least 4.5 stars or better (the remainder at least 3.5 stars). A NatHERS certificate is required for those apartments in a development that typify a range of design conditions.
- C-3 Landscaping to ameliorate sunlight: Landscaping should provide for both shade in summer and direct or filtered sunlight in winter months to windows.
- C-4 Roof space: Roof spaces are to be ventilated.
- C-5 Window shading:
 - i. Windows facing within 45 degrees of north are to be shaded by a structure, such as an eave or hood.
 - ii. Shading structures to north facing windows should provide a balance between summer shading and winter sun penetration: for best performance the north facing shading structure should extend out from the top of the window equivalent at an altitude angle of 70 degrees from the window base.

- iii. East or west facing windows are to have a shading structure, such as an eave, hood or operable external screen (unless shaded by vegetation or other buildings).

C-6 Eaves at least 700mm deep are required to north, east and west facing elevations to provide shade to walls.



Figure 12. Window shading devices

Depending on the location and size of windows, operable louvres/ blinds/ or fixed hoods or eaves can provide for appropriate summer shading and winter sun protection.

- C-7 Solar collectors are encouraged:
- a) Installation: All solar collectors are to be installed by a Sustainable Energy Industry (SEIA) certified installer.
 - i. Orientation: Orient solar collectors north (NE-NW on roof pitch of 15-55 degrees) with full solar access from 9.00am to 3.00pm during mid-winter (as a guide 3.5sqm of roof area is required per person and 8.5sqm of roof area per 1kw for photovoltaic electricity);
 - ii. Design: Solar collectors are to be integrated into the design of the roof form, Solar collectors should be integrated with the roof form and tanks are hidden from view; and
 - iii. Solar collectors can be used as an alternative energy source for security lighting.

-
- C-8 Insulation:
- i. Roof/ceiling to R2.0;
 - ii. external walls to R1.0; and
 - iii. floor including separation from basement car parking to R1.0.
- C-9 Lighting design: buildings are to optimise daylight access for lighting. Where artificial lighting is needed install energy-efficient timed and selective dimmed lighting in appropriate locations.
- C-10 Hot water systems: Use an energy efficient hot water system such as gas boosted, solar, heat pump or natural gas which has a 4 star rating or greater.
- C-11 Clothes drying:
- i. Provide a common outdoor area suitable for clothes drying in a residential development. (Residents to have choice for external clothes drying e.g. outdoor drying is needed for 'spring cleaning of rugs etc).
 - ii. Screen outdoor drying areas from view of the street and ground level neighbours
- C-12 Weather stripping: Weather strips are to be fitted to windows and doors to control drafts and the loss of warm air to the outside during winter months.
- C-13 Space heating: Gas outlets are to be provided (where gas services are available) at least to kitchens for cooking and living rooms for heating and desirably for common outdoor living areas and balconies for BBQs.
- C-14 Appliances: Use appliances that achieve a AAA rating.
- C-15 A commitment to providing energy saving measures and appliances is to be provided in the Statement of Environmental Effects.

3.4.3 Building materials and finishes

Explanation

Past building practices have used certain building materials that are now a recognised health risk or lead to environmental impacts. Alternative methods and materials are now available which can lead to cost savings as well as causing less health risk and environmental impact.

Buildings should be designed to use building materials, which are:

- a) Manufactured from renewable resources;
- b) Energy efficient with low contained energy;
- c) Non-polluting;
- d) Manufactured from environmentally acceptable production methods;
- e) Durable with low maintenance requirements; and
- f) Recyclable.

Objectives

O-1 To maximise the use of sustainable building materials.

Controls

- C-1 Plantation and recycled timbers are to be specified in preference to native rainforest timbers.
- C-2 Reduce (preferably eliminate) the use of Medium Density Fibreboard (MDF), Polyvinyl Chloride (PVC), particleboard, laminated wood, plywood, treated timber and fibre cement containing asbestos.
- C-3 Roof surfaces with a sheen finish reduce unwanted heat gain in summer and are to be used where they do not impact on the amenity of neighbours in terms of glare and reflectivity.
- C-4 A declaration in the Statement of Environmental Effects is to address these Controls.

3.4.4 Biodiversity, topography and soils

Objectives

Controls

- | | |
|--|---|
| O-1 To retain and conserve indigenous vegetation; | C-1 Maximise the retention and protection of significant vegetation on the site including understorey and ground covers. |
| | C-2 Landscape design is to incorporate native species (canopy/under storey and ground cover) that provides food and shelter for wildlife; |
| | C-3 Tree species planted on a site are to correlate with soil types and predominantly native to the local area. |
| O-2 To minimise the extent of cut and fill so as not to impact on existing trees, or significantly alter the natural topography or watertable other than where necessary for basement parking; and | C-4 Excavation: <ul style="list-style-type: none">i. Development is to be accommodated outside the canopy spread of existing trees; andii. Natural ground level is to be maintained within 2m setback of a side and rear boundary. |
| O-3 To ensure that development does not result in sedimentation or blockage of stormwater pipes, waterways and drainage lines. | C-5 Erosion and sedimentation: Employ appropriate soil and water management measures, implemented during the construction phase, to minimise soil erosion. |

3.4.5 Water cycle and water sensitive urban design

Explanation

The urban water cycle is the interaction and movement of water through local and regional catchments and includes both receiving waters and water supply. Within Ku-ring-gai the urban landscape dominates the ridgetops higher slopes that have resulted in our developed areas being surrounded by steep gullies, bushland and National Parks. As a result most of our stormwater ultimately flows into natural creeks and watercourses.

The total management of water must recognise the relationship between its source, use, discharge and impact. Water sensitive urban design seeks to understand and manage water in this context from a local and regional catchment perspective.

Council's Development Control Plan 47 - Water Management provides a comprehensive set of controls that must be applied to all multi unit development

3.5 Landscape design

Principle 6: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.



Figure 13. Deep soil landscaping

Deep soil landscaping provides opportunities for tall tree growth. Existing significant vegetation retained in Deep soil landscaped zones within development zones to promote Tall Tree canopy character of Ku-ring-gai.

Explanation

Landscaping is important for the amenity of residents living in a development and views from the public domain. Landscape design should build on the site's existing natural and cultural features.

Deep soil zones are areas of natural ground within a development for mature vegetation growth to contribute to the ecology of Ku-ring-gai and to a canopy height that dominates the buildings. Figure 13 shows an example of a development that retains existing significant vegetation.

The desired future character of the Railway/Pacific Highway Corridor and St Ives Centre reflects and enhances the landscaped and treed character of Ku-ring-gai. This landscaped and treed character is to be reinforced in multi unit development so that most deep soil planting is commonly owned land (Refer to Section 3.6.5). This will ensure buildings will be in a landscaped setting and the landscaping will not be generally broken into a series of private courtyards where coordinated landscaping may break down over time.

The use of permeable paving in landscape design provides high rates of surface infiltration due to a high percentage of voids compared to conventional pavement. Runoff percolates into a deep layer of gravel that acts as a saturated storage. Slow infiltration into the underlying soils then occurs. Permeable paving:

- reduces the peak flow rate and volume of stormwater discharge;
- Removal of fine particle and dissolved pollutants by filtration processes; and
- Increases ground water recharge.

Objectives

- O-1 To integrate the planning and design of buildings with the site's landscaping;
- O-2 To ensure that building siting and footprint provide for sufficient deep soil and soft landscaped area for planting and retaining large tree canopy trees;
- O-3 To provide landscaping in scale with buildings;
- O-4 To reduce the visual impact of hard building surfaces by vegetation and trees when viewed from the public domain and neighbouring properties;
- O-5 Provide integrated landscape design to front and side setbacks;

Controls

- C-1 Deep soil areas:
 - i. Clause 251(2) of LEP 194 requires a minimum of 40% or 50% (depending on the site size) of the site for deep soil planting (Refer to Appendix A);
 - ii. Provide one area or more of deep soil landscaping within the site of at least 150-200 sqm per 1000sqm of site area with a minimum dimension of 8m.
- C-2 Landscape design is to ensure that the built form blends with the natural landscape. This is to be achieved by:
 - i) Selecting species with an appropriate range of height and foliage density; and
 - ii) Allowing for adequate deep soil planting zones for established screen planting where required; and
 - iii) A minimum 2m wide landscaped area is required between the driveway and the side boundary.
- C-3 On lots adjoining the railway and Pacific Highway landscaping is to be designed to:
 - i) soften the hard surfaces of buildings by planting tall trees which contribute to the tree canopy; and
 - ii) be durable and suited to the conditions of the road and railway environment.
- C-4 Fencing used to define boundaries are to respond to the character of the streetscape in terms of:
 - Open landscape character;
 - Visibility and security;
 - Materials selection;
 - Solid or transparent qualities;
 - Height;
 - Vertical and horizontal composition of the materials; and/or
 - Location of entries and gates;

Note: *Masonry boundary walls are generally inappropriate to the landscape character of Ku-ring-gai.*
- C-5 Landscape design is to integrate water and stormwater management measures by:
 - (i) using locally occurring and other native species as much as possible;
 - (ii) using permeable surfaces; and
 - (iii) locating pipelines outside the zone of influence of tree roots at natural growth to maintain pipeline integrity.
- C-6 Use permeable pavers for pathways wider than 1m and external visitor parking, and at least 50% of driveways (Refer to **Figure**).

- O-6 To provide landscaping that contributes to on-site water and stormwater management

Objectives

Controls



Figure 14. Permeable paving

Permeable paving should be used for visitor parking, driveways (at least 50% of the driveway area) and paths wider than 1m to support on-site drainage/detention.

O-7 To maintain and increase the tree canopy of Ku-ring-gai;

C-7 Tree replenishment:
Lots with the following sizes are to support a minimum number of tall trees capable of attaining a mature height of at least 13 metres:

Table 2. Tree replenishment

Lot size	Number of tall trees
less than 1,200 (residual lots)	1 per 400sqm of site area or part
1,200sqm- 1,800sqm	1 per 350sqm of site area or part
1,800sqm +	1 per 300sqm of site area or part

O-8 To encourage native planting, including trees, understorey and ground cover; to provide habitat for indigenous fauna and reduce the need for water, energy, fertilisers and herbicides;

- (i) Proposed tall trees should be selected from the schedule of suitable plant species for tall tree replenishment at **Appendix E**;
- (ii) In addition to the tall trees, a range of medium trees, small trees and shrubs are to be selected to ensure that vegetation is predominantly in the view of buildings;
- (iii) At least 50% of all tree species chosen are to be locally occurring trees and spread around the site.

C-8 Maintain natural ground level beneath the canopy spread of existing trees (if the ground level is modified within the canopy spread a qualified arborist report will be required).

Objectives

- O-9 To contribute to the quality and amenity of communal and private open space on roof tops, terraces and internal courtyards
- O-10 To enhance the microclimate of communal and private open spaces

Controls

- C-9 Private outdoor space for ground floor apartments is differentiated from common areas by:
- Change in level and/or;
 - Screen planting, such as hedges and low shrubs; and/or
 - Up to 1.2m solid wall with at least 30% transparent component above and gate to common open space.
- C-10 Roof terraces and balcony planting
- Roof terraces to be designed for optimum conditions for plant growth by appropriate soil conditions and irrigation methods and drainage.
 - Planter boxes should be provided to each balcony (e.g. 1000mm long x 600mm wide x 600mm deep).

Note: For further details on requirements for private and communal open space, refer to section 3.6.5



Figure 15. Landscaping to screen the visual presence of development

Tall trees should be planted in setback areas to reduce the visual intrusiveness of new development and replenish the tall tree canopy of Ku-ring-gai. This is an example of a four storey building.

3.6 Residential amenity

Principle 7: Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

The layout of buildings and landscaping affects residential amenity and residents enjoyment of their living spaces. Providing a pleasant and attractive living environment is socially important by encouraging long term occupancy that assists in achieving a thriving community.

3.6.1 Sunlight and daylight access

Explanation

The variability of sunlight and daylight access contributes to pleasant environments in which to live. Within an apartment, daylight and sunlight reduces reliance on artificial light, improves energy efficiency and residential amenity.

Objectives

- O-1 To provide good access to sunlight/daylight for all dwellings; and
- O-2 To balance mid-winter sunlight to principal living rooms with principal outdoor areas of adjacent properties

Controls

- C-1 Sunlight to living rooms: 70% of apartments are to achieve a minimum of 3 hours direct sunlight on 21 June to living room windows or adjacent balconies between 9.00am and 3.00pm on June 21 (shadows cast by trees and fences excluded).
- C-2 Adjoining properties: The north facing windows of habitable rooms and the principal portion of the outdoor living area of adjoining houses in single house zones (2(c1) and 2(c2) zones) are to have at least 3 hours of sunlight between 9.00am and 3.00pm on June 21. Where existing overshadowing by buildings is greater than this, sunlight is not to be reduced by more than 20% (This does not apply to single houses in the 2(d3) Zone).
- C-3 Common open space: Sunlight is to be available to at least 50% of the principal area of common open space of the development for at least 3 hours between 9.00am and 3.00pm on June 21.
- C-4 Entry lobbies and common corridors are to have access to natural light and ventilation.
- C-5 The number of single-aspect units with a southerly aspect is to be limited to 15% of the total units proposed.

Objectives**Controls****3.6.2 Visual Privacy****Explanation**

Developments are to be designed so that the privacy of all units and adjoining properties is respected. The consideration of privacy is particularly important with regard to principal windows of living rooms and the principal portion of private open space. Visual privacy can be achieved through suitable separation of buildings, layout of apartments and landscape and architectural screening.

Objectives**Controls**

- | | |
|--|---|
| O-1 To provide reasonable levels of visual privacy for residents and adjoining neighbours; | C-1 Buildings adjacent the common boundary are to be no longer than 30m (ie. parallel to the side boundary). |
| O-2 To provide adequate separation between buildings; | C-2 Unless screened by solid or translucent permanently fixed materials, the minimum separation of windows/balconies directly facing the windows/balconies of another dwelling is: <ul style="list-style-type: none">i. Living room to living room: 15m;ii. Living room to bedroom: 12m; andiii. Bedroom to bedroom: 9m.iv. The above separation distance is to be increased if buildings are directly opposite each other overlap for more than 6m in length. |
| O-3 To mitigate direct viewing between windows of habitable rooms, particularly principal windows of living rooms; and | C-3 Windows are to be offset where to avoid direct overlooking; |
| O-4 To integrate architectural and landscape screening devices to maintain visual privacy in the overall design of the building. | C-4 Roof terraces are to be located to avoid overlooking of neighbours principal outdoor living areas (eg. Roof terraces facing side boundaries are generally inappropriate). |

3.6.3 Acoustic privacy

Explanation

Designing for acoustic privacy relates to the location and separation of buildings especially the proximity of noisy/quiet spaces between units and the design of buildings in near external noise sources such as main roads and railway lines.

Objectives

O-1 To reduce the infiltration of noise into buildings from the public domain;

O-2 To ensure a high level of amenity by reducing the potential for noise penetration within and between buildings and private open space

O-3

Controls

C-1 Noise levels within dwellings, with windows closed, are not exceed the following:

- recreation/work areas 40dBA; and
- sleeping areas 35dBA.

C-2 All walls and floors separating units have a weighted sound reduction index (R_w) of not less than 55 and an impact isolation less than $L_{DB} 55$ above habitable areas. Readings are to be L_{Aeq} (1hour), when measured during the noisiest 1 hour period between Day 7am-6pm; Evening – 6pm to 10pm; and Night – 10pm to 7am.

C-3 Buildings are to be designed so that apartment and room layouts reduce noise by locating potentially noisy areas adjacent one another and similarly for quiet areas (eg. living rooms adjacent living rooms and bedrooms adjacent bedrooms for units sharing common walls/floors).

C-4 Windows and walls are to be located away from noise sources or buffers used where separation can not be achieved.

C-5 Materials with low noise penetration properties are to be used between apartments.

C-6 Bedrooms and private open space are to be located away from noise sources such as active garages, driveways, mechanical equipment and recreation areas.

C-7 Mechanical equipment, such as pumps, lifts or air conditioners are not to be located next to bedrooms or living rooms of dwellings on adjoining properties.

C-8 Locate living rooms of one apartment adjacent another apartment and similarly for bedrooms.

C-9 Storage, wardrobes and circulation areas within a unit are to be used to buffer noise from adjacent units, mechanical services, lifts, corridors and lobby areas.

Objectives

- O-4 To ensure that housing located next to the Pacific Highway and the Railway line is designed and constructed in a manner that reduces the impact of external noise and facilitates comfortable living conditions.

Controls

- C-10 Site buildings to screen principal outdoor living areas from noise sources.
- C-11 Development that is located adjacent to major roads or other uses that emit high levels of noise are to be designed in accordance with the *EPA Environmental Criteria for Road Traffic Noise 1999*.
- C-12 Buildings are to be design so as to:
- locate noise-insensitive areas such as kitchens, storage areas and laundries towards the noise source.
 - locate noise sensitive uses (ie. bedrooms) away from the noise source; and
 - be protected by appropriate noise shielding or attenuation techniques as part of the design and construction of the building.
- C-13 Balconies and other external buildings are to be designed, located and treated to minimise infiltration and reflection of noise onto the facade.
- C-14 Fencing may be designed to supplement noise control of the building facade for dwellings facing major roads.
- C-15 Provide greater front setbacks and landscaped mounds to main roads (Pacific Highway, Mona Vale and Boundary Street) as an alternative to masonry walls.
- C-16 Residential flat development within 60m of the railway line will be subject to an acoustic assessment and are to be designed in accordance with the *Rail Infrastructure Corporation and State Rail Authority: Interim Guidelines – Consideration of Rail Noise and the Planning Process*

3.6.4 Internal amenity

Explanation

With an increasing proportion of Sydney's population being housed in apartments it is important to have better levels of internal amenity (eg. better daylight penetration which means higher ceiling heights and reduced apartment depths; encouraging long term occupancy which relates to facilities such as providing storage and basement car parking etc).

Objectives

- O-1 To provide high levels of internal amenity for occupants;
- O-2 To provide adequate storage for everyday household items within easy access of each unit; and
- O-3 To provide penetration of daylight into the depths of units.

Controls

- C-1 Floor to ceiling height: Minimum of 2.7m for habitable rooms and minimum 2.4m for all non-habitable rooms.
- C-2 Bedroom size for first and second bedroom: Minimum bedroom plan dimension of 3m (excluding robes) to allow flexibility in furniture layout/alternative use.
- C-3 Storage provisions: At least 6 cubic metres for studio/one bedroom units, 8 cubic metres for 2 bedroom units and 10 cubic metres for 3+ bedroom units of storage space should be provided for each dwelling with at least 50% within the dwellings.
 - i. Storage space within dwellings can be in the form of cupboards in halls, living rooms, laundries, flexible spaces (which can also be used as studios/media rooms etc). Storage in kitchens, bedrooms or bathrooms will not count towards this requirement; and
 - ii. Storage space outside dwellings can be in garages and dedicated storeroom. The rear of a parking space is an appropriate location in the basement for part of the storage Controls.
 - iii. Where 2 car spaces are provided for a unit then the requirement for the basement storage component is waived in order to ensure basements do not extend greater than 10% of the ground floor perimeter.

3.6.5 Outdoor living

Explanation

The primary function of outdoor living spaces is for amenity for the occupants through providing outdoor access to fresh air and daylight /sunlight, some visual privacy and opportunities to recreate and socialise. Private and common outdoor living spaces are to be provided for all occupants.

Objectives

- O-1 To provide residents with passive and active recreational opportunities;
- O-2 To ensure that all apartments have private open space;
- O-3 To ensure open space is functional and responsive to the environmental character and building design; and
- O-4 To ensure that open space is integrated into the overall design of development.

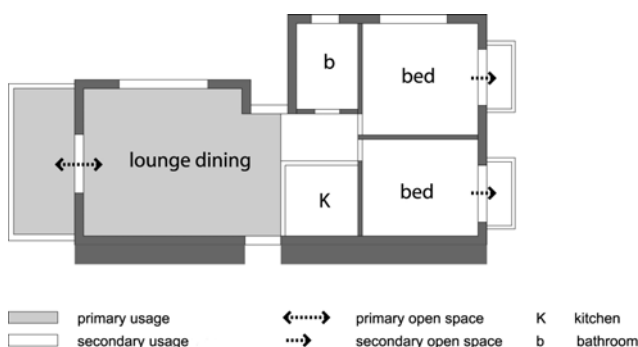


Figure 16. Private open space example

Private open space should be located adjacent to living areas and can be in the form of ground floor terraces and upper level balconies.

Controls

Private open space

- C-1 All units are to include at least one primary balcony, deck or terrace that:
 - i. has a minimum internal area of 10sqm ;
 - ii. has a minimum internal depth dimension of 2.4m; and a minimum internal width dimension of 3m.
- C-2 Ground level apartments are to have a terrace or private courtyard with a minimum area of 25sqm, Ground level terrace and courtyards are not to intrude into the setback to any street.
- C-3 Locate private open space adjacent to the main living areas, such as living rooms, dining room or kitchen to extend the dwelling's living area;
- C-4 Locate private open space facing north, east or west for solar access;
- C-5 Design balustrades and screens to provide visual and acoustic privacy for residents where appropriate.
- C-6 Top floor terraces:
 - i. Site and design roof terraces to avoid overlooking of private open space of adjoining residential properties.
 - ii. Roof terraces are to contain soften landscaping to soften the appearance of the top storey of the building.

Common open space

- O-5 To provide common areas on the site that enable deep soil planting; and
- O-6 To provide common open space which is designed for easy access to residents and visitors;
- C-7 At least 30% of the site area is to be common open space principally for tall tree planting. Enclosed private courtyards are generally not encouraged because they can detract from the common landscape quality of the streetscape.
- C-8 Locate common open space at the front and rear of lots and to optimise solar access to the open space and units.

3.7 Safety and security

Principal 8: Safety and security

Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces

Explanation

This section provides principles and Controls to facilitate a safe human environment within and around multi-unit housing. The design of buildings and open spaces has an impact on perceptions of crime and safety as well as actual crime.

Objectives

- O-1 Provide safe and secure multi-unit housing for residents and visitors.

Controls

- C-1 Front doors to apartments to have security communications devices, view holes, sidelights or window panels (translucent or clear) to allow occupants to see visitors without having to open their door.
- C-2 Apartments adjacent to common open space areas or public streets are to have at least on habitable room window with an outlook to that area.
- C-3 Open space
- i. Design of common open spaces, including the location and design of facilities so as not to create concealed or entrapment areas;
 - ii. Common open space areas are to be visible from the street, and/or overlooked by apartments; and
 - iii. Paths are to have unimpeded sightlines.
- C-4 Lighting on pathways surrounding the development to have a high level of illumination and good uniformity to increase visibility quality.
- C-5 Entries to buildings are to be clearly visible from streets or internal driveways.
- C-6 Buildings are to be designed to minimize access between roofs, balconies and windows of adjoining apartments.

3.8 Social dimensions

Principal 9: Social dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

3.8.1 Adaptability and accessibility

Explanation

Adaptable housing is housing that is designed to be flexible to be easily modified at a later stage to cater for the special needs of an occupant or frequent visitor who may become frail, develop a disability or who have a disability that may worsen over time. Simple inexpensive design features incorporated during construction can save the need for expensive renovations as needs change in the future.

Objectives

- O-1 To increase housing choice for aged and disabled persons; and
- O-2 To encourage housing that allows people to stay in their home as their needs change due to aging and disability.
- O-3 To provide a range of unit types, sizes and layouts for housing choice.

Controls

- C-1 At least 10 % of dwellings in a residential flat development are to be design as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.
- C-2 Applicants are to demonstrate that planning and design measures provide access for people with disabilities:
 - i. Building design must be consistent to the Controls of AS 1428.1-1998 Design for Access and Mobility.
 - ii. Disabled access paths / ramps should be of a sufficient width and gentle slope up to 1 in 14 slope, include handrails and path lighting and offer direct access between the street frontage and principal building entrances. The ramp should not dominate the visual appearance of the development.
- C-3 Each adaptable dwelling must be provided with 1 disabled car parking space designed in accordance with AS2890.1
- C-4 At least 70% of dwellings are to be “visitable” in accordance with the definition prescribed under **Appendix F**.
- C-5 Residential flat developments are to include a range of unit sizes and types to provide choice to the market and encourage social mix.

4 Parking and vehicular access

4.1 General Controls

Explanation

This section of the DCP provides technical Controls for car parking, bicycle parking, vehicular access and visitor parking and pedestrian access.

Basement car parking under buildings will free substantial areas of a site for deep soil planting and on-site stormwater detention rather than ground level parking.

Objectives

- O-1 To provide basement parking that permits a high proportion of deep soil landscaping on the site.

Controls

- C-1 Basement car parking areas:
- All resident and at least 50% of visitor parking to be provided in basement car parking;
 - A basement level can project no more than 10% of the building footprint and 10% of the front and rear setback of the ground floor external walls of the apartment building above;
 - Basement car parking can project up to 600mm average and 1.2m maximum above natural ground level to the underside of the floor above.
 - Basement car parking areas are to be designed to facilitate natural ventilation where practicable

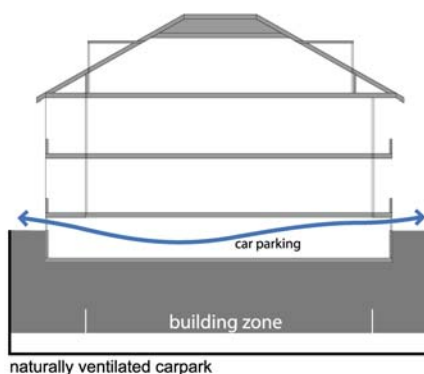


Figure 17. Naturally ventilate basement car parking level

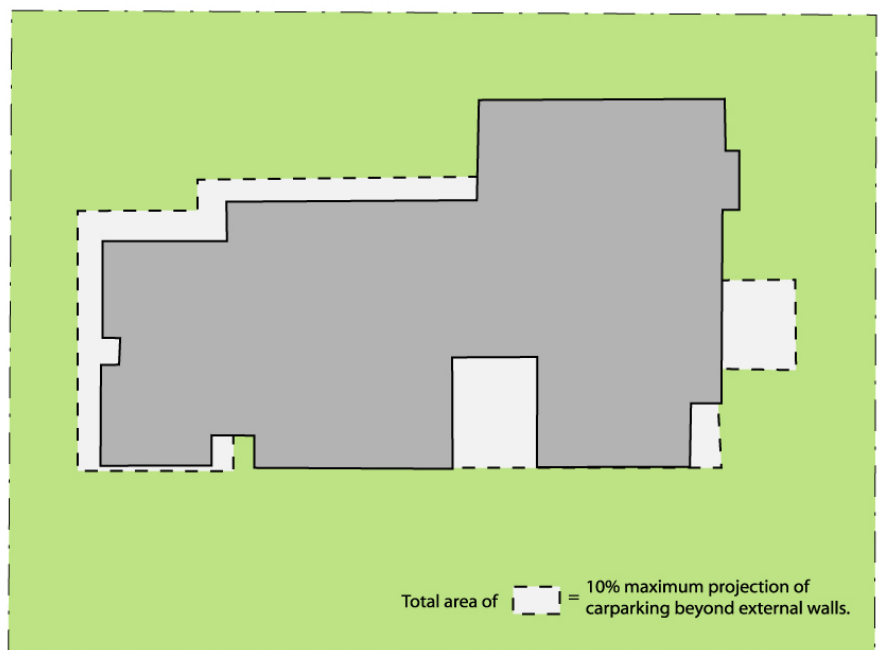


Figure 18. Projection of basement car parking

Figure 19. Basement car parking protruding above natural ground level

Basement car parking may protrude an average of 600mm above natural ground and a maximum of 1.2m above natural ground level. Protrusions should be well integrated as part of the facade and/or screened by landscaping



Objectives

- O-2 To provide adequate car parking for the building's users and visitors, depending on building type and proximity to public transport;
- O-3 Provide sufficient parking for disabled persons;

Controls

- C-2 Resident parking
 - i. Residential developments shall provide car parking in accordance with clause 25J of LEP 194.
 - ii. All parking areas are to be designed in accordance with Ku-ring-gai Council's DCP No. 43 – *Car Parking*;
 - iii. For each adaptable unit, one of the spaces provided for each unit is to comply with the requirements for people with a disability Australian Standard AS2890.1. Such spaces are to be level and there should be a continuous line of travel between such spaces to the buildings' principal entrance or the lift.
- C-3 Visitor parking:
 - i. Residential developments shall provide visitor car parking in accordance with LEP 194;
 - ii. No more than 50% of visitor parking may be outside the basement car park;
 - iii. Basement visitor parking spaces are not to be obstructed by security grills or similar devices;
 - iv. Screen external parking areas with landscaping from view of the public domain; and
 - v. All external visitor parking to be constructed of water permeable surfaces; and,
 - vi. 1% (with a minimum of 1) visitor parking spaces are to be adaptable, by complying with the dimensional and locational requirements of AS2890.1-parking spaces for disabled people.

Objectives

O-4 To minimise the visual impact of car parking facilities when viewed from the street and adjoining properties;

O-5 To ensure vehicular safety (eg visibility and traffic safety);

Controls

C-4 Service vehicles/removalists:

- i. Residential developments are to provide a space for temporary parking of service and removalist vehicles, clearly signposted as such;
- ii. This space may be provided as a visitors space provided that the space has a minimum dimension of 3.5m x 6m and a minimum maneuvering area 7m wide.

C-5 Car washing:

- i. One external visitor parking bay to be provided with a tap; and
- ii. Use rainwater from a collection tank for car washing where practicable.

C-6 Vehicle entries are to be designed and sited so as not to dominate the street frontage;

- i. Reduce the visual presence from the street of the garage opening by angling the alignment of the driveway; and
- ii. Where possible vehicle entries are to be appropriately screened from view by landscaping.

C-7 Access and driveways

- i. Driveway width within 6m of the street boundary is to accord with table 4:
- ii. Vehicle access to multi unit developments is to be consolidated where possible;
- iii. Vehicles must be able to enter and exit from the site in a forward direction;
- iv. Ensure clear sight lines for vehicle crossings of footpaths and to traffic corridors and roads at pedestrian and vehicle crossings;
- v. Avoid the use of side setback areas for vehicle access where possible;
- vi. Setback or recess carpark entries from the main facade line; and
- vii. Long driveways (>30m) are to be avoided. Where unavoidable driveways >30m are to be provided with a passing bay.

Table 3 Driveway width

Proposed number of car parking spaces in development	Driveway clear widths for development fronting other roads
Less than 25 spaces	3.7m min – 6.0m max
25-100 spaces	3.7m min – 6.0m max
100-300 spaces	6.0m min – 9.0m max

Objectives

- O-6 To minimise car dependency and promote alternative modes of transport-public transport, bicycling and walking;

NOTE A Traffic Impact Assessment is required to accompany development applications that seek to vary the Controls for parking and access.

Controls

- C-8 Bicycles:
- Provide 1 bicycle parking space per 5 units for residents;
 - Provide 1 bicycle parking space per 10 units for visitors; and
 - Bicycle parking spaces designed in accordance with AS2890.3.
- C-9 Pedestrian connections between private property and the public domain should be clearly defined and easily accessible for easy of movement without conflicting with vehicle access.

4.2 Development Adjoining Arterial Roads

Explanation

There are a number of locations along the Pacific Highway and other major roads where it is clear that it would be undesirable to permit direct vehicle access to multi-unity zones. Developments on these sites need to incorporate appropriate arrangements for safe access.

Objectives

- O-1 To avoid the necessity of direct vehicular access to or from multi-unit developments to arterial roads so as to:
- promote a safer traffic environment for public road users including motorists, cyclists and pedestrians,
 - maintain the efficient flow of vehicular traffic,
 - promote landscaped areas at heavily trafficked road frontages to new multi unit developments at the expense of wide vehicle driveways,
 - facilitate appropriate and direct vehicular access from side streets to multi unit areas.

Controls

- C-1 Development adjoining an arterial road (Pacific Highway, Mona Vale Road and Boundary Street) is not to have vehicular access from that road unless it can be demonstrated that alternative vehicular access to that development is neither practicable nor can be provided by another road (not being a state road).

Such access arrangements may only be permitted subject to the concurrence of Council's Traffic Committee and the RTA.

- C-2 Notwithstanding any other matter contained within this Plan access to any residential flat building within the Residential 2(d3) zone shall not be through land in a different zone.

Table 4 Driveway width on main roads

Proposed number of car parking spaces in development	Driveway clear widths for development fronting main roads *
Less than 25 spaces	3.7m min - 6.0m max
25-100 spaces	6.0m min – 9.0m max
100-300 spaces	6.0m for entry 4.0m-6.0m for exit 1.3m separation

Note *: Pacific Highway, Mona Vale Road, and Boundary Street

5 Consideration of Isolated sites

Explanation

LEP 194 contains development standards applying to minimum site areas and minimum street frontages for multi unit housing sites. However, clause 25I(4) allows multi-unit housing development to be carried out within Zone No 2 (d3) on smaller sites, provided the proposed development complies with all other requirements.

This section provides considerations for developments proposing site amalgamations that will leave isolated undersized sites.

Objectives

- O-1 To provide for consolidation of sites so as to avoid sites being left without the ability to be developed for residential purposes.

Controls

- C-1 Consolidation or amalgamation of sites are to avoid single detached dwellings on lots in a 2(d3) zone smaller than 1200 sqm or with street frontages less than 23m being left underdeveloped as a result of any development proposal.
- C-2 Where a development proposal results in an adjoining single allotment or allotments in a 2(d3) zone with an area of less than 1200 sqm or a street frontage of less than 23 m, the applicant is to demonstrate that the adjoining allotment(s) can be developed in accordance with the provisions of LEP 194 and this DCP, including but not limited to the standards and controls relating to:
- Deep Soil Landscaping;
 - Site coverage;
 - Building setback;
 - Solar access; and
 - Visual privacy

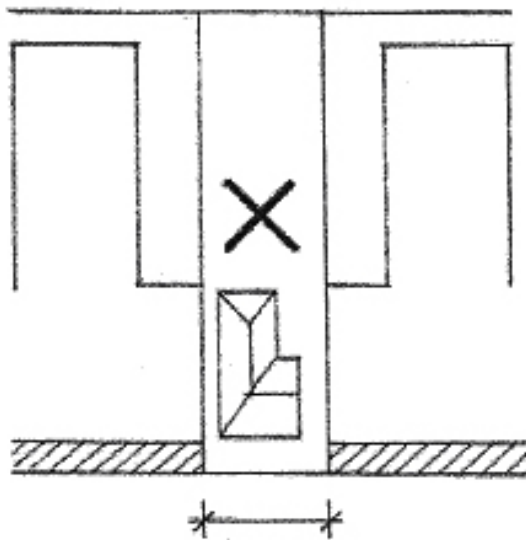


Figure 20 Isolation of small sites

Single lots smaller than 1200sqm are not be left in amalgamation of sites without demonstrating how these lots can be developed in accordance with LEP 194

Submitted material should include details and diagrams that demonstrate that such development is economically viable and that it will not detract from the character of the neighbourhood and can contribute positively to streetscape.

6 Specific Controls for nominated areas

6.1 Roseville (Former Special Area 1)

To be circulated separately to Councillors and incorporated into the Draft DCP prior to public exhibition.

6.2 Wahroonga (Former Special Area 6)

To be circulated separately to Councillors and incorporated into the Draft DCP prior to public exhibition.

6.3 St Ives (Former Special Area 7)

To be circulated separately to Councillors and incorporated into the Draft DCP prior to public exhibition.

Appendix A

Extract from Ku-ring-gai Planning Scheme Ordinance 1971 (As amended)

Part IIIA - Rail Corridor and St Ives Centre (LEP 194)

Extract from Ku-ring-gai Planning Scheme Ordinance 1971 (As amended)

PART IIIA

Rail Corridor and St Ives Centre

Division 1

Land to which Part IIIA applies

25A Land to which this Part applies

This Part applies to the land in the vicinity of the North Shore Railway / Pacific Highway corridor and the St Ives Centre, as shown edged heavy red on the map marked “Ku-ring-gai Local Environmental Plan No 194 – Zoning Map” held in the office of the Council.

Division 2

Definitions of terms used in Part 3A

25B Definitions

In this Part and the matter relating to Zones Nos 2 (c1), 2 (c2) and 2 (d3) in the Table to clause 23:

access handle means a strip of land that provides access from an allotment to a street or other public land, whether or not the strip forms part of the allotment.

apartment conversion means the creation of a residential flat building containing not more than 4 dwellings within an existing dwelling-house, where the residential flat building maintains the appearance of a single house in a garden setting that is common to all dwellings in the building.

attached dual occupancy means dual occupancy where the two dwellings are within one building.

attached small dwelling means a dwelling that:

- (a) is attached to another larger dwelling as a result of its being added to, or being constructed wholly or partly within the built form of, an existing dwelling-house, and
- (b) has a total floor space area of not more than 50 square metres, and
- (c) together with the other dwelling, maintain the appearance of a single dwelling-house, and
- (d) does not have a separate land title.

building footprint means the total maximum extent of the two dimensional area of the plan view of a building including all levels, but excluding any part of the building below ground and minor ancillary structures such as barbeques, letterboxes and pergolas.

built upon area means the area of a site containing any built structure (whether covered or uncovered), any building, carport, terrace, pergola, hardsurface recreation area, swimming pool, tennis court, driveway, parking area or any like structure, but excluding minor landscape

features.

Note. Any underground structure such as an on-site detention system or tank is not exempt from the built upon area calculation. Underground tanks should not be provided within areas suitable for landscaping and are encouraged to be provided, for example, under a driveway or car park, being an area which would normally be included as part of the built upon area.

deep soil landscaping means a part of a site area that:

- (c) is not occupied by any structure whatsoever, whether below or above the surface of the ground (except for paths up to 1 metre wide), and
- (d) is not used for car parking.

Detached Dual Occupancies Map means the map marked “Ku-ring-gai Local Environmental Plan No 194 – Detached Dual Occupancies Map” held in the office of the Council.

detached dual occupancy means two detached dwelling-houses on one allotment. Two dwellings connected by means only of a carport, breezeway, trellis or the like are taken to be detached dwelling-houses for the purposes of this definition.

dwelling means a room or suite or rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

Dwelling-house Subdivisions Map means the map marked “Ku-ring-gai Local Environmental Plan No 194 – Dwelling-house Subdivisions Map” held in the office of the Council.

ecologically sustainable development has the same meaning as in the *Local Government Act 1993* and includes the following:

- (g) conservation of natural resources,
- (h) optimisation of the use of natural features,
- (i) optimisation of energy efficiency,
- (j) maintenance or improvement of air, water and soil quality,
- (k) reduction of car dependence, and
- (l) waste avoidance and minimisation, and cleaner production.

family flats means two dwellings on one site where one dwelling is an attached small dwelling.

floor space ratio of a building means the ratio of the gross floor area of the building to the site area.

gross floor area means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the inner faces of the external enclosing walls, as measured at a height of 1,400 millimetres above each floor level, but excluding:

- (f) columns, fin walls, sun control devices, awnings and any other elements, projections or works outside the general lines of the outer face of the external walls, and
- (g) lift towers, cooling towers, machinery and plant rooms, and air conditioning and ventilation ducts, and
- (h) ancillary car parking and any associated internal designated vehicular and pedestrian access thereto, and
- (i) space for loading and unloading of goods, and
- (j) internal public areas, such as arcades, atria and thoroughfares, terraces and balconies with outer walls less than 1,400 millimetres high.

ground level means the natural level of the ground before the erection of any building or carrying out of any work.

manageable housing means housing in accordance with Class C – Adaptable Housing Features as set out in Australian Standard AS 4299 – 1995 – *Adaptable Housing* and must contain a bedroom, kitchen, dining area and bathroom on the ground floor or, where not on the ground floor, on a level to which lift access is provided.

multi-unit housing means three or more dwellings on one allotment, whether attached or not.

perimeter ceiling height means the vertical distance measured between ground level at any point and the topmost point of any ceiling where it meets, or where a horizontal projection of the ceiling would meet, any external or enclosing wall of the building.

residential flat building means a building containing three or more dwellings.

site area, in relation to proposed development, means the areas of land to which an application for consent to carry out the development relates, excluding the area of any access handle.

site coverage means the proportion of the building footprint to the site area, expressed as a percentage.

site slope means the proportion, expressed as a percentage, of the vertical difference in levels between the highest and lowest points of the ground level at the outer edge of the building footprint of proposed development to the horizontal distance between those same two points.

townhouse means a dwelling included in multi-unit housing, being a dwelling that has a separate entrance door accessible from an outside area and a private courtyard area at a level the same as, or similar to, the floor level of the dwelling.

villa means a townhouse which has only one storey.

Division 3

Aims and objectives

25C Aims and objectives of Part 3A

- (1) The aims of this Part are as follows:
 - (a) to encourage the protection and enhancement of the environmental and heritage qualities of Ku-ring-gai,
 - (b) to encourage orderly development of land and resources in Ku-ring-gai,
 - (c) to encourage environmental, economic, social and physical well-being so that Ku-ring-gai continues to be an enjoyable place to live in harmony with the environment.
- (2) The objectives of this Part are as follows:
 - (a) to provide increased housing choice,
 - (b) to encourage the protection of the natural environment of Ku-ring-gai, including biodiversity, the general tree canopy, natural watercourses, natural soil profiles,

-
- groundwater and topography and to reduce and mitigate adverse impacts of development on natural areas,
 - (c) to achieve high quality urban design and architectural design,
 - (d) to achieve development of Ku-ring-gai with regard to the principles of ecologically sustainable development,
 - (e) to ensure that development for the purpose of residential flat buildings on land within Zone No 2 (d3) has regard to its impact on any heritage items in the vicinity of that development,
 - (f) to encourage use of public transport, walking and cycling,
 - (g) to achieve a high level of residential amenity in building design for the occupants of buildings through sun access, acoustic control, privacy protection, natural ventilation, passive security design, outdoor living, landscape design, indoor amenity and storage provision.

25D Consideration of residential zone objectives and impact on heritage

(1) Heads of consideration for consent authority

Consent must not be granted to any development of land to which this Part applies unless the consent authority has had regard to:

- (a) the objectives for residential zones set out in this clause, and
- (b) if the application is for consent for a residential flat building in Zone No 2 (d3), a statement describing the extent, if any, to which carrying out the proposed development would affect the heritage significance of any heritage item in the vicinity of the subject land.

(2) Objectives for residential zones

The objectives for residential zones are as follows:

- (a) to provide rear setbacks that ensure rear gardens are adjacent to rear gardens of other properties and that sufficient ground area is available for tall tree planting, consistent with the objectives of this Part,
- (b) to encourage the protection of existing trees within setback areas and to encourage the provision of sufficient viable deep soil landscaping and tall trees in rear and front gardens where new development is carried out,
- (c) to provide side setbacks that enable effective landscaping, tree planting between buildings, separation of buildings for privacy and views from the street to rear landscaping,
- (d) to minimise adverse impacts of car parking on landscape character,
- (e) to provide built upon area controls to protect the tree canopy of Ku-ring-gai, and to ensure particularly the provision of viable deep soil landscaping in order to maintain and improve the tree canopy in a sustainable way, so that tree canopy will be in scale with the built form,
- (f) to encourage the planting of tree species that are endemic to Ku-ring-gai,
- (g) to require on-site detention for stormwater for all new development and refurbishment of existing housing so as to avoid excessive run-off and adverse impacts on natural watercourses, and to preserve the long-term health of tall trees and promote natural absorption,
- (h) to encourage water sensitive urban design,
- (i) to encourage the protection and enhancement of open watercourses,
- (j) to have regard for bushfire hazard,
- (k) to ensure sunlight access to neighbours and to provide sunlight access to occupants of

-
- the new buildings,
 - (l) to encourage safety and security of the public domain by facing windows and building entries to the street, where appropriate, and windows to open spaces in order to maximise casual surveillance opportunities,
 - (m) to encourage safety and security of private development by requiring a high standard of building design and landscape design,
 - (n) to encourage the provision of housing for seniors and people with disabilities by prescribing appropriate standards for new development,
 - (o) to encourage the protection of the environmental qualities of the area by limiting the range of permissible residential uses and to allow a limited range of compatible non-residential uses in certain zones,
 - (p) to allow attached dual occupancies only on compliance with defined criteria and only where they are consistent with or enhance the character of the streetscape and its setting,
 - (q) to provide for waste management (including provision for garbage storage and collection) consistent with the objectives of this Part,
 - (r) to ensure that adequate provision of storage is made for residential development,
 - (s) to encourage the retention and expansion of bicycle infrastructure.

Division 4

Controls on development

25E Dual occupancies and multi-unit housing on land to which this Part applies

- (1) Consent may be granted to development for the purpose of an attached dual occupancy, a detached dual occupancy, a residential flat building, three or more townhouses or villas or any other form of multi-unit housing on land to which this Part applies only if the land has an area of at least 1,200 square metres.
- (2) In addition, consent may be granted to development for the purpose of a detached dual occupancy only on land shown coloured yellow on the Detached Dual Occupancies Map.

25F Dual occupancies in Zone No 2 (c2)

- (1) The objectives of this clause are as follows:
 - (a) to give effect to the objectives for residential zones, while permitting detached and attached dual occupancy in limited circumstances,
 - (b) to nominate locations for detached dual occupancy,
 - (c) to ensure new attached dual occupancy has the appearance of a single dwelling in a single garden.
- (2) Consent may be granted to development for the purpose of a detached dual occupancy in Zone No 2 (c2) only if the total floor space ratio after the development has been carried out will be not greater than 0.4:1.
- (3) Consent may be granted to development for the purpose of an attached dual occupancy in Zone No 2 (c2), but only if:
 - (a) the site was occupied by a single dwelling-house on 28 March 2000 and when the development application is made, and
 - (b) the attached dual occupancy will be achieved by carrying out alterations or additions, or both, to the existing dwelling-house, and

-
- (c) no more than 15% of the existing total floor space area of the existing dwelling-house will be demolished and the proposed development will result in not more than a 15% increase in the total floor space area over that of the existing dwelling-house as at 28 March 2000.

25G Apartment conversions in Zone No 2 (c2)

- (1) The objectives of this clause are:
 - (a) to encourage the retention of high quality large residential dwellings along the Pacific Highway, and
 - (b) to maintain the appearance of such dwellings as single houses set in landscaped grounds.
- (2) Consent may be granted to apartment conversions in Zone No 2 (c2) only if:
 - (a) the site has a frontage to the Pacific Highway, and
 - (b) the site area is not less than 1,500 square metres, and
 - (c) the site was occupied by a single dwelling-house on 28 March 2000 and when the development application is made (except where an apartment conversion has already been carried out on the site pursuant to this clause), and
 - (d) no more than 15% of the existing total floor space area of the existing dwelling-house will be demolished and the proposed development will result in not more than a 15% increase in the total floor space area over that of the existing dwelling-house as at 28 March 2000, and
 - (e) the built upon area is not increased by more than 10% of that which exists or to more than 40% of the site area, whichever is the lesser, and
 - (f) on-site car parking can be provided in accordance with other requirements for development within Zone No 2 (c2) (being requirements relating to landscaped area, setbacks and protection of trees).
- (3) Strata subdivision of a lot containing a residential flat building that has been created pursuant to this clause may be carried out, but only with development consent.

25H Subdivision in the residential zones

- (1) The objectives of this clause are as follows:
 - (a) to set minimum lot areas that reflect previous minimum lot sizes,
 - (b) to set minimum lot areas and minimum street frontage lot widths that provide for development to occur in a garden setting by substantial setbacks to enable long-term sustainability of trees,
 - (c) to permit the subdivision of multi-unit housing,
 - (d) to provide for substantial common landscaped area to encourage good streetscape quality and areas for trees for each development.
- (2) Land to which this Part applies may be subdivided, but only with development consent.
- (3) If land to which this Part applies is subdivided:
 - (a) lots created for the purpose of dwelling-houses are to each have at least the area specified as the "Minimum Lot Sizes" for the relevant land on the Dwelling-house Subdivisions Map, and
 - (b) the only land on which a detached dual occupancy is situated that may be subdivided to create separate titles for the two dwellings comprising the detached dual occupancy is shown coloured yellow on the Detached Dual Occupancies Map, and

-
- (c) each of the allotments occupied by a dwelling that formed part of a detached dual occupancy is to have a site area of at least 550 square metres.
- (4) Where development listed in Column 1 of the Table to this subclause is permissible in a zone, a subdivision of land (excluding strata subdivision or a neighbourhood subdivision) to create a lot to be used for that development must not result in an allotment with a street frontage less than the minimum street frontage specified for the development in Column 2 of that Table:

Table

Minimum street frontages

Column 1	Column 2
Development for the purpose of:	Minimum street frontage width
Dwelling-houses	18 metres
Detached dual occupancy	18 metres
Attached dual occupancy	Not applicable
Residential flat buildings, townhouses and villas	23 metres

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

Division 5

Further controls

25I Site requirements and development standards for multi-unit housing

(1) Heads of consideration for consent authority

Before granting consent to development for the purpose of multi-unit housing on land to which this Part applies, the consent authority must take into account the following:

- (a) the desirability to provide a high proportion of deep soil landscape to the site area,
- (b) the impact of any overshadowing, and any loss of privacy and loss of outlook, likely to be caused by the proposed development,
- (c) the desirability to achieve an appropriate separation between buildings and site boundaries and landscaped corridors along rear fence lines,
- (d) the environmental features that are characteristic of the zone in which the site is situated by requiring sufficient space on-site for effective landscaping,
- (e) the desirability of adequate landscaping so that the built form does not dominate the landscape,
- (f) how the principles of water cycle management can be applied to limit the impacts of runoff and stormwater flows off site.

(2) Minimum standards for deep soil landscaping

The following standards relating to deep soil landscaping apply to multi-unit housing:

-
- (a) deep soil landscaping with a minimum width of 2 metres is to be provided on the site area,
 - (b) a site with an area of less than 1,800 square metres is to have deep soil landscaping for at least 40% of the site area,
 - (c) a site with an area of 1,800 square metres or more is to have deep soil landscaping for at least 50% of the site area.

(3) **Minimum street frontages**

The standards for street frontages set out in the Table to this subclause apply to a site used for the purpose of multi-unit housing:

Table

Minimum street frontages

Site area	Minimum street frontage
1,800 square metres or more	30 metres
1,200 square metres or more but less than 1,800 square metres	23 metres

(4) **Multi-unit housing on smaller sites**

Despite clause 25E, multi-unit housing may be carried out within Zone No 2 (d3) on a site that has a site area of less than 1,200 square metres, or a street frontage of less than 23 metres, if the proposed development complies with all other requirements of this Ordinance.

(5) **Maximum number of storeys**

Buildings on land to which this Part applies are not to have more storeys than allowed by the Table to this subclause.

Table

Maximum number of storeys

Site area	Maximum number of storeys
Less than 1,800m ²	3
1,800m ² or more but less than 2,400m ²	4
2,400m ² or more	5

(6) **Maximum site coverage**

Buildings of a kind described below are not to occupy a greater percentage of the site area than is specified below for the kind of buildings. If a site is comprised of land in Zone No 2 (d3) and other land, the other land is not to be included in calculating site area.

Residential flat buildings – 35%,

Townhouses – 40%,

Villas – 50%,

Combination of townhouses and villas – 50%.

(7) Limit on floor area of top storey

In Zone No 2 (d3), where the maximum number of storeys permitted is attained, then the floor area of the top storey of a residential flat building of 3 storeys or more is not to exceed 60% of the total floor area of the storey immediately below it.

(8) Maximum number of storeys and ceiling height

Subject to subclause (5) and clause 25K, buildings on land to which this Part applies are not to have:

- (a) more storeys than the maximum number of storeys specified in Column 2 of the Table to this subclause, or
- (b) given the number of storeys in the building, a perimeter ceiling height greater than that specified in Column 3 of that Table.

Table

Maximum number of storeys and ceiling height

Column 1	Column 2	Column 3	
Zone	Maximum number of storeys	Calculation of maximum perimeter ceiling height	
	Number of storeys in a building (not including top storey with floor area reduced because of subclause (7) or attics, where applicable)	Number of storeys in building (not including top storey with floor area reduced because of subclause (7) or attics, where applicable)	Maximum perimeter ceiling height of building (not including top storey with floor area reduced because of subclause (7) or attics, where applicable)
2 (c1) and	2	1	4.5 metres
2 (c2)		2	7.2 metres
2 (d3)	4	1	4.5 metres
		2	7.2 metres
		3	10.3 metres
		4	13.4 metres

- (9) Any storey which is used exclusively for car parking, storage or plant, or a combination of them, in accordance with the requirements of this Ordinance and no part of which (including any wall or ceiling which encloses or defines the storey) is more than 1.2 metres above ground level, is not to be counted as a storey for the purposes of the Table to subclause (8).

(10) Excavation near Epping-Chatswood Rail Tunnel

Before consent is granted for any substantial excavation of a site to accommodate basement levels in proximity to the Epping-Chatswood Rail Tunnel, the consent authority must consider an assessment of the likely effect of the excavation, and of the rail tunnel and its use, on:

- (a) the proposed excavation, and
- (b) the likely subsequent use of the land on which the excavation is proposed.

25J Car parking

- (1) Before granting consent to residential development on land to which this Part applies, the consent authority must take into account the following:
 - (a) the proximity of multi-unit housing zones to rail station centres and major bus routes along Mona Vale Road serving the St Ives Centre,
 - (b) the desirability of encouraging use of public transport,
 - (c) that the impact of car parking on the natural ground area of multi-unit housing lots should be minimised and the need to provide sufficient deep soil landscaping for trees and their long-term sustainability,
 - (d) that the visual impact of car parking both from the street and from other land (private or public) should be minimised.
- (2) Consent must not be granted to development that will result in more than one dwelling on a site unless:
 - (a) at least one car space is provided per dwelling and, if the site is not within 400 metres of a pedestrian entry to a railway station, one additional car space is provided for each dwelling with 3 or more bedrooms, and
 - (b) at least one additional visitor car space is provided for every 4 dwellings, or part thereof, that will be on the site.
- (3) All car parking provided must not be open air car parking unless it is for visitors, in which case it must be constructed with water-permeable paving unless the paving is directly above part of the basement.

25K Steep slope sites

Consent may be granted to a building on a site with a site slope greater than 15% that would:

- (a) exceed the number of storeys controls in clause 25I (8) by only one storey for up to 25% of the building footprint, or
- (b) exceed the height controls in clause 25I (8), but only by up to 3 metres for up to 25% of the building footprint, or
- (c) take advantage of the concessions conferred by both paragraphs (a) and (b), but only for up to the same 25% of the building footprint.

25L Zone interface

- (1) The objective of this clause is to provide a transition in the scale of buildings between certain zones.
- (2) The third and fourth storey of any building on land within Zone No 2 (d3) must be set back at least 9 metres from any boundary of the site of the building with land (other than a road) that is not within Zone No 2 (d3).
- (3) Landscaping required to screen development from any adjoining property must be provided on the site and must not rely on landscaping on the adjoining property.

25M Non-discretionary development standards for residential flat buildings in Zone No 2 (d3)

Pursuant to section 79C (6) (b) of the Act, the development standards for number of storeys, site coverage, landscaping and building set back that are set by this Part are identified as non-discretionary development standards for development for the purpose of a residential flat building on land within Zone No 2 (d3).

25N Manageable housing

(1) Objectives

The objectives of this clause are:

- (a) to increase the housing choice for seniors and people with disabilities, and
- (b) to encourage ageing in place.

(2) Requirement for manageable housing

Consent must not be granted to development for the purpose of multi-unit housing in Zone No 2 (d3) unless:

- (a) at least one dwelling comprises manageable housing for each 10 dwellings (or part thereof) comprising the multi-unit housing, and
- (b) wheelchair access is provided to all dwellings comprising the manageable housing.

(3) Requirement for lifts

A lift must be provided in all multi-unit housing of more than 3 habitable storeys in Zone No 2 (d3).

Appendix B

Statements on “The Character of Ku-ring-gai and “A Statement
of Heritage Significance”

THE CHARACTER OF KU-RING-GAI

THE CHARACTER OF KU-RING-GAI IS DEFINED BY:

- Large indigenous and exotic trees whose canopies form the skyline, line the streets and dominate garden spaces throughout the whole area; and
- The unique presentation of private gardens which are given due importance in residential settings and designs.

Nature of development

- **A unique predominance of residential development**, with a notable absence of industry or large commercial areas. Large educational establishments and suburban retail/service centres are the other major land uses.
- **Development which responds to the landform** - the spine of the heavily incised plateau carries the main transport routes and the earliest development; successive feeder roads and suburban development follow tributary ridges, leaving the steep gullies on the east and west of the spine as bushland reserves and national parks.

Pattern of development

- The predominant form of development is of individual houses sited on large blocks of land and surrounded by garden space.
- Houses are separated by generous side setbacks and curtilages.
- Fences define the boundary of each allotment; front fences and/or hedges mark the street alignment and allow pedestrians to look over to the garden beyond. Particular areas of post 1945 subdivision are characterised by an absence of front fences combined with a lack of solid side and/or rear fences presenting a continuity of open landscape vistas between adjoining properties.
- Garages/carports are generally sited at the side or back of each house. They are most commonly accessed by single width driveways which have minimal paving. Runoff is therefore largely absorbed within each residential allotment into the predominant green surfaces of lawn, garden beds, shrubberies and trees.

Trees and gardens

- Older residential developments along the main spine are characterised by larger blocks of land and gardens combining exotic, deciduous and indigenous plantings. More recent development is away from the main spine and is generally on smaller blocks of land with a predominance of indigenous and exotic plantings.
- Street tree plantings include informal remnants of the forest, others are of formal plantings made over a period of 100 years. Street tree plantings may also feature grassed or planted nature strips and verges and are largely contributory to the unique characteristic of Ku-ring-gai's streetscapes.

Materials

- Houses and shops are mostly built of unpainted brick with tile roofs. There are some important pockets of early timber houses. Walls of render or timber shingles and iron or slate roofs characterise some of typical building materials.

KU-RING-GAI

A STATEMENT OF HERITAGE SIGNIFICANCE

The heritage of Ku-ring-gai comprises a rare blend of fine domestic architecture within a landscape of indigenous forests and exotic plantings and garden.

Ku-ring-gai as a whole is of national and state heritage significance because of:

- The outstanding quantity, quality, depth and range of its twentieth century architecture. It contains houses designed by many of Australia's prominent twentieth century architects which have influenced the mainstream of Australian domestic architecture nationally including John Sulman, Howard Joseland, Hardy Wilson, Leslie Wilkinson and Harry Seidler.
- The evidence it provides of twentieth century town planning and conservation philosophies – the segregation of residential areas from other urban uses, subdivision patterns which reflect a range of suburban aspirations, the use of residential district proclamations to create and retain domestic environmental amenity, street tree planting and post-war neighbourhood planning.
- The railway whose presence demonstrates the bargaining power of public works and services in gaining votes for federation.

Ku-ring-gai is of regional significance for:

- The evidence it retains in its surrounding national parks, along its creek lines and in its public and private gardens, remnants of the original Blackbutt and Blue Gum forests and associated woodlands, understoreys and dependent fauna – a resource of wide ranging scientific research potential.
- Its coherent aesthetic values resulting from a combination of elevated locations, good soils, large trees, extended views, fine architecture and established gardens inspiring artists such as Grace Cossington Smith and Lionel Lindsay, visionaries such as John Sulman and J.J.C Bradfield and writers such as Ethel Turner to honour Ku-ring-gai with their works.
- For the technical and design innovation in its buildings and gardens – demonstrating some of the earliest examples of Australia's first school of architecture at Sydney University, some of the earliest use of cavity walls, Marseilles tiles and innovative landscape designs of renowned exponents such as Edna Walling, Paul Sorensen and Jocelyn Brown.

Ku-ring-gai is also of heritage significance for:

- The evidence provided by its rich history and all its sequential layers – from Aboriginal occupation, very early timbergetting, the long period of relative isolation from built suburbia, orcharding and farming followed by the rapid growth of suburban development in response to elevated topography, "clean air" and the establishment of the railway.
- The evidence offered by its built landscape and garden design incorporating a variety of horticultural styles and in harmony with the natural landscape such as those at Swain Gardens, Bobbin Head, large estate private gardens and the gardens at railway stations and well-designed gardens of cultivated botanical specimens such as Eryldene and the Ku-ring-gai Wildflower Garden.

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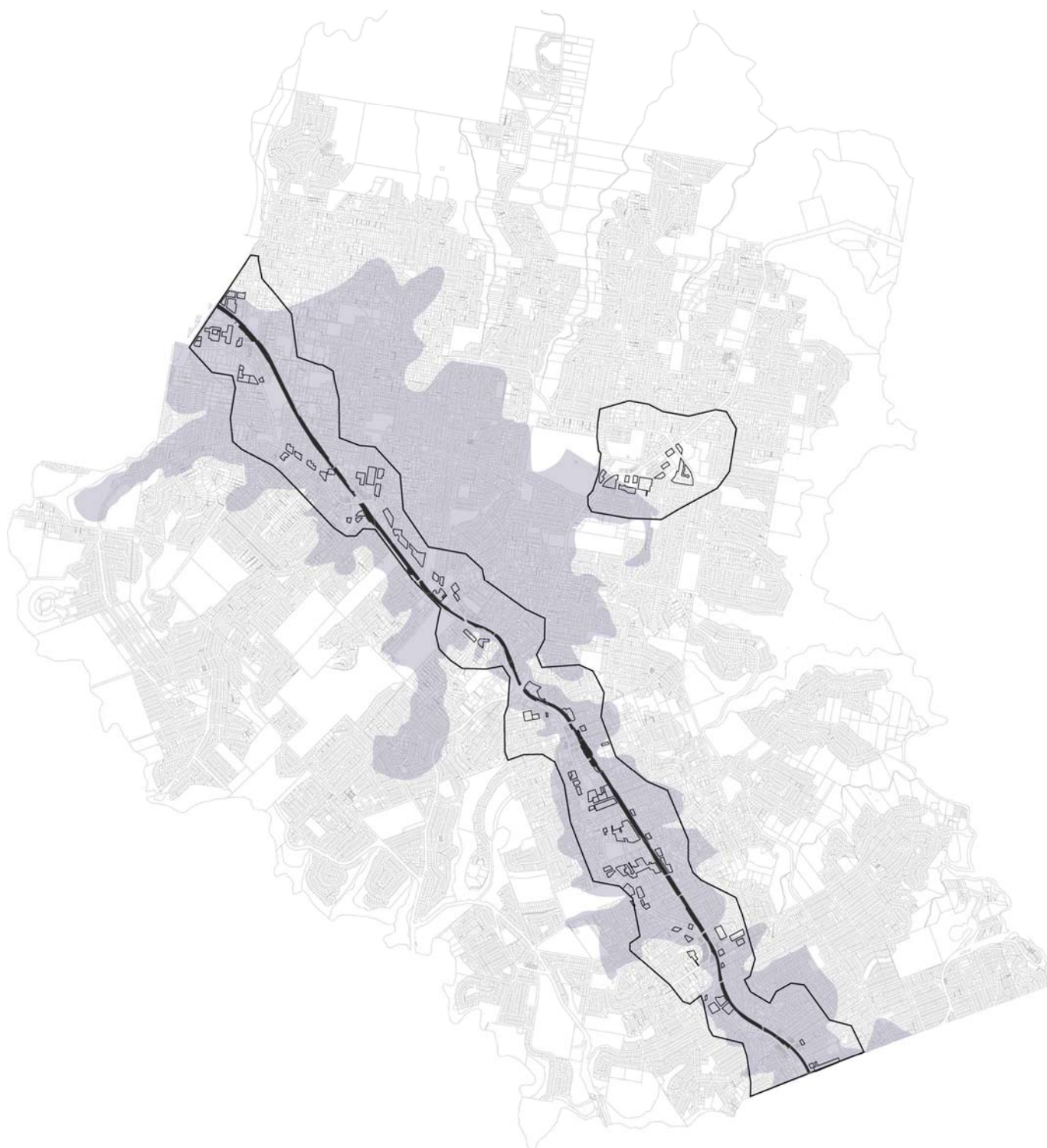
Appendix C

Urban Conservation Areas

NOTE: Master copies of Urban Conservation Area Maps will be made available to Councilors at the Meeting on 27/7/04 and incorporated into the Draft DCP prior to exhibition.

Appendix D

Extent of Blue Gum High Forest within the railway corridor



SCALE OF MAPS TO BE
ADJUSTED SO CADASTRAL
BOUNDARIES CAN BE SEEN

Extent of Blue Gum High Forest within the railway corridor

Ku-ring-gai contains most of the last remnants in the Sydney 'bioregion' of the towering tall Blue Gum High Forests. The extent of the remnant Blue Gum High Forest vegetation association is shown shaded. The Rail Corridor and St Ives Centre are shown outlined with heavy black line. Multi-unit zones are shown in light outline within the Rail Corridor and St Ives Centre. The tall forest character is a significant contributor to the visual character and amenity of Ku-ring-gai (Source: Ku-ring-gai GIS survey).

Appendix E

Suitable Canopy Tree Species

TREE SPECIES	Soil type		Soil moisture		Origin			Leaf drop	
	Shale	Sand stone	Moist	Dry	LOCAL	NATIVE	EXOTIC	EVER GREEN	Deciduous
Blue Gum High Forest – Tall Canopy Species									
Eucalyptus saligna (Sydney Blue Gum)	●		●		●			●	
Eucalyptus paniculata (Grey Ironbark)	●		●		●			●	
Eucalyptus pilularis (Blackbutt)	●		●		●			●	
Angophora floribunda (Rough Barked Apple)	●		●		●			●	
Syncarpia glomulifera (Turpentine)	●	●	●		●	●		●	
Other Canopy Species									
Eucalyptus piperita (Sydney peppermint gum)									
Agathis robusta (Queensland Kauri Pine)	●		●			●		●	
Angophora bakeri (Narrow Leafed Apple)	●	●	●	●	●			●	
Angophora costata (Sydney Red Gum)	●	●	●	●	●			●	
Araucaria cunninghamii (Hoop Pine)	●	●	●			●		●	
Araucaria heterophylla (Norfolk Island Pine)	●	●	●			●		●	
Carya illinoensis (Pecan Nut)	●		●				●		●
Cedrus atlantica (Atlantic Cedar)	●		●				●	●	
Cedrus deodara (Himalayan Cedar)	●		●				●	●	
Ceratopetalum apetalum (Coachwood)	●	●	●		●			●	
Corymbia citriodora (Lemon Scented Gum)	●		●			●		●	
Corymbia gummifera (Red Bloodwood)	●	●	●	●	●			●	
Corymbia maculata (Spotted Gum)	●	●	●		●			●	
Cryptocarya glaucescens (Native Tamarind)	●	●	●			●		●	
Diploglottis cunninghamii (Native Tamarind)	●	●	●			●		●	
Doryphora sassafras (Sassafras)	●	●	●		●			●	
Elaeocarpus kirtonii (Pigeonberry Ash)	●	●	●			●		●	
Eucalyptus acmenioides (White Mahogany)	●		●		●			●	
Eucalyptus globoidea (White Stringybark)	●		●		●			●	
Eucalyptus micocorys (Tallowood)	●	●	●			●		●	

TREE SPECIES	Soil type		Soil moisture		Origin			Leaf drop	
	Shale	Sand stone	Moist	Dry	LOCAL	NATIVE	EXOTIC	EVER GREEN	Deciduous
Eucalyptus punctata (Grey Gum)	●	●	●	●	●			●	
Eucalyptus racemosa (Scribbly Gum)	●	●	●	●	●			●	
Eucalyptus resinifera (Red Mahogany)	●		●		●			●	
Eucalyptus sieberi (Silvertop Ash)	●	●	●	●	●			●	
Flindersia australis (Crow's Ash)	●		●			●		●	
Liriodendron tulipifera (Tulip Tree)	●		●				●		●
Michelia champaca (Golden Champaca)	●		●				●	●	
Metasequoia glyptostroboides (Dawn Redwood)	●		●				●		●
Nageia falcata (Outeniqua yellow-wood) syn. Podocarpus falcatus	●		●				●	●	
Nyssa sylvatica (Tupelo)	●	●	●				●		●
Platanus x hybrida (Plane Tree)	●		●				●		●
Platanus orientalis (Oriental Plane Tree)	●		●				●		●
Podocarpus elatus (Brown Pine)	●		●			●		●	
Pyrus calleryana (Chinese Wild Pear)	●		●				●		●
Pyrus ussuriensis (Manchurian Pear)	●		●				●		●
Quercus coccinea (Scarlet Oak)	●		●				●		●
Quercus palustris (Pin Oak)	●		●				●		●
Quercus rubra (Red Oak)	●		●				●		●
Waterhousia floribunda (Weeping Lillypilly)	●		●			●		●	
Syzygium francisii (Francis Water Gum)	●		●			●		●	
Zelkova serrata (Zelkova)	●		●				●		●

Appendix F

Adaptable housing in Ku-ring-gai

Adaptable housing

Adaptable housing is housing that is designed with basic accessible features which can easily be complemented with further features to meet an individual's needs over time. The dwelling can be easily adapted, if required, to cater for the changing needs and capabilities of an older or persons of persons with a disability, and then be readapted to a conventional unit if that person moves out.

The Australian Bureau of Statistics 1993 Survey of Disability, Aging and Carers estimated that 18% of the Australian population had a disability. Around 60% of those persons with a disability have some difficulty with mobility. For people aged over 60 years, the percentage of persons with a disability increases to almost 50%. The need for adaptable housing is therefore substantial, and growing with the aging of the population. The provision of adaptable housing should not be limited to special purpose built housing for a sector of the community, but rather applied to all housing types (HillPDA).

Australian Standard AS4299 – Adaptable housing defines the essential and desirable features for adaptable housing. The cost of adapting most items in Australian Standard AS4299 is minimal provided they are designed in from the beginning. The HillPDA report found that the initial cost of adapting a unit in high-rise units (4 storeys or greater) with prior provision added 0.3%-0.7% to the cost of construction while modifying the same unit if there was no prior adaptive features added 9.2%-12.9% to the cost of construction. Similarly for low-mid rise housing units the initial cost of adapting a unit with prior provision added 0.3%-7.0% while modifying the same unit if there was no prior adaptive features added 10.3%-21.9% to the cost of construction (HillPDA, 1999).

Most of the adaptable items with the greatest cost savings have minimal or nil upfront costs but would be very difficult to retrofit at a latter stage. Some items of AS4299 increase costs and floor area particularly for small units. These include basement car parking, passenger lifts, accessible pathways, and wheelchair accessibility in bedrooms. The impact of these features is relative to the project circumstances. For example:

- The major cost impact of adaptable housing standards from the Hill PDA research is to low-rise residential development because of the need to incorporate a lift.
- Moderate to high quality dwellings often feature larger bedrooms with open plan accommodation that can easily adopt wheelchair manoeuvrability.

SEPP 5 requires that 10% of units meet the wheelchair external access standards of cl.13A of the policy. These units must meet or be capable of being modified to meet the full AS1428 standards of wheelchair access by a continuous path of travel to all interior areas and facilities and a toilet, bathroom, bedroom and living area.

Under SEPP 5 in meeting the accessibility standards, if a lift is provided to dwellings other than dwellings on the ground floor, and this is the proposed means of achieving the access requirements, the lift must provide access to all dwellings in that building regardless of the gradient of the land. Ku-ring-gai LEP No. 194 requires lift access to all units on a building of more than 3 storeys.

Definitions

“Manageable housing” is housing in accordance with Class C – Adaptable Housing Features as set out in Australian Standard AS4299 and must contain a bedroom, kitchen, dining area and bathroom on the ground floor, or where not on the ground floor, lift access is provided.

“Visitable housing unit” is to be visitable by people who use wheelchairs, in that there must be at least one wheelchair accessible entry and path of travel to the living area and to a toilet that is either accessible (A toilet complying with the floor space requirements described in AS1428.1) or visitable (A toilet which has a space of minimum 1250mm in front of the toilet that is either accessible or visitable).

AS4299 contains the technical requirements to achieve a visitable dwelling.

“Accessible housing” is designed to allow a wheelchair user to enter, move about and use all rooms and facilities in a dwelling unaided.

Typical accessible features include wider doors, sufficient clear floor space for a wheelchair, entrance free of steps and stairs, audible and visual signals, lowered Kitchen counters, grab bars in the toilet and bathroom, knee spaces under sinks and counters and a hobless shower.

Features are provided up front, permanently fixed in place, and noticeable. As a result, many persons that do not require such features view them as clinical in appearance and not marketable to the wider population.

AS1428 Part 1 and Part 2 and AS4299 contain the technical requirements for accessible housing.

“Adaptable housing” is designed with the basic accessible features which can easily be complemented with further features to meet needs over time.

Adaptable house features can be invisibly incorporated into plans for all types of housing. The only difference is that the dwelling can be easily adapted, if required, to cater for the changing needs and capabilities of an older or “disabled” occupant, and then be readapted to a conventional configuration of the person moves out. Adaptable design means readily adjusted. Adaptable features are those than can be adjusted in a short time without involving structural or major material changes.

Typical adaptable features that are aimed at all users and available the moment the dwelling is built include level and wider doorways and corridors, slip resistant floor surfaces, reachable power points, lever door handles and lever taps. Features that may be utilised at a later stage include kitchen counters that may be adjusted in height or replaced, strengthened walls onto which grab rails may be fixed, and the provision of a hobless shower.

AS4299 contains the technical requirements for adaptable housing. Appendix A of AS4299: Adaptable housing (see attached) provides a schedule of features for adaptable housing.

LEP 194 and this DCP adopts the requirements and provisions of SEPP 5 for adaptable and accessible housing for all development requiring adaptable and assessable housing.

Section 3.4.6 of this DCP outlines the requirements and provisions for adaptability and accessibility.

LOCAL GOVERNMENT ASSOCIATION OF NEW SOUTH WALES 2004 ELECTION OF EXECUTIVE COMMITTEE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To advise Council of the 2004 election of the Executive Committee of the Local Government Association of New South Wales.
BACKGROUND:	The State Electoral Office has written to Council advising of the Local Government Association of New South Wales 2004 Election of the Executive Committee and asked that this correspondence be placed before Council.
COMMENTS:	Council may wish to nominate a Councillor/s for the 2004 Local Government Executive Committee.
RECOMMENDATION:	That Council determine if it wishes to nominate a Councillor/s for the Local Government Association of New South Wales 2004 Executive Committee.

PURPOSE OF REPORT

To advise Council of the 2004 election of the Executive Committee of the Local Government Association of New South Wales.

BACKGROUND

The State Electoral Office by letter dated 8 July 2004 has written to Council advising of the Local Government Association of New South Wales 2004 Election of the Executive Committee.

The State Electoral Office has asked that this correspondence be placed before Council.

Candidates and nominators must be elected members of Councils who are financial ordinary members of the Local Government Association of New South Wales.

COMMENTS

A nomination form, statutory declaration and information regarding the 2004 election are **attached**.

Nominations close on Friday, 20 August 2004 and voting will take place at the Annual Conference of the Local Government Association of New South Wales on 25 and 26 October 2004.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

There are no costs to Council associated with this process.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

That Council determine if it wishes to nominate a Councillor/s for the Local Government Association of New South Wales 2004 Executive Committee.

Geoff O'Rourke
SENIOR GOVERNANCE OFFICER

Attachments:

- 1. Information about Nominations and Voting.**
- 2. Nomination Form.**
- 3. Statutory Declaration**