

ORDINARY MEETING OF COUNCIL TO BE HELD ON TUESDAY, 8 JUNE 2010 AT 7.00PM LEVEL 3, COUNCIL CHAMBERS

AGENDA

NOTE: For Full Details, See Council's Website – www.kmc.nsw.gov.au under the link to business papers

APOLOGIES

DECLARATIONS OF 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 25 May 2010 Minutes numbered 133 to 153

MINUTES FROM THE MAYOR

PETITIONS

GENERAL BUSINESS

- i. The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to have a site inspection.
- ii. The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to adopt in accordance with the officer's recommendation allowing for minor changes without debate.

GB.1 Licence to West Lindfield Sport and Recreation Club

1

File: S07454

To advise Council of the outcome of negotiations with West Lindfield Sport and Recreation Club and to request a long term licence for the club.

Recommendation:

That Council resolve to grant a licence to West Lindfield Sport and Recreation Club for a period of 11 years with a 10 year option, in accordance with S47 of the Local Government Act.

GB.2 Community Reference Committee - Minutes of Meeting

6

File: S07621

To advise Council of the minutes of the Community Reference Committee meeting held on 7 April 2010.

Recommendation:

That Council receive and note the Community Reference Committee meeting minutes from 7 April 2010.

GB.3 48 Northcote Road, Lindfield - Alterations including a First Floor Addition 11

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File: DA0161/10

Ward: Roseville

Applicant: Urbanesque Planning Pty Ltd Owner: Mr D Armitage, Ms A Wilcox

To determine Development Application No.0161/10 which proposes alterations to an existing dwelling and a first floor addition.

Recommendation:

Refusal.

GB.4 Consideration of Draft Ku-ring-gai Development Control Plan (Town Centres) 2010 Final Report

38

File: CY00054/2

To enable Council to consider the draft Ku-ring-gai Development Control Plan (Town Centres) 2010 following the formal exhibition period.

Recommendation:

That the revised draft Ku-ring-gai Development Control Plan (Town Centres) 2010 be adopted by Council.

GB.5 Delivery Program & Operational Plan 2010 to 2014

308

File: FY00382

For Council to adopt the revised draft delivery program and operational plan 2010-2014, incorporating the Budget, Capital Works Program, Special Rate Variation (Subject to Minister's Approval) and Fees and Charges for 2010-2011.

Recommendation:

That Council adopt the delivery program and operational plan 2010-2014, incorporating the Budget, Capital Works Program, Special Rate Variation (Subject to Minister's Approval) and Fees and Charges for 2010-2011.

GB.6 Energy Reduction & Alternative Energy Generation Strategy

338

File: S02166

To present to Council a draft program to reduce corporate energy consumption in line with the adopted Climate Change Policy.

Recommendation:

That a program of works be funded through the Environmental Levy, previously allocated for Town Centres Sustainability, and the Operations Department through the approved annual budget.

GB.7 Draft Sponsorship & Donations Policy

357

File: S05650

To advise Council of the completion of the public exhibition period for the draft Sponsorship and Donations Policy and recommend adoption of the Policy.

Recommendation:

That Council adopt the draft Sponsorship and Donations Policy.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 241 OF GENERAL REGULATIONS

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

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

The Item listed hereunder is recommended for consideration in Closed Meeting, Press & Public excluded for the reason stated below:

C.1 1574 to 1578 Pacific Highway - Seniors Living Development DA0652/07 - Land & Environment Court Proceedings No 10383 of 2010 - Council -v- De Stoop

File: S06605

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2)(g) of the Act, and should be dealt with in a part of the meeting closed to the public.

Section 10A(2)(g) of the Act permits the meeting to be closed to the public for business relating to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This matter is classified confidential under section 10A(2)(g) because it contains advice concerning a legal matter that:

(a) is a substantial issue relating to a matter in which the Council is involved

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1

- (b) is clearly identified in the advice, and
- (c) is fully discussed in that advice.

It is not in the public interest to release details of the legal advice as it would prejudice Council's position in court proceedings.

Report by Corporate Lawyer & Director Development & Regulation dated 31 May 2010.

John McKee GENERAL MANAGER

** ** ** ** ** ** ** **

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.

S07454 31 May 2010

LICENCE TO WEST LINDFIELD SPORT AND RECREATION CLUB

EXECUTIVE SUMMARY

PURPOSE OF REPORT:To advise Council of the outcome of negotiations

with West Lindfield Sport and Recreation Club and to request a long term licence for the club.

BACKGROUND: In 1959 a licence to use and occupy part of the

land known as Princess Park, West Lindfield was

granted to the West Lindfield Bowling Club.

The licence agreement expired on 21 October 2009 and tenure currently remains on a holding

over arrangement until the replacement

documentation is completed.

COMMENTS: West Lindfield Sport and Recreation Club has

agreed to enter into a current and exclusive licence to occupy the site during the construction

of Futsal courts and thereafter.

RECOMMENDATION: That Council resolve to grant a licence to West

Lindfield Sport and Recreation Club for a period of 11 years with a 10 year option, in accordance

with S47 of the Local Government Act.

S07454 31 May 2010

PURPOSE OF REPORT

To advise Council of the outcome of negotiations with West Lindfield Sport and Recreation Club and to request a long term licence for the club.

BACKGROUND

In 1959 a licence was granted to the West Lindfield Bowling Club for use of the land for 50 years. It permitted the club to use and occupy the building, three (3) greens and car parking area (the Licenced Area). This licence has since expired and tenure is holding over, whilst the new documentation is created.

Approximately 7 years ago the West Lindfield Bowling Club amended its constitution to become a co-operative and is now known as West Lindfield Sport and Recreation Club, which was subsequently approved by Council at the Ordinary Meeting of Council on 11 March 2003.

In 2007 the club instigated discussions with Council to begin planning of the proposed Lindfield Sports Centre. This would form part of the West Lindfield Bowling Club and would include the construction of two all weather Futsal courts to replace two of the unused bowling greens. On 24 June 2008 Council resolved to give 'in principle' support for the proposed multi purpose use of the West Lindfield Sport and Recreation Club, subject to the confirmation of a guaranteed funding strategy to be provided, prior to the approval of a Development Application.

This guaranteed funding strategy was submitted and Development Application 0331/09 was approved by the Planning Panel on 24 February 2010. The West Lindfield Sport and Recreation Club immediately approached Council staff to commence negotiations.

In the majority of cases, when a club wishes to expend capital to improve its services to the community, a valid lease or licence arrangement is in existence and there is no issue of tenure to the land. However in this case the club is holding over on the terms of an expired and outdated licence agreement, which does not provide adequate terms to facilitate any development of the land or evidence long term tenure. Council staff were advised that the club's financiers require progressed documentation in order to approve the funding for the works. Time constraints are also a concern given the Development Application lapses in two years.

Lease negotiations commenced pursuant to Resolution D of 24 June 2008 stating that:

'Council commence to negotiate a new 20 year lease (initial term of 10 years plus an option for a second term of 10 years) with West Lindfield Sport and Recreation Club if a development approval is granted for the proposal.'

On that basis an Agreement to Lease (to ensure tenure during the time of the works) and a subsequent Lease (to commence upon completion of the works for the 10 x 10 year period) would be granted to the Club were negotiated. It was found however, during initial investigation, that a long term lease is not achievable and a licence agreement is the only means available to facilitate long term tenure to the Club.

Item 1 \$07454 31 May 2010

A long term lease must be registered on title, as it constitutes a legal interest in the land. In order for registration to occur, the leased land/area must be in a registrable form. To be in registrable form, the boundaries of the leased area must be equal to the leased lot, as shown in a plan acceptable to the Registrar General of the Department of Lands. A licence agreement does not require such obligations as it does not constitute a legal interest in the land, per se. It does however, bestow on the licencee unfettered rights to use and occupy the land, exclusively or non exclusively, in accordance with its agreed terms and conditions.

In this case, the club is located on a parcel of Community Land known as Princess Park, West Lindfield – Lot 3 DP 226203. Princess Park comprises one whole lot and is zoned 6(a) - Recreation Existing under the Ku-ring-gai Planning Scheme Ordinance (KPSO).

The boundary of the Licenced Area does not equate to the boundaries of Lot 3 DP 226203 – Princess Park. A plan of subdivision would be required to create a new lot, (excluding it from the old lot) in order to facilitate the leased area, within Lot 3, DP 226203. The zoning, however, does not permit the land to be subdivided.

Given the fact Princess Park must remain as one single lot, in accordance with the KPSO, a long term lease is therefore, not possible to achieve.

This is why the previous agreement to the club was by way of a licence agreement to occupy and use part of that lot, and that now a new licence agreement must now also be issued.

A current a valid licence agreement will grant the club exclusive rights to use and occupy that portion of Princess Park, being the West Lindfield Sport and Recreation Club. The licence agreement should also be sufficient for the purposes of evidencing long term tenure, in order for the club to procure finance for the works, which was a concern for the club given the old agreement had expired.

COMMENTS

The club has now been granted consent to convert 2 of its 3 bowling greens into 2 all weather Futsal courts. There are 70 Futsal centres throughout NSW, with 15,000 registered members. The West Lindfield Sport and Recreation Club will provide the only 'international 5 aside Futsal courts' in the

Ku-ring-gai Local Area.

The club's current membership consists of approximately 1950 members and is projected to increase upon completion of the works.

The club has also approached 14 schools in the area and invited them to participate in the club's activities and to make known the plans to develop the Futsal courts.

An 11 year licence period, together with a 10 year option period, has been offered to the club, as it is the maximum term available under the Local Government Act. The total period of 21 years will provide the club sufficient time to complete the works, satisfy its financial obligations and amortise the capital expenditure. This term also ensures the provision of Futsal is continuous in the Ku-ring-gai local area.

Item 1 \$07454 31 May 2010

The club is committed to progress the works and is in receipt of a \$250,000 grant from the Department of Sport and Recreation. A further \$250,000 is required to fund the works. Finance is currently being negotiated and the licence agreement will provide the club with sufficient evidence of its long term and exclusive tenure, in order to secure the provision of these funds.

Public notice to notify the public of Council's intentions will be effected in accordance with S47 of The Local Government Act, once a resolution to grant the licence has been made.

CONSULTATION

Council's Solicitors, Matthews Folbigg, was in consultation with staff during the course of negotiations and provided legal advice regarding the land, zoning and type of agreement to be created.

No other consultation with the public has taken place given the extended consultation during the Development Application process, and that Council's intention must be publicly notified in accordance with the Local Government Act formalising this resolution.

FINANCIAL CONSIDERATIONS

The club is currently paying \$1819.00 per annum, after an 80% rebate, under the terms of the old licence agreement.

An independent valuation was commissioned to ascertain the current rental market value. This valuation resulted in a rental value range from \$63,000 – \$71,800, exclusive of GST. As a gesture of support for the club, it is recommended the rental value commence at the lower end of the valuation, being \$63,000 plus GST.

In accordance with the Policy for Management of Council's Community and Recreation Land and Facilities, a rebate is offered to sporting clubs, in recognition of the sizable contribution of capital directed to create a much needed sporting facility in the Ku-ring-gai Local Area. In this case an 80% rebate has been offered for a fixed five (5) year period to enable the club to become established as a Futsal centre for Ku-ring-gai.

Council, however, retains the right to adjust the rebate upon perusal of the club's financial statements and their future capacity to pay the licence fee on a lower rebated amount after this 5 year period. Additionally, annual cumulative licence fee increases of a fixed rate of 3% will be applied in lieu of CPI.

After 11 years, upon the exercise of the 10 year option, a market valuation will be undertaken to assess the new licence fee payable.

The Club has undertaken to pay Council's legal fees in connection with the preparation of the licence agreement, and the \$500 administration fee, in accordance with the Policy for Management of Community and Recreation Land and Facilities.

The club has also agreed to provide a security deposit of \$25,000. This deposit serves the purpose providing security in the event of the club being unable to complete the works and Council having

S07454 31 May 2010

to 'make good' the grounds. The deposit will be refunded with interest to the club upon completion of the works.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Staff from Strategy and Environment, Community and Development and Regulation have worked in close proximity in negotiating the proposed licence agreement.

SUMMARY

Council staff have participated in negotiations with the West Lindfield Sport and Recreation Club to execute a long term licence agreement of 11 years with an option to renew for a further 10 years, as the club develops 2 new Futsal courts on the site.

Overall, the licence agreement will provide to the Club the exclusive, long term tenure and security it requires to continue to provide an in-demand sporting facility in Ku-ring-gai.

RECOMMENDATION

- A. That Council give public notice of its intention to grant a licence agreement to West Lindfield Sport and Recreation Club, in accordance with S47 of the Local Government Act.
- B. That Council enter into an 11 year licence agreement, with a 10 year option to renew period with West Lindfield Sport and Recreation Club, pursuant to S47 of the Local Government Act.
- C. That under their delegated powers, the Mayor and General Manager affix Council's Seal and sign and execute the documentation.

Michelle Makler
Lease and Licence Officer
Community and Recreation Services

Janice Bevan

Director Community

S07621 28 May 2010

COMMUNITY REFERENCE COMMITTEE - MINUTES OF MEETING

EXECUTIVE SUMMARY

PURPOSE OF REPORT: To advise Council of the minutes of the Community

Reference Committee meeting held on 7 April 2010.

BACKGROUND: The role of Council's Reference Committees is to provide a

mechanism by which interested residents and people with

specialist knowledge can play an active role in the formulation of Council policy, direction and practice.

COMMENTS: The main focus of the meeting was to obtain feedback from

committee members about a number of Community Service

initiatives.

RECOMMENDATION: That Council receive and note the Community Reference

Committee meeting minutes from 7 April 2010.

S07621 28 May 2010

PURPOSE OF REPORT

To advise Council of the minutes of the Community Reference Committee meeting held on 7 April 2010.

BACKGROUND

The objectives of the Community Reference Committee are to discuss, advise and offer guidance on matters relating to community services and community programs, strategies and policies.

COMMENTS

The agenda for the committee consisted of a number of presentations by staff and community members. Topics covered included:

- A crime prevention video developed by Council's Youth Services.
- Turramurra Youth Service in partnership with Turramurra Rotary.
- Preparations for Festival on the Green.
- Work undertaken by the Northern Sydney Aboriginal Heritage Office in Ku-ring-gai.
- Multicultural Women's Sport Leaders Program.

CONSULTATION

No additional consultation has been undertaken in the writing of this report.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

No other Council Departments were consulted in the writing of this report.

SUMMARY

The first meeting for 2010 of the Community Reference Committee was held on 7 April. Minutes of that meeting are attached to this report for Councillor's information.

RECOMMENDATION

That Council receive and note the Community Reference Committee Meeting Minutes of 7 April 2010.

Danny Houseas

Janice Bevan

Manager Community Development

Director Community

Attachments: Community Reference Committee Minutes 7 April 2010 - 2010/067469



COMMUNITY REFERENCE COMMITTEE

Ante Room, Level 3, 818 Pacific Highway, Gordon Wednesday 7 April 2010 3.30pm

Minutes

Present:	Name	Position
	Cr Elaine Malicki	Chairperson
	Cr Cheryl Szatow	Deputy Chairperson
	Danny Houseas	Manager Community Development
	Sue Davies	Minutes
	Miguel Andrade	Communities NSW – Sport & Recreation
	Philippa Bean	Youth Council
	Paul Lepp	St Ives CAS, The Spastic Centre
	Ivan Cribb	
	Joyce Cribb	
	Don Durie	KYDS
	Victor Brushe	Turramurra Rotary
	Milton Mason	Turramurra Rotary
	Jason Guest	Youth Services Coordinator
	Jenna Bloom	Youth Officer
	Juan Perez	Manager Cultural & Leisure Services
Apologies:	Janice Bevan Matthew Canon	
	Sam Williamson	

Cr Malicki informed the committee that Kalyan Ram had officially resigned from the Community Reference Committee due to his work commitments.

- 1. Present and apologies.
- 2. Minutes from the meeting of 4 November 2009 were adopted without amendment.

3. Youth Services Update

Jason Guest and Jenna Bloom from the Youth Services team were introduced by Cr Malicki. Jenna gave an informative overview of the crime prevention short film launch to be held on 13 April in Council Chambers and then gave the committee a preview of the film.

In June 2009, Ku-ring-gai Council Youth Services received a \$5,000 grant from NRMA Insurance as part of their Community Grants Program. The funding was received under the crime prevention category for the development of a short film educational resource, 'Consequence'. The film covers important youth issues such as drink driving, alcohol-fuelled violence and malicious damage.

2009/067469 1/3

The Youth Services team have worked with a number of partners during the development of the resource including Hornsby/Ku-ring-gai PCYC, Nuclear Family Film Production and local young people. All filming was conducted within the Ku-ring-gai area and the stories reflect scenarios that can or have occurred amongst young people.

Jason gave an update on the new Turramurra Youth Centre 'The Dungeon', which was launched on 24 March 2010. This initiative is a response to comprehensive community consultation and business planning conducted by Council and the Rotary Club of Turramurra which identified that young people of the area needed and would access a youth service.

The youth service will operate in the ground floor room of Turramurra Library on Wednesdays and Thursdays from 3:00pm to 7:00pm and programs will include:

- Passive recreation eg playing computer games, table tennis, listening to music and barbeques.
- Structured vocational programs such as DJ workshops, graphic design/video editing courses and art workshops.

Girls will be encouraged to attend the Turramurra centre by offering variety of suitable activities such as dance work shops.

Jason will provide more feedback on the Turramurra Centre at the next Community Reference Committee meeting.

4. Turramurra Rotary

Milton Mason and Victor Brushe from Turramurra Rotary spoke about their partnership role for the youth centre. Rotary are not only assisting with funding, but were also looking to assist young people with practical input, Rotarians have a wealth of knowledge that young people can draw on.

Turramurra Rotary has been responsible for the Graffiti Removal Project in the Turramurra area since 2008. In the first twelve months 124 graffiti sites were cleaned, however over the last 12 months, there has been noticeably significantly less graffiti in Turramurra. The work is undertaken as a community service by removing graffiti from business, commercial, retail properties, private properties, bus shelters and any other graffiti areas.

Over 30 presentations to other Rotary Clubs, together with several presentations/meetings to community groups and councils have been undertaken over the last 9 months. Several other Rotary Clubs have now taken on the project with many others in various stages of getting established.

5. **Festival on the Green –** Juan Perez

The 2010 Festival on the Green is on Sunday 2 May at the St Ives Village Green with entertainment this year being quite diverse. There will also be additional rides this year, which will be situated on the top field.

A free bus shuttle service will be available and will run between Gordon station, the Festival on the Green, and also the Heritage Craft Fair, which is also on at the St Ives Showground. Schools and a local youth band will also be providing entertainment, plus community information stalls promoting services within Ku-ring-gai, food stalls, demonstrations and workshops.

2009/067469 2/3

6. Northern Sydney Aboriginal Heritage Office - Danny Houseas

A report outlining some of the activities carried out by the Aboriginal Heritage Office (AHO) was presented to the committee.

- This is a Joint project involving 7 Northern Sydney Councils.
- Key roles of AHO are:
 - Strategic Planning
 - recording of sites
 - Aboriginal heritage reports
 - potential areas reports
 - Planning & Legislation Changes
 - help in assessment of DA's
 - land planning instruments LEP, DCP
 - Site Management and Protection
 - site assessment
 - site conservation (works to protect sites)
 - recruit volunteers and train to monitor sites
 - rock art recording program
 - Education & Training
 - school presentation and talks
 - guided walks
 - brochures
 - website
 - Education Centre Northbridge museum
 - Council Support
 - training of officers
 - site inspections
 - resource for Aboriginal history
 - community meetings Yarn Ups

There is also the possibility of tourism opportunities in Ku-ring-gai with AHO cooperation. Cr Anderson has also had discussions with AHO regarding the writing of a book on Ku-ring-gai Aboriginal history and culture.

7. General Business:

- Miguel Andrade Multicultural Women's Sport Leaders Program.
 Miguel advised the committee that feedback from last year's program indicated that a longer period of time is required for this program to be processed, as many applications had been received. Information is to be sent out earlier, to enable the processing of applications quicker. Miguel to send information via email to Council for display. Danny Houseas to send out program information to Hornsby Ku-ring-gai Multicultural Network.
- Next meeting 23 June 2010

Meeting concluded 5.10pm

2009/067469 3/3

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE: 48 NORTHCOTE ROAD, LINDFIELD -

ALTERATIONS INCLUDING A FIRST

FLOOR ADDITION

WARD: Roseville

DEVELOPMENT APPLICATION N^o: DA0161/10

SUBJECT LAND: 48 Northcote Road, Lindfield

APPLICANT: Urbanesque Planning Pty Ltd

OWNER: Mr D Armitage, Ms A Wilcox

DESIGNER: Lindsay Little and Associates P/L

PRESENT USE: Residential

ZONING: Residential 2(b)

HERITAGE: No

PERMISSIBLE UNDER: Ku-ring-gai Planning Scheme Ordinance

COUNCIL'S POLICIES APPLICABLE: KPS0, SEPP 1, SEPP (BASIX), SEPP 55,

SREP (Sydney Harbour Catchment), DCP 38 - Residential Design Manual, DCP 40 -Waste Management, DCP 43 - Car Parking, DCP 47 - Water Management,

DCP 56 - Notification

COMPLIANCE WITH CODES/POLICIES: No

GOVERNMENT POLICIES APPLICABLE: SEPP 1, SEPP (BASIX), SEPP 55, SREP

(Sydney Harbour Catchment)

COMPLIANCE WITH GOVERNMENT POLICIES: No (SEPP 1)

DATE LODGED: 22 March 2010

40 DAY PERIOD EXPIRED: 1 May 2010

PROPOSAL: Alterations including a first floor addition

RECOMMENDATION: Refusal.

48 Northcote Road, Lindfield DA0161/10 28 May 2010

3 / 2

Item 3

DEVELOPMENT APPLICATION NO DA0161/10

PREMISES: 48 NORTHCOTE ROAD LINDFIELD PROPOSAL: ALTERATIONS INCLUDING A FIRST

FLOOR ADDITION

APPLICANT: URBANESQUE PLANNING PTY LTD OWNER: MR D ARMITAGE, MS A WILCOX

DESIGNER LINDSAY LITTLE AND ASSOCIATES P/L

PURPOSE OF REPORT

To determine Development Application No.0161/10 which proposes alterations to an existing dwelling and a first floor addition.

The proposed third floor addition breaches the 8m height development standard of the Ku-ringgai Planning Scheme Ordinance (Clause 46). The proposed breach is 0.82m which is in excess of 10% of the value of the development standard. Consequently, the application requires determination by Council pursuant to the NSW Department of Planning circular PS 08-014 (see attachment).

The circular requires all development applications which involve a variation greater than 10% under the provisions of SEPP No. 1 to be determined by full Council and not by Council staff under delegated authority.

EXECUTIVE SUMMARY

Issues: • Height;

Third storey;

Bulk and scale;Streetscape impact;

Visual impact;

Insufficient information.

Submissions: 3

Land & Environment Court Appeal: N/A

Recommendation: Refusal

HISTORY

Site history:

There is no recent development history of relevance to the proposal.

Current Development application history:

- 22 March 2010 Application lodged.
- 29 March 2010 Application notified (14 days) and referred to the NSW Rural Fire Service

48 Northcote Road, Lindfield DA0161/10 28 May 2010

(Ku-ring-gai Branch).

• 19 April 2010 – Preliminary Assessment letter sent to the applicant. The applicant was advised that 'additional sections were required to verify the extent of the height standard breach' as the plans were not clear.

The applicant was advised that as the site was not overly constrained and that the strict application of the 8m Development Standard was not considered to be unreasonable or unnecessary in this instance.

Council's preliminary assessment letter stated that the third storey element would be 'incongruous with the design of the house and will be visible from surrounding properties'. The applicant was requested to provide a response in the form of amendments within 14 days.

- 13 May 2010 The applicant did not amend their plans but instead provided a response in the form of a revised SEPP 1 objection. The applicant provided additional arguments as to why the breach was acceptable in design terms. The submission also confirmed a drafting error on the architectural plans. The height was amended to be 8.39m for the main addition and 8.69m for the turret element.
- 21 May 2010 Council's Assessing Officer advised the applicant that the plans and spot levels did not provide adequate information to verify the full extent of the height breach. The applicant was advised that the breach appeared to be greater than stated in the amended SEPP 1 objection.
- 25 May 2010 The applicant was reminded by the Assessing Officer to follow up the outstanding information.
- 27 May 2010 The applicant provided a further amended SEPP 1 objection. This objection takes into account the concrete slab/garage and lower ground floor. The full height was now revised to 8.52m to the ceiling of the main addition and 8.82m to the ceiling of the 'turret' above the stairwell. Supporting architectural plans have not been provided.

THE SITE AND SURROUNDING AREA

The site:

Visual character study category: 1920-1945

Easements/rights of way:

Heritage Item:

No
Heritage conservation area:

No
In the vicinity of a heritage item:

No

Bush fire prone land: Yes, Vegetation Buffer Zone

Endangered species: Yes, Sydney Turpentine Ironbark Forest

Urban bushland: No Contaminated land: No

28 May 2010

Description of the site and surrounding development:

The site is located on the northern side of Northcote Road, Lindfield. The site is trapezoidal in shape, measures 847.4m² in area and falls towards the rear. Existing on the site is a brick two storey dwelling with a tiled roof. A deck area, in-ground swimming pool, garage and garden shed are situated to the rear of the existing dwelling house.

The site is adjoined to the west by a part one/part two storey Californian Bungalow (46 Northcote Road). The adjoining property to the east is occupied by a two storey Federation dwelling house (50 Northcote Road). This dwelling is sited significantly lower than the subject dwelling due to the fall of the topography. The eastern adjoining dwelling has a pool to the rear and large courtyard and formal vehicle entry to the front.

The streetscape is characterised by residential dwellings of a mixed character and scale predominantly one and two storeys in height. Newington Preparatory School is located to the east further down Northcote Road.

The site is bushfire prone (vegetation buffer zone) and is classified as potentially containing remnant Sydney Turpentine Ironbark Forest.

The eastern end of Northcote Road joins the northern end of Slade Avenue to the east of the site. The Seven Little Australians Park is located at this intersection.

THE PROPOSAL

The application is for alterations and additions to the existing two storey dwelling including:

Lower ground level

- Demolition of part of existing covered pergola area
- Modification of existing pool fence
- Modification of front porch and awning over garage entry

Ground level

- New timber deck to the rear
- New tiled entry over existing porch
- Replacement of windows along rear elevation
- New internal stairs leading to proposed third storey addition
- Replacement of roof over bedroom 3
- Replacement of bedroom, study and walk-in-robe and en-suite bathroom windows along front elevation
- Re-roofing of ground floor level

Third storey

Third floor addition including two bedrooms, a bathroom and a sitting room and a turret feature over the stairwell

3 / 5

CONSULTATION - COMMUNITY

In accordance with Development Control Plan No. 56, owners of surrounding properties were given notice of the application between 29 March and 9 April 2010. In response, three (3) submissions were received from the following:

- 1. David Gordon Fox and Staniland Lawyers on behalf of Ben and Heidi Lillyman, 46 Northcote Road, Lindfield.
- 2. George M Lillyman on behalf of Ben and Heidi Lillyman 46 Northcote Road, Lindfield.
- 3. Carmel Heazlewood 50 Northcote Road, Lindfield

The submissions raised the following issues:

loss of privacy to east and west

The development has been designed to largely minimise privacy impacts.

East-facing upper floor windows are above the stair well. Given the distance of these windows above floor level, there would not be any direct overlooking of the eastern adjoining property, 50 Northcote Road.

The proposed elevated ground floor balcony has the potential to allow overlooking of the dwelling and outdoor area at 50 Northcote Road. A privacy screen is proposed along the eastern elevation of this deck area to a height of 1.8m above floor level, preventing a direct sight line to the front courtyard of this property.

The site at 50 Northcote Road is a hatchet shaped lot and bends around to the rear of the subject property. As such, the rear part of the proposed deck has the potential to allow overlooking part of the eastern adjoining property due to an existing space in the landscaping along the common side boundary. The deck area could potentially allow overlooking into the private open space of this dwelling. This has not been adequately addressed in the application.

Window openings are minimised in the western direction with a set of highlight gable windows facing west. These windows are for light purposes only.

A 1.8m privacy screen is proposed along the western elevation of the rear ground floor deck, minimising privacy impacts in this direction.

building height, bulk, size and extent of additions, three storey presentation

The site currently contains a two storey dwelling. The proposed addition of a third storey element conflicts with Council's planning controls and is out of character with the modest style of the streetscape and surrounding properties.

Dwellings along the subject section of Northcote Road are generally one or two storeys in height, are generally modest in scale and style and characteristic of the 1920 and 1945 architectural period. Second storey elements along the same/low side of the street are generally recessed from street view, being stepped down to the rear following the topography.

28 May 2010

Item 3

The subject dwelling currently presents as two storeys to the street and is highly visible due to lack of trees in the frontage. The dwelling is set relatively close to the street due to its location on the most level part of the site. The front setback is 8.1m where 11m would normally be required by Council's controls.

The proposed addition would create a third storey element, with a large roof area, multiple gable elements and a 'turret'. These features will significantly add to the bulk of the dwelling within the streetscape and are considered to be incongruous with the simplicity of architectural themes of the surrounding area. This conflicts with Council's planning controls and objectives relating to built form and scale.

Given the scale of the development, its closeness to the street and the impact of the addition on the two directly adjoining properties, the proposal is considered to be unacceptable.

Refer to additional discussion under DCP 38 'Built Form'.

CONSULTATION – WITHIN COUNCIL

Landscaping

No change is proposed to the existing landscaping and the application did not require comment in this regard.

Engineering

Council's Development Engineer reviewed the application at the Development Review Unit. No change is proposed to driveway access or built upon area and no concerns were raised.

EXTERNAL REFERRALS

Rural Fire Services

The site is located within a bushfire prone area (vegetation buffer zone).

Pursuant to section 79BA of the Environmental Planning and Assessment Act 1979, the application was referred to the NSW Rural Fire Service (RFS) Ku-ring-gai Branch, with respect to the protection of persons, property and the environment in the event of a bush fire.

No concern was raised by the RFS and appropriate conditions were recommended.

STATUTORY PROVISIONS

State Environmental Planning Policy No. 1 – Development Standards

Clause 46 (2) of the Ku-ring-gai Planning Scheme Ordinance (KPSO) stipulates a maximum building height of 8m from ground level to ceiling height. Clause 46 constitutes a development standard which can only be varied via an objection made pursuant to State Environmental Planning Policy (SEPP) 1.

The proposal creates a 0.82m breach of the development standard. This breach has been

28 May 2010

addressed by a SEPP 1 objection made by the applicant, which is detailed below.

The intent of SEPP 1 is to allow flexibility in the application of a development standard, particularly where the strict application of the standard would unreasonably constrain development. The SEPP 1 objection is addressed under the consideration of Ku-ring-gai Planning Scheme Ordinance provisions below.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated. The subject site has a history of residential use and as such, it is unlikely to contain any contamination and further investigation is not warranted in this case

Sydney Regional Environmental Plan (Sydney Harbour Catchment)

The SREP applies to land within the catchment of the Harbour. The general aim of the plan is to ensure that development and future land uses within the catchment are considered in a regional context. The Plan includes strategies for the assessment of development in relation to water quality and quantity, scenic quality, aquaculture, recreation and tourism.

The proposed development is considered to achieve the relevant aims under this policy.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A valid BASIX certificate has been submitted. The certificate demonstrates compliance with the provisions of the SEPP and adequately reflects all amendments to the application. The proposal is consistent with SEPP BASIX.

Ku-ring-gai Planning Scheme Ordinance

Part A: Development standards

Development standard	Proposed	Complies
Site area: 836m²	874.4m²	YES
Building height 8m (max)	8.82m	NO (SEPP 1 objection provided)
Built upon area 60%(508m²)(max)	44% (380m²)	YES

Height of buildings

The proposed first floor (third storey) addition breaches Clause 46(2) of the KPSO which sets a maximum height of 8m for residential dwellings. The height is measured in a vertical line from ground level to the ceiling of the topmost floor.

The extent of the proposed breach varies from 0.52m (ceiling height of addition) to 0.82m (ceiling height of turret above stairwell).

The applicant's SEPP 1 objection is considered against the following relevant provisions:

whether the planning control to be varied is a development standard

Clause 46 of the Ku-ring-gai Planning Scheme Ordinance (KPSO), specifically subclauses (2) and (4) relate to building height.

Clause 46 (2) and (4) state:

- (2) A person shall not erect a dwelling-house or dual occupancy building with a height in excess of 8 metres.
- (4) In this clause:

"Ground level" means the level of a site before development is carried out on the site under this Ordinance.

"Height" in relation to a building, means a distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.

The KPSO is a statutory planning instrument and the above clause constitutes a development standard as defined under Section 4 of the Environmental Planning and Assessment Act, 1979.

the underlying objective or purpose of the standard

There are no specifically stated purposes or objectives expressed in Clause 46 of the KPSO.

Relevant objectives relating to building height and design in residential zones outlined in Schedule 9 of the Ku-ring-gai Planning Scheme Ordinance include:

- 1(a) to maintain and, where appropriate, improve the existing amenity and environmental character of residential zones;
- 1(b) to permit new residential development only where it is compatible with the existing environmental character of the locality and has a sympathetic and harmonious relationship with adjoining development.
- 2(e) all new dwelling-houses and additions to existing dwelling-houses are of a height, size and bulk generally in keeping with that of neighbouring properties and, where larger buildings are proposed, the are designed so as not to dominate and so far as possible to harmonise with neighbouring development.

Objectives of part 4.2 (Building Form) of Development Control Plan No. 38 include the following:

- To ensure that the bulk, scale and height of the proposed works do not dominate the natural landscape, existing streetscape, nor adversely impact on the tree canopy vista.
- To ensure that building bulk, height, location and footprint provide for sufficient soft landscape area for planting and retention of large canopy trees
- To encourage well designed, attractive and site responsive buildings.

Objectives of Part 4.2.2 (Building Height) of Development Control Plan No. 38 include the following:

- To limit the height of dwellings so that they do not dominate the treed landscape of Kuring-gai;
- To limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties;
- To ensure significant views from neighbouring dwellings are not unduly compromised;
- To maintain the integrity of existing streetscapes.

whether compliance with the development standard is consistent with the aims of the policy and whether compliance hinders the attainment of the objectives specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act

The aim of SEPP 1 is to:

Provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a) (i) and (ii) of the Act.

In this regard, the objects of Section 5(a)(i) and (ii) of the Act are:

- (a) To encourage:
 - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
 - (ii) the promotion and co-ordination of the orderly and economic use and development of land.

Compliance with the development standard is considered to be consistent with SEPP 1 and compliance will not hinder attainment of the objectives in Section 5(a)(i) and (ii) for the reasons given below.

Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The applicant has put forward the following arguments within the submitted SEPP 1 objection in support of the proposed variation to the development standard:

- The breach occurs due to the site slope
- The proposal is consistent with the 5(a) of the Environmental Planning and Assessment
- The additional storey is fully enclosed in the roof space and is significantly set back from the side boundaries

- The first floor addition has been sited above the western side of the dwelling where the lower floor level is not viewed from the street
- The proposal will not impact upon the 'treed' character of the street
- The addition is proportioned 'according to the site constraints' and is site responsive
- Minimal overshadowing will result
- No change to landscaped area will result
- The bulk and style is considered to be in keeping with the street

Strict compliance with the development standard is considered warranted in the circumstances of the case. The proposed third storey addition will add excessive bulk to an existing two storey dwelling. The additional roof form will detract from the streetscape and is not consistent with the surrounding residential pattern.

The proposal involves three storeys and will have an overbearing effect on adjoining properties, particularly 50 Northcote Road which is located significantly lower than the subject site. The front elevation and entrance area of this dwelling faces the eastern elevation of the proposed addition.

The proposal has the potential to impinge on the privacy of the eastern adjoining property at 50 Northcote Road.

For the above reasons, the proposal is considered contrary to the objectives specified in Section 5(a)(i) and (ii) of the EP & A Act and Council's planning controls.

whether the objection is well founded

The site has not been found to be constrained in any manner that would prevent compliance with the prescribed development standard. There is no particular imperative to create increased floor area to the dwelling by the construction of an additional level. Additional area could be created elsewhere using alternative design solutions, so as to comply with the development standard.

The applicant has been requested on a number of occasions to comply with the height development standard.

The excessive height will adversely impact upon the amenity of the directly adjoining properties and the amenity of their private open space areas.

The proposal does not achieve the underlying objectives/purpose of the Council's building height/form provisions as outlined above. The height excess will result in an overly bulky building, with adverse visual impacts to directly adjoining properties.

The combination of roof forms along the southern (street) elevation are incongruous with the architectural style of the dwelling and surrounding properties and will present as a discordant element within the streetscape.

Consequently, the SEPP 1 objection is not considered to be well founded in this instance.

built-upon area

The proposal complies with Clause 60(c) which relates to maximum built upon area.

Part B: Aims and objectives for residential zones:

The development is unsatisfactory having regard to the following aims and objectives for residential development as outlined by Schedule 9:

- 1(a) to maintain and, where appropriate, improve the existing amenity and environmental character of residential zones;
- 1(b) to permit new residential development only where it is compatible with the existing environmental character of the locality and has a sympathetic and harmonious relationship with adjoining development.
- 2(e) all new dwelling-houses and additions to existing dwelling-houses are of a height, size and bulk generally in keeping with that of neighbouring properties and, where larger buildings are proposed, the are designed so as not to dominate and so far as possible to harmonise with neighbouring development.

Refer to the above discussion. The bulk proposed will detract from the character of the dwelling, the streetscape and the amenity of directly adjoining properties.

The three storey scale is not harmonious or compatible with surrounding development and will visually dominant the landscape. The development conflicts with Schedule 9 of the KPSO.

Part C: Heritage /conservation areas:

The site is not affected by heritage or conservation status.

POLICY PROVISIONS

Development Control Plan No. 38 - Ku-ring-gai Residential Design Manual

Development Control	Proposed	Complies
4.1 Streetscape:		
Building setbacks (s.4.1.3)		
Front setback:		
11m (Ave) -75% front elevation	8.1m	NO, no further
9m (min) – 25% front elevation		breach
		proposed.
		YES
Side setback:		
Ground floor: 1.5m(min)	1m (existing western side)	NO, no further
	1m (existing eastern	breach
	side/garage)	proposed.
	615mm proposed garage	NO
	awning	INO
	4m (western side)	NO
1 st floor: 2m (min)	5.6m (eastern side)	YES
		YES
Rear setback: 12m(min)	26.5m	YES
Redi Setuack: (ZIII(IIIIII)	26.3111	1 5

Development Control	Proposed	Complies
4.2 Building form:		
FSR (s.4.2.1) 0.4-0.37:1 (max)	0.38:1	YES
Height of building (s.4.2.2)		
2 storeys (max) and	3 storeys,	NO
8m (site >20º slope) or	8.82m	NO
7m (site <20º slope)		
Duilding haight plans (c./ 2.2)	Eviating brough no further brough	NO
Building height plane (s.4.2.3) 45° from horizontal at any point 3m above	Existing breach, no further breach	NO
boundary	proposed	
boundary		
First floor (s.4.2.4)		
FSR: < 40% total FSR	33%	YES
Roof Line (s.4.2.6)		
Roof height		NO
(5m – single storey)	>3m (eastern and western	NO
(3m – two ⁺ storey)	elevations) 45º	NO
Roof pitch 35° (max) Built-upon area (s.4.2.7)	45 44% (380m²)	NO YES
56% (474m²) (max)	44% (360111)	163
30 % (474III) (IIIdX)		
Unrelieved wall length (s.4.2.8)	6.5m	YES
12m (min)		
Calan and a (4.0.44)	/ have hardisining a granting	VEC
Solar access (4.2.11)	4 hours to adjoining properties	YES
4h solar access to adjoining properties		
between 9am to 3pm		
Cut & fill (s.4.2.14)		
Max cut 900mm	Nil	YES
Max cut & fill across building area of		
1800mm and 900mm	No change proposed	YES
No cut or fill within side setbacks		YES
4.3 Open space & landscaping:		
Soft landscaping area (4.3.3) 44% (380m²) (min)	44% (380m²)	YES
44% (300111) (111111)	44% (360111)	169
Landscaping cut & fill (4.3.7)		
max cut or fill 500mm relative to	None proposed	YES
natural ground		
no cut & fill within 2m of boundary		YES
Hkl		
Useable open space (s.4.3.8)	Donth 24m	VEC
Min depth 5m and min area 50m ²	Depth 26m Area 286m²	YES YES
	AI Ed ZOOIII	IES

Development Control	Proposed	Complies		
4.4 Privacy & security:				
Refer discussion below.				
4.5 Access & parking:				
No. of car parking spaces (s.4.5.1)				
2 spaces behind building line	2 spaces behind building line	YES		

Part 4.1 - Streetscape:

Development should be sensitive to the predominant landscape setting and established character of the area. The appearance of new development should be of a high visual quality.

The third storey addition introduces a combination of roof forms along the southern (street) elevation which is considered to be incongruous with the architectural style of the dwelling.

The height excess will manifest in an excessively bulky building, a three storey element, large expanse of roof along the eastern and western elevations which will visually impact on the indoor and outdoor areas of directly adjoining properties. As discussed, the amenity of the eastern adjoining property, 50 Northcote Road will be significantly impacted upon due to the unusual layout/relationship between the sites.

The proposed three storey character and scale of the addition is out of character with the streetscape and is inconsistent with Clause 4.1 of DCP 38.

Part 4.2 - Building form:

The bulk, scale and height of the development should not dominate the natural landscape, streetscape or the tree canopy vista. Additions should be well designed, attractive and site responsive.

Height should not dominate the 'treed' landscape and should not visually intrude upon on the private space of neighbouring properties. Height should be appropriate to the streetscape.

The proposal breaches the 8m height development standard of the KPSO and the two storey height control contained within DCP 38. As the site is not overly constrained by slope or existing layout, the addition is not considered to be responsive within the context, particularly given its impacts.

The height non-compliance will result in an overbearing and detrimental affect on the adjoining properties and the streetscape. The proposal fails to achieve the objectives of Part 4.2.

There are some larger dwellings in the area which have three storeys. The particulars are as follows:

52 Northcote Road, (located some 25 metres east of the subject site) is developed with a large two storey dwelling. The dwelling reads as two storeys from the street. However, the dwelling has a third storey element to the rear as the site slopes down. This dwelling was approved in 1982, well before the adoption of the DCP 38 controls relating to height and scale. Due to the angle of the site and its location adjoining Seven Little Australians Reserve, the third storey element is evident from

the street. This three storey elevation is highly visible and detrimental to the streetscape. DCP 38 is designed to avoid such visual impacts and this example should not be repeated. The subject proposal will have a similar visual impact from the vantage point of 50 Northcote Road.

16-18 Slade Avenue, (located some 80 metres south-east of the subject site) Lindfield is developed with a three storey dwelling. The lowest storey of this dwelling contains the garage which was integrated into the design. This building complied with Council's 8m height development standard and is well set back from the street. Appropriate separation is provided to the adjoining properties.

22 Slade Avenue Lindfield contains a three storey dwelling similar to that described above. This dwelling was refused by Council in 2004 and approved in a modified form by the Land and Environment Court.

24 Slade Avenue Lindfield. Similar to the two described above, the land falls steeply to the front boundary. The lower storey has been excavated into the ground and contains a garage integrated into the dwelling which is logical given the topography. This dwelling reads as two storeys. The upper storeys are off-set, not located directly above the garage component to reduce bulk. The scale of this dwelling does not unreasonably impact upon the amenity of surrounding properties.

The dwellings in Slade Avenue are located in a different street and context. The site opportunities and constraints are different and the impact on the adjoining properties is less pronounced than the current proposed development.

Part 4.3 - Open space & landscaping:

The proposal does not alter the existing open space and landscaping on the site.

Part 4.4 - Privacy and security

Refer to the discussion of privacy under 'Community Consultation'.

Some privacy impact may occur to the rear of the deck, over the courtyard/garage/entry area of the dwelling at 50 Northcote Road. This impact could be addressed by landscaping, however, no detail is provided with the application.

Part 4.5 - Access & parking:

The proposed addition of the awning above the garage door will not significantly change the car parking on site and the proposal accords with Part 4.5.

Development Control Plan 40 - Construction and Demolition Waste Management

If the application was recommended for approval, conditions would be recommended in relation to construction and demolition waste management.

Development Control Plan No. 43 - Car Parking

No change is proposed to car parking on the site and the proposal complies. The proposed awning above the garage will not affect access to the existing garage.

Development Control Plan 47 - Water Management

If the application was recommended for approval, conditions would be included in relation to appropriate water management.

THREATENED SPECIES

The site is classified as potentially containing remnant Sydney Turpentine Ironbark Forest (STIF). The proposal does not affect any landscaping or existing trees.

LIKELY IMPACTS

The impacts of the development have been considered in detail within this report.

SUITABILITY OF THE SITE

The site is suitable for residential development.

ANY SUBMISSIONS

All submissions received have been considered in the assessment of this application under 'Community Consultation'.

PUBLIC INTEREST

The approval of the application is considered not to be in the public interest for the reasons given within this report.

ANY OTHER RELEVANT MATTERS/CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for discussion.

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. 161/10 for alterations including a third storey addition on land at No. 48 Northcote Road Lindfield, as shown on plans DA01-5 to DA05-5, for the following reasons:

1. Breach of 8m height development standard

Particulars:

Clause 46 (2) of the Ku-ring-gai Planning Scheme Ordinance stipulates a maximum building height of 8m for residential dwellings. This constitutes a development standard which can be varied only via an objection under State Environmental Planning Policy (SEPP) No. 1 (Development Standards).

As part of the SEPP 1 objection, the applicant must demonstrate that the strict application of the height development standard is unreasonable and unnecessary in accordance with the provisions of SEPP 1.

The application of the height development standard is not considered to be unreasonable or unnecessary in this instance. The site is not constrained in any manner that would prevent compliance with the prescribed development standard. Additional floor space could be created elsewhere using alternative design solutions, so as to comply with the development standard. Furthermore, the breach will result in adverse impacts on the streetscape and adjoining properties by way of excessive visual bulk and scale.

2. Inconsistency with the following planning objectives and controls of Council

Particulars:

KPSO Schedule 9 (1)(b):

to permit new residential development only where it is compatible with the existing environmental character of the locality and has a sympathetic and harmonious relationship with adjoining development.

KPSO Schedule 9 (2) (e):

all new dwelling-houses and additions to existing dwelling-houses are of a height, size and bulk generally in keeping with that of neighbouring properties and, where larger buildings are proposed, the are designed so as not to dominate and so far as possible to harmonise with neighbouring development.

Part 4.2 (Building Form) of Development Control Plan No. 38:

To ensure that the bulk, scale and height of the proposed works do not dominate the natural landscape, existing streetscape, nor adversely impact on the tree canopy vista;

To ensure that building bulk, height, location and footprint provide for sufficient soft landscape area for planting and retention of large canopy trees;

To encourage well designed, attractive and site responsive buildings.

Part 4.2.2 (Building Height) of Development Control Plan No. 38:

To limit the height of dwellings so that they do not dominate the treed landscape of Kuring-gai;

To limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties;

To ensure significant views from neighbouring dwellings are not unduly compromised;

To maintain the integrity of existing streetscapes.

3. Excessive bulk and scale and visual impact

Particulars:

The proposed non-compliance with Council's height controls will result in excessive visual bulk and an overbearing and detrimental affect to adjoining properties and the streetscape.

Dwellings in the vicinity are predominantly one or two storeys in height when viewed from the street. Second storey elements along the same/low side of the street are generally recessed from street view, being stepped down to the rear following the topography.

The existing dwelling currently presents as two storeys and is highly visible given the open landscaped character of the site frontage and closeness of the dwelling to the street.

The addition of the 'turret' above the garage and entrance porch will read as three storeys.

The multiple gable elements and turret will add to the bulk of the dwelling and are incongruous with the simple architectural themes characteristic of the locality.

The excessive height and expansive rooflines along the eastern and western elevations will have an overbearing visual affect on the eastern and western adjoining properties.

The addition will present as three storeys to the eastern side. Due to the slope of the land and orientation of the sites, the subject dwelling is highly visible from the eastern adjoining property at No. 50 Northcote Road. The three storey vertical scale of the building will be overbearing and visually dominant from the perspective of the front entrance area and internal windows of the eastern adjoining dwelling.

The proposed rear deck has the potential to impact on the visual privacy of the eastern adjoining property.

4. Insufficient information

Particulars:

The amended SEPP 1 objection indicates a 0.82m breach of the 8m height development standard stipulated by the KPSO.

The amended SEPP 1 objection has not been accompanied by amended architectural plans depicting the breach for verification.

5. Public interest

Particulars:

The proposal does not comply with Council's planning objectives, and requirements in relation to building height and built form.

The impacts of the proposal are unacceptable and the proposal is not considered to be in the public interest pursuant to Section 79C of the Environmental Planning and Assessment Act 1979.

N Richter S Garland Executive Assessment Officer Team Leader

Development Assessment - South

C Swanepoel M Miocic Manager Director

Development Assessment Services Development & Regulation

Attachments: Location sketch – 2010/097915

Zoning extract - 2010/097910 Site analysis plan - 2010/097909 Lower ground floor - 2010/097916 Ground floor - 2010/097913 First floor plan - 2010/097912

Elevations and section - 2010/097905

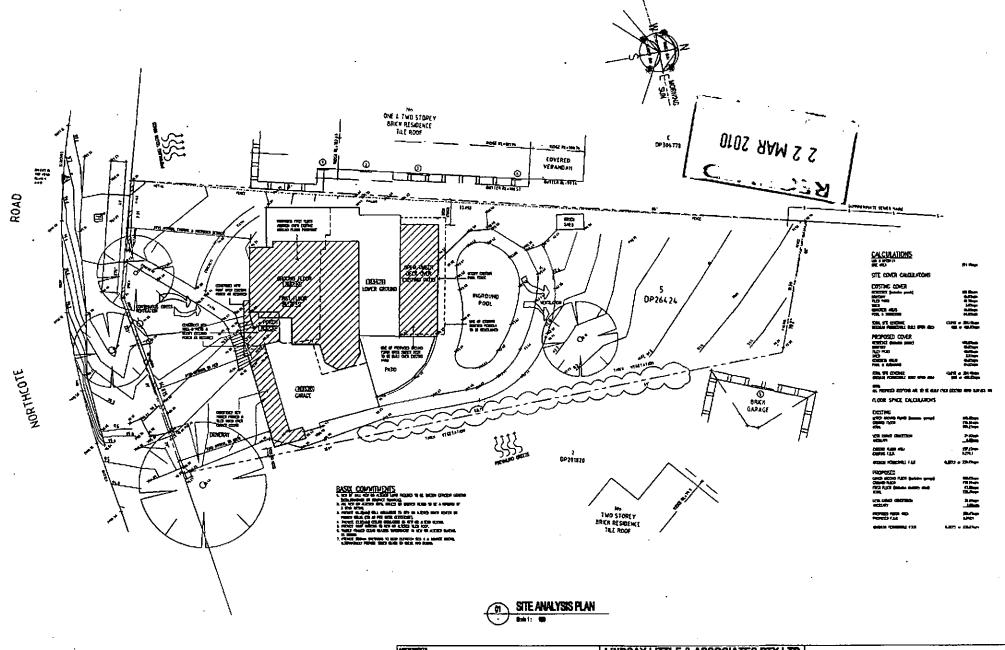
Department of Planning circular "Reporting variations to development

standards" - 2010/097903

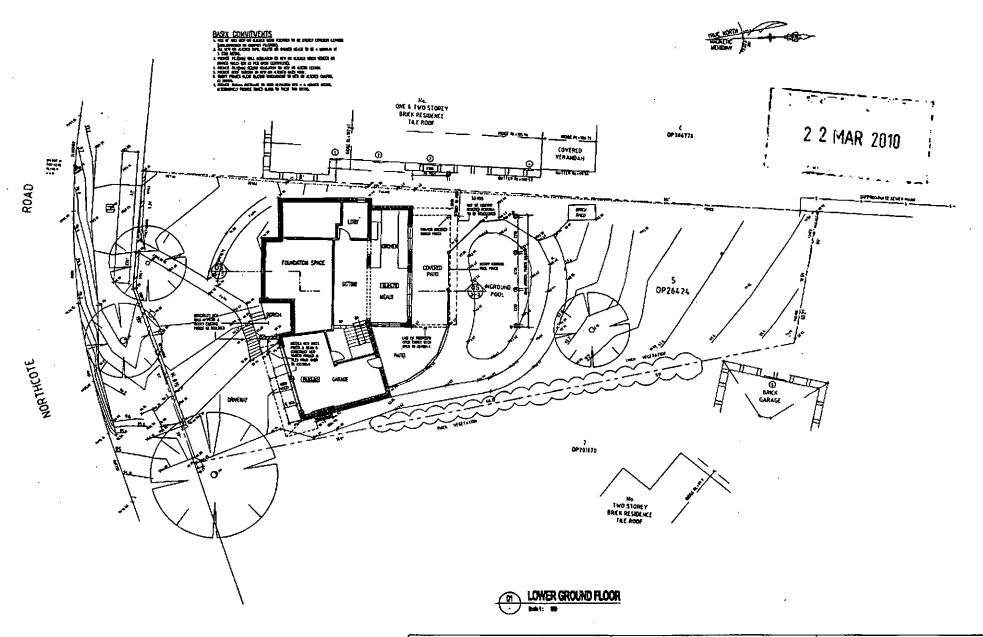
LOCATION SKETCH 48 Northcote Road, LINDFIELD **DEVELOPMENT APPLICATION No 0161/10** C. 22-5-87 517 D. 1134198 KM.C. OPEN SPACE D. P. N COLLEGE PREP SCHOOL 399₈₂₇ LD 3065 D. P. 516 449586 D. P. R 41399 LD 3311 D. P. 358723 362₁₀₀ 200 D.P.302132 26424 20 SEVEN LITTI Q, NORTHCOTE G. G. 64 1-5-81 DP 93936 ۸ D) 4 SSMA NESSERIES 7061 336186 σ. 5168 525627 Q D.P.383048 ۴. 23 199 ઝ D. P. B 6531 1066025 72 S.P. 72393 Ŋ R88422 D.P.377366 ඉ P. D. P. 6531 D: 658473 Q D. P. \$56699 57 ó <u>_</u> D. 300375 *690 ċ* 0 **AGREEMENT** SUBJECT LAND Www. w **OBJECTION** HERITAGE PROPERTY Scale: 1:2000 **PETITION** CIRCULATED AREA 31-05-2010 SUBMISSION

Zoning Extract 48 NORTHCOTE ROAD, LINDFIELD

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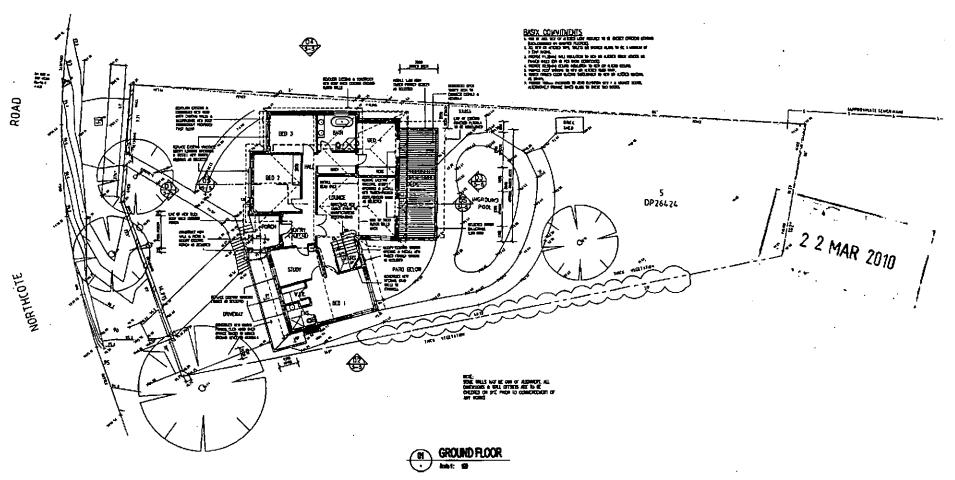


STREET TOURS OF STREET APPLICATION				S PTY LTO	ALTERATIONS & ADDITIONS TO EQSTING RESIDENCE	
!	ARCHITECTS BULCHIS CONSULTANTS PROJECT MANAGERS 48 NORTH-COTE ROAD, LINDSTELD					
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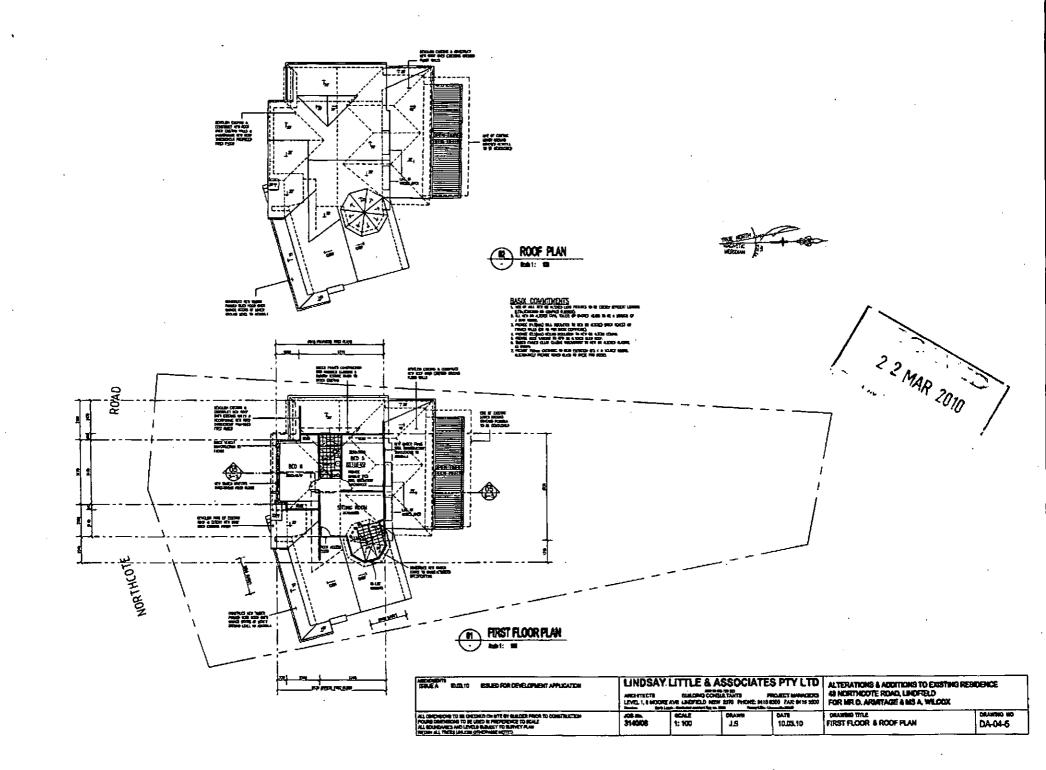


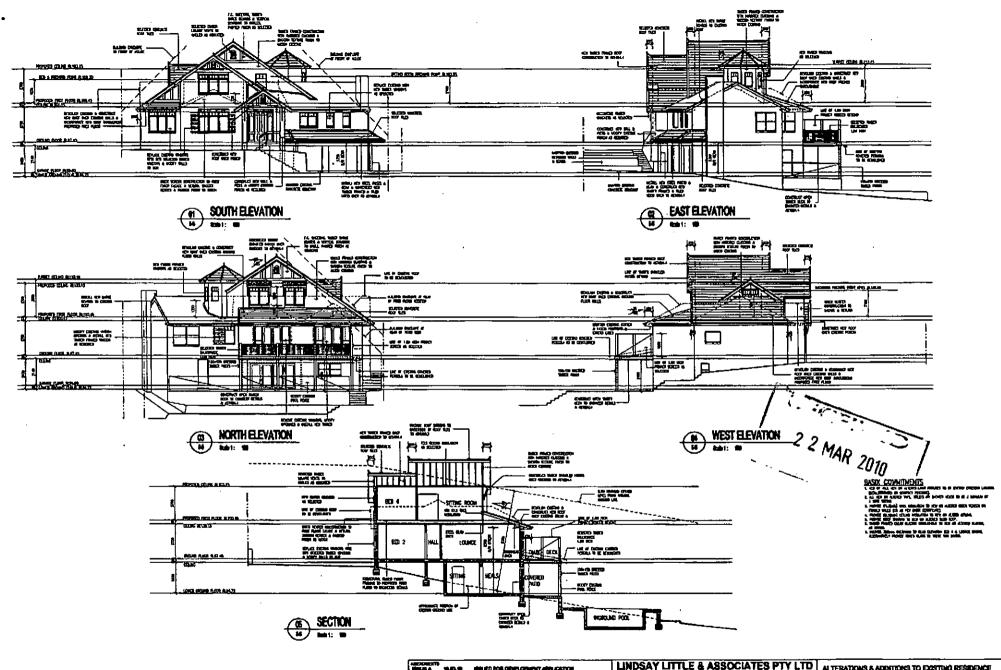
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PLANNING circular

PLANNING SYSTEM			
State environmental planning policies			
Circular	PS 08-014		
Issued	14 November 2008		
Related	PS 08-003 May 2008		

Reporting variations to development Standards

The purpose of this circular is to remind councils of their responsibilities to complete quarterly returns on variations to development standards under delegations using State Environmental Planning Policy No. 1 - Development Standards or similar provisions under the Standard Instrument. The returns for the past two quarters – 1 April to 30 June 2008 and 1 July to 30 September 2008 – are to be forwarded to the Department by no later than 4 weeks from the date of this circular.

Introduction

Circular PS 08-003 reminded councils of their responsibilities to monitor the use of the Director-General's assumed concurrence under State Environmental Planning Policy No. 1 – Development Standards (SEPP 1) or under clause 4.6 of the Standard Instrument (or similar provision) on a quarterly basis.

Councils were reminded of the need to keep accurate records of the use of SEPP 1, or the relevant provision of the Standard Instrument and to report quarterly from the April to June 2008 quarter.

Reports due 4 weeks from date of this Circular

Despite the previous circular, a number of councils have not submitted their responses to the Department for the period 1 April to 30 June, which were due on 31 July 2008.

Councils are now advised that they are to forward their reporting of the use of SEPP 1 or clause 4.6 of the Standard Instrument (or similar provision) for the periods 1 April to 30 June and 1 July to 30 September within 4 weeks from the date of this circular. Where a council has not exercised its concurrence in a particular quarter, then a nil return is to be forwarded.

Quarterly reports are to be emailed to developmentstandards@planning.nsw.gov.au

If a council does not respond to this request by 15 December 2008, then the Director-General will commence the process of revocation of the concurrence.

Councils are to then report quarterly within one month of the end of the quarter. Failure to do so will trigger a review into the need to revoke of the concurrence.

Further Requirements

In response to the findings of the recent ICAC investigation into corruption allegations affecting Wollongong City Council, councils are required to adopt the following four measures:

- Establish a register of development applications determined with variations in standards under SEPP 1;
- Require all development applications where there has been a variation greater than 10% in standards under SEPP 1 to be determined by full council (rather than general manager or nominated staff member);
- Provide a report to each council meeting on the development applications determined where there had been a variation in standards under SEPP 1;
- 4) Make the register of development applications determined with variations in standards under SEPP 1 available to the public on the council's website.

Further information

The Department will also be undertaking a number of random audits in 2009 on SEPP 1 decisions based on the data received this year.

Links to SEPP 1 and the Standard Instrument can be found on the Department of Planning's website at: http://www.planning.nsw.gov.au

If you have further enquiries, please phone the Planning Information Centre 02 9228 6333 or email information@planning.nsw.gov.au

Note: This and other Department of Planning circulars are published on the web at www.planning.nsw.gov.au/planningsystem

Authorised by:

Sam Haddad, Director-General NSW Department of Planning

Important note: This circular does not constitute legal advice, Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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Item 4

CY00054/2 13 May 2010

CONSIDERATION OF DRAFT KU-RING-GAI DEVELOPMENT CONTROL PLAN (TOWN CENTRES) 2010 FINAL REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT: To enable Council to consider the draft Ku-ring-gai

Development Control Plan (Town Centres) 2010 following

the formal exhibition period.

BACKGROUND: Council on 28 July 2009 resolved to place the draft

Ku-ring-gai Development Control Plan (Town Centres) on public exhibition. The Ku-ring-gai Local Environmental Plan (Town Centres) 2010 was gazetted on 25 May 2010. The draft DCP has been revised to be consistent with the provisions of the Ku-ring-gai LEP (Town Centres) 2010 as

gazetted.

COMMENTS: This report presents an assessment of the submissions

and a final DCP for endorsement. Key issues raised in the submissions have been assessed and recommendations have been made for amendments to the exhibited draft

DCP.

RECOMMENDATION: That the revised draft Ku-ring-gai Development Control

Plan (Town Centres) 2010 be adopted by Council.

PURPOSE OF REPORT

To enable Council to consider the draft Ku-ring-gai Development Control Plan (Town Centres) 2010 following the formal exhibition period.

BACKGROUND

GENERAL OVERVIEW OF DRAFT DEVELOPMENT CONTROL PLAN 2009

On 28 July 2009 Council resolved to exhibit the draft Ku-ring-gai Development Control Plan (DCP) for 6 town centres in Ku-ring-gai including St Ives, Turramurra, Pymble, Gordon, Lindfield and Roseville. The draft DCP has been prepared under the draft *Ku-ring-gai Local Environmental Plan (Town Centres) 2010* (KLEP 2010) to provide guidelines for development for Ku-ring-gai's main centres over the next 25 years. The KLEP 2010 was gazetted on 25 May 2010.

The Town Centres draft DCP provides detailed provisions to guide the design and assessment of development under the KLEP 2010. While the draft DCP provides more detailed provision with respect to development to achieve the purpose of the LEP, it cannot be inconsistent with any of the provision of the LEP nor prevent compliance with any provision of the LEP.

The draft DCP establishes a framework for future development in the Ku-ring-gai Town Centres by specifying a series of urban strategies to help achieve the desired future vision for each respective centre. The planning framework contained in this draft DCP adopts a place-based planning approach by defining the future urban structure and desired future character for each centre and developing a place-specific built form, supported by design and environmental objectives, design principles and detailed controls aimed at achieving a high quality built environment, landscape setting and community spaces.

The draft DCP has taken into account, where relevant, the significant work of the Town Centres Development Control Plan adopted by Council in 2006. However, where appropriate, a number of changes have been made to respond to new local provisions or types of development permitted under the NSW Standard LEP Instrument, or feedback from the discussions with the NSW Department of Planning and the feedback from the formal exhibition period.

The draft DCP also takes into account and is consistent with the relevant State Planning Policies eq. State Environmental Planning Policy No 65 and the NSW Residential Flat Design Code.

The draft DCP repeals all existing development control plans applying to the land to which the new draft DCP applies other than DCP 52. DCP 52 applies to Council's new depot site in Suakin Street, Pymble and the Town Centres DCP adopt the relevant existing provisions of DCP 52 by reference.

Additionally, the draft DCP addresses a number of DCP related matters which were raised in public submissions to the exhibition of the draft Town Centres LEP. An overview of how these matters are addressed in the DCP is included in **Attachment 2**.

The draft DCP was placed on exhibition from 7 August 2009 to 7 September 2009. In response to the exhibition of the draft DCP a total of 28 submissions were received, in addition, comments were

received from the Council's Heritage Reference Committee and feedback was provided from Council's Development and Regulation Department.

On 8 September 2009 Council resolved to engage an independent town planning consultant to undertake a review the draft DCP so as to assure residents, developers/applicants that Council had done all it could to deliver the best outcome for Ku-ring-gai. This independent peer review was undertaken by a team of consultants consisting of Sue Haertsch Planning, John Oultram Heritage & Design and David Lock Associates (urban designers). The review team met with Councillors on a number of occasions and the findings of the peer review have been incorporated into this report.

COMMENTS

CONSIDERATION OF SUBMISSIONS AND PROPOSED AMMENDMENTS TO THE DRAFT DCP

This section comprises:-

- A. Key Themes and Issues Raised in Public Submissions.
- B. Amendments in Response to the draft LEP.
- C. Amendments in Response to Internal Consultation.
- D: Overview of Key Amendments to draft DCP.

A. Key Themes and Issues raised in Public submissions

This part outlines the key themes and issues arising from the exhibition and a summary response on how the draft DCP addresses the submissions and where amendments are recommended.

General themes arising from the exhibition revolve around the following:

- inconsistencies between various sections of the DCP, and some issues not being addressed:
- sustainability and affordable housing; and
- roads, traffic, parking, infrastructure and open space.

More detailed submissions were received on specific clauses in the draft DCP. The key issues raised are discussed briefly below. A more detailed summary of all submissions and responses to issues raised is contained in **Attachments 3 to 9** – DCP submission summaries. Note that the vast majority of the submissions were on the clauses of the draft DCP which relate to controls for residential flat buildings.

Urban Structure and Key Areas

A number of submissions raised issues specific to urban structure and key area controls contained in Part 2 draft DCP as they apply to particular centres. Issues raised in submissions are summarised below under each centre.

Generally (all centres)

A large number of submissions raised concerns relating to land zoning, building height, heritage reclassification, land acquisition, land reclassification and open space. All these issues are provisions within the LEP and are not controlled by the DCP. As a result these submissions did not result in changes to the DCP as this would lead to inconsistencies with the LEP.

St Ives

The following relevant DCP issues and concerns were raised in submissions:

Key Site S1 – St Ives Shopping Village

- that the DCP is too prescriptive and does not allow enough flexibility;
- that the DCP does not take into account the commercial and site constraints of the
 existing centre including the location of existing supermarkets; existing long term
 lease agreements; demolition requirements; and that the centre will have to continue
 operation through the construction phases;
- the proposed open 'street' through the Centre is not conducive to the Centre's continued operation, thermal comfort, and is too wide;
- it is unclear what use the 7 storeys facing the Green will be, it should be stated with minimum setbacks stipulated;
- it should be stipulated that any residential on top of the commercial/retail be stepped back 4m as originally intended;
- the community facility located within the Centre should be an option of public benefit and not a requirement;
- large setbacks to Mona Vale Road will not improve street activation because of the heavy traffic;
- impacts on the Village Green;
- the location of the new signalised intersection on Mona Vale Road is not the same location discussed with the RTA; and
- Denley Lane is proposed will be an active vehicular access route, as well as being overshadowed by tall buildings.

Key Site S2 – Stanley Street Shops

• concern in relation to the implied acquisition of land at the rear of Nos. 213-231 Mona Vale Road to allow for road widening.

Other

- Public Benefits for the St Ives Key Area S1 are biased and benefit the commercial/retail sector rather than the local people;
- the 5 storey commercial buildings fronting Mona Vale Road (south side) will be overshadowed by the 9 storey buildings to the north;
- the DCP does not define the setbacks, maximum building footprint and deep soil requirements for Nos.167-177 Mona Vale Road and Nos.173-177 Mona Vale Road (corner Shinfield Avenue):
- 7 storey building heights along the village green will provide outlook for the residents but compromise the amenity of the Green through overlooking;

 insufficient information is given about the Bus Interchange proposed in Memorial Avenue; and

the Stanley Street shops have no public transport provision.

In relation to St Ives a number of amendments to the DCP are recommended in relation to building height and setbacks, as well as clarifying inconsistencies in response to the submissions. These issues are discussed in detail in **Attachment 6** – DCP Submissions Summary – St Ives.

Turramurra

The following relevant DCP issues and concerns were raised in submissions:

Key Site T1 – Ray Street retail area

- land required to widen Forbes Lane should not be taken from properties on the Highway side as these are already disadvantaged by a setback from the Highway;
- the proposal for new road bridge between Ray Street and Rohini Street would not have adequate footpath width for pedestrians;
- the impacts of the bridge at Rohini Street on pedestrians due to the increased traffic flow: and
- development envelope of major redevelopment at Ray Street precinct is unclear, the DCP shows different development envelopes compared to the 3-D images.

Key Site T2 - Rohini Street retail area

- the DCP urban structure does not demonstrate vehicular access and movement patterns around the Turramurra Town Centre; and
- the DCP urban structure does not adequately address parking needs of the centre.

Open Space / Public domain

- there is a substantial reduction in Open Space compared to 2006 draft DCP;
- William Square is substantially reduced in size;
- DCP shows the railway garden being part of "William Square";
- Turramurra "village" does not seek to provide adequate, safe Open Space for projected growth; and
- the DCP indicates open space in unsatisfactory areas.

Other

- the proposed urban form does not appear to address Turramurra Uniting Church, which is an identified heritage item;
- the DCP is not clear about the future use of Turramurra Avenue car park;
- the draft DCP does not demonstrate the proposal to integrate the Uniting Church site with Council owned sites; and
- the proposed retention of the croquet lawn and associated federation-style house eliminates the possibility to undertake the concept proposed by the Uniting Church.

In relation to Turramurra a number of amendments to the DCP are recommended in relation to building setbacks, building height, and vehicle access in response to the submissions. These issues are discussed in detail in **Attachment 7** – DCP Submissions Summary - Turramurra.

Pymble

The following relevant DCP issues and concerns were raised in submissions:

• the service lane between Post Office Lane and Alma Street will affect property owners and is not necessary.

In relation to Pymble no amendments have been made to the DCP as a result of public submissions

Gordon

The following relevant DCP issues and concerns were raised in submissions:

Key Site G1 – Retail core (west side)

• tall buildings will be situated in close proximity creating overshadowing and privacy impacts on the R2 low density zoned No.29 St Johns Avenue, Gordon.

Key Site G2 – Retail core (east side)

- Landmark building at northern end of Wade Lane will dominate the site and spoil the area's ambience; and
- more detail is required in relation to what is proposed for the car park adjacent to Wade Lane.

Key Site G3 - Civic hub

 Gordon as a Civic and Administrative centre will not be a cohesive one due to the split caused by the Highway and the noisy nature of land adjacent to the Highway.

Key Site G4 - Mixed use zone (north Gordon)

- clarification on the maximum number of storeys and heights is needed considering the changes in level from the Highway to Fitzsimons Laneway;
- conflict between the maximum building height being determined by the 5 storeys of commercial on Pacific Highway;
- clarification required of commercial and residential floor to floor heights;
- the DCP is inconsistent with the LEP regarding heights. LEP states the height as 23.5m across the entire site; whilst the DCP limits this height to 17.5 m fronting the Pacific Highway;
- the DCP should allow building lengths of up to 50m as bulky goods facilities require a footprint between 2500sqm-3000sqm with a minimum 50m building length;
- the DCP is inconsistent with the LEP in relation to ground floor uses this on Fitzsimons Lane;
- request increase in the maximum requirements for residential parking. This will prevent on street parking;
- ingress and egress from Pacific Highway should be allowed to continue for the financial success of ground level retail;
- clarification is required as to the number and location of residential vehicular access and services points from Fitzsimons Lane; and
- DCP needs to be amended to show the 6m setback along the Pacific Highway is measured from the kerb rather than from the property boundary.

Other

- the proposed transport hub at the railway station and Henry Street will create safety issues due to existing patterns of pedestrian school traffic to and from Ravenswood School at peak hours;
- new roads will result in more noise and loss of amenity to residents. Also impact on development sites;
- proposed public space not acceptable or need more information;
- the proposed urban square at the entrance to Gordon station will not function as a real square, an additional urban square should be more appropriately located;
- the 'public domain area' on the north side of Moree Avenue will not be used; and
- No. 4 Park Avenue, Gordon should be turned into a park.

In relation to Gordon a number of amendments to the DCP are recommended in relation to building height, setbacks, building length, ground floor uses, parking and vehicle access in response to the submissions. These issues are discussed in detail in **Attachment 5** – DCP Submission Summary - Gordon.

Lindfield

The following relevant DCP issues and concerns were raised in submissions:

Key Site L1 – Balfour Street

• the location of the retail courtyard for the Coles site is in the shadow of an electrical substation.

Key Site L2 – Pacific Highway (west side)

- setbacks of 6m minimum is needed along Woodford Lane and Bent Street, this would provide the village atmosphere and allow for street planting;
- Beaconsfield Parade setbacks should be increased to at least 9m in keeping with the existing street character; and
- development on east side of Woodford Lane will overshadow the area.

Key Site L4 - Tryon Road and Lindfield Avenue

- support for the creation of a retail hub and focus for community activity;
- support the provision of a town square, library and other community facilities to serve the growing population;
- road widening of Kochia Lane will encourage greater vehicular movements and conflicts with the desire to reduce car movements:
- introducing a front setback to Lindfield Avenue to widen the footpath is not necessary. The desired piazza style frontage to Lindfield Avenue and tree planting areas can be achieved in a number of other ways;
- the increased setbacks are not required for footpath widening to Kochia Lane; and
- Havilah Lane will need to remain a service lane allowing loading docks, garbage disposal and goods vehicle access.

Other

- the DCP does not include site specific built form controls for the area bounded by Drovers Way, Beaconsfield and Gladstone; and
- support for the protection of Heritage shops at 1-21 Lindfield Avenue and activation of Chapman Lane.

In relation to Lindfield minor amendments were made to the DCP in response to the submissions. These are discussed in detail in **Attachment 8** – DCP Submissions Summary - Lindfield.

Roseville

The following relevant DCP issues and concerns were raised in submissions:

Key Site R1

- a setback of at least 10m should be provided in Lord Street as well as controls to protect the prominent view from Hill Street;
- setback on the north side of Lord Street for R3 Medium Density and R4 High Density zones should be 10-12 m to protect the conservation area;
- change the location of new road as there will be less disruption to property owners;
- the DCP is not clear as to what is proposed for the shops along Hill Street;
- 15 Hill Street should be included as a Character Building as it is a part of that contiguous group of facades;
- the diagrams and the words that go with them do not always match; and
- wording needs to clearly state numerical width of the taller rear buildings, with the building being tapered down in width to allow for a satisfactory setback.

Key Site R2 - Pacific Highway shops

 underground parking and associated contributions must be considered with the cinema extension.

Transport

- the DCP does not address potential conflict between local traffic generated by new development and current highway congestion;
- the DCP does not address the question of how residents will access development adjacent to the rail line on the highway; and
- the DCP does not address the long term access requirements to the station from Hill Street and the overbridge at Clanville Road.

Other

- a list of traditional plantings for gardens in HCAs should be included;
- draft Town Centre DCP does not provide controls that relate directly to the residential sites between Larkin Lane and Larkin Street;
- the reduced set-back of 3-6m specified on the Public Benefit Plan fronting Larkin Street is inadequate; and
- a larger landscaped set-back to the area along the Rifleway stairs / ramp to the north of this area would be in the public interest.

Amendments to the DCP have been recommended, in relation to Roseville, in response to the submissions. These issues are discussed in detail in **Attachment 9** – DCP Submissions Summary - Roseville.

Building separation and setbacks

Concerns were raised about the requirement to separate buildings, rather than the relevant storeys, by 18m for residential flat buildings. This was said to be inconsistent with DCP 55,

would not allow 2 buildings on most sites and would significantly reduce the development potential provided under the LEP. For multi-dwelling housing the separation requirements were also seen to be economically unviable and unnecessary given the scale of the development type.

Setback controls raised a mix of concerns, namely:-

- the 10-12m street setback for residential flat building is too onerous given the proximity to centres. The setbacks should be reduced significantly. Such generous setbacks are not consistent with the Residential Flat Design Code;
- the 13-15m street setback for residential flat buildings is too onerous, compromises communal open space and deep soil in other areas of the site, results in an inconsistent setback pattern and has an adverse cumulative impact on ability to provide other amenity outcomes such as privacy and solar access;
- corner sites for residential flat buildings should have reduced setbacks as for multidwelling housing;
- street setbacks should be larger than low density dwelling setbacks, to minimise their dominance;
- interface sites should require 9-15m side setbacks to minimise impacts on amenity;
- the fourth and fifth floors should be set back 18m to existing dwellings is required to provide a transition to low density;
- the third storey of residential flat buildings should be set back from the floor below on all sides to have regard to predominant character;
- the rear setback for multi-dwelling housing should be 3m, as 6m is excessive;
- basements should be allowed to encroach into the setbacks for efficiency; and
- courtyard encroachment controls are too onerous, will force smaller building footprints, compromise the achievement of the FSR provided under the LEP, or prevent the achievement of generous ground floor open space sought in this area. This is especially critical for multi-dwelling housing. Deep soil calculations should be allowed within the courtyards.

Amendments are recommended in relation to setbacks and building separation for residential flat buildings and multi-dwelling housing. These issues are discussed in detail in **Attachment 4** – DCP Submissions Summary – DCP Parts.

Building Facades

The main issues raised in submissions are:-

- building facades should pick up design features of surrounding low density housing;
- the façade controls are unduly prescriptive and restrict architectural design options.
 SEPP 65 is adequate in this regard;
- the 2.5m limit on articulation is counterproductive;
- balconies should not project more than 1.2m from the building facade;
- air conditioners should be allowed on large terraces;
- air conditioners should not be allowed on building facades or terraces; and
- the 36m building length control is too onerous.

Amendments are recommended in relation to building facade controls. These issues are discussed in detail in **Attachment 4** – DCP Submissions Summary – DCP Parts.

Solar access and privacy

Concern was raised that the allowance for a maximum of 10% overall of south and west facing single aspect apartments is too limiting, as west facing apartments on the west side of the Highway often take advantage of views. Solar access issues relating to west facing apartments can be addressed architecturally. SEPP 65 only limits south facing apartments.

Concern was also expressed that the minimum of 3 hours direct daylight between 9am and 3pm midwinter to living rooms **and** adjacent private open spaces is unreasonable and inconsistent with the rule of thumb in the Residential Flat Design Code which states that for high density areas 2 hours may be acceptable.

Concern was raised regarding controls that sought to protect sunlight access to solar collection devices on adjoining properties. Council staff undertook further consultation with the NSW University Research Centre for Sustainable Built Environment on this issue. This resulted in the control being altered to preserve a minimum of 4 hours sunlight, between 9.00am-3.00pm, to existing solar hot water and collection devices.

Concerns were also raised about acoustic privacy impacts from vehicle entries/automatic gates and visual privacy impacts from top storey terraces of residential flat buildings and mixed use buildings.

These issues are discussed in detail in the submission summary table at **Attachment 4** – DCP Submissions Summary.

Biodiversity

Concerns were raised about the impact on the natural environment, especially on threatened species and ecological communities and that the E4 zones are inadequate to protect the environment. Controls within Part 7 – Biodiversity Controls were also considered inadequate to support biodiversity in the Greenweb areas, especially in *R4 Residential – high density* zones. Suggestions to strengthen them include:-

- areas impacted by high biodiversity and riparian zones should have setbacks of at least 10m;
- biodiversity Precinct plans should be reintroduced for environmentally sensitive areas;
- all Greenweb areas should be in the Environmental zones (eq. E2 or E4);
- a flora/fauna assessment should be required for all development within Greenweb land: and
- biodiversity Offset Policy must state that in some cases offsetting is unacceptable.

Recommended amendments and discussion of these issues are included at **Attachment 4** – DCP Submissions Summary.

Heritage

Submissions included varied comments, ranging from the position that the heritage controls are inadequate, to the contention that they are excessive. The following comments were made:-

• the controls on heritage sites, (including the blanket restriction on subdivision and internal controls) and in the vicinity of heritage sites are too onerous, are unfair, reduce property values and the economic feasibility of redevelopment;

- the Heritage Conservation Areas in the Town Centres LEP are a very poor representation of the heritage value of Ku-ring-gai;
- listing only 3 of 6 Federation houses in a group is a mockery of the streetscape;
- Hillview (1334 Pacific Highway, Turramurra) should not be developed;
- a list of contributory heritage items should be included;
- setbacks behind Roseville Avenue are inadequate, and heights should be reduced to create an interface with the heritage item;
- the diagrams in figures 9.3-2 and 9.3-4 are poor examples of development adjacent to heritage items;
- precise controls for setbacks, scale and tall tree planting are vital; and
- 4m tall screen planting is inadequate.

There are a number of proposed amendments to the heritage controls in response to submissions. These are identified in **Attachment 4**. Council's Heritage Reference Committee also reviewed the Heritage Section of the DCP. Their submission and recommended changes are discussed later in this report.

Sustainability

A number of submissions raised issues concerning sustainability mechanisms in the DCP. Support was expressed for the following:-

- green star rating for commercial buildings;
- rooftop plantings to increase insulation values;
- emphasis on passive heating and cooling through cross-ventilation and good solar orientation; and
- inclusion of sustainability objectives for key areas.

Further investigation into ecologically sustainable building alongside consultation with the Green Building Council of Australia (GBCA) resulted in altering the requirements for green buildings. The requirement for 5 Star Green Star non-residential buildings was changed to 4 Star on the recommendation of the GBCA. Although 4 Star is the baseline in the GBCA's rating system, it was considered to be a realistic starting point for the Ku-ring-gai area given the type and form of developments planned for the town centres.

The possibility of raising the base-line requirement to 5 Star is something that should be re-examined once a green buildings precedent begins to be established within the area. Research indicates that where 5 and 6 Star buildings are developed by private developers, they are done so in areas with high profile buildings and tenants who have an ecological interest. Further, government bodies have led the way by developing government owned sites to 5 and 6 Star ratings, and only tenanting buildings that have a Green Star Rating. To this end, Council needs to show commitment to achieving a green built environment and leadership on this issue by committing Council owned sites to be developed in accordance with a high green rating standard.

GBCA is a global organisation with a strong research and development base. Their ratings are recognised world-wide and encompass green building issues over and above the standard energy, water and thermal matters. GBCA has a number of Rating Tools for different building types, and others are in the pilot stage. The tools are constantly upgraded and new ones developed, therefore using them within Ku-ring-gai will result in buildings being rated against current standards. In addition, an association through membership with this organisation means that Council will have access to cutting-edge information on technology, economics and implementation of green principles in buildings. It is recommended that a further more detailed report be brought back to Council on this matter.

Climate change was identified as an issue and the inclusion of specific controls or objectives in relation to climate change were sought.

Social sustainability was also seen as an issue that is poorly addressed through the DCP. Particular issues include:-

- the lack of affordable housing;
- the need for resources and processes that build associational activity between new and existing residents;
- the controls for adaptable housing are insufficient for the current and predicted demographics of Ku-ring-gai;
- lack of provision to improve public transport or infrastructure for walking and cycling;
 and
- the need for more innovative retail.

Many of these issues are beyond the scope of a development control plan and are addressed further in the submission summary tables in **Attachments 3 and 4**.

Concern was also raised that there is no requirement for a publicly accessible social impact assessment for specific development types, or for changes in land use or intensity (especially controversial changes).

A clause has been added to Part 4 of the DCP identifying the potential need for Social Impact Assessment. However, in the absence of an adopted Council policy in this regard, more detailed controls are not possible. Given that there is likely to be development of a significant scale in the town centres, with the potential to both benefit and disadvantage a number of groups within the community, it is recommended that Council develop a policy on Social Impact Assessment. The policy would outline when social impact assessment is required, what form it should take, and what issues need to be addressed.

Vehicle parking rates

Providing for maximum car parking rates in the draft DCP was seen in some submissions as likely to result in on street parking or units that are not saleable and leave the draft DCP open to challenge. In Ku-ring-gai, restricting parking will not reduce car use. It is suggested that minimum parking rates should be used instead.

The following issues were also raised:-

- requiring a space for service and removal vehicles is useless, as removal trucks cannot fit into the basement;
- all buildings should provide direct vehicular access for large service vehicles including removal vans and emergency vehicles. This is particularly necessary for battle-axe access sites;
- where a development includes more than 50 car spaces, more than one entry/exit point should be provided; and
- the micro-management of car parking via controls related to green vehicles is not a DCP issue, and unenforceable.

Discussion of these issues and recommended amendments are included in **Attachment 4** – DCP Submissions Summary.

Public benefits

A number of submissions expressed concern that the controls are too loose, and should include minimum benefits to be provided. Submissions also provided the following comments:-

- public benefits should not result in additional floor space or height;
- the cost will be passed on to residents;
- community land should be used instead to provide public benefits;
- the plan rewards developers at the expense of the public;
- process open to corruption. It needs greater transparency and community involvement;
- many benefits are to developers as well as public eg. commercial benefit to ground floor retail from pedestrian mall;
- design excellence is too subjective;
- incentives should only be one tool, the choice of tools to depend on the level of public
 net benefit and private net benefit, ensuring that private net benefits do not outweigh
 public net benefits, and that positive incentives are not used where the outcome could
 be achieved without the incentive;
- a broader approach to community facilities should be included to consider public benefits for different stages in the lifecycle;
- benefits should include measures to reduce greenhouse emissions; and
- the panel should include appropriately qualified personnel in environmental, social and economic sustainability, urban planning and governance with the expertise necessary to assess the benefit in terms of sustainability outcomes.

As a result of drafting changes to Clause 6.4 in the final draft LEP submitted to the Minister for Planning by the Planning Panel, it is proposed to delete Section 10 from the DCP. This matter is discussed in detail below.

B. Amendments in response to the drafting changes to the LEP

A number of drafting changes have occurred in the gazetted LEP as a result of review by the Department of Planning and Parliamentary Counsel. This has flow-on effects to a number of sections of the DCP.

Part 2 Urban Structure and Key Site Controls

The most significant amendments to Part 2 of the draft DCP are as a result of drafting changes to clause 6.4 of the LEP, now to be titled '*Urban design Excellence for Key Sites* (previously titled Public Benefits on Key Sites and Areas).

The amendments to Clause 6.4 mean that if Council wishes to recoup public facilities through the development process (such as the dedication of land, making of a contribution, provision of a community facility), the correct mechanism under the Act is via a contributions plan or a Voluntary Planning Agreement (VPA).

The revised clause has triggered necessary amendments to the draft DCP, particularly with regard to how each of the proposed community works is to be funded. Whether it be publicly funded via development contributions, VPAs or other mechanisms; or privately funded on private land via Clause 6.4 of the LEP.

Changes have been made to Part 2 of the draft DCP are to ensure it is consistent with the new clause 6.4 in KLEP 2010. Broadly the amendments are:

- 1. Deletion of reference to Key Areas
 - Part 2 has been amended to remove the term Key Areas and replace it with the term Key Sites.
 - In relation to the DCP this change does not result in a material difference in the DCP provisions.
- 2. Deletion of reference to Public Benefits
 - All references to Public Benefits have been removed and replaced with the term Urban Design Excellence.
 - This amendment has resulted in changes to the DCP whereby principles
 previously included under public benefits have been removed. The exhibited
 version of the DCP included the provision of public infrastructure which are not
 on the development site.
 - Urban Design Excellence principles now refer to the design of buildings on a site
 to allow the provision of elements such as building forecourts, pedestrian
 laneways and setbacks that contribute to the improvement of the public domain
 in the town centres.
- 3. Identification of Key Infrastructure to be funded by development contributions and VPA's
 - This is a new component of the DCP where the works to be provided by Council in accordance with the *draft Ku-ring-gai Town Centres Public Domain Plan 2009* and the *draft Ku-ring-gai Contributions Plan 2009*.

• The proposed community infrastructure works include works such as footpath embellishment, road works and traffic management works, creation of new urban spaces, construction of new community buildings and the like.

4. Colour coding of public domain areas and facilities

- The DCP provides colour coding of lands to indicate what lands will be Council owned and managed and what lands will be privately owned:
 - i. Parks (green) existing urban parks to be upgraded or new parks to be provided by Council either through acquisition and embellishment or embellishment of land currently owned by Council.
 - ii. Community facilities (orange) be funded by Council.
 - iii. Land dedication for public purposes (brown) the draft DCP is consistent with the Ku-ring-gai Contributions Plan by identifying lands that are expected to be dedicated to Council at no cost (where FSR is transferable). The embellishment works will be funded by Council.
 - iv. Privately funded works on private land (blue) which includes works on development sites that will contribute to the quality and amenity of the town centre public domain and that are likely to remain in private ownership.

5. Inclusion of introduction to Part 2

• Given the extent of changes to Part 2 introductory text has been included to describe the structure of the Part.

Part 6 Riparian Zones

The map and clause name in the final LEP has been amended to Natural Resources Sensitivity – Riparian Lands. The DCP references to the clause and map have been amended accordingly.

In addition, the term 'riparian lands' is recommended for any general reference to these areas. The definition of 'riparian zone' has been deleted from the LEP, and a definition of 'riparian land' is recommended in Part 1B.

Part 7 Biodiversity controls

The map and clause name in the final LEP have been amended to Natural Resources Sensitivity – Biodiversity. The DCP references to the clause and map have been amended accordingly.

The final LEP has also been amended to reduce the number of different terms used in connection with vegetation and flora and fauna species. To avoid confusion, it is also recommended that the DCP use more consistent terminology. In particular, a reduced use of the term 'remnant' will clarify a number of controls and objectives.

The Department of Planning advised that the use of the term 'regionally significant' should be clarified in the DCP. It is recommended that the protection and enhancement of regionally significant vegetation be added to the objectives for Category 1-3 lands, and that regionally significant species, populations and habitat be defined in Part 1B.

Part 10 Public Benefits

Part 10 of the exhibited draft DCP largely presented an operational framework for the implementation of clause 6.4. It also provides some guidance on the relationship between the provisions of clause 6.4 and the design outcomes sought through the DCP. The actual specific design outcomes sought through clause 6.4 are identified in Part 2 of the DCP (Urban Structure and Key Sites Controls).

The operational elements implementing clause 6.4 of the LEP would better sit in a separate Council policy rather than within the DCP itself. Given the proposed amendments to clause 6.4 and given the level of concern expressed in submissions regarding transparency, accountability and consistency in application of the process as outlined in the draft DCP, it is proposed that part 10 of the DCP be deleted and a new separate Council policy be developed. This would also provide the opportunity for further community input and seek to address concerns raised in submissions.

However, any Council policy of implementing of the Urban Design Excellence Scheme must be consistent with the provisions of clause 6.4 and not so overly onerous so as to deter or prevent achievement of the development potential under the clause.

In the meantime, amendments been made to Part 2 of the DCP (Urban Structure and Key Sites Controls) to provide guidance on the relationship between the provisions of clause 6.4 and the design outcomes sought through Part 2 of the DCP.

C. Amendments in Response to Internal Consultation

Key internal consultation occurred with Council's Development and Regulation Section and Council's Heritage Reference Committee. A consideration of the issues through this consultation is as follows:

Development and Regulation Section Comments

Council's Development and Regulation section has provided further input into the drafting of the DCP.

The majority of issues raised by Development and Regulation related to controls for residential flat buildings. The comments arise from the considerable expertise gained to date in assessing DAs under LEP 194 and DCP 55. The Town Centres DCP as provided a valuable opportunity to review existing controls and the recommended amendments are intended to overcome the problems which have been identified with the application of DCP 55. Other recommended amendments related to the wording or structure of particular clauses or objectives and also the diagrams used to demonstrate controls and principals.

A summary of the issues raised by Development and Regulation and recommended amendments is included as **Attachment 10**.

Heritage Reference Committee Comments

Council's Heritage Reference Committee met on several occasions to discuss Part 9 – Heritage of the draft DCP and have made several recommendations. A copy of the Committee's submission is included as **Attachment 11**.

It was recommended by the Committee that for any works on a heritage item which require a development application a heritage impact statement should be required and a conservation management plan may be required where deemed necessary. These changes are consistent with heritage management practice and were included.

The Committee recommended that several of the key diagrams should be amended to reduce any ambiguity as to their intention. In response, the clauses and diagrams with reference to development in the vicinity of a heritage item in a commercial setting were altered. The changes better reflect the desired outcome for infill to positively respond to the scale, setback, height, architectural lines, materials and colours of the neighbouring heritage item, resulting in a more cohesive commercial streetscape with a pedestrian scale.

Another key issue was the prohibition of subdivision of heritage items. It was commented that subdivision of heritage items in and of itself should not be prohibited as it is development permissible elsewhere in the draft DCP. The clause was amended to allow subdivision where it has been shown that the cultural significance of the HCA will not be adversely affected nor will it result in a development that will adversely affect the significance, character or appearance of the HCA.

A summary of the recommended amendments as a result of the Heritage Reference Committee's submission can be found in **Attachment 12**.

Town Centres DCP Part 2 - Gordon Town Centre - Key Site G3 (Council Chambers)

This discussion refers to the Council owned properties No. 818 Pacific Highway and Nos.9, 15 and 17 Dumaresq Street, Gordon known as the Council Chambers site.

Following public exhibition of the DCP ongoing internal review and consultation has raised a number of issues in relation to the principles and controls for Key site G3 (Council chambers site):

- the DCP principles are inconsistent with other Key Sites in Part 2 of the DCP and are overly prescriptive when compared to other Key Sites;
- the proposed park on Dumaresq Street does not satisfy key criteria in the Open Space Acquisition (OSAS); and
- the redevelopment of the site as described in the draft DCP has been found to be not financially feasible.

The above points are discussed in detail below:

1. Design Principles

The following inconsistencies are noted:

• In the exhibited version of the DCP the Design Principles for Key Sites are worded to describe built form such as setbacks, street walls, active frontage, building entries, landmark building, pedestrian access and the like. In the case of Key Site G3 the base principles A, C, D, E and F refer to building uses which is inconsistent with other Key Sites, additionally use is controlled by the LEP.

• In the exhibited version of the DCP the Public Benefit Principles (now Urban Design Excellence) the principles are highly specific in terms of requirements for community uses and the floor areas, this is in consistent with other Key Site principles which are generally broader and more flexible.

2. Proposed Dumaresq Street Park

Staff review has found that the proposed park at Nos.9, 15 and 17 Dumaresq Street does not meet open space acquisition criteria set out in the OSAS (it is noted that the acquisition of this land was made opportunistically without assessment against open space criteria) as follows:

- the proposed park would only have one street frontage which means the rear of the park would not have high levels of access and visibility;
- the proposed park would have a significant slope which would limit passive uses and increase construction and maintenance costs; and
- the development surrounding the park would not provide passive surveillance of the park which means the levels of safety would be reduced.

Financial Feasibility

Further analysis has been undertaken by staff and consultants for the Council chambers site. A number of options have been reviewed, these scenarios were presented at a Councillor workshop in February 2010, and were reported to Council in the Confidential report dated 23 March 2010 in relation to acquisition of land in Bridge Street.

The most viable option is to maintain the library in its current position; maintain a "front of house" function on the site chambers site and provide a cultural facility and auditorium and other use with staff offices moved off the site to an alternative location.

From a strategic point this approach is preferred as Council can prioritise the use of its current sites within Gordon town centre for the provision of community facilities in close proximity to the rail line.

Summary

Staff have prepared revised master plan for Key Site G3 as well as revised DCP principles and controls that take into account the issues discussed above.

The option retains the heritage building on 818 Pacific Highway for Council use and includes a new cultural/community facility at the rear of the site in more or less the same configuration as the current administration building. The building envelope is large enough to accommodate an auditorium, and a range of community functions, in addition this option could also include additional commercial for space for leasing to community service providers and the like.

The most notable change to the master plan is the relocation of the proposed park from 9, 15, 17 Dumaresq Street to the site of Council's current car park. There are a number of significant urban design benefits to this option including:

• the park is on relatively flat land and would be ideal for civic functions and ceremonies eq. Anzac Day;

- the site is closer to the pedestrian activity of the Pacific Highway;
- there is potential for active frontages to the eastern and western sides of the park which will ensure higher levels of safety and use;
- the park would have two street frontages;
- the park would directly adjoin the proposed cultural facility; and
- the park is about 3,000sqm in size which is only slightly less than the area purchased by Council in 2007.

In relation to the properties 15 and 17 Dumaresq Street and part of 9 Dumaresq Street the DCP amendment accommodates a mixed use building with active frontage to the proposed park. The DCP principles require the building to step down in height to the western boundary; and to provide substantial front and rear setbacks to protect existing trees.

D. Overview of key amendments to Draft DCP

As a result of consideration of public submissions and further internal consultation and review, a number of amendments have been made to the exhibited draft DCP. Key changes to specific sections and clauses are outlined in the table included as **Attachment 13**. In addition to amendments outlined in the table there been a number of general, non substantial amendments made to the draft DCP, including:-

- amendments to objectives and controls to ensure consistency with final version of the LEP:
- amendments to or deletion of controls to ensure consistency across the DCP and to avoid duplication;
- minor amendments to the wording of objectives, controls and explanatory notes to aid interpretation and/or correct drafting errors; and
- minor amendments to some numerical controls to ensure consistency in application and facilitate more flexible or practical design outcomes.

INDEPENDENT PEER REVIEW OF THE DEVELOPMENT CONTROL PLAN

Council commissioned an independent review of the draft Ku-ring-gai DCP (Town Centres) 2009 by Sue Haertsch Planning, John Oultram Heritage & Design and David Lock Associates. The review was based on the exhibited version of the draft DCP, and as necessary, the exhibited version of the draft Town Centres LEP. The review does not comment on matters set by the draft LEP.

The review primarily focussed on pre-agreed priority areas because of the limited time available. The priorities for the scope of work were determined in consultation with the Councillors at the Inception Stage workshop. All other Parts of the draft DCP were considered in general terms only.

The agreed priority areas for the Review were:

Part 2 – Urban Structure Plans and Key Area controls;

Part 3 – Specific Building Type controls;

Part 4 – General Development Controls (selected sections);

Part 6 - Riparian Zone controls;

Part 7 - Biodiversity controls;

Part 9 - Heritage and Conservation Area controls.

The DCP was assessed against the following criteria:

- Philosophical foundation
- Legibility
- Language
- Statutory requirements
- Rationale
- Internal consistency
- Content
- Editorial
- Urban design
- Heritage
- Sustainability
- Environment
- Community/social

In addition to the two briefing sessions with Councillors, the DCP peer review process also included:

- site inspections to each town centre and adjoining lands;
- review of background and supporting documentation, including key reports to Council and the Planning Panel in respect of the draft LEP and DCP;
- review of written submissions from the draft DCP exhibition period and the key issues raised by Council staff and the relevant Reference Committee comments;
- review of comparable DCP's in terms of approach, detail and content, including examples of Structure Plans and Urban Design Frameworks from the Victorian planning system;
- review of relevant NSW Land & Environment Court Cases involving Ku-ring-gai Council and the associated planning and development matters;
- detailed professional analysis of the draft Plan including case study testing of potential building forms in the B2, R4 and R3 zones; and
- project team workshop where the draft plan was considered from an interdisciplinary approach.

The final report is provided at **Attachment 14**. The consultants have commended the overall DCP as providing a sound foundation for positive changes in the town centres. Specifically, the following approaches were supported:

- the place-based approach to provide good urban outcomes;
- the clear and simple language, with good connections between objectives and the controls:
- generally logical structure; and
- supporting the LEP by providing more detailed controls.

There is also strong support for a number of specific Parts including Parts 3A Mixed Use Development, 3B Office Building, 3C Residential Flat Building, 3D Multi-Dwelling Housing, 3F

Secondary Dwellings, Part 4 General Development Controls, Part 6 Riparian Land Controls and Part 7 Biodiversity Controls.

Nevertheless, the consultants have recommended amendments or review of various sections of the DCP. In particular, there are a number of changes recommended to Parts 2 (Urban Structure and key area controls), 3E (dwelling houses) and 9 (Heritage and Conservation Area Controls). More minor changes are recommended to other sections of the DCP. Attachments 15 and 16 provide a summary of the issues raised in the consultants' report and suggested revisions. It also includes an analysis of the issues raised by the consultants and where appropriate, recommendations for further amendments to the draft DCP.

It should be noted that a number of the recommended amendments in the consultant's report had already been identified through the public submission process and further internal consultation and review.

The consultants' report also recommends the ongoing monitoring of the implementation of the DCP with a view to reviewing the plan before its first anniversary.

OTHER STATUTORY CONSIDERATIONS

Other Considerations- NSW State Planning Reforms- Exempt & Complying Development Housing Code, Industrial and Commercial Codes, Part 3A Sites.

There have been a number of changes to planning legislation in recent times under the NSW Government's Planning Reforms, including amendments to the following:-

- SEPP (Infrastructure) 2007.
- SEPP (Exempt and Complying Development Codes) 2008.
- New and proposed Part 3A sites.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) will apply to a number of development types/ applicants within the Town Centres, and overrides the provisions of both the LEP and DCP. For example, much of the potential development for schools and health services, public parks and road and rail infrastructure will be either development without consent, exempt, or complying development under the ISEPP.

The ISEPP also sets out requirements for development in rail corridors and traffic generating development, which will need to be considered in addition to the LEP and DCP.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 now includes the General Housing Code, the Housing Internal Alterations Code and the General Commercial and Industrial Code. It sets out the types of development that are exempt or complying, and the standards which apply to those development types, as well as the relationship to Council LEPs and DCPs. Development that complies with the Codes SEPP will not need to address the requirements of DCP (Town Centres) 2010, except where the SEPP specifically requires consideration of Council policies. Proposals that do not meet the requirements of the SEPP will need a DA and will be considered under the Council's LEP and DCP.

The Department of Planning requires that the sites identified in SEPP 53 for multi-unit housing (Minister's targeted sites) are included, where relevant, within the Town Centre plans. This would help facilitate Ku-ring-gai being excluded from SEPP 53. These sites are also listed in SEPP Major Developments (2005) and are therefore affected by Part 3A of the Environmental Planning and Assessment Act (1979). Council has requested that the Department of Planning remove these sites from the Major Development SEPP. Most of these sites have been completed or are under construction, except for Site 4 (including 23 and 23A Lindfield Avenue, Lindfield) and Site 2 (including 1-7 Avon Road, Pymble). Site 2 is incorporated within the DCP at Part 3C.6 and refers directly to the controls in SEPP 53. Site 4 is incorporated within Part 2 and is generally consistent with the requirements of SEPP 53.

ALIGNED PROJECTS

In line with gazettal of the KLEP 2010 and the DCP coming into force, there are a series of aligned projects that will support the delivery of a comprehensive range of policy documents for development and management of the town centre areas these are outlined as follows:-

i) Public Domain Manual

The Public Domain Manual will be a technical guideline document that will apply to public spaces and streetscapes of the six town centres. The manual will present detail designs and specifications for of urban elements such as footpaths and paving materials and design, street furniture, garbage bins, bubblers and the like, street and pedestrian lighting, street planting, drainage and storm water treatment and access requirements.

To ensure the design of the public domain meets community expectations, aspects of the draft Manual has been placed on public exhibition for community review and feedback prior to preparation of the final document and construction process.

ii) Draft Consolidated Development Contributions Plan

The process of consolidating the two current contributions plans into a single comprehensive document is being finalised. This will manage the process of levying contributions and implementing new infrastructure over the life of the plan.

The consolidated plan will have a development horizon to 2031, mirroring the Metropolitan Strategy and incorporating the development envisaged under the KLEP 2010. The draft contributions plan has been placed on public exhibition and will be reported back to Council in April 2010.

iii) Parking Management Plan

The issue of car parking has been a significant issue raised by residents and business owners throughout the town centres planning process.

A background study was completed in February 2009 that examined the existing parking conditions within the centres in terms of supply and demand (with respect to extent and time) and examined the future growth of the centres. Estimates were made of the future parking demand based on the likely growth in development at the time.

The study also addressed the series of Council resolutions and the recommendations made by the independent Chairpersons in the Town Centre Public Hearing Reclassification Reports in relation to parking within the Town Centres.

Also considered were broad strategies for addressing parking issues in commercial centres; and make recommendations in relation to each centre as to how to address issues and provide for the future demand.

The Ku-ring-gai Town Centres Parking Management Plan expands on the Arup background study and considers parking strategies in each of the six Town Centres in more detail, particularly in relation to land uses, long/short term parking and parking for other modes of transport.

Consideration is also given to ways of managing the potential redevelopment of Council car parks in order to minimise the impact due to the temporary loss of parking.

The draft Parking Management Plan has been reported to Council and was placed on public exhibition during February and March 2010 in conjunction with the Public Domain Manual.

iv) Offset policy

The biodiversity offset policy will support Part 7 (Biodiversity Controls) of the DCP. It will guide measures to be taken where there would be unavoidable impacts on biodiversity as a result of a development and Biobanking is not used.

The policy will outline when the policy applies, appropriate locations, measures for long term security, and notification requirements. The policy will also identify appropriate offset multipliers, namely the size of the area required to be protected/enhanced/created in comparison to the area impacted.

To ensure the design of the offset policy is robust and transparent, the policy will go on public exhibition for community review and feedback prior to preparation of the final document.

CONSULTATION

To date there has been significant community consultation on the overall Town Centres program via Council's Ku-ring-gai Town Centres program and through the Ku-ring-gai Planning Panel's draft Ku-ring-gai LEP (Town Centres) exhibition process.

The consultation program for the draft DCP exhibition consisted of the following:

- a series of advertisements in the local press and on Council's website giving notice of the exhibition and detail of access to the information throughout August 2009. The plan was on exhibition from 7 August to 7 September 2009.
- a series of information display panels on the Draft DCP were located at Council Chambers throughout the exhibition period.

• draft DCP exhibition displays at Council Libraries – St Ives, Turramurra, Gordon and Lindfield throughout August 2009.

- notification was made to the key resident and community groups regarding the exhibition of the draft DCP and the notification of a series of community information sessions.
- community information sessions were held at Council Chambers on the afternoon and evening of 18 August for St Ives, Pymble and Turramurra and on the afternoon and evening of 19 August 2009 for Gordon, Lindfield and Roseville centres.
- exhibition banners advising of the draft DCP in each of the six (6) town centres were displayed at prominent locations around the LGA.
- the draft DCP exhibition materials were placed on Council's website at www.kmc.nsw.gov.au.
- copies of the draft DCP were made available on CD ROM at no charge.
- further notification to Council's Reference Committees- including the Sustainability and Heritage Reference Committees seeking feedback.
- the Ku-ring-gai Planning Panel were briefed on the draft DCP during the exhibition period.
- further information sessions were provided to Councillors to provide additional background information and explanation of the draft DCP.

In response to the exhibition of the draft DCP a total of 28 submissions were received. Copies of the public submission are included in **Attachment 17**. In addition comments were received from the Council's Heritage Reference Committee and feedback was provided from Council's Department of Development and Regulation.

The independent review of the DCP included two briefing sessions with Councillors. The first meeting, held as part of the Inception Stage on 9 November 2009, gave the Councillors the opportunity to identify priorities, key issues and concerns about the draft DCP. The second briefing, held on 30 November 2009, allowed the Project Team to report back on the primary findings Public consultation is not appropriate for the independent review.

FINANCIAL CONSIDERATIONS

Infrastructure Funding

Extensive work has been undertaken by Council staff on the inter-relationship between the infrastructure funding mechanisms in the Development Control Plan and the draft Contributions Plan. The draft Contributions Plan includes outlines of the anticipated funding mechanism(s) for the infrastructure proposed – and required – to support the intensive development around the Town Centres.

The draft Contributions Plan was formally exhibited from December 2009 to February 2010. Concurrently the draft Contributions Plan was referred to the Contributions Review Panel for general commentary. Currently work is being undertaken to address matters arising during the exhibition period. A Councillor workshop has been held to address the mechanisms for meeting Council's co-contribution. Following this process the draft Contributions Plan will be reported to Council and subject to Council's concurrence, recommended to the Minister for Planning for her formal approval.

Concurrently, Strategy and Environment staff have been liaising with the Finance staff involved in the Long Term Financial Plan to facilitate integration of the funding mechanisms and the recognition of the essential commitment of Council's financial co-contribution to apportioned

works. It must be recognised that the size of the co-contribution will ultimately necessitate the strategic divestment – or integration with key development sites in return for market benefits – of some key parcels of council owned land. The capacity to undertake the preliminary planning of this aspect of the essential infrastructure funding is currently constrained by the stage of the reclassification process.

DCP Review

Councillors were previously advised that no budget allocation for an external review of the draft Ku-ring-gai Development Control Plan (Town Centres) was included in the Strategy and Environment- urban planning budget. At the Council meeting on 20 October 2009 Council resolved:

That an upper limit of \$70,000 be stipulated and agreed to for completion of subject works.

The project's final consultancy costs are being finalised but are expected to be within the limit set by Council. The funding has been identified as part of the March 2010 third quarter budget review.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Strategy and Environment Department has worked closely with Development and Regulation, both during the drafting phase and after exhibition. The amendments resulting from the latter are included as **Attachment 10**.

The draft DCP was also referred to Council's Heritage Reference Committee and Sustainability Reference Committee. A copy of the Heritage reference Committee's submission is included as **Attachment 11**. While the Sustainability Reference Committee did not make a formal submission, members of the committee made a submission through the public exhibition process which identified sustainability related issues with the DCP.

There will be information and training sessions conducted on the finalised DCP and LEP for all relevant staff, particularly for those Development Assessment and Customer Service.

SUMMARY

The draft Ku-ring-gai DCP (Town Centres) 2009 provides detailed provisions to guide the design and assessment of development under the Ku-ring-gai local Environmental Plan (Town Centres) 2010 which was gazetted on 25 May 2010. The DCP cannot be inconsistent nor prevent compliance with any of the provisions of the KLEP 2010.

The draft DCP was placed on public exhibition from 7 August 2009 until 7 September 2009. In response to the exhibition, a total of 28 submissions were received. In addition, comments were received from the Council's Heritage Reference Committee and feedback was provided from Council's Development and Regulation Department.

As result of consideration of the public submissions and internal consultation and review a number of amendments to the exhibited draft DCP are recommended. There are also a number of amendments required to ensure consistency with the final gazetted version of the KLEP 2010.

An independent review of the draft Ku-ring-gai DCP (Town Centres) 2009 was conducted by Sue Haertsch Planning, John Oultram Heritage & Design and David Lock Associates. Staff have considered and analysed the review and recommended a number of further amendments for Council's consideration.

A revised DCP including all recommended amendments is included as **Attachment 1**. While there are a substantial number of amendments to the exhibited draft DCP, cl 21A of the EP&A, regulations permit Council to approve a DCP with such alterations as it sees fit following the consideration of submissions.

Consideration of the submissions has also identified other potential policy directions for Council to pursue to provide a more comprehensive implementation of the KLEP 2010 and the DCP into the future. These include:

- the development of a policy on Social Impact Assessment to be able to more thoroughly assess broader community impacts of significant developments within the town centres; and
- Council taking on a greater advocacy role in green building design through joining the Green Building Council of Australia.

It is recommended that further more detailed reports on these matters be brought back to Council in the future.

Where to from here?

Once Council adopts a DCP, the EP&A Regulations require Council to give notice of their decision in the local newspaper as well as submit a copy of the plan to the Director General of the Department of Planning. The DCP will the come into effect from the day the notice appears in the local paper or any time after that as determined by Council.

Once the DCP comes into effect there are two key policy documents that need to be finalised and implemented to support implementation of the KLEP 2010 and the DCP. These are:

- a policy to support the process for the establishment, administration and operation of the Urban Design Excellence Panel, as required by the amended clause 6.4 of the KLEP 2010; and
- policies/guidelines to support the process for the administration of the Offset Policy. This will facilitate the effective implementation of biodiversity provisions of clause 6.5 of KLEP 2010 and Part 7 of the DCP.

Council staff are currently working on both these key policy documents and they will be presented to Council as early as possible upon their completion.

RECOMMENDATION

A. That Council adopt the revised Ku-ring-gai Development Control Plan (Town Centres) 2010 as included Attachment 1 which includes the recommended amendments outlined the report.

B. That a public notice of Council's decision to adopt the Development Control Plan be placed in the North Shore Times and that the DCP come into effect from the date of that notice.

- C. That in accordance with Section 25AB of the Environmental Planning and Assessment Regulation 2000, a copy of the DCP be submitted to the Director-General of the Department of Planning.
- D. That a review of the Ku-ring-gai Development Control Plan (Town Centres) 2010 be conducted after 12 months of the DCP being in force.
- E. That a further report be brought back to Council on the establishment and operation of the Urban Design Excellence Panel, as required by clause 6.4 of the Ku-ring-gai Local Environmental Plan (Town Centres) 2010.
- F. That a further report be brought back to Council on the policies/quidelines to support the process for the administration of the Offset Policy.
- G. That a further report be brought back to Council on a Social Impact Assessment Policy for the assessment of broader community impacts of significant developments within the town centres.
- That the case for Council becoming a member of the Green Building Council of Н. Australia be further investigated and reported back to Council.

Bill Royal Craige Wyse

Team Leader Urban Design Team Leader Urban Planning

Antony Fabbro Andrew Watson

Manager Urban & Heritage Planning **Director Strategy & Environment**

- Attachments: 1. Revised draft Development Control Plan circulated separately
 - 2. Table of issues raised in submissions to Town Centres LEP 2009/188615
 - 3. Summary of submissions general 2009/162826
 - 4. DCP submissions summary DCP parts 2009/163377
 - 5. DCP submissions summary Gordon 2009/164067
 - 6. DCP submissions summary St Ives 2009/164142
 - 7. DCP submissions summary Turramurra and Pymble 2009/164374
 - 8. DCP submissions summary Lindfield 2009/164428
 - 9. DCP submissions summary Roseville 2009/164471
 - 10. Summary of comments from Development & Regulation 2010/009369
 - 11. Submission from Heritage Reference Committee 2009/158817
 - 12. Heritage Reference Committee comments summary 2009/164802
 - 13. Summary of amendment resulting from public exhibition and internal review -2009/196648

- 14. Ku-ring-gai Draft DCP (Town Centres) 2009 Independent Peer Review Final Report 2010/013568
- 15. DCP Peer Review Report Response to Part 2 and List of Recommendations 2010/020313
- 16. DCP Peer Review Report Response and List of Recommendations 2010/013511
- 17. Public submissions circulated separately





PART 1	DEVELOPMENT CONTROL PLAN			
	Introduction	p1-2		
1 A	Preliminary	p1-9		
1B	Definitions	p1-13		
PART 2	URBAN STRUCTURE AND KEY AREA CONTROLS			
	Introduction	p2-2		
2A	St Ives Town Centre	p2-7		
2B	Turramurra Town Centre	p2-29		
2C	Pymble Town Centre	p2-61		
2D	Gordon Town Centre	p2-75		
2E	Lindfield Town Centre	p2-113		
2F	Roseville Town Centre	p2-151		
PART 3	SPECIFIC BUILDING TYPE CONTROLS			
3 A	Mixed Use Development	p3-3		
3B	Office Building	p3-45		
3C	Residential Flat Development	p3-73		
3D	Multi-Dwelling Housing	p3-111		
3E	Dwelling House	p3-141		
3F	Secondary Dwelling	p3-179		
PART 4	GENERAL DEVELOPMENT CONTROLS			
	Introduction	p4-2		
4.1	Development near Rail Corridors and Busy Roads	•		
4.2	Landscape for Biodiversity and Bushfire Management	p4-4		
4.3	Earthworks and Slope	•		
4.4	Green Buildings	•		
4.5	Materials, Finishes and Colours	p4-13		
4.6	Sustainability of Building Materials	p4-16		
4.7	Roof Terraces and Podiums	p4-17		
4.8	Vehicle Access	p4-18		
4.9	Basement Car Parking	p4-20		
4.10	Visitor Parking	p4-21		
4.11	Parking for People with a Disability	p4-22		
4.12	Pedestrian Movement within Car Parks	p4-23		
4.13	Bicycle Parking and Facilities	p4-24		
4.14	Building Services	p4-25		
4.15	Contruction, Demolition and Disposal	p4-26		
4.16	Waste Management	p4-27		
4.17	Land Contamination	p4-36		
4.18	Social Impact	p4-37		

PART 5	WATER MANAGEMENT CONTROLS	
	Introduction	p5-2
5 A	Development Type and Location	p5-3
5B	Site Planning and Building Design	p5-7
5C	Stormwater Discharge Leaving the Site	p5-11
5 D	On-site Stormwater Management	p5-31
5E	Development adjacent to or over Existing Drainage Systems	p5-41
5F	Water Quality	p5-51
5 G	Road and Trunk Drainage Design	p5-59
5H	On-site Wastewater Management	p5-65
PART 6	RIPARIAN ZONE CONTROLS	
	Introduction	p6-2
6.1	General	p6-3
6.2	Category 2 Terrestrial and Aquatic Habitat	p6-5
6.3	Category 3 Bank Stability and Water Quality	p6-7
6.4	Category 3A Watercourse Restoration	p6-9
PART 7	BIODIVERSITY CONTROLS	
	Introduction	p7-2
7.1	All Greenweb Categories	p7-4
7.2	Category 1 Core Lands	p7-5
7.3	Category 2 Support for Core A	p7-6
7.4	Category 3 Support for Core B	p7-7
7.5	Category 4 Biodiversity Corridors and Consolidation	p7-8
7.6	Category 5 Landscape Remnant	p7-9
7.7	No Net Loss of Biodiversity	p7-10
PART 8	TREE AND VEGETATION PRESERVATION	
	CONTROLS	
	Introduction	p8-2
8.1	Tree Works	p8-3
8.2	Exempt Trees and Tree Works	p8-4
8.3	Application for Tree Works	p8-6
PART 9	HERITAGE AND CONSERVATION AREAS CONT	ROLS
	Introduction	p9-2
9.1	Heritage Items	p9-4
9.2	Heritage Item within Amalgamated Development Sites	p9-6
9.3	Development in the Vicinity of a Heritage Item	p9-9
9.4	Heritage Conservation Areas	p9-13
9.5	Development in the Vicinity of a Heritage Conservation Area	p9-25
9.5	Town Centre Heritage Conservation Areas	p9-27

PART 10	SIGNAGE AND ADVERTISING CONTROLS	
10.1	Signage Design	p10-2
10.2	Building Identification Signs	p10-3
10.3	Business Identification Signs	p10-4
10.4	Illumination of Signs	p10-6
10.5	Prohibited Advertising Signs and Structures	p10-7
10.6	Advertising on Outdoor Dining Furniture or Footpath Trading Activities	p10-8
10.7	Special Signs	p10-9
10.8	Temporary Signs	p10-10
10.9	Maintenance	p10-12
PART 11	TELECOMMUNICATION AND	
	RADIOCOMMUNICATION CONTROLS	
11.1	Design and Location	p11-2
PART 12	PROFESSIONAL SUITE CONTROLS	
	Introduction	p12-2
12.1	Location, Size and Design	p12-3
PART 13	SEX INDUSTRY PREMISE CONTROLS	
	Introduction	p13-2
13.1	Submitting a Development Application	p13-3
13.2	Initial Limits on Development Consent	p13-4
13.3	Sex Services Premises	p13-5
13.4	Home Occupation (Sex Services) Premises	p13-9
PART 14	CHILD CARE CENTRE CONTROLS	
	Introduction	p14-2
14.1	Location	p14-5
14.2	Vehicle Access and Car Parking	p14-8
14.3	Site Planning and Building Design	p14-9
14.4	Indoor Play Spaces	p14-12
14.5	Back-up Facilities	p14-13
14.6	Staff and Parent Accessible Areas	p14-15
14.7	Outdoor Play Spaces	p14-18
14.8	Transition Areas	p14-21
14.9	Co-located Child Care Centres	p14-22

PART 15	NOTIFICATION CONTROLS	
	Introduction	p15-2
15.1	Notification and Advertising Requirements	p15-3
15.2	Notification Requirements by Development Category	p15-4
15.3	Notification Requirement by Notification Type	p15-9
15.4	Criteria to be Considered by Council in Determining Detrimental Effects	p15-14
15.5	Procedures for Notification by Council	p15-15
15.6	Written Submissions to Council	p15-17
A	APPENDICES	
A1	Greenweb Maps	pA-3
A2	Waste Management	pA-9
A3	Car Parking Rates	pA-19
A4	Adaptable Housing	pA-25
A5	Reduced Setback Maps	pA-28
A6	Water Management	pA-34
Α7	Notification	pA-73
A8	Visual Character Summary Report	pA-77
A9.1	Green Star Rating Information Sheet	pA-89
A9.2	Credit Summary Template- From GBCA Office Rating Tool	pA-92
A9.3	Examples of ESD Measures	pA-95
A9.4	Checklist of ESD Measures	pA-98

PART

Introduction

1A Preliminary

1B Definitions

INTRODUCTION

What is a Development Control Plan?

A development control plan (DCP) is a town planning document which provides detailed guidance for the design and assessment of new development.

This DCP establishes a framework for future development in the Kuring-gai town centres under the Kuring-gai Local Environmental Plan (Town Centres) 2010 (KLEP 2010). While the DCP provides more detailed provisions for development to achieve the purpose of the LEP, it cannot be inconsistent with any of the provision of the LEP nor prevent compliance with any provision of the LEP.

How to use this DCP

The planning framework contained in this DCP adopts a place-based planning approach by defining the future urban structure and desired future character for each centre and developing a place-specific built form. This is supported by design and environmental **objectives**, **design principles** and detailed **controls** aimed at achieving a high quality built environment, landscape setting and community spaces.

1. Objectives

The objectives contained in this DCP outline the outcomes that proposed developments are required to achieve. In order to gain consent, developments need to demonstrate that they have fulfilled the relevant objectives for each element.

2. Design Principles

Design principles illustrate how the objectives may be achieved. The principles are described in diagrammatic form as well as in text and are intended to be indicative rather than controls.

3. Controls

The design controls demonstrate the preferred ways in which the objectives are to be achieved for improving site and building design. The controls focus on building performance/functionality, form, layout, sustainability and residential amenity. Controls may be varied, provided that it can be demonstrated that the objectives for that particular element have been achieved.

Note: Before preparing and submitting a development application, applicants must consult Council's Development Application (DA) Guide. The DA Guide is a comprehensive, step-by-step, guide to what applicants need to know and do before lodging an application. All DAs submitted to Council must conform to the requirements of the DA Guide.

Structure of this DCP

Part 1A: Preliminary

This part contains general statutory information about how the DCP was prepared, the general aims of the plan and its relationship to the Kuring-gai Local Environmental Plan (Town Centres) 2010 (KLEP 2010) and other planning and design documents.

Part 1B: Definitions

This part includes a series of definitions to clarify terms used in this DCP. It does not include terms defined in the dictionary of the LEP, which will also apply to this DCP.

Part 2: Structure Plan and Key Area Controls

Part 2 of the DCP is structured to provide guidance for development on land identified as a Key Site in Clause 6.4 and on the Key Sites Map of KLEP 2010.

The components to Part 2 of the DCP are as follows:

TOWN CENTRE URBAN STRUCTURE

For each town centre, an urban structure plan and statement is presented which represents a set of performance-based provisions for the Key Sites. The structure plan is consistent with the objectives and development standards contained in the KLEP 2010. A development application must demonstrate how the proposed development addresses the various elements of the town centre urban structure plan.

KEY SITE DEVELOPMENT PRINCIPLES AND CONTROLS

Development principles have been prepared for each Key Site. The principles are performance-based provisions that guide the design of a building in terms of street frontage, setbacks, building alignment, building bulk and mass, façade design and other elements.

Base Design Principles: The Indicative Base Plan and Base Design Principles represent the requirements for all developments within a Key Site. All development applications must demonstrate how the proposed development addresses the base design principles.

Where a development proposal is applying for additional height and floor space ratio under Clause 6.4 of the KLEP 2010, that development is required to meet the Base Design Principles, in addition to the Urban Design Excellence Principles.

Urban Design Excellence Principles: Key Sites are subject to the Urban Design Excellence (UDE) provisions of Clause 6.4 of KLEP 2010. The Urban Design Excellence Principles contained in the DCP are aimed at supporting and better articulating the considerations under subclause 6.4(3) of KLEP 2010 as it applies to a particular site. Possible UDE solutions are also presented graphically.

The UDE solutions presented in the DCP are examples of ways to achieve



the UDE Principles. They are not a prescriptive measure nor do they preclude alternative solutions.

Note: Details of UDE process will be provided in a separate Council Policy (currently under preparation). It should be noted that the UDE process will occur at the Pre DA stage of the Development Application process.

Controls: The development controls in Part 2 must be read in conjunction with the relevant general development controls contained in Parts 3 - 15 of this DCP. Where there is an inconsistency between Part 2 and another control in the DCP then Part 2 will prevail.

Where the applicant considers there is scope for variations to a control, reference should be made to the Base Design Principles which prevail over the controls.

KEY COMMUNITY INFRASTRUCTURE

An important aspect of Part 2 of the DCP is that it identifies new key public infrastructure that is to be provided progressively over a period of 20 or more years.

Key Community Infrastructure is those works listed in the Ku-ring-gai Town Centres Public Domain Plan 2010 (KPDP 2010) and the Ku-ring-gai Contributions Plan 2010 (KCP 2010) or this DCP and includes works such as footpath embellishment, road works and traffic management works, creation of new urban spaces, construction of new community buildings and the like.

Part 3: Specific building type controls

Part 3 of the DCP contains detailed provisions that apply to the main building types that are likely to be developed on land covered by the KLEP 2010. This part sets parameters within which good building design can occur by illustrating the use of development controls and consistent guidelines for site and building design, which focus on building performance / functionality, form, layout and residential amenity.

The six buildings types covered by Part 3 are as follows:

(Part 3A) Mixed use development: includes controls for mixed use buildings within B2- Local centre zone. As defined in the KLEP 2010, a mixed use building is one which contains 2 or more uses. In the context of the Ku-ring-gai town centres, mixed use buildings will typically contain the following uses:

- i) retail or commercial uses at ground and lower levels;
- ii) residential apartments and/or offices on upper levels.

In the case of any inconsistency between the controls in Part 3A and those in Part 2, the Part 2 controls will prevail to the extent of that inconsistency.

(Part 3B) Office building: applies to all office building developments within the B5- Business development and B7- Business park zones, including Pymble and Gordon Business Park areas.

(Part 3C) Residential flat development: contains controls for residential flat buildings which are permissible in R4 - High density residential zone. This part also includes site specific controls for a site in Avon Road, Pymble which refers to previously established controls under State Environmental Planning Policy No. 53.

(Part 3D) Multi-dwelling housing: provides guidance for multi-dwelling housing developments with three or more dwellings on one lot within R3 - Medium density residential zone. Dwelling types can include detached and attached townhouse dwellings.

(Part 3E) Dwelling house: contains provisions for dwelling houses and ancillary structures in the R2- Low density residential, E4- Environmental living, R3 and R4 zones.

(Part 3F) Secondary dwelling: provides detailed provisions for secondary dwellings which are permissible in R2 and E4 zones under the KLEP 2010. These controls need to be read in conjunction with the relevant objectives and controls for dwelling houses in Part 3E.

Part 4: General development controls

Part 4 contains general development controls which address planning issues that are applicable across a range of sites and across different types, forms and densities of development. To ensure a consistent approach to issues, this part applies to all types of development and is in addition to the controls in Parts 2 and 3. Issues addressed in Part 4 include:

- i) Development near rail corridors and busy roads;
- ii) Landscape for biodiversity and bushfire management;
- iii) Earthworks and slope;
- iv) Green buildings;
- v) Materials, finishes and colours;
- vi) Sustainability of building materials;
- vii) Roof terraces and podiums;
- viii) Vehicle access, car and bicycle parking;
- ix) Building services;
- x) Construction, demolition and disposal;
- xi) Waste management;
- xii) Land contamination; and
- xiii) Social impact.

Part 5: Water Management

Part 5 of the DCP is designed to ensure that the water management techniques employed for any given development are appropriate to both the site location and the development type. It therefore applies different controls to different situations and must be followed from the start of the design process.



The controls cover stormwater management, design and water quality, water recycling and reuse (where not covered by BASIX), subsurface water management and flood control and minimisation. This part of the DCP is intended as a complementary document to BASIX.

Part 6: Riparian Zone

Part 6 of the DCP supports the provisions of Clause 6.6 of the KLEP 2010. It applies to all land identified within the Natural Resources Sensitivity Areas – Riparian Lands Map in the LEP.

This section provides general controls for development within any riparian lands as well as additional controls for development with in specific categories of riparian lands identified in the LEP.

Part 7: Biodiversity Controls

Part 7 of the DCP supports the provisions of Clause 6.5 of the KLEP 2010. It applies to all land identified within the Natural Resources Sensitivity – Biodiversity Map in the LEP as well as to development that will have an impact on those lands. The land identified is referred to as the Greenweb for the purposes of this DCP.

Part 8: Tree and Vegetation Preservation

Part 8 of the DCP contains requirements for the preservation of trees and vegetation on all land covered by the KLEP 2010. This part is made in accordance with Clause 5.9 of the KLEP 2010 and prescribes the trees to which Clause 5.9 applies.

Controls are provided in relation to the protection, management and long term survival of Ku-ring-gai's tree resource both native and exotic. Tree works that do not require Council consent are also listed. This part also establishes a framework for the submission of applications for tree works in Ku-ring-gai. Where trees are located on a heritage site or within a heritage conservation area, this part should be read in conjunction with Clause 5.10 of KLEP 2010 and Part 9 of this DCP.

Part 9: Heritage

Part 9 of the DCP applies to any development that is:

- xiv) on a Heritage Item listed under Schedule 5 Environmental Heritage within KLEP 2010;
- xv) in a Heritage Conservation Area (HCA) identified in KLEP 2010; xvi) in the vicinity of a Heritage Item identified in KLEP 2010.

This part includes objectives and design controls to ensure that any development involving a heritage item conserves and enhances the item. It also seeks to mitigate any potential adverse impacts of new development on the setting of heritage items and the Heritage Conservation Areas.

Part 10: Signage & Advertising

Part 10 of the DCP includes objectives and controls for signage and advertising structures. This section of the draft DCP should also be read in conjunction with State Environmental Planning Policy No 64—Advertising and Signage and Schedule 2 of the KLEP 2010 which makes certain signage and advertising permissible as exempt development.

Part 11: Tele & Radio Communications

Part 12 of the DCP provides controls which address the location and visual impact issues associated with the installation of telecommunication and radio-communication infrastructure which still requires development consent. It should be noted that many forms of telecommunication and other communication facilities are covered by State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) with low impact facilities being exempt under Commonwealth laws.

Part 12: Professional Suites

Schedule 1 (Additional Permitted Uses) of the KLEP 2010 identifies specific properties within high density residential areas where office and/or business uses are allowable (to a prescribed limit) on the ground floor of residential flat building. Part 12 includes specific provisions for the development and operation of professional suites in residential flat buildings.

Part 13: Sex Service Premises

Part 13 of the DCP provides specific planning controls for Sex Services Premises and Home Occupation (Sex Services) Premises.

Under KLEP 2010, Sex Services Premises and Home Occupation (Sex Services) Premises are permissible with consent in business zones. Clause 6.7 of the KLEP 2008 places further restrictions on the location of sex services premises. Part 13 of the DCP and should be read in conjunction with Clause 6.7

Part 14: Child Care Centre

Part 14 of the DCP contains the provisions to guide the development of Child Care Centres. This part complements the provisions the Children's and Young Person's (Care and Protection) Act 1998 and the Children's Services Regulation 2004.

Part 15: Notification

Part 15 explains Council's requirements and processes for the involvement of stakeholders in the consideration of development applications made under Part 4 of the EP&A Act 1979. The requirements and processes are tailored to the type of application and the potential impact of the proposal. Provisions outlining the requirements for submissions to Council are also included.





- 1A.1 Purpose of this DCP
- 1A.2 Name of this DCP
- 1A.3 Commencement Date
- 1A.4 Land affected by this DCP
- 1A.5 General aims of the DCP
- 1A.6 Relationship to Ku-ring-gai Local Environmental Plan (Town Centres)
- 1A.7 Relationship to SEPP 65 and NSW Residential Flat Design Code
- 1A.8 Relationships to other DCPs
- 1A.9 Schedule of Amendments



1A.1 Purpose of this DCP

This DCP has been prepared in accordance with Section 74C of the *Environmental Planning and Assessment Act 1979* and *Part 3* of the *Environmental Planning and Assessment Regulation 2000*. The DCP provides more detailed provisions with respect to development to achieve the stated aims and purpose of KLEP 2010.

Under Section 79C of the Act, the consent authority is required to take into consideration the relevant provisions of this DCP in determining an application for development in the Ku-ring-gai town centres.

1A.2 Name of this DCP

This Development Control Plan (DCP) is the Ku-ring-gai Town Centres Development Control Plan 2010.

1A.3 Commencement Date

This Development Control Plan was adopted by Council on XXXXX and came into effect on (TBA). It is subject to amendments, which are listed in the Schedule of Amendments at the end of Section 1A.9.

1A.4 Land affected by this DCP

This Development Control Plan applies to all land to which KLEP 2010 applies.

1A.5 General aims of the DCP

The general aims of this DCP are as follows:

- i) Establish a future character for Ku-ring-gai's town centres.
- ii) The provision of public spaces and streets as a basis for the creation of a high quality public domain in terms of design and the environmental amenity of the locality.
- iii) The provision of a range of building types which provide for increased housing choice, diversity of employment opportunities, access to retail and commercial services and other activities that contribute to a sustainable vibrant community.
- iv) High quality sustainable urban design and architectural design of buildings that have a good relationship with neighbouring developments, the public domain and landscape qualities of the locality.
- v) The heritage significance of heritage items and their setting is recognised in future development.
- vi) The promotion of the principles of ecologically sustainable development including water sensitive urban design, climate responsive building design, energy efficiency, and selection/use of building materials.
- vii) A high level of residential amenity in building design for the

occupants of the building through daylight access, acoustic control, privacy protection, natural ventilation, passive security design, outdoor living, landscape design, indoor amenity and storage provision.

- viii) The establishment of a network of lands that support biodiversity conservation, riparian restoration and ecological integrity.
- ix) Buildings and landscaping that are designed for all age groups and degrees of mobility.
- x) Traffic control measures and outcomes that manage and improve local traffic impacts and promote pedestrian safety.
- xi) Increased use of public transport, walking and cycling.
- xii) Promote opportunities for biodiversity conservation and for people to become more physically active.

1A.6 Relationship to Ku-ring-gai Local Environmental Plan (Town Centres)

This DCP conforms to the provisions of the KLEP 2010 and is to be used in conjunction with that document for the assessment of all development applications. If there is any inconsistency between this DCP and the KLEP 2010, the KLEP 2010 will prevail.

Compliance with the provisions of this DCP does not necessarily guarantee that consent to a Development Application (DA) will be granted. Each DA will be assessed having regard to the LEP, this DCP, other matters listed in *Section 79C* of the *EP&A Act* and any other policies adopted by Council.

Consistent application of the provisions of this DCP will be given high priority by Council.

1A.7 Relationship to SEPP 65 and NSW Residential Flat Design Code

This DCP has been prepared in accordance with State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) and has been formulated to respond to the design quality principles of SEPP 65.

The preparation of this DCP has had regard to the publication *NSW Residential Flat Design Code 2002* (RFDC). Where there is any inconsistency between this DCP and the RFDC, the provisions of this DCP will prevail. However, the principles and controls contained in the RFDC are to apply to design issues not specifically covered within the DCP.

1A.8 Relationships to other DCPs

This DCP adopts the following provisions of Ku-ring-gai DCP No. 52: 986 Pacific Highway and 5 Suakin Street Pymble:

- 1.2 Where does this DCP apply;
- 1.4 Aims of the DCP;
- 3.2.2 Tree Preservation;
- 3.2.5 Natural Landscape;
- 3.2.7 Operational Noise; and
- Part 4 Design Elements, excluding provisions 4.2.4, 4.2.6, 4.3.4 and 4.3.5.

All Development Control Plans applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

1A.9 Schedule of Amendments

Nil.

DEFINITIONS



accessible car parking

car parking that is designed and built in accordance with the provisions

In this DCP the following definitions apply:

in AS2890.6 to accommodate the needs of occupants with mobility impairment.

acoustic privacy

a measure of sound insulation between apartments, between apartments and communal areas, and between external and internal spaces

active street frontage

building frontages at street level that allow and encourage interaction between the inside of a building and the external areas adjoining the building including footpaths, road reserves or public spaces for the purposes of pedestrian safety and amenity.

adaptable housing

housing that is designed and built to accommodate future changes to suit occupants with mobility impairment or life cycle needs (*Australian Standard 4299: Adaptable Housing*). See Appendix 3 for details.

adjoining land

land that has a boundary in common with the site on which the development is proposed or that is separated from the site by not more than a pathway, driveway, laneway, roadway or similar thoroughfare.

afflux

the rise in water level in a stream, channel or flow path caused by a constriction or impediment downstream.

amenity

the 'liveability' or quality of a place which makes it pleasant and agreeable to be in for individuals and the community. Amenity is important in both the public and private domain and includes the enjoyment of sunlight, views, privacy and quiet.

ancillary

in the context of residential development, includes but is not limited to, such related facilities as a swimming pool, outbuilding, pergola, patio, pathway, driveway or tennis court.

aquatic habitat

the natural home of marine or freshwater animals, plants or organisms.

articulation zone

the area of three dimensional modelling at the periphery of the building, including any changes in façade alignment, balconies, bay windows and sun shading devices.

at-grade

on ground level (not on a building structure).

average recurrence

the long term average number of years between floods which will equal or exceed the selected event.

backwater

that part of a stream, channel or flowpath where the water is kept back due to some controlling influence or obstruction downstream.

balcony

any unenclosed platform (with balustrades) located at the height of 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.

bank

the primary bank of a waterbody.

barrier free access

approach and entry of a facility which is accessible by persons with disabilities (eg. grade level entry).

bay window

a large window or series of windows projecting from the outer wall of a building and forming a recess within.

bedroom

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

blank wall

an expanse of wall that does not contain any openings. Walls with advertising or facade modelling, which have no openings, are considered blank walls.

built-upon area

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

building identification sians

a sign or a logo that identifies the building or place of significance at which the sign or the logo is displayed, but does not include third-party advertising.

Building sustainability index (BASIX)

State Environmental Planning Policy (Building Sustainability Index: BASIX 2004).

building zone

the area within which a building can be built, usually represented in plan and section.

bushland

land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and flora of the natural vegetation.

business identification signs

a sign or a logo that identifies the nature of the business carried out by the person or business, at the premises or place at which the sign or the logo is displayed, but does not include third-party advertising.

catchment

an area of land from which all runoff water flows to the same low point in a waterbody or drainage depression (creek, river, harbour, etc) and always relates to a specific location.

character item

a building or place that contributes to the character of a centre and is identified for potential adaptive reuse within the development control plan.

clinical waste

any waste having the potential to cause infection and that has been generated by medical, nursing, dental, veterinary, pharmaceutical or other related activities, includes infectious substances, pathogenic substances, pharmaceutical's and pharmaceutical residues, cytotoxic substances and wastes from the production and preparation of pharmaceutical products.

commercial waste

refuse or waste material arising from any trade or industry but excludes liquid waste, demolition waste, building waste, contaminated waste, green waste or recyclable waste.

common area

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

communal open space

An outdoor open space within the common area with shared facilities for recreation and social activities of residents and occupants of a development. Deep soil landscaping area may be included as part of the calculation of communal open space area.

community land development

community land development within the meaning of the Community Land Development Act 1989.

compost

vegetative material capable of being converted to humus by a biological decay process.

conservation

the use, management and protection of resources so that they are not degraded, depleted or wasted and are available on a sustainable basis for present and future generations.

Draft Ku-ring-gai Development Control Plan (Town Centres) 2010 - Final for Adoption

conservation management strategy

contaminated waste

core (relating to a building)

cornice

coved

cross-through apartment curtain wall

dangerous goods datum or datum line

deck

deep soil landscaping

designated development

development

development application

a document that identifies conservation strategies and management strategies that are appropriate to enable the general significance of a heritage item to be retained.

waste which has the potential to cause injury, infection or offence. Sources include medical, nursing, dental veterinary, pharmaceutical and similar facilities engaged in treatment, investigation, teaching or research. Domestic sources include sharps and associated medical waste generated as a result of home based treatment of a medical condition (such as those associated with a diabetes sufferer or dialysis patient).

component of building for vertical circulation (eg. lift, stairs).

a decorative horizontal moulding at the top of a building which 'crowns' or finishes the external façade.

to make in an inward curving form. A concave surface forming a junction between a ceiling and a wall.

apartment on one level with two opposite aspects.

a non-bearing wall, often of glass and steel, fixed to the outside of a building and serving especially as cladding.

has the same meaning as in the Dangerous Goods Act 1975.

a significant point or line in space established by the existing or desired context, often defined as an Australian Height Datum.

an external platform, usually elevated, located alongside and accessible from an interior space and often made of timber.

the soft landscaped part of the site area:

- i) that is not occupied by any structure, whether above or below the surface of the ground, except for minor structures such
 - paths to 1.2m wide;
 - stormwater pipes of 300mm or less in diameter;
 - lightweight fences;
 - bench seats;
 - lighting poles;
 - drainage pits with a surface area less than 1m².
- ii) that has a minimum width of 2m;
- iii) that is not used for car parking;
- iv) may be used for water sensitive urban design, provided it does not compromise the ability to achieve the screen and canopy planting required by this DCP.

has the same meaning set down in the *Environmental Planning and Assessment Act 1979*.

has the same meaning set down in the *Environmental Planning and Assessment Act 1979*.

has the same meaning set down in the *Environmental Planning and Assessment Act 1979*.

development assessment officer

development assessment team leader

drainage easements

drainage reserves dripline of a tree

dual aspect apartment

erosion control devices

external collection point

facade

finished ceiling level (FCL) finished floor level (FFL) firearms outlet

fire egress

first flush

flood

flood standard conveyance zone

french (or juliet) balcony

furnishing

green building

the Council officer with primary responsibility for assessing the development application.

a Council officer with responsibility for a group of development assessment officers.

the legal rights attached to land whereby another parcel of land has the right to use part or all of the land for the purpose of draining water.

the lands vested in Council for drainage purposes.

the horizontal extent of the canopy of the tree.

apartments which have at least two major external walls facing in different directions, including corner, cross over and cross through apartments.

measures to assist in minimising erosion and downstream sedimentation.

usual (or agreed) point on the footpath/roadway, where waste and recyclables are loaded onto vehicles. The waste and recycling containers are placed on the footpath, by the occupant of the property, just prior to the collection day and removed after the waste is picked up by Council's contractors. Applicable to residential development where the number of units is less than 6.

the external face of a building.

the level of the lower surface of the relevant ceiling.

the level of the upper surface of the relevant floor.

premises used for the display, exhibition or sale of goods which require a license under Section 7 of the NSW Firearms Act (1996)

a path or opening for going out (ie. an exit) in a fire or emergency situation.

the first rainfall after a dry period.

a relatively high stream flow that overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or overland runoff before entering a waterbody.

the zone in a plan view of the 1:100 year flow through the property.

a small projecting balcony, generally ornamental or only large enough for one person standing.

the furniture, appliances, and other movable articles in an outdoor dining area, but excludes planter boxes, utensils, dining sets and the like.

is one that incorporates design, construction and operational practices that significantly reduce or eliminate the negative impact of development on the environment and building occupants.

green star rating

is an internationally-recognised assessment of the sustainable attributes of a development which enable it to minimise its impact upon the environment. The Green Building Council of Australia (GBCA) provides a formal certification process for ratings of Four Star Green Star ('Best Practice') and above; this service provides for an independent third party review of buildings and their sustainable attributes and initiatives.

green waste

organic garden waste. This includes any waste material that in its raw form comprises vegetation (such as grass, leaves, mulch, plants, branches, twigs and tree loppings). Green waste does not refer to wood wastes such as tree stumps or kitchen vegetable scraps.

greywater
gross pollutant

household wastewater that has not come into contact with toilet waste.

gross pollutant trap (GPT)

litter and debris that is transported by urban runoff and that is not less than 5mm in diameter and/or is retained by a 5mm mesh screen.

habitable room

a structure that acts as a water pollution control measure by intercepting and retaining gross pollutants (coarse sediment, trash and debris).

hazardous waste

any room or area used for normal domestic activities, including living, dining, family, lounge, bedrooms, study, kitchen, sun room and play room – but excludes bathrooms, separate toilets and laundries.

any waste that because of its physical, biological or chemical properties, is capable of causing a danger to the life or health of any living thing if it is released into the environment, and/or is, or contains a substance described in the *Protection of the Environment Operations Act 1997* e.g. can include dangerous goods, poisons, liquids and other waste containing hazardous components. If in doubt contact the NSW Environment Protection Authority or Council.

holding berm

a small bank for retaining water.

hopper

a fitting into which waste is placed and from which it passes into a chute or directly into a waste container. It consists of a fixed frame and hood unit (the frame) and a hinged or pivoted combined door and receiving unit.

hydraulics

the study of flow of fluid. In civil engineering, this concerns mainly flow of water in waterways – in particular, the changes in flow parameters such as water level and velocity.

hydrology

the study of water as it relates to rainfall and the runoff process – in particular, catchment behaviour, flow rates and volumes.

illuminated sign

any sign that is internally illuminated.

impervious

land or material that is not readily penetrable by water.

internal collection point

a designated hard stand area suitable in size for the number and type of containers utilised by the development. Waste and recyclable materials are placed at the collection point, by the occupant, for collection of the day of service and are then returned to the designated waste storage area. Applicable to residential development where the number of units is more than 4 and for commercial and industrial development.

invert

the lowest point of a channel or gutter, or the internal base of a pipe.

light shelf

a horizontal element attached to a window that reflects sunlight up onto a ceiling surface.

light spill

light that escapes from the area requiring to be lit and lights up adjoining areas.

lightwell

a shaft for air or light, enclosed on all sides or which has the potential to be enclosed by future adjoining development, and either open to the sky or glazed.

living room

shall be one room of either sunroom, lounge room or open plan living areas including eat-in kitchen areas; and it shall not include bedrooms, bathrooms, storage areas, laundries or separate toilets.

local development

has the same meaning set down in the *Environmental Planning and Assessment Act 1979*.

local provenance

plant or seed stock of local origin or seed, used to maintain the patterns of variation exhibited by a species over its range, reflecting its evolutionary history.

local road

a street with a prime function to provide access to adjacent land uses.

maisonette

a two-storey apartment, where the storeys are vertically stacked.

main road

a road that is declared to be a main road by an order in force under section 46 of the *Roads Act 1993*.

major roadway

any roadway listed in Appendix 5 of this DCP.

mobile phone base station

a device used for the transmission of signals through the mobile (or cellular) telephone network by way of Radio Frequency Electromagnetic Radiation (RF EME).

neighbouring land

any land, other than adjoining land, within the Ku-ring-gai local government area, the enjoyment of which the assessment team leader considers may be detrimentally affected by the development proposal.

non-habitable room

spaces of a specialised nature not occupied frequently or for extended periods, including bathrooms, toilets, pantries, walk-in wardrobes, corridors, lobbies, photographic darkrooms and clothes drying rooms.

north facing

between 30 degrees east and 20 degrees west of true solar north.

notification

written information provided to potential stakeholders by the Council in the form of a letter, e-mail, information on Council's website or a sign that may be viewed from a public place.

nutrients

substances that provide nourishment to another organism. In the context of stormwater, they consist primarily of Total Phosphorus (filterable phosphorus and particulate phosphorus) and Total Nitrogen (nitrates, nitrites, ammonium compounds and organically bound nitrogen compounds).

obvert

the internal top of the pipe or other enclosed drainage system.

occupier

a person who lives on the land.

on-site detention

a device used to control the rate of stormwater runoff in order to reduce peak discharges during storm events.

on-site retention

a device that controls the rate and volume of stormwater runoff to reduce peak and total volume discharges during and after storm events by ensuring that water is reused on the site.

open plan

operable wall

operable window or door orifice

overshadowing

owner

parapet

passive surveillance

peak discharge permitted site discharge pervious

Planning for Bushfire Protection

pole (or pylon) sign

pollutant

portico

potable

potentially contaminated land

primary street

private courtyard

professional suite

dwelling layouts where spaces are not divided into discrete rooms, but are open and connected to allow flexibility of use (typically living, dining, kitchen and study areas).

an internal wall which can be moved, for example by sliding, folding, or pivoting, to allow for different room configurations.

window or door which can open to the outside.

a narrow opening into a pipe or cavity.

shadows caused by a proposed structure, together with any existing structures to be retained, but not including shadows cast by trees, vegetation or boundary fences.

has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

a horizontal low wall or barrier at the edge of a balcony or roof. Often taken to refer to the decorative element which establishes the street wall height of heritage buildings (see also Cornice).

the casual surveillance of public spaces and streets by the users of the local area or adjoining land.

the maximum discharge occurring during a flood event.

the controlled rate of runoff allowed from a site.

land or material that is penetrable by water.

the publication produced by the NSW Rural Fire Service and PlanningNSW to provide guidance to Councils, planners, fire authorities, developers and home owners with regard to bushfire protection strategies.

a sign that is erected on a pole or pylon independent of any building or other structure.

a substance that adversely affects the physical, chemical or biological properties of the environment.

a porch or walkway with a roof supported by columns, often leading to the entrance of a building.

drinkable.

land which may have been associated with potentially contaminating activities, as described in Council's Contaminated Land Policy.

the street or streets (where there is more than one primary street) which typically forms the main address of the lot or property and has the wider carriageway or carries the greater volume of traffic. Primary streets include highways, main roads and local streets.

private open space which may be on a structure (eg. podium, parking deck) or at ground level.

small scale office premises for professional practices within a residential flat building in close proximity to a retail centre. A professional suite may include consultation rooms for health care professionals.

public exhibition

public street

putrescible waste system

recognised public drainage

recyclable

regionally significant species, populations and habitat

riparian land

runoff

Section 96(1) modifications

Section 96(1A) modifications

Section 96(2) modifications

Section 96AA modifications

secondary street

sediment

sewerage

shopfront

is where a development application is made available for inspection, by any person, at the office of Council, and such other places to be determined by Council for a period not less than fourteen (14) calendar days.

- i) any road that is opened or dedicated as a public road, whether under the *Roads Act 1993* or any other Act or law, and
- ii) any road that is declared to be a public road for the purposes of the *Roads Act 1993*.

food or animal matter (including dead animal parts) or unstable or untreated biosolids.

a common stormwater drainage system that conveys public stormwater and that generally includes one or more of the following: street drainage comprising surface systems (formed and unformed kerb and gutter, earth channels); underground systems (pipes, road pits, headwalls, inlets and outlets); natural and constructed open channels

material capable of being reprocessed into useable material and includes any item collected by Council's Recycling Service (e.g. plastic, vegetation, paper etc).

flora and fauna species, populations, ecological communities and habitat identified as regionally significant in Council's Biodiversity Strategy.

land adjoining a waterway (including a piped waterway) and the waterway itself, but not including land adjoining an artificial waterbody. This includes all land identified within the Natural Resources Sensitivity - Riparian Lands Map in KLEP 2010.

rainfall that ends up as stormwater.

are modifications by Council to consents that involve minor errors, misdescriptions or miscalculations in accordance with Section 96(1) of the *Environmental Planning and Assessment Act 1979*.

are modifications by Council to consents that involve minimal environmental impact in accordance with Section 96(1A) of the *Environmental Planning and Assessment Act 1979*.

are other modifications by Council to consents that may have an environmental impact in accordance with Section 96(2) of the *Environmental Planning and Assessment Act 1979*.

are modifications made by consent authorities to consents granted by the Land and Environment Court, in accordance with Section 96(AA) of the *Environmental Planning and Assessment Act 1979*.

a street that is not a primary street and is typically a local road or lane.

solid material, either mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, wind, water or gravity.

the arrangement of pipes that transports sewage.

the front side of a store facing the street; usually contains display windows.

significant tree

a tree which

- i) is visible over a wide area due to its size;
- ii) is a large specimen in a prominent location;
- iii) has ecological values because it forms part of the remnant vegetation of the area and contributes to the gene flow, has habitat hollows, provides food for wildlife;
- iv) is a rare species in good condition; exhibits exceptional form;
- v) is associated with the history of a place and
- vi) forms part of an avenue of trees.

the vertical height of a window sill above the finished floor level which it serves.

an overhead window, as in a roof, admitting daylight.

the underside of a part of a building (such as an arch, overhang, staircase, cornice or beam etc).

the area planted with gardens, trees, lawns and/or includes remnants of the natural landscape.

geographically isolated remnant that functions as habitat islands facilitating the movement of flora and fauna and genetic resources within a modified landscape.

untreated rain water that runs off the land onto which it falls.

a strata title building within the meaning of the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold) Development Act 1986.

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.

the wall of the building from street level to the top of the podium, which faces the street or public domain.

defined by its position.

any moving or stationary body of water or moisture occurring

a shallow moulding continued across a whole facade which may be

underneath the land surface, but not below the geological basement.

a sustainable building is one that addresses social, economic and environmental issues to ensure the long-term viability of that building.

managing and controlling the generation of waste so that the needs of the current generation are met without limiting the options and capacity of future generations to meet their own needs.

an unroofed and usually paved area connected to an dwelling and accessible from at least one room. May be on-grade or on a structure (podium)

the natural habitat of organisms that live on land

sill height

skylight

soffit

soft landscaping

stepping stone

stormwater

strata title building

streetscape

street wall

string course

subsurface water (SSW)

sustainable building management

sustainable waste

terrace (outdoor area)

terrestrial habitat

threatened ecological community

top hamper sign

total suspended solids

townhouse

transmitter

tree

trunk drainage

under awning sign

villa

visitable

volume reduction equipment

an ecological community listed as an 'endangered ecological community' or 'critically endangered ecological community' under the NSW Threatened Species Conservation Act (1995) or the Commonwealth Environmental Protection of Biodiversity Conservation Act (1999).

a sign that is attached to the transom of a doorway or display window of a building.

are the inorganic and organic particles suspended in the water column. They can be defined as the filterable residue retained on a 2.0 μ m pore size filter dried at 105°C.

a dwelling included in multi-dwelling 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.

see 'mobile phone base station'

- i) a perennial plant with at least one self-supporting woody, fibrous stem, whether native or exotic, which is 5 metres or more in height; or
- ii) a plant that has a trunk diameter of 150mm or more measured at ground level.

the stormwater drainage system that links property, interallotment and street drainage with the receiving waters.

a sign that is attached to underside of an awning (other than the fascia or return end).

a townhouse wheih has only one storey.

a place that 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 or visitable.

devices which reduce the volume of waste or recyclable material, including compressing devices such as compactors, balers and shredding, pulverising or crushing devices.

waste

as defined by the *Protection of the Environment Operations Act 1997* (POEO Act) includes:

- i) any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment. or
- ii) any discarded, rejected, unwanted, surplus or abandoned substance, or
- iii) any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, reprocessing, recovery or purification by a separate operation from that which produced the substance, or
- iv) any substance prescribed by the regulations to be waste for the purposes of this Act.
- v) a substance is not precluded from being waste for the purposes of the POEO Act merely because it can be reprocessed, re-used or recycled.

a designated room or a combination of designated rooms upon the site (can be located inside or outside) of a building for the housing of approved containers to store all waste material (including recyclable material) likely to be generated by the buildings' occupants.

a temporary storage area that is designed to hold at least a single days waste. The waste cupboard is typically located in the kitchen. It should be designed to enable some separation of recyclables and non-recyclables.

located on each floor of a building for interim storage of recyclables with access to a hopper and providing a fire rated compartment around garbage chute hoppers.

sewage, greywater or water that is contaminated by human or commercial processes, and includes water from a domestic pool.

a submission in writing in the form of a letter, report, facsimile transmission, petition, e-mail or other like form.

a landscaping method developed specifically for areas that are susceptible to drought, and areas where water conservation is important. It utilises water-conserving techniques such as use of drought tolerant plants, mulching, efficient irrigation and natural canopy shading of the ground.

waste and recycling room

waste cupboard

waste service compartment

wastewater

written submission

Xeriscape (dry landscape)

LIST OF ABBREVIATIONS

ACA Australian Communications Authority

ACIF Australian Communications Industry Forum

AHD Australian Height Datum

ARI Average Recurrence Interval

ARPANSA Australian Radiation Protection and Nuclear Safety Agency

BASIX
BCA
Building Sustainability Index
BUILDING Code of Australia
DA
Development Application

DA guide Ku-ring-gai Council's Development Application Guide (available from

Council's Customer Service Centre)

DCP Development Control Plan

DoCS NSW Department of Community Services

EMF Electromagnetic Field Exposure

EMR Electromagnetic Radiation

EP&A Act Environmental Planning and Assessment Act 1979

GFA Gross Floor Area

HCA Heritage Conservation Area

HI Heritage Item

ICNIRP International Commission on Non-ionising Radio Protection

L Litre(s)

LAP Local Approvals Policy

KLEP 2010 Ku-ring-gai Local Environmental Plan (Town Centres) 2010

KPDP 2010 Ku-ring-gai Public Domain Plan 2010

m Metre(s)
max Maximum
min Minimum

MGB Mobile Garbage Bin

NSWDoCS NSW Department of Community Services

NSW EPA NSW Environment Protection Authority

OSD on-site detention
OSR on-site retention

PoEO Act 1997 Protection of the Environment Operations Act 1997

RTA Roads and Traffic Authority
Sydney Water Sydney Water Corporation
UDE Urban Design Excellence
WMP Waste Management Plan

Introduction

- 2A St Ives Town Centre
- 2B Turramurra Town Centre
- 2C Pymble Town Centre
- 2D Gordon Town Centre
- 2E Lindfield Town Centre
- 2F Roseville Town Centre

INTRODUCTION

Part 2 of the DCP is structured to provide guidance for development on land identified as a Key Site in Clause 6.4 and on the Key Sites Map of KLEP 2010.

The DCP contains a set of site-specific performance-based provisions to guide development. There are four broad components to Part 2 of the DCP. These are described below.

TOWN CENTRE URBAN STRUCTURE

For each town centre an urban structure plan and statement is presented. The structure plan is consistent with the objectives and development standards contained in the KLEP 2010. The Structure Plan is also consistent with the draft Ku-ring-gai Town Centres Public Domain Plan 2010 (KPDP 2010) and the draft Ku-ring-gai Contributions Plan 2010 (KCP 2010).

The urban structure of each town centre represents a set of performance-based provisions for the Key Sites comprising:

- An existing character statement describing opportunities and constraints of the Key Sites;
- A planned future character statement describing the desired form and function of the Key Sites.
- Development objectives for the Key Sites.

A development proposal must respond to the town centre urban structure and demonstrate how the provisions are addressed in a Development Application.

KEY SITE DEVELOPMENT PRINCIPLES AND CONTROLS

Development principles have been prepared for each Key Site. The principles are performance-based provisions that guide the design of a building in terms of street frontage, setbacks, building alignment, building bulk and mass, façade design and other elements.

Base Design Principles

The KLEP 2010 provides broad development provisions including Land Zoning, Minimum Lot Size, Height of Buildings and Floor Space Ratio. Part 2 of the DCP is consistent with KLEP 2010 to this extent.

The Indicative Base Plan and Base Design Principles represent the requirements for all developments within a Key Site including those developments undertaking the UDEP process (refer below). All development proposals must respond to the design principles and demonstrate how they are addressed in a Development Application.

Where development is applying for additional height and floor space ratio under Clause 6.4 of the KLEP 2010 that development is required to meet the base design principles, in addition to the Urban Design Excellence Principles.

Base Design Controls

The development controls in Part 2 must be read in conjunction with the relevant general development controls contained in *Parts 3-15 of this DCP*. Where there is an inconsistency between Part 2 and another control in the DCP then Part 2 will prevail.

The development controls in Part 2 include:

- Building setback controls in relation to boundaries or upper building levels.
- Building height controls where there is potential for modulation of building heights across a large site. Controls are intended to reduce the scale of buildings in relation to a public space or street for example while attaining the maximum allowable height on other parts of the site where impacts may be reduced.
- Heritage controls where there are site-specific issues.
- Environmental controls where a site adjoins an area of environmental significance.
- Bushfire controls where a site adjoins a hazard zone.

Where the applicant considers there is scope for variations to a control reference should be made to the Base Design Principles which prevail over the controls.

Urban Design Excellence Principles

Key Sites are subject to the provisions of Clause 6.4 Provision of Urban Design Excellence (UDE) for Key Sites in the KLEP 2010.

The Urban Design Excellence Principles are aimed at supporting and better articulating the consideration under subclause 6.4(3) of KLEP 2010 as it applies to a particular site. Possible UDE solutions are also presented graphically.

The UDE solutions presented in this Part are examples of ways to achieve the stated UDE Principles. They are not a prescriptive measure, nor do they preclude alternative solutions.

In order to apply for additional building height and floor space ratio the applicant is required to prepare concept plans that identify and how it meets the requirements of this DCP and Clause 6.4 of the KLEP. To assist this process Urban Design Excellence Principles are provided to guide the applicant as to the nature of urban design excellence determined by Council to be appropriate for this particular site. The applicant should consider the plan and the principles when preparing an application to the UDE.

Note: Details of UDE process will be provided in a separate Council policy (currently under preparation).



KEY COMMUNITY INFRASTRUCTURE

An important aspect of the DCP is that it identifies new key community infrastructure that is to be provided. Key Community Infrastructure is defined as those works listed in the draft Ku-ring-gai Contributions Plan 2010 (KCP 2010) Works Programmes.

The implementation of the structure plan will occur progressively over a period of 20 or more years and community infrastructure will be funded through a combination of public funding, which includes all works to be undertaken by Council in accordance with the KLEP 2010, the KCP 2010, and the KPDP 2010 or this DCP.

Throughout Part 2 of the DCP there is a range of new community infrastructure works proposed, these include works such as footpath embellishment, road works and traffic management works, creation of new urban spaces, construction of new community buildings and the like.

The DCP provides information to assist applicants determine how each of the proposed community works are to be funded. There are a number of identified funding sources for the proposed infrastructure these are colour coded with symbols as follows:

- a. Land Acquisition for public purposes the DCP makes reference to areas of land for new roads or new parks. These lands are zoned RE1- Public Recreation or SP2 Infrastucture in the KLEP 2010 and are to be acquired by Council with funds from the draft KCP 2010.
- b. **Provision of community facilities** this DCP identifies new community facilities including library buildings and multi-purpose community buildings. The construction and fit out of these facilities are partially funded by the KCP 2010. The facilities themselves may be constructed by Council where they are freestanding on Council land or alternatively constructed as part of a private development and funded as in-kind development contributions or provided through a Voluntary Planning Agreement (VPA).
- c. Land dedication for public purposes this DCP identifies where there is a requirement for land to be dedicated to Council at no cost in accordance with the KCP 2010. The DCP makes allowance for Floor Space Ratio (FSR) to be transferable from the setback area to the remaining parts of the development site. This ensures there is no loss of land value or development potential on the sites where dedication is required.

Typically the DCP may require a setback to allow for footpath widening or for roadway improvements.

It is noted that where the works to the land to be dedicated are costed in the contributions plan the works may be provided as works-in-kind (ie. as an offset to development contributions).

d. **Embellishment works on public land** – this DCP identifies public domain areas, footpaths and parks that will be upgraded and embellished by Council. These lands include those areas that are

currently owned by Council; lands that are to be acquired by Council in the future; or lands that are to be dedicated to Council.

The construction works are funded by the KCP 2010 and all materials and finishes are undertaken in accordance with the guidelines within the KPDP 2010.

e. **Privately funded works on private land** – this DCP identifies potential works that will extend the publicly accessible areas within the town centres. While it is expected these lands will remain in private ownership and control a high degree of public access will be required.

This work will be funded privately as part of the costs of redevelopment of a site in accordance with the requirements of Clause 6.4 of the KLEP 2010 where applicable. The type of work may include among others new pedestrian lane ways between buildings on a site; building entrance forecourts, new courtyards or urban spaces within a site; or new access lanes for vehicles on a site.

The KPDP 2010 provides guidelines and concept plans to guide the implementation of this work to ensure it is fully integrated within the broader public domain in terms of finishes and materials as well as accessibility.

Council may consider dedication of these land at no cost depending on the circumstances. Such works will generally not be offset against development contributions unless specifically valued by the Contributions Plan.



- 2A.1 St Ives Town Centre Urban Structure
- 2A.2 Key Site Objectives, Principles and Controls
- 2A.2.1 Key Site S1: St Ives Shopping Village
- 2A.2.2 Key Site S2: Stanley Street Shops



2A.1 ST IVES TOWN CENTRE URBAN STRUCTURE

Proposed Urban Structure for St Ives

St Ives town centre will become a high density mixed use area located on Mona Vale Road between Shinfield Avenue and Stanley Street. Density provisions in the KLEP 2010 allow an increase in commercial floor space of about 70% to cater for existing and future demand. Most of this anticipated growth would be incorporated within the St Ives Shopping Village if it were to undergo redevelopment.

The St Ives Shopping Village will be of a district centre scale and will not grow to compete with the other major shopping centres such as Chatswood or Hornsby. It will become a vibrant mixed use area with a distinctive and memorable character that integrates with the St Ives Village Green. The "main street" role of the shops along Mona Vale Road and Stanley Street will also be reinforced and will retain a distinctive "out-of-centre" shopping experience.

The urban structure of St Ives town centre is illustrated on the Urban Structure Plan and in summary comprises the following elements:

- An expanded St Ives Shopping Village offering increased retail choice and opportunities for shop-top housing, as well as office space for professional and medical services. Refer to Key Site S1 for more details.
- A pedestrian "lane" through the Shopping Village which would be lined with shops and provide a link through to the Village Green from Mona Vale Road. Refer to Key Site S1 for more details.
- An improved interface between the St Ives Village Shopping Centre and the Village Green replacing car parking with public space for community activities, events, celebrations, outdoor cafes and late night activities such as restaurants. Refer to KPDP 2010 for more details.
- A new centrally located town square providing a public space with an open north aspect and views to the Village Green. Refer to KPDP 2010 for more details.
- A new Council owned community building including a library, neighbourhood centre, new youth centre and possibly a child care centre. Refer to Key Site S1 for more details.
- Improved main street style shops fronting Mona Vale Road and serviced by Denley Lane with a newly created pedestrian mall at Durham Lane. Refer to Key Site S1 for more details.
- Expanded and improved main street style shops on the corner of Mona Vale Road and Stanley Street with potential for new specialty shops, office space and residential apartments. Refer to Key Site S2 for more details.
- Allowance for business uses, in two key locations, within R4- High Density Residential building zones to accommodate local professional and medical services. The locations are on the intersection of Mona Vale Road and Shinfield Avenue and on Memorial Avenue near the



2A.1 ST IVES TOWN CENTRE URBAN STRUCTURE (continued)

Legend



intersection of Mona Vale Road. Refer to KLEP 2010 Schedule 1 Additional Permitted Uses.

- Building heights between two and nine storeys across the centre.
 Development along Mona Vale Road will have heights between five
 and six storeys. The St Ives Shopping Village has permissible building
 heights up to nine storeys. This site is strategically important to
 revitalising the centre. Building heights will be restricted by this DCP
 along the edge of the Village Green to seven storeys. Refer to KLEP
 2010 for more details.
- A range of traffic and transport improvements including new traffic signals on Mona Vale Road; new bus facilities; and modifications to existing streets and lanes all of which have been modelled and will support improved traffic access and circulation around the centre. Refer to KPDP 2010 for more details.
- Protection and enhancement of the St Ives Village Green for both active and passive recreation uses. The interface with the Shopping Village will be opened up to create an open grass area adjoining the Village Green Parade.



2A.2 KEY SITE OBJECTIVES, PRINCIPLES AND CONTROLS

Key Site S1: St Ives Shopping Village

St Ives Shopping Village is a large retail "mall" type shopping centre located between Mona Vale Road and the St Ives Village Green. Within this Key Site is also a group of "strip shops" fronting Mona Vale Road and Memorial Avenue.

Currently the centre suffers from a number of traffic and parking related problems which affect the functioning of the centre. The key issue currently facing the centre is that there is too few parking spaces (to meet current demand) coupled with poorly organised parking areas, resulting in heavy traffic congestion around the centre at peak times.

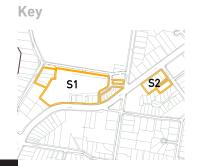
The Shopping Village has grown incrementally over the years and as a result lacks cohesion. Being an internalised "mall style" centre it does not relate well to its surroundings. A particular example is the building façade facing the Village Green which is dominated by car parking and has limited active frontage. This area is dangerous for pedestrians to traverse and is unsafe at night as it lacks surveillance of any kind.

Key Site S2: Stanley Street Shops

This Key Site consists of a small group of "strip shops" fronting Mona Vale Road and Stanley Street serviced from the rear via Stanley Lane. While small, the shops provide a valuable local function servicing the day-to day-needs of local residents and passers-by.

A potential issue for this precinct in the future may be the loss of onstreet parking on Mona Vale Road through the imposition of a peak hour clearway by the RTA. This Key Site will need to respond by providing alternative parking arrangements in the future.

Another issue will be the possible expansion of the St Ives Shopping Village. This Key Site will need to respond by strengthening its role and improving character and amenity to ensure it remains viable.





Objectives

- 1 To encourage the redevelopment and expansion of St Ives Shopping Village as a contemporary style shopping centre with pedestrian lanes and gallerias.
- 2 To encourage the integration of residential apartments along the northern edge of the centre with a Village Green Parade address.
- 3 To create a coherent street character on Mona Vale Road retail strip by providing consistent building forms that complement the traditional 'main street' facades.
- 4 To ensure future developments on Village Green Parade complement the scale and character of the urban promenade and the Village Green.
- 5 To encourage pedestrian activities and passive recreation in the retail core by creating new public spaces.

2A.2.1 Key Site S1: St Ives Shopping Village

CONTROLS (continued)

2A.2.1A Planned Future Character

The St Ives Shopping Village will be encouraged to expand significantly to provide a greater range of retail and commercial services.

2A.2 KEY SITE OBJECTIVES, PRINCIPLES AND

A new style of shopping centre is envisaged where the centre is open and permeable, and provides a "main street" style shopping experience. This will involve pedestrian lanes and gallerias lined with shops.

The most significant opportunity for the centre is for it to be reorientated so that it faces and addresses the St Ives Village Green. A leisure precinct will be developed between the shopping centre and the Village Green in the form of a long urban promenade with new active street frontages. This improved interface zone will provide a seamless transition between commercial shopping centre and the Village Green.

Within the shopping centre precinct, a town square is proposed which will be centrally located and in close proximity to the Village Green and Memorial Avenue. The new town square will become a community hub with the co-location of new community facilities, including library, neighbourhood centre and youth centre. Shop-top housing and late closing cafes and restaurants overlooking the Village Green will assist with improving the safety of the area at night.

A consistent street wall of 3 storeys or equivalent will be established along the Mona Vale Road retail strip to complement the existing traditional 'main street' facades, thus creating a coherent street character and enhancing the built edge urban quality.



Artists impression of new St Ives Shopping Village, view from Village Green looking south





2A.2.1 Key Site S1: St Ives Shopping Village (continued)

Redevelopment of the centre will locate all parking for cars in new basement public parking areas. The Village Green Parade will become a low speed one-way street with some on-street parking to provide access to the Village Green and to ensure activities around the shopping centre remain viable and active.

Objectives

- 6 To create a seamless transition between the shopping centre and the Village Green.
- 7 To provide improved traffic circulation, access and increased quantum of parking.



2A.2.1 Key Site S1: St Ives Shopping Village (continued)



KEY SITE S1 INDICATIVE BASE PLAN

Key Community Infrastructure- Key Site S1

Key Community Infrastructure to be provided by Council and funded through the Ku-ring-gai Contributions Plan 2010 or by Voluntary Planning Agreement (VPA):

- A new town square on Council land between the shopping centre and the Village Green.
- A new Council owned facility incorporating library, neighbourhood centre, youth facility and childcare centre. There are two options for the location of this facility:
 - on Council land fronting Cowan Road; or
 - on the Council land between the Shopping centre and the Village Green Parade.
- Conversion of Durham Avenue to a pedestrian only area (vehicle access to No.2 Durham Avenue retained as shared way).
- Reconstruction of Village Green Parade as a narrow one way street with on street parking and avenue planting.
- A broad pedestrian promenade and landscaped area along the northern edge of shopping centre. Public car parking relocated to basement parking under.
- A new signalised intersection for vehicle and service access to the St Ives Shopping Village via Mona Vale Road (final location to be determined in consultation with the RTA and Council).
- Embellishment of the public domain including underground powerlines, new lighting, high quality paving and furniture.
- Extension of Denley Lane to connect with Mona Vale Road in new location.

Legend

principal active street frontage supporting active street frontage community building priority residential zone (on podium) new or upgraded public park retail/commercial zone (on around floor) priority commercial zone proposed road closure landmark element on internal pedestrian link land to be dedicated to council and form part of the public domain privately owned land publicly accessible and designed to be consistent with the public domain areas public domain areas

other council owned and managed land

2A.2 KEY SITE OBJECTIVES, PRINCIPLES AND CONTROLS (continued)

2A.2.1 Key Site S1: St Ives Shopping Village (continued)

2A.2.1B Base Design Principles

The Base Design Principles are to:

- A Create a consistent street wall of 3 storeys or equivalent that is built parallel to the street alignment of Mona Vale Road to complement the traditional 'main street' facades. All levels above the street wall height are to have a setback. Refer to Sections AA and BB.
- B Set back buildings along the street boundary of Mona Vale Road and Memorial Avenue to create new slip lanes off Mona Vale Road to enter the shopping centre.
- C Locate residential buildings along northern edge of the site to maximise views over the Village Green and to optimise residential amenity.
- Locate taller buildings towards the centre of the site to minimise building bulk and scale when viewed from the Village Green.
- Create a consistent 3 storey street wall that is built parallel to the street alignment of the Village Green Parade. All levels above the street wall height are to be setback to provide garden courtyards and minimise bulk and scale. Refer to Sections AA and BB
- Locate commercial buildings located along the southern edge of the centre fronting Mona Vale Road.
- **G** Provide private roof gardens located on the podium for residential amenity.
- Retain part of Denley Lane outside the main shopping centre, providing alternative retail area with shop-top housing.
- Provide active street frontages along Mona Vale Road, the Village Green Parade and Durham Avenue, and along Denley Lane wherever possible.
- Incorporate a pedestrian arcade or galleria, aligned north to south between Mona Vale Road and the Village Green, lined with shops. The arcade is to be publicly accessible during business hours.
- Provide an entry plaza or forecourt on Mona Vale Road and Village Green Parade as a public address to the building and its location should be closely aligned with new traffic signals (final location will be determined by internal layout of shopping centre). Refer to Section BB.
- Locate the main retail/commercial vehicle access on the Mona Vale Road frontage in conjunction with the new signalised intersection.



2A.2.1 Key Site S1: St Ives Shopping Village (continued)

2A.2.1C Base Design Controls

Building Setbacks

The following minimum setbacks are required as indicated on Key Site S1 Base Plan:

- 3m setbacks to Mona Vale Road and Memorial Avenue applying to the properties Nos.166-200 Mona Vale Road and No.2 Memorial Avenue. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 2 10m setback from the western boundary of No.190 Mona Vale Road incorporating part or all of a Council owned access way, No.1 Denley Lane and No.188 Mona Vale Road. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 3 2m setback to all levels above the street wall height along the Mona Vale Road frontage.
- 4 4m setback to all levels above the street wall height along the Village Green Parade frontage.
- 5 10m building setback to Cowan Road applying to the properties Nos.11-21 Cowan Road.
- 6 Refer to Key Site S1 Base Plan for all other building setback requirements.

Building Heights

- 7 The maximum building height for buildings fronting Mona Vale Road is 5 storeys with a street wall height limit of 3 storeys or equivalent.
- The maximum building height for buildings fronting the Village Green Parade is 7 storeys with a street wall height limit of 3 storeys.

Access

- 9 Provide vehicle access to car parking, service areas and loading areas off Mona Vale Road, Village Green Parade (western end and eastern end only) and Denley Lane.
- 10 Residential foyers and lobbies are to be located off Village Green Parade, Mona Vale Road and Durham Avenue.

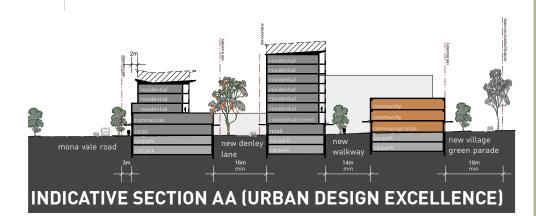
Other Controls

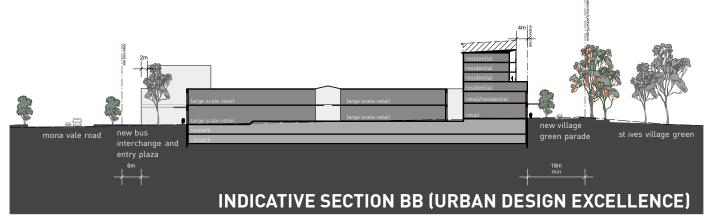
11 Refer to Parts 3 to 15 of this DCP for all other relevant controls.

Key



2A.2.1 Key Site S1: St Ives Shopping Village (continued)

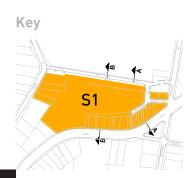




2A.2.1 Key Site S1: St Ives Shopping Village (continued)



KEY SITE S1 INDICATIVE URBAN DESIGN EXCELLENCE PLAN



2A.2.1 Key Site S1: St Ives Shopping Village (continued)

Legend



public domain areas

other council owned and managed land

2A.2.1D Urban Design Excellence Principles

The Urban Design Excellence Principles are to*:

- A Develop a building design with setbacks that allows the provision of a freestanding community building on the north-eastern corner of the St Ives Shopping Village adjoining Denley Lane/Village Green Parade intersection.
- Develop a building design with setbacks that allows the provision of an open area that forms a new town square adjoining the proposed community building. The town square should be generously proportioned (as a guide a dimension of 30m x 30m or 900sqm is considered acceptable) with a northern aspect and views to, and direct access to, the Village Green.
- Develop a building design and site amalgamation that allows Denley Lane to be converted to a pedestrian only access way with retail frontage and access to Mona Vale Road.
- Provide greater building setbacks along Mona Vale Road that allows the provision of wider footpaths and street tree planting.
- Provide a network of open pedestrian laneways of between 5-7m in width for pedestrian permeability.
- Sustainability initiatives including co-generation of power, water re-use, on-site sewage treatment, equivalent to a 5-6 star green building rating.

The applicant should consider the principles when preparing an application to the UDEP. A development proposal will not be required to meet all the UDE principles however justification will be required against the principles selected.

Urban Design Excellence Principles are provided to guide the applicant as to the nature and range of urban design excellence determined by Council to be appropriate for this particular site. The solutions presented are intended to be indicative and are not intended to preclude alternative solutions.

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Objectives

- 1 To support and strengthen the long term viability of the Key Site as a local shopping precinct.
- 2 To retain and enhance the "main street" style strip shops along Mona Vale Road and Stanley Street.
- 3 To provide shop top housing that will provide ongoing support for the shops and businesses.
- 4 To enhance the quality and character of the public domain around the shops.
- 5 To provide additional public parking within the Key Site.

2A.2.2 Key Site S2: Stanley Street Shops

2A.2.2A Planned Future character

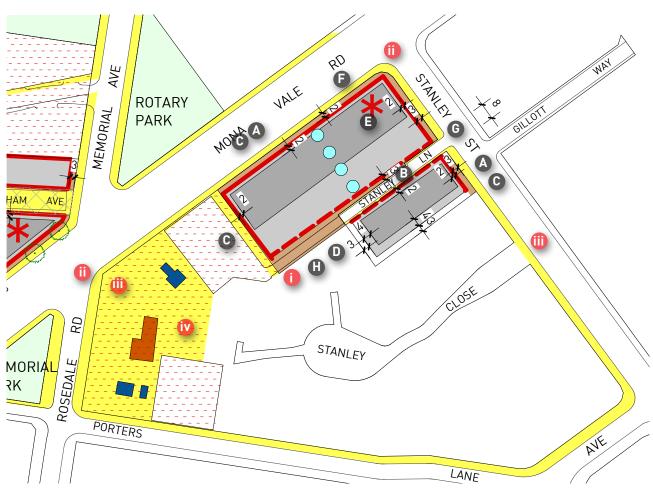
In the future the important local function of this retail precinct will be consolidated by allowing the expansion of the area to include more small shops, professional offices and shop-top housing apartments. Buildings will be required to be set back from Mona Vale Road and Stanley Street to provide an improved footpath area that will allow outdoor dining, street tree planting and the like.

Consistent 3 storey street walls will be established along the Mona Vale Road and Stanley Street retail strips to complement the existing traditional 'main street' facades, thus creating a coherent street character and enhancing the built edge urban quality.

There is potential for redevelopment of the properties fronting Mona Vale Road to be set back at the rear of the sites to allow for the widening of Stanley Lane. This strategy would allow the provision of on-street parking which would potentially replace any loss resulting from the extension of the Mona Vale Road clearway in the future (subject to RTA). Stanley Lane could be further upgraded with street trees and new footpaths.



2A.2.2 Key Site S2: Stanley Street Shops (continued)



KEY SITE S2 INDICATIVE BASE PLAN



Key Community Infrastructure- Key Site S2

Key Community Infrastructure to be provided by Council and funded through the Ku-ring-gai Contributions Plan 2010 or by Voluntary Planning Agreement (VPA):

- Reconstruction of Stanley lane as a two way lane with footpaths.
- Improvements to the intersections of Mona Vale Road and Stanley Street and Mona Vale Road and Rosedale Road.
- Embellishment of the footpath areas including underground power lines, new lighting, high quality paving and furniture and street tree planting.
- Improvement works to the old school area including the creation of a new public square and parking modifications.

Legend

principal active street frontage supporting active street frontage community building priority residential zone (on podium) new or upgraded public park retail/commercial zone (on ground floor) priority commercial zone proposed road closure landmark element on internal pedestrian link land to be dedicated to council and form part of the public domain privately owned land publicly accessible and designed to be consistent with the public domain areas public domain areas

other council owned and managed land

2A.2 KEY SITE OBJECTIVES, PRINCIPLES AND CONTROLS (continued)

2A.2.2 Key Site S2: Stanley Street Shops (continued)

2A.2.2B Base Design Principles

The Base Design Principles are to:

- A Create a consistent street wall of 3 storeys that is built parallel to the street alignment of Stanley Street and Mona Vale Road. All levels above the street wall height are to have a setback. Refer to Section CC.
- B Establish consistent street walls of 2 storeys along both sides of Stanley Lane. Refer to Section CC.
- Provide active street frontages along Mona Vale Road and Stanley Street and to Council's land to the south-west.
- Provide active street frontages to Stanley Lane wherever possible.
- Provide a corner building with distinct articulation addressing the Mona Vale Road and Stanley Street intersection.
- Set back buildings fronting Mona Vale Road from the street boundary for wider footpaths and street trees.
- G Set back buildings fronting Stanley Street for wider footpaths and street trees.
- H Set back buildings from Stanley Lane alignment to provide a space for new footpaths and vehicle access to Council's car parking area.

Key



2A.2.2 Key Site S2: Stanley Street Shops (continued)

2A.2.2C Base Design Controls

Building Setbacks

The following minimum setbacks are required as indicated on Key Site S2 Base Plan:

- 2m setbacks to Mona Vale Road applying to properties Nos.213-237 Mona Vale Road. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 2 Variable rear setbacks to Stanley Lane applying to the properties Nos.213-237 Mona Vale Road to provide a 8m right-of-way as indicated on Key Site S2 Base Plan. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 3 3m setbacks to Stanley Street applying to the properties Nos.15-17 Stanley Street and No.237 Mona Vale Road. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 4 2m setback to all levels above the street wall height along the frontages of Mona Vale Road, Stanley Street and Stanley Lane.
- 5 4m setback to all levels above the street wall height from the south west and south east boundaries of properties Nos. 15-17 Stanley Street.
- 6 Refer to Key Site S2 Base Plan for all other building setback requirements.

Access

- 7 Provide vehicle access via Stanley Lane.
- 8 Residential foyers and lobbies are to be located off Stanley Street and Mona Vale Road.

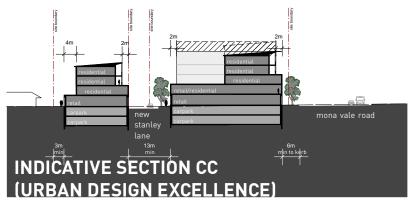
Other Controls

9 Refer to Parts 3 to 15 of this DCP for additional relevant controls.

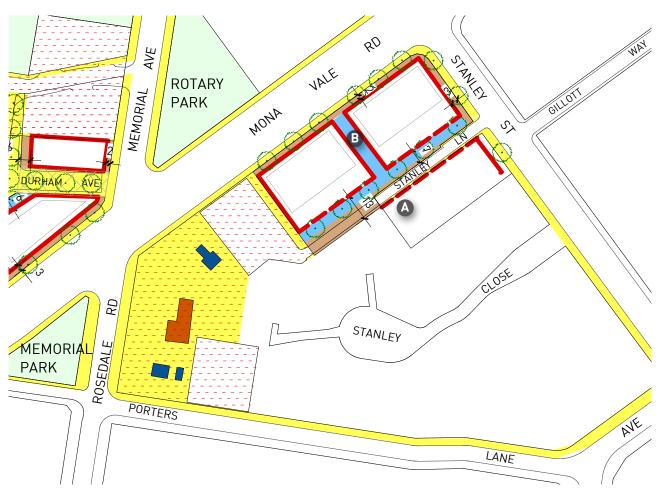
Key



2A.2.2 Key Site S2: Stanley Street Shops (continued)



2A.2.2 Key Site S2: Stanley Street Shops (continued)



KEY SITE S2 INDICATIVE URBAN DESIGN EXCELLENCE PLAN



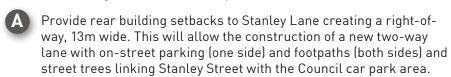
Key



2A.2.2 Key Site S2: Stanley Street Shops (continued)

2A.2.2D Urban Design Excellence Principles

The Urban Design Excellence Principles are to*:





Legend



other council owned and managed land

 Urban Design Excellence Principles are provided to guide the applicant as to the nature and range of urban design excellence determined by Council to be appropriate for this particular site. The solutions presented are intended to be indicative and are not intended to preclude alternative solutions.

The applicant should consider the principles when preparing an application to the UDEP. A development proposal will not be required to meet all the UDE principles however justification will be required against the principles selected.



- 2B.1 Turramurra Town Centre Urban Structure
- 2B.2 Key Site Objectives, Principles and Controls
- 2B.2.1 Key Site T1: Ray Street Retail Area
- 2B.2.2 Key Site T2: Rohini Street Retail Area
- 2B.2.3 Key Site T3: Kissing Point Road Retail Area





2B.1 TURRAMURRA TOWN CENTRE URBAN STRUCTURE

Proposed Urban Structure for Turramurra

Turramurra will become a moderate-sized mixed use centre located along the Pacific Highway between Turramurra Avenue and Duff Street. Density provisions in the KLEP 2010 allow an increase in commercial floor space of about 30% in Turramurra to cater for current and future projected demand.

The centre will be anchored by three retail hubs: two supermarket based centers at Ray Street and at Kissing Point Road; and a third boutique retail area centred around Rohini Street. Rohini Street's role as the "main street" will be protected and enhanced.

Overall the centre will provide a mix of uses including a variety of small retail outlets, larger supermarkets, professional services and restaurants/cafes to serve the needs of existing and future residents. New housing opportunities throughout the centre will support revitalisation of the centre.

The urban structure of Turramurra centre is illustrated on the Urban Structure Plan and in summary comprises the following broad elements:

- A new major shopping centre located on Ray Street within close proximity to the train station, offering increased retail choice and services as well as opportunities for community facilities, new shoptop housing apartments, and public spaces. Refer to Key Site T1 for more details.
- A new centrally located town square on the western side of the railway providing a community focal point and offering late night entertainment facilities such as restaurants and bars. Refer to Key Site T1 and KPDP 2010 for more details.
- A new and upgraded community building that will house a range of services, including a new youth centre and library, in a consolidated location adjacent to the proposed town square. Refer to Key Site T1 and KPDP 2010 for more details.
- An expanded shopping centre on the corner of Kissing Point Road and the Pacific Highway to service residents to the south of the Pacific Highway. The redevelopment will provide a public space overlooking Granny Springs Reserve, as well as a larger supermarket, additional specialty stores and shop-top housing. Refer Key Site T3 and KPDP 2010 for more details.
- Protection and enhancement of distinctive streetscape of Rohini Street and improvements to the streetscape including footpath widening, terracing for outdoor dining and reduction in traffic. Refer to KPDP 2010 for more details.
- A new park on the Gilroy Lane area behind the Rohini Street shops incorporating the existing croquet lawn and adjoining Federation style building. Refer to KPDP 2010 for more details.
- Building heights will be predominantly five to six storeys along the Pacific Highway. Taller buildings (up to nine storeys) will be located

Key



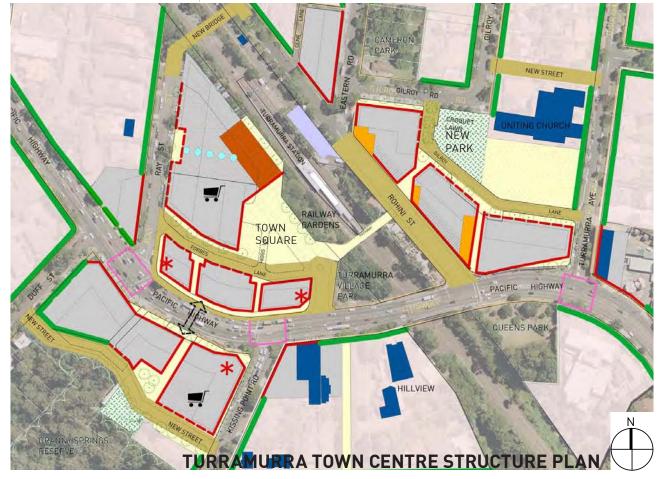
2B.1 TURRAMURRA TOWN CENTRE URBAN STRUCTURE (continued)

Legend

principal active street frontage supporting active street frontage medium and high density residential zone landscaped frontage in residential zones only community buildings (proposed) character buildings (existing) new or upgraded park heritage conservation area proposed pedestrian areas mixed use zone proposed bus stop proposed road closure new or improved street heritage item proposed public parking at grade supermarket * landmark building element street tree planting signalised intersection with pedestrian crossing internal pedestrian link potential underground vehicular link existing significant tree

away from areas of high public visibility. Rohini Street is proposed to maintain a three storey (equivalent) shop frontage with five-six storey buildings located to the rear, fronting Gilroy Lane. Refer to Key Site controls for more details.

 A number of traffic and transport improvements are proposed throughout the centre including: new streets; widening of existing lanes; modifications to traffic signals; improvements to bus operation and bus stops; and new cycleway connections. Refer to KPDP 2010 for more details.



2B.2 KEY SITE OBJECTIVES, PRINCIPLES AND CONTROLS

Key Site T1: Ray Street Retail Area

This Key Site is a triangular parcel of land bounded by the Pacific Highway, the railway and Ray Street which currently comprises a small freestanding supermarket, a Council library and a strip of shops fronting the Pacific Highway. The remainder of the Key Site is occupied by public car parking and traversed by Forbes Lane (one way), Higgs Lanes and William Street road reserves (currently used for car parking). There is also a small group of shops and offices at 6-10 William Street which are zoned RE1- Public Recreation under KLEP 2010 and proposed to be acquired by Council for open space.

The area is strategically located at the centre of Turramurra adjoining the rail station however the Key Site suffers as a result of its location with major barriers on two of its sides. The signalised intersection at Ray Street and the Pacific Highway is the only point at which vehicles can currently access the Key Site. This intersection has little capacity to support a major increase in commercial floor space and therefore an alternative access must be provided.

Pedestrian access to the site is also poor. Council and Rail Corp have recently jointly funded a wider pedestrian bridge linking Rohini Street with this area which has improved public accessibility.

Key Site T2: Rohini Street Retail Area

This Key Site consists of a row of shops along the eastern side of Rohini Street serviced from the rear via Gilroy Lane. The street has a strong character due to the railway gardens on the western side of the street with landscaping and established trees and small shops. Rohini Street is the traditional "main street" for Turramurra providing a wide range of shops and professional services. An additional characteristic of the area is the deep blocks running back to Gilroy Lane with regular public access ways through to Rohini Street.

The issues for Rohini Street into the future are:

- i) Traffic district and regional through-traffic travelling along Eastern Road currently uses Rohini Street as an access point to the Highway. This causes heavy congestion on the street at peak times which affects the safety and amenity of the shopping precinct.
- ii) Gilroy Lane faces north away from the highway and represents an opportunity for outdoor dining and other leisure related uses. This potential should be encouraged.
- iii) The pattern of development in Rohini Street as a local shopping street was established in the early twentieth century. Though not all the early buildings have survived and many have been altered, the low scale and fine grained rhythm of the streetscape still remains. This character should be protected into the future where possible.



Key Site T3: Kissing Point Road Retail Area

This precinct is on the south-western side of Turramurra bounded by Granny Springs Reserve, the Pacific Highway, Kissing Point Road and Stonex Lane.

The area is currently dominated by the Turramurra Plaza which is a small retail mall with a Franklins supermarket and a number of speciality shops. To the rear of the site Council owns a horseshoe-shaped piece of land which is used for public parking. The remainder of the area comprises small shops fronting the Pacific Highway which are highly variable in character and quality.

This area is a well used retail precinct however vehicle access and parking functions poorly; pedestrian access from the rear is unsafe; and many of the buildings have reached the end of their useful life expectancy. The area requires major redevelopment through amalgamation of the sites. Incremental redevelopment will only exacerbate the current problems.

The area is within the Buffer category of Bushfire Prone Vegetation and adjoins Category 1 Bushfire Prone Vegetation. Granny Springs Reserve is also Blue Gum High Forest which is a Critically Endangered Ecological Community.

Currently local residents use an informal road way through the Council car park and Turramurra Plaza car park at the rear of the site to access Duff Street from the Pacific Highway (south bound). This route does not meet the necessary standards for local traffic access and will not suffice for the future.



Objectives

- 1 To create a 'civic heart' for Turramurra centred on a generously sized new town square.
- 2 To create a coherent street character on the Pacific Highway retail strip by providing consistent building forms that complement the traditional 'main street' facades.
- 3 To co-locate a range of community facilities within the Key Site.
- 4 To provide an enhanced shopping precinct anchored by a modern supermarket.
- 5 To improve access to the railway station for pedestrians and commuters.
- 6 To provide long term potential to widen the Pacific Highway.
- 7 To improve vehicle access and circulation to the area.

2B.2.1 Key Site T1: Ray Street Retail Area

2B.2.1A Planned Future Character

In the future this Key Site will become a community focal point, centred on a large new town square. A number of community facilities are to be located in this area within new premises. A new Turramurra library will also be provided fronting the proposed public space.

This area will also become a major shopping destination with a new larger supermarket and associated specialty shops. To service these uses a new road bridge will be constructed over the rail line at the end of Ray Street connecting with Rohini Street. The bridge will provide a second access point for both vehicles and pedestrians.

Forbes Lane will be widened (through development setbacks) to create a new two-way street with on-street parking, a taxi stand and a kiss-and-ride area for the train station.

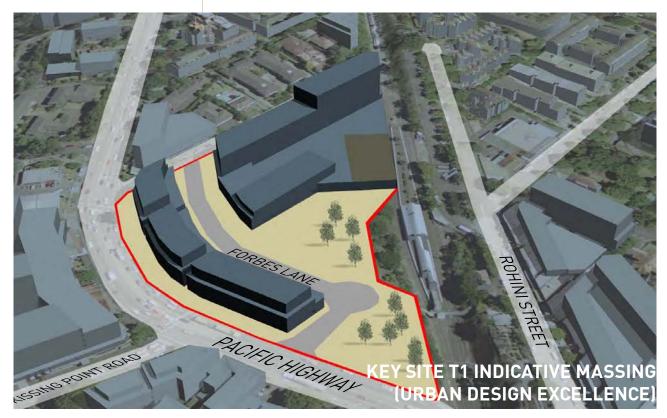
Shop-top housing will be provided on the retail podium providing further support for the retail and community uses. Council's parking will be relocated to new basement parking upon redevelopment.

2B.2.1 Key Site T1: Ray Street Retail Area (continued)

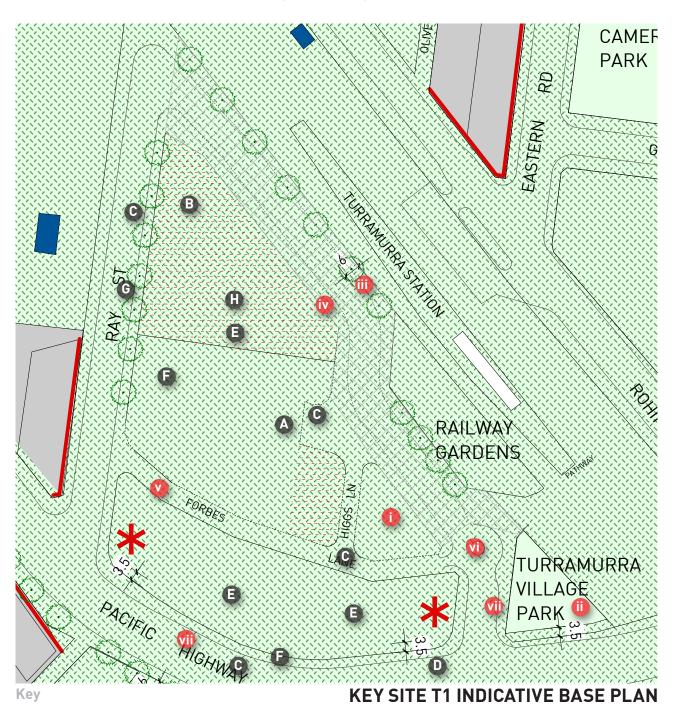
8 To provide opportunities for new housing adjoining the train station. Along the Pacific Highway a consistent street wall of 3 storeys will be established to complement the existing traditional 'main street' facades, thus creating a coherent street character and enhancing the built edge urban quality. It is proposed to encourage the shops to have an active street frontage to Forbes Lane to create a quieter shopping precinct away from the Pacific Highway which will also activate the town square.

Key





2B.2.1 Key Site T1: Ray Street Retail Area (continued)







2B.2.1 Key Site T1: Ray Street Retail Area (continued)

2B.2.1B Base Design Principles

The Base Design Principles are to:

- A Limit building heights to 4 storeys adjoining the new town square to minimise overshadowing and the impacts of bulk and scale on the public space. Refer to Section AA
- B Locate taller buildings away from the town square which are to be aligned with Ray Street to minimise overshadowing of the public space.
- C Locate retail and business uses to address Forbes Lane, the new town square, the Pacific Highway and Ray Street. Ray Street is to have a quieter commercial character while Forbes Lane and the town square are to have a vibrant leisure-oriented retail character.
- D Set back buildings along the Pacific Highway from the street boundary to allow for future widening of the Pacific Highway.
- Provide internal shopping arcades between the Pacific Highway and Forbes Lane; and from the new town square to Ray Street for pedestrian access and permeability.
- Create a consistent street wall of 3 storeys built parallel to the street alignment for buildings fronting the Pacific Highway to complement the traditional 'main street' facades. All levels above the street wall height are to have a setback. Refer to Section BB.
- G Create a consistent street wall of 2 storeys for buildings fronting Ray Street and Forbes Lane. All levels above the street wall height are to have a setback to provide garden courtyards and to minimise bulk and scale. Refer to Sections AA and BB
- Provide roof gardens on the podium for residential amenity.

other council owned and managed land

public domain areas

principal active street frontage supporting active street frontage

retail/commercial zone (on ground floor)

potential underground vehicular link

land to be dedicated to council and

designed to be consistent with the public domain

form part of the public domain privately owned land publicly accessible and

priority commercial zone

community building
priority residential zone (on podium)

new or upgraded public park

proposed road closure

nternal pedestrian link

Legend

Key Community Infrastructure- Key Site T1

Key Community Infrastructure to be provided by Council and funded through the Ku-ring-gai Contributions
Plan 2010 or by Voluntary Planning Agreement (VPA):

- A new public space with minimum dimensions of 40 metres by 50 metres. The new public space is to have the character of a town square.
- Upgrade and improve Turramurra Village Park using high quality materials and finishes that are consistent with the town square.
- A new Turramurra branch library with frontage to, and entry from, the new town square. Adjoining the library will be an open outdoor ground level courtyard for library users.
- A new multi-purpose community facility to be owned by Council.
- Widening of Forbes Lane to a minimum of 13 metres (through development setbacks) to create a new two-way street with on-street parking one side; 2 metre footpaths both sides; a taxi stand; and a kiss-and-ride for the train station.
- Vi A roundabout at the William Street and Forbes Lane intersection.
- Embellishment of the footpath areas including underground power lines, new street lighting, high quality paving and furniture, and street tree planting.

2B.2.1 Key Site T1: Ray Street Retail Area (continued)

2B.2.1C Base Design Controls

Building Setbacks

The following building setbacks are required as indicated on Key Site T1 Base Plan:

- Properties 1293 to 1333 Pacific Highway to provide a minimum 3.5m setback to the Pacific Highway. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 2 Properties 1 Ray Street and 12 William Street are to provide a minimum 5m building setback to Forbes Lane (northern side). FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 3 Provide minimum 6m building setback to the railway line for landscape zone.
- 4 2m setback to all levels above the street wall height along the frontages of the Pacific Highway, Forbes Lane and Ray Street (south of Forbes Lane)
- 5 4m setback applies to all levels above the street wall height along the Ray Street frontage (north of Forbes Lane).
- 6 Refer to Key Site T1 Base Plan for all other building setback requirements.

Building Heights

- 7 8 9 storey building heights are proposed to the northern corner of the site adjoining the rail corridor.
- 8 The maximum building height for development adjoining the proposed town square is 4 storeys.
- 9 The maximum building height for development fronting Forbes Lane is 5 storeys with a street wall height limit of 2 storeys.

Access

- 10 Vehicle access to car parking and service/loading is areas will be restricted to Forbes Lane and Ray Street.
- 11 No vehicle access is permissible from building frontage along the edge of the proposed town square.
- 12 Residential foyers and lobbies are to be located off Ray Street, Forbes Lane and the Pacific Highway.

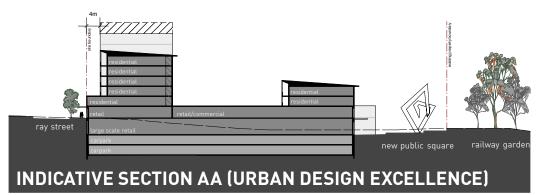
Other Controls

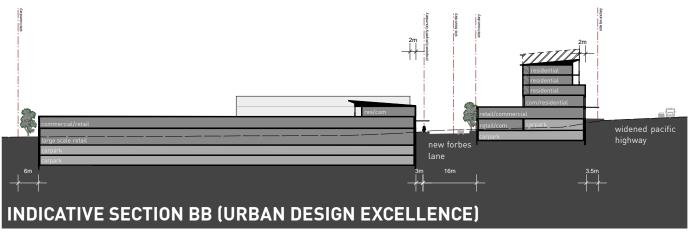
13 Refer to Parts 3 to 15 of this DCP for additional relevant controls.

Kev

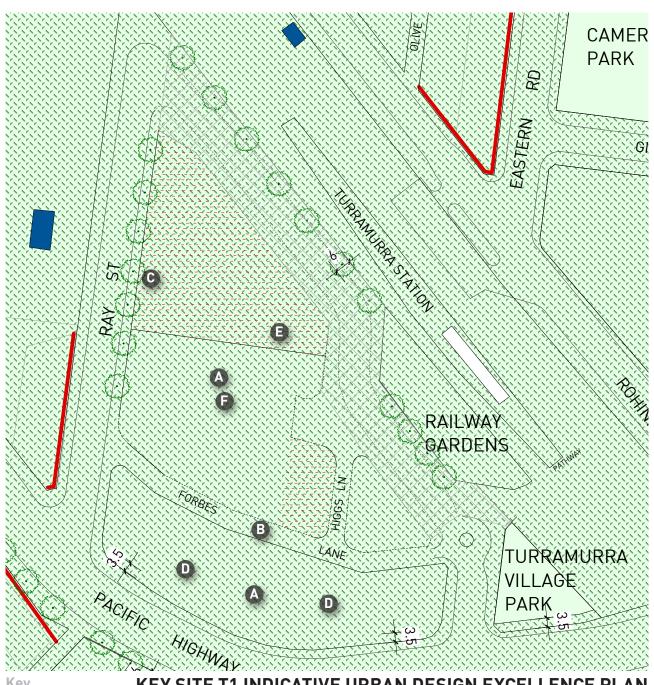


2B.2.1 Key Site T1: Ray Street Retail Area (continued)





2B.2.1 Key Site T1: Ray Street Retail Area (continued)



KEY SITE T1 INDICATIVE URBAN DESIGN EXCELLENCE PLAN





2B.2.1 Key Site T1: Ray Street Retail Area (continued)

2B.2.1D Urban Design Excellence Principles

The Urban Design Excellence Principles are to*:

- A Amalgamate sites and develop a building design that achieves a high quality retail and community frontage to the new town square.
- Develop a building design with setbacks that allows Forbes Lane to be widened to 16m for two-way traffic; on-street parking (both sides); 2.5m footpaths (both sides); a taxi stand; and a kiss-and-ride area for the train station.
- Provide an entry forecourt on Ray Street and building articulation to reduce building length and bulk along the Ray Street frontage.
- Provide a new public access way between buildings fronting Pacific Highway. The access way is to be open to the sky or is to form a galleria type access way with natural light.
- Provide open space areas on the retail podium associated with community facilities and residential apartments with direct public access from the town square.
- Sustainability initiatives including co-generation of power, water reuse, on-site sewage treatment, equivalent to a 6 star green building rating from the Green Building Council of Australia.

Legend



Urban Design Excellence Principles are provided to guide the applicant as to the nature and range of urban design excellence determined by Council to be appropriate for this particular site. The solutions presented are intended to be indicative and are not intended to preclude alternative solutions.

The applicant should consider the principles when preparing an application to the UDEP. A development proposal will not be required to meet all the UDE principles however justification will be required against the principles selected.

2B.2.2 Key Site T2: Rohini Street Retail Area

CONTROLS (continued)

2B.2.2A Planned Future Character

The distinctive village-like character of this area will be preserved and enhanced. It is proposed to revitalise Rohini Street while encouraging low-scale developments up to three (3) storeys to the main street frontage with the sympathetic re-use of some existing character buildings. Future development will be designed to respect the 'fine grain' urban fabric and will retain the existing village scale. Rohini Street has the potential to become a boutique shopping street with high quality shops and cafes.

2B.2 KEY SITE OBJECTIVES, PRINCIPLES AND

The existing strip shop sites which are long and narrow and present a significant opportunity for redevelopment at the rear of the shops. Shop-top housing will be concentrated along Gilroy Road and Gilroy Lane to take advantage of the northern aspect with a pleasant outlook to Cameron Park and the new park. The new uses will encourage retail activities along Gilroy Lane (which will be widened to become a shared way with opportunities for outdoor dining).

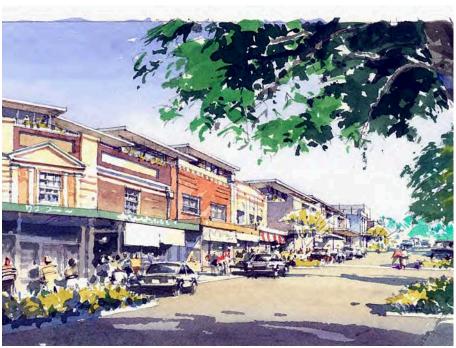
Objectives

- 1 To retain the distinctive scale and character of Rohini Street as a local shopping street.
- 2 To enhance the pedestrian amenity and safety of Gilroy Lane.
- 3 To create buildings with a fine grained rhythm that reflect the narrow subdivision pattern.
- 4 To improve pedestrian access and provide visual and direct physical connection between Gilroy Lane and Rohini Street.
- 5 To encourage residential uses to support viability of the shops.
- 6 To conserve early facades which are contributory to the character of the streetscape.



Kev





Artists impression, Rohini Street looking south to Pacific Highway

Objectives

- 7 To encourage new infill development which respects the existing characteristics of the street including the setback, height, and rhythm of facades, and is sympathetic to the materials and detailing of the earlier facades.
- 8 To create a new urban park on the corner of Gilroy Road and Gilroy Lane.
- 9 To reduce the impact of through traffic and improve pedestrian amenity and safety of Rohini Street.

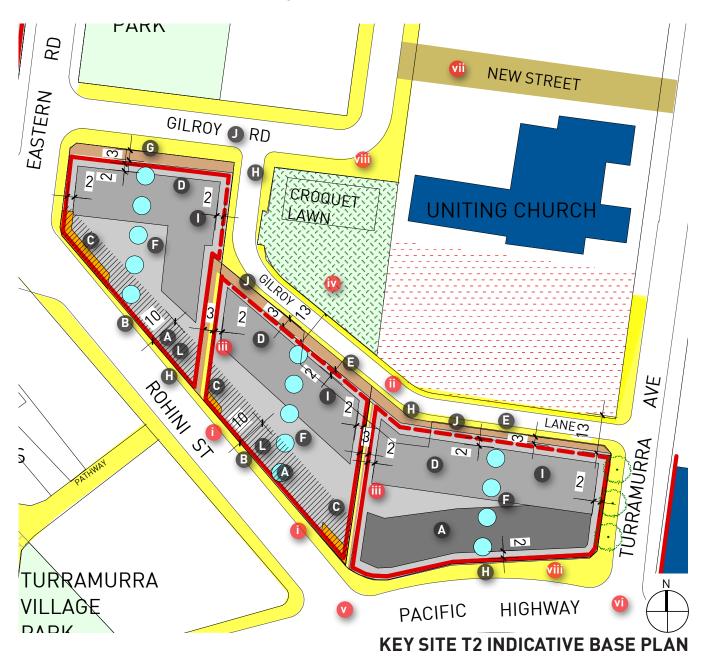
2B.2.2 Key Site T2: Rohini Street Retail Area (continued)

A new public green space is envisaged on the Council land on Gilroy Road incorporating the croquet lawn and the Federation style house associated with the lawn. The house has potential for re-use as café or restaurant.

A series of new arcades and public walkways will be created through Rohini Street strip shop area for improved pedestrian access.



2B.2.2 Key Site T2: Rohini Street Retail Area (continued)



Key 10

Key Community Infrastructure- Key Site T2

Key Community Infrastructure to be provided by Council and funded through the Ku-ring-gai Contributions Plan 2010 or by Voluntary Planning Agreement (VPA):

- Upgrade the Rohini Street footpath area including terracing to allow level areas for outdoor dining.
- Reconstruct Gilroy Lane to be a 13 metre wide right-of-way with two-way traffic; on-street parking (one side); and footpaths (both sides).
- Retain, widen and embellish existing Council owned access ways from Gilroy Lane to Rohini Street.
 - Construct a new urban park on the Council owned land at 1-7 Gilroy Road (following the relocation of Council facilities).

2B.2.2 Key Site T2: Rohini Street Retail Area (continued)

Legend



public domain areas

other council owned and managed land

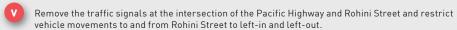
3 storey hight limit character building facade

2B.2.2B Base Design Principles

The Base Design Principles are to:

- A Provide low scale buildings of 3 storeys that are built parallel to the street alignments of Rohini Street and the Pacific Highway to complement the traditional 'main street' facades. Buildings are to have vertically articulated facades. Refer to Sections CC and DD.
- B Step-down horizontal building parapets and awning lines at regular intervals in response to the slope of Rohini Street.
- Retain the facades of "character buildings" fronting Rohini Street (Nos. 35-39, 21, and 1-3 Rohini Street and 1 Gilroy Road) wherever possible.
- Locate taller buildings to the rear of the Rohini Street shops with a Gilroy Lane address.
- Set back buildings along Gilroy Lane and provide active retail frontage where possible.
- Provide pedestrian arcades lined with active street frontages within buildings linking Gilroy Road, Gilroy Lane and Rohini Street.
- G Set back buildings fronting Gilroy Road to create north facing public domain area with views to the Cameron Park.
- Provide active frontages along Rohini Street, Eastern Road, Turramurra Avenue, Gilroy Road and in addition Gilroy Lane wherever possible.
- Design buildings to screen service zones from view along Gilroy Lane by containing them internally or within an internal courtyard.
- Create a consistent street wall of 2 storeys built parallel to the street alignment for buildings fronting Gilroy Road and Gilroy Lane. Refer to Sections CC and DD
- Design infill buildings along Rohini Street to be sympathetic in materials, form, scale, massing, articulation, alignments and proportions to existing buildings (but do not replicate character).

Key Community Infrastructure- Key Site T2 (continued)



Install new traffic signals at intersection of Pacific Highway and Turramurra Avenue. Vehicle movements to and from Turramurra Avenue to be increased to include right turn out.

Construct a new road between Gilroy Road and Turramurra Avenue to take through traffic from Eastern Road to Turramurra Avenue.

Embellishment of all the footpath areas including underground power lines, new street lighting, high quality paving and furniture, and street tree planting.

2B.2.2 Key Site T2: Rohini Street Retail Area (continued)

2B.2.2D Base Design Controls

Building Setbacks

The following minimum setbacks are required as indicated on Key Site T2 Base Plan:

- 1 The properties Nos.27-39 Rohini Street are to provide a 3m building setback to Gilroy Road. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- The properties Nos.17-25 Rohini Street are to provide building setbacks of 3m, as shown on Key Site T2 Base Plan, to Gilroy Lane to achieve a minimum 13m wide right-of-way between the property boundary of Nos.1-7 Gilroy Road. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- The properties Nos.1251-1267 Pacific Highway are to provide building setbacks of 3m, as shown on Key Site T2 Base Plan, to Gilroy Lane to achieve a minimum 13m wide right-of-way between the property boundary of Nos.2-8 Turramurra Avenue. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 4 The properties Nos. 1269-1273 Pacific Highway and 1-9 Rohini Street do not require setbacks fronting Gilroy Lane and may be permitted to utilise part of the existing Gilroy Lane Road reserve with owners (Council) consent.
- 5 Buildings taller than 3 storeys are to be set back a minimum of 10m from the street boundary of Rohini Street.
- 6 Refer to Key Site T2 Base Plan for all other building setback requirements.
- 7 2m setback to all levels above the street wall height along the frontages of the Pacific Highway, Gilroy Road, Gilroy Lane, Turramurra Avenue and Eastern Road.

Access

- 8 Vehicle access for parking, service and loading areas is to be restricted to Gilroy Lane.
- 9 Residential foyers and lobbies are to be located on Gilroy Road, Gilroy Lane, Turramurra Avenue or the Pacific Highway.

Car Parking

To ensure viability of redevelopment of sites in Key Site T2 the retail and commercial parking requirements may be reduced by up to 25% on amalgamated site. The applicant will be required to provide a report assessing the potential impacts on public parking around the centre with reference to Council's Parking Management Plan in order for a parking reduction to be considered by Council.

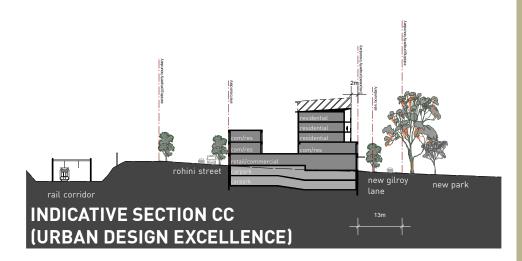


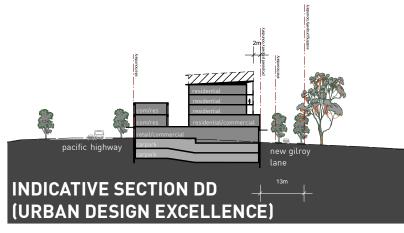


2B.2.2 Key Site T2: Rohini Street Retail Area (continued)

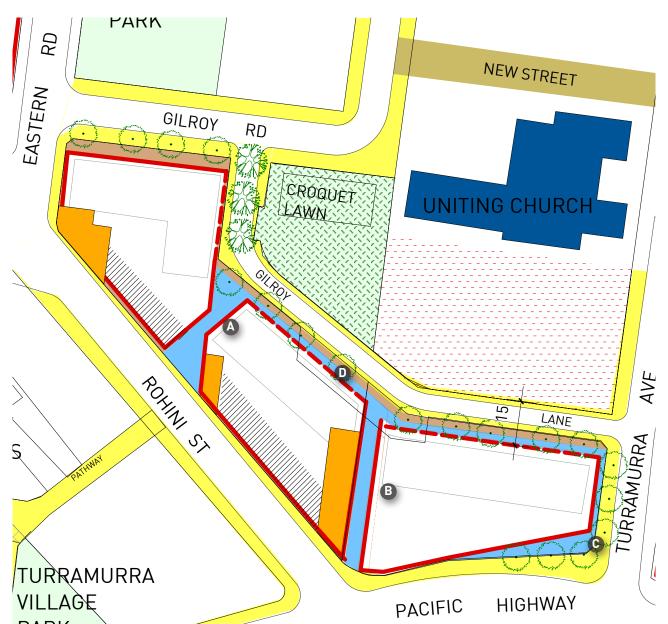
Other Controls

11 Refer to Parts 3 to 15 of this DCP for additional relevant controls.





2B.2.2 Key Site T2: Rohini Street Retail Area (continued)



KEY SITE T2 INDICATIVE URBAN DESIGN EXCELLENCE PLAN



Key



2B.2.2 Key Site T2: Rohini Street Retail Area (continued)

2B.2.2C Urban Design Excellence Principles

The Urban Design Excellence Principles are to*:

- A Undertake conservation works to the "character buildings" fronting Rohini Street including Nos. 35-39, 21, and 1-3 Rohini Street and 1 Gilroy Road as set out below:
 - Retain and conserve the principal building form of a character building including the façade and façade detailing; intact shop fronts; the roof portion (as visible from Rohini Street); the floor plate over two storeys to a depth of 10m from the façade; and the corner element applying to both the Rohini Street and Eastern Road frontages of the building.
 - Undertake conservation works based on surviving physical evidence or historical documentation such as the panoramic photograph from the 1920s that is held by the Ku-ring-gai Historical Society.
 - Remove later intrusive fabric and to reconstruct, restore, or repair original building fabric. Where sufficient historic documentation is not available then new fabric sympathetic to the period and style of the building is considered appropriate.
 - Design new additions so that they do not compete with the aesthetic character and dominance of the character buildings.
 The preferred approach is for new additions contemporary in style and distinct in form and character from the character buildings.
 - Paint the façade of character buildings in a traditional colour scheme sympathetic to the period and style of the building. Original unpainted surfaces of character buildings, particularly face brick walling, are to remain unpainted.
- Amalgamate sites and design the development to create a broad open public pedestrian access way between Rohini Street and Gilroy Lane (incorporating the existing Council owned access way).
- Amalgamate sites and design the development to create open public pedestrian lane ways (a width of approximately 5m is considered optimal) between the Pacific Highway and Gilroy Lane (incorporating the existing Council owned access ways).
- Provide generous building setbacks on the corner of Turramurra Avenue and the Pacific Highway to allow for wider footpaths and street tree planting.
- Provide larger building setbacks to Gilroy Lane to create broad footpath area with northern aspect and outdoor dining areas.

Legend



other council owned and managed lar

existing significant tree

* Urban Design Excellence Principles are provided to guide the applicant as to the nature and range of urban design excellence determined by Council to be appropriate for this particular site. The solutions presented are intended to be indicative and are not intended to preclude alternative solutions.

The applicant should consider the principles when preparing an application to the UDEP. A development proposal will not be required to meet all the UDE principles however justification will be required against the principles selected.

Objectives

- 1 To create a modern retail hub to serve residents on the southern side of the Pacific Highway including a modern supermarket.
- 2 To provide opportunities for new speciality retail, cafes and restaurants to be located away from the highway with views over the adjoining bushland reserve.
- 3 To create a coherent street character on the Pacific Highway retail strip by providing building forms that complement the traditional 'main street' facades
- 4 To provide a new public road connecting Duff Street and Kissing Point Road.
- 5 To provide an improved interface and public access to Granny Springs Reserve.
- 6 To increase the pedestrian permeability of the retail core by creating new shopping arcades; pedestrian laneways; new footpaths; and new street connections.

2B.2 KEY SITE OBJECTIVES, PRINCIPLES AND CONTROLS (continued)

2B.2.3 Key Site T3: Kissing Point Road Retail Area

2B.2.3A Planned Future character

This Key Site will become the second retail hub for the area offering a revitalised shopping precinct incorporating speciality retail, a new supermarket, new shop-top housing and improved public areas. Future development will occur through significant land amalgamation and consolidation of the building footprint. This will allow the construction of a new public street - "Stonex Street" - behind the site that will connect Kissing Point Road and Duff Street providing access to car parking and loading docks as well as providing for local traffic circulation. "Stonex Street" will also function as a bush fire Asset Protection Zone (APZ) for the development.

The new mixed use development will provide a two or three storey retail podium which will step with the site topography. Fingers of residential development over the podium will provide private courtyard gardens and sunlight between the buildings and minimise the building facade exposure to potential bushfire risk.

On the Pacific Highway retail strip; a consistent street wall of 3 storeys will be established to complement the existing traditional 'main street' facades, thus creating a coherent street character and enhancing the built edge urban quality.

Retail shops will form an active edge to the Pacific Highway and Kissing Point Road. A new supermarket and associated specialty retail will be provided below the Pacific Highway level, and will open to "Stonex Street" at the rear. This will be an ideal location for outdoor dining and cafes, overlooking the new park and forest.

Kev





Artists impression of Key Site T3 showing new public space at the rear of the site

Objectives

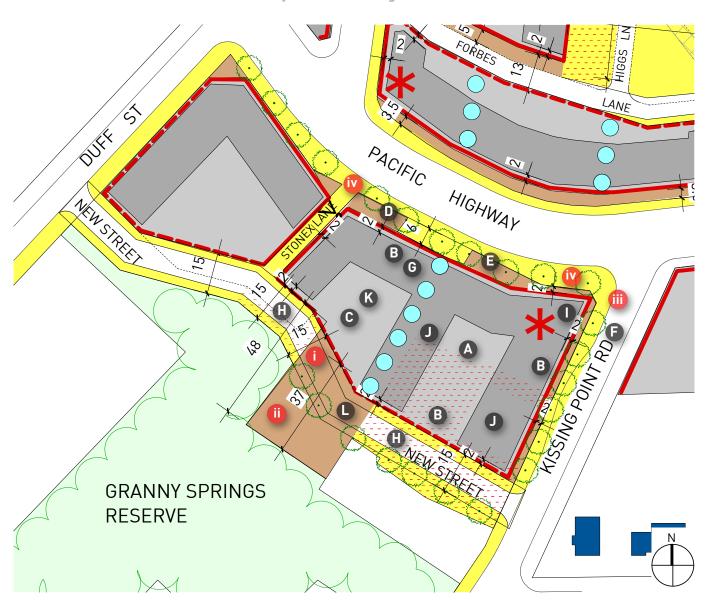
- 7 To provide a new park or square in an environment that can take advantage of the bushland location.
- 8 To protect and enhance the Blue Gum High Forest within the Granny Springs Reserve.
- 9 To provide an Asset Protection Zone on the site that does not encroach onto the adjoining Council reserve.

2B.2.3 Key Site T3: Kissing Point Road Retail Area (continued)

New public spaces and improved public domain areas will be integrated including a new park on the edge of Granny Springs Reserve; a new public square; and widening of the Pacific Highway and Kissing Point Road footpath area for street trees.



2B.2.3 Key Site T3: Kissing Point Road Retail Area (continued)



KEY SITE T3 INDICATIVE BASE PLAN

Key Community Infrastructure - Key Site T3

Key Community Infrastructure to be provided by Council and funded through the Ku-ring-gai Contributions Plan 2010 or by Voluntary Planning Agreement (VPA):

- Construction of a new public street connecting Kissing Point Road and Duff Street with two way traffic, on-street parking (one side); and footpaths (both sides) (land dedicated as part of redevelopment). The road will be a minimum of 15 metres wide and will function as an Asset Protection Zone (APZ). In addition the new street will be designed to aid fire fighting and incorporate access specifications identified in Planning for Bushfire Protection 2006.
- Construction of a new park as an extension to Granny Springs Reserve (land dedicated as part of redevelopment). The park will be designed for low key passive recreation such as a children's playground and seating. Access to the existing bushland reserve will be improved.
- Improvements to Kissing Point Road including a new dedicated left-turn slip lane.
 - Embellishment of all the footpath areas including underground power lines, new street lighting, high quality paving and furniture, and street tree planting.





Legend



other council owned and managed land

2B.2 KEY SITE OBJECTIVES, PRINCIPLES AND CONTROLS (continued)

2B.2.3 Key Site T3: Kissing Point Road Retail Area (continued)

2B.2.3B Base Design Principles

The Base Design Principles are to:

- A Provide a mix of retail uses, business and office space, as well as residential apartments. In addition a new supermarket is to be incorporated in the podium below the highway street level.
- B Provide active street frontages to the Pacific Highway, Kissing Point Road and Stonex Lane. Active street frontages are to be provided on the new street where possible.
- C Locate lower buildings fronting the Pacific Highway and Kissing Point Road; locate taller buildings to the rear and western side of the site to minimise impacts on adjoining residents and minimise visibility from areas to the east.
- Create consistent street walls of 3 storeys that are built parallel to the street alignments of the Pacific Highway and Kissing Point Road. Refer to Sections EE and FF.
- Set back buildings along the Pacific Highway to allow for wider footpaths, awnings and street tree planting.
- Set back buildings along Kissing Point Road from the street boundary to allow for road modifications, wider footpaths, awnings, and street tree planting.
- G Set back all levels above the street wall height to provide garden courtyards and minimise the bulk and scale. Refer to Sections EE and FF.
- Provide setbacks to the rear of the site to create a 15 metre wide right-of-way or the provision of a new public street.
- Design a distinctive corner building with strong articulation addressing the Pacific Highway and Kissing Point Road intersection.
- Design residential development over the commercial podium in the form of "fingers" to minimise frontage to the Bushfire Prone Areas.
- Provide generous landscaped courtyards on the podium between buildings for residential amenity.
- Provide an Asset Protection Zone on the site in accordance with Planning for Bushfire Protection 2006 that does not encroach on Council's reserve.

2B.2.3 Key Site T3: Kissing Point Road Retail Area (continued)

2B.2.3C Base Design Controls

Building Setbacks

The following minimum building setbacks are required as indicated on Key Site T3 Base Plan:

- 1 Provide setbacks of 2m and up to 6 metres to the Pacific Highway frontage as shown on Key Site T3 Base Plan. FSR is transferable from the setback area and land is to be dedicated to Council at no cost.
- 2 Provide a 2m setback to the Kissing Point Road frontage. FSR is transferable from the setback area and land is to be dedicated to Council at no cost.
- Provide rear setbacks as indicated on Key Site T3 Base Plan. The objective is to achieve a minimum 15m wide right-of-way between the northern property boundary of No.7 Kissing Point Road and for the remainder of the area and to not encroach beyond the existing developed area. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 4 Provide a setback of 2m to all levels above the street wall height along the frontages of the Pacific Highway, Kissing Point Road, Stonex Lane and the new street.
- 5 Refer to Key Site T3 Base Plan for all other setback requirements.

Building Heights

- 6 Buildings fronting the Pacific Highway must be a maximum of 5 storeys with a street wall height limit of 3 storeys.
- Buildings fronting Kissing Point Road must be a maximum of 6 storeys with a street wall height limit of 3 storeys.
- 8 Buildings exceeding 6 stories in height are to be located along the southern side of the site fronting "Stonex Street".

Access

- 9 Vehicle access to car parking, service and loading areas is to be provided via "Stonex Street".
- 10 All service access must be via Kissing Point Road to "Stonex Street". Exit via Duff Street is prohibited.
- 11 Residential foyers and lobbies are to be located on Stonex Lane, Kissing Point Road and the Pacific Highway.

Environmental protection

Consideration must be given to the following to ensure the development will not result in any disturbance to the adjoining Blue Gum High Forest (BGHF):





2B.2.3 Key Site T3: Kissing Point Road Retail Area (continued)

- 12 A minimum 15m buffer from the new building to the adjacent BGHF is to be provided in the form of a new street.
- 13 Consultation with an ecologist and an arborist is required during the design phase of this process to minimise potential impacts on the bushland. Construction and excavation or other disturbances will be limited to the currently disturbed area (e.g. the existing car parks and building platforms).
- 14 The design of the stormwater system for the development is to minimise impact on the adjacent bushland and riparian zones.
- 15 The development must be consistent with the Ku-ring-gai Council Riparian Policy.
- 16 Landscaping is to consist of predominately native plants of the Blue Gum High Forest community (where this does not conflict with fire protection requirements).

Bush Fire Protection

Consideration must be given to the following to further address bushfire protection, including:

- 17 The profile and length of buildings facing the bushland reserve is to be minimised so that the lowest possible surface area is open to the fire front should a fire occur.
- All building facades facing the hazard require building construction standards to Level 3 as per AS3959. All other facades require building construction standards to Level 2 as per AS3959.
- 19 Entrance and exit points to underground parking and service areas are to be provided via the new street. Because the area will be subject to ember attack, radiated heat and smoke during a bush fire, appropriate measures are required to ensure safe evacuation during a fire.
- 20 To minimise the impacts of wind-born ember attack landscaped gardens are to be separated from each other by a minimum distance of 5m.
- 21 Garden beds that run up to a building or are up against buildings, are to be avoided, especially where they run beneath windows. Organic mulch should be avoided, with inorganic mulches such as decorative pebbles preferred.
- Tree plantings should not link with those trees within the reserve nor should they form rows leading up to buildings. Trees, and other plants, are to be fire retardant species.
- 23 A dedicated water supply for fighting fires is required. The tanks are to be minimum capacity of 10,000 litres and each building is to have a separate tank. Installation of tanks at ground level or below is preferred however they may be installed on upper levels of building. Signage indicating the location of these outlets should be prominent.

2B.2.3 Key Site T3: Kissing Point Road Retail Area (continued)

- A deluge system designed to spray water over of the building façade facing the bushland reserve is required.
- Air conditioning systems are to be designed to be automatically switched off in a bushfire emergency, or alternatively, have smoke scrubbers fitted.
- All gas, water and electricity services are to be sited below ground. Where they must be above ground then they are to be sited on the opposite side of the buildings to the hazard.

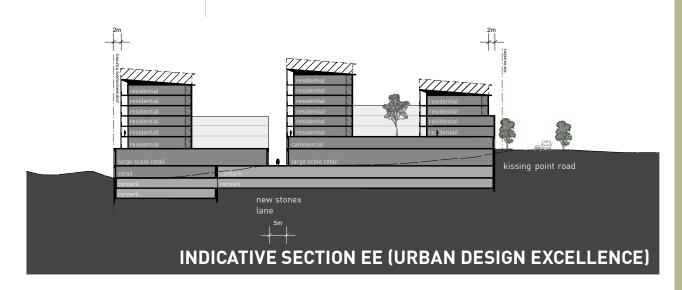
Other Controls

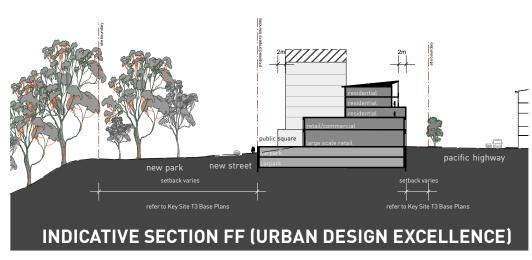
27 Refer to Parts 3 to 15 of this DCP for additional relevant controls.



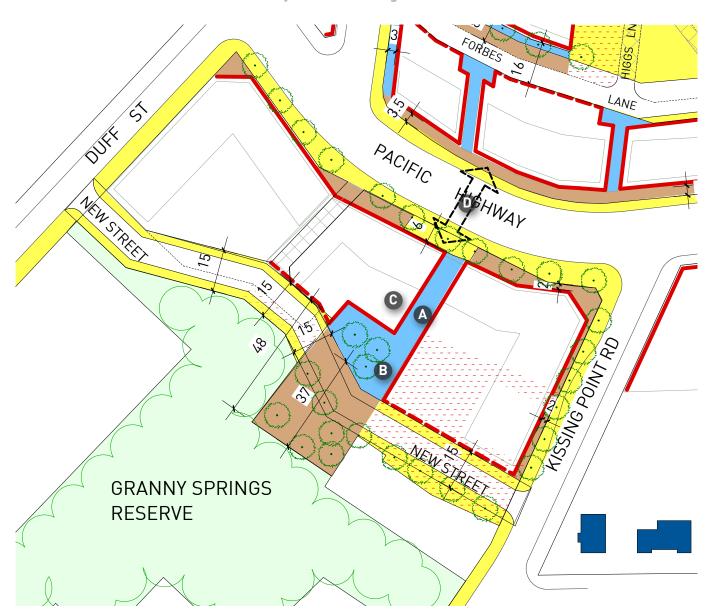


2B.2.3 Key Site T3: Kissing Point Road Retail Area (continued)





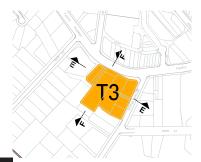
2B.2.3 Key Site T3: Kissing Point Road Retail Area (continued)



KEY SITE T3 INDICATIVE URBAN DESIGN EXCELLENCE PLAN



Key



2B.2.3 Key Site T3: Kissing Point Road Retail Area (continued)

2B.2.3D Urban Design Excellence Principles

The Urban Design Excellence Principles are*:



- Amalgamate sites and design the development to create a new public urban space at the intersection of "Stonex Street." The urban space will be located at the same, or close to the same, level as "Stonex Street" and have active frontages facing onto the space.
- Design the development with a range of sustainability initiatives such as co-generation and water recycling and re-use.
- Provide an underground vehicle link across the Pacific Highway between Key Sites.

Legend



Urban Design Excellence Principles are provided to guide the applicant as to the nature and range of urban design excellence determined by Council to be appropriate for this particular site. The solutions presented are intended to be indicative and are not intended to preclude alternative solutions.

The applicant should consider the principles when preparing an application to the UDEP. A development proposal will not be required to meet all the UDE principles however justification will be required against the principles selected.

- 2C.1 Pymble Town Centre Urban Structure
- 2C.2 Key Area Objectives, Principles and Controls
- 2C.2.1 Key Site P1: Retail and Commercial Core



2C.1 PYMBLE TOWN CENTRE URBAN STRUCTURE

Proposed Urban Structure for Pymble

Pymble will be a compact main street based centre offering a local service function. The centre will expand towards Robert Pymble Park to develop a leisure based retail area along Park Crescent with restaurants and cafes looking over the park. The latter function has potential to attract people from a broad area which will support the viability of the centre. New residents living in shop-top housing will further support the centre's viability.

The density provisions in the KLEP 2010 allow an increase in commercial floor space of about 20% in Pymble; such an increase is primarily to accommodate expansion of the retail zone onto Park Crescent as well as allowing for a small supermarket to be established (if viable).

The proposed building heights in Pymble will provide strong encouragement for redevelopment to support a centre in decline. The maximum building height allowable is seven storeys along Grandview Street. The tallest buildings will be located on sites that will not impact on existing residents and will offer views to the east and west.

The urban structure of Pymble centre is illustrated on the Urban Structure Plan and in summary comprises the following broad elements:

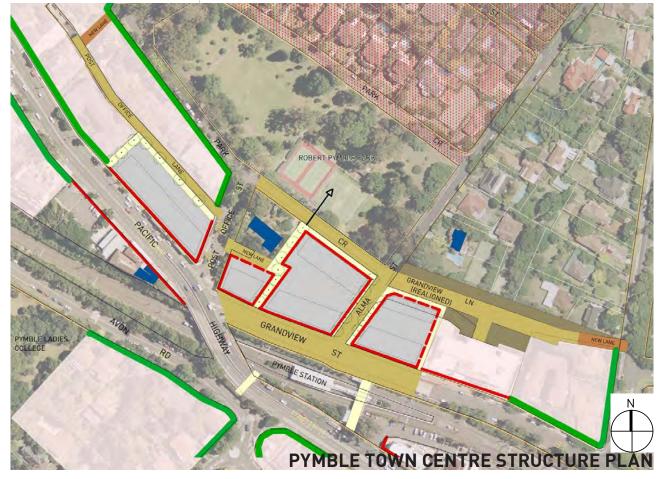
- An expanded and improved main street retail area along Grandview Street with new specialty shops, offices and residential apartments. Refer to Key Site P1 for more details.
- Improvement works to streets and lanes around the retail core including: widening for on-street parking; new footpaths; and street trees to improve pedestrian amenity. Refer to KPDP 2010 for more details.
- A new pedestrian access way from Grandview Street to Robert Pymble Park, which will incorporate a small public space on Post Office Lane. Refer to KPDP 2010 for more details.
- A new leisure based retail precinct fronting Park Crescent with views over Pymble Park and a northerly aspect providing an ideal location for cafes, restaurants, and outdoor dining. Refer to Key Site P1 for more details.
- A small mixed use precinct to the north along Post Office Lane providing a support role to the retail core area on Grandview Street. Refer to Key Site P1 for more details.
- Protection of an important heritage item on the corner of Post Office Street and Park Crescent with future potential for adaptive re-use as a restaurant or similar use. Refer to Key Site P1 for more details.



2C.1 PYMBLE TOWN CENTRE URBAN STRUCTURE (continued)

Legend

- principal active street frontage supporting active street frontage medium and high density residential zone landscaped frontage in residential zones only community buildings (proposed) character buildings (existing) proposed pedestrian areas mixed use zone proposed bus stop proposed road closure new or improved street heritage item proposed public parking at grade supermarket landmark building element street tree planting signalised intersection with pedestrian crossing on internal pedestrian link potential underground vehicular link major view
- Extensions of, and improvements to, the local lane network to increase public parking; improve local circulation; and improve pedestrian and cycle access. Refer to KPDP 2010 for more details.
- Provision of a small supermarket in Pymble (if considered viable) to anchor the centre and service new and existing residents.



2C.2 KEY AREA OBJECTIVES, PRINCIPLES AND CONTROLS

Key Site P1: Retail and Commercial Core

Key Site P1 comprises two precincts:

Grandview Street and Park Crescent Retail Area

This precinct is defined by Post Office Street, Alma Street, Grandview Street, Park Crescent and Grandview Lane. The precinct currently includes traditional main street shops along Grandview Street; to the rear, on Park Crescent, is a mix of uses including residential dwellings; and a small Council car park. The property 4A Park Crescent is a single storey residence in a garden setting and is a listed heritage item. East of Alma Street the commercial lots are long and narrow and extend back to Grandview Lane, the properties are largely underutilised to the rear and present the back of shops to Robert Pymble Park and adjoining residents. Council owns land at the rear of these shops which was purchased to extend the existing car parking area.

This Key Site has a number of issues that affect the long term viability of the area as a retail precinct:

- Robert Pymble Park is a unique asset for Pymble Centre which could become a major attractor bringing people to the area and supporting local businesses;
- Vehicle access and circulation is difficult as Alma Street is narrow and one way and there is no left turn from Grandview Street to Post Office Street;
- Pedestrian access is poor with narrow footpaths on Park Crescent and Alma Street, in addition there is no direct access from Telegraph Road or Station Street to Robert Pymble Park; and
- There is a lack of on-street parking close to the shops.







Pacific Highway Mixed Use Area

This precinct is located on the northern edge of Pymble centre fronting the Pacific Highway. The area comprises a mix of retail and business uses, including real estate agents, antique shops and restaurants. The precinct character is mixed with a diverse range of building types and ages, none are of particularly distinctive character, some are traditional "main street" type shops while others are set back from the highway with a landscape frontage. The businesses are serviced from the rear via Post Office Lane.

The main issue for this precinct currently, and into the future, is commercial viability. Pymble Centre has declined over many years as a retail centre, at one stage shops extended further north along the highway to Telegraph Road, much of this area has now converted to residential uses. This precinct is on the periphery of the retail core (Grandview Street) and has limited pedestrian "passing trade", combined with limited on-street car parking (particularly on the highway in peak hours when a clearway is in effect).



Objectives

- 1 To maintain the character of Grandview Street as a local shopping street.
- 2 To ensure infill buildings are sympathetic to the scale, materials and detailing of earlier facades.
- 3 To ensure built form steps to respond to the sloping topography.
- 4 To create a new retail address with new built form to Park Crescent and Grandview Lane that reinforces the park edge and provides new active uses.
- 5 To improve pedestrian access and vehicle access to the Key Site.
- 6 To protect the amenity, privacy and heritage setting of 4A Park Crescent.
- 7 To establish a new mixed use precinct to the north of Post Office Street that provides a support role for the retail core.

2C.2 KEY AREA OBJECTIVES, PRINCIPLES AND CONTROLS (continued)

2C.2.1 Key Site P1: Retail and Commercial Core

2C.2.1A Planned Future Character

Grandview Street and Park Crescent Retail Area

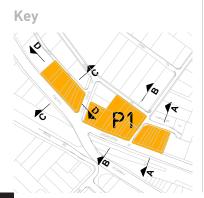
This part of the Key Site is planned to become the central focus of Pymble. The area will expand eastwards towards Park Crescent to create a leisure-orientated retail precinct with cafes and restaurants offering outdoor dining with a northerly aspect and views over Robert Pymble Park. Given the unique location it is envisaged the location will attract people from a broad area and provide a commercial anchor for Pymble Centre.

Amalgamation of properties will be encouraged to create a new mixed use precinct with residential apartments on top of retail and commercial uses. Consistent street walls of 3 storeys will be created along Grandview Street, Alma Street, Park Crescent and Grandview Lane to complement the traditional 'main street' facades, thus creating a coherent street character and enhancing the built edge urban quality. Future development along Grandview Street will be designed to respect the 'fine grain' urban fabric character of the street.

New shop-top housing will have views over the Park and a north-easterly aspect. Stepping built form is proposed to respond to the site topography, facilitate view sharing for residents, and reduce impacts of buildings. There is also potential for a small supermarket to be located in this Site.

Grandview Street will be narrowed to become a one-way carriageway with new angle parking and street tree planting. Alma Street (between Park Crescent and Grandview Street) will be widened, through development setbacks, so that the road can be reconstructed as a two way carriageway with on-street parking and wider footpaths. Grandview Lane will be realigned to meet Park Crescent with new on-grade public parking provided. Grandview Lane will be extended through to Station Street (through land acquisition) to allow traffic to circulate around the block.

New pedestrian walkways will be provided between the main street, Robert Pymble Park and the car parking area. In addition a new Council owned community space will be located in this Key Site with a visible 'shop front' presence.



Objectives

- 8 To provide built form and land use transition from the retail core to the residential areas to the north along the Pacific Highway.
- 9 To improve the safety and amenity of Post Office Lane.

2C.2.1 Key Site P1: Retail and Commercial Core (continued)

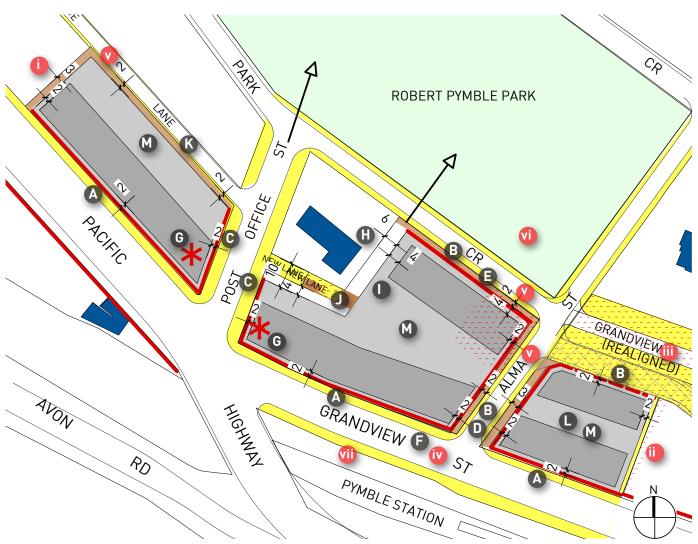
Pacific Highway Mixed Use Area

This part of the Key Site will continue to provide a support role for Pymble Centre; it is envisaged that the predominant uses will be business and residential uses. There is good potential to improve the viability of this precinct through the provision of increased car parking spaces. This could be achieved through new basement parking as well as on-street parking on Post Office Lane.

A consistent 3 storey street wall will be created to define and reinforce the Pacific Highway. There is the opportunity for generous sized garden courtyards at the rear of the shops and businesses which would enhance the retail and commercial opportunities. Residential apartments will have an easterly aspect with views over Pymble Park.



2C.2.1 Key Site P1: Retail and Commercial Core (continued)

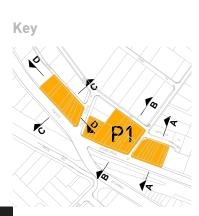


KEY SITE P1 INDICATIVE BASE PLAN

Key Community Infrastructure- Key Site P1

Key Community Infrastructure to be provided by Council and funded through the Ku-ring-gai Contributions Plan 2010 or by Voluntary Planning Agreement (VPA):

- Construction of a new pedestrian access way on the northern edge of the Key Site linking Post Office Lane with the Pacific Highway.
- ii Upgrade works to the existing pedestrian access way from Grandview Lane to Grandview Street.
- Reconstruction and extension of Grandview Lane from Alma Street through to Station Street and increased off-street parking.
- Road modification works to Grandview Street, between Pacific Highway and Alma Street, for one way traffic and increased on street parking.
- Road modification works to widen footpaths and carriageway including Post Office Street, Post Office Lane, Park Crescent and Alma Street.
- Improvement works to Robert Pymble Park.
- Embellishment of the public domain including underground power lines, new lighting, high quality paving and furniture.



Legend



other council owned and managed land

2C.2 KEY AREA OBJECTIVES, PRINCIPLES AND CONTROLS (continued)

2C.2.1 Key Site P1: Retail and Commercial Core (continued)

2C.2.1B Base Design Principles

The Base Design Principles are to:

- A Create consistent 3 storey street walls that are built to the street alignments for buildings fronting Grandview Street and the Pacific Highway to complement the traditional 'main street' facades. All levels above that height are to have a setback. Refer to Sections AA. BB and CC.
- Create consistent street walls of 3 storeys that are built to the alignments of Alma Street and Park Crescent, and 2 storey street walls to Grandview Lane. All levels above that height are to have a setback to provide garden courtyards and minimise the bulk and scale. Refer to Sections AA and BB.
- Create a street wall of 3 storeys that is built to the street alignment of Post Office Street to frame and reinforce the visual and physical link to Robert Pymble Park.
- Provide side setbacks to Alma Street for road modifications and wider footpaths.
- Provide street setbacks to Park Crescent for wider footpaths.
 Retail uses along Park Crescent are to be within buildings with a visually heavy base.
- Design highly articulated buildings that step down Grandview Street to reflect the existing narrow lot pattern and maintain the character of the local shopping street.
- Provide a landmark corner building with distinct articulation to address the Pacific Highway and Grandview Street intersection and the intersection of Post Office Street and the Pacific Highway.
- Design new buildings to be set back from the south-eastern boundary of 4A Park Crescent at ground level to allow for screen planting to protect the heritage setting and residents amenity of the property.
- Provide upper floor setback to new development adjoining 4A Park Crescent on the north-west façade to accommodate rooftop gardens for privacy screening.
- Provide rear building setbacks to the existing laneway (New Lane) off Post Office Street for improved vehicle and service access.
- Provide a rear building setback to allow for pedestrian footpaths and 2 storey street wall along Post Office Lane. Refer to Section CC
- Allow the provision of a new 'mini-mart' with associated retail uses on the ground floor of the site.
- Provide garden rooftop courtyards on the podiums for residents and occupants of the buildings.

2C.2.1 Key Site P1: Retail and Commercial Core (continued)

2C.2.1C Base Design Controls

Building Setbacks

The following building setbacks are required as indicated on Key Site P1 Base Plan:

- 1 2m setback to north-western side of Alma Street applying to the properties Nos.85-89 Grandview Street and No.2 Alma Street. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 2 3m setback to south-eastern side of Alma Street applying to the property No.81 Grandview Street. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 2m setback to Park Crescent applying to the properties Nos.2-4
 Park Crescent, No.2 Alma Street and Nos.91-93 Grandview Street.
 FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 4 2m rear setback to Post Office Lane applying to the properties Nos.987-1017 Pacific Highway. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 5 3m side setback applying to the property No.1017 Pacific Highway. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 6 2m setback to all levels above the street wall height along the frontages of the Pacific Highway, Post Office Street, Grandview Street, Alma Street, Park Crescent and Grandview Lane.
- 7 10m setback from the rear boundary of 4A Park Crescent applying to the properties Nos.103-107 Grandview Street.
- 8 6m setback from the side boundary of 4A Park Crescent applying to the properties Nos.99-100 Grandview Street and No.4 Park Crescent.
- 9 4m upper level setback applies to all buildings fronting Park Crescent and 4A Park Crescent.
- 10 Refer to Key Site P1 Base Plan for all other building setback requirements.

Access

- 11 No vehicle or service access is to be provided from Grandview Street, Alma Street or the Pacific Highway.
- 12 Residential foyers and lobbies are to be located off Grandview Street, Park Crescent, Grandview Lane, Post Office Street and the Pacific Highway.



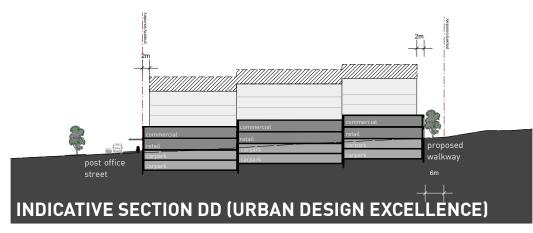
2C.2.1 Key Site P1: Retail and Commercial Core (continued)

Other Controls

Key

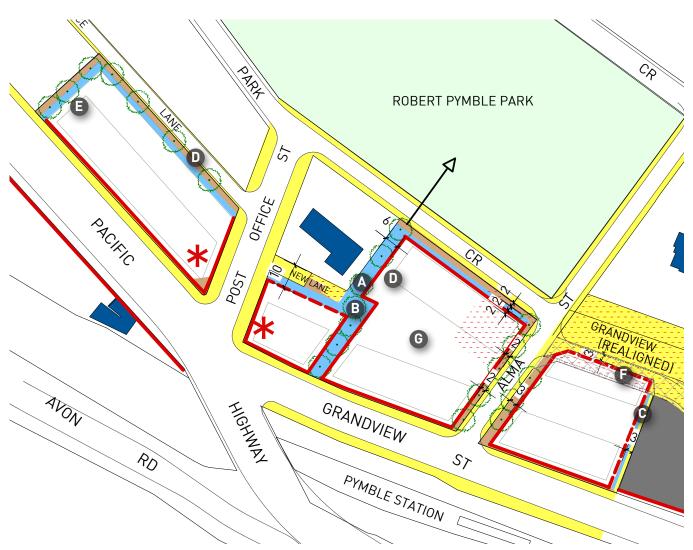
13 Refer to Parts 3 to 15 of this DCP for additional relevant controls.





p 2-71

2C.2.1 Key Site P1: Retail and Commercial Core (continued)



KEY SITE P1 INDICATIVE URBAN DESIGN EXCELLENCE PLAN





2C.2.1 Key Site P1: Retail and Commercial Core (continued)

principal active street frontage 2C.2.1D Urban Design Excellence Principles

Legend

000

supporting active street frontage

potential underground vehicular link

privately owned land publicly accessible and designed to be consistent with the public

other council owned and managed land

land to be dedicated to council and form part of the public domain

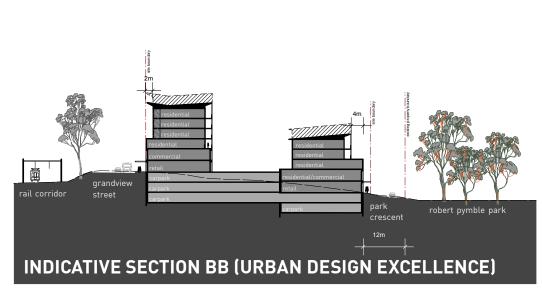
community building
new or upgraded public park

proposed road closure

public domain areas

The Urban Design Excellence Principles are to*:

- A Provide a continuous open public pedestrian lane from Park Crescent to Grandview Street. Walkway to be open to the sky and wide enough to accommodate small trees (5-6 metres is considered optimal).
- B Provide a centrally located public courtyard at the intersection of the proposed public walkway and the new lane way.
- Widen and enhance the existing public access way between Grandview Lane and Grandview Street. Walkway to be finished to Council specifications.
- Provide greater rear setbacks on Post Office Lane for road widening, cycle/pedestrian footpath, on-street parking and street trees.
- Provide larger side setbacks on the northern edge of the precinct for a public access way to allow for gardens, cycleway and trees.
- New development extends onto portion of Grandview Lane to provide deeper development site which allows better residential amenity. In order to facilitate this outcome Council may consider closing Grandview Lane (and relocating it further north) to allow for it to be utilised as part of the development site.
- **G** Amalgamate sites to provide a co-ordinated redevelopment of the core area to avoid vehicle access from Park Crescent.



Urban Design Excellence Principles are provided to guide the applicant as to the nature and range of urban design excellence determined by Council to be appropriate for this particular site. The solutions presented are intended to be indicative and are not intended to preclude alternative solutions.

The applicant should consider the principles when preparing an application to the UDEP. A development proposal will not be required to meet all the UDE principles however justification will be required against the principles selected.

GORDON TOWN CENTRE

2D.1 Gordon Town Centre Urban Structure

2D.2 Key Site Objectives, Principles and Controls

2D.2.1 Key Site G1: Retail Core (West Side)

2D.2.2 Key Site G2: Retail Core (East Side)

2D.2.3 Key Site G3: Civic Hub

2D.2.4 Key Site G4: Mixed Use Area

2D.1 GORDON TOWN CENTRE URBAN STRUCTURE

Proposed Future Urban Structure for Gordon

Gordon town centre will become the primary retail and commercial centre for Ku-ring-gai. It is anticipated that retail and other employment related uses will increase by approximately 50% across the centre. Supporting this growth will be shop-top housing within the commercial areas and apartment buildings in surrounding streets.

Gordon is located on a narrow ridge and the only means of achieving the desired expansion of commercial uses is by increasing densities allowing taller buildings. The only expansion of the commercial footprint is along Moree Street on the western side of the centre.

Gordon will also develop and expand to become the civic and administrative heart of the LGA offering entertainment opportunities and a wide range of community/cultural facilities.

The urban structure of Gordon town centre is illustrated on the Structure Plan and in summary comprises the following elements:

- A high density mixed use precinct that stretches about 800 metres along the Pacific Highway between St Johns Avenue and Ryde Road.
- A "Retail Core" on the western side of the Pacific Highway, between Dumaresq Street and St Johns Avenue, building on the existing Gordon Centre, with at least two large supermarkets and additional specialty stores focused around a newly created public urban space. Refer to Key Site G1 for more details.
- A boutique retail and leisure precinct in the central area of Gordon providing improved main street shops along the Pacific Highway with new specialty shops, offices, and residential apartments on upper floors. Wade Lane will become activated with retail shops on one side of the street looking out across a new urban park which will be created on Council's land. Refer to Key Site G2 and the KPDP 2010 for more details.
- A "Civic Hub" around Park Avenue and the Pacific Highway comprising a range of improved civic and community facilities and a public park. Refer to Key Site G3 for more details.
- A "Mixed Use" precinct along the Pacific Highway to the north of Merriwa Street providing a support role to the core retail precincts. The precinct will offer opportunities for a wide range of uses such as bulky goods, car sales, bulk suppliers and the like; business and employment related uses; medical, recreational and other professional services; as well as residential apartment buildings. Refer to Key Site G4 for more details.
- A "Transport Hub" in the St Johns Avenue and Henry Street area with an expanded bus interchange, new taxi ranks and kiss-and-ride facilities. St Johns Avenue itself will be enhanced as a small scale shopping street with a new urban square at the entrance to the rail station. Refer to the KPDP 2010 for more details.



2D.1 GORDON TOWN CENTRE URBAN STRUCTURE (continued)

Legend



- Shop-top housing in each of the precincts to support commercial activity and improve safety of the centre particularly in the evening. New apartment buildings will be designed to achieve high residential amenity standards for new residents by minimising noise impacts and optimising solar access.
- Buildings within the retail core will have heights between five and nine storeys. The main street retail areas along the Pacific Highway will have the tallest components of nine storeys. Residential buildings will have heights between three and seven storeys around the retail core. To the northern end of Gordon, around Ryde Road, building heights up to the equivalent of ten storeys are permitted.
- Across the centre pedestrian and cycle access and safety will be improved with the provision of new streets and lanes, and new pedestrian access ways as well as upgrading of existing footpath areas.



2D.2 KEY SITE OBJECTIVES, PRINCIPLES AND CONTROLS

Key Site G1: Retail Core (West Side)

This precinct is located along the Pacific Highway between Dumaresq Street and St Johns Avenue on the western side of Gordon.

St Johns Avenue is the main cross street for Gordon leading up from the train station to the Pacific Highway and then over to St Johns Church and cemetery. Dumaresq Street defines the northern edge of the Civic Precinct (Key Site G3) which includes Council chambers and the Gordon library.

Currently the precinct comprises an ad hoc mix of uses including highway shops, a shopping centre (the Gordon Centre), dwelling houses, town houses, a small church and a Council car park. Overall the precinct lacks cohesion and many of the buildings are run down. The Gordon Centre is an old building which presents an unattractive face to the Pacific Highway when viewed from the south. The rear boundary of the centre to Moree Street presents above ground car parking structures which detract from the quality of the streets and amenity of the area.

Key Site G2: Retail Core (East Side)

This precinct is centrally located in Gordon between the Pacific Highway and the railway and comprises small shops fronting the Pacific Highway and a multi-storey Council car park. The limited depth of the lots in this precinct restricts the capacity to provide large format retail stores (such as supermarkets) which are proposed to be located in Key Site G1.

The precinct is traversed by Wade Lane which, in its current form, acts primarily as one way service lane to existing shops and as access to the multi-storey car park. Wade Lane is heavily used by pedestrians walking between the train station and Park Avenue and further north to office buildings on Merriwa Street. Currently the lane has only one narrow footpath on the eastern side and has no passive surveillance. The result is that the area is prone to crime at night and has poor pedestrian amenity and safety.

Key Site G3: Civic Hub

This precinct is located at the northern edge of the retail core (G1) and is broadly defined by the Pacific Highway, Park Avenue, and Dumaresq Street

The Key Site currently supports a number of Council and community services including: Council chambers and administration building: Gordon pre-school; Gordon library; Lifeline Harbour to Hawkesbury; Gordon police station; and the old Gordon school building (which provides rooms for a number of groups and activities including a heritage society and a youth activity centre). In addition there is a small public garden courtyard to the rear of the Old School Building.

The Key Site also contains a number of significant heritage items including the old Gordon school building (State Heritage item), the Council chambers building and Gordon pre-school (both local items).



On either side of Council chambers are two large commercial office buildings which are considered unlikely to redevelop.

Key Site G4: Mixed Use

This precinct is located on the periphery of Gordon Centre to the north of Merriwa Street between the Pacific Highway and Fitzsimons Lane.

The uses in the Key Site vary and include commercial office buildings, car sales yards, and retail outlets. A number of the buildings are derelict or poorly maintained. The existing built form lacks cohesion and quality and as such does not provide a good quality entry experience for drivers and train passengers arriving in Gordon from the north.



Objectives

- 1 To encourage the provision of additional retail floor space to meet the long term retail demand for the Gordon area and Ku-ringgai LGA.
- 2 To create a thriving retail area containing a combination of large floor plate retail shopping and small specialty shops.
- 3 To encourage the redevelopment and expansion of the "Gordon Centre" to become a contemporary style shopping centre with open air "shopping lanes" and public spaces.
- 4 To create a coherent street character on the Pacific Highway retail strip by providing consistent building forms that define the highway corridor and complement the traditional 'main street' facades.
- 5 To create a new urban public square as a community focus for the western side of Gordon.
- 6 To provide new public lanes to improve to local access and service provision.

Key



2D.2 KEY AREA OBJECTIVES, PRINCIPLES AND CONTROLS (continued)

2D.2.1 Key Site G1: Retail Core (West Side)

2D.2.1A Planned Future Character

This precinct represents the main site in Gordon for a significant future expansion in retail floor space. It is envisaged the privately owned Gordon Centre will redevelop into a contemporary style shopping centre with open "shopping lanes" and public spaces. Redevelopment will most likely occur in stages so that the current centre may continue to operate. The centre will expand its current footprint to accommodate another large supermarket and possibly a discount department store (such as Target or Kmart) as well as wide range of speciality shops. New residential apartments will be located over the retail podium providing high quality housing with roof gardens.

A consistent street wall of 3 storeys will be established along the Pacific Highway within the retail precinct to complement the existing traditional 'main street' facades, thus creating a coherent street character and enhancing the built edge urban quality.

Two new public streets will be provided to the west of the Key Site; they will be an essential part of the town centre traffic movement system and pedestrian access system. The new streets allow service access and parking access from the lowest point on the sites and will also function as local north—south vehicle access routes. The new streets will also serve to separate the retail uses from the adjoining residential zones.

Redevelopment will allow construction of new basement car parking or "sleeving" of above ground parking with business uses along the street providing more parking and improved access and circulation. There is potential in the long term to provide car access under the Pacific Highway from the Gordon Centre to Wade Lane which would provide substantial benefits to traffic circulation in the town centre.

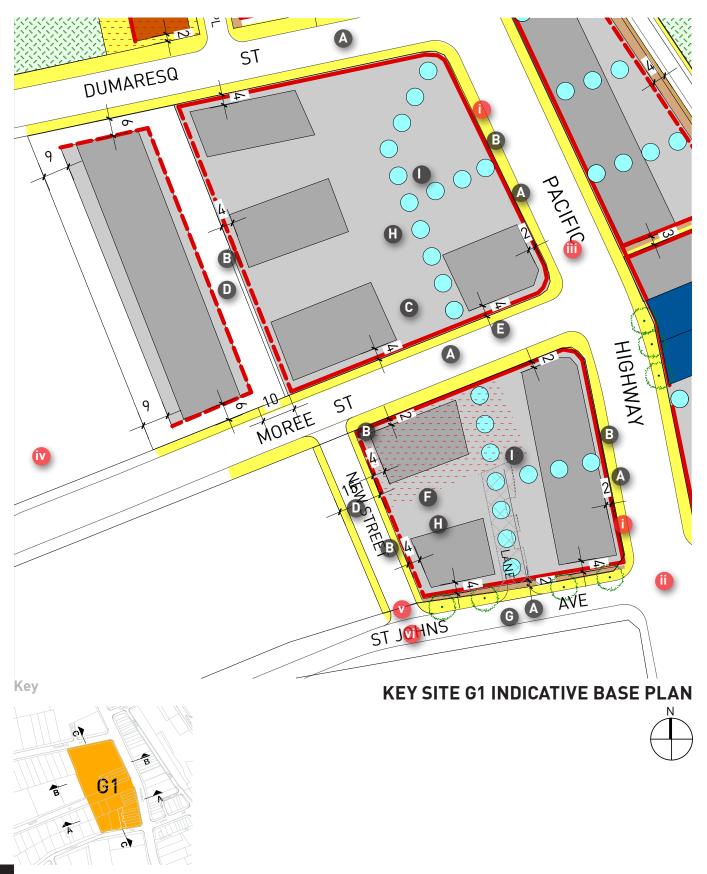
Moree Street will be closed, or partially closed, to traffic to create a new terraced pedestrian plaza offering extensive views to the west.

Objectives

2D.2.1 Key Site G1: Retail Core (West Side) (continued)



2D.2.1 Key Site G1: Retail Core (West Side) (continued)



2D.2.1 Key Site G1: Retail Core (West Side) (continued)

Legend



other council owned and managed land

2D.2.1B Base Design Principles

The Base Design Principles are to:

- A Provide active street frontages to the Pacific Highway, Dumaresq Street, Moree Street and St Johns Avenue, and along the new street and lane wherever possible.
- B Create consistent street walls of 3 storeys that are built to the street alignments for buildings fronting the Pacific Highway, Dumaresq Street and Moree Street. All levels above the street wall height are to have a setback. Refer to Sections AA, BB and CC.
- C Design the built form on the northern side of Moree Street to minimise overshadowing of Moree Street.
- Create consistent street walls of 2 storeys with upper level setbacks for buildings fronting St Johns Avenue, the new street and lane. Refer to Sections AA. BB and CC.
- Provide a well articulated sequence of built forms in Moree Street and St Johns Avenue, with residential uses at the upper levels separated into discrete buildings.
- Give special design consideration to building heights in relation to low density residential properties within St Johns Avenue. A transition in building heights is to be provided from taller buildings towards the eastern end of the block near the Pacific Highway, stepping down to lower buildings on the western side adjoining the new street.
- Provide buildings setbacks along the northern side of St Johns Avenue to allow for modifications to the road reserve width and footpaths.
- Step the retail podiums down from the Pacific Highway in platforms to relate the built form to the change in the topography. Refer to Section AA.
- Provide pedestrian arcades through the sites to improve pedestrian accessibility.

Key Community Infrastructure - Key Site G1

Key Community Infrastructure to be provided by Council and funded through the Ku-ring-gai Contributions Plan 2010 or by Voluntary Planning Agreement (VPA):

- Embellishment of the public domain including underground power lines, new lighting, high quality paving and furniture.
- Modification to traffic signals to suit one way flow at the intersection of Pacific Highway and St Johns Avenue.
- New pedestrian activated signals on the Pacific Highway just north of Moree Street intersection.
- New 13 metre wide street, two way traffic, between Dumaresq Street and Moree Street.
- New 15 metre wide street, two way traffic, with on-street parking between Moree Street and St Johns Avenue.
- VI One way traffic and other modifications to St Johns Avenue.

Key



2D.2 KEY AREA OBJECTIVES, PRINCIPLES AND CONTROLS (continued)

2D.2.1 Key Site G1: Retail Core (West Side) (continued)

2D.2.1C Base Design Controls

Building Setbacks

The following minimum setbacks are required as indicated on Key Site S1 Base Plan:

- A 2m setback to St Johns Avenue applying to the properties Nos.21-23 St Johns Ave and Nos.756-770 Pacific Highway. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 2 2m setback to all levels above the street wall height along the frontages of the Pacific Highway, Dumaresg Street, Moree Street (south side) and new lane (east side).
- 3 4m setback to all levels above the street wall height along the frontages of the north side of Moree Street, and St Johns Avenue and the new street and lane (west sides)
- Refer to Key Site G1 Base Plan for all other building setback requirements.

Building Heights

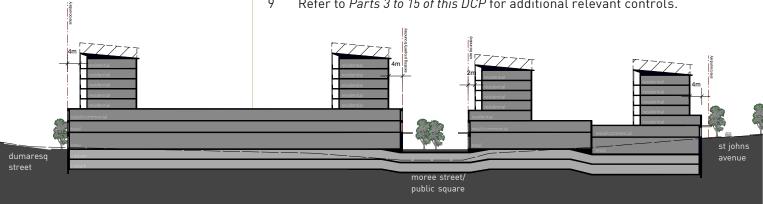
- Building heights must not exceed 6 storeys with 2 storey street wall height limit fronting the new street between St Johns Avenue and Moree Street.
- Building heights must not exceed 7 storeys fronting St Johns Avenue

Access

- 7 Provide vehicle access via Moree Street, new street and lane.
- Residential foyers and lobbies are to be located off Moree Street, St Johns Avenue and Dumaresq Street, the new street and lane.

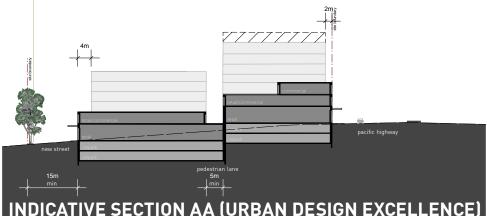
Other Controls

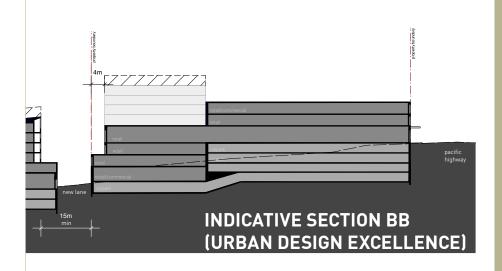
Refer to Parts 3 to 15 of this DCP for additional relevant controls.



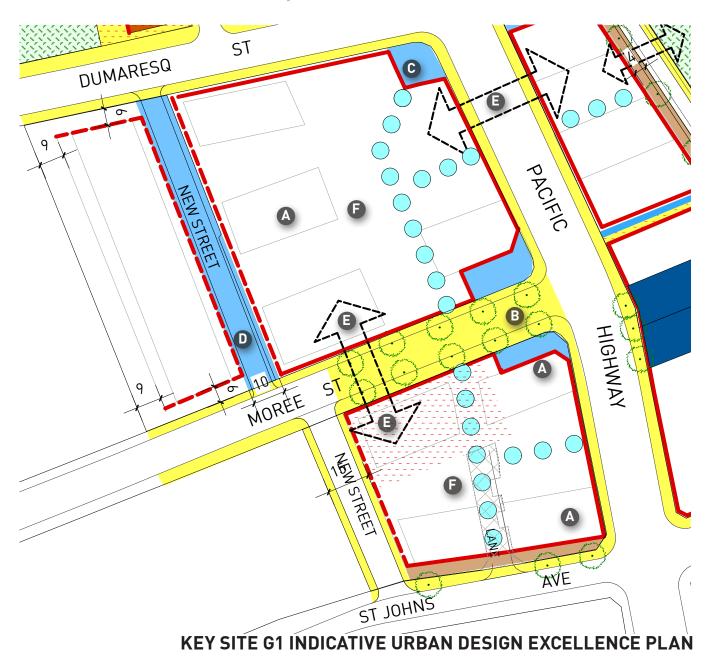
INDICATIVE SECTION CC (URBAN DESIGN EXCELL

2D.2.1 Key Site G1: Retail Core (West Side) (continued)





2D.2.1 Key Site G1: Retail Core (West Side) (continued)



Key





2D.2.1 Key Site G1: Retail Core (West Side) (continued)

Legend

principal active street frontage supporting active street frontage new or upgraded public park proposed road closure

potential underground vehicular link



land to be dedicated to council and form part of the public domain privately owned land publicly accessible and designed to be consistent with the public



other council owned and managed land

public domain areas

2D.2.1D Urban Design Excellence Principles

The Urban Design Excellence Principles are to*:

- Amalgamate sites and develop a building design that allows residential buildings on retail podium to be orientated perpendicular to the Pacific Highway. This configuration will provide a number of benefits including: reducing the building wall effect along the Pacific Highway; allowing a northerly aspect on the long facade; and minimising the length of façade facing the highway and thereby reducing noise impacts on building occupants (refer Key Site G1 indicative massing and sections).
- Close, or partially close, Moree Street to traffic and create a terraced civic space within the road reserve. Building setbacks adjoining the new space are provided to create entry forecourts and minimise overshadowing.
- Provide an entrance to the Gordon Centre on the corner of Dumaresq Street and the Pacific Highway with a new entry forecourt and a pedestrian arcade through to Moree Street.
- Provide a new 10m wide street (two way traffic with footpaths both sides), between Dumaresq Street and Moree Street at the rear of the Gordon Centre to provide a transition to adjoining residential sites and to remove service and loading access from Dumaresq Street and Moree Street.
- Provide underground vehicle connections between basement car parking areas below Moree Street and below the Pacific Highway.
- Sustainability initiatives including co-generation of power, water re-use, on-site sewage treatment, equivalent to a 5-6 star green building rating.

Urban Design Excellence Principles are provided to quide the applicant as to the nature and range of urban design excellence determined by Council to be appropriate for this particular site. The solutions presented are intended to be indicative and are not intended to preclude alternative solutions.

The applicant should consider the principles when preparing an application to the UDEP. A development proposal will not be required to meet all the UDE principles however justification will be required against the principles selected.

Objectives

- 1 To encourage the provision of additional retail floor space to meet long term retail planning objectives for Gordon and the Ku-ringgai LGA.
- 2 To create a cohesive boutique style retail precinct with a "fine grain" character typified by small shops fronting the streets and retail arcades.
- 3 To create a coherent street character on the Pacific Highway retail strip by providing consistent building forms that define the highway corridor and complement the traditional 'main street' facades.
- 4 To enhance and develop Wade Lane as a public street open to the sky with improved pedestrian amenity and safety.
- 5 To create a new urban park as a community focal point for Gordon.
- 6 To create a new civic space at the train station entry off St Johns Avenue.

2D.2 KEY AREA OBJECTIVES, PRINCIPLES AND CONTROLS (continued)

2D.2.2 Key Site G2: Retail Core (East Side)

2D.2.2A Planned Future Character

This precinct will be encouraged to develop as a boutique style retail precinct with a "fine grain" character typified by small shops fronting the streets and multi-level retail arcades. A consistent 3 storey street wall will be established along the Pacific Highway retail strip to complement the existing traditional 'main street' facades, thus creating a coherent street character and enhancing the built edge urban quality.

Wade Lane will be retained as a public street open to the sky. It will undergo a major upgrade to become an activated secondary retail strip, taking advantage of its quieter location away from the intense traffic flow of the highway. Consistent building setbacks will be provided along the laneway to allow for footpath widening and street trees. With improved pedestrian amenity and opportunities for outdoor dining, the area will become an attractive pedestrian link.

The existing Council owned multi-storey car park on Wade Lane will be demolished to make way for a new urban park. The park will create a much needed community focus for the centre as a location for markets, events and performances. Public parking will be provided under the park in a basement or semi-basement location.





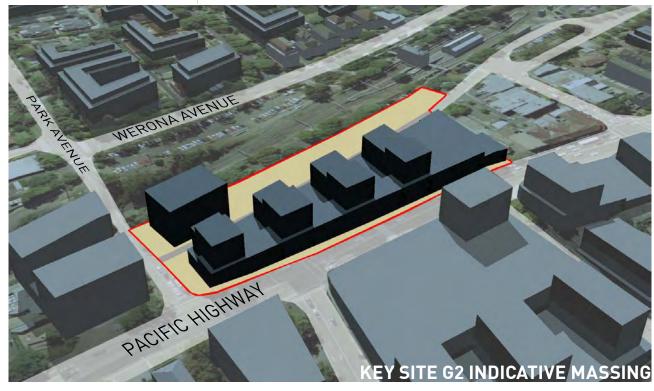
Objectives

- 7 To improve the quality of streets in the area.
- 8 To protect and conserve existing heritage items.
- 9 To protect the State Heritage significance of Gordon rail station.
- 10 To configure shop-top housing to minimise noise impacts from the Pacific Highway and the railway.
- 11 To retain access to RailCorp car parking area.

2D.2.2 Key Site G2: Retail Core (East Side) (continued)

The vitality of the traditional retail strip along the highway will be maintained and enhanced with improvements to the footpaths. In addition, a number of open pedestrian arcades will be created for access to Wade Lane shopping area.

The pedestrian amenity around the train station entry will be enhanced with the development of a new civic space and a new transport interchange. St Johns Avenue shopping area will have wider footpaths and street trees.



2D.2.2 Key Site G2: Retail Core (East Side) (continued)



2D.2.2 Key Site G2: Retail Core (East Side) (continued)

Legend



2D.2.2B Base Design Principles

The Base Design Principles are to:

- A Provide active street frontages along the Pacific Highway, St Johns Avenue, Wade Lane (south of Clipsham Lane) and Park Avenue. Provide active street frontages to Wade Lane (north of Clipsham Lane) and Clipsham Lane wherever possible.
- B Provide building setbacks to Wade Lane that allows road widening with new footpaths and street trees for improved pedestrian amenity. Refer to Section DD.
- Create a consistent street wall height of 3 storeys that is built to the street alignment of the Pacific Highway to complement the traditional 'main street' facade. All levels above the street wall are to have a setback. Refer to Section DD.
- Provide roof gardens on the podium for residential amenity.
- Create a consistent 3 storey street wall with upper level setback to provide a strong urban edge to Wade Lane and the new park.
- Provide a landmark corner building on the corner of Pacific Highway and Park Avenue.
- G Set back buildings adjoining the existing Council owned walkway and provide active street frontages along both sides.
- Incorporate new retail arcades through developments linking Wade Lane with the highway.
- Conserve the heritage significance of 741 and 747 Pacific Highway while allowing for their integration into a new urban context.

other council owned and managed land

Key Community Infrastructure- Key Site G2

Key Community Infrastructure to be provided by Council and funded through the Ku-ring-gai Contributions Plan 2010 or by Voluntary Planning Agreement (VPA):



- Upgrade works to existing Council owned walkway (widened through development setbacks).
 - Reconstruction of Wade Lane as one way street with on-street parking and public parking under.
- Embellishment works for new railway square at St Johns Avenue and Wade Lane intersection.
- Demolition of existing multi-storey car park and construction of a new urban park on Council owned land along Wade Lane.
- Relocation of Council owned car parking to underground car park to provide land for new urban park along Wade Lane.
- VI Embellishment of the footpath areas throughout the area including underground power lines, new lighting, high quality paving and furniture and street tree planting.

2D.2.2 Key Site G2: Retail Core (East Side) (continued)

2D.2.2C Base Design Controls

Building Setbacks

The following minimum setbacks are required as indicated on Key Site G2 Base Plan:

- 4m rear setbacks to Wade Lane applying to the properties Nos.747-795 Pacific Highway. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 2 2m side setback to the existing Council walkway applying to the property No.751 Pacific Highway. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 3 2m setback to all levels above the street wall height along the frontages of the Pacific Highway, Park Avenue and Wade Lane.
- 4 Refer to Key Site G2 Base Plan for all other setback requirements.

Access

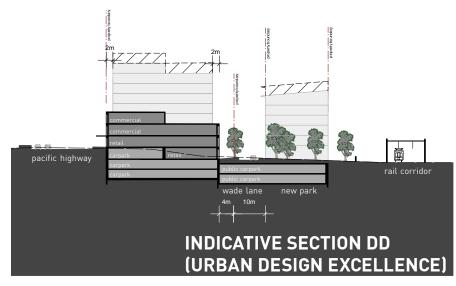
- 5 Provide vehicle and service access via Wade Lane or Clipsham Lane. Access via the Pacific Highway is not permissible.
- 6 Residential foyers and lobbies are to be located off Wade Lane, Park Avenue or the Pacific Highway.

Other Controls

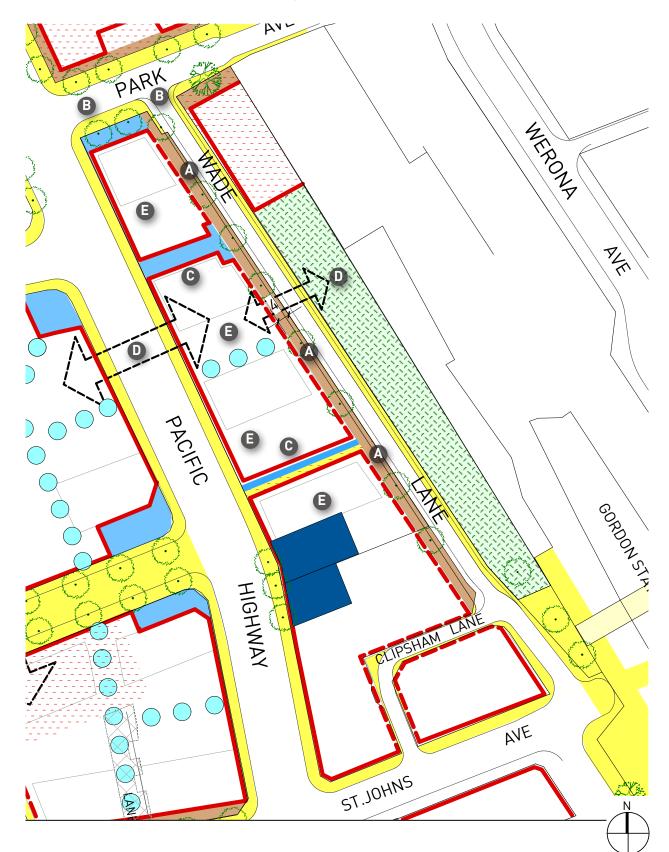
Refer to *Parts 3 to 15 of this DCP* for additional relevant controls.



2D.2.2 Key Site G2: Retail Core (East Side) (continued)



2D.2.2 Key Site G2: Retail Core (East Side) (continued)



Legend

principal active street frontage
supporting active street frontage
community building
new or upgraded public park
proposed road closure
internal pedestrian link
potential underground vehicular link
land to be dedicated to council and
form part of the public domain
privately owned land publicly accessible and
designed to be consistent with the public
domain areas
public domain areas

2D.2 KEY AREA OBJECTIVES, PRINCIPLES AND CONTROLS (continued)

2D.2.2 Key Site G2: Retail Core (East Side) (continued)

2D.2.2D Urban Design Excellence Principles

The Urban Design Excellence Principles are to*:

- A Amalgamate sites so that the number of vehicle access points off Wade Lane is minimised and active frontage to Wade Lane is maximised.
- Provide building setback to Park Avenue for wider footpaths, street tree planting and protection of existing significant tree.
- Provide new open public pedestrian lanes between buildings connecting Wade Lane with the Pacific Highway (optimal width is 5 metres).
- Provide underground vehicle connections between basement car parks on private land and public land under the Pacific Highway and under Wade Lane.
- Amalgamate sites and develop a building design that allows residential buildings on retail podium to be orientated perpendicular to the Pacific Highway. This configuration will provide a number of benefits including: reducing the building wall effect along the Pacific Highway; allowing a northerly aspect on the long façade; and minimising the length of façade facing the highway and thereby reducing noise impacts on residents (refer to Key Site G2 indicative massing and sections).





* Urban Design Excellence Principles are provided to guide the applicant as to the nature and range of urban design excellence determined by Council to be appropriate for this particular site. The solutions presented are intended to be indicative and are not intended to preclude alternative solutions.

The applicant should consider the principles when preparing an application to the UDEP. A development proposal will not be required to meet all the UDE principles however justification will be required against the principles selected.

Objectives

- 1 To suppport and enhance the civic role of the Key Site.
- 2 To provide civic and cultural functions, and opportunities for a range of community facilities and services.
- 3 To provide a mix of commercial office space, residential and retail uses that will add vitality to the precinct.
- 4 To protect and conserve existing heritage items.
- 5 To provide new public spaces for local residents and people who work in Gordon.
- 6 To increase the pedestrian permeability of the area.

2D.2.3 Key Site G3: Civic Hub

2D.2.3A Planned Future Character

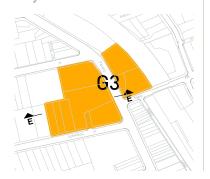
This Key Site is located within the "civic hub" area of Gordon. Council will retain a strong long term presence in the area including Gordon library and the Council customer services. Council is also planning for a new multi-purpose community facility. Accommodation for a range of community services will be encouraged.

The Gordon library building has potential to expand both in terms of the footprint and height creating a landmark building at the end of Wade Lane. Council chambers site has capacity for a mixed use building at the rear of the site adjoining a proposed park on Dumaresq Street. The two existing office buildings on the Pacific Highway are considered unlikely to redevelop in the next 20 years.

New buildings will be designed to protect and enhance the setting of the two heritage listed buildings (Council chambers building and old school building) by creating setbacks between new and old and allowing the old buildings to be viewed in "the round".

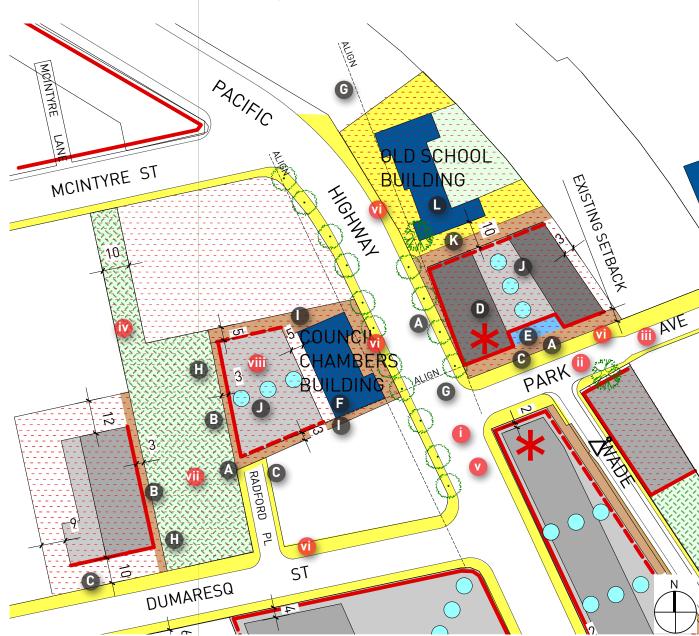
Improvements to Park Avenue are also proposed to provide better safety and amenity including widening the walkways on the bridge over the rail line and reducing traffic movements in Park Avenue.

Key





2D.2.3 Key Site G3: Civic Hub (continued)



KEY SITE G3 INDICATIVE BASE PLAN

Key



Key Community Infrastructure- Key Site G3

Key Community Infrastructure to be provided by Council and funded through the Ku-ring-gai Contributions Plan 2010 or by Voluntary Planning Agreement (VPA):

- Modify the traffic signals at the intersection of Pacific Highway and Dumaresq Street and remove the traffic signals at the intersection Pacific Highway and Park Street to improve traffic flow.
- Convert Park Avenue to one way traffic (east bound) and reduce the road width to improve pedestrian conditions.
- Modify the railway bridge on Park Avenue to provide wider footpaths .
- Improve and extend the existing pedestrian way between Dumaresq Street and McIntyre Street.

2D.2.3 Key Site G3: Civic Hub (continued)

Legend



other council owned and managed land

2D.2.3B Base Design Principles

The Base Design Principles are to:

- A Provide active street frontage along Dumaresq Street, Radford Place, Park Avenue and the Pacific Highway.
- Provide active frontage to the western and eastern edges of the proposed park wherever possible.
- Provide building setbacks to Dumaresq Street, Radford Place and Park Avenue to accommodate wider footpaths and street trees.
- Provide a landmark building on the corner of Pacific Highway and Park Avenue (No.2 Park Avenue site).
- Provide an entry forecourt to the new building on No.2 Park Avenue site off Park Avenue.
- Retain existing heritage building on No.818 Pacific Highway site (Council Chambers building) and adaptively re-use. New buildings are to be separated from heritage building to allow viewing of heritage building (may be linked by covered way or similar structure).
- Align new building on the No.2 Park Avenue site to be parallel with Park Avenue street alignment and aligned with heritage listed old school building as shown on the Base Plan.
- Set back buildings from the western and eastern boundaries of the proposed park to provide a public footpath.
- Retain and upgrade existing public accessways between the Pacific Highway and Radford Place and the proposed park.
- Incorporate new internal pedestrian links within new buildings including at No.2 Park Avenue site between Park Avenue and the old school building and 818 Pacific Highway between the new park and Pacific Highway.
- Provide a setback from old school bulding so that the heritage item can be viewed "in the round".
- Retain and protect the old school building and upgrade the surrounding area to create an open setting with public access to all sides of the building. Retain, expand and integrate existing garden courtyard.

Key Community Infrastructure- Key Site G3 (continued)



wi Embellish the public domain and footpaths including underground power lines, new lighting, high quality paving and furniture.

vii) Construct a new urban park on Council owned land in Dumaresq Street.

tonstruct a multi-purpose community facility.

2D.2.3 Key Site G3: Civic Hub (continued)

2D.2.3C Base Design Controls

Building Setbacks

The following minimum setbacks are required as indicated on Key Site G3 Base Plan:

- A setback to Park Avenue (minimum 5m) so that the corner of the new building aligns with the corner of the heritage item at No.818 Pacific Highway (as shown on Key Site G3 Base Plan) applying to property No.2 Park Avenue. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 2 10m building separation to the old school building applying to property No.2 Park Avenue. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 3 3m setback from the rear of the Council chambers building to the proposed park boundary applying to property No.818 Pacific Highway. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 4 10m setback to Dumaresq Street applying to property Nos.9, 15 and 17 Dumaresq Street.
- 5 3m setback to Radford Place applying to property No.818 Pacific Highway. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 6 5m setback to the northern site boundary of No.818 Pacific Highway. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 7 A setback to the southern boundary (minimum 3m) of No.818 Pacific Highway to align new building with the Council chambers building. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 8 Refer to Key Site G3 Base Plan for all other building setback requirements.

Building Heights

- 9 Buildings to the rear and adjoining the Council Chambers building must not exceed seven storeys.
- 10 Buildings exceeding the height of the roof ridge are to be set back a minimum of 10m as shown on Section EE.

Vehicle Access

- 11 Provide vehicle access via Dumaresq Street, Radford Place and Park Avenue only.
- 12 Commercial and residential foyers and lobbies are to be located off Park Avenue, Radford Place, Dumaresq Street and off the new walkways adjoining the proposed park.

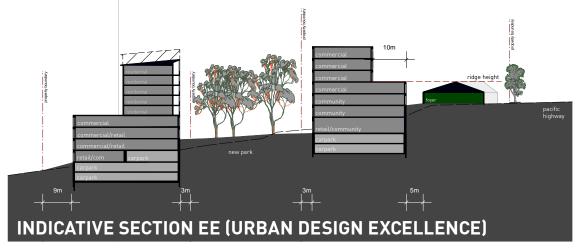




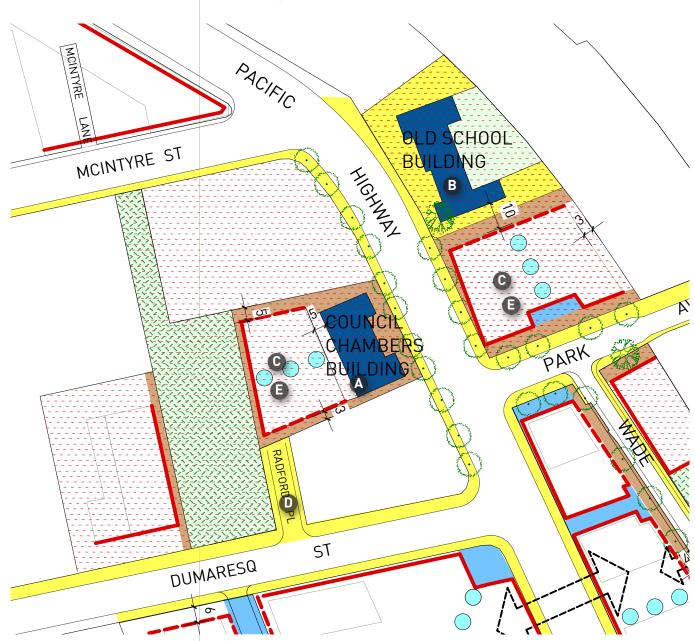
2D.2.3 Key Site G3: Civic Hub (continued)

Other Controls

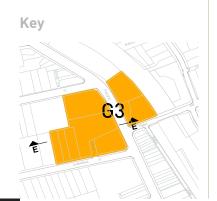
13 Refer to Parts 3 to 15 of this DCP for additional relevant controls.



2D.2.3 Key Site G3: Civic Hub (continued)



KEY SITE G3 INDICATIVE URBAN DESIGN EXCELLENCE PLAN



2D.2.3 Key Site G3: Civic Hub (continued)

Legend



new or upgraded public park proposed road closure



potential underground vehicular link land to be dedicated to council and form part of the public domain privately owned land publicly accessible and designed to be consistent with the public



public domain areas



other council owned and managed land

2D.2.3D Urban Design Excellence Principles

The Urban Design Excellence Principles are*:

- A Undertake restoration and conservation of the Council Chambers building at No.818 Pacific Highway in accordance with Council's conservation management plan.
- Undertake restoration and conservation of the Old Gordon school building at No.799 Pacific Highway in accordance with Council's conservation management plan.
- Provide a range of sustainability initiatives in new buildings including co-generation of power, water re-use, on-site sewage treatment, equivalent to a 6 star green building rating from the Green Building Council of Australia.
- Convert Radford Place to a shared way or pedestrian only lane, through site amalgamation and/or reorganisation of vehicle entry points on adjoining sites.
- Support the provision of increased community services and facilities within the "civic hub" area through the provision of subsidised (or alternative method) commercial office space.

The applicant should consider the principles when preparing an application to the UDEP. A development proposal will not be required to meet all the UDE principles however justification will be required against the principles selected.

Urban Design Excellence Principles are provided to quide the applicant as to the nature and range of urban design excellence determined by Council to be appropriate for this particular site. The solutions presented are intended to be indicative and are not intended to preclude alternative solutions.

Objectives

- 1 To establish a thriving, mixed use precinct with commercial, retail and residential uses.
- 2 To ensure commercial or retail uses do not compete with the viability of the retail core of Gordon.
- 3 To create a cohesive retail/ commercial character to the Pacific Highway.
- 4 To create a fine grained commercial/residential character along Fitzsimons Lane.
- 5 To provide residential apartments with high amenity.
- 6 To improve and enhance the public areas with new footpaths, street trees, landscaping and awnings.
- 7 To provide high quality buildings along the Pacific Highway.
- 8 To provide new pedestrian accessways between the Pacific Highway and Fitzsimmons Lane.

2D.2.4 Key Site G4: Mixed Use Area 2D.2.4A Planned Future Character

This Key Site will develop as a mixed use precinct to provide a strong support role to the retail core precincts of G1 and G2. Development in this area is also encouraged to enhance the northern entry to Gordon.

The Key Site will offer opportunities for a range of uses such as:

- Specialised retail formats with large floor plates such as bulky goods, car sales, bulk suppliers and the like;
- ii) Business and employment related uses;
- iii) Medical, recreational and other professional service industries; and
- iv) Residential apartments in mixed use buildings.

In addition small retail facilities will be encouraged such as cafes or corner stores where they meet the needs of employees and residents in the precinct and do not compete with retail outlets in the core areas of G1 and G2.

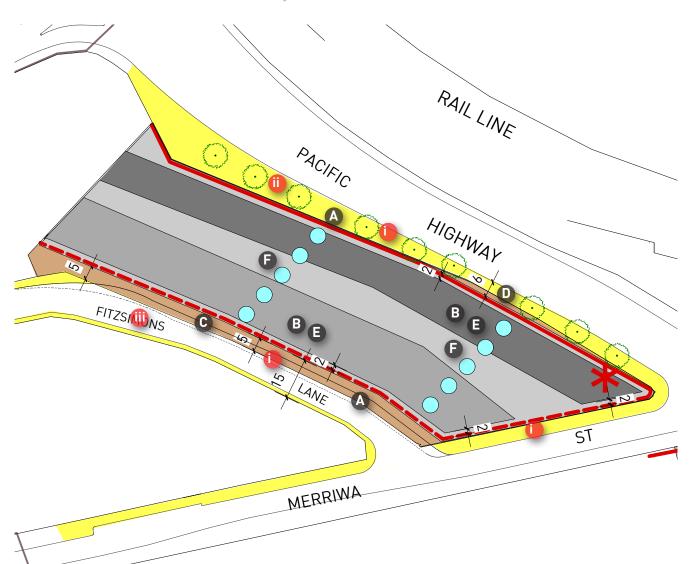
This precinct will provide an urban edge to define both the Pacific Highway and Fitzsimons Lane with a strong built form emphasis at the intersection of Merriwa Street. The highway frontage is encouraged to retain a commercial focus with residential dwellings located away from noise impacts of the highway whilst taking advantage of views to the west.







2D.2.4 Key Site G4: Mixed Use Area (continued)



KEY SITE G4 INDICATIVE BASE PLAN



Key



Key Community Infrastructure- Key Site G4

 $\label{thm:community Infrastructure to be provided by Council and funded through the Ku-ring-gai Contributions \\ Plan 2010 or by Voluntary Planning Agreement (VPA):$

- Embellishment of the footpath areas throughout the area including underground power lines, new lighting, high quality paving and furniture and street tree planting.
- ii New bus stop on the highway servicing the strategic bus corridor link to Macquarie Centre.
- Reconstruction of Fitzsimmons Lane to be a 15 metre wide right-of-way with footpaths both sides and on-street parking.

2D.2.4 Key Site G4: Mixed Use Area (continued)

Legend



other council owned and managed land

2D.2.4B Base Design Principles

The Base Design Principles are to:

- A Provide active street frontage along the Pacific Highway, and to Fitzsimons Lane and Merriwa Street wherever possible.
- B Locate lower buildings with a consistent street wall of 3 storeys fronting the Pacific Highway and taller buildings to the rear of the site with a 2 storey street wall height.
- Set back buildings along Fitzsimons Lane to allow for widening of road with footpaths on both sides.
- Set backs along the Pacific Highway frontage to provide a broad footpath area with landscaped verge and street trees.
- Provide a commercial focus to the highway frontage and a small scale business and residential focus along the rear lane away from the highway.
- Provide internal pedestrian arcades linking the Pacific Highway with Fitzsimons Lane.

2D.2.4 Key Site G4: Mixed Use Area (continued)

2D.2.4C Base Design Controls

Building Setbacks

The following minimum setbacks are required as indicated on Key Site G4 Base Plan:

- 5m setback to Fitzsimons Lane applying to the properties Nos. 880,899,900 and 904-914 Pacific Highway, land is to be dedicated to Council at no cost. FSR is transferable from the setback area.
- 2 6m setback from kerb of Pacific Highway, land is to be dedicated to Council at no cost. FSR is transferable from the setback area.
- 2m setback to all levels above the street wall height along the frontages of the Pacific Highway, Merriwa Street and Fitzsimons Lane.
- 4 Refer to Key Site G4 Base Plan for all other setback requirements.

Access

- 5 All vehicle service and loading access is to be from Fitzsimons Lane or Merriwa Street.
- 6 Access from the Pacific Highway is permissible (subject to RTA approval).
- 7 Residential and commercial lobbies are to be located on Fitzsimons Lane and the Pacific Highway.

Other Controls

• Refer to Parts 3 to 15 of this DCP for additional relevant controls.

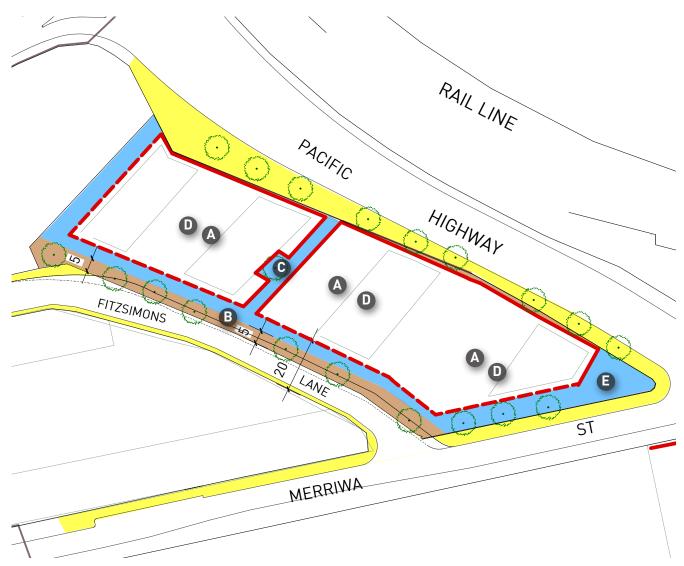
Key



2D.2.4 Key Site G4: Mixed Use Area (continued)



2D.2.4 Key Site G4: Mixed Use Area (continued)



KEY SITE G4 INDICATIVE URBAN DESIGN EXCELLENCE PLAN



Key



2D.2.4 Key Site G4: Mixed Use Area (continued)

Legend



principal active street frontage supporting active street frontage land to be dedicated to council and form part of the public domain privately owned land publicly accessible and designed to be consistent with the public domain areas



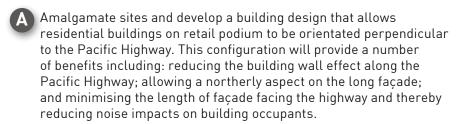
public domain areas



other council owned and managed land

2D.2.4D Urban Design Excellence Principles

The Urban Design Excellence Principles are*:



- **B** Additional setbacks along Fitzsimons Lane for landscaped gardens.
- C Pedestrian access way from the Pacific Highway to Fitzsimons Lane. Access way to be open to the sky and accessible 24 hours a day with active frontages where possible. The access way may be around 5 metres wide with landscaping, trees, steps and terraces. An example of the character is the existing access way along the northern side of Council Chambers at No. 818 Pacific Highway.
- Internal commercial atrium spaces or podium gardens for amenity of building occupants.
- E Landscaped setback to Merriwa Street and at the intersection with Pacific Highway for landscaped gardens.

The applicant should consider the principles when preparing an application to the UDEP. A development proposal will not be required to meet all the UDE principles however justification will be required against the principles selected.

Urban Design Excellence Principles are provided to guide the applicant as to the nature and range of urban design excellence determined by Council to be appropriate for this particular site. The solutions presented are intended to be indicative and are not intended to preclude alternative solutions.

INDFIELD TOWN CENTRE

2E.1 Lindfield Town Centre Urban Structure

2E.2 Key Site Objectives, Principles and Controls

- 2E.2.1 Key Site L1: Balfour Street Retail Area
- 2E.2.2 Key Site L2: Pacific Highway Retail Area
- 2E.2.3 Key Site L3: Tryon Place Mixed Use Area
- 2E.2.4 Key Site L4: Tryon Road and Lindfield Avenue Retail Area

2E.1 LINDFIELD TOWN CENTRE URBAN STRUCTURE

Proposed Urban Structure for Lindfield

Lindfield town centre will be a high density mixed use centre extending along the Pacific Highway and Lindfield Avenue. Strong incentive has been given for redevelopment of the Key Sites to allow provision of contemporary supermarkets and addressing the undersupply of retail in the centre.

No extension of the retail zone is proposed however the density provisions in the KLEP 2010 will allow an increase in commercial floor space of about 35% in Lindfield. This increase will largely cater for increases in the size of supermarkets and associated specialty retail as well as allowing the shops on the highway to face the rear lanes to create quieter retail precincts.

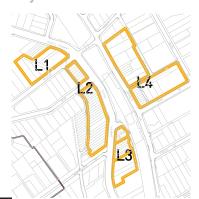
The urban structure of Lindfield in the future will be defined by the two retail hubs on the east and west sides of the centre. Each side will be strengthened and revitalised by allowing additional retail, offices and new shop top housing. Lindfield Avenue's role as the "main street" will be enhanced to offer distinctive local shopping experience. Woodford Lane will become activated with shops and businesses overlooking a park.

The maximum building height proposed is seven storeys; the tallest buildings are located on sites that are centrally located and strategically important to revitalising the centre. Building heights in the centre will be generally between five and six storeys; development along the Pacific Highway will have heights between three and seven storeys.

The future urban structure of Lindfield centre is illustrated on the Lindfield Town Centre Structure Plan and in summary comprises the following elements:

- An expanded shopping centre on the corner of Balfour Street and the Pacific Highway anchored by a new and larger supermarket with supporting speciality retail and shop top housing. Refer to Key Site L1 for more details.
- An improved retail centre on Lindfield Avenue with a larger supermarket and speciality retail, offices, as well as shop top housing. Refer to Key Site L4 for more details.
- A large town square located on the Council car park at Kochia Lane with leisure-based retail uses adjoining such as cafes and restaurants to provide a major community focus. Refer to Key Site L2 and L4 for more details.
- A new Council owned library building and a new multi-purpose community building located on the eastern and western sides of the centre respectively. Refer to the KPDP 2010 for more details.
- Protection of the heritage listed shops at 1-21 Lindfield Avenue with new low scale shops at the rear of the buildings to take advantage of the future park-side location. Refer to Key Site L4 for more details.
- Expanded and improved main street strip shops along the Pacific Highway with new specialty shops, offices and residential apartments.

Kev



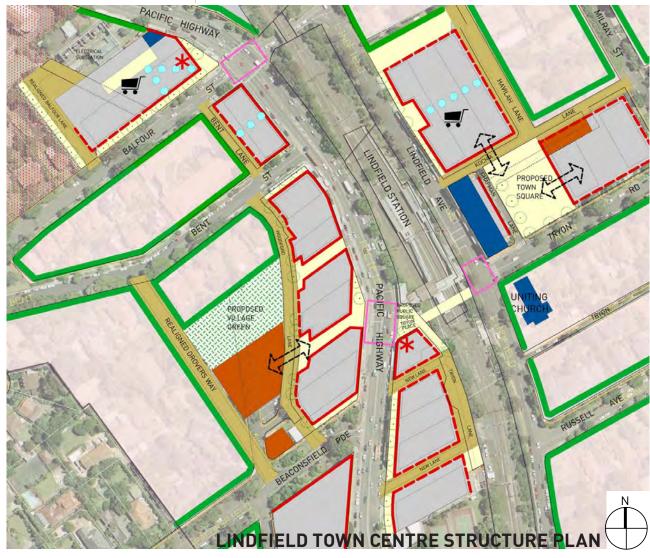
2E.1 LINDFIELD TOWN CENTRE URBAN STRUCTURE (continued)

Legend

principal active street frontage supporting active street frontage medium and high density residential zone landscaped frontage in residential zones only community buildings (proposed) character buildings (existing) heritage conservation area proposed pedestrian areas mixed use zone proposed bus stop proposed road closure new or improved street heritage item proposed public parking at grade supermarket landmark building element street tree planting signalised intersection with pedestrian crossing internal pedestrian link potential underground vehicular link major view

Shops will be encouraged to address Woodford Lane as well as the highway. Refer to Key Site L2 for more details.

- A new urban square at the western rail station entry (which will involve the closure of Tryon Place and part of Tryon lane) with an alternative lane access provided as part of future redevelopment of adjoining sites. Refer to Key Site L3 and the KPDP 2010 for more details.
- A new "Village Green" on Woodford Lane behind the shops providing a local park function and improving the amenity and character of the area. Refer to Key Site L2 and the KPDP 2010 for more details.



2E.2 KEY SITE OBJECTIVES, PRINCIPLES AND CONTROLS

Key Site L1: Balfour Street Retail Area

Key Site L1 is located at the northern end of the Lindfield Centre on the intersection of the Pacific Highway and Balfour Street. The Key Site is highly visible from all approaches and includes a heritage item representing an example of an Inter War "Old English" style commercial building.

This Key Site is located to the south of an electrical substation which Energy Australia (EA) has indicated will be retained and upgraded. It also adjoins single dwellings to the west which are within Heritage Conservation Area.

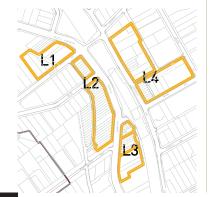
Key Site L2: Pacific Highway Retail Area

Key Site L2 forms the "main street" shopping precinct on western side of Lindfield Centre. This Key Site incorporates small shops and businesses fronting the Pacific Highway which are serviced via Woodford and Bent lanes to the rear of the properties. The highway shops are anchored by a supermarket at Balfour Street and the train station which will ensure the viability of the precinct.

Key Site L3: Tryon Place Mixed Use Area

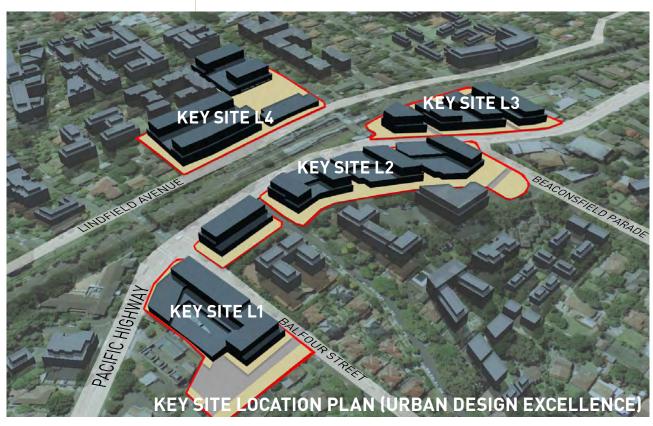
Key Site L3 is located between the Pacific Highway and the railway corridor directly adjoining the entry forecourt of the Lindfield train station at Tryon Place. Currently the precinct is somewhat isolated from other parts of the centre by the highway and rail line.





Key Site L4: Tryon Road and Lindfield Avenue Retail Area

Key Site L4 is the retail core for the eastern side of Lindfield Centre on Lindfield Avenue in close proximity to the railway station. The area contains a Council car park on Tryon Road; and contains a distinctive heritage building fronting Lindfield Avenue. Lindfield Avenue forms the "main street" shopping precinct for the eastern side of Lindfield.



Objectives

- 1 To create a consolidated site allowing for a contemporary supermarket and associated specialty retail.
- 2 To create a coherent street character on the Pacific Highway retail strip by providing consistent building forms that complement the traditional 'main street' facades.
- 3 To enhance the built edge urban quality of Balfour Street frontage.
- 4 To reinforce the corner of the Pacific Highway and Balfour Street with a distinctive corner building.
- 5 To conserve the heritage significance of 386-390 Pacific Highway while allowing for its integration and re-use into a new urban context.
- 6 To provide an adequate separation and visual buffer between future shoptop housing and the EA substation to the north.
- 7 To provide an appropriate transition to the adjoining residential properties to the west.
- 8 To maintain and improve vehicle and pedestrian access to the EA substation and school.

Key



2E.2.1 Key Site L1: Balfour Street Retail Area

2E.2.1A Planned Future Character

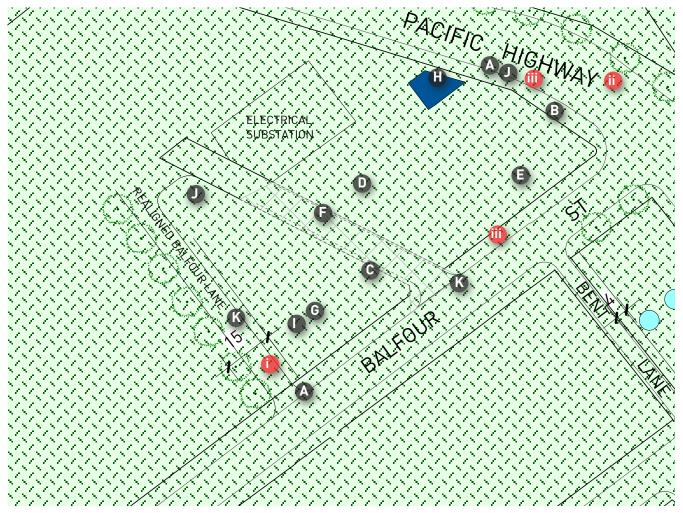
This Key Site will become a major retail hub anchoring the western side of Lindfield Centre. Retail will form active edges to the Pacific Highway and Balfour Street. Closure and realignment of Balfour Lane will facilitate the incorporation of a larger contemporary supermarket and additional specialty retail. Future development will maintain a sympathetic context for the heritage item at 386-390 Pacific Highway which has a potential for adaptive re-use.

Consistent street walls of 2 to 3 storeys will be created along the Pacific Highway and Balfour Street frontages, thus creating a coherent street character and enhancing the built edge urban quality.

The Key Site offers a significant opportunity for shop-top housing and the apartments will be positioned along Balfour Street to achieve good solar access and amenity for residents. The built form will reduce in height towards the western boundary providing a transition to the adjoining single houses. The provision of screen planting will also assist in providing a visual buffer between properties.



2E.2.1 Key Site L1: Balfour Street Retail Area (continued)



KEY SITE L1 INDICATIVE BASE PLAN



Kev



2E.2.1 Key Site L1: Balfour Street Retail Area (continued)

Legend



2E.2.1B Base Design Principles

The Base Design Principles are to:

- A Provide active street frontages to the Pacific Highway and Balfour Street.
- B Set back the building from the Pacific Highway as an entry forecourt to the building.
- Orient residential buildings on the retail podium so that they maximise the distance from the substation and maximise the northern aspect.
- Provide roof gardens on the podium for screening the neighbouring substation and roof top building services from the residential apartments.
- Design a corner building with distinct articulation that defines the intersection of the Pacific Highway and Balfour Street.
- Relocate Balfour Lane to create a development site for a large retail floor plate (Council to undertake road closure of Balfour Lane).
- Reduce building height and increase setback on the western side of the site to minimise impact of building upon neighbours to the west. Refer to Section AA.
- Integrate the heritage item and adapt for re-use (refer to specific heritage controls in *Part 2E.2.1D of this DCP*).
- Provide a well-articulated building facades with active street frontages to the south-west corner at the intersection of Balfour Street and the new Balfour Lane.
- Create a consistent street wall of 3 storeys along the Pacific Highway frontage. All levels above the street wall height are to have a setback. Refer to Section AA
- Establish a consistent street wall of 2 storeys with an upper level setback along Balfour Street to enhance the built edge urban quality. Refer to Section BB.

Key Community Infrastructure- Key Site L1

Key Community Infrastructure to be provided by Council and funded through the Ku-ring-gai Contributions Plan 2010 or by Voluntary Planning Agreement (VPA) is:



Extend right turn bay on Pacific Highway and Balfour Street/Havilah Rd intersection.

Embellishment of the public domain areas and footpaths including underground power lines, new lighting, high quality paving and furniture.

2E.2.1 Key Site L1: Balfour Street Retail Area (continued)



Figure 2E.2.1-1:
Aerial Image showing extent of item required to be conserved (dotted line). (www.rpdata.com.au) NB. Distances shown are approximate only.



Figure 2E.2.1-2:
Side elevation of the heritage item. Any link between the front portion of the building which is to be conserved (left) and a new structure to the rear should be separated by a link of similar scale and recessed aligned to that indicated by the arrow.

2E.2.1C Base Design Controls

Building Setbacks

The following minimum setbacks are required as indicated on Key Site L1 Base Plan:

- 1 15m setback from the western boundary of property No.1 Balfour Street. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 2 10m setback from the eastern corner of the properties Nos.376-394 Pacific Highway as shown on Key Site L1 Base Plan. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 2m setback to all levels above the street wall height to the Pacific Highway and Balfour Street.
- 4 4m setback to all levels above the street wall height along the new Balfour Lane frontage. Refer to Section AA.
- 5 Refer to Key Site L1 Base Plan for all outer building setback requirements.

Building Heights

The maximum building height on the western edge of the development (adjacent to new Balfour Lane) is to be 4 storeys with a 2 storey street wall height limit. Refer to Section AA.

Access

- 7 Provide vehicle entries via realigned Balfour Lane. Direct access from the Pacific Highway and Balfour Street is not permissible.
- 8 Provide residential entry foyers and lobbies off Balfour Street.





2E.2.1 Key Site L1: Balfour Street Retail Area (continued)

Heritage

Development adjoining the existing heritage item at 386-390 Pacific Highway must comply with the following controls:

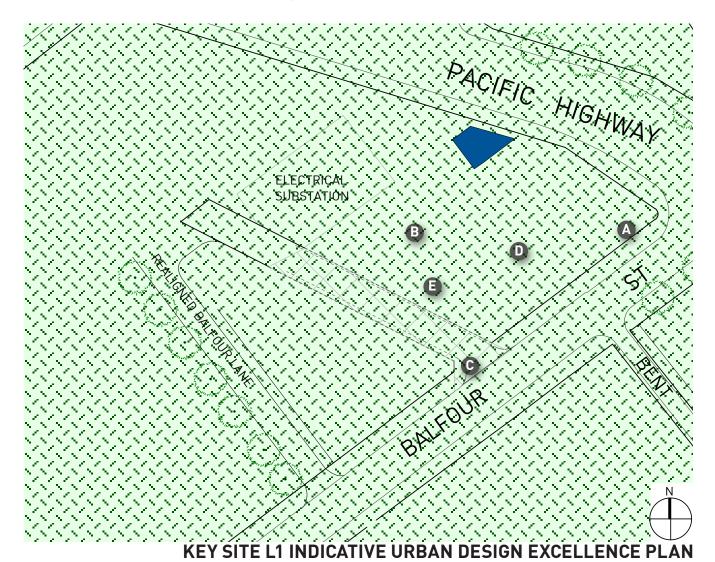
- Retain and conserve the front portion of the building from the alignment of the facade to the beginning of the recessed link section (the roof form of the front portion of the building should remain apparent from the Pacific Highway).
- 10 The front portion of the building is to be integrated with new additions to the rear via a link that does not exceed the height of the eaves at the rear of the front portion of the building, and is to be recessed from the alignment of the northern wall.
- 11 The form, detailing material and proportion of any additions to the item are to be sympathetic to the heritage item and yet identifiable as new work.
- 12 Any additions to the item must allow for conservation works to the façade; any intact internal spaces; to the shop fronts; and to the front portion of the roof. The significance of any interiors in the front portion of the building should be assessed in any scheme prior to approval being given for alterations.
- 13 New development to the south of the heritage item must be sympathetic in scale, massing and alignment to the heritage item. The maximum building height for buildings adjoining the item is 3 storeys.
- 14 Establish a 3 storey street wall along the Pacific Highway to integrate into the existing streetscape through appropriate facade treatment. Refer to Section AA.

Other Controls

15 Refer to Parts 3 to 15 of this DCP for additional relevant controls.



2E.2.1 Key Site L1: Balfour Street Retail Area (continued)



Kev



2E.2.1 Key Site L1: Balfour Street Retail Area (continued)

Legend



form part of the public domain privately owned land publicly accessible and designed to be consistent with the public domain areas

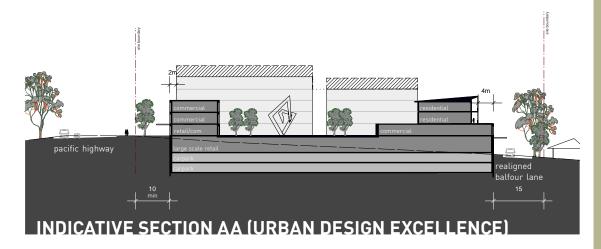


other council owned and managed land

2E.2.1D Urban Design Excellence Principles

The Urban Design Excellence Principles are to*:

- A Create a significant entry plaza and public address to the building at the intersection of the Pacific Highway and Balfour Street.
- Provide a retail courtyard at street level which is associated with the heritage item. The space is to be landscaped with trees, open to the sky and provide outdoor seating.
- Provide generous building setback along Balfour Street to facilitate footpath level changes, wider footpaths and street tree planting (a setback in the order of 2m is considered optimal).
- Provide pedestrian arcade linking entry plaza to the retail courtyard and Balfour Street.
- Sustainability initiatives including co-generation of power, water re-use, on-site sewage treatment, equivalent to a 6 star green building rating from the Green Building Council of Australia.



Urban Design Excellence Principles are provided to guide the applicant as to the nature and range of urban design excellence determined by Council to be appropriate for this particular site. The solutions presented are intended to be indicative and are not intended to preclude alternative solutions.

The applicant should consider the principles when preparing an application to the UDEP. A development proposal will not be required to meet all the UDE principles however justification will be required against the principles selected.

Objectives

- 1 To reinforce the main street role of the shops on the Pacific Highway.
- 2 To create a coherent street character on the Pacific Highway retail strip by providing consistent building forms that complement the traditional 'main street' facades.
- 3 To provide shop-top housing with high residential amenity that responds to the noise source from the Pacific Highway.
- 4 To provide high quality pedestrian environment with increased connectivity and permeability and improved public domain areas.
- 5 To encourage restaurants, cafes and outdoor dining and offices fronting the rear lanes to contribute to the vibrant activity and safety of the centre.
- 6 To improve vehicle access and service access in and around the area.

2E.2.2 Key Site L2: Pacific Highway Retail Area

2E.2.2A Planned Future Character

The main street role of this Key Site will be reinforced. The shops are encouraged to provide dual frontage with an urban retail edge addressing the rear lanes as well as the Pacific Highway. This will activate Bent and Woodford Lanes, both of which are proposed to be upgraded with new footpaths and street trees. The redevelopment of retail shops will provide basement car parking to supplement or replace Council parking.

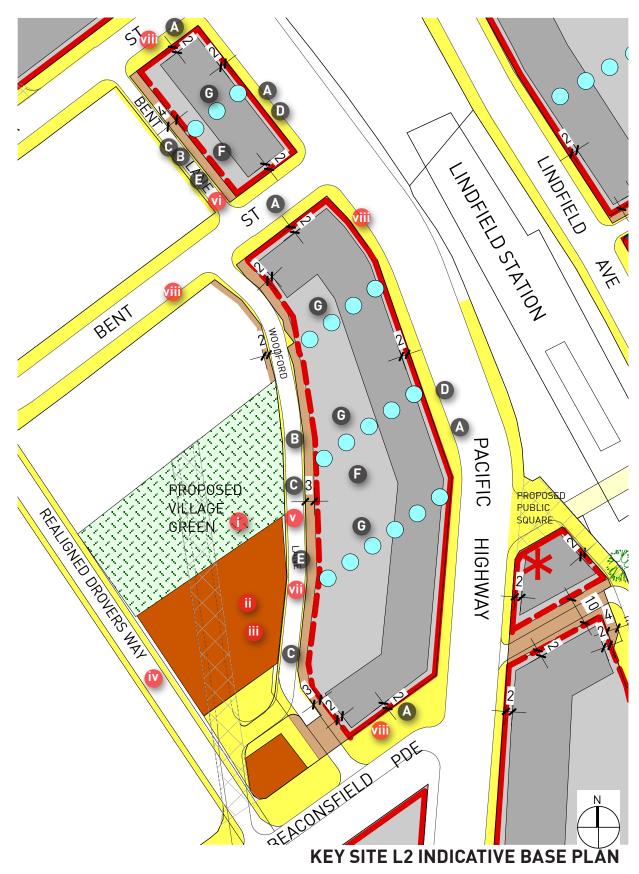
A consistent street wall of 3 storeys will be established along the Pacific Highway retail strip to complement the existing traditional 'main street' facades, thus creating a coherent street character and enhancing the built edge urban quality.

Drovers Way will be realigned to facilitate the provision of a new village green and multi-purpose community facility on Council's car park off Woodford Lane. This will further improve the area behind the shops providing a community focal point with recreational activities and community facilities.





2E.2.2 Key Site L2: Pacific Highway Retail Area (continued)



Legend



2E.2 KEY AREA OBJECTIVES, PRINCIPLES AND CONTROLS (continued)

2E.2.2 Key Site L2: Pacific Highway Retail Area (continued)

2E.2.2B Base Design Principles

The Base Design Principles are to:

- A Provide active retail frontages that are built to the street alignments of the Pacific Highway, Balfour Street, Bent Street and Beaconsfield Parade.
- Provide active street frontages along Bent Lane and Woodford Lane wherever possible (acknowledging that the lanes will remain the service access).
- Set back buildings along Bent Lane and Woodford Lane to allow for road widening and new footpaths. Refer to Sections CC and DD.
- Create a consistent street wall of 3 storeys that is built to the street alignment of the Pacific Highway to complement the traditional 'main street' facades. All levels above the street wall height are to have a setback, Refer to Sections CC and DD.
- Establish a 2 storey street wall with upper level setback to enhance the built edge urban quality along Woodford Lane and Bent Lane.
- Establish private garden courtyards on the podium for residential amenity.
- **G** Provide new pedestrian arcades (internal) through the buildings linking rear lanes with the Pacific Highway.

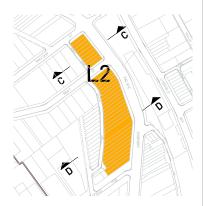
Key Community Infrastructure- Key Site L2

Key Community Infrastructure to be provided by Council and funded through the Ku-ring-gai Contributions Plan 2010 or by Voluntary Planning Agreement (VPA) is:

- A new local park on Council owned land between Woodford Lane and Drovers Way of about 3,000sqm in size.
- A multi-purpose community building including full internal fit out.
- Car Parking for community facilities and new park in basement parking.
- Construction of a new 12 metre wide two-way street (realigned Drovers Way) between Beaconsfield Parade and Bent Street including on-street parking.
- A new kiss-and-ride zone and taxi ranks on Woodford Lane.
- Upgrade and widening of Bent Lane including new footpaths (additional land dedicated to Council as part of redevelopment of adjoining sites).
- Upgrade and widening of Woodford Lane including new footpaths (additional land dedicated to Council as part of redevelopment of adjoining sites).
- Embellishment of the public domain including underground power lines, new lighting, high quality paving, and furniture.



Key Map



2E.2 KEY AREA OBJECTIVES, PRINCIPLES AND CONTROLS (continued)

2E.2.2 Key Site L2: Pacific Highway Retail Area (continued)

2E.2.2C Base Design Controls

Building Setbacks

The following minimum setbacks are required as indicated on Key Site L2 Base Plan:

- 3m setback to Woodford Lane applying to the properties Nos.302-356 Pacific Highway as shown on Key Site L2 Base Plan. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 4m setback to Bent Lane applying to the properties Nos.358-374 Pacific Highway. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 3 2m setback to all levels above the street wall height along all street frontages.
- 2m setback to Woodford Lane applying to No.2 Bent Street. FSR is transferable from setback area and land is to be dedicated to Council at no cost
- 5 Refer to Key Site L2 Base Plan for all other building setback requirements.

Access

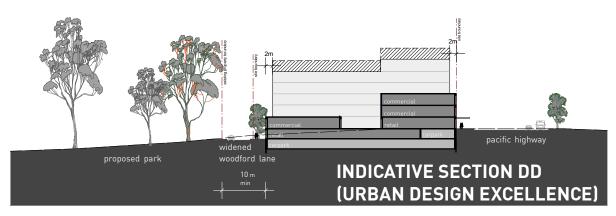
- 6 Vehicle and service access must be via Woodford Lane and Bent Lane. No access is to be provided from the Pacific Highway.
- Residential foyers and lobbies are to be located off Woodford Lane, Bent Lane, Beaconsfield Avenue, Bent Street or the Pacific Highway.

Other Controls

8 Refer to Parts 3 to 15 of this DCP for additional relevant controls.

2E.2.2 Key Site L2: Pacific Highway Retail Area (continued)





2E.2.2 Key Site L2: Pacific Highway Retail Area (continued)



2E.2.2 Key Site L2: Pacific Highway Retail Area (continued)

2E.2.2D Urban Design Excellence Principles

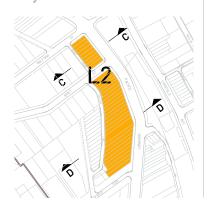
The Urban Design Excellence Principles are to*:

- A Create a new public plaza located adjoining the pedestrian crossing on the Pacific Highway (opposite the train station entry).
- Provide building setbacks on Bent Street and Beaconsfield Parade to provide small public spaces for retail activity and street tree planting, and to provide enhanced pedestrian amenity.
- Amalgamate sites and develop a building design that provides pedestrian lane ways through the buildings. The lane ways are open to the sky and improve the permeability of the retail core (a width of 5 metres is considered optimal).
- Provide new courtyards on the Woodford Lane end of the pedestrian lane ways to create locations for retail activity and to facilitate creation of residential entry/address to the rear laneway.
- Amalgamate sites and develop a building design that allows residential buildings on commercial podium to be orientated perpendicular to the Pacific Highway (parallel to lot boundaries). This configuration will provide a number of benefits including: reducing the building wall effect along the Pacific Highway; allowing a northerly aspect on the long façade; and minimising the length of façade facing the highway and thereby reducing noise impacts on residents (Refer to Section DD).
- Amalgamate sites so that the number of vehicle access points off Woodford Lane and Bent Lane are minimised and active frontage to lane is maximised.
- **G** Provide underground connections between basement parking areas on public and private lands.

Legend



Key



* Urban Design Excellence Principles are provided to guide the applicant as to the nature and range of urban design excellence determined by Council to be appropriate for this particular site. The solutions presented are intended to be indicative and are not intended to preclude alternative solutions.

The applicant should consider the principles when preparing an application to the UDEP. A development proposal will not be required to meet all the UDE principles however justification will be required against the principles selected.

Objectives

- 1 To create a coherent street character on the Pacific Highway retail strip by providing consistent building forms that complements the traditional 'main street' facade.
- 2 To reinforce the corner of the Pacific Highway and Tryon Place with a distinctive built form.
- 3 To provide shop-top housing that responds to the noise source from the Pacific Highway and railway.
- 4 To improve pedestrian accessibility, amenity and permeability.
- 5 To create a new public urban space at Tryon Place as a forecourt to Lindfield station.

2E.2.3 Key Site L3: Tryon Place Mixed Use Area

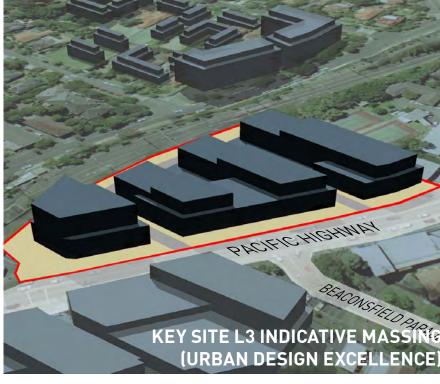
2E.2.3A Planned Future Character

This Key Site will become a mixed use precinct with retail and commercial uses on the lower floors and residential apartments on the upper floors. A high quality landmark building will define the corner of Tryon Place and the Pacific Highway. The Key Site has a high visual prominence from the rail and road and is in an important location adjoining the rail station.

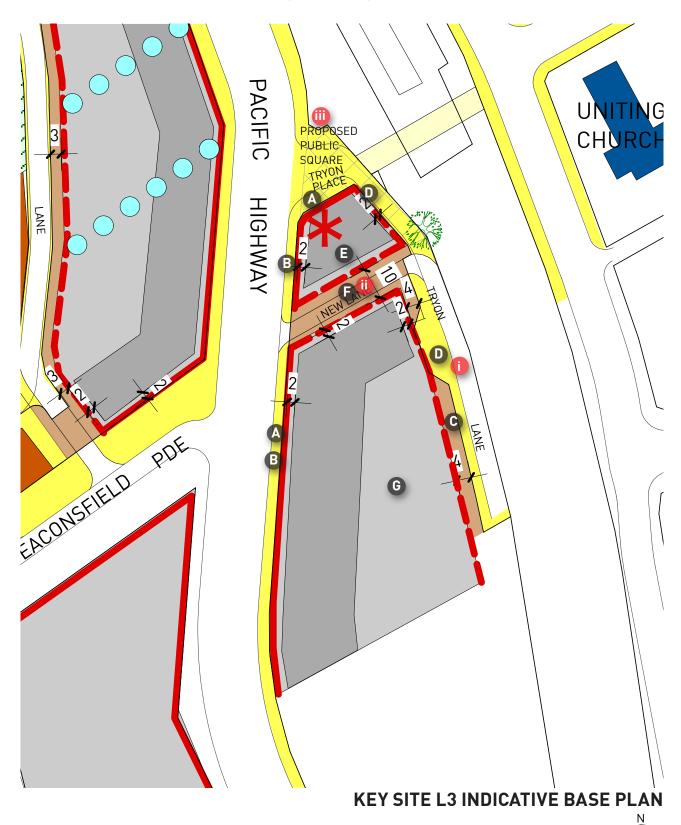
A consistent street wall of 3 storeys will be established along the Pacific Highway within the retail/commercial precinct to complement the existing traditional 'main street' facades, thus creating a coherent street character and enhancing the built edge urban quality.

A new network of lanes will be created through the redevelopment process. The lanes will provide improved vehicle and service access to the area. Tryon Place will be closed to traffic (upon the completion of the new lane system) and will become a vibrant and highly visible pedestrian square for community activities such as markets.





2E.2.3 Key Site L3: Tryon Place Mixed Use Area (continued)



2E.2.3 Key Site L3: Tryon Place Mixed Use Area (continued)

2E.2.3B Base Design Principles

The Base Design Principles are to:

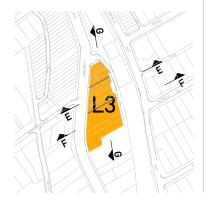
- A Provide active street frontages to the Pacific Highway and Tryon Place, and along Tryon Lane and the new lane wherever possible.
- B Create a consistent street wall of 3 storeys that is built parallel to the street alignment of the Pacific Highway to complement the traditional 'main street' facades. All levels above the street wall height are to have a setback. Refer to Sections FF and GG.
- Establish a consistent 2 storey street wall with an upper level setback to enhance the built edge urban quality along Tryon Lane. Refer to Sections FF and GG.
- Provide setbacks to Tryon Lane to allow upgrade of laneway with on-street parking and footpaths.
- Locate the tallest building element within the precinct with distinctive corner treatment on the intersection of the Pacific Highway and Tryon Place. Refer to Section EE
- Set back buildings to create a 10 metre wide right-of-way connecting Tryon Lane with the Pacific Highway.
- **G** Provide private garden courtyards on the podium for residential amenity.

Legend



other council owned and managed land

Key



Key Community Infrastructure- Key Site L3

Key Community Infrastructure to be provided by Council and funded through the Ku-ring-gai Contributions Plan 2010 or by Voluntary Planning Agreement (VPA) is:

- Tryon Lane is retained and improved with new footpaths and car parking.
- Construction of new two way lane between Pacific Highway and Tryon Lane (land dedicated to Council as part of site redevelopment) with footpaths.
- A new town square at Tryon Place including: the closure of Tryon Place to vehicle traffic (emergency vehicles excepted); installation of high quality paving, furniture and new tree planting; and disabled parking for the rail station.

2E.2.3 Key Site L3: Tryon Place Mixed Use Area (continued)

2E.2.3C Base Design Controls

Building Setbacks

The following minimum setbacks are required as indicated on Key Site L3 Base Plan:

- 1 10m setback from the southern boundary of No.321 Pacific Highway applying to the properties 321-329 Pacific Highway and 1-5 Tryon Place. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 2 Variable rear setback to Tryon Lane applying to the properties 283-321 Pacific Highway and 1-5 Tryon Place to achieve a minimum 15 metre right-of-way, as shown on the Key Site L3 Base Plan. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 2m setback to all levels above the street wall height along all street frontages except for the frontage to Tryon Place.
- 4 Refer to Key Site L3 Base Plan for other building setback requirements.

Access

- Vehicle and service access is to be via Tryon Lane and the new lane.

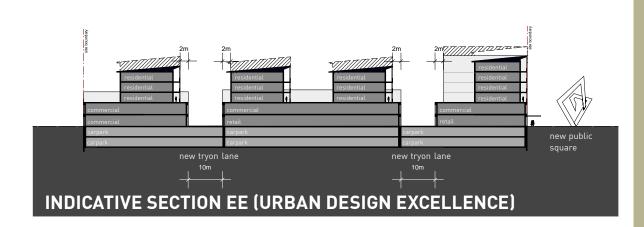
 Direct access from the Pacific Highway is not permissible.
- 6 Residential lobbies and foyers are to be located off Tryon Place or the Pacific Highway.

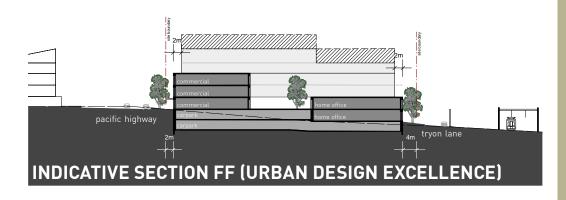
Other Controls

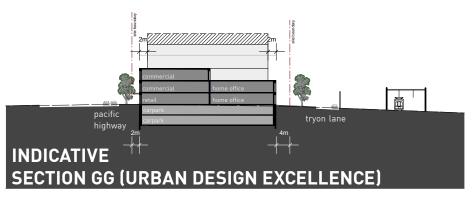
7 Refer to Parts 3 to 15 of this DCP for additional relevant controls.



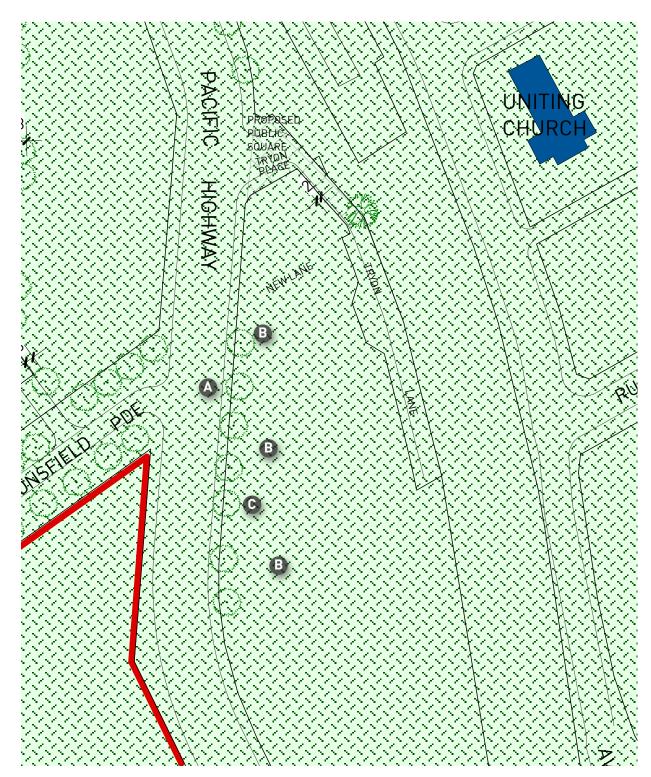
2E.2.3 Key Site L3: Tryon Place Mixed Use Area (continued)







2E.2.3 Key Site L3: Tryon Place Mixed Use Area (continued)



KEY SITE L3 INDICATIVE URBAN DESIGN EXCELLENCE PLAN



2E.2.3 Key Site L3: Tryon Place Mixed Use Area (continued)

2E.2.3D Urban Design Excellence Principles

The Urban Design Excellence Principles are to*:

- A Provide site amalgamation that allows consistent building setbacks along the Pacific Highway frontage to provide wider footpaths and street tree planting. Refer to Sections EE and FF.
- Amalgamate sites to allow a building design with residential buildings on commercial podium orientated perpendicular to the Pacific Highway. This configuration will provide a number of benefits including: reducing the building wall effect along the Pacific Highway; allowing a northerly aspect on the long façade; and minimising the length of façade facing the highway and thereby reducing noise impacts on residents (refer to Section EE, FF, GG, and indicative massing.
- Amalgamate sites and set back buildings to provide an extension to Tryon Lane at the southern end of the Key Site. The new lane will provide a one way lane exiting and entering the Pacific Highway (left turn only). All new and existing lanes to provide on street parking, and footpaths on both sides of the carriage way;

Legend



existing significant tree

Key



 Urban Design Excellence Principles are provided to guide the applicant as to the nature and range of urban design excellence determined by Council to be appropriate for this particular site. The solutions presented are intended to be indicative and are not intended to preclude alternative solutions.

The applicant should consider the principles when preparing an application to the UDEP. A development proposal will not be required to meet all the UDE principles however justification will be required against the principles selected.

Objectives

- 1 To create a mixed use precinct centred around a new town square.
- 2 To provide a new Council owned public library that has a frontage to the town square.
- 3 To create a coherent street character on the Lindfield Avenue retail strip by providing consistent building forms that complement the traditional 'main street' facades.
- 4 To minimise overshadowing impact of new development on the surrounding residential properties and new town square.
- 5 To encourage restaurants, cafes and outdoor dining along all street frontages to the town square.
- 6 Conserve the heritage item at 1-21 Lindfield Avenue while allowing for future adaptive re-use in a new urban context.
- 7 To improve pedestrian accessibility, amenity and safety of the precinct.

2E.2 KEY AREA OBJECTIVES, PRINCIPLES AND CONTROLS (continued)

2E.2.4 Key Site L4: Tryon Road and Lindfield Avenue Retail Area

2E.2.4A Planned Future Character

This Key Site will have a strong community focus with a new town square and public library. The new library will be located adjacent to the new town square with direct ground level access. Public parking will be provided in a basement under the town square and will accommodate both existing and future parking requirements.

The heritage listed shops at 1-21 Lindfield Avenue will be protected as an example of an Inter War Mediterranean style commercial building. Sensitive redevelopment at the rear of the existing heritage buildings will replace the existing unsightly garages and alterations with new retail shops (eg. cafes and restaurants) along the Chapman Lane and will contribute to the success of the vibrant town square precinct.





Artists impression of Lindfield Town Square

2E.2.4 Key Site L4: Tryon Road and Lindfield Avenue Retail Area (continued)

To the north of the new town square at Tryon Road there will be new mixed use developments that will provide active frontages to both Kochia Lane and Lindfield Avenue. A new supermarket and associated specialty stores will create a quality shopping destination. Shop-top housing will also be provided within this Key Site adding to its vibrancy. New pedestrian connections will be provided between the Lindfield Avenue and Havilah Lane.

A consistent street wall of 3 storeys will be established along the Lindfield Avenue retail strip thus creating a coherent street character and enhancing the built edge urban quality.



2E.2.4 Key Site L4: Tryon Road and Lindfield Avenue Retail Area (continued) MILARY S F HAVILLAH LANE I MOFIELD STATION B PROPOSED ŔD TOWN K SQUARE D TRYON **PACIFIC** CHURC PROPOSED PUBLIC **KEY SITE L4 INDICATIVE BASE PLAN**

Legend



2E.2 KEY AREA OBJECTIVES, PRINCIPLES AND CONTROLS (continued)

2E.2.4 Key Site L4: Tryon Road and Lindfield Avenue Retail Area (continued)

2E.2.4B Base Design Principles

The Base Design Principles are to:

- A Provide active street frontages to Kochia Lane and Lindfield Avenue and to the town square.
- **B** Locate and design buildings to retain adequate solar access to the new town square area.
- Establish a consistent 3 storey street wall that is built parallel to the street alignment of Lindfield Avenue to complement the traditional 'main street' facades. All levels above the street wall height are to have a setback.
- Enhance the existing heritage building with new retail frontage (eg. cafes and restaurants) fronting Chapman Lane and the new town square. The photo montage (*Figure 2E.2.4-1*) shows one of the possible development options. Also refer to Section II.
- Provide building setback to Kochia Lane to allow for road modifications and new footpaths. A continuous 10 metre wide right-of-way between Lindfield Avenue and Milray Street is required.
- Provide building setback to Havilah Lane to allow for road modifications and new footpaths. A continuous 13 metre right-ofway between Kochia Lane and Havilah Street is required.
- Provide internal retail arcade linking Lindfield Avenue with Havilah Lane.
- Provide setbacks to Tryon Road and Milray Street for street tree planting to reinforce the street character which is characterised by residential developments with landscaped setbacks.
- Provide private garden courtyards between the residential buildings on the podiums for residential amenity.

Key Community Infrastructure- Key Site L4

Key Community Infrastructure to be provided by Council and funded through the Ku-ring-gai Contributions Plan 2010 or by Voluntary Planning Agreement (VPA) is:

- Creation of new town square on Council car park precinct incorporating public basement car
- Provision of new Council owned library building (freestanding) and internal fit out with entry foyer directly adjoining new town square.
- Installation of new traffic signals at the intersection of Tryon Road and Lindfield Avenue (and removal of existing pedestrian activated traffic signals on Lindfield Avenue).
- A new pedestrian lane way from Lindfield Ave to Havilah Road (land for access way dedicated to
- A new pedestrian lane way from Havilah Lane to Milray Street (land for access way dedicated to Council).
- Widening and modification of Kochia Lane and Havilah Lane including new footpaths both sides.
- Embellishment of the footpath areas and public domain throughout the area including underground power lines, new lighting, high quality paving and furniture and street tree planting.





2E.2.4 Key Site L4: Tryon Road and Lindfield Avenue Retail Area (continued)

2E.2.4C Base Design Controls

Building Setbacks

The following minimum setbacks are required as indicated on Key Site L3 Base Plan:

- 4m setback to Kochia Lane along the southern boundaries of Nos.2 Kochia Lane and 23-25 Lindfield Avenue. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 2 Im setback to Havilah Lane applying to the properties 23-43 Lindfield Avenue, 2 Kochia Lane and 9 Havilah Lane. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 3 Variable setbacks from the Havilah Lane boundary applying to the properties 51, 55, 55A, 57 Lindfield Avenue and 1 Havilah Road. Setback to achieve continuous 13m right-of-way. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 5m setback applying to northern boundaries of Nos 43 Lindfield Avenue and 9 Havilah Lane for a pedestrian lane. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 5 3m setback to Tryon Road and Milray Street applying to the property Nos.12-18 Tryon Road.
- 6 A setback of 2m or 4m to all levels above the street wall height along all street frontages as indicated on Key Site L4 Base Plan
- Refer to Key Site L5 Base Plan for all other building setback requirements.

Access

- Vehicle and service access is to be via Havilah Lane, Milray Street or Chapman Lane. No access from Tryon Road, Lindfield Avenue or Kochia Lane is permissible.
- 9 Residential lobbies and foyers are to be located off Lindfield Avenue, Kochia Lane or Tryon Road.

Heritage

In relation to Nos.1-21 Lindfield Avenue:

- Any major additions to the building should be distinct from the original building form and simple in detail so as not to dominate the aesthetic and built form character of the item.
- 11 Any additions to the building must allow for conservation works to the façade, side elevations and the end bays.
- 12 Additions should not be apparent from the Lindfield Avenue streetscape.
- 13 No additions to the roofs of the end bays.





2E.2.4 Key Site L4: Tryon Road and Lindfield Avenue Retail Area (continued)

- 14 The principal roof elements including the pitched and parapet roofs are to be retained.
- New additions to the rear between the end bays must not project beyond the rear alignment of the end bays. The maximum height is one level above the rear eaves line of the central pitched roof.
- 16 No additions are to project beyond the ridge of the pitched roof.

 Any additions that are higher than the roof ridge are to be set back behind the line of the eaves of the rear roof pitch.
- 17 Additions to the upper levels on the rear elevation are not to be set forward of the alignment of the end bays. Any new building form must be recessed adjacent to the end bays to provide physical separation and distinction between new and old elements.

Car Parking

18 To encourage redevelopment to the rear of Nos.1-21 Lindfield Avenue the retail parking requirements may be reduced by up to 25% on amalgamated sites. The applicant will be required to provide a report assessing the potential impacts on public parking around the centre in order for a parking reduction to be considered. The report is to be consistent with Council's Town Centre Parking Management Plan.

Other Controls

19 Refer to Parts 3 to 15 of this DCP for additional relevant controls.





2E.2.4 Key Site L4: Tryon Road and Lindfield Avenue Retail Area (continued) MILRAY D MOFIELD STATION K TRYON **PACIFIC** CHURC

KEY SITE L4 INDICATIVE URBAN DESIGN EXCELLENCE PLAN

Legend



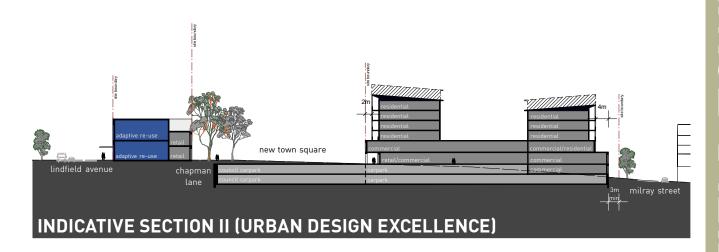
2E.2 KEY AREA OBJECTIVES, PRINCIPLES AND CONTROLS (continued)

2E.2.4 Key Site L4: Tryon Road and Lindfield Avenue Retail Area (continued)

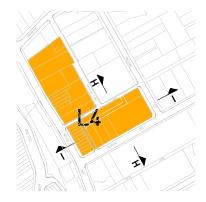
2E.2.4D Urban Design Excellence Principles

The Urban Design Excellence Principles are to*:

- A Provide amalgamation of sites to allow uniform building setback to Lindfield Avenue for wider footpath and new street tree planting.
- Provide increased building setback to Havilah Lane to allow for the provision of wider footpaths on both sides of lane.
- Provide co-ordinated development that allows the provision of underground vehicle connections between basement car parks on private land and public land.
- Facilitate redevelopment of 12-18 Tryon Road as an iconic building that allows the provision of Council's new library to directly adjoin the new building and the new town square.
- Provide sustainability initiatives equivalent to a 6 star green building rating from the Green Building Council of Australia.



Key





Urban Design Excellence Principles are provided to guide the applicant as to the nature and range of urban design excellence determined by Council to be appropriate for this particular site. The solutions presented are intended to be indicative and are not intended to preclude alternative solutions.

The applicant should consider the principles when preparing an application to the UDEP. A development proposal will not be required to meet all the UDE principles however justification will be required against the principles selected.

- 2F.1 Roseville Town Centre Urban Structure
- 2F.2 Key Site Objectives, Principles and Controls
- 2F.2.1 Key Site R1: Hill Street Shops
- 2F.2.2 Key Site R2: Pacific Highway Shops



2F.1 ROSEVILLE TOWN CENTRE URBAN STRUCTURE

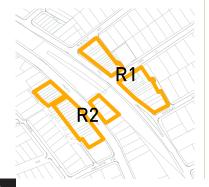
Proposed Future Urban Structure for Roseville

Roseville will develop as a small high density mixed use centre located on the Pacific Highway and Hill Street between Maclaurin Parade and Roseville Avenue. Density provisions in the KLEP 2010 allow a small increase in commercial floor space of about 10% to cater for existing and future demand.

The urban structure of Roseville town centre is illustrated on the Urban Structure Plan and in summary comprises the following elements:

- A lifestyle and evening entertainment precinct along the Pacific Highway including restaurants and cafes associated with Roseville Cinemas. Refer to Key Site R2 for more details.
- Increased public parking on Larkin Lane (behind the shops along the highway) to support the development of an entertainment precinct.
 Refer to the KPDP 2010 for more details.
- A local shopping precinct on Hill Street which will retain its character streetscape along with some of the more significant Federation and early Inter-War commercial buildings. Refer to Key Site R1 for more details.
- A small mixed use precinct incorporating a new urban square at the western station entry. This precinct will provide a "bridge" between the two retail core precincts. Refer to Key Site R2 and the KPDP 2010 for more details.
- New shop top housing in each of the precincts to support commercial activity and improve safety of the area particularly in the evening.
- Six to seven storey buildings will be located along the Pacific Highway
 where the impact on existing residents is minimised. Building heights
 along Hill Street are limited to three storeys to protect the scale of the
 street; buildings of five-six storeys are located to the rear of the shops.
- A new "Village Green" on Lord Street behind the Hill Street shops. Refer to the KPDP 2010 for more details.
- New pedestrian lane ways or arcades through the shops to improve pedestrian accessibility in the area. Refer to Key Site R1 and R2 for details.
- Streetscape improvements including underground power lines, new footpaths and paving materials, street trees and street furniture. Refer to the Town Centres Public Domain Plan for more details.

Kev



2F.1 ROSEVILLE TOWN CENTRE URBAN STRUCTURE (continued)

Legend





2F.2 KEY SITE OBJECTIVES, PRINCIPLES AND CONTROLS

Key Site R1: Hill Street Shops

The Hill Street shops is a small retail area on the eastern side of Roseville. The shops have a strong traditional main street character with consistent scale and rhythm of buildings.

Hill Street shops have largely retained their role as a service centre providing for the day to day needs of residents as well as some leisure related shops such as cafes.

The main cross street is Lord Street which aligns directly with the access to the train station. Council owns an area of land behind the shops on Lord Street which is used for public parking.

Key Site R2: Pacific Highway Shops

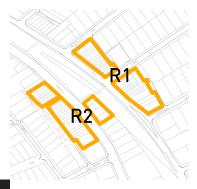
This Key Site incorporates traditional main street retail fronting the Pacific Highway with a Council car park at the rear with access via Larkin Lane. The shops have largely lost their role as local shops and the area has become established as an entertainment precinct with cafes, restaurants, and antique shops. Roseville cinema and the RSL club provide an anchor role for this precinct attracting people from across northern Sydney and beyond.

Roseville Cinema is a heritage listed building which has significance for its historical and social values. The building has been heavily altered in the past to provide additional cinema screens.

Council owns land to the rear of this precinct which is used for public car parking and accessed Larkin Lane. The future growth and development of this Key Site as an entertainment precinct is dependent on increasing public parking.

On the opposite side of the Pacific Highway shops is a small courtyard area adjoining the western entry to Roseville train station. This area contains the former Commonwealth Bank building at No.83 Pacific Highway which is a listed heritage item and is significant because it represents a good example of the Art Deco style. The Site also features the railway gardens and the listed former station masters residence at 89 Pacific Highway.





ESCAL ZOM

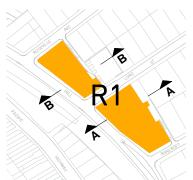
Artists impression of new Hill Street



Objectives

- 1 To retain and enhance the distinctive scale and character of Hill Street by providing consistent building forms that complement the traditional 'main street' facades.
- 2 To ensure future in-fill development respects the 'fine grain' urban fabric of Hill Street.
- 3 To encourage retention of elements of existing character buildings within the Hill Street streetscape.
- 4 To improve vehicle access and circulation around the centre through the creation and improvement of new rear lanes.
- 5 To improve pedestrian permeability of the area through the provision of new pedestrian arcades or lanes.
- 6 To provide a new public park as a focus for the local community.
- 7 To encourage a small supermarket within the precinct.

Key



2F.2.1 Key Site R1: Hill Street Shops

2F.2.1A Planned Future Character

The character of this Key Site as a local shopping street will be preserved and enhanced. Planning has allowed for a small supermarket to be established in the precinct (if viable), which will provide strong support for the local service role of centre.

It is proposed to allow redevelopment along Hill Street in a form that will respect the low scale of the street. This will be achieved by limiting new buildings to three storeys in height along Hill Street (the main street frontage); retention and sympathetic re-use of existing character buildings; and ensuring infill buildings are designed to respect the 'fine grain' urban fabric of the street.

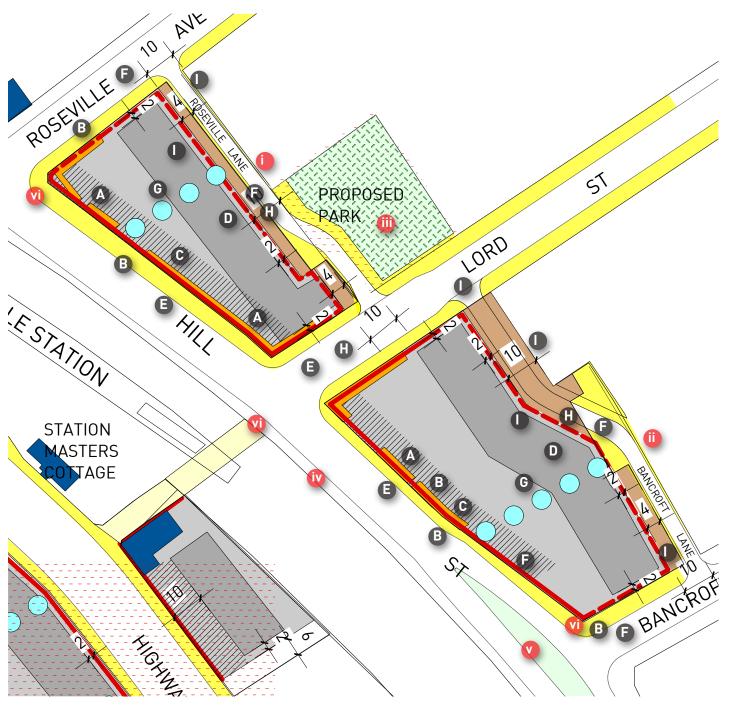
New residential development will be located at the rear of the sites facing Roseville and Bancroft Lanes with the entry lobbies off the improved lanes. Building setbacks will be required at the rear of the site to facilitate widening of the lane ways to improve the pedestrian environment by widening footpaths, and installing new paving and street trees. It is also proposed to realign and extend the existing rear lanes to improve permeability, visibility, and safety of the area.

This Key Site will become a community focus, centred on a proposed new village green (on the existing Lord Street car park) at the rear of the Hill Street shops. Over time it is anticipated that the need for the Lord Street car park will be reduced (as new developments provide shopper parking on-site in basement parking) and at this point in time Council will be in a position to implement the new park.

The pedestrian areas of Hill Street will be improved with new footpaths, underground power lines, landscaping and street trees.



2F.2.1 Key Site R1: Hill Street Shops (continued)



KEY SITE R1 INDICATIVE BASE PLAN



Legend



character building facade

2F.2 KEY AREA OBJECTIVES, PRINCIPLES AND CONTROLS (continued)

2F.2.1 Key Site R1: Hill Street Shops (continued)

2F.2.1B Base Design Principles

The Base Design Principles are to:

- Retain the façades of "character buildings" fronting Hill Street (Nos.17, 19-23, 25, 27-29, 31-35 Hill Street; and Nos.37-41, 43, 45-47, 49-53, 55, 61, 63, 63A Hill Street) wherever possible.
- Create consistent 3 storey street walls that are built to the street alignment on Hill Street, Roseville Avenue, Lord Street, and Bancroft Avenue, Refer to Sections AA and BB
- Design infill buildings along Hill Street to be sympathetic in materials, form, scale, massing, articulation, alignments, and proportions to the existing buildings (but do not replicate character).
- Locate taller residential components of the buildings at the rear of the shops addressing the lanes. Refer to Sections AA and BB.
- Provide active street frontages along Hill Street and Lord Street.
- Provide active street frontages along Roseville Lane, Roseville Avenue, Bancroft Lane and Bancroft Avenue wherever possible.
- Provide pedestrian arcades through buildings from the rear lanes to Hill Street.
- Create a consistent 2 storey street wall with upper level setback along Roseville and Bancroft Lanes.
- Set back buildings along Roseville Lane and Bancroft Lane to provide a continuous right-of-way width of 10 metres through the entire block.

Key Community Infrastructure- Key Site R1

Key Community Infrastructure to be provided by Council and funded through the Ku-ring-gai Contributions Plan 2010 or by Voluntary Planning Agreement (VPA) is:



Reconstruction of Roseville Lane from Roseville Avenue through to Lord Street (6 metre wide carriage way with 2 metre wide footpaths on both sides). Land to be dedicated to Council as part of site redevelopment.



Extension and widening of Bancroft Lane from Bancroft Avenue to Lord Street (6 metre wide carriage way with 2 metre wide footpaths on both sides). Land to be dedicated to Council as part of site redevelopment.



New village green with playground facilities on the Lord Street Council car park site.



Embellishment of existing Railway Gardens on Hill Street and along the Pacific Highway park to urban park standard.



Embellishment of the public domain areas and footpaths including underground power lines, new lighting, high quality paving and furniture.





2F.2.1 Key Site R1: Hill Street Shops (continued)

2F.2.1C Base Design Controls

Building Setbacks

- 1 4m rear setback applying to the properties Nos.37-63A Hill Street and No.1 Roseville Avenue to create a continuous 10 metre right-of-way as shown on Key Site R1 Base Plan. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- Variable rear setback applying to the properties Nos.5-35 Hill Street and 1-7 Lord Street to create a continuous 10m right-of-way as shown on Key Site R1 Base Plan. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 3 2m setback to all levels above the street wall along all frontages as indicated on the Key Site R1 Base Plan.
- 4 Refer to Key Sites R1 Base Plan for all other building setback requirements.

Building Height

5 Buildings taller than 3 storeys are to be set back a minimum of 10m from the Hill Street alignment and fronting the new lanes.

Access

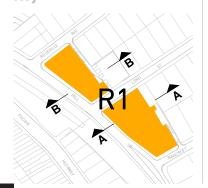
- 6 Vehicle and service access is to be provided via Roseville Lane or Bancroft Lane.
- 7 Residential lobbies and foyers are to be located off Roseville or Bancroft Lane or side streets of Roseville Avenue and Bancroft Avenue.

Car Parking

8 To ensure viability of redevelopment of sites in Key Site R1 the retail parking requirements may be reduced by up to 25% on amalgamated sites. The applicant will be required to provide a report assessing the potential impacts on public parking around the centre in order for a parking reduction to be considered. Report to be consistent Council's Town Centre Parking Management Plan.

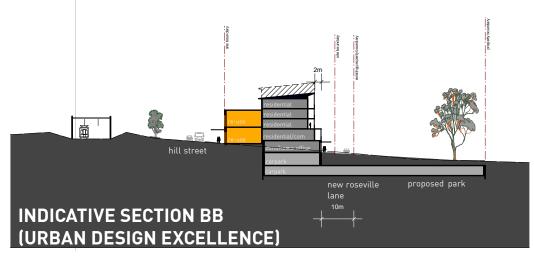
Other Controls

9 Refer to Parts 3 to 15 of this DCP for additional relevant controls.



2F.2.1 Key Site R1: Hill Street Shops (continued)



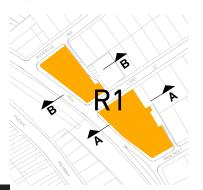


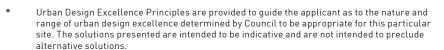
2F.2.1 Key Site R1: Hill Street Shops (continued)



KEY SITE R1 INDICATIVE URBAN DESIGN EXCELLENCE PLAN

Key



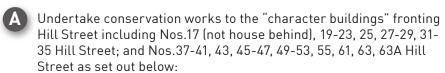


The applicant should consider the principles when preparing an application to the UDEP. A development proposal will not be required to meet all the UDE principles however justification will be required against the principles selected.

2F.2.1 Key Site R1: Hill Street Shops (continued)

2F.2.1D Urban Design Excellence Principles

The Urban Design Excellence Principles are to*:



- Retain and conserve the principal building form of a character building including the façade and façade detailing; intact shop fronts; the roof portion (as visible from Hill Street); the floor plate over two storeys to a depth of 10m from the façade; and the corner element applying to both the Hill Street and Lord Street frontages of the building.
- Undertake conservation works based on surviving physical evidence or historical documentation such as the panoramic photograph from the 1920s that is held by the Ku-ring-gai Historical Society.
- Remove later intrusive fabric and to reconstruct, restore, or repair original building fabric. Where sufficient historic documentation is not available then new fabric sympathetic to the period and style of the building is considered appropriate.
- Set back new additions to the principal building form by a minimum of 10 metres from the Hill Street façade alignment.
- Design new additions so that they do not compete with the aesthetic character and dominance of the character buildings. The preferred approach is for new additions contemporary in style and distinct in form and character from the character buildings.
- Paint the façade of character buildings in a traditional colour scheme sympathetic to the period and style of the building. Original unpainted surfaces of character buildings, particularly face brick walling, are to remain unpainted.
- Amalgamate sites so that the number of vehicle access points off the rear lanes are minimised and active frontage to lane is maximised.
- Amalgamate sites and develop a building design that provides pedestrian lane ways through the buildings from Roseville Lane and Bancroft Lane to Hill Street. The lane ways are open to the sky and are publicly accessible during normal shopping hours (a width of 4-5 metres is considered optimal).
- To provide greater rear setbacks at the corner of Roseville Lane and Lord Street to allow the Roseville Lane extension to be in a straight alignment.
- Provide underground vehicle connections between basement car parking areas on public and private land.

Legend

principal active street frontage supporting active street frontage community building

new or upgraded public park potential underground vehicular link land to be dedicated to council and form part of the public domain



privately owned land publicly accessible and designed to be consistent with the public domain areas



other council owned and managed land



public domain areas

////////. 3 storey hight limit

Objectives

- 1 To support the growth and development of the Key Site as an entertainment and leisure precinct.
- 2 To encourage innovative methods for the provision of additional public parking on Larkin Lane to support the growth of the precinct.
- 3 To conserve heritage items and ensure new buildings respond to the scale, design, and character of adjoining heritage buildings.
- 4 To improve the vitality of the precinct by encouraging a mix of uses and activities as well as housing.
- 5 To create a coherent street character on Pacific Highway retail strip by providing consistent building forms that complement the traditional 'main street' facades.
- 6 To ensure shop-top housing is designed and orientated to minimise the impacts of road noise from the highway and to optimise solar access.
- 7 To improve pedestrian access between the Pacific Highway and Larkin Lane car park area.

Key



2F.2 KEY AREA OBJECTIVES, PRINCIPLES AND CONTROLS (continued)

2F.2.2 Key Site R2: Pacific Highway Shops

2F.2.2A Planned Future Character

This Key Site has potential to continue to grow and develop as a boutique late-night entertainment precinct which offers an alternative to what is currently available in other larger centres such as Chatswood.

The shops will have active street frontages to both the Highway and Larkin Lane to the rear. The Rifleway and Sixth Mile Lane will be upgraded with new active street frontages and improved public domain, creating a sheltered retail environment away from the highway. A series of new arcades will be created through the strip shops for improved pedestrian activities. There is potential to protect a large oak tree within a new landscaped courtyard which would be an ideal location for outdoor dining.

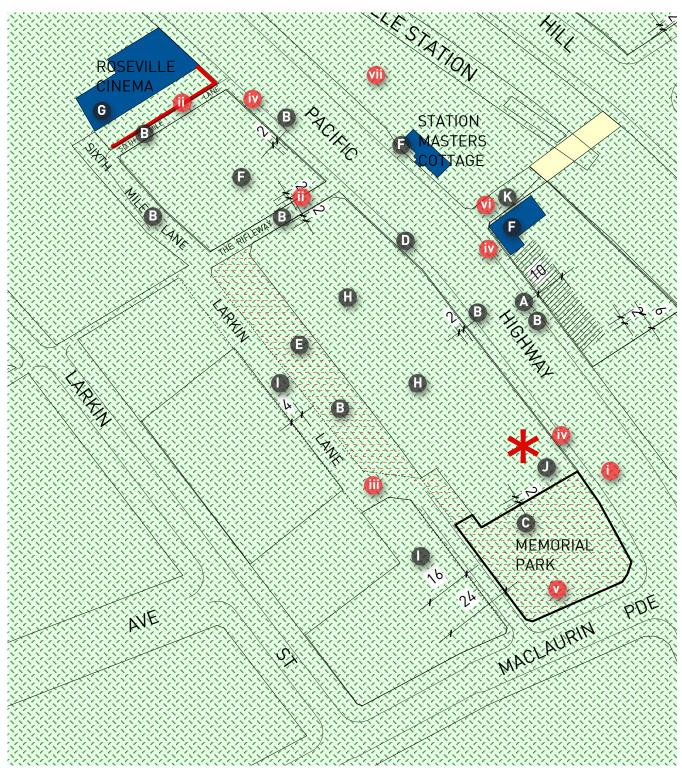
Consistent street walls of 3 storeys will be established along the Pacific Highway retail strip thus creating a coherent street character and enhancing the built edge urban quality.

Amalgamation and redevelopment of sites has potential to provide new basement parking for visitors which will support the growth of this precinct. There is also potential for Council's car park to be expanded through the addition of basement or semi-basement parking.

2F.2.2 Key Site R2: Pacific Highway Shops (continued)



2F.2.2 Key Site R2: Pacific Highway Shops (continued)



KEY SITE R2 INDICATIVE BASE PLAN



Legend

////////

3 storey hight limit



2F.2 KEY AREA OBJECTIVES, PRINCIPLES AND CONTROLS (continued)

2F.2.2 Key Site R2: Pacific Highway Shops (continued)

2F.2.2B Base Design Principles

The Base Design Principles are to:

- A Locate low scale buildings on the eastern side of the highway (with taller buildings to the rear of the site) to respond to the prevailing height of adjacent heritage building.
- Provide active street frontages along the Pacific Highway and the side lanes. Provide active frontages addressing Larkin Lane (car park) and Sixth Mile Lane wherever possible.
- Provide a highly activated interface between Memorial Park and new development that encourages use of the park.
- Establish a consistent 3 storey street wall that is built to the street alignment along the Pacific Highway to complement the traditional main street facades. All levels above the street wall height are to have a setback. Refer to Sections CC and DD.
- Create a consistent 2 storey street wall to the Larkin Lane car park area. Refer to Sections CC and DD.
- Conserve and adapt the former Commonwealth Bank building No.83 Pacific Highway) and the former station masters cottage (No.89 Pacific Highway) to contribute to the safety and activity of the adjoining main pedestrian access way to Roseville Station.
- **G** Conserve the Roseville Cinema and allow for future adaptation to suit the changing needs of the facility.
- H Provide new public arcades through buildings in the retail precinct.
- Set back buildings along the western side of Larkin Lane to provide a continuous 24m right-of-way with 4m landscaped zone along the western edge as a buffer.
- Landmark corner building for the site adjoining Memorial Park.
- Encourage the establishment of restaurants, cafes and outdoor dining at the western station entry area.

Key Community Infrastructure - Key Site R2

Key Community Infrastructure to be provided by Council and funded through the Ku-ring-gai Contributions Plan 2010 or by Voluntary Planning Agreement (VPA) is:

- Road widening on Pacific Highway, between Boundary Street and Maclaurin Parade, to accommodate 3 northbound lanes and dedicated right turn lane into Maclaurin Parade.
- Upgrade existing pedestrian lane ways including Sixth Mile Lane and the Rifleway.
- Upgrade and realign Larkin Lane with car parking and deep soil landscaping.
- Embellishment of the public domain areas and footpaths including underground power lines, new lighting, high quality paving and furniture.
- Embellishment of Roseville Memorial Park to urban park standard.
- Improvements to western rail station entry off Pacific Highway to create new urban square including new paving, street trees and street furniture.
- VII) Embellishment of existing "railway gardens" on the Pacific Highway to urban park standard (Council to negotiate with Rail Corp to gain public access to part or all of the Railway Gardens).





2F.2.2 Key Site R2: Pacific Highway Shops (continued)

2F.2.2C Base Design Controls

Building Setbacks

The following minimum setbacks are required as indicated on Key Site R2 Base Plan:

- 1 16m setback from the eastern boundary of property No.1 MacLaurin Parade applying to the amalgamated site incorporating No.1 MacLaurin Parade and Nos.1-3 Larkin Street as shown on Key Site R2 Base Plan. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- 2 2m setback to Sixth Mile Lane applying to the property No.108 Pacific Highway as shown on Key Site R2 Base Plan. FSR is transferable from setback area and land is to be dedicated to Council at no cost.
- For developments on the western side of the Pacific Highway, 2m setback to all levels above the street wall along all street frontages.
- 4 Refer to Key Site R2 Base Plan for all other building setback requirements.

Building Height

In relation to properties Nos.69-71 and 79-81 Pacific Highway the maximum building height is 3 storeys to the highway frontage to a minimum depth of 10 metres.

Access

- For the properties Nos.69-83 Pacific Highway vehicle and service access is to be provided via Pacific Highway at the southern corner of the site.
- 7 For the properties Nos.64-116 Pacific Highway vehicle and service access is to be provided via Larkin Lane or Sixth Mile Lane.
- 8 For the properties Nos.69-83 Pacific Highway residential lobbies and foyers are to be located off the Pacific Highway.
- 9 For the properties Nos.64-116 Pacific Highway residential lobbies and foyers are to be located off Larkin Lane, The Rifleway or Sixth Mile Lane.

Heritage

In relation to No.83 Pacific Highway, Roseville - (the former Commonwealth Bank Building):

10 Conserve all details and the form of external elevations including: the banking chamber that is adjoined by curved corners; the western elevation; the awning and pressed metal soffit; the intact shop fronts; and detailing to building foyers.

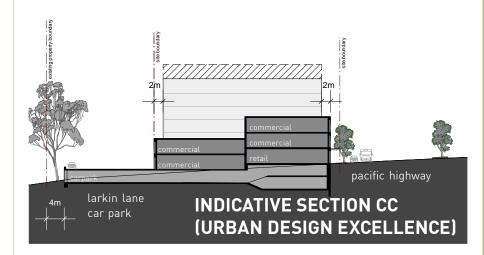


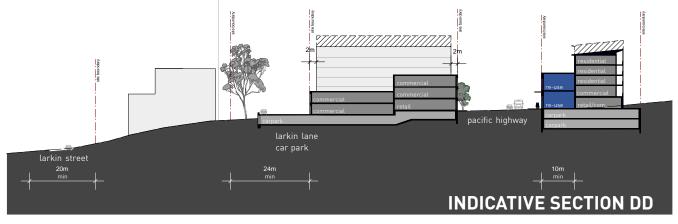
2F.2.2 Key Site R2: Pacific Highway Shops (continued)

- 11 Prior to removal or alteration assess the significance of remnant internal fabric relating to banking operations such as the banking counter, furniture, the safe, and internal detailing.
- 12 Restoration works to be considered and undertaken to the northern and western elevations.
- 13 Major additions must include conservation works.
- 14 No additions to occur over the northern banking portion.
- Additions may occur to the southern portion providing upper level additions are set back 5 metres from the parapet and must not detract from the prominence of the building in the streetscape.
- 16 Alterations and additions may occur behind the facade of the southern retail portion of the building.
- 17 Heritage items are not required to include awnings where it is detrimental to their heritage significance.

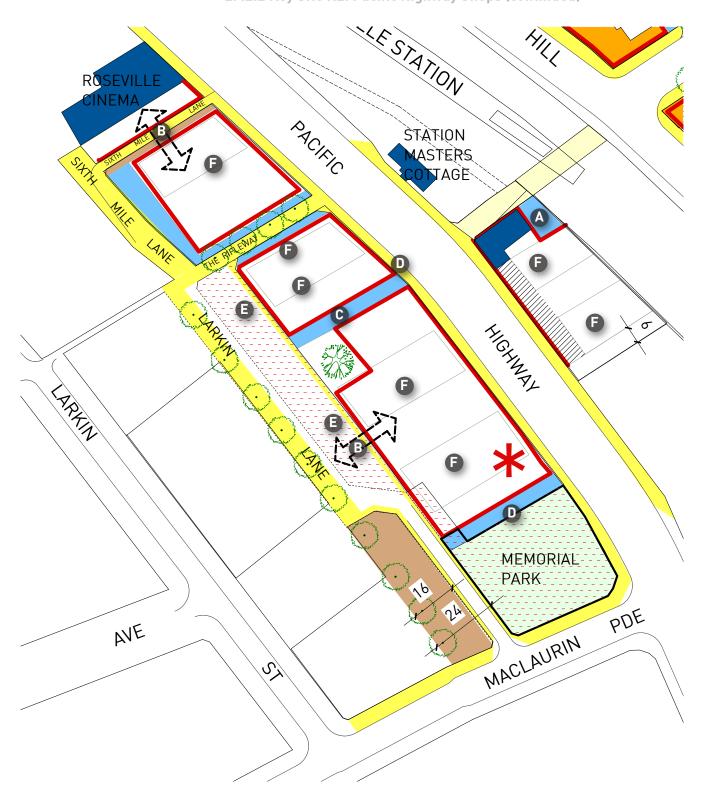
Other Controls

18 Refer to Parts 3 to 15 of this DCP for additional relevant controls.





2F.2.2 Key Site R2: Pacific Highway Shops (continued)



Legend



3 storey hight limit
existing significant tree

2F.2 KEY AREA OBJECTIVES, PRINCIPLES AND CONTROLS (continued)

2F.2.2 Key Site R2: Pacific Highway Shops (continued)

2F.2.2D Urban Design Excellence Principles

The Urban Design Excellence Principles are to*:

- A Provide a new outdoor private courtyard area to the rear of the former Commonwealth Bank building which would create an opportunity for outdoor dining.
- Amalgamate sites and design buildings to facilitate underground vehicle connections between basement car parking on Council land and car parking on private land. This will assist with the provision of additional parking in the area particularly in relation to parking for Roseville Cinema. There is also potential to provide a large public domain area on the existing car park site.
- Amalgamate sites and develop a building design that provides:
 - A pedestrian lane way through the buildings from Pacific Highway to Larkin Lane. The laneway is to be open to the sky and is publicly accessible during normal shopping hours (a width of 4-5 metres is considered optimal).
 - Protection of the existing significant Oak tree on private land and incorporation of it into a new outdoor courtyard (may be privately owned). The courtyard could be for the use of by residents, building occupants, or potentially as a garden for a café or restaurant
- Amalgamate sites to provide setback to Memorial Park to facilitate an improved interface with the park.
- Amalgamate sites so that the number of vehicle access points off the rear lanes are minimised and active frontage to lane is maximised.
- Amalgamate sites and develop a building design that allows residential buildings on commercial podium to be orientated perpendicular to the Pacific Highway. This configuration will provide a number of benefits including: reducing the building wall effect along the Pacific Highway; allowing a northerly aspect on the long façade; and minimising the length of façade facing the highway and thereby reducing noise impacts on residents (Refer to Sections CC and DD).

Key



Urban Design Excellence Principles are provided to guide the applicant as to the nature and range of urban design excellence determined by Council to be appropriate for this particular site. The solutions presented are intended to be indicative and are not intended to preclude alternative solutions.

The applicant should consider the principles when preparing an application to the UDEP. A development proposal will not be required to meet all the UDE principles however justification will be required against the principles selected.

3A	Mixed Use Development Controls
3 B	Office Building Controls
3C	Residential Flat Building Controls
3 D	Multi-dwelling Housing Controls

Dwelling House Controls

Secondary Dwelling Controls

3E

3F

XED USE DEVELOPMENT

Introduction

Site Design

- 3A.1 Building Separation
- 3A.2 Building Setbacks
- 3A.3 Site Coverage and Deep Soil Landscaping for Mixed Use in R4 Zones
- 3A.4 Consideration of Isolated Sites
- 3A.5 Wind Impact

Building Design

- 3A.6 Building Facades
- 3A.7 Corner Building Articulation
- 3A.8 Ground Floor Shopfronts
- 3A.9 Building Entries
- 3A.10 Roof Forms and Podiums
- 3A.11 Awnings
- 3A.12 Colonnades

Site and Building Amenity

- 3A.13 Private Open Space
- 3A.14 Communal Open Space
- 3A.15 Apartment Depth and Width
- 3A.16 Office Floor Depth
- 3A.17 Natural Ventilation
- 3A.18 Solar Access
- 3A.19 Visual Privacy
- 3A.20 Acoustic Privacy
- 3A.21 Internal Ceiling Heights
- 3A.22 Apartment Room Sizes
- 3A.23 Internal Common Circulation
- 3A.24 Apartment Storage
- 3A.25 External Air Clothes Drying Facilities

Parking and Vehicular Access

- 3A.26 Vehicle and Service Access and Loading Facilities
- 3A.27 Car Parking Provision
- 3A.28 Bicycle Parking Provision

Social Dimensions

- 3A.29 Adaptable Housing
- 3A.30 Apartment Mix and Sizes





Mixed use buildings, as defined in the KLEP 2010, are located within the urban centres and are composed of a mixture of two or more of the following uses:

- i) retail or commercial uses at ground and lower levels; and
- ii) residential apartments on upper levels; and/or
- iii) offices on upper levels.

Mixed use developments provide for a variety of uses and activities within the town centres, encouraging use of the centre outside the working day, adding vibrancy and life to the streets. Different uses within the same building are best located in a pattern and layout suitable to the mix of uses with retail and business activity at ground level to assist street activation; and residential uses requiring privacy and noise mitigation, located above street level.

Where a development involving refurbishment works or alterations/ additions to existing buildings, new elements are to meet the requirements of this Part.

3A.1 BUILDING SEPARATION

Objectives

- 1 To ensure that new development is scaled to support the desired character of the area with appropriate massing and spaces between buildings.
- 2 To ensure building configuration protects and enhances visual and acoustic privacy for occupants and adjacent residents.
- 3 To provide building form and layout that minimises overshadowing of adjacent properties and open space.
- 4 To provide building configuration that facilitates the provision of useable communal open space, landscaping and view corridors.
- 5 To provide building form and layout that maximises view sharing.

Figure 3A.1-1: Adequate separation between buildings to ensure visual and acoustic privacy.

Controls

1 The minimum separation between a residential building and any neighbouring building either on the development site or on adjoining sites must comply with the following controls:

Buildings up to 4 storeys over the podium (see *Figure 3A.1-2*)

- i) 12m between habitable rooms / balconies;
- ii) 9m between rooms / balconies in all other cases.

Buildings of 5 to 8 storeys over the podium (see Figure 3A.1-3)

- i) 18m between habitable rooms / balconies;
- ii) 13m between habitable room / balcony and non habitable room;
- iii) 9m between non-habitable rooms.
- Office developments adjacent to residential developments must demonstrate that the adjoining residential development retains adequate visual and acoustic privacy, access to sunlight, views and that the massing of the building is appropriate to the character of the locality.

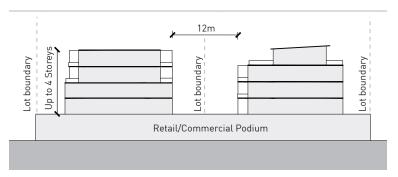


Figure 3A.1-2: Minimum building separation controls for residential buildings up to 4 storeys (over commercial podium).

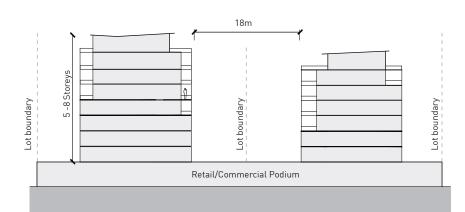


Figure 3A.1-3: Minimum building separation controls for residential buildings of 5-8 storeys (over commercial podium).

3A.2 BUILDING SETBACKS

Objectives

- 1 To reinforce the urban character by providing a defined street edge with continuous active street facades
- 2 To ensure streetscape consistency along the main streets.
- 3 To allow for street landscape character where appropriate.
- 4 To provide a transition between development types.

Controls

Street setbacks

- In B2 and B4 zones, mixed use buildings are required to be predominantly built to the street alignment with a zero setback, except where variations are required as specified in *Part 2 of this DCP*. These variations facilitate building articulation, modulation, the provision of landscaped setbacks and the development of appropriate building forms.
- 2 Mixed use buildings on sites in the R4 zone where commercial uses are permitted under Schedule 1 of the KLEP 2010, must provide street setbacks in accordance with the Reduced Setback Maps in A5 of this DCP.
- 3 A 2m setback must be provided to all levels above the street wall height.

Side and rear setbacks

- 4 In B2 and B4 zones, mixed use buildings are generally not required to provide side and rear setbacks, except where variations are required as specified in *Part 2 of this DCP*. These variations facilitate building articulation, modulation and the provision of new or widened streets and through-site pedestrian walkways.
- Mixed use buildings on sites in the R4 zone where commercial uses are permitted under Schedule 1 of the KLEP 2010, must provide minimum 6m side and rear setbacks.



Figure 3A.2-1: Consistent building alignment at the street level in the commercial area.

3A.3 SITE COVERAGE AND DEEP SOIL LANDSCAPING FOR MIXED USE IN R4 ZONES

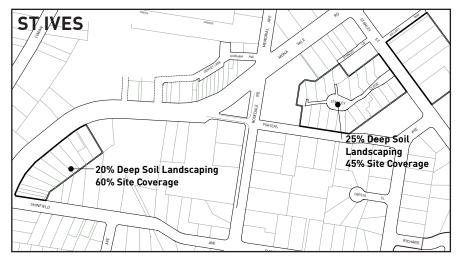
Objectives

- 1 To provide consolidated deep soil zones in mixed use development in R4 zones.
- 2 To provide landscaping that is appropriate to the scale and context of the development.
- 3 To ensure development is consistent with the desired future character of the area.
- 4 To provide landscaping that provides habitat for native indigenous plants and animals and contributes to biodiversity in the area.
- 5 To create high quality landscaped areas through retention and/or planting of large and medium sized trees.
- 6 To promote landscaping that minimises water use.
- 7 To ensure that most of the deep soil landscaping is within common areas.
- 8 To minimise impervious surfaces that generate storm water runoff.

Controls

This section applies to the following R4 zoned sites where commercial uses are proposed, as permitted under Schedule 1 of KLEP 2010:

- 167, 169, 169a, 171, 173, 177, 179, 183, 183A, 185 Mona Vale Road, St Ives;
- 1-24 Stanley Close, St Ives; and
- 30, 32, 34, 36 Henry Street, Gordon.



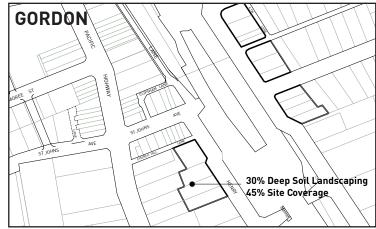


Figure 3A.3-1: St Ives and Gordon maps showing relevant deep soil landscaping and site coverage requirements..

Site coverage

The maximum site coverage must be in accordance with the maximum site coverage shown in *Figure 3A.3-1*.

Deep Soil Landscaping Design

- A minimum deep soil landscaping area must be provided in accordance with the minimum deep soil requirements shown in *Figure 3A.3-1*.
- 3 Deep soil zones must be configured to allow for required tree planting and for screen planting at side and rear boundaries.



Controls

- 4 Deep soil landscaping must be provided in common areas as a buffer between buildings.
- 5 Trees must be provided to the street setback area.
- 6 Permeable pathways are to be used for pathways wider than 1m.

Note: Such pathways must comply with standards for access for people with disabilities.

Natural ground level must be maintained beneath the canopy spread of trees to be retained.

Note: If the ground level is modified by excavation or fill within the canopy spread, a report from a suitably qualified arborist will be required.

Tree Replenishment and planting

8 Lots with the following sizes are to support a minimum number of tall trees capable of attaining a mature height of at least 13m on shale, transitional soils and 10m on sandstone derived soils.

Lot Size	Number of Tall Trees
1,800m² or less	2 trees
1,801m ² or more	1 per 750m² of site area or part thereof

Note: A list of trees which attain the required height for varying locations is available from Council and on Council's website (www.kmc.nsw.gov.au).

- 9 In addition to the tall trees, a range of medium trees, small trees and shrubs are to be selected to ensure that vegetation softens the building form.
- 10 Locally occurring and other native species are to be used as much as possible. At least 50% of all tree plantings are to be locally occurring trees and spread around the site.

Note: Council may require street tree planting in accordance with the Kuring-gai Town Centres Public Domain Plan 2010.

11 Species are to be chosen for an appropriate range of height and foliage density, and for their low maintenance characteristics, water efficiency, aesthetic appeal and suitability to the characteristics of the site and location. Species for screen planting are also to be chosen for relatively fast growth.

Note: Refer to Part 4.2 of this DCP.

- 12 Siting and choice of trees must consider:
 - i) good solar access to useable open space areas;
 - ii) provision of summer shade;
 - iii) proximity to buildings, fences, and other structures;
 - iv) proximity to stormwater, electricity, gas, sewer, other infrastructure and services.

3A.4 CONSIDERATION OF ISOLATED SITES

Objectives

- 1 To achieve orderly and economic development.
- 2 To prevent sites from becoming isolated and unable to be developed in accordance with KLEP 2010.
- 3 To encourage consolidation of sites to enable efficiency through shared facilities and services, such as car parking, recycling and waste collection.

Controls

- 1 Sites are to be consolidated or amalgamated to avoid isolating an adjoining site or sites in a business zone with a primary street frontage less than that required by KLEP 2010.
- Where a development proposal results in an adjoining site or sites with a primary street frontage less than that required by KLEP 2010, the applicant is to demonstrate that:
 - i) amalgamation of the isolated site is not feasible in accordance with the relevant planning principles established by the Land and Environment Court; and
 - ii) the adjoining site(s) can be orderly and economically developed in accordance with the provisions of KLEP 2010 and this DCP, including, but not limited to:
 - achieving an appropriate urban form for the location, and
 - having and acceptable level of amenity.

To assist in this assessment, applicants are to submit details and diagrams of development that is of appropriate urban form and amenity for the isolated site which indicates height, setbacks and resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments. Important considerations include solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road.

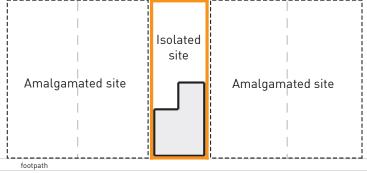


Figure 3A.4-1: Lot amalgamation must avoid isolating small sites.

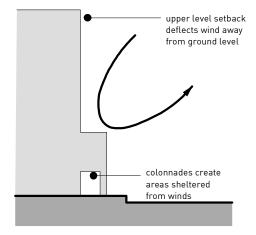


3A.5 WIND IMPACT

Objectives

- 1 To ensure that new developments maintain comfortable and safe conditions at street level for pedestrians.
- 2 To ensure useability of open terraces and balconies within developments.

- 1 New buildings must be located and designed to ensure a maximum wind speed of 10m/sec at footpath level and to recreation facilities and terraces within developments.
- 2 Methods of achieving wind impact mitigation include (see *Figure 3A.5-1*):
 - i) Use of building facade design and setbacks to deflect downwards drafts;
 - ii) Awning design to deflect winds away from footpath level;
 - iii) Use of vegetation and tree canopy as buffer to the street level from winds.



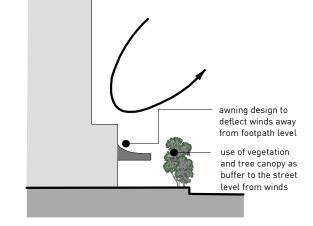


Figure 3A.5-1: Examples of wind mitigation measures.

3A.6 BUILDING FACADES

Objectives

- 1 To create a coherent street character on the Pacific Highway and Mona Vale Road retail strips that complements the traditional 'main street' facades.
- 2 To promote buildings of high architectural quality that contribute to the desired local character.
- 3 To create building facades that reduce the bulk and scale of the building.
- 4 To create building facades that respond to the uses within the building.
- 5 To create building facades that are environmentally responsive.
- 6 To integrate building elements into the overall building form and facade design.
- 7 To encourage pedestrian activity at street level.
- 8 To ensure that building facade design contributes to the safety of the public domain.



Figure 3A.6-2:
Well articulated building facade with the use of recessed and projected balconies, and a mix of colours and materials.

Controls

A consistent street wall facade of 3 storeys must be established along the Pacific Highway and Mona Vale Road frontages, especially along retail strips. See *Figure 3A.6-1*.

Note: Refer to *Part 2 of this DCP* for relevant site specific controls on each key sites.



Figure 3A.6-1: Consistent 3 storey street wall facade to complement the traditional 'main street' facades.

- The continuous length of a residential building over the podium facing the street or the public domain must not exceed 36m.
- 3 All building facades at ground level must engage with and contribute to the activities of the street and the public domain principally through the use of glazed shopfronts.

Note: Refer to *Part 3A.8 of this DCP* for ground floor shopfront controls.

- 4 Above-awning facades must present more solid surface area than glazed area, and are to have a minimum masonry component of 30%.
- All building facades above the ground floor are to be modulated and articulated with wall planes varying in depth by not less than 0.6m. Methods of achieving articulation and modulation include (see Figure 3A.6-4):
 - i) defining a base, middle and top related to the overall proportion of the building;
 - ii) expressing datum lines using cornices, a change in materials or building setbacks;
 - iii) expressing building layout or structure, such as vertical bays or party walls;
 - iv) expressing the variation in floor to floor height, particularly at lower levels;
 - v) using a variety of window types to create a rhythm or express the building uses;

3A.6 BUILDING FACADES (continued)

Controls

- vi) using recessed balconies and deep windows to add visual depth;
- vii) using change of material, texture and colour to break down large flat facades, and create a rhythm.

Note: Refer to *Part 4.5 of this DCP* for relevant controls on materials, finishes and colours.

- 6 Building facades must be designed to respond to solar access by using solar protection elements such as eaves, louvres and other sun shading devices as environmental controls.
- 7 All building elements including shading devices, signage, drainage pipes, awnings/colonnades and communication devices must be coordinated and integrated with the overall facade design.

Note: See *Part 10 of this DCP* for other signage requirements.

- Where individual air conditioning units are used, they must not be located on the building facade or within the private open space (eg. balconies or terraces).
- 9 Balconies that run the full length of the building facade are not permitted.
- 10 Balconies must not project more than 1.2m from the outermost wall of the building facade.
- 11 Blade walls are not to be the sole element used to provide articulation.
- Windows to a habitable room are to be situated so as to create opportunities for passive surveillance of the street.



Figure 3A.6-3: Drainage pipes integrated with the overall facade design.

Corner articulation to define important street intersection.

Integration of horizontal shading devices to the northern facade.

Use of recessed balconies and deep windows to add visual depth.

Shopfront displays engaging pedestrians.



Use of vertical fins to add rhythm to the facade.

Upper level setback with recessive colour to define the top of the building.

Built form articulation with distinct colour to mark the residential entry and circulation core.

Use of a variety of window types to create rhythm and to express the building uses.

Incorporation of awnings to give human scale to the design of the building at street level.

Figure 3A.6-4:
Methods of achieving building articulation and modulation.

3A.7 CORNER BUILDING ARTICULATION

Objectives

1 To provide distinct building articulation on corner sites that reinforce the street intersection and create landmark.

- Street corners must be emphasised by giving visual prominence to parts of the building facade, such as a change in building articulation, material or colour, roof expression or height.
- 2 Corner buildings are to address both street frontages.



Figure 3A.7-1:
Distinct building design to emphasise the street corner.



Figure 3A.7-2: Corner articulation through roof expression.

3A.8 GROUND FLOOR SHOPFRONTS

Objectives

- 1 To provide ground floor frontages that support pedestrian priority and enhance public domain amenity and safety.
- 2 To create active frontages at street level that provide direct physical and visual connection between the private and public domain.

- 1 Buildings on principal active street frontages must:
 - i) limit the extent of blank walls to a maximum of 20% of the length of the building facade at the street level;
 - ii) support a mix of activities, including after hour activities;
 - iii) provide facades that address the street and public domain with appropriate facade treatments at street level;
 - iv) contain well articulated pedestrian entrances at frequent intervals;
 - v) provide continuous awnings;
 - vi) avoid the projection of basements; and
 - vii) avoid the incorporation of vehicle access points.
- 2 Buildings on supporting active street frontages must:
 - i) minimise the extent of blank walls;
 - ii) support dispersed pedestrian-oriented activities with well articulated entrances;
 - iii) provide facades that address the street and public domain and integrate vehicle access where provided; and
 - iv) provide awnings, especially at key pedestrian entry points.
- 3 Ground floor building articulation for shopfronts must be designed to avoid the creation of entrapment areas.
- The sill height of street frontage windows must not be more than 1.2m above the adjacent street paving at any point. See *Figure 3A.8-3*



Figure 3A.8-1: Openable shopfront with merchandise creates interest and engages the passer-by.



Figure 3A.8-2: Cafe with an openable shoptfront contributes to street activity.



Figure 3A.8-3: Sill height controls for ground floor shopfront to achieve an active street frontage.

3A.8 GROUND FLOOR SHOPFRONTS (continued)

Controls

5 Building slabs are to be stepped on sloping sites to ensure ground floor level does not exceed 0.3m above finished footpath level.

Note: Variations may be permitted on very steep streets.

- 6 Building entries to each individual shopfront must be level with adjoining footpaths. See *Figure 3A.8-4*.
- 7 External finishes at street level must be robust and graffiti resistant, eg. ceramic tiles and metal.
- 8 Provide clear glazing to all windows of active street frontage with a minimum 3 star Window Energy Rating Scheme rating.

Note: Refer to www.wers.net.

- 9 Security roller shutters are not permitted on the external face of the building. Where they are deemed necessary, grilles or transparent security shutters may only be used behind the window display.
- 10 Provide openable shopfronts for restaurants and cafes where practicable.



Figure 3A.8-4: Level access to all shopfronts.

3A.9 BUILDING ENTRIES

Objectives

- 1 To ensure that the building entry is clear and easily identifiable in the street, and is accessible to all.
- 2 To ensure that building entry contributes positively to the streetscape and building facade design.

- 1 Provide access to and within both commercial and residential developments in accordance with the *Disability Discrimination Act* 1992.
- 2 Buildings must address the street either:
 - i) with main entrances to lift lobbies directly accessible and visible from the street; or
 - ii) with the path to the building entry readily visible from the street where site configuration is conducive to having a side entry.
- 3 Buildings with frontages over 18m long must have multiple entries to activate the street edge.
- 4 Building entries from principal active street frontages must be level with adjoining footpaths.
- 5 Entries to upper level uses must not dominate ground floor shopfronts. These entries must not occupy more than 20% of the pricipal active street frontage.
- 6 Building entries must be integrated with building facade design. At street level, the entry must be articulated with awnings, porticos, recesses or projecting bays for clear identification.
- Residential entries to mixed use buildings must be clearly demarcated with direct access from the street.



Figure 3A.9-1: Fire doors integrated as part of the shopfront design with matching colour scheme.



Figure 3A.9-2: Separate entries to commercial and residential premises in a mixed use development. Use of clear glazing enables passive surveillance.



Figure 3A.9-3: Well defined residential entry that is easily distinguished from the shopfronts.

3A.9 BUILDING ENTRIES (continued)

Controls

- 8 Entries and lobbies to apartments are to be separated from commercial entries to provide security and an identifiable address for each of the different uses.
- 9 All entry areas must be well lit and designed to avoid any potential concealment or entrapment areas.
- Fire egress must not face the principal active street frontage. If this is unavoidable, the fire egress must be integrated into the lobby entrance or shopfront design.
- 11 Lockable mail boxes must be provided close to the street and under a shelter. They must be integrated with building entries at 90° to the street and to Australia Post standards.
- 12 Entries are to have street numbering that is clearly visible from the street.

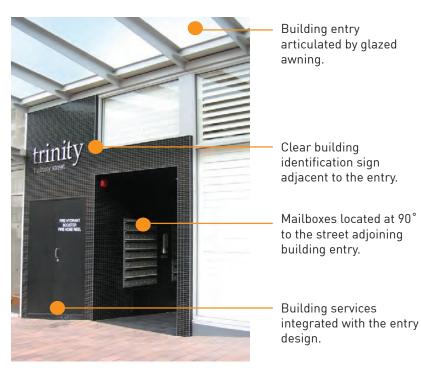


Figure 3A.9-4: Well designed building entry

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3A.10 ROOF FORMS AND PODIUMS

Objectives

- 1 To ensure that the design of the top floor of buildings minimises visual bulk.
- 2 To provide articulation that prevents any increased overshadowing.
- 3 To contribute to the overall design and environmental performance of buildings.
- 4 To encourage the use of podiums for open space.

Controls

- 1 The upper storeys of residential buildings must be articulated with differentiated roof forms, maisonettes or mezzanine penthouses or similar.
- 2 Service elements are to be integrated into the overall design of the roof so as not to be visible from the public domain or any surrounding development. These elements include lift overruns, plant equipment, chimneys, vent stacks, water storage, communication devices and signage.
- 3 Roof design must respond to solar access, for example, by using eaves and skillion roofs.
- 4 Where solar panels are provided they must be integrated into the roof line.
- The incorporation of green roofs or podiums is encouraged **Note:** Refer to *Part 5D.2 of this DCP* for relevant controls.
- 6 Lightweight pergolas, sun screens, privacy screens and planters are permitted on the roof or podium, provided they do not increase the bulk of the building, and create visual clutter.
- Podiums or roof terraces may be used for communal open space where appropriate.

Note: Refer to *Part 4.7* for detailed provisions for roof terraces and podium planting.

Where podiums or roof terraces are used for open space, planter boxes must be incorporated into walls or balustrades for privacy and amenity (see *Figure 3A.10-2*).

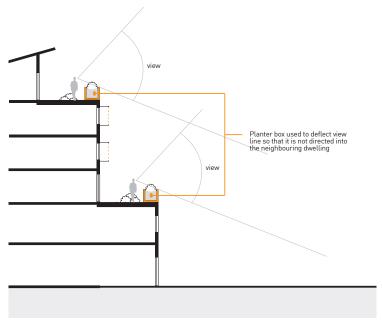


Figure 3A.10-2: Incorporation of planter boxes into walls or balustrades of podiums and terraces.





Figure 3A.10-1: The upper storeys of the building articulated with mezzanine penthouse.

3A.11 AWNINGS

Objectives

- 1 To ensure that awnings are in keeping with desired streetscape character and with the development in scale and overall design.
- 2 To provide awnings that increase pedestrian amenity with sun and rain protection.
- 3 To create well lit, visible street frontages that deter vandalism.



Figure 3A.11-1: Awning stepped to express building entry



Figure 3A.11-2: Awning with glazing design.

- 1 Continuous awning must be provided to the full length of the principal active street frontage.
- 2 Provide awnings along the supporting active street frontages wherever practical, especially at key pedestrian entrances.
- Awning design is restricted to suspended steel box section type along the principal active street frontages. Variations may be permitted in certain situations such as corners and building entries.
- 4 Large expanses of glazing within the awnings are to be avoided.
- Awning heights are to be between 3m and 3.5m except where integration with an adjoining property's awning(s) is desired, in which event awning height must not be greater than 4.2m.
- 6 Awnings are to be set back a minimum of 0.6m from the face of the kerb. Where street trees are required, the entire length of the awning is to be set back from the inside edge of the tree hole. Cut out for trees and light poles in awnings are not permitted.

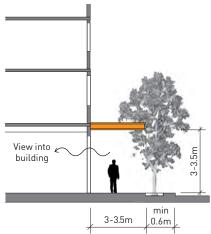






Figure 3A.11-4: Suspended steel box section type awning with under awning lighting.

- Awning depths should be between 3 and 3.5m along the principal active street frontages.
- 8 Steps within an awning for design articulation or to accommodate sloping streets must be integral with the building design. The step must not exceed 0.7m in height. See *Figure 3A.11-1*.
- 9 Vertical canvas drop blinds are not permitted along the outer edge of awnings / colonnades.
- 10 Provide under awning lighting recessed into the soffit of the awning or wall mounted on the building.
- 11 Under awning lighting must achieve luminance levels consistent with community safety and security in AS1228.1-2001. The lighting must be of high energy efficiency with LED diode technology preferred unless an alternate technology with equivalent or higher energy efficiency is used.

3A.12 COLONNADES

Objectives

- 1 To ensure that colonnades are in keeping with desired streetscape character and appropriate to the development in scale and overall design.
- 2 To provide colonnades that increase pedestrian amenity with sun and rain protection.
- 3 To provide colonnades that facilitate opportunities for outdoor dining.
- 4 To ensure that colonnade areas are well lit and have high visibility.

- 1 All colonnade spaces must be within private lands.
- 2 Colonnades are to have a height/width ratio no less than 1.5:1, a minimum width of 2.4m, and a minimum soffit height of 3.6m.

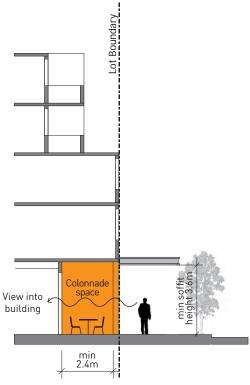


Figure 3A.12-2: Colonnade space activates street level.

- 3 Colonnade heights and widths are to be continuous along a block, and should readily allow extension into neighbouring sites.
- 4 The size and spacing of supports must be designed to allow pedestrian circulation and views of ground floor activity from the street, and avoid concealment areas.
- 5 On sloping sites a level access point must be provided between colonnade area and adjoining footpaths.
- 6 Provide under colonnade lighting recessed into the soffit of the colonnade or wall mounted on the building, ensuring shadowed recesses are not created as potential entrapment areas.
- 7 Under colonnade lighting must achieve luminance levels consistent with community safety and security in *AS1228.1-2001*. The lighting must be of high energy efficiency with LED diode technology preferred unless an alternate technology with equivalent or higher energy efficiency is used.



Figure 3A.12-1: Colonnade space within private land for outdoor dining opportunities.

3A.13 PRIVATE OPEN SPACE

Objectives

- 1 To provide private open space that is functional and responsive to the environment for the enjoyment of outdoor living for residents.
- 2 To provide private open space (eg. balcony, deck, terrace) that is integrated into the overall design of development.
- 3 To ensure that private open space design allows views and passive surveillance of the street while providing for safety and visual privacy of residents.



Figure 3A.13-1: Variety of balcony design with the incorporation of sun shading devices.



Figure 3A.13-2:
Fences with screen planting provided between common open space and private courtyards to ground floor apartments for visual privacy.

- 1 Ground and podium level apartments are to have a private outdoor courtyard/terrace with a minimum area (internal dimension) of 25m².
- All apartments that are not at ground or podium level are to include private open space (such as a roof garden, balcony, deck or terrace) with a minimum area (internal dimension) of:
 - i) 10m² for each one bedroom apartment;
 - ii) 12m² for each two bedroom apartment; and
 - iii) 15m² for each apartment with three or more bedrooms.
- 3 All private open space area requirements are exclusive of any areas for the provision of services, eg. external clothes drying facilities.
- The primary private open space must have a minimum dimension of 2.4m. See *Figure 3A.13-3*.
- 5 The primary private open space is to have direct access from the main living areas. See *Figure 3A.13-3*.

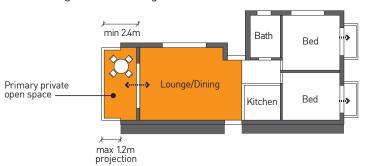


Figure 3A.13-3:
Primary private open space requirements.

- 6 Primary private open space with southern orientation must be avoided.
- Balcony or terrace design may incorporate building elements such as sun screens, shutters, operable walls and the like to respond to the street context, building orientation and residential amenity. The use of such building elements must not enable the balcony or terrace to be used as a habitable room.
- 8 Private open space (outdoor) for ground and podium level apartments are to be differentiated from common areas by at least one of the following:
 - i) a change in level;
 - ii) screen planting, such as hedges and low shrubs;
 - iii) up to 1.2m solid wall with at least 30% transparent component above, to a maximum height of 1.8m, and a gate to common open space.
- 9 One gas outlet (where gas services are available) and one water outlet are to be provided to the primary private open space.
- 10 Air conditioning units must not be located in private open space.

3A.14 COMMUNAL OPEN SPACE

Objectives

- 1 To provide useable, attractive and accessible communal open space that adds to the amenity of the development and facilitates social interaction.
- 2 To provide communal open space that is responsive to the site and its context.
- 3 To ensure high quality communal open space that is well integrated within the development.

Controls

- A minimum of $10m^2$ of communal open space per dwelling must be provided. This can be provided on the podium or roof area.
- 2 Despite 1, all mixed use development must provide at least one single parcel of communal open space with the following requirements:
 - i) a minimum area of 80m²; and
 - ii) a minimum dimension of 8m.
- Where additional parcels of communal open space are provided, a minimum dimension of 5m is required.
- 4 Access to and within the communal open space must be provided for people with a disability (refer to *AS1428*).
- 5 The location and design of communal open space must optimise opportunities for social and recreation activities, solar access and orientation, summer shade, outlook and the privacy of residents on adjoining sites.
- 6 Landscaping elements including small to medium trees must be incorporated.

Note: Refer to *Part 4.7 of this DCP* for appropriate soil provisions.

- 7 The communal open space (except for roof terraces) must be capable of surveillance from at least two apartments for safety reasons.
- 8 Concealment or entrapment areas must not be created within the communal open space.
- 9 Communal open space must be well lit with an energy efficient lighting system to be used in conjunction with timers or daylight controls. All light spill is prohibited.
- 10 Shared facilities such as barbecue facilities, play equipment and seating, are to be provided within the communal open space.
- 11 Sun shading devices and wind screens must be incorporated to encourage usage.
- Garden maintenance storage areas and connections to water and drainage must be provided to communal open space.



Figure 3A.14-1: Communal open space overlooked by adjacent apartments for passive surveillance.



Figure 3A.14-2: Use of roof terrace for communal open space in a mixed use development.

3A.15 APARTMENT DEPTH AND WIDTH

Objectives

1 To provide apartments with good amenity for occupants in terms of sun access and natural ventilation.

- Dual aspect apartments are to have a maximum internal plan depth of 18m from glass line to glass line. See *Figure 3A.15-1*.
- 2 Single aspect apartments are to have a maximum internal plan depth of 8m from glass line to internal face of wall of habitable area. See *Figure 3A.15-1*.
- The width of dual aspect apartments over 15m deep must be 4m or greater to avoid deep narrow apartment layouts. See *Figure 3A.15-1*.
- 4 All kitchens must not be located more than 8m to the back wall of the kitchen, from an external opening. See *Figure 3A.15-2*.

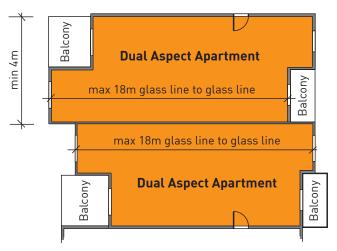
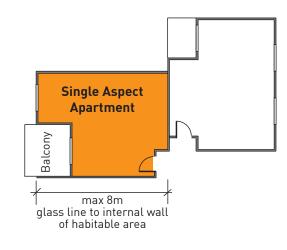


Figure 3A.15-1:
Apartment depth and width controls.



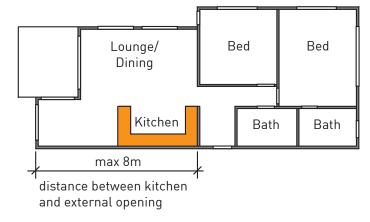


Figure 3A.15-2:
Maximum distance between kitchen and external opening.

3A.16 OFFICE FLOOR DEPTH

Objectives

1 To provide workspaces with good amenity for occupants in terms of sun access and natural ventilation.

- 1 For the commercial component within a mixed use development, the maximum internal plan depth of office floors is to be 10m from glass line to internal face of wall. Refer to Figure 3A.16-1.
- 2 Circulation, services and storage areas are to be located at the the centre of the building to maximise opportunity for external openings for daylight access and views.
- 3 Atriums and courtyards are encouraged to promote access to natural light.

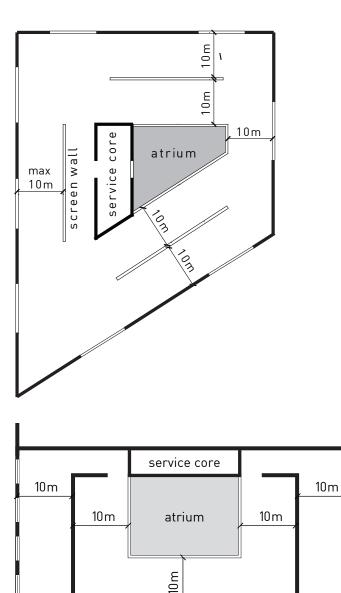


Figure 3A.16-1: Internal plan depth controls for offices.

3A.17 NATURAL VENTILATION

Objectives

- 1 To ensure a high level of internal amenity for all occupants with direct access to fresh air for all habitable rooms.
- 2 To provide workspaces with opportunities for natural ventilation.

- 1 All habitable rooms are to have operable windows or doors.
- 2 At least 60% of apartments must have natural cross ventilation.
- 3 At least 25% of all kitchens are to be naturally ventilated.
- 4 Use the building layout to increase the potential for natural ventilation. Design solutions include:
 - i) facilitating cross ventilation by designing narrow building depths and providing dual aspect apartments (cross-through and corner apartments). Refer to *Part 3A.15 of this DCP*;
 - ii) facilitating convective currents by designing units which draw cool air in at lower levels and allow warm air to escape at higher levels (eg. maisonette and two-storey apartments);
 - iii) minimising interruptions in air flow through the apartment. The more corners or rooms airflow must negotiate, the less effective the natural ventilation;
 - iv) grouping rooms with similar usage together, for example, keeping living spaces together and sleeping spaces together.
 This allows the apartment to be compartmentalised for efficient summer cooling or winter heating.

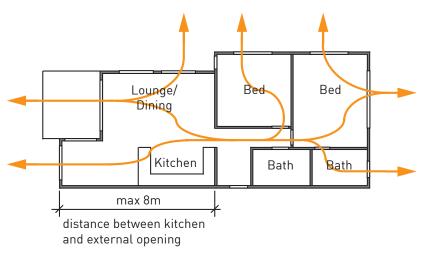


Figure 3A.17-1:
Building layout that facilitates cross ventilation.



- 5 Select doors and operable windows to maximise natural ventilation opportunities established by the apartment layout. Design solutions include:
 - i) locating small windows on the windward side (facing the prevailing winds) and larger windows on the leeward side (away from the prevailing winds) of the building thereby utilising air pressure to draw air through the apartment;
 - ii) using higher level casement or sash windows, clerestory windows or operable fanlight windows (including above internal doors) to facilitate convective currents (this is particularly important in apartments with only one aspect); and
 - iii) selecting windows which the occupants can reconfigure to funnel breezes into the apartment, such as vertical louvred, casement windows and externally opening doors.
- 6 All office workspaces are to have operable windows or doors which open to at least 30% of the window or door areas.
- 7 The use of open plan office floor areas is encouraged to minimise interruptions in airflow by partitions and furniture.
- Where possible, provide dual aspect floorspace to office workspaces to aid cross ventilation.
- 9 Where retail facilities are unable to provide natural ventilation, mechanical system must be incorporated to ensure air change and flow within internal areas.

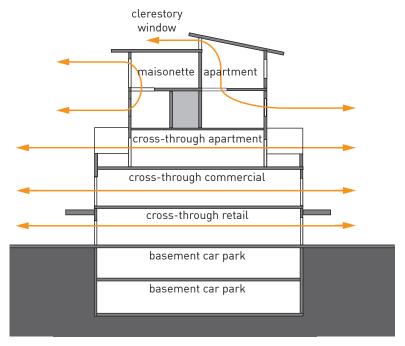


Figure 3A.17-2: Natural ventilation improves the quality of air within living space and work environment.

Objectives

- 1 To ensure a high level of internal amenity for all occupants with direct access to daylight in all habitable rooms.
- 2 To minimise the negative impact of overshadowing on living areas and private and communal open space areas of neighbouring development.
- 3 To minimise the impact of development on existing solar collection devices.



Figure 3A.18-1: Internal atrium space provided to promote daylight access.



Figure 3A.18-2: Use of skylights to maximise daylight to internal space.

3A.18 SOLAR ACCESS

Controls

- 1 All developments must comply with the Apartment and Office Floor Depth Controls in *Part 3A.15 and Part 3A.16 of this DCP* to optimise solar access to habitable rooms and workspaces.
- 2 Buildings must be oriented to optimise the northern aspect.
- 3 At least 70% of apartments must receive a minimum of three hours direct sunlight to living rooms and adjacent private open spaces between 9am and 3pm on 21st June.

Note: Shadows cast by trees and vegetation are excluded from this calculation.

- 4 At least 50% of the communal open space for residents' use must receive direct sunlight for at least three hours between 9am and 3pm on 21st June.
- The combined number of single aspect apartments with either a southern or western orientation must be limited to a maximum of 10% of the total apartments proposed in the development. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these controls.
- 6 Use light shelves, reflectors, lightwells, skylights, atriums and clerestories where possible to maximise the quantity and quality of natural light within internal areas.
- The use of lightwells/skylights as a primary source of daylight in habitable rooms is prohibited.
- All developments must allow the retention of at least three hours of sunlight between 9am and 3pm on 21st June to the living areas and the principal portion of the private and communal open space of:
 - existing residential flat buildings and multi-dwelling housing on adjoining lots; and
 - any residential development in adjoining R2, E4 and R3 zones.

Where existing overshadowing by buildings is greater than this, sunlight is not to be reduced by more than 20%.

- 9 At least 90% of all office workspaces must be within 10m and in direct line of sight of a perimeter window.
- Overshadowing must not compromise the development potential of the adjoining under-developed site(s).
- 11 Developments must allow the retention of a minimum 4 hours direct sunlight between 9am and 3pm on 21st June to all existing neighbouring solar collectors and solar hot water services.

3A.18 SOLAR ACCESS (continued)

Controls

Sun Shading

- 12 All developments must utilise shading and glare control. Design solutions include:
 - i) providing external horizontal shading to north-facing windows, such as eaves, overhangs, pergolas, awnings, colonnades, upper floor balconies, and/or deciduous vegetation;
 - ii) providing vertical shading to east and west windows, such as sliding screens, adjustable louvres, blinds and/or shutters;
 - iii) providing shading to glazed and transparent roofs;
 - iv) using low glare high performance glass with an overall 3 star Window Energy Rating Scheme rating

Note: Refer to www.wers.net;

- v) using glass with reflectance below 20%.
- 13 All shading devices must be integrated with building facade design.
- 14 Consideration should be given to the integration of solar shading with solar energy collection technology.
- 15 Reflective films applied to windows and glazing is to be avoided.



Figure 3A.18-3: Retractable shading devices to the windows for solar access control.



Figure 3A.18-4: Photovoltaic cells integrated into the awning design.

3A.19 VISUAL PRIVACY

Objectives

1 To ensure high standards of visual privacy for all occupants within the development and to its neighbours.



Figure 3A.19-1: Balconies with sliding panels to increase visual privacy.



Figure 3A.19-2: Use of a mix of solid and transparent balustrades on different levels to ensure visual privacy.

- All developments must comply with the Building Separation Controls in *Part 3A.1 of this DCP* to ensure visual privacy for building occupants.
- 2 Buildings must be designed to ensure privacy for residents of the neighbouring site and of residents without compromising access to light and air. Design solutions include:
 - i) off-setting windows in relation to adjacent buildings/windows;
 - ii) using recessed balconies and/or vertical fins between adjacent private balconies;
 - iii) using solid or semi-transparent balustrades to balconies;
 - iv) using louvres/screen panels to windows and balconies;
 - v) providing vegetation as a screen between spaces;
 - vi) incorporating planter boxes into walls or balustrades to increase the visual separation between areas;
 - vii) utilising pergolas or shading devices to limit overlooking of lower building levels or common and private open space.
- 3 Continuous transparent balustrades are not permitted to balconies or terraces for the lower 3 storeys.
- 4 Screening between apartments must be integrated with the overall building design.

3A.20 ACOUSTIC PRIVACY

Objectives

- 1 To ensure high standards of acoustic privacy for all occupants of the development.
- 2 To ensure housing adjoining main roads is designed and constructed to minimise the impact of external noise and facilitate comfortable living conditions for residents.

Controls

- 1 All developments must comply with the Building Separation Controls in *Part 3A.1 of this DCP* to ensure adequate acoustic privacy for building occupants.
- 2 Buildings must be designed to minimise the impact of traffic noise through planning, construction and materials in accordance with:
 - i) AS2107-2000: Acoustics- Recommended design sound levels and reverberation times for building interiors.
 - ii) AS3671-1989: Acoustics- Road traffic noise intrusion- Building siting and construction.
- 3 Premises operating after hours (such as cafes, restaurants, entertainment facilities and the like) are to be designed to minimise the impact of noise, associated with late night operation, on nearby residents.
- In mixed use development, the use of mechanical plant equipment and building services shall be located away from the residential component and have appropriate acoustic insulation.
- 5 Residential buildings (on the podium) must be designed to minimise noise transition by, but not limited to, the following means:
 - i) grouping room uses according to the noise level generated;
 - ii) using storage or circulation zones within an apartment to buffer noise from adjacent apartments, mechanical equipment or corridors and lobby areas;
 - iii) minimising the amount of shared walls with other apartments;
 - iv) using service areas / corridors to buffer noise sensitive areas (ie. bedrooms) from noise generators including traffic, railway line, service and loading vehicle entries;
 - v) incorporating appropriate noise shielding or attenuation techniques into the design and construction of the building.

Note: Where a site is affected by the noise of a busy road or railway, refer to *Part 4.1 of this DCP.* SEPP Infrastructure may also apply.



Figure 3A.20-1: Balconies with sliding louvred panels for acoustic privacy.



Figure 3A.20-2: Glazed facade to minimise sound infiltration into the building.

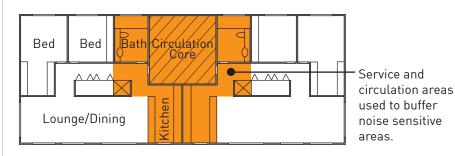


Figure 3A.20-3:
Provision of buffer zone to minimise noise pollution.

3A.21 INTERNAL CEILING HEIGHTS

Objectives

- 1 To ensure that internal ceiling heights are coordinated with external building form requirements.
- 2 To provide internal ceiling heights that contribute to flexibility and adaptability of use in the future.
- 3 To create buildings that facilitate a 'sense of space' by maximising natural light and ventilation.

Controls

- For all mixed use buildings in residential and business zones (eg. B2, B4, R4) the minimum ceiling heights, measured from finished floor level (FFL) to finished ceiling level (FCL), are to be:
 - i) 3.3m for ground floor retail or commercial uses;
 - ii) 3m for first floor commercial or residential uses:
 - iii) 2.7m for residential use or 3m for commercial uses on all other floors;

Note: Internal ceiling height of 2.25m may be permitted for non-habitable rooms or service areas.

- 2 Internal ceiling heights and slab levels must be coordinated with external height requirements and key datum lines. External building elements requiring coordination must include:
 - i) datum lines and parapet lines set by the context or KLEP 2010;
 - ii) the cornices and string courses of adjacent heritage buildings; and/or
 - iii) existing exterior awning levels or colonnade heights.



Figure 3A.21-1: Internal ceiling height responded to the parapet line of adjoining heritage building.

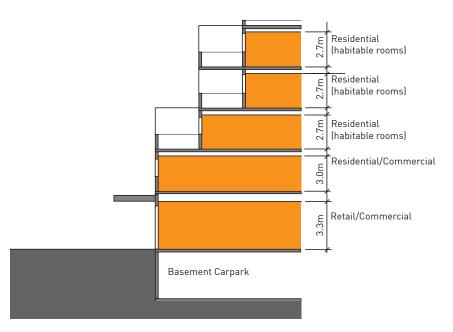


Figure 3A.21-2: Internal ceiling height requirements for mixed use buildings.

Objectives

1 To provide well proportioned and functional rooms.

3A.22 APARTMENT ROOM SIZES

- 1 Living areas must have a minimum internal plan dimension as follows.
 - i) 4m for apartments with 2 or more bedrooms;
 - ii) 3.5m for other apartments.
- 2 One and two bedroom apartments must have a minimum internal plan dimension of 3m (excluding wardrobe space) in all bedrooms and living areas.
- Apartments with three or more bedrooms are to have at least two bedrooms with a minimum internal plan dimension of 3m (excluding wardrobe space).

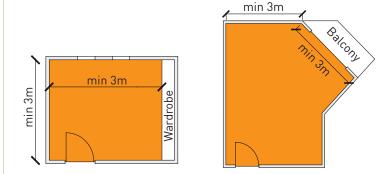


Figure 3A.22-1:
Minimum dimension controls for bedrooms.

3A.23 INTERNAL COMMON CIRCULATION

Objectives

1 To provide accessible, safe and pleasant circulation spaces for all occupants and users.



Figure 3A.23-1: Generous ceiling height to lift lobby to promote daylight access.



Figure 3A.23-2: Generous open common circulation space for commercial uses on upper floor levels.

- 1 The design of internal common circulation space must comply with the provisions in *AS1428.1* and *AS1428.2* to provide adequate pedestrian mobility and access.
- 2 All common circulation areas including foyers, lift lobbies and stairways must have:
 - i) appropriate levels of lighting with a preference for natural light where possible;
 - ii) short corridor lengths that give clear sight lines;
 - iii) clear signage noting apartment numbers, common areas and general direction finding;
 - iv) natural ventilation;
 - v) low maintenance and robust materials.
- Where artificial lighting is required energy efficient lights are to be used in conjunction with timers or daylight controls.
- 4 All single common corridors must:
 - i) serve a maximum of 8 apartments;
 - ii) be at least 1.5m wide (to allow ease of movement of furniture); and
 - iii) be at least 1.8m wide at lift lobbies. See Figure 3A.23-3.
- 5 Building design must avoid blind corner or dark alcoves near lifts and stairwells, at entrances, along corridors and walkways and within car parks.
- 6 Separate access points (via lift or stairs) must be provided for each different use. Both commercial and residential must have its own entry.

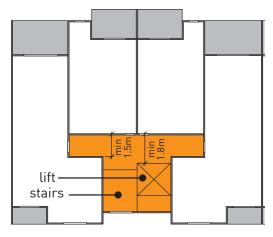


Figure 3A.23-3: Lobby dimension controls

Objectives

1 To ensure all apartments have adequate and accessible storage for everyday household items.

3A.24 APARTMENT STORAGE

Controls

- 1 Storage space must be provided for each apartment at the following minimum volumes:
 - i) 6m³ for studio;
 - ii) 8m³ for one bedroom apartments;
 - iii) 10m3 for two bedroom apartments; and
 - iv) 12m³ for apartments with three or more bedrooms.
- 2 At least 50% of the storage space must be provided within the apartment. The remaining storage space outside apartments, such as within basements, must be separately allocated to the relevant apartments.
 - **Note 1:** Storage space within apartments 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.
 - **Note 2:** Storage space outside apartments can be in basements and dedicated storerooms. The rear of a parking space is an appropriate location in the basement for part of the storage controls.
 - **Note 3:** Where two car spaces are provided for an apartment, the requirement for the basement storage component may be waived in order to ensure basements do not extend greater than 10% of the ground floor perimeter.

Note 4: For waste storage see Part 4.16 of this DCP.

3A.25 EXTERNAL AIR CLOTHES DRYING FACILITIES

Objectives

- 1 To ensure buildings maximise the opportunities for sun and wind drying of clothes.
- 2 To provide external air clothes drying areas that do not detract from the visual appearance of the building and common areas.

Controls

- 1 Each apartment is required to have access to an external air clothes drying area, eg. a screened balcony, a terrace or common area.
- 2 External air clothes drying areas must be screened from public and common open space areas.
- Where provided in common areas, drying facilities, including clothes lines, are to be provided.



Balconies partly screened for external air clothes drying area.

Figure 3A.25-1: Screened balconies for external air clothes drying facilities.

Objectives

- 1 To ensure clear demarcation of parking areas for different uses within mixed use buildings.
- 2 To provide adequate and accessible on-site service areas and loading facilities.
- 3 To provide service areas and loading docks in a quantity and size appropriate to the scale and intensity of the proposed use.
- 4 To ensure that loading facilities do not detract from the amenity of nearby public spaces and residential areas.

3A.26 VEHICLE AND SERVICE ACCESS AND LOADING FACILITIES

Controls

Vehicle access

- 1 Vehicle access points must not be located along principal active street frontages unless otherwise specified in *Part 2 of this DCP*.
- 2 All developments must provide a shared vehicle entry / exit point for different uses (eg. retail, commercial and residential).
 - **Note:** Any proposal seeking to provide separate vehicle entry / exit points on large developments must justify this variation by demonstrating the combined effect does not dominate the building facade or streetscape.
- Where retail, commercial and residential uses share the same vehicle entry / exit, clear demarcation of parking areas must be made. Residential parking must be secure and separate from retail/commercial parking. See *Figure 3A.26-1*.

Note: Refer to *Part 4.8 of this DCP* for vehicle access design controls.

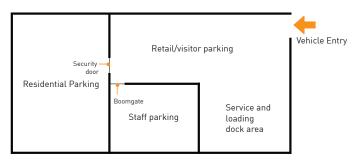


Figure 3A.26-1: Separate parking zones for different uses..

Service access

- 4 On-site service vehicle access must be provided and designed in accordance with the following:
 - a driveway must be established that is of adequate strength, width and design for the intended service vehicle characteristics;
 - ii) the driveway is to be designed such that service vehicle movement is in a forward direction, both when entering and exiting the site;
 - iii) entrance heights must allow access for service vehicles;
 - iv) service ducts, pipes and other overhead obstructions are to be located to maintain minimum finished ceiling heights required for service vehicle access; and
 - v) on-site manoeuvrability must be unimpeded for all site users.
- Generally service vehicle access is to be combined with parking access. Separate access may be required in major retail/commercial developments

Note: Refer to *Part 2 of this DCP* for relevant controls on each Key Sites.

3A.26 VEHICLE AND SERVICE ACCESS AND LOADING FACILITIES (continued)

Controls

Where a waste and recycling room is provided within the basement, the minimum finished ceiling height must be 4.5m along the path of travel from the street to the commercial waste collection and manoeuvring area, and 2.6m to the residential waste collection room and manoeuvring area. This clearance is to be kept free of any overhead ducts, services or other obstructions.

Note: Refer to Part 4.16 of this DCP for waste requirements.

Loading facilities

- 7 On-site internal loading facilities must be provided for all developments with loading and unloading requirements.
- 8 Loading docks are to be:
 - i) accessed via a rear lane or secondary streets where these are available, and accessible to heavy vehicles;
 - ii) conveniently located in such a way that minimises conflict with pedestrians and other traffic; and
 - iii) screened from the public street.

Note: Refer to RTA guidelines.

- 9 Service vehicles turning into or out of a road or driveway must be able to complete their turning manoeuvres without crossing the centre line of the public road.
- 10 Gradients in service areas are to be kept to a minimum. The maximum gradient measured in any direction at any one point, must be 1:6.5 (15.4%) where only forward movement is to take place or 1:8 (12.5%) where reverse manoeuvres will occur.
- 11 Circulation roadways and loading area dimensions must comply with the provisions in AS2890.2: Off-Street Parking (Part 2:Commercial Vehicle Facilities).
- The design of the apron area in front of the loading dock(s) must take into account the type of vehicle to be used. Reference must be made to AS2890.2 for apron dimensions.
- Turning provisions are to be made within the site for the manoeuvring of vehicles using the loading and unloading facilities in accordance with AUSTROADS Design Vehicular and Turning Templates.

Objectives

- 1 To provide adequate car parking for the building's users and visitors.
- 2 To ensure the location and design of car parking is integrated with the site and building design.

3A.27 CAR PARKING PROVISION

Controls

Car parking design

- 1 All car parking areas are to be provided within the basement of development wherever practicable.
- The basement car park areas must not project above finished ground level along the principal active street frontage. On supporting active street frontages the car park may project above existing ground level by a maximum of 1m to the floor level of the storey immediately above.

Note: Refer to *Part 4.9 of this DCP* for additional basement car parking design controls.

- 3 Separate and direct lift/stair access must be provided from basement car parks to apartments, commercial units and retail facilities. Where this is not possible, it must be demonstrated that there is no conflict or danger in the use of shared lifts/stairs.
- In order to allow for future connections between adjacent basement car parks, knock-out panels are to be provided in perimeter walls of the basement car park. Other considerations include:
 - i) the car park layout must be adaptable to provide logical circulation within the car park, and between adjacent car parks, once connectivity is achieved.
 - ii) the connection between car parks should remain open permanently and not closed by shutters/gates.
 - iii) the connection between car parks should be made for the same user group, preferably connecting adjacent customer/public parking levels
- 5 Multi-storey car parking above ground level may be permitted and must be:
 - i) housed within the building, leaving external walls for active uses (see *Figure 3A.27-1*); or
 - ii) located to the rear or side of buildings where they are not visible from the street and are screened from adjacent development.
 - iii) Where (i) and (ii) are impractical, above ground multi-storey parking must be well integrated into the building and have a well modulated facade that enhances the streetscape.
- 6 Multi-storey above ground car parks must have a minimum floor to ceiling height of 3m to enable flexibility for change in use. Refer to *Figure 3A.27-2*.

3A.27 CAR PARKING PROVISION (continued)

Controls

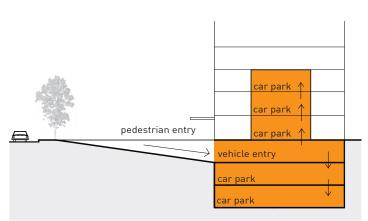


Figure 3A.27-1:
Multi-storey above ground car park is housed within the building to facilitate active street frontages.

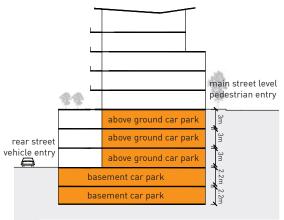


Figure 3A.27-2: Above ground car parking is permitted on steep sites.

Car Parking rates

The following car parking ranges apply to office, business premises and shops, where the development is within 400m of a train station and within a commercial centre:

Premises	Parking Space Requirement *
Office and business premises, including professional suites	1 space per 33m ² GFA to 1 space per 45m ² GFA
Shops, including restaurants and cafes	1 space per 26m ² GFA to 1 space per 33m ² GFA

- 8 For all other locations, car parking is to be provided for retail and commercial uses as well as recreational/tourist facilities and health/community services in accordance with the parking rates in *Appendix A3 of this DCP*.
- 9 The following car parking ranges apply to the residential component within mixed use developments:

Apartment Size	Parking Space Requirement per apartment
Studio	0 - 0.5 spaces
One bedroom	0.6 - 1 spaces
Two bedrooms	1 - 1.25 spaces
Three or more bedrooms	1.0 - 1.5 spaces

Note: A Traffic Impact Assessment must accompany development applications that seek to vary the parking rates. This includes parking variations in lieu of commercial or strata funded car share schemes.

10 Any spaces provided which exceed the upper range are to be included in the calculation of gross floor area.



Figure 3A.27-3: Projection of basement car parking along the principal active street frontage is prohibited.



Controls

- 11 Visitor parking is to be provided within the site at the rate of one space per 6 apartments.
- 12 Visitor parking for each separate use must be provided within the main parking area allocated for that use.

Note: Refer to *Part 4.10 of this DCP* for visitor parking design controls.

- 13 For retail/commercial parking, specific areas of the total parking quantum are to be set aside for employee/long term parking. As a guide, 20% of retail parking and 90% of commercial parking could be set aside as employee/long term parking.
- 14 Provision of accessible car parking is to comply with the following rates (subject to demand):

Type of Facility	Min Rate of Provision (% of total number of car spaces)
Retail/Commercial	1-2%
Civic/Community Centres	2-3%
Recreational Facilities	2-3%
Theatres, Entertainment Centres	3-4%
Medical Centres	3%

Note: For parking areas with 50 or more spaces, the minimum provision is one space.

15 Each adaptable housing dwelling must be provided with at least one disabled car parking space designed in accordance with *AS2890.6*.

Note: Refer to *Part 4.11 of this DCP* for parking for people with a disability design controls.

3A.28 BICYCLE PARKING PROVISION

Objectives

1 To provide sufficient and accessible bicycle parking to encourage the use of bicycles.

Controls

- 1 Secure bicycle parking spaces and storage are to be provided on site at the following rates for retail and commercial uses:
 - i) 1 bicycle locker per 600m² of GFA for staff; and
 - ii) 1 bicycle parking space (in the form of a bicycle rail) per 2500m² GFA for visitors.
- 2 Secure bicycle parking spaces and storage are to be provided on site at the following rates for residential component:
 - i) 1 bicycle parking space per 5 units (or part thereof) for residents within the residential car park area; and
 - ii) 1 bicycle parking space per 10 units (or part thereof) for visitors in the visitor car park area.

Note: Refer to *Part 4.13 of this DCP* for bicycle parking design controls.

3 Retail or commercial development is to provide employees with 1 shower cubicle with ancillary change rooms per 10 bicycle spaces, including a minimum of 1 shower for both females and males. Signs to showers are to be provided at bicycle parking locations.



- 1 To increase housing choice for seniors and people with disabilities.
- 2 To provide housing that allows people to stay in their home as their needs change due to aging or disability.

3A.29 ADAPTABLE HOUSING

- The residential component of mixed use buildings must contain at least one apartment for each 10 apartments (or part thereof) designed as adaptable housing in accordance with the provisions of AS4299-1995: Adaptable Housing Class C.
- 2 Each adaptable housing apartment must be provided with at least one disabled car parking space designed in accordance with *AS2890.6*.
- At least 70% of apartments are to be "visitable" in accordance with the definition in *Appendix A4 of this DCP*.

3A.30 APARTMENT MIX AND SIZES

Objectives

- 1. To ensure the provision of a range of apartment types, sizes and layouts for housing choice.
- 2. To encourage the provision of smaller apartments in the urban centres.

- 1 A range of apartment sizes and types must be included within the development.
- 2 Apartments are to be a minimum size (GFA) of:
 - i) 50m² for studios and one bedroom apartments;
 - ii) 70m² for two bedroom apartments;
 - iii) 95m² for three bedroom apartments.







Figure 3A.30-1:
A variety of apartment types, sizes and layouts within the same development.

OFFICE BUILDING

Introduction

Site Design

- 3B.1 Building Separation
- 3B.2 Building Setbacks
- 3B.3 Landscaping and Fencing
- 3B.4 Consideration of Isolated Sites

Building Design

- 3B.5 Building Forms and Facades
- 3B.6 Corner Building Articulation
- 3B.7 Ground Floor Frontage
- 3B.8 Building Entries
- 3B.9 Roof Forms, Terraces and Podiums
- 3B.10 Awnings and Colonnades

Site and Building Amenity

- 3B.11 Communal Open Space
- 3B.12 Office Floor Depth
- 3B.13 Natural Ventilation
- 3B.14 Solar Access
- 3B.15 Visual Privacy
- 3B.16 Acoustic Privacy
- 3B.17 Internal Ceiling Heights
- 3B.18 Internal Common Circulation

Parking and Vehicular Access

- 3B.19 Service Access and Loading Facilities
- 3B.20 Car Parkng Provision
- 3B.21 Bicycle Parking Provision



INTRODUCTION

This Part is to be read in conjunction with KLEP 2010. This section applies to all office building developments within the Town Centres.

Where a development involving refurbishment works or alterations/ additions to existing buildings, new elements are to meet the requirements of this Part.



3B.1 BUILDING SEPARATION

Objectives

- 1 To ensure that new development is scaled to support the desired character of the area with appropriate massing and spaces between buildings.
- 2 To ensure building configuration protects and enhances visual and acoustic privacy for occupants.
- 3 To provide building form and layout that minimises overshadowing of adjacent properties and open space.
- 4 To provide building configuration that facilitates the provision of useable communal open space, landscaping and view corridors.
- 5 To provide building form and layout that maximises view sharing.

- On large sites where there are a number of buildings, the minimum separation between buildings is to be 10m.
- 2 Despite Clause 1 above, office buildings within B2 and B4 zones must comply with the relevant controls in *Part 2 and Part 3A.1 of this DCP*.





Figure 3B.1-1: Landscaped open space as separation between office buildings.

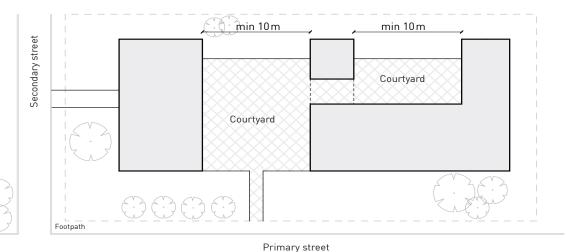


Figure 3B.1-2:
Minimum building separation of 10m between buildings within a park setting.

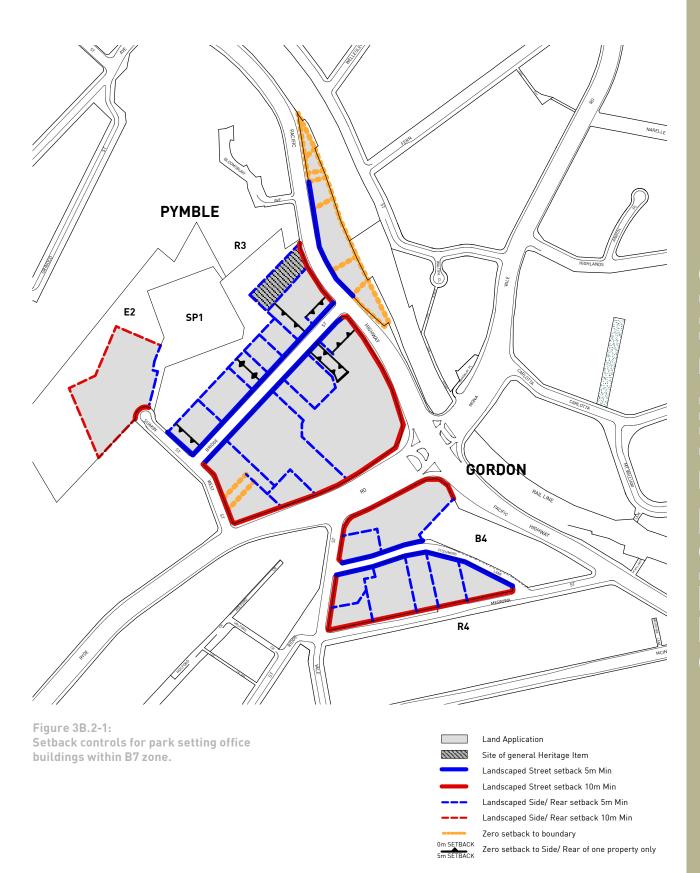
3B.2 BUILDING SETBACKS

Objectives

- 1 To ensure streetscape consistency.
- 2 To allow for street landscape character where appropriate.
- 3 To ensure adequate space between sites to enable effective landscaping and tree planting
- 4 To protect privacy and amenity of adjoining residential land uses.
- 5 To ensure adequate separation between buildings on different sites for sun access, acoustic control and natural ventilation.

- 1 All buildings within the B7 zone must comply with the setback controls illustrated in *Figure 3B.2-1*.
- Where setbacks in the B5 zone are not specified in *Figure 3B.2-1* zero setbacks are permitted to all boundaries.
- Office buildings within B2 and B4 zones must comply with relevant controls in *Part 2 and Part 3A.2 of this DCP*.
- 4 The following elements may encroach into setback areas within B5 and B7 zones:
 - i) eaves;
 - ii) sun shading; and
 - iii) blades, fins, columns.
- 5 Basements must not encroach into the street, side and rear setbacks.
- 6 Surface parking is not permitted within the street setback.

3B.2 BUILDING SETBACK (continued)



Objectives

- 1 To enable buildings to be set within gardens dominated by canopy trees which screen the buildings, soften the urban form and maintain the garden character of Ku-ring-gai.
- 2 To provide landscaping that is appropriate to the scale and context of the development.
- 3 To provide amenity for the users of the site.
- 4 To provide landscaping that provides habitat for indigenous plants and animals and contributes to the biodiversity of the area.
- 5 To promote landscaping that minimises water use.
- 6 To shade car parking.
- 7 To ensure that fencing does not detract from the overall visual amenity and character of the area.

3B.3 LANDSCAPING AND FENCING

- Where street setbacks are provided, 85% of the street setback area, excluding driveway, is to be deep soil landscaping.
- Where landscaping is provided along the street alignment, a physical edge, such as a planter box wall, must be no higher than 1m.
- 3 Side and rear setbacks are to provide tree and shrub planting for screening and shading, and contribute to the green character of the Ku-ring-gai locality.
- 4 Natural ground level is to be retained throughout side and rear setbacks, where possible.
- 5 Permeable pathways are to be used for pathways wider than 1m.
 Note: Such pathways must comply with standards for access for people with a disability.
- 6 At least 50% of all tree planting are to be locally occurring trees, and be spread around the site.
- 7 Species are to be chosen for an appropriate range of height and foliage density, and for their low maintenance characteristics, water efficiency, aesthetic appeal and suitability to the characteristics of the site and location. Species for screen planting are also to be chosen for relatively fast growth.
- 8 Siting and choice of trees must consider:
 - i) good solar access to communal open space areas;
 - ii) provision of summer shade;
 - iii) proximity to buildings, fences, and other structures;
 - iv) proximity to stormwater, electricity, gas, sewer, other infrastructure and services; and
 - v) measures to minimise the potential hazard on sites prone to bushfire risk (refer to *Part 4.2 of this DCP* and *Planning for Bushfire Protection 2006*).
- 9 Natural ground level must be maintained beneath the canopy spread of trees to be retained.
- 10 Street fencing is not supported. Street boundaries are to be delineated by soft landscaping including, but not limited to, hedges and trees of varied mature height.
- 11 Side fencing behind the street building setback and rear property fencing is to be maximum 1.8m high.

3B.4 CONSIDERATION OF ISOLATED SITES

Objectives

- 1 To achieve orderly and economic development.
- 2 To prevent sites from becoming isolated and unable to be developed in accordance with KLEP 2010.
- 3 To encourage consolidation of sites to enable efficiency through shared facilities and services, such as car parking, recycling and waste collection.

Controls

- 1 Sites are to be consolidated or amalgamated to avoid isolating an adjoining site or sites in a business zone with a minimum street frontage and/or minimum lot size that would prevent redevelopment of the site/s in accordance with its zoning under KLEP 2010.
- Where a development proposal results in an adjoining site or sites being isolated, the applicant is to demonstrate that:
 - i) amalgamation of the isolated site is not feasible in accordance with the relevant planning principles established by the Land and Environment Court; and
 - ii) the adjoining site(s) can be orderly and economically developed in accordance with the provisions of KLEP 2010 and this DCP, including, but not limited to:
 - achieving an appropriate urban form for the location, and
 - having and acceptable level of amenity.

To assist in this assessment, applicants are to submit details and diagrams of development that is of appropriate urban form and amenity for the isolated site which indicates height, setbacks and resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments. Important considerations include solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road.

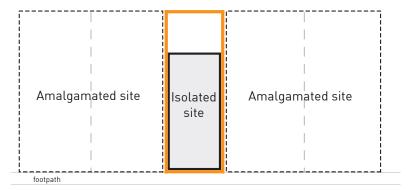




Figure 3B.4-1
Lot amalgamation must avoid isolating small sites.

3B.5 BUILDING FORMS AND FACADES

Objectives

- 1 To promote buildings of high architectural quality that contribute to the desired local character.
- 2 To create building facades that reduce the bulk and scale of the building.
- 3 To create building facades that are environmentally responsive.
- 4 To integrate building elements into the overall building form and facade design.
- 5 To ensure that building facade design contributes to the safety of the public domain.

1

Controls

- Buildings with large floor plates must be expressed as separate building elements of not more than 1200m².
- 2 Within B7 and B5 zones the continuous length of a single building on any elevation must not exceed 60m.
- All building facades at ground level must engage with and contribute to the activities of the street principally through the use of glazed frontages.

Note: Refer to *Part 3B.7 of this DCP* for ground floor frontage controls.

- 4 Monolithic structures with repetitive elements must be avoided by segmenting building facades into vertical elements with individual modulations.
- Use rhythm and patterns of windows, material, colour and texture to express building elements and create dynamic facades. For example, using recessed balconies and deep windows to create contrasting areas giving the facade visual depth.

Note: Refer to *Part 4.5* for relevant controls on materials, finishes and colours.

- 6 The building layout or structure is to be expressed within the facade.
- 7 Building facades must be designed to respond to solar access by using solar protection elements such as overhangs and other sun shading devices as environmental controls.
- 8 All building elements including shading devices, signage, drainage pipes, awnings/colonnades and communication devices must be coordinated and integrated within the overall facade design.

Note: See *Part 10 of this DCP* for other signage requirements.

- Balconies that run the full length of the building facade are not permitted.
- Balconies must not project more than 1.2m from the outermost wall of the building facade.
- 11 Blade walls are not to be the sole element used to provide articulation.
- Office buildings in B2 and B4 zones must comply with the Wind 12 Impact controls in Part 3A.5 of this DCP.





Figure 3B.5-1: Segmenting of building facade to create interesting elements.

3B.6 CORNER BUILDING ARTICULATION

Objectives

1 To provide distinct building articulation on corner sites that reinforce the street intersection and create landmark.

- 1 Corner buildings must address both street frontages.
- 2 Street corners must be emphasised by giving visual prominence to parts of the building facade. This may be achieved through a change in building articulation, material or colour, roof expression or height.





Figure 3B.6-1: Corner articulation using height and color changes.

3B.7 GROUND FLOOR FRONTAGE

Objectives

- 1 To provide ground floor facades that enhance public domain amenity and safety.
- 2 To create active street frontages that facilitate direct physical and visual connection between the private and public domain.

Controls

- Buildings must not have a continuous length of blank wall of more than 30% of the length of the building facade at the street level.
- 2 Ground floor building articulation must be designed to avoid the creation of entrapment areas.
- 3 External finishes at street level must be robust and graffiti resistant, eq. ceramic tiles and metal.
- 4 Provide predominantly clear glazing to all street frontage windows with a minimum 3 star Window Energy Rating Scheme rating.

Note: Refer to www.wers.net.

- Security roller shutters are not permitted on the external face of the building. Where they are deemed necessary, grilles or transparent security shutters must be located internally.
- 6 Office buildings within B2 and B4 zones must also comply with *Part 3A.8 of this DCP*.
- Where ancilliary services such as cafes are provided, they must be located within the foyer/atrium area and have good visual connection with the foyer.

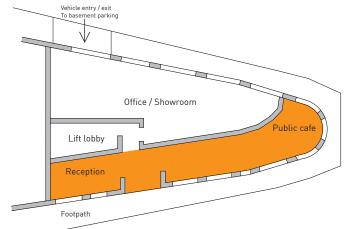


Figure 3B.7-1:
The use of glazed frontages on street level to provide passive surveillance.



Figure 3B.7-2:
Office building is to have active street frontage.

3B.8 BUILDING ENTRIES

Objectives

- 1 To ensure that the building entry is clear and easily identifiable in the street, and is accessible to all.
- 2 To ensure that building entry contributes positively to the streetscape and building facade design.

2727



Figure 3B.8-1:
Office building entry using different colour, materials.

Controls

- 1 Provide access to and within all developments in accordance with the *Disability Discrimination Act 1992*.
- 2 Buildings must address the street either:
 - i) with main entrances to lift lobbies directly accessible and visible from the street; or
 - ii) with the path to the building entry readily visible from the street where site configuration is conducive to having a side entry.
- Building entries must be integrated with building facade design. At street level, the entry must be articulated with awnings, porticos, recesses or projecting bays for clear identification.
- 4 Main entrances from primary street frontages must be level with adjoining footpaths.

Note: Footpath levels are not to be changed and level adjustments to occur on private lands.

- 5 All entry ramps for disabled access must be located inside the building facade and integrated into the lobby entrance design.

 Measures to enable disabled access are not to dominate the front facade.
- 6 All entry areas must be well lit and designed to avoid any potential concealment or entrapment areas.
- Fire egress must not face the primary street frontage. If this is unavoidable, the egress must be integrated into the lobby entrance design.
- 8 Lockable mail boxes must be provided close to the street and under a shelter. They must be integrated with building entries at 90° to the street and to Australia Post standards.
- 9 Entries are to have street numbering that is clearly visible from the street.

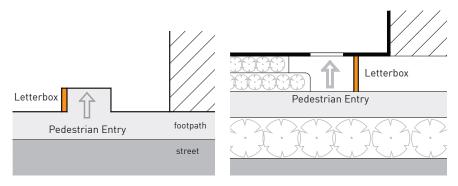


Figure 3B.8-2: Letterbox to be positioned at 90° to the street.

3B.9 ROOF FORMS, TERRACES AND PODIUMS

Objectives

- 1 To ensure that the design of the top floor of buildings minimises visual bulk.
- 2 To provide articulation that prevents any increased overshadowing.
- 3 To encourage the use of the roof top areas for open space.
- 4 To contribute to the overall design and environmental performance.

Figure 3B.9-1: Expressive roof form to articulate building.

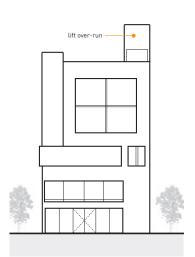


Figure 3B.9-2: Lift over-run designed to complement building.

Controls

- 1 Roof forms are encouraged to articulate and express building elements or location.
- 2 Service elements are to be integrated into the overall design of the roof so as not to be visible from the public domain or any surrounding development. These elements include lift overruns, chimneys, vent stacks, communication devices and signage.
- Where solar panels are provided they must be integrated into the roof line.
- 4 Flat roofs/roof terraces are to be used for communal open space for recreation use.

Note: Refer to *Part 4.7* for detailed provisions for roof terrace and podium planting.

- 5 The incorporation of green roofs or podiums is encouraged.
- 6 **Note:** Refer to *Part 5D.2 of this DCP* for relevant controls.
- Where podiums or roof terraces are used for open space, planter boxes must be incorporated into walls or balustrades for privacy and amenity. See *Figure 3B.9-3*.

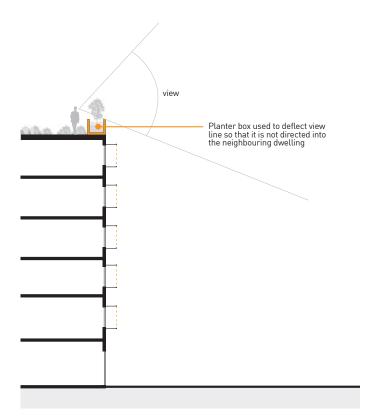


Figure 3B.9-3: Incorporation of planter boxes into walls or ballustrades of roof terraces

3B.10 AWNINGS AND COLONNADES

Objectives

- 1 To ensure that awnings and colonnades are in keeping with desired streetscape character and with the development in scale and overall design.
- 2 To provide awnings and colonnades that increase pedestrian amenity with sun and rain protection.
- 3 To create well lit, visible street frontages that deter vandalism.

- 1 Where an awning is provided, under awning lighting is to be recessed into the soffit of the awning or wall mounted on the building.
- 2 Under awning lighting must achieve luminance levels consistent with community safety and security in *AS1228.1- 2001*. The lighting must be high energy efficiency with LED diode technology preferred unless an alternate technology with equivalent or higher energy efficiency is used.
- 3 All colonnade spaces must be within the property boundary.
- The size and spacing of supports must be designed to allow pedestrian circulation and views of ground floor activity from the street.
- 5 On sloping sites a level access point is to be provided between colonnade area and adjoining footpaths.
- 6 Office buildings within B2 and B4 zones must comply with the controls within *Parts 2, 3A.11 and 3A.12 of this DCP*.



Figure 3B.10-1: Building form used as awning.

3B.11 COMMUNAL OPEN SPACE

Objectives

- 1 To provide useable, attractive and accessible communal open space that adds to the amenity of the development and facilitates social interaction.
- 2 To provide communal open space that is responsive to the site and its context.
- 3 To ensure high quality communal open space that is well integrated within the development.

BBQ SEATING AREA



Figure 3B.11-1: Roof top garden used as communal open space.

Controls

- An area of communal open space is to be provided for staff recreation, appropriate to the needs of the particular premises.
- A large parcel of communal open space is to be located at ground level behind the building line. Additional communal open space is strongly encouraged on roof terraces and podiums.
- Access to and within the communal open space must be provided for people with a disability (refer to AS1428).
- The location and design of communal open space must optimise opportunities for social and recreation activities, solar access and orientation, summer shade, outlook and the privacy of adjoining residential sites.
- 5 Communal open space must be integrated with significant natural feature(s) of the site and soft landscaping areas.
- 6 The communal open space must be capable of surveillance from workspaces for safety reasons.
- 7 Concealment or entrapment areas must not be created within the communal open space.
- 8 Communal open space must be well lit with an energy efficient lighting system to be used in conjunction with timers or daylight controls. All light spill is prohibited.
- 9 Shared facilities such as barbecue facilities and seating are to be provided within the communal open space.
- 10 Garden maintenance storage areas and connections to water and drainage must be provided to communal open space.
- 11 Where communal open space is provided on roof terraces and podiums, the design considerations include:
 - i) incorporating sun shading devices and wind screens to encourage usage;
 - ii) incorporating landscaping elements including small to medium trees;
 - iii) a maximum wind speed of 10m/sec. This may be achieved by:
 - Use of building facade design and setbacks to deflect downwards drafts;
 - Awning design to deflect winds away from footpath level;
 - Use of vegetation and tree canopy as buffer to the street level from winds.

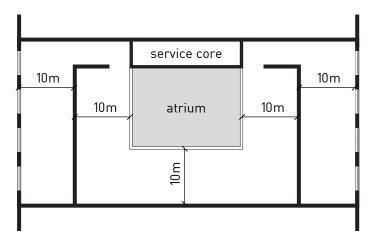
Note: Refer to *Part 4.7 of this DCP* for appropriate soil provisions.

3B.12 OFFICE FLOOR DEPTH

Objectives

1 To provide workspaces with good amenity for occupants in terms of sun access and natural ventilation.

- 1 The maximum internal plan depth of office floors is to be 10m from glass line to internal face of wall. See *Figure 3B.12-2*.
- 2 Circulation, services and storage areas are to be located at the the centre of the building to maximise opportunity for external openings for daylight access and views.
- 3 Atriums and courtyards are encouraged to promote access to natural light.



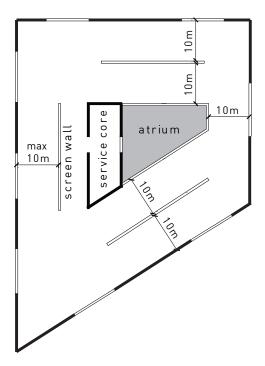


Figure 3B.12-2: Internal plan depth controls for offices.



Figure 3B.12-1: Internal atrium space to promote daylight access.

3B.13 NATURAL VENTILATION

Objectives

1 To provide workspaces with opportunities for natural ventilation.

- 1 All workspaces are to have operable windows or doors which open to at least 30% of the window or door areas.
- Wherever possible, provide dual aspect floor space to aid cross ventilation.
- 3 The use of open plan floor areas is encouraged to minimise interruptions in air flow by partitions and furniture.
- Wherever possible, courtyard / atrium / thermal chimneys are to be provided to enable warm air to be drawn up and escape through roof ventilation.

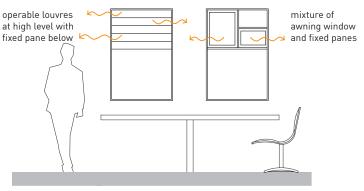


Figure 3B.13-2:
Operable windows enabling ventilation.

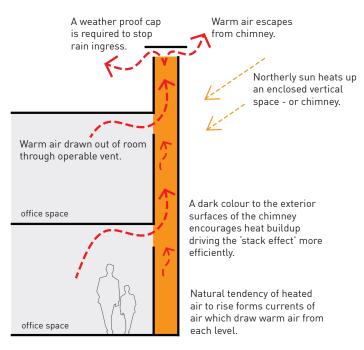


Figure 3B.13-3: Section showing thermal chimney 'stack effect'.



Figure 3B.13-1: Atrium to provide natural ventilation.

3B.14 SOLAR ACCESS

Objectives

- 1 To ensure a high level of internal amenity for all occupants with direct access to daylight.
- 2 To minimise the negative impact of overshadowing on living areas and private and communal open space areas of neighbouring buildings.
- 3 To minimise the impact of development on existing solar collection devices.

Controls

- All developments must comply with the Office Floor Depth Controls in *Part 3B.12 of this DCP* to optimise solar access to workspaces.
- 2 At least 90% of all workspaces must be within 10m and in direct line of sight of a perimeter window.
- 3 Buildings must be oriented to optimise the northern aspect.
- 4 Use light shelves, reflectors, lightwells, skylights, atriums and clerestories where possible to maximise the quantity and quality of natural light within internal areas.
- 5 All developments must allow the retention of at least three hours of sunlight between 9am and 3pm on 21st June to the living areas and the principal portion of the private and communal open space of:
 - existing residential flat buildings and multi-dwelling housing on adjoining lots; and
 - any residential development in adjoining R2, E4 and R3 zones.

Where existing overshadowing by buildings is greater than this, sunlight is not to be reduced by more than 20%.

6 Developments must allow the retention of a minimum of 4 hours direct sunlight between 9am to 3pm on 21st June to all existing neighbouring solar collectors and solar hot water services.

Sun Shading

- 7 All developments must utilise shading and glare control, for example:
 - provide external horizontal shading to north-facing windows, such as eaves, overhangs, pergolas, awnings, colonnades, upper floor balconies, and/or deciduous vegetation;
 - ii) provide vertical shading to east and west windows, such as sliding screens, adjustable louvres, blinds and/or shutters;
 - iii) provide shading to glazed and transparent roofs;
 - iv) use low glare high performance glass with an overall 3 star Window Energy Rating Scheme rating

Note: Refer to www.wers.net

- v) avoid the use of reflective films:
- vi) use a glass with reflectance below 20%.
- 8 All shading devices must be integrated with building facade design.
- 9 Consideration should be given to the integration of solar shading with solar energy collection technology.



Figure 3B.14-1: Internal atrium space to promote daylight access.

3B.15 VISUAL PRIVACY

Objectives

1 To ensure high standards of visual privacy for neighbouring residents





Figure 3B.15-1: Operable external blinds to provide visual privacy and sun shading.

- All office developments must comply with the Building Separation Controls in *Part 3B.1 of this DCP* to ensure visual privacy for neighbouring residents.
- 2 Buildings must be designed to ensure privacy for neighbouring residents without compromising access to light and air, this can be achieved by:
 - i) off-setting windows in adjacent buildings;
 - ii) recessing balconies or vertical fins between adjacent private balconies;
 - iii) using louvres/screen panels to windows and balconies;
 - iv) providing vegetation as a screen between spaces;
 - v) incorporating planter boxes into walls or balustrades to allow plant screening of separate areas;
 - vi) utilising pergolas or shading devices to limit overlooking of lower building levels or common and private open space.

3B.16 ACOUSTIC PRIVACY

Objectives

- 1 To ensure high standards of acoustic privacy for all occupants of the development.
- 2 To mitigate the impact of noise and vibration from the operation of commercial development.
- 3 To ensure office building adjoining main roads are designed and constructed to minimise the impact of external noise on the occupants.

Controls

- Buildings must be designed to minimise the impact of traffic noise through planning, construction and materials in accordance with:
 - i) AS2107-2000: Acoustics- Recommended design sound levels and reverberation times for building interiors.
 - ii) AS3671-1989: Acoustics- Road traffic noise intrusion- Building siting and construction.

Note: Where a site is affected by the noise of a busy road or railway, refer to *Part 4.1 of this DCP.* SEPP Infrastructure may also apply.

- 2 An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is to be submitted.
- Where an office development adjoins a residential development, the use of mechanical plant equipment and building services must be located away from the residential building and have appropriate acoustic insulation.

Objectives

- 1 To ensure internal ceiling heights that contribute to flexibility and adaptability of use in the future.
- 2 To ensure internal ceiling heights are appropriate for the intended use.

3B.17 INTERNAL CEILING HEIGHTS

- All office developments must comply with the following minimum ceiling heights, measured from finished floor level (FFL) to finished ceiling level (FCL):
 - i) 3.5m for ground floor / street level retail or commercial uses;
 - ii) 3m for all other floors for commercial use.
- 2 Internal ceiling heights and slab levels must be coordinated with external height requirements and key datum lines. External building elements requiring coordination include:
 - i) heights, datum and parapet lines set by the context or structure plan;
 - ii) cornices and string courses of adjacent heritage buildings;
 - iii) exterior awning levels or colonnade heights.

3B.18 INTERNAL COMMON CIRCULATION

Objectives

1 To provide accessible, safe and pleasant circulation spaces for all occupants and users.





Figure 3B.18-1 Well designed foyer/atrium with seating areas provided.

- 1 The design of internal common circulation space must comply with the provisions in *AS1428.1* and *AS1428.2* to provide adequate pedestrian mobility and access.
- 2 All common circulation areas including foyers, lift lobbies and stairwells must have:
 - appropriate levels of lighting with a preference for natural light where possible;
 - ii) short corridor lengths that give clear sight lines;
 - iii) clear signage to offices and facilities;
 - iv) natural ventilation;
 - v) low maintenance and robust materials.
- Where artificial lighting is required, energy efficient lights are to be used in conjunction with timers or daylight controls.
- 4 Building design must avoid blind corner or dark alcoves near lifts and stairwells, at entrances, along corridors and walkways, and within car parks.
- 5 Seating areas must be provided within the foyer/atrium and are encouraged in common circulation areas near workspaces.





Figure 3B.18-2: Well designed internal common circulation areas.

3B.19 SERVICE ACCESS AND LOADING FACILITIES

Objectives

- 1 To provide adequate and accessible on-site service areas and loading facilities.
- 2 To provide size and number of service areas and loading docks in proportion to the scale and intensity of the proposed use.
- 3 To ensure that loading facilities do not detract from the amenity of nearby public spaces and residential areas.

Controls

Service access

- On-site service vehicle access must be provided and designed in accordance with the following:
 - a driveway must be established that is of adequate strength, width and design for the intended service vehicle characteristics;
 - ii) the driveway is to be designed such that service vehicle movement is in a forward direction, both when entering and exiting the site;
 - iii) entrance heights must allow access for service vehicles;
 - iv) service ducts, pipes and other overhead obstructions are to be located to maintain minimum finished ceiling heights required for service vehicle access: and
 - v) on-site manoeuvrability must be unimpeded for all site users.
- 2 Generally service vehicle access is to be combined with parking access. Separate access may be required in major office developments.
- Where a waste and recycling room is provided within the basement, the minimum finished ceiling height must be 4.5m along the path of travel from the street to the commercial waste collection and manoeuvring area. This clearance is to be kept free of any overhead ducts, services or other obstructions.

Note: Refer to *Part 4.16 of this DCP* for waste requirements.

Loading facilities

- 4 Service vehicles turning into or out of a road or driveway must be able to complete their turning manoeuvres without crossing the centre line of the public road.
- 5 On-site internal loading facilities must be provided for all developments with loading and unloading requirements.
- 6 Loading docks are to be:
 - accessed via a rear lane or side streets where these are available, and accessible to heavy vehicles;
 - ii) conveniently located in such a way that minimises conflict with pedestrians and other traffic; and
 - iii) screened from the public street.

Note: Refer to RTA guidelines.

7 Gradients in service areas are to be kept to a minimum. The maximum gradient measured in any direction at any one point, must be 1:6.5 (15.4%) where only forward movement is to take place or 1:8 (12.5%) where reverse manoeuvres will occur.

3B.19 SERVICE ACCESS AND LOADING FACILITIES (continued)

- 8 Circulation roadways and loading area dimensions must comply with the provisions in AS2890.2: Off-Street Parking (Part 2:Commercial Vehicle Facilities).
- 9 The design of the apron area in front of the loading dock(s) must take into account the type of vehicle to be used. Reference must be made to AS2890.2 for apron dimensions.
- Turning provisions are to be made within the site for the manoeuvring of vehicles using the loading and unloading facilities in accordance with AUSTROADS Design Vehicular and Turning Templates.

Objectives

- 1 To provide adequate car parking for the building's users and visitors, depending on building type and proximity to public transport.
- 2 To locate and design car parking which is integrated into the design of the site and the building.
- 3 To prevent poor streetscape address and visual amenity that multilevel car parking creates.
- 4 To limit surface car parking and ensure it is incorporated into the landscape design of the development site.
- 5 To ensure shading of outdoor car park areas through the use of landscaping.

3B.20 CAR PARKNG PROVISION

Controls

Car parking design

- 1 All car parking areas must be provided within the basement of development where practicable.
- 2 To maximise landscaping area, basement car parking areas must be consolidated under building footprints.

Note: Basements may be permitted to extend under the space between buildings on the site.

3 The basement car park must not project more than 1m above existing ground level to the floor level of the storey immediately above. See *Figure 3B.20-1*.

Note: Refer to *Part 4.9 of this DCP* for additional basement car parking design controls.

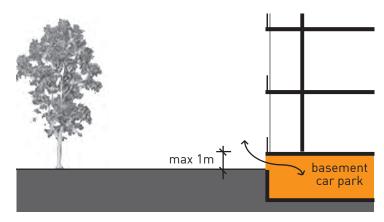


Figure 3B.20-1: Controls for basement car park projection above existing ground level.

- 4 Multi-storey car parking above ground level may be permitted and must be:
 - i) housed within the building, leaving external walls for active uses. *Refer to Figure 3B.20.2*; or
 - ii) located to the rear or side of buildings where they are not visible from the street and are screened from adjacent development.
 - iii) Where (i) and (ii) are impractical, above ground multi-storey parking must be well integrated into the building and have a well modulated facade that enhances the streetscape.
- Multi-storey car parks must have a minimum floor to ceiling height of 3m to enable flexibility for change in use. See *Figure 3B.20.3*.

3B.20 CAR PARKING PROVISION (continued)

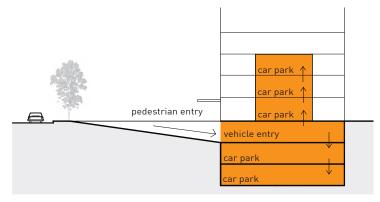


Figure 3B.20-2: Multi-storey car park is housed within the building to facilitate active street frontages.

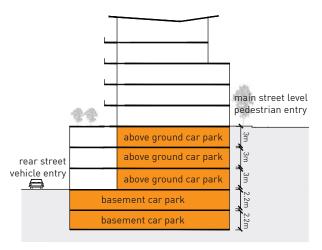


Figure 3B.20-3:
Above ground car parking is permitted on steep sites.

- 6 Surface visitor parking may be permitted within side and rear setback areas provided the minimum setback is 10m, where a 4m width adjacent to the site boundary is densely landscaped to screen the parking from the adjacent property.
- 7 All surface car parking must be located behind the building line and screened from view.
- 8 All surface car parking must utilize large diameter canopy trees to shade the car park ground surface.
- 9 Surface parking areas are to have a maximum of 5 parking bays with minimum 2m wide deep soil landscape islands between parking bays and around the perimeter of the area. Landscaped islands must be staggered on opposite sides of parking area to ensure displacement of shaded areas. Plant species are to be selected and located so as to provide screening and shade, without blocking signs or reducing driver visibility or creating entrapment areas. See *Figure 3B.20.4*.

3B.20 CAR PARKING PROVISION (continued)

- 10 The landscape design of surface car parks must provide for adequate watering and drainage points.
- 11 Noise mitigation measures such as fencing, walls or mounding shall be incorporated in landscape areas of surface car parks.
- 12 Illuminated areas of surface car parks or driveways must be screened to minimise light spillage and loss of amenity to adjacent residential areas.

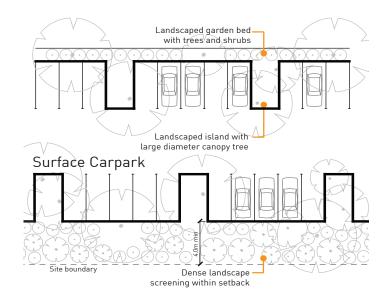


Figure 3B.20-4: The use of vegetation in a typical car park to provide screening and shade.



Figure 3B.20-5: Landscaped mound to provide a visual and noise buffer between the above ground car park and the street.

3B.20 CAR PARKING PROVISION (continued)

Controls

Car parking rates

13 The following parking ranges apply for office, business premises and retail, where the development is within 400m of a train station and within a commercial centre:

Premises	Parking Space Requirement
Office and business premises, including professional suites	1 space per 33m ² GFA to 1 space per 45m ² GFA Suggested division: 90% employee; 10% visitor Plus 1 space if resident/manager or caretaker, Plus 1 courier space for development in excess of 200m ² GFA
Retail	1 space per 26m² GFA to 1 space per 33m² GFA Suggested division: 30% employee; 70% visitor

Note 1: Refer to A3 of the Appendices for other locations.

Note 2: A traffic impact assessment must accompany development application that seek to vary the parking rates. This includes parking variation in lieu of commercial or strata funded car share schemes.

- 14 Any spaces provided which exceed the upper range are to be included in the calculation of gross floor area.
- 15 10% of total parking within office developments must be provided for visitors.

Note: Refer to *Part 4.10 of this DCP* for visitor parking design controls.

16 A minimum of 1 space or 1-2% (whichever is greater) must be provided for accessible car parking for people with a disability (subject to demand).

Note: Refer to *Part 4.11 of this DCP* for parking for people with a disability design controls.

- 17 Parking provision at a rate less than 1 per 45m² GFA may be considered if accompanied by firm and ongoing proposals to encourage alternative means of transport. This may include strategies such as:
 - i) Transport Access Guides (TAG);
 - ii) Staff discount/subsidy towards public transport costs;
 - iii) Dedicated shuttle bus between the development and railway station;
 - iv) Adoption and implementation of a car pool/car sharing scheme;
 - v) Use of taxis or public transport for work related journeys;
 - vi) Priority parking for staff who pool with 2 or more passengers;
 - vii) Regularly publicise and monitor the scheme, and establish a plan with measurable targets.

Objectives

1 To provide safe and easily accessible bicycle parking.

3B.21 BICYCLE PARKING PROVISION

Controls

- Provide on-site, secure bicycle parking spaces and storage at the following rates:
 - i) 1 bicycle locker per 300m² of gross floor area (GFA) for staff; and
 - ii) 1 bicycle parking space (in the form of a bicycle rail) per 500m² over 1000m² GFA (minimum) for visitors.

Note: Refer to *Part 4.13 of this DCP* for bicycle parking design controls.

2 At least one shower with changing and locker facilities is to be provided on each floor.

3C

Introduction

Site Design

- 3C.1 Building Separation
- 3C.2 Building Setbacks
- 3C.3 Site Coverage
- 3C.4 Deep Soil Landscaping
- 3C.5 Consideration of Isolated Sites
- 3C.6 Specific Site Controls for 1A, 1, 5 & 7 Avon Road, No 1 Arilla Road, No 12 Mayfield Avenue & Nos 2–8 Beechworth Road, Pymble

Building Design

- 3C.7 Building Storeys
- 3C.8 Building Facades
- 3C.9 Building Entries
- 3C.10 Top Storey Design and Roof Forms
- 3C.11 Fencing

Site and Building Amenity

- 3C.12 Private Open Space
- 3C.13 Communal Open Space
- 3C.14 Apartment Depth and Width
- 3C.15 Ground Floor Apartments
- 3C.16 Natural Ventilation
- 3C.17 Solar Access
- 3C.18 Visual Privacy
- 3C.19 Acoustic Privacy
- 3C.20 Internal Ceiling Heights
- 3C.21 Room Sizes
- 3C.22 Internal Common Circulation
- 3C.23 Storage
- 3C.24 External Air Clothes Drying Facilities

Parking and Vehicular Access

- 3C.25 Car Parking Provision
- 3C.26 Bicycle Parking Provision

Social Dimensions

- 3C.27 Adaptable Housing
- 3C.28 Apartment Mix and Sizes





INTRODUCTION

Residential Flat buildings, as defined in the KLEP 2010, are located within R4- High density residential zone.

Where a development involving refurbishment works or alterations/ additions to existing buildings, new elements are to meet the requirements of this Part.

For mixed use development in R4 zoned sites where commercial uses are permitted under schedule 1 of KLEP 2010, please refer to *Part 3A of this DCP* for relevant controls.

3C.1 BUILDING SEPARATION

Objectives

- 1 To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings.
- 2 To ensure building configuration that protects and enhances visual and acoustic privacy for occupants and adjacent residents.
- 3 To provide building form and layout that minimises overshadowing of adjacent properties and open space.
- 4 To provide building configuration that facilitates the provision of useable communal open space, landscaping and view corridors.
- 5 To provide building form and layout that maximises view sharing.

Controls

The minimum separation between residential buildings on the development site must comply with the following controls:

Up to 4th storey

- i) 12m between habitable rooms / balconies;
- ii) 9m between rooms/balconies in all other cases.

From 5th to 7th storey

- i) 18m between habitable rooms/balconies;
- ii) 13m between habitable room/balcony and non-habitable room;
- iii) 9m between non-habitable rooms.



Figure 3C.1-1: Adequate separation between buildings to ensure visual and acoustic privacy.

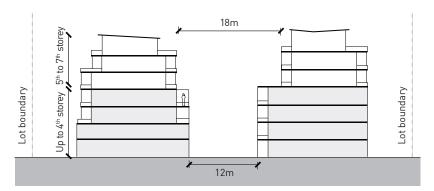


Figure 3C.1-2:
Minimum building separation controls.

3C.2 BUILDING SETBACKS

Objectives

- 1 To ensure buildings are set within a gardens setting dominated by canopy trees which screen the buildings and soften the urban form to maintain the garden character of Ku-ring-gai.
- 2 To ensure adequate space between sites to enable effective landscaping and tree planting.
- 3 To ensure adequate separation between buildings on different sites for privacy, sun access, acoustic control and natural ventilation
- 4 To provide a transition between certain zones.

Figure 3C.2-1: Landscaped street setback to provide effective screening.



Figure 3C.2-2: Smaller landscaped street setback with upper level setback for development near the commercial core area.

Controls

Street setback

- Residential flat buildings must meet the following street setback requirements (refer to *Figure 3C.2-3*):
 - i) a minimum of 10m from the street boundary;
 - ii) on corner sites the minimum street boundary setback in (i) above apply on both street frontages.
- 2 Residential flat buildings on the sites identified in the Reduced Setback Maps in *Appendix A5 of this DCP* must meet the following street setback requirements:
 - i) street setbacks as specified in the Reduced Setback Maps;
 - ii) a minimum of 8m from the street boundary to the fourth storey and above;
 - iii) on corner sites the minimum street boundary setbacks in (i) and (ii) above apply on both street frontages.
- 3 Residential flat buildings must provide a 2m articulation zone behind the street setback, and no more than 40% of this zone is to be occupied by the building. See *Figure 3C.2-3*.
- 4 The building line to any street must be parallel to the prevailing building line in the streetscape.

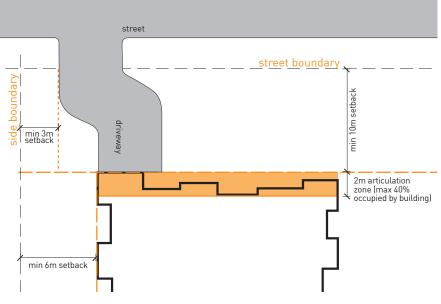


Figure 3C.2-3: Setback and articulation zone controls.

3C.2 BUILDING SETBACKS (continued)

Controls

Side setback

- 5 Residential flat buildings must meet the following side setback requirements:
 - i) a minimum of 6m from the side boundary up to the fourth storey (see Figure 3C.2-4);
 - ii) a minimum of 9m to the fifth storey and above (see Figure 3C.2-4):
 - iii) a minimum of 9m to the fourth storey and above of any building on land within the R4 zone adjoining land zoned R2, R3 and E4 (see *Figure 3C.2-5*);
 - iv) for buildings of 3 storeys or less on sites less than $1800\,\text{m}^2$, a minimum of 3m from the side boundary.
- 6 Side setback areas behind the building line are not to be used for driveways or for vehicular access into the building (see *Figure 3C.2-3*).
- 7 Driveways must be set back a minimum of 3m from the side boundary within the street setback to allow for deep soil planting (see *Figure 3C.2-3*).

Rear setbacks

- 8 Residential flat buildings must meet the following rear setback requirements:
 - i) a minimum of 6m from the rear boundary up to the fourth storey (see Figure 3C.2-4);
 - ii) a minimum of 9m to the fifth storey and above (see Figure 3C.2-4);
 - iii) a minimum of 9m to the fourth storey and above of any building on land within the R4 zone adjoining land zoned R2, R3 and E4 (see *Figure 3C.2-5*).

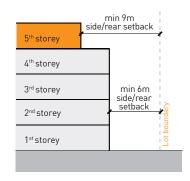
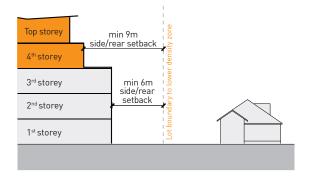


Figure 3C.2-4: Minimum side and rear setback controls.



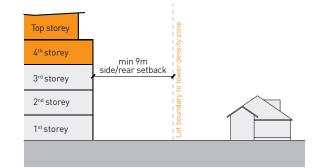


Figure 3C.2-5:
Minimum side and rear setback controls on R4 site adjoining R2, R3 or E4 zone.

3C.2 BUILDING SETBACKS (continued)

Controls

Encroachments

- 9 Basements must not encroach into the street, side and rear setbacks.
- 10 Ground floor private terraces/courtyards may encroach into the setback areas with a minimum setback of (refer to Figure 3C.2-6):
 - i) 8m from the street boundary;
 - ii) 4m from the side and rear boundariesto allow for deep soil planting within the common areas.
- 11 No more than 15% of the total area of the street setback area is to
- 12 In addition to the above encroachments, the following elements may encroach into the setback areas:

be occupied by private terraces/courtyards. See Figure 3C.2-6.

- i) eaves;
- ii) sun shading;
- iii) blades, fins, columns.

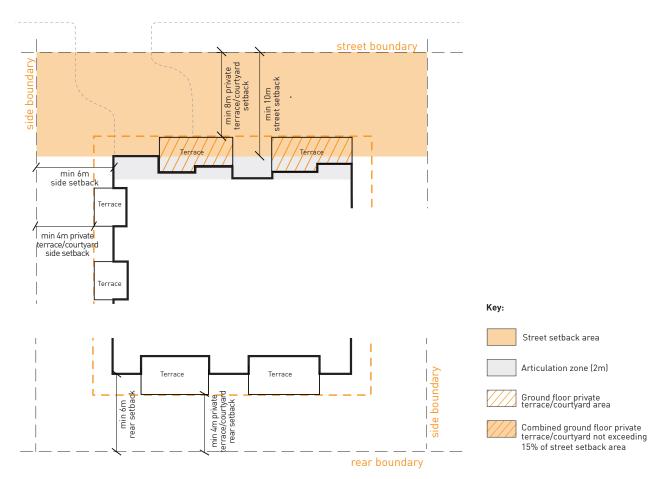


Figure 3C.2-6:
Setback controls for ground floor private terrace/courtyard and controls for ground floor terrace area encroachmetn to the street setback area.

3C.3 SITE COVERAGE

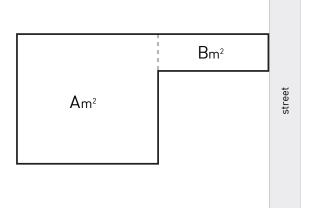
Objectives

- 1 To ensure development is consistent with the desired future built and landscape character of the area.
- 2 To protect and improve the tree canopy within Ku-ring-
- 3 To provide viable deep soil landscaping within residential developments.
- 4 To minimise impervious surfaces that generate storm water runoff.

Controls

1

- The site coverage must not exceed 35% of the site area.
- Where a site incorporates an access handle the site coverage must not exceed 35% of the total site area less 35% of the access handle (refer to *Figure 3C.3-1*).
- 3 If a site is comprised of land in an R4 zone and land in another zone, the other land is not to be included in calculating site area.
- 4 For site coverage where commercial uses are proposed as permitted under Schedule 1 of KLEP 2010, see *Part 3A.3 of this DCP*.



Maximum site coverage = $[(A+B) \times 35\%]$ m² - $(B \times 35\%)$ m²

Figure 3C.3-1: Site coverage controls

Objectives

- 1 To provide consolidated deep soil zones in all residential development sites through careful planning and building design.
- 2 To provide landscaping that is appropriate to the scale and context of the development.
- 3 To provide landscaping that provides habitat for native indigenous plants and animals and contributes to biodiversity in the area.
- 4 To create high quality landscaped areas through retention and/or planting of large and medium sized trees
- 5 To ensure landscaping that contributes to the garden character of the locality.
- 6 To promote landscaping that minimises water use.
- 7 To ensure that most of the deep soil landscaping is within common areas.

3C.4 DEEP SOIL LANDSCAPING

Controls

Design

1 Residential flat development must have a minimum deep soil landscaping area as follows:

Site Area	Minimum Deep Soil Landscaping
less than 1800 m²	40% of the site
1800 m ² or more	50% of the site

For the purpose of this section, the site excludes any access handle.

Note: For deep soil landscaping where commercial uses are proposed as permitted under Schedule 1 of the KLEP 2010, see *Part 3A.3 of this DCP*.

- 2 Deep soil zones must be configured to allow for required tree planting and for screen planting at side and rear boundaries.
- 3 Deep soil landscaping must be provided in common areas as a buffer between buildings.
- 4 Driveways are not to dominate the street setback zone to maximise deep soil landscaping areas.
- 5 Permeable pathways are to be used for pathways wider than 1m.

Note: Such pathways must comply with standards for access for people with disabilities.

6 Natural ground level must be maintained beneath the canopy spread of trees to be retained.

Note: If the ground level is modified by excavation or fill within the canopy spread, a report from a suitably qualified arborist will be required.

Tree Replenishment and planting

7 Lots with the following sizes are to support a minimum number of tall trees capable of attaining a mature height of at least 13m on shale, transitional soils and 10m on sandstone derived soils.

Lot Size	Number of Tall Trees
1,200m² or less	1 per 400m² of site area or part thereof
1,201m ² - 1,800m ²	1 per 350m² of site area or part thereof
1,801m ² +	1 per 300m² of site area or part thereof

Note: A list of trees which attain the required height for varying locations is available from Council and on Council's website (www.kmc.nsw.gov.au).

In addition to the tall trees, a range of medium trees, small trees and shrubs are to be selected to ensure that vegetation softens the building form.

3C.4 DEEP SOIL LANDSCAPING (continued)

Controls

9 Locally occurring and other native species are to be used as much as possible. At least 50% of all tree plantings are to be locally occurring trees and spread around the site.

Note: Council may require street tree planting in accordance with the Kuring-gai Town Centres Public Domain Plan 2010.

10 Species are to be chosen for an appropriate range of height and foliage density, and for their low maintenance characteristics, water efficiency, aesthetic appeal and suitability to the characteristics of the site and location. Species for screen planting are also to be chosen for relatively fast growth.

Note: Refer to Part 4.2 of this DCP.

- 11 Siting and choice of trees must consider:
 - i) good solar access to useable open space areas;
 - ii) provision of summer shade;
 - iii) proximity to buildings, fences, and other structures;
 - iv) proximity to stormwater, electricity, gas, sewer, other infrastructure and services; and
 - v) measures to minimise the potential hazard on sites prone to bushfire risk (refer to *Part 4.2 of this DCP* and *Planning for Bushfire Protection 2006*).



Figure 3C.4-1: Landscape design for the communal open space area.

3C.5 CONSIDERATION OF ISOLATED SITES

Objectives

- To achieve orderly and economic development.
- 2 To prevent sites from becoming isolated and unable to be developed in accordance with KLEP 2010.
- 3 To encourage consolidation of sites to enable efficiency through shared facilities and services, such as car parking, recycling and waste collection.

Controls

- 1 Sites are to be consolidated or amalgamated to avoid isolating an adjoining site or sites in a R4 zone with a minimum street frontage and /or minimum lot size less than that required by KLEP 2010.
- Where a development proposal results in an adjoining site or sites with a primary street frontage or minimum lot size less than that required for redevelopment by KLEP 2010, the applicant is to demonstrate that:
 - i) amalgamation of the isolated site is not feasible in accordance with the relevant planning principles established by the Land and Environment Court; and
 - ii) the adjoining site(s) can be orderly and economically developed in accordance with the provisions of KLEP 2010 and this DCP, including, but not limited to:
 - achieving an appropriate urban form for the location, and
 - having and acceptable level of amenity.

To assist in this assessment, applicants are to submit details and diagrams of development that is of appropriate urban form and amenity for the isolated site which indicates height, setbacks and resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments. Important considerations include solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road.

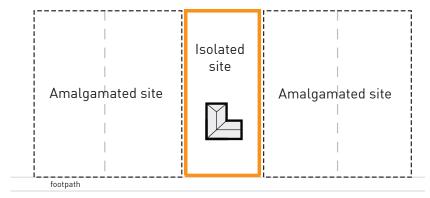




Figure 3C.5-1: Lot amalgamation must avoid isolating small sites.

3C.6 SPECIFIC SITE CONTROLS

FOR 1A, 1, 5 & 7 AVON ROAD, N° 1 ARILLA ROAD, N° 12 MAYFIELD AVENUE & N° 2–8 BEECHWORTH ROAD, PYMBLE

- This section applies to the land comprising Nos 1A, 1, 5 and 7 Avon Road, No 1 Arilla Road, No 12 Mayfield Avenue and Nos 2–8 Beechworth Road, Pymble (identified as Site 2 Development controls and design guidelines—six SEPP 53 sites in Ku-ring-gai).
- Development for the purposes of medium or high density residential development on these sites must be in accordance with the design principles and control drawings for Site 2 and the general controls and guidelines in the *Development controls and design guidelines—six SEPP 53 sites in Ku-ring-gai* dated January 2003, prepared by the Department of Planning.
- 3 If a development application is made in respect of part of this site:
 - i) The consent authority must take into consideration the effect that the proposed development will, or is reasonably likely to have on the ability to develop the remainder of the site in the manner described in *Development controls and design guidelines—six SEPP 53 sites in Ku-ring-gai*, and
 - ii) The consent authority must not grant development consent to the development application if the consent authority is of the opinion that the granting of consent would, or would be reasonably likely to, have a significantly adverse effect on the ability to develop the remainder of the site in the manner described in *Development controls and design guidelines—six SEPP 53 sites in Ku-ring-gai*.

3C.7 BUILDING STOREYS

Objectives

- 1 To ensure that buildings are responsive to the site.
- 2 To provide for quality interior spaces and private open space areas.
- 3 To allow adequate daylight, sunlight and ventilation to habitable areas and private open spaces for residents of the site.

Controls

1 Sites with the following maximum building heights under *Clause 4.3* of the KLEP 2010 must have a maximum number of storeys above the basement as follows:

Maximum building height (m)	Maximum number of storeys
11.5	3
14.5	4
17.5	5
23.5	7

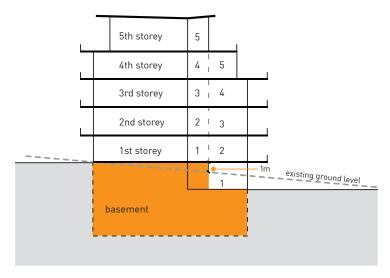


Figure 3C.7-1:
Building storey controls..

3C.8 BUILDING FACADES

Objectives

- 1 To promote buildings of high architectural quality that contribute to the desired local character.
- 2 To create building facades that reduce the bulk and scale of the building.
- 3 To limit the length of buildings, to allow landscaping to soften the built form and to provide for view corridors between buildings.
- 4 To create building facades that are environmentally responsive.
- 5 To integrate building elements into the overall building form and facade design.
- 6 To provide distinct building articulation on corner sites that reinforce the street intersection and create landmark.
- 7 To ensure that building facade design contributes to the safety of the public domain.



Figure 3C.8-1:
Distinct form to highlight the building corner.

Controls

- 1 All building facades at ground level must be designed to avoid the creation of entrapment areas.
- 2 Street, side and rear building facades must be modulated and articulated with wall planes varying in depth by not less than 0.6m. Methods of achieving articulation and modulation include:
 - i) defining a base, middle and top related to the overall proportion of the building;
 - ii) expressing building layout or structure, such as vertical bays or party walls;
 - iii) expressing the variation in floor to floor height, particularly at lower levels:
 - iv) using a variety of window types to create a rhythm or express the building uses;
 - v) using recessed balconies and deep windows to add visual depth; and/or
 - vi) using change of material, texture, colour to break down large flat facades, and create a rhythm.

Note: Refer to *Part 4.5 of this DCP* for relevant controls on materials, finishes and colours.

- 3 No single wall plane above awnings is to exceed 81m² in area.
- The continuous length of a single building on any elevation must not exceed 36m.
- 5 Limit building length along side boundaries to promote view corridors between buildings and provide a leafy outlook from all apartments.



Facade articulation to be 0.6-2.5m in depth.

Single wall plane to be 81m² or less in area.

Figure 3C8-2:
Controls for building facade articulation.

3C.8 BUILDING FACADES (continued)

Controls

- 6 Building facades must be designed to respond to solar access by using solar protection elements such as eaves, louvres and other sun shading devices as environmental controls.
- 7 All building elements including shading devices, signage, drainage pipes awnings/colonnades and communication devices must be coordinated and integrated with the overall facade design.

Note: See Part 10 of this DCP for other signage controls.

- When individual air conditioning units are used, they must not be located on the building facade or within the private open space, (eg. balconies or terraces).
- 9 Balconies that run the full length of the building facade are not permitted.
- 10 Balconies must not project more than 1.2m from the outermost wall of the building facade.
- 11 Blade walls are not to be the sole element used to provide articulation.
- Windows to a habitable room are to be situated to encourage opportunities for passive surveillance to the street and on site areas surrounding the building.
- 13 Street corners must be emphasised by giving visual prominence to parts of the building facade, such as a change in building articulation, material or colour, roof expression or height.
- 14 Corner buildings are to address both street frontages.



Figure 3C.8-3:
Good building facade proportion created by a distinctive base.



Figure 3C.8-4:
Well articulated building facade with the use of balconies. Sun shading devices incorporated into the balcony design for solar access control.

3C.9 BUILDING ENTRIES

Objectives

- 1 To ensure the building entry is a clear and identifiable element in the street and is accessible to all
- 2 To ensure the building entry contributes positively to the streetscape and building facade design.



Figure 3C.9-1: Building entry areas highlight in bold colour.



Figure 3C.9-2: Clear signage to building entry.

- 1 Provide access to and within all developments in accordance with the *Disability Discrimination Act 1992*.
- 2 Buildings must address the street either:
 - i) with main entrances to lift lobbies directly accessible and visible from the street; or
 - ii) with the path to the building entry readily visible from the street where site configuration is conducive to having a side entry.
- 3 Buildings with frontages over 18m long must have multiple entries.
- 4 Building entry must be integrated with building facade design. At street level, entry is to be articulated with awnings, porticos, recesses or projecting bays for clear identification.
- 5 All entry areas must be well lit and designed to avoid any concealment or entrapment areas. All light spill is prohibited.
- 6 Lockable mail boxes must be provided close to the street. They must be at 90 degrees to the street and to Australia Post standards and integrated with front fences or building entries.
- 7 On large development site comprising multiple building blocks, clear way-finding signs are to be provided.





Figure 3C.9-3: Well defined residential entry integrated with the building facade design.

3C.10 TOP STOREY DESIGN AND ROOF FORMS

Objectives

- 1 To ensure that the design of the top floor of buildings minimises visual bulk.
- 2 To provide articulation that prevents any increased overshadowing.
- 3 To contribute to the overall design and environmental performance of buildings.



Figure 3C.10-1: The upper storeys of the building articulated with mezzanine penthouse.



Figure 3C.10-2: Distinctive roof design.

- 1 The top storey of a building is to be designed so that:
 - i) the GFA of the top storey of a residential flat building does not exceed 60% of the GFA of the storey immediately below it. Refer to Figure 3C.10-3;
 - ii) For the purposes of this section, the top storey applies to the building as a whole and does not apply to the top level of each part of a stepped building. Refer to *Figure 3C.10-4*.
- The top storey of a building is to be set back from the outer face of the floors below on all sides (roof projection is allowed beyond the outer face of the top storey).
- 3 The upper storeys of residential buildings are to be articulated with differentiated roof forms, maisonettes or mezzanine penthouses and the like.
- 4 Service elements are to be integrated into the overall design of the roof so as not to be visible from the public domain or any surrounding development. These elements include lift overruns, plant equipment, chimneys, vent stacks, water storage, communication devices and signage.
- Roof design must respond to solar access, for example, by using eaves and skillion roofs.
- 6 Where solar panels are provided they must be integrated into the roof line.
- 7 Lightweight pergolas, sun screens, privacy screens and planters are permitted on the roof, provided they do not increase the bulk of the building and create visual clutter.

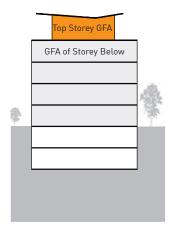


Figure 3C.10-3:
Top storey floor area calculation for level sites.

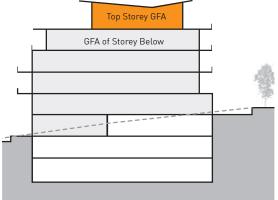


Figure 3C.10-4:
Top storey floor area calculation for sloping sites.

3C.11 FENCING

Objectives

- 1 To ensure fencing design responds 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.
- 2 To ensure that fencing does not detract from the overall visual amenity and character of the area

Controls

- Front fences and walls (to a public street) and side fences in the street setback must not be higher than:
 - i) 0.9m if of closed construction (such as masonry, lapped and capped timber or brushwood fences); or
 - ii) 1.2m if of open construction (such as open paling and picket fences).

Note 1: Closed front fences with a maximum height of 1.8m may be considered where the site fronts a busy road or other sources of undesirable noise. These fences are to be set back at least 2m from the front boundary and screened by landscaping. Refer to *Part 4.1 of this DCP*.

Note 2: Open fencing includes: panels set into a timber frame or between brick piers, where any solid base is not taller than 0.9m, and panels are spaced pickets, palings, or lattice.

Note 3: Rendered masonry boundary walls are generally inappropriate to the landscape character of Ku-ring-gai.

- 2 Fences and walls must step down and follow the natural contours of the site.
- 3 Hedges and shrub planting are desirable but no higher than 1.2m along the entire front boundary.
- 4 All fencing must be designed to highlight entrances, and be compatible with buildings, letterboxes and garbage storage areas.
- 5 External finishes for fencing must be robust and graffiti resistant.



Figure 3C.11-1: Fencing design that provides privacy whilst maintaining visual link between private open space and public street.

3C.12 PRIVATE OPEN SPACE

Objectives

- 1 To provide private open space that is functional and responsive to the environment for the enjoyment of outdoor living for residents.
- 2 To provide private open space (eg. balcony, deck, terrace) that is integrated into the overall design of development.
- 3 To ensure that private open space design allows views and passive surveillance of the street while providing for safety and visual privacy of residents

- 1 Ground and podium level apartments are to have a private outdoor courtyard/terrace with a minimum (internal dimension) area of 25m².
- All apartments that are not at ground or podium level are to include private open space (such as a roof garden, balcony, deck or terrace) with a minimum area (internal dimension) of:
 - i) 10m² for each one bedroom apartment;
 - ii) 12m² for each two bedroom apartment; and
 - iii) 15m² for each apartment with three or more bedrooms.
- 3 All private open space area requirements are exclusive of any areas for the provision of services, eg. external clothes drying facilities.
- The primary private open space must have a minimum dimension of 2.4m. See *Figure 3C.12-2*.
- 5 The primary private open space is to have direct access from the main living areas. See *Figure 3C.12-2*.

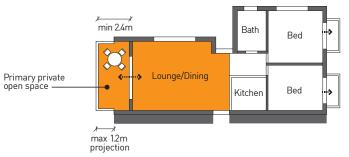


Figure 3C.12-2:
Primary private open space requirements

- 6 Primary private open space with southern orientation should be avoided.
- Balcony or terrace design may incorporate building elements such as pergolas, sun screens, shutters, operable walls and the like to respond to the street context, building orientation and residential amenity. The use of such building elements must not enable the balcony or terrace to be used as a habitable room.
- 8 Private open space (outdoor) for ground and podium level apartments is to be differentiated from common areas by:
 - i) a change in level;
 - ii) screen planting, such as hedges and low shrubs;
 - iii) fence/wall to a maximum height of 1.8m. Any solid wall component is to be a maximum of 1.2m high with at least 30% transparent component above and gate to common areas.
- 9 One gas outlet (where gas services are available) and one water outlet are to be provided to the primary private open space.
- 10 Air conditioning units must not be located in private open space.



Figure 3C.12-1: Environmentally responsive balcony design with the incorporation of sliding louvres.

3C.13 COMMUNAL OPEN SPACE

Objectives

- 1 To provide useable, attractive and accessible communal open space that adds to the amenity of the development and facilitates social interaction.
- 2 To provide communal open space that is responsive to the site and its context.
- 3 To ensure high quality communal open space that is well integrated within the development.

- 1 At least 10% of the site area must be provided as communal open space with a minimum dimension of 5m.
- 2 At least one single parcel of communal open space with the following requirements must be provided:
 - i) a minimum area of 80m²; and
 - ii) a minimum dimension of 8m.
- 3 The communal open space must be located at ground level behind the building line.
- 4 Access to and within the communal open space must be provided for people with a disability (refer to *AS1428*).
- The location and design of communal open space must optimise opportunities for social and recreation activities, solar access and orientation, summer shade, outlook and the privacy of residents on adjoining R3, R2 and E4 sites.
- 6 Communal open space must be integrated with significant natural feature(s) of the site and soft landscaping areas.
- 7 The communal open space must be capable of surveillance from the street and/or at least two apartments for safety reasons.
- 8 Concealment or entrapment areas must not be created within the communal open space.
- 9 Communal open space must be well lit with an energy efficient lighting system to be used in conjunction with timers or daylight controls. All light spill is prohibited.
- 10 Shared facilities such as barbecue facilities, shade structures, play equipment and seating, are to be provided within the communal open space.
- 11 Garden maintenance storage areas and connections to water and drainage must be provided to communal open space.



Figure 3C.13-1: Common open space overlooked by adjacent apartments for casual surveillance.



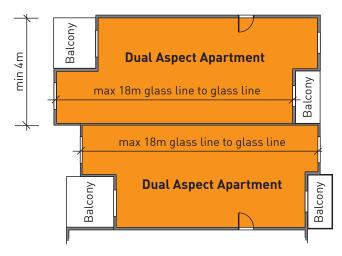
Figure 3C.13-2: Well designed common open space with lighting and seating.

3C.14 APARTMENT DEPTH AND WIDTH

Objectives

1 To provide apartments with good amenity for occupants in terms of sun access and natural ventilation.

- Dual aspect apartments are to have a maximum internal plan depth of 18m from glass line to glass line. See *Figure 3C.14-1*.
- 2 Single aspect apartments are to have a maximum internal plan depth of 8m from glass line to internal face of wall of habitable area. See *Figure 3C.14-1*.
- 3 The width of dual aspect apartments over 15m deep must be 4m or greater to avoid deep narrow apartment layouts. See *Figure 3C.14-1*.
- 4 All kitchens must not be located more than 8m to the back wall of the kitchen, from an external opening. See *Figure 3C.14-2*.



Single Aspect
Apartment

max 8m
glass line to internal wall
of habitable area

Figure 3C.14-1:
Apartment depth and width controls.

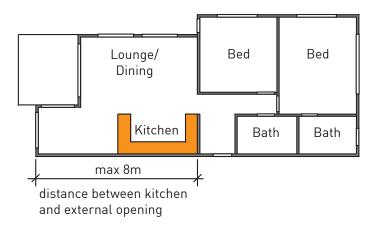


Figure 3C.14-2: Maximum distance between kitchen and external opening.

3C.15 GROUND FLOOR APARTMENTS

Objectives

- 1 To provide good daylight and ventilation to ground floor apartments and associated private open space.
- 2 To minimise excavation on the site.

- The finished ground level outside the living area at the building line of a ground level apartment must not be more than 0.9m below existing ground level.
- Where the finished ground level outside the living area at the building line is more than 0.5m, the private open space must be level for a minimum of 2.4m from the living area.
- No obstructions, such as retaining walls or fences, are permitted to project beyond a 45° control plane, (10am sun angle at 23 March) drawn from the finished ground level outside the living area at the building line to the end of the private open space. Plants may project beyond the 45° control plane. See *Figure 3C.15-1*.

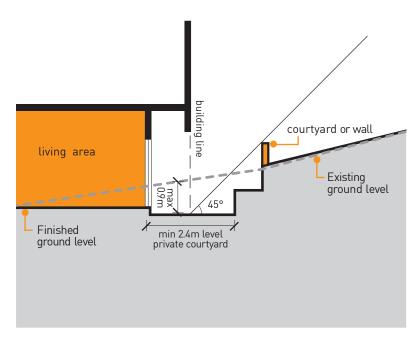


Figure 3C.15-1:
Ground floor apartments on sloping sites.

Objectives

1 To ensure a high level of internal amenity for all occupants with direct access to fresh air for all habitable rooms.

3C.16 NATURAL VENTILATION

- 1 All habitable rooms are to have operable windows or doors.
- 2 At least 60% of apartments must have natural cross ventilation.
- 3 At least 25% of all kitchens are to be naturally ventilated.
- 4 Use the building layout and section to increase the potential for natural ventilation. Design solutions include:
 - i) facilitating cross ventilation by designing narrow building depths and providing dual aspect apartments (cross-through and corner apartments) refer to Part 3C.14 of this DCP;
 - ii) facilitating convective currents by designing units which draw cool air in at lower levels and allow warm air to escape at higher levels (eq. maisonette and two-storey apartments);
 - iii) minimising interruptions in air flow through the apartment, the more corners or rooms airflow must negotiate, the less effective the natural ventilation;
 - iv) grouping rooms with similar usage together, for example, keeping living spaces together and sleeping spaces together, this allows the apartment to be compartmentalised for efficient summer cooling or winter heating.

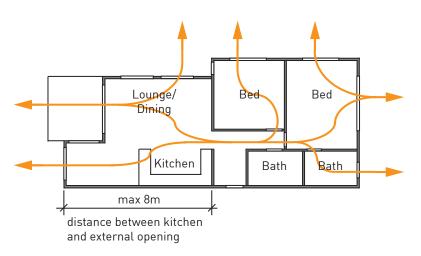


Figure 3C.16-1: Building layout that facilitates cross ventilation.

3C.16 NATURAL VENTILATION (continued)

- 5 Select doors and operable windows to maximise natural ventilation opportunities established by the apartment layout. Design solutions include:
 - i) locating small windows on the windward side (facing prevailing winds) and larger windows on the leeward side (away from prevailing winds) of the building thereby utilising air pressure to draw air through the apartment;
 - ii) using higher level casement or sash windows, clerestory windows or operable fanlight windows (including above internal doors) to facilitate convective currents (this is particularly important in apartments with only one aspect); and
 - iii) selecting windows which the occupants can reconfigure to funnel breezes into the apartment, such as vertical louvred, casement windows and externally opening doors.
- 6 The use of light wells/skylights as a primary source of ventilation in habitable rooms is prohibited.

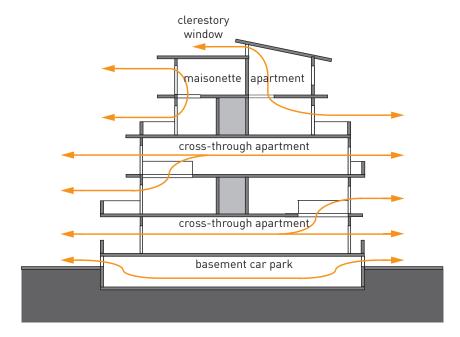


Figure 3C.16-2: Natural ventilation reduces the use of air conditioning.

Objectives

- 1 To ensure a high level of internal amenity for all occupants with direct access to daylight in all habitable rooms.
- 2 To minimise the negative impact of overshadowing on living areas and private and communal open space areas of neighbouring buildings.
- 3 To minimise the impact of development on existing solar collection devices.

Figure 3C.17-1: Internal atrium space provided to promote daylight access.

3C.17 SOLAR ACCESS

Controls

- 1 All developments must comply with the Apartment Depth Controls in *Part 3C.14 of this DCP* to optimise solar access to habitable rooms.
- 2 Buildings must be oriented to optimise the northern aspect.
- 3 At least 70% of apartments must receive a minimum of three hours direct sunlight to living rooms and adjacent private open space between 9am and 3pm on 21st June.

Note: shadows cast by trees and vegetation are excluded from this calculation.

- 4 At least 50% of the communal open space for residents' use must receive direct sunlight for at least three hours between 9am and 3pm on 21st June.
- The combined number of single aspect apartments with either a southern or western orientation must be limited to a maximum of 10% of the total apartments proposed in the development. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these controls.
- 6 Use light shelves, reflectors, lightwells, skylights, atriums and clerestories where possible to maximise the quantity and quality of natural light within internal areas.
- 7 The use of lightwells/skylights as a primary source of daylight in habitable rooms is prohibited.
- All developments must allow the retention of at least three hours of sunlight between 9am and 3pm on 21st June to the living areas and the principal portion of the private and communal open space of:
 - existing residential flat buildings and multi-dwelling housing on adjoining lots; and
 - any residential development in adjoining R2, E4 and R3 zones.

Where existing overshadowing by buildings is greater than this, sunlight is not to be reduced by more than 20%.

- 9 Overshadowing must not comprise the development potential of the adjoining under-developed site(s).
- 10 Developments must allow the retention of a minimum of 4 hours direct sunlight between 9am to 3pm on 21st June to all existing neighbouring solar collectors and solar hot water services.

3C.17 SOLAR ACCESS (continued)

Controls

Sun Shading

- 11 All developments must utilise shading and glare control. Design solutions include:
 - i) providing external horizontal shading to north-facing windows, such as eaves, overhangs, pergolas, awnings, colonnades, upper floor balconies, and/or deciduous vegetation;
 - ii) providing vertical shading to east and west windows, such as sliding screens, adjustable louvres, blinds and/or shutters;
 - iii) providing shading to glazed and transparent roofs;
 - iv) using low glare high performance glass with an overall 3 star Window Energy Rating Scheme rating (refer to www.wers.net);
 - v) using glass with reflectance below 20%.
- 12 All shading devices must be integrated with building facade design.
- 13 Consideration should be given to the integration of solar shading with solar energy collection technology.
- 14 Reflective films applied to windows and glazing is to be avoided.

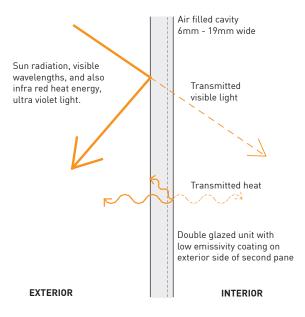


Figure 3C.17-2: Double glazed unit. High performance glazing is effective at both maximising natural light while reducing incoming solar radiation.

3C.18 VISUAL PRIVACY

Objectives

1 To ensure high standards of visual privacy for all occupants within the development and to its neighbours.



Figure 3C.18-1: Balconies with vertical bi-fold panels to increase visual privacy.



Figure 3C.18-2:
Use of vertical fins and a
mix of solid and transparent
balustrades to ensure visual
privacy.

Controls

- 1 All developments must comply with the Building Separation Controls in *Part 3C.1 of this DCP* to ensure visual privacy.
- 2 Buildings must be designed to ensure privacy without compromising access to light and air. Design solutions include:
 - i) off-setting windows in relation to adjacent buildings/windows;
 - ii) using recessed balconies and/or vertical fins between adjacent private balconies;
 - iii) using solid or semi-transparent balustrades to balconies;
 - iv) using louvres/screen panels to windows and balconies;
 - v) providing vegetation as a screen between spaces;
 - vi) incorporating planter boxes into walls or balustrades to increase the visual separation between areas (see *Figure 3C.18-3*);

Note: Diagrams showing view angles and privacy measures may be required as part of the DA submission.

- vii) utilising pergolas or shading devices to limit overlooking of lower building levels or common and private open space.
- 3 Continuous transparent balustrades are not permitted to balconies or terraces for the lower 3 storeys.
- 4 Screening between apartments must be integrated with the overall building design.
- 5 Landscaped screening must be provided to adjoining site(s).

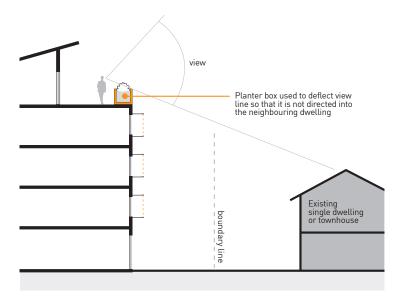


Figure 3C.18-3: Incorporation of planter boxes into walls or balustrades for visual privacy.

3C.19 ACOUSTIC PRIVACY

Objectives

- 1 To ensure high standards of acoustic privacy for all occupants of the development.
- 2 To ensure housing adjoining main roads is designed and constructed to minimise the impact of external noise and facilitate comfortable living conditions for residents.

Controls

- 1 All developments must comply with the Building Separation Controls in *Part 3C.1 of this DCP* to ensure adequate acoustic privacy for building occupants.
- 2 Buildings must be designed to minimise the impact of traffic noise through planning, construction and materials in accordance with:
 - i) AS2107-2000: Acoustics- Recommended design sound levels and reverberation times for building interiors.
 - ii) AS3671-1989: Acoustics- Road traffic noise intrusion- Building siting and construction.
- Residential flat buildings must be designed to minimise noise transition by, but not limited to, the following means:
 - i) grouping room uses according to the noise level generated;
 - using storage or circulation zones within an apartment to buffer noise from adjacent apartments, mechanical equipment or corridors and lobby areas;
 - iii) minimising the amount of shared walls with other apartments;
 - iv) using service areas/corridors to buffer noise sensitive areas (ie. bedrooms) from noise generators including traffic, railway line, service and loading vehicle entries;
 - v) incorporating appropriate noise shielding or attenuation techniques into the design and construction of the building.

Note: Where a site is affected by the noise of a busy road or railway, refer to *Part 4.1 of this DCP.* SEPP Infrastructure may also apply.



Figure 3C.19-1:
Balconies with sliding louvred panels for acoustic privacy.

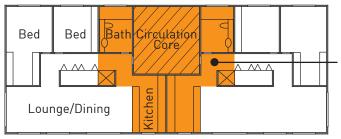


Figure 3C.19-2:
Buffer zone to minimise noise pollution.

Service and circulation areas used to buffer noise sensitive areas.

3C.20 INTERNAL CEILING HEIGHTS

Objectives

- 1 To ensure that internal ceiling heights are coordinated with external building form requirements.
- 2 To provide internal ceiling heights that contribute to flexibility and adaptability of use in the future.
- 3 To create buildings that facilitate a 'sense of space' by maximising natural light and ventilation.

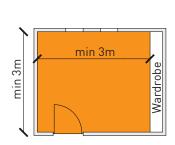
- All residential flat buildings must comply with the following minimum ceiling heights, measured from finished floor level (FFL) to finished ceiling level (FCL):
 - i) 2.7m for all habitable rooms;
 - ii) 2.25m for all non-habitable rooms.

3C.21 ROOM SIZES

Objectives

1 To provide well proportioned and functional rooms.

- 1 Living areas must have a minimum internal plan dimension as follows:
 - i) 4m for apartments with 2 or more bedrooms;
 - ii) 3.5m for other apartments.
- 2 One and two bedroom apartments must have a minimum internal plan dimension of 3m (excluding wardrobe space) in all bedrooms.
- 3 Apartments with three or more bedrooms are to have at least two bedrooms with a minimum internal plan dimension of 3m (excluding wardrobe space).



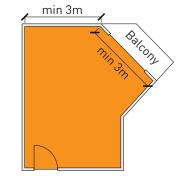


Figure 3C.21-1:
Minimum dimension controls for bedrooms.

3C.22 INTERNAL COMMON CIRCULATION

Objectives

1 To provide accessible, safe and pleasant circulation spaces for all occupants and users.



Figure 3C.22-1: Colour coded doorways to each apartments for legibility.



Figure 3C.22-2: Extensive use of glazing to stairway area to provide natural light.

- 1 The design of internal common circulation space must comply with the provisions in *AS1428.1* and *AS1428.2* to provide adequate pedestrian mobility and access.
- 2 All common circulation areas including foyers, lift lobbies and stairways must have:
 - i) appropriate levels of lighting with a preference for natural light where possible;
 - ii) short corridor lengths that give clear sight lines;
 - iii) clear signage noting apartment numbers, common areas and general direction finding;
 - iv) natural ventilation;
 - v) low maintenance and robust materials.
- Where artificial lighting is required energy efficient lights are to be used in conjunction with timers or daylight controls.
- 4 All single common corridors must:
 - i) serve a maximum of 8 apartments;
 - ii) be at least 1.5m wide (to allow ease of movement of furniture); and
 - iii) be at least 1.8m wide at lift lobbies. See Figure 3C.22-3.
- 5 Buildings must designed to avoid blind corners or dark alcoves near lifts and stairwells, at the entrances, along corridors and walkways, and within car parks.

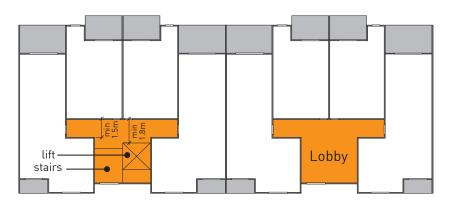


Figure 3C.22-3: Lobby space dimension controls.

3C.23 STORAGE

Objectives

1 To ensure all apartments have adequate and accessible storage for everyday household items.

Controls

- Storage space shall be provided for each apartment at the following minimum volumes:
 - i) 6m³ for studio;
 - ii) 8m³ for one bedroom apartments;
 - iii) 10m3 for two bedroom apartments; and
 - iv) 12m³ for apartments with three or more bedrooms.
- At least 50% of the storage space must be provided within the apartment. The remaining storage space outside apartments, such as within basements, must be separately allocated to the relevant apartments.
 - **Note 1:** Storage space within apartments 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.
 - **Note 2:** Storage space outside apartments can be in basements and dedicated storerooms. The rear of a parking space is an appropriate location in the basement for part of the storage controls.
 - **Note 3:** Where two car spaces are provided for an apartment, the requirement for the basement storage component may be waived in order to ensure basements do not extend greater than 10% of the ground floor perimeter.

Note 4: Refer to *Part 4.16 of this DCP* for waste storage.

3C.24 EXTERNAL AIR CLOTHES DRYING FACILITIES

Objectives

- 1 To ensure buildings maximise the opportunities for sun and wind drying of clothes.
- 2 To provide external air clothes drying areas that do not detract from the visual appearance of the building and common areas.

- 1 Each apartment is required to have access to an external air clothes drying area, eg. a screened balcony, a terrace or common area.
- 2 External air clothes drying areas must be screened from public and common open space areas.
- Where provided in common areas facilities are to be provided including clothes lines.



Figure 3C.24-1: Screened balconies for external air clothes drying area.

3C.25 CAR PARKING PROVISION

Objectives

- 1 To provide adequate car parking for the building's users and visitors.
- 2 To locate and design car parking which is integrated with the site and building design.

Controls

Car parking design

- 1 All residential flat developments must provide on-site car parking within basements.
- 2 To maximise landscaping area, basement car park areas must be consolidated under building footprints.

Note: Basements may be permitted to extend under the space between buildings on the site.

The basement car park must not project more than 1m above existing ground level to the floor level of the storey immediately above. See *Figure 3C.25-1*.

Note: Refer to *Part 4.9 of this DCP* for additional basement car parking design controls.

- 4 Direct internal access from basement car parks must be provided to each level of the building.
- 5 A space for temporary parking for service and removalist vehicles must be provided and clearly signposted.
- The temporary space for service and removalist vehicles may be provided as a visitors' space provided it has a minimum dimension of 3.5m x 6m and a minimum manoeuvring area 7m wide.

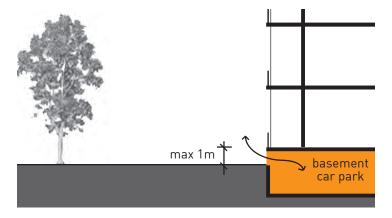


Figure 3C.25-1: Controls for basement car park projection above existing ground level.



Controls

Car parking rates

7 The following parking ranges apply to residential flat developments:

Apartment Size	Parking Space Requirement per apartment
Studio	0 - 0.5 spaces
One bedroom	0.7 - 1 spaces
Two bedrooms	1 - 1.25 spaces
Three or more bedrooms	1 - 2 spaces

Note: A Traffic Impact Assessment must accompany development applications that seek to vary the parking rates. This includes parking variations in lieu of commercial or strata funded car share schemes.

8 At least one visitor car space is to be provided within the site for every 4 apartments or part thereof.

Note: Refer to *Part 4.10 of this DCP* for visitor parking design controls.

- 9 Any spaces provided which exceed the upper range are to be included in the calculation of gross floor area.
- 10 Each adaptable housing dwelling must be provided with at least one disabled car parking space designed in accordance with AS2890.6.

Note: Refer to Part 4.11 of this DCP for parking for people with a disability design controls.

3C.26 BICYCLE PARKING PROVISION

Objectives

1 To provide bicycle parking that is safe and easily accessible.

Controls

- Provide on-site, secure bicycle parking spaces and storage at the following rates:
 - i) 1 bicycle parking space per 5 units (or part thereof) for residents within the residential car park area; and
 - ii) 1 bicycle parking space (in the form of a bicycle rail) per 10 units for visitors in the visitor car park area.

Note: Refer to *Part 4.13 of this DCP* for bicycle parking design controls.

Objectives

- 1 To increase the housing choice for seniors and people with disabilities.
- 2 To provide housing that allows people to stay in their home as their needs change due to aging or disability.

3C.27 ADAPTABLE HOUSING

- 1 All residential flat buildings must contain at least one apartment for each 10 apartments (or part thereof) designed as adaptable housing in accordance with the provisions of AS4299-1995: Adaptable Housing Class C.
- 2 Each adaptable housing apartment must be provided with at least one disabled car parking space designed in accordance with *AS2890.6*.
- 3 At least 70% of apartments are to be "visitable" in accordance with the definition in *Appendix A4 of this DCP*.

3C.28 APARTMENT MIX AND SIZES

Objectives

- 1 To provide a range of apartment types, sizes and layouts for housing choice.
- 2 To make ground floor apartments available for a range of household types.

- A range of apartment sizes and types must be included within the development.
- 2 Apartments are to be a minimum size (GFA) of:
 - i) 50m² for studios and one bedroom apartments;
 - ii) 70m² for two bedroom apartments;
 - iii) 95m² for three bedroom apartments.
- 3 A mix of one, two and three-bedroom apartments are to be located on the ground level.



Introduction

Site Design

- 3D.1 Site Layout
- 3D.2 Building Separation
- 3D.3 Building Setback
- 3D.4 Site Coverage
- 3D.5 Deep Soil Landscaping
- 3D.6 Consideration of Isolated Sites

Building Design

- 3D.7 Building Facades
- 3D.8 Building Entries
- 3D.9 Top Storey Design and Roof Forms
- 3D.10 Fencing

Site and Building Amenity

- 3D.11 Private Open Space
- 3D.12 Dwelling Depth and Room Sizes
- 3D.13 Natural Ventilation
- 3D.14 Solar Access
- 3D.15 Visual Privacy
- 3D.16 Acoustic Privacy
- 3D.17 Internal Ceiling Heights
- 3D.18 Storage
- 3D.19 External Air Clothes Drying Facilities

Parking and Vehicular Access

- 3D.20 Vehicle Access
- 3D.21 Car Parking Provision
- 3D.22 Bicycle Parking Provision

Social Dimensions

3D.23 Adaptable Housing





INTRODUCTION

Multi-dwelling housing as defined in the KLEP 2010 are to be predominantly located in the R3- Medium density residential zone. It includes all residential developments with 3 or more dwellings on one lot and can be in the form of detached and attached town house dwellings.

Where a development involving refurbishment works or alterations/ additions to existing buildings, new elements are to meet the requirements of this Part.

3D.1 SITE LAYOUT

Objectives

- 1 To ensure that all developments are sensitive to site attributes, such as streetscape character, existing vegetation and topography.
- 2 To achieve a high standard of amenity for future residents and neighbours.

- 1 Site planning is to minimise, as far as possible, amenity impacts on neighbouring properties and on-site dwellings.
- 2 "Gun-barrel" style developments (with long rows of attached dwellings, long straight driveways and rows of uniform width garden courtyards) are not permitted. See *Figure 3D.1-1*.
- 3 At least one dwelling must address the street.
- 4 The preferred layouts for multi-dwelling housing development are shown below in *Figures 3D.1-2 and 3D.1-3*.

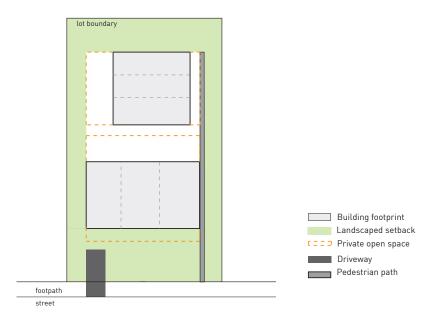


Figure 3D.1-2: Site layout with 24m frontage.

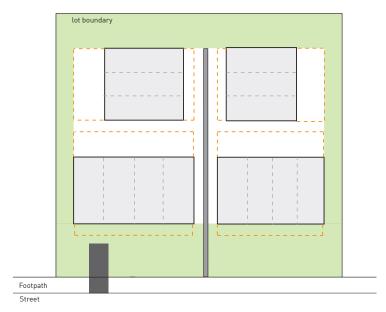


Figure 3D.1-3: Site layout with 50m frontage.

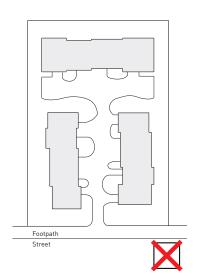


Figure 3D.1-1:
"Gun-barrel" style
development is not permitted.

3D.2 BUILDING SEPARATION

Objectives

- 1 To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings.
- 2 To ensure building configuration that protects and enhances visual and acoustic privacy for occupants and adjacent residents.
- 3 To provide building form and layout that minimises overshadowing of adjacent properties and open space.
- 4 To provide building configuration that facilitates the provision of useable open space, landscaping and view corridors.
- 5 To provide building form and layout that maximises view sharing.

Controls

The minimum separation between residential buildings on the development site must comply with the following controls:

Up to 2nd storey

- i) 3m between non-habitable rooms;
- ii) 6m between rooms/balconies in all other cases.

3rd storey

- i) 12m between habitable rooms/balconies;
- ii) 7m between habitable room/balcony and non-habitable room;
- iii) 3m between non-habitable rooms.

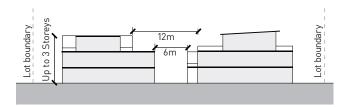


Figure 3D.2-1: Minimum building separation controls for multi-dwelling housing development up to 3 storeys.

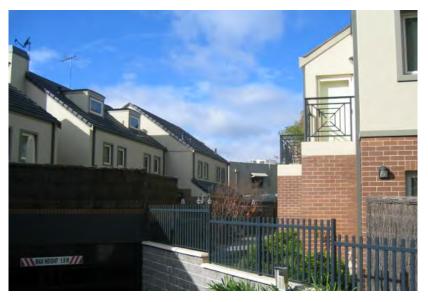


Figure 3D.2-2: Separation between buildings to ensure visual and acoustic privacy.

3D.3 BUILDING SETBACK

Objectives

- 1 To ensure buildings are set within a gardens setting dominated by canopy trees which screen the buildings and soften the urban form to maintain the garden character of Ku-ring-gai.
- 2 To ensure adequate space between sites to enable effective landscaping and tree planting.
- 3 To ensure adequate separation between buildings on different sites for privacy, sun access, acoustic control and natural ventilation.
- 4 To provide a transition between certain zones.

Controls

Street setback

- Multi-dwelling housing developments must meet the following street setback requirements:
 -) a minimum of 10m from the primary street boundary;
 - ii) on corner sites a minimum of 8m from the secondary street boundary.
- The building line to any street must be parallel to the prevailing building line in the streetscape.

Side and rear setbacks

- 3 A minimum setback of 3m must be provided from any side boundary.
- 4 Where the dwellings address side boundaries, the setback must be at least 6m.
- 5 A minimum setback of 6m must be provided from the rear boundary.
- 6 Side setback areas behind the building line are not to be used for driveways or for vehicular access into the building.
- 7 Basement car parking areas must be a minimum of 3m from any side or rear boundary.



Figure 3D.3-1: Landscaped street setback area.



Controls

Encroachments

- 8 Ground floor private terraces/courtyards may encroach into the setback areas with a minimum setback of:
 - i) 8m from the primary street boundary or 6m from the secondary street boundary;
 - ii) 3m from the rear boundary

to allow for deep soil planting within the common areas.

9 Ground floor private terraces/courtyards may encroach into the side setback provided the deep soil landscaping requirements are met.

Note: The requirements for deep soil planting along side boundaries are outlined in *Part 3D.5*.

- 10 No more than 15% of the total area of the street setback is to be occupied by private terraces/courtyards. See *Figure 3D.3-2*.
- 11 In addition to the above encroachments, the following elements may encroach into the setback areas:
 - i) eaves;
 - ii) sun shading;
 - iii) blades, fins, columns.

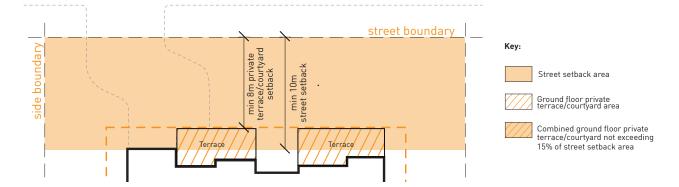


Figure 3D.3-2: Controls for ground floor terrace area encroachment to the street setback area.

3D.4 SITE COVERAGE

Objectives

- 1 To ensure development is consistent with the desired future built and landscape character of the area.
- 2 To protect and improve the tree canopy within Ku-ringgai.
- 3 To provide viable deep soil landscaping within residential developments.
- 4 To minimise impervious surfaces that generate storm water runoff.

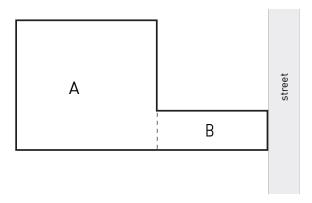
Controls

Development for multi dwelling housing must have a maximum site coverage in accordance with the table below:

Types	Maximum site coverage for standard site	Maximum site coverage for site with access handle
Townhouses	40%	40% less 40% of any access handle
Villas	50%	50% less 50% of any access handle
Combination of townhouses and villas	50%	50% less 50% of any access handle

Refer to Figure 3D.4-1.

When a site comprises land in an R3 and/or R4 zone and land in another zone, only the R3 and/or R4 zone land is to be included in calculating site area.



Maximum site coverage for townhouses = $[(A+B) \times 40\%]m^2 - (B \times 40\%)m^2$

Figure 3D.4-1: Maximum site coverage controls.

Objectives

- 1 To provide consolidated deep soil zones in all residential development sites through careful planning and building design.
- 2 To provide landscaping that is appropriate to the scale and context of the development.
- 3 To provide landscaping that provides habitat for native indigenous plants and animals and contributes to biodiversity in the area.
- 4 To create high quality landscaped areas through retention and/or planting of large and medium sized trees.
- 5 To ensure landscaping that contributes to the garden character of the locality.
- 6 To promote landscaping that minimises water use.
- 7 To ensure that most of the deep soil landscaping is within common areas.

3D.5 DEEP SOIL LANDSCAPING

Controls

Design

- Multi-dwelling housing development must have a minimum deep soil landscaping area of 30% of the site.
- A minimum deep soil landscaping area in the front setback is required as follows:

Street frontage	Minimum deep soil landscaping	
30m or more	60% of front setback area	
Under 30m	50% of front setback area	

- 3 Adequate space for tree and screen planting deep soil zones are to be provided:
 - i) to all side boundaries;
 - ii) of a minimum width of 3m along the rear boundary. This is to be within the common area.
- 4 A maximum of one third of the principal private open space area may be counted as deep soil landscaping.
- To maximise deep soil landscaping areas, driveways and on-site vehicle turning areas are not to dominate the street setback zone.
- 6 Permeable pathways are to be used for pathways wider than 1m.
 Note: Such pathways must comply with standards for access for people with a disability.
- 7 Natural ground level must be maintained beneath the canopy spread of trees to be retained.

Note: If the ground level is modified within the canopy spread, a report from a suitably qualified arborist will be required.

Tree Replenishment and planting

8 Lots with the following sizes are to support a minimum number of tall trees capable of attaining a mature height of at least 13m on shale, transitional soils and 10m on sandstone derived soils:

Lot Size	Number of Tall Trees
1,200m² or less	1 per 400m² of site area or part thereof
1,201m ² - 1,800m ²	1 per 350m² of site area or part thereof
1,801m ² +	1 per 300m² of site area or part thereof

Note: A list of trees which attain the required height, for varying locations is available from Council and on Council's website (www.kmc.nsw.gov.au).

9 At least two canopy trees must be provided in the street setback area.

3D.5 DEEP SOIL LANDSCAPING (continued)

Controls

- 10 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;
- 11 Locally occurring and other native species are to be used as much as possible. At least 50% of all tree planting chosen are to be locally occurring trees and spread around the site.

Note: Council may require street tree planting in accordance with the Kuring-gai Town Centres Public Domain Plan 2010.

12 Species are to be chosen for an appropriate range of height and foliage density, and for their low maintenance characteristics, water efficiency, aesthetic appeal and suitability to the characteristics of the site and location. Species for screen planting are also to be chosen for relatively fast growth.

Note: See also Part 4.2 of this DCP.

- 13 Siting and choice of trees must consider:
 - i) good solar access to useable open space areas;
 - ii) provision of summer shade;
 - iii) proximity to buildings, fences, and other structures;
 - iv) proximity to stormwater, electricity, gas, sewer, other infrastructure and services; and
 - v) measures to minimise the potential hazard on sites prone to bushfire risk (refer to *Part 4.2 of this DCP* and *Planning for Bushfire Protection 2006*).

3D.6 CONSIDERATION OF ISOLATED SITES

Objectives

- 1. To achieve orderly and economic development.
- 2 To prevent sites from becoming isolated and unable to be developed in accordance with KLEP 2010.
- 3 To encourage consolidation of sites to enable efficiency through shared facilities and services, such as car parking, recycling and waste collection.

Controls

- 1 Sites are to be consolidated or amalgamated to avoid isolating an adjoining site or sites in a R3 zone with a minimum street frontage and /or minimum lot size less than that required by KLEP 2010.
- Where a development proposal results in an adjoining site or sites with a primary street frontage or minimum lot size less than that required for redevelopment by KLEP 2010, the applicant is to demonstrate that:
 - i) amalgamation of the isolated site is not feasible in accordance with the relevant planning principles established by the Land and Environment Court; and
 - ii) the adjoining site(s) can be orderly and economically developed in accordance with the provisions of KLEP 2010 and this DCP, including, but not limited to:
 - achieving an appropriate urban form for the location, and
 - having and acceptable level of amenity.

To assist in this assessment, applicants are to submit details and diagrams of development that is of appropriate urban form and amenity for the isolated site which indicates height, setbacks and resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments. Important considerations include solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road.

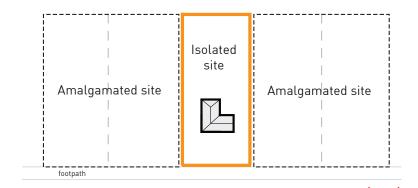


Figure 3D.6-1: Lot amalgamation must avoid isolating small sites.



3D.7 BUILDING FACADES

Objectives

- To ensure development demonstrates individual identity for each dwelling.
- 2. To promote buildings of high architectural quality that contribute to the desired local character.
- 3. To create building facades that reduce the bulk and scale of the building.
- 4 To create building facades that are environmentally responsive.
- 5 To integrate building elements into the overall building form and facade design.
- 6 To provide distinct building articulation on corner sites that reinforce the street intersection.
- 7 To ensure that building facade design contributes to the safety of the public domain.



Figure 3D.7-1:
Well articulated building
facade with the use of
balconies. Sun shading devices
incorporated into the balcony
design for solar access
control.

- 1 Attached dwellings must comply with the following:
 - i) break buildings into separate blocks with maximum length of 24m;
 - ii) where external walls are longer than 12m, the building alignment must be stepped by a minimum 0.3m articulation (projection or indentation) in the facade.
- 2 Each dwelling must have a minimum width of 4m.
- The external appearance of townhouses must adopt an asymmetrical design to provide each dwelling with an individual identity when viewed from the street.
- 4 All building facades must be modulated and articulated with wall planes varying in depth by not less than 0.6m. This can be achieved through the following:
 - i) expressing building layout or structure, such as vertical bays or party walls;
 - ii) expressing the variation in floor to floor height, particularly at lower levels;
 - iii) using a variety of window types to create a rhythm or express the building uses;
 - iv) using recessed balconies and deep windows to add visual depth; and/or
 - v) using change of texture and colour.
- 5 Building facades must be designed to respond to solar access by using solar protection elements such as eaves and louvres as environmental controls.
- 6 All building elements including shading devices and awnings must be coordinated and integrated within the overall facade design.
- When individual air conditioning units are used, they must not be located on the building facade or within the private open space (eg. balconies or terraces).
- 8 Balconies that run the full length of the building facade are not permitted.
- 9 Balconies must not project more than 1.2m from the outermost wall of the building facade.
- 10 Blade walls are not to be the sole element used to provide articulation.
- 11 Street corners must be addressed by giving visual prominence to parts of the building facade, such as a change in building articulation, material or colour, roof expression or height.

3D.8 BUILDING ENTRIES

Objectives

- 1 To ensure the building entry is a clear and identifiable element in the street and is accessible to all.
- 2 To ensure the building entry contributes positively to the streetscape and building facade design.

- 1 Provide access to and within all developments in accordance with the *Disability Discrimination Act 1992*.
- 2 Buildings must address the street with at least one entry directly accessible and visible from the street.
- Building entry must be integrated with building facade design. At street level, entry is to be articulated with awnings, porticos, recesses or projecting bays for clear identification.
- 4 All entry areas must be well lit and designed to avoid any concealment or entrapment areas. All light spill is prohibited.



Figure 3D.8-1: Entrances to individual townhouses are clearly identifiable with the use of porches/verandahs.

3D.9 TOP STOREY DESIGN AND ROOF FORMS

Objectives

- 1 To ensure that the design of the top floor of buildings minimises visual bulk.
- 2 To provide articulation that prevents any increased overshadowing.
- 3 To contribute to the overall design and environmental performance of buildings.

- Where a third storey is proposed the GFA of the top storey of a multi-dwelling housing development must not exceed 60% of the GFA of the storey immediately below it.
- Where the third storey is not incorporated within the roof form, it must be set back from the outer wall of the floor below on all sides (roof projection is allowed beyond the outer face of the third storey).
- Where pitched roofs are proposed, use similar roof pitch or material that is compatible with the existing development context.
- 4 Attics are permissible subject to being within a hipped or gabled roof where the maximum roof pitch is 35°. They are to be designed to fit within the building envelope (with the exception of dormer windows) and are not to increase the bulk and height of the roof.
- Dormer windows may be included which are no higher than the height of the main roof of the building, no greater than 1.5m in width and are not to incorporate or access a balcony.
- 6 Service elements such as drainage pipes and communication devices must be integrated into the overall design of the roof so as not to be visible from the public domain or any surrounding development.
- 7 Roof design must respond to solar access, for example, by using eaves and skillion roofs.
- 8 Where solar panels are provided they are to be integrated into the roof line.
- 9 Lightweight pergolas, sun screens, privacy screens and planters are permitted on roof terraces, provided they do not increase the bulk of the building and create visual clutter.



Figure 3D.9-1: Top floor setback with recessive colour scheme to minimise the bulk and scale.



Figure 3D.9-2: Townhouse development with attic design.

3D.10 FENCING

Objectives

- 1 To ensure fencing design responds 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.
- 2 To ensure that fencing does not detach from the overall visual amenity and character of the area.

Controls

- 1 Front fences and walls (to a public street) and side fences in the street setback must not be higher than:
 - i) 0.9m if of closed construction (such as masonry, lapped and capped timber or brushwood fences); or
 - ii) 1.2m if of open construction (such as open paling and picket fences).

Note 1: Open fencing includes: panels set into a timber frame or between brick piers, where any solid base is not taller than 0.9m, and panels are spaced pickets, palings, or lattice.

Note 2: Rendered masonry boundary walls are generally inappropriate to the landscape character of Ku-ring-gai.

- 2 Fences and walls must step down and follow the natural contours of the site.
- 3 Hedges and shrub planting are desirable but no higher than 1.2m along the entire front boundary.
- 4 All fencing must be designed to highlight entrances, and be compatible with buildings, letterboxes and garbage storage areas.
- 5 External finishes for fencing must be robust and graffiti resistant.



Figure 3D.10-1:
Open style fencing to maintain visual link.



Figure 3D.10-2: Use of hedges as fencing.

3D.11 PRIVATE OPEN SPACE

Objectives

- To provide private open space that is functional and responsive to the environment for the enjoyment of outdoor living for residents.
- 2 To provide private open space (eg. balcony, deck, terrace) that is integrated into the overall design of development.
- 3 To ensure that private open space design allows views and passive surveillance of the street while providing for safety and visual privacy of residents.

Figure 3D.11-1:
Private open space in the form of balconies and courtyards.

- 1 Multi-dwelling housing development must provide a minimum (internal dimension) 35m² of private open space per dwelling at ground floor, and must ensure:
 - i) a single space of minimum 25m² with a minimum internal dimension of 4m and direct access from a living area of the dwelling; and
 - ii) the remaining spaces must have a minimum internal dimension of 2m.
- 2 All private open space area requirements are exclusive of any areas for the provision of services. eg. external air clothes drying facilities.
- The primary private open space is to have direct access from the main living areas. See *Figure 3D.11-2*.

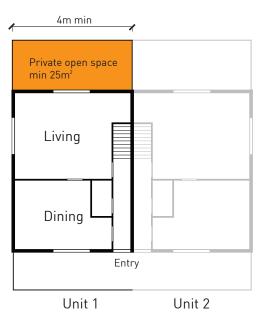


Figure 3D.11-2:
Minimum dimension for private open space.

- 4 Primary private open space with southern orientation should be avoided.
- 5 Private open space (outdoor) for ground and podium level dwellings is to be differentiated from common areas by:
 - i) a change in level and/or;
 - ii) screen planting, such as hedges and low shrubs; and/or
 - iii) up to 1.2m solid wall with at least 30% transparent component above and gate to common open space.
- 6 One gas outlet (where gas services are available) and one water outlet are to be provided to the primary private open space.
- 7 Air conditioning units must not be located in private open space.

3D.12 DWELLING DEPTH AND ROOM SIZES

Objectives

- 1 To ensure building design that provides adequate amenity for occupants in terms of sun access and natural ventilation.
- 2 To provide dwellings with well proportioned and functional rooms.

- 1 The maximum internal plan depth of a dwelling is to be 14m from glass line to glass line. See *Figure 3D.12-1*.
- 2 All kitchens must not be located more than 8m to the back wall of the kitchen from an external opening.
- 3 Living areas must have a minimum internal plan dimension of 4m. See *Figure 3D.12-1*.
- 4 Multi-dwelling housing development with two bedrooms must have a minimum internal plan dimension of 3m (excluding wardrobe space) in all bedrooms. See *Figure 3D.12-2*.
- Multi-dwelling housing development with three or more bedrooms are to have at least two bedrooms with a minimum internal plan dimension of 3m (excluding wardrobe space).

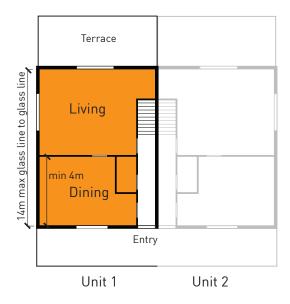


Figure 3D.12-1: Maximum internal plan depth controls.



Figure 3D.12-2:
Minimum dimension controls for bedrooms.

3D.13 NATURAL VENTILATION

Objectives

1 To ensure a high level of internal amenity for all occupants with direct access to fresh air for all habitable rooms.

- 1 All habitable rooms are to have operable windows or doors.
- 2 All dwellings must have natural cross ventilation.
- 3 All kitchens are to be naturally ventilated.
- 4 Use the building layout and section to increase the potential for natural ventilation. Design solutions may include:
 - i) facilitating cross ventilation by designing narrow dwelling depths- refer to *Part 3D.12 of this DCP*;
 - ii) facilitating convective currents by designing spaces which draw cool air in at lower levels and allow warm air to escape at higher levels:
 - iii) minimising interruptions in air flow, the more corners or rooms airflow must negotiate, the less effective the natural ventilation;
 - iv) grouping rooms with similar usage together, for example, keeping living spaces together and sleeping spaces together: this allows the apartment to be compartmentalised for efficient summer cooling or winter heating.
- 5 Select doors and operable windows to maximise natural ventilation opportunities established by the dwellings layout. Design solutions include:
 - i) locating small windows on the windward side (facing prevailing winds) and larger windows on the leeward side (away from prevailing winds) of the building thereby utilising air pressure to draw air through the dwellings;
 - ii) using higher level casement or sash windows, clerestory windows or operable fanlight windows (including above internal doors) to facilitate convective currents;
 - iii) selecting windows which the occupants can reconfigure to funnel breezes into the apartment, such as vertical louvred, casement windows and externally opening doors.
- The use of light wells/skylights as a primary source of ventilation in habitable rooms is prohibited.

Objectives

- 1 To ensure a high level of internal amenity for all occupants with direct access to daylight in all habitable rooms.
- 2 To minimise the negative impact of overshadowing on living areas and private and communal open space areas of neighbouring development.
- 3 To minimise the impact of development on existing solar collection devices.

3D.14 SOLAR ACCESS

Controls

- 1 All developments must comply with the Dwelling Depth Controls in *Part 3D.12 of this DCP* to optimise solar access to habitable rooms.
- 2 Buildings must be oriented to optimise the northern aspect.
- Dwellings must receive a minimum of three hours direct sunlight to living rooms and adjacent private open spaces between 9am and 3pm on 21st June.

Note: Shadows cast by trees and fences are excluded from this calculation.

- 4 Use light shelves, reflectors, lightwells, skylights, atriums and clerestories where possible to maximise the quantity and quality of natural light within internal areas.
- 5 The use of lightwells/skylights as a primary source of daylight in habitable rooms is prohibited.
- 6 All developments must allow the retention of at least three hours of sunlight between 9am and 3pm on 21st June to the living areas and the principal portion of the private and communal open space of:
 - existing residential flat buildings and multi-dwelling housing on adjoining lots; and
 - any residential development in adjoining R2, E4 and R3 zones.

Where existing overshadowing by buildings is greater than this, sunlight is not to be reduced by more than 20%.

- 7 Overshadowing must not compromise the development potential of the adjoining under-developed site(s).
- Developments must allow the retention of a minimum of 4 hours direct sunlight between 9am to 3pm on 21st June to all existing neighbouring solar collectors and solar hot water services.

3D.14 SOLAR ACCESS (continued)

Controls

Sun Shading

- 9 All developments must utilise shading and glare control. Design solutions include:
 - i) providing external horizontal shading to north-facing windows, such as eaves, overhangs, pergolas, awnings, colonnades, upper floor balconies, and/or deciduous vegetation;
 - ii) providing vertical shading to east and west windows, such as sliding screens, adjustable louvres, blinds and/or shutters;
 - iii) providing shading to glazed and transparent roofs;
 - iv) using low glare high performance glass with an overall 3 star Window Energy Rating Scheme rating (refer to www.wers.net);
 - v) using glass with reflectance below 20%.
- 10 All shading devices must be integrated with building facade design.
- 11 Consideration should be given to the integration of solar shading with solar energy collection technology.
- 12 Reflective films applied to windows and glazing is to be avoided.

3D.15 VISUAL PRIVACY

Objectives

1 To ensure high standards of visual privacy for all occupants within the development and its neighbours.

- All developments must comply with the Building Separation Controls in *Part 3D.2 of this DCP* to ensure visual privacy.
- 2 Buildings must be designed to ensure privacy without compromising access to light and air. Design solutions include:
 - i) off-setting windows in relation to adjacent buildings/windows;
 - ii) using recessed balconies and/or vertical fins between adjacent private balconies;
 - iii) using solid or semi-transparent balustrades to balconies;
 - iv) using louvres/screen panels to windows and balconies;
 - v) providing vegetation as a screen between spaces;
 - vi) incorporating planter boxes into walls or balustrades to increase the visual separation between areas;
 - vii) utilising pergolas or shading devices to limit overlooking of lower building levels or common and private open space.
- 3 Continuous transparent balustrades are not permitted to balconies/ terraces.
- 4 Screening between dwellings must be integrated with the overall building design.
- 5 Landscaped screening must be provided to adjoining site(s).



Figure 3D.15-1: Operable louvres to all balconies to provide enhanced privacy.

3D.16 ACOUSTIC PRIVACY

Objectives

- 1 To ensure high standards of acoustic privacy for all occupants of the development.
- 2 To ensure housing adjoining main roads is designed and constructed to minimise the impact of external noise and facilitate comfortable living conditions for residents.

Controls

- 1 All developments must comply with the Building Separation Controls in *Part 3D.1 of this DCP* to ensure adequate acoustic privacy for building occupants.
- 2 Buildings must be designed to minimise the impact of traffic noise through planning, construction and materials in accordance with:
 - i) AS2107-2000: Acoustics- Recommended design sound levels and reverberation times for building interiors.
 - ii) AS3671-1989: Acoustics- Road traffic noise intrusion- Building siting and construction.
- 3 Balconies and other external building elements are to be designed and located to minimise infiltration and reflection of noise onto the facade.
- 4 Dwellings must be designed to minimise noise transition by, but not limited to:
 - i) grouping room uses according to the noise level generated;
 - ii) using storage or circulation zones to buffer noise sensitive areas (ie. bedrooms) from noise generators including traffic, railway line, vehicle entries and mechanical equipment;
 - iii) incorporating appropriate noise shielding or attenuation techniques into the design and construction of the building.

Note: Where a site is affected by the noise of a busy road or railway, refer to *Part 4.1 of this DCP.* SEPP Infrastructure may also apply.

3D.17 INTERNAL CEILING HEIGHTS

Objectives

- 1 To ensure the internal ceiling height is coordinated with external building form requirements.
- 2 To ensure all dwelling facilitate a 'sense of space' and natural light and ventilation into rooms.

- Internal ceiling heights and slab levels must be coordinated with external height requirements and key datum lines.
- 2 All multi-dwelling housing developments must comply with the following minimum ceiling heights, measured from finished floor level (FFL) to finished ceiling level (FCL):
 - i) 2.7m for all habitable rooms;
 - ii) 2.25m for all non-habitable rooms.

3D.18 STORAGE

Objectives

1 To ensure all dwellings have adequate and accessible storage for everyday household items.

- Storage space must be provided at the following minimum volumes:
 - i) 10m³ for two bedroom dwellings; and
 - ii) 12m³ for dwellings with three or more bedrooms,
- 2 At least 50% of the storage space must be provided within the dwelling. The remaining storage space outside dwellings, such as within basements, must be separately allocated to the relevant dwellings.
 - **Note 1:** 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.
 - **Note 2:** Storage space outside dwellings can be in basements/garages and dedicated storerooms. The rear of a parking space is an appropriate location in the basement for part of the storage controls.
 - **Note 3**: Where two car spaces are provided for a dwelling, the requirement for the basement storage component may be waived in order to ensure basements do not extend greater than 10% of the ground floor perimeter.
 - **Note 4:** Refer to *Part 4.16 of this DCP* for waste storage requirements.

3D.19 EXTERNAL AIR CLOTHES DRYING FACILITIES

Objectives

- 1 To ensure buildings maximise the opportunities for sun and wind drying of clothes.
- 2 To provide external air clothes drying areas that do not detract from the visual appearance of the building and common areas.

- 1 Provide one external air clothes drying area for each dwelling.
- 2 External air clothes drying area must be screened from public areas and common areas.

3D.20 VEHICLE ACCESS

Objectives

1 To provide well located and designed vehicle entrances that facilitate for pedestrian amenity and safety.

Controls

Driveways must be designed to avoid a straight, long gun barrel appearance by using appropriate landscaping and variations in alignment.

Note: Refer to Part 3D.1 of this DCP.

- 2 Driveways must be located at least 3m from any side boundary and be separated from the boundary by a continuous landscaped verge and screen planting.
- 3 Not more than one driveway may be established on any property with a front width of less than 20m. Not more than two driveways may be established on any property.
- 4 On-site vehicle turning areas must be designed to permit turning in a single reversing movement.
- Where a waste and recycling room is provided within the basement, the minimum finished ceiling height must be 2.6m along the path of travel from the street to the residential waste collection and manoeuvring area. This clearance is to be kept free of any overhead ducts, services or other obstructions.

Note: Refer to *Part 4.8 of this DCP* for additional vehicle access controls and *Part 4.16 of this DCP* for waste requirements.

3D.21 CAR PARKING PROVISION

Objectives

- 1 To provide adequate car parking for the building's users and visitors.
- 2 To locate and design car parking which is integrated with the site and building design.
- 3 To ensure that garage structures do not dominate the site or the streetscape.

Controls

Car parking design

- 1 All multi-dwelling developments must provide on-site car parking within basements wherever practicable.
- 2 To maximise landscaping area, basement car park areas must be consolidated under building footprints.
 - **Note:** Basements may be permitted to extend under the space between buildings on the site.
- The basement car park must not project more than 1m above existing ground level to the floor level of the storey immediately above. See *Figure 3D.21-2*.

Note: Refer to *Part 4.9 of this DCP* for additional basement car parking design controls.

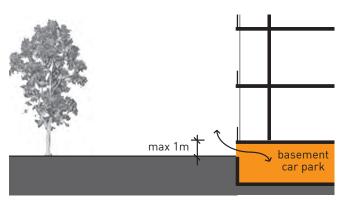
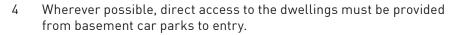


Figure 3D.21-2: Controls for basement car park projection above existing ground level.



- 5 On sites with significant street frontage width, opportunity may exist for some garages with direct access from the street.
- 6 Garages must be integrated within the building and located behind the building line facing the street.
- 7 The width of the garage visible from street must not be greater than 6m, as measured between exterior walls, or more than 40% of the site frontage, whichever is the lesser
- The design of the garage must be in keeping with the dwelling scale, form and design, and be compatible with the streetscape.



Figure 3D.21-1:
Garage located behind the
building line facing the street.

3D.21 CAR PARKING PROVISION (CONTINUED)

Controls

Car parking rates

9 The following parking ranges apply to multi-dwelling housing development:

Dwelling Size	Parking Space Requiremen per dwelling
One bedroom	1 space
Two bedrooms	1 - 1.5 spaces
Three or more bedrooms	1 - 2 spaces

10 At least one visitor car space is to be provided within the site for every 4 dwellings or part thereof.

Note: Refer to *Part 4.10 of this DCP* for visitor parking design controls.

- 11 Any spaces provided which exceed the upper range are to be included in the calculation of gross floor area.
- 12 A clearly signposted space for temporary parking of service and removalist vehicles is to be provided. 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 manoeuvring area 7m wide.

Objectives

1 To provide bicycle parking that is safe and easily accessible.

3D.22 BICYCLE PARKING PROVISION

Controls

- Provide on-site, secure bicycle parking spaces and storage at the following rates:
 - i) 1 bicycle parking space per 5 units (or part thereof) for residents within the residential car park area; and
 - ii) 1 bicycle parking space (in the form of a bicycle rail) per 10 units (or part thereof) for visitors within the visitor car park area.

Note: Refer to *Part 4.13 of this DCP* for bicycle parking design controls.

3D.23 ADAPTABLE HOUSING

Objectives

- 1 To increase the housing choice for seniors and people with disabilities.
- 2 To provide housing that allows people to stay in their home as their needs change due to aging or disability.

- 1 All multi dwelling housing developments must contain at least one dwelling for each 10 dwellings (or part thereof) designed as adaptable housing in accordance with the provisions of AS4299-1995: Adaptable Housing Class C.
- 2 Each adaptable housing dwelling must be provided with at least one disabled car parking space designed in accordance with AS2890.6.
- 3 At least 70% of dwellings are to be "visitable" in accordance with the definition in *Appendix A4 of this DCP*.

Introduction

Site Design

- 3E.1 Local Character and Streetscape
- 3E.2 Building Setbacks
- 3E.3 Built-Upon Area
- 3E.4 Landscaping

Building Design

- 3E.5 Building Facades
- 3E.6 Building Envelopes
- 3E.7 First Floor Design and Roof Forms
- 3E.8 Ancilliary Facilities
- 3E.9 Fencing

Site and Building Amenity

- 3E.10 Visual Privacy
- 3E.11 Acoustic Privacy
- 3E.12 Solar Access
- 3E.13 Private Open Space

Parking and Vehicular Access

- 3E.14 Vehicle Access
- 3E.15 Car Parking Provision
- 3E.16 Carports and Garages

DWELLING HOUSE



INTRODUCTION

This Part applies to development for a detached dwelling house and development ancillary to a dwelling house. Dwelling houses are permissible on all residential zone lots but are the predominant development type in R2 (low density residential) and E4 (environmental living).

The aims of this Part are to:

- i) Encourage development which does not dominate, but harmonises with and contributes to the treed landscape and is sympathetic to the street and locality in which it is proposed.
- ii) Ensure that with each development sufficient landscaping is provided to contribute to the conservation and replenishment of the tree canopy of Ku-ring-gai, including locally occurring native tree species suited to the site.
- iii) Conserve and protect the natural, built and cultural heritage significance of Ku-ring-gai, including heritage items and heritage conservation areas, and encourage development which respects that significance.
- iv) Conserve and protect endangered species (flora and fauna), the natural topography, and other geographical and environmental features of Ku-ring-gai.
- v) Achieve ecologically sustainable development.
- vi) Ensure appropriate provision for drainage to minimise impact on neighbours, watercourses, trees and other elements of the built and natural environment.
- vii) Protect and minimise the impact of development on adjoining properties and the natural environment.
- viii) Encourage housing of the highest possible architectural, environmental and amenity standards.
- ix) Manage residential development in a way that embraces innovative design and contemporary lifestyles.
- x) Achieve residential development without compromising the retention of significant trees, energy efficient design and where possible, solar access.
- xi) Clarify the requirements relating to development so that there are more certain outcomes for applicants and the community.

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- 3E.6 Building Envelopes
- 3E.7 First Floor Design and Roof Forms
- 3E.8 Ancilliary Facilities
- 3E.9 Fencing

Site and Building Amenity

- 3E.10 Visual Privacy
- 3E.11 Acoustic Privacy
- 3E.12 Solar Access
- 3E.13 Private Open Space

Parking and Vehicular Access

- 3E.14 Vehicle Access
- 3E.15 Car Parking Provision
- 3E.16 Carports and Garages

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- xi) Clarify the requirements relating to development so that there are more certain outcomes for applicants and the community.

3E.1 LOCAL CHARACTER AND STREETSCAPE

Objectives

- 1 To ensure that the development is sensitive to the landscape setting, environmental conditions and established character of the street and locality.
- 2 To conserve the natural, built and cultural significance of streetscapes of heritage value.

Controls

Visual Character

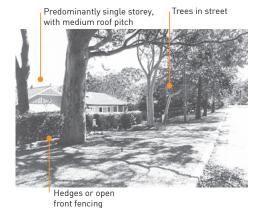
Assessment Criteria

- Development should conserve and enhance the visual character of the street with particular reference to the integrating of:
 - i) Architectural themes;
 - ii) Building scale and setbacks;
 - iii) Landscape themes; and
 - iv) Fencing styles.

Design Requirements

The Visual Character Study (*Refer to A8 in the Appendices*) should be used to determine the components of visual character in a particular area. The prominent characteristics of the neighbourhood should then be identified and considered as part of the site analysis. It is important to ensure that the tree dominated streetscape and character of Ku-ring-gai is reinforced by the design, and that the appearance of the dwelling relates to this character in scale and layout.

Note: Visual character or streetscape is created by many features including: lot sizes, fencing, kerbs, setbacks, spatial separation, access



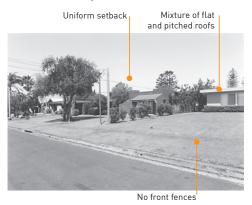
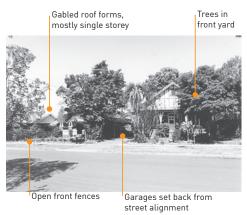
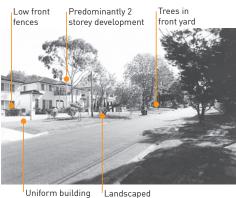


Figure 3E.1-1: Qualities of visual character.





Uniform building Landscape setback footpath



arrangements, street tree planting, tall tree canopy backdrop to the horizon, native vegetation and private gardens, as well the architecture of individual residences and buildings. A key element in maintaining visual character is the degree of visibility of on-site development when viewed from the street, public reserves and adjacent properties.

Public Domain and Communal Spaces

Assessment Criteria

Development should provide a positive contribution to the public domain and all areas shared by the community.

Design Requirements

- 4 This shall be achieved by ensuring that development:
 - i) is of an appropriate scale retaining consistency with the surrounds when viewed from the street, public domain or adjoining development and not exceeding two storeys;
 - ii) minimises overshadowing and;
 - iii) integrates built form and soft landscaping (gardens and trees) within the tree canopy that links the public and private domain throughout Ku-ring-gai.

Visually Prominent Sites

Assessment Criteria

- Development on visually prominent sites should recognise the unique responsibility to ensure that the visual, scenic and environmental qualities of the locality are maintained.
- Visually prominent sites include ridge top locations, escarpments, environmentally sensitive sites on sloping land, elevated corner allotments and any site that has the potential to dominate and degrade visual amenity.

Design Requirements

- 7 This should be achieved by:
 - i) carefully integrating development into the existing landscape through the site planning process and avoiding tall and bulky structures;
 - ii) choosing external colours and finishes that are sensitive to the site and locality;
 - iii) retaining significant landscape and vegetation elements;
 - iv) considering views to the site as well as those from the site; and
 - v) softening visual impact by extensive landscaping including larger trees and shrubs.

3E.1 LOCAL CHARACTER AND STREETSCAPE (continued)

Controls

8 Colours of materials used in sites adjoining or in close proximity to bushland areas and conservation areas must be in harmony with the built and natural landscape elements of the area.

New Dwellings

Assessment Criteria

9 Architectural design must be compatible with the neighbourhood character where a defined character is evident and respect the streetscape and natural features of the site.

Design Requirements

10 Dwelling design should be in accordance with the principles and standards of good design as detailed in this Development Control Plan. Applicants are encouraged to use the services of an architect to optimise design outcomes.

Note: In the case of heritage conservation areas see also *Part 9 of this DCP*.

Objectives

1 To ensure that the appearance of new development is of a high visual quality, enhances the streetscape and complements good quality surrounding development.

3E.2 BUILDING SETBACKS

Controls

Assessment Criteria

- 1 Development should be appropriately located on site to:
 - i) maintain streetscape character;
 - ii) ensure the amenity of neighbouring properties is maintained or enhanced;
 - iii) allow for the provision of landscaping and provide room for additional tree plantings to grow to maturity;
 - iv) facilitate solar access;
 - v) protect significant vegetation;
 - vi) facilitate efficient use of the site; and
 - vii) minimise bushfire hazard by preserving a "fuel free" zone (where development is adjacent to high bushfire hazard areas).

Ground Floor distance to side boundary: *Two storey dwelling - 2.0m or 12% of the site

width for sites wider than 20m.

*Single Storey dwelling - 1.5m or 9% of site width for sites wider than 20m.

First Floor distance to side boundary: Minimum 2.5m or 15% of site width (whichever is greater)

14m average set back (2 storey only) 75% 25% 12m minimum set back

Street

Figure 3E.2-1: Single and two storey house setback from high side of street.

Building Line (Front Setback)

Design Requirements

- Development must be appropriately located on the site having regard to the existing setback of adjoining properties, the setback pattern of the street block within which the proposal is situated and Council's minimum and average setback requirements.
- Where the predominant setback pattern of the existing streetscape reflects setbacks which exceed the required minimum, the greater setback suggested by the street character will apply.

3E.2 BUILDING SETBACKS (continued)

Controls

4 The required minimum and average front setbacks are set out in the following tables:

For Two Storey:		
Street	Minimum	Average
Low side	9 metres	11 metres
High side	12 metres	14 metres

For Single Storey:	
Street	Minimum
Low side	9 metres
High side	12 metres

- Where gradients averaged over the front setback exceed 20 degrees on the low side, reduced setbacks may be considered.
- 6 Buildings must be set back so that at least 75% of the front elevation of the building is set back not less than the specified average setbacks and the balance of the building frontage (not more than 25%) may be located up to the minimum setback.

Note: For heritage sites and heritage conservation areas, refer also to *Part 9 of this DCP*.

Building Line (Rear Setbacks)

Design Requirements

- 7 For sites with depth greater than 48m the minimum rear setbacks shall be 12m.
- Where sites have a depth of less than 48m then the minimum rear setback shall be 25% of the average site depth.

Building Line (Side Setbacks)

Assessment Criteria

- 9 Side setbacks should allow for significant landscaping between buildings, particularly for two storey structures to soften the visual appearance when viewed from the street and from the neighbouring property. Two storey houses would need to accommodate some shrubs to a height of 6m, while for single storey houses shrubs to 3m would be sufficient.
- 10 Setbacks will need to be of sufficient width to accommodate a pathway and at least 0.6m of landscaping width for single storey developments. A greater landscaping width of at least 1.1m is required for the 6 metre shrub heights of 2 storey development. Where sites are of greater widths (over 20m) larger side setbacks should be progressively provided.

3E.2 BUILDING SETBACKS (continued)

Controls

Design Requirements

11 The minimum ground floor distance to a side boundary will be:

Site Width	Single Storey Setback	Two Storey Setback
Less than 20m	1.5m	2.0m
20m or more	9% of site width	12% of site width

First Floor

Design Requirements

12 The first floor of any dwelling shall be setback a minimum of 2.5m or 15% of the site width, whichever is the greater.

Corner Sites

Design Requirements

13 The minimum and average setbacks to the secondary street frontage on corner sites are set out in the following table:

	Minimum	Average
Setback (m)	3.8	4.5

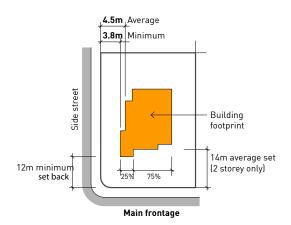


Figure 3E.2-2: Setback for corner sites of a two storey house on the high side of street.

- 14 At least 50% of the secondary front elevation of the building must be set back not less than the specified average setbacks and the balance of building secondary frontage (not more than 50%) may be located up to the minimum setback.
- 15 Setbacks to side and rear boundaries shall be in accordance with the minimum setbacks applying to dwellings which are not on corner lots.

3E.2 BUILDING SETBACKS (continued)

Controls

Battle-axe Lots

Assessment Criteria

- 16 In the normal subdivision pattern of Ku-ring-gai buildings are in alignment, with public open spaces addressing the street and private open spaces in the rear. On battle-axe blocks dwellings are often sited adjacent to neighbours' rear yards and private open space. To ameliorate the potential conflict, additional side setbacks may be required.
- 17 Dwellings on battle-axe lots should be sited so as not to detract from the amenity of private open spaces and living areas on neighbouring properties.

Design Requirements

- 18 This should be achieved by:
 - i) For rectangular blocks (excluding the access handle) setbacks from the long boundaries will be a minimum distance to a side boundary of 15% of the site width or 3m, whichever is the greater.
 - ii) Setbacks from the remaining specified boundaries will be as given under rear setbacks for standard allotments.
 - iii) For irregular blocks or particularly narrow blocks, or in special cases, (eg the dwelling is single storey) Council may vary these figures, provided it can be shown the assessment criteria and objectives have been met.

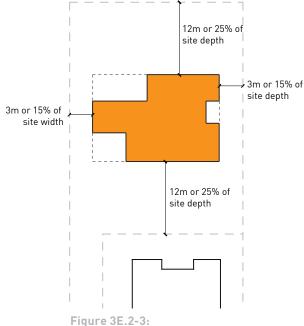


Figure 3E.2-3: Setback for battleaxe lots.

Objectives

- 1 To ensure that development is consistent with the local landscape and built character.
- 2 To protect and enhance the tree canopy of Ku-ring-gai.
- 3 To provide sufficient soft landscaped area for the planting and retention of large canopy trees.
- 4 To provide an appropriate balance between the natural and built elements of the site
- 5 To ensure that the built form is in scale with the tree canopy.
- 6 To retain areas for habitat, connectivity and locally indigenous vegetation.
- 7 To minimise impervious surfaces generating storm water runoff.
- 8 To provide useable high quality open space.
- 9 To provide adequate space for screen planting between buildings.

3E.3 BUILT-UPON AREA

Controls

- For development for dwelling houses or ancillary development not in an E4 zone:
 - i) Sites with the following sizes shall have a maximum built-upon area (BUA) as follows:

Site Area m²	Maximum Built-upon Area %	
	Single storey	Two storey
Less than 800m²	60	58
800-899m ²	58	56
900-999m ²	56	54
1000-1199m ²	54	52
1200 -1500m ²	52	50
Greater than 1500m²	50	50

- ii) For alterations and additions, on sites where the existing builtupon area is greater than that listed above, the maximum BUA is the existing BUA, however, a reduction in built-upon area is desirable.
- iii) The proposal must include a reasonable provision of built elements, such as pathways, normally associated with a residential property. This should be considered at an early stage of the design process.
- 2 For sites zoned E4- Environmental Living:
 - i) Sites with the following sizes shall have a maximum built-upon area (BUA) as follows:

Site Area m ²	Maximum Built-upon Area %
Less than 850m ²	SA x 0.5
850m² or greater	SA x [0.5 -(SA-850)/6,500]

Note: Where SA is the Site Area (m²)

Example: The built upon area for a 1100m² lot is as follows:

1100 x [0.5 - (1100 - 850)/6500]

 $= 1100 \times [0.5 - (250)/6500]$

= 1100 x [0.5 - 0.038]

 $= 1100 \times 0.467$

 $= 508 \text{ m}^2$

3E.3 BUILT-UPON AREA (continued)

Controls

- ii) For alterations and additions on sites where the existing builtupon area is greater than that listed above, the maximum BUA is the existing BUA, however, a reduction in built-upon area is desirable.
- iii) The plans must include built elements, such as pathways, normally associated with a residential property. This should be considered at an early stage of the design process.

Note: That sites on the low side of the street without access to an interallotment drainage system may require a lower BUA. Refer to *Part 5C.4 of this DCP*.

3 The front setback for any development for a dwelling house must have a maximum Built Upon Area of 30%.



- 1 To protect and enhance the tree canopy of Ku-ring-gai.
- 2 To ensure that the built form does not dominate views from adjacent streets, parks and neighbouring properties.
- 3 To provide soft landscaping that is appropriate to the scale and location of the development and its context.
- 4 To ensure that soft landscaping assists with the maintenance of privacy between neighbouring dwellings.
- 5 To ensure that soft landscaping minimises water use.
- 6 To provide landscaped areas with high quality and amenity.
- 7 To provide habitat and connectivity for native indigenous plants and animals and contribute to biodiversity.
- 8 To prevent future damage from vegetation to dwellings, structures and infrastructure located on the site and on adjoining properties.

3E.4 LANDSCAPING

Controls

Assessment Criteria

1 Landscape proposals should retain existing trees, where possible. Trees will be valued and conserved as an integrated feature of the area and their dominant role in the landscape will be protected and enhanced.

Note: Refer to Part 8 of this DCP.

Design Requirements

- 2 This should be achieved by:
 - i) Avoiding alterations to existing ground levels,
 - ii) Planting compatible species, and
 - iii) Confining building works where appropriate to pre-existing building footprints.

Tree replenishment and planting

- 3 Landscaping must include tall trees, small trees, shrubs and groundcovers.
- 4 Landscape designs are to reflect the prevailing landscape character of the area and relate to the existing streetscape in terms of scale and planting style.
- 5 Lots with the following sizes shall support a minimum number of trees capable of attaining a minimum height of 13m on shale and transitional soils and 10m on sandstone derived soils:

Lot size	Number of trees
Less than 850m²	3
850m² to 1,000m²	5
1,001 m ² to 1,500m ²	7
Over 1,500m ²	10 or as directed

Note: A list of trees which attain the required height, suitable for a variety of locations is available from Council and on Council's website (www.kmc. nsw.gov.au).

Council may in special circumstances, consider the reduction of this standard to retain significant trees.

Note 1: Council may require street tree planting in accordance with the Public Domain Plan.

Note 2: Refer to *Parts 4.2 and 7 of this DCP* for the proportion of trees required to consist of locally occurring native species, and other planting controls to protect biodiversity.

3E.4 LANDSCAPING (continued)

Controls

- 6 Siting and choice of trees must consider:
 - i) The retention of reasonable solar access to dwellings, pools and private open space on the site and on adjacent sites;
 - The proximity to dwellings, pools, tennis courts, fences, pavement and other structures located on the site and on adjoining properties;
 - iii) The proximity to stormwater, electricity, gas, sewer and other infrastructure and services;
 - iv) On sites prone to bushfire risk, measures to minimise the potential hazard (Refer to *Part 4.2 of this DCP*).

Screen planting

- 7 The retention of existing screen planting is encouraged.
- 8 Adequate width for planting beds must be provided to establish screen planting where required;
- 9 Within the front setback, the height of planting is to allow partial views to and from the dwelling and beyond;
- 10 Species selected must have an appropriate range of height and foliage density.
 - **Note 1:** Potential species lists for a variety of heights and locations are available from Council and on Council's website (www.kmc.nsw.gov.au)
 - **Note 2:** Continuous screen planting to the dwelling will not be achievable within an asset protection zone (on bushfire prone land).
 - Note 3: Refer to side building setbacks in Part 3E.2 of this DCP.

Objectives

- 1 To encourage well designed, attractive and site responsive buildings.
- 2 To minimise the bulk and scale of the built form.

3E.5 BUILDING FACADES

Controls

Design

Assessment Criteria

New development should incorporate architectural relief and modulation of facades to avoid a bulky appearance.

Design Requirements

- 2 This must be achieved by the following:
 - i) No unrelieved walls in excess of 12m:
 - ii) No unrelieved walls in excess of 8m are permitted where walls exceed 4m in height;
 - iii) Substantial articulation of wall recesses;
 - iv) The use of articulated walls to provide enough space for tall shrub plantings;
 - v) Incorporating variations in elevations to provide visual interest to buildings;
 - vi) The use of horizontal elements such as verandahs, pergolas or suitable planting schemes;
 - vii) Integrating soft landscaping and natural site features with building design.
- 3 The continuous length of a single building on any elevation must not exceed 36m.

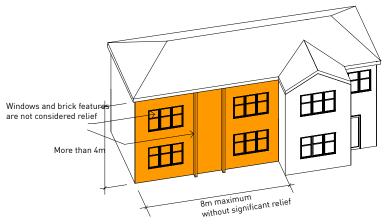


Figure 3E.5-1:
Maximum unrelieved wall when height is more than 4m.

3E.5 BUILDING FACADES (continued)

Controls

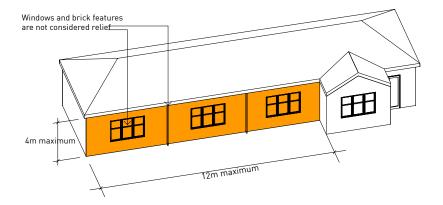


Figure 3E.5-2: Maximum unrelieved wall when height is a maximum of 4m.

Corner Properties

4 This should be achieved by wrap-around house design, landscaping elements, feature windows, or other treatments to wall surfaces and staggered height of buildings.

Note: Refer also to Parts 3E.1 (cl 5-8) and 3E.2 of this DCP.

5 Extensive blank or unarticulated walls to street frontages will not be accepted.

3E.6 BUILDING ENVELOPES

Objectives

- 1 To limit the height and bulk of buildings so that they do not dominate the natural landscape or the tree canopy.
- 2 To ensure that buildings are responsive to the site.
- 3 To maintain the integrity of the existing streetscape.
- 4 To provide for quality interior spaces while considering the external building form requirements.
- 5 To limit the extent of visual and aural intrusion on the private spaces of neighbouring properties.
- 6 To allow adequate daylight, sunlight and ventilation to living areas and private open spaces for residents of the site and of neighbouring sites.
- 7 To provide for view sharing by ensuring that significant views from neighbouring dwellings and public reserves are not unduly compromised.

Controls

The maximum height of a dwelling shall be 2 storeys (including any garage, basement or the like).

Note: Standards (in metres) for the external height of the building are set within the LEP.

- 2 The maximum ceiling height of a building must be:
 - 8 metres for sites where the slope, averaged over the ground level change along the building foundation from front to rear or from side to side is more than 20 degrees or;
 - ii) 7 metres for slopes less than 20 degrees;
 - iii) a dwelling is to have a maximum 2 storey presentation to the public domain. A 3rd storey element will only be considered where it does not result in unacceptable bulk, scale and overshadowing impacts;
 - iv) for the purposes of this section, the maximum ceiling height of a building is defined as the distance measured vertically from any point on the ceiling of the topmost floor of the building to the existing ground level immediately below that point.
- The following matters must be considered with regard to the potential impact on neighbouring properties and local character:
 - Opportunities to minimise overshadowing of living and private open space areas and solar panels;
 - ii) Opportunities to minimise overlooking of living and private open space areas;
 - iii) Opportunities to minimise adverse impacts on any significant bushland, distant or water views;
 - iv) The relationship with the streetscape.

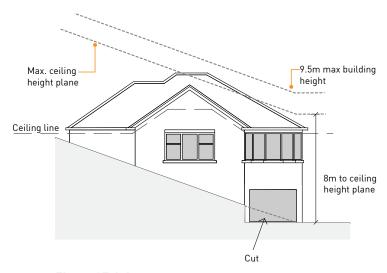


Figure 3E.6-1: Maximum height of dwelling - average slope of site 20° or more

3E.6 BUILDING ENVELOPES (continued)

Controls



Figure 3E.6-2:
Maximum height of dwelling - average slope of site under 20°

Relationships with Adjoining Dwellings

Assessment Criteria

- 4 Development should avoid the creation of an overbearing effect upon adjoining development in order to:
- 5 Maintain the relative scale relationship between buildings;
- 6 Ensure that daylight to habitable rooms in adjacent dwellings is not significantly reduced;
- 7 Ensure that sunlight to the private open spaces of the subject property and adjacent properties is not significantly reduced;
- 8 Encourage increased setback with increased height.

Design Requirements

- 9 This may be achieved by:
 - Ensuring appropriate side setbacks and landscaping are incorporated in the design.
 - ii) Compliance with the building height plane (refer *Figure 3E.7-3* and 3E.7-4).

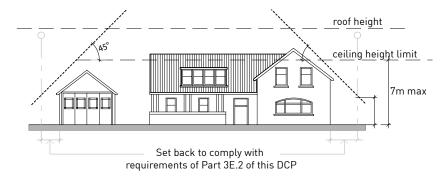
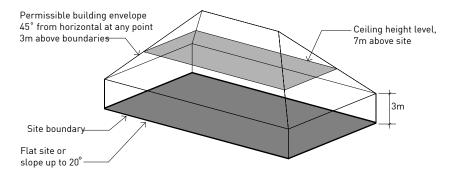


Figure 3E.6-3:
Compliance with building height plane.





Building Height Plane

Note: On sites with slopes greater than 20°, ceiling height level, of 8m at any point over the site is permissible.

Figure 3E.6-4: Building height plane.

3E.7 FIRST FLOOR DESIGN AND ROOF FORMS

Objectives

- To integrate the first floor of dwellings into the design of the development.
- 2 To avoid overbearing bulk and scale relationship with neighbouring properties.
- 3 To allow adequate daylight, sunlight and ventilation to living area and private open spaces of new and neighbouring dwellings.
- 4 To encourage the sharing of views, whilst not restricting the reasonable development potential of a site.

Controls

First Floor Design

Assessment Criteria

The first floor of dwellings should be well integrated into the design of the development to avoid overbearing bulk/scale relationship with neighbouring properties. This is particularly important on sloping sites.

Design Requirements

- 2 This should be achieved by:
 - stepping back upper levels in order to avoid bulky vertical wall surfaces; or
 - ii) erecting the first floor within the existing/proposed roof space;
- 3 The first floor must not exceed 40% of gross floor area.

Attic Rooms

Assessment Criteria

Use of attic rooms within the roof space for habitable purposes is encouraged in lieu of a second storey, particularly in neighbourhoods that are predominantly single storey dwellings.

Design Requirements

- 5 Attic rooms should not:
 - i) increase the bulk of the building;
 - ii) cause undue overshadowing of adjacent properties and open spaces:
 - iii) cause loss of significant views from adjacent properties; or
 - iv) be excessive in scale and bulk relative to the rest of the building.
- 6 The form and placement of any windows must respect the privacy of neighbouring properties.
- 7 The resultant floor space will be used in calculating the total floor space.

Roof Line

Assessment Criteria

- 8 The roof of the building should be designed so that:
 - i) it does not unduly increase the bulk of the building.
 - ii) in areas of heritage value it reinforces the existing streetscape character and the elements that contribute to this character.
 - iii) it does not cause undue overshadowing of adjacent properties and open spaces.



Design Requirements

- 9 This should be achieved by:
 - i) the careful selection of materials, colour and pitch;
 - ii) use of low-angled pitched roofs providing that they are compatible with existing development and the existing streetscape character; or
 - iii) inclusion of habitable rooms within the roof space.
- For single storey development or where the first floor is fully contained in the roof space the maximum roof height shall be 5m and for all other dwellings the maximum roof height will be 3m.

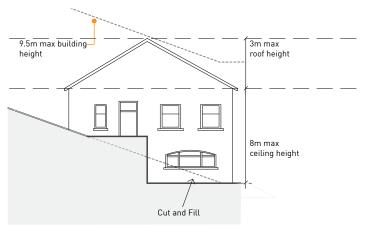


Figure 3E.7-1:
Maximum roof height on 2 storey dwelling.

- 11 The maximum roof pitch permitted is 35°:
 - i) roofs with a steeper pitch than 35° shall be considered as external walls.
- 12 Unless otherwise consistent with the form of development within the immediate locality, gables and dormers should:
 - i) be positioned a minimum of 0.2m below the main roof ridge height;
 - ii) not occupy any more than 40% of the face of any gable wall and not occupy more than 20% of the face of any roof or slope for a dormer or gable window;
 - iii) not extend beyond the external wall of the dwelling.

Note: Refer also to Part 3E.12 of this DCP.

3E.8 ANCILLIARY FACILITIES

Objectives

- 1 To ensure that ancillary facilities are integrated into the landscape and are unobtrusive to neighbours and the public domain.
- 2 To ensure ancillary facilities are adequate, and well designed and located.
- 3 To ensure reasonable provision is made on site and within the site plan for the provision of Ancillary Facilities.

Controls

Swimming Pools/Spas & Enclosures

- The swimming pool/spa and/or enclosure must be well designed and located so that there is sufficient area adjacent to the property boundary for substantial landscape planting to minimise potentially adverse impacts such as noise, glare, and visual intrusion.
 - This must be achieved by ensuring that the swimming pool/spa coping is sited a minimum of 2m from the property boundary.
 - Note: Refer to Part 4.2 of this DCP for Landscaping requirements.
- 2 Enclosures will be included in floor space ratio calculations and built upon area calculations.
- 3 The swimming pool/spa should be sited so as to minimise the visual impact of the structure when viewed from adjacent public reserves and private property and minimise the impact on the landform.
 - The pool coping level must not be more than 0.5m above existing ground level at any point.
 - On steeply sloping sites, levels greater than 0.5m will be considered subject to increased setbacks and landscaping to protect the amenity and privacy of neighbouring properties.
- Swimming pools should be sited to minimise the impact on existing trees both on site and on adjoining properties.
 - Pool excavation should not be beneath the canopy of trees protected by *Part 8 of this DCP*.
- The siting of the swimming pool/spa as well as the colour and design of the pool fencing should be selected so to complement and enhance a heritage building, garden/curtilage areas, or, natural bushland area.
 - Paving adjoining pool areas should be porous where it lies beneath an existing tree canopy.
- The swimming pool/spa should be sited and designed so as to ensure that pool waters do not discharge to stormwater drains, natural waterways, natural bushland, or neighbouring private property.

This must be achieved by:

- i) connecting backwash to the sewer; and
- ii) installing a surface drain to collect overflow stormwater; or
- iii) ensure the immediate pool surrounds slope toward the pool; or
- iv) other acceptable design solutions approved by Council.



7 The swimming pool/spa should be sited and designed to improve energy efficiency of the structure and where possible management and maintenance should reflect energy efficient principles.

Consideration must be given to:

- i) amenity of the pool in terms of access to sunlight;
- ii) relationship to trees;
- iii) provision of insulation;
- iv) choice of colour;
- v) use of solar powered heating systems.
- Where a swimming pool or spa adjoins natural bushland, it should be able to be utilised as a secondary water supply for fire fighting purposes.

This must be achieved by the installation of an independent pumping system with an appropriate hose.

9 The swimming pool must be fenced in accordance with the Swimming Pools Act 1992 in order to reduce the incidence of drowning of young children.

Note: Refer to Council's policy Swimming Pool Safety (new pools or existing pools).

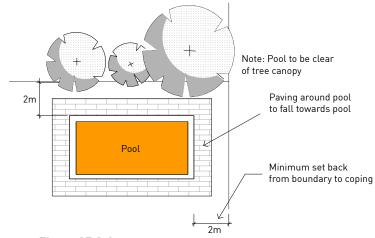


Figure 3E.9-1: Swimming pool controls.

3E.8 ANCILLARY FACILITIES (continued)

Controls

Tennis Courts

- 10 The tennis court should be located to ensure that there is sufficient area between the court and the property boundary to:
 - i) minimise potentially adverse impacts such as noise, overlooking and visual intrusion.
 - ii) Provide sufficient area for appropriate landscaping.

This must be achieved by:

- i) ensuring a distance of at least 3m between the court and the property boundary; and
- ii) planting trees and tall shrubs between the tennis court and the property boundary.

Note: Refer to Council's Policy Tennis Courts, Half Courts and Sports Patios.

- 11 The tennis court should be located and designed to avoid :
 - i) the removal of trees protected by Council's Tree Preservation Order on site, on adjacent sites, or on the nature strip;
 - ii) the increase of run off associated with tennis courts by using porous concrete (particularly outside the main playing area) and/or ensuring that an on site stormwater detention system is provided
- 12 Earthworks associated with the construction of a tennis court should not unreasonably intrude into the natural topography of the land or alter the natural groundwater table.

Note: Refer to Part 4.3 of this DCP.

The materials used in the construction of a tennis court, including the type and colour of court surfaces, should be carefully selected to complement adjoining heritage buildings and gardens and natural bushlands.

Note: Refer to Council's Policy Tennis Courts, Half Courts and Sports Patios.

Tennis courts should be sited having regard to the location of habitable rooms both on-site and on adjoining properties and the maintenance of appropriate private open space areas.

This must be achieved by maintaining a minimum distance of 5m between the tennis court boundary and habitable rooms of any dwelling.

15 Lighting of tennis courts for night tennis will generally not be permitted.

Note: Refer to Council's Policy Tennis Courts, Half Courts and Sports Patios.



Out-buildings

- Out-buildings (such as studios, hobby rooms, storage structures, cubby houses or cabanas) should be located on the site having regard to the relationship with existing development on-site and on adjoining properties.
 - Consideration must be given to the position of windows associated with habitable rooms and the potential impact of noise, fumes, loss of light, and ventilation.
- Out-buildings (including garages) should be designed so as not to exceed a single storey. All out-buildings will be included in both floor space ratio calculations and built upon area calculations.
 - A minimum setback of 2m from boundaries is to apply for any outbuilding with a wall height exceeding 2m relative to the ground level at the boundary.
- 18 Pool motor enclosures and filters, pumps and the like should be soundproofed to ensure there is no noise reading exceeding 5dba above background noise level when measured at the nearest residential property boundary.
- 19 Air conditioning enclosures are also required to ensure that noise levels do not exceed 5 dba above the background noise level when measured at the nearest residential property boundary.
- 20 Any fan forced air from these units should not be directed on to plants so as to cause them stress.

Other Site Facilities

21 The location and design of facilities such as mail boxes, utility poles, clothes drying areas should be considered as an integral part of the site design and development.

This may be achieved by:

- i) the undergrounding of utilities.
- ii) ensuring that clothes lines are not visible from the street.

3E.9 FENCING

Controls

Front Fences

Assessment Criteria

- 1 Front fences or their absence, are a critical aspect in determining the appearance of a street. :
 - i) maintain the streetscape character;
 - ii) be consistent with the established pattern of fences;
 - iii) allow private gardens to merge with their neighbours and support the landscape character of the area;
 - iv) ensure an adequate amount of useable private open space.

Design Requirements

- 2 This should be achieved by:
 - i) restricting visually solid forms (such as masonry, lapped and capped timber brushwood) to 0.9m in height;
 - ii) restricting the height of visually transparent fences (such as metal grille or timber picket) to 1.2m. (A transparent fence has an open to solid ratio of not less than 1:3);
 - iii) posts or piers may be permitted to exceed this height.
- 3 High solid fences in excess of 1.2m will only be permitted in areas where they are compatible with the streetscape and the visual character statement. All such fences shall be set back at least 1m with provision of low maintenance screen planting in the setback area.

Note: Refer to the Visual Character Study to determine the typical treatment of fences in the relevant character category.

- 4 Front fencing is not encouraged in areas where it does not form part of the overall streetscape. In such areas, the front boundary can be defined by low hob walls, by garden beds or planting.
- Front fencing should enable outlook from dwellings to the street for safety and surveillance and should be generally low and visually permeable.
- 6 High hedges along the entire front boundary are not encouraged, although shrub plantings are desirable.



Figure 3E.10-1: Combination of hedges, metal picket and solid masonry.



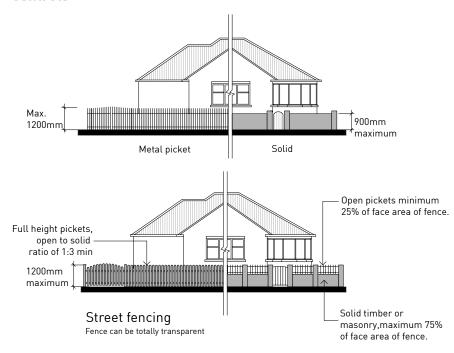


Figure 3E.10-2: Types of street fencing

Side and rear fences

Assessment Criteria

- 7 In many areas of Ku-ring-gai side fences forward of the front building line are unobtrusive and allow for continuity of landscape vista between adjoining properties. Where this character predominates it must be respected in new developments.
- 8 Side fences on corner allotments should be designed and located so as to:
 - i) maintain the streetscape character;
 - ii) be consistent with the established pattern of fences;
 - iii) ensure an adequate amount of useable private open space; and
 - iv) retain the heritage significance of heritage items and their settings, and the heritage significance of conservation areas.
- 9 Side fences forward of the front building line should be compatible with the established front fencing in the street.

Note: The provisions of the Dividing Fences Act. 1991 also apply.

3E.9 FENCING (continued)

Controls

Hedges

- 10 Hedges near boundaries must not create an amenity loss to adjoining properties by either blocking significant district, bushland or water views of neighbouring properties or unreasonably shading neighbours' private open space or living areas in winter.
- 11 This should be achieved by ensuring appropriate species planted near boundaries do not grow to excessive height and can be readily maintained at a height below 2m unless taller hedges are a feature of the locality and there are no adverse impacts on solar access or views.

Fences adjoining bushland

12 Fences adjoining bushland should protect the bushland from domestic animals, blend harmoniously with the bushland setting, and allow movement of small fauna species where appropriate.

3E.10 VISUAL PRIVACY

Objectives

- 1 To ensure the siting and design of buildings provides reasonable visual privacy for residents and their neighbours in their dwellings and private open space.
- 2 To ensure the rights of owners to privacy are balanced with the public benefit of maintaining streetscape character and the predominantly garden and tree dominated landscape character of Kuring-gai.

Controls

Private open spaces and living rooms of the proposed dwelling and adjacent dwellings should be protected from direct or unreasonable overlooking.

This must be achieved by:

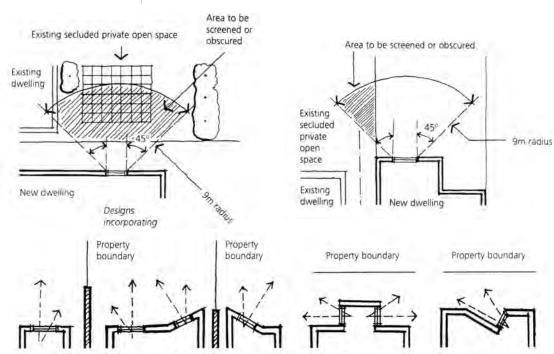
- i) use of distance or slope;
- ii) appropriate dwelling layout.

In conjunction with the above, applicants must consider:

- i) Careful siting of windows and use of obscure glass or highlight windows where necessary;
- ii) Screen Planting;
- iii) Screening devices such as fences, window screens and courtyard walls.
- The windows of one dwelling (particularly windows to living areas) should not be located opposite the windows of another dwelling unless direct views are restricted.

This must be achieved by for example offsetting windows, providing highlight or opaque windows, or screen planting.

3 First floor decks, balconies and roof top terraces are not permitted where they overlook or have the potential to directly overlook habitable rooms or private open space. Council may require privacy screens on upper level balconies and decks which may have adverse privacy effects on neighbours.



Overlooking of adjacent private open space can often be avoided with careful arrangement of windows.

Figure 3E.11-1: Well designed private open space ensure visual privacy.

3E.11 ACOUSTIC PRIVACY

Objectives

- 1 To ensure the siting and design of buildings provides reasonable acoustic privacy for residents and their neighbours in their dwellings and private open space.
- 2 To ensure the rights of owners to privacy are balanced with the public benefit of maintaining streetscape character and the predominantly garden and tree dominated landscape character of Kuring-gai.

Controls

Assessment Criteria

- The transmission of noise between adjoining properties should be minimised. Dwellings abutting major roads and other noise generating land uses should be designed and sited to minimise noise impacts.
- 2 Council will take into account the visual character and streetscape of an area when considering the appropriateness of any noise barrier treatments.

Design Requirements

- 3 This may be achieved by
 - i) locating the following away from bedroom windows of adjacent dwellings:
 - active recreation areas (eg swimming pools, spas, tennis courts, BBQ areas);
 - driveways and car ports;
 - services such as garbage collection areas, pumps and air conditioners.
 - ii) locating bedrooms and other noise sensitive rooms away from the road;
 - iii) using thick glass panes or double glazing to windows fronting the road;
 - iv) using solid core doors and appropriate seals to vents and other openings;
 - v) mounding within the landscape; and
 - vi) solid wall construction.
- High fences, provided they are appropriately setback, may be appropriate on some roads for acoustic privacy if they are compatible with the streetscape and satisfy the assessment criteria in *Part 3E.11 of this DCP*.

External Noise Sources

Assessment Criteria

- Development should be designed so as to minimise the impact of external noise sources (eg busy roads, neighbour's swimming pool) on both internal and external space likely to be used by occupants.
- When designing and siting active living areas (eg. bbq areas, swimming pools, games rooms etc) regard to potential noise impacts on sensitive areas (eg bedrooms) of adjoining properties should be considered.



Design Requirements

- 7 This should be achieved by:
 - i) The careful siting, orientation and design of a dwelling;
 - ii) A setback of 12m to main and arterial roads unless the design incorporates noise attenuation measures addressed by an acoustic report to demonstrate internal compliance with 40dba.

Note: Where a site is affected by the noise of a busy road or railway, refer to Part 4 of this DCP. SEPP Infrastructure may also apply.

3E.12 SOLAR ACCESS

Objectives

1 To allow adequate daylight and sunlight to living areas and private open spaces of new and neighbouring dwellings.

Controls

Assessment Criteria

- 1 The design and siting of new development will:
 - i) Maintain a reasonable level of solar access to habitable rooms, solar collectors and open space of adjoining development;
 - ii) Minimise overshadowing of public reserve and bushland;
 - iii) Provide a reasonable level of solar access to habitable areas and recreational open space by considering building siting and orientation;
 - iv) Control the desired amount of solar access to habitable rooms and recreational open spaces with the placement of windows and;
 - v) Provide sun protection with the use of sun shading devices and by the placement of appropriate canopy trees.

Design Requirements

- 2 This should be achieved by:
 - i) Careful siting and orientation of buildings;
 - ii) Use of setbacks which increase with building heights;
 - iii) The careful placement of deciduous or tall high canopy trees.
- 3 A building should be designed and sited to maintain solar access to adjoining properties of at least 4 hours between 9am and 3pm on 22 June to north facing windows and all living areas (family rooms, rumpus, lounge and kitchen) and the principal open space recreational areas such as swimming pools and patios.
- 4 Dwelling design and orientation should also provide a similar level of solar access as detailed above, to the proposed dwelling.
- Where shadows cast by existing trees and buildings preclude satisfying the above requirements, sunlight during winter solstice should not be reduced by more than 20%.
- 6 Professionally prepared Shadow Diagrams must accompany all applications for new dwellings exceeding one storey. The shadow diagrams must include:
 - i) True north:
 - ii) Levels to Australian Height Datum (AHD) at the corners of the buildings;
 - iii) Ridge and ground levels;
 - iv) Location of adjacent buildings affected by shadow and principal open space areas;
 - v) The shadow cast by existing and proposed development at 9am, noon and 3pm on 22 June; and
 - vi) Where overshadowing is critical, elevation shadow diagrams may be required.

Objectives

1 To provide quality private open space areas for the amenity and enjoyment of residents.

3E.13 PRIVATE OPEN SPACE

Controls

Assessment Criteria

1 Landscape development proposals should provide functional outdoor recreation spaces as part of the overall design.

Design Requirements

- 2 This may be achieved by ensuring landscape areas:
 - i) are useable and relate well to indoor living areas;
 - ii) have a character that is consistent with or enhances the landscape character of the area;
 - iii) are located in consideration of noise, temperature, shade and screening;
 - iv) are not dominated by adjoining development (in terms of overshadowing and overlooking);
 - v) provide at least one area of private useable open space which has a minimum depth of 5m and a minimum area of 50m². On steep sites Council may consider a reduction in the 5m minimum depth requirement;
 - vi) contribute to energy efficiency;
 - vii) contain at least one north facing area providing adequate solar access.

Note: Refer to Part 3E.12 of this DCP.

3E.14 VEHICLE ACCESS

Objectives

- 1 To encourage the integrated design of vehicle access and functional car parking facilities to minimise adverse visual and environmental impacts on the streetscape.
- 2 To minimise stormwater run off from driveway surfaces.
- 3 To minimise the extent of hard surfaces forward of the building line.

Controls

Vehicular Access

Assessment Criteria

- 1 Vehicular movement to and from the site should be designed to reduce potential conflict with street traffic and pedestrians and optimise safety.
- 2 Access arrangements should retain the heritage significance of heritage items and their settings and the significance of heritage conservation areas. Stormwater detention tanks are not to impede vehicular access.

Design Requirements

- Wherever possible, driveways must be located so that driver and pedestrian sight lines are clear.
- 4 The driveway must be designed so that vehicles may exit the property in a forward direction where:
 - i) the access is located on a major roadway; or
 - ii) the property is a battleaxe allotment; or
 - iii) sight lines are restricted (such as at curves or crests).
- Where turning areas are provided, they must be designed to permit on-site turning in not more than a single reversing movement.

Driveways

Assessment Criteria

- 6 Driveways should be functional, safe and designed to minimise hard surface run off from the site, not be visually intrusive to the existing streetscape and have minimal impact on existing trees.
- 7 Driveway levels should be applied for and approved at the time of issue of the Construction Certificate, if not provided by Council with the Development Consent.

Design Requirements

- 8 Not more than one driveway may be established on any property with a frontage width of less than 20m.
- 9 Not more than two driveways may be established on any property.
- 10 The crossing width for any driveway, as measured at the front site boundary, must not exceed 3.5m.
- 11 The desirable maximum gradient for a driveway is 20%. In extreme circumstances gradients up to 25% may be considered.
- 12 Driveways and driveway crossings should be located and constructed so as to avoid disturbance (including altered soil level) to the root zones beneath the canopy of trees protected by *Part 8 of this DCP*.



- 13 Council may allow a narrower width where trees may be adversely affected.
- 14 A width in excess of 3.5m is not permitted unless site conditions require car parking accommodation to be provided close to the front boundary.
- Where long driveways are proposed, consideration should be given to curving the entrance to the street.
- 16 Driveways have potential to significantly increase run off. Council encourages construction of porous driveways and use of planting strips down the centre of the driveway. Providing a deep gravel underlay for tree roots to penetrate and remove excess water will enable planting of trees adjacent to porous driveway surfaces.

Note: Driveways within the property shall be designed in accordance with AS 2890.1 (2004) Off Street Car Parking.

3E.15 CAR PARKING PROVISION

Objectives

1 To encourage the integrated design of functional car parking facilities to minimise adverse visual and environmental impacts on the streetscape.

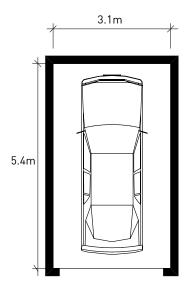


Figure 3E.16-2: Unobstructed garage -Australian standard car shown. Reference AS 2890.1, appendix B, B2.3

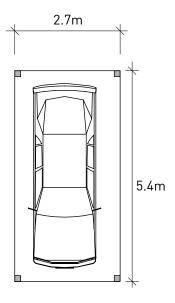


Figure 3E.16-1: Open car port - Australian standard car shown. Reference AS 2890.1, appendix B, B2.3

Relationship to Part 4 of this DCP

Where there is any inconsistency between this section and Part 4 of this DCP in relation to vehicular access, car parking or garages, this section prevails to the extent of the inconsistency.

Controls

Number of car spaces

Assessment Criteria

- 1 The number of on-site parking spaces provided should be in accordance with Appendix 3.
- 2 Provision of more than 2 car spaces is discouraged in locations where there is availability of public transport.

Design Requirements

- 3 2 spaces are to be provided behind the building line for a single occupancy dwelling.
- Where more than 2 car spaces are proposed, triple (or greater width) garage openings within the front elevation are not permitted.

Size of Car Spaces

Assessment Criteria

5 Car spaces need to be of sufficient size to accommodate a standard vehicle.

Design Requirements

- 6 The size of parking spaces/structures must reflect:
 - i) functional requirements;
 - ii) the amount of space available (for example having regard to the location of existing buildings or trees); and
 - iii) bulk/scale relationship with existing development on-site and adjacent.
- 7 The minimum dimensions of a residential parking space to be:

i) Open carport $2.7 \times 5.4 \text{ m}$ ii) Unobstructed garage $3.1 \times 5.4 \text{ m}$

Note: The area of garages in excess of $31 \, \text{m}^2$ is included in floor space calculations.

3E.16 CARPORTS AND GARAGES

Objectives

1 To encourage the integrated design of functional car parking facilities to minimise adverse visual and environmental impacts on the streetscape.

Relationship to Part 4 of this DCP

Where there is any inconsistency between this section and Part 4 of this DCP in relation to vehicular access, car parking or garages, this section prevails to the extent of the inconsistency.

Controls

Design of Carports and Garages

Assessment Criteria

- 1 The design of carport and garage structures should be sympathetic to existing development on-site and consider adjacent building as well as proximity to drainage systems.
- 2 Carport and garage structures should not dominate the site or the streetscape.

Design Requirements

- 3 The parking space, whether covered or uncovered, must be located at or behind:
 - i) the required front setback specified in this DCP, or
 - ii) the building line defined by the existing dwelling where the dwelling is being retained, whichever is the lesser.
- 4 However, Council will consider a reduced setback for parking spaces on steeply sloping sites.
- Where owing to limited side setback space (less than 3.6m) or topographical constraints it is not possible to locate the parking space behind the minimum permissible setback or the building line:
 - i) the structure must be open sided;
 - ii) the structure must be located at the maximum possible distance from the front property boundary; and
 - iii) the design of the structure must be of a scale and form that is compatible with the streetscape character.

Note 1: Tandem parking in the side setback may be required.

- 6 The width of the carport / garage visible from the street must not be greater than 6m, as measured between exterior walls, or more than 40% of the site frontage, whichever is the lesser.
- 7 The parking space must be designed in accordance with *AS2890.1:2004* or any standard that replaces it.

3E.16 CARPORTS AND GARAGES (continued)

Controls

8 If the parking space is roofed, the structure must complement the design of the dwelling.

Note: Scale, form and design will be considered in assessing this control.

9 Where the dwelling is a listed item of local or State heritage or in a conservation area any carport / garage must be a separate building to the dwelling.

Location of Parking Structures

Assessment Criteria

10 The location of carports or garages needs to consider existing trees, structures on adjacent sites, streetscape, visual character and heritage issues.

Design Requirements

- 11 All new driveways and services shall be located so as to enable preservation of existing site or street trees to which *Part 8 of this DCP* applies;
- Where a site has frontage to more than one road and/or service lane, access must be obtained from:
 - i) the road or service lane that is lower on the road hierarchy, and/ or
 - ii) the road or service lane that carries the lower volume of traffic.

Note: Road hierarchy and traffic volumes will be determined by Council at its discretion.

- 13 If the garage/carport is to be located at the rear property boundary, it must be set back at least 2m from the rear property boundary.
- 14 Driveways must not be located directly opposite high-use accessways.
- 15 Driveways must not be located within 6m of an intersection.

Introduction

Site Design

3F.1 General3F.2 Location3F.3 Setbacks

Building Design

3F.4 Building Size3F.5 Building height3F.6 Building Appearance3F.7 Building Services

Site and Building Amenity

3F.8 Visual Privacy
3F.9 Acoustic Privacy
3F.10 Private Open Space
3F.11 Storage and Utility Areas
3F.12 Solar Access

Parking and Vehicular Access

3F.14 Car Parking Provision

Access

3F.13

SECONDARY DWELLING



INTRODUCTION

Secondary dwellings, as described in KLEP 2010 *Clause 5.4.9*, provide for an alternate housing choice within the Ku-ring-gai region. Under KLEP 2010 secondary dwellings may only be proposed within R2 and E4 zones.

This housing type will cater for changing population demographics, particularly extended families, ageing parents and older children remaining at home. Secondary dwellings will also create more affordable housing type that is compatible with the surrounding residential character.

This section ensures high residential amenity for occupants of secondary dwellings; occupants of principal dwellings; as well as occupants of neighbouring dwellings. At all times the principal dwelling is to comply with the requirements of *Part 3E of this DCP*. The installation of the secondary dwelling does not alter that compliance requirement.

All secondary dwellings:

- i) require DA approval;
- ii) are to be integrated into the existing single dwelling neighbourhood character through their location and appearance; and
- iii) are required to be sympathetic to the principal dwelling in design and materials.

3F.1 GENERAL

Objectives

- 1 To ensure that secondary dwellings do not negatively impact on the amenity or livability of the principal dwellings or neighbouring.
- 2 To maintain the character of the streetscape.
- 3 To provide for vegetated and landscaped areas in the same way as for lots supporting single dwellings.
- 4 To ensure the secondary dwelling does not confuse the interpretation of the significance of the heritage place.

- 1 Controls stated for detached dwellings within *Part 3E of this DCP* must not be compromised by the installation of a secondary dwelling.
- 2 Parts 3E.3 and 3E.4 continue to apply to the site as a whole, and include all development on the site (the principal dwelling, secondary dwelling and any ancillary development).
- 3 All secondary dwellings must be of a single level whether they are detached, integrated with the principal dwelling or above an existing double garage.
- Where a secondary dwelling is proposed on a heritage property or in a Heritage Conservation Area:
 - i) it must not be visible from the street;
 - ii) side setbacks must be stepped in to be greater than that of the principal dwelling;
 - iii) it must not compromise the requirements of Part 9.

- 1 To ensure the secondary dwelling has easy access and provides good amenity.
- 2 To retain the existing single residential dwelling neighbourhood character.
- 3 To ensure that the secondary dwelling does not adversely impact on the liveability and amenity of the principal dwelling.

3F.2 LOCATION

- 1 A secondary dwelling may be:
 - i) Detached from the principal dwelling in the form of:
 - a single storey separate structure located at ground level, within the land belonging to the principal dwelling, refer Figure 3F.2-1 or;
 - a structure located above a detached garage associated with the principal dwelling and where the garage is behind the front building line, refer *Figure 3F.2-2*.

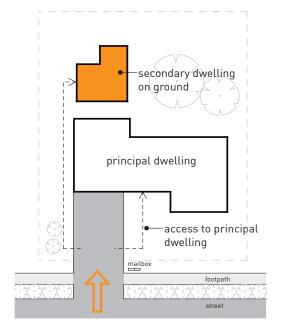


Figure 3F.2-1: Detached secondary dwelling within the principal dwelling site.

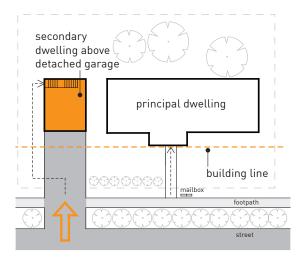


Figure 3F.2-2: Detached secondary dwelling above a detached garage.

3F.2 LOCATION (continued)

- ii) Attached to the principal dwelling in the form of:
 - a single storey addition to the principal dwelling. Refer *Figure* 3F.2-3;
 - incorporated within the principal dwelling in the form of internal modifications to the principal dwelling on the ground floor or first floor. Refer *Figure 3F.2-4* and *3F.2-5*.

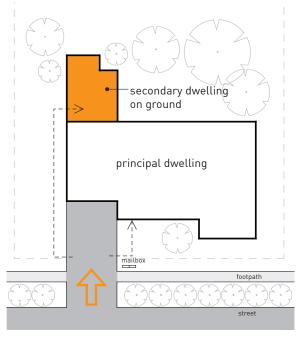


Figure 3F.2-3: Attached secondary dwellings as an extension.

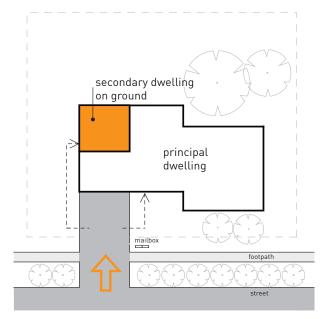


Figure 3F.2-4: Attached secondary dwelling incorporated within the principal dwelling on ground floor.

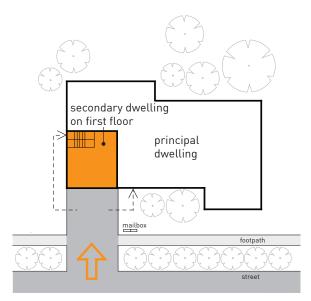


Figure 3F.2-5: Attached secondary dwelling incorporated within the principal dwelling on first floor.

3F.3 SETBACKS

Objectives

- 1 To protect the amenity of the principal dwelling and of neighbouring properties.
- 2 To ensure the secondary dwelling will be ancillary to the principal dwelling.
- 3 To ensure the combined building works (principal and secondary dwelling) will not adversely impact on the streetscape.

- Front and side setbacks for secondary dwellings must comply with the front and side setbacks applicable to the principal dwelling as stated within *Part 3E.2 of this DCP*. Refer *Figure 3F.3-2*.
- 2 Rear setbacks for secondary dwellings must be a minimum of 6m from the rear boundary.
- 3 All ground floor detached secondary dwellings must have a minimum 3m building separation from the principal dwelling. Refer *Figure 3F.3-1*.
- 4 Secondary dwellings will only be permitted above a detached garage where the side setback to the garage is 2.5m minimum from the adjoining property boundary; and where the front setback of the garage is not forward of the principal dwelling building line.
- 5 Secondary dwellings will only be permitted above a detached garage accessed from a side street, (refer *Figure 3F.3-1*), where the side setback to the garage is 2.5m minimum, (refer *Figure 3F.3-2*); and the front setback is not forward of the principal dwelling building line.

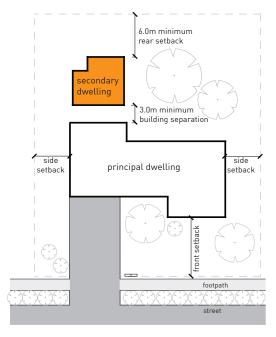


Figure 3F.3-1: Setback controls for ground floor detached secondary dwellings.

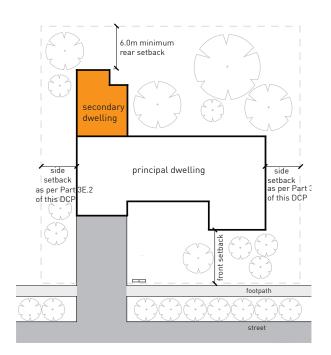


Figure 3F.3-2: Setback controls for attached secondary dwellings.

3F.3 SETBACKS (continued)

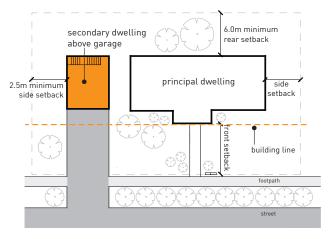


Figure 3F.3-3: Setback controls for secondary dwellings above a detached garage.

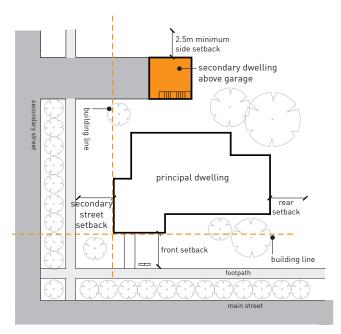
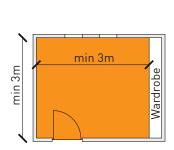


Figure 3F.3-4: Setback controls for secondary dwellings above a detached garage accessible from a secondary street.

- 1 To protect streetscape and the amenity of neighbouring properties by controlling building bulk and scale and associated overlooking.
- 2 To ensure that the secondary dwelling has appropriately sized internal areas with high amenity.

3F.4 BUILDING SIZE

- 1 The minimum size for a secondary dwelling is 40m² except where the secondary dwelling is located over an existing double garage where the application will be considered on merit.
- 2 A maximum of two bedrooms are permitted within the secondary dwelling.
- 3 All bedrooms must have a minimum plan dimension of 3m, excluding wardrobe space (Refer *Figure 3F4-1*).
- 4 The secondary dwelling must be able to function as an independent dwelling, including kitchen, bathroom and laundry.



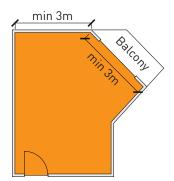


Figure 3F.4-1:
Minimum plan dimension 3m x 3m for bedrooms.

3F.5 BUILDING HEIGHT

Objectives

1 To ensure that the secondary dwelling does not dominate the principal dwelling.

Controls

- Heights of detached secondary dwellings located at ground level or above a detached garage must comply with controls applicable to the principal dwelling as stated within *Part 3E.2 of this DCP*.
- 2 Secondary dwellings that are not within the building height envelope will not be permitted.

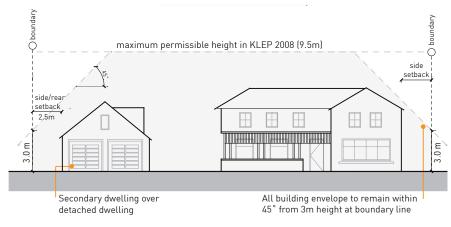


Figure 3F.5-1: Building height envelope.

All secondary dwellings above a detached garage must be erected within the existing/proposed roof space.

- 1 To ensure the single dwelling character of the neighbourhood is maintained.
- 2 To integrate attached secondary dwellings with the principal dwelling, so that it appears as a single house when viewed from the street.
- 3 To ensure that detached secondary dwellings are visually linked to the principal dwelling.
- 4 To ensure the secondary dwelling does not detract from the streetscape.

3F.6 BUILDING APPEARANCE

- 1 The secondary dwelling will incorporate similar or complementary design and construction features, finishes, materials and colours to the principal dwelling.
- Attached secondary dwellings must be integrated into the principal dwelling in order to maintain the appearance of a single house by utilising similar proportions, height, roof shape, fenestration, material and finishes as the principal dwelling.
- 3 Detached secondary dwellings must be sympathetic to the design of the principal dwelling in terms of its roof shape, fenestration, materials and finishes.
- The entry to the secondary dwelling must not conflict with the prominence of the entry to the principal dwelling. (Refer *Figure 3F.6-1.*)

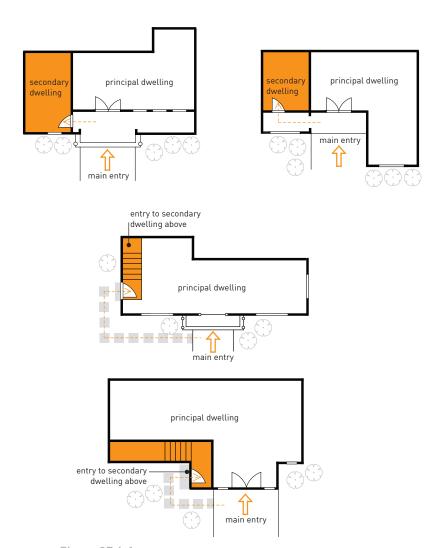


Figure 3F.6-1: Secondary dwellings entries are subservient to the entry to the principal dwelling.

3F.7 BUILDING SERVICES

Objectives

1 To ensure the secondary dwelling and the principal dwelling operate as independent dwellings.

- 1 Provide separate services to the secondary dwellings.
- 2 Services to the secondary dwelling shall include:
 - i) water,
 - ii) electricity,
 - iii) telephone and internet,
 - iv) gas,
 - v) letterbox.
- Provide separate metering and other methods to ensure the secondary dwelling is billed separately by infrastructure providers.

3F.8 VISUAL PRIVACY

Objectives

- 1 To protect the privacy of the principal dwelling.
- 2 To ensure the visual privacy of adjoining dwellings and private open space are protected.
- 3 To ensure the secondary dwelling has private living and open space areas.

- 1 Windows and private open space areas of secondary dwellings must not affect the privacy of the principal dwelling or of neighbouring properties. Methods of achieving this include, but are not limited to, the following:
 - i) locate private open space, balconies and windows so that they do not look into the principal or neighbouring dwellings, (refer *Figure 3F.8-1*);
 - ii) screen or offset windows / balconies / private open space to avoid overlooking and privacy intrusion, (refer *Figure 3F.8-2*);
 - iii) provide highlight windows with a minimum sill height of 1.7m above internal floor level, or obscured glazing, particularly on first floor windows.

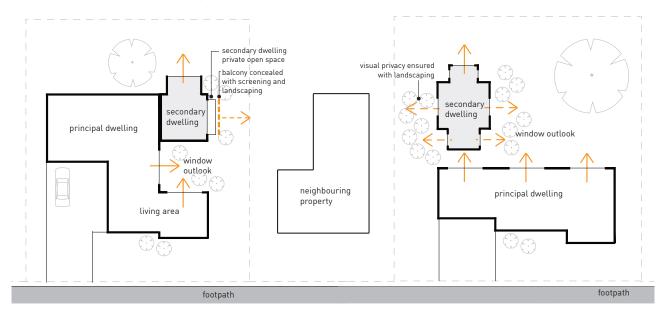


Figure 3F.8-1: Windows, balconies, private open space must be located to avoid visual intrusion.

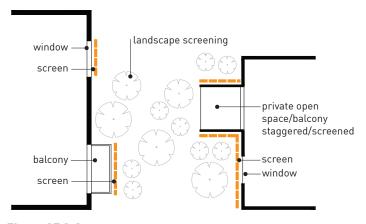


Figure 3F.8-2: Windows, balconies, private open space must be screened or staggered to avoid overlooking.

3F.9 ACOUSTIC PRIVACY

Objectives

- To maintain the acoustic privacy of the principal dwelling.
- 2 To maintain the acoustic privacy of neighbouring dwellings.
- 3 To design the secondary dwelling for acoustic privacy.

- The bedroom windows of secondary dwellings must be located away from noise sources such as busy roads, air conditioning units; garbage collection areas; pool pumps; private open space areas such as swimming pools and tennis courts.
- Where noise sources cannot be avoided, measures must be taken to preserve acoustic privacy of the secondary dwelling. Solutions may include: utilising double glazing, solid core doors and seals, and solid wall constructions.
- 3 Noise generating equipment related to the secondary dwelling must be located away from the bedroom windows of both the secondary dwelling and the principal dwelling.
- 4 Floors, walls and doors that connect the secondary dwelling to the principal dwelling must meet the noise transmission and insulation requirements of the BCA and AS 2107 (1987).

- To provide useable outdoor space to all secondary dwellings.
- 2 To retain adequate private open space for the principal dwelling.

3F.10 PRIVATE OPEN SPACE

- 1 Private open space for the secondary dwelling must lead directly off the internal living area.
- A secondary dwelling at ground level must have a minimum nominated private open space area of 25m², with one minimum 3m side or rear dimension. This area may be located within the secondary dwelling setbacks.
- Freestanding walls or fencing must not be used to separate or screen the private ground floor open space of a secondary dwelling. This can be achieved by the use of landscaping.
- 4 A secondary dwelling on the first floor level will have an allocated private open space such as a balcony or terrace that is accessible directly from the living area. Minimum provisions required are indicated in the table below:

Туре	Minimum Space Requirement	Minimum Dimension Requirement
Studio	8m²	
1 bedroom	10m²	3m
2 bedrooms	12m²	

- Where a first floor secondary dwelling proposal demonstrates that it is unable to provide private open space upon the first floor, Council may consider provision of that space at the ground level in line with *Clause 3F.12 (2) of this DCP*, at a location directly visible from the first floor living area of the secondary dwelling.
- Where practicable, private open space should be orientated to receive 4 hours of solar access between 9am and 3pm on 21st June.

3F.11 STORAGE AND UTILITY AREAS

Objectives

1 To ensure access to utility area.

Controls

1 All secondary dwellings must provide storage areas in accordance with the following table:

Туре	Minimum storage space requirement	
Studio	3m ³	
1 Bed	6m ³	
2 Bed	8m ³	

- 2 Clothes lines and bins storage areas must be screened so that they are not visible from the street or the principal dwelling, and do not compromise the amenity of entry into the secondary dwelling.
- 3 Separate provisions for the secondary dwelling must be made for:
 - i) mail box which is to be located adjacent to principal dwelling mail box;
 - ii) a waste storage area which is to be screened and located with easy access to the street for waste collection;

Note: See Part 4.16 of this DCP for waste requirements.

iii) a screened clothes drying area with clothes drying lines.

Attachment of clothes drying equipment to boundary fences is not permitted.

- 1 To ensure sunlight access to the secondary dwelling.
- 2 To ensure the secondary dwelling does not reduce solar access to the private open space or living areas of the principal dwelling.
- 3 To ensure secondary dwellings have a high level of internal amenity with direct access to daylight in all habitable rooms.
- 4 To ensure secondary dwellings do not negatively impact on solar access to the living areas or private open space of neighbouring buildings.
- 5 To minimise the impact of new buildings and works on solar collection devices.

3F.12 SOLAR ACCESS

Controls

- All habitable rooms of secondary dwellings must have a window. The use of skylights or highlight windows as the primary source of daylight and ventilation is prohibited.
- The secondary dwelling must achieve at least 4 hours solar access between 9am and 3pm on 21st June to living areas and private open space.
- 3 Secondary dwellings must maintain at least 4 hours solar access between 9am and 3pm on the 21st June to the living spaces and private open spaces of the principal dwelling and neighbouring dwellings.
- Secondary dwellings must not overshadow existing solar panels/ photovoltaic cells of the principal dwelling or neighbouring dwellings.

Note: Where existing overshadowing by buildings is greater than this, sunlight is not to be reduced by more than 20%.

3F.13 ACCESS

Objectives

- 1 To ensure safe and direct access is provided to the secondary dwelling.
- 2 To provide separate access points to the secondary dwelling and principal dwelling.

- The secondary dwelling must have its own independent entry.
- 2 Any access doorway into a secondary dwelling from within the principal dwelling must adhere to fire and acoustic separation requirements stipulated in the Australian Standards.
- 3 Secondary dwellings will share the principal dwelling street entry point for both vehicles and pedestrians.
- 4 Access to both the secondary dwelling and principal dwelling parking spaces will be via a common or shared driveway. No additional vehicular crossing will be permitted to the primary street frontage.
- Where the principal dwelling has a secondary street address, second vehicular access for the secondary dwelling may be considered.

- 1 To ensure secondary dwellings have off-street parking.
- 2 To minimise the impact of additional parking on the streetscape.
- 3 To enable functional car parking spaces.

3F.14 CAR PARKING PROVISION

Controls

- 1 Car parking for secondary dwellings is to be limited to an open hardstand area only. No garage or carport structure will be permitted.
- The car parking hardstand space will be a minimum of 2.5m wide x 5.4m long.
- 3 Stacked car parking will not be permitted. The parking space for the secondary dwelling must have direct access that will not obstruct the driveway of the principal dwelling.
- 4 The following car parking rates are applicable for secondary dwellings:

Secondary dwelling accommodation	Min. car parking spaces required	Max. car parking spaces required
Studio/bedsit	0	1
1 bedroom	0	1
2 bedrooms	1 Or: 0 - if within 800m walking distance of a railway station or 400m walking distance of a bus stop within a strategic bus corridor.	1

Note: Secondary dwelling parking requirements are in addition to the requirements for the principal dwelling.

Introduction

4.18

Social Impact

/ 1	Davidonment near Bail Corridons and Burn David
4.1	Development near Rail Corridors and Busy Roads
4.2	Landscape for Biodiversity and Bushfire Management
4.3	Earthworks and Slope
4.4	Green Buildings
4.5	Materials, Finishes and Colours
4.6	Sustainability of Building Materials
4.7	Roof Terraces and Podiums
4.8	Vehicle Access
4.9	Basement Car Parking
4.10	Visitor Parking
4.11	Parking for People with a Disability
4.12	Pedestrian Movement Within Car Parks
4.13	Bicycle Parking and Facilities
4.14	Building Services
4.15	Construction, Demolition and Disposal
4.16	Waste Management
4.17	Land Contamination

INTRODUCTION

This part shall be read in conjunction with KLEP 2010. This part applies to all types of development, and provides a consistent area wide approach to issues that all developments must address.

- 1 To consider the effects of excavation, earth works, demolition or construction of adjacent development upon the rail corridor and busy roads.
- 2 To ensure noise and vibration mitigation measures are implemented in development adjacent to rail and road corridors.
- 3 To address air quality issues associated with rail and road corridors, and minimise their effect upon adjacent development.
- 4 To ensure safety and design issues, relating to development adjacent to rail and road corridors are addressed.

4.1 DEVELOPMENT NEAR RAIL CORRIDORS AND BUSY ROADS

Controls

All development that is in, or immediately adjacent to, the rail corridor or a busy road must be designed in accordance with NSW Department of Planning 'Development Near Rail Corridors and Busy Roads - Interim Guidelines, December 2008' (DNRCBR 2008).

Note 1: Under NSW DNRCBR 2008, busy roads include:

- Pacific Highway;
- Ryde Road;
- Mona Vale Road;
- Main Road 328, Section of Boundary Street, between Pacific Highway and Babbage Road, within Town Centre boundary; and
- Secondary Road 2043, Section of Horace Street, Link Road, Killeaton Street within Town Centre boundary.

Note 2: Under DNRCBR 2008, the rail corridor refers to the North Shore rail line.

Note 3: SEPP Infrastructure will also apply.

- 2 On lots adjoining the rail corridor and/or a busy road, 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.
- 3 Fencing or masonry walls to a busy road must be a maximum of 1.8m high, with a minimum 2m setback from the front boundary to provide a landscape zone. This landscape zone must incorporate shrubs and trees that screen the wall from the road.

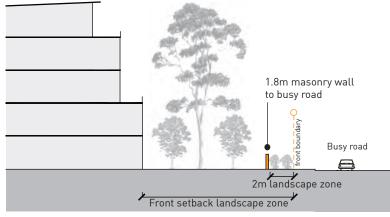


Figure 4.1-1: Fencing for development facing a busy road.

- 1 To protect and enhance native vegetation and habitats across the landscape.
- 2 To support the protection of critical habitat, threatened species, populations and ecological communities.
- 3 To increase the resilience of significant vegetation and habitat, through the improvement of condition, extent and connectivity of such areas.
- 4 To enhance the contribution of indigenous species and the natural landscape to the character of Ku-ring-gai.
- 5 To integrate bushfire and biodiversity management.
- 6 To contribute to climate control.
- 7 To design development to allow for adaptation to adverse impacts on biodiversity resulting from climate change and altered fire regimes.



Figure 4.2-1: Example of a rock outcrop.

4.2 LANDSCAPE FOR BIODIVERSITY AND BUSHFIRE MANAGEMENT

The design of a development must consider the natural features of sites, including indigenous trees, shrubs and ground covers, soils, rock outcrops, and water features. These provide habitat, breeding sites, food and shelter for a wide variety of life forms and ecological processes that support life and define the character of the locality. The natural areas of the site should be viewed as a resource to be conserved. Specific controls for the areas mapped for their biodiversity significance on the Greenweb map at *A1 in the Appendices* are included in *Part 7 of this DCP*.

Controls

Site Planning and Design

- 1 All developments must:
 - be designed to conserve indigenous vegetation, habitat and existing natural features on the site as part of the site planning and the site layout process;

Note: Where losses occur, compensatory actions are likely to be required. These include measures such as tree replenishment and site rehabilitation.

- ii) retain the most significant, intact and sustainable areas of vegetation;
- iii) be located to retain views of public reserves;
- iv) be designed to retain habitat within and adjacent to the site (where it is safe to do so) including:
 - drainage features and damp areas;
 - old or dead trees and hollow logs;
 - leaf litter and fallen branches:
 - bushrock and rock outcrops. If bushrock cannot be retained in place, it is to be relocated within the site;
- vi) be designed to consider subsurface/groundwater flows near bushland and other significant vegetation or habitats.
- Where development is located close to a reserve, passive surveillance of the reserve is encouraged.
- 3 Structures (including stormwater pipes and structures) must be located outside the canopy spread of trees to be retained. This applies to street trees, trees on site and on adjoining sites.
- 4 Disturbance of natural soil profiles must be minimised.
- 5 The introduction of imported soils and disturbance of local seed banks must be avoided wherever possible.
- 6 Vegetation retention and planting must also consider resilience:
 - i) Healthy undamaged specimens are to be the first priority for conservation, particularly habitat trees;
 - ii) While single trees may be ecologically important in their own right, or as part of a broader community, groups of trees generally provide increased resilience to storm events.

4.2 LANDSCAPE FOR BIODIVERSITY AND BUSHFIRE MANAGEMENT (continued)

Controls

Note 1: Works within an area containing critical habitat, threatened species, populations, or threatened ecological communities may require a flora and fauna assessment in accordance with Part 5A of the *Environmental Planning and Assessment Act (1979)*. Works that have a significant impact on the above are integrated development requiring referral to at least one government agency.

Note 2: Matters of National Environmental Significance must also be considered under the *Environmental Protection and Biodiversity Conservation Act (1999)*. This process is managed externally to Council. These matters include migratory species, threatened species, populations and ecological communities listed under the Act.

Bushland Protection

- Where stands of bushland are on or adjacent to a development site, a landscape buffer zone shall be established on the development site between the proposed development and the bushland. The width of the landscape buffer zone shall be determined having regard to:
 - i) the location of natural drainage lines and riparian zones;
 - ii) the presence of habitat, threatened species, populations or communities; and
 - iii) the need for an asset protection zone.
- Where development is adjacent to bushland, a riparian zone or other significant vegetation or habitat, the applicant must demonstrate how the ecological values will be protected. Council may require an environmental or vegetation management plan in this regard.

Planting

- Where a property boundary is within 100m of bushland, planting is to consist of not less than 70% locally native tree species and 30% locally native understorey species. Species are to reflect the relevant vegetation communities within the area.
- 10 Where a property boundary is between 100m and 300m from bushland at least 50% of the overall number of trees and shrubs must be locally occurring native species. Species are to reflect the relevant vegetation communities within the area.
- 11 For development on sites where single residential development is permitted, and all property boundaries are greater than 300m from bushland, at least 25% of the overall number of trees and shrubs must be locally occurring native species. Species are to reflect the relevant vegetation communities within the area.
- 12 The planting of species listed in Council's *Weed Management Policy* as "Urban Environmental Weeds" will not be permitted.

Figure 4.2-2: Managed APZ.

4.2 LANDSCAPE FOR BIODIVERSITY AND BUSHFIRE MANAGEMENT (continued)

Controls

- 13 The planting of species listed in Council's *Weed Management Policy* as "Nuisance Plants" will not be permitted within the Environmental Living zone or adjacent to lands identified on the Greenweb. (Refer to *Part 7 of this DCP*)
- 14 Species used for planting or revegetation in or directly adjacent to areas with significant vegetation or habitat must be of local provenance.

Note: To enable this, propagation must be started well before any construction begins. Council's community nursery may be contacted to discuss availability of appropriate species. A list of appropriate species for native vegetation communities within Ku-ring-gai is available from Council and on Council's website (www.kmc.gov.nsw.au)

Bushfire prone land

This section applies only to Bushfire Prone Land as defined in KLEP 2010.

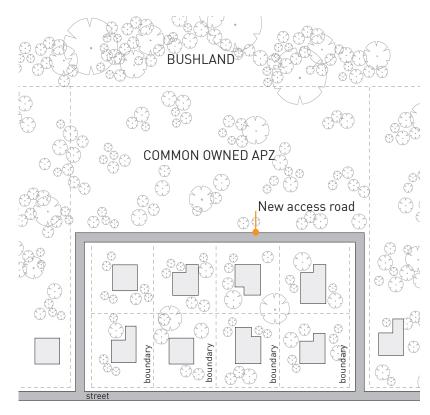
Note: Development on Bushfire Prone Land must comply with the requirements of Planning for Bushfire Protection (2006) as updated. **Protection of life and property from bushfire must be considered in the early design phase**, to allow for appropriate construction and design techniques to be incorporated with biodiversity management on the site.

- 15 Assessment of flora and fauna must consider the impact of bushfire management measures on the ecological values of the site, and outline the measures proposed to mitigate these.
- 16 Development must be located and designed to minimise the need for bushfire hazard reduction, while protecting life and property.
- 17 Measures such as increased construction standards, improved access and water supplies must be considered where this would reduce the need for removal of native vegetation.
- Site access must be designed to enable fire trails, perimeter and access roads to be located between the urban development and the bushfire prone vegetation. These areas provide a defendable space, passive recreation and bushland views. Managed Asset Protection Zones (APZ) must be located to the bushfire prone vegetation side of these accessways. (Refer to Figure 4.2-3)
- 19 APZs, access and perimeter roads must be designed to minimise impact on significant vegetation or habitat.
- APZs must be designed to retain trees, shrubs or ground cover in clumps. Clumped areas should be designed to create vertical separation between canopy and understorey layers. Trees may also be arranged or retained within the APZ on the hazard side to provide a windbreak. Refer to NSW Rural Fire Service: Standard for Asset Protection Zones (www.rfs.nsw.gov.au)
- 21 Clumps must be separated by appropriate low vegetation, lawn, pathways, swimming pools etc.
- 22 For plantings within an APZ, use less flammable species. For

4.2 LANDSCAPE FOR BIODIVERSITY AND BUSHFIRE MANAGEMENT (continued)

Controls

instance, smooth barked trees are preferred to rough or ribbon barked trees which provide a fuel ladder to the tree canopy.



4.2-3: Subdivision of 4 lots, sharing access road between development and APZ.

- 1 To respect the natural topography of a site.
- 2 To maintain the health of existing trees.
- 3 To maintain subsurface/ groundwater flows and direction.
- 4 To protect downstream properties from changes in water flows due to earthworks or retaining walls.
- 5 To minimise downstream impacts from erosion and sedimentation due to site disturbance.
- 6 To ensure that development is designed considering the stability of the land on which it is located.
- 7 To prevent damage to adjoining land or to buildings and structures on adjoining land.
- 8 To minimise excavated materials going off site.
- 9 To minimise land degradation, water pollution and damage to infrastructure from erosion and accumulated sediment.

4.3 EARTHWORKS AND SLOPE

Controls

- Development must demonstrate consideration of site topography, drainage, soil landscapes, flora, fauna and bushfire hazard.
- Development must be accommodated within the natural slope of the land. Level changes across the site are to be primarily resolved within the building footprint. This may be achieved by:
 - i) stepping buildings down a site;
 - ii) locating the finished ground floor level as close to existing ground level as practicable.
- 3 Avoid earthworks on steeply sloping sites.

Note: Sites with a slope in excess of 15% may require certification from a geotechnical engineer as to the stability of the slope in regard to the proposed design.

For any dwelling house development, excavation within the building footprint must not exceed 1.0m depth relative to ground level (existing), fill must not exceed 0.9m relative to ground level, with a maximum level difference across the building footprint of 1.8m.

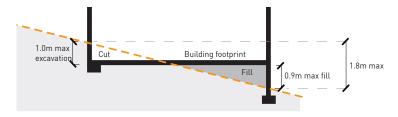


Figure 4.3-1: Earthworks within the building footprint.

- Retaining walls must not exceed 0.9m in height above existing ground level. Where greater level change over the site is required, the site should be terraced. See *Figure 4.3-2*.
- 6 A minimum 0.6m width is required between retaining walls to provide adequate soil area and depth to ensure that they do not read as a single level change, and for the viability of landscaping.

Note: A minimum width of 2m is required between retaining walls for this area to be included in deep soil calculations.

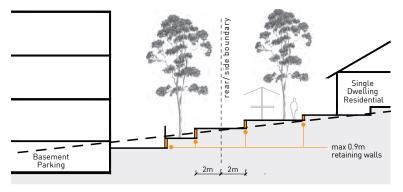


Figure 4.3-2:
Retaining walls, terraces and ground lines at boundaries.

4.3 EARTHWORKS AND SLOPE (continued)

Controls

- Existing ground level is to be maintained for a distance of 2m from any boundary.
- 8 Grassed embankments are not to exceed a 1:6 slope. Vegetated embankments, planted with soil stabilising species, may be to a maximum of 1:3.
- 9 Fill and excavation are not permitted on or adjacent to sensitive environments, such as waterways, bushland, or significant vegetation.

Note: A plan indicating the extent of batters or shoring in the vicinity of sensitive environments and prepared by a suitably qualified engineer, will be required to demonstrate this.

- 10 Excavated and filled areas shall be constructed to have no adverse impact on:
 - i) structures to be retained on the site;
 - ii) structures on adjacent public or private land;
 - iii) trees to be retained on site or on adjoining sites.

Note: A geotechnical / hydrogeological report may be required to demonstrate this.

- 11 The use of imported fill is to be avoided.
- 12 Excavated and filled areas shall be constructed so as not to redirect or concentrate stormwater or surface water runoff onto adjoining properties.
- 13 Retaining walls and excavation and fill areas must not compromise the long term health and stability of trees.
- Avoid excavation and fill beneath the canopy of trees. If the ground level is modified within the canopy spread, an arborist's report will be required to assess the impact of the proposed works.
- 15 The design of the proposal must consider the impacts of altered subsurface/groundwater flows or direction on groundwater dependent ecosystems or species.

Note: Riparian systems and a number of vegetation communities or species may be fully or partially dependent on subsurface/groundwater flows. A hydrogeological report may be required to address changes to groundwater. Details of measures proposed to mitigate such impacts are required.

16 All development applications must be accompanied by an 'Erosion and Sediment Control Plan' (ESCP) that will describe the measures to be taken at development sites to minimise land disturbance and erosion and to control sediment pollution. An ESCP shall be prepared in accordance with Landcom "Managing Urban Stormwater, Soil and Construction".

- 1 To utilise an integrated sustainability assessment tool for gauging building sustainability.
- 2 To develop green buildings that incorporate innovative design, construction and operational practices that significantly reduce, or eliminate, the negative impact of development on the environment and building occupants.
- 3 To ensure commercial buildings deliver lower operating costs from reduced energy and alternative resource consumption, and so represent better life cycle value.
- 4 To ensure that all nonresidential buildings consider and incorporate systems to create a Four Star Green Star Building.

4.4 GREEN BUILDINGS

This section applies to all non-residential buildings and the non-residential components of mixed use buildings.

Where a Green Building Council of Australia (GBCA) Rating Tool is available for the building type, developments must follow 4.4 (1) and (2). For building types where the GBCA Rating Tool is not available or is in the Pilot stage, developments must follow 4.4 (3) to (5).

Note: For all residential buildings and residential components of mixed use buildings, the requirements of BASIX must be met.

Controls

Green Star Rating

Building types that have a GBCA Rating Tool available

- All new office, retail centre, education and healthcare buildings must achieve a minimum Four Star Green Star ('Best Practice') Design Rating under the GBCA Green Star rating tool relevant to that type of property.
 - **Note:** Refer to *DCP Appendix 9.1* for the Green Star Information Sheet. Refer to *www.gbca.org.au* for the latest version of the GBCA's Green Star rating tools.
- Where the GBCA has a Rating Tool, applicants are required to submit documentation prepared by a GBCA Accredited Professional showing how the design proposal will achieve a Four Star Green Star rating. The following documentation is required for Development Application submission:
 - i) Credit Summary: showing the point distribution for the proposal and the predicted point scoring for the Four Star Green Star rating (Refer to *Appendix 9.2* for an example);
 - ii) Ecologically Sustainable Design (ESD) Report: stating strategy, methods and systems proposed to achieve the Four Star Green Star rating:
 - iii) Annotated Development Application Drawings: clearly indicating the Four Star Green Star rating elements described in the ESD Report.
 - iv) A signed commitment from the applicant to achieve a minimum Four Star Green Star Certified development.

Note 1: The signed commitment binds the applicant to continue consultation with their GBCA Accredited Professional to develop and submit the DA approved design to GBCA for Certification. Refer to www.gbca.org.au for a list of Green Star Accredited Professionals.

Note 2: Approved DAs will have a Condition of Consent requiring the applicant to include the following documentation as part of their *Construction Certificate* submission:

- An updated Credit Summary and ESD Report describing elements/ systems incorporated to achieve Four Star Green Star rating;
- ii. A Checklist Table of each ESD system/element (refer to Appendix 9.3);

4.4 GREEN BUILDINGS (continued)

Objectives

Controls

- iii. Annotated Construction Certificate Drawings clearly indicating elements/systems described in the ESD Report.
- iv. A copy of the letter from the GBCA to the applicant confirming the project is registered for Green Star rating.

Note 3: Approved DAs will have a Condition of Consent requiring the applicant to submit to Council the GBCA Four Star Green Star Certificate prior to the release of the *Occupation Certificate*.









Figure 4.4-1: Green Star rated buildings. Source: GBCA

Building types that do not have a GBCA Rating Tool available General

3 All new non-residential buildings that do not have a GBCA Rating Tool available must demonstrate how the design is capable of achieving an ESD level equivalent to a 4 Star Green Star standard. Where a GBCA Pilot Tool is available, the applicant may choose to utilise it for the DA submission.

Note: Pilot Tools for Mixed Use, Existing Office, Convention Centre, Industrial and Public Buildings are currently being developed by GBCA. Applicants are encouraged to consider these in their design development to create sustainable buildings. Refer to www.gbca.org.au.

4.4 GREEN BUILDINGS (continued)

Objectives

Controls

- 4 All new developments must include ESD measures in the following
 - i) Water Efficiency provide systems to minimise mains water usage.
 - ii) Energy Generation building design must demonstrate a reduced reliance on mains power.
 - iii) Heating and Cooling use of mechanical air conditioning and heating must be minimised. Where it is unavailable, the systems must be of a high efficiency in technology choice to reduce peak energy demand.
 - iv) Lighting buildings must be designed to reduce the need for artificial light use.

Note: Refer to *Appendix A9.3 of this DCP* for potential measures to meet the above.

- 5 All new non-residential buildings that do not have a GBCA Rating Tool available must provide the following documentation at Development Application stage:
 - i) Ecologically Sustainable Design (ESD) Report: Prepared by a GBCA Accredited Professional which verifies that the elements/ systems included in the development will, in the view of that professional, result in a building with an ESD level equivalent to a 4 Star Green Star standard;
 - ii) Annotated Development Application Drawings: clearly indicating the elements/systems described in the ESD Report.
 - iii) A signed commitment from the applicant to develop and implement the elements/systems described in the ESD Report.

Note 1: Applicants are advised to consult with a GBCA Accredited Professional for the preparation of the ESD Report. Refer to www.gbca.org.au for a list of Green Star Accredited Professionals.

Note 2: Approved DAs will have a Condition of Consent requiring the applicant to include the following documentation as part of their *Construction Certificate* submission:

- i. An updated ESD Report describing elements/systems incorporated to achieve Four Star Green Star rating;
- ii. A Checklist Table of each ESD system/element (refer to Appendix 9.3);
- iii. Annotated Construction Certificate Drawings clearly indicating elements/systems described in the ESD Report.

4.5 MATERIALS, FINISHES AND COLOURS

Objectives

- 1 To ensure that building materials, finishes and colours reflect and reinforce the local character of Ku-ring-gai to complement streetscape or natural environment.
- 2 To promote the use of high quality materials, finishes and colours for building facade articulation design and visual interest.
- 3 To ensure the use of materials, finishes and colours creates well proportioned facades and minimises the visual bulk.
- 4 To encourage the use of a subdued palette of colours and limited range of hues for building consistency across the LGA.

Controls

Materials and Finishes

1 External walls must be constructed of high quality and durable materials and finishes.

Note: Material and finishes selection is to be made in accordance with objectives and controls as stated in *Part 4.6 of this DCP* to ensure low environmental impact.

- 2 Reuse or recycling of existing materials from the locality such as sandstone and brick is encouraged.
- 3 Large, unbroken expanses of any single material and finish (rendered or not) to building facades must be avoided (except for ground floor in mixed use development).

Note: Refer to *Part 3 of this DCP* for relevant building facade articulation controls.

- 4 New development is to avoid extensive use of highly reflective or gloss materials on the exterior of buildings.
- For buildings of 3 storeys and above, a large expanse of sandstone or face brick is not to be used on the upper levels of the buildings.
- The exterior finish material (eg. sandstone or brick) must be integral to the overall building façade design and must not appear to be cosmetic.
- Highly contrasting coloured bricks are to be restricted to use on building elements such as sills, window heads, string courses and to assist in the division of the building into bays.
- 8 For buildings of 3 storeys and above, lightweight materials and finishes (eg. timber and copper/steel) are encouraged for the upper levels of buildings to assist in minimising the bulk and scale of the building.





Figure 4.5-1: Use of lightweight materials to minimise bulk and scale of building.

4.5 MATERIALS, FINISHES AND COLOURS (continued)

Controls

9 Louvres are encouraged as an integral element to the building façade design.





Figure 4.5-3: Louvres and sliding panels as an integrated facade element.

- Where building cladding is used, consider dual purpose solution. For example, use of photovoltaic cells mounted on panels used for cladding.
- Where additions and alterations are proposed, external materials and finishes must complement the existing building.

Colours

- 12 The selection of a colour scheme for new development and in the restoration of existing facades must comply with the following guidelines:
 - i) Base colours for major areas of building façade are to be light in tone (eg. earth tone) with minimal colour intensity (or hue) eg. off white or grey colours. Pure colours, black and white must be avoided, as these detract from the prominence of other façade details. Contrasting tints, tones and shades are to be restricted to small areas. See *Figure 4.5-4*.
 - ii) Highlight colours to window and door mouldings, string courses, parapet details and the like, are to be in sufficient contrast to the base colour. Pure colours must be avoided. Details should be finished in a matt to semi gloss range. See *Figure 4.5-4*.
 - iii) Trim colours for window frames and awning fascias are to be darker contrast to base and highlight colours. Window frames should be finished in either a semi gloss or full gloss.
- 13 Natural earth tones are to be used on building facades in close proximity to bushland.
- For buildings of 3 storeys or above, recessive colours are encouraged for the upper levels of buildings to assist in minimising the bulk and scale of the building. Refer to *Figure 4.5-4*.





Figure 4.5-2: A mix of materials, finishes and colours for building facade.

MATERIALS, FINISHES AND COLOURS 4.5 (continued)

- When repainting existing buildings, colours should generally be evocative of the era of the building.
- For commercial/office development, the use of corporate colours to 16 identify a business name is to be limited to signage, and must not be used as the main building façade colour.

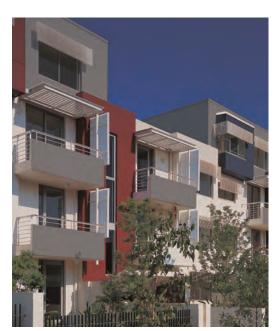












Figure 4.5-4: Preferred selection of colour schemes.

4.6 SUSTAINABILITY OF BUILDING MATERIALS

Objectives

- 1 To ensure buildings have a low environmental impact.
- 2 To limit pollution and protect public health and comfort.
- 3 To design buildings that provide optimum thermal conditions wherever possible.
- 4 To reduce natural, particularly non-renewable, resource consumption
- 5 To ensure material selection has been equally driven by environmental sustainability, safety, commercial competitiveness and quality
- 6 To promote use of materials and finishes that contribute to the design of innovative buildings.

- 1 Developments must use building materials which:
 - i) are recycled or recyclable with low embodied energy;
 - ii) come from renewable sources or those that are sustainable and generate a lower environmental cost;
 - iii) have acceptable life cycle costs and durability;
 - iv) involve environmentally acceptable production methods; and
 - v) use building materials which are recycled or recyclable, come from renewable sources or involve environmentally acceptable production methods.
- 2 Rainforest timbers and timbers from old growth forests must not be specified for the construction or finishing of the development.
- 3 Medium Density Fibreboard (MDF) and particleboard must not be specified as a construction material for the development.
- The use of alternatives to PVC piping is encouraged including Colorbond (above ground only), and HDPE where appropriate.
- 5 Avoid the use of construction materials and chemicals with toxic components to facilitate recycling and reduce pollution.
- 6 Structures must be designed with physical, rather than chemical, termite measures. This can be achieved by:
 - i) appropriate materials and construction design;
 - ii) physical barriers;
 - iii) suspended floor systems.
- 7 Low Volatile Organic Compounds (VOC) must be used throughout the building interior (carpets, paints, adhesives, sealants and all other finishes), and low emission building materials are to be used across the site.
- 8 Avoid the use of ozone depleting products and materials, or products and materials manufactured using ozone depleting substances.
- 9 Avoid materials likely to contribute to poor internal air quality, such as those generating formaldehyde, or those that may create a breathing hazard in the event of fire, such as polyurethane
- 10 The requirements below apply only to the non-residential development:
 - i) Use heavy weight building materials such as concrete as thermal mass on roofs and/or walls. Where lighter weight materials are used they are to be well insulated.
 - ii) Encourage the use of photovoltaic cells which can be mounted as panels, or used as an integrated building cladding.
 - iii) Light coloured internal finishes shall be utilised to improve internal reflections and minimise lighting use.

4.7 ROOF TERRACES AND PODIUMS

Objectives

- 1 To provide high quality of private and public common open space on roof terraces and podiums.
- 2 To design roof terraces so that they contribute to the streetscape.
- 3 To encourage use of low maintenance planting and low water use on roof terraces and podiums with appropriate support systems.



Figure 4.7-1:
Private roof top recreation area.



Figure 4.7-2: Roof top public parkland.



Figure 4.7-3: Roof top vegetable garden.

Controls

- All roof terraces and podiums must provide appropriate building systems to make them trafficable, and to support landscaping.
- 2 Roof and terrace common open areas must incorporate sun shading devices and wind screens, alongside facilities such as BBQ and kitchenette area to encourage usage.
- Where artificial lighting is required, energy efficient lights must be used in conjunction with timers or daylight controls. All light spill is prohibited.
- 4 Roof terraces and podiums must provide soft landscaping areas that complement the appearance of the building; soften the edges of the building; and reduce the scale of raised terraces and other built elements such as services.
- 5 Robust and drought tolerant plant material must be used to minimise maintenance and ensure long term survival.
- 6 Roof terraces and podiums are to be designed for optimum conditions for plant growth by appropriate solar access, soil mix, and the provision of water connections and drainage.
- Minimum soil provision for a range of plant sizes must be in accordance with the following:
 - i) Large trees (canopy diameter of up to 16m at maturity)
 - minimum soil volume 150m³
 - minimum soil depth 1.3m
 - minimum soil area 10m x 10m area or equivalent
 - ii) Medium trees (8m canopy diameter at maturity)
 - minimum soil volume 36m³
 - minimum soil depth 1m
 - approximate soil area 6m x 6m or equivalent
 - iii) Small trees (4m canopy diameter at maturity)
 - minimum soil volume 11m³
 - minimum soil depth 0.8m
 - approximate soil area 3.5m x 3.5m or equivalent
 - iv) Shrubs
 - minimum soil depth 0.5-0.6m
 - v) Ground cover
 - minimum soil depth 0.3-0.45m
 - vi) Turf
 - minimum soil depth 0.1-0.3m

Note 1: Any subsurface drainage requirements are in addition to the minimum soil depths quoted above.

Note 2: Council will require a long term maintenance plan for both the greenery and the waterproofing.

Objectives

- 1 To minimise the size, quantity and visual intrusion of vehicle access points for pedestrian amenity and safety.
- 2 To provide well located and designed vehicle entrances that facilitate streetscape continuity and a high quality and amenity of the public domain.
- 3 To maximise on-street parking.

Controls

4.8 VEHICLE ACCESS

- 1 Except as provided in 3A.26(1) of this DCP, car park entry and access must be provided from secondary streets or lanes where these are available.
- The width and number of vehicle access points are to be limited to minimise potential pedestrian/vehicle conflicts. Wherever practicable, buildings are to share, amalgamate or provide a rear lane for vehicle access.
- Wehicle access driveways must be set back a minimum of 10m from street intersections or as specified in *Clause 3.2.3 of AS2890.1* (whichever is the greater). Refer to *Figure 4.8-1*.
- 4 Vehicle and pedestrian access to buildings must be separated and clearly distinguished. Vehicle access must be located a minimum of 3m from pedestrian entrances. Refer to Figure 4.8-1.

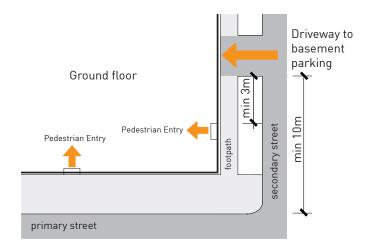


Figure 4.8-1: Vehicle access controls.

- 5 Provide clear sight lines at pedestrian and vehicle crossings.
- 6 Driveway width is to comply with the table below. Greater widths will only be considered where it is required by Australian Standards relating to off-street parking and pedestrian safety.

Proposed Number of Car Parking Spaces in Development	Driveway Clear Width
Less than 25 spaces	3.7m min – 6m max
25-100 spaces	3.7m min – 6m max (on local roads) 6m min - 9m max (on main roads)*
100-300 spaces	6m min – 9m max (on local roads) 6m for entry, 4-6m for exit, 1.3m separation (on main roads)*

^{*} Subject to RTA approval

4.8 VEHICLE ACCESS (continued)

- Long driveways (>30m) are to be avoided. Where they are unavoidable driveways over 30m long are to be provided with a passing bay.
- 8 Vehicles must be able to enter and exit from the site in a forward direction.
- 9 Vehicle entries and service areas are to be set back or recessed from the main facade line and integrated into the overall facade design, so as not to dominate the building elevation.
- 10 Vehicle entries, walls and ceilings are to be finished with high quality materials, finishes and detailing, similar to the external facades of the building.
- 11 Service ducts, pipes and storage facilities must not be visible from the street.
- 12 External security doors may be provided where necessary. Security doors are to be of high quality material and detail and must blend into the building facade.





Figure 4.8-2: Vehicle entries that are well integrated with overall facade design.

4.9 BASEMENT CAR PARKING

Objectives

- 1 To ensure basement car parking design is of high efficiency and ecologically sustainable.
- 2 To provide safe and secure access for building users within the car park areas.

- 1 A logical and efficient structural grid must be provided to the basement car park areas.
- The minimum height between floor level and an overhead obstruction is to be 2.2m, except for the following:
 - i) 2.5m for parking area for people with a disability;
 - ii) 2.6m for residential waste collection and manoeuvring area; and
 - iii) 4.5m for commercial waste collection and manoeuvring area.
- Where natural ventilation is not possible, a ventilation system for the basement car park is to be provided and designed in accordance with AS1668.2 The use of ventilation and air conditioning in buildings Ventilation design for indoor air contaminant control. Monitoring of CO₂ and variable speed fans are to be provided with any basement car park mechanical ventilation systems.
- 4 Unimpeded access to visitor parking and waste and recycling rooms located within a secure basement parking must be maintained.
- Where ventilation grilles or screening devices are provided they are to be recessed and integrated into the overall facade and landscape design of the development.
- Wehicle access ways to basement car parking must not be located in direct proximity to doors or windows of habitable rooms.



Figure 4.9-1: Secure basement car parking.



Figure 4.9-2: Ventilation grilles to basement car park are well integrated with overall facade design.

4.10 VISITOR PARKING

Objectives

1 To provide well designed and accessible car parking for all visitors.

- 1 All visitor parking spaces are to be provided on site and clearly marked.
- Visitor parking spaces must be conveniently located and must not be obstructed by security grilles or similar devices wherever possible.
- 3 If visitor parking is located behind a security grilles, an intercom system will be required for users to gain entry.
- 4 At least one visitor parking space is to be adaptable by complying with the dimensional and locational requirements of AS2890.6.
- One visitor parking bay is to be provided with a tap, to make provision for on-site car washing.



Figure 4.10-1: External on-site visitor parking space conveniently located.

4.11 PARKING FOR PEOPLE WITH A DISABILITY

- 1 To provide well designed, clearly identified and accessible car parking spaces for people with disabilities.
- Accessible car parking spaces are to be level and have a continuous path of travel to the building's principal entrance or lift.
- Accessible car parking spaces are to be identified by a sign incorporating the international symbol specified in *AS1428* and be designed in accordance with the provisions of *AS2890.6*.
- 3 Appropriate international symbols for the disabled must be displayed/used where appropriate to assist in direction to ramps, lifts etc.

4.12 PEDESTRIAN MOVEMENT WITHIN CAR PARKS

Objectives

1 To ensure all car parks provide a safe pedestrian environment.

- Marked pedestrian pathways, with clear sight lines and appropriate energy efficient lighting must be provided in all car parks.
- 2 Pedestrian pathways, entrances, stairway and lift areas must be clearly visible, conveniently located, well lit and have minimal conflict with vehicular traffic
- 3 All pathways and ramps within car parks must conform to the minimum dimensional requirements set out in *AS1428.1*.
- 4 All pedestrian path surfaces within car parks are to be stable, even and constructed of slip resistant material.

4.13 BICYCLE PARKING AND FACILITIES

Objectives

1 To provide well designed bicycle parking and facilities that are functional and secure.



Figure 4.13-1: Bicyle Lockers

- Bicycle parking and storage facilities are to be designed in accordance with *AS2890.3* to ensure:
 - i) both wheels and frames can be locked to the device without damaging the bike;
 - ii) easy access from a bicycle lane or roadway with appropriate signage;
 - iii) access paths have a minimum width of 1.5m to accommodate a person pushing a bicyle, and adequate sight lines for safety.

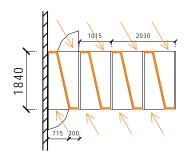


Figure 4.13-2: Bicyle locker design.

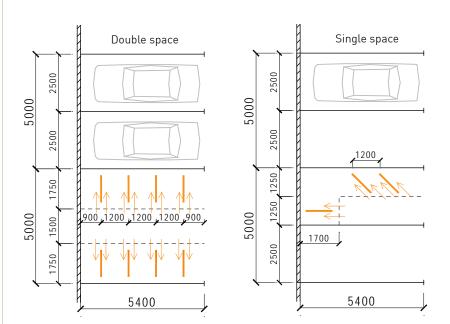


Figure 4.13-3: Conversion of car parking space for bicycle parking.

4.14 BUILDING SERVICES

Objectives

- 1 To ensure the considered placement of visually intrusive service elements away from the streetscape.
- 2 To ensure that proposed or future service provision does not detract from the visual or general amenity of the building users.

- All applicants must consult with providers for services such as energy, electricity, gas, water, telephone and fire. Any services and structures required by the providers are to be located within the basement, or concealed within the facade, with appropriate access. Where this is not possible, the proposal must demonstrate an alternative method of minimising street impact, such as screening with landscape or built elements. Particular care should be taken in mixed use precincts to ensure substations and fire hydrants are not visible from the primary street and principal active street frontages.
- With the exception of dwelling houses, all buildings must accommodate proposed or future air conditioning units within the basement or on rooftops, with provision of associated vertical/horizontal stacks to all sections of the building.
- 3 Air conditioning units located within basements must be screened and have adequate ventilation.
- 4 Air conditioning units located on the roof must be well screened and integrated into the building form.

4.15 CONSTRUCTION, DEMOLITION AND DISPOSAL

Objectives

- 1 To encourage the use of materials which will have a minimal impact on the natural environment during their growth, extraction, use and disposal.
- 2 To reduce the volume and cost of construction and demolition waste material.
- 3 To preserve the various natural elements and habitats such as soil profile, vegetation, natural rock shelves and watercourses.
- 4 To protect neighbouring structures.

Controls

- 1 Site disturbance during construction or demolition must be minimised by:
 - restricting machinery and vehicle movement to the building footprint and access corridor;
 - ii) avoiding excavation beyond the building area;
 - iii) locating drainage lines close to the building or within previously excavated areas where possible; and
 - iv) confining storage areas to previously excavated areas, away from the drip-line of trees to be retained.

A site management plan showing tree protection areas, machinery usage zones, storage areas, dust sheets and location of stormwater pollution barriers may be required.

A Waste Management Plan (WMP) must be submitted with the application, in accordance with *Part A2 of this DCP*. Evidence such as weighbridge dockets, copies of invoices or some other form of written evidence will be required to be submitted to Council on completion of the development to verify the quantities and destination of waste and recycling materials generated during works (either demolition and or construction).

Note: Plans and drawings of the proposed development that highlight the location of and space allocated to the waste management facilities and the nominated waste collection point must be attached to the WMP. The path of access for both users and collection vehicles must also be highlighted.

- 3 During design development, waste must be minimised by:
 - i) matching building dimensions to standard sizes of building materials;
 - using recycled materials, selecting materials that reduce waste or do not require disposal, or can be reused or recycled in the future;
 - iii) utilising component parts that may be easily replaced; and
 - iv) designing with minimal site disturbance by avoiding unnecessary excavation or fill.
- 4 Provide source separation facilities on building sites so that different waste streams may be easily separated during construction and demolition to encourage the reuse and recycling of materials.

4.16 WASTE MANAGEMENT

Objectives

- To enable efficient, effective and sustainable waste management practices.
- 2 To ensure waste collection and storage within the site that does not affect the amenity of residents with regard to smell, visual appearance or noise disturbance.
- 3 To ensure waste and recycling storage areas are designed and constructed to meet the requirements of the building's use and its occupants.
- 4 To ensure design and management of waste and recycling facilities protect public health.

Controls

General

- 1 All waste and recycling facilities must comply with the BCA and all relevant Australian Standards.
- 2 All waste and recycling storage containers must be stored within the boundary of the subject site.
- 3 All putrescible and non-putrescible waste materials stored in any waste and recycling room or at centralised collection points must be contained in approved rigid containers supplied by the Council.

Storage Room

- 4 Sufficient space must be provided within the premises for the storage and manoeuvring of the number of bins required to store the volume of waste and recycling materials likely to be generated during the period between collections.
- 5 Sufficient space must be provided to adequately house any additional equipment to handle or manage the waste generated.
- 6 For buildings exceeding four (4) storeys, where a chute system is proposed, a fully enclosed waste and recycling materials compartment must be provided within each storey of the building. The facility shall be designed to contain the waste chute hopper and the number of recycling storage bins equivalent to 2 x 240 litre bins for every 4 units per storey.

Access to collection point

Note: This does not apply to residential developments of 4 dwellings or less, which do not have an internal collection point.

- The location of the waste and recycling room must be conveniently accessible and have unimpeded access for both occupants and collection service operators. In the event that the proposed development is protected by a security system and/or locked gates, the waste and recycling room/s must have unimpeded access for the collection service providers. Where security gates are provided to the development, gates must be accessible by Council's master key.
- 8 The maximum grade of any access road leading to a waste and recycling room must be not more than 1:5 (20%). The turning area at the base of any ramp must be sufficient to allow for the manoeuvre of a 6.0m rigid vehicle to exit the building in a forward direction.
- The waste and recycling collection point must be located on a level surface away from gradients and vehicle ramps, with the path of travel being free from any floor obstructions such as steps to allow for the transfer of wheelie bins to and from the storage room to the collection vehicle.

Controls

- 10 The vehicle access road leading to and from the collection point in a waste and recycling room must have a minimum finished floor to ceiling height of 2.6m for residential waste rooms and 4.5m for commercial waste rooms for the entire length of travel within the building. (Includes being free from conduits, ducting or other obstructions fitted to ceilings)
- 11 The WMP must describe how the waste management system is to be managed and who is responsible for each stage of the process. (Refer to Waste Management Plan, *Part A2 of this DCP*)

Construction of waste and recycling rooms

- 12 The floor of any waste and recycling room must be constructed of either:
 - i) concrete which is at least 75mm thick; or
 - ii) other equivalent material; and
 - iii) graded and drained to a floor waste which is connected to the sewer.
- 13 All floors are to be finished to a smooth even surface, coved at the intersection of walls and floor.
- 14 The walls of any waste room, recycling room and waste service compartment are to be constructed of solid impervious material and shall be cement rendered internally to a smooth even surface coved at all intersections.
- 15 All waste and recycling rooms must be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock. This does not include waste and recycling service compartments located on residential floors of multi-occupancy dwellings.

Note: This control is to aid in cleaning of the area.

- A close-fitting and self-closing door that can be opened from within the room must be fitted to all waste and recycling rooms.
- 17 In the event that Council permits the installation of a roller shutter door (under special circumstance only), a sign must be erected in a conspicuous position drawing attention to the fact the door must be kept closed at all times when not in use.
- All waste and recycling rooms must be constructed in such a manner (eg. no gaps under access doors etc) as to prevent the entry of vermin.

Controls

- 9 All waste and recycling rooms must be ventilated by either:
 - i) mechanical ventilation system exhausting at a rate of 5L/s per m² of floor area, with a minimum rate of 100L/s; or
 - ii) permanent, unobstructed natural ventilation openings direct to the external air, not less than one-twentieth (1/20th) of the floor area.
- 20 All waste and recycling rooms must be provided with artificial light controlled by switches located both outside and inside the rooms.
- 21 Clearly printed "NO STANDING" signs must be affixed to the external face of each waste and recycling room.
- 22 Clearly printed signage must be affixed in all communal waste collection and storage areas, specifying which materials are acceptable in the recycling system and identifying the location of waste and recycling storage areas, as well as waste and recycling service compartments.
- 23 No compaction equipment is to be used for 120 and 240 litre bins.
- 24 Waste management systems must not be visible from outside the building. Where this is unavoidable and Council is in agreement, it must be designed to be consistent with the overall appearance of the development.

Mixed Use Buildings

- 25 In a mixed use development, the waste handling, storage and collection system from residential waste and commercial waste must be completely separate and self-contained.
- There must be at least two separate centralised waste and recycling storage areas, one for residential waste and one for commercial. The WMP shall identify the collection points and management systems for both residential and commercial waste streams.
- An area must be nominated on relevant plans for on-site composting and/or worm farm if the proposal has a residential component.
- 28 Where there is a residential component, any new dwellings must be designed so as to allow the internal accommodation of one receptacle to collect waste and another to collect recyclable materials, each with the capacity to store one day's worth of materials.

Controls

Commercial Buildings (non-residential)

This section applies to any development that incorporates a commercial or business use (eg. retail premises, offices, hospitals, restaurants and food retailers, light industries, residential care facilities and the like).

- 29 All commercial premises must have a dedicated and enclosed waste and recycling room(s) which has adequate storage area to meet the generation rates (refer to A2.6).
- The design of the waste and recycling rooms must be based on the following criteria:
 - i) the proposed and potential land use of the building;
 - ii) the floor area of the building;
 - iii) the number of separate occupancies contained within the development;
 - iv) waste generation rates associated with the land use;
 - v) type and amount of waste to be produced;
 - vi) the proposed number and sizes of bins to contain waste materials; and
 - vii) the size and design of the waste/recycling storage shall allow for future changes of use.
- 31 The design and location of the waste and recycling room must allow for adequate vehicle access, including manoeuvring and loading for an 11m rigid vehicle, weighing GVM of 22 tonnes.
- The minimum floor to ceiling height within the vehicle accessway leading to and from the waste and recycling room(s) must be 4.6m for the entire length of travel required within the development.
- For recycling materials, clinical, medical or liquid waste, the design must reflect the separate storage, operation and management of these waste materials within the development.
- 34 In the event of the generation of:
 - i) more than 1.5m³ per day of food waste, other than unprocessed or uncooked fruit and vegetables; or
 - ii) organic veterinary or medical waste;

stored waste must be refrigerated unless collected daily.

- 35 Where refrigeration is required:
 - i) the temperature must be maintained at or below 5°C;
 - ii) all refrigeration equipment must be installed with sufficient space for cleaning both the equipment and the storage area;
 - iii) the floors walls and ceiling of the refrigerated waste room must be constructed of a smooth impervious material and coved at all intersections:

Controls

- iv) the floor of the refrigerated waste room must be graded to the doorway and a floor waste, designed in accordance with Sydney Water guidelines, shall be located outside the room as close as practicable to the doorway; and
- v) noise attenuation measures must be put in place to ensure that the noise generated by the refrigeration equipment associated with the waste and recycling room shall not give rise to "offensive noise" as defined under the *Protection of the Environment Operations Act 1997*.
- 36 In circumstances involving the use of baling equipment for paper and cardboard, sufficient area must be provided for the storage of a minimum of four (4) bales without impacting on the access and service conditions for collection materials for each day.
- Where liquid wastes such as oils are generated by the business, a separate bunded storage area for these wastes must be provided with drainage directed to a grease trap. The bunded area is to be weather protected and have a capacity not less than 20% of the storage contents to contain any spill.

Note: Liquid waste from grease traps must only be removed by licensed waste contractors approved by Sydney Water Corporation and the NSW Environment Protection Authority.

38 Any construction for food premises must be in accordance with the 'National Code for the Construction and Fit-out of Food Premises'

Note: Contact Council for a copy of this Code and advice on the construction of food premises.

- 39 For retail premises, light industry, hospitals, residential care facilities, a waste service compartment must:
 - i) be provided on each storey of the building;
 - ii) have the capacity to store at least one day's volume of waste and recycling likely to be generated on that floor; and
 - iii) provide for the separation of paper and cardboard for recycling on each storey.
- 40 If more than 10m³ of waste and recycling is likely to be generated per day, then the central waste and recycling room must be separate from the goods receival dock.
- 41 Separate space and collection arrangements must be made for clinical/hazardous waste.
- 42 For offices, provision must be made on each floor and in the central waste and recycling storage area, for the separation and storage of all recyclable materials such as cardboard, paper and paper products likely to arise on the premises.

Controls

Residential Buildings

- 43 Centralised waste collection points are required in the following circumstances:
 - i) Attached dwellings where the number exceeds four dwellings in total; and
 - ii) Where site characteristics (eg. steep sites, narrow street frontage) make access to the street difficult for individual unit holders and where placement of bins on the street frontage is assessed as dangerous for either the public or service personnel, or would have a detrimental effect on the street amenity.

High / Medium Density Housing

This section applies to attached dwellings where the number exceeds four dwellings in total (eg. residential flat building, multi-dwelling housing) where basement parking is provided.

44 Council's standard waste and recycling service for multi-dwelling housing and residential flat development, where the number of units exceeds four is as follows:

Waste Type	Number of Units	Number of Bin/s
Waste (garbage)	N/A	1 x 120L MGB per unit dwelling or 1 x 240L MB per 2 units
Co-mingled recycling of glass, steel and aluminium cans and plastic etc	For every 4 units or part thereof.	1 x 240L MGB (communal)
Recycling of paper and cardboard	For every 4 units or part thereof.	1 x 240L MGB (communal)
Green waste	Optional	Please contact Council's Waste Service Team to discuss options. Green waste bins will be subject to Owners Corporation Agreement on a fee for service basis. Green waste bins will be serviced from the street frontage due to the small number of bins involved.

Note: To check the service level for the relevant collection zone contact Council's Customer Service Section. All bins are collected weekly except green waste bins. Please contact Council's Waste Service Team to discuss options.

Controls

- 45 All new dwellings must be designed so as to allow the internal accommodation of one receptacle to collect waste and another to collect recycling, each with the capacity to store one day's worth of materials.
- 46 A centralised waste and recycling room must be provided in the basement that has sufficient capacity to store all waste and recycling likely to be generated in the entire building in the period between normal collection times.
- 47 The full path of travel to and from the waste and recycling room is to be designed to allow a 6m rigid vehicle, weighing GVM 7 tonnes, to enter and exit the development in a forward direction.
- The minimum floor to ceiling height within the vehicle accessway leading to and from the waste and recycling room(s) must be 2.6m for the entire length of travel required within the development.
- 49 Noise attenuation measures are required to ensure that the use of, and collection from, the waste and recycling room do not give rise to "offensive noise" as defined under the *Protection of the Environment Operations Act 1997*.
- 50 An area is to be nominated for on-site communal composting.

Multi-Dwelling Housing

This section applies to multi-dwelling development, such as row houses, townhouses, villa units, where basement car parking is not provided and dwellings are separately accessed via a private access road, or where communal arrangements are required under R1 (ii) or (iii).

51 Council's standard waste and recycling service is:

Waste Type	Bin Type
Waste (garbage)	1 x 120L
Co-mingled recycling	1 x 240L
Recycling of paper and cardboard	1 x 240L
Green waste (communal) (subject to Owners Corporation Agreement on a fee for service basis)	1 x 360L

Note: To check the service level for the relevant collection zone contact Council's Customer Service Section. Waste is collected weekly while all other waste types are collected on a fortnightly basis.

52 All new dwellings must be designed so as to allow the internal accommodation of one receptacle to collect waste and two receptacles to collect recycling materials, each with the capacity to store one day's worth of material.

Controls

- 53 All such developments must allocate, within each property boundary, an area for storing Council specified waste and recycling bins, preferably located at the rear of the buildings to minimise visual clutter. The storage area is to be a minimum of 3m from openable windows and integrated with the landscaping. Refer to Part A2.1 of this DCP for bin characteristics.
- An area is to be nominated for on-site communal composting.
- 55 Centralised collection points are to be provided, directly accessible from the street/rear lane and/or the internal road. Collection points must be located a minimum of 12m from any openable window. One collection point is to serve a maximum of 6 units.
- Where on site collection points are provided, the full path of travel to and from the collection points is to be designed to allow a 6m rigid vehicle, weighing GVM 7 tonnes, to enter and exit the development in a forward direction.
- 57 A path shall be established for wheeling bins to the collection point; it must be level and free of steps or kerbs.

Low / Medium Scale Residential

This section applies to single dwellings, including both the principal and secondary dwellings; dual occupancy development whether attached or detached; and small scale multi-dwelling housing where the number does not exceed four dwellings in total .

58 Council's standard waste and recycling service is:

Waste Type	Bin Type
Waste (garbage)	1 x 120L
Co-mingled recycling	1 x 240L
Recycling of paper and cardboard	1 x 240L
Green waste (communal except for single dwellings) (subject to Owners Corporation Agreement on a fee for service basis)	1 x 360L

Note: To check the service level for the relevant collection zone contact Council's Customer Service Section. Waste is collected weekly while all other waste types are collected on a fortnightly basis.

59 Developments must allocate, within each property boundary, an area for storing Council specified waste and recycling bins, preferably located at the rear of the premises to minimise visual clutter. The storage area is to be a minimum of 3m from openable windows and integrated with the landscaping. Refer to *Part A2.1 of this DCP* for bin characteristics.

- 60 All new dwellings must be designed so as to allow the internal accommodation of one receptacle to collect waste and another to collect recycling materials, each with the capacity to store one day's worth of material.
- A path must be established for wheeling bins to the collection point; it must be level and free of steps or kerbs.
- An area is to be nominated for on-site composting.

4.17 LAND CONTAMINATION

Objectives

- 1 To ensure that changes to land use will not increase the risk to public health or the biophysical environment.
- 2 To ensure sites are correctly remediated to a level appropriate to the future use.

- 1 Refer to Council's Contaminated Land Policy 2004 for a list of activities that may cause a site to be considered 'potentially contaminated land', and for requirements for development applications, rezoning and remediation works on contaminated land.
- 2 Prior to submission of development applications, a suitable qualified environmental engineer, on behalf of the applicant, is to assess whether the subject land is contaminated.
- 3 Development applications on contaminated land shall provide a report on type, location of contamination and measures to remove and dispose of contaminated materials.

4.18 SOCIAL IMPACT

Objectives

1 To ensure that social considerations are an integral part of development proposals.

Controls

- Where relevant, proposals must consider the impacts of the development on the following groups:
 - Children;
 - Young people;
 - Women:
 - Older people;
 - People with a disability;
 - People from culturally and linguistically diverse background
 - Aboriginal and Torres straight Islander people.

Note: Council may require a social impact assessment (SIA) by an appropriately qualified and experienced social impact practitioner. Council will consider the scale of the development or any potential adverse impact in determining the need for an SIA. Examples of developments that may require an SIA include major retail centre, sex services premises, pub or entertainment facility.

Introduction

- 5A Development Type and Location
- 5B Site Planning and Building Design
- 5C Stormwater Discharge Leaving the Site
- 5D On-site Stormwater Management
- 5E Development adjacent to or over Existing Drainage Systems
- 5F Water Quality
- 5G Road and Trunk Drainage Design
- 5H On-site Wastewater Management

INTRODUCTION

This part has been designed to ensure that water management techniques are appropriate to both to the site and the type of development. Accordingly, controls that apply to all development are included, as well as controls that are specific to different types of development and different locations.

The first step in determining the controls relevant to the proposal is to select the type of development at *Part 5A.1 of this DCP*. The second step is to select the site location at *Part 5A.2 of this DCP*. The third step is to address both the general controls and the controls specific to the selected development type and location.

- 5A Development Type and Location
- 5A.1 Development Type
- 5A.2 Location of Development

5A.1 DEVELOPMENT TYPE

Objectives

1 To plan water management techniques that are appropriate to the development type and location.

Controls

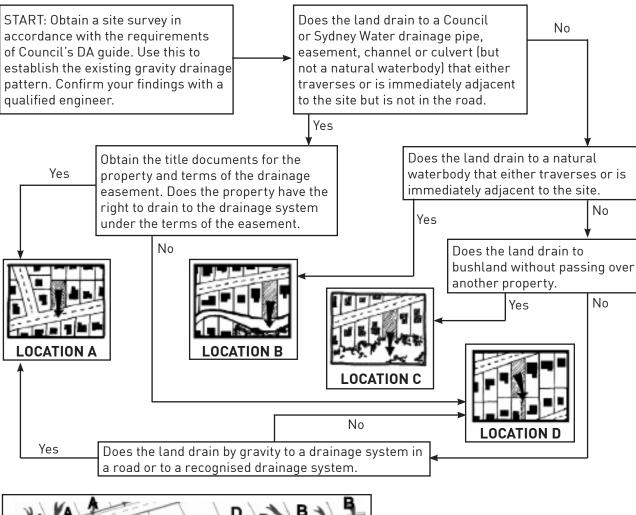
Select the Type from those listed below (1-9) that best represents the development proposed. Note that Type 9 is for any other development type not listed in the previous eight categories. The majority of controls applicable to Type 9 development will be determined by Council on an individual basis in consultation with the developer.

- Type 1 Minor alterations and additions any alteration or addition to a single detached dwelling or secondary dwelling that does not require a BASIX certificate.
- Type 2 Major alterations and additions construction of a secondary dwelling or any alteration or addition to a single detached dwelling where a BASIX certificate is required.
- Type 3 New single dwellings including replacement single dwellings.
- Type 4 Dual Occupancies- two dwellings on one allotment (either attached or detached), where either one or both of the dwellings are new.
- Type 5 High and medium density development any development involving three or more dwellings on one allotment, regardless of the size of the allotment and regardless of whether the dwellings are attached or detached. Includes seniors housing, multi-dwelling housing and residential flat buildings.
- Type 6 Business, Commercial or Retail Premises any building to be used for business, commercial or retail purposes, and mixed use developments such as shop top housing.
- Type 7 Open Space land used exclusively for recreational purposes, whether passive or active recreation, including any buildings erected on the land, where the land is primarily permeable and landscaped.
- Type 8 Subdivision other than strata subdivision.
- Type 9 Any other development.

5A.2 LOCATION OF DEVELOPMENT

Controls

Determine which of the following situations (Locations A-D) described below most closely resembles the location of the development site with respect to the natural drainage direction of stormwater. You may determine this by working through the flow chart below and check against the example below and the full descriptions following.



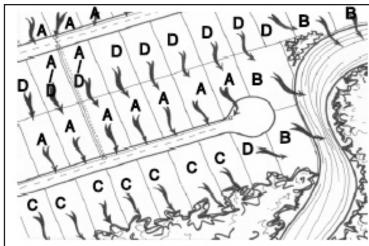
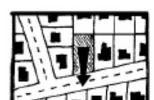
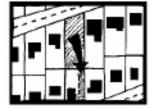


Figure 5A.2-1: Examples of Location Types

5A.2 LOCATION OF DEVELOPMENT (continued)







Controls

Location A

Land that drains directly to a Council or Sydney Water drainage system in the road or drainage reserve (including a gutter, pipe or road) without the need for stormwater runoff to pass over another private property. This includes land traversed by or immediately adjoining a trunk drainage system where a legal right to connect already exists.

Location B

Land that drains directly to a natural waterbody (see LEP definitions) that traverses (crosses) or intersects the subject site. At least one bank of the waterbody must be located within or immediately adjacent to the subject site.

Location C

Land that drains directly to bushland.

Location D

Any other land, being land that must pass its stormwater over one or more intervening downstream private properties or public land to reach a recognised drainage system in a road reserve, drainage reserve or waterbody. This includes land where a private drainage easement is required (whether or not this has been obtained) and properties that are traversed by or immediately adjoining a trunk drainage system where there is no existing legal right to connect to the system.

5B	Site	Planning	and Building	Design
OD	2110	I Callilling	and Durtuing	DCJIGII

- 5B.1 General
- 5B.2 Locating the Development on Site
- 5B.3 Landscape and Character

5B.1 GENERAL

Objectives

- 1 To plan and design buildings and structures that preserve enhance and complement existing environmental, social and aesthetic conditions within and external to the site.
- 2 To design water management measures that are complementary to the proposed development.
- 3 To design water management measures that support and enhance sustainability and improve the natural environment.

Controls

- A site analysis must be undertaken in accordance with Council's DA Guide.
- The site analysis must be used to plan and design the development to ensure the design of the water management system responds to the opportunities and constraints identified in the site analysis.
- 3 The water management system must protect or enhance the natural environment and residential amenity and improve sustainability.
- 4 The design of water management solutions on the site must be integrated with the design of the buildings and the landscape.

Note: The requirements of BASIX may apply to the development.

5B.2 LOCATING THE DEVELOPMENT ON SITE

Controls

Buildings must be located on properties in accordance with the controls set out below.

- 1 The development must not be located so as to impede, divert or increase the rate or concentration of stormwater flow across a boundary onto adjoining private property (eg. by placing a solid wall along a boundary).
- 2 Sufficient space must be allowed on the property for the installation and operation of water management measures as required in this Part.

Note 1: Refer to *Part 6 of this DCP* for controls on location of development within riparian zones as shown on the Ecologically Sensitive Areas-Riparian Zones Maps in the KLEP 2010.

Note 2: Development within 'waterfront land' may be Integrated Development. Integrated Development requires consent from at least one public body other than Council.

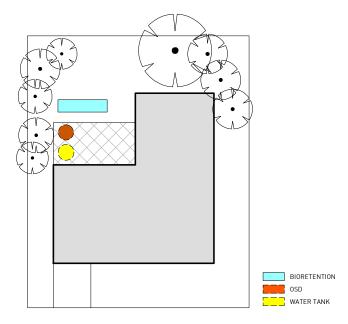


Figure 5B.1-1:
Allow sufficient space for installation and operation of required water measures.

5B.3 LANDSCAPE AND CHARACTER

- 1 Colours and materials of elements of the stormwater management system that are visible to the public must be sympathetically treated to minimise visibility.
- Above ground elements of the stormwater management system, such as tanks and pumps must not be located in the front setback of a development.
- 3 No more than 10,000 litres of rainwater tank storage may be located above ground.
- 4 Stormwater management devices that contribute to the impermeable area of the site should be located within the basement or beneath other impermeable areas. Eg driveways.
- Where there is more than one dwelling, stormwater management devices should be located in common areas.
- 6 The stormwater management system must not result in changes to the existing ground levels within the dripline of trees to be retained.

5C

STORMWATER DISCHARGE

5C	Stormwater Discharge Leaving the Site
5C.1	General
5C.2	Stormwater Disposal from Location A Properties
5C.3	Stormwater Disposal from Location B Properties
5C.4	Stormwater Disposal from Location C Properties
5C 5	Stormwater Disposal from Location D Properties



5C.1 GENERAL

Objectives

- 1 To achieve a high level of residential safety and amenity.
- 2 To conserve the natural environment of Ku-ring-gai and adjoining areas.
- 3 To minimise the adverse impact of stormwater runoff on neighbouring properties
- 4 To ensure adverse impacts are not increased beyond what was present prior to the development.

Controls

- Stormwater must be discharged from the site in accordance with the controls for the relevant location category, as identified in *Part 5A.2 of this DCP*.
- 2 Stormwater must generally be directed to a public drainage system comprising gutters, streets, pipes, box culverts and channels owned and operated by the Council.
- 3 The scale of the development and the site conditions (including factors such as the lie and and type of the land) will inform the selection of the most appropriate form of stormwater discharge.
- In the selection of the means of stormwater disposal, particular regard must be given to downstream impacts.

Carrying Out Drainage Works

5 Drainage systems for stormwater disposal must comply with AS3500-1998: National Plumbing and Drainage Code or any standard replacing that standard.

5C.2 STORMWATER DISPOSAL FROM LOCATION A PROPERTIES

Controls

Discharge to Kerb and Gutter/Table Drain

- 1 Piped drainage from the boundary line of the development to the street gutter or table drain must have a minimum 1% longitudinal fall towards the street gutter.
- The total discharge from a single development lot to the street gutter or table drain must not exceed 25 litres per second.
 - **Note:** Where this is not possible, stormwater must be discharged to an enclosed system (pipe, box culvert, road pit). Alternatively, on-site detention may be required to lower the total discharge rate, or the site coverage contributing to the discharge, reduced.
- 3 For Development Types 1, 2 and 3 where piped drainage line crossings from the site boundary are to be employed:
 - i) the piped drainage line crossing must extend no further than 20m from the development site across the frontage of a neighbouring property (see note) except where the location of trees prevent such piped crossings;
 - ii) the crossing line must be at an angle not less than 45° from the line of the frontage of the neighbouring property;
 - iii) the crossing line must run directly behind, and parallel to the street kerb as far as the discharge point. Any necessary drainage line crossing of driveways must be constructed in a trafficable grade, directly behind the layback and parallel to it, subject to Council approval. (These requirements may be varied by Council where they are demonstrated to be impracticable and where a suitable alternative route is demonstrated); and
 - iv) the proposed piped crossing will not compromise existing or future vehicular access to the neighbouring property or to services, trees or similar.

Note: Details of the proposed route are to be provided to Council in the form of scale plans with all these features shown.

- 4 For development types 4 9, piped drainage line crossings to the street drainage system must take place directly outside the frontage of that development and must not encroach across the frontage of any neighbouring property.
- 5 Connection to existing secondary footpath drainage systems, such as pipes beneath the concrete footpath, will not be permitted as they have limited capacity and block easily.
- 6 Connections to concrete kerb and gutter must comply with Council Standard Drawing 82-024 (Refer to A6.9 in the Appendices).

5C.2 STORMWATER DISPOSAL FROM LOCATION A PROPERTIES (continued)

Controls

When discharge is proposed to an open table drain, the pipe outlet must terminate flush with the property-side edge of the table drain and must be fully encased in a minimum 100mm thick mass concrete for the final 300mm length of the pipe.

Note: Where the applicant cannot comply with any of the above requirements due to site constraints, an alternative method of connection may be proposed for consideration by Council.

Discharge to an Existing Council Pipe in the Road Reserve or a Drainage Reserve

- 8 Discharge to an existing piped (in-ground) drainage system in the road or a drainage reserve may be an option where:
 - i) Such a system exists in reasonable proximity to the site and it is not possible to direct stormwater to a Council kerb and gutter or table drain; or
 - ii) The peak site discharge proposed exceeds 25 litres per second and it can be demonstrated that the hydraulic grade line of the inground drainage system (to which connection is proposed) is lower than the outlet of the property drainage system during the 20 year ARI event.
- 9 Stormwater must be discharged to an existing Council pipe in the road reserve in accordance with the following controls:
 - i) For pipes of diameter up to 150mm, connection to the Council street drainage pipe must comply with Council Standard Drawing 82-024 (Refer to A6.9 in the Appendices); and
 - ii) For pipes of diameter greater than 150mm, connection to the Council street drainage pipe must, at Council's discretion, be undertaken in conjunction with the establishment of a grated gully (access) pit to Council standards. Details of new pits will need to be submitted to Council in accordance with *Part 5C.1 (5)* of this DCP.

Discharge to an Extension of the In-Ground Piped System in the Road Reserve

It may be possible to extend an existing downstream in-ground street drainage system on either the property side or the opposite side of the street. This is only allowed where no other connection is possible. In such cases, the following controls apply.

- 10 The in-ground drainage line must be extended using a steel reinforced or fibre reinforced piped system to convey 1:20 year trunk flows (minimum of 375mm diameter rubber ring jointed reinforced or fibre reinforced concrete pipe), generally at gutter lip alignment.
- 11 The extended drainage line must connect to a new Council standard grated gully pit that must be established outside the development site.

5C.2 STORMWATER DISPOSAL FROM LOCATION A PROPERTIES (continued)

Controls

- 12 The feasibility of such a proposal must be established by a suitably experienced and qualified civil engineer eligible for membership of Engineers Australia.
- A detailed design must be prepared by a suitably experienced and qualified civil engineer eligible for membership to Engineers Australia based on design criteria obtained from the roads authority (Refer to *Part 5G of this DCP*).
 - **Note 1:** The full cost of such works must be borne by the developer.
 - **Note 2:** The design is subject to the approval of the roads authority (Council or RTA) under the Roads Act 1993 and no work may be undertaken until approved.
 - **Note 3:** The feasibility of such a proposal must be demonstrated with any DA submission.

Connection to a Council or Sydney Water Formed Channel or Pipeline within or adjacent to the Subject Site

Note: A 'formed channel' generally means a concrete or stone-lined channel located in a position that may not necessarily coincide with any historical waterbody. For example, a formed channel may have been constructed to convey runoff from a road to a nearby natural watercourse. In the event that a legal right to connect exists, the following controls apply (where no legal right exists, the property is likely to be Location D rather than Location A):

- The terms of any easement over the channel/pipe system to which connection is proposed must legally permit the subject site to discharge its stormwater into it and be demonstrated to Council.
 - Note: Ascertaining this may require independent legal advice.
- 15 Where the formed channel/pipe system crosses intervening downstream properties before the next downstream area of road or drainage reserve, permission to convey the stormwater runoff from the development site by way of the formed channel/pipe must be established under the terms of an easement on the title of each affected downstream property.
- 16 The formed channel/pipe must have sufficient hydraulic capacity to accept the additional flow from the post developed site. The hydraulic capacity must be determined having regard to existing and cumulative future flow rates in that system.
- 17 The outlet must be designed to minimise backwater influence from the receiving system.
- 18 Connection to a Council pipeline must be made in accordance with Council Standard Drawing 82-024 (Refer to A6.9 in the Appendices). For pipes larger than 150mm diameter a junction pit must be constructed at the connection point.

5C.2 STORMWATER DISPOSAL FROM LOCATION A PROPERTIES (continued)

Controls

- 19 Where connection is to a Sydney Water stormwater pipe, the design tailwater for a sealed pipe drainage system connecting to such a channel must be the top of the channel unless otherwise specified by Sydney Water.
- 20 Any other site specific requirements of the Council or Sydney Water must be satisfied.

Note: Council may require the establishment of an on-site detention system at the development site (regardless of whether this is required in accordance with *Part 5D of this DCP*).

5C.3 STORMWATER DISPOSAL FROM LOCATION B PROPERTIES

Controls

- Disposal of stormwater from Location B properties must be undertaken in accordance with the Department of Water and Energy Resources document 'Guideline for Controlled Activities: Outlet Structures, 2008' (Water Management Act, 2000).
- Where there is bushland between development and the creek, biofiltration is required for water quality treatment in accordance with *Part 5F of this DCP* prior to discharge to the watercourse.

Note: In some circumstances an alternative management method may be more appropriate. Advice and evidence from an appropriately qualified and experienced ecological expert may be required.

5C.4 STORMWATER DISPOSAL FROM LOCATION C PROPERTIES

Controls

Urban stormwater flowing into bushland is the major factor that causes weeds to become established in natural areas. In order to minimise such impacts, the following controls apply to Location C properties.

- The developer must demonstrate to Council that all stormwater entering bushland will be dispersed sufficiently so as to not cause downstream erosion or scour. This may be achieved by using a infiltration or dispersal trench system (eg. slotted pipe or trench drain) to practical depth (where site conditions prevent a deeper trench structure) established at the highest practicable level within the site, parallel to the site contours that is:
 - i) impervious along the base and slotted at the top so that runoff will be dispersed evenly across the width of the site;
 - ii) sealed at each end;
 - iii) covered in rock or otherwise designed to be less conspicuous but must be designed to enable regular maintenance (ie, removal of fallen logs, twigs, leaves and the like); and
 - iv) established in materials low in phosphorus (basalt / blue metal / road base is not appropriate).
- 2 For new single dwellings (Development Type 3), the maximum post developed built-upon area draining to:
 - i) the dispersal trench system must not exceed 30% of the builtupon area; or
 - ii) the infiltration trench system must not exceed 35% of the built-upon area.
- 3 For alterations and additions (Development Types 1 & 2), the postdevelopment built-upon area draining to:
 - i) a dispersal trench system must not exceed the greater of
 - 30% of the built-upon area; or
 - the pre-developed built-upon area; and
 - ii) an infiltration trench system must not exceed the greater of
 - 35% of the built-upon area; or
 - the pre-developed built-upon area.
- 4 For Development Types 4 and above the number of runoff days from the post development site during the 1:50 year storm must not exceed the state of nature case during the 1:20 year storm. This must be achieved using an appropriate retention device installed in accordance with *Part 5D of this DCP*.

5C.5 STORMWATER DISPOSAL FROM LOCATION D PROPERTIES

Controls

Council requires that stormwater is discharged from a site in a controlled manner under gravity to a recognised public drainage system. Accordingly, where this could be achieved but for the existence of another property downstream, Council will require that, where possible, an interallotment easement for drainage be utilised to legally provide a controlled gravity drainage solution as far as the nearest available recognised public drainage system.

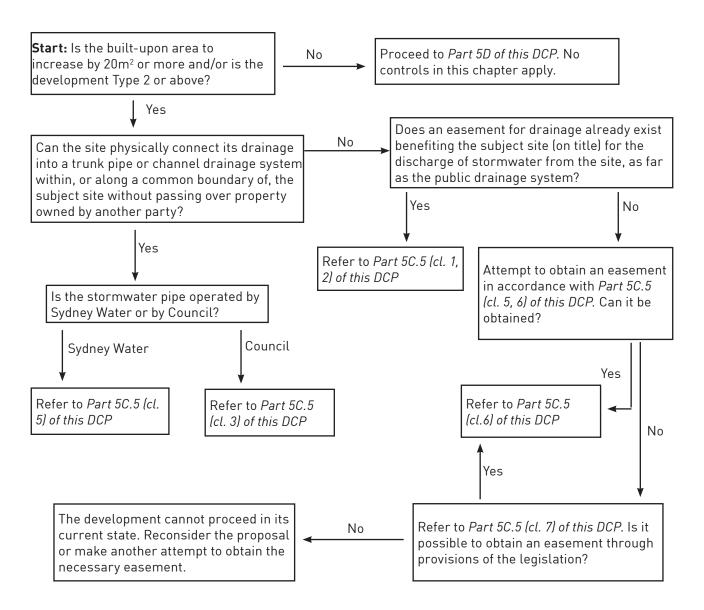
The necessary easement for interallotment drainage as far as the recognised public drainage system may already exist on the title of the subject site (generally described as being appurtenant to, or benefiting, the site). If not, it will be necessary for the owner of the subject site to obtain the necessary easement for drainage. Properties over which an easement may be created include private properties and public parks and reserves.

It may also be possible to connect into a trunk drainage system traversing or directly adjacent to a subject site. (Where the legal right to do so already exists, the property is a Location A property – Refer to *Part 5C.2 of this DCP*). Where there is presently no legal right to connect to the trunk drainage system, Council may consider an application for a direct connection, as necessary, depending on the physical condition and capacity of the trunk system; the consent of the downstream owners; terms of the easement (where one exists); and the intent of the receiving trunk system.

5C.5 STORMWATER DISPOSAL FROM LOCATION D PROPERTIES (continued)

Controls

Where the use of, or creation of, an easement for drainage is not possible, it may be possible to utilise other methods of disposal depending on the scale and type of development. The following flow chart explains how to determine the manner in which to dispose of stormwater from a Location D property:



^{*}Exposed aerial drainage other than downpipes will not be approved by Council.

Note: Council strongly encourages the developer to seek the services of a conveyancing solicitor or experienced legal professional in order to clarify the standing of a site with respect to use of drainage easements. Council does not have in-house experts in property conveyancing matters.

5C.5 STORMWATER DISPOSAL FROM LOCATION D PROPERTIES (continued)

Controls

Discharge to an existing interallotment drainage easement

The development application must:

- Demonstrate to Council the existence of the interallotment drainage easement that allows the site to drain by gravity as far as a recognised and appropriate public drainage system. This will require provision of the title documents for the affected properties and the subject property. Such title documents are available from the Land and Property Information NSW (within the NSW Department of Lands).
- 2 Include either:
 - i) documentation from a registered surveyor or qualified engineer demonstrating the existence of either suitable drainage infrastructure within the easement system to be utilised (capacity and condition); or
 - ii) a scale plan showing the proposed drainage infrastructure to be placed in the existing easement to drain the subject site.

Note: In the event that the existing easement or piped system is not satisfactory in terms of capacity or length, Council will require the system to be upgraded or extended (Refer to A6.6 in the Appendices).

Connection to a formed channel or council pipeline within the subject site

- Permission to connect to a formed channel or drainage pipe will be granted by Council and at the discretion of Council only where it can be demonstrated that:
 - i) the terms of any easement over the channel/pipe system, to which connection is proposed, legally permit the subject site to discharge its stormwater into it and this can be demonstrated to Council;
 - ii) the said channel/pipe is located within or directly adjacent to the development site;
 - iii) where the formed channel/pipe system crosses intervening downstream properties before the next downstream area of road or drainage reserve, permission to convey the stormwater runoff from the development site by way of the formed channel/pipe is established under the terms of an easement or easements on the title of all affected downstream properties;
 - iv) the pipe / formed channel has sufficient hydraulic capacity to accept the additional flow from the post developed site and the hydraulic capacity is determined having regard to existing and cumulative future flow rates in that system;
 - v) the outlet is designed to minimise backwater influence from the receiving system;
 - vi) where it is found that an existing Council owned channel/pipe is present on site that is not within an easement, a suitable

5C.5 STORMWATER DISPOSAL FROM LOCATION D PROPERTIES (continued)

Controls

- easement will be created over the drain in favour of Council, at no cost to Council, or else the easement moved accordingly also at no cost to Council;
- vii) drainage systems for stormwater disposal complies with AS3500 1998 National Plumbing and Drainage Code or any subsequent standard replacing that standard;
- viii) connection to a formed stormwater channel is made in accordance with Council Standard Drawing 82-024 (Refer to A6.9 in the Appendices); and
- ix) any other site-specific requirements of the Council are satisfied.

Note: The process for obtaining approval for connection into a Council easement is contained in A6.7 in the Appendices. In certain cases, it may be possible to have an easement favouring Council (only) extinguished and then created to also benefit the subject site. Information on this process is also contained in A6.7 in the Appendices.

Connection to a Sydney Water stormwater pipe in an easement

- 4 The following controls apply:
 - i) Written consent must be obtained by the proponent from Sydney Water and submitted to Council;
 - ii) All necessary easements for drainage exist to benefit the subject site;
 - iii) All relevant requirements of Sydney Water must be satisfied prior to development consent being granted by the Council; and
 - iv) The design tailwater for a sealed pipe drainage system connecting to such a channel must be the top of the channel unless otherwise specified by Sydney Water.

Procedures for obtaining new private interallotment drainage easements

- 5 The first step: Approaching the downstream owners
 - Creation of a new interallotment drainage easement must be attempted for all Location D properties where the built-upon area is to increase by $20\,\mathrm{m}^2$ or more (where built-upon area will increase by less than this area, please proceed to part 5D of this DCP). All attempts must be in accordance with the steps set out below.
 - i) The developer must establish the most appropriate route between the subject site and point of connection to the downstream public drainage system, together with any alternate routes. This may be in a road reserve, a drainage reserve, or a natural watercourse. The developer should contact an appropriate engineer to make the necessary investigations where such a location is not apparent. If trees are on or near the route, an arborist must also be consulted.

5C.5 STORMWATER DISPOSAL FROM LOCATION D PROPERTIES (continued)

Controls

ii) After establishing the route, the developer must write to the owners of all the relevant downstream properties requesting an interallotment drainage easement as far as is necessary to connect into a recognised public drainage system. The letter may offer financial compensation and must indicate that the burdened property owner would not be responsible for maintenance of the easement.

Note 1: Appropriate financial compensation may be determined by a registered Valuer but will be subject to negotiations between both parties.

Note 2: It is recommended that the services of a conveyancing solicitor be engaged in this process.

- iii) The developer must obtain a written response from the landowners of the properties approached in control (ii) above. This will either consent to, or refuse, the creation of the necessary easement(s) for drainage. Where refusal occurs, refer to Part 5C.5 (cl. 7) of this DCP.
- iv) Where consent is given, the developer must provide a copy of the signed agreement(s) to Council with any development application lodged.

Note: Where a signed agreement is obtained and submitted as part of DA documentation, the consent authority will impose a condition of consent requiring the legal registration and demonstration of the necessary easement. Alternatively, depending on the circumstances, Council may require registration of the easement on title prior to any DA consent being given. All costs associated with the registration of the easement on title must be borne by the applicant.

6 The second step: Registration of the interallotment drainage easement with Land and Property Information NSW (LPI).

Where the downstream landowners agree to the creation of an easement, the following steps must be carried out.

i) A survey plan, suitable for registration at LPI, must be prepared by a registered surveyor on behalf of the proponent showing the location of the easement. The necessary terms of the drainage easement must be prepared.

Note: The width of the easement to be created must have regard to the required size of pipe that will be placed in the easement and sufficient excavation width in the event of maintenance. Refer to A6.4 (in the Appendices) for the required widths and placement of easements.

- ii) The survey plan, owners' written approval, application form and fees must be lodged by the developer at the LPI. The Council must be nominated in the Section 88B Instrument as a party whose consent is required to release, vary or modify an easement.
- iii) Written advice to the effect that the easement has been registered must be obtained by the developer from the LPI and supplied to the relevant landowners, the certifying authority as is necessary in the approval process and to Council for its records.

5C.5 STORMWATER DISPOSAL FROM LOCATION D PROPERTIES (continued)

Controls

Note: The services of independent professionals with relevant experience should be sought in this process. Council does not provide legal advice in this respect.

Using legislation to obtain a drainage easement

In the event that all reasonable attempts to obtain the consent of the relevant landowners for the creation of an interallotment drainage easement have failed, provisions of Section 88K of the Conveyancing Act 1919 or Section 40 of the Land and Environment Court Act 1979 may be utilised. Council does not encourage the use of these provisions and supports negotiation with adjoining property owners. However, Council does recognise that these provisions exist.

Note: Independent legal advice must be sought if either of these options are to be pursued.

Providing evidence that a legal interallotment drainage easement cannot be obtained

- In the event that an easement cannot be obtained from one or more downstream parties, the following documentary evidence must be submitted to Council in support of any Development Application:
 - i) A copy of all letters sent to landholders of neighbouring properties containing all feasible easement routes indicating an offer of appropriate financial compensation and explaining that the burdened property would not be responsible for maintenance of the easement; and
 - ii) A signed copy of the letters received from owners of the neighbouring properties through which an interallotment drainage easement was sought, stating that an easement will not be granted.

Note 1: In the event that it is not possible to obtain such a letter, a written account of any response obtained from the property owners may suffice. This evidence will be subject to independent verification by Council.

Note 2: Some development will not be approved by Council where an easement cannot be obtained.

Discharge of stormwater within the site

On-site discharge of concentrated stormwater flows by infiltration/ absorption into soils on the site is considered to be inadequate in most areas of Ku-ring-gai. This is because the majority of soils are clay-based and have a low to very low infiltration rate.

Specifically, the soils are mainly podsols and red and yellow podsollics with USCS classifications CH and CL-CH. These soils generally consist of a 200mm to 300mm thick clay loam or sandy clay overlying a deep heavy clay or shallow soils overlying sandstone. In addition, clay soils in Kuring-gai are mainly kaolinitic and considerable swelling and shrinking occurs as the moisture content of the soil changes. Absorption drainage disposal will affect soil moisture content which can affect some types of

5C.5 STORMWATER DISPOSAL FROM LOCATION D PROPERTIES (continued)

Controls

building foundations and in most instances the absorption is not effective and may exacerbate local flooding.

There is only a very limited number of sites in Ku-ring-gai that have soils that are sufficiently sandy to permit a satisfactory infiltration rate for stormwater. The failure of on-site stormwater disposal methods due to inadequate infiltration rates can lead to detrimental impacts on downstream properties and/or infrastructure.

- 9 Discharge of stormwater within the site may involve:
 - i) One or more dispersal trenches constructed at the point of disposal designed to disperse stormwater across a site in a sheet flow to provide an opportunity for water take-up by vegetation downstream from the trench;
 - ii) A series of infiltration trenches constructed on sandy soils where bedrock is not close to the surface, and;
 - iii) other methods designed to ensure the infiltration/absorption of water into the site.
- Discharge of stormwater within the site will only be permitted where all of the following conditions are satisfied (applies to Development Type 1, 2 or 3 only).
 - i) It is demonstrated that direct drainage by gravity to the street drainage system, a public drainage system or recognised natural watercourse within the property or to a drainage easement is not possible.
 - ii) It is demonstrated that no drainage easement either exists over adjoining properties or is readily available through negotiation.
 - iii) It is demonstrated that all other alternatives have been comprehensively examined and demonstrated to be inappropriate or ineffective.
 - iv) It is demonstrated that, for new single dwellings (Development Type 3), the maximum post developed built-upon area draining to the:
 - dispersal trench system will not exceed 30% of the built-upon area; or
 - infiltration trench system will not exceed 35% of the built-upon area.
 - v) It is demonstrated that, for alterations and additions (Development Types 1 & 2), the post-development built-upon area draining to
 - a dispersal trench system will not exceed the greater of
 - 30% of the built-upon area; or
 - the pre-developed built-upon area;
 - an infiltration trench system will not exceed the greater of
 - 35% of the built-upon area; or
 - the pre-developed built-upon area.

5C.5 STORMWATER DISPOSAL FROM LOCATION D PROPERTIES (continued)

Controls

- vi) Where an infiltration trench system is proposed, its feasibility must be demonstrated in a report based on a scientific test by a qualified geotechnical engineer that the soils and bedrock are appropriate for the employment of such a system.
- vii) The design and construction of the system are undertaken in accordance with the relevant controls contained in A6 in the Appendices.

Charged drainage systems

A charged drainage system is a sealed drainage system containing permanent ponded water that is forced out under pressure by the height of water above the outlet / discharge point.

Council does not readily encourage the use of charged drainage systems. This is because of their susceptibility to blockage by leaf debris and sediment and the requirement for a high maintenance regime that may not be met by new or uninformed owners. The failure of such systems results in roof gutter overtopping and the increased potential for flooding/damp problems within or adjacent to premises.

However, in certain cases, where the layout of the site and proposed building design permits, a charged drainage system may be used to aid in controlling stormwater disposal from a site. This may be useful where an easement for drainage cannot be obtained and it is necessary to limit the degree of on-site stormwater disposal that is undertaken in accordance with the controls set out in *Part 5C.5 - 'Discharge of Stormwater within the Site' of this DCP*.

Discharge of stormwater from the site by way of a charged drainage system will only be permitted where all of the following controls are satisfied (apples to Development Type 1, 2 or 3 only):

- 11 Not more than two charged downpipes from any one building are required;
- 12 It is demonstrated that direct drainage by gravity to the street drainage system, a public drainage system or recognised natural watercourse within the property or to a drainage easement is not possible;
- 13 It is demonstrated that no drainage easement exists either over adjoining properties or are readily available through negotiation;
- 14 It is demonstrated that all other alternatives have been comprehensively examined and demonstrated to be inappropriate and ineffective;
- 15 The design for the system must be prepared by a qualified civil or hydraulic engineer;
- 16 A stilling pit must be provided at the property boundary from which the drainage line to the street gutter has positive fall by gravity to preclude the possibility of street water backflow;

5C.5 STORMWATER DISPOSAL FROM LOCATION D PROPERTIES (continued)

Controls

- 17 A minimum of 1.5m head (height) must be available from the roof gutter to the invert of the inlet in the stilling pit;
- 18 A maximum of 1.5m difference in level must exist between the invert level of the inlet in the stilling pit and the base of the downpipe;
- 19 Hydraulic grade line calculations must be undertaken by a suitably qualified and experienced engineer that demonstrates that the proposed system will have sufficient operating head (A freeboard of at least 300mm is to be allowed between the roof gutter level and the hydraulic grade line at the top of the respective downpipe);
- The drainage line from the stilling pit to the street system must be in accordance with control in *Part 5C.2 (cl. 1-7) of this DCP*;
- 21 The property drainage system must be fully sealed from the level of the roof gutter to the stilling pit;
- 22 The charged system must be a minimum uPVC sewer grade 100mm diameter:
- 23 Leaf guards must be established on all existing and proposed roof gutters;
- A grated cleanout pit must be established adjacent to all system low-points in which is provided a screw-capped sealed extension of the respective main charged drainage line;
- An appropriate flap valve must be established over the inlet pipes to the stilling pit in order to minimise mosquito nuisance;
- Drainage systems for stormwater disposal must comply with AS3500 1998 *National Plumbing and Drainage Code*; and
- 27 Exposed aerial drainage will not be approved by Council, except for guttering and vertical downpipes and diagonal lines where they are directly feeding a rainwater tank required under the controls in this DCP.

Pump-out systems

- Council will only give consent to pump-out systems for development Types 1, 2 and 3 in rare instances and subject strictly to the applicant fully demonstrating compliance with a number of design controls. This is because of:
 - i) The susceptibility of pumps to failure during power outages which commonly occur during storms of higher rainfall;
 - ii) The potential impact of a failed pump-out drainage system on the downstream properties;
 - iii) The necessity for a high maintenance regime that may not be met by new or uninformed occupants; and
 - iv) Pumping water into an upstream or adjacent catchment can exacerbate existing flooding problems.

5C.5 STORMWATER DISPOSAL FROM LOCATION D PROPERTIES (continued)

Controls

- 29 Stormwater disposal from a site by way of a pump-out system will only be permitted where it can be fully demonstrated that the owner or Council, in approving the pump-out system, could not reasonably be held liable for exacerbating or introducing a flooding problem in the immediate drainage system which is receiving the pumped runoff.
- 30 Pump-out systems must comply with the controls set out below.
 - i) The Development must be type 1, 2 or 3 only.
 - ii) The applicant must demonstrate in writing that no easement may be obtained for the discharge of stormwater from the site.
 - iii) The pump-out system must not been the sole means of stormwater discharge from the site.
 - iv) The pump-out system must be employed only as an additional means of stormwater discharge where a dispersal trench is proposed to operate in accordance with Part 5C.5 'Discharge of Stormwater within a Site' of this DCP, but where the impervious area to be drained exceeds 30% of total site area as defined in Part 5C.5 (cl.10v) of this DCP.
 - v) The total impervious area to be pumped must not exceed 100m²
 - vi) The pump-out system must be used in conjunction with a dispersal trench system which drains a separate impervious area of 30% of the total site area as defined in *Part 5C.5 (cl.10v)* of this DCP.
 - vii) Runoff pumped to the street frontage must not enter an existing drainage system where flooding affects private and/or public property including parks and reserves. In this respect, it must be demonstrated by a suitably experienced and qualified civil engineer using suitable hydraulic analysis that:
 - there are no existing flooding issues causing damage or nuisance to property adjacent to or burdened by the drainage system which is receiving the pumped runoff; and
 - increasing the volume of runoff in the receiving system would not create a new, or exacerbate, an existing drainage issue in any downstream private property; and
 - the cumulative impact of pumping more than one property to the same receiving drainage system has been considered; and
 - the drainage system that would receive the additional pumped runoff is of sufficient width and capacity to handle additional runoff as determined in (i): or
 - the drainage system immediately downstream at the nearest sag point receiving the pumped runoff drains directly to the bush via a formal drainage system without impacting upon private property.

5C.5 STORMWATER DISPOSAL FROM LOCATION D PROPERTIES (continued)

Controls

- viii) The pump-out system must have a visible ponding area available for temporary storage during pump failure with an absolute minimum capacity for the 100 year, 2 hour event falling on the corresponding impervious area draining via the pump system.
- ix) A duty and standby pump with alternating switches must be provided within a sump in the ponding area, together with a fuel generator on site capable of operating the pump-out system when no power is available.
- x) A stilling pit must be provided at the property boundary, with gravity drainage provided between the stilling pit and the discharge point in accordance with controls in Part 5C.2 (1-7) of this DCP. A non-return or flap valve must be placed at the point the rising main enters the stilling pit. If a stilling pit is impossible, some other form of cleanout/backflow prevention must be provided.
- xi) Overflow from the ponding area of the pump-out system must be formally drained to the site dispersal system.

Pump-out example:

A Location D site of 930 m² proposing a new dwelling (Type 3) with hard surface area generating runoff (including roof, driveway and all other areas generating runoff) of 390 m² (42% of the total site area) proposed with access to an easement refused by the relevant owners. Under the controls of $Part \, 5C.5 \, (cl.10v) \, of \, this \, DCP$, a maximum of 30% of the total site area, or $280 \, \text{m}^2$, could drain to an on-site dispersal trench system. However, provided that it may be demonstrated by a experienced and qualified civil/hydraulic engineer that the above pump-out controls are met in full, a pump out system could be considered to pump the additional $110 \, \text{m}^2$ (12% of site area) proposed above the 30% threshold permitted by $Part \, 5C.5 \, (cl.10v) \, of \, this \, DCP$. In this case, the applicant would need to provide a visible storage area of 13.6 m³ volume based on the 100 year 2 hour storm of $62 \, \text{mm/h} \, falling \, \text{on} \, 110 \, \text{m}^2$. This would be in addition to any controls required under BASIX or this DCP.

5D On-site Stormwater Management

- 5D.1 General
- 5D.2 Effective Stormwater Management
- 5D.3 General Controls for On-Site Stormwater Management
- 5D.4 Additional Control for Location A, B and D Properties
- 5D.5 Additional Control for Location C Properties
- 5D.6 Mandatory Rainwater Tank Requirements



5D.1 GENERAL

Objectives

- 1 To ensure that development does not increase the impact of rainfall events.
- 2 To ensure that development does not increase surface and subsurface runoff to neighbouring properties.
- 3 To demonstrate a consideration for the existing capacity of the public drainage system.
- 4 To ensure that development does not adversely affect the integrity of natural waterways, subsurface water and ecosystems.
- 5 To ensure stormwater management is integrated with the overall site design and that reflects the site analysis.
- 6 To ensure stormwater management is designed, constructed and maintained in accordance with best engineering practices.
- 7 To ensure stormwater management measures are functional and effective for the duration of their existence.
- 8 To ensure that the use of stormwater is efficient.

Controls

- Stormwater is to be managed efficiently on-site and runoff controlled to assist in the prevention of:
 - i) Flooding of public and private properties;
 - ii) Overland water flows:
 - iii) Undesirable changes in flow regime to bushland;
 - iv) Erosion of creek beds, embankments and bushland areas;
 - v) Transportation of gross pollutants, nutrients and chemical pollutants;
 - vi) Spread of weeds; and

Stormwater is to be managed on-site to assist in the maintenance of:

- i) stream flow;
- ii) water quality in creeks, rivers, groundwater and harbours; and
- iii) the natural recharge of groundwater.

Council encourages the design of innovative stormwater management systems. Such systems must be informed by the soil type on the site. It should be recognized that soils in Ku-ring-gai are not generally appropriate for retention systems that involve infiltration. Where water sensitive urban design features do not preclude screen and canopy planting, they can be included in the calculations of deep soil landscaping.

5D.2 EFFECTIVE STORMWATER MANAGEMENT

Controls

An appropriate stormwater management method or combination of methods must be provided on the site, designed to ensure the optimum outcome for both the catchment and the subject site. There are two primary means of managing stormwater on a site:

On-site Retention (OSR) is a stormwater management system that keeps water on site to be used again in the hydrological cycle or as an alternative to mains water. OSR is used to control the volume of runoff during rainfall and storm events. Because the stormwater is not sent directly off the site, on-site retention reduces runoff draining to pipelines, minimises flood events, conserves water and helps to reduce the impact of development upon the natural water cycle. A number of different techniques may be employed including rainwater tanks, infiltration trenches, use of a dense native vegetation buffer strips, holding berms or walls, bioretention trenches and slotted ('ag') pipes or trench drains. The proportion of a green roof that can be counted towards OSR will be assessed on a case by case basis.

Note: Green roofs are predominantly utilised for aesthetics, water treatment and to modify microclimate and as such they are generally not considered to provide retention on a site. However, consideration of retention contribution will be made where such benefits can be demonstrated.

- On-site Detention (OSD) works involve holding back ('detaining') stormwater temporarily within a property and then releasing it at a controlled rate. It is used to control the rate of runoff and reduce peak discharges during storm events; to minimise the load on pipelines; and to minimise flood events. OSD does not alter the total volume of stormwater leaving the site and normally does not allow the stormwater to be used before it leaves the site. In some cases OSD may be the most effective means of stormwater management while in other cases it can be detrimental. In many situations it may be appropriate to use a combination of OSD and OSR. In general, the factors that the designing engineer should take into account when determining the stormwater management techniques for a site are set out below.
 - i) The timing of peak flows from the site relative to those from the upstream catchment which drain to the same point. This is influenced by the time of concentration and the proximity of the site to the catchment point. Generally, in upper parts of the catchment it is necessary to detain water from leaving the site whereas in lower areas it may be preferable to allow most of the stormwater to leave the site immediately.
 - ii) The proximity of the subject property to environmentally sensitive areas such as bushland. Specifically, on-site detention can be problematic where a property drains to bushland as constant seepage is a major cause of weed growth. Therefore other forms of stormwater management are preferable at such sites.
 - iii) The impact of any proposed stormwater management method on the streetscape and neighbouring properties, particularly in terms of aesthetics.



Raingarden retrofit to roadway - Mentone, Melbourne (www.wsud.org)



Infiltration detention basin Victoria Park, Sydney (www. wsud.org)



Detention pond ampitheatre in public space (www.wsud.org)

5D.3 GENERAL CONTROLS FOR ON-SITE STORMWATER MANAGEMENT

Controls

This section is based on the principles of effective stormwater management (Refer to *Part 5D.2 of this DCP*) and contains the controls that will form the basis for assessing any stormwater management proposal.

Where the design engineer is of the opinion that OSD would cause a lag in flows from the site that would coincide with peak flows in the receiving trunk drainage system, the engineer must submit calculations using hydrological and hydraulic software modelling to demonstrate that OSD would be detrimental to the catchment.

Note: Waiving of OSD will be subject to Council approval.

- The stormwater management system, as far as is practicable, must be designed so as to improve water quality and assist in maintaining stream flow and the surface water regime.
- 3 The orifice plate must be installed in any discharge control pit at the same time as the pit is connected to the outlet pipe. Onsite detention system is to discharge uncontrolled runoff into the downstream drainage network.
- 4 The design of the stormwater management system is to be based on locations:
 - i) For location A, B and D properties:
 - the deep soil landscaping or built-upon area requirements in *Part 3 of this DCP.*
 - ii) For location C properties:
 - the requirements of Part 5C.4 of this DCP.

Note 1: Where the proposed built-upon area is less than the maximum permissible built-upon area, the design must still be based upon the maximum permissible built-upon area.

Note 2: For larger sites where development is obviously precluded from certain areas, a merits based assessment may be considered by Council for the basis of area calculations.

5 All stormwater must be conveyed in accordance with the controls contained in A6 in the Appendices.

5D.3 GENERAL CONTROLS FOR ON-SITE STORMWATER MANAGEMENT (continued)

Controls

Subsurface Water Controls

6 Subsurface water management systems must be designed to transfer subsurface water through or under the proposed development to maintain the natural subsurface water regime.

Where an impediment to the natural flowpaths is created as a result of the nature of the construction methods utilised or the bulk of the below-ground structure, artificial drains such as perimeter drains and through drainage may be utilised. These systems may only be utilised where it can be demonstrated that the natural flow regime is restored both up-gradient and down-gradient of the site, without any adverse effects on

- i) surrounding property;
- ii) infrastructure;
- iii) threatened ecological communities;
- iv) threatened species, populations, and ecological communities;
- v) riparian zones; and
- vi) watercourses
- Subsurface water management systems are to be designed to be easily maintained. Council will require a Positive Covenant to ensure the continued functioning and maintenance of the approved subsurface water management system.

5D.4 ADDITIONAL CONTROL FOR LOCATION A, B AND D PROPERTIES

Controls

Development Type 1 and 2

1 OSD is not required for development Types 1 and 2 unless it is required to control rates of runoff into existing interallotment systems which have a capacity less than the post-developed PSD on the site, and are not proposed to be reconstructed at greater capacity. These calculations must be demonstrated to Council.

Development Types 3, 4, 5 and 6

- 2 Any rainwater retention system must be included as part of the stormwater management system and must comply with the installation specifications in A6.4 in the Appendices.
- In areas where it is desirable that peak outflows from the subject site do not coincide with the peak flow for the catchment as a whole, the permitted site discharge and storage volume must be calculated in the following manner:
 - i) Determine in which OSD drainage catchment the site is located *A6.1 in the Appendices*;
 - ii) Use the information in A6.2 in the Appendices and the calculation sheet at A6.3 in the Appendices to determine the permitted site discharge and minimum OSD storage volume required for the development; and
 - iii) Deduct from the minimum storage volume (SSR1 or SSR2 from A6.3 in the Appendices) the minimum volume of the any rainwater tank required at Part 5D.6 of this DCP up to an absolute maximum of 10% of SSR provided the tank, is at least, plumbed to toilet and garden irrigation.

Note: The permitted site discharge (PSD) must remain as specified at *A6.2* in the Appendices.

4 Except where it is demonstrably not practicable, the stormwater management system must incorporate at least two different devices or techniques so as to reduce the risk of total system failure, ie. rainwater tanks may NOT be the sole means employed for on-site stormwater management.

Note: Examples of means that may be acceptable to Council (depending on site circumstances) include:

- i) a rainwater tank and OSD; or
- ii) a rainwater tank, OSD and a bioretention system.
- The system must be designed such that overflow from any rainwater tank installed on the site is captured by the OSD device(s) employed on the site and disposed of in accordance with the relevant provisions of this DCP.

5D.4 ADDITIONAL CONTROL FOR LOCATION A, B AND D PROPERTIES

Controls

Development Types 7, 8, and 9

6 For development Type 8 where construction of sealed driveways or roadways with an area greater than 200m² is proposed, an onsite detention system will be required to treat that area prior to discharge into the Council system. The SSR and PSD for this system must be calculated using A6.2 (in the Appendices) and based upon the total impervious area to be constructed under the subdivision application.

Note: The creation of new lots will not be approved unless adequate provision for gravity drainage is demonstrated for each of the lots to be created. This will include demonstration of the necessary easements as required.

7 Tennis Courts must be constructed as on-site detention systems unless otherwise approved.

Note: For other type 7, 8, and 9 developments it is recommended that Council's development engineer be consulted regarding appropriate stormwater management, prior to the lodgement of a DA.

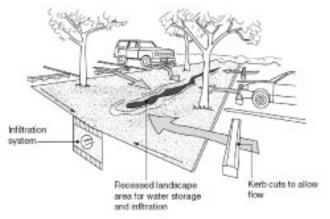


Figure 5D.4-1: Bioretention systems can be incorporated into vegetated areas within car parks.

5D.5 ADDITIONAL CONTROL FOR LOCATION C PROPERTIES

Controls

- 1 Stormwater is to be treated in accordance with *Part 5F.2 of this DCP*.
- 2 OSR or water quality devices must comply with the specifications contained in A6.4 in the Appendices.

5D.6 MANDATORY RAINWATER TANK REQUIREMENTS

Controls

For all Locations (A-D), at least one rainwater tank must be established to capture all roof water from the primary building(s) on the property. The controls are as set out in the table below:

Table 5D.6-1: Mandatory Rainwater Tank Requirement by Development Type

Туре	Description	Minimum Tank Storage Volume	Minimum Use of Retained Water
Type 1	Alts & adds to a single detached dwelling or secondary dwelling <50m ² that does not require a BASIX certificate.*	A water tank is strongly recommended but not mandatory,	
	Alts and Adds to single or secondary dwellings where a BASIX certificate is not required and the development is $50m^2 - 100m^2*$	The minimum tank storage volume is 2000L.	The minimum use of retained water will be garden irrigation only.
Type 2	Alts and Adds or construction of secondary dwellings >100m ² * where a BASIX certificate is required	In accordance with BASIX. Strongly encourage the incorporation of rainwater tank as part of compliance with BASIX	In accordance with BASIX.
Type 3	Single Dwellings	In accordance with BASIX. Strongly encourage the incorporation of rainwater tank as part of compliance with BASIX	In accordance with BASIX.
Type 4	Dual Occupancy – 1 new dwelling	In accordance with BASIX for the new dwelling plus 5000 litres of storage for the existing dwelling to be retained	In accordance with BASIX for new dwelling; garden irrigation for the existing dwelling to be retained
	Dual Occupancy – 2 new dwellings	In accordance with BASIX for each dwelling. Strongly encourage the incorporation of rainwater tank as part of compliance with BASIX	In accordance with BASIX for each dwelling
Type 5	High and medium density	In accordance with BASIX. Strongly encourage the incorporation of rainwater tank as part of compliance with BASIX	In accordance with BASIX.
Type 6	Business, Commercial, Retail	In accordance with BASIX or Green Star Rating when in force. If BASIX or Green Star Rating does not apply, the minimum tank storage volume is 1000L per 100m ² floor space	Plumbed to all toilets and for garden irrigation, or in accordance with BASIX or Green Star Rating when in force
Type 7	Open Space	2000L for every five toilets or part thereof in any building erected	For watering open space areas.

5D.6 MANDATORY RAINWATER TANK REQUIREMENTS (continued)

Controls

Table 5D.6-1: Mandatory Rainwater Tank Requirement by Development Type (continued)

Туре	Description	Minimum Tank Storage Volume	Minimum Use of Retained Water
Type 8	Subdivision	5000L for any dwelling to be retained on a newly created lot	Garden irrigation only
Type 9	Any Other Development	As determined by Council, dependent on development type	

* Increase in built-upon (impervious) area.

Note 1: The mandatory rainwater tank volume requirement may be met using one or more tanks, as appropriate to the site and the required use of stormwater.

Note 2: Controls for the installation of rainwater tanks are contained in *A6.4 in the Appendices.*

PART SE

EXISTING DRAINAGE SYSTEMS

5E	Development Adjacent to or Over Existing Drainage
	Systems

- 5E.1 General
- 5E.2 Flood Studies and the Design Flood Standard
- 5E.3 Development Over or Adjacent to a Natural Waterbody, Open Channel or Drainage Depression
- 5E.4 Development Over or Adjacent to an Underground Pipeline
- 5E.5 Tennis Courts and Other Sporting Surfaces
- 5E.6 Fences
- 5E.7 Swimming Pools and Spas

Objectives

- 1 To ensure existing stormwater flow paths and drainage systems are preserved during all rainfall events.
- 2 To ensure natural watercourses and floodplain processes are maintained.
- 3 To ensure flows maintain or mimic natural or predevelopment conditions.
- 4 To enhance the environmental function of urban creeks and riparian zones
- 5 To preserve the integrity of existing open waterbodies.
- 6 To minimise the detrimental affects on neighbouring properties.
- 7 To ensure accessibility to existing and future underground piped drainage systems is preserved for maintenance and construction purposes.
- 8 The impact of flood events is not increased.
- 9 To protect new development from inundation or flood damage.

5E.1 GENERAL

Controls

This section is only relevant where it is proposed to undertake development adjacent to or over an existing drainage system (including a natural waterbody). In such situations the following controls apply:

- 1 Development must be kept clear of floodways.
- 2 Development must not impede overland flows.
- 3 Development in the vicinity of drainage systems must not result in:
 - i) Increased incidences of flooding;
 - ii) Damage to property and belongings;
 - iii) Risk to life;
 - iv) Loss of environmental amenity and integrity; or
 - v) Difficulty in maintaining or upgrading an associated drainage system.

5E.2 FLOOD STUDIES AND THE DESIGN FLOOD STANDARD

Controls

A flood study is undertaken to identify the reach and depth of overland flows associated with drainage systems on or near a site and to assess the impact of development on such flows and vice versa. Drainage systems include underground pipes, natural watercourses, open channels and depressions.

- 1 Council reserves the right to request that a flood study be undertaken where it considers that a development proposal, associated with a nearby drainage system, may:
 - i) be subject to inundation from overland flows causing damage to property or belongings; and /or
 - ii) be subject to structural damage from overland flows or debris associated with the overland flows; and/or
 - iii) impede the passage of stormwater associated with the design flood standard to cause a rise (afflux) in the flood level upstream greater than 50mm; and/or
 - iv) divert overland flows onto or into adjacent properties; and/or
 - v) increase the downstream velocities of flow for the design flood standard.

The flood study must be prepared in accordance with A6.8 in the Appendices.

- 2 The design flood standard must be calculated based on either:
 - i) the overland flow associated with the 100 year ARI storm event with any above-ground channels and underground pipes / culverts operating at a maximum of 50% capacity; or
 - ii) the overland flow associated with the 5 year ARI storm event with any above-ground channel or underground pipes / culverts fully blocked;
 - iii) whichever is the greater.

Note: Council may require the adoption of a longer recurrence interval design storm such as the Probable Maximum Flood (PMF) where it is considered that the proposed works pose a greater than usual risk to persons and/or property.

5E.3 DEVELOPMENT OVER OR ADJACENT TO A NATURAL WATERBODY, OPEN CHANNEL OR DRAINAGE DEPRESSION

Controls

Note: Development within 40 m of 'waterfront land' may be Integrated Development. Integrated Development requires consent from at least one public body other than Council.

The following controls apply to development over or adjacent to a natural waterbody, open channel or drainage depression.

- Where works are proposed to be undertaken adjacent to the design flood standard conveyance zone associated with a watercourse, open channel or drainage depression, and Council considers it to be necessary, a flood study must be prepared in accordance with A6.8 (in the Appendices) to demonstrate that the development will not:
 - i) be subject to inundation from flows associated with the watercourse causing damage to property or belongings; and /or
 - ii) be subject to structural damage from flows associated with the watercourse or debris associated with the flows; and/or
 - iii) impede the passage of stormwater associated with the watercourse to cause a rise (afflux) in the flood level upstream greater than 50mm; and/or
 - iv) divert flows associated with the watercourse onto or into adjacent properties; and/or
 - v) increase the downstream velocities of flow for the design flood standard.
- 2 Bridges may be considered, where:
 - i) The underside of any bridge structure, including any attached utility services, is not less than 300mm above the level of the design flood standard;
 - ii) the existing velocity of water in the watercourse would not be affected;
 - iii) not more than one bridge is established per property; and
 - iv) the watercourse and banks beneath the bridge are stabilised by rock lining or equivalent to prevent erosion that would otherwise result from reduced plant growth due to restricted solar access.

Note: Lower level bridges may be considered subject to demonstration that they are structurally adequate, will not impact upon stormwater flows (including backwater affecting upstream property) and will enable dry access during storm events up to the 20 year ARI.

5E.3 DEVELOPMENT OVER OR ADJACENT TO A NATURAL WATERBODY, OPEN CHANNEL OR DRAINAGE DEPRESSION (continued)

Controls

- Where the design flood standard is less than 20m³/s, the minimum floor level of all enclosed areas and structures, including all habitable floor areas, must be either:
 - 300mm above the design flood standard level; or
 - ii) 300mm above the highest existing ground level along the associated overland flow path; or
 - iii) whichever is the greater, except in the case of garages, where the minimum height must be 150mm instead of 300mm, and inground swimming pools, which must be designed in accordance with the provisions of *Part 5E.7 (cl.4) of this DCP*.
- Where the design flood standard exceeds 20m³/s, the minimum floor level for all enclosed areas, including all habitable floor areas, must be 500mm above the design flood standard level, except in the case of garages, where the minimum height must be 300mm, and in-ground swimming pools, which must be designed in accordance with the provisions of *Part 5E.7 (cl.3,4,5) of this DCP*.

Note: Council may require, as a condition of consent, that the following burdens be placed on the title of the subject property over the following areas of the property:

- i) A restriction-on-use over the determined design flood standard conveyance zone for an overland flow path associated with a natural waterbody, open channel or drainage depression, the terms of which do not permit the placement of any structures within that zone which may impede the design flood standard; and/or
- ii) A drainage easement to the benefit of Council and/or upstream properties as applicable.
- Safety fencing that is required to reduce hazard to persons to acceptable limits may be installed in any areas that are subject to overland flow. Safety fencing must be able to withstand a velocity x depth ratio of 0.4m²/s, not impede flows or debris, and meet the minimum requirements of AS1926.1-1993: Fencing for Swimming Pools or any standard that replaces it. If fencing is not feasible, other suitable measures may be provided to restrict access to areas which exceed this limit.
- 6 Parking areas must not be established in areas where vehicles would become buoyant in an overland flow zone, and hence unstable. A maximum velocity x depth ratio of 0.6m²/s to 0.7 m²/s applies in these instances in accordance with section 14.10.4 of Australian Rainfall and Runoff (1997).

Note: Part 4 of this DCP also applies to developments in the vicinity of a natural waterbody.

5E.4 DEVELOPMENT OVER OR ADJACENT TO AN UNDERGROUND PIPELINE

Controls

- 1 The exact location of any drainage line within (or out of) any drainage easement must be established by a registered surveyor, including size, depth to obvert from ground levels and changes in direction, and shown on a scaled drawing.
- 2 Notwithstanding the controls contained in this section, development is not permitted over or adjacent to a drainage easement and/or pipe unless it also meets the requirements of *Part 5E.3 (3,4) of this DCP*.
- 3 No structure will either encroach upon or be located within a drainage easement, or within a 1.5 metre wide zone either side of an underground drainage system, with the exception of carports and other open-faced structures, where:
 - i) existing overland flow paths are maintained, i.e there is no substantial alteration to existing ground levels;
 - ii) the pipe size does not exceed 525mm;
 - iii) all sides of the structure are open-faced to not less than 300mm above the top water level of any overland flow path;
 - iv) the structure has a minimum 2.5 m head clearance along the length of the easement or pipeline;
 - v) footings do not encroach into the easement and are not located where they would cause any structural loading on an underground pipe;
 - vi) velocity x depth profiles of associated overland flows do not exceed 0.4 m²/s; and
 - vii) the structure is readily removable and would not compromise future access to the in-ground drainage system for maintenance or upgrade.
- 4 Parking stands to be paved as set out below.
 - i) paving, where finished ground levels over the pipe or easement will not be substantially altered, where existing overland flow paths will be maintained and where a suitable full-depth expansion joint or equivalent measure is provided along the easement boundaries or 1.5 m from the centreline. Paving is to be readily removable for future maintenance or upgrade;
 - ii) eave overhangs where a minimum 2.5 m head clearance to ground level is provided;
 - iii) footings that extend to at least the depth of the invert of the associated pipe or that are placed on competent bedrock;
 - iv) tennis courts and other sporting surfaces in accordance with *Part 5E.5 of this DCP*; and
 - v) fences, where construction does not, either partly or fully, obstruct any existing overland flowpath and which comply with *Part 5E.6 of this DCP*.

Note: The approval of such structures will be at the discretion of Council.

5E.4 DEVELOPMENT OVER OR ADJACENT TO AN UNDERGROUND PIPELINE (continued)

Controls

- Where any structure is to be located within a drainage easement in accordance with the controls listed at clause 3 above, a written agreement to the activity must be obtained from all beneficiaries of the easement.
- Where works are required to Council's drainage systems or in easements on private land the natural form of the channel is be reinstated where feasible as identified on the 'Ecologically Sensitive Areas Riparian Zones Map' in the KLEP 2010. See Section 6.6 of the KLEP 2010, and *Part 6 of this DCP*.
- Where underground drainage lines exist within private property without the benefit of an easement, Council may require the creation of an appropriate easement at no cost to Council as a condition of approval for any Development Application for the subject land.

Note: In the event that works need to be carried out on Council drainage systems for private developments or in easements, the costs of removal and replacement of any structure permitted under this section will NOT be borne by Council.

5E.5 TENNIS COURTS AND OTHER SPORTING SURFACES

Controls

Tennis courts will not generally be permitted over drainage systems, however, in certain limited circumstances, Council may consider such a proposal acceptable. A tennis court in such a location must comply with the controls set out below.

- No part of the tennis court must be constructed over or within a designated riparian zone of any watercourse (see 'Ecologically Sensitive Areas Riparian Zones Map' in the KLEP 2010.
- Where the tennis court is to be inundated by overland flow, an easement must be created to the benefit of Council, and at no cost to Council, over the entire area of the tennis court, the terms of which:
 - i) indemnify Council against any future costs that may arise due to the presence of the tennis court such as damage or placement of debris caused by floodwaters or surcharge, or the removal and reinstatement of the tennis court and associated structures to permit access to the drainage system;
 - ii) permit the tennis court to be used for the purposes of drainage and overland flow; and
 - iii) restrict any future improvements to the court that may impede overland flow.

5E.6 FENCES

Controls

- 1 No fence of any construction type may be established within the cross-section of the main flow channel associated with watercourses.
- 2 No fence of solid construction may be established over a natural watercourse, open channel or drainage depression.
- Fences, whether located at boundaries or within a property, must not obstruct any overland flow path associated with a watercourse, open channel, easement or drainage depression.
- 4 Any fence located within an overland flow path as defined by the flood design standard must be of open construction to at least 300mm above the flood design standard level.

5E.7 SWIMMING POOLS AND SPAS

Controls

1 Swimming pools, spas and associated equipment must be located not less than 1.5 m from any outer edge of an underground drainage system operated by Council, regardless of whether an easement has been created for the drainage system.

Note: This is to ensure that Council will be able to maintain the system without compromising the pool structure (eg. lifting plant).

- Where it is proposed to establish a pool adjacent to the design flood standard conveyance zone associated with an overland flow path, watercourse, channel or drainage depression, a flood study must be prepared in accordance with the provisions of *Part 5E.2 of this DCP* and *A6.8 in the Appendices* to ascertain the design flood standard and demonstrate that the pool structure will:
 - i) not impede the flow of stormwater associated with the design flood standard so as to cause a rise (afflux) in the flood level upstream greater than 50mm;
 - ii) not increase the downstream velocities of flow for the design flood standard; and
 - iii) not be subject to structural damage associated with the conveyance of the design flood standard (water) or the impact of debris transported by the flows.
- Where the design flood standard flow is less than 20m³/s, the minimum finished level of the swimming pool or spa coping is to be not less than 200mm above the design flood standard level.
- Where the design flood standard flow is greater than 20m³/s, the minimum finished level of the swimming pool or spa coping level is to be not less than 300mm above the design flood standard level.
- No swimming pool or spa must be established where it will be subject to inundation from the calculated design flood standard.

Note 1: The presence of silt, debris and other pollutants in overland flows can severely compromise the life of the pool, spa and associated equipment where they are inundated. In this respect, covenants or similar which place the onus for maintenance of the swimming pool or spa on the property owner where it is known that they will be inundated will not be considered by Council.

Note 2: Council will not permit the discharge of pool chemicals and the like into downstream drainage systems.

WATER QUALITY

- 5F Water Quality
- 5F.1 Stormwater Quality Control During Construction
- 5F.2 Permanent Post-Construction Stormwater Quality Control

Objectives

- 1 To protect the health and integrity of aquatic and terrestrial environments.
- 2 To minimise disturbance to neighbouring and downstream properties.
- 3 To ensure regular rainfall events do not adversely affect water quality.
- 4 To protect the sensitive Hawkesbury Sandstone communities in the LGA.
- 5 To precent cumulative impacts from increased nutrient loads on downstream ecosystems.
- 6 To maintain visual amenity of the locality and the natural environment.
- 7 To protect the health and safety of people on the worksite.
- 8 To ensure compliance with relevant legislation.

5F.1 STORMWATER QUALITY CONTROL DURING CONSTRUCTION

Controls

- 1 Manage soil, water and materials on construction sites to prevent erosion, sedimentation and pollution of waterbodies and the natural environment.
- 2 Manage the quality and quantity of post-construction stormwater runoff from the site to protect downstream ecological communities, to prevent altered nutrient regimes and to reduce litter entering the waterways.
- 3 Control erosion and sedimentation by:
 - i) Minimising the extent of disturbance;
 - ii) Rapidly stabilising the disturbed areas;
 - iii) Diverting clean runoff around work areas; and
 - iv) trapping eroded sediment as close to the source as is practical.
- 4 Provide for appropriate management of wastes, chemicals and fuel through:
 - i) Appropriate storage and handling to prevent discharge of pollutants to waterways;
 - ii) On-site containment of waste water from construction activities;
 - iii) Appropriate storage and disposal of waste materials; and
 - iv) Appropriate management and disposal of waste water.

Note: Allowing pollutants (including sediment) to enter any waterway is an offence under the *Protection of the Environment Operations Act 1997.*

Erosion and sediment control

- 5 All activities that have the potential to pollute must comply with the requirements of the Protection of the Environment Operations Act 1997 (POEO Act 1997).
- 6 Erosion and sediment control are to be carried out in accordance with the Landcom document 'Managing Urban Stormwater: Soils and Construction, 2006' (the 'Blue Book').
- 7 Excavation of the site must be limited to the immediate construction area.
- Where materials are stockpiled on a site, no part of a stockpile is to be placed under the canopy of any tree that is to be retained.
- 9 Waste (including skip bins) and construction materials, and equipment and sediment barriers must at no time be placed in public walkways, verges, Council roads or road reserves unless a permit has been obtained from Council, the prescribed fee has been paid to Council and the materials are stored subject to public liability insurance cover to the order of \$20 million.

Note: Under the Roads General Regulation 2000, significant fines apply to the placing on the road (including footpath) of a thing likely to restrict / endanger road users.

5F.1 STORMWATER QUALITY DURING CONSTRUCTION (continued)

Controls

Management of wastes, chemicals and fuel

Storage of hazardous and dangerous liquids

- The following controls apply to the storage of hazardous and dangerous liquids:
 - i) Storage areas must be located well away from drains;
 - ii) Bunding capable of retaining the full stored capacity must be constructed around the perimeter of all liquid storage areas;
 - iii) Where possible, liquids must be stored indoors;
 - iv) Outdoor storage areas for liquids must be roofed to prevent rainwater entering the bunded area unless roofing the area would render it unsafe; and
 - v) Storage of liquids must be in accordance with AS1940: The Storage and Handling of Flammable and Combustible Liquids or any standard replacing that standard.

Note: Under the POEO Act 1997, it is an offence to store hazardous and dangerous liquids (including oils, solvents, fuels, acids and paints) in such a way as to allow any water pollution incident to occur.

Disposal of Wastewater

- 11 Wastewater must be kept separate from stormwater. Wastewater must not enter any stormwater system either on or off the property.
- 12 Washing and cleaning activities on commercial or industrial premises must be undertaken only within the confines of a bunded area.
- 13 Wastewater must be retained on site and treated prior to disposal in accordance with NSW Department of Environment, Climate Change and Water and Sydney Water requirements.

Environmental Site Management Plan

- 14 A preliminary Environmental Site Management Plan (ESMP) must be prepared to accompany all development applications in accordance with the 'Blue Book', the environmental controls contained in this DCP and in accordance with Council's DA Guide.
- 15 The preliminary ESMP must demonstrate consideration by the applicant of the environmental effects of the proposed construction works and the means by which the construction site will be maintained throughout the construction process to ensure the optimum environmental outcome for the project.

5F.1 STORMWATER QUALITY DURING CONSTRUCTION (continued)

Controls

Once Consent is Granted

- 16 A final Erosion and Sediment Control Plan(s) is (are) to be prepared in accordance with the 'Blue Book' and the conditions of consent.
- 17 The final ESMP must include both written commentary and a plan of the works (minimum scale 1:200). This will be assessed and approved by the Principal Certifying Authority with the Construction Certificate documentation.

5F.2 PERMANENT POST-CONSTRUCTION STORMWATER QUALITY CONTROL

Controls

The following controls apply to Development Types 3 & 4 at Locations B & C; and Development Types 5, 6, 8 and 9 (including car parks) at Locations A - D.

- 1 All stormwater flows from regular rainfall events (1:2) must be captured for treatment prior to discharge to the stormwater drainage system.
- 2 The captured stormwater must be treated to the standards set out in the table below:

Table 5F.2-1: Captured Stormwater Treatment Standards

Pollutant	Baseline Annual Pollutant Load (kg/ha/yr)	Standard to be achieved (kg/ha/yr)			
Gross Pollutants	500	30% (70% reduction) = 150			
Total Suspended Solids	900	20% (80% reduction) = 180			
Total Phosphorus	2	55% (45% reduction) = 1.1			
Total Nitrogen	15	55% (45% reduction) = 8.25			

Note 1: Gross pollutant load has been set higher than typical Australian values reflecting the significant weight of leaf litter generated within Ku-ring-gai.

Note 2: Within the Ku-ring-gai local government area the vegetation associated with soils derived from Hawkesbury sandstone are particularly intolerant to phosphorus. For this reason, water quality standards for phosphorus and gross pollutants leaving a site have been set at a high standard. It is important to note that the pollutant load standard to be achieved for phosphorus is based on technology currently available.

Note 3: Standards to be achieved are a percentage of the 'baseline annual pollutant load', which is defined as the expected post-development pollutant load that would be discharged from the site over the course of an average year if no stormwater reuse or treatment measures were applied. The load is determined based on average rainfall of 1200 mm per year from a 50% impervious catchment with concentrations derived from average values reported in Institute of Engineers Australia (2003) Draft Australian Runoff Quality.

- 3 The treatment measure(s) must include one or more of the following methods or other as appropriate:
 - Proprietary device/s including an independent certification that it is able to capture and treat or retain the pollutant load specified; and
 - ii) Revegetation (this method not to be used where native vegetation / bushland is retained).
 - iii) Any appropriate method described in A6.4 in the Appendices or other technique appropriate to the site including:
 - retention (ponds, wetlands, basins);
 - retention and filtration (bioretention, sand filters, porous paving);
 - retention and volume loss (rainwater tanks and infiltration systems); or
 - filtering and conveyance (grassed swales); and
 - Gross Pollutant Traps (GPTs).

5F.2 PERMANENT POST-CONSTRUCTION STORMWATER QUALITY CONTROL (continued)

Controls

- 4 Treatment must occur as close as practicable to the source to maximise the effectiveness of the device(s).
- A suitably qualified and experienced engineer must certify that the proposed management measure(s) to be used at the site (whether proprietary or otherwise) will achieve the standards for water quality required in this DCP. The design is to be based on MUSIC modelling prepared in accordance with Council's MUSIC Modelling Guidelines. The certification and modelling must be submitted with the development application.
- Where it is proposed to treat stormwater using one or more proprietary devices, technical specifications from the manufacturer must be provided with the development application as evidence of the performance capabilities of the device.
- 7 The submission of the development application must be accompanied by a maintenance schedule for the proposed water quality management measure(s) that specifies requirements including:
 - i) inspection frequency;
 - ii) likely frequency of maintenance during normal rainfall (to be specified);
 - iii) likely frequency of maintenance when rainfall is above average;
 - iv) dewatering and waste disposal procedures;
 - v) access:
 - vi) training and equipment requirements, including occupational health and safety procedures;
 - vii) likely annual maintenance costs;
 - viii) performance monitoring methods; and
 - ix) emergency control procedures (in the event of component failure).

What if a pollution incident occurs?

- 8 Under the POEO Act 1997, owners and builders have a responsibility to notify Council or the Environment Protection Authority (NSW Department of Environment, Climate Change and Water) of any harmful pollution incident as soon as is practicable.
- 9 Failure to notify could result in a maximum fine of \$250,000 for corporations and \$120,000 for individuals.
- 10 Ku-ring-gai Council and the Environment Protection Authority employ officers authorised to issue prevention, clean-up or penalty infringement notices under the POEO Act 1997.

5F.2 PERMANENT POST-CONSTRUCTION STORMWATER QUALITY CONTROL (continued)

Controls

Controls for Vegetative Stabilisation

- 11 Where retention of vegetation is not possible, regeneration or revegetation of cleared or modified areas immediately following construction may be the best means of stabilising disturbed land.
- 12 Revegetation of a site can be either temporary or permanent, depending on the speed of stabilisation required and the intended future use of the site. It is also possible to make use of both techniques at the same time. Vegetative stabilisation, where utilised, must be undertaken in accordance with the following controls:
 - i) Before undertaking any regeneration or revegetation works, the initial cause of degradation must be addressed;
 - ii) Erosion and sediment control measures must be retained in good working condition until such time as the site is properly stabilised;
 - iii) All landscaping on disturbed areas must be carried out in accordance with the approved landscape plans and vegetative stabilisation must not preclude the carrying out of works in accordance with the landscape plan;
 - iv) Non-indigenous plant species used for temporary vegetative stabilisation must be non-invasive and must be of a form that will not deter the establishment of indigenous species;
 - **Note:** Temporary vegetation is generally undertaken using annual species as they tend to grow faster, however annual species are not appropriate for permanent vegetative stabilisation as they commonly cease to provide stabilisation after 6-8 months.
 - vii) Regeneration or revegetation undertaken in bushland must be permanent utilising only locally native species;
 - viii) Where permanent vegetative stabilisation is undertaken in bushland, the ground must be further protected against erosion by the placement of mulch or a biodegradable blanket;
 - ix) If degradation has altered conditions such that revegetation to pre-development standards is not possible, rehabilitation must be designed to suit the changed conditions; and
 - x) All disturbed areas must be rehabilitated (landscaped) within twenty (20) days of completion of building works or provided with interim control treatment.

5G Road & Trunk Drainage Design

5G.1 Design Procedures

5G.1 DESIGN PROCEDURES

Objectives

- 1 To ensure proper management of stormwater capture and conveyance.
- 2 To achieve high standard of safety, health and amenity for persons, vehicles and property.
- 3 To manage and conserve of the Ku-ring-gai environment.
- 4 To minimise risk to vehicles and property from the impacts of stormwater runoff
- 5 To preserve existing stormwater flow paths and drainage systems during all rainfall events.

Controls

As required under legislation (including the *Roads Act 1993*), a design plan must be prepared and submitted to Council for approval when any work other than minor maintenance is to be undertaken within the road and trunk drainage system.

Note 1: Further detail may be found in other Council documents such as Council's Specification for Road and Drainage Works.

Note 2: Sufficient information must be provided for Council to assess the proposed drainage design.

Note 3: The care, control and management of the road and trunk drainage system, including the network of pipes, overland flow paths and natural and constructed channels, is the responsibility of Council, so any work performed on it may only be carried out with Council's knowledge and approval.

General Controls

- 1 All designs must be prepared by a qualified civil engineer eligible for membership to Engineers Australia.
- 2 All calculations and designs must be in accordance with the procedures set out in *Australian Rainfall and Runoff* (1997).
- 3 All submissions of calculations to Council must, where appropriate, include:
 - a catchment plan showing each sub-catchment and overland flow path;
 - ii) engineering plans detailing the proposed construction; and
 - iii) calculations shown on the calculation sheet contained in *Australian Rainfall and Runoff* (1997).
- Where the calculations are to be performed by approved computer modelling, full details of the input and output files must be provided in hard copy and in acceptable electronic form.

Hydrological Calculations

- All hydrological calculations submitted to Council for approval must be carried out in accordance with the procedures set out in *Australian Rainfall and Runoff* (1997) and in accordance with recognised engineering practice.
 - **Note:** For drainage systems in all catchments except South Branch of Cowan Creek, Council has 5 and 100 year ARI flow information available. This can be obtained by completing a Technical Services search form (available from Customer Service) and payment of the relevant fee.
- 6 For catchments greater than 1.5 hectares and/or where there is more than one contributing catchment, peak flowrates must be determined using a recognised runoff routing computer model such as ILSAX or DRAINS.

Note: In all other cases, use of the rational method for determining flowrates will be considered acceptable. In these instances, the calculation sheet shown in Australian Rainfall and Runoff (1997) must be included

5G.1 DESIGN PROCEDURES (continued)

Controls

together with a plan clearly showing the catchment areas and overland flowpaths.

Runoff coefficients and times of concentration must give due consideration to likely future development within the catchment.

Recurrence Intervals

- 8 Drainage systems must be designed to provide both minor and major flow conveyance systems as detailed in *Australian Rainfall and Runoff* (1997).
- 9 All enclosed stormwater drainage systems must be designed to have minimum capacity to cater for a storm recurrence interval of once in 20 years, unless otherwise approved by Council.
- 10 An overland flowpath must be established to accommodate the surcharge from rainfall for a storm recurrence interval of either the 100 year ARI with all pipelines 50% operational or the 5 year ARI with all pipes blocked, whichever provides the greatest surcharge.
- 11 Constructed trunk stormwater drainage channels must be designed to have sufficient capacity to convey the 20 year ARI rainfall event with appropriate freeboard at the bankfull level together with provision to convey the 100 year ARI event in overbank flow.
 - **Note 1:** Council may require the recurrence intervals specified herein to be increased having regard to the particular circumstances of each case or where danger to persons or risk of significant property damage warrants such an approach.
 - **Note 2:** Rainfall intensities for Ku-ring-gai as derived from *Australian Rainfall and Runoff* (1997) are included in *A6.8 in the Appendices*. Rainfall intensities for durations not included in this table may be determined using the equation and intensity-frequency-duration coefficients included at the same Appendix.
 - **Note 3:** Topographical maps may be purchased in whole or in part from Council.
 - **Note 4**: Council does not retain a complete record of the locations, sizes and levels of all components of its drainage system. Upon written application to Council, relevant information may be researched for the applicant, however, Council cannot guarantee that the correct information is held in its records.

Hydraulic Calculations and System Design

- 12 Pipeline design for road and trunk drainage must be performed using the hydraulic gradeline method set out in Chapter 14 of *Australian Rainfall and Runoff* (1997).
- 13 Minimum internal pipe diameter must be 375mm.
- 14 Minimum pipe gradient must be 1.0% to allow for cleaning and self-flushing.
- Pipe velocity must be between 0.5m/s and 7.0m/s and preferably between 1.0m/s and 5.0m/s during the design storm to ensure the

5G.1 DESIGN PROCEDURES (continued)

Controls

flow is self-cleansing but not likely to cause scour.

- Minimum pipe cover in areas not subject to vehicular loading must be 300mm (measured from the crown of the pipe).
- Minimum pipe cover in areas subject to vehicle loading must be 450mm. Appropriate design of bedding and backfill is also be required.
- Pipe classes, backfill and bedding must be determined using the AS3725 or any standard replacing that standard.
- 19 Except where approved by Council, pipes must be rubber ring jointed reinforced concrete pipes to comply with the requirements of Australian Standard AS1342-1973 or any standard replacing that standard.

Note: Council does not permit the use of pipes or traditional concrete lined channels or their equivalent to replace existing open watercourses. Where new drainage channels are proposed, they must be designed and constructed in an environmentally sensitive manner that mimics the environmental benefit of a natural open watercourse. This would typically involve the use of large sandstone rocks that are tightly packed to form a stable channel and also to provide niches for habitat function, sediment collection and plant growth. The size of individual rocks will depend on the design velocity of flood flow along the channel. The channel design will require sensitive design by the engineer.

- 20 Constructed channels must be designed to cater for a 50% blockage factor (ie, it must be assumed that the channel is 50% blocked during the critical design storm). This applies to both the minor and major flow conveyance design.
- 21 Inlet pits must be located and provided with kerb inlet of adequate size to relieve the flow in gutters, such that the depth does not exceed 100mm on the high side of residential roads and 75mm on the low side of residential roads and 75mm in commercial areas. Additional pits may be required in certain locations to prevent cross road flows. The location of the gully pits on curves, kerb returns and in line with normal pedestrian traffic flows is to be avoided.
- The minimum pit size for any inlet, gully or junction pit on Council drainage systems is 900x900mm clear internal.
- The inlet capacity of on-grade and sag inlet pits must be determined using equations given in *Australian Rainfall and Runoff* (1997) or the charts provided in the Appendix of *Australian Rainfall and Runoff* (1997). Allowances must be made for blockage in accordance with the following table:

Inlet Type	Side Entry	Grated	Combination	Letterbox	
% Capacity	10%	30%	100% side inlet	50%	
Blockage			capacity only		

Table 5D.1-1: Inlet capacity allowance requirements.

5G.1 DESIGN PROCEDURES (continued)

Controls

- All new pits are to be constructed using galvanised steel grates and sag pits are to have a minimum internal lintel width of 2.4 m nominal opening.
- 25 Water depths and velocities in free surface flows must be determined using Manning's Equation. Where uniform flow is occurring (ie. the channel cross-section, roughness and slope are constant over a reasonable distance), Manning's Equation may be applied to the cross-section without consideration of upstream or downstream influences.

Note: For most overland flow analysis, the assumption of uniform flow will not be appropriate and consideration must be given to upstream and downstream controls, losses for afflux and other hydraulic losses.

Preparation of Stormwater Design Drawings for Trunk Systems

- 26 Stormwater design drawings submitted to Council for approval must include a plan view of the proposed stormwater drainage layout and a drainage longitudinal section of each proposed pipeline. These must be drawn at recognised scales and in accordance with Australian Standard AS1100, Part 401-1984 or any standard replacing that standard.
- 27 The plan view must clearly show the location, dimensions and types of:
 - i) all existing drainage features including drainage pipelines, channels, structures, utility services and overland flow paths;
 - ii) all proposed drainage features including drainage pipelines, channels, structures and overland flowpaths; together with
 - iii) all necessary information to accurately set out the proposed works including the location, coordinates and levels of survey control marks and coordinates of each drainage node.
- 28 Drainage longitudinal sections must be provided for all proposed stormwater drainage lines. They must be drawn to Australian Height Datum (AHD) at the same horizontal scale as the plan view and with a vertical exaggeration of five, oriented with chainages running from left to right and must include the following:
 - i) existing and design surface profile;
 - ii) existing and design surface levels;
 - iii) existing drainage pipelines;
 - iv) utility services;
 - v) design pit and pipe profiles;
 - vi) chainages along pipe centreline;
 - vii) proposed pipe grade, size and class;
 - viii) design flow and velocity;
 - ix) drainage structure definition; and
 - x) junction and node identification.

5H On-Site Wastewater Management



5H ON-SITE WASTEWATER MANAGEMENT

Objectives

1 To ensure sustainable use of the water resource without compromise to lifestyle, health or amenity.

Controls

In addition to installation of water saving devices and any required rainwater tank, water may also be conserved by treating wastewater on the site and, where appropriate, reusing it. This can take the form of greywater diversion, greywater treatment or wastewater treatment. Where on-site wastewater management is to be employed, the proposal must comply with the controls set out below:

- 1 The system must be designed, located and constructed so as to:
 - i) prevent the spread of pathogens to waterways, soil, air, animals or humans;
 - ii) prevent nuisance odour, insect pests, vermin or other amenity impacts;
 - iii) prevent contamination of soil, water or air; and
 - iv) ensure that all overflows are to the sewerage system in accordance with Sydney Water requirements.
- The proposal to Council must include a design and management plan addressing relevant hydrological, hydrogeological, soil contamination and public health issues in accordance with AS/ NZS1547:2000 On-Site Domestic Wastewater Management or any standard replacing that standard.
- 3 Any on-site wastewater system designed for detached single dwellings must be designed in accordance with the provisions of NSW Environment and Health Protection Guidelines: On-site Sewage Management for Single Households (DLG et al, 1998).
 - **Note 1:** In addition to any development consent required, approval must be sought from Council under Section 68 of the Local Government Act 1993 for the installation of any on-site wastewater treatment system.
 - **Note 2:** The provisions of the Local Government (General) Regulation 2005 will apply to any application to which this section relates.
 - **Note 3:** Greywater means wastewater from washing machines, laundry tubs, showers, hand basins and baths but does not include wastwater from a kitchen, toilet, urinal or bidet.

Introduction

- 6.1 General
- 6.2 Category 2 Terrestrial and Aquatic Habitat
- 6.3 Category 3 Bank Stability and Water Quality
- 6.4 Category 3A Watercourse Restoration

INTRODUCTION

Creeks, aquatic habitats and the associated riparian environments are important systems which support water quality; maintain habitat, connectivity and biodiversity; and contribute to the character, amenity and aesthetics of the local area.

The impact of urban stormwater management systems has led to accelerated erosion, increased localised flooding, significant sediment deposition, increased pollution and weed proliferation as well as loss of habitat and biodiversity. This in turn has altered the way the community uses and values the waterways. For example, many creeks are now unfit for swimming or other forms of recreation.

Within Ku-ring-gai these changes are apparent within the streams and riparian systems that still exist within the local government area (LGA). Outside the LGA the impacts can be seen in the receiving water bodies such as Sydney Harbour, the Hawkesbury River and local coastal beaches. This Part provides practical measures to ensure multiple objectives are achieved without compromising planning, development, conservation and restoration needs.

This part applies to all land identified within the *Natural Resources*Sensitivity – Riparian Lands Map in the KLEP 2010. The controls are set out as follows:

- Part 6.1 of this DCP provides general controls for development within all riparian land.
- Parts 6.2 6.4 of this DCP provide additional provisions for development within specific categories of riparian land as identified on the Natural Resources Sensitivity Riparian Lands Map in the KLEP 2010.

Both sections must be addressed when preparing development applications.

The following specific riparian categories are applicable:

- Category 2 Riparian Land includes a 20m setback from the top of each bank which, together with the waterway (as defined in the KLEP 2010), forms the core riparian zone (CRZ); and a buffer zone of a further 10m from the core riparian zone. Refer Figure 6.2-1.
- Category 3 Riparian Land has a 10m CRZ from the top of each bank, and also includes the waterway. Refer to *Figure 6.3-1*.
- Category 3a Riparian Land includes the area 10m on each side of a discontinuous or piped watercourse. Refer to *Figure 6.4-1*.

Note 1: Category 1 Riparian Lands do not apply to the lands within the KLEP 2010 and have therefore not been included in this DCP.

Note 2: Development within 'waterfront land' may be Integrated Development. Integrated Development requires consent from at least one public body other than Council.

6.1 GENERAL

Objectives

- To maintain natural waterways and floodplain processes.
- 2 To protect natural features, functions and biodiversity within riparian land (including the waterway).
- 3 To manage edge effects appropriately at the riparian land/urban interface.
- 4 To maintain and enhance the viability of riparian vegetation and habitats.
- 5 To protect and enhance water quality and aquatic habitat within the waterway and downstream.
- 6 To improve the connectivity and continuity of riparian vegetation and habitat.
- 7 To re-instate where feasible the natural functions and characteristics of the core riparian zone including reconstruction of existing piped or channelised waterways and natural waterways.
- 8 To prevent further piping and channelisation of watercourses.
- 9 To integrate human access to waterways without compromising the protection of riparian processes.

Controls

Location

- 1 Subdivisions must provide for a development footprint outside the riparian land.
- 2 Subdivisions (via perimeter roads) must front onto riparian land.
- 3 The provision of service infrastructure including stormwater and sewerage within the core riparian zone (CRZ) must be minimised.
- Despite the provisions of *Part 6.2 to 6.4 of this DCP*, safety fences are permitted within the CRZ. Fences must be of an open design and minimise barriers to flora, fauna and water.

Design

- 5 Impervious surfaces within the CRZ must be minimised. Where feasible, reduce the existing building footprint and impermeable surfaces within riparian zones.
- The development must be designed to ensure connectivity of vegetation, hydrological flows and fauna movement to, and within, the riparian land and waterway.
- 7 Riparian vegetation is to be retained and enhanced.
- 8 Disturbance of soils within riparian land must be minimised, except where required for rehabilitation or remediation of the waterway.

Access

- 9 Opportunities for the community or residents to connect with and explore waterways are to be provided where appropriate.
- 10 Walking and bike tracks must not compromise the integrity of riparian land.

Watercourse and flood processes

- 11 Watercourse and riparian land management must be integrated with flooding risk. Flood management studies must consider the impacts of rehabilitation and remediation of riparian land in the assessment of risk and in any proposed mitigation strategies.
- 12 Stream bank stabilisation works should be by use of re-vegetation methods, or if neccessary, be of a 'soft engineering' design.
- 13 All stormwater discharge is to be treated before it enters the waterway.

Note: Refer to $Part\ 5$ of this DCP for standards for post-construction water quality.

6.1 GENERAL (continued)

Controls

Water quality and quantity treatments should not compromise the biodiversity objectives of this DCP or objectives of this Part.

Note: Council may require, as a condition of consent, that a restriction-onuse be placed over the riparian land, the terms of which do not permit any works or development including earthworks, construction, landscaping, removal of vegetation or changes to the natural waterbody, without the written concurrence of Council.

6.2 CATEGORY 2 TERRESTRIAL AND AQUATIC HABITAT

Objectives

- 1 To preserve and enhance the viability, condition, connectivity and extent of native riparian vegetation.
- 2 To protect and/or provide habitat for terrestrial and aquatic fauna.
- 3 To protect and/or provide bank and bed stability.
- 4 To contribute to improved water quality within the catchment.
- 5 To provide a riparian buffer to counter edge effects on the urban interface.
- 6 To provide for bushfire asset protection zones outside the core riparian zone.

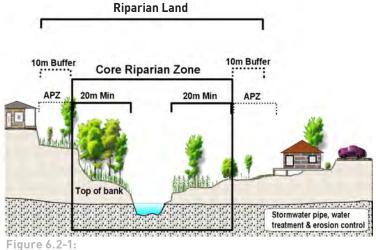
Controls

Location

- All parts of the development are to be located outside the core riparian zone (CRZ) of category 2 lands being 20m from the top of each bank.
- 2 All parts of the development are to be located outside the Category 2 buffer, being 10m from the CRZ. Any variation of the prescribed width must be justified by geomorphological and environmental considerations.

Note: Encroachments onto riparian land may be permitted for small scale developments, where the existing development to be retained is located within the riparian land.

- 3 Any Asset Protection Zone (APZ) proposed for bushfire management must be located outside the CRZ.
- 4 An APZ is permitted in the buffer where there is no practical alternative available.
- 5 Walkways and cycleways are not permitted in the CRZ.
- Walkways, cycleways and general access points may be established in the buffer where they contribute to the management of edge effects, and result in minimum impact on the riparian land.



Category 2 Riparian Zone and additional buffer.

Access

- Any access to the waterway must be located at strategic points where the ecological integrity of the existing riparian vegetation, stream bed and bank stability will not be compromised.
- 8 Crossings (ie. bridges) over natural waterbodies must maintain riparian connectivity; retain natural stream bed and bank profile; prevent scour and erosion of the stream bed or banks during storm events; not restrict bankfull or floodplain flows and not inhibit natural sediment transport. This is to be achieved by:
 - i) minimising the number of crossings;

6.2 CATEGORY 2 TERRESTRIAL AND AQUATIC HABITAT (continued)

Controls

- ii) minimising the width of the crossing;
- iii) establishing the crossings at right angles to the flow rather than at an oblique angle; and
- iv) minimising disturbance to existing native riparian vegetation.

Note: To achieve the above outcomes, the NSW Department of Environment, Climate Change and Water recommends the use of full span bridges, even for minor watercourses, with piered (not filled) approaches for the full width of the riparian land, or a structure with an equivalent function.

Design

- 9 Where the riparian land within the CRZ or buffer has been disturbed or degraded appropriate riparian vegetation is to be regenerated or rehabilitated. Local native vegetation assemblages, capable of supporting the long term ecological function of the riparian land, must be used.
- 10 Protection, regeneration and rehabilitation of vegetation in the CRZ is to retain or achieve a density that would occur naturally.
- 11 Particular emphasis is to be given to the retention, regeneration or revegetation of the CRZ in key locations . Key locations include:
 - i) where two or more watercourses join;
 - ii) sites with significant erosion;
 - iii) stormwater outlets.
- 12 Plantings for restoration, rehabilitation and remediation of the CRZ is to utilise not less than 100% locally native tree species and increase the proportion of local native understorey by 50%. Any annual plant species used must be native.
- 13 Plantings for restoration, rehabilitation and remediation of the buffer is to utilise not less than 70% local native tree species and increase the proportion of local native understorey.

Watercourse and flood processes

- No works shall be undertaken within the CRZ, on or near a natural waterway, that would cause straightening, relocation, widening, narrowing, piping or lining of the natural waterway.
- 15 Channel and bank stability within the CRZ is to be protected by avoiding the removal of natural stream structure, vegetation and woody debris, except where debris creates a flood hazard.
- Development is to be designed to maintain or emulate a naturally functioning watercourse wherever possible.
- 17 Piped services through the CRZ must be avoided. Where necessary use non-destructive techniques such as direct drilling, where no part of the pipe is above ground or above the bed of the waterway. In exceptional circumstances piered crossings may be considered.

6.3 CATEGORY 3 BANK STABILITY AND WATER QUALITY

Objectives

- 1 To protect and/or provide bank and bed stability.
- 2 To contribute to improved water quality within the catchment.

Controls

Location

- 1 All parts of the development are to be located outside the core riparian zone (CRZ) of Category 3 Riparian Land being 10m from the top of each bank. Minor encroachments may be permitted for small scale developments where the existing development to be retained is located within the CRZ.
- 2 An Asset Protection Zone (APZ) proposed for bushfire management is permitted within the CRZ only where no practical alternative exists.



Figure 6.3-1: Category 3 Riparian Zone

Access

- Any access to the waterway must be located at strategic points where the ecological integrity of the existing riparian vegetation, stream bed and bank stability are not compromised.
- 4 Crossings (ie. bridges) over natural waterbodies must maintain riparian connectivity; retain natural stream bed and bank profile; prevent scour and erosion of the stream bed or banks during storm events; not restrict bankfull or floodplain flows and not inhibit natural sediment transport. This is to be achieved by:
 - i) minimising the number of crossings;
 - ii) minimising the width of the crossing;
 - iii) establishing the crossings at right angles to the flow rather than at an oblique angle; and
 - iv) minimising disturbance to existing native riparian vegetation.

Note: To achieve the above outcomes, the NSW Department of Environment, Climate Change and Water recommends the use of full span bridges, even for minor watercourses, with piered (not filled) approaches for the full width of the riparian land, or a structure with an equivalent function.

6.3 CATEGORY 3 BANK STABILITY AND WATER QUALITY (continued)

Controls

Design

- Where the CRZ has been disturbed or degraded, appropriate riparian vegetation is to be regenerated or rehabilitated. Locally native vegetation assemblages, capable of supporting the long term ecological function of the riparian land, must be used.
- 6 Protection, regeneration and rehabilitation of vegetation in the CRZ to is achieve a density that would occur naturally, except where the zone is within bushfire prone land.
- 7 Particular emphasis is to be given to the retention, regeneration or revegetation of the CRZ in key locations. Key locations include:
 - i) where 2 or more watercourses join;
 - ii) sites with significant erosion;
 - iii) stormwater outlets.
- 8 Restoration, rehabilitation and remediation of the CRZ is to utilise not less than 70% locally native tree species and the proportion of local native understorey is to be increased by 50%. Any annual plant species used must be native.

Watercourse and flood processes

- 9 No works shall be undertaken within the CRZ on or near a natural waterway, that would cause straightening, relocation, widening, narrowing, piping or lining of the natural waterway.
- 10 Channel and bank stability within the CRZ is to be protected by avoiding the removal of natural stream structures, vegetation and woody debris, except where debris creates a flood hazard.
- Development is to be designed to maintain or emulate a naturally functioning watercourse wherever possible.
- 12 Piped services through the CRZ must be avoided. Where necessary use non-destructive techniques such as direct drilling, where no part of the pipe is above ground or above the bed of the waterway. In exceptional circumstances piered crossings may be considered.

6.4 CATEGORY 3A WATERCOURSE RESTORATION

Objectives

- 1 To re-create the core riparian zone.
- 2 To emulate a naturally functioning watercourse, with associated riparian vegetation where possible.
- 3 To prevent development from compromising the ability to re-create the core riparian zone (including the watercourse) in the future.
- 4 To contribute to improved water quality within the catchment.

Controls

Location

- 1 All parts of the development are to be located outside the CRZ on Category 3a Riparian Land. The CRZ is up to 10m from the centreline of the watercourse.
- 2 In determining an appropriate width for the CRZ in category 3a the following must be considered:
 - i) the location of the riparian land within the catchment.

Note: Land at the very top of the catchment may not require the full 10m CRZ width.

- ii) the scale of the proposed development;
- iii) the location of existing development to be retained;
- iv) the type and condition of existing vegetation; and

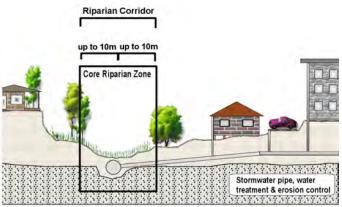


Figure 6.4-1: Category 3a Riparian Zone.

v) hydrological characteristics.

Access

Wehicular and pedestrian crossings over waterways must comply with the easement provisions in *Part 5 of this DCP*.

Design

Where the natural channel has been restored, restoration, rehabilitation and remediation of the riparian vegetation is to utilise not less than 70% locally native tree species and the proportion of local native understorey is to be increased by 50%. Any annual plant species used must be native.

Watercourse and flood processes

5 No works shall be undertaken on or near a natural waterway

6.4 CATEGORY 3A WATERCOURSE RESTORATION (continued)

Controls

- or section of natural waterway that would cause straightening, significant relocation, widening, narrowing, piping or lining of the natural waterway.
- 6 Development is to be designed to maintain or emulate a naturally functioning watercourse wherever possible.
- Where feasible, reinstatement of the channel form of watercourses is to be undertaken where they have been piped or channelised. Feasibility of channel restoration is to be determined taking into consideration the factors outlined in the Location Controls in clause 6.4 (2) of this DCP.
- Where a watercourse is re-created, the Design Controls and Watercourse and Flood Process Controls for Category 3 apply.



Figure 6.4-1: Example of partially restored watercourse in new residential development.



Figure 6.4-2: Same partially restored watercourse a few months later.

Introduction

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- 7.2 Category 1 Core Lands
- 7.3 Category 2 Support for Core A
- 7.4 Category 3 Support for Core B
- 7.5 Category 4 Biodiversity Corridors and Consolidation
- 7.6 Category 5 Landscape Remnant
- 7.7 No Net Loss of Biodiversity

INTRODUCTION

This Part applies to areas identified within the *Natural Resources Sensitivity – Biodiversity Map* in the KLEP 2010 and to development that will have an impact on these lands. The lands identified are referred to as the Greenweb for the purpose of this DCP.

Greenweb areas include lands containing significant strategic biodiversity value, considered important in the support of, native flora and fauna, particularly threatened ecological communities, populations, species and their habitats.

The majority of areas within the Greenweb include native vegetation canopy. However in some areas exotic and unvegetated areas have been included (eg Category 4). Such areas are included to facilitate the improvement of connectivity between core habitats and may provide additional functions such as protection of water quality. These measures will help to maintain and restore the health, diversity and connectivity of native species, populations and communities, and improve their resilience under future climate change.

Lands excluded from the Greenweb may still contain threatened ecological communities, threatened species or their habitats as listed under the NSW Threatened Species Conservation Act (1995) or the Environment Protection and Biodiversity Conservation Act (1999). Exclusion of these areas from the Greenweb does not prevent the need for consideration and protection under these Acts.

The purpose of the Greenweb is to foster a consistent and strategic approach to biodiversity management. Although there are considerable benefits to natural resource planning at this scale there are also limitations. Investigations at a site scale for DA proposals may identify inaccuracies. Council will consider on merit, arguments relating to any inaccuracies within the Greenweb. In all cases the onus of proof rests with the proponent.

Where there area inconsistencies between this Part and Clauses 1-14 of Part 4.2 of this DCP (Landscape for Biodiversity and Bushfire Management), this Part prevails to the extent of any inconsistency.

This Part is set out as follows:

- i) Part 7.1 of this DCP includes general controls that apply to all development on Greenweb lands;
- ii) Parts 7.2 7.6 of this DCP break down biodiversity significance into categories based on the main functions and objectives of each area. These sections outline the objectives and controls for each of these categories.
- iii) Part 7.7 of this DCP provides for no net loss of biodiversity and outlines mechanisms to achieve this.

The Greenweb map is provided at A1 in the Appendices and identifies each category of biodiversity significance.

INTRODUCTION

Note: The NSW Threatened Species Conservation Act (1995), NSW National Parks and Wildlife Act (1974) and the Commonwealth Environment Protection and Biodiversity Conservation Act (1999) may apply to development or activities within these lands.

7.1 ALL GREENWEB CATEGORIES

Objectives

- 1 To retain existing bushland and significant vegetation.
- 2 To improve habitat and condition of significant vegetation.
- 3 To support the protection and recovery of critical habitat, regionally significant and threatened ecological communities, and species and populations.
- 4 To contribute to climate control.
- 5 To allow for adaptation of native flora, fauna and ecological communities to climate change.

Controls

Location and design

- 1 The development must be designed and sited to conserve the areas of vegetation and/or habitat of the highest ecological value on and adjacent to the site and to minimise fragmentation and edge effects.
 - **Note:** Council may require, as a condition of consent, that a restriction-on-use be placed over key areas of the site.
- 2 Subdivision must not be permitted unless each proposed site contains a building envelope that allows compliance with this Part.
- 3 Trees adjacent to threatened ecological communities are to be retained as a buffer. This does not apply to trees listed in Council's "Weed Management Policy".
 - **Note:** Council may require suitable replacements for any trees removed.
- 4 The development must retain existing site drainage patterns and minimise excavation and fill within 3m of Greenweb lands.
- Where the slope over the building footprint is greater than 12.5%, site responsive methods such as stepping the building down the site, split level construction or pier and beam construction must be used.
- 6 Planting of urban and environmental weeds and nuisance plant species listed within Council's "Weed Management Policy" will not be permitted.
- 7 A flora and fauna assessment is required for any development within Greenweb lands, except where a Biobanking Statement has been submitted.

Note: This may be waived for minor developments where Council is satisfied that there will be **no** impact on connectivity, existing indigenous vegetation, fauna or habitat.

Note: Flora and fauna assessments should be undertaken by an appropriately qualified and experienced person. Assessment guidelines are available from the NSW Department of Environment, Climate Change and Water and the Commonwealth Department of Environment, Water, Heritage and the Arts.

7.2 CATEGORY 1 - CORE LANDS

Objectives

- 1 To protect and regenerate core vegetation and habitat.
- 2 To maintain and enhance ecological function and connectivity.
- 3 To support the protection and recovery of regionally significant and threatened communities, species, populations and their habitats.
- 4 To provide refuges for wildlife in the event of fire.

Controls

Lands identified as Category 1 - Core lands are areas containing relatively intact vegetation, habitat and fauna corridors, and include public lands managed as natural areas. They form the nucleus of the Greenweb.

- Avoid locating development on land identified as Category 1 on the Greenweb map. (Refer to *A1 in the Appendices*)
- Where works impact on vegetation or habitat on Category 1 lands, which are already cleared or disturbed and do not form part of any existing or proposed development or use, these areas are to be stabilised and progressively rehabilitated with indigenous vegetation.
- 3 Vegetation retention and rehabilitation must be designed to enhance and link existing vegetation and habitat within the site and within adjacent sites, biodiversity corridors, and riparian lands.
- 4 Any permanent fencing must be designed to facilitate movement of small fauna species.
- Where land within an allotment is identified as Category 1, works must be consistent with a Plan of Management (eg. Vegetation Management Plan). Where no Plan of Management exists, a Plan of Management, or equivalent plan, may be required. The plan must be prepared by a suitably qualified person and must identify ongoing initiatives to preserve, protect and promote the environmental values of the land. Funding sources may also need to be identified.

7.3 CATEGORY 2 - SUPPORT FOR CORE A

Objectives

- 1 To support core areas of vegetation and habitat.
- 2 To contribute to the protection and recovery of regionally significant and threatened ecological communities, species, populations and their habitats.
- 3 To maintain and enhance large connected patches of vegetation and habitat.
- 4 To contribute to the maintenance and restoration of biodiversity corridors and vegetation and habitat in riparian lands.
- 5 To contribute to the net improvement of ecological function.

Controls

This category comprises areas that provide a range of support values, such as increasing remnant size, or providing corridors and connectivity, to the core areas. They also include remnants of threatened ecological communities and support riparian health. They are generally fragmented areas where restoration, rehabilitation or regeneration works could be undertaken to enhance the overall biodiversity values.

- Avoid locating development on land identified as Category 2 on the Greenweb map. (Refer to *A1 in the Appendices*)
- 2 Land, located within Greenweb Category 2, which is already cleared or disturbed and does not form part of any existing or proposed development is to be stabilised and progressively rehabilitated with indigenous vegetation, to an extent commensurate with the scale of the works.
- Wegetation retention and rehabilitation must be designed to enhance and link existing vegetation and habitat within the site and within adjacent sites, biodiversity corridors and riparian lands.
- 4 Any permanent fencing should be designed to allow movement of small fauna species.
- Where land within an allotment is identified as Category 2, works must be consistent with a relevant Plan of Management. Where no Plan of Management exists, a Plan of Management, or equivalent plan, may be required. The plan must be prepared by a suitably qualified person and must identify ongoing initiatives to preserve, protect and promote the environmental values of the land.
- 6 Planting within sites that include land identified as Category 2 is to consist of not less than 70% locally native tree species and 30% locally native understorey species. Species should reflect the relevant vegetation communities within the area. A mix of groundcovers, shrubs and trees is desirable.

7.4 CATEGORY 3 - SUPPORT FOR CORE B

Objectives

- 1 To maintain 'stepping stones' of habitat and regionally significant and threatened ecological communities across a range of topographies.
- 2 To maintain and restore smaller remnants of threatened ecological communities, where there is some community integrity remaining.

Controls

Category 3 - Support for Core B comprises areas that are not of the quality of Support for Core A, but that nevertheless provide a range of support values to the core areas. They are made up of larger patches of threatened ecological communities of a lower integrity than those in Support for Core A, and smaller patches of higher integrity that act as stepping stones or habitat islands that facilitate the movement of flora and fauna and genetic resources through the urban landscape.

- 1 Vegetation retention and rehabilitation on sites that include land identified as category 3 (Refer to *A1 in the Appendices*) must be designed to enhance and link existing vegetation and habitat within the site and within adjacent sites, biodiversity corridors and riparian zones.
- Planting within sites that include land identified as Category 3 is to consist of not less than 70% locally native tree species and 30% locally native understorey species. Species should reflect the relevant vegetation communities within the area. A mix of groundcovers, shrubs and trees is desirable.
- Where the site contains high diversity of native species or is dominated by weeds at any stratum, in terms of cover or abundance, a vegetation management plan may be required.

Note: Noxious and Urban Environmental Weeds are listed in Council's Weed Management Policy.

Objectives

- 1 To consolidate vegetated areas containing threatened ecological communities.
- 2 To improve the health, connectivity and function of vegetation and habitat.
- 3 To rehabilitate and restore the connectivity and condition of significant vegetation and habitat across the landscape.

7.5 CATEGORY 4 - BIODIVERSITY CORRIDORS AND CONSOLIDATION

Controls

This category identifies lands where restoration, rehabilitation or regeneration works are required to re-connect vegetated areas in Categories 1 to 3, increase remnant size and buffer edge effects.

- 1 Landscaping and revegetation on sites identified as Category 4 (Refer to A1 in the Appendices) on the Greenweb map, must be designed to consolidate and link Greenweb areas.
- Where little or no indigenous vegetation currently exists on the site, the development must be designed to incorporate rehabilitation/landscaping to restore connectivity.
- 3 Planting within sites that include land identified as Category 4 is to consist of not less than 50% locally native species. Species should reflect the relevant vegetation communities within the area. A mix of groundcovers, shrubs and trees is desirable.
- Where possible, areas which vary in topography and vegetation cover should be linked.
- 5 The width of biodiversity corridors must be maximised and gaps and barriers reduced or minimised.
- 6 Any permanent fencing must be designed to consider the movement of small fauna species where relevant.
- Where the site contains high diversity of native species or a high degree of weed infestation, a vegetation management plan may be required.

Note: Noxious and Urban Environmental Weeds are listed in Council's Weed Management Policy.

7.6 CATEGORY 5 - LANDSCAPE REMNANT

Objectives

- 1 To maintain the genetic resources for threatened ecological communities.
- 2 To maintain smaller remnants of threatened ecological communities across the landscape.

Controls

This category comprises lands in urban areas containing more isolated fragments, including significant trees, that are part of a threatened ecological community. These areas contribute to the ecological value of the LGA by acting as genetic resources across a range of topographical locations, in addition to often having important community and aesthetic values.

- Development should be designed to retain the native vegetation on sites that include land identified as category 5 (refer to *Appendix A1 of this DCP*) on the site.
- 2 Planting within sites that include land identified as Category 5 on the Greenweb map is to consist of not less than 50% locally native species. Species should reflect the relevant vegetation communities within the area. A mix of groundcovers, shrubs and trees is desirable.

Objectives

- 1 To allow for a reasonable level of development while maintaining and enhancing biodiversity and ecological integrity.
- 2 To provide a range of mechanisms to achieve no net loss of significant vegetation or habitat, through:
 - Amelioration of negative impacts on significant vegetation, species, populations or habitat, where adverse impacts cannot be avoided.
 - Facilitation of the long term protection and recovery of significant vegetation and habitats.

7.7 NO NET LOSS OF BIODIVERSITY

The concept of 'no net loss' recognises the importance of both maintaining vegetation cover and condition in those parts of the landscape that have large areas of intact vegetation and encouraging no further loss in highly cleared landscapes, such as urban areas. 'No net loss' aims, as a minimum, to maintain the current condition and level of cover in those landscapes which currently have a high level of cover and it recognises that in highly modified landscapes the pressure to continue to clear vegetation will require a range of compensatory mechanisms to achieve an overall net environmental improvement.

Compensatory measures are actions that may be employed in those instances where development results in an unavoidable impact to the integrity of natural assets.

Compensatory measures are ameliorative measures that are used to minimise the impact of development upon threatened species, populations and communities. Ameliorative measures include the protection and restoration of habitat. Such measures are a way of having both development and protection of environmental processes.

Controls

- Development proposals must seek to achieve no net loss of significant vegetation or habitat. This may be achieved by:
 - i) Retention and protection of existing significant vegetation and habitat:
 - ii) Compensatory measures:
 - a) planting and habitat creation, especially where it improves connectivity;
 - b) rehabilitation of vegetated areas; and
 - c) offsetting on or off site in accordance with *Council's Offset Policy* or *Part 7A* of the *NSW Threatened Species Conservation Act (1995)* (also known as Biobanking).
- 2 In determining the appropriate measure(s) a number of factors must be considered:
 - i) size and condition of the vegetation or habitat;
 - ii) vegetation or habitat significance;
 - iii) scale and duration of the impact;
 - iv) current and future landscape context;
 - v) level of uncertainty; and
 - vi) any other mitigation measures proposed as part of the development.

Examples:

• The removal of an unhealthy tree within a threatened ecological community may be supported by Council, on condition that a number of trees (from species found within the same ecological community) are planted in appropriate locations on the site.

7.7 NO NET LESS OF BIODIVERSITY (continued)

 Where the removal or thinning/underscrubbing of a large patch of a threatened ecological community is unavoidable, the more formal offsetting mechanisms should be considered.

Note: It is strongly recommended that pre-lodgement discussions be held with Council for development where the extent of the impact being proposed would lead to consideration of a formal offsetting mechanism.

- Any proposal involving a formal offsetting mechanism, on or off site, must be in accordance with the following principles:
 - i) Principle 1: Avoid, Minimise and Mitigate
 - Offsetting must only be considered once all efforts to avoid, minimise or mitigate any negative impacts have been exhausted.
 - ii) Principle 2: The Precautionary Principle
 - In conducting an offsetting action the precautionary principle must be applied. This principle requires that a conservative approach be taken, where there is uncertainty or lack of scientific confidence in an action and there are threats of serious or irreversible environmental damage.
 - iii) Principle 3: Net Gain
 - Offsetting must lead to a net gain in native flora and fauna and their respective habitats and improve the condition of the environment over time.
 - The primary objective of an offsetting activity must be to create, enhance, or protect in perpetuity ecologically viable habitat for locally endemic or migratory species.
 - iv) Principle 4: Avoiding the Effects of Cumulative Impacts
 - Offsetting must not be used as a justification for granting approval to developments, where the cumulative environmental impacts are greater than the benefit to be obtained from the offset action.

Introduction

- 8.1 Tree Works
- 8.2 Exempt Trees And Tree Works
- 8.3 Application For Tree Works

INTRODUCTION

This Part defines the requirements and responsibilities with respect to the protection, retention and replacement of trees in Ku-ring-gai by:

- i) providing controls in relation to the management and long term survival of Ku-ring-gai tree resource both native and exotic, and
- ii) establishing a clear framework for the submission of applications for tree works in Ku-ring-gai.

This part is made in accordance with Clause 5.9 of the KLEP 2010 and prescribes the trees to which Clause 5.9 applies.

Ku-ring-gai is fortunate to retain significant areas of bushland and vegetation, even within urban areas. As well as providing values such as aesthetics, amenity and character, recreation and carbon storage, some of the vegetation is significant for the protection of biodiversity.

At this time, Ku-ring-gai contains a number of threatened species, one threatened population, and a number of threatened ecological communities as well as a number of migratory species as identified under the *Environment Protection and Biodiversity Conservation Act (1999)* and the *Threatened Species Conservation Act (1995)*. Works within these areas require special consideration to ensure ecological values are protected.

Many areas coloured on the Greenweb (*Appendix A1 of this DCP*) include significant vegetation that will require special consideration under State and/or Federal legislation.

Note: Tree and vegetation works within an area containing, critical habitat, threatened species, populations or threatened ecological communities or migratory species may require a licence from the NSW Department of Environment, Climate Change and Water under Section 91 of the Threatened Species Conservation Act (1995), Section 132c of the National Parks and Wildlife Act (1974) and/or from the Commonwealth Department of Environment, Water, Heritage and the Arts under Section 201 of the Environment Protection and Biodiversity Conservation Act (1999).

8.1 TREE WORKS

Objectives

- 1 To manage Ku-ringgai's tree resources in a sustainable manner.
- 2 To protect and enhance biodiversity values and identify replenishment opportunities.
- 3 To recognise, protect and enhance the aesthetic and heritage values of trees.
- 4 To secure and maintain local character and amenity.
- 5 To sustain and enhance the tree canopy.
- 6 To prohibit unnecessary injury to, or destruction of, trees.
- 7 To encourage responsible management of trees within an urban environment.

Controls

- The injury of any tree protected under this DCP is prohibited without the written consent of Council.
- 2 For the purpose of Clause 5.9 of the LEP and this Part, 'tree' is defined as:
 - a perennial plant with at least one self-supporting woody, fibrous stem, whether native or exotic, which is 5 metres or more in height; or
 - ii) a plant that has a trunk diameter of 150mm or more measured at ground level.
- 3 Injury for the purpose of the DCP means damage to a tree and includes:
 - i) removing a tree;
 - ii) pruning, damaging / tearing live branches and roots;
 - iii) lopping (height reduction) a tree;
 - iv) poisoning a tree, including but not limited to;
 - the application of substances damaging to trees such as herbicides, other chemicals toxic to trees; or
 - spilling and or directing contaminants such as oil, petroleum, paint, cement and similar to the root zone;
 - v) ringbarking, or otherwise damaging the bark, including:
 - the attachment of objects using invasive fastenings, tree climbing spikes;
 - the fastening of materials around the trunk of trees;
 - which may result in a detrimental impact on tree health;
 - vi) vines growing to the trunk and branches of trees which is, or will result in, a detrimental impact on tree health;
 - vii) damaging the root zone of a tree by way of compaction, including storage and stockpiling of materials;
 - viii) changing of ground levels within the root zone of a tree by way of excavation, trenching, filling or stockpiling.

8.2 EXEMPT TREES AND TREE WORKS

Controls

The following exemptions to this part apply as set out below:

Tree branches directly over roof lines

- 1 Removal of tree branches which directly overhang the roof of a residence or commercial building, may be pruned back to the nearest branch junction or collar to clear the roofline, provided the owner of the land on which the trunk of the tree is located is in agreement.
- 2 Detached garages, carports and ancillary buildings are not included in this exemption.
- 3 Pruning must be consistent with the Australian Standard for *Pruning of Amenity Trees (AS4838-1996)*, and must not result in a detrimental impact to the future health or stability of the tree or compromise the form of the tree.

Note: Trees (Disputes between Neighbours) Act 2006 also applies.

Trees within 3m of an existing dwelling

4 Trees and vegetation within 3m of an existing dwelling are exempt where the trunk of the tree / base of the plant is located on the same property. The 3m distance is measured from the centre of the trunk of the tree / base of the plant at ground level to the external wall of the dwelling.

Note: Trees within 3m of verandas, carports, detached garages, and ancillary buildings, cantilevered and pier supported structures such as balconies and decks are not included within this exemption.

Removal of tree branches near electrical wires

5 Branches within 0.5m of electrical service lines to properties may be removed. This exemption applies to tree branches only not tree trunks.

Removal of dead wood

6 Completely dead branches attached to a tree within the property may be removed.

Trees on Council owned and managed land

7 Tree works may be undertaken by Council or Council's authorised agents, on Council owned and managed land, providing these works are consistent with Council's policies and internal guidelines.

Minor pruning

- 8 Pruning of trees where:
 - i) branches pruned are not more than 50mm in diameter and roots pruned are not more than 30mm in diameter; and

8.2 EXEMPT TREES AND TREE WORKS (continued)

Controls

- ii) pruning is consistent with the Australian Standard for *Pruning of Amenity Trees (AS 4373-2007)*.
- 9 The following tree species are exempt and do not require approval from Council before removal or undertaking tree works:

Table: Tree Works - Exempt Species

Table: Tree works - Exempt Species		
Botanical Name	Common Name	
Acacia baileyana	Cootamundra Wattle	
Acacia podalyriifolia	Queensland Silver Wattle	
Acacia saligna	Golden Wreath Wattle	
Acer negundo	Box Elder	
Ailanthus altissima	Tree of Heaven	
Alnus jorullensis	Evergreen Alder	
Aracastrum romanzoffianum	Cocos Palm	
Celtis species	Nettle tree	
Cotoneaster species	Cotoneaster	
Eriobotrya japonica	Loquat	
Erythrina crista-galli	Cockspur Coral Tree	
Erythrina indica	Indian Coral Tree	
Erythrina x sykesii	Coral Tree	
Ficus elastica	Rubber Tree	
Liquidambar styracifolia**	Liquidambar	
Olea europaea sub species Africana	African Olive	
Populus nigra Italica	Lombardy poplar	
Pyracantha species.	Firethorn	
Rhaphiolepis indica	Indian Hawthorn	
Robinia pseudoacacia	Black Locust	
Salix species.	Willow	
Schefflera species.	Umbrella Tree	
Senna pendula	Cassia	
Toxiocodendron succedaneum	Rhus	

^{**}with a height less than 12 metres.

Note: Under Clause 5.9 of the LEP exemption also applies for species listed under the *Noxious Weeds Act 1993*. Refer to the NSW Department of Primary Industries for information on noxious weeds.

Tree works approved under a development consent

Tree works for which consent has been granted in accordance with a valid development consent are exempt upon release of a Construction Certificate.

8.3 APPLICATION FOR TREE WORKS

Making an application

- An application is required to be completed and forwarded to Council for all works on trees where an exemption does not apply. The application must be accompanied by the prescribed fee. Further information can be found in Council's "Tree Preservation Order: Tree Assessment Guidelines for Private Lands".
- Where such works are required as part of other works for which a development application is required, the works will be assessed as part of the Development Application.
- Where tree works are not exempt either under this DCP, under Clause 5.9(8) of the KLEP 2010, or proposed as part of a development application, an application for tree works must be made.
- 4 Only the owner of the site on which the trunk of the tree is located, or their authorised agent (Council will require proof of authority to be submitted) can apply for tree works under this Part.

Validity of permit

A tree works permit is valid for 12 months from the date of issue unless otherwise specified. Upon application, Council may allow an extension of time.

Replacement trees

6 Council will require the planting of replacement trees and may specify the number, species, provenance, location and stock size of the replacement trees. Refer to Council's "Tree Preservation Order: Guidelines for Tree Replenishment".

Penalties for an offence of this Part

A person who contravenes the provision of this Part or Clause 5.9 of the KLEP 2010 will be liable to prosecution and penalties in accordance with the *Environmental Planning and Assessment Act*, 1979.

HERITAGE & CONSERVATION AREAS

Introduction

9.1	Heritage Items
9.2	Heritage Item Within Amalgamated Development Sites
9.3	Development in the Vicinity of a Heritage Item
9.4	Heritage Conservation Areas
9.5	Development in the Vicinity of a Heritage Conservation Area
9.6	Town Centre Heritage Conservation Areas
9.6.1	C1 – Laurel Avenue/ King Street, Turramurra
9.6.2	C2 – Ku-ring-gai Avenue, Turramurra
9.6.3	C3 – The Park Estate, Pymble
9.6.4	C4 – Pymble Heights, Pymble
9.6.5	C5 – Orinoco Street, Pymble
9.6.6	C6 – St Johns Park Estate, Gordon
9.6.7	C7 – Yarabah, Gordon
9.6.8	C8 – Gordon Park, Gordon
9.6.9	C9 – Blenheim Road, Lindfield
9.6.10	C10 – Wolseley Road, Lindfield
9.6.11	C11 – Balfour Street & Highfield Road, Lindfield
9.6.12	C12 - Trafalgar Avenue, Lindfield
9.6.13	C13 – The Grove, Roseville
9 6 1/	C1/ - Lord Street / Rancroft Avanua Rosavilla

INTRODUCTION

This section applies to any development that is:

- i) a Heritage Item listed under Schedule 5 Environmental Heritage within KLEP 2010;
- ii) in a Heritage Conservation Area (HCA) identified in KLEP 2010;
- iii) in the vicinity of a Heritage Item or Heritage Conservation Area identified in KLEP 2010.

For any development within the above categories, a pre-DA meeting is required prior to the lodgement of a DA.

For any works within the above categories, a heritage impact statement is required and a conservation management plan may be required. Heritage impact statements and conservation management plans must be completed by a qualified heritage consultant.

Applicants are advised to refer to:

- i) Council's DA Guide:
- ii) the Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 1999;
- iii) The Heritage Branch's website. (www.heritage.nsw.gov.au)

Statement of heritage significance for Ku-ring-gai and its Town Centres

The heritage significance of the municipality of Ku-ring-gai and its Town Centres lies in:

- i) 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.
- ii) The outstanding quantity, quality, depth and range of its 20th century architecture. It contains houses designed by many of Australia's prominent 20th century architects and these have in turn influenced the mainstream of Australian domestic architecture.
- iii) The evidence it provides of 20th century 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.
- iv) 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 in the large estate private gardens, the gardens at railway stations and well designed gardens of cultivated botanical species such as at Eryldene.

INTRODUCTION (continued)

v) The evidence of the area's natural heritage retained 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.

Aims of the Heritage Controls

The heritage controls in the Town Centres DCP aim to:

- Retain and enhance the Heritage Items and Heritage Conservation Areas in the Town Centres;
- ii) Ensure the heritage significance, streetscape and landscape character of Heritage Conservation Areas are maintained;
- iii) Ensure alterations and extensions to existing heritage buildings respect those buildings and do not compromise the significance and character of the individual Heritage Items or the Heritage Conservation Areas; and
- iv) Ensure new development in the vicinity of the Heritage Items and Heritage Conservation Areas respects the heritage context and is sympathetic in terms of form, scale, character, bulk, orientation, setback, colours and textures and does not mimic or adversely affect the significance of Heritage Items or Heritage Conservation Areas and their settings.



Heritage Item: Ku-ring-gai Council Chambers within the Gordon town centre.



Heritage Item: Federation period house within Ku-ring-gai.

Objectives

- 1 To conserve items of historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.
- 2 To enable the viable adaptive reuse of Heritage Items, and their integration into the physical, cultural and economic life of the area.
- 3 To encourage the restoration of Heritage Items.
- 4 To retain the significance of corner sites in defining the character of the area through their high visibility and landmark values

9.1 HERITAGE ITEMS

Controls

Alterations and Additions

- The external building features of a Heritage Item (HI), are to be conserved where possible. The interior spaces and internal fabric of Heritage Items are to be retained where they are significant.
- 2 Additions to Heritage Items must include detailing, finishes and materials, that are sympathetic to the item.
- 3 The scale of additions and alterations to a Heritage Item must respect the existing ridge and eave heights.
- 4 Extensions, alterations and additions must be located at the rear or side of the building to maintain the streetscape integrity.
- 5 Extensions must not visually dominate or compete with the original scale of the existing buildings to which they are added.
- To ensure the conservation of the Heritage Item, the adaptive reuse of an Item is possible. Substantial alteration of the Heritage Item is generally not supported.
- 7 Development involving adaptive reuse of a Heritage Item may require the preparation of a Heritage Conservation Management Plan (CMP) to guide change.
- Any works to Heritage Items on corner lots must be limited to the rear of the building to ensure appropriate address to the secondary street is maintained. Additions visible from the secondary street must not dominate the elevation to that street.
- 9 On corner lots, landscaping is required to both street boundaries and a landscaping plan is required with the submission of a Development Application.
- 10 Gardens, garden structures, landscaping and vegetation which contribute to the significance of a Heritage Item are to be conserved.
- 11 Subdivision of a Heritage Item will only be supported where:
 - i) evidence of the original and significant setting, landscape and subdivision pattern can be recognised and/or retained; and
 - ii) the subdivision does not adversely affect the cultural significance of the Heritage Item.

9.1 HERITAGE ITEMS (continued)

Objectives

5 To retain and enhance the landscape and garden setting of the Heritage Item.

Objectives

6 To ensure that car parking facilities do not have any adverse visual impact upon Heritage Items.

Controls

Fencing

- On corner lots, fencing to the secondary frontage must be a continuation and wrapping around of the primary frontage fencing. The fencing may stop beyond the building line of the primary facade, or at a point appropriate to the secondary street elevation.
- 13 Fencing to a Heritage Item must relate to the scale and period of the Heritage Item.
- 14 Secondary street fencing must be consistent with the design of the fence along the primary street frontage.

Car Parking

- 15 All car parking must be at least 1.5m behind the existing building line.
- 16 Re-arrangement of vehicular access and car parking, must not dominate the principal elevations of Heritage Item.



Heritage Item: Tulkiyan Collection within Ku-ring-gai.

Objectives

- 1 To retain and conserve
 Heritage Items
 incorporated into new
 residential developments
 through appropriate
 adaptive reuse.
- 2 To avoid isolation of Heritage Item.
- 3 To encourage the incorporation of Heritage Items into larger amalgamated development sites.
- 4 To encourage sympathetic development that conserves the Heritage Item and its context.

9.2 HERITAGE ITEM WITHIN AMALGAMATED DEVELOPMENT SITES

Controls

This part of the DCP sets out controls for situations where Heritage, Items outside of HCAs, have been zoned under KLEP 2010 for medium to high density residential development.

An amalgamated development site is defined for the purposes of the DCP as the joining of a number of lots to form a single site for the purposes of development. Large amalgamations, for example, more than four properties, are encouraged where a Heritage Item is included.

- 1 Isolation of a Heritage Item in the process of site amalgamation for new development will not be supported.
- 2 Amalgamated development sites that include Heritage Items are to provide for conservation works to the building and its setting as part of redevelopment.
- 3 Buildings, structure and garden settings must be retained and sensitively incorporated into development proposals.

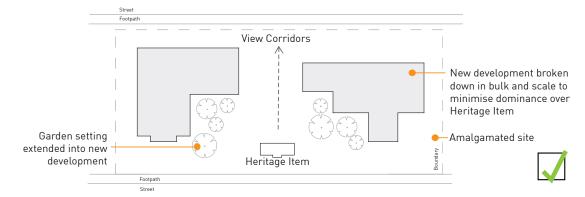


Figure 9.2-1: New development has included and integrated the Heritage Item into amalgamated site.

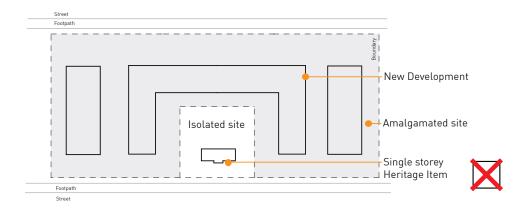


Figure 9.2-2: New development has excluded Heritage Item and created an isolated site.

9.2 HERITAGE ITEM WITHIN AMALGAMATED DEVELOPMENT SITES (continued)

Controls

- The adaptive reuse of Heritage Items within amalgamated sites is supported where:
 - i) the new use does not detract from the cultural significance of the Heritage Item. Such uses could include commercial uses, common areas or community facilities; and
 - ii) the benefits obtained from the new use can be demonstrably applied towards the conservation of the Heritage Item.
- 5 Key views and view corridors to and from the Heritage Item shall be retained as part of the development. These will include views from the adjoining street to the Heritage Item and important views from the Item to locations off the site. Refer to Figure 9.2-3.

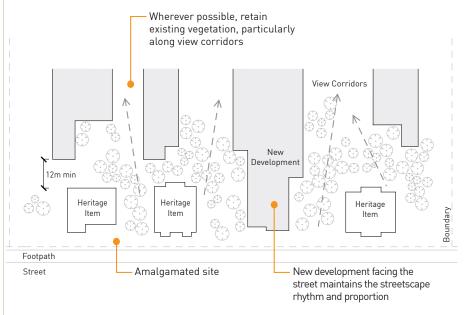
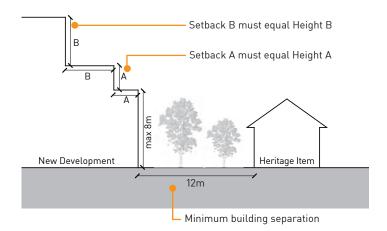


Figure 9.2-3:
New development and Heritage Item integrated on an amalgamated site.

9.2 HERITAGE ITEM WITHIN AMALGAMATED DEVELOPMENT SITES (continued)

Controls

- 6 New buildings are to be articulated to respond to the significance of Heritage Items in amalgamated sites to achieve an appropriate transition in height, bulk and scale. Refer to *Figure 9.2-4*.
- 7 Minimise lengths of new building in relation to Heritage Item.
- 8 Street setback of new building to be greater than Heritage Item.
- 9 The minimium distance between new development and Heritage Items on amalgamated sites must be 12m.



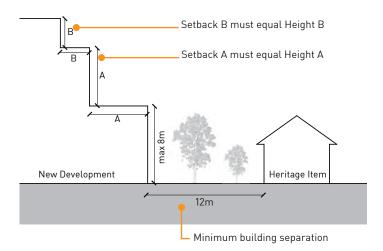


Figure 9.2-4: Building separation requirements for development adjacent to amalgamated Heritage Item.

9.3 DEVELOPMENT IN THE VICINITY OF A HERITAGE ITEM

Objectives

- 1 To ensure that new development respects the heritage significance of the adjoining or nearby Heritage Item.
- 2 To ensure that new development does not visually dominate a Heritage Item.
- 3 To ensure that new development does not reduce the views from or to the Heritage Item from the public realm.
- 4 To ensure that new development does not impact on the garden setting of the Heritage Item, particularly in terms of overshadowing the garden or causing physical impacts on important trees.

Controls

This part applies to development on sites that directly adjoin a Heritage Item or are within close proximity to a heritage item. This part also applies to a situation where the Heritage Item is not incorporated into new amalgamated development, as per *Part 9.2*, of this DCP.

Note: 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.

General

- Development in the vicinity of a Heritage Item is to be sympathetic to the Heritage Item having regard to:
 - form of the building including height, roofline, setbacks and building alignment;
 - ii) proportions including door and window openings, bays, floor to ceiling heights and coursing levels;
 - iii) materials and colours;
 - iv) siting and orientation;
 - v) setting and context;
 - vi) streetscape patterns.
- An applicant's Statement of Environmental Effects or Heritage Impact Statement must discuss the effect that the proposed development will have on a Heritage Item, including its garden and setting.
- 3 Significant views to and from Heritage Items are to be protected.
- 4 Development in the vicinity of a Heritage Item must respect the curtilage and setting of that Item.
- An application for development in the vicinity of a Heritage Item must demonstrate that the construction process will not result in damage to the Heritage Item or its setting.

9.3 DEVELOPMENT IN THE VICINITY OF A HERITAGE ITEM (continued)

Controls

Urban / Commercial context

- 6 New development adjacent to or in the vicinity of a Heritage Item, within an urban or commercial setting such as an existing row of two storey shops, must:
 - i) retain the existing characteristics of the street including the setback, height and rhythm of facades, and is to be sympathetic to the materials and detailing of the earlier facades;
 - ii) have an appropriate street setback of higher levels to retain a pedestrian building scale. The street setback of these higher levels is to be consistent with neighbouring new development to create a cohesive upper level building line.

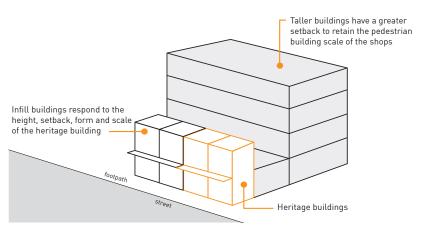


Figure 9.3-1: New development to comply with the setback patterns.

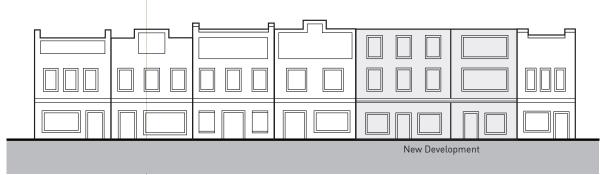


Figure 9.3-2:
The infill building reinforces the street's rhythm of facades by reinterpreting the existing architectural lines such as parapet height, window openings, awnings and vertical segmentation to reflect existing building widths.

9.3 DEVELOPMENT IN THE VICINITY OF A HERITAGE ITEM (continued)

Controls

Residential context

- In addition to the side and rear setback controls in *Part 3 of this DCP*, new development adjacent to a Heritage Item must comply with the following:
 - i) must have a minimum 12m building separation to the Heritage Item (more if side setback requirements are not met within the 12m) as per *Figure 9.3-3*;
 - ii) must not exceed a facade height of 8m from existing ground level;
 - iii) any building mass above 8m high from existing ground level must be stepped back from the Heritage Item in proportion to its height as in *Figure 9.3-3, Figure 9.3-4*;
 - iv) front setbacks must be at least 2m more than the front setback of the adjoining Heritage Item. Where variations in setbacks exist the larger setback will apply;
 - v) any new development must have a maximum 36m wall length to any boundary.

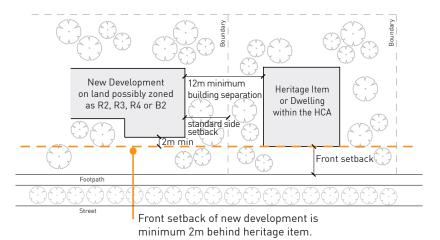
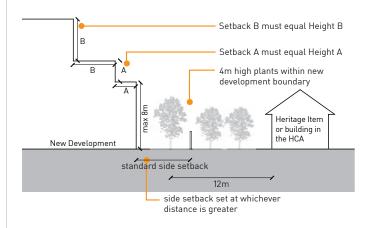


Figure 9.3-3:
Setback requirements for development adjacent to Heritage Item in a garden setting or adjacent to a dwelling within the HCA.

9.3 DEVELOPMENT IN THE VICINITY OF A HERITAGE ITEM (continued)

Controls



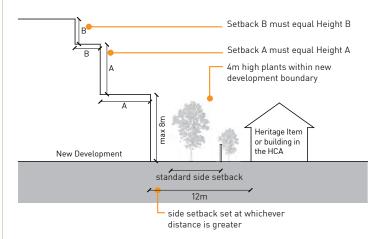


Figure 9.3-4: Setback requirements for medium/high density residential development adjacent to Heritage Item or a Heritage Conservation Area.

- Screen planting on side and rear boundaries adjoining a Heritage Item site is to achieve a mature height of 4m.
- Front and side fences are to be no higher than the fence of the adjoining Heritage Item. Front fences must be open and transparent such a timber picket, metal palisade. Side fences are to be timber. No metal panel fencing is to be constructed on any Heritage Item boundary.

9.4 HERITAGE CONSERVATION AREAS

Objectives

- 1 To ensure that new development retains the identified historic and aesthetic character of the Heritage Conservation Area in which it is situated.
- 2 To ensure new development respects the character of, and minimises the visual impact upon, the Heritage Conservation Area and its streetscapes through appropriate design and siting.
- 3 To ensure that original building elements are retained and where new elements occur that the design is clearly related to the proportions, placement and scale of patterns of the existing HCA.

Controls

This part applies to new single residential dwellings and additions to existing dwellings within a Heritage Conservation Area (HCA) listed under the KLEP 2010.

Streetscape

- 1 In addition to the following HCA controls, specific controls for each HCA within Section 9.5 must be complied with.
- 2 Existing building alignments and building setbacks to street and side boundaries must be maintained.
- Development in a HCA must respect the predominant architectural character of the HCA and be designed with reference to elements such as massing, style, complexity, roof pitch, proportions of window/door openings, and external materials and colours.
- Scale and massing of new buildings must respect and enhance the scale and character of adjacent or nearby development within the HCA. Façades must be varied / modulated to break down the scale of new development.
- The form and outline of new development must respect the complexity and patterns of predominant roof shapes and skylines of the particular HCA in which it is located. For example, complex arrangements of hips and gables are suitable in a predominantly Federation period HCA; while hips, gables or parapet roofs are suitable for a predominantly Inter-War period HCA.
- 6 Buildings must be well articulated and avoid long continuous facades facing the street. Facades are to be broken up into distinct sections with openings in walls arranged so that their shape and size reflect the rhythm of neighbouring buildings.

Design Elements

- New buildings are to incorporate architectural cues such as massing, proportions, detailing, coursing lines, materials and finishes, which are sympathetic to and complement the predominant character of HCA.
- 8 Contemporary materials are permitted where the detailing, proportions, texture and colour range blend with the existing character of the HCA.
- 9 New work and extensions in the HCA must have a complexity of detail that is similar to, and complements that of, surrounding Heritage Items and the character of the HCA.
- 10 New work should use forms and finishes which complement the HCA, rather than mimic detailing and design elements.
- 11 New development must be of a high design standard.

Objectives

- 4 To provide an appropriate visual setting for Heritage Items and buildings a HCA.
- 5 To maintain and enhance the existing heritage character of the streetscape and the precinct.
- 6 To ensure that new development respects the established patterns in the streetscape, including setbacks, siting, landscaped settings, car parking and fencing.

9.4 HERITAGE CONSERVATION AREAS (continued)

Controls

Setting and Setbacks

- The siting of buildings on lots should be consistent with the established pattern of built elements in the HCA, including the main dwellings, garages, carports and garden structures (see *Figure 9.4-1*).
- 13 Where there is a uniform building setback from streets, new buildings must respect the established pattern and not be located forward of adjacent buildings. Where variations in setback exist, the larger setback will apply.
- 14 New buildings must not be orientated across sites contrary to the established alignment pattern.
- 15 The established landscape character of the locality, including height of canopy and density of boundary landscape plantings, is to be retained in any new development.

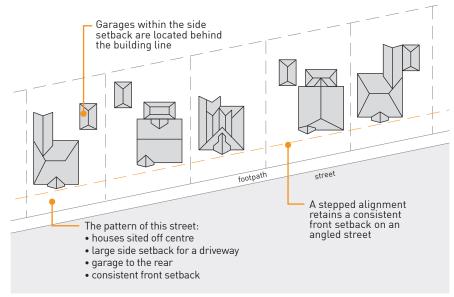


Figure 9.4-1:
Retain the streetscape pattern of building siting.

- Landscape settings to streetscapes within the HCA must be maintained. 70% of front setbacks within the HCA must be deep soil landscaping.
- 17 The design of infill development should ensure that significant views to and from places within the HCA are retained.
- 18 In addition to the setback controls in *Part 3 of this DCP*, new development adjacent to a HCA must have a minimum 12m building separation to the dwelling within the HCA. Refer to *Figure 9.3-3*.

Objectives

7 To retain the characteristic scale and massing of significant building and roof forms of Heritage Items within the HCA.

Controls

Scale and Heights

- 19 The scale (including height, bulk, density and number of storeys) of new development must relate to the scale of adjacent buildings within the HCA.
- 20 In a HCA characterised by single storey dwellings, the single storey character of the streetscape is to be retained.
- 21 The height of an existing building in the HCA, as it presents to the street, is not to be increased.
- 22 In conservation areas characterised by single storey dwellings, new additions should be to the rear of the existing building and kept below the existing ridge height (see *Figure 9.4-4*)

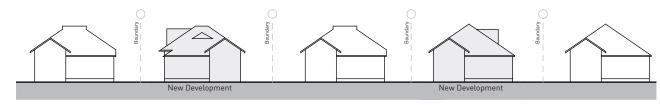


Figure 9.4-2:
Good design: New 1.5 storey development is harmonious with the scale and mass of surrounding buildings with houses retaining a single storey character.



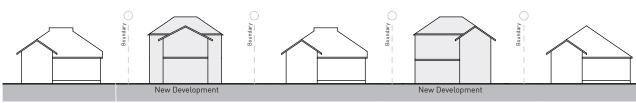


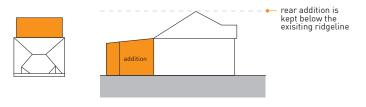
Figure 9.4-3:
Poor design: New 2 storey development ignores existing single storey patterns by using uncharacteristic wall heights and bay widths.



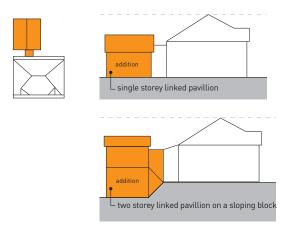
Controls

New work and additions must respect the proportions of building elements and fenestration.

i) Skillion or lean-to



ii) Linked pavillion



iii) Integrated wing

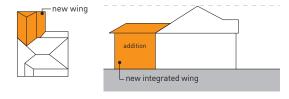


Figure 9.4-4:
Possible forms for rear additions to single storey dwellings.

Controls

New buildings and additions should have a similar massing, form and arrangement of parts to existing buildings of heritage significance in the HCA.

Roofs

- New buildings visible from the street must have roofs that reflect the size, shape, pitch, eaves and ridge heights, and bulk of existing roofs in the locality.
- Roofs of additions visible from the street are to match the existing roof in form, pitch and eaves, and be in proportion with the existing building. Alternative roof forms that are not visible from the public domain will be considered where the design complements the existing building.
- 27 Attic rooms are to use existing roof forms and retain the streetscape appearance of the existing building.
- 28 Skylights and solar panels must not be used on the street facing plane of roofs.
- 29 Existing chimneys are to be retained. Structures, such as solar panels, attached to the exterior roof must not be located where visible on the principal elevations of buildings, and must be kept below the ridge line.
- Where parapet roof lines are proposed, they must be broken down into a series of lines against the skyline. Continuous, single parapets / lines are not supported.
- 31 New or replacement roof materials are to match existing materials, or approved alternative materials appropriate to the style and location in which they are to be used. Suitable materials may include: glazed and unglazed terracotta Marseilles tiles, shingles, concrete tiles.

Objectives

Objectives

8 To retain the characteristic

forms within the HCA.

scale and massing of roof

9. To ensure that the selection of materials and colours is based on an understanding of the finishes predominant within the HCA.

Facades

- Retain original building finishes and detail, including face brickwork. Removal of paint from face brickwork is encouraged.
- 33 Rendered or painted finishes are to be avoided and must only be used as building highlights. Facades must be predominantly face brickwork.
- 34 Flat glazed facades will not be supported.
- 35 Alteration of the form and materials of Heritage Item and Character Item principal elevations are not permitted.

Controls

- 36 In altering existing buildings, original sunhoods, blinds, awnings and skirts to principal elevations are to be retained and repaired. Authentic construction or reconstruction is supported where:
 - i) there is sufficient evidence of the earliest state of the fabric;
 - ii) the reconstruction is readily identifiable as new and not original.
- 37 In altering existing buildings, original verandahs are to be retained and restored. Infilling of verandahs is not encouraged. Additional verandahs must not compete with the importance of the original built form and must be simple in design and based on existing detail or an understanding of appropriate designs for each period or style.
- In repairing the fabric of external surfaces matching materials are to be used. Original unpainted brickwork, sandstone and blockwork must not be rendered or painted.
- 39 New development is to use materials and colours similar to or compatible with the original buildings in the HCA.
- 40 New buildings and additions in HCA should employ colour schemes which do not detract from traditional colour schemes in the locality. Recessive colours and traditional materials are the preferred option.

Doors and Windows

- 41 Retain and repair / restore original doors and windows to principal elevations of significant building within the HCA. Authentic reconstruction is encouraged. Conserve original leadlight and coloured glass panes.
- 42 New doors and windows in additions are to be compatible with the proportions, position, size and detailing of existing doors and windows.



Figure 9.4-5: Good design: New development uses similar level of detailing to existing streetscape buildings.



Figure 9.4-6:
Poor design: New development does not respect existing streetscape patterns.

Objectives

10 To ensure the rhythm and proportions prevalent across the HCA are preserved.

Doors and windows in new buildings are to be compatible with the proportions, position and size of those typical of the locality.

Objectives

11 To provide fencing that reinstates the original form of fencing, that is consistent with and does not detract from the established patterns of the street.

Fences

- 44 Retain original front fences.
- 45 Reconstruction of lost fences to their early design and detail is encouraged. Reconstruction is only appropriate where historic evidence exists such as photographs and descriptions.
- 46 Front fencing (including side fencing forward of building line) must be of materials and scale characteristics of the HCA and particularly of the street. Fences should retain traditional views of the building from the pubic domain.
- 47 Existing unsympathetic fences, gates and walls are to be removed and replaced by elements of appropriate heights, style and fabric that complement the character of the HCA.

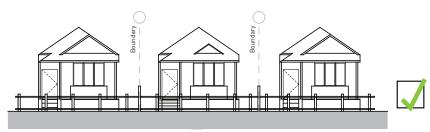


Figure 9.4-9: Good design: New development uses similar fencing detailing to existing.

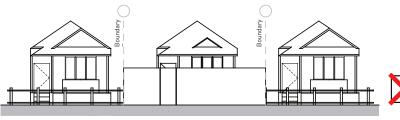


Figure 9.4-10: Poor design: New development does not respect existing fencing patterns.

Objectives

12 To ensure that garden structures and outbuildings do not detract from the heritage significance of the Heritage Item or the HCA through inappropriate siting or excessive scale, bulk or visibility.

Objectives

13 To ensure streetscape within the HCAs are characterised by front gardens with substantial deep soil landscaping and minimum hard surfaces.

Objectives

14 To allow for on site carparking while retaining the character and significance of the HCA.

Garden structures and outbuildings

- 48 Significant outbuildings which form part of a significant item must be retained.
- 49 No new garden structures or outbuildings including pools, pergolas, gazebos, lychgates, sheds, stores, cabanas are to be located within the front setback.
- 50 In considering any application for permission to erect a outbuilding or structure, Council will consider:
 - i) the location of the proposed structure in relation to the principal building, boundaries and other details of the site;
 - ii) the proposed form, scale, materials and colours of the structure; in this regard colours and materials should be recessive, and height should not exceed 2.2m;
 - iii) the relative prominence and visibility of the proposed structure from the street frontage or frontages of the site; and
 - iv) neighbouring properties, and the need for landscaping such as screening or planting to ensure that the proposed structure is well integrated.
- 51 The scale of an outbuilding is to be subservient to the main house.

Paving and Driveways

- 52 Maximum width of a driveway at street frontage is to be 3.5m.
- Rear lane or side entry access is to be utilised where rear and side lanes are in existence.
- 54 The siting of driveways should be consistent with the established pattern in the HCA.
- 55 Materials for paving or pathways may include tessellated tiles for Federation styles, sandstone flagging for Inter War styles, or suitably textured and coloured finishes. Plain or stencilled concrete is not acceptable. Preferred materials for driveways include wheel strips, brick paving, gravel or ashphalt.
- Hard surfaces are to be kept to a minimum. 70% of the area forward of the building line is to be deep soil landscaping.
- 57 Screening of hard surfaced areas with vegetation is encouraged.

Car Parking

- No garages or carports are permitted forward of the building line facing the street.
- 59 Development must not prevent future carports or garages behind the building line.

Objectives

- 15 To allow for on site carparking while retaining the character and significance of the HCA.
- 16 To ensure that car parking facilities do not have any adverse visual impact upon streetscapes and historic patterns within the HCA.
- 17 To ensure that garages, carports and driveways are visually discreet.

Controls

- 60 Garages and carports are to be located 1.5m minimum behind the front building line and preferably to the rear of the main building. Garage doors and structures are to be recessed behind the façade to create a shadow line.
- Double garage doors must be constructed as 2 separate doors.
- 62 Garages and carports are to occupy no more than 20% of street frontages with car parking structures being diminutive in scale in relation to the residence.
- 63 Materials, form, and details of car parking structures are to harmonise with and be subservient to the residence. A similarity in colour of garage doors and wall surfaces that reduce impact to street is favoured.

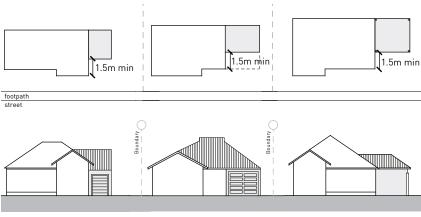


Figure 9.4-9:

Good design: Garages and carport are set back and do not dominate the existing heritage streetscape.

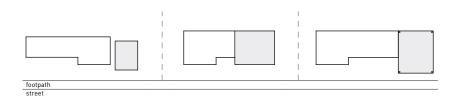




Figure 9.4-10:

Poor design: Garages and carports forward of the building line dominate and destroy the heritage streetscape.



Objectives

18 To retain the development and subdivision pattern of conservation areas including their characteristic rhythm and built form spacing.

Objectives

- 19 To ensure that infill development achieves a sympathetic relationship with nearby Heritage Items within the HCA.
- 20 To ensure that infill development respects the established streetscape, and the patterns of development.

Controls

Subdivison and Site Amalgamation for new development

- 64 A subdivision will only be considered when the proposed subdivision:
 - i) will not adversely affect the significance of the HCA; and
 - ii) will not result in a development which will adversely affect the significance, character or appearance of the HCA.
- Where secondary dwellings patterns are proposed within the HCA, applicants must demonstrate that:
 - i) the rhythm of buildings in the streetscape of the HCA is retained;
 - ii) vistas and views to and from of any Heritage Items and significant buildings, especially the principal elevations of buildings, are not interrupted or obscured;
 - iii) the landscape quality of the streetscape in the HCA is retained;
 - iv) the setting of any Heritage Item and a satisfactory curtilage, including important structure and landscape elements, are retained:
 - v) the contours and any natural features of the site have been retained and respected;

Infill Development

- 66 Infill can be contemporary in design however, the scale, form and detail of the infill must not detract from the scale, form, unity, cohesion and predominant character of the building and streetscape elements around it.
- 67 Infill development must not visually dominate, compete with or be incompatible with the scale (size, height and bulk) of existing buildings either on the site or in the vicinity of the proposal.
- 68 Infill development in the HCA must be sited to correspond with the existing pattern of relationships between buildings and their sites. Front boundary setbacks are to be equivalent to those of neighbouring buildings. Side setbacks must be consistent with existing patterns.
- 69 Infill design must be integrated into the established character of the HCA and, must incorporate design elements such as the characteristic roof form, massing, facade heights, proportions of windows, doors and verandahs of adjoining Heritage Items.
- 70 Infill design must not visually dominate, compete with or be incompatible with the form of existing buildings that contribute to the streetscape.
- 71 New development must use materials and colours commonly found in the surrounding area.

Objectives

21 To conserve the significance and character of the Heritage Conservation Areas.

Objectives

- 22 To preserve the setting and historical landscape elements within Heritage Conservation Areas and Heritage Item sites.
- 23 To conserve landscaped settings for Heritage Items and components of Conservation Areas.

Controls

Demolition

- Demolition of whole buildings within the HCA is generally not supported unless the building is shown to be a detracting item.
- In considering applications for partial demolition of buildings or structures that occupy sites within Heritage Conservation Areas, Council will assess:
 - the significance of the building part or structure, including its contribution to the streetscape, and whether its retention is considered necessary;
 - ii) the opportunities for adaptation; and
 - iii) whether the building or structure is structurally unsound and constitutes a danger to its users or occupiers or to the public (applicant must provide an engineer's report);
- 74 Council may require reconstruction following any unauthorised removal of detail or important elements that contribute to the character of the HCA.

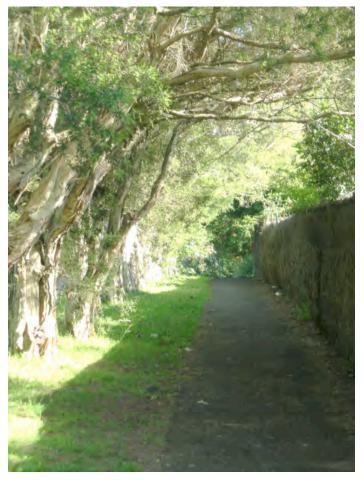
Trees and Vegetation

- 75 Developments must maintain and establish gardens including substantial trees and shrubs.
- Paving and hard surfacing, particularly to front gardens is to be limited; gardens including substantial trees and shrubs are to be established along street elevations; front gardens within the HCA must have minimum 70% deep soil landscaping.
- 77 Tree works on a heritage site, or within a heritage conservation area requires DA approval except where the works involve:
 - i) The removal of dead branches;
 - ii) Minor seasonal maintenance of garden vegetation other than trees, such as pruning hedges, roses, perennials and small trees where branches pruned are not more than 50mm in diameter (pruning must be consistent with the Australian Standard for Pruning of Amenity Trees, AS 4373 (2007));
 - iii) Removing and replacing dead vegetation; and
 - iv) Mowing grassed areas.
- 78 Proposed alterations to or removal of a tree or other vegetation will only be considered by Council where it is satisfied that the work:
 - i) is of a minor nature and will not impact or alter the setting of any Heritage Item within the vicinity;
 - ii) does not detract from the HCA character; and
 - iii) is a risk to human life or property (a report by an arborist with a minimum qualification of Australian Qualification Standard (AQF) level 5 must be submitted to Council).

Controls

- 79 Provide landscape screening and softening to buildings throughout the HCA.
- 80 Maintain and enhance street tree planting throughout the HCA.
- 81 Ensure a landscape buffer on adjacent sites outside the HCA.

 Note: For further information refer to Part 8 of this DCP.
- 82 Street verges should retain traditional character, plantings and materials.



Street trees within a Heritage Conservation Area.

9.5 DEVELOPMENT IN THE VICINITY OF A HERITAGE CONSERVATION AREA

Objectives

- 1 To ensure that development in the vicinity of the HCA respects the HCA's character and setting.
- 2 To create a buffer that protects the visual cohesiveness of the HCA.
- 3 To provide a visual transition between medium/high density residential development and the HCA.
- 4 To conserve the amenity of buildings in the HCAs including privacy, sun access, acoustic control and natural ventilation.
- 5 To protect significant views and vistas to and from the HCA.
- 6 To ensure that the scale of new development in the vicinity of the HCA is in harmony with the streetscape and does not dominate, detract from or compete with the HCA.

Controls

This part applies to development on sites that directly adjoin a HCA or are within close proximity to the HCA.

Note: The term "in the vicinity" not only means immediately adjoining the site, but depending on the site context, can be extended to include other sites with high visual presentation due to landform, size or location of the HCA.

General

Development in the vicinity of a HCA.

- Development in the vicinity of a HCA is to be sympathetic to the HCA by having regard to:
 - i) siting and orientation;
 - ii) materials and colours:
 - iii) setting and context;
 - iv) streetscape patterns;
 - v) form of the buildings in the HCA including height, roofline, setbacks and building alignment; and
 - vi) proportions including door and window openings, bays, floor to ceiling heights and coursing levels.
- 2 An applicant's Statement of Environmental Effects or Heritage Impact Statement must discuss the effect that the proposed development will have on the HCA, including the setting and streetscape.
- 3 Significant views to and from the HCA are to be protected.
- 4 Development in the vicinity of a HCA must respect the curtilage and setting of the HCA.
- The treatment of the facade of new development adjacent to the HCA should relate to the dominant architectural cues which characterise the HCA such as horizontal lines and vertical segmentation.
- An application for development in the vicinity of the HCA must demonstrate that the construction process will not result in damage to places within the HCA or its setting.

Residential development adjacent to HCAs

- 7 In addition to the side and rear setback controls for residential development in *Part 3 of this DCP*, new multi-dwelling houses and residential flat buildings adjacent to HCAs must comply with the following:
 - i) must have a minimum 12m building separation to significant buildings in the HCA (more if side setback requirements are not met within the 12m) as per *Figure 9.3-3* and *Figure 9.3-4*;

9.5 DEVELOPMENT IN THE VICINITY OF A HERITAGE CONSERVATION AREA (continued)

Controls

- ii) must not exceed a facade height of 8m from existing ground level.
- iii) any building mass above 8m high from existing ground level must be stepped back from a building of heritage significance in the HCA in proportion to its height as in *Figure 9.3-4*;
- iv) front setbacks must be at least 2m more than the front setback of the buildings in the adjoining HCA. Where variations in setbacks exist, the larger setback will apply; and
- v) any new development must have a maximum 36m wall length to any boundary.
- 8 The established landscape character of the HCA including height of the canopy and density of boundary landscape plantings should be retained where possible and otherwise be reinstated by any new development.
- 9 Screen planting on side and rear boundaries adjoining a HCA site is to achieve a mature height of 4m.
- 10 Front and side fences are to be no higher than the fence of the adjoining HCA. Front fences must be open and transparent such as timber picket or metal palisade.
- 11 No metal panel fencing is to be constructed on any boundary of the HCA.

9.6 TOWN CENTRE HERITAGE CONSERVATION AREAS

Controls

In addition to these specific controls, the general controls for HCAs in *Part 9.4* must be complied with.

Turramurra Heritage Conservation Areas

- 9.6.1 C1 Laurel Avenue/ King Street, Turramurra
- 9.6.2 C2 Ku-ring-gai Avenue, Turramurra

Pymble Heritage Conservation Areas

- 9.6.3 C3 The Park Estate, Pymble
- 9.6.4 C4 Pymble Heights, Pymble
- 9.6.5 C5 Orinoco Street, Pymble

Gordon Heritage Conservation Areas

- 9.6.6 C6 St Johns Park Estate, Gordon
- 9.6.7 C7 Yarabah, Gordon
- 9.6.8 C8 Gordon Park, Gordon

Lindfield Heritage Conservation Areas

- 9.6.9 C9 Blenheim Road, Lindfield
- 9.6.10 C10 Wolseley Road, Lindfield
- 9.6.11 C11 Balfour Street & Highfield Road, Lindfield
- 9.6.12 C12 Trafalgar Avenue, Lindfield

Roseville Heritage Conservation Areas

- 9.6.13 C13 The Grove, Roseville
- 9.6.14 C14 Lord Street/ Bancroft Avenue, Roseville

Legend

Heritage Conservation Area Heritage Items - General B2 Local Centre B4 Mixed Use B5 Business Development B7 Business Park E2 Environmental Conservation E4 Environmental LIving R2 Low Density Residential R3 Medium Density Residential R4 High Density residential R51 Public Recreation S71 Special Activities S72 Infrastructure

9.6.1 C1 - Laurel Avenue/King Street, Turramurra

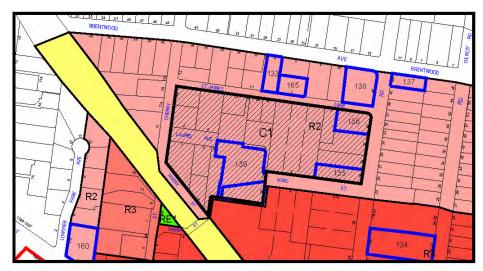


Figure 9.6.1-1: Location map of C1 in Turramurra Town Centre.







Key Historical Periods: Federation, Inter-war

Boundaries: King Street (north side only) Eastern Road from Nos. 34 to 42, St. James Lane (south side only), Cherry Street (east side, from corner of St. James Lane to No. 10 Cherry Street, and includes Laurel Avenue.

Description: It was noted in 2002 that "recent demolition of Interwar period housing has begun to erode the cohesiveness of the area. Nonetheless the Federation and Inter-war subdivision and development characteristics still predominate..."

Built Character: King Street on its northern side encompasses St James Anglican Church and rectory, also The Manse 34 Eastern Road. The area also includes the collection of Laurel Avenue inter-war houses (Nos. 2, 4, 6 and 3 Laurel Avenue) which include two designed by architect Leith McCredie, and listed Heritage Items at 12 King Street and 42 Eastern Road.

Materials: Federation period housing in the area generally features face brick walls with unglazed terracotta tile or slate roofing and timber-framed windows (either casement or double-hung). Inter-war period housing features a mix of brick or rendered brick, generally with terracotta tile roofs and timber-framed windows (either casement or double-hung). Traditional front fences are generally low brick or timber picket, however hedging also occurs in lieu of front fencing, particularly in Laurel Avenue. Modern housing within the area is frequently rendered brick, with concrete tiled roofs and aluminium framed windows.

9.6.1 C1 – Laurel Avenue/ King Street, Turramurra (continued)

Historical Significance: The Laurel Avenue/King Street Heritage Conservation Area is of historical significance as its subdivision pattern and collection of Federation and Inter-war period housing and church, illustrates the complex subdivision history of the area following the opening of the railway in 1890 and the intensification of suburban development in the Inter-war period.

Aesthetic Significance: The Laurel Avenue/King Street Heritage Conservation Area is considered to be of aesthetic significance for its collection of Federation and Inter-war period housing.



- One and two storey Federation and Inter-war period residences, heritage-listed and contributory, must be retained and conserved. In addition, St James Anglican Church must be retained.
- 2 Hedging without front fencing is to be provided to infill housing in the area, or to earlier houses where there is no evidence of original types of front fencing.
- 3 Ensure a landscape buffer on adjacent sites outside the Heritage Conservation Area separates development within the Turramurra Town Centre from Laurel Avenue/King Street Heritage Conservation Area.



Objectives

- 1 To conserve the character of this HCA.
- 2 To retain significant buildings and landscapes.
- 3 To ensure new development enhances the existing character of the street.





n 9-29

Legend



9.6.2 C2 - Ku-ring-gai Avenue, Turramurra

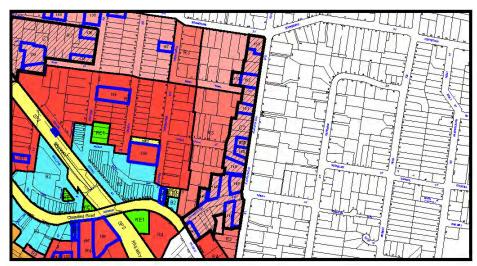


Figure 9.6.2-1:
Location map of C2 in Turramurra Town Centre.







Key Historical Periods: Federation.

Boundaries: Ku-ring-gai Ave, Boomerang St, Pacific Hwy, Womerah St.

Description: Womerah Street: spectacular and highly significant remnant blue gum high forest trees as street trees. Substantial gardens obscure houses. Blocks frequently feature hedging rather than front fences. There is soft edging along most of the street. Ku-ring-gai Avenue from No. 26 (corner Womerah Street) to north: wide street, mature Brush Box street tree planting interspersed with Jacarandas. Concrete kerbing both sides and substantial gardens to houses. Ku-ring-gai Avenue from corner Womerah Street to the Pacific Highway: mixed mature Brush Box and Jacarandas. Concrete kerbing both sides and substantial gardens to houses.

Built Character: A predominance of fine large 2 storey Federation period mansions on large lots with large gardens, interspersed with a smaller number of later 1 and 2 storey houses.

Materials: The buildings from the key period of significance for the area (late 19th century and Federation period 1901-1914) and the 1920s are predominantly brick with slate or terracotta tile roofs and timber-framed windows. Later housing is frequently rendered brick or non-traditional (e.g. blond) brickwork, with concrete tiled roofs. Traditional front fencing is generally timber picket, brick, cast iron palisade or sandstone. Front fences to later houses is frequently high timber lap & cap or brush fencing, however many later houses have no front fences.

Historical Significance: Ku-ring-gai Avenue Heritage Conservation Area is of historical significance as one of the most prestigious Federation-period streets in the Sydney metropolitan area, which evidences the lifestyles of Sydney society's elite in the period from the 1890s to the 1920s.

9.6.2 C2 - Ku-ring-gai Avenue, Turramurra (continued)

Aesthetic Significance: Ku-ring-gai Avenue is of aesthetic significance as one of the most prestigious Federation period streets in Sydney. It derives its fine aesthetic qualities from its collection of grand, frequently architect designed Federation period residences set in generous and well-proportioned garden settings which blend into the mature Brush Box avenue street tree planting.



Objectives

- 1 To conserve the character of this HCA.
- 2 To retain significant buildings and landscapes.
- 3 To ensure new development enhances the existing character of the street.

Controls

- 1 Conserve significant buildings and gardens from all periods.
- 2 Provide hedging without front fencing to modern or infill housing in the street.
- 3 Maintain and enhance Brush Box street tree planting fronting Kuring-gai Avenue. Replacement of other tree species (e.g. Jacaranda) with Brush Box in Ku-ring-gai Avenue is encouraged.
- 4 Ensure that a landscape buffer is provided to adjacent sites outside the Heritage Conservation Area.
- 5 Retain and conserve significant historic planting and trees.



Legend

Heritage Conservation Area Heritage Items - General B2 Local Centre B4 Mixed Use B5 Business Development B7 Business Park E2 Environmental Conservation E4 Environmental LIving R2 Low Density Residential R3 Medium Density Residential R4 High Density residential RE1 Public Recreation SP1 Special Activities SP2 Infrastructure

9.6.3 C3 - The Park Estate, Pymble

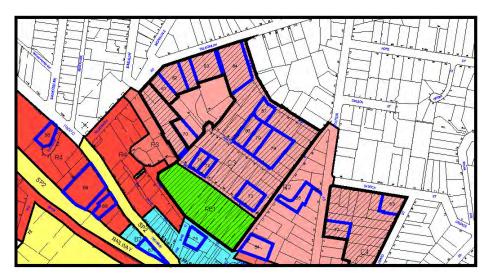


Figure 9.6.3-1: Location map of C3 in Pymble Town Centre.









Key Historical Periods: Federation, Inter-war

Boundaries: Boundary runs around the southern, eastern and western sides of Robert Pymble Park, along the northwestern side of Alma Street, along Graham Avenue to Telegraph Road, and along Telegraph Road to No. 11 Telegraph Road. It encompasses Robert Pymble Park and the north-western side of Alma Street from No.6-10 Alma Street, Nos. 5-17 Graham Avenue, Nos. 11 to 29 Telegraph Road, and Nos. 18 to 40 Park Avenue, 2-18 Taunton Street and 1-17 Taunton Street, specifically excluding battleaxe lots accessed from the western end of Taunton Street.

Description: Alma Street: Long street of variable topography (hilly). No street planting except for low shrubs, grass, agapanthus and similar in narrow verges. Narrow carriageway. Concrete kerbs both sides. A hilly street with steep rises and dips. Graham Avenue: a gently curved street with oleander bushes in verge near intersection with Alma Street, little other street planting other than grass. No footpaths. Concrete kerbs both sides. Some large trees in front gardens.

Park Crescent: Unusual "U" shaped street wrapping around Robert Pymble Park. Narrow carriageway, some soft edges, some concrete kerbing, and no footpaths, parking both sides. Little street planting.

Taunton Street: narrow straight dead end street. Concrete kerbing both sides, narrow grassed verges with low planting and few street trees.

Telegraph Road: wide street with grassed verges, concrete kerbing, footpaths on both sides. Mature Liquidamber as street trees.

Built Character: The area's large 1890s villa estates were further subdivided in the inter-war period for the construction of substantial houses, many fine examples of inter-war architectural styles on the heights above Robert Pymble Park (northern side of Park Crescent,

9.6.3 C3 – The Park Estate, Pymble (continued)

Taunton Street, Graham Street) and along Telegraph Road.

Materials: Predominantly face brickwork for Federation and Inter-war housing with slate or terracotta tile roofing and timber framed windows, casement or double hung.

Historical Significance: The Park Estate Heritage Conservation Area is of historical significance as a late 19th century subdivision which retains largely intact development from the Federation and Inter-war periods.

Aesthetic Significance: The Park Estate Heritage Conservation Area is considered to be of high aesthetic significance for its fine collection of substantial Federation and Inter-war housing, including fine examples of the Federation Queen Anne, Federation Arts & Crafts, Inter-war Old English, Inter-war California Bungalow, Inter-war Functionalist and Inter-war Georgian Revival styles. The topography also adds to the area's aesthetic significance, as the land rises from Robert Pymble Park to the north, resulting in the area's houses overlooking the park. Houses on the even side of Taunton Street overlook the houses in Park Crescent below.



- 1 To conserve the character of this HCA.
- 2 To retain significant buildings and landscapes.
- 3 To ensure new development enhances the existing character of the street.



Controls

- One and two storey Federation and Inter-war period residences, heritage-listed and contributory, must be retained.
- 2 Retain face brick and roughcast stucco to Federation period and Inter-war period houses.
- 3 Concrete roof tiling is to be replaced with unglazed terracotta Marseilles pattern roof tiling where inappropriate retiling has occurred.
- 4 Terracotta shingled roofs, terracotta tile roofs and slate roofing must be conserved.
- 5 Low brick front fencing is preferred.
- 6 Ensure a landscape buffer on adjacent sites outside the Heritage Conservation Area.
- 7 Proposals to increase the height of houses at Nos. 18-40 Park Crescent must provide details on how they affect views and setting between Robert Pymble Park and houses at 2-18 Taunton Street.

Legend

Heritage Conservation Area Heritage Items - General B2 Local Centre B4 Mixed Use B5 Business Development B7 Business Park E2 Environmental Conservation E4 Environmental Living R2 Low Density Residential R3 Medium Density Residential R4 High Density residential RE1 Public Recreation SP1 Special Activities SP2 Infrastructure

9.6.4 C4 - Pymble Heights, Pymble

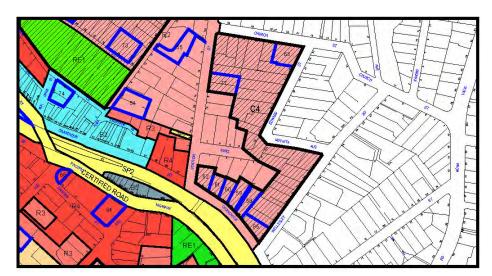
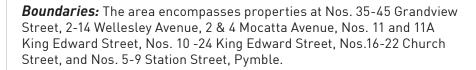


Figure 9.6.4-1:

Location map of C4 in Pymble Town Centre.

Key Historical Periods: Victorian, Federation, Inter-war



Description: Grandview Street: runs parallel to the railway. Wide street, with the railway on the southern side, concrete kerbing on both sides. Slopes down from intersection with Pacific Highway. View of railway platform from the street. The retail/commercial section of the street (western end) is predominantly 2 storey c. 1920s shops, in various states of alteration, plus two larger commercial buildings, c. 1980s. The eastern end is dominated by a group of late 19th century and early 20th century heritage-listed houses.

Station Street: Relatively wide steep street, concrete kerbing both sides, footpath only on western side, scattered street trees.

Church Street, King Edward Street, Mocatta Avenue, Wellesley Street: relatively wide streets with concrete kerbing both sides, scattered and mixed street trees.

Built character: The area encompasses a group of Heritage Items in Grandview Street, which include large 1890s houses, and a number of substantial Federation-period Heritage Items in Station Street, Church St and Wellesley Road. The southern side of Church Street, while not intact includes one listed Heritage Item (corner King Edward St) and faces the large group of Heritage Items on the northern side of Church Street.

Materials: Late 19th century dwellings in Grandview Street have rendered brick walls, later housing predominantly brick walls. Roofs are variously slate, unglazed terracotta tiled or concrete tiled, with unglazed terracotta tiling predominant. Windows are timber-framed either







9.6.4 C4 - Pymble Heights, Pymble (continued)

casements or double hung, except to late 20th century housing, which often feature aluminium framed windows.

Historical Significance: The Pymble Heights Heritage Conservation Area is of historical significance as a late 19th century subdivision which retains largely intact development from the 1880s through to the Interwar period.

Aesthetic Significance: The Pymble Heights Heritage Conservation Area is of aesthetic significance for its collection of late 19th century to Federation period Heritage Items, particularly the continuous group of Heritage Items from 35-45 Grandview Street and 2 Wellesley Road (corner Grandview Street), and its largely intact (with the exception of Church Street) streetscapes of Federation to Inter war period housing, which occupy hilly topography rising from Grandview Street to Church Street.

Objectives

- 1 To conserve the character of this HCA
- 2 To retain significant buildings and landscapes.
- 3 To ensure new development enhances the existing character of the street.

- One and two storey Victorian, Federation and Inter-war period residences, heritage-listed and contributory, must be retained and conserved.
- 2 Retain face brick to Federation period and Inter-war period houses.
- 3 Concrete roof tiling is to be replaced with unglazed terracotta Marseilles pattern roof tiling where inappropriate retiling has occurred.
- 4 Terracotta shingled roofs, terracotta tile roofs and slate roofing must be conserved.
- 5 Low brick front fencing or hedging in lieu of fencing in King Edward Street and Church Street, particularly for modern or infill housing is preferred.
- 6 Ensure a landscape buffer on adjacent sites outside the Heritage Conservation Area, particularly in King Edward Street and at Nos 1A and 3 Station Street, and adjacent to the Pymble Town Centre.



Legend

Heritage Conservation Area Heritage Items - General B2 Local Centre B4 Mixed Use B5 Business Development B7 Business Park E2 Environmental Conservation E4 Environmental LIving R2 Low Density Residential R3 Medium Density Residential R4 High Density residential R51 Public Recreation S91 Special Activities S92 Infrastructure

9.6.5 C5 - Orinoco Street, Pymble

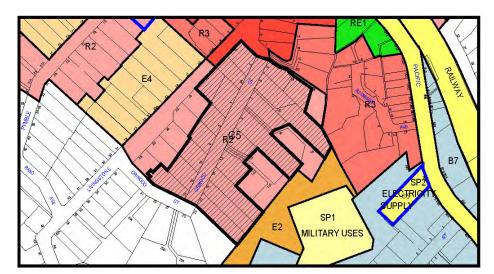


Figure 9.6.5-1: Location map of C5 in Pymble Town Centre.







Key Historical Periods: Federation, Inter-war

Boundaries: The area encompasses Nos. 3-21 Orinoco Street (including 5a Orinoco Street) and 2-14 Orinoco Street, and 12-16 Livingstone Avenue, Pymble

Description: Orinoco Street joins Livingstone Avenue at its northern end, turns a right angle and rejoins Livingstone Avenue at its southern end. The street is relatively wide, concrete kerbed and with footpaths on both sides, and slopes down to the south. The street has mixed street trees.

Built character: generally single storey Federation and inter-war houses with large gardens.

Materials: The majority of houses from the key historical periods (Federation and Inter-war) are brick (often painted) and roughcast stuccoed brick, with terracotta tiled roofs and timber framed windows, either casements or double-hung. No. 3 Orinoco Street features a gabled terracotta shingled roof.

Historical Significance: The Orinoco Street Heritage Conservation Area is of historical significance as a highly intact area of Federation and Interwar housing, representative of the development of the Hamilton Estate after the opening of the North Shore railway line in 1890. A significant portion of the houses, (six houses) were designed between 1913 and 1930 by a single architectural firm, and therefore illustrate changing designs from the same firm over this period.

Aesthetic Significance: The Orinoco Street Heritage Conservation Area is considered to be of high aesthetic significance for its concentration of architect-designed houses (seven in total in the area). The street contains six houses designed by the architectural firm Peddle Thorp

9.6.5 C5 - Orinoco Street, Pymble (continued)

or Peddle Thorp & Walker between 1913 and 1930, and these houses illustrate changing designs from a single prominent Sydney architectural firm over this period.

No. 16 Livingstone Street, included within the Heritage Conservation Area, is a house built 1956/57 to a design by the architectural firm Morrow & Gordon for Grace Irene Gordon, wife of Percy J. Gordon architect, principal of the firm at the time, as his family residence. Both Peddle Thorp (later Peddle Thorp & Walker), now Peddle Thorp again, and Morrow & Gordon were prominent Sydney architectural firms. The Peddle Thorp architectural firm still continues in practice today. Morrow & Gordon were the designers of the former Grace building (now the Grace Hotel) and former AWA buildings in the City of Sydney (both buildings still extant and heritage listed).



Objectives

- 1 To conserve the character of this HCA.
- 2 To retain significant buildings and landscapes.
- 3 To ensure new development enhances the existing character of the street.

- One and two storey Federation and Inter-war period residences, heritage-listed and contributory, must be retained.
- 2 Retain face brick and roughcast stucco to Federation period and Inter-war period houses.
- 3 Concrete roof tiling is to be replaced with unglazed terracotta Marseilles pattern roof tiling where inappropriate retiling has occurred.
- 4 Terracotta shingled roofs and terracotta tile roofs must be conserved.
- 5 Low brick front fencing is preferred.
- 6 Single storey development is preferred. New two storey houses will only be permitted where the upper floor is designed within the roof and where they are in keeping with the height, mass and proportions of the existing built fabric.
- 7 Ensure a landscape buffer on adjacent sites outside the Heritage Conservation Area, particularly in Livingstone Avenue, and blocks behind Orinoco Street properties, and adjacent to the Pymble Town Centre.

Legend

Heritage Conservation Area Heritage Items - General B2 Local Centre B4 Mixed Use B5 Business Development B7 Business Park E2 Environmental Conservation E4 Environmental LIving R2 Low Density Residential R3 Medium Density Residential R4 High Density residential R51 Public Recreation SP1 Special Activities SP2 Infrastructure

9.6.6 C6 - St Johns Park Estate, Gordon

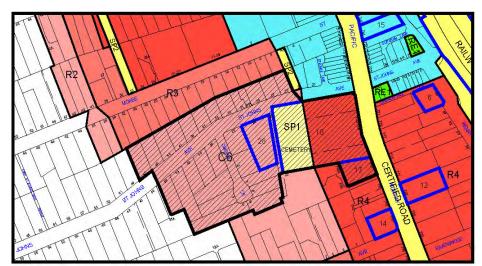


Figure 9.6.6-1: Location map of C6 in Gordon Town Centre.







Key Historical Periods: Federation, Inter-war

Boundaries: Rear Nos. 25 to 47 St. Johns Avenue, boundary of Gordon Town Centre, southern boundary of Nos. 5, 8 and 6 Oberon Crescent, southern boundary of St. Johns Church and Cemetery site and encompassing Nos. 748 and 750-754 Pacific Highway.

Description: St Johns Avenue gently curving street sloping down from Pacific Highway. Unusual and dramatic for its narrow carriageway and wide grassed street verges planted with mature Brush Box street trees on both sides. Limited street parking due to narrow carriageway. Oberon Crescent: a narrow cul de sac off St Johns Avenue, with parking on both sides. Circular planting bed in carriageway at end of the street defining a turning circle, containing one street tree and groundcover planting. No footpaths. Low shrubs as street planting.

Pacific Highway: from St. John's Church 750-754 Pacific Highway to 738 Pacific Highway (corner Bushlands Avenue) west side is terminated at both ends by Heritage Items: St. Johns Church at 750-754 Pacific Highway and 738 Pacific Highway, a very large Inter-war Georgian Revival house. In-between, No. 748 Pacific Highway is a heritage-listed Federation Queen Anne style house, finely detailed, No. 744 Pacific Highway is an Inter-war Functionalist style house; No. 740 is a 2-storey Inter-war Georgian Revival style house.

Bushlands Avenue: wide street sloping steeply down from the Pacific Highway, with district views to the south. The houses within the area at Nos. 1-5 Bushlands Avenue, a group of c. 1930s Inter-war California Bungalows, are on the elevated side of the street. No. 1 Bushlands Avenue is set above street level, with steps down an embankment to the street level. Built character: A mix of single storey Federation and inter-war period single storey buildings. A notable later building is a 2-storey c. 1950s Inter-war Functionalist style house on the corner of Oberon Crescent. The heritage listed St. John's Church (1872), Rectory

9.6.6 C6 - St Johns Park Estate, Gordon (continued)

(1893) and burial ground (1872-) define the southern side of the Pacific Highway end of St. Johns Avenue. St. John's Church defines the northern end of this section. The heritage-listed Federation Queen Anne style house Oberon at 24 St. Johns Avenue also contributes to the aesthetic significance of the southern side of this end of St. Johns Avenue. This section is characterised by Inter-war houses in a variety of styles, with two - including the Heritage-listed 738 Pacific Highway - in the Interwar Georgian Revival style. St John's Church and the heritage-listed Federation Queen Anne style house at No. 748 Pacific Highway at the northern end are also included. Houses at Nos. 1-5 Bushlands Avenue are an intact group of c. 1930s Inter-war California Bungalows.

Materials: Generally face brickwork for walls, unglazed terracotta tile roofs, and timber-framed windows.

Historical Significance: St. Johns Park Estate Heritage Conservation Area has historical significance for its association with St John The Evangelist Church and cemetery and the early paved carriageway of St Johns Avenue (the first paved road in Ku-ring-gai). The history of the church dates back to the use of the land for a church school at least as early as 1838 and possibly earlier (a church lease of 60 acres provided in 1816 by Governor Macquarie), however the earliest extant church building on the site is the 1872 Edmund Blacket-designed stone church (now part of a Federation period church structure). The Brush Box street trees in St. Johns Avenue are of historical significance as a 1928 street tree planting by the residents of the street. St. John's Cemetery is of historical significance as the earliest cemetery in the Council area.

Aesthetic Significance: St. Johns Park Estate is of significance for the visually dramatic streetscape of St Johns Avenue, defined by its narrow carriageway, wide grassed verges and mature Brush Box avenue, and predominantly intact collection of Federation and Inter-war housing, dominated at its southeastern end by the cemetery and manse of St. John The Evangelist Church. St. John the Evangelist Church, both the stone 1872 Edmund-Blacket designed church and later Federation period church building, are also of aesthetic significance, along with the collection of fine Federation period and inter-war houses 746-738 Pacific Highway.

Controls

- One and two storey Federation and Inter-war period residences, heritage-listed and contributory, must be retained.
- 2 Retain face brick to Federation period and Inter-war period housing.
- 3 Low brick front fencing is preferred.
- Single storey development is preferred. New two storey houses must appear as single storey with upper floor within the roof and where they are in keeping with the height, mass and proportions of the existing built fabric.







Objectives

- 1 To conserve the character of this HCA.
- 2 To retain significant buildings and landscapes.
- 3 To ensure new development enhances the existing character of the street.

Legend



9.6.7 C7 - Yarabah, Gordon

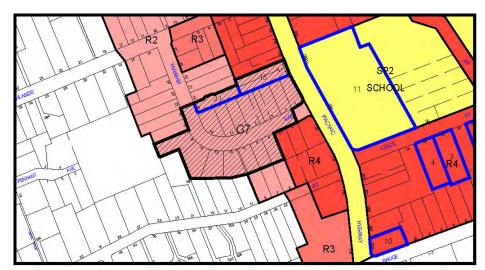


Figure 9.6.7-1:
Location map of C7 in Gordon Town Centre.





Key Historical Periods: Federation, Inter-war

Boundaries: Heritage Items at Nos. 724 and 726 Pacific Highway, and properties at Nos. 1 to 17 Yarabah Avenue (No. 17 Yarabah Avenue being heritage listed), and Nos. 4 to 16 Yarabah Avenue.

Description: A curved street coming off the Pacific Highway, turning and descending to the intersection with Bushlands Avenue. Houses on the northern and eastern sides are generally sited above street level, those on the southern and western sides of the street below street level. No footpaths. Concrete kerbing, relatively wide street with mixed street tree planting. Built character: largely intact single storey inter-war California Bungalows including the heritage-listed Nebraska.

Materials: All houses within the area are face brick, however some have been painted. Roofs are generally unglazed terracotta tiled, however replaced with concrete roof tiling in a few instances, and windows are timber framed, either casements or double-hung.

Historical Significance: The Yarabah Avenue Heritage Conservation Area is of historical significance as an intact portion of a 1920s subdivision.

Aesthetic Significance: Yarabah Avenue is of aesthetic significance as an intact streetscape of a 1920s residential subdivision, interesting for its curving street pattern.

Objectives

- 1 To conserve the character of this HCA
- 2 To retain significant buildings and landscapes.
- 3 To ensure new development enhances the existing character of the street.

9.6 TOWN CENTRE HERITAGE CONSERVATION AREAS (continued)

9.6.7 C7 - Yarabah, Gordon (continued)

- One storey Inter-war period residences, heritage-listed and contributory, in Yarabah Avenue, and one and two storey Federation period residences at Nos. 724 and 726 Pacific Highway must be retained wherever possible.
- 2 Retain face brick to Federation period and Inter-war period housing.
- 3 Concrete roof tiling is to be replaced with unglazed terracotta Marseilles pattern roof tiling wherever possible.
- 4 Low brick front fencing or hedging in lieu of fencing in Yarabah Avenue is the preferred option.
- All development within this Heritage Conservation is to be restricted to one to two storeys in height and incorporate a landscape buffer.
- 6 Ensure a landscape buffer on adjacent sites outside the Heritage Conservation Area



Legend

Heritage Conservation Area Heritage Items - General B2 Local Centre B4 Mixed Use B5 Business Development B7 Business Park E2 Environmental Conservation E4 Environmental Living R2 Low Density Residential R3 Medium Density Residential R4 High Density residential

RE1 Public Recreation
SP1 Special Activities
SP2 Infrastructure

9.6.8 C8 - Gordon Park, Gordon

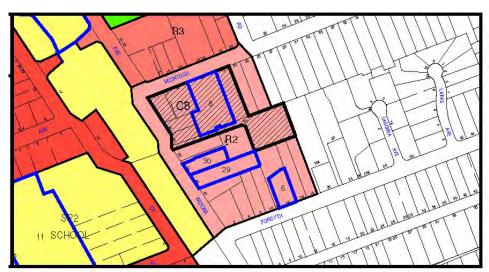


Figure 9.6.8-1: Location map of C8 in Gordon Town Centre.





Key Historical Periods: Federation, Inter-war

Boundaries: Werona Avenue, McIntosh Street, Forsyth Street and the Gordon Town Centre boundary, excluding Nos. 16 and 18 Forsyth Street.

Description: Forsyth Street: a north-south street sloping up to Werona Avenue at the southern end. Some soft edges, some concrete kerbing. Mixed street trees (Jacarandas and natives) with epiphytes in a number of the larger native trees.

McIntosh Street: from Rosedale Road to Werona Avenue, relatively level section of wide street with wide grassed verges planted with large street trees. Housing on both sides set in large gardens. Concrete kerbing both sides.

Werona Avenue: from McIntosh St to Forsyth Street: wide, busy street, no parking, concrete kerbing on east side, soft edges on west (railway side). West side dominated by street planting and railway commuter car park. East side dominated by houses with large gardens. Little street tree planting on east side, however trees within gardens provide a leafy character.

Built character: the area features a predominance of Federation and inter-war period housing, with a high degree of integrity.

Materials: Housing is predominantly face brick with the rendered brick Eryldene at 17 McIntosh Street and Victorian Italianate style house at 19 McIntosh Street, and the weatherboard house at 15 McIntosh Street as notable exceptions. Roofing is predominantly terracotta tiles, with the roof of Eryldene and that of 2 Forsyth Street clad in terracotta shingles. Windows are generally timber framed, either casements or double-hung, except to the late 20th century buildings which often feature aluminium framed windows.

9.6.8 C8 - Gordon Park, Gordon (continued)

Historical Significance: The Gordon Park Heritage Conservation Area is of historical significance as it's subdivision pattern and collection of Victorian, Federation and Inter-war period housing, including the State Heritage Register listed Eryldene at 17 McIntosh Street, illustrates the subdivision history and development of the area, including the intensification of development following the opening of the railway in 1890 and in the Inter-war period.

Aesthetic Significance: The Gordon Park Heritage Conservation Area has aesthetic significance as a largely intact area of Federation and Inter-war housing, the core aesthetic values of which are represented in the heritage listed Federation period housing at 49 and 51 Werona Avenue, the Federation Arts & Crafts style house at 2 Forsyth St (Corner Werona Ave), the weatherboard house at 15 McIntosh Street, the Victorian Italianate style house at 19 McIntosh Street, and the State Heritage Register listed Eryldene at 17 McIntosh Street.



- 1 To conserve the character of this HCA.
- 2 To retain significant buildings and landscapes.
- 3 To ensure new development enhances the existing character of the street

- One and two storey Federation and Inter-war period residences, heritage-listed and contributory, must be retained wherever possible.
- 2 Retain face brick to Federation period and Inter-war period housing.
- 3 Low brick front fencing is preferred
- All development within this Heritage Conservation Area, particularly around the State Heritage Register-listed Eryldene, must be a maximum of two storeys in height with upper floor within the roof, and incorporate landscaped garden areas along the McIntosh Street frontage.
- 5 Ensure a landscape buffer on adjacent sites outside the Heritage Conservation Area





Draft Ku-ring-gai Development Control Plan (Town Centres) 2010 -Final for Adoption

Legend



9.6.9 C9 - Blenheim Road, Lindfield

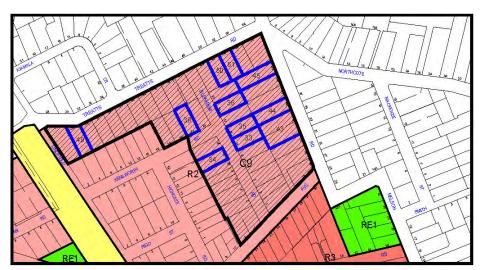


Figure 9.6.9-1: Location map of C9 in Lindfield Town Centre.





Key Historical Periods: Federation, Inter-war

Boundaries: The Blenheim Road Conservation Area encompasses all properties in Blenheim Road, with boundaries along Treatts Road including Nos 21-51 Treatts Road, incorporating Nos. 18-24 Kenilworth Road, and Nos. 12-18 Woodside Avenue, and Nos. 34-50 Nelson Road.

Description: Blenheim Road is a wide street, kerbed and guttered, with mature street tree planting. The area includes the southern side of Treatts Road and the western side of Nelson Road. Single storey intact Federation Queen Anne and Inter-war California Bungalow style housing predominates. Treatts Road is a wide, busy street, kerbed and guttered, which curves at its southern end north of the railway line.

Materials: House walls are predominantly brick and roughcast stuccoed with slate or unglazed terracotta tile roofs, and timber framed windows, either casements or double-hung.

Historical Significance: The Blenheim Road Heritage Conservation Area is of historical significance as an intact portion of the Heart of Lindfield subdivision auctioned in December 1911.

Aesthetic Significance: The Blenheim Road Heritage Conservation Area is of aesthetic significance as a predominantly intact area of overwhelmingly single storey Federation and Inter-war housing.

9.6.9 C9 - Blenheim Road, Lindfield (continued)

Objectives

- 1 To conserve the character of this HCA.
- 2 To retain significant buildings and landscapes.
- 3 To ensure new development enhances the existing character of the street.

- One storey Federation and Inter-war period residences, heritagelisted and contributory, must be retained.
- 2 First floor additions will not be permitted to key residences, attic rooms to extensions behind the main roof of the house may be allowed, subject to impact assessment on the original building and adjacent buildings.
- New 2 storey houses are not permitted in this area except where they incorporate the second storey within a roof area and maintain the single storey appearance and bulk consistent with the locality.
- 4 Retain face brick, sandstone and roughcast stucco to Federation period and Inter-war period houses.
- 5 Concrete roof tiling is to be replaced with unglazed terracotta Marseilles pattern roof tiling wherever possible.
- 6 Low brick front fencing is preferred.
- 7 Construction of garages or carports on the street alignment of properties will not be permitted. Garages and carports must be located at least 1.5m behind the street facing building line, and preferably to the rear of the main building on each site.
- 8 Paving and hard surfacing, particularly to front gardens, is to be limited. Gardens, including substantial trees and shrubs, are to be established along street elevations.
- 9 Ensure a landscape buffer on adjacent sites outside the Heritage Conservation Area



Legend

Heritage Conservation Area Heritage Items - General B2 Local Centre B4 Mixed Use Business Development B7 Business Park E2 Environmental Conservation E4 Environmental Living R2 Low Density Residential R3 Medium Density Residential R4 High Density residential RE1 Public Recreation SP1 Special Activities SP2 Infrastructure

9.6.10 C10 - Wolseley Road, Lindfield

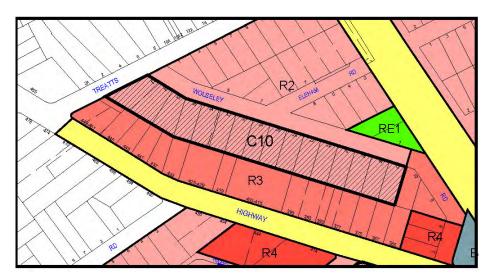


Figure 9.6.10-1: Location map of C10 in Lindfield Town Centre.









Key Historical Periods: Federation, Inter-war

Boundaries: The carriageway of Wolseley Road and even Boundaries numbered properties in Wolseley Road from No. 12-42 Wolseley Road.

Description: Wolseley Road retains a high proportion of intact housing from the Federation and Inter-war periods.

Materials: Housing from the key historical periods (Federation, Interwar) have brick walls, sometimes with sandstone foundations, unglazed terracotta tile roofs and occasionally slate roofs, and timber framed windows, casement or double-hung.

Historical Significance: Wolseley Road is of historical significance for its collection of Federation and Inter-war period housing, built following subdivision as part of the 1911 Heart of Lindfield Estate, and representative of suburban development in Lindfield following the opening of the North Shore railway line in 1890, and the intensification of development in the inter-war period.

Aesthetic Significance: Wolseley Road is of aesthetic significance for its intact collection of Federation and Inter-war single storey housing and for its magnificent avenue of mature Brush Box trees .

Objectives

- 1 To conserve the character of this HCA
- 2 To retain significant buildings and landscapes.
- 3 To ensure new development enhances the existing character of the street.



9.6 TOWN CENTRE HERITAGE CONSERVATION AREAS (continued)

9.6.10 C10 - Wolseley Road, Lindfield (continued)

- One storey Federation and Inter-war period residences, heritagelisted and contributory, must be retained.
- 2 First floor additions will not be permitted to key residences, attic rooms to extensions behind the main roof of the house may be allowed, subject to impact assessment on the original building and adjacent buildings.
- Retain face brick, sandstone and roughcast stucco to Federation period and Inter-war period houses.
- Concrete roof tiling is to be replaced with unglazed terracotta Marseilles pattern roof tiling where inappropriate retiling has occurred.
- 5 Reinstate open front verandahs where enclosed.
- 6 Low brick fencing or hedging in lieu of fencing to modern or infill housing in the area is the preferred option.
- New 2 storey houses are not permitted in this area except where they incorporate the second storey within a roof area and maintain the single storey appearance and bulk consistent with the locality.
- 8 Maintain and enhance street tree planting throughout the Heritage Conservation Area, in addition, the Brush Box avenue should be reinforced by replacing other species such as Jacarandas with new plantings of Brush Box.
- 9 Ensure a landscape buffer on adjacent sites outside the Heritage Conservation Area, particularly along the Pacific Highway, Treatts Road and Wolseley Road (odd-numbered side).



Legend

Heritage Conservation Area Heritage Items - General B2 Local Centre B4 Mixed Use B5 Business Development B7 Business Park E2 Environmental Conservation E4 Environmental Living R2 Low Density Residential R3 Medium Density Residential R4 High Density residential RE1 Public Recreation SP1 Special Activities SP2 Infrastructure

9.6.11 C11 - Balfour Street & Highfield Road, Lindfield

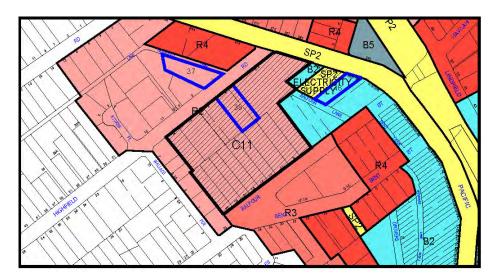


Figure 9.6.11-1: Location map of C11 in Lindfield Town Centre.







Key Historical Periods: Federation, Inter-war

Boundaries: The Balfour Street/Highfield Road Heritage Conservation Area encompasses the properties from 2-4 Highfield Road (corner Pacific Highway) to 14 Highfield Road, and Nos. 7-25 Balfour Street (note No. 7 Balfour Street is part of the Holy Family Catholic church property at 2-4 Highfield Road).

Description: The Balfour Street group of houses within this area are a remarkably intact group of Federation Queen Anne style houses set high above street level and overlooking the opposite side of Balfour Street (which has been redeveloped with modern townhouses). The Highfield Road portion of the area contains large intact Federation Queen Anne style houses including one Heritage Item. The area also includes the church and church school on the corner of the Pacific Highway and Highfield Road.

Materials: The houses within the area have brick walls in typical Federation period red/brown brickwork.

Historical Significance: The Balfour Street/Highfield Road Heritage Conservation Area is of historical significance as a highly intact area of Federation housing, representative of the development of the 1884 Gordon Park Estate subdivision following the opening of the North Shore railway line in 1890.

Aesthetic Significance: The Balfour Street/Highfield Road Heritage Conservation Area is of aesthetic significance as a remarkably intact Federation period area of predominantly Federation Queen Anne style houses. Due to the topography of the area, the Heritage Conservation Area is on relatively high point, sloping down towards Ontario Parade, and affording district views from various locations.

9.6.11 C11 - Balfour Street & Highfield Road, Lindfield (continued)

Objectives

- 1 To conserve the character of this HCA.
- 2 To retain significant buildings and landscapes.
- 3 To ensure new development enhances the existing character of the street.

- 1 One and two storey Federation residences, heritage-listed and contributory, must be retained.
- 2 Retain face brick and roughcast stucco to Federation period and Inter-war period housing.
- 3 Concrete roof tiling is to be replaced with unglazed terracotta Marseilles pattern roof tiling where inappropriate retiling has occurred.
- 4 Redevelopment controls stipulated in this section are to apply to the Holy Family School buildings and site at 2-4 Highfield Road.
- 5 Ensure a landscape buffer on adjacent sites outside the Heritage Conservation Area, particularly in Balfour Street and Ontario Parade.





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Legend

Heritage Conservation Area Heritage Items - General B2 Local Centre B4 Mixed Use B5 Business Development B7 Business Park E2 Environmental Conservation E4 Environmental LIving R2 Low Density Residential R3 Medium Density Residential R4 High Density residential R61 Public Recreation SP1 Special Activities SP2 Infrastructure

9.6.12 C12 - Trafalgar Avenue, Lindfield



Figure 9.6.12-1: Location map of C12 in Lindfield Town Centre.



Key Historical Periods: Federation, Inter-war

Boundaries: The Trafalgar Avenue Heritage Conservation Area is bounded on the east and south by the Lindfield Town Centre boundary, on the north by Russell Avenue, and on the west by a boundary line which incorporates properties at the eastern ends of Russell Avenue, and Middle Harbour Road in addition to properties in Trafalgar Avenue. The Trafalgar Avenue Heritage Conservation Area encompasses properties at: 15-27 Russell Avenue, 28-30 and 25-31 Middle Harbour Road and Nos. 42-54 Trafalgar Avenue.

Description: This area is an "edge" area which takes in the eastern portions of Tryon Rd, Russell Ave and Middle Harbour Rd and Chelmsford Ave, and the western side of Trafalgar Avenue. The area retains intact housing from the Federation and Inter-war periods.

Materials: Houses from the key historical periods of significance (Federation, Inter-war) have brick and roughcast stuccoed walls, often with sandstone foundations, and slate or unglazed terracotta tile roofing. Windows are timber framed, either casements or double-hung.

Historical Significance: The Trafalgar Avenue Heritage Conservation Area is of historical significance as an intact portion of a number of subdivisions from the period 1893 to 1912.

Aesthetic Significance: The Trafalgar Avenue Heritage Conservation Area is of aesthetic significance as a predominantly intact area of Federation and Inter-war housing.

9.6.12 C12 - Trafalgar Avenue, Lindfield (continued)

Objectives

- 1 To conserve the character of this HCA.
- 2 To retain significant buildings and landscapes.
- 3 To ensure new development enhances the existing character of the street.

- One and two storey Federation and Inter-war period residences, heritage-listed and contributory, must be retained.
- 2 Retain face brick, sandstone and roughcast stucco to Federation period and Inter-war period housing.
- 3 Concrete roof tiling is to be replaced with unglazed terracotta Marseilles pattern roof tiling where inappropriate retiling has occurred.
- 4 Reinstatement of open front verandas where they have been enclosed is encouraged.
- 5 Low brick front fencing or hedging in lieu of fencing is preferred.
- 6 New 2 storey houses are discouraged in this area.
- 7 Ensure a landscape buffer on adjacent sites outside the Heritage Conservation Area, particularly in Chelmsford Avenue, Middle Harbour Road and Russell Avenue.



Legend

Heritage Conservation Area Heritage Items - General B2 Local Centre B4 Mixed Use B5 Business Development B7 Business Park E2 Environmental Conservation E4 Environmental LIving R2 Low Density Residential R3 Medium Density Residential R4 High Density residential R51 Public Recreation S91 Special Activities S92 Infrastructure

9.6.13 C13 - The Grove, Roseville

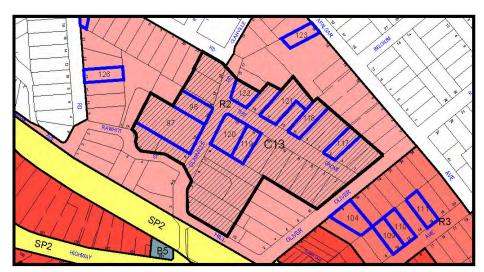


Figure 9.6.13-1: Location map of C13 in Roseville Town Centre.





Key Historical Periods: Federation, Inter-war

Boundaries: The Grove Heritage Conservation Area includes all properties within The Grove, and Nos. 1-13 and 8-22 Clanville Road. The Heritage Conservation Area boundaries run around the rear of these properties.

Description: The Grove is a relatively wide street with mature Brush Box street planting, sloping down from Clanville Road, kerbed and guttered on both sides with grassed verges. Clanville Road from north side of Rawhiti St intersection on the west, and from No. 1 (Corner Hill St) to The Grove, on the south side is a wide street with wide grassed verges and mixed street trees including Brush Boxes.

The built character of both the section of Clanville Road within the area, and The Grove consists of a largely intact group of single storey Federation Queen Anne, Federation Bungalow and Inter-war California Bungalow style single storey houses. 13 Clanville Road (Corner The Grove) is a 2 storey Inter-war Mediterranean style residential flat building.

Materials: Housing from the key historical periods (Federation, Interwar) have brick walls, sometimes with sandstone foundations, unglazed terracotta tile roofs and occasionally slate roofs, and timber framed windows, casement or double-hung. The area includes a few Inter-war period residential flat buildings, which also contribute to the area's character - 13 and 21 Clanville Road and 15 The Grove – the Clanville Road examples feature rendered brick walls, which appear original.

Historical Significance: The Grove Heritage Conservation Area is of historical significance as the area reflects its historical development

9.6.13 C13 - The Grove, Roseville (continued)

following both the 1903 Clanville Estate subdivision and resubdivision in 1922 as part of Hordern's Roseville Estate.

Aesthetic Significance: The Grove Heritage Conservation Area is of aesthetic significance for its intact streetscapes of Federation to Interwar period housing, largely single storey, with mature street tree planting (predominantly Brush Box) characteristic of the same period.

Objectives

- 1 To conserve the character of this HCA.
- 2 To retain significant buildings and landscapes.
- 3 To ensure new development enhances the existing character of the street.

- One and two storey Federation and Inter-war period residences and Inter-war residential flat buildings, heritage-listed and contributory, must be retained.
- 2 Retain face brick sandstone and roughcast stucco to Federation period housing.
- 3 Concrete roof tiling is to be replaced with unglazed terracotta Marseilles pattern roof tiling where inappropriate retiling has occurred.
- 4 Reinstate open front verandahs where enclosed.
- 5 Low brick fencing or infill housing in the area is encouraged.
- 6 Maintain and enhance street tree planting throughout the Heritage Conservation Area. Reinforce Brush Box avenues with new planting of Brush Box and removal of other species.
- 7 Provide landscape screening and softening to buildings throughout the Heritage Conservation Area.
- 8 Ensure a landscape buffer on adjacent sites outside the Heritage Conservation Area, particularly in Clanville Road, Rawhiti Street and Oliver Street.



Legend

Heritage Conservation Area Heritage Items - General B2 Local Centre B4 Mixed Use B5 Business Development B7 Business Park E2 Environmental Conservation E4 Environmental LIving R2 Low Density Residential R3 Medium Density Residential R4 High Density residential R61 Public Recreation SP1 Special Activities

SP2 Infrastructure

9.6.14 C14 - Lord Street/Bancroft Avenue, Roseville

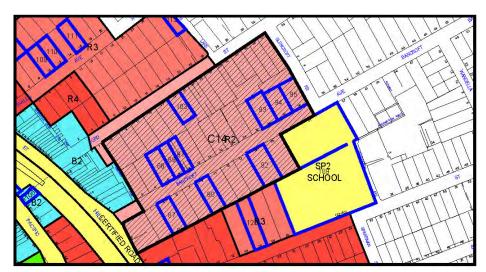


Figure 9.6.14-1: Location map of C14 in Roseville Town Centre.





Key Historical Periods: Federation, Inter-war

Boundaries: Boundary excludes Roseville College, but otherwise follows the Roseville Town Centre boundary on the eastern side following Glencroft Road. The northern boundary follows Lord Street to include Nos.7A to 37 Lord Street. The western boundary runs west of No. 7a and then follows Bancroft Lane, crosses Bancroft and runs along the western boundary of No. 3a Bancroft Avenue, then along the rear boundary of Nos. 1-23 Bancroft Avenue returning to Glencroft Road.

Description: The proposed area is an intact portion of the wider draft HCA3, characterised by single storey Federation Queen Anne style housing.

Materials: The Federation period housing features brick and roughcast stuccoed walls, sometimes with sandstone foundations, terracotta or slate roofing, and timber framed windows, casement or double-hung.

Historical Significance: The Lord Street/Bancroft Avenue Heritage Conservation Area is of historical significance as the area reflects its historical development following the 1903 Clanville Estate subdivision.

Aesthetic Significance: The Lord Street/Bancroft Avenue Heritage Conservation Area is of aesthetic significance for its intact streetscapes of Federation one and two storey housing.

9.6.14 C14 - Lord Street/Bancroft Avenue, Roseville (continued)

Objectives

- 1 To conserve the character of this HCA.
- 2 To retain significant buildings and landscapes.
- 3 To ensure new development enhances the existing character of the street.



- 1 One and two storey Federation residences, heritage-listed and contributory, must be retained.
- 2 Retain face brick, sandstone and roughcast stucco to Federation period housing.
- 3 Concrete roof tiling is to be replaced with unglazed terracotta Marseilles pattern roof tiling where inappropriate retiling has occurred.
- 4 Reinstate open front verandahs where enclosed.
- 5 Low brick fencing or infill housing in the area is encouraged.
- 6 Maintain and enhance street tree planting throughout the Heritage Conservation Area. Reinforce Brush Box avenue planting where it occurs for example in Lord Street and Bancroft Avenue.
- 7 Ensure a landscape buffer on adjacent sites outside the Heritage Conservation Area, particularly in Lord Street, Hill Street and Victoria Street.



- 10.1 Signage Design
- 10.2 Building Identification Signs
- 10.3 Business Identification Signs
- 10.4 Illumination of Signs
- 10.5 Prohibited Advertising Signs And Structures
- 10.6 Advertising On Outdoor Dining Furniture or Footpath Trading Activities
- 10.7 Special Signs
- 10.8 Temporary Signs
- 10.9 Maintenance

Objectives

- 1 To ensure that signage and advertising communicate effectively and contribute to the character of the public domain.
- 2 To ensure signage and advertising do not dominate the building or public domain.
- 3 To integrate signage with the building design by responding to scale, proportions and architectural detailing.
- 4 To enhance the visual quality of the streetscape.
- 5 To ensure signage and advertising structures do not disrupt vehicular or pedestrian traffic flow.

10.1 SIGNAGE DESIGN

- 1 Where located on a building, signage must be integrated with the architecture and/or structure of the host building. Building façade detail and projecting features of the building shall remain unobscured by signage.
- 2 Signs within areas of heritage significance must be discreet and complement the building or area.
- 3 Signage and advertising must be constructed of non-combustible, graffiti resistant and easily cleaned materials.



Figure 10.1-1:
Building indentification sign above the residential entry.

10.2 BUILDING IDENTIFICATION SIGNS

Objectives

- 1 To limit the number and dominance of signage on buildings.
- 2 To integrate signage with the building design.
- 3 To enable way finding for building users.

Controls

Note: For definition of Building Identification Signs refer to Part 1B of this DCP.

Mixed Use

- 1 A building identification sign is the only signage permitted above the ground floor of a building.
- 2 A maximum of one building identification sign is permitted per street frontage.
- 3 Building identification signs must have a maximum size of 6m² with projection no more than 300mm from the wall.
- The street number is to be displayed at a prominent position on the ground floor or a sign is to be provided on the awning fascia of the property.
- Identify the entrance of multiple occupancy buildings and developments with a sign or directory board with the street numbers of the development, name of the site and the occupants.



Figure 10.2-1: Street name and number displayed prominently near the building entry at street level.

10.3 BUSINESS IDENTIFICATION SIGNS

Objectives

- 1 To encourage the effective identification of businesses and shops.
- 2 To control the number and quality of business identification signs.

Controls

Note: Refer to Part 1B of this DCP for definition.

Mixed Use

- A maximum of two business identification signs will be permitted for each shopfront. eg. One under awning sign and one top hamper sign.
- A co-ordinated presentation of signs is required where there are multiple occupancies or uses within a single building development. New buildings containing more than one ground floor tenancy shall provide signs co-ordinated in colour, size and design to be suspended under the awning.
- 3 Under awning signs:
 - i) may be either illuminated and non-illuminated;
 - ii) must be limited to one per shopfront;
 - iii) must not exceed 2.5m in length and 300mm in height;
 - iv) must be erected in a horizontal location at right angles to the building facade;
 - v) must have a minimum clearance of 2.6m underside of the sign, measured from the ground / pavement level;
 - vi) must be separated by at least 3m from other under awning signs; and
 - vii) must not project beyond the awning fascia; and
 - viii) must be set back at least 600mm from the face of the kerb.
- 4 Top hamper signs:
 - i) must be non-illuminated;
 - ii) must not extend below the level of the head of the doorway or window above which it is attached;
 - iii) must not be more than 3.7m above the finished ground level;
 - iv) must not exceed 400mm in height;



Figure 10.3-1: Under awning business identification signs along the main street.



Under awning sign

Top hamper sign

Figure 10.3-2: Two signs allowed for each shopfront.

10.3 BUSINESS IDENTIFICATION SIGNS (continued)

- v) must have a maximum length of 4m;
- vi) must not project more than 150mm from the building façade;
- vii) must allow a proportion of wall surface area of the top hamper to be exposed; and
- viii) must be set back from side boundaries to satisfy fire regulations.
- 5 Shopfront window signs:
 - i) Permanent in nature on ground floor shop windows must not cover more than 25% of the window area between the window sill and the level of the door lintel;
 - ii) Temporary in nature (up to a fortnight), particularly those using fluorescent and iridescent paints, must not cover more than 60% of the window surface area; and
 - iii) For office premises must be limited to one sign for each premises.

10.4 ILLUMINATION OF SIGNS

Objectives

- 1 To ensure signage contributes to the desired character of the public domain.
- 2 To ensure signage is energy efficient.
- 3 To ensure signage does not reduce safety for pedestrians or vehicles.

Controls

Mixed Use

For mixed use developments, the requirements below apply only to the non-residential portion of mixed use development:

- Illuminated signs may be considered subject to specific controls such as the inclusion of automatic timing devices, to turn lights on/ off at times designated by the consent authority;
- 2 Illumination must be concealed within, or integral to, the sign through use of neon or an internally lit box, or by sensitively designed external spot-lighting;
- 3 Illuminated signs must use LED diode technology or a lighting source of equivalent or higher efficiency;
- 4 Illumination must not be hazardous or a nuisance to pedestrians or vehicular traffic and shall not produce any light spill;
- 5 Cabling to signs must be concealed; and
- 6 Careful consideration must be given to the use of illuminated red, green and amber colours in proximity to signalised intersections, to avoid the likelihood of motorist misinterpretation.

10.5 PROHIBITED ADVERTISING SIGNS AND STRUCTURES

Objectives

- 1 To avoid visual clutter.
- 2 To maintain the desired character of the locality.

Controls

- 1 The following advertising signs and structures are not permitted:
 - Flashing signs, moving signs, balloon signs, inflatable signs or the like, or any bunting, flag signs or those made of canvas, calico, textile or the like;
 - ii) Signs advertising a third party, activity or trade other than that associated with the building to which the sign is attached;
 - iii) Advertising structures of a portable nature such as sandwich boards. A-frames or the like:
 - iv) Hoarding signs, painted bulletins or advertisements in the nature of posters (except newsagents headlines) or stickers affixed to the exterior of the building;
 - v) Painted wall or window signs above awning level;
 - vi) Signage affixed to or attached to telephone booths, trees, poles, signs, shelters, sheds, bins and the like;
 - vii) Fluorescent colours on signs or buildings;
 - viii) Sky, roof or fin signs;
 - ix) Internally and externally illuminated signs, other than those permitted under *Part 10.4 of this DCP* (except where internally lit signs do not cause any spillage of light onto neighbouring properties or can be proven not cause any detraction from the amenity of the locality);
 - x) Signs on stationary vehicles used principally for the purpose of advertising; and
 - xi) Freestanding signs/pole signs (except service stations)

Note: For the purposes of this part, furnishing means furniture, appliances, and other moveable articles in an outdoor dining area, but excludes planter boxes, utensils, dining sets and the like.

Objectives

- 1 To encourage effective identification of businesses.
- 2 To allow limited advertising of third parties.
- 3 To maintain the character of the public domain.

10.6 ADVERTISING ON OUTDOOR DINING FURNITURE OR FOOTPATH TRADING ACTIVITIES

- Business identification and/or the third party advertising of one (1) advertiser may appear on the furnishings of the area.
- 2 Details of third party advertising on outdoor dining furnishings must be submitted to Council with the application for an outdoor dining permit.
- 3 Council would generally allow business identification appearing on planter boxes. However, if this option is taken by the business operator, then the business identification must be fully incorporated into the design of the planter boxes.
- In relation to display stands on the footpath trading area, Council will allow business identification in the front face of the display stands. However, third party advertising will not be permissible.

10.7 SPECIAL SIGNS

Objectives

- 1 To control the number and quality of signs.
- 2 To encourage the effective identification of businesses.
- 3 To protect and enhance the visual quality of the streetscape.

Controls

Professional Suites

- One professional suite identification sign is permitted within the front setback area of the property. The sign must:
 - i) have maximum dimension of 0.5m x 0.5m; and
 - ii) serve only to identify the name and profession of the practitioner and the hours of operation.
- 2 One standard 'doctor's cube' is permitted in the front boundary setback area of the property.

Office and Commercial Buildings

- 3 For corporate centres, signage is restricted to corporate logo only which is to be erected on the main frontage of the building. The area of the sign must not exceed 25% of the solid wall area of which it is displayed upon, at the top most level. 'Solid wall area' excludes glazed areas.
- 4 Corporate logos are permitted on the facade of office and commercial buildings as building identification signage.

Service Station Signage

- 5 The following requirements apply to service station signage, including pole signs and emblem / price signs:
 - i) The top of the sign or pole must not be higher than 6m above finished ground level; and
 - ii) The sign must be totally contained within the allotment.
- 6 Canopy fascia signs are to be limited to trade name details and corporate identification.
- 7 Subsidiary signs to be of a number, size and style compatible with the size of the operation to the satisfaction of Council. The details of all subsidiary signage is to be included in any application to Council.
- 8 Illuminated signs and floodlighting of work and service areas are not to be used outside of approved trading times and must produce no light spill at all time.
- 7 Total sign area for the site is not to exceed an area in total calculated at a ratio of $1m^2$ over 3m of lineal frontage to the primary street/road.

10.8 TEMPORARY SIGNS

Objectives

- To provide opportunities for effective communication of events and property sales.
- 2 To avoid visual clutter.
- 3 To ensure signage does not dominate the public domain.
- 4 To ensure signage does not reduce pedestrian and vehicle safety.

Controls

Real Estate and Property Promotional Signs

- Only one sign per real estate company, or one promotional sign, may be erected on any premises.
- The sign must only advertise the premises and/or land to be sold, leased, or under construction.
- 3 Direction signs not more than $0.8m^2$ in area may be erected on inspection day in front of the property during the advertised hours of inspection.
- 4 All signage is to be erected within the confines of the property to which it refers. Bunting and sandwich boards may be used on the day of sale by auction provided that they are within the property and promptly removed after the sale.
- 5 The erection of signs on telegraph poles, street trees, sign posts, road traffic facilities or the like, is prohibited.
- 6 All signs are to be removed within fourteen days of sale or auction of the property and in no instance is any sign to be used for general advertising.
- 7 The maximum size of signboards is as follows:
 - i) Where single dwellings, dual occupancy development or single units within multi-unit housing are being advertised for sale the maximum signboard size is 1.15m²;
 - ii) Where commercial or industrial premises are being advertised the maximum signboard size is 4.5m²; and
 - iii) Where premises other than those listed in i) and ii) above are being advertised for sale the maximum signboard size is 2.5m².
- 8 Internally illuminated signs must be time-switched to limit the period of illumination to a maximum of four hours after dusk.

Sporting and Special Events Signs

- 9 Temporary signs for sporting and special events, such as cultural and entertainment activities, will be dealt with on individual merit. Council recognises these activities as an important element in community use of commercial precincts and special consideration will be given to permit departures from provisions of this plan provided that such departures do not significantly impact on the locality. This may include banner type signs.
- Signs must not be displayed without the approval of Council being obtained beforehand except for circumstances listed in Schedule 2 of the KLEP 2010. No application fee is prescribed for genuine noncommercial advertising of cultural or community entertainment activities.

10.8 TEMPORARY SIGNS (continued)

Controls

- 11 All applications must contain the following information:
 - i) Precise location of the proposed signage;
 - ii) Type and nature of the sign;
 - iii) Purpose of advertising;
 - iv) Evidence showing the organisation is a local charitable or community service organisation; and
 - v) Intended time of display.
- 12 Temporary signage may only be displayed for a period of not more than fourteen days prior to the event and to be removed on the day following the event.
- A maximum of two organisations will be permitted to display signage at any one set of approved banner poles.
- 14 A maximum of four locations within the Ku-ring-gai area may be approved for display of signage by any one organisation or event.
- Approval may only be granted for display of advertising by recognised local organisations or a charitable or community service nature.

Note: All unauthorised advertising will be removed and impounded by Council.

Other Temporary Advertising Structures

- 16 Council will be prepared to permit in exceptional circumstances signs not otherwise conforming to this plan, subject to those signs being approved as temporary advertising structures.
- 17 Temporary signs must not be erected or displayed on private land or public land to be visible from a public place unless a written application has been made to Council and a written approval has been issued.
- 18 Any conditions the Council places on approvals for temporary advertising structures must be complied with or the approval will be cancelled by notice in writing and the sign removed within the time specified by the notice.
- 19 An approval for a temporary sign must not exceed two months duration and shall be subject to renewal at the expiry of that period.
- 20 An application fee as prescribed must accompany each application.
 - **Note:** Real estate signs (in both residential and business zones) are also permissible as exempt development under Schedule 2 of the KLEP 2010.

10.9 MAINTENANCE

Objectives

- 1 To maintain the character and safety of the public domain.
- A sign must not be altered in any way (except for removal) after approval, unless permission in writing for such alteration is obtained beforehand from Council.
- 2 All signs must be maintained to the satisfaction of Council at all times.

TELE & RADIO COMMUNICATION

11.1 DESIGN AND LOCATION

Objectives

- 1 To minimise the visual impact of telecommunication infrastructure when viewed from public areas including streets, parks and footpaths.
- 2 To encourage co-location of telecommunication facilities on one facility or structure.
- 3 To ensure installation in accordance with applicable regulations and guidelines.
- 4 To adopt a precautionary approach to Electro Magnetic Radiation (EMR) exposure.

Controls

Regulations and Guidelines

- All telecommunication and radiocommunication installation are to be in accordance with the following regulations and guidelines:
 - i) Telecommunications Act, 1997;
 - ii) Radiocommunications Act, 1992;
 - iii) Telecommunications Code of Practice, 1997;
 - iv) Telecommunications (Low-impact Facilities) Determination, 1997;and
 - v) Code for the Deployment of Radiocommunications Infrastructure (ACIF, 2002).

Location

- When selecting a site for telecommunication facilities the applicant must demonstrate that it has adopted a precautionary approach in regards to minimising EMR exposures consistent with the Australian Communications Industry Forum (ACIF) code.
- 3 An applicant is to demonstrate particular consideration in sensitive land use areas such as:
 - i) where occupants are located for long periods of time, eg. residences;
 - ii) those frequented by children e.g. schools and childcare facilities; and
 - iii) where there are people with health problems e.g. hospitals and aged care facilities.

Visual Impact

- The facility must be designed to be integrated with the design and appearance of the building or structure on which it is located.

 Design issues related to installation include:
 - i) matching or co-ordinating with the existing building colour scheme:
 - ii) co-ordinating with the texture and material of the building;
 - iii) relating to the existing built form, such as emphasising façade rhythms and existing elements;
 - iv) using screening elements to integrate with building bulk and, where minimisation of scale is important, consider the use of more discreet installations;
 - v) using concealed cables where practical and appropriate; and
 - vi) avoiding locating elements on building roof tops. Where unavoidable, ensure elements are not silhouetted against the sky.

11.1 DESIGN AND LOCATION (continued)

Controls

Co-location

- Where possible and practicable Council encourages the co-location of a number of different telecommunication infrastructure elements shall be located on one structure or facility. This may include:
 - i) telecommunication lines shall be located within any existing underground conduit or duct; and
 - ii) antennae and similar structures shall be attached to existing utility poles, towers, structures, buildings or other telecommunication facilities, so as to minimise visual impact.
- 6 Carriers are to demonstrate a precautionary approach and effective measures to minimise the negative impacts of co-location. The following issues are to be taken into consideration:
 - i) cumulative emissions;
 - ii) visual impact;
 - iii) physical and technical limits to the amount of infrastructure that structures are able to support; and
 - iv) whether the required coverage can be achieved from the location.

Introduction

12.1 Location, Size and Design

INTRODUCTION

- 1 To encourage the provision of professional suites that complement the commercial centres.
- 2 To integrate professional suites within residential buildings with minimal impact on the amenity of the residential occupants.
- 3 To guide the design of professional suites to achieve high standards of visual and acoustic privacy for occupants and neighbouring properties.
- 4 To allow professional suites that do not generate a high volume of traffic within the area.

Schedule 1 (Additional Permitted Uses) of the KLEP 2010 identifies specific properties within high density residential areas where office and/or business uses are allowable (to a prescribed limit) on the ground floor of residential flat building.

This DCP encourages (consistent with schedule 1 of the KLEP 2010) additional office or business uses in the form of professional suites.

A professional suite may include consultation rooms for health care professionals or professional services such as architects or lawyers.

12.1 LOCATION, SIZE AND DESIGN

Controls

Location, Size and Design

- 1 Professional suites are permitted in the high density residential areas within St Ives, Gordon and Lindfield Centres as identified in Schedule 1 of the KLEP 2010.
- 2 Professional suites are to be located at ground level along the primary street frontages with clearly identifiable entries. Entries to professional suites must be separate from the residential entries to the building.
- 3 Professional suites are restricted to a maximum size of 150m² gross floor area per suite.
- 4 All professional suites at the ground floor of a residential flat building must comply with the following minimum ceiling heights, measured from finished floor level (FFL) to finished ceiling level (FCL):
 - i) 3.3m for professional rooms (offices, surgeries, reception areas and the like).
 - ii) 2.25m for ancillary rooms (such as bathrooms, darkrooms, storage rooms, and the like).

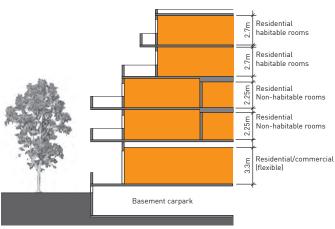


Figure 12.1-4: Typical section illustrating minimum ceiling heights.

- Fire safety provisions in accordance with the provisions of the BCA must be incorporated into any design for a professional suite in either new or existing premises. The buildings must be suitably designed to include fire resistance, access and egress, fire services and equipment. Fire safety provisions for the residential uses of the site must not be compromised.
- 6 Access to and from professional suites for people with disabilities must be provided in accordance with the provisions of the BCA.
- 7 Sanitary and associated disabled facilities are required to be installed in professional suites in accordance with the provisions of the BCA.

12.1 LOCATION, SIZE AND DESIGN (continued)

Controls

- 8 All professional suites must have:
 - i) adequate storage areas;
 - ii) a large mailbox suitable for business mail; and
 - iii) any special utility services needed (eg. separate power metering).
- 9 Refer to *Part 10 of this DCP* for signage and advertising requirements in relation to professional suites.

Operating Hours

- 10 Professional suites must only operate within the following hours:
 - i) 9:00am to 6:00pm weekdays; and
 - ii) 9:00am to 1:00pm Saturdays.
- 11 Use of professional suites providing medical services outside of the above hours and on public holidays will be permitted, in the case of emergency services.

Visual and Acoustic Privacy

- 12 A professional suite must be designed to protect visual privacy of adjoining properties. Overlooking of windows associated with high use rooms (eg. living areas) and private courtyards must be avoided through site planning. Design solutions include using:
 - i) staggered window placement;
 - ii) landscaping as a screening device; and
 - iii) screening measures such as lattice screens, external venetian blinds, canvas blinds, window hoods and shutters which are to be compatible with the building and fencing materials.

Note: This applies whether the proposal is an extension, conversion of existing building or new building.

- 13 Professional suites must be designed to minimise noise transmission between buildings and from the development to adjoining properties. Design measures include:
 - siting sources of noise, such as driveways, parking areas, air conditioning plants and any other externally located machinery away from adjoining properties and where necessary screen with walls or landscaping;
 - ii) installing, where appropriate, an acoustically enclosed cover designed by a suitably qualified acoustic consultant to contain noise emissions; and
 - iii) enclosing external plant equipment in an acoustic soundproof structure designed by a suitably qualified acoustic consultant, to ensure noise levels do not exceed background noise levels by 5 dBA.

12.1 LOCATION, SIZE AND DESIGN (continued)

Controls

Vehicle Access and Car Parking

- 14 Car parking spaces and driveways associated with a professional suite must be arranged to facilitate safe and efficient vehicular access. Vehicles must be able to enter and leave the site in a forward direction with minimal on-site manoeuvring.
- 15 On-site car parking at the rate of 1 space per 40m² gross floor area must apply to the establishment of professional suites in high density residential areas. Parking spaces in excess of residential parking requirements must be designated as visitor parking.
- 16 All car parking spaces must be suitably sign posted and line marked to the satisfaction of Council.
 - **Note:** Sign posts shall indicate 'Visitor Parking' and 'Employee Parking' as appropriate.
- 17 Council will consider stacked car parking but only where the required spaces are freely accessible at all times.

Note: In addition to the controls in this section, vehicular access and car parking must adhere to the controls in *Part 4.8 of this DCP*.

Medical Consulting Suites

- In medical consulting suites all spaces are to be accessible in accordance with AS1428. Corridors are to be at least 1.6m wide to allow for the manoeuvring of a stretcher.
- 19 The following space requirements shall apply:

Space	Minimum Size		
Consultation rooms	12m ²		
Waiting rooms	15m ²		
Reception spaces	10 m ²		

20 Special requirements apply for medical waste disposal and must comply with relevant policies and standards.

Introduction

- 13.1 Submitting a Development Application
- 13.2 Initial Limits on Development Consent
- 13.3 Sex Services Premises
- 13.4 Home Occupation (Sex Services) Premises

INTRODUCTION

Controls

This part of the DCP provides controls for both "Sex Services Premises" and "Home Occupation (Sex Services) Premises". These controls are provided to ensure that the design and location of sex industry premises do not result in a loss of amenity or create adverse social and environmental impacts. Under KLEP 2010, Sex Services Premises are permissible with consent in all business zones. Additionally, Home Occupation (Sex Services) Premises are permissible with consent in the B2 and B4 zones.

Specific planning controls are elaborated upon within this part of the DCP. Additionally, Council will assess any application for a sex services premises against the relevant matters set out in Section 17 of the *Restricted Premises Act, 1943*.

Public health complaints in relation to the operation of sex industry premises are the responsibility of the NSW Department of Health. Occupational Health & Safety issues are matters handled by the Work Cover Authority. The Australian Federal Police and the Department of Immigration deal with issues of illegal immigrant sex workers.

The NSW Department of Health is responsible for safe health practices in the workplace, ensuring safe sex practices, dealing with public health complaints and advising sex workers working with sexually transmissible conditions.

However, as a consent authority, Council may undertake inspections of sex industry premises so as to determine compliance with NSW Public Health Act and Regulations, Protection of the Environment Operations Act and conditions of development consent made in accordance with the relevant planning controls.

13.1 SUBMITTING A DEVELOPMENT APPLICATION

Objectives

- 1 To ensure the appropriate design, location and operation of sex industry premises within Ku-ringgai.
- 2 To minimize any physical amenity impacts of sex industry premises upon adjoining land uses.
- 3 To avoid any detrimental change to the social character, identity, or perceived image of urban centres within Ku-ring-gai.

Controls

- Before submitting a development application for a sex industry premises, applicants should refer to Ku-ring-gai Council's 'DA Guide'. In addition to the requirements of the DA Guide, the submission of a development application for a sex industry premises must provide the following:
 - i) A 'location plan' or 'site analysis plan', indicating:
 - compliance with the locational requirements of clause 6.7 of KLEP 2010: and
 - the separation distance from other sex service premises required by this DCP.

Note: The distance must be shown in metres and be at a scale of 1:500 or larger.

- ii) A statement indicating how the proposal with Section 17 of the Restricted Premises Act, 1943.
- iii) A 'Statement of Environmental Effects' indicating:
 - the proposed number of sex workers and details of proposed support staff where relevant (e.g. receptionist, security and lighting, etc).
- iv) A 'Crime Prevention through Environmental Design' (CPTED) report.

Note: Required for Sex Service Premises only.

- v) Architectural plans indicating:
 - number, size, and use of each room in the premises.
- vi) A Plan of Management detailing the operation and management must be submitted for both commercial and home occupation (sex services) premises. The Plan of Management must provide details on measures to be undertaken to safeguard workers, clients and the general public. Such details are to address, but are not limited to, issues relating to the storage and handling of contaminated waste, health provisions, hours of operation, the number and hours of security personnel, and the lighting of access ways and car parking areas.

Note 1: Any development application related to sex services premises or home occupation (sex services) premises may be referred to other relevant government agencies (ie. NSW Police) and Council departments for comment where considered appropriate.

Note 2: Details of 'escort agencies' must be included in the Plan of Management if it is proposed to operate from a sex services premises.

13.2 INITIAL LIMITS ON DEVELOPMENT CONSENT

Objectives

1 To ensure the ongoing operation of the sex services premises is not detrimental to the amenity of the surrounding area.

Controls

Development consent granted for sex services premises and home occupation (sex services) premises may be initially limited to a period of twelve (12) months, when Council will re-evaluate the proposal in terms of any complaints received regarding the approved operation, and compliance with any conditions of development consent.

13.3 SEX SERVICES PREMISES

Objectives

- 1 To avoid the clustering of sex services premises within Ku-ring-gai.
- 2 To ensure sex services premises are located so as not to impact adversely on the environment, public areas, and other sensitive uses.
- 3 To ensure that the layout and design of sex services premises is such that their potential impacts and 'presence' in the locality is minimised.
- 4 To ensure the privacy and comfort of patrons.
- 5 To ensure the design and external appearance of the premises and any associated structure(s) do not have an adverse impact on the architectural character of the surrounding built environment.
- 6 To ensure adequate and appropriate access to the premises and its facilities is provided for persons with a disability.
- 7 To maximise the safety and security of staff, clients and the general public by upholding principles of Crime Prevention Through Environmental Design (CPTED).
- 8 To ensure that sex services premises do not cause disturbance in the neighbourhood because of their scale (including the number of sex workers and support staff), operating hours or any other factor.

Controls

Location

- To avoid clustering, sex services premises are not to be located within 500 metres of the entrance to a building which contains an existing known sex services premises (measured from the building entrance of the proposed sex services premises). Council may also consider the presence of any sex services premises within a neighbouring Local Government Area (LGA) immediately adjoining the site.
- 2 Sex services premises proposed to be situated at ground or street level are to comply with the following:
 - i) The premises must be located behind another tenancy which is not a sex services premises;
 - ii) The premises must be separate and independently operated from the front tenancy; and
 - iii) The premises must not be internally linked to the front tenancy.

Design of Premises

- Works to existing buildings must be carried out in such a way as to avoid the creation of potential entrapment spots where intruders may hide. This includes, but is not limited to, avoiding the creation of recesses in the building form; and securing external storage areas such as waste storage. For existing buildings where no new works are proposed, appropriate lighting must illuminate existing entrapment spots.
- 4 All premises are to have either an intercom or a duress alarm in each working room that is used for sexual activity. Alarms are to connect back to a central base (such as reception) that is to be monitored at all times.
- 5 Intruder alarm systems, security screens, door and window locks and intruder resistant materials that comply with relevant Australian Standards, must be provided.
- 6 New development must not create large blank walls facing or abutting the street. Walls must be modulated to avoid the creation of a large flat surface susceptible to graffiti.
- 7 Any security grilles used on windows must be openable from inside in case of emergency.
- 8 The premises is to be provided with an adequate reception area/waiting room with a minimum area of 20m² to prevent clients from loitering outside.
- 9 Not more than 5 rooms are to be provided in which acts of prostitution are to take place.
- 10 The privacy of patrons must be considered through the design and internal layout of the premises.

Objectives

- 9 To ensure advertising where permitted is discreet and inoffensive.
- 10 To ensure that adequate parking is provided for people working on the premises and clients using the facility so that the establishment of a sex service premises does not give rise to car parking congestion on the street.
- 11 To ensure that the location of parking does not adversely affect the surrounding locality.
- 12 To ensure the safety and security of car parking areas.

13.3 SEX SERVICES PREMISES (continued)

Controls

- 11 Staff facilities must include a communal lounge or rest area and a bathroom for staff use only.
- 12 Toilet and bathroom facilities must be provided within the premises and not be shared with any other premises within the building.
- 13 Every working room must be provided with separate sanitary facilities compromising a toilet, shower and hand basin directly accessible from that room for the use of both sex workers and their clients.
- All common areas, facilities and at least one (1) suite and its facilities (including a toilet / en suite) are required to be designed to be suitable for use by a person with a disability.

Amenity

- 15 The premises and its activities must not have an adverse affect on surrounding and adjoining land uses and business in the locality or within the same site.
- 16 The premises and its activities must avoid unacceptable visual impact and possible offence to the public. Sex workers must not display themselves in windows, doorways or outside a sex services premises.
- 17 The sex services premises is not to be of a colour which draws undue attention.
- To ensure the privacy of patrons and ensure no potential offence is caused to adjoining or surrounding premises, the interior of a sex services premises must not be visible from adjoining or surrounding premises or the public domain (which includes streets, parks and footpaths).
- 19 Sex services premises must be designed to minimise noise transmission, measures include:
 - i) grouping room uses according to the noise level generated;
 - ii) using storage or circulation zones within the premises to buffer noise from adjacent apartments, mechanical equipment or corridors and lobby areas; and
 - iii) incorporating appropriate noise shielding or attenuation techniques into the design of the building where appropriate.

Accessibility and Entrances

- 20 Access for people with a disability must be provided in accordance with all relevant legislation, including AS1428 *Design for Access and Mobility* and the *Disability Discrimination Act 1992*.
- 21 Premises must be designed so that there is only one (1) entrance to the premises which is to be located at the front of the building (or from the primary street access if the premises is located on a

13.3 SEX SERVICES PREMISES (continued)

Controls

corner). Examples of acceptable front entry designs are shown in the figure below.

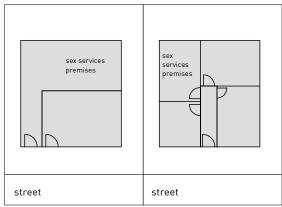


Figure 13.3-1:
Acceptable front entries for sex services premises.

- 22 Casual surveillance of the entrance is essential to ensure the safety of all workers and visitors to such premises. Accordingly, the entrance to the sex service premises must be designed to facilitate the privacy of workers and clients, without compromising personal safety.
- 23 Adequate lighting of the entrance is essential to ensure the safety of sex workers and clients who are leaving and arriving at the premises, but not to the extent where it becomes a prominent feature in the streetscape (eg. by high intensity lighting or the use of excessively bright colours). Any landscaping that is proposed should not obstruct the visibility and passive surveillance from public areas of the entrance so as to ensure the safety of all workers and visitors to such premises.
- 24 External lighting should be vandal resistant. Vandal resistance may be achieved by being high mounted and/or protected. Lighting must be directed towards access / egress routes rather than towards buildings (including the subject or neighbouring buildings).

Note: External lighting must not result in spillage of light onto adjoining properties.

- 25 Pathways must be direct (i.e. straight) and blind corners avoided (including on stairs, in corridors or in other situations where movement can be predicted). If blind corners cannot be avoided then they must be treated with mirrors to improve sightlines.
- All barriers beside pathways must be low in height or visually permeable (i.e. 'see-through') including landscaping, fencing and the like.

Advertising signs and structures

In addition to the provisions set out in *Part 10 of this DCP*, sex services premises must also adhere to the controls set out below:

13.3 SEX SERVICES PREMISES (continued)

Controls

- i) One (1) sign per premises ONLY:
- ii) Signage may identify only the name of the person who conducts the business or the registered name of the business;
- iii) A clearly visible street number must be displayed;
- iv) No merchandising relating to the sex services premises is to be erected, displayed or exhibited at any entry or in an access corridor (including any stairwell) to the premises;
- v) No signs may display words or images, which are in the opinion
 of the Council, sexually explicit, lewd or otherwise offensive.
 Council must be satisfied that the content, size, shape, and
 lighting of the sign is not likely to interfere with the amenity of
 the neighbourhood;
- vi) Signs may be externally lit by spotlights only. Internally illuminated signs or 'flashing signs' are not permitted;
- vii) A clear and legible sign is required advising clients that 'ONLY persons over the age of 18 will be permitted'. 'Proof of age may be required' must be clearly visible upon entry to the premises; and
- viii) The sign must be located at ground floor level outside the entrance to the premises, with a maximum size of 0.25m².
- Where there is an inconsistency between this section and *Parts 10.4 & 10.5 of this DCP*, the controls set out above prevail to the extent of any inconsistency.

Car Parking

- 29 On site parking must be provided for sex services premises at the rate of 1 space per 2 employees working at any one time in the premises, plus 1 space per room where acts of prostitution are conducted.
- Reduced parking requirements may be considered if it can be demonstrated by the applicant that adequate on-street car parking and/or public transport services exist close to the premises and any public transport services operate at the times at which the premises are proposed to be open. It will also be necessary to demonstrate that a variation to the requirements for the provision of on-site parking will not adversely affect the amenity of any adjoining residential locality or properties.
- 31 On-site parking spaces should be arranged in a grid pattern rather than a herringbone configuration.
- 32 Lighting must be used in all outdoor car parks and in all vehicular and pedestrian access ways to and from the development. Details of the lighting, including its location, must be provided with the development application. Where casual surveillance cannot be provided (i.e. carpark), electronic surveillance must be installed.

13.4 HOME OCCUPATION (SEX SERVICES) PREMISES

Objectives

- 1 To avoid the clustering of home occupation (sex services) premises.
- 2 To ensure home occupation (sex services) are located so as not to impact adversely on the environment, public areas, and other sensitive uses.
- 3 To ensure that the layout and design of home occupation (sex services) premises is such that their potential impacts and "presence" in the locality is minimised.
- 4 To ensure the privacy and comfort of patrons.
- 5 To ensure the design and external appearance of the premises and any associated structure(s) do not have an adverse impact on the architectural character of the surrounding built environment.
- 6 To ensure adequate and appropriate access to the premises and its facilities is provided for a person with a disability.
- 7 To maximise the safety and security of staff, clients and the general public by upholding principles of Crime Prevention Through Environmental Design (CPTED).
- 8 To ensure that home occupation (sex services) premises do not cause disturbance in the neighbourhood because of their scale (including the number of sex workers and support staff), operating hours or any other factor.

Controls

Location

To avoid clustering, home occupation (sex services) premises must not be located within 150 metres of the entrance to a building which contains an existing known home occupation (sex services) premises (measured from the building entrance of the proposed home occupation (sex services) premises). Council may also consider the presence of any home occupation (sex services) premises within a neighbouring Local Government Area (LGA) immediately adjoining the site.

Design of Premises

- 2 Toilet and bathroom facilities must be provided within the premises and not shared with any other premises within the building.
- Works to existing buildings must be carried out in such a way as to avoid the creation of potential entrapment spots where intruders may hide. This includes, but is not limited to, avoiding the creation of recesses in the building form and securing external storage areas such as waste storage. For existing buildings where no new works are proposed, appropriate lighting must illuminate existing entrapment spots.
- 4 Any security grilles used on windows must be openable from inside in case of emergency.

Amenity

- The premises and its activities must not have an adverse effect on surrounding and adjoining land uses and business in the locality or within the same site.
- The premises and its activities must avoid unacceptable visual impact and possible offence to the public. Sex workers must not display themselves in windows, doorways or outside a home occupation (sex services) premises.
- 7 The home occupation (sex services) premises is not to be of a colour which draws undue attention.
- To ensure the privacy of patrons and ensure no potential offence is caused to adjoining or surrounding premises, the interior of a home occupation (sex services) premises must not be visible from adjoining or surrounding premises or the public domain.

Accessibility and Entrances

9 Casual surveillance of the entrance is essential to ensure the safety of all workers and visitors in the premises. Accordingly, the entrance of home occupation (sex service) premises must be designed to allow workers to see who approaches their dwelling without the need to open the front door.

Introduction

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- 14.2 Vehicular Access and Car Parking
- 14.3 Site Planning and Building Design
- 14.4 Indoor Play Spaces
- 14.5 Back-up Facilities
- 14.6 Staff and Parent Accessible Areas
- 14.7 Outdoor Play Spaces
- 14.8 Transition Areas
- 14.9 Co-Located Child Care Centres

INTRODUCTION

Child Care Centres to which this Part applies

- This part applies to all types of child care centres except the following:
 - il Home Based Care
 - ii) Family Day Care
 - iii) Mobile Care Services
 - iv) Out-of school-hours (OOSH) Care Services

Note 1: Child care services not covered by this part will require Council approval prior to operation. Please contact Council's Community Service Department if you wish to obtain information relating to the establishment and operation of these services.

Note 2: Child care centres are regulated by the Children's Services Regulation 2004, under by the New South Wales Children and Young Persons (Care and Protection) Act 1998.

Purpose of this Part

This part has been created to guide the design development of high quality child care centres in Ku-ring-gai so as to:

- i) enforce a positive, proactive approach to identifying and responding to the child care needs of the community; and
- ii) provide a clear planning framework for guidance towards the establishment of centres that incorporate these ideals.

Obtaining consent from Council

This part complements the provisions of the Children's and Young Person's (Care and Protection) Act 1998 and the Children's Services Regulation 2004.

All child care centres require consent from Council and a license from the NSW Department of Community Services (DoCS) before they may operate. In the consideration of a development application (DA), Council will assess matters such as the design of the centre and how the centre fits into its surrounding environment. DAs will be assessed against the objectives and controls of this DCP. The DA must be prepared in accordance with Council's Development Application Guide (available from Council's Customer Service Centre).

Once Council has granted a consent, a license application should be prepared and submitted to DoCS (refer to the Regulations 2004 for details). In assessing the licence application, DoCS will consider how the centre is likely to operate and the ability of the proposal to meet the provisions of the Regulations 2004. As DoCS considers the licence application after consent has been granted, it is required that when the DA is lodged applicants provide Council with a signed statement as required under Part 2 of the Regulation 2004 .

Note: Part 2 'Licensing Requirements' of the Regulations 2004 states that applicants applying for a license from DoCS, must provide the department with

INTRODUCTION (continued)

a statement in writing signed by the applicant and by a person who is entitled to use the title "architect", "architectural draftsmen" or architectural assistant" under the Architects Act 1921 or who is accredited by the Building Designers Association of NSW Inc. in relation to the design of the class of building concerned, that the premises complies with the Part 3 facilities and equipment requirements of the Regulations 2004 applicable to centre based children's services. A statement of any respect in which the premises do not comply with these requirements signed in this manner must also be provided.

It should be noted that compliance with the numerical controls contained in this part does not necessarily guarantee that Council will grant consent to an application.

Obtaining further information

Information relating to the NSW Department of Community Services (DoCS) requirements for establishing child care centres can be found at www.community.nsw.gov.au

Further information on the establishment of high quality child care centres may be obtained from the 'Best Practice Guidelines in Early Childhood Physical Environments' developed by DoCS.

Council staff from Council's Development and Regulation and Community Services Departments may be consulted prior to submitting an application in order to obtain advice on your proposal. Fees may apply for this consultation.

INTRODUCTION (continued)

Definitions

For the purposes of this part, the following definitions apply:

back-up facility means a facility that assists in the operation of

the child care centre including cot rooms, child-accessible toilet areas, nappy change areas and

bottle preparation areas.

co-located child care centre

means a child care centre and another independent use located on a single site.

dual-use facility child care centre within a residential dwelling

house where both uses are located on a single site

but uses are separated.

family day care means a service that provides care for up to 7

children aged less than 12 years in the home of the family day care provider. Family day care providers are governed by the management structure of a

family day care scheme.

L90 Background

Level

means the ambient (background) noise levels that would normally exist in the absence of the child

care centre.

mobile care service

means a child care service that visits specific premises at specific times. The age of children cared for depends on the type of service provided.

multi-use facility a chil

a child care centre and other child-related activities or services (commercial or not-for-profit) operating on a single site often sharing

facilities.

Out of School Hours (OOSH)

Care

means a service that provides care for school aged children under 12 years old, usually before or after school hours, on pupil-free days or during school holidays. Centres are usually located on

school grounds or in community halls.

staff / parent accessible area

means any area of the child care centre that restricts unsupervised access by children or is not

intended for use by children.

unencumbered indoor play space

means useable play space that excludes items such as passage ways or thoroughfares, door swing areas, cot rooms, toilets or shower areas located in the building or any other facility, such as cupboards, that inhibits opportunity for play.

unencumbered outdoor play space means useable play space that excludes items such as car parking areas, storage sheds and other fixed items that prevent children from using the space or that obstruct the view of staff

supervising children in the space.

14.1 LOCATION

Objectives

- 1 To locate child care centres to protect health and safety of the facilities' users.
- 2 To locate child care centres so as not to adversely affect local traffic management.

Controls

Perferred locations for a Child Care Centre

- Preferred locations for the establishment of child care centres are where the facility will:
 - i) share two or less common boundaries with surrounding properties zoned for residential purposes;
 - ii) have a frontage to a park or other open space; and
 - iii) be located close to local shopping facilities, public transport and other community facilities.

Locations where a Child Care Centre is not encouraged

- Proposals to establish new child care facilities within 500m of a mobile phone base station, as measured from the transmitter to the nearest point of the subject site, must be accompanied by a report that demonstrates that the site is safe for use. The report must:
 - i) show that the site will not be exposed to Radio Frequency fields in excess of the criteria stated in the Australian Radiation Protection and Nuclear Safety Agency's (ARPANSA) 'Radio Protection Standard maximum exposure levels to radiofrequency fields 3kHz to 300GHz';

Note: For more information, visit the ARPANSA website at: http://www.arpansa.gov.au

- ii) be prepared using the 'Radio Frequency EME Exposure Levels Prediction' methodology; and
- iii) be prepared by a suitably qualified person.
- Proposals to establish new child care centres within 70m of a power line¹ carrying in excess of 33 kilovolts² (as measured from the ground point directly above an underground power line or directly below an overhead power line to the nearest point of the subject site) shall be accompanied by a report that demonstrates the site is safe for use. The report must:
 - i) show that the site will not be exposed to Electromagnetic Field Exposure (EMF) in excess of the limits stated in the International Commission on Non-ionising Radio Protection's (ICNIRP) Guidelines for Limiting Exposure to Time-Varying Electric, Magnetic and Electromagnetic Fields (up to 300GHz)³;
 - ii) be prepared in accordance with the methodology setout in the quidelines; and
 - iii) be prepared by a suitably qualified person.

Note 1: The ARPANSA recommended publication 'Electromagnetic Fields and Human Health: Power Lines and FAQs' prepared by Professor John E Moulder states "depending on the type of line and its current, magnetic fields become less than those produced by a typical residence at a distance of 20-70m".

14.1 LOCATION (continued)

Controls

Note 2: 33 kilovolts is the typical voltage carried by a distribution line from a substation or transmission line to a neighbourhood area. Applicants should consult Transgrid and Integral Energy for information relating to the location of power lines and power line easements in excess of 33 kilovolts.

Note 3: For more information, visit the ICNIRP website at: www.icnirp.org

4 New child care centres must not be located within 100m of a dangerous good of a quantity requiring a license to be held under the *Dangerous Goods Act 1975 and Regulation* as measured from the location of the dangerous good to the nearest point of the subject site.

Note: The NSW Fire Brigade's standard operational guidelines require that, in the event of a minor leak, spill or similar emergency, a 100m evacuation distance in all directions around the hazard, is to be established.

Proposals to establish new child care centres on or adjoining a site deemed by Council to be "potentially contaminated land" must be accompanied by evidence that the site is safe for the proposed use.

Note: Refer to Council's Contaminated Land Policy 2004 for information outlining these requirements and a list of activities that may cause a site to be considered 'potentially contaminated land'.

- 6 Proposals to establish new child care centres within 125m of a major roadway as listed under 'List of major roadways for the purpose of Child Care Centres'. The distance as measured from the edge of the road reserve closest to the proposed site to the nearest point of the subject site, shall be accompanied by a report that demonstrates the site is safe for use. The report must:
 - i) provide a comparison between the air, noise and soil qualities experienced by the centre and the guidelines set by the NSW Department of Environment and Conservation's Environment Protection Authority (EPA); and

Note: For more information, visit the EPA website at: www.environment. nsw.gov.au

- ii) be prepared by a suitably qualified person.
- iii) A major roadway for the purposes of this DCP includes:
 - Boundary Street (between Pacific Highway and Clive Street/ Eastern Valley Way)
 - Horace Street
 - Illoura Avenue (Between the railway bridge to Millewa Avenue)
 - Killeaton Street (between Warrimoo Avenue and Mona Vale Road)
 - Kissing Point Road (between Pacific Highway to The Comenarra Parkway)
 - Lindfield Avenue (between Havilah Road and Tryon Road)
 - Link Road
 - Mona Vale Road
 - Pacific Highway

14.1 LOCATION (continued)

Controls

- Telegraph Road
- Ryde Road

Note: The list above is by no means exhaustive. Council may order that air, noise and/or soil testing be carried out or that a report be prepared demonstrating the impacts that traffic generated by the centre will have on the roadway where child care centres are proposed in the vicinity of other roads that carry a high volume of traffic.

- Where a new child care centre is to be established in a cul-desac or road with no through public access, the applicant must demonstrate that there will be no significant impact to residential amenity or vehicular manoeuvrability.
- Where a new child care centre is to be established in a residential street, the applicant must demonstrate that there will be no significant impact to residential amenity or traffic movement.

14.2 VEHICULAR ACCESS AND CAR PARKING

Objectives

- 1 To provide safe on-site vehicle manoeuvrability.
- 2 To provide car parking that satisfies the demand generated by the centre.
- 3 To design car parking areas that are compatible with the character of the surrounding area.
- 4 To locate and design car parking to minimise disruption to local traffic.

Controls

Car parking is to be provided as follows:

One parking space per four children in care is to be provided, of which at least one space must be accessible for people with a disability (Refer to Part 4.8 of this DCP).

Note: This figure includes staff parking.

- 2 Accessible parking must be clearly marked and located as close as possible to the primary entrance to the building.
- 3 New child care centres proposed on sites adjoining a major roadway (as listed in *Part 14.1 of this DCP*) are not to have vehicular access from that road unless it can be adequately demonstrated that alternative vehicular access to that development is neither practicable nor can be provided by another road (not being a road listed in *Part 14.1 of this DCP*).

Note: Depending on the size of the centre, such access arrangements may require the concurrence of Council's Traffic Committee and the Roads and Traffic Authority.

- 4 Car parking areas are to include a designated footpath from the car park to the building entrance and to the footpath on the street to ensure safety and welfare of pedestrians.
- 5 Car parking areas are to be designed in a manner that allows vehicles to travel in a forward direction at all times except when entering or leaving a parking space.
- Where a child care centre is located on a corner site such that vehicles may exit the site via an alternate street to that by which they entered, the car parking and vehicular access area must be designed in a manner that discourages "shortcuts" being taken through the site by drivers who are not visiting the centre.

Note 1: In order to achieve this, on-site traffic calming measures may be required.

Note 2: In addition to the controls of this section, vehicular access and car parking must adhere to the relevant controls in *Part 3 and 4 of this DCP*.

Note 3: For Key Sites, vehicular access must also adhere to the relevant controls in *Part 2 of this DCP*.

7 Car parking must be located away from outdoor play areas of the centre.

14.3 SITE PLANNING AND BUILDING DESIGN

Objectives

- 1 To be compatible with the scale and character of surrounding areas.
- 2 To be sympathetic to the amenity for neighbouring properties.
- 3 To provide attractive, site responsive and practical designs.
- 4 To design the centre for the appropriate management of water on the site.
- 5 To ensure the centre is accessible to all potential users of the facility.
- 6 To integrate the centre effectively with the surrounding area.

Controls

The following controls are general and apply to all child care centres.

Solar Access and Ventilation

- The centre shall be designed and sited to achieve solar access for a minimum period of four hours between 9:00am and 3:00pm on 21 June. These requirements apply to the common areas of the centre including indoor and outdoor play spaces.
- The design of the centre must not affect solar access to adjacent dwellings for a minimum period of four hours between 9:00am and 3:00pm on 21 June.
- Wherever possible, children's sleeping areas, toilets, staff rooms and internal play spaces are to have access to natural lighting during daylight hours.
 - **Note:** Council may require that outdoor areas that are shaded during daylight hours be artificially lit to ensure safety.
- 4 The child care centre is to be designed in a manner that utilises cross ventilation as the primary ventilation control system.
 - **Note 1:** Refer to *Part 3 of this DCP* for ventilation controls of the relevant building type.
 - **Note 2:** Artificial ventilation control measures may be required in some areas where natural ventilation is not feasible.

Accessibility

- 5 Accessibility to and within the building shall be provided in accordance with the BCA.
- 6 A continuous path of travel to and within the building in accordance with AS1428.2: Design and Access for Mobility must be provided.
- All key areas of the site must be linked by pathways that are accessible to prams, wheelchairs and the like.
- 8 In residential area, child care centres must be located on the ground floor of the building.
- 9 In commercial and business areas, child care centres may be located at first floor level (but no higher) only where:
 - i) it can be demonstrated that there are no viable alternatives for the location of a child care centre at ground level in the building or the surrounding area due to the built form of the building and the density of the surrounding area.
 - ii) suitable access to designated play areas is available;
 - iii) effective emergency evacuation procedures will be provided.

14.3 SITE AND BUILDING DESIGN (continued)

Controls

Landscaping and Planting

- 10 Landscaping of new child care centres shall be designed to enhance the visual quality of the building on the streetscape.
- 11 Screening must be provided to adjoining dwellings where required.
- 12 The landscape design of the child care centre shall relate to existing streetscapes in terms of scale and planting style and species selection.
- 13 No area within the child care centre may contain plant species that have the following characteristics:
 - i) plants known to be poisonous or that produce toxins;
 - ii) plants with high allergen properties;
 - iii) plants with thorns, spikes or prickly foliage; and
 - iv) plant species that Council considers may place the health, safety and welfare of the centres' users at risk.

Note: Refer to *Part 14.7 of this DCP* for landscaping and planting requirements in outdoor play spaces.

Noise

Where a child care centre is to be located on a site adjoining a residential property, noise generated by the centre must not be more than 5dB(A) above the ambient (L90) background noise level, as measured at any point on the adjoining residential property.

Note: Council may order an acoustic assessment be undertaken by a suitably qualified acoustic consultant that is to include recommended noise attenuation measures.

Centres in Residential Areas

Applies only to child care centres proposed on land zoned for residential purposes.

15 The BCA contains specific and detailed building requirements to which the design of child care centres must conform. These requirements cover considerations such as accessibility, fire escapes, and the provision and design of toilets and hand washing facilities.

Note: Child care centres are referred as 'Early Childhood Centres' that are part of the 'Class 9B' building classification category of the BCA.

- 16 The child care centre shall be a single storey in height.
- 17 Development must be appropriately located on the site having regard to the existing setbacks of adjoining properties; the setback pattern of the street and block within which the proposal is situated; as well as Council's minimum and average setback requirements.

14.3 SITE AND BUILDING DESIGN (continued)

Controls

- 18 The centre must be designed to minimise potential noise and overlooking of adjoining residences by:
 - facing doors and windows of the centre away from sensitive areas such as bedrooms, living rooms and private open space;
 and
 - ii) facing play equipment away from common boundaries with residential properties.

Centres in R2 Zones

- 19 The required minimum front setback shall be:
 - i) 9m where the site is located on the low side of the street; or
 - ii) 12m where the site is located on the high side of the street.

Note: Where the predominant setback pattern of the existing streetscape reflects setbacks which exceed the required minimum, the greater setback suggested by the streetscape character shall apply.

- Where external walls do not have windows or other form of articulation, its length must not exceed 12m.
- 21 The required minimum side setbacks shall be:
 - i) 1.5m where the site is less than 20m in width; or
 - ii) 9% of the site width where the site is 20m or more in width.
- 22 The required minimum rear setbacks shall be:
 - i) 25% of the average site depth where the site is of a depth less than 48m; or
 - ii) 12m where the site depth is 48m or greater.

Objectives

- 1 To cater for a range of indoor play activity.
- 2 To provide storage for play equipment.
- 3 To ensure efficient and effective access and supervision.
- 4 To ensure visual and physical link between indoor and outdoor area.
- 5 To stimulate and enhance children's learning within indoor and outdoor environments.

14.4 INDOOR PLAY SPACES

Controls

General

- 1 The child care centre must provide at least 3.25m² of unencumbered indoor play floor space per child.
- Indoor and outdoor play spaces are to be designed so as to allow maximum supervision.
- 3 Clear pedestrian access must be provided from the indoor play space to the back-up facilities of the centre.
- 4 Indoor play spaces are to be designed so as to allow sub-spaces (eg home corners, dolls and reading areas) to be set up.
- The design of the indoor play space must allow for efficient access to and supervision of frequently used back-up facilities, such as children's toilet facilities, nappy changing areas and cot rooms.
- A craft preparation area, easily accessible by staff, is to be provided at the edge of the indoor playspace.

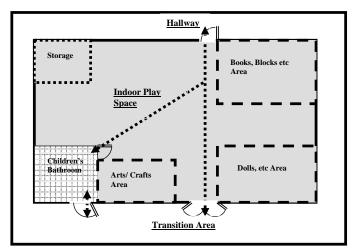


Figure 14.4-1:
Example of possible indoor play space demarcation (source: 'Best Practice Guidelines in Early Childhood Physical Environments' - NSW Department of Community Services)

Storage

- A storeroom or storage area, suitable for the storage of large equipment (such as gym mats) must be directly accessible from each indoor play space.
- A storage area, adjoining the play space, must be provided for the storage of all bedding material to ensure beds are at the closest possible distance from their place of use.

14.5 BACK-UP FACILITIES

Objectives

1 To provide healthy, comfortable and functional back-up facilities that cater for all users of the facility.

Controls

Cot Rooms

- 1 Cot rooms are to have a minimum floor area of 2.5m² per cot with a minimum gap of 800mm between each cot (source: 'Best Practice Guidelines in Early Childhood Physical Environments' by the NSW DoCS)
- 2 Cot rooms or other designated sleep areas must be provided in accordance with the *Children's Services Regulation 2004*.
- Cot rooms are to be located away from the indoor and outdoor play spaces and other high noise areas of the centre.
- Where it is not possible to locate cot rooms away from high noise areas, adequate acoustic insulation measures for the room are to be implemented.

Note: Council may order an acoustic assessment, that includes recommended noise attenuation measures, be undertaken by a suitably qualified acoustic consultant. Measurements are to be taken from 1.5m above the ground level of the proposed outdoor play space.

Child-accessible Toilet Areas

- 5 All child-accessible toilet areas are to be 12.5m², as a minimum overall area, with an additional 2.5m² for each additional toilet over the baseline figure of 3 toilets. (source: 'Best Practice Guidelines in Early Childhood Physical Environments' created by the NSW DoCS)
- 6 Child-accessible toilets and hand washing facilities are to be provided in accordance with the requirements of the BCA.
- 7 Mirrors constructed of safety glass are to be provided on top of the junior hand basins.
- 8 Separate doorways from indoor and outdoor play spaces must be provided to allow direct access to the child-accessible toilet area.
- 9 Child-accessible toilet areas must be designed with a clear line of sight allowing maximum supervision from indoor and outdoor play spaces.

Nappy Changing Areas

- Nappy changing areas must be located away from food and craft preparation facilities.
- 11 Nappy changing areas must be provided with a lockable gate or other means that restricts unsupervised access by children.
- 12 Nappy changing areas are to be designed with windows or similar that allow staff to supervise indoor and outdoor play spaces while using the area.

14.5 BACK-UP FACILTIES (continued)

Controls

Bottle Preparation Areas

- 13 Bottle preparation areas are to provide adequate space for the following:
 - i) a sink and drainage board;
 - ii) an open bench;
 - iii) a microwave oven;
 - iv) a refrigerator; and
 - v) shelving for bottle equipment.
- 14 Bottle preparation areas must be provided with a lockable gate, or other means, that will restrict unsupervised access by children.
- 15 Bottle preparation areas must be located at the edge of the indoor play spaces.

14.6 STAFF AND PARENT ACCESSIBLE AREAS

Objectives

- To design functional, comfortable practical and well positioned staff and parent areas.
- 2 To provide the highest levels of health and safety for the users of the facility.

Controls

General

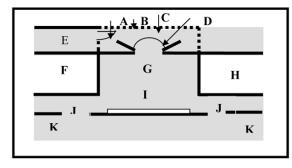
1 'Best Practice Guidelines in Early Childhood Physical Environments' by the NSW DoCS recommends the following minimum dimensions for Staff and Parent Accessible Areas:

Area	Minimum Dimension	
Internal Foyer	15m²	
External Foyer	10m ²	
Director's Office	10m²	
Administration Area	6m ²	
Staff Room	16m² with an additional 2m² for each additional staff member	
Adult Toilet Facilities	10m²	
Kitchen	16m² with an additional 6m² for general storage space	
Laundry	10m ²	

2 All staff and parent accessible areas must be provided with a lockable gate, or other means, that restrains or restricts unsupervised access by children.

Internal and External Foyer Areas

- 3 An internal foyer area must be provided to:
 - i) Adjoin the main entry point of the child care centre;
 - ii) Adjoin the administration area / director's office; and
 - iii) be of a functional size, proportionate to the number of users of the centre.
- 4 The internal foyer area must be provided with a lockable gate, or other means, that restricts unsupervised access by children from play spaces.



- A Gate
 - B FencedC Covered Entry
- D Double Entry Door
- E Entry Path
- F Director's Office
- G Fover
- H Administration Area
- I Notice Board
- J Passage
- K Playrooms

Figure 14.6-1:

Example of a child care centre foyer divided into a variety of play spaces (source: 'Best Practice Guidelines in Early Childhood Physical Environments' - NSW Department of Community Services)

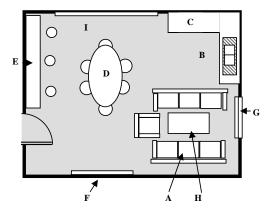
14.6 STAFF AND PARENT ACCESSIBLE AREAS (continued)

Controls

- 5 External sheltered fover area must be provided and it must:
 - i) be of a functional size for protection from weather conditions;
 and
 - ii) be designed to clearly identify the main entry to the centre.

Director's Offices / Administration Areas

- 6 The director's office / administration area is to be of a functional size in relation to the number of children in care, allowing space for a photocopier, parent and staff meeting area and other administrative office furniture.
- 7 The director's office / administration area must immediately adjoin the internal foyer area and allow for maximum supervision of this area.



- A Staff Seating
- **B** Amenities
- C Lockers
- **D** Meeting Area
- E Programme Preparation Area
- F Notice Board
- G Window
- H Low Table
- I Pin Board

Figure 14.6-2: Example of a staffroom layout (source: 'Best Practice Guidelines in Early Childhood Physical Environments' -NSW Department of Community Services)

Staff Rooms

- 8 The staff room is to be located away from the high noise areas of the centre such as indoor and outdoor play spaces.
- 9 Where it is not possible to locate the staff room away from areas of high noise, adequate noise insulation measures for the room are to be implemented.
- The staff room is to be of a functional and comfortable size to accommodate the number of staff at the centre.

Adult Toilet Facilities

- 11 Adult toilet facilities are to be provided in accordance with the BCA.
- 12 Toilet facilities must not directly open to the kitchen or other food preparation area.

14.6 STAFF AND PARENT ACCESSIBLE AREAS (continued)

Controls

Kitchens and Food Preparation Facilities

- 13 Kitchens and other food preparation facilities are to be provided in accordance with the provisions of the BCA.
- 14 Kitchens and other food preparation facilities are to be designed and located so as to minimise noise transfer to children's rest areas.
- 15 Kitchens and food preparation facilities that allow children to observe food preparation must be designed so as to enable supervision of the children at all times and not put their safety and welfare at risk.

Laundries

- 16 Laundries must meet the provisions of the BCA.
- 17 Laundries are to be provided away from the indoor play space and food preparation areas of the child care centre but are to be easily accessible from baby and toddler play spaces.

Cleaner's Storage Area

18 A storage area for all cleaning equipment of the centre must be provided.

14.7 OUTDOOR PLAY SPACES

Objectives

- 1 To offer a safe, functional and educational environment.
- 2 To preserve the amenity and privacy of adjoining residential properties.
- 3 To provide a variety of outdoor play spaces offering a range of play experiences.
- 4 To ensure adequate storage provisions for play equipment.
- 5 To stimulate and enhance children's learning within indoor and outdoor environments.

Controls

General

- 1 Outdoor play spaces shall:
 - i) provide more than 7m² of unencumbered outdoor play space per child; and
 - ii) provide storage space for play equipment of 0.5m² for each child attending the centre.

Note: When calculating outdoor play space, areas occupied by items such as storage sheds or other fixed items that prevent children from using the space; or other elements such as steep slopes are to be excluded.

2 Outdoor play spaces are to be located in either the side or rear setback of the site.

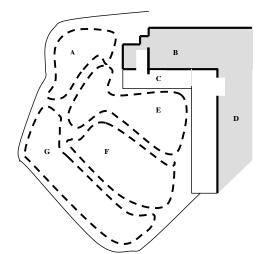
Note: Where it is not possible to locate outdoor play spaces in the side or rear setback of the centre, the applicant will be required to demonstrate that appropriate safety precautions have been implemented.

- Where a child care centre caters for children aged above and below 3 years of age, separate outdoor play spaces are to be provided for children aged under 3 years and children aged between 3 and 5 years.
- Where separate outdoor play spaces are provided, a clear line of sight for direct access for supervision between the areas must be available to staff.
- 5 Outdoor play spaces for children aged 3-5 years must include a variety of spaces that allow children to engage in a range of activities, set out below:
 - i) an open play space that:
 - provides adequate space for children to develop gross motor skills through activities such as running and jumping;
 - incorporates a variety of natural ground surfaces such as grass or mulch; and
 - utilises topographical variations such as mounds.
 - ii) an active play space that:
 - dedicates space for climbing structures, digging areas and other play equipment;
 - utilises topographical variation; and
 - integrates natural and artificial ground surfaces.
 - iii) a quiet play space that:
 - can be used for quiet activities such as teaching and finger painting;
 - has a stable ground surface; and
 - adjoins the transition area of the centre.

Note: Examples of quiet play spaces include sandpits, gazebos and

14.7 OUTDOOR PLAY SPACES (continued)

Controls



- A Infant and Toddler
- **B** Infant and Toddler Playroom and Services
- C Transition Area
- D Older Children
- E Quiet Area
- F Open Area
- G Active Area

Figure 14.7-1:
Example of a child care centre play ground divided into a variety of play spaces (source: 'Best Practice Guidelines in Early Childhood Physical Environments' - NSW Department of Community Services)

amphitheatres.

Play Equipment

- 6 All outdoor play equipment must comply with the relevant Australian Standards, including *AS/NZS4486.1 1997: Playgrounds and Playground Equipment*.
- 7 Softfall surfaces are to be used to surround play equipment and other areas where children may be at risk of falling from an elevated height. Softfall surfaces must comply with the relevant Australian Standards, including AS/NZS 4422 1996: Playground Surfacing.

Shade

8 Outdoor play spaces must be shaded in accordance with the NSW Cancer Council's *Shade for Children's Services* or any document that replaces it.

Planting

- Where the outdoor play space of the centre adjoins a residential property, screen planting along the common boundary with the residence is to be provided.
- 10 Plantings in outdoor play spaces are to include an attractive variety of trees, shrubs and other soft landscaping measures that

14.7 OUTDOOR PLAY SPACES (continued)

Controls

contribute to the educational value of the centre through a mixture of colours, textures and forms.

11 Tree plantings are to be used to contribute to achieving the requirements of shading in accordance with the NSW Cancer Council's *Shade for Children's Services* or any document that replaces it.

Fencing

- 12 The perimeter of all outdoor play spaces must be fenced to a minimum height of 1.2m.
- 13 Where the outdoor play space of the child care centre shares a common boundary with a residential property, fencing along the boundary must be a minimum of 1.8m in height and constructed of a material that ensures the privacy of the residence (eg. overlapped timber).
- 14 The construction of fences in outdoor play spaces must not present a foothold below 900mm as measured from the ground level.
- Where the child care centre is to be located on a site commonly affected by high winds, the fence shall be designed to act as a windbreak.
- 16 Gates leading to and from the outdoor play spaces are to be equipped with child-proof, self-locking mechanisms.

Noise

17 The outdoor play space of the child care centre must not be exposed to an average noise level in excess of 55 dB(A) originating from external sources, during the centre's operating hours.

Note: Council may order an acoustic assessment that, includes recommended noise attenuation measures, be undertaken by a suitably qualified acoustic consultant. Measurements are to be taken from 1.5m above the ground level of the proposed outdoor play space.

Storage

18 Storage facilities for outdoor play equipment must be provided. This storage may be part of the main building or a separate structure sited in the outdoor play space.

Note: If the storage facility is sited separately (not forming part of the main building), the structure must not obstruct supervision of the outdoor play space and will not contribute to calculations of play space areas.

- 19 Outdoor storage areas must not be accessible to unsupervised children.
- 20 Outdoor storage structures that do not form part of the main building are to be of a solid construction that can be locked when not in use.

14.8 TRANSITION AREAS

Objectives

- 1 To assist with the integration of indoor and outdoor play spaces.
- 2 To provide transition areas that are safe, comfortable and of a functional size.
- 3 To provide undercover areas that cater for a range of weather conditions.

Controls

- Child care centre must have a transition area that shall:
 - provide 3-4m² of unencumbered play space per child; and
 - ii) incorporate craft facilities and craft storage areas.
- 2 The transition area must be designed to allow indoor and outdoor activities to be conducted undercover.
- 3 The transition area must adjoin the child care centre's main buildina.
- The transition area must be located between the indoor and outdoor play spaces.
- 5 The roof coverage of the transition area must be a minimum of 4m
- 6 The transition area must have direct frontage to the outdoor play spaces.
- 7 Access to the transition area must not rely solely on stairs.
- The transition area must be designed in a manner that offers protection from unfavourable weather conditions, including strong winds and rainfall.
- The transition area must be designed in a manner that utilises natural temperature controlling measures, including cross ventilation.
- Roofing materials used in the transition area must not allow excessive heat to build up during summer months.
- The transition area must be designed in a manner that does not inhibit supervision between indoor and outdoor play spaces.

Note: The transition area may be included in the overall outdoor play space calculation for the centre.

Indoor C \mathbf{C} E В A Windows **Outdoor Play Areas**

Figure 14.8-1: Example of a verandah transition area (source: 'Best Practice Guidelines in Early Childhood Physical Environments' - NSW Department of Community Services)

- B Main Access to Outdoor Playground Covered Transition
- Area
- D Pergola Cover Area
- E Low Barriers
- F Double Doors

14.9 CO-LOCATED CHILD CARE CENTRES

Objectives

- 1 To ensure adequate separation between colocated single residential dwellings and child care centres.
- 2 To encourage co-located equipped residential dwellings that are self-contained.
- 3 To encourage multiuse facilities that are compatible with child care centres.

Controls

Dual-Use Facilities

- 1 Dual use facilities may only be located on sites zoned for residential purposes.
- The residential dwelling and child care centre component of the dual use facility must be contained within a single building.
- Any existing or proposed swimming pools must be securely fenced, meeting the requirements of the Swimming Pools Act, 1992.
- 4 Clearly defined, separate entrances must be provided for both the residential dwelling and the child care centre components of the building.
- The dual use facility must be designed so as to ensure a high level of amenity for the occupants of the residential dwelling. This is to be achieved by positioning living rooms, bedrooms and other habitable rooms away from common walls with the child care centre.
- 6 A minimum 25m² of private open space shall be provided for the residential dwelling of the dual use facility.
- 7 The residential dwelling of the dual use facility must be equipped with the following that are solely for use by the dwelling's occupants:
 - i) a kitchen;
 - ii) a laundry;
 - iii) a bathroom; and
 - iv) storage space that is to be in accordance with the storage requirements in this DCP for the relevant dwelling type.

Note: Access between the residential dwelling and child care centre of the dual use facility is permissible; however, this is to be designed so that children attending the centre cannot access the residence.

8 In addition to the parking requirements for the child care centre, a minimum of one off-street car parking space shall be provided for the exclusive use of the residential dwelling.

Multi-use Facilities

9 Any components of the multi-use facility that are not part of the child care centre must complement the operation of the child care centre. Such activities include toy libraries, baby health care services or the like.

Introduction

- 15.1 Notification and Advertising Requirements
- 15.2 Notification Requirements by Development Category
- 15.3 Notification Requirement by Notification Type
- 15.4 Criteria To Be Considered by Council In Determining Detrimental Effects
- 15.5 Procedures For Notification by Council
- 15.6 Written Submissions to Council

INTRODUCTION

This Part provides controls for advertising and notifying the public and other affected parties about a proposed development.

For the purposes of *Part 15 of this DCP*, "Advertising" means written notice of a proposed development, including a notice in a newspaper.

15.1 NOTIFICATION AND ADVERTISING REQUIREMENTS

Objectives

- 1 To enable public participation in the planning process that is appropriate to the type and form of development proposed.
- 2 To ensure a consistent, transparent and efficient development assessment process.
- 1 Notification is required for the following:
 - i) Development Applications;
 - ii) Part 96 Modification Applications; and
 - iii) Part 82A Review Applications.

Note: Notification must be in accordance with Table 15.2-1.

- In accordance with the requirements of the Ku-ring-gai Local Environmental Plan (Town Centres) 2010, and as specified in the table below, the following development within heritage items must be notified and advertised as Notification Type F (which is the same as the requirements for designated development):
 - i) demolition of heritage items;
 - ii) demolition in heritage conservation areas; and
 - iii) any use of a building or land for which consent is sought under the provisions of 5.10(10) of the KLEP 2010.
- 3 Applications for works only involving trees within Heritage Items, or Heritage Conservation Areas must be notified and advertised as Notification Type C. The following tree works require notification:
 - removal of a street tree which has been determined as significant; and
 - ii) removal / moving / pruning of any significant tree that is considered safe.
- 4 In the following instances, an Advisory Note will only be sent by Council to owners / occupiers of adjacent properties advising of the need to undertake tree works, where:
 - i) the tree is considered significant but unsafe;
 - ii) the tree is not considered significant; or
 - iii) the tree is dangerous and must be dealt with urgently.

In these instances no response will be sought or considered.

15.2 NOTIFICATION REQUIREMENTS BY DEVELOPMENT CATEGORY

- A development is considered to require the notification type specified in the following table if it meets one or more of the circumstances specified in the relevant line of the centre column of the table.
- Where a development may be considered to fall into two or more Notification Types, notification shall be undertaken in accordance with the higher requirement.
- Once the development category is determined, notification must be undertaken in accordance with the Notification Type (A F) listed for that development category in the Table 15.2-1.
- 4 In the event that the development for which consent is applied does not appear in the table below, the notification and advertising requirements for the development application will be determined by Council's development assessment team leader in accordance with other requirements of this Part.

Table 15.2-1: Notification and Advertising Requirements by Development Category

AMENDMENTS, MODIFICATIONS AND REVIEWS Amendments to undermined DAs where the environmental impact will be the or less than the original proposal where the environmental impact will be greated than the original proposal source. Source of the environmental impact will be greated to solve the environmental impact will be the or less than the original proposal solve the environmental impact will be the or less than the original proposal solve the environmental impact will be the or less than the original proposal solve the environmental impact will be the or less than the original proposal solve the environmental impact will be the or less than the original proposal solve the environmental impact will be the or less than the original proposal solve the environmental impact will be the or less than the original proposal solve the environmental impact will be the or less than the original proposal solve the environmental impact will be the or less than the original proposal solve the environmental impact will be the or less than the original proposal solve the environmental impact will be the or less than the original proposal solve the environmental impact will be the or less than the original proposal solve the environmental impact will be the original proposal solve the environmental impact will be the original proposal solve the environmental impact will be the original proposal solve the environmental impact will be the original proposal solve the environmental impact will be the original proposal solve the environmenta	reater B A cl. 118 EP&A Regs clause B frements as per original original DA
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MEDIUM AND HIGH DENSITY RESIDENTIAL DEVELOPMENT	antrocl E
	entros) E
Heritage Items any application relying on KLEP (Town Ce 2010 clause 5.10 (10)	inu es) F
Multi Dwelling Housing all	F
Shop Top Housing all	F
Seniors Housing all	F
Residential Care Facilities internal works	Α
in residential zones (except internal works	
in non-residential zones (except internal w	
Residential Flat Buildings all	F
Other all	F
DUAL-OCCUPANCY DEVELOPMENT	
Heritage Items any application relying on KLEP (Town Ce 2010 clause 5.10 (10)	entres) F
Dual-Occupancy new	D
alterations and additions	С
DWELLING HOUSE DEVELOPMENT	
Heritage Items any application relying on KLEP (Town Ce 2010 clause 5.10 (10)	entres) F
Alterations and Additions to all	С
Dwelling Houses	
New Dwelling Houses all	D
Other all (see also Residential Ancillary)	С
RESIDENTIAL ANCILLARY	
Heritage Items any application relying on KLEP (Town Ce 2010 clause 5.10 (10)	entres) F
Carports / Garages all	С
Combined Multi all	С
Fencing all	А
Landscape Works all	А
Outbuildings all	С
Swimming Pools all	С
Tennis Courts all	С
Other all	С

Table 15.2-1: Notification and Advertising Requirements by Development Category

Development Category	Circumstances of development	Notification
		_
Heritage Items	any application relying on KLEP (Town Centres) 2010 clause 5.10 (10)	F
Heritage Item Area; Heritage	removal/ moving/ pruning/ lopping of trees	С
Conservation Areas;		
Archaeological Sites.		
Community Title	all	A
Company Title	all	A
Strata Title	all	A
Torrens Title	all	D
BUSINESS AND RETAIL DEV		
Heritage Items	any application relying on KLEP (Town Centres) 2010 clause 5.10 (10)	F
Internal works (any	all	Α
development type)		
Boarding Houses	new building / use; additional habitable rooms; increased height; outdoor recreation facilities	D
	other	Α
Business premises (not listed	new building	F
elsewhere in this section)		
Caravan Parks	all	D
Change of use	in business zones	A
	in any other zones	D
	Firearms outlets in any zone	F
Extension of Trading Hours	in a residential zone	D
	in any non-residential zone	<u>A</u>
Health Consulting Rooms	in residential zones	F
	in all other zones	<u>A</u>
Hotel Accommodation	in residential zones	F
	in non-residential zones: new buildings; additional rooms; ancillary outdoor recreation facilities; increased height	Е
	non-residential zones: other	С
Office premises	new building	F
Pubs	new buildings; additional habitable rooms; outdoor recreation facilities; increased height	E
	other	С
Registered Clubs	in residential zones	F
	in non-residential zones: internal modifications; minor external changes	Α
	in non-residential zones: other	D
Retail premises (not listed	new building	F
elsewhere in this section)		
Restaurants	in non-residential zones	А
	in residential zones	D
Sex Services Premises	new business; external alterations / additions; increase in room and/or employee numbers by	D
	more than two other	A
	OUICI	^

Table 15.2-1: Notification and Advertising Requirements by Development Category

Development Category	Circumstances of development	Notification
DUCINICO AND DETAIL DEV	/FLODMENT	
BUSINESS AND RETAIL DEV Service Stations	minor external and internal works where no change to storage, pumping, bunding, drainage and the like of liquids or dangerous materials is required	Α
	all other works	D
Warehouse or distribution centres	minor external changes; internal changes	А
	all other works	D
Other - Alterations and Additions	all	D
DEMOLITION	Where the DA applies to the Hapitage items	-
Heritage Items	Where the DA applies to the Heritage items any demolition in a Heritage Conservation Area	F F
Heritage Conservation Areas Other	all	r D¹
COMMUNITY & RECREATIO		Ь
Heritage Items	any application relying on KLEP (Town Centres) 2010 clause 5.10 (10)	F
Child Care Centres	internal works	A
	in residential zones (except internal works)	F
	in non-residential zones (except internal works)	D
Educational Establishments	internal works	Α
	in residential zones (except internal works)	F
	in non-residential zones (except internal works)	D
Entertainment Facilities	residential zones	F
	non-residential zones	D
Hospitals	internal works	A
	in residential zones (except internal works)	<u>F</u>
	in non-residential zones (except internal works)	E
Information or Education Facilities	internal works	Α
	new information or education facilities	D
	alterations and additions	С
Markets	all	Α
Places of Public Worship	all	F
Recreational area	in residential zones	D
	in non-residential zones	Α
Recreation facilities (indoor) & Recreation facilities (outdoor)	in residential zones	D
	in non-residential zones	Α
Temporary structures	all	Α
Other	all	D

¹ Note: As described in Part 15.3, additional notification provisions apply to this type of development where proposed for an item within an area identified by Council as a proposed Heritage Conservation Area or where the item is identified as a potential Heritage item by Council.

Table 15.2-1: Notification and Advertising Requirements by Development Category

Development Category	Circumstances of development	Notification
SIGNAGE		
Heritage Items	any application relying on KLEP (Town Centres) 2010 Clause 5.10 (10)	F
Signage	on land zoned for business or retail puposes	Α
Signage	on land zoned for residential purposes	С
Other	all	Α
TELECOMMUNICATIONS		
Heritage Items	any application relying on KLEP (Town Centres) 2010 Clause 5.10 (10)	F
Other	all	D
MISCELLANEOUS		
Heritage Items	any application relying on KLEP (Town Centres) 2010 Clause 5.10 (10)	F
Tree works in heritage areas removal/moving/pruning of trees	in Heritage Conservation Areas, on Heritage Items	С
Agriculture	all	Α
Development where a biodiversity offset is proposed	all	In accordance with any Offset Policy adopted by Council
Drainage	all	А
	in residential zones	D
	in all other zones	А
Utility Installations	all	А
Other	all	D

15.3 NOTIFICATION REQUIREMENT BY NOTIFICATION TYPE

Notification Type A requirements

- 1 No notification is necessary except where, in the opinion of Council's development assessment team leader, the owners and occupiers of adjoining and neighbouring land would be detrimentally affected in any manner described in *Part 15.4 of this DCP* if the development proposal was carried out.
- 2 In the event that Council's development assessment team leader determines that owners and occupiers of adjoining and/or neighbouring land would be detrimentally affected by the proposed development, notification letters shall be sent in accordance with Part 15.5 of this DCP to all such persons.

Notification Type B requirements

- Notification letters shall be sent in accordance with *Part 15.5 of this DCP* to:
 - all persons who were notified about the original application or any subsequent applications for amendment or modification;
 and
 - ii) all persons who made submissions with respect to the original application and any subsequent applications for amendment or modification.
- Where, in accordance with the above controls, Council's development assessment team leader determines that renotification and re-advertising shall not occur, the assessment report on the application shall include a statement giving the reasons why re-notification was not considered necessary.
- The development application shall be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.
- The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in *Part 16.5 of this DCP*.

Notification Type C requirements

- 7 Notification letters shall be sent in accordance with *Part 15.5 of this DCP* to:
 - i) all owners and occupiers of the adjoining land on either side of the subject property; and
 - ii) all owners and occupiers of the land adjoining the rear or front of the property, whichever side the works are proposed to be undertaken.

Note: Exceptions to Type C requirements may apply where, in the opinion of Council's development assessment team leader, the owners and occupiers (where known) of land other than that specified above would be detrimentally affected in any manner described in *Part 15.4 of this DCP*, if



Figure 15.3-1: Example of Notification Type C - minimum notification requirements for works at front

15.3 NOTIFICATION REQUIREMENT BY NOTIFICATION TYPE (continued)



Figure 15.3-2: Example of Notification Type C - minimum notification requirements for works at rear

- the proposal was carried out, in which case additional persons shall be notified as specified by Council's development assessment team leader.
- 8 If land to which notification letters are to be sent is occupied by a strata title building or a community land development, the notification letters sent in accordance with *Part 15.5 of this DCP* shall also be forwarded to the proprietors of the strata plan or community plan.
- 9 Details regarding the owners and occupiers of adjoining and neighbouring land will be taken from Council's records at the time the notification letters are being prepared. Where Council's records show that land to which notification letters are to be sent is jointly owned, the notification letter will only be sent to one of the joint owners.
- 10 The development application shall be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.
- 11 The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in *Part 15.5 of this DCP*.

Notification Type D requirements

- 12 Notification shall be sent in accordance with *Part 15.5 of this DCP* to the owners and occupiers of all adjoining land except where, in the opinion of Council's development assessment team leader, the owners and occupiers of land (other than those specified) would be detrimentally affected. In such a case additional persons shall be notified as specified by Council's development assessment team leader.
- 13 Where land to which notification letters are to be sent is occupied by a strata title building or a community land development, the notification letters required in accordance with *Part 15.5 of this DCP* shall also be sent to the proprietors of the strata plan or community plan.
- 14 Details regarding the owners and occupiers of adjoining and neighbouring land will be taken from Council's records at the time the notification letters are being prepared, or from other sources as may be made available to Council prior to the notification letters being prepared.
- Where Council's records show that land to which notification letters are to be sent is jointly owned, the notification letter need only be sent to one of the joint owners.
- The development application shall be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.



Figure 15.3-3: Example of Notification Type D - minimum notification requirements for all works

15.3 NOTIFICATION REQUIREMENT BY NOTIFICATION TYPE (continued)

- 17 The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in *Part 15.5 of this DCP*.
- 18 If the development application is for a new dual occupancy development, a notification sign must be placed at the street frontage to the property in accordance with *Part 15.5 of this DCP*.
- 19 If the development application is for demolition of an item within an area identified by Council as a heritage conservation area or where the item is identified as a heritage item:
 - i) a notification sign must be placed at the street frontage to the property in accordance with *Part 15.5 of this DCP*; and
 - ii) the notification of the development application on Council's website must indicate that the item is in a heritage conservation area as appropriate.

Notification Type E requirements

- 20 Notification letters shall be sent in accordance with *Part 15.5 of this DCP* to the owners and occupiers of:
 - i) three (3) adjoining and neighbouring properties to each side of the subject property; and
 - ii) seven (7) adjoining and neighbouring properties to the front and rear of the subject property.

Note: Exceptions will apply where, in the opinion of Council's development assessment team leader, the owners and occupiers of land (other than that specified below) would be detrimentally affected in any manner described in *Part 16.4 of this DCP*. In such a case additional persons shall be notified as specified by Council's development assessment team leader.

- 21 A notification sign shall be placed at the street frontage to the property in accordance with *Part 15.5 of this DCP*.
- An advertisement shall be placed in a local newspaper that circulates at least once weekly throughout the Ku-ring-gai Local Government Area in accordance with *Part 15.5 of this DCP*.

Note: Council is obliged to advertise the development only once during the period of public inspection.

- 23 If land to which notification letters are to be sent is occupied by a strata title building or a community title development, the notification letters required in accordance with *Part 15.5 of this DCP* shall also be sent to the proprietors of the strata title or community title properties.
- 24 Details regarding the owners and occupiers of adjoining and neighbouring land will be taken from Council's records at the time the notification letters are being prepared, or from other sources as may be made available to Council prior to the notification letters being prepared.



Figure 15.3-4:
Example of Notification Type
E - minimum notification
requirements for all works

15.3 NOTIFICATION REQUIREMENT BY NOTIFICATION TYPE (continued)

- Where Council's records show that land to which notification letters are to be sent is jointly owned, the notification letter will only be sent to one of the joint owners.
- The development application shall be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.
- The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in *Part 15.5 of this DCP*.

Notification Type F requirements

- As soon as practicable after the development application has been submitted, Council shall place the application, and any accompanying information, on public exhibition for a period of not less than 30 days commencing the day after which notice of the application is first published.
- 29 Council shall also give written notice of the application in accordance with the following:
 - i) to such persons as appear, based on Council records, to own or occupy the property;
 - ii) the three (3) adjoining and neighbouring properties to each side of the subject property;
 - iii) the seven (7) adjoining and neighbouring properties to the front and rear of the subject property;
 - iv) if practicable, to such other persons as determined by Council's development assessment team leader to own or occupy land the use or enjoyment of which, in its opinion, could be detrimentally affected in any manner described in *Part 15.4 of this DCP* if the proposal was carried out; and
 - v) to such other persons as are required to be notified by the regulations.
- 30 Notice of the application shall be exhibited in accordance with the regulations on the land to which the application relates.
- 31 Notice of the application shall be published in accordance with the regulations in a newspaper circulating in the locality.
- 32 In the case of land to which notification letters are to be sent being occupied by a strata title building or a community title development, the notification letters required shall be in accordance with Part Part 15.5 of this DCP and shall also be sent to the proprietors of the strata plan or community plan.
- If land is owned or occupied by more than one person, a written notice to one owner or one occupier is taken to satisfy the notification requirements of this DCP.

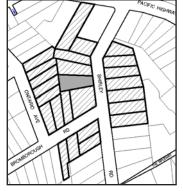


Figure 15.3-5:
Example of Notification Type
F - minimum notification
requirements for all works

15.3 NOTIFICATION REQUIREMENT BY NOTIFICATION TYPE (continued)

- 34 A notification sign shall be placed at the street frontage to the property in accordance with *Part 15.5 of this DCP*.
- 35 During the submission period, any person may inspect the development application and any accompanying information and make extracts or copies of them (the cost of copying will be charged in accordance with Council's Fees and Charges).
- 36 During the submission period, any person may make written submissions to the consent authority with respect to the development application. A submission by way of objection must set out the grounds of the objection.
- 37 Circumstances in which public exhibition may be dispensed with are as follows:
 - a development application for designated development is amended, substituted, or withdrawn and later replaced before it has been determined by the consent authority;
 - ii) the consent authority has complied with the requirements above for Type F in relation to the original application;
 - iii) the consent authority is of the opinion that the amended, substituted or later application differs only in minor respects from the original application; and/or
 - iv) consent authority decides to dispense with further compliance with the notification provisions in relation to the amended, substituted or later application (in that event, compliance with this Part in relation to the original application is taken to be compliance in relation to the amended, substituted or later application).
- 38 The development application shall be listed on Council's website and information supplied on a weekly basis to Councillors as specified in *Part 15.5 of this DCP*.
- Notification on Council's website must indicate if the development application applies to a heritage item or a heritage item in a heritage conservation area as applicable.

15.4 CRITERIA TO BE CONSIDERED BY COUNCIL IN DETERMINING DETRIMENTAL EFFECTS

- In forming an opinion as to whether notification requirements should be increased or decreased from those specified in this DCP, Council's development assessment team leader shall consider whether the enjoyment of adjoining or neighbouring land could be likely to be detrimentally affected by the proposed development.
- In considering whether enjoyment of adjoining or neighbouring land could be likely to be detrimentally affected by the proposed development, the development assessment team leader shall take into account the following matters:
 - i) views from surrounding properties;
 - ii) overshadowing;
 - iii) loss of privacy;
 - iv) noise impact;
 - v) the design and appearance of the proposal in relation to the streetscape;
 - vi) the use of the development;
 - vii) the scale, height, external appearance and bulk of the proposed building;
 - viii) the siting of any proposed building in relation to the site boundaries;
 - ix) hours of use;
 - x) light spillage or reflection;
 - xi) the structural integrity of common or party walls where demolition of walls, floors and ceilings is proposed;
 - xii) traffic and parking generation;
 - xiii) adverse impacts of stormwater drainage;
 - xiv) tree removal impacts; and
 - xv) excavation requirements.
- 3 The opinion formed by Council's development assessment team leader regarding the likely detrimental impact upon the enjoyment of adjoining and neighbouring land is not an assessment of the merits of the development application.

15.5 PROCEDURES FOR NOTIFICATION BY COUNCIL

Website information

- 1 Where the development application is to be advertised on Council's website, the following information must be included:
 - i) the development application number;
 - ii) the address of the proposed development (including lot, deposited plan and street numbers);
 - iii) a brief description of the proposed development; and
 - iv) identification of any heritage item on the land or whether the land is in a heritage conservation area.
- In accordance with Part 15.2 of this DCP, where the development application relates to a heritage item or, heritage conservation area or potential heritage item identified by Council, information about the development application must be included in a separate section of Council's website regarding heritage items and heritage conservation areas.

Notification to Councillors

- 3 Councillors will receive a weekly list of all new development applications within their ward area. The list will include:
 - i) the development application number;
 - ii) the address of the proposed development (lot, deposited plan and street numbers);
 - iii) the date on which the development application was accepted by Council;
 - iv) the name of Council's development assessment team leader responsible for assessing the development application;
 - v) a brief description of the proposed development; and
 - vi) A4 notification plans of the proposal.

Notification letters

- Where notification letters are to be sent, the letters shall contain the following information:
 - i) the development application number;
 - ii) the address of the proposed development;
 - iii) the name of the applicant;
 - iv) the name of the Council officer responsible for assessing the development application;
 - v) a brief description of the proposed development;
 - vi) an invitation to view the development proposal;
 - vii) times and location for viewing the development application;

15.5 PROCEDURES FOR NOTIFICATION BY COUNCIL (continued)

- viii) the date by which written submissions must be provided to Council; and
- ix) A4 notification plans where physical works are proposed.
- Persons to whom the letter is addressed have the right to make a written submission regarding the development proposal. The submission must be received by Council:
 - i) within thirty (30) days if the development is Notification Type F;
 - ii) within fourteen (14) days if the development is Notification Types B, C, D or E; and
 - iii) Notwithstanding i) and ii) above, if the application is lodged between 10 December and 23 January (inclusive), the submission must be received by Council no later than the first working day after 13 February.
- 6 That the written submission will be considered by Council during the assessment period.
- 7 Submissions made to Council may not be kept confidential as they, or their contents, may be included in reports to Council and will be available for the applicant to consider under the Freedom of Information legislation.
- 8 Copies of the development proposal plans may be provided by Council if costs are paid by the person requesting the plans.

Advertisements in the local newspaper

- 9 Where, in accordance with this DCP, the development application is to be advertised in a local newspaper, the advertisement shall contain the following minimum information:
 - i) the development application number;
 - ii) the address of the proposed development (lot, deposited plan and street numbers): and
 - iii) a brief description of the proposed development.
- 10 The applicant shall pay to Council the fee determined by Council for advertising in accordance with its adopted fees and charges.

Notification signs at the property

- 11 Where, in accordance with this DCP, a notification sign is required, it shall be headed "Development Proposal" and shall contain the following details:
 - i) the development application number;
 - ii) the address of the proposed development;
 - iii) a brief description of the proposed development; and
 - iv) the date by which written submissions must be provided to Council.

15.6 WRITTEN SUBMISSIONS TO COUNCIL

Form of written submissions

- A person may make one or more written submissions regarding any development proposal, to which this DCP applies, within the period during which the application is available for public inspection.
- 2 A written submission may take the form of a letter, report, facsimile transmission, petition, e-mail or other like form.
- 3 A written submission shall state the reasons for objection to, or support for, a development application.
- 4 The name and address of the person making the written submission shall be clearly marked on the submission.
- If the written submission is a petition, the petition must clearly state the name of the head petitioner and his/her contact details.
- 6 The development application number shall be clearly marked on the submission.
- 7 The written submission shall be clear and legible.

Note: It is also helpful to Council if a daytime telephone contact number is provided in the event that Council needs to clarify issues with the person making the submission.

Anonymous submissions

8 Council will not consider any anonymous submissions in the assessment of development applications.

Disclosure of submissions

- 9 The applicant for the development and members of the public may access submissions upon request to Council under the *Freedom of Information Act 1989*.
- 10 If the development application is reported to a Council meeting, the submission may be reproduced and/or summarised in the assessment report.

Acceptance and consideration of submissions

- 11 All written submissions submitted on or prior to the date specified by Council in the newspaper advertisement and/or notification letter shall be considered by Council's development assessment team leader in the assessment of the development proposal.
- 12 In the event that a person or group of persons requests an extension of time for the submission of written comments, the period allowed for submissions may be extended only if, in the opinion of Council's development assessment team leader, a longer period is warranted in the circumstances.

15.6 WRITTEN SUBMISSIONS TO COUNCIL (continued)

- 13 Council may, depending on the circumstances of the case, accept and consider written submissions that are lodged with the Council after the expiration of the period of public inspection and prior to the completion of Council's assessment report.
- 14 In the assessment of a development proposal, Council will not consider written submissions lodged after Council's assessment report has been completed.
- 15 The reasons for support of, or objection to, the development application specified in the written submissions shall be summarised in Council's assessment report.
- The names and addresses of the persons who made written submissions with respect to the development application shall be indicated in Council's assessment report in accordance with the *Privacy and Personal Information Protection Act 1998*.

Acknowledgement of submissions

- 17 Receipt of written submissions received by Council will be acknowledged in writing.
- 18 In the event that the development application is to be determined at a Council meeting, the responsible officer will contact the person who made the submission by telephone, facsimile or e-mail, provided such contact details have been given to the Council, to advise the person of the committee or council meeting date.

Advice to applicant of written submissions

- 19 The applicant of a development application to which this DCP applies will, upon written request to Council, be advised of the terms of any written submission and from where it has emanated.
- The applicant shall be entitled to read and, at the applicant's expense, copy any written submissions received, in accordance with the provisions of the *Privacy and Personal Information Protection Act* 1998.

A1	Greenweb Maps
A2	Waste Management
A2.1	Council's Standard Bin Characteristics
A2.2	Council Collection Vehicle Characteristics
A2.3	Vehicle Access/Turning Circles
A2.4	What is a Waste Management Plan (WMP)?
A2.5	Waste Management Plan
A2.6	Waste Guidelines
А3	Car Parking Rates
A4	Adaptable Housing
A 5	Reduced Setback Maps
A 6	Water Management
A6.1	Drainage Catchments for On-Site Detention
A6.2	Permitted Site Discharge and Minimum On-Site Detention Storage Volumes
A6.3	On-Site Detention Calculation Sheet
A6.4	Specifications for Water Management Devices
A6.5	Design of On-Site Detention Systems (OSD)
A6.6	Design of Property and Inter-Allotment Drainage Systems
A6.7	Process for Obtaining Approval for Connection into an Easemer
A6.8	Flood Study Requirements
A6.9	Connection of Pipes to Kerb/Gutter or Council Pipes
A6.10	Terms of Positive Convenants and Restrictions on Use
	A6.10.1 Terms for On-site Detension
	A6.10.2 Terms for On-site Retention
A7	Notification by Type
A8	Visual Character Summary Report
Α9	Green Building
A9.1	Green Star Rating Information Sheet
A9.2	Credit Summary Template - From GBCA Office Rating Tool

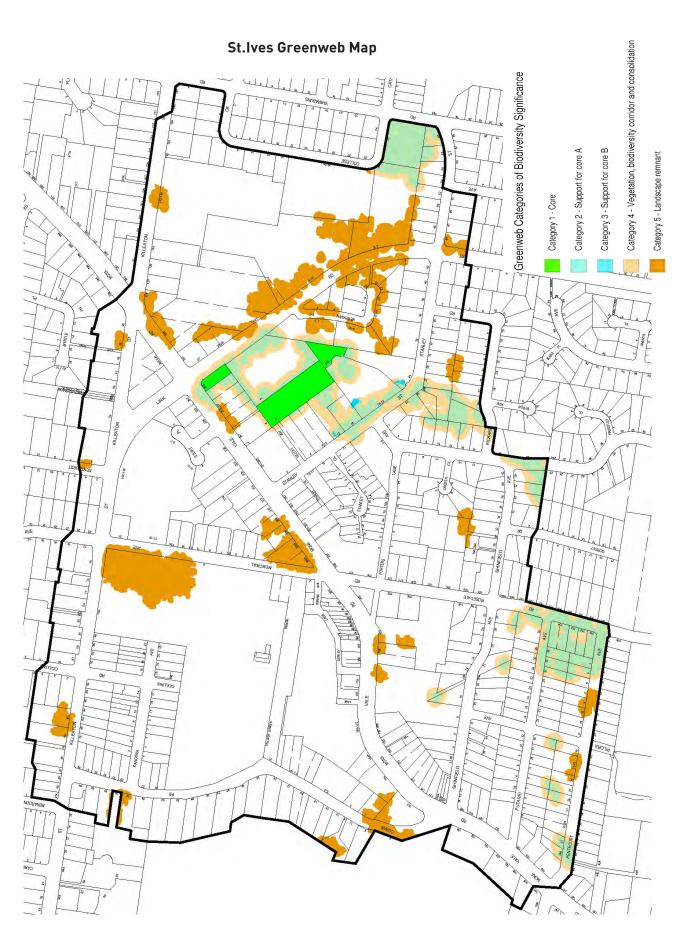
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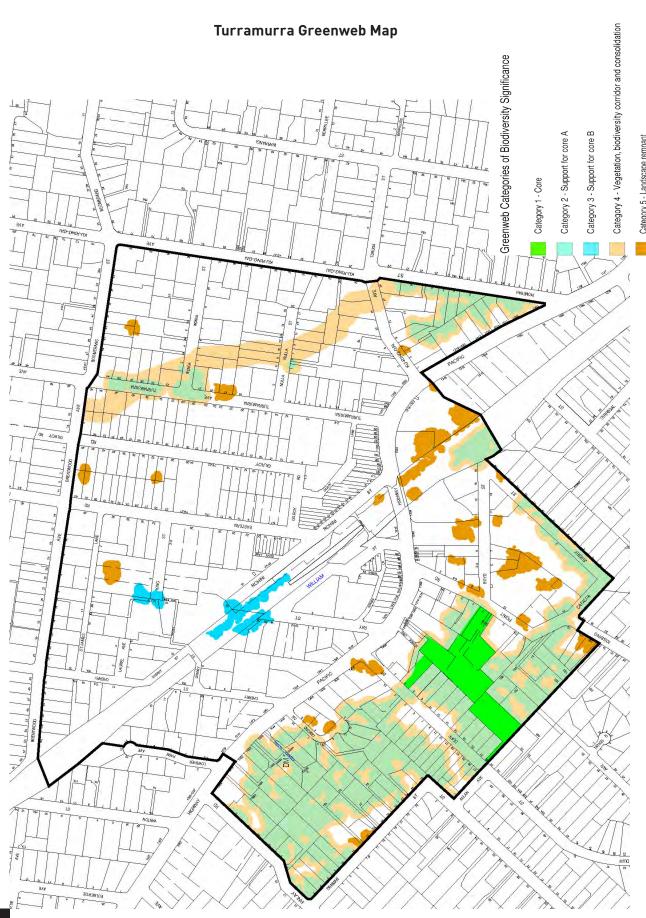
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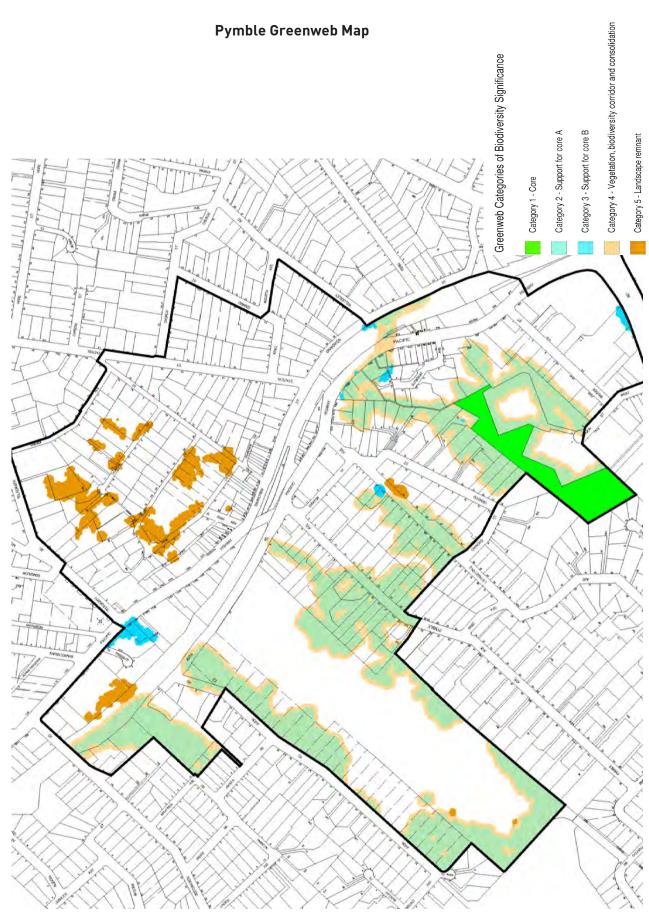
Examples of ESD Measures

Checklist of ESD measures

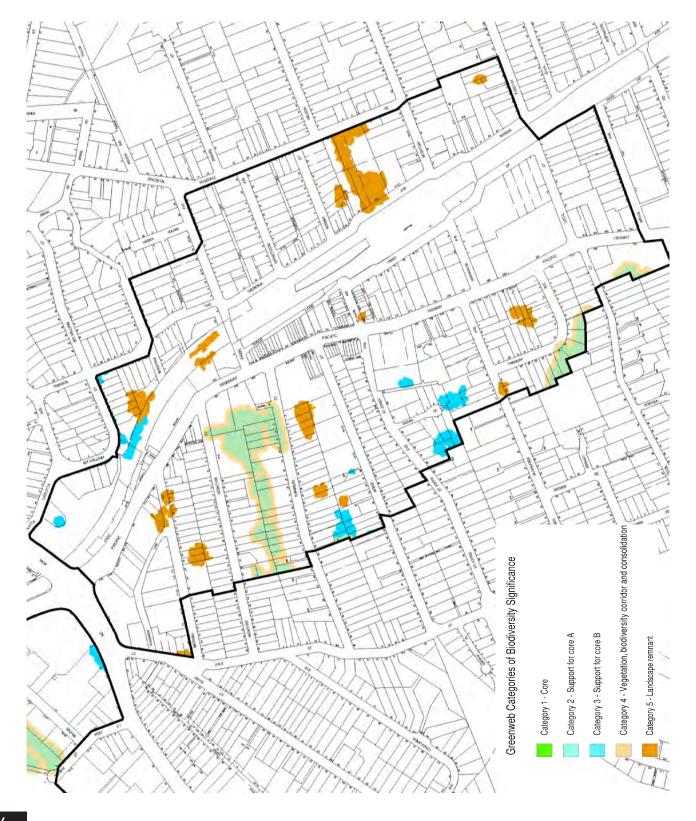
A1 GREENWEB MAPS



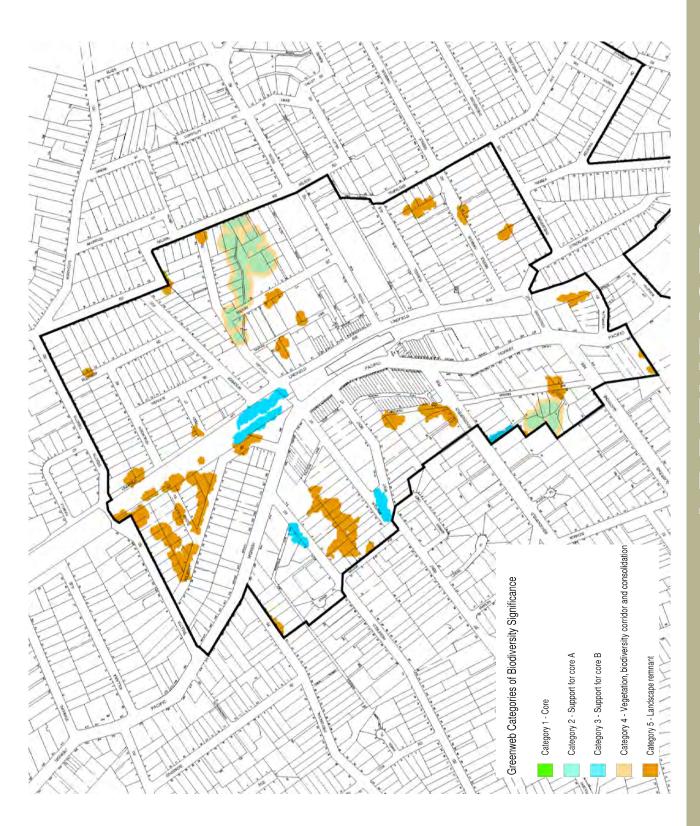


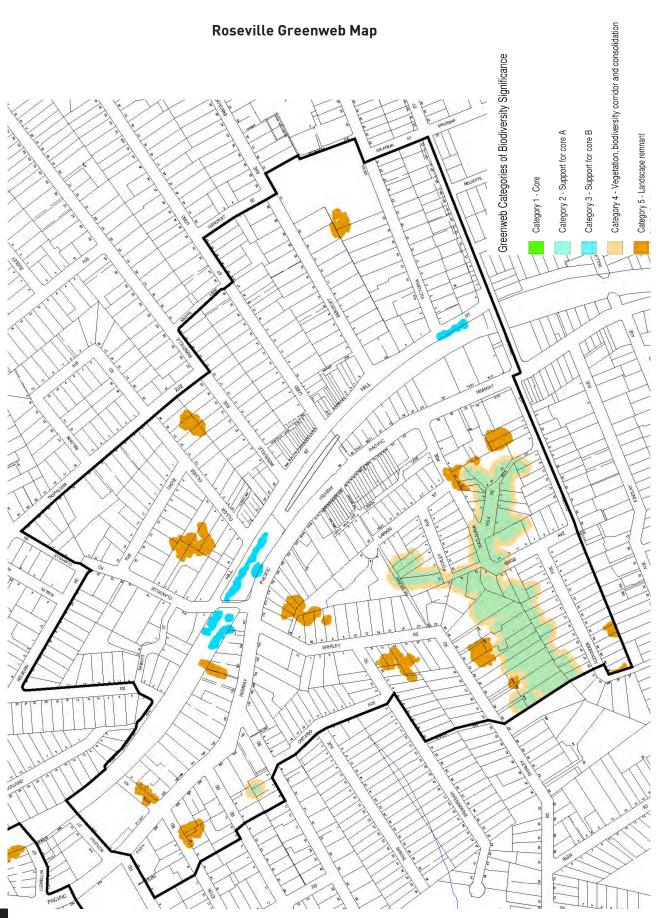


Gordon Greenweb Map



Lindfield Greenweb Map





A2 WASTE MANAGEMENT

A2.1 Council's Standard Bin Characteristics

Bin Type	Characteristics	Uses
120 Litre MGB		Landfill Collection
	1 000 H 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Used for domestic waste that cannot be recycled. Contents to be taken to landfill.
	39 53 15	
240 Litre MGB	675 1- 675 1- 15 10 10 11 11 11	Used for the storage of material that can be recycled. Two bins are supplied, one for paper and cardboard while the other is for co-mingled material such as plastics, metal and aluminum cans.
360 Litre MGB	Dimensions Overall Height V 1171mm Cart Body Height W 1088mm Overall Width X 704mm Overall Depth Y 803mm Wheel Diameter Z 305mm Load Rating 154Kg	Vegetation Recycling Used for the storage of vegetation material for recycling as garden mulch or similar.

A2.2 Council Collection Vehicle Characteristics

Waste collection vehicles may be side loading, rear end loading or top loading. The size of the vehicle varies according to the collection service. Thus it is impossible to specify what constitutes the definitive garbage truck. Developers must consult with Council regarding the type of vehicle to be used for the development if the development is to be serviced by Council collection vehicles.

The following characteristics represent the typical collection vehicle used by Council; however these are for guidance only.

Any turning circle considerations must also include allowances for driver steering error and overhangs. The steering error allowances shall be at least 0.6 metres (absolute minimum) on both sides of the theoretical wheel path, and 1m as a desirable minimum.

1 Collection from Enclosures

Collection vehicles may enter building basements for the collection of waste and/or recyclables provided the following requirements are met:

- i) The gradient of the ramp access to basement should not exceed 1:5;
- ii) The height to the structural members and upper floor ceiling should allow for a typical collection vehicle travel height / operational height consistent with type of vehicle employed;
- iii) The provision of space clear of structural members or vehicle parking spaces is adequate to allow the typical three-point turn of collection vehicles; and
- iv) The basement floor should be of industrial-type strength pavement and designed for a maximum wheel loading of 7 tonnes per axle in order to accommodate waste and recycling collection trucks.

A2.3 Vehicle Access/Turning Circles

Best design practice for access and egress from a development calls for a separate entrance and exit to allow the collection vehicle to travel in a forward direction at all times. Where there is a requirement for collection vehicles to turn at a cul-de-sac head within a development, the design should incorporate a bowl, 'T', or 'Y' shaped arrangement.

- 1 The design aspects that shall be taken into account include the following:
 - i) Placement of waste and recycling bins outside each home, or in a common collection area;
 - ii) The presence of parked cars on access roads;
 - iii) Trucks should only be expected to make a three-point turn to complete a U-turn; and
 - iv) Allow for collection vehicle overhang and possible interference with bins and road furniture.

2 Internal Road Geometry

The design parameters covered in AS2890.2 Off Street Parking – Part 2 Commercial Vehicle Facility must be complied with.

A2.4 What is a Waste Management Plan (WMP)?

- 1 It is a checklist that provides Council with details of the following:
 - i) The volume and type of waste to be generated;
 - ii) How the waste is to be stored and treated on site;
 - iii) How and where the non-reusable, or recyclable residual, is to be disposed of; and
 - iv) How ongoing waste management for the site will operate.

Completion of the Waste Management Plan will help to determine what materials are on the site and how and where they will be stored, reused/recycled and eventually disposed of. A list of local outlets and other waste disposal facilities can be obtained from Council's 'Register of Waster Receiving Facilities for Waste Planning' and from the Waste Service NSW recycling directory.

A copy of the proforma WMP follows, further copies can be obtained from Council's Customer Service counter or from Council's website – www.kmc.gov.au.

A2.5 Waste Management Plan

To be completed for all Developer Applications:

To facilitate sustainable waste management and waste reduction, Council requires on-site sorting and storage of waste products pending re-use or collection. Completing this proforma will assist you in identifying the type of waste that will be generated and in advising Council how you intend to reuse, recycle or dispose of your waste.

The information provided on the proforma (and on your accompanied plans) will be assessed against the design objectives of the DCP (e.g. to maximise reuse and minimise disposal where possible) and the relevant controls for your particular use.

If space is insufficient in the table please provide attachments.

Outline of Proposal		
Applicant's Name & Address:		_
Phone:Fax:		-
Site Address:		-
Buildings & other structures currently on the site:		
Builders Name & Address:		-
Brief Description of Proposal:		_
The details provided on this form are your intention		nis project.
Signature of Applicant:	Date:	

A2.5 Waste Management Plan (continued)

Section One: To be completed for all Development Applications involving demolition (including major renovations and excavation), single-dwellings, dual occupancy and non-habitable building or structure.

	Volume	Reuse/Recycling On site	Specify name & address of contractor/recycling outlet	Specify name & address of contractor/recycling outlet
Timber		☐ Chip for landscaping on site ☐ Reuse ☐ Other	□ Deliver to second hand building yard □ Other	□ Landfill
Plasterboard		☐ Mulch on site ☐ Other	☐ Return good quality remnants to	□ Landfill
Bricks/Tiles/ Concrete		☐ Crush and use in landscaping☐ Use for fill behind retaining walls☐ Store on site for future use☐ Other	☐ Deliver to second hand building centre	□ Landfill
Organics (green waste, vegetation etc.)		☐ Mulch on site for landscaping ☐ Other	☐ Deliver to recycling centre or mulch company ☐ Other	☐ Landfill
Fill		☐ Used in landscaping ☐ Other:	Other	□ Landfill □ Other
	Weight/ Volume	Reuse/Recycling On site	Off site/Recycling Specify name & address of	Disposal Specify name & address of
Metal (e.g. steel, aluminum etc)			contractor/recycling outlet Deliver to second hand building centre Metal Recycler	contractor/recycling outlet Landfill Other
Plastics – recyclable			Deliver to recycling company Other	□ Landfill □ Other
Plastics – non- recyclable			□Return to manufacturer	□ Landfill

A2.5 Waste Management Plan (continued)

Section Two: Construction Stage (To be completed and submitted with all Development Applications for all other developments not included in Section One).

Materials of	n-site			
		Reuse an	d Recycling	Disposal
Expected Waste Materials	Est. Volume (m³)	ON-SITE Specify proposed reuse or on-site recycling methods See Waste Guidelines for suggestions	OFF-SITE Specify contractor and recycling outlet See Waste Guidelines for suggestions Refer to Register of Waste Receiving Facilities for Waste Planning for outlets.	LANDFILL Specify contractor and landfill site Refer to Register of Waste Receiving Facilities for Waste Planning for outlets.
Excavation				
Material				
Green Waste				
Bricks				
Concrete				
Timber – please specify				
Plasterboard				
Metals – please specify				
Other – please specify				

Note: Details of site area to be used for on-site separation, treatment and storage (including weather protection) must be provided on the plan drawings accompanying your application.

A2.5 Waste Management Plan (continued)

Section Three: Use of Premises (Occupation Stage) (To be completed and submitted with all development Applications with Section Two).

Type of waste material to be Generated	Proposed on-site storage & Treatment facilities	Destination
Please specify. For example – glass, paper, food waste, off cuts etc.	For example – Waste storage and recycling area On-site composting Compaction equipment	Specify contractor name & address Recycling Disposal

Note: Details of on-site waste management facilities <u>must</u> be provided on the plan drawings accompanying your application.

A2.5 Waste Management Plan (continued)

Section Four: On Going Management (To be completed and submitted with Sections Two and Three).

Space	
Number of Units (if applicable):	
Estimated garbage generation (see Waste Guidelines at A.26):	
Estimated recycling generation (see Waste Guidelines at A.26):	
Describe the equipment & system to be used for managing:	
Garbage	
<u> </u>	
Recyclables	
Garden Organics (if applicable)	
Access	
Describe arrangements for access by system users to waste facilities (highlight on plan drawings):	
Describe arrangements for access by collection contractors to waste facilities (highlight on plan drawings):	
Amenity	
Describe how noise associated with residents using bins, collection contractors emptying the bins has been minimised:	1e
Describe the ventilation of waste storage areas (highlight on plan drawings):	

A2.6 Waste Guidelines

Construction Waste

- 1 'Rule of Thumb' for renovations and small home building:
 - i) Timber 5-7% of material ordered;
 - ii) Plasterboard 5-20% of material ordered;
 - iii) Concrete 3-5% of material ordered;
 - iv) Bricks 5-10% of material ordered;
 - v) Tiles 2-5% of material ordered.

Source: Waste Planning Guide for Development Application, Inner Sydney Waste Board, 1998.

Ongoing operation

Premises type	Waste generation	Recyclable material generation
Backpackers' House	40L/occupant space/week	20L/occupant space/week
Boarding House, Guest House	60L/occupant space/week	20L/occupant space/week
Food Premises:		
Butcher	80L/100m² floor area/day	Variable
Delicatessen	80L/100m² floor area/day	Variable
Fish shop	80L/100m² floor area/day	Variable
Greengrocer	240L/100m² floor area/day	120L/100m² floor area/day
Restaurant, Cafe	10L/1.5m² floor area/day	2L/1.5m² floor area/day
Supermarket	240L/100m² floor area/day	240L/100m² floor area/day
Takeaway food shop	80L/100m² floor area/day	Variable
Hairdresser, Beauty Salon	60L/100m² floor area/day	Variable
Hotel	5L/bed space/day	1L/bed space/day
Licensed Club	50L/100m² floor area/day	50L/100m² floor area/day
Motel	10L/1.5m² dining area/day	10L/100m² dining area/day
Offices	10L/100m² floor area/day	10L/100m² floor area/day
Shop less than 100m² floor area	50L/100m² floor area/day	25L/100m² floor area/day
Shop greater than 100m² floor area	50L/100m² floor area/day	50L/100m² floor area/day
Showroom	40L/100m² floor area/day	10L/100m² floor area/day
Multi-unit dwellings*	80L/unit/week	40L/unit/week

Sources: Adapted from Waverley council Code for the Storage and Handling of Waste.

^{*} Appendix A, Better Practice Guide For Waste Management in Multi-Unit Dwellings 2007.

A3 CAR PARKING RATES

On-site parking is to be provided at the minimum rates set out in the schedule below.

Reference should be made to LEP for the land use definitions. In the calculation of the parking spaces, overall requirement figures are to be rounded up to the nearest integer.

LAND USE	PARKING RATE	NOTE
Commercial		,
Offices and Business Premises	1 space per 33m ² gross floor area (GFA) plus 1 space if resident manager or caretaker.	For development in excess of 200m ² gross floor area, 1 courier space to be provided in a convenient location. Servicing facilities to be provided to satisfy Council's requirements.
Retail		
Shops	1 space per 17m² gross floor area. For minor additions to existing shops or conversion of existing shops, 1 space per 28m².	1 space per 17m² may be considered for reduction to 1 space per 26m², and 1 space per 28m² may be reduced to 1 space per 35m² where development within 400m radius of a railway station ticket office as follows For developments over 10,000m² gross floor area a lower parking rate might be considered. Servicing facilities to be provided to satisfy Council's requirements.
Service Stations	6 spaces per work bay plus 1 space per 20m² gross floor area of convenience store. Additional parking to be provided if food and drink premises are added.	Recommended rates assume work bays and/or convenience store. For basic service stations without these facilities, 1 space per staff member to be provided. Total parking might be reduced where it can be demonstrated that the times of peak demand for the facilities do not coincide. Spaces beside petrol pumps are not to be included in calculating the parking requirement.
Motor Showrooms	1.5 spaces per 200m² of site area plus 6 spaces per work bay.	Area required on-site for articulated car transporters to manoeuvre and unload.
Markets	2 spaces per stall.	Higher parking provision would be desirable, at 2.5 spaces per stall, but needs to be considered in the context of the frequency of use and parking available in the area.

Bulky Goods Retail Stores	1 space per 28m² gross floor area.	Parking provision might be considered at a lower rate if supported by a traffic impact study.
Landscape and Garden Supplies	1 space per 200m ² site area, within a minimum of 15 spaces.	
Milk bars, takeaway food shops and the like		
Drive-in or take-away food outlets:		
a) 12 spaces per 100m² gross floor area		
b) With no on-site seating or drive-through facilities	The <u>greater</u> of: 1 space per 5 seats (internal + external) or 1 space per 2 seats (internal seating only).	
c) With on-site seating but no drive-through facilities	The <u>greater</u> of: 1 space per 2 seats (internal seating only) or 1 space per 3 seats (internal + external).	
d) With on-site seating and drive-through facilities		
Restaurants, cafes, coffee shops, new development		New development relates to a new building or complex that is designed or designed to be adapted for a coffee
a) General	1 space per 17m ² gross floor area. For minor additions to existing shops or conversion of existing premises to shops, 1 space per 28m ² .	shop, café or restaurant.
b) If gross floor area less than 100m ²	The parking provision in a) above is desirable but Council will consider a reduction if a parking study indicates that there is parking available in adjacent off-street or on-street parking areas at the time of trading of the proposed development.	
c) If proposed to operate outside of retail business hours	The parking provision in a) above is desirable but Council will consider a reduction if a parking study indicates that there is parking available in adjacent off-street or on-street parking areas at the time of trading of the proposed development. The	

d) Coffee shops, cafes and restaurants as a change of use only of an existing building including extensions of the building	minimum parking to be provided is 1 space per 17m² (the shops rate). Shop rate applicable if on site car parking can be provided. If no on site car parking available for existing building or limited on site car parking available Council will consider existing use rights provisions.	This category relates to changes of use or minor extensions of existing older buildings only.
e) Registered clubs	Because of the variation factors affecting club parking, each situation will be treated on its merits. A traffic assessment report must be prepared to assess the parking requirements based on the facilities to be provided and the parking demands of similar developments.	

LAND USE	PARKING RATE	NOTE			
Recreational and Tourist I	Recreational and Tourist Facilities				
Squash and Tennis Courts	3 spaces per court plus 1 space per 2 staff.	Additional parking might be necessary if regular spectator attractions are to be promoted.			
Bowling Alleys	3 spaces per alley plus 1 space per 2 staff.	Additional parking might be necessary if regular spectator attractions are to be promoted.			
Gymnasiums	1 space per 17m² gross floor area.	Additional parking might be necessary if regular spectator attractions are to be promoted.			
Swimming Pools	Requirement will be assessed on merit.	Additional parking might be necessary if regular spectator attractions are to be promoted. Independent traffic report required.			
Warehouses	Each application will be treated on its merits. A traffic assessment study should be submitted, also covering service vehicle requirements.				
Vehicle Repair Stations and Vehicle Body Repair Workshops	12 spaces plus 1 space per 70m² site area.				
Health and Community Se	rvices				
Professional Suites (adaptable commercial space in high density mixed use or residential area)	1 space per 40m² gross floor area.	Parking spaces in excess of residential parking requirement shall be designated as visitor parking.			
Medical Centres	1 space per 25m² gross floor area.	Parking facilities for patients must be suitably signposted and provided in a convenient location.			
Hospitals	1 space per 3 beds plus 1 space per 2 day-shift staff or practitioners plus 1 ambulance space. 1 space per 1 full time night-shift employee.	Rates apply to either public or private hospitals. The day-shift staff are the total on-site at any one time, including overlaps between shifts if such overlaps occur. Where Medical Centres are attached to hospitals, additional parking would be required at the rate for Medical Centres.			

Child Care Centres	1 space per 4 children in care	Rate includes staff parking. Bulk of parking should be in a convenient location, allowing safe setdown / pick up and movement of children. Provision is also to be made for bus services.
Schools	1 space per equivalent full-time employee plus 1 space per 8 Year 12 students. Where an auditorium or similar rooms are proposed, additional parking might be required. Provision for on site set down / pick up of students and a set down / pick up management plan is required.	The number of equivalent full time employees should be the maximum number at the school at any one time. A parking impact assessment should be undertaken to quantify the total parking required. Provision is to be made for bus services in all applications made by schools.
Tertiary Institutions	1 space per equivalent full time employee plus 1 space per 3 students.	The student parking might be reduced if a parking impact study can prove a lower rate. Provision is to be made for bus services.
Places of Public Worship, Funeral Homes	Each application will be treated on its merits, with a parking assessment report required. As a guide, the provision of 1 space per 6 seats is recommended.	
	The need for additional parking for church halls should be assessed on merit. The parking study should take into account the supply of and demand for parking in the vicinity of the site at the time of the proposed use of the site.	
Entertainment Facilities, Public Halls, Function Centres	Minimum parking provision to be 1 space per 10 seats, for day time parking. Recommended parking provision is 1 space per 6 seats, for Friday / Saturday evening.	The recommended level of parking might be reduced, at the discretion of Council, if it can be proven that there is adequate parking available in the vicinity of the site on Friday and Saturday evening.

LAND USE	PARKING RATE	NOTE
Residential		
- ··· ·		I
Dwelling-houses	2 spaces for single occupancy.	
	Dual occupancy under 125m²:	
	1 space per dwelling.	
	105 2	
	Dual occupancy over 125m ² : 2 spaces per dwelling.	
	2 spaces per dwetting.	
Boarding Houses, Group	1 space per staff.	Assessment should take into account
Homes, Hostels	Danking gate to be accounted as	the nature of the dwelling and its
	Parking rate to be assessed on merit of application.	proposed residents.
	ment of application.	
Seniors Housing	Provisions of Seniors Living Policy	Disabled person parking to be provided
	apply. The following parking provision	as per Seniors Living Policy.
	is recommended:	
	Resident funded development	For self contained units, additional
	2 spaces per 3 self contained units	visitor parking will not be required if at
	plus 1 visitor space for every 5 units.	least half the spaces for residents are
	Subsidised developments	unassigned and accessible to visitors.
	1 space per 10 self contained units	
	plus 1 visitor space for every 10 units.	
	Hostels, nursing and convalescent	
	homes	Hostels of more than 60 residents shall
	1 space per 10 beds for visitors,	provide a mini-bus service.
	plus 1.5 spaces per 2 employees,	
	plus 1 space for ambulance	
Casual Accommodation		
Hotel Accommodation	1 space per unit or bedroom.	Discounts on the parking for
	Plus 1 space per full time staff plus 1 space if resident manager.	restaurants and function rooms might be considered if suitable proof is
	Plus if public restaurant or function	provided that the peak parking demand
	room included, 1 space per 3 seats.	would not be fully additive.
		A
Pubs	1 space per unit or bedroom. Plus 1.5 spaces per 2 full time staff	A traffic assessment report must be prepared that assesses the parking that
	plus 1 space if resident manager.	will be required, with the assessment
	Additional parking will be provided for	based on the facilities to be provided
	bar, lounge, restaurant and other	and the parking demands of similar
	licensed areas.	developments.
Caravan Park	1 space per van site.	Plus adequate parking for visitors,
		boats and trailers.

Other Land Uses

The parking requirements of land uses not specified above are to be determined on merit, preferably with a traffic impact assessment submitted with the application.

A4 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 older persons or of persons with a disability, and then be readapted to a conventional unit should that occupant vacate the unit.

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.

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 Hill PDA 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 (Hill PDA, 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 later 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 due to 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 (Seniors Living) 2004 requires that all self care housing comply with a modified set of adaptability standards. Also between 50% to 100% of dwellings must be accessible by a continuous path of travel (within meaning of AS 1428), depending on gradients.

A4 ADAPTABLE HOUSING (CONTINUED)

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 1.25m in front of the toilet 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 shower screens that can be removed to allow hobless entry and with appropriate waterproofing.

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 invisible 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 if the person moves out. Adaptable design mean readily adjusted. Adaptable features are those that 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 upon completion of the dwelling 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.

A4 ADAPTABLE HOUSING (CONTINUED)

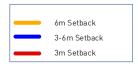
AS4299 contains the technical requirements for adaptable housing. Appendix A of AS4299: Adaptable housing provides a schedule of features for adaptable housing.

Part 3 and Part 4.11 of this DCP outlines the requirements and provisions for adaptability and accessibility.

A5 REDUCED SETBACK MAPS



St Ives reduced setback map



- 3, 5, 5A, 7, 9, 11, 13, 15, 15A Memorial Avenue
- 167, 169, 169A, 171, 173, 177, 179, 183, 183A, 185 Mona Vale Road
- 1, 2 Stanley Close
- 4-6, 8-10, 12, 14-16 Stanley Street



Turramurra reduced setback map

6m Setback

- 6, 8, 10-12, 14, 16, 18 Ray Street
- 2, 4, 6, 8, 9, 11 Gilroy Road
- 1, 1A, 3 Turramurra Avenue
- 1340, 1334 Pacific Highway



Pymble

6m Setback

- 10 Post Office Street
- 6-8, 10, 12, 12A, 14 Park Cr



Gordon

6m Setback

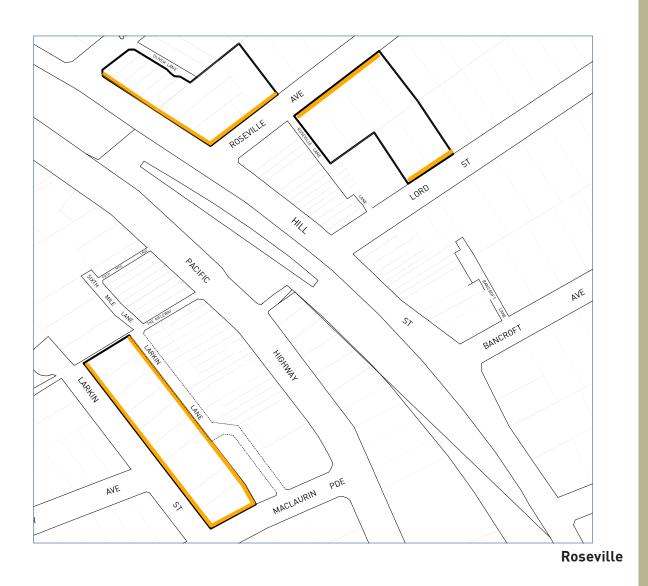
- 1 Park Avenue
- 67, 69, 71-73, 7, 79, 81, 83, 85, 87, 89, 91 Werona Avenue
- 2 Khartoum Avenue
- 30, 32, 34, 36 Henry Street



Lindfield

6m Setback

- 51, 55, 55A, 57 Lindfield Avenue
- 3 Havilah Road
- 2A, 2, 4-6, 8, 10, 12, 14 Milray Street
- 1-7, 2, 4, 6, 8, 10, 12, 14, 16 Bent Street

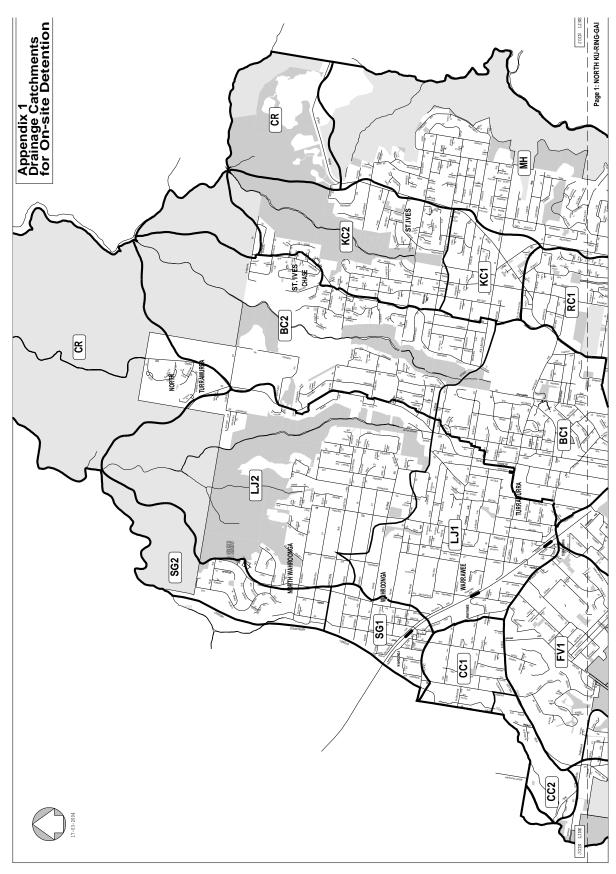


6m Setback

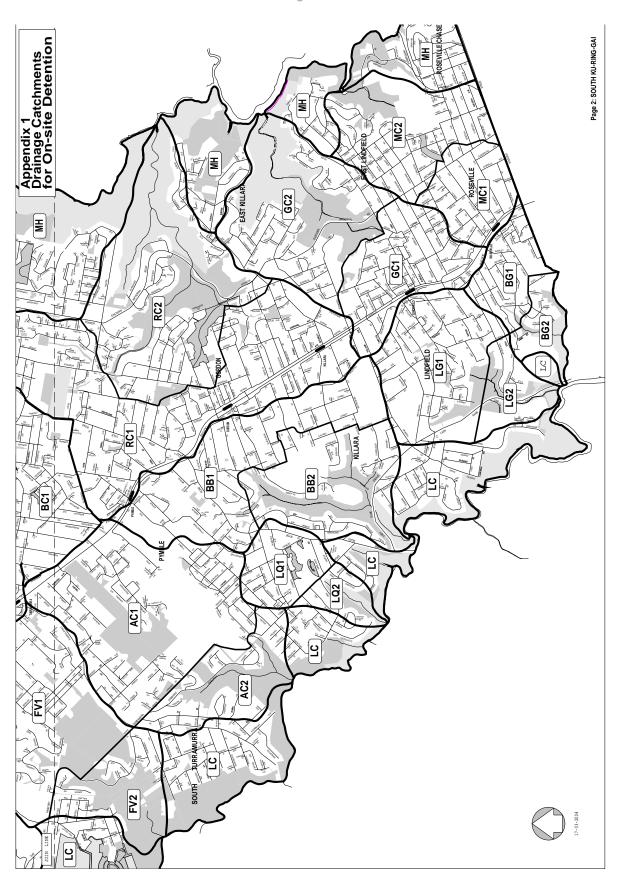
- 1 Oliver Street
- 4 Roseville Avenue
- 65, 67, 69, 71, 73 Hill Street
- 1, 3, 5-7, 9, 11, 15, 17, 19-21 Larkin Street

A6 WATER MANAGEMENT

A6.1 Drainage catchments for on-site detention



A6.1 Drainage catchments for on-site detention (continued)



A6.2 Permitted site discharge and minimum on-site detention storage volumes

The codes in the table below are found in A6.1 in the Appendices

Code	Catchment Area	Permitted Site Discharge (I/s/ha)	Equivalent Minimum OSD Storage Volume (m³/ha)
AC1	Avondale Creek	102	398
AC2	Avondale Creek	166	241
BB1	Blackbutt Creek	141	302
BB2	Blackbutt Creek	166	241
BC1	Cowan Creek	96	414
BC2	Cowan Creek	166	241
BG1	Blue Gum Creek	147	287
BG2	Blue Gum Creek	166	241
CC	Coups Creek	132	325
CR	Cowan River	166	241
FV1	Fox Valley	129	332
FV2	Fox Valley	166	241
GC1	Gordon Creek	128	336
GC2	Gordon Creek	166	241
KC1	Ku-ring-gai Creek	139	308
KC2	Ku-ring-gai Creek	166	241
LG1	Lady Game Creek	147	287
LG2	Lady Game Creek	166	241
LC	Lane Cove River	166	241
LQ1	Loftberg Quarry Creek	153	272
LQ2	Loftberg Quarry Creek	166	241
LJ1	Lovers Jump Creek	94	417
LJ2	Lovers Jump Creek	166	241
МН	Middle Harbour	166	241
MC1	Moores Creek	136	315
MC2	Moores Creek	166	241
RC1	Rocky Creek	124	345
RC2	Rocky Creek	166	241
SG1	Spring Gully Creek	134	320
SG2	Spring Gully Creek	166	241

A6.3 On-site detention calculation sheet

Address					
Catchment Detail					
1.	Catchment Name				
2.	Catchment Discharge Rate		l/sec/m ²	Α	
3.	Catchment Storage Rate		m^3/m^2	В	
Site	Details				
4.	Site Area		m ²	С	
5.	Area(s) not draining to the detention systemm ²				
6.	Total impervious area (roofs, driveways, paving, etc.)		m^2	D	
7.	Impervious area bypassing detention system		m^2	E	
Pern	nitted Site Discharge				
8.	C [m ²] x A [l/sec/m ²] =		l/sec	Flow 1	
9.	Adjustment for any uncontrolled impervious flow $ \mathbf{E} / \mathbf{D} =$		(<0.25)	F	
10.	Flow 1 [l/sec] x F [] =		l/sec	Flow 2	
11.	Flow 1 [] – Flow 2 [] =		l/sec	PSD	
Site Storage Requirement					
12.	C [m ²] x B [m ³ /m ² =		m³	SSR1	
13.	If the storage is in a landscaped basin, SSR1 x 1.2 =		m ³	SSR2	
Outlet Control					
14.	Height difference between top water surface level and the centre of the orifice		m	G	
15.	Orifice Diameter $21.8 \times \sqrt{\frac{PSD}{\sqrt{G}}}$		mm	OD	
PSD =	= Permitted Site Discharge				

SSR1 = Site Storage Requirement (except for landscaped basins)

SSR2 = Site Storage Requirement (landscaped basins) (Note: Use only SSR1 or SSR2)

OD = Orifice Diameter

Signature	Name
Qualifications	Date

A6.4Specifications for water management devices

Specifications for rainwater tanks

In certain circumstances, rainwater tanks with a volume of up to 25,000 litres can be installed without development consent. The circumstances under which this is possible are detailed in State Environmental Planning Policy (*Exempt and Complying Development Codes*) 2008. For tanks that are not exempt, the following controls apply:

- 1 The tank shall not be located forward of the building line or within the setback to a secondary street frontage, except where
 - i) it is located on a battleaxe allotment and is not visible from the street or
 - ii) where another building is located between the street to which the property is adjoined and the building with which the tank is associated.
- The tank shall be located at least 0.45m from any property boundary.
- 3 The tank shall not be installed over or immediately adjacent to a water main or sewer main unless it is installed in accordance with any requirements of the public authority that has responsibility for the main.
- 4 The tank shall not be installed over any structure or fittings used by a public authority to maintain a water or sewer main.
- 5 Tanks should be installed below ground where possible. If installed above-ground, the tank shall be located at least 0.1m from any parallel potable water supply pipe and if installed below-ground, the tank shall be located at least 0.3m from any parallel potable water supply pipe.
- 6 No part of the tank or any stand for the tank shall rest on a footing of any building or other structure, including a retaining wall, unless it is demonstrated that the footing or structure is designed to take the load of a full tank of water.
- 7 The tank, together with any stand or slab for the tank, shall be structurally sound, shall satisfy any applicable deemed-to-satisfy conditions of the *Building Code of Australia* and shall be installed in accordance with any requirements of Sydney Water Corporation.
- 8 All plumbing work shall be carried out by a licensed plumber.
- 9 Excess (overflow) stormwater shall be:
 - i) diverted away from the foundations of any buildings or structures including the rainwater tank itself;
 - ii) directed to an existing stormwater system, to another retention or detention system within the subject property or to a garden area within the subject property;

A6.4Specifications for water management devices (continued)

- iii) directed in such a way that it does not pool on site or cause nuisance to neighbouring properties or to areas of public access.
- The tank shall be enclosed and any inlet to the tank shall be screened or filtered to prevent the entry of foreign matters or creatures.
- 11 The tank shall be fitted with a first-flush device that causes the initial run-off from any rain event to bypass the tank in order to reduce the pollutants entering the tank.
- 12 A sign shall be affixed to the tank clearly stating that the water in the tank is rainwater and all taps and rainwater tank apertures shall be similarly marked.
- 13 Distribution pipes, both below and above ground, from the rainwater tank shall be continuously marked 'RAINWATER' in accordance with AS 1345 or otherwise above-ground distribution pipes shall be clearly labelled 'RAINWATER' with adhesive pipe markers made in accordance with AS 1345 and below-ground distribution pipes shall have identification tape/pipe sleeve continuously marked 'RAINWATER' in accordance with AS 2648.
- 14 The tank shall comply with Australian Standard AS/NZS 2179-1994 Specifications for rainwater goods, accessories and fasteners.
- 15 If the tank is metal it shall comply with Australian Standard AS 2180-1986 – Metal rainwater goods – selection and installation.
- Noise emissions from any pump used with the rainwater tank shall not exceed 5dB(A) above ambient background noise levels measured at the allotment boundary.
- 17 Water retained for indoor household uses shall be augmented by mains water supply and an approval for the activity shall be obtained from Sydney Water Corporation.
- As required by Sydney Water Corporation, where retained water is augmented by mains water supply, a backflow prevention device shall be installed to prevent contamination of mains water in accordance with Australian Standard AS 3500.1.2 National plumbing and drainage: water supply acceptable solutions.
- 19 The indirect connection to mains water shall be by means of a visible 'air gap' external the rainwater tank in accordance with the provisions of AS/NZS 3500 Minimum air gap requirements.
- 20 If the tank water is connected to fixtures other than toilet, laundry and outdoor uses, the water supply shall be monitored and, where necessary, treated, to ensure that it meets the standards for potable water in accordance with the National Health and Medical Research Council Australian Drinking Water Guidelines 1996.
- 21 Any use of retained water for potable purposes shall be in accordance with NSW Department of Health guidelines.

A6.4Specifications for water management devices (continued)

- The rainwater tank shall be maintained in accordance with the NSW Health Department Circular No. 2002/1 'Use of rainwater tanks where a reticulated potable supply is available' or any circular that replaces it.
- A positive covenant and restriction on use shall be established for the retention system in accordance with *A6.10 in the Appendices*.

Specifications for infiltration trenches

Infiltration trenches are devices that capture and temporarily store stormwater before allowing it to infiltrate into the soil, generally over a period of up to two days. As well as acting as a retention device, they assist in managing water quality. Where an infiltration device is used as a component of stormwater management, the device must comply with the following controls:

- 24 Unless the design of the infiltration device has been specified by a qualified civil engineer, on-site infiltration may not be undertaken on sites where the soil or terrain conditions include or consist of:
 - i) loose sands
 - ii) heavy clays
 - iii) bedrock exposed at the surface
 - iv) shallow soil over rock or shale
 - v) steep terrain (slopes greater than 10%)
 - vi) high water table (depth less than 1m below the surface) or
 - vii) contaminated sites
- Unless otherwise specified by a qualified civil engineer, the distance between the infiltration device and the nearest building shall be:
 - i) 1m, where the soil is sand (hydraulic conductivity > 180 mm/hr)
 - ii) 2m, where the soil is sandy clay (hydraulic conductivity 180 36 mm/hr)
 - iii) 4m, where the soil is medium clay (hydraulic conductivity 36 3.6 mm/hr)
 - iv) 5m, where the soil is reactive clay (hydraulic conductivity 3.6 0.036 mm/hr)
- The infiltration device shall not be located within the dripline of any trees to be retained or within vehicle or heavy pedestrian traffic pathways.
- 27 The base of the trench shall be at least 1m above any underlying watertable or rock stratum.
- The infiltration trench drainage system shall be designed by a consulting civil/hydraulic engineer and based upon a site test report provided by a qualified geotechnical engineer.

A6.4Specifications for water management devices (continued)

- 29 The system shall enable infiltration of up to the 50 year ARI runoff from all impervious areas (including roofs, paved areas and pools) and areas not at natural ground level for all storm durations without surcharge onto neighbouring properties and shall include consideration of the contribution of any coincident pervious area.
- 30 A 50% clogging or siltation factor is to be added to the trench area.
- 31 The design infiltration area shall be the area of the base(s) of the trench(es) only and shall not include the sides of the proposed trench(es).
- 32 The design method shall be a suitable time-area computer model such as ILSAX or the mass-curve technique in *Australian Rainfall and Runoff 1997* that can accurately assess adequacy of proposed storage volumes.
- 33 Trench aggregate fill is to be assumed as being 35% void.
- An upstream siltation and litter arresting pit shall be provided.
- Overflow stormwater from the infiltration device shall be directed to a swale, landscaping, on-site detention facility or piped stormwater drainage system.
- A positive covenant and restriction on use shall be established for the retention system in accordance with A6.10 in the Appendices.

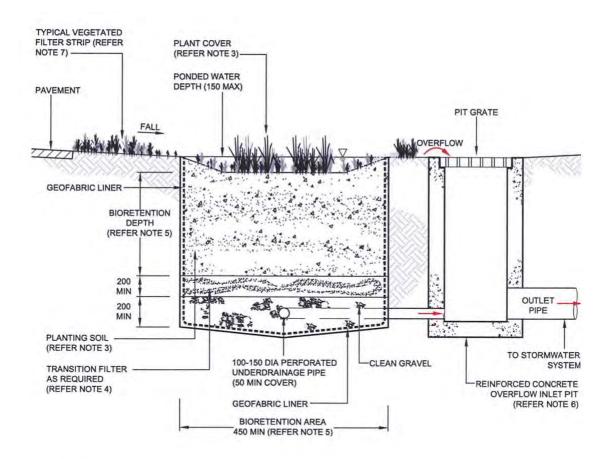
Specifications for Bioretention Devices

Bioretention devices are designed to capture and temporarily store stormwater before passing it through a filter medium. They are used primarily to control water quality (sediment and gross and chemical pollutants) but can also contribute to stormwater retention on a property. Where used, the following controls apply:

- 37 Bioretention trenches shall be installed only where the developer can demonstrate that the existing soil and terrain will be suitable for filtration purposes.
- The trench(es) shall be designed to be compatible with the overall layout and landscaping of the development site.
- 39 The trench(es) shall be sited so as to capture site stormwater by gravity drainage site and to direct treated stormwater and all overflow to another on-site stormwater management device, landscape area or public drainage system.
- The trench(es) shall be sited clear of surface flow paths from adjoining land.
- 41 The location and design of the trench(es) must not affect the structural integrity of adjacent buildings.
- 42 A sediment trap, grassed buffer or other filter shall be installed upstream from the trench(es) to remove coarse sediment and reduce the risk of clogging.

A6.4Specifications for water management devices (continued)

- The design and construction of the trench(es) must be specified by a competent civil engineer eligible for membership to Engineers Australia.
- 44 A positive covenant and restriction on use shall be established for the retention system in accordance with A6.10 in the Appendices.



NOTES

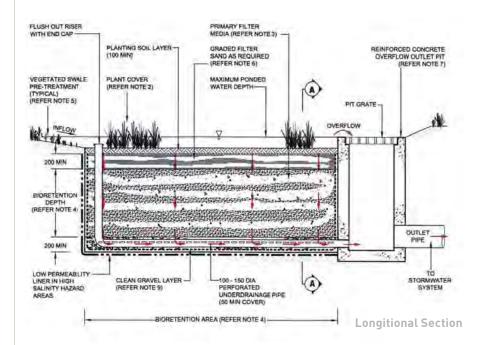
- THE BIORETENTION SYSTEM SHALL NOT BE USED FOR SEDIMENT CONTROL DURING CONSTRUCTION
- PLANT SPECIES AND GROUND COVER SHALL BE IN ACCORDANCE WITH DESIGN SPECIFICATIONS DS4 AND DS9
- PLANTING SOIL SHALL MEET THE MATERIAL, GRADING AND COMPACTION CRITERIA SPECIFIED IN THE TECHNICAL SPECIFICATION OF THE WORKS
- TRANSITION FILTER LAYER REQUIREMENT TO BE ASSESSED BASED ON PLANTING SOIL - GRAVEL GRADING COMPATIBILITY IN ACCORDANCE WITH DESIGN SPECIFICATION DS4
- 5. BIORETENTION AREA AND DEPTH TO BE DESIGNED IN ACCORDANCE WITH DESIGN SPECIFICATIONS DS4
- PITS AND GRATES IN ACCORDANCE WITH COUNCIL STANDARDS
- VEGETATED FILTER STRIPS TO BE DESIGNED IN ACCORDANCE WITH DESIGN SPECIFICATIONS DS2

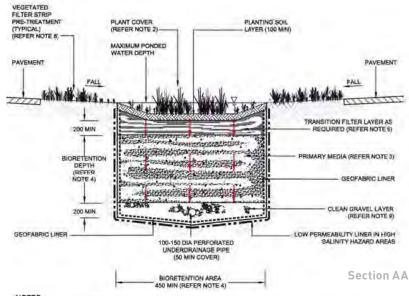
ALL DIMENSIONS IN MILLIMETRES UNLESS NOTED OTHERWISE

Figure A6.4-1:

Offline Bioretention System (Planting Bed) (source: 'Water Sensitive Urban Design: Technical Guidelines for Western Sydney' - Upper Parramatta River Catchment Trust 2004)

A6.4Specifications for water management devices (continued)





NOTES

- THE BIORETENTION SYSTEM SHALL NOT BE USED FOR SEDIMENT CONTROL DURING CONSTRUCTION
- PLANT COVER SPECIES SHALL BE IN ACCORDANCE WITH DESIGN SPECIFICATION DS9
- PRIMARY FILTER MEDIA SHALL MEET THE MATERIAL, GRADING AND COMPACTION CRITERIA SPECIFIED IN TECHNICAL SPECIFICATION FOR THE WORKS
- BIORETENTION AREA AND DEPTH TO BE DESIGNED IN ACCORDANCE WITH DESIGN SPECIFICATIONS DS4
- SWALES TO BE DESIGNED IN ACCORDANCE WITH DESIGN SPECIFICATIONS DS1
- TRANSITION FILTER LAYER REQUIREMENT TO BE ASSESSED BASED ON PLANTING SOIL. FILTER MEDIA GRADING COMPATIBILITY IN ACCORDANCE WITH DESIGN SPECIFICATIONS D84
- PITS AND GRATES TO BE IN ACCORDANCE WITH COUNCIL STANDARDS
- VEGETATED FILTER STRIPS TO BE DESIGNED IN ACCORDANCE WITH DESIGN SPECIFICATIONS DS2
- GRAVEL FOR THE UNDERDRAINAGE SYSTEM SHALL MEET THE MATERIAL AND GRADING COMPATIBILITY CRITERIA SPECIFIED IN DESIGN SPECIFICATIONS DS4
- ALL DIMENSIONS IN MILLIMETRES UNLESS NOTED OTHERWISE

Figure A6.4-2:

Online Bioretention System (source: 'Water Sensitive Urban Design: Technical Guidelines for Western Sydney' - Upper Parramatta River Catchment Trust 2004)

A6.4Specifications for water management devices (continued)

Specifications for porous paving devices

In certain situations, porous paving can be used as a stormwater management device by enabling infiltration and retention of runoff. At the same time, the porous paving system will tend to filter the water to improve water quality. Porous paving may be composed of asphalt, concrete or modular paving units and may incorporate groundcover plantings such as turf within or between the modules.

- 45 Paving shall not be laid immediately downstream of areas likely to contribute significant amounts of sediment, debris or windblown material.
- The slope of the land where porous paving is utilised shall not exceed 5%.
- 47 Sediment traps, vegetated filter strips or specially designed gutter systems shall be installed upstream of the porous paving so as to reduce the volume of sediment input and to minimise the likelihood of clogging.
- During the construction phase of the development, in order to ensure the long-term viability of the system, the porous paving shall not be laid until the surrounding areas have been stabilised.
- 49 Porous paving shall have the capacity to store the volume of a 1 in 1 year ARI event.
- 50 The porous paving must be laid by suitably trained persons.
- The porous paving must be cleaned regularly to remove oils and fine sediments in accordance with the designer's maintenance recommendations (gravel in fill will require removal and replacement to ensure ongoing efficiency).
- 52 A positive covenant and restriction on use shall be established for the retention system in accordance with *A6.10 in the Appendices*.

Note: Owing to the extreme likelihood of soil compaction or compression, porous paving that is laid in areas that receive high traffic volumes or regular use by heavy vehicles will not be considered to be part of the onsite stormwater management system.

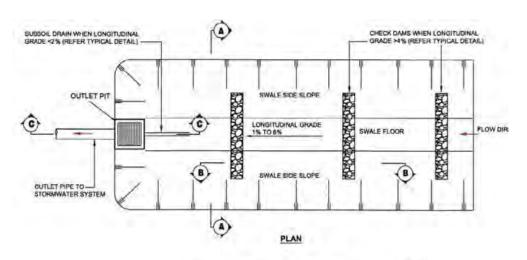
A6.4Specifications for water management devices (continued)

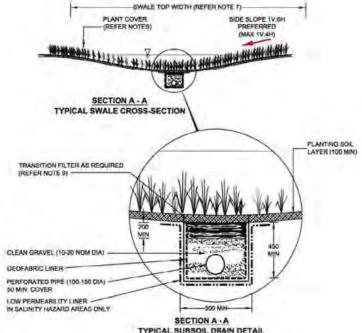
Specifications for vegetated swales

Vegetated open channels (swales) capture stormwater runoff for temporary storage and treatment, so that they are both a means of OSR and water quality treatment. They work by filtering and conveying during regular rainfall events (with an average recurrence interval of 3-6 months). This device, which can be used at either the street or lot level, helps to prevent streambank erosion and can also assist in maintaining water balance. Where used, vegetated swales shall adhere to the following controls:

- 53 The slope of the land on which they are located shall be not more than 5%.
- 54 Swales shall be designed to be nearly parallel to the contour with a longitudinal slope between 1% and 4%.
- 55 Swales shall be designed so as to minimise the possibility of scour during heavy rain.
- 56 Swales shall be designed and located to ensure that they are not traversed by vehicles or pedestrians.
- 57 Check dams shall be installed along the swales to increase storage capacity and to reduce flow velocity.
- The swales shall be designed to minimise the opportunity for waterlogging and to maximise the opportunity for survival of the vegetation (for example, with the installation of low flow pipes and subsoil drainage).
- 59 Stormwater overflow shall be directed to the public drainage system (in accordance with the requirements in *Part 5C of this DCP*).
- 60 Swales shall be regularly maintained to ensure survival of the vegetation, continued functioning of the swales as stormwater management devices and continued visual attractiveness.
- 61 A positive covenant and restriction on use shall be established for the retention system in accordance with A6.10 in the Appendices.

A6.4Specifications for water management devices (continued)





TYPICAL SUBSOIL DRAIN DETAIL. (SWALE LONGITUDINAL GRADE <2 %)

EPHEMERAL WETLAND PLANT SPECIES IN CHECK DAM AREA (REFER NOTE 1) CHECK DAM FORMED BY 200 NOM. DIA ROCK PLACEMENT FOR 40 DIA GRAVEL PLACED BEHIND DAM TO PREVENT GRADES >4 % (REFER CREST OF DOWNSTREAM DAM AT SAME ELEVATION AS TOE OF UPSTREAM DAM NOTE 8) SCOUR (500mm WIDE) FLOW >4% SECTION B - B

TYPICAL CHECK DAM DETAIL

Figure A6.4-3: Typical Vegetated Swale Details (source: 'Water Sensitive Urban Design: Technical Guidelines for Western Sydney' - Upper Parramatta River Catchment Trust 2004)

NOTES

 PLANT SPECIES WITHIN SWALE SHALL BE IN ACCORDANCE WITH DESIGN SPECIFICATION DS9 2. PITS AND GRATES TO BE IN ACCORDANCE WITH COUNCIL STANDARDS 3. SWALES THAT TRANSVERSE DRIVEWAYS OF EXISTING PAVEMENTS SHALL MATCH CROSSOVER GRADES.

4. SWALES SHALL BE BLENDED OR SMOOTHED TO THE NATURAL TOPOGRAPHY

WITH MANAGING URBAN STORMWATER - SOIL AND CONSTRUCTION (DEPTH OF HOUSING, 1998)

5. CHECK DAMS TO BE DESIGNED IN ACCORDANCE

5 SWALE VEGETATION TO BE MAINTAINED GRATER THAN 100 IN HEIGHT

 SWALE DEPTH AND WIDTH TO BE DESIGNED IN ACCORDANCE WITH DESIGN SPECIFICATION DS1 CHECK DAMS CAN ALSO BE CONSTRUCTED USING CONCRETE BLOCKWORK OR TIMBER BEAMS

9 TRANSITION FILTER LAYER REQUIREMENT TO BE ASSESSED BASED ON PLANTING SOIL - TRENCH GRAVEL GRADING COMPATIBILITY IN ACCORDANCE WITH DESIGN

10. BIOREMENDIATION SYSTEMS SHALL RE DESIGNED IN ACCORDANCE WITH DESIGN SPECIFICATION DS4

11 ALL DIMENSIONS IN MILLIMETRES UNLESS NOTED OTHERWISE

SPECIFICATION 054

A6.4Specifications for water management devices (continued)

Specifications for other techniques

The developer may wish to propose one or more alternative techniques for on-site stormwater management, stormwater disposal and water quality to those described in this DCP. In such an event, it will be the responsibility of the developer to demonstrate that proposal is appropriate in that it:

- i) meets the overall Objectives of the DCP;
- ii) meets the specific Chapter Objectives and controls of the relevant section(s) of the DCP;
- iii) is appropriate to the site in terms of soils, appearance and environmental performance; and
- iv) will be viable in the long term.

A6.5 Design of On-site Detention Systems (OSD)

Depending on the site, stormwater may be detained above and/or below ground. Where it is above ground, it may be held in an open grassed or landscaped area or in a driveway designed for such a purpose. It is possible to use a combination of different locations. The following controls apply to on-site detention tanks:

General Controls for On-site Detention Systems (OSD)

- On-site detention (OSD) shall not be established across allotment boundaries unless intended to be covered by reciprocal drainage easements.
- The design of the facility shall be compatible with the proposed overall site layout and landscaping and shall not be unsightly.
- 3 On-site detention storages must generally be located as close as possible to the lowest point of the site.
- The site drainage system shall not surcharge before the on-site detention area is full to the design top-water level.
- On-site detention storages must not be located in drainage easements and/or overland flow paths that convey catchment flows through the site.
- The on-site detention system is to drain freely to the public drainage system for storm events up to and including the 1 in 100 year ARI. If this is not possible, compensation is to be made by increasing the storage volume provided (calculations to be submitted for approval).
 - The rate of discharge from the OSD system shall be calculated based on the impervious area remaining after the deep soil area is deducted from the total site area.
- Where the development is on land that is to be strata titled or community titled, OSD must be located in common areas (and not in private courtyards).
- 8 Locations of on-site detention systems must be included on any new final plans of subdivision.
- 9 Cut and/or fill within the canopy areas of any trees to be retained is not permitted.
- 10 The excavation influence line shall not affect footings of adjacent or neighbouring structures.
- The location of the OSD shall not restrict pedestrian access between a public road and any site building and shall not cause hazard or inconvenience in any manner.

A6.5 Design of On-site Detention Systems (OSD) (continued)

12 A spillway or overflow outlet shall be provided in all OSD systems as part of the operation of the system. The overflow shall be designed to cater for total system failure (blockage) in extreme storm events and designed to safely convey all overflows up to the 100 year ARI uncontrolled flow to an adequate downstream drainage system without adverse impact on neighbouring properties.

Note: Where large overflow structures are required, Council may determine that approval for the structure is required from the Dam Safety Committee.

- 13 The overflow from the system shall be collected within a suitably located and sized drainage pipeline with a design capacity equivalent to the 100 year ARI storm runoff from the site.
- Overflow shall not be directed to another private property unless along an overland flowpath along an easement.
- 15 The spillway shall be protected by the fixing of suitable armour over the overflow facility.
- 16 The overflow level shall be not less than:
 - i) 0.3m below the floor level of all habitable areas adjacent to the OSD and
 - ii) 0.15m below the floor level of all garage areas adjacent to the OSD.
- 17 The top level of kerbs and other retaining structures shall be a minimum of 50mm above the level of flow over the spillway.
- The location of all on-site stormwater detention systems shall be marked on site by the fixing of a marker plate of minimum size of 0.15m x 0.1m to the nearest concrete or permanent surface in a prominent position. The plate shall be of non-corrosive metal or 4mm thick laminated plastic and that contains the following wording:

This is an on-site stormwater detention system required by Kuring-gai Council. It is an offence to reduce the volume of the tank or basin or to interfere with the orifice plate that controls the outflow. The owner must clean the base of the outlet control pit and the debris screen of debris and sediment on a regular basis. This plate must not be removed.

19 A positive covenant and restriction on use shall be established for the detention system in accordance with *Appendix 6.11 (A6.11.1)*.

Discharge control pits (dcp)

The discharge control pit shall be have dimensions of 0.6m x 0.6m for pits up to 0.6m deep, and 0.9m x 0.6m for pits exceeding 0.6m depth.

A6.5 Design of On-site Detention Systems (OSD) (continued)

- 21 To protect against blockage, all outflow controls shall be totally and solely enclosed by a rustproof debris screen or wire cage in accordance with the following:
 - i) the screen material shall be hot dipped galvanised mesh (Lysaght's maximesh 3030 or equivalent product);
 - ii) the minimum surface area of the debris screen shall be 50 times the area of the outlet pipe or orifice;
 - iii) the screen shall be a minimum of 0.1m from the face of the orifice and attached (generally on a sliding mechanism) to the wall:
 - iv) the screen shall be capable of removal by hand to permit cleaning and easy inspection of the outlet control; and
 - v) The inlet pipe to a DCP should direct inflows parallel to the screen. To assist in shedding debris, the screen should be positioned as close as possible to the vertical, but not less than 45 degrees to the horizontal.
- 22 A sediment collection sump shall be provided below the orifice outlet to the stormwater detention system that:
 - i) has a minimum depth of 0.2m below the invert of the orifice;
 - ii) is connected to the outlet pipe by means of 3 x 40mm weepholes plugged with a geofabric filter cloth; and
 - iii) includes an additional filter medium between the weepholes and the connection to the outlet that consists of 15mm river gravel wrapped in geofabric over a minimum length of 0.6m, thence to subsoil drainage connected to the main outlet (where possible).
- 23 If site discharge is controlled through installation of a choke pipe, the adopted tailwater levels shall be as follows:
 - i) for systems draining directly to the street drainage system -
 - for connections to the kerb, the top of the kerb level, or
 - for connections to street drainage pits, 0.15m below the underside of the grate, or
 - for connections to footway or easement pipes or pits, the surface level of the point of connection; or
 - ii) for systems draining directly to an open channel, the top of the channel.
 - iii) for systems draining directly to a watercourse, the top of the watercourse.

A6.5 Design of On-site Detention Systems (OSD) (continued)

- 24 If site discharge is controlled by a sharp edged orifice, the following controls apply:
 - i) Orifice plates shall have minimum dimensions of 0.2×0.2 m with a minimum orifice diameter of 30mm and shall be 3mm thick flat stainless steel.
 - ii) The orifice plate is to be tooled to the exact dimension as calculated and shall be securely fastened in a central position over the outlet pipe using four galvanised (4) dynabolts and epoxy cement.
 - iii) Orifice plates shall be flush with the wall such that flow does not pass between the plate and the wall and shall be located so that the centreline of the orifice is in line with the base of the on-site detention tank.
 - iv) The following formula shall be used to calculate the required diameter of the sharp edged orifice:

D = 21.9 * (PSD / h 0.5)0.5 where

D = orifice diameter (mm)

PSD = flowrate (L/s)

h = pressure head at the middle of the orifice when the system is at its maximum storage capacity (m)

Note: The formula assumes that the water level immediately downstream of the orifice is not above its obvert.

- vii) Where the calculated orifice diameter is less than 30mm, the detention system shall be redesigned to either reduce water depths in the storage facility or to increase the catchment draining to the basin.
- viii) The outlet pipe to which the orifice discharge is connected is to have a capacity at least 1.5 times the permissible site discharge for at least the first 2m downstream from the orifice.

Above ground on-site detention systems

- The facility must be located where the least possible adjustment to existing ground levels would be required to achieve storage of the necessary volume.
- 26 The calculated storage volume shall be increased by 20% to allow for the growth of the vegetation and for minor variations to the ground level occasioned by the maintenance regime.
- 27 Ponding depth shall not exceed 1.2m at any point and shall not exceed 0.3m over a minimum width of 1m at the perimeter.
- A childproof fence shall be established around the OSD area where ponding depth exceeds 0.3m and where any side of the OSD basin exceeds 15% gradient.

A6.5 Design of On-site Detention Systems (OSD) (continued)

- 29 The proposed structure shall be certified by the designing engineer as impermeable and structurally adequate to retain the design volume of water.
- 30 Council will not approve post and sleeper walls and/or earth mounding as a retaining structure for on-site detention storages unless of double wall construction with at least 0.5m width of soil between.
- 31 A minimum of 0.15m freeboard to the top of the basin perimeter shall be provided above the level of the overflow spillway invert.
- Where ponding on driveways/parking areas is considered the maximum ponding depth shall be 0.15m in parking areas and 0.2m in all other trafficked areas; and
- 33 Where ponding on driveways/parking areas is considered, all driveway gradients and gradient transitions shall meet the standards of *Australian Standard 2890.1 2004 "Off-street car parking"*.

Below ground OSD structures

- 34 A minimum of 0.3m soil cover shall be provided where the tank is located under landscaped areas.
- The tank shall be structurally designed to withstand all service loads (normal earth, surcharge, traffic and hydrostatic) and to provide a service life of fifty (50) years.
- 36 Internal supporting walls must be minimised to ease maintenance. Typically internal supports should only be considered for spans greater than 3m.
- 37 Excavation for the tank must be checked for impact on the zone of influence on adjacent footings and structures.
- An inspection / access grate measuring 0.6m x 0.9m shall be installed directly over the overflow outlet and shall be readily accessible from a point external to the site building(s).
- 39 Where the internal depth of the tank is less than 0.6m, surface grates are to be provided in each corner of the on-site detention tank and all inlet pipes shall be connected directly under the grate access to the control outlet of the on-site detention tank. This is to minimise any need to enter the tank for maintenance reasons and to allow for ventilation and remote flushing of the tank floor.
- The base of the tank shall have a minimum 1% grade towards the discharge control pit to ensure proper drainage.
- 41 Fixed step irons shall be fitted into the tank where the internal tank depth exceeds 1.2m.
- 42 A child-proof locking system shall be employed for surface grates and lids.

A6.5 Design of On-site Detention Systems (OSD) (continued)

- 43 In high water table areas, the tank shall be designed to avoid flotation.
- 44 All inlet pipes shall discharge at the tank floor level in order to minimise noise disturbance; and
- 45 Rainwater tanks designed for aboveground use shall not be utilised for underground OSD purposes.

A6.6 Design of property and inter-allotment drainage systems

Design of Property Drainage Systems

The property drainage system is the system of underground pipes, inlet and junction pits, roof gutters, downpipes and associated plumbing within a property that captures and conveys stormwater to on-site management systems (ie, OSD, OSR and/or EOSD) and to the public drainage system outside the site. The following controls apply to these drainage systems:

- A piped drainage system shall be established to capture and convey all stormwater runoff from the following areas of the development site to the approved stormwater disposal system:
 - i) roofs, paved areas, driveways, swimming pool surrounds and other impervious areas,
 - ii) areas subject to changes to natural ground level and including excavated or filled areas,
 - iii) areas where the natural or pre-development overland flow regime is disrupted to the potential detriment of an adjoining property,
 - iv) areas where long term ponding of water may occur, and
 - v) areas where existing runoff from upslope properties is likely to create nuisance to the proposed development.
- The piped property drainage shall capture and convey the 50 year ARI storm runoff to the stormwater management/disposal system.
 - **Note:** At Council's discretion, higher standards may be adopted if the proposed development is sensitive to damage by stormwater or blockage of the drainage system.
- 3 All stormwater entering the site, including that which exceeds the capacity of the piped drainage system, is to be captured and conveyed overland within the development site, in a controlled manner not exceeding recognised hazard criteria, to the approved stormwater disposal system.
 - **Note:** Any proposed concentrated flow onto adjoining properties is only permissible where an easement has been obtained in accordance with the requirements of this DCP (Refer to *Part 5C of this DCP*).
- 4 No part of the property drainage system is to consist of aerial drainage systems other than vertical downpipes and guttering.

A6.6 Design of property and inter-allotment drainage systems (continued)

- 5 Underground pipes/plumbing shall:
 - i) have a minimum internal diameter of 0.1m,
 - ii) not be located beneath buildings except where:
 - there is no practicable alternative and pipes cannot be routed around the building,
 - the number of pipes underneath the building is minimised,
 - piping underneath buildings is straight and has no junctions,
 - inspection openings are provided at all points of entry and exit under the building, and
 - the design engineer certifies that the system is in accordance with AS3500.3 1998 National Plumbing and Drainage and the Building Code of Australia,
 - be subject to a hydraulic grade line analysis by a consulting engineer for any development site exceeding 5000m2 in area,
 - be sewer class piping or better,
 - be designed so that no surcharge occurs onto other properties or pipe flows exceed 100l/s,
 - have a minimum longitudinal grade of 1% where pipe diameters are up to and including 0.15m or, where larger, a minimum longitudinal grade of 0.5%,
 - be compatible with proposed and possible future development in all respects, and
 - have the minimum depth of cover from finished ground level to top of pipe as required in accordance with *Table 7.1* from AS3500.3 1998 National plumbing and drainage Part 3.2: Stormwater drainage Acceptable solutions

Note: Higher standards should be adopted if the proposed development is sensitive to damage by stormwater or blockage of the drainage system.

- 6 Discharge from subsoil drainage systems must be to a pit located within the property and not directly to the street gutter. The discharge is to be disposed of in a manner that does not affect adjacent properties nor cause erosion or scour of downstream drainage systems.
- 7 In residential developments that consist of more than one (1) dwelling, the private courtyard of each dwelling must contain at least one grated inlet pit.
- 8 Surface inlet pits shall:
 - i) be located to catch overland flows experienced during failure of the site drainage system,
 - ii) be provided at all pipe junctions, changes in pipe direction exceeding 45 degrees and at the road boundary (within the property) prior to connection to the public drainage system,
 - iii) be of sufficient size to accept the predicted flow and have dimensions in accordance with the table below:

A6.6 Design of property and inter-allotment drainage systems (continued)

Depth (mm)	Dimension (mm²)
< 600	450 x 450
600 – 900	600 x 600
900 – 1200	600 x 900
>1200	900 x 900

- iv) have step irons inside, where pits are deeper than 1.2m,
- v) shall not be of plastic unless not larger than 0.45 x 0.45m with, not deeper than 0.45m and of heavy duty plastic to manufacturer's specifications, and
- vii) have grated pit covers that are removable, designed to appropriate loadings (such as traffic) and constructed of galvanised steel or cast iron.
- 9 Heavy duty, grated trench drains of minimum width 0.2m and minimum depth 0.2m shall be provided across driveways at the following locations:
 - i) outside the entrance to a garage where the driveway falls towards the garage, or
 - ii) at the front (street) boundary of the property, fully within the property, where the driveway falls towards the street.
- 10 The minimum diameter outlet pipe from any grated surface inlet pit or trench drainage provided to capture surface runoff shall be 150mm in order to reduce the occurrence of outlet blockage.
- 11 All inlet and outlet pipes from a pit are to be finished flush with the internal wall of the pit. The outlet pipe shall be at the same level as the base of the pit to ensure there is no permanent ponding of water in the pit.
- 12 Any existing drainage system on a development site to be utilised shall be suitably modified in order to offset any adverse impacts that a proposed development may have on the efficiency of that system.
- 13 Stormwater pipes shall be located outside the drip-line or not less than six (6) metres from the trunk (whichever is greater) of any tree to be retained unless the method of pipe installation is certified by a qualified arborist as not affecting the longevity of the tree to be retained.
 - **Note 1 :** For small diameter pipes with minimum cover, careful hand excavation of the installation trench with retention across the trench of all roots greater than 25mm diameter, may be an acceptable method.
 - **Note 2:** For larger diameter pipes, or for small pipes at excessive depth, installation of pipes by remote thrust boring technique may be an acceptable method. In this case a pipe cover of at least one (1) metre should be provided.

A6.6 Design of property and inter-allotment drainage systems (continued)

- 14 Drainage works, materials and specifications shall be designed and constructed in accordance with:
 - i) Institution of Engineers Australia (1997) Australian Rainfall and Runoff,
 - ii) Australian Standard *AS 3500 3.2 1998 National Plumbing and Drainage*, and
 - iii) relevant occupational health and safety requirements.

Mechanical pump-out systems for basement carparks

Mechanical pump-out drainage is only permissible where gravity drainage cannot be achieved from basement carpark area to the onsite stormwater management system. The following controls apply to mechanical pump-out systems:

- The developer shall demonstrate that gravity drainage from the basement carpark is not possible.
 - **Note:** Where gravity drainage is possible from some parts of a basement carpark, only those sections where gravity drainage is not possible shall be drained using a mechanical pump-out system.
- 16 The catchment area being pumped out shall consist of not more than the basement carpark itself and the driveway ramp to the basement carpark.
- 17 The catchment area being drained shall be 100m² or less.
- The system shall be designed by a competent qualified civil engineer eligible for membership to Engineers Australia.
- 19 The system shall be dual alternating with level switches and activation of dual operation at top water level.
- 20 Each pump shall cater to a minimum of 110% of the design flow.
- 21 A description of the pump(s) shall be provide listing the manufacturer, model number and published duty curves.
- 22 An automatic alarm must be installed so that it sounds during pump failure.
- 23 The water pumped from the basement carpark shall be directed to the OSD system designed in accordance with the requirements of *Part 5D of this DCP*.
- The pump wet well shall have a storage capacity of at least the two hour 100 year ARI storm runoff and shall be checked for adequacy up to the 100 year ARI event by a time-area computer model or the mass-curve technique in *ARR 1987*.

- A6.6 Design of property and inter-allotment drainage systems (continued)
- The noise level from the pump shall not, at any time, exceed the ambient sound pressure levels by 5dB(A) at the boundary of the site and shall not be audible within any habitable room of an adjoining premises.
- 26 Proposed maintenance shall be described in the submission to Council.

Note: Council may impose a requirement to create a Positive Covenant on the title of the property requiring regular maintenance and reporting to Council of the pump-out system by a plumber or engineer.

Design Controls for Interallotment Drainage Easements

This section describes the requirements for the design and construction of interallotment drainage systems. In the majority of cases, the developer will be required to construct a pipe in the easement once it is created. In limited circumstances, Council may agree that such a pipe is not necessary – it is important to consult with Council on this matter prior to submission of the development application. Agreement of the owner of the downstream property in this respect will also be required. The following controls apply for the design and location of all easements:

- 27 The easement shall be designed with sufficient regard to:
 - i) proposed pipe diameter within the easement and contributing catchments;
 - ii) significant trees that may be impacted upon by the placement of drainage lines;
 - iii) the structural requirements of pipes and their laying/upkeep;
 - iv) any adjoining structures; and
 - v) the stormwater overland flowpath capacity requirements.
- 28 All overflow from rainfall events on a site shall be directed to the interallotment drainage line with the necessary inlet pits and cutoffs.
- 29 The interallotment easement shall be designed in accordance with the following table:

Nominal Pipe Diameter	Minimum Easement Width
150mm	1.0 metres
225mm	1.2 metres
300mm	1.3 metres
375mm	1.4 metres
450mm	1.5 metres
525mm	1.6 metres
600mm	1.6 metres
750mm	1.8 metres
>750mm	metre + nominal pipe diameter

A6.6 Design of property and inter-allotment drainage systems (continued)

Note: The presence of an on-site stormwater retention, detention or extended detention system at the development site will not be accepted as a justification for reducing the design flowrate through a downstream interallotment drainage system. The capacity of the system within the easement must be sufficient in the event of a blockage failure or overflow of the detention system.

- 30 The in-ground interallotment drainage system (pipe) shall be sufficient to carry:
 - i) the 100 year ARI uncontrolled stormwater runoff from existing and future hard surfaces on the site, and the additional future design inflows, as determined by the requirements of this section, from all other properties that may benefit from a connection to the system, that adjoin and are uphill from the same associated drainage easement and/or have the benefit of the same associated drainage easement.

Note 1: Upon application, Council may waive this requirement for Development Types 1-3.

Note 2: In rare circumstances, in the event that a long-term overland flow path (such as a paved driveway with kerbing) of sufficient capacity for the major flow is secured over the length of the easement, the 100 year ARI design requirements may be reduced to a 20 year ARI.

- 31 The constructed interallotment drainage system (pipe or channel) shall be wholly contained within the drainage easement created on the title(s) of the affected property or properties.
- 32 Where the drainage line in the private interallotment drainage easements is to be piped, the minimum pipe diameter shall be not less than 0.15m and the minimum depth of cover from finished ground level to the top of the pipe shall be in accordance with *Table 7.1* of Australian Standard *AS 3500.3.2:1998*.
- 33 If constructed channels are proposed for interallotment drainage systems, then:
 - i) the channel shall be concrete, stone-pitch or brick lined to form a permanent profile, and
 - ii) a 50% channel blockage factor is to be adopted in the design.
- 34 Stormwater pipes shall be located outside the drip-line or not less than six (6) metres from the trunk (whichever is greater) of any tree to be retained unless the method of pipe installation is certified by a qualified arborist as not affecting the longevity of the tree to be retained.

Note 1: For small diameter pipes with minimum cover, careful hand excavation of the installation trench with retention across the trench of all roots greater than 25mm diameter, may be an acceptable method.

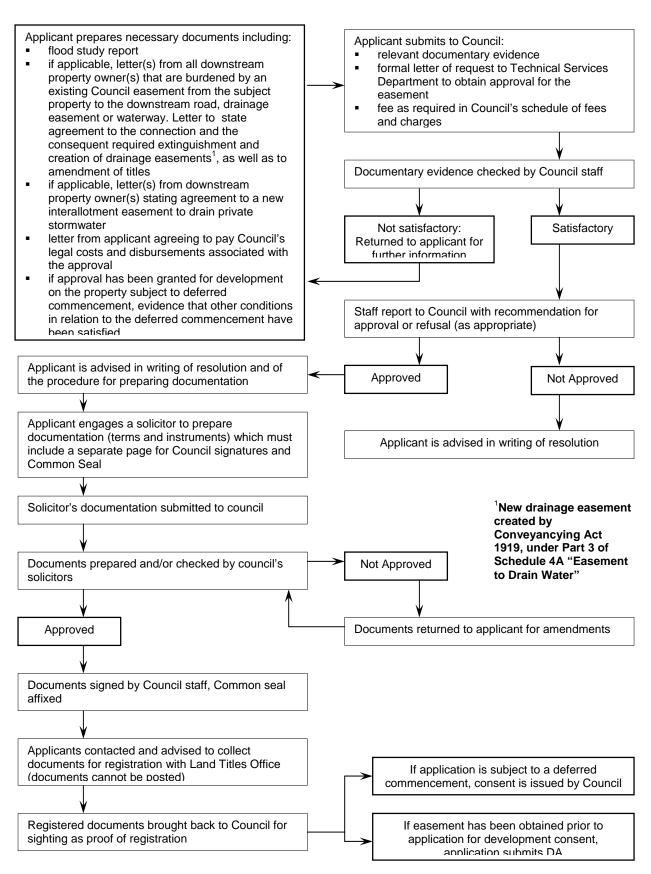
Note 2: For larger diameter pipes, or for small pipes at excessive depth, installation of pipes by remote thrust boring technique may be an acceptable method. In this case a pipe cover of at least one (1) metre should be provided.

- A6.6 Design of property and inter-allotment drainage systems (continued)
- An overland flowpath that directs water along the easement shall be established to cater for blockage of the inground interallotment system as far as the discharge point.
- 36 Surface inlet pits shall:
 - i) be located to catch overland flows experienced during failure of the site drainage system, into the interallotment drainage line,
 - ii) be provided at all pipe junctions, changes in pipe direction exceeding 45 degrees and at the road boundary (within the property) prior to connection to the public drainage system,
 - iii) be of sufficient size to accept the predicted flow and have minimum dimensions in accordance with the table below:

Depth (mm)	Dimension (mm)
< 600	450 x 450
600 – 900	600 x 600
900 – 1200	600 x 900
>1200	900 x 900

- iv) have step irons inside, where pits are deeper than 1.2m,
- v) have pit covers that are removable, designed to appropriate loadings and constructed of galvanised steel or cast iron.
- 37 Drainage works, materials and specifications shall be designed and constructed in accordance with:
 - i) Institution of Engineers Australia (1997) Australian Rainfall and Runoff,
 - ii) Australian Standard AS 3500 3.2 1998 National Plumbing and Drainage, Part 3 Stormwater Drainage,
 - iii) the relevant occupational health and safety requirements, and
 - iv) any other relevant controls in this DCP.
- 38 Where it is found that an existing Council owned channel/pipe is present on site that is not within an easement, a suitable easement shall be created over the drain in favour of Council, at no cost to the Council, or else the easement moved accordingly at no cost to Council.
- 39 Where an easement benefits one or more private properties, that easement must not also be created to the benefit of Council.

A6.7 Process for obtaining approval for connection into an easement



A6.8 Flood study requirements

A flood study is undertaken to identify the reach and depth of overland flows associated with drainage systems on or near a site and to assess the impact of development on such flows and vice versa. Drainage systems include underground pipes, natural watercourses, open channels and depressions and seepage.

The flood study must be undertaken by a suitably qualified and experienced stormwater or hydraulic engineer eligible for Chartered Professional Engineer status with Engineers Australia. It must conform to the principles set out in *Australian Rainfall and Runoff* and the *NSW Floodplain Management Manual* and must include the following information:

Calculations and supporting information

- 1 A plan of the contributing catchment area and rationale for area determination shall be submitted.
- 2 Rationale for time of concentration calculations shall be discussed.
- A hydrologic model is required to assess the flow discharge arriving at the site in the 1:100 year ARI event, based on the following:
 - i) For catchment areas less than 3 Ha, a rational method assessment is allowed.
 - ii) For catchment areas greater than 3 Ha, an appropriate runoff routing computer model is to be used (e.g DRAINS, ILSAX etc).
- 4 Sufficient survey is to be obtained to accurately define the flow limits and profiles, which may extend onto adjoining properties.
- A hydraulic model is required to assess the impact of the flow discharges through the pre-developed and post-developed site.
 - i) For flow rates of 2m³/s with no backwater effects, the Mannings Equation may be used.
 - ii) For flow rates greater than 2m³/s and/or with backwater effects, HEC-RAS or another suitable model is to be used.
- 6 Where an enclosed drainage system exists in the catchment studied (and is to be included in the analysis), the overland flow rate shall be determined as occurring during the greater of:
 - i) The 1:100 year event with the enclosed system operating at a maximum of 50% capacity (due to inlet controlled systems and blockage factors), or
 - ii) The 1:5 year event with the enclosed system fully blocked.

A6.8 Flood study requirements (continued)

Information to be included in submission

- 7 All hydrological and hydraulic calculations undertaken to quantify the design flood standard and derive the flood levels together with the catchment map and any other data used in the calculations, as required above.
- A scale plan view of the determined flood zone shall be provided at the same scale as the site survey for:
 - i) The pre-developed site. This may be overlaid on the existing site survey plan and the centreline of the watercourse or drainage depression together with all existing structures and impediments to flow shall be shown on this detail, and
 - ii) The post-developed site. This is to be overlaid on a plan, at the same scale as the submitted architectural plans, showing the footprint of all proposed structures in relation to the determined flood zone. The centreline chainages of the watercourse or drainage depression, together with all proposed structures and impediments to flow, shall be shown on this detail.
- A minimum of three 1:50 scale cross-sections taken at right angles to the drainage system, showing both the pre-developed and post-developed flow sections with all levels to AHD, drawn at the following chainages:
 - i) at the upstream property boundary;
 - ii) where the existing and proposed development is closest to the drainage line;
 - iii) at the downstream extent of the development work; and
 - iv) other cross-sections as needed if other parts of the system affect the site.

Note: Cross-sections must show existing and proposed levels, top water levels, hydraulic data, flood extents and critical proposed development levels such as floor levels.

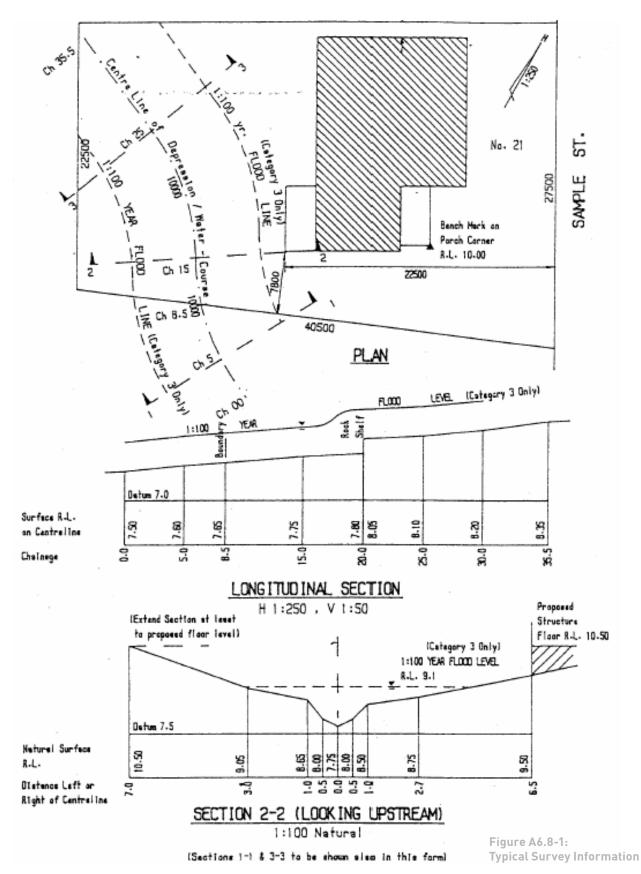
- 10 A longitudinal section (at vertical scale 1:50, horizontal scale to that of plan view) of the drainage system through the property showing existing and proposed levels, flood levels, hydraulic data and all changes in grade.
- 11 The conclusion of the report shall have a signed declaration by the engineer stating:

"I have examined the site, existing improvements and proposed development. In accordance with accepted engineering practice, I have undertaken a flood study of the adjacent drainage system and can confirm the accuracy of my calculated results. I declare that the proposed development will be safeguarded from flooding and flood damage associated with the design flood standard as defined in DCP 47 – Water Management and will not adversely affect any other structures or properties."

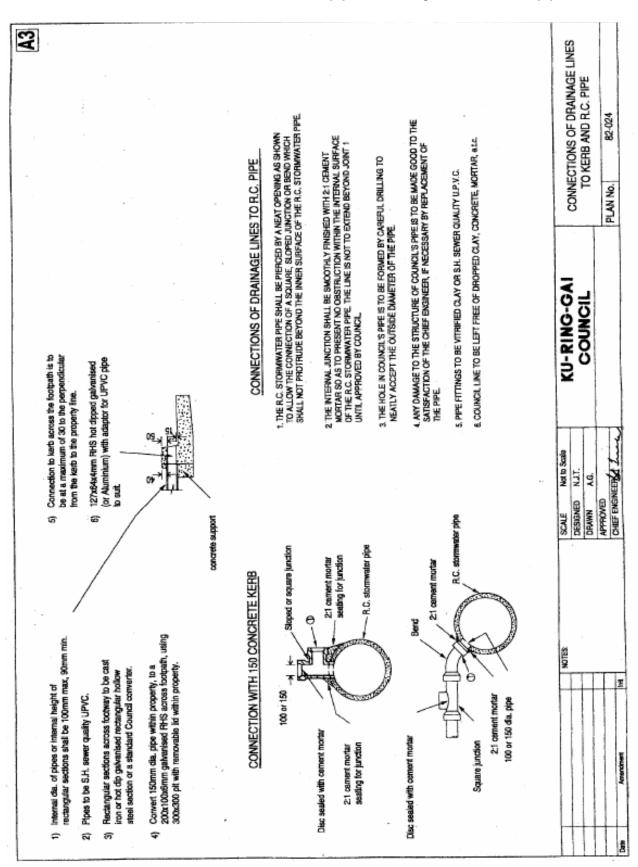
A6.8 Flood study requirements (continued)

12 The study shall be submitted in a flood report form which includes an introduction and reference to the plans for the proposed development, methodology adopted and a written explanation/ conclusion for findings of the study, together with all supporting information. The study shall nominate floor levels for the proposed development, with regard to Council freeboard requirements.

A6.8 Flood study requirements (continued)



A6.9 Connection of pipes to kerb/gutter or council pipes



A6.10 Terms of positive convenants and restrictions on use

A6.10.1 Terms for On-site Detension

Terms of positive covenant referred to in the plan

- 1 The proprietor of the burdened lot covenants with the Council in respect of any System (as later defined) constructed on the burdened lot to:
 - i) permit stormwater to be temporarily detained by the System;
 - ii) regularly keep the System clean and free from grass clippings, silt, rubbish, debris and the like;
 - iii) maintain the System to ensure a maximum outflow from the System and a minimum pondage in accordance with plans duly approved by the Principal Certifying Authority;
 - iv) ensure that the System at all times includes an overflow to direct any excess flow to the downstream drainage System;
 - v) maintain, repair and replace the System or any part of it due to deterioration or damage without delay so that it functions in a safe and efficient manner:
 - vi) comply with the terms of any written notice issued by the Council in respect of the requirements of the Positive Covenant within the time stated in the notice:
 - vii) permit the Council to enter upon the burdened lot or any part of it with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency);
 - to view the state of repair of the System;
 - to ascertain whether or not there has been any breach of the terms of this Positive Covenant;
 - to execute works on the burdened lot for compliance with the requirements of this Positive Covenant;
 - i) indemnify and keep indemnified the Council from and against all claims, demands, actions, suits, causes of action, sums of money, compensation, damages, costs and expenses which the Council or any other person may suffer as a result of any malfunction or non-operation of the System or any failure of the proprietor to comply with the terms of the Positive Covenant.
- 2 The Council shall have the following additional powers:

In this Positive Covenant, unless inconsistent with the context,

"System" means in relation the burdened lot the stormwater drainage detention basin or tank constructed or to be constructed on the burdened lot in accordance with the requirements of the Council including all ancillary, gutters, downpipes, pipes, drains, orifice plates, trench barriers, walls, earth banks, kerbs, pits, grates, tanks, basins and other surfaces designed to temporarily detain and control stormwater located on any part of the burdened lot.

A6.10 Terms of positive convenants and restrictions on use (continued)

Proprietor" includes the registered proprietor of the burdened lot from time to time and all of his heirs, executors, assigns and successors in title to the burdened lot and where there are two or more registered proprietors of the burdened lot the terms of this Positive Covenant shall bind all those registered proprietors jointly and severally.

"Council" means the Ku-ring-gai Council or its successor.

- i) In the event that the proprietor fails to comply with the terms of any written notice issued by the Council as set out above or in the event of an emergency, the Council or its authorised agent may enter the burdened lot with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency) and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in *Part 1(vi)* above or to alleviate the emergency.
- ii) The Council may recover from the proprietor as a liquidated debt in a court of competent jurisdiction;
 - any expense reasonably incurred by it in exercising its powers under sub-paragraph (i) hereof,
 - legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to Section 88F(4) of the Conveyancing Act, 1919 or providing any certificate required pursuant to Section 88G of the Act or obtaining any injunction pursuant to Section 88H of the Act.

Terms of restriction on the use of land referred to in the plan

Unless inconsistent with the context words used herein have the same meaning as those ascribed to them in the Positive Covenant referred to in the Plan.

The proprietor of the burdened lot covenants with the Council is not to:

- allow any obstruction or interference of any kind to be erected, placed, created or performed so as to inhibit the flow of water to and from the System;
- 4 except in accordance with the written approval of the Council allow any building, erection or structure to be constructed or allowed to remain constructed or placed on the System;
- 5 carry out or allow to be carried out any change of land profile or earthworks on the System;
- 6 carry out or allow to be carried out any alterations to the System including surface levels, controlled outflows, grates, pipes, orifice plate, mesh screen or any other materials or elements thereof outside those normally required for the formation, maintenance and proper function of the System.

APPENDICES

A6 WATER MANAGEMENT (continued)

A6.10 Terms of positive convenants and restrictions on use (continued)

Name of authority empowered to release, vary or modify any positive covenant or restrictions on the use of land referred to in the plan:

A6.10 Terms of positive convenants and restrictions on use (continued)

A6.10.2 Terms for On-site Retention

Terms of positive covenant referred to in the plan

- 1 The proprietor of the burdened lot covenants with the Council in respect of any System (as later defined) constructed on the burdened lot to:
 - i) permit stormwater to be retained and re-used by the System;
 - ii) regularly keep the System clean and free from grass clippings, silt, rubbish, debris and the like;
 - iii) maintain the System to ensure a maximum outflow from the System and a minimum pondage in accordance with plans duly approved by the Principal Certifying Authority;
 - iv) ensure that the System at all times includes an overflow to direct any excess flow to the downstream drainage System;
 - v) maintain, repair and replace the System or any part of it due to deterioration or damage without delay so that it functions in a safe and efficient manner;
 - vi) comply with the terms of any written notice issued by the Council in respect of the requirements of the Positive Covenant within the time stated in the notice;
 - vii) permit the Council to enter upon the burdened lot or any part of it with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency)
 - to view the state of repair of the System;
 - to ascertain whether or not there has been any breach of the terms of this Positive Covenant;
 - to execute works on the burdened lot for compliance with the requirements of this Positive Covenant
 - x) indemnify and keep indemnified the Council from and against all claims, demands, actions, suits, causes of action, sums of money, compensation, damages, costs and expenses which the Council or any other person may suffer as a result of any malfunction or non-operation of the System or any failure of the proprietor to comply with the terms of the Positive Covenant.
- 2 The Council shall have the following powers:
 - i) In the event that the proprietor fails to comply with the terms of any written notice issued by the Council as set out above or in the event of an emergency, the Council or its authorised agent may enter the burdened lot with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency) and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in *Part 1(vi)* above or to alleviate the emergency.

A6.10 Terms of positive convenants and restrictions on use (continued)

- ii) The Council may recover from the proprietor as a liquidated debt in a court of competent jurisdiction;
- iii) any expense reasonably incurred by it in exercising its powers under sub-paragraph (i) hereof,
- iv) legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to Section 88F(4) of the *Conveyancing Act, 1919* or providing any certificate required pursuant to Section 88G of the Act or obtaining any injunction pursuant to Section 88H of the Act.
- 3 In this Positive Covenant unless inconsistent with the context,

"System" means in relation the burdened lot the stormwater retention and re-use tank or other device constructed or to be constructed on the burdened lot in accordance with the requirements of the Council including all ancillary, gutters, leaf gutter guards, downpipes, pipes, drains, filter, pump, delivery plumbing, trench barriers, walls, earth banks, kerbs, pits, grates, tanks, basins and other surfaces designed to retain and re-use and control stormwater located on any part of the burdened lot.

"Proprietor" includes the registered proprietor of the burdened lot from time to time and all of his heirs, executors, assigns and successors in title to the burdened lot and where there are two or more registered proprietors of the burdened lot the terms of this Positive Covenant shall bind all those registered proprietors jointly and severally.

"Council" means the Ku-ring-gai Council or its successor.

Terms of restriction on the use of land referred to in the plan

- 4 The proprietor of the burdened lot covenants with the Council not to:
 - allow any obstruction or interference of any kind to be erected, placed, created or performed so as to inhibit the flow of water to and from the System;
 - ii) except in accordance with the written approval of the Council allow any building, erection or structure to be constructed or allowed to remain constructed or placed on the System;
 - iii) carry out or allow to be carried out any change of land profile or earthworks on the System;
 - iv) carry out or allow to be carried out any alterations to the System including surface levels, controlled outflows, grates, pipes, filter, pump, delivery plumbing or any other materials or elements thereof outside those normally required for the formation, maintenance and proper function of the System.
 - v) Unless inconsistent with the context words used herein have the same meaning as those ascribed to them in the Positive Covenant referred to in the Plan.

A6.10 Terms of positive convenants and restrictions on use (continued)

Name of authority empowered to release, vary or modify any positive covenant or restrictions on the use of land referred to in the plan

Ku-ring-gai Council

Manager, Development Assessment Services Ku-ring-gai Council

A7 NOTIFICATION BY TYPE

Notification Type A Developments

Note: Any works proposed on heritage items where the application relies on Clause 5.10(10) of draft KLEP 2008 must be notified as Notification Type F.

Agriculture

Amendments to undetermined

Boarding houses

Business and Retail Development

Child care centres

Drainage Educational Establishment

Fencing

Health consulting rooms

Hospitals

Information or education facilities

Landscape works Markets

Modifications to development

consent

Business Development

Recreational area Recreation facilities (indoor),

(outdoor)

Registered clubs

Residential Care Facilities

Restaurants

Retail Development

Service stations

Sex services premises

Signage

Subdivision - strata title, community title, company title

Temporary structures **Utility Installations**

Warehouse or distribution centres

where the environmental impact will be the same or less than the original proposal all works other than: new buildings; new uses; additional habitable rooms; increased

height and outdoor recreation facilities

all internal works all internal works in non-residential zones all internal works

all in non-residential zones

all internal works all internal works

all

s. 96(1) and s. 96(1A)

all internal works, change of use in business zones, extension of trading hours in any non-

residential zone

in non-residential zones in non-residential zones

internal modifications and minor external

changes in non-residential zones all internal works

in non-residential zones all internal works, change of use in business

zones, extension of trading hours in any nonresidential zone

minor external and internal works where no

change to storage, pumping, bunding, drainage and the line of liquids or dangerous

materials is required

all works other than: new businesses; external alterations and additions: and

increase in room and/or employees numbers by more than two

on land zoned for retail or business purposes

all

minor external changes and all internal

changes

A7 NOTIFICATION BY TYPE (continued)

Notification Type B Developments

Amendments to undetermined where the environmental impact will be greater than the original proposal $D\Delta s$

Modifications to Development s.92(2) and s.92AA modifications other than those requirements set by the Environmental Consent

Planning and Assessment Regulation

Notification Type C Developments

Note: Any works proposed on heritage items or in urban conservation areas where the application relies on Clause 5.10(10) of draft KLEP 2008 must be notified as Notification Type F.

Alterations and additions to

Dwelling houses

Carports / Garages

Dual occupancy alterations and additions

Hotel accommodation all works in non-residential zones other than: new buildings; additional rooms; outdoor recreation facilities and increased

Information or education facilities alterations and additions

Outbuildings all

all works other than: new buildings; Pubs additional habitable rooms; outdoor

recreation facilities; and increased height

Residential Signage all Swimming Pools all Tennis Courts

Tree Works Within heritage items + heritage conservation

areas

Notification Type D Developments

Note: Any works proposed on heritage items or in urban conservation areas where the application relies on Clause 5.10(10) of draft KLEP 2008 must be notified as Notification Type F.

Boarding Houses new buildings, new uses, additional habitable

rooms, increased height and outdoor

recreation facilities

Caravan parks

Change of use in non-business zones

Child Care Centres all external works in non-residential zones Demolition1 all except demolition of heritage items or in a

heritage conservation area

Drainage in residential zones

Dual-Occupancy2

Educational establishments all external works in non-residential zones all external works in non-residential zones Entertainment facilities

 $^{^1\!}Additional$ notification provisions may apply to this type of development. $^2\!Additional$ notification provisions apply to this type of development.

A7 NOTIFICATION BY TYPE (continued)

in residential zones Extension of trading hours

Information or education facilities new Dwelling houses new

Recreational areas in residential zones Recreation facilities (indoor) & In residential zones

(outdoor)

Registered clubs all works in non-residential zones other than

internal modifications and minor external

changes

Restaurants in residential zones

Service Stations all works other than minor external and

internal works where no change to storage, pumping, bunding, drainage and the like of liquids or dangerous chemicals is required new businesses, external alterations /

Sex services premises additions, increase in room and/or employee

numbers by more than two

Subdivision - Torrens Title all Telecommunications facility

Warehouse / Bulk Stores all works other than internal changes and

minor external changes

Notification Type E Developments

Note: Any works proposed on heritage items or in urban conservation areas where the application relies on Clause 5.10(10) of draft KLEP 2008 must be notified as Notification Type F

Hospitals in non-residential zones (except internal

worksl

Hotels new buildings, additional habitable rooms,

outdoor recreation facilities, increased height

Hotel accommodation in non-residential zones: new buildings;

additional rooms; outdoor recreation facilities;

increased height

Residential care facilities in non-residential zones (except internal

works)

A7 NOTIFICATION BY TYPE (continued)

Notification Type F Developments

Business premises where not listed elsewhere, new buildings Child Care Centres all external works in residential zones Demolition any demolition in a Heritage Conservation

Areas or of a heritage item

Educational establishments all external works in residential zones
Entertainment facilities in residential zones

Health Consulting Rooms in residential zones

Firearms outlets all
Heritage Items any application relying on clause 5.10(10) of

draft KLEP 2008

Hospitals all external works in residential zones

Hotel accommodation in residential zones

Multi dwelling housing all Places of Public Worship all

Office premises new buildings
Registered clubs in residential zones

Residential care facilities all external works in residential zones

Residential flat buildings a

Retail premises where not listed elsewhere, new buildings

Seniors housing all Shop top housing all

Other Notification Type

In accordance with any Offset all

Policy adopted by Council

Development where a biodiversity all

offset is proposed

A8 VISUAL CHARACTER SUMMARY REPORT

The visual character study applies only to single dwellings in the R2 - Low Density Residential zone.

Background

The Ku-ring-gai Visual Character Study identifies existing housing and landscape elements within Ku-ring-gai.

The study demonstrates the pattern and form of development across four broad time scales and groups residential streets into categories, outlining their particular characteristics and predominant features. It further identifies elements that should be conserved and encouraged and those that should be discouraged in any future development.

Relationship between the visual character study and this DCP

The Visual Character Study describes the existing character of Ku-ringgai and provides the context in which future development will occur.

The visual character categories (as summarised in this appendix) are intended to assist applicants, developers and Council to design and assess future development in Ku-ring-gai. The character categories give broad descriptions of typical features such as average lot sizes, fencing arrangements, vehicle accommodation and garden styles so that new buildings and renovations can be designed with these factors addressed but without adversely affecting the overall streetscape character.

Visual character categories

1 Pre 1920

- The distinguishing features of streetscape with individual residences on large estates (generally over 1500 square metres) include:
- generally large, well screened residences with a mix of architectural styles and large setbacks from the boundary;
- a large proportion of open space on all sides of the residence, often including tennis courts and elaborate mature gardens;
- fencing and gateways in the style of the original residence and often up to 1.8 metres high;
- additional landscape features such as entry lighting and circular driveways, and an absence of visible car accommodation; and
- mature street trees and remnants of forest vegetation along creek lines and boundary lines contributing to a substantial and often continuous canopy cover.

The distinguishing features of streetscape with individual residences on single lots (800 – 1500 square metres) include:

• generally partially screened original federation style housing, mostly single storey with consistent setbacks;

- a large proportion of open space mostly to the rear of the residence, with mature established gardens;
- generally low brick, stone, timber or herbaceous front boundary fences;
- an absence of visible car accommodation; and
- mature street trees and remnants of forest vegetation along creek lines and boundary lines contributing to a substantial and often continuous canopy cover.

The distinguishing features of streetscapes with individual residences on single lots (as small as 450 square metres) such as Moree and Ridge Street, Gordon include;

- small partially screened brick or weatherboard Federation style cottages with small setbacks from the front boundary;
- small mature and ornamental gardens to the front and rear of residences;
- small bushrock retaining walls as front fences (Moree Street) otherwise low mixed fencing:
- driveway and usually single car accommodation in garages of the same architectural style as the residence and visible from the street: and
- very little street tree planting, but some remnant native vegetation.

2 1920 - 1945

The distinguishing features of streetscapes with individual residences on single lots (800-1200 square metres) include:

- generally partially screened residences (including many original Californian Bungalows) with consistent setbacks;
- a large proportion of open space mostly to the rear of the residence, with mature established gardens;
- low brick, timber or herbaceous front boundary fences;
- driveway and single car accommodation at the rear and to the side of residences; and
- mature street trees and often grid lines of mature native vegetation which relate to rear property boundaries and creek lines.

The distinguishing features of streetscapes with individual residences on large estates (2,000 square metres or more) include:

• original residences with grand proportions and art deco style with large setbacks from the front boundary;

- extensive forecourt garden areas and a large proportion of open space on all sides of the residence, often including tennis courts and mature ornamental gardens;
- extensive stone or masonry fences from 1.2 1.5 metres high;
- large circular drives with garages in the same architectural style as the residence: and
- large street trees and significant stands of native forest remaining in reserves.

The distinguishing features of streetscapes with large residences on single lots (approximately 1,000 square metres) found uniquely in East Lindfield are:

- mostly two storey residences constructed from blonde bricks and green roofs often with curved feature walls and curved window panes;
- a large proportion of open space mostly to the rear of the residence with cleared neat, formal and trimmed front gardens with a predominance of mature ornamental trees (often conifers) arranged as features;
- low masonry front fencing in the style of the original architecture;
- driveways and single car accommodation visible from the street; and
- large street trees and significant stands of native forest remaining in reserves.

The distinguishing features of streetscape with small buildings on small single lots (approximately 500-800 square metres) such as around Wallace Parade, Lindfield include:

- historic character created by higher densities and a distinctive architectural style and very small setbacks;
- small proportion of open space;
- low masonry fencing if present;
- absence of driveway or garage facilities; and
- semi-mature street trees and remnant forest vegetation.

3 1945-1968

The distinguishing features of streetscapes with individual residences on single lots (600 – 1,000 square metres) include:

- less ornate architecture, including brick, weatherboard and some fibro dwellings, almost exclusively single storey, amongst residences with a mix of more recent building styles;
- slightly smaller lot sizes and setbacks and proportionally less open space;

- an absence of front fences except in noisy or busy streets, but often with low herbaceous borders;
- a large proportion of open space mostly to the rear of the residence, with mature established gardens;
- generally low brick, stone, timber or herbaceous front boundary fences:
- an absence of visible car accommodation; and
- mature street trees and remnants of forest vegetation along creek lines and boundary lines contributing to a substantial and often continuous canopy cover.

The distinguishing features of streetscapes with individual residences on single lots (as small as 450 square metres) such as Moree and Ridge Street. Gordon include:

- small partially screened brick or weatherboard Federation style cottages with small setbacks from the front boundary;
- small mature and ornamental gardens to the front and rear of residences;
- small bushrock retaining walls as front fences (Moree Street) otherwise low mixed fencing:
- driveway and usually single car accommodation in garages of the same architectural style as the residence and visible from the street:
- very little street tree planting, but some remnant native vegetation.

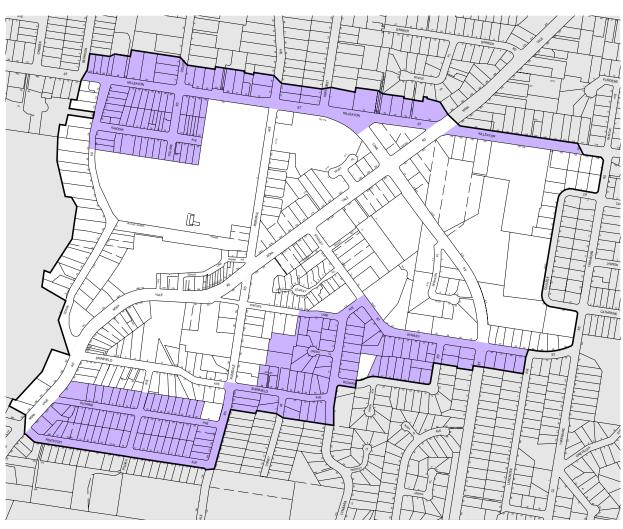
I Post 1968

Streetscapes with individual residences on single lots (500-1,000 square metres) are distinguished by:

- low level or split level open plan architecture which followed the slope
 of the land and residences with large open glass areas designed to
 bring the feeling of bushland indoors;
- open space proportional to lot sizes often steeply sloping and containing native vegetation and rock outcrops;
- low level or no front fencing except when on main roads:
- driveways and dual car accommodation visible from the street; and
- winding streets with native and exotic (most Liquidambar) street tree planting or remnant stands of native trees.
- Streetscapes with large residences on large estates (over -1,000 square metres) are distinguished by:
- very large houses designed in styles to reproduce other eras such as Georgian, Federation and Colonial with variable setbacks;

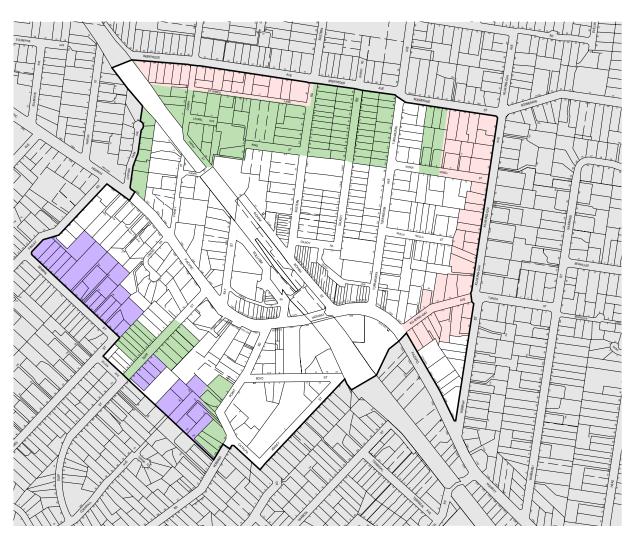
- variable fencing;
- multiple garages often visible from the street and located in cul-desac or crescent with no through traffic giving the impression of an exclusive precinct; and
- young deciduous street trees, conifers and other exotics with native trees.

Attributes to be conserved or encouraged	Attributes to be discouraged
1 Pre 1920's	
Style of residence and consistency of building materials in any alterations and additions visible from the street.	Reduced setback.Removal of established gardens and mature
Open space all around residence.Established gardens and mature street trees	trees.Overshadowing of neighbours established gardens.
 Original fences and gateways. Original entry lights. Original circular driveways, if present. Existing kerb and gutter regime. Remnant forest vegetation. 	 Car accommodation for more than one car visible from the street. Weatherboard or fibro additions to brick houses.
 2 1920-1945 Style of residence and consistency of building materials in any alterations and additions visible from the street. Open space proportions. Established gardens and mature street trees. Original fencing and gateways. Original circular driveway, if present. Existing kerb and gutter regime. Vegetation grid pattern and remnant forest vegetation. 	 Reduced setback. Overshadowing of neighbours established gardens. Car accommodation for more than one car visible from the street.
 3 1945-1968 Style of residence and consistency of building materials in any alterations and additions visible from the street. character of streetscape. Natural features including rock outcrops, creeklines, native vegetation. 4 Post 1968 Style of residence and consistency of building materials in any alterations and additions visible from the street. 	 Front fences. Overshadowing of neighbours established gardens. Car accommodation for more than one car visible from the street. Front fences Building of more than two storeys above street level
 Native and informal private gardens and streetscapes. Natural features including rock outcrops, creeklines, native vegetation. 	Car accommodation for more than one car visible from the street.



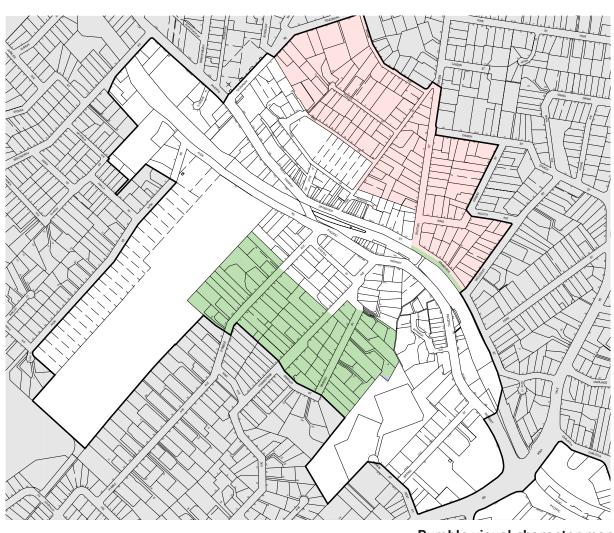
St Ives visual character map





Turramurra visual character map





Pymble visual character map

CHARACTER BETWEEN 1920 AND 1945

CHARACTER BETWEEN 1945 AND 1968

CHARACTER AFTER 1968



Gordon visual character map





Lindfield visual character map





Roseville visual character map



A9 GREEN BUILDING

A9.1 Green Star Rating Information Sheet

What is the Green Rating Star environmental rating system?

The Green Star environmental rating system for buildings was developed by the Green Building Council of Australia (GBCA). Green star is a comprehensive rating system for evaluating the environmental design and performance of Australian buildings based on a number of categories. The nine categories included within all Green star rating tools are:

- Management
- Indoor Environmental Quality
- Energy
- Transport
- Water

- Materials
- Land use and Ecology
- Emissions
- Innovation

These categories are divided into credits, each of which addresses an initiative that improves or has potential to improve environmental performance. Points are awarded in each credit for actions that demonstrate that the project has met the overall objectives of Green Star. Once all claimed credits in each category are assessed, a percentage score is calculated and Green Star environmental weighting factors are then applied.

Note: See Appendix 9.2 for GBCA Credit Summary Example

What do Green Star ratings mean?

Green Star rating tools use stars to measure performance:

- i) 4 Star Green Star Certified rating (score 45-59) signifies 'Best Practice' in environmentally sustainable design and/or construction;
- ii) 5 Star Green Star Certified rating (score 60-74) signifies 'Australian Excellence' in environmentally sustainable design and/or construction;
- iii) 6 Star Green Star Certified rating (score 75-100) signifies 'World Leadership' in environmentally sustainable design and/or construction.

Projects that obtain a 4 Star rating or above using the GBCA rating tools, are eligible to apply for formal certification through the GBCA, following which they are permitted to advertise their status as "green buildings".

Why should buildings have a Green Star Rating?

Green Star Rating confirms that the building is designed with sustainable principles that will contribute to the reduction of carbon emissions and the preservation of non-renewable material sources. It also sets up a system of ongoing sustainable management that enables the ongoing operation of the building to remain sustainable. In addition, there are many business benefits of Green Star buildings as outlined below:

A9 GREEN BUILDING (continued)

A9.1 Green Star Rating Information Sheet (continued)

Lower operating costs

Green buildings are built for high energy and water efficiency, so they are cheaper to operate. Green buildings achieve energy savings of at least 20-30% when compared with industry standards, and sometimes much more

The Szencorp Building at 40 Albert Road in South Melbourne, for instance, was the first existing office refurbishment in Australia to be awarded a 6 Green Star - Office Design rating, and has reported energy savings of over 70% after two years of operation.

Higher return on investment

Green buildings deliver a higher return on investment. The *McGraw Hill Construction Report* (2007) found that building green increases a property's value by 7.5% and improves the return on investment by 6.6%. the Royal Institution of Chartered Surveyors' report *Green Value: Growing Buildings, Growing Assets* (2006) confirms this, revealing that green building practices improve an asset's value by securing tenants more quickly, commanding higher rents or prices, enjoying lower tenant turnover, costing less to operate and maintain, attracting grants, subsidies and other inducements, and improving business productivity for occupants, which affects churn, renewals, inducements and fitting out costs.

Greater tenant attraction

More tenants are seeking environmentally sustainable, healthy and productive workspaces that demonstrate their commitment to corporate social responsibility.

The BCI Australia Green Building Market Report (2008) found that client demand is one of the primary drivers for committing to green building, with 65% of respondents nominating it as an important factor. In return, owners are rewarded with decreased vacancy periods and a subsequent increase in occupancy ratios of 3.5%.

Enhanced marketability

The owners of Australia's first Green Star certified project at 8 Brindabella Circuit in Canberra say they could not put a financial figure on the amount of free publicity they have received from their green building, both through their Green Star certification and their subsequent environmental awards. In fact, the owners have needed to completely rethink their marketing strategy, as they now have a waiting list of prospective tenants.

Productivity benefits

Green buildings consistently outperform non-green buildings in terms of comfort and productivity. Natural light, fresh air and access to views of the outdoors, as well as control over their own individual workspace temperature and lighting, can directly affect productivity.

A9.1 Green Star Rating Information Sheet (continued)

For example, a post-refurbishment study of 500 Collins Street in Melbourne found a 9% increase in typing speeds of secretaries and a 7% increase in lawyers' billings ratio, despite a 12% decline in the average monthly hours worked. At the City of Melbourne's CH2, Australia's first 6 Green Star – Office Design rated building, productivity has risen by an impressive 10.9% since staff moved into their green office, with an estimated annual cost savings of \$2 million.

Note: Refer to www.gbca.org.au for more information

A9.2 Credit Summary Template - From GBCA Office Rating Tool

Green Star - C	Office Design v3 & Office As Built v3				
Credit Summa	ary for:				
Category	Title	Credit No.	Points Available	Points Achieved	Points to be Confirmed
Management	Green Star Accredited Professional	Man-1	2	0	0
	Commissioning Clauses	Man-2	2	0	0
	Building Tuning	Man-3	2	0	0
	Independent Commissioning Agent	Man-4	1	0	0
	Building Users' Guide	Man-5	1	0	0
	Environmental Management	Man-6	2	0	0
	Waste Management	Man-7	2	0	0
		TOTAL	12	0	0
					_
Indoor	Ventilation Rates	IEQ - 1	3	0	0
Environment	Air Change Effectiveness	IEQ - 2	2	0	0
Quality	Carbon Dioxide Monitoring and Control	IEQ - 3	1	0	0
	Daylight	IEQ - 4	3	0	0
	Daylight Glare Control	IEQ - 5	1	0	0
	High Frequency Ballasts	IEQ - 6	1	0	0
	Electric Lighting Levels	IEQ - 7	1	0	0
	External Views	IEQ - 8	2	0	0
	Thermal Comfort	IEQ - 9	2	0	0
	Individual Comfort Control	IEQ - 10	2	0	0
	Hazardous Materials	IEQ - 11	1	0	0
	Internal Noise Levels	IEQ - 12	2	0	0
	Volatile Organic Compounds	IEQ - 13	3	0	0
	Formaldehyde Minimisation	IEQ - 14	1	0	0
	Mould Prevention	IEQ - 15	1	0	0
	Tenant Exhaust Riser	IEQ - 16	1	0	0
		TOTAL	27	0	0
Energy	Conditional Requirement	Ene -	-	-	0
	Greenhouse Gas Emissions	Ene - 1	20	0	0
	Energy Sub-metering	Ene - 2	2	0	0
	Lighting Power Density	Ene - 3	3	0	0
	Lighting Zoning	Ene - 4	2	0	0
	Peak Energy Demand Reduction	Ene - 5	2	0	0
		TOTAL	29	0	0

A9.2 Credit Summary Template - From GBCA Office Rating Tool (continued)

Credit Summ	nary for:				
Category	Title	Credit No.	Points Available	Points Achieved	Points to be Confirmed
Transport	Provision of Car Parking	Tra - 1	2	0	0
	Fuel-Efficient Transport	Tra - 2	1	0	0
	Cyclist Facilities	Tra - 3	3	0	0
	Commuting Mass Transport	Tra - 4	5	0	0
		TOTAL	11	0	0
Water	Ossupant Amenity Water	Wat - 1	5	0	0
water	Occupant Amenity Water Water Meters	Wat - 1	1	0	0
	Landscape Irrigation	Wat - 2	1	0	0
	Heat Rejection Water	Wat - 4	4	0	0
	Fire System Water Consumption	Wat - 4	1	0	0
	The System water consumption	TOTAL	12	0	0
Materials	Recycling Waste Storage	Mat - 1	2	0	0
	Building Reuse	Mat - 2	6	0	0
	Reused Materials	Mat - 3	1	0	0
	Shell and Core or Integrated Fit-out	Mat - 4	2	0	0
	Concrete	Mat - 5	3	0	0
	Steel	Mat - 6	2	0	0
	PVC Minimisation	Mat - 7	2	0	0
	Sustainable Timber	Mat - 8	2	0	0
	Design for Disassembly	Mat - 9	1	0	0
	Dematerialisation	Mat - 10	1	0	0
		TOTAL	22	0	0
	To a different Base francisco	Tr	0	1	I o
Land Use & Ecology	Conditional Requirement	Eco -	+	-	0
	Topsoil	Eco - 1	1 1	0	0
	Reuse of Land	Eco - 2	ļ ·	0	0
	Reclaimed Contaminated Land	Eco - 3	2	0	0
	Change of Ecological Value	Eco - 4	4	0	0

A9.2 Credit Summary Template - From GBCA Office Rating Tool (continued)

Credit Sumn	nary for:				
Category	Title	Credit No.	Points Available	Points Achieved	Points to be Confirmed
Emissions	Refrigerant ODP	Emi - 1	1	0	0
	Refrigerant GWP	Emi - 2	2	0	0
	Refrigerant Leaks	Emi - 3	2	0	0
	Watercourse Pollution	Emi - 5	3	0	0
	Discharge to Sewer	Emi - 6	5	0	0
	Light Pollution	Emi - 7	1	0	0
	Legionella	Emi - 8	1	0	0
	Insulant ODP	Emi - 4	1	0	0
		TOTAL	16	0	0
	Sub-total weighted points:		0		0
Innovation	Innovative Strategies & Technologies	Inn-1	2	0	0
	Exceeding Green Star Benchmarks	Inn-2	2	0	0
	Environmental Design Initiatives	Inn-3	1	0	0
		TOTAL	5	0	0
	Total weighted points:		0		0

A9.3 Examples of ESD Measures

Water Efficiency

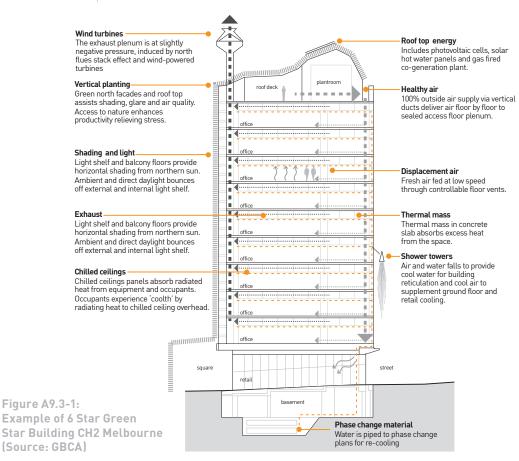
These measures ensure all non-residential buildings implement systems of water collection and recycling. Systems to minimise mains water usage may include:

- i) On-site rainwater collection and on-site waste water treatment to provide recycled water for use within the development.
- ii) Provide low flush toilets and water efficient fixtures and fittings, including waterless urinals.
- iii) Utilise water efficient landscape principles, such as the selection of low water usage species, including local species, and the use of tree foliage to create on ground shade and windbreaks.

Energy Generation

These measures encourage implementation of systems that provide alternative energy sources. Energy generation measures may include:

- Solar louvres (powered by photovoltaic cells) that track the sun to supply building use;
- ii) Solar hot water system;
- iii) Solar energy collection technology such as solar heat pumps for hot water and photovoltaic cells;



A9.3 Examples of ESD Measures (continued)

- iv) Use of photovoltaic cells which can be mounted as panels, or used as an integrated building cladding as shading device;
- v) Use of co-generation or tri-generation plants located within the basement to service the whole building; and
- vi) Wind turbine technology.

Heating and Cooling

These measures reduce the heat and carbon output of non-residential buildings. Alternative heating and cooling measures may include (refer to *Figure A9.3-2*):

- i) Displacement ventilation with low level air delivery and high level air exhaust to create air change effectiveness;
- ii) Thermal chimneys in atriums to draw warm air up and out of work areas;
- iii) New generation cooling systems such as chilled ceiling beams;
- iv) Active mass cooling system utilising thermo-active slabs and concrete core conditioning;
- Radiant slab heating to provide energy efficient thermal comfort;
- vi) Night purge systems to cool and clear stale air within the building;
- vii) Roof surfaces with a sheen finish that reduce heat gain in summer (only where they do not impact on the amenity of neighbour in terms of glare and reflectivity).

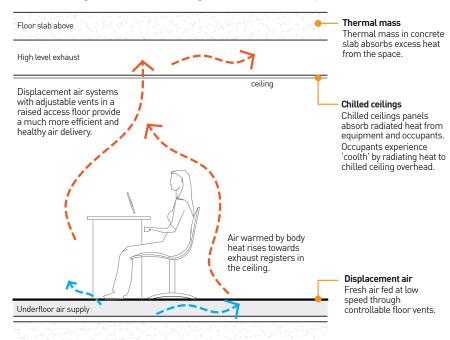


Figure A9.3-2: A displacement air system. Removing contaminants efficiently with 100% fresh air supply, resulting in a healthier work environment.

A9.3 Examples of ESD Measures (continued)

- viii) Roof gardens and landscaped terraces which provide thermal insulation; and
- ix) Use of tri-generation plants located within the building basement.
- x) Use of vertical planting to shade building elevations.
- xi) Insulation and ventilation of roof spaces.
- xii) Use of heavy weight building materials, such as concrete, for thermal mass on flat roofs and/or walls. Where lighter weight materials are used they are to be well insulated.

Lighting

These measures reduce the energy uptake for lighting systems within non-residential building sites. Measures to reduce artificial light use may include (refer to Figure A9.3.3):

- i) Considering internal building use relative to window location.
- ii) Consider fenestration with high performance glazing with spectrally selective glass that allows views and a high degree of diffused natural light into the workspace without glare.
- iii) Select and position light fittings to minimise energy consumption. For example create separate lighting zones for areas close to and further away from windows.
- iv) Lighting used in common areas such as entries, corridors, car parks and communal open space areas must utilise daylight sensor control, movement detectors, automated dimmers and timers. Lightspill must be controlled.
- v) Improve internal natural light reflection and minimise lighting use by using light coloured internal finishes.

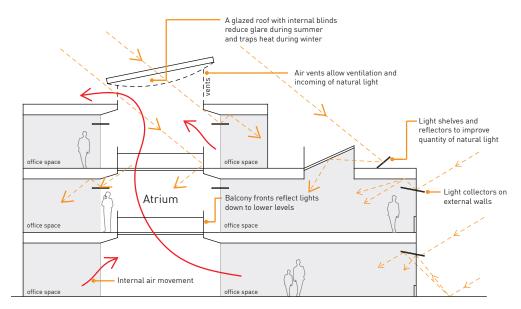


Figure A9.3-3: Lighting and ventilation.

A9.4 Checklist of ESD measures

CHECKLIST OF ESD MEASURES

Project details:

From updated Credit Summary		Credit y	From updated ESD Report			From proposed Schedule of Works	CERTIFIER CHECK
Category	Title	Points achieved	Description of system/element	Location in building	DWG Ref.	Estimated Installation dates for system/element	

Summary of Comments	Response Location in FINAL Town Centres DCP 2009
LEP STAGE	·
Definitions	
Deep soil area and built-upon area are not clearly defined.	These matters have been addressed in Part 1B.
General Issues	
Increased density will result in noise, tree loss, pollution.	These matters have been addressed in Part 3A.20, 3B.16, 3C.19, 3D.16 for acoustic controls; Part 8 for tree and vegetation controls; Part4 for waste and land contamination, Part 5 for water pollution. Air pollution is addressed in the <i>Submissions Summary Issues And Recommendations Table- GENERAL</i> under 'Impact'.
Apartments will overcrowd the Pacific Highway	These matters have been addressed in the <i>Submissions Summary Issues And Recommendations Table- GENERAL</i> under 'Character'.
Buildings should provide office for Body Corporate in each apartment building.	These matters have been addressed in the <i>Submissions Summary Issues And Recommendations Table- GENERAL</i> under 'Issues not addressed'.
Inconsistencies	
Inconsistencies between the vision statement and actual development allowed, eg: saying "village" and then allowing "8-storey development"	This matter has been addressed in Part 2 where each individual town centre has controls to preserve the local character and foster community space and activity.
Other Documents/Reports	
DCP 55 controls should be included.	The DCP has incorporated many of the controls of DCP 55 alongside new controls to facilitate good outcomes under the new Regional Plan requirements for housing intensification.
Issues not Addressed	
There are no controls that promote 'ageing in place'.	These matters have been addressed in the <i>Submissions Summary Issues And Recommendations Table- GENERAL</i> under 'Issues not addressed'.
Zoning	
E4 zones do not provide adequate protection for the environment.	These matters have been addressed in the <i>Submissions Summary Issues And Recommendations Table- GENERAL</i> under 'Issues not addressed'.
Sustainability	
Environmental issues need to be addressed, development needs to reduce carbon footprint and minimise impact on resources.	This matter has been addressed in Part 4.4.
Affordable Housing	
Apartments being developed are too expensive and don't draw in target groups.	These matters have been addressed in the Submissions Summary Issues And Recommendations Table- GENERAL under 'Affordable Housing'.
Shop top housing will not provide good living areas, and will not aid neighbourhood cohesion.	

SUBMISSIONS SUMMARY ISSUES AND RECOMMENDATIONS

Economic Issues	
The following should be considered 1. retail will be poorly patronised by elderly due to poor access	These matters have been addressed in Part 3A.27, Part 4.11, Part 2, and the <i>Submissions Summary Issues And Recommendations Table- GENERAL</i> under 'Issues not addressed'.
 retail centres need to be updated tourism should be explored 	
Public Land and Open Spaces	
High rise buildings will overshadow open space, therefore locate it elsewhere	These matters have been addressed in Part 3A.18, and Part 2 which has principles on solar access to open areas.
Need to investigate if green spaces being provided will compensate fro the loss of trees and canopy, and the connectivity between open spaces across the LGA.	This matter has been addressed in Part 4.2 and Part 7 of the DCP.
More information is needed provision of open space and leisure facilities for increased population.	This information is provided in Part 2 of the DCP. The <i>Ku-ring-gai Town Centres Public Domain Plan</i> (currently under preparation by Council) will also provide further details.
Roads, Traffic, Parking	
There are already problems with parking. Future parking provisions are unclear, and it is unreasonable to require only 1 space for 2-bedroom units.	This matter has been addressed in Part 3A.26
Already approved and proposed new development along the Pacific Highway means that no widening of the highway can occur. Further, widening involves many properties so realistically may take a very long time to implement.	This matter has been addressed in the <i>Submissions Summary Issues And Recommendations Table- GENERAL</i> under 'Roads; Traffic; Parking'.
The plan fails to provide pedestrian and vehicular connectivity throughout the proposed centres, with many split across major roads.	
Heritage	
Concerns raised: - Failure to recognise heritage of area will result in detrimental streetscapes.	These matters have been addressed in Part 9.
- Conflict between heritage and up-zoned areas, and boundaries between conservation areas and up-zoned areas is not resolved.	
Infrastructure	
The following need more consideration: - location of power lines - access into centres - need for more community facilities - stormwater and runoff management - bike lanes - facilities to deal with additional traffic - additional load on electricity supply	This matter has been addressed in <i>the Submissions Summary Issues And Recommendations Table- GENERAL</i> under 'Infrastructure'. The <i>Ku-ring-gai Town Centres Public Domain Plan</i> (currently under preparation by Council) will also provide further details.

Character	
Highrise building will - eventually turn into slums - encourage anti social behaviour - destroy existing historical character - create poor streetscapes - lose the village ambience - interfere with visual amenity, views and cause overlooking - encourage demolition of good homes, buildings/vegetation - ignore Heritage style of the area - face west and require air conditioning - create overshadowing and stop neighbouring properties from using solar power effectively	These matters have been addressed in Part 2 which controls development quality within the specific town centres; Part 9 for heritage and conservation area issues; Part 3A, 3B, 3C controls which preserve amenity to neighbouring sites. Setbacks are addressed in Part 3A.2, 3B.2, 3C.2.
Highrise buildings need to have setbacks to - allow for landscaping - cater for road widening, - reduce impact on streetscape and existing single dwellings - provide open space - minimise overshadowing and runoff - ensure screening from neighbours - follow alignments of existing buildings	
Visual Quality	
Concerns about the detrimental appearance of high density development.	These matters have been addressed in Part 3A.6 to 12, 3B.5 to 10, 3C.7 to 11, 3D.7 to 10.
Overshadowing	
Height of buildings need to be controlled to avoid overshadowing	These matters have been addressed in Part 3A.17, 3B.15, 3C.16, 3D.14.
Interface, Privacy, Setbacks	
Lack of interface between town centre and single dwelling residential areas.	These matters have been addressed in Part 3A.2(5) and 3C.2.
5 storey buildings need to be scaled and setback from boundaries to minimise impact on neighbouring dwellings	
Vegetation	
There needs to be a Conservation Offset Policy to preserve tree count.	Council is in the process of preparing a Conservation Offset Policy
Biodiversity	
Apartments will destroy biodiversity, R4 should not be allowed where there are special areas.	This matter has been addressed in Part 7.
Concern about impact on natural watercourses due to new development.	This matter has been addressed in Part 6.

SUBMISSIONS SUMMARY ISSUES AND RECOMMENDATIONS

High-rise Buildings	
Issues raised: - Buildings should have a maximum of 5 stories, with the 5th storey being setback so that it only covers 60% of the floor beneath it. - Building heights should be greatest in the Town Centre, then step down towards existing houses. - High-rise create wind tunnels	These matters have been addressed in Part 3 A.2, 3A.5, 3C.2, 3C.10(1).
Town Centres	
Masterplans should be produced that indicate quality and function of centres recognise architectural and cultural significance of the area show public transport and traffic management show open space, parks, schools, health facilities how infrastructure will be upgraded	This matter has been addressed in Part 2.
Issues particular to Turramurra include: - water/runoff flow down from the ridge line - protection of trees and biodiversity - preservation of the character of the locality - development of area around the Uniting Church - building heights and overshadowing	These matters have been addressed in Part 2B, Part 3, Part 6, Part 7.
Issues particular to St Ives include: - impact of development on the Green - evaluation of heritage properties - road widening and compensation to landowners	This matter has been addressed in Part 2A.
Issues particular to Gordon include: interface between R4 and single dwellings impact on the character of areas with heritage significance such as St Johns Road downzoning existing retail to open space and loss of property value impact of new roads and their value	This matter has been addressed in Part 2D, Part 3C.2, Part 9.5.
Issues particular to Lindfield include: - issues of overshadowing that new development will cause - increase in runoff and associated flooding problems - retention of vegetation and tree canopy	This matter has been addressed in Part 2E, Part 3A, 3C, Part 6, Part 7.
Issues particular to Roseville include: - Impact of highrise buildings on privacy and overshadowing - Retaining area's existing character - Location of new roads and enough parking provision	This matter has been addressed in Part 2F, Part 3A, 3C.

GENERAL ISSUES

No	Comments	Response	Recommendation
	GENERAL ISSUES		
	Independent DCP Review		
23 24 31	DCP needs to be robust to assure good design and contain controls that will be upheld if challenged in Court. A review would ensure this outcome.	The development of the DCP has involved the considerable expertise of town planning, architecture and urban design professionals, and will be made even more robust through the consultation process. A more appropriate time to review the DCP would be 6 to 12 months after it commenced operation, when the DCP has been tested against real development applications, not hypothetical ones. Further review is not required to ensure this outcome.	No change recommended.
	Clauses have been taken from the Residential Flat Design Code (RFDC) without assessing whether this is appropriate in the Kuring-gai context. A review would address this.	Controls included from the RFDC have been carefully considered in the Ku-ring-gai context, and may be further adjusted as a result of consultation. A review is not required for this purpose.	No change recommended.
	Inconsistencies		
9 13 14 15 18 19 21 25 31	The plan represents a one size fits all, top down approach to planning, and is inconsistent with community consultation vision statements and desired future character.	The DCP attempts to respond to the broader planning framework set by the Town Centres LEP and seeks to establish a desired future urban structure and character over the long term while delivering on the mandatory housing and employment targets imposed by the state government. The desired future urban structure and character proposed in Part 2 of the DCP was developed as a result of extensive community consultation dating back to 2005/06. However, it must also be realistic and consistent with the urban form and densities that will be established through the Town Centres LEP.	Refer to recommended changes for specific centres.
		The exhibition of the draft DCP is seeking community endorsement of the desired future urban structure and character outlined in Part 2. Comments in submissions on specific elements as they relate to an individual	

No	Comments	Response	Recommendation
		centres are addressed in the responses to submissions on each centre along with any recommended amendments to the desired future urban structure and character statements.	
	The use of 'should' and 'must' throughout the document needs to be standardised.	Agreed	DCP will be reviewed and amended where appropriate.
	Draft DCP needs to be amended to acknowledge a development proposal is not required to be 100% compliant with the LEP in order to apply for a bonus in height/FSR.	A DCP cannot permit non-compliance with an LEP	No change recommended.
	The preparation of the DCP is contrary to s.74C (5) (b) of the EP&A Act relating to DCPs being consistent with the governing LEP. The DCP should be modified to ensure compliance with Division 6 of the EP&A Act.	The DCP has been prepared to comply with section 74C of the EP&A Act, and it is considered that the DCP will enable compliance with the LEP. To support this position, the DCP acknowledges, at clause 1A.6, that if there is any inconsistency between this DCP and the LEP, the LEP will	Specific controls will be reviewed and amended as appropriate in response to
	A number of new controls from DCP 55 (such as building setbacks and length) have been added to the RFDC controls, making the DCP far more onerous.	As part of the preparation of the DCP, a review of the residential flat building controls was undertaken based on	submissions.
	The DCP is too prescriptive.	approvals under LEP 194 to date. As a result of the review, there have been amendments to controls. Some	
	The cumulative effect of certain controls, such as building separation, front setbacks, side and rear setbacks (including to courtyards) and building footprint will reduce the development potential for residential flat buildings within the R4 zone by up	controls have been deleted from the KPP TC LEP and DCP. Other new controls have been added to address identified undesirable development outcomes. A further review of controls will be undertaken in	
	to 15%. The combination of the controls would cumulatively limit the	response to issues raised in submissions and any appropriate changes will be made.	
	achievement of the development potential conferred by the draft Town Centres LEP (2008).	The controls retained in the DCP are not considered onerous.	
	Various documents are inconsistent and dishonest, for example: • The Vision Statement talks about improved traffic flows and reduced delays but there is no provision in the plan	These comments appear to relate to the draft Town Centres DCP prepared and exhibited by Council back in late 2006, which is not relevant to the draft Town Centres	No change recommended.

No	Comments	Response	Recommendation
	 for achieving this. Turramurra is described as a village, but eight (8) storey development is inconsistent with the character of a village. Strategy T2.5 says that building heights will be restricted to within or below the dominant tree character. The Plan proposes eight (8) storeys in Turramurra while the highest tree is an 8m high Jacaranda In terms of the rezoning of Heritage Conservation Area, 	LEP 2008 prepared by the Ku-ring-gai Planning Panel. The terms referred to in the submission such as 'Vision Statement' village' and 'Strategy T2.5' were all used in the 2006 draft Town Centres DCP. They are not terms used in the draft Town Centres LEP 2008, nor were they included as part of the supporting material that accompanied the exhibition of the draft LEP.	No change
	Council is being inconsistent. It is attempting to impose heritage conditions on houses much further from Eryldene.		recommended.
	Other Documents/Reports		
31	The Public Domain Plan, Village Green masterplan, Biodiversity Offset Policy and Parking Management Plan should be concurrent with the DCP. References are made to them in the DCP, yet they are unavailable to the public who therefore are unable to comment.	These plans and policy documents are being prepared concurrently with the DCP and will be subject to public exhibition and consultation processes prior to their finalisation by Council.	No change recommended.
	There is no mention of S94 Contribution Plan, Voluntary Agreements or Public-Private Partnerships.	These are not plans or agreements that can be required by a DCP. Development contributions are required in accordance with a Contributions Plan, Planning Agreements are regulated under the EP&A Act and are voluntary, and Public Private Partnerships may, or may not be formed to facilitate a particular development.	No change recommended.
	Process		
6 16 18	The process for the LEP/DCP fails to recognise the complexity and magnitude of the decision before the community. There has been little stakeholder consultation in the making of the plan. Public information sessions were held only after the DCP had been drafted. This is not tailor making the plan to Ku-ring-gai, backed by community consultation as we were promised. The process had either a deliberate strategy of avoiding and limiting engagement or was poorly executed.	There has been extensive communication for the LEP, as outlined in the reporting for the LEP. This report is limited to the DCP. The work for the DCP builds on work undertaken previously for the 2006 version including community consultation. It also takes account of numerous issues that were raised in submissions on the draft LEP that related to the DCP rather than the LEP. The draft DCP includes many detailed controls that are particular to Ku-ring-gai. The DCP was exhibited for over	No change recommended.

No	Comments	Response	Recommendation
		4 weeks and included a visual display at Council chambers. In addition, a draft DCP open day was held, at which staff were available to discuss issues with interested community members. A number of issues relating to the draft DCP have been raised as a result of the exhibition. These are considered in detail within this report, with changes recommended where appropriate. The stakeholder consultation process for the draft DCP has gone beyond that required by the legislation and has been more than adequate.	
	Letters notifying of the DCP exhibition were not sent to those who made submissions on the LEP or to those who made submissions to the previous LEP or DCP. The DCP exhibition period should be extended and all individuals and groups that made submissions to the 2008 LEP or the 2006 LEP/DCP and the Turramurra/Lindfield deferred matters should be notified in writing of the exhibition.	There is no requirement to send individual letters to residents in relation to the draft DCP. Nevertheless, Council notified a number of community groups by letter, the exhibition was advertised in the local paper, and banners were placed in prominent locations advising of the exhibition. This process has been more than adequate to ensure that the community has been notified of the exhibition.	No change recommended.
	State Government has no moral right to interfere with the development of local communities. Local government should be given control of its own destiny. Stop all plans to develop these town centres	This is not a DCP issue.	No change recommended.
	Issues not Addressed		
14 17 21 30	Vision The DCP in its current form does not articulate a vision or establish a framework that is reflective of the expressed social, economic or environmental vision that KMC and its residents have endorsed. The outcomes are not unique to Ku-ring-gai as they are overly reliant on retail boxes, shop-top housing and apartment buildings with unrealistic expectations (such as carpark roof parks in Roseville). Such unrealistic expectations will result in legal challenges undermining the credibility of the DCP.	The DCP attempts to respond to the broader planning framework set by the Town Centres LEP and seeks to establish a desired future urban structure and character over the long term while delivering on the mandatory housing and employment targets imposed by the state government. The desired future urban structure and character proposed in Part 2 of the DCP was developed as a result of extensive community consultation dating back to 2005/06 The exhibition of the draft DCP is seeking community endorsement of the this.	It is recommended that social impact considerations be incorporated into Part 4 of the DCP.
	The DCP should incorporate provisions in relation to:	Design innovation is promoted through the LEP via the	

an Design Excellence clause and is supported through	
t 2 of the DCP. Furthermore, being a key land owner in h centre, Council is in a strong position to influence delivery of design innovation, building sustainability physical and social infrastructure through leverage ned if it chooses to include this land in future elopments. Incil's Draft Community Strategic Plan 2030 addresses ial, economic or environmental sustainability and ourages a partnership approach between public, rate and voluntary organisations to foster socially tainable practices within Ku-ring-gai. The DCP seeks sick up elements of this plan where applicable. In DCP provides specific controls for the sustainability and ptability. Social sustainability, more broadly, is related operations that are continually changing, and are refore outside the scope of the DCP. In acknowledged that social impact assessment is an ortant consideration, particularly for larger retail and ertainment proposals and other more controversial dises. However, Council still has to yet to develop cific policies in regard to social issues such as ordable housing and social impact assessment. Once ablished, any relevant elements can be incorporated to the DCP through the inclusion of specific social sact assessment requirements via future endments. In the meantime, it is proposed to include level social impact considerations in Part 4 of the DCP, as will trigger a requirement for social impact essment of developments which are considered to be potential adverse social impacts.	
de preel iniaiouataic Electrone ao oriente a	elivery of design innovation, building sustainability obysical and social infrastructure through leverage and if it chooses to include this land in future copments. cil's Draft Community Strategic Plan 2030 addresses I, economic or environmental sustainability and curages a partnership approach between public, the and voluntary organisations to foster socially simable practices within Ku-ring-gai. The DCP seeks the up elements of this plan where applicable. DCP provides specific controls for the sustainability to built environment and housing accessibility and tability. Social sustainability, more broadly, is related erations that are continually changing, and are affore outside the scope of the DCP. Incknowledged that social impact assessment is an artant consideration, particularly for larger retail and retainment proposals and other more controversial uses. However, Council still has to yet to develop fic policies in regard to social issues such as dable housing and social impact assessment. Once to blished, any relevant elements can be incorporated the DCP through the inclusion of specific social contains and the policy through the inclusion of specific social contains and the policy are requirements and the policy are requirement for social impact assessment of developments which are considered to

lo	Comments	Response	Recommendation
		of the DCP, however, will be addressed through other Council plans such as the Public domain Plan and Parking Management Plan	
	Light Pollution New development should be designed to avoid light spillage onto adjoining property by such installations as: (i) entry and security lighting (ii) tennis court and swimming pool lighting (iii) decks and outdoor recreation areas.	Light spill issue has been addressed in Part 3 of the DCP in relation to the lighting in communal open space. The same issue needs to be addressed in building entry design to prohibit light spill.	It is recommended that the following be added to clause 3C.9(5): All light spill is prohibited. Same amendment will apply to clause 3D.8(4).
	There is a lack of statutory controls for lot configuration, building orientation and envelope, over-viewing, public security and development that promotes 'aging in place' in the proposal.	The DCP contains controls relating to setbacks, site planning, building design and amenity considerations (eg overshadowing, overlooking, visual amenity and the like), to minimise adverse amenity impacts.	No change recommended.
	There are no controls that promote 'ageing in place'.	Housing choice from single dwellings to town houses to residential flat buildings to secondary dwellings provide housing choice for ageing people to downsize yet remain within the area.	No change recommended.
	Ku-ring-gai has many opportunities for tourism which should be explored. Inappropriate development may prevent tourism from booming.	New access routes are identified in the Draft LEP. Cycleways and pedestrian routes will also be identified within the Public Domain Manual and the DCP, and will be addressed beyond the centres in the planning for the Principal LEP. Revitalising the centres can only benefit tourism by providing an increased variety of services for people visiting or passing through.	No change recommended.
	There should be provisions for separate rooms in buildings for the Body Corporate.	There is nothing in the DCP which prevents the incorporation if separate body corporate rooms within building designs, however, it is considered to onerous to mandate such spaces.	
	The plan should include provision for bicycle paths and associated infrastructure. More people would walk or cycle to the Town Centre if it was safer. Walking and cycling routes should be integrated into Town Centre planning.	Works to cycle routes and improvements to the pedestrian environment are incorporated in Ku-ring-gai Town Centres Development Contributions Plan 2008 and are included in the provisions of the DCP and the Draft Public Domain Plan. Also will be addressed across the Ku-ring-	No change recommended.

No	Comments	Response	Recommendation
		gai LGA via the Comprehensive LEP and DCP.	
	Zoning		
	Sex-related businesses/uses should not be permitted in B2 zones.	Land uses in particular zones are a matter addressed by the LEP, not the DCP. The location of sex service premises will also be subject to the provisions of LEP clause 6.12 – 'Restrictions on consent for particular sex service premises'. The DCP contains detailed provisions and controls in relation to sex services premises.	No change recommended.
	E4 zones do not provide adequate protection for the environment.	The zoning table for Zone E4: Environmental Living contains a limited range of development which is permissible with or without consent. In addition, the ecologically sensitive areas clauses (and maps) also provide for protection, regardless of the zoning. Furthermore, the DCP contains detailed provisions and controls in relation to the amenity and environmental matters to be assessed in the course of determining a Development Application.	No change recommended.
	Sustainability		
30	Support the following requirements provided they are economically viable: Green star rating for commercial buildings Rooftop plantings that will increase insulation values Emphasis on passive heating and cooling through crossventilation and good solar orientation. Objectives for the key areas that include sustainability objectives such as increased energy efficiency, increased recycling and improved integration with public transport	Noted.	No change recommended
	More work is required in the area of social sustainability. The DCP should provide resources and processes that build associational activity between new and existing residents, businesses and institutions and prevent further segregation of residential communities along economic and/or cultural lines. This is the cornerstone of social sustainability.	The DCP provides specific controls for the sustainability of the built environment. Social sustainability is related to operations that are continually changing, and are therefore outside the scope of the DCP. Council's Draft Community Strategic Plan 2030 addresses social sustainability and encourages a partnership	No change recommended

No	Comments	Response	Recommendation
		approach between public, private and voluntary organisations to foster socially sustainable practices within Ku-ring-gai. For example the use of local labour, businesses, materials, programmes to mentor and train local youth. In addition, Council's Management Plan 2009-2012 is updated yearly to accommodate changing demography and promote ongoing sustainable communities.	
	Affordable Housing		
20	It is recommended that consideration be given to affordable housing in the DCP. This could be included in the public benefits clause. This issue particularly affects key workers in Ku-ringgai who travel long distances to work, young people entering training or the labour force, single parents, single people on moderate incomes, people with special needs due to disability, ill health, injury or frailty. Affordable housing is also required to encourage cultural and income diversity, enable aging in place, reduce financial stress, It is also needed to reduce emissions from long distance travel to work. Such emissions may in future be apportioned to KMC.	The issue of affordable housing is a much broader policy issue for Council and the State government. Council has previously resolved to further investigate the issue as part of the preparation of its Principal LEP. An affordable housing Issues Paper that studies the demographics of the Ku-ring-gai Area and the purpose that affordable housing will serve to sustain a diverse and growing community in the area is currently being prepared. Following research and consultation, this paper will result in a considered strategy for the successful provision and integration of affordable housing into the Ku-ring-gai area.	No change recommended
	Shop-top housing is not in the interests of neighbourhood cohesion and is misguided as there is too little room to live.	Shop top housing and mixed use buildings are development which is permissible in particular zones under the LEP. The DCP cannot prevent such development from occurring. The provision of mixed-use developments is a widely recognised mechanism of increasing the vitality of town centres/villages, through the introduction of a permanent population within the area. Proposed new developments will be required to meet the requirements of SEPP 65: Design Quality of Residential Flat Development, the Residential Flat Design Code and provisions in the DCP. Furthermore, the town centres will become vibrant places, through the undertaking of public domain works	No change recommended

No	Comments	Response	Recommendation
		and the provision of communal open spaces.	
	Public land and Open Spaces		
5 14 18 20 28 31	There is no reference to existing community land which has been incorporated into private developments, or what the community will get in return. Community land should not be sold to developers.	The classification of land is not a DCP matter and outside the scope of this report, this is a matter that is dealt with through a Local Environmental Plan and is subject to a different planning process.	No change recommended
	Parcels of public land should be indicated or spelt out in the plan so the public are aware that this land is not already privately owned.	The DCP provides the framework for the detailed guidance for the design and assessment of new development. The DCP controls allow for a range of building types and uses and the issue land ownership has been taken into consideration in preparing the controls. Where appropriate publicly owned land has been identified in the DCP in particular in part 2 of the DCP.	No change recommended
	All community land should be retained in public ownership and not be reclassified.	The classification of land is not a DCP matter and outside the scope of this report, this is a matter that is dealt with through a Local Environmental Plan and is subject to a different planning process.	No change recommended
	Public open space is deficient and will be overshadowed, or is on sloping sites in drafty locations that will get little solar access.	Areas of open space will be provided in the town centres, to provide pleasant outdoor areas. The layout and design of the future public civic spaces has taken into solar access consideration to ensure both an adequate access to sunshine in particular during the winter months and shading during the summer months. In some case civic spaces are located adjoining taller buildings as these spaces must be close to the centre of activity and some overshadowing is expected	No change recommended
	Public land and open space has been reduced in favour of built development. Existing public land and open space provision should at lest remain at the same amount as existing. It should in fact be increases to provide amenity for the growing population.	All existing parks are retained and protected under the recently adopted DLEP TC. New open space needs have also been assessed arising from development in the draft Plan to the year 2031. In some cases existing public areas are identified for redevelopment under the TCLEP and DCP with new urban spaces- civic precincts being created.	No change recommended
	Strategic open air carparks should not be built upon. They should be used to provide the much needed parks and open	Council has undertaken considerable planning to determine the amount and type of open space that is	No change recommended

SUBMISSIONS SUMMARY ISSUES AND RECOMMENDATIONS **GENERAL ISSUES**

No	Comments	Response	Recommendation
	space. of strategic open-air car parks? Why are these open to the air carparks not being converted to bio-links to compensate for lost green-space & connectivity, caused by There is a severe lack of open space and green landscape around the proposed developments. More green space and substantial planting of trees rather than shrubs are needed. Communal garden spaces within town centre areas and around them need to be incorporated for residents to work in and enjoy	required, considered alternative locations; and to determine the best possible location for new parks. It is, however, acknowledged that no single location is perfect in all respects. There are a number of key planning documents and Council studies that have comprehensively assessed open space needs and demands in Ku-ring-gai into the future. Subregional planning supports the expenditure of Council funds inclusive of development contributions for the purpose of acquiring land for open space and civic spaces. The DCP contains detailed provisions in relation to building heights, setbacks, landscaping and the like, so as to ensure that development is appropriate in the context, and will not adversely affect neighbouring properties or areas of open space.	No change recommended
	Provision should be made for open spaces between all five (5) storey developments. Penrith and St Mary's unit developments were required to provide green space of a minimum of 60 feet between the buildings as outdoor play and recreation areas.	The DCP contains controls relating to building setbacks, communal open space deep soil zones and landscaping for new multi-unit housing buildings. Additional particulars in relation to open space are provided in SEPP 65: Design Quality of Residential Flat Development and the Residential Flat Design Code. Ku-ring-gai Council has been levying development contributions for open space for some time which will continue under the revised Contributions Plan. Opportunities exist for developers to deliver parks as works-in-kind subject to formal agreement by council.	No change recommended
	Adaptable Housing		
31	The DCP should include provisions in relation to universally accessible design both of dwellings and the public domain. Over emphasis on promoting multi storey dwellings may exclude or limit older people or people with a disability. While lifts are typically provided, access to the units and their associate common areas remains problematic. Common issues include:	There is a requirement for adaptable housing for mixed use, residential flat and multi-dwelling (eg. townhouses) developments as outlined in Parts 3A.28, 3C.27 and 3D.23. Relevant Australian Standards will ensure universally accessible design for this particular housing.	No change recommended.

No	Comments	Response	Recommendation
	 Hallways that are too small to turn a wheelchair in Kitchen, toilets and bathrooms with are unusable because of size or layout Doorways that are too small Steps within and outside dwellings Security features that could trap people in a fire. Research by AHURI (2008) illustrates that for people in a wheelchair, private rental is difficult to gain access to because of: Cost Discrimination by landlords concerned that wheelchairs would mark walls or floors Unwillingness of some landlords to install ramps or grab handles in their dwellings Accessibility to and distance from public transport. Part 3A.28 of the DCP includes some provision of adaptable housing, but does not go far enough given the current and predicted demographics of Ku-ring-gai. 	In addition, Parts 3A.22 and 3C.22 require the design of internal common circulation space of residential buildings to comply with the relevant Australian Standards to provide adequate pedestrian mobility and access. These parts also specify minimum width requirements for common corridors and lift lobbies to ensure accessibility for all.	
	Design Panel		
17	A Design Panel that provides an independent review of design, amenity, environmental issues etc should be set up to oversee design proposals submitted for DA, with all charges for their services going to the applicant. These Panels were set up under SEPP 65 and work well in other local authority areas.	An appropriate level of qualified and independent design review will be included in the formal Development Assessment process, this is a matter and process separate from the actual DCP controls.	No change recommended
	Roads, Traffic, Parking		
20 24 31	100% of road widening, footpath and street tree planting costs should be borne by the developer whose property creates a need for it and benefits the most from it.	This is not a DCP matter. While it is Council's belief that new development should bear the costs of improvements to the urban environment that are only required as a direct result of increased intensity of development, this must be achieved within the parameters of achieving a reasonable contribution rate. Some desirable improvement works may be deleted if the result would be	No change recommended

SUBMISSIONS SUMMARY ISSUES AND RECOMMENDATIONS **GENERAL ISSUES**

No	Comments	Response	Recommendation
		an unreasonable contribution rate.	
	How will the functionality of the Pacific Hwy be maintained given the greatly enlarged centres that straddle it. The NRMA are concerned about how the area will cope with the increase in population when no upgrades are being made to the infrastructure and road systems.	Proposals for localised upgrades along Pacific Highway have been presented and discussed with the RTA. The RTA generally concurred with Council's upgrade proposals.	No change recommended, but Council continue to work with RTA to improve traffic flows in town centres
	There is almost no mention in the DCP of public transport, and almost no provision to improve public transport infrastructure of to encourage walking or cycling to the centres – a whole of LGA planning document will be too late, and opportunities for integrated planning within the centres will be lost. For example, we need: • dedicated bus lanes, cycle lanes, pedestrian overpasses and other measures along the Pacific Highway. Setbacks, road alignments etc must be provided for this in the DCP. • secure, protected bicycle storage and redevelopment of bus interchanges and bus shelters near railway stations and other key areas (eg through the public benefits clause, rates revenue or levies- the Brisbane public infrastructure level on commercial properties to fund community amenities in suburban centres should be considered • resolution of some of the 'pinch points' along the highway in conjunction with the RTA and other agencies - lobbying required • improved public transport connections to heavy rail • working with Railcorp to provide lift access to all stations, improved linkages to bus services and upgraded station infrastructure to cope with anticipated usage levels • Council and Regional Organisation of Councils to lobby to amend the Metro Strategy to make integration of land and transport a priority for 'town centres' not just for 'Major centres'. For Ku-ring-gai the priorities are bus routes servicing town centres and stations, the lack of infrastructure and the amenities to support pedestrian and cycle traffic.	Widening of the Pacific Highway is the responsibility of the RTA and proposed improvements are outlined in the Metropolitan Strategy. Council proposes to assist in this process through the inclusion of setback controls in the DCP. Proposals for localised upgrades along Pacific Highway have been presented and discussed with the RTA. The RTA generally concurred with Council's upgrade proposals. Improvements to bus interchanges and shelters, pedestrian and cycle networks/facilities are proposed, and are incorporated in Ku-ring-gai Town Centres Development Contributions Plan 2008.	No change recommended, but Council continue to work with State Agencies to deliver road and public transport infrastructure improvements.

No	Comments	Response	Recommendation
	Already approved and proposed new development along the Pacific Highway means that no widening of the highway can occur.	Widening of the Pacific Highway is the responsibility of the RTA and proposed improvements are outlined in the Metropolitan Strategy. Council proposes to assist in this process widening through the inclusion of setback controls in the DCP.	No change recommended, but Council continue to work with RTA to improve traffic flows in town centres
	The plan fails to provide pedestrian and vehicular connectivity throughout the proposed centres, with many split across major roads.	Studies have been undertaken to model the impact of proposed changes on roads throughout the centres. The studies show that impacts on the Pacific Highway will be minimised, as required by the RTA. The proposed new roads provide for improved circulation around the town centres. Pedestrian facilities are generally being accommodated in Public Domain Plan for the town centres. The DCP contains further specific controls in relation to urban structure within the town centres.	No change recommended
	Character		
18 24	Ku-ring-gai Council Character Statement of March 2006 reinforces the fact that this area is not about 'land mark buildings'. It is about large indigenous and exotic trees whose canopies form the skyline with a rare blend of fine architecture within a landscape of forests and gardens. Buildings should not be the dominant form.	The character of the town centres and the immediate surrounds will be subject to change over the life of the plan. Where possible the significance of the vegetation (both indigenous and non indigenous) and the heritage architecture have been recognised and planned for in the DCP- in particular the analysis and controls under Parts 2, 3, 4, Part 6 Riparian Zones, Part 7 Biodiversity Part 8 Tree & Vegetation Controls and Part 9 Heritage.	No change recommended
	The plan represents a one size fits all, top down approach to planning, and conflicts with the desired future character and village scale ratepayers want	The DCP provides more detailed controls to support the LEP. For instance, it includes configuration and design requirements which provide more detail in relation to the built form to guide development under the provisions of the LEP. It is the LEP which guides the scale of development for the centres. The DCP cannot amend (or reduce) the provisions of the LEP. The DCP provides, in addition to generic controls for all development, detailed controls for different types of development, and a separate section (Part 2) which	No change recommended.

No	Comments	Response	Recommendation
		provides guidance for the key sites, a section (Part 9) on heritage conservation, one on Riparian zones (Part 6) and one on the Greenweb (Part 7). These recognise the significant role of these features or locations within the Ku-ring-gai LGA. It is far from a one-size fits all	
	Development along the Highway will create a poor streetscape outcome. It will become a wind tunnel and the village character of the area will be lost.	approach. The DCP contains detailed provisions in relation to setbacks, landscaping, building design, wind and the like, so as to ensure that new development along the Pacific Highway and in the town centres are of a high quality, and will complement the character of the area.	No change recommended
	Draft LEP will result in development which is inconsistent with existing village character of the area. The proposed heights would alter the character of Ku-ring-gai. The architecture indicated for the Town Centres and current new developments are unattractive and inconsistent with the character of the area. Should therefore be designed to ensure that it reflects the character of Ku-ring-gai.	Council has provided concept plans for the various town centres, which are consistent with the Minister's direction in relation to density, economic feasibility and urban design. It is acknowledged that the character of the centres will change. Building heights are increased around railway stations/town centres so as to locate population near public transport and amenities, to minimise private vehicle usage. The DCP contains extensive controls for building form, configuration, landscaping, setbacks, external appearance, amenity considerations (overshadowing, privacy etc) and the like, to minimise adverse impacts on residents and the locality. In addition, a public domain plan is currently under preparation to ensure that the amenity of the public areas of the centres is improved. Council and residents will have the opportunity to provide comment in relation to particular development proposals, once Development Applications are lodged.	No change recommended
	Heritage		
	Proposal will see the destruction of the built and natural heritage of Ku-ring-gai. The proposed new development will detract from many heritage listed dwellings and areas. Heritage and character homes should be preserved. The plan will degrade the community's history and heritage.	The potential heritage in the Town Centres was assessed in preparation for the Draft Town Centres LEP. That heritage identified as being culturally significant has been recognised in the draft LEP and development controls in the vicinity of heritage items in the Town centres DCP	No change recommended.

No	Comments	Response	Recommendation
		addresses the means of conserving this cultural significance.	
	Plan compromises some local heritage buildings and streetscapes. Many heritage buildings are located close to the Town Centre and there is no buffer around some of them. Also, the scale of the proposed development is in conflict with existing streetscapes.	The draft DCP includes specific clauses to reduce the impact of new buildings on the cultural significance of heritage items or conservation areas. Setbacks, articulated buildings, vegetation buffers and contextual design requirements are all development controls included in the DCP to protect and conserve the heritage in the Ku-ring-gai Town Centres.	No change recommended.
	The heritage report is inadequate, inconsistent and has some serious omissions. Full and proper S62 consultation should then be undertaken.	The Heritage Report formed the basis for decisions made in the Drafting of the Draft Town Centres LEP and is not an issue for the DCP.	No change recommended.
	Development on Heritage Conservation Area boundaries should be removed. It is not appropriate to up-zone areas adjacent to Heritage Conservation Areas for three (3) to five (5) storey development.	The issue of development in the vicinity of the HCAs has been taken into account and in the majority of cases the HCAs have a boundary with R2 Residential Low Density (up to 2 storeys) zone or an R3 Residential Medium Density Housing (up to 3 storeys) zone. This is considered acceptable from a urban design and planning perspective. In some cases there are limited interfaces with a R4 Residential high density zone, and the detailed DCP and DA stage considerations will need to respond to the issues of adjoining a HCA.	No change recommended.
	Infrastructure		
5 27 17	The ageing infrastructure that has not been upgraded in 100 years will not cope with the increased demand of the new population thereby setting up problems for the future. Population density should not be increased in the area until the infrastructure has been updated.	This is not a DCP matter. Key state infrastructure agencies were consulted prior to the exhibition of the draft Town Centre LEP. Energy Australia has previously advised it has recently commenced a significant capital works program to undertake network renewal and meet growing electricity demand. Sydney Water did not object to the draft LEP, and indicated that it would be able to accommodate any future land use changes and population growth in their future infrastructure plans.	No change recommended.

No	Comments	Response	Recommendation
	Power lines should be underground. This will allow trees to grow to their full size and alleviate some loss of canopy as developments start to occur.	Council adopted the TC Ku-ring-gai Development Contributions Plan 2008 in July 2008 to join the current 2004-2009 Section 94 Contributions Plan. These documents levy for different types of infrastructure and are currently being combined into one Contributions Plan. These plans address undergrounding of powerlines where appropriate and with landscaping/deep soil requirements which are detailed in the Draft DCP.	No change to the DCP recommended
	Concern in relation to impacts of proposed development on groundwater and stormwater management. How will basement excavation impact on the water table? Has any geological testing been undertaken? Will it affect Blue Gum High Forest?	Controls and requirements are contained in the DCP. Geotechnical and stormwater matters will be the subject of investigations at DA stage.	No change recommended
	Additional development will lead to an increase in the demand for electricity, so existing infrastructure may need upgrading. New Zone substations may be required in the future. For larger developments there would be a requirement for a significant number of new 11,000V cables, generally emanating from Zone substations, to be installed in the surrounding streets. As such: The installation of these cables may be funded by the developer, with the works performed by the developer's approved contractor. The amount of cable and related cost will be greater as distance from the Zone substations increases (eg 1km of cable may cost \$1mil) Existing and new trees with large root systems make it difficult to install new underground cabling as trenching affects their roots As surface levels change or road use changes from a footpath to a roadway, existing assets such as cables and conduits may need to be lowered or relocated and Energy Australia must be given sufficient prior notice to allow this to occur. The proponent changing the level or installing the road will need to fund this work in full	Noted. Council's studies considered Council-provided facilities in Ku-ring-gai. The relevant state agencies have been consulted as part of the planning process. Their approval infers that State authorities can satisfy the demand for their services. A contributions plan and a Public Domain Manual are also being prepared for funding and to guide developments. The detailed matters raised in this submission are matter that would be considered at the development assessment stage.	No change recommended
40	Impact		N 1
18	Development will impact existing properties in regard to pollutants and excavation impacts.	The Protection of the Environment Operations Act regulates pollution of all sorts, and applies to all	No change recommended.

No	Comments	Response	Recommendation
140	Comments	development in NSW. In addition, Part 5 includes specific controls in relation to minimising water pollution as a result of development, while Section 4 includes provisions in relation waste, and land contamination. Excavation impacts are addressed within Section 4.4 Earthworks and slope. It is standard practice for a geotechnical report to be provided as part of DA documentation, to ensure that excavation does not harm neighbouring sites. Where Council has concerns in this regard, or where recommended by the geotechnical report, conditions are applied to require any damage to neighbouring structures	Recommendation
	Increased noxious gases along the Pacific Highway will threaten the health and well-being of the residents.	to be repaired at the cost of the developer. Vehicle emission controls and standards are outside the scope of the DCP. However, it should be noted the DCP controls for the design of apartments utilise through-cross ventilation which should assist in getting cleaner air through apartments on the main roads (at the appropriate times), along with front boundary setback requires, screening planting and other vegetation. Part 4.2 of the DCP Development near Railway Corridors or Busy Roads also contains objectives to consider air quality and controls to minimize pollution.	No change recommended
	New developments lack the prestige of existing development, and will become slums. Quality of life will suffer if the plans go ahead.	The DCP contains extensive controls for building form, configuration, landscaping, setbacks, external appearance and the like, to encourage the desired future character of the centres and ensure high quality development occurs. Future maintenance of new developments will be undertaken by the Owners' Corporations of respective developments. The plans provide for the revitalisation of the 6 centres, increased local employment, improved housing choice and improved access to services for residents. A number of public benefits, including community facilities, improved public domain, new streets and accessways will be sought through the plans. The DCP will also seek to allow a high quality lifestyle for Kuring-gai residents, through extensive controls for building	No change recommended

No	Comments	Response	Recommendation
		form, configuration, landscaping, setbacks, external appearance, amenity considerations (overshadowing, privacy etc) and the like, to minimise adverse impacts on residents and the locality.	
	High density development will encourage anti-social behaviour, crime etc (e.g. loitering, damage to property, littering, graffiti etc).	There is no evidence to support claims that good quality, high density development encourages anti-social behaviour. SEPP 65 and Ku-ring-gai Town Centres DCP 2009, which is currently under preparation, contain provisions in respect of passive surveillance and the activation of ground floor street frontages, to maximise safety and security. Council's Public Domain Manual will provide particulars in relation to areas of urban domain within the town centres.	No change recommended
	Noise		
18	Ensure Noise pollution is kept to a minimum (from vehicles, pedestrians, automatic gates). Automatic gates must face the street not the side boundary	Controls related to acoustic privacy are included in the DCP within Part 3 for the various common building types. In addition, 4.1 provides controls for development near rail corridors and busy roads. It is agreed that automatic gates should not face the side boundary, in order to minimise noise impacts on neighbouring residents. A control is provided regarding driveways and vehicle access in 3C.4 Deep soil landscaping. It is recommended that this be relocated to 3C.2 Building setbacks, and reworded to clarify.	It is recommended that 3C.4(6) be relocated to 3C.2 and reworded to clarify to ensure that vehicular access to the basement cannot be provided in the side setback. The same amendment is recommended for multi dwelling housing in 3D.3.
	Privacy		
18	No overlooking of the principal outdoor open space of adjacent properties, especially of single residential dwellings – no roof terraces facing side boundaries of these properties	There are a number of requirements in the DCP to ensure high level of visual privacy. They include but not limited to: - providing vegetation as a screen between properties; - incorporating planter boxes into walls or balustrades to increase the visual separation between areas.	It is recommended that clause 3C.9(7) be deleted It is recommended that 3A.9 and 3B.10

No	Comments	Response	Recommendation
		In response to the overlooking issue (from roof terraces), it is proposed to remove clause 3C.9(7) of exhibited DCP to discourage the use of roof terrace as communal open space in residential flat development given that such open space can be easily provided on the ground level.	include a new clause in relation to planter boxes for privacy and amenity on roof terraces.
		Where communal open space is provided on roof terrace/podium for mixed use and office buildings, appropriate design measures should be considered to avoid overlooking of adjacent properties especially of single dwellings. It is recommended to include a new requirements in Part 3A.9 and 3B.10 of the DCP regarding the incorporation of planter boxes into the walls of the roof terrace/podium to ensure privacy of adjoining residents.	A new diagram will also be added in relation to the control above.
	Adequate soft landscaping to reduce bulk and scale, capable of being sustained for the long term – not relying on screening on adjacent sites.	The deep soil landscaping and setback provisions provide opportunity to ensure that screening can be provided on site. The new controls regarding courtyard setbacks for residential flat buildings and multi-unit housing will help to ensure this.	No change recommended.
	Visual Quality		
5	Recent buildings developed in the area look more commercial than residential. DCP sections dealing with design need to be more prescriptive.	The DCP has numerous controls determining the appearance of buildings for the differing uses. Refer to the Building Design section within Part3 A-F. Further, the DA process will consider each proposal and incorporate comments submitted by local neighbours and groups.	No change recommended
	Overshadowing		
5	New high-rise buildings will cast a shadow of existing single storey detached residences. Shadowing and disruption of vistas need to be corrected.	The DCP has Solar Access controls within each section of Part 4 protecting sunlight to neighbouring properties. Refer to 3A.17; 3B.15; 3C.16; 3D.14; 3E.13; 3F.12.	No change recommended
	Setbacks		
	Setbacks should be required for buildings within town centres, to allow provision of landscaping, cater for road widening,	Setbacks are required for development within the town centres under the DCP to allow for the address the	No change recommended.

No	Comments	Response	Recommendation
	reduce amenity impacts on residential, minimise overshadowing, maximise open space and minimise run-off.	matters set out in the submission. The setbacks also take into account the proposed heights and FSR and other associated controls in the overriding Local Environmental Plan.	
	Balconies		
18	Ensure Air conditioning units are not placed on balconies, the façade or rooftops	Agreed Refer to 4.15.	No change recommended
	Ensure Washing lines are not allowed on balconies	The option to have external drying facilities must be allowed for residential amenity. Its appearance has been controlled through the following sections: 3A.24; 3C.23; 3D.19; 3E.9.	No change recommended
	Interface		
14 18	Site specific built form controls have been provided for large commercial retail sites to control their future character, but there is nothing to protect the amenity of the existing low density homes in the interface areas on the edge of the centres. The DCP should include a control to protect the amenity of existing low density dwellings on the fringes of the town centre. For example the Ashfield DCP says "new development should not overlook or overshadow existing residential houses and the height of buildings is to decrease to domestic scale where they join". Stepping down in height alleviates the issue of interface and should be mandatory to ensure a harmonious skyline and control effects of overshadowing, overlooking.	In most cases there is a transition zone between low and high density development consisting of sites zoned R3, which allow for multi dwelling housing to 3 storeys. Where high density development adjoins lower density sites, increased setbacks are required at the fourth floor and above. Detailed controls are also provided in relation to solar access and privacy. These matters are also required to be considered under SEPP 65 at DA stage.	No change recommended.
	Needs to be a guarantee in the DCP that there will be a "green buffer" interface between multi-storey development and existing single residential dwellings. A minimum of 18m separation is required at the interface	An 18m separation requirement would be excessive, and would be inconsistent with the LEP. There are a number of controls under Deep Soil Landscaping, both for residential flat building and multi dwelling housing, that require deep soil landscaping to provide a landscaped buffer or screen between developments. In addition,	No change recommended.

No	Comments	Response	Recommendation
		there are increased setback requirements to low density development from the 4 th floor and above on residential flat buildings adjacent to lower density zones.	
	Recommends that a maximum height of five (5) storeys should be permitted, with the uppermost level being 60% of the perimeter of the floor immediately below, with clear setbacks from neighbouring buildings and a well-considered interface between adjacent buildings, to allow for a gradual increase in scale.	The maximum building height is set by the LEP. The top storey of both residential flat buildings and multidwelling housing is limited to 60% of the GFA of the floor below and required to be setback on all sides. Generous setbacks are required, to allow for softening of the built form with landscaping. Further, where residential flat development is adjacent to low density development, increased setbacks are required at the fourth floor and above. These measures will allow for a gradual increase in scale.	No change recommended.
	The proposed interface controls are not sufficient there needs to be a seventeen (17) metre setback between single storey and multi-storey apartments.	A 17m separation requirement would be excessive, and would be inconsistent with the LEP. A 6m setback, with increased setbacks at the fourth floor and above, combined with the required deep soil landscaping and screen planting and the provisions relating to solar access and privacy will provide for a reasonable level of privacy and amenity to adjacent residents. SEPP 65 also requires these issues to be addressed at the DA stage.	No change recommended.
	Building Bulk		
29 16	The Draft DCP outlines bulk and massing for each site, and SEPP 65 provides desired amenity outcomes both of which support good design outcomes, unlike the calculations required by FSR controls which become redundant with the conditions of the DCP and SEPP.	It is agreed that the DCP and SEPP 65 support good design outcomes. However, the FSR is not redundant. The controls in the DCP have been designed to be consistent with the FSR controls in the LEP. The controls will need to be considered together in any proposal.	No change recommended.
	The bulk, scale and height of buildings proposed in the DCP are excessive. There is significant excess in the development yield of both retail/commercial development to allow significant reduction in height of buildings, particularly in areas close to the public domain. There is also significant scope in the development yield to permit significant areas of community land to be retained for open space. DCP should be re-worked	The floor space and height provisions are included in the LEP. The DCP only provides guidance for design to minimise the apparent bulk and scale of development in accordance with the LEP. The DCP must be consistent with the LEP, and therefore it cannot reduce the height allowed. Similarly the DCP cannot be used to reduce potential yield.	No change recommended.

No	Comments	Response	Recommendation
	then re-exhibited.	•	
	High-rise Buildings		
	High rise development will result in loss of views.	The revitalisation of the town centres requires a combination of floor space ratios and heights that allow for viable redevelopment. The order of redevelopment will be determined by the market and by the preferences of residents and owners within the centres. Some view loss may occur, especially where new development downslope from yet to be redeveloped sites occurs. The DCP contains detailed provisions in relation to building design and amenity considerations. Furthermore, visual amenity/view loss will be a matter for consideration under S79C of the EP&A Act, during Council's assessment of DAs, including Planning Principles, established by the Land and Environment Court of NSW, pertaining to view-loss/view-sharing.	No change recommended.
	Concern with amenity of high rise developments, associated with small balconies, overlooking of main roads and neighbouring buildings, privacy impacts, noise, pollution etc	All new multi-unit housing buildings will be assessed having regard to the requirements of SEPP 65: Design Quality of Residential Flat Development and the Residential Flat Design Code. These documents provide detailed guidance in relation to site analysis, building and apartment layout, private open space, landscaping, natural ventilation, solar access, private and the like. Further controls are contained in the DCP.	No change recommended.
	Most high-rise buildings will face west and have poor efficiency and amenity, needing air-conditioners.	All Development Applications for new multi-unit housing buildings will be required to be accompanied by a detailed Site Analysis, providing details in relation to site constraints and opportunities, so as to ensure that the optimal site/development layout is achieved. Furthermore, controls will be contained in SEPP 65: Design Quality of Residential Flat Development, the Residential Flat Design Code and the DCP. Finally, residential flat developments will be required to be accompanied by a BASIX Certificate, providing evidence of the development achieving required benchmarks in relation to water, thermal and energy	No change recommended.

No	Comments	Response	Recommendation
		efficiency.	
	Multi-storey buildings will create overshadowing impacts. This will affect solar electricity and solar hot water systems and interrupt satellite TV reception	Detailed controls in relation to overshadowing are contained in the DCP 2009. Furthermore, the NSW Land and Environment Court has established a Planning Principle pertaining to the assessment of overshadowing impacts, which can be referred to in the assessment of DAs. The solar research centre at NSW University have conducted numerous studies and testing on solar collectors and hot water systems. Ongoing discussion with them has resulted in a minimum sunlight access control of 4 hours to be stipulated in the DCP.	It is recommended that clause 3C.16 be amended as follows: New development must allow the retention of a minimum of 4 hours direct sunlight between 9am to 3pm on 21st June to all existing neighbouring solar collectors and soar panels.
	Town Centres		
14 20 23	DCP Appendix A8 – Visual Assessment - identifies the character of the different Town Centres, new development should be sympathetic to that character and use design features similar to those of the area, particularly in Conservation Areas.	Noted. The Visual Character Study is provided to assist applicants, developers and Council to design and assess future development in Ku-ring-gai. It is called up by Part 3E which refers to low density development. The future character of areas designated for medium and high density development is outlined in Part 2. These areas will be undergoing a change in character and the existing Visual Character Study will no longer be relevant.	No change recommended.
	It is recommended to provide planning incentives for innovative retailing, including food retailing that provides opportunity for local produce markets, craft and small business incubation as well a social and environmental alternative to supermarkets: The DCP appears homogenised with each town centre relying on retail boxes to enhance its vibrancy. Is retail the only solution? There is evidence that supermarkets remove local strip retailers, has this been considered?	While there are currently no formal processes or mechanisms available that would allow the inclusion of a planning incentive for innovative retailing, there is nothing in the DCP that would prevent business owners or developers pursuing such innovation. The catalyst for the types of innovation identified in the submission lies within Council's economic development and place management functions rather than the DCP.	No change recommended.

No	Comments	Response	Recommendation
		Both the DLEP & DDCP provide for a wide range and scale of retail and commercial uses taking into account the local traditional strip shops and the existing larger retail sites. Planning has taken into account current and potential future requirements for retailing for both traditional strip shopping and contemporary designed shopping centres. The LEP & DCP provides development potential to cater for the growth of local strip shops, which like any retail area, will evolve and change uses over time. The DCP in Part 2 Urban structure and Key Area Controls acknowledges and builds on the concept of traditional shop streetscapes and provides controls for the revitalisation and enhancing the village atmosphere and sympathetic adaptive reuse of character items examples include Rohini Street, Turramurra and Hill Street Shop,	
	All key areas should be master planned to: Retain community land for public benefit, and develop around these Identify built form controls for each site within a precinct plan Address traffic and parking issues	Roseville. The key areas have been master planned- see Part 2 of the DCP contains the provision of a detailed structure plan and master plan for the town centres. There has been a significant level of assessment and planning work to prepare Part 2 that takes into account local and regional planning factors and a host of other considerations including architecture and urban design, transport (parking, traffic, public transport) planning, public domain planning, parking, sustainability, economic viability, heritage and environmental factors.	No change recommended
	Stage development (due to massive scale) in key areas.	This is not a DCP matter. The draft Town Centres LEP proposed an appropriate amount of rezoned land to meet the requirements of the Metropolitan Strategy and North Subregional Plan. However it should be noted that the draft LEP rezoning proposal is to cater for the population growth for the next 20-30 years and some rezoned areas may not be redeveloped in the life of this plan. Development will occur over a number of years according to Market forces.	No change recommended.

No	Comments	Response	Recommendation
	To retain the village atmosphere the development should only be small independent shops, cafes and restaurants not large shopping malls	Both the DLEP & DDCP provide for a wide range and scale of retail and commercial uses taking into account the local traditional strip shops and the existing larger sites retail sites.	
	LEP and Other Issues		
18 20 23 28 5	 The DCP is not supported. It will not be able to address the flaws in the LEP, namely: Disregard for the key planning principle in the Metropolitan Strategy that good design responds and contributes to its context Loss of landscape character and heritage, including heritage of national and state significance Disregard for key directions of the Metro Strategy namely: protect the natural environment of the sub-region and protect the cultural and heritage elements of the sub-region. Inadequate recognition of built, cultural and natural heritage by the arbitrary severely reduced heritage conservation areas Lack of consideration of the principles of the Burra Charter Loss of village atmosphere 5 storey development of a different architectural character than the surrounding locality Impact of bulk and scale on surrounding locality, with excessive floor space ratios and height Loss of privacy, solar access and land values to single dwelling lots around the R4 zones Impact on the natural environment, especially on threatened species and ecological communities (BGHF and STIF) The mess in the key areas, unless development is staged according to a masterplan, that ensures a hub/core is achieved with appropriate community facilities 	The draft Ku-ring-gai LEP Town Centres 2009 was adopted by the Ku-ring-gai Planning Panel on 27 May 2009. The Draft Ku-ring-gai DCP Town Centres 2009 has been prepared in conjunction with the Ku-ring-gai LEP Town centres 2009 and the DDCP cannot be inconsistent with the provisions of the DLEP nor prevent compliance with any provisions of the LEP. A significant number of the matters raised in these submissions have already been dealt with via the KLEP (town centres) process and cannot be revisited by Council at the DCP stage as they not within the ambit of Councils planning powers. The DCP has been prepared to best manage the development process arising from the implementation of the LEP and a significant level of planning research and analysis has been put into to DCP and its covers a extensive and comprehensive list of planning objectives and controls – including heritage conservation, interface planning, environmental management, identification and protection of significant vegetation and threatened species, economic viability considerations, an extensive range of urban design consideration taking into account the matters that are fixed by the LEP including zoning, heights and floor space ratios.	Recommendation: That a detailed review of the DCP be undertaken after 12 months of the DCP being in force

No	Comments	Response	Recommendation
	 Exceeding the dwelling yields and the conversion of smaller centres to town centres, exceeds the blueprint for growth in the Metropolitan Strategy Yield exceeds demand Lack of diversity of dwelling types, with an overwhelmingly high proportion of RFBs Commercial yields twice that recommended by economic consultants The plan ignores the centre hierarchy in the North Subregional Strategy Inconsistency with the Minister's section 55 direction, Cumulative impact, especially due to lack of infrastructure and the impact on the critically endangered ecological community, Blue Gum High Forest Lack of staging will result in ad-hoc isolated development Plan is unsustainable The DCP will only be acceptable if it addresses these flaws 	Some of the other issues raised in these submissions relate to matters for detailed consideration at the Development Application stage and potentially via the NSW land & Environment Court. It is proposed a detailed review of the DCP be undertaken after 12 months of the DCP being in force, The review would identify and propose solutions to any potential areas within the DCP that are inconsistent with LEP, or require total review or further clarification and updating or further refinement.	
	The 2030 housing target has not taken into account the sensitive nature of Ku-ring-gai. A 30-50 year perspective is needed for biodiversity and climate change considerations.	The DCP includes detailed provisions in relation to biodiversity protection, especially in areas identified as environmentally sensitive through Council's extensive mapping process. These areas are identified in the Greenweb within the DCP. This mapping was undertaken specifically to ensure that cumulative impacts over time could be better considered in the DA process. In addition the location of increased density close to existing centres and infrastructure, and the inclusion of specific controls in relation to environmentally sensitive sites, sustainability and heritage areas supports a long term perspective for Ku-ring-gai.	No change recommended.
	Cumulative loss of regenerative capacity has not been anticipated and avoided through the LEP. Significant stands of trees have been removed for 5 storey structures. Large footprints now support no more than one tree. Basement parking permanently removes seed-bank. Mapping does not safeguard vegetation. Habitat loss is occurring in anticipation of rezoning yet human health depends on biodiversity. Therefore	Council undertook extensive mapping, which forms the basis of the strategic biodiversity mapping in the LEP and the Greenweb in the DCP. The mapping and associated controls are specifically designed to ensure that cumulative impacts over time will be considered in a more strategic manner in the DA process. This consideration will need to be applied to sites whether	No change recommended.

No	Comments	Response	Recommendation
	each precinct needs to have taken precautionary steps to prevent the Town Center LEP (2008) adding to current and projected environmental damage already incurred by LEP 194.	they are zoned for high, medium or low density.	
	In the absence of a gazette-able biodiversity strategy to precede Zoning, there is no enforceable and statutory adaptive action that can be taken to maintain connectivity between reserves, parks and gardens in Ku-ring-gai, and to counter over-development and progressive loss of Public Open Space.	The DCP supports the LEP in providing for connectivity between significant areas of vegetation, through the requirement to consider the impacts of a development on the connections identified in both plans. The Greenweb identifies specific 'vegetation and habitat corridors' and includes controls to support this. In some instances, it goes further than protection, requiring the restoration of connectivity, where it has been lost.	No change recommended.
		All existing parks are retained and protected under the recently adopted DLEP TC. New open space needs have also been assessed arising from development in the draft Plan to the year 2031. In some cases existing public areas are identified for redevelopment under the TCLEP and DCP with new urban spaces- civic precincts being created	
	The high retail provisions are unnecessary, and will result in poor shopping space that, like in Hornsby, will end up being vacant or rented out to cheap reject shops and two dollar shops.	The DCP makes retail provisions to accommodate the growth of the area over a 25 year period. The building of, and the uptake of premises alongside the type of retail provision, will be determined by market demand.	No change recommended.
	Biodiversity		
28	The Council's Director of (Strategy and) Environment should have training in environmental science or ecology which is essential to undertake and understand the complexities of Biodiversity Conservation in an LGA like Ku-ring-gai. Human impact is evident, but not enforceable. In this situation a qualified Director of Environment would give environmental complexities greater weight and consideration.	Environmental complexities have been intensively and extensively considered by suitably qualified and experienced staff. The DCP includes detailed provisions to support the considerable weight given to biodiversity issues in the development and final form of the draft LEP.	No change recommended.
	The DCP contains a segment on Biodiversity Controls. These "controls" are unable to be substantiated in the face of planning systems, because there is no gazette-able biodiversity strategy. This systemic "gap" is made all the worse because the	It is correct that local biodiversity strategies are not gazetted under state legislation. However, this has not prevented the inclusion of biodiversity controls in both the LEP and the DCP. These controls, at both levels, are	No change recommended.

0	Comments	Response	Recommendation
	Threatened Species Conservation Act is routinely overridden by the financially more commanding and powerful EP&A Act to the detriment of the TSC Act. In Ku-ring-gai, two critically endangered ecological communities (CEECs) are involved, not just two species but two entire communities of species. This matter needs urgent attention.	considerably stronger than any protection under the Kuring-gai Planning Scheme Ordinance or Council's current DCPs. Controls in a DCP can never be considered in isolation, as any development may have impacts across a range of areas, such as privacy, visual character, biodiversity or noise. The impact of any individual development will be assessed at the DA stage, considering the full suite of controls. The EP& A Act supports the protection of threatened ecological communities, eg through Section 79c and Part 5A. The biodiversity controls provide more detail than these broader Acts, to support the protection and enhancement of the threatened ecological communities within Ku-ring-qai.	
	Zoning for Development is a Key Threatening Process for endangered species, populations and ecological communities, causing those that are not threatened to become threatened. Zoning for development is removing seed-bank of critically endangered ecological communities (CEECs) of which there are two, not one, in Ku-ring-gai. Inability to see the trees does not mean there is no seed-bank. Once Zoned for multi-storey development with basement parking the decision is made to permanently remove that seedbank.	Zoning for development is not listed as a Key Threatening Process under state or federal legislation. Any hard surface will result in the loss of the seed bank, whether it is for a concrete patio, a dwelling or a residential flat building. Certain means of managing the single residential garden can also result in the loss of the seedbank. Zoning, per se, does not specifically result in this loss. In Threatened Ecological Communities, where there are few trees remaining on a site and the seedbank must be taken into account, this issue will need to be considered in any proposal for the site, regardless of the zoning. The DCP provides extensive guidance under Part 4 and Part 7 in relation to this issue.	No change recommended.
	Concern that areas of biodiversity significance are included in R4 zones.	New developments on sites of biodiversity significance will be required to be designed so as to minimise adverse environmental impacts under the Natural Resources Sensitivity – Biodiversity clause. Detailed design parameters are included in the DCP.	No change recommended.
	Concern in relation to impacts on natural watercourses, as a result of new development.	Impacts on natural watercourses will need to be considered in any future development. The LEP identifies riparian lands and the DCP provides more detailed controls in relation to the specific category of the	No change recommended.

SUBMISSIONS SUMMARY ISSUES AND RECOMMENDATIONS **GENERAL ISSUES**

No	Comments	Response	Recommendation
		watercourse. In addition, the DCP provides guidance to the restoration of watercourses.	
	Gardens and trees need to be preserved as they are visually valuable and provide for carbon absorption. All substantial trees should be left intact.	The LEP encourages the retention of vegetation that is significant from a biodiversity or riparian perspective, and includes the clause on preservation of trees or vegetation. Tree retention, landscaping and tree replenishment are addressed in the DCP in Parts 4 and 8. Part 7 also provides controls in relation to the protection of trees in areas of environmental sensitivity. To support the protection and planting of trees for carbon absorption, an additional objective could be added to the section on Landscape for Biodiversity and Bushfire Management and to Part 7.	It is recommended that an additional objective be added to Part 4.3 and Part 7.1 to support tree/vegetation retention for climate control.

No	Clause	Comments	Response	Recommendation	
	Part 1: DEVELOPMENT CONTROL PLAN				
13	Part 1B Definitions	It is essential that the DCP use the same definitions as the LEP or DCP 55. It is recommended that the DCP incorporate the following: Built upon area	Definitions in the LEP may not be repeated in the DCP, under the policies of the Department of Planning. Built upon area has the same definition as DCP 38, as it applies to dwelling houses in the same way. The building footprint control from LEP 194, is now site coverage in the DCP. Site coverage is defined in the LEP. Gross floor area is defined in the LEP, so cannot be repeated in the LEP. Under this definition, a definition of total floor area would be redundant.	No change recommended.	
18 14	Part 1B Definitions	Definitions for the following should be included: Storey Natural ground level, Building perimeter height Slope over building footprint area Endangered ecological community Blue Gum High Forest Sydney Turpentine Ironbark Forest	Storey is defined in the LEP. It is recommended that the few remaining instances in the Draft DCP where the term natural ground level has been used relating to the height of a structure, be amended to existing ground level, which is defined in the LEP. Building perimeter height is not used in the DCP and no definition is required. Slope over building footprint area is only used on one occasion now, and it is considered a definition is not required for this control. Endangered ecological community is defined through the Threatened Species Conservation Act (1995) and the Environment Protection and Biodiversity Conservation Act (1999).	It is recommended that the remaining instances where natural ground level is used in the draft DCP, referring to a height above natural ground level, be amended to existing ground level.	

		Blue Gum High Forest and Sydney Turpentine Ironbark Forest are defined in the Final Determination of the NSW Scientific Committee, for the purposes of the Threatened Species Conservation Act (1995). Repeating the long community description in the DCP is unnecessary, and would lengthen the document for no gain.	
	Part 2: URBAN STRUCTURE AND KEY AREAS		
26 31 14	Diagrams and controls in Part 2 of the DC too prescriptive and should be replaced broader principle diagrams that identify principles/objectives that require a develop proposal to demonstrate how it responsations those principles.	I with Indicative Base Plan and Base Design Principles. y key The wording has been specifically used to indicate pment that the Principles are performance based	Clarify the intention of objectives, design principles and development controls in the introduction to Part 2.
	Key Areas don't give planning choice, rathe being just mixed-use retail/commercial, should be mixed use that allows a cho building use on all the levels, this will prote heritage buildings in areas like Lindfield Roseville.	they Centres Zones. The KLEP 2009 controls what ice of uses are allowable in this zone. The B2 zone is very flexible and allows any combination of	No change recommended

			combination of uses, it does not prescribe or limit the uses within a building.	
		Built form controls should be included for all high rise development areas, not just the retail zones.	Built form controls have been provided for the Key Sites because of the complex range of issues that need to be addressed in these areas namely: • Development setbacks • Land dedication; • Provision of Urban Design Excellence (Clause 6.4 of the KLEP 2009); and • Provision of key public infrastructure.	No change recommended
	Part 3: S	PECIFIC BUILDING TYPES		
	3A - Mixe	d Use Development		
21	3A.5[3]	Delete wall plane depth max of 2.5m. (This is considered too prescriptive and should be subject to design).	It is acknowledged that the deletion of maximum wall plane depth control of 2.5m would allow more flexibility for building facade design in terms of modulation and articulation. However a new objective is required to ensure that the building façade is designed to avoid the creation of unsafe areas at ground level. Same objective should be added to the relevant sections in Parts 3B, 3C and 3D.	It is recommended that the wordings 'and not more than 2.5m' be deleted from 3A.5(3), 3C.7(1) and 3D.7(4). It is also recommended that the following objective be added to 3A.5, 3B.6, 3C.7 and 3D.7 as follows: To ensure that building façade design contributes to the safety of the public domain.
	3A.5(7)	Delete (same as above) - also depends on length of façade.	Regardless of the building length, any building façade that has continuous balconies (running the full length of the façade) is not considered well articulated.	No change recommended.
	3A.7(1)	Delete or modify. May preclude certain retail uses. Does blank wall include or exclude advertising and display?	This control duplicates the definition of blank wall. It is recommended that the definition be amended. The street design should encourage views and activity into and from the buildings, therefore since advertising does not contribute to	It is recommended that the definition of blank wall (in Part 1B) be amended as follows: Blank wall: an expanse of wall that

		the internal/external link it is considered to be part of the 'blank wall'.	does not contain any openings. Walls with advertising or facade modelling, which have no openings, are considered blank walls.
3A.7(7)	Delete (same as above)	It is important to provide clear glazing to all street frontage windows to facilitate a direct visual connection between the shop and footpath for street activation.	No change recommended.
		See comments above as well.	
3A.10(1)	Add "Where practical" to start of point, and "of the main street frontage". Otherwise there is a potential conflict with vehicle access/parking from Pacific Highway.	It is important to provide awnings to the full length of the primary street frontage to ensure continuous weather protection and streetscape consistency. Although the provision of continuous awning on the secondary street frontage is highly desirable it is acknowledged that there could be conflicting requirements such as to	It is recommended that 3A.10(1) be amended as follows: Continuous awning must be provided to the full length of the primary street frontage and to the secondary street frontage wherever practical.
		accommodate vehicle access.	Sireet nomage wherever practical.
3A.13(1)	This requirement is realistic provided there is no requirement for minimum deep soil or soft landscaping.	There is no deep soil landscaping requirement for mixed use development in business zone. Soft landscaping is encouraged within communal open space on podium or roof terrace.	It is recommended that 3A.13(1) be replaced with the following controls: 1 A minimum of 10m² of communal open space per dwelling must be provided. This can be provided on the podium or roof area.
			2 Despite 1, all mixed use development must provide one single parcel of communal open space with the following requirements: i) a minimum area of 80m2; and ii) a minimum dimension of 8m.
			3 Where additional parcels of communal open space are provided, a minimum dimension of 5m is

			required.
3A.13[4]	This point conflicts with point 6	Yes there is a conflict when roof terrace is proposed as communal open space. But it is still a good design principle to have communal open space visible from the street and/or apartments wherever possible for safety and security reasons.	It is recommended that 3A.13(4) be amended as follows: The communal open space (except for roof terraces) must be capable of surveillance from at least 2 apartments for safety reasons.
3A.14(2)	Should read "to internal face of wall of habitable areas". Should not apply/restrict wet area design.	Agreed. Same amendment should be made to the relevant section in Part 3C for residential flat development.	It is recommended that 3A.14(2) and 3C.13(2) be amended as follows: Single aspect apartments are to have a maximum internal plan depth of 8m from glass line to internal face of wall of habitable area.
3A.15(1)	This point should be expanded to take into consideration Greenstar rating targets and primary, secondary and tertiary office planning zones.	Agreed. Greenstar Rating is covered in 4.5 which recommends applicants consider the Green Building Council of Australia's (GBCA) Pilot Tool for mixed use buildings. The section is to be extrapolated to include requirements for all non-residential buildings.	It is recommended that 4.5 be extended to stipulate controls for all non-residential buildings. This would require Greenstar Certification of building types for which GBCA has developed a rating tool; and, documentation to demonstrate 4 star equivalence within developments for which the GBCA has not created Rating Tools.
3A.16(1)	Delete - considered too prescriptive. Ventilation must comply with BCA requirements.	It is acknowledged that there are existing BCA requirements regarding the percentage of operable windows or doors for habitable rooms therefore it is proposed to delete the wordings "to the outside which open to at least 45% of the window or door areas".	It is recommended that 3A.16(1) be amended as follows: All habitable rooms are to have operable windows or doors. It is also recommended that the definition of operable window or door (in Part 1B) be amended as follows:

			Window or door which can open to the outside.
3A.16(3)	Replace "must not be located" with "should not be located" to match SEPP65 wording	The word "must" has been used throughout the document to ensure consistency. Note that the control "all kitchens in the residential component of the building must not be located more that 8m to the back wall of the kitchen from an external opening" is to be relocated to 3A.14.	No change recommended.
3A.17(5)	Delete "and/or western"- this is too limiting as west facing apartments often take advantage of views etc. (especially along a north-south highway). Solar access issues relating to west facing apartments can be addressed architecturally. SEPP 65 only limits south facing apartments.	This control provides more flexibility than the relevant control. The rule of thumb in the RFDC provides for a maximum of 10% of south facing single aspect apartments. DCP 55 provides for no south facing single aspect apartments, but allows up to 15% west facing single aspect apartments. The draft DCP control allows applicants to choose to provide some single aspect apartments that face south and some that face west, to a total maximum of 10% of the apartments. The control increases flexibility while limiting the number of apartments with reduced amenity. The control should be retained. It is recommended that the controls (both for mixed use and residential flat development) be reworded to clarify that the 10% refers to a total of the south and west facing single aspect apartments.	It is recommended that 3A.17(5) an 3C.16(5) be reworded to clarify that the 10% refers to a total of the sout and west facing single aspect apartments as follows: The combined number of single aspect apartments with either a southern or western orientation must be limited to a maximum of 10% of the total apartments proposed in the development. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these controls.
3A.22(4)	Replace "must" with "should"- considered too prescriptive and depends on apartment mix and planning. SEPP 65 notes that "exceptions may be allowed where developments can demonstrate high levels of amenity for corridors and units"	The word "must" has been used throughout the document to ensure consistency. It should be noted that applicants can seek to vary the control(s) provided they meet BCA requirements and the relevant objective(s) to ensure accessibility and a high level of amenity.	No change recommended.

	3A.26[9]	Car parking provisions should be 2 bed - 1 (min) to 1.5 (max), and 3 bed - 1.5 (min) to 2(max) to respond to likely market demands.	The proposed car parking rates will be amended to refer to a range, rather than minimum and maximum, which would allow variation to the proposed rates. However spaces provided that exceed the upper range are to be included in the calculation of gross floor area, and where parking shortfalls are proposed, Council would have regard to strategies to encourage alternative transport usage that would need to be implemented.	It is recommended that 3A.26(9) be amended to refer to parking ranges. It is also recommended that the following control be added to 3A.26: Any spaces provided which exceed the upper range are to be included in the calculation of gross floor area.
10	3A.26(7)&3 A.26(9) Car parking rates	The residential component of the parking provision should be based on LEP 194. Maximum parking provisions are inappropriate for Ku-ringgai. Commercial parking should be provided in accordance with Appendix 3. Reduced parking within 400m of a station is untenable, as many do not have access to public transport from their homes. The rates in Appendix 3 should prevail.	See above	See above
	3B - Office	Building		
10	3B.21(12) Car parking rates	Maximum parking provisions are inappropriate for Ku-ring-gai. Commercial parking should be provided in accordance with Appendix 3. Reduced parking within 400m of a station is untenable, as many do not have access to public transport from their homes. The rates in Appendix 3 should prevail.	The proposed parking rates will be amended to refer to a range, rather than minimum and maximum, which would allow variation to the proposed rates. However, spaces provided that exceed the upper range will be included in the calculation of gross floor area, and where parking shortfalls are proposed, Council would have regard to strategies to encourage alternative transport usage that would need to be implemented.	It is recommended that 3B.21(12) be amended to refer to parking ranges. It is also recommended that the following control be added to 3B.21: Any spaces provided which exceed the upper range are to be included in the calculation of gross floor area.
	3B.21(15) Car parking rates	This clause purports to dictate the allocation of spaces to so-called 'green' vehicles. This is outside the scope of a DCP. It directs the use of a particular technology, when we don't know what kinds of transportation there will be in the future. It is an unenforceable provision and should be	In order to encourage alternative transport usage, it is proposed to modify this clause such that modest reductions in parking could be permitted if an alternative transport plan is developed and implemented. An alternative transport plan would be expected to include a	It is recommended that 3B.21(15) be replaced with the following control to allow consideration of reduction in parking provision if an alternative transport plan is developed and implemented:

3B.23 Building Manage- ment This clause seeks to micro manage parking arrangement within a building in perpetuity. The only part of this clause that is relevant to a DCP is the internal fitouts which is covered elsewhere. The rest is unenforceable and will lead to poor quality excessively priced goods and services, as tariffs do. The proposed covenants are of no value. This section is likely to be challenged at great cost to ratepayers and should be deleted. Management leases should include the upkeep of green spaces. This clause is vital in the maintenance of sustainable buildings. Building Management is seen as a way of ensuring sustainable practices form part of the building use, particularly as the buildings themselves are required to comply with Greenstar Ratings. It is acknowledged that this is an area that is not easily enforceable, and therefore further research needs to be done to investigate how best to implement these types of sustainable practices form part of the building was, particularly as the buildings themselves are required to comply with Greenstar Ratings. It is acknowledged that this is an area that is not easily enforceable, and therefore further research of the building was, particularly as the buildings themselves are required to comply with Greenstar Ratings. It is acknowledged that this is an area that is not easily enforceable, and therefore further research was an area that is not easily enforceable, and therefore further research was an area that is not easily enforceable, and therefore further research was an area that is not easily enforceable, and therefore further research was an area that is not easily enforceable, and therefore further research was an area that is not easily enforceable, and therefore further research was an area that is not easily enforceable, and therefore further research was an area that is not easily enforceable, and therefore further research was an area that is not easily enforceable, and therefore further research was an area that is not easily enfo		deleted.	number of strategies to reduce dependence on private vehicle use.	Parking provision at a rate less than 1 per 45m² GFA may be considered accompanied by firm and ongoing proposals to encourage alternative means of transport. This may include strategies such as: i) Transport Access Guides (TAG); ii) Staff discount/subsidy towards public transport costs; iii) Dedicated shuttle bus between the development and railway station iv) Adoption and implementation of car pool/car sharing scheme; v) Use of taxis or public transport for work related journeys; vi) Priority parking for staff who pool with 2 or more passengers; vii) Regularly publicise and monitor the scheme, and establish a plan with measurable targets.
	Building Manage-	arrangement within a building in perpetuity. The only part of this clause that is relevant to a DCP is the internal fitouts which is covered elsewhere. The rest is unenforceable and will lead to poor quality excessively priced goods and services, as tariffs do. The proposed covenants are of no value. This section is likely to be challenged at great cost to ratepayers and should be deleted. Management leases should include the upkeep	sustainable buildings. Building Management is seen as a way of ensuring sustainable practices form part of the building use, particularly as the buildings themselves are required to comply with Greenstar Ratings. It is acknowledged that this is an area that is not easily enforceable, and therefore further research needs to be done to investigate how best to implement these types of sustainable practices, and thus the long-term	It is recommended that 3B.23 be deleted pending further research.

19	3C.1
15	Building
13	separation

Proposed separation controls (in text and diagram) are more onerous than DCP 55, both for development up to 4 storeys and for 5 to 7 storeys.

The existing separation required by DCP 55 is a separation of 12m for levels 1-4 and 18m for level 5. The wording of 3C.1 (1) Development from 5-7 storeys in the draft DCP is ambiguous, but the attached figures 3C.1-2 and 3 are clear. The draft Town Centres DCP would require an 18m separation for **all** levels on a 5-7 storey building.

For most R4 sites for 5 storey buildings, this would:

- result in an available building footprint that would not enable the full FSR to be achieved:
- not allow two buildings on the site on most sites;
- increase the side setback from 6m to 9m, where there is not already a 5storey building on the adjacent site
- increase the side setback from 6m to 12m where there is an existing 5 storey building on the adjacent site;
- or reduce the development to 4 storeys to enable a 6m setback. Is this the intention?

All of the above would reduce the development potential and economic feasibility of redevelopment by reducing the available building footprint and thereby reducing the ability to achieve the FSR specified in the LEP or to comply with all the other urban design constraints. Achieving the current 35% building footprint is very difficult, and reducing the footprint further would eliminate the economic development potential conferred by the FSR. Most R4 sites

It is acknowledged that draft DCP proposes more onerous controls on building separation when compared to DCP 55. It is intended that the building separation controls are not only to provide visual and acoustic privacy for residents, it is also to ensure appropriate massing and spaces between buildings for minimising bulk/scale impact, facilitating view corridors and providing useable communal open space.

The proposed DCP controls are consistent with the diagram (figure 01.62) in RFDC which shows a full separation of 18m between buildings up to 8 storeys and 24m for 9th storey and above. However it is recognised that the proposed building separation controls conflict with building setback requirements and may compromise the full potential of the development site.

Accordingly, it is proposed to amend the controls to have a minimum separation of 12m between habitable rooms/balconies of residential buildings up to the 4th storey with a larger separation of 18m between habitable rooms/balconies for 5th storey and above. It is also proposed to change the minimum separation control between non-habitable rooms from 6m to 9m to ensure adequate visual separation between buildings.

For residential flat and multi-dwelling developments, the building separation controls will only apply to the residential buildings within the development site. The separation to the neighbouring residential development on adjoining lot is to be governed by building setback controls. However for mixed use development it should be noted that the building separation controls will apply to residential

It is recommended that 3C.1(1) be amended as follows:

The minimum separation between residential buildings on the development site must comply with the following controls:

Up to 4th storey

i) 12m between habitable rooms / balconies;

ii) 9m between rooms / balconies in all other cases;

From 5th to 7th storey

i) 18m between habitable rooms / balconies;

ii) 13m between habitable room / balcony and non-habitable room; iii) 9m between non-habitable rooms.

Relevant diagrams will be amended accordingly.

It is also recommended that the 4th objective under 3C.1 be amended as follows:

To provide building configuration that facilitates the provision of useable communal open space, landscaping and view corridors.

Similar amendments are recommended to 3A.1, 3B.1 and 3D.2.

		would not be economic to develop. The additional separation is not required as the provision of open space and landscaping, setbacks and solar access are already controlled in other sections of the DCP. It is recommended that the DCP revert to the DCP 55 controls, which are also consistent with the RFDC (Figure 01.62).	buildings on the same lot as well as residential building to adjacent residential building (on separate lot) since there are no side or rear setback requirements.	
		Figure 3C.1-3 appears to imply a greater than 18m separation for 6 and 7 storeys – inconsistent with the controls.	See above.	See above.
14 17 15 5 19 13	3C.2 Building Setbacks	 For blocks up to 3 storeys in height: Side setbacks on sites less than 1500sqm is now 3m. It should be 4.5m to provide open space between buildings and allow for tree plantings (as per the stated objectives). Requirements for front setbacks should have objectives for tree planting to provide screening and ensure that built form does not dominate landscape. 	Side setbacks are 3m for 3-storey residential flat buildings on sites less than 1800sqm. This is consistent with the 3m side setback control for 3-storey multi-dwelling housing development. A 4.5m setback would compromise the ability to achieve the FSR on a standard lot, and therefore would be inconsistent with the LEP. This is not permitted under the EP&A Act. The first objective aims to ensure that buildings are set within a garden setting dominated by canopy trees. In addition, the deep soil landscaping section (3C.4) and the section on landscaping for biodiversity and bushfire in Part 4 also provide landscape controls for all developments, including controls related to tree planting.	No change recommended.
		The proposed setback of 10-12m, with 40% of the building within that zone, effectively results in an 11.2m (average) setback. As all the land covered by the DCP is within the town centres, transferring the setbacks from DCP 55 (outside the centres) is unjustifiable and unreasonable. Cherry picking the most onerous controls from the RFDC, without the flexibility of the RFDC,	LEP 194 has encouraged development of numerous residential flat buildings over recent years, demonstrating that the 10-12m street setback control is achievable with the FSR permitted. The key areas within the town centres support mixed use development, generally with no setbacks. The R4 areas are not within these key areas, and the setback supports the desired	No change recommended.

		erodes the development potential conferred by the LEP. For example, the RFDC specifies that: 'Setbacks typically vary from none in city centres to 10m on suburban streets'. The R4 front setbacks in the town centres should be reduced (closer to nil, and a maximum of 10m; or, 9m-11m, with 50% of the building to be located within the setback zone). Pushing a building to the middle of the site constrains designers' ability to maximise resident and neighbouring amenity (eg solar access, views). The desire to hide residential flat buildings behind lots of trees via a large front setback, in order to assuage the fleeting perception of a building to a passer-by results in an unreasonably biased balance between the competing issues of the RFB residents' amenity vs other residents of Ku-ring-gai.	character of these residential areas. While it is acknowledged that the generous street setback pushes the building further back on the site, it is nevertheless possible to design to ensure good resident amenity, as seen in many of the recent residential flat developments. Further, the landscaped front setback also contributes to the amenity of the residents of the site, not just passers-by.	
23 18	3C.2(2) Building setbacks- deep lot	 3C.2 (2) requires lots over 45m x 35m wide to have a setback of 13-15m. Due to the minimum lot area required to achieve an FSR of 1.3:1, this will apply to virtually all lots zoned R4. This is vastly in excess of the RFDC. This has a significant cumulative impact on the ability to locate the building to meet other controls, such as the solar access requirements. It is inconsistent with the letter by Gail Connolly of the Department of Planning dated 4/7/07 It will result in an irregular setback pattern on identically zoned streets, and an unreasonable planning outcome. It is inconsistent with the objective of the draft DCP, namely 'to ensure a consistent urban form providing definition of the street edge'; 	It is agreed that the 13-15m setback requirement for deep sites results in an irregular setback pattern in the street. Developments under LEP 194 and 200 have demonstrated that adequate deep soil plantings can be provided in the regular 10-12m setback zone to ensure that a garden setting is provided and that the urban form is softened, thereby meeting the relevant objectives of this section. Indeed, the relaxation of this control will allow improved outcomes for these sites in terms of the potential for larger setbacks between buildings, useable communal open space and deep soil plantings in other areas of the site.	It is recommended that the 3C.2 (2) requiring a 13-15m street setback be deleted.

	 It reduces the amount of useable common open space and deep soil landscaping at the rear and side of sites, which are typically more desirable as common open space, and to provide a landscape buffer between buildings. It is not required for privacy separation as the street provides for this. Developments approved in accordance with the 10-12m controls in DCP 55 demonstrate that satisfactory scale relationship and landscaping can be provided with the smaller setback. The control should be deleted. 		
3C.2(2) Building setbacks	The proposed setbacks will not overcome the flaws of the LEP, and will contribute to the destruction of the low density and heritage character of the locality. Front setbacks in the low density areas are 9 and 12 metres, while residential flat development reduce this setback to 6 metres (narrow roads), with courtyards to 8m.The bulkier more imposing development should be setback further than the low density housing.	The DCP is required to be consistent with the LEP. Larger setbacks would compromise the potential of the LEP, which would be inconsistent with the requirements of the EP&A Act. Further the setback controls are generous in comparison to other areas of Sydney. The character of these areas will change, as they are no longer low density zones, however, the setbacks provide generous areas for landscaping to minimise the bulk and scale, help to provide a transition between the medium and high density areas and the low density housing and to protect the landscaped character of the locality.	No change recommended.
3C.2 Building setbacks	To minimise impacts on privacy, solar access and land values to adjoining lots, side setbacks in R4 zones adjoining R3 and R2 zones should be a minimum of 9m to the boundary, (with no encroachments), 12m for the 2 nd and 3 rd floor, 15m for the 4 th and 5 th floor. The 4 th and 5 th floor should be no more than 60% of the area of the 3 rd floor. Such interface zones occur in each town centre.	The DCP requires a minimum of 9m to the fourth storey and above of any building on land within the R4 zone adjoining land zoned R2, R3 and E4 to minimise impacts of adjoining residents. This setback requirement is more onerous than standard setback requirement of 6m. Although the provision of larger setback is desirable this would severely comprise the development potential of the site.	No change is recommended. New diagrams will be added to clarify this control.

		It has been noted that some of the built examples for residential flat development have actually provided side setback of 9m from ground floor up which also produce the desired outcome.	
3C.2 Building setbacks	All floors above the 3 rd storey should be set back from to the outer face of the floors below on all sides, in order to have regard to the predominant character classification of the town centres, which is 1920 to 1945 (with the exception of St Ives).	Those developments in the vicinity of heritage items are required to have the building step back in proportion to its height to provide a visual transition from the higher new building and the heritage item. The character of heritage items and HCAs are conserved under the clauses within Section 9 of the DCP. The visual quality of residential flat buildings in the rest of the town centre should respond to the requirements in this DCP and the Residential Flat Design Code.	No change recommended.
3C.2(3) & A5 Building setbacks	The western side of Drovers Way, Lindfield from Gladstone Parade to Beaconsfield Parade should be included on page A-31. The western side of Drovers Way, Lindfield from Gladstone Parade to Beaconsfield Parade should be included on page A-31. Council's 2006 adopted Town Centres LEP/DCP proposed 6 storey high R4 zoned land in this areas with a setback of 6m to Drovers way. In August 2008, the Ku-ring-gai Planning Panel proposed 7 storeys to the west of Drovers Way, and retained the 6m setback to Drovers Way. While some DAs have been approved, there is no reason that the Lindfield Reduced Setback Map should not include the west of Drovers Way with a 6m setback consistent with previous draft plans.	This is a new DCP. The 2006 version is no longer relevant. Drovers Way is not a lane in the context of the centres, and being at the edge of the centre within a purely residential area it is appropriate that the 10m setback be applied. In accordance with the recommendations above, the 13-15m setback would not apply, and the depth of the sites allows the achievement of the required setbacks. There is no valid reason to reduce the setback controls for this site.	No change recommended.

	Building setbacks- corner sites	street setback on both streets on a corner site places an unreasonable burden on corner sites – more difficult to design to. This is not needed for privacy, landscaping or scale relationships.	frontage ensures that the desired future landscaped character is retained, and that a consistent setback pattern is provided.	
	3C.2(4) Building setbacks- corner sites	The RFDC states on p19: 'Corner sites can accommodate higher densities than the midblock sites.' 3C.2(4) result in the opposite outcome. The impact is even worse where a 13-15m setback is required. The control reduces the economic development potential of a corner site. The draft DCP acknowledges in 3D.3(2) that secondary street setbacks on corner sites should be eligible for reduced setback concession of 8m (compared to 10m). If the front setback requirement in 3C.2(1) is substantially reduced and 3C.2(2) deleted, the control is reasonable. Otherwise amend control (4) to indicate a secondary street setback of 8-10m with 40% of the building within the 2m front setback zone.	Developments under LEP 194 have demonstrated that this is achievable for the 10-12m setback, though it has sometimes been more problematic for the 13-15m sites depending on the particular circumstances of the site. As discussed above it is recommended that the 13-15m control be deleted, which would improve the potential for good design of communal open space areas elsewhere on the site. The circumstances for multi-dwelling housing are different, in that the scale of these developments are much smaller, and cannot be reasonably compared to higher density housing.	No change recommended.
	3C.2(5) Building Setbacks	The 5 th -7th floors of any new development must be a minimum of 18 metres from existing residential homes to provide a transition or interface, particularly those developments neighbouring single low rise residential areas.	3C.2(5) provides for the fourth storey of any building on R4 land to be setback at least 9m from lower density zones. This is an additional 3m setback at this level, which will provide a transition to these zones. This should also include the higher storeys. In addition, both the RFDC and the DCP include specific provisions relating to privacy.	It is recommended that 3C.2(5) be amended to refer to the 4 th storey and above.
19	3C.2(7) Building setbacks- basements	This control should only apply to the 10-12 m setback, not the 13-15m. Where there are courtyards in the front setback the basement should be allowed to extend under the courtyard.	As discussed above, it is recommended that the 13-15m setback requirement be deleted. This would address this issue.	It is recommended that the 13-15m street setback control be deleted from 3C.2.

15 13 19	3C.2(7) Building setbacks- basements	This control states that basements must not encroach into the front, side and rear setbacks. The control, as it stands, is unreasonable and unnecessary. It often results in car parks that are inefficient and uneconomic to build, sometimes even necessitating construction of additional parking levels, imposing economic and environmental burdens. The intent of ensuring adequate space to enable effective landscaping and tree planting, can be achieved with the basement encroaching into the front, side or rear setbacks by up to 2m (or more) as long as the 50% deep soil requirement is met (and/or whichever is greater). Basements should also be allowed to encroach into front setback under any private courtyards within the front setback. Tall trees are not located within 2m of a building, but closer to the boundaries, so as long as the deep soil requirements are met, this will not impact on the landscaping requirements. Developments under LEP 194 have demonstrated that satisfactory canopy planting can be achieved within the 8m front setback zone. It is recommended that the control be amended to: 7) Basements can encroach into any setback area by no more than 2m. They generally coincide with private courtyards and minimum 50% of the site is designated for deep soil landscaping.	Developments under LEP 194 have demonstrated that it is economically feasible to build basements within the specified setbacks. In a number of cases, more parking than required has been incorporated within these basements. The economic burden is therefore not onerous. Nevertheless, it is recognised that basements are an expensive part of the development. It is recommended that clarification be provided to allow basements to extend to the full street setback– the 10m building line within the 10-12m setback. This area is, in part, covered by courtyards and articulation, and is unsuitable for the planting of trees. It will therefore have minimal impact on the potential for landscaping. The basement setback can be clarified through the rewording of the street setback section. In addition, the deletion of the 13-15m requirement for deep sites will also support more economical basements.	It is recommended that the street setback in 3C.2 (1) be amended to refer to the general street setback as 10m (rather than 10-12m), and to an articulation zone of 2m behind the street setback.
15 13 19	3C.2(9) Building setbacks- courtyards	Front setback: Courtyards should be allowed to be located a minimum of 7m from the front setback, as this provides more than a reasonable amount of deep soil landscaping for planting of large trees. A minimum of 8m unreasonably constrains the amenity of the ground floor	The 8m front courtyard setback has worked well under LEP 194. There is no good reason to amend it.	No change to street setbacks for courtyards is recommended.

courtyard units for no good reason.

Side setback: The proposed controls limiting courtyards to "4.5m from any side boundary" and "Note: no encroachment of ground floor private courtyard is permitted In the rear setback zone" are unjustifiable, unreasonable and unnecessary and significantly impinge on both the amenity and the economic development potential and saleability of the adjoining ground floor apartments. It is vastly in excess of the current assessment of courtyard dimensions in the side setbacks via DCP55/LEPI94.

The side setback control is 6m. Limiting private courtyards to 4.5m from the boundary reduces the width of a courtyard for a building located on the setback line to 1.5m. This is totally unreasonable. The underlying intent of the control is made clear in Figure 3C 2-2, which shows the only way to provide a reasonable courtyard width is to set the building back further than the 6m side setback!

Courtyards should be allowed right through to the side boundary. At worst, the minimum setback required for a courtyard in a side setback should be 3m.

Rear setback: The proposed control (via the note) that no courtyard be allowed in the rear setback is simply absurd. Again the (unstated) intent is to push the building back further from the rear boundary than the required 6m, reducing the building footprint and consequent reduction of development potential envisaged under the FSR standard of KLEP 2008.

Buyers purchase ground floor apartments

Section 4.3 C-3 and C-4 of DCP 55 could be read to disallow any encroachment of courtvards into side or rear setbacks. This control will clarify the extent to which any encroachment is permissible. 4.5m from the side boundary provides for a 1.2m path (allowing disable access) and 3.3m wide deep soil landscaping area to screen the development. It does indeed mean that the building will need to be articulated at these areas. but articulated building facades are required by the DCP. Further, experience with LEP 194 sites shows that these areas are usually indented behind the building line. A nil setback would put the onus on the residents of the individual apartments to maintain the deep soil plantings, which provides a greater threat to the longevity of the outcomes sought, while a 3m setback is not sufficient to achieve the desired screening and buffering.

However, close to 3m is adequate for deep soil planting in the side setback, and a 4m courtyard wall setback would allow this, while reducing the required building setback or allowing larger private courtyards.

It is acknowledged that many sites may be able to provide good communal open space and deep soil areas in locations other than the rear, and therefore it is recommended that the control be amended to allow encroachment into the rear setback.

It is recommended that 3C.2(9) be amended to allow encroachment of ground floor private terraces/ courtyards to 4m from side and rear boundaries

		because they want a large courtyard. The control severely limits the amenity of ground level without commensurate landscaping benefits. These controls will impact on the economic viability and saleability of development within the zoning. Courtyards must be allowed to encroach to 3m from a side or rear boundary, this control negatively impacts on the economic viability of development within the zoning.		
19	3C.3(1)&(2) Site coverage	This control was deleted in the LEP and should not be reintroduced through the DCP. The reintroduction is unreasonable and unnecessary, particularly where a designer seeks to step down the site. In our experience stepping the building down the site requires a building footprint of closer to 40% if the 1.3:1 FSR is to be achieved. 3C.3(1) and (2) should be deleted as they are contrary to the intent of the draft LEP, which is to control building bulk via an FSR control. The FSR, height and deep soil requirements are adequate to control urban form and amenity. There is no planning reason for the perpetuation of an additional layer of controls that add to the complexity of the assessment process without any public benefit.	This control has been demonstrated to be effective in developments under LEP 194, in combination with the other primary controls. The fact that it is no longer in the LEP is not a valid reason for not including it in the DCP. The control helps reduce the bulk of the building, and by supplementing the deep soil requirement, encourages a proportion of the site to be designed with hard surfaces for access and recreation. The control should be retained.	No change recommended.
19	3C.3(3) Site coverage	This clause does not allow land in a non-R4 zone to be included in calculating site area. This does not make sense with the FSR control. The relevant FSR should apply to the relevant land area of each zone, provided the height is not exceeded in each zone. The wording of the clause should be clarified.	The control prevents the use of the non-R4 land being incorporated to boost the site coverage permitted on the site. Where a proposal includes a site that covers both R3 and R4 zoned land, this can be considered on merit.	No change recommended.
19 15 13	3C.4(5)&(6) Deep soil	(5) Driveways are not to dominate the front setback zone to maximise deep soil landscaping areas.(6) Driveways must not be located in the	There is some merit is this argument. However, it is not reasonable to allow the driveway to run along the side boundary, as the landscape amenity would then be borrowed from the	It is recommended that 3C.4(6) be deleted and the following controls be added to 3C.2:

		minimum side setback zone as these areas are to consist of deep soil landscaping. Clauses 5 and 6 are conflicting. Both clauses should be deleted, as unreasonable. Clause 6 does not recognise that some site are not suited to compliance with this control, such as sloping sites, where the lowest point is the most suitable driveway location. This control forces a driveway to be located higher up along the front boundary and be longer and more intrusive within the front setback. The streetscape and appearance of the building are improved by a driveway located at the side. Recommended control: Driveways must be generally located beyond the minimum side setback zone unless site topography makes in unfeasible.	neighbouring site. It is recommended that a minimum of 3m from the driveway to the side boundary be retained for deep soil landscaping, and that a control be added to clarify that the driveway and vehicle access cannot be located within the side setback. A diagram showing these controls is also proposed.	Side setback areas behind the building line are not to be used for driveways or for vehicular access into the building. Driveway must be set back a minimum of 3m from the side boundary within the street setback to allow for deep soil planting. A diagram is to be included to illustrate these controls.
19	3C.4(7) Deep soil	Delete the word 'pavers'. Only paths needed for disabled access should be required to comply with this control, not all paths over 1m.	Paths of 1.2 metres are the minimum requirement for access for people with a disability. It is unlikely that pathways wider than a metre would be provided where they are not required to meet the disability standards. The main point of this control however, relates to permeable paving. It is recommended that the control be amended. The same amendment should be made for multidwelling housing and office buildings.	It is recommended that 3C.4 (7), 3B.3(5) and 3D.5(8) be amended as follows: Permeable pathways must be used where the pathway is wider than 1m. Note: Such pathways must comply with standards for access for people with disabilities.
19 15 13	3C.4(9) Deep soil	Requires pipelines to be located outside the rootzone of the tree at natural growth. This is unreasonable. It limits the location of essential pipelines and would preclude may treed sites from development. Pipelines can be accommodated within roots of trees if they are hand dug or thrust bored. The control should be	Agreed, as trees may eventually have very large root zones. Further, clause 4.3(3) requires structures (including stormwater structures) to be located outside the canopy spread of trees. It is recommended that clause 4.3(3) specifically reference pipes for clarity.	It is recommended that 3C.4(9), 3B.3(6) and 3D.5(9) be deleted. It is also recommended that the first sentence of 4.3(3) be amended as follows:

		deleted.	It is recommended that the control be deleted for residential flat buildings, multi-dwelling housing and office buildings.	Structures (including pipes and stormwater structures) must be located outside the canopy spread of trees to be retained.
14 17	3C.5 Considerati on of isolated sites	The controls for avoiding the isolation of small sites are good.	Noted.	No change recommended.
15 13	3C.5 (2)(ii) Considerati on of isolated sites	In the case that set the planning principle, Karavellas v Sutherland Shire Council [2004] NSWLEC 251 at I g, the Judgement states "In the decision Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 189, I extended the principles of Brown C to deal with the second question and stated that: The key principle is whether both sites can achieve a development that is consistent with the planning controls. If variations to the planning controls would be required, such as non compliance with a minimum allotment size, will both sites be able to achieve a development of appropriate urban form and with acceptable level of amenity. To assist in this assessment an envelope for the isolated site may be prepared which indicates height, setbacks, resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other, particularly solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main mad. The subject application may need to be amended, such as by a further setback than the minimum in the planning controls, or the development potential of both sites reduced to enable reasonable development of the isolated site to occur while maintaining the	The quotation contained in the submission fails to acknowledge the question Commissioner Tuor was answering in Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 189, namely: "Secondly, can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible" The controls in 3C.5 (2)(ii) are perfectly consistent with the issues considered in the L&E Court's planning principles for isolated sites and do not involve any additional requirements over and above the requirements of the court. The DCP does not use the term 'economically feasible'. The note to the controls requires applicants 'to submit details and diagrams of feasible development for the isolated site" In this context, the term "feasible development" is intended to mean development that is of appropriate urban form and amenity that can satisfy the requirements of the LEP and DCP. In order to avoid any confusion, it is recommended that the term 'feasible development' be replaced with the words 'development that is of appropriate urban form and amenity'	It is recommended 3C.5 (2)(iii) be amended so that the term 'feasible development' be replaced with the words 'development that is of appropriate urban form and amenity It is also recommended that this change be made to the relevant sections in 3A.3, 3B.4 and 3D.6.

		amenity of both developments."		
		The proposed draft DCP appropriately incorporates the relevant planning principles established by the Land & Environment Court, but adds an additional unreasonable and unachievable hurdle in Control 2(ii) of requiring that the applicant demonstrate that the development is "economically feasible". Accordingly, it is not reasonable that an applicant who has tried to include an isolated site in his development (as per the L&E Court Planning Principles) must then demonstrate that the development of the isolated site is economically feasible.		
		It is unreasonable for Council to impose any greater obstacles than those established by the Court itself. If the proposed wording was maintained, the economic development potential of numerous 2(d3) sites would be severely and unreasonably constrained. Delete the control, or remove the words 'and economically developed' and 'of feasible development'		
	BUILDING D	DESIGN		
23 18	3C.7 Building facades	In order to have regard to the predominant character classification of the town centres, which is 1920 to 1945 (with the exception of St Ives), the design of residential flat buildings in the R4 zone should pick up some of the design features of the surrounding lower density housing, and should not be overwhelmingly in contrast to the character of the houses in the town centres. Design features should include: Buildings should be brick rather than render;	Residential flat buildings (RFBs) are not simply very large dwellings. In order to minimise bulk and scale it is important that they are considered in a different way from dwellings. For example a single or two storey brick dwelling separated by landscaping is unlikely to appear unduly bulky. However a RFB constructed entirely of brick becomes unduly dominating, without the relief of a mix of building materials. It is important that facades are articulated to	It is recommended that the following control (similar to that in DCP 55) be added to 3C.7, 3A.5, 3B.6 and 3D.7: Balconies must not project more than 1.2m from the outermost wall of the building facade.
		Balconies should be recessed into the	reduce the visual bulk. Partial recessing of	

		façade rather than allowed to protrude from the façade.	balconies is sufficient to avoid a flat wall plane with only cantilevered balconies for relief. It is recommended that a control be added, (similar to that in DCP 55) requiring a maximum balcony projection of 1.2m. This control should be added to the relevant sections in Parts 3A, 3B and 3D.	
13	3C.7 Building facades	These controls are unduly prescriptive, arbitrary and severely limit the design freedom of architects. All residential flat buildings must be designed in accordance with SEPP 65, which provides more than adequate controls to ensure good architectural design. It is recommended that controls 1,2 & 3 be deleted, and control (4) be amended to read: 4. Where a building length exceeds 36m, the building should be modelled and articulated to present to the street as separate buildings.	Controls 3C.7(1), 3C.7(2) and 3C.7(3) are specially tailored for the Ku-ring-gai context to ensure high quality building design with appropriate scale, rhythm, proportion and articulation that is responsive to the desired local character. In relation to 3C.7(1), it is acknowledged that the deletion of maximum wall plane depth control of 2.5m would allow more flexibility for building facade design in terms of modulation and articulation. However new objective and control are required to ensure that the building façade is designed to avoid the creation of unsafe areas at ground level. Same objective should be added to 3A.5, 3B.6 and 3D.7. It is proposed to delete 3C.7(4) as it has been demonstrated that building length exceeding 36m does not facilitate view sharing/corridors.	It is recommended that the wordings 'and not more than 2.5m' be deleted from 3C.7(1), 3A.5(3) and 3D.7(4). It is also recommended that the following objective and control be added to 3C.7: Objective: To ensure that building facade design contributes to the safety of the public domain. Control: All building facades at ground level must be designed to avoid the creation of entrapment areas. The objective above would also be added to 3A.5, 3B.6 and 3D.7 It is also recommended that clause 3C.7(4) be deleted.
15 19	3C.7(1) Building facades	Why limit the articulation to 2.5m? Delete this requirement, particularly, as any building seeking to be longer than 36m would need to articulate to more than 2.5m to comply with the objectives. DCP 55 only required this for the street façade. The change imposes too many design constraints.	It is acknowledged that the deletion of maximum wall plane depth control of 2.5m would allow more flexibility for building facade design in terms of modulation and articulation. However new objective and control are required to ensure that the building façade is designed to avoid the creation of unsafe areas at ground level. Same objective should be added to the relevant sections in Parts 3A.5, 3B.6 and 3D.7.	See above

14 17	3C.7 Building Facades	Balconies should not project more than 1.2 m from the outermost part of the building façade, particularly on front and side boundaries.	Agreed. A new control regarding the maximum balcony projection of 1.2m should be added to 3C.7. This control should be added to the relevant sections in 3A.5, 3B.6 and 3D.7.	It is recommended that the following control be added to 3C.7, 3A.5, 3B.6 and 3D.7: Balconies must not project more than 1.2m from the outermost wall of the building façade.
	3C.7 Building Facades	Air-conditioning units cannot be located on balconies, or the building façade or roof terraces. They need to be accommodated in the basement of buildings.	3C.7(8) states that individual air conditioning units must not be located on balconies or on the building façade. This does not address where air conditioning units are provided on the roof or in the basement. Section 4.14 does address air conditioning units and requires the incorporation of stacks to allow for air conditioning whether incorporated immediately or in the future. This will reduce the likelihood of further units located on the façade or on balconies. Section 4.15 is almost a repetition of the control 3C.7(8) and is not required. It is recommended that 4.15 be amended to ensure careful integration or air conditioning within the basement or the roof.	It is recommended that 4.15(2) be amended as follows: With the exception of dwelling houses, all buildings must accommodate proposed or future air conditioning units within the basement or on rooftops, with provision of associated vertical/horizontal stacks to all sections of the building. It is also recommended that 4.15(3) be deleted and replaced with the following controls: 3 Air conditioning units located within basements must be screened and have adequate ventilation. 4 Air conditioning units located on the roof must be well screened and integrated into the building form.
19	3C.7(3) Building facades	Control requiring a maximum building length of 36m, should be deleted.	This control was incorporated within LEP 194 and has been demonstrated to be an effective control over many developments. 3C.7(4) waters this control down, by allowing for strong articulation where the control is not met. 3C.7(4) should be deleted to encourage separate structures, reducing overall bulk and encouraging communal	It is recommended that 3C.7(4) be deleted.

open space and views between buildings. 3C.7 (8) Air conditioning units should be allowed on large Air conditioning / heating is regarded as one of No change recommended. the largest consumers of energy and generators Building terraces where concealed from view to the street or adjoining properties and will not impact on the facades of heat. Environmental considerations are more achievable through the design and provision of amenity of the units. shared base facilities rather than individual units. 3C.8(8) states that individual air conditioning units must not be located on balconies or on the building facade. Section 4.15 requires the incorporation of stacks to allow for air conditioning throughout the building, whether incorporated immediately or in the future. This will remove the demand for further units to be located in private open space areas. 19 3C.8 (3) It is ridiculous to require 2 entries to a building Under the draft DCP (and the REDC) a maximum It is recommended that 3C.8(3) be that is only 15m wide. Delete the control. building width of 18m is required. Amending the amended as follows: Buildina requirement to provide multiple entries for any entries building frontage over 18m would result in one Buildings with frontages over 18m entry for each building that has a frontage of the long must have multiple entries. maximum width recommended in the RFDC. This would provide for reasonable access while reducing unnecessary pathways through the street setback. The draft DCP requires all buildings to have main 3C.8 It is recommended that the following 18 Entries should face the street and clearly visible entrances to lift lobbies directly accessible and form the street and footpath. Convoluted side be added to 3C.8(5) and 3D.8(4): Buildina visible from the street. However it does not entries entries should be avoided due to noise/light All light spill is prohibited. pollution. Large complexes should have more preclude the opportunity to have side entrances than one entry to minimise these impacts in any where site configuration is conducive to having a side entry, provided that the path to the side entry particular area. is readily visible from the street to ensure safety and security. Possible noise/light pollution issues can be addressed by appropriate design measures. The draft DCP also requires that buildings with

			frontages over 18m long must have multiple entries.	
15	3C.8 (6) Building entries	Letterboxes do not need to be under shelter, they are already watertight. Delete the control.	Agreed. This would allow for increased variety of design at the front boundaries of residential flat building sites. For example, some letterboxes can be simply incorporated into low walls, others under a more formal lychgate type entry.	It is recommended that 3C.8(6) be amended as follows: Lockable mail boxes must be provided close to the street. They must be integrated with front fences or building entries at 90 degrees to the street and to Australia Post standards.
23 18	3C.9 Top floor design	In order to have regard to the predominant character classification of the town centres, which is 1920 to 1945 (with the exception of St Ives), the design of residential flat buildings in the R4 zone should pick up some of the design features of the surrounding lower density housing, and should not be overwhelmingly in contrast to the character of the houses in the town centres. Design features should include: • Gable roof forms (no flat rooves); • Integration of the 5th floor into gabled roof design; • A maximum GFA for the 4th and 5th floor of no more than 60% of the GFA of the 3rd floor.	Residential flat buildings and mixed use buildings are not just large houses. They are a different form of development, and have a different range of different building forms available that help to minimise the bulk and scale, and to contribute to the desired future character of the locality. For instance, gable roof forms can appear incongruous on a five storey building, and may actually increase the apparent bulk of a building. In some circumstances there may be merit in incorporating the fifth floor within the roof form. Centres are intrinsically different than the suburbs that surround them, and this needs to be recognised. Nevertheless, generous setbacks allowing for substantial tree planting, controls for articulation and other design measures, all help to provide a reasonable transition between the centres and the low density areas surrounding them. The draft controls provide for the top floor to be reduced in comparison to the floor below. Requiring this for 2 floors may assist with privacy and overlooking, but would have the potential to highlight the vertical height of the building through a 2 storey vertical wall at the top of the	No change recommended.

			building.	
14 17	3C.9 Top floor design	 Top floor and building form re overshadowing The top floor of any new development must not overshadow existing adjoining properties. In order to protect existing residential properties the new development may need to have a stepped form to mitigate the impact of overshadowing on neighbouring properties. 	The draft DCP contains controls for overshadowing in 3C.16. These are adequate to address solar access to adjoining properties. These controls will need to be considered in the design of the built form.	No change recommended.
13 18	3C.9 Top floor design	The controls which adopt the GFA definition do not achieve the intent of the controls to minimise visual bulk and provide articulation to prevent increased overshadowing. The intent of the controls would be more effectively achieved through controls based on building footprint or total floor area. Recommended control: The total floor area of the topmost floor (footprint) does not exceed 60% of the total floor area (footprint) of the floor immediately below.	DCP 55 had building footprint controls. This DCP does not use the term 'building footprint'. While the gross floor area will not be the same as the building footprint, the relationship between the gross floor area of the top floor and the floor below will result in a similar size of top floor, as the total floor area control recommended by the objector.	No change recommended.
	3C.10 Fencing	Boundary fences must be provided by the developer onsite and at their own cost, where multi unit development meets single residential dwellings to ensure security and visual privacy for existing neighbouring properties.	The Dividing Fences Act provides for the sharing of costs of boundary fencing (to a certain minimum standard). Council cannot override the Dividing Fences Act. However, in practice, most applications for residential flat buildings include fencing of a higher standard, which is approved as part of the development, and is generally paid for by the developer.	No change recommended.
		ILDING AMENITY		
19 15	3C.11 (10) Private open space	Requires that air conditioning units must not be located in private open space. Why not, if they are suitably screened and located so as to not cause	Section 4.14 requires the incorporation of stacks to allow for air conditioning whether incorporated immediately or in the future. This will reduce the	No change recommended.

		noise etc? This is unreasonable.	likelihood of and demand for further units located in private open space areas.	
19	3C.13(2) Apartment depth & width	Requires a maximum internal plan depth of 8m from glass line to the internal face of wall. This is too small and should be increased to 10m. The DCP imposes front setbacks never contemplated in the RFDC, which were drafted as a coordinated suite of controls. The RFDC does not limit the portion of the site than can be built on. By imposing large front setbacks and the same apartment depth, the controls are far more onerous than those contemplated in the RFDC.	The RFDC is a general design guide that applies across Sydney, and does not take account of differences from place to place. The setback controls are appropriate to Ku-ring-gai. The larger front setback controls do not justify reducing the amenity of residents by reducing access to daylight within the apartments. The 8m control should be retained. However, it is reasonable to limit this control to habitable areas, allowing bathrooms and laundries to be located beyond the 8m.	It is recommended that the 3C.13(2) be reworded as follows: Single aspect apartments are to have a maximum internal plan depth of 8m from glass line to internal face of wall of habitable areas.
15	3C.13(2) Apartment depth & width	The 8m maximum plan internal plan depth from glass line to the internal face of wall is too small. The standard size of a living/dining space is 7m. Often the kitchen is located behind the dining areas. The rear wall needs to be 9.5m in depth.	The 8m control is the same as that in the RFDC a general design guide that applies across Sydney and ensures good daylight access for residents. A living/dining space that runs along the window, rather than away from it easily meets this control, and improves the amenity of the main living areas. The 8m control should be retained. However, it is reasonable to limit this control to habitable areas, allowing bathrooms and laundries to be located beyond the 8m.	It is recommended that the 3C.13(2) be reworded as follows: Single aspect apartments are to have a maximum internal plan depth of 8m from glass line to internal face of wall of habitable areas.
19 15 13	3C.14 (1) Ground floor apartments	The control is unduly restrictive on cross sloping sites. The amenity of units can be secured through other controls relating to sunlight access and ventilation. Requires the floor area of the living area of ground floor apartments to not be more than 500mm below ground level. This means the differential across a courtyard can only be 400mm if the ground floor is 500mm below ground. If the courtyard is 4m deep this is a 1:10 fall. What happens on sites steeper than that? Would have to lift the building higher to comply. The control should be deleted. The level of amenity can be assessed at DA stage. The	Under LEP 194 we have had a number of instances of ground floor apartments set well below existing ground level, creating cavernous private open spaces and very poor amenity for the living areas of the apartments. This control is designed to avoid this. However, it is acknowledged that the 500mm may be unduly restrictive for steep sites. It is recommended that a maximum of 0.9m be allowed, with the following additional controls: that built structures not be permitted to project beyond a 45 degree control plane from the main building line; and that the private open space from the living area have a	It is recommended that 3C.14 be amended as follows: 1. The finished ground level outside the living area at the building line of a ground level apartment must not be more than 0.9m below existing ground level. 2. Where the finished ground level outside the living area at the building line is more than 0.5m, the private open space must be level for a

		RFDC does not include any such design restriction.	minimum 2.4m level area where the 500mm control is exceeded. This would ensure useable private open space with adequate daylight access and ventilation opportunities to both the open space and the living area.	minimum of 2.4m from the living area. 3. No obstructions, such as retaining walls or fences, are permitted to project beyond a 45° control plane, drawn from the finished ground level outside the living area at the building line to the end of the private open space. Plants may project beyond the 45° control plane. A new drawing is to be included to illustrate the controls above.
13	3C.15(3) Natural ventilation	The 8m depth control is arbitrary and unjustified on amenity grounds. The amenity of the 75% of kitchens that are not required to be naturally ventilated is adequately safeguarded by compliance with the lighting and ventilation standards of the BCA.	The 8m depth control relates to access to daylight and ventilation. It is recommended that this control be relocated to 3C.13 (apartment depth and width), but that Figure 3C.15-1 retain the identification of the 8m distance, as a reminder.	It is recommended that the second sentence of 3C.15(3) be relocated to 3C.13.
19	3C.16(2) Solar access	Requires that 'building sites must optimise the northern aspect by placing living areas to the north, and service and circulation areas to the south and west'. The use of 'must' is too restrictive. Amend 'must' to 'if possible'.	This control does not work for apartments that do not include a northerly aspect. The control should be amended for residential flat buildings, mixed use and multi-dwelling housing and be added for office buildings.	It is recommended that 3C.16(2), 3A.17(2) and 3D.14(2) be amended as follows: Buildings must be oriented to optimise the use of the northern aspect. The control above will be added to 3B.14.
		This could be a sleeping giant. Shading a solar panel at 10am in winter would have minimal impact on its performance. Also, we already have a control to provide three hours, i.e. some shadow allowed, but for solar panels, it is no shadow! Also, this should only apply where the	The solar research centre at NSW University have conducted numerous studies and testing on solar collectors and hot water systems. Ongoing discussion with them has resulted in a minimum sunlight access control of 4 hours to be stipulated in the DCP.	It is recommended that 3C.16(9) be amended as follows: Developments must allow the retention of a minimum of 4 hours direct sunlight between 9am to 3pm

		panels were installed before the LEP came into effect, otherwise adjoining non-zoned properties should be required to locate their solar panels in consideration of the likely shadow from a RFB next door. All a neighbour would have to do to stop a development would be to put up a solar panel. The control must be deleted. This is too vague. It could be interpreted to mean that no shadow can be cast past the set back line of the adjoining property?		on 21st June to all existing neighbouring solar collectors and solar hot water services.
25 13	3C.16(3) Solar access	This section requires a minimum of 3 hours direct daylight between 9am and 3 pm midwinter to living rooms and adjacent private open spaces. This clause is also inconsistent with the rule of thumb in the Residential Flat Design Code (RFDC), which specifies daylight access to both living rooms and private open space, but states that: 'In dense urban areas a minimum of 2 hours may be acceptable.' Cherry picking the most onerous controls from the RFDC, without the flexibility of the RFDC, erodes the development potential conferred by the LEP. It is recommended that the DCP 55 solar access controls be adopted to say daylight access to living rooms or adjacent balconies; and that the following be added: In dense urban areas a minimum of two hours may be acceptable. Dense urban areas are defined as land zoned R4 or land with a height limit of 17.5m or more.	The residential flat buildings will be mostly to 5 storeys, with generous setbacks. Therefore this is not a 'dense urban area' and the 'minimum of 2 hours' does not apply. The rule of thumb in the RFDC states: 'Living rooms and private open spaces for at least 70 percent of apartments should receive a minium of three hours direct sunlight between 9am and 3 pm midwinter.' The draft DCP is consistent with this. The pattern of development, as proposed in the draft LEP and DCP allows ample opportunity through the setback and separation controls to design for compliance with the proposed solar access requirements.	No change recommended.
13	3C.16(3) Solar access	None of the RFB developments approved under LEP 194 would comply with the control, it is inconsistent with the RFDC rule of thumb, and is clearly unreasonable for high density development.	Most of the more recent LEP 194 developments would comply with this control. It is entirely consistent with the RFDC rule of thumb, as explained above.	No change recommended.

14	3C.17	It is recommended that the control be amended to read: 3] At least 70% of the apartments must receive a minimum of 3 hours direct sunlight to living rooms or adjacent private open spaces between 9am and 3 pm on 21 June. Landscape screening on new developments must	While landscape screening should not be the only	No change recommended.
17	Visual Privacy	be provided onsite to protect the amenity of neighbouring properties	means of protecting neighbouring amenity, it is an important support. It is provided for in 2(v) within this control, but controls are also provided in this regard in 3C.4.	
		Roof terraces must be designed to avoid overlooking of the principal outdoor space of neighbouring properties, especially those zoned for single residential dwellings. For example, roof terraces facing side boundaries are generally inappropriate.	Agreed. Controls in relation to the protection of privacy from balconies and terraces are included in the DCP.	It is recommended that the following note be added to 3C.17(2)(v): Note: Diagrams showing view angles and privacy measures may be required as part of the DA submission. A diagram illustrating the control is to be included in 3C.17.
	3C.18 Acoustic Privacy	To mitigate the impact of noise pollution, pedestrian and vehicle entries and automatic gates and mechanisms need to be located facing the street, not on side boundaries, to protect the amenity of neighbouring properties.	Agreed. Controls on vehicle access are provided in 3C.4. This could be strengthened by the addition of a control in the Building Setback section.	It is recommended that the following control be added to 3C.2: Side setback areas behind the building line are not to be used for driveways or for vehicular access into the building.
19	3C.18 (12) Acoustic privacy	Rather than "must be designed", use "should incorporate design features where possible". It is not possible to meet all design "wish lists". The BCA sets the minimum requirements for noise transmission for party walls.	The use of 'must' is consistent with other controls in the DCP. If the applicant can justify the need for a variation, the application will be considered on merit, as for other provisions in a DCP.	No change recommended.
19 15	3C.20 (1) Room sizes	The requirement for a minimum plan dimension of 4m in living areas is too onerous. This is particularly so for 1 bedroom apartments and prevents the provision of affordable housing.	A minimum dimension of 4m for larger units is reasonable to allow good amenity for a number of regular users. For smaller units, however, a smaller minimum dimension is appropriate, as	It is recommended that 3C.20(1) and 3A.21(1) be amended as follows: Living areas must have a minimum

			Delete the control or amend to 3.5m.	there will generally be fewer users of the living areas. Note that DCP 55 does not provide a minimum dimension for living areas. It is recommended that the control be amended to require a minimum dimension of 3.5m for units with less than 2 bedrooms. The same amendment should be made for dwellings within mixed use developments.	internal plan dimension as follows: (i) 4m for apartments with 2 or more bedrooms; (ii) 3.5m for other apartments.
1	19	3C.22 (3) Storage	What is the intention of this clause? It could be read to mean that if one unit is provided with storage in the basement, then all units must be provided with storage in the basement? Surely this is not the intention.	Agreed. It is recommended that the control for storage in both residential flat buildings and mixed use development be amended to clarify this.	It is recommended that 3C.22(3) and 3A.23(3) be deleted and that 3C.22(2) and 3A.23 (2) be amended by the inclusion of an additional sentence as follows: The remaining storage space outside apartments, such as within basements, must be separately allocated to the relevant apartments.
		3C.27(3) Apartment mix & sizes	There is no evidence that disabled, elderly people or families with children do not want to live in 'accessible' 2 bedroom ground floor apartments. Requiring the location of a mix of one-bedroom and three-bedroom apartments on the ground level where accessibility is more easily achieved for disabled, elderly people or families with children is unnecessary. Either the unit is accessible or it is not. A ground floor apartment may still need to be accessed by lift on a sloping site.	This control is from the RFDC. The term 'accessible' leads to some confusion here, as it is can be taken either to mean 'suitable for' or in accordance with the standards for access for disabled persons'. Given that the following control in the RFDC relates to the latter, narrower, meaning of 'accessibility' it is understood that the control is to ensure that one and 3 bedroom apartments are provided in the mix, to allow for elderly people and families to occupy such units, whether or not they are people with a disability. Accordingly it is recommended that the control be reworded in the DCP to ensure that a mix of one, two and three bedroom units is provided on the ground floor, avoiding the use of the term 'accessibility'.	It is recommended that a new objective be added to 3C.27 as follows: To make ground floor apartments available for a range of household types. It is recommended that 3C.27(3) be amended as follows: A mix of one, two and three bedroom apartments are to be located on the ground level.

	PARKING AN	ND VEHICULAR ACCESS		
19 15	3C.24(2) Car parking	The requirement to consolidate basement parking under building footprints to maximise deep soil landscaping area is too onerous. The deep soil requirement of 50% is already double that in the RFDC. As long as the deep soil is met, there is no need to further restrict the basement footprint. This would allow more efficient car parking.	The building setback section already requires that basements do not encroach on the street, side or rear setbacks. This control would not allow for basements to run between buildings within a site. This would prevent basements between buildings from linking up. It is recommended that the control be amended, by adding a note to the effect that basements be permitted to extend between buildings within the site.	It is recommended that 3C.24(2) be amended as follows: To maximise landscaping area, basement car park areas must be consolidated under building footprints. Note: Basements may be permitted to extend under the space between buildings on the site.
	3C.24(3) Car parking	The allowance for the basement car park to project up to 0.6m average and 1m maximum above existing ground level to the underside of the floor above is too onerous. DCP 55 allows up to 1.2m to the underside the basement ceiling. This control is particularly challenging on sites that slope in 2 directions. It should not become more difficult, especially as there is a specific height control in the LEP. The 0.6m average is also unnecessary, and requires another compliance diagram, which is onerous, time consuming and expensive.	Under the definition of basement in the Standard LEP instrument, on which the Town Centres LEP is based, it is a basement only 'where the floor level of the storey immediately above is less than 1 metre above ground level (existing). This DCP control is consistent with the 1m projection allowed in the definition. However the control varies from the definition by referring to the underside of the floor above, while the definition refers to the floor level of the storey immediately above. It is recommended that the control be amended to be consistent with the definition. This would further reduce the allowed projection. With the reduction in the allowed projection from DCP 55, it is reasonable to delete the average projection requirement, which will improve the viability especially on sloping sites.	It is recommended that 3C.24(3) be amended as follows: The basement car park must not project more than 1m above existing ground level to the floor level of the storey immediately above.
19	3C.24(4)	If the direct access is via a lift, fine. Otherwise this is problematic as the fire stairs cannot connect the basement and the residential component of the building. The control should be deleted.	Residents should not be required to take a convoluted route from the carpark to their apartment. If there is no lift, then a main staircase may be required separate to the fire stairs to provide direct access. However, it is recommended for clarity that the control be amended to provide for direct access to each level of the building, rather than to apartments.	It is recommended that 3C.24(4) be amended as follows: Direct internal access from basement car parks must be provided to each level of the building.

	3C.24(5) &(6)	Requiring a space for service and removal vehicles, which may also serve as a visitors space is pointless, as removal trucks cannot fit into the basement. Delete these controls.	The space to be provided would be slightly wider and longer than a normal vehicle parking space, which could be used to accommodate larger removalists' vans, as well as trade/service/maintenance vehicles. Large rigid removalists' trucks are not expected to enter the basement of a residential flat development.	No change recommended
10 19	3C.24 (7) Car parking rates	Setting maximum parking spaces is inconsistent with Council's previous decision (2006), inconsistent with the Minister's s.55 direction to be consistent with LEP 194, and will result in residents using on street parking, which is inadequate. The minimum rates are also not generous enough. In Ku-ring-gai, restricting parking will not prevent people buying cars. The parking Provision should be the same as LEP 194, with no maximum. The parking rates are likely to be challenged at great expense to ratepayers, and by association, weaken a DCP that is otherwise of a high standard. 3C.24 (7) should be deleted.	The proposed parking rates will be amended to refer to a range, rather than minimum and maximum, which would allow variation to the proposed rates. However, spaces provided that exceed the upper range will be included in the calculation of gross floor area.	It is recommended that 3C.24(7) be amended to refer to parking ranges. It is also recommended that the following control be added to 3C.24: Any spaces provided which exceed the upper range are to be included in the calculation of gross floor area.
15	3C.24 (7) Car parking rates	Setting maximum parking spaces is inconsistent with the previous advice of the Department of Planning, developers, architects and planners. Limiting maximum car park numbers would negatively affect economic viability, as buyers have a carparking need independent of Council's wish to reduce car usage. Either the units would not sell, or buyers would park on the street. Delete the maximums, or increase them as follows: Unit Size Parking Space Req Studio 0.5 (min) I(max)	See above.	See above.

	3D – Multi	I bedroom I (min) 1.25(max) 2 bedrooms I (min) 1.5(max) 3+ bedrooms I (min) 2.5 (max) -Dwelling Housing		
15	3D.2 (1) Building separation	These setback controls are excessive, and would inhibit economically viable development, In my view, the DCP seems to misinterpret the RFDC (page 28) in requiring a 12m separation between buildings comprising Townhouses (i.e. multi dwelling housing). The RFDC applies to flat design, and residential flat buildings are specifically excluded from development within the R3 zone, which only allows multi dwelling housing as being a dwelling that each has its own ground floor entry. This results in 2 or (theoretically, but rarely in practice) 3 storey townhouses. A12m separation requirement for townhouses is therefore much too onerous and imposes considerable design constraints and constrains the economic development feasibility of townhouse development. The following changes are recommended: The minimum separation between windows and balconies of a residential townhouse building and any neighbouring townhouse building either on site or adjoining sites must comply with the following: Development from 2 to 3 storeys i) 9m between habitable room/ balcony and non-habitable room; iii) 6m between habitable room/ balcony and non-habitable room; iiii) 3m between non-habitable rooms.	The RFDC applies to development to which SEPP 65 applies. 3-storey townhouses over basement car parking are class 2 buildings under the BCA and therefore SEPP 65 and the RFDC apply to these developments. It is agreed however, that it does not apply to 2-storey townhouses. Given that 2-storey townhouses will have impacts closer to those of a low density dwelling house, it is appropriate to consider a reduction in the building separation required for first two floors of multi-dwelling housing, if this form of housing is to be encouraged. A 6m separation for the first 2 storeys is a similar or slightly greater separation to that between many low density dwellings, and would be consistent with the separation achieved with adjacent multi-dwelling housing through the 3m side setback requirement. The 3m setback between non-habitable rooms could be retained. The third storey has the potential to increase the impacts, especially from overlooking and overshadowing, and accordingly the exhibited separation requirements should be retained for that storey.	It is recommended that 3D.2(1) be amended as follows: The minimum separation between residential buildings on the development site must comply with the following controls: Up to 2 nd storey i) 3m between non-habitable rooms; ii) 6m between rooms/balconies in all other cases. 3 rd storey i) 12m between habitable rooms/balconies; iii) 7m between habitable room/balcony and non-habitable rooms. The diagram in this section will be amended accordingly.

3D.3 (1) Building setbacks	A front setback of 10m is excessive for 2 storey townhouses (aka multi dwelling housing). It unreasonably constrains the development on a site by limiting the available building platform unreasonably. The minimum front setback for 2 storey townhouses should be 8m, with the 10m setback retained for 3 storey buildings. The RFDC (page 30) states: "Street setbacks typically vary from none in city centres to 10 metres on suburban streets". This was drafted to apply to RFBs which are normally considerably higher than 2 or 3 storeys, not townhouses that are permitted within the R3 zone, therefore the setbacks for 2 or 3 storey dwellings should be much lower than 10m. Also, the land covered by the draft DCP is all located within Town Centre areas, and the setbacks should therefore be significantly lower than the 10m specified as a maximum in the RFDC.	R3 provides a transition zone between the town centres and residential flat development, and the surrounding low density areas. The 10m setback is consistent with the desired future character of the area, and a transition to the existing low density setback pattern, which is generally 12m on the high side of the street, and 9m on the low side.	No change recommended.
3D.3 (4) Building setbacks	The rear setback is excessive. It should the same as the site setback. Amend the rear setback to 3m.	The rear setback, at 6m, helps to ensure that there is a large area that provides for deep soil landscaping, and assists in the transition to low density development that has larger landscaped setbacks. It also encourages the provision of open space in this area.	No change recommended.
3D.3 (5) Building setbacks	The requirement for a setback of 6m where dwellings address side boundaries is excessive for a 2 storey townhouse. The setback should be no more than 4m.	This requirement ensures that there is ample space for both the private open space area and landscaping for privacy and amenity. Ideally, the townhouses would address the rear or the street, however, this control allows for sites where this is not possible, providing increased flexibility of design for narrow lots.	No change recommended.
3D.3 (7) Building setbacks	The requirement for basement car parking areas to be a minimum of 3m from any side boundary is excessive and onerous. The minimum width for deep soil is 2m, so the minimum distance from a	The basement car parking area is only required for a more limited number of dwellings than for residential flat building. Development under LEP 194 has demonstrated that this is achievable. It is	No change recommended.

	side boundary should be reduced to 2m.	expected that there will be few problems providing for efficient parking without encroaching on the setbacks. A 3m setback to the basement ensures that there is sufficient space for deep soil and access to these areas, and allows for more generous plantings.	
3D.3 (9) Building setbacks	The allowed encroachments of ground floor terraces/courtyards are too restrictive and would limit the economic development potential of a site. One of the reasons buyers purchase a townhouse is the fact that it has its own generous outdoor garden area on title. By unreasonably limiting the portion of the site that can be used for private open space, the benefit of generous outdoor areas of a townhouse is lost to its residents. Courtyards should be allowed to extend to the side and rear boundaries, or at worst to within no less than 2m of the side and rear boundaries. Control: (i) should be amended to 6m from either street boundary, but that the fencing must be of open palisade design. (ii) should be amended to 2m from the side boundary, as this is consistent with the minimum dimension for deep soil. The note disallowing any encroachment into the rear setback should be deleted, and a minimum of 2m be required, the same as for a side boundary.	It is acknowledged that purchasers of townhouses are seeking their own outdoor garden areas. It is important, however, to retain deep soil landscaping beside the side and rear boundaries, to ensure that adequate screen and tree planting areas can be provided. It would be possible to provide for these, to some extent, within private courtyards. The retention of the deep soil areas could be included as a condition of consent, possibly through the requirement for the incorporation of relevant clauses in the bylaws of the Owner's Corporation, or through covenants. This would also have the potential to enable easier, though individual, maintenance of these areas. Minimising the amount of a private courtyard that can be counted towards deep soil will ensure that adequate hard surface areas can be provided to these private open space areas. A single space of a minimum of 25m² is required as part of private open space with a minimum depth requirement of 4m. A 4m x 4m paved area would then allow one third to be planted. 3m courtyard setback to the rear boundary should be retained, with deep soil landscaping in common areas, to provide a transition to the landscaped backyards of low density housing.	It is recommended that 3D.3 be amended such that:
3D.5 (4) Deep soil landscapin g	This control stating that private open space areas are not to be included in the deep soil landscaping is absurd. No previous definition of deep soil in DCP55 orLEP194 has excluded private courtyards from	It is acknowledged that this control is very restrictive, especially as sites for multi-dwelling housing are often narrower than those for residential flat buildings. However, it is important that the deep soil planting be maintained. A	It is recommended that 3D.5(4) be amended as follows: A maximum of one-third of the principal private open space area

To maximise landscaping area,

consolidated under building

basement car park areas must be

complies with the 40% deep soil control then the

car park should be allowed to be wherever it is

most efficient to locate it.

may be counted as deep soil the definition of deep soil. Including this control minimum single area of private open space of would unreasonably limit the economic 25m² with a minimum dimension of 4m is landscaping. development potential of a site by forcing required for multi dwelling housing. Using the 4m designers to either design townhouses with dimension, a 4x4m paved space would be 16m². minimal outdoor areas on title, which defeats the Amending the control to allow up to a third of the attraction of townhouses to buvers, or to reduce private open space area to be deep soil would still the building footprint to a size that would allow provide for this 4x4 space to not be included as reasonable courtyards thereby reducing the deep soil. It is recommended that the control be development potential of a site. This control amended accordingly. must be deleted. 3D.6 As for issues raised for 30.5 in relation to the See response to 3C.5. See recommendation to 3C.5. Isolated need to demonstrate economic feasibility. sites 3D.13 (3) This control requires the back wall of any kitchen The 8m depth control relates to access to daylight It is recommended that the control Natural to be no more than 8m from an external opening. and ventilation and is consistent with the RFDC requiring the back wall of the kitchen The 8m dimension is too small as the kitchen is ventilation It is recommended that it be relocated to 3D.12 to be no more than 8m from an sometimes located behind the living and dining external opening be relocated to (dwelling depth and room sizes). room and an 8m dimension would unreasonably 3D.12. limit the size of these rooms. Amend to 9.5m. The rest of this control requires only 25% of kitchens to be naturally ventilated. This control is It is also recommended that 3D 13 not considered suitable for multi-dwelling (3) be amended as follows: housing development, which should have no difficulty providing natural ventilation for all All kitchens are to be naturally kitchens. It is recommended that this control be ventilated. amended to require all kitchens to be naturally ventilated. 3D.21 (2) The proposed 40% deep soil landscaping control It is acknowledged that the 40% deep soil It is recommended that the deep soil landscaping control is very difficult to meet for Car parking is already extraordinarily onerous. The Rule of landscaping requirement in 3D.5(1) be reduced to 30% for multi-dwelling Thumb specified on Page 44 of the RFDC is 25%. the multi-dwelling housing type with an FSR of Council is proposing a 40% control, almost 0.8:1. As a comparison, self contained dwellings housing development. double the relevant RFDC rule of thumb. It is not under SEPP Housing for Seniors or People with a reasonable to apply an additional control that Disability provides for a maximum FSR of 0.5:1 It is recommended that 3D.21(2) be requires basement car park areas to be and 30% landscaping area, of which half is to be amended as follows: consolidated under building footprints. If a DA deep soil. While there are differences in

permitted height, and deep soil widths, the deep

soil requirement of 40% for multi-dwelling

housing under the Draft DCP is excessive in

		comparison. It is recommended that the deep soil requirement be reduced to 30%. This will allow more flexibility in site planning. For instance it may allow some potential for at grade parking for people with a disability, reducing the need for extensive basements and lifts and improving the feasibility of the development. It is acknowledged that there is also a requirement for basement parking not to encroach on setbacks, but that basements may need to extend between buildings within a site for efficiency and viability. It is recommended that a note to this effect be included in 3D.21(2) for multi-dwelling housing, and 3C.25(2) for residential flat development.	footprints. Note: Basements may be permitted to extend under the space between buildings on the site.
3D.21 (3) Car parking	This control is too onerous. LEP 194 allows a basement to be a maximum of 1.2m to the underside of the ground floor slab from natural ground level, and on some sites this is a difficult control to comply with, particularly if the site slopes in 2 directions. To reduce this to 1m is unreasonable. Retain the 1.2m control. Introducing an average 600mm control imposes another control which serves no useful planning purpose and creates yet another unnecessary numerical control that will necessitate the provision of yet another compliance diagram that Council's DA assessment staff will require to demonstrate compliance with the proposed control, which is onerous, time consuming and expensive. It should be deleted.	Basement as defined in the LEP means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 meter above ground level (existing). The one metre control is consistent with this definition. However, as the allowed projection is now lower, it is recommended that the average requirement be deleted. This would allow a projection of up to 1m providing opportunity for good ventilation of the basement. The overall height will still be regulated by the building height standard in the LEP. The same amendment should be made to basement projection for residential flat buildings.	It is recommended that 3C.24(3) and 3D.21(3) be amended by deleting the requirement for a maximum average basement projection of 600mm.

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		Special conditions should apply to Heritage properties	The main concern of secondary dwellings on heritage properties is that secondary dwelling should not confuse the interpretation of the significance of the heritage place. As such it should not be visible from the street, and the side setback should be stepped in to be greater than that of the principal dwelling.	It is recommended that the following clause be inserted: Where a secondary dwelling is proposed on a heritage property or in a Heritage Conservation Area: i. it must not be visible from the street ii. side setbacks must be stepped in to be greater than that of the principal dwelling iii. it must not compromise the requirements of Part 9.
		Special conditions should apply to E2 areas to protect them.	Secondary dwellings are not permitted in E2 areas. Controls in the DCP require the consideration of impacts on neighbouring bushland, and where these are public reserves, SEPP 19 also requires such considerations.	No change recommended.
		Secondary dwellings should not be allowed in E4 areas.	Secondary dwellings are permitted in the E4 zone under the LEP. The DCP cannot alter this. However, all E4 zones include areas identified in the Greenweb, the controls in Part 7 will need to be addressed in any proposal for a secondary dwelling.	No change recommended.
	Part 4: GI	ENERAL DEVELOPMENT		
	4.1 - Desi	gn Excellence		
31		Design excellence is subjective and should not require incentives as all development should deliver it.	It is recommended that this section be deleted. Most of the controls throughout the DCP are aimed at design excellence. In addition, Part 10 has specific provisions relating to the incentives for urban design excellence in the LEP.	It is recommended that 4.1 be deleted.
		Establishment of a design competition/design	The establishment of a design excellence Panel	No change recommended.

		panel is unnecessary and expensive.	is a requirement under the LEP. Details of the process are addressed in Part 10 of the DCP		
	4.3 - Land	scape for Biodiversity and Bushfire Manag	ement		
18	4.3 Bushfire and biodiversit y	The DCP needs to be strengthened to ensure that siting and choice of tall trees in new developments consider existing neighbouring properties.	This issue is addressed in the sections on the siting and choice of trees in the Deep Soil Landscaping sections. However, 3C.4 (14)(ii) and 3D.5((16)(ii) limit the consideration of planting in proximity to structures to the subject site only. It is recommended that the reference to the subject site be deleted, so that the consideration applies to neighbouring sites as well.	It is recommended that 3C.4 (14)(ii) and 3D.5((16)(ii) be amended as follows: (ii) proximity to buildings, fences and other structures;	
14 31		Controls requiring trees for shade should be included, particularly low water usage, natives.	A number of controls relate to the inclusion of a proportion of local natives according to the location of the site. Some areas of Ku-ring-gai have a character that includes large exotics, including many of the heritage areas. Requiring natives on such sites could compromise their heritage values. Trees with low water usage must be considered under s. 3C.4 (14) and 3D.5 (15). A consideration of planting for shade could be included in this control. It is recommended that similar controls be added to 3B.3 Landscaping and Fencing for office buildings.	It is recommended that 3C.4(14) and 3D.5(16), which list a number of issues to consider in the siting and choice of trees, include the provision of summer shade as an additional consideration. It is also recommended that the considerations in 3C.4 (13) and (14) be added as new controls for office buildings in 3B.3.	
	4.8 – Roof Terrace and Podium Planting				
18		New developments should include soft landscaping to reduce the bulk and scale of development, not simply provide planters, irrigation systems and drainage.	Section 4.8 includes provisions in relation to planters, irrigation and drainage, but relates only to roof terrace and podiums. The DCP also provides for minimum deep soil and/or landscaped areas for residential flat buildings, office buildings, townhouses, dwellings and secondary dwellings through Parts 3 and 7 and	No change recommended.	

		Section 4.3.	
	Developments should complete the landscaping element to ensure a positive environmental and visual outcome for the neighbourhood.	Agreed. This can be addressed via conditions of consent.	No change recommended.
	4.9 – Vehicle Access		
14 18	Where a development includes more than 50 car spaces, more than one entry/exit point should be provided.		No change recommended.
	All buildings should provide direct vehicular access for large service vehicles including furniture removal vans and emergency vehicles such as fire/evacuation appliances, this is particularly necessary for battle-axe access sites.	visitors space. The required space would be	No change recommended.
	4.10 – Basement Car Parking		
1	Reference is made to AS1688.1 (The Use of Ventilation and Air Conditioning in Buildings Part 1 - Fire and Smoke Control in Multi- Compartment Buildings , but believe the intention is to quote AS1668.2 (1991) – The Use if	submission was revised in 2002, with amendments since. The standard is AS1668.2 -	It is recommended that 4.10(3) be amended to refer to AS1668.2- The use of ventilation and airconditioning in buildings - Ventilation design for indoor air contaminant control.

		Ventilation and Air Conditioning in Buildings Part 2 – Mechanical Ventilation for Acceptable Indoor Air Quality, which is relevant to ventilation of basement car parks.	buildings - Ventilation design for indoor air contaminant control.	
	4.16 – Cor	struction, Demolition and Disposal		
14		All developments must mitigate the impact on existing neighbouring properties with regards to pollutants and excavation impacts. Installation of dust sheets along all perimeters and boundaries. Natural watercourses must be protected.	Excavation impacts during construction are addressed under 4.16(1). Part 6 also deals with the protection of watercourses. Part 5 – Water management – deals with pollution via runoff, and requires the submission of Erosion and Sedimentation plans and Construction management plans, commensurate with the scale of the development. The measures proposed to address these issues must be included in these plans, and in the geotechnical report, where required. Site management plans are required to outline/locate some of these measures. Dust sheet location could be added to these plans. These issues are usually be dealt with via conditions of consent.	It is recommended that 4.16(1) include a reference to dust sheets as part of the required site management plan.
	Part 7: B	IODIVERSITY CONTROLS		
18 23	Greenweb	Guidelines within Part 7 are inadequate to protect biodiversity in the Greenweb areas that are zoned R4. Areas impacted by high biodiversity and riparian zones should have setbacks of at least 10m to create a wide landscaped area for water quality maintenance, habitat for local fauna and flora, visual amenity and communal open space. Natural watercourses and other landscape features must be protected from inappropriate construction	A 10m wide setback from Greenweb areas is not practical. The Greenweb areas include vegetated and non vegetated (dependent on the biodiversity category) some of which are directly adjacent (or overhanging) existing development. Appropriate site layout and setbacks to significant vegetation and habitat will need to be determined for the individual circumstances of the site and its surrounds. Setbacks to natural watercourses are provided in Part 6 –Riparian Zone Controls. Provisions in relation to other landscape features are included in 4.3.	No change recommended.

DCP should provide for retention of smaller trees not covered by TPO wherever possible, rather than the present "scorched earth' policy. These trees have ecological and climate control benefits, enhance streetscapes, support privacy and reduce bulk impacts.	The Greenweb controls encourage the retention of smaller trees and other vegetation that are part of a significant community or area of habitat, and support the restoration of these areas. Outside of these areas it is unreasonable to limit development to retain these smaller trees, as some flexibility is required to enable development to address all of the other planning outcomes sought through the LEP and DCP. In addition, the DCP provides for tree replenishment and landscaping for any development that includes significant deep soil or setback requirements, such as residential flat buildings or dwellings. These provisions address the objectives for the enhancement of streetscapes, protection of privacy, and ecological connectivity or restoration. It is recommended that an additional objective be included in Section 4.3 and Part 7 in relation to the retention and replenishment of trees/vegetation for climate control.	It is recommended that an additional objective be included in Section 4.3 and Part 7 in relation to the retention and replenishment of trees/vegetation for climate control.
The two endangered ecological communities must have threat abatement and recovery plans in place and appropriate controls in place to support them.	Threat abatement plans (which address threatening processes) and recovery plans are plans developed by the state or federal government (not local government). Recovery plans are not always developed, as the Priority Action Statements have replaced these in some cases. The biodiversity controls in the LEP and DCP are consistent with the relevant Priority Action Statements, and with the best practice guidelines developed by DECC, the Sydney Metropolitan Catchment Management Authority, the federal government and Ku-ring-gai Council, for Blue Gum High Forest and Sydney Turpentine Ironbark Forest (eg <i>Protecting and restoring Blue Gum High Forest</i>).	No change recommended.

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18 23		Biodiversity Precinct plans ('Special Areas") should be reintroduced for environmentally sensitive area, to ensure maximum environmental protection.	Given the extent of the Greenweb, precinct plans for all areas that include environmentally sensitive lands would be impractical. The pattern of site amalgamation for the larger developments will also impact on the site configuration, and the measures used to protect these significant areas. Controls related to biodiversity generally, and to the specific Greenweb categories are considered a more appropriate and flexible method of addressing biodiversity issues.	No change recommended.
		Greenweb areas identified in the DCP should all be incorporated within environmental zones. Some areas are within R4 zones, which is inappropriate.	This is not a DCP issue. The Greenweb was considered in the development of the LEP, including the zoning maps.	No change recommended.
14 31	7.1(7)	A flora/fauna assessment should be required for all development within Greenweb land. Council should not have the authority to waive the study.	Part 5A of the Environmental Planning and Assessment Act sets out when a flora and fauna assessment is required. Not all parts of a site that are included on the Greenweb map should require a flora and fauna assessment. For instance, a tree may be included on the map, but be overhanging an existing building. Internal works within that building should not be required to provide a flora and fauna assessment. The control states that Council can waive the flora and fauna assessment, where there is no impact on connectivity, existing indigenous vegetation, fauna or habitat. It is recommended that this be included as a note, rather than a control. This is consistent with Part 5A of the Act.	It is recommended that 7.1(7) be amended, to reword the last sentence as a note instead of a control.
14 31	Introductio n	The policy is weak. It leaves the onus on the proponent to disprove the Greenweb or vegetation conservation.	While the Greenweb mapping is at a much finer scale than vegetation mapping for most other areas of NSW to date, applicants will still need to do a detailed site vegetation assessment. This	No change recommended.

		site assessment will be at a finer scale than what has been possible at an LGA wide scale, and will identify the areas of most significance within the site, and those areas that may be exotic, or otherwise have less significance. This is entirely appropriate.	
	Conservation measures should be mandatory, not a recommendation.	A number of controls require conservation measures. For instance 7.1 (1), which applies to all sites within the Greenweb states: The development must be designed and sited to conserve the most significant areas of vegetation and/or habitat on and adjacent to the site as well as minimise fragmentation and edge effects. This is not a recommendation for conservation, but a requirement. Nevertheless, it is acknowledged that development will occur within the Greenweb and will sometimes have adverse impacts on native vegetation and habitat. This Part outlines the requirements to minimise such impacts, and allows for them to be offset where no other reasonable measures are practical. It also outlines requirements for the restoration of vegetation and habitat. Such restoration cannot be made mandatory unless it is related to the proposed development.	No change recommended.
7.7 Biodiversit y offsetting	The Biodiversity Offset Policy must state that in some cases offsetting is unacceptable, for example where there are critically endangered or endangered species/communities.	This section of the DCP supports the concept of no net loss of significant vegetation and habitat, which was a matter for consideration under the draft LEP. Part 7.7 of the DCP sets out the principles of offsetting. To ensure that there is clarity about what is considered to be 'no net loss', it is recommended that this section be reworked, to address other (less formal) measures to address no net loss as well. The offset policy will include circumstances where the policy is not suitable. However, it will be specifically designed to allow for	It is recommended that 7.7 be retitled 'No net loss of biodiversity' and reworked to clarify what mechanisms constitute 'no net loss' in addition to the principles to be applied in the consideration of a formal offset.

	Part 9: HERITAGE AND CONSERVATION AREAS	consideration of offsetting of threatened ecological communities and species, in circumstances where all other reasonable measures have been applied – in accordance with the principles outlined in the DCP.	
3	The Heritage Conservation Areas in the Town Centres LEP are a very poor representation of the heritage value of Ku-ring-gai as identified by the National Trust. As a result the true heritage value of Ku-ring-gai will be seriously impacted by development under the LEP, and will make it easy for the state government to approve further areas for high density development in the future.		No change recommended.
	It is unfair and inappropriate to impose more onerous conditions on heritage owners than LEP 194/200 have in the past.	The controls in this DCP respond to the need to protect the heritage identified in the Draft Town centres LEP.	No change recommended.
	The controls on development in the vicinity of a heritage item are an appalling impost on those heritage owners who want to combine with neighbours to form an economic development	Development in the vicinity of heritage items will be considered on merit. All new development, regardless of its heritage status, is required to have a high design standard.	No change recommended.
	The blanket restriction on subdivision of heritage items is grossly unfair	It is reasonable for the subdivision of a heritage item to be supported where the heritage significance is retained and the curtilage is respected. This should be illustrated in a supporting Heritage Impact Statement.	It is recommended that Section 9 - Heritage items - clause 7, be amended to: Subdivision of a heritage item will only be supported where: i. evidence of the original and significant setting, landscape and subdivision pattern can be recognised and/or retained; and ii. the subdivision does not adversely affect the cultural significance of the Heritage Item.

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		Our 'interior space' is our private domain – KMC has no right to dictate how we use or adopt this space to our family needs. KMC has no right to make us meet requirements in our own family garden.	Planning and development controls allow Council to regulate the built and natural environment to ensure the safety of the individual and the amenity of the community.	No change recommended.
		The heritage conditions have resulted in a reduction in value of well over a million dollars. KMC has confiscated many of our property rights without compensation of a single dollar.	Comment noted.	No change recommended.
		Failing to list 3 federation houses in a group of 6 houses makes a mockery of the so-called streetscape.	The listing of places of heritage significance was addressed in the LEP and is not a matter for consideration in the DCP.	No change recommended.
		It is time to stop using Heritage again to control development in Town Centres.	The controls for each Town Centre setup a framework for future development to achieve the desired future vision for each centre. Heritage makes a positive contribution to the character of many of Ku-ring-gai Town Centres which is valued by the wider community.	No change recommended.
		The historic Hillview precinct is being unnecessarily developed under LEP 194 and Town Centre LEP. In the context of over-development this is wrong.	This comment does not refer to this DCP.	No change recommended.
17 23		Precise controls for setbacks, scale and tall tree planting are vital	Noted.	No change recommended.
		A specific list of Contributory items should be included in this DCP.	Heritage items and heritage conservation area are listed in the LEP.	No change recommended.
	Car parking	State block size if there is to be two driveways	This is unnecessary. The control refers to the double garages and carports, and the requirement for the garage or carport to be no greater than 20% of the street frontage, with the parking structure to be diminutive in scale relative to the dwelling. This ensures that the parking structure is not overscaled relative to the	No change recommended.

		site regardless of the total block size.	
Fig 9.2-3	This appears to be Roseville Avenue. The elevation behind heritage item has no respect for item and destroys the setting of the Heritage Item. Maximum height needs to be reduced to create an interface with the heritage item, eg: 2 storey to single storey. Very hard to tell what the setbacks are in this diagram but they should be larger than 10m from heritage item, 20 m would be better.	There is a conflict between the outcome required from residential flat building sites, and from heritage item sites. The diagram indicates one possible outcome for that scenario. It seeks to encourage the best outcome in amalgamation proposals. Amalgamating heritage items into larger sites is regarded as vital for the long-term preservation and maintenance of those buildings. The minimum requirements set out in the diagram seek to preserve the landscaping, setting and, importantly, finding appropriate new uses for those heritage items	It is recommended that the elevation diagram be removed and the plan be further annotated. A new diagram (9.2.4) should also be inserted to indicate the importance of stepping new buildings away from the heritage item.
Fig9.3-2	What is this trying to achieve? The building doesn't look like anything in Ku-ring-gai and the new infill building is out of scale with the heritage item. The 1m setback behind is far too close to the heritage item.	The diagram illustrates the zero side setback in the commercial setback. What it fails to demonstrate is an appropriate setback for those stories above the traditional two storeys.	It is recommended that: 1. Section 9 Development in the Vicinity of a Heritage Item Clause 6 should be amended to: New development adjacent to, or in the vicinity of a Heritage Item within an urban/commercial setting such as an existing row of two storey shops: i.retain the existing characteristics of the street including the setback, height and rhythm of facades, and is to be sympathetic to the materials and detailing of the earlier facades; ii. have an appropriate street setback of higher levels to retain a pedestrian building scale. The street setback of these higher levels is to be consistent with neighbouring new development to create a cohesive upper level building line. For new buildings in the vicinity of a

			heritage item, the build for that portion of the new development which is greater in height than the adjacent heritage building, is to be setback to conserve the pedestrian scale of the commercial streetscape; and 2. An additional drawing showing a cross section of the development with an appropriate setback for those levels greater than the heritage item (Fig 9.3-1).
9.3(8)	Mature height of 4 m for screen planting is not high enough, taller trees are required.	The 4m screen planting provides a visual transition which softens the new building at the pedestrian scale and is not intended to conceal the full height of the building.	No change recommended.
Fig.9.3-4	This new development is a poor example next to a heritage item- the side setbacks are not big enough and they need to be able to support deep soil plantings of screening trees. Show the depth of the front setbacks.	9.3 -4 is not an illustration in isolation. It needs to be considered in the context of Figure 9.3-3 which illustrates the front setbacks. A side setback of 12m allows for the amenity and privacy of occupants of habitable rooms that directly face one another. The 12m setback is only for the first 8m of development, higher development must be setback even further, at a distance proportional to the increase in height.	No change recommended.
9.4(7)	New buildings should be based on 'infill 'design principles instead of modern designs.	The NSW Heritage Office publication <i>Design in Context</i> advocates infill development respond to the context of a heritage conservation area. Therefore the design of infill should relate to the scale, form, location, materials and colours of contributory places but it should read as architecture of its own time not as an imitation.	It is recommended that Section 9 Heritage Conservation Areas cl. 8. be changed to read: Contemporary materials are permitted where the detailing, proportions, texture and colour range blend with the existing character of the HCA.

	9.4(36) facades	"Original unpainted brickwork, sandstone and block work must not be rendered or painted" should be given its own dot point as it is very important.	The dot point should be separate because it confuses new work on a new building with restoration work on an existing surface.	It is recommended that Section 9 Heritage Conservation Areas cl. 35. be changed to two points:
				 In repairing the fabric of external surfaces matching materials are to be used. Original unpainted brickwork, sandstone and blockwork must not be rendered or painted; and New development is to use materials and colours similar to or compatible with the original buildings in the HCA.
	9.4(69) Demolition	Demolition of contributory items will not be supported but demolition of non contributory buildings could be considered as long as there were strict infill controls.	Not supported does not exclude the possibility of buildings that do not contribute to the significance of the HCA to be demolished if the replacement infill contributes to the visual cohesiveness of the HCA.	No change recommended.
	Part 10: I	PUBLIC BENEFITS		
14		The list of benefits, particularly open spaces and	On the advice of the Department of Planning's	
23		community facilities should be requirements	Legal Branch, clause 6.4 has been re-drafted to	
31		rather than options otherwise there is no	ensure it is consistent with s93l of the Act. If a	
		guarantee that they will eventuate with profit driven developers.	council wishes to recoup 'public benefit' (such as the dedication of land, making of a contribution,	
		univerruevelopers.	provision of a community facility), The correct	
		This clause is poorly defined in the DCP and	mechanisms under then Act to obtain public	
		open to corruption. Needs modification and	facilities through the development process a via a	
		clarification so the public knows what public	contributions plan or a Voluntary Planning Agreement (VPA), The Act does not permit clauses	
		benefits are, whether they can be delivered, and indeed whether they actually are a public	in LEPs which mandates the provision of public	
		benefit: eg Is a pedestrian mall through a	facilities in return for a development benefit or	
		shopping centre a public benefit or a	variation to development standards.	
		commercial benefit to ground floor retail. These		

assess the benefit in terms of sustainability outcomes. The panel should be able to call on

other expertise, and may be able to play a role in

advising on other DAs.

benefits are not being weighed up with the commercial benefits it prides to the development or commercial owner to the additional rent they can charge. A bus interchange is actually a benefit to the shopping centre. a direct access link to a community facility should be design given, not a public benefit. Who gets the public benefit of additional storeys above a shopping centre with views of public green open space? Will the public consider being overlooked and overshadowed a benefit? The plan is rewarding developers at the expense of the public.	The revised clause in the final gazetted LEP more closely reflects the exhibited version of the clause and emphasises urban design outcomes, consistent with the original intent of the clause. The revised clause has triggered amendments to the draft DCP particularly with regard to how each of the proposed community works is to be funded. Whether it be publicly funded via development contributions, Voluntary Planning agreements or other mechanisms; or privately funded on private land via Clause 6.4 of the LEP.	
The Public Benefits are biased towards the developer, the guidelines are too loose and there is not a single fixed, certain community/public benefit in place. It all relies on the magnanimity of the developer, which makes it unlikely to happen.	As with other DCP controls, the controls in Part 10 pertaining to clause 6.4 of the LEP cannot be the same or substantially the same as the provision of the LEP and cannot be inconsistent with the provision of clause 6.4 or prevent compliance with the provisions.	
How will the minimum standard of public benefit be defined, the controls need to be modified and clarify minimum levels of benefits that must be achieved on each site. What will the community involvement be in the approval of public benefits?	Part 10 of the exhibited draft DCP largely presents an operational framework for the implementation clause 6.4. It also provides some guidance on the relationship between the provisions of clause 6.4 and the design outcomes sought through the DCP. The actual specific design outcomes sought through clause 6.4 are identified in Part 2 of the DCP.	
Redefine the Public Benefit Design Panel as a Public Benefit Panel of which design is only one skillset. Panel to include appropriately qualified personnel in environmental, social and economic sustainability, urban planning and governance with the expertise necessary to assess the benefit in terms of sustainability	The operational elements implementing clause 6.4 of the LEP would better sit in a separate Council policy rather than within the DCP itself. Given that there have been amendments to clause 6.4 and given the level of concern expressed in	

submissions regarding transparency, accountability and consistency in application of the process as outlined in the draft DCP, it is proposed

that part 10 of the DCP be deleted and a new

The Public Benefits assessment process or competition will result in additional expenses that will be passed onto the residents	separate Council policy be developed. This would also provide the opportunity for further community input and seek to address concerns raised in submissions. In the meantime, amendments will need to be made to Part 2 of the DCP to provide guidance on the relationship between the provisions of clause 6.4 and the design outcomes sought through Part 2 of the DCP.	
Public benefits should not be obtained at the cost of additional floor space and height, which would result in greater impacts on these dominant sites The town centres contain a significant amount of community land, which could provide for significant public benefits. This is a better option than: asking developers to deliver public benefits in exchange for more development rights; rezoning existing dwelling houses to RE1 to provide recreation areas. There should be no Development Bonuses, controls should be standard across all areas, extra heights should not be allowed. Developers that provide public benefit should be rewarded through reduced development levy or contribution Design excellence is highly subjective, and should be a given in any development. Higher development on dominant sites will result in negative impact on centres. The additional costs of a panel will be passed on to the public. The clause will be exploited by developers to maximise development. The clause should be	The types design benefits that can be provided in return for additional height and FSR and the heads of considerations in assessing applications are identified in clause 6.4 of the LEP. The DCP cannot include any controls, definitions or additional heads of considerations that are inconsistent with the provision of clause 6.4 nor limit the ability to achieve the additional development potential in accordance with the provisions of clause 6.4. As discussed above, it is recommended that Council undertake further work on developing an accountable and transparent process to facilitate the operation of clause 6.4. However, this process must be consistent with the provisions of clause 6.4 and not so overly onerous so as to deter or prevent achievement of the development potential under the clause.	

SUBMISSIONS SUMMARY ISSUES AND RECOMMENDATIONS

		deleted.	
20	Public benefit	DCP does not define public benefits. It is defined in the KLEP 2008. It could be more appropriately termed 'public net benefit' referring to benefits minus costs accruing to everyone other than the private land owner. In many cases the public benefits refer to common urban design criteria (eg a high standard of architectural design), which benefit the landlord, tenant or resident, not the community as a whole.	CRAIGE
		It is recommended that a transparent framework be developed with a set of rules or principles for choosing whether an incentive is needed. The choice of tools to depend on the level of public net benefit and private net benefit, ensuring that private net benefits do not outweigh public net benefits, and that positive incentives are not used where the outcome could be achieved without the incentive.	
		A broader approach to community facilities should be included to consider public benefits for different stages in the lifecycle, especially for teenagers and seniors, eg provision of: adequate space for teenagers/young people, such as half courts for street games exercise equipment for seniors in open space areas, accessible for all levels of fitness and for wheelchair bound people, as in Asia and Qld.	CRAIGE
		10.2 should be amended to define and illustrate public benefit as including reduced energy consumption, improved interaction with public transport, provision of addition infrastructures	CRAIGE

SUBMISSIONS SUMMARY ISSUES AND RECOMMENDATIONS

transport/walk to decrease gro non-renewable	support public ing/cycling and other measures eenhouse emissions and use of resources. Such examples ided for all key areas.		
overly subjective interpositive interpositiv	mples of public benefit ant are ve, not measurable or open to pretation' such as 'levels of the public domain from w corridors creating links with distant contextual items' and creating activities at street level'.	CRAIGE	

No	Comments	Response	Recommendation
	GORDON		
	General		
	TRANSPORT HUB		
24	The proposed transport hub at the railway station and Henry Street will create safety issues due to existing patterns of pedestrian school traffic to and from Ravenswood School at peak hours	Pedestrian movements and demand for footpath space between Gordon station and the railway underpass have been considered in the layout of the proposed bus interchange.	No change recommended
	ROADS		
LEP	New roads between McIntyre Street to Moree Street will result in more noise and loss of amenity to residents.	The new roads will improve local access and help to contain retail and commercial traffic circulation around the retail core. This would reduce the number vehicles needing to travel the length of long blocks on the western side of Gordon to access Pacific Highway	No change recommended
	PUBLIC AREAS		
24	the proposed urban square at the entrance to Gordon station will operate as a thoroughfare for people entering and leaving the station. As it cannot function as a real square, an additional urban square should be more appropriately located.	Yes, the area would be designed as a broad pave forecourt for the station. A large public park is proposed along Wade Lane on the site of Council's multi-storey car park	No change recommended
	The 'public domain area' on the north side of Moree Ave will result in a south facing cave that will not be used.	Noted. The location of the public areas has been reviewed and a location closer to the highway has been identified. This location will be more open to solar access from the north-east and east.	Recommend amend DCP as follows: Revise Urban Design Excellence Principles Plan to show broad public space at the top of Moree Street
	BUILDINGS		
24	9 storey buildings on the Pacific Highway ridgeline are unacceptable, the 4 storey currently in place on the former Gordon Post office are acceptable.	Building height is an LEP matter that is not controlled by the DCP. The DCP is required to be consistent with the LEP.	Comment not relevant to DCP
	Landmark building at northern end of Wade Lane will dominate	The intention of denoting a building as a landmark	No change

	the site and spoils the area's ambience.	building is so that extra attention is given to the design of the building as it is in a highly visible location.	recommended
		Part 3 of the DCP provides detailed controls relating to the design of such buildings.	
	Park Avenue Area		
27	Proposed units at 1,3,5 Park Ave corner Werona Ave will be above the treeline and appear prominent due to the high topography and create traffic problems. 1 Park Ave, built in 1890, is to be demolished for this development.	Building height and heritage are an LEP matter that is not controlled by the DCP. The DCP is required to be consistent with the LEP.	Comment not relevant to DCP
	Park Ave should maintain a 2 storey character, with underground parking for units, to complement existing and heritage character, this will provide housing choice and is well suited to the SEPP5 developments at 15,17 Park Ave.	Building height is an LEP matter that is not controlled by the DCP. The DCP is required to be consistent with the LEP.	Comment not relevant to DCP
	Increased pressure parking and traffic flow will cause a worsening of the already acute problem of street parking around Werona and Pearson Ave.	New developments would be required to provide for their own parking needs on-site. Residential development in close proximity to the rail station entrance is unlikely to increase pressure to on-street commuter parking	No change recommended.
	Landmark buildings on the highpoint of Park Ave are unacceptable.	Building height is an LEP matter that is not controlled by the DCP. The DCP is required to be consistent with the LEP.	Comment not relevant to DCP
	The NSW Heritage Office publication "Design in context: Guidelines for Infill Development in the Historic Environment 2005" should be applied to the Park Ave area.	Park Avenue is not an HCA. Development in the vicinity of heritage items on Park Avenue must respect the curtilage and be sympathetic in design – refer Part 9 of the DCP	No change recommended.
	Wade Lane		
LEP	Concern in relation to the proposal for nine (9) storey development on Wade Lane, which will make the lane a canyon.	Building height is an LEP matter that is not controlled by the DCP. The DCP is required to be consistent with the LEP.	Comment not relevant to DCP
	More detail is required in relation to what is proposed for the car park adjacent to Wade Lane, which is integral to the success of the Town Centre.	Council is currently preparing a draft Town Centre Public Domain Manual which will provide a concept plan for the proposed park as well as a set of objectives and guidelines. It is anticipated this document will be placed on public exhibition in early 2010 for comment.	Comment not relevant to DCP

	Henry Street		
LEP	Future DCP should not restrict the ability of nos. 30, 32, 34 and 36 Henry Street to be developed in accordance with the height and FSR controls contained in the LEP	Building height and FSR are LEP matters that are not controlled by the DCP. The DCP is required to be consistent with the LEP	No change recommended.
	No. 25 and 29 St Johns Avenue		
LEP	Three (3) eight (8) and fifteen (15) storeys will be situated in close proximity creating overshadowing and privacy impacts on the R2 zoned No.29	The LEP has been amended and the maximum building height in Gordon is now 9 storeys. Part 2 of the DCP - Key Site G1 provides a set of design principles that require specific consideration of this issue. In addition the DCP provides building controls that limit building height in this location to 6 storeys. To further address this issue an objective could be added that requires consideration of adjoining properties in the St Johns Avenue area. Part 3 of the DCP provides building controls requiring overshadowing and privacy to be considered during the development application process.	Recommend amend DCP as follows: Include objective relating to minimising overshadowing and privacy impacts on the adjoining R2 zone
	The area is proposed to be a Heritage Conservation Area which will have adverse impacts on the ability to modify the property	The listing of a Heritage Conservation Area is an LEP matter that is not controlled by the DCP. The DCP is required to be consistent with the LEP. Part 9 of the DCP provides a set of building design controls for new houses and modifications to existing houses. The DCP does not prevent modifications to the property.	No change recommended.
	No. 10 Dumaresq Street		
	New street will bisect a consolidated site which has DA approval for residential flat development. New road should be located at the interface between the existing Gordon Centre and No. 6 Dumaresq Street	The DCP for this area provides two sets of design principles: 1. Base design principles which provides for the situation where the development is not seeking additional floor space and building height under	No change recommended.

		 clause 6.4 of the LEP – in this case there is no requirement for a new road only separation requirements between apartments and the Gordon Centre. 2. Urban design Excellence Principles which provides for the situation where the development is seeking additional floor space and building height under clause 6.4 of the LEP – in this case it is indicated that one means to comply with Clause 6.4 is to amalgamate sites and provide a new lane between Moree Street and Dumaresq Street. 	
	High-rise at No.23 will overshadow and impact adjacent properties that are not rezoned.	New development on Dumaresq Street is generally to the west of low density properties and overshadowing will be minimal as the properties retain an open aspect from north-east to south west.	No change recommended.
	Park Avenue and Burgoyne Street area		
LEP	No. 4 Park Avenue should be turned into a park	The Gordon town Centre Structure Plan (page 2-47 of exhibited version) shows no.4 Park Avenue as a park. Further details will be provided in the Town Centre Public Domain Plan which is currently under preparation by Council and due to be placed on public exhibition in early 2010.	No change recommended.
	Werona Ave, McIntosh St, Rosedale Road area		
LEP	These properties should not be included in the Heritage Conservation Area which will restrict their meaningful development.	The listing of a Heritage Conservation Area is an LEP matter that is not controlled by the DCP. The DCP is required to be consistent with the LEP.	Comment not relevant to DCP
	Nos. 4-34 Moree Street		
LEP	These properties should remain zoned for low density development	Land zoning is an LEP issue and is not controlled by the DCP	Comment not relevant to DCP

	Pacific Highway between, Ryde Road and St Johns Av	enue	
LEP	The future DCP should anticipate localised non-compliances with height limits due to topography and identify appropriate performance criteria so that any request for a variation under Clause 4.6(3) can be supported.	The DCP is required to be consistent with the LEP. All building heights in the DCP are shown in storeys, rather than metres, to avoid any conflict with the LEP	No change recommended.
	Gordon Centre		
24	Gordon is not suited to becoming the primary retail centre because it is a steeply sloping site, and split by the Pacific Hwy. This will result in a disjointed centre, therefore it would be better to have a supermarket on either side of the Highway and develop both sides independently.	Land zoning is an LEP issue and is not controlled by the DCP	Comment not relevant to DCP
	Gordon as a Civic and Administrative centre will not be a cohesive one due to the split caused by the Highway and the noisy nature of land adjacent to the Highway.	The DCP proposes to consolidate all of Council facilities, including the library, into one building on Dumaresq Street with the specific objective of overcoming the current split caused by the highway.	No change recommended.
	Key Area G4		
	CROSS SECTION DIAGRAM		
21	Clarification on the maximum number of storeys and heights is needed, particularly in terms of: 1. conflict between the maximum building height being determined by the 5 storeys of commercial on Pacific Highway, 2. the changes in level from the Highway to Fitzsimons Laneway, 3. the difference between commercial and residential floor to floor heights, 4. and the max building height of 7 storeys.	 The indicative section shows five levels of commercial fronting the Pacific Highway and seven levels to the rear. The section shows a preference for lower buildings along the highway and taller buildings to the rear. It is acknowledged that this section is inconsistent with other indicative sections in the DCP which typically show the urban design excellence case. In this case buildings over the podium are encouraged to be orientated perpendicular to the highway for resident amenity (noise, solar aspect) and to reduce the building wall effect on the highway. Part 3A.20 of the DCP defines the minimum ceiling heights for commercial and retail uses. 	Recommend remove building height controls from the DCP in this case. Urban Design Excellence Principles to indicate preferred arrangement of building heights aligned perpendicular to highway.

		3. The LEP defines building height. The LEP sets a maximum building height of 23.5 metres which is the equivalent of a 7 storey residential building or depending on the make up of uses a 6-7 storey mixed use building. An additional storey is available via Clause 6.4. It is acknowledged the DCP is in conflict with the LEP. Recommend amending DCP to address issues raised	Section AA to be revised to reflect Urban Design Excellence Principles as per other sections in DCP.
	SETBACKS	Recommend amending bor to address issues raised	
21	Setbacks to balconies above ground level are questionable and require further investigation	There is no requirement in the section for setbacks. All controls relating to balcony design are in Part 3A of the DCP.	No change recommended.
	HEIGHT		
21	The LEP and DCP are inconsistent regarding heights. LEP states the height as 23.5m across the entire site; whilst the DCP limits this height to 17.5 m fronting the Pacific Hwy.	The indicative section shows five levels of commercial fronting the Pacific Highway and seven levels to the rear. This is showing a principle for lower buildings along the highway and taller buildings to the rear to reduce the scale of buildings on the highway. The DCP specifically does not describe building height in metres but uses storeys to avoid conflicts. However it is noted that the DCP prescribes 5 storeys along the highway which is not consistent with the LEP building height map. An alternative approach is to utilise clause 6.4 Provision of Urban Design Excellence of the LEP to achieve a built form along the highway that avoids an eight storey street wall	Recommend remove building height controls from the DCP. Urban Design Excellence Principles to indicate preferred arrangement of building heights aligned perpendicular to highway.
	BUILDING LENGTH		
21	Bulky goods facilities require a footprint between 2500sqm-3000sqm with a minimum 50m building length and increased ceiling heights. Therefore the DCP should allow building lengths of up to 50m.	Maximum building length statement refers only to upper residential building components. It is fully anticipated that the podium level would be potentially continuous/unbroken. It is acknowledged the statement on building length in Key Area G4 is not consistent with the controls in Part	Amend DCP Part 2 Key Area G4 as follows: Delete statement regarding maximum building length

		3A.5 and therefore should be deleted.	
	RESIDENTIAL DEVELOPMENT AT STREET FRONTAGE	SA.3 and therefore should be deteted.	
21	Mixed Use zoning should allow the developer the flexibility to choose where to put residential, retail and commercial development. Residential development should be allowed on the ground floors of mixed use buildings. LEP 6.2(2) does not allow residential development at street frontage in B2, B4,B5 areas. However the DCP pg 2-62,item B, asks for residential development to front Fitzsimons Lane, this should be allowed because that frontage is not feasible for commercial/retail.	Allowable use under Clause 6.2 of the LEP is not a relevant matter for review. The DCP is required to be consistent with the LEP. Noted. The inconsistency between the LEP and DCP will be rectified	Amend DCP Part 2 Key Area G4 as follows: Base Design Principles on pg 2-62 to describe uses fronting Fitzsimons Lane to be consistent with Clause 6.2 of the LEP
	Section AA on pg 2-63 should be amended to reflect commercial/residential above the ground floor.	Noted. The DCP does not accurately reflect allowable uses in LEP	Amend DCP Part 2 Key Area G4 as follows: Section AA on pg 2-63 to show commercial/residenti al uses on all levels above the ground floor
	PARKING		
21	Increase the maximum requirements for residential parking to 1.5 spaces/2 bedroom unit, and2 spaces/3 bedroom unit. This will prevent on street parking.	The proposed parking rates will be amended to refer to a range, rather than minimum and maximum, which would allow variation to the proposed rates. However, spaces provided that exceed the upper range will be included in the calculation of gross floor area.	Amend DCP to refer to parking ranges, with excess parking included in gross floor area
	VEHICULAR ACCESS		
21	Ingress and egress from Pacific Hwy should be allowed to continue for the financial success of ground level retail, the DCP should be accordingly amended.	Ingress and egress from Pacific Hwy will be subject to RTA concurrence. The DCP is suggesting access is acceptable from Council's point of view but foreshadowing the requirement for RTA approval.	No change recommended.
	Clarification is required as to the number and location of residential vehicular access and services points from	Section 2D.2.4 (p2-62 and 63) shows indicatively that vehicle access points are to be from Fitzsimons Lane. The	No change recommended.

SUBMISSIONS SUMMARY ISSUES AND RECOMMENDATIONS

	Fitzsimons Lane.	number of access points will depend on a range of factors including amalgamation patterns and mix of uses. The DCP does not limit or prescribe the number of access points.	
	FRONT SETBACK		
21	DCP needs to be amended to show the 6m setback along the Pacific Hwy is measured from the kerb rather than from the property boundary	The setback along the Pacific Highway is a principle within the Urban Design Excellence part of the document and as such is generally not prescriptive but performance based as the assessment will be undertaken by the Urban Design Excellence Panel.	Clarify Pacific Highway setback requirement for Key site G4.
		This will be clarified in the DCP.	

ST IVES

No	Comments	Response	Recommendation
	ST IVES		
	General		
31	PUBLIC BENEFITS Public Benefits for the St Ives Key Area S1 are biased and benefit the commercial/retail sector rather than the local people. For instance: - the bus interchange at the shopping centre door means more business for the Centre - the pedestrian malls through the Shopping Village means better exposure for the retail/commercial units - road widening only benefits the Centre - links to a community facility should be a design given, not something seen as a benefit	Noted. As a result of legal drafting considerations from the Department of Planning Legal Branch and Parliamentary Counsel, the Clause 6.4 Public Benefits that was finally adopted by the Planning Panel has been amended in the final gazetted LEP so that it more closely reflects the exhibited version of the clause. The revised clause has triggered amendments to the draft DCP particularly with regard to how each of the proposed community works is to be funded. Amendments will indicate which facilities will be publicly funded via Development Contributions, Voluntary Planning Agreements or other mechanisms; or privately funded on private land via Clause 6.4 of the LEP.	Recommend amend DCP part 2 to clarify the proposed facilities and infrastructure to be funded by Council and those to be funded privately as part of redevelopment.
	TRANSPORT		
31	Insufficient information is given about the Bus Interchange proposed in Memorial Ave, St Ives is not a transport node and shouldn't be treated as such.	Previously many of the comments in relation to planning for St Ives the criticism have been that there is inadequate public transport serving St Ives. The draft DCP proposes additional infrastructure to support increased bus services. The proposed bus interchange is likely to take the form of upgraded shelters and passenger information and amenities, rather than a dedicated off-road space. St Ives town centre currently has a number of bus routes originating/passing through it and linking to Gordon railway station, Mona Vale and Macquarie, and in the future St Ives will be the intersection of 2 Strategic Bus Corridors, with linking Hornsby and Chatswood and Mona	No change recommended

		Vale and Macquarie Centre. Additional information is provided in the Town Centre Contributions Plan 2008 and further information will be provided in the draft Town Centres Public Domain Plan 2009 (currently under preparation by Council)	
20	Key area redevelopment provides opportunities that should be taken to work with the RTA and other relevant state agencies to improve access and connections to public transport and improve traffic flow:	A Transport Improvement Concept Plan has previously been prepared and discussed with the RTA, which the RTA has generally agreed to.	No change recommended
	Structure Plan for Key Area S1 the St Ives Shopping Village, provides for one bus terminus on Memorial Ave, but Key Area S2, the Stanley St shops has no public transport provision nor is there a link between the two sites. Requiring someone to cross Mona Vale Rd from the bus stop to access Key Area S2 is a disincentive to public transport use.	Key Area S2 would make use of the existing bus stops/shelters conveniently on Mona Vale Road just west of the Stanley St shops, outside Rotary Park and the old school car park. Council is planning to provide an new bus stop in Stanley Street opposite Stanley Close (subject to bus operator) for the future Strategic Bus Corridor 8 (Hornsby-Chatswood). Additional information is provided in the Town Centre Contributions Plan 2008 and further information will be provided in the depth Town Centres Public Person Plan	
		provided in the draft Town Centres Public Domain Plan 2009 (currently under preparation by Council).	
	ROADS		
31 LEP	Denley Lane is proposed to have a 'strip shopping' character, this conflicts with it as an active vehicular access route, as well as it being overshadowed by tall buildings.	Denley Lane is proposed to be retained so that the 'strip shopping' character on Mona Vale Road will be protected i.e. it is not amalgamated into a larger retail "box". The DCP acknowledges Denley Lane will stay as a service lane and only requires active frontages to Denley Lane wherever possible.	No change recommended
		In traffic terms the role of Denley Lane for vehicle movements would be relatively minor, with main access to St Ives Shopping Village to be directly via Mona Vale Rd	

	Concern in relation to the implied acquisition of land at the rear of Nos. 213-231 Mona Vale Road to allow for road widening. This will reduce car parking at the rear of the commercial site. Road widening in Stanley Street or Stanley Lane is inappropriate and compensation will need to be paid to land owners	The intention is that if these properties were to redevelop there would be a setback requirement for the building. This will not affect the car parking on the site as this would be provided in basement car parking. FSR is proposed to be transferable and compensations is not deemed necessary. This approach will be clarified in the amended DCP	Recommend amend DCP part 2 as follows: include commentary that clearly describes the relationship between building setbacks and land dedication
	PARKING		
	The Cowan Car parks should be zoned R4, to provide a better interface between the B2 shopping centre site and the adjacent R3 zone in Cowan Street.	Land zoning is an LEP issue and is not controlled by the DCP	Comment not relevant to DCP
	PEDESTRIAN ROUTES		
4	Stanley St west, retain the footpath and trees, but remove/pave the grass verge between the kerb and path as grass fails to grow there due to heavy usage	Noted. The western side of Stanley Street between Stanley Close and Mona Vale Road is proposed to be re-paved with high quality paving units for the full width of the area. Additional information is provided in the Town Centre Contributions Plan 2008 and further information will be provided in the draft Town Centres Public Domain Plan 2009 (currently under preparation by Council).	No change recommended
	Crossing Mona Vale Rd and Memorial Ave to reach the shopping centre is difficult with the lights being biased towards cars. A covered pedestrian bridge from corner Mona Vale Rd/Rosedale Rd diagonally across to the shopping centre corner, with 2-way escalators at each side.	The proposed traffic signals on Mona Vale Rd at new intersection into the St Ives Shopping Village will provide additional pedestrian crossing opportunities. The proposed modifications to the intersection of Mona Vale Rd and Memorial Ave/Rosedale Rd may allow the crossing length across Mona Vale Rd and Rosedale Rd to be shortened, thereby reducing crossing times. The DCP does not exclude or prohibit the potential for covered pedestrian bridge across Mona Vale Rd however Council is unable to fund the works and would require	No change recommended

	The location of the new signalised intersection indicated on the St Ives Centre Plan in Section 2A is not where discussed with the RTA.	State Government funding eg the RTA or private funding eg as part of a redevelopment. The location of the proposed signalised intersection into the St Ives Shopping Village as shown in Section 2A has been discussed with the RTA, and the RTA has generally expressed no objection to the proposal. It is noted that the traffic lights are not a development control as such and for this reason the DCP has been modified to show the proposed intersection location only on the Structure Plan. The final location of the intersection will be determined when a development application is lodged in consultation with the RTA. The Base design principles diagram has also been modified to show two locations for vehicle entry off Mona Vale Road	Recommend amend Key area S1 Indicative Base Plan as follows: • delete the proposed intersection location and show only on Structure Plan • Include note on to indicate the final location of the intersection will be determined when a development application is lodged in consultation with the RTA.
			 show two possible locations for vehicle entry off Mona Vale Road
	BUILDINGS		The first teachers
2 4 31 LEP	The 5 storey commercial buildings fronting Mona Vale Rd (south side) will be overshadowed by the 9 storey buildings to the north.	Some overshadowing is inevitable in locations with high densities and taller buildings. The building separation in this area is very generous and overshadowing will generally be minimal.	No change recommended
		The DCP sets controls to ensure minimum solar access requirements to the living rooms of residential apartments. The users of commercial buildings are less sensitive to overshadowing, and in most cases direct sunlight into an office is not desirable, and for this reason there are no controls in relation to overshadowing of office buildings.	
	15/17 Stanley St should be reduced from 4 to 2 storey giving	Building height is not a DCP matter as building heights	No change

better transition from 5 storey on Mona Vale Rd to single storey' Eden Brae' villas, as well as comply with Ministerial D09/3690 of 21/07/09 (height reduction of adjoining property to minimise overshadowing)	are defined in the KLEP The DCP requires substantial ground level setbacks (3 metres) and upper level setbacks (additional 6 metres) to minimise overshadowing and overlooking on the southern and western boundaries of the property 15/17 Stanley Street.	recommended
What are the setbacks, maximum building footprint and deep soil requirements for 167-177 Mona Vale Road, corner Shinfield Ave, with the required active street frontage to both streets, and are they different for the commercial and residential elements	The submission has picked up an omission which requires rectification. The properties Nos.167-185 Mona Vale Road are located in an R4 zone with an FSR of 2.5:1 and 1.8:1 to allow commercial ground floor uses. The draft DCP takes this partly into account by referring to Appendix 5 which indicates these properties may have a front setback of 6 metres. However the DCP does not acknowledge that these properties will also require a lower deep soil ratio and higher site coverage ratio in order to be consistent with KLEP 2008. Similarly the DCP does not acknowledge that smaller side and rear setbacks may be required to be consistent with KLEP 2008. Appendix 5 also does not include property Nos.167-171 as sites for modified setbacks, deep soil and site coverage.	Recommend amend Part 3C.3 Site Coverage to include a special note allowing a increased site coverage ratio for the properties Nos. Nos.167-185 Mona Vale Road. Recommend amend Part 3C.4 Deep Soil Landscaping to include a special note allowing a reduced deep soil ratio for the properties Nos. Nos.167-185 Mona Vale Road Recommend amend Part 3C.2 Building Setbacks to include a special note allowing reduced side and rear setbacks for the properties Nos. Nos.167-185 Mona

	What are the setbacks, maximum building footprint and deep	This point is addressed immediately above	Vale Road Recommend amend Appendix 5 maps to be consistent with above changes As above
	soil requirements for 173-177 Mona Vale Rd at ground floor and for the whole building?	This point is dual esseu immediately above	/IS above
	7 storey building heights along the village green will provide outlook for the residents but compromise the amenity of the Green through overlooking	It is acknowledged that for some people overlooking of a park may be seen as a problem. The alternate view is that housing looking onto the park in this location will improve the safety of the park particularly at night. Passive surveillance (where people who live in an area casually look over the street or park) is a fundamental principle of Crime Prevention Through Environmental Design (CPTED). This is a method supported by the NSW Police.	No change recommended.
21	HERITAGE The Visual Character Constant follows that Character that Character Constant follows that Character Constant follows the Character Constant follows that Character Constant follows the Character Constant follo	Hadron to the first address of the Lorentz	0
31	The Visual Character Summary Report fails to mention that St Ives is distinct in having a Rural Zoning in the 1960s The map fails to identify many inter-war homes identified by the incomplete DLEP Heritage Study; and the 2 potential heritage item rural cottages in Cowan Road; and the buildings with Heritage Status on the old school site typical of 1880, 1936, 1960	Heritage is an issue that is addressed in the draft KLEP 2008 and is not a relevant matter for the DCP. The Visual Character Report is detailed in its descriptions however the summary report is a generalisation across the LGA and is not specific to the changes that occurred in each suburb.	Comment not relevant to DCP
		Again, the map is a general picture of the character of the suburb and not a lot by lot description of the housing types. While individual houses may be representative of one period, the overall street block can be mapped as representative of another.	
LEP	The two (2) timber cottages in Cowan Road, adjacent to the Pymble Golf Course are the last worker's cottages and require further investigation.	Heritage listing is an LEP issue and is not controlled by the DCP.	Comment not relevant to DCP

	St Ives Shopping Village		
2 4 26 31	Section 2A.1 should have more fluid diagrams and worded principles allowing flexibility of design.	The wording in the DCP is deliberately open and uses terms such as Character, Indicative and Principles. Minimal development controls are provided primarily relating to setbacks and access. It is acknowledged that the title 2A.2 Key Area Controls may be a little confusing where objectives and principles make up the majority of the content. This will be clarified in the final draft.	Recommend that the headings in part 2 of the DCP be revised as follows: Town Centre Urban Structure Key Site Objectives, Principles and Controls
	The pedestrian street through the shopping centre and other significant public domain areas and street alignments will require significant demolition of the existing centre. This is not a Greenfield site and should not be treated as such.	As a result of legal drafting considerations from the Department of Planning Legal Branch and Parliamentary Counsel, the Clause 6.4 Public Benefits that was finally adopted by the Planning Panel has been amended in the final gazetted LEP so that it more closely reflects the exhibited version of the clause. The revised clause has triggered amendments to the draft DCP particularly with regard to how each of the proposed community works is to be funded. Amendments will indicate which facilities will be publicly funded via Development Contributions, Voluntary Planning Agreements or other mechanisms; or privately funded on private land via Clause 6.4 of the LEP.	Recommend amend Key area S1 Indicative Base Plan and Indicative Public Benefit Plan to be consistent with gazetted LEP
	The location of supermarkets has no regard to commercial and site constraints and existing long term lease agreements.	The graphic elements indicating supermarket locations is meant as a graphic to show two supermarkets as a future outcome at an urban structure level This information relates primarily to the Urban Structure diagram rather than a building control.	Recommend amend Key area S1 Indicative Base Plan as follows: • remove supermarket graphic

The plan does not take into account that the centre will have to continue operation through the construction phases.	The Base Design Principles are intended to take this into account. The only contradictory element is the location of the proposed Council owned community facilities building partly on the site of the existing Woolworths Supermarket. To overcome this issue alternative locations for a Council owned community facilities building will be identified that does not require demolition of the existing supermarket	Recommend amend Key area S1 Indicative Base Plan as follows: • Remove proposed community facility from private land and locate on public land
Creating an open 'street' through the Centre is not conducive to the Centre's continued operation, thermal comfort, and demolition requirement. 15m width is too much and doesn't convey a village feel.	The concept of an open pedestrian street forming part of a contemporary shopping centre and is not an overly onerous principle. There a number of recent developments that include open lane ways including QV in Melbourne; Rouse Hill Town Centre; and The Village, in Balgowlah (Stockland) It is acknowledged that an open arcade may be overly onerous for the base case and this warrants a review. It is acknowledged that 15 metres may be excessive and that a width of around 6 metres would provide a more protected environment.	Recommend amend Key area S1 Indicative Base Plan as follows: Show arcade with reduced width and potential for glass (or similar roof) allowing natural light Recommend amend Key area S1 Indicative Public Benefit Plan as follows: Amend width of proposed street to be laneway width of 5-7 metres
The location of the Town Square is on private land leased to Woolworths for 20-25 years, so it should be relocated to Council land.	Noted. The Indicative Base Plan has omitted to show a location for a new town square, this is an error which will need to be addressed in the final DCP. The location will be wholly on Council land To clarify, the Indicative Public Benefit Plan shows a new town square located on both Council owned land and	Recommend amend Key area S1 Indicative Base Plan as follows: Indicate a location for a new town square that is wholly on Council land

	privately owned land (at a proportion of about 30% and 70% respectively)	
	The Indicative Public Benefit Plan is intended to indicate an optimal development that assumes full redevelopment of the centre over time whether this is in stages or not. The Plan incorporates both Council land and private land. In order to gain the additional FSR and building height a development application will be required to show how it addresses the principles.	
It is unclear what use the 7 stories facing the Green will be, it should be stated with minimum setbacks stipulated.	Indicative Section AA and BB clearly indicate the proposed mix of uses and building form that would be encouraged	No change recommended.
It should be stipulated that any residential on top of the commercial/retail be stepped back 4m as originally intended.	Noted. This has been omitted by error and will be corrected.	Recommend amend Key area S1 Indicative Base Plan as follows:
The community facility located within the Centre should be an option of public benefit and not a requirement	Noted. The intention is that construction of the facility and the fit-out will be funded by Council. The Public Benefit Plan indicates a situation where the building has been designed with setbacks to accommodate a new facility partly on Council land and partly on private land. The public benefit therefore is making the land available. This will be clarified. As a result of legal drafting considerations from the Department of Planning Legal Branch and Parliamentary Counsel, the Clause 6.4 Public Benefits that was finally adopted by the Planning Panel has been amended in the final gazetted LEP so that it more closely reflects the	Recommend amend DCP part 2 to indicate that the construction and fitout of new community facilities will be funded by Council.

	Large setbacks to Mona Vale Road will not improve street activation because of the heavy traffic.	exhibited version of the clause. The revised clause has triggered amendments to the draft DCP particularly with regard to how each of the proposed community works is to be funded. Amendments will indicate which facilities will be publicly funded via Development Contributions, Voluntary Planning Agreements or other mechanisms; or privately funded on private land via Clause 6.4 of the LEP. Noted. 3 metre setback is required in the base case to provide slip lanes in front of the centre and retain footpath width of about 4 metres. An additional 3 metre setback is indicated in the Public Benefits Plan for tree planting outside awning area. Consistent with the general approach to public benefits the 3 metre dimension can be removed and made performance based.	Recommend amend Key area S1 Indicative Public Benefit Plan as follows: Remove 3 metre and provide performance measure eg provide additional setbacks for tree planting outside awning area.
	Village Green		
31 LEP	The Green should be isolated from the Centre in order to retain its integrity as a National Trust Heritage listed area.	The concept of isolating parks from commercial uses is no longer a relevant idea, often the most popular parks are the ones with a café located in it, take for example Roseville Park.	No change recommended.
	Redevelopment of the Centre should not impact the Green, street parking should be retained, and the Green area itself should not be reduced to accommodate additional parking, or other facilities to do with the Centre.	Upon redevelopment all parking requirements related to the Shopping Village will be provided on the site probably as basement parking, this includes shopper and employee parking.	No change recommended.
	The promenade facing the Green has been reduced to a	It will be Council's responsibility to provide adequate parking for the community facilities and users of the Village Green. Council is currently preparing a Parking Management Plan which will address this issue. The DCP requires a minimum 18 metres setback from the	No change

SUBMISSIONS SUMMARY ISSUES AND RECOMMENDATIONS **ST IVES**

footpath. The existing 9m minimum should be retained allowing street café seating and planting	Village Green to new development.	recommended.
S , S	Details relating to the design of this area will be provided in the draft Town Centres Public Domain Plan 2009 (currently under preparation by Council) and due to go on exhibition in early 2010. This exhibition will provide opportunity to comment on the design concepts for this area.	
Buildings should be setback a minimum of 13m from the southern edge of Village Green Parade, with the setback area zoned RE1, to provide an interface between high rise development and the Village Green.	The DCP provides setbacks of between 30 metres in the base design principles and 18 metres in the urban design excellence principles from the edge of the Village Green. This is considered to be a generous interface area.	No change recommended.
	In relation to suggested RE1 zone this is an LEP issue and is not controlled by the DCP.	

No	Comments	Response	Recommendation
	TURRAMURRA		
	General		
	WATER FLOW		
	The effect development will have on the water table and runoff on the western side of the Turramurra ridge.	Part 5 and 6 of the DCP provides specific controls in relation to water management and riparian protection	No change recommended
	BUILDINGS		
2 4 31 28 22	Turramurra is a good example of "un-assessed cumulative impact" of LEP 194, proposed Town Centre LEP plus other zonings, the strategic implications of "cumulative impact "on environment, population and traffic need clarification, particularly to the DoP.	Land zoning is an LEP issue and is not controlled by the DCP	Comment not relevant to DCP
	Building heights should be capped at 5 storeys, as 8 or 9 storeys is excessive and detracts from the village character of Turramurra.	Building height is an LEP issue and is not controlled by the DCP	Comment not relevant to DCP
	CHARACTER		ı
LEP	Draft DCP does not specifically address Turramurra Uniting Church, nor principles for a heritage item acting as a transitional building between residential area and an urban area.	The draft DCP makes reference to development in the vicinity of a heritage item in an urban/commercial context and a residential context but does not make specific reference to a commercial/residential interface. The church is located on land that is residential but abuts land zoned commercial. Clarification of this issue is required.	It recommended to amend diagram 9.3-3 to label the new development as being on land that is possibly R2, R3, R4 and C2.
	The proposed urban form shown in the indicative massing as part of the T2 Key Area does not appear to address Turramurra Uniting Church, and do not show a sympathetic response to the identified heritage item.	The DCP provides Objectives, principles and controls for development within Key Sites as defined in the KLEP Key Site Map.	It is recommended to amend DCP Part 2 Key Site T2 by removing that
		The Uniting Church and the Council owned car park are not within a Key Site and therefore should be removed from the DCP.	section which refers to Council owned car park to reduce confusion about what
		The issues raised are matters to be addressed at the time a Development Application is lodged.	is included in the T2 Key Site.
	Vehicular Issues		
	TRANSPORT		

4	 Key area redevelopment provides opportunities that should be taken to work with the RTA and other relevant state agencies to improve access and connections to public transport and improve traffic flow: align Kissing Point Rd with roads leading to the station realignment of Kissing Point Rd/Forbes lane/William St intersections may eliminate need for traffic lights or eliminate the right turn lane on the highway at Ray St provide pedestrian overpass/underpass across highway redesign and refit the bus interchange off Rohini St consider splitting the bus interchange into 2, with South Turramurra/Fox Valley buses from William St (more feasible with realignment of William St and Kissing Point Rd) 	Council has consulted with the RTA regarding proposed road improvements on Pacific Highway, and RTA generally concurs with Council's proposal. Realignment of Kissing Point Rd was investigated but not considered feasible due to additional delays. Constructing bridges or tunnels is very costly and may not be considered necessary, given the provision of signalised pedestrian crossings in Turramurra. Pedestrian bridges/tunnels have special land needs (for ramps, lifts), and don't necessarily operate best between individual buildings. A redesigned and improved bus interchange is proposed. A new road bridge between Ray St and Rohini St allows improved bus access to the existing interchange.	No change recommended
	TRAFFIC Concerned that new road linking Gilroy Rd with Turramurra Ave would put users of Turra Tots at risk due to unsafe traffic movements. Concerned that new road would cause congestion in front of Turra Tots and that buses would not be able to manoeuvre.	The proposed new road is an important part of the local road network providing a link between Eastern Road and Rohini Street. Currently the only alternative road link between the two is via Gilroy Lane which is narrow. Significant traffic volumes are not anticipated in the new link road, and the design of the new link road would accommodate bus movements.	No change recommended
	Concerned that proposal for new road bridge between Ray St and Rohini St would not have adequate footpath width for pedestrians. Concerned about the connection of the bridge at Rohini St and the impacts to pedestrians due to the increased traffic flow.	The proposed new road bridge would have to accommodate pedestrians and cyclists, therefore the footpath would be minimum 2.5m wide. Adequate crossing facilities in Rohini St and Eastern Rd will be provided.	No change recommended
31	Draft DCP urban structure for Key Area T2 (Rohini St retail) does not demonstrate vehicular access and movement patterns around the Turramurra Town Centre.	The Structure Plan and the Indicative Base Plan for Area T2 shows removal of traffic signals on Pacific Hwy and Rohini St and relocation to Turramurra Ave, new road	No change recommended

		bridge between Ray St and Rohini St as well as new road between Turramurra Ave and Gilroy Rd. These form the vehicular access and movement patterns for the T2 Area.	
20	New Gilroy Rd extension not required, as a supermarket is no longer planned for Turramurra Ave car park, the traffic plan shows little traffic flow and Gilroy Lane appears to be still open. The new road directly alongside the Church and childcare is inappropriate. It is preferable to locate a new link road further north.	The proposed new road is an important part of the local road network providing a link between Eastern Road and Rohini Street. The only alternative road link between the two is via Gilroy Lane, which is narrow. Additionally Gilroy Lane intersects with Turramurra Avenue within a distance of less than 50 metres of the Pacific Highway. The intersection of the Highway and Turramurra Avenue is proposed to be upgraded with new traffic signals. Gilroy Lane would be too close to the Highway in this situation to use as an alternative route.	No change recommended
	Stonex Lane could be used to connect directly to Ray St, which would avoid the need for cars to 'dog-leg' on Pacific Hwy, and would improve circulation as well as reduce congestion on Pacific Hwy.	A direct connection between Kissing Point Rd and William St was investigated but not considered feasible due to additional delays. A similar situation would result from a connection between Stonex Lane and Ray St.	No change recommended
	PARKING		
11	Car park adjacent to Turramurra Uniting Church was created to serve needs of the general community, so its reclassification and subsequent commercial redevelopment would have major and adverse impact on Uniting Church and nearby retail, recreational, catering and commercial uses in Turramurra. Car park needs to be retained at ground level for public use, otherwise benefits to community would be lost forever.	Council has resolved to maintain the current number of public car parking spaces in the town centres. If the car park was relocated underground, public access would still be maintained.	No change recommended
12	Church Complex is a venue for major church and community events, which place heavy demand on adjacent car park. Many visitors are elderly and require level, safe and direct access from the car park. The car park is also relied on heavily by surrounding shops and community uses, and in its current configuration is considered to adequate to service the needs of the community.	If the car park was relocated underground, adequate and accessible connections to the surface would be provided.	No change recommended

16	The openness of the existing car park helps maintain vista to the Church, and safety, vandalism and graffiti are not a concern as there are no buildings or advertising hoardings on the present car park.	If Council were to redevelop the car park site the DCP requires that the new development have active ground floor uses such as shops and offices. In addition the new development would provide apartments on the upper levels. These uses combined would provide passive surveillance of the church which would act as a deterrent to crime and vandalism.	No change recommended
16	No evidence from Council that there will be a net increase in parking to cater for the growing population. There is considerable competition for parking in the car park, and there is no guarantee that the car park would be available for Church users.	Additional parking would be required to be provided onsite, as part of redevelopment. Redevelopment of shops may free up parking in the Turramurra Ave car park.	No change recommended
	Locals park their cars in the car park at night and take trains into the City, occupying valuable space that could be used by others.	Surveys indicate that the car park has adequate availability at night. The 2hr parking restrictions apply to ensure turnover at peak times on weekdays and Saturdays.	No change recommended
1	Draft DCP urban structure for Key Area T2 (Rohini St retail) does not adequately address parking needs of the centre.	Additional parking would be required to be provided onsite, as part of redevelopment. Redevelopment of shops may actually free up parking on-street and in car parks. Further information regarding parking supply and demand for the Rohini St and Turramurra Ave precincts will be provided in the Parking Management Plan.	No change recommended
	Given that amalgamation would be required for almost all lots in the T2 Key Site, the potential reduction in parking required (up to 25%) would put further pressure on existing areas.	In order for a parking reduction to be considered by Council, the applicant will be required to provide a report assessing the potential impacts on public parking around the centre	No change recommended
	Draft DCP provides no certainty that if the Turramurra Ave car park is redeveloped, that a public car park open to the use of Uniting Church Complex users will be included in a redevelopment to replace the number of spaces	Council has resolved to maintain number of public car parking spaces in the town centres. If the car park was relocated underground, public access to all users of the car park would still be maintained.	No change recommended
	Future public parking locations are identified only as on-street, no off-street areas are identified in the T2 Key Area, and the fine grained retail on Rohini St may make implementation of a critical mass of parking difficult.	Redeveloped sites would be required to provide for their own parking needs on-site. Basement parking would need to be predisposed with break-out panels to provide connectivity (where practical) to adjoining car parks, creating a critical mass. Also, Council has resolved to	No change recommended

	While basement parking may satisfy demand and DCP requirements, there is a need for larger scale parking for visitors.	maintain number of public car parking spaces in the town centres, so public car parking would still be available off Turramurra Ave, and on-street. See above	Nashanna
	Replacement of the parking spaces on existing Council car park has not been addressed, and additional parking would be required due to additional floor space	See above	No change recommended
12	The high cost of underground parking means sale of car parks will realise very little. The rationale for the sale of Council land freeing up funds for new facilities does not stand up to hard financial analysis and does not take into account the running cost of the structures. • Underground parking is considerable less safe than atgrade parking • Underground parking is less convenient and harder to use for the elderly and people with mobility issues. • Underground parking is considerable more costly to operate.	Council has undertaken detailed economic analysis during the preparation of the LEP to ensure redevelopment of the site is financially viable. In relation to safety cost and mobility it is difficult to comment with out reference to studies that verify the claims.	No change recommended
	Commuter parking in William St is removed from current DCP, and existing on-street parking will become more difficult or even ruled out in order to maintain sufficient parking for residences. Given that there will be significant population growth in retail centres, Pacific Hwy corridor and other areas of Ku-ring-gai, the demand for commuter parking at the station will only increase over time. To reduce commuter parking in Turramurra would be totally inappropriate, and DCP must be re-worked to increase commuter parking	Council has resolved to maintain number of public car parking spaces in the town centres. If the car park was relocated underground, public access to all users of the car park would still be maintained. The commuter parking currently in William St would be replaced as part of the redevelopment of the Coles/Ray St site. The additional population growth along the railway line is unlikely to place significant additional demand on commuter car parking, due to its close proximity to rail station entrances.	No change recommended
	Would like more kerbside parking to be retained, to cater for customers who wish to make quick visits to local shops.	Kerbside parking would largely be retained, which have shorter time limits than off-street car parks, to allow quick visits to shops. In some locations there will be an increase in kerb side	No change recommended

	The "kiss and drop" circle for people dropped off at Turramurra Station is in the very heart of the proposed "Town Square", between an unsafe Park on the Highway and a space created by knocking down a small group of buildings (originally heritage). Before any reclassification hearing has been held these tenants have been told to evacuate the buildings. This area needs reconsideration.	parking particularly where new streets are proposed or where existing streets are proposed to be widened such as Gilroy Lane and Forbes Lane The issues raised relate to the LEP and are not controlled by the DCP	Comment not relevant to DCP
	On top of shrinking open space many areas have proposed "shared space" for cars and pedestrians, this alongside the proposed cramped Town Square and Town Centre, will result in numerous safety issues.	In appropriate locations, shared spaces have significantly reduced speed limits, traffic calming and pedestrian treatments so that pedestrians and vehicles can share the road space with increased safety.	No change recommended
16	Construction an operation of retail/commercial residential uses on the Turramurra Ave car park would generate noise pollution and impact on activities at the Church.	The issues raised are matters to be addressed at the time a Development Application is lodged Part 3 and 4 of the DCP provides detailed controls in relation to noise	No change recommended
22	The issue of reclassification of the car park is still unresolved. Church Council has given prior notice of objection to reclassification of the car park. Most people are opposed to selling community land paid for by the community.	Reclassification is subject to a separate process and is an LEP matter that is not controlled by the DCP	Comment not relevant to DCP
5	Proposed redevelopment of Turramurra Ave car park would be an aesthetic disaster due to another high rise building	The issues raised are matters to be addressed at the time a Development Application is lodged Part 3 and 4 of the DCP provides detailed controls in relation to building design	No change recommended
	Plan focuses its interest and resources on redesigning Ray St Precinct and ignores potential for improvement in area around Turramurra Ave car park. The ultimate proposal is to sell the car park and construct a multi-storey building on the site.	The sale of the car park and construction of a multistorey building on the site would be the subject of a number of separate processes including reclassification, owners consent, exhibition of a voluntary planning agreement, development application etc. These matters are not controlled by the DCP.	Comment not relevant to DCP
31	Submission to Planning Panel by Uniting Church proposed	The LEP and DCP will allow the Uniting Church to	No change

which could replace Church's hall, Turra Tots as well as expanded Council services, Planning Panel acknowledged the proposal, and Council is encouraged to consider this proposal. DCP proposal for the car park does not create a 'sense of place'. Proposal to integrate Uniting Church site with Council owned sites was supported by Planning Panel, but not demonstrated in the draft DCP.	development options including Church proposal to integrate the Uniting Church site with Council owned site.	
Potential redevelopment of Turramurra Ave car park not shown in indicative sections.	The DCP provides Objectives, principles and controls for development within Key Sites as defined in the KLEP Key Site Map. The Uniting Church and the Council owned car park are not within a Key Site and therefore should be removed from the DCP.	It is recommended to amend DCP Part 2 Key Site T2 by removing that section which refers to Council owned car park to reduce confusion about what is included in the T2 Key Site.
Retention of Turramurra Ave car park is essential for existing retailers and customers, as well as Church and community users, and should be retained as open, above ground parking. Underground parking under a multi storey building not suitable for the elderly and for use at night.	Council has resolved to maintain number of public car parking spaces in the town centres. If the car park was relocated underground, public access would still be maintained. If the car park was relocated underground, adequate and accessible connections to the surface would be provided.	No change recommended
Planning consultants commissioned by Uniting Church stipulated that the car park, and the number of spaces, be retained.	Council has resolved to maintain number of public car parking spaces in the town centres. If the car park was relocated underground, public access would still be maintained.	No change recommended
Open Space and parks		
Concern that the proposed provision of new public open space may not provide the best outcome for Turramurra Town Centre.	Open space zoning is an LEP matter that is not controlled by the DCP	Comment not relevant to DCP No change
	expanded Council services, Planning Panel acknowledged the proposal, and Council is encouraged to consider this proposal. DCP proposal for the car park does not create a 'sense of place'. Proposal to integrate Uniting Church site with Council owned sites was supported by Planning Panel, but not demonstrated in the draft DCP. Potential redevelopment of Turramurra Ave car park not shown in indicative sections. Retention of Turramurra Ave car park is essential for existing retailers and customers, as well as Church and community users, and should be retained as open, above ground parking. Underground parking under a multi storey building not suitable for the elderly and for use at night. Planning consultants commissioned by Uniting Church stipulated that the car park, and the number of spaces, be retained. Open Space and parks OPEN SPACE Concern that the proposed provision of new public open space	expanded Council services, Planning Panel acknowledged the proposal, and Council is encouraged to consider this proposal. DCP proposal for the car park does not create a sense of place. Proposal to integrate Uniting Church site with Council owned sites was supported by Planning Panel, but not demonstrated in the draft DCP. Potential redevelopment of Turramurra Ave car park not shown in indicative sections. The DCP provides Objectives, principles and controls for development within Key Sites as defined in the KLEP Key Site Map. The Uniting Church and the Council owned car park are not within a Key Site and therefore should be removed from the DCP. Retention of Turramurra Ave car park is essential for existing retailers and customers, as well as Church and community users, and should be retained as open, above ground parking. Underground parking under a multi storey building not suitable for the elderly and for use at night. Underground parking under a multi storey building not suitable for the elderly and for use at night. If the car park was relocated underground, adequate and accessible connections to the surface would be provided. Planning consultants commissioned by Uniting Church stipulated that the car park, and the number of spaces, be retained. Open Space and parks OPEN SPACE Concern that the proposed provision of new public open space may not provide the best outcome for Turramurra Town Centre.

	Recreation for the village green location proposed in the DCP. The proposed retention of the croquet lawn and associated federation-style house eliminates the possibility to undertake the concept proposed by the Uniting Church's planning consultant as submitted to the Ku-ring-gai Planning Panel.	associated federation-style house as an urban park which has been consistently supported by Council since the preparation of a draft DCP in late 2005. The KLEP zones the area B2 which does not stop the Uniting Church working with Council to develop alternative proposals. The LEP zone was amended from RE1 to B2 in response to the Uniting Church submission requesting greater flexibility in this area.	recommended
9	Question the need to provide 4 local parks all of a similar size within 250m of each other as being the best open space solution for Turramurra Town Centre.	Open space zoning is an LEP matter that is not controlled by the DCP	Comment not relevant to DCP
	Substantial reduction in Open Space (compared to 2006 draft DCP), such as • Stonex Lane open space area removed • Park at corner Pacific Hwy and Kissing Pt Rd removed • Gilroy Walk open space along Gilroy Rd (between Meals on Wheels and Karuah Oval) removed • William Square substantially reduced, and includes State Rail garden space (which will be used for future quadruplication of rail line) Better and cheaper not to develop Council-owned public land but keep it for bigger and better open areas.	 Stonex Lane open space area has not been removed. In the base design principles in remains in place and in the urban design excellence principles the same size space is kept but relocated eastward The urban space at corner Pacific Hwy and Kissing Pt Rd has been removed because it was heavily criticised in 2006 Gilroy Walk open space along Gilroy Rd (between Meals on Wheels and Karuah Oval) has not been removed the details are now in the Town Centre Public Domain Plan currently under preparation by Council William Square remains the same size as it was in DCP 2006 	No change recommended
	Council's Open Space Acquisition Strategy indicates shortfalls of open space in Turramurra Town Centre, and Council-owned land is ideally located to meet the shortfall. Significant extra dwellings in Turramurra require increased need for open space, and Turramurra Ave car park is ideally located to meet this need.	Open space zoning is an LEP matter that is not controlled by the DCP	Comment not relevant to DCP
12	DCP shows the railway garden being part of "William Square" open space but cannot be used as open space as it is part of the	Noted.	Delete all references to Railway Gardens

	reservation required for future widening of rail line. DCP should be corrected accurately depict its potential usage and should then be re-exhibited.		in the DCP
	 DCP for Turramurra Plaza area is misleading for the following reasons: Stonex Street will become a busy road, even though DCP says that in Stonex Street, pedestrians will be given priority. Granny Springs Creek Reserve concept plans suggest that it would be providing significant open space and an extension of the proposed park, but BGHF is endangered and cannot be used to provide open space. 	Noted	Clarify extent of public domain areas around Turramurra Plaza so as not to be misleading
	Encouraging to see slight increase in open space planned for the Turramurra Town Centre, but would like to see more.	Support noted.	Delete all references to Railway Gardens in the DCP
	Rail Corp land should not be included in open space allowance, as this is generally not available for public use.	Comments regarding Railway Gardens noted.	
	Concerns regarding the land allocated to the village green and the situation if the land owners do not wish to sell. As Planning Panel was adamant no-one would be forced to sell, where would it be relocated if this was the case?	The issue of land acquisition is related to Council's Acquisition and Divestment Policy and does not relate to the DCP	Comment not relevant to DCP
	PARKS		
16	The little park on the Highway should only be appropriate (and essential) as an Open Space buffer to traffic on the Pacific Highway. It is subject to Highway traffic noise and fumes and is unsafe for children. It should not be considered as viable/useable Open Space. It needs to be retained simply out of respect for a historic Railway Station, the historic Hillview precinct, and original landscape vista-value.	Noted. Turramurra Village Park proposed to be retained and upgraded.	No change recommended
	Then and now the Railway Garden is being touted as Open Space, if fact it is never likely to be allowed public access, nor should it be, because it slopes down to the railway track and is behind a fence. It must be removed from being regarded or promised as official open space.	Noted.	Delete all references to Railway Gardens in the DCP

	Towns around the world use Public Land and Open Spaces for emergency gatherings, concerts, fairs and public performances.	Noted	No change recommended
	Turramurra "village" does not seek to provide adequate, safe Open Space for projected growth. The DCP indicates open space in the following unsatisfactory areas: 1. Open Space of 40mx50m for the Town Square 2. Open Space includes a small Park along the Pacific Highway, polluted by fumes and unsafe 3. Open Space of fenced off Railway garden, sloping down to the Railway track 4. In the heart of this Open Space is a roundabout for "kiss and drop" at Turramurra Station The DCP "concept-plan" does not have appropriate and definite open areas for the proposed scale of the new Turramurra.	 A Town Square of 40x50 metres is considered a good size for an urban space based on a local and international desktop review Noted the roundabout is at the southern edge of the public space Turramurra centre will be generously supplied with parks and urban spaces and in addition it is within a 5 minute walk of a large district park (Turramurra Memorial/Karuah Park) 	Delete all references to Railway Gardens in the DCP No change recommended
	It is of concern that this "concept plan" is a Development Application ready to be built upon gazettal of the LEP.	The sale of the car park and construction of a multistorey building on the site would be the subject of a number of separate processes including reclassification, owners consent, exhibition of a voluntary planning agreement, development application among others	Comment not relevant to DCP
22	The pictorial representation of Ray/William Street Town Square given to the public in newspapers and "concept-plans" consistently presume the sale of public land. Public land should remain "public" particularly in this location.	These matters are not controlled by the DCP. Reclassification of Council land is subject to a separate process and is an LEP matter that is not controlled by the DCP	Comment not relevant to DCP
	William/Ray Street Precinct The open-air William Street carpark in Turramurra is vital public land and strategic open space. The DCP shows Coles as the recipient of the land. This, and the library carpark, is the	The sale of the car park land would be the subject of a number of separate processes including reclassification, owners consent, exhibition of a voluntary planning	Comment not relevant to DCP
	most valuable piece of real estate in Turramurra yet it is being "given away" to Coles to become one of three retail chunks in Turramurra. A competitive tender or alternative plans consulting the public must be considered.	agreement, development application among others. These matters are not controlled by the DCP.	
31	The bulk & scale of proposed Ray / William Street development should be scaled down to allow a Park adjoining Turramurra	Building height and Floor space Ratio is an LEP matter that is not controlled by the DCP. The DCP is required to	Comment not relevant to DCP

	Station. This would compensate for the cumulative impact of the 5-storey developments in its close vicinity.	be consistent with the LEP.	
	It is more realistic to plan more Open Space / Greenspace for a growing Turramurra by converting the William/Ray St carpark into a sustainable bio-link and a Heritage Square above with carpark below.	Open space zoning is an LEP matter that is not controlled by the DCP. The DCP is required to be consistent with the LEP.	Comment not relevant to DCP
	Development envelope of major redevelopment at Ray St precinct is unclear in that pages 2-17, 2-20/21 of the DCP shows different development envelopes compared to the 3-D images in pages 2-18/19. This needs to be clarified and DCP reexhibited.	There are no inconsistencies between drawings. The drawings are clearly titled Page 2-17 – this diagram is not a control drawing it is a structure plan which sets out the broad built form and public domain planning principles for the Key Sites. Page 2-20 – This diagram sets out the base design principles for developments in the Key Site that seek approval for a level of development consistent with the LEP mapping Page 2-21 - This diagram sets out the urban design excellence principles for developments in the Key Site that seek approval for additional building height and floor space under Clause 6.4 of the LEP Pages 2-18/19- these are indicative massing diagrams that are provided for information purposes and are not control drawings	No change recommended
	The substantial height, bulk and scale proposed in the DCP for the Ray St precinct, to help developers fund the proposed bridge between Ray St and Rohini St, is not justified.	Building height and Floor space Ratio is an LEP matter that is not controlled by the DCP. The DCP is required to be consistent with the LEP.	Comment not relevant to DCP
28	Land required to widen Forbes Lane should be taken from the Coles site, as properties on Highway side are already disadvantaged by a setback from the Highway and further reduction on footprint would make them unviable.	The depths of the lots of properties Nos.1301-1333 varies from between 30 metres and 38 metres. The total setback requirement is 6 metres this will reduce the final building depth to between 24 metres and 32 metres. A residential building has a maximum depth of 18 metres (as per 3A.14 of the exhibited DCP). Therefore it is possible to construct a mixed use building with a two storey retail commercial podium (depth of 24-32 metres) and 3-4 residential levels	It is recommended to amend DCP Part 2 Key Site T1 as follows: Provide a statement under development controls to state that FSR is

		as per the LEP.	transferable from the setback area.
		It is noted that there needs to be clarification in the DCP that the FSR from the setback area is transferable so that there is no loss of development potential or disadvantage.	
		In fact the properties will be advantaged because the new street will provide a two metre wide footpath to the rear of the properties and on street parking.	
	Kissing Point Road		
LEP	Eight (8) storey development on the Council car park on Kissing Point Road will create significant overshadowing in relation to neighbouring property to the south.	The DCP seeks to control the arrangement of building heights on the site so that the lowest buildings are along Kissing Point Road and the Pacific Highway and the tallest buildings are located in the south west corner of the site. This will assist in minimising overshadowing. This is also a matter than can be addressed at the development application stage.	No change recommended

	PYMBLE		
Vehicular Issues			
	The service lane between Post Office Lane and Alma Street will affect property owners and is not necessary.	The service lane referred to was in the Town Centres DCP 2006 and was not part of the 2009 exhibited version	Comment not relevant to DCP

No	Comments	Response	Recommendation
	LINDFIELD		
	General		
	CHARACTER		
14	The bulk and mass of buildings allowed do not support the "village" character; a higher number of smaller buildings would be more in keeping and preserve solar access, views, and a community feeling. For example recent development in Surrey Hills along Crown St which has succeeded in being vibrant with residential component above.	The bulk and mass of buildings is largely determined by Building Height and Floor Space Ratio provisions in the LEP. The DCP is required to be consistent with the LEP. The DCP provides controls in Part 3 related to the design of buildings to reduce bulk. Part 3 also provides controls to protect solar access and views.	No change recommended
	EXISTING DA		
14	The approved DA for Precinct F does not comply with this Draft DCP; neither do other DAs being considered, particularly with regards to building separation, FSR, overshadowing, visual privacy.	The approved DA for Precinct F was approved under LEP 194 and DCP 55. These documents will be superseded in the town centre areas when the town centre LEP is gazetted.	Comment not relevant to DCP
	TOWN CENTRE		
29	Support for the creation of a retail hub and focus for community activity.	Support noted	Support noted
	OPEN SPACE/COMMUNITY FACILITIES	L	I.
14 29	Support the provision of a town square, library and other community facilities to serve the growing population	Support noted	Support noted
	The location of the retail courtyard for the Coles site is not inviting and in the shadow of an electrical substation.	The courtyard is envisaged as an open courtyard where trees could be planted to reduce the visual impact of the adjoining sub-station. The courtyard could be used for sitting or dining associated with a food court for example	No change recommended
	PARKING		•
29	Support for retaining carparking in Tryon Rd and Havilah Lane, and creating new carpark from Tryon Rd, linking it to the shopping centre car park.	Support Noted - car parking in Tryon Road and Havilah Lane would be retained but would be relocated underground.	Support Noted
	TRAFFIC	I	1
29	Road widening of Kochia Lane will encourage greater vehicular	It is proposed to widen Kochia Lane to increase the	No change

SUBMISSIONS SUMMARY ISSUES AND RECOMMENDATIONS **LINDFIELD**

	movements and conflicts with the desire to reduce car movements in the immediate Town Centre vicinity	footpath width along it, to improve pedestrian access and circulation in the area. The road carriageway width is unlikely to be increased and the lane would remain oneway flow	recommended
	SETBACKS		
14 29	Introducing a front setback to Lindfield Ave to widen the footpath is not necessary. The desired piazza style frontage to Lindfield Ave and tree planting areas can be achieved in a number of other ways which applicants can put forward in their DAs.	The front setback on Lindfield Avenue is a principle within the Urban Design Excellence Plan for Key Site L4. These principles are deliberately illustrative and provide guidance as to the nature of Urban Design Excellence. The list is not a set of controls and other options may be considered by the Urban Design Review Panel where an appropriate case is presented.	No change recommended
		No set back is required in the Base Design Principles Plan	
	The footpath widening to Kochia Lane may allow greater activation to the Lane, but the fall of the Lane will preclude street seating/dining, therefore increased setbacks are not required.	It is proposed to widen Kochia Lane to increase the footpath width. Currently there is no path. The requirement for a 4 metre setback will allow 2 metre footpaths on each side of the lane.	No change recommended
		Street seating/dining is not envisaged in this location	
	For the functioning of the retail centre, Havilah Lane will need to remain a service lane allowing loading docks, garbage disposal and goods vehicle access, in addition new development across Havilah Lane has its rear to the Lane. Therefore	Agree, Havilah Lane will primarily function as a service access. The DCP shows this area as secondary active frontage.	No change recommended
	increased setbacks are not required as activation here is unlikely	However with site amalgamation there is an opportunity to consolidate service and loading access points. This will allow the potential for some active uses along Havilah Lane. The Base Design Principles require a minor setback of 1 metre to ensure that an adequate footpath width can be provided in the future along with a broad carriageway to allow large trucks.	
	Setbacks that do not face Pacific Hwy are too narrow; 6m minimum is needed along Woodford Ln and Bent St, this would	The proposed setback along Woodford Lane and Bent Street is 3 metres. This will allow the provision of a 13 metre right-of-way which will include two metre wide	No change recommended

SUBMISSIONS SUMMARY ISSUES AND RECOMMENDATIONS **LINDFIELD**

	provide the village atmosphere and allow for street planting.	footpaths on both sides of the lane, on-street parking on one side and two way traffic. A two metre footpath width is adequate for street tree planting where there are no awnings. Additional tree planting can be provided on adjoining Council land to the west.	
	Beaconsfield Parade setbacks should be increased to at least 9m in keeping with the existing street character.	A setback of this scale in this location would restrict the adjoining sites achieving the FSR provisions in the LEP. The DCP is required to be consistent with the LEP	No change recommended
	HEIGHTS	·	
29	The shopping centre should have a height of 7-8 stories, consistent with the LEP and SEPP 53.	Building Height and Floor Space Ratio provisions for this site are in the LEP. The DCP is required to be consistent with the LEP.	Comment not relevant to DCP
		The Building Height provisions for this site in the LEP allow 20.5 metres (6 storey) with an additional storey available if the development meets the requirements of Clause 6.4 of the LEP	
	Heights of buildings fronting the Proposed Town Square have been limited to prevent overshadowing. A merit based approach should be taken where the applicant can demonstrate how their proposal limits any adverse impacts on the Town Square.	Building Height and Floor Space Ratio provisions for this site are in the LEP. The DCP is required to be consistent with the LEP. It is noted the building height controls are inconsistent with the LEP and these will be revised to be performance	Recommend amend DCP as follows: • Amend building height controls for Key Site L4 to be consistent with LEP
		based.	
4.	BUILT FORM CONTROLS	TI () 1 1 1 1 (11 DOD) 1 2 2 2 2 2	l NI I
14	Include all site specific built form controls for the area bounded by Drovers Way, Beaconsfield and Gladstone (such as L4.8.6, Precinct F, drawn up in 2006).	The format and content of the DCP has been modified to be consistent with the LEP.	No change recommended
		The DCP only provides site specific objectives, principles and controls for the Key Sites identified on the Key Sites Map within the LEP.	
		All building controls relating to residential developments are located in Part 3 and 4 of the DCP.	
	BIODIVERSITY	TI	
14	Parts of Drovers Way, Beaconsfield, Gladstone have been	The controls from the 2006 DCP are no longer relevant.	No change

	mapped as BGHF and Cat.3 Riparian zone. The building controls do not protect or restore these. The site specific controls stipulated in L4.8.6 should be included, especially items like the 'green buffer' and the 18m building separation.	The format and content of the DCP has been modified to be consistent with the LEP. The DCP only provides site specific objectives, principles and controls for the Key Sites identified on the Key Sites Map within the LEP. The approved DA for Precinct F was approved under LEP 194 and DCP 55. These documents will be superseded in the town centre areas when the town centres LEP is gazetted. The vegetation mapping and riparian mapping are provisions within the town centres LEP that do not apply to developments approved under LEP 194	recommended
	How will existing street planting along Drovers Way and Woodford Lane be protected during this redevelopment?	This is a matter for consideration as part of the development application approval process and is not relevant to the DCP	Comment not relevant to DCP
	VEGETATION		
LEP	Middle Harbour Rd has a "green" character. Vegetation needs to be retained, including one of the last remaining stands of Turpentine trees at No. 23 Middle Harbour Rd. The tall tree canopy needs to be retained.	The trees referred to are identified in the town centres LEP and will have a high level of protection once the LEP is gazetted. In addition the DCP provides tree and vegetation protection controls in Part 8	Comment not relevant to DCP
	HERITAGE	•	
29	Support for the protection of Heritage shops at 1-21 Lindfield Ave and activation of Chapman Lane	Comments in support noted.	Support noted
	Area between Pacific Hwy and Woodford Lane		
	Development on east side of Woodford Lane will overshadow the area	Building Height and Floor Space Ratio are provisions in the LEP. The DCP is required to be consistent with the LEP.	No change recommended
		The DCP provides controls in Part 3 related to the design of buildings to minimise overshadowing. Part 3 also provides controls to protect solar access and views.	

LINDFIELD

Drovers Way		
New development will exacerbate runoff and flooding problems	Part 5 and 6 of the DCP provides specific controls in	No change
	relation to water management and riparian protection	recommended

ROSEVILLE

No	Comments	Response	Recommendation
	ROSEVILLE		
	GENERAL		
	VIEWS		
17	An important vista is diagonally opposite view from the Roseville railway station steps across to the corner of Lord and Hill St, as indicated in the diagram on pg2-90; however it is the most encroached upon and overwhelmed by the development immediately to the rear. A setback of at least 10m should be provided to the return in Lord Street as well as controls to accommodate the diagonal prominent view from Hill Street.	The bulk and mass of buildings is largely determined by Building Height and Floor Space Ratio provisions in the LEP. The DCP is required to be consistent with the LEP. A 10 metre setback on Lord Street would render the future redevelopment of the site uneconomic. The DCP provides controls in Part 3 related to the design of buildings to reduce bulk. Part 3 also provides controls to protect solar access and views.	No change recommended
	AREAS ADJACENT TO CONSERVATION AREAS		
17	Setback on the north side of Lord St for R3 and R4 zones should be 10-12 m to protect the conservation area	Retaining a standard setback along Lord Street for the residential development will provide a consistent visual setting for the adjacent Heritage Conservation Area. The front setback should be amended from 6m to the 10-12m front setback zone.	Appendix 5 – Roseville reduced setback map should be amended to remove the reduced setback on Lord Street.
	New development should have mandatory plantings of at least 2 trees per original block, that have a 6m mature height, particularly along Bancroft Ave and Victoria Avenue, as well as at the rear of new development that back onto conservation areas.	Screen planting to a height of 4m is required on side and rear boundaries of development in the vicinity of a heritage item. The intent is not to hide the new building but to create a transitional space and pedestrian scale which protects the setting of the heritage item, while retaining the amenity of the new building. The suitability of the density of screen planting will be part of the DA assessment and should be included as a consideration in the Heritage Impact Statement.	No change recommended
	TREES		
17	A list of traditional plantings for gardens in and In the Vicinity of HCAs should be included, such as magnolias, azaleas and other	Plantings were traditionally diverse as obtaining plants and cuttings was opportunistic. More recent garden trends have seen plants species more homogenised. A	No change recommended

	ornamental trees and shrubs, and feature palms.	diverse mix of plants should be encouraged by providing a list of preferred plants (both native and introduced species) on the Council website.	Future amendments to the DCP should include a list of preferred introduced and native plant species suitable for places within and in close proximity to the Heritage Conservation Areas.
20	 Key area redevelopment provides opportunities that should be taken to work with the RTA and other relevant state agencies to improve access and connections to public transport and improve traffic flow: Address potential conflict between local traffic generated by new development and current highway congestion. If aligning access points from Shirley Rd and Clanville St is not funded by the RTA, Council needs to recover sufficient funds from centre development to fund this. How will residents access development adjacent to the rail line on the highway, as clearly a right turn of the highway would disrupt the N-S flow? Steps from Hill St, the walkway over the railway and the overbridge at Clanville Rd are not feasible long term access points for the likely increased activity. 	This option has been considered and tested however the extent of development in the Roseville town centre would not be sufficient to fund the realignment of Clanville Rd with Shirley Rd. However, the current planning would facilitate this in the future if the RTA or other agency were to decide the work is required. To access this development from the south, the route would be Pacific Hwy>Boundary St>Hill St>left onto Clanville Rd> left onto Pacific Highway. The Easy Access Upgrade to Roseville station is unlikely to be a high priority for RailCorp however Council will continue to lobby and work with RailCorp to seek improvements to railway stations in Ku-ring-gai.	No change recommended
	ROADS		N
	Change the location of new road from 5 Lord St to 7 Lord St (a free standing cottage) as there will be less disruption to property owners.	The format and content of the DCP has been prepared to allow flexibility. The DCP only provides site specific objectives, principles and controls for the Key Sites identified on the Key Sites Map within the LEP. The DCP does not indicate preferred amalgamation patterns.	No change recommended

ROSEVILLE

		The provision of a new rear lane linking Lord Street and Bancroft Avenue is a principle. Depending on-site amalgamation the lane could be located on 5 Lord St or 7 Lord St and the principle would be achieved.	
	CARPARKING		
LEP	Underground parking and associated contributions must be considered with the cinema extension.	There are a number of potential development scenarios for the Roseville Cinema which would allow the protection of the existing building and the provision of new basement parking for patrons. A similar example is the new residential development adjoining the Greengate Hotel which provides parking for the Hotel patrons. All development in the town centres will be required to pay development contributions to Council	No change recommended
	A 2-storey basement car park is required to accommodate vehicles for the retail area between Pacific Hwy and Larkin Street	Noted. Council has resolved to retain all existing public spaces and the DCP aims to further increase the amount of public parking. The final design of the new parking area will be subject to detailed design based on these criteria	No change recommended
	RETAIL	detailed design based on these enteria	
20	For Roseville, a more suitable model may include incentives for more innovative retail that focuses of fresh produce, differentiating it from Chatswood (eg Fratelli Fresh at Waterloo and Potts Point or James St Market in Brisbane. The latter provides the identity of a market hall, but also acts as shopping street, includes window seats to open the market to the public realm, and public courtyard, that is also suitable to specialty markets.	The DCP does not control the type of shop nor does it control the design of retail stores. This is a decision made by the owners based on their own market research. It is however likely that new developments will be looking at more contemporary retail models.	Not relevant to the DCP
	The Grove		
27 17	P9-46: R3 development on opposite side of Oliver Road and high density R4 directly opposite conservation areas will have a huge visual impact on the conservation area and particularly The Grove. Therefore provide deep setbacks and tall tree plantings to soften.	A setback zone 10-12 m is required by the DCP as exhibited. The intent is not to hide the new building but to create a transitional space and pedestrian scale which protects the setting of the heritage item.	No change recommended

	P9-47: Brush Box planting is inappropriate for this Area. Early photos show Queensland Firewheel trees (stenocarpus sinuatus)	Stenocarpus sinuatus is not an ideal or preferred street tree in Ku-ring-gai due to the irregularity of growth and ongoing maintenance and management issues. The brush box, which replaced the Queensland firewheel is well established and relative to the Queensland firewheel, the preferred street tree species.	No change recommended
	Bancroft Ave Conservation Area		
17 24	R3, R4, B2 opposite side of Lord Street and adjacent on west and south surrounds the Conservation Area which has been subdivided. These areas will need deep setbacks and tall tree plantings to screen and respect the conservation areas.	A setback zone 10-12 m is required by the DCP as exhibited. While canopy trees are not always feasible in the front setback in terms of solar access and other amenity considerations, a range of medium trees, small tress and shrubs are to be planted to ensure the vegetation softens the building form.	No change recommended
	P9-49(6): Planting of Brush Box in Bancroft Avenue is not in line with the heritage.	The brush box, which replaced the Queensland firewheel is well established and a preferred street tree species.	No change recommended
	Hill Street Shops		
17	These shops are an important landmark for Roseville, it is not clear what is proposed for their outcome.	Key Area R1 Hill Street Shops shows plans, sections and aerial views of the possible outcomes. There is also a Desired Future Character Statement that describes in words the potential outcome.	No change recommended
	The large out of scale development proposed behind the shops at Hill Street, Roseville is inappropriate.	The bulk and mass of buildings is largely determined by Building Height and Floor Space Ratio provisions in the LEP. The DCP is required to be consistent with the LEP. The DCP provides controls in Part 3 related to the design	Not relevant to the DCP
		of buildings to reduce bulk and ensure high quality design	
	15 Hill St should be included as a Character Building as it is a part of that contiguous group of facades. 7 and 9 Hill St are separate and downhill, and are therefore not as critical to include for continuity.	15 Hill Street is a small cottage setback more than 10 metres from the front boundary. While it may have some value it would be difficult to integrate it into the proposed built form. It would also be overly restrictive and not consistent with the LEP.	No change recommended
	The diagrams and the words that go with them do not always match. For example, Pg 2-92 states "additional levels are set back a minimum of 10m from the facade. Here lots have	Noted. Wording will be adjusted to clarify. The LEP defines building height in this area by restricting	Recommend amend DCP as follows: Base Design

	adequate depth and greater setback is provided": 'adequate setback' is too loose a term and leaves the scale and design outcome open ended. Rewording needs to clearly state numerical width of the taller rear buildings, with the building being tapered down in width to allow for a satisfactory setback.	building height to 3 storeys along Hill Street. The width of the taller buildings to the rear is controlled in Part 3A of the DCP – the maximum width is 18 metres	Principles Key Area R1 clarify upper level setback requirements
	Roseville Key Area R2		
8	Mandate the maximum number of levels of basement / semi- basement car-parking. "this as the maximum number of levels Indicative Section DD" on page 2-96	Parking for private development is controlled in Part 3A.26 Car Parking Provision. The number of basement parking levels will be determined by the number of parking spaces required, the size of the development, and the mix of uses. For this reason Section DD is indicative only.	No change recommended
		In terms of public parking under the Larkin Lane area Council has resolved to retain all existing public spaces and the DCP aims to further increase the amount of public parking. The final design and number of levels of the new basement parking in this area will be subject to detailed design	
	The meaning of the control "Provide vehicle access via Pacific Highway at the southern corner of the site" is not clear.	"Provide vehicle access via Pacific Highway at the southern corner of the site" refers to the access to the building between Pacific Highway and the railway line, as there is no available access from a rear lane or a side road. It is noted that this is not clear in the DCP	Recommend amend DCP as follows: • Controls Key Area R2 clarify access requirements for blocks east and west of the highway.
	How will people visiting the active retail facilities or living in the extensive residential (shop-top housing) be able to safely access the only available public transport i.e. the Roseville railway station on the other side of the Pacific Highway? Pedestrians often cross against the lights because of the length of time they have to wait before a green light. The increase in pedestrian traffic and frequency of use of this crossing as a result of the town centre development, and increasing use of the Pacific Highway will greatly increase the potential for	There are 2 traffic signal controlled pedestrian crossing facilities on Pacific Highway – 1 located outside the railway station entrance and the other at the intersection with Maclaurin Parade. These will continue to be the main pedestrian access points across Pacific Highway	No change recommended

	conflict between pedestrians and vehicles.		
proposed car park directly into the Pacific Highway. It is equally unlikely that other minor changes to sequencing of lights (discussed with Council traffic staff) or limited proposed road widening (detailed in the LEP) will address the traffic and safety related issues raised above. Him su		Access to the Larkin Lane car park would continue to be via Maclaurin Parade. Council has been in discussions with the RTA regarding short term improvements to access between Pacific Highway and Maclaurin Parade, and the proposed longer term improvements on Pacific Highway at Maclaurin Parade are expected to provide improvements to access and safety. The RTA has supported Council's proposal for road reservation widening on the western side of the Pacific Highway (south of Maclaurin Parade).	No change recommended, but Council continue to liaise with RTA regarding road improvements
		Access to the properties on the eastern side of the highway adjoining the railway will require RTA approval for access from the highway. The RTA will take into account the fact that sites have no other option for access as part of their assessment.	
	". Vehicles using the proposed parking will need to enter and exit the area via the junction of Maclaurin Parade with the Pacific Highway further exacerbating congestion at this intersection. As has been pointed out countless times in the past, this junction is the only safe / viable right hand turn exit into the Pacific Highway from the whole of this impermeable part of West Roseville.	See above	See above
	Pedestrian safety, vehicular congestion and the potential for traffic related accidents will be exacerbated by the proposed Town Centre development and high density residential developments currently underway in the area. The LEP and DCP need to acknowledge, address and adequately plan for these	See above	See above
	Area Between Larkin Lane & Larkin Street		
8 LEP	This area is not part of the Key Area R2, there are no controls in the Draft Town Centre DCP that relate directly to the residential site(s) between Larkin Lane and Larkin Street. It is, however, referenced in several diagrams in the Part 2F Roseville Town	Noted. The properties Nos.1-21 Larkin Street are not part of Key Area R2. This will be clarified in the final DCP. Development on these properties is controlled by Part 3C	Recommend amend DCP as follows: • Delete
	1 . c. c	Development on these properties is controlled by Part SC	• Detete

Centre of the Draft DCP.	and 4 of the DCP. There are no site specific controls. Part 3C-2 Clause 3 of the exhibited DCP refers to specific sites where reduced front setbacks are allowable. These properties are then referenced in Appendix 5 – Reduced Setback Maps (pA-32 of exhibited version of DCP).	references to all properties outside of Key Areas on all Base Design Principle Plans and Urban Design Excellence Plans.
The reduced set-back (of 3-6m) specified on the Public Benefit Plan fronting Larkin Street is inadequate, leading the way for other developments to have a minimal setbacks of only 3m. A greater setback should be mandated (10-12 metres) to plant significant vegetation and protect the amenity of existing residents on the lower side of Larkin Street and in Pockley Avenue	In order for the DCP not to constrain the development potential of these sites i.e., the FSR provisions in the LEP, reduced setbacks are required due to the proportions of the lots.	No change recommended
A larger landscaped set-back to the area along the Rifleway stairs / ramp to the north of this area would be in the public interest.	Development on these properties is controlled by Part 3C and 4 of the DCP. There are no site specific controls. This will be clarified in the final DCP	Recommend amend DCP as follows: • Delete references to all properties outside of Key Areas on all Base Design Principle Plans and Urban Design Excellence Plans.
What controls will guarantee the protection of the significant existing vegetation on this Larkin Lane and Larkin Street site, integrating it into any future residential development for this area.	The LEP will provide high level protection of ecologically significant trees and vegetation. Part 8 of the DCP provides controls and protection in relation to other significant trees and vegetation	No change recommended
Do other controls on the scale and bulk (massing) of high density residential redevelopment apply to area? If so are they adequate to protect the neighbourhood amenity from inappropriate overdevelopment such as the 8-12 Nola Road development If not what mechanism will be used to manage	The bulk and mass of buildings is largely determined by Building Height and Floor Space Ratio provisions in the LEP. The DCP is required to be consistent with the LEP. The DCP provides controls in Part 3C related to the	No change recommended

SUBMISSIONS SUMMARY ISSUES AND RECOMMENDATIONS **ROSEVILLE**

	and control appropriate transitional and sympathetic development in this area.	design of residential flat buildings to reduce bulk. Part 3 also provides controls to protect solar access and amenity of neighbouring properties.	
	Designated playground should be provided within an open space in this location.	Open space planning is a separate process to the DCP being undertaken by Council on an ongoing basis.	Not relevant to the DCP
		Council continues to collect development contributions from new developments for the purchase of land for open space.	

Summary of comments from Development & Regulation

DCP Section	Issue	Recommendation
Building separation (across Part 3)	Wording between sections inconsistent Recommend additional objective be included to address views between buildings	Amend for improved consistency Add recommended objective
Building setbacks Section 3C.2	The section doesn't flow well. Diagrams also required. The 9m to the fourth storey of any building on land within the R4 zone adjoining land zoned R2, R3 and E4 should be for the fourth storey and above.	Recommend that the section be reconfigured and diagrams added. It is recommended that the setback to adjoining lower density sites be amended as requested.
Private open space and room sizes (as it applies to all sections)	Please reference 'internal dimension' to all sections. There have been issues where walls and balcony depths have been previously included in calculations.	Recommend clarification as requested.
Common open space (as it applies to all sections)	The controls do not go far enough in distinguishing common open space and common recreation space (separate definitions?). Need to identify a principal area for communal recreational space and solar access provisions should apply to this area. Recommend a clause be added that, where existing significant trees/environmental features located to the side and rear of the site, these should be incorporated within the siting and design of the principle communal recreation space. Reason for this is to keep buildings away (and associated impacts) from significant trees Solar access provisions – 50% to the principal communal recreation space. The idea behind this is that the principle area is well designed and gains adequate solar access.	It is recommended that: new definitions of 'communal open space' and 'common area' be added; minimum dimensions for the principal and other areas of communal open space be included the minimum single deep soil area requirement be deleted, while allowing the communal open space area to include deep soil a control be added to seek the integration of natural features of the site within the communal open space solar access provisions for communal open space be incorporated.
Deep soil landscaping	Recommend small drainage pits <1sqm be excluded from Deep soil	It is recommended that the definition be amended as requested

Summary of comments from Development & Regulation

Definition &	landscaping, in the definition	
3C.4	tandscaping, in the definition	See Communal Open Space above.
		got communat open opace above.
	3C.4 Point 4 – The control is not clear	
	on what its purpose is. Recommend it	
	is included in communal recreation	
Top floor design	space. It is noted that the controls encourage	It is recommended that the control
3C.9	roof terrace or podium areas to be used	encouraging the top floor communal
	for active common open space.	space be deleted for residential flat
	Additional controls are required to deal	buildings and that an additional
	with overlooking impacts,	control be added to 3C.17 Visual
	noise/acoustic etc. Eg – accessible areas to be set back from the edge of	Privacy in relation to the provision of open space on the roof.
	building by 3m? with planter boxes or	open space on the root.
	roof form.	It is recommended that:
		• 3C.9 (1) (ii) be reworded as
		follows:
	The 60% top floor control (3C.9) in LEP	ii) For the purposes of this
	194 has resulted in many legal issues in	section, the top storey applies to the building as a whole and
	the determination of which floors or	does not apply to the top level
	sections of floors are referred to in the	of each part of a stepped
	control. This is still not adequately	building
	resolved in the exhibition draft. The	- that the diagram be amended
	diagram is still problematic.	 that the diagram be amended accordingly;
	Comment:	 a storey control be added to 3C;
	The following 3 options were	• controls be added to 3C.2, to
	considered:	ensure that there is a minimum
	1. the use of a 3m setback control to	side and rear setback of 9m to
	the top floor in conjunction with the 60% clause;	the fifth floor and above.
	2. the use of a 3m setback control to	
	the top floor on its own;	
	3. redefining the top storey, through	
	the controls and diagrams as only the very highest storey of the	
	building as a whole, rather than of a	
	stepped part of the building.	
	Option 1 would result in a top floor that	
	would not allow achievement of the FSR in the LEP for a standard building on a	
	standard site. This would be	
	inconsistent with the LEP and the EP&A	
	Act.	
	Option 2 would to improve certainty,	
	and would improve the outcome for a standard building in terms of reducing	
	_ standard building in terms of reducing	<u> </u>

	the apparent scale of the building. However, it would have the perverse outcome of encouraging deeper buildings to maximise floor area of the top storey, which would increase the apparent bulk and scale, and make it more difficult to achieve good solar access and ventilation requirements. Option 3 would continue to allow	
	flexibility in the location of the top storey and the extent of the setback, while limiting the overall footprint of the top storey. For stepped buildings, the 60% would now apply to the full storey below (not just the stepped area), potentially increasing its gross floor area. However, the additional storey previously permitted for sloping sites under LEP 194, is not included in this LEP, and the maximum height in the LEP would continue to limit this. In	
	addition it is recommended that a storey control be added to 3C to further support this. A control could also be added to building setbacks, to ensure that there is a minimum side and rear setback of 9m to the fifth floor and above, which would both support adequate building separation for privacy, as well as reducing the	
Late night venues	apparent bulk of the building. The DCP does not adequately deal with issues associated with restaurants, cafes, takeaway, night clubs etc and associated impacts to surrounding residential development.	It is recommended that this be addressed at the first review of the DCP.
	There should be a completely separate section included in the mix use development section to deal with these issues.	
Site coverage	3C.3 Point 2 – is not clear and confusing and requires re-writing	It is recommended that a diagram be added to clarify the control.
	Comment The difficulty here is that site coverage is defined in the LEP, and that has created the more cumbersome control.	
Building	The 36m building length control	It is recommended to add a further
facades	requires a further objective.	objective to support this control.

Summary of comments from Development & Regulation

Design Excellence 4.1	What is the purpose of Section 4.1? All development should have design excellence. Controls throughout the document require this.	It is recommended that this section be deleted.
Building services 4.15	These photos are not good examples. We do not want to encourage similar situations to the substation in front of the Gordon Post Office development.	It is recommended that the photos be deleted.
Waste Management 4.17	No guidelines are provided for the amount of space required for waste storage. Comment The controls require storage for a certain number of days, but do not advise how to calculate the amount of waste likely to be generated, to allow applicants to work out the required space allocation.	It is recommended that the appendix include the Waste Generation Rates included in DCP 40, as an appendix (A2.6), with references to this Appendix within the DCP as appropriate.
Building setbacks 3B.2	Setback on Council's new depot site not consistent with the site specific DCP.	It is recommended that DCP be amended so as to adopt the provisions and controls of DCP 52 which applies to the Suakin Street Depot site.

INTRODUCTION

This section applies to any development that is:

- i. on a Heritage Item listed under Schedule 5 Environmental Heritage within KLEP 2008;
- ii. in a Heritage Conservation Area (HCA) identified in KLEP 2008;
- iii. in the vicinity of a Heritage Item identified in KLEP 2008.

For any development within the above categories, a pre-DA meeting is required prior to lodgement of DA. Other supporting documentation, including a Statement of Heritage Impact or Heritage Conservation Management Plan, carried out by a qualified Heritage Consultant, may be required as part of the DA submission.

Applicants are advised to refer to:

- i. Council's DA Guide:
- ii. the Burra Charter: the Australia ICOMOS Charter for places of cultural significance 1999;
- iii. The Heritage Council's principles and practices of heritage conservation website. (www.heritage.nsw.gov.au)

The applications will be assessed within the terms and methodology of the Burra Charter, including the guidelines for heritage impact statements

To conserve items of historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

To enable the viable adaptive reuse of Heritage Items, and their integration into the physical, cultural and economic life of the area.

To encourage the restoration of Heritage Items.

To retain the significance of corner sites in defining the character of the area due to its high visibility and landmark values.

HERITAGE ITEMS

Alterations and Additions

- 1. The external building features of a Heritage Item (HI) are to be conserved where possible. The interior spaces and internal fabric of Heritage Items are to be retained where they are significant.
- 2. Additions to Heritage Items must include detailing, finishes and materials that are sympathetic to the item.
- 3. The scale of additions and alterations to a Heritage Item must respect the existing ridge and eave heights.
- 4. Extensions, alterations and additions must be located at the rear or side of the building to maintain the streetscape integrity.
- 5. Extensions must not visually dominate or compete with the original scale of the existing buildings to which they are added.
- 6. To ensure the conservation the Heritage Item, the adaptive reuse of an Item is possible. Substantial alteration of the Heritage Item is generally not supported and Council may refer the application to the NSW Heritage Branch prior to determination of the application (clarify if this is still the case).
- 7. Development involving adaptive reuse of a Heritage Item may require the preparation of a Heritage Conservation Management Plan (CMP) to guide

change.

- Any works to Heritage Items on corner lots must be limited to the rear of the building maintaining an appropriate address to the secondary street.
 Additions visible from a secondary street must not dominate the elevation to that street.
- On corner lots, landscaping is required to both street boundaries and a landscaping plan is required with the submission of a Development Application.
- 10. Gardens, garden structures, landscaping and vegetation associated with a Heritage Item are to be conserved.
- 11. Where subdivision of a heritage item is proposed, attention should be paid to recognise and retain evidence of the original and significant subdivision pattern, their setting and landscape elements.

Fencing

- 12. On corner lots, fencing to the secondary frontage must be a continuation and wrapping around of the primary frontage fencing to stop beyond with the building line of the primary facade, or at a point appropriate to the secondary street elevation.
- 13. Fencing to a Heritage Item must relate to the scale and period of the Heritage Item.
- 14. Secondary street fencing must be consistent with the design of the fence along the primary street frontage.

Car Parking

- 15. All car parking must be at least 1.5m behind the existing building line.
- **16.** Re-arrangement of vehicular access and car parking, must not dominate the principal elevations of Heritage Item.

To encourage the incorporation of Heritage Items into larger amalgamated development sites.

- To avoid isolation of Heritage Item.
- To retain key aspects of heritage significance and within a medium to high density development context.

To encourage the adaptive reuse of Heritage Item that are incorporated into new residential developments.

HERITAGE ITEM WITHIN AMALGAMATED DEVELOPMENT SITES

This part of the DCP sets out controls for situations that heritage items outside of HCAs have been zoned under KLEP 208 for medium to high density residential development.

An amalgamated development site is defined for the purposes of the DCP as the joining of a number of lots to form a single site for the purposes of development. Large amalgamations, for example more than four properties are encouraged where a Heritage Item is included.

- 1. Isolation of a Heritage Item site in the process of site amalgamation for new development will not be supported.
- 2. Amalgamated development sites that include Heritage Items are to provide for conservation works to the building and its setting as part of redevelopment.
- 3. Buildings, structure and garden settings must be retained and sensitively incorporated into development proposals.

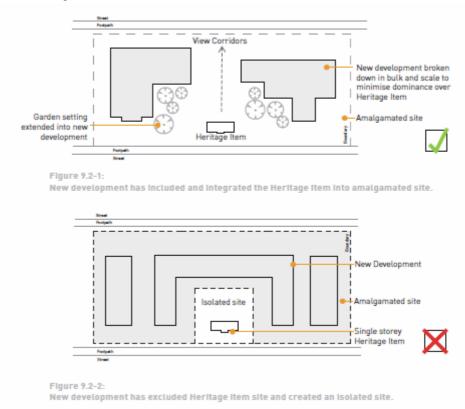
To ensure that car parking facilities do not have any adverse visual impact upon Heritage Items.

To retain and enhance the

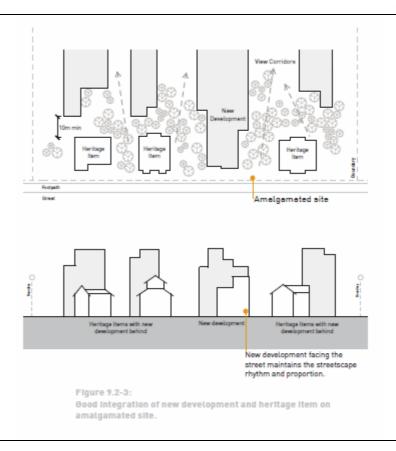
Item.

landscape and garden setting of the Heritage To achieve a setting which is consistent with the heritage significance of the item

- 4. Heritage Items within amalgamated development sites may be reused for commercial uses, common areas or community facilities.
- 5. Key views and view corridors to and from the Heritage Item shall be retained as part of the development. These will include views from the adjoining street to the Heritage Item and important views from the Item to locations off the site. Refer to Figure 9.3-2.



- 6. To respond to the significance of heritage items, articulation of new buildings to reflect the heritage context by careful design of building forms to achieve an appropriate transition in height, scale and bulk. Refer to Figure 9.2-3.
- 7. The view from oblique angles should be considered so as not to adversely affect the heritage item.
- 8. The way in which the new buildings form a backdrop to heritage items must be particularly considered especially to avoid large unrelieved surfaces.
- 9. Minimise lengths of new building in relation to Heritage Item.
- 10. Front setback of new building to be greater than Heritage Item.
- 11. The minimum distance between new development and Heritage Items on amalgamated sites must be 12 metres.



To ensure that new
development respects
the heritage significance
of the adjoining or
nearby Heritage Item.

To ensure that new development does not visually dominate a Heritage Item.

To ensure that new development does not reduce the views from or to the Heritage Item from the public realm.

To ensure that new
development does not
impact on the garden
setting of the Heritage
Item, particularly in
terms of overshadowing
the garden or causing
physical impacts on
important trees.

DEVELOPMENT IN THE VICINITY OF A HERITAGE ITEM

This part applies to development on sites that directly adjoin a heritage item or a within close proximity. This part applies to a situation where the heritage item is not incorporated into new development, as per Part 9.2, of this DCP.

Note: 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.

General

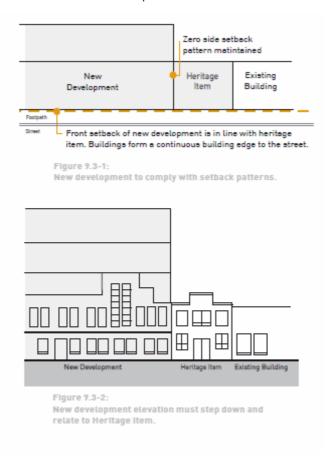
- 1. Development in the vicinity of a Heritage Item is to be sympathetic to the Heritage Item having regard to
 - i. form of the building including height, roofline, setbacks and building alignment;
 - ii. proportions including door and window openings, bays, floor to ceiling heights and coursing levels;
 - iii. materials and colours;
 - iv. siting and orientation;
 - v. setting and context;
 - vi. streetscape patterns.
- 2. An applicant's Statement of Environmental Effects or Heritage Impact Statement must discuss the effect that the proposed development will have on a Heritage Item, including its garden and setting.
- 3. Significant views to and from Heritage Items are to be protected.
- 4. Development in the vicinity of a Heritage Item must respect the curtilage and

- setting of that Item.
- An application for development in the vicinity of a Heritage Item must demonstrate that the construction process will not result in damage to the Heritage Item or its setting.

Urban / Commercial context

- 6. New development adjacent to, or in the vicinity of, a Heritage Item within an urban/or commercial setting such as an existing row of two storey shops must:
 - i. Keep a height consistent with the heritage item along the street frontage in order to maintain the existing street edge;
 - ii. Set back taller development in order to keep the traditional street scale and character along the street frontage;

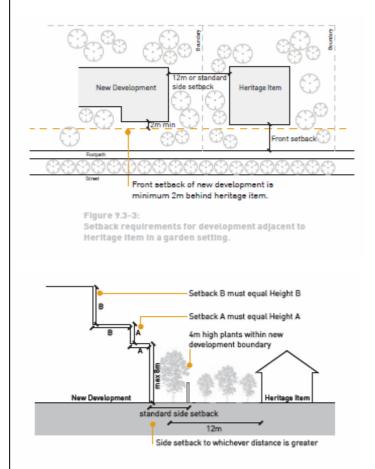
(Illustrate cross section to replace illustrations below)



Residential context

- 1. In addition to the side and rear setback controls in *Part 3 of this DCP*, new development adjacent to a Heritage Item must comply with the following:
 - i. must have a minimum 12m side setback to the Heritage Item (more if side setback requirements are not met within the 12m) as per Figure 9.3-3;
 - ii. must not exceed a facade height of 8m from existing ground level;
 - iii. any building mass above 8m high from existing ground level must be stepped back from the Heritage Item in proportion to its height as in Figure 9.3-3;

- iv. front setbacks must be at least 2.0m more than the front setback of the adjoining heritage item;
- v. any new development must have a maximum 36m wall length to any boundary.
- 2. Screen planting on side and rear boundaries adjoining a Heritage Item site is to achieve a mature height of 4m.
- 3. Front and side fences are to be no higher than the fence of the adjoining Heritage Item. Front fences must be open and transparent such a timber picket, metal palisade. Side fences are to be timber. No metal panel fencing is to be constructed on any Heritage Item boundary.



Setback B must equal Height B
Setback A must equal Height A
4m high plants within new
development boundary

Side setback to whichever distance is greater

standard side setback

Figure 9.3-4: Setback requirements for development adjacent to Heritage Item in a garden setting.

New Develop

identified historic and aesthetic character of the Heritage Conservation Area in which it is situated.

- To ensure new
 development respects
 the character of, and
 minimises the visual
 impact upon the
 Heritage Conservation
 Area and its
 streetscapes through
 appropriate design and
 siting.
- To preserve the historical development of styles and patterns of Town Centre Heritage Conservation Areas.
- To ensure that original building elements are retained and where new elements occur that the design is clearly related to the proportions, placement and scale of patterns of the existing HCA.
- To provide an appropriate visual setting for Heritage Items and buildings within Heritage conservation areas.
- To maintain and enhance the existing heritage character of the streetscape and the precinct.
- To ensure that new development respects the established patterns in the streetscape,

This part applies to new single residential dwellings within a Heritage Conservation Area (HCA) listed under the KLEP 2008.

Streetscape

- 1. In addition to the following HCA controls, specific controls for each HCA within Section 9.6 must be complied with.
- 2. Existing building alignments and building setbacks to street and side boundaries must be maintained.
- Development in a HCA must respect the predominant architectural character
 of the HCA and be designed with reference to elements such as massing, style,
 complexity, roof pitch, proportions of window/door openings, and external
 materials and colours.
- 4. Scale and massing of new buildings must respect and enhance the scale and character of adjacent or nearby development within the HCA. Façades must be varied / modulated to break down the scale of new development.
- 5. The form and outline of new development must respect the complexity and patterns of predominant roof shapes and skylines of the particular HCA in which it is located. For example, complex arrangements of hips and gables are suitable in a predominantly Federation period HCA; while hips, gables or parapet roofs are suitable for a predominantly Inter-War period HCA.
- 6. Buildings must be well articulated and avoid long continuous facades facing the street. Facades are to be broken up into distinct sections with openings in walls arranged so that their shape and size reflect the rhythm of neighbouring buildings.

Design Elements

- 7. New buildings are to incorporate, building materials and techniques which are sympathetic to the predominant character of the HCA. Traditional styles must be used as a point of reference on which to base the characteristics of the new design.
- 8. contemporary designs and materials re permitted where the detailing, proportions, texture and colour range blend with the existing character of the precinct.
- New work and extensions in the HCA must have a complexity of detail that is similar to, and complements that of, surrounding Heritage Items and the character of the HCA.
- 10. New work should use external finishes, colours and textures which compliment the HCA, rather than mimic detailing and design elements.
- 11. New development must be of a high design standard.

Setting and Setbacks

- 12. No new structures are to be built forward of the established street building line. Where variations in setbacks exist, the larger setback will apply.
- 13. The established landscape character of the locality, including height of canopy

including setbacks, siting, landscaped settings, car parking and fencing.

To retain the characteristic

scale and massing of

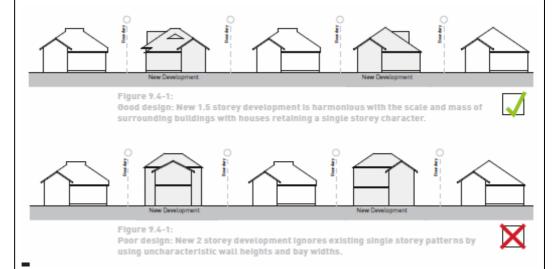
Items within the HCA.

significant building and roof forms of Heritage

- and density of boundary landscape plantings, is to be retained in any new development.
- 14. Landscape settings to streetscapes within the HCA must be maintained. 70% of front setbacks within HCA must be deep soil landscaping.
- 15. Where there is a uniform building setback from streets, new buildings must respect the established pattern and not be located forward of adjacent buildings.
- 16. New buildings must not be orientated across sites contrary to the established alignment pattern.

Scale and Heights

- 17. The scale (including height, bulk, density and number of storeys) of new development must relate to the scale of adjacent buildings within the HCA.
- 18. In conservation areas characterised by single storey dwelling, second storey additions must be contained within the roof area and roof line. Dormer windows on street elevation are to be of an appropriate design and scale.
- 19. New work and extensions must respect the proportions of building elements and fenestration.
- 20. New buildings and extensions should have a similar massing, form and arrangement of parts to existing buildings of heritage significance in the HCA.



To retain the characteristic scale and massing of roof forms within the Conservation Area.

Roofs

- 21. New buildings must have roofs that reflect the size, shape, pitch, eaves and ridge heights, and bulk of existing roofs in the locality.
- 22. Roofs of extensions are to match the existing roof in form, pitch and eaves, and be in proportion with the existing building.
- 23. Attic rooms are to use existing roof forms and retain the streetscape appearance of the existing building.
- 24. Roof elements such as dormers and skylights on the street elevation must not be visually dominant of an appropriate design and scale and must be kept below the ridge line.
- 25. Skylights and solar panels must not be used on the street facing plane of roofs.

- 26. Existing chimneys are to be retained. Structures attached to the exterior roof must not be located where visible on the principal elevations of buildings.
- 27. Where parapet roof lines are proposed, they must be broken down into a series of lines against the skyline. Continuous, single parapets / lines are not supported.
- 28. New or replacement roof materials are to match existing materials, or approved alternative materials appropriate to the style and location in which they are to be used. Suitable materials may include: glazed and unglazed terracotta Marseilles tiles, shingles, concrete tiles.

Facades

- 29. Retain building finishes and detail, including face brickwork. Removal of paint from face brickwork is encouraged.
- 30. Rendered or painted finishes are to be avoided and must only be used as building highlights. Facades must be predominantly face brickwork.
- 31. Flat glazed facades will not be supported.
- 32. Alteration of the form and materials of Heritage Item and Character Item principal elevations are not permitted.
- 33. In altering existing buildings, original sunhoods, blinds, awnings and skirts to principal elevations are to be retained and repaired. Authentic construction or reconstruction is supported in accordance with the Burra Charter Principles.
- 34. In altering existing buildings, original verandahs are to be retained and restored. Infilling of verandahs is not encouraged. Additional verandahs must not compete with the importance of the original built form and must be simple in design and based on existing detail or an understanding of appropriate designs for each period or style.
- 35. Matching materials are to be used in repairing the fabric of external surfaces. New development is to use materials similar to or compatible with that of original buildings in the locality. In the case of new face brickwork, the colour and texture of the brick, the type of jointing, and mortar colour should be carefully matched. Original unpainted brickwork, sandstone and blockwork must not be rendered or painted.
- 36. New buildings and additions in HCA should employ colour schemes which do not detract from traditional colour schemes in the locality. Recessive colours and traditional materials are the preferred option.

Doors and Windows

- 37. Retain and repair / restore original doors and windows to principal elevations of significant building within the HCA. Authentic reconstruction is encouraged. Conserve original leadlight and coloured glass panes.
- 38. New doors and windows in additions are to be compatible with the proportions, position, size and detailing of existing doors and windows.
- 39. Doors and windows in new buildings are to be compatible with the proportions, position and size of those typical of the locality.

To ensure that the selection of materials and colours is based on an understanding of the finishes predominant within the HCA.

To ensure the rhythm and proportions prevalent across the are preserved.



Fences

- 40. Retain original front fences and reinstate front fences in appropriate period detail and dimensions. . Evidence of missing former fences should be sought to inform new design.
- 41. Where no historical evidence exists, front fencing (including side fencing forward of building line) must be of materials and scale characteristic of the locality and particularly of the street. Fences should retain the traditional views of buildings from the public domain. Generally, fence types may include
 - i. Masonry fencing;
 - ii. Open fencing (such as picket or palisade);
 - iii. Hedging;
 - iv. Timber paling fencing on side boundary, behind the building line.
- 43. Existing unsympathetic fences, gates and walls are to be removed and replaced by elements of appropriate heights, style and fabric that complement the character of the HCA.
- 44. Where properties adjoin main roads or a rail corridor, acoustic fencing may be considered. (Check that this statement can be deleted. Are there other ways to deal with this issue e.g. trees, landscape and other ways of addressing acoustic problems)



To provide fencing that reinstates the original form of fencing, that is consistent with and does not detract from the established patterns of the street.

Garden structures and outbuildings

- 45. Significant outbuildings which form part of a significant item must be retained.
- 46. No structure including pools, pergolas, gazebos, lychgates, sheds, stores, cabanas are to be located within the front setback.
- 47. In considering any application for permission to erect a outbuilding or structure, Council will consider:
 - i. the location of the proposed structure in relation to the principal building, boundaries and other details of the site;
 - ii. the proposed form, scale, materials and colours of the structure; in this regard colours and materials should be recessive, and height should not exceed 2.2m;
 - iii. the relative prominence and visibility of the proposed structure from the street frontage or frontages of the site and
 - iv. neighbouring properties, and the need for landscaping such as screening or planting to ensure that the proposed structure is well integrated.
- 48. The scale of an outbuilding is to be subservient to the main house.

Paving and Driveways

- 49. Maximum width of a driveway at street frontage is to be 3.5m.
- 50. Rear lane or side entry access is to be utilised where rear and side lanes are in existence.
- 51. Driveways must be located to side boundaries and not central to the site.
- 52. .Materials for paving or pathways may include tessellated tiles for Federation styles, sandstone flagging for Inter War styles, or suitably textured and coloured finishes. Plain or stencilled concrete is not acceptable.
- i. Preferred materials for driveways include concrete wheel strips, brick paving, gravel or asphalt.
- ii. Plain or stencilled concrete is not acceptable. iii. Street crossing driveway paving in conservation areas should be traditional for consistency e.g. concrete.
- 53. Hard surfaces are to be kept to a minimum. 70% of the area forward of the building line is to be deep soil landscaping.
- 54. Screening of hard surfaced areas with vegetation is encouraged.

Car Parking

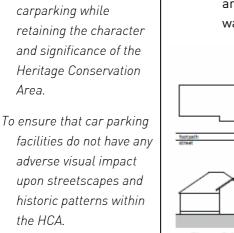
- 55. No garages or carports are permitted forward of the building line facing the street.
- 56. Development must not prevent future carports or garages behind the building line.
- 57. Garages and carports are to be located 1.5m minimum behind the front building line and preferably to the rear of the main building. Garage doors and

To ensure that garden structures and outbuildings do not detract from the heritage significance of the Heritage Item or the HCA through inappropriate siting or excessive scale, bulk or visibility.

To ensure streetscape within the HCAs are characterised by front gardens with substantial deep soil landscaping and minimum hard surfaces.

structures are to be recessed behind the façade to create a shadow line.

- 58. Double garage doors must be constructed as 2 separate doors.
- 59. Garages and carports are to occupy no more than 20% of street frontages with car parking structures being diminutive in scale in relation to the residence.
- 60. Materials, form, and details of car parking structures are to harmonise with and be subservient to the residence. A similarity in colour of garage doors and wall surfaces that reduce impact to street is favoured.



To ensure that garages, carports and driveways are visually discreet.

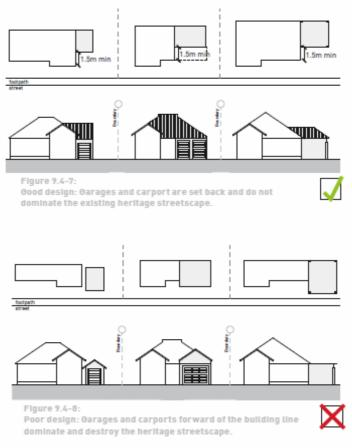
adverse visual impact

To allow for on site

Area.

the HCA.

carparking while



Subdivision and Site Amalgamation for new development

- 62. 61. Where subdivision of a heritage item is proposed, attention should be paid to recognise and retain evidence of the original and significant subdivision pattern, their setting and landscape elements. Where secondary dwellings patterns are proposed within the HCA, applicants must demonstrate that:
 - i. the rhythm of buildings in the streetscape of the HCA is retained;
 - ii. vistas and views to and of any Heritage Items, Character Items and significant buildings, especially the principal elevations of buildings, are not interrupted or obscured;
 - iii. the landscape quality of the streetscape in the HCA is retained;
 - iv. the setting of any Heritage Item and a satisfactory curtilage, including important structure and landscape elements, are retained;
 - v. the contours and any natural features of the site have been retained and respected;

To retain the development and subdivision pattern of conservation areas including their characteristic rhythm

and built form spacing.

To ensure that infill
development achieves a
sympathetic
relationship with nearby
Heritage Items and
Character Items within
the HCA

To ensure that infill development respects the established streetscape, and the patterns of development.

To conserve the significance and character of the Heritage Conservation Areas.

Infill Development

- 63. Infill can be contemporary in design. However, the scale, form and detail of the infill must not detract from the scale, form, unity, cohesion and predominant character of the building and streetscape elements around it.
- 64. Infill development must not visually dominate, compete with or be incompatible with the scale (size, height and bulk) of existing buildings either on the site or in the vicinity of the proposal.
- 65. Infill development in the HCA must be sited to correspond with the existing pattern of relationships between buildings and their sites. Front boundary setbacks are to be equivalent to those of neighbouring buildings. Side setbacks must be consistent with existing patterns.
- 66. Infill design must be integrated into the established character of the HCA and, must incorporate design elements such as the characteristic roof form, massing, facade heights, proportions of windows, doors and verandahs of adjoining Heritage Items or Character Items.
- 67. Infill design must not visually dominate, compete with or be incompatible with the form of existing buildings that contribute to the streetscape.
- 68. New development must use materials and colours commonly found in the surrounding area.

Demolition

- 69. Demolition of whole buildings within the HCA is not supported.
- 70. In considering applications for partial demolition of buildings or structures that occupy sites within Heritage Conservation Areas, Council will assess:
 - the significance of the building part or structure, including its contribution to the streetscape, and whether its retention is considered necessary;
 - ii. the opportunities for adaptation;
 - iii. whether the building or structure is structurally unsound and constitutes a danger to its users or occupiers or to the public (applicant must provide an engineer's report);
- 71. Council may require reconstruction following any unauthorised removal of detail or important elements that contribute to the character of the HCA.

Trees and Vegetation

- 72. Developments must maintain and establish gardens including substantial trees and shrubs.
- 73. Paving and hard surfacing, particularly to front gardens is to be limited; gardens including substantial trees and shrubs are to be established along street elevations; front gardens within the HCA must have minimum 70% deep soil landscaping.
- 74. Tree works on a heritage site, or within a heritage conservation area requires DA approval except where the works involve
 - i. The removal of dead branches;

To preserve the setting and historical landscape elements within Heritage Conservation Areas and Heritage Item sites.

To conserve landscaped settings for Heritage Items and components of Conservation Areas.

- ii. Minor seasonal maintenance of garden vegetation other than trees, such as pruning hedges, roses, perennials and small trees where branches pruned are not more than 50mm in diameter (pruning must be consistent with the Australian Standard for Pruning of Amenity Trees, AS 4373 (2007));
- iii. Removing and replacing dead vegetation;
- iv. Mowing grassed areas.
- 75. Proposed alterations to or removal of a tree or other vegetation will only be considered by Council where it is satisfied that the work:
 - i. is of a minor nature and will not impact or alter the setting of any Heritage Item within the vicinity;
 - ii. does not detract from the HCA character;
 - iii. is a risk to human life or property (a report by an arborist with a minimum qualification of Australian Qualification Standard (AQF) level 5 must be submitted to Council).
- 76. Provide landscape screening and softening to buildings throughout the Heritage Conservation Area.
- 77. Maintain and enhance street tree planting, throughout the Heritage Conservation Area.
- 78. Street verges should retain traditional character, plantings and materials.
- 79. Ensure a landscape buffer on adjacent sites outside the Heritage Conservation Area.

Note: For further information refer to Part 8 of this DCP.

Draft Ku-ring-gai Development Control Plan (Town Centres) 2009 Comments from the Heritage Reference Committee

Section 9 Heritage and conservation area controls

Clause No.	Comments	Response	Recommendations
	Introduction For any works on a	Agree.	Amend the introduction to Section
	heritage item which require a development application, a heritage impact statement should be provided and a conservation management plan may be required.		"For any development within the above categories, a pre-DA meeting is required prior to lodgement of DA. For any works on a heritage item which require a DA, a heritage impact statement is required and a conservation management plan may be required. Heritage impact statements and conservation management plans must be completed by a qualified heritage consultant."
	Heritage Items		
10	In addition to retaining landscaping, vegetation and garden structures associated with a heritage item, traditional garden designs should be reinstated where possible.	Where a traditional garden still exists or evidence of the traditional garden is available, and the garden contributes to the cultural significance, then it should be encouraged for that portion of the garden visible from the street to be retained or reinstated.	No change recommended however a list of preferred traditional and native plant species should be made available on the Council website.
11	Instead of the subdivision of the heritage item being unsupported, where a subdivision is proposed, attention should be paid to recognise and retain evidence of the original and significant subdivision pattern, their setting and landscape elements.	Subdivision which increases residential density is a desirable outcome in the Ku-ring-gai Town Centres. The protection of Ku-ring-gai's heritage is also a desirable long term objective. In granting any development consent, including subdivision, consideration must be given to the extent the proposed development would affect the cultural significance of the heritage item.	Amend Section 9 - Heritage Items cl.11 to read: "Subdivision of a heritage item will only be supported where: i) evidence of the original and significant setting, landscape and subdivision pattern can be recognised and/or retained; and ii) the subdivision does not adversely affect the cultural significance of the heritage item."
	Amalgamated development sites		
2	Ensure provision is	Under Division 5 of the	No change recommended.

	made for the ongoing maintenance of the heritage item.	Heritage Act, minimum standards of maintenance and repair may be imposed on the owners of an item listed on the SHR to prevent demolition or significant damage by neglect. This does not apply to locally listed items. It can be a condition of development consent for the ongoing maintenance of the heritage item.	
4	A proposal for change of use should have minimal impact on the significance of the heritage item and changes should be reversible. Any internal changes should not compromise the significant external appearance. Alterations and/or additions should not obscure the understanding of the buildings significant use should be interpreted. The new use should be consistent with an adopted CMP.	It is agreed that any change of use should respect the cultural significance of the item and be the subject of a heritage impact statement.	Amend Section 9 – Amalgamated sites - clause 4 to read: "The adaptive reuse of heritage items within amalgamated sites is supported where: i. the new use does not detract from the cultural significance of the heritage item. Such uses could include commercial uses, common areas or community facilities. ii. the benefits obtained from the new use can be demonstrably applied towards the conservation of the heritage item."
7	Considerations for an appropriate response to context should be further explained, i.e. careful design of building forms to achieve an appropriate transition in height, bulk and scale. Maintaining an	Agreed. The transitional role of the building articulation needs to be further explained. This ties in with Fig. 9.2-3 which needs to be altered. The existing clause refers	Amend Section 9 – Amalgamated sites cl. 6 to read: "To respond to the significance of heritage items in amalgamated sites new buildings are to be articulated to achieve an appropriate transition in height, bulk and scale." Amend Figure 9.2-3. No change recommended.
	appropriate setting for the heritage item should include views from oblique angles.	to views to and from the existing heritage item. This is all views and does not exclude oblique views.	
8	Where new buildings create a backdrop to heritage items,	This is already considered in Part 3.	No change recommended.

on amalgamated sites must m."
d section 9 – Development vicinity of a heritage item e 6 to read: development adjacent to, or vicinity of a heritage item an urban or commercial g such as an existing row of torey shops must: in the existing cteristics of the street ling the setback, height and m of facades, and is to be athetic to the materials and ing of the earlier facades. The ean appropriate street ck of higher levels to retain estrian building scale. The estback of these higher is to be consistent with bouring new development to be a cohesive upper leveling line." The end of the earlier facades and ing of the earlier facades. The estback of these higher is to be consistent with bouring new development to be a cohesive upper leveling line." The end of the earlier facades and ing of the earlier facades. The estback of these higher is to be consistent with bouring new development to be a cohesive upper leveling line." The end of the earlier facades and it is to be consistent with bouring new development to be a cohesive upper leveling line." The end of the earlier facades and it is to be consistent with bouring new development to be a cohesive upper leveling line."

	item's significance. Careful design of the building forms is required to achieve an appropriate transition in height. Figure 9.3-2 requires another cross sectional diagram to reinforce the need for an appropriate set back for higher development but definitely not a ziggurat form. The issue of set back for levels greater than the traditional two storey commercial character should be further investigated. For those town centres impacted by the presence of heritage items, specific site analysis including possible building envelopes that comply with the draft LEP requirements should be developed.	the cultural significance of the heritage item. 9.3-2 should be replaced with a cross sectional diagram.	
	Heritage conservation		
7 8	areas The use of the word modern to describe design and materials should be avoided. Use contemporary instead.	Agreed. Modern can also be attributed to the Modernist Architecture and the word contemporary better reflects the use of common materials from the current time.	Amend section 9 – Heritage Conservation Areas clause 7 to read: "New buildings are to incorporate recognisable architectural cues such as massing, proportions, detailing and coursing lines, materials and finishes, which are sympathetic to and complement the predominant character of the HCA." Amend section 9 – Heritage Conservation Areas clause 8 to read: "Contemporary materials are permitted where the detailing, proportions, texture and colour range blend with the existing character of the precinct."

12	The clause requiring a curtilage assessment for proposed subdivisions in HCAs should be deleted.	Agreed. Subdivision is dealt with in clause 61.	Amend section 9 – Heritage Conservation Areas and remove clause 12: "All applications for subdivision of sites within the HCA must provide a Curtilage Assessment as part of the Heritage Impact Statement. Particular emphasis must be placed on the impact of subdivision on garden settings."
17	Infill development should not obscure views to and from places within the heritage conservation area.	It is agreed that significant views should be protected. This includes those parts of a building which contribute to the cultural significance. For example a traditional front garden and the front façade of an interwar home.	Amend section 9 – Heritage Conservation Areas and insert clause: "The design of infill development should ensure that significant views to and from places within the heritage conservation area are retained."
25	Solar panels should not be placed on the street facing plane of roofs.	Agreed.	Amend section 9 – Heritage Conservation Areas – clause 25 to read: "Skylights and solar panels must not be used on the street facing plane of roofs."
41 42	For fences in HCAs do not specify an exact height. Instead, original fences should be retained; reconstructed fences should be informed by historic evidence; and new fences responsive to the heritage context.	Agreed. Specifying an exact height may result in a fence that is not responsive to its context.	Amend section 9 – Heritage Conservation Areas – clauses 40 – 42 to read: "40. Retain original front fences. 41. Reconstruction of lost fences to their early design and detail is encouraged. Reconstruction is only appropriate where historic evidence exists such as photographs and descriptions. 42. Front fencing (including side fencing forward of building line) must be of materials and scale characteristic of the HCA and particularly of the street. Fences should retain traditional views of the building from the public domain."
44	If permissible, recommend removing the clause regarding acoustic fencing.	Agreed.	Amend section 9 – Heritage Conservation Areas and remove clause 44: "Where properties adjoin main

			roads or a rail corridor, acoustic fencing may be considered."
61	Rather than not supporting a subdivision, a proposed subdivision should recognise and retain evidence of the original and significant subdivision pattern, setting and landscape.	A subdivision may be supported if it does not detract from the cultural significance of the Heritage Conservation Area	Amend section 9 – Heritage Conservation Areas – clause 61 to read: "A subdivision will only be considered when the proposed subdivision: i. will not adversely affect the significance of the HCA. ii. will not result in a development which will adversely affect the significance, character or appearance of the HCA."
69	Demolition is only supported if the building is a detracting item.	It is agreed that there should be some latitude for removing detracting items within the HCA.	Amend section 9 – Heritage Conservation Areas – clause 69 to read: "Demolition of whole buildings within the HCA is generally not supported unless the building is shown to be a detracting item."
77 78	In addition to maintaining and enhancing the street tree planting, street verges should retain their traditional character, plantings and materials.	Agreed. Where traditional plantings do not create a public hazard they should be encouraged.	Amend section 9 – Heritage Conservation Areas – addition clause to read: "Street verges should retain traditional character, plantings and materials."
	Where R3 zones are in HCAs the third storey should be included within the attic space to ensure a flat roof is avoided.	The requirements for residential flats to define a base, middle and a top, and have a positive response to solar access reduces, the likelihood of a flat roof. Any new building within an HCA should also be responsive to the heritage context and again, this reduces the likelihood of a flat roof.	No change recommended.

Part	Title	Clause	Amendment	Reason
	 Development 	Control Plan		
1B	Definitions			
		p 1-14	Deleted definitions for 'complying development' and 'exempt development'	Defined through the EP&A Act
		p 1-15	Deleted definition for 'green lease'	The DCP controls no longer refer to a green lease
			Inserted definition for 'riparian land'	To address the removal of the definition from the LEP.
			Inserted definition for 'regionally significant species, populations and habitat'	As these are mentioned in the LEP and DCP.
			Inserted definition for 'threatened ecological community.'	To allow the term to be used to cover a range of listing categories.
			Amended definition for 'blank wall'	To avoid duplication with DCP controls
			Replaced 'common open space' definition to 'communal open space'.	
			Inserted definition for 'common area'	
			Deleted the definition for 'vegetation and habitat corridor'	
	– Urban Structu	re and Key A	Area Controls	
Genera	al Amendments			
			Include an introduction to Part 2 to describe hierarchy of provisions.	To describe the four broad components to Part 2 of the DCP and to clarify the performance based nature of Part 2.
			Amended Base design principles to include only building and development type provisions.	
			Key public infrastructure – new category inserted separate from Base design principles.	To clearly identify the work proposed to be publicly funded by development contribution or Voluntary Planning Agreement.
			Urban Design Excellence – name changed to be consistent with KLEP 2009 and any work funded by development contributions or Voluntary Planning Agreements deleted.	Principles modified to describe only work that is located within the development site and is privately funded.
			Modified development controls to clarify where land resulting from a building setback is to be dedicated to Council.	Amendment to ensure consistency with draft Ku-ringgai Contributions Plan 2009.
			 Clarified the proposed facilities and infrastructure to be funded by Council and those to be funded privately as part of redevelopment. Included commentary within design controls that clearly describes the relationship between building setbacks and land dedication. Aerial Photographs incorporated behind structure diagrams. 	Key area S1 Indicative Base Plan has been amended to ensure consistency with gazetted LEP and to address issues raised in public submissions.

Part	Title	Clause	Amendment	Reason
Part 2	4 – St Ives Town	Centre		
2A.	Key Area S1 – S	Ct lyac Chan	ning Villago	
2.1	Base Design Principles	p 2-8	Amend as follows: Deleted the proposed intersection location and show only on Structure Plan Added note to indicate the final location of the intersection will be determined when a development application is lodged in consultation with the RTA. Vehicle and pedestrian entry arrows	Key area S1 Indicative Base Plan has been amended to ensure consistency with gazetted LEP and to address issues raised in public submissions.
			 deleted Removed supermarket graphic Removed proposed community facility from private land and locate on public land Indicated arcade with reduced width and potential for glass (or similar roof) allowing natural light Indicated a location for a new town square that is wholly on Council land 4 metre upper level building setback from podium to residential buildings along Village Green Parade 	
	Public Benefit Plan	p 2-9	Amend as follows: • Amended width of proposed pedestrian street to be laneway width of 5-7 metres • Remove 3 metre setback and provide performance measure on Mona Vale Road eg provide additional setbacks for tree planting outside awning area.	Key area S1 Indicative Base Plan has been amended to ensure consistency with gazetted LEP and to address issues raised in public submissions.
	Building Setback controls	p 2-10	Inserted new control: • 4 metre setback from retail podium to upper residential levels.	Amended to address issues raised in public submissions.
	Building Height controls	p 2-10	Changed six (6) storeys to five (5) storeys along Mona Vale road	Key area S1 Indicative Base Plan has been amended to ensure consistency with gazetted LEP
	Access controls	p 2-10	Inclusion of Durham Avenue	Minor change based on staff review
2A. 2.2	Key Area S2: S	tanley Stree	t Shops	
	Building Setback controls	P 2-14	Inserted new control regarding minimum setbacks in Key Area S1 Plan: • Variable rear setbacks for the properties 213-237 Mona Vale Road to provide a 8 metre right-of-way as indicated on Key Area S1 Plan	Additional text to describe plan. No change of content.
Part 2	B – Turramurra	Town Centre	9	
2B.1	Turramurra Ur	ban Structu	re	
	Future Urban Structure	p 2-16	Inserted new description related to increase in commercial space: 30% Deleted description: 130%	Amendment based on staff review to ensure consistency with gazetted LEP

Part	Title	Clause	Amendment	Reason
2B.	Key Area T1: R	ay Street Re	tail Area	
2.1	Character statement and objectives	p 2-23	Amended DCP as follows: • Deleted all references to Railway Gardens in the DCP	Amended to address issues raised in public submissions.
	Building Setback controls	p 2-22	Inserted new controls and amended controls: • regarding the building setbacks required for Key Area T1 with clarification of FSR being transferable from setback area and land is to be dedicated to Council at no cost.	Key area S1 Indicative Base Plan has been amended to ensure consistency with gazetted LEP and Ku-ring-gai Consolidated Contributions Plan
	Building Height controls	p 2-22	 Deleted following controls: The maximum building height is eight (8) Storeys for Key Area T1 Buildings exceeding three (3) storeys are to be setback a minimum of 10 metres from the edge of the town square 	Amendment based on staff review to ensure consistency with gazetted LEP and base design principles
	Access controls	p 2-22	Inserted new controls: • Vehicle access to car parking and service/loading is areas will be restricted to Forbes Lane and Ray Street as indicated on Key Area T1 Plan. • No vehicle access is permissible from building frontage along the edge of the proposed town square	Minor rewording
2B. 2.2	Key Area T2: R	ohini Street		
	Objectives	p 2-23	Inserted new objectives: To reduce the impact of through traffic on Rohini Street and improve pedestrian amenity and safety	Amendment based on staff review
	Base Design Principles	p 2-24	 Amended DCP Key Area T2 base design principles as follows: Removed section which refers to Council owned car park to reduce confusion about what is included in the T2 Key Area. Inserted statement under development controls to state that FSR is transferable from the setback area. Principle stating retention of character building facades rather than the whole building. 	Amended to ensure consistency with gazetted LEP and to address issues raised in public submissions.
	Public Benefit Principles	p 2-25	Include heritage controls as public benefit principles	
	Controls	p 2-26	Insert new controls regarding requirements of minimum setbacks for Key Area T2.	Amended to ensure consistency with gazetted LEP and Ku-ringgai Consolidated Contributions Plan
2B. 2.3	Key Area T3: K	issing Point	Road Retail Area	
2.0	Objectives	p2-27	Deleted control regards to adhering to AS3959	Transferred from objectives to controls. No change in content.

Part	Title	Clause	Amendment	Reason
	Building Setbacks	p 2-30	 Inserted following new controls: Buildings exceeding six (6) stories in height shall be located along the southern side of the site fronting "Stonex Street." Deleted following controls: The maximum building height is eight (8) storeys for T3 	Amended to ensure consistency with gazetted LEP
Part 2	C – Pymble Tow	n Centre		
No	o significant cha	nges		
	D – Gordon Tow			
2D. 2.1	Key Area G1: F	Retail Core (V	Vest Side)	
	Base Design Principles	p 2-50	Amended Base Design Principles as follows: • Revised priority residential zone • Inserted principle to provide building setbacks on St Johns Avenue	Amended priority residential zone to reflect likely development pattern in base case ie smaller sites incremental development requires block edge type development.
				Principle amended to ensure consistency with gazetted LEP and Ku-ring-gai Consolidated Contributions Plan
	Public Benefit Principles	p 2-51	 Amend Public Benefit Principles as follows: Insert principle to change orientation of buildings to get maximum public benefits. Amend principle to provide 10m wide street between Dumaresq Street and Moree Street. 	Included new principle to encourage amalgamation of sites and alternative configuration of buildings as part of Design Excellence. New street included as urban design excellence outcome as not proposed to be funded Kuring-gai Consolidated Contributions Plan
2D.	Key Area G2: F	Retail Core (E	ast Side)	
2.2	Controls	p 2-56	Amend controls as follows: Inserted new control requiring a 2m setback to various properties on St Johns Avenue. Insert statement under development controls to state that FSR is transferable from the setback area.	Controls amended to ensure consistency Ku-ring-gai Consolidated Contributions Plan
2D.	Key Area G3: 0	Civic Hub	<u>I</u>	<u> </u>
2.3	Character Statement and objectives	p 2-57	Amend character statement and objectives to be less prescriptive of future uses	Statements amended to ensure consistency with other similar parts of DCP

Part	Title	Clause	Amendment	Reason
	Base Design	2-58	Amend base design principles to include only	Amended to ensure consistency
	Principles		building and development type provisions.	with other similar parts of DCP
			Principles relating to uses deleted	
	Public	p 2-59	Amend public benefit principles to be less	Amended to ensure consistency
	Benefit		prescriptive in relation to future uses. Include	with other similar parts of DCP
	Principles		heritage principles	
	Controls	p 2-60	Amend controls to reflect changes to base design principles	Amended to ensure consistency with other similar parts of DCP
2D. 2.4	Key Area G4: M	lixed Use		
	Base Design Principles	p 2-62	 Amended as follows: Delete statement regarding maximum building length. Insert principle to describe uses fronting Fitzsimons Lane amended to be consistent with Clause 6.2 of the LEP Insert objective to provide new pedestrian access ways between Pacific Highway and Fitzsimmons Lane Insert principle to guide the design of building facades along the Pacific Highway. Insert statement to indicate preferred location for new bus stop. 	Key area S1 Indicative Base Plan has been amended to ensure consistency with gazetted LEP and to address issues raised in public submissions. Also based on staff review
	Controls	p 2-63	Amend section AA • To indicate commercial/residential uses on all levels above the ground floor.	Based on staff review
	Public Benefit Principles	p 2-63	Public Benefit Principles have been amended as follows: • Insert principle to achieve orientation of buildings to get maximum public benefits and resident amenity.	Included new principle to encourage amalgamation of sites and alternative configuration of buildings as part of Design Excellence.
Part 2	E – Lindfield Tow	ın Centre	I	I
	Key Area L4 Tr	yon Road an	d Lindfield Avenue	
	Building	p 2-80	Amended as follows:	Amended to ensure consistency
	Height Controls	'	Amend building height controls for Key Area L4 to be consistent with LEP.	
Part 2	F – Roseville Tov	vn Centre	Area L4 to be consistent with LL1.	I
2F. 2.1	Key Area R1: H	ill Street Sh	ops	
	Base Design Principles	Page 2- 90	Amended as follows: Insert principle to clarify upper level setback requirements.	Amended to ensure consistency with gazetted LEP particularly Clause 6.4 Provision of Urban Design Excellence
2F. 2.2	Key Area R2: P	acific Highw	ay shops	
	Base Design Principles	Page 2- 96	Amend as follows: • insert controls to clarify access requirements for blocks east and west of the highway.	Amended to ensure consistency with gazetted LEP particularly Clause 6.4 Provision of Urban Design Excellence

Part	Title	Clause	Amendment	Reason
			 Delete references to all properties outside of Key Areas on all Base Design Principle Plans and Urban Design Excellence Plans. Delete principle requiring conservation of character buildings and transfer requirements to public benefit principles 	
	– Specific Buildi A – Mixed use bu		ntrols	
Tart Si	Introduction	lungs	Inserted paragraph relating to additions and	For clarification
			alterations. (Same amendment also made in 3B, 3C and 3D)	
3A.1	Building separation	Inserted after 1	Inserted control in relation to office development adjacent to residential.	To ensure separation between different uses is considered.
3A.2	Building setbacks	Inserted after 1	Inserted statement indicating that mixed use buildings on R4 zone where commercial uses are permitted under Schedule 1 of KLEP 2009 must provide setbacks in accordance with the Centre Maps in A5 of the Appendices.	To provide and clarify street setbacks for these sites in response to submissions.
		Inserted after 3	Inserted control to include 'a minimum 6m side and rear setbacks' for R4 sites where commercial uses are permitted.	To clarify setbacks for these sites in response to submissions.
3A.3	Consideratio n of Isolated Sites	2	Amended 'feasible development' in last paragraph to 'development of an appropriate urban form and amenity'. (Same amendment also made in 3B.4, 3C.5 and 3D.6)	line with precedents in the Land and Environment Court.
Inser ted betw een 3A.2 and 3A.3	Site Coverage and Deep Soil Landscaping for Mixed Use Buildings in R4 zones	new clauses	Inserted new section after Building Setbacks (including controls and objectives) to support site coverage and deep soil landscaping for mixed use buildings in R4 zones. Controls inserted govern: Site Coverage Deep Soil Landscape Design Tree Replenishment & Planting	To provide appropriate controls for these mixed use R4 sites consistent with the LEP and in response to submissions.
3A.4	Wind Impact	1, 2	Amended control to state maximum allowable wind speed (10m/sec). Potential measures outlined.	To ensure new development does not create wind corridors or down drafts that will affect pedestrian amenity and open space usage.
3A.5	Building Facades	-	Inserted 2 new objectives	To further clarify intent and further support controls
		3	Deleted "and not more than 2.5m" - (Same amendment also made in 3C.7)	To provide more flexibility and improve façade design outcomes.
			Inserted new control limiting projection of balconies. (Same amendment also made in 3B.6 and 3C.7)	Consistent with DCP 55
		After 7	Inserted control to indicate that balconies must not project more than 1.2m from the outermost wall of the building facade. (Same amendment also made in 3B and 3C)	
3A.9	Top Floor Design and Roof Forms		Deleted one objective and inserted a new one.	To support the controls.

Part	Title	Clause	Amendment	Reason
			Inserted new control for podiums or roof	To encourage the use of planter
			terraces used for open space.	boxes.
			Amended diagram to better reflect	For clarification
			incorporation of planter boxes into walls or balustrades of podiums.	
3A.13	Common		Inserted 3 new objectives	To support inclusion of
0, 10	Open Space		moon tou o new objectives	additional controls
			Inserted new controls for communal open	To improve clarity and ability to
			space addressing.	find the control
			minimum size and dimension	
			accessibility	
			usability and amenity	
			• landscaping	
			• safety (Same amendment also made in 3B and 3C)	
3A.14	Apartment	Inserted	Relocated control from <i>Natural ventilation</i>	To improve clarity and ability to
07.14	Depth &	after 3	governing the location of kitchens in relation	find the control
	Width		to natural ventilation.	
			(Same amendment also made in 3C and 3D)	
3A.16	Natural	6	Amended control to require all office	To avoid ambiguity
	Ventilation		workspaces are to have operable windows or	
			doors which open to at least 30% of the	
			windows or door areas.	To annuido annuito to effici
			Inserted 2 new controls for office workspaces, consistent with the controls in office	To provide amenity to office workspaces in mixed use
			development in 3B.14.	developments.
3A.17	Solar Access		Amended one objective and inserted a new	To support the controls
			one.	''
		8	Amended control to require consideration of	To support continued amenity
			solar access to living areas and communal	and energy efficiency of
			and private open space of existing	constructed residential flat
			neighbouring residential flat buildings and	buildings and multi-dwelling
			multi-dwelling housing. (Same amendment also made in 3B.15, 3C.16)	housing.
			and 3D.14)	
		10	Amended control relating to solar panels to	To balance the need to protect
			provide a minimum number of hours of solar	solar access to panels with the
			access. (Same amendment also made in	potential for development
			3B.15, 3C.16 and 3D.14)	
3A.20	Internal	1	Amended control as follows:	To continue to provide for
	Ceiling		Amended to allow 3m ceiling height to first floor, and 3m to floors above for	adaptable uses, while reducing the cost of residential
	Heights		first floor, and 3m to floors above for commercial, and 2.7m for residential	development on this floor.
			floors above.	development on this itoor.
3A.26	Car Parking	2	Control amended to allow basement	Amended to simplify, given
	Provision		projection on secondary streets up to 1m	lower overall projection
			above existing ground level (to the floor level	permitted.
			of the storey immediately above basement).	
		7	(Same amendment also made in 3B, 3C, & 3D)	Amandad for a second
		7	Amended car parking rate to ranges including:	Amended from minimum and
			 Business: 1 space per 33m2 GFA to 1 space 	maximum, to provide additional flexibility (see new clause
			per 45m2 GFA	below).
			• Shops: 1 space per 26m2 GFA to 1 space	·
			per 33m2 GFA	

Part	Title	Clause	Amendment	Reason
	33333	9	Amended residential car parking provision to	Amended from minimum and
			ranges:	maximum, to provide additional
			• Studio: 0 - 0.5 spaces	flexibility
			1 Bedroom: 0.6 - 1 spaces2 Bedroom: 1 - 1.25 spaces	
			• 3+ Bedroom: 1.0 - 1.5 spaces	
			(Similar amendment also made in 3C)	
			Inserted new clause:	To allow minor additional
				parking to be provided to satisfy
			Any spaces provided which exceed the upper range will be included in the calculation of	specific market needs and demands, while minimising the
			gross floor area.	overprovision of parking.
3A.27	Bicycle	3	Amended control to govern the number of	To ensure adequate facilities
	Parking		showers and bicycle facilities required within	are provided.
5	Provision Provision		new retail or commercial development	
3B.1	B – Office Buildin	n <i>g</i>	Inserted 5 new objectives into building	To ourselve and planify the
3B.1	Site Layout	-	separation.	To support and clarify the reason for the controls
3B.2	Building		Whole part restructured – controls and	For improved readability,
	setbacks		objectives deleted, added, re ordered and	strength and clarification.
			reworded. Deleted operational controls.	
		Diagram	Deleted setback controls to Suakin Street	To provide consistency with DCP 52,
		for B7	Depot site.	DCP 52,
3B.3	Landscaping	-	Inserted 5 new objectives	To support and strengthen
	and Fencing			controls
			Inserted new controls in regard to species	To protect trees to be retained
			selection, ground level beneath tree canopies and considerations in siting and choice of	and provide for high quality landscaping
			trees.	tanascaping
3B.6	Building	-	Inserted one new objective regarding building	To support the controls.
	Forms and		facades.	
3B.8	Facades Ground Floor	2	Inserted new control:	For safety and security.
36.0	Frontage	2	"Ground floor building articulation must be	For Safety and Security.
			designed to avoid the creation of entrapment	
			areas."	
3B.10	Top Floor	5	Deleted control dictating that balustrades to	Deleted unnecessary controls.
	Design and Roof Forms		roof terraces must be integrated into the building facade.	Diagram for clarification.
	10011 011113		Inserted diagram.	
3B.12	Common	-	Inserted three new objectives to support the	To support reworked and new
	Open Space		design of communal open space.	controls.
			Reworked and new controls inserted in relation to design, location, amenity, equity,	To provide for high quality communal open space to
			safety, wind, lighting, and facilities for	facilitate social interaction,
			communal open space.	provide amenity, equity, safety
				and appropriate facilities and
				retain streetscape and
3B.13	Office Floor	_	Amended objective to encourage amenity of	landscape character. To strengthen controls
۱۵.۱۵	Depth	_	workspaces.	To su enguien controts
3B.14	Natural	1	Amended control from requiring operable	To ensure control can be
	Ventilation		windows to 90% of workspace, to 30% of	assessed for practical
			window or door area.	outcomes.

Part	Title	Clause	Amendment	Reason
		2	Relocated control requiring at least 90% of all workspaces must be within 10m and direct line of sight of a perimeter window into <i>Solar Access</i>	Relates to solar access more than ventilation
3B.18	Internal Ceiling Heights	1	Amended controls for minimum ceiling heights to: i) 3.5m for ground floor / street level retail or commercial uses; ii) 3m for all other floors for commercial use.	To ensure that spaces can be used for a range of commercial purposes
3B.19	Internal Common Circulation	1	Reworked and amended controls	Improved readability To seek incorporation of shared spaces such as cafes within foyers. To guide the design of internal common circulation areas.
3B.21	Car Parking Provision	2	Inserted new note: "Basements may be permitted to extend under the space between buildings on the site."	To allow for basements to link up between buildings on the same site.
		15	Amended control to remove specific requirement for 'green' parking, outlining instead strategies that can be used to reduce parking provision rate (to less that 1 per 45m ² GFA).	To encourage alternative and sustainable forms of travel, and travel behaviour.
	C - Residential F	lat Building	Controls	
3C.1	Building Separation	1	Amended controls to apply the separation requirements only to the appropriate portion of the building, rather than the entire building.	To allow achievement of FSR on a standard site without compromising amenity
3C.2	Building Setbacks	1(ii)	Section reworked/re-ordered	For clarity
		1	Street setback control amended to a 10m setback with a 2m articulation zone behind the setback.	For clarity
		1(ii)	Control deleted in relation to reduced setbacks for narrow roads or lanes.	Specific street setbacks for these sites are included within the Centre Maps.
		2	Requirement for 13-15m street setback on deep lots deleted.	For consistent street setback pattern, and to allow high quality communal open space areas.
			Inserted new controls to require a setback of 9m to the side and rear boundaries to the fifth floor and above. Diagrams amended.	To ensure adequate building separation with neighbouring development.
		6	Amended control: Side setback areas behind the building line are not to be used for driveways or for vehicular access into the building	For clarity
		6	Amended side setback controls in relation to driveways, to allow driveways to 3m from the side boundary in the street setback	To provide additional flexibility to driveway location to minimise excavation, while retaining deep soil at boundaries.
		9	Amended control in relation to ground floor terrace setbacks to side and rear boundaries to allow encroachment to 4m from the	To ensure development consistent with the LEP is possible, while retaining

Part Title Clause **Amendment** Reason relevant boundary. adequate deep soil areas at the Diagrams amended. boundaries. 3C.4 Deleted control requiring a single minimum Single large communal open Deep Soil 4 Landscaping sized deep soil area. space required instead, part of which may be deep soil. Overall deep soil requirements remain the same, as do the tree replenishment requirements. 9 Deleted control: Pipes can be inserted by thrust-Pipelines are to be located outside the root boring to protect tree roots. zone of trees at natural growth, to maintain Control too onerous pipeline integrity. impractical. 14 Amended control to require siting and choice For improved amenity. of trees to consider the provision of summer shade. (Same amendment also made in 3A. 3B and 3D1 Building Inserted new section (now 3C.7), limiting the ensure buildings Storeys number of storeys of a building. responsive to site, and provide good residential amenity. 3C 7 Inserted new control to avoid the creation of Building improved safety Facades entrapment areas. security Inserted new objective to support building To strengthen controls facade design. 3C.8 Building 3 Amended control requiring multiple entries Consistent with the desired for building more than 15m to 18m width of a building from glass **Entries** line to glass line. 3C.9 1 (ii) Floor Deleted control in regard to top floor or To simplify a control that has Top Design and stepped building, inserted new control: previously been open to a Roof Forms :For the purposes of this section, the top number differing storey applies to the building as a whole and interpretations. does not apply to the top level of each part of Supported by a new setback a stepped building." control to the fifth storey and Diagrams amended. 3C.11 Private Open To minimise bulk and scale of 8(iii) Amended control to add a maximum Space courtyard wall height of 1.8m courtyard walls. 3C.14 Ground Floor Amended control to allow living area of a To allow for steep slopes and **Apartments** ground floor apartment to be up to 0.9m cross slopes. below existing ground level. Inserted new control: 2 To ensure good amenity for "Where the finished ground level outside the ground floor private open living area at the building line is more than space. 0.5m, the private open space must be level for a minimum of 2.4m from the living area." 3 Inserted new control: To ensure good amenity for "No obstructions, such as retaining walls or ground floor private open space fences, are permitted to project beyond a 45° control plane, drawn from the finished ground level outside the living area at the building line to the end of the private open space. Plants may project beyond the 45° control plane." 3C.15 Natural Deleted numerical requirement for operable 1 Control would be too limiting on Ventilation windows. (Amendment also made in 3D.13) window types. 3C.19 2 Internal Deleted control. Ceiling height for these Ceiling development types are considered in 3A. Heights.

Part	Title	Clause	Amendment	Reason
3C.20	Room sizes	1	Amended control to allow 3.5m width for	For affordability and housing
			living areas in apartments of less than 2	choice.
			bedrooms	
			(Same amendment also made in 3A)	
3C.24	Car Parking		Inserted new control:	In line with LEP. To discourage
	Provisions		"Any spaces provided which exceed the upper	excessive parking and
			range will be included in the calculation of	excavation.
			gross floor area." (Also added to 3D.21)	
3C.27	Apartment		Amended control requiring a mix of one and 3	For improved access for a
30.27	Mix and Sizes		bedroom apartments on ground floor, to 1, 2	range of potential residents
	Mix and Sizes		and 3 bedroom apartments on ground floor.	runge of potential residents
Part 3	D – Multi-dwellir	na Housina (
3D.2	Building	1 1	Amended control reducing separation	Consistent with side setback
05.2	separation		requirements for buildings within the site up	requirements, and similar to 2
			to the 2nd storey:	storey low density development.
			i) 3m between non-habitable rooms;	, , ,
			ii)6m in all other cases between	
			rooms/balconies."	
3D.3	Building Setbacks		Reconfigured section	For improved readability
		9	Amended control to allow encroachment of	To allow larger private
			courtyard walls to 3m of rear boundary. No	courtyards to multi-dwelling
			numerical encroachment control for side	housing.
			boundaries.	
			Amended diagrams	For consistency with amended
				controls. For improved clarity
3D.4	Site Coverage	2	Control deleted.	Rights of way not relevant, as
30.4	Site Coverage		Control deteted.	site area only includes within
				the subject lot.
3D.5	Deep Soil	1	Changed requirement for minimum deep soil	To allow for some at grade
	Landscaping		landscaping area of a site from 40% to 30%	parking/improved flexibility of
				design.
		2	Deleted control:	To allow more flexibility in the
				location of deep soil areas.
			For sites over 2400m2, at least one area of not	
			less than 150m2 per 1000m2 of site area of	
			deep soil landscaping must be provided.	To an an about door of the control o
			Inserted new control:	To ensure that deep soil zones
			Adequate space for tree and screen planting deep soil zones are to be provided:	are configured to provide for landscaping to side and rear
			i) to all side boundaries;	boundaries.
			ii) of a minimum width of 3m along the rear	boundaries.
			boundary. This is to be within the	
			common area.	
		4	Amended control disallowing private open	To allow for larger ground level
			space in deep soil calculations to:	private open space areas for
			"A maximum of one third of the principal	multi-dwelling housing.
			private open space area may be counted as	
			deep soil landscaping."	_
3D.7	Building		Inserted new objective.	To strengthen and support the
	Facades			controls.
			Inserted 2 new controls.	To improve the incorporation of
				balconies in the design of buildings.
	<u>I</u>		l	ນແເບເເຽະ.

Part	Title	Clause	Amendment	Reason
3D.8	Building	4	Control amended to prohibit light spill.	For improved amenity
	Entries		(Same amendment also made in 3C)	,
3D.9	Top Storey		Inserted new control requiring top storey to	To reduce bulk and scale.
	Design and		be setback, where not incorporated into the	
	Roof Forms		roof.	
3D.18	Storage	2	Inserted new control:	To clarify the control.
			"The remaining storage space outside	
			dwellings, such as within basements, must be	
			separately allocated to the relevant	
			dwellings".	
Dowt 2	C. Decelling He	Cantasta	(Same amendment also made in 3C.23)	
	E – Dwelling Hou		T	T
	significant chang			
	F – Secondary D	wellings		
3F.1	General		Inserted control to provide requirements for	To protect heritage values
			secondary dwelling proposed on a heritage	
			property.	
			Control inserted to ensure that built-upon	To clarify to ensure that there is
			area and landscaping requirements are met	adequate space for landscaping
			as for single dwelling lots.	and permeable areas, to
				support the protection of
				significant vegetation, and to
				retain low density character.
			2 new objectives inserted.	To support new controls
Don't /	Cananal Bayal		Anala	
4.1	- General Devel	opment con	Section deleted.	Docian Evcallance required
4.1	Excellence	_	Section deteted.	Design Excellence required through the provisions
	Lxcetterice			throughout the DCP.
4.2	Development	3	Control 3 regarding noise, safety etc in the	These issues are required to be
4.2	near Rail		vicinity of the rail corridor or a busy road	consideration under SEPP
	Corridors		deleted.	Infrastructure and the
	and Busy			Guidelines listed in 1 and 4.
	Roads			
4.3	Landscape	-	Objective added:	To support tree replenishment
	for		To contribute to climate control.	for carbon capture.
	Biodiversity			'
	and Bushfire		(Amendment also made in 7.1)	
	Management			
4.4	Earthworks	4	Deleted:	Not always possible.
	and Slope		Steeply sloping sites must be maintained in	Adequately covered by control
			their natural state.	2.
4.5	Green Star	-	Inserted objective to ensure that all non	
	Rating		residential buildings consider and incorporate	
			systems to create a Four Star Green Star	
			Building.	
		3	Amended control to better reflect utilisation	
		A () C	of GBCA Pilot Tool.	
		After 3	Inserted control to indicate that all new	
			developments must include ESD measures	
			within the following areas:	
			Water efficiency;	
			energy generation;	
			heating and cooling; and in this is a second cooling.	
		J	• lighting.	

Part	Title	Clause	Amendment	Reason
			Example of ESD measures have been inserted	
			into Appendix 9.3.	
			Inserted control to indicate the requirements	
			of the ESD report.	
			Inserted control to indicate documentation	
			required at the development application stage	
			for all non-residential buildings that do not	
			have a GBCA Rating Tool.	
			Inserted objective to encourage	
			implementation of systems that provide	
			alternative energy systems.	T
			Section reworked to include controls relating	To ensure all buildings
			to energy and water efficiency for all non-	incorporate ecologically sustainable principles in their
			residential buildings. Note, non-residential buildings are not covered by BASIX.	designs.
4.7	Sustainability	8	Control added in regard to	To avoid damage from
<i>'</i>	of Building] ~	the use of ozone depleting products and	development to the ozone layer.
	Materials		materials.	acticipinient to the ozone tayer.
4.15	Building	3, 4	Controls added to require screening and	Addition to ensure proper
	Services		ventilation for air conditioning units and	functioning and reduced visual
			integration into roof form where located on	impact.
			the roof.	
Inser	Social Impact	New	New section -(4.19) inserted in relation to	To allow for Council to require a
ted		section.	integration of consideration of social impact in	Social Impact Assessment
after			development proposals.	where the scale of potential
4.18	W-1 M			impacts warrants it.
5D.3	- Water Manage	ment	Control added to ensure that on-site detention	To reduce runoff stormwater
30.3	controls for	_	systems are connected as soon as they are	during construction
	on-site		installed.	adming construction
	Stormwater			
	management			
Part 6	– Riparian Land	Controls		
6.1	General	-	Additional objective re access to waterways	To be consistent with the LEP.
6		Several	Amended term <i>riparian zone</i> to <i>riparian lands</i>	To be consistent with the
				amendments to the LEP.
	- Biodiversity Co	ontrols		
7	Introduction	-	Amended name of map and clause to <i>Natural</i>	Name change of map and
			Resources Sensitivity- Biodiversity (Map)	clause in the LEP, as required
7.1	All Greenweb		2 new objectives inserted.	by the Department of Planning To support mitigation and
7.1	Categories	_	2 flew objectives filserted.	To support mitigation and adaptation to climate change
7	Jategories	Several	Amended term <i>vegetation and habitat corridor</i>	To be consistent with amended
'		Several	to biodiversity corridor.	LEP terminology
7.7	Biodiversity	-	Reworked Part 7.7	To clarify the requirement to
•	Offsetting		Deleted one objective	consider 'no net loss' in the
			Reworked the introduction to describe 'no	draft LEP .
			net loss'.	To address both formal (via
			• Inserted controls in regard to measures to	offset policy) and informal
			achieve 'no net loss'.	measures (eg retention,
				replenishment) to provide for
				no net loss.
Part 8	- Tree and Vege		ervation	
-	No significant (changes		

Part	Title	Clause	Amendment	Reason
Dowl 0	Haritana 9 Cas			
9.1	- Heritage & Coll Heritage Items	nservation <i>i</i>	Inserted two new controls regarding subdivision of a Heritage Item.	To be consistent with the rest of the DCP.
9.2	Heritage Item within Amalgamate d Development Sites	9	Amended control from 10m to 12m.	To be consistent with other setback controls in the DCP and the minimum building separation control for medium density buildings in the Residential Flat Design Code.
9.3	Development Within the Vicinity of a Heritage Item	7(i)	Changed 'side setback' to 'building separation'.	To be consistent with the language used in the DCP.
9.4	Heritage Conservation Areas	12	Deleted control regarding requirements for all applications for subdivision of sites within the HCA.	To be consistent with the rest of the DCP.
		-	Inserted three new controls to support the scale and heights of new development within HCAs.	To clarify the height constraints within HCAs.
		42	Deleted part of control regarding heights and characteristics of front fences.	To lessen the prescriptive nature of the clause and be more outcome focussed and site responsive.
		65	Deleted control that dictates that subdivision within the HCAs is not supported.	To be consistent with the rest of the DCP.
			Inserted new controls regarding instances where subdivisions will be considered.	To be consistent with the rest of the DCP.
		70	Deleted control that dictates that demolition of whole buildings within a HCA is not supported.	To improve the overall quality of the HCA.
		-	Inserted new control that dictates demolition of whole buildings within the HCA is generally not supported unless the building is shown to be a detracting item.	To improve the overall quality of the HCA.
Part 1	0 – Public Benef	it Controls		
			Part 10 of DCP deleted	It is recommended that Council undertake further work on developing an accountable and transparent process to facilitate the operation of clause 6.4 of the LEP
	1 – Signage and .		Controls	
- No s	- No significant changes			
	2 – Tele & Radio		tion	
- No s	significant chang	es 		
	3 - Professional		ols	
	significant chang			
	4 – Sex Industry		ontrols	
.,,,,		•		

Part	Title	Clause	Amendment	Reason
Part 1	5 - Child Care Ce	entre Contro	ls	
- No s	significant chang	es		
Part 1	6 – Notification			
16.2	Notification Requirement by Development Category	Table	Table amended to insert notification requirements where a biodiversity offset is proposed. (Same amendment also made in Appendix 7)	To allow Council to set the notification requirements for offsetting within the Offset Policy under preparation
Appen		•		
A2.6	Waste Guidelines		Inserted 'Waste Guidelines' in appendix.	To support waste management controls.
A5	Reduced Setback Maps		St Ives reduced setback map amended as follows: • Amended name to Centre Maps • Key inserted to indicate setbacks on map • Site coverage and deep soil landscaping setbacks adjusted at various sites	To clarify maps To incorporate controls for site coverage and deep soil for R4 sites on which some commercial development is permitted.
			Gordon reduced setback map amended as follows: • Amended name to Centre Maps • Key inserted to indicate setbacks on map • Site coverage and deep soil landscaping setbacks provided for one site	To clarify maps To incorporate controls for site coverage and deep soil for R4 sites on which some commercial development is permitted.
After A8	Green Star Rating Information Sheet	-	Inserted Green Star Rating Information Sheet.	
	Credit Summary Template – From GBCA Office Rating Tool.		Inserted Credit Summary Template – From GBCA Office Rating Tool.	
	Checklist of ESD Measures		Inserted Checklist of ESD Measures.	

Ku-ring-gai Draft DCP (Town Centres) 2009

Independent Peer Review

Final Report Updated 22 January 2010

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Contents

1.	Bac	kground	1
	1.1	Purpose of Review	1
	1.2	Scope of work	1
	1.3	Assumptions and pre-determined parameters	2
	1.4	Recommendations	2
2.		lluating the Ku-ring-gai Draft DCP (Town Centres)	
	2.1	What makes a "best practice" DCP?	
_	2.2	Evaluating the draft DCP	
3.		alysis	
	3.1	Overview	
	3.2	Urban Structure Plans	
	3.2.		
	3.2.		.12
	3.2. 3.2.		
	3.2. 3.2.		
	3.2.		. 14
	3.2.		
	3.3	Specific Building Type Controls	
	3.3.		18
	3.3.		
	3.3.		
	3.3.		.21
	3.3.		
	3.3.		
	3.4	General Development Controls	
	3.5	Heritage controls	
	3.6	Biodiversity, Natural Landscape and Riparian Zones	
	3.6.		
	3.6.		
4.		se studies and particular issues	
	4.1	Consistency with draft KLEP (Town Centres)	
	4.1.	==	
	4.1.	,	
	4.1.		
	4.1.		.29
	4.2 4.3	Zone boundary and interface issues – Larkin Street case study	
	4.3 4.4	Design Quality	
	4.4 4.5	Sustainability Parking requirements	
	4.5 4.6	Public art	
5.		riew and summary	
5. 6.	The	way forward	33
٥.	6.1	Priorities for review	
		Summary of recommendations	

1. Background

1.1 Purpose of Review

Sue Haertsch Planning, John Oultram Heritage & Design and David Lock Associates were commissioned by Ku-ring-gai Council to undertake a peer review of the draft Ku-ring-gai Town Centres DCP 2008. The primary purpose of the Review was established by a Council resolution of 13 October:

"The assessment would assure residents, developers/applicants that Council has done all it can to deliver the best outcome for Ku-ring-gai".

The review is based on the exhibited version of the draft DCP. The exhibited version of the draft Town Centres LEP has been used as a primary reference document.

1.2 Scope of work

The Review focussed on pre-agreed priority areas because of the limited time available. The priorities for the scope of work were determined in consultation with the Councillors at the Inception Stage workshop. All other Parts of the draft DCP have been considered in general terms only.

The agreed priority areas for the Review are:

Part 2 – Urban Structure Plans and Key Area controls

Part 3 – Specific Building Type controls

Part 4 – General Development Controls (selected sections)

Part 6 - Riparian Zone controls

Part 7 - Biodiversity controls

Part 9 – Heritage and Conservation Area controls.

The Review has included two briefing sessions with Councillors. The first meeting, held as part of the Inception Stage on November 9, gave the Councillors the opportunity to identify priorities, key issues and concerns about the draft DCP. The second briefing, held on November 30, allowed the Project Team to report back on the primary findings.

The Review process also included:

- Site inspections to each town centre and adjoining lands
- Review of background and supporting documentation, including key reports to Council and the Planning Panel in respect of the draft LEP and DCP
- Review of written submissions from the draft DCP exhibition period
- Review of comparable DCP's in terms of approach, detail and content, including examples of Structure Plans and Urban Design Frameworks from the Victorian planning system
- Detailed professional analysis of the draft Plan including case study testing of potential building forms in the B2, R4 and R3 zones
- Project team workshop where the draft plan was considered from an interdisciplinary approach.

1.3 Assumptions and pre-determined parameters

A number of parameters are pre-determined for the draft Town Centres DCP. In accordance with the brief, and supported by good planning practice, this Review does not comment on, or recommend adjustments or changes to the underlying assumptions and conditions with which the DCP is required to be compliant. This includes all matters set by the draft LEP:

- location of land use zones
- building height
- floor space ratio's and associated controls
- minimum lot sizes and frontages
- heritage items and heritage conservation areas
- additional development potential facilitated by the Public Benefit provisions.

The planning principles and rationale on which the draft LEP is based have informed the Review, providing insight to the basis for the primary land use and built form parameters established by the LEP. The principles range from more housing, housing choice and affordability to centre revitalisation, protecting heritage and appropriate scale of development to natural environment and sustainability issues.

1.4 Recommendations

A summary of recommendations for the draft DCP is provided in Section 6.2.

2. Evaluating the Ku-ring-gai Draft DCP (Town Centres)

2.1 What makes a "best practice" DCP?

Development control plans are the final tier in the hierarchy of planning instruments that collectively facilitate the objects of the EPA Act to promote the orderly and efficient use of land. The role of the DCP is to provide more detail than contained in an LEP in order to guide the design and assessment of development. To this end, DCP's are less constrained than LEPs in terms of prescribed format and content, and as a plan prepared and adopted by Council, are the opportunity to reflect local practices and protocols.

While there are no published guidelines on what constitutes a "best practice" DCP, it is generally accepted that a good DCP includes appropriate measures to support the LEP in a format and presentation that is readily accessible to all likely future users. This will include the community, developers and land owners, council staff, elected representatives and other interested parties.

The primary elements that combine to create a best practice DCP are:

- A strong and philosophically sound foundation which flows through all levels of the plan
- A plan that is easy to use and understand
- A plan that responds to the issues relevant to the locality in an appropriate manner within the parameters set by the statutory instrument (LEP)
- Clear connections between the underlying intentions (objectives) and the controls
- A plan that complies with the relevant statutory requirements.

A best practice DCP has a structure that makes sense. The structure needs to be logical to be easily understood, and complemented by simple sentences that use plain and clear English. Avoiding duplication is a key. In practice this will be achieved by:

- starting with the broad, big picture issues and moving to the smaller detail so that there is no need to back track through the document for any given development application
- minimising duplication within the document and avoiding reproducing other linked or associated documents
- clearly expressing the principles on which the controls are based use of design principles
 or similar is a common means to achieve this outcome
- using diagrams, illustrations and other graphics to help explain controls or expected outcomes
- numbering objectives and controls so that they can be easily referenced and cross referenced.

A number of DCPs and equivalent built form controls were reviewed over the course of the Review. They included DCPs from comparable centres across Sydney as well as strategic and statutory controls from Victoria.

Comparable documents in Victoria include Structure Plans, Urban Design Frameworks, Local Policies and Design and Development Overlays (DDOs). The Victorian Local Policies usually cover an activity centre and incorporate text and maps. DDOs typically deal with specific precincts and are commonly text only. The rationale behind the detailed controls are in reference documents such as Structure Plans and Urban Design Frameworks (UDFs) which outline the preferred future urban structure and built form of centres respectively.

The best practice examples reviewed consistently grounded the detailed controls in a desired future urban character and built form, specifically focussed on the future character of the public realm. This is one area where the Ku-ring-gai draft DCP can be improved and recommendations are included in the body of the report.

2.2 Evaluating the draft DCP

The draft Ku-ring-gai DCP (Town Centres) adopts a place based approach. The multi-layered plan expresses the vision for each centre in the text and diagrams of the urban structure plans at Part 2. The physical expression and detailed resolution of buildings is determined by the specific building type controls at Part 3 and development controls that follow in Parts 4 to 16.

The Draft Plan is guided by planning, urban design, sustainability, social and environmental principles which are reflected in the general aims of the plan. The success of the draft DCP will be determined by the extent to which these principles combine together to deliver quality developments for the local community.

Criteria for the critique of the Draft Town Centres DCP are set out below. Some apply across the whole document, while others are more relevant within the context of particular Parts.

Criteria	What it means	Applies	to
		Whole Plan	Parts
Philosophical foundation	 Underlying principles clearly expressed Founding principles flow consistently through the document 	✓	
Legibility	 3. The document structure is logical and easy to understand 4. Top down, no back tracking for any development application 5. Objectives and controls are numbered and easily 	√	
	referenced 6. Clear connection between objectives and controls 7. Diagrams and illustrations help to explain intended outcomes		
Language	Clear and simple sentences	,	
Statutory	Complies with relevant statutory requirements Consistent with the dLEP	√	√
Rationale	The underlying principles on which the section is based should be well founded		√
Internal consistency	The section must not expect one thing in one situation and something different in another		√
Content	13. No unnecessary gaps or overlaps in content14. Minimal duplication of provisions contained in other plans		✓
Editorial	15. No typographical errors or similar mistakes		√
Urban design	 16. Contribution to the desired role of the precinct 17. Contribution to the desired future character of the precinct 18. Contribution to the legibility of the precinct 19. Support for a safe and visually interesting street environment 		√
	20. Support for the amenity of proposed and adjacent development21. Support for environmental sustainability		
Heritage	Changes based on heritage significance Protects the heritage significance of heritage items and heritage conservation areas		√
	24. Supports sympathetic changes.		
Sustainability	25. Sets appropriate targets26. Promote sustainability principles, avoids prescribing outcomes		✓
Environmental	27. Supports dLEP biodiversity and riparian zone provisions28. Protects Blue Gum High Forest and Sydney Turpentine Ironbark Forest		✓
Community/ social	29. Responds to issues raised by the community within the constraints imposed by the statutory controls of the dLEP		✓

3. Analysis

3.1 Overview

Approach

The draft DCP adopts a place-based planning approach by defining the future urban structure and desired future character for each town centre. The place specific strategies and built form guidelines are supported by controls for particular building types, general development controls and controls for particular aspects of development.

The place-based approach of the DCP is an appropriate response to guide detailed planning for the centres, particularly in terms of providing controls to support the draft Town Centres LEP.

Structure and format

The draft DCP mostly uses clear and simple language, with good connections between objectives and the controls. While there is a tendency to express controls as prohibitions through the use of "must", the DCP is generally effective in communicating what is intended in each section.

The structure of the document is logical, and generally avoids the need to back track. Exceptions include:

- The reduced setback maps at Appendix 5 which could possibly be incorporated into the Residential flat development controls at Part 3C
- The relationship between the detailed elements of Part 2 and the remainder of the plan is reasonably complex and could be better explained this is considered below
- Concern that Part 10 (Public Benefit controls) is buried in the middle of the document and should be further forward in the structure and
- Prevalence of controls relating to landscaping in a number of sections through the plan.

The numbering of controls is an important aspect that contributes to the DCP's useability and legibility. Numbering the objectives in a similar manner would further improve this aspect of the draft plan.

SUMMARY

The draft DCP is a comprehensive document that is based on detailed background analysis and research. Specifically:

- ✓ The controls are intentionally tailored to each centre, and subject to the comments in the sections below, will facilitate good urban outcomes for the town centres
- ✓ The draft Plan is successful in terms of supporting the draft LEP by providing more detailed controls
- ✓ The use of clear language and a logical structure will help useability of the document
- ✓ The plan provides a foundation for positive changes in the town centres.

3.2 Urban Structure Plans

3.2.1 GENERAL

Statutory context

The Structure Plans at Part 2 of the DCP illustrate a future urban structure for each centre. The future urban structure is also described in a statement, and is supported by the detailed elements for each key area.

There is some concern about the status of the Part 2 provisions in the statutory context, especially given the move away from master plans in recent years. The Structure Plan for each town centre includes (in the order as occurring in the document):

- desired future character statement
- objectives

- base design principles with references annotated on the indicative base plan
- public benefit principles with references annotated on the indicative public benefit plan
- controls.

Part 1A (Preliminary) refers to the *primary development controls* in Part 2, and notes that the Part 2 controls prevail over controls in Part 3 where there is an inconsistency. The hierarchy of controls as proposed is supported and will help interpretation and application of the DCP although there is a need to:

- 1. Clarify which elements of Part 2 comprise the primary development controls does this include the Desired future character statement and Base design principles or just the objectives and controls
- 2. Clarify the relative weight that is to be applied to the elements of the Part and
- 3. Better explain the relationship between the illustrations (Structure Plan-Indicative Base Plan-Public Benefits Plan) and text (Future urban structure-Desired future character-Base design principles-controls).

Detail - too little or too much?

The Structure Plans, Key Area Indicative Base Plans and Key Area Indicative Public Benefit Plans are very detailed. The plans are considered overly prescriptive in terms of nominating locations and envelopes for upper level residential and commercial uses, and identifying pedestrian and vehicle entry points.

Prescription of locations and envelopes for upper levels

While the design principles allow for variations from the indicative plan, there is some concern that the structure plans are overly prescriptive, particularly where the indicative built form is based on one possible design solution, and other design solutions may be equally valid. In these cases, there is a concern that the plans could be mis-interpreted, creating unrealistic expectations, and possibly contributing to community apprehension about the likely future built form.

It is noted that the hard edged graphic style may also contribute to the way the plans are read. Alternative graphic styles may be worth considering as a means to ensure that the plans are read and understood to be indicative.

Prescription of pedestrian and vehicle entry points

The location of pedestrian and vehicle entry points is considered unnecessarily prescriptive, especially as they are based on the development scenario used to generate the upper level building envelopes. An alternative may be to include locational principles in the building entry/loading provisions of Part 3. This would remove the need to nominate access points other than in cases where specific circumstances. These principles/controls might include:

- Vehicle access is to be from the side or rear of development
- Vehicle access is to be from the lowest point of the site possible
- Vehicle access is restricted from the Pacific Highway unless out of centre and approved by the RTA
- Pedestrian access points and lobbies are to be located on street frontages.



G1 Gordon – the locations of the upper levels are based on one development scenario. Other design solutions may be valid and more achievable.



R2 Roseville – the locations of the upper levels and pedestrian and vehicle entry points are based on a development concept which involves the consolidation of over 16 lots to be realised. Principles in the Part 3 provisions would be preferable.

Written controls

The Part 2 written controls have very little details, and typically refer back to the Indicative Base Plans for the complete setback, height, access and heritage requirements. Review of these controls is recommended to strengthen the details and ensure they are more comprehensive, particularly in the light of comments about the relative weight and application of Part 2 provisions generally.

Extent of the structure plans

The structure plans focus on the core areas of each town centre. Excluding the adjoining residentially zoned land that is within the LEP 'town centre' LEP boundary limits the ability to illustrate controls that respond to the interface between the centres and their residential surroundings. For example, the reduced landscape setbacks are partially shown on some plans.

Plans showing the full reduced landscape setbacks are included in A5, being linked to a control in Part 3C. However, there are a number of cases in which the reduced setbacks in Part 2 differ from those in A5. In addition, Part 3C nominates the reduced setback as 6m while Part 2 shows it to be 3 to 6 metres.

It is recommended that the role of the Part 2 reduced setbacks be reviewed, noting that the plans are incomplete and potentially conflict with the Part 3C controls. Consolidating these controls within Part 3C is consistent with the office building setback controls in Part 3B, and would eliminate the current overlaps and inconsistencies.

Protecting existing character and allowing for incremental change

The draft DCP's intention to protect the leafy green character of Ku-ring-gai's residential areas is evident as a strong underlying theme of the plan. However, Part 2 does not express a desired future **built form character** for the town centres. The combination of controls that encourage the comprehensive redevelopment of almost all buildings, without any articulation of a desire to maintain any of the existing character of the centres has the potential to lead to radically different places in the future.

Part 2 contains desired future character statements for each precinct. The statements are primarily about the preferred new land uses, and the location of new streets and spaces. While these are valid considerations, the statements do not articulate the actual (or built) character that is envisaged.

Best practice DCPs, Structure Plans and Urban Design Frameworks use desired future character statements to describe the preferred future built form character (as distinct from land use structure) as a clear rationale behind the proposed built forms that are defined in the DCP. Further comments are made in relation to this below.

Character of the centres

The draft LEP includes site specific building height and setback controls to protect the existing character of Rohini Street, Turramurra, Lindfield Avenue, Lindfield and Hill Street, Roseville. However, other than the internalised malls at the St Ives Shopping Village and the Gordon Centre, each of the centres has an existing character that is founded on a two storey streetwall.

The streetwall character of Ku-ring-gai's town centres sets them apart from many other centres across Sydney and should be seen as a point of difference. The existing character is a function of a fine grained pattern of subdivision that has created organic mixed-use street based activity centres. The traditional pattern of development supports a mixture of tenure and rent types that enables a greater mixture of retail tenants and vibrancy to be present in the town centres than would otherwise be possible.

Part 2 reinforces the approach of the LEP in terms of protecting the character of three sections of retail across the six centres. The lack of controls to encourage reinstatement of a lower streetwall to protect the character elsewhere is a primary criticism of the DCP. The images below show examples of two of the strips to be protected and another two that are not encouraged to be retained by the DCP.



Rohini Street, Turramurra – this streetscape is considered valuable as it includes a number of character items



Lindfield Avenue, Lindfield – this portion of the streetscape is considered valuable due to the heritage value of the buildings



Lindfield Avenue, Lindfield – this streetscape is not protected. Note the similarity with Rohini Street above



Grandview Street, Pymble – this streetscape is not protected, although it currently differentiates this portion of the centre from the Highway

The Part 3 controls aim to ensure a fine grain rhythm of retail on the ground floor of new development. However, the controls are predicated on consolidation of 20m frontages and allow buildings up to 5 storeys with no setbacks to the street. The likely outcome is significantly different to the existing established patterns of development in the centres, and is likely to result in the loss of the existing organic fine grained character.

It is recommended that consideration be given to nominating a streetwall height comparable to the existing predominant pattern of buildings as illustrated below. A setback of 2m to 5m would be sufficient to achieve the intended definition of the lower streetwall, and would have a nominal

effect on the ability to achieve the development potential established by the LEP. This approach has the added benefit of minimising the impact of upper levels during the transition between two storey and five storey (plus) built forms.

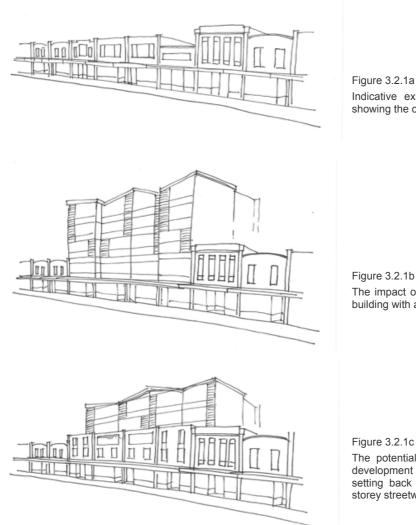


Figure 3.2.1a Indicative existing streetscape in Ku-ring-gai showing the characteristic two storey streetwall

The impact on the streetscape of a five storey building with a zero lot setback

Figure 3.2.1c

The potential to minimise the impact of new development on existing streetscapes by setting back upper levels behind a two-three storey streetwall

It is recommended that setbacks to retain a lower streetwall be considered for:

- Stanley Street shops, St Ives
- Grandview Street, Pymble
- St Johns Avenue, Gordon
- Lindfield Avenue, Lindfield, and
- Pacific Highway, Roseville.

Character of the Pacific Highway

The proposed controls for development fronting the Pacific Highway, and to a certain extent Mona Vale Road, respond to the busy nature of the roads by requiring no setbacks. This is a valid approach, although it is noted that the desire for a new five storey hard edged urban form to the Highway is not clearly defined as the preferred character.

The requirement for road widening in a number of the centres compounds the potential impacts of new developments on the built form character, especially in the transition between old and new. The setbacks in Turramurra require new buildings to be sited 4m from the current building line, potentially creating disjunction in the streetscapes during implementation as illustrated in the sketches below.



Figure 3.2.1d

Indicative existing streetscape in Ku-ring-gai showing the characteristic two storey streetwall



Pacific Highway, Roseville – setting back new taller buildings from the highway is proposed here in the public benefit plan



Figure 3.2.1e

The impact of new five storey development with no upper level setbacks set back from the lot line for the purposes of footpath/road widening



Mona Vale Road, St Ives – setting back new taller buildings from the highway is specified in the base plan

The Pacific Highway setbacks highlight two issues. The first is that the additional setbacks should only be required where there is a clear underlying need demonstrated in background traffic and access studies. In this regard we are concerned about the setback for Roseville being included in the R2 Public Benefit Plan, and note that the extent of the setback is not defined, and cannot be guaranteed to be delivered consistently resulting in an incoherent public domain.

The second relates to the future built form, and potential to recreate the streetwall at the new setback line. It is recommended that further consideration be given to the preferred future form of development along the Highway where setbacks for road widening are required with a view to nominating a streetwall height.

Consistent Streetscapes

Creating consistent streetscapes is an approach common to best practice DCPs, Structure Plans and Urban Design Frameworks. The aim is to create streets and squares that have the right balance of enclosure and openness, and a sense of coherent identity. The approach of the draft DCP to use the retail podium rather than a preferred streetwall height is a risk in terms of the lost opportunity to create a feeling of enclosure. Further, the retail podium frequently varies between opposite sides of the street.

Part 2 contains indicative sections through key development sites to demonstrate how they might be delivered. The sections should ideally show both sides of streets, and it is recommended that the sections be reviewed to confirm consistency between the resulting streetscapes.



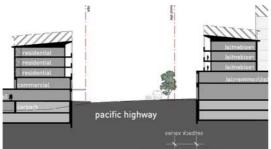


Figure 3.2.1f

This section through the new Forbes Lane shows a 'new street' defined by single storey development on both sides with upper levels set well back above. This form is not representative of characteristic the town centres in Ku-ring-gai and should be reviewed.

Figure 3.2.1g

This composition of two sections through the Pacific Highway in Turramurra shows a setback above the podium on the southern side with no setbacks to upper levels to the north. The rationale for the difference of approach should be clarified

Public Benefit Plans and additional development potential

The Public Benefit Plans seek additional elements for the public good in exchange for additional development potential that is typically equivalent to one additional story. The risk in placing desirable outcomes on a public benefit plan is that they may not be delivered if a developer chooses not to apply for them or to offer an alternative solution/benefit.

This is increased where the expected public benefit is a substantial imposition for the likely gain. For example, the new town square proposed for St Ives, while a valuable potential benefit, is a significant request in the context of the potential additional gain to the development site.

It is important that all outcomes seen as non negotiable and required to successfully deliver vibrant and attractive town centres are included as minimum requirements on the indicative base plans and within the controls, or achieved though development contributions.

Urban Heritage Items

There is a concern about the need for specific controls to guide the redevelopment of heritage items or development adjacent heritage items within the retail strips and on the edges of the centres. The 12m setback requirement from Part 9 of the draft DCP is effective in the fringe residential zones but may be simplistic in town centre locations where the heritage item is "cheek by jowl" to its neighbours, such as the Turramurra Uniting Church, Roseville Cinema and Lindfield Avenue shops.

Primary and secondary frontages

The designation of primary and secondary active frontages is strongly supported. Secondary frontages offer the opportunity to make use of rear lanes that potentially have better amenity and connection to future spaces and facilities. However, review of the structure plans is recommended to ensure that future tenancies are not expected to provide dual frontages, especially where the building depths are realistically only one shop deep. For example, shops between the Pacific Highway and Forbes Lane, Turramurra (T1) are currently required to have active frontages to the Highway and Lane which is not possible for most types of retail businesses.

Editorial matters

There are a number of editorial matters that should be addressed in the review of the DCP. This includes:

- Review the symbols in the key with a view to reducing the number of items as it appears overly complex
- Review the key symbols to ensure consistency between the key and symbols used in the plans. For example the key symbol for "underground vehicular link" does not match the

symbol used on the plan

- Review base mapping to ensure that complete street names are included and do not drop off the edge of maps
- Other minor discrepancies.

SUMMARY

Overall the potential for significant change in the draft DCP has implications in terms of loss of the existing fine grain urban fabric, which in a number of cases, contributes positively to the existing character. Further, change will inevitably occur incrementally over time, and there is a concern that the approach of the structure plans does not adequately allow for a good transition between old and new, or guarantee a consistent streetwall.

A recommendation is included to consider defining a lower streetwall comparable to the scale of existing development. The nominal (2m-5m) setback of upper levels will allow connection between the existing built form. It will also allow for incremental change in a manner that is compatible with existing character, and could also help reduce community concerns associated with perceptions of change and the introduction of a new character that is seen as alien or unfamiliar.

3.2.2 ST IVES TOWN CENTRE

The St Ives Structure Plan includes some very positive changes for the centre, including the improved frontage to the Village Green. Comments on specific areas are set out below.

Key Area S1

The future of Denley Lane is unclear. Particular queries are:

- Whether there is a rationale for only one side of Denley Lane being shown as active and if this is in response to the Shopping Village's existing or proposed loading area
- Whether the removal of half of Denley Lane and the retention of the other half of the lane is based on land ownership patterns and desires of the shopping centre developers
- Whether the lane may not be better retained in its function as a loading area with retail activity focussed into more appropriate part of the centre.

We note the existing commonwealth bank building fronting Memorial Avenue as a potential character item and future heritage item, and question the greater setbacks that would require or encourage the demolition of the building.

A discrepancy is noted between the Structure Plan and the S1 Indicative Base Plan where the Denley Lane shops are shown as an area of Priority Commercial on one map and priority residential on the other.

Key Area S2

The Key Area objective to "retain and enhance the "main street" style" and the associated 'Principle A' to create "a coherent street character ... by providing appropriate and consistent building types and forms parallel to the street alignment" is laudable. However, this is an example where defining a future streetwall height should be considered to help deliver the intended 'coherent street character'.

EVALUATION

Urban design criteria	Structure Plan response
Contribution to the desired role of the precinct	✓
Contribution to the desired future character of the precinct	Further work recommended
Contribution to the legibility of the precinct	✓
Support for a safe and visually interesting street environment	✓
Support for the amenity of proposed and adjacent development	✓
Support for environmental sustainability	✓

3.2.3 TURRAMURRA TOWN CENTRE

The Structure Plan for Turramurra contains a number of very positive ideas and items including:

- ✓ The protection of the existing streetscape character of Rohini Street
- ✓ The new street to the rear of the existing Turramurra Plaza which will formalise existing back-of-house areas into a new public street, improve access, and add to the value of the Granny Springs Reserve
- Removal of at-grade car parking from the station entry and its placement under the new public square and community facilities.

Key Area T1

The proposed new building alignment (4m from the current building line) to facilitate future widening of the Highway raises a number of queries including:

- Is it practical to depict an avenue of street trees in the setback area?
- Concern about the long term ability to deliver the 4m setback along the entire length, and implications of some land parcels remaining undeveloped
- The impact that the widening of the Pacific Highway along with Forbes Lane will have on the depth of land parcels between the two frontages and their ability to address both these street frontages adequately.

More specific built form controls are recommended for building heights and setbacks around the new square to ensure a streetwall height sufficient to ensure an appropriate sense of enclosure and overlooking (more than the two storeys currently proposed) and to achieve a consistent character for Forbes Lane.

Inconsistencies are noted between the Indicative Massing diagram and the Indicative Base Plan in terms of the desired built form in the precinct.

Finally, the four buildings with active frontages to William Street should not be demolished before the southern portion of Forbes Lane is redeveloped and the Supermarket/Library development is complete. These shops and houses currently provide activity and a safe environment at the station entry.

Key Area T2

Specific comments include:

- Gilroy Lane is likely to be overshadowed by development to its north on the council car park
- The desired built form response to the heritage protected Uniting Church is not clear
- This Indicative Massing model of the council car park incorporates an area of at-grade car
 parking which is not compatible with creating a street-like atmosphere in Gilroy Lane.

Key Area T3

It is noted that this is the only portion of the Pacific Highway where a setback above the retail podium has been specified. Active frontages are shown only in sections of the new street suggesting an inconsistency between the Structure Plan and section.

EVALUATION

Urban design criteria	Structure Plan response
Contribution to the desired role of the precinct	✓
Contribution to the desired future character of the precinct	Further work recommended
Contribution to the legibility of the precinct	✓
Support for a safe and visually interesting street environment	✓
Support for the amenity of proposed and adjacent development	✓
Support for environmental sustainability	✓

3.2.4 PYMBLE TOWN CENTRE

Pymble is the smallest of the six centres nominated for intensification and the most exposed to the impacts of the Pacific Highway.

Key Area P1

Post Office lane is a rear service lane and may struggle to develop as a street fronted by development on both sides. It is recommended that consideration be given to a shared use zone with a reduced speed limit as an alternative to road widening with footpaths to separate pedestrians and vehicle traffic.

It is recommended that the corner setback shown as a public benefit be reviewed in terms of risks that of increased exposure of Post Office Street and the heritage dwelling to the Pacific Highway, an the implications to the likely amenity of the public realm.

The need for new pedestrian access ways to the Highway from Post Office Lane is uncertain as most properties have double frontages. A detailed analysis of the setbacks mandated for Post Office Lane to protect the residences to the north may reveal additional height is appropriate to enable redevelopment to capitalise on solar aspect and views to Robert Pymble Park.

Key Area P2

Grandview Street is a location where a lower (three storey) streetwall height could help retain the intimate scale and feel of the street, and as a result, the centre's identity. It is recommended that the upper levels be set back between 2m and 5 metres.

There is concern that the large setbacks of development to Park Crescent may not respond to the park in the most appropriate way. Park frontages are often less sensitive than residential frontages, meaning that reduced setbacks can work well and capitalise on the outlook that a park frontage provides. While the setbacks are reasonable, a reduced setback could work well in this location allowing the buildings to come further north, and enabling the upper levels of buildings fronting Grandview Street to set back 5m behind the existing streetwall.

EVALUATION

Urban design criteria	Structure Plan response
Contribution to the desired role of the precinct	✓
Contribution to the desired future character of the precinct	Further work recommended
Contribution to the legibility of the precinct	Further work recommended
Support for a safe and visually interesting street environment	Further work recommended
Support for the amenity of proposed and adjacent development	Further work recommended
Support for environmental sustainability	√

3.2.5 GORDON TOWN CENTRE

The Structure Plan for Gordon contains a number of very positive ideas and items including:

- ✓ The desire to improve and enhance Wade Lane
- ✓ The creation of a new Civic Building on Dumaresq Street.

Kev Area G1

We are concerned about the potential future character of the new urban streets between Dumaresq Street, Moree Street and St Johns Avenue, particularly in terms of pedestrian amenity. The primary concern is that the new streets will not be addressed by building frontages.

The indicative civic space shown for Moree Street on the public benefit plan is unnecessary if the street is to be closed by council. Further, the space as shown is unrepresentative of the type of space that would actually be required to create a safe environment, especially if surveillance by passing vehicle traffic was removed.

Key Area G2

The proposals for Wade Lane raise a number of issues. First, the role of Wade Lane should be reviewed to retain it as a secondary frontage. This is consistent with its ongoing role for loading and servicing of retail fronting the Pacific Highway.

Secondly, concern is raised about the costs and ultimate benefits of the proposed Wade Lane Park proposal. This initiative, which will remove the current decked car park and create a park at street level, is ambitious in terms of costs. The new park will front the semi-active frontages of Wade Lane and the noise of passing trains. A second active frontage would be difficult to create because of the eastern frontage to the rail corridor.

Consideration could be given to an alternative concept based on retrofitting the existing multi-deck car park with 'pods' of retail at laneway level (these would be a car space deep 5m and 3 or so spaces wide 10m). The top of the deck of the carpark could then be converted into a roof garden, already linked to the retail centre by two pedestrian bridges, becoming a truly new unique space.

Base Design Principle 'C' requires that shop-top housing be perpendicular to the Highway requiring lot consolidation and forcing some sites to remain at podium height due to spacing requirements for tower elements. This approach should be reviewed as it will lead to an inconsistent streetscape along the Highway, and will limit the development potential of some lots. It is noted that the approach is not consistently applies across the centres.

Controls for the northern side of St Johns Avenue should be reviewed to ensure that new development will not excessively overshadow the southern footpath.

Key Area G3

The new Urban Park acquired via development contributions funds has two inactive edges. These have the potential to make the park unsafe. Particular care will be needed for the detailed design of the space, and an alternative might be to encourage the redevelopment of the adjoining properties to front or overlook the newpark.

It is recommended that the role of Radford Way be clarified. It is noted that this accessway has potential to become a pedestrian only space as suggested as it is currently providing access to the underground car parking areas of neighbouring office development.

Key Area G4

The residential uses in this precinct will not have the locational benefits of residential mixed-use development proposed for other parts of Gordon and the town centres generally. Encouraging large amounts of residential in the precinct should be reviewed especially considering that Fitzsimons Lane is to be encouraged as a Business Park address.

Detailed comments are:

- Concern is expressed about the practical implications of residential and commercial offices spaces fronting one another across an internal commercial atrium
- Review the public pedestrian linkages shown between Fitzsimons Lane and the Highway to ensure that they represent significant pedestrian desire lines
- Indicative Section AA shows a retail component at ground level on Fitzsimons Lane while both the Indicative Base Plan and Public Benefit Plans show active frontages to the Highway, not the lane.

EVALUATION

Urban design criteria	Structure Plan response
Contribution to the desired role of the precinct	✓
Contribution to the desired future character of the precinct	Further work recommended
Contribution to the legibility of the precinct	✓
Support for a safe and visually interesting street environment	✓
Support for the amenity of proposed and adjacent development	Further work recommended
Support for environmental sustainability	✓

3.2.6 LINDFIELD TOWN CENTRE

The Structure Plan for Lindfield contains a number of very positive ideas and items including:

- ✓ The protection of the heritage building set on Lindfield Avenue
- ✓ The redevelopment of at-grade parking areas on either side of the rail line for community and open space uses

Key Area L1

Detailed comments are:

- The purpose of the internal landscape food-court/courtyard to the rear of 386-390 Pacific
 Highway is unclear considering that the heritage controls provide guidance on how this
 space can be developed. It seems an unnecessary imposition on the development
 potential of the site
- The heritage controls for 386-390 Pacific Highway require a two storey streetwall along the Pacific Highway to integrate with the existing streetscape. This is inconsistent with the treatment of the Highway across the remainder of the centre and a the other centres located on the Pacific Highway
- Sections AA and BB are labelled incorrectly
- Base Principle 'E' should refer to Balfour Lane not Balfour Street
- Base Principle 'G' requires reduced height at the western edge of Balfour Street. However, no specific controls are provided leaving the outcome open to interpretation. Does the Structure Plan envisage one storey less or only one storey?

Key Area L2

Concern is expressed that the pedestrian linkages do not reflect desire lines and will only serve to fragment land along the Highway. Notwithstanding this, a southern link is considered worthwhile as it could link Lindfield Station and the pedestrian crossing with the new community facility and park.

Key Area L3

Detailed comments are:

- Tryon Lane is not shown connecting to any other path further south, and the need for a footpath along the railway line side of the laneway is questioned
- Tryon Lane will fulfil a service function with no connection to the broader movement network other than the highway. It may not require as many active frontages as shown in the Public Benefit Plan
- Key Areas L2 and L3 reference L2a, L2b, L3a, L3b and L3c in their Key Maps. It is unclear as to what these refer.

Key Area L4

Detailed comments are:

- The Structure Plan requires a primary retail frontage to Chapman Street to the rear of the heritage buildings on Lindfield Avenue. While this is desirable, it may be an unreasonable demand on a heritage structure
- The redevelopment of the Tyron Road site and the active frontages to Havilah Lane are shown inconsistently between the Indicative Base Plan and the Indicative Public Benefit Plan
- Review the widening of Lindfield Avenue north of Kochia Street as this will result in the loss
 of the existing character and is unnecessary to provide for tree planting. Trees may be
 provided immediately in kerb outstands in the existing parking lane with only the loss one
 or two car spaces depending on their spacing. This approach can be implemented
 immediately for the entire retail strip without the need to wait for redevelopment of a
 complete block of shops.
- The development site on Tyron road has landscaped setbacks but is located in a B2 zone.

This is inconsistent with the mixed-use building setbacks set out in Part 3. Note a portion of the Tyron Road building is shown as only two storeys tall even though the height allowable is seven storeys

- The building height controls specify that a consistent six storey height along Kochia Street
 north of the town square is not allowed. However, it is not specified as to whether this
 limits development to a single storey or five storeys in parts. This would be better dealt
 with using a performance control that ensured that a minimum amount of solar access was
 preserved for the square at a certain time of year.
- The first access control calls for vehicle access from Kochia Lane and the 4th control specifies no vehicle access from Kochia Lane. The final three points of the heritage controls duplicate the preceding controls.

EVALUATION

Urban design criteria	Structure Plan response
Contribution to the desired role of the precinct	✓
Contribution to the desired future character of the precinct	Further work recommended
Contribution to the legibility of the precinct	✓
Support for a safe and visually interesting street environment	✓
Support for the amenity of proposed and adjacent development	✓
Support for environmental sustainability	✓

3.2.7 ROSEVILLE TOWN CENTRE

The Structure Plan for Roseville contains a number of very positive ideas and items including:

- ✓ The protection of the existing streetscape character of Hill Street
- ✓ The promotion of the sensitive adaptive reuse of heritage and contributory buildings.

Key Area R1

Detailed comments are:

- The new Public Park described in the preferred character statement indicates that existing
 car parking will be provided in new private developments although the sections show the
 car parking below park. It is unclear if this is Council's desired position or whether the park
 is to be implemented as a public benefit item.
- Section AA should be amended to show development over 3 storeys set back 10 metres as annotated on the plan.
- The new Public Park will be fronted by the rear and sides of existing development that are unlikely to redevelop in the future. We suggest that development be considered on the northern and eastern edges of the site to provide active edges and share underground parking while being limited in height so as not to excessively overshadow the park.

Key Area R2

Detailed comments are:

- There is concern that the modifications to the ground floor of the Commonwealth Bank building alongside the civic space suggested in the objectives contradict the heritage controls. It is possible to adapt these types of buildings without altering their external appearance
- The suggestion in the Public Benefit Plan that the courtyard to the rear of the Heritage Bank should become public, as an extension of the public access way, will compromise the existing safety of the space outside of the trading hours of any outdoor dining establishment.
- There is concern that the protection of the "existing tree" reduces the development potential of the consolidated site, particularly in terms of restricting basement car parking consolidation.
- Comments about the suitability of including the setback to the Highway in the Public

Benefit Plan are identified above

- The suggested resolution of Larkin Lane for public and private parking as hinted at in the
 indicative sections DD and CC are difficult to interpret and achieve. The reconfiguration of
 the Larkin Lane car park appears to require demolition of the R4 zoned property at No. 1
 MacLaurin Parade
- A three storey height to the Pacific Highway is encouraged. However the controls allow a single storey retail podium interspersed with 6 storey buildings every 36 metres
- The existing signalised pedestrian crossing has been omitted from the Pacific Highway. We assume it is not to be removed.

EVALUATION

Urban design criteria	Structure Plan response
Contribution to the desired role of the precinct	✓
Contribution to the desired future character of the precinct	Further work recommended
Contribution to the legibility of the precinct	✓
Support for a safe and visually interesting street environment	✓
Support for the amenity of proposed and adjacent development	✓
Support for environmental sustainability	✓

3.3 Specific Building Type Controls

3.3.1 MIXED USE DEVELOPMENTS

The Part 3A provisions are clear with little or no duplication across the section. These controls will result in good quality mixed-use town centre buildings. Relatively minor issues are raised below for consideration during the finalisation of the draft DCP.

Section 3A.5 - Building Facades

There is no statement that explicitly explains that facade controls apply to the side and rear elevation. This is important as the side and rear elevations of upper floors will be prominent within the town centres during the transition phase with many remaining visible permanently.

Section 3A.6 – Corner building articulation

The two images, 3A.6-1 and 3A.6-2 could be improved as neither clearly show a ground level street corner situation.

Section 3A.8 – Building Entries

Review this section to ensure that it covers the location of building entries on developments with multiple primary and/or secondary street frontages. In this way the specification of building entry locations in Part 2 can safely be removed.

Section 3A.9 – Top Floor Design and Roof Forms

Some consideration of green roofs is recommended.

Section 3A.10 - Awnings

The proposed control requires awnings on all street frontages. While awnings are synonymous with retail and commercial at ground floor there are other uses within activity centres where an awning may be less appropriate. For example, awnings may not be appropriate in the case of:

- adaptation or redevelopment of a heritage item, and
- secondary street frontages with residential entries, loading or servicing.

In these cases controls should allow the use of canopies over building entries and street trees as an example of a more appropriate treatment.

Section 3A.15 – Office Floor Depth

Review the Objectives to remove reference to natural ventilation covered in 3A.16.

EVALUATION

Section Review criteria	Evaluation
Statutory	✓
Rationale	✓
Internal consistency	✓
Content	✓
Editorial	✓

3.3.2 OFFICE BUILDINGS

Then Part 3B provisions are clear with little or no duplication across the section. In general these controls will result in high quality office park/business park style development.

Consideration could be given to consolidating the office depth, natural ventilation and solar access controls (3B.13, 3B.14 and 3B.15) under the heading of ESD, with controls relating to natural light, ventilation and solar access based on the principles rather than prescriptive solutions. This will allow for innovation in design response as technologies advance.

It is noted that Part 3B applies to office buildings within the B5 and B7 zones. It is reasonably clear that Part 3B applies to 'office park/business park' style developments which typically contain food and drink premises, retail and neighbourhood shops at the ground level for building workers. Such a building might be considered a mixed-use building as well as an office building. While an office only development is not encouraged, it is possible within the B2 zone in the town centres. It is suggested that the introduction to Part 3B be reviewed to ensure that office buildings within the town centres are made to comply with the controls of Part 3A not Part 3B.

Developers of office buildings and office parks have become increasingly aware that to attract tenants, they must provide attractive workplaces for the tenants' staff. This typically requires the provision of cafes and the like. A review of the office controls should assess if any additional controls for the possible retail, food and drink or service premises that may be located on the ground floors of these new buildings are required.

Section 3B.2 - Building Setbacks

This section is commended for incorporating the maps of the business precinct located between Gordon and Pymble. This reduces the need to look elsewhere for specific controls as is the case in 3C – Residential Flat Development.

Section 3B.10 – Top Floor Design and Roof Forms

Consideration of green roofs is recommended.

Section 3B.21 - Car Parking Provision

No guidance is given for the provision or location of pedestrian walkways through at-grade car parks located behind the building line. Such walkways should be provided in large areas of car parking.

EVALUATION

Section Review criteria	Evaluation
Statutory	✓
Rationale	✓
Internal consistency	✓
Content	√
Editorial	✓

3.3.3 RESIDENTIAL FLAT DEVELOPMENT

The Part 3C provisions are clear with little or no duplication across the section. The controls do not repeat the contents of the Residential Flat Design Code but rather provide additional guidance and more stringent controls on development including aspects such as separation between towers, apartment depths, site cover and deep soil zones. This approach is supported.

Overall, the prescription of low site coverage and large areas of deep soil zones will ensure that the leafy suburban character of Ku-ring-gai will be preserved and enhanced.

Section 3C.2 – Building Setbacks

As previously noted the reduced setback maps in A5 should be consolidated in this section as included under 3B.2 for office buildings. It is also recommended that the need for the green dashed line on the Structure Plans be reviewed to eliminate the current overlap. See also comment below.

Section 3C.2 - Building Setbacks

Control 5 relates to the fourth storey/top level of a 5 storey building in the R4 zone. As an upper level control it may be better included in 3C.9 – Top Floor Design and Roof Forms and could also be incorporated into Control 1 as long as it is made clear that it relates to the fourth storey only (and not the top storey of a 3 or 4 level building).

The areas of reduced front setbacks around the town centres are supported as appropriate transitions from the hard urban edged environments in the centres to the leafy residential areas beyond. The limitation of these reduced setbacks from the street frontage is that they are not combined with a more definitive series of upper level setbacks that would better deal with the five storey built form. This is illustrated below with two examples from Lindfield.



Havilah Lane, Lindfield – the 4 storey built form is the result of setbacks that impact only on the upper most storey of development



Tyron Road, Lindfield – the built form that can be achieved when the upper two levels are set back behind a three storey residential scaled form

The current 3C controls require setbacks above the fourth level. The Tyron Road example has a setback at the fourth and fifth levels which enables it to blend in to the surrounding single and double storey environment more successfully.

Section 3C.10 - Fencing

Front fences are typical in many areas around the town centres of Ku-ring-gai, and it is recommended that the fencing controls be reviewed to encouraged, if not mandate, fences. A change to typically unfenced residential sites could inadvertently introduce a campus or bush style character, rather than reinforcing the existing residential character of these areas if the large front setbacks are not fenced to match the surroundings.

We note that Figure 3C.10-1 is focussed more on the upper levels of the building and less on the relationship with the street. It also looks higher than allowed by the controls however there are no people to scale against and the trees are mere shrubs.

There is a concern that some additional measures are required to limit overlooking neighbouring private open spaces, especially from upper level balconies. This is a particular concern for sites in the R4 zone that remain undeveloped.

EVALUATION

Section Review criteria	Evaluation
Statutory	✓
Rationale	✓
Internal consistency	√
Content	✓
Editorial	✓

3.3.4 MULTI-DWELLING HOUSING

The Part 3D provisions are clear and well structured. There is very little duplication across the Part and the controls are easily understood. There are no recommendations in relation to this Part.

EVALUATION

Section Review criteria	Evaluation
Statutory	✓
Rationale	✓
Internal consistency	✓
Content	✓
Editorial	✓

3.3.5 DWELLING HOUSES

Part 3E is the only section in the draft Plan that uses Assessment Criteria and Design Requirements. This incompatibility with the rest of the document is confusing and detracts from its useability. The Assessment Criteria are mostly closer to objectives than controls, contributing to the reduced legibility of the section, and a good editorial review is recommended. Comments on particular sections are made below.

3E.1 Local character and streetscape

Although the text is repetitive at times and could benefit from making more consistent use of the A8 Visual Character Study, the local character and streetscape controls provide a good foundation for the Part. Review of the section is also recommended to ensure consistency with other parts of the DCP.

3E.2 Building setbacks

The building setback controls contain a number of unnecessary overlaps in content that are potentially inconsistent. In particular:

- The Assessment Criteria 1 would possibly be more useful if redrafted as objectives
- The front setback controls at 4 don't appear to relate to the numbers in Figure 3E.2-1
- The side setback Assessment Criteria 9 and 10 are unnecessarily complicated and confusing.

3E.8 Materials and finishes

The controls for materials and finishes overlap with the provisions of Part 4.6 and unnecessarily complicate the document. This aspect of the DCP is recommended with a view to containing the controls for materials and finishes in one section.

3E.9 Ancillary facilities

The controls of for ancillary facilities are generally well structured. Particular queries are:

- Whether control 12 relating to earthworks is required in addition to the provisions of Part 4.3 (unnecessary duplication?) and
- Whether control 21 relating to the location and design of mail boxes, utility poles and clothes drying areas is necessary given that the Part only applies to single dwellings.

3E.10 Fencing

It is noted that objectives for this section have been omitted or overlooked, but that the Assessment Criteria at 1 could be translated to fill the gap.

3E.16 Car parking and 3E.17 Carports and garages

There is considerable overlap and repetition across these sections, with some internal contradictions in relation to the location of parking spaces and design of structures. An editorial review is recommended to minimise duplication within the sections, and between Parts 4.9 - 4.14.

It is noted that Part 3E is the only Part 3 section that does not contain car parking rates meaning that A3 contains rates for a range of uses but with dwelling houses the only residential use separately listed. Updating this aspect of the controls to be consistent with the other Part 3 sections is recommended.

EVALUATION

Section Review criteria	Evaluation
Statutory	✓
Rationale	✓
Internal consistency	Further work recommended
Content	Further work recommended
Editorial	Further work recommended

3.3.6 SECONDARY DWELLINGS

The Part 3F provisions are clear and well structured, supporting the LEP provisions in a rational and internally consistent manner. There are no recommendations in relation to this Part.

EVALUATION

Section Review criteria	Evaluation
Statutory	✓
Rationale	✓
Internal consistency	✓
Content	✓
Editorial	✓

3.4 General Development Controls

Part 4 covers a range of common development controls. The grouping of these controls in one section is consistent with best practice. Some minor editorial recommendations are included in the annotated copy of the draft DCP. Comments on particular sections are set out below.

Section 4.1 Design excellence

The design excellence controls are a useful foundation to apply across all developments. However, there is potential for confusion/overlap with the provisions relating to development applications that seek to take advantage of the Public Benefit provisions.

Section 4.2 Development near rail corridors and busy roads

The first two controls of the section define terms and should redrafted as notes. The remaining controls are important to protect amenity, and to maintain the landscaped character of Ku-ring-gai along the main roads, and are consistent with best practice.

Section 4.3 Landscape for biodiversity and bushfire management

The introduction to Section 4.3 should include a note about the Greenweb mapping and Part 7 Biodiversity controls, especially as the Part 7 controls have supremacy. The controls are otherwise suitably detailed, targeted to the desired outcomes, and closely linked to the objectives.

The use of references to separate legislation, web sites and documents, is supported.

Section 4.4 Earthworks and slope

The earthworks/cut and fill controls are more stringent than applied by other Councils, and are

comprehensive, picking up the relevant issues that arise from changes to the natural landform. Encouraging development to be designed to adapt, rather than relying on inappropriate earthworks, is a well founded approach. It is noted that the section may require review in the context of SEPP (Exempt and Complying Development Codes) 2008.

Section 4.5 Green star rating

The inclusion of Green star rating requirements in the DCP is supported, and is an example of the underlying themes of the plan to promote quality developments and sustainable buildings being evident through the document. The GBCA now has a 6 star rating that is equivalent to "world leadership". It is recommended that the Green star controls be reviewed with a view to developing appropriate policies for achieving 5 or 6 star ratings. However, it is possible that the Green star rating controls would be better included in the relevant sections of Part 2 (Mixed Use Developments and Office Buildings) as they are specific to those development types.

Section 4.6 Materials, finishes and colours

The cross links to other relevant sections are important to avoid Section 4.6 being lost within the document, or overlooked (note that there is a typographical error in Part 3A.5). A minor change is recommended to control 5 to further discourage sandstone cladding being used for upper levels.

Section 4.7 Sustainability of building materials

The Section 4.7 controls are relatively advanced in relation to comparable DCP's and are an example of the document's commitment to sustainability.

Section 4.8 Roof terrace and podium planting

The roof terrace and podium planting controls are mainly relevant to larger buildings, including mixed use, office and residential flat developments. For this reason it is possible that the Section 4.8 controls could be better incorporated in the relevant sections of Part 3 (3A Mixed Use, 3B Office Buildings and 3C Residential Flat Developments) rather than in Part 4 where they appear as an adjunct to the primary design process.

Section 4.9 Vehicle access

The vehicle access controls are closely connected to their objectives and should serve their intended purpose. It is noted that seeking to locate vehicle entry points on secondary frontages is a very useful control, as is reducing the width of crossings.

Sections 4.10 -4.14 Parking, Visitor parking, Parking for people with a disability, Pedestrian movement within carparks, Bicycle parking and facilities

The sections dealing with design and layout of parking and carparks include all relevant considerations and represent best practice. The use of references to Australian Standards is supported rather than reproducing information which can become outdated.

Section 4.16 Construction, demolition and disposal

Section 4.16 appears to have been imported from a previous document and includes references to Part A2.5 that need to be updated.

Section 4.17 Waste management

Section 4.17 includes controls that are specific to particular building types that might be more suitably included in the relevant sections of Part 3. Alternatively cross links to the section should be considered as the waste management controls are potentially buried and lost in Part 4.

EVALUATION

Section review criteria	Evaluation
Statutory	✓
Rationale	✓
Internal consistency	✓
Content	Minor changes recommended
Editorial	Minor changes recommended

3.5 Heritage controls

The Part 9 heritage controls are a central plank of the draft DCP's commitment to protecting the character and qualities of heritage items and conservation areas in and adjoining the town centres. The depth and quality of background work, including detailed analysis of the town centre conservation areas, is evident.

Part 9 is generally well structured and logical, but would benefit from clearer expression of the underlying philosophy. This is particularly important in the context of the framework established by the LEP, including the through zoning of heritage sites. Reviewing the structure to bring the conservation area character statements to the beginning of the section may be one way to improve legibility and useability.

Section 9.1 Heritage items

The controls for heritage items are generally consistent with best practice, although it is noted that some requirements may be difficult to enforce, such as retention of interior spaces. Other controls are beyond reasonable expectations, in particular applications are normally only required to be referred to the NSW Heritage Branch where the heritage item is on the State Heritage Register. Similarly, the requirement for Heritage CMPS's (control 7) would normally only apply to large or complex sites.

Diagrams are recommended to assist interpretation of the fencing controls.

Section 9.2 Heritage items within amalgamated development sites

The amalgamated sites controls require clearer expression of the underlying philosophy to help interpretation. While the objectives and controls are generally sound, the diagrams are not helpful to illustrate the desired outcomes as they are too schematic, lack scale and a sense of the type of development that could occur.

Section 9.3 Development in the vicinity of a heritage item

Minor changes are recommended to the controls for development in the vicinity of heritage items, including highlighting the importance of the front elevation in the urban/commercial context and setbacks and overlooking to the rear of heritage items in the residential context.

It is noted that there are no provisions specifically for development in the vicinity of heritage conservation areas. Clause 5.10(5) includes a requirement for consideration of this and review to overcome this gap is recommended. The controls of section 9.3 provide a suitable model.

Section 9.4 Heritage conservation areas

The town centre conservation area character statements offer an excellent foundation for the conservation area controls. In particular the streetscape controls are very general, and would benefit from closer connections to the specific details contained in the character statements. See comments below.

Some internal inconsistencies are apparent between the setting and setback controls (control 12) and the controls for subdivision (control 61). There is also some repetition and overlap between the controls for garden structures and out buildings, paving and driveways and the setting and setback controls. Finally the need for controls on trees and vegetation in the Part is questioned as similar provisions are already contained in a number of other sections of the DCP.

Section 9.5 Town Centre heritage conservation areas

The town centre heritage conservation area character statements contain excellent information on the historical periods, description of buildings and characteristic elements, and significance of each area. As previously noted the character statements should underpin the conservation area controls. Consolidating the controls in Section 9.5 with the general controls in 9.4 is recommended and would allow controls that are more tailored to the characteristics and significant elements of each area. It would also reduce the current overlap that arises from separate, additional controls in section 9.6.

EVALUATION

Section review criteria	Evaluation
Statutory	✓
Rationale	Minor changes recommended
Internal consistency	Minor changes recommended
Content	✓
Editorial	Minor changes recommended
Heritage	✓

3.6 Biodiversity, Natural Landscape and Riparian Zones

The importance of Ku-ring-gai's natural landscape to community identity and character is a key underlying theme of the draft DCP. Areas of high ecological value and remnant natural vegetation occur within the town centres, including threatened ecological communities of Blue Gum High Forest and Sydney Turpentine Ironbark Forest.

The Riparian and Biodiversity controls are based closely on the ecological background studies undertaken for the draft LEP. This approach is consistent with best practice and ensures that the DCP controls are consistent with, and fully support, the draft LEP provisions.

The review of the biodiversity controls has included consideration of comparable DCP controls including Pittwater DCP 21 and the Blue Mountains Better Living DCP and decisions of the Land and Environment Court (Silva v Ku-ring-gai Council (2008), Dazdon Pty Ltd v Ku-ring-gai Council (2009) and Murlan Consulting Pty Ltd v Ku-ring-gai (2007)).

The court decisions raise various issues for managing riparian corridors, and remnant stands of GBHF and STIF in the case of particular development applications. This includes:

- Issues associated with piping natural watercourses
- Impacts arising from fragmentation
- Challenges to successfully recreate functioning ecological communities where development is proposed
- Potential value of individual and remnant trees, and their ability to contribute to the broader long term protection of biodiversity, linkages and long term viability
- Importance of good documentation with development applications
- Potential for ecological considerations to influence, and potentially limit, development outcomes.

While the principles arising from the decisions are often more specific than the DCP controls, the DCP's approach to biodiversity controls is supported. The challenge is to find the right balance between the principles arising from court decisions without unintentionally exposing the controls in the event of future decisions that reinterpret the previous findings, or delving into statutory considerations of Part 5A of the EPA Act or other related legislation.

3.6.1 Riparian zones

The riparian zone controls are well structured, comprehensive and provide detailed controls for future development proposals. The controls are more specific to riparian zone issues than the Pittwater DCP controls, and are considered to set a new benchmark for riparian corridor controls, especially in the urban context.

3.6.2 Biodiversity and natural landscape

The Greenweb categories differentiate between landscape types and offer targeted responses through the controls. While the controls do not include specific numerical setbacks for particular situations as requested in some submissions to the DCP, they offer clear principles that reflect the role of land in each category. The text's acknowledgement of potential for mapping inaccuracies is noted, and the strategy for managing such situations is supported, providing a clear strategy for merit assessment. The approach, where the onus of proof rests with the applicant, is considered reasonable.

Part 7.1 All Greenweb categories

There is a clear connection between the objectives and controls of the section. There is some concern that the controls will allow unintended interpretation of what constitutes the "most significant areas of vegetation or habitat". This could be resolved by more specific reference to avoiding the footprint of well recognised communities such as BGHF or STIF, or including an additional, secondary control to require location of buildings, structures and driveways outside the footprint of any threatened ecological community.

Control 3 requires "all trees" adjoining threatened ecological communities to be retained as a buffer. Consider revising to "trees that contribute to the ongoing viability and health of the threatened ecological community" in order to allow some discretion where non-native or potentially inappropriate trees are present. This could also be linked back to clause 4.3 controls relating to planting native species, and include an option that Council may require replacement of non-native species.

Sections 7.2 – 7.5 Greenweb categories

The objectives and controls of these sections closely reflect the base study. The controls are comparable to controls in Pittwater DCP 21 controls, which also uses different categories tailored to the role or function of particular lands as flora or fauna habitat and are more specific than the controls in the Blue Mountains Better Living DCP.

Section 7.7 Biodiversity offsetting

The Biodiversity Offsetting principles are clear and rationale, and reflect current best practice guidelines from the Department of Climate Change and Water *Principles for the use of biodiversity offsets in NSW 2008.* The introductory text is clear about the expected application of the offset process "as a last resort", and the recommendation that applicants use the pre-lodgement process to discuss proposals is strongly supported.

The forthcoming offset policy provides an appropriate mechanism to clarify aspects of the DECCW guidelines in relation to the Ku-ring-gai context, such a:

- the need to ensure that offsets are underpinned by sound ecological principles this is currently generally covered by the requirement to consider the precautionary principle
- quantifying the impacts and benefits of offsets
- targeting the offsets, preferably on a like for like basis or better conservation outcome
- locating offsets in areas that have the same or similar ecological characteristics.

The DCP Biodiversity controls support clause 6.5 of the draft LEP, and are based on the A1 Greenweb maps. These maps are the outcome of background studies that were considered too detailed for inclusion in the LEP, and more appropriately included in the DCP. As a result the Part 7 controls are closely based on the 2008 draft study *Land of High and Special Ecological Value*, and despite the acknowledged limitations of the Greenweb maps, provide a strong foundation for managing the town centre's ecologically sensitive areas.

EVALUATION

Section review criteria	Evaluation
Statutory	✓
Rationale	✓
Internal consistency	✓
Content	Minor changes recommended
editorial	✓
Supports biodiversity	√

4. Case studies and particular issues

4.1 Consistency with draft KLEP (Town Centres)

4.1.1 B2 case study

Modelling was undertaken to test the affect of the DCP envelope controls on the development potential of land in the B2 zone. The findings confirm that the DCP envelope provisions do not limit the development potential below that established by the LEP. Findings from testing potential building forms included:

- Full site coverage (100 percent) at ground level with retail floor space limits the potential of
 upper floors by reducing their contribution to the overall FSR, and potentially reduces the
 ability to reach the maximum permissible building height.
- Reducing the ground floor site coverage makes it easier for developments to achieve the
 maximum allowable height. However, developments that have less than 100 percent site
 coverage at ground level will struggle to achieve the overall FSR due to height restrictions.
- The building depths of upper levels are required to be minimised to allow developments to achieve the maximum height. This is consistent with sustainability objectives as shallower building depths are consistent with best practice.
- Lower building heights are possible, still achieving the FSR and floor space required, if the
 upper levels are made as deep as possible. However, "fatter" buildings are not necessarily
 desirable, and may not meet SEPP 65 Design Quality Principles.
- Site consolidation is critical to develop dual aspect lots to the full allowable height as encouraged by the draft DCP.
- It is difficult for corner sites to be developed to present a consistent five storey streetwall to both frontages.

The sketches below show potential building forms for development in the B2 zone. These sketches are based on testing of a 'typical' consolidated lot with a 20m frontage and depth suitable for development to front both streets (38m). The findings confirm that the DCP provisions are consistent with the LEP. Note that it is assumed that the 100 percent ground floor retail FSR has been excluded from the original calculations of the residential apartment yields within the draft LEP.

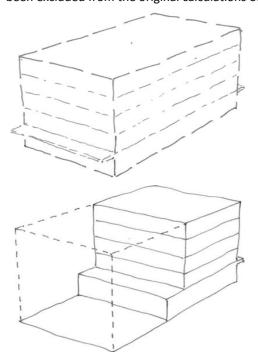


Figure 4.1.1a

The maximum building envelope is determined by the maximum allowable height and any setbacks required in the draft DCP. Typically this is 17.5m (5 storeys) with no setbacks on B2 zoned land within the town centres.

Figure 4.1.1b

The typical FSR for lots in the B2 zone up to 17.5m is 2.5:1. In general terms this would allow half of the site to be developed to the maximum height of 5 storeys.

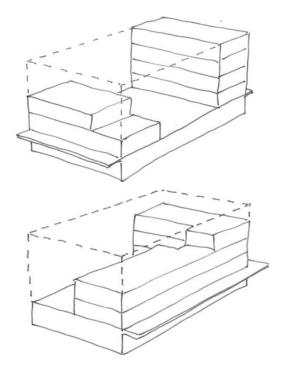


Figure 4.1.1c

The expected development potential will be delivered where the 'typical lot' has two street frontages. However, it is not possible to reach the maximum height on both frontages.

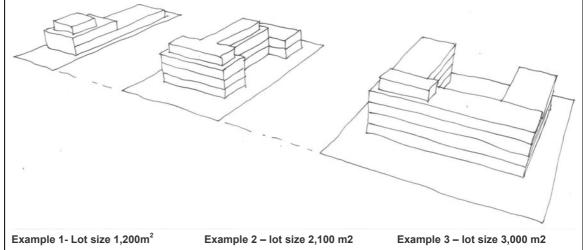
In most cases the draft DCP is unclear about the desired response for dual frontage sites, and the outcome illustrated by Figure 5.1.1b (development to only one frontage) is a potential risk.

Figure 4.1.1d

The requirement for dual frontages also applies to corner lots. As for 5.1.1c, the FSR and height controls will enable the expected development potential to be delivered. However, in these cases the development will be unable to reach the full height on all frontages.

4.1.2 R4 case study

The residential flat development controls were modelled to test the likely development outcomes on R4 zoned land. The outcomes for three lot sizes are shown below. The modelling assumed an average lot depth of 60m.



Example 1- Lot size 1	1,200m ²	Example 2 – lot si	ze 2,100 m2	Example 3 – lot si	ze 3,000 m2
Maximum height, lot 1800m ² - 11.5m	size less than	Maximum height, and 2400m ² - 14.5r		Maximum height, lo 2400m ² - 17.5m	ot size greater than
(3 storeys)		(4 storeys)		(5 storeys)	
FSR, lots under 1800r	m² - 0.8:1	FSR, lots between - 1.0:1	1800 and 2400m ²	FSR, lots over 240	0m² - 1.3:1
Front setback 10	0-12m	Front setback	10-12m	Front setback	13-15m
Side setbacks 3r	m	Side setbacks	6m	Side setbacks	3m
Rear setback 6r	m	Rear setback	6m	Rear setback	6m
Max permissible F achieved=960m² (molimited by FSR)	$=$ S = 960 m^2 , ore possible but	Max permissible achieved=2100 (me envelope but limited	ore possible within	Max permissib achieved is 3900 within envelope bu	(more is possible
		Envelope allowe 2478.19m², or 37 permissible FS		Envelope allowed above max permiss	4778m2, or 878m2 sible FS
-	•				

The testing confirms that the DCP controls do not restrict development potential and are consistent with the LEP provisions. In particular, the DCP deep soil provisions do not limit the development potential.

4.1.3 R3 case study

Modelling confirms that the DCP provisions for development in the R3 zones will not limit the development potential below that established by the draft LEP, subject to comments below.

It is worth noting that the additional setback requirements for the secondary street frontage (which is traditionally the longer side frontage of a dwelling facing the primary street) will most likely require lot consolidation of a second lot on the primary street to ensure sufficient depth to enable multi-dwelling housing/townhouses to properly face the longer street frontage. This may reduce the uptake in the R3 zone.

4.1.4 Summary

The draft DCP, including deep soils requirements, were found to be consistent with the draft LEP. It is recommended that further consideration be given to additional streetwall height controls for sites with multiple street frontages in the B2 zone.

4.2 Zone boundary and interface issues – Larkin Street case study

The Review was asked to consider the DCP's response to circumstances where the LEP was unable to provide a gradation of zones between the R4 and R2 lands. It is noted that, in most instances, an R3 zone provides a buffer between R4 zoned land and the lower density R2 zone. Larkin Street, Roseville is one exception to this pattern, and is a representative example where the road reserve separates R4 from R2 zoned land.

Testing was carried out to determine whether a 5 storey building on the higher side of Larkin Street (R4 zone) would have an unacceptable amenity impact on residential properties to the west (R2 zone). Figure 4.2a illustrates the findings and confirms that the slope up to the east of Larkin Street, while significantly greater than in many other locations, means that new development would not be any more visible than in another situation.

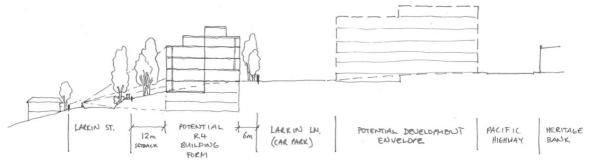


Figure 4.2a

The significant (12m) front setback required by the DCP, combined with the steep wooded nature strip and high likelihood of significant mature eucalypts within the front setbacks in the future, combine to screen potential development. Vegetation currently growing on the steep eastern verge of Larkin Street will screen the views from the footpath and properties opposite towards any new development even before any new eucalypts reach their mature heights, as illustrated in Figure 4.2b.

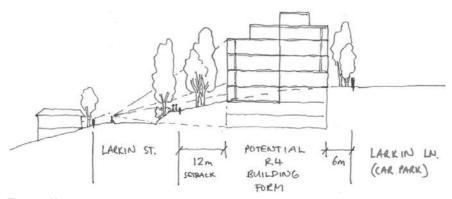


Figure 4.2b

The Larkin Street example confirms Council's assumptions for such circumstances as valid, and highlights the positive effect of the DCP setback controls in minimising interface issues.

4.3 Design Quality

Overall design quality (Part 3 and Part 4.1)

The draft Town Centres DCP adopts an appropriate balance of controls and flexibility to encourage high quality design responses from applicants, including 'hooks" that the assessment staff can utilise in discussions with applicants and developers. It is not possible, or appropriate, for a DCP to prescribe high quality building design. This is partly because best practise is continually changing and improving - prescribing a limited number of techniques within the draft DCP would be ensuring its redundancy in the immediate future.

Overall, the controls as they relate to design quality are sufficient to ensure a high quality design outcome is delivered in Ku-ring-gai. Ultimately, the built outcomes are reliant on consistent application of the DCP controls.

Materials, finishes and colours (Part 4.6)

The materials and finishes as proposed in Part 4.6 are generally appropriate. Suggestions to improve the controls include:

- Specifying the use of brick and sandstone on only the lower levels of development.
- Encouraging the use of lightweight materials, finishes and colours on more than the top storey of development if setback controls within Parts 2 and 3 are amended to encourage setbacks above a three storey streetwall.

It is noted that images 4.15-1 and the lower image at 4.15-2 are not good examples of services being concealed or integrated within the building facade or fence.

4.4 Sustainability

Sustainability is a prominent underlying theme of the draft DCP, and is integrated across the document. Many of the DCP's provisions are comparable, or in advance of, current practices. Examples include the adoption of Green star rating provisions, more stringent solar access and overshadowing provisions than are normally required, and strong biodiversity and environmental controls.

4.5 Parking requirements

The DCP adopts an approach of minimising parking within new developments. The trend towards restricting parking is not new in planning, particularly for urban centres close to transport. The philosophy has been reinforced by the corridor based principles of the Metropolitan Strategy and current thinking on the benefits of concentrating development around transport centres.

The parking requirements of the draft DCP are generally in accordance with current best practices. While nominating the parking rates as maximums may be unpopular in the current context (and is noted as an issue arising in submissions to the plan), it is consistent with the underlying sustainability themes of the DCP, and with contemporary transport planning.

A review of comparable parking rates is provided in the table below. Key considerations arising are:

- The parking rates proposed for the town centres are generally consistent with other DCP's;
- Adopting a maximum parking rate is consistent with current thinking and best practice in planning for urban centres that are well served by public transport;
- The rates for residential flats are equivalent to the maximum rates under the current DCP
 43 for single and two bedroom units and straddle the current rate of 1.5 spaces per dwelling for larger (3 bed) units;
- Use of gross floor area rather than gross leasable area is strongly supported as a best practice approach.

Use	Draft KMC			Randwick*	Pittwater DCP 21
	Town Centi	res DCP)		
Detached dwellings	2 spaces				Small (1 bed) = 1 space
					Larger (2 bed) = 2 spaces
Dual occupancy	Under 125m	n ² - 1/dw	g		
	Over 125m ²	-2/dwg			
Secondary dwelling	1 space				1 space
Multi-dwelling housing	1 bed = 1 sp	ace		Studio – 0.5 spaces	1 bed = 1 space
	2 beds = 1 s	pace		1 bed = 1 space	2 bed = 2 space
	3+ bed = 2	spaces		2 bed = 1.2 spaces	
				3+ beds = 1.5 spaces	
Residential flats	Studio = 0.5	spaces			
		Min	Max	Studio – 0.5 spaces	
	1 bed	0.6	1	1 bed = 1 space	
	2 bed	1	1.25	2 bed = 1.2 spaces	
	3+ beds	1	2	3+ beds = 1.5 spaces	
Retail	1/17m ² GFA				1/30m ² GLA (not GFA)
Commercial and business	1/33m ² GFA				2.5/100m ² GLA

*Notes: The Hornsby High Density Multi-Unit Housing DCP uses the same rates as Randwick

4.6 Public art

The public domain improvements envisaged by the Structure Plans offer opportunities for public or street art. The draft DCP does not include any specific provisions for public art, an issue that arose in discussions with Councillors at the initial project briefing.

Landcom's Public Art Guidelines, 2008, suggest that the following principles as the basis for development controls or Public Art Strategy:

- Contribute to cultural identity and create a distinctive sense of place by being appropriate to community context, carefully sited and respond creatively to the local area;
- Help build stronger and more connected communities by supporting the amenity of public spaces, being a guide in wayfinding or creating opportunities for social exchange;
- Art that is able to enjoyed and experienced by people of different ages and background, either being developed with a community audience in mind, or exploring cultural diversity.
 Consider locally based artists, especially artists from different cultural backgrounds;
- Respond to the themes of people and place, past and present, either by responding to the social history of the place, or through sensitivity to cultural change;
- Relate to the built and natural environment, particularly where there are opportunities to collaborate with architects, by integrating the art with landscape and the built form;
- Exemplify artistic excellence and integrity, especially works that are original in concept and execution, and through respecting the integrity of the artist;
- Responding to climate change through sustainable fabrication by using sustainable materials and processes, recycled water or rainwater in the case of water features, carbon offsets and other strategies
- Art that is appropriate to context, safe and easily maintained. The art needs to be structurally sound under anticipated uses and conditions, be suitably durable and meet any relevant standards.

Development controls are included in the Willoughby Civic Place DCP. The Willoughby controls are based around interpretation of heritage and archaeology, and may provide a useful model for any future controls for the Ku-ring-gai Town Centres. It is recommended that opportunities for public art

in the development of new community spaces in the town centres be investigated, possibly through a Public Art Strategy in the first instance.

5. Review and summary

The draft Town Centres DCP is a comprehensive document that has been prepared from detailed background analysis and research. The DCP achieves its primary purpose of supporting the draft LEP and providing additional detailed controls to guide the design and assessment of development. The DCP responds positively to the general evaluation criteria:

- ✓ Themes of urban renewal, sustainability, heritage management and design quality clearly underpin the DCP
- ✓ The place based approach allows the Plan to provide intentionally tailored controls for each town centre, and strengthens the DCP's ability to realise good outcomes for Ku-ringgai
- ✓ The DCP is generally logical and uses clear language and illustrations to guide its use and application.

URBAN DESIGN CRITERIA

The DCP responds positively to the urban design criteria, particularly in terms of the role intended for each centre, protecting the leafy character of the residential areas, and encouraging safe and visually interesting streets. Recommendations to further improve the Structure Plans and building type controls have been identified.

The Review has highlighted the need for additional work in relation to articulating the preferred future built form character for each centre. This is a primary recommendation of the Review, and derives from concerns that the Part 2 controls encourage replacement of the current finer grained and lower rise retail strips without retaining (or reinstating) the current two to three storey street edge.

The deep soil requirements are strongly supported by the Review as key to retaining the area's leafy character. In combination with the controls to protect Blue Gum High Forest and Sydney Turpentine Ironbark Forest, the DCP controls will help the urban area of Ku-ring-gai support greater species diversity than would be otherwise possible.

HERITAGE CRITERIA

The heritage controls are a key element of the DCP's task in supporting the changes facilitated by the LEP. The controls would benefit from clearer expression of the underlying philosophy, particularly in terms of the through zoning of heritage sites in the town centres.

The heritage controls are comprehensive, and while could make better use of the town centre conservation area character statements, respond positively to the evaluation criteria.

BIODIVERSITY AND NATURAL LANDSCAPE

The Riparian and Biodiversity controls are based on the LEP background studies, and include the details that were not able to be included in the statutory instrument. The Greenweb maps, in particular, were considered too detailed for inclusion in the LEP, and more appropriately included in the DCP. Despite the acknowledged limitations of the Greenweb maps, the riparian corridor, biodiversity and natural landscape controls provide a strong foundation for managing the town centre's ecologically sensitive areas.

COMMUNITY/SOCIAL CRITERIA

The town centre proposals have attracted significant community interest and concern. The DCP responds sensitively to key community concerns, with particular care given to heritage, interface issues and measures to contain the effects of new development on existing adjoining sites. It is noted that Council is currently reviewing submissions to the draft DCP.

OVERALL REPORT CRITERIA

The draft DCP is comprehensive, uses single language and well founded. The underlying principles of the plan are consistently evident through the plan. The structure is generally logical, and subject to a few minor comments, is consistent with best practice.

EVALUATION

Whole document criteria	Structure Plan response
Legibility	✓
Philosophical foundation	✓
Language	✓
Section criteria	✓
Statutory compliance	✓
Rationale	✓
Internal consistency	Minor review recommended
Content	Minor review recommended
Editorial	Minor review recommended
Urban design	✓
Heritage	✓
Sustainability	✓
Environmental	✓
Social/community	✓

6. The way forward

6.1 Priorities for review

The priority areas for review of the Town Centres DCP are:

- Reviewing the Structure Plans as set out in Section 3.2 of this report. Key considerations are
 the suitability of nominating a two-three storey streetwall height as a means to retain/reflect
 the existing character of the centres and better manage changes in the interim phase,
 acknowledging that development will occur in stages over time. Other priority issues are:
 - a. Primary and secondary frontages
 - b. The effect of setbacks to heritage items in the B2 zone
 - c. Pedestrian and vehicle entrances.
- 2. Revisit and/or determine the preferred future built form character for each Centre and ensure that the setback controls will help to achieve this desired character.
- 3. Review the specific building type controls as set out in Section 3.3 of this report, including updating the structure and formatting of Part 3E to remove the inconsistent Assessment Criteria and Design Requirement overlay.
- 4. Review controls that occur in more than one part of the plan as duplication reduces legibility and useability of the document. This particularly applies to the reduced setback controls in Part 2 and A5, and controls for landscaping, and carparking access and design.
- 5. Review the components included in the Public Benefit Plans to ensure key or critical elements are not reliant on development outcomes but are in the base requirements.

Areas of the Draft DCP that should be monitored with a view to reviewing before the first anniversary of the plan becoming effective are:

- 1. The graphic style and level of detail included in the Structure Plans.
- 2. Consideration of the extent of area shown on the Structure Plans and options to include more (or all of) the land within the LEP "town centre" boundaries.
- 3. How the heritage controls are working for through zoned heritage sites.
- 4. How the Greenweb mapping and associated controls are working.
- 5. Use and outcomes from the application of the Biodiversity Offset provisions.

The preparation of a public art policy is recommended as an area for possible longer term review.

6.2 Summary of recommendations

Section	Recommendations
Section 3.2.1 Structure Plans -	Include preferred built form character statements supported by additional controls to guide the delivery of preferred built form for each town centre.
General	2. Review setbacks to ensure that they will deliver the desired built form characters defined in the Desired Future Character Statements. Additional streetwall height controls are recommended for B2 zone sites with multiple frontages.
	3. Consider a less "hard edged" graphic style for the Structure Plans.
	4. Reduce the detail of the Structure Plans, especially in terms of specifying the location of tower elements and the location of pedestrian and vehicle access points.
	5. Update the written controls in Part 2 to be more comprehensive and less reliant on cross references to the plans.
	6. Review the physical extent of the Structure Plan base information to include all land in the town centres or provide a suitable key map.
	7. Consider retaining a streetwall comparable to the scale of existing development (generally three storeys) with a nominal (2-5m) setback for upper levels to retain connection with the existing built form and allow for incremental change in a manner compatible with existing character, particularly in relation to:
	Stanley Street shops, St Ives
	Grandview Street, Pymble
	St John's Avenue, Gordon
	Lindfield Avenue, Lindfield
	Pacific Highway, Roseville
	8. Remove the reduced landscape setback control (green dashed line) from the Structure Plans and include the controls in Part 3C.
	Review the treatment of the Pacific Highway to ensure that the built form outcome resulting from the controls will meet expectations.
	 Review the additional setback requirements and avoid additional street setbacks on the public benefits plans as there is no assurance of a consistent outcome.
	11. Review the expectations and delivery of public benefit improvements and the relationship to the indicative base plans.
	12. Ensure that there is adequate protection for heritage items in the B2 zone and adjoining lands.
	13. Review the viability of dual active frontages where building depths are realistically only one shop deep.
	14. Review the symbols on the Structure Plans to reduce complexity and ensure consistency between the key and symbols shown on the plans.
	15. Revise base maps so that street names do not fall off the edge.
	16. Eliminate minor discrepancies between plans and sections.
Section 3.2.2	1. Review the role and intentions for Denley Lane.
St Ives	2. Update inconsistencies between the Structure Plan and S1 Indicative Base Plan for Denley Lane.

Section 3.2.3 Turramurra	 Review the setback controls in relation to the intended built outcomes/desired future character with particular reference to building heights and setbacks around the new square in T1.
	2. Retain the buildings with active frontage to William Street (T1) until the southern portion of Forbes Lane is redeveloped and Supermarket/Library development is complete.
	3. Confirm the controls for T2 in terms of likely outcomes to the Uniting Church and suitability of the at-grade carparking.
	4. Review the controls to ensure good amenity and solar access to Gilroy Lane.
	5. Update inconsistencies between the Structure Plan and T1 Indicative Base plan, and T3 section (active street frontages).
Section 3.2.4 Pymble	Consider a shared use zone for Post Office lane as an alternative to road widening.
Tymble	2. Review the public benefit corner setback shown on Key Area P1.
	3. Review the need for new pedestrian access paths to the Pacific Highway from Post Office lane.
	4. Review the setbacks to Park Crescent.
Section 3.2.5 Gordon	Review the intended role of Wade Lane to ensure the service role is accommodated.
Gordon	Review the design and details of the proposed development of the Wade Lane carpark.
	3. Reconsider suitability of shop-top housing perpendicular to the Highway in Key Area G2 in terms of the likelihood of generating an inconsistent streetscape, and possible limits on development potential of some lots.
	4. Review controls for development on the northern side of St Johns Avenue to avoid excessive overshadowing of the southern footpath.
	5. Consider options to provide active edges to the new urban park in Key Area G3.
	6. Review the intended role of Radford Way in Key Area G3.
	7. Review the encouragement of residential uses within Key Area G4.
Section 3.2.6	1. Review and update L1 in accordance with comments in Section 3.2.6.
Lindfield	2. Review the intended role and function of Tryon Lane in Key Area L3.
	3. Review the details of L4 in accordance with the detailed comments in Section 3.2.6.
Section 3.2.7 Roseville	Review the preferred mechanism for delivery of the public park in R1, and consider active edges for the park.
Nosevine	Update inconsistencies between Section AA and the Base Plan for Key Area R1.
	3. Review changes relating to the Commonwealth Bank building in Key Area R2 as set out in the detailed comments in Section 3.2.7.
Section 3.3.1	1. Apply Section 3A.5 to side and rear elevations.
Mixed use developments	2. Revise the controls in Section 3A.8 to allow building entry controls to be removed from Part 2.
	3. Consider controls for green roofs.
	4. Review the awning controls to provide some flexibility for use of

	canopies in certain situations.
	5. Review the objectives of Section 3A.15 to remove the reference to natural ventilation as it is covered in 3A.16.
Section 3.3.2 Office	Consolidate office depth, natural ventilation and solar access controls under the heading of ESD based on principles rather than prescriptive solutions.
buildings	 Ensure adequate controls are included for cafe's and food premises.
	3. Consider controls for green roofs.
	4. Include provisions for pedestrian access through parking areas.
Section 3.3.3	Incorporate the Reduced Setback maps into Part 3C.
Residential lat	Review front setbacks to encourage the "Tryon Road" typology where appropriate.
developments	Review controls to encourage fencing where typical of the surrounding residential character.
Section 3.3.5 Dwelling	Revise to ensure consistency with all other Parts of the draft DCI with Objectives and Controls.
houses	2. Review and revise to avoid duplication and internal inconsistencies as set in the body of the report.
	3. Review the local character and streetscape controls to reduce repetition and make more consistent use of the A8 Visual Characte Study.
	4. Update the fencing controls to include Objectives.
Section 3.4 General controls	 Clarify the application of the Design Excellence controls at Section 4.1 to development applications that take advantage of the Public Benefit provisions.
	2. Review Section 4.4 in relation to SEPP (Exempt and Complying Development Codes) 2008 to ensure consistency.
	3. Review Green star rating controls in the context of 6 star ratings, and consider relocating the controls to Parts 3A (Mixed Use Developments) and 3B (Office Buildings).
	 Consider relocating Section 4.8 controls to relevant sections of Par 3.
	5. Revise Section 4.16 to update references to Part A2.5.
	6. Review Section 4.17 with a view to relocating building type specific controls into Part 3 and improving cross links with Part 3
Section 3.5	1. Strengthen the expression of the underlying philosophy of Part 9.
Heritage	2. Review the structure of Part 9 with a view to incorporating the Town Centre Conservation Area character statements into Part 9.
	3. Review requirements for referral of heritage item development applications to the NSW Heritage Branch.
	4. Update the diagrams in Section 9.2 to better illustrate the type o development that could occur on amalgamated development sites.
	5. Include controls for development in the vicinity of heritage conservation areas.
	6. General editorial review to reduce overlaps and inconsistencies.

Section 3.6 Biodiversity, Natural	 Consider inclusion of specific references to BGHF and STIF communities while recognising that other important ecological communities are present.
Landscape and Riparian zones	 Review the effectiveness and useability of the Biodiversity controls, including integration between Part 4.3 and Part 7 after implementation.
	3. Monitor operation of the Biodiversity Offset controls.
Section 4.3	1. Specify use of brick and sandstone on the lower levels of buildings.
Design Quality	Encourage lightweight materials, finishes and colours for more than the top storey where a three storey streetwall is to be used.

Independent Peer Review by Haertsch Planning, John Oultram Heritage & Design and David Lock Associates

COMMENTS AND RECOMMENDATIONS ON PART 2

REF	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
PART 2 Structure	Diane			
General	2b.Additional streetwall height controls are recommended for B2 zone sites with multiple frontages.	_	This is a summary recommendation. The same recommendation has been made by the Peer Review in relation to Key Sites within the town centres. The recommendation has been addressed accordingly in the relevant sections of the Table below.	Refer relevant recommendations in centre specific sections of the Table below.
	3. Consider a less "hard edged" graphic style for the Structure Plans.		Hand-drawn Structure Plans were considered but time has not allowed the drawings to be converted. While this is desirable outcome it is not considered essential to the understanding of the DCP.	Consider hand-drawn Structure Plans if time allows or in a future review of the document
	4. Reduce the detail of the Structure Plans, especially in terms of specifying the location of tower elements and the location of pedestrian and vehicle access points.		Noted. This issue has been partly addressed as part of a staff review following exhibition of the draft DCP. The location of a landmark building element is considered a relevant detail for a Structure Plan. The location of pedestrian and vehicle access points is addressed in the Base Design Principles and could therefore be deleted from the Structure Plans.	Delete pedestrian and vehicle access point graphics from the Structure Plans (retain in base design controls)

REF	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
	6. Review the physical extent of the Structure Plan base information to include all land in the town centres or provide a suitable key map.		This option was considered however there is a limitation inherent in the DCP structure in that Part 2 is only intended to provide guidance for Key Sites. Extending the extent of the Structure Plan into residential areas may be confusing.	No change recommended.
	8. Remove the reduced landscape setback control (green dashed line) from the Structure Plans and include the controls in Part 3C.	It is recommended that the need for the green dashed line on the Structure Plans be reviewed to eliminate the current overlap.	Agreed. The Structure Plan has two categories of landscaped frontage. The green solid line represents larger setback of 10-12m and the green dashed line represents 3 to 6m setback. It is acknowledged that these two separate categories for landscaped frontage are considered unnecessary and may overlap with controls in Part 3C in relation to setback requirements, and therefore should be revised.	It is recommended that the Structure Plan shows only one category of landscaped frontage (represented in green solid line) without associated numeric controls to avoid overlaps and inconsistencies.
	9. Review the treatment of the Pacific Highway to ensure that the built form outcome resulting from the controls will meet expectations.	_	This is a summary recommendation. The same recommendation has been made by the Peer Review in relation to Key Sites within the town centres. The recommendation has been addressed accordingly in the relevant sections of the Table below.	Refer relevant recommendations in centre specific sections of the Table below.
	10. Review the additional setback requirements and avoid additional street setbacks on the public benefits plans as there is no assurance of a consistent outcome.	_	This is a summary recommendation. The same recommendation has been made by the Peer Review in relation to Key Sites within the town centres. The recommendation has been addressed accordingly in the relevant sections of the Table below.	Refer relevant recommendations in centre specific sections of the Table below.

REF	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
	11. Review the expectations and delivery of public benefit improvements and the relationship to the indicative base plans.		This issue was highlighted by the Department of Planning as part of the LEP finalisation in relation to Clause 6.4 (Public Benefits). The LEP was subsequently amended prior to submission of the final DLEP for Ministerial approval. The DCP has been reviewed accordingly to clearly indicate public infrastructure funded by development contributions and other urban design elements that may be funded and delivered by private developments consistent with the UDEP.	No change recommended
	12. Ensure that there is adequate protection for heritage items in the B2 zone and adjoining lands.		Part 9 of the DCP contains detailed provisions on heritage items as well as development in the vicinity of a heritage item for all zones. In addition, Part 2 contains specific heritage controls for key items within the B2 zone to ensure their integration with the new developments.	No change recommended.
	13. Review the viability of dual active frontages where building depths are realistically only one shop deep.		Majority of the retail lots are very deep and as a result it is feasible to provide dual active frontages in these blocks. For the lot/block that is only one-shop deep, it is not envisaged that there will be continuous retail/commercial shopfronts on all street frontages, except for the primary active street frontage. The secondary active street frontage will have lesser extent of retail activities and may only have glazed window(s) and/or doorway(s) and most likely will incorporate vehicle access point(s).	No change recommended.

REF	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
	14. Review the symbols on the Structure Plans to reduce complexity and ensure consistency between the key and symbols shown on the plans.		Noted. This issue has been partly addressed as part of a staff review following exhibition of the draft DCP. Further review will be undertaken	Structure Plan drawings to be reviewed to reduce complexity and ensure consistency between the key and symbols shown on the plans.
	15. Revise base maps so that street names do not fall off the edge.	_	Noted.	Revise all diagrams in Part 2 to ensure street names are provided in full.
ST IVES				
Overall	1. Include preferred built form character statements supported by additional controls to guide the delivery of preferred built form for each town centre.	Review the Desired Future Character statements to ensure that they incorporate references to the desired future built form character.	Noted.	Amend urban structure and desired future character to include statements referring to 3-storey street wall to Mona Vale Road, Village Green Parade and Stanley Street, and 2-storey street wall to lanes. Amend plans and sections accordingly.
	2. Review setbacks to ensure that they will deliver the desired built form characters defined in the Desired Future Character Statements.	Review building setback controls to ensure these will help to deliver the desired future built form.	Noted and recommendation accepted.	Amend base principles and building controls to be consistent with amendment noted above.
Key Site S1	1. Review the role and intentions for Denley Lane.	The future of Denley Lane is unclear. Particular queries are: 1. Whether there is a rationale for only one side of Denley Lane being shown as active and if this is in response to the Shopping Village's existing or proposed loading area. 2. Whether the removal of half of Denley Lane and the retention of the other half of the lane is based on land ownership patterns and	Point 1: This issue has been noted and corrected as part of a staff review following exhibition of the draft DCP. Point 2: The partial closing of the lane allows a consolidated retail footprint and greater flexibility for the design of the centre as an open retail centre. Point 3: Denley Lane is proposed to be retained with a primary function as a loading area. Part of the lane is retained	Changes have been made to the draft DCP following public exhibition that address the consultant's concerns. No further change recommended.

REF	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
		desires of the shopping centre developers 3. Whether the lane may not be better retained in its function as a loading area with retail activity focussed into more appropriate part of the centre.	and a new extension is proposed linking with Mona Vale Rd.	
		The desire for a new town square and second pedestrian street raises questions in terms of: 1. Is there a need for another town square? The base plan already provides for a village green, a new pedestrian street, the Village Green Parade and the Durham Ave Pedestrian Mall. 2. What impact will the new square and streets have on the ability to include a full-line supermarket and active retail frontages into the remaining development parcel.	Point 1: The principle of a St Ives town square has been established and developed over a significant period of time. The staff revisions following exhibition have clarified the relationship between the town square and the Council owned land. Point 2: In response to public submissions the location and alignment of the new town square and streets have been modified to provide more consolidated development parcels.	No further change recommended.
	2. Review setbacks to ensure that they will deliver the desired built form characters defined in the Desired Future Character Statements.	We note the existing Commonwealth bank building fronting Memorial Avenue as a potential character item and future heritage item, and question the greater setbacks that would require or encourage the demolition of the building.	Heritage listing is an LEP issue and it is not within the scope of the draft DCP to define heritage. Full redevelopment of the site (to maximum allowable in the LEP) would require demolition of the CBA building irrespective of whether there is a setback requirement.	No change recommended.

REF	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
	3. Update inconsistencies between the Structure Plan and S1 Indicative Base Plan for Denley Lane.	A discrepancy is noted between the Structure Plan and the S1 Indicative Base Plan with the Denley Lane shops shown as an area of Priority Commercial on one map and priority residential on the other.	Noted. This error has been corrected as part of a staff review following exhibition of the draft DCP.	Changes have been made to the draft DCP following public exhibition that address the consultant's concerns. No further change recommended.
Key Site S2	7. Consider retaining a streetwall comparable to the scale of existing development (generally three storeys) with a nominal (2 5m) setback for upper levels to retain connection with the existing built form and allow for incremental change in a manner compatible with existing character, particularly in relation to Stanley Street shops, St Ives	The Key Area objective to "retain and enhance the "main street" style" and the associated 'Principle A' to create "a coherent street character by providing appropriate and consistent building types and forms parallel to the street alignment" is laudable. However, the reality of the proposed controls, a 2m setback from the property line, and 5-6 storeys of development with no setback on only one side of Mona Vale Road is unlikely to result in the 'coherent street character' or 'existing main street style' desired.	Noted. Relevant principles will be amended to achieve coherent street character as envisaged in the objectives. The principles require a two-metre street setback to allow for street tree planting. The shops are an isolated group of buildings in an area with landscape setbacks being typical. This will result in new buildings in an area with a treed landscape character and broad footpaths.	Add new base design principle as follows: "Create consistent street walls of 3 storeys that are built parallel to the street alignments of Mona Vale Road and Stanley Street.
TURRAMU	RRA			
General	1. Include preferred built form character statements supported by additional controls to guide the delivery of preferred built form for each town centre.	Review the Desired Future Character statements to ensure that they incorporate references to the desired future built form character.	Noted	Amend urban structure and desired future character to include statements referring to 3-storey street wall to Pacific Highway and 2-storey street wall to lanes. Amend plans and sections accordingly.
Key Site T1		The proposal to set back new development 4m from the current building line will allow widening of the Highway in the future. This raises a	Point 1: Noted, the plan is incorrect as it shows trees where there will be awnings.	Changes have been made to the draft DCP following public exhibition that partially address the consultant's concerns.

REF	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
		number of queries including: 1. The depiction of this new setback with an avenue of street trees if the future widening of the roadway will again swallow any additional footpath width and the space required for trees. 2. The ability to deliver the 4m setback along the entire length to enable the widening of the roadway if some land parcels remain undeveloped 3. The impact that the widening of the Pacific Highway along with Forbes Lane will have on the depth of land parcels between the two frontages and their ability to address both these street frontages adequately.	Point 2: There is three alternatives: Option a - retain the existing RTA reservation which is on the southern side of the highway and impacts on heritage buildings; Option b - do nothing; Option c - relocate the RTA reservation to the southern side of the highway as per the DCP. The preferred approach is Option c. The impact on built form on balance is considered acceptable. In the long term the RTA may be willing to acquire properties to ensure the widening is achieved. Point 3: The land parcels are narrow but are over 20 metres deep so redevelopment is viable. Following public submissions the additional 2 metre setback at the rear of these properties has been deleted.	Amend plans for Key Site T1 to remove street tree planting on the Pacific Highway frontage.
	1. Review the setback controls in relation to the intended built outcomes/desired future character with particular reference to building heights and setbacks around the new square in T1.	More specific built form controls are recommended: 1. For building heights and setbacks around the new square to ensure a street wall height sufficient to ensure an appropriate sense of enclosure and overlooking. (more than the two storeys currently proposed) 2. To achieve a consistent character for Forbes Lane if desired.	Point 1: comments supported. The proposed town square is of a scale that would require a 3-4 storey street wall to provide an appropriate sense of enclosure. Point 2: comments supported. Section BB currently shows an inconsistent built form character on Forbes Lane. A minimum 2 storey street wall height is required for a consistent character.	Amend Base design principles, plans and sections to: Require a street wall of 4 storeys fronting the town square; Require a 3-storey street wall to the Pacific Highway; Require a 2-storey street wall to Forbes Lane and Ray Street.

REF	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
	5. Update inconsistencies between the Structure Plan and T1 Indicative Base plan, and T3 section (active street frontages).	The Indicative Massing diagram and the Indicative Base Plan are inconsistent which sends a conflicting message as to the desired built form in the precinct.	Noted.	Amend T1 Indicative Massing Diagram to be consistent with Indicative Public Benefit Plan.
	2. Retain the buildings with active frontage to William Street (T1) until the southern portion of Forbes Lane is redeveloped and Supermarket/Library development is complete.	The four buildings with active frontages to William Street should not be demolished before the southern portion of Forbes Lane is redeveloped and the Supermarket/Library development is complete. These shops and houses currently provide activity and a safe environment at the station entry.	Land acquisition and development staging are not controlled by the DCP and comments cannot be actioned.	No change recommended.
Key Site T2	4. Review the controls to ensure good amenity and solar access to Gilroy Lane.	Gilroy Lane is likely to be overshadowed by development to its north on the council car park	Yes, it is acknowledged that part of Gilroy Lane will be overshadowed if development occurs on the council car park to the maximum scale allowable in the draft LEP. However the building mass only occupies less than 50% of the total street length. Solar access is protected over the remaining length by a proposed urban park.	No change recommended.
	3. Confirm the controls for T2 in terms of likely outcomes to the Uniting Church	The desired built form response to the heritage protected Uniting Church is not clear.	This is a matter for resolution at the DA stage in accordance with controls in Part 3 and 9 of the DCP.	No change recommended.
	3. Confirm the controls for T2 in terms of suitability of the at grade car parking.	This Indicative Massing model of the council car park incorporates an area of at-grade car parking which is not compatible with creating a street-like atmosphere in Gilroy Lane.	Following public submissions on the draft LEP the indicative massing model for the Council car park has been removed as it is not within the area defined as a Key Site in the draft LEP and as such Part 2 of the DCP does not apply.	Changes have been made to the draft DCP following public exhibition that address the consultant's concerns. No further change recommended.

REF	FINAL PEER REVIEW	COMMENTS IN PEER REVIEW	COUNCIL STAFF RESPONSE	COMMENTS AND
11.	RECOMMENDATIONS	REPORT (WHERE PROVIDED)	SSSTICLE STATE INCOME.	RECOMMENDATIONS
Key Site T3	5. Update inconsistencies between the Structure Plan and T1 Indicative Base plan and T3 section (active street frontages).	This is the only portion of the Pacific Highway where a setback above the retail podium has been specified. It is not clear why this is the case. Active frontages are shown only in sections of the new street suggesting an inconsistency between the Structure Plan and section.	Inconsistency noted. A 2m upper level setback will be introduced on all sites fronting the Pacific highway to create a consistent 3-storey street wall.	Amend Base principles and controls for Key Sites T1, T2, T3 and T4 to include a 2m setback for all levels above the street wall height fronting the Pacific Highway.
PYMBLE				
General	1. Include preferred built form character statements supported by additional controls to guide the delivery of preferred built form for each town centre. 7. Consider retaining a streetwall comparable to the scale of existing development (generally three storeys) with a nominal (2 5m) setback for upper levels to retain connection with the existing built form and allow for incremental change in a manner compatible with existing character, particularly in relation to Grandview Street, Pymble	Review the Desired Future Character statements to ensure that they incorporate references to the desired future built form character especially Grandview Street.	Noted and recommendation accepted.	Amend urban structure and desired future character to include statements referring to 3-storey street wall to Pacific Highway, Grandview Street and the side streets, and 2-storey street wall to lanes. Amend plans and sections accordingly.
	2. Review setbacks to ensure that they will deliver the desired built form characters defined in the Desired Future Character Statements.	Review building setback controls to ensure these will help to deliver the desired future built form characters defined in the revised Desired Future Character statements.	Noted and recommendation accepted.	Amend base principles and building controls to be consistent with amendment noted above.

REF	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
Key Site P1	1. Consider a shared use zone for Post Office lane as an alternative to road widening.	Post Office lane is a rear service lane and is unlikely to ever be a proper street fronted by development on both sides. It is recommended that consideration be given to a shared use zone with a reduced speed limit as an alternative to road widening with footpaths to separate pedestrians and vehicle traffic.	A 2m rear setback for footpath improvements is not seen as a major imposition on this site where additional FSR or building height may be sort.	No change recommended.
	2. Review the public benefit corner setback shown on Key Area P1.	The corner setback shown as a public benefit is likely to increase the exposure of Post Office Street and the heritage dwelling to the Pacific Highway, rather than improve the amenity of the public realm.	Noted. Recommendation accepted	Delete principle N requiring corner setback to Pacific Highway and Post Office Street intersection. Amend plans accordingly.
	3. Review the need for new pedestrian access paths to the Pacific Highway from Post Office lane.	The requirement for new pedestrian access ways to the Highway from Post Office Lane is questioned. Most properties already have double frontages allowing residents and workers to access both street frontages from within.	As a principle pedestrian permeability has been maximised in all the centres to balance the effects of increased densities. This laneway will provide an alternative pedestrian route for pedestrians walking to Robert Pymble Park from the north.	No change recommended.
		A detailed analysis of the setbacks mandated for Post Office Lane to protect the residences to the north may reveal additional height is appropriate to enable redevelopment to capitalise on solar aspect and views to Robert Pymble Park.	Building height is controlled by the draft LEP and it is assumed these heights will be maximised to capture views.	No change recommended.

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	7. Consider retaining a streetwall comparable to the scale of existing development (generally three storeys) with a nominal (2 5m) setback for upper levels to retain connection with the existing built form and allow for incremental change in a manner compatible with existing character, particularly in relation to Grandview Street, Pymble	The proposed controls will result in a radically different character in Grandview Street if redevelopment of six storeys with no setbacks is encouraged. This change will reduce the intimate scale and feel of the street contributing to the centres undesirability. As the nicest street in the centre and pivotal to the centre's identity we suggest that the Grandview Street controls be amended to incorporate a 3 storey street wall height with upper levels set back 2-5m.	Noted. Recommendation accepted	Amend P2 Base Principles, Base Plan, Sections AA and BB and setback controls to incorporate a 3- storey street wall height with upper level setback of 2m to Grandview Street.
	4. Review the setbacks to Park Crescent.	The large setbacks of development on Park Crescent may not respond to the park in the most appropriate way. Park frontages are often less sensitive than residential frontages, meaning that development can be set forward to fully capitalise on the outlook that a park frontage provides. While the setbacks are reasonable, a reduced setback could work well in this location allowing the buildings to come further north, and enabling the buildings fronting Grandview Street to set back 5m behind the existing street wall.	The existing footpath area on Park Crescent is very narrow and would not be adequate to accommodate outdoor dining. A 2m setback to widen the footpath is not seen as a significant imposition on the site. The upper level setback along Park Crescent will create opportunities for the provision of large terraces taking advantage of the northern aspect and outlook to the park. It appears that adequate separation can be provided between residential buildings (over the podium) fronting Grandview Street and Park Crescent with a 2m upper level setback to Grandview Street and 4m to Park Crescent. It is therefore recommended to retain the 4m upper level setback. However a 3-storey (instead of 2-storey) street wall to Park Crescent would provide a stronger urban edge to define Park Crescent and the park beyond.	Amend P2 Base Principles, Base Plan, Sections AA and BB and setback controls to incorporate a 3-storey street wall height with upper level setback of 4m to Park Crescent.

REF	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
GORDON				
General	1.Include preferred built form character statements supported by additional controls to guide the delivery of preferred built form for each town centre. 7. Consider retaining a streetwall comparable to the scale of existing development (generally three storeys) with a nominal (2 5m) setback for upper levels to retain connection with the existing built form and allow for incremental change in a manner compatible with existing character, particularly in relation to St John's Avenue, Gordon	Review the Desired Future Character statements to ensure that they incorporate references to the desired future built form character.	Noted.	Amend urban structure and desired future character to include statements referring to 3-storey street wall to Pacific Highway and side streets and 2-storey street wall to lanes. Amend plans and sections accordingly.
	2. Review setbacks to ensure that they will deliver the desired built form characters defined in the Desired Future Character Statements.	Review building setback controls to ensure these will help to deliver the desired future built form characters defined in the revised Desired Future Character statements.	Noted.	Amend base principles and building controls to be consistent with amendment noted above.
Key Site G1		We are concerned about the character likely to be achieved in the new urban streets between Dumaresq Street, Moree Street and St Johns Avenue and their pedestrian amenity.	The new streets between Dumaresq Street and St Johns Avenue are intended as service lanes serving the adjoining developments and are to have active street frontages wherever possible.	No change recommended.
		The indicative civic space shown for Moree Street on the public benefit plan is unnecessary if the street is to be closed by council. The space as shown is unrepresentative of the type	The proposed space is an option within the urban design excellence principles and as such the space would be delivered as part of a larger development on both sides of Moree	No change recommended.

REF	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
		of space that would actually be required to create a safe environment, especially if surveillance by passing vehicle traffic was removed eliminated.	Street. Partial closure of the road is noted as an option. Safety and surveillance are matters that can be addressed at DA stage.	
Key Site G2	1. Review the intended role of Wade Lane to ensure the service role is accommodated.	The appropriateness of primary active frontages to Wade Lane, especially given its ongoing role for loading and servicing of retail fronting the Pacific Highway.	Noted. This has been identified in the staff review of the draft DCP post exhibition.	Changes have been made to the draft DCP following public exhibition that address the consultant's concerns. No further change recommended.
	3. Reconsider suitability of shop-top housing perpendicular to the Highway in Key Area G2 in terms of the likelihood of generating an inconsistent streetscape, and possible limits on development potential of some lots.	Base Design Principle 'C' requires that shop-top housing be perpendicular to the Highway requiring lot consolidation and forcing some sites to remain at podium height due to spacing requirements for tower elements. This approach will lead to an inconsistent streetscape along the Highway and will limit the development potential of some lots. This approach is not consistently applied across the centres and should be reviewed.	Noted. This has been identified in the staff review of the draft DCP post exhibition. The principle has been removed from the base design principles and transferred to the urban design excellence principles. Assessment by the UDEP will consider the issues raised by consultants at pre-DA stage.	Changes have been made to the draft DCP following public exhibition that address the consultant's concerns. No further change recommended.
	4. Review controls for development on the northern side of St Johns Avenue to avoid excessive overshadowing of the southern footpath.	Controls on the development of the northern side of St Johns Ave should be reviewed to ensure that new development will not excessively overshadow the southern footpath.	The draft LEP restricts building heights in this area to 4 storeys for the reason noted by the consultant.	No change recommended.
	2. Review the design and details of the proposed development of the Wade Lane car park.	The at-grade Wade Lane Park proposal is an expensive replacement for the existing multi-level car park. This proposal will remove the current decked car park and create a park at street level exposed to the semiactive frontages of Wade Lane and the noise of passing trains.	The replacement of the parking is a more cost effective method than the acquisition of private land within the centre. Council's draft Contributions Plan allows the use of funds for this purpose. The rail line is not a major noise constraint for a public park as there are	No change recommended.

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	RECOMMENDATIONS	REPORT (WHERE PROVIDED)		RECOMMENDATIONS
	RECOMMENDATIONS	The urban street environment envisaged by the Structure Plan for Wade Lane will become more difficult to create due to the lack of the other side of the street. Some thought might be given to retrofitting the existing multi-deck car park with 'pods' of retail at laneway level (these would be a car space deep 5m and 3 or so spaces wide 10m) and converting the top of the deck, already	no freight trains on this line. The issue of semi active frontages is noted however the presence of a park will be seen as a significant advantage for future developments and there are a range of development options available to ensure that Wade Lane will develop with a high proportion of active frontages over time. There is a recent development at the southern end of Wade Lane that shows what is possible. This option is noted for future stages of the park design, particularly during the feasibility analysis stage. It is noted the existing car park is an ageing structure that will require replacement over the next 10-20 years. For this reason retrofitting is unlikely to be a viable option.	No change recommended
		linked to the retail centre by two pedestrian bridges, into a roof garden, a truly new unique space.		
Key Site G3	5. Consider options to provide active edges to the new urban park in Key Area G3.	The new Urban Park acquired via development contributions funds has two inactive edges fronting it which have the potential to make the park unsafe. Care should be taken to design the space carefully to avoid this. An alternative approach might be to encourage the redevelopment of the adjoining properties to front or overlook the park space.	The first point is noted for future design of the park. Overall there is limited potential to provide active frontage because development on the northern boundary has already occurred; and the existing medium density development on the western boundary is unlikely to redevelop.	No change recommended.

REF	FINAL PEER REVIEW	COMMENTS IN PEER REVIEW	COUNCIL STAFF RESPONSE	COMMENTS AND
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	6. Review the intended role of Radford Way in Key Area G3.	Clarify that Radford Way can become a pedestrian only space as suggested as it is currently providing access to the underground car parking areas of neighbouring office development	The reference to Radford Place is in the Urban Design Excellence Principles and is an option for consideration depending on the scale of development and site amalgamations.	No change recommended.
			Assessment by the UDEP will consider the issues raised by consultants at pre-DA stage.	
Key Site G4	7. Review the encouragement of residential uses within Key Area G4.	Residential uses in this precinct will not have the locational benefits of residential mixed-use development proposed for other parts of Gordon and the town centres generally. The encouragement of large amounts of residential in the precinct should be reviewed especially considering that Fitzsimons Lane is to be encouraged as a Business Park address.	Residential uses are an allowable use within the DLEP B4 zone and cannot be controlled in the DCP. Residential is not an allowable ground floor use in the B4 zone.	No change recommended.
		The suggestion that residential and commercial offices spaces should front one another across an internal commercial atrium is a poor outcome for both uses.	Noted.	Changes have been made to the draft DCP following public exhibition that address the consultant's concerns.
		The numerous public pedestrian linkages between Fitzsimons Lane and the Highway do not represent significant pedestrian desire lines.	There is a proposed bus stop on the Pacific Highway for the Mona Vale to Macquarie strategic bus route which will serve the area. An access way from Fitzsimons Lane will assist access to the bus stop. It is noted the second access way is not essential.	Amend G4 base principles and public benefits plan to show only one public access way. Between Fitzsimons Lane and the Pacific Highway.
	16. Eliminate minor discrepancies between plans and sections.	Indicative Section AA shows a retail component at ground level on Fitzsimons Lane while both the Indicative Base Plan and Public Benefit Plans show active frontages to the Highway, not the lane.	Noted. This has been identified in the staff review of the draft DCP post exhibition.	Changes have been made to the draft DCP following public exhibition that address the consultant's concerns. No further change recommended.

REF	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
LINDFIELI	D			
General	7. Consider retaining a streetwall comparable to the scale of existing development (generally three storeys) with a nominal (2-5m) setback for upper levels to retain connection with the existing built form and allow for incremental change in a manner compatible with existing character, particularly in relation to Lindfield Avenue, Lindfield	Review the Desired Future Character statements to ensure that they incorporate references to the desired future built form character especially Lindfield Avenue.	Noted.	Amend urban structure and desired future character to include statements referring to 3-storey street wall to Pacific Highway and 2-storey street wall to lanes. Amend plans and sections accordingly.
	2. Review setbacks to ensure that they will deliver the desired built form characters defined in the Desired Future Character Statements. Additional streetwall height controls are recommended for B2 zone sites with multiple frontages.	Review building setback controls to ensure these will help to deliver the desired future built form characters defined in the revised Desired Future Character statements.	Noted.	Amend base principles and building controls to be consistent with amendment noted above.
Key Site L1	1. Review and update L1 in accordance with comments in Section 3.2.6.	The purpose of the internal landscape food-court/courtyard to the rear of 386-390 Pacific Highway is unclear considering that the heritage controls provide guidance on how this space can be developed.	Noted. This has been identified in the staff review of the draft DCP post exhibition.	Changes have been made to the draft DCP following public exhibition that address the consultant's concerns. Specifically the proposed courtyard has been relocated to be a central space with active frontage on all sides and enlarged to be about 15mx40m in size.

REF	FINAL PEER REVIEW	COMMENTS IN PEER REVIEW	COUNCIL STAFF RESPONSE	COMMENTS AND
	RECOMMENDATIONS	REPORT (WHERE PROVIDED)		RECOMMENDATIONS
	1. Review and update L1 in accordance with comments in Section 3.2.6.	The heritage controls for 386-390 Pacific Highway require a 2 storey streetwall along the Pacific Highway to integrate with the existing streetscape. This is inconsistent with the treatment of the Highway across the remainder of the centre and the other centres located on the Pacific Highway.	Noted.	Amend L1 Base design principles, controls plans and sections to: Require a street wall of 3 storeys fronting the Pacific Highway.
	1. Review and update L1 in accordance with comments in Section 3.2.6.	Sections AA and BB are labelled incorrectly.	Noted. This has been identified in the staff review of the draft DCP post exhibition.	Changes have been made to the draft DCP following public exhibition that address the consultant's concerns. No further change recommended.
	1. Review and update L1 in accordance with comments in Section 3.2.6.	Base Principle 'E' should refer to Balfour Lane not Balfour Street.	Noted. This has been identified in the staff review of the draft DCP post exhibition.	Changes have been made to the draft DCP following public exhibition that address the consultant's concerns. No further change recommended.
	1. Review and update L1 in accordance with comments in Section 3.2.6.	Base Principle 'G' requires reduced height at the western edge of Balfour Street. However, no specific controls are provided leaving the outcome open to interpretation. Does the Structure Plan envisage one storey less or only one storey?	A numerical building height control of 4 storeys is noted in the building height controls on p 2-72 of the exhibited draft DCP.	No change recommended.
Key Site L2		Pedestrian linkages encouraged do not reflect true desire lines and will only serve to fragment the retail main street of the Highway. A southern link is considered worthwhile as it could link Lindfield Station and the pedestrian crossing with the new community facility and park.	The priority objective has been to provide retail areas off the Highway which has been a clear demand from the community. The links are options within the UDE Principles and it is not anticipated that all will be achieved. However it is acknowledged that three access ways may be more than is	Amend L2 public benefits principles to show two pedestrian laneways between Pacific Highway and Woodford Lane.

REF	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
Key Site L3	2. Review the intended role and function of Tryon Lane in Key Area L3.	Tryon Lane is not shown connecting to any other path further south, and the need for a footpath along the railway line side of the laneway is questioned.	Tryon Lane will provide on-street parking and active frontages will be encouraged therefore a footpath is required.	No change recommended.
	2. Review the intended role and function of Tryon Lane in Key Area L3.	Tryon Lane will fulfil a service function with no connection to the broader movement network other than the highway. It may not require as many active frontages as shown in the Public Benefit Plan	Given the depth of the site the Tryon Lane frontage is likely to be activated with commercial uses (eg. professional suites) taking advantage of the close proximity to the train station. It is acknowledged that Tryon Lane will retain its service function and therefore it is to have secondary active street frontage which permits vehicle and access points.	No change is recommended.
	16. Eliminate minor discrepancies between plans and sections.	Key Areas L2 and L3 reference L2a, L2b, L3a, L3b and L3c in their Key Maps. It is unclear as to what these refer.	Noted. This has been identified in the staff review of the draft DCP post exhibition.	Changes have been made to the draft DCP following public exhibition that address the consultant's concerns. No further change recommended.
Key Site L4	3. Review the details of L4 in accordance with the detailed comments in Section 3.2.6.	The Structure Plan requires a primary retail frontage to Chapman Street to the rear of the heritage buildings on Lindfield Avenue. While this is desirable, it is an unreasonable demand on a heritage structure and is unlikely to be achieved.	The LEP and DCP provide the potential for additional development to the rear of the heritage buildings. Given the proposal for a large Village Green on the adjoining site it is envisaged that some of the retail outlets will take the opportunity to front Chapman Lane.	No change recommended.
	3. Review the details of L4 in accordance with the detailed comments in Section 3.2.6.	The redevelopment of the Tyron Road site and the active frontages to Havilah Lane are shown inconsistently between the Indicative Base Plan and the Indicative Public Benefit Plan.	Noted.	Amend L4 plans to ensure active frontage symbols are consistent.

REF	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
	3. Review the details of L4 in accordance with the detailed comments in Section 3.2.6.	Review the widening of Lindfield Avenue north of Kochia Street as this will result in the loss of the existing character and is unnecessary to provide for tree planting. Trees may be provided immediately in kerb outstands in the existing parking lane with only the loss one or tow car spaces depending on their spacing. This approach can be implemented immediately for the entire retail strip without the need to wait for redevelopment of a complete block of shops.	The setback is shown as an option in the UDE Principles and is not a base requirement. Assessment by the UDEP will address the consultant's concerns at pre-DA stage. All properties to the north of this site are setback considerably and Kochia Lane is a logical location to change the built form character. The proposed scale of buildings in this location warrants a setback for street trees and will form a transition to the residential areas to the north. Council does not support planting in the roadway as growing conditions are less than optimal. This would also represent a change in character compares to the southern end of Lindfield Avenue.	No change recommended
	3. Review the details of L4 in accordance with the detailed comments in Section 3.2.6.	The development site on Tyron road has landscaped setbacks but is located in a B2 zone. This is inconsistent with the mixed-use building setbacks set out in Part 3. Note a portion of the Tyron Road building is shown as only two storeys tall even though the height allowable is seven storeys.	The development on Tryon Road will provide a transitional built form to the surrounding residential areas. 3m setbacks along Milray Street and Tryon Road, which are predominantly characterised by residential developments with landscape setbacks, are considered appropriate. The setback will allow gardens and street tree planting and this will assist in complementing the streetscape along Tryon Road and Milray Street. The two storey portion is a proposed Council library which is intended to be on a separate title.	No change recommended.

REF	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
	3. Review the details of L4 in accordance with the detailed comments in Section 3.2.6.	The building height controls specify that a consistent 6 storey height along Kochia Street north of the town square is not allowed. However, it is not specified as to whether this limits development to a single storey or 5 storeys in parts. This would be better dealt with using a performance control that ensured that a minimum amount of solar access was preserved for the square at a certain time of year.	Noted.	Amend base design principle for Key Site L4 to include: "Locate and design buildings to retain adequate solar access to the new town square area."
	3. Review the details of L4 in accordance with the detailed comments in Section 3.2.6.	The first access control calls for vehicle access from Kochia Lane and the 4 th control specifies no vehicle access from Kochia Lane. The final three points of the heritage controls duplicate the preceding controls.	Noted. This has been identified in the staff review of the draft DCP post exhibition.	Changes have been made to the draft DCP following public exhibition that address the consultant's concerns. No further change recommended.
ROSEVILL				
General	1.Include preferred built form character statements supported by additional controls to guide the delivery of preferred built form for each town centre. 7. Consider retaining a streetwall comparable to the scale of existing development (generally three storeys) with a nominal (2-5m) setback for upper levels to retain connection with the existing built form and allow for incremental change in a manner compatible with existing character, particularly in relation to Pacific Highway, Roseville	Review the Desired Future Character statements to ensure that they incorporate references to the desired future built form character.	Noted	Amend urban structure and desired future character to include statements referring to 3 storey street wall to Pacific Highway and Hill Street, and side streets and 2 storey street wall to lanes. Amend plans and sections accordingly.

REF	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
	Review building setback controls to ensure these will help to deliver the desired future built form characters defined in the revised Desired Future Character statements.	Review building setback controls to ensure these will help to deliver the desired future built form characters defined in the revised Desired Future Character statements.		Amend base principles and building controls to be consistent with amendment noted above.
Key Site R1	1. Review the preferred mechanism for delivery of the public park in R1, and consider active edges for the park.	The new Public Park referred to in the preferred character statement indicates that existing car parking will be provided for in new private developments while in the accompanying sections the park is shown with a level of car parking underneath. It is unclear if this is Council's desired position or whether the park is to be implemented as a public benefit item.	The park will be implemented by Council and funded by development contributions. There is potential through the UDE provisions for connections between public and private basement parking. This issue was highlighted by the Department of Planning as part of the LEP finalisation in relation to Public Benefits.	Changes have been made to the draft DCP following public exhibition that address the consultant's concerns. No further change recommended.
	2. Update inconsistencies between Section AA and the Base Plan for Key Area R1.	Section AA should be amended to show development over 3 storeys set back 10 metres as annotated on the plan.	Section AA is correct as it shows new mixed use buildings up to 6 storeys fronting the rear lanes. The new buildings are not setback from Hill Street. The R1 plan is somewhat confusing in relation to setbacks.	Amend R1 plan, sections and principles to delete reference to 10 metre setback (height is controlled in the LEP) and replace with 3 storey street wall principle.
		The 10 metre setback is set by the draft LEP and cannot be changed however a lesser setback would still achieve a similar result and could be implemented in other centres. The setback of 10 metres is greater than necessary as it should not be the desire to hide development but rather to set it back to be read as a different and recessive element.	The built form controls require retention of a 10 metre deep portion of the original building rather than just the façade. The new residential buildings are not setback from Hill Street but are built to the street alignment of the new rear lanes.	Refer above. No further change recommended.

REF	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
		The new Public Park will be fronted by the rear and sides of existing development unlikely to redevelop in the future. We suggest that development be considered on the northern and eastern edges of the site to provide active edges and share underground parking while being limited in height so as not to excessively overshadow the park.	Noted, the adjoining sites are unlikely to redevelop. Building height is controlled by the LEP	No change recommended
Key Site R2	3. Review changes relating to the Commonwealth Bank building in Key Area R2 as set out in the detailed comments in Section 3.2.7.	The modifications to the ground floor of the Commonwealth Bank building alongside the civic space suggested in the objectives contradict the heritage controls. It is possible to adapt these types of buildings without altering their external appearance.	Noted. Text will be amended to remove inconsistencies	Amend Key site R2 principles to be consistent with heritage controls which do not encourage modifications to the northern façade of the former CBA building.
	3. Review changes relating to the Commonwealth Bank building in Key Area R2 as set out in the detailed comments in Section 3.2.7.	The suggestion in the Public Benefit Plan that the courtyard to the rear of the Heritage Bank should become public, an extension of the public access way, will compromise the existing safety of the space outside of the trading hours of any outdoor dining establishment.	Noted the principles are not clear.	Modify UDE Principle Key Site R2 to read: "Provide a new outdoor private courtyard area to the rear of the former CBA building which would create an opportunity for outdoor dining."
	3. Review changes relating to the Commonwealth Bank building in Key Area R2 as set out in the detailed comments in Section 3.2.7.	The protection of the "existing tree" reduces the development potential of the consolidated site restricting basement car parking consolidation. The tree is not shown as a heritage item.	The retention of the existing tree in Key Site R2 is an option within the UDE principles. The principles show that there could be some commercial advantage to retaining the tree in a courtyard however it is acknowledged the tree has no formal protection. There is potential for modifying the plan to minimise the size of the courtyard.	Amend Key Site R2 plan to reduce size of private courtyard around existing tree.

REF	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
	3. Review changes relating to the Commonwealth Bank building in Key Area R2 as set out in the detailed comments in Section 3.2.7.	The setback to the Pacific Highway shown in the Public Benefit Plan will result in only a minimal public benefit (planting four additional trees), while requiring the demolition of existing buildings and the compliance of multiple developers. If a setback to the Highway is desirable it should be included for the entire centre in the Indicative Base Plan.	Noted.	Amend Key site R2 as follows: Delete principle D on the public benefit plan in relation to a setback to the Pacific Highway and amend diagram accordingly
	3. Review changes relating to the Commonwealth Bank building in Key Area R2 as set out in the detailed comments in Section 3.2.7.	The suggested resolution of Larkin Lane for public and private parking as hinted at in the indicative sections DD and CC are difficult to interpret and achieve.	Noted. Larkin Lane area at the rear of the shops is intended to remain as a public car park. In the base case the surface car park remains and is expanded with land dedication. In the Public benefits case the sections show potential for partnership between Council private land developers to provide additional public parking on Council land in basement or semibasement. It is acknowledged that because the sections show the new car parking above existing ground levels and that this will make the parking very difficult to achieve without full redevelopment of the block. Section CC and DD can be revised to show new parking remaining at existing ground level with new parking in basement. This scenario would accommodate incremental or partial development.	Amend Key Site R2 Section CC and DD show new parking remaining at existing ground level with new parking in basement or semi-basement under. Amend urban structure plan to show car parking on Larkin Lane. Amend R2 plans to indicate extent of parking area.

REF	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
	3. Review changes relating to the Commonwealth Bank building in Key Area R2 as set out in the detailed comments in Section 3.2.7.	A three storey height to the Pacific Highway is encouraged however a single storey retail podium interspersed with 6 storey buildings every 36 metres is an allowable building form under the proposed controls.	Noted.	Amend Key site R2 as follows: Include building height control requiring 3 storey street wall to Pacific Highway
	3. Review changes relating to the Commonwealth Bank building in Key Area R2 as set out in the detailed comments in Section 3.2.7.	The existing signalised pedestrian crossing has been omitted from the Pacific Highway. We assume it is not to be removed.	Noted. This has been identified in the staff review of the draft DCP post exhibition.	Changes have been made to the draft DCP following public exhibition that address the consultant's concerns. No further changes recommended.

Independent Peer Review by Haertsch Planning, John Oultram Heritage & Design and David Lock Associates

COMMENTS AND RECOMMENDATIONS

REFERENCE	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
STRUCTURE AND FO	RMAT			
General		Concerns that there are some sections that require reader to backtrack. These include:		
	Incorporate the Reduced Setback maps into Part 3C. Update the written controls in	The reduced setback maps at Appendix 5 could be incorporated into the Residential flat development controls at Part 3C.	The inclusion of the 6 reduced setback maps (several pages even if the scale is reduced) would unnecessarily break up the flow of this section, making it less legible. However, a new section in 3A – Site Coverage and Deep Soil landscaping for mixed use buildings in R4 zones, recommended in the staff review after exhibition, refers to 3 sites in 2 centres, shown in A5. It is recommended that these 2 maps be incorporated within this section.	It is recommended that mapping of reduced deep soil and site coverage requirements currently shown at A5, be consolidated within the new section in 3A on Site Coverage and Deep soil Landscaping for mixed use in R4 zones, and that these controls be deleted from A5.
	Part 2 to be more comprehensive and less reliant on cross references to the plans.	The relationship between the detailed elements of Part 2 and the remainder of the plan is reasonably complex and could be better explained.	Introduction has been expanded in Part 1 and a new introduction added to Part 2 to better explain the relationship between this part and the rest of the DCP.	Changes have been made to the draft DCP following public exhibition that address the consultant's concerns.
		Concern that Part 10 (Public Benefit controls) is buried in the middle of the document and should be further forward in the structure	This Part has been deleted as part of the review of the DCP after the exhibition.	No further change recommended.

REFERENCE	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
		Prevalence of controls relating to landscaping in a number of sections through the plan	Controls relating to landscaping are included in a number of sections through the plan. The specific controls relevant to particular development types are included within the specific controls for that development type. Similarly with heritage conservation areas. Landscape controls that apply to all sites, related to biodiversity, or that apply to bushfire prone lands are included in Part 4. Landscaping related specifically to Greenweb lands is included in Part 7. In this way the landscaping requirements specific to certain lands or building types is located with other controls for those lands or types, while the more general controls are located in Part 4. This is considered acceptable.	No change recommended.
General		Consider numbering objectives in a similar manner to the controls – to improve useability and legibility.	It is agreed that this would improve useability and legibility.	It is recommended that the objectives be numbered.
	ND DESIGN CONTROLS			
MIXED USE DEVELOPM				
Part 3A Building Facades	Apply Section 3A.5 to side and rear elevations.	Consider more explicitly explaining that façade controls apply to the side and rear elevation. This is important to note as the side and rear elevations of upper floors will be prominent within the town centres during the transition phase with many remaining visible permanently.	Control 3 of Part 3A.5 requires all building facades to be articulated with wall planes of at least 0.6m deep to provide well modulated facades on street, side and rear elevations.	No change recommended.
Part 3A.6 – Corner building articulation		The two images, 3A.6-1 and 3A.6-2 could be improved as neither clearly shows a ground level street corner situation.	These images do illustrate the distinctive corner treatment for articulation.	No change recommended.

REFERENCE	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
Part 3A.8 – Building Entries	Revise the controls in Section 3A.8 to allow building entry controls to be removed from Part 2.	Review this section to ensure that it covers the location of building entries on developments with multiple primary and/or secondary street frontages. In this way the specification of building entry locations in Part 2 can safely be removed.	Agreed. This would simplify the diagrams in Part 2.	It is recommended that Part 2 to retain the written controls on pedestrian access and to remove the arrows for vehicle and pedestrian entries from the plans. Additional controls regarding the location of entries are to be added to Part 3A.7 Ground Floor Shopfronts.
Part 3A.9 - Top Floor Design and Roof Forms	Consider controls for green roofs.	Consider controls for green roofs.	Agreed.	It is recommended that a new control be added to Part 3A.9 as follows: The incorporation of green roofs or podiums is encouraged. Note: Refer to Part 5D.2 for relevant controls. It is also recommended that the following note be added to Part 4.8: Note: Council will require a long-term maintenance plan of both the waterproofing and the greenery.
Part 3A.10 – Awnings	Review the awning controls to provide some flexibility for use of canopies in certain situations.	The proposed control requires awnings on all street frontages. While awnings are synonymous with retail and commercial at ground floor there are other uses within activity centres where an awning may be less appropriate. For example, awnings may not be appropriate in the case of: • adaptation or redevelopment of a heritage item, and	The requirements for use of awnings should be related to the principal and supporting active street frontages, as identified in Part 2, with continuous awnings for principal active street frontages and potentially interrupted awnings for supporting active street frontages. There is also potential to highlight the particular need for awnings over	It is recommended that control 1 of 3A.10 be amended as follows: 1 Continuous awning must be provided to the full length of the principal active street frontage. 2 Provide awnings along the supporting active street frontages wherever practical, especially at key pedestrian

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		secondary street frontages with residential entries, loading or servicing. In these cases controls should allow the use of canopies over building entries and street trees as an example of a more appropriate treatment.	entries on supporting active street frontages within s.3A.7 Ground floor shopfronts.	entrances. It is also recommended that control 1 of Part 3A.7 Ground Floor Shopfronts be amended to outline the different controls for principal and supporting active street frontages, including reference to awnings.
Part 3A.15 – Office Floor Depth OFFICE BUILDINGS	Review the objectives of Section 3A.15 to remove the reference to natural ventilation as it is covered in 3A.16.		While there are controls in regard to natural ventilation of workspaces in 3A.16, the floor depth control is nevertheless a basic control that not only affects light and views, but also the ability to meet the ventilation controls in 3A.16 and the ventilation objectives in both sections. It should be retained.	No change recommended.
Part 3B Office Buildings	Consolidate office depth, natural ventilation and solar access controls under the heading of ESD based on principles rather than prescriptive solutions.	Consider reviewing and consolidating the office depth, natural ventilation and solar access controls (3B.13, 3B.14 and 3B.15) under the heading of ESD, with controls relating to natural light, ventilation and solar access based on the principles rather than prescriptive solutions. This will allow for innovation in design response as technologies and information advance.	Ventilation and solar access are areas compromised by the need for maximising floorspace ratio within office development. For this reason they are dealt with in detail to ensure a base line of provision. Innovative and technologically advanced designs that improve on the basic standards will be considered individually at DA submission.	No change recommended.
	Ensure adequate controls are included for façades and food premises.	It is suggested that the introduction to Part 3B be reviewed to ensure that office buildings within the town centres are made to comply with the controls of Part 3A not Part 3B.	Part 3B sets out controls that apply to all office buildings regardless of the zone they are located in. This allows a consistent standard of office buildings across the Ku-ring-gai area. It is acknowledged that where office buildings are within B2 and B4 areas,	It is recommended that Part 3B incorporate further clauses that refer to Part 2 and Part 3A so that stand alone office buildings within B2 and B4 areas are designed to maintain the characteristics of the mixed

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			the controls need to ensure that there is no conflict with the inherent character of those mixed use areas.	use areas.
		A review of the office controls should assess if any additional controls for the possible retail, food and drink or service premises that may be located on the ground floors of these new buildings are required.	Retail, food and drink or service premises are permissible within the office buildings. Whilst the type and size of such services will be driven by market forces it is envisaged that they will predominantly serve employees within the immediate vicinity. As with other retail premises, these facilities will have to comply with the BCA and other legislation such as the Food Act.	No change recommended.
Part 3B.2 – Building Setbacks		This section is commended for incorporating the maps of the business precinct located between Gordon and Pymble. This reduces the need to look elsewhere for specific controls as is the case in 3C – Residential Flat Development.	Noted	No change recommended
Part 3B.10 – Top Floor Design and Roof Forms	Consider controls for green roofs.		Agreed.	It is recommended that Part 3B.10 be amended to add the following control: The incorporation of green roofs or podiums is encouraged. (Refer also to Part 5D.2)
Part 3B.21 - Car Parking Provision	Include provisions for pedestrian access through parking areas.		This is addressed in Clause 4.13(2) which gives controls for pedestrian movement within all car parks.	No change recommended.
RESIDENTIAL FLAT DE		1		
Part 3C.2 – Building Setbacks	Incorporate the Reduced Setback maps into Part 3C.	As previously noted the reduced setback maps in A5 should be consolidated in this section as included under 3B.2 for office buildings.	The inclusion of the 6 reduced setback maps (several pages even if the scale is reduced) would unnecessarily break up the flow of this section, making it less legible.	No change recommended.

REFERENCE	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
Part 3C.2 – Building Setbacks		Control 5 relates to the fourth storey/top level of a 5 storey building in the R4 zone. As an upper level control it may be better included in 3C.9 – Top Floor Design and Roof Forms and could also be incorporated into Control 1 as long as it is made clear that it relates to the fourth storey only (and not the top storey of a 3 or 4 level building).	This section has been reworked as part of a staff review following exhibition of the draft DCP and now includes a diagram for clarity. It refers to the fourth floor and above, and applies whether or not it is the top floor.	No further change recommended.
Part 3C.10 - Fencing	Review controls to encourage fencing where typical of the surrounding residential character.	Front fences are typical in many areas around the town centres of Kuring-gai, and it is recommended that the fencing controls be reviewed to encourage, if not mandate, fences. A change to typically unfenced residential sites could inadvertently introduce a campus or bush style character, rather than reinforcing the existing residential character of these areas if the large front setbacks are not fenced to match the surroundings.	The town centre areas are proposed to have a different character to the existing low density residential areas. The residential flat buildings already constructed have a mix of fencing and landscaping at or near the boundary. Further, given that in many instances there will also be courtyard walls facing the street, this would merely add to the number and dominance of built elements in the street setback. It is more important to clearly define the boundary, which may be done with landscaping, fencing, or retaining walls, and will be considered as part of the DA.	No change recommended.
Part 3C	Review front setbacks to encourage the "Tryon Road" typology where appropriate.		The 'Tryon Road' typology refers to the MIRVAC residential flat development at Tryon Road which has a smaller street setback (approx. 6m) compared to the LEP 194 developments and an upper level setback above the 3 rd floor. A number of R4 sites that are located at the periphery of the town centre retail cores, have been identified to have reduced street setbacks ranging from 3m to 6m.	It is recommended that a new control regarding upper level setback of 2m to fourth storey and above from the street boundary be added to Part 3C.2 under street setback section.

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			It is acknowledged that an upper level setback for the fourth and fifth storeys similar to the above MIRVAC development would provide a better built form outcome for those developments with reduced street setbacks as identified in Appendices A5 of the DCP.	
DWELLING HOUSES				
Part 3E Dwelling houses	Revise to ensure consistency with all other Parts of the draft DCP with Objectives and Controls.	Part 3E is the only section in the draft Plan that uses Assessment Criteria and Design Requirements. This incompatibility with the rest of the document is confusing and detracts from its useability. The Assessment Criteria are mostly closer to objectives than controls, contributing to the reduced legibility of the section, and a good editorial review is recommended.	This Part has been taken as closely as possible from DCP 38. The assessment criteria are a mix of objectives and controls and need extensive work to improve its consistency with the rest of the DCP. A thorough review of this section is warranted. However, at present the majority of dwelling house sites are outside the area covered by this DCP, being governed by DCP 38. A review of	It is recommended that this Part be reviewed as part of the Comprehensive DCP.
Part 3E.1 Local character and streetscape	Review the local character and streetscape controls to reduce repetition and make more consistent use of the A8 Visual Character Study.	Although the text is repetitive at times and could benefit from making more consistent use of the A8 Visual Character Study, the local character and streetscape controls provide a good foundation for the Part. Review of the section is also recommended to ensure consistency with other parts of the DCP.	DCP 38, as part of the planning for the comprehensive LEP and DCP is the appropriate time for a review of this Part.	It is recommended that this section be reviewed as part of the Comprehensive DCP.
Part 3E.2 Building setbacks	Review and revise to avoid duplication and internal inconsistencies as set in the body of the report.	The building setback controls contain a number of unnecessary overlaps in content that are potentially inconsistent. In particular: • The Assessment Criteria 1 would possibly be more useful if redrafted as objectives.		It is recommended that this section be reviewed as part of the Comprehensive DCP.

REFERENCE	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
		The side setback Assessment Criteria 9 and 10 are unnecessarily complicated and confusing.		
		The front setback controls at 4 don't appear to relate to the numbers in Figure 3E.2-	There is a typographical error. The control should read 14m for the average front setback on the high side for a 2 storey dwelling, as for DCP 38.	It is recommended that control 4 be amended to read 14m for the average front setback on the high side for a 2 storey dwelling. It is recommended that this section be reviewed as part of
				the Comprehensive DCP.
Part 3E.8 Materials and finishes	Review and revise to avoid duplication and internal inconsistencies as set in the body of the report.	The controls for materials and finishes overlap with the provisions of Part 4.6 and unnecessarily complicate the document. Review to contain the controls for materials and finishes in one section.	Agreed. Much of 3E.8 is adequately covered under Materials, Finishes and Colours in Part 4.	It is recommended that 3E.8 be deleted, and that Part 4.6 Materials, Finishes and Colours be amended to absorb the controls in Part 3E.8 that are not already addressed.
Part 3E.9 Ancillary facilities	Review and revise to avoid duplication and internal inconsistencies as set in the body of the report.	 Particular queries are: Whether control 12 relating to earthworks is required in addition to the provisions of Part 4.3 (unnecessary duplication?) and Whether control 21 relating to the location and design of mail boxes, utility poles and clothes drying areas is necessary given that the Part only applies to single dwellings. 	As for 3E.1.	It is recommended that this section be reviewed as part of the Comprehensive DCP.
Part 3E.10 Fencing	Update the fencing controls to include objectives.	It is noted that objectives for this section have been omitted or overlooked, but that the Assessment Criteria at 1 could be translated to fill the gap.	This is not the only section where the assessment criteria are essentially the objectives. A rework is required in conjunction with a review of DCP 38.	It is recommended that this section be reviewed as part of the Comprehensive DCP.

REFERENCE	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
Part 3E.16 Car parking and Part 3E.17 Carports and garages	Review and revise to avoid duplication and internal inconsistencies as set in the body of the report.	There is considerable overlap and repetition across these sections, with some internal contradictions in relation to the location of parking spaces and design of structures. An editorial review is recommended to minimise duplication within the sections, and between Parts 4.9 – 4.14.	It is agreed that there is duplication within these sections, and a review is required. Some contradictions exist between the controls in Part 3 and Part 4 in relation to vehicle access and car parking. This is due to the lower density nature of dwelling house development. Eventually, the relevant sections of Part 4 should incorporate vehicle access and car parking requirements applicable to all development types, however, at this stage it is recommended that an introductory sentence be added to parts 3E.15-17 to ensure that this part overrides any inconsistencies with Parts 4.9-4.14.	It is recommended that this section be reviewed as part of the Comprehensive DCP. It is recommended that an introduction be added to 3E.16 to 3E.17 requiring this section to apply in the event of any inconsistency between this section and Part 4 in reference to Car parking, carports and garages and vehicular access.
		It is noted that Part 3E is the only Part 3 section that does not contain car parking rates meaning that A3 contains rates for a range of uses but with dwelling houses the only residential use separately listed. Update this aspect of the controls to be consistent with the other Part 3 sections is recommended.	Control 3 requires 2 car spaces for a single occupancy dwelling. This duplicates the control in A3, which is referred to in Assessment Criteria 1.	It is recommended that this section be reviewed as part of the Comprehensive DCP.
Overview of 3E		Review structure to ensure consistency with all other Parts of draft Plan in terms of Objectives and Controls. Review matters set out above, particularly to avoid duplication and internal inconsistencies.	This Part has been taken as closely as possible from DCP 38. The assessment criteria are a mix of objectives and controls and need extensive work to improve its consistency with the rest of the DCP. A thorough review of this section is warranted. However, at present the majority of dwelling house sites are outside the area covered by this DCP,	It is recommended that this Part be reviewed as part of the Comprehensive DCP.

REFERENCE	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
			being governed by DCP 38. A review of DCP 38, as part of the planning for the comprehensive LEP and DCP is the appropriate time for a review of this Part.	
GENERAL DEVELOPME	NT CONTROLS			
Part 4.1 Design excellence	Clarify the application of the Design Excellence controls at Section 4.1 to development applications that take advantage of the Public Benefit provisions.	A note may be needed to clarify whether the design excellence controls will apply to development applications that seek to take advantage of the Public Benefit provisions as there could be potential for overlap.	This section was deleted as part of the staff review following the exhibition, as all parts of the DCP seek to achieve design excellence.	No further change recommended.
Part 4.2 Development near rail corridors and busy roads		The first two controls of the section define the terms "busy roads" and "rail corridor", and should be included as notes under control 3.	Noted. This error has been corrected as part of a staff review following exhibition of the draft DCP.	Changes have been made to the draft DCP following public exhibition that address the consultant's concerns. No further change recommended.
Part 4.3 Landscape for biodiversity and bushfire management		The introduction to Section 4.3 should include a note about the Greenweb mapping and Part 7 Biodiversity controls, especially as the Part 7 controls have supremacy. The controls are otherwise suitably detailed, targeted to the desired outcomes, and closely linked to the objectives.	Agreed.	It is recommended that the introduction include a sentence referring to the Biodiversity controls in Part 7.
Part 4.4 Earthworks and slope	Review Section 4.4 in relation to SEPP (Exempt and Complying Development Codes) 2008 to ensure consistency.		The SEPP allows retaining of excavation to 1m for complying development associated with dwelling house construction. Section 4.4 only allows up to 0.9m for both excavation and fill.	It is recommended that Control 3 and the associated diagram in Part 4.4 Earthworks and Slope be amended to allow up to 1m excavation, while retaining the maximum 0.9m fill height, and the overall 1.8m maximum level difference.

REFERENCE	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
Part 4.5 Green star rating	Review Green star rating controls in the context of 6 star ratings, and consider relocating the controls to Parts 3A (Mixed Use Developments) and 3B (Office Buildings).		Considerable discussion has been held with the Green Building Council, post exhibition, in relation to the most appropriate rating level to be required in the Ku-ring-gai LGA. This has resulted in the recommendation to require a 4 star rating. The Green Building Council provides extensive information on how to achieve this rating. Monitoring after implementation may allow further development of this section in the future, or increasing the rating requirement if appropriate. This section was specifically included in Part 4, as not all possible land uses are included within Part 3. For instance, educational establishments and convention centres are permissible in some zones, but do not have their own specific controls. Retaining this section in Part 4 ensures that green building will need to be considered by all development types.	No change recommended.
Part 4.6 Materials, finishes and colours	Specify use of brick and sandstone on the lower levels of buildings.		It is acknowledged that large expanses of sandstone or face brick on the upper levels of buildings are not considered appropriate given their heavy look. Accordingly, a new control should be added to Part 4.6 to prohibit the use of sandstone and face brick on the upper levels as main façade materials. A relevant objective regarding the control above should also be added.	It is recommended that the following new objective and control be added to Part 4.6: Objective: To ensure the use of materials, finishes and colours creates well proportioned facades and minimises visual bulk. Control: For buildings of 3 storeys and

REFERENCE	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
	Encourage lightweight materials, finishes and colours for more than the top storey where a three storey streetwall is to be used.	REFORT (WHERE FROM DED)	Control 3 of Part 3A.5 requires all buildings to have a defined a base, middle and top related to the overall proportion of the building. In addition, controls 7 and 11 under Part 4.6 specify lightweight materials and recessive colours for the upper-most level of the buildings to assist in minimising the bulk and scale of the building. All the controls above in combined should result a well designed and well proportioned building façade for developments of 3 storeys and above. However it is recognised that the lightweight materials and finishes and recessive colours could apply to more than the upper-most level depending on the building types and forms and therefore minor rewordings to controls 7 and 11 are recommended.	above, a large expanse of sandstone or face brick is not to be used on the upper levels of buildings. It is recommended that minor changes be made to controls 7 and 11 as follows: 7 For buildings of 3 storeys and above, lightweight materials and finishes (eg. timber and copper/steel) are encouraged for the upper levels of buildings to assist in minimising the bulk and scale of the buildings. 11 For buildings of 3 storeys and above, recessive colours are encouraged for the upper levels of buildings to assist in minimising the bulk and scale of the building.
Part 4.8 Roof terrace and podium planting	Consider relocating Section 4.8 controls to relevant sections of Part 3.	Because the roof terrace and podium planting controls are mainly relevant to larger buildings, including mixed use, office and residential flat developments, it is possible that the Section 4.8 controls could be better incorporated in the relevant sections of Part 3 (3A Mixed Use, 3B Office Buildings and 3C Residential Flat Developments) rather than in Part 4 where they appear as an adjunct to the primary design process.	This section refers to any building type that has a roof terrace or podium within it, including other commercial building types such as education facilities and hospitals. For this reason it needs to be in Part 4 so that it covers a broad range of buildings.	No change recommended.

REFERENCE	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
Part 4.16 Construction, demolition and disposal	Revise Section 4.16 to update references to Part A2.5.	Section 4.16 appears to have been imported from a previous document and includes references to Part A2.5 that need to be updated.	The reference to the appendix here adds nothing to the note or control it relates to, and could be deleted.	It is recommended that the last line referring to A2.5 in the note to control 2 in Part 4.16 <i>Construction, Demolition and Disposal</i> be deleted.
Part 4.17 Waste management	Review Section 4.17 with a view to relocating building type specific controls into Part 3 and improving cross links with Part 3.	Section 4.17 includes controls that are specific to particular building types that might be more suitably included in the relevant sections of Part 3. Alternatively cross links to the section should be considered as the waste management controls are potentially buried and lost in Part 4.	Significant work would be required to integrate these controls within Part 3. Cross links could be provided in Part 3, for instance under sections related to storage and access/loading areas.	It is recommended that this Part be reviewed as part of the Comprehensive DCP and that in the meantime cross links be provided in the storage and access/loading sections, where practical.
Part 4.18 Land contamination		No particular comments are made on this section other than possibly including a reference to SEPP 55.	References to legislation have been kept to a minimum. SEPP 55 applies whether or not it is referenced here.	No change recommended.
Public art		The public domain improvements envisaged by the Structure Plans offer opportunities for public or street art. The draft DCP does not include any specific provisions for public art. Landcom has some guidelines and Willoughby Civic Place DCP includes public art controls that can be used as a guide. It is recommended that opportunities for public art in the development of new community spaces in the town centres be investigated, possibly through a Public Art Strategy in the first instance.	Public Art will be funded by Council (in NSW it is not possible to use development contributions to fund public art) and as such is not relevant to the DCP. The draft Town Centres Public Domain Plan (due to go on public exhibition in late February 2010) indicates preferred locations for public art works in the <i>Culture and Community Strategies</i> for each of the centres. The strategy is to concentrate funds (noting that funding will be limited) into one artwork per centre which would be located in the main civic space. The artwork would be funded and produced as part of the design and construction of these spaces.	No change recommended.

REFERENCE	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
			Council currently has a Public Art Policy and a Public Art Register both of which are managed by Community Services department of Council.	
BIODIVERSITY CONTRO	DLS	I		
Part 7 Biodiversity Controls	Consider inclusion of specific references to BGHF and STIF communities while recognising that other important ecological communities are present.		While these two communities are important, we do not wish to prevent the consideration of other threatened ecological communities that may be declared in the future. In addition, this DCP will provide a basis for a future comprehensive DCP which will cover lands containing other threatened ecological communities such as Duffy's Forest.	No further change recommended.
	Review the effectiveness and useability of the Biodiversity controls, including integration between Part 4.3 and Part 7 after implementation.		Noted.	Review the effectiveness and useability of the Biodiversity controls and the integration of Part 4.3 and Part 7 as part of the planning for the comprehensive LEP and DCP.
	Monitor operation of the Biodiversity Offset controls.		To achieve this it is important that the offset controls, and resulting offsets are adequately recorded and monitored. A system (including database, staffing arrangements) to record and monitor offset sites and accompanying plans is required to allow review of the offset controls.	After the adoption of the offset policy, it is recommended that Council establish a system to record and monitor offset sites and accompanying plans, as well as other environmental covenants, and that the offset controls be reviewed within at least 3 years after their first application.

REFERENCE	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
Part 7.1 All Greenweb categories		Control 1 Concern that the controls will allow unintended interpretation of what constitutes the 'most significant vegetation or habitat'. This could be resolved by more specific reference to avoiding locating driveways, structures and buildings outside the footprint of well recognised communities such as STIF or BGHF.	The fine scale nature of the determination for both STIF and BGHF and the interspersal of these threatened ecological communities within the urban fabric, means that there will be occasions where structures will need to be constructed within the footprint of these communities. On these occasions it is especially important that the impacts are confined as much as possible to those areas of less significance within the site. Rephrasing the control to could clarify the control to some extent. In addition controls relating to location are included in Parts 7.2 and 7.3.	It is recommended that Part 7.1(1) be amended as follows: The development must be designed and sited to conserve the areas of vegetation and/or habitat of the highest ecological value on and adjacent to the site and to minimise fragmentation and edge effects.
		Control 3 Revise 'all trees' to 'trees that contribute to the ongoing viability and health of the threatened ecological community', to allow some discretion where inappropriate trees are present.	It appears that this comment assumes that exotic (and maybe non-local native species) are not suitable as a buffer. However, all trees adjacent to patches of vegetation aid in protecting the microclimate of the vegetation patch, eg through wind dissipation, assistance with soil moisture retention and shading. However, trees listed on Council's weed policy should be excluded.	It is recommended that an additional sentence be added to control 3 as follows: This does not apply to trees listed in Council's Weed Management Policy.
			A similar issue in relation to the need for flexibility arises in 7.6(1), which states that <i>Development must be designed to retain the native vegetation on sites that include land identified as category 5 on the site.</i> Category 5 (Landscape Remnants) includes some isolated trees and very	It is recommended that Part 7.6(1) be amended as follows: Development should be designed to retain the native vegetation on sites that include land identified as category 5 (refer to Appendix A1 of this DCP) on the site.

REFERENCE	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
		This could also be linked back to the controls in Part 4.3, relating to planting native species and include an option that Council may require replacement of non-native species.	small clumps (therefore less resilient and more likely to be in poor health) and is the lowest function in the categories of the Greenweb. The higher categories do not require that the native vegetation must be retained, rather that development in these locations should be avoided. This lower category requires more flexibility. This will also ensure consistency with the LEP, which requires minimisation of disturbance and adverse impacts. Tree replenishment requirements for specific types of developments are included in Part 3 of the DCP, but there are no specific minimum requirements for development types not included, or for trees over and above the standard tree replenishment where a lot may	It is recommended that a note be added to Control 3 to the effect that Council may require replacement of trees removed from the site.
Part 7.7 Biodiversity offsetting		The offset policy should clarify aspects of the DECCW offsetting guidelines including: The need to ensure that offsets	contain a large number of trees. Noted.	It is recommended that these issues be considered in the preparation of the offset policy.
		 The need to ensure that onsets are underpinned by sound ecological principles Quantifying the impacts and benefits of offsets Targeting the offsets, preferably on a like for like basis or better conservation outcome Locating offsets in areas that have the same or similar ecological characteristics. 		

REFERENCE	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
HERITAGE CONTROLS				
Part 9 - General	Strengthen the expression of the underlying philosophy of Part 9.	Part 9 would benefit from clearer expression of the underlying philosophy. This is particularly important in the context of the framework established by the LEP, including the through zoning of heritage sites.	Understanding what heritage is important and why the heritage should be protected can assist the implementation and acceptance of the DCP. It is agreed that a statement of significance and summary of the aims could elucidate the underlying philosophy of the DCP.	It is recommended to amend the introduction for Part 9 to include: 1. Statement of heritage significance for Ku-ring-gai and its Town centres; and 2. Aims of the Heritage Controls
Part 9.1 Heritage items	Review requirements for referral of heritage item development applications to the NSW Heritage Branch.	It is noted that some requirements may be difficult to enforce, such as retention of interior spaces, or beyond reasonable expectations. In the case of the latter it is noted that applications are normally only required to be referred to the NSW Heritage Branch where the heritage item is on the State Heritage Register. Similarly, the requirement for Heritage CMPS's (control 7) would normally only apply to large or complex sites. Diagrams are recommended to assist interpretation of the fencing controls.	Agreed. The changes were made in response to the community consultation and internal review.	It is recommended to amend the introduction to Part 9 to read as follows: For any development within the above categories, a pre-DA meeting is required prior to lodgement of DA. For any works on a heritage item which require a DA, a heritage impact statement is required and a conservation management plan may be required. Heritage impact statements and conservation management plans must be completed by a qualified heritage consultant.
Part 9.2 Heritage items within amalgamated development sites	Update the diagrams in Section 9.2 to better illustrate the type of development that could occur on amalgamated development sites.	The amalgamated sites controls require clearer expression of the underlying philosophy to help interpretation. While the objectives and controls are generally sound, the diagrams are not helpful to illustrate the desired outcomes as they are too schematic, lack scale and a sense of the type of development that could occur.	It is agreed that the objectives can be amended and prioritised to further emphasize the desired outcomes for heritage items within amalgamated sites. The diagrams were amended as a result of public consultation and internal review to reflect the desired outcomes in terms of not isolating the Heritage Item, streetscape cohesion and building separation.	It is recommended to amend Part 9 – Heritage Items within Amalgamated Development Sites, Objectives to read as follows: • To encourage the retention of Heritage Items in amalgamated development sites through adaptive reuse.

REFERENCE	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
Part 9.3 Development in the vicinity of a heritage item			It is agreed that new development should respond to the context of existing heritage and character buildings in the urban/commercial context. This is reflected in Part 2 of this DCP – Urban Structure and Key Area Controls. The intent of Part 2 can be re-emphasised in Part 9.	 RECOMMENDATIONS To avoid isolation of Heritage Items. To encourage the sympathetic incorporation of Heritage Items into larger amalgamated development sites. To retain key aspects of heritage significance within a medium to high density development context. It is recommended to amend Part 9 – Development in the vicinity of a heritage item clause 6 to read as follows: New development adjacent to, or in the vicinity of a heritage item within an urban or commercial setting such as an
		context.		commercial setting such as an existing row of two storey shops must: i. retain the existing characteristics of the street including the setback, height and rhythm of facades, and is to be sympathetic to the materials and detailing of the earlier facades. ii. have an appropriate street setback at higher levels to retain a pedestrian building scale. The street setback of

REFERENCE	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
				these higher levels is to be consistent with neighbouring new development to create a cohesive upper level building line.
				It is also recommended to amalgamate Figures 9.3-1 and 2 to create a 3D cross section illustrating the consistent height and setback, and the stepped back higher level development.
Part 9.3 Development in the vicinity of a heritage item	Include controls for development in the vicinity of heritage conservation areas.	It is noted that there are no provisions specifically for development in the vicinity of heritage conservation areas. Clause 5.10(5) includes a requirement for consideration of this and review to overcome this gap is recommended. The controls of section 9.3 provide a suitable model.	It is agreed that a dedicated section for development in the vicinity of HCA is required.	It is recommended to amend Part 9 – addition of new section: 9.5 – Development in the vicinity of a Heritage Conservation Area
Part 9.4 Heritage conservation areas		The streetscape controls are very general, and would benefit from closer connections to the specific details contained in the character statements.	As identified in the public consultation and the internal review, in addition to maintaining and enhancing the street tree planting, street verges should retain their traditional character, plantings and materials. This is a general control which requires site specific interpretation.	It is recommended to amend Part 9 – Heritage Conservation Areas – addition of clause to read as follows: Street verges should retain traditional character, plantings and materials.
	General editorial review to reduce overlaps and inconsistencies.	Some internal inconsistencies are apparent between the setting and setback controls (control 12) and the controls for subdivision (control 61).	The subdivision controls were completely rewritten as a result of public consultation and the inconsistency no longer exists.	No further change recommended.

REFERENCE	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
		There is also some repetition and overlap between the controls for garden structures and outbuildings and the setting and setback controls.	Agreed.	It is recommended that clause 9.4(12) be deleted.
		Finally the need for controls on trees and vegetation in the Part is questioned as similar provisions are already contained in a number of other sections of the DCP.	Vegetation controls in this section are specific to heritage conservation areas and include controls that relate back to the heritage standards in the LEP.	No change recommended.
Part 9.5 Town Centre heritage conservation areas	Review the structure of Part 9 with a view to incorporating the Town Centre Conservation Area character statements into Part 9.	It is recommended that the character statements should underpin the conservation area controls. Consolidating the controls in Section 9.5 with the general controls in 9.4 is recommended and would allow controls that are more tailored to the characteristics and significant elements of each area. It would also reduce the current overlap that arises from separate, additional controls in section 9.6.	The structure of the controls allows a drilling down approach for both those using the controls to undertake works or for those undertaking assessments. That is, the general overarching controls that apply to all places occur first and the more site specific controls can be read after. Giving the character statements their own section (9.5) further clarifies the place specific requirements for each HCA.	No change recommended.
URBAN DESIGN CRITE	RIA			
Contribution to the desired future character of Ku-ring-gai		The Review has highlighted the need for additional work in relation to articulating the preferred future built form character for each centre, and concern that the Part 2 controls encourage replacement of the current finer grained and lower rise retail strips with 5 storey zero lot line built form in most instances. This will result in a vastly different built form character across the centres which is not apparent as a desired outcome from the draft DCP. The character study at A8 may provide a	Noted. Refer to Part 2 for relevant comments regarding built form character for each key site.	Refer to Part 2 for relevant recommendations regarding built form character for each key site.

REFERENCE	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
		useful model for further review of		
		the intended outcomes, especially in		
		terms understanding the importance		
		of the existing character before any		
		decisions can be made about their		
		future characters.		
Contribution to the		The draft DCP encourages zero	The Structure Plan for each centre has	No change recommended.
legibility of Ku-ring-		setbacks to the Pacific Highway and	identified location of active street	
gai		Mona Vale Road, as well as reduced	frontage and landscaped frontage to	
		setbacks in the residential streets	distinguish the town centre built edge	
		surrounding each of the centres. This	urban character from the leafy	
		has the potential to deliver a clear	character in the surrounding	
		and legible urban structure across	residential areas.	
		the Municipality. The draft DCP is		
		likely to result in a strong contrast	Despite the above, street tree planting	
		between the leafy suburban areas of	is strongly encouraged in the town	
		Ku-ring-gai and the new 'harder	centres wherever possible to soften	
		edged' centres. This has the	the built forms as well as provide	
		potential to create a striking	pedestrian amenity.	
		experience for motorists travelling		
		along the Pacific Highway or		
		residents approaching a centre from		
		the surrounding suburb. One		
		concern arising from the Review is		
		that this experience, or the likely		
		contrast between town centres and		
		suburban hinterland, has not been		
		specifically articulated in the draft		
		DCP as a desired outcome.		
Support for a safe		The draft DCP successfully conveys a	Noted. The town centre plans have	Refer to Part 2 for relevant
and visually		strong desire to create safe and	required new mid block links and new	recommendations for the key
interesting street		visually interesting street	actives street frontages (eg. to some of	sites.
environment		environments. However, the	the rear lanes). This is to provide	
		specification of active edges on all	quieter and more pleasant retail	
		building frontages, the creation of	environment away from the harsh	
		wider footpaths via building	Pacific Highway and Mona Vale Road	
		demolition and the plethora of mid	corridors with intense traffic flow. It is	

REFERENCE	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
		block links may actually result in a lesser outcome due to the spreading out of activity along too many building edges and pedestrian paths.	envisaged that the pedestrian activities will no longer concentrate along the highway and main roads despite the active street frontage requirement. The new activated areas and lanes will provide improved pedestrian amenity and opportunities for outdoor dining. Also refer to Part 2 for relevant comments for the key sites.	
Support for the amenity of proposed and adjacent development		Additional controls are required to prevent overlooking to existing private open spaces from the upper level balconies of new development which may be only 6m from existing dwellings, especially given that single dwellings are likely to remain in the R4 and R3 zones for a considerable time.	New residential flat development in the R4 zone must be a minimum of 9m from the fourth storey and above adjacent to R2, R3 and E4 zoned land under Part 3.C.2 (5) and as reworked after the exhibition. In addition, extensive controls in relation to visual privacy for adjacent residents are included in Parts 3A.18, 3A.9 (as reworked after exhibition), 3B.16, 3B.10 (as reworked after exhibition) and 3C.17.	Changes have been made to the draft DCP following public exhibition that address the consultant's concerns. No further change recommended.
PRIORITY AREAS FOR	REVIEW			
General		Structure and formatting of Part 3E to remove the inconsistent Assessment Criteria and Design Requirement overlay;	This Part has been taken as closely as possible from DCP 38. The assessment criteria are a mix of objectives and controls and need extensive work to improve its consistency with the rest of the DCP. A thorough review of this section is warranted. However, at present the majority of dwelling house sites are outside the area covered by this DCP, being governed by DCP 38. A review of DCP 38, as part of the planning for the comprehensive LEP and DCP is the appropriate time for a review of this Part.	It is recommended that Part 3E be reviewed as part of the Comprehensive DCP.

REFERENCE	FINAL PEER REVIEW RECOMMENDATIONS	COMMENTS IN PEER REVIEW REPORT (WHERE PROVIDED)	COUNCIL STAFF RESPONSE	COMMENTS AND RECOMMENDATIONS
General		Controls that occur in more than one part of the plan and where the duplication reduces legibility and useability of the document. This particularly applies to controls for landscaping, and car parking access and design.	The specific landscape controls relevant to particular development types are included within the specific controls for that development type, and for the particular site locations (eg bushfire prone land, Greenweb). The effectiveness of this break-up should be reviewed at the stage of planning for the comprehensive DCP.	It is recommended that the effectiveness of the landscaping controls be reviewed prior to the Comprehensive DCP.
			A comprehensive review of the dwelling house controls is required prior to the comprehensive DCP. The duplication of car parking controls should be reviewed at this time.	It is recommended that Part 3E be extensively reviewed to avoid duplication and improve legibility as part of the Comprehensive DCP.
General		Revisit and/or determine the preferred future built form character for each Centre and Precinct and ensure that the setback controls proposed in the draft DCP will help to achieve this desired character.	Noted. Refer to Part 2 for relevant comments for each key site.	Refer to Part 2 for relevant recommendations for each key site.

From: stan wesley [swesley@bigpond.net.au]

Sent: Sunday, 2 August 2009 6:17 PM

To: John McKee

Subject: DRaft KDCP 2009 (28 July 2009)

The General Manager Ku-ring-gai Council

Hello John,

Reference is made to Part 4.10 Basement Car Parking of the above publication.

In Item 3, reference is made to AS1688.1 which has the title "The use of ventilation and airconditioning in buildings, Part 1-Fire and smoke control in multi-compartment buildings". I believe the intention is to quote AS1668.2(1991) which has the title-""The use of ventilation and airconditioning in buildings, Part 2-Mechanical ventilation for acceptable indoor air quality" and is relevant to the ventilation of basement car parks. Verification of this matter can be made by researching the list of Standards referenced in the BCA.

Having been associated with the development of AS 1668.2(1991) and being a member of AIRAH , I have acquired detailed knowledge of its content and application.

You may recall that the matter of referencing the appropriate standards such as AS1668.2(1991), was raised on previous occassions otherwise the reader will be mislead as to the prescribed requirement.

Trusting that this information will be of interest and assistance.

Regards,

Stan Wesley.

Comments re Current Draft DCP-Turramurra Centre

CONCERNING THE IMPLICATIONS FOR THE PUBLIC CAR PARK FACILITY IN TURRAMURRA AVENUE AND THE NEARBY TURRATOTS CHILD MINDING CENTRE

(Council Ref: S07743)

<u>Doc. Reference</u>: Draft Ku-ring-gai Development Control Plan 2009 ,Town Centres, re 2-8 Turramurra Avenue, Lot 2, <u>DP840070</u>

Comments Presented by:

The Property Group Turramurra Uniting Church, 10 Turramurra Avenue, (PO Box 157) Turramurra, NSW, 2074

Phone/Fax: 9144 1853

External Distribution:-

- (i) The General Manager, Ku-ring-gai Council.
- (ii) Councillors for the Comenarra and Wahroonga. Wards

EXECUTIVE SUMMARY

The Turramurra Uniting Church as a major stakeholder in the Turramurra Precinct, supports in principle the aim of Ku-ring-gai Council to plan developments and to improve the facilities and amenities for the Turramurra Precinct for the benefit of the wider community, provided there is general agreement for those plans with the business sector and also the local residents.

The Church is prepared to consider measures involving the Church and local government or other bodies that might offer creative initiatives to assist in that improvement. In fact the Turramurra Uniting Church, at Council's request, allowed part of its land in Gilroy Road to be used for the construction of an Occassional Child Care Centre-now the TurraTots Child Minding Centre -which is highly popular and seen as an exemplar for such centres in NSW. That project was funded by the Commonwealth Government.

Some suggestions for improvement in the current planning by Council for the public car park are incorporated in the attached notes.

The Property Group which operates under the auspices of the Church Council has maintained liaison with the local Ward Councillors and Executive Officers of Ku-ring-gai Council throughout the development of the Turramurra Town Plan. This activity by KMC Council has now resulted in the formation of the Draft Development Control Plan (DCP), which is now on public exhibition until 4 September, 2009, for consideration by the business and general community.

Despite the liaison and consultation with the KMC Council, the Church is deeply concerned at the further proposal by the KMC Council to continue to pursue the proposed major development of the public car park located next to the Church for the purposes of retail, commercial and residential development. Such proposal would predictably have a significant and adverse impact on the functions of the Church and the associated community. The alternative planning proposal presented jointly by the Church and UnitingCare to the Ku-ring-gai Planning Panel, needs to be progressed by the Council as it provides various advantages compared to that offered by the draft DCP. There is also deep concern at the proposal by KMC Council to construct a by-pass road as a major thoroughfare, directly alongside the TurraTots Child Minding Centre which is located next to the Church. Such proposal if implemented could put the users of that Centre at a high risk of physical injury due to any unsafe traffic movements in that area.

It is trusted that the attached Notes will help KMC Council to reconsider the adverse implications of the Draft DCP in respect of the public car park next to the Church and also the Council proposed by-pass road next to TurraTots.

Stan Wesley. Convenor-Property Group.

Turramurra Uniting Church

Turramurra Uniting Church-Property Group

PART A-COMMENTS RE PRESENT CAR PARK FACILITY

Point of Issue	Comments re Current Community Use					
Location of car park.	The present public car park is single level and is located on the natural ground level at 2-8 Turramurra Avenue, Turramurra and being Lot 2 of DP840070 and has a reported area of 3,619 sq metres. The car park is bound on the northern side by the Turramurra Uniting Church, on the eastern side by Turramurra Avenue, on the southern side by Gilroy Lane and on the western side by the Council-owned buildings comprising Meals-on-Wheels, Easy Care Gardening and also the Turramurra Community Centre (Senior's Centre).					
History of car park.	The car park was created prior to 1966 by the KMC Council to mainly serve the needs of the general community and in particular the nearby retail and commercial sectors of the Turramurra Precinct. It is understood that the car park was later extended by KMC Council by acquiring the houses at 2-8 fronting Turramurra Avenue which scheme was funded by a levy of the businesses in the area on the understating that it would be only used for public car parking purposes.					
Land Classification	The car park is classified in terms of the Local Government Act 1993 as being Community Land. Any change in classification and any subsequent commercial development of the public car park, would predictably have a major and adverse impact on the functions of the adjacent Uniting Church and also on the nearby retail, recreational, catering and commercial sectors of the Turramurra Precinct including the nearby Masonic Centre.					
Role of car park	The car park facility was created by the Council for public use and needs to be retained in that role for public use, otherwise its purpose and the benefits for the community will be lost forever. The car park being at ground level and in open space, is in a setting, which makes a positive contribution to the local environment.					

Point of Issue	Comments re Current Community Use
Special community services	The Church Complex is also the venue for various major church and community events during the year e.g. the bi-annual Flea Market held on a Sat , the Annual Seniors and Community Living Information Day held on a Sat during Seniors Week which is sponsored by UnitingCare and supported by the Community Services Section of KMC Council and also the role of the Church Complex as a polling centre on Saturdays.for Council, State and Federal Elections .The Church Complex is also used for major musical events such as those conducted by local orchestras, who appreciate its fine acoustic properties and for other musical events and concerts for the benefit of the community. These special activities place a heavy demand on the adjacent public car park in Turramurra Avenue.
Access to Church complex	The Uniting Church is a major stakeholder in the use of the public car park. The Church complex provides a community service for over 20 different community organisations comprising approximately 1,000 members of varying ages. Many of the elderly attendees are frail and have disabilities and therefore require easy, safe and direct quality access at ground level from the public car park to the adjacent Church buildings and also the Fellowship Hall. Personal safety and security is a major issue for these people. The Council approved the building plans for the new Church Complex and the Fellowship Hall, with the express provision of direct access from the car park via two major entrances to the Church Complex. The new Church Complex was specially designed by the architectural firm of Noel Bell, Ridley Smith and Partners, taking into account this essential direct access from the public car park for the multiple users of the Complex. The new Complex was opened in 1994.
Usage for community car parking.	The present public car park contains 146 car spaces and is virtually fully occupied on most days but especially on pension payment days and also when major services are held in the Church. There are often concurrent events in the nearby buildings and shops. The Church Worship Centre can accommodate up to 700 people, which equates to 233 vehicles at peak times. The nearby Masonic Centre seats up to 150 people, which relates to a need for 50 car spaces. The present cafes around the nearby Turramurra Arcade seat up to 144 people which relates to 48 car spaces.

Point of Issue	Comments re Current Community Use
Parking for disabled	There are presently only four car spaces designated by the Council for exclusive parking by
persons	disabled persons which number is felt to be inadequate to serve the current needs of the
	community considering the general ageing of the population and the attendant physical disabilities.
Serving the	The public car park also serves the retail and commercial sectors as well as the adjacent KMC
Turramurra Precinct	Council Community Centre or Seniors Centre which has limited on-site parking. There are
	various arcades and passageways/laneways connecting the adjacent Gilroy Lane to the Pacific
	Highway and also to Rohini Street, to provide direct access for the community from the public car
	park to the retail, recreational and commercial areas of the Turramurra Precinct.
Traffic and access to	Access via car to the present ground level public car park is easy and direct via the four
parking.	entries/exits from Gilroy Lane, which is a two way traffic street between Turramurra Avenue and
	Gilroy Road. The parking bays within the car park are generally positioned parallel to Turramurra
	Avenue with a crossover at the northern end of the car park.
	Parking at the present site is available 24 hours per day, seven days a week and is limited to 2 hrs during business hours on Mon to Fri and on Sat morning
Convenience of	It is important to make it easy and attractive for people to do their shopping at Turramurra. If
present parking.	residential and/or commercial development is permitted on the present car park, the seperation of
	any parking into residents, tenants and public, etc. makes things much more difficult and
	shoppers are likely to go elsewhere for their needs.
General night lighting	Artificial lighting of the present car park and the entries/exits serving the car park are considered
	to be adequate for traffic manoeuvring and people movement and also car parking and personal
	security purposes.
Adequate Stormwater	The present car park has an all weather, tarred, ground level surface and slopes gently and
Control	naturally to the northern boundary alongside the Church. Run-off rainwater is collected in a
	concrete, formed kerb and gutter drain and is then directed to local stormwater drains serving the
	site thence to the Cowan Creek catchment area. The present stormwater drainage system is
	considered to be adequate for the site, as no instances of local flooding are known to have occurred.
	occurred.

Point of Issue	Comments re Current Community Use						
Environmental	The existing landscaping on the car park is maintained in a good visual condition by Council.						
Maintenance.	Some enhancement is needed.						
General Maintenance.	The tarred surface of the car park is maintained in a good physical condition by the Council.						
	There are no buildings or structures to be maintained on the present car park site.						
Car park as an	The car park space and the seperation distance acts as an acoustic buffer for the southern side of						
acoustic buffer for	the Church Complex, from the noise generated by traffic movements in Gilroy Lane which is						
Church.	located on the far southern boundary of the car park.						
Enhancement of car	The community car park presents an opportunity for enhancement by improved landscaping and						
park.	either part or full conversion to a central garden park with possible natural lawns, ornamental						
	fountain, seating, additional trees and other horticultural effects for aesthetic and environmental						
	reasons, with any required multi-level car parking located beneath, to provide increased parking						
	capacity needed for shoppers and the community.						
Visibility of Church	The clear openness of the present car park area helps to maintain the visible vista for the historic						
vista.	Church Chapel and steeple, which adjoin the public car park.						
Personal and vehicle	The openness of the public car park helps to provide a safe environment for people and their cars						
security.	while attending the Church or the Fellowship Hall or the nearby Masonic Centre or the adjacent						
	retail, catering and commercial sectors of the Turramurra Precinct.						
Vandalism and grafitti.	Vandalism and graffiti are not a major concern as there are no buildings or advertising hoardings						
	on the present public car park.						
Social aspects.	The open car park also acts as a defacto meeting place for people to initially gather and then						
	venture off to arranged engagements in the nearby commercial buildings, shops and cafes.						
Quality of life.	The public car park helps to provide benefits for the general community, in particular opportunities						
	such as aged care, youth development, social interaction and recreation opportunities provided by						
	the various organizations using the Church, the associated Fellowship Hall and other nearby						
	community facilities including the nearby Masonic Centre in Turramurra Avenue.						

Point of Issue	Comments re Current Community Use
Council's obligations	To meet Council's obligations under Chapter 6 of the Local Government Act 1993 in respect of
	public land management, the core objectives for management of community land categorised as
	Community Use, such as the present public car park, are to promote, encourage and provide for
	the use of the public land to meet the current and future needs of the local community and of the
	wider public. That obligation needs to be maintained by Council for the benefit of the community.
Proposed use of car	Council documents state that the gross area of the car park is 3,619 sq metres. When allowance
park for commercial	is made for set-back on the two frontages to Turramurra Avenue and Gilroy Lane and provision is
and residential	made for the area needed for essential goods delivery bays, access and fire escape
development.	stairways/goods and passenger lifts to elevated floors, amenities, common areas, etc, the net area available for commercial/retail/residential development is considered to be vastly reduced.
	The commercial and residential development which is proposed by Council for the public car park,
	is considered to be amply catered for by the rezoning and planning of the other parts of the
	Turramurra Precinct which are reported to be grossly overdeveloped in terms of the requirements
	of the NSW Government's Metropolitan Strategy.
Noise from any	Construction and operation of any retail, commercial and/or residential buildings on the present
commercial and	car park could generate noise pollution which could disturb the peace and quietness which is
residential	essential for the conduct of worship services in the adjacent Church Complex where the
development on site.	background noise level needs to be very low [35 dB (A) max in the Chapel and Worship Centre as
	per the Australian Standard AS 2107 which is referenced as an acoustic requirement to be met in
	the mandatory Building Code of Australia]. The Chapel and the Worship Centre could be in use at
	any time.
Customer parking.	No evidence appears to have been provided by KMC Council showing that there will be a net
	increase in the parking arrangements to serve the growing population of residents hoping to do
	shopping in the Turramurra Precinct. There will be considerable competition from shoppers and
	others for use of the public car park. There is no guarantee that it will be available for Church
	users. Many locals park their cars in the public car park at night and then take the train into the
	city, thus occupying valuable parking space that could be used by others. Locals (and others)
	using local shops/restaurants will also prefer parking in the public car park if available and will thus compete with Church users for the relatively small number of inadequate spaces.
	Thus compete with Charch asers for the relatively small humber of madequate spaces.

Point of Issue	Comments re Current Community Use						
Prior notice of	In a letter to KMC Council dated 23 Nov 2005 and acknowledged by the Council on 28 Nov 2005,						
objection to	the Church Council had given notice to KMC Council that an objection would be made by the						
reclassification of car	Church to any further application by KMC Council to have the adjoining public car park facility						
park.	reclassified from Community Land to Operational Use for commercial development purposes as						
	the car park facility is directly associated with the operation and functions of the Church ,the						
	associated Fellowship Hall and the nearby buildings such as the Masonic Centre, which are						
	providing a service for use by members of the community.						
Principle of community	Most people are opposed to the selling off of community land which has been paid for by the						
land	community. These assets should be held in perpetuity and be utilised for the good of the						
	community; upgraded where necessary, but kept as community or public land.						
Management analysis.	There appears to be no evidence published by the Council of a business analysis or a business						
	case, a market analysis or a financial risk analysis in regards to the proposed commercial						
	development of the public car park. Has an LCA to AS 4356 been prepared for public scrutiny?						
	This subject involves high market value public property in Ku-ring-gai and there appears to be no						
	detailed financial study of the subject, available from Council.						
Uncertainty of	There appears to be complete uncertainty by Council about the proposed commercial						
outcome	development on the public car park in respect of any beneficial community gains.						
Loss of open space.	The proposed reclassification of the public car park and its proposed commercial development will						
	result in a loss of vital open space in the Turramurra Precinct.						
Reclassification of car	It is understood that the proposed commercial development of the public car park cannot proceed						
park.	until the issue of the proposed reclassification by Council of the public car park from Community						
	to Operational status has been resolved. It is likely that that proposal will receive wide						
	condemnation by the business and local community as has occurred in the past.						

Point of Issue	Comments re Current Community Use
Contingency plan.	It is considered to be reasonable for the Council to put in place contingency arrangements such that should the achievements of the proposed commercial development by Council of the public car park become unlikely or impossible or not viable, the land remains or automatically reverts back to Community Use land status. There is no apparent evidence of such contingency plan by Council.
Business prospects.	Business life in the area is likely to suffer due to avoidance by customers of a retail area prone to lack of adequate shopper and commuter parking facilities and the capacity to serve current and future needs and also difficult access and through traffic routes.
Public benefit	No examples appear to have been presented by Council indicating that there has been clearly defined benefits gained for the community whenever public land in Ku-ring-gai has been reclassified from Community to Operational status and then been subject to commercial development.
Alternative proposal	The alternative planning proposal presented by the Church to the Ku-ring-gai Planning Panel, needs to be progressed further by the Council as it has distinct advantages compared to .that offered by the draft DCP.
Main sewer line in car park.	Examination of the hydraulic services drawings for the Turramurra Uniting Church indicates that a horizontally run, at grade, concrete encased, water authority sewer main is coming through below ground level from the Council car park towards the Church. Such prominent and critical sewer main would probably restrict any building or excavation work to be undertaken in the public car park area.
Reclassification not requested by State Government	The Government has apparently not requested the reclassification of public car parks in Ku-ringgai so as to meet State Government planning targets. So why is there a proposal by KMC Council to reclassify the public car park next to and commonly used by Church attendees and others to have it then offered for commercial development which event would be detrimental to the normal operation of the Church Complex and the use of the .public car park by the local community?
Focus on people	As decisions are taken by Council, there needs to be a focus on people and amenities rather than mainly on building developments.

PART B-SOME KEY ISSUES WITH THE PROPOSED BY-PASS ROAD LOCATED NEXT TO THE CHURCH AND THE TURRATOTS CHILD MINDING CENTRE.

Point of Issue	Some Key Issues with the Proposed By-pass Road
Safety hazard	There is deep concern at the proposal by KMC Council to construct a by-pass road as a major thoroughfare, directly alongside the TurraTots Child Minding Centre which is located next to the Church. Such proposal if implemented could put the users of that Centre at a high risk of physical injury due to any unsafe traffic movements. It is recommended that the proposed by-pass road be relocated and aligned with King Street and Wonga Wonga Street to provide a multi-purpose by-pass road linking four instead of two roads.
Parking for TurraTots	The trees in front of TurraTots may need to be removed to make more parking available unless there is sufficient street parking.
Traffic congestion	The resulting complex multiple road intersection situation at the entrance to TurraTots will result in significant traffic congestion in that area. Will the local buses be able to manoeuvre in that tight intersection?
Traffic diversion	The proposed diversion of all southbound road traffic from Eastern Road (including taxis and buses from Rohini Street) via the proposed by-pass road into Turramurra Avenue will result in further congestion at the complex intersection with Turramurra Avenue and Nulla Nulla Street. Turramurra Avenue will also become the main North/South traffic route through Turramurra, further adding to the congestion in Turramurra Avenue and the possible need for traffic control lights at the intersection with the proposed by-pass road alongside TurraTots. and Nulla Nulla Street

Colonial State Properties Pty Limited

A.B.N. 82 082 836 404

103-107 Koala Way Horsley Park NSW **PO Box 29 Horsley Park NSW 2175** Telephone (02) 9620 1395 **Mobile 0417 244 254**

Email: propterry3@bigpond.com

15th August 2009

The Manager Ku-ring-gai Council 818 Pacific Highway GORDON NSW 2072

Email: towncentres.dcp2009@kmc.nsw.gov.au

Dear Sir,

Reference: <u>Draft Ku-ring-gai DCP (Town Centres) 2009 - Submission</u>

I am writing to you in respect of the properties 167-177 Mona Vale Road, St Ives which are approved to be zoned R4 with additional permitted commercial uses in the draft LEP (Town Centres).

In respect of the properties 167-171 Mona Vale Road, St Ives the draft LEP allows 6 storey development, commercial FSR to 1:1, residential FSR to 1.5:1 and overall FSR to 2.5:1. In a proposed building on those properties to maximize commercial and residential development over 6 storeys it seems logical to me that the lower 2 storeys would be commercial development and the upper 4 storeys would be residential development. I note from the St Ives draft DCP that the properties would have an active street frontage to both Mona Vale Road and Shinfield Avenue however the DCP does not appear to show what set backs from roadways or boundaries Council would require for the properties. Would you please advise me what setbacks from all boundaries Council would require for the commercial elements of a building and for the residential elements of a building on these properties would be a commercial/residential mix would you please advise me if there would be a set percentage of the site as maximum building footprint and would there be a set percentage of the site as deep soil landscaping.

In respect of the properties 173-177 Mona Vale Road, St Ives the draft LEP allows 5 storey development, commercial FSR to 1:1, residential FSR to 1.3:1 and overall FSR to 1.8:1. In a proposed building on those properties to maximize commercial development and construct a 5 storey building it seems logical to me that the lower 2 storeys would be commercial development and the upper 3 storeys would be residential development. I note from the St Ives draft DCP that the properties would have a reduced landscaped setback to Mona Vale Road of 3 to 6 metres. Would you please advise me does the 3 to 6 metres setback apply to all storeys of a building on the properties and in assessing a 3 to 6 metres setback is that to be an average of 4.5 metres setback from Mona Vale Road or otherwise. Would you also advise me what setbacks from all boundaries Council would require for the commercial elements of a building and for the residential elements of a building on the properties.

Additionally as a building on these properties would be a commercial/residential mix would you please advise me if there would be a set percentage of the site as maximum building footprint and would there be a set percentage of the site as deep soil landscaping.

I am also writing to you in respect of the draft DCP requirement that the 4th storey of a building in zone R4 must be setback 9 metres from the boundary of adjoining residential land zoned other than R4. I can understand this requirement in respect of adjoining residential land zoned R2, low density residential, but cannot understand why Council also requires such a setback control from adjoining residential land zoned R3, medium density residential. Would you please amend this control so that only adjoining residential land zoned R2 would require the 9 metre setback control.

Yours faithfully, Colonial State Properties Pty Limited

Terence J Smith Director

Vanessa Duval

From:

Noel & Donna McIntosh [aidsys@mac.com]

Sent:

Wednesday, 26 August 2009 11:27 AM

To:

Mailbox Town Centres DCP 2009

Subject:

"S07743 - Draft Ku-ring-gai Town Centres DCP Exhibition"

Attachments: DraftLEP2008Objection0809; ATT1742335.htm

Attached are our objections.

Donna McIntosh

Noel & Donna McIntosh 14 Cecil Street, Gordon, NSW 2072 02 9498 7428(W) 0434 388 697(Donna Mobile) 0414 848 697(Noel Mobile)

© Donna McIntosh TM

General Manager, Ku-Ring-Gai Municipal Council Locked Bag 1056, Pymble NSW 2072 towncentres.dcp2009@kmc.nsw.gov.au

Ref: "S07743 - Draft Ku-ring-gai Town Centres DCP Exhibition"

Dear Sir/Madam

It is entirely unfair and inappropriate to now impose more onerous conditions on Heritage owners than LEP194/200. Especially as these DDCPs apply to Heritage in the town centres where Heritage items have been severely compromised by KMC's approval of 5 storey developments adjacent to heritage items.

The controls on development in the vicinity of a heritage item are an appalling impost on those heritage owners who want to combine with neighbours to form an economic development. Ninety nine point nine percent of ratepayers are not prejudiced by such restrictions.

The blanket **restriction on subdivision** of Heritage items is grossly unfair. Many of these old houses are on large blocks of land which could be subdivided to help pay for the high maintenance costs of heritage items and the ruinously expensive heritage reports required by KMC. Ninety nine point nine percent of ratepayers are not hobbled by a blanket restriction.

Our **interior space** is our private domain. KMC has no right to dictate how we use or adapt this space to our family needs, let alone demand a DA to seek KMC's permission. Ninety nine point nine percent of ratepayers do what they like in their internal space.

Including gardens and landscaping in this new DLEP means we have to beg KMC's sanction to build and maintain OUR home garden. KMC has no right to make us meet some bureaucrat's requirements in our family garden. It does not belong to KMC. Ninety nine point nine percent of ratepayers are free to do their own gardens.

We would like to remind KMC officers, managers and Councillors that KMC's imposition, against our objections in 1989, of the most onerous Heritage conditions have resulted in a reduction in value of well over a million dollars and deprived us of any feelings of "home" in our Cecil St property. KMC "nationalised" our asset without a competent assessment of KMC's flawed heritage actions* in Cecil St. KMC has confiscated many of our property rights without compensation of a single dollar. KMC forces us to pay higher maintenance fees. All of this to appease the few Ku Ring Gai people interested in Heritage provided it is at no cost to them. KMC has not attempted to negotiate any heritage compensation as recommended by the Productivity Council's Heritage Review.

It is now time for KMC to re-consider this 30-year ratepayer's dire situation and allow normal development around heritage items in the Town Centres. When we asked for National Trust support in 2005 they told us they do not support isolated heritage items next to high-rise development. KMC should do the same and allow normal development around tainted, valueless heritage items.

It is time to stop using Heritage again to control development in Town Centres.

Yours truly,

Donna McIntosh

* Failing to list 3 Federation houses in a group of 6 houses makes a mockery of the so-called streetscape. Approving a 5-storey block of 51 units, contrary to the LEP199/200 and in defiance of DCP55 in many material ways, has destroyed more value in our house.

TEL: 61 (02) 94987428 0434 388 428 (Mobile)

POST: 14 Cecil Street, Gordon, 2072

EMAIL: aidsys@mac.com

NEIGHBOURHOOD ASSOCIATION DP No 285276 "EDEN BRAE" STANLEY CLOSE, ST IVES

The General Manager Ku-ring-gai Council Locked Bag 1056

Pymble NSW 2073

Dear Sir

re S07743 submission on draft Development Control Plan (Town Centres) 2009

We have reviewed the subject draft DCP, with particular reference to the St Ives Town Centre.

We commend Council planning staff for their proposals regarding Key Area S2 – Mona Vale Road and Stanley Street shops. If approved and implemented these plans should breathe new life into this shopping precinct.

The only thing out of place is the proposed four-storey building at 15/17 Stanley Street. Having regard to a direct communication to us from Minister Keneally (Planning Ministerial letter D09/3690 dated July 21, 2009) we suggest this should be restricted to two storeys. Such restriction would not only give better transition from the five storeys on Mona Vale Road to the single-storey villas of "Eden Brae" but would also comply with ministerial wishes and concerns.

(Our submission includes a copy of the Minister's July letter, mentioned above, reaffirming the Planning Panel's resolution to reduce the height of the adjoining property to minimise overshadowing on properties within Eden Brae.)

We also commend Council planning staff oral assurances that the widening of Stanley Lane behind the Mona Vale Road strip shops will not involve any excising of land from the "Eden Brae" side of the lane, the latter not being immediately apparent from the DCP draft maps and illustrations.

Two other improvements which we suggest should be made to help cope with the heavy pedestrian traffic bound to flow from the new five-storey residential buildings in Stanley Street up to the shops are:-



- (1) On the western side of Stanley Street the footpath trees should be retained, but the grass verge or 'nature strip' should be replaced with concrete from the existing sealed footpath across to the kerb. In support of this suggestion we point out that, even with the current level of pedestrian traffic much of the grass has been wom down to a dustbowl and the varying levels create a trip hazard. This can only get worse as more people use this access-way.
- (2) The other big problem for pedestrians is crossing Mona Vale Road and Memorial Avenue to reach the Shopping Village. The traffic lights are biased towards the motor vehicle traffic which will worsen when a clearway is introduced. In order to encourage people from south of Mona Vale Road to leave their cars at home and walk to the Village shops a safe way to cross these very busy roads is required. We suggest a covered pedestrian bridge from the Old School grounds on the corner of Mona Vale Road and Rosedale Road across to the Village at the corner of Mona Vale Road and Memorial Avenue the bridge to be serviced by up and down escalators at each end. This development would have many advantages including:
- (a) vast safety enhancement for pedestrians;
- (b) reduced traffic and parking problems at the Village Shopping Centre;
- (c) greatly improved traffic flow with substantial reduction in the number of traffic light changes;
- (d) healthier residents!

We commend these proposals for your serious consideration.

R.A. (Bob) Johnson

chairperson

Walter Simpson secretary

Walter Simpson

24/08/09

Mr Bob Johnson 3 Stanley Close ST IVES NSW 2075 D09/3690

2 1 JUL 2009

Dear Mr Johnson

I refer to your further letter concerning the proposed zoning of 'Eden Brae' under the draft Ku-ring-gai Town Centres Local Environmental Plan (LEP).

I note the concerns you have raised and I appreciate your reasons for writing. The Kuring-gai Planning Panel (the Panel) was appointed under section 118 of the *Environmental Planning and Assessment Act 1979* to progress certain aspects of planning in Ku-ring-gai, and to improve the efficiency and transparency of planning processes in Ku-ring-gai.

The draft Town Centres LEP was placed on exhibition from Monday 17 November to Friday 19 December 2009. The exhibition provided an opportunity for interested residents and the local community to consider the draft Plan and make formal submissions to the Panel on the draft Plan.

A revised version of the draft LEP was adopted by the Panel at its meeting of 27 May 2009. I am advised that although the Panel did not alter the zoning for Eden Brae, the Panel resolved to reduce the height of the adjoining property to minimise overshadowing on properties within Eden Brae.

It is expected the Panel will submit the draft LEP for my consideration shortly, and it is anticipated a report will be provided which outlines the Panel's approach to planning for this site. I will consider the report when received, and your concerns will be taken into account as part of this review process.

Yours sincerely

The Hon Kristina Keneally MP



Dr Zeny Edwards Architectural Historian 32A Warrangi Street TURRAMURRA NSW 2074 AUSTRALIA T: 9402 7919

E: zenyedwards@hotmail.com

26 August 2009

Mr John McKee General Manager Ku-ring-gai Council Locked Bag 1056 PYMBLE NSW 2073

Dear Mr McKee

Re: S07743 - Draft Ku-ring-gai Town Centres DCP Exhibition which is covered by draft Ku-ring-gai Local Environmental Plan (Town Centres) 2008 (KLEP 2008)

I need to draw attention to 'Part 9: Heritage' of the Draft Ku-ring-gai Town Centres DCP particularly with regard to height, scale and bulk, open space, subdivision within heritage properties, vistas from the public domain and design issues, from fences to articulation in facades and huge expanses of blank walls that these buildings generate. The buildings that are cropping up look more like commercial buildings than residential apartments. They are hard, harsh and boxy. Sections dealing with design need to be more prescriptive. A high standard of design is imperative and should not be copyist.

There is a disturbing lack of infrastructure to compensate for the huge increase in population that these dense developments will bring. The health and wellbeing of the residents of these high rise buildings are threatened because they breathe in the noxious gases and are exposed to the pollution from the highway fumes and traffic noise day in and day out. A significant number of single-storey detached residences will be in permanent shadow cast by these high rise buildings. There is a severe lack of open space and green landscape around these developments in which residents can enjoy for recreational purposes and the taking away of the therapeutic joy of tending their own gardens and growing their own plants. More green space and substantial plantings of trees rather than shrubs are needed. Shadowing and the disruption of vistas need to be corrected, perhaps by staggering heights and increasing curtilages or widening of grassed verges and footpaths. Communal garden spaces within town centre areas and around them need to be incorporated for residents to work in and enjoy.

These are just some of the points where it fails or falls short of the ideal and acceptable, principally because the manner in which it was formulated and completed in the first place, was under duress by KLEP 2008. We, and Council, have to do the best we can with our hands tied behind our backs. It is understandable that we, the residents of Ku-ring-gai, want to fight to get the best outcome. It is not 'nimbyism' or being unwilling to move with the times. It is protecting what we love and what we own and value.

The Draft Ku-ring-gai Town Centres DCP must be analysed thoroughly and judiciously and amended to achieve the best possible results that will protect the amenities of the stakeholders who are going to be affected by the KLEP 2008. I commend Council for its efforts in trying to formulate a DCP to achieve the best outcomes from a flawed and untenable resource.

Yours sincerely,

From: Mike Bosch [mbosch@bigpond.net.au]
Sent: Sunday, 30 August 2009 10:34 AM
To: Mailbox Town Centres DCP 2009

Subject: "S07743 - Draft Ku-ring-gai Town Centres DCP Exhibition"

To Whom It May Concern,

Please cease all plans to develop these town centres in Ku-Ring-Gai. You are destroying the character of this community.

The NSW State Govt has no moral right to interfere with the development of local municipalities. It is sad that the legal right to do so exists due to a huge mistake in the way the Federation was established over a century ago.

Frank Sartor, Bob Carr, Kristina Kennealy and all the offending parties should be terminated from government. The NSW Govt should be abolished and local govt be given control of its own destiny

Regards,

Mike Bosch

Ph: +6141 728 7345 Fax: +612 9487 6233

Email: mbosch@bigpond.net.au

	Information from	m ESET	Smart S	ecurity,	version	of virus	signature	database	4380
(20090829)									

The message was checked by ESET Smart Security.

http://www.eset.com

From: M M Thompson [MMThompson@bigpond.com]

Sent: Thursday, 3 September 2009 9:53 AM

To: Mailbox Town Centres DCP 2009

Subject: S07743 - Draft Ku-ring-gai Town Centres DCP Exhibition

Dear General Manager

I have just been advised that there is a possibility under the new plans for Turramurra Town Centre, that the existing car park next to the Uniting Church in Turramurra Avenue may be sold and replaced with a multi-storey building. If this is true, please revise this part of the plan most urgently.

Apart from the aesthetic disaster of adding yet another unwanted high rise building in this area, there are practical reasons for this objection: retention of this car park is essential for existing retailers in the vicinity and their customers, as well as those who use the space while shopping, visiting the Council, church, child care or Masonic facilities nearby. This is before we consider the huge increase in people who will need such a car park in the future. Even if underground parking is included in a multi-storey building, that will not be suitable for many elderly folk, and for others who need the car park at night.

Having previously welcomed what I had understood to be a flexible approach to planning for the Turramurra Avenue car park, I am most disappointed to see that the Panel s recommendations may be implemented in such an unacceptable fashion. I therefore request that the car park be retained as an open, above-ground space without a multi-storey building.

Yours sincerely Merlyne Thompson Turramurra Resident and Ratepayer. The General Manager Locked Bag 1056, Pymble NSW 2072 Ku-ring-gai Council 37 Alexander Parade, Roseville NSW 2069

towncentres.dcp2009@kmc.nsw.gov.au

2 September 2009

Attention: General Manager of Development

Re: S07743 - Draft Ku-ring-gai Town Centres DCP Exhibition

Dear Sir / Madam

We wish to raise the following comments, concerns and questions with respect to the Ku-ring-gai Draft Development Control Plan (DCP) - Key Area R2; specifically the Pacific Highway shops / residential area west of the Pacific Highway in the Roseville Town Centre.

a) The proposed retail / residential buildings on the south-western side of the Pacific Highway

- 1. The proposed controls mandate building heights but do not mandate the maximum number of levels of basement / semi-basement car-parking. Given the "Indicative Section DD" on page 2-96 of the draft shows two levels, can we interpret this as the maximum number of levels?
- 2. The meaning of the control "Provide vehicle access via Pacific Highway at the southern corner of the site" is not clear. What exactly does this mean?
- 3. How will people visiting the active retail facilities or living in the extensive residential (shoptop housing) be able to <u>safely</u> access the only available public transport i.e. the Roseville railway station on the other side of the Pacific Highway?
 - Vehicles continually run the red lights at this Pacific Highway crossing. Unfortunately pedestrians also often cross against the lights because of the length of time they have to wait before they get a green light. The increase in pedestrian traffic and frequency of use of this crossing as a result of the town centre development, and increasing use of the Pacific Highway¹ will greatly increase the potential for conflict between pedestrians and vehicles.
- 4. How will cars of residents and visitors using the extensive basement / semi-basement parking be able to <u>viably</u> and <u>safely</u> exit this area i.e. exit Larkin Lane into Maclaurin Parade and then into the Pacific Highway?
 - It is highly unlikely the RTA would permit an exit from the proposed car park directly into the Pacific Highway. It is equally unlikely that other minor changes to sequencing of lights (discussed with Council traffic staff) or limited proposed road widening (detailed in the LEP) will address the traffic and safety related issues raised above.

¹ The carrying capacity of the Pacific Highway is increasing by five percent every two years according to the RTA which will make it increasingly difficult to make changes that may affect traffic flow on the highway.

A stated key objective for Key Area R2 is to "Encourage the provision of additional public parking to support the growth of the area". Vehicles using the proposed parking will need to enter and exit the area via the junction of Maclaurin Parade with the Pacific Highway further exacerbating congestion at this intersection. As has been pointed out countless times in the past, this junction is the ONLY safe / viable right hand turn exit into the Pacific Highway from the whole of this impermeable part of West Roseville.

5. Residents have brought to the Planning Panel's and Council's attention current problems (Refer to residents submissions to the LEP) relating to pedestrian safety, vehicular congestion and the potential for traffic related accidents with the current population / traffic load in this area. These issues will only be exacerbated by the proposed Town Centre development and high density residential developments currently underway in the area. It is not acceptable that the LEP and DCP fail to acknowledge, address and adequately plan for these matters.

Surely these issues should be addressed in Roseville Town Centre planning currently underway. If the Roseville Town Centre LEP and DCP are not the right instruments to document / specify how Council propose to address the aforementioned issues, what is?



Figure 1- Satellite view of the Roseville Town Centre "Key Area R2" & the adjoining high density residential area

b) Residential buildings between Larkin Lane and Larkin Street

The Ku-ring-gai LEP (Town Centres) 2008, rezones the area bounded by Larkin Lane, Maclaurin Parade, Larkin street and the Rifleway to high density residential. This substantially increases the permitted height and floor space ratio of development in this area when compared to the residential 2(e) zoning in the Ku-ring-gai Planning Scheme Ordinance. As this area is not part of

the Key Area R2, there are no controls in the Draft Town Centre DCP that relate directly to the residential site(s) between Larkin Lane and Larkin Street. The fact this area is referenced in several diagrams in the Part 2F Roseville Town Centre of the Draft DCP raises a number of questions and requires comment:

- 1. The reduced set-back (of 3-6 metres) specified on the Public Benefit Plan fronting Larkin Street is inadequate, leaving the way for developments to have a minimal setbacks of only 3 metres. Given the maximum building height of the rezoning in the LEP and the steep slope on the west side of this site, a greater setback should be mandated (10-12 metres) to plant significant vegetation to protect the amenity of existing residents on the lower side of Larkin Street and in Pockley Avenue.
- 2. A larger landscaped set-back to the area along the Rifleway stairs / ramp to the north of this area would be in the public interset.
- 3. What controls will guarantee the protection of the significant existing vegetation on this site, integrating it into any future residential development for this area.
- 4. Do other controls on the scale and bulk (massing) of high density residential redevelopment apply to area? If so are they adequate to protect the neighbourhood amenity from inappropriate overdevelopment such as the 8 to 12 Nola Road development, which Council staff has subsequently agreed was a mistake. If not what mechanism will be used to manage and control appropriate transitional² and sympathetic development in this area.

We look forward to Council's response in these respects.

Yours faithfully,		
Randal Delaney and Sue Bradshaw		

² I.e. Between the Roseville Key Area R2 development and the low density residential properties adjoining (to the west of) Larkin Street.

The General Manager Ku-ring-gai Council.

Ref S07743 - Draft Ku-ring-gai Town Centres Exhibition

Dear Sir,

I am currently overseas and will be unable to attend the public meeting that has been called for 14th September. I therefore have to lodge this response to the draft DCP by email.

From the outset I have protested against the Plan's proposals for the Turramurra Avenue car park and the area around it. In particular I have been involved in presentations and submissions to the Council and the Planning Panel on behalf of the Turramurra Uniting Church, which is alongside the car park.

I contend that the Plan, which presents a once-in-a-lifetime opportunity to change the landscape for the longterm benefit of the community has, from the first, focussed its interest and resources on redesigning the Ray St precinct and ignored the considerable potential for improvement in the area around the car park. Its ultimate proposal - to sell the car park and to construct a multi-storey building on the site - was a classic quick and easy, simplistic and short-sighted, response....and wrong.

The Church, as a major stakeholder and the de facto community centre on that side of the train line, clearly also has an interest in any plans for the area, but its concern goes well beyond its own interests. And because of this broad concern it commissioned, at significant cost, a firm of planning consultants to explore the possibilities inherent in the site and to look at alternative creative strategies that would meet the needs of Church, local retailers, and the community at large.

One of the stipulations was that the car park, and the number of car parking spaces provided, should be retained in some form or other, in the firm belief that the growth in the number of people living in the vicinity, and the obvious limitations for available parking this would impose for them and the retail community, would be a major problem for the future, regardless of any statistical analysis offered in the traffic management plan.

The outcome was a submission to the Planning Panel that proposed, by negotiation, the incorporation of a large section of the church's property with the adjacent property owned by Council (which includes two buildings used for various seniors services). On the joint property it proposed the development of a building, or buildings, which could include a replacement for the Church's hall and its Turra Tots child care centre - both on the current Church site - and for existing or expanded Council services , and provide aged care accommodation on the upper storeys.

It left open for negotiation the basis on which the melding of the two properties could take place through the sale of Council's property or a long-term joint sharing arrangement between the parties.

Council has a copy of this document and we can make further copies available if required. Council officers, and some Councillors, are aware of the submission to the Panel and its contents.

The proposal would allow for the retention of the car park, either in an improved version of its present street level form or, more desirably, as underground parking with a plaza above ground. Either way it would have considerable benefit for people using the car park and for the retailers who could re-orient their premises to effectively face the open area rather than the Highway if they so desired. Incidentally, I understand that the retail community paid for, or contributed to, the

initial purchase of the car park.

The Planning Panel, to its credit, recognised the value of the proposal and recommended in its favour to the Minister. In particular, it appreciated the development of a 'sense of place' that it offered - something that is sadly missing in the DCP.

With this as background I submit that it is in the best interests of all concerned to give the Church's proposal a thorough, inclusive, and objective examination, regardless of any other discussions that may have been taking place with regard to the site. I know that the Church is keen to pursue the matter further and to engage in any discussions and provide any further information or documentation that could further advance their vision for the future of this key centre.

It is worth noting that the arrangement it proposes would be facilitated, financially, by the fact that the parties involved own both properties.

Simply viewing the car park as a source of revenue, as the DCP appears to have done, is a poor alternative and future generations would see it as a one-time opportunity lost.

Sincerely,

Bruce Irwin keleman@optusnet.com.au

1 Ramsay Avenue West Pymble 2073 From: Michael and Heather Lane [michaellane@optusnet.com.au]

Sent: Friday, 4 September 2009 4:12 PM

To: KMC

Subject: FW: Town centres DCP

Towncentres email address is rejecting emails

From: Michael and Heather Lane [mailto:michaellane@optusnet.com.au]

Sent: Friday, 4 September 2009 3:59 PM **To:** 'towncentres.dcp2009@kmc.nsw.gov.au.'

Subject: Town centres DCP

From Michael Lane 17 Paul Ave St Ives NSW 2075 0402431703

I shall confine my observations to car parking issues other than noting that the provision for 2.7 metre high ceilings in habitable rooms and that PVC fittings have not been excluded the latter being the subject of some intense discussions in the preparation of the previous draft DCP for the Town Centres when I was a Councillor.

I am sure that there will be many who will comment on other matters!

It is disappointing that the concept of a maximum provision of car park spaces has been reintroduced despite this being rejected (I think unanimously) in the previous Council s final resolution on the provision of car parking in the Town Centres DCP. The objective of providing generous on-site parking is to minimise street parking especially for residential premises. The provisions in 3C 24-7 (residential flat buildings) is most ungenerous at the minimum and unduly restrictive at the maximum. This will inevitably result in residents using street parking for their vehicles which is most undesirable. I acknowledge that there is a line of thought in certain Planning schools that if parking is restricted then people will not buy cars. Nothing could be further from the truth except perhaps in certain inner city areas. In general people wish to have their own motor vehicle in order to go where they want when they want. In an affluent area such as Ku-ring-gai people want to go to various places most of which are inaccessible by public transport e.g. one member of a household may go to play Bridge while another goes to play Golf both of these can only be reached by private transport.

The original S55 direction by Minister Beamer required that the provisions of LEP 194 be carried over into the Town Centres Plan. This was done for parking in the DCP by adopting the provisions in LEP 194. I note that many, if not most, DAs under LEP 194 include provision for more than the minimum parking requirements because this is what people want and need. It is essential that generous off street residential parking is provided so that residents do not park on the street.

I recommend that the parking provision (3C 24-7) be deleted and replaced with the provisions in LEP 194. (With no maximum limitation).

Similarly the provisions for parking in Commercial and mixed use buildings should be modeled on LEP 194 for the residential component. The commercial component should be that in the appendix A3. The provision for reduced parking within 400 metres of a station ticket office presumes that owners/employees of businesses and their customers can use public transport.

This is clearly untenable where those persons live in areas which are not served directly e.g. residents of the Northern Beaches, The Hills District etc.

I recommend that the provisions for reduced parking within 400 metres of train stations in 3A and 3B be deleted and the provisions of appendix A3 prevail

Section 3B 21-15 purports to dictate the allocation of spaces to so-called Green vehicles. I do not believe that this is within the scope of a DCP. It directs that a particular technology or commercial arrangement be applied by the building owner/lessee. (Shared vehicle arrangements are a commercial operation even if in the guise of a mutual society). Future technologies are not predictable - we do not know what the future form of what we know today as the motor car will be. All we can say is that the personal transportation pod will be the preferred mode of transport. The provisions of this section are unenforceable.

I recommend that 3B 21-15 be deleted.

Section 3B 23 purports to micro manage the parking arrangements within a building in perpetuity. I believe that this is outside the scope of a DCP. The only part of this paragraph that is within the control of Council is that relating to the internal fitout which, if I recall correctly, is subject to a DA. The other parts have no relevance to Council operations other than collection/recycling which is a standard part of a lease. Demands for preference for local suppliers are untenable and unenforceable. It is akin to tariff protection which those who are well versed in Economic management understand leads to poor quality excessively priced goods and services. Other than the control on fitouts no part of this section is pragmatically enforceable; building managers can simply ignore the provisions with no chance of Council discovering unless it descends to the depths of certain UK Councils in spying on its residents. The proposed covenants are of nil value.

The only relevant portions of this section are covered elsewhere (e.g. requirements for DA and standard lease conditions) and it is thus redundant.

I recommend that section 3B 23 be deleted.

The sections that I suggest should be deleted are likely to be challenged at great expense to the ratepayer and by association weaken the intent of the DCP (which is mostly of high standard). The alternatives that I suggest are unassailable and are a good and achievable planning outcome.

Michael Lane 4 September 2009 131/53 Rohini Street Turramurra NSW 2074

Dear Sirs.

Re SO7743 Ku-Ring-gai Town Centres Draft Exhibition

I write specially referring to Turramurra Key Area T1. While I fully understand the necessity for relieving the traffic congestion from Eastern Road and up Rohini Street to the Pacific Highway, I am concerned about the proposal for a new road bridge to be constructed over the railway line linking the end of Ray Street with Rohini Street.

I note this bridge would provide a second access point for both vehicles and pedestrians thus cutting down on traffic snarls especially at peak hour times. However this bridge to accommodate two-way vehicle traffic would provide pedestrian footpaths on both sides with a minimum width of two metres.

This does not seem very wide particularly as the pathways could be used by elderly pedestrians. A number of these people could be using walking frames and also tthere could be mothers wheeling babies and toddlers in prams and pushers. Such a constricted footpath area could be risky for both groups.

Similarly I would have some disquiet about the outlet at the base of the bridge into Rohini Street. This is a thoroughfare area for a number of older residents from nearby unit blocks, especially those wanting access to the shopping strip or Gilroy Road. Extra traffic flow could prove dangerous.

I trust these concerns can be taken into consideration with further contemplations of the Town Centres Draft for the Turramurra area.

Yours faithfully

Valwyn Wishart

alwing. Wishart



4 September 2009

Mr John McKee General Manager Ku-ring-gai Council Locked Bag 1056 PYMBLE NSW 2072

cc: towncentres.dcp2009@kmc.nsw.gov.au

Dear Sir,

S07743 - Draft Ku-ring-gai Town Centres DCP Exhibition Submission

We are writing to you in relation to the Draft Ku-ring-gai DCP (Town Centres) which is currently on Exhibition. We find the Draft DCP to have a number of issues which are explained in detail in this letter.

Background

Urbis with UnitingCare and the Turramurra Uniting Church prepared a submission to the Draft Ku-ring-gai Town Centres LEP dated 19th December 2008. The submission included a concept proposal for 1-7 Gilroy Road, Turramurra, the adjoining Council car park and the Turramurra Uniting Church site. The submission also highlighted the need for retention of the Council car park from both an access perspective as well as a retail viability perspective.

The proposal to integrate the church site and council owned sites was supported by the Ku-ring-gai Planning Panel which is documented in the Draft LEP response to submissions. The integration of these sites has not been demonstrated in the exhibited Draft Ku-ring-gai DCP (Town Centres) 2009, furthermore it is noted that these sites have been excluded from the identified DCP key areas.

The exhibited Draft DCP does not include the Council owned sites and the Uniting Church site as a Key Area, this raises a number of issues for the viability and functionality of the Turramurra Town Centre which are detailed below.

Heritage

The Draft DCP addresses heritage and conservation areas in Part 9. The section does not specifically address LEP heritage item 166 Turramurra Uniting Church, nor does the Draft DCP address principles for a heritage item acting as a transitional building between residential area and an urban area, as LEP heritage item 166 does.

The proposed urban form shown in the indicative massing as part of the T2 Key Area does not appear to address the LEP heritage item 166, Turramurra Uniting Church. The forms shown in the massing do not show a sympathetic response to the identified heritage item hence we are concerned that given the lack of principles that this site requires a site specific DCP.



Vehicular Access, Movement and Parking

The Draft DCP urban structure for Key Area T2: Rohini Street Retail does not demonstrate the vehicular access and movement patterns around the Turramurra Town Centre and does not adequately address parking needs of the centre.

Parking controls

The T2 Key Area controls for parking are as follows:

To ensure viability of redevelopment of sites in Key Area T2 the retail parking requirements may be reduced by up to 25% on amalgamated site. The applicant will be required to provide a report assessing the potential impacts on public parking around the centre in order for a parking reduction to be considered by Council. (p2-26 Exhibited Draft DCP)

Amalgamation will be required for almost all of the allotments as the lots have a width of approximately 6-8m, which is not large enough to facilitate efficient, double loaded, basement car parking. Given that amalgamation is required for almost all of the lots in the T2 key site precinct to provide efficient parking, this potential reduction in required parking will further put pressure on existing parking areas.

While in section 3A.26 the controls specify knock out walls for the ability joining basements the practicality in terms of timeframes, negotiations and ensuring adequate circulation required may limit the ability for the implementation of this.

Church Complex visitor parking

Turramurra Uniting Church Complex users currently park in the Council Car Park while visiting the facilities. The Draft DCP provides no certainty that if the existing Council car park is redeveloped, that a public car park open to the use of Uniting Church Complex users will be included in a redevelopment to replace the number of spaces.

Retail centre visitor parking

The ability to find nearby car parking is an important component of ensuring the functionality of the retail, particularly due to the elderly demographic. Future public parking locations are identified only as on-street, no off street locations are identified in the T2 Key Area. Furthermore the fine grain retail along Rohini Street and the Pacific Highway may make implementation of a critical mass of visitor parking difficult. While the provision of basement parking may satisfy demand and DCP requirements for uses on site, there is the need for larger scale parking for visitors to easily find and access the Town Centre.

Provision of additional parking for the Town Centre

The adopted Ku-ring-gai LEP (Town Centres) 2008 has zoned the existing council car park B2 Local Centre with a maximum FSR 2.5:1 and height of 20.5m. Replacement of the parking spaces on existing council car park has not been addressed in the Draft DCP. With proposed increased floor space in the Turramurra Town Centre it would be expected that additional parking will be required.



Open space

Urbis is concerned that the proposed provision of new public open space may not provide the best outcome for the Turramurra Town Centre. The adopted LEP zoning does not show the RE1 Public Recreation for the village green location proposed in the DCP however we note that recreation facilities are a permissible use under the adopted LEP.

The DCP proposed retention of croquet lawn and associated federation style house eliminates the possibility to undertake the concept proposed by Urbis, UnitingCare and Uniting Church in the December 2008 Ku-ring-gai LEP submission.

Size and location

The size of the village green/open space is not specified however the DCP does make reference to retaining the croquet lawn and associated federation style house (not heritage listed in LEP) which is noted as having potential reuse as café or restaurant in the desired character statement. We accept that providing open space directly adjacent to retail may have benefit however there are no clear principles outlined for this proposal.

Turramurra Town Centre has a number of existing parks in close proximity, these include Cameron Park located to the north west of the T2 Key Area, Turramurra village park to the South West and Queens Park to the south currently providing public open space (Attachment 1). We question providing four local parks all of a similar size within 250m of each other being the best open space solution for the Turramurra Town Centre.

Summary of issues

We believe the Draft Ku-ring-gai Development Control Plan (Town Centres) 2009 does not address the Turramurra Town Centre from a number of aspects these are as follows:

- Demonstrated integration of the Uniting Church site and adjoining Council Owned sites as supported by the Ku-ring-gai Planning Panel.
- Addressing the current and future car parking needs of the Turramurra Uniting Church Complex who use the Council Car Park.
- Demonstration that redevelopment of the existing Council car park and existing fine grain retail development in the T2 will provide a critical mass of public car parking to service the Turramurra Town Centre if the Council Car park site is redeveloped.
- Principles for heritage items acting as a transition between residential and urban areas, in particular for LEP Heritage Item 166 Turramurra Uniting Church.
- That the proposed public open space does not provide detailed principles to ensure the best result for the Turramurra Town Centre.
- The land to the north of the T2 site (Council car park and proposed park site) are not shown as
 developed in the indicative sections; The LEP does provide controls and zoning to permit
 development and this is shown in the indicative massing.



Proposed Action

We recommend that given the issues raised above, a site specific DCP should be prepared for the land between Gilroy Lane Turramurra Avenue, Gilroy Road and the proposed new street connecting Gilroy Road and Turramurra Avenue as shown in Attachment 1.

The DCP should address in a greater level of detail than the Exhibited Draft DCP:

- Heritage particularly in relation to LEP Item 166
- Parking
- Provision of adequate open space
- Built form
- Access and movement
- · Public and private open space
- Public Benefit
- Relationship to the adjoining Key Area T2

Should you wish to discuss any of the matters raised in this letter further please contact Rohan Dickson at 8233 9900.

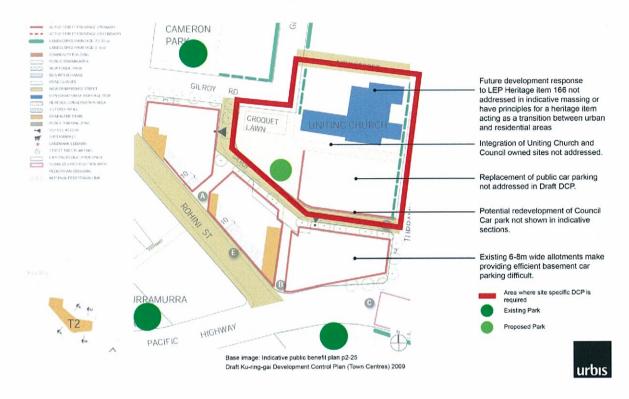
Yours sincerely

Urbis Pty Ltd

Rohan Dickson Director - Design

urbis

Attachment 1 – T2 Key Area Issues & Opportunities





4 September 2009

General Manager Ku-ring-gai Council Locked Bag 1056 Pymble NSW 2073

Dear Sir.

Exhibition of Draft Town Centres DCP (S07743)

I am enclosing my submission to the exhibited draft TC DCP that I trust, will be given proper consideration in finalisation of the DCP.

I have provided planning advice and prepared Statements of Environmental Effects for over 20 development applications for residential flat buildings within the LEP 194 area. The majority of these developments have either been completed or are under construction. Needless to say, I have good understanding of both the mandatory controls of LEP 194 and the discretionary controls of DCP 55 and their effectiveness.

It is evident that the draft TC DCP incorporates the majority of controls of DCP 55, which govern residential flat buildings development. Due to my experience with RFB development within LEP 194 area, I consider myself well qualified to suggest constructive amendments to the exhibited draft TC DCP that will promote achievement of the objectives of KLEP 2008 and TC DCP, simplify the assessment process and facilitate achievement of the residential development potential envisaged for Ku-ring-gai under the Draft North Sub-regional strategy.

In my opinion, the cumulative effect of certain controls, such as building separation, front setbacks, side and rear setbacks, and building footprint will reduce the development potential envisaged for residential flat buildings within the R4 zones by up to 15%.

In essence, the above controls will impose more onerous development standards than those contained in the draft KLEP 2008, prevent achievement of the residential development potential envisaged in KLEP 2008 and are contrary to provisions of Section 74C(5)(b) of the Environmental Planning and Assessment Act 1979.

I trust that the submission will assist in modification of the draft TC DCP to ensure full compliance with provisions of Division 6 of the EPA Act 1979.

Yours sincerely.

Gregor Zylber MPIA CPP Director METROPLAN

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SUBMISSION PURSUANT TO PART 3, DIVISION 2 OF EPA REGULATION 2000

EXHIBITION OF KU-RING-GAI DRAFT TOWN CENTRES DEVELOPMENT CONTROL PLAN



Suite 103, 10-12 Clarke St Ph: 9906 6102 Crows Nest NSW 2065 Fax: 9438 5388 Email: metroplan@blgpond.com

September 2009

PR09-26C

TABLE OF CONTENTS

1	INTRODUCTION	
1.	1.1 Purpose	
2.	CONSISTENCY WITH DRAFT TOWN CENTRES LEP 2008	
	2.1 Compliance with Division 6 of EPA Act 1979	
	2.2 Definitions	2
3.	PART 3C: RESIDENTIAL FLAT BUILDINGS	
1	PECOMMENDATIONS	10

1. INTRODUCTION

1.1 Purpose

The report analyses in detail the provisions of the draft Town Centres Development Control Plan (TC DCP) which are intended to govern residential flat building development within the area of Ku-ring-gai Town Centres LEP 2008 (KLEP 2008).

The analysis reflects my experience in planning and documentation of over 20 development applications within the Ku-ring-gai LEP 194 area. It is my professional opinion that certain aspects of the controls are unduly restrictive, add to complexity of the assessment process and would prevent achievement of the development potential envisaged under KLEP 2008.

The report discusses the implications of the proposed controls for residential flat buildings and makes recommendation for amendments, which would ensure the desirable urban form, residential amenity and facilitate realisation of the development potential envisaged under the development standards of KLEP 2008.

2. CONSISTENCY WITH DRAFT TOWN CENTRES LEP 2008

2.1 Compliance with Division 6 of EPA Act 1979

The Draft Ku-ring-gai Draft Town Centres LEP 2008 (KLEP 2008) was prepared by Council's Strategic Planning Branch under direction of the Ku-ring-gai Planning Panel exhibited in November-December 2008 and adopted, with amendments, by the Panel in May 2009. Unlike the current LEP 194, KLEP 2008 contains few development standards which govern only minimum allotment size, street frontage, Floor Space Ratio and overall height.

Other development standards which include Building Footprint, Deep Soil Landscaping, Area of the Top Storey and Car Parking have been transferred to the draft TC DCP. In accordance with current planning legislation, the DCP must not contain provisions which would prevent development permissible under the Local Environmental Plan. Cumulative effects of the proposed controls concerning building separation, setbacks, building footprint ,deep soil landscaping and courtyard location would be to prevent the achievement of the development density of 1.3:1 envisaged for residential flat building in KLEP 2008.

It is reasonable to suggest that the above DCP controls, as far as they relate to building bulk and siting, will effectively reduce the actual development potential within the R4 zone by up to15%.

It is essential to note that KLEP 2008 was specifically prepared to optimise the developmental potential of areas in proximity to public transport modes and meet the residential growth targets for Ku-ring-gai set out in the Draft North Sub-Regional Strategy.

2.2 Definitions

It is essential that the DCP utilises the same definitions adopted in the draft KLEP 2008 or those in DCP 55. It is recommended that the Town Centres DCP incorporates the following definitions:

Building footprint As per LEP 194

Gross floor area As per KLEP 2008

Total floor area Is the area of a floor measured to the outer perimeter of the floor,

including balconies, internal services, stairs and lifts.

3. PART 3C: RESIDENTIAL FLAT BUILDINGS

The following section analyses certain aspects of the proposed controls and suggest amendments.

	Proposed Controls	Comments and Recommendations
3C	.1 Building Separation	
1	Development up to 4 storeys i) 12m between habitable rooms/balconies ii) 9m between habitable room/balcony and non-habitable room iii) 6m between non-habitable rooms between buildings	The controls, as illustrated in Figure 3C.1-2 are similar to the existing controls of DCP 55. If read in conjunction with Figure 3C.1-3, the controls would impose a minimum 18m separation between 5(+) storey buildings. The diagram also appears to imply bigger setback (>18m) for storeys 6 and 7. The 18m setback control for building of 5-7 storeys is excessive and unjustified on either urban design or
2	Development from 5 to 7 storeys i) 18m between habitable rooms/balconies ii) 13m between habitable room/balcony and non-habitable room iii) 9m between non-habitable rooms	amenity grounds. Satisfactory amenity and building separation can be ensured through the 12m separation for the first four storeys with additional 6m separation for storeys 5 to 7. Provision of open space and landscaping is controlled through the building setbacks and deep soil landscaping (3C.4) while solar access is controlled through 3C.16. The 18m separation in fact introduced a higher threshold than envisaged under these controls. Based on my experience in RFB development in the LEP 194 area, the existing setback controls determine the building area which generally corresponds to 35% of the site and leave little flexibility in building layout and would prevent achievement of the development potential inherent in the standards of Town Centres LEP 2008 (KLEP 2008). The proposed controls would increase the side boundary setback from 6m to 9m on undeveloped land zoned R4. In the interface area between KLEP 2008 and LEP
		194, where there is an existing residential flat building in the 2(d3) zone, which is set back 6m from rear and side boundaries, the controls would impose a 12m setback on RFB development within the R4 zone Recommendation C-1 of 3C.1 Building Separation be deleted and replaced with the following: The minimum separation between windows and balconies of a building and any neighbouring residential flat building, either on site or adjoining sites within R4 zones. Storeys 1 to 4 i. 12m between two habitable rooms ii. 9m between a habitable room and a non-habitable room iii. 6m between two habitable rooms

Proposed Controls	Comments and Recommendations
	5th storey i. 18m between two habitable rooms ii. 13m between a habitable room and a non-habitable room iii. 9m between two habitable rooms
3C.2 Building Setbacks	
Street boundary setback zone between 10- 12m from boundary, no more than 40% of this zone may be occupied by building footprint.	Building footprint not defined. The controls are identical to those of DCP 55 and are not appropriate for development within the Town Centres. They are contrary to the Residential Flat Design Code advice that 'setback typically vary from none in city centres to 10 metres in suburban streets' (Part 1 – Local Context, p. 30).
	The 10-12m setbacks are also contrary to the advice from Gail Connolly, Executive Director, Metropolitan Planning Department of Planning (letter dated 4 July 2007) which stated that 10-12m setbacks are considered to be excessive within the Town Centres.
	The proposed 10-12m setback with 40% of the building footprint within the 2m band represents an average setback of 11.2m and combined with other setback controls, presents an unreasonable constraint on siting of the building internal planning and achievement of the nominal development potential inherent in the development standards of draft KLEP 2008.
	The setback should be reduced to an average 10m consistent with the Residential Flat Design Code. Such setbacks provide sufficient deep soil areas capable of accommodating canopy trees.
	Recommendation
	C-1 i) of 3C.2 to be deleted and replaced with 1 i). The street setback zone to be 9m to 11m with 50% of the setback band (2m) may be occupied by the building footprint.
2 Where the site has a depth of more than 45m and a width of more than 35m, a front setback zone of 13-15m from the boundary shall apply unless it can be demonstrated that:	These setbacks are arbitrary, lack any planning or urban design rationale, and are contrary to the desired urban form the Town Centres which generally adopts minimal front setback.
i) the increased setback will result in the loss of significant vegetation	The additional setbacks have major negative impacts on the residential amenity and the desired urban form
ii) other standards contained within this DCP an KLEP 2008 will be compromised	of the Town Centres. 1) They reduce the amount of useable common open
Note: This control does not apply to the frontage of sites along Pacific Highway, Mona Vale Road, Boundary Street (Roseville) or Link Road (St Ives).	space and deep soil landscaping at the rear and side of sites which are typically more desirable as common open space, and provide landscaped buffer between buildings.
On comer sites, the minimum street boundary setbacks in controls 1 and 2 above shall apply on both street frontages.	

Proposed Controls	Comments and Recommendations
	2) The streets provide the domestic privacy separation between facing development. The constructed residential flat buildings with 10-12 front setbacks demonstrate that satisfactory scale relationship and landscaping can be provided to integrate the residential flat buildings with the streetscape.
	3) The controls would result in random building line varying from 10m to 15m which is inconsistent with objectives of the Town Centres DCP, namely: 'To ensure a consistent urban form providing definition of the street edge.'
	4) Is inconsistent with the 10m setback considered appropriate under the Residential Flat Design Code (part 1 – Local Context, p. 30) and with the advice from the Department of Planning dated 4 July 1007 (Attachment A).
	5) The front setback of 13m to 15m from front boundaries of corner sites would prevent economic development of such sites. I am not aware of any instance where those controls were imposed on development within the LEP 194 area.
	Recommendation Controls 2 and 4 of 3C.2 – Building Setbacks to be deleted.
Basements must not encroach the front side and rear setbacks.	Presumably the rationale behind this control is to provide adequate deep soil landscaping so as to ensure that buildings are set within a garden setting dominated by canopy trees. The objective can be achieved with basement structures intending up to 2m into the setbacks, particularly where it coincides with the private courtyards.
	Canopy tree planning occurs outside of the private courtyards, typically along the boundaries of the site. The developments in the LEP 194 area illustrate that satisfactory canopy planting can be achieved within the 8m front setback zone.
	The controls impose unreasonable constraints on design of the car park, in some instances, necessitating construction of additional parking levels, imposing unreasonable economic and environmental burdens.
	Recommendation
	Control 7 to be amended to read:
	Basements can encroach into any setback area by no more than 2m. They generally coincide with private courtyards and minimum 50% of the site is designated for deep soil landscaping.

Proposed Controls

- In addition to the above encroachments, ground floor private terraces and courtyards may encroach into the front and side setback areas with a minimum setback of:
 - i) 8m from the street boundary or 11m where the setback is 13-15m
 - ii) 4.5m from the side boundary to allow for deep soil planting within the common areas.

Note: No encroachment of ground floor private terraces and courtyards is permitted in the rear setback zone.

Comments and Recommendations

As the side or rear setbacks are 6m, the 4.5m courtyard setback from side boundary would result in 1.5m wide courtyard, while prohibition of private courtyards within the rear setback zone would necessitate provision of 25m terrace within the building footprint.

The combined effect of control ii) the note and provision of ground level courtyards of $25m^2$ with minimum dimension of 2.4m as required under 3C.11 – Private Open Space would be significant reduction of the building footprint and consequent reduction of development potential envisaged under the FSR standard of KLEP 2008.

This is an unreasonable imposition which severely limits the amenity of ground level without commensurate landscaping benefits.

Development under LEP 194 demonstrates that deep soil landscaping can be achieved within 3m side and rear setbacks. Furthermore, there appears to be no impediment to provision of canopy trees within private courtyards.

Recommendation

Control 9 ii) and the note to be deleted and replaced with the following:

ii) 3m from the side and rear boundaries.

3C.3 Site Coverage

1 The site coverage must not exceed 35% of the site area.

The control is unduly restrictive and made redundant by introduction of statutory FSR and height controls in Draft KLEP 2008. These standards combined with the Town Centres DCP control 3C.4 – Deep Soil Landscaping (50% of the site) provides adequate urban form and amenity controls.

There is no planning reason for perpetuation of additional layer of controls which merely add to complexity of assessment process without any public benefit.

Recommendation

Control 1 to be deleted.

3C.4 Deep Soil Landscaping

6 Driveways must not be located in the minimum side setback zone as these areas are to consist of deep soil landscaping. The control is unduly restrictive and does not take into account steep sloping frontages which naturally dictate location of the driveway at the lowest level of the frontage.

9 Pipelines are to be located outside the root zone of trees at natural growth to maintain pipeline integrity. The controls are excessive and impose unreasonable constraints on development of treed sites. Pipelines can be accommodated within root zones of trees provided they are hand dug or thrust bored.

Proposed Controls	Comments and Recommendations
	Recommendation Control 3C.4(6) to be amended to read: Driveways must be generally located beyond the minimum side setback zone unless site topography makes it unfeasible. Control 9 to be deleted.
3C.5 Consideration of Isolated Sites	
1 Sites are to be consolidated or amalgamated to avoid isolating an adjoining site or sites in a R4 zone with a minimum street frontage and/or minimum lot size less than that required by KLEP 2008.	
2 Where a development proposal results in an adjoining site(s), the land or sites with a primary street frontage or minimum lot size less than that required for redevelopment by KLEP 2008, the applicant is to demonstrate that:	
i) amalgamation of the isolate site is not feasible in accordance with the relevant planning principles established by the Land and Environment Court; and	
ii) the adjoining site(s) can be orderly and economically developed in accordance with the provisions of KLEP 2008 and this DCP, including but not limited to:	Isolated sites would have an area of less than 1,800m ² or street frontage less than 23m and would nominally be able to achieve FSR 0.8:1 (under KLEP 2008).
 achieving an appropriate urban form for the location; and having an acceptable level of amenity. 	Land values and sales evidence indicate that very few sites within the KLEP 2008 can be economically developed at such density since in most instances the values of the existing houses are greater than the land value as development site at 0.8:1. It is therefore not reasonable to impose an onus on the applicant to demonstrate that the site can be economically developed in accordance with provision of KLEP 2008 if the applicant demonstrated that reasonable offer was refused and thus the amalgamation of the sites is not feasible in accordance with the relevant planning principles established by the Land and Environmental Court.
	Recommendation Control 2 ii) be deleted.
3C.7 Building Facades]
All building facades above ground floor must be modulated and articulated with wall planes varying in depth by not less than 0.6m and not more than 2.5m. Methods of achieving articulation and modulation includes:	
i) defining a base, middle and top related to the overall proportion of the building	

Proposed Controls

- expressing building layout or structure, such as vertical bays or party walls
- iii) expressing the variation in floor to floor height, particularly at lower levels
- iv) using a variety of window types to create a rhythm or express the building uses
- v) using recessed balconies and deep windows to add visual depth and/or
- vi) using change of material, texture, colour to break down large flat facades

Note: Refer to Part 4.5 of this DCP for relevant controls on materials, finishes and colours.

- No single wall plane above awnings is to exceed 81m² in area.
- 3 The continuous length of a single building on any elevation must not exceed 36m.
- 4 On sites where a building length greater than 36m has been justified by an applicant, that portion of a building in excess of 36m must be sufficiently recessed and/or articulated to present to the street as a separate building.
- 5 Limit building length along side boundaries to promote view corridors between buildings and provides a leafy outlook form all apartments.

Comments and Recommendations

The controls are unduly prescriptive, arbitrary and severely limit the design freedom of architects. All residential flat buildings must be designed by registered architects in accordance with principles of SEPP 65. This provides more than adequate controls to ensure good architectural design.

Recommendation

Controls 1, 2 and 3 to be deleted.

Control 4 to be amended to read:

Where a building length exceeds 36m, the building should be modelled and articulated to present to the street as separate buildings.

3C.9 Top Floor Design

- 1 The top floor of buildings is to be designed so that:
 - The GFA of the top storey of a residential flat building does not exceed 60% of the GFA of the level immediately below it. Refer to Figure 3C.9-3.

The proposed controls which adopt the GFA definition in fact do not achieve the intent of the controls set out which seek to:

- . Design the top floor to minimise visual bulk.
- Provide articulation to prevent increased overshadowing.

The intent of the controls would be more effectively achieved through controls based on building footprint or total floor area.

Recommendation

Control 3C.9-1 be replaced with:

1 The total floor area of the topmost floor (footprint) does not exceed 60% of the total floor area (footprint) of the floor immediately below.

Proposed Controls Comments and Recommendations		
3C.14 Ground Floor Apartments		
The floor level of the living area of a ground level apartment must not be more than 500mm below ground level (existing).	The control is unduly restrictive on cross sloping sites. The amenity of units can be secured through other controls of the DCP relating to sunlight access and ventilation.	
	Recommendation 3C.14-1 to be deleted.	
3C.15 Natural Ventilation		
3 At least 25% of all kitchens are to be naturally ventilated. All kitchens must not be located more than 8m to the back wall of the kitchen from an external opening.	The 8m depth control is arbitrary and unjustified on amenity grounds. It imposes an additional amenity threshold above the requirement for 25% of kitchens to be naturally ventilated. The amenity of the other kitchen is adequately safeguarded by compliance with the lighting and ventilation standards of BCA.	
	Recommendation Control 3-3C.15 be amended by deletion of the requirement that 'All kitchens must not be located more than 8m to the back of the wall of the kitchen from an external opening.'	
3C.16 Solar Access		
3 At least 70% of apartments must receive a minimum of three hours direct sunlight to living room and adjacent private open spaces between 9.00 am and 3.00 pm on 21 June.	The condition is too onerous and appears to be derived from Part C3 – Daylight Access of the RFD Code. It omits the rule of thumb qualification that in dense urban areas a minimum of two hours may be acceptable. None of the RFB development approved under LEP 194 complies with this control which is clearly unreasonable for high density residential development. The controls should be amended to reflect the current solar access controls in DCP 55 (4.5.1 C-1).	
	Recommendation	
	The control should be amended to read: 3 At least 70% of the apartments must receive a minimum of three hours of direct sunlight to living rooms or adjacent private open spaces between 9 am and 3 pm on 21 June.	

4. RECOMMENDATIONS

It is submitted that the exhibited draft TC DCP be amended as follows:

- 4.1 Include definition of 'building footprint' and 'gross floor area' contained in Ku-ring-gai LEP 194.
- 4.2 Introduce a new definition of 'total floor area' to read: '... is the area of a floor measured to the outer perimeter of a floor, including balconies, internal services, stairs and lifts.'
- 4.3 Building Separation 3C.1. Controls 1 and 2 be deleted and replaced with the following:
 - '1. The minimum separation between windows and balconies of a building and any neighbouring residential flat building, either on side or adjoining sites within R4 zones.

Storeys 1 to 4

- i. 12m between two habitable rooms
- ii. 9m between a habitable room and a non-habitable room
- iii. 6m between two habitable rooms

5th storey

- i. 18m between two habitable rooms
- ii. 13m between a habitable room and a non-habitable room
- iii. 9m between two habitable rooms'

4.4 Building Setbacks 3C.2

- (a) Control 1 i) be deleted and replaced with the following:
 - '2 i) The street boundary setback zone to be 9m to 11m with 50% of the setback band (2m) may be occupied by the building footprint.'
- (b) Controls 2 and 4 of 3C.2 Building Setbacks to be deleted.
- (c) Control 7 of 3C.2 be amended to read:
 - '1) Basements can encroach into any setback area by no more than 2m. They generally coincide with private courtyards and minimum 50% of the site is designated for deep soil landscaping.
- (d) Control 9 ii) of 3C.2 be deleted and replaced with the following:
 - ii) 3m from the side and rear boundaries.'

- 4.5 Site Coverage 3C.3: Condition 1 to be deleted.
- 4.6 Deep Soil Landscaping 3C.4
 - (a) Control 6 to be amended to read:
 - '6 Driveways must be generally located beyond the minimums ide setback zone unless site topography makes it unfeasible.'
 - (b) Control 9 to be deleted.
- 4.7 Consideration of Isolated Sites 3C.5: Control 2 ii) to be deleted.
- 4.8 Building Façade 3C.7
 - (a) Controls 1, 2 and 3 to be deleted.
 - (b) Control 4 to be amended to read:
 - '4 Where a building length exceeds 36m, the building should be modelled and articulated to present to the street as separate buildings.'
- 4.9 Top Floor Design 3C.9

Control 1 to be replaced with:

- '1 The total floor area of the topmost floor (footprint) does not exceed 60% of the total floor area (footprint) of the floor immediately below.'
- 4.10 Ground Floor Apartments 3C.14

Control 1 to be deleted.

4.11 Natural Ventilation 3C.15

Control 3 to be amended to read:

- '3 At least 25% of all kitchens are to be naturally ventilated.'
- 4.12 Solar Access 3C.16

Control 3 to be amended to read:

'3 At least 70% of the apartments must received a minimum of three hours of direct sunlight to living room or adjacent private open spaces between 9 am and 3 pm on 21 June.'

Friends of Beaconsfield Parade and Drovers Way, Lindfield

3rd September 2009

General Manager Ku ring gai Council Locked Bag 1056 Pymble NSW 2072

By email: towncentres.dcp2009@kmc.nsw.gov.au

Dear Sir,

RE: S07743 - Draft Ku-ring-gai Town Centres DCP Exhibition"

We would like to submit the following comments on the Draft Ku ring gai DCP (Town Centres) 2009:

This DCP is designed to be a planning framework that is site specific and which identifies the desired future character of each zoning area however this draft form only includes draft built form controls for the larger commercial shopping precincts.

We live directly on the boundary of the town centre in Lindfield and believe Council has a duty to protect the amenity of the existing residents, home owners and ratepayers, who intend to live in the community for the long-term. The best way for Council to do this is through introduction of a DCP which has the following characteristics.

Protect the amenity of existing low density homes on the edge of the centres

The DCP should include an objective to specifically "protect the amenity of existing low density dwellings on the fringes of the town centres" – as specified in Council's own draft DCP of 2006.

Further, investigation of DCPs for other Councils, show that they include in their DCPs, site specific controls for development that occurs on the edge of a town centre eg Ashfield DCP 2007 - for along Parramatta Road – $\,$

New development should not overlook or overshadow existing residential houses and the height of buildings is to decrease to domestic scale where they join.

If this is right for the existing residents of Ashfield, it is likewise right for Ku ring gai. Ku ring gai Council should protect its' existing residential homes in the same way. Such stepping down in height alleviates the issue of interface and should be mandatory to ensure a harmonious skyline. Similar measures to reduce the negative impacts of overshadowing, the impact on visual privacy and views, the

blocking solar access and to combat the increased noise and light pollution, are required on the edge of the town centre where there is a vast difference in scale of development.

 Built form controls should be included for all high rise development areas covered by the 2008 LEP & DCP – not just the retail zones especially in the light of the clause 1A. Repeal of existing DCP's.

Existing residential homes should not be disregarded and this DCP should provide certainty to existing residents as well as developers. Generally, our homes are our biggest asset and their amenity is very important to us. In 2006 Council spent many hours and consulted residents, environmental specialists and planners to revise and prepare site specific built form control plans for all areas, not just the key retail zones. Many of these areas were previously known by Council as "Special Areas", and as such the proposed Built Forms were devised to accommodate the qualities that defined each of these areas as special - be it heritage, environment, access, drainage, etc.

 Include all site specific built form controls, such as document L4.8.6 for precinct F, Lindfield – the area bounded by Drovers Way, Beaconsfield and Gladstone.

These plans for residential developments devised for the Town Centres in 2006, such as the one for Precinct F – known as L4.8.6 should not be discarded, particularly as the future proposed development is at the edge of the town centre and the issue of interface is critical for a sound development outcome for existing residents.

Only one DA has been approved for Precinct F, a large precinct that is likely to involve 5 separate applications, and the DA's currently before Council do not comply with the existing DCP with regards to Building Separation, maximum FSR, Overshadowing, Visual Privacy, to name but a few areas of non-compliance.

Further, Council has mapped this area as possessing Blue Gum High Forest and a category 3 Riparian Zone. The built form controls and dwelling yields for this area in 2006 took into account both the proposed open space on 10a and the restoration of the Riparian Zone now mapped in the LEP. This special area still deserves to have its environmental value protected – in line with Council's biodiversity and Riparian policies – and have built form controls, as outlined in document L4.8.6, included in this DCP.

Further, as noted previously in Council's own reports on the Town Centre, any changes to these built form controls, should be balanced by a net benefit to the environment and community. This should be applicable to any changes in all key centres as well including the change inherent in repealing the existing draft DCP on introduction of the new DCP.

High Biodiversity and Riparian Zone in Precinct F, Drovers Way Lindfield

Council's previous reports on this zone specify a 10 metre setback either side of the banks of the existing drainage corridor to create a wide landscape zone for communal open space, visual amenity, water quality maintenance and habitat for local fauna (KMC report, specific areas and sites, 2006).

In line with previous planning this new DCP specifies the retention and enhancement of this land of high biodiversity and ecological value as mapped in KLEP 2008. Once again the built form control document, L4.8.6 created in 2006 should be included in this DCP as it outlines controls for the protection of these environmental features and restoration of the Riparian Zone.

Guarantee the "green buffer" interface and 18 m building separation is met in Precinct F

High rise zoning to 5 storeys was permitted in precinct F with a maximum FSR of 1.3:1 on the basis that the "green buffer" provided an interface between the high rise development and the existing residential homes.

This "green buffer" included an open space at 10 A Beaconsfield, a revegetated Riparian zone and the retention of the existing vegetation along the western boundary. Council's own report of 2006 re the DDCP required an increased setback of 18m and the enhancement of significant tree plantings along the western boundary to provide adequate screening between properties and to provide interface between the zones.

These site specific built form controls should be clarified in this DCP for this precinct as published by Council in L4.8.6.

General DCP comments for Residential Flat Development:

Additional definitions required for clarification

In order to provide more certainty for residents and developers alike, Council needs to include the following definitions for the DCP, as obvious as they may seem –

Storey, Natural Ground Level, Building Perimeter Height, Endangered Ecological Community, Blue Gum High Forrest, Sydney Turpentine Ironbark Forest.

Also, define how "Slope over Building Footprint Area" is measured re DCP 7.1.5 – Biodiversity/Greenweb.

Building Separation

3c2 – Additionally, the 5th – 7th floors of any new development must be a minimum of 18 metres from existing residential homes to provide a transition or interface, particularly those developments neighbouring single low rise residential areas.

Deep Soil Landscaping

3C 14 ii/ Siting and choice of trees in new developments must also consider existing neighbouring properties.

Trees

Smaller trees not covered by the Tree Preservation Order (other than Leyland Cypress Pine trees, privet, oleander, umbrella trees, cotoneaster, rubber trees, citrus and mulberry trees) should be retained wherever possible as they have ecological benefits for wildlife and assist in:

- a) retaining and enhancing streetscapes;
- b) climate control;
- c) enhancing the visual amenity of the new development;
- d) ameliorating privacy and building bulk impacts of the new development.

This DCP control exists in other Councils with built up areas, such as Ashfield, and is now more important than ever for Ku ring gai due to the recent destruction of the canopy of trees along the highway corridor.

Building entries

Buildings shall address the street with main entrances clearly visible from the street and footpath. Extended and convoluted side entries should be avoided as they impact on neighbours (noise/light/privacy impacts).

Large complexes should have multiple entries to reduce the impact of noise and light pollution in one particular area.

Building Facades

Balconies should not project more than 1.2 m from the outermost part of the building façade, particularly on front and side boundaries.

Air-conditioning units

Cannot be located on balconies, or the building façade or roof terraces. They need to be accommodated in the basement of buildings.

Top floor and building form re Overshadowing

The top floor of any new development must not overshadow existing adjoining properties.

In order to protect existing residential properties the new development made need to have a stepped form to mitigate the impact of overshadowing on neighbouring properties.

Roof terraces and balconies

Roof terraces must be designed to avoid overlooking of the principal outdoor space of neighbouring properties – especially those zoned for single residential dwellings. For example, roof terraces facing side boundaries are generally inappropriate.

Soft landscaping and roof terraces

New developments should include soft landscaping to reduce the bulk and scale of development – not simply provide planters, irrigation systems and drainage. Developments should complete the landscaping element to ensure a positive environmental and visual outcome for the neighbourhood.

Fencing

Boundary fences must be provided by the developer onsite and at their own cost, where multi unit development meets single residential dwellings to ensure security and visual privacy for existing neighbouring properties.

Visual Privacy

Landscape screening on new developments must be provided <u>onsite</u> to protect the amenity of neighbouring properties.

· Acoustic Privacy

To mitigate the impact of noise pollution, pedestrian and vehicle entries and automatic gates and mechanisms need to be located facing the street, not on side boundaries, to protect the amenity of neighbouring properties.

Light Pollution

New development should be designed to avoid light spillage onto adjoining property by such installations as:

- (i) entry and security lighting;
- (ii) tennis court and swimming pool lighting;
- (iii) decks and outdoor recreation areas.

Vehicle Access

Where a development includes more than 50 car spaces, more than one entry/exit point should be provided.

All buildings should provide direct vehicular access for large service vehicles including furniture removal vans and emergency vehicles such as fire/evacuation appliances – this is particularly necessary for battle-axe access sites.

Construction, Demolition and Disposal

All developments must mitigate the impact on existing neighbouring properties with regards to pollutants and excavation impacts. Installation of dust sheets along all perimeters and boundaries. Natural watercourses must be protected.

Comments on the Lindfield Town Centre:

- Lindfield's definition as a village does not follow through with the proposed built form controls.
- The building masses are grossly oversized.
- We understand that the KLEP 2008 is responsible for the zoning defining what type of building can be built and to what height, however there is a need within this structure to maintain a "village" atmosphere, a higher number of smaller buildings is preferable and leads to increased amenity, in that overshadowing is reduced and view sharing is improved.
- The bulk and scale of the buildings should be reduced so that specialty stores such as grocers and delicatessens can be provided within a community atmosphere. Council should look to the recent redevelopment of Surry Hills with their cafes, bookstores and grocers along Crown Street for example, which brings with it a vitality and vibrancy and still allows for residential apartments above.
- The retail courtyard (B) for the Coles site is badly positioned in the shadow of an Electrical substation. This does not appear to be an inviting outdoor space.
- The building setbacks on the urban/retail edge that do not face the Pacific Highway are too small to provide the proposed public benefits they need to be increased to minimum 6 metres along such streets as Woodford Land and Bent to provide the village atmosphere and allow for street planting. The setback on Beaconsfield Parade should be increased to at least 9 metres in keeping with the existing street character.
- How will the existing street planting along Drovers Way and Woodford Lane be protected in this redevelopment programme?

Comments on all Town Centres:

• Overall, the Public Benefit scheme needs to be modified and clarified so the residents can be certain that public benefits will result as part of the development process. In this draft plan, these guidelines are too loose and at the moment, all the village greens, public plazas, even pedestrian accessways are not certain elements of the development process. Will the

community be involved in the approval of the proposed public benefits? And how will the minimum standards be defined?

- Further, this DCP proposes to reward developers who provide a public benefit by adding to the negative impact on the community ie increasing height and bulk of proposed development. The KLEP has set specific height and FSR controls that should not be exceeded in any way. Developers who provide a public benefit such as a piazza or green open space should be rewarded perhaps by paying a slightly reduced "development levy or contribution". The calculation for this obviously has be carefully balanced by Council's needs ie to cover other necessary infrastructure and community requirements.
- Existing community land should not be sold off to developers perhaps straight land swaps could be negotiated once developers have actually purchased the surrounding plots. These need to be assessed case by case and should require that the same developer provides, at no further cost to the community, the proposed public benefit or community space. These developments should not receive increased height, bulk, scale, or FSR.
- New development needs to respect the existing character of streets and the
 dominant architecture of neighbouring properties. The DCP Appendix A8
 Visual Assessment identifies the visual character of each of the town centres
 and new development, particularly high rise apartments, should be
 architecturally sympathetic to that assessment. Design features such as the
 roof line, the colour and protruding balconies etc all need to assessed with
 regard to the existing street character, particularly in the Conservation
 areas.
- Assessment of development on lands within Greenweb mapping need to take into account the wider surrounding ecological community. Council needs to assess the overall impact of development on these sites in order to prevent a staged erosion of the complete ecological community.

Biodiversity links and corridors for flora and fauna need to be protected with an overall approach to the ecology that exists. This is particularly important for those sites mapped within forests critically endangered under Federal law, the Blue Gum High Forest and Turpentine Ironbark Forest of the Sydney Basin.

In Conclusion

Although it is true that someone other than Council is responsible for the new zoning in the Town Centres, Council now has a real opportunity through the DCP to take account of the interests of existing residents who must live with the resulting development.

Within that process Council should take particular notice and include specific controls for special areas including what previously known as Precinct F or Special

Area 2. In particular, Council has already in 2006 determined the appropriate controls and built form for this area of Lindfield and, as nothing material has changed in either the zoning or special attributes of Precinct F, we submit that the 2006 Built Form Controls should be the basis for the controls for this area in this new DCP.

We hope that these comments are beneficial for Council to consider in finalising the DCP for Ku ring gai and that the voice and needs of the Community are balanced with the need for increased density of development.

Yours sincerely,

Friends of Beaconsfield Community Group

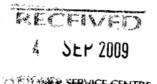
Carole Bently, 2 Drover's Way Hilary Lowy, 4 Beaconsfield Parade Stephen Lowy, 4 Beaconsfield Parade Nicholas Little, 10 A Beaconsfield Parade Margot and Jonathan Coleman, 12 Beaconsfield Parade Namoi Dougall and Graeme Gurney, 14 Beaconsfield Parade Winnie and Frank Chan, 16 Beaconsfield Parade Catherine and David Saxelby, 18 Beaconsfield Parade Kate Hale, 11 Beaconsfield Parade Fiona Taylor, 15 Beaconsfield Parade Marilyn and Joseph Klar, 15A Beaconsfield Parade Dawn and David Miller, 19 Beaconsfield Parade Bruce and Chick Strachan, 19A Beaconsfield Parade Diane and Stan Brogan, 21 Beaconsfield Parade Petrea Doyle, 2/3 Gladstone Parade Gerda Fernengel, 10/3 Gladstone Parade Miriam Kluger, 3/9 Pacific Highway John Buchanan 4/9 Pacific Highway Wendy Ford, 11/266 Pacific Highway Matt and Many Riordan, 1 Averill Place Ron and Mariko Green, 3 Averill Place Wendy Buchanan, 5 Averill Place Elise Rolfe, 9 Francis St Bernard Chapman, 16 Francis St

STALDONE DEVELOPMENTS

PRIVATE & CONFIDENTIAL

3rd September, 2009

The General Manager Ku-ring-gai Council 818 Pacific Highway Gordon 2072.



S07743 - Draft Ku-ring-gai Town Centres DCP (draft TCDCP TOE

Dear Sir

Since LEP194 was gazetted in May 2004, Staldone Developments has lodged 15 separate Development Applications on 2(d3) zoned land including a total of 680 apartments. All of these DAs have been designed with DCP55 and the relevant 2(d3) controls within LEP194 as the relevant development controls.

As the vast majority of the controls in DCP 55 seem to have been drafted into the draft TCDCP, Staldone Developments is in a position to comment authoritatively on the impact on the economic development viability of the proposed draft Town Centres DCP controls with a detailed knowledge of the impact of the current DCP55 controls.

DCP55 already imposes considerable design constraints via it's excessively large front setback and maximum building length controls, which are considerably more onerous than the Residential Flat Design Code.

The draft TCDCP seek to introduce a number of new controls which are far more onerous than those in DCP55, and these proposed controls would, on most R4 zoned sites, cumulatively combine to limit the achievement of the development potential conferred by the draft Town Centres LEP (2008). This is contrary to the relevant provisions of the EP&A Act 1979 relating to the preparation of Development Control Plans being consistent with the governing LEP.

I request that Council carefully consider the numerous issues raised, and adopt all of the recommended amendments to the draft TCDCP in order to ensure that the draft TCDCP does not inhibit the economic development potential conferred by the adopted Town Centres LEP.

bruellan

Yours Sincerely

Steve Donnellan

Principal

Staldone Developments

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A Division of Staldone Corporation Pty Ltd ACN: 003 893 132 (0418) 231 891 Fax (02) 9262 6265 email: staldone@optusnet.com.au

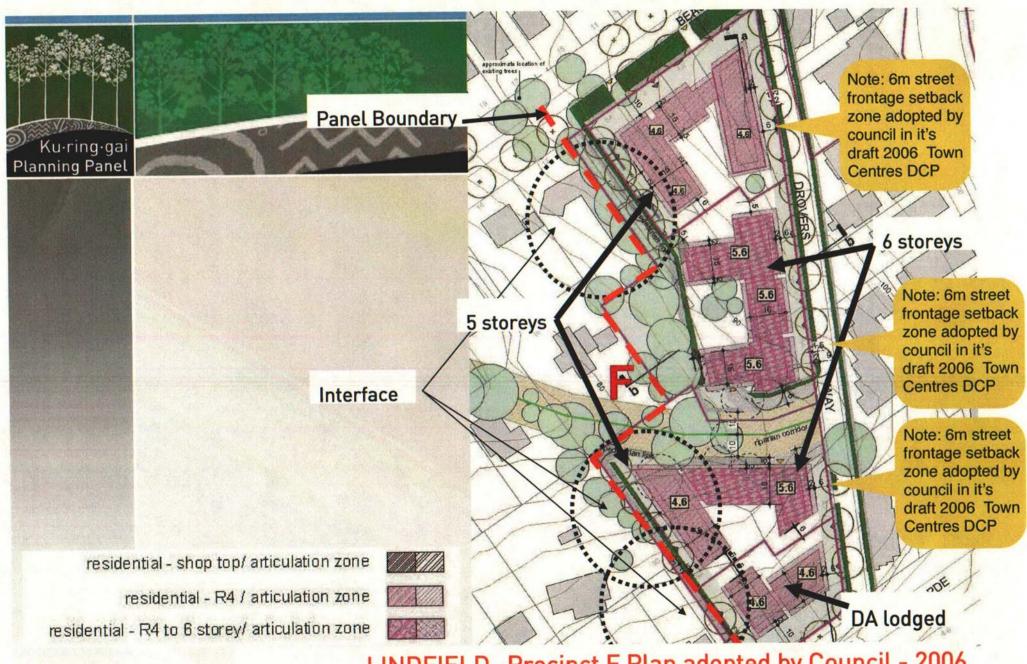
Submission – Draft Town Centres DCP

Proposed draft TCDCP Controls	Comments	Recommendations	
I. 3C.1 BUILDING SEPARATION			
At pp. 3-73 the draft TCDCP specifies: Development up to 4 storeys i) 12m between habitable rooms / balconies; ii) 9m between habitable room / balcony and non-habitable room; iii) 6m between non-habitable rooms between buildings. Development from 5 to 7 storeys i) 18m between habitable rooms / balconies; ii) 13m between habitable room / balcony and non-habitable room; iii) 9m between non-habitable rooms. Figure 3C.1-3 on the same page clearly specifies that an 18m setback is required on all levels for any building of 5 levels or more.	At 4.5.2, DCP 55 specifies: C-2 The minimum separation between windows and balconies of a building and any neighbouring building either on site or adjoining sites. Storeys 1 to 4 i. 12 metres between two habitable rooms ii. 9 metres between a habitable room and a non-habitable room iii. 6 metres between two non-habitable rooms 5th Storey iv. 18 metres between two habitable rooms v. 13 metres between two habitable rooms v. 13 metres between a habitable room and a non-habitable room vi. 9 metres between two non-habitable rooms The existing separation required by DCP 55 is a building separation on levels 1-4 of 12m, and a 5th storey separation of 18m. This has been the building separation used to determine well over 100 separate 5 storey DAs under LEP 194 and DCP55 since LEP194 was gazetted in 2004. The proposed controls in draft TCDCP for a building up to 4 storeys in height are the same as DCP55, however the proposed controls for a 5-7 storey building are radically different. If adopted, the proposed controls in the draft TCDCP would require an 18m separation between all levels (including levels 1-4!) of a 5 storey buildings rather than the existing 12m separation of the first 4 storeys and 18m only on the 5th storey. The wording of the draft TCDCP (i.e. "Development from 5 to 7 storeys") is ambiguous and could be read to mean either (1) the 5th to 7th storeys need to be separated by 18m as in DCP55, or (2) that 5 to 7 storey buildings should be separated at all levels by 18m. However, any confusion is eliminated by Figure 3C1-3, which unequivocally specifies that once a building is (at least) 5 storeys in height, the building separation must be 18m between all levels, including levels 1-4.	That the building separation controls in DCP55 be incorporated in the draft TCDCP, specifically that the first 4 levels of a building are to be separated by 12m, and that for a 5 or 7 storeys building the 5 th to 7 th storeys only are to be separated by 18m. This is the same as in DCP55, and is consistent with The Residential Flat Design Code ("RFDC") Figure 01.62 on page 28, which clearly specifies that increased building separations for buildings of greater height only apply to the additional storeys, not the lower storeys.	

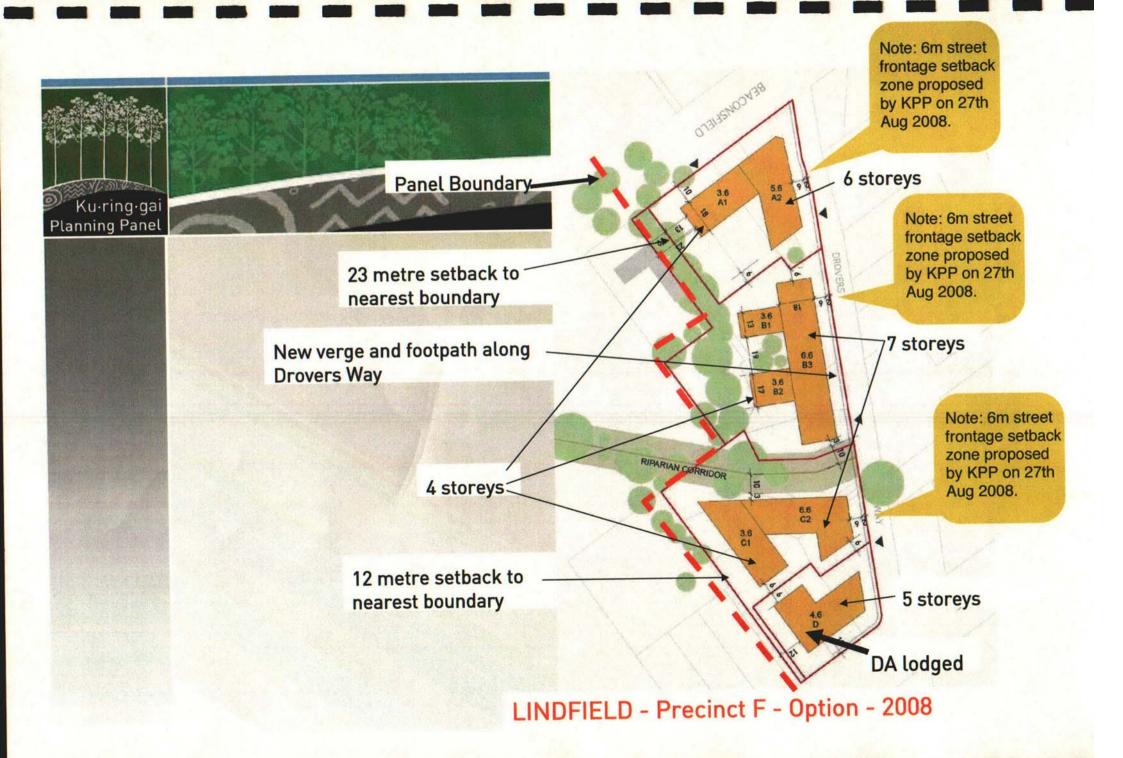
Proposed draft TCDCP Controls	Comments	Recommendations
	I note that the relevant heading states "Development from 5 to 7 storeys" and the wording under Figure 3C1-3 says "buildings of 5 to 7 storeys"	
	If adopted, this control would:	
	 Immediately effectively increase the side boundary setback for a 5 storey building from 6m to a minimum of 9m (assuming it adjoins land which is zoned to accommodate 5 storeys, and does not have a 5 storey building on it already). If an existing 5 storey building is already located on adjoining land and a DA is lodged next to it, the required setback from the side boundary would increase from the current 6m to 12m. Alternatively may result in development being reduced to 4 storeys to enable a 6m setback to be used. Is this the draft TCDCP's intention? All of the above outcomes would unreasonably reduce the economically feasible development potential of land zoned R4 for 5 storey development, as increasing the required side and/or rear building setbacks from 6m to 9m (or 12m if a 5 storey building already exists on an adjoining site) would reduce the percentage of the site that can be built upon, thereby reducing the ability to achieve the FSR specified in the LEP and comply with all other urban design constraints in the draft TCDCP. Staldone's extensive experience preparing DAs under the 2(d3) zoning indicates that with the (excessive) setbacks specified in DCP 55, attainment of a 35% building footprint is often difficult even with a 12m building separation control. Increasing the side setbacks via an 18m building separation control would make it impossible on most sites, thereby eliminating the ability to achieve the economic development potential conferred (i.e. FSR) by the draft TCLEP. 	
	The current 6m side and rear setbacks, in combination with the excessive front setbacks, results in most sites having limited area that can be built upon, and that areas being in the centre of the site. Reducing this further by excessive and unreasonable building separations would make many (if not most) R4 sites uneconomic to develop, as the maximum FSR could not be achieved as a direct consequence of the proposed excessive building separations.	

Proposed draft TCDCP Controls	Comments	Recommendations	
2. 3C.2 BUILDING SETBACKS			
General	Excessive front setbacks unreasonably constrain the siting of a building on a site. By 'pushing' a building into the middle of the site via large front setbacks, the ability of building designers to design buildings to maximise solar access, views and the amenity of the future residents of the building is constrained. The reason for the excessive setbacks is presumably the general perception that exists in Ku-ring-gai that 5 storey buildings are "undesirable" and "if we have to have them we want to hide them behind lots of tall trees so we won't be able to see them in the future". This attitude places an unreasonable burden of compromised and/or reduced amenity for the many generations of the tens of thousands of future residents of the 5 storey RFBs in order to assuage the fleeting perception of a building to a passerby that occurs only briefly when they walk or drive past it. This results in an unreasonably biased balance between the competing issues of the RFB resident's amenity versus the other residents of Ku-ring-gai. The proposed setbacks controls are those in DCP55 copied into the draft	The proposed excessive setback controls should be reviewed and substantially reduced to reflect the fact that the land covered by the draft TCDCP is all located within designated Town Centres.	
	TCDCP. This is unreasonable as the land covered by the draft TCDCP is all designated as within Town Centres, and therefore should have lesser setbacks than elsewhere in the Municipality. Simply duplicating the setback controls from DCP55 into the Town Centres DCP is unreasonable and unjustifiable.		
Control 1(i)	The proposed setback of 10-12m, with 40% of the building within that zone, effectively results in an 11.2m (average) setback. This setback control is excessive within the designated Town Centre areas, as noted by the RFDC and the NSW Department of Planning. In a letter to the Mayor dated 4/7/07 written by Gail Connolly, Executive Director, Metropolitan Planning, in which the Council adopted Town Centres LEP & DCP (2006) was extensively analysed, Council was instructed (in Attachment 2 of that letter) that a 10-12m front setback in residential zones was considered excessive for land located within the Town Centres. In the letter from the NSW Department of Planning dated 4/7/07, Gail Connolly stated on Page 1 of Attachment 2, "B.	To be amended to indicate a front setback zone of 9m-11m, with 50% of the building to be located within the setback zone. This would comply with the maximum 10m setback zone specified in the RFDC (on average) and also provide reasonable amounts of deep soil	

Proposed draft TCDCP Controls	Comments	Recommendations
	DCP issues" that 10-12m setbacks were considered by the Department to be excessive within the Town Centres.	for the planting of significant trees in the front setback. It will also
	Additionally, the RFDC, on Page 30, specifies:	address the concerns of the NSW Department of Planning and developers, and represents a
	"Setbacks typically vary from none in city centres to 10m on suburban streets".	reasonable compromise between the competing issues.
	As the land covered by the draft TCDCP is all designated as within Town Centres, the minimum setback should be considerably less than 10m, as specified by the RFDC.	
Control 2: Where the site has a depth of more than 45m and a width of more than 35m, a front setback	This control is vastly excessive and lacks a rational planning basis, especially for land located with the Town Centres.	Control 2 to be deleted entirely.
zone of 13m to 15m from the boundary shall apply.	As the minimum site area to achieve the maximum density is 2,400 m ² , and most sites have a frontage of at least 35m, this setback control applies to a majority of R4 zoned sites (unless they are located on a main road). A 13m-15m setback imposes considerable design constraints on siting a building on a site to which it applies. It:	
	 is vastly in excess of the front setback controls specified in the RFDC, which is "none for city centres and 10 metres on suburban streets" (Page 30) The NSW Department of Planning questioned a 10-12m setback anywhere in the Town Centres areas (letter by Gail Connolly dated 4.7.07), so a 13-15m setback is obviously even more unacceptable. The randomly calculated front setback control of partially 10-12m and partially 13-15m is simply irrational and results in an inconsistent front setback along an identically R4 zoned street. One of the objectives specified in the draft TCDCP is "to ensure a consistent urban form providing definition of the street edge". Providing a randomly variable front setback along an identically zoned street is obviously inconsistent with this objective. 	
Control 3	In Council's 2006 adopted Town Centres LEP/DCP, the (at that time) proposed 6 storey high R4 zoned land located to the west of Drovers Way, Lindfield (between Gladstone Parade and Beaconsfield Parade) was nominated with a setback of 6m to Drovers Way (see next pages).	The western side of Drovers Way, Lindfield from Gladstone Parade to Beaconsfield Parade to be included on page A-31



LINDFIELD- Precinct F Plan adopted by Council - 2006



Proposed draft TCDCP Controls	Comments	Recommendations
	In August 2008, when the Ku-ring-gai Planning Panel proposed a 7 storey high R4 zoning to the west of Drovers Way, a 6m street setback to the west of Drovers Way was also nominated 9 (see next pages). Whilst DAs have been lodged on some of the land to the west of Drovers Way, there is no reason why the Lindfield Reduced Setback Map should not include the west of Drovers Way as allowing a reduced setback of 6m consistent with Council's own Town Centres LEP/DCP, adopted in 2006.	Appendix A5 reduced Setback map for Lindfield. The following properties to be included: 4, 8, 10 Beaconsfield Parade (the frontages located on Drovers Way), A2,2,4,6,8,8A Drovers Way.
Control 4: On comer sites the minimum street setbacks in controls 1 and 2 shall apply on both street frontages.	The RFDC states on Page 19 (middle paragraph): "Corner sites can accommodate higher densities than the mid-block sites." The proposed Control 4 results in the opposite outcome. It results in (most likely, if the draft front setback controls in the draft TCDCP were adopted unchanged) a building that is setback 13-15m from both street frontages, which as a consequence severely limits the potential location that a building can be located on a site, thereby reducing the economic development potential of a corner site. The draft TCDCP acknowledges in 3D.3 Control 2 that secondary street setbacks on corner sites should be eligible for a reduced setback concession of 8m (compared to 10m). Why is this rational planning logic not applied to corner sites with RFBs located on them within the R4 zone?	If Control 2 is deleted, and Control 1 amended as proposed above, then Control 4 is reasonable. If not, Control 4 should be amended to indicate the setback to a secondary street frontage should be 8-10m, with 40% of the building within the 2m front setback zone.
Control 7: Basements must not encroach the front, side and rear setbacks.	This control is unreasonable and unnecessary. The supposed intent of the control is to "ensure adequate space between sites to enable effective landscaping and tree planting". The intent can be fully achieved with the basement encroaching into the side of front setbacks by up to 2m (or more). The control forces basement car parks to be located wholly within the setback lines. This often results in car parks that are inefficient and uneconomic to build, whereas if the basement could be located up to 2m into the setback zone car park design would be far more efficient and economical to design and construct.	1. Basements should be allowed to encroach up to 2m into any front side or rear setback as long as the deep soil for the site is more than 50% and/or (whichever is greater) 2. Basements should be allowed to encroach into the front setback under any private courtyards within the front setback.

Proposed draft TCDCP Controls	Comments	Recommendations
	Tall trees are not located within 2m of a building. They are normally located near the site boundary. As such, the intent of the control could be satisfied. The deep soil % can be retained at 50%, so the whole site would not lose any deep soil.	
	The proposed amendment would make car park design easier and more efficient, without unreasonably compromising landscaping objectives, as it would not amend the requirement for at least 50% deep soil.	
Control 9: In addition to the above encroachments, ground floor private terraces/courtyards may encroach into the front and side setback areas with a minimum setback of: i) 8m from the street boundary, or 11m where the setback is 13-15m; ii) 4.5m from the side boundary to allow for deep soil planting within the common areas.	Courtyards should be allowed to be located a minimum of 7m from the front setback, as this provides more than a reasonable amount of deep soil landscaping for planting of large trees. A minimum of 8m unreasonably constrains the amenity of the ground floor courtyard units for no good reason, as 7m is a large area that can "allow for deep soil planting". The proposed controls limiting courtyard to "4.5m from any side boundary" and "Note: no encroachment of ground floor private courtyard is permitted In the rear setback zone" are unjustifiable, unreasonable and unnecessary and significantly impinge on both (1) the amenity and (20 the economic development potential and saleability of the adjoining ground floor apartments. It is vastly in excess of the current assessment of courtyard dimensions in the side setbacks via DCP55/LEP194. Side setback: The side setback control is 6m. Limiting private courtyards to 4.5m from the boundary reduces the width of a courtyard for a building located on the setback line to 1.5m. This is totally unreasonable. The underlying intent of the control is made clear in Figure 3C 2-2, which shows the only way to provide a reasonable courtyard width is to set the building back further than the 6m side setback! In Staldone's view, courtyards should be allowed right through to the side boundary. At worst, the minimum setback required for a courtyard in a side setback should be 3m. Any less imposes excessive and unreasonable burdens on the on both (1) the amenity and (2) the economic development potential and saleability of the adjoining ground floor apartments.	Courtyards must be allowed on a setback of 3m to any side or rear boundary.
Note: No encroachment of ground floor private terraces/courtyards is permitted in the rear setback zone.	Rear setback: The proposed control (via the note) that no courtyard be allowed in the rear setback is simply absurd. Again the (unstated) intent is to push the building back further from the rear boundary than the required 6m.	

Proposed draft TCDCP Controls	Comments	Recommendations
	Buyers purchase ground floor apartments because they want a large courtyard. Council's proposed controls will severely reduce the size and saleability of ground floor apartments. This will negatively affect economic viability of development within the zoning.	
	Courtyards must be allowed on a setback of 3m to any side or rear boundary.	
Control 10: No more than 15% of the total area of the relevant setback is to be occupied by private terrace/courtyards. See Figure 3C.2-3.	This control must only apply to the front setback, as it does with DCP55. Applying it to the side and rear setback would result in unreasonably small courtyards which will negatively affect the economic viability of development.	This control must only apply to the front setback, as in DCP55.
	A <u>minimum</u> of 25m ² is required for ground floor private open space (Control 3C.11 1), however this proposed control limits courtyards to 15% of the side (and rear ?) setback. This is inconsistent and unreasonable.	
3. 3C.3 SITE COVERAGE		
The site coverage must not exceed 35% of the site area.	Control 1: One of the most restrictive consequences of the 35% footprint control in the 2(d3) zoning of LEP194 is that all buildings (on sites above 2,400 m²) were 4.6 storeys, and could not be 'stepped down' to sensitively respond to reasonable urban design constraints without losing development density.	Delete Control 1.
	The proposed R4 zoning controls in the TCLEP, which will control building bulk via a 1.3:1 FSR control, eliminate any need for the proposed 35% building footprint control/constraint. For the draft TCDCP to reintroduce the 35% building footprint conflicts with this benefit, and is contrary to the intent of the draft TCLEP, which is to control building bulk via an FSR control.	
	If a design complies with the FSR and height limits in the LEP, why should it also need comply with a 35% building footprint control in the draft TCDCP? To be required to do so is unreasonable and limits the ability of a building designer to sensitively respond to individual site constraints by stepping a building down. It should be deleted.	

	Proposed draft TCDCP Controls	Comments	Recommendations
4.	3C.4 DEEP SOIL LANDSCAPING		
6	Driveways must not be located in the minimum side setback zone as these areas are to consist of deep soil landscaping.	This control is unreasonable. On sites that have a sloping street setback, the ideal location to place the driveway is at the lowest point of the street frontage in order to minimize the distance from the street for the driveway to pass under the building. The proposed control, which is identical to that in DCP55, forces a driveway to be located higher up along the front boundary and be longer and be more intrusive within the front setback. Every site must have a driveway located somewhere in the front setback, and the streetscape and the look of the building is improved if the driveway is located on one side of the site, not in the middle.	Delete proposed Control 6.
9	Pipelines are to be located outside the root zone of trees at natural growth, to maintain pipeline integrity.	This control is too onerous and restrictive in dictating that no pipeline can be located within the root zone of a tree. It would preclude many treed sites from development. It would unreasonably limit the potential location of essential pipelines. Pipelines can be accommodated within root zoned of trees if they are hand dug or thrust bored. The control should be deleted.	Delete proposed Control 9.
5.	3C.5 CONSOLIDATION OF ISOLATED	SITES	
		The relevant Land & Environment Court Planning Principal case is Karavellas v Sutherland Shire Council [2004] NSWLEC 251 At 19, the Judgement states "In the decision Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 189, I extended the principles of Brown C to deal with the second question and stated that:	Delete Control 2(ii) entirely, or at least delete the words "and economically developed" and "of feasible development" be deleted from Control 2(ii),
		The key principle is whether both sites can achieve a development that is consistent with the planning controls. If variations to the planning controls would be required, such as non compliance with a minimum allotment size, will both sites be able to achieve a development of appropriate urban form and with acceptable level of amenity.	
		To assist in this assessment, an envelope for the isolated site may be prepared which indicates height, setbacks, resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other, particularly solar access and privacy impacts for residential development and	

Proposed d	raft TCDCP Controls	Comments	Recommendations
		the traffic impacts of separate driveways if the development is on a main road.	
		The subject application may need to be amended, such as by a further setback than the minimum in the planning controls, or the development potential of both sites reduced to enable reasonable development of the isolated site to occur while maintaining the amenity of both developments."	
		The proposed draft TCDCP appropriately incorporates the relevant planning Principles established by the Land & Environment Court, but adds an additional unreasonable and unachievable hurdle in Control 2(ii) of requiring that the applicant demonstrate that the development is "economically feasible".	
		Sites that are isolated would be less than 1,200m², and therefore eligible for an FSR of 0.8:1. In Ku-ring-gai, very few sites are economically feasible for development at an FSR of only 0.8:1 – in most cases the value of the existing houses are greater than the site developed at 0.8:1 FSR. Accordingly, it is not reasonable that an applicant who has tried to include an isolated site in his development (as per the L&E Court Planning Principles) must then demonstrate that the development of the isolated site is economically feasible when (virtually) no development of a site is feasible at an FSR of only 0.8:1.	
		The Land & Environment Court carefully considered the difficult competing issues relating to isolated sites when the Planning Principles were established. It is unreasonable for Council to impose any greater obstacles than those established by the Court itself. If the Court considered that the Isolation Planning principles are not sufficient, the Court is perfectly able to amend them at any time, and any amendments would be automatically applicable to the assessment of any subsequent DA. If the proposed wording was maintained, the economic development potential of numerous 2(d3) sites would be severely and unreasonably constrained.	
6. 3C.7 BUILE	DING FACADES		
modulated and	ades above ground floor must be articulated with wall planes h by not less than 0.6m and not n.	Why is the maximum articulation limited to 2.5m? This control should be deleted. A building that is longer than 36m, and needs to "must be sufficiently recessed and/or articulated to present to the street as a separate building" to comply with proposed Control 4, will need to articulate by more than 2.5m.	Delete maximum allowed articulation of 2.5m. There should be no maximum.

Proposed draft TCDCP Controls	Comments	Recommendations
7. 3C.11 PRIVATE OPEN SPACE		
Control 10 states: Air conditioning units must not be located in private open space.	This is not reasonable, as air conditioning cannot all be located on the roof and/or the basement, and some must be located in private open space.	Delete Control 10.
8. 3C.13 APARTMENT WIDTH AND DEP	ТН	
Control 2 states: Single aspect apartments are to have a maximum internal plan depth of 8m from glass line to internal face of wall.		Amend 8m in Control 2 to 9.5m.
9. 3C.13 GROUND FLOOR APARTMENT	S	
Proposed Control 1 states: The floor level of the living area of a ground level apartment must be not more than 500mm below ground level (existing).	This control is unreasonable on sloping sites, many of which slope in 2 different directions and therefore are very challenging to design a building on. The proposed control does not acknowledge the difficult design constraints inherent in some sites. The level of amenity of each unit can be assessed at the DA stage, and does not require an arbitrary 500mm or 900mm courtyard ground level control to be set. The RFDC does not include any such design restriction.	Delete 3C.14 entirely.
10. 3C.20 ROOM SIZES		
Propose Control 1 states: Living areas must have a minimum plan dimension of 4m.	This control is too onerous, particularly for 1 bedroom apartments, and unreasonably affects a developer's ability to provide affordable housing.	Delete Control 1 entirely, or reduce it to 3.5m.
11. 3C.24 CAR PARKING PROVISIONS		
Proposed Control 2 states: Basement car park areas must be consolidated under building footprints to maximise deep soil landscaping area.	The proposed 50% deep soil landscaping control is already extraordinarily onerous. The Rule of Thumb specified on Page 44 of the RFDC is 25% deep soil. Council is proposing a 50% control, fully double the relevant RFDC Rule of Thumb. It is not reasonable to impose an additional control that requires that basement car park areas must be consolidated under building footprints, as if a DA complies with the onerous 50% deep soil control then the car park should be allowed to be wherever it is most efficient to locate it.	Delete Control 2 entirely.

Proposed draft TO	CDCP Controls	Comments	Recommendations
Proposed Control 3 states: project up to 0.6m average above existing ground level floor above. See Figure 3C. 4.10 of this DCP for additional design controls.	and 1.0m maximum I to the underside of the .24-1. Note: Refer to Part	This control is too onerous. LEP 194 allows a basement to be located up to 1.2m to the underside of the ground floor slab, and on some sites this is a very difficult control to comply with, particularly if it slopes in 2 directions. To reduce this to 1m is unreasonable. Introducing an average 600mm control imposes another control which serves no useful planning purpose and creates yet another unnecessary numerical control that will necessitate the provision of yet another compliance diagram that Council's DA assessment staff will require to demonstrate compliance with the proposed control, which is onerous, time consuming and expensive. It should be deleted.	Amend Control 3 to allow 1.2m to the underside of the basement slab Delete the average 600mm requirement.
Proposed Control 7 states: All residential flat development the following car parking properties of comments and control of the following Size Studio One bedrooms Two bedrooms Three or more bedrooms Note: A Traffic Impact Asserties and comment applications to parking rates. This includes of commercial or strata functions.	Parking Space Req't 0.5 0.6 (min) - 1 (max) 1 (min) - 1.25 (max) 1 (min) - 2 (max) essment must accompany that seek to vary the s parking variations in lieu	LEP 194 contains minimum car parking requirement, and no maximum. This issue was debated at length prior to the gazettal of LEP 194. Council proposed that there should be maximum car parking numbers allowed in order to (presumably) limit car usage. Developers, Architects and Planners advised, and the NSW Department of Planning agreed, that limiting the maximum car park numbers would negatively affect economic viability, as buyers have a car parking need that is independent of Council's wish to reduce car usage within our 'car-centric' society. If less car parking was specified within a building than buyer want, apartment buyers would either not buy or probably park their cars in the nearby streets, which would have a negative impact on the surrounding areas. There should be no car parking maximums, but if they are required then they should be substantially increased as specified.	Delete any maximum car parking requirement in Control 7, or apply the following rates: Unit Size Parking Space Req Studio 0.5 (min) – 1(max) 1 bedroom 1 (min) – 1.25(max) 2 bedrooms 1 (min) – 1.5 (max) 3+ bedrooms 1 (min) – 2.5 (max)
12. 3C.27 APARTME	NT MIX AND SIZES		,
Proposed Control 3 states: bedroom and three-bedrooi ground level where accessi achieved for disabled, elder children.	m apartments on the ibility is more easily	This control lacks a rational planning basis (noting that it has been copied from the RFDC). There is no evidence that disabled, elderly people or families with children (how many children? What if they have 1 child and want a 2 bedroom apartment?) do not want to live in 'accessible' 2 bedroom ground floor apartments, as opposed to 1 or 3 bedroom apartments.	Delete proposed Control 3.

Proposed draft TCDCP Controls	Comments	Recommendations	
	Medium Density Controls		
13. 3D.2 BUILDING SEPARATION			
Proposed Control 1 states: The minimum separation between windows and balconies of a residential building and any neighbouring building either on site or adjoining sites must comply with the following: Development from 2 to 3 storeys i) 12m between habitable rooms / balconies; ii) 7m between habitable room / balcony and non-habitable room; iii) 3m between non-habitable rooms.	These setback controls are excessive, and would inhibit economically viable development. In Staldone's view, the DCP seems to misinterpret the RFDC (page 28) in requiring a 12m separation between buildings comprising Townhouses (i.e. multi dwelling housing), which are the permissable within the R3 zone. The RFDC applies to flat design, and residential flat buildings are specifically excluded from development within the R3 zone, which only allows multi dwelling housing as being a dwelling that each has its own ground floor entry. This results in 2 or (theoretically, but rarely in practice) 3 storey townhouses, although most townhouses will be 2 storeys in height as the market does not want 3 storey townhouses. A 12m separation requirement for townhouses is therefore much too onerous and imposes considerable design constraints and constrains the economic development feasibility of townhouse development.	Amend Proposed Control 1 as follows: The minimum separation between windows and balconies of a residential townhouse building and any neighbouring townhouse building either on site or adjoining sites must comply with the following: Development from 2 to 3 storeys i) 9m between habitable rooms balconies; ii) 6m between habitable room; iii) 3m between non-habitable rooms.	
14. 3D.3 SETBACKS			
Proposed Control 1 states: For multi-dwelling housing development, the minimum front setback to the primary street boundary is 10m.	A front setback of 10m is excessive for 2 storey townhouses (aka multi dwelling housing). It unreasonably constrains the development on a site by limiting the available building platform unreasonably. The minimum front setback for 2 storey townhouses should be 8m, with the 10m setback retained for 3 storey buildings. The RFDC (page 30) states: "Street setbacks typically vary from none in city centres to 10 metres on suburban streets".	Control 1 should be amended to: 8m for 2 storey townhouses located on the street frontage, and 10m for 3 storey townhouses. Control 2 should be amended to: 6m for 2 storey townhouses.	
	This was drafted to apply to RFBs which are normally considerably higher than 2 or 3 storeys, not townhouses (aka multi dwelling housing), that are		

Proposed draft TCDCP Controls	Comments	Recommendations
	permitted within the R3 zone, therefore the setbacks for 2 or 3 storey dwellings should be much lower than 10m. Also, the land covered by the draft TCDCP is all located within Town Centre areas, and the setbacks should therefore be significantly lower than the 10m specified as a maximum in the RFDC.	
Proposed Control 4 states: A minimum setback of 6m must be provided to the rear boundary.	This is excessive. The rear setback should be the same as the side setback.	Control 4 should be amended to: 3m.
Proposed Control 5 states: Where the dwellings address side boundaries, the setback must be at least 6m.	This is excessive for 2 storey townhouses. The setback should be no more than 4m.	Control 5 should be amended to 4m.
Proposed Control 7 states: Basement car parking areas must be a minimum of 3m from any side or rear boundary.	3m is excessive and onerous. Minimum width for deep soil is 2m, so the minimum distance from a side boundary should be reduced to 2m from 3m.	Control 7 should be amended to: minimum setback should be 2m from a any side or rear boundary.
Proposed Control 9 states: In addition to the above encroachments, ground floor private terraces/courtyards may encroach into the front and side setback areas with a minimum setback of: i) 8m from the primary street boundary or 6m from the secondary street boundary; ii) 3m from the side boundary to allow for deep soil planting within the common area. Note: No encroachment of private terraces/courtyards is permitted in the rear setback zone.	These setbacks are unreasonably excessive, and would limit the economic development potential of a site. One of the benefits of a townhouse which buyers purchase a townhouse as a consequence of, is the fact that it has it's own generous outdoor garden area on title. By unreasonably limiting the portion of the site that can be used for private open space, the benefit of generous outdoor areas of a townhouse is lost to it's residents. Courtyards should be allowed to extend to the side and rear boundaries, or at worst to within no less than 2m of the side and rear boundaries. Control: (i) should be amended to 6m from either street boundary, but that the fencing must be of open palisade design. (ii) should be amended to 2m from the side boundary, as this is consistent with the minimum dimension for deep soil. The note disallowing any encroachment into the rear setback should be deleted, and a minimum of 2m be required, the same as for a side boundary.	Proposed Control 9 should be amended to: (i) 6m setback from either street boundary, but that the fencing must be of open palisade design. (ii) 2m setback from the side boundary, as this is consistent with the minimum dimension for deep soil. (iii) The note disallowing any encroachment into the rear setback should be deleted, and a minimum of 2m be required, the same as for a side boundary setback.

Proposed draft TCDCP Controls	Comments	Recommendations	
15. 3D.4 DEEP SOIL LANDSCAPING			
Proposed Control 4 states: Private open space areas are not to be included in the calculation of deep soil landscaping.	This is absurd. No previous definition of deep soil in DCP55 or LEP194 has excluded private courtyards from the definition of deep soil. Including this control would unreasonably limit the economic development potential of a site by forcing designers to either design townhouses with minimal outdoor areas on title, which defeats the attraction of townhouses to buyers, or to reduce the building footprint to a size that would allow reasonable courtyards thereby reducing the development potential of a site. This control must be deleted.	Proposed control 4 must be deleted.	
16. 3D.6 CONSIDERATION OF ISOLATED	SITES		
	Same comments as 3C.5.	Same Recommendations as 3C.5.	
17. 3D.13 NATURAL VENTILATION			
Proposed Control 3 states: At least 25% of all kitchens are to be naturally ventilated. All kitchens must not be located more than 8m to the back wall of the kitchen, from an external opening.	The proposed 8m dimension is too small. It should be amended to a minimum of 9.5m, as the kitchen is sometimes located behind the living and dining room and an 8m dimension would unreasonably limit the size of these rooms.	Amend 8m in Control 2 to 9.5m.	
18. 3D.21 CAR PARKING PROVISION			
Proposed Control 2 states: "Basement car park areas must be consolidated under building footprints to maximise deep soil landscaping area.	The proposed 40% deep soil landscaping control is already extraordinarily onerous. The Rule of Thumb specified on Page 44 of the RFDC is 25%. Council is proposing a 40% control, almost double the relevant RFDC rule of thumb. It is not reasonable to apply an additional control that requires basement car park areas must be consolidated under building footprints, as if a DA complies with the onerous 40% deep soil control then the car park should be allowed to be wherever it is most efficient to locate it.	Delete proposed Control 2 entirely.	
Proposed Control 3 states: Basement car park can project up to 0.6m average and 1.0m maximum above existing ground level to the underside of the floor above. See Figure 3C.24-1.	This control is too onerous. LEP 194 allows a basement to be a maximum of 1.2m to the underside of the ground floor slab from natural ground level, and on some sites this is a difficult control to comply with, particularly if the site slopes in 2 directions. To reduce this to 1m is unreasonable.	Amend Control 3 to allow 1.2m to the underside of the basement slab and delete the average 600mm requirement. This is consistent with the 2(d3 zoning in LEP194.	
Note: Refer to Part 4.10 of this DCP for additional basement car parking design controls.	Introducing an average 600mm control imposes another control which serves no useful planning purpose and creates yet another unnecessary numerical		

Proposed draft TCDCP Controls	Comments	Recommendations
	control that will necessitate the provision of yet another compliance diagram that Council's DA assessment staff will require to demonstrate compliance with the proposed control, which is onerous, time consuming and expensive. It should be deleted.	
Proposed Control 9 states: All residential flat developments must comply with the following car parking provision rates: All developments must comply with the following car parking provision rates: Dwelling Size Parking Space Req. One bedroom 1 Two bedrooms 1 Three or more bedrooms 2	LEP 194 contains minimum car parking requirement, not a maximum. Providing a 2 bedroom townhouse with only 1 car space would significantly reduce the saleability and therefore the economic development viability by creating apartments which are considerably less desirable for purchasers due to unreasonably reduced car parking spaces per dwelling on title. This issue was debated at length prior to the gazettal of LEP 194. Council proposed that there be maximum car parking numbers allowed in order to reduce car usage. Developers advised, and the and the NSW Department of Planning agreed, that limiting the maximum car park numbers would negatively affect economic viability, as buyers have a car parking need that is independent of Council's desire to reduce car usage. If less car parking was specified within a building, apartment buyers would simply park their cars in the nearby streets, which would have a negative impact on the surrounding areas. There should be no car parking maximums, but if they are imposed then they should be increased as specified.	Delete any maximum car parking requirement in Proposed Control 7, or apply the following rates: Unit Size Parking Space Req Studio 0.5 (min) – 1(max) 1 bedroom 1 (min) – 1.25(max) 2 bedrooms 1 (min) – 1.5 (max) 3+ bedrooms 1 (min) – 2.5 (max)

Appendix 1

Letter to Ku-ring-gai Council from NSW Department of Planning written by the Executive Director, Metropolitan Planning analysing the controls proposed in Council's adopted draft Town Centres 2006 LEP/DCP.



CIr Nick Ebbeck Mayor, Ku-ring-gai Council Locked Bag 1056 2073 PYMBLE NSW

10 JUL 2007 J BING-GAI COUNCIL

Our ref: CS07/498 Your ref: 785851 SRE0000193

Dear Cir Ebbeck

I refer to your letter dated 14 June 2007 regarding issues the Minister for Planning, the Honourable Frank Sartor, raised at his meeting with you on 13 June 2007.

These issues relate to:

- Reclassification. The Department has previously requested the timeframes for these be reduced to assist in the finalisation of the Town Centres LEP. The current proposed timeframe of mid December 2007 is unacceptable.
- Key sites have been given FSRs which are the same as or potentially less than those currently available (Attachment 1). Requests to address these were made in response to exhibition of the plans in 2006. There is no point in providing FSRs the same as or less than current FSRs, particularly when economic analyses identify viability only under special conditions that are unlikely to be met.
- The combination of LEP Principal Standards such as FSRs with DCP provisions reduces development opportunities further. DCP provisions have already been identified to Council for revision yet onerous provisions are still in place. These need to be removed (including those outlined in Attachment 2).
- Yield tables provided by Council in 2006 are dependent on all amalgamation patterns and all building footprints being achievable. In reality, this is unlikely and Council's estimates of anticipated dwellings are likely to be substantially inflated. Council needs either to give effect to these yield tables by removing those provisions /standards that constrain them or demonstrate yield tables that provide realistic estimates of yield.
- There are a number of areas where compliance has not been achieved with the conditions of the Director-General's s65 certificates for St Ives and Turramurra and the authorisations for the other four centres. Areas of concern are identified in the attachment (Attachment 3).
- It is noted that seventeen additional heritage items have been added to the Town Centres LEP. As these items have the potential to affect development on adjoining land, Council is advised to ensure additional opportunities to compensate for these are provided within land adjacent to the town centres.

I trust this identifies the main issues that are outstanding and trust your Council will be able to address them to the Department's satisfaction without further delay.

Yours sincerely

Gail Connolly

Executive Director, Metropolitan Planning

23-33 Bridge Street Sydney 200 GPO Box 39 Sydney NSW 2001 Phone 02 9228 6111 Fax 02 9228 6191 Website planning.nsw.gov.au

ATTACHMENT 2 LEP and DCP ISSUES A. LEP ISSUES

Provisions which will reduce the possibility of achieving or giving effect to the above principles are:

- additional principal standards in the draft LEP including an additional allotment area/ frontage constraint,
- the inclusion of inappropriate clauses after exhibition (including cl 19(8));
- division of existing business areas which were covered by one FSR in to several sub areas each with a different FSR;
- either only small or no changes in FSRs on a number of sites;
- the proposed savings provisions that does not conform to the general for of such provisions;
- inappropriate objectives and uses in the R3 and R4 zones;
- the lack of inclusion of uses currently in the KPSO's business zones
- issues with Exempt and Complying Development already highlighted on a number of occasions;
- conversion of business use land to residential in the town centres;
- the inclusion of additional constraints (including site area and maximum height of buildings subclause 21(3));
- inclusion of low FSRs in Schedule 1;
- Inclusion in Schedule 1 of business uses for land previously zoned thus and now zoned for residential;
- Extensive buffer widths, landscaping (50%)ties to DCP, additional bushfire controls, references to Council policies, site coverage and landscaped area requirements without an unambiguous definition of either of these terms consistent with the Standard Instrument, unnecessary requirements already addressed in SEPPs, extensive buffers for corridors, habitat and riparian zones in Exempt and Complying Development.

B. DCP ISSUES

SUMMARY

The following section identifies the main elements of the DCP which were raised with Council by letter on 6 October 2006. The main issues that still remain unresolved are:

- amalgamation patterns
- footprints based on the amalgamation patterns
- requirements for bio-linkages in the town centres
- large setbacks: in some places 10-12m for front setbacks (residential and commercial) and 6-18m side setbacks
- buffer of 50m for Category 1 Environmental Corridor, 30m for Category 2 Terrestrial and Aquatic Habitat, 10m for Category 3 Bank Stability and Water and riparian corridors
- deep soil requirements including up to 50% of the site area
- vehicle access not to be included in the side setback
- extensive drainage requirements.

ISSUES

Note: Text in square brackets are changes to the text sent on 6 October 2006 as changes in pagination were made in the final DCP provided to the Department.

ATTACHMENT 2

The DCP contains numerous controls which constrain development response. Performance standards rather than codified provisions would provide flexibility and achieve higher quality design and built form outcomes.

- A. <u>BASIX like criteria</u> are distributed through the document. The Minister requested Council to remove BASIX-like criteria from DCP 55 Ku-ring-gai Multi-unit housing Railway/ Pacific Highway Corridor and St Ives Centre (Minister's letter dated 8 February 2006). Similarly, consistent with the Minister's approach, the following and similar are to be reviewed with an eye for removal from this DCP for residential development:
 - requirements for on-site water detention/retention for private developments and re-use of water for irrigation, toilet flushing; and implementation of sustainable storm water management programs that are integrated into all new developments including detention, treatment and re-use) (Section [6.4.3, Part 6] Water Management);

BASIX like requirements in Section 5.9 (Energy Efficiency);

- requirements for Mixed Use in Section 5.16.4 (Illumination of signs) including in M3
 Illuminated signs for the required use of LED diode technology or a lighting source of
 equivalent or higher efficiency;
- general controls for on-site stormwater management (e.g. design controls [4] & [6] in Section 6.4.3). There are further (extensive) mandatory controls for Stormwater management for Locational properties including repetitions (sections [6.1.2] and [6.4]);
- limitations on amount of built upon area dependent on drainage configuration (either 60% or 35%) (Section 6 including 6.2.1);
- limitations on locating the development or associated services on the site relative to a Category 3 Bank Stability and Water Quality (Section 6.2.2). It is unlikely that this level of protection is appropriate within the Town Centres;
- Extensive requirements for Locations A, B, C and D (Section 6.3.2 to 6.3.5); and
 requirements that are not necessary [categorising development on the basis of proximity
 to a water body or easement (6 pages) in unnecessary];
- Recycling for residential development is addressed through BASIX and references to this type of recycling should be removed from the draft DCP.
- Requirements for flood studies; development over or adjacent to a natural waterbody (6 pages); requirement for capture and treatment of stormwater without distinguishing when this would be necessary (Section 6.5.2).

Summary Requirements: These requirements would unnecessarily constrain development in the Town Centres, are not consistent with previous requirements from the Minister. The requirements for drainage, stormwater and recycling for <u>residential</u> development are not necessary as stormwater reuse and drainage are addressed through BASIX, [the Water Act and the POEO Act].

B. Growth of St Ives village centre

Under the DCP, apartment buildings and townhouses are to be located no more than
one block back from Mona Vale Road or Link Road/Killeaton Street (Section 2.2.1
Housing). This, coupled with the strategy in the DCP to protect existing low density
residential detached dwellings on the fringes of the town centre (Section 2.2.1 Housing)
lacks consistency with Metropolitan Strategy 600m village radius and opportunities for
housing consolidation in the town centre.

Summary Requirement: Remove these limiting requirements.

C. Subdivision

The preferred site amalgamation map (DCP, section 4.[3], [s4-4]) will significantly limit the capacity to redevelop sites.

Summary Requirements: The site amalgamation map is unnecessary.

D. General Landscaping Constraints

These include:

- References to the "green, spacious, "high forest" character of the area" being protected
 and enhanced through well-designed and appropriately scaled development. There is
 no "high forest" in the St Ives centre to which scale and design may be compared
 (Section 2.1 Vision Statement (dot point 1)).
- Council's Street Tree Master Plan does not appear to have been provided;
- new street tree planting as per Council's Street Tree Master Plan including deciduous trees even though these are not consistent with the "high forest" concept (Section 2.2.3 Street Character).
- the required bio-linkages and bio-corridors into the commercial Town Centres and augmentation of remnant vegetation in the area on both public and private land (already addressed through tree preservation orders) (Section 2.2.6 Biodiversity). The section appears to confuse biodiversity with landscaping.
- the use of species in landscaping from the Council Schedule [originally the list showed over 50% exotic species. Council has reduced this to 35% but should consider the list] with regard to its relationship to BASIX, water consumption and the potential impacts on development including with respect to Sydney Water's species guidelines for residential development.

Summary Requirement: Council's requirements need to be reviewed in the light of potential constraints on development in the light of the Minister's s55 direction, BASIX and other advice from the Department.

E. Landscaping buffers and setbacks

The following will reduce development potential in the Town Centres:

- large landscaped front setbacks that are required to all residential streets (Section [4.4 Building alignment 24m in one case] and 10-24m [for other sites in Section 4.7.3]);
- limitations with respect to Environmental Corridor (50 metres) (Section 6.2.2 Locating the Development on Site) (also set for Exempt and Complying development in the LEP);
- the additional requirement for a buffer zone between bushland and a development site (relies on accurate Council mapping) (Section 6.2.2) and the requirement for a buffer of a minimum of 25m for endangered flora/fauna species. Council needs to demonstrate the accuracy of such mapping and provide details of how these buffers were determined and the likely presence of these in the Town Centres.
- limitations on locating the development or associated services on the site relative to a
 Category 1 Environmental Corridor, or a Category 2 Terrestrial and Aquatic Habitat
 (Section 6.2.2). There does not appear to be any information about the verification
 process for the map A6.10. Any inaccuracies could be challenged by developers;

Summary Requirement: These are not consistent with requirements to increase existing development potential in the St Ives or other Town Centres.

F. Deep soil requirements

Large deep soil zones have been provided to enable plantings of non-indigenous trees e.g. in Sections [4.7.2 to 4.7.8]. Similarly, percentages of soil areas up to 50% of the site area e.g. section 5.5.1 are in the DCP. These should be removed as they constrain site use unnecessarily and are not in keeping with Town Centre land uses.

Summary Requirement: Extensive soil areas and deep soil planting requirements are not consistent with requirements to increase existing development potential in the St Ives or the other Town Centres.

G. External building requirements

Additional criteria which limit opportunities to fulfil the Minister's s.55 direction and to provide consolidation under the Metropolitan Strategy include the following DCP requirements:

- that side setback areas are not to be used for vehicle access (Sections G[8], 5.13.2);
 - the requirement that front set backs for awnings on the front façade limit buildings to only 40% of the façade within a minimum of 10m of the front boundary with the rest behind a 12m limit (Section 4.[4]);
- the requirement of 60% of the top floor for both commercial and residential development (Section 4.[7]);
- setbacks of up to 10-12m for front setbacks (residential and commercial) and 6-18m side setbacks (Section 4.[7]). The 9m setback for only 2(d3) sites (equivalent to higher density R4) is not necessary in the Town Centres and shorter setbacks need to be provided for the R3 (medium density zone);
 - that development occur within the footprints for each building on each allotment included in the St Ives Town Centre (in maps in Section 4.[7]). [While site amalgamations are identified in the final version of the DCP as "preferred", the floor plates for the buildings (which rely on the amalgamation pattern) are not optional];
 - building separation of 18m minimum window separation between 2 habitable rooms/balconies for neighbouring buildings of 5 storeys and above (Section 5.1.2) since 5 storeys is already set in the LEP and a further limitation of the footprint of the top floor being 60% of the floor beneath constrains this further;
 - building facades required to be modulated and articulated between 600mm and 2.5m (Section 5.2.1). This has the effect of reducing the top floor upper floor plate as the top floor is required to be 60% of the floor below;
 - that a single wall cannot exceed 120 sqm in area (Section 5.2.1);
 - corner building articulation that requires both street addresses to be addressed (Section 5.2.2) [This is not necessarily a good option particularly in busy Town Centres];
 - for clear glazing to min 3 stars for all street frontage windows in ground street frontages are unlikely to be ideal for businesses where privacy from the street is an issue (e.g. medical centres etc) (Section 5.2.3);
 - the requirement that solid building materials such as brick, concrete and stone (rendered
 or not) are to be used for external walls of the lower part of the buildings up to 3rd storey
 (except for ground floor in mixed use developments) and light weight building materials
 such as timber, copper or stucco and glass to be considered for the 4th storey and
 above. These requirements are prescriptive and could lead to a lack of lack visual
 cohesion (Section 5.2.6);
 - that vertical canvas drop blinds are not permitted along the outer edge of awnings/ colonnades in mixed use zones (Section 5.3.1).
 - that private open space requirements (Section 5.4.1) in residential units include:
 - for ground and podium level apartments a terrace or private courtyard with a minimum area of 25m²;
 - For other units a minimum area of: 10 m² for each one bedroom unit; 12 m² for each 2 bedroom unit; and 15 m² for reach unit with 3 or more bedrooms (Section 5.4.1). These are too restrictive [when other requirements are also applied such as those below:].
 - that primary open space has a minimum dimension of 2.4m and shall be directly
 accessible from the main living areas and not be oriented to the south (constraining on
 certain sites);
 - that common open space requirements in residential units include:
 - at least 30% of the deep soil zone be principally for tall tree planting;

- it is located at the front and rear of lots to optimise solar access to the open space and apartments (Section 5.4.2);
- [maximum] site coverage as low as 30-35% in addition to setbacks and other requirements [Section 4.1];
- Locate living areas to the north and service areas to the south and west (Section 5.8.2).
 This would constrain development on certain allotments combined with the requirement that:
 - not more than 15% [now 10%] of total units to be single aspect and have western orientation (Section 5.8.2);
 - that all developments must have appropriate shading and glare control by providing external horizontal shading to north-facing windows (eaves, overhangs, pergolas, awnings, colonnades, upper floor balconies, and/or deciduous vegetation); vertical shading to east and west windows, (sliding screens, adjustable louvres, blinds and/or shutters); and shading to glazed and transparent roofs (section 5.8.3).

Summary Requirement: Safer by Design is the NSW Government's guideline (similar to the USA's Crime Prevention Through Environment Design (CPTED)) The criteria of Safer By Design would be applied to specific development at development application stage, or prior to Council's decision to rezone land for public thoroughfares, where appropriate.

Multiple requirements constrain development in the Town Centre to an unnecessary degree. Council needs to review these controls.

H. Internal building requirements

Of concern in unnecessarily limiting development are:

- Building depth: for commercial premises: limitation to internal plan depth of office floors
 with openings on one side to be 10m from glass line to wall [Figure s. 5.1.1]; for
 residential width constraint of a maximum internal plan depth of 18m from glass line to
 wall. Single aspect apartments requiring a maximum internal plan depth of 10m from
 glass line to wall (Section 5.1.1);
- For residential developments wider than 18m, achievement of satisfactory daylight and natural ventilation have to be demonstrated (Section 5.1.1);
- The width of a single building on any elevation facing the street shall not exceed 36m (Section 5.2.1). This unnecessarily constrains development flexibility on sites. Also it is apparently not consistent with Section 5.1.1 (Building Depth);
- Internal commercial/retail in mixed use buildings ceiling height; 3.5m for ground floor [
 now 3.3m in text but not changed on diagram in 5.6.1]; 3.3m for 2nd storey (or 3rd where
 relevant)(Section 5.6.1).

Summary Requirement: Multiple requirements constrain development in the Town Centre to an unnecessary degree. Council needs to review these controls in the light of the existing controls under the BCA.

Parking and access requirements

Matters to be addressed include the following:

- Roads should be classified using the RTA classification. It is not necessary or appropriate to list roads in A5.
- In Section 2.2.5, the Community Activity Space 3 in zone B2 is not obviously linked to
 other active areas in the St Ives Town Centre such as the Town Square and it is not
 clear how linkages would be achieved. Council needs to ensure any areas set aside for
 such use address Safer By Design guidelines and that adequate provision for lost
 development potential is addressed through other provisions.
- Widened access for the service lane (Stanley Lane) including 6 m setbacks on either side of the laneway to provide parking and footpaths will reduce the viability of any

development on land adjoining the land (effect on "Eden Brae" site and land with Mona Vale frontages) (section 3.2.7).

- Car parking requirements set as minimum and maximum for certain types of
 development (Section 5.14.1). (in the past, Council does not appear to have supported
 DAs which provide fewer parking spaces than those set down in the relevant DCP)
 Maximum limits should be set as an interim until a Metropolitan Parking Policy is
 provided. The text should make it clear that developers will not be penalised for
 providing fewer parking spaces than the maximums set in the Town Centre;
- [Council's requirement that car parking be provided in basements for all residential development (section 5.14.1)]

Summary Requirement: Council needs to address these issues to ensure conformance with existing or <u>lower</u> amounts of parking should be encouraged over <u>increased</u> parking and Council needs to ensure alignment with the Metropolitan Parking Policy when it is released.

J. Specific issues

The following are not supported:

- The majority of pedestrian access routes shown in Section 2.2.9 rely on land acquisition or dedication from private holdings. [The location of this access across private land is unrealistic even if easements were made]
- Provision of parking off Porter's Lane and Mona Vale Road east of the main shopping centre is likely to be an inappropriate land use given the likely floor space of shops in that block (section 2.2.[2]);
- The constraint that "car parking space is included in floor space calculations where it is
 not located in the basement i.e. where the floor level of the storey immediately above is
 one metre or more above existing ground level" constrains, unnecessarily, developers
 utilising sloping sites (Section 5.14.4, [M1,R1]);
- Visitor parking (Section 5.14.3), includes that one external visitor parking bay is to be
 provided with a tap to make provision for on-site (Section 5.14.3); service vehicle
 requirements including a space with a minimum dimension of 3.5m x 6m and a minimum
 manoeuvring area 7m wide (Section 5.14.3);
- Defining residential basement car parking as that which can only project up to 600mm average and [1.0m (more restrictive)] maximum above natural ground level to the underside of the floor above ([Diagram in] Section 5.14.4) as car parking above this is included in floor space calculations;
- Multi-storey mixed use parking that requires a minimum floor to ceiling height of 2.7m (Section 5.14.5);

Summary Requirement: Council is to remove unnecessary constraints to provide consistency with the Minister's requirements.

K. Drainage, Stormwater and Water Management requirements General

 There are no creek lines in the vicinity of St Ives or the other town centres that remain in a natural state. Section 2.2.7 implies there are such water courses. [Now defined as "existing drainage lines"]

Summary Requirement: Council is to remove this unnecessary constraint.

- Interface between town centres and adjoining lower density residential/open space (cl 21(2)(b))
 - In LEP 200 there are 9m set backs from any boundary (cl 25L) but only for the 2(d3)
 zone (equivalent to R4). This in itself is a generous setback in areas away from the town
 centres [in comparison with those now proposed] in the Town Centres.

STALDONE DEVELOPMENTS

PRIVATE & CONFIDENTIAL

4th September, 2009

The General Manager Ku-ring-gai Council 818 Pacific Highway Gordon 2072.

S07743 - Draft Ku-ring-gai Town Centres DCP ("draft TCDCP") Daylight Access Controls 3C.16 Control 3

Dear Sir

I refer to the proposed Solar Access Controls detailed in section 3C.16 of the draft TCDCP. I submit that the proposed controls are too onerous, and will unreasonably limit the development potential of numerous sites zoned R4 (particularly).

The controls in Council's DCP 55 which specify the main design controls relating to solar access, and which have been used to assess and determine well over 100 DAs lodged since LEP194 was gazetted in 2004, are detailed on Page 35 of DCP 55 and are:

C-1 70% of apartments shall receive a minimum of 3 hours direct daylight on 21 June to living room windows <u>or</u> adjacent balconies between 9.00am and 3.00pm on June 21 (Note: shadows cast by trees and fences excluded from this calculation).

The proposed Controls in the draft TCDCP are detailed on Page 3-93. They are:

3 At least 70% of apartments must receive a minimum of three hours direct daylight to living rooms <u>and</u> adjacent private open spaces between 9.00am and 3.00pm on June 21 Note: shadows cast by trees and vegetation are excluded from this calculation.

The replacement of <u>or</u> with <u>and</u> is a critical difference which will render a majority of sites (particularly R4 zoned sites) unable to comply with the far more onerous requirement of 70% of units with direct daylight to the living room <u>and</u> balconies from 9.00-3.00pm on June 21st.

The proposed Controls in the draft TCDCP are copied from the RFDC, which states under Daylight Access on Page 85 a 'Rule of Thumb' being:

Living Rooms <u>and</u> private open spaces for at least 70 % of apartments in a development should receive a minimum of three hours direct daylight between 9 am and 3 pm in mid winter. <u>In dense urban areas a minimum of two hours may be</u> acceptable.

The draft TCDCP has elected to omit the underlined and reasonable rider to the 'rule of thumb' which is clearly specified in the RFDC. This control should be included so that the proposed controls are not unreasonably onerous in dense urban areas, i.e. on R4 zoned sites. It is not reasonable for the draft TCDCP to 'cherry pick' the most onerous controls from the RFDC and adopt them as controls rather than the less

prescriptive 'rules of thumb', when the consequence is an inevitable eroding of the development potential conferred by the TCLEP.

The RFDC was drafted with a interlocking suite of design 'rules of thumb' which when utilised in combination to design an RFB are feasible on the vast majority of sites. If the draft TCDCP proposed to adopt <u>all</u> of the 'rules of thumb' from the RFDC, then there would be no issue.

The problem is that the draft TCDCP selects some critical controls in the RFDC and makes then far more onerous. Rather than relaxing some of the other controls to compensate for the added design burdens and therefore 'balance the burden', the draft TCDCP copies other onerous controls from the RFDC, thereby making development to the maximum development potential conferred by the TCLEP on most sites virtually impossible.

The examples of the proposed controls in the draft TCDCP that responsible for this are numerous and detailed in Staldone's separate submission dated 3rd September 2009, and the effect is incremental and cumulative.

A salient example is that the RFDC specifies that the front street setback (RFDC page 30) should be:

"Setbacks typically vary from none in city centres to 10m on suburban streets"

As the land covered by the draft TCDCP is all within land specifically designated as being located within Town Centres, the RFDC therefore directs that the street setback should be closer to zero, but an absolute maximum of 10m.

The draft TCDCP proposes (3C.2 Control 2) a street setback of 13m-15m on sites which are more than 35m wide and more than 45m deep! As the minimum site area to accommodate the maximum R4 density of 1.3:1 is 2,400m2 (noting that 35m x 45m is only 1,575m2), this control applies to the vast majority of sites zoned R4.

This street setback, which is considerably greater than the street setback contemplated anywhere in the RFDC, has a significant effect on the area of the site that an RFB can be located on, and consequently on the ability of a building which complies with the increased setback dictated by the draft TCDCP to also comply with the onerous 70% daylight access control in the RFDC.

If the RFB on a building is oriented east-west, then 'losing' up to 5m of northern frontage could be the difference between being able to comply with the more onerous 70% draft DCP daylight control and not being able to do so.

The inevitable consequence of the more onerous controls proposed by the draft TCDCP is that the maximum development potential conferred by the TCLEP cannot be achieved on most sites. This underdevelopment will be caused purely by a suite of controls in the draft TCDCP that effectively limit the development potential of most R4 zoned sites, including the proposed solar access controls.

Recommendations:

(1) That the daylight access controls specified in DCP 55 be adopted into the draft TCDCP. Specifically:

C-1 70% of apartments shall receive a minimum of 3 hours direct daylight on 21 June to living room windows <u>or</u> adjacent balconies between 9.00am and 3.00pm on June 21 (Note: shadows cast by trees and fences excluded from this calculation).

(2) That the additional wording of the RFDC Daylight Access section of the 'rule of thumb' in the RFDC be incorporated into the draft TCDCP, namely:

In dense urban areas a minimum of two hours may be acceptable. Dense urban areas are defined as land zoned R4 or land with a height limit of 17.5m or more.

The existing DCP55 daylight access control is already very difficult to comply with. It cannot be made any more onerous unless the draft TCDCP is substantially redrafted to comply with the RFDC in it's entirety, otherwise the DCP will be limiting the development potential conferred by the TCLEP.

Yours Sincerely

Steve Donnellan

Principal

Staldone Developments

Here Duellan

SUBMISSION

regarding

Draft Ku-ring-gai Development Control Plan (Town Centres) 2009

\$07743 - Draft Ku-ring-gai Town Centres DCP Exhibition



SUBMITTED 4th SEPTEMBER, 2009

Mr John McKee General Manager Ku-ring-gai Council 818 Pacific Hwy Gordon, N.S.W. 2072

Friends of Turramurra, Inc P.O. Box 821 Turramurra, N.S.W. 2074 reply@turrafriends.com

4th September, 2009

S07743 - Draft Ku-ring-gai Town Centres DCP Exhibition

We write to register our comments regarding the Draft Ku-ring-gai Development Control Plan (Town Centres) 2009.

DEVELOPMENT ENVELOPE ON RAY STREET IS UNCLEAR

The DCP shows different development envelopes for the major development on Ray Street in the Coles / Library / car park area. The 3-D computer images of building form shown on pages 2-18 and 2-19 are different to the building envelopes depicted on pages 2-17, 2-20 or 2-21.

Clearly, this is confusing and misleading for residents who are trying to understand exactly what is proposed in the DCP and makes it impossible for residents to understand what is proposed and to comment upon it.

This part of the DCP should be clarified and re-exhibited so that residents are given a proper and uncompromised opportunity to comment on the plans.

BUILDING HEIGHT ON RAY STREET AND THE RAY STREET TO ROHINI STREET BRIDGE

It is understood that developers have argued that 8 to 9 nine storey development is required in the Ray / William Street area in order to fund a road bridge linking Ray Street to Rohini Street. Whilst the concept of a new bridge is supported, the idea that this necessitates larger development is false for the following reasons:

- it must be remembered that by connecting Ray Street to Rohini Street will provide a
 direct major road link to the Pacific Hwy. Because of this, this bridge will attract joint
 funding from the RTA;
- Section 94 contributions are levied on developments and the majority of these contributions must be spent on infrastructure such as the bridge proposal. Council will have sufficient Section 94 funding to fund the bridge without the need for additional development;
- the landowners and developers wishing to develop the Ray / William Street area will have a direct commercial gain and increase in land / development value from the improved access to the Ray / William Street area the bridge will provide. It is in the commercial interests of a developer in the Ray / William Street area to improve access. The additional commercial and development value of the land from building the bridge is more than sufficient to compensate the cost of joint funding a road bridge.

The substantial development height, bulk and scale proposed in the DCP to help developers fund the bridge is not justified.

NEW GILROY ROAD EXTENSION NOT REQUIRED

No Supermarket Planned for Turramurra Avenue Car Park Area

The original traffic plan for Turramurra is predicated on a number of assumptions. One of the major it assumptions was that there would be a large supermarket in the region of 3,500 to 4,000sqm located on the Turramurra Ave car park. Because of the additional traffic this supermarket would generate it was decided that a new road needed to be made to join Gilroy Lane with Turramurra Ave. This Road was located directly to the north side of the Turramurra Uniting Church and the TurraTots childcare centre.

In the new Draft LEP for Turramurra, the supermarket is no longer being relocated from Ray Street to Turramurra Ave and is instead remaining on Ray Street. This makes the new road joining Gilroy Road to Turramurra Ave unnecessary.

Traffic Plan Shows Little Traffic Flow

Further, in the traffic plan from GTA, it seems that the assumption has been made that virtually no traffic will flow along the new section of road linking Gilroy Road to Turramura Ave at either the AM or PM peaks. This lead two one of two conclusions:

- that the new road linking Gilroy Road to Turramurra Avenue is expected to carry virtually no traffic by the traffic plan consultants. This would mean the road is not required; or
- the traffic plan is flawed in that it does not account for the traffic that will use the new road.

Since the traffic plan seems to work well without traffic using the new road linking Gilroy Road to Turramura Ave, this would suggest that whatever the reason that the traffic plan ignores the new road it is simply not required.

New Road Directly Alongside Church and Childcare Is Inappropriate.

The new road creates a "dog-leg" on Gilroy Road directly beside the TurraTots childcare centre. This is clearly a substantial hazard to the childcare centre and the new road should be removed from the plan. Further, the new road will be directly to the North side of Turramurra Uniting Church.

It is totally inappropriate to plan major new roads alongside childcare centres. This is particularly the case when it is understood that the new road is proposed to form the bus route to the station from the north side of Turramurra. Common sense, health and safety, and common decency dictate that such heavy vehicle movements should be kept as far away from childcare centres and churches. The new road should be removed from the plan.

Gilroy Lane still open?

It is to be noted that the plans seem to indicate there is an intention to keep Gilroy Lane (linking Gilroy Road to Turramurra Avenue to the South side of Turramurra Avenue Carpark) open as a "new or improved street". One of the reasons a new raod was proposed in this area was to replace Gilroy Lane which was to be removed to make way for development. If Gilroy Lane is indeed to be kept open there is little justification for the new Gilroy Road extsnsion proposed beside Turramurra Uniting Church.

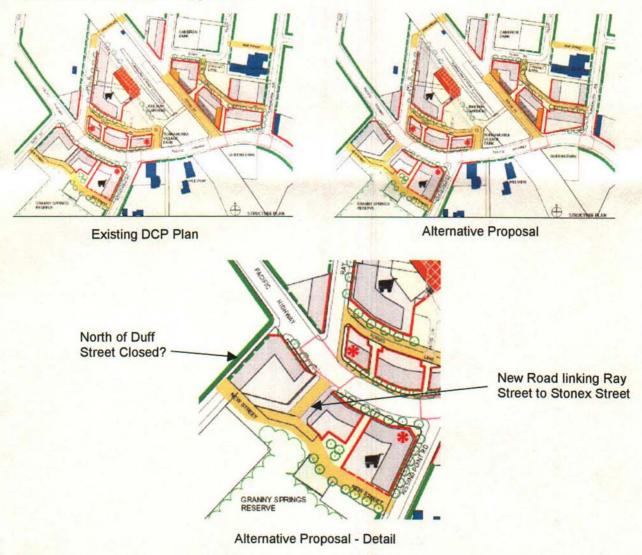
Move further North away from church?

If a new road linking Gilroy Troad to Turramurra Avenue is to be built, it would be preferable to move this road further North from the currently indicated proposal. This would keep the road away from both the Turramurra Uniting Church and TurraTots. Further, the road could then be planned to be straight, rather than having a "dog-leg" as is currently planned. The road could be located to the North side of Cameron Park with little or no loss of developable area.

PROPOSAL - LINK ROAD FROM STONEX STREET TO RAY STREET

The DCP shows the Stonex Lane road reservation being used as follows: "Stonex Lane utilised as part of development to provide greater flexibility allowing provision of a new public space" – item "E" on page 2-29.

We believe that this road reservation could be used to provide direct connection between Stonex Street and Ray Street. This would then provide a direct connection from Southern part of Turramurra to the Central and Northern parts of Turramurra which would avoid the need for cars to "dog-leg" on Pacific Hwy. A roundabout could be located at the intersection of Stonex Lane and this new connection with Ray Street.



If this traffic proposal were considered it would be vital to implement traffic flow restrictions on Stonex Lane or Duff Street to prevent significan increases in traffic flow or "rat-running" along Duff Street. This direct connection between Stonex Street and Ray Street would create the possibility of closing the Northern end of Duff Street to the Pacific Highway in order to compensate for any loss of developable land from creating the new road connection and to reduce traffic on Duff Street.

We believe that this traffic solution should be studied as the potential benefits to local residents trying to move throughout the Turramurra area would be substantial, as would the reduced congestion on the Pacific Highway in this area.

OPEN SPACE PLANNING

Substantial Reduction In Planned Open Space

The amount of open space included in the current DCP has been substantially reduced from the amount of open space that was originally planned in the 2006 version of the DCP. For example:

- The Stonex Lane open space area proposed in the Kissing Point Road / Franklins part of the DCP has been removed:
- The Kissing Point Road Park on the corner of Kissing Point Road and the Pacific Hwy has been removed;
- The Gilroy walk open space area proposed along Gilroy Road between the meals on wheels centre and Karuah Oval has been removed:
- The proposed open space in the Ray / William Street area called "William Square" has been substantially reduced from what was originally claimed in the 2006 DCP. Originally, Council had tried to claim that the State Rail Garden would become part of the public open space in this area. However, it is now acknowledged that the state rail garden is reserved for future expansion of the rail line and cannot be used for open space. This means that the open space in the "William Square" area has been substantially reduced by almost half.

This is a substantial reduction in planned open space for Turramurra.

The DCP seems to indicate large scale development on the Turramurra Ave car park however no detail is provided. It is hard to see where there is any significant open space included within the Rohini Street / Turramurra Avenue area. The croquet lawn and Senior Citizens site is far to small to be considered as adequate open space for this area. The Turramurra Avenue car park should be retained as "community" land under public ownership and used for public open space.

On the Kissing Point Road / Franklins side, the DCP basically relies on using Granny Springs Reserve, an area of critically endangered Blue Gum High Forest (BGHF), as open space. This cannot be done as BGHF is protected. The tiny park proposed in the concept plan is completely inadequate to meet the open space requirements for this area. One alternative would be to make Hillview into a UCA and keep it as a heritage park and open space area for the south side of Turramurra.

In the Coles / Library area, the Panel plans rely on an unrealistic proposal to buy and demolish buildings including the NAB Bank and Travel Agent. The council owned "community" land in the library area on William Street should be kept under public ownership and used for public open space.

The plans propose to acquire private homes to create new parks. But these parks would then be poorly located outside the main centre. The cost of acquiring such land would be high and probably be greater than any revenue acquired through the sale of existing Council land holdings in the Centres. Further, there will undoubtedly be significant barriers to the speedy acquisition and amalgamation of significant numbers of privately owned lots in order to provide new open space meaning any new open space to be acquired may many years away or never happen.

Clearly, it would be better and cheaper not to develop the ideally located public land owned by Council but instead keep it for bigger and better open areas. The DCP should be revised to make use of existing areass of Community land for pen space, such as Turramurra Avenue Car Park and Ray / William Street Car Park.

Retain Community Land For Open Space

Looking at Council's Open Space Acquisition Strategy there are clear shortfall of open space in the Town Centre plans for Turramurra, as follows:

Area	New and existing units	Existing Houses	Occupancy Rate	Future Population	Open Space Provision (sqm)	Future Open Space Demand (som)		Total Current Provision	Potential Future Undersupply / Oversupply (sqm)
1	397	152	1.78	707	2.91	2056	3189	0	-3189
			2.56	389	2.91	1132			
2	486	115	1.78	865	2.91	2517	3374	0	-3374
			2.56	294	2.91	857			
3	200	97	1.78	356	2.91	1036	1759	0	-1759
			2.56	248	2.91	723			
4	407	55	1.78	724	2.91	2108	2518	0	-2518
			2.56	141	2.91	410			
			- Ale						-10840

The table shows there is a 10,840sqm shortfall of open space in "Priority 1" and "Priority 2" areas. No analysis was undertaken for lower priority areas.

If one compares the location of Council owned "community" land with the areas studied in the Open Space Acquisition Strategy, it can be seen that the council owned land is ideally located to meet the shortfall.

Since the Open Space Acquisition Strategy was undertaken, the 2008 Town Centres Draft LEP is seeking to place significant extra dwelling capacity into the Turramurra area, including on the northern end of Turramurra Ave, Gilroy Rd and Eastern Road. This area was previously a "Priority 3" and so open space requirements here were not studied. However, with the increase in dwelling planned, there is clearly an increased need for open space. It can be seen from the above map that the council owned car park on Turramurra Avenue is ideally located to meet this need.



In the DCP, the Turramurra Ave car park is shown as having a significant development upon it – although no detail is given. This is completely inappropriate. This site is ideally size and located to meet an open short open space shortfall in this part of Turramurra. Further, it is ideally located between shops and the church to provide a public plaza or square for this part of Turramurra.

It is noted that Council owned land (including "community" land) within each centre has been excluded from the 2008 Town Centres LEP calculations of dwelling yield and retail / commercial yield within the centres.

Dwelling yield calculations for the 2008 Town Centres LEP are based on an extremely conservative, "worst-case" scenario yet they clearly show that the 10,000 dwellings required to be achieved by Ku-ring-gai under the Metropolitan strategy will be exceeded. Further, the Retail / Commercial planning in the Draft LEP substantially exceeds the recommendations of the HillPDA Retail Study and the SGS Economics studies.

Therefore, two things become immediately clear:

- no development needs to occur on the community land for the purposes of achieving dwelling yield targets;
- no development needs to occur on community land in order to achieve retail or commercial and business capacity in the centres.

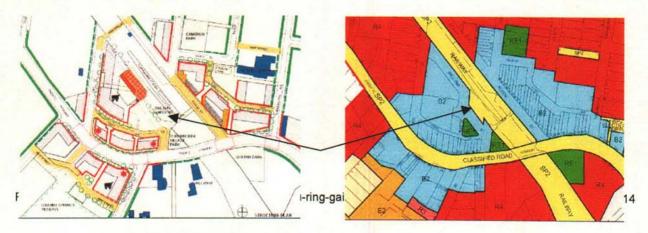
In other words, there is no need to develop council owned land in order to meet yield targets either for dwellings or for retail / commercial expansion.

Further, it is understood that the current reclassification process (the second attempt at reclassifying this land) appears to have failed. Therefore, the community land is not currently the subject of any valid reclassification process and remains under community classification - currently there is no valid process by which this land is proposed to be reclassified.

The community land in the centres, and in particular in Turramurra, should be retained for open space. It is ideally located and sized to meet this requirement. The DCP should be modified to plan these lands as open space.

THE TURRAMURRA STATION RAILWAY GARDEN AND OPEN SPACE

The railway garden is shown as being part of the "William Square" open space area and is coloured the same as Turramurra Village Park and linked to it as if it were part of a continuous park area. It has been established that the railway garden cannot be used as open space as it is owned by State Rail and is part of a reservation for the future widening of the rail line. Indeed, the zoning map for the Draft LEP actually shows the railway garden zoned as SP2 Infrastructure. However, a layperson looking at the DCP would be mislead into thinking the railway garden was open space for public use and with public access. This creates an entirely false impression of the true aspect, amenity and size of open space planned in the area.



The 2008 Town Centres LEP defined the SP2 Infrastructure Zone as follows:

"1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Nil.

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 and 3"

Clearly there is no provision in this zoning for open space or parks and the obvious intention of applying this zoning to the land is to keep it as a reservation for the future expansion of the rail line.

Showing the Railway Garden as open space is highly deceitful of Council. This is an issue that has been consistently raised by Friends of Turramurra in all our submissions to Council and the Planning Panel on the various iterations of the LEP and DCP, yet the deceitful conduct continues – one can only assume deliberately. Displaying the railway gardens as open space or parkland with implied public access is highly misleading and gives a wholly wrongful impression of the true amount of open space that will exist in this part of Turramura in the future.

The DCP must be corrected to show the railway garden for what it truly is and so that it accurately depicts its potential usage under the LEP zonings. The DCP should then be reexhibited so that so that residents are given a proper and uncompromised opportunity to comment on the plans.

KISSING POINT ROAD OPEN SPACE - GRANNY SPRINGS RESERVE

The DCP for the south side of Turramurra in the Kissing Point Road / Franklins area has a number of issues that make it misleading:

- Firstly, the Stonex Street will become a very busy road. This will particularly be the case if left turns from Ray Street on to the Pacific Highway are banned, thereby forcing traffic to progress along Duff Street and onto Stonex Street to reach Kissing Point Road. This is not reflected in the DCP which talks about "pedestrians will be given priority in the precinct" and that "Stonex Street will be a pedestrian 'shared way'". The reality is that Stonex Street will be a busy thoroughfare and access to the tiny area of open space proposed will be difficult and dangerous;
- Secondly, Granny Springs Reserve is shown on the concept plans as a lightly treed parkland area much the same as the proposed tiny new open space area. The DCP talks about "A new park will be provided as an extension to Granny Springs bushland area, for low key passive recreation such as a children's playground and seating this will improve access to the existing bushland as well as providing a buffer for bush fire safety". This gives the impression that Granny Springs Reserve is providing significant open space and an "extension" of the proposed park. Blue Gum High Forest is critically endangered and it cannot be used to provide open space or recreation area for local residents.

It is clear that the DCP for this area is entirely misleading. These part of the DCP should be clarified and the DCP for this area re-exhibited so that residents are given a proper and uncompromised opportunity to comment on the plans.

PARKING

General Parking

It would seem that almost all parking in the centre is to be underground. However, there are major problems with this:

- underground car parking is considerably less safe than at-grade parking;
- underground parking is less convenient and harder to use for the elderly, frail and people with mobility issues;
- Underground parking is considerable more costly to operate than at-grade parking.

One of the pleasant aspects of Ku-ring-gai's village centres is the ease of access and ability to park quickly and conveniently. This is particularly the case in Turramurra where the at-grade car parks in all three parts of the centre are rarely congested.

Underground parking takes longer to access and makes access to shops more time consuming and difficult. Given that the centres are to cater for the daily shopping needs of their local community, convenience is important. If shoppers have to negotiate substantial car parking difficulties they may well chose to go to other centres that may have similar parking arrangements but offer greater shopping choice – if it's going to be difficult anyway one might as well go somewhere one can do more.

Underground car parks that are located below shopping malls will tend to duct people who park in them into the shopping mall above, thus capturing them. These shoppers will then be less likely to progress to other parts of the centre to do further shopping. In a centre like Turramurra, this will hurt small business trying to operate outside the major retail developments. Easy access to centrally located and independent car parking is required to ensure all retail areas are catered for. It would be wrong to allow a single development to capture a significant share of the parking provision and therefore the retail trade.

There are considerable running costs for underground car parks that are not incurred with at-grade parking. The following case study of the ongoing costs of running underground car parks illustrates that the financial rationale for replacing at-grade parking with underground parking is flawed. The significant running costs created by underground car parking will become a long-term financial burden on rate-payers.

Case Study:

Council's own figures* indicate that the sale of Council car parks will produce a financial loss over the medium to long term.

The Turramurra Avenue Car Park, for example, is estimated to have a sale value of \$4,354,200. Council has, however, made a commitment that it will underground all car parking spaces lost as a result of the sale.

It estimates the cost of doing this at \$3,232,000. Thus the net amount realised through the sale of the car park is \$1,122,200.

The high cost of undergrounding means that the sale of car parks will, in fact, realise relatively little. Every ten years about one quarter of the net gain from the sale of the Turramurra Avenue Car Park will be spent on upkeep of the underground car park not allowing for replacement costs.

The undergrounding of three car parks in Turramurra will add an estimated \$87,000 per year to Council's recurrent costs without factoring in depreciation.

If the proceeds are spent on new facilities, moreover, Council will need to find, the running costs from it recurrent budget. Ku-ring-gai Council is an asset rich, cash poor Council. Its annual report indicates that few of its assets are maintained to an acceptable standard (roads, drainage, sports fields, bushland etc).

Yet it plans to engage in a process that will replace relatively inexpensive assets (3 surface car parks in Turramurra) with underground car parks that are relatively expensive to maintain.

It plans to use the proceeds of the sale not to maintain these new structures but to build additional facilities. It will be future generations who have to fund the replacement of the underground car parks and their recurrent costs.

The rationale offered for the sale of Council land freeing up funds for new facilities does not stand up to hard financial analysis.

It does not take into account the costs of replacing / running these structures.

*All figures in this case study are taken from the spreadsheet included in the information provided to a meeting of Ku-ring-gai's Finance Committee.

Commuter Parking

There are no plans related to car parking for commuters as part of the DCP. However, it is clear there is a considerable reduction in available commuter parking. This is due to:

- the location of a massive mixed-use development located on the commuter parking area currently found on William Street;
- a considerable reduction in available on-street parking due to extensive multi-unit development and road changes planned throughout the Turramurra area.

There will be a substantial reduction in the amount of available commuter parking in the plan.

Currently there is significant commuter parking along William Street. In the previous Council Draft 2006 LEP / DCP a portion of at-grade parking had been retained on the Ray Street end of William Street. However, in the new DCP this is being removed. This is a problem as there needs to be some form of at-grade parking to provide easy short-term and quick access to the library.

Given the vast amount of development proposed along the Eastern Road, Gilroy Road and Turramurra Ave parts of Turramurra, on street parking in this area, which currently provides significant commuter parking, will clearly become more difficult and may well be ruled out altogether in order to maintain sufficient parking for the residences land in those locations. This again will cause a substantial reduction in the amount of available commuter parking and this presents a significant problem in the plan.

It is understood that the Department of Transport would like to see commuter parking reduced in the Ku-ring-gai centres. This seems to be in part to stop people from the central coast and other areas using parking in Ku-ring-gai's centres as part of their daily commute which would congest the centre. However, there must be some reasonable level of commuter parking provided for local residents of the area.

Public transport throughout Turramurra is not good. Commuters from outlying regions such as Wahroonga, East Wahroonga, North Turramurra and South Turramurra who use Turramurra station need to be able to drive to the station and park for the day. It is reasonable to expect that in a new town centre plan should provide additional provision for commuter parking to facilitate people commuting via the major rail line rather than to reduce parking and therefore encourage people to drive to their destination because they cannot park at the station.

Given that there will be significant population growth, not only within the retail centres and along the Pacific Hwy corridor, but also in other areas of Ku-ring-gai, the demand for commuter parking at the station will only increase overtime. Therefore, to reduce the amount of available commuter parking within the Turramurra Centre would appear to be totally inappropriate. The DCP must be re-worked to include increased provision for commuter parking.

EXCESSIVE HEIGHT BULK AND SCALE

The height, bulk & scale and density of development proposed in the DCP is excessive and does not comply with the standards set under the Metropolitan Strategy or the Section 55 Direction.

Metropolitan Strategy Centre Categories

The Metropolitan Strategy defines Gordon as a town centre, Lindfield, St Ives and Turramurra as villages, and Pymble and Roseville as small villages.

There is apparently an argument that says that the categorisations in the Metropolitan Strategy are not the target category that the centre should be planned to become by the year 2031, but rather the existing category that the centre is today. This is incorrect.

If one looks at the Metropolitan Strategy it is clearly evident that the categories assigned to centres in the Metropolitan Strategy is the target category that the centre is to become once the Metropolitan Strategy is implemented by the year 2031.

For example the Metropolitan Strategy identifies three Regional Centres: Paramatta, Liverpool and Penrith are defined. Clearly this is the target category for these centres, the status they are supposed to achieve once the Metropolitan Strategy has been implemented. Similarly the Metropolitan Strategy identifies a number of specialised centres such as Macquarie Park, St Leonards and Westmead and clearly this is the target that these centres are to become once the Metropolitan Strategy is implemented. The Metropolitan Strategy defines a number of new major centres such as Chatswood, Hornsby, Brookvale and a number of planned and proposed new major centres such as Rouse Hill, Cabramatta and Sutherland. Again, clearly this is the target these centres are supposed to achieve once the Metropolitan Strategy is implemented by the year 2031.

It is clear that the categories assigned to centres in the Metropolitan Strategy is the target state for that centre once the strategy is implemented in 2031, not the current status of the centre. Therefore, in Ku-ring-gai, Gordon is to be a town centre once it is fully developed under the Metropolitan Strategy. Lindfield, St Ives and Turramurra are to be villages once the development is fully implemented by the year 2031. Pymble and Roseville to be small villages once fully developed under the Metropolitan Strategy.

Metropolitan Strategy Standards

Under the Metropolitan Strategy, Turramurra is to be planned as a "Village". The definitions for a village include:

- Villages also need to develop an enjoyable public environment with a mix of uses and good physical links with the surrounding area;
- A Village is a strip of shops for daily shopping which typically includes a small supermarket, butcher, hairdresser, restaurants and take away food shops.
- 10–50 retail spaces that may include a butcher, bank, hairdresser, café, restaurants and take–away food and a supermarket;
- Child care centres, schools and other compatible activities in the immediate vicinity;
- Medium density housing in and around the main street.

Medium density housing is defined as: "Generally between 25 to 60 dwellings per hectare and not usually more than three or four storeys in height. Examples are townhouses and terrace housing."

Clearly, a village is intended to meet the daily shopping needs of the residents it services but is not intended to try to capture significant retail and commercial business from a wide catchment area. The development in a village is intended to be modest and to retain amenity and enjoyable public spaces and environment. Development heights should be mid-rise, that is 3 to 4 storeys in height.

Clearly, the predominantly 5 or more storey residential zonings and 6 to 9 storey mixed-use zonings planned for Turramurra are not in keeping with the standards defined in the Metropolitan Strategy for a village.

S55 Directive

The requirement to prepare a Draft Town Centres LEP and DCP was made when the then Minister Assisting the Minister for Infrastructure and Planning, Dianne Beamer, issues a direction under Section 55 of the Environmental Planning and Assessment Act on 27th May 2004. That Direction had the following objectives:

"Objectives

To include provisions which allow for the redevelopment of land for multi-unit housing consistent with the development standards contained in LEP 194

To provide for retail and commercial activities to cater for the local community and to implement housing density standards which compliment those contained in LEP 194"

The important point regarding appropriate building heights from the Ministerial Direction is that multi-unit dwelling controls should consistent with the development standards contained in LEP 194. LEP194 permits a maximum building height of 5 storeys with the uppermost storey being no more than 60% the floor space of the storey below. This was known as 4.6 storey development.

Clearly, building envelopes proposed allow for development significantly higher than 4.6 storeys is not consistent with the Section 55 direction. This includes controls that allow bonus floors and FSR for "Good Design" and controls that allow bonus FSR for SEPP-Seniors Living development. Maximum building heights in the Draft LEP should not exceed 5 storeys.

This directive DOES NOT REQUIRE to:

- "commercialise" Ku-ring-gai or to try to compete for business against Homsby, Chatswood and Ryde:
- plan large-scale retail and commercial expansion to combat "Escape Expenditure" as identified in the "Ku-ring-gai Retail Centres Study – July 2005 (Folder 1, Section 3, page 7);
- Plan community facilities such as Aquatic / Leisure Centres, Civic Centres and Cultural Centres to compete with facilities in neighbouring municipalities;
- Rezone large areas of land to provide additional retail / commercial development;
- Reclassify "Community" land to "Operational" to "have the option of selling of leasing this land and using the revenue" (Folder 2, Section 27, e-mail 08/09/06).

It DOES require to:

- increase housing choice particularly in the form of "shop-top" housing";
- "To improve the development standards so as to encourage the redevelopment of land in the existing multi-unit housing zones".
- To be "consistent with the development standards contained in LEP 194".
- "provide for retail and commercial activities to cater for the local community"

The DCP has not provided "Housing Choice". Instead it has effectively only provisioned multi-unit development, sometimes as "mixed use" and sometimes as fully residential.

It has exceeded the Minister's requirements "To provide for retail and commercial activities to cater for the local community" and has instead planned large scale retail and commercial expansion largely on the false premise of trying to capture "escape expenditure" as identified in the Ku-ringgai Retail Centres Study of 2005.

Further, the Section 55 direction clearly states that it requires controls to "encourage the redevelopment of land in existing multi-unit housing zones" – that is to encourage the redevelopment of the existing predominantly 2 storey apartment buildings. This makes sense as it minimises the need to zone land currently developed as single-dwelling single-lot standard dwelling houses, minimises the disturbance to heritage and environment, and minimises the interface issue.

The bulk, scale and height of buildings proposed in the DCP are excessive. There is significant excess in the development yield of both retail / commercial and residential development to allow significant reduction in the height of buildings, particularly in areas close to proposed public domain. There is also significant scope in the development yield to permit significant areas of community land, such as Turramurra Avenue Car Park, to be retained for open space. The DCP should be re-worked in consultation with the wider community, resident groups and local chambers of commerce to improve the outcome. This revised DCP should them be re-exhibited.

EXHIBITION NOTIFICATION

With regards to notification of the exhibition of this matter, Friends of Turramurra would like to register a complaint that letters advising of the exhibition of the DCP have not been sent to all persons who made submissions on the 2008 Town Centres LEP, nor to registered community groups such as Friends of Turramurra. Further, Letters of notification were not sent to persons who made submissions on the prevous version of the DCP in 2006.

It is our understanding that proper process dictates that when an alteration is made and exhibited to a plan or development, then those who have previously made submission are notified in writing. Council has certainly followed this process in the past and set this precedent. There is an obvious and direct relationship between this newly revised DCP and the 2008 Town Centres LEP, the Turramurra and Lindfield Deferred Matters and this DCP, as well as the previous versions of the Town Centres LEP and DCP (2006). We believe that all those individuals and groups that have made submissions on the 2008 Town Centres LEP, the Turramurra and Lindfield Deferred Matters and the previous 2006 Town Centre LEP and DCP should have been notified in writing regarding the exhibition of this current DCP.

This brings into question whether the exhibition is valid. We request that Council clarify this matter to us in writing.

The DCP exhibition period should be extended and all individuals and groups that have made submissions on the 2008 Town Centres LEP, the Turramurra and Lindfield Deferred Matters and the previous 2006 Town Centre LEP and DCP should be notified in writing of the exhibition.

Yours Sincerely,

Alan Parr President Friends of Turramurra, Inc on behalf of the Committee



THE ARCHBOLD ESTATE –ROSEVILLE INC.

Incorporation No. INC9876848

1st September 2009

General Manager Ku-ring-gai Council Locked Bag 1056 PYMBLE NSW 2073

0 4 SEP 2009

Dear Sir,

Re: Draft Ku-ring-gai DCP (Town Centres) 2009

We are writing on behalf of the Archbold Estate Roseville Inc, a community group now in its 10th year that was formed to represent the residents of a potential Conservation area in Roseville. This is an area bounded by Boundary St, Marjorie St, Archbold Rd and the railway line, including Roseville station.

We would like to make a submission on the above <u>Draft DCP</u> having studied the plans and documents.

Our comments relate to 2 broad areas:

- (1) Section 2 and others, Urban Structure (prepared by Barbara Walker)
- (2) Section 9, Heritage Areas and others (prepared by Sue Cooper)

However as an overall observation we would like to raise the following:

We believe that a <u>Design Panel</u> would be a good way to oversee the design directions laid down in this DCP in Ku-ring-gai. We understand that these are working well in other jurisdictions and that they are an independent review of design, amenity, environmental issues etc. The applicants are charged so it comes at no cost to the council. These panels were set up under SEPP 65 for buildings that were more than 4 apartments. Ku-ring-gai Council could set up its own panel under the same guidelines as the SEPP 65 code. The panel would have a heritage expert on it.

1

PART 1 Urban Structure

> Hill Street Shops

<u>Diagram ambiguity</u>. There is ambiguity in the portrayal of the outcome for the Hill Street shops, a very important landmark for the people of Roseville.

There is, we believe, a dangerous inconsistency between the portrayal in the diagrams (and they are just diagrams, i.e. not to scale and open to any interpretation), and the words which do not adequately describe the diagrammatic picture.

e.g. On pg 2-90, (base design principals) the words state on pg 2-92 that "Additional levels are set back a minimum of 10 metres from the façade. Where lots have <u>adequate</u> <u>depth</u> a greater set back is provided."

The term "adequate depth" is very open and leaves the scale and design outcomes extremely vulnerable. We believe it should be reworded. We would encourage that the width of the taller rear buildings be specified by measured number, and indeed, that the taller rear building on the corner of Hill and Lord be tapered down in width to allow for a satisfactory setback. We believe that one of the most important vistas in the village is that of the diagonally opposite view from the railway steps across to the corner of Lord and Hill Streets, and as it is currently drawn in the diagram on pg 2-90, it is the most encroached upon and overwhelmed by the development immediately to the rear. We believe that it should be illustrated and worded to include a greater return setback (at least 10m) in Lord Street (orange), as well as a deeper infill (light grey) to accommodate the diagonal and very prominent view of the complex from the opposite side of Hill Street. Without clarity here, the pressure to demolish will be great.

The infill area is meant to be depicted on the diagrams as the pale grey area immediately behind the 10 metre orange shaded façade on the diagram. As both shop front areas are trapezoid in shape, this leaves the pale grey (3-storey infill by the key?) shaded areas as the only record of the kind of scale expected in these developments. We believe that this needs to be written more specifically, especially at, say the southern most block of solid "infill" at the cnr of Bancroft and Hill Streets, where there are no character buildings apparently, and therefore will be a totally new development.

The section at "B-B" is irreconcilable, showing a 10 metre setback according to the diagram, then some kind of lower space, (where clearly there is none as shown at that point on the diagram on pgs 2-87 or 2-90) and then a 5 to 6 storey building.

Character Buildings: According to the turn of the century black and white photos held by the Ku-ring-gai Library, the façade of the current Hill Street shops is, to this day, virtually unchanged in the last 100 years. We notice that the building at number 15 is not listed as a "character building" but the façade is just as much a part of that contiguous group as any other, and should be included. It would seem to be inconsistent to do otherwise. The building at Numbers 7 and 9 is separate and downhill, so that leaving it off the list is more comprehensible.

> Areas adjacent to Conservation Areas.

Setbacks near Bancroft Avenue Conservation Area. We believe that the "landscape frontage" set back on the north side of Lord Street (in R4 and R3 zones) should be deeper. 10-12 metres would be justified given its sensitive position opposite (and to the North) of a Conservation Area. We would like to see mandatory plantings of <u>at least 2 trees per original block</u> which will attain at least 6 metres of growth in a deep soil allocation in this setback. This would go some way to mitigate the impact on character and scale setting on the valuable heritage zone of Bancroft Avenue caused by overpowering 4 and 5 storey buildings immediately opposite to the north. Similarly to the rear of the Bancroft HCA, the R4 and R3 developments need to have tall landscape trees mandated to their rear along Victoria Avenue to try to help mitigate their impact on a predominantly single storey conservation area. This is an extension of stated objectives on pg 9-20:77, 78.

> Street tree plantings

<u>Different street tree species.</u> Early photographs of Bancroft Avenue clearly show the street newly planted with young Queensland Firewheel trees (stenocarpus sinuatus). These trees are a legacy we all enjoy to-day, and a marvellous choice in their slow growing yet lush, evergreen nature and spectacular floral display (enjoyed by native birds) in late Summer. The specification to "reinforce Brush Box plantings" (pg 9-47) is inappropriate for the Bancroft Ave Conservation Area, and should be changed. We suspect the one-size fits all specification for Brush Box may well be inappropriate for other areas as well.

We would encourage a list of traditional plantings for gardens both in, and in the vicinity of HCA's such as magnolias, azaleas and other ornamental trees and shrubs, as these contribute hugely to the sense of time and place of the HCA's. This would also include the feature palms that were so prevalent and remain to-day in these areas.

Overall, it must be said that it saddens us greatly to be faced with the prospect of the curtain of development that these high rise buildings will inflict on our village. What has been a perfectly integrated easy flow of access to our homes for local shopping and interaction is now planned to be a dividing wall of dwellings and commerce, stealing light, amenity, and the smooth integration we have enjoyed. Time will tell whether this plan brings the pluses of "revitalisation" or a decreased quality of life associated with increased population density in an infrastructure setting of over 100 years virtually unaltered, traffic congestion and alienation caused by these high rise blocks seemingly helicoptered in. The enormity of gutting our heritage streets into donut pockets of conservation will be certainly condemned by generations to come. It has ripped the heart out of the legacy that we as a nation may have offered our children and our children's children. They will have to go to the Historical Society record photo albums, and will struggle to understand the degradation. We do hope that we can at least achieve the best outcome possible though this DCP for the inhabitants of Roseville.

Part 2 Heritage Areas and others

PART 3C

RESIDENTIAL FLAT DEVELOPMENT

P3-74 Blocks up to 3 storeys in height – side setbacks on sites less than 1500 sq.m is now 3 m. – should be 4.5 m to provide open space between buildings and allow for tree plantings (as per the stated objectives).

Requirements for front setbacks should have objectives for tree planting to provide screening and ensure that built form does not dominate landscape.

P3-80 The controls for avoiding the isolation of small sites are good.

PART 9

HERITAGE AND CONSERVATION AREAS

- **P9-4** Car parking –perhaps should mention block should be a certain size if there is to be two driveways
- **P9-6** Fig 9.2-3 What a frightening diagram I presume this is Roseville Avenue. The elevation behind heritage item is ridiculous. Maximum height needs to be reduced interfacing with heritage item.eg.2 storey to single storey. The visual setting in the Burra Charter Article 8 development in the vicinity of a heritage item must respect that item and not destroy the setting. Very hard to tell what the setbacks are in this diagram but think the setbacks should be larger than what appears to be 10 m form heritage item and suggest 20 m would be better.
- **P9-8** Fig9.3-2 What is this trying to achieve?- the original building doesn't look like anything in Ku-ring-gai and the new infill building is out of scale with the heritage item. The 10m setback behind is far too close to the heritage item.
- **P9-9** part 8. Screen planting Mature height of 4 m is not high enough, we need taller trees.
- **P9-10** Fig.9.3-4 This new development is a poor example next to a heritage item- the side setbacks are not big enough and they need to be able to support deep soil plantings of screening trees. What is the depth of the front setbacks?
- **P9-11** Design Elements part 7. New buildings are to be based on 'infill' design principles instead of modern designs.
- **P9-14** part 36 Could "Original unpainted brickwork, sandstone and block work must not be rendered or painted." be given its own dot point as it is very important.
- **P9-19** Demolition. Part 69 Demolition of contributory items will not be supported but demolition of non contributory could be considered as long as there were strict infill controls.

9.5.13 C13 - THE GROVE, ROSEVILLE

P9-46 R3 development on opposite side of Oliver Road and High Density R4 directly opposite conservation areas will have a huge visual impact on the conservation area and particular the Grove. Will need deep setbacks and tall tree plantings to soften.

9.5.14 C14 – LORD STREET/BANCROFT AVENUE, ROSEVILLE

R3, R4,B2 opposite side of Lord Street and adjacent on west and south. The Conservation Area has been subdivided with heart destroyed. These areas will need deep setbacks and tall tree plantings to screen and respect the conservation areas.

P9-49 PART 6 We question the planting of Brush Box in Bancroft Avenue and believe that there should be a Significant List of Street Trees in Conservation Areas. The original tree plantings in Bancroft Avenue would appear to be the Queensland Fire Wheel Tree. Another suggestion is that similar plantings of trees and shrubs that are already part of the conservation are should be encouraged. In Roseville this would include Magnolias, Camellias, and Azaleas etc

Our comments on the DCP relate particularly to the east side of Roseville as that is where our community group is based but we believe the principles apply to the whole of Ku-rig-gai. We have enlisted the help of a heritage expert as we believe this Draft Ku-ring-gai DCP (Town Centres) 2009 is very important to encourage good design and to respect our conservation areas and as residents we do not have the expertise to review it.

Suggestions

- 1. One of the points that continually came up in our conversations was that the setbacks, scale and tall tree plantings were vital.
- 2. Another suggestion was that a specific list of Contributory items should be included in this DCP.
- 3. A Design panel could be established similar to the ones set up under SEPP 65 for buildings that are more than 4 apartments. Apparently a number of councils have these and they function as an independent review of design, amenity, environmental issues etc. The applicant pays so they come at no cost to the council.

We are extremely disappointed by the destruction of our conservation area as a consequence of the removal of the core – it has been totally undermined for no logical reason.

Also of concern is the large out of scale development proposed behind the shops at Hill Street, Roseville.

We hope this submission contributes to the finalization process for the draft Ku-ring-gai DCP (Town Centres) 2009.

Yours sincerely,

See Cooper

Sue Cooper President Barbara Walker Vice President

PO Box 537 Roseville NSW 2069

The General Manager Ku-ring-gai Council Locked Bag 1056 PYMBLE NSW 2073

4 September 2009

Dear Sir

RE: Draft Development Control Plan (Town Centres) 2009

I wish to make the following remarks about the Draft Development Control Plan (DCP) (Town Centres) 2009. The Draft Local Environmental Plan (LEP) was based on very poor and inappropriate planning principles and standards and so the DCP will reflect these very poor and inappropriate planning principles and standards unless the Draft LEP is reviewed and amended considerably.

- 1. The Draft DCP is the document that will accompany the Draft Local Environmental Plan Town Centres (2008) is not supported nor the over—arching Draft LEP because the Plans exceed all guidelines and planning directions of the Minister's Section 55 Direction, the Metro-strategy and the planning principles and guidelines for the North sub-regional strategy have been ignored. The Plan provides for massive increases in height, bulk and scale of developments, ignoring basic planning principles and the State government's own published documentation.
- 2. The development which will result from the LEP and DCP will be excessive, out of character with the unique heritage and landscape character of Ku-ring-gai. The development will destroy the existing character of Ku-ring-gai and change the area radically from being a suburban 'arcady' village atmosphere to a St Leonards style of development more akin to character of the inner city.
- 3. The cumulative impact of the overdevelopment proposed from the Plan has not been assessed and will cause major infrastructure problems for Ku-ring-gai. The four Baseline studies undertaken in 2000 to set out the directives for planning have been totally ignored, which included infrastructure studies.

- 4. The need for a Local Environmental Study was waived despite the fact that the LEP &DCP involves major infrastructure and service issues; heritage issues of national and state significance (numerous heritage conservation areas which have been recommended by council's independent experts for heritage listing for the past six years but have been languishing on the Minister's desk without gazettal for 6 years); environmental issues of state and national significance with protected species (Blue Gum High Forest and Sydney Turpentine-Ironbark ecological communities) with no Threat Abatement Plan or Recovery Plans prepared and at real risk of extinction; and unprecedented LEP standards being set for the comprehensive LEP.
- 5. The Plan represents a one size fits all, top down approach to planning. This approach is in direct contrast and conflict with the desired future character and "village" scale the ratepayers have constantly articulated in surveys, forums and written submissions. The Plan will change Ku-ring-gai "Sense of Place and Scale" therefore violating a basic principle of sustainability. The people of Ku-ring-gai were told in 1998 by the then Director General and Minister that we were to "tailor make the plan to Ku-ring-gai, backed by high levels of community consultation". Since that time the goalposts have continually changed with successive Ministers and now the undemocratic Planning Panel who have planned the LEP "behind closed doors" and with only limited stakeholder consultation and the normal statutory community consultation right at the end of the process. The Council has done very little to involve the community in planning the DCP. Public Information sessions were held after the DCP had been drafted.
- 6. The Plan ignores the north sub –regional centre hierarchy of 1 town centre, 2 villages and 3 small villages and creates six town centres.
- 7. The heritage studies were carried out only after the areas for development had been planned thereby totally compromising an independent study of the heritage of the Town Centers areas. The Plan inadequately recognizes NSW significant built, cultural and natural heritage. It would appear there is a deliberate policy not to implement proper statutory controls prior to planning in order to compromise heritage to facilitate development. The heritage conservation areas are arbitrary and severely reduced

- and compromised and will not be effective in preserving Ku-ring-gai's heritage.
- 8. The Plan is overly aggressive in its approach to rezoning and development which is not required for a total of 10,000 dwellings. The first stage or LEP 194/200 yielded net 10,302 dwellings based on a 60% take- up rate and Sphere feasibility studies. Council's analysis in 2007 placed the number of expected dwellings from Stage 1 and Stage 2 of the Plan as great as 18,000 new dwellings. Since then the Planning Panel Town Centre areas have been expanded from a radius of 600 to 800 radius of the stations and heights have increased from a maximum of 7 to 9 storeys and numerous 3 storey interface sites have been added, so the overall figure could increase to over 20,000 new dwellings. All independent consultant studies (based on Panel's lowest development scenario) show planning significantly exceeds Metro strategy targets. Council studies show the same.
- 9. The Plans proposed retail/commercial development is twice that recommended by Council's two independent economic consultant's reports. There has been no quantifiable justification of the feasibility of the Plan's proposals.
- 10. With regard to the Plan's floor space ratios a developer stated at an information session "This is an overly aggressive approach to the rezoning. The floor space ratios are ...quite excessive; contingencies would appear to be ridiculous; the extent of the proposed rezoning is excessive...It is just too great and is not required for the proposed 10,000 additional dwellings. I have seen through my development colleagues, as significant lack of demand; this is not an area that the growth population in Sydney will be moving into. (There is) significant lack of road and rail infrastructure in place to support the increased densities. I am extremely disappointed with the work I have seen. The results of this Plan will result in a patchwork quilt and missing teeth." Other planning professionals such as architects and town planners have been equally as critical calling it the "Sham Plan".
- 11. The Plan fails to create a diversity of dwelling types and is largely perpetuating the failure of the Stage 1 Plan to provide

true housing choice – just more of the same 5 to 9 storey apartment blocks with a few 3 storey "townhouse" apartment buildings (which will turn out to be 3 storey apartment blocks) creating an interface to single storey dwellings.

- 12. The Plan's preparation process failed to recognise the complexity and magnitude of the decision that is in front of the community. The process at best meets the requirement for simple information and a low risk decision. It could be contended that the process had either a deliberate strategy of avoiding and limiting engagement or was poorly executed. I believe all the above.
- 13. The Plan delivers plans and no solutions. The Plan fails to adequately consider and provide for development in a staged sequential manner that creates a retail and community hub/core in line with the upgrading of social, physical and engineering structure. The result will be ad-hoc isolated development in the Town Centres.
- 14. The Plan is representative of poor planning principles and is unsustainable. It is believed that rezoning has been motivated by government planning policies and stakeholder's interests rather than sound planning principles of planning for the urban context. Planning for development has come before the consideration of heritage, environment, infrastructure and services.

More particularly the DCP is a flawed document for the reasons listed below (in no particular order or priority):

- The DCP does not protect the amenity of existing low density homes on the edge of the centres.
- There should be a reintroduction of the precinct planning for environmentally sensitive areas or previously know as "Special Areas" which spell out specific environmental controls tailor made for each precinct. This was carried out for the first DCP for LEP 194 but was then scrapped. Controls should be built into to these special residential areas to provide maximum environmental protection.

- Built controls should be included for all multi-unit developments covered by the LEP and DCP Town Centres and not just the retail and commercial areas. The controls must provide certainty to the existing owners of single residential homes that new adjoining multi storey development is planned to minimise the adverse impact and affects of development. Any changes to built form controls should be balanced by a net benefit to the environment and community.
- Areas in the Plan impacted by high biodiversity and riparian zones should have the maximum set backs of at least 10 metres either side of the existing drainage corridor to create a wide landscaped area for water quality maintenance, habitat and local fauna and flora, visual amenity and communal open space.
 Specific controls for each affected area or precinct should be reintroduced for the protection of these specific areas environmental features and restoration of the Riparian zones.
- The DCP does not ensure that the new buildings will respect the character of the surrounding existing residential areas, particularly in the R4 and R3 zones. New development should have regard to the pre-dominant character classification as set out in the Visual Character Assessment (Appendix A8) which is 1920 – 1945 with the exception of St Ives. Therefore design elements should include: gable roof forms and brick rather than rendered buildings. Residential flat buildings in R4 and R3 zones should have the top floor integrated into gable roof design. Residential flat buildings in R4 zones should have reduced floor sizes for floors above 3 storeys (no more than 60% of the gross floor area of the 3rd storey for each floor). All floors above the 3rd storey should be setback from the outer face of the floors below on all sides and above ground balconies should not protrude out from facades but should be recessed into the facades.
- There needs to be a guarantee built in to the DCP that there will be a "Green buffer" interface between multi-story developments and existing single residential dwellings. A minimum of 18 metres should be required as an appropriate "Green buffer" zone to ensure adequate planting and landscaping screening from multi-unit development to single residential dwellings to ensure a proper interface and transition between zones.

- Single residential dwellings are required to have front setbacks of a minimum of 9 or 12 metres whereas as multi-dwelling apartments dwellings area allowed a set back of 8 metres. This is grossly inappropriate – bigger and bulkier developments should have much more rigorous setbacks than 8 metres.
- Ground floor and private terraces of multi-storey dwellings are allowed to encroach the front setback areas with a minimum 8 metres from the primary frontage or 6 metres from a secondary street boundary. All front setbacks should be a minimum of 9 metres.
- R4 areas adjoining R2 and R3 areas should be a minimum setback of 9 metres ground floor and above ground floors to be setback further.
- DCP does not include definitions for Storey, Natural Ground Level, Building Perimeter Height, Slope over Building Footprint Area, Endangered Ecological Community, Blue Gum High Forest, Sydney Turpentine-Ironbark Forest.
- Public Benefit clause is very poorly defined in the DCP and open to corruption. The scheme needs to be modified and clarified so that ratepayers can be assured that certain public benefits will result as part of the development process. At this point in time there is no certainty or clarification on what these public benefits are or whether in fact they will be delivered or are indeed public benefits and not just commercial benefits for the developer and the commercial property owner. e.g. one has to question whether a pedestrian mall through shopping complex means better commercial exposure for commercial and retail premises on a ground floor or as real benefit to the public. These so called "public benefits" are not being weighed up with the commercial benefits it provides to the developer or shopping centre owner for the additional rent they can charge to a lessee for public access to their business. Is the provision of a bus interchange at the door of a shopping centre a real public benefit for the public or a commercial benefit for the shopping centre developers and owners? A direct access link to a community facility should be a design given not a "public benefit". Who is getting the public benefit of being allowed to build to 9 storeys above a shopping centre which will have views over public green open space? Will the public consider it a public benefit to have their green public open space over looked and overshadowed by

- 9 storey development? This Plan is rewarding the developers at the expense of the public.
- The public benefits at this point in time just paper concepts and loose guidelines and not assured in any way. Most of the public benefits suggested in this Plan are seen as commercial benefits to the developer and shopping centre owners and not to the public. Moreover, to obtain public benefit will result in higher development on dominant sites which will result in more negative impact on the centres. The Design Excellence clause should be deleted from the DCP and LEP as the concept of design excellence should be a given in any development. Moreover, Design Excellence is highly subjective in assessment. Developments controls for multi-storey building should combine best practice urban design principles to achieve good design. This clause will be exploited by developers to maximize development and profit potential from a site. Establishment of a Design Competition or a Design Panel will involve additional costs which will be passed onto the public.
- The inclusion of many parcels of Public land is not indicated clearly or spelt out in the Plan and so the public are not made aware these sites are proposed for development etc. This is a major flaw in the plan. Public land should be clearly identified in the plan and not included drawn as if it is already owned and incorporated into developments by adjoining privately owned land owners. The Town Centres contain a significant amount of community land, which rather than being reclassified should be used to provide much needed open space to provide public domain and community facilities. It is irrational planning to sell off community land to be developed and then ask in return for developers to deliver public benefits in exchange for more development rights. All public land should be retained for public benefit and not be reclassified.
- The provision of public open space in the Plan is very deficient or is overshadowed by 7- 9 storey development and therefore will not provide the community with a pleasant open enjoyable public domain and recreational spaces for the community. Many of public domain spaces will be overshadowed by tall buildings, on sloping sites in drafty locations that will get little solar access.
- There are currently no Master Plans for key areas in each of the Town Centres to ensure the plans are staged and managed so

that a hub/ core is achieved with appropriate community facilities.

- The DCP needs to be strengthened to ensure that all developments ensure direct vehicle access for large service vehicles, including furniture removal vans and emergency vehicles and garbage collection. This is particularly important for development with battle axe access.
- The DCP needs to be strengthened to ensure the impact of noise pollution is kept as a minimum from pedestrian and vehicle entries and that automatic gates and mechanisms be located facing the street and not on side boundaries, to protect adjoining neighbours amenity
- The DCP needs to be strengthened to ensure that top floor or roof top development does not overshadow adjoining development so as to protect existing adjoining residential properties from adverse impacts which can be caused by overshadowing.
- The DCP needs to ensure all air conditioning units are not placed on balconies, the building façade or roof tops of buildings.
- The DCP need to ensure that no washing lines, portable or fixed are allowed on outside balconies for washing to hang on. This is becoming a real problem in Ku-ring-gai with washing seen regularly drying on unit balconies.
- The DCP needs to be strengthened to ensure there is no overlooking of the principal outdoor open space of neighbouring properties especially those zoned for multi- unit development adjacent to single residential dwellings. There should be no roof terraces allowed facing the side boundaries of these properties.
- The DCP needs to be strengthened to ensure adequate soft landscaping to reduce the bulk and scale of each development. This landscaping must be capable of being sustained for the long term not just in temporary planters and pots. Landscaping screening on all new developments must be provided <u>onsite</u> and not rely on the landscaping on adjoining properties to maintain the amenity of neighbouring properties.

- There should be a DCP control that ensures smaller trees not covered by the Tree Preservation Order be retained wherever possible as they have ecological benefits for wildlife to assist in: retaining and enhancing streetscapes; climate control; enhancing the visual amenity of the new development and ameliorating privacy and building bulk impacts of the new development. Currently the DCP allows for a "scorched earth" approach to a site and removal of all trees.
- The DCP needs to be strengthened to ensure the 5th -7th floors of new development must be a minimum of 18 metres from existing residential homes to provide a transition or interface, particularly those developments neighbouring single residential dwellings or low rise development.
- The DCP needs to ensure large unit complexes have more than one entry point to reduce the impact of noise and light pollution in one area.
- Building entries should be facing the street and be clearly visible from the street and footpath. Extended and convoluted side entries should be avoided to reduce noise/light/privacy impacts on neighbouring properties.
- The DCP needs strengthening to ensure the siting and choice of tall trees in new developments consider existing neighbouring properties.
- Boundary fences should be provided by the developer onsite at their own expense, where multi unit development adjoins existing single residential dwellings to ensure security and visual privacy for existing neighbouring properties.
- The DCP needs to be strengthened to ensure that all light spillage from new developments does not impact on neighbouring properties by such installations as: entry and security lighting; tennis court and swimming pool lighting; decks and outdoor recreation areas.
- The DCP needs to be strengthened so that Natural Watercourses in other natural landscaping features be protected from inappropriate construction and development and that all developments must mitigate the impact on existing neighbouring properties with regards to pollutants and excavation impacts.

- The Town Centres should all be Master Planned so that key development occurs in a staged and managed way to ensure that: public land is retained for public benefit and the development of the commercial and mixed use zones occurs round these sites; precinct plans be developed which identify built form controls for each site; traffic management and parking issues to be addressed.
- Ku-ring-gai's two protected ecological communities Blue Gum High Forest and Sydney Turpentine- Ironbark ecological communities) must have Threat abatement and Recovery Plan in place and that appropriate controls are put into the DCP and the LEP to support the Threat Abatement and Recovery Plans of each protected ecological community.
- The planning guidelines for development contained in Part 7 of the draft will not be able to protect biodiversity and ecological communities in the Green web areas that are rezoned R4.

This DCP is a highly flawed document and need to be reviewed by an independent Town Planning expert without any vested interests in Kuring-gai, to ensure the Plan delivers the best planning outcomes that can be achieved from a very flawed and overriding and over-governing Local Environmental Plan.

It is hoped my submission will be taken into account when reviewing the Draft Development Control Plan.

Best regards

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LINDFIELD NSW 2070

BELBORE PROJECT MANAGAEMENT Submission - Draft Town Centres DCP

Proposed draft TCDCP Controls	Comments	Recommendations	
. 3C.1 BUILDING SEPARATION			
Proposed Control: Page pp. 3-73, Controls (i), (ii) and (iii) under "Development from 5 to 7 storeys" and Figure 3C1-3.	The proposed Town centre controls are significantly more onerous than the building separation controls in DCP55, and would increase the side setbacks significantly.	Amend the proposed building separation controls to be the same as in DCP55.	
At pp. 3-73 the dTCDCP specifies: Development up to 4 storeys i) 12m between habitable rooms / balconies; ii) 9m between habitable room / balcony and non-habitable room; iii) 6m between non-habitable rooms between buildings. Development from 5 to 7 storeys i) 18m between habitable rooms / balconies; ii) 13m between habitable room / balcony and non-habitable room; iii) 9m between non-habitable rooms.	The proposed control would result in development potential on most R4 zoned sites being less than that allowed in the TCLEP, as the available building footprint would be less than that which would enable the full FSR to be achieved. On 5 storey buildings, and complying to the proposed setbacks, a designer would not be able to fit two buildings on the site in most cases.		
2. 3C.2 BUILDING SETBACKS			
General			
Control 1(i)	A setback of 10-12 m is excessive for sites located within designated Town Centres areas. They should be reduced substantially.	Control 1(i) should be amended to substantially reduce the street setback to comply with the RFDC.	
1Control 2(i): Where the site has a depth of more than 45m and a width of more than 35m, a front setback zone of 13m to 15m from the boundary shall	Why is this included again? My recollection is that this control was introduced by a Councillor at the meeting at which Council adopted DCP55 in late 2004. It had never been proposed previously, and therefore had not been placed on	Control 2(i) should be deleted.	

Proposed draft TCDCP Controls	Comments	Recommendations
apply.	Public Exhibition. It results in an irregular front setback on identically zoned streets, depending on individual site width and depth, an unreasonable planning outcome, especially within designated Town Centres.	
Control 4: On corner sites the minimum street setbacks in controls 1 and 2 shall apply on both street frontages.	This control is unreasonable as it imposes an unreasonable burden on corner sites that does not exist on non-corner sites, rendering corner sites much more difficult to design buildings on	Amend Control 4 to allow a reduced setback in the secondary street frontage
Control 7: Basements must not encroach the front, side and rear setbacks.		This should only apply to the 10- 12m not the 13-15m. Also, where there are courtyards in the front setback, the basement should be allowed to extend under the courtyard.
Control 9: In addition to the above encroachments, ground floor private terraces/courtyards may encroach into the front and side setback areas with a minimum setback of:	That means no courtyard is allowed to the rear, and only 1.5m in the side setback! This is ridiculous, and would reduce the desirability and salability of all affected ground floor apartments.	The 4.5m courtyard setback from the side boundary and no setback in the rear boundary should be amended to specify a
i) 8m from the street boundary, or 11m where the setback is 13-15m;		setback of 2 or maximum 3m from both side and rear boundary.
ii) 4.5m from the side boundary		
to allow for deep soil planting within the common areas.		
Note: No encroachment of ground floor private terraces/courtyards is permitted in the rear setback zone.		
Control 10: No more than 15% of the total area of the relevant setback is to be occupied by private terrace/courtyards. See Figure 3C.2-3.	This should only apply to the front setback, not the side setback.	This should only apply to the front setback, not the side setback.

	Proposed draft TCDCP Controls	Comments	Recommendations
3.	3C.3 SITE COVERAGE		
1	The site coverage must not exceed 35% of the site area.	I thought this was deleted by the standard template LEP? To reintroduce this control in a DCP is unreasonable and unnecessary as it limits the ability of designers to allow a building to 'step down' on a site where desirable, as doing so would reduce the ability to achieve an FSR of 1.3:1 because our experience in designing numerous buildings under has shown that achieving an FSR of 1.3:1 with 5 storey sites via LEP194/DCP55 sites is difficult with a building footprint of only 35%. In situations where a designer may wish to step down a building, and maintain an FSR of 1.3:1, the building footprint would be closer to 40%.	Control 1 should be deleted.
2	Where a site incorporates an access handle the site coverage must not exceed 35% of the total site area less 35% of the access handle.	This is not reasonable, as it reduces the development potential specified in the LEP.	Delete this control.
3	If a site is comprised of land in an R4 zone and land in another zone, the other land is not to be included in calculating site area.	This does not make sense with an FSr control in the draft TCLEP? The relevant FSR should apply to the land area of each zone. And provided the height is not exceeded in each zone, it should be OK?	Amend wording to clarify the intent of this control.
4.	. 3C.4 DEEP SOIL LANDSCAPING		
5		This conflicts with clause 6?	Delete Clause 5
6	Driveways must not be located in the minimum side setback zone as these areas are to consist of deep soil landscaping.	This control ,is unreasonable as it does not acknowledge that some sites are not suited to compliance with this control, such as sites that have a sloping frontage, and therefore the most suitable place to locate the driveway is in the lowest point on the site.	Delete Clause 6
7		Should delete word 'pavers'. Only paths required for disabled access should have to comply with disabled standards, not all paths over 1m wide	Should delete word 'pavers'. Only paths required for disabled access should have to comply with disabled standards, not all paths over 1m wide
9	Pipelines are to be located outside the root zone of trees at natural growth, to maintain pipeline integrity.	This is unreasonable.	Delete Control 9

	Proposed draft TCDCP Controls	Comments	Recommendations
5.	5. 3C.5 CONSOLIDATION OF ISOLATED SITES		
6.	3C.7 BUILDING FACADES		
1	All building facades above ground floor must be modulated and articulated with wall planes varying in depth by not less than 0.6m and not more than 2.5m.		
3		It would seem that the propose control seeks to change the DCP55 here to include any facade rather than the street facade? The next two clauses seem to indicate this. This is not reasonable as it imposes considerable design constraints.	Delete Control 3
8		They should be allowed on large terraces where they will be concealed from view to the street or an adjoining property and will not impact the amenity of the units.	Amend Control 8 so that they be allowed on large terraces where they will be concealed from view to the street or an adjoining property and will not impact the amenity of the units.
7.	7. 3C.8 BUILDING ENTRIES		
4		For a building more than 15m wide it is ridiculous to require two entries. That's only 7.5m either side on a single entry!	Delete Control 4
6		Since when do they need to be under shelter? All letterboxes are already watertight.	Delete Control 6
8.	8. 3C.11 PRIVATE OPEN SPACE		
	ntrol 10 states: Air conditioning units must not be ated in private open space.	Why not, If they are suitably screened and located so as to not cause noise impact, etc?	Delete Control 10

Proposed draft TCDCP Controls	Comments	Recommendations		
9. 3C.13 APARTMENT WIDTH AND DEF	9. 3C.13 APARTMENT WIDTH AND DEPTH			
Control 2 states: Single aspect apartments are to have a maximum internal plan depth of 8m from glass line to internal face of wall.	This is too small. It should be increased to 10m. The dTCDCP imposes excessive front setbacks, which were never contemplated in the RFDC. The dTCDCP then picks up and imposes controls from the RFDC which were drafted as a co-ordinated suite of controls in the RFDC that did not include large front setbacks, which limit the portion of the site that can be built upon. By increasing the front setbacks from those in the RFDC, but maintaining the same apartment depth controls, the dTCDCP suite of controls becomes far more onerous than those contemplated in the RFDC.	Increase dimension to 10m.		
10. 3C.14 GROUND FLOOR APARTMENTS				
Proposed Control 1 states: The floor level of the living area of a ground level apartment must be not more than 500mm below ground level (existing).	This means the differential across a courtyard can only be 400mm if the GF is 500 below ground. If the courtyard is 4m deep, this is a 1:10 fall. What happens on sites steeper than that? Would have to lift the building higher to comply.	Delete this control.		
11. 3C.16 ROOM SIZES				
2	"Must" is too restrictive.	Amend "must" to "if possible"		
9	This could be a sleeping giant. Shading a solar panel at 10 am in winter would have minimal impact on its performance. Also, we already have a control to provide three hours, i.e. some shadow allowed, but for solar panels, it is no shadow! Also, this should only apply where the panels were installed before the LEP came into effect, otherwise adjoining non-zoned properties should be required to locate their solar panels in consideration of the likely shadow from a RFB next door.	This control must be deleted. All a neighbouring property would need to do to stop development on an adjoining site is put a solar panel on the closest boundary on their roof and then point to this control to stop any development.		
10	This is too vague. It could be interpreted to mean that no shadow can be cast past the set back line of the adjoining property?	This control must be deleted.		
12. 3C.18 ACOUSTIC PRIVACY				
3	Rather than "must be designed", use "should incorporate design features	Rather than "must be designed",		

Proposed draft TCDCP Controls	Comments	Recommendations		
	where possible". It is not possible to meet all design "wish lists". The BCA sets the minimum requirements for noise transmission for party walls.	use "should incorporate design features where possible". It is not possible to meet all design "wish lists". The BCA sets the minimum requirements for noise transmission for party walls.		
13. 3C.20 ROOM SIZES				
Propose Control 1 states: Living areas must have a minimum plan dimension of 4m.	This control is too onerous.	Delete Control 1		
14. 3C.22 STORAGE				
3	What is the intention of this clause? It could be read to mean that if one unit is provided with storage in the basement, then all units must be provided with storage in the basement? Surely this is not the intention.	Delete Control 3		
15. 3C.24 CAR PARKING PROVISIONS	15. 3C.24 CAR PARKING PROVISIONS			
Proposed Control 2 states: Basement car park areas must be consolidated under building footprints to maximise deep soil landscaping area.	This control is too onerous.	Delete Control 2		
Proposed Control 3 states: Basement car park can project up to 0.6m average and 1.0m maximum above existing ground level to the underside of the floor above. See Figure 3C.24-1. Note: Refer to Part 4.10 of this DCP for additional basement car parking design controls.	This control is too onerous. DCP 55 allows up to 1.2m to the underside of the basement ceiling, and on sites that slope in 2 directions complying with this control is challenging. It should not become more difficult via this control, particularly as there is a specific height control in the draft TCLEP.	Delete Control 3		
4	If the direct access is via a lift, fine. Otherwise this is problematic as the fire stairs cannot connect the basement and the residential component of the building.	Delete Control 4		
5	Removalist trucks cannot fit into a basement due to height so Clauses 5 and 6 are pointless and unnecessary.	Delete Control 5		

Proposed draft TCDCP Controls	Comments	Recommendations	
Proposed Control 7 states: All residential flat developments must comply with the following car parking provision rates:	There should not be a maximum car parking allowance, only a minimum. This is consistent with LEP194.	Delete any reference to a maximum car parking allowance	
Dwelling Size Parking Space Req't Studio 0.5 One bedroom 0.6 (min) - 1 (max) Two bedrooms 1 (min) - 1.25 (max) Three or more bedrooms 1 (min) - 2 (max) Note: A Traffic Impact Assessment must accompany development applications that seek to vary the parking rates. This includes parking variations in lieu of commercial or strata funded car share schemes.			
16. 3C.27 APARTMENT MIX AND SIZES			
Proposed Control 3 states: Locate a mix of one- bedroom and three-bedroom apartments on the ground level where accessibility is more easily achieved for disabled, elderly people or families with children.	This clause is unnecessary. Either the unit is accessible or it is not. A ground floor apartment may still need to be accessed by lift on a sloping site.	Delete Control 3	

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Mr John McKee General Manager Ku-ring-gai Council Pacific Highway Gordon 2072

5 September 2009

Mr McKee

DRAFT KU-RING-GAI CONTROL PLAN (TOWN CENTRES) 2009. (THE DCP)

The DCP is a sizeable document of many parts covering six "town centres". The DCP attempts to address the numerous and unacceptable impacts of the Ku-ring-gai Draft Town Centre LEP 2008 (The Plan), which despite overwhelming rejection and criticism by the community, planners, developers, politicians, professional bodies and heritage experts, was approved in a perfunctory way by the State Government imposed Planning Panel on 27 May 2009.

The Planning Panel paid scant, if any, regard to objectors and objections. Indeed it showed a most unprofessional approach, with glib and superficial responses, to the critical, important, permanent issues involving destruction of Ku-ring-gai's valued natural and built context; destruction of Ku-ring-gai's character and heritage; and of poor planning outcomes occurring in Ku-ring-gai.

e.g. An overwhelming number of public submissions expressed concern regarding the proposed building heights and the destruction of the nationally significant carbon absorbing, cooling, and shade-giving canopy. The Panel's response? "Within the centers the building heights are often greater (than the canopy) providing a clear indication that the centre is different from the areas surrounding. This is appropriate for the centres" and "Some of the buildings may be visible above the canopy"! (Emphasis added).

In responding to criticism of the replacement buildings - the Panel's response "The quality of building design and construction is generally high when compared to other parts of Sydney that have undergone urban consolidation."

Against this background, this submission comments generally on The DCP and what is required of it. The onus is on The DCP to address satisfactorily the failings and flaws of The Plan which includes, but are not limed to, the following:

 The Plan's lack of provision to assess the cumulative damage caused by the absence of a coordinated approach to planning which fails to respect key, important considerations of ecological/biodiversity factors:

☐ The cumulative impact on the Critically Endangered Blue Gum High Forest Ecological Community. The Plan's inadequate regard for Government's key planning principles: ☐ The Plan disregards the State Government's Metro Strategy which list "context" as a key planning principle - good design responds and contributes to its context and the Metro Strategy Key Directions namely protect the natural environment of the subregion and protect the cultural and heritage elements of the subregion. ☐ The speaker at the Australian Institute of Urban Studies (NSW Division) July 2009 forum The Tragedy of Planning in NSW" stated – it's now one-size-willfit-all **instead of designing for contexts** and that the practice of Moonscaping the land enables placement of the standard urban products. (Emphasis added.) □ Mr John Mant, planner/housing commentator stated (of the high densities in Ku-ring- gai) It's certainly not contextual -it doesn't fit into what Ku-ringgai was and that's a great pity. (The Hornsby Advocate 14 May 2009). The Plan's altering of the brief – the NSW Government's Metropolitan Strategy and Subregional Strategy's stated objectives and definitions. □ Instead of providing for 1 town centre, 3 small villages and 2 villages, the Planning Panel's Draft Town Centre Plan LEP provides for 6 Town Centres contrary to the Strategy's stated requirements. The draft Ku-ring-gai Town Centres Plan does not appear to form part of any recognised strategy for Sydney. The Metropolitan Strategy clearly designates St Ives and Turramurra as villages while Pymble, Lindfield and Roseville are listed as small villages. The construction of between seven and nine storey buildings in these centres surrounded by four to six storey apartments does not accord with the Metropolitan Strategy prepared in consultation with the community and remains in complete contradiction to the established character of the area. (Emphasis added) "Strip Mining Sydney's Heritage. Response to the Ku-ring-gai Planning Panel Draft LEP Recommendations and Deferred Matters" The National Trust of Australia (NSW) August 2009 □ The Plan's overly aggressive(in its) approach to rezoning which is not required for the proposed 10,000 new dwelling... and the floor space ratios are excessive with

The Plan's overly aggressive (in its) approach to rezoning which is not required for the proposed 10,000 new dwelling... and the floor space ratios are excessive with seemingly ridiculous contingencies...there is significant lack of road infrastructure in place to support the increased densities (Emphasis added)

Developer's address Ku-ring Planning Panel Meeting Nov 5 2008 –transcript record.

• The Plan's lack of a Local Environmental Study (LES)

□ The need to have an LES for the Ku-ring-gai Town Centre Plan LEP was waived by the Director General of the Department of Planning (correspondence to Ku-ring-gai Council 12th August 2008.)

However, this is a major concern given the Town Centre Plan:

- Involves heritage issues of national and state significance —clashing with the non-gazetted Ku-ring-gai's core heritage rich areas.
- Involves natural environment issues of national and state significance clashing with the Critically Endangered Ecological Communities of the Blue Gum High Forest (BGHF) and Sydney Turpentine-Ironbark Forests (STIF).
- Sets unprecedented LEP standards for the comprehensive LEP.
- Does not provide fully for a Threat Abatement Plan or a Recovery Plan for the areas affected by the presence of BGHF and STIF.
- Involves major infrastructure and service issues. See NRMA Submission which states

The NRMA is concerned that 10,000 new dwellings are proposed to be built in the Ku-ring-gai Local Government Area (LGA) without the provision of appropriate infrastructure, including road upgrades to cater for the extra residents and future projected growth. (NRMA website Dec 2008)

- The Plan's inadequate and inconsistent approach to conservation and recognition of heritage items and Heritage Conservation Areas. (HCAs)
 - o The Plan's HCAs are arbitrary, severely reduced and do not represent the heritage value of Ku-ring-gai (See *National Trust Submission: Strip Mining Sydney's Heritage –Response to the Ku-ring-gai Planning Panel Draft LEP Recommendations and Deferred Matters August 2009*) and are considerably smaller than the Planning Panel's own Consultant's recommendation. Further, time honoured and respected Burra Charter principles were not employed by the Panel's consultant in preparing The Plan.

□ The Plan demonstrates an inadequate and inconsistent approach to conservation of heritage items and places; unacceptably and adversely impacts on built, cultural and natural heritage; and unacceptably and adversely impacts on the valued environment, character and amenity of Ku-ring-gai. The Draft Plan fails to recognise long-proposed urban conservation areas and individual buildings of heritage significance including some properties of State Significance.

SO6913 Ku-ring-gai Town Centres Draft LEP Exhibition The National Trust of Australia (NSW) Submission December 2008 to the Ku-ring-gai Planning Panel

Given the above and lack of protection of the qualities and characteristics of these Areas the DCP must address these issues. We note the principles as set down in the NSW Heritage Office/RAIA award winning publication *Designing in Context. Guidelines for Infill Development in the Historic Environment 2005*.

Given all of the above, it comes as no surprise, the criticism that was levelled by Ms Julie Bindon, NSW President Planning Institute of Australia (PIA), in her letter published in the Sydney Morning Herald 25th August 2009 regarding questionable and unsatisfactory aspects of planning in NSW including urban growth referring to "unco-ordinated mess". (Attached).

Additionally, recently and increasingly, planning matters have been the subject of adverse media headlines with serious allegations relating to those processes being made.

The DCP will be acceptable only if it is able to satisfactorily address, the many and unacceptable aspects, as set out above of the Ku-ring-gai Draft Town Centre LEP 2008.

The matters raised above are not exhaustive.

Anne Carroll President.

Attachments

Letter: PIA letter SMH 25th August 2009



4 September 2009

General Manager Ku-ring-gai Council Locked Bag 1056 PYMBLE NSW 2072

Dear Sir

Ryan Planning Pty Ltd
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Reference: "S07743 - Draft Ku-ring-gai Town Centres DCP Exhibition"

Ryan Planning Pty Ltd has been instructed by Mr. George Altomonte, Chairman of the Alto Group to prepare this submission in response to Ku-ring-gai Councils' public exhibition of the Draft Ku-ring-gai Development Control Plan Local (Town Centres) 2009.

The Alto Group currently owns Nos. 870, 880 and 890 Pacific Highway.

The total site area of the properties is 6,062 m².

All three sites are proposed to be rezoned **B4 Mixed Use** and are contained within an area that has been specifically targeted as a **Key Area**.

This submission has been prepared at short notice as neither our client nor we were aware the DCP was on exhibition.

On previous occasions Council has issued email alerts advising of upcoming strategic documents such as the Draft LEP and DCP were about to be exhibited. Unfortunately, this time we did not receive any notice.

Our client only became aware the Draft DCP was on exhibition a few days ago.

In response to a request from our client to speak with Council's Director of Strategy seeking an extension, Mr Anthony Fabbro contacted Mr. Altomonte on Thursday 3/9/09 suggesting we submit a 'headline submission' outlining our client's major concerns by the 4/9/09 which could then be followed with a more detailed submission.

This email is that 'headline submission'.

We anticipate lodging a further detailed submission expanding upon the issues raised below.

The following issues are raised as potential grounds of objection in reference to Part 2D of the Draft DCP.

A) Key Area G4 Indicative Base Plan

- Commercial use to Pacific Highway should not preclude other allowable uses (i.e. residential)
- Continuous retail / commercial ground level fronting pacific Highway maybe too restrictive and possibly conflict with point 'G' on page 2-62.
- Setbacks to balconies above ground level are questionable and require further investigation.
- Clarification is required as to the number and location of residential vehicular access and services points from Fitzsimons Lane.
- Clarification is needed on vehicular ingress and egress from Pacific Highway

• 36 m building lengths are too restrictive - consideration should be given to increasing this to 50m.

B) Controls - Key Area G4 (Cross Section Diagram)

- Clarification on the maximum number of storeys V's height in metres is required.
- Concerns are raised in terms of conflict between the maximum building height being determined by the 5 storeys of commercial on Pacific Highway, the changes in level from the Highway to Fitzsimons Laneway, the difference between commercial and residential floor to floor heights, and the max building height of 7 storeys.
- The uses indicated in the section are too prescriptive. The highway use should indicate a "mixed use" potential. The retail/commercial uses indicated to the lower laneway levels are unlikely to be feasible, and contradict Points B and C of the base design principles. These should also be indicated as mixed use to allow for flexibility.

As explained above it is imperative that our client is afforded the opportunity to discuss the prescriptive planning controls in more depth. However, for the purpose of formally registering a submission by close of business today, the following comments are made with a further submission to follow.

The following issues are raised as potential grounds of objection as detailed in Part 3A of the Draft DCP.

3A.5 - point 3 delete wall plane depth max of 2.5m. (This is considered too prescriptive and should be subject to design).

point 7 delete (same as above - also depends on length of facade)

3A.7 - point 1 delete or modify. May preclude certain retail uses. Does blank wall include or exclude advertising and display?

point 7 as above

- **3A.10 point 1** add "Where practical" to start of point, and "of the main street frontage". Otherwise there is a potential conflict with vehicle access/ parking from Pacific Highway.
- **3A.13 point 1** this requirement is realistic provided there is no requirement for minimum deep soil or soft landscaping.

point 4 this point conflicts with point 6

- **3A.14 point 2** should read "to internal face of wall of habitable areas". Should not apply/restrict wet area design.
- **3A.15 point 15** this point should be expanded to take into consideration greenstar rating targets and primary, secondary and tertiary office planning zones.
- **3A.16- point1** delete considered too prescriptive. Ventilation must comply with BCA requirements. **point 3** replace "**must not be located**" with "**should not be located**" to match SEPP65 wording.
- **3A.17 point 5** delete "and/or western" -this is too limiting as west facing apartments often take advantage of views etc. (especially along a north-south highway). Solar access issues relating to west facing apartments can be addressed architecturally. SEPP 65 only limits south facing apartments.
- **3A.22 point 4** replace "must" with "should" considered too prescriptive and depends on apartment mix and planning. SEPP 65 notes that "exceptions may be allowed where developments can demonstrate high levels of amenity for corridors and units..."

3A.26 - point 9 - car parking provisions should be 2 bed - 1 (min) to 1.5 (max), and 3 bed - 1.5 (min) to 2 (max) to respond to likely market demands.

A further detailed submission will be lodged.

Should you wish to discuss any matters addressed in this submission please contact me on 0401 021 777 or George Altomonte on 9418 5556.

Yours faithfully

May

Michael Ryan Director

Ryan Planning Pty Ltd

Vanessa Duval

From:

Antony Fabbro

Sent:

Thursday, 10 September 2009 4:56 PM

To:

Vanessa Duval

Subject: FW: Submission No.2 Ku-ring-gai Draft DCP (Town centres) 2009 - Re: 870-890 Pacific

Highway, Gordon

For registration DCP submission- can be added to their earlier submission

From: Mike Ryan [mailto:mike@ryanplan.com.au] Sent: Thursday, 10 September 2009 4:51 PM To: Bill Royal; Craige Wyse; Antony Fabbro

Cc: galtomonte@alto.com.au; Trevor Hamilton; Michael Morgan; Jeremy Bishop

Subject: Submission No.2 Ku-ring-gai Draft DCP (Town centres) 2009 - Re: 870-890 Pacific Highway, Gordon

Hi Bill

Reference: "S07743 - Draft Ku-ring-gai Town Centres DCP Exhibition

On behalf of the Alto Group, please see attached our follow up submission in response to our meeting on 9 September 2009.

Regards

michael ryan

Ryan Planning Pty Ltd

PO Box 644, North Ryde BC 1670

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10 September 2009

General Manager Ku-ring-gai Council Locked Bag 1056 PYMBLE NSW 2072

Dear Sir

Ryan Planning Pty Ltd ABN 22 109 644 715 PO Box 644 North Ryde BC 1670 p: 02 8819 4493 f: 02 8819 4451 e: info@ryanplan.com.au

w: ryanplan.com.au

Reference: "S07743 - Draft Ku-ring-gai Town Centres DCP Exhibition"

Further to our initial submission lodged on Friday 4 September 2009, on behalf of the Alto Group, owners of Nos. 870, 880 and 890 Pacific Highway, Gordon, we hereby lodge a further submission. The following comments have arisen from our meeting with Council's Craige Wyse, Anthony Fabbro and Bill Royal held on Tuesday 8 September 2009.

All matters raised in our earlier submission referencing Part 3A of the Draft DCP are still relevant.

The following grounds of objection are submitted in reference to Part 2D - Gordon Town Centre.

1. HEIGHT

There would appear to be an inconsistency in the overall maximum height stipulated in the Draft LEP and that now proposed in the Draft DCP.

The DLEP states a maximum height of 23.5m across the whole of the subject site.

The height of 23.5m is increased to 26.5m across the whole site when a public benefit certificate is granted pursuant to Clause 6.4(4) of the Draft LEP.

The Draft DCP (Page 2-63) states a maximum building height of 7 storeys with limitations of "building heights must not exceed five (5) storeys (17.5 metres) fronting the Pacific Highway".

Clearly, height as defined and stipulated in the Draft LEP is absolute and 23.5m should be applicable across the entire site, including at the Pacific Highway frontage. Whilst staff have confirmed this to be correct, it would be prudent that the Draft DCP is amended to remove any ambiguity that may arise in interpreting height.

2. PARKING

It is requested that residential parking rates be amended to allow a maximum of 1.5 spaces per 2 bedroom apartment (in lieu of 1.25) and a maximum 2 spaces per 3 bedroom apartment (in lieu of 1.5).

Whilst it is appreciated the Draft DCP aims to minimise the use of motor vehicles and encourage public transport, to our mind allowing a moderate increase in residential parking does not detract from the strategic objective of encouraging the use of public transport. Similarly, additional parking improves security for residents and minimise on-street parking.

3. BUILDING LENGTH

It is requested the Draft DCP be amended to allow building lengths up to 50 metres to accommodate bulky goods being developed on the site. Generally speaking, a bulky goods facility requires a footprint of between $2,500~\text{m}^2$ and $3,000~\text{m}^2$, a minimum 50 m building length and increased ceiling heights.

4. RESIDENTIAL DEVELOPMENT AT STREET FRONTAGE

Clause 6.2(2) of the Draft LEP stipulates that...... "the ground floor of any development that is a building on land zoned B2 Local Centre, B4 Mixed Use or B5 Business Development is to have active street frontages and is not to be used for the purposes of residential accommodation".

The Draft DCP (Page 2-62, Item B) states as one of the base design principles for the G4 Key Area is for "buildings designed with residential apartments on the ground and upper floors fronting Fitzsimons Lane".

Clearly, the Draft DCP is in conflict with Clause 6.2 (2) of the Draft LEP.

As discussed at our meeting, residential development at ground level on Fitzsimons Lane is consistent with the definition of an "Active Street Frontage" by encouraging interaction between the inside of a building and the adjoining external areas.

It is therefore requested the Draft DCP be amended to recognise and encourage residential development at ground level fronting Fitzsimons Lane, if for no other reason than retail and commercial is simply not economically feasible on land which is some 10 metres below the Pacific Highway level.

It is also noted that the indicative section AA as shown on Page 2-63 depicts commercial over 5 storeys fronting Pacific Highway. This can be misleading when considering Item A on Page 2-62 states that "continuous retail or commercial ground level abutting the street frontage of Pacific Highway and commercial or residential upper floors". It would be prudent if the indicative section was amended to reflect commercial/residential above ground level.

5. VEHICULAR ACCESS TO PACIFIC HIGHWAY

We request the Draft DCP be amended to specifically allow ingress and egress from Pacific Highway. Historically, vehicles have been permitted to turn left in and left out directly from Pacific Highway and it is imperative that this be allowed to continue to ensure financial success of ground level retail.

6. FRONT SETBACK TO PACIFIC HIGHWAY

Confirmation is requested that the 6 metre setback along Pacific Highway is measured from the kerb line rather than the property boundary. Whilst staff confirmed this to be correct interpretation at the meeting, it would be appreciated if the Draft DCP was amended to acknowledge the point.

The following grounds of objection are submitted in reference to Part 10 - Public benefit Controls

7. COMPLIANCE WITH DLEP

It is requested the Draft DCP be amended to acknowledge a development proposal is not required to be 100% compliant with the DLEP in order to apply for a bonus in height or floor space ratio.

8. VALIDITY OF PUBLIC BENEFIT CERTIFICATE

Neither the DLEP nor the Draft DCP seems to stipulate for what period a public benefit certificate is valid for.

Considering that significant time and planning goes into developing such a significant site as that of our client's, it is submitted that there should be no limitations on how long a certificate is valid for and this should be acknowledged in the Draft DCP.

9. ALTERNATIVE PUBLIC BENEFITS

As stated in our previous submission the Draft DCP should be amended to acknowledge additional public benefits to those listed including Greenstar rating targets and other sustainability initiatives.

Should you wish to discuss any matters addressed in this submission please contact me on 0401 021 777 or George Altomonte on 9418 5556.

Yours faithfully

Michael Ryan

Director - Ryan Planning Pty Ltd

From: susanne p croston [sue_croston2003@yahoo.com.au]

Sent: Friday, 4 September 2009 4:59 PM **To:** Mailbox Town Centres DCP 2009 **Cc:** Ku-ring-gai Mayor; Kristina Keneally

Subject: SO7743 Draft Kuringai Town Centres DCP Exhibition

Dear General Manager.

Having viewed the draft DCP for the town centres we would like to comment on the Turramurra Plan in particular.

The views we put forward in our previous submission on this matter are still relevant, but we would like to make particular comment on three important points.

- Land being used for the widening of Forbes Lane should be taken from the Coles area, as the properties on the highway side are already disadvantaged by the setback being made to widen the highway. Further reduction in the footprint of these properties would make them unviable. It is still not clear why this setback allowance is being made on the northern side of the highway when provision has already been made on the south.
- Building heights should be capped at five storeys. Eight or nine storeys is excessive and unnecessary and detracts from the village character of Turramurra. As we and the residents of the area have made abundantly clear, we do not want another CBD such as Chatswood or Hornsby.
- We would like more curb side parking to be retained to cater for customers who wish to make a quick visit to our local businesses without the ordeal of an underground carpark.

It is encouraging to see the slight increase in open space planned for the Village centre, however we would still like to see more. We do not feel State Rail Land should be included in the open space allowance, as this is not generally available for public use. We are also curious as to the land allocated as the Village Green. What if the land owners do not wish to sell. The Planning Panel has been adamant that nobody will be forced to sell against their wishes. In this instance where would the Village Green be located?

We look forward to more discussion regarding the staging of the development and the sustainability of all businesses in Turramurra as well as maintaining the comfort and convenience of local residents and our customers.

Sue Croston Secretary. on behalf of Turramurra Chamber of Commerce.

Submission

on the

Draft Ku-ring-gai Development Control Plan (Town Centres) 2009

Prepared by Jane McMillan

Consultant Town Planner

For the Lindfield Project Group

September 2009

Table of Contents	Page
Preface	3
1. Front setbacks	3
2. Side Setbacks	4
3. Design Issues	5
4. Staged Development in Key Areas.	6
5. Public Benefit	
6. Master Plan for Key Areas	
7. Environmentally Sensitive Sites	
8 Heritage and Conservation Areas	8

Preface

It is our view that the proposed Development Control Plan will not be able to ameliorate the flaws in the Local Environmental Plan which include but are not limited to:

- The destruction of the character and heritage value of the National Trust Urban Conservation Areas that are contained within all the town centres except St Ives
- Five storey residential flat buildings in the R4 zones which bear no architectural similarity to the surrounding residential development
- The impact of loss of privacy, solar access and land values to single dwellings adjoining and located within the R4 zones
- The impact of the bulk and scale of five storey residential flat buildings to surrounding residential development
- The impact on the natural environment particularly the Threatened Species and Ecological Communities in Ku-ring-gai
- The impact of the massive scale of development proposed on the infrastructure of Ku-ring-gai
- The mess that will occur in the key areas of the Town Centres if development does not proceed in a staged sequence subject to a Master Plan.

It is also re-emphasized that the target required under the Metropolitan Strategy of 10,000 additional dwellings in Ku-ring-gai by 2030 and the objective of converting three small villages, two villages and one town centre into six town centres well and truly exceeds the blueprint for Sydney's Future Growth contained in the Metropolitan Strategy.

1. Front Setbacks

Front Setbacks: Dwellings are required to have front setbacks of either 9m or 12m with average setback requirements that are greater than this. However, residential flat buildings are allowed to be setback a minimum of 6m:

3C2. Building Setbacks - Residential Flat Development

Controls:

- 1. ii) Street boundary setbacks where road reserve width is less than 12m may be reduced proportionately but no less than 6m.
- 2. Ground Floor Private terraces and courtyards are allowed to be setback a minimum of 8m from street boundary. Note: This is less than the required 9m or 12m for dwelling houses that does not allow encroachments for terraces and courtyards.

Comment on Front Setbacks: Dwellings are required to have front setbacks of either 9m or 12m with average setback requirements that are greater than this. However, multi-dwelling houses are allowed to be setback a minimum of 8m.

3D2. Building Setbacks – Multi-Dwelling Housing

Controls:

9. Ground floor private terraces/courtyards may encroach into the front setback areas with a minimum 8m from the primary frontage or 6m from the secondary street boundary.

Comment on Front Setbacks: This is less than the required 9m or 12m for dwelling houses that does not allow encroachments for terraces and courtyards.

General Comment on Front Setbacks: The larger and more imposing the development, the less the front setback requirements are. This is contrary to what you would expect, for example:

- Dwelling houses setback at between 9m to 12m (no encroachments allowed)
- Multi-unit housing minimum 8m to ground floor terraces/courtyards
- Residential Flat Buildings- minimum 6m

2. Side Setbacks in R4 Zones adjoining R3 and R2 zones

R4 areas adjoining R2 and R3 areas should be minimum setback of 9m ground floor (no ground floor terrace/courtyard encroachments) and above ground floors to be setback further:

- -12m for second and third floor
- -15m for fourth floor and fifth floor and
- -fourth and fifth floor to be each no more than 60% of area of third floor.

The above should apply to the following areas:

St Ives Town Centre: R4 zone in Rosedale Road which adjoins R2 and R3 zones

Turramurra Town Centre: northern boundary of R4 zone adjoining R2 zone

Pymble Town Centre: southern boundary of R4 zone adjoining R2 zones

Gordon Town Centre: southern boundary of R4 zone adjoining R2 zone on southern side of Pacific Highway

Lindfield Town Centre: southern boundary of R4 zone adjoining R2 zone south of Pacific Highway and northern boundary of R4 zone adjoining R3 zone north of Pacific Highway

Roseville Town Centre: southern boundary of R4 zone adjoining R2 zone at southern side of Pacific Highway.

3.Design Issues for Residential Flat Buildings

Main Issue: Controls for Residential Flat Buildings and Multi-unit housing fail to ensure that these new buildings will respect the character of the surrounding residential areas. This is particularly relevant for development in the R4 zone.

Appendix A8 Visual Character Assessment identifies the following classifications for the town centres:

St Ives: Character between 1945 and 1968

Turramurra: Character before 1920, Character between 1920 and 1945 (dominant); Character between 1945 and 1968

Pymble: Character before 1920, Character between 1920 and 1945(dominant); Character between 1945 and 1968

Gordon: Character before 1920, Character between 1920 and 1945(dominant)

Lindfield: Character between 1920 and 1945

Roseville: Character before 1920, Character between 1920 and 1945 (dominant)

Proposed Residential flat buildings and multi-unit dwellings should have regard to the predominant character classification of the town centres which is 1920 to 1945 with the exception of St Ives.

Design of residential flat buildings in the R4 Zone should pick up some of the design features of the surrounding lower density housing and should not be overwhelmingly in contrast to the character of the houses in the town centres. Design features to include:

- -gable roof forms (no flat roofs allowed)
- -brick rather than rendered buildings
- -residential flat buildings in R4 zones should have reduced floor sizes for floors above three storeys (no more than 60% of the gross floor area of the third storey for each floor).
- -residential flat buildings in R4 zones to have fifth floor integrated into gabled roof design
- -all floors above the third storey are to be setback from the outer face of the floors below on all sides.

-above ground balconies should not protrude out from facades but must be recessed into the facades.

4. Staged Development in Key Areas

Due to the massive scale of potential development in the designated key areas and the time that it would take for the development potential of these areas to be realized it is recommended that development be undertaken in stages to avoid an undesirable development outcome.

St Ives – Stage 1 Key Area S1: car park adjoining Village Green to be converted to an open plaza with some redevelopment of shopping centre and additional underground parking. Key Area S2: to be developed at a later stage after Key Area S1 is fully developed.

Turramurra – Stage 1: Development to only occur in Key AreaT1. Development in Key Areas T2 and T3 to only take place after development in Key Area T1 is completed.

Pymble – Development in Key Area P2 to be staged. Development in Key Area P1 is to only take place after Key Area P2 is fully developed.

Gordon – Development in Key Areas G1 to G3 to be done in stages with development in Key Area G4 to be commenced once development in Key Areas G1 to G3 is completed.

Lindfield – Development to be staged between both sides of Highway due to size and number of key areas.

Roseville – Development to be staged with R2 developed first and then R1 developed when R2 is completed.

5. Public Benefit

Key sites are areas where development due to its location, height and massing will have a significant impact on the town centre, both at street level and from a distance. To balance this impact, the delivery of public benefit is proposed (eg. New community facilities etc.) but this will come at a price – additional permissible floor space and height. The wisdom of this proposal is questioned given that development on these key sites will have a significant impact to the town centres. To obtain public benefit will result in higher or larger scale development on dominant sites. It should not be a requirement that development will occur above the height limits and FSR controls contained in the LEP.

Most importantly all the town centres contain a significant amount of community land which, rather than being reclassified to allow development could be used to provide areas of public domain and community facilities within the key areas. What is the rationale behind selling off community land to be developed and then asking developers to deliver public benefits in exchange for more development rights? The draft Town Centres LEP also provides for some additional recreation areas by rezoning houses to RE1.

This would be unnecessary if the community owned land in the Key Areas was used for the public benefit.

Community Land in Key Areas Proposed for Re-classification

- St Ives land adjoining Cowan Road and adjoining and including Village Green Parade to be retained for public benefit and not reclassified – proposed zoning B2
- Turramurra land proposed for B2 zoning to be left for public benefit adjoining Gilroy Lane, Forbes Lane, William Street and Kissing Point Road to be retained for public benefit and not reclassified
- Pymble Land zoned R4 south of the Pacific Highway and land zoned B2 adjoining Alma Street to be retained for public benefit and not reclassified
- Gordon All land proposed to be re-zoned B2 and R4 to be retained for public benefit and not reclassified
- Lindfield All community land to be retained for the public benefit and not reclassified
- Roseville All community land to be retained for the public benefit and not reclassified

6. Master Plan for Key Areas

Master Plans are required to be developed for the key areas in each of the Town Centres which:

- Retain all community land for public benefit and develop commercial and mixed use zones around these sites
- Precinct plans to be developed which identify built form controls for each site
- Traffic management and parking issues to be addressed
- Staged development due to size of key areas.

7. Environmentally Sensitive Sites

Regarding the controls contained in the draft DCP for Biodiversity Controls (Greenweb Areas) it is argued that these areas should be contained within Environmental Living and Environmental Conservation Zones rather than rezoning (in some cases) for higher density zones, particularly R4 zones. An overlap between R4 zones and Greenweb areas occurs in:

- St Ives (particularly Stanley Street St Ives)
- Turramurra (particularly corner of Pacific Highway and Womerah Street and South of Pacific Highway between Duff Street and Lamond Drive

NOTE: Land South of Pacific Highway between Finlay Road, Denman Street and Duff Street should be zoned Environmental Living)

- Pymble (particularly south of the Pacific Highway near Beechworth Road)
- Gordon (particularly between McIntyre and Dumaresq Streets)
- Lindfield (particularly between Milray Street and Nelson Road and south of Pacific Highway between Beaconsfield Parade and Gladstone Parade
- Roseville (Nolah Road precinct which should never have been rezoned for residential flat buildings).

It is considered that the planning guidelines for development contained in Part 7 of the draft DCP will in no way be able to protect biodiversity in the Greenweb areas that are rezoned R4 in the draft Local Environmental Plan for the Town Centres.

8. Heritage and Conservation Areas

As a general comment the Town Centre Heritage Conservation Areas contained in the draft LEP are a very poor representation of the Heritage Value of Ku-ring-gai as already identified by the National Trust in the 28 Urban Conservation Areas contained in Ku-ring-gai. As a result of this under representation of the true heritage value of Ku-ring-gai the Urban Conservation Areas will be seriously impacted by the rezonings that have already occurred and will occur when the LEP for the Town Centres is gazetted. The development that will occur under the LEP when it is gazetted (and which has already occurred and will occur under LEP 194) will so undermine the integrity of the National Trust Urban Conservation Areas (Culworth Avenue Killara is a perfect example) that it will make it easy for the State Government to approve further areas for high density development in the future.

36 Karranga Ave Killara 2071

Mr J. McKee General Manager Ku-ring-gai Council Pacific Highway Gordon

5 September 2009

Mr McKee

Draft Ku-ring-gai Control Plan (Town Centres) 2009.

The DCP is a large document of many parts. It attempts to address the many and unacceptable impacts of the Ku-ring-gai Draft Town Centre LEP 2008 as approved by the State Government imposed Planning Panel on May 27 2009.

The Ku-ring-gai Draft Town Centre LEP 2008 is part of the Stage Government Planning System, which is currently and deservedly attracting much adverse media attention. The DCP, is by association, part of that same system.

GORDON CENTRE:

The inappropriateness of Gordon to become the primary retail "commercial center for Ku-ring-gai" is evidenced by many factors and as commented upon below:

The constraints to expansion of the Gordon area are significant, present problems and are not able to be altered; e.g. steep sloping land on western side, the main north south route the Pacific Highway cutting through Gordon, and only one narrow block of land for redevelopment "landlocked" between the railway line and the Highway.

Having both supermarkets on the same side as one another and one block apart is less than desirable and is not sensible planning.

This arrangement will mean heavy pedestrian and road traffic from the east side of the municipality seeking to access the supermarkets will adversely and significantly impact on the functionality of the Pacific Highway (Metro Road One linking the Bridge to the F3.) –there being no choice available on the east side of the Highway. The preferred option would be to have one on each side.

The Planning Panel have consistently failed to answer my question as to how the functionality of the Pacific Highway is to be maintained given the greatly enlarged centers that straddle it -not only at Gordon but at 4 other centers and indirectly by the St Ives expansion.

The NRMA have expressed their concern in their submission.

The NRMA is concerned that 10,000 new dwellings are proposed to be built in the Ku-ring-gai Local Government Area (LGA) without the provision of appropriate infrastructure, including road upgrades to cater for the extra residents and future projected growth. (NRMA website Dec 2008)

The Civic and Administrative **Centre** concept will be in name only as the cohesiveness of the Centre will be severely and adversely impacted upon by the ever present Highway running through it. This configuration raises real safety issues and amenity issues.

Similarly, The Civic **Hub** concept is words only. It too is thrust apart by the noisy heavy and constant traffic of the Pacific Highway Gordon.

The proposed transport Hub at the Station and Henry Street raises extensive safety issues as the area coincides directly with the considerable pedestrian school traffic coming to and leaving Ravenswood, at the same time that the road transport hub will be at its peak.

The "new urban square" at the entrance to Gordon station should be acknowledged for what it really is set to become - a thoroughfare for pedestrians leaving and entering the station, not a square in the real sense of the word. Therefore provision should be made for an additional and real urban square.

It is a fallacious and superficial attempt to massage shop top housing into the place to say the safety will be improved by the presence of the housing.

Building heights of 9 Storeys on the ridge line are unacceptable. 4 storeys as currently in place on the former Gordon Post office are viable.

It is unacceptable to have landmark buildings as the DCP proposes on the highest point of Gordon on Park Avenue.

Ku-ring-gai is **not about land mark buildings.** Ku-ring-gai's character is defined by large indigenous and exotic tree **whose canopies form the sky line.** (Ku-ring-gai Council Character Statement March 2004. **Canopy = covering, awning, roof.**

Further, the heritage of Ku-ring-gai is comprised of a rare blend of fine domestic architecture within a landscape of indigenous forest and exotic plantings and gardens. It is not about buildings being dominant. What is proposed by the LEP and what the DCP is locked into is impossible. There are no trees 9 storeys high to form/maintain the canopy, covering, awning, roof.

To have a "landmark building" at the northern end of the proposed Wade Lane railway open space where the Wade lane car park is currently located is unacceptable as the building will dominate the site and spoil the ambience of the whole area.

Safety will not be improved across the Centre as hoped in the DCP. The reality is... moving across the Center means having to mix Centre traffic with the Pacific Highway through traffic.

Moree Street north side "public domain area" will be like a south facing cave -most unpleasant.

Park Avenue Gordon is a case study of how the lack of heritage significance recognition in the Plan needs to be addressed by the DCP. Park Avenue Gordon is where the principles found in the NSW Heritage Office publication *Designing in context: Guidelines for Infill Development in the Historic Environment 200*" "should be applied. The LEP heritage consultant did not use time honoured Burra Charter principles, principles which are now referred to in the DCP.

Having such greatly enlarged retail precincts at multiple locations in Ku-ring-gai and in close proximity to well established and large retail centres as follows – to the north - Hornsby, to the south - Chatswood, to the east - Belrose, and to the west - Macquarie is a strong case for staged development within Ku-ring-gai, that needs to be incorporated into the overall process. None of these surrounding centres have the constraints that Ku-ring-gai has e.g. natural environment, heritage, topography etc.

Yours sincerely

Anne Carroll

Attachments

Submission: NRMA to Ku-ring-gai Planning Panel Dec 2008

Letter: Ms Julie Bindon, NSW President Planning Institute of Australia, published in the Sydney

Morning Herald 25th August 2009

Letters

Synney Morning Herold 25.8009.

Integrated planning essential for Sydney's success

FIRST WORD

The Planning Institute of Australia wholeheartedly supports the independent public inquiry into Sydney's transport. Not only is there no integrated planning of trains, buses, ferries, light rail or roads, there is no real integration of transport – particularly public transport – with urban growth planning.

Consequently, the new growth areas in the north-west and south-west are being delivered without mass transit, and new mass transit is proposed in developed areas where there is no

planning for growth. The NSW
Department of Planning, in its many
strategies over the years, has
acknowledged the relationship
between land use and transport
planning, but there is no serious
whole-of-government recognition in
the implementation. Local
government, even the larger councils
that are trying to reconcile growth
with transport and environmental
sustainability, is unable to deliver
transport solutions.

To this unco-ordinated mess the NSW Government is about to throw in another transport system – the Metro. The West Metro route and, import-

antly, the station locations have already been determined and another Part 3A major project is under way.

But where is the strategic plan underpinning it? Where are the options? Where even a preliminary environmental, social and cost-benefit analysis? Where is the proper consultation with the public and stakeholders? What growth planning has been undertaken for land around the stations and are these locations the best suited for growth? The hasty fixing of routes and station locations is likely to result in poor planning and development outcomes, and to fuel a speculative land grab.

The institute supports Metro rail in principle, but only as part of an overall transport solution. Other than the work of Garry Glazebrook, no such plan has been put forward ("Access for all to public transport", August 24).

Ad hoc, project-by-project decision-making does not constitute planning, and could pre-empt the best transport solution. Decisions significantly affecting the development of Sydney, such as on the Metro projects, cannot be made without an overall long-term metropolitan plan. Sydney is too important.

Julie Bindon NSW president, Planning Institute of Australia, North Sydney



9a York Street Sydney NSW 2000 Australia

Mail to: PO Box 1026 Strathfield NSW 2135 Australia

Т оз 8741 6000 Е оз 8741 6123 w mynrma.com.au

Mr John McKee General Manager Ku-ring-gai Council Locked Bag 1056 PYMBLE NSW 2073

By Email: towncentres@kmc.nsw.gov.au

Dear Mr McKee

Draft Ku-ring-gai Local Environmental Plan Town Centres (LEP) 2008 (S06913)

NRMA Motoring & Services (NRMA) welcomes the opportunity to respond to the Draft Ku-ring-gai Local Environment Plan (S06913).

NRMA is the largest motorists' organisation in Australia, comprising more than 2 million members throughout NSW and the ACT. For over 85 years it has represented the interests of motorists in relation to road funding, road safety and other relevant public policy issues.

NRMA is concerned that 10 000 new dwellings are proposed to be built in the Ku-ring-gai Local Government Area (LGA) without the provision of appropriate transport infrastructure, including road upgrades, to cater for these extra residents and future projected traffic growth.

NRMA has concerns about the impact of Council's current proposals in light of the following issues:

- Plans for the North West Heavy Rail link, and subsequently the North West
 Metro have both been abandoned Although the proposed North West Rail
 was not physically within the Ku-ring-gai LGA, it would have had an impact on
 reducing traffic volumes on the Pacific Highway and reducing congestion.
- No commitment by State or Federal Government to construct the proposed F3 to M7 link – Neither the State or Federal Government has committed funds to construct this urgently needed link which would substantially reduce congestion on the Pacific Highway.

Without implementation of the above items, to reduce the current existing congestion levels on the Pacific Highway, NRMA believes that Council's proposal to add 10 000 new dwellings in the local area may be premature and have adverse impacts on residents and traffic using the Pacific Highway.

However, NRMA commends Council for its commitment to building Park and Ride facilities and public transport interchanges in the planning of town centres that will improve the attractiveness of public transport use.

Australian Bureau of Statistics data revealed that in 2006, 77 percent of residents in the Ku-ring-gai Council area drove to work and only 10 percent used trains.

NRMA is a strong supporter of Park and Ride facilities. In February 2008, our major Park and Ride Research Report was released and this clearly identified that Park and Ride facilities are an important way to improve the attractiveness of public transport.

Additionally, NRMA would also like to see Council consider increasing the time allowed for parking in side streets to encourage greater use of public transport.

If you require further information, please contact Madeleine Carr, Policy Analyst on 02 9276 7234.

Yours sincerely

Chris Siorokos General Manager – Corporate Affairs

¹ NRMA Motoring & Services, Park & Ride: Investigation and Audit of Park and Ride or Alternatives in Metropolitan Sydney, the Central Coast, Newcastle and Wollongong, February 2008.



Sydney Level 2, 490 Crown St Surry Hills NSW 2010 Australia T 02 9380 9911 F 02 9380 9922 Ku-ring-gai Council Locked Bay 1056 Pymble NSW 2073

Attention: Antony Fabro

Melbourne Level 1, Building D 80 Dorcas St Southbank VIC 3006 Australia T 03 8648 3500 F 03 8648 3599

8 September 2009

sjb.com.au planning@sjb.com.au Re: Submission to Draft Ku-ring-gai Development Control Plan (Town Centres) 2009 – St Ives Shopping Village

Dear Antony

We act on behalf of EK Nominees Pty Ltd in respect to their property known as the St Ives Shopping Village.

Please find attached our submission regarding specific aspects of the Draft DCP (Town Centre) 2009.

We support the identification of key objectives and principles for the redevelopment of the St Ives Centre generally. However, our main concern rests with the prescriptive nature of particular diagrams and some words – specifically reference to 15 metre wide pedestrian street open to the sky for 24 hours. This objective, in our view, is not able to be achieved. However, permeability north south and east west can be achieved in a variety of ways that requires an understanding of the functioning of the centre. Given the existing centre and its potential role in revitalisation of the centre there is a need for some flexibility.

It is our view that the diagrams and identified controls at Part 2A should be replaced with broader principle diagrams that identify key principles/objectives and requires a development proposal to demonstrate how it responds to those principles.

We would be happy to discuss this submission further. Please do not hesitate to contact me on 9380 9911.

Yours sincerely

melale

Alison McCabe Director

Submission to Draft Ku-ring-gai Development Control Plan (Town Centres) 2009



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1.0 INTRODUCTION

1.1 Overview

This submission to the Draft Ku-ring-gai Development Control Plan (Town Centres) 2009 (DDCP 2009) has been prepared by SJB Planning on behalf of EK Nominees Pty Ltd, the owners of the St Ives Shopping Village. This submission identifies the site owned by EK Nominees and provides comment and observation on the following parts of the DDCP 2009 as they relate specifically to the potential redevelopment of the St Ives Shopping Village:

- Part 2 Urban Structure;
- Part 3 Specific Building Type Controls; and
- Part 10 Public Benefit.

1.2 Sites Owned by EK Nominees

EK Nominees currently owns the majority of the retail sites north of Mona Vale Road (refer Figure 1) including:

- The St Ives Shopping Village;
- The site on the west corner of Mona Vale Road and Denham Lane; and
- The majority of the small shops that front Mona Vale Road between Denley and Durham Lanes.

The other key land owner is Ku-ring-gai Council.



Council Site 1, 2, and 3

Figure 1: Land Ownership Map

Submission to Draft Ku-ring-gai Development Control Plan (Town Centres) 2009



The consolidated ownership pattern provides a unique opportunity for the redevelopment and revitalisation of the St Ives Centre.

1.3 St Ives Shopping Village

The site is an enclosed shopping mall and is the largest retail component of the Town Centre. The site is located in the block bound by Mona Vale Road and Denley Lane to the south, Cowan Road to the west, Memorial Avenue to the east and Village Green Parade to north. The site does not have a direct frontage to either Cowan Road or Memorial Avenue.

The shopping centre comprises some 16,000m² of retail and non retail floor space. It is anchored by two supermarkets, a Woolworths and a Franklins, with 98 specialty shops and approximately 2,000m² of non retail uses such as medical facilities, banks and a post office.

There are three above ground levels although the ground floor that fronts Denley Lane near Mona Vale Road predominantly functions as an entry to the centre with little floor space adjoining Mona Vale Road. The main pedestrian entry points to the shopping centre are on Village Green Parade.

Car parking is provided at basement and ground level, with access from Mona Vale Road, Cowan Road, Village Green Parade and Denley Lane.

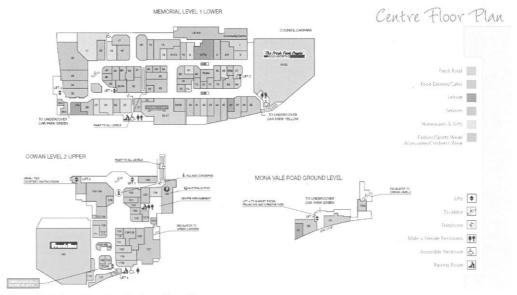


Figure 2: St Ives Shopping Centre - Floor Plan

2.0 PART 2 - URBAN STRUCTURE

2.1 Overview

The St Ives Shopping Village is part of Key Area S1 as identified in the DDCP 2009.

Part 2 – Urban Structure contains a series of diagrams and statements pertaining to each centre. Thos relevant to St Ives include:

- 2A.1: Future Urban Structure for St Ives and Structure Plan
- 2A.2: Key Area Controls
 - Desired Future Character Key Area S1
 - Objectives Key Area S1

Submission to Draft Ku-ring-gai Development Control Plan (Town Centres) 2009



- Base Design Principles Key Area S1
- Public Benefit Principles Key Area S1
- Controls Key Area S1

The following provides comment on key aspects of each of the above mentioned sections.

2.2 Future Urban Structure & Structure Plan (2A.1)

Rice Daubney Architects and Candalepas Associates have previously presented preliminary development concepts for the St Ives Shopping Village to demonstrate how Council's vision can be implemented and meet both a high degree of urban design excellence, and the commercial realities of redevelopment of an existing shopping centre.

Key themes or principles that should be demonstrated in any redevelopment are:

- Permeability:
- Linking of green spaces;
- · Seamless transition;
- · Connections through lanes and gallerias;
- · Improved vehicular circulation; and
- Residential integration.

These principles are best illustrated in a series of deliberately unresolved diagrams and accompanying words.

Our main objection relates to terms used at p2-4 and the prescriptive nature of the Structure Plan. This diagram should be more fluid with principles perhaps expressed in a series of diagrams. Key issues relate to:

- The location and form for open pedestrian "streets" through the shopping village and significant public domain areas that appear to require significant demolition of the existing centre (dot point 2 p2-4). The extent of demolition of the centre will not be resolved until final design resolution.
- The Structure Plan details the location of supermarkets without regard to commercial and site constraints, and existing long term lease arrangements.
- The Structure Plan fails to acknowledge what is a functional shopping centre and the fact any redevelopment will need to provide for the centre to continue to operate.
- The reference to pedestrian "street" is misleading and has potential to be interpreted as open
 to the sky. These words are used on p2-7 in the desired future character statements and are
 not conducive to the operation of the centre. The links can be achieved in a variety of ways.
 Flexibility needs to be incorporated into the words to also ensure that the physical comfort of
 users is achieved.
- The reference to main street and open to the sky are too prescriptive, given the constraints of
 maintaining an operating centre and the location of existing uses and structures. Thermal
 comfort modeling should also be taken into consideration to ensure human comfort levels are
 achieved.
- The specific location of a town square, particularly on our client's land, is also too prescriptive and should be drafted in a more flexible way. The town square needs to be complimented and be complementary on the whole for it to be a vibrant and thriving place. Notably the location show is in an area that is currently leased to Woolworths for 20-25 years.

Submission to Draft Ku-ring-gai Development Control Plan (Town Centres) 2009



It is noted that many of the items identified in the Future Urban Structure and Structure Plan have the objective of requiring the retail development to address and activate the village green and village green parade.

If this is a key objective then it should also be reflected in the controls applying to Council land north of the St Ives Shopping Village holding. To this end there should be words and or notations restricting structures between the village green and appropriate alignment to reinforce the later 18m building setback. Furthermore, it may also be appropriate to identify preferred use i.e. landscaping, access, carpark, village square.

2.3 Key Area Controls

2.3.1 Desired Future Character & Objectives

The reference to pedestrian streets open to the sky is not necessarily achievable and is better expressed as an objective for increased permeability north south and east west, in a series or number of different ways. As stated there is more than one resolution which can only be resolved with an understanding of the function and thermal comfort levels of the existing centre. This is not a greenfield site and needs to be treated with some flexibility.

The objectives of Key Area S1 are supported.

2.3.2 Base Design Principles

The Base Design Principles at B, G, J, K and N have significant adverse impacts and constraints for the redevelopment of the St Ives Shopping Centre. The Base Design Principles appear to assume that the existing building will be demolished. The extent of demolition whole or part will only be determined as part of a detailed design exercise. The accompanying indicative Base Plan, like the Structure Plan, also reads as a very prescriptive diagram.

It is our view that this diagram should be replaced with a broader principle diagram that identifies key principles in any redevelopment and allows a development proposal to demonstrate how it responds to those principles. Attachment 1 illustrates a possible approach.

Some key issues include:

- The location of the new signalised intersection is not in the correct location as has been discussed with the RTA;
- The front alignment of the building is existing and even if proposed to be demolished a 6 metre setback is excessive:
- The location of "pedestrian arcade" will be restricted and to some extent determined by the functioning of the existing shopping centre;
- Encroachment of residential space above existing functioning commercial / retail space is
 unlikely to occur. The only location for any residential development will be along the northern
 strip of the site; and
- The provision of a community facility should not be included in Base Design Principles but should be identified in Public Benefit Principle at p2-9.

We are of the view that these design principles are too prescriptive and should be limited to broader objectives.

Submission to Draft Ku-ring-gai Development Control Plan (Town Centres) 2009



2.3.3 Public Benefit Principle

The principles identified at A to G should not be illustrated on the plan. They should remain a list of matters that should also be at least achievable.

The dimensions of a town square at principle B should also be resolved out of a detailed concept. It should be sufficient to require a town square that provides activity and active frontage. Of note is that an area of 40m x 30m is equivalent to the town square at Rouse Hill including roads. Rouse Hill is a regional level centre. This suggests that the site and shape of the square is excessive – again a matter that should result from a detailed design. Appropriateness of scale needs to be considered for the square to be a true community space. St Ives prides itself on its village character and the town square must also reflect this sentiment. Unfortunately there are many examples of vast acres of under utilised wastelands called town squares inexistence in Australia. What needs to happen is a minute mapping of activity and movement to establish the appropriate size rather than a one size fits all mentality.

Also of note is the prescriptive location of the town square which presupposes significant demolition of an existing functioning shopping centre surrounded by currently the rear access and loading zones of retail tenancies all under separate ownership. Furthermore it is located in an area currently leased to Woolworths for 20-25 years. This is another reason to identify key principles that need to be demonstrated, as opposed to trying to illustrate them in finalised diagrams.

Principle D is not achievable. Furthermore, "15 metre" wide pedestrian street is excessive and will not achieve the activity sought. The more successful streets in towns and villages are tighter and more urban in nature which increases the feeling of activity and security even in quieter periods. We must also consider the desire to retain the village feel which dictates more appropriately scaled spaces which tend to be centred around smaller groups.

2.3.4 Controls - Key Area S1

A 6 metre setback of building at Mona Vale Road is excessive. Any redevelopment may retain key parts of the existing building as a functioning operation. In the current context this could result in a public domain of 10 metres on a heavily trafficked road, not a pleasant pedestrian environment and unlikely to result in activation. Given traffic conditions emphasis should be placed on the design to the street and links to the transport.

3.0 PART 3 - SPECIFIC BUILDING TYPE CONTROLS

We have no specific comment other than to say they are voluminous.

4.0 PART 10 - PUBLIC BENEFIT

Identification of the process to obtain a Public Benefit Certificate is useful. However, the ability to provide public benefits relies on a realistic and achievable prescription of key objectives and criteria at p2-9.

5.0 CONCLUSION

We generally support the identification of key objectives and principles for the redevelopment of the St Ives Centre.

Our main concern lies with the prescriptive nature of words and diagrams that could in fact preclude the building of the vision for this precinct because they do not allow the proper functioning to create the appropriate amenity and activity and have little regard to the day to day operating constraints of a 16,000m² shopping centre.

Submission to Draft Ku-ring-gai Development Control Plan (Town Centres) 2009

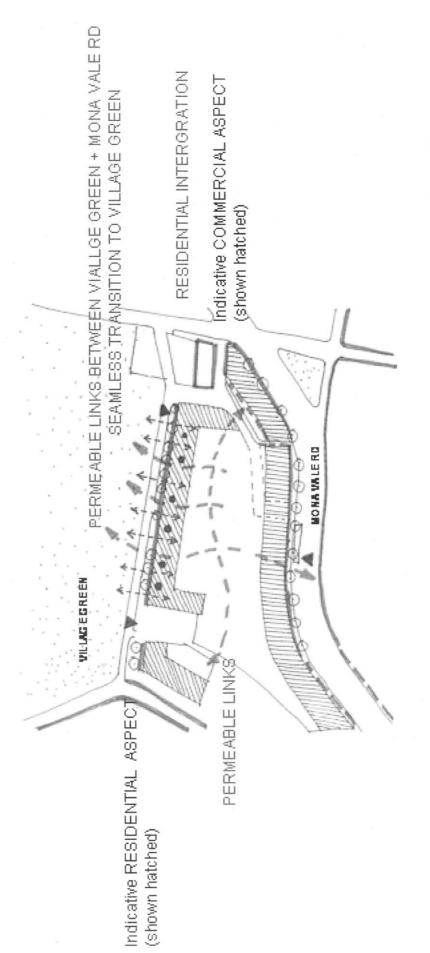


This is not a greenfield site. It will remain open and function through any redevelopment. To this end, in order to achieve key objectives, controls need to be constructed with a degree of flexibility and rely on the end design to illustrate how they have been achieved as there is invariable more than one solution.

Submission to Draft Ku-ring-gai Development Control Plan (Town Centres) 2009



ATTACHMENT 1



KEY AREA S1 INDICATIVE BASE PLAN



11 PARK AVENUE GORDON NSW 2072

August 28, 2009

Cr. Elaine Malicki, Mayor, Kuringai Council, GORDON 2072

re: Ku-ring-gai Town Centres, Gordon

Dear Elaine:

Thank you for taking the time to acknowledge my submission dated 12 July 2009 to the Planning Minister, Kristina Keneally, regarding the proposed re-zoning of our area.

I assumed that the Planning Panel had relinquished responsibility when they voted to send the plans to the Minister, which is why I sent my July submission straight to her. I enclose a copy of the Minister's response for your information. (According to the letter, the draft Town Centres LEP was place on exhibition for one month in "November/December 2009", so I assume I still have time to make further submissions!)

Accordingly, I enclose for your information a copy of my communiqué of to-day's date, copies of which I shall send to everyone I can think of who may have an interest.

I do feel very strongly about the absurdity of these draft plans, which have obviously been drawn up with no thought for the topography and ageing infrastructure of our area. While I disagree with the whole concept - lack of infrastructure improvement, no extension of public transport to outer areas, and disregard for heritage, scale and choice of dwellings and total lack of town planning principles - I feel I can only handle the problem on my own doorstep in my submission, and therefore am concentrating on Park Avenue, Gordon. I am in total support of those who are opposing Town Centres proposals.

Yours sincerely Judith Andrews

J. le androns



11 PARK AVENUE GORDON NSW 2072

August 29, 2009

The Hon Ms Kristina Keneally MP Level 35, Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000

re: <u>KU-RING-GAI TOWN CENTRES DRAFT PLAN</u> <u>AND SPECIFICALLY PARK AVENUE, GORDON</u>

I have received a letter dated 11.8.09 from Neil McGaffin, Executive Director of Planning Operations written on your behalf, responding to my submission regarding high rise in Ku-rin-gai, and, in particular, provision for a 5-storey block of homeunits on the corner of Park Avenue and Werona Avenue, Gordon.

I appreciate that your Planning Panel received a wide range of submissions following their first and only exhibition of draft plans for a short period at the end of 2008 (not of course "November/December 2009" as stated in Mr. McGaffin's reply) and at that time I sent my third submission to the Panel, setting out concerns about the plans when they went on display. This was ignored. My reason for sending a further submission in July 2009 to you personally was that I realized the Planning Panel was ignoring all requests and had undemocratically elected to send the plans to you for consideration without delay. I hope you will find time to consider the following:

It is true that "a range of zones have been applied to Park Avenue, Gordon (including B2 local Centre, R4 High Density Residential, R3 Medium Density Residential and R2 Low Density Residential" and that "a number of properties on Park Avenue are listed as heritage items under the draft Town Centres LEP" – all in a short street of only 18 dwellings.

My main concern is the proposed 5-storey block on numbers 1, 3, and 5 Park Avenue and I make the following points:

- 1. Park Avenue is the highest point in Gordon and carries traffic between Pacific Highway and Rosedale Road, a busy through-street to St. Ives.
- 2. Werona Avenue heading north rises steeply from Gordon Station to meet Park Avenue. It crosses Park Avenue in a <u>dog-leg</u> and then continues downhill in Pearson Avenue. This north/south route carries heavy peak-hour traffic daily and is a meandering narrow road with a difficult intersection at the top of the rise.

The addition of a large unit block on this particular intersection will have a huge impact on traffic and be an eyesore, well above the treeline.

3. High-rise is proposed for Gordon Shopping centre, which is separated from the residential section of Park Avenue by the railway line and its reserve, and then Werona Avenue. This break in the height of buildings, should be the separation point from homes along Park Ave which drop to 3-storey and 2 storey.

Similarly in Werona Ave/Pearson Ave a lower building at the top of the rise would be a more sensitive structure, before changing to the planned 5-storey buildings down the slopes on each side.

- 4. The south side of Park Avenue is very suitable for low-rise apartments 2 storey in Park Avenue allowing for underground parking (ie. 3-storeys) in Park Lane at the rear. Each apartment block can accommodate up to 6 apartments in this way, and still keep the appearance in Park Avenue of Low density residential to complement Low Density on the whole north side, and heritage buildings on both sides of the road, and also keeping rooflines beneath the tree canopy.
- 5. While I acknowledge the necessity to allow for more residential development I am strongly of the view that there should be choice of housing types. Not everyone wants to move from a home with garden to high rise, and Park Avenue is eminently suited to the third option of low-rise apartments. A level street within easy walking distance of shops and transport is just as important a requirement for this third option, and already exists and works perfectly at Nos. 15 and 17 (both SEPP5 developments).

I think you must acknowledge that the Planning Panel had no intention of accommodating the wishes of many residents of Kuringai. They seem reluctant to consider heritage values (No. 1 Park Avenue proposed for demolition was built in the 1890s), nor do they appear to have considered town planning principles. This suburb is not just a map of level streets – it is very hilly, which means that high-rise on top of the hill is far more of an imposition than in a valley.

6. Infrastructure. Previous plans for development suggested by Kuringai Council made allowances for poor water-pressure in Park Avenue, due I imagine to height above the reservoir, and age of pipes in a subdivision from c1890. You are intending that the population of this area will be increased considerably, with accompanying traffic congestion as well as increased through-traffic. Our streets are already parked-out by residents from St. Ives and surrounding areas travelling to the railway station and this can only get worse until something is done to improve public transport in out-lying suburbs.

In peak-hours Werona Ave/Pearson Ave is a rat-run with cars attempting to get through the intersection to the railway, schools and beyond.

I am including some pages of photographs, some of which were included with my previous submission of 12th July, which illustrate the points made above.

I submit that zoning 5-storeys at 1, 3 and 5 Park Avenue Gordon in 2009, with more than half the existing buildings being of heritage value, public transport in

surrounding outlying areas virtually non-existent, and local streets therefore parked out all day, traffic heavy 24 hours a day, and ageing infrastructure unchanged in 100 years is a criminal act.

If this legislation is passed now, and developers 'move in' in the near future, the result will be chaos. Any plans to increase density in this area should not be contemplated until infrastructure has been improved and this extra housing is required, and I submit this will not be for the next 20 or 30 years. Perhaps then changes to zoning can be reconsidered.

Yours sincerely, Judith Andrews 11 Park Avenue Gordon 2072

J. G. andrews

COPIES OF THIS SUBMISSION HAVE BEEN SENT TO:

The Premier, Nathan Rees

Mr. Barry O'Farrell MP

Mr. Jonathan O'Dea MP

Mr. Brad Hazzard Shadow Minister for Infrastructure & Planning

Councillor Elaine Malicki, Mayor of Ku-ring-gai

Mr. John McKee, General Manager, Ku-ring-gai Council

Friends of Ku-ring-gai FOKE

The National Trust of Australia NSW

The Planning Panel, Ku-ring-gai Council

The North Shore Times



No 15 Park Ave. 6 apartments backing outo Park Lane, using facade of 1 Federation Home (C1999)

WHAT CAN BE DONE

* FRONTAGE PARK AVENUE

* 3-STOREY (PARKING UNDER) IN PARK LN.

No 17 Park Ave (C.2002) 4 apartments





Copy

Ms Judith Andrews 11 Park Avenue GORDON NSW 2072 D09/4442

Dear Ms Andrews

I refer to your letter to the Hon Kristina Keneally MP, Minister for Planning, concerning the draft Ku-ring-gai Town Centres Local Environmental Plan (LEP). The Minister has asked me to reply on her behalf.

I appreciate your concerns which have prompted you to write to the Minister. The Ku-ring-gai Planning Panel (the Panel) was appointed in order to improve the efficiency and transparency of the planning system in Ku-ring-gai. As you may be aware, the draft Town Centres LEP was placed on exhibition from Monday 17 November to Friday 19 December 2009. The exhibition provided an opportunity for interested residents and the local community to consider the draft plan and make formal submissions to the Panel on the draft plan.

As you would appreciate, the Panel received a wide range of submissions – some seeking increases in development, others seeking reductions. The Panel has now considered these submissions in light of the strategic studies (commissioned by both the Panel and Ku-ring-gai Council) and adopted a revised version of the draft LEP at its meeting of 27 May 2009.

It is understood that a range of zones have been applied to Park Avenue, Gordon (including B2 Local Centre, R4 High Density Residential, R3 Medium Density Residential and R2 Low Density Residential). It is also understood a number of properties on Park Avenue are listed as heritage items under the draft Town Centres LEP.

The draft LEP will be considered by the Minister once the draft LEP has been endorsed by the Parliamentary Counsel.

I trust this clarifies the position.

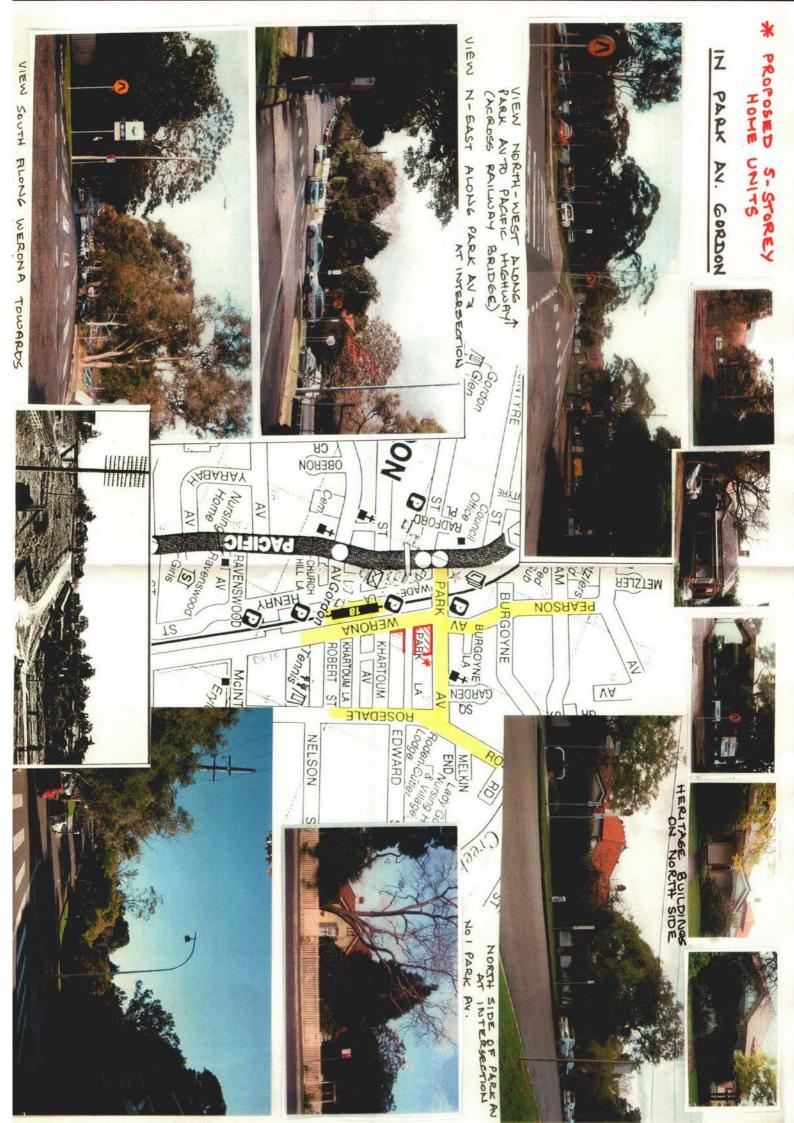
Neil McCaffin

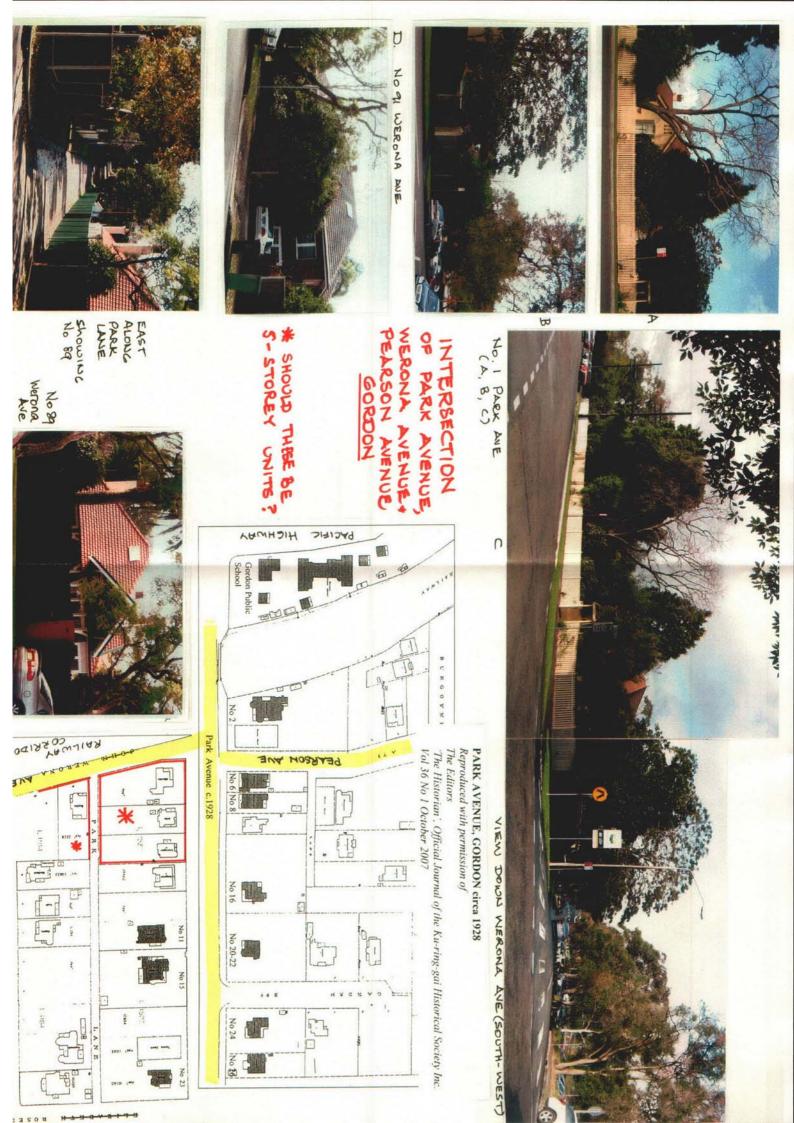
Yours sincere

Executive Director

Planning Operations

Bridge St Office 23-33 Bridge St Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney Telephone: (02) 9228 6111 Facsimile: (02) 9228 6191 Website planning.nsw.gov.au





The General Manager Ku-ring-gai Council Locked Bag 1056 PYMBLE NSW 2073

Dear General Manager,

"S07743 - Draft Ku-ring-gai Town Centres DCP Exhibition".

This submission is short to reflect two facts:

- 1. that earlier public submissions fail to be considered and
- 2. that it forms part of other submissions to State and Federal Government.

It relates to: Public Land, Open Space and Biodiversity Conservation.

Public Land and Open Space:

Public Land and Open Space are intergenerational assets. Complex decision-making relating to the future appears to have been governed by simple economic considerations. Development has been prioritized over local necessities. Public concerns raised at two hearings have been ignored.

In Turramurra, for example, it seems central public Open Space is less safe and smaller.....as the development scales and projected population in Turramurra has grown bigger. Spelt out in earlier submissions, these issues are still unaddressed in this DCP. Thus the voice of the public is not expressed in the DCP.

Good land-use planning entails the following consideration:

If Turramurra and other Town Centres are to grow by dwellings in LEP 194 PLUS dwellings in Town Centre development Public Land and Open Space needs to be as big as the current available open space. In fact it needs to be bigger to support the additional growth, so...

Why does the DCP include buildings and development on strategic Open Air car parks, which could be used in the future dense and more heavily populated centre, as open greenspace and areas for emergency gatherings??

Ku-ring-gai is a Local Government Area which is OFF the Metro Strategy Global Economic Corridor (GEC). It is bio-link between three National Parks. Ku-ring-gai's bio-linkage & connectivity between three National Parks, has been un-necessarily forfeited to favour massed development similar to that of Major Centres and LGAs which are in the GEC.

This DCP's land-use planning is cumulatively serving to mis-direct the quality and environmental nature of an area of ecological significance. Ku-ring-gai has suburbs of environmental sensitivity, with the soils supporting the last tall trees as typically seen in Turramurra Pymble, Warrawee, Wahroonga and St Ives. Australia's, New South Wales' and Sydney's need...... is to enhance and protect its rare vegetation and wildlife urban heritage...... exemplified by such suburbs.

Detailed points relating to one example: Turramurra's William / Ray St precinct.

1). The open-air William Street carpark inTurramurra is vital public land and strategic open space, yet it is still proposed to be "given away" in its entirety to a single taker. Has there been regard to competitive tender or alternative plans suggested? If so why does the DCP reflect a plan by Coles, apparently proceeding as the only viable option?

The entire street is "given away" along with the whole currently open-to-the-sky Library car park.....yet this currently doubles as precious Open-to-the-sky Space and carpark. It is the most valuable piece of real estate in Turramurra - yet it is being "given away" to Coles to become one of three retail chunks in Turramurra.

Unnecessary shopping space, like in Hornsby, will end up being vacant or rented out to cheap reject shops and two dollar shops. The "village" is not in competition with Hornsby....... it will be even bigger. Why is this being allowed to happen?

- 2). The little park on the Highway should only be appropriate (and essential) as an Open Space buffer to traffic on the Pacific Highway. It is subject to Pacific Highway traffic and fumes and is very unsafe for children. It should **not** be considered as viable Open Space....it is merely "sleeper" open space to support the growing population in Turramurra. It needs to be retained simply out of respect for a historic Railway Station to echo the historic Hillview precinct & original landscape vista-value.
- 3) The historic Hillview precinct is being un-necessarily developed under LEP 194 and Town Centre LEP. In the context of over-development this is wrong.
- 4). Then and now the Railway Garden is being touted as Open Space infact it is never likely to be allowed public access ..nor should it be it slopes down to the railway track and is behind a fence. It must be removed from being regarded or promised as official open space.
- 5). Most ridiculously the "kiss and drop" circle for people dropped off at Turramurra Station is in the very heart of the proposed "Town Square" between an unsafe Park on the Highway and a space created by knocking down a small group of buildings (originally heritage). Before any reclassification hearing has been held these tenants have been told to evacuate the buildings.
- 6) On top of shrinking open space many areas have proposed "shared space" for cars and pedestrians......what kind of SAFETY issues will arise in this proposed cramped Town Square and Town Centre?
- 7). Turramurra is a good example of "un-assessed cumulative impact" of LEP 194, proposed Town Centre LEP plus other zonings is there someone in Council staff who can spell out the strategic implications of "cumulative impact " on environment, population and traffic to the Department of Planning??
- 8) Questions relating to cumulative impact need answers¹. Why is the accumulating BULK of development (cumulative impact) not being compensated for by the retention of strategic open-air car parks? Why are these open to the air carparks not being converted to bio-links to compensate for lost green-space & connectivity, caused by inappropriate Zonings?

¹ See attached Questions to Director of Strategy and Environment.

Biodiversity Conservation:

Biodiversity loss is the voiceless by-product of the highly profitable, multiple Zoning for development. It is being applied to an area of rare, urban biodiversity as "gateway" environmental controls and studies are waived routinely - by the financially more commanding, but in-informed and un-interested, Planning System.

1). Zoning for development is a highly profitable exercise. It is also a Key Threatening Process for threatened and endangered species. It is occurring in a vacuum of environmental control, as Local Environmental Studies (LES) have been waived by the Department of Planning, to the detriment of Ku-ring-gai's ecological asset.

Further the Council's Director of (Strategy and) Environment should have training in environmental science or ecology – essential to undertake and understand the complexities of Biodiversity Conservation in a LGA like Ku-ring-gai. In planning the DCP, creative and informed assessment of environmental complexities, in the face of human impact is evident, <u>but not enforceable</u>. In this situation a qualified Director of Environment would give environmental complexities greater weight and consideration.

Nowhere is this better illustrated than in The Deferred Matter in Turramurra. In this case an area of mapped environmental sensitivity has been "deferred" and taken out from the Town Centre LEP to allow re-zoning to occur

http://www.kmc.nsw.gov.au/resources/documents/Turramurra_Deferred_Area__Assessment.pdf

2). The DCP contains a segment on Biodiversity Controls. These "controls" are unable to be substantiated in the face of planning systems, because there is no gazette-able biodiversity strategy. This systemic "gap" is made all the worse because the *Threatened Species Conservation Act* is routinely overridden by the financially more commanding and *powerful EP&A Act*.

Overriding of the *TSC Act* by the more powerful and financially commanding *EP&A Act* is visible across New South Wales, as evidenced by the recent Land and Environment Court judgement (Catherine Hill Bay). However in Ku-ring-gai the effects of overriding the *TSC Act* are more diffuse, hidden and ingrained. Two critically endangered ecological communities (CEECs) are involved – not just two species but two entire communities of species.

3). The environmental arms of regulation are routinely overridden by the planning arms. It is too late at the DCP stage to enforce regulation. Damage is done at the Zoning stage. Zoning is un-assessed for cumulative impact (no instrument to assess exists).

Zoning for Development is a Key Threatening Process for endangered species, populations and ecological communities, causing those that are not threatened to become threatened. Zoning for development is removing seed-bank of critically endangered ecological communities (CEECs) of which there are two, not one, in Kuring-gai. Inability to see the trees does not mean there is no seed-bank.

Once Zoned for multi-storey development with basement parking the decision is made – that seedbank will be removed by development.

How the DCP perpetuates damage done by Zoning for development by the LEP

<u>Local Government Biodiversity Controls are not gazetted statutory instruments</u> and are therefore, sadly, not enforceable.

The non-declaration of critical habitat has opened the gates to Zoning for development in an area of ecological significance. This is an environmental tragedy.

To make matters worse, there appears to be no Local Government Planning bureaucrat in authority at the highest level, who is able to argue the complex environmental implications of these losses to Ku-ring-gai - to an un-informed and un-interested Department of Planning – on behalf of threatened species - with informed understanding and effect. This is counter-productive to future human health which is dependent on biodiversity.

It indicates that the TSC Act is being over-ridden by the EP&A Act.

Zoning for development is a key threat to species, populations and critically endangered ecological communities. The waiving of statutory Local Environmental Studies, the un-assessed impact of cumulative zoning and the non-declaration of critical habitat, are together holding the gates open to highly profitable Zoning for development in an area of rare, urban biodiveristy.

The DCP works in the shadow of: the actual point of damage, the LEP.

As this submission shows, the DCP will fail to protect those vital aspects of Ku-ring-gai's Public Land, Open Space and rare urban Biodiversity, which represent its current value to Sydney, New South Wales and Australia.

Submitted by: Janet Harwood **Our Future is the Natural World** 8th September 2009.

HIGHLY PROFITABLE ZONING FOR DEVELOPMENT AND CUMULATIVE IMPACT WILL DESTROY AN AREA OF NATIONAL ECOLOGICAL SIGNIFICANCE.

Today, *cumulative environmental impacts*, felt 30-50 years on, must be considered in land-use planning. With mounting Zonings of different kinds and "gateway" environmental controls & studies waived, (point1) compounding destructive effects on an area of Sydney's rare, urban biodiversity, are not being studied.

- Ku-ring-gai is identified as an "area of ecological significance" in New South Wales and Australia
- Planning Ministers have repeatedly, perhaps intentionally, failed to acknowledge this identity
- Ku-ring-gai is the subject of 8 9 different development re-zonings²
- Progression towards 2030 target is unduly advanced and out of control for LGA sensitivity³
- A 30-50 year perspective is needed for biodiversity⁴ and climate change⁵ considerations
- Cumulative overdevelopment in this LGA will destroy threatened and critically endangered species⁶, bio-links & un-assessed values of green carbon http://epress.anu.edu.au/green_carbon/pdf/sig_green_carbon.pdf
- Federal Government intervention should curtail loss of national "critical biological infrastructure"
- 1. Damage to environment occurs at the yield determining & Zoning for development stages. Major "gateway" controls have been removed, stalled and ignored. The *Draft Lands of High & Ecological Value*, (2008), was compiled in haste because the Director General of the Department of Planning had waived the need for an environment study for the Town Centre LEP. The Planning Panel must now accommodate the fact that it is exercising just one of eight Zonings.

Question 1: What significant & precautionary steps – in each precinct - have been taken to prevent the Town Center LEP (2008) adding to current and projected environmental damage already incurred by LEP 194?

2. The Environmental Baseline Study of 2000 describes Ku-ring-gai as an urban ecological rarity for the significance of its concentration of species, its vegetation corridor (composed of gardens, street plantings, parks and reserves) and the relationship of both the above (species richness and connectivity) to surrounding National Parks. Urban ecological services are provided by the LGA for the whole of Sydney. "National Strategy for the Conservation of Australia's Biological Diversity (1996) states: 1. Biological diversity is best conserved in situ." (Biodiversity Strategy 2006 pg 10).

****Note: The NSW Threatened Species Conservation Act (1995) is being overridden by the NSW EP&A Act. Tonnes of environmentally sensitive soils containing seed-bank of critically endangered communities (CEEC) are now removed to allow construction of LEP 194. Development footprints have removed regenerative capacity, allow no deep soil planting and support almost no canopy. Town Center plans and LEP 194 will overlay each other, occupying the same Wianamatta shales once supporting Blue Gum High Forest.

Question 2: How has cumulative loss of regenerative capacity been anticipated and avoided and how will "total building footprint" of Town Center LEP + LEP 194 compensate, to increase corridor for the whole LGA?

¹ See Environmental Baseline Study, (2000) http://www.kmc.nsw.gov.au/resources/documents/Environmental Baseline Study Lpdf which was not properly considered, for landuse planning of Ku-ring-gai. In fact it was completely ignored. LEP 187 for Environmentally Sensitive Areas (ESA) was stalled in 2003 to allow gazettal of LEP 194. Further the Director General of the Planning Department too has "determined that an environmental study is not necessary". (2008) Why are precautionary controls not being applied?

² Multiple types of rezoning for Ku-ring-gai are: LEP 194, Planning Panel's Town Centers, SEPP 5, Part 3A Major Projects, 6 Minister's sites, LEP 200, Special Uses (Rippon Grange) Rezoning supplied by Reclassification of Public Land, Principal LEP.

³ Ku-ring-gai originally needed only to supply 8500 of the total 21000 dwellings required of Hornsby and Ku-ring-gai in the North sub-region. LEP 194 satisfies a large part of the original requirement of the Metro Strategy

⁴ Council's Biodiversity Strategy http://www.kmc.nsw.gov.au/resources/documents/Biodiversity Strategy May 2006 final for adoption1[1].pdf will not become a gazetted instrument. It will not pre-cede the cumulative impact of multiple sourced re-zoning (footnote 4). Therefore there is no certainty and protection for the enhancement or retention of habitat connectivity over a 30-50 year period. Current and future development rates and re-zoning types (eg. Dual occupancy, standard template Principal LEP) show habitat loss and fragmentation of linkage is assured. Further, aerial vegetation mapping which is being undertaken is being circumvented – as shown by The Deferred Matter in Turramurra. Thus mapping is no guarantee of biodiversity protection. Current biodiversity data base building is struggling to gain credibility, recognition and force. Neither mapping nor biodiversity data base will be gazetted instruments nor do they look likely to be able to influence unmitigated rezoning. Meaningful biodiversity conservation & considerations of climate change are NOT happening in the real world of destructive development.

⁵ If Climate Change considerations had been properly considered, the LGA of Ku-ring-gai would have been assessed as one of Sydney's rare urban biodiversity link and hotspot worthy of special protective zoning for climate change impact on biodiversity conservation. The Environmental Baseline Study defining bio-linkage was a document of great value. Neither the Baseline Study of 2000, nor the ESA study LEP 187 of 2003, were given any consideration. Gazettal of LEP 194 is proof the Threatened Species Conservation Act is being over-ridden. The removal of land-use planning controls prove Climate Change impacts on Biodiversity Conservation are being ignored to allow development..

⁶ Council educational charts for BGHF anticipate that the species will not survive in the future.

⁷ See Footnotes 1,2,3 & 4 on page 1.

3. Town Center Planning is one segment of total development being allocated to Ku-ring-gai in cumulative re-zoning. St. Ives, Turramurra, Pymble, Gordon, Lindfield, Warrawee, Wahroonga are all ecologically sensitive, located in the heart of critically endangered ecological community (CEEC) remnants of Sydney Turpentine Ironbark Forest and Blue Gum High Forest. These areas contain support growth for parks & reserves, yet many significant trees have been and are being "removed" or, have died. Significant stands of trees have been removed for 5 storey structures. Large footprints now support no more than one tree. Basement parking permanently removes seed-bank. Mapping does not safeguard vegetation. Habitat loss is occuring in anticipation of rezoning yet human health depends on biodiversity.

Question 3: How has mounting rezoning of different kinds been factored into future traffic, open space, green-space and population health <u>LGA wide</u>, in 30-50 years?

4. Future green-spaces in the heart of town centers will be essential to provide natural habitat to play the crucial role of corridor for other-than-human-species. Wahroonga Park is an urban green-space clearly available for the Planning Panel to use as a template. It creates canopy, green-space and corridor vegetation adjacent to Wahroonga. In a submission to the Planning Panel, to two Public Hearings on Reclassification and verbally on tape, it has been suggested by the writer that the current carpark at Ray and William Street in Turramurra, (vital open space and precious public land), and other Town Centres be turned into an open-to-the-sky Park using the Wahroonga template.

Question 4: In the absence of a gazette-able biodiversity strategy to precede Zoning, what enforceable and statutory adaptive action⁸ will be taken to maintain connectivity between reserves, parks and gardens in Kuring-gai & counter over-development and progressive loss of Public Open Space?

- 5. Towns around the world use Public Land and Open Spaces for emergency gatherings, concerts, fairs and public performances. Yet Turramurra "village" will not provide adequate, safe Open Space for projected growth.
 - "Open Space" in the plan for T1 Town Square for this precinct is said to be 40mx50m.
 - Open Space includes a small Park along the Pacific Highway, polluted by fumes and unsafe.
 - Open Space also promises fenced off Railway garden, sloping down to the Railway track.
 - In the heart of this Open Space is a roundabout for "kiss and drop" at Turramurra Station.
 - Why does the pictorial representation of Ray/William Street Town Square given to the public in newspapers & "concept-plans" consistently presume the sale of public land?
 - Is the "concept-plan" a Development Application ready to be built, upon gazettal of the LEP? http://www.kmc.nsw.gov.au/resources/documents/pg 31-40 6Aug08 turra presentation.pdf
 - Is this planned "Open Space" appropriate for the proposed scale of the new Turramurra?
 - Is it more realistic to <u>plan more Open Space / Greenspace</u> for a growing Turramurra by converting the William/Ray St carpark into a sustainable bio-link & Heritage Square above with carpark below?

Why is the bulk & scale of proposed Ray / William Street development not scaled DOWN - allowing a Park adjoining Turramurra Station - <u>compensating for the cumulative impact</u> of the many colossal 5-storey developments (built & to be built) in its close vicinity, under LEP 194?

Submitted: Janet Harwood. janetsh@optusnet.com.au 8th September, 2009.

⁸ 2007-2008 NSW Biodiversity and Climate Change Adaptation Framework (NSW Government) Action Area 3 "Incorporate adaptation strategies that deal with impacts of climate change on biodiversity into policy and operations". It says "These measures include preserving and improving vegetation links between conservation areas on public and privately owned land to allow species to migrate in a changing climate – connecting natural areas will allow species to move and find refuge". The objective of these actions are 1"To reduce the vulnerability of ecosystems by identifying land use planning measures to increase the ability of plants and animals to adapt to the impacts of climate change. And 2 To use all available strategies including natural resource management plans and land use planning policies, to strengthen the above measures." Page 12 of Framework.

Note - The systemic problem of rezoning without a gazette-able Biodiversity Strategy makes a mockery of both State and Federal legislation and adaptation and mitigation aspirations of Biodiversity Conservation. Further the EPBC Act of the Federal Government does not come into play until after rezoning occurs – which is like shutting the stable door after the horse has bolted. These are problems which underpin the observation made by Prof David Lindenmayer that, "Biodiversity loss is Australia's most significant environmental problem." The Australian Government needs to respond to this problem.

Ms Terri Southwell Townplanner Ku-ring-gai Council 818 Pacific Highway Gordon NSW 2072

Dear Ms Southwell

Thank you for the opportunity to provide input into the DCP process for the Lindfield Town Centre.

1. Our Interest in the Draft DCP

(a) Ownership of Land

Coogee Bay Village Pty Limited is one of the largest landowners in the Lindfield Town Centre area, and currently owns the following parcels of land:

- (a) 25 27 Lindfield Ave, Lindfield;
- (b) 29 31 Lindfield Ave, Lindfield, commonly known as the "Lindfield Shopping Centre";
- (c) 33 Lindfield Ave, Lindfield;
- (d) 35 Lindfield Ave, Lindfield;
- (e) 37 Lindfield Ave, Lindfield;

A diagram of this land is attached.

(b) Major Project Application

At the present time Coogee Bay Village Pty Limited have a Major Project Application lodged with the Department of Planning under Part 3A of the EP&A Act, as per the provisions of SEPP 53 which apply to the site. We have received the Director General Requirements for this application and are progressing our design. We are looking to lodge the environmental assessment for the project by the end of the year.

Notwithstanding that we have lodged an application under Part 3A and that therefore the requirements of the draft DCP do not strictly apply to our site, given the similarities between the provisions of SEPP 53 and the current draft DCP, we believe it makes sense to have regard to the provisions of the draft DCP, and in particular its desired outcomes, in our design. In addition, since the provisions of the Draft DCP will apply to other sites within the Town Centre, our design must also have regard to these provisions to ensure a consistent approach.

(c) Prior Consultation with Council

In addition to our consultations with the Department of Planning, we have also consulted with Council on several occasions regarding the site and will continue to discuss our project as required.

(d) Desire to See Outcomes of Draft DCP Actualised

As one of the largest landowners in the Town Centre we have a clear interest in seeing the outcomes of the Draft DCP actualised. The Draft DCP attempts to encourage a vision of the Town Centre as a vibrant retail hub, providing both shopping and community opportunities to surrounding residents, and to this extent it is to be commended.

2. Key Positive Provisions of the Current Draft DCP

We would strongly support the desired outcomes of the current Draft DCP, in particular:

(a) Creation of the Lindfield Town Centre

The current Lindfield Town Centre lacks a clearly defined centre point. The Draft DCP clearly envisages the creation of a retail hub in the Town Centre, and envisages the creation of a Town Centre that shall provide a focus for community activities.

(b) Treatment of Heritage Shops 1 – 21 Lindfield Ave, Lindfield

The special treatment given to the heritage shops located at 1-21 Lindfield Ave, Lindfield, that provides both protection for the existing buildings and the activation of the rear of the shops fronting Chapman Lane (and the new town square) makes sense. It allows the retention of these iconic buildings, whilst giving the owners an incentive to take an active role in their revitalisation. In the design of our building we are taking note of the desired outcomes for these sites.

(c) Open Space/Community Facilities

The recent and planned increase in residential density for the Town Centre has given rise to a requirement for additional community open space and facilities. The current Draft DCP appears to envisage a large town square, plus community facilities such as a library.

(d) Parking

The two current Council car parks in the Town Centre (located in Tryon Road and the Havilah Lane) are well used. The desire to maintain this parking, whilst undergrounding the Tryon Road car park and creating a Town Square, is commendable. In addition, the plan to encourage an underground vehicular link between the Tryon Road car park and the shopping centre car park would allow the reduction of car traffic around the Town Centre, and the encouragement of pedestrian activity.

3. Concerns with the Draft DCP

We also have some concerns with the Draft DCP. In general, these concerns relate to the technical planning treatment of the desired outcomes, rather than the outcomes themselves.

(a) Treatment of Setbacks

There are a number of setbacks that appear to apply to our site, under both the Base and the Public Benefit schemes:

i. Front Setback to Lindfield Ave

It appears that, under the Public Benefits scheme, Council is looking to encourage a building setback to Lindfield Ave to allow a widening of the footpath and to provide new street tree planting.

Whilst the above outcomes are commendable, they may be able to be achieved without necessarily providing a three metre setback for the entire building. The creation of a larger footpath space and new, mature, street tree planting implies the creation of a piazza style frontage to Lindfield Ave, encouraging street seating and outdoor dining. This outcome may be achieved by, for example, treating the footpath and the first three metres of the retail area with the same paving to create the effect of a widened footpath, and articulating the building to allow for the planting of mature trees, without necessarily setting back the entire building. It is submitted that there are other design solutions that may also achieve the same outcomes and it is important that property owners are encouraged to explore a range of possible solutions.

ii. Side Setback to Kochia Lane

Under both the Base and Public Benefits schemes it appears that a generous setback of around 4 metres is to be provided to Kochia Lane "to allow for road widening and new footpaths". Whilst a setback to Kochia Lane may be justified on the grounds of allowing a greater activation of this area, to widen the road and encourage greater vehicular access would appear to run counter to the desire to reduce car movements in the immediate vicinity of the Town Centre. It is further submitted that the fall on the site fronting Kochia Lane will largely preclude and street seating/dining in this area.

iii. Rear Setback to Havilah Lane

It appears that under the Base scheme a rear setback of one metre is envisaged on Havilah Lane, increasing to three metres under the Public Benefits scheme. The setbacks are designed to "allow for the provision of wider footpaths on both sides of the lane", and "allow for road widening to a 13 metre right-of-way (ROW) with 7 metre carriageway, footpaths both sides and on street parking one side".

It is argued that the above fundamentally misconceives the role of Havilah Lane under the Draft DCP. Under the Draft DCP, the area between Lindfield Ave, Kochia Lane and Havilah Lane is for "an improved retail centre ... with a larger supermarket and specialty retail, commercial offices, as well as shop top housing". Such a development clearly requires a loading dock and related facilities (such as rubbish disposal) and access to an underground carpark. All of these would be most appropriately located at the rear, in Havilah Lane.

Whilst there is a clear imperative to ensure the rear of the development is appropriately treated, it is not anticipated that Havilah Lane will have the potential for a large degree of pedestrian activation. The new development across Havilah Lane orients its rear to the lane.

Further, it is clearly an aim of the Draft DCP to reduce the level of vehicular activity around the Town Square. In addition, it is presumed that parking for the developments will be most effectively accommodated either within the development itself or within the existing Council carparks.

The above clearly implies that there will not be a large degree of pedestrian activity envisages through Havilah Lane and there will not be a large degree of on street parking required on Havilah Lane. This would appear to make the rear setback to Havilah Lane at least partially redundant.

This is in clear contradistinction to the desire to activate the rear of the heritage shops located at 1-21 Lindfield Ave, Lindfield. In this case, the town square provides an impetus to orientate activity from these properties onto Chapman Lane (as well as the existing orientation to Lindfield Avenue).

As an alternative to the proposed rear setback to Havilah Lane, it is argued that the ground floor boundary should be maintained with an appropriate solution found for loading dock and car park access. Appropriate higher level setbacks could be proposed to allow for separation with the newly built development and the rear of the shopping centre.

(b) Reliance on FSR as a Planning and Design Principle

The LEP relies on limiting FSR as a planning and design principle. We would argue that this is a fundamentally flawed concept, and is not in line with the desire to see better design outcomes as envisaged by SEPP 65. The Draft DCP clearly outlines the bulk and massing envisaged for each site, and SEPP 65 provides guidance on desired amenity outcomes. In combination, this appears to make the calculations required by the FSR concept redundant.

(c) Height Limits

There are two main issues with the height limits specified in the Draft DCP:

i. Inconsistency with LEP and SEPP 53

The Draft DCP, in limiting development on the shopping centre site to 6 stories, is inconsistent with the LEP (which allows between 20.5 m and 23.5 m, equating to between 7 and 8 stories). The LEP is broadly consistent with SEPP 53, which allows 7 stories.

It is submitted that both the LEP and SEPP 53 height limits are appropriate, depending on the overall design of the building and the placement of the higher elements.

ii. Limit of height of building fronting proposed Town Square

The Draft DCP limits heights of buildings fronting the proposed Town Square in order to ensure a minimum of overshadowing the public space. It is argued that, rather than imposing an additional floor limit in this area, a merit based approach is taken where the applicant must show that the design minimises, as much as possible, any adverse impacts on the Town Square. This will take into account height differences in different parts of the site due to the large fall across the site, whilst still ensuring that the intent of the control is respected.

4. Conclusion

As property owners we are excited that Council is proposing an extensive upgrade to the Town Centre. We hope that the above comments assist Council in ascertaining the best approach, and look forward to working with Council in realising the vision as outlined in the Draft DCP.

Yours sincerely,

Christopher Alexandrou Director Coogee Bay Village Pty Ltd PO Box 171 Kensington NSW 1465

Vanessa Duval

From:

Craige Wyse

Sent:

Friday, 11 September 2009 10:07 AM

To:

Vanessa Duval

Subject: FW: Submission on draft Ku-ring-gai DCP (Town Centres)

Vanessa,

here is another DCP submission to be registered.

thanks Craige

From: Peter Richardson [mailto:richardsonpeter@optusnet.com.au]

Sent: Friday, 11 September 2009 9:47 AM

To: Craige Wyse

Cc: bernadette Pinnell; Neil Papadopoulos; richard Jacobs **Subject:** Submission on draft Ku-ring-gai DCP (Town Centres)

Craig

Please find attached, as discussed yesterday, our submission on the draft Town Centres DCP.

Best regards

Peter Richardson

Submission on Ku-ring-gai Development Control Plan (Town Centres)

This submission is written and reviewed by a sub-group of Ku-ring-gai Council's Sustainability Reference Committee, and represent their individual views, not those of the Committee as a whole.

Some recommendations do not relate specifically to the draft Ku-ring-gai DCP (Town Centres) but in our view also need to be considered by Council in order to maximise the benefits and minimise the negative impacts of the development anticipated in the Town Centres LEP and DCP.

Achieving sustainability through planning

If Ku-ring-gai Municipal Council (KMC) Area is to have increased urban development imposed on it by the NSW State Government then Council planning policies should clearly articulate the type of built form and the resultant lifestyle this development should to achieve. This vision needs to be clearly defined in planning documents which have community support like the LEP and the DCP, so that it can successful contest poor planning proposals.

This submission recognises the work that has been done to promote environmental sustainability through the draft Town Centres DCP. The requirement that commercial development meets rigorous Green Star ratings, provision for rooftop planting that will increase insulation values and the emphasis on passive heating and cooling through cross-ventilation and good solar orientation are all very positive elements of the draft DCP, providing they are economically viable.

This submission recommends a number of initiatives and controls to further enhance environmental sustainability, but most importantly identifies a number of issues in the draft DCP from the perspective of social sustainability. It provides constructive feedback to provide an alternative approach to development or expand Council's thinking in respect to development that may achieve a more tailored unique local solution to socially sustainable urban development.

The process of implementing socially sustainable urban development in practice is a complex and challenging task that accepts that whilst change is inevitable it should not disadvantage existing residents.

New development should provide resources and processes that build associational activity between new and existing residents, businesses and institutions. Allied to the task of urban development is the need to prevent the further segregation of residential communities along economic and/or cultural lines. This is the cornerstone of social sustainability:

Sustainability ... cannot be simply a 'green' or 'environmental' concern, important though environmental aspects of sustainability are. A truly sustainable society is one where wider questions of social needs and welfare and economic opportunity are integrally related to environmental limits imposed by supporting ecosystems. Agyeman et al (2002:78)

The main aim of a DCP is to assist in the management of the impacts of urban development on the sites and neighbourhoods in which they are located. The controls in this DCP should

provide greater certainty to the community and proponents of the development in respect to appropriate bulk and scale to suit the locality. The provisions of the DCP should allow suitable opportunities for development in appropriate locations and with appropriate management actions. This commitment to appropriate development should be demonstrated both at the development application stage and throughout the history of the development.

The DCP in its current form does not appear to articulate a vision or establish a framework that is reflective of the expressed social, economic or environmental vision that KMC and its residents have endorsed. The DCP outcomes are not unique to Ku-ring-gai they are overly reliant on retail boxes, shop-top housing and apartment buildings with unrealistic expectations.¹ If the outcomes of the DCP are unrealistic then it provides an opportunity for proponents to undermine the credibility of the DCP and contest it through a third party.

The recommendations presented outline some ways in which the DCP if amended would reflect the values of existing Ku-ring-gai without prejudice or constraining future growth. The submission is intended to highlight areas where there are assumptions (e.g. traffic, biodiversity, public benefit) or omissions (e.g. housing affordability) that require clear articulation of outcomes and detailed planning and management. In particular it needs to be clear which agency (e.g. RTA, Railcorp, DECC, DOP) will deliver what and when at this stage in the planning, not when the document has been adopted and gazetted.

A. Transport - reducing private motor vehicle use

A key priority of NSW state government metropolitan planning is reducing dependence on private motor vehicle use through better integration of commercial and public services and public transport. This was explicit in draft SEPP 66 (Integrating Land Use and Transport) and this priority has been carried over into the current Metropolitan Strategy of the NSW government.²

The Sustainability Reference Committee has also identified the need to reduce our dependence on private car use as a key issue for Ku-ring-gai Council. This would help to reduce traffic congestion and reduce greenhouse gas emissions.

As the Sydney North Subregional Strategy points out, this subregion (comprising Hornsby and Ku-ring-gai LGAs) has a higher than average percentage of trips made by private vehicle (73%) and low percentages of trips made by public transport (approx 11%) and by walking or cycling (15%). Only 2.9% of all trips in the subregion are made by bus, the lowest of any subregion in Sydney. The North Subregional Strategy observes that:

No physical bus priority currently exists in the North Subregion and none of the existing bus routes currently operate as major bus corridors with frequent services. The existing bus services are generally operating below capacity and suffer predominantly from traffic congestion associated with high levels of car use.³

¹ For example illustrating underground parking in Roseville with a park on top or rooftop gardens suggests a lack of detailed knowledge of how this DCP would be operationalised. This view is detailed in Part D of this submission, "More innovation in retail".

² But only, it appears in relation to major centres. See the *Centres and Corridors Strategy for Sydney*, Department of Planning, (Objective B.4.2 and ff), accessed at

http://www.metrostrategy.nsw.gov.au/dev/uploads/paper/centres/images/centres final.pdf

³ Draft North Subregional Strategy, Department of Planning, November 2007, p. 61, accessed at http://www.metrostrategy.nsw.gov.au/dev/digitalAssets/2182 1193633047405 draft metro srp north 5 transport.pdf

It predicts that:

road travel demand in the corridor is likely to grow, even with implementation of integrated land use/transport planning, significant investments in rail, and travel demand management policies. Growth on the Central Coast puts increasing pressure on the F3.⁴

and identifies "pinch points" on the Pacific Highway between Pymble and Hornsby as a major cause of congestion.

In light of the above, we are surprised and concerned that the draft Town Centres DCP makes almost no mention of public transport and contains almost no provisions to improve public transport infrastructure or to encourage walking or cycling to the Town Centres from nearby residential areas.

We have been informed that transport issues will be addressed in a subsequent whole-of-LGA planning document. However, if transport issues are not addressed in the Town Centres DCP then unprecedented opportunities for integrated planning and development will be lost.

For example, the redevelopment of Town Centres along the Pacific Highway provides a unique opportunity to create dedicated bus lanes, cycle lanes, pedestrian overpasses and other measures that will enhance and promote public transport use and increase the safety and attractiveness of walking and cycling as alternative modes of transport.

Provision should be made for secure, protected bicycle storage and the redevelopment of bus interchanges and bus shelters near train stations and other Key Areas. Provision of such facilities or upgrading of existing facilities could be funded through the public benefit provisions in the DCP or, preferably, through rates revenue from or levies on Town Centre commercial properties, which will benefit from enhanced public transport and pedestrian access. Council should consider the scheme which operates in Brisbane to fund community amenities in suburban centres through a public infrastructure levy on commercial property-owners.⁵

The redevelopment of the Town Centres also provides an opportunity to resolve, in collaboration with the RTA and other state government agencies, some of the "pinch points" along the Pacific Highway that currently cause congestion, which will worsen with population growth in the region and on the Central Coast unless steps are taken improve traffic flow.

This will require the Council and the Regional Organisation of Councils to lobby the RTA and other relevant state government agencies to commit funding and resources, particularly to eliminate the "pinch points" on the Pacific Highway and to create / improve public transport connections to the heavy rail line.

The Council and Regional Organisation of Councils should also lobby to amend the Metropolitan Strategy to make integration of land use and transport a priority for "Town centres". Currently, this is a priority only for "Major centres" such as Hornsby and Chatswood (see the Centres and Corridors Strategy for Sydney), but a public transport network is only as good as its weakest link.

1

⁴ ibid, p.62.

⁵ See the Suburban Centres Improvement Projects levy fact sheet, accessible at http://www.brisbane.qld.gov.au/BCC:BASE:413863528:pc=PC 2063

In Ku-ring-gai the (very) weak links are the bus routes servicing town centres and train stations and the lack of infrastructure and amenities to support pedestrian and cycle traffic.

In addition, centres such as Turramurra, Pymble and St Ives should be upgraded in the Metropolitan Strategy planning hierarchy from "villages" (defined in the Metro Strategy as "a strip of shops for daily shopping and typically includes a small supermarket, butcher, hairdresser, restaurants and take away food shops") to "town centres" to better reflect recent and planned residential and commercial growth and to help prioritise State government funding and infrastructure development.

Comments on specific Town Centres are given below.

Turramurra

The redevelopment of Key Areas on both sides of the Pacific Highway at Turramurra provides an opportunity to align Kissing Point Road with roads leading to the station on the other side of the highway, improving traffic flow and bus/train connections and making public transport more accessible and attractive. A proposal to realign this intersection was considered by Council a couple of years ago – it should be reconsidered in the light of the Town Centres LEP and DCP.

With realignment of the Kissing Point Road / Forbes Lane / William Street intersections it may also be possible to eliminate traffic lights – or at a minimum eliminate the right turn lane - on the highway at Ray Street and provide pedestrian overpasses or underpasses across the highway to further improve traffic flow on the highway and encourage pedestrian and cycle traffic.

The current bus interchange off Rohini Street (which is unpleasant, unsafe and in appallingly bad repair) should be redesigned and refitted.

Consideration should be given to splitting the bus interchange into two, with South Turramurra / Fox Valley buses departing from the William Street side of the station, which would shorten commuting times and relieve congestion both on the Pacific Highway and in the existing bus interchange. This is much more feasible if William Street and Kissing Point Road are re-aligned as suggested.

Roseville

In relation to Roseville Town Centre the potential conflict between local traffic generated by the new proposed developments on both sides of Pacific Highway and current congestion on Pacific Highway is not addressed. Traffic reports produced by Ove Arup referenced in the draft KLEP 2008 make recommendations on aligning the access points to Pacific Highway from Shirley Road and Clanville St being improved. However it is then acknowledged in the traffic report that it is unlikely that funding to enhance the traffic flows will be forthcoming as

⁶ "Town Centres" are defined in the *Metropolitan Strategy - Housing Strategy for Sydney*, as:

a larger group of shops and services with one or two supermarkets, sometimes a small shopping mall, some community facilities such as a local library, a medical centre and a variety of specialist shops. ... Town centres have to balance activities including customer parking, service vehicles and through—traffic with making a pleasant residential and pedestrian environment. They also have to integrate malls/large stores into the main outdoor centre. The extent of a town centre is approximately an 800 metre radius which is widely accepted as a comfortable 10 minute walk.

these areas will not be considered a priority for funding by the RTA. If this is the case, then Council needs to recover sufficient funds from the town centre developments to address the adverse traffic impacts generated by the developments. It is also unclear how residents would access the developments adjacent to the railway line on Pacific Highway as clearly a right turn off Pacific Highway would disrupt the N-S flow.

In relation to Roseville, currently the steps from Hill Street and the walkway over the railway and the overbridge at Clanville Rd are not feasible long-term access points to accommodate the increased activity that the proposed development will generate.

St Ives

The Structure Plan for the St Ives Town Centre has two Key Areas – Key Area S1: St Ives Shopping Village and Key Area S2: Stanley Street Shops.

The Structure Plan for Key Area S1 provides for one bus terminus on Memorial Avenue but there is no public transport provision for Key Area S2 or a link between the two sites. Presumably, anyone who did use the bus to travel to Key Area S1 and then wanted to do some shopping in Key Area S2 would try to cross Mona Vale Road. This would be a disincentive to use the bus, so next time they would probably use their car. We should encourage people to use public transport by making it available and easily accessible.

RECOMMENDATION 1

Provide objective, detailed information (such as independent traffic management studies) on the impact of the proposed population and commercial growth set out in the Town Centres LEP and DCP on transport infrastructure.

RECOMMENDATION 2

Funding strategies also need to be provided to ensure that recommendations will be delivered.

RECOMMENDATION 3

Prioritise reduced reliance on private vehicle use and improvements to public transport infrastructure within the Town Centres DCP.

Ensure planning controls (setbacks, road alignments etc) provide for current and future public transport needs.

Identify provision of additional infrastructure and amenities that will further encourage and support public transport use and walking / cycling as public benefits, eligible for development bonuses under Part 10 of the Town Centres DCP.

RECOMMENDATION 4

Ensure that State government transport planning, including RTA planning, the North Subregional Strategy and the Centres and Corridors Stategy of the NSW government's Metropolitan Strategy, accurately represents and adequately provides for the increased population and transport needs of the Ku-ring-gai Town Centres, including by upgrading their status in the Metropolitan Strategy hierarchy from "villages" to "Town centres".

RECOMMENDATION 5

Work in partnership with the RTA and other relevant State government agencies to resolve identified "pinch points" on the Pacific Highway to improve traffic flow, including realignment of intersections and access to train stations at Roseville and Turramurra.

RECOMMENDATION 6

Work in partnership with RailCorp to provide lift access to all stations, improved linkages to bus services and upgraded station infrastructure to cope with anticipated usage levels.

RECOMMENDATION 7

Provide a means of commuting by public transport from the local or immediate precinct to the Town Centres. This should be integrated into the design of the Town Centres so people can get on and off at various points around the Town Centre for shopping, entertainment etc, not just one point. People should be able to hop on or off as required and when they were ready to go home, they could just continue with the mode of transport.

RECOMMENDATION 8

Upgrade existing public transport infrastructure, for example bus interchanges at Turramurra, pedestrian access to Roseville station and public transport provision to Key Area S2 in St Ives.

B. Provision for affordable housing

There is no mention of provision for affordable housing in the DCP.

Lack of affordable housing is commonly linked to housing supply issues. However it also relates to the variable needs of households requiring affordable housing. Housing affordability is associated with interacting variables, factors influencing housing demand include; income levels and employment trends, access to and the cost of finance, demographic shifts, as well as housing preferences. Many key workers in Ku-ring-gai travel long distances to work here especially in critical services such as health, education, transport, government, retail as well as home services (childcare, tradesmen, nursing and support services).

Lack of affordable housing also has an impact on inter generational equity: young people entering training or the labour market for the first time; single parents and single people on moderate incomes; people with special needs arising from disability, ill health, injury or frailty.

An increasing number of people seeking affordable housing are adapting to relationship breakdown and household dissolutions, their tenure in affordable rental accommodation may be short term. Furthermore provision for affordable housing is critical to encourage cultural and income diversity, enable aging in place and reducing financial stress.

Lack of affordable housing also has environmental implications as lack of affordable housing means that workers cannot afford to live and work in the same area and the emissions they generate travelling to Ku-ring-gai to work may in future be apportioned to KMC.

RECOMMENDATION 9

That consideration is given to including provision for affordable housing in the DCP. Consideration that affordable housing be included in the Public Benefit Criteria.

C. Universal design for all residents

Design innovations for older persons in residential housing environments appear to lag behind demand for appropriate housing. Design features such as stairs or other inaccessible building elements, impact mortality and morbidity and places people with disabilities and their carers at risk of further injury. Over emphasis on promoting multi story dwellings as a blanket solutions may have unintended consequences and will exclude or limit older people or people with disability from the majority of new developments. While developments with more than 3 stories typically have lifts, access to the units themselves and their associated common area's remains problematic.

The challenge is to design housing and services that meet a range of people's changing individual needs irrespective of age or ability in environments that enhance their physical safety and enable independence.

Persons with a disability, and especially those in wheelchairs, have well-developed views about the inaccessibility and inappropriateness of the majority of housing rental stock. Common issues include:

- hallways that are too small to turn a wheelchair in;
- kitchen, toilets and bathrooms which are unusable because of the size or layout of the rooms:
- · doorways that are too small;
- steps both within and outside dwellings;
- security features that could trap them in the event of a fire.

Research by Australian Housing Urban Research Institute (AHURI) 20087 illustrates that for people in a wheelchair, private rental was seen difficult to gain access to because of issues of cost, discrimination by landlords concerned that the wheelchairs would mark their walls and/or floors; and the unwillingness of some landlords to install ramps or grab handles in their dwellings. More generally, the private rental stock was seen to suffer the same

⁷ A Jones, Desleigh de Jonge, Rhonda Phillips (2008) Meeting future demand for rental housing for lower income older Australians: social or market sector supply Housing Policy Research Program, UQ and AHURI Qld Research Centre.

limitations as the rest of housing to stock in terms of its accessibility and distance from public transport.

For many of the mobility-impaired private rental housing was unattractive because the inherent insecurity of the tenure meant that they were continually confronted by the on-going challenge of finding wheel chair accessible housing.

While 3A.28 of the DCP includes some provision for adaptable housing, this does not go far enough, given the current and predicted demographics of the Ku-ring-gai LGA.

There also needs to be provision for a universally accessible public domain. There is limited value in adaptable housing if once people leave their homes they cannot navigate the public domain.

RECOMMENDATION 10

The issue of universally accessible design both of dwellings and the public domain needs to be included in the DCP.

D. More innovation in retail

The DCP in its present form appears homogenised with each town centre relying on retail boxes to enhance "its vibrancy". Is increased retail the only solution?

The small pocket parks (e.g. in Roseville) are unlikely to be delivered as the cost of putting a park on top of a car park is cost-prohibitive given the scale of development proposed.

At Roseville a more suitable model for retail could include more innovative retail that focuses on fresh produce and differentiates the retail experience already available at Chatswood and or Lindfield. For example, James St Market in Brisbane or Fratelli Fresh at Waterloo and Potts Point. These retail outlets would complement the existing retail and preserve the local retail rather another supermarket at Roseville. There is sufficient evidence that supermarkets are internal spaces that remove local strip retailers. With the supermarkets at Chatswood and two at Lindfield an indoor/outdoor market approach is more in keeping with the KMC sustainability philosophy.



Figure 1 Fratelli Fresh at Potts Point and Waterloo



Figure 2 James St Market, Fortitude Valley, Brisbane

Completed in 2002 James St Market, Brisbane conveys the identity of a market hall. The space however also acts a shopping street with specialty outlets opening off it via tilt-up and sliding doors. Other outlets within the market include cafes, delicatessen, fish market and bakery. Boxed windows slide open to form window seats that further open the market into the public realm providing a night time activity. The courtyard is freely accessible public space and does not rely on consumption. Although the James St Market operates as a commercial entity the concept could be extended to incubate new local businesses. The courtyard areas are suitable to accommodate craft or speciality markets.

RECOMMENDATION 11

Provide planning incentives for innovative retailing, including food retailing, that provides opportunity for local produce markets, craft and small business incubation as well as a social and environmental alternative to supermarkets.

E. Social impact assessment

Any proposed development should be required to produce a social impact assessment. The aims of impact assessment are better decision making processes and better outcomes from decisions. Impact assessment is a method for predicting and assessing the consequences of a proposed action or initiative before a decision is made. Economic and environmental impact assessments are well established processes in planning and are widely used in KMC.

Social impact assessment (SIA) refers to the assessment of the social consequences of a proposed decision or action, namely the impacts on affected groups of people and on their way of life, life chances, health, culture and capacity to sustain these; given the demographics of this area, in particular the high number of vulnerable groups of senior residents living alone.

A SIA template should be provided by KMC (For example see Newcastle City Council www.newcastle.nsw.gov.au/ data/assets/pdf file/0005/5576/social impact assessment policy.pdf). The SIA should be sufficiently robust to anticipate the impact of proposals made under the plan and minimise the need for further assessment. Whilst not limited, the following should be fully assessed for their social impacts in a SIA:

- larger developments, including: major retail, entertainment, sport or social infrastructure proposals,
- a significant change of land use, including: sale or rezoning of publicly owned land,
- new planning policies and plans and amendments to them, and/or
- controversial uses or increases in intensity (e.g. brothels or gun shops, gaming or liquor outlets, nursing or group homes),

A social impact assessment may give rise to recommendations for mitigation if the proposed change goes ahead. Like social impacts, mitigations should be properly researched to establish their effectiveness in dealing with identified impacts and should address inter-and intra-generational equity.

RECOMMENDATION 12

A publicly accessible SIA needs to become a core element of any proposal that requires an environmental or economic impact assessment, as in DCP point 10.4

F. Public benefit controls

Offering development bonuses is one means of providing additional public benefit in commercial and residential development. For example, after Canadian provinces abolished their equivalent of section 94 developer contributions some years ago, development bonuses in the form of increased building heights and floor-space ratios have been offered in exchange for developer-funded community cultural infrastructure.

Clause 6.4 of the Ku-ring-gai LEP (Town Centres) ("KLEP") provides for development bonuses (an increase in building height of 3 metres, and a 15 - 20% increase in floor-space

ratios) in exchange for the provision of public benefit. The KLEP sets out the assessment process to determine public benefit, involving a Public Benefits Design Panel and the issue of Public Benefits Certificates.

Linked to the Social Impact Assessment outlined above; the DCP in its current form refers to but does not define the concept of 'public benefit', whilst it clearly outlines/ encourages (density bonuses available to proponents).

In the Draft KLEP 2008 the following definition is offered:

Public benefit means the provision of facilities and design features which will benefit the broader community, including but not limited to new parks; new urban spaces; view corridors; new streets or lane ways; new pedestrian arcades and walk ways; cycle ways; community facilities and traffic improvements.

The classification could be more appropriately termed "public net benefit" where 'public net benefits' would refer to benefits minus costs accruing to everyone other than the private land owner. Defining it in this way is helpful because the private net benefit dimension provides insight into the behaviour of the landholder, while the public net benefit dimension relates to the effects on everyone else that flow from the landholder's development.

Given the level of public opposition to the scale and bulk of proposed development in the town centres it is surprising that criteria for increasing density and bulk is so loosely defined. In many cases the public benefits refer to either common urban design principles see point 6.4 (c). These are not a public benefits, the benefits would accrue to the landlord, tenant or resident not the wider community.

In 6.4 (a) public benefits consistent with Council's strategies and policies, the specific strategies need to be specified. For example: a broader approach to community facilities may be consideration of public benefits for different stages in the lifecycle - in particular youth and senior residents:

Public benefits for youth

There is an increasing trend to implicitedly design teenagers out of the public domain. Providing adequate space for teenagers/young people means that they feel included in the public domain and gives them a focal point for their activities. The provision of a half court basketball or futsal court means teenagers can play informal 2v2, 3v3 'street games' with improvised rules and no special equipment. This may be integrated into youth facilities or standardised play areas which provide passive surveillance. Much of our day to day life is segmented into age aligned activities: school, work, family, teenagers, aged facilities. Recreation activities designed well can break down these age brackets and allow greater intergenerational interaction and activities which benefits both young and old.

Public benefits for seniors

With the high number of seniors in Ku-ring-gai consideration should be given to the inclusion of exercise equipment in open space areas specifically designed for seniors; (inclusive of all levels of fitness and wheelchair-bound people). These are already operational throughout Asia and Queensland.



ACTIVE OUTLOOK: Bryan Blake and Cyndy Charker test the new LifeTrail outdoor fitness equipment at Limestone Park after the official launch yesterday. Photo: Rob Williams AU1808W

Exercises include those for the range from gentle mobility, to cardiovascular, torso stability and upper and lower body strength. The stations may also include information about healthy lifestyles such as the benefits of healthy eating.

RECOMMENDATION 13

The public benefits section of the DCP needs to be clearly defined, articulated and more stringent in ensuring that the 'public benefits' accrue to the wider community not owners/ landlords.

RECOMMENDATION 14

A Framework should be developed by KMC. Underlying the framework a proposed set of rules or principles for choosing whether an incentive is needed should be transparent. The choice among these tools depends on the levels of public net benefits and private net benefits from the land-use/ development being proposed. For example:

- do not use positive incentives if landholders would adopt land-use changes/design principles without those incentives,
- do not use positive incentives if private net benefits outweigh public net benefits.

RECOMMENDATION 15

A broader approach to community facilities should be included to consider public benefits for different stages in the lifecycle.

Public benefit criteria

Public benefit is not defined in the DCP, but the objectives on page 10-4 and the examples on page 10-2 and those given for each Key Area in Part 2 focus on the creation of "active civic space", higher design and construction standards, and visual and physical "permeability" through large sites. Many of these objectives and examples are highly subjective, difficult to measure and therefore open to manipulation.

Insufficient emphasis is given, we believe, to the creation of public benefit through, for example increased energy efficiency, use of recycled or low-embodied energy construction materials and improved integration with public transport.

Similarly, Part 10.2.4 stipulates that:

Development on Key Areas / Key Sites must demonstrate innovative built forms and sound sustainability principles within buildings and open spaces

but does not explain how or what kind of innovation in built forms creates public benefit and does not define "sound sustainability principles". Such a general statement is of little use as a control.

RECOMMENDATION 16

That Part 10.2 be amended to define and illustrate public benefit as including reduced energy consumption, improved integration with public transport and other measures which will result in decreased greenhouse gas emissions and decreased use of non-renewable resources.

RECOMMENDATION 17

That examples of public benefit on p. 10-2 and in Part 2 of the DCP (for each Key Area / Key Site) be amended to include examples that would result in decreased greenhouse gas emissions and decreased use of non-renewable resources.

RECOMMENDATION 18

Omit examples of public benefit that are overly subjective, unmeasurable or open to 'creative interpretation' by developers e.g. "levels of surveillance of public domain from buildings", "view corridors creating links with immediate and distant contextual items" and "contribution to creating activities at street level".

The Public Benefit Design Panel

Clause 6.4 of the KLEP establishes the Public Benefit Design Panel and gives it a key role in assessing public benefit, issuing Public Benefit Certificates and overseeing competition processes for Key Sites.

Part 10.3.1 of the draft DCP identifies the qualifications, expertise and experience required for the Panel – essentially urban planning, architecture and design.

Consistent with previous comments and recommendations regarding the public benefit criteria, we suggest that this is too narrow a skillset, and that the Panel should include members with the expertise to assess proposals in terms of sustainability outcomes.

Appropriate qualifications, expertise and experience might include sustainability / environmental auditors, accredited GreenStar auditors, mechanical engineers with a background in co-generation and other alternative power generation technologies, social sustainability planners, etc.

There should also be provision for the Panel to call on experts as required to advise on the technical aspects of specific proposals.

The Panel may also have a wider role to play in assessing and advising the consent authority (Council) on relevant aspects of other development proposals, not just those which seek a Public Interest Certificate. The Panel may be able to play an important advisory role without breaching the terms set out in the Town Centres LEP.

RECOMMENDATION 19

The Public Benefit Design Panel should be redefined as a 'Public Benefit Panel', of which design is only one skillset. The Panel needs to include appropriately qualified personnel in social, environmental and economic sustainability, urban planning as well as governance, with the expertise necessary to assess public benefit in terms of sustainability outcomes.

RECOMMENDATION 20

That provision be made for the Public Benefit Design Panel to seek advice from experts as required to advise on the technical aspects of specific proposals.

Examples of potential public benefits for specific Key Areas (Draft DCP, Part 2)

The examples of potential public benefits listed for each Key Area are not proscriptive, but they will influence developers seeking additional development bonuses through the public benefit process.

As mentioned above, most of the potential public benefits listed for specific sites focus on the creation of civic space, view corridors, higher design and construction standards and the like. There are a few, isolated examples that focus on energy efficiency, for example (page 2-29,):

Sustainability initiatives including co-generation and water recycling

This example is given for Key Area T3 (Kissing Point Road Retail Area, Turramurra). It would seem to be equally, if not more, applicable to such areas as S1 (St Ives Shopping Village), yet is not included as a potential public benefit for other Key Areas..

Similarly, the Objectives listed for each Key Area do not include sustainability objectives such as increased energy efficiency, increased recycling and improved integration with public transport.

RECOMMENDATION 21

That examples of potential public benefits for all Key Areas include examples that will result in decreased greenhouse gas emissions and reduced consumption and/or increased recycling of non-renewable resources.

RECOMMENDATION 22

That Objectives listed for each Key Area include sustainability objectives such as increased energy efficiency, increased recycling and improved integration with public transport.

Submission by:

Neil Papadopoulos

Bernadette Pinnell

Peter Richardson

Ku-ring-gai Council Sustainability Reference Group (Projects sub-committee)

September 2009

"S07743 - Draft Ku-ring-gai Town Centres DCP

Ku-ring-gai Council's DCP 55 has resulted in many buildings that have elicited wide spread community criticism because of their poor design. The draft Town Centre's DCP must be robust to assure good design and also contain controls that will be upheld if challenged in the Courts. An independent review of the DCP is requested.

GENERAL COMMENTS

- The Council's character statements are inconsistent with any vision statements from community consultations.
- The Draft DCP controls are generic and there is insufficient differentiation to achieve place based detail design for each Town Centre. The DCPs needs to capture and develop the individual character of each of the centres.
- The Design Excellence clause should be deleted from the DLEP and DCP.
 - -Design excellence should be a given and not require an incentive of extra development.
 - -The concept of 'design excellence' is highly subjective.
 - -Development controls for building heights and FSR in the DCP allow viable development and should combine best practice urban design principles to achieve good design.
 - -Establishment of a Design Competition or a Design Panel would involve extra cost to the developer that would flow onto the public.
- There appears to be little consideration of the combined final 3 dimensional massing that will result from the provisions in the DCP along each street or the eventual street section and scale that the combined heights and setback requirements will produce.
- Setbacks of 2 to 6 metres are insufficient for the scale of development and disproportionate with setbacks in single residential zones. Setbacks reduce impact of scale as well as improve ventilation, solar access, and adverse wind effects.
- The Public Domain Plan, the Village Green Masterplan, and Biodiversity Offset Policy documents should be concurrent with the DCP. The following documents are unavailable because they are in the drafting stage. These are integral to the Town Centre Plans. There are references to these documents throughout the DCP yet they are unavailable, how can one comment?
- There is no reference to the extensive amounts of **community (public) land** in the plans. Council has incorporated Community land into private developments without stipulating this. There is no indication of what the community gets as an outcome.
- There is no mention of S94 Contribution Plan, Voluntary Agreements or Public Private Partnerships.
- For the Key sites **Basic Design Principles are unacceptable**; they integrate community land and public roads. Despite this the developer is eligible for development bonus under the Public Benefits Principles to achieve a desired outcome. This means that indicative building heights of 6, 7, 8,9,storeys can be exceeded and set backs reduced.

Public Benefits

• The items listed as Public Benefits should be integral to the Base Indicative Plans. Works in lieu of contributions should be a requirement for provision of open space and

community facilities and 100% cost of road widening resulting from a development should be borne by the developer.

- The list of Public Benefits is biased to the developer and unreasonable. Items described as Public Benefits are not weighed up against retail/commercial benefits.
- Establishment of a Public Benefit Assessment Process or Competition adds costs to the process which will flow onto the resident or give further development benefits to the developer. Existing FSR and Heights in the LEP & controls in the DCP allow for full potential development no bonus should be given.

Biaised Public Benefits; Key Area S1

- 1. In St Ives a bus interchange at the door of the Shopping Centre is a convenience for shoppers but a Commercial benefit for the Centre.
- 2. A pedestrian mall or street through the Shopping Village from Mona Vale Road to the Village Green means better exposure for commercial & retailers on the ground floor of the buildings facing the mall or pedestrian link.
- 3. Road widening is only necessary because of the extent of the Shopping centre development, why should the community bear the costs?
- 4. A direct access link to a community facility should be a design given not a Public Benefit.
- 5. Building heights along the Village Green to 7 storeys allows future residents and retailers a north aspect with a view across the Village Green. The value outweighs the loss of amenity to users of the Village Green who will be overlooked by 7 and 9 storey buildings
 - In Key Areas all propositions are for mixed use retail/commercial centres. There is no planning choice. A mixed use zone could provide better options eg in Roseville and Lindfield where the Heritage retail buildings could preserve their integrity and retail/commercial or mixed use buildings built elsewhere.
- Parking Rates in St Ives in Mixed Use Development are insufficient. St Ives is not on a
 transport node. This should not be accepted due to the impact that additional vehicle parking
 may have on surrounding residential streets.
- **Building Separation.** Given that a commercial/ retail storey is a greater height than a residential storey, a specific building height should be specified to assure consistency for this control in residential buildings and mixed use buildings
- Plant trees where appropriate for shade, shelter and fauna. Use of native species and planting methods which minimise potable water consumption should be encouraged.

Site specific -ST IVES

 The Village Green was acquired by the residents after lobbying Council for passive open space. It is Heritage listed by the National Trust. It is a place that is serene and defines the identity of St Ives. The Village Green will lose its integrity unless it is protected from the impact of the St Ives Shopping Centre. Development of the Centre does not require integration with the Village Green which should retain some isolation from the Centre to retain its integrity.

- An improved interface between the St Ives Village Shopping Centre and the Village Green.
 There should be no net loss of the 190 public carparking spaces on the Village Green Parade and Cowan Road Carparks. There should be no impact or net loss of the Village Green to accommodate the loss of this area of parking and redevelopment of the interface.
- The Town centre Public Public Domain Plan, Village Green Masterplan, Parking Plan should be concurrent with the exhibition of the DCP.
- The DCP states that redevelopment of the centre will locate all parking for cars in new basement public parking areas. This contradicts the fact that some parking will be provided along Village Green Parade. Also require car parking numbers, there should be no net loss of Public Carparking. Some atgrade parking for the users of the Village Green users should be part of the plan with no net loss of the Village Green.
- The Parking study is unavailable as part of this exhibition.
- The promenade has been reduced from the original minimum 9 metre wide this includes tree planting and cafe /diner area- reducing the effective promenade to the width of a footpath. The promenade should be restored to 9metres.
- Insufficient information is given about the Bus interchange proposed in Memorial Avenue. This should not be a Public Benefit but paid from Section 94.
- The DCP states that seven (7) storey residential buildings positioned along northern edge of site to maximise views over the Village Green and maximise the northern aspect. It is unclear if the buildings are residential or mixed use. This should be stipulated to avoid the developer putting 7 storey residential on top of a commercial/retail podium. The residential element was to be set back 4metres from the residential/commercial podium, this should be stipulated.
- The DCP ststes that taller residential buildings set behind seven (7) storey elements to minimise building bulk and scale when viewed from the Village Green. A minimum setback for taller buildings from the Village Green should be stated.
- Five (5) storey commercial buildings located along the southern edge of the centre fronting Mona Vale Road. These will be overshadowed by 9 storey buildings on North.
- Denley Lane is to be retained along with "strip shop" character outside the main shopping centre providing alternative retail mix.yet it is active for vehicular access and overshadowed by tall buildings.
- The active frontages provided along Denley Lane wherever possible do not take into account permanent vehicular traffic to enter the underground Shopping Centre carpark and vehicular access points to Mona Vale Road buildings and 2 Durham Lane.
- Buildings set back varies from 2 metres to 6 metres from the front boundary of Mona Vale
 Road and Memorial Avenue to allow adequate space for, road widening, street tree planting
 and footpath widening. 2 metre setbacks should be increased. Setbacks are important to
 reduce the building bulk.
- Road widening, street tree planting and footpath widening are a consequence of development, the developer should cover 100% of the costs

Set backs

Set backs of 2 to 6metres are inadequate. Set backs are crucial in reducing the impact of bulk of buildings, assuring cross ventilation and sun access.

These setbacks are totally out of proportion with setbacks for single dwellings.

Biodiversity

- Council's Biodiversity Offsetting Policy is unavailable for comment yet should be concurrent with the DCP.
- Point 7 A flora and fauna assessment must be required for any development within Greenweb land. It should not be up to Council to determine to waive the study under any circumstances. This should be removed.
- The policy is extremely weak. It leaves the onus of proof on the proponent to disprove the Greenweb or vegetation conservation.
- The policy is inconsistent in use of should **should** and **must** throughout the document. It must be mandatory to apply conservation measures not a recommendation.
- The Biodiversity Offset Policy must mention that in certain case; critically endangered ecological communities or species or endangered ecological communities or species, offsetting is impossible.

Secondary Dwellings

- The secondary building must contribute to the BUA on any lot.
- Special conditions should apply to heritage properties.
- What controls are in place to protect environment in E2 areas?

Visual Character Summary Report

• The Report fails to mention that St Ives is distinct from other areas in having a rural zoning until the 1960s. The St Ives map highlights 1920 – 1945 character interwar homes that have been destroyed when Council approved SEPP5 on the site. The map fails to identify other interwar homes identified by the Heritage Study carried out and incomplete for the DLEP.It also fails to identify two rural cottages identified as potential heritage items in Cowan Road and the buildings with heritage statuson the old school site which are typical of their era 1880, 1936 and 1960.

CONCLUSION

The DCP is being rushed without the Urban Design Plan, Village Green Masterplan, Biodiversity Offset Policy established.

The controls are inadequate to assure net community benefits, good design outcomes, biodiversity conservation.

The DCP should be reviewed and re-exhibited.

Christiane Berlioz 17 Torres Place St Ives NSW 2075 Item 5

FY00382 26 May 2010

DELIVERY PROGRAM & OPERATIONAL PLAN 2010 TO 2014

EXECUTIVE SUMMARY

PURPOSE OF REPORT: For Council to adopt the revised draft delivery program and

operational plan 2010-2014, incorporating the Budget, Capital Works Program, Special Rate Variation (Subject to Minister's Approval) and Fees and Charges for 2010-2011.

BACKGROUND: The *Local Government Act, 1993* requires Council to produce

a delivery program which identifies its principal activities and objectives for the next four years and an annual operational plan which identifies the activities to be engaged in by the council during the year as part of the four (4) year delivery program. These provisions replace the preparation of the

Management Plan as part of the Division of Local

Government Integrated Reporting reforms. A draft delivery and operational plan was considered by Council for public

exhibition on 27 April 2010.

COMMENTS: Council has identified six (6) principal activities and a number

of objectives have been formulated for each principal activity. Within in each activity area numerous projects and services are specified along with a broad range of capital works. The draft plan also proposes the introduction of a special rate variation to assist in funding of the North Turramurra

Recreation Area.

RECOMMENDATION: That Council adopt the delivery program and operational plan

2010-2014, incorporating the Budget, Capital Works Program, Special Rate Variation (Subject to Minister's

Approval) and Fees and Charges for 2010-2011.

Item 5

FY00382 26 May 2010

PURPOSE OF REPORT

For Council to adopt the revised draft delivery program and operational plan 2010-2014, incorporating the Budget, Capital Works Program, Special Rate Variation (Subject to Minister's Approval) and Fees and Charges for 2010-2011.

BACKGROUND

At the Ordinary Meeting of Council on 27 April 2010, Council considered the draft delivery program and operational plan 2010-2014, incorporating the Budget, Capital Works Program, Special Rate Variation (Subject to Minister's Approval) and Fees and Charges for 2010-2011. At this meeting it was resolved (minute number 108):

- A. That the report on Council's Delivery Program and Operational Plan 2010-2014, incorporating the Budget, Capital Works Program, Special Rate Variation (Subject to the Minister's approval) and Fees and Charges for 2010-2011 be received and noted.
- B. That Council gives notice of its intention, should the Minister for Local Government approve Council's application for a special variation for the New Facilities Rate to:
 - (i) Make and levy an ordinary rate to comprise a minimum rate and ad valorem rating structure for both Residential and Business categories, make and levy a special rate to comprise an ad valorem with a zero base rate for Environmental and New Facilities categories and make and levy a special rate to comprise an ad valorem with a \$165 base charge for an infrastructure category.
 - (ii) Increase its rate income by the maximum 5.75% approved by the Minister for I ocal Government.
- C. That Council gives notice of its intention, should the Minister for Local Government not approve Council's application for a special variation for the New Facilities Rate to:
 - (i) Make and levy an ordinary rate to comprise a minimum rate and ad valorem rating structure for both Residential and Business categories, make and levy a special rate to comprise an ad valorem with a zero base rate for an Environmental category and make and levy a special rate to comprise an ad valorem with a \$165 base charge for an infrastructure category.
 - (ii) Increase its rate income by the maximum 2.6% approved by the Minister for Local Government.
- D. That pursuant to Sections 405 and 406 of the Local Government Act, 1993, delivery program and operational plan 2010-2014, incorporating the Budget, Capital Works Program, Special Rate Variation (Subject to the Minister's approval) and Fees and Charges for 2010-2011, as amended, be endorsed and placed on public exhibition for a period of 28 days commencing 30 April 2010.

FY00382 26 May 2010

- E. That the voluntary pensioner rebate be granted to all eligible pensioners as a flat percentage of 11% of total rates and charges in 2010/2011.
- F. That a copy of resolution to adopt the delivery program and operational plan, including the special variation (subject to Minister's approval), be forwarded to the Minister of Local Government.
- G. That an advertisement be placed in the 'North Shore Times' advising public exhibition details.
- H. That following public exhibition, a further report be submitted to Council on 9 June 2010 for adoption of the Delivery Program and Operational Plan 2010/2014, incorporating the Budget, Capital Works Program, Special Rate Variation (subject to Minister's approval) and Fees and Charges for 2010/2011 to enable consideration of:
 - (i) Any submissions received during the exhibition period referred to D. above; and
 - (ii) Formal adoption of Ku-ring-gai Council's Delivery Program and Operational Plan 2010/2014 and associated policies.
- I. That an Information Technology Reserve be established for the purpose of funding hardware and software purchases relating to information technology.
- J. That Lynbara Avenue, St Ives be brought forward in the Footpath Program in 2010/2011 to replace Walker Avenue which can be deferred to the 2011/2012 Program.

This report provides a summary of comments received during the exhibition period and proposed amendments to the draft plan and accompanying capital works.

COMMENTS

Capital Works Program

A review of the draft capital works program during the exhibition period identified a number of amendments to improve the coordination and delivery of key projects over the coming three years. The major changes proposed to the Infrastructure Levy, Environmental Levy, Parks and Playground capital works programs are discussed below. Additionally it is recommended that funding for a comprehensive heritage assessment of the heritage conservation areas and new heritage items be incorporated into the 2010/11 works program. This would coincide with the supporting studies necessary for the preparation of the principle local environmental plan.

Heritage Assessment for Principle LEP

As part of the development of the principle Local Environmental plan it is necessary to undertake a comprehensive heritage assessment of the heritage conservation areas and new heritage items. Under the funding for the development for the LEP \$30,000 was allocated for this project. In order

FY00382 26 May 2010

to update past heritage assessments by the National Trust and other consultants it will be necessary to expand the scope of the consultancy. It is estimated that up to \$170,000 is needed for this project.

The draft budget as exhibited for 2010/11 did not include funding for an expanded heritage assessment. As part of the heritage items and urban conservation review project (PJ100827), it is anticipated that there will be \$30,000 unspent from the 2009/10 financial year. For 2010/11 the budget for this item is \$35,400. In order to fund the balance of the project, up to \$170,000, it is also recommended that the balance be funded from unspent funding from within the Catchment Management and Analysis budget items (PJ100504) for the 2009/10.

Environmental levy

Town centres and energy reduction

As discussed in a separate report to Council on energy reduction and alternative energy generation (Ordinary Meeting of Council 8 June 2010), it is recommended that Council reallocate the Town Centres Sustainability Fund within the Environmental Levy to fund a range of energy efficiency and alternative energy regeneration projects. Subject to the approval of Council on this matter, the final two (2) years for the levy has allocated \$294,000 and \$708,000 respectively, inclusive of the unspent funds in the 2009/10 financial year for the town centre projects. The timing of the budget allocation reflects the expected construction phasing of the two (2) major projects, a cogeneration heating system for the new aquatic facility at West Pymble Pool and the installation of photovoltaic at the new Operations Depot.

Walking tracks

Maintenance for walking tracks funded by the levy has been increased to \$75,000. This will be used across five (5) tracks upgraded or constructed by the levy and other bushland recreation areas. This funding should enable the tracks to be handed over the Bushland Operations Section for routine maintenance at the conclusion of the levy without major recurrent budget implications.

Penrhyn Street to Hammond Reserve, Pymble - this will provide a link from Penrhyn Street to Hammond Park walking track previously known as Bullock Park, which was updated 2006 track funded by the levy in 2006. This new track will enable access to Suakin Street providing alternate access and parking for those working in the Pymble business park including the new Council depot.

Darri Track to Timbarra, St Ives Chase - This will provide opportunities to link the walking track network from Darri Track to Wildflower Garden. At present users must travel on road for approximately 1.5 km.

Shot Machine Track, Roseville - The nature of the walking track from Swain Gardens to Middle Harbour is informal and degraded. Formalising and repairing problem areas will provide a loop from Slade Avenue in Lindfield and provide an East West link from Lindfield Station to Middle Harbour. This project will be funded by two (2) sources, section 94 (in the Parks Development area for the major works in and around Swain Garden) and the Environmental Levy (connecting to Middle Harbour). Additional to this work and to be funded by the levy will be weed control.

Stormwater harvesting and catchment management

To collect and treat the leachate from Golden Jubilee Field, \$150,000 has been identified for this year in the stormwater harvesting program. The full cost of this project will be determined when

FY00382 26 May 2010

detailed designs are completed. Given the difficulty with the terrain and stability of the site (as experienced with the construction of the fire trail) a conservative budget has been identified.

Water and Catchments

Primula Oval was initially highlighted for stormwater harvesting. This project has been deleted due to the scheduling of the sports ground capital works program and conclusion of the levy in 2012/13. It is proposed to allocate funding to Allan Small Oval that would build on the stormwater drainage works and filter garden undertaken in 2009/10 as part of the levy. The allocation for 2010/11 will fund the storage tanks and associated landscaping adjacent to the bushland.

Biodiversity

Auluba Oval bush regeneration line was inadvertently missed from the program. This is an ongoing bush regeneration project in the bushland between Auluba Ovals 1& 2 and 3. The continuation of regeneration of the turpentine iron bark forest will build on the previous five (5) years of work and complement the recently completed capital upgrade to this site.

Parks and playgrounds capital works

Changes to these programs over the next three years have involved a reallocation of funding within the budgeted amount so as to maximise the benefit of the upgrades and where relevant to implement a greater number of projects in the adopted master plans.

Allan Small Park playground and recreation playspace - this project is listed in the exhibited plan for \$20,000 in 2010/11. It is recommended that the \$35,900 originally allocated to the Gordon Recreation Ground playground landscaping be used at Allan Small Park. The Gordon Recreation Ground project will commence in the 2011/12 to coincide with the playground upgrade.

Bicentennial Park – this project has been brought forward from 2013 to replace The Mall Park, St Ives Chase that is being undertaken in 2010/11 and was mistakenly duplicated in 2013.

Turramurra Memorial Park Masterplan Stage 2 and Bicentennial Park furniture, lighting and parking upgrade were listed as one project - these projects have simply been separated into two (2) projects with no change to the total funding.

Turramurra Memorial Park – In 2013, the description of this project in the exhibited draft had stated that the projects were still to be defined. It is recommended funding relates to the implementation of stage 2 of the adopted landscape master plan and shall be subject to further consultation with Councillors. Furthermore it is proposed that \$61,000 listed for the playground upgrade at Bicentennial Park and Echo Point Park be allocated to Turramurra Memorial Park. As noted above, the works at Bicentennial Park will be undertaken in 2011/12 and the upgrade at Echo Point Park was completed in 2010.

Golden Jubilee Field – Additional funding of \$70,000 has been allocated to this project to renew the equipment to bring this up to district park standard. This funding as been reallocated from the Bicentennial Park playground that will be undertaken in 2011/12 (as above).

Wahroonga Park and 38 Coonanbarra Road (unnamed park) – this project will be funded by section 94 and has been added to the program for 2012/13 and will follow the landscape masterplan for this site to be prepared in 2011/12.

Item 5

FY00382 26 May 2010

Catchment Management and Analysis

Funding from the catchment management line for 2009/10 item was previously identified as a co-contribution for the stormwater harvesting project at Allan Small Oval as part of the NSW Government's Environmental Trust program. Council was notified that this grant was unsuccessful early 2010. In order to complete the work at this site as planned, the budget for 2010/11 has identified funding from the Environmental Levy and Sportsfield program. For 2010/11 funding from the catchment analysis programs will be used for ongoing monitoring of the stormwater harvesting scheme as well as participate in a regional catchment monitoring program coordinated by the Sydney Metro Catchment Management Authority. The catchment management funds will be used to assist in the construction of the leachate treatment from Golden Jubilee Oval in combination with funding from the Environmental Levy. This project is yet to be designed in detail and once known then costed it may be necessary to revisit this project with Council as part of the quarterly budget reviews.

The revised program of capital works and major projects for 2010/11 is listed below:

Project Group	Draft Plan - April 2010		Change *
	\$000's	\$000's	\$000's
Depot Relocation	8,800	8,783	-17
North Turramurra Recreation Area	6,575	6,563	-12
Roads Program	6,024	6,013	-11
New Administration Building	6,000	5,989	-11
Open Space Acquisition	3,093	3,087	-6
West Pymble Pool Upgrade	3,063	3,057	-6
B2 Land Sale	2,057	2,053	-4
Parks Development	1,936	1,670	-266
Sports Fields	1,337	1,335	-2
Plant & Vehicles	1,261	1,259	-2
Drainage structures	624	623	-1
Library Resources	569	568	-1
SES relocation	522	521	-1
Footpaths	432	432	
Town Centre & Urban Design	283	417	134
Playgrounds	238	347	109
Office Refurbishment	341	341	
Information Technology	313	312	-1
Sports Courts	293	292	-1
Catchment Management & Analysis	287	287	
Tree Planting	203	203	
Business Centres Program	203	203	
Traffic Facilities	187	187	
Community Projects	175	175	

FY00382 26 May 2010

Project Group	Draft Plan - April 2010	Final Plan	Change *	
	\$000's	\$000's	\$000's	
Fencing & Parking Areas	164	163	-1	
Public Toilets	104	104		
Human Resources	104	104		
Environmental Levy Projects				
Town Centre Projects	367	446	79	
Water Catchments	235	347	112	
Recreation Facilities	15	338	323	
Water Sensitive Urban Design	507	314	-193	
Community Partnerships	189	185	-4	
Biodiversity	141	158	17	
Regulation & Enforcement	179	135	-44	
Monitoring & Evaluation	128	116	-12	
Communication	64	44	-20	
Fire Management	20	21	1	
Total at 2010/2011 Prices	47,033	47,192	159	

^{*} Minor changes are due to revision of CPI forecast between September 2009 and March 2010

Special Rate Variation

On 23 March 2010, Council resolved to apply to the Minister for Local Government, under section 508(2) of the *Local Government Act 1993*, for a special rate variation to fund the North Turramurra Recreation Area (NTRA) redevelopment project.

The NTRA will be located within and adjacent to the current North Turramurra Golf Course. The project will provide:

- a rehabilitated retired landfill site on which five (5) golf holes will be relocated;
- redesign and reconstruction of another five golf holes
- three (3) new sport fields with irrigation;
- four (4) new netball training courts;
- a new clubhouse and community meeting room;
- a sustainable water recycling and re-use system including a stormwater harvesting storage dam and a sewer recycling plant for irrigation of the golf course and sportsfields
- a new passive park with children's playground and BBQ facilities; and
- parking on-site for 265 vehicles.

The major barrier to the progress of the facility has been funding. While a number of funding sources have been identified, Council is unable to meet the shortfall. The use of a special variation is the most feasible funding source as previously considered by Council.

Item 5

FY00382 26 May 2010

The overall cost of the project is \$24.4million (indexed to future prices) with the special rate variation funds contributing \$9.4million (38.3%) towards the total. Council is able to make a significant contribution towards the cost of the project and the following table details the proposed funding sources:

Capital Cost	\$24,375,800		
Net Operating Costs	\$77,800		
Interest	\$755,737		
Total		\$25,209,337	
Funded by			13.4%
S94 2009	\$3,267,592		12.9%
S94 2000	\$3,135,000		7.6%
S94 2004	\$1,859,000		8.4%
Federal Grant	\$2,041,600		10.2%
Golf Course Levy	\$2,479,400		12.7%
DWM	\$3,084,300		38.3%
Special Rate	\$9,343,901		
		\$25,210,793	
Variance		\$-1,455	

Rating Structure 2010/2011

Under Section 506 of the *Local Government Act 1993* each year the Minister for Local Government determines the maximum amount by which NSW councils can increase their general rates income. The Minister has determined the maximum increase in rates of 2.6 per cent and this increase is reflected in the 2010/11 budget.

Council at its meeting on 23 March 2010 resolved that Council apply to the Minister for Local Government for a New Facilities special rate variation under Section 508(2) of the *Local Government Act 1993*, of 3.15% increase for 5 years from 2010/11 to 2014/15, to fund North Turramurra Recreation Area redevelopment. It was further resolved that Council request the Minister for Local Government to lift the restriction on the use of funds collected for new facilities rate 2009/10, to fund North Turramurra Recreation Area redevelopment.

If the application for a New Facilities special variation to general income under Section 508(2) of the *Local Government Act 1993* is approved, the details of rates levied will be as follows:

Rate pegging increase of 5.75%					
Rate Type	Category	Rate in \$	Min/Base Amount \$	Yield \$	
General	Residential	0.00139426	430	30,086,345	
General	Business	0.00550285	430	3,066,614	
Special	Environmental	0.00010615		2,248,989	

FY00382 26 May 2010

Rate pegging ind	Rate pegging increase of 5.75%					
Rate Type	Category	Rate in \$	Min/Base Amount \$	Yield \$		
Special	Infrastructure	0.00031305		6,632,485		
Special	Infrastructure		165	6,367,515		
Special	New Facilities	0.00007048		1,493,253		

If the application for a New Facilities special variation to general income under Section 508(2) of the *Local Government Act 1993* is not approved, the details of rates levied will be as follows:

Rate pegging ind	Rate pegging increase of 2.6%					
Rate Type	Category	Rate in \$	Min/Base Amount \$	Yield \$		
General	Residential	0.00139426	430	30,086,345		
General	Business	0.00550285	430	3,066,614		
Special	Environmental	0.00010615		2,248,989		
Special	Infrastructure	0.00031305		6,632,485		
Special	Infrastructure		165	6,367,515		

A 3.15 per cent increase for five (5) years from 2010/2011 to 2014/2015 would be levied to fund North Turramurra Recreation Area redevelopment. It is anticipated that the special rate variation would result in \$1.49 million additional rates revenue in 2010/11.

The average ratepayer currently has a rates and annual charges bill totalling \$1,500, including \$38 for the New Facilities Special Rate, which will continue into 2010/11 if this application is approved.

CONSULTATION

The delivery program and operational plan was placed on public exhibition from 30 April until 28 May 2010. Advertisements were placed in the North Shore Times on 30 April advising of the public exhibition details and inviting submissions from interested members of the community. Copies of the draft plan and information related to the special rate variation was made available at Council Chambers, each of Council's libraries and on Council's website from 30 April 2010.

A public meeting to discuss the draft plan was held on 18 May 2010 following resolution H. The major issue raised from this meeting related to the provision of additional funding for the Ku-ringgai Youth Development Services (KYDS).

FY00382 26 May 2010

In total seven (7) written (including email) submissions (**Attached**) were received during the exhibition period including a request from the Heritage Reference Committee. A summary of the submissions and comments by staff is provided below:

- Provision for additional kerb side guttering along parts of Kissing Point Road, South Turramurra. This project is included in the 2010/11 capital works program based on the likely funding from the RTA under the Repair Program. If Council is successful with the grant, kerb and guttering or other drainage works will be included in the design.
- The need for more signage to mark cycle paths across the local government area. In support of this submission, Council staff has facilitated Bike North to make a submission to the Environmental Levy Small Grants Scheme to fund elements of this program. If successful it would be envisaged that this funding would from part of the dollar contribution of a Council grant submission to the RTA to assist with the implementation of council's bike strategy. At this stage there is no other funding source for cycleways apart from the footpath program.
- Support for mountain bike facilities at Golden Jubilee. This is a listed capital works project and is already incorporated in the budget for 2010/11;
- Request for funding for disabled toilet at the Canoon Road netball courts (\$25,000). This project has been incorporated within the toilets capital works program with co-funding from a grant (if successful) from the NSW Department of Sport and Recreation. If the club is successful with the grant, Council's contribution can be funded from the public toilet budget as no specific projects have been identified at this stage.
- Tulkiyan House interpretive space. Council's Heritage Reference Committee has indicated that additional funding is required to supplement the Federal Government's grant to provide the interpretative space. Associated with this project is a need to provide a kitchen and disabled toilet. Initial estimates indicate that an additional \$75,000 is required to fund this work. As there is no identified funding source for this work, it is suggested that the funds be made available from the public toilet budget.
- Supplementary funding support for KYDS group. The request for funding of \$140,879
 presents a significant impact on Council's draft budget for 2010/11. Given the nature of the
 funding request, it is suggested that a separate report be prepared for Council detailing the
 current level of financial assistance to community groups and possible funding strategies
 for Council to consider.
- Installing an electric BBQ at Nar-rang Reserve, Gordon. The cost to provide this facility is in the vicinity of \$27,000 due to the need to provide power and water to site. Given this it is suggested that this project be considered in the development of a future years capital works program.

As noted in previous reports to Council, the development of many aspects of this draft plan reflected on past public consultations specifically the Community Strategic Plan as adopted on 13 October 2009.

A key element to the consultation strategy in this plan was to ascertain additional comment on the continuation of a special rate variation to fund the works set within the adopted North Turramurra Recreation Areas master plan. The specific methods of consultation were outlined in a previous report on this project where Council specifically resolved its intention to apply to the Minister for Local Government for a special rate for this project (refer to Minute number 39 of OMC 23 February 2010 GB 9). The results of the consultation concerning this special rate variation were in

Item 5

FY00382 26 May 2010

the process of being finalised at the time of preparation this report and it is intended that the final report on this will be provided to Councillors prior to 8 June 2010. This report will also be referred to the Department of Local Government in support of Council's application for the special rate variation.

FINANCIAL CONSIDERATIONS

Budget principles

Council's budget for 2010/2011 is developed using the 20 Year Long Term Financial Plan (LTFP), adopted by Council on 8 December 2009. The LTFP is based on the following principles:

- A Maximise funds available for projects (in real terms after inflation) to upgrade or renew infrastructure by:
 - maximising the operating profit before capital items;
 - prioritising the use of Council reserves;
 - borrowing in accordance with policy; and
 - timing project expenditure over a longer period and linking to funds availability.
- B Financial Sustainability tests applied by the LTFP
 - target a minimum working capital of \$3.8M;
 - achieve an operating surplus, before capital income items, to fund capital expenditure;
 - maintain a minimum level of internal discretionary cash reserves (excluding liability cash reserves) of 10% of revenue;
 - only capital items to be funded from reserves; and
 - proceeds of asset sales returned to reserves for expenditure on new assets or major asset refurbishment.

If the special rate variation application is approved, the 2010/11 budget provides for total operating revenue of \$90.0 million. Operating expenses for 2010/11 are budgeted at \$71.3 million, after allowing for depreciation of \$7.9 million. This results in an operating surplus of \$18.6 million, an increase of \$2.4 million on the 2009/10 budget of \$16.3 million. Surplus funds from operations are combined with capital income, reserves and loan monies to fund Council's capital works and other projects as follows:

FUNDING STATEMENT	2009/	/2010	2010/	/2011
	\$000's	\$000's	\$000's	\$000's
Operating Revenue Operating Expense (excluding	83,738		90,001	
depreciation)	67,471		71,347	
Operating Surplus		16,267		18,654
Plus: Capital Income (s94, Grants, Asset				
Sales)		32,153		8,423
Less: Net Loan Repayments		-1,863		4,858
Funds for Projects & Reserve Transfers		46,557		31,935
Plus: Transfers from Reserves	31,870		38,426	
Less: Transfers to Reserves	-38,082		-22,934	
Net Reserve Funding		-6,212		15,492

FY00382 26 May 2010

FUNDING STATEMENT	2009/2010		2010,	/2011
	\$000's \$000's		\$000's	\$000's
Funds for Projects		40,345		47,427
Project Expenditure		-39,540		-47,189
Budget Surplus		805		238

If the special rate variation is not approved, the 2010/11 budget provides for total operating revenue of \$88.7 million. Operating expenses for 2010/11 are budgeted at \$71.3 million after allowing for depreciation of \$7.9 million. This results in an operating surplus of \$17.4 million, an increase of \$1.1 million on the 2009/10 budget of \$16.3 million. Surplus funds from operations are combined with capital income, reserves and loan monies to fund Council's capital works and other projects as follows:

FUNDING STATEMENT	2009/	/2010	2010/	/2011
	\$000's	\$000's	\$000's	\$000's
Operating Revenue Operating Expense (excluding	83,738		88,727	
depreciation)	67,471		71,347	
Operating Surplus		16,267		17,380
Plus: Capital Income (s94, Grants, Asset Sales)		32,153		7,100
Less: Net Loan Repayments		-1,863		4,568
Funds for Projects & Reserve Transfers		46,557		29,048
Plus: Transfers from Reserves	31,870		32,040	
Less: Transfers to Reserves	-38,082		-20,224	
Net Reserve Funding		-6,212		11,816
Funds for Projects		40,345		40,864
Project Expenditure		-39,540		-40,626
Budget Surplus		805		238

Whether the special rate variation is or is not approved, the draft budget has a \$238K surplus. A working capital level of \$2,112K is currently targeted for 2009/10 and this will improve to \$2.35M in 2010/11. These amounts remain unchanged as the amount of external borrowings has been adjusted to achieve the same result in each scenario.

Council's external auditors believe that a financially sound level of working capital is \$3.8M and the LTFP has budgeted this to be achieved at the end of 2012/13.

Fees and Charges Schedule for 2010-2011

The changes to the draft 2010/2011 Fees and Charges are:

• Fees relating to Freedom of Information in Corporate have been removed as these have been superseded by charges from the Government Information Act.

FY00382 26 May 2010

• A4 black and white photocopies \$0.70 per copy or \$0.20 per copy for documents in excess of 100 pages.

• Removal of fee for additional costs for photocopying documents in excess of 20 pages - \$15

Interest on Investments

The draft Delivery Program and Operational Plan 2010-2014 report to Council on 27 April 2010, included total interest on investments of \$3.55 million. Current forecasts by Access Economics for 2010/11, revise up the investment return from 4.3% to 5.2%, which increase the total interest earnings to \$4.29M, being an increase of \$133K in general revenue, \$110K in internally restricted reserves and \$500K in Section 94 funds.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The development of the delivery program and operational plan 2010-2014, incorporating the Budget, Capital Works Program, Special Rate Variation and Fees and Charges for 2010-2011 has been undertaken in full consultation with all departments across Council.

SUMMARY

Delivery Program and Operational Plan

The draft delivery program and operational plan has been prepared in accordance with the new integrated planning framework as introduced by the Division of Local Government in October 2009. These plans replace the previous four (4) year Management Plan and Budget. The delivery program and operational plan incorporates six (6) principal activities, consistent with the adopted Community Strategic Plan:

- Community development
- Urban environment
- Natural environment
- Planning and development
- Civic leadership and corporate services
- Financial sustainability.

Short, medium and long term objectives have been developed for each principle activity area consistent with the Community Strategic Plan 2030. Responding to these various services and projects are proposed. These are divided between the recurrent budget and the capital works program as contained in the amended draft plan. In response to the public consultation and review of the capital works program, minor amendments are recommended to improve the delivery and coordination of projects over the next four years. A major area of funding and works remains unresolved being the application to the Minister for Local Government concerning the construction of the new recreation area at North Turramurra. Consultation undertaken as part of this project has been very favourable nearing 80% support. The final decision regarding this project will be made by the Minster and this is expected late June 2010.

RECOMMENDATION

- A. That Council adopt the delivery program and operational plan 2010-2014, incorporating the Budget, Capital Works Program, Special Rate Variation (Subject to the Minister's approval) and Fees and Charges for 2010-2011 as amended.
- B. That should the Minister for Local Government approve Council's application for a special variation for the New Facilities Special Rate:
 - 1. an ordinary rate in the dollar of \$0.00139426 on the unimproved capital value of all rateable land categorised as residential in the Council area be made for the period of 1 July 2010 to 30 June 2011.
 - 2. an ordinary rate in the dollar of \$0.00550285 on the unimproved capital value of all rateable land categorised as business in the Council area be made for the period of 1 July 2010 to 30 June 2011.
 - 3. an environmental special rate in the dollar of \$0.00010615 on the unimproved capital value of all rateable land categorised as residential or business in the Council area, with a zero base amount, be made for the period of 1 July 2010 to 30 June 2011.
 - 4. an infrastructure special rate in the dollar of \$0.00031305 on the unimproved capital value of all rateable land categorised as residential or business in the Council area, with a \$165 base amount for an infrastructure category, be made for the period of 1 July 2010 to 30 June 2011.
 - 5. a new facilities special rate in the dollar of \$0.00007048 on the unimproved capital value of all rateable land categorised as residential or business in the Council area, with a zero base amount, be made for the period of 1 July 2010 to 30 June 2011.
 - 6. the minimum rate for both residential and business be set at \$430.00 for the period 1 July 2010 to 30 June 2011.
 - 7. the voluntary pensioner rebate be granted to all eligible pensioners as a flat percentage of 11% of total rates and charges in 2010/2011.
 - 8. the General Manager and Director Corporate be delegated to negotiate and establish Council's new loan account of \$6,570,000 and the Common Seal be affixed to all required documents.
- C. That should the Minister for Local Government not approve Council's application for a special variation for the New Facilities Special Rate:
 - 1. an ordinary rate in the dollar of \$0.00139426 on the unimproved capital value of all rateable land categorised as residential in the Council area be made for the period of 1 July 2010 to 30 June 2011.

Item 5 FY00382 26 May 2010

- 2. an ordinary rate in the dollar of \$0.00550285 on the unimproved capital value of all rateable land categorised as business in the Council area be made for the period of 1 July 2010 to 30 June 2011.
- 3. an environmental special rate in the dollar of \$0.00010615 on the unimproved capital value of all rateable land categorised as residential or business in the Council area, with a zero base amount, be made for the period of 1 July 2010 to 30 June 2011.
- 4. an infrastructure special rate in the dollar of \$0.00031305 on the unimproved capital value of all rateable land categorised as residential or business in the Council area, with a \$165 base amount for an infrastructure category, be made for the period of 1 July 2010 to 30 June 2011.
- 5. the minimum rate for both residential and business be set at \$430.00 for the period 1 July 2010 to 30 June 2011.
- 6. the voluntary pensioner rebate be granted to all eligible pensioners as a flat percentage of 11% of total rates and charges in 2010/2011.
- 7. the General Manager and Director Corporate be delegated to negotiate and establish Council's new loan account of \$6,280,000 and the Common Seal be affixed to all required documents.
- D. That the charge for the Domestic Waste Management service be set at \$320.00 per residential property per annum excluding flats and home units.
- E. That the charge for Domestic Waste Management base service without green waste be set at \$235.00 per annum.
- F. That the charge for Domestic Waste Management service be set at \$290.00 per residential property per annum for flats and home units.
- G. That the charge for an additional green waste service be set at \$110.00 per container, per annum.
- H. That the charge for a 240 litre waste bin with green waste be set at \$425.00 per annum excluding flats and home units.
- I. That the charge for a 240 litre waste container without green waste be set at \$340.00 per annum, excluding flats and home units.
- J. That the charge for a 240 litre waste container for flats and home units be set at \$415.00 per annum.
- K. That the charge for the provision of an additional 120 litre waste bin, per bin, per annum be set at \$135.00.
- L. That the charge for Domestic Waste Management on vacant land be charged at

FY00382 26 May 2010

\$145.00 per annum, per residential property.

- M. That the charge for Non-domestic Waste Management services be set at \$220.00 per unit of occupancy per annum. In the case of a single business occupying the whole of the building with more than one storey, the rate will be applied per storey of the building.
- N. That the Stormwater Management Charge be set as follows:

Strata / Company titled residential home units: \$12.50 per unit
 Strata / Company titled business units: \$12.50 per unit

Other residential property:
 Business rateable property:
 \$25.00 per rateable property
 \$25.00 per 350 square metres

of Land area (a maximum charge of \$1,500 applies to land area greater than 21,000

square metres).

O. That Council acknowledge the formal submissions made on the Management Plan and respond to the authors with the outcomes.

Antony Fabbro John Clark

Acting Director Strategy & Environment Director Corporate

Greg Piconi John McKee

Director Operations General Manager

Attachments: Public submissions - 2010/097538

MEMORANDUM

TO: General Manager

Mayor Councillors

CC: Directors

Governance Council Libraries

FROM: Acting Director Strategy

SUBJECT: ITEM GB. 5 DELIVERY PROGRAM & OPERATIONAL PLAN 2010 TO 2014.

AMENDMENT - REVISED COMMENTS & RECOMMENDATION SECTIONS

The report on the Delivery Program and Operational Plan GB.5 to be considered at the Ordinary Meeting of Council 8 June 2010 has been further reviewed and a new section will replace the current section of the report from the Business Paper **COMMENTS** (page 310) section to the start of the **Special Rate Variation** (page 314) and also a revised **FINANCIAL CONSIDERATIONS** section (page 318-320).

The reason for this change is that they are over and above the original exhibition material and accordingly it may be more appropriate to provide additional opportunity for both the community and Council to separately review and consider these projects rather than being incorporated into this report.

The revised sections of the report are below.

COMMENTS

Heritage Assessment for Principle LEP

As part of the development of the Principle Local Environmental Plan (LEP) it is necessary to undertake a comprehensive heritage assessment of the heritage conservation areas and new heritage items. Under the funding for the development for the LEP \$30,000 was allocated for this project. In order to update past heritage assessments by the National Trust and other consultants it will be necessary to expand the scope of the consultancy. It is estimated that up to \$170,000 is needed for this project.

The draft budget as exhibited for 2010/11 did not include funding for an expanded heritage assessment. Funding for this work will be made available from the 2010/11 Catchment Management and Analysis budget (\$135k) and the existing Heritage and Urban Conservation Area budget for 2010/11 (\$35k).

2010/100440

FINANCIAL CONSIDERATIONS

Budget principles

Council's budget for 2010/2011 is developed using the 20 Year Long Term Financial Plan (LTFP), adopted by Council on 8 December 2009. The LTFP is based on the following principles:

A Maximise funds available for projects (in real terms after inflation) to upgrade or renew infrastructure by:

- maximising the operating profit before capital items;
- prioritising the use of Council reserves;
- borrowing in accordance with policy; and
- timing project expenditure over a longer period and linking to funds availability.

B Financial Sustainability tests applied by the LTFP:

- target a minimum working capital of \$3.8M;
- achieve an operating surplus, before capital income items, to fund capital expenditure;
- maintain a minimum level of internal discretionary cash reserves (excluding liability cash reserves) of 10% of revenue;
- only capital items to be funded from reserves; and
- proceeds of asset sales returned to reserves for expenditure on new assets or major asset refurbishment.

If the special rate variation application is approved, the 2010/11 budget provides for total operating revenue of \$90.0 million. Operating expenses for 2010/11 are budgeted at \$71.3 million, after allowing for depreciation of \$7.9 million. This results in an operating surplus of \$18.7 million, an increase of \$2.4 million on the 2009/10 budget of \$16.3 million. Surplus funds from operations are combined with capital income, reserves and loan monies to fund Council's capital works and other projects as follows:

FUNDING STATEMENT	2009/	/ 2010	2010/	' 2011
	\$000's	\$000's	\$000's	\$000's
Operating Revenue Operating Expense (excluding	83,738		90,003	
depreciation)	67,471		71,347	
Operating Surplus Plus: Capital Income (s94, Grants,		16,267		18,656
Asset Sales)		32,153		8,430
Less: Net Loan Repayments		-1,863		4,788
Funds for Projects & Reserve Transfers		46,557		31,874
Plus: Transfers from Reserves	31,870		38,334	
Less: Transfers to Reserves	-38,082		-22,937	
Net Reserve Funding		-6,212		15,397
Funds for Projects		40,345		47,271
Project Expenditure		-39,540		-47,033
Budget Surplus		805		238

If the special rate variation is not approved, the 2010/11 budget provides for total operating revenue of \$88.7 million. Operating expenses for 2010/11 are budgeted at \$71.3 million after allowing for depreciation of \$7.9 million. This results in an operating surplus of \$17.4 million, an increase of \$1.1 million on the 2009/10 budget of \$16.3 million. Surplus funds from operations are combined with capital income, reserves and loan monies to fund Council's capital works and other projects as follows:

FUNDING STATEMENT	2009/	/2010	2010/	/2011
	\$000's	\$000's	\$000's	\$000's
Operating Revenue	83,738		88,729	
Operating Expense (excluding depreciation)	67,471		71,347	
Operating Surplus Plus: Capital Income (s94, Grants,		16,267		17,382
Asset Sales)		32,153		7,104
Less: Net Loan Repayments		-1,863		4,488
Funds for Projects & Reserve Transfers		46,557		28,974
Plus: Transfers from Reserves	31,870		31,946	
Less: Transfers to Reserves	-38,082		-20,225	
Net Reserve Funding		-6,212		11,721
Funds for Projects		40,345		40,695
Project Expenditure		-39,540		-40,457
Budget Surplus		805		238

Whether the special rate variation is or is not approved, the draft budget has a \$238K surplus. A working capital level of \$2.1M, is currently targeted for 2009/10 and this will improve to \$2.35M in 2010/11. These amounts remain unchanged as the amount of external borrowings has been adjusted to achieve the same result in each scenario.

Council's external auditors believe that a financially sound level of working capital is \$3.8M and the LTFP has budgeted this to be achieved at the end of 2012/13.

Fees and Charges Schedule for 2010-2011

The changes to the draft 2010/2011 Fees and Charges are:

- Fees relating to Freedom of Information in Corporate have been removed as these have been superseded by charges from the Government Information Act.
- A4 black and white photocopies \$0.70 per copy or \$0.20 per copy for documents in excess of 100 pages.
- Removal of fee for additional costs for photocopying documents in excess of 20 pages - \$15

Interest on Investments

The draft Delivery Program and Operational Plan 2010-2014 report to Council on 27 April 2010, included total interest on investments of \$3.55 million. Current forecasts by Access Economics for 2010/11, revise up the investment return from 4.3% to 5.2%, which increase the total interest earnings to \$4.29M, being an increase of \$133K in general revenue, \$110K in internally restricted reserves and \$500K in Section 94 funds.

Revised Recommendation

As a result of the above, a revised recommendation is provided as follows:

RECOMMENDATION

- A. That Council adopt the delivery program and operational plan 2010-2014, incorporating the Budget, Capital Works Program, Special Rate Variation (Subject to the Minister's approval) and Fees and Charges for 2010-2011 with the following amendments:
 - 1. The study of heritage buildings within Ku-ring-gai be enhanced by an increase in this projects funding from \$35,400 to \$170,000 in 2010/11. Extra funding for this item is to be made available by reducing Catchment Analysis and Management projects by \$134,600.
 - 2. The total budget for interest on investments, be adjusted from \$3.55 million to \$4.29 million, to reflect adjusted forecasts for interest earning rates received from Access Economics in their March 2010 Business Outlook review.
 - 3. In relation to the 2010/2011 Fees and Charges:
 - Fees relating to Freedom of Information in Corporate have been removed as these have been superseded by charges from the Government Information Act.
 - A4 black and white photocopies \$0.70 per copy or \$0.20 per copy for documents in excess of 100 pages.
 - Removal of fee for additional costs for photocopying documents in excess of 20 pages \$15
 - 4. That \$25,000 be provided for the disabled toilet at Canoon Road netball court and \$75,000 for the interpretative centre at Tulkiyan with funding be provided from the budget for public toilets.
- B. That should the Minister for Local Government approve Council's application for a special variation for the New Facilities Special Rate:
 - 1. an ordinary rate in the dollar of \$0.00139426 on the unimproved capital value of all rateable land categorised as residential in the Council area be made for the period of 1 July 2010 to 30 June 2011.

- 2. an ordinary rate in the dollar of \$0.00550285 on the unimproved capital value of all rateable land categorised as business in the Council area be made for the period of 1 July 2010 to 30 June 2011.
- 3. an environmental special rate in the dollar of \$0.00010615 on the unimproved capital value of all rateable land categorised as residential or business in the Council area, with a zero base amount, be made for the period of 1 July 2010 to 30 June 2011.
- 4. an infrastructure special rate in the dollar of \$0.00031305 on the unimproved capital value of all rateable land categorised as residential or business in the Council area, with a \$165 base amount for an infrastructure category, be made for the period of 1 July 2010 to 30 June 2011.
- 5. a new facilities special rate in the dollar of \$0.00007048 on the unimproved capital value of all rateable land categorised as residential or business in the Council area, with a zero base amount, be made for the period of 1 July 2010 to 30 June 2011.
- 6. the minimum rate for both residential and business be set at \$430.00 for the period 1 July 2010 to 30 June 2011.
- 7. the voluntary pensioner rebate be granted to all eligible pensioners as a flat percentage of 11% of total rates and charges in 2010/2011.
- 8. the General Manager and Director Corporate be delegated to negotiate and establish Council's new loan account of \$6,500,000 and the Common Seal be affixed to all required documents.
- C. That should the Minister for Local Government not approve Council's application for a special variation for the New Facilities Special Rate:
 - 1. an ordinary rate in the dollar of \$0.00139426 on the unimproved capital value of all rateable land categorised as residential in the Council area be made for the period of 1 July 2010 to 30 June 2011.
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 - 3. an environmental special rate in the dollar of \$0.00010615 on the unimproved capital value of all rateable land categorised as residential or business in the Council area, with a zero base amount, be made for the period of 1 July 2010 to 30 June 2011.
 - 4. an infrastructure special rate in the dollar of \$0.00031305 on the unimproved capital value of all rateable land categorised as residential or business in the Council area, with a \$165 base amount for an infrastructure category, be made for the period of 1 July 2010 to 30 June 2011.

- 5. the minimum rate for both residential and business be set at \$430.00 for the period 1 July 2010 to 30 June 2011.
- 6. the voluntary pensioner rebate be granted to all eligible pensioners as a flat percentage of 11% of total rates and charges in 2010/2011.
- 7. the General Manager and Director Corporate be delegated to negotiate and establish Council's new loan account of \$6,200,000 and the Common Seal be affixed to all required documents.
- D. That the charge for the Domestic Waste Management service be set at \$320.00 per residential property per annum excluding flats and home units.
- E. That the charge for Domestic Waste Management base service without green waste be set at \$235.00 per annum.
- F. That the charge for Domestic Waste Management service be set at \$290.00 per residential property per annum for flats and home units.
- G. That the charge for an additional green waste service be set at \$110.00 per container, per annum.
- H. That the charge for a 240 litre waste bin with green waste be set at \$425.00 per annum excluding flats and home units.
- I. That the charge for a 240 litre waste container without green waste be set at \$340.00 per annum, excluding flats and home units.
- J. That the charge for a 240 litre waste container for flats and home units be set at \$415.00 per annum.
- K. That the charge for the provision of an additional 120 litre waste bin, per bin, per annum be set at \$135.00.
- L. That the charge for Domestic Waste Management on vacant land be charged at \$145.00 per annum, per residential property.
- M. That the charge for Non-domestic Waste Management services be set at \$220.00 per unit of occupancy per annum. In the case of a single business occupying the whole of the building with more than one storey, the rate will be applied per storey of the building.

N. That the Stormwater Management Charge be set as follows:

Strata / Company titled residential home units: \$12.50 per unit
 Strata / Company titled business units: \$12.50 per unit

Other residential property:
 Business rateable property:
 \$25.00 per rateable property
 \$25.00 per 350 square metres

of Land area (a maximum charge of \$1,500 applies to land

area greater than 21,000

square metres).

O. That Council acknowledge the formal submissions made on the Management Plan and respond to the authors with the outcomes.

Regards,

Antony Fabbro

Acting Director Strategy & Environment



From:

Sent: Monday, 10 May 2010 12:56 PM

To: KMC

Subject: Draft Delivery Program and Operational Plan 2010-2014 - FY00382

I really beleive that Kissing point road, Turramurra must be redone and remade with a nice defined curbside, especially the stretch toward the Commenara if you are approaching from the station. It is unacceptable to have such a road in the North Shore. The road merely merges with the grass. I hope re-doing this road is part of this plan as soon as possible.

!



To:

Peter Davies

Subject: RE: Cycling Route Signage in Ku-ring-gai

From: t

Sent: Monday, 24 May 2010 4:35 PM

To: Ian Cross; Elise Keays; Steven Holland; Greg Piconi

Cc: Peter Davies; EnviroLevyAdvisoryCommittee; Graeme Edwards; Peter Tuft; Joseph Piccoli

Subject: Cycling Route Signage in Ku-ring-gai

As cyclists seeking to improve cycling facilities in the municipality we in Bike North urge Council to reserve funding for the provision of direction signage for some of the bicycle routes within Ku-ring-gai Municipality.

There are a number of frequently used, on road, safe cycling routes which avoid main roads, but these are somewhat complex, requiring a detailed knowledge of the street layout. The provision of direction signs would enhance sustainability by encouraging daily commuting by bicycle within the municipality. Recreational cyclists would also be provided with alternative means to access other areas in Ku-ring-gai.

Bike North Ku-ring-gai Advocacy workgroup Co-ordinator

BobC

(3)

Peter Davies To: Subject: RE: Draft capital works program for 2010/11 From: Turramurra Cyclery [1 **Sent:** Friday, 23 April 2010 5:39 PM To: Ian Cross; Steven Holland Cc: Peter Davies Subject: Draft capital works program for 2010/11 Mayor and Councillor Holland, I have noticed that council's draft program has identified some funding for single track out at Golden Jubilee Oval in Wahroonga. This is great and I as Secretary of Turramurra Off Road Cyclists strongly support this project. Mark and I of Turramurra Cyclery have been working with Council staff on providing some safe and accessible mountain biking facilities. With over 60 members in our club and 300 mountain bikes sold per year from our shop it's great to see some proposed facilities. I look forward speaking with Steven on this in the near future. Sincerely, Information from ESET Smart Security, version of virus signature database 5051 (20100422)

The message was checked by ESET Smart Security.

Information from ESET Smart Security, version of virus signature database 5051 (20100422)

The message was checked by ESET Smart Security.

h





Ku-ring-gai Netball Association ABN 22 897 530 107

Greg Piconi
Director, Operations
Ku-ring-gai Council
gpiconi@kmc.nsw.gov.au

Re: Funding for disabled toilet at Canoon Road

Ku-ring-gai Netball Association has been working for some time to improve the amenity of our disabled members through securing sufficient funding to develop the existing complex at the Canoon Road Recreation Area to include a disabled toilet facility.

Such a facility would be of great benefit not only to the Players with Disabilities who participate in a regular program of netball during the winter season but also a number of supporters who visit the site for netball spectating as well as to the wider community of users throughout the year.

Ku-ring-gai Netball Association has applied to NSW Communities Sport and Recreation for a Sport and Recreation Facility Grant Program grant to assist this work. The proposal for the facility has been developed in cooperation with the Open Space Team of Ku-ring-gai Council.

My purpose for writing to you at this time is to investigate the possibility of any monies Council may have available for the development of disabled toilet facilities.

If Ku-ring-gai Netball Association is successful with the current grant application for half of \$37,200 we would utilise \$1,000 previously contributed by Ku-ring-gai Financial Services (Turramurra Bendigo Bank). Ku-ring-gai Netball Association would therefore be seeking a further \$17,600 (presuming no price increase since the quote) to fund the project.

Attached please find a letter of support for this project provided by the Open Space Team for the grant application. We look forward to your favourable consideration of any funding available for such desperately needed facilities for the disabled.

Regards

President KNA 12 May 2010

818 Pacific Highway, Gordon NSW 2072
Locked Bag 1056, Pymble NSW 2073
T 02 9424 0000 F 02 9424 0001
DX 8703 Gordon TTY 133 677
E kmc@kmc.nsw.gov.au
W www.kmc.nsw.gov.au



Contact: Roger Faulkner

Reference: S03463 22 February 2010

President Ku-ring-gai Netball Association

Disabled toilets at Canoon Road Recreation Area, South Turramurra - Grant Application

I am writing to confirm that Ku-ring-gai Council supports Ku-ring-gai Netball Association's application under the Communities NSW Sport and Recreation Facility Grants Program to install disabled accessible toilets within the existing clubhouse amenities facility at the Canoon Road netball courts.

Council is aware that KNA organises a very popular and successful netball program for players with disabilities, and that KNA is desperately in need of accessible toilets to meet the current and ongoing needs of the program, particularly if it is to continue to expand.

The accessible toilet facilities will also be of great benefit to the school groups and general community that use the facility for netball and tennis at times when it is not being used by KNA.

Upon confirmation that the funding for the project is available Council will approve the works to take place immediately.

Good luck with the application and I look forward to hearing the result in the near future.

Yours sincerely

Roger Faulkner

Team Leader Open Space and Recreation Planning





Patron: Her Excellency Governor of New South Wales

Mr John McKee General Manager Ku-ring-gai Council Locked Bag 1056 Pymble NSW 2073

28th May 2010

Dear Mr McKee,

I would like to thank the council for the opportunity for us to address the public forum on the 18th May 2010 on the Draft Delivery Program and Operational Plan 2010 – 2014. Please find attached our submission.

Yours Sincerely,

Manager

Ku-ring-gai Youth Development Service

SUBMISSION IN RELATION TO DRAFT DELIVERY PROGRAM AND OPERATIONAL PLAN 2010 - 2014

Background

SUPPORTING THE YOUTH OF KU-RING-GAI

KYDS is providing counselling, education, harm minimization and early intervention programs to thousands of young people in Ku-ring-gai.

KYDS positively contributes to Council's charter and service functions under the Local Government Act to provide public health services and facilities, particularly in relation to providing and planning for the needs of children and providing community health, education and information services.

KYDS' counsellors work closely with Ku-ring-gai local schools, taking individual referrals from school counsellors, running school education and therapeutic group programs.

KYDS has pioneered a program called "PATS" (Paying Attention To Self), which is the first program of its kind to be run in NSW. It educates young people who live with a parent who suffers from mental illness. There are one million children who are in this predicament in Australia.

KYDS works closely with Youth Liaison Officers at the Police, Hornsby Hospital and Ku-ring-gai Council Youth Services in our intake and assessment work.

We have also had more than 500 parents participating in our parent information programs, which we run out of Ku-ring-gai Council Chambers, in conjunction with the Youth Services Team.

KYDS has school programs in drug and alcohol, sexual health, safe partying, conflict resolution, bullying, body image and HSC stress.



OUR MISSION

At KYDS we aim to improve the health and well being of young people in Ku-ring-gai.

We do this by:

- providing free individual counselling for young people who live in Ku-ring-gai.
- providing free counselling for parents and families who live in Ku-ring-gai.
- running educational group programs to young people and parents living or attending school in Ku-ring-gai.
- and running therapeutic group programs to young people living or attending school in Ku-ring-gai.

SUBMISSION IN RELATION TO DRAFT DELIVERY PROGRAM AND OPERATIONAL PLAN 2010 - 2014 (FY00382)

BACKGROUND

WE SEE CHILDREN AS YOUNG AS 12, MANY OF WHOM ARE IN NEED OF SUPPORT, BECAUSE OF FAMILY BREAKDOWN, MENTAL HEALTH PROBLEMS OR DRUG AND ALCOHOL ABUSE.

Almost 40% of KYDS' individual clients are drug and alcohol or mental health referrals, which means we are responsible for reducing the incidence of crime in the Ku-ring-gai LGA.

We are currently staffed by a full time Manager, who is also an Adolescent Counsellor, a full time Psychologist and a part time Counsellor.

KYDS has Public, Professional and Association Liability Insurance for all our staff and Board Members in all aspects of our work and Workers Compensation Insurance.

The KYDS' Board is made up of 11 people from the local community, including councillor representation from the council, representatives from the accounting, business, banking and legal sector and the field of education. KYDS' funds are carefully monitored through our treasurer Andrew Price, who is a senior partner at Ernst and Young.

KYDS is very fortunate to have Professor David
Bennett (Head NSW Centre for The
Advancement of Adolescent Health), Professor
Garry Walter (Head Child and Adolescent Mental
Health Northern Sydney), Harry Smith and Pam
McGaw supervising our clinical staff.









Our goals over the next 5 years:

- Expansion of our school programs into the primary schools of Ku-ring-gai.
- To maintain our fundraising and grant application program to assist with financing.
- Maintain our service as a free counselling service for the Ku-ring-gai community.
- Maintain a "no waiting-list" policy for young people needing counselling.
- To reduce the incidence of mental health problems in the youth of Ku-ring-gai (Currently 1 in every 4 adolescents in Australia will develop mental health problems).
- To reduce the incidence of drug and alcohol abuse and crime in the Ku-ring-gai LGA.
- We are currently housed in the back of the Lindfield Library but will require larger facilities due to the lack of counselling rooms for clients

KYDS FUNDING REQUIREMENTS

= \$140.879.67

CAPITAL: \$35,000

Upgrading Computer facilities to cope with our client demand and staffing. (Currently we are using a server that was built in 2003) = \$10,000.

Installing a client data base system to be able to monitor client statistical data and to train the staff in the use of the system = \$10,000.

New furniture for the facility – (currently we are using couches that were donated to the service in 2005 by members of the public) = \$5,000.

New photo-copier – so staff can take copies of programs to schools. (Currently we are using a 1999 photocopier, which was donated to the service and is in disrepair) = \$10,000.

ONGOING ANNUAL EXPENSES: \$105,879.67

Annual funding of our existing part time Adolescent and Family Counsellor to be paid under the SACS AWARD (Community Services Worker Grade 5 level 1) = \$32,106.00 per annum plus super and workers compensation insurance = \$36,995.54.

Annual professional development for Staff (this includes training staff in the latest research in adolescent development) = \$5,000.00.

Annual funding of our existing full time Psychologist – to be paid under the SACS AWARD (Community Services Worker Grade 5 level 2) = \$55,857.00 per annum plus superannuation and workers compensation insurance = \$63,884.13.

SUBMISSION IN RELATION TO DRAFT DELIVERY PROGRAM AND OPERATIONAL PLAN 2010 – 2014 (FYOO382)

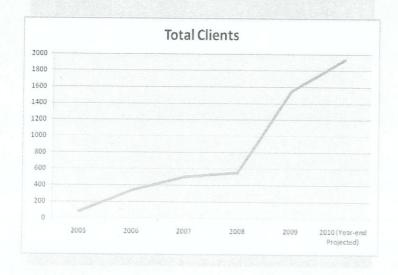
KYDS STATISTICS OVER THE LAST 5 YEARS

Table 1 Trends in clients seen March 2005 - December 2009

	2005	2006	2007	2008	2009
Individual clients	60	38	77	100	120
Group clients	23	302	430	455	1,429
Total clients	83	340	507	555	1,549
Clients per month	9.2	28.3	42.2	46.25	129

GROWTH TRENDS IN CLIENTS (per year) 2005 to 2010 (Year end projection)

www.kyds.org.au



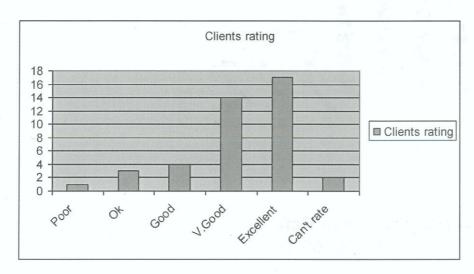
Between 2008 and 2009 the client numbers grew by 179 %

SUBMISSION IN RELATION TO DRAFT DELIVERY PROGRAM AND OPERATIONAL PLAN 2010 – 2014 (FY00382).

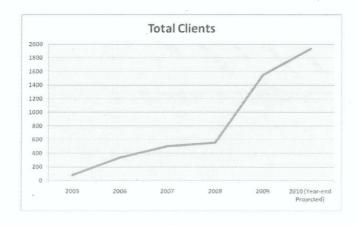
CLINICAL STATISTICS FOR KYDS 31/03/05 TO 31/05/10

KYDS CONDUCTS ONGOING OUTCOMES RESEARCH TO SEE THAT OUR COUNSELLING AND SCHOOL PROGRAMS ARE HAVING A GOOD EFFECT ON THE KU-ING-GAI COMMUNITY.

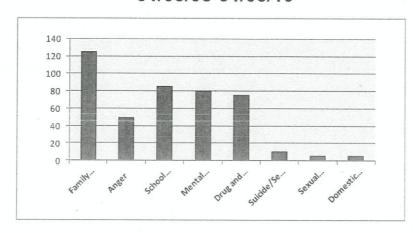
BELOW IS A RECENT CLIENT SATISFACTION SURVEY FOR INDIVIDUAL CLIENTS



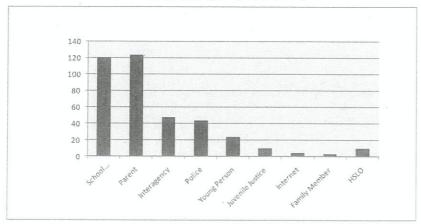
Between 2008 and 2009 KYDS' clients grew by 179%.



KYDS Reason For Referral 31/03/05-31/05/10

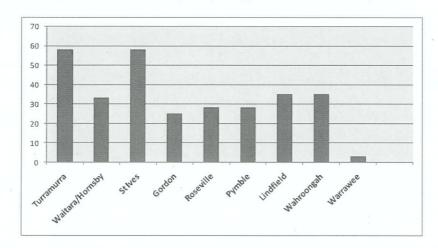


KYDS Source of Referral 31/03/05-31/05/10

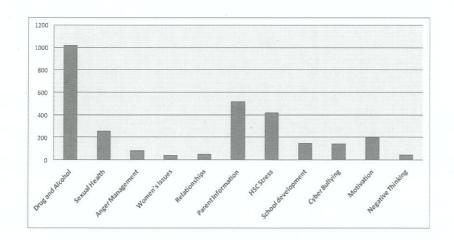


KYDS Individual Client 31/03/05 - 31/05/10

(KYDS clients residing or attending school in Ku-ring-gai LGA = 76% of individual clients)



KYDS Group Numbers 31/03/05 to 31/05/10



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16.5.2010

Crs Elise Keays &
Cheryl Szatow
Ku-ring-gai Council
Pacific Highway
Gordon
NSW 2072

Dear Elise and Cheryl

The people of Ridge Street, Oatlands Avenue and Craiglands Avenue have evolved into a close knit group and formed the Gordon Ridge Community Group |. We represent about two hundred and fifty people.

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We would like to request Council give consideration to installing an electric BBQ [and light] in the Nar-rang Reserve which is a regular focus of community and family gatherings. Not only are there many children in the area who use this safe and convenient reserve but it serves as a focus for people of all ages to get together. We feel that having such a facility at the reserve would further enhance the sense of community that already exists so positively and strongly.

The group has been extremely appreciative your support and guidance in recent months as well as that of Steve Holland and were encouraged by your initial response to this proposal. We hope that Council would support this initiative as part of a commitment to building resilient and supportive communities in Ku-ring-gai.

Thank you for taking time to consider this. We look forward to your response to our proposal.

Yours sincerely,

in our work commitming in

Item 6

S02166 26 May 2010

ENERGY REDUCTION & ALTERNATIVE ENERGY GENERATION STRATEGY

EXECUTIVE SUMMARY

PURPOSE OF REPORT: To present to Council a draft program to reduce

corporate energy consumption in line with the adopted

Climate Change Policy.

BACKGROUND: On 13 October 2009, Council adopted a Climate Change

Policy with the resolution to prepare a Climate Change Mitigation Strategy for consideration in the 2010/11 financial year budget. This was reported to Council on 20 April 2010 and deferred pending a separate briefing

with Councillors.

COMMENTS: Following the report on 20 April 2010 and subsequent

workshop with Councillors on 4 May 2010 the revised energy reduction and alternative energy generation program has identified three categories of projects; iconic, capital works and operational projects. A funding strategy has been developed based on the two (2) years remaining in the Environmental Levy in combination with Council's operational budget for operational projects.

RECOMMENDATION: That a program of works be funded through the

Environmental Levy, previously allocated for Town Centres Sustainability, and the Operations Department

through the approved annual budget.

S02166 26 May 2010

Item 6

PURPOSE OF REPORT

To present to Council a draft program to reduce corporate energy consumption in line with the adopted Climate Change Policy.

BACKGROUND

On 24th March 2009, Council considered a draft Climate Change Policy containing six greenhouse emission reduction options for Council's corporate emissions and a community emission target. The draft Climate Change Policy builds on from the Climate Change Mitigation and Adaptation Discussion Paper (September 2007) and was adopted by Council on 13 October 2009 with the following resolution:

- A. That Council adopt the draft Climate Change Policy.
- B. That Council sets a corporate emission target of 20% by 2020 based on year 2000 emissions and 90% by 2050 calculated on facilities and fleet emissions.
- C. That a Climate Change mitigation strategy be prepared within four (4) months for consideration in the 2010/11 financial year budget.
- D. That a Climate Change Adaptation Strategy for bushfires and storms be developed by June 2010 and reported to Council.
- E. That a new capital works program include an objective as part of the design and budget process to have a zero increase in the energy consumption compared with the current facilities.
- F. That the Revolving Energy Fund be retired.

This report addresses resolution (B), (C) and partially resolution (E) of the above. This matter was previously reported to Council on 20 April 2010 and was deferred pending further consideration.

COMMENTS

In order to address the requirements of the above resolution, a draft Energy Reduction and Alternative Energy Strategy has been developed (Attached). This has focused on energy savings through the use of new technology and alternative energy generation to lessen the reliance on conventional power supply. Coupled to this program is a funding strategy to implement the projects.

In 2009, a consultant was engaged to undertake a feasibility study to determine options to reduce energy consumption and alternative energy generation. The report listed four (4) options and a comment as to their feasibility is provided below:

- A. Wind power generation. This would be achieved through a series of smaller wind turbines. The feasibility of this is being investigated in a separate wind study measuring wind speeds across six sites. Preliminary results show that some sites throughout the LGA may have potential for energy generation through small wind turbines. A report on this is expected in August 2010.
- B. On-demand street lighting. This is a highly innovative project which addresses the most significant consumer of Council's energy. At this stage there is limited

Item 6 \$02166 26 May 2010

- opportunity to implement this project with street lighting infrastructure owned by EnergyAustralia restricting light upgrades. Furthermore this project would most likely require a partnership through a research and development trial if it were to be implemented.
- C. Solar Hot Water Systems. Installing this technology on key council facilities can bring about a good rate of return and is a highly visual prompt for the community of Council's efforts on energy reduction. This is also a technology which is transferable to the residential context. Site constraints can limit the cost effectiveness of solar hot water systems at various buildings due to plumbing configurations.
- D. Photovoltaic (solar) cells. Installation of solar cells on council facilities provides a statement on Council's commitment to environmental sustainability. Although the return on investment is not as high as solar hot water systems, reasonable returns can be made. In addition, this technology also can be replicated within the residential sector as supported by the Sustainability Reference Committee.

In response to Council's options paper on climate change (Ordinary Meeting of Council 24 March 2009), the mitigation feasibility study and briefings with the Councillors mostl recently on 4 May 2010, a detailed list of projects based on energy conservation and renewable energy generation projects across Council's facilities has been developed. These are summarised in Table 1 and listed in the **Attachment**. The projects have been categorised into three groups:

- 1.. iconic projects which represent innovation and leadership to our community. While some of these projects do not have a high rate of return, their value should also be measured in providing leadership to the Ku-ring-gai community;
- 2. capital works projects of a value greater than \$5,000; and
- 3. operational projects costing less than \$5,000.

Within these categories a range of projects are proposed and include:

- solar hot water systems: radiant heat from the sun is used to heat water.
- photovoltaic (solar) panels: solar panels convert sun energy into renewable electricity.
- **small wind turbines**: up to 25 meters high, turbines are used to convert wind to electricity.
- **LED light upgrades**: Light Emitting Diodes (LEDs) are being used to replace down lights and other light fixtures throughout Council facilities. This is a new technology and uses significantly less energy to produce the same amount of light as a standard fixture as well as having substantially less maintenance costs.
- **motion sensors and timers**: reduce operating times of lights when areas are not in use or when natural daylight provides adequate lumens to allow normal usage of the area.
- ceramic paint insulation: external and internal paint with vacuum filled microspheres
 which prevent the transfer of heat through walls and roofs reducing the use of heating or
 air conditioning.
- window insulation technology: window film treatments which prevent the transfer of heat through glass and improve the insulative properties of a building, reducing heating and cooling needs and improving the internal environment of facilities.
- **gas micro-turbine**: a micro turbine is a power generation system based on the combination of a small, gas turbine and a directly driven high-speed generator.
- **appliance upgrades**: outdated and energy intensive appliances (fridges, freezers, washing machines, water heaters) can have operating costs reduced through the replacement with highly efficient alternatives.

S02166 26 May 2010

 cogeneration: cogeneration is a means of supplying power and thermal energy needs from the combustion of a single fuel and as such is significantly more fuel efficient than conventional technologies.

Table 1: Summary of proposed works according to category

Capital Cost	10yr \$ saving*	kWh saving pa	CO₂ saving pa	Average payback period (yrs)
Iconic	\$1,499,786	625,320	628	7.5
Capital Works	\$97,309	40,572	44	5
Operational	\$686,884	286,389	309	2
Total	\$2,283,979	952,282	981	5.2

^{*}Figures are based on IPART Final report: Regulated electricity retail tariffs for 1 July 2010 to 30 June 2013 (cumulative annual increases of 10%, 16% and 10%) and a CPI increase of 5% for each year thereafter and exclude any financial increase which may be expected from a future emissions trading scheme.

Of the \$1 million in funding for iconic and capital works projects, over \$700,000 are proposed to be directed towards energy efficiency and alternate energy generation for a new heating system at the new indoor pool at West Pymble and the new operations depot. The balance will fund projects at Council's libraries, sports facilities and community centres.

West Pymble Pool

At the OMC of 25 May 2010, Council endorsed the Guiding Principles for the Design and Operation for the West Pymble Pool. These principles included Council's commitment to environmental sustainability practices at Council facilities with a commitment of a minimum 6% of the total capital cost for the facility to go towards the installation of environmentally sustainable design features. Some features recommended for inclusion are:

- orientation of the roof to maximise natural daylight to all areas;
- reduction of summer heat load through passive solar means;
- maximising of natural ventilation to reduce climate control and thereby greenhouse gases;
- best practice energy and water use; and
- on site stormwater collection and recycling.

The current proposal for the new acquatic facility is to install solar hot water system with gas boosting to heat the pool. This is a more efficient method of pool heating than a conventional boiler method. However this technology does not provide the efficiencies which can be gained through the use of co-generation (one of the most efficient methods of heating water and producing electricity through the use of a gas turbine). At present, the budget does not allow for a co-generation facility which is considered best practice.

By contributing \$420,000 from the Environmental Levy to the pool budget, Council can upgrade the proposed pool heating methods to include two gas micro-turbines. This will produce over \$51,000 per annum in electricity savings and will reduce our peak energy demand by up to 45%. The cogeneration option is envisaged to have a total electrical energy saving of 339,450kWh per annum with a reduction in emissions of 319 tonnes of CO_2 . Should this be supported, it would be incorporated into the operational tender for the facility as it will reduce the running cost and in turn should enable a better return to Council.

Item 6 S02166 26 May 2010

Operations Depot

The proposed Operations Depot at Suakin Street will contain various sustainability initiatives based on the site specific Development Control Plan 52 and the requirements of the State Government BASIX program (energy and water efficiency benchmarks for new developments). Detailed energy efficiency elements have not been finalised. However, through the requirements of the DCP, BASIX and the Statement of Environmental Effects, a variety of energy efficiency initiatives have been identified.

The projects proposed for the new depot site under the energy efficiency and alternative energy strategy are listed in the attached strategy and have been formulated based on the recommendations of the Statement of Environmental Effects to reach an Australian Building Greenhouse Rating of 4.5.

These include:

- 30kW photovoltaic solar system for alternate energy generation
- Solar hot water systems for water heating
- Lighting control system (including light and motion sensors and lighting automation)
- Highly efficient internal lighting and LED light installation for external and workshop (high bay) areas.
- Glass insulation in excess of the Building Code of Australia.

These projects will enhance the sustainability requirements identified in DCP 52.

Libraries

\$62,000 has been dedicated for funding projects at the Gordon, Turramurra and Lindfield libraries which have high visitation from community members. The projects include solar panels, insulating paint for roofs and windows, motion sensors and LED lighting. These projects will produce a 73 tonne of CO_2 reduction per annum.

Community halls and facilities

Over \$45,000 of funding is dedicated for community halls and other facilities (including the art centre and childcare centres). Projects include solar panels, lighting upgrades, wall and roof insulation and appliance upgrades. This should produce a 115t/CO₂ saving per annum.

Sports facilities

\$143,000 will fund efficiency and generations projects at Council's sports facilities which will reduce Council emissions by up to 129 tonnes of CO_2 per annum through the installation of solar panels, motion sensors, lighting upgrades and solar hot water systems.

CONSULTATION

A working draft mitigation strategy was presented at the Councillor Workshop held on 4-5 February 2010 and more recently at a briefing on 4 May 2010. The draft was also presented to the Sustainability Reference Committee on 1 March 2010. The projects included in this report have

Item 6

S02166 26 May 2010

responded to these briefings including the funding options as outlined in the financial considerations section of this report.

FINANCIAL CONSIDERATIONS

In March 2010, the Independent Pricing and Regulatory Tribunal (IPART) released the final determination on regulated electricity prices for customers of the Standard Retail Suppliers in NSW who have not entered into contracts. As a result of this determination, electricity prices will increase substantially:

- for the year beginning on 1 July 2010, average prices will increase by around 10% for EnergyAustralia; and
- over the 3 years to June 2013, average prices will increase by a cumulative total of 36% for EnergyAustralia.

According to the Australian Energy Regulator (AER), the higher network prices are necessary to enable higher levels of investment in the State's electricity distribution networks to improve network security and reliability of supply in line with new licence conditions imposed by the NSW Government.

Since presenting the draft strategy to Council on OMC 20 April 2010, the Federal Government has also indefinitely postponed the commencement of the Carbon Pollution Reduction Scheme (CPRS). All figures and estimations within the draft have now been amended to address this change in predicted energy costs.

Should all projects proposed be implemented, Council should see an annual financial saving in energy costs of \$150,327 in 2009 dollars. If Council takes into consideration the IPART Final Determination (March 2010), regarding retail prices of energy from 2010 to 2013 and a 5% CPI for each year after this, Council can expect to save in excess of \$2,283,979 over the next ten years. Table 1 summarises the effect of implementing the proposed strategy on Council's energy consumption and energy costs.

The projects listed in the **Attachment** will require initial funding to implement. It is recommended that funding be based on a two (2) year program from recurrent allocation within the Operational Department's budget and the remaining period of the Environmental Levy. A breakdown of funding sources is listed below in Table 2.

Table 2: Breakdown of funding sources for the proposed strategy categories.

	Environmental Levy	Operational budget	Total
Iconic	\$903,994	\$17,354	\$921,348
Capital Works	\$31,989	\$6,876	\$38,865
Operational	\$66,018	\$21,532	\$87,550
Total	\$1,002,001	\$45,762	\$1,047,763

Environmental Levy

The Environmental Levy allocated \$1,090,000 to fund water and energy efficiency projects within the town centres. This levy commenced in 2005/06 and is scheduled to expire in 1012/13. Projects were initially envisaged for the town centres of Gordon, St Ives and Turramurra based on the

Item 6 S02166 26 May 2010

assumptions that these areas would have begun redevelopment as a consequence of the town centres local environmental plan. Due to delays in the town centre planning process, only \$31,000 of this allocation has been spent so far, including \$11,000 to fund the installation of LED lights within the foyer of the Council administration building and external lighting of the heritage building.

It is recommended that the balance of funding in this program area be used to fund identified projects identified in the **Attachment**. The major projects include: micro-turbine cogeneration plant to produce both electricity and heat for the pool redevelopment; solar hot water systems for water heating; photovoltaic solar cell to generate alternate energy from the sun; small scale wind turbines to produce energy from the wind; motion sensor and lighting control system installation and lighting upgrades (including LEDs) to provide greater efficiency in lighting facilities; glass and roof insulation paint to improve the thermal performance of buildings and reduce the requirements for air heating and cooling and; commercial washing machine and dryer upgrades at child care centres to reduce energy and water consumption. Table 3 provides a summary of the financial cost and payback of the proposed projects.

Table 3: Summary of projects to be funded by the Environmental Levy

Capital Cost:	\$1,002,001
10 year saving:	\$2,283,979
kWh saving pa:	952,282
CO ₂ saving pa:	981 tonnes
Payback period:	5.2 years

Operational budget

The replacement of fixtures and fittings at council facilities looks at full costs and in turn savings to Council as a result of lower energy and maintenance costs. These include many smaller projects such as lighting and timers. To implement and sustain these projects it is suggested that Council's stores keep in stock energy efficient fittings and fixtures (for example spare stock of LED down lights to gradually replace inefficient halogen down lights throughout Council facilities).

Opportunistic Funding

Council may have opportunities to supplement the proposed funding sources with emerging grants and rebates. These have not been factored into the financial plan due to the uncertainty of future available funding and State and Federal government policy. However, if funding does become available, it is envisaged that Council's likelihood of receiving external funding will be more favourable where Council has identified a financial contribution towards the project. On this basis, the funding plan may need to be amended if funding from a grant assists this program of works.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation was undertaken with Operations, Strategy and Environment, Community and Corporate Departments. Feedback on the draft strategy has been incorporated into the final draft (Attached).

SUMMARY

A Climate Change Policy was adopted on 13 October 2009 with the resolution that a Climate Change mitigation strategy be prepared for consideration in the 2010/11 financial year budget. This

S02166 26 May 2010

was reported to Council on 20 April 2010 and was deferred subject to an additional workshop with Councillors. Following the workshop, the program as included in this report, has been modified to fund a smaller number of major projects from the Environmental Levy and to deliver many smaller projects (less than \$5,000 each) through the operational maintenance program. It is recommended that the Environmental Levy fund two (2) major projects, a co-generation heating system for the new aquatic facility at West Pymble and a photovoltaic energy generation system for the new depot. The list of works identified for funding by the Environmental Levy would be reallocated from the Town Centres line that was previously identified to fund sustainability projects linked to the redevelopment arising from the town centres LEP.

RECOMMENDATION

- A. That the draft Energy Reduction Strategy including the program of works be adopted and funded.
- B. That Council reallocates the Town Centre Sustainability Fund within the Environmental Levy to fund the projects listed in the draft Energy Reduction Strategy over the next two (2) years.
- C. That minor projects identified in the draft Energy Reduction Strategy be funded through Council's existing operational budget and that these be implemented over the next three (3) years.

Louise Hayward

Sustainability Officer

Peter Davies

Manager Corporate Planning

& Sustainability

Antony Fabbro
Acting Director Strategy &
Environment

Attachments: Draft Energy Reduction Strategy - 2010/096325



Draft Energy Reduction Strategy

Corporate facilities

June 2010

Executive summary

This report has been prepared in response to the following resolutions of Council on 13 October 2009:

- A. That Council sets a corporate emission target of 20% by 2020 based on year 2000 emissions and 90% by 2050 calculated on facilities and fleet emissions.
- B. That a Climate Change mitigation strategy be prepared within four (4) months for consideration in the 2010/11 financial year budget.

The following Climate Change Mitigation strategy identifies potential capital works projects for the purpose of achieving Council's climate change mitigation target and reducing Council's financial vulnerability to increasing operational costs. The strategy has focussed on Council buildings and facilities only.

By undertaking the projects identified, Council should see a reduction in greenhouse emissions from the facilities sector by 6%. This equates to a <u>4% reduction in Council's total corporate greenhouse emissions and a potential saving over ten years of \$2.28 million.</u> These estimates are based on 2000 emissions and exclude forecasted increases in energy consumption from proposed new facilities.

A summary of projects listed within this strategy is as follows:

Capital Cost	\$1,047,763
CO2 emissions <i>pa</i>	981
kWh savings <i>pa</i>	952,282
Financial saving over 10 years	\$2,283,979
Overall payback period	5.2 years
Reduction from 2000	4%

The funding for the projects within this strategy are divided into two categories listed below:

	Environmental Levy	Operational budget	Total
Iconic	\$903,994	\$17,354	\$921,348
Capital Works	\$31,989	\$6,876	\$38,865
Operational	\$66,018	\$21,532	\$87,550
Total	\$1,002,001	\$45,762	\$1,047,763

^{*}Figures are based on IPART Final report: Regulated electricity retail tariffs for 1 July 2010 to 30 June 2013 (excluding Emissions Trading Scheme) and a CPI increase of 5% for each year thereafter.

Introduction

This strategy identifies potential capital works projects which will assist in achieving Council's climate change mitigation target and reduce Council's financial vulnerability to increasing operational costs associated with rising energy pricing.

The strategy specifically targets energy consumption at Council facilities. Street lighting, although contributing over 60% of Council's total corporate greenhouse emissions, has been excluded due to the restrictions on Council management of the resource through the leasing arrangements with EnergyAustralia. Council's vehicle fleet has also been excluded from this strategy and will be subject to a separate plan.

Basis for strategy

The following factors form the basis of the development of this strategy:

Climate Change Policy 2009:

On 13 October 2009 Council adopted a revised climate change policy. The resolution included:

- A. That Council adopt the draft *Climate Change Policy*.
- B. That Council sets a corporate emission target of 20% by 2020 based on year 2000 emissions and 90% by 2050 calculated on facilities and fleet emissions.
- C. That a Climate Change mitigation strategy be prepared within four (4) months for consideration in the 2010/11 financial year budget.
- D. That a Climate Change Adaptation Strategy for bushfires and storms be developed by June 2010 and reported to Council.
- E. That a new capital works program include an objective as part of the design and budget process to have a zero increase in the energy consumption compared with the current facilities.
- F. That the Revolving Energy Fund be retired.

Report to Council: TRIM: 2009/179224 Adopted Policy: TRIM: 2009/214225

Community Strategic Plan:

In accordance with section 402 of the Local Government Act 1993, each Local Government Area must have a community strategic plan developed by the council for the future of the local community covering a period of at least 10 years. To support the community strategic plan, a Council must have a long term strategy that includes long term financial planning, workforce management planning and asset management planning.

Council's current Community Strategic Plan contains the following aims and objectives relevant to this strategy:

- Our assets are managed effectively to meet community needs and standards within our available resources.
- Council and the community value, respect and actively participate in the care and management of our environment.
- Our urban area will become more liveable and sustainable as we respond to State Government and community demands for additional housing, greater housing choice and associated facilities.
- Council's effectively manages our financial position to meet community expectations for service delivery.
- Ku-ring-gai is a place addressing and responding to climate change
- That Council minimises its levels of CO2 and showcases sustainable energy technology and to identify and continuously monitor the sources of CO2 emissions and actions implemented to reduce green house gas emissions
- Council is financially sustainable
- Balancing the community needs with the long term financial sustainability of council

Long Term Financial Plan:

A Long Term Financial Plan (LTFP) was developed out of the need to establish principles to ensure the long term financial sustainability of Council whilst ensuring that Council would continue to provide existing levels of service to the community. The LTFP provides the framework for the development of Council's annual budget and is used for the preparation of the Management Plan. The LTFP does not look at energy costs in total, but is has factored in the following increases in 2010/11 due to recent IPART determinations and the possibility of some form of tax on carbon emissions for:

- Building electricity 15.8%
- Street Lighting 11.2%

Legislative requirements

The NSW Government introduced legislation in May 2005 requiring high energy users and local councils in NSW to prepare Energy Savings Action Plans. Energy Savings Action Plans provide a comprehensive analysis of an organisation's energy use and management strategies. Plans involve determining current energy use, undertaking a management review, undertaking a detailed technical review and assessing and identifying savings measures. Council has completed an Energy and Water Savings Action Plan targeting Council's 38 highest energy and water consuming facilities.

Web link: http://www.environment.nsw.gov.au/sustainbus/energysaving.htm

Climate Change Mitigation Feasibility Study

In accordance with the Council resolution of 13 October 2009, Council commissioned a feasibility study to further explore greenhouse gas emissions reduction opportunities to determine the short and long term viability of additional energy efficiency and renewable energy measures. In developing options for assessment, the following considerations were given:

- the importance of the signals and messages given to the community
- the importance of the Council leading by example
- the likely transfer of these messages and implementation of technologies to other councils
- the likely viability of the options for acceptance and implementation by the general community through the cost-effectiveness of the options
- the 'visibility' of the options to achieve some of the above objectives, and
- the potential energy efficiency improvements and greenhouse gas abatement.

The report listed a number of demand management (energy reduction) and supply side (energy conservation and energy generation) options to enable Council to appreciate the full implications of implementing these options. This focussed on applicable technologies and concepts that:

- had not been subject to significant Council assessment in previous reports
- had not already been the focus of previous Council projects or site upgrades
- embraced the key long term drivers
- did not require site-specific assessments, and
- had well-defined long term economic and/or environmental impacts.

Four energy saving and renewable energy options were analysed:

- Solar Hot Water
- Photovoltaic (PV) Panels
- Small Wind Turbines
- On-demand Street Lighting.

Supporting this report, a wind feasibility study was commissioned in December 2009. This will determine the wind profile and thus feasibility for small wind turbines across seven sites across Ku-ring-gai. It is envisaged that this study will be completed mid 2010 with results compared to near by long term anemometer data.

Assumptions and forecasts

Council energy consumption will increase

Ku-ring-gai is expected to experience an increase in population which in turn will increase the demand on Council services and facilities including sports facilities, libraries, community centres, halls and meeting rooms. In addition to increased demand on existing facilities, Council is developing new, higher energy consuming facilities for example, the West Pymble Indoor Aquatic Facility and North Turramurra Recreation Area. As per the resolution of Council, these new facilities will need to be more energy efficient, however it is likely that an increase in use across all facilities will lead to an increase in energy consumption.

Energy costs will increase

Energy prices are set to rapidly escalate in the next few years. Council's total electricity costs in the 08/09 financial year were \$2,116,000 (street lighting inclusive). Based on the final determination from IPART (March 2010) *Regulated electricity retail tariffs for 1 July 2010 to 30 June 2013* Council can expect a 36% increase in energy costs over the next three years.

Calculations

The calculations in the following tables are based on the long term cash flow models developed by Council's Financial Consultant. These models are based on an annual 2.5% CPI (with a 12.5% increase in 2010/2011 for a scheduled energy increase in line with IPART determination) and a Discount Rate of 6%.

Calculations are based on case studies and advertised costs and benefits and contain approximately 20% margin of error. Two complete examples of project assumptions area available in the case study section of this document.

Barriers to achieving target

Ageing and highly inefficient infrastructure

The most significant barrier to reducing Council's operating costs and CO2 emissions is the existing Council administration building. The building structure is ageing with highly inefficient air conditioning and lighting systems. The site uses 30% of the entire energy consumption of all Council facilities. To retrofit the existing building to achieve greater energy efficiency is an expensive exercise which may not be as financially efficient as redeveloping the facility as a new highly efficient building. Due to the significance of the energy consumption at the site, if no efficiency work was to be undertaken, it would render efficiency projects at other sites insignificant.

Provision of increased services and facilities to our community

The proposed Pymble Indoor Aquatic and Leisure Facility and North Turramurra Recreation Area have the potential to significantly increase energy consumption and costs of Council operations. These significant infrastructure developments can offset and even eclipse other efficiency projects.

Restrictive leasing/ownership arrangements

In line with other councils within Australia, local government leases street light infrastructure from energy utilities – Energy Australia. Due to the existing leasing arrangements, Council is extremely limited in any innovation or upgrade of the street lighting system. Although councils have formed partnerships to address the barriers presented, limited progress has been made.

Financial considerations

Environment Levy

The Environmental Levy allocated \$1,090,000 to fund water and energy efficiency projects within the town centres as part of its adopted works program in 2005. This is a seven year program and is scheduled to expire in 1012/13. Funding to implement sustainable design within the public areas domain of the town centres was identified for Gordon, St Ives and Turramurra. This assumed that these areas would have begun redevelopment as a consequence of the town centres local environmental plan. The table below outlines the anticipated expenditure as identified at the beginning of the levy.

Special rate variation identified projects - Town centre projects								
	2007/ 08	2008/ 09	2009/ 10	2010/11	2111/ 12	TOTAL		
St Ives	\$5,000	\$105,000	\$5,000	\$5,000	\$305,000	\$425,000		
Gordon			\$300,000	\$5,000	\$5,000	\$310,000		
Turramurra				\$300,000	\$55,000	\$355,000		
Sub total	\$5,000	\$105,000	\$305,000	\$310,000	\$365,000	\$1,090,000		

The town centres LEP was only approved by the Minister for Planning in May 2010. As a result, expenditure has been limited and it is not foreseen that significant works will commence by June 2012. In total, \$20,000 has been spent on wages and a further \$11,000 used to fund the installation of LED lights within the foyer of the Council.

As with all capital works projects, Council is able to vary the location and allocation of funding. This report provides some examples of where this may occur and in particular would encourage the allocation to major capital or iconic projects within one or a number of town centres, such as the new Council depot.

Operational

The replacement of fixtures and fittings at Council facilities such as lighting and timers should ensure this replacement considers the most efficient technology as an alternative for a like-for-like replacement. This will require changes to the consumerables such as light globes held by the depot store.

Proposed works

The works proposed to reduce Council's corporate greenhouse emissions have been categorised into the following:

Iconic Projects which represent innovation and leadership within not only the

community but also Council peers. These projects may not have a high financial feasibility however there is high value in the innovation and

publicity of the project.

Capital Works Projects of a value greater than \$5,000.

Operational Less than \$5,000

Identified Technologies

Solar Hot Water

Solar hot water is a reliable and a relatively cheap way to harness solar energy. The technology is well established and has potential to penetrate further into the commercial and residential markets. Installation of solar hot water units in all (or most of) Council owned buildings would demonstrate Council's leadership and send an appropriate message to the community.

Photovoltaic (PV) Panels

PV panels are a mutual technology (meaning they function to power other equipment) and need minimum maintenance but remain a relatively expensive way to generate energy. Government grants and supplier sponsorships can be pursued to help improve the viability of installing panels. The relatively high capital costs of PV panels have a payback period around 20 years, making it less attractive than say solar hot water, on simply financial terms. Government policies and grant schemes are progressing rapidly which will likely make this option increasingly viable. Council could consider allocating a percentage of the environmental levy towards this option.

Notwithstanding the high payback period, this technology type is most often associated with renewable energy and therefore can be marketed as a high profile project and that can be seen as a reflection of a commitment by Council on this matter.

Small Wind Turbines

Small wind turbines are relatively reliable and flexible technology. The benefits are uncertain as the amount energy generated is dependent on wind speed which is difficult to forecast. Their relatively high cost makes wind turbines a difficult choice for the Council based simply on financial return.

One distinct advantage of small wind turbines is their high visibility. The visual impact of row of small wind turbines installed in a highly visible public place such the St Ives Showground or any one of the many sports fields acts as a strong sustainable energy endorsement to the community. While a 30 year payback period may be prohibitive, the option publicly confirms Council's innovative leadership to the community plus allows Council to take advantage of any renewable energy incentives and greenhouse gas emission tax or the like. Encouragement in the form of government grants may make this option more economically viable or alternatively this option could be supported by environmental levy.

Council is currently undertaking wind data collection at seven key sites distributed across the Local Government Area to determine the feasibility of wind turbines in Ku-ring-gai. The results of this study will be available in mid 2010.

On-demand Street Lighting

Street lights are a major contributor to the Council's Greenhouse Gas emissions and energy costs. On-demand street lighting could be trialled to test the feasibility of the concept and the associated technology. In theory it may reduce energy usage and cost plus reduce greenhouse gas emissions. Substantial political, community and regulatory hurdles exist which would need to be overcome, it could initially be trialled on a small scale such as a single street. The option is heavily dependent on co-operation from Energy Australia which in the past has been poor. However the capacity exists for negotiation and the technology is already available.

LED light upgrades

A Light Emitting Diode (LED) is a semiconductor device which converts electricity into light. One of the key advantages of LED-based lighting is its high efficiency, as measured by its light output per unit power input. White LEDs quickly matched and overtook the efficiency of standard incandescent lighting systems. Solid state devices such as LEDs are subject to very limited wear and tear if operated at low currents and at low temperatures. LED lights are more rugged and damage-resistant than compact fluorescents and incandescent bulbs with typical lifetimes quoted are 25,000 to 100,000 hours.

LEDs are better at placing light in a single direction than incandescent or fluorescent bulbs. Because of their directional output, they have unique design features that can be exploited by clever designs. LED strip lights can be installed under counters, in hallways, and in staircases, concentrated arrays can be used for room lighting. Waterproof, outdoor fixtures are also available.

Motion sensors and timers

A motion detector is a device that contains a physical mechanism or electronic sensor that quantifies motion that can be either integrated with or connected to other devices that alert the user of the presence of a moving object within the field of view. These are very cheap to install and provide quick payback. This technology will be ideal for areas which are sporadically used, ie. amenities blocks, offices, community halls.

Ceramic paint insulation

Ceramic insulating paint is made up of insulating microspheres - a tiny hollow ceramic ball no larger than a piece of sand. The centre of the ball is not only hollow but has all the air removed and is a vacuum. This form of insulation both reflects and refracts heat.

The paint can be used on roofs, and wall surfaces on the exterior and interior of buildings in order to reflect heat back out, and keep the inside cooler, a saving of up to 40% in energy. This technology is very cost effective to implement and can show a return on investment within the first year.

The paint also has a very high melting point (1800 degrees Celsius) so therefore also improves the fire retardant properties of surfaces.

Window insulation technology

Window insulation can include thin transparent films which reduce heat transfer by up to 80%. This technology will improve internal environment of our facilities and will reduce air conditioning demand. This form of insulation also has a good return on investment. Council will be undertaking a trial of this technology at a Council facility.

Program

The following program is divided into two tables based on the funding source.

Table 1) lists 21 programs funded by the Environmental Levy. These projects are expected to provide an energy saving of up to 664,500kWh *per annum* and 670 tonnes of CO2 reduced from Council's facilities. These projects will also see an overall financial saving of approximately \$104,000 *per annum*.

Table 2) contains 58 projects funded through Council's existing operational budget. These projects are expected to produce a 219,000kWh and 237 tonnes CO2 saving annually. These projects will also see an overall financial saving of approximately \$35,000 per annum.

TABLE 1 - Projects funded by the Environmental Levy

Location	Proposed project	Capital cost	proposed project commencement	kWh saving pa	09\$ saving pa	CO2 savings	Payback (years)	kWh 08/09	Costs 08/09	Project type
Acron Oval	Solar Hot Water System (440L)	\$4,584	Year 1	2,820	• \$446	3.05	>25	18,801	\$6,928	Reduction
Art Centre	3kw solar	\$15,994	Year 1	5,250	\$830	5.67	12.0	63,168	\$12,300	Generation
Barra Brui Park	Solar Hot Water System (440L)	\$4,584	Year 1	1,441	\$228	1.56	9.0	9,605	\$1,994	Reduction
Day care centre, Roseville	Lighting upgrade	\$2,934	Year 1	9,620	\$1,520	10.39	1.8	9,620	\$4,381	Reduction
East Lindfield Community Centre	Lighting upgrade	\$2,934	Year 1	9,620	\$1,520	10.39	1.8	9,620	\$1,579	Reduction
Ku-ring-gai Library	3kw solar	\$15,994	Year 1	5,250	\$830	5.67	12.0	470,976	\$56,095	Generation
Ku-ring-gai Library	LED light replacement	\$30,794	Year 1	12,284	\$1,941	13.27	9.5	470,976	\$56,095	Reduction
Operations Office, Bridge Street	20kW solar	\$80,000	Year 1	35,000	\$5,530	37.80	9.8	774	\$125	Generation
Regimental Park	4*5kw wind turbines	\$100,000	Year 1	16,700	\$2,505	18.04	19.0		\$0	Generation
Roseville Chase Oval	3kw solar	\$15,995	Year 1	5,250	\$830	5.67	12.0	13,301	\$2,321	Generation
Roseville Chase Oval	Solar Hot Water System (440L)	\$4,584	Year 1	1,995	\$315	2.15	7.0	13,301	\$2,321	Reduction
Thomas Carlyle Childcare Centre	Solar Hot Water System (440L)	\$4,584	Year 1	1,995	\$315	2.15	16.0	39,800	\$7,764	Reduction
Thomas Carlyle Childcare Centre	Lighting upgrade	\$2,934	Year 1	39,800	\$6,288	42.98	0.3	39,800	\$7,764	Reduction
Thomas Carlyle Childcare Centre	appliance upgrades	\$2,000	Year 1	3,980	\$629	4.30	2.5	39,800	\$7,764	Reduction
Turramurra Park (clubhouse)	Solar Hot Water System (440L)	\$4,584	Year 1	868	\$137	0.94	>25	5,787	\$1,026	Reduction
Wahroonga Park (rotunda)	Solar/LED light installation	\$1,500	Year 1	258	\$41	0.28	18.0	258	\$244	Reduction
Operations Depot Suakin Street	30kW solar	\$120,000	Year 2	52,500	\$8,295	56.70	9.8		\$0	Generation
Operations Depot Suakin Street	Glass insulation	\$23,000	Year 2	12,500	\$1,975	13.50	9.0		\$0	Reduction
Operations Depot Suakin Street	Building Management System	\$50,000	Year 2	26,000	\$4,108	28.08	9.0		\$0	Reduction
Operations Depot Suakin Street	LED lighting upgrade	\$95,000	Year 2	82,000	\$12,956	88.56	8.0		\$0	Reduction
Pymble Pool	Cogeneration micro-turbine	\$420,000	Year 2	339,450	\$53,633	319.00	13.0		\$0	Generation
Totals		\$1,002,001		664,581	\$104,870	670				

TABLE 2 - Projects funded by the operational budget

Location	Proposed project	Capital cost	proposed project commencement	kWh saving pa	09\$ saving pa	CO2 savings	Payback (years)	kWh 08/09	Costs 08/09	Project type
Ku-ring-gai Library	glass insulation - Level 2 (25m2) glass insulation - western	\$2,838	Year 1	12,036	\$1,902	13.00	1.4	470,976	\$56,095	Reduction
Operations Depot, Bridge Street	windows (54m2)	\$6,391	Year 1	32,256	\$5,096	34.84	1.2	1,343	\$236	Reduction
Wildflower Garden Office	glass insulation (10m2)	\$1,200	Year 1	6,000	\$948	6.48	1.2	16,846	\$2,137	Reduction
Acron Oval	Motion sensors	\$196	Year 1	4700	\$743	5.08	0.2	18,801	\$6,928	Reduction
Allan Small Oval (amenities)	Motion sensors	\$196	Year 1	1144	\$181	1.24	1.0	4,577	\$1,118	Reduction
Amenities block , William Street Amenities Block Park Cres,	Motion sensors	\$196	Year 1	257	\$41	0.28	3.8	2,574	\$376	Reduction
Pymble Amenities Block, Kissing Point	Motion sensors	\$196	Year 1	553	\$87	0.60	2.0	1,383	\$312	Reduction
Rd	Motion sensors	\$196	Year 1	876	\$138	0.95	1.2	3,504	\$684	Reduction
Auluba Ovals, Turramurra	Motion sensors	\$196	Year 1	3463	\$547	3.74	0.3	13,851	\$2,893	Reduction
Bannockburn Oval (amenities)	Motion sensors	\$196	Year 1	4819	\$761	5.20	0.2	19,274	\$3,601	Reduction
Barra Brui Park	Motion sensors	\$196	Year 1	2401	\$379	2.59	0.5	9,605	\$1,994	Reduction
Bicentennial Park	Motion sensors	\$196	Year 1	2943	\$465	3.18	0.4	11,773	\$2,080	Reduction
Canning Oval (amenities)	Motion sensors	\$196	Year 1	2964	\$468	3.20	0.5	11,855	\$1,870	Reduction
Canoon Road Netball complex	Motion sensors	\$196	Year 1	4877	\$770	5.27	0.2	16,255	\$2,604	Reduction
Cliff Oval	Motion sensors	\$196	Year 1	3361	\$531	3.63	0.2	13,443	\$2,356	Reduction
Coonabarra park	Motion sensors	\$196	Year 1	62	\$10	0.07	11.0	246	\$319	Reduction
Roseville Day care centre	Motion sensors	\$196	Year 1	2,666	\$421	2.88	5.0	26,656	\$4,381	Reduction
Dressing sheds, Karuah Rd	Motion sensors	\$196	Year 1	1091	\$172	1.18	1.0	4,365	\$835	Reduction
Echo Point Park	Motion sensors	\$196	Year 1	14	\$2	0.02	>25	56	\$214	Reduction
Edenborough Park	Motion sensors	\$196	Year 1	191	\$30	0.21	5.0	765	\$265	Reduction
Gordon Recreation Grounds	Motion sensors	\$196	Year 1	250	\$39	0.27	4.0	624	\$240	Reduction
Greenkeepers Shed, NTRA	Motion sensors	\$196	Year 1	2,055	\$325	2.22	0.5	20,551	\$3,392	Reduction
Hassell Park (amenities)	Motion sensors	\$196	Year 1	1383	\$218	1.49	1.0	5,531	\$957	Reduction
Howson Oval	Motion sensors	\$196	Year 1	1917	\$303	2.07	0.6	7,666	\$1,302	Reduction
Kent Oval	Motion sensors	\$196	Year 1	113	\$18	0.12	7.0	453	\$1,767	Reduction
Leuna Avenue Tennis Shed	Motion sensors	\$196	Year 1	37	\$6	0.04	16.0	74	\$144	Reduction
Lindfield Community Centre	Motion sensors	\$196	Year 1	2,659	\$420	2.87	0.5	26,594	\$4,500	Reduction
Old School Building	Motion sensors	\$196	Year 1	9245	\$1,461	9.98	0.3	36,978	\$6,647	Reduction
Primula Oval dressing sheds	Motion sensors	\$196 Capital	Year 1 proposed project	1498 kWh	\$237 09\$ saving	1.62 CO2	0.8 Payback	5,993 kWh	\$1,017 Costs	Reduction
Location	Proposed project	cost	commencement	saving pa	pa	savings	(years)	08/09	08/09	Project type

Queen Elizabeth Reserve	Motion sensors	\$196	Year 1	101	\$16	0.11	8.0	402	\$265	Reduction
Richmond Park	Motion sensors	\$196	Year 1	94	\$15	0.10	8.0	374	\$257	Reduction
Roseville Chase Oval	Motion sensors	\$196	Year 1	101	\$16	0.11	0.2	13,301	\$2,321	Reduction
Roseville Park	Motion sensors	\$196	Year 1	59	\$9	0.06	12.0	1,201	\$371	Reduction
Roseville Park	Motion sensors	\$196	Year 1	17631	\$2,786	19.04	0.1	70,525	\$10,003	Reduction
Showground	Motion sensors	\$196	Year 1	18,649	\$2,947	20.14	0.1	186,491	\$24,780	Reduction
The Glade Tennis Courts	Motion sensors	\$196	Year 1	501	\$79	0.54	2.1	2,005	\$479	Reduction
Thomas Aveue Tennis Sheds	Motion sensors	\$196	Year 1	51	\$8	0.05	13.0	169	\$231	Reduction
Toilet Block, Redleaf Ave	Motion sensors	\$196	Year 1	395	\$62	0.43	2.5	1,580	\$419	Reduction
Tryon Road Tennis Courts	Motion sensors	\$196	Year 1	1766	\$279	1.91	0.7	7,064	\$1,158	Reduction
Turramurra Oval	Motion sensors	\$196	Year 1	1885	\$298	2.04	0.5	7,538	\$1,292	Reduction
Turramurra Park (clubhouse)	Motion sensors	\$196	Year 1	1447	\$229	1.56	0.8	5,787	\$1,026	Reduction
Wellington Road Sportsground	Motion sensors	\$196	Year 1	49	\$8	0.05	13.0	6,882	\$1,084	Reduction
West Pymble Tennis Courts	Motion sensors	\$196	Year 1	184	\$29	0.20	5.0	368	\$256	Reduction
Yanilla Oval	Motion sensors	\$196	Year 1	372	\$59	0.40	2.5	744	\$307	Reduction
Youth centre, St Ives	Motion sensors	\$196	Year 1	3,267	\$516	3.53	0.3	32,669	\$6,101	Reduction
Art Centre	glass insulation (25m2)	\$2,838	Year 2	12,036	\$1,902	13.00	1.4	63,168	\$12,300	Reduction
Lindfield Community Centre	glass insulation (10m2)	\$1,200	Year 2	6,000	\$948	6.48	1.2	26,594	\$4,500	Reduction
Lindfield Library	glass insulation - (25m2) insulating paint - level 2 roof	\$2,838	Year 2	12,036	\$1,902	13.00	1.4	38,742	\$7,345	Reduction
Ku-ring-gai Library, Gordon	(48m2)	\$2,460	Year 2	246	\$39	0.27	25.0	470,976	\$56,095	Reduction
Old School Building	insulating paint - roof (57m2)	\$3,265	Year 2	3,698	\$584	3.99	4.0	36,978	\$6,647	Reduction
Wildflower Garden Office	insulating paint - roof (20m2)	\$1,200	Year 2	1,685	\$266	1.82	3.5	16,846	\$2,137	Reduction
Art Centre	insulating paint - roof (39m2)	\$2,055	Year 2	6,317	\$998	6.82	1.8	63,168	\$12,300	Reduction
East Lindfield Community Centre	insulating paint - roof (20m2)	\$1,200	Year 2	962	\$152	1.04	6.0	9,620	\$1,579	Reduction
Lindfield Community Centre	insulating paint - roof (20m2)	\$1,200	Year 2	2,659	\$420	2.87	2.8	26,594	\$4,500	Reduction
Lindfield Library	insulating paint - roof (43m2)	\$2,235	Year 2	3,874	\$612	4.18	3.0	38,742	\$7,345	Reduction
Thomas Carlyle Childcare Centre	insulating paint - roof (43m2)	\$2,235	Year 2	3,980	\$629	4.30	3.0	39,800	\$7,764	Reduction
Town Hall, Pymble	insulating paint - roof (43m2)	\$2,635	Year 2	3,366	\$532	3.64	3.8	33,660	\$4,219	Reduction
Tulkiyan	lighting upgrade	\$90	Year 2	200	\$32	0.22	3.0	906	\$261	Reduction
Turramurra library	insulating paint - roof (30m2)	\$1,650	Year 2	9,618	\$1,520	10.39	1.0	64,118	\$10,801	Reduction
Totals		\$45,762		219,056	\$34,611	237				

DRAFT SPONSORSHIP & DONATIONS POLICY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of the completion of the public

exhibition period for the draft Sponsorship and Donations Policy and recommend adoption of

the Policy.

BACKGROUND: In November 2007, Council adopted a

Sponsorship Policy. This was reviewed in 2010

and reported to Council in March that

recommended a revision to include donations for the benefit of Ku-ring-gai Council assets and

services.

COMMENTS: The draft policy was placed on exhibition during

April 2010. No formal comments were received. It is recommended that the draft policy be adopted to provide a transparent process to enable Council to receive donations and sponsorships where they are consistent with

Council's programs and direction.

RECOMMENDATION: That Council adopt the draft Sponsorship and

Donations Policy.

Item 7

S05650 25 May 2010

PURPOSE OF REPORT

To advise Council of the completion of the public exhibition period for the draft Sponsorship and Donations Policy and recommend adoption of the policy.

BACKGROUND

In November 2007, Council adopted the Sponsorship Policy. This policy defined the processes and methods for seeking, establishing and monitoring commercial sponsorships with Council.

Following a review in February 2010, a key omission was identified – how council defines and manages donations. Subsequently a revision was made and reported to Council at its Ordinary Meeting of 23 March 2010 (GB.6). At this meeting Council resolved:

That Council place the draft Sponsorship and Donations Policy on public exhibition.

COMMENTS

The purpose of the revision was to enable Council to accept sponsorships and donations as defined in the draft policy. Such amendments will make it possible for Council and the community to provide improved facilities and programs over and above budgeted programs. Within the policy there are provisions as to what is an acceptable sponsorship and/or donation, and who has the authority to receive such a donation or sum of money.

CONSULTATION

The draft Sponsorship and Donations Policy was placed on public exhibition for a period of four (4) weeks during April 2010. No submissions were made during the public exhibition period.

FINANCIAL CONSIDERATIONS

This draft policy provides a mechanism through which Council can obtain public benefit to expand or supplement the provision of services or its capital works programs. The financial implication of the policy itself can not be incorporated within the long term financial model or budget. However, where a specific donation supports, supplements or enables a new project to be realised it may cause Council to vary its adopted works program in order to maximise community benefit. Should this occur, and being consistent with the draft Sponsorship and Donations Policy, such a donation would be referred to Council for acceptance and inturn the accompanying report would outline the aforementioned implications.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

This matter has been discussed with relevant Directors and Managers from Community, Recreation, Asset Management, Corporate Planning and Sustainability, Communications and Property Management.

Item 7

S05650 25 May 2010

SUMMARY

The Sponsorship and Donations Policy is intended to supersede the current Sponsorship Policy adopted by Council in 2007. The policy differentiates sponsorships and donations, providing clear and concise guidelines about various types of donations, acceptable and non-acceptable donations, and the process for administering donations. No changes have been made to the sponsorship elements. All sponsorship definitions, guidelines and procedures have continued from the previous Sponsorship Policy (2007).

RECOMMENDATION

That Council adopt the draft Sponsorship and Donations Policy.

Nick Van de Peer Consultation Co-ordinator Peter Davies

Manager Corporate Planning & Sustainability

Antony Fabbro

Acting Director Strategy & Environment

Attachments:

Draft Sponsorship and Donations Policy - 2010/039097





Ku·ring·gai Council

Sponsorships and Donations Policy

Implementation date: February 2010 Proposed review date: February 2013

Contact officer: Manager Communications

Responsible division: Communications

Related policies/documents:

- Ku-ring-gai Council Code of Conduct
- Independent Commission Against Corruption
 Guidelines to Sponsorship in the Public Sector
- Sponsorship Agreement Template
- Sponsorship Database

1. Purpose

The purpose of this policy is to set out how Ku-ring-gai Council will administer sponsorships and donations.

2. Objectives

- 1. To formalise general principles to apply to the negotiation and implementation of sponsorship agreements.
- 2. To outline the mechanisms Council will use to achieve sponsorship of Council's assets, services, functions and programs.
- 3. To outline the mechanisms Council will use to grant sponsorship to organisations, events, or private individuals.
- 4. Advise community groups as to the process and types of donations Council might make and where it is appropriate for Council to make a donation.

3. Definitions

3.1 Sponsorship

Sponsorship is a commercial arrangement in which a sponsor provides a contribution in money or in kind to support an activity in return for certain specified benefits. Sponsorship can be provided:

- By the corporate sector or private individuals, in support of a Council activity. This is referred to as achieving sponsorship in this policy.
- By Council in support of related and worthwhile private or public sector activities. This is referred to as granting sponsorship in this policy.

Sponsorship does not include:

- Selling advertising space
- Joint ventures
- Consultancies
- Grants
- Unconditional gifts, donations, bequests or endowments (refer to donations).

Sponsorship is not philanthropic. A sponsor expects to receive a reciprocal benefit beyond a modest acknowledgement.

3.2 Donation

A donation (including unconditional gift, bequest or endowment) is a provision of cash or items of value with no return benefits expected.

Council, an individual or an organisation may make a donation. Only an individual can make a bequest.

Donations include:

- Donations an act or instance of presenting something as a gift, grant or contribution
- Bequest a disposition in a will (legacy)
- Endowment the property or funds with which an institution or person is endowed

Source: http://dictionary.reference.com

A donation assumes a philanthropic motivation.

Donors may request a modest acknowledgment or that the provision be used for a particular purpose.

Donations do not include:

- Donations made during electoral campaigns or to political parties
- Payments made as part of any financial or business transaction made by Council (refer to sponsorships)
- Donations of time and/or human resources is covered by Council's volunteering guidelines and protocols
- Community and financial assistance grants are covered by the Council's Financial Assistance for Comunnity Groups Program.

4. Policy statement

The main points of the policy are concerned with:

4.1 Sponsorship

- 1. The methods to be used in seeking, granting and negotiating sponsorship.
- 2. Setting levels of sponsorship benefits.
- The monitoring procedures to be used to measure sponsorship outcomes for the Council, the general public and the sponsor.

4.2 Donations

- 1. The types of donations received by Council
- 2. The process for accepting, granting and using donations for the Council, the donor and the general public

5. Managing sponsorships

5.1 Roles, responsibilities and resources

- All sponsorship arrangements should be approved by the General Manager or an officer authorised by the General Manager.
- 2. All sponsorship arrangements greater than \$5,000 excluding GST in value will be described in the Ku-ring-gai Council Annual Report.
- 3. Council will maintain a database of all sponsorships to allow

data to be collected for internal audit and annual reports.

5.2 Processes for achieving sponsorships

- 1. Council must make sponsorship opportunities widely known by using broadly based, open processes that are not limited solely to invited sponsors.
 - (i) This may be achieved by a call for expressions of interest advertised in metropolitan and/or local print media and the Council website. The advertisement may contain the criteria against which expressions will be assessed.
 - (ii) In some cases, for example if sponsor interest is poor or restricted to potential sponsors with highly specialised characteristics, it may be appropriate to deal directly with potential sponsors.
- 2. On receipt of an expression of interest the criteria (predetermined) for sponsorship will be sent to the respondent together with any other material that Council considers necessary.
- 3. After expressions of interest have been received, a written formal contract, which shall be a public document, will be entered into by the parties. The contract should be the entire arrangement between the parties and no privileges for either party shall exist outside the agreement.

5.3 Processes for granting sponsorship

- 1. Organisations may apply for sponsorship in writing to the General Manager.
- 2. Sponsorships valued more than \$5,000 exluding GST must be approved in a meeting of Council.
- 3. Sponsorship will only be granted to suitable activities and acceptable recipients as outlined in sections 5.5 and 5.6 of this policy and is subject to the availability of funds.
- 4. Once sponsorship is approved, a written formal contract, which shall be a public document, will be entered into by the parties. The contract should be the entire arrangement between the parties and no privilegs for either party shall exist outside the agreement.

5.4 Suitable activities for achieving sponsorship

Activities suitable for achieving and granting sponsorship are non-core, non-operational activities including but not limited to:

- Festivals and events e.g. Festival on the Green
- Competitions e.g. Fitz Band Comp
- Educational programs e.g. Waste Schools Education Kit
- Awards
- Scholarships
- Assets (for a specified period of time) e.g. garden shed at Community Garden

5.5 Suitable activities for granting sponsorship

Suitable activities for Council to sponsor could include:

- Cultural or community events
- Community education
- Conferences
- Scholarships
- Awards
- Research and publications.

5.6 Acceptable sponsors or recipients of sponsorship

- Sponsors or recipients must be reputable individuals or bodies.
- 2. The objectives and products of potential sponsors or recipients must not conflict with the values and the objectives of Council.
- Sponsors or recipients should have an acceptable sponsorship record.
- 4. The objectives and missions of potential sponsors' or recipients' parent companies or subsidiaries must not conflict with those of Council.

5.7 Unacceptable sponsors or recipients of sponsorship

Ku-ring-gai Council will not enter into sponsorship agreements with companies, partnerships or sole traders:

- 1. involved in the manufacture, distribution and wholesaling of tobacco and tobacco-related products.
- 2. involved in the manufacture, distribution and wholesaling of alcoholic products where such a sponsorship would be related to services or activities for youth.
- 3. involved in the manufacture, distribution and sale of illicit/inappropriate drugs or services.
- 4. whose services or products are injurious to health, or are perceived to be in conflict with Council's policies and responsibilities to the community.
- who are in legal conflict with Council.
- with an active involvement in the building industry in Kuring-gai.
- 7. which are, or may be, subject to Council regulation or inspection during the life of the sponsorship. This could include restaurants or brothels undergoing a public health inspection, an organisation with a development application awaiting approval.
 - (i) It is recognised that Council may have difficulty attracting sponsorship if it adheres to this principle in all cases. For example, Council may find that sponsorship for a particular event or activity is only forthcoming from parties it regulates or inspects or is likely to regulate or inspect.
 - (ii) When considering whether to enter into a sponsorship with such a party, Council should consider the best interests of the public, public accountability, public perceptions and

the potential risks as well as the potential benefits.

(iii) If Council decides to enter into such an arrangement, Council should record the circumstances resulting in this decision and the decision-making process e.g. taking minutes from meetings.

(iv) All parties should understand clearly that the sponsorship arrangement has no bearing on Council's exercise of its regulatory or inspectorial functions. This should be clearly stated and acknowledged in all documentation.

(v) Council should ensure that the people or division involved in the sponsorship arrangement have no involvement in the regulation or inspection of the party or in general. All regulations and inspections will be conducted in an open, fair, accountable and impartial manner.

5.8 Benefits to a sponsor of Council

Ku-ring-gai Council will recognise its corporate sponsors in a number of ways.

The extent of such recognition will be determined in relation to the level and nature of the sponsorship. Forms of benefits may include:

- 1. Temporary signage.
- Media release and seeking of associated media or promotional opportunities including discounted or gratis advertising.
- 3. Invitations to selected Council functions.
- 4. Printing of the sponsor's name and logo in Council's external publications.
- 5. Naming rights for an event, building, etc for the term of the sponsorship.
- 6. Award or trophy in the sponsor's name and publicly presented.
- 7. Right to use the asset, service, event, name and logo, etc in sponsor's advertising and sales promotion in a form to be mutually agreed.
- 8. Event facilities, which may include hospitality, free preferential seats, event functions, award presentation, car parking, VIP functions, etc.
- 9. Merchandising of goods at selected points of sale.
- Static display in the foyer of Council's Administration Building or other Council-owned facility in a form to be mutually agreed.
- 11. Professional footage and photography of the asset, service, event, etc, for use by the sponsor in a form to be mutually agreed.
- 12. Use of the asset or facility, subject to approval in each individual case, in static displays or for an activity of the sponsor when not required for Council's use.

- 13. Opportunity for sponsor's name and/or logo to be promoted through appropriate general advertising by Council.
- 14. Opportunity for the sponsor's name and/or logo to be promoted on Council's website and a link to be provided to the sponsor's website.

5.9 Benefits to Council for achieving sponsorship

- The connection with a reputable sponsor could enhance Council's image and reputation.
- The sponsorship could make it possible for Council to undertake beneficial non-core activities that could not otherwise be funded or undertaken to the same extent.
- 3. The sponsorship could either reduce the cost of a particular event or activity or enable it, in the public interest, to be expanded or enhanced.
- 4. The sponsorship could achieve greater community awareness or public profile for Council, or for a particular service, program or product, than may otherwise have been possible.

5.10 Benefits to Council for granting sponsorship

- Opportunities to promote Council's key messages, programs and activities, build relationships with stakeholders, and benefit the community in accordance with Council's overall mission and goals.
- 2. Connection with a reputable recipient could enhance Council's image and reputation.
- 3. Facilitate community development.
- 4. Increased staff morale.

5.11 Benefits to a recipient of Council sponsorship

- 1. Building key relationships with government and community bodies.
- 2. The sponsorship could make it possible for the recipient to undertake activities that could not otherwise be funded or undertaken to the same extent.
- 3. The connection with Ku-ring-gai Council could enhance the recipient's image and reputation.
- 4. The sponsorship could achieve greater community awareness or public profile for the recipient.

5.12 Restrictions and considerations

- Council must not endorse any commercial products or services associated with the sponsor, recipient or any third party.
- 2. Where sponsorship involves a sponsor supplying a product, that product should still be evaluated for its fitness for

- purpose against objective criteria that are relevant to Council's needs.
- 3. An employee of the Council or Councillors must not receive, or be perceived to receive, any personal benefits from sponsorship.
- 4. Funds raised through sponsorship of specific expenditure items should be used for that purpose and not be redirected into general revenue.
- 5. The cost of managing and evaluating smaller sponsorships should not outweigh the dollar value of the sponsorship.
- 6. The sponsorship must not conflict or be seen to conflict with the objectives, policies and planning controls of the Council.
- 7. A sponsorship agreement should not impose or imply conditions that would limit, or appear to limit, Council's ability to carry out its functions fully and impartially. Activities where sponsor involvement could compromise or be seen to compromise Council's ability to exercise its role impartially on behalf of the community or could diminish the public's confidence are not suitable for sponsorship.

5.11 Monitoring procedures

The following monitoring procedures will be used to determine the outcome of the sponsorship from both the sponsor's and the recipient's point of view and will be documented in the sponsorship agreement:

- 1. End-of-year progress reports to each sponsor and Council on sponsorship, detailing:
 - Public attendance (if applicable)
 - Media coverage
 - Public feedback (spontaneous or surveyed)
 - Sponsor benefits (i.e. examples of promotional material bearing sponsor's name).
- 2. A monitoring system will be established within Council recording all contact with the sponsor and contact with the general public regarding the sponsorship.
- 3. A register of sponsorships will be maintained and all major sponsorships will be reported in Council's Annual Report.
- 4. An accounting procedure will be established within Council, by which detailed information on the expenditure of the sponsorship may be made available to the sponsor or the general public on request.

6. Managing Donations

6.1 Processes for donations to Council

- 1. All offers to donate or contribute are to be made in writing and addressed to the General Manager
- 2. Council and nominated staff will need to assess whether the

- donation can be used in the way the donor has requested prior to accepting the donation. This includes any public recognition or acknowledgment requested by the prospective donor
- 3. Council will only accept the donation of public facilities or contribution towards public facilities on public land where it is in the best interest of the community in general. This should be quided by Council's:
- Adopted Community Strategic Plan,
- Adopted Section 94 Contributions Plan
- Plan of Management for the public land on which the facility is to be located, or
- Council's work program or priority list for that type of facility
- 4. Council staff will assess prospective donations (financial and non financial) up to and including \$50,000.
- 5. Any proposed financial donation over \$50,000 or item believed to valued in excess of \$50,000 will be assessed by Council as to whether it is deemed appropriate to accept such a donation. In the instance that Council assesses an offer, Council officers will supply all relevant documentation to accompany a report to Council, the decision of which will be disclosed publicly through Council's Business Paper.
- 6. Items of significant value will need to be assessed by Council staff as to the insurance requirements.
- Relevant for artworks, documents and artefacts of local historical and/or cultural significance, books of value and other materials.
- Council staff will need to consider matters of insurance cost, risk and opportunity to store the item safely as apart of any assessment process involved in determining whether to accept the article as a donation
- All insurance costs will transfer to Council when taking receipt of such an article and whilst all due care will be taken the burden of risk will remain with the donor, should the article be lost, stolen or damaged.
- 7. Council does not have deductible gift recipient (DGR) status. No tax deductible receipts will be issued to donors. Donors will need to receive independent financial advice regarding tax and GST implications

6.2 Processes for granting donations to third parties

- 9. All requests for financial support (donations) are to be made in writing and addressed to the General Manager. All applications for donations must include:
- Name of organisation or community group
- Background to organisation or group (including your role within the Ku-ring-gai community)
- Amount of funds requested
- Need and purpose for the funding

- How will the funds be allocated
- Timeframe for spending the funding
- Proposed outputs and outcomes achieved with the funding
- Contact person.
- 2. Council shall disclose in its Annual Report on all financial and non financial donations that have been accepted that are in excess of \$10,000.

6.3 Acceptable donations to Council

An acceptable donation is one that Council deems to represent an appropriate sum of money or in-kind items/goods/services for a project or activity that falls within the normal scope of Council services.

It is important that Council consider the reasons for the donation and assess this accordingly. It is equally important that Council investigates the entity that is making the donation.

When considering whether to accept a donation, Council should consider the best interests of the public, public accountability, public perceptions and the potential risks as well as the potential benefits.

Where Council accepts a donation, Council will respect the wishes of the donor as far as possible.

Examples of acceptable donations to Council may include, but not be limited to:

• Financial donations, including offers of donations of, or towards, public facilities on public land

Public facilities including buildings (kiosks, lights, shelters, sheds etc) and structures (benches, playground equipment, barbeques, walkways etc).

- Library books which meet accepted public library standards for content
- Documents, photographs, memorabilia, artefacts, diaries and records of historical and/or cultural significance
- Artworks created by local artists for display in public places or which record events or local cultural/historical significance

6.4 Unacceptable donations to Council

Examples of unacceptable donations may include, but not be limited to:

- Artworks that are deemed to be offensive or inappropriate for other reasons
- Library books that are supplied in large quantities by publishers (if Council believes the provision of these books is not philanthropic, but for promotion or advertising)
- Financial donations that may infer excessive restrictions or exclusivity of use or benefit to only the donor
- Historical material that is excessively political in nature
- 6.5 Acceptable donations to third parties

There are some situations where it is appropriate for Council to make a donation. These might include charity, community organisations, events or extraordinary crisis support. The donation may be used for general purposes or allocated to a specific event.

Examples of acceptable donations from Council may include, but not be limited to:

- Registered community or charitable organisations seeking ad hoc or crisis funding
- E.g. Community events that display a strong and relevant benefit to the local community
- E.g. A local, national or international crisis that the Council (and community) deem necessary to support

Unacceptable donations to third parties

Examples of unacceptable donations may include, but not be limited to:

 General funding request for the provision of income for staffing and administration costs, i.e. Council will not cover the day-to-day operational expenses incurred by community organisations

Note: The Council requests organisations and community groups to determine their eligibility for the Council's annual Finanical Assistance to Community Groups Program before requesting an ad hoc donation. This program provides financial assistance to charitable and community groups within Ku-ring-gai.



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S04151/2 7 June 2010

MAYORAL MINUTE

TURRAMURRA TOWN CENTRE RAY STREET STAKEHOLDER CONSULTATION

The Town Centres LEP has now been gazetted, and we will be considering and finalising a suite of associated programs such as the DCP and the Consolidated Contributions Plan. We have had an approach from a major property owner in the Ray Street precinct, Coles, to discuss possible development options for that site. Council also has a library and car park facilities on community land adjacent to the Coles site.

It is timely for the Turramurra Ray Street precinct residents and business community stakeholders to have an opportunity to put forward their ideas and constructive feedback on the Coles and Council land in Ray Street, Turramurra.

Recently Councillors have had presentation by Coles on their site at Turramurra, and it is now a timely opportunity for the community and businesses associated with the Ray Street precinct to learn of their planned proposal as it may provide future input into how Council manages and plans the adjoining car park and community library.

At this point in time there is no suggestion of reclassifying any community land within that precinct.

RECOMMENDATION

That the Mayor be authorised to organise a meeting of representatives of key stakeholders on the Ray Street precinct of Turramurra between the Council, Turramurra residents, business stakeholders and community groups seeking the best possible outcome for the area, and for the meeting to include a presentation from Coles for feedback.

Cr lan Cross Mayor