

**MINUTES OF ORDINARY MEETING OF COUNCIL  
HELD ON THURSDAY, 20 APRIL 2006**

Present: The Mayor, Councillor E Malicki (Chairperson) (Comenarra Ward)  
Councillor A Andrew (Comenarra Ward)  
Councillors L Bennett & T Hall (St Ives Ward)  
Councillor N Ebbeck (Wahroonga Ward)  
Councillors M Lane & A Ryan (Gordon Ward)  
Councillors M Shelley & J Anderson (Roseville Ward)

Staff Present: General Manager (John McKee)  
Director Development & Regulation (Michael Miocic)  
Director Open Space & Planning (Steven Head)  
Manager Urban Planning (Antony Fabbro)  
Strategic Planner (Craig Wyse)  
Senior Urban Planner (Bill Royal)  
Director Technical Services (Greg Piconi)  
Director Community Services (Janice Bevan)  
Acting Director Finance & Business (John Clark)  
Senior Governance Officer (Geoff O'Rourke)  
Director Development & Regulation's PA (Judy Murphy)

*The Meeting commenced at 7.01pm*

*The Mayor offered the Prayer*

125 **APOLOGIES**

File: S02194

Councillor I Cross tendered an apology for non-attendance (family commitment) and requested leave of absence.

**Resolved:**

(Moved: Councillors Ryan/Lane)

That the apology by Councillor I Cross for non-attendance (family commitment) be accepted and leave of absence be granted.

**CARRIED UNANIMOUSLY**

## DECLARATIONS OF INTEREST

The Mayor adverted to the necessity for Councillors and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

No interest was declared.

## 126 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

### Resolved:

(Moved: Councillors Andrew/Ebbeck)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of:

- C.1 1580 to 1596 Pacific Highway, Wahroonga - Removal of Trees (*Section 10A(2)(g) - Advice concerning litigation*)

Report by Council's Corporate Lawyer, Director Open Space & Planning & Director Development & Regulation dated 20 April 2006.

**CARRIED UNANIMOUSLY**

## DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor adverted to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

Late Items: Refer GB.1 - Draft Management Plan 2006 to 2010 - incorporating Budget & Fees & Charges - Memorandum by Acting Director Finance & Business, Director Technical Services & General Manager dated 20 April regarding the Infrastructure Levy.

New Item: Refer GB.12 - Delegations of Authority - General Manager - Report by Senior Governance Officer & General Manager dated 20 April 2006 granting Delegations of Authority Appendix 'A' in accordance with Section 377 of the Local Government Act 1993 to the General Manager effective from 27 March 2006.

Refer GB.10: Pymble Centre Recommended Draft Land Use Plan - Memorandum by Director Open Space & Planning dated 20 April 2006 regarding amendments to Attachment H Zoning Scheme Map.

Refer GB.11: Gordon Centre Recommended Draft Land Use Plan - Memorandum by Director Open Space & Planning dated 20 April 2006 regarding amendments to Attachment I Zoning Scheme & Development Control Plans.

## **CONFIRMATION OF MINUTES**

### 127 **Minutes of Extraordinary Meeting of Council**

Files: S02131, S04038  
Meeting held 27 March 2006  
Minute numbered 5

Memorandum by Senior Governance Officer dated 12 April 2006 in reference to attachments regarding the Specific Control Diagrams for Turramurra Centre Draft LEP & Draft DCP.

#### **Resolved:**

(Moved: Councillors Ryan/Ebbeck)

That confirmation of the site specific controls diagrams for Turramurra Centre Draft LEP and Draft DCP be deferred to the next Ordinary Meeting of Council on 9 May 2005.

**CARRIED UNANIMOUSLY**

## **CONFIRMATION OF MINUTES**

### 128 **Minutes of Ordinary Meeting of Council**

File: S02131  
Meeting held 4 April 2006  
Minutes numbered 106 to 124

#### **Resolved:**

(Moved: Councillors Ebbeck/Lane)

That Minutes numbered 106 to 124 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**129 **Ku-ring-gai Access Advisory Committee - Minutes of 23 February 2006**

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File: S02116

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 23 February 2006.

**Resolved:**

(Moved: Councillors Ryan/Lane)

That the Minutes from the Ku-ring-gai Access Advisory Committee of 23 February 2006 be received and noted.

**CARRIED UNANIMOUSLY**

130 **Optus Mobile Pty Ltd - Proposed Lease & Licence of Warrimoo Oval - Telecommunications Installation**

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File: S02297

For Council to grant a lease and licence to Optus Mobile Pty Ltd to access Warrimoo Oval St Ives for the purpose of a “low impact telecommunications structure” in accordance with the Telecommunications Act 1997 and the Local Government Act 1993.

**Resolved:**

(Moved: Councillors Ryan/Lane)

- A. That Council grant a lease and licence to Optus Mobile Pty Ltd over a portion of Warrimoo Oval for the installation of a low impact telecommunication facility.
- B. That Council undertake Public Notification as prescribed by Section 47 of the Local Government Act 1993.
- C. That Council authorise the Mayor and General Manager to sign all documentation associated with the lease and licence.
- D. That the Council Seal be affixed to the lease and licence.

- E. That Council does not condone, approve or support telecommunications facilities at this location or in general.

*For the Resolution: The Mayor, Councillor E Malicki, Councillors Andrew, Ebbeck, Hall, Lane, Ryan & Anderson*

*Against the Resolution: Councillors Bennett & Shelley*

131 **Ku-ring-gai History Week Photographic Competition & Exhibition 2006**

File: S04581

For Council to consider including \$13,000 for the Ku-ring-gai History Week Photographic Competition and Exhibition at the March Quarterly 2006 Budget Review.

**Resolved:**

(Moved: Councillors Ryan/Bennett)

- A. That \$13,000 be included for the Ku-ring-gai History Week Photographic Competition and Exhibition 2006 in the March Quarterly 2006 Budget Review.
- B. That funds be identified from Planning Department Capital Works funds (account number 100211, Planning Projects).

**CARRIED UNANIMOUSLY**

132 **Development Control Plan No 28 - Advertising Signs - Draft Amendments**

File: S02367

To report to Council on the public exhibition and consultation of Draft Amendments to Development Control Plan No 28 - Advertising Signs (DCP28) and to present a final amendment to Council for consideration for adoption.

**Resolved:**

(Moved: Councillors Ryan/Lane)

- A. That Council adopt the amended Development Control Plan No 28 – Advertising Signs as included in **Attachment A**.
- B. That Development Control Plan No 28 take effect upon notice of its adoption by Council appearing in the local newspaper.

- C. That the relevant Chambers of Commerce be notified of Council's decision.

**CARRIED UNANIMOUSLY**

133

**Sturt Place, Memorial Avenue & Killeaton Street, St Ives - Relocation of Stormwater Pipeline & Easement**

File: DA221/05-2

Ward: St Ives

For Council to consider granting approval for the relocation and augmentation of a council stormwater pipeline and easement that traverses the proposed development site from Memorial Avenue to Killeaton Street, St Ives.

**Resolved:**

(Moved: Councillors Ryan/Lane)

- A. That Council grant approval for the extinguishment of the existing easement and creation of a new drainage easement 2.65m wide and variable over the new pipeline.
- B. That authority be given to affix the Common Seal of the Council to the instrument for release and Creation of New Easements and Restriction on Use of Land.
- C. That the cost of altering the terms of said Easement for drainage including release and creation and Council's legal costs and disbursements be borne by the applicant.
- D. That Council approve the proposal to modify the stormwater pipelines in accordance with the stormwater plans and details, drawing C01-C04, prepared by Brown Consulting and subject to the following conditions:
1. The applicant carrying out of all drainage works in accordance with the plans and specification approved by Council at no cost to Council.
  2. The works are subjected to inspections. The applicant or their engineer is to give Council at least 24 hours notice (to allow inspection) at the following stages:
    - i) After completion of excavation and prior to pipe laying commencing.
    - ii) After completion of pipe laying prior to backfilling.
    - iii) On completion of pipeline installation.

3. That prior to construction of the building, fencing or suitable alternative be installed around the easement perimeter to prevent loading by heavy construction machinery on the area directly above the pipelines at no cost to Council.
- E. That after the buildings are completed, an inspection of the pipeline by close circuit TV or suitable alternative be undertaken to verify the structural integrity of pipelines by the applicant at no cost to council, prior to the issue of occupation certificate.

**CARRIED UNANIMOUSLY**

134 **Delegations of Authority - General Manager**

File: S02017

To grant Delegations of Authority from Council to the General Manager, Mr John McKee, in accordance with the Local Government Act.

**Resolved:**

(Moved: Councillors Ryan/Lane)

That the Delegations of Authority as set out in **Attachment B** be delegated to the General Manager, Mr John McKee, in accordance with Section 377 of the Local Government Act 1993, effective from 27 March 2006.

**CARRIED UNANIMOUSLY**

*Standing Orders were suspended to deal with items  
where there are speakers first  
after a Motion moved by Councillors Ebbeck & Ryan  
was CARRIED UNANIMOUSLY*

135 **Draft Local Environmental Plan No 208 - Consideration of Submissions**

File: S04482

**The following member of the public addressed Council:**

**J Clarke**

To consider submissions made in respect of the exhibition of Draft Local Environmental Plan No 208 (Draft LEP 208) and for Council to resolve the manner in which to finalise the Draft Plan.

**Resolved:**

(Moved: Councillors Ebbeck/Andrew)

- A. That Council adopt Draft Local Environmental Plan No 208 as exhibited, subject to any minor drafting that may be legally required by Parliamentary Counsel.
- B. That Draft Local Environmental Plan No 208 as adopted together with the Council Planning report detailing submissions, be forwarded to the Department of Planning in accordance with Section 68(4) of the Environmental Planning and Assessment Act 1979.
- C. That Council request the Department of Planning to prepare a Section 69 Report to the Minister requesting the making of the Plan if Council is not granted delegation to prepare the Report itself.
- D. That the applicant and owner be advised of Council's resolution.

**CARRIED UNANIMOUSLY**

136

**Development Control Plan No 38 - Residential Design Manual & Development Control Plan No 55 - Multi-Unit Development - Amendments**

File: S02084 & S03730

**The following member of the public addressed Council:****D Sumner**

To report to Council on the public exhibition and consultation of amendments to Development Control Plan No 38 - Residential Design Manual (DCP38), Development Control Plan No 55 - Multi-Unit Development (DCP55) and to present the final amended DCPs to Council for consideration and adoption prior to State Government changes to planning legislation taking effect after 30 April 2006.

**Councillor Bennett withdrew during discussion**

**Resolved:**

(Moved: Councillors Lane/Ryan)

- A. That Council adopt Development Control Plan No 38 – Residential Design Manual (DCP38) as included in **Attachment C**.
- B. That Council resolve to amend Development Control Plan No 55 – Multi-Unit Housing (DCP55) as follows:

- i. Rename Section 4.8 to “Building Sustainability”.
- ii. Delete the paragraphs entitled “The Application of BASIX” in relation to SEPP65 Design Principle in Section 4.8.
- iii. Delete Section 4.8.1 “Design for climate and energy conservation”.
- iv. Delete Section 4.8.4 “Water Cycle and water sensitive urban design”.
- v. Delete reference to PVC in Clause C-2 of Section 4.8.2.
- vi. Insert the following clause in Section 4.8.2:

*C-3 The use of alternatives to PVC piping is encouraged including Colorbond (above ground only), HDPE where appropriate.*

- C. That both Development Control Plan No 38 and Development Control Plan No 55 take effect upon notice of their adoption by Council appearing in the local newspaper.
- D. That those people who made a submission on the Draft Development Control Plans be advised of Council’s decision and thanked for their submission.

*For the Resolution:           The Mayor, Councillor E Malicki, Councillors Andrew, Ebbeck, Hall, Lane, Ryan & Anderson*

*Against the Resolution:   Councillor Shelley*

137

### **Pymble Centre Recommended Draft Land Use Plan**

File: S04291

#### **The following members of the public addressed Council:**

**Councillor Bennett returned**

**G Hunter**  
**P Dobrijevic**  
**J Hill**

To have Council consider the consultation and planning outcomes for the Pymble Centre and to seek Council's endorsement of the recommended land use plan and to prepare a Draft Local Environmental Plan and Draft Development Control Plan to rezone certain lands in and around the Pymble Centre to set more detailed planning and development controls for the area.

**Council adjourned for a short interval at 9.05pm  
after a Motion moved by Councillors Lane & Ryan was CARRIED  
and the Chairperson ruled accordingly.  
The Meeting resumed at 9.20pm**

Those present were:

The Mayor, Councillor Malicki  
Councillor Andrew  
Councillor Bennett  
Councillor Hall  
Councillor Ebbeck  
Councillor Lane  
Councillor Ryan  
Councillor Shelley  
Councillor Anderson

**Resolved:**

(Moved: Councillors Ryan/Shelley)

- A. That Council adopt in principle and, as amended, the preferred Pymble land use plan as outlined in this report and in Attachment G to guide future development of retail, residential, community and commercial activity within the Pymble Centre.
- B. That Council commence preparation of a Draft Local Environmental Plan to rezone land consistent with Council's preferred option and notify the Department of Planning of its resolution under Section 54 of the Environmental Planning and Assessment Act.
- C. That Council notify relevant government agencies of its intention to prepare a Local Environmental Plan as required under Section 62 of the Environmental Planning and Assessment Act.
- D. That the Draft Local Environmental Plan propose rezoning of lands in accordance with the map contained in Revised Attachment H which includes Precincts F, J and L (part) and 10 Park Crescent as sites for further investigation, subject to the following amendments:
  - (i) That the reference to Zone B4 – Mixed Use be changed to Zone B2 – Local Centre.
  - (ii) That land at 1082 – 1084 Pacific Highway, Pymble be included as Zone SP2 – Infrastructure (Place of Public Worship).
- E. That Council prepare a Draft Development Control Plan for the Pymble Centre in accordance with the existing Draft Town Centres DCP including any amendments required by the gazetted Standard LEP.
- F. That Council formally consider the Draft Local Environmental Plan and Draft Development Control Plan prior to them being placed on public exhibition.

- G. That the report consider reclassification of community land within the Pymble centre.
- H. That the following be prepared for the Pymble Centre:
- i. A public domain concept plan.
  - ii. An action plan for traffic and parking management.
  - iii. Proposals for community facilities.
  - iv. Other proposals for a schedule of works for inclusion in a Draft Section 94 Plan.
- I. That the development of a Section 94 Development Contributions strategy be commenced and a briefing be supplied to interested councillors.
- J. That creation of a new roads generally as indicated on the map in Attachment H be further considered by Council prior to inclusion in the Draft Local Environmental Plan and Draft Development Control Plan.
- K. That final controls and rezoning of land within the Pymble Centre as outlined in this report is subject to economic feasibility assessment by a suitably qualified consultant and further consideration and investigation and review as outlined within this report.
- L. That the report considering the draft LEP for the Pymble Centre include an assessment of the potential to rezone properties currently zoned residential 2d, 2e and 2f to higher densities similar to those under the 2(d3) zone in LEP 194. This report is to specifically address the properties identified in the table below and include recommendations on which properties should be included for rezoning in the draft Pymble Centre LEP.

<b>Precinct Zoning</b>	<b>Address</b>	<b>Current</b>
Part of Precinct G	1160-1180 Pacific Highway	2(f)
Part of Precinct K	1068-1072 and 1076 Pacific Highway	2(d)

*For Parts A to L of the Resolution: Councillors Andrew, Ebbeck, Hall, Lane, Ryan, Shelley & Anderson*

*Against Parts A to L of the Resolution: The Mayor, Councillor E Malicki*

- M. That a further report be brought back to Council on the assessment of interface properties and include recommendations on which properties should be included for rezoning in draft Pymble LEP.

**CARRIED UNANIMOUSLY by those present**

**Councillor Bennett was not present  
for the voting on Parts A to M**

- N. That Clause N in the Motion be deleted.

*For the Resolution: Councillors Andrew, Ebbeck, Hall, Lane, Ryan, Shelley & Anderson*

*Against the Resolution: The Mayor, Councillor E Malicki & Councillor Bennett*

- O. That 4A Park Crescent be identified as low density retaining the existing house with consideration given to allowing additional uses such as cafes and restaurants.

*For the Resolution: Councillors Andrew, Hall, Lane, Ryan, Shelley & Anderson*

*Against the Resolution: The Mayor, Councillor E Malicki & Councillors Bennett & Ebbeck*

- P. That appropriate building envelopes respecting the scale and character of the Robert Pymble Park Precinct be developed for areas to be rezoned on Park Crescent and Telegraph Road.

**CARRIED UNANIMOUSLY**

- Q. That Precinct J bounded by Pymble Avenue and Livingstone Avenue (identified as grey on the Revised Attachment H) be zoned Medium Density Residential and that building controls consider topography, existing trees and drainage.

*For the Resolution: Councillors Hall, Lane, Ryan, Shelley & Anderson*

*Against the Resolution: The Mayor, Councillor E Malicki, Councillors Andrew, Bennett & Ebbeck*

*The above Resolution was CARRIED as an Amendment to the Original Motion. The Original Motion was:*

*(Moved: Councillors Bennett/ Ryan*

- A. *That Council adopt in principle and, as amended, the preferred Pymble land use plan as outlined in this report and in Attachment G to guide future development of retail, residential, community and commercial activity within the Pymble Centre.*

- B. *That Council commence preparation of a Draft Local Environmental Plan to rezone land consistent with Council's preferred option and notify the Department of Planning of its resolution under Section 54 of the Environmental Planning and Assessment Act.*

- C. *That Council notify relevant government agencies of its intention to prepare a Local Environmental Plan as required under Section 62 of the Environmental Planning and Assessment Act.*
- D. *That the Draft Local Environmental Plan propose rezoning of lands in accordance with the map contained in Revised Attachment H which includes Precincts F, J and L (part) and 10 Park Crescent as sites for further investigation, subject to the following amendments:*
- (i) That the reference to Zone B4 – Mixed Use be changed to Zone B2 – Local Centre.*
  - (ii) That land at 1082 – 1084 Pacific Highway, Pymble be included as Zone SP2 – Infrastructure (Place of Public Worship).*
- E. *That Council prepare a Draft Development Control Plan for the Pymble Centre in accordance with the existing Draft Town Centres DCP including any amendments required by the gazetted Standard LEP.*
- F. *That Council formally consider the Draft Local Environmental Plan and Draft Development Control Plan prior to them being placed on public exhibition.*
- G. *That the report consider reclassification of community land within the Pymble centre.*
- H. *That the following be prepared for the Pymble Centre:*
- i. A public domain concept plan.*
  - ii. An action plan for traffic and parking management.*
  - iii. Proposals for community facilities.*
  - iv. Other proposals for a schedule of works for inclusion in a Draft Section 94 Plan.*
- I. *That the development of a Section 94 Development Contributions strategy be commenced and a briefing be supplied to interested councillors.*
- J. *That creation of a new roads generally as indicated on the map in Attachment H be further considered by Council prior to inclusion in the Draft Local Environmental Plan and Draft Development Control Plan.*
- K. *That final controls and rezoning of land within the Pymble Centre as outlined in this report is subject to economic feasibility assessment by a suitably qualified consultant and further consideration and investigation and review as outlined within this report.*
- L. *That the report considering the draft LEP for the Pymble Centre include an assessment of the potential to rezone properties currently zoned*

*residential 2d, 2e and 2f to higher densities similar to those under the 2(d3) zone in LEP 194. This report is to specifically address the properties identified in the table below and include recommendations on which properties should be included for rezoning in the draft Pymble Centre LEP.*

<b>Precinct</b>	<b>Address</b>	<b>Current Zoning</b>
Part of Precinct G	1160-1180 Pacific Highway	2(f)
Part of Precinct K	1068-1072 and 1076 Pacific Highway	2(d)

- M. That a further report be brought back to Council on the assessment of interface properties and include recommendations on which properties should be included for rezoning in draft Pymble LEP.*
- N. That planning for the Pymble Centre identify Council properties at 1 Alma Street and Grandview Lane for at grade car parking and as a landscaped interface to the adjoining residential properties on Alma and Station Streets.*
- O. That 4 and 4A Park Crescent be identified as low density retaining the existing houses with consideration given to allowing additional uses such as cafes and restaurants.*
- P. That appropriate building envelopes respecting the scale and character of the Robert Pymble Park Precinct be developed for areas to be rezoned on Park Crescent and Telegraph Road.*

**Councillor Bennett returned**

138

### **Gordon Centre Recommended Draft Land Use Plan**

File: S04091

#### **The following members of the public addressed Council:**

**C Young**  
**I S Hong**  
**J Kupferman**  
**D Ramsay**

To have Council consider the consultation and planning outcomes for the Gordon Centre and to seek Council's endorsement of the recommended land use plan and to prepare a Draft Local Environmental Plan and Draft Development Control Plan to rezone certain lands in and around the Gordon Centre to set more detailed planning and development controls for the area.

**Resolved:**

(Moved: Councillors Bennett/Shelley)

- A. That Council adopt in principle the preferred Gordon land use plan as outlined in this report and in Attachment A to the report to guide future development of retail, residential, community and commercial activity within the Gordon Centre.
- B. That Council commence preparation of a Draft Local Environmental Plan to rezone land consistent with Council's preferred option and notify the Department of Planning of its resolution under Section 54 of the Environmental Planning and Assessment Act.
- C. That Council notify relevant government agencies of its intention to prepare a Local Environmental Plan as required under Section 62 of the Environmental Planning and Assessment Act.
- D. That the Draft Local Environmental Plan propose rezoning of lands in accordance with the map contained in Attachment J.
- E. That Council prepare a Draft Development Control Plan for the Gordon Centre in accordance with the existing draft town centre DCP and including any amendments required by gazettal of the Standard Local Environmental Plan.
- F. That Council formally consider the Draft Local Environmental Plan and Draft Development Control Plan prior to them being placed on public exhibition.
- G. That the report consider reclassification of community land within the Gordon centre.
- H. That the following be prepared for the Gordon Centre:
  - i. A public domain concept plan.
  - ii. An action plan for traffic and parking management.
  - iii. Proposals for community facilities.
  - iv. Other proposals for a schedule of works for inclusion in a Draft Section 94 Plan.
- I. That the development of a Section 94 Development Contributions strategy be commenced.
- J. That creation of new roads generally as indicated on the map in Attachment H to the report, be further considered by Council prior to inclusion in the Draft Local Environmental Plan and Draft Development Control Plan.
- K. That final controls and rezoning of land within the Gordon Centre as outlined in this report is subject to economic feasibility assessment by a suitably qualified

consultant and further consideration and investigation and review as outlined within this report.

- L. That a further report be brought back to Council on the assessment of the potential to rezone properties currently zoned residential 2d and 2e to higher densities similar to those under the 2(d3) zone in LEP 194. This report is to specifically address the properties identified in the table below and include recommendations on which properties should be included for rezoning in the draft Gordon Centre Local Environmental Plan.

<b>Precinct</b>	<b>Address</b>	<b>Current Zoning</b>
Area bounded by Khartoum Avenue, laneway, western boundary of 2 Robert Street, Werona Avenue and Robert Street (Precinct O)	77-87 Werona Avenue	2(d)
Area bounded by Robert Street, Werona Avenue, Gordon Recreation Ground and rear of properties in Robert Street and Werona Avenue (Precinct P1)	65-75 Werona Avenue	2(d)
Area bounded by Gordon Recreation Ground, Werona Avenue, McIntosh Street, Rosedale Road (Precinct P5)	61-63 Werona Avenue, 10-20 McIntosh Street, 2 Rosedale Road	2(e)
Area bounded by Church Hill Lane, Pacific Highway, Ravenswood Avenue and Henry Street (Precinct J)	703-721 Pacific Highway, 2-6 Ravenswood Avenue, 18-36 Henry Street	2(d)
Part of Precinct I	738-740 Pacific Highway, 744 Pacific Highway, 748 Pacific Highway	2(d)

- M. That a further report be brought back to Council on the assessment of interface properties and include recommendations on which properties should be included for rezoning in draft Gordon Local Environmental Plan.
- N. That the development of the draft LEP & DCP seek to maximise residential, retail and commercial yields within the mixed use zones.

*For Parts A to N of the Resolution:           The Mayor, Councillor E Malicki,  
Councillors Andrew, Ebbeck, Hall,  
Lane, Ryan & Anderson*

*Against Parts A to N of the Resolution:   Councillors Bennett & Shelley*

(Moved: Councillors Ryan/Lane)

- O. That consideration for the listing of 36 Henry Street as a heritage item not be pursued and that mixed use zones be considered for this site and adjoining sites 30, 32 and 34 Henry Street, Gordon.

*Part O of the Resolution from the Original Motion was subject to an Amendment which was LOST. The Lost Part O of the Amendment was:*

- O. *That the officer's recommendation for 36 Henry Street, as contained in revised Attachment J remain.*

*When put to the vote, Part P of the Amendment was LOST.*

- P. *That scenarios for additional retail, residential and commercial yields in Gordon be developed in line with the metropolitan strategy and supplied to Councillors as soon as possible.*

*The balance of the Original Motion was:*

(Moved: Councillors Ryan/Lane)

- A. *That Council adopt in principle the preferred Gordon land use plan as outlined in this report and in Attachment A to guide future development of retail, residential, community and commercial activity within the Gordon Centre.*
- B. *That Council commence preparation of a Draft Local Environmental Plan to rezone land consistent with Council's preferred option and notify the Department of Planning of its resolution under Section 54 of the Environmental Planning and Assessment Act.*
- C. *That Council notify relevant government agencies of its intention to prepare a Local Environmental Plan as required under Section 62 of the Environmental Planning and Assessment Act.*
- D. *That the Draft Local Environmental Plan propose rezoning of lands in accordance with the map contained in Attachment J.*
- E. *That Council prepare a Draft Development Control Plan for the Gordon Centre in accordance with the existing draft town centre DCP and including any amendments required by gazettal of the Standard Local Environmental Plan.*
- F. *That Council formally consider the Draft Local Environmental Plan and Draft Development Control Plan prior to them being placed on public exhibition.*

- G. *That the report consider reclassification of community land within the Gordon centre.*
- H. *That the following be prepared for the Gordon Centre:*
- i. *A public domain concept plan.*
  - ii. *An action plan for traffic and parking management.*
  - iii. *Proposals for community facilities.*
  - iv. *Other proposals for a schedule of works for inclusion in a Draft Section 94 Plan.*
- I. *That the development of a Section 94 Development Contributions strategy be commenced.*
- J. *That creation of new roads generally as indicated on the map in Attachment H to the report, be further considered by Council prior to inclusion in the Draft Local Environmental Plan and Draft Development Control Plan.*
- K. *That final controls and rezoning of land within the Gordon Centre as outlined in this report is subject to economic feasibility assessment by a suitably qualified consultant and further consideration and investigation and review as outlined within this report.*
- L. *That a further report be brought back to Council on the assessment of the potential to rezone properties currently zoned residential 2d and 2e to higher densities similar to those under the 2(d3) zone in LEP 194. This report is to specifically address the properties identified in the table below and include recommendations on which properties should be included for rezoning in the draft Gordon Centre Local Environmental Plan.*

<b>Precinct</b>	<b>Address</b>	<b>Current Zoning</b>
Area bounded by Khartoum Avenue, laneway, western boundary of 2 Robert Street, Werona Avenue and Robert Street (Precinct O)	77-87 Werona Avenue	2(d)
Area bounded by Robert Street, Werona Avenue, Gordon Recreation Ground and rear of properties in Robert Street and Werona Avenue (Precinct P1)	65-75 Werona Avenue	2(d)
Area bounded by Gordon Recreation Ground, Werona Avenue, McIntosh Street, Rosedale Road (Precinct P5)	61-63 Werona Avenue, 10-20 McIntosh Street, 2 Rosedale Road	2(e)
Area bounded by Church Hill Lane, Pacific Highway, Ravenswood Avenue and	703-721 Pacific Highway, 2-6 Ravenswood Avenue, 18-36 Henry Street	2(d)

*Henry Street (Precinct J)*

*Part of Precinct I*

*738-740 Pacific Highway, 2(d)  
744 Pacific Highway,  
748 Pacific Highway*

- M. That a further report be brought back to Council on the assessment of interface properties and include recommendations on which properties should be included for rezoning in draft Gordon Local Environmental Plan.*
- N. That the development of the draft LEP & DCP seek to maximise residential, retail and commercial yields within the mixed use zones.*

### **PERSONAL EXPLANATION**

Councillor Hall apologised for his movements in the Chamber during debate on the previous item but assured the Chair that his movements had a good purpose as elected Councillor for St Ives Ward.

139

### **Draft Management Plan 2006 to 2010 - Incorporating Budget & Fees & Charges**

File: S03096

To place Council's 2006-2010 Draft Management Plan, incorporating the Budget, Special Rate Variation and Fees and Charges for 2006-2007 on public exhibition.

#### **Resolved:**

(Moved: Councillors Ebbeck/Lane)

- A. That Council adopt the Management Plan 2006-2010, as amended, incorporating the Budget, Special Rate Variation and Fees and Charges for 2006/07 for the purpose of public exhibition.
- B. That surplus funds totalling \$251,900 be transferred to Council's Contingency Reserve.
- C. That funds totalling \$480,820 currently in Council's internally restricted Garbage Reserve be transferred to the New Facilities Reserve.
- D. That the Management Plan, Budget and Fees and Charges be placed on public exhibition for 28 days commencing Friday, 28 April 2006.
- E. That an advertisement be placed in the 'North Shore Times' advising public exhibition details.

- F. That following public exhibition, a further report be submitted to Council for adoption of the 2006-2010 Management Plan, Budget and Fees and Charges.
- G. That a public meeting be advertised and held on Monday 22 May 2006 for the proposed Special Rate Variation for the Infrastructure Levy and draft Management Plan.

**CARRIED UNANIMOUSLY**

140 **ALGWA (NSW) Women's Conference 2006**

File: S02815

For Council to nominate delegates to the Australian Local Government Women's Association (NSW) Annual Conference.

**Resolved:**

(Moved: Councillors Bennett/Lane)

That any interested Councillor advise the General Manager if they wish to attend the ALGWA (NSW) Women's Conference by Friday, 21 April, 2006.

*For the Resolution: The Mayor, Councillor E Malicki, Councillors Andrew, Bennett, Ebbeck, Ryan, Shelley & Anderson*

*Against the Resolution: Councillors Hall & Lane*

*The above Resolution was CARRIED as an Amendment to the Original Motion.  
The Original Motion was:*

*(Moved: Councillors Hall/Shelley)*

*That Council determine its delegates to the Australian Local Government Women's Association Conference 2006.*

**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

141 **Release of Confidential Information on Property Review**

File: S03324

**Notice of Motion from Councillor L Bennett dated 10 April 2006.**

I move that:

- "A. The following documents marked confidential by the General Manager be released to Press and Public:
- (i) The document on confidential paper released to Councillors on 23<sup>rd</sup> February 2006 entitled 'Proposed Community Facilities Summary Information and Outcomes of Workshop' and that this include the attached spreadsheet.
  - (ii) The document entitled 'Future Planning of Ku-ring-gai and Property Portfolio Review' and dated February 2006
- B. Any material pertaining to the Council Depot be deleted from this material given that the property has gone to tender."

**Resolved:**

(Moved: Councillors Bennett/Shelley)

That the above Notice of Motion as printed be adopted.

**CARRIED UNANIMOUSLY**

*Council resolved itself into Closed Meeting  
moved by Councillors Ebbeck & Lane  
with the Press and Public excluded to deal with the following item*

*For the Closure: The Mayor, Councillor E Malicki, Councillors  
Andrew, Bennett, Ebbeck, Lane, Ryan, Shelley &  
Anderson*

*Against the Closure: Councillor Hall*

142 **1580 to 1596 Pacific Highway, Wahroonga - Removal of Trees**  
*(Section 10A(2)(g) - Advice concerning litigation)*

File: S04355

Report by Corporate Lawyer, Director Open Space & Planning & Director  
Development & Regulation dated 20 April 2006.

**Resolved:**

(Moved: Councillors Andrew/Malicki)

That the General Manager be authorised to proceed as outlined in Option B detailed in the report to Council dated 20 April 2006.

**CARRIED UNANIMOUSLY**

*Standing Orders were Resumed*

The General Manager adverted to the consideration of the matter referred to in Minute numbered 142, and to the resolution contained in such Minute.

**QUESTIONS WITHOUT NOTICE**

143 **Pymble Town Centre**

File: S04291

Question Without Notice from Councillor T Hall

I ask would the Council's staff (planning and development) advise me whether:

1. Why has the public car park approved under DA Consent (including 1987) in the building known as 55 Grandview Parade, Pymble been closed to the public recently?
2. Where are the innovative plans for mixed use prepared by Jack Architects for 1 Alma Street?

Have these plans been referred to Council's Consultants preparing the draft LEP for Pymble?

**Answer by the Mayor**

The staff will report back.

144 **St Ives Rugby Club 50th Anniversary Dinner, 22 April 2006**

File: S02380

Question Without Notice from Councillor T Hall

Madam Mayor, I note your diary includes your acceptance of an invitation from the St Ives Rugby Club to its Golden Anniversary Dinner this Saturday and this is much appreciated.

Would you be in a position to commemorate this significant sporting event in St Ives with some form of cup presentation from Council perhaps to a Junior grade that can be awarded each year in perpetuity?

**Answer by the Mayor**

It's a very clever question, Councillor Hall, because no doubt you have heard that I am no longer going. The cost of the evening was extremely high. It went beyond a token gift. I sought advice from the General Manager who discussed the matter very briefly with the Internal Ombudsman. The general feeling was that it was not appropriate for me to attend given that the Club has put to Council a request for help for funding assistance with their clubhouse. So I will not be attending. I'm always happy to give presentations to any club at any time apart from that. It was with great regret that I had to pull out from that invitation but it was not done lightly.

**145 Congratulations to Team Members of the Quality Service Working Group**

File: S04574

Question Without Notice from Councillor N Ebbeck

Could the General Manager please pass on my congratulations to Maureen Ayers and the team of the "Providing Good Services to Customers" Working Party?

This working party has worked tirelessly to provide a preliminary report that will offer far greater public relation and communications to this Council.

I am very proud to have been associated with this group from its inception and look forward to the opportunity to implement some or all of the recommendations.

**Answer by the Mayor**

Yes.

**146 Appreciation to Technical Services Staff & Adshel - Bus Shelters**

File: S02126

Question Without Notice from Councillor M Shelley

Would the General Manager please pass on my appreciation to the Technical Services Staff and to Adshel for the work undertaken by them to upgrade the design of the bus shelters to ensure that glass panels will be firmly secured and no longer fall out, given the encouragement by vandals?

I understand that Adshel will be modifying all the existing bus shelters in Ku-ring-gai and can the Director Technical Services inform Council when these upgrades have been completed?

**Answer by the General Manager**

I will.

147 **Purchase of Artwork - Annual Feasibility**

File: S02456

Question Without Notice from Councillor M Shelley

Would the Director Community Services report to Council the feasibility of annually purchasing an artwork from the Annual Tutors Show held at the Ku-ring-gai Art Centre (similar to that with the Ku-ring-gai Art Society Show)?

**Answer by the Mayor**

Yes, she will.

148 **Heating Council Chambers**

File: P54796

Question Without Notice from Councillor A Ryan

Could the General Manager please, as a matter of urgency, employ the services of an air-conditioning expert with a view to installing a system that will provide a constant, pleasant temperature in Chambers?

**Answer by the General Manager**

I will.

149 **Appreciation to Council Staff - Tulkiyan Open Day**

File: S02576

Question Without Notice from Councillor L Bennett

Could the General Manager pass on the community's appreciation of the work of the Open Space staff in preparing the grounds of Tulkiyan for its recent open day?

**Answer by the General Manager**

I will.

*The Meeting closed at 11.25pm*

The Minutes of the Ordinary Meeting of Council held on 20 April 2006 (Pages 1 - 24) were confirmed as a full and accurate record of proceedings on 9 May 2006.

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General Manager

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Mayor / Chairperson

Ku-ring-gai Council

Development Control Plan No. 28

# Advertising Signs

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**Adopted by Council: 27 March 1996**

**Effective: 17 April 1996**

**Amended: 28 April 2006**



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## Schedule of Amendments

	<b>AMENDMENT</b>	<b>ADOPTED</b>
1	A new section (see Section 7) has been inserted into DCP28 containing controls for advertising on outdoor dining furniture and footpath trading equipment. The controls bring DCP28 into line with Council's Policy on outdoor dining and footpath trading. Several definitions have also been added, including: "furnishing", "business identification" and "third party advertising". The document has also been amended to improve format, clarity, internal consistency and overall useability as it has not been reviewed since its original adoption in 1996.	20 April 2006 Effective 28 April 2006

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# CONTENTS

<b>CONTENTS</b>	<b>4</b>
<b>1 INTRODUCTION</b>	<b>6</b>
1.1 Name of this DCP	6
1.2 Commencement Date	6
1.3 Land to which this Plan applies	6
1.4 Objectives	6
1.5 Relationship to other planning instruments	6
1.6 Advertising signs that require approval	6
1.7 Making an application	6
1.8 Definitions	7
<b>2 GENERAL CONTROLS</b>	<b>7</b>
<b>3 ADVERTISING STRUCTURES</b>	<b>8</b>
3.1 Under-awning signs	8
3.2 Above-awning signs	8
3.3 Top hamper signs	9
3.4 Pole and pylon signs	9
3.5 Flush Wall Signs	9
3.6 Projecting Wall Signs (Vertical)	9
3.7 Projecting Wall Signs (Horizontal)	9
3.8 Roof signs	10
3.9 Advertising Panels	10
3.10 Floodlit Signs	10
3.11 Illuminated Signs	10
<b>4 CONTROLS FOR ADVERTISING IN BUSINESS CENTRES</b>	<b>10</b>
4.1 General	10
4.2 Shop front signs	10
4.3 Fascia signs	11
4.4 Upper-fascia and above-awning signs	11
<b>5 HIGH RISE/CORPORATE CENTRES</b>	<b>11</b>
<b>6 SERVICE STATIONS</b>	<b>11</b>
<b>7 ADVERTISING ON OUTDOOR DINING FURNITURE OR FOOTPATH TRADING ACTIVITIES</b>	<b>11</b>
<b>8 HOME OCCUPATION IDENTIFICATION SIGNS</b>	<b>12</b>
<b>9 RESIDENTIAL IDENTIFICATION SIGNS</b>	<b>12</b>
<b>10 TEMPORARY SIGNS</b>	<b>12</b>
10.1 Real Estate Signs	12
10.2 Sporting and Special Events Signs	12
10.3 Other Advertising	13



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## Introduction

### 1.1 Name of this DCP

This plan is known as “Development Control Plan No 28 – Display and Erection of Advertisements and Advertising Structures”.

### 1.2 Commencement Date

This Development Control Plan (DCP) was adopted by Council resolution on 20 April 2006 and came into effect on 28 April 2006.

### 1.3 Land to which this Plan applies

This plan applies to all land within the Local Government Area of Ku-ring-gai including land under the care, control or management of State or Federal Government Bodies.

### 1.4 Objectives

- a) Preservation and enhancement of the predominantly residential character of the Ku-ring-gai area.
- b) An appropriate balance between the established streetscape character and the commercial need to advertise goods and services.
- c) Advertisements and advertising structures that are compatible with the architectural style of the built environment.
- d) Advertisements and advertising structures that do not disrupt vehicular or pedestrian traffic flow.

### 1.5 Relationship to other planning instruments

This DCP is created under Council's principle environmental planning instrument, the *Ku-ring-gai Planning Scheme Ordinance* (KPSO).

### 1.6 Advertising signs that require approval

All proposals for advertising and advertising structures must be submitted to Council for assessment as a development application unless the advertising / advertising structure is **exempt or complying development** under the KPSO.

**Note 1:** Some advertising signs may also require building approval under Section 68 of Chapter 7 of The Local Government Act 1993.

**Note 2:** Applications granted consent by Council do not exempt the applicant from compliance with other statutory requirements.

### 1.7 Making an application

Development applications should be prepared in accordance with Council's Development Application (DA) Guide. All applications for advertising and /or advertising structures should contain the following information:

- i. Precise location of the proposed signage.

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- ii. Type, nature and size of the sign.
  - iii. Purpose of advertising.
  - iv. If relevant, qualifications of the organisation being advertising as a local charitable or community service organisation.
  - v. If temporary or part-time, the time(s) and date(s) of their erection.

## 1.8 Definitions

**Above-awning sign** means a sign attached to the upper side of an awning (other than the fascia or return end).

**Advertising panel** means any advertising structure other than those defined in this DCP which is not illuminated, including a hoarding, bulletin board or billboard.

**Business identification sign** means 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.

**Floodlit** means illumination by an external source of artificial light.

**Flush wall sign** means a sign other than a hoarding that is attached to the wall of a building which does not project horizontally more than 50mm from the wall.

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

**Illuminated sign** means any sign that is internally illuminated.

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

**Projecting wall sign** means a sign that is attached to the wall of a building (other than the transom of a doorway or display window), that projects more than 50mm from the wall to which it is attached and that has a width greater than its height.

**Roof sign** means any sign displayed above the on the roof or parapet of a building.

**Third party advertising** means any advertising other than that which identifies the business undertaken at the subject premises.

**Top hamper sign** means a sign that is attached to the transom of a doorway or display window of a building.

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

## 2 General Controls

- a) The advertising sign must comply with all relevant provisions of:
  - *State Environmental Planning Policy No. 64 – Advertising and Signage*;
  - the *Environmental Planning and Assessment Act 1979*;
  - the *Ku-ring-gai Planning Scheme Ordinance*; and
  - the *Local Government Act 1993*.
- b) The advertising must be of a design that is in sympathy with the character of the building to which they are affixed.

- 
- c) The proposed advertising must not be the dominant visual element on the subject building, group or buildings or streetscape.
  - d) Advertising affixed to heritage items or located within heritage conservation areas must complement and enhance the visual quality of the building and streetscape.

### 3 Advertising Structures

**Note:** The following advertising styles are considered to be inappropriate and are discouraged by Ku-ring-gai Council:

- *flashing signs, moving signs, balloon signs or the like*
- *signs advertising an activity or trade other than that associated with the building to which the sign is attached*
- *sandwich boards*
- *hoarding signs, painted bulletins, stickers, or advertisements in the nature of posters other than those described in this DCP*
- *any advertisement that would, in the opinion of Council be unsightly, objectionable, or injurious to the amenity of any streetscape, landscape, foreshore, public reserve or public place*
- *painted window or wall signs above awning height*
- *the painting of buildings in corporate colours*
- *signs on stationary vehicles used principally for the purpose of advertising*
- *fluorescent colours*
- *all signage in residential areas not specified in this DCP*

#### 3.1 Under-awning signs

Not more than one under-awning sign may be erected per business / shop and under-awning signs:

- a) must not exceed 2.5 metres in length and must not project beyond the edge of the awning, except in the case of an awning wholly within the boundaries of the allotment occupied by the building;
- b) must not exceed 0.3 metres in depth;
- c) must be not less than 2.6 metres from existing ground level at any point.
- d) must be erected at right angles to the property boundary of the building to which the awning is attached;
- e) must be located within 3.0 metres of the centre of the building façade;

#### 3.2 Above-awning signs

Above-awning signs may only be erected where they are compatible with the building style and locality, and where:

- a) they are parallel to the fascia or return end of the awning;
- b) they do not project beyond the edge of the awning;
- c) if lettering is of a skeleton style, they
  - do not exceed 0.9 metres in height, and
  - have a base that is affixed directly to the awning and that is not more than 0.2 metres in height; and
- d) if lettering is of a solid style, they

- 
- have a maximum advertising area of 2.2m<sup>2</sup>
  - have a maximum height of 1.5 metres, and
  - the base of the lettering is not more than 2.4 m above the roof of the awning.

### 3.3 Top hamper signs

Top hamper signs

- a) must not extend more than 3.7m above the ground; and
- b) must not project more than 150mm beyond the face of the shop front and/or the building alignment.

### 3.4 Pole and pylon signs

Pole and pylon signs:

- a) must not project over any road;
- b) must not be less than 2.6 metres from existing ground level at any point;
- c) must have a maximum advertising area of not more than 4m<sup>2</sup> on any single face; and
- d) must not be more than 6m above the existing ground level at any point.

### 3.5 Flush Wall Signs

Flush wall signs:

- a) must not project above the top of the wall to which they are attached;
- b) must not extend above awning height; and
- c) must be of a size and shape that relate to the architectural design of the building to which they are attached.

### 3.6 Projecting Wall Signs (Vertical)

Where the height of a projecting wall sign is greater than its width, the projecting wall sign:

- a) must project from the wall to which it is attached in accordance with the following scale:

<b>Height of advertising sign base</b>	<b>maximum allowable projection</b>
2.6 – 3.7 metres above ground level	0.5 metres
3.7 – 4.6 metres above ground level	0.75 metres
> 4.6 metres above ground level	1.0 metres

- b) must not project above the top of the wall to which it is attached;
- c) must be at least 2.6 metres above the ground; and
- d) must not extend closer than 0.6 metres to the vertical projection of any kerb alignment.

### 3.7 Projecting Wall Signs (Horizontal)

Where the height of a projecting wall sign is less than its width, the projecting wall sign:

- a) must be erected at right angles to the wall of the building to which it is attached;
- b) must be at least 2.6 metres above the ground level at every point.

- 
- c) must project from the wall to which it is attached in accordance with the following scale:

<b>Height of advertising sign base</b>	<b>maximum allowable projection</b>
2.6 – 3.7 metres above ground level	0.5 metres
> 3.7 metres above ground level	0.75 metres

- d) must not extend closer than 0.6 metres to the vertical projection of any kerb alignment.  
e) must have a projection not greater than 3.0 metres.

### **3.8 Roof signs**

Applications for roof signs will be considered on merit.

### **3.9 Advertising Panels**

- a) Newsagents' headline advertising in the form of placards, posters of headlines and the like etc must be in frames fixed to the facade of the subject premises.  
b) All ancillary advertising for charitable functions and Christmas and New Year decorations and the like, shall be subject to Council approval prior to display.

### **3.10 Floodlit Signs**

- a) Floodlit signs which project over public roads must not be illuminated by a lighting medium which is less than 2.6 metres above the ground.

### **3.11 Illuminated Signs**

- a) Where illuminated signs are located within 61.0 metres of a traffic control signal, the advertising sign must not have lighting coloured red, amber, green or blue unless:
- permission has been granted by the Roads and Traffic Authority, and
  - the sign is not less than 9.0 metres above road level.
- b) Illuminated signs located within 122 metres of a traffic control signal where by reason of a grade or curve the signs would be in line with a driver's vision of the signal or where, within this distance, the signs could be interpreted on approach as traffic control signals may only be erected with permission from the Roads and Traffic Authority.

## **4 Controls for advertising in business centres**

### **4.1 General**

- a) Signs must be designed with regard to the history and period of the buildings to which they are affixed.  
b) Above-awning signs must of a design that is appropriate to the building style and surrounding townscape elements.

### **4.2 Shop front signs**

- a) All shop front signs must be located at or below the level of the awning.

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### **4.3 Fascia signs**

- a) Fascia signs must be professionally produced painted, screen printed or other flush wall signs.

### **4.4 Upper-fascia and above-awning signs**

- a) Upper fascia and above-awning signs must be lettering on windows only with a maximum letter height of 300mm.
- b) Panels attached to the upper fascia or above the awning must not exceed more than 25% of the upper fascia / above-awning wall area.
- c) The signs must not be illuminated.

## **5 High Rise/Corporate Centres**

- a) Signage on high rise and corporate centres must be corporate logos only on the frontage of the building.
- b) The area of the signs shall not exceed 25% of the solid wall area of the face upon which they are displayed of the top-most level.

Note: The solid wall area excludes glazed areas.

- c) Illuminated signs located in residential areas must be fitted with automatic timing devices to ensure that they may be set to minimise disturbance to residents.

## **6 Service Stations**

- a) Pole, emblem and price signs must not be greater than 6.0 metres in height as measured from ground level.
- b) All signs must be wholly contained within the allotment.
- c) The total area of all signage on the property must not exceed 1m<sup>2</sup> per 3m of the primary road frontage.
- d) Canopy fascia signs must contain trade name details and corporate identification only.
- e) Subsidiary signs must be of a number, size and style that are compatible with the size of the operation as determined by Council.
- f) Illuminated and floodlit signs may only operate during approved trading times.

## **7 Advertising on Outdoor Dining Furniture or Footpath Trading Activities**

Advertising associated with outdoor dining furniture or footpath trading activities must comply with the following controls:

- a) Advertising on furnishings other than business identification must not exceed third party advertising of one business other than the primary business at the premises.
- b) If business identification is used on planter boxes, the advertisement must be fully incorporated into the design of the planter boxes.
- c) Display stands used in footpath trading areas must not contain third party advertising.

Note: Business identification is permitted on display stands.

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## 8 Home occupation identification signs

Signs erected to identify home occupation businesses do not require consent from Council if they comply with Council's exempt development provisions.

## 9 Residential Identification Signs

Residential identification signs do not require development consent from Council if they comply with Council's exempt development provisions.

## 10 Temporary Signs

### 10.1 Real Estate Signs

- a) Not more than one real estate sign per real estate agency may be erected on any frontage of any premises.
- b) The real estate signage must advertise only the premises and/or land to be sold or leased.
- c) All signs are to be removed within fourteen (14) days of sale or auction of the property.
- d) The size of internally or externally illuminated signboards is not to exceed:
  - i. 1.15 m<sup>2</sup> where residential premises are being advertised for sale (other than sale by auction) or rent;
  - ii. 2.25 m<sup>2</sup> where residential premises are being advertised for sale by auction;
  - iii. 4.5 m<sup>2</sup> where commercial and industrial premises are being advertised.

Note: Illuminated signs must be fitted with automatic timing devices to ensure a maximum illumination period of four hours from dusk.

*Note: All Real Estate advertising signs not complying with this plan may be:*

- *impounded by Council.*
- *held by Council for seven (7) days after the advertiser or agent has been notified in writing Council has impounded the sign.*
- *be made available to the advertiser or agent upon payment of all costs associated with the impounding with a minimum fee of \$50.00 per sign being payable.*

*Signs not recovered within the seven (7) day period may be disposed of at Council's discretion. Where the advertiser or agent fails to recover signage Council may still seek to recoup any cost incurred.*

### 10.2 Sporting and Special Events Signs

Signs for sporting and special events such as cultural and entertainment activities will be considered by Council 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.

- a) Signage must be displayed for a period not greater than fourteen (14) days prior to the event and must be removed on the day following the event.
- b) Not more than two (2) organisations' advertising may be displayed at any one (1) set of approved banner poles.
- c) The advertising must be that of recognised local organisations or organisations of a charitable or community service nature.

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*Note: All unauthorised advertising will be impounded by Council.*

### **10.3 Other Advertising**

- d) Council may grant consent to other advertising structures not described in this Plan provided that they are temporary advertising only.
- e) Temporary signs to which Council grants consent under this section may not be erected for a period of more than two (2) months.

## **11 Maintenance**

- f) A sign shall not be altered in any way (except for removal) after approval, unless permission in writing for such alteration is obtained beforehand from Council.
- g) All signs shall be maintained to the satisfaction of Council at all times.

# **DELEGATIONS OF AUTHORITY**

## **COUNCIL TO GENERAL MANAGER**

### **Section 377 of Local Government Act 1993**

#### **A1 Legal Proceedings**

1. Institute, conduct and defend legal proceedings including the matter of consent orders where appropriate with respect to Council's activities in all Courts and instruct and engage Council's solicitors and counsel where necessary except where they are called to Council prior to the execution of appropriate delegations.
2.
  - a. To authorise the laying of any information or complaint for the recovery of any penalty or the making of any order for or in respect of any offence, nuisance or other matter or thing whatsoever under the Local Government Act 1993 and the Environmental and Planning Assessment Act 1979 and Regulations, or any Regulation thereunder or any other Act, or Regulation and to lay any such information.
  - b. To order the institution of proceedings by way of any penalty and/or the making of any order for or in respect of any offence, nuisance or other matter or thing whatsoever under the Local Government Act 1993, or any Regulation made thereunder or any other Act or Regulation.
3. To issue and serve all orders, lay Information and complaints and take, institute or commence all proper proceedings, actions and prosecutions against all persons committing any offence under the relevant Acts, Regulations including and without limiting of the foregoing:
  - a. for the recovery of any rate charge fee or money under the provisions of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979 and Regulations or of any other Act;
  - b. for the recovery of any penalty or in respect of any offence under the provisions of the Local Government Act 1993 or any other Act or of any Regulation;
  - c. for any purpose that the Delegate deems proper and to take all such steps as may be necessary for the conduct of such proceedings.
  - d. Environmental Planning and Assessment Act 1979 and Regulations thereunder in respect to any matter associated with the erection or demolition of buildings.
  - e. Any other Act which enables the Council to authorise a staff member to enter upon any land or building and in and upon any such land or building to make inspections.
4. To represent the Council in all respects in any proceedings at the Land and Environment Court, any Local Court or before any Justice.
5. To authorise the withdrawal of legal proceedings commenced on behalf of Council where the circumstances are of compelling justification.

## **A2 Fees Generally**

1. To exercise discretion and interpret application of fee based on existing scales provided that any such common usage of a multiple of existing fees be included in future additions of Council's annual list of Fees and Charges.
2. To waive or reduce various general fees chargeable by Council in those circumstances where the use is a charitable organisation or where the fee charged by Council is not consistent with the degree of use envisaged by a hirer.
3. To waive or reduce fees in individual cases of pressing financial or social need.

## **A3 To Approve the Consumption of Alcoholic Liquor**

To approve the consumption of alcoholic liquor at public reserves pursuant to the provisions of Section 632 of the Local Government Act 1993.

## **A4 Tenders & Quotations**

1. To invite public tenders for approved works, materials, vehicles, plant and equipment.
2. To invite oral and/or written quotations for approved works, materials, vehicles, plant and equipment in accordance with Council policy.
3. To determine method of calling of tenders in accordance with Clause 7 of the Local Government (Tendering) Regulation 1999.

## **A5 Tenders - Opening**

To act as the appropriate person in accordance with Clause 16(1) of the Local Government (Tendering) Regulation 1999 for the opening of tenders received in Council's Tender Box.

## **A6 General Authorities - Power of Entry to any premises**

Subject to compliance with the requirements of the Local Government Act 1993, (including Section 194) and Regulations and Section 118A of the Environmental & Planning Authority Act thereunder, and any expressed policy of the Council, or regulation of any public authority concerned other than the Council, to exercise or perform on behalf of the Council the following powers, duties and functions:

1. At any reasonable hour to enter and examine any premises situated within the Council area of Ku-ring-gai for any purpose relating to the administration of the Local Government Act 1993, the Environmental Planning and Assessment Act 1979, the Public Health Act 1991, the Food Act 1989 and all other Acts which the Ku-ring-gai Council is required by law to administer.
2. To issue or serve all orders, lay Informations and Complaints and take, institute or commence all proper proceedings, actions and prosecutions against all persons committing any offences under relevant Acts and Regulations lawfully given and which may be dealt with by Ku-ring-gai Council.

## **A7 Urgent Works**

To approve work which is considered urgent and in the public interest, and for which there is no budget provision but where funds are available within the Department voted funds as set out in the adopted Management Plan. Where such expenditure occurs, it be reported to the next Council Meeting.

## ***A8 Protection of the Environment Operations Act 1997***

To exercise the functions of an authorised officer under Chapter 7 of the Protection of the Environment Operations Act 1997.

## ***A9 Appeals - Discretion to Negotiate***

When Council is the respondent to any appeal or application before the Land and Environment Court, the Delegate, after obtaining the advice of the Solicitors for the Council to negotiate settlement of such appeal or application on terms which in the opinion of the Delegate are likely to be more advantageous to the Council than a decision or award by the Land and Environment Court PROVIDED THAT the Delegate shall report any such settlement of any such appeal or application to the General Manager for submission to the next meeting of Council.

## ***A10 Abandoned Articles***

To act as "impounding officer" to exercise the powers conferred by the Impounding Act 1993 in respect of any article (including a motor vehicle) abandoned or left unattended in a public place and to deal with that article in accordance with that Act.

## ***A11 Disposal of Old Stock, Plant, Tools etc***

1. To authorise the disposal or destruction of stores and materials that have deteriorated, or become damaged or are surplus to requirements and are therefore unusable.
2. To authorise the destruction of old stock and small items of plant that have worn out, or become damaged, and therefore are unusable.
3. To authorise the disposal of old stock, tools, plant etc, by the calling and acceptance of quotations or tenders.

A certified list of all such items disposed of or destroyed shall be submitted to the Director Finance & Business for the adjustment of records.

## ***A12 Care, Control & Management of all Public Parks, Reserves, Recreation Areas & Free Parking Areas.***

Pursuant to Division 2 of Chapter 6 of the Local Government Act 1993 and Section 650 of the Local Government Act 1993:

1. Act on behalf of Council in determining the nature and extent of appropriate activities in a public place and the placement of appropriate notices in accordance with Section 632 of the Local Government Act 1993.
2. Act on behalf of Council in the removal of offenders breaching Section 632; according to Section 681 of the Local Government Act 1993.
3. Act on behalf of Council with respect to the confiscation of recreational equipment being used in contravention of a notice executed in accordance with Section 632; according to Section 681A of the Local Government Act 1993.
4. Act on behalf of Council as Manager of Crown Reserve Trusts where Council has been appointed by the Minister for Land and Water Conservation under the provisions of the Crown Lands Act 1989.

5. Act on Council's behalf to regulate the use and management of Community Land according to the provisions of Section 35 of the Local Government Act 1993.
6. To act on Councils behalf to approve, approve subject to conditions, or refuse applications for use of public open space for activities which are consistent with the relevant Plans of Management and Council Policy.
7. To act on Council's behalf to approve, subject to conditions, or refuse applications for use of public open space for activities which are consistent with the relevant Plans of Management and Council Policy.

### **A13 Emergency Management**

1. To act on Council's behalf in fulfilling the duties and obligations for emergency management at a district level as prescribed in Part 2 Division 2 of the State Emergency and Rescue Management Act 1989 - including to act as Council's representative on the Sydney North District Emergency Management Committee.
2. To act on Council's behalf in fulfilling the duties and obligations for emergency management at a local level as prescribed in Part 2 Division 3 of the State Emergency and Rescue Management Act 1989 - including to act as the Chairperson of that Local Emergency Management Committee or as the Local Emergency Management Officer, as appropriate, in accordance with the agreement with Hornsby Shire Council.

### **A14 Roads & Traffic**

2. To act on Council's behalf to administer and implement the traffic management arrangements delegated by the Roads & Traffic Authority to Council under the Transport Administration Act 1988 - including:
  - to issue works instructions to the Roads and Traffic Authority of New South Wales or other service provider for constructing, erecting, affixing or removing a traffic control facility authorised by Council.
3. Act on behalf of Council as the Roads Authority in accordance with the provisions of Section 7 of the Roads Act 1993 for all public roads for which Council is the owner, including carrying out works, regulating traffic, controlling the carrying out of activities and other operational functions as conferred by this Act or any other Act.
4. To act on Council's behalf to administer and implement the financial arrangements agreed between the Roads & Traffic Authority and Council for road management under Part 13 Division 1 Sections 207 and 208 of the Roads Act 1993.
5. To act on Council's behalf to issue, or serve, notices pursuant to the provisions of Section 103 of the Roads Act 1993, requiring the fencing of any entrance, area, garden or other open space adjoining the footway or roadway, where such entrance, area, garden or open space is beneath the level of the footway or roadway.

### **A15 Fire Management**

1. To act on behalf of Council to perform the duty with respect to preventing bushfires as prescribed in Part 4 Division 1 of the Rural Fires Act 1997.
2. To act on behalf of Council to require bushfire hazard reduction according to Part 4 Division 2 of the Rural Fires Act 1997.

3. To act on behalf of Council to deal with bushfire hazard complaints according to Part 4 Division 2A of the Rural Fires Act 1997.
4. To act on behalf of Council to vary the bushfire danger period under Part 4 Division 4 of the Rural Fires Act 1997.
5. To act on behalf of Council to refuse, approve, or approve with conditions the lighting, use or maintenance of a fire under Part 4 Division 5 of the Rural Fires Act 1997.
6. To act on behalf of Council to perform the duties with respect to total fire bans as prescribed in Part 4 Division 6 of the Rural Fires Act 1997
7. To act on behalf of Council to perform the duties with respect to lighting fires without authority (offences) as prescribed in Part 4 Division 7 of the Rural Fires Act 1997.
8. To act on behalf of Council to perform the duties with respect to preventing bushfires as prescribed in Part 7 of the Rural Fires Act 1997.
9. To act on behalf of Council to perform the duties with respect to preventing bushfires as prescribed in Rural Fires Regulation 2002, Part 4, Divisions 1, 2 and Part 6.

### ***A16 Notices in Parks***

To authorise erection and display of Notices and Signs in Parks and Reserves, etc.

### ***A17 Parking on Footways***

To initiate prosecutions against persons responsible for the parking of motor vehicles on footways, where such parking contravenes Council's policy.

### ***A18 Fencing - Private Land below level of road - Service of Notices***

To issue, or serve, notices pursuant to the provisions of Section 103 of the Roads Act 1993, requiring the fencing of any entrance, area, garden or other open space adjoining the footway or roadway, where such entrance, area, garden or open space is beneath the level of the footway or roadway.

### ***A19 Use of Public Parks, Reserves & Playing Fields***

To act on Council's behalf to approve, approve subject to conditions, or refuse applications for use of public open space for activities which are consistent with the relevant Plans of Management and Council Policy.

### ***A20 Load Limits - Legal Proceedings***

1. To stop vehicles on public roads, check the gross weight of such vehicles and determine whether such vehicles comply with any load limit imposed upon the road.
2. To institute legal proceedings and to conduct prosecutions under the provisions of the Roads Act 1993.

### ***A21 Bad Debts***

To approve the writing off of any debts (not including rates) considered irrecoverable to the limit of \$1,000.

## ***A22 State Environmental Planning Policy No 1***

To approve, with or without conditions, or refuse, objections made under State Environmental Planning Policy No 1 (Development Standards).

## ***A23 Occupation & Use of Incomplete Buildings***

To advise the Director Development & Regulation as to whether or not and upon what conditions, applications for the occupation and/or use of any incomplete building for which prior development consent was required, may be approved; and that all or any of the following conditions (as deemed to be appropriate) shall apply as conditions of approval in respect of any such application:

1. That the Building, Landscaping, Car Parking and related works are safe and suitable for use, completed or will be completed within a reasonable time, to be specified in appropriate Conditions, Bonds or Legal Agreements, to the satisfaction of the Director Development & Regulation and other appropriate Heads of Department.
2. That in Staged Developments, that the specific requirements of any Determination or Planning Instrument is complied with and that full facilities of the total development are provided pro-rata or fully to the staging to be occupied or to be completed within a reasonable time, to be specified in appropriate Conditions, Bonds or Legal Agreements, to the satisfaction of the Director Development & Regulation and other appropriate Heads of Department.
3. That suitable conditions for performance of unfinished works and Deeds related to time, be imposed in appropriate form including Bonds, Legal Agreements or other binding appropriate undertaking.

## ***A24 Renewals of Consent***

To approve or refuse, with or without conditions, applications submitted under Section 95A of the Environmental Planning and Assessment Act 1979 for extensions of the term of Development consents in accordance with the requirements of that Act; but notwithstanding the foregoing, no approval shall be granted where changes in any newly proclaimed Environmental Planning Instrument have occurred and where the Council by resolution has adopted a strategy plan which would conflict with the application in respect of which an extension or renewal of development consent is being sought.

## ***A25 Strata Title***

To approve or disapprove applications submitted for Strata Plan, Strata Plan of Subdivision of properties or Community Title of properties and to approve or disapprove applications made for alterations to by-laws under the Strata Schemes Management Act 1996 or Community Land Management Act 1989, provided however, that in the event of approval it is of the opinion the proposed Strata Plan or Community Titles Plan accords with the requirements of the various acts in particular Section 37, Strata Titles, relating to the circumstances of the case and the public interest, and subject further to signing and issuing of Strata Plan or Strata Plan of Subdivision or Community Title Plan by the General Manager being contingent upon.

## ***A26 Cash Contributions***

To enter into a time payment arrangement with a contributor as a result of a condition of a Development Consent or Order of the Land and Environment Court in exceptional circumstances on the following conditions:

1. That the contributor provide a Bank Guarantee of any amount, the payment of which is deferred.

2. That interest at the rate of 2% per annum above ruling bank overdrafts be charged upon reducing balance outstanding.
3. That the Director Finance & Business be immediately advised of such decision.

### ***A27 Re-draft Conditions for Approvals/Consents***

To re-draft conditions for approvals/consents so as to re-word phrases, etc that might be capable of a different interpretation and to make clear the intention of the Committee or Council and to review standard conditions of consent to respond to legislative changes.

### ***A28 Development Applications Lacking Sufficient Information***

Refuse all development and related applications in respect of which insufficient information has been submitted to allow a full and proper assessment pursuant to Section 79C of the Environmental Planning & Assessment Act.

### ***A29 Merit-based Refusal of Certain Applications***

To refuse development applications (except applications for multi-unit housing in the Residential 2(d3) zone and applications called to Council by a Councillor) that on merit would warrant refusal.

### ***A30 Local Development - Section 76A (4) Environmental Planning & Assessment Act***

To approve with or without conditions or to refuse applications for development which are classified as Local Development in any Environmental Planning Instrument, provided that the delegate shall not approve any application:

- a. Which is an application for Torrens Title subdivision, which creates additional allotments.
- b. Which is the subject of a written or oral request by the Director Development & Regulation, General Manager or by any Councillor, for the application to be referred to Council.
- c. Which conflicts with the aims and objectives of Council's policies, codes and guidelines.

### ***A31 Review of Determination - Section 82A Environmental Planning & Assessment Act***

1. To review a determination of an application other than a determination to issue or refuse to issue a complying development certificate, a designated or integrated development in all instances other than where the decisions which the review relates, was made by full Council.
2. To waive the fee for a request for a review of minor significance.

### ***A32 Complying Development - Sections 85 & 85A Environmental Planning & Assessment Act***

Subject to Section 76A (5) & (6) of the Act, to determine applications for complying development and issue or refuse complying development certificates on developments that are identified in environmental planning instruments as complying development and to apply conditions.

The delegate shall not approve applications:

Which do not comply with the prescribed standards or the aims and objectives of Council's policies, codes and guidelines.

### ***A33 Integrated Development - Division 5 Environmental Planning & Assessment Act***

To consider all applications for integrated development and discharge the functions and duties under Division 5 of the Act. The delegate shall not approve any application:

Which is the subject of a written or oral request by the Director Development & Regulation, General Manager or by any Councillor, for the application to be referred to Council.

### ***A34 Modification of Consents - Section 96 Environmental Planning & Assessment Act***

1. Section 96(1)

To modify (on application) a development consent to correct a minor error, misdescription or miscalculation.

2. Section 96(1A) and (2)

To otherwise determine applications for modification for consents subject to the restrictions of the Act. The delegate shall not approve any application which is the subject of a written or oral request by the Director Development & Regulation, General Manager or by any Councillor, for the application to be referred to Council.

### ***A35 Part 4A Certificates - Section 109C Environmental Planning & Assessment Act***

a. Compliance Certificate - to the effect that:

- i. specified building work or subdivision work has been completed as specified in the certificate and complies with specified plans and specifications, or
- ii. a condition with respect to specified building work or subdivision work (being a condition attached to a development consent or complying development certificate) has been duly complied with, or
- iii. a specified building or proposed building has a specified classification identified in accordance with the Building Code of Australia, or
- iv. any specified aspect of development complies with the requirements of any other provisions prescribed by the regulations.

b. Construction Certificate - being a certificate to the effect that work completed in accordance with specified plans and specifications will comply with the requirements of the regulations referred to in Section 81A.

c. Occupation Certificate\* - being a certificate that authorises for Class 2 to 9 buildings only:

- i. the occupation of a new building, or
- ii. a change of building use for an existing building.

\*If Council is appointed as Principle Certifying Authority

- d. Subdivision Certificate\* (interim or final) - being a certificate that authorises the registration of a plan of subdivision under Division 3 of Part 23 of the Conveyancing Act 1919.

\*If Council is appointed as Principle Certifying Authority.

### ***A36 Powers of Entry - Part 6, Division 1A Environmental Planning & Assessment Act***

To authorise a person, in writing, to enter any premises for the purpose of enabling the exercise the Council's functions pursuant to Sections 118A through to 118N of the Division and in accordance with Section 194 of the Local Government Act.

### ***A37 Giving of Orders - Part 6, Division 2A Environmental Planning & Assessment Act***

To issue orders pursuant to the Table in Section 121B of the Act subject to the restrictions and procedures specified in the Part except orders that are likely to make persons homeless.

### ***A38 Giving of Orders which are likely to make persons homeless - Part 6, Division 2A Environmental Planning & Assessment Act***

To issue orders which are likely to make persons homeless.

### ***A39 Certificates as to Orders - Section 121ZP Environmental Planning & Assessment Act***

To issue certificates regarding any outstanding orders or notices of intention to issue orders.

### ***A40 Issue of Building Certificates - Section 149A Environmental Planning & Assessment Act***

To issue building certificates pursuant to the requirements of the Act.

### ***A41 Applications for Approval - Alterations to Existing Buildings***

To exercise or perform on behalf of the Council all powers, authorities, duties and functions of the Council pursuant to Clause 79E of EPA Regulation 1994 including, and without limiting the generality of the foregoing, the power to form any opinions as the certifying authority required to be formed by the said clause to permit alterations to existing buildings where the certifying authority is satisfied that completion of the building work:

1. Will not unduly reduce the existing level of fire protection afforded to persons accommodated in or resorting to the building;
2. Will not unduly reduce the existing level of resistance to fire of the building structure; and
3. Will not unduly reduce the existing safeguards against spread of fire to adjoining buildings.

#### ***A42 Applications for Approval - Structures or places of Public Entertainment***

To exercise or perform on behalf of the Council all powers, authorities, duties and functions of the Council pursuant to Clause 7 Part A - Buildings, Temporary Structures or Moveable Dwellings, of Approvals Table of Chapter 7 of the Local Government Act 1993.

#### ***A43 Development Applications - Notification to Persons other than Adjoining Owners***

To form an opinion as to which persons other than adjoining and adjacent owners need to be notified of the receipt of a Development Application pursuant to the provisions of and in accordance with Council's Notification Policy.

#### ***A44 Fire Protection in Existing Buildings - Orders & Notices***

To make and serve orders pursuant to Clause 121B of EP&A Act 1979, as amended, and to specify periods for the purposes of that Section.

#### ***A45 Septic Tanks - Installation of***

To approve, disapprove or approve with conditions applications for septic tanks, septic closets, chemical closets pursuant to Local Government Act (Approvals) Regulation and Clause 5 of Part C, Management of Waste of the Approvals Table of Chapter 7 of the Local Government Act 1993.

#### ***A46 Swimming Pools - Fencing of***

To exercise and perform on behalf of the Council all powers, authorities, duties and functions of the Council pursuant to The Swimming Pools Act 1992, including and without limiting the generality of the foregoing the power to form any opinions required to be formed by the said Act order that the powers granted by the said Act may be exercised with discretion in the administration of Council's Pool Safety requirements consistent with the maintenance of reasonable public safety, having regard for individual circumstances, and so that unreasonable situations do not arise, and to issue and serve any notices authorised by the said Act and to make any specifications authorised by the said Act and to revoke any directions given by the Delegate under the said Act.

#### ***A47 Tree Preservation Order - Development Applications***

1. To administer the Tree Preservation Order in respect of any development application.
2. In dealing with development applications, to impose conditions of consent and to exercise discretion pursuant to the requirements of the Tree Preservation Order for the protection of buildings, essential services and associated works in respect to the removal of trees, replacement plantings, screen planting, protection of trees not affected by building works.

#### ***A48 Environmental Restoration & Rehabilitation Trust***

To act as Council's Delegate to enable the authorisation of expenditure in compliance with the procedures and conditions of the approved release of funds by the Trust for the purpose of receiving the prevention, control and removal of serious pollution occurrences.

#### ***A49 Grant/Fee Relief***

To authorise on-going grant and fee relief returns to government funding programs.

#### ***A50 Council-operated Child Care Services***

To act as licence holder for child care services operated by Council.

#### ***A51 Determination of Development Applications for Dual Occupancy Subdivision***

To approve or refuse development applications for the subdivision of existing and/or approved dual occupancies unless a Councillor, the General Manager or the Director Environment & Regulation exercises the right of "call-up" and directs that the application be determined by Council.

The delegate shall not approve any application which is the subject of a written or oral request by the Director Development & Regulation, General Manager or by any Councillor, for the application to be referred to Council.

#### ***A52 Determination of Development Applications for Proposed Dual Occupancies***

To approve or refuse development applications for the subdivision of existing and/or approved dual occupancies unless a Councillor, the General Manager or the Director Environment & Regulation exercises the right of "call-up" and directs that the application be determined by Council.

That all development applications proposing Dual Occupancies be determined by staff under delegated authority, excepting those called by a Councillor to full Council. The delegate shall not approve any application which is the subject of a written or oral request by the Director Development & Regulation, General Manager or by any Councillor, for the application to be referred to Council.

#### ***A53 Breach of Water Restrictions***

That the General Manager grant approval for regulatory officers of Council to issue infringement notices for breach of water restrictions.

#### ***A54 Determination of Development Applications for Torrens Title Subdivisions to create up to 3 Lots***

To determine all development applications for Torrens Title Subdivision to create up to 3 lots, excepting subdivision of land that:

1. Is within the "hatched area" as identified on Council's Bushfire Prone Land Map.
2. Contains a heritage item.
3. Contains remnant bushland vegetation or endangered ecological species.

and excepting any application that is called to full Council by a Councillor.

# The Ku-ring-gai Residential Design Manual DCP38



Adopted 20 November 2001

Effective 4 February 2002

Amended 28 April 2006

## CONTENTS

1.	INTRODUCTION.....	1
1.1	Policy context.....	1
1.2	Aims of the DCP .....	3
1.3	How does the DCP relate to other instruments and policies?.....	3
2.	DECISION MAKING PROCESS .....	4
2.1	When is approval required? .....	4
2.2	Other Approvals .....	4
2.3	Matters to be considered .....	4
2.4	Variations to Standards.....	5
2.5	Community Involvement .....	5
3.	SITE PLANNING AND ENVIRONMENTAL CONSTRAINTS.....	7
3.1	Environmental Constraints.....	7
3.1.1	Tree Preservation .....	8
3.1.2	Bushland .....	8
3.1.3	Bio-diversity .....	8
3.1.4	Bushfire Hazard .....	9
3.1.5	Existing Screen Planting .....	9
3.1.6	Natural Landscape.....	9
3.1.7	Human Comfort Elements.....	9
3.1.8	Heritage Items and Conservation Areas .....	10
4.	DESIGN ELEMENTS .....	12
4.1	Streetscape.....	12
4.1.1	Visual Character .....	13
4.1.2	Public Domain and Communal Spaces .....	14
4.1.3	Building Setbacks .....	14
4.1.4	Battle-axe Blocks .....	16
4.1.5	Front Fences.....	16
4.1.6	Visually Prominent Sites .....	18
4.2	Building Form.....	18
4.2.1	Floor Space Ratio (FSR).....	18
4.2.2	Height of Building.....	20
4.2.3	Relationships with Adjoining Dwellings.....	22
4.2.4	First Floor.....	22
4.2.5	Attic Rooms.....	23
4.2.6	Roof Line.....	23
4.2.7	Built-Upon Area.....	24
4.2.8	Design.....	25
4.2.9	Additions and Alterations .....	26
4.2.10	New Dwellings .....	27
4.2.11	Solar Access .....	27
4.2.12	External Noise Sources .....	28
4.2.13	Slope.....	28
4.2.14	Cut and Fill.....	28
4.2.15	External Finishes .....	29
4.2.16	Corner Properties.....	29
4.2.17	Construction for Bushfire Hazard.....	30
4.2.18	Protection against Termites .....	30
4.2.19	Air quality .....	31
4.2.20	Building Materials.....	31
4.3	Open Space and Landscape .....	31

4.3.1	Landscape Requirements .....	32
4.3.2	Tree and Landscape Bonds.....	33
4.3.3	Soft Landscaping Area.....	33
4.3.4	Landscape Character.....	34
4.3.5	Tree Preservation .....	34
4.3.6	Tree Replenishment.....	35
4.3.7	Landscaping - Cut and Fill .....	35
4.3.8	Useable Open Space.....	36
4.3.9	Biodiversity.....	36
4.3.10	Screen Planting.....	37
4.3.11	Bushfire Hazard .....	37
4.3.12	Weeds.....	37
4.4	Privacy and Security .....	37
4.4.1	Visual Privacy .....	38
4.4.2	Acoustic privacy .....	39
4.4.3	Safety and Security.....	39
4.5	Access and Parking .....	40
4.5.1	Number of car spaces.....	40
4.5.2	Size of Car Spaces .....	40
4.5.3	Design of Carports and Garages .....	42
4.5.4	Location of Parking Structures.....	42
4.5.5	Access .....	43
4.5.6	Driveways .....	43
4.6	Ancillary Facilities .....	44
4.6.1	Swimming Pools/Spas & Enclosures .....	44
4.6.2	Tennis Courts.....	46
4.6.3	Out-buildings.....	47
4.6.4	Other Site Facilities.....	47
5.	MANAGING CONSTRUCTION OR DEMOLITION .....	48
5.1	Site management.....	48
5.1.1	Measures to Minimise Site Disturbance.....	48
5.2	Pollution Control.....	48
5.2.1	Air Pollution.....	49
5.2.2	Paint & Other Pollutants.....	49
5.3	Resource Waste Management .....	49
5.3.1	Measures to Save Resources and Minimise Waste .....	49
5.4	Tree protection.....	50
5.4.1	Tree Protection Measures.....	50
5.5	Noise control.....	51
5.5.1	Construction Hours .....	51
5.5.2	Noise limits.....	51
6.	REFERENCES.....	52
7.	GLOSSARY .....	54

APPENDIX A.....	58
APPENDIX B.....	64
APPENDIX C .....	67
APPENDIX D .....	69
APPENDIX E.....	70

## Schedule of Amendments

	<b>AMENDMENT</b>	<b>ADOPTED</b>
1	The illustrated edition of DCP38 has the same content as DCP38 which came into operation on 4 February 2002. There have been minor changes to reflect name changes, grammatical corrections and to omit content rendered obsolete by legislative changes (ie. deletion of "Appendix I – Bushfire Hazard" now superseded by the Planning NSW and Rural Fire Service document "Planning for Bushfire Protection December 2001")	2003
2	The amendments clarify the requirements for car parking and access and to ensure consistency with Council's other DCPs including water and waste management	20 April 2006 Effective 28 April 2006

## 1. INTRODUCTION

- Policy context.
- Aims of the DCP.
- The role of the DCP with respect to other instruments and policies.
- How to use this DCP.

### 1.1 Policy context

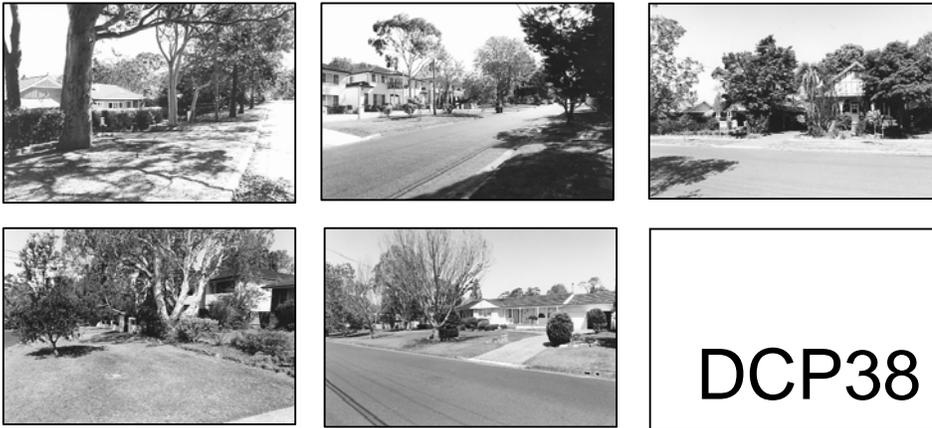
Harmony between built and natural features is a recurring theme of the public interest expressed about Ku-ring-gai's environment. There has been community concern with the large, dominating "out of character" building forms that resulted from the original DCP38 and it has proved necessary to introduce tighter prescriptive controls to deal with this problem and seek to encourage development which is more compatible with Ku-ring-gai's unique residential character and environment.

Ku-ring-gai, with its high rainfall, steep terrain and ridge tops, capped with rich shale soils, has evolved a special tall tree character, which most of its residents wish to retain. In recent years much of the tall tree canopy has been lost unnecessarily due to unsympathetic development and one of the purposes of this DCP is to ensure that a balanced emphasis is placed on landscaping to reverse this trend. New tree planting, together with existing trees, are to be integrated into new developments, so that the built form does not dominate the landscape and houses are set within a treed environment and retain a tree canopy background to the horizon.

Council recognises that in allowing for redevelopment it has a responsibility to ensure that the visual and environmental quality and residential amenity of the Municipality is maintained and enhanced. To achieve this an integrated approach to site planning, design and policy implementation is required.

This DCP:

- Establishes the fundamental roles of site analysis and statement of environmental effects in the overall design process to ensure proposals are designed and sited to reflect the site conditions and environmental constraints, while also respecting the neighbourhood character and amenity of adjoining properties.
- Contains assessment criteria made up of both prescriptive and performance standards to guide design.
- Focuses on outcomes in order to be responsive to the visual character and future vision for Ku-ring-gai, which is a heritage municipality within national parks.



### **Ecologically Sustainable Development (ESD)**

Ecologically sustainable development is that which uses, conserves and enhances the community's resources so that ecological processes, on which life depends, are maintained and the total quality of life now and in the future can be increased. (Source: National Strategy for Ecologically Sustainable Development, 1992). ESD is essentially about creating a system which is self sustaining in the long term. There are three principles that can assist in achieving ESD:

- The precautionary principle: if there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- Inter-generational equity: the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations; and
- The conservation of biological diversity and ecological integrity.

Council is committed to the principles of ecologically sustainable development and these should be clearly demonstrated throughout all phases of the development process including:

- Identification of a suitable site
- Site analysis
- Site Planning
- Project design
- Development assessment
- Site preparation
- Construction, landscaping and treatment of surface and subterranean water flows
- Ongoing maintenance

### **Ku-ring-gai Environmental Constraints**

1. Ku-ring-gai's environmental constraints include:
2. Areas of high erosion potential (eg high rainfall, sensitive soils, steep terrain).

3. Extensive areas of native bushland and national parks (eg impacts of urban run-off, introduced weed species, bushfires).
4. The need for preservation and enhancement of tree cover (eg biodiversity, transpiration, amenity).
5. Bushfire hazard.
6. Numerous and fragile watercourses.
7. Sensitive sites (eg steep terrain, rocky outcrops and remnant bushland).
8. Endangered ecological communities (eg Blue Gum High Forest).

## **1.2 Aims of the DCP**

The aims of this DCP are to:

1. 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.
2. 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.
3. Conserve and protect the natural, built and cultural heritage significance of Ku-ring-gai, including heritage items and conservation areas, and encourage development which respects that significance.
4. Conserve and protect endangered species (flora and fauna), the natural topography, and other geographical and environmental features of Ku-ring-gai.
5. Achieve ecologically sustainable development.
6. Ensure appropriate provision is made for drainage in order to minimise impact on neighbours, watercourses, trees and other elements of the built and natural environment.
7. Protect and minimise the impact of development on adjoining properties and the natural environment.
8. Encourage housing of the highest possible architectural, environmental and amenity standards.
9. Manage residential development in a way that recognises the reasonable needs of innovative design and contemporary lifestyles.
10. Achieve without compromising the retention of significant trees, energy efficient design and where possible, solar access.
11. Clarify the requirements relating to development so that there are more certain outcomes for both the applicants and the community.

## **1.3 How does the DCP relate to other instruments and policies?**

This DCP complements the statutory requirements in Ku-ring-gai's deemed environmental planning instrument, known as the Ku-ring-gai Planning Scheme Ordinance 1971 (as amended) by providing detailed provisions to be considered when assessing applications for single lot detached residential development. It should be read in conjunction with all other relevant DCPs and Council policies referred to in Section 2.3 and other State Environmental Planning Policies and Regional Environmental Plans (such as SEPP19 Bushland in Urban Areas, SEPP55 Contaminated Lands etc.)

The most up to date information concerning Council DCPs and policies is available on Council's website at [www.kmc.nsw.gov.au](http://www.kmc.nsw.gov.au).

This DCP applies to all land within Ku-ring-gai on which a dwelling house may be erected, but relates only to a detached dwelling and associated development on a single lot. It has been prepared in accordance with the Environmental Planning and Assessment Act 1979 (as amended) and its Regulations.

## **2. DECISION MAKING PROCESS**

### **2.1 When is approval required?**

The Environmental Planning and Assessment Act 1979 (as amended) provides Councils with the authority to require in certain cases, a development application to be lodged and determined prior to any development occurring. Reference should be made to DCP 46 – Exempt and Complying Development to determine whether an application is indeed required.

### **2.2 Other Approvals**

In addition to development consent, the following activities may require separate approval from Council or other Authorities:

- Demolition (if not already included in your application);
- tree removal;
- placement of building materials;
- placement of waste container or trailer;
- hoardings;
- signs; and
- Integrated Development

Applicants are advised to contact Council if the proposed development includes any of the above.

### **2.3 Matters to be considered**

The matters to be considered for all forms of development are becoming more complex and often involve a wide range of issues. Council must take into account the community's views with regard to proposed development and has a responsibility to balance competing interests for the benefit of the community.

Where applicable the following will be considered:

- The aims and objectives of the Environmental Planning and Assessment Act 1979;
- Section 79C, Environmental Planning and Assessment Act, 1979;
- In the case of integrated development, the requirements of other legislation relevant to the application (see other legislation referred to in the glossary definition for Integrated Development);
- Relevant State Environmental Planning Policies and Regional Environmental Plans.
- Ku-ring-gai Planning Scheme Ordinance 1971:
  - i. Aims and objectives of Schedule 9;
  - ii. The development standards of the Ordinance;
- Council Development Control Plans, including but not limited to:  
DCP 40 Construction and Demolition Waste Management

DCP 43 Car Parking for Developments in Ku-ring-gai Council Area  
DCP 47 Water Management Plan

- Council policies, codes and guidelines, including but not limited to:  
Council's Riparian Policy 2004  
Visual Character Study (Refer to Appendix A)  
Landscape Management Policy 1996
- Submissions received from the public and referral authorities.

## **2.4 Variations to Standards**

- a. A variation to any development standard of the Ku-ring-gai Planning Scheme Ordinance (the "planning instrument") necessitates the submission of an SEPP 1 Objection signed by the applicant outlining why compliance with a particular development standard is unreasonable or unnecessary.  
eg. Buildings over a cliff line where it is not possible to have a stepped construction without a small section of the building exceeding 8 metres in height.
- b. Standards specified in this DCP may in some circumstances be considered inappropriate for various reasons. In such cases written reasons for a departure from the DCP standard should be submitted.  
eg. It might be submitted that the variation of a building line is warranted to permit retention of a tree behind a new dwelling.

## **2.5 Community Involvement**

Public participation and community consultation are an essential part of the planning and development process. To allow community involvement in the development process, Ku-ring-gai Council has adopted a Notification Policy for development applications which provides details on:

- Who will be directly notified by mail of a development proposal;
- Applications which will not be notified;
- The form and content of notification.

A copy of the Notification Policy is available from Council.

Neighbouring residents, since they are most likely to be affected by a development, should be consulted early in the project as part of the design stage. Early consultation and discussion can lead to better acceptance of a proposal.

Where neighbours have a concern they should lodge a submission with Council, particularly if the development is deficient with regard to any of the assessment criteria outlined in Chapter 4 (Site Planning and Environmental Constraints) and Chapter 5 (Design Elements). These assessment criteria include the effect of the proposed development on neighbour amenity (such as overshadowing, building bulk and privacy issues) and streetscape. For larger and more controversial developments where streetscape issues are significant, residents in the street and immediate locality may wish to lodge submissions. Those considering making a submission may first wish to discuss the matter with a Council Development Control Officer (DCO).

All submissions made in response to a development proposal should state the name and address of the person making the submission. If the submission is an objection,

the grounds for objection must be clearly stated and reasons given. Council is obliged to consider all submissions received but must balance the reasonable rights of competing interests in reaching a determination.

### **3. SITE PLANNING AND ENVIRONMENTAL CONSTRAINTS**

#### **3.1 Environmental Constraints**

##### **OBJECTIVES**

- a) To conserve Ku-ring-gai's landscape and habitat and ensure that the natural environment is not dominated by the
- b) built form.
- c) To protect and conserve Ku-ring-gai's natural, built and cultural heritage.
- d) To discourage fragmentation of the established landscape character as a result of increased development pressures and to encourage development that reinforces Ku-ring-gai's distinctive treed canopy character.
- e) To respect the natural topography.
- f) To maintain bio-diversity within Ku-ring-gai
- g) by retaining remanent native vegetation and wildlife habitats.
- h) To protect and improve the endangered Blue Gum High Forest, Duffy's Forest and Sydney Turpentine Ironbark Forest ecological communities and threatened species under the Threatened Species Conservation Act 1985.
- i) To protect and improve the ecological environment within and along Ku-ring-gai's watercourses.
- j) To design for the high rainfall and steep catchment areas of much of Ku-ring-gai in accordance with the principles of ecologically sustainable development (ESD).
- k) To manage stormwater drainage and
- l) run-off problems.
- m) To protect and enhance neighbourhood
- n) and visual character.

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<p><b>3.1.1 Tree Preservation</b></p> <p>The proposed development should be designed and located so as to retain and minimise disturbance to as many existing trees on the site as possible.</p> <p><b>Note:</b> A Tree Preservation Order applies to the Local Government Area of Ku-ring-gai. This prohibits the ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree having a height greater than 5 metres or a branch spread exceeding 4 metres except with the written consent of Council or unless the tree is exempt from the Order. Contravention of the Order. Substantial penalties under Section 126 of the Environmental Planning and Assessment Act 1979.</p>	<p>This shall be achieved by:</p> <ul style="list-style-type: none"> <li>• Positioning dwellings, driveways, pools, tennis courts and other structures outside the canopy spread of existing significant trees;</li> <li>• Avoiding cut and fill beneath the canopy spread of existing trees;</li> <li>• Avoiding adverse changes to the water table.</li> </ul> <p>When retaining trees the root system, canopy spread, size, age and condition (health) of the tree needs to be considered. Proposed works beneath the canopy spread of trees should be avoided.</p> <p>Council may require a Tree Protection Bond on significant trees.</p>
<p><b>3.1.2 Bushland</b></p> <p>Bushland areas must be protected and preserved in recognition of their:</p> <ul style="list-style-type: none"> <li>• Value as part of the natural heritage;</li> <li>• Habitat value;</li> <li>• Aesthetic value; and</li> <li>• Value as a recreational, educational and scientific environmental resource.</li> </ul> <p>Council views Bushland in Urban Areas as an extremely important element of the character of Ku-ring-gai.</p>	<p>This shall be achieved by:</p> <ul style="list-style-type: none"> <li>• minimising disturbance to bushland areas;</li> <li>• preventing run-off from the proposed development to adjoining bushland, and weed management.</li> </ul> <p><b>NOTE:</b> The provisions of State Environmental Planning Policy 19 (SEPP19), “bushland in urban areas” of the EPA Act as amended have certain requirements that both Council and Applicants must have regard to in the development application.</p>
<p><b>3.1.3 Bio-diversity</b></p> <p>To conserve biodiversity the proposed development should:</p> <p>protect and enhance remnant native vegetation and the wildlife, which relies upon it for food and shelter.</p> <p>Identify and consider threatened species, populations, ecological communities and their habitats.</p> <p>Recognise the potential and value of preserving local seed banks in the soil in-situ.</p>	<p>This shall be achieved by:</p> <ul style="list-style-type: none"> <li>• creating a buffer zone between development and remnant habitat to conserve landscape and habitat;</li> <li>• preserving local seed banks in the soil and avoid the introduction of foreign soils.</li> </ul> <p><b>NOTE:</b> If threatened species, population, ecological community or associated habitat is likely to be affected by a development then an 8-part Test (under Section 5A of the NSW Environmental Planning and Assessment Act 1979) will be required to be completed by a Consultant (in accordance with Division 2, Part 6 of the NSW Threatened Species</p>

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
	<p>Conservation Act 1995).</p> <p><b>Appendix E</b> lists the threatened species known to exist in Ku-ring-gai at the time of publication. However, listed threatened species and communities change over time and this list should not be considered definitive.</p>
<p><b>3.1.4 Bushfire Hazard</b></p> <p>On sites prone to bushfire or located adjacent to bushland, dwellings shall be sited to minimise potential bushfire hazard.</p> <p>Soft landscaping must ensure that species to be planted act to minimise bushfire hazard.</p> <p>Development is to comply with the Planning NSW document "Planning for Bushfire Protection December 2001".</p>	<p>This shall be achieved by locating the proposed dwelling to ensure an appropriate fuel reduced outer zone and fuel free inner zone. The size of these zones is determined by the level of bushfire hazard, slope, aspect, building construction and design.</p> <p>Plantings on such sites shall be predominantly native and indigenous. A dense shrub layer should be avoided.</p> <p>(Refer to the Planning NSW document entitled "Planning for Bushfire Protection December 2001").</p>
<p><b>3.1.5 Existing Screen Planting</b></p> <p>Development proposals shall preserve existing screen planting except weed species.</p>	<p>This shall be achieved by:</p> <ul style="list-style-type: none"> <li>• positioning dwellings, driveways, pools, tennis courts and other structures outside the canopy spread of existing screen planting, and</li> <li>• avoiding cut and fill beneath the canopy spread of existing screen planting.</li> </ul>
<p><b>3.1.6 Natural Landscape</b></p> <p>Development proposals shall not unreasonably intrude or otherwise impact upon the natural features in the landscape, particularly on ridge-tops, rock formations, water courses, sloping sites, vegetation or bushland either located on-site or on adjoining property.</p>	<p>This shall be achieved by:</p> <ul style="list-style-type: none"> <li>• preserving existing natural features;</li> <li>• designing to reflect the slope of the land. It is desirable to leave steeply sloping parts of the site in their natural state.</li> <li>• Considering the height, colour and roof pitch of the proposal to ensure the proposal does not dominate the surrounding area.</li> </ul>
<p><b>3.1.7 Human Comfort Elements</b></p> <p>Development proposals shall consider the human comfort elements such as scale, wind, noise, temperature, solar access and shade.</p>	<p>Council may require noise attenuation measures on sites adjoining busy roads or railway lines.</p>

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<p><b>3.1.8 Heritage Items and Conservation Areas</b></p> <p>The proposal should conserve the natural, built and cultural heritage significance of the place.</p> <p>Applicants should be aware that as a result of various heritage studies, Council is identifying additional urban conservation areas.</p> <p>In submitting Development Applications for heritage items, sites located in the vicinity of heritage items, or sites located in conservation areas, the consideration or awareness of particular heritage documentation or statutory provisions may be necessary. These include:-</p> <ul style="list-style-type: none"> <li>• Heritage Conservation in Ku-ring-gai: Guidelines for Development (Ku-ring-gai Council)</li> <li>• Statement of Heritage Impact: Guidelines to Applicants (Ku-ring-gai Council).</li> <li>• Visual Character (Appendix A of DCP 38).</li> <li>• Heritage matters dealt with in the Ku-ring-gai Planning Scheme Ordinance including the following clauses: <ul style="list-style-type: none"> <li>- 61D – Development of Heritage Items.</li> <li>- 61E – Development in the vicinity of heritage items.</li> <li>- 61F – Heritage advertisements and notifications.</li> <li>- 61G – Conservation areas (Note: at the time of preparation of DCP 38 one conservation area existed in Frances Street Lindfield and others were in preparation).</li> <li>- 61H – Conservation incentives relating to heritage items. Schedule 7 – Heritage Items.</li> </ul> </li> <li>• NSW Heritage Manual (Heritage Office and Department of Urban Affairs and Planning).</li> <li>• Statement of Heritage Impact (Heritage Office and Department of Urban Affairs and Planning).</li> <li>• National Trust's identified Ku-ring-gai urban conservation areas.</li> </ul>	<p>Development, such as alterations and additions or new fencing, should retain the heritage significance of heritage items and their settings and the heritage significance of conservation areas or heritage items on an adjoining property.</p> <p>Development should respect the principles contained in The Australia ICOMOS Charter for the conservation of places of cultural significance (the Burra Charter).</p> <p>In conservation areas characterised by single storey dwellings, second storey additions, should be contained within the existing roof line.</p> <p><b>Note:</b> A development application will be required for all applications relating to or possibly impacting upon heritage items or where development is located within a Conservation Area. A Statement of Heritage Impact may be included as part of the statement of environmental effects with the application.</p> <p>For heritage items a Statement of Heritage Impact would be included as part of the Statement of Environmental Effects with the application.</p> <p>Heritage assessment impact statements where required must be carried out by Heritage Consultant recognised by the Heritage Council of NSW unless of a minor nature.</p> <p>Reference should be made to:</p> <p>Heritage in Ku-ring-gai: Guidelines for development;</p> <p>Statements of Heritage Impact (Heritage Office/DUAP publication)</p> <p><b>Note:</b> Applicants should refer to Council's Heritage and Conservation guidelines and discuss their proposals prior to lodgement with Council's Heritage and Urban Environment Advisor.</p>

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<ul style="list-style-type: none"><li data-bbox="280 226 526 258">• Burra Charter.</li></ul>	

## **4. DESIGN ELEMENTS**

The following design elements provide guidance on a wide range of matters and Council's requirements that need to be considered and provided for in the early stage of the design and development process.

Each of the six design elements has three components:

- a set of objectives;
- assessment criteria; and
- design requirements and illustrations.

The "objectives" specified for each design element represent the outcomes that Council wishes to achieve.

The "assessment criteria" represent a means of assessing whether the desired outcomes will be achieved. The assessment criteria contained in this DCP provide both prescriptive and performance based requirements. Council will consider how well each of these criteria (where relevant) have been addressed by the applicant or designer when determining an application under this plan.

The "design requirements" have been included in certain areas, prescribing the minimum standards by which Council will evaluate the application.

The "design illustrations" are to show possible ways of achieving the outcomes. While these solutions may satisfy the assessment criteria, other solutions can also be adopted. The aim is to enable designers to develop a variety of appropriate design responses.

### **4.1 Streetscape**

#### **OBJECTIVES**

- a) To ensure that the development is sensitive to the landscape setting, environmental conditions and established character of the street and locality.
- b) To ensure that the appearance of new development is of a high visual quality, enhances the streetscape and complements good quality surrounding development.
- c) To conserve the natural, built and cultural significance of streetscapes of heritage value.

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<p><b>4.1.1 Visual Character</b>  Development should conserve and enhance the visual character of the street with particular reference to the integrating of:</p> <ul style="list-style-type: none"> <li>• Architectural themes;</li> <li>• Building scale and setbacks;</li> <li>• Landscape themes; and</li> <li>• Fencing styles.</li> </ul>	<p>The Visual Character Study (refer Appendix A) 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.</p> <p><b>Note:</b> Visual character or streetscape is created by many features including: lot sizes, fencing, kerbs, setbacks, spatial separation, access 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.</p>

Predominantly single storey, with medium roof pitch      Trees in street



Hedges or open front fencing

Gabled roof forms, mostly single storey      Trees in front yard



Open front fences

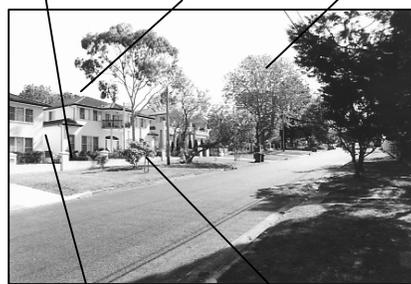
Garages set back from street alignment

Uniform setback      Mixture of flat and pitched roofs



No front fences

Low front fences      Predominantly 2 storey development      Trees in front yard



Uniform building setback

Landscaped footpath

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
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**4.1.2 Public Domain and Communal Spaces**

Development should provide a positive contribution to the public domain and all areas shared by the community.

This shall be achieved by ensuring that development:

- 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;
- minimises overshadowing and;
- integrates built form and soft landscaping (gardens and trees) within the tree canopy that links the public and private domain throughout Ku-ring-gai.

**4.1.3 Building Setbacks**

Development should be appropriately located on site to:

- maintain streetscape character;
- ensure the amenity of neighbouring properties is maintained or enhanced;
- allow for the provision of landscaping and provide room for additional tree plantings to grow to maturity;
- facilitate solar access;
- protect significant vegetation;
- facilitate efficient use of the site; and
- minimise bushfire hazard by preserving a "fuel free" zone (where development is adjacent to high bushfire hazard areas).

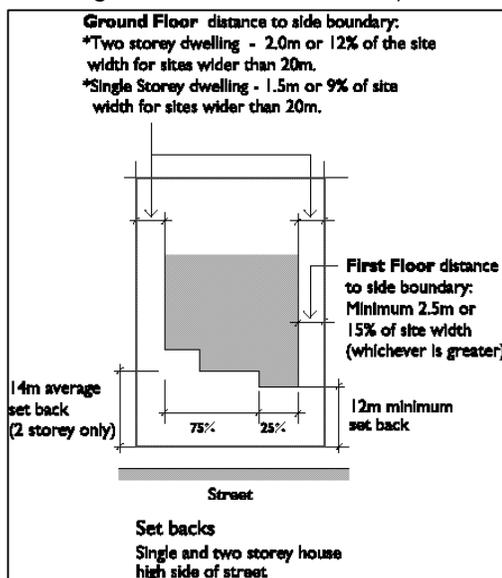
**Building Line (Front Setback)**

In Urban Conservation Areas the predominant setback pattern of the existing streetscape shall prevail.

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.

The required minimum and average 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 Location	Minimum
Low side	9 metres
High side	12 metres

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
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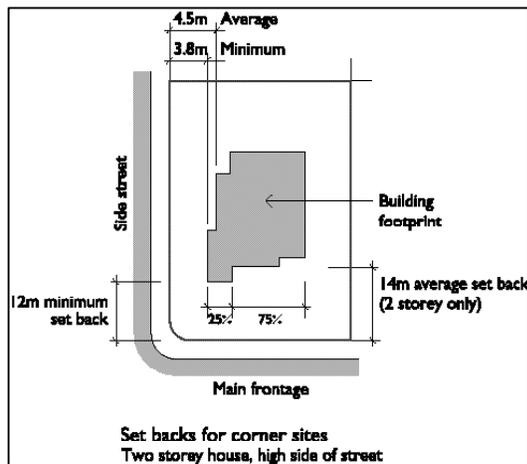
Where gradients averaged over the front setback exceed 20 degrees on the low side, reduced setbacks may be considered.

Buildings must be setback so that at least 75% of the front elevation of the building is setback 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.

**Corner Sites**

The minimum and average setbacks to the secondary street frontage on corner sites are set out in the following table:

	Minimum	Average
<b>Setback (m)</b>	3.8	4.5



At least 50% of the secondary front elevation of the building must be setback 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.

Setbacks to side and rear boundaries shall be in accordance with the minimum setbacks applying to dwellings which are not on corner lots as set out below.

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS									
<p>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.</p> <p>Setbacks will need to be of sufficient width to accommodate a pathway and at least 600mm of landscaping width for single storey developments. A greater landscaping width of at least 1.1 metres is required for the 6 metre shrub heights of 2 storey development. Where sites are of greater widths (over 20 metres) larger side setbacks should be progressively provided.</p>	<p><b>Side Setbacks</b> The minimum ground floor distance to a side boundary will be:</p> <table border="1" data-bbox="800 394 1403 596"> <thead> <tr> <th data-bbox="800 394 971 464">Site Width</th> <th data-bbox="971 394 1166 464">Single Storey Setback</th> <th data-bbox="1166 394 1403 464">Two Storey Setback</th> </tr> </thead> <tbody> <tr> <td data-bbox="800 464 971 527">Less than 20m</td> <td data-bbox="971 464 1166 527">1.5m</td> <td data-bbox="1166 464 1403 527">2.0m</td> </tr> <tr> <td data-bbox="800 527 971 596">20m or more</td> <td data-bbox="971 527 1166 596">9% of site width</td> <td data-bbox="1166 527 1403 596">12% of site width</td> </tr> </tbody> </table> <p><b>First Floor</b> The first floor of any dwelling shall be setback a minimum of 2.5 metres or 15% of the site width, whichever is the greater.</p> <p><b>Rear Setbacks</b> For sites with depth greater than 48 metres the minimum rear setbacks shall be 12 metres. Where sites have a depth of less than 48 metres then the minimum rear setback shall be 25% of the average site depth.</p>	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
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								
<p><b>4.1.4 Battle-axe Blocks</b> 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.</p> <p>Dwellings on battle-axe blocks should be sited so as not to detract from the amenity of private open spaces and living areas on neighbouring properties.</p>	<p>This should be achieved by:</p> <ul style="list-style-type: none"> <li>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 3 metres, whichever is the greater.</li> <li>Setbacks from the remaining specified boundaries will be as given under rear setbacks for standard allotments.</li> <li>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.</li> </ul>									
<p><b>4.1.5 Front Fences</b> As noted in design element 5.1.1 Visual Character, front fences or their absence, are a critical aspect in determining the appearance of a street. Therefore, front fences if present in the street, should be designed and located so as to:</p> <ul style="list-style-type: none"> <li>Maintain the streetscape character;</li> <li>Be consistent with the established pattern</li> </ul>	<p>This should be achieved by:</p> <ul style="list-style-type: none"> <li>restricting visually solid forms (such as masonry, lapped and capped timber brushwood) to 900mm in height;</li> <li>restricting the height of visually transparent fences (such as metal grille or timber picket) to 1.2 metres.</li> </ul> <p>High solid fences in excess of 1.2 metres will</p>									

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<p>of fences;</p> <ul style="list-style-type: none"> <li>• Allow private gardens to merge with their neighbours and support the landscape character of the area;</li> <li>• Ensure an adequate amount of useable private open space; and</li> <li>• Be historically appropriate and retain the heritage significance of heritage items and their settings and the heritage significance of conservation areas.</li> </ul> <p><b>Side and rear fences</b></p> <p>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.</p> <p>Side fences on corner allotments should be designed and located so as to:</p> <ul style="list-style-type: none"> <li>• maintain the streetscape character;</li> <li>• be consistent with the established pattern of fences;</li> <li>• ensure an adequate amount of usable private open space; and</li> <li>• retain the heritage significance of heritage items and their settings, and the heritage significance of conservation areas.</li> </ul> <p><b>Note:</b> Side (between the building line and the rear boundary) and rear boundary fences with a maximum height of 1.8 metres are permissible without approval provided they satisfy the requirements of Council's DCP 46 – Exempt and Complying Development.</p>	<p>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 1.0 metre with provision of low maintenance screen planting in the setback area.</p> <p><b>Note:</b> Refer to the Visual Character Study to determine the typical treatment of fences in the relevant character category.</p> <p><b>Note:</b> Refer also to design element 4.4</p> <p>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.</p> <p>Side fences forward of the front building line should be compatible with the established front fencing in the street.</p> <p><b>Note:</b> Refer to design element 4.4 and the provisions of the Dividing Fences Act. 1991.</p>
<p><b>Hedges</b></p> <p>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.</p> <p><b>Fences adjoining bushland</b></p> <p>Fences adjoining bushland should protect the bushland from domestic animals and blend harmoniously with</p>	<p>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 2 metres unless taller hedges are a feature of the locality and there are no adverse impacts on solar access or views.</p>

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
the bushland setting.	
<p><b>4.1.6 Visually Prominent Sites</b>  Development on visually prominent sites should recognise the unique responsibility to ensure that the visual, scenic and environmental qualities of the locality are maintained.</p> <p>Visually prominent sites from the definition in this document includes 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.</p>	<p>This should be achieved by:</p> <ul style="list-style-type: none"> <li>• carefully integrating development into the existing landscape through the site planning process and avoiding tall and bulky structures;</li> <li>• choosing external colours and finishes that are sensitive to the site and locality;</li> <li>• retaining significant landscape and vegetation elements;</li> <li>• considering views to the site as well as those from the site; and</li> <li>• softening visual impact by extensive landscaping including larger trees and shrubs.</li> </ul> <p>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.</p>

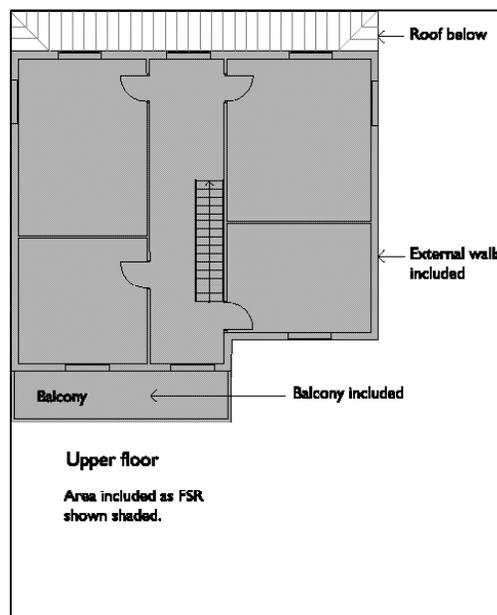
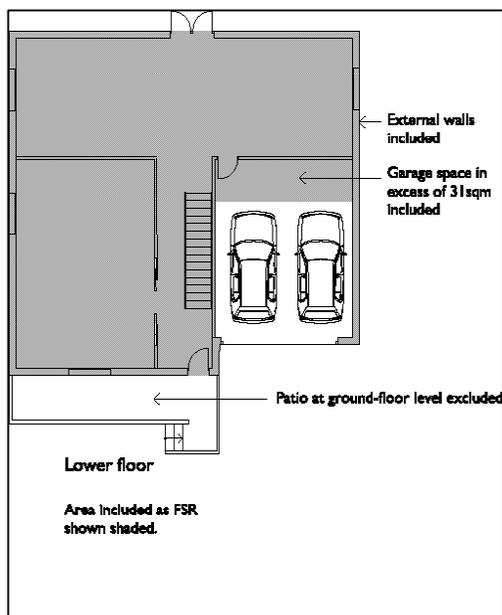
## 4.2 Building Form

### OBJECTIVES

- a. 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.
- b. To ensure that building bulk, height, location and footprint provide for sufficient soft landscape area for planting and retention of large canopy trees.
- c. To allow adequate daylight, sunlight and ventilation to living areas and private open spaces of new and neighbouring dwellings.
- d. To protect reasonable neighbour amenity including visual and acoustic privacy particularly in regard to living areas and private open space.
- e. To encourage the sharing of views, whilst not restricting the reasonable development potential of a site.
- f. To encourage well designed, attractive and site responsive buildings.
- g. To achieve consistency with the principles of ecologically sustainable development.

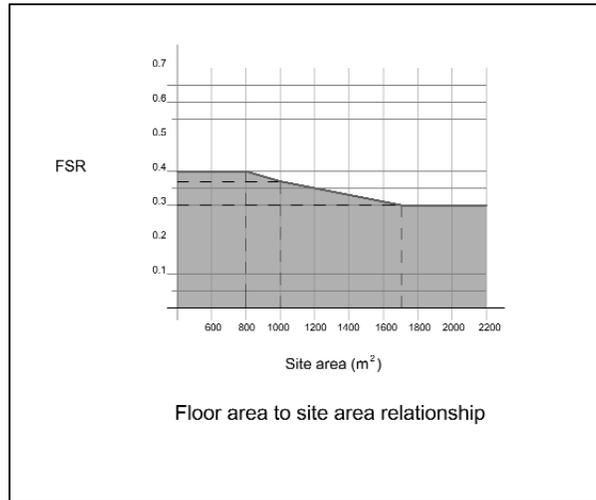
ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<p><b>4.2.1 Floor Space Ratio (FSR)</b>  Floor Space Ratio is the total floor space area of the building expressed as a ratio to the site area. In this Development Control Plan floor space is taken as the area of each floor within the outer face of the external enclosing walls, including voids. Some floor space credits are</p>	<ul style="list-style-type: none"> <li>• The floor space ratio includes any garage area in excess of 31 square metres and all storage areas.</li> <li>• The floor space ratio also includes any terraces, balcony, decks, porches, open verandahs or the like above ground floor</li> </ul>

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<p>available for a limited area of garage space and ancillary structures.</p> <p>The FSR control relates to dwellings in excess of one storey in height and has the intention to:</p> <ul style="list-style-type: none"> <li>• Ensure the scale of such new development is not excessive and relates well to the local context and streetscape;</li> <li>• Limit the bulk of such new dwellings so that they do not dominate the treed landscape of Ku-ring-gai and there is sufficient space on the site for the provision of an adequate number of medium to large trees;</li> <li>• To minimise the impact of such development on significant views from and solar access to adjoining residential properties.</li> </ul>	<p>level.</p> <p>Note: Council will allow a floor space credit of up to 15 square metres for these above ground level features where they make a positive contribution to the design.</p> <p>The maximum FSR will be in accordance with the table at the end of this section.</p> <p>For irregularly shaped or long narrow blocks where length to width ratio exceeds 4, or corner lots, Council may reduce the applicable FSR.</p> <p>The maximum FSR permissible is subject to site constraints and the design objectives of this DCP and so may not be achievable in all situations.</p>



**Table of FSR for a Single Dwelling**

Site Area (m <sup>2</sup> )	Maximum Permissible Gross Floor Area (m <sup>2</sup> )	Floor Space Ratio Range
Up to 800	0.4 x (site area)	0.4:1
801 – 1000	120 + (0.25 x site area)	0.4:1 – 0.37:1
1001 – 1700	170 + (0.20 x site area)	0.37:1 – 0.30:1
Over 1700	0.3 x (site area)	0.30:1
Note: The FSR's permissible in this table are subject to the site constraints		



**4.2.2 Height of Building**

A dwelling must not exceed two storeys in height. Council may consider an additional floor on sloping sites where the height is not evident from public areas or adjoining properties and excavation is not excessive.

The intention of this standard is to:

- Limit the height of dwellings so that they do not dominate the treed landscape of Ku-ring-gai;
- Limit the extent of overshadowing and visual and aural intrusion on the private space of neighbouring properties;
- Ensure significant views from neighbouring dwellings are not unduly compromised;
- Maintain the integrity of existing streetscapes.

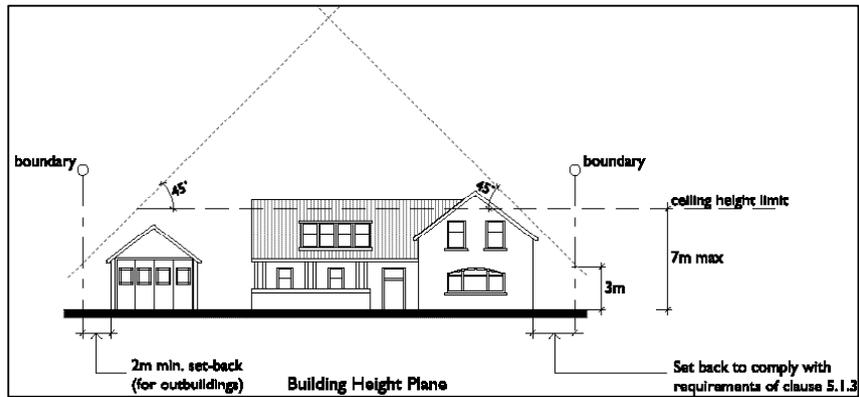
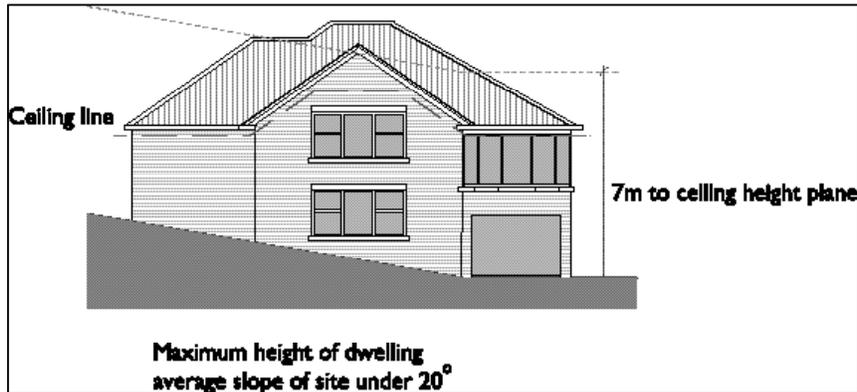
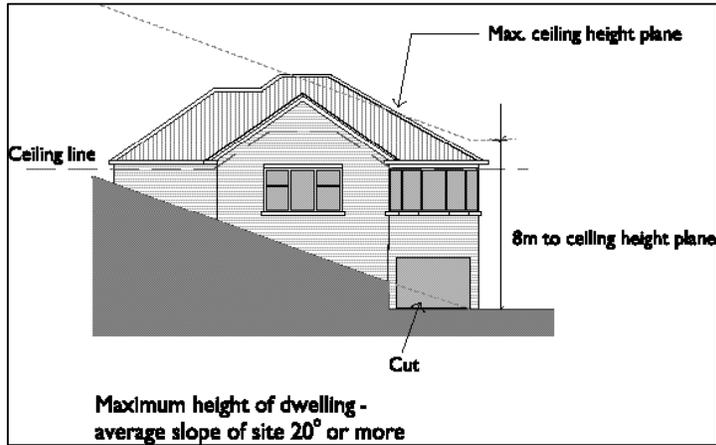
The maximum height of a dwelling shall be:

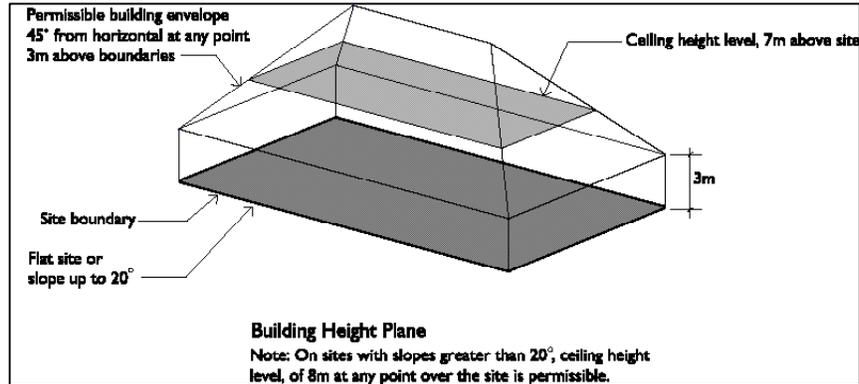
- 2 storeys in height (including any garage, basement or the like)
- 8 metres for sites where the slope, averaged over the ground level change along the building foundation from front to rear or from side to side, is more than 20 degrees or;
- 7 metres for slopes less than 20 degrees.

The following matters must be considered with regard to the potential impact on neighbouring properties:

- opportunities to minimise overshadowing and overlooking of living and private open space areas;
- opportunities to minimise adverse impacts on any significant bushland or water views;
- relationship with the streetscape.

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS





**4.2.3 Relationships with Adjoining Dwellings**

Development should avoid the creation of an overbearing effect upon adjoining development in order to:

- Maintain the relative scale relationship between buildings;
- Ensure that daylight to habitable rooms in adjacent dwellings is not significantly reduced;
- Ensure that sunlight to the private open spaces of the subject property and adjacent properties is not significantly reduced;
- Encourage increased setback with increased height.

This may be achieved by:

- Ensuring appropriate side setbacks and landscaping are incorporated in the design.
- Compliance with the building height plane (as illustrated).

**4.2.4 First Floor**

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.

This should be achieved by:

- "stepped back" upper levels in order to avoid bulky vertical wall surfaces; or by
- erecting the first floor within the existing/proposed roof space.

First floor area must not exceed 40% of total floor space as defined in 4.2.1.

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
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#### 4.2.5 Attic Rooms

Use of attic rooms within the roof space for habitable purposes are encouraged in lieu of a second storey, particularly in neighbourhoods that are predominantly single storey dwellings.

Attic rooms should not:

- increase the bulk of the building;
- cause undue overshadowing of adjacent properties and open spaces;
- cause loss of significant views from adjacent properties; or
- be excessive in scale and bulk relative to the rest of the building.

The form and placement of any windows must respect the privacy of neighbouring properties.

The resultant floor space will be used in calculating the total floor space.

#### 4.2.6 Roof Line

The roof of the building should be designed so that:

- it does not unduly increase the bulk of the building.
- in areas of heritage value it reinforces the existing streetscape character and the elements that contribute to this character.
- it does not cause undue overshadowing of adjacent properties and open spaces.

(Refer to 4.2.11 Solar Access)

This should be achieved by:

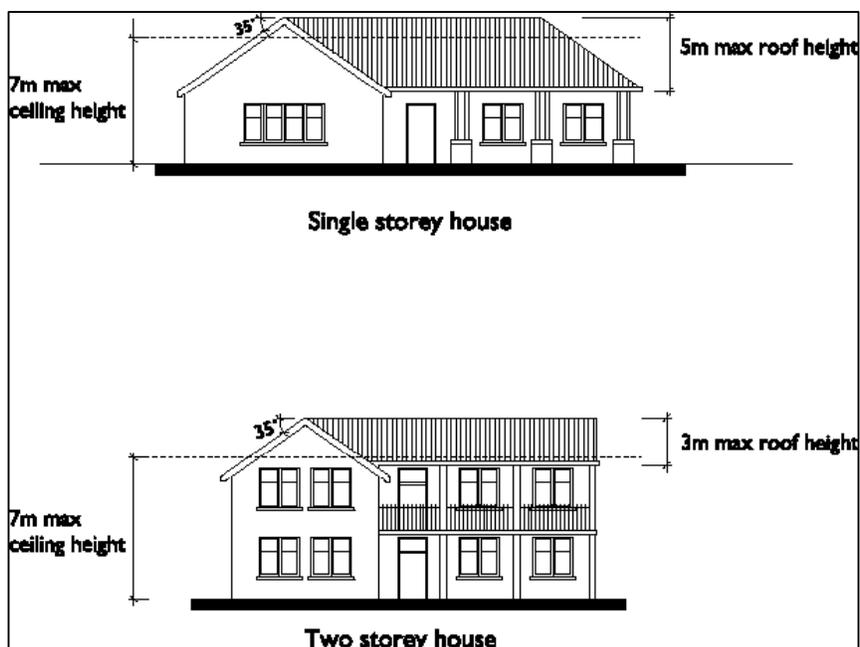
- the careful selection of materials, colour and pitch;
- use of low-angled pitched roofs providing that they are compatible with existing development and the existing streetscape character; or
- inclusion of habitable rooms within the roof space.

For single storey development or where the first floor is fully contained in the roof space the maximum roof height shall be 5 metres and for all other dwellings the maximum roof height will be 3 metres.

The maximum roof pitch permitted is 35°:

- roofs with a steeper pitch than 35° shall

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
	<p>be considered as external walls.</p> <p>Unless otherwise consistent with the form of development within the immediate locality, gables and dormers should:</p> <ul style="list-style-type: none"> <li>• be positioned a minimum of 200mm below the main roof ridge height;</li> <li>• 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;</li> <li>• not extend beyond the external wall of the dwelling.</li> </ul>



#### 4.2.7 Built-Up Area

Development should maintain a reasonable proportion of the site as soft landscaping to ensure that predominant landscape character of the locality is maintained or enhanced. Requirements for soft landscaping are specified in Section 4.3.3.

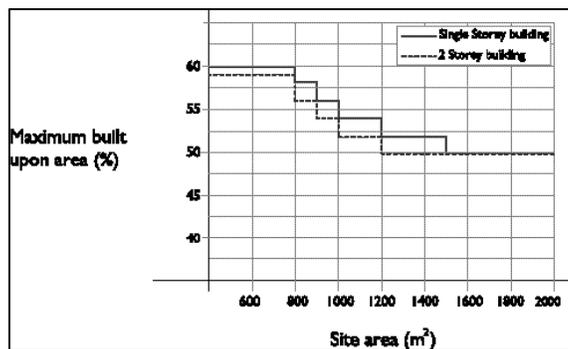
The built upon area should be reduced where stormwater cannot be directed to the street or a drainage easement.

Note: 'Built upon area' means the area of a site containing any built structure (whether covered or uncovered), any building, carport, terrace,

The maximum permissible Built-Up Area (BUA) shall comply with the table set out at the end of this section.

Where stormwater cannot be discharged to Councils drainage system and is disposed of on site, a reduced built upon area applies.

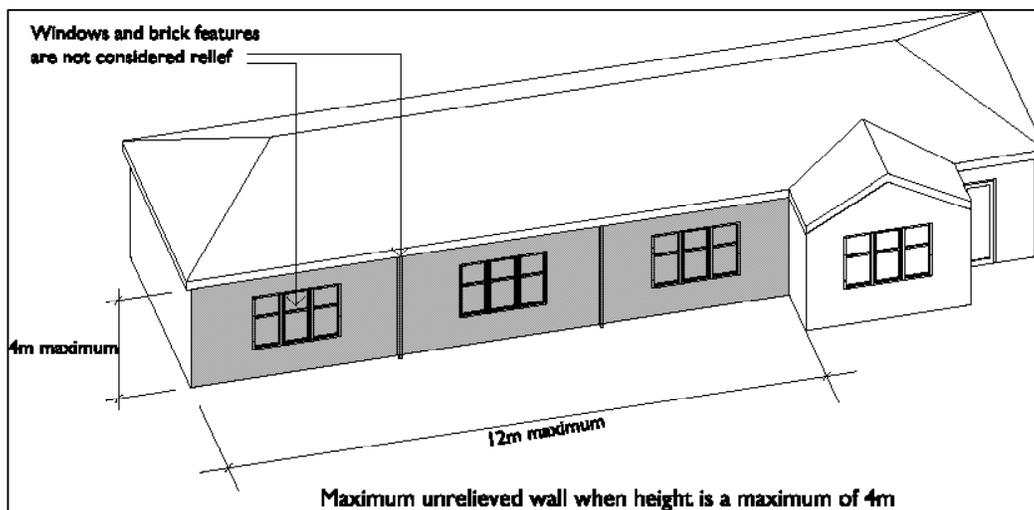
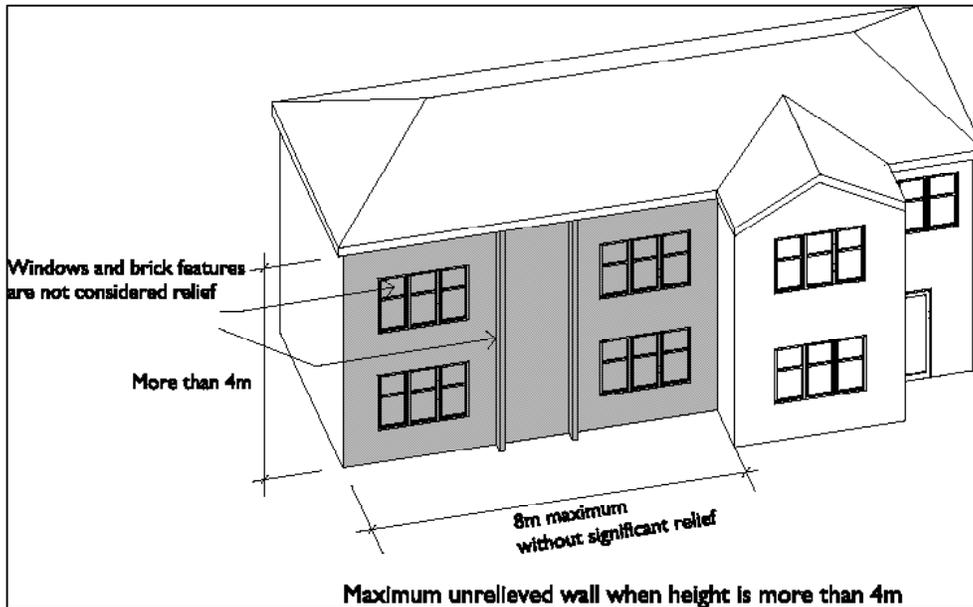
ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<p>pergola, hard-surface recreation area, swimming pool, tennis court, driveway, parking area, or any like structure but excluding minor landscape features.</p> <p>Council will not approve an application where reasonable provision has not been made for built elements such as pathways normally associated with a residential property. Council will also include elevated pathways as structures and built upon areas.</p>	



Site Area m2	Maximum Built Upon Area %	
	Single Storey	2 Storey
Less than 800	60	58
800 – 899	58	56
900 – 999	56	54
1000 – 1199	54	52
1200 – 1500	52	50
Greater than 1500	50	50

<p><b>4.2.8 Design</b></p> <p>New development should incorporate architectural relief and modulation of facades to avoid a bulky appearance.</p>	<p>This must be achieved by the following:</p> <ul style="list-style-type: none"> <li>• No unrelieved walls in excess of 12 metres;</li> <li>• Where walls exceed 4 metres in height, no unrelieved walls in excess of 8 metres are permitted;</li> <li>• Substantial articulation of wall recesses;</li> <li>• The use of articulated walls to provide enough space for tall shrub plantings;</li> <li>• Incorporating variations in elevations to provide visual interest to buildings;</li> <li>• The use of horizontal elements such as verandahs, pergolas or suitable planting schemes;</li> </ul>
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ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
	<ul style="list-style-type: none"> <li>Integrating soft landscaping and natural site features with building design.</li> </ul>



#### 4.2.9 Additions and Alterations

There should be architectural unity (in the design of alterations/additions) with existing dwellings.

This should be achieved by matching external finishes of building work to the existing. Where appropriate, roof pitches should be extended and/or replicated.

For major additions applicants should consider utilising the services of an architect so as to optimise the design outcome.

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<p><b>4.2.10 New Dwellings</b> 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.</p> <p><b>Note:</b> In the case of conservation areas see also Section 3.1.8.</p>	<p>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.</p>
<p><b>4.2.11 Solar Access</b> The design and siting of new development will:</p> <ul style="list-style-type: none"> <li>• Maintain a reasonable level of solar access to habitable rooms, solar collectors and open space of adjoining development;</li> <li>• Minimise overshadowing of public reserve and bushland;</li> <li>• Provide a reasonable level of solar access to habitable areas and recreational open space by considering building siting and orientation;</li> <li>• Control the desired amount of solar access to habitable rooms and recreational open spaces with the placement of windows and;</li> <li>• Provide sun protection with the use of sun shading devices and by the placement of appropriate canopy trees.</li> </ul>	<p>This should be achieved by:</p> <ul style="list-style-type: none"> <li>• Careful siting and orientation of buildings;</li> <li>• Use of setbacks which increase with building heights;</li> <li>• The careful placement of deciduous or tall high canopy trees.</li> </ul> <p>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.</p> <p>Dwelling design and orientation should also provide a similar level of solar access as detailed above, to the proposed dwelling.</p> <p>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%.</p> <p>Professionally prepared Shadow Diagrams must accompany all applications for new dwellings exceeding one storey. The shadow diagrams must include:</p> <ul style="list-style-type: none"> <li>• True north;</li> <li>• Levels to Australian Height Datum (AHD) at the corners of the buildings;</li> <li>• Ridge and ground levels;</li> <li>• Location of adjacent buildings affected by shadow and principal open space areas;</li> <li>• The shadow cast by existing and proposed development at 9am, noon and 3pm on 22 June; and</li> <li>• Where overshadowing is critical, elevation shadow diagrams may be</li> </ul>

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
	required.
<p><b>4.2.12 External Noise Sources</b> 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.</p> <p>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.</p>	<p>This should be achieved by:</p> <ul style="list-style-type: none"> <li>• The careful siting, orientation and design of a dwelling;</li> <li>• Set back 14 metres to main and arterial roads unless the design incorporates noise attenuation measures addressed by an acoustic report to demonstrate internal compliance with 40dba.</li> <li>• Compliance with Environmental Protection Authority/Roads and Traffic Authority/State Rail Authority noise standards where a site fronts a busy road or railway.</li> </ul>
<p><b>4.2.13 Slope</b> The building form must have regard to the slope of the land to ensure appropriate proportions and height in relation to adjoining land.</p> <p>An appropriate form of construction (eg piers) which minimises disturbance of land to steep slopes should be used. Preference should be given to light-weight construction on such slopes.</p> <p>Excessive cut and fill should be avoided.</p>	<p>This must be achieved by:</p> <ul style="list-style-type: none"> <li>• Considering the slope of the land and adjoining development as part of the site analysis;</li> <li>• Ensuring designs have regard for the site conditions;</li> <li>• Incorporating the slope into the design, for example through split levels.</li> </ul> <p><b>Note:</b> Sites with a slope in excess of 15% may require certification from a geotechnical engineer as to the stability of the slope and the suitability of the proposed design for that slope.</p>
<p><b>4.2.14 Cut and Fill</b> The extent of excavation (cut) and fill must be minimised so as not to impact on existing trees required by Council to be retained, or significantly alter the natural landscape or watertable.</p>	<p>This must be achieved by:</p> <ul style="list-style-type: none"> <li>• accommodating the development within the natural slope of the land;</li> <li>• accommodating the development outside the canopy spread of existing trees, where possible. Council may consider suspended floor systems where it is not possible to accommodate the development totally outside the canopy spread of existing trees;</li> <li>• not exceeding 900mm in cut and fill relative to natural ground level, with a maximum level difference of cut and fill across the building area of 1,800mm and 900mm at any one point relative to natural ground level;</li> <li>• avoiding cut or fill within minimum side setbacks from boundary lines as specified in 4.1.3.</li> </ul>

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• If cut or fill is proposed, the site analysis (existing development) and site analysis (proposed development) must justify by means of documentation the reasons for the preferred option.</li> <li>• Depending on the species and size of the tree, excavation may destabilise the tree. Fill over the root zone is undesirable because it prevents the movement of moisture and oxygen to the roots, which will have a detrimental effect on the tree.</li> <li>• Development, such as driveways, is to be positioned so as to minimise works within the canopy spread of existing trees.</li> <li>• Where possible stockpile mulch and topsoil, derived from excavation works on-site for later reuse in landscaping.</li> </ul>
<p><b>4.2.15 External Finishes</b> The colour and surface finish of external building materials should minimise the overall visual impact of new development and be sympathetic to the surrounding locality and blend with the natural environment.</p> <p>Colours on 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.</p>	<p>This must be achieved by the use of low reflective finishes, especially on ridgetop and escarpment locations and other visually prominent locations.</p> <ul style="list-style-type: none"> <li>• Designs are not to contain large surfaces of predominantly primary colours and white where these would dominate the streetscape or other vista.</li> <li>• in sites adjoining or in close proximity to bushland areas colours and colour tones should be in keeping with the natural earth tones.</li> </ul> <p><b>Note:</b> Plans submitted to Council should be annotated with the proposed colour scheme. Reference to colours should be made in accordance with Australian Standard 2700-1996 Colour standards for general purposes to ensure consistency.</p>
<p><b>4.2.16 Corner Properties</b> The design of dwellings on a corner property must present an attractive façade to each frontage and address the corner.</p> <p>These properties are generally visually prominent and proposed development must have regard for the prominence of the particular site.</p>	<p>This should be achieved by wrap-around house design, landscaping elements, feature windows, or other treatments to wall surfaces and staggered height of buildings.</p> <p>Refer also to Sections 4.1.3 and 4.1.6.</p> <p>Extensive blank or unarticulated walls to street frontages will not be accepted.</p>

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<p><b>4.2.17 Construction for Bushfire Hazard</b> On sites prone to bushfire hazard or where located adjacent to bushland, dwelling house design must adopt measures to minimise potential hazard.</p>	<p>This may be achieved through a combination of locational and design factors as detailed below:</p> <p>A number of specific techniques can be incorporated into a dwelling to limit the hot products of combustion such as burning debris entering buildings, for example:</p> <ul style="list-style-type: none"> <li>• fixed windows screened with external non-corrosive metal wire screens or fitted with toughened, laminated or safety glass;</li> <li>• opening windows and doors screened with external non-corrosive metal wire screens;</li> <li>• subfloor areas enclosed and sealed with subfloor ventilators fitted with non-corrosive screens;</li> <li>• chimneys fitted with a non-corrosive metal screen having a maximum cross-sectional mesh area of 0.25mm<sup>2</sup>;</li> <li>• eaves enclosed with the fascia sealed;</li> <li>• non-combustible roof cladding such as metal sheet or tile;</li> <li>• use of only fire resistant materials in skylights;</li> <li>• fully sarked roof with an approved flame retardant material;</li> <li>• leaf proof guttering or designs without gutters.</li> </ul> <p>Council may require inclusion of water tanks and associated sprinkler systems and pumps in areas of high risk.</p> <p>Refer to:</p> <ul style="list-style-type: none"> <li>• Australian Standard AS 3959 Construction of buildings in bushfire prone areas; and</li> <li>• Building in bushfire prone areas, by G Ramsay (CSIRO) and D Dawkins (Standards Australia) 1993.</li> </ul>
<p><b>4.2.18 Protection against Termites</b> Structures must be designed with physical, rather than chemical, termite control measures.</p>	<p>This must be achieved by:</p> <ul style="list-style-type: none"> <li>• Appropriate materials and construction design;</li> <li>• physical barriers;</li> </ul>

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
	<ul style="list-style-type: none"> <li>• suspended floor systems.</li> </ul> <p>Note: Council requires whole of structure protection. Chemicals which are harmful to the environment are not permitted.</p>
<p><b>4.2.19 Air quality</b> The proposal should provide a positive contribution towards the improvement of global, regional and local air quality. Avoid the need for fuel burning heating and reducing energy consumption by using low energy cost materials.</p>	<p>This should be achieved by adopting passive energy principles in site layout and building design, in order to:</p> <ul style="list-style-type: none"> <li>• minimise the use of artificial lighting, heating and cooling;</li> <li>• avoid the use of inefficient open fires; and</li> <li>• locating flues and chimneys so as to avoid smoke and odour nuisance to adjoining properties.</li> </ul> <p><b>Note:</b> Any solid fuel heating appliance must comply with the requirements of the Clean Air (Domestic Solid Fuel Heaters) Regulation 1997.</p>
<p><b>4.2.20 Building Materials</b> Consideration should be given to the life-cycle of products used (that is, the cradle-to-grave impacts across the design life of structures). Design should include Ecologically Sustainable Principles.</p>	<p>Council encourages the use of raw materials which will have a minimal impact on the natural environment during their growth, extraction, use and disposal. For example:</p> <ul style="list-style-type: none"> <li>• avoid treated timbers for internal use;</li> <li>• use plantation rather than old growth timbers.</li> </ul>

### 4.3 Open Space and Landscape

#### OBJECTIVES

- a. To maintain or enhance the predominant tree dominated landscape quality of Ku-ring-gai by retaining and replanting trees.
- b. To replenish the tree canopy of Ku-ring-gai
- c. To enhance the viability of bio-diversity within Ku-ring-gai by having a proportion of planting in new development that provides biolinkages between bushland reserves and by retaining remnant vegetation and wildlife habitats.
- d. To provide quality private and public open space areas for the amenity and enjoyment of residents.
- e. To retain and enhance significant shrubs and ground covers.
- f. To encourage replanting of locally occurring native plant species from locally collected seed.
- g. To protect and improve the ecological environment within and along Ku-ring-gai's watercourses.

- h. To achieve consistency with the principles of ecologically sustainable development eg dealing with the high rainfall and steep catchment areas of much of Ku-ring-gai.
- i. To facilitate the transpiration of groundwater to the atmosphere by planting suitable canopy trees.
- j. To achieve effective management of stormwater drainage and run-off .

#### **4.3.1 Landscape Requirements**

As mentioned in Section 2J of Council’s DA Guide, plans for landscape, drainage and building design are the three outcomes derived from the site analysis. Due to mutual influences, these plans must evolve in parallel and potential conflicts must be resolved. It is important to recognise that depending on the area, landscape requirements may preclude certain building designs. Also, in certain heritage precincts particular garden forms may play an important role in defining the local streetscape. The end product of this parallel process will be complementary building and landscape plans which will provide for good living amenity, enhance the visual landscape character of Ku-ring-gai and the local streetscape and contribute to the sustainability of the significant bio-diversity of the region.

##### **When is a LANDSCAPE CONCEPT PLAN required?**

A Landscape Concept Plan prepared by a professionally qualified and experienced Landscape Architect or Landscape Designer, will be required to be submitted for all new dwellings, substantial additions and alterations, pools, tennis courts, and other larger structures or where a garden of heritage or landscape value is compromised. A landscape concept plan describes the design intent of a landscape proposal and indicates how landscape impacts of a development are to be addressed. Refer to Section 4E of Council’s DA Guide for details.

##### **When is a LANDSCAPE PLAN and SPECIFICATION required?**

A detailed Landscape Plan and Specification (landscape construction notes) prepared by a professionally qualified and experienced Landscape Architect or Landscape Designer, will be required to be submitted to Council prior to issue of the Construction Certificate for all new dwellings, substantial alterations, additions and structures or where a garden of heritage or landscape value is compromised. The Landscape Plan and Specification (construction notes) must be of sufficient detail and content to be issued for construction purposes. The landscape design must be consistent with the Landscape Concept Plan submitted with the Development Application and approved by Council.

Refer to Appendix B for ‘Guidelines in preparing Landscape Documentation’ and for a typical example of a Landscape Plan.

##### **When is a SCREEN PLANTING PLAN and SPECIFICATION required?**

A detailed Screen Planting Plan and Specification (landscape construction notes) prepared by a professionally qualified and experienced Landscape Architect or Landscape Designer, will generally be required to be submitted to Council for alterations and additions, pools, tennis courts and other structures. Refer to Appendix B for ‘Guidelines in preparing Landscape Documentation’.

##### **When is a TREE PLANTING PLAN required?**

A Tree Planting Plan and Specification prepared by a professionally qualified and experienced Landscape Architect, Landscape Designer, Arborist or Horticulturalist may be required to be submitted to Council where canopy trees are required to be planted. Refer to Appendix B for ‘Guidelines in preparing Landscape Documentation’.

### When is an ARBORIST REPORT required?

An Arborist Report prepared by a qualified and experienced Arborist will be required to be submitted to Council where the site has significant trees or remnant bushland or as specified by Council. Refer to Section 2C of Council's DA Guide for further details.

### Who can implement the approved LANDSCAPE WORKS?

Where major landscape works are proposed, eg for a new dwelling, they should be undertaken by qualified and experienced Landscape Contractors who are eligible for membership of the NSW Landscape Contractors Association. The works are to be implemented in accordance with the Council approved landscape documentation.

#### 4.3.2 Tree and Landscape Bonds

##### Tree Protection Bond

A Tree Protection Bond may be required to ensure significant trees are maintained in the same condition as found prior to commencement of site development work. The bond is refundable after the completion of tree and landscape work.

##### Landscape Establishment Bond (New Dwellings)

A Landscape Establishment Bond may be required to ensure that the landscaping is installed and maintained in accordance with the approved Landscape Plan, Screen Planting Plan or other landscape conditions. The bond is refundable after the completion of landscaping.

##### Landscape Establishment Bond (Ancillary Development And Additions and Alterations)

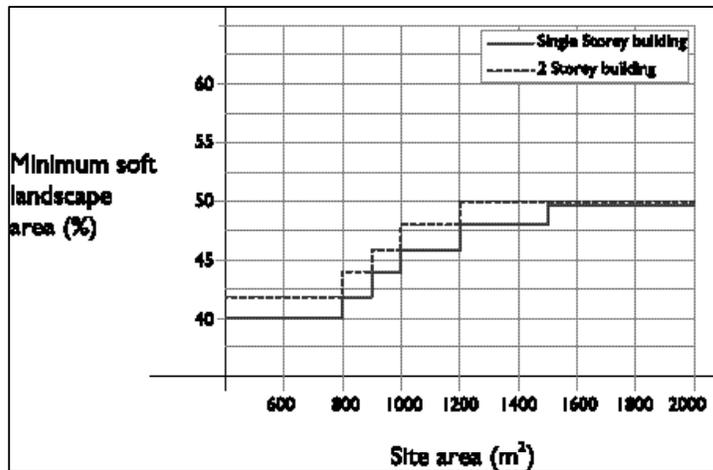
Ancillary development eg tennis courts, pools etc. and additions and alterations may attract a Landscape Establishment Bond to ensure that the landscaping is installed and maintained in accordance with the approved Landscape Plan, Screen Planting Plan or Tree Planting Plan to ensure landscaping is installed and is refundable after completion of landscape work.

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<b>4.3.3 Soft Landscaping Area</b> The area of the site which is not built upon shall be maximised to: <ul style="list-style-type: none"><li>• Provide soft landscaping</li><li>• Provide sufficient soft landscaping area to accommodate the required number of trees for the site (refer to section 4.3.5)</li><li>• Provide optimal of open space;</li><li>• Avoid the creation of drainage and run-off problems;</li><li>• allow for screen planting between buildings.</li></ul>	The minimum soft landscape area of the site shall comply with the table set out at the end of this section: Provision should be made for paved areas and pathways at an early stage of the design process (these will not be classed as soft landscaped area). Refer also to Council's Stormwater Management Policy.

**ASSESSMENT CRITERIA**

**DESIGN REQUIREMENTS**

Site Area (m <sup>2</sup> )	Minimum Soft Landscape Area %	
	Single Storey	Two Storey
Less than 800	40	42
800 – 899	42	44
900 – 999	44	46
1000 – 1199	46	48
1200 – 1500	48	50
Greater than 1500	50	50



**4.3.4 Landscape Character**

Landscape proposals shall enhance the landscape character of the area.

Landscape proposals should :

- Enhance the visual character of development when viewed from adjacent streets, parks and neighbouring properties by providing suitable landscaping so that the built form does not dominate.
- Provide on maturity a contribution to Kuring-gai's tree canopy.
- Retain and protect existing significant trees, shrubs and gardens.

This must be achieved by:

- planting medium to large canopy trees;
- minimising excavation (cut) and fill;
- providing space of sufficient dimensions to a landscape structure including canopy trees, shrub plantings and ground covers;
- Planting non-invasive plant species;
- Planting species to conserve biodiversity;
- Including screen planting, taller shrubs and small trees;
- Weed management.

**Note:** Refer to the visual character categories described in Appendix A. Landscape designs should reflect the prevailing landscape character of the area and should relate to the existing streetscape in terms of scale and planting style.

**4.3.5 Tree Preservation**

Landscape proposals should be integrated with existing trees.

Trees will be valued and conserved as an integral feature of the area and their dominate

This should be achieved by:

- Avoiding alterations to existing ground levels,
- Planting compatible species, and
- Confining building works where

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<p>role in the landscape will be protected and enhanced.</p>	<p>appropriate to pre-existing building footprints.</p> <p>See also section 3.1.1.</p>
<p><b>4.3.6 Tree Replenishment</b>            Landscaping proposals shall contribute to the replenishment of trees so as to maintain and restore the treed character of Ku-ring-gai. Many areas are characterised by large canopy trees. When siting trees, consideration should be given to:</p> <ul style="list-style-type: none"> <li>• Solar access to dwellings, pools and private open spaces located on the site and on adjoining properties;</li> <li>• Proximity to dwellings, pools, tennis courts, fences, pavements and other structures located on the site and on adjoining properties;</li> <li>• Stormwater run-off, the water table and existing services.</li> </ul>	<p>Lots with the following sizes shall support a minimum number of trees capable of attaining a minimum height of 13 metres on shale and transitional soils and 10 metres on sandstone derived soils:</p> <ul style="list-style-type: none"> <li>• Less than 850m<sup>2</sup> 3 trees</li> <li>• 850 - 1,000m<sup>2</sup> 5 trees</li> <li>• 1,001 - 1,500m<sup>2</sup> 7 trees</li> <li>• over 1,500 m<sup>2</sup> 10 trees or as directed</li> </ul> <p>Council may in special circumstances consider reduction of this standard to retain significant trees.</p> <p>Refer to Appendix C for a list of trees which are known to attain a height of 13 metres in Ku-ring-gai. A proportion of the trees shall consist of locally occurring native species. (refer to section 5.3.9 Biodiversity)</p> <p>Note: Council may require street tree planting in accordance with Ku-ring-gai's Street Tree Management Plan (refer to Council's Open Space Services for details in this regard).</p>
<p><b>4.3.7 Landscaping - Cut and Fill</b>            The extent of excavation (cut) and fill for landscaping shall be minimised so as not to impact on existing trees to be retained, or significantly alter the natural landscape or watertable.</p> <p><b>Note:</b> Landscaped open space areas that are built upon (eg. swimming pools, decks, paved court yards, pathways) are not included in the calculation of the soft landscape area. See definitions of Soft Landscape Area and Built Upon Area.</p>	<p>This must be achieved by:</p> <ul style="list-style-type: none"> <li>• accommodating the landscape works within the natural slope of the land;</li> <li>• avoiding cut or fill beneath the canopy spread of existing trees;</li> <li>• not exceeding 500mm in cut or fill relative to natural ground level,</li> <li>• avoiding cut or fill within 2 metres of boundary lines.</li> </ul> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• If cut or fill is proposed, the development analysis and Statement of Environmental Effects must justify by means of documentation the reasons for the preferred option.</li> <li>• Depending on the species and size of the tree, excavation may destabilise the tree.</li> </ul>

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
	<p>Placing fill over the root zone of a tree prevents the movement of moisture and oxygen to the roots, which will have a detrimental effect on the tree.</p>
<p><b>4.3.8 Useable Open Space</b> Landscape development proposals should provide functional outdoor recreation spaces as part of the overall design.</p>	<p>This may be achieved by ensuring landscape areas:</p> <ul style="list-style-type: none"> <li>• are useable and relate well to indoor living areas;</li> <li>• have a character that is consistent with or enhances the landscape character of the area;</li> <li>• are located in consideration of noise, temperature, shade and screening;</li> <li>• are not dominated by adjoining development (in terms of overshadowing and overlooking);</li> <li>• provide at least one area of private useable open space which has a minimum depth of 5 metres and a minimum area of 50 sq metres. On steep sites Council may consider a reduction in the 5 metre minimum depth requirement;</li> <li>• contribute to energy efficiency;</li> <li>• contain at least one north facing area providing adequate solar access.</li> </ul> <p>(Refer to 4.2.11)</p>
<p><b>4.3.9 Biodiversity</b> Proposed landscaping works shall protect and enhance native vegetation to conserve and promote biodiversity.</p> <p><b>Note:</b> Applicants are encouraged to purchase locally occurring native plant species. Advice can be sought from Council's Community Nursery or from Council's Department of Open Space.</p> <p>Nursery Address: 430 Mona Vale Rd, St. Ives.</p> <p>Ph: 9424 0825</p> <p>Fax: 9449 9259</p>	<p>This must be achieved by:</p> <ul style="list-style-type: none"> <li>• minimising disturbance to existing vegetation on the site and adjoining bushland;</li> <li>• planting the site with an appropriate selection of non-invasive plant species, including native and locally occurring trees, grasses and ground covers;</li> <li>• where a property boundary is greater than 300 metres from bushland at least 25% of the overall number of trees and shrubs shall be locally occurring native species;</li> <li>• where a property boundary is between 300 metres and 100 metres from bushland at least 50% of the overall number of trees and shrubs shall be locally occurring native species;</li> <li>• where a property boundary is within 100 metres from bushland at least 80% of the overall number of trees and shrubs shall be locally occurring native species;</li> </ul>

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
	<ul style="list-style-type: none"> <li>planting locally occurring riparian native plant species adjacent to watercourses;</li> <li>weed management including removal of noxious weeds, urban and environmental weeds and nuisance plants as per statutory requirements (refer to Council's Weed Management Policy).</li> </ul>
<p><b>4.3.10 Screen Planting</b> The landscaping proposal shall provide sufficient planting to development so as to ensure that the built form does not dominate views from adjacent streets, parks and neighbouring properties.</p>	<p>This can be achieved by:</p> <ul style="list-style-type: none"> <li>selecting species with an appropriate range of height and foliage density. Refer to Appendix D for suggested screen planting species for a variety of heights;</li> <li>allowing for adequate planting bed widths for establishing screen planting where required; and</li> <li>allowing in front yards partial views to and from the dwelling and beyond.</li> </ul>
<p><b>4.3.11 Bushfire Hazard</b> In areas subject to bushfire careful selection of plant species is necessary to minimise bushfire risk.</p>	<p>On sites prone to bushfire hazard, landscape design and planting shall incorporate measures to minimise potential hazard ie planting endemic species, minimising planting of shrub undergrowth.</p> <p>Refer to Council's brochure Landscape and Planting guidelines for fire prone areas of Ku-ring-gai.</p> <p>Refer also to Section 3.1.4.</p>
<p><b>4.3.12 Weeds</b> Weed species detrimentally affect Ku-ring-gai's natural environment and should be identified and removed.</p>	<p>All noxious and urban environmental weeds or nuisance plants are required to be removed from residential properties in a manner which does not damage or remove other vegetation and in accordance with the specified control category.</p> <p>Refer to Council's Weed Management Policy and the Noxious Weeds Act 1993 for details of weed classification and control requirements.</p>

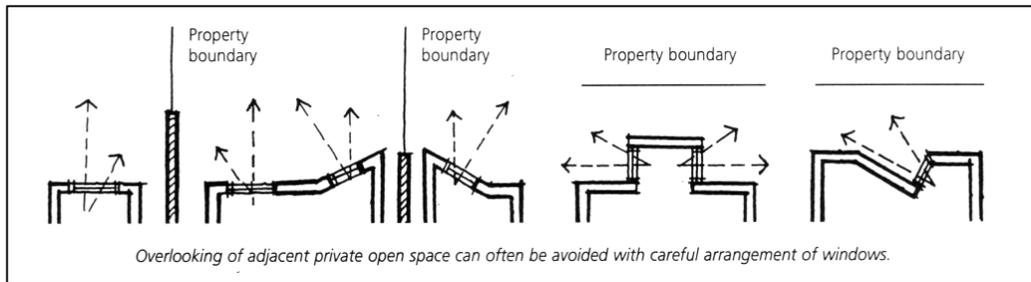
#### 4.4 Privacy and Security

##### OBJECTIVES

To ensure the siting and design of buildings provides reasonable visual and acoustic privacy for residents and their neighbours in their dwellings and private open space.

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 Ku-ring-gai.

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<div data-bbox="224 380 711 873" data-label="Diagram"> <p>Existing secluded private open space</p> <p>Area to be screened or obscured</p> <p>Existing dwelling</p> <p>New dwelling</p> <p>45°</p> <p>9m radius</p> <p><i>Designs incorporating screening to adjacent private open spaces</i></p> </div> <p><b>4.4.1 Visual Privacy</b> Private open spaces and living rooms of the proposed dwelling and adjacent dwellings should be protected from direct or unreasonable overlooking.</p> <p>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.</p>	<p>This must be achieved by:</p> <ul style="list-style-type: none"> <li>• use of distance or slope;</li> <li>• appropriate dwelling layout.</li> </ul> <p>In conjunction with the above, applicants should consider:</p> <ul style="list-style-type: none"> <li>• Careful siting of windows and use of obscure glass or highlight windows where necessary;</li> <li>• Screen Planting;</li> <li>• Screening devices such as fences, window screens and courtyard walls.</li> </ul> <p>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.</p> <div data-bbox="764 1024 1409 1451" data-label="Diagram"> <p>Area to be screened or obscured</p> <p>Existing secluded private open space</p> <p>Existing dwelling</p> <p>New dwelling</p> <p>45°</p> <p>9m radius</p> </div> <p>This must be achieved by for example offsetting windows, providing highlight or opaque windows, or screen planting.</p>



#### 4.4.2 Acoustic privacy

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.

At all times Council will take into account the visual character and streetscape of an area when considering the appropriateness of any noise barrier treatments.

This may be achieved by 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.

This should be achieved by:

- locating bedrooms and other noise sensitive rooms away from the road;
- using thick glass panes or double glazing to windows fronting the road;
- using solid core doors and appropriate seals to vents and other openings;
- mounding within the landscape; and
- 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 design element 4.1.5.

Refer also to design element 4.2.12.

#### 4.4.3 Safety and Security

Front fencing, if present in the street, and screening should enable outlook from dwellings to the street for safety and surveillance and should be generally low and visually permeable.

This should be achieved by restricting the height of front fences to a maximum of:

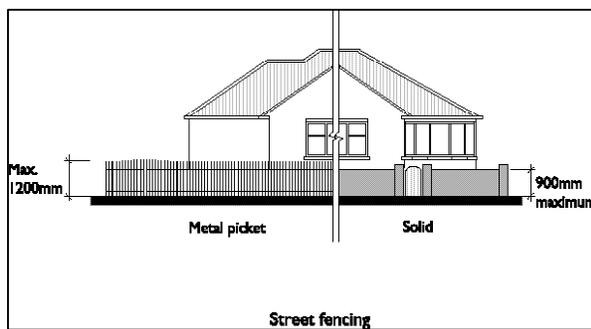
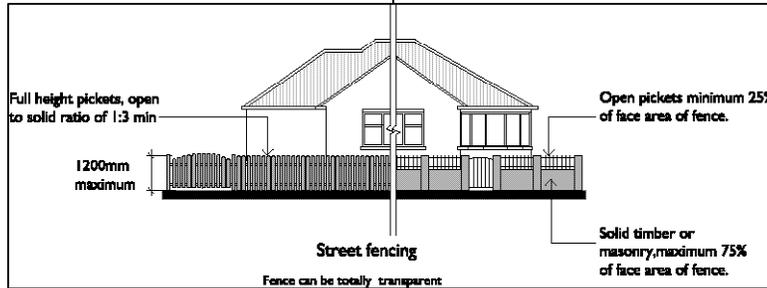
- 900mm if of solid construction ; or
- 1.2 metres if transparent. (A transparent fence has an open to solid ratio of not less than 1:3)

Posts or piers may be permitted to exceed this height.

High hedges along the entire front boundary are not

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
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encouraged, although shrub plantings are desirable.  
Refer also to design element 4.1.5.



## 4.5 Access and Parking

### OBJECTIVES

- To encourage the integrated design of vehicle access and functional car parking facilities to minimise adverse visual and environmental impacts on the streetscape.
- To minimise stormwater run off from driveway surfaces.
- To minimise the extent of hard surfaces forward of the building line.

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
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#### 4.5.1 Number of car spaces

The number of on-site parking spaces provided should be in accordance with Council's code,

Provision of more than 2 car spaces is discouraged in locations where there is availability of public transport.

Council's Car Parking Code requires the provision of 2 spaces 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.

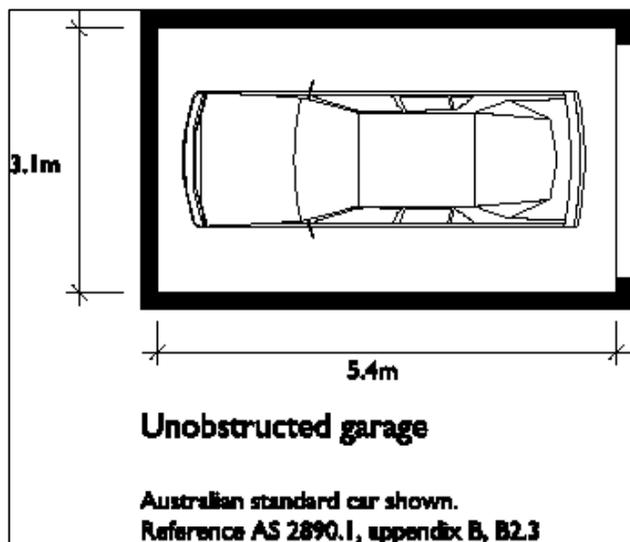
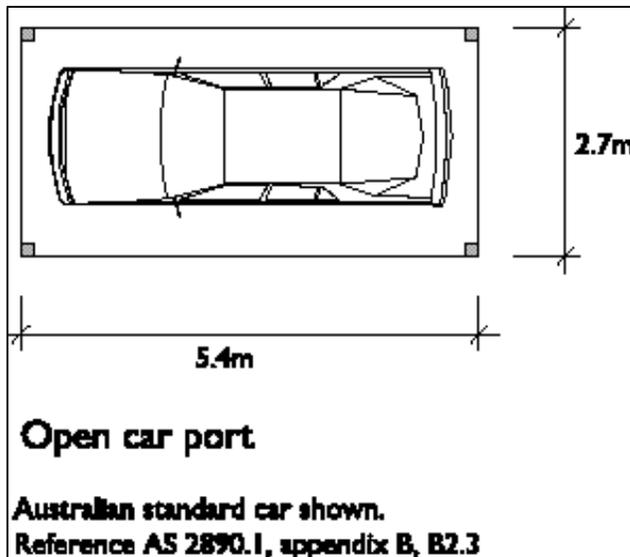
#### 4.5.2 Size of Car Spaces

Car spaces need to be of sufficient size to accommodate a standard vehicle.

The size of parking spaces/structures must reflect:

- functional requirements;

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
	<ul style="list-style-type: none"> <li>the amount of space available (for example having regard to the location of existing buildings or trees); and</li> <li>bulk/scale relationship with existing development on-site and adjacent.</li> </ul> <p>Council's Car Parking Code specifies the appropriate dimensions of a residential parking space to be:</p> <ul style="list-style-type: none"> <li>Open car port 2.7 x 5.4 m</li> <li>Unobstructed garage 3.1 x 5.4 m</li> </ul> <p>Note: The area of garages in excess of 31 sq metres is included in floor space calculations. See Section 4.2.1.</p>



ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<p><b>4.5.3 Design of Carports and Garages</b>  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.  Carport and garage structures should not dominate the site or the streetscape.</p>	<ul style="list-style-type: none"> <li>• The parking space, whether covered or uncovered, must be located at or behind: <ul style="list-style-type: none"> <li>- the required front setback specified in this DCP, or</li> <li>- the building line defined by the existing dwelling where the dwelling is being retained, whichever is the lesser.</li> </ul> </li> <li>• However, Council will consider a reduced setback for parking spaces on steeply sloping sites.</li> <li>• Where owing to limited side setback space (less than 3.6 metres) or topographical constraints it is not possible to locate the parking space behind the minimum permissible setback or the building line: <ul style="list-style-type: none"> <li>- the structure must be open sided;</li> <li>- the structure must be located at the maximum possible distance from the front property boundary; and</li> <li>- the design of the structure must be of a scale and form that is compatible with the streetscape character.</li> </ul> </li> </ul> <p><b>Note:</b> Tandem parking in the side setback may be required.</p> <ul style="list-style-type: none"> <li>• 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 <b>lesser</b>.</li> <li>• The parking space must be designed in accordance with AS2890.1:2004 or any standard that replaces it.</li> <li>• If the parking space is roofed, the structure must compliment the design of the dwelling.</li> </ul> <p><b>Note:</b> scale, form and design will be considered in assessing this control.</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>
<p><b>4.5.4 Location of Parking Structures</b>  The location of carports or garages needs to consider existing trees, structures on adjacent sites, streetscape, visual</p>	<ul style="list-style-type: none"> <li>• All new driveways and services shall be located so as to enable preservation of existing site or street trees to which Council's</li> </ul>

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<p>character and heritage issues.</p>	<p>Tree Preservation Order applies;</p> <ul style="list-style-type: none"> <li>• where a site has frontage to more than one road and/or service land, access must be obtained from: <ul style="list-style-type: none"> <li>- the road or service lane that is lower on the road hierarchy, and/or</li> <li>- the road or service lane that carries the lower volume of traffic.</li> </ul> </li> </ul> <p><b>Note:</b> Road hierarchy and traffic volumes will be determined by Council at its discretion.</p> <ul style="list-style-type: none"> <li>• if the garage / carport is to be located at the rear property boundary, it must be set back at least 2 metres from the rear property boundary;</li> <li>• driveways must not be located directly opposite high-use accessways;</li> <li>• driveways must not be located within 6m of an intersection.</li> </ul>
<p><b>4.5.5 Access</b></p> <p>Vehicular movement to and from the site should be designed to reduce potential conflict with street traffic and pedestrians and optimise safety.</p> <p>Access arrangements should retain the heritage significance of heritage items and their settings and the heritage significance of conservation areas. Stormwater detention tanks are not to impede vehicular access.</p>	<ul style="list-style-type: none"> <li>• Wherever possible, driveways must be located so that driver and pedestrian sight lines are clear.</li> <li>• The driveway must be designed so that vehicles may exit the property in a forward direction where: <ul style="list-style-type: none"> <li>- the access is located on a major roadway (as defined in Appendix 1 [as in Child Care Centres DCP]); or</li> <li>- the property is a battleaxe allotment; or</li> <li>- sight lines are restricted (such as at curves or crests).</li> </ul> </li> <li>• Where turning areas are provided, they must be designed to permit on-site turning in not more than a single reversing movement.</li> </ul>
<p><b>4.5.6 Driveways</b></p> <p>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.</p> <p>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.</p>	<p>Not more than one driveway may be established on any property with a front width of less than 20 metres.</p> <p>Not more than two driveways may be established on any property.</p> <p>The crossing width for any driveway, as measured at the front site boundary, must not exceed 3.5 metres.</p> <p>If the driveway is located in an urban conservation area, the driveway must consist of two strips with turf between them (rather than a wide concrete strip).</p>

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
	<p>The desirable maximum gradient for a driveway is 20%. In extreme circumstances gradients up to 25% may be considered.</p> <p>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 Council's Tree Preservation Order.</p> <p>Council may require a narrower width where trees may be adversely affected.</p> <p>A width in excess of 3.5 metres is not permitted unless site conditions require car parking accommodation to be provided close to the front boundary.</p> <p>Where long driveways are proposed consideration should be given to curving the entrance to the street.</p> <p>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.</p> <p><b>Note:</b> Driveways shall be designed in accordance with Council's engineering specifications and Car Parking Code.</p>

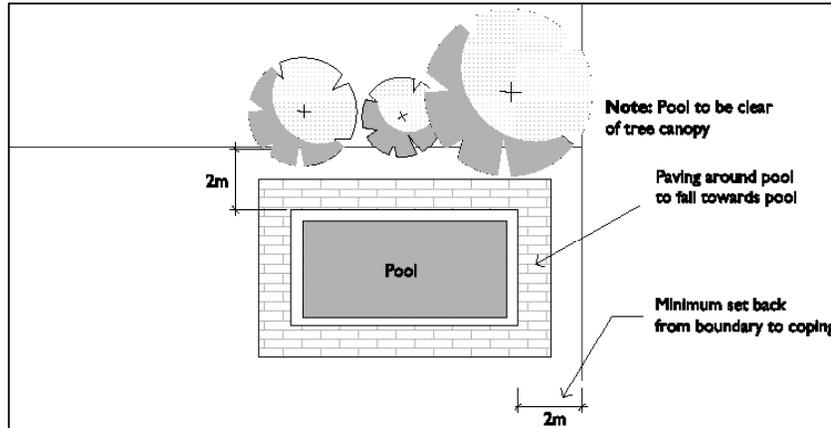
#### 4.6 Ancillary Facilities

##### OBJECTIVES

- a. To ensure that ancillary facilities are integrated into the landscape and are unobtrusive to neighbours and the public domain.
- b. To ensure ancillary facilities are adequate, and well designed and located. Refer to glossary in this DCP for definition of "Ancillary Facilities".
- c. Reasonable provision should be made on site and within the site plan for the provision of Ancillary Facilities.

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<p><b>4.6.1 Swimming Pools/Spas &amp; Enclosures</b> 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</p>	<p>This must be achieved by ensuring that the swimming pool/spa coping is sited a minimum of 2 metres from the property boundary.</p> <p>Refer to Section 4.3.1. for Landscaping</p>

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<p>noise, glare, and visual intrusion.</p> <p>Enclosures will be included in floor space ratio calculations and built upon area calculations.</p> <p>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.</p> <p>Swimming pools should be sited to minimise the impact on existing trees both on site and on adjoining properties.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>requirements.</p> <p>The pool coping level must not be more than 500mm above existing ground level at any point.</p> <p>On steeply sloping sites, levels greater than 500mm will be considered subject to increased setbacks and landscaping to protect the amenity and privacy of neighbouring properties.</p> <p>Pool excavation should not be beneath the canopy of trees subject to Council's Tree Preservation Order.</p> <p>Paving adjoining pool areas should be porous where it lies beneath an existing tree canopy.</p> <p>This must be achieved by:</p> <ul style="list-style-type: none"> <li>• connecting backwash to the sewer; or</li> <li>• installing a surface drain to collect overflow stormwater; or</li> <li>• ensure the immediate pool surrounds slope toward the pool; or</li> <li>• other acceptable design solutions approved by Council.</li> </ul> <p>Consideration must be given to:</p> <ul style="list-style-type: none"> <li>• amenity of the pool in terms of access to sunlight;</li> <li>• relationship to trees;</li> <li>• provision of insulation;</li> <li>• choice of colour;</li> <li>• use of solar powered heating systems.</li> </ul> <p>This must be achieved by the installation of an independent pumping system with an appropriate hose.</p> <p>Refer to Council's policy Swimming Pool Safety (new pools or existing pools).</p>



**4.6.2 Tennis Courts**

The tennis court should be located to ensure that there is sufficient area between the court and the property boundary to:

- minimise potentially adverse impacts such as noise, overlooking and visual intrusion.
- Provide sufficient area for appropriate landscaping.

The tennis court should be located and designed to avoid :

- the removal of trees protected by Council's Tree Preservation Order on site, on adjacent sites, or on the nature strip;
- 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.

Cut and fill 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.

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

This must be achieved by:

- ensuring a distance of at least 3 metres between the court and the property boundary; and
- planting trees and tall shrubs between the tennis court and the property boundary.

Refer to Council's Policy Tennis Courts, Half Courts and Sports Patios.

Refer to design element 4.2.15.

Refer to Council's Policy on Tennis Courts, Half Courts or Sports Patios.

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<p>gardens and natural bushlands.</p> <p>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.</p> <p>Lighting of tennis courts for night tennis will generally not be permitted.</p>	<p>This must be achieved by maintaining a minimum distance of 5 metres between the tennis court boundary and habitable rooms of any dwelling.</p> <p>Reference should be made to Council's Policy on Tennis Courts, Half Courts or Sports Patios.</p>
<p><b>4.6.3 Out-buildings</b></p> <p>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.</p> <p>Outbuildings (including garages) should be designed so as not to exceed a single storey. All outbuildings will be included in both floor space ratio calculations and built upon area calculations.</p> <p>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.</p> <p>Air conditioning enclosures are also required to ensure that noise levels do not exceed 5dba above the background noise level when measured at the nearest residential property boundary.</p> <p>Any fan forced air from these units should not be directed on to plants so as to cause them stress.</p>	<p>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.</p> <p>A minimum setback of 2 metres from boundaries is to apply for any building with a wall height exceeding 2 metres relative to the ground level at the boundary.</p>
<p><b>4.6.4 Other Site Facilities</b></p> <p>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.</p>	<p>This may be achieved by:</p> <ul style="list-style-type: none"> <li>• the undergrounding of utilities.</li> <li>• Council will require that no clothes lines or similar structures shall be visible from the street.</li> </ul>

## 5. MANAGING CONSTRUCTION OR DEMOLITION

- Site management
- Pollution control
- Waste management
- Tree protection
- Noise control

### 5.1 Site management

#### OBJECTIVE

To minimise site disturbance during construction or demolition in order to preserve the various natural elements and habitats such as soil profile, vegetation, natural rock shelves and watercourses.

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<p><b>5.1.1 Measures to Minimise Site Disturbance</b></p> <p>Site organisation during construction should prevent unwarranted soil compaction, erosion and damage to vegetation.</p>	<p>At a minimum this must be achieved by:</p> <ul style="list-style-type: none"><li>• restricting machinery and vehicle movement to the building footprint and access corridor;</li><li>• excavating from inside the proposed building area to avoid excavation beyond the building area;</li><li>• locating drainage lines close to the building within previously excavated areas;</li><li>• confine storage areas to previously disturbed parts of the site, away from the drip-line of trees to be retained.</li><li>• preparation of a site management plan showing tree protection areas, machinery usage zones, storage area and location of stormwater pollution barriers is to be submitted prior to construction commencing.</li></ul>

### 5.2 Pollution Control

#### OBJECTIVE

To ensure that pollution does not increase as a result of works.

#### You could be fined

Owners and builders are responsible for preventing sediment and any other pollutant leaving a building site and entering the stormwater system. Ku-ring-gai Council has officers who

are authorised under the Protection of the Environment Operations Act 1997 to issue \$1500 on the spot fines. These fines are issued where water is, or is likely to be, polluted.

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<p><b>5.2.1 Air Pollution</b> Air borne particulates and hazardous emissions must be controlled to minimise pollution.</p>	<p>This is achieved by:</p> <ul style="list-style-type: none"> <li>• minimising the area of site disturbance and retaining existing vegetation;</li> <li>• damping dusty sites;</li> <li>• the use of cloth (e.g. shade cloth) around the perimeter of the site to reduce wind speed;</li> <li>• maintaining machinery to manufacturers requirements to reduce hazardous emissions.</li> </ul>
<p><b>5.2.2 Paint &amp; Other Pollutants</b> Paint and other pollutants must be prevented from entering stormwater systems, local creeks and waterways.</p>	<p>This is achieved by:</p> <ul style="list-style-type: none"> <li>• washing brushes with water-based paint over grass or soil, but never the sink, pathways or where it may enter the stormwater system;</li> <li>• putting used solvents, cleaners and paints in suitable containers and taking them to special collection centres; and</li> <li>• ensuring that sawdust, stripped paint and plaster are not hosed or swept into the gutter or stormwater system.</li> </ul>

### 5.3 Resource Waste Management

#### OBJECTIVE

To save resources by minimising waste at the construction stage.

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<p><b>5.3.1 Measures to Save Resources and Minimise Waste</b> A complete waste management plan must be submitted to Council at application stage.</p> <p>Consideration should be given to appropriate purchasing policies and project management requirements that minimises trade waste.</p> <p>Opportunities to re-use building materials should be maximised.</p> <p>Opportunities to recycle building materials should be maximised.</p>	<p>This should be achieved by:</p> <ul style="list-style-type: none"> <li>• ordering the right quantities of materials;</li> <li>• prefabrication of materials;</li> <li>• careful consideration of design to reduce the need for off-cuts; and</li> <li>• co-ordination and sequencing of various trades.</li> </ul> <p>Careful source separation of off-cuts and surplus materials to facilitate re-use, resale or recycling.</p> <p>If properly source separated and kept uncontaminated, construction waste is nearly</p>

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<p>Measures to minimise site disturbance and limit unnecessary excavation (particularly near trees and significant shrubs) should be provided.</p> <p>Opportunities to reduce waste through the choice of landscaping should be maximised.</p>	<p>100% recyclable. This includes for example bricks, tiles, steel, non-ferrous metals, glass, paper, concrete and cardboard packaging material.</p> <p>Good site management involves allocating areas of the site for specific purposes such as the storage of materials, stockpiling of top soil, vehicle movement as well as nominating "no go" areas to protect trees and other site vegetation.</p> <p>This may be achieved by:</p> <ul style="list-style-type: none"> <li>• re-using weed free vegetation and disease free soil stock piled during construction;</li> <li>• re-using existing paving, garden ornaments, plants etc in landscape works;</li> <li>• chipping vegetation that is removed for future use as mulch in garden areas.</li> </ul>

## 5.4 Tree protection

### OBJECTIVE

To ensure the protection of existing trees from any impacts of construction nearby.

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<p><b>5.4.1 Tree Protection Measures</b></p> <p>Appropriate measures shall be implemented and maintained to ensure the long term preservation of trees to be retained.</p> <p><b>Note:</b> Tree protection measures shall be installed as per the development application conditions of consent.</p>	<p>This can be achieved by:</p> <ul style="list-style-type: none"> <li>• installing tree protective fence, preferably galvanised pipe at 2.4m spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8m. Alternatively, star pickets at 2.4m spacings and connected by three strands of 2mm wire at 300mm spacings, to a minimum height of 1.5m.</li> <li>• installing trunk protection where fencing is impossible, by placement of 2.0m lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings;</li> <li>• installing temporary measures to avoid soil compaction (eg. Rubble boards, gravel beds, mulching);</li> <li>• ensuring no storage, disposal of materials or movement of construction vehicles beneath the canopy spread of any tree.</li> </ul>

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
	<p><b>Note:</b> Where there are significant existing trees which have been identified for retention, a Tree Protection Bond may be required to ensure they</p> <p>are maintained in the same condition as found prior to commencement of site development work.</p>

## 5.5 Noise control

### OBJECTIVE

To protect the amenity of the surrounding locality by ensuring that persons living or working in the neighbourhood of the building site are not exposed to offensive noise or noise at unreasonable hours.

ASSESSMENT CRITERIA	DESIGN REQUIREMENTS
<p><b>5.5.1 Construction Hours</b> Working hours on all building sites should be restricted to ensure that noise is not generated outside approved working hours.</p>	<p>Working hours are to be restricted between the hours of 7.00 am and 5.30 pm Mondays to Friday inclusive and between 8am and 12 noon on Saturdays. No work shall be performed on Sundays or Public Holidays.</p>
<p><b>5.5.2 Noise limits</b> Noise generation limits should be set to ensure that nuisance does not occur. Construction activity to be in accordance with EPA guidelines.</p>	<p>Reference should be made to Council's Code for the control of noise on building sites.</p> <p><b>Note:</b> Additional requirements may be imposed where excavation of shale or rock is required.</p>

## 6. REFERENCES

Australia ICOMOS, 1979, Charter for the Conservation of places of cultural significance (The Burra Charter) Building Code of Australia, 1996.

Commonwealth Department of Housing and Regional Development, 1995, AMCORD – a national resource document for residential development, Canberra.

Councils of the Lane Cove River Catchment, Keep it clean – a guide to sediment control on small building sites. (brochure)

Department of Urban Affairs and Planning, 1996, NSW Code: a guide to performance codes for multi-unit housing.

Department of Urban Affairs and Planning, 1996, Environmental Planning for ESD.

Department of Urban Affairs and Planning, 1996, Resource Guide for Best Management Practices to control diffuse source water pollution in the Hawkesbury Nepean Catchment.

Environmental Planning and Assessment Act, 1979 & Regulation.

Environment Protection Authority, 1996,  
Managing Urban Stormwater – Construction activities, Draft.

Heritage Office and Department of Urban Affairs and Planning, 1996, Statements of Heritage impact.

Ku-ring-gai Council:

Planning Scheme Ordinance, 1971 as amended

Code for the control and regulation of noise on building sites, 1989

DA Guide 2004

DCP 43 – Car Parking

DCP 46 – Exempt & Complying Development

Domestic Rainwater Tank Installation Protocol, 1990

Energy Efficient Housing Policy, 1995

Heritage Conservation in Ku-ring-gai: Guidelines for development.

Bushfire Management Policy, 1998.

Landscape and planting guidelines for fire prone areas of Ku-ring-gai.

Landscape Management Policies, 1996

Notification Policy, 1996

Preparing a Landscape Plan, 1990

Statement of Policy and Schedule of Information required by Council in respect of Applications for the erection of Tennis Courts, Half Courts or Sports Patios, 1994.

Stormwater Management Manual, 1993.

Swimming Pool Safety – Existing Pools.

Swimming Pool Safety – New Pools.

Tree Preservation Order, 1995

Trees for Ku-ring-gai on Sandstone derived soils

Trees for Ku-ring-gai on Shale derived soils

Weed Management Policy.

Local Government Act, 1993 and Regulations

MA Schell & Assoc. 1996-7 Visual Character Study – Stages 1- 3, for Ku-ring-gai Council – unpublished.  
State Environmental Planning Policy No 19 – Bushland in Urban Areas.  
State Environmental Planning Policy No 44 - Koala Habitat.  
Swimming Pools Act 1992  
Threatened Species Conservation Act, 1995

## 7. GLOSSARY

**Amenity features**, facilities or services of a house, estate or district which make for a pleasant and comfortable life.

**Ancillary Facilities** in the context of the residential dwelling includes but is not limited to such related facilities as a swimming pool, outbuilding, pergola, patio, pathway, driveway and tennis court.

**Biodiversity** the variety of life forms, plants, animals and micro organisms. It is usually considered at three levels: genetic diversity; species diversity; and ecosystem diversity (See also Ecologically Sustainable Development).

**Building height plane** spatial area calculated by projecting an angle of 45 degrees over the actual land to be built upon, from a vertical height of 3 metres above ground level at any boundary of the site.

**Building line** the line of the principal building on the site that is closest to the front property boundary.

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

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

**Character** the expression of qualities which distinguishes one thing from others; a significant landscape or streetscape feature.

**Cut and fill** excavation or filling works undertaken to alter the slope of the land.

**Complying Development** is local development that can be addressed by specified predetermined development standards where provided for by an environmental planning instrument.

**Conservation** all the processes of looking after a place so as to retain its cultural significance. It includes maintenance and may according to circumstance include preservation, restoration, reconstruction and adaptation and will be commonly a combination of more than one of these. (Source: The Burra Charter).

**Conservation area** means an area of heritage significance, being the land shown edged with a heavy black broken line and marked "Conservation Area" as identified on the map marked "Ku-ring-gai (Heritage Conservation) Local Environmental Plan No. 1" deposited in the office of the Council (Note: For the purposes of DCP 38 this includes other subsequent Heritage Conservation Local Environmental Plans).

**Demolition** in relation to a building or work, means the damaging, defacing, destruction, pulling down or removal of the building or work, in whole or part.

**Design elements** the main issues to be considered in the design process.

**Design suggestions** examples of how a proposal may satisfy one or more of the assessment criteria. There may be several design solutions.

**Development** the erection of any building, the carrying out of any work in, on, over or under the land, the use of the land or building or work thereon and the subdivision of land.

**Development Control Plan (DCP)**

document prepared in accordance with the Environmental Planning and Assessment Act 1979 and regulations.

**Development standards** provisions in an environmental planning instrument which specify requirements that a particular development must achieve.

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

**Ecologically sustainable development (ESD)** development that uses, conserves and enhances the community's resources so that ecological processes, on which life depends, are maintained and the total quality of life now and in the future can be increased. (Source: National Strategy for Ecologically Sustainable Development, 1992) ESD is essentially about creating a system which is self sustaining in the long term. It is more a process than a product. It incorporates conservation principles and practices into the development process, so that a sustainable balance between environmental and economic objectives can be achieved. There are three principles that can assist in achieving ESD: the precautionary principle: if there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation; inter generational equity: the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations; and the conservation of biological diversity and ecological integrity.

**Enhance** to raise to a higher degree, intensify, magnify; to raise the value.

**Environment** the conditions and influences under which any species lives or develops (natural, built or social).

**Exempt Development** an environmental planning instrument may provide that development of a specified class or description; that is of minimal environmental impact, is exempt development. If development is exempt development;

- a. the development may be carried out, in accordance with the instrument, on land to which the provision applies without the need for development consent, unless that land;
  - i. is critical habitat, or
  - ii. is, or is part of, a wilderness area (within the meaning of the Wilderness Act 1987), and
- b. Part 5 of the Environmental Planning and Assessment Act 1979 does not apply to the development.

**Floor Space** (see Total Floor Space Area)

**Floor Space Ratio** in relation to a site, means the ratio of the total floor space area of any building or buildings to the site area of the development which contains or comprises the building or buildings.

**Ground level** the level of a site before development is carried out on the site under this plan. This does not include any level that has been created without the approval of the Council where this would otherwise be required.

**Habitable room** a room (other than a bathroom, laundry, water closet or the like) that is designed, constructed or adapted for the activities normally associated with domestic living.

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

**Heritage item** a building, work, relic, tree or place of heritage significance described in schedule 7 of the Ku-ring-gai Planning Scheme Ordinance or identified on the Heritage Map (Ku-ring-gai (Heritage Conservation) Local Environmental Plan No 1) and subsequent (Heritage conservation) Local Environmental Plans.

**Indigenous canopy tree** a native species which naturally occurs on the parent soil material pertaining to the site, attaining a height of at least 13 metres, or 10 metres in sandstone areas.

**Integrated Development** is development (not being complying development) that, in order to be carried out, requires development consent and an approval under one of the following Acts in order to be carried out:

- Fisheries Management Act 1994;
- Heritage Act 1977;
- Mine Subsidence Act 1961;
- National Parks and Wildlife Act 1974;
- Rivers and Foreshores Improvement Act 1948;
- Roads Act 1993;
- Soil Conservation Act 1938;
- Waste Minimisation and Management Act 1995; or
- Water Act 1912.

**Landscape area (hard, soft)** all outdoor areas, including:

- hard landscape area - all paved outdoor areas, decks, driveways, pools and tennis courts, which forms part of the built upon area.
- soft landscape area - the area planted with gardens, trees, lawns and includes remnants of the natural landscape.

**Living areas** means a room used for normal domestic activities excluding non habitable rooms and bedrooms. This may include for example, lounge room, family room, study or dining room.

**Local Development** where an environmental planning instrument provides that specified development may not be carried out except with development consent, a person must not carry the development out on land to which the provision applies unless;

- a) such a consent has been obtained and is in force; and
- b) the development is carried out in accordance with the consent and the instrument.

Such development is local development (unless it is a State significant development).

**Objectives** statements that define intent.

**Performance based approach** the means of achieving an objective based on the desired outcomes, rather than specific numerical standards.

**Prescriptive standards** specific numerical requirements.

**Private open space** an area of land, balcony or roof terrace suitable for the private outdoor living activities of the occupants of a dwelling.

**Public place** includes roadway, public reserve, national park, waterway or other open space accessible to the general public.

**Roof Height** is the measure of the distance from ridge level to the ceiling level immediately below. In the case of raised or cathedral ceilings the springer level is taken as the ceiling level.

**Setback** the distance between the boundaries of a site and the external wall of a building erected or proposed to be erected.

**Site analysis** the process of identifying and analysing key features of the site and immediate surroundings to assist in understanding how future dwellings will relate to each other and to their locality.

**Site area** the area of land contained within the title boundaries of the site or the area of land to which an application for consent relates. It excludes an access corridor to the site, such as the area of any access handle in the case of hatchet (battle-axe) shaped lots.

**Storey** for the purposes of this DCP a storey shall include habitable floor level, any garage or basement level and subfloor areas exceeding 1.0 metre in height above natural ground level.

**Total floor space area** means the sum of the areas of each floor of the building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1400millimetres above each floor level, but excluding:

- a) columns, fin walls, sun control devices, awnings and any other elements, projections or works outside the general lines of the outer face of the external walls; and
- b) lift towers, cooling towers, machinery and plant rooms, ancillary storage space and air conditioning ducts; and
- c) car parking needed to meet any requirements of the Council and any designated internal vehicular or pedestrian access thereto; and
- d) space for the loading and unloading of goods; and
- e) internal public arcades and thoroughfares, terraces and balconies with outer walls less than 1400millimetres high.

(Note: For the purposes of DCP 38 –

- i. the car parking needed to meet Council's requirements in Paragraph (c) is a maximum area of 31m<sup>2</sup>.
- ii. the maximum terrace and balcony areas to meet Council's requirements in Paragraph (e) is 15m<sup>2</sup> when erected above ground level.)

**Tree** a woody plant greater than 5 metres in height or with a branch spread exceeding 4 metres.

**Visually prominent site** includes ridgetop locations, escarpments, environmentally sensitive sites on sloping land, elevated corner allotments and any site that has the potential to degrade visual amenity.

## **APPENDIX A**

### **Visual Character**

#### **Background**

The first stages of a Visual Character Study of Ku-ring-gai have been undertaken by MA Schell and Associates. The study is being carried out to identify 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.

It is anticipated that future stages of the study will include assessment of Ku-ring-gai on a street by street basis.

#### **Relationship between the Visual Character Study and this DCP.**

The Visual Character Study describes the existing character of Ku-ring-gai 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;
- original accommodation for one or two cars within or attached to the main structure of the residence; and
- a prevalence of younger deciduous ornamental street tree plantings (mostly Liquidambar) and an increase in the more informal bushland vegetation often associated with an outlook to nature reserves and national parks, marking the final extent of housing within Ku-ring-gai.

**Note:** The boundary between this character category and the next is very indistinct as a result of redevelopment.

#### 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-de-sac 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
<p><b>Pre 1920's</b></p> <ul style="list-style-type: none"> <li>• Style of residence and consistency of building materials in any alterations and additions visible from the street.</li> <li>• Open space all around residence.</li> <li>• Established gardens and mature street trees</li> <li>• Original fences and gateways.</li> <li>• Original entry lights.</li> <li>• Original circular driveways, if present.</li> <li>• Existing kerb and gutter regime.</li> <li>• Remnant forest vegetation.</li> </ul> <p><b>1920-1945</b></p> <ul style="list-style-type: none"> <li>• Style of residence and consistency of building materials in any alterations and additions visible from the street.</li> <li>• Open space proportions.</li> <li>• Established gardens and mature street trees.</li> <li>• Original fencing and gateways.</li> <li>• Original circular driveway, if present.</li> <li>• Existing kerb and gutter regime.</li> <li>• Vegetation grid pattern and remnant forest vegetation.</li> </ul> <p><b>1945-1968</b></p> <ul style="list-style-type: none"> <li>• Style of residence and consistency of building materials in any alterations and additions visible from the street.</li> <li>• character of streetscape.</li> <li>• Natural features including rock outcrops, creeklines, native vegetation.</li> </ul> <p><b>Post 1968</b></p> <ul style="list-style-type: none"> <li>• Style of residence and consistency of building materials in any alterations and additions visible from the street.</li> <li>• Native and informal private gardens and streetscapes.</li> <li>• Natural features including rock outcrops, creeklines, native vegetation.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduced setback.</li> <li>• Removal of established gardens and mature trees.</li> <li>• Overshadowing of neighbours established gardens.</li> <li>• Car accommodation for more than one car visible from the street.</li> <li>• Weatherboard or fibro additions to brick houses.</li> </ul> <ul style="list-style-type: none"> <li>• Reduced setback.</li> <li>• Overshadowing of neighbours established gardens.</li> <li>• Car accommodation for more than one car visible from the street.</li> </ul> <ul style="list-style-type: none"> <li>• Front fences.</li> <li>• Overshadowing of neighbours established gardens.</li> <li>• Car accommodation for more than one car visible from the street.</li> </ul> <ul style="list-style-type: none"> <li>• Front fences</li> <li>• Building of more than two storeys above street level</li> <li>• Car accommodation for more than one car visible from the street.</li> </ul>

## Visual Character

Please note:  
A more detailed  
map is available at  
Council Chambers

-  Character before 1920
-  Character between 1920 and 1945
-  Character between 1945 and 1968
-  Character after 1968





## **APPENDIX B**

### **Guidelines for Preparing Landscape Documentation**

#### **LANDSCAPE PLAN/SCREEN PLANTING PLAN / TREE PLANTING PLAN**

The following information must be shown on the Landscape Plans, Screen Planting Plans and Tree Planting Plans:

##### **GENERAL**

- A Title Block containing the:
  - title of the plan and a plan reference number
  - location and address of the property
  - applicants name
  - name, address and telephone number of the Landscape Architect or Landscape Designer
- Scale of the plan at 1:100 or 1:200 (other scales are unacceptable)
- North point
- Date of drawing completion
- Development Application number.

##### **EXISTING ELEMENTS**

- Site Boundary, fences, driveways, existing buildings, paving, retaining walls and any other structures (such as pools and tennis courts).
- Existing ground levels as spot heights or contours over the entire site and at adjoining boundaries. Existing spot levels shall be shown at the base of existing trees.
- Existing trees and vegetation with a height greater than 5m or having a canopy spread of 4m or greater (including Botanical Name, trunk position and canopy spread) for the site, as well as any tree which canopy extends from neighbouring properties, or the nature-strip.
- Existing trees on neighbouring properties with the canopy spread overhanging the site (including Botanical Name, trunk position and canopy spread).
- Any natural landscape feature such as rock outcrops or creeks.
- Direction of existing drainage flow.
- All services/utilities on or adjacent to the site including, water, gas, electricity, sewer, stormwater lines or easements etc.

##### **PROPOSED ELEMENTS**

- New buildings or additions and alterations and associated works such as pool, fences, pergolas, retaining walls, steps, paving, garden edging, services/utilities, lighting, surface materials and finishes.
- Proposed ground levels as spot heights or contours over the entire site and at adjoining boundaries.
- Drainage details locating proposed on-site detention system and drainage pipes.
- Direction of proposed drainage flow.
- Location of each proposed plant species.
- Existing trees to be retained or removed.
- Plant Schedule to include:
  - Botanical Name
  - Common Name
  - Container/Pot Size
  - Quantity
  - Mature Height and Spread

## LANDSCAPE SPECIFICATION

The Landscape Specification must be provided and read in conjunction with the Landscape Plan, Screen Planting Plan and Tree Planting Plan, to include materials, methods of construction and maintenance.

The landscape specification shall include information on the following:

- Site Preparation
- Tree and Vegetation/Bushland Protection Measures
- Runoff and Erosion Control Measures
  
- Earthworks
- Paving, Edging and Walling
- Planting Soil and Topsoil
- Fertiliser, Compost and Mulch
- Staking and Tying
- Planting Materials
- Turfing
- Plant establishment
- Planting Maintenance

To prepare a **Landscape Plan, Screen Planting Plan and Specification**, Council requires that you choose either a Landscape Architect or Landscape Designer who has either a tertiary degree qualification in Landscape Architecture or a Certificate in Horticulture or Landscaping, or higher. Landscape Architects and Landscape Designers shall be eligible for membership of either the Australian Institute of Landscape Architects or Australian Institute of Landscape Designers and Managers.

To prepare a **Tree Planting Plan and Specification**, Council requires that you choose either a Landscape Architect, Landscape Designer, Arborist or Horticulturalist who has either a tertiary degree qualification in Landscape Architecture or a Certificate in Tree Surgery or Certificate in Horticulture or Landscaping, or higher. Landscape Architects and Landscape Designers shall be eligible for membership of either the Australian Institute of Landscape Architects or Australian Institute of Landscape Designers and Managers. Horticulturalists shall be eligible for membership of the Australian Institute of Horticulture and Arborists shall be eligible for membership of the National Arborists Association of Australia.



## APPENDIX C. 13m High Tree Species List

The trees in this list are known to attain 13 metres in Ku-ring-gai

TREE SPECIES	SOIL TYPE		SOIL MOISTURE			ORIGIN			LEAF DROP	
	Shale	Sand stone	Moist	Dry	Local	Native	Exotic	Evergreen	Deciduous	
<i>Allocasuarina torulosa</i> (Forest Oak)	●		●		●			●		
<i>Acacia elata</i> (Cedar Wattle)	●	●	●		●			●		
<i>Agathis robusta</i> (Queensland Kauri Pine)	●		●			●		●		
<i>Angophora bakeri</i> (Narrow Leafed Apple)	●	●	●	●	●			●		
<i>Angophora costata</i> (Sydney Red Gum)	●	●	●	●	●			●		
<i>Angophora floribunda</i> (Rough Barked Apple)	●		●					●		
<i>Araucaria cunninghamii</i> (Hoop Pine)	●	●	●			●		●		
<i>Araucaria heterophylla</i> (Norfolk Island Pine)	●	●	●			●		●		
<i>Brachychiton acerifolius</i> (Flame Tree)	●		●			●		●	Semi	
<i>Brachychiton discolor</i> (Qld Lacebark)	●		●	●		●		●	Semi	
<i>Carya illinoensis</i> (Pecan Nut)	●		●				●		●	
<i>Cedrus atlantica</i> (Atlantic Cedar)	●		●				●	●		
<i>Cedrus deodara</i> (Himalayan Cedar)	●		●				●	●		
<i>Ceratopetalum apetalum</i> (Coachwood)	●	●	●		●			●		
<i>Citronella moorei</i> (Silky Beech)	●	●	●			●		●		
<i>Corymbia citriodora</i> (Lemon Scented Gum)	●		●		●			●		
<i>Corymbia eximia</i> (Yellow Bloodwood)	●		●	●		●		●		
<i>Corymbia gummifera</i> (Red Bloodwood)	●	●	●	●	●			●		
<i>Corymbia maculata</i> (Spotted Gum)	●	●	●		●			●		
<i>Cryptocarya glaucescens</i> (Native Laurel)	●	●	●			●		●		
<i>Cryptomeria japonica</i> (Japanese Cedar)	●	●	●				●	●		
<i>Diploglottis cunninghamii</i> (Native Tamarind)	●	●	●			●		●		
<i>Doryphora sassafras</i> (Sassafras)	●	●	●		●			●		
<i>Elaeocarpus kirtonii</i> (Pigeonberry Ash)	●	●	●			●		●		
<i>Eucalyptus acmenioides</i> (White Mahogany)	●		●		●			●		
<i>Eucalyptus globoidea</i> (White Stringybark)	●		●		●			●		
<i>Eucalyptus microcorys</i> (Tallowood)	●	●	●		●			●		
<i>Eucalyptus paniculata</i> (Grey Ironbark)	●		●		●			●		
<i>Eucalyptus pilularis</i> (Blackbutt)	●		●		●			●		
<i>Eucalyptus punctata</i> (Grey Gum)		●		●	●			●		
<i>Eucalyptus racemosa</i> (Scribbly Gum)		●		●	●			●		
<i>Eucalyptus resinifera</i> (Red Mahogany)	●		●		●			●		

TREE SPECIES	SOIL TYPE		SOIL MOISTURE			ORIGIN			LEAF DROP	
	Shale	Sand stone	Moist	Dry	Local	Native	Exotic	Evergreen	Deciduous	
<i>Eucalyptus saligna</i> (Sydney Blue Gum)	●		●		●			●		
<i>Eucalyptus seeberi</i> (Silvertop Ash)		●		●	●			●		
<i>Fagus sylvatica</i> (European Beech)	●		●				●		●	
<i>Flindersia australis</i> (Crow's Ash)	●		●			●		●		
<i>Jacaranda mimosifolia</i> (Jacaranda)	●		●				●		Semi	
<i>Liriodendron tulipifera</i> (Tulip Tree)	●		●				●		●	
<i>Magnolia grandiflora</i> (Bull-bay Magnolia)	●		●				●	●		
<i>Michelia champaca</i> (Golden Champaca)	●		●				●	●		
<i>Metasequoia glyptostroboides</i> (Dawn Redwood)	●		●				●		●	
<i>Nageia falcata</i> (Outeniqua yellow-wood) syn. <i>Podocarpus falcatus</i>	●		●				●	●		
<i>Nyssa sylvatica</i> (Tupelo)	●	●	●				●		●	
<i>Pinus patula</i> (Mexican Pine)	●	●	●	●			●	●		
<i>Platanus x hybrida</i> (Plane Tree)	●		●				●		●	
<i>Platanus orientalis</i> (Oriental Plane Tree)	●		●				●		●	
<i>Podocarpus elatus</i> (Brown Pine)	●		●			●		●		
<i>Pyrus calleryana</i> (Chinese Wild Pear)	●		●				●		●	
<i>Pyrus ussuriensis</i> (Manchurian Pear)	●		●				●		●	
<i>Quercus coccinea</i> (Scarlet Oak)	●		●				●		●	
<i>Quercus palustris</i> (Pin Oak)	●		●				●		●	
<i>Quercus rubra</i> (Red Oak)	●		●				●		●	
<i>Syncarpia glomulifera</i> (Turpentine)	●	●	●		●	●		●		
<i>Syzygium floribunda</i> (Weeping Lillypilly)	●		●			●		●		
<i>Syzygium francisii</i> (Francis Water Gum)	●		●			●		●		
<i>Syzygium paniculatum</i> (Brush Cherry)	●		●			●		●		
<i>Toona ciliata</i> (Red Cedar)	●	●	●			●			●	
<i>Ulmus parvifolia</i> (Chinese Elm)	●		●				●		●	
<i>Zelkova serrata</i> (Zelkova)	●		●				●		●	

## APPENDIX D

### Screen Planting Species List

#### Screening plants to 3 metres in height

*Brunfelsia pauciflora* (Yesterday, Today and Tomorrow)  
*Camellia japonica* (Japanese Camellia)  
*Ceanothus papillosus* (Ceanothus)  
*Cestrum nocturnum* (Night-scented Jessamine)  
*Coprosma repans* 'Marble Queen' (Coprosma)  
*Dodonaea viscosa* (Sticky Hop Bush)  
*Dodonaea viscosa* 'Purpurea' (Purple-leafed Sticky Hop Bush)  
*Elaeagnus pungens* (Japanese Oleaster)  
*Escallonia x iveyi* (Escallonia)  
*Euonymus japonicus* (Japanese Spindle Tree)  
*Grevillea banksii* (Grevillea)  
*Grevillea caleyi* (Grevillea)  
*Grevillea* 'Honey Gem' (Grevillea)  
*Grevillea hookeriana* (Grevillea)  
*Kalmia latifolia* (Mountain Laurel)  
*Kunzea ambigua* (Tick Bush)  
*Leptospermum laevigatum* (Coast Tea-Tree)  
*Loropetalum chinense* (Fringe Flower)  
*Melaleuca hypericifolia* (Red-flowered Honey Myrtle)  
*Melaleuca nesophila* (Showy Honey Myrtle)  
*Michelia figo* (Port Wine Magnolia)  
*Murraya paniculata* (Orange Jessamine)  
*Myoporum floribundum* (Slender Myoporum)  
*Osmanthus fragrans* (Osmanthus)  
*Photinia glabra* 'Rubens' (Photinia)  
*Rhondeletia amoena* (Rhondeletia)  
*Rothmania globosa* (Rothmania)  
*Syzygium wilsonii* (Powderpuff Lillypilly)  
*Tristania nerifolia* (Water Gum)  
*Viburnum odoratissima* (Viburnum)  
*Viburnum tinus* (Laurustinus)  
*Weigelia florida* (Weigelia)

#### Screening Plants to 4.5 metres in height

*Banksia ericifolia* (Heath Baksia)  
*Callistemon viminalis* 'Hannah ray' (Weeping Bottlebrush)  
*Callistemon* 'Harkness' (Bottlebrush)  
*Camellia japonica* (Camellia)  
*Camellia sasanqua* 'Mine No Yuki' (Camellia - white)

*Camellia sasanqua* 'Lucinda' (Camellia - rose pink)  
*Camellia sasanqua* 'Bonanza' (Camellia - deep red)  
*Duranta erecta* (Golden Dewdrop)  
*Escallonia bifida* (Escallonia)  
*Escallonia x exoniensis* (Escallonia)  
*Feijoa sellowiana* (Fruit Salad Plant)  
*Leptospermum petersonii* (Lemon-scented Tea-tree)  
*Melaleuca bracteata* 'Revolution Gold' (Paperbark)  
*Melaleuca bracteata* 'Revolution Green' (Paperbark)  
*Photinia robusta* (Photinia)  
*Pittosporum eugenoides* 'Limelight' (Pittosporum)  
*Pittosporum revolutum* (Yellow Pittosporum)  
*Pittosporum tenuifolium* 'Variegatum' (Pittosporum)  
*Tibouchina* 'Alstonville' (Lasiandra)  
*Xylosma senticosum* (Xylosma)

#### Screening Plants to 6 metres in height

*Arbutus unedo* (Irish Strawberry Tree)  
*Camellia japonica* (Japanese Camellia)  
*Camellia sasanqua* (Chinese Camellia)  
*Ceanothus thyrsiflorus* (Californian Lilac)  
*Ceanothus spinosus* (Redheart)  
*Franklinia axillaris* (Gordonia)  
*Leptospermum laevigatum* (Coast Tea Tree)  
*Melaleuca bracteata* (Paperbark)  
*Melaleuca decora* (Paperbark)  
*Metrosideros kermadecensis*  
*Myoporum laetum* (Ngaio)  
*Photinia x fraseri*  
*Photinia x fraseri* 'Red Robin'  
*Pittosporum revolutum* (Yellow Pittosporum)  
*Pittosporum tenuifolium* (Kohuhu)  
*Pittosporum tenuifolium* 'Variegatum' (Variegated Kohuhu)  
*Pittosporum tobira* (Mock Orange)  
*Syzygium luehmannii* (Small-leaved Lillypilly)

**APPENDIX E**

**Known threatened species, populations and ecological communities**

Table 1: Recorded threatened species		
	SCIENTIFIC NAME	COMMON NAME
<b>Plants</b>	<i>Acacia bynoeana</i>	
	<i>Acacia gordonii</i>	
	<i>Acacia pubescens</i>	
	<i>Callistemon linearifolius</i>	
	<i>Darwinia biflora</i>	
	<i>Deyeuxia appressa</i>	
	<i>Dillwynia tenuifolia</i>	
	<i>Epacris purpurascens</i> var. <i>purpurascens</i>	
	<i>Eucalyptus camfieldii</i>	Heary-leaved Stringybark
	<i>Grevilea caleyi</i>	
	<i>Haloragodendron lusasii</i>	
	<i>Lepospermum deanei</i>	
	<i>Melaleuca deanei</i>	
	<i>Persoonia mollis</i> spp <i>maxima</i>	
	<i>Tetratheca gladulosa</i>	Black-eyed Susan
	<b>Mammals</b>	<i>Chalinolobus dwyeri</i>
<i>Dasyurus macalatus</i>		Spotted-tailed Quoll
<i>Dasyurus viverrinus</i> (locally extinct)		Eastern Quoll
<i>Isoodon obesulus</i>		Southern Brown Bandicoot
<i>Miniopterus schreibersii</i>		Common Bent-wing Bat
<i>Phascolarctos cinereus</i>		Koala
<i>Scoteanax rueppellii</i>		Greater Broad-nosed Bat
<i>Tadarida australis</i>		White-striped Mastif Bat
<b>Birds</b>	<i>Calyptorhynchus lathami</i>	Glossy Black Cockatoo
	<i>Dasyornis brachypterus</i> (locally extinct)	Eastern Bristlebird
	<i>Haematopus fuliginosus</i>	Sooty Oystercatcher
	<i>Lanthamus discolor</i>	Swift Parrot
	<i>Limicola falcinellus</i>	Broad-billed Sandpiper
	<i>Neophema pulchella</i>	Turquoise Parrot
	<i>Nettapus coromandelianus</i>	Cotton Pygmy -Goose
	<i>Ninox strenua</i>	Powerful Owl
	<i>Pandion haliaetus</i>	Osprey
	<i>Pezoporus wallicus</i>	Ground Parrot
	<i>Polytelis swainsonii</i>	Superb Parrot
	<i>Ptilinopus regina</i>	Rose-crowned Fruit Dove
	<i>Ptilinopus superbus</i>	Superb Fruit-Dove
	<i>Puffinus carneipes</i>	Fleshy-footed Shearwater
<i>Sterna albifrons</i>	Little Tern	

Table 1: Recorded threatened species		
	SCIENTIFIC NAME	COMMON NAME
Reptiles	Varnaus rosenbergi	Heath Monitor
Amphibians	Heleioporus australiacus	Giant Burrowing Frog
	Litoria aurea	Green and Golden Bell Frog
	Pseudophryne australis	Red-crowned Toadlet
Invertebrates	Petalura gigantea	Giant Dragonfly
Table 2: Threatened Ecological Communities		
NAME	STRUCTURE	SOIL LANDSCAPE
Blue Gum High Forest	Tall open forest	Ashfield Shale
Sydney Turpentine	Tall open forest	Ashfield Shale
Ironbark Forest	Open forest	Mittagong Formation
Duffys Forest	Open forest	Mittagong Formation / Laterite Soils
Table 3: Significant Vegetation Association		
STRUCTURE	DOMINANT CANOPY	SOIL LANDSCAPE
Tall open forest	Eucalyptus saligna	Mittagong Formation
	E. pilularis	Hawkesbury Sandstone
Open forest	E. saligna	Mittagong formation
	E pilularis	
	Angophora costata	
Low closed forest	Acmena smithi	Volcanic Breccia (basalt)
	Ceratopelalum apelalum	
	Dorphora sassafras	
	Acacia schinoides	
Low woodland	E. leuhmanniana	
	Corymbia gummifera	Hawkesbury Sandstone
Woodland	Angophora bakeri	
	Corymbia gummifera	Mittagong Formation
Table 4: Significant Fauna Colonies		
COLONY	SCIENTIFIC NAME	COMMON NAME
Maternal Colony	Pteropus poliocephalus	Grey-headed Flying fox

If the 8-part Test shows that there is likely to be a significant effect, then a Species Impact Statement (SIS) prepared by a consultant (in accordance with Division 2, Part 6 of the NSW Threatened Species Conservation Act 1995) must be submitted with the development application.

Actions that may have significant impact on a matter of national environmental significance (NES) or significant impact on Commonwealth land must gain Commonwealth approval under the Environment Protection and Biodiversity Conservation Act 1999.

Schedule 1 of the NSW Threatened Species Conservation Act 1995 lists the threatened species, populations and ecological communities.

The Act is available on the Internet at the following address:

[http://www.austlii.edu.au/au/legis/nsw/consol\\_act/tsca1995323/](http://www.austlii.edu.au/au/legis/nsw/consol_act/tsca1995323/)

The National Parks and Wildlife Service collects this type of information, and its website contains profiles of State-listed threatened species:

<http://www.npws.nsw.gov.au>

A number of Nationally threatened species occur throughout Ku-ring-gai.

The Environment Australia website has been developed to assist applicants to determine whether a proposed development may impact a matter of national environmental significance. The website address is:

<http://www.environment.gov.au/epbc>

Contact the Referrals section at Environment Australia on 1800 803 772 for further assistance in this regard.