

## INTRODUCTION

Introduction - How to use this DCP

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## INTRODUCTION

### ***What is a Development Control Plan?***

A Development Control Plan (DCP) is a planning document which provides detailed guidance for the siting, design and assessment of new development.

This DCP establishes a framework for future development in the Ku-ring-gai Local Government Area under the Ku-ring-gai Local Environmental Plan (KLEP).

The intent of the DCP is to provide more detailed provisions for development to achieve the purpose of the KLEP, while not being inconsistent with the provisions of the KLEP.

### ***How to use this DCP***

The planning framework contained in this DCP adopts a place-based planning approach. This is supported by design and environmental **objectives** and detailed **controls** aimed at achieving a high quality built environment, landscape setting and community spaces. These are supported by diagrams and photos.

The numbering of objectives and controls within this DCP are indicative only. The order does not imply any rating or weighting of the objective/control.

#### **1. Objectives**

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

#### **2. Controls**

The design controls demonstrate the preferred ways in which the objectives are to be achieved for improving site and building design. The controls focus on building performance/functionality, form, layout, sustainability and residential amenity.

Council may consider alternate solutions to the controls provided in this DCP where:

- i) the alternate solution is considered to be a reasonable planning outcome; and
- ii) the alternate solution achieves the aims and objectives of that design element.

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

#### **3. Diagrams and Photos**

Diagrams and photos are used to illustrate particular elements sought by the controls. There may be other elements within the photos or diagrams that are not consistent with other controls in the DCP as they are drawn from a variety of locations and development types, not always consistent with the objectives for Ku-ring-gai. The photos and diagrams should therefore only be used for guidance about the particular elements.

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### 4. Hyperlinks

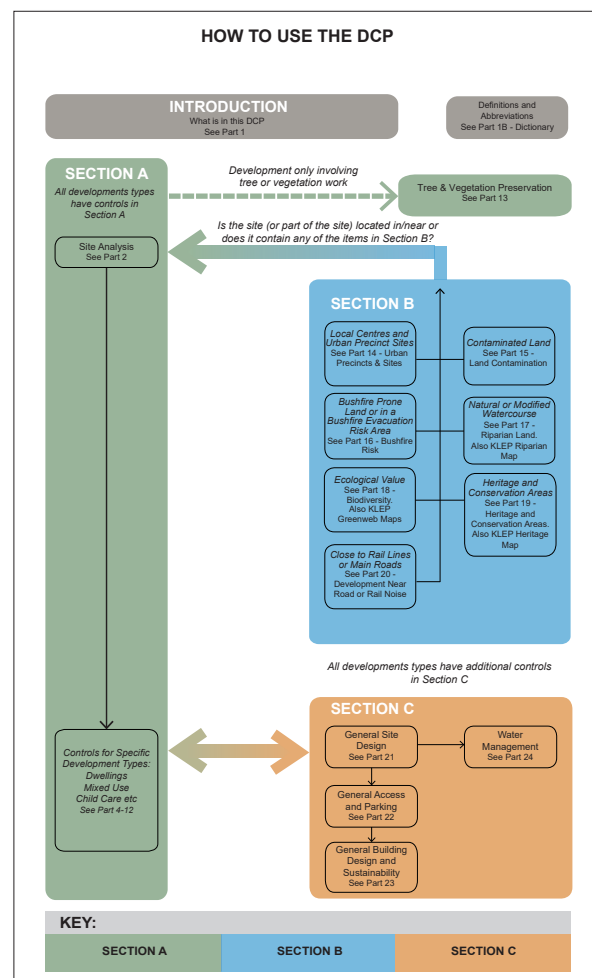
To facilitate easy referencing between different Sections and Parts, hyperlinks in the e-version of the DCP are provided within the coloured boxes at the top of pages, or directly underneath topic headings. The colour of the box is the same as the signature colour of the Section being referenced as indicated in the diagram below.

| Further controls that may apply:           |   |   |
|--|---|---|
| <b>SECTION A</b><br>PART 2 – Site Analysis | <b>SECTION B</b><br>PART 19 – Heritage Conservation Areas | <b>SECTION C</b><br>PART 21 – General Site Design |

### How is the DCP set out?

Following this Introduction and Preliminary Part 1, this DCP is set out in three (3) Sections: A, B and C, each with a number of Parts.

The Sections are designed to be used together to inform the design process. Refer to *Figure 1-1* for a visual representation of the relationship between the Sections and Parts to help with the use of the DCP. This diagram is included at the start of the Contents pages.



**Figure 1-1:**  
Illustrated Guide to the DCP

## INTRODUCTION (continued)

### ***Structure of the DCP***

This DCP comprises of twenty-six Parts. The parts are divided into a Part explaining the use of the DCP, followed by three sections A, B and C. A summary of all the Parts are provided below.

### **Introduction**

Part 1 applies to all development types and is critical in:

- i) understanding how to navigate through the DCP,
- ii) understanding the relationship between this DCP and other statutory documents; and
- iii) understanding terms within the DCP.

#### **Part 1A: Preliminary**

This Part contains general statutory information about how the DCP was prepared, the general aims of the DCP and its relationship to the Ku-ring-gai Local Environmental Plan (KLEP) and other planning and design documents.

#### **Part 1B: Dictionary**

This part includes definitions to clarify terms used in this DCP. Terms used in the dictionary of the KLEP also apply to this DCP.

This Part also includes a list of the abbreviations used in the DCP.

## ***SECTION A - applies to all development types***

Section A comprises Part 2-13

Part 2 applies to all development types critical in:

- i) project feasibility assessment; and
- ii) the beginning of the design process

Part 2 is to be read in conjunction with the Parts of Section B that are applicable to the site.

Parts 3-13 contain detailed provisions that apply to the main development types likely to be proposed on land covered by the KLEP. Where a particular development type is not included in Section A, the objectives and controls in Section C will apply.

Parts 3-13 set parameters within which good building design can occur by illustrating the use of development controls and consistent guidelines for site and building design, which focus on building performance, functionality, form, layout and residential amenity.

Parts 3-13 are intended to be read in conjunction with the relevant parts in Section C.

The order of provisions within all the Parts is generally consistent with the order of the design process, although it is recognised that this will not be the same for all designers. It is also important to recognise that the design

## INTRODUCTION (continued)

process is inherently iterative, as shown in Figure 1-1, and that some Parts will need to be reviewed more than once.

### Part 2: Site Analysis

This Part outlines the requirements for a site analysis. A site analysis is required for all development proposals. A thorough analysis of the site and its context enables the consideration of relevant issues at the earliest stage of the design process. This helps to minimise costs and delays while supporting good location based design.

### Part 3: Land Amalgamation and Subdivision

This Part provides guidance on amalgamation of multiple lots preventing isolation of lots; and, guidance on subdivision of lots. The controls provide detail on specific objectives and controls which are to be taken into account when amalgamating and/or subdividing lots.

### Part 4: Dwelling House

This Part contains provisions for single dwelling houses and ancillary structures built in the R2 - Low Density Residential, C4 - Environmental Living, R3 - Medium Density Residential and R4 - High Density Residential zones.

### Part 5: Secondary Dwellings

This Part provides detailed provisions for secondary dwellings which are permissible in R2 - Low Density Residential and C4 - Environmental Living zones under the KLEP. These controls are to be read in conjunction with the relevant objectives and controls for dwelling houses in Part 4.

### Part 6: Multi-Dwelling Housing

This Part provides guidance for multi-dwelling housing developments being built within R3 - Medium Density Residential and R4 - High Density Residential zones. Dwelling types can include detached and attached townhouse dwellings or villas.

### Part 7: Residential Flat Buildings

This Part contains guidance for residential flat buildings which are permissible in the R1 - General Residential, R4 - High Density Residential and MU1 - Mixed Use zones. Where commercial premises are permitted on the ground floor under Schedule 1 of the KLEP, also refer to Part 8 and Section B Part 14.

### Part 8: Mixed Use Development

The main focus of this Part is the provision for mixed use buildings within the E1 - Local Centre zone and MU1 Mixed Use zone. As defined in the KLEP, a mixed use building is one which contains 2 or more uses. In the context of Ku-ring-gai, mixed use buildings will typically contain the following uses:

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

This Part also guides refurbishment and new business and retail development in the E1 - Local Centre and MU1 - Mixed Use zone.

## INTRODUCTION (continued)

These developments will typically be alterations and additions to existing retail or business premises, or single storey retail or business premises, that do not wish to provide residential development in the upper levels at this time.

Guidance is also provided for the development and operation of commercial premises in residential flat buildings, where they are permitted by Schedule 1 (Additional Permitted Uses) of the KLEP.

In the case of any inconsistency between the controls in Part 8 and those in Section B Part 14, the controls in Section B Part 14 will prevail to the extent of that inconsistency.

### **Part 9: Non-Residential and Office Buildings**

This Part includes controls for all non-residential building developments including offices, within the E1 - Local Centre, MU1 - Mixed Use, E3 Productivity Support. For mixed use buildings, it applies to those parts of the building to be used for non-residential and office purposes.

### **Part 10: Child Care Centres**

This Part contains the provisions to guide the development of Child Care Centres. This part complements the provisions of the *Children (Education and Care services National Law Application Act 2010* and the *Education and Care Services National Regulations 2011*.

### **Part 11: Sex Industry Premises**

This Part provides specific planning controls for Sex Services Premises and Home Occupation (Sex Services) Premises.

Under KLEP, Sex Services Premises and Home Occupation (Sex Services) Premises are permissible with consent in the E1 - Local Centre, MU1- Mixed Use and B7 - Business Park zones. This Part of the KLEP which places further restrictions on the location of sex services premises of the DCP is to be read in conjunction with KLEP.

### **Part 12: Signage and Advertising**

This Part includes objectives and controls for signage and advertising structures. This Part of the DCP is to be read in conjunction with *State Environmental Planning Policy (Industry and Employment)*, Chapter 3 Advertising and Signage, and Schedule 2 of the KLEP which makes certain signage and advertising permissible as exempt development.

### **Part 13: Tree and Vegetation Preservation**

This Part of the DCP contains requirements for the preservation of trees and vegetation on all land covered by the KLEP. This Part is made in accordance with Chapter 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* and prescribes the trees and vegetation to which Part 2.3 applies. It replaces the Tree Preservation Order for the lands to which KLEP applies.

This Part provides controls in relation to the protection, management and long term survival of Ku-ring-gai's tree and vegetation resource, both native and exotic. Tree and vegetation works that do not require Council consent are also listed. This Part establishes a framework for the submission of applications for tree and vegetation works in Ku-ring-gai.

Where trees are located on a Heritage Item property or within a Heritage Conservation Area, this Part should be read in conjunction with Clause 5.10 of KLEP and Section B Part 20 of this DCP.

## INTRODUCTION (continued)

### **SECTION B - applies to relevant site aspects**

Section B contains objectives and controls in relation to special circumstances or values that may apply to a site or area, regardless of the zoning or the development type.

It is important to be aware of Council's expectations very early in the development feasibility or design stage in matters such as urban precincts and sites, potential land contamination, the management of bushfire risk, the natural environment, cultural heritage, and safety and amenity close to railways or busy roads amongst others.

In the case of any inconsistency between the controls in Sections A, B and C, the controls in Section B will prevail to the extent of the inconsistency.

#### **Part 14: Urban Precincts and Sites**

This Part is structured to provide guidance for development on land identified as an "urban precinct or site". There are a number of components:

- Precincts
- Community Infrastructure
- Building Setbacks
- Built Form
- Public Domain and Pedestrian Access
- Building Entries, Car Parking and Service Access

For each of the urban precincts or sites a set of site-specific performance-based provisions are provided to guide development in addition to the other development controls in Sections A, B and C of this DCP.

#### **Part 15: Land Contamination**

This Part requires the applicant to consider whether the site is contaminated. It contains provisions to ensure that the site is suitable, or can be made suitable, for the proposed development. It supplements *State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land*

#### **Part 16: Bushfire Risk**

This Part applies to land that is identified on Council's Bush fire Prone Lands Map and Bush fire Risk Evacuation Map. It includes objectives and design controls to ensure that any development on these lands manages risk to life and property while protecting the ecological values of the site and surrounds. It complements *Planning for Bush fire 2019*.

#### **Part 17: Riparian Lands**

This Part supports the provisions of Clause 6.4 of the KLEP. It applies to all land identified within the Riparian Lands and Watercourse Map in the KLEP.

This part provides general guidance for development in riparian lands (including waterways) as well as additional guidance for development within specific categories of riparian lands identified on the Riparian Lands Map.

## INTRODUCTION (continued)

### **Part 18: Biodiversity Controls**

This Part supports the provisions of Clause 6.3 of the KLEP. It applies to all land identified as 'Biodiversity' on Terrestrial Biodiversity Map in the KLEP as well as to development that will have an impact on those lands.

It also applies to land identified as "Canopy Remnants" on the Greenweb maps at Part 18R.1. Applicants are required to check both the KLEP and DCP maps to determine whether a site is affected by this Part.

In combination, these lands are referred to as the Greenweb for the purposes of this DCP.

### **Part 19: Heritage Items and Heritage Conservation Areas**

Part 19 applies to any development that is:

- i) on a Heritage Item listed under Schedule 5 Environmental Heritage in KLEP;
- ii) in a Heritage Conservation Area (HCA) identified in KLEP;
- iii) in the vicinity of a Heritage Item identified in KLEP.

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

### **Part 20: Development near Rail Corridors and Busy Roads**

This Part contains objectives and controls to ensure that development adjacent to major infrastructure corridors is located and designed to protect the infrastructure from damage; and, the users of the development from noise, vibration and other impacts related to development adjoining major road and rail infrastructure.



## INTRODUCTION (continued)

### **SECTION C - applies to all development**

Section C contains general development controls which address planning issues that are applicable across a range of sites and across different types, forms and densities of development. To ensure a consistent approach to issues, this Part applies to all types of development.

The Parts in this Section are to be read in conjunction with the Parts of Section B relevant to the specific site, and the controls under the same heading in Section A for the specific development type.

#### **Part 21: General Site Design**

This Part provides Council's controls concerning site design and layout, with particular attention to the relationship with the site analysis, and to landscaping, earthworks and slope. The Part provides controls which minimise the impact of the development on the site's native vegetation natural landscape and bushland, manages excavation and any earth works on a site, and ensures appropriate designing for sloping sites.

#### **Part 22: General Access and Parking**

Issues addressed in this Part includes equitable access and pedestrian movements; vehicle and bicycle access and parking.

#### **Part 23: General Building Design and Sustainability**

This Part provides general development controls for Building Design and Sustainability. This section aims to provide information for all building types on issues including green buildings, building services, waste management, social impact, sustainability of building materials and colours, roof terraces and podiums, construction, demolition and waste disposal.

#### **Part 24: Water Management**

This Part aims to ensure that the water management techniques employed for any given development are appropriate to both the site location and the development type as identified in Section B of this DCP. It therefore applies different controls to different situations and is to be followed from the start of the design process.

This Part supports Clause 6.5 of the KLEP. The controls cover stormwater management, design and water quality, water recycling and reuse (where reuse for water conservation is not covered by BASIX), subsurface water management and flood control and minimisation. This Part of the DCP is also intended as a complementary document to BASIX.

#### **Part 25: Waste Management**

This Part provides objectives and controls to minimise the impact of waste management generated from development. This Part aims to provide information on how developments can manage waste, including waste storage, waste collection, layout of waste and recycling rooms, and management of bulky goods waste. It considers waste management for particular development types.

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## 1A PRELIMINARY

### 1A.1 Purpose of this DCP

This DCP has been prepared in accordance with Section 3.43 of the *Environmental Planning and Assessment Act 1979* and Division 2 of the *Environmental Planning and Assessment Regulation 2021*. The DCP provides more detailed guidance to facilitate the aims and objectives in the KLEP and to facilitate development permissible within the KLEP.

Under Section 4.15 of the Act, the consent authority is required to take into consideration the relevant provisions of this DCP in determining an application for development in the Ku-ring-gai local government area.

### 1A.2 Name of this DCP

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

### 1A.3 Commencement Date

This Development Control Plan was adopted by Council and came into effect 23 May 2022. It is subject to amendments, which are listed in the Schedule of Amendments at the end of Section 1A.9.

### 1A.4 Land affected by this DCP

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

### 1A.5 General aims of the DCP

The general aims of this DCP are as follows:

- i) Establish a future character for Ku-ring-gai, and ensure that development across the Local Government Area positively contributes to the existing character of the residential areas;
- ii) Ensure high quality sustainable urban design and architectural design of buildings;
- iii) Provide high quality public spaces and streets;
- iv) Ensure buildings and other development have a good relationship with neighbouring developments, the public domain and the landscape qualities of the locality;
- v) Encourage the provision of a range of building types which provide for increased housing choice, diversity of employment opportunities, access to retail and commercial services and other activities that contribute to a sustainable vibrant community;
- vi) Encourage the development of a variety of housing types which do not dominate, but harmonises with and contributes to the treed landscape and is sympathetic to the street and land on which it is proposed.
- vii) Ensure a high level of residential amenity in building design for the occupants of buildings, including daylight access, acoustic

## 1A PRELIMINARY (continued)

control, privacy protection, natural ventilation, design for safety, outdoor living, landscape design, indoor amenity and storage provision;

- viii) Promote the principles of ecologically sustainable development including water sensitive urban design, climate responsive building design, energy efficiency, and selection/use of building materials;
- ix) Ensure buildings and landscaping are designed for all age groups and degrees of mobility;
- x) Promote increased use of public transport, walking and cycling;
- xi) Ensure the heritage significance of the Heritage Items and Heritage Conservation Areas is conserved, and encourage development which respects that significance;
- xii) Promote and support biodiversity conservation, riparian restoration and ecological integrity;
- xiii) Ensure the long term survival of Ku-ring-gai's native and exotic tree and vegetation cover;
- xiv) Ensure the appropriate management of risks, such as flooding, bush fire and land contamination;
- xv) Ensure that the process of notifying development applications allows public participation that is proportionate to the potential impact;
- xvi) Provide traffic control measures and outcomes that manage and improve local traffic impacts and promote pedestrian safety.

### **1A.6 Relationship to Ku-ring-gai Local Environmental Plan**

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

Compliance with the provisions of this DCP does not necessarily guarantee that consent to a Development Application (DA) will be granted. Each DA will be assessed having regard to the LEP, this DCP, other matters listed in Section 4.15 of the EP&A Act and any other policies adopted by Council.

Council may consider alternate solutions to the controls provided in this DCP where:

- i) the alternate solution is considered to be a reasonable planning outcome; and
- ii) the alternate solution achieves the aims and objectives of that design element.

## 1A PRELIMINARY (continued)

### 1A.7 Relationship to State Environmental Planning Policies

This DCP is to be read in conjunction with relevant State Environmental Planning Policies (SEPPs), including SEPP (Housing) 2021 and the Apartment Design Guide (ADG). If there is any inconsistency between this DCP and any relevant SEPP, the provisions of the SEPP will prevail.

### 1A.8 Relationships to other DCPs

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

### 1A.9 Schedule of Amendments

| No. | Effective Date  | Amendment  |
|-----|-----------------|--|
| 1   | 27 August 2021  | General housekeeping amendments to correct, clarify and strengthen controls.                                   |
| 2   | 01 October 2021 | New Part 14L - part 62 and 64-66 Pacific Highway, Roseville.   |
| 3   | 23 May 2022     | Revised Part 14E/14E.11 - Lindfield Hub.   |
| 4   | 05 October 2022 | New Part 14M - 47 Warrane Road, Roseville Chase.   |
| 5   | 03 March 2023   | New Part 14N - 8a, 14, 16 Buckingham Road, Killara.  |
| 6   | 25 March 2024   | Housekeeping amendment to correct, clarify, strengthen controls and improve built form and landscape outcomes. |
| 7   | 25 March 2024   | Revised Part 14G - Pymble Business Park including site specific controls for 4-10 Bridge Street, Pymble        |

|           |                   |
|-----------|-------------------|
| <b>1B</b> | <b>Dictionary</b> |
| 1B.1      | Definitions       |
| 1B.2      | Abbreviations     |

## 1B.1 DEFINITIONS

In this DCP the following definitions apply. Terms used in the dictionary of the KLEP also applies to this DCP.

### **accessible car parking**

car parking that is designed and built in accordance with the provisions in AS2890.6 to accommodate the needs of occupants with mobility impairment.

### **acoustic privacy**

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

### **active street frontage**

building street frontages at street level that provide direct and level entry and openings to allow physical and visual access that encourage interaction between the inside of a building and the external areas adjoining the building, including footpaths, road reserves or public spaces. Active street frontages support pedestrian safety and amenity and provide an interface between the public and private domain.

**Note:** See the definition of 'street frontage' and 'street level' in this dictionary.

### **adjoining land**

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

### **advertisement**

has the same meaning as in the KLEP 2015.

**Note:** The term is defined as follows:

the term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

### **advertising structure**

has the same meaning as in the KLEP 2015.

**Note:** This term is defined as follows:

the term is defined as a structure used or to be used principally for the display of an advertisement. Advertising structures are a type of signage - see the definition of signage in this Dictionary.

### **afflux**

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

### **amalgamated development site**

two or more a number of lots joined to form a single development site for the purposes of a development application.

### **amenity**

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

### **ancillary**

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

### **aquatic habitat**

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

### **articulation zone**

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

### **at-grade**

on ground level (not on a building structure).



## 1B.1 DEFINITIONS (CONTINUED)

|                                    |  |
|------------------------------------|--|
| <b>average recurrence interval</b> | the long term average number of years between floods which will equal or exceed the selected event.  |
| <b>backwater</b>                   | that part of a stream, channel or flowpath where the water is kept back due to some controlling influence or obstruction downstream.   |
| <b>back-up facility</b>            | means a facility that assists in the operation of the child care centre including cot rooms, child-accessible toilet areas, nappy change areas and bottle preparation areas.   |
| <b>balcony</b>                     | any unenclosed platform (with balustrades) located at the height of 0.3 metres or more above adjacent finished ground level either cantilevered or supported over open space, which is attached to a dwelling and used for the exclusive enjoyment of the occupants.   |
| <b>bank</b>                        | the primary bank of a waterbody.   |
| <b>barrier free access</b>         | approach and entry of a facility which is accessible by persons with disabilities (eg. grade level entry).   |
| <b>basement</b>                    | has the same meaning as set out in the KLEP.<br><br><b>Note:</b> The term is defined as follows:<br><br>basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).  |
| <b>bay window</b>                  | a large window or series of windows projecting from the outer wall of a building and forming a recess within.  |
| <b>bedroom</b>                     | any habitable room, which in the opinion of Council, is capable of being used as a bedroom.  |
| <b>biodiversity corridor</b>       | an area to facilitate the connection and maintenance of native flora and fauna habitats. Within the urban landscape, biodiversity corridors may be broken by roads and other urban elements and may include remnant trees and associated native and exotic vegetation.   |
| <b>blank wall</b>                  | an expanse of wall that does not contain any openings. Walls with advertising or facade modelling, which have no openings, are considered blank walls.   |
| <b>building height</b>             | has the same meaning as in the KLEP.<br><br><b>Note:</b> The term is defined as follows:<br><br>building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.   |
| <b>building line or setback</b>    | has the same meaning as in the KLEP.<br><br><b>Note:</b> The term is defined as follows:<br><br>building line or setback means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:<br><br>(a) a building wall, or<br><br>(b) the outside face of any balcony, deck or the like, or<br><br>(c) the supporting posts of a carport or veranda roof,<br><br>whichever distance is the shortest. |

## 1B.1 DEFINITIONS (CONTINUED)

### building identification sign

has the same meaning as in the KLEP 2015.

**Note:** The term is defined as follows:

means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services. Building identification signs are a type of signage—see the definition of signage in this Dictionary.

### building sustainability index (BASIX)

State Environmental Planning Policy (Sustainable Buildings) 2022.

### building zone

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

### built-upon area

the area of a site containing any built structure (whether covered or uncovered, above ground or below ground), any building, carport, terrace, hard-surface, paving, porous paving, artificial grass, pathway, gravel area, swimming pool, tennis court, driveway, parking area, or any like structures, but excluding minor landscape features such as informal seating, an open garden arch (<4sqm), and ponds (<4sqm).

### bush fire hazard

bush fire prone land identified as “bush fire prone vegetation Category 1” or “bush fire prone vegetation Category 2” on the Ku-ring-gai Bush fire Prone Lands Map.

### bushland

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

### business identification sign

has the same meaning as in the KLEP 2015.

**Note:** The term is defined as follows:

business identification sign means a sign;

- a) that indicates
  - i) the name of the person or business, and
  - ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place. Business identification signs are a type of signage - see the definition of that term in this Dictionary.

### busy road

a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles and that the consent authority considers is likely to be adversely affected by road noise or vibration.

**Note:** Also see definition of *major roadway*.

### catchment

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

### character item

A character item is a building with a commercial streetscape that has a significant facade that warrants retention within the street wall. A character item is not a heritage item.

## 1B.1 DEFINITIONS (CONTINUED)

|  |   |
|--|---|
| <b>clinical waste</b>                    | any waste having the potential to cause infection and that has been generated by medical, nursing, dental, veterinary, pharmaceutical or other related activities, includes infectious substances, pathogenic substances, pharmaceutical's and pharmaceutical residues, cytotoxic substances and wastes from the production and preparation of pharmaceutical products.   |
| <b>commercial waste</b>                  | refuse or waste material arising from any trade or industry but excludes liquid waste, demolition waste, building waste, contaminated waste, green waste or recyclable waste.   |
| <b>common area</b>                       | that part of the site not subject to exclusive or private use by any particular residents or occupants of the building(s) and which is under the control of a body corporate. Common area includes setback areas and communal open spaces that provide landscaping and deep soil areas.   |
| <b>communal open space</b>               | <p>outdoor open space within the common area with shared facilities such as barbeque, seating, etc. for recreation, relaxation and social activities of residents and occupants of a development.</p> <p>Communal Open Space is not for the exclusive use of individual residents or occupants of any single dwelling. It does not include private open space.</p>  |
| <b>community land development</b>        | community land development within the meaning of the <i>Community Land Development Act 2021</i> .   |
| <b>compatible use</b>                    | a use for a heritage item which involves no change to its culturally significant fabric, changes which are substantially reversible or changes which make a minimal impact  |
| <b>compost</b>                           | vegetative material capable of being converted to humus by a biological decay process.  |
| <b>conservation (general)</b>            | the use, management and protection of resources so that they are not degraded, depleted or wasted and are available on a sustainable basis for present and future generations.  |
| <b>conservation (of a Heritage Item)</b> | All the processes of looking after an item so as to retain its cultural significance. It includes maintenance and may, according to circumstances, include preservation, restoration, reconstruction and adaptation and will be commonly a combination of more than one of these  |
| <b>conservation management strategy</b>  | a document that identifies conservation strategies and management strategies that are appropriate to enable the general significance of a heritage item to be retained.   |
| <b>contaminated waste</b>                | waste which has the potential to cause injury, infection or offence. Sources include medical, nursing, dental veterinary, pharmaceutical and similar facilities engaged in treatment, investigation, teaching or research. Domestic sources include sharps and associated medical waste generated as a result of home based treatment of a medical condition (such as those associated with a diabetes sufferer or dialysis patient). |

## 1B.1 DEFINITIONS (CONTINUED)

### contributory property

contributory properties are buildings and sites within a HCA which are deemed to exhibit one or more of the following characteristics:

- i) buildings and sites that make an important contribution to the character and significance of the HCA. They can be from a key historical layer, true to an architectural type, style or period, or highly or substantially intact including their garden setting. Where subdivision has occurred, the subdivision is within the key historical period or the area.
- ii) buildings and sites which are altered from their original form but are recognisable and could be reasonably reinstated to that condition or the alterations are not considered to be detrimental to the integrity of the building; for example, a building that has been rendered or painted or where the roof cladding has been replaced but the form is otherwise legible.
- iii) buildings and sites with new layers/additions sensitive to the style, form, bulk, scale and materials of the original building.

**Note:** Contributory buildings do not necessarily need to be high-quality buildings but should represent the key historical period of the HCA. An HCA may also contain high-quality buildings which are not necessarily from the key historical period.

### convective or stack effect/solar chimney air convection

results from hot air being pushed up and out of the dwelling by denser cold air which is drawn in at a lower level. Convective current air flow/air pressure improves natural ventilation but does not provide natural cross ventilation.

### core (relating to a building)

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

### corner dwellings

a dwelling with aspects at least 90 degrees apart. Corner dwellings are located only on the outermost corners of buildings.

### cornice

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

### coved

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

### cross-over dwelling

a dwelling with two opposite aspects that has more than one level or a change in levels between one side of the dwelling and the other.

### cross-through dwelling

a dwelling which is on one level with two opposite aspects.

### curtain wall

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

### dangerous goods

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

### datum or datum line

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

### daylight

consists of both diffused light from the sky (sky light) and sunlight.

**Note:** See the definition of 'sunlight' in this dictionary.

### dead tree

a tree is considered dead when it has no living vascular tissue.

### deck

an external platform, usually elevated, usually located alongside and accessible from an interior space or around a swimming pool, and often made of timber.

## 1B.1 DEFINITIONS (CONTINUED)

**deep soil landscaping**

the soft landscaped part of the site area:

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

**Note:** For the purposes of calculating deep soil landscaping and landscaped areas, any access handle on battle axe sites is excluded.

**demolition (heritage)**

The damaging, defacing, destroying or dismantling of a heritage item or a component of a heritage conservation area, in whole or in part.

**designated development**

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

**development**

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

**development application**

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

**development assessment officer**

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

**development assessment team leader**

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

**drainage easements**

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

**drainage reserves**

the lands vested in Council for drainage purposes.

**dripline of a tree**

the horizontal extent of the canopy of the tree.

**dual aspect dwelling**

a dwelling which has unobstructed external door and window openings in major external walls facing in different directions, including corner, cross over and cross through dwellings.

**dual-use facility**

means a child care centre and another independent use or a child care centre within a residential dwelling house where both uses are located on a single site but uses are separated.

**earthworks**

has the same definition as in the KLEP.

**Note:** The term is defined as follows:

earthworks means excavation or filling.

# INTRODUCTION

## 1B.1 DEFINITIONS (CONTINUED)

### edge effects

the detrimental impacts on natural areas at the interface with urbanised environments. An increased proportion of edge increases the potential for:

- Weed invasion;
- Predation by companion animals;
- Disturbance by humans and animals;
- Dumping of garden refuse;
- Wind and light penetration.

Reducing edge effects can assist with maintaining species diversity and composition, community dynamics, and ecosystem functioning.

### effective slope

has the same meaning as in *Planning for Bush Fire Protection 2019*.

**Note:** The term is defined as follows:

the effective slope is considered to be the slope under the vegetation which will most significantly influence the bush fire behaviour for each aspect.

### erosion control devices

measures to assist in minimising erosion and downstream sedimentation.

### excavation

has the same meaning as set down in the KLEP.

**Note:** The term is defined as follows:

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

### external collection point

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

### façade

the external face of a building.

### family day care

means a service that provides care for up to 7 children aged less than 12 years in the home of the family day care provider. Family day care providers are governed by the management structure of a family day care scheme.

### fascia sign

a type of business identification sign located on the fascia of the awning of a building.

### fill

has the same meaning as set down in the KLEP.

**Note:** The term is defined as follows:

fill means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

### finished ceiling level (FCL)

the level of the lower surface of the relevant ceiling.

### finished floor level (FFL)

the level of the upper surface of the relevant floor.



## 1B.1 DEFINITIONS (CONTINUED)

|                                       |   |
|---------------------------------------|---|
| <b>firearms outlet</b>                | premises used for the display, exhibition or sale of goods which require a license under Section 7 of the <i>NSW Firearms Act (1996)</i> .  |
| <b>fire egress</b>                    | a path or opening for going out (ie. an exit) in a fire or emergency situation.   |
| <b>flood</b>                          | a relatively high stream flow that overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or overland runoff before entering a waterbody.   |
| <b>flood standard conveyance zone</b> | the zone in a plan view of the 1:100 year flow through the property.  |
| <b>french (or juliet) balcony</b>     | a small projecting balcony, generally ornamental or only large enough for one person standing.  |
| <b>furnishing</b>                     | the furniture, appliances, and other movable articles in an outdoor dining area, but excludes planter boxes, utensils, dining sets and the like.  |
| <b>gold level</b>                     | the intermediate highest level of housing within the <i>Livable Housing Guidelines</i> . It features design elements allowing ageing in place and accommodating people with higher mobility needs.<br><br><b>Note:</b> Refer to <a href="http://www.livablehousingaustralia.org.au">www.livablehousingaustralia.org.au</a>  |
| <b>green building</b>                 | is one that incorporates design, construction and operational practices that significantly reduce or eliminate the negative impact of development on the environment and building occupants.  |
| <b>green star rating</b>              | is an internationally-recognised assessment of the sustainable attributes of a development which enable it to minimise its impact upon the environment. The Green Building Council of Australia (GBCA) provides a formal certification process for ratings of Four Star Green Star ('Best Practice') and above; this service provides for an independent third party review of buildings and their sustainable attributes and initiatives.  |
| <b>green waste</b>                    | organic garden waste. This includes any waste material that in its raw form comprises vegetation (such as grass, leaves, mulch, plants, branches, twigs and tree loppings). Green waste does not refer to wood wastes such as tree stumps or kitchen vegetable scraps.  |
| <b>greenweb</b>                       | Greenweb includes: <ol style="list-style-type: none"> <li>1. All land identified on the Greenweb map in Part 19 of this Development Control Plan and includes land identified as: <ol style="list-style-type: none"> <li>i) Core Biodiversity Lands;</li> <li>ii) Support for Core Biodiversity Lands;</li> <li>iii) Landscape Remnant;</li> <li>iv) Biodiversity Corridors and Buffer Areas;</li> <li>v) Canopy Remnants</li> </ol> </li> <li>2. Other lands that meet the criteria for Greenweb in accordance with the methodology contained within the Ku-ring-gai Biodiversity and Riparian Lands Study Version 5.</li> </ol> |
| <b>greywater</b>                      | household wastewater that has not come into contact with toilet waste.  |
| <b>gross pollutant</b>                | litter and debris that is transported by urban runoff and that is not less than 5mm in diameter and/or is retained by a 5mm mesh screen.  |

# INTRODUCTION

## 1B.1 DEFINITIONS (CONTINUED)

**gross pollutant trap (GPT)**

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

**ground level**

has the same meaning as the KLEP.

**Note:** The term is defined as follows:

ground level (existing) means the existing level of a site at any point.

ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

ground level (mean) means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building

**habitable room**

any room or enclosed space 4sqm or greater used for normal domestic activities, including living, dining, family, lounge, bedrooms, study, kitchen, sun room and play room – but excludes bathrooms, separate toilets, laundries, pantries, walk-in robe, corridors and hallways.

**hazardous waste**

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

**high side**

the site slopes upwards from the Primary street.

**holding berm**

a small bank for retaining water.

**hopper**

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

**hydraulics**

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

**hydrology**

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

**illuminated wall sign**

any sign that is internally **or externally** illuminated.

**impervious**

land or material that is not readily penetrable by water.

**in the vicinity  
(of a Heritage Item or HCA)**

not only means immediately adjoining a heritage item or HCA, but depending on site context, can be extended to include other sites with a high visual presentation due to landform, size or location of a heritage item or HCA

**internal collection point**

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

**intervening lot**

any lot that is located on the bush fire hazard side of the lot to be subdivided, and may be directly adjoining or separated by a public or private road, pathway, access handle to another lot or the like.

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



## 1B.1 DEFINITIONS (CONTINUED)

### key vegetation community

Key vegetation communities contain significant vegetation. These are defined as:

- communities currently listed under the NSW Threatened Species Conservation (TSC) Act 1995, NSW Fisheries Management (FM) Act 1994 and / or the Environmental Protection and Biodiversity Conservation (EPBC) Act 1999.
- Coastal Shale Sandstone Forest (this community type 92% cleared as listed in the VIS Classification Database. That is, has less than 8% of its estimated distribution prior to 1750 remaining in the catchment area.

Vegetation condition is a key factor determining the inclusion of remnant vegetation as a threatened ecological community, under the TSC Act, FM Act and EPBC Act. In order to recognise that future variations in federal and state scientific committee determinations and their interpretation may occur, Key Vegetation Communities have been based upon vegetation community not condition. As such Key Vegetation Communities may include areas outside the scope of conditions required to meet the determination.

NSW Office of Environment and Heritage, VIS (Vegetation Information Systems) Classification Database available at [www.environment.nsw.gov.au/research/Visclassification.htm](http://www.environment.nsw.gov.au/research/Visclassification.htm)

### Ku-ring-gai Natural Area

all Council managed lands classified as community land and categorised as 'Natural Areas' under the NSW Local Government Act 1993, and crown land under *Crown Lands Act 1989* (under care control and management of Ku-ring-gai Council as a natural area).

### landmark building

a building of high quality and unique architectural style designed to be highly responsive to a specific site and its features, and utilizes architectural elements to be easily seen and recognised as a point of reference and navigating tool for pedestrians, cyclists and vehicles.

### landscaped area

has the same meaning as in the KLEP.

**Note:** The term is defined as follows:

landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

### $L_{Aeq}$

The equivalent continuous noise level. The level of noise equivalent to the energy average of noise levels occurring over a measurement period.

### $L_{A90}$

The A-weighted sound pressure level that is exceeded for 90 per cent of the time over which a given sound is measured. This is considered to represent the background noise.

### light shelf

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

### light spill

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

### lightwell

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

### living room

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

# INTRODUCTION

## 1B.1 DEFINITIONS (CONTINUED)

**local fauna habitat**

an area of structured vegetation, or alluvial or estuarine vegetation, which provides important habitat for threatened and non-threatened fauna species. Local fauna habitat areas provide stepping stone connections between larger protected areas (including regional fauna habitats and Ku-ring-gai Natural areas). This connection may be direct or through biodiversity corridors. For more detail, see Ku-ring-gai Council (Ku-ring-gai Biodiversity and Riparian Lands Study) .

**locally indigenous**

native vegetation plant species that occurs in the Ku-ring-gai area.

**local provenance**

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

**local road**

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

**low side**

the site slopes downwards from the Primary street.

**maisonette**

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

**main road**

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

## 1B.1 DEFINITIONS (CONTINUED)

**major roadway**

**Note:** A major roadway for the purposes of this DCP includes:

- Archbold Road
- Bobbin Head Road (between Pacific Highway to Burns Road)
- Boundary Street (between Pacific Highway and Clive Street/ Eastern Valley Way)
- Burns Road (between Eastern Road and Warrimoo Avenue)
- Eastern Arterial Road
- Eastern Road (between Burns Road and Junction Road)
- Comenarra Parkway
- Fox Valley Road (between Pacific Highway and Comenarra Parkway)
- Horace Street
- Illoura Avenue (Between the railway bridge to Millewa Avenue)
- Junction Road
- Killeaton Street (between Warrimoo Avenue and Mona Vale Road)
- Kissing Point Road (between Pacific Highway to The Comenarra Parkway)
- Lindfield Avenue (between Havilah Road and Tryon Road)
- Lady Game Drive
- Link Road
- M1 Motorway
- Main Road 328: Section of Boundary Street between Pacific Highway and Babbage Road; Babbage Road; Warringah Road
- Mona Vale Road
- Pacific Highway
- Railway Avenue
- Redleaf Avenue
- Ryde Road
- Secondary Road 2043: Section of Horace Street, Link Road, Killeaton Street between Stanley Street and Benaroon Avenue
- Telegraph Road
- Yanko Road

**Note:** The list above is by no means exhaustive. Council may order that air, noise and/or soil testing be carried out or that a report be prepared demonstrating the impacts that traffic generated by the centre will have on the roadway where child care centres are proposed in the vicinity of other roads that carry a high Section of traffic.

**Note:** Also see definition of *busy road*.

**medium tree**

is a tree capable of achieving 8-12m in height on shale derived soils and 8-10m on sandstone derived soils in the location proposed.

**mobile phone base station**

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

**mobile care service**

means a child care service that visits specific premises at specific times. The age of children cared for depends on the type of service provided.

## 1B.1 DEFINITIONS (CONTINUED)

### **multi-use facility**

a child care centre and other child-related activities or services (commercial or not-for-profit) operating on a single site often sharing facilities.

### **native vegetation**

means any of the following types of plants native to New South Wales:

- a) trees (including any sapling or shrub or any scrub);
- b) understorey plants;
- c) groundcover (being any type of herbaceous vegetation);
- d) plants occurring in a wetland.

A plant is native to New South Wales if it was established in New South Wales before European settlement. Species of plants native to New South Wales can be identified using Plantnet “official” database.

<https://plantnet.rbgsyd.nsw.gov.au/search/simple.htm>

### **natural cross ventilation**

natural ventilation which allows air to flow between positive pressure on the windward side of a building to the negative pressure on the leeward side of a building, with openable windows on dual aspects that enables effective volumes and velocity of air to flow through the dwelling to provide a greater degree of comfort and amenity for occupants. A dwelling is considered to be naturally cross ventilated where all living spaces, all bedrooms and other habitable rooms are on a clear, unobstructed air flow ventilation path within the dwelling. Natural cross ventilation is achieved with dual aspect dwelling types including cross-through, cross-over and corner dwelling types.

### **natural ventilation**

fresh air that enters a room via openings in its external walls on the outer perimeter of a building without mechanical assistance.

### **neighbouring land**

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

### **non-habitable room**

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

### **north facing**

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

### **notification**

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

### **nutrients**

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

### **obvert**

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

### **occupier**

a person who lives on the land.

### **on-site detention**

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

### **on-site retention**

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

## 1B.1 DEFINITIONS (CONTINUED)

|  |   |
|--|---|
| <b>open plan</b>                         | dwelling layouts where spaces are not divided into discrete rooms, but are open and connected to allow flexibility of use (typically living, dining, kitchen and study areas).  |
| <b>operable wall</b>                     | an internal wall which can be moved, for example by sliding, folding, or pivoting, to allow for different room configurations.  |
| <b>operable window or door</b>           | window or door which can open to the outside.   |
| <b>orifice</b>                           | a narrow opening into a pipe or cavity.   |
| <b>Out of School Hours (OOSH) Care</b>   | means a service that provides care for school aged children under 12 years old, usually before or after school hours, on pupil-free days or during school holidays. Centres are usually located on school grounds or in community halls.  |
| <b>overshadowing</b>                     | shadows caused by a proposed structure, together with any existing structures to be retained, but not including shadows cast by trees, vegetation or boundary fences.   |
| <b>owner</b>                             | has the same meaning as in the <i>Environmental Planning and Assessment Act 1979</i> .  |
| <b>painted sign</b>                      | a sign that is painted directly onto the building fabric.   |
| <b>parapet</b>                           | a horizontal low wall or barrier at the edge of a balcony or roof. Often taken to refer to the decorative element which establishes the street wall height of heritage buildings (see also Cornice).  |
| <b>part thereof</b>                      | in the calculation of the number of items (apartments, parking spaces etc) required, the overall requirement figures are to be rounded up to the nearest whole number.  |
| <b>passive surveillance</b>              | the casual surveillance of public spaces and streets by the users of the local area or adjoining land.  |
| <b>peak discharge</b>                    | the maximum discharge occurring during a flood event.   |
| <b>permitted site discharge</b>          | the controlled rate of runoff allowed from a site.  |
| <b>pervious</b>                          | land or material that is penetrable by water.   |
| <b>Planning for Bush fire Protection</b> | the publication produced by the NSW Rural Fire Service and Planning NSW to provide guidance to Councils, planners, fire authorities, developers and home owners with regard to bush fire protection strategies.   |
| <b>platinum level</b>                    | the highest level of housing within the <i>Livable Housing Guidelines</i> . It features design elements allowing ageing in place and accommodating people with higher mobility needs.<br><br><b>Note:</b> Refer to <a href="http://www.livablehousingaustralia.org.au">www.livablehousingaustralia.org.au</a> |
| <b>pole (or pylon) sign</b>              | a type of business identification sign that is erected on one or more poles or pylons independent of any building or other structure.   |
| <b>pollutant</b>                         | a substance that adversely affects the physical, chemical or biological properties of the environment.  |
| <b>portico</b>                           | a porch or walkway with a roof supported by columns, often leading to the entrance of a building.   |
| <b>potable</b>                           | drinkable.  |
| <b>potentially contaminated land</b>     | land which may have been associated with potentially contaminating activities, as described in Council's Contaminated Land Policy.  |

# INTRODUCTION

## 1B.1 DEFINITIONS (CONTINUED)

### primary street

the street or streets (where there is more than one primary street) to which the front of a dwelling house, or a main building, on a lot faces or is proposed to face, and/or which typically forms the main address of the lot or property and/or has the wider carriageway or carries the greater volume of traffic. Primary streets include highways, main roads and local streets.

### primary communal open space

the main consolidated communal open space, providing facilities for recreation, relaxation and social activities such as seating and barbeque facilities.

### principal active frontage

is located on primary streets within the centres and supports a wide variety of uses and activities on the ground floor and has a very open and public presence (i.e. windows and doors).

**Note:** Also see *Part 8C-14*.

### private courtyard

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

### private open space

has the same meaning as set down in the KLEP.

**Note:** The term is defined as follows:

private open space means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

### public exhibition

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

### public street

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

### putrescible waste system

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

### rainscaping

directing runoff from hardstand areas to a garden or lawn area. This includes the following: the garden or lawn must be at least 0.02m below the hardstand area and relatively flat to allow the flow to spread across its full area.

### rating background level

The overall single figure background level representing each assessment period (day/evening/night) over the whole monitoring period (as opposed to over each 24hr period used for the assessment background level). This is the level used for assessment purposes. It is defined as the median value of:

- all the day assessment background levels over the monitoring period for the day;
- all the evening assessment background levels over the monitoring period for the evening; or
- all the night assessment background levels over the monitoring period for the night.

### rear boundary

the boundary furthest from and generally parallel to the street boundary. On corner sites, the rear boundary is the furthest from the Primary Street boundary. On battleaxe sites, the rear (and all other boundaries) are to be nominated for the development.

## 1B.1 DEFINITIONS (CONTINUED)

|  |  |
|--|--|
| <b>recognised public drainage</b>                              | a common stormwater drainage system that conveys public stormwater and that generally includes one or more of the following: street drainage comprising surface systems (formed and unformed kerb and gutter, earth channels); underground systems (pipes, road pits, headwalls, inlets and outlets); natural and constructed open channels  |
| <b>reconstruction<br/>(of a Heritage Item)</b>                 | Returning a place as nearly as possible to a known earlier state by the introduction of new or old materials into the fabric (not to be confused with conjectural reconstruction).   |
| <b>recyclable</b>  | material capable of being reprocessed into useable material and includes any item collected by Council's Recycling Service (e.g. plastic, vegetation, paper etc).  |
| <b>regional fauna habitat</b>                                  | an area generally of structured vegetation, or alluvial or estuarine vegetation, which provides important regional habitat for threatened and non-threatened fauna species. These areas are directly connected to or within large formal reserves within or adjoining the Ku-ring-gai LGA. For more detail, see Ku-ring-gai Council (2014) Ku-ring-gai Biodiversity and Riparian Lands Study . |
| <b>regionally significant species, populations and habitat</b> | flora and fauna species, populations, ecological communities and habitat identified as regionally significant in Council's Biodiversity Strategy.  |
| <b>remnant</b>   | locally native vegetation occurring within fragmented landscapes. Remnants may be small to medium sized patches of vegetation surrounded by highly modified land, used for urban development and associated infrastructure.  |
| <b>residential apartment building</b>                          | has the same meaning as Residential Flat Building under <i>Ku-ring-gai Local Environmental Plan</i> .  |
| <b>restoration<br/>(of a Heritage Item)</b>                    | Returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without introducing new material.  |
| <b>riparian land</b>   | land adjoining a waterway (including a piped waterway) and the waterway itself, but not including land adjoining an artificial waterbody. This includes all land identified within the Riparian Lands Map in KLEP.   |
| <b>road verge</b>  | that part of land between the property boundary line and the roadway edge, usually owned by a public authority.  |
| <b>roof or sky advertisement</b>                               | an advertisement that is displayed on, or erected on or above, the parapet or eaves of a building.   |
| <b>runoff</b>  | rainfall that ends up as stormwater.   |
| <b>Section 4.55(1) modifications</b>                           | are modifications by Council to consents that involve minor errors, misdescriptions or miscalculations in accordance with Section 4.55(1) of the <i>Environmental Planning and Assessment Act 1979</i> .   |
| <b>Section 4.55(1A) modifications</b>                          | are modifications by Council to consents that involve minimal environmental impact in accordance with Section 4.55(1A) of the <i>Environmental Planning and Assessment Act 1979</i> .  |
| <b>Section 4.55(2) modifications</b>                           | are other modifications by Council to consents that may have an environmental impact in accordance with Section 4.55(2) of the <i>Environmental Planning and Assessment Act 1979</i> .   |



## 1B.1 DEFINITIONS (CONTINUED)

### Section 4.56 modifications

are modifications made by consent authorities to consents granted by the Land and Environment Court, in accordance with Section 4.56 of the *Environmental Planning and Assessment Act 1979*.

### secondary street

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

### secondary communal open space

a smaller communal open space than the Primary Communal Open Space.

### sediment

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

### setback

has the same meaning as in the KLEP.

**Note:** setback has the same meaning as 'building line or setback'. See the definition of the term in this dictionary.

### setting (of a Heritage Item)

the immediate or extended environment of a place that is part of, or contributes to, its heritage significance and distinctive character

### sewerage

the arrangement of pipes that transport sewage.

### shopfront

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

### signage

signage structure has the same meaning as in the KLEP.

**Note:** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- a) an advertising structure;
- b) a building identification sign;
- c) a business identification sign;

but does not include a traffic sign or traffic control facilities.

### significant tree

a tree which

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

**Note:** Refer to Section 19.7 for a description of significant trees in key vegetation community (KVCs).



**significant urban vegetation****1B.1 DEFINITIONS (CONTINUED)**

vegetation, both native and exotic, on private property that is generally mature and/or prominent in the landscape, or has specific historical or cultural value in Ku-ring-gai. It includes vegetation that contributes to the overall character and enjoyment of the surroundings and contributes to a sense of wellbeing. Significant Urban Vegetation:

- can be located over an entire property or be an individual tree or small group of trees;
- provides shade and shelter for humans and important habitat for wildlife; and
- may also preserve biodiversity values and natural landforms.

**significant vegetation**

native vegetation including threatened and non-threatened species and communities, trees, shrubs, groundcovers and vines including dead trees or hollow logs, that:

- have ecological value and provide important habitat or food for native wildlife;
- contribute to the long-term survival of native fauna species dependent on the vegetation;
- contribute to the preservation of natural landforms, bushlands, ridgelines and steep slopes;
- provide unique and valuable habitat for native flora and fauna species; and are unique to Ku-ring-gai and NSW.

**sill height**

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

**silver level**

the basic level of housing within the *Livable Housing Guidelines*. It features design elements allowing ageing in place and accommodating people with higher mobility needs.

**Note:** Refer to [www.livablehousingaustralia.org.au](http://www.livablehousingaustralia.org.au)

**single aspect dwelling**

a dwelling with one predominant aspect and unobstructed external door and window openings in only one direction. Doors and windows facing into notches, slots and indentations are considered to be obstructed. (A single aspect dwelling does not achieve natural cross ventilation).

**site coverage**

has the same meaning as set down in the KLEP.

**Note:** The term is defined as follows:

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

any basement,

any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,

any eaves,

unenclosed balconies, decks, pergolas and the like.

**Note:** The definition of 'site coverage' uses a calculation of the 'site area'. Site area in the KLEP states in part '...does not include the area of any land on which development is not permitted to be carried out under this Plan.'

**skylight**

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

**small tree**

is a tree capable of achieving 5–8m in height in the location proposed.

## 1B.1 DEFINITIONS (CONTINUED)

### snorkel window

a window that is not visible in its entirety from all points within a habitable room.

### soffit

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

### soft landscaping

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

### staff / parent accessible area

means any area of the child care centre that restricts unsupervised access by children or is not intended for use by children.

### stepping stone

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

### storage space

within dwellings, storage space can be in the form of cupboards in halls, living rooms and laundries. Storage in kitchens, bedrooms or bathrooms do not count towards this requirement. Storage space may be partially provided as lockable areas affiliated with the dwelling (within basement parking).

### stormwater

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

### strata title

is a system for owning units and dwellings, which generally have a combination of private property (known as the 'lot') and common property. Common property includes elements such as driveways, gardens, fencing, vehicle access as well as staircases, foyers and lifts.

In a strata title, all the rights and responsibilities of lot owners are clearly set out. The strata title gives legal proof of a person's ownership of parts of a building and site.

### street frontage

the building elevation that is directly in front of, and visible from, any street at the property boundary.

### street level

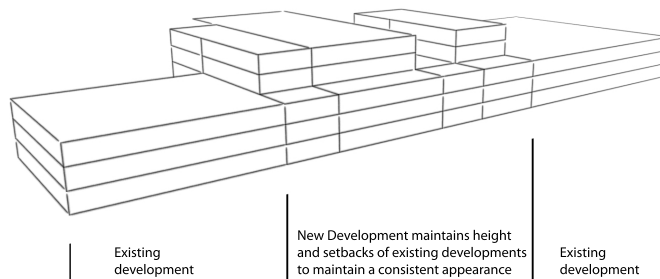
the finished floor level of the pavement or road reserve in front of the property boundary from which access into the site is generally provided.

### streetscape

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

### street wall

the wall of the building from street level to the top of the podium, which faces the street or public domain. A street wall is created when the facades of consecutive buildings are aligned along the edge of a street. An ideal street wall offers a sense of consistency and formality and includes a continuous variety of ground floor businesses.



### string course

a shallow moulding continued across a whole facade which may be defined by its position.

## 1B.1 DEFINITIONS (CONTINUED)

**structural root zone**

has the same meaning as in the Australian Standard 4970.

**Note:** the area around the base of a tree required for the tree's stability in the ground. The woody root growth and soil cohesion in this area are necessary to hold the tree upright. The SRZ is nominally circular with the trunk at its centre and is expressed by its radius in metres.

This zone considers a tree's structural stability only, not the root zone required for a tree's vigour and long-term viability, which will usually be a much larger area.

**studio dwelling**

a residential dwelling including one main room which is used as a bedroom, living room and dining room, and with no separate bedrooms.

a single room apartment consisting of one main room used as a bedroom, living and dining area and a kitchen/kitchenette and bathroom.

**subsurface water (SSW)**

any moving or stationary body of water or moisture occurring underneath the land surface, but not below the geological basement.

**subterranean room**

a room within a residential dwelling that has an external wall to any part of the room (habitable and non habitable), including external storage, below the adjacent finished ground level and/or in direct contact with soil and/or requiring physical or spatial tanking.

**sunlight**

direct beam radiation from the sun.

**Note:** See the definition of 'daylight' in this dictionary.

**supporting active frontage**

is located on primary streets or secondary streets or lanes. This frontage will support active uses at ground level however it is acknowledged that vehicle and service access will be a requirement.

**Note:** Also see *Part 8C-14*.

**sustainable building management**

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

**sustainable waste**

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

**tall tree**

is a tree capable of the height prescribed within the relevant DCP control and with a canopy spread of at least 8 metres.

**terrace (outdoor area)**

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

**terrestrial habitat**

the natural habitat of organisms that live on land

**threatened ecological community**

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

**top hamper sign**

a type of business identification sign located above a display window or attached to the transom of a doorway or display window of the building.

**total suspended solids**

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

# INTRODUCTION

## townhouse

a dwelling included in multi-dwelling housing development, being a dwelling that has a separate ground floor entrance door directly accessible from the circulation pathway from the street or entry point into the main living area or its adjacent foyer and which has a private courtyard area at ground level which is at the same level as the floor level of the living areas within the dwelling.

## transmitter

see 'mobile phone base station'

## tree

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

## tree protection zone

has the same meaning as in the Australian Standard 4970.

**Note:** A specified area above and below ground and at a given distance from the trunk set aside for the protection of a tree's roots and crown to provide for the viability and stability of a tree to be retained where it is potentially subject to damage by development.

## tripartite building

a method of visually organising the façade of a building by dividing it into three sections (base, middle, roof).

## trunk drainage

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

## unencumbered indoor play space

means useable play space that excludes items such as passage ways or thoroughfares, door swing areas, cot rooms, toilets or shower areas located in the building or any other facility, such as cupboards, that inhibits opportunity for play.

## unencumbered outdoor play space

means useable play space that excludes items such as car parking areas, storage sheds and other fixed items that prevent children from using the space or that obstruct the view of staff supervising children in the space.

## under awning sign

a type of business identification sign that is suspended below the awning of a building.

## unrestricted deep soil area

the soft landscaped part of the site area that is not occupied by any structure above or below the surface of the ground, except for storm water pipes of 300mm or less in diameter.

## urban forest

the urban forest of Ku-ring-gai includes the entirety of the trees and large woody shrubs (both naturally occurring and planted) that grow on public and private land excluding:

- i) Office of Environment and Heritage protected areas (e.g. Nature Reserves and National Park listed under the National Parks and Wildlife Act 1974 (NSW)(NPW Act))
- ii) Ku-ring-gai Natural Areas as categorised under the Local Government Act 1993 (NSW)

## villa

a townhouse which has only one storey.

|                                   |   |
|-----------------------------------|---|
| <b>visitable</b>                  | a place that can be accessed from the carpark all the way into the apartment by people who use wheelchairs, in that there must be at least one wheelchair accessible entry and accessible path of travel to the living area and to a toilet that is either accessible or visitable as defined by AS 4299.   |
| <b>visually prominent sites</b>   | sites that are situated on highly visible locations and include ridge top locations, escarpments, environmentally sensitive sites on sloping land, elevated allotments, corner sites, road bends, vista end points and any site that has the potential to dominate the visual amenity.  |
| <b>volume reduction equipment</b> | devices which reduce the volume of waste or recyclable material, including compressing devices such as compactors, balers and shredding, pulverising or crushing devices.   |
| <b>wall sign</b>                  | a type of business identification sign that is flat mounted on the exterior of a building, boundary or fence wall.  |
| <b>walking distance</b>           | the shortest distance between two points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.   |
| <b>waste</b>                      | as defined by the <i>Protection of the Environment Operations Act 1997</i> (POEO Act) includes: <ul style="list-style-type: none"> <li>i) any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or</li> <li>ii) any discarded, rejected, unwanted, surplus or abandoned substance, or</li> <li>iii) any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, reprocessing, recovery or purification by a separate operation from that which produced the substance, or</li> <li>iv) any substance prescribed by the regulations to be waste for the purposes of this Act.</li> <li>v) a substance is not precluded from being waste for the purposes of the POEO Act merely because it can be reprocessed, re-used or recycled.</li> </ul> |
| <b>waste and recycling room</b>   | a designated room or a combination of designated rooms upon the site (can be located inside or outside) of a building for the housing of approved containers to store all waste material (including recyclable material) likely to be generated by the buildings' occupants.  |
| <b>waste cupboard</b>             | a temporary storage area that is designed to hold at least a single days waste. The waste cupboard is typically located in the kitchen. It should be designed to enable some separation of recyclables and non-recyclables.   |
| <b>waste service compartment</b>  | located on each floor of a building for interim storage of recyclables with access to a hopper and providing a fire rated compartment around garbage chute hoppers.   |

# INTRODUCTION

**wastewater**

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

**window sign**

a type of business identification sign located on the window of a building.

**written submission**

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

## 1B.2 ABBREVIATIONS

### LIST OF ABBREVIATIONS

|           |  |
|-----------|--|
| ACA       | Australian Communications Authority  |
| ACIF      | Australian Communications Industry Forum   |
| ADG       | Apartment Design Guide   |
| AFS       | Australian Forestry Standard   |
| AHD       | Australian Height Datum  |
| ARI       | Average Recurrence Interval  |
| ARPANSA   | Australian Radiation Protection and Nuclear Safety Agency  |
| AS        | Australian Standard  |
| BASIX     | Building Sustainability Index  |
| BCA       | Building Code of Australia   |
| CMP       | Conservation Management Plan   |
| DA        | Development Application  |
| DA guide  | Ku-ring-gai Council's Development Application Guide (available from Council's Customer Service Centre) |
| DCP       | Development Control Plan   |
| DEC       | Department of Education and Communities  |
| DoCS      | NSW Department of Community Services (as it was then)  |
| EFM       | Electromagnetic Field Exposure   |
| ESD       | Ecologically Sustainable Design  |
| EP&A Act  | <i>Environmental Planning and Assessment Act 1979</i>  |
| EV        | Electric Vehicle   |
| FSC       | Forest Stewardship Council   |
| GBCA      | Green Building Council of Australia  |
| GFA       | Gross Floor Area   |
| HCA       | Heritage Conservation Area   |
| ICNIRP    | International Commission on Non-ionising Radio Protection  |
| L         | Litre(s)   |
| LHA       | Livable Housing Australia  |
| KCP 2010  | Ku-ring-gai Contributions Plan 2010  |
| KL        | Kilolitres   |
| KLEP      | Ku-ring-gai Local Environmental Plan   |
| KPDP 2010 | Ku-ring-gai Public Domain Plan 2010  |

## 1B.2 ABBREVIATIONS (CONTINUED)

|               |   |
|---------------|---|
| m             | Metre(s)  |
| max           | Maximum   |
| min           | Minimum   |
| MGB           | Mobile Garbage Bin                                    |
| NSW EPA       | NSW Environment Protection Authority                  |
| OSD           | on-site detention                                     |
| OSR           | on-site retention                                     |
| PEFC          | Programme for the Endorsement of Forest Certification |
| PoEO Act 1997 | Protection of the Environment Operations Act 1997     |
| RMS           | Roads and Maritime Services                           |
| SEPP          | State Environmental Planning Policy                   |
| SHI           | Statement of Heritage Impact                          |
| Sydney Water  | Sydney Water Corporation                              |
| VPA           | Voluntary Planning Agreement                          |
| WMP           | Waste Management Plan                                 |



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