



**EXTRAORDINARY MEETING OF COUNCIL
TO BE HELD ON WEDNESDAY, 8 NOVEMBER 2006 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

**** ** ***

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

APOLOGIES

DECLARATIONS OF INTEREST

DOCUMENTS CIRCULATED TO COUNCILLORS

GENERAL BUSINESS

- GB.1 **St Ives Centre Draft Local Environmental Plan & Draft Development Control Plan & Reclassification of Council Land - Final Report** 1

File: S04019

To enable Council to consider the draft Ku-ring-gai Local Environmental Plan Town Centres (St Ives) 2006 and the draft Ku-ring-gai Development Control Plan Town Centres (St Ives) 2006, and the outcome of the Public Hearing into Reclassification of Council owned land and other planning matters following the exhibition period.

Recommendation:

That the Draft Ku-ring-gai Local Environmental Plan 2006 Town Centres (St Ives) and Draft Ku-ring-gai Development Control Plan Town Centres (St Ives) 2006 as amended, be adopted by Council and forwarded to the Department and the Minister with the Section 68 submission with a request that the Plan be made.

**** ** ***

ST IVES CENTRE DRAFT LOCAL ENVIRONMENTAL PLAN AND DRAFT DEVELOPMENT CONTROL PLAN AND RECLASSIFICATION OF COUNCIL LAND - FINAL REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To enable Council to consider the draft Ku-ring-gai Local Environmental Plan Town Centres (St Ives) 2006 and the draft Ku-ring-gai Development Control Plan Town Centres (St Ives) 2006, and the outcome of the Public Hearing into Reclassification of Council owned land and other planning matters following the exhibition period.
BACKGROUND:	The Minister for Planning has directed Council under Section 55 of the Environmental Planning and Assessment Act to prepare plans for additional housing in and around its key commercial centre and to provide for additional retail and commercial demand to cater for the needs of the local population. Council on the 18 July 2006 resolved to exhibit Draft Plans.
COMMENTS:	Submissions have been received from State Agencies together with 57 public submissions. Key issues have been assessed and recommendations have been made for further amendments to the Draft LEP and Draft DCP. A public hearing was conducted into the reclassification of Council owned land. This report provides a recommendation on the future classification of these sites.
RECOMMENDATION:	That the Draft Ku-ring-gai Local Environmental Plan 2006 Town Centres (St Ives) and Draft Ku-ring-gai Development Control Plan Town Centres (St Ives) 2006 as amended, be adopted by Council and forwarded to the Department and the Minister with the Section 68 submission with a request that the Plan be made.

PURPOSE OF REPORT

To enable Council to consider the draft Ku-ring-gai Local Environmental Plan Town Centres (St Ives) 2006 and the draft Ku-ring-gai Development Control Plan Town Centres (St Ives) 2006, and the outcome of the Public Hearing into Reclassification of Council owned land and other planning matters following the exhibition period.

BACKGROUND

On 28 May 2004 the Minister for Planning has directed Council under Section 55 of the Environmental Planning & Assessment Act 1979 to prepare plans for additional housing in and around its key commercial centres including St Ives and to provide for additional retail and commercial demand to cater for the needs of the local population (**Attachment 1a**).

Ku-ring-gai Council is also part of the Sydney North Sub regional plan under the NSW metropolitan Strategy. Council considered a report on this matter on 27 June, 2007 and accordingly Council will provide 10,000 dwellings to the region over the next 25 year timeframe of the regional plan.

St Ives is the first of the centres to have a new draft Local Environmental Plan and development control plan prepared. The new plans have been prepared under the Standard Instrument (Local Environmental Plans) Order 2006. Following the consideration of a conditional Section 65(2) certificate from the NSW Department of Planning (**Attachment 1b**).

On 15 December 2005, Council considered and adopted the Draft LEP and Draft DCP for St Ives, further amendments were made on 14 March 2006.

On the 18 July 2006, Council resolved to exhibit Draft Ku-ring-gai (Town Centres) Local Environmental Plan 2006 and Draft Ku-ring-gai Town Centres Development Control Plan 2006.

The Draft Local Environmental Plan (and Draft DCP and supporting documentation) has been referred to the relevant government authorities as required by Section 62 of the EP & A Act and has been on placed on formal public exhibition in accordance with the Act.

The exhibition period commenced 12 August 2006 and concluded on 18 September, 2006. A comprehensive consultation program was conducted throughout the project. An overview and analysis of consultation is dealt with in detail later in the report.

OVERVIEW OF THE STANDARD LEP TEMPLATE

Draft Ku-ring-gai LEP 2006 (Town Centres) has been prepared in accordance with the 'Standard Instrument (Local Environmental Plan) Order 2006 under section 33A of the Environmental Planning and Assessment Act (EP&A Act). The Standard Instrument LEP mandates provisions that are to be included in all future LEPs and substantially governs the content and operation of the Draft Ku-ring-gai LEP 2006.

Item 1

S04019
27 October 2006

The Draft Ku-ring-gai LEP 2006 (Town Centres) consists of a **written instrument** and a series of **maps**. The written instrument contains the detailed planning provisions that will apply to land covered by the LEP. This includes provisions relating to aims, standard zone descriptions and zone objectives, permitted land uses and development standards, subdivision provisions and numerous miscellaneous provisions.

Zoning

The proposed new zones for St Ives Centre are described below. The Land Zoning Map identifies which land each zone applies to.

- *Zone B2- Local Centre*

This zone is generally intended for centres that provide a range of residential, retail, business, entertainment and community functions that typically service a wider catchment than a neighbourhood centre. The majority of the commercial core within St Ives falls within this zone.

- *Zone R3- Medium Density Residential*

This zone is generally intended for land where a variety of medium density accommodation is to be established or maintained including townhouses and villas as well as other residential uses. Apartment buildings (also known as residential flat buildings) will only be permitted on specific sites within the R3 Zone. These sites are identified in Schedule 1 of the LEP.

- *Zone R4- High Density Residential*

This zone is generally intended for land where primarily high density housing (such as residential flat buildings) is to be provided. This includes land that was formally zone Residential 2(d3) under LEP 194. The zone also provides for additional uses that provide facilities or services to residents, including neighbourhood shops and child care centres.

- *Zone SP2- Infrastructure*

The infrastructure (SP2) zone accommodates a wide range of human and physical infrastructure uses. In St Ives this zone will apply to the Energy Australian substation on Mona Vale Road and Memorial Avenue.

Principal development standards

The standard instrument includes development standards for minimum subdivision lot sizes, height of buildings, and floor space ratio as optional clauses. All of the optional development standards are contained within the Draft LEP. Development standard clauses in the Draft LEP include:

- Clause 19 - Minimum subdivision lot size
- Clause 21 - Height of buildings
- Clause 22 - Floor space ratio.

These standards may or may not apply to the whole zone, depending on how the map is drawn. Under the Standard Instrument, Council has the ability to identify different standards for different sites in the one zone.

Item 1

S04019
27 October 2006**Schedules**

The Draft LEP contains five schedules as follows:

Schedule 1 – Additional permitted uses (clause 14)

Schedule 1 contains a table which identifies additional permitted uses that is permissible on particular parcels of land that would not otherwise be permitted on that land. The additional permitted uses identified principally relate to the desire to allow business or medical uses in association with residential flat buildings and also to avoid potential complications arising from existing use rights on land where the zoning is changing from its current use.

Schedules 2 & 3 – Exempt and Complying Development (clause 16 and 17)

Clauses 16 and 17 of the Standard Instrument requires that all exempt and complying development provisions be listed in schedules under the Draft LEP. This different from the existing situation where Councils can make DCPs containing exempt and complying development provisions.

Schedule 4 - Classification and reclassification of public land. (clause 26)

Schedule 5 of the DLEP includes a list of the Council owned land that is to be considered for reclassification from 'community land to 'operational land' as part of the LEP making process.

Schedule 5 – Environmental Heritage (clause 34).

Schedule 5 lists sites to be included as heritage items under the DLEP. In the case of the St Ives Centre, the only existing heritage item to be covered by the DLEP is former St Ives Public School site at 207 Mona Vale Road.

Dictionary

The Dictionary defines the terms used in the written instrument. The dictionary comes from the standard LEP template which applies a standard set of definitions state wide. Council is not able to alter the standard definitions or directly add its own definitions to the Dictionary.

Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) - Maps*i) Land Application Map*

This map shows which land will be rezoned by the Draft Ku-ring-gai LEP 2006 (Town Centres). The planning controls on all other land will remain unchanged and the Ku-ring-gai Planning Scheme Ordinance (KPSO) will continue to apply.

ii) Land Zoning Map

This map shows the new zones that will apply to the land covered by Draft Ku-ring-gai LEP 2006 (Town Centres). The zones, zone objectives and permitted land uses in the zones are described in Part 2 of the Draft LEP written instrument.

iii) Minimum Lot Size Map

The minimum lot size map identifies the minimum size of any new lot that will be created through either subdivision or amalgamation of lots. The minimum lot size requirements only apply to the

Item 1

S04019
27 October 2006

R3- Residential medium density zone and the R4- Residential High density zone and reflect the existing requirements under LEP 194.

iv) Building Height Map

This map shows the maximum height of buildings permitted on any parcel of land. The heights range from 2 up to 5 storeys, which is reflected by the building envelope controls contained in the Draft DCP.

v) Floor Space Ratio Map

This map shows the maximum floor space ratio (FSR) that can be developed on each parcel of land. FSR is the gross floor area of a building as a ratio to the total site area. The FSR controls also specify minimum and maximum amounts of retail and commercial floor space that can be developed on sites where these uses are permitted. The FSR standards have been derived from the detailed building envelopes developed in the Draft DCP, ensuring consistency between the two plans.

Amendments to the Standard LEP Template.

On 1 September 2006 amendments to the Standard Instrument LEP were gazetted. The amending Order makes a number of mandatory changes to the standard instrument on which the exhibited Draft LEP was based.

The amendments to the standard template include:

- A new provision relating to the determination of site areas for the purposes of applying floor space ratios;
- substitutes the existing provisions regarding the owner initiated acquisition of land reserved for public purposes with a new provision that reflects recent amendments to the EP&A Act;
- changes to existing provisions requiring the concurrence of the Roads and Traffic Authority for development on land reserved for the purposes of a classified road;
- other minor and statute law revision amendments to certain existing zones, clauses and definitions.

The final draft LEP applying the St Ives centre will incorporate these recent amendments to the standard LEP as required by the EP&A Act. It should be noted the Composite draft LEP placed on public exhibition for the Gordon, Pymble, Lindfield and Roseville centres was in the form of the amended standard LEP template.

COMMENTS

In line with Council's resolution the draft local environmental plan and development control plan have been exhibited (**Attachment 6**).

Submissions have been received from the relevant state agencies and 57 submissions have been received from the public in response to the exhibition (a list of persons who made a submission is included in the consultation section).

Item 1

S04019
27 October 2006

In addition a public hearing was conducted into the reclassification of Council owned land and a public hearing was conducted. This report provides a recommendation on the future classification of these sites.

Key issues raised from the submissions have been considered and assessed with additional planning, urban design, traffic & parking, environmental and economic analysis, and where appropriate, recommendations have been made for further amendments to the Draft LEP and Draft DCP.

This section of the report contains the following analysis of submissions received and the proposed changes to the draft plans:

- Section 62 notifications from State Agencies
- Department of Planning advice (6 October 2006) on the draft LEP
- Department of Planning advice (6 October 2006) on the draft DCP
- Draft DCP and potential overlap or inconsistency with BASIX
- Matters of Policy
- Matters of Process
- Matters related to the provisions of the Draft LEP
- Matters related to drafting of the DCP
- Matters related to key sites in the DCP.

SECTION 62 CONSULTATION KEY SUBMISSIONS AND RESPONSES

The Plans have been referred to the relevant State Agencies as required under Section 62 of the EP&A Act at total of 9 submissions have been received from state agencies including advice from the NSW Department of Planning received on 9 October, 2006 (**Attachment 2**).

1. NSW Roads and Traffic Authority

A meeting was between RTA and Council Staff on 28 March 2006. The RTA's position is agreement in principle to the proposal, subject to conditions below.

- *New signalised entry/exit to St Ives Shopping Centre off Mona Vale Road – RTA will agree upon the following conditions:*
 - ▶ *The boom gate at the shopping centre car parking being relocated inside the car park at least 60 metres from the property boundary to prevent the blockage of Mona Vale Road from vehicles queuing to enter the car park.*

Item 1

S04019
27 October 2006

Council's Response:

The installation of a boom gate will depend on whether the shopping centre will introduce paid parking in the underground car park but this condition is relatively easy to comply with.

- ▶ *A storage bay for left turning vehicles being provided on site from the entry to the site, extending to the southern end of the property.*

Council's Response:

This can be incorporated in the final design details.

- ▶ *Council agreeing to the introduction of clearways on Mona Vale Road within the precinct area to assist bus services along Mona Vale Road.*

Council's Response:

The introduction of clearways will be subject to indented parking bays or rear street parking being provided.

- ▶ *Access for heavy vehicles being provided via Memorial Avenue.*

Council's Response:

There is currently a heavy vehicle access from Mona Vale Road and continuation of the use of this access will depend on the design and location of the loading docks.

- ▶ *Existing lane widths on Mona Vale Road must be maintained.*

Council's Response:

Preliminary designs indicated that the lane widths on Mona Vale Road can be maintained.

- ▶ *Consideration for information signage to direct motorists to the appropriate car parks within the shopping centre.*
- ▶ *The traffic signal design will need to be supported by traffic analysis for the AM and PM peaks for the year 2016 taking into account all future developments in the area.*

Council's Response:

Details associated with the traffic signal design will be required if and when a development application is submitted. The traffic study took into account an analysis up to 2016.

- ▶ *The traffic control signal design plan for the intersection will need to be submitted to the RTA for acceptance, subject to a design review.*

Item 1

S04019
27 October 2006

Council's Response:

Noted.

- ▶ *Street lighting on Mona Vale Road at the proposed intersection needs to be provided/ reviewed.*

Council's Response:

This should be included in any Development Application.

- ▶ *Council need to ensure that the above measures are included in its conditions of consent for development applications on the precinct.*

Council's Response:

Noted

- ▶ *Proposed changes to the Mona Vale Rd/ Memorial Avenue intersection – RTA does not support prohibiting the right turn from Mona Vale Road into Rosedale Road.*

Council's Response:

It is proposed to maintain the right hand turn from Mona Vale Road into Rosedale Road.

- ▶ *Right turns bays on Mona Vale Rd – at Stanley Street and Memorial Avenue should be of equal length.*

Council's Response:

Can be accommodated and still provide sufficient storage.

- ▶ *Connection of the New Access Road to Mona Vale Road – RTA objects to the proposed connection of the New Access Road to Mona Vale Road. However, it does not object to the proposed access from the New Access Road to Stanley Street.*

Council's Response:

Noted and to be removed from draft DCP.

- ▶ *Proposal to provide traffic signals at the intersection of Mona Vale Road and Killeaton Street – RTA does not support the proposed signalisation of the intersection of Mona Vale Road and Killeaton Street, as it will impact on Mona Vale Road traffic performance.*

Council's Response:

This was included in the traffic study because it currently has a level of service F and improvements are required. The provision of a double right turn bay and closure of the median strip in Mona Vale

Item 1

S04019
27 October 2006

Road at Killeaton Street did not indicate any significant improvement to the operation level of the intersection. Therefore, it is not proposed to proceed with this change to the traffic signals.

- ▶ *A traffic analysis of the proposed alterations to traffic signals, subject to the above conditions, is to be formally submitted to RTA for review. A SCATES analysis is recommended.*
- ▶ *RTA will require submission of detailed designs for all proposed changes.*

Council's Response:

Noted

2. Sydney Water

Water and Wastewater Infrastructure is adequate at the present in the St Ives area to service the proposed development. It may be necessary to amplify water mains to accommodate development that has residential buildings with 4 levels or greater along with commercial developments. The detailed infrastructure requirements to service the proposed developments will be detailed when the developer applies to Sydney Water for a section 73 Compliance Certificate.

Wants council to encourage developers and council to employ Water sensitive Urban Design and Ecological Sustainable Development measures which reduce potable water use and make use of resources such as stormwater detention and rainwater collection. Sydney Water is able to provide further consultation and advice.

Council's response:

Noted and the NSW Government's building sustainability index (BASIX) applies to residential developments under the St Ives plan. The Draft DCP provides guidance for non residential development and the public domain plan will also provide the opportunity for Council to demonstrate and apply Water Sensitive Urban Design principles.

3. Energy Australia

Requested that the original R4 Residential High Density Zoning of the substation site in the Draft LEP be amended to Special Uses Infrastructure (Electricity Supply) zone.

Council's response:

On 18 July, 2006 resolved to amend Draft LEP (prior to exhibition) change the zoning of the substation to SP2 Special Uses Zone.

4. Department of Housing

The Department of Housing notes Ku-ring-gai is the least affordable market in the Sydney metropolitan area and outlines methods to incorporate and promote affordable housing eg

Item 1

S04019
27 October 2006

planning mechanisms such as density bonuses, development incentive concession. Such mechanisms can be implemented through planning instruments or planning agreement. Affordable housing can be achieved through more housing stock including private rental accommodation.

Council's response:

The Ku-ring-gai RDS Stage 1 and the town centre LEP will provide a wider range of housing stock and increase the opportunity for the supply of smaller and potentially more affordable accommodation in the private rental market.

If Council intends to provide for affordable housing a comprehensive policy needs to be prepared this would include consideration of appropriate levels of accommodation, relevant standards, funding mechanisms, density bonuses, concessions and incentives and appropriate longer term management for affordable housing. This would most appropriately be considered during the preparation of the Ku-ring-gai Comprehensive LEP.

The issue of affordable housing and an accompanying policy matters can be addressed at the Ku-ring-gai Comprehensive LEP stage.

5. Other State Agency submissions

Section 62 consultation responses were also received from the following organisations that raised no objection or did not request specific amendments to the Draft LEP:

- Warringah Council,
- Hornsby Council,
- NSW Rural Fire Service
- NSW Heritage Office (no objection under section 84 of the Heritage Act).

6. Department of Planning – 6 October 2006

The NSW Department of planning provided advice on the Draft St Ives plan. The letter outlines that this is advice from the Department and is not a formal direction, at this stage

1. General Issues

Use of Objectives

(a) The general objectives in the LEP are open to several interpretations which would unnecessarily constrain the intention of the LEP in its response to Minister Beamer's s55 direction. The following may be individually benign but should be removed to avoid ambiguity through LEP cl 23(4)(a)(ii) (particularly as the DCP contains a number of additional controls):

- *"to provide community facilities that service the needs of the local community and are accessible by residents." (B2 Local Centre zone, p8). The first dot point in the Standard LEP Objectives addresses this.*

Item 1

S04019
27 October 2006

- *"to minimise the impacts of traffic generation from retail and commercial development" (LEP, Floor Space Ratio, Objectives cl. 22(2)(c)). This should be addressed through requirements for traffic measures at DA stage.*
- *"to minimise visual bulk of multi-storey buildings" (LEP, Height of Buildings & Floor Space Ratio, Objectives (cl 21(2)(c) & 22(2)(d)). Articulation rather than height addresses this. SEPP 53 also addresses this issue. Objectives of this nature should be more consistent with the objectives of SEPP 53.*

Council response:Dot Point 1- Noted and will be amended

Dot Point 2- It is acknowledged that the impacts of traffic generation can be managed enforcing specific traffic measures at the development application stage. However, there is a direct correlation between floor space ratio and overall traffic generation from a development. Therefore, any application to vary FSR over and above the LEP development standards will impact upon traffic generation and as a result should be considered in light of traffic generation objectives. While FSR standards are not necessarily aimed at minimising traffic generation they do have a role to play in regulating traffic generation. As a result it is proposed to amend the objective 22(2)(c) to state: "to regulate traffic generation from development."

Dot Point 3- Noted - Council considers that minimising visual bulk of multi storey buildings, includes considerations other than solely articulation. The Residential Design Flat Code- refers to Building envelopes and a range of primary development controls to address the bulk of a building these include- building height, depth, separation and setbacks. It is proposed to replace the term 'minimise' with the term 'regulate' in objectives 21(2)(c) & 22(2)(d) to emphasise the role in height and FSR in influencing building design rather than limiting development.

Links to DCP

- (b) *The LEP is the principal instrument. The words "as described in the Development Control Plan" e.g.cl.21(2)(a) and similar references should be removed.*
- (c) *There are a number of links to the DCP and Council Policy documents in the draft LEP including the in Exempt and Complying Development section. The version and date of each of these should be given in the text. As these documents were not provided it is unclear whether they are consistent with the intention of the agreed intention of the LEP.*

Summary Requirement: In order to ensure the intention of the LEP is fulfilled, ensure the LEP and DCP include references to the date and version of the documents to which the LEP and DCP refer. Also, if documents are referred to in the LEP, copies must be provided when draft plans are submitted for approval.

Council Response:

Noted, any DCP referenced in the LEP will be referenced in full.

Item 1

S04019
27 October 2006

The proposed changes to the Exempt and Complying Development Schedules include the deletion of any reference to a DCP. Copies of relevant policy documents will be provided to the Department with the draft plans.

Use of storeys

- (d) *Council's provision of a "Height Map" showing number of storeys is not compatible with draft Plans submitted for the Standard LEP template (cl 21) which clearly refers to heights.*

Summary Requirement: Council revise the height maps to reflect the Standard LEP style by defining height in relation to ground level.

Council Response:

It is necessary to amend the height maps in the Draft LEP to metres rather than number of storeys. Council's urban design consultant has been requested to review the envelope controls and provide appropriate maximum building heights for all sites covered by the LEP, taking into consideration the definition of building height contained in the standard LEP and intended permissible uses of each site. A revised height of buildings map is included in the Draft LEP.

The building height map will be supported by controls in the DCP which indicate maximum numbers of storeys on each site. This combined maximum height in metres and no. of storeys approach advocated in the Residential Flat Design Code under State Environmental Planning Policy 65 as the best practice approach to drafting primary development controls relating to building heights.

This approach will also help to overcome the number of limitations that have been identified with the definition of "building height" in the standard LEP.

Additions/omissions to Zone uses and requirements

- (e) *Council has added in the B2 Local Centre zone "environmental facilities, environmental protection works."*

Summary Requirement: Council is requested to provide its rationale for Inclusion of "environmental facilities" and "environmental protection works" in zone B2.

Council Response:

Areas zoned B2 across the centres includes some sites that have a direct interface with critically endangered bushland (eg Turramurra) and/or within the catchments of national parks. These additional permitted uses are consistent with allowing works associated with the rehabilitation of land eg bush regeneration works and to mitigate off site impacts of future development.

- (f) *Nos 187-189 Mona Vale Road and Nos 126 & 128 Rosedale Road, St Ives are shown on the Floor Space Ratio Map as having a commercial component. These sites were not included in the Schedule 1 properties that would permit these uses.*

Item 1

S04019
27 October 2006Summary Requirement:

Council is requested to include commercial uses for these addresses as identified for the other allotments in the same blocks to provide consistency.

Council Response:

Noted and amendments will be made to LEP

- (g) *Dual occupancy: The inclusion of dual occupancy in R3 has the potential to lead to less than optimal usage.*

Summary Requirement: Council is to remove unnecessary uses and potential less than optimal land uses in accordance with the s.65(2) certificate for the St Ives centre.

Council Response:

Council notes that the 2(d3) zone under LEP 194 permits the development of dwelling houses and dual occupancies. Both uses have been removed from the R4 zone. It is agreed to remove "Dwelling houses" from the R3 zone. However, it is proposed to retain "dual occupancies" in the R3 zone as this is considered to be consistent with the no down zoning requirement of the Section 65(2) certificate and will facilitate the provision of housing choice within the vicinity of the centres.

- (h) *R4 developments are likely to be constrained through the minimum lot size of 1,800 sqm. The minimum lot size in LEP 194 is 1,200 sqm.*

Summary Requirement: Council is to provide minimum lot sizes no greater than those provided in LEP 194 (cl 25E(1)), the s55 direction and other advice to Council.

Council Response:

To ensure compliance with Departmental requirements it is proposed that all applicable subdivision provisions of LEP 194 be included within the town centre LEP. The applicable provisions of clauses 25E (1), 25H(4), 25I(3), 25I (4) and 25I(5) would need to be included as local provisions under clause 19 of the LEP.

This would also involve reducing the minimum lot size standard in the R4 zone from 1,800sqm to 1,200sqm

It should be noted that provisions consistent with cl 25I(5) of LEP 194 (ie. relationship between site area and building height have been included in the Draft LEP amendment applying to the Turramurra centre. It is proposed to bring those amendments forward to ensure that the principal LEP is consistent with LEP 194 from the outset. They have been included in the amended draft LEP attached to this report.

Item 1

S04019
27 October 2006

(i) The minimum street frontage for subdivision as provided in LEP 194 and the draft LEP are:

<i>KPSO (from LEP 194)</i>		<i>Town Centres DLEP (cl 19)</i>		<i>COMMENT</i>
<i>Use</i>	<i>Minimum Street Frontage</i>	<i>Use</i>	<i>Minimum Street Frontage</i>	
<i>Detached dual occupancy</i>	<i>18m</i>	<i>Dual occupancies (R3 – Medium Density Housing)</i>	<i>23m</i>	<i>Proposed increase</i>
<i>Town houses and villas</i>	<i>23m</i>	<i>Multi dwelling housing (R3 – Medium Density housing)</i>	<i>23m</i>	<i>Same</i>
		<i>Multi dwelling housing (R4 – High Density Housing)</i>	<i>30m</i>	<i>Proposed increase</i>
<i>Residential flat buildings</i>	<i>23m</i>	<i>Residential flat buildings (R4 – High Density)</i>	<i>30m</i>	<i>Proposed increase</i>

The proposed increases in the standards from LEP 194 to the Town Centres LEP are not supported and are contrary to the s55 direction and other advice to Council.

Summary Requirement: Council is to provide minimum street frontages no greater than those provided in LEP 194.

Council Response:

Refer to response to (h) above.

(j) *Multi dwelling housing is provided for in the Standard instrument in R3. Multi dwelling housing has been added to the R4 zone in the dLEP (St Ives). This would potentially lead to less than optimal usage in that zone.*

Summary Requirement: Council is to provide uses which conform with the Minister's s55 direction and other advice to Council.

Council response:

The R4 zone is intended to replicate the existing 2(d3) zone which includes forms of “Multi dwelling housing” as permissible development, including town houses and villas. Under the standard LEP template “seniors housing” would also be considered as Multi dwelling housing.

Item 1

S04019
27 October 2006

It is proposed to retain Multi dwelling housing as a permissible use within the R4 zone as this is considered to be consistent with the no down zoning requirement of the Section 65(2) Certificate and will facilitate the provision of housing choice within the vicinity of the centres.

- (k) *The height control includes a limit of two floors in the R3 zone (cl. 21 & map). There would be little return if the DCP, requirement that the top floor is 60% of the floor beneath is included.*

Summary Requirement: The height limit of 2 floors in the R3 zone is not supported and needs to be addressed.

Council response:

Only one site zoned R3 has a height limit of 2 storeys, namely the Commonwealth Bank training centre site in Link Road. The 60% top floor control does not apply to 2 storey buildings on this or any other site. The controls on this site have been subject to further review and are discussed later in the report. All other R3 zoned sites have a 3 storey height limit.

Savings Provisions

- (l) *There does not appear to be a provision that saves development applications lodged prior to the making of this LEP.*

Summary Requirement: Council is to ensure that DAs lodged before the starting date of the LEP are captured under existing planning instruments.

Council Response:

Noted - an appropriate savings provision is to be included as a local provision under clause 8 of the LEP and is included in the amended draft LEP attached to this report.

Provision of commercial space

- (m) *There are not any floor space ratio (FSR) or building height controls for 11-19 and 21 Cowan Road, St Ives although these are zoned B2 in the draft LEP.*

Summary Requirement: Comprehensive controls for all land subject to rezoning must be provided in the LEP and these controls must be of a standard equivalent to or higher than those in LEP 194 or LEP 200.

Council Response:

The car park is currently zoned Business 3(a) (A2) and has a maximum FSR of 1:1 and a maximum height of 2 storeys. As Council's expressed intended future use of the site is only for car parking purposes, it is proposed that the existing development standards for the site be retained in the new LEP.

The uses permitted in the B2 zone include all uses currently permitted in the Business 3(a) (A2). This includes car parking uses.

Item 1

S04019
27 October 2006

- (n) *There are a number of sites in the existing Business zone (3(a)-(A2)) that will have reduced FSR allocation under the proposed Town Centres dLEP.*

Summary Requirement: The proposed decreases in the FSR in this zone are contrary to the s65 certificate and the Minister's direction under s55. Council is to ensure requirements are met.

Council Response:

All sites in the existing Business (3(a)-(A2)) zone have had the maximum permissible FSR increased from the current 1:1 to maximums ranging from 2.0:1 to 2.5:1. All sites, other than the St Ives Village Shopping centre site, can develop for commercial uses up to the maximum FSR. In the case of the St Ives Village Shopping Centre the maximum retail/commercial FSR is 1.6:1. Sites outside the shopping centre have had maximum retail FSR capped at below the existing 1:1 entitlement. The reasons for the capping of retail in these sites include: ensuring the overall future retail provision in St Ives is consistent with Council's adopted retail strategy (which allows for an overall increase of net increase of approx. 17 000 sqm) and to manage traffic and parking issues, particularly in the Stanley Street precinct. In any case, it is considered that a development with a 1:1 retail FSR is unlikely in a strip retail context as this would require first floor retail, which is commercially unattractive.

Schedule 1 Additional Permitted Uses

- (o) *Amendments to this schedule must include the following:*

- *Delete "medical centres" are not necessary as Council has included this use in the R4 zone;*
- *The sixth row, column 2 includes no. 206 Mona Vale Road St Ives. This is the SP2 site and must be removed.*

Council response:

Noted and amendments to the LEP to be made.

References to other documents

- (p) *The date and version of relevant other documents must be cited in the text of the draft LEP and DCP.*

Council response:

Noted and necessary amendments to the draft LEP have been made

Other references

- (q) *Matters that are dealt with through other planning instruments should not be repeated in the LEP. These include satellite dishes and water tanks (SEPP4); contaminated land and trade waste (through the Protection of Environment Operations legislation); advertising (SEPP 64).*

Item 1

S04019
27 October 2006Council response:

Recommended changes to the DLEP include changes to the satellite dish and water tank requirements, deleting repetition of SEPP 4 requirements. References to SEPP 4 are retained for the information of the layperson as per the attached DLEP.

Standards for remediation of contaminated land are recommended for removal from the exempt standards, as they are covered under SEPP 55.

The references to trade waste requirements are included as large space requirements may be involved, and it is important that this be considered in the design phase. Council has previously received advice (August 2003) under Section 62 of the EP&A Act from Sydney Water, for the Draft LEP 195 and Draft Development Control Plan 46 – Exempt and Complying Development, which specifically sought the standards in regard to trade waste, which are included in the proposed Schedules 2 and 3. It is recommended that these be retained.

Clause 6 (2) of SEPP 64 states that:

This Policy does not apply to signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it.

It is therefore important that standards be included for signage within the exempt development schedule. The standards proposed are not inconsistent with the SEPP.

(r) Matters that are dealt with under an Australian Standard or under the Building Code of Australia do not need to be repeated. It should be noted that light spill, vehicle turning circles, access are included in these categories.

Council response:

It is recommended that the schedules for Exempt and Complying Development be amended to delete references to the Building Code of Australia and to specific Australian standards. It is recommended that a general reference to relevant Australian standards be retained for the information of the layperson, as per the attached Draft LEP. The recommended changes to the schedule delete any reference to turning circles. Access is addressed generally by reference to the relevant standards. Additional information, where provided, is included for the information of the layperson as they are significant at the concept design stage. Similarly, standards in relation to light spill are also important at the concept design stage, and it is therefore recommended that these be retained.

(s) References to the Ku-ring-gai Planning Scheme Ordinance must be removed as the dLEP is a stand alone instrument.

Council response:

It is recommended that these references be removed, as per the attached amended Draft LEP.

(t) The Department is seeking advice on the question of appropriate wording for the section on maps designated "Statement of Relationship with other Plans". This advice will be provided to Council in the near future.

Council response:

Noted, no further advice had been received at the time of writing this report.

Item 1

S04019
27 October 2006

- (u) *Make sure that the "Land Application Map" identifies St Ives as "Sheet 1 of the Land Application Map" to tie it to clause 3 and that ensuing commercial centres are "Sheet 2 of the Land Application Map - Turramurra" and so on.*

Council response:

Noted and maps amended to include the locality

- (v) *If possible, the heritage map should be a separate map.*

Council response:

Noted, at this stage there is only 1 heritage item identified in the St Ives plan. It is therefore recommend to remain identified on the land zoning map.

Comments on the NSW Department of Planning response on the Draft DCP

The Department of Planning have provided comments on the draft Development Control Plan, Council's detailed response is located in **Attachment 3**. An overview of the keys issues and recommend changes to the DCP is provided below.

General Comment in response

Council acknowledges the role of the Ministers directive, and the Section 65 delegation for St Ives, Council has worked hard to comply with these requirements. In addition to addressing these directions, an integrated place based planning approach has also been applied for the St Ives Centre- this uses best practice planning, urban design analysis and controls, combined with community, open space and traffic and transport planning.

Both the Minister's directive and metropolitan strategy apply to St Ives, although it must be noted that planning work for St Ives commenced in 2004, prior to the metropolitan strategy being released. The Ministers directive prevails, with the metro strategy being addressed as well as it can under the town centres planning program.

Within the draft DCP the provisions of SEPP No 65 Design Quality of Residential Flat development and the NSW Residential Flat Design Code have also been applied, noting these controls do not directly apply to mixed use development style development (retail/commercial/residential).

Although title of Draft LEP is Town centres- the land to which the plan applies includes a variety of current and future land uses and development types and conditions (existing commercial, retail, community services, open space, bushland areas and areas characterised by low scale housing, steep topography).

The densities and standards for residential apartment development under LEP 194 have been applied and transferred to the new planning controls for St Ives this is consistent with the Ministers directive. In the case of the template LEP the direct controls of FSR and height have been included.

Item 1

S04019
27 October 2006

For the non core centre residential areas Council has sought to apply LEP 194 standards of deep soil planting, setbacks, landscaping etc that are consistent with the fringe residential areas within the new Development Control Plan.

In the case of St Ives and other centres the LEP densities and standards are have met the Ministers requirements - this reflects the new mixed use typology (not included in LEP 194), site conditions, retail strategy and a result of detailed economic feasibility testing.

In the case of development within the Core Town centre development eg B2 Local Centre zone- the deep soil provisions, site coverage, landscaping, setbacks have been substantially reduced or removed to reflect the future urban character of the town centres.

Council has endeavoured not to down zones sites in accordance with the Departments directives. In addition we have applied independent economic feasibility testing to ensure a fair and reasonable level of development is achieved under the short to medium term.

The DCP contains a hierarchy of provisions. Overall Vision statement, Objectives and range of Strategies (part 2) these were identified in the planning analysis stage, these have been used to inform and underpin the primary site specific development controls, i.e. built form controls for each sites.

The LEP template provides for the height and Floor space ratio to be in LEP. It is essential, given these requirements, that the height and FSRs are tested so that the height, which is fixed in metres in the LEP, will allow the FSR to be achieved. The draft DCP provides this testing.

In addition, Council's Urban Design consultant, Russell Olsson, has provided the following comments on the Department of Planning's review of the Draft DCP.

"A common fault in a planning instruments is where it is not possible able to achieve the FSR on a site due to other controls. Likewise, not enough FSR in relation to the height is a waste of development potential i.e. the controls may allow a given building height, but the FSR is insufficient for a developer to take full advantage of the sites development potential. Therefore, to achieve the full development potential of a site, or town centre it is important that FSR and building heights work together, and are in a reasonable proximity to each other, with the heights allowing the FSR to be achieved. To ensure this, it is very important to do site design testing.

Environmental design principles are fundamental to the two most important State Government design based instruments, BASIX and SEPP 65. The FSR and Building Height controls in the LEP must also allow good environmental design to be achieved. Under SEPP 65, building depths should not exceed 18 metres so that other environmental standards of solar access and natural ventilation achieved. Building envelopes ensure that these environmental standards are able to be achieved, whilst at the same time setting achievable FSRs and heights. This is the reason for the DCP containing building envelopes, so that the State Governments SEPP 65, BASIX and LEP Template controls are co-ordinated and that the development potential of a site, or the whole town centre, is known to be achievable in future development.

Item 1

S04019
27 October 2006

The economic viability of the DCP controls has been tested by Hill PDA Land Economists. The FSRs are of a sufficient level to allow development that is fundamental to our approach, and is essential to achieving a vital and growing town centre."

An urban design analysis has been applied, (including directives and statutory requirements and information from vision statement and the strategies) from this building envelopes have been prepared for each site then an appropriate FSR determined. This provides certainty for the developer, Council and community.

Key changes to the Draft DCP in response to the Department of Planning advice.

1. Council's car park at Cowan Ave , St Ives be allocated a height of 2 storeys (X metres) and a maximum Floor space ratio of 1:1 in the Draft Local Environmental Plan.
2. In relation to the section 4.2 Site amalgamations under the First design Control the additional words "these are suggested amalgamations to facilitate orderly development. Alternative amalgamations can be considered where it can be demonstrated it meets the design objectives of the plan".
3. Under section 5.2.1 design controls general storeys heading 3 to 4; dot point (i) at the end of this sentence add; Note the effective wall height of 4 storeys is 12 metres
4. Under section 5.2.1 design controls general storeys heading 5 storeys and above; dot point (i) at the end of this sentence add; Note where the effective wall height is 5 storeys and above.
5. Under section 5.2.6 materials and Finishes – in part G2 delete the words "are to be used" and replace with "are desirable"
6. Under Section 5.8.1 Natural ventilation delete point G1, in G3 change 65% to 60% .
7. Under section 5.8.2 Solar Access- reword to state up to a maximum of 10% of units may have a single south orientation and a maximum of 10% of units a single orientation to the west.
8. Council has reviewed the advertising controls in relation to SEPP 64 and the following amendments are recommended to be consistent with the SEPP.
9. In Section 5.16.5, delete G1 vii) in regard to wall advertisements, which has s stricter controls in the SEPP.
10. In Section 5.16.8: amend the title "Real Estate Signs" to "Real Estate Signs in Business Zones". List the controls as M1, M2 etc Insert a note at the end of the Real Estate section, advising applicants that Real Estate signs (in both residential and business zones) are also be permissible as exempt development under Schedule 2 of the LEP.

Item 1

S04019
27 October 2006

11. 10 Under section 5.14.4 allow for residential 2.5m and commercial 4.5m to allow waste vehicles access to the collection points.
12. Under the adaptable Housing provisions- review and remove any definitions that may conflict with the Seniors living SEPP.

The Draft Development Control Plan and potential overlap or inconsistency with BASIX.

The Department of Planning have reviewed the draft DCP and identified a number of potential issues in the Draft DCP where the controls for BASIX have been repeated or are potentially inconsistent with the BASIX policy (**Attachment 3**).

Council staff and consultants subsequently review the Draft DCP to ensure consistency and that the requirements for drainage, stormwater and recycling for residential development that are already addressed through BASIX and are not repeated, and that energy, water, thermal controls for non residential development are differentiated in the controls.

Attachment 3 - Council response to the matters raised by the Department of Planning on the Draft DCP sets out the key matters raised by the department and the council response. A summary of the recommended changes to the draft DCP are provided below;

Generally:

1. *The Draft DCP be amended to ensure that the requirements for drainage, stormwater and recycling for residential development that are already addressed through the BASIX provisions are not repeated or are clarified as their intent.*
2. *Amend the DCP to ensure energy, water and thermal controls are differentiated between the residential and non residential components of mixed use developments.*

Specific amendments to the DCP to meet the above requirements are as follows:

1. *Recommend deleting the following Objectives and Strategies in Section 2.2.7: as these are objectives of BASIX:*
 - *To provide sustainable stormwater management programmes integrated into all developments.*
 - *Require water detention tanks to minimise stormwater discharge.*
 - *Require on-site water detention/ retention for private developments and re-use of water for irrigation, toilet flushing etc.*
 - *Ensure implementation of sustainable stormwater management programs are integrated into all new developments including detention, treatment and re-use.*

Item 1

S04019
27 October 2006

2. *Part 3 of the DCP insert the statement “ use locally occurring native plant species wherever possible and appropriate” on each page under tree planting or street tree planting*
3. *Section 5.8.3 Sun Shading*
 - *changing all G (General) references to M (Mixed use), and adding preface stating “For mixed use development, the below requirements apply only to the non-residential portion of mixed use developments:”*
4. *Section 5.9 –(Energy Efficiency);*
For all points listed below, clarify that the requirement applies only to the non-residential portion of mixed use development, by adding preface stating “For mixed use development, the below requirements apply only to the non-residential portion of mixed use developments:”
 - *M2 - Where mechanical heating or cooling is required, consideration shall be given to new generation cooling systems (eg chilled ceiling beams).*
 - *M4 - Continuous heating electric water heaters are prohibited.*
 - *M5 - Centralised hot water heaters must be either partially or wholly powered by solar or co-generation.*
 - *M7 - All pipe work shall be insulated.*
5. *Insert at beginning of Section 5.10 (Building construction and materials):*
“For mixed use development, the below requirements apply only to the non-residential portion of mixed use developments:”
 - *G1 - appropriate glare and shading control;*
 - *using low glare high performance glass with an overall 3 star Window Energy Rating Scheme rating;*
 - *avoiding the use of reflective films;*
 - *using a glass reflectance below 20%.*
6. *Preface Section 5.16.4 (Illumination of signs) with “For mixed use development, the below requirements apply only to the non-residential portion of mixed use developments.*
7. *Types 5 (Multi-unit development) (Section 6.4.2);*
Mandatory rainwater tanks requirements for Type 5 (multi unit development) –
 - *Change multi unit development to read “multi unit residential development, residential portion of mixed use development”.*

Item 1

S04019
27 October 2006

- *for Minimum Tank Storage Volume and Minimum Use of Retained Water, delete specific references to quantities, and replace with “according to BASIX”.*

1. *Appendices, Section A6.4.1:*

Add a disclaimer at the beginning of this section:

- *“All references to [specific quantities] in the section to follow do not apply to residential multi-unit development or the residential component of mixed use buildings.”*

2. *Stormwater (Section 6.4.3 & and 6.4.2):*

- *Recommend a disclaimer at beginning of section, “All references in the section to follow do not apply to residential multi unit development or the residential component of mixed use buildings.*
- *Add the following text Section 6.4.2 – Note 1 – The mandatory rainwater tank volume requirement may be met using one or more tanks, as appropriate to the site and the required use of stormwater.*

1. *Section 6.4.3 – amend text as follows:*

- *“for aesthetic purposes and to ensure the entire roof area is able to drain practicably via the rainwater tank system, no more than 10,000 litres rainwater tank storage shall be located above ground”*
- *the design of the stormwater management system is to be based on either:*
 - (i) the maximum permissible built-upon area for the development specified in Section 6.6.3 (not including the provision of other Council documents referred to in the table), or*
 - ii) the existing built-upon area, if this is to be retained.*

2. *Section 6.4.4 –*

- *The mandatory rainwater tank as detailed at Section 6.4.2 must be included as part of the stormwater management system and shall comply with the installation specifications in A6.4 (in the Appendices).*

Details of revised yields

The proposed amendments to the DLEP following the considerations of submissions will result in minor changes to the potential dwelling, retail and commercial yields under the LEP. The changes of yield on the sites where there are changes in FSR proposed is as follows:

Item 1

S04019
27 October 2006

2 Durham Lane/2 Memorial Ave - An additional 1,23sqm gross of commercial floor space and 10 less dwellings

15-17 Stanley Street - An additional 220sqm gross of retail floor space and 2 less dwellings.

167-171 Mona Vale Road - An additional 771sqm gross of commercial floor space.

10 Shinfield Avenue - A reduction of 2 dwellings.

A copy of the updated yield table for the St Ives centre is included as **Attachment 13** of this report. The yield table shows potential yields for the St Ives centre under full development of the plan, including dwelling yields from LEP 194 and LEP 200.

COMMUNITY CONSULTATION

The issues raised in the submissions were comprehensively summarised and given detailed consideration by relevant Council staff and consultants where appropriate. **Attachment 4** is a summary table of the submissions and recommendations. Following are the key issues raised in these submissions:

1. MATTERS OF POLICY

The following is a summary of issues raised in submissions that relate to broader policy related issues. Due to the broad nature of submissions in this category few changes to the Draft LEP and DCP are recommended as a result of the review.

a. General

Public submissions raised a number of issues largely related to regional planning considerations. Issues identified include:

- St Ives should be considered for classification as regional centre;
- Expansion of St Ives as a retail centre is not appropriate;
- Consideration should be given to sharing the burden with Wahroonga, West Lindfield and East Killara.

Notably submissions also indicated support for the integrated planning approach undertaken by Council, noting that the plans provide for future growth and provide for development to meet the current and future needs of residents and visitors.

Due to the general nature of the issues raised there are no recommendations for amendments to the plans that arise.

b. Traffic Planning

A large number of submissions were concerned with traffic particularly in relation to increased population, expansion of retail uses and the perceived impacts on traffic. Submissions gave both

Item 1

S04019
27 October 2006

support to many of the proposed traffic changes as well as made objections to the proposed changes particularly where the changes affect local traffic routes.

Submissions criticised the traffic study for inaccuracies and errors other submissions provided detailed technical comments on the proposed modifications such as the location of one-way roads, pedestrian crossings and traffic lights.

Most of the criticisms and issues raised can be addressed through reference to the traffic study and the RTA's support for the traffic plan (with modifications) and therefore generally no major changes have been recommended to the traffic plan. Other issues are noted and will be addressed in future more detailed design work, including:

- The design of the new intersection on Mona Vale Road at the proposed entry to the shopping centre;
- Traffic signals will be investigated in the future to replace the roundabout at Stanley Street (the traffic study considered traffic at this intersection and indicated that traffic signals may be required in the future);
- Pedestrian bridges over Mona Vale Road (the DCP or LEP does not prohibit them).

The recommended amendments (consistent with the RTA requirements) are:

- *Maintain the right hand turn from Mona Vale Road into Rosedale Road. This is to be noted in the DCP 4.6.2 Block A Built Form Controls;*
- *Delete the access lane from Mona Vale Road into Stanley Lane from DCP 4.6.4 Block C Built Form Controls.*

c Parking

Submissions noted a number of concerns regarding parking in and around the St Ives centre. Concerns include:

- Lack of parking in the future.
- Loss of parking.
- Running costs for underground parking.
- Clearways on Mona Vale Road.

Many of the issues raised are relevant, have been noted and are recommended to be addressed as part of a parking management plan for St Ives.

No changes to the plan are recommended at this stage.

Item 1

S04019
27 October 2006**d. Infrastructure issues**

Submissions noted concern regarding the general lack of transport infrastructure, the lack of a rail link, and the increased density suggesting improvements were necessary to reduce car dependence. Submissions identified the following for improvement:

- public transport links to rail stations.
- local public transport links.
- public transport links at night.
- Public transport to and from the centre.

No changes are recommended to the plan. Council will continue to meet with the Ministry of Transport to ensure the implementation of the proposed strategic bus corridors that go through St Ives and provide regional connectivity to Hornsby, Chatswood, Mona Vale and Macquarie Park and Gordon railway station.

Council will also continue to work with and local bus companies the local bus services as these are expected to be reviewed as part of the State Government's Bus Reform program. This would include frequencies and coverage.

No changes to the plan are recommended.

e. Community Issues/Services

A number of submissions noted the importance of the current community service facilities within St Ives. The submissions expressed concern about:

- The future location of the Neighbourhood Centre - if relocated, should be visible, accessible, and on bus & taxi route.
- The current community hall does not meet the need for functions with over 200 people.
- Need passive youth and family leisure facilities, such as a 4 cinema complex.
- Increase in population should be balanced by an increase in public space and sporting facilities.

These submissions have been addressed by noting that any future changes to existing community facilities or construction of new facilities will go through a detailed design process involving consultation with both staff and users (both existing and prospective) and residents and finally must be approved by Council.

No changes to the plan are recommended.

f. Negative Social impacts

Submissions raised concerns regarding the impacts on development and the potential for social problems as well as security, safety and lifestyle problems. Unfortunately many of the issues raised are speculation and have no evidence to support the claims.

Item 1

S04019
27 October 2006

It is noted that the *EPA & Act Section 79C(1) Potential Matters for Consideration* identifies safety, security and crime prevention as one of the possible impacts of development to be assessed. At the Development Application stage Council can request a Safety Audit to be completed.

No changes to the plan are recommended.

g. Character, heritage and amenity

Submissions addressing these issues are largely concerned with the potential loss of the 'village atmosphere', the loss of "lovely old homes" and 'beautiful gardens' and the character of multi-storey apartment buildings not compatible with character of Ku-ring-gai.

Other submissions are concerned about the impacts of housing on local views, residential amenity and the potential to compromise future community use of the Village Green.

While these concerns are valid Council is acting under a direction from the State Government and has prepared the plans to that balance the competing objectives of existing character and future character.

No changes to the plan are recommended.

h. Economic

Issues raised in submissions in relation to economic factors include:

- Loss of property values/saleability.
- Ku-ring-gai doesn't suffer from the "escape economy".
- Expansion of the centre by 75-100% is for economic gain rather than community benefit.
- Residential development will be too expensive.

It is noted that the plan is consistent with the Retail Strategy adopted by council and that the plan carefully balances private economic gain with increased public benefit including new community facilities, open space and traffic improvements.

No changes to the plan are recommended.

i. Overdevelopment

Submissions raise concerns:

- Proposal provides more high density housing and retail/commercial than required by the State Government.
- The proposed 38,000 sq m is overdevelopment.
- Council's retail consultant recommended a maximum of 26,000 sq m. The proposed retail area is excessive.

Item 1

S04019
27 October 2006

It is noted that the plan is consistent with the Retail Study adopted by Council and consistent with the Minister's Direction.

No changes to the plan are recommended.

2. MATTERS OF PROCESS

A number of public submissions addressed the issue of the planning process and consultation undertaken by Council. In summary the issues raised include:

- Planning process has been to disadvantage of residents;
- Planning meetings closed to the public;
- Consultation process misleading and evasive;
- Exhibition periods inadequate;
- Lack of availability of information;
- Lack of consultation;
- Insufficient notification;
- Reclassification process not open and equitable.

Council is firmly of the opinion that the process of community involvement has been extensive, open and equitable:

- Council proposals have been available to the community well in excess of statutory requirements.
- The process has formed one of the most comprehensive undertakings by Council in terms of community involvement and notification.
- All available maps and plans have been publicly available.
- Council is subject to a Ministers directive and has complied with all statutory processes required in the development of the LEP and DCP.
- A broad based planning approach has been undertaken within the constraints of the Ministers direction.
- Reclassification process has involved an independent public hearing as required by statute.

Item 1

S04019
27 October 2006

- Council has carefully balanced requirements of the Ministers directive, community and expert input and economic feasibility to plan for the future of St Ives.

No amendments are recommended to the plans.

3. MATTERS RELATED TO THE PROVISIONS OF THE DRAFT LOCAL ENVIRONMENT PLAN

Public submissions raised a number of matters relating to the drafting and provisions of the Draft LEP. These related to how the Draft LEP applied to particular sites as well as more general issues. Details of Draft LEP related issues in respect to specific sites are discussed later in this report. A full consideration of all issues relating to the Draft LEP raised in submissions is included in **Attachment 4**. Issues of note or areas where amendments to the Draft LEP are proposed are discussed below.

a. Permissible Land uses and definitions

Matters of note raised in relation to permissible land uses and definitions in the Draft LEP included the following.

- A submission raised the prospect that under the drafting of the Draft LEP “Exempt development” would be prohibited as it is not included in the “Permitted without consent” section of the land use tables to clause 12 under.

While it is considered that Section 76 of the EP&A Act and clause 16 of the LEP are the overriding provisions which enable the carrying out of exempt development, the inclusion of exempt development under ‘Item 2 Permitted without consent’ in all zones in the land use table would avoid any ambiguity in the matter.

Amendments Recommended

Include “Exempt development” under ‘Item 2 Permitted without consent’ in all zones in the land use table

- Definitions of “multi-dwelling housing” and “residential flat building” are ambiguous. The definition of “multi-dwelling housing” should clarify that only villas and townhouses are permissible and that residential flat buildings are not.

The LEP Practice Note *PN 06-003* issued by the Department of Planning clearly indicates that the definition is intended to apply to town houses and Villas style developments as opposed to residential flat buildings.

In order to clarify this ambiguity, it is recommended that residential flat buildings are included as prohibited development in part 4 of the R3 zone land use table. This would then exclude residential flat buildings in the R3 zone except for those sites identified in Schedule 1

Item 1

S04019
27 October 2006

of the LEP, thus ensuring the R3 zone provides alternative forms of multi dwelling housing as intended

Amendments Recommended

That “residential flat building” be listed as prohibited development under part 4 of the land use table applying to the R3 zone

- Term “Commercial” are used in the Draft LEP and associated maps, but not defined.

The LEP Practice Note *PN 06-003* issued by the Department of Planning indicates that in cases where terms used in the standard LEP which are not defined in the standard instrument dictionary the ordinary meaning of the word is to be used, which can usually be ascertained by referring to a common dictionary such as the Macquarie Dictionary.

Where Council has used the term “commercial” in relation to a specific land use, it is proposed to change this term to “business premises”, which is the equivalent term that is defined in the standard instrument dictionary. Where the term commercial is used in the broader sense, eg, when used in LEP objectives, the common definition of commercial would be relied upon.

Amendments Recommended

Where the term “commercial” is used in the DLEP in relation to a specific land use, it be replaced with the term to “business premises

- It was noted that swimming pools and spas are not permitted in R4, but are allowed in B2. Reduces potential quality of purely residential developments. It is intended that swimming pools and spas would be ancillary to residential development within the R3 and R4 zones. The specific listing of swimming pools and spas as permissible development with the land use table for the R3 and R4 zones would clarify there permissibility.

Amendments Recommended

Include swimming pools and spas as permissible uses in the R3 and R4 zones

b. Subdivision Provisions

Issues relating to the subdivision provisions contained in the Draft LEP include the potential implications on potential for lot amalgamations and strata subdivision.

The matters of the subdivision provisions have also been raised by the Department of Planning, who have the view that that the provisions are inconsistent with the subdivision provisions of LEP 194. To avoid any confusion and to ensure compliance with Departmental requirements it is proposed that all applicable subdivision provisions of LEP 194 be include within the town centre LEP. This would also involve reducing the minimum lot size standard in the R4 zone from 1,800sqm to 1,200sqm. Heights of buildings in relation to site area will be consistent with the provisions of LEP 194 through the inclusion of clause 25I(5) from LEP 194.

Item 1

S04019
27 October 2006Amendments Recommended

That the applicable provisions of clauses 25E (1), 25H(4), 25I(3), 25I (4) and 25I(5) be included as local provisions under clause 19 of the LEP.

c. Height of buildings

Submissions have raised the inconsistency between use of “storeys” in the height standards in the Draft LEP and the requirement under the standard LEP template definitions to measure height of buildings in metres. Issues relating to the definition of “building height” in the standard LEP were also raised.

Council has been advised by the Department of Planning that clause 21 of the standard LEP and the definition of building height requires maximum heights to be shown as metres.

As a result, it is necessary to amend the height maps in the Draft LEP to metres rather than number of storeys. Council’s urban design consultant has been requested to review the envelope controls and provide appropriate maximum building heights for all sites covered by the LEP, taking into consideration the definition contained in the standard LEP and intended future uses of each site.

A number of limitations with the definition of “building height” in the standard LEP have been identified, including the use of existing ground level as a basis for calculation. Council is currently liaising with the Department of Planning and other Council’s to seek changes to the definition within the standard LEP. Further analysis of appropriate development controls for building height are included in the section of this report responding to Department of Planning comments on the draft LEP.

Amendments Recommended

The Height of buildings map to be amended to identify maximum height of buildings in metres rather than storeys.

d. Floor Space Ratio Standards.

A number of submissions raised issues with the floor space ratio controls included the view that they are unnecessary given the extensive use of other built form controls in the DCP and that they were not consistent with the provisions of LEP 194.

The FSR controls contained in the Draft LEP have been derived from the detailed building envelope controls contained in the DCP. The envelope controls demonstrate how the objective under clause 22(2) can be achieved.

The building envelope controls are also consistent with the built upon area and landscaping controls contained in the DCP. In the case of the R4 zone, these are based on the development standards contained in the 2(d3) zone, as required by the Minister’s Section 55 Direction.

Item 1

S04019
27 October 2006

This provides for complete consistency between the FSR standards in the LEP and the various DCP controls. There are no recommended variations to FSR standards in the Draft LEP other than those proposed for specific sites raised elsewhere in this report

e. Savings provision

It was noted that an absence of a savings provision is inequitable – eg for rezoning 2d(3) to R4. The Department of Planning has also requested that a savings provisions be included in the LEP

Amendments Recommended

That a savings provision be included as a local provision under clause 8 of the LEP.

f. Development standards applying to Cowan Road Car Park

One submission to Council sought to have the Cowan Road car park include a height limit to 5 storeys and FSR of 1.7:1 to make it consistent with adjacent development. The site has no development standards applying to it under the Draft LEP.

The Department of Planning has requested that Council include development standards for the Cowan Road car park. The Department have also requested that no site be down zoned from its current zoning. This applies to development standards and permissible uses.

The car park is currently zoned Business 3(a) (A2) and has a maximum FSR of 1:1 and a maximum height of 2 storeys. As Council's expressed intended future use of the site is only for car parking purposes, it is proposed that the existing development standards for the site be retained in the new LEP.

The uses permitted in the B2 zone include all uses currently permitted in the Business 3(a) (A2). This includes car parking uses.

Amendments recommended

That the LEP included development standards applying to 11 -19 Cowan Road (Cowan Road car park) that are consistent with those that currently apply to the site.

g. Sites for down zoning

A number of submissions sought down zoning to lower heights and FSRs on particular Sites. Sites requested for down zoning includes sites proposed for R4 zoning or sites currently zoned 2(d3) and not covered by the Draft LEP, including:

- 187-189 Mona Vale Road (Sovereign)
- 199 Mona Vale Road (Camellia Place)
- 6 Shinfield Avenue,

Item 1

S04019
27 October 2006

- 126 & 128 Rosedale Road and
- 251-257 Mona Vale Road (Kari Court)
- 24 Stanley Street (Monterey)
- 8-10 Stanley Street (Ambulance Station)

The Minister's Section 55 Direction requires Council to maintain the existing development standards under LEP 194 and the Section 65 Certificate issued by the Director General is conditional on the LEP including no down zonings. This position is supported by Direction G21 under Section 117(2) of the EP&A Act.

The maximum 5 storey height limit applying to R4 zone in accordance with the Minister's Section 55 Direction which requires development standards consistent with those currently applying under LEP 194

Submissions from Pemberley Grove and other groups within the vicinity did not accept that Section 117 directions require re-zoning of these sites as these directions allow for down zoning to correct an error made by a previous LEP.

There are no grounds on which to justify an inconsistency with the 117 directions and down zone any site as there are no errors in zoning. LEP 194 was prepared in accordance with statutory requirements and was legitimately made.

Revised development controls for 10 Shinfield Avenue

It was noted in the submissions that under the Draft LEP, the site at 10 Shinfield Ave would be able to develop to a maximum height of 4 storeys at an FSR of 1:1, which is in excess of what would be possible under LEP 194. The site area is confirmed as being 1,265sqm, significantly less than the 1,800sqm threshold to achieve the 4 storeys. As a result the development potential of this site under LEP 194 would be a maximum 3 storeys at an FSR of 0.8:1. The submission to restrict development on the site to that currently permitted under LEP 194 should be supported. The R4 should be retained on the site to permit the development of residential flat buildings, as is permitted under LEP 194.

Amendments recommended

The development standards in the Draft LEP applying to 10 Shinfield Avenue be amended to have a maximum height of 3 storeys and a maximum FSR of 0.8:1.

4. MATTERS RELATED TO THE DRAFT DEVELOPMENT CONTROL PLAN

Public submissions raised a number of matters relating to the objectives, strategies and controls within the Draft DCP. These related how the Draft DCP applied to particular sites as well as more general issues. Details of Draft DCP related issues in respect to specific sites are discussed later in this report. A full consideration of all issues relating to the DDCP raised in submissions is included

Item 1

S04019
27 October 2006

in **Attachment 4**. A summary of issues of note and areas where amendments to the Draft DCP are proposed are outlined below.

a. Draft DCP Part 2 - Vision, Objectives and Strategies

Matters of note raised in submissions include:

- the complexity of the plans adding costs to development;
- substantial infrastructure changes and associated costs;
- high development costs;
- Errors and inconsistencies in the strategies.

Recommended amendments to the Draft DCP:

- *Provide statement in Preliminaries clarifying the role of the DCP in relation to infrastructure provision;*
- *Amend strategy drawings 2.2.5 and 2.2.6 to be consistent in relation to the public parking area near Memorial Avenue;*
- *Insert note in 2.2.7 regarding requirement for water tanks not to impact on existing amenity or vegetation;*
- *Amend 2.2.11 to confirm location of bus stops;*
- *Amend 2.2.11 to remove Taxi rank at Rosedale Road;*
- *Amend Block Plan C to remove the proposed extension of Stanley Lane to Mona Vale Road.*

b. Draft DCP Part 3 - Public domain controls

Key issues raised in submissions include:

- Ensuring no reduction in size of open space area of the Village Green;
- The town square location is not appropriate;
- Ensure community ownership of town square and promenade;
- All Village Green works should be deferred for further consultation;
- Concern about proposed tree removal on Village Green and existing parks;
- Council has done a good job of planning for open spaces.

Item 1

S04019
27 October 2006Recommended amendments to the Draft DCP:

- *Note in Design Objectives 3.1.1 that the town square is to be Council owned and managed.*
- *Note in 3.1.2 Design Objectives that the Village Green Promenade area is to be publicly owned.*
- *Note 3.1.3 that the relocation of guide hall to be subject to further consultation;*
- *Include general explanatory notes for Part 3 – the drawings are Concept Plans only. All design and construction works subject to further consultation;*
- *Remove reference to tree removal in 3.1.3;*
- *Clarify hierarchy of controls in Preliminaries (Part 1 of the DCP);*
- *Amend DCP to replace all references to built-upon area with site coverage to be consistent with the LEP definition;*
- *Tree planting to focus on locally occurring species whenever appropriate.*

c. Draft DCP Part 4 - Primary development controls

The following matters of note are identified by the public submissions:

- conflicts between built form controls and the provision of amenity (eg. solar access, common open space);
- Proposed amalgamation patterns will be not always be achievable;
- Built form controls discriminate against small sites;
- Small boutique developments should be allowed;
- Awning and colonnade requirements are too restrictive;
- Appropriateness of active frontage to Cowan Road car park;
- Definition of site coverage.

Recommended amendments to the Draft DCP:

- *Notes for clarification and consistency;*
- *Clarify hierarchy of controls in Preliminaries;*
- *Amend DCP to replace all references to built-upon area with site coverage.*

d. Draft DCP Part 4 - Specific built form controls (precincts A-F)

A number of detailed submissions were received seeking a number of changes to the DCP. The main issues raised are:

Item 1

S04019
27 October 2006

- Appropriateness of building setbacks;
- Appropriateness of building uses;
- Appropriateness of designating privately owned land as open space or for community facilities within the DCP;
- Building envelope controls are too restrictive;
- Provisions for landscaping to reduce visual impact and to protect views;
- Proposed character of Stanley Lane;
- Site coverage is not realistic on some sites;
- Buildings depths for residential buildings too narrow;
- FSR is not achievable given the setback controls in the DCP;
- DCP does not provide economic incentive to redevelop;
- Errors and inconsistencies in the drawings.

The recommended amendments to the Draft DCP are set out below.

Amendments outlined below also need to be referenced to detailed site specific assessment of the Draft DCP addressed later in the report.

Amend 4.6.2 Block A Built Form Controls as follows:

- *Refer to “Mona Vale Road and Memorial Road” in relation to site 7;*
- *reduce setback requirement for residential development to 2m back from the edge of the retail podium along the northern boundary of the shopping centre;*
- *Revise s.4.5 and s2.2.2 to delete reference to active frontage along the western side of the shopping centre;*
- *requirement for landscape setback and screening to western wall of shopping centre adjoining Council owned car park.*

Amend 4.6.4 Block C Built Form Controls as follows:

- *reduce the building setback on Stanley Lane from 6m to 3.5m;*
- *delete the proposed car parking bays in this section of the lane;*
- *Retain proposed footpath and street trees;*
- *Adjust 4.1 Site Coverage diagram accordingly;*
- *Provide additional notes under Block C Plan - Building Uses and Ground Floor Activities to allow ground floor retail uses fronting Stanley Lane.*

Amend S4.6.6 Block E Built Form Controls as follows:

- *include references to both hospital and residential uses to be consistent with Council resolution of February 28 2006*

Item 1

S04019
27 October 2006

- *provide two building envelope options:*
 - *Option 1 - Seniors housing/residential 0.9:1 and hospital 0.4:1*
 - *Option 2 - Residential 0.9:1*
- *Revise Desired Future Character statement page 69 to reflect two possible options*
- *Amend 4.1 Site Coverage diagram to show site coverage for hospital 40% and for residential 35% consistent with Council resolution*

Amend 4.6.7 Block F Built Form controls as follows:

- *Amend 3D drawing page 70;*
- *reduce side and rear setbacks to 7 metres;*
- *increase setbacks to eastern boundary to 12 metre to protect existing trees;*
- *Amend text page 70 to refer to Character building rather than heritage building.*

Amend drawing Block G Built Form Controls as follows:

- *show section K (not Section I as shown);*
- *Recommend adjustment of setbacks on southern boundary to protect existing trees;*
- *Recommend deletion of requirement in the DCP for public access easement through the site.*

e. DCP Part 5 – General Development Controls

The main issues raised in the submissions include:

- *Overly restrictive building articulation controls in relation to overshadowing and reduction of visual bulk;*
- *Relationship between building articulation controls LEP definition of height not clear;*
- *Requirement to achieve defined level of solar access to 70% apartments will be difficult to comply with;*
- *Common open space provisions will be difficult to comply with.*

Recommended amendments to the DCP are as follows:

- *Delete Control 5.2.5 R2* (ii)*
- *LEP height controls to be converted to metres rather than storeys as required by State Government (as discussed elsewhere in this report).*

f. DCP Part 6 - Water Management Controls

Matters of note raised in submissions include:

- Concerns over equity, workability and effectiveness of controls

There are no recommended amendments to the DCP although the comments have been noted at this stage. It is proposed that a more substantial analysis needs to be undertaken. This will be reported to Council for inclusion in a subsequent DCP amendment prior to the end of December 2006.

5. MATTERS RELATED TO DRAFTING OF THE DCP

Matters of note raised in submissions include:

- Degree of complexity and length of documentation;
- Relationship between the various parts of the DCP is not sufficiently clear;
- Lack of Clarity and consistency;
- Errors in diagrams;
- Lack of consistency in use of terms “village”, “town” and “centre”.

The recommended amendments to the DCP are as follows:

- *Provide additional text in the preliminaries to explain why the DCP is of such complexity and length;*
- *Expand explanation in Part 1 of DCP as to the relationship between the various parts of the DCP;*
- *Amend 2.2.1 to show substation rather than housing*
- *Amend 2.2.2 to show substation;*
- *Amend the following to be consistent with RTA requirements:*
 - *Diagram page 23 and text*
 - *2.2.12 to show clearway on Mona Vale Road page 32*
 - *4.6.4 Block Plan C page 65*
 - *4.6.2 Block A page 60*
- *Review DCP and remove all references to ‘town’ or ‘village’*

6. MATTERS RELATED TO KEY SITES

The following discussion provides a full analysis of each submission in relation to key sites within the centre. The submissions discussed are:

- Submission number 23: St Ives Shopping Village, Mona Vale Road, St Ives;

Item 1

S04019
27 October 2006

- Submission number 12: 2 Durham Lane/2 Memorial Avenue (Commonwealth Bank), St Ives;
- Submission number 40: Callahan College (Commonwealth Bank Training College), 27 College Crescent, St Ives;
- Submission number 58: 235 Mona Vale Road (the Old Post Office), St Ives;
- Submission number 46: 15-17 Stanley Street, St Ives;
- Submission number 45: 240 Mona Vale Road (former Camellia Grove Nursery), St Ives;
- Submission number 17 and 63: 167-181 Mona Vale Road (near the intersection of Shinfield Avenue), St Ives;
- Submissions (multiple): Eden Brae, Stanley Close, St Ives.

a. Submission number 23: *St Ives Shopping Village, Mona Vale Road, St Ives*

The site is currently zoned 3(a)-(A2) has a maximum FSR of 1.0:1 and a 2 storey height limit. The Draft Town Centre LEP proposes to rezone the site B2 – Local Centre allowing a mix of uses including residential retail and business premises. The planning controls for the site allow an FSR of 2.5:1 and a 5 storey height limit.

Summary of submission

The submission states that it will not be economically feasible to provide residential development above the retail podium of St Ives Shopping Village within a 5 storey height limit & therefore the Housing Vision in the DCP will not be achieved. The submission submits that 5 storeys of residential above the retail podium are required for viability. It is suggested that this would consist of up to 5 storeys including parking. A setback of 20m to the 5 storey portion would ensure minimisation of visual intrusion on nearby properties. The height would allow the identification of the site from a distance as a focal point and would increase activity in the town, especially at night.

In summary the submission proposes the following amendments to the LEP/DCP:

- An increase in total storeys. The draft LEP allows 5 storeys and the submission requests an increase to 7 storeys including one level of parking over the retail podium (also requested is reference to height in metres 23.4 – 30 metres above ground);
- An increase in residential FSR. The draft LEP allows 0.67:1 for residential the submission requests an increase to 1.3:1;
- An increase in the total FSR for the site. The draft LEP allows a total of 2.29:1 the submission requests increasing this to 2.97:1 comprising 1.6:1 retail/commercial, 1.3:1 residential and 0.07:1 community;

Item 1

S04019
27 October 2006

- Rezoning Council's of Cowan Road car park allowing 5 storey residential development.

It is noted that no additional FSR for retail or commercial uses is requested in the submission.

Background

Council has directed considerable energy to ensure the overall project was viable by meeting the St Ives Shopping Village's request for an increase in retail FSR to ensure financial feasibility. In response to this on the 14 March 2006 Council resolved the following:

"That the Draft Ku-ring-gai (Town Centres) Local Environmental Plan be amended prior to exhibition to include the following floor space ratio development standards to apply to the St Ives Shopping Centre site as follows:

- *Maximum Retail/Commercial – 1.6:1*
- *Minimum Community Facilities – 0.07:1*
- *Total Site – 2.29:1"*

The resolution increased the original retail FSR from 1.2:1 to 1.6:1 and increased the total site FSR from 1.8:1 to 2.29:1. At this point of time increased residential was not identified as necessary by the St Ives Shopping Village.

More recently the landowner's representatives have presented a preliminary concept for residential apartments on top of the retail podium. The proposal is for two floors of retail, one level of enclosed car parking over the retail podium and up to 5 storeys of residential on top of the retail podium. Further details include:

- 2(d3) style residential apartment buildings development on top of the retail podium with self contained parking;
- 3 storey buildings along the northern and southern edge of the Village similar to what is shown in the Draft DCP (with reduced setback to the north);
- 5 storey apartment buildings located in the centre of the podium no less than 20 metres to the retail podium parapet;
- Road access from Cowan Road via a ramp to the top of the retail podium to provide access to car parking level (level 3);
- Internal road (private) on top of the retail podium to service the apartments and provide a street address.

Analysis and Discussion

This is the most important site in the St Ives Town Centre, as it is the largest and most central site, and it forms long and prominent edges to the Village Green and Mona Vale Road. Council staff and

Item 1

S04019
27 October 2006

external consultants have undertaken a comprehensive analysis in terms of traffic impacts, community/public interest, economic issues and urban design among others.

i. Traffic Impacts

The increase in residential FSR sought by the owner would add a further 170 units to the total. This will have a potential traffic impact. The submission also seeks a ramped access up to the retail podium level from Cowan Road.

Council's traffic consultant has reviewed the available information and notes that an additional 170 residential units will result in 102 additional AM and PM vehicle trips and 80 Saturday noon vehicle trips. The consultant has advised that this should not be a major problem with access to and from Cowan Road (refer **Attachment 10** for details)

ii. Public interest

In terms of the public interest it is noted that there has been considerable community concern regarding medium density housing within St Ives, particularly regarding the visual impacts and traffic in the area. The submission would result in significant increase in bulk and scale as well as height which would create further community concern.

iii. Urban design

The submission proposes a residential development type with a similar FSR and heights to that of LEP 194 type development on top of a retail podium. This has potential urban design impacts.

- The proposed height overall height of 7 storeys is not considered appropriate. The draft DCP proposes a maximum building height of 5 storeys, as this is the same height as most other sites in the town centre, and is the maximum height in the town centre. This height is also appropriate within the hierarchy of centres. The St Ives Shopping Village site is able to contain a large amount of development within this height, as the ground and first floors cover almost the entire site on both levels with retail shops. The top three floors create a scale of development which is appropriate to the scale and character of St Ives town centre and is consistent with almost all other sites.
- The Draft DCP proposes residential dwellings to be located towards the edge of the retail podium, to allow views across the open spaces surrounding the site. At the edge, the apartments have a street address and have easy access to the lifts and stairs, without unnecessarily cutting into the retail levels with long access corridors. The residential apartments around the perimeter benefit in terms of views, address and access when compared to the development type proposed in the submission which has a number of issues:
 - - Apartments isolated in the middle of a concrete podium with no public street address;
 - Limited residential amenity for a large proportion of units;
 - The development would produce a community where the main access and egress would be via car;

Item 1

S04019
27 October 2006

- Some of the apartments at the centre of the podium would have no outlook or views;
- Amenity would rely on heavily landscaped podium which is both costly to develop as well as maintain.

iv. Economic Feasibility

Regarding economic feasibility Councils economic consultant, Hill PDA makes the following comments (refer **Attachment 9** for details):

- The argument regarding the feasibility and economic viability of the residential component of the site is weak;
- If St Ives Shopping Village considered the additional development of a residential component above the retail precinct, the results of the feasibility analysis would be more attractive;
- No calculations or summary of the feasibility conducted by Sphere Property Group is provided to prove why the increase in residential floor space from 15,000sqm to 45,000sqm (1.7:1) is required for feasibility;
- It is the consultant's view that the residential space on top of the shopping centre will make more than an adequate margin, which is expected given that the marginal cost of land is effectively zero.
- It is the consultant's view that the retail expansion without the residential component is viable on its own, also that the cost of the retail expansion provides for a development site on top of the building at no marginal cost to the residential component.

Recommendation

Based on the analysis undertaken above taking into account traffic impacts, the public interest, economic issues and urban design issues it is recommended that there be no change to the proposed residential FSR of 0.67:1

It has been recommended elsewhere in this report that Council reconsider the decision to require a 13 metre setback to the residential buildings along the northern edge of the shopping centre podium.

The issue of rezoning Council's land at 11-19 Cowan Road has been dealt with separately in this report as it is the subject of a specific requirement of the Minister for Planning.

b. Submission number 12: 2 Durham Lane/2 Memorial Avenue (Commonwealth Bank), St Ives

The site is currently zoned 3(a)-(A2) has a maximum FSR of 1.0:1 and a 2 storey height limit.

The Draft Town Centre LEP proposes to rezone the site B2 – Local Centre allowing a mix of uses including residential, retail and business premises. The planning controls for the site allow an FSR of 2.5:1 and a 4 storey height limit.

Item 1

S04019
27 October 2006*Summary of submission*

The submission proposes the following amendments to the Draft LEP/DCP:

- Increase the allowable building height from 4 to 5 storeys; and
- Increase the site FSR from 2.5:1 to 3.5:1 (0.8 on 3 upper storeys and 0.3 on 5th storey);
- Allow retail and commercial use only for the site (the B2 – Local Centre Zone allows any mix of uses on the site and the draft DCP shows retail and residential uses only on the site).

Background

The owner has contacted Council on a number of occasions during the process of preparing this submission. The owner has indicated that he considers the preferred use of the site to be solely for retail and commercial offices. The submission requests minor changes to the Draft DCP to provide more certainty that such a mix will be allowable in the future.

The submission also requests an increase in FSR and height. However no economic justification has been given for the suggested increase. The submission argues that:

- if upper floors become commercial, there will be no requirement to reduce FSR, as amenity would be protected;
- Impact on solar access to Durham Lane, (as it runs east/west) would be minimal;
- Additional density/height would be consistent with other sites in the vicinity.

Analysis and discussion

Council staff and external consultants have undertaken a comprehensive analysis in terms of traffic impacts, community/public interest, economic issues and urban design among others.

i. Planning/land use

Given that this site is an island site surrounded by future public areas the argument for commercial uses only on this site has merit. Residential in this location would be subject to some privacy and noise related issues over and above other similar sites.

ii. Economic viability

In regard to an increase in height and FSR there has been no supporting information provided, such as an economic analysis. The FSR proposed for the site in the Draft DCP is 2.5:1 FSR which is equivalent or greater than other similar sites in the area. Therefore it is not possible to support the request for an increase in height to 5 storeys and FSR to 3.5:1.

iii. Urban Design

The Draft DCP proposes a 4 storey height limit with a top floor setback. This provides a balance between allowing a generous amount of additional development potential for the site while protecting some solar access to Durham Lane.

Item 1

S04019
27 October 2006

iv. Traffic

Change from about 10 apartments with relatively low traffic generation to 1,100sqm of office space

Council's traffic consultant has reviewed the impacts of allowing an additional 1100m² of commercial (office) floor space (which equals an additional 11 and 6 peak hour Thursday PM and Saturday noon trips, minimal AM impacts) and has advised that these volumes are so small, with say an extra 1 vehicle every 6 to 10 minutes that it will only affect the traffic modelling average delay times by 1 or 2 seconds and therefore be of no major consequence in the broader perspective.

Recommendations

Taking into account the analysis of economic, urban design, planning and traffic impacts the recommendation is to:

- Amend the LEP to allow height in metres to accommodate a 4 storey commercial/retail building;
- Change the DCP block plan A page 60 to show retail/commercial building only; and
- Add notes to the Draft DCP page 61 to indicate top floor for commercial building to comply with the 60% rule.

There is no recommendation for a change to the site FSR.

c. Submission number 40: Callahan College (Commonwealth Bank Training College), 27 College Crescent, St Ives

The site is currently zoned Special Uses 5(a) Training Centre under the KPSO. Under these provisions the site has only one allowable use as a Training Centre. The existing buildings on the site are between part one storey, part 2 storey and part 4 storey with the majority of the lower order.

The Draft LEP proposes to rezone the site R3 – Medium Density Residential allowing a town house development with an FSR of 0.5:1 and a 2 storey height limit. The total number of dwellings is approximately 55.

Summary of submission

The submission requests:

- increasing the site FSR from 0.5:1 to 1.1:1
- increasing the building heights from 2 storeys to a 5 storey maximum height; and
- Changing the zone from R3-medium density to R4-high density to allow apartment buildings.

The submission argues:

Item 1

S04019
27 October 2006

- The site is very large at 12,150 sq m in comparison to other nearby sites which are zoned R4 to 5 storeys with an FSR of 1.3:1;
- A development including residential flat buildings and townhouses can be designed appropriately to respond to the context of the site – maintaining significant trees, retaining forested frontage to Link Road, and avoiding overshadowing and overlooking of neighbouring dwellings;
- Reconsideration of pedestrian access through northern part of the site is sought (DCP issue); and
- Relaxation of setbacks and separation requirements are justified as streetscape, privacy and overshadowing impacts are acceptable (DCP issue).

The submission provides concept plans and a Tree Assessment report to support the application.

Background

Council staff met with representatives of the land owners on a number of occasions since the beginning of the town centre planning process in 2005 through to 2006. The land owner has previously indicated that they are generally happy with the rezoning from a Special Uses – Training College Zone (which is a very restrictive zoning) to a R3- medium density residential zone allowing two storey townhouses.

More recently representatives of the owners have presented a concept proposal to Council staff seeking higher development yields. The plan proposes 2-3 storey townhouses, adjacent to the southern and eastern boundaries, and 5 storey apartment buildings adjacent to the northern boundary with Masada College, with a central street between. Dual (but unconnected) vehicular access (College St and Link Rd) is proposed. The plan also proposes change to setbacks along the boundaries of the site.

Analysis and discussion

Council staff and external consultants have undertaken a comprehensive analysis in terms of traffic impacts, community/public interest, economic issues and urban design among others.

i. Planning

The proposed FSR in the Draft LEP is below the 0.8:1 used for town houses in the R3 zone in other centres.

The Department of Planning have indicated to Council that a 2 storey height limit within the R3 – medium density zone is not appropriate.

ii. Pedestrian access

The Draft DCP proposes a 12m setback from the northern boundary to allow for a public through site link along the northern boundary.

Item 1

S04019
27 October 2006

It is noted that there is currently a pedestrian access easement along the southern boundary of Masada College. The proposed pedestrian access in the Draft DCP, through the subject site, is therefore not warranted.

iii. Urban Design

The Callaghan College site is at the periphery of the St Ives centre (700 metres from the shopping centre), on the eastern side of Link Road.

The proposed scale of development in the Draft DCP reflects this low rise development on the edge of the town centre. The appropriate building type, at this scale of development, is for townhouses. This maximises the development potential while relating to the scale of existing adjoining housing.

The two storey scale of development should be retained along the southern boundary of the site, to avoid undue impact on the adjoining houses and yards to the south. The same issue of immediate impact does not exist in relation to sites to the east and north. Within the R3 zoning, an additional floor of development, being 60% of the lower floors, may be appropriate on the buildings along the eastern and northern boundaries.

This would result in approximately 20-25 additional dwellings.

iv. Financial

No financial analysis has been within the submission to support an increase in FSR and height.

v. Traffic

The submission would cause an increase of approximately 90 dwellings.

The preferred urban design outcome would result in approximately 20-25 additional dwellings.

Council's traffic consultant has reviewed the potential impacts of an additional 30 dwellings (equivalent to an additional 18 AM / PM trips) and has indicated that the impacts are likely to be acceptable.

The Draft DCP proposes a vehicular access only from College Crescent while the submission seeks access from Link Road. The latter is not supported at this stage.

vi. Environment

The character of Link Road is created by the dense landscape of Masada College and Callaghan College, which the Draft DCP retains with a 24m setback from the road. The submission seeks a reduction of this setback which cannot be supported.

The submission seeks an increased setback to the southern boundary to protect existing trees on the site. This is supported.

Recommendations

Taking into account the above analysis it is considered that the following g represents an appropriate outcome for the site:

Item 1

S04019
27 October 2006

- A site FSR of 0.8:1 (increased from 0.5:1); and
- A maximum 3 storey height limit.

And the Draft DCP Block G Built Form Controls amended as follows:

- A 3 storey height limit (increased from 2 storeys) along the eastern and northern boundaries;
- 2 storey height limit (as exhibited) along the southern boundary;
- Adjustment of setbacks on southern boundary to protect existing trees; and
- Removal of requirement for public access easement through the site.

Two options are outlined to progress these amendments:

Option 1

Council could resolve to make the required changes to the LEP as part of the process of adopting the Draft LEP. The increase in FSR and changes to building heights can be justified because the amendment simply makes the provisions compatible with other R3 – medium density zones.

Option 2

Council could resolve to adopt the Draft LEP and DCP as exhibited for this site at R3 - medium density, FSR of 0.5:1 and a maximum height of 2 storeys. The process of revising the LEP and DCP could be delayed either for an early amendment to the Town Centre LEP or for finalisation during the Comprehensive LEP process.

Option 2 is the recommended option given that there has been no expressed urgency for the rezoning by the land owners and the land owners have noted their support for the rezoning of the land from Special Uses – Training College to R3 – Medium Density Residential.

d. Submission number 58: 235 Mona Vale Road (the Old Post Office), St Ives

The site is currently zoned 3(a)-(A2) under the KPSO. The site has a maximum FSR of 1.0:1 and a 2 storey height limit.

The Draft LEP proposes to rezone the site to B2 – Local Centre which allows a mix of uses including residential, retail and business premises. The draft planning controls for the site allow an FSR of 2.0:1 (maximum retail 0.75:1) and a 5 storey height limit.

Summary of submission

The submission seeks the following amendments:

- Increased site FSR and reduction in setback controls and
- Increased retail FSR allowing retail uses over 2 levels.

Item 1

S04019
27 October 2006

The submission argues that:

- Building estimates based on the Draft DCP show that there is no economic incentive to redevelop; and
- The minimum retail FSR is not achievable given the setback controls in the DCP.

Background

Preliminary exhibition 15 December Council resolved an FSR of 2:1 for the site, which is an effective doubling of the existing FSR. The land owner has advised that amalgamation with adjoining properties is unlikely.

At that stage Council's economic consultant Hill PDA gave advice "*that given the high land value/high rental value of the properties; the good/new condition of existing shops; and the presence of strata title property at 213-231 Mona Vale Road these shops were unlikely to change in short term to medium term even with the substantial increase in FSR proposed.*"

Analysis and discussion

Council staff and external consultants have undertaken a comprehensive analysis in terms of traffic impacts, community/public interest, economic issues and urban design among others.

i. Planning/land use

Two storeys of retail are not considered appropriate for this area. Retail has been allocated across the centre in accordance with overall retail planning. The B2 Local Centre Zone and associated building controls allow for a flexible mix of ground floor retail, commercial office and residential uses.

ii. Urban design

Council's urban design consultant has reviewed the submission and provides the following advice. The Draft DCP controls of 2:1 FSR maximum, including up to 0.75:1 retail FSR, are a substantial increase on the existing control of 1:1 total FSR. The building envelopes show a 38m deep ground floor retail shop, on a 46m deep lot (with a 2m setback from the front boundary and a 6m setback from the rear boundary). This equates to 82% site cover by retail. With some allowance for servicing, such as a possible car ramp, which may reduce this gross figure to a nett FSR figure, it is evident that 75% of the site could be retail FSR, which equates to the retail maximum allowable of 0.75 : 1. It is also evident that the minimum retail allowable, of 0.5:1 FSR, is also achievable in the envelope, and that it is not affected by the required setbacks from the street and lane.

iii. Financial

No details have been provided in the submission to justify the increased FSR sought by the land owner. Based on previous economic advice from council's consultant there is no reason to provide further incentive to redevelop as this would require a level of development above and beyond the constraints of the site.

Recommendations

Based on the analysis undertaken it is recommended that there be no change in site FSR or the maximum retail FSR.

Item 1

S04019
27 October 2006**e. Submission number 46: 15-17 Stanley Street, St Ives**

The site is currently zoned 3(a)-(A2) and has a maximum FSR of 1.0:1 and a 2 storey height limit.

The Draft LEP proposes to rezone the site B2 – Local Centre which allows a mix of uses including residential, retail and business premises. The draft planning controls for the site allow an FSR of 2.0:1 (maximum retail FSR 0.45:1) and a 5 storey height limit.

Summary of submission

The submission seeks the following:

- Increase of site FSR from 2.0:1 to 2.5:1; and
- Increase of retail FSR from 0.45:1 (Max.) to 0.75:1 (Max.).

The arguments given are:

- The draft LEP proposes a maximum retail FSR of 0.45:1 which is not consistent with the conditions listed on Schedule 2 of the Section 65(2) certificate in terms of land use *intensity*, (rather than only the range of uses);
- A higher site FSR is necessary for economic feasibility;
- Current maximum retail FSR is not consistent with neighbouring sites; and
- Yields need to be increased to prevent continuation of undersupply of retail and commercial.

Background

As 15-17 Stanley Street is currently zoned 3(a) – (A2), it falls within the Minister's Direction for shop top housing and was therefore recommended for rezoning to mixed use within the recommended land use option. In July 2005 Council resolved along with Eden Brae and the shops at 213-237 Mona Vale Road to create a mixed use zone.

Since that time the site has been through a number of revisions in discussion with the owner.

In December 2005 Council resolved a maximum site FSR of 1.9:1 with maximum retail of 0.45:1.

On the 28 February 2006 Council resolved:

“The Draft LEP and draft DCP controls for 15-17 Stanley Street St Ives be amended to include the following planning controls; a maximum total FSR of 2.0:1, maximum height 5 storeys (4.6), maximum site coverage of 55% and retail floor space Minimum 0.3:1 and maximum 0.45:1.”

This resolution represented an increase in FSR from the Draft adopted by Council see report dated 15 December 2005.

Item 1

S04019
27 October 2006*Analysis and discussion*

Council staff and external consultants have undertaken a comprehensive analysis in terms of traffic impacts, community/public interest, economic issues and urban design among others.

i. Planning and land use

In regard to an increase in the site FSR this property is currently zoned 3(a) and in land use terms forms part of the group of shops fronting Mona Vale Road.

ii. Public Interest

In planning for the subject site Council have been mindful of the potential impacts on the “Eden Brae” development to the south. The reasons for this are as follows:

- The property directly adjoins lots 1, 3, 5, 7, 9 and 11 of Eden Brae. These homes are single storey and have small rear courtyards. The homes are no more than a few metres from the rear boundary.
- Redevelopment of 15-17 Stanley Road above 5 storeys would have significant impacts on parts of Eden Brae including overshadowing and over-looking as well as bulk and scale related issues.

A preferred outcome is for Eden Brae and 15-17 Stanley Street to develop together. The building envelopes have been prepared with this in mind.

iii. Urban design

In relation to setbacks and retail FSR the building envelope for this site reflects the need to provide setbacks of:

- 3m from the Eden Brae boundary, to reduce impact on the existing and future houses, and to avoid a blank wall in future development;
- 3m from Stanley Street, to align with the existing shops and widen the footpath at this point;
- 6m from Stanley Lane, to allow for trees and kerbside parking in the lane with a footpath;
- 3m from the rear boundary to avoid a blank wall in future development.

The existing building envelope at ground floor covers only 56% of the site, which would allow for retail FSR of 0.5:1 (allowing for servicing, such as a possible car ramp). It would be possible to increase this to 0.6:1 by reducing the building setback from the lane from 6m to 3.5m. This would require deletion of the existing car parking bays in this section of Stanley Lane, however the footpath and street trees could be retained.

Council’s urban design consultant has recommended that this amendment is made, so that the retail FSR increased from 0.45:1 maximum to a maximum of 0.6:1

Item 1

S04019
27 October 2006

iv. Financial

No financial information is provided in the submission to support the increase in FSR sought by the land owner.

In relation to the economic viability numerous options have been considered during planning for this site. Given the potential impacts of redevelopment of this site on Eden Brae, both now and into the future, there is no compelling reason to encourage redevelopment of this site in the short – medium term in fact it would be preferable if redevelopment occurred in conjunction with the redevelopment of Eden Brae.

Recommendations

It is recommended that there be no change to the site FSR of 2.0:1.

It is recommended that the Draft LEP be amended as follows:

- a maximum retail FSR of 0.6:1 (increased from 0.45:1 maximum).

It is recommended that the Draft DCP Block C Built Form Controls be amended as follows:

- require a setback of 3.5 metre (reduced from 6 metres) to Stanley Lane.
- The amalgamation line to indicate 15-17 Stanley Street as part of Eden Brae development site with notes in the DCP to support amalgamation of the sites. (refer also discussion *Submissions (multiple): Eden Brae, Stanley Close, St Ives*)

f. Submission number 45: 240 Mona Vale Road (former Camellia Grove Nursery), St Ives

The site is currently zoned Residential 2(c) which a single residential dwelling zone.

The Draft LEP proposes to rezone the site R4 – High Density Residential with two options for height and floor space ratios depending on the use. For a residential use a 4 storey height limit and an FSR of 0.9:1 is proposed. For a hospital use a 5 storey height limit and FSR of 1.3:1 is proposed.

Summary of submission

SJB Planning has made a submission on the behalf of the owner of 240 Mona Vale Road. The submission requests a number of amendments to the DCP these issues have been addressed in the Summary Table (**Attachment 4**).

The submission also seeks a number of amendments to the Draft LEP including:

- adding *residential care facility and seniors housing* to subclause 3 as a use that is “permitted with consent” in the land use table for Zone R4 under Part 2 of the DLEP 2006 (Town Centres);
- Amending the FSR map to Clause 22 by deleting hospital (1.3:1) and inserting *hospital or hospital and seniors housing or residential flat building* (1.3:1);\

Item 1

S04019
27 October 2006

- Amending the height map to Clause 21 by deleting hospital (5) and inserting *hospital or hospital and seniors housing or residential flat building* (5).

The submission argues that a combined hospital and aged care/residential facility could not be built under the current LEP provisions and that only a hospital can be built at an FSR of 1.3:1. The submission notes that there is demand for hospital and senior housing in the area and that collocation provides benefits to the housing component.

The submission also requests the opportunity to comment on recommendations of future economic viability report for the site.

Background

SJB made a presentation to Council on 21 February 2006 with regard to final amendments prior to exhibition of the St Ives Town Centre Draft LEP and Draft DCP. The presentation related to the recommended draft controls for 238 - 240 Mona Vale Road, St Ives. Council officers had at that stage recommended the following controls for the site:

- FSR 0.6:1
- Building Height of 3 storeys (2.6)
- Site coverage at 30%

SJB Architecture had previously provided an urban design analysis arguing that that the site could accommodate a higher density of development having regard to the urban design and form of the St Ives Town Centre. From an urban design analysis the following controls were recommended for a mixed hospital/seniors housing development:

- FSR 1.3:1
- Building Height 5 storey
- Site Coverage of 40%

At the Council Meeting on 28 February 2006 meeting Council resolved the following:

- 1 *“The Draft Local Environmental Plan and Draft Development Control Plan controls for 238 – 240 Mona Vale Road St Ives (site 1) be amended to include the following planning controls: maximum FSR 0.9:1, maximum height 4 storeys (3.6) and maximum site coverage 35%. The draft zoning be changed to high density residential to be consistent with other zones that permit 4 storey (3.6) development, with hospitals and residential flats permitted in this zone.”*
- 2 *“The Draft Local Environmental Plan and Draft Development Control Plan that provides for the following planning controls for a hospital at 238 - 240 Mona Vale Road St Ives a minimum of 0.9:1 and a maximum FSR 1.3:1, subject to an economic viability report following the exhibition period, maximum height 5 storeys (4.6) and maximum site coverage 40%. That the Clause also include assessment considerations.”*

Council’s resolution differed from what SJB had proposed. However the resolution essentially allowed for hospital development to a FSR 1.3:1 (max 5 storeys) and residential development to

Item 1

S04019
27 October 2006

FSR 0.9:1 (max 4 storeys) subject to the outcome of an economic viability report post-exhibition of the draft documents.

Analysis and discussion

Council staff and external consultants have undertaken a comprehensive analysis in terms of traffic impacts, community/public interest, economic issues and urban design among others.

i. Planning

The request to include “residential care facility” and “seniors housing” as uses that are “permitted with consent” in the land use table for Zone R4 is supported as they are compatible uses and will provide for housing choice within the zone. However, there is only a need to include “seniors housing” within the land use table, as residential care facility is a sub-set of seniors housing as defined in the LEP template.

The claim in the submission that a combined and aged care/residential facility could not be built under the current LEP provisions is not supported. The current DLEP provisions would allow a combination of the uses to be developed on the site up to a maximum FSR of 1.3:1, provided that the non-hospital uses within such a development did not exceed 0.9:1 FSR. The hospital uses would be able to make up the balance of the FSR up to the 1.3:1 site maximum. The inclusion of an overall site maximum FSR of 1.3:1 in addition to the maximums currently set for the different uses would help clarify this matter.

The same principal applies to the height standards for the site. Under the current drafting of the DLEP, the maximum of 5 storeys could be achieved if a future development included a hospital component. However, if the future development contained wholly non-hospital uses, the maximum height would be limited to 4 storeys.

ii. Financial

Hill PDA undertook a feasibility study based on a pure residential development with a 0.9:1 FSR (refer **Attachment 9** for assumptions), the feasibility resulted in a residual land value above the existing land value and therefore redevelopment of the site would be viable under the draft LEP.

A feasibility of the hospital options have not been modelled due to the complexities involved and extensive research required. With this option, it would be expected that some bonus floor space or other incentive would need to be given to this form of development in order for it to be attractive for the land owner. The LEP provides such an incentive and therefore this development scenario would be viable.

In terms of the submissions request for the opportunity to comment on recommendations of future economic viability report for the site it is Council’s Policy that the economic feasibility report be provided to Council as a **Confidential Attachment 9**.

Recommendations

In light of the analysis undertaken it is recommended that:

Item 1

S04019
27 October 2006

- “Seniors housing” be included in the item 3 (Permitted with consent) of the land use table for the R4 zone;
- No change is made to the development standards applying to the site under the DLEP;
- The DLEP Floor Space Ratio Map include a reference to the maximum site FSR of 1.3:1.

The inclusion of an overall site maximum FSR of 1.3:1 in addition to the maximums currently set for the different uses would help clarify this matter.

Additional changes are required to the DCP in relation to this site. Discussion of this is provided in the summary table **Attachment 4**.

g. Submission number 17 and 63: 167-181 Mona Vale Road (near the intersection of Shinfield Avenue), St Ives

The site is currently zoned Residential 2(d3) under LEP 194. The site currently has a maximum FSR of 1.3:1 and a 5 storey height limit.

The Draft LEP proposes to rezone the site R4 – High Density Residential with business premises a permitted use on the ground floor. The draft planning controls for the site allow an FSR of 1.5:1 (maximum commercial FSR 0.5:1) and a 5 storey height limit.

Summary of submission

The submission seeks the following amendments to the Draft LEP:

- increased site FSR from 1.5:1 to 2.0:1 sought for 167-181 Mona Vale Rd (between Shinfield Road to the existing Shell service station);
- increased maximum commercial FSR from 0.5:1 to 1.0:1 to allow for a second floor of commercial;
- increased residential FSR from 1.0:1 to 1.5:1;
- Residential uses should not be permitted at ground level; and
- Allowance for a small proportion of retail uses to support office uses such as cafes and restaurants.

The rationale for the proposed amendments is as follows:

- The change could be accommodated without any increase in ground floor footprint or built upon area;
- Increased traffic impacts anticipated in expansion generally;
- Built form impacts acceptable given landscaped setback controls, and comparison to existing nil setbacks;

Item 1

S04019
27 October 2006

- The increased commercial floor space could potentially reduce the shortfall of some 4,000m² of commercial space (identified in council minutes 15/12/2005) by 70%;
- Proposed FSR fails to provide economic incentive to redevelop:
 - Loss of current high rental returns for net lettable area of each property
 - Future reduced yields due to increased setbacks (from nil street setback to 10-12m setback and roads)
- Limiting commercial uses to ground floor is overly restrictive and will not encourage variety of business/office uses.

The submission also submits that limiting commercial uses to ground floor of **167-181 Mona Vale Road** overly restrictive and will not encourage variety of business/office uses. For the following reasons:

- The uses permitted by Schedule 1 do not traditionally require a shopfront and have historically been located both at ground & first floor levels;
- Commercial FSR should be increased from 0.5:1 to 1.1;
- Residential uses should not be permitted at ground level.

In addition the submission seeks the inclusion of restaurant, take-away, convenience store uses because:

- The existing facilities are doing well;
- The demand is likely to increase with increased population in this area;
- Provides the opportunity to not have to cross Mona Vale Road to access these services;
- Reduces the likelihood of reliance on “existing use” provisions, which may compromise the desired setbacks.

Background

The strip of land was rezoned under LEP 194 in 2004 for 5 storey apartment buildings with an FSR of 1.3:1. During the planning option phase the area was identified as a potential mixed use zone providing for residential and commercial business type uses (non-retail). Council adopted this strategy in December 2005

The owner of 173-177 Mona Vale Road has an approved development application under LEP 194. Early meetings indicated the owner willing to change the application to include commercial uses on the ground floor and residential above. Council staff have met with the owner and developed appropriate provisions for the site including an FSR of 1.5:1 taking into account that a commercial building needs a larger footprint than a residential building.

Item 1

S04019
27 October 2006

During the formal exhibition staff again met with the owner of 173-177 Mona Vale Road and the land owner has indicated that he is now looking at the potential to amalgamate further sites including the existing shops at 167-171 Mon Vale Road (on the corner of Shinfield Avenue). Previous discussions had indicated that the owners of the shops were not willing to sell.

Analysis and discussion

Council staff and external consultants have undertaken a comprehensive analysis in terms of traffic impacts, community/public interest, economic issues and urban design among others.

i. Planning

The planning option for this area, as resolved by Council, is for a predominantly residential zone with an allowance for commercial uses on the ground floor. The commercial uses have been provided for because anecdotal evidence suggests there is currently an undersupply of commercial space in St Ives. This under supply may be exacerbated if and when redevelopment of the strip shops occur and commercial uses change to residential uses. The ground floor offices are a preferred use on busy roads.

The submission seeks up to two levels of commercial. In planning terms the building use changes from largely residential to an equal mix (in terms of floor space). The issue arises as to whether the submission is seeking a change which is changing the intent of the original planning option.

The submission requests allowance for a small proportion of retail uses to support the office uses such as cafes and restaurants. This request has merit providing the types of retail uses can be strictly limited. The mechanism for this is Schedule 1 in the Draft LEP

ii. Urban Design

Council's urban design consultant has reviewed the submission (refer full report **Attachment 11**) and has undertaken site testing. The consultant found that:

- the sites 179-189 Mona Vale Road should retain the current FSR of 1.5:1 to avoid an excessively long frontage building frontage;
- 167-177 Mona Vale Road could achieve either an FSR of 1.8:1 or 2.0:1 with 6 metre setbacks near the corner of Shinfield Avenue (currently the DCP requires 10-12 metre setbacks from both Mona Vale Road and Shinfield Avenue) and amalgamation of all properties. Setbacks could remain at 12 metres over most of the building frontage;
- The consultant also noted that *“increased FSR resulting from this revised site amalgamation pattern must only be achieved if the entire amalgamation pattern is achieved. It must not be applied to only a part of the amalgamated site, as this will compromise the ability to develop the other adjoining sites, or it has the potential to leave a blank side boundary wall for many years until the adjoining sites are developed.”*;
- It is also noted that amalgamation of the sites as indicated in the submission will ensure a consistent streetscape to this section of Mona Vale Road.

Item 1

S04019
27 October 2006

iii. Financial

The submission provides detailed economic data justifying the requested increase in FSR. This information has been analysed by Council's economic consultant, Hill PDA. A summary of their review is provided below, the full report can be found in **Attachment 9**.

Hill PDA undertook feasibility studies of 167-181 Mona Vale Road under the draft FSR (1.5:1), and with increases in FSR to determine the point of feasibility.

Based on a review of the feasibility analysis within the submission Hill PDA provided the following comments:

- *General agreement is made with the basic development and construction costs provided in the submission;*
- *The capital values of each site, based on their rent and yield is generally agreed;*
- *No profit margin or development margin has been included in the calculations;*
- *Based on the draft controls in the DCP the feasibility resulted in a residual land less than the 'as is' land value and redevelopment is not feasible; and*
- *An increased FSR is required in order that the site be feasible to redevelop in the current market.*

iv. Traffic

The submission seeks an increase in commercial FSR which would result in approximately 2,000sqm increase in commercial floor space within this area. Council's traffic consultant has been engaged to comment and analyse the change using the town centre traffic model.

The consultant notes that an additional 2000m² of commercial (office type) floor space equals an additional 20 vehicle trips on Thursday PM and 10 vehicle trips on Saturday noon. The consultant considers the increase to be acceptable.

An advantage of the proposal, as outlined in the submission, is that amalgamation of the sites 167-177 will allow rear lane access from Shinfield Avenue to service the site and thereby avoiding main road access issues

Recommendations

Based on the discussion and analysis above it is recommended that there be no change to the LEP provisions in relation to 173-186 Mona Vale Road. It is Council's intention that the area remains a residential area with low intensity commercial uses.

In relation to the properties 167-171 Mona Vale Road (on the corner of Shinfield Avenue) it is acknowledged that these sites are currently shops with no setback and high capital values. It is therefore recommended that the Draft LEP be amended as follows:

- Increase the site FSR to 2.0:1 (from 1.5:1 as exhibited) 167-171 Mona Vale Road;

Item 1

S04019
27 October 2006

- Increase maximum commercial FSR to 1.0:1; and
- Allow café and restaurant uses in Schedule 1 Additional Permitted Uses, with trading restrictions to daytime hours.

Further it is recommended the Draft DCP Block B Built Form Controls be amended to in relation to 167-171 Mona Vale Road to be consistent with the Draft LEP amendments and as follows:

- Adjust amalgamation boundaries to identify 167-171 Mona Vale Road as a separate site;
- Show up to 2 storeys of commercial uses and 3 storeys of residential uses;
- Delete front setbacks requirements of 10-12 metres to Mona Vale Road and allow buildings to be built to the front property boundary; and
- Provide additional text re amalgamation and setbacks and mix of uses.

A revised Building envelope diagram has been provided in the consultant's report **Attachment 11**.

h. Submissions (multiple): Eden Brae, Stanley Close, St Ives

Summary of submission

The residents of Eden Brae have submitted an objection to the proposed rezoning of the property to a mixed use development incorporating retail, commercial and residential uses with building heights up to 5 storeys.

The reasons given for the objection are as follows:

- Redevelopment will result in loss of villa style development and results in loss of desirable form of housing close to facilities;
- The rezoning fails to comply with the Minister's directive to increase housing choice;
- The rezoning is inconsistent with the approach to other 2(d) and 2(e) developments close to the centre which have not been rezoned;
- Redevelopment will result in loss of "ageing in place";
- rezoning is not an "achievable outcome" as required by the state government due to the lack of feasibility of re-development given complicated ownership (number of owners, areas of common ownership under the Community Land Management Act [CLMA]);
- the impact of resultant economic and emotional uncertainty on residents; and
- Loss of property value.
- rezoning should be delayed till the CLMA is changed, so that an individual owner cannot stop a resale of any individual site;
- other houses with large blocks of land that are as close to the shops as Eden Brae, on the same side of the Mona Vale Rd, these could be rezoned as well as/ instead of Eden Brae; and

Item 1

S04019
27 October 2006

- Eden Brae complex is unique and should be retained.

Background

Eden Brae was first considered for possible rezoning in the land use option planning stage, during this time it was identified as a site for mixed use development including a supermarket. Council adopted this option in July 2005.

Subsequent detailed economic analysis found that a supermarket could not be made feasible primarily due to the cost of underground parking. A revised proposal was placed on preliminary exhibition (residential only at 1.3:1) and Council adopted this option in December 2005.

In February 2006 Council resolved to increase FSR and include retail for economic viability reasons:

“The Draft Local Environmental Plan and Draft Development Control Plan controls for 1-24 Stanley close be amended to include the following planning controls; a maximum FSR of 1.6:1, maximum site coverage 45%, maximum height 5 storeys (4.6), maximum retail floor space of 0.10:1 and maximum commercial floor space of 0.06:1.”

and

“that the draft zoning under the LEP be high density residential with shops as an additional permitted use.”

Analysis and discussion

Below is a detailed response to the issues raised in the submission.

- i. *Redevelopment will result in loss of villa style development and results in loss of desirable form of housing close to facilities*

The site is an existing single storey villa-type residential subdivision zoned Residential 2(h) under the Ku-ring-gai Planning Scheme Ordinance. The properties are individually owned under Torrens Title and there is Community Title over Stanley Close. It is located within 200 metre radius of the St Ives Shopping Village.

Redevelopment of Eden Brae is acknowledged as a medium to long term planning outcome. The location is more suited to a higher density form of housing than detached villas. Town houses and villas are considered more appropriate to the fringe of the centre.

- ii. *The rezoning fails to comply with the Minister’s directive to increase housing choice*

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

Item 1

S04019
27 October 2006

A wide variety of housing types will be available within St Ives including shop top housing, apartment buildings and town houses (eg Pemberley Grove). Council will further consider other housing types during the comprehensive LEP phase.

iii. *The rezoning is inconsistent with the approach to other 2(d) and 2(e) developments close to the centre which have not been rezoned*

Council has consistently maintained that this site is in a strategic location and should be considered for rezoning for the following reasons:

- The existing shops on the corner of Stanley Street and Mona Vale Road provide an important local function serving the day to day needs of residents on the southern side of Mona Vale Road. In the long term it is desirable to allow some expansion of retailing on this side of Mona Vale Road to support these shops;
- Eden Brae adjoins a Council owned heritage precinct and future public area which will play an important role in the community life of St Ives in the future. Higher densities with ground floor uses will support this vision;
- All other 2(d) and 2(e) developments are strata title and are not located in the same strategic location.

iv. *Redevelopment will result in loss of “ageing in place”*

No resident will be forced to move as a result of rezoning. Redevelopment is likely to be a medium to long term outcome.

v. *Rezoning is not an “achievable outcome” as required by the state government due to the lack of feasibility of re-development given complicated ownership (number of owners, areas of common ownership under the Community Land Management Act [CLMA]);*

Acknowledging that redevelopment is not likely to occur in the short term because of ownership issues the economic analysis has shown that the Eden Brae development is economically feasible to redevelop.

vi. *The impact of resultant economic and emotional uncertainty on residents and loss of property value*

This must be balanced with the likely economic and emotional impacts resulting from future development on adjoining sites which are likely to cause overshadowing and privacy issues.

The reality is that the subject properties may be impacted by an approved 5 storey residential building on Lynbara Avenue to the south and future redevelopment of the commercial property at 15-17 Stanley Street shops to the north.

vii. *rezoning should be delayed till the CLMA is changed, so that an individual owner cannot stop a resale of any individual site;*

Item 1

S04019
27 October 2006

This would only create more uncertainty.

viii. *Other houses with large blocks of land that are as close to the shops as Eden Brae, on the same side of the Mona Vale Rd, these could be rezoned as well as/ instead of Eden Brae*

The closest detached housing is to the south near the intersection of Porters Lane and Lynbarra Avenue. Further rezoning of single detached houses has been strongly opposed by the community.

ix. *Eden Brae complex is unique and should be retained.*

While it is acknowledged that the current residents enjoy living in the area it must be acknowledged that the context will change over the coming years. Rezoning gives the owners the opportunity to redevelop if and when the need arises.

From an urban design and planning point of view the development has not been well designed. It does not relate well to the adjoining area, it is a walled estate offering no passive surveillance of the streets, surrounding car parks and public areas thereby reducing safety, security and accessibility in the area.

Recommendations

Given the changing context within which Eden Brae is likely to find itself over the next twenty or so years rezoning of the site is considered to be an appropriate planning response to the issues. It is therefore recommended there be no change to Draft LEP.

However it is acknowledged that the possible redevelopment of 15-17 Stanley Street may impact on the residents of Eden Brae. It is therefore recommended that:

- The amalgamation line shown on 4.6.4 Block C Built Form Controls be amended to include both 15-17 Stanley Street and Eden Brae;
- Notes are added to the Draft DCP to clarify Council's preferred position that 15-17 Stanley Street and Eden Brae redevelop together as the impacts on residents of 15-17 redeveloping separately would be inappropriate.

7. Other matters

Amend DCP to include potential road widening required on Mona Vale Road to accommodate dual right turn bay into Link Road, including:

- Road widening of up to 5 metres between Sturt Place and Link Road
- Road widening of up to 2 metres between Killeaton Street and Link Road

8. Development Contributions Strategy – Section 94

A development contributions strategy (including Section 94 Plans) and an accompanying financial strategy are being prepared on the basis of Council's exhibited Draft LEP and Draft DCP.

Item 1

S04019
27 October 2006

A report on the development contributions strategy will be provided to Council with a Draft Plan for exhibition prior to the gazettal of the Draft LEP.

9. Reclassification of Council owned land from Community to Operational

Council sought, in the draft LEP, the reclassification of parcels of Public land identified within the plan to 'operational' from their current classification as 'community'.

The Local Government Act (Section 29) and section 68 of the Environmental Planning and Assessment Act 1979 provides for a process which includes the identification of land proposed for reclassification within an LEP and the holding of an independent public hearing to consider submissions prior to Council considering the matter, giving due regard to the findings of the hearing.

In relation to the draft LEP the following sites are proposed for reclassification:

- 176 Mona Vale Road, St Ives (Lot 103 DP 627012 and Lot 105 DP 629388) – Car Park.
- 208-210 Mona Vale Road, St Ives (Lots 11 and 12, DP 29167) – Car Park.
- 261 Mona Vale Road St Ives (Lot 31 DP 719052) – Occasional Child Care Centre.
- 11-21 Cowan Road and Village Green Parade, St Ives (Lot A DP 321567, Lot 1 DP 504794, Lot 2 DP 822373, Lots A and B DP 336206, Lots B and C DP 322331 and Lot 1 DP 420126) – St Ives Village Shopping Centre Car Park, Early Childhood Centre and Neighbourhood Centre and St Ives Library

Public notification of the hearing and of the closing date for those wishing to provide a submission on the matter was provided to the community as prescribed in the Environmental Planning and Assessment Act.

In total 52 submissions were received on this matter and 13 people addressed the hearing which was held at Council Chambers on 11 September 2006. The hearing was chaired by Mr Peter Walsh.

The report provided from the independent consultant (Mr Walsh) must be released, without alteration, within 4 days of its receipt by Council.

The report was delivered and received by Council on Wednesday (pm) 25 October 2006 (**Attachment 8**). The report has been released via Council's website on Friday 27 October 2006 and all those who made submissions or spoke at the hearing have been informed of its release and advised how to access the report.

In summary the report recommends that the proposed reclassification of the subject lands be supported subject to a number of conditions. The conclusions and recommendations outlined in the report are reproduced below:

Conclusions and Recommendations from the Public Hearing “Proposed Land reclassification St Ives Town Centre” of the appointed Chairperson Mr Peter Walsh

St Ives Centre will be subject to significant development over the forthcoming years as a likely consequence of existing and proposed housing and commercial density changes. There will be increased investment in the local centre, increased population and increasing demand for community facilities and services. Parking shortfalls exist which cause significant inconvenience to local residents now and contribute to local traffic problems. Existing community facilities and services for the most part are outdated and/or suffer from locational problems. An exception is the St Ives Neighbourhood Centre which is reported to work particularly effectively. The shopping centre does not have a well conceived relationship with the Village Green, despite an unusually advantageous locational relationship.

A draft LEP and DCP have been prepared to guide the future development, with the subject reclassification an element of the proposals.

In the context of the changes proposed, concerns have been raised that items of value to the local community will be lost, with existing facilities and classified community land the concerns of particular relevance to the hearing. As a matter of public policy, it seems to me most important that any change that occurs to community services in St Ives enhances, or at least maintains, the services which are enjoyed at present by the local community. Of course, this is not the same as retaining facilities and even land tenure as it is, and opportunities to replace/substitute existing services and facilities with other facilities would seem to be a necessary course given the change underway.

From the information before me, I believe the reclassification of the subject community land, which opens opportunities and/or funds community improvements, would be reasonably expected to have an overall positive effect in regard to the public and community interest. The circumstances suggest to me that it would be unreasonable for Council to not look to capitalise on the opportunities which present themselves here, as a means of reasonably meeting (and funding) existing demand for services and that of forthcoming population.

However success in the delivery of the sought after outcomes is not guaranteed, and if the reclassification were to go ahead, there would be a need for safeguards from a commercial viewpoint and for an ongoing focus on the delivery of the required community outcomes as the commercial aspects of the project come into play. Council may already have such plans in place, or under preparation, but it is appropriate in my view, that they be reasonably communicated to the public.

Up to the present, there has been self-evident security of the community land as a community asset. However, land classification is seen as a clumsy device as the negotiations are undertaken for the future development of St Ives. As detailed planning and development occur in St Ives, it would be Council's stated financial and risk management plans, along with the community services provisions plan, and associated commitments to ongoing public interest evaluation, which replace the land classification in providing security for the community interest.

Item 1

S04019
27 October 2006

The strategic intent and series of actions proposed in regard to community facilities can be lost in the DCP, a document not necessarily suited for this purpose. The key principles and relevant particulars of the community facilities arrangements should be clearly documented as a succinct statement of Council policy.

Recommendation

It is recommended that the proposed reclassification of the subject lands be supported subject to the following conditions:

- 1. Preparation of a consolidated statement of Council policy (distinct from DDCP 2006) with regard to parking provision which indicates proposed minimum totals of public parking and which clearly addresses foreshadowed parking demand indicated in specialist traffic and parking study.*
- 2. Preparation of a consolidated statement of Council policy (distinct from DDCP 2006) with respect to the proposed provision of community facilities and services, which includes:*
 - a. Overall principles of provision, including the stated goal of providing improvements to a range of existing facilities and services.*
 - b. Planning specifications suitable to ensure that reasonable delivery of each of the planning community facilities (nominated variously in Council documents) has primacy in regard to future commercial negotiations. This would be prepared by relevant specialists, and would include planning meetings with St Ives Neighbourhood Centre. Specification of the proposed co-location of library and neighbourhood centre adjacent to the Town Square would be detailed along with other minimum commitments to the upgrading of facilities.*
- 3. Preparation of a consolidated statement of Council policy on the financial management strategy including relevant cost planning including relationship to Council's broader strategic and management plan and proposed s94 strategy.*
- 4. With respect to Sites 1, 2 and 3, statement of Council policy with respect to ensuring sound management of commercial and physical planning negotiations and risks, and required contents of the business plan, including:*
 - a. Statement with respect to any relevant regulatory requirements in regard to public-private partnerships*
 - b. Highlighting of potential high risk areas, and means of addressing risk which may include contingencies to pass some of the subject lands back to community classification by resolution*
 - c. Details of involvement of independent commercial expertise to ensure optimisation of commercial value in ongoing negotiations*
 - d. Details on involvement of independent community services expertise to ensure ongoing community services interests are advocated through detailed physical planning negotiations*
 - e. Listing of arrangements for review and scrutiny at key stages of the project, including need for independent analysis of public interest and probity arrangements.*

Item 1

S04019
27 October 2006

5. *Prior to the reclassification of the Cowan Street Carpark area, an expert analysis be undertaken which examines the capacity of remaining community land to meet reasonable expectations on future demand for community facilities. If there is a substantive question on this capacity then the Cowan Street Carpark area be retained as community land.*
6. *Investigation on whether parcel described as DP 322373 has been satisfactorily considered in draft plans.*
7. *Mindful of the appropriateness of transparency and impartiality in this instance, an independent part/parties with appropriate expertise prepare a report on the adequacy of the responses to the above conditions and that this report be considered by Council in its decision on reclassification of the subject lands.*

Given the short period of time available between the receipt of the report and release of this report, insufficient time has been available for staff to review and analyse the matters raised and the recommendation contained in the report.

Accordingly it is recommended that immediate consideration of the proposed reclassification proposed in the Draft Local Environmental Plan be deferred to allow for a comprehensive analysis of the report and subsequent recommendation to Council. Section 68(5) of the Environmental Planning and Assessment Act allows for such matters to be deferred from the adoption of the LEP and be subsequently included.

CONSULTATION

The most recent work to source and include ideas and opinion during the formal exhibition stage is summarised below. **Attachment 7** includes summaries of earlier consultation and advices to interested stakeholders about St Ives town centre planning, since the first 7300 resident surveys were posted in November 2004.

Community Consultation

The plans and accompanying documentation were exhibited publicly from 21 August to 18 September 2006. In response, 57 submissions have been received. Submissions were received from the following:

NAME	SUBURB/EMAIL	NAME	SUBURB/EMAIL
Mrs J Gordon	St Ives	Mr R & Mrs R Hochmann	email supplied
Mr Tony Martire	St Ives	Mrs Jean Dyke	St Ives
Mrs A Stuart-Russell	St Ives	Mr G Paroissien	St Ives
Mrs E J Burrows	St Ives	Mrs Margaret North	St Ives
Mr B & Mrs M Hefron	St Ives	Mr W Simpson	St Ives
*Mr A Minto	Thornleigh	Ms A Kelleher	St Ives

Item 1

S04019
27 October 2006

NAME	SUBURB/EMAIL	NAME	SUBURB/EMAIL
Mr W & Mrs M Simpson	St Ives	Mrs C Paroissien	email supplied
Mr Bob Johnson	email supplied	*Mr Michael Haldey/LT Holdings	Bondi Junction
Mrs E Ryan	St Ives	*Mr Robert Chambers/BBC Consulting Planners	Broadway
Mr D & Mrs E Hendry	email supplied	Mr Mathieu Paroissien	email supplied
Ms R Glass	email supplied	Ms Annie White	email supplied
*S M P Reeves	Vaucluse	Mrs C Berlioz	St Ives
Mr D Owen	email supplied	Ms Laura Olsson	email supplied
Mr M Gallagher	Pymble	*Ms Alison McCabe/SJB Planning	Surry Hills
*Mr J Poole	North Narrabeen	*Mr E Sarich/Urbanesque	Roseville Chase
Mrs D Keniry	St Ives	Ms M Llanes	Pymble
*Mr A Minto	Thornleigh	Mr & Mrs Johnson	St Ives
Mrs A Christie	St Ives	Mr J McEwen	St Ives
Mrs B Wiley	St Ives	Ms C Firth	St Ives
Mr P & Mrs K Yuile	email supplied	Mr O Cahill	Pymble
*Mr P Dobrijevic	Pymble	Ms C Firth	St Ives
Mr R Symes	Wahroonga	Mr T White	St Ives
*Ingham Planning	Lindfield	Mr J Cooper	St Ives
Mr Philip Seddon	St Ives	Mrs I A Lewis	St Ives
*Ms S Robinson	Bondi	*Mr A Abroon	Willoughby
Mr P & Mrs E Aquilina	St Ives	Dr K Lewis	St Ives
Mr J Lord & others	St Ives	Mr & Mrs F Burke & others	St Ives
Mr J Levitt	St Ives	*Mr T Smith	Horsley Park
Mr K and Mrs J Johnson	St Ives		

*Consultant submissions, generally on behalf of owners in the town centre.

Recent Consultation

1. Formal exhibition of the plans and supporting information was completed from 21 August to 18 September 2006 at the St Ives Library and the Council Chambers Level 4, Gordon. CDs of exhibition materials were available to interested persons, and were delivered to resident group representatives, and businesses on request.

Item 1

S04019
27 October 2006

2. Some 7300 letters to property-owners, occupiers and businesses in the St Ives area were posted advising about the about formal exhibition, and detailing web-access, displays and other sessions for planning their town centre. These letters provided advice to all property-owners affected by the draft local environmental plan, or to property-owners located within the study area, or to remain properties within the St Ives postcode area.
3. On-going email advice including exhibition, display times and public hearing web-links were sent to some 800 householders, resident group representatives, businesses and others who have expressed interest in being kept informed of planning progress for St Ives.
4. The St Ives page of Council's web-site was updated with all materials on exhibition – including the draft DCP, draft LEP and supporting documents.
5. An extensive schedule of local displays in the St Ives town centre, approaching 100 hours of planning display time, with planning staff in attendance to assist interested householders, businesses and others, in their understanding of the draft proposals. Afternoon and evening information presentations by senior planning staff were held to provide information that would assist people interested in St Ives town centre planning to better prepare their responses to the planning proposals.
6. A large range of telephone calls were fielded, together with office appointments between key planning staff and interested persons, and property-owners, to discuss detailed issues about the plans.
7. Local paper advertisement in the North Shore Times of 18 August gave detailed prior advice of the exhibition period to promote awareness, interest and feedback from the St Ives community. Complementary advice was included in the Mayor's column of the same paper.
8. The August Edition of Council's Ku-ring-gai News, sent to all households, also provided details of the St Ives exhibition and displays.

Consultation has involved working extensively to establish and develop contact with interested stakeholders including:

- Householders from St Ives;
- Business-owners/ retailers and Chamber of Commerce in St Ives;
- Shoppers at St Ives;
- Established local resident group/s;
- Young people;
- Persons in retirement villages using St Ives centre;
- Owners of commercial land in the town centre.

Throughout the exhibition, Council has received correspondence/submissions as letters and e-mails, on the planning for the St Ives town centre. This information has been registered, acknowledged and passed to on staff and relevant consultants for detailed consideration and evaluation in planning process. The correspondence has indicated a mixture of support and objection, and its evaluation is shown elsewhere in this report.

Item 1

S04019
27 October 2006

A public hearing before an independent arbiter to determine the reclassification of community lands to operational lands, indicated by the draft plans, was convened during the exhibition period. This included prior statutory public notification, as well as email advice to those above who had expressed interest in the St Ives town centre plans.

A public notice was placed in the North Shore Times newspaper on Friday 18 August and information provided as part of the statutory display and staffed display at the Shopping Centre and Council's web site

Council applied and exhibited the Best Practice Guidelines - Exhibition in respect of the draft LEP for St Ives during the exhibition process.

All properties in the St Ives town centre study area have been advised by letter of this report going to Council – together with some 800 people via email who have expressed on-going interest in St Ives town centre planning.

A chronology of St Ives centre surveys and consultations is attached at **Attachment 7**.

FINANCIAL CONSIDERATIONS

Costs were covered by the Department of Open Space and Planning budget and part funding from the NSW Department of Planning.

In relation to financial considerations relating to Council owned land a detailed financial analysis and summary will be provided to accompany Council's Section 94 Strategy and in relation to any future matters originating from Council's final position on land reclassification.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Integrated planning approach involving all Departments- detailed input throughout the project.

1. Consultation Development Engineer/Team Leader

Issues were raised regarding:

Exempt development

1. Allowing the location of structures (eg. aviaries, retaining walls, tanks) and landscape works over a drainage easement, Council pipe or in a 100 year ARI overland flowpath.
2. Allowing solid fencing over a drainage easement, Council pipe or in a 100 year ARI overland flowpath.

Complying development

Item 1

S04019
27 October 2006

1. Allowing the location of structures (eg. additions and alterations, carport, drainages, decks, dwellings, swimming pools) over a drainage easement, Council pipe or in a 100 year ARI overland flowpath.
2. Impact of driveways on drainage, as above.

Other minor clarifications and changes for consistency are sought in the Schedule for Exempt and Complying Development.

Development Control Plan

1. Inconsistencies in ceiling heights for waste vehicle access (see discussion of waste management comments above)
2. Corrections to standards and phrasing for clarity

Recommendations

It is recommended that:

1. The Exempt and Complying Development Schedules be amended to exclude the structures listed in the above circumstances. It is not recommended that landscape works in such circumstances be excluded from exempt development as it is impractical.
2. The Exempt Development Schedule be amended to include for driveways: "The works will not result in a change in levels over a drainage easement, Council stormwater pipe or within a 100 year ARI overland flowpath (flood conveyance zone)."
3. The Exempt Development Schedule be amended for fencing to require that any fencing be open to 300mm above the flood design standard level in the above circumstances.
4. Clarifications and corrections be included as recommended by The Development Engineer/Team Leader.

2. Consultation with Sustainability Program Leader – Open Space

Issues raised generally related to phrasing of the DCP controls to improve sustainability outcomes. In discussion with Council's Open Space section, the following is recommended:

- Where appropriate, initiatives be addressed within the Public Domain Manual, eg: consideration of lifecycle costs of materials such as paving;
- Where appropriate, initiatives seeking improved biodiversity and general sustainability outcomes be included in the DCP, eg.

Item 1

S04019
27 October 2006

- Add: High quality *sustainable* urban design in the fourth aim of the DCP at s. 1.5 on page 3;
- Change the first objective in s.2.2.4 Built Form to: *Promote well designed building that will facilitate and encourage good health and sustainable environmental practices;*
- In s.2.2.5 Parks and Open Space, add an objective: *to enhance the park's contribution to biodiversity conservation.*
- Review eucalypt species from a risk analysis aspect, where there may be more appropriate native endemic species in the circumstances.

3. Consultation with Landscape Assessment Team

In response to a question without notice from Councillor Bennett, members from Council's landscape assessment have undertaken a review of the concept for St Ives Village as requested (memo from Council's landscape assessment team - **Attachment 12**). Comments are based on an initial response to the concept design as landscape architects rather than a thorough analysis and response to a brief and the various considerations which have informed the planning and design, other than those set out in the DCP design controls. The points raised overall support the proposed controls and have been noted and will form part of the more detailed preparation of public domain controls in the next stage of planning for the St Ives Centre.

Review of Exempt and Complying Development

Following changes required by the Department of Planning, a review of the Exempt and Complying Development provisions contained in Schedules 2 and 3 of the Draft LEP has been conducted by Council officers across relevant departments of Council

Exempt and Complying Development

The following amendments are recommended to Schedules 2 and 3 in the Draft LEP:

- Inclusion of standards in Exempt Development in relation to drainage easements, Council stormwater pipes and flood conveyance zones as recommended by Council's Development Engineer for the following:
 - Aviaries, barbecues, cubby houses, gazebos, kennels, retaining walls, sheds, rainwater tanks, fences and driveways;
- Inclusion of standards in Complying Development in relation to drainage easements, Council stormwater pipes and flood conveyance zones as recommended by Council's Development Engineer for the following:
 - Decks and verandahs, sheds, driveways and swimming pools;
- Changing business advertising sign standards, to business identification sign standards and making these consistent with the controls in the DCP;

Item 1

S04019
27 October 2006

- Reducing the size of home occupation signs permitted as exempt development to 0.9m to protect streetscape amenity;
- Changing references to a maximum “60% built-upon area” which was designed to meet the requirements for dwelling house lots in the Ku-ring-gai Planning Scheme Ordinance, to a minimum “50% landscaped area”, consistent with Town Centre DCP controls;
- Increasing setbacks to pools, sheds, greenhouses and aviaries on sites occupied by residential flat buildings or multi-dwelling housing to 6 metres to retain landscaped areas, consistent with the DCP;
- Review of some development types in the schedule for complying development. A number of development types included as complying development are relevant only to dwelling house sites. Under Clause 17(3)(a) of the DLEP, complying development must be permissible, with consent, in the zone. The requirement by the Department of Planning to remove “dwelling houses” as a permissible use in the town centre results in the need to delete the following development types from the schedule:
 - Alterations and additions to dwelling houses;
 - Dwelling houses;
 - Carports and garages;
 - Driveways;
- A number of minor changes to make the terms used in these Schedules consistent with the standard LEP, for instance:
 - changing references to “Council’s tree preservation order”, to references to “Clause 33 of this LEP”;
- A number of changes to avoid repetition of, or inconsistency with, controls in SEPPs as required by the Department of Planning, for instance:
 - Removal of rainwater tank capacity limits from Exempt Development);
 - Changes to standards for satellite TV dishes;
 - Deletion of remediation of contaminated land from exempt development;
- Deletion of references the Building Code of Australia, as Clauses 16 and 17 require compliance with the BCA, thereby removing repetition as advised by the Department of Planning,
- Deletion of references to specific Australian Standards, allowing for the standards to be updated;
- Other minor clarifications and corrections.

SUMMARY

The Minister for Planning has directed Council under Section 55 of the EP & A Act to prepare plans for additional housing in and around its key commercial centres and to provide for additional retail and commercial demand to cater for the needs of the local population.

Item 1

S04019
27 October 2006

St Ives is the first of the centres to have new draft Local Environmental Plan and development control plan prepared. The new plans have been prepared under the Standard Local Environmental Plan 2006 template. Following the consideration of a conditional Section 65(2) certificate from the NSW Department of Planning, Council on the 18 July 2006 resolved to exhibit Draft Ku-ring-gai (Town Centres) Local Environmental Plan 2006 and Draft Ku-ring-gai Town Centres Development Control Plan 2006.

The Plans have been referred to the relevant State Agencies as required under Section 62 of the Environmental Planning & Assessment Act (EP&A Act) and have been on formal public exhibition in accordance with the Act. The exhibition period commenced 12 August 2006 and concluded on 18 September, 2006. A comprehensive consultation program was conducted throughout the project.

Council prepared and exhibited a draft local environmental plan and development control plan. Submissions have been received from the relevant state agencies and 57 submissions have been received from the public in response to the exhibition.

Key issues raised from the submissions have been considered and assessed with additional planning, urban design, traffic, parking, environmental and economic analysis and, where appropriate, recommendations have been made for further amendments to the Draft LEP and Draft DCP.

In addition a public hearing was conducted into the reclassification of Council owned land and a public hearing was conducted. This report provides a recommendation on the future classification of these sites.

This section provides a comprehensive final list of the key summary recommendations for the Draft Local Environmental Plan and Draft Development Control Plan resulting from the formal exhibition process.

Recommended Amendments to Draft LEP

There have been a number of amendments that are recommended to be made to the Draft LEP following consideration of submissions from the Department of Planning, public submissions and further considerations from Council officers and consultants. An amended draft LEP is contained in **Attachment 5** to this report, which includes the amendments detailed below

A. It is recommended the Draft LEP be amended as follows in response to the Department of Planning submission:

- 1. Delete the following objective from the B2 Local Centre zone: "to provide community facilities that service the needs of the local community and are accessible by residents."*
- 2. Amend the objective 22(2)(c) to the following: "To regulate traffic generation from development."*
- 3. Replace the term 'minimise' with the term "regulate" in objectives 21(2)(c) & 22(2)(d)*

Item 1

S04019
27 October 2006

4. *The Height of buildings map to be amended to identify maximum height of buildings in metres rather than storeys.*
5. *That Nos 187-189 Mona Vale Road and Nos 126 & 128 Rosedale Road, St be included in the Schedule 1 with office premises as additional permitted uses.*
6. *Remove “Dwelling houses“ as a permissible use in the R3 zone.*
7. *The applicable provisions of clauses 25E (1), 25H(4), 25I(3), 25I (4) and 25I(5) be included as local provisions under clause 19 of the LEP.*
8. *An appropriate savings provision be included as a local provision under clause 8 of the LEP.*
9. *The LEP included development standards applying to 11 -19 Cowan Road (Cowan Road car park) that are consistent with those that currently apply to the site being a maximum FSR of 1:1 and a maximum height of 2 storeys (11.2 metres).*
10. *Schedule 1 Additional Permitted Uses be amended to:*
 - a. *delete "medical centres" additional permtd uses in the R4 zone;*
 - b. *delete reference to no. 206 Mona Vale Road.*
11. *Delete any reference to the Ku-ring-gai Planning Scheme Ordinance*

B. It is recommended the Draft LEP be amended as follows in response to Public submission:

1. *Include “Exempt development” under ‘Item 2 Permitted without consent’ in all zones in the land use table;*
2. *That “residential flat building” be listed as prohibited development under part 4 of the land use table applying to the R3 zone;*
3. *Where the term “commercial” is used in the DLEP in relation to a specific land use, it be replaced with the term to “business premises;*
4. *Include swimming pools and spas as permissible uses in the R3 and R4 zone;*
5. *The development standards in the DLEP applying to 10 Shinfield Avenue be amended to have a maximum height of 3 storeys and a maximum FSR of 0.8:1;*
6. *“Seniors housing” be included in the item 3 (Permitted with consent) of the land use table for the R4 zone.*

C. It is recommended the Draft LEP be amended as follows in response to submission on specific sites:

1. *2 Durham Lane/2 Memorial Avenue (Commonwealth Bank), St Ives*

Item 1

S04019
27 October 2006

- *Amend the LEP to allow height in metres to accommodate a 4 storey commercial/retail building;*
 - 2. 15-17 Stanley Street, St Ives
 - *Amend the maximum retail FSR to 0.6:1 (increased from 0.45:1 maximum)*
 - 3. 240 Mona Vale Road (former Camellia Grove Nursery), St Ives
 - *The DLEP Floor Space Ratio Map include a reference to the maximum site FSR of 1.3:1*
 - 4. 167-171 Mona Vale Road (on the corner of Shinfield Avenue)
 - *Increase the site FSR to 2.0:1 (from 1.5:1 as exhibited) 167-171 Mona Vale Road;*
 - *Increase maximum commercial FSR to 1.0:1; and*
 - *Allow restaurant uses (with a restricted license allowing daylight trading only) in Schedule 1 Additional Permitted Uses.*
- D.** It is recommended Schedules 2 and 3 (Exempt and Complying Development) of the Draft LEP be amended as follows in response to internal referrals
1. *Inclusion of standards in Exempt Development in relation to drainage easements, Council stormwater pipes and flood conveyance zones for the following:*
 - a. *Aviaries, barbecues, cubby houses, gazebos, kennels, retaining walls, sheds, rainwater tanks, fences and driveways.*
 2. *Inclusion of standards in Complying Development in relation to drainage easements, Council stormwater pipes and flood conveyance zones for the following:*
 - a. *Decks and verandahs, sheds, driveways and swimming pools.*
 3. *Changing business advertising sign standards, to business identification sign standards and making these consistent with the controls in the DCP;*
 4. *Reducing the size of home occupation signs permitted as exempt development to 0.9m to protect streetscape amenity.*
 5. *Changing references to a maximum “60% built-upon area” to a minimum “50% landscaped area”, consistent with Town Centre DCP controls.*
 6. *Increasing setbacks to pools, sheds, greenhouses and aviaries on sites occupied by residential flat buildings or multi-dwelling housing to 6 metres to retain landscaped areas, consistent with the DC.;*
 7. *Delete the following development types from the schedule for complying development:*
 - a. *Alterations and additions to dwelling houses;*
 - b. *Dwelling houses;*
 - c. *Carports and garages;*
 - d. *Driveways;*
 8. *Minor changes to make the terms used in these Schedules consistent with the standard LEP.*

Item 1

S04019
27 October 2006

9. *Changes to avoid repetition of, or inconsistency with, controls in SEPPs as required by the Department of Planning, for instance:*
 - a. *Removal of rainwater tank capacity limits from Exempt Development);*
 - b. *Changes to standards for satellite TV dishes;*
 - c. *Deletion of remediation of contaminated land from exempt development;*
10. *Deletion of references the Building Code of Australia as advised by the Department of Planning.*
11. *Deletion of references to specific Australian Standards, allowing for the standards to be updated.*
12. *Other minor clarifications and corrections.*

Recommended Amendments to Draft DCP

There have been a number of amendments that are recommended to be made to the Draft DCP following consideration of submissions from the Department of Planning, public submissions and further considerations from Council officers and consultants. These are as follows, and if adopted will be incorporated into the final Draft DCP.

- A. It is recommended the Draft DCP be amended as follows in response to the Department of Planning submission:
1. *Section 4.2 Site amalgamations under the first design Control the additional words “ these are suggested amalgamations to facilitate orderly development. Alternative amalgamations can be considered where it can be demonstrated it meets the design objectives of the plan”.*
 2. *Section 5.2.1 design controls general storeys heading 3 to 4; dot point (i) at the end of this sentence add; Note the effective wall height of 4 storeys is 12 metres.*
 3. *Section 5.2.1 design controls general storeys heading 5 storeys and above; dot point (i) at the end of this sentence add; Note where the effective wall height is 5 storeys and above.*
 4. *Section 5.2.6 materials and Finishes – in part G2 delete the words “are to be used” and replace with “are desirable”*
 5. *Section 5.8.1 Natural ventilation delete point G1, in G3 change 65% to 60% .*
 6. *Section 5.8.2 Solar Access- reword to state up to a maximum of 10% of units may have a single south orientation and a maximum of 10% of units a single orientation to the west.*
 7. *Section 5.16.5, delete G1 vii) in regard to wall advertisements, which has stricter controls in the SEPP.*
 8. *Section 5.16.8:*
 1. *amend the title “Real Estate Signs” to “Real Estate Signs in Business Zones”*

Item 1

S04019
27 October 2006

2. *List the controls as M1, M2 etc*
 3. *Insert a note at the end of the Real Estate section, advising applicants that Real Estate signs (in both residential and business zones) are also be permissible as exempt development under Schedule 2 of the LEP.*
9. *Section 5.14.4 allow for residential 2.5m and commercial 4.5m to allow waste vehicles access to the collection points.*
10. *Adaptable Housing provisions- review and remove any definitions that may conflict with the Seniors Living SEPP.*
- B. It is recommended the Draft DCP be amended as follows in response to the Department of Planning submission regarding BASIX:
1. *The Draft DCP be amended to ensure that the requirements for drainage, stormwater and recycling for residential development that are already addressed through the BASIX provisions are not repeated or are clarified as their intent and the controls be amended as outlined in the “Draft Development Control Plan and potential overlap or inconsistency with BASIX” section of this report.*
 2. *Amend the DCP to ensure energy, water and thermal controls are differentiated between the residential and non residential components of mixed use developments as outlined in the “Draft Development Control Plan and potential overlap or inconsistency with BASIX” section of this report.*
- C. It is recommended the Draft DCP be amended as follows in response to the public submission:
1. *Draft DCP Part 2 - Vision, Objectives and Strategies*
 1. *Provide statement in Preliminaries clarifying the role of the DCP in relation to infrastructure provision;*
 2. *Amend strategy drawings 2.2.5 and 2.2.6 to be consistent in relation to the public parking area near Memorial Avenue;*
 3. *Insert note in 2.2.7 regarding requirement for water tanks not to impact on existing amenity or vegetation;*
 4. *Amend 2.2.11 to confirm location of bus stops;*
 5. *Amend 2.2.11 to remove Taxi rank at Rosedale Road;*
 6. *Amend Block Plan C to remove the proposed extension of Stanley Lane to Mona Vale Road.*
 2. *Draft DCP Part 3 - Public domain controls*

Item 1

S04019
27 October 2006

1. *Note in Design Objectives 3.1.1 that the town square is to be Council owned and managed.*
 2. *Note in 3.1.2 Design Objectives that the Village Green Promenade area is to be publicly owned;*
 3. *Note 3.1.3 that the relocation of guide hall to be subject to further consultation;*
 4. *Include general explanatory notes for Part 3 – the drawings are Concept Plans only. All design and construction works subject to further consultation;*
 5. *Remove reference to tree removal in 3.1.3;*
 6. *Clarify hierarchy of controls in Preliminaries (Part 1 of the DCP);*
 7. *Amend DCP to replace all references to built-upon area with site coverage to be consistent with the LEP definition*
3. *Draft DCP Part 4 - Primary development controls*
1. *Notes for clarification and consistency*
 2. *Clarify hierarchy of controls in Preliminaries*
 3. *Amend DCP to replace all references to built-upon area with site coverage*
4. *Draft DCP Part 4 - Specific built form controls (precincts A-F)*
1. *Amend 4.6.2 Block A Built Form Controls as follows:*
 - *Refer to “...Mona Vale Road and Memorial Road” in relation to site 7*
 - *reduce setback requirement for residential development to 2m back from the edge of the retail podium along the northern boundary of the shopping centre*
 - *Revise s.4.5 and s2.2.2 to delete reference to active frontage along the western side of the shopping centre*
 - *requirement for landscape setback and screening to western wall of shopping centre adjoining Council owned car park*
 2. *Amend 4.6.4 Block C Built Form Controls as follows:*
 - *reduce the building setback on Stanley Lane from 6m to 3.5m.*
 - *delete the proposed car parking bays in this section of the lane*
 - *Retain proposed footpath and street trees*
 - *Adjust 4.1 Site Coverage diagram accordingly*
 - *Clarify allowance for retail uses fronting Stanley Lane with additional notes under Block C Plan - Building Uses and Ground Floor Activities*
 3. *Amend S4.6.6 Block E Built Form Controls as follows:*
 - *include references to be consistent with Council resolution of February 28th 2006*
 - *provide two building envelope options:*

Item 1

S04019
27 October 2006

- *Option 1 - Seniors housing/residential 0.9:1 and hospital 0.4:1*
- *Option 2 - Residential 0.9:1*
- *Revise Desired Future Character statement page 69 to reflect two possible options*
- *Amend 4.1 Site Coverage diagram to show site coverage for hospital 40% and for residential 35% consistent with Council resolution*
- 4. *Amend 4.6.7 Block F Built Form controls as follows:*
 - *Amend 3D drawing page 70*
 - *reduce side and rear setbacks to 7 metres*
 - *increase setbacks to eastern boundary to 12 metre to protect existing trees*
 - *Amend text page 70 to refer to Character building rather than heritage building*
- 5. *Amend drawing Block G Built Form Controls as follows*
 - *show section K (not Section I as shown)*
 - *Recommend adjustment of setbacks on southern boundary to protect existing trees*
 - *Recommend deletion of requirement in the DCP for public access easement through the site*
- 5. *Draft DCP Part 5 – General Development Controls*
 1. *Correction of minor errors and inconsistencies*
 2. *Delete Control 5.2.5 R2 ii)*

D. It is recommended the Draft LEP/DCP be amended as follows in response to the public submissions regarding key sites within the St Ives centre:

1. 2 Durham Lane/2 Memorial Avenue (Commonwealth Bank), St Ives
 - *Change the DCP block plan A page 60 to show retail/commercial building only; and*
 - *Add notes to the Draft DCP page 61 to indicate top floor for commercial building to comply with the 60% rule.*
2. Callahan College (Commonwealth Bank Training College), 27 College Crescent, St Ives
 - *To adopt the Draft LEP and DCP as exhibited for this site at an as R3 - medium density FSR of 0.5:1 and a maximum height of 2 storeys.*

And

 - *Revise the LEP and DCP (to an FSR of 0.8:1 and maximum height of 3 storeys) at a later date either as an early amendment to the Town Centre LEP or for finalisation during the Comprehensive LEP process.*
3. 15-17 Stanley Street, St Ives

It is recommended that the Draft DCP Block C Built Form Controls be amended as follows:

 - *a setback of 3.5 metre (reduced from 6 metres) to Stanley Lane.*
 - *The amalgamation line to indicate 15-17 Stanley Street as part of Eden Brae development site with notes in the DCP to support amalgamation of the sites.*

Item 1

S04019
27 October 2006

4. 167-181 Mona Vale Road (near the intersection of Shinfield Avenue), St Ives
It is recommended the Draft DCP Block B Built Form Controls be amended to in relation to 167-171 Mona Vale Road to be consistent with the Draft LEP amendments and as follows:
 - *Revised building envelope*
 - *Adjust amalgamation boundaries to identify 167-171 Mona Vale Road as a separate site;*
 - *Show up to 2 storeys of commercial uses and 3 storeys of residential uses;*
 - *Delete front setbacks requirements of 10-12 metres to Mona Vale Road and allow buildings to be built to the front property boundary; and*
 - *Provide additional text re amalgamation and setbacks and mix of uses.*
 5. Eden Brae, Stanley Close, St Ives
It is recommended that the Draft DCP be amended as follows:
 - *The amalgamation line shown on 4.6.4 Block C Built Form Controls be amended to include both 15-17 Stanley Street and Eden Brae;*
 - *Notes are added to 4.6.4 to clarify Council's preferred position that 15-17 Stanley Street and Eden Brae redevelop together as the impacts on residents of 15-17 redeveloping separately would be inappropriate.*
- E. It is recommended the Draft DCP be amended as follows in response to the internal consultation with Council staff:
3. *Add: High quality "sustainable" urban design... in the fourth aim of the DCP at s.1.5 on page 3;*
 4. *Change the first objective in s.2.2.4 Built Form to: "Promote well designed building that will facilitate and encourage good health and sustainable environmental practices";*
 5. *In s.2.2.5 Parks and Open Space, add an objective: "to enhance the park's contribution to biodiversity conservation."*
 6. *Review eucalypt species from a risk analysis aspect, where there may be more appropriate native endemic species in the circumstances.*
 7. *Section 2.2.2, add "to reduce impact on local physical and community resources" to third objective;*
 8. *Section 2.2.4, add "promote well designed buildings that will facilitate and encourage good health and sustainable environmental practice s" to first dot point*
 9. *Section 2.2.5, add "to enhance the park's contributions to biodiversity conservation" to objectives;*
 10. *Section 2.2.7, add "measures to protect water quality and environmental flows to local waterways";*
 11. *Section 3.1.1 under design objectives add, "to showcase sustainable water and energy technologies";*
 12. *Section 1.5, add an objective "Promote opportunities for biodiversity conservation and for people to become more physically active."*

Item 1

S04019
27 October 2006

13. In the definitions section (p3), change reference under accessible car parking from AS2890.1 to AS2890. In Sections 5.14.2 and 5.14.3, change reference to AS2890.1 to AS2890

RECOMMENDATION

- A. That Council adopt the Draft Ku-ring-gai Local Environmental Plan 2006 (Town centres) as attached to this report including amendments as outlined in this report.
- B. That Council submit a copy of the draft Local Environmental Plan to the Director General of the Department of Planning in accordance with Section 68 of the Environmental Planning and Assessment Act, requesting that the Plan be made.
- C. That Council adopt the Draft Ku-ring-gai (Town centres) Development Control Plan (DCP) for the St Ives Centre.
- D. That further corrections to the Draft DCP for drafting inconsistencies, or minor amendments as necessary to ensure consistency with Council's adopted LEP be completed.
- E. That a public notice of Council's decision to adopt the Development Control Plan be placed in the North Shore Times and that the notice identifies that the plan will come into effect from the date of gazettal of Ku-ring-gai Local Environmental Plan 2006 (Town Centres).
- F. That in accordance with Section 25AB of the Environmental Planning and Assessment Regulation 2000, Council submit a copy of the Plan to the Director-General of the Department of Planning.
- G. That the developer contributions strategy (including section 94 plan) for St Ives continue to be developed and reported to Council as a draft for exhibition prior to the gazettal of the Local Environmental Plan.
- H. That further detailed analysis of the submissions made relating to the water management controls be undertaken and reported to Council for inclusion in the Development control plan prior to the end of December, 2006.
- I. That in accordance with section 68(5) of the Environmental Planning and Assessment Act, Council resolve to defer the items contained in Schedule 4 of the draft LEP that seeks to reclassify public land in St Ives to operational land pending a further report to Council investigating the matters raised in the recommendations of the public hearing.
- J. That all persons who made a submission be notified of Council's decision.

Bill Royal
Senior Urban Designer

Craige Wyse
Senior Urban Planner

Terri Southwell
Urban Planner

Antony Fabbro
Manager Urban Planning

Greg Piconi
Director Technical Services

Steven Head
Director Open Space and
Planning

Attachments:

- Attachment 1a - Section 55 Direction - 688386**
- Attachment 1b - Copy of conditional Section - 65(2) certificate from the Department of Planning - 688393**
- Attachment 2 - Booklet of submissions received circulated separately -**
 - Letter of Advice from Department of Planning dated 6 October 2006.**
 - Copy of general public submissions**
 - Section 62 State Agency summary table**
 - Section 62 copies of State Agency submissions.**
- Attachment 3 - Copy of Department of Planning comments on St Ives Draft DCP and Council's response - 688394**
- Attachment 4 - Copy of summary issues table - 688476**
- Attachment 5- Final Draft Ku-ring-gai Local Environmental Plan Town Centres (St Ives) 2006 - circulated separately**
- Attachment 6 - Exhibition copy of Draft Ku-ring-gai Development Control Plan Town Centres (St Ives) 2006 - circulated separately**
- Attachment 7 - Summary of consultation program for overall St Ives Centre project - 688399**
- Attachment 8 - Copy of public hearing report - Council reclassification St Ives Independent report dated October 2006 - 688400**
- Attachment 9 - Confidential Economic review from Hill PDA October 2006**
- Attachment 10 - Traffic consultants memo - 688401**
- Attachment 11 - response to submissions - Olsson & Associates October 2006 - 688459**
- Attachment 12 - Copy of memo Team Leader - Landscape Team 24 October 2006 - 688410**
- Attachment 13 - revised Yields table St Ives - circulated separately**

26- 6-04:13:49 :PlanningNSW

:097628710 097628711 # 3/ 3

DIRECTION UNDER SECTION 55

I the Minister Assisting the Minister for Infrastructure and Planning, in pursuance of section 55(1) of the Environmental Planning and Assessment Act 1979 (the 'Act'), direct Ku-ring-gai Council:

- (a) to perform all of its functions under Division 4, Part 3 of the Act, to prepare a draft local environmental plan for areas in close proximity to the railway line and Pacific Highway and the St Ives Centre which are zoned Residential "D", "E" "F" and "H" and 3(a) and 3(b) under Ku-ring-gai Planning Scheme Ordinance.
- (b) to exercise its functions under Division 4, Part 3 of the Act, in relation to the preparation of the draft local environmental plan, in accordance with the principles set out in Schedule A;
- (c) to include in the draft local environmental plan provisions which achieve or give effect to the principles specified in Schedule A; and
- (d) to submit the draft local environmental plan to the Director-General of the Department of Infrastructure, Planning and Natural Resources under section 68 of the Act within 12 months of the date of this Direction

Dated at Sydney this 27 day of May 2004



Diane Beamer
Minister Assisting the Minister
for Infrastructure and Planning

Schedule A**Principles**

1. To encourage the provision of housing that will broaden the choice of building types and locations available in the housing market and to make more efficient use of existing infrastructure and services.
2. To revitalise the existing retail/commercial areas.

Aims

1. To rezone land to facilitate the development of multi-unit housing and increase housing choice particularly in the form of "shop-top" housing
2. To improve the development standards so as to encourage the redevelopment of land in the existing multi-unit housing zones

Objectives

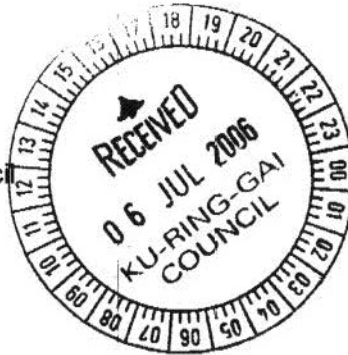
1. To include provisions which allow for the redevelopment of land for multi-unit housing consistent with the development standards contained in LEP 194
2. To provide for retail and commercial activities to cater for the local community and to implement housing density standards which compliment those contained in LEP 194



NSW GOVERNMENT
Department of Planning

Office of the Director General

Mr John McKee
General Manager
Ku-ring-gai Municipal Council
PO Box 15
Gordon NSW 2072



Contact: P Adrian
Phone: (02) 8374 5926
Fax: (02) 8374 5991
Email: peter.adrian@planning.nsw.gov.au
Postal: Locked Bag 8, Redfern

Our ref: SRE0000193
Your ref: s04019

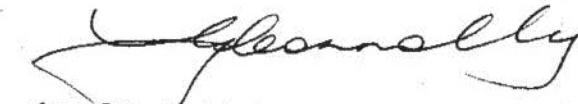
Dear Mr McKee

Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres)

I am writing in response to Council's letter dated 16 June 2006 which provides Council's report under section 64 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'), and requesting that the Director General of the Department issue a certificate under section 65 of the EP&A Act.

Please find attached a conditional section 65 certificate for the draft LEP referred to above.

Should you have any queries in regard to this matter please contact the Regional Office of the Department.


per Sam Haddad
Director General
30.6.06



NSW GOVERNMENT
Department of Planning

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

SECTION 65(2) CERTIFICATE

II, the Director General of the Department of Planning under Section 65(2) of the Environmental Planning and Assessment Act 1979, certify that the draft plan named in Schedule 1 may be publicly exhibited under Section 66 of the Act if it is amended in the way set out in Schedule 2. (SRE 0000193)

Dated 30th day of June 2006.

per Sam Gabriel Haddad
DIRECTOR GENERAL
Department of Planning

Schedule 1

Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres)

To zone lands in the St Ives locality for residential and business uses subject to the conditions listed in Schedule 2.

Schedule 2

- Removal of the following as permissible uses in the R4 zone of the draft LEP:
 - Dual occupancies;
 - Dwelling houses.
- The Principal Development Standards in the draft LEP are to be confined to height and floor space ratio with any other controls placed in the DCP.
- The relevant uses from previous instruments that will not lead to down-zoning are to be transferred to the draft LEP (e.g. R3 is to include bed and breakfast accommodation.)
- Objectives relating to tree canopy and recessing the top floor are not appropriate as R3 and R4 zone objectives and are to be removed.
- The Special Purposes (SP2 Infrastructure) zone in the draft Plan is not to be used for car park area, community facilities, churches or schools. These areas are to be zoned according to the adjoining land use zoning i.e. the relevant residential or commercial zone.
- The B4 Mixed Use zone is not appropriate for a Centre of this scale. The B2 Local Centre, which permits shop-top housing, is to be used instead.
- Extend the B2 zone over the land currently zoned for commercial purposes at 164 and 164A Mona Vale Road.
- Existing permitted uses in current commercial zones are to be made permissible in the B2 zone.

Response on draft Ku-ring-gai Town Centres Development Control Plan – St Ives

Key points and summary of recommended changes to the draft DCP

1. Issues

The DCP contains numerous controls which constrain development response. Performance standards rather than codified provisions would provide flexibility and achieve higher quality design and built form outcomes.

A. BASIX like criteria are distributed through the document. The Minister requested Council to remove BASIX-like criteria from DCP 55 – *Ku-ring-gai Multi-unit housing Railway/ Pacific Highway Corridor and St Ives Centre* (Minister's letter dated 8 February 2006). Similarly, consistent with the Minister's approach, the following and similar are to be reviewed with an eye for removal from this DCP for residential development:

WATER DETENTION / RETENTION

- requirements for on-site water detention/retention for private developments and re-use of water for irrigation, toilet flushing; and implementation of sustainable storm water management programs that are integrated into all new developments including detention, treatment and re-use) (Section 2.2.7 Water Management);

Council response:

Some Objectives and Strategies could be improved by clarification, as per below.

Recommended change to the DCP:

*Recommend deleting the following Objectives and Strategies in Section 2.2.7:
as these are objectives of BASIX:*

To provide sustainable stormwater management programmes integrated into all developments.

Require water detention tanks to minimise stormwater discharge.

Require on-site water detention/ retention for private developments and re-use of water for irrigation, toilet flushing etc.

Ensure implementation of sustainable stormwater management programs are integrated into all new developments including detention, treatment and re-use.

REFLECTANCE

- reflectance criteria and requirements for overall 3 star Window Energy Rating Scheme rating, glare control, screens, adjustable louvres, shutters (Section 5.8.3 Sun Shading);

Council response:

- *Clarify that the references apply only to the non-residential component of a mixed use development*
- *Note that the references are for the purposes of amenity, not reduction in thermal and energy requirements that BASIX stipulates.*

Recommended change to the DCP:

Recommend changing all G (General) references to M (Mixed use), and adding preface stating "For mixed use development, the below requirements apply only to the non-residential portion of mixed use developments:"

ENERGY EFFICIENCY

- BASIX like requirements in Section 5.9 (Energy Efficiency);

Council response:

This applies to the non-residential portion of mixed use development only (otherwise BASIX applies). Additionally, it is important to note that it is for the purpose of achieving optimal user amenity, rather than the reduction of energy usage.

Recommended change to the DCP:

Section 5.9 –

For all points listed below, clarify that the requirement applies only to the non-residential portion of mixed use development, by adding preface stating "For mixed use development, the below requirements apply only to the non-residential portion of mixed use developments:"

M2 Where mechanical heating or cooling is required, consideration shall be given to new generation cooling systems (eg chilled ceiling beams).

M4 Continuous heating electric water heaters are prohibited.

M5 Centralised hot water heaters must be either partially or wholly powered by solar or co-generation.

M7 All pipework shall be insulated.

BUILDING MATERIALS

- requirements in Section 5.10 (Building construction and materials) including those for glare, reflectivity, unwanted heat gain and other BASIX like criteria

Council response:

- For all points listed below, clarify that the requirement applies only to the non-residential portion of mixed use development, via a disclaimer at the beginning of the section.
- Remove references that contribute directly to BASIX calculations, and that are unnecessarily restrictive for thermal performance calculation.

Recommended change to the DCP:

Insert at beginning of section: "For mixed use development, the below requirements apply only to the non-residential portion of mixed use developments:"

- G1 appropriate glare and shading control
 (iv) using low glare high performance glass with an overall 3 star Window Energy Rating Scheme rating
 (v) avoiding the use of reflective films
 (vi) using a glass reflectance below 20%

Section 5.10 (Objectives)

Use of building materials that assist in providing optimum thermal condition wherever possible. Add "in mixed use developments".

(Controls)

- G8 Light coloured internal finishes shall be utilised in order to minimise lighting use –. Add "in mixed use developments".
 G9 Roof surfaces with a sheen finish reduce unwanted heat gain in summer and are to be used where they do no impact on the amenity of neighbours in terms of glare and reflectivity. Add "in mixed use developments".

ILLUMINATION OF SIGNS

- requirements for Mixed Use in Section 5.16.4 (Illumination of signs) including in M3 Illuminated signs for the required use of LED diode technology or a lighting source of equivalent or higher efficiency

Council response:

Remove reference to this technology to avoid obsolescence. For signs generally, it should be stated that the reference only applies to the non-residential component of a mixed use development.

Recommended change to the DCP:

Preface section with "For mixed use development, the below requirements apply only to the non-residential portion of mixed use developments:"

RAINWATER TANKS

- mandatory rainwater tank requirements for Types 5 (Multi-unit development) (Section 6.4.2);

Council response:

BASIX covers requirements for mandatory rainwater tanks for new residential developments, and for the residential portions of mixed use development.

Recommended change to the DCP:

Section 6.4.2

Mandatory rainwater tanks requirements for

Type 5 (multi unit development) -

- *Change multi unit development to read “multi unit residential development, residential portion of mixed use development”*
- *for Minimum Tank Storage Volume and Minimum Use of Retained Water, delete specific references to quantities, and replace with “according to BASIX”*

Appendices, Section A6.4.1:

Add a disclaimer at the beginning of this section:

“All references to [specific quantities] in the section to follow do not apply to residential multi-unit development or the residential component of mixed use buildings.”

STORMWATER MANAGEMENT

- *general controls for on-site stormwater management (e.g. design controls (d) & (g) in Section 6.4.3). There are further (extensive) mandatory controls for Stormwater management for Locational properties including repetitions (sections 6.4.3 and 6.4.2);*

Council response:

Recommend a disclaimer at beginning of section, as not all references will be applicable to the BASIX: “All references in the section to follow do not apply to residential multi unit development or the residential component of mixed use buildings.”

Recommended change to the DCP:

Disclaimer applies to:

Section 6.4.2 –

Note 1 – The mandatory rainwater tank volume requirement may be met using one or more tanks, as appropriate to the site and the required use of stormwater.

Section 6.4.3 –

(d) for aesthetic purposes and to ensure the entire roof area is able to drain practicably via the rainwater tank system, no more than 10,000 litres rainwater tank storage shall be located above ground...

g) the design of the stormwater management system is to be based on either:

- (i) the maximum permissible built-upon area for the development specified in Section 6.6.3 (not including the provision of other Council documents referred to in the table), or*
- ii) the existing built-upon area, if this is to be retained.*

Section 6.4.4 – (additional, not specified by DoP)

- b) The mandatory rainwater tank as detailed at Section 6.4.2 must be included as part of the stormwater management system and shall comply with the installation specifications in A6.4 (in the Appendices).*

LIMITATIONS ON BUILT UPON AREA

- limitations on amount of built upon area dependent on drainage configuration (either 60% or 35%) (Section 6 including 6.2.1);

Council response:

Recommend that Council reviews this to ensure consistency with other sections of the DCP and other State Environmental Planning policies.

Recommended change to the DCP:

To be reviewed.

RIPARIAN

- limitations on locating the development or associated services on the site relative to a Category 3 Bank Stability and Water Quality (Section 6.2.2). It is unlikely that this level of protection is appropriate within the Town Centres;

Council response:

Recommend maintaining this provision based on in the inclusion of several riparian zones within the identified Town Centre areas (Gordon, Pymble, Lindfield, Roseville).

Recommended change to the DCP:

No change.

LOCATIONAL REQUIREMENTS

- Extensive requirements for Locations A, B, C and D (Section 6.3.2 to 6.3.5); and requirements that are not necessary e.g. section 6.3.3 refers to the need for sandstone rocks.

Council response:

Section 6.3.2 – to be reviewed by Council's officers to ensure consistency with other sections of the DCP and other State Environmental Planning policies

Section 6.3.3 - Sandstone rocks as a means of securing natural watercourses are mentioned as a suggested course of action only.

Section 6.3.4 – to be reviewed by Council's officers to ensure consistency with other sections of the DCP and other State Environmental Planning policies

Section 6.3.5 – to be reviewed by Council's officers to ensure consistency with other sections of the DCP and other State Environmental Planning policies

Recommended change to the DCP:

Recommend maintaining the wording as stated, with other sections to be reviewed in due course.

RECYCLING

- Recycling for residential development is addressed through BASIX and references to this type of recycling should be removed from the draft DCP.

Council response:

To be reviewed by Council's officers to ensure consistency with other sections of the DCP and other State Environmental Planning policies.

Recommended change to the DCP:

Recommend clarifying references in the Draft DCP.

FLOOD STUDIES

- Requirements for flood studies; development over or adjacent to a natural waterbody (6 pages); requirement for capture and treatment of stormwater without distinguishing when this would be necessary (Section 6.5.2).

Council response:

Reference to the above need to be reviewed by Council's officers to ensure consistency with other sections of the DCP and other State Environmental Planning policies.

Recommended change to the DCP:

Recommend examining Draft DCP in more detail, with a view to producing a detailed analysis of the requirements for flood studies and their impacts.

Recommended change to the DCP:

Disclaimer applies to:

Section 6.4.2 –

Note 1 – The mandatory rainwater tank volume requirement may be met using one or more tanks, as appropriate to the site and the required use of stormwater.

Section 6.4.3 –

(d) for aesthetic purposes and to ensure the entire roof area is able to drain practicably via the rainwater tank system, no more than 10,000 litres rainwater tank storage shall be located above ground...

g) the design of the stormwater management system is to be based on either:

(i) the maximum permissible built-upon area for the development specified in Section 6.6.3 (not including the provision of other Council documents referred to in the table), or

ii) the existing built-upon area, if this is to be retained.

Section 6.4.4 – (additional, not specified by DoP)

b) The mandatory rainwater tank as detailed at Section 6.4.2 must be included as part of the stormwater management system and shall comply with the installation specifications in A6.4 (in the Appendices).

Council Response General:

The LEP template requires height and FSR in the LEP. It is essential, given these requirements, that the height and FSRs are tested so that the height, which is fixed in metres in the LEP, will allow the FSR to be achieved.

A common fault in a planning instruments is where it is not possible able to achieve the FSR on a site due to other controls. Likewise, not enough FSR in relation to the height is a waste of development potential i.e. the controls may allow a given building height, but the FSR is insufficient for a developer to take full advantage of the sites development potential. Therefore, to achieve the full development potential of a site, or town centre it is important that FSR and building heights work together, and are in a reasonable proximity to each other, with the heights allowing the FSR to be achieved. To ensure this, it is very important to do site design testing.

Environmental design principles are fundamental to the two most important State Government design based instruments, BASIX and SEPP 65. The FSR and Building Height controls in the LEP must also allow good environmental design to be achieved. Under SEPP 65, building depths should not exceed 18 metres that other environmental standards of solar access and natural ventilation are more easily achieved. Building envelopes ensure that these environmental standards are able to be achieved, whilst at the same time setting achievable FSRs and heights. This is the reason for the DCP containing building envelopes, so that the State Governments SEPP 65, BASIX and LEP Template controls are co-ordinated and that the development potential of a site, or the whole town centre, is known to be achievable in future development.

In addition, and as a fundamental component of this site testing and building envelope preparation, economic testing must be done, as has been done by Hill PDA for St Ives Town Centre.

B. Growth of St Ives village centre

- Under the DCP, apartment buildings and townhouses are to be located no more than one block back from Mona Vale Road or Link Road/Killeaton Street (Section 2.2.1 Housing). This, coupled with the strategy in the DCP to protect existing low density residential detached dwellings on the fringes of the town centre (Section 2.2.1 Housing) lacks consistency with Metropolitan Strategy 600m village radius and opportunities for housing consolidation in the town centre.
- Council's land zoned B2 at 11-19 and 21 Cowan Road, St Ives needs to be included consistent with the zoning in the dLEP and limits on how car parking will be provided should be removed.

Summary Requirement: Remove these limiting requirements.

Council Response:

The St Ives plans being the first to be prepared under the new LEP have been prepared in accordance with the Section direction and matters raised in the Section 65 (2) conditions, and does not include rezoning of all low density residential lands within 600 metres of the centre. The Strategy reflects the proposed zoning and provides a rationale.

The Ku-ring-gai Comprehensive planning process will be prepared to provide a new zoning for all remaining areas outside of the town centres under the Standard LEP template.

Council's land zoned B2 at 11-19 and 21 Cowan Road, St Ives; An FSR of 1:1 and a height of two levels has been allocated to this site consistent with the zoning.

C. Subdivision

The preferred site amalgamation map (DCP, section 4.2, p55) will significantly limit the capacity to redevelop sites.

Summary Requirements: The site amalgamation map is unnecessary.

Council Response:

Noted and Council will review the text in relation to this strategy plan- to ensure this is only a preferred amalgamation pattern and that other alternatives can be put forward for consideration and satisfy the general controls of the DCP.

D. Expensive requirement that power lines/cables be located under ground

References to overhead power lines to be relocated underground are included in Section 2.1 Vision Statement dot point 7; Section 2.2.3 Street Character; Section 3.2.1, 3.2.2, 3.2.3, 3.2.5, 3.2.8, 3.2.9, 3.2.10, 3.2.11 (requirements for individual sites); and Section 5.17.3 Visual Impact (concealed cables where practical and appropriate). This would be an unnecessary constraint to development in the Town Centres, particularly as it is a requirement on public land. There is very limited scope for such a requirement through development control plans in other Council areas in Sydney.

Summary Requirement: References to this requirement need to be removed.

Council Response: *Noted; There is a precedent for the undergrounding of powerlines and its is common policy practice by metropolitan council including North Sydney , Woollahra Councils, Kogarah, Auburn- in addition there is a precedent within Ku-ring-gai as this has been a requirement for new apartment buildings considered under LEP 194, another mechanisms could be through developer contributions strategy.*

There is an argument that improvement works to the street including removal of powerlines and planting of street trees will improve the presentation and value of the building.

E. General Landscaping Constraints

These include:

- References to the “green, spacious, “high forest” character of the area” being protected and enhanced through well-designed and appropriately scaled development. There is no “high forest” in the St Ives centre to which scale and design may be compared (Section 2.1 Vision Statement (dot point 1)).

Council Response:

Council’s initial analysis undertaken by consultants highlighted the strong forest like character, both in the public and private domain. Remnant areas of STIF are located at Rotary Park within the centre core and supported by high canopy within Ivor Wyatt Reserve, the Village Green and local streets. Exotic plantings including non locally occurring natives are prevalent in other public spaces and private lands

- Council’s Street Tree Master Plan does not appear to have been provided;
- new street tree planting as per Council’s Street Tree Master Plan including deciduous trees even though these are not consistent with the “high forest” concept (Section 2.2.3 Street Character).

Council Response:

Street tree planting as outlined in Section 3 provides for a mix of large “high forest” type plantings, medium and smaller scale plantings in accordance with the desired future character and opportunities provided in each location. The wording within the DCP “street tree planting” within each street location can be amended to identify the use of locally occurring species wherever possible.

- the required bio-linkages and bio-corridors into the commercial Town Centres and augmentation of remnant vegetation in the area on both public and private land (already addressed through tree preservation orders) (Section 2.2.6 Biodiversity). The section appears to confuse biodiversity with landscaping.

Council Response:

The Tree Preservation Provisions provide a process that allows necessary tree works to occur on private land outside development application thereby preventing unauthorised removal of trees.

Section 2.2.6 contained within the vision section outlines broad strategies consistent with the protection and enhancement of the natural systems and high forest landscape character of the area. Provisions relating to landscape and implementation of strategies related to biodiversity are outlined within Parts 3 and 5.5 of the DCP.

- The specification of the number of trees required for replenishment is unnecessarily detailed and compliance would be difficult on certain sites (Section 5.5.1).
- the use of species in landscaping from the Council Schedule favours exotic species as over 50% listed are exotic species. Exotics generally require large deep soil areas. The Council Schedule needs to be reviewed with regard to its relationship to BASIX, water consumption and the potential impacts on development including with respect to Sydney Water's species guidelines for residential development.

Council Response:

Within 5.5.1 it should be noted that design controls in relation to deep soil landscaping outline provisions to D use locally occurring and native species as much as possible (R5) and ii).

At least 50% of all tree plantings chosen are to be locally occurring trees and spread around the site (R10). Council's preference is the planting of natives and locally occurring natives especially due to their genetic provenance and adaptation to the local environment. Focussing predominantly at locally occurring natives will as a consequence highlight a lower proportion of natives to exotics particularly given the number of areas from which alternative plants can be sourced. It should also be noted that there are occasions where environmental factors (need for winter solar access for example) may result in an exotic tree being the correct plant selection.

The provisions provided are consistent with Basix controls.

Summary Requirement: Council's requirements need to be reviewed in the light of potential constraints on development in the light of the Minister's s55 direction, BASIX and other advice from the Department.

F. Tree requirements

Section 5.5.3 (Roof Terrace and podium planting) sets out a control for minimum soil provision for trees of height 8m to 16m.

Council Response:

The tree replenishment provisions outlined in Section 5.5.1 are already utilised for land zoned 2D3 under the KPSO. The replenishment standards allow development to attain sought yields. Variations to the replenishment requirements can be assessed at development application stage. The replenishment provisions have been reviewed by Council's consultant landscape architect for this plan.

Summary Requirement: Landscaping in the Town Centres should reflect the need to provide greater variety of housing types as required under the Minister's direction. Unnecessary constraints in this provision within the Town Centres are not supported.

Council Response:

The controls in section 5.5.3 is identical to the NSW Government Residential Flat Design Code controls (page 53) , based on a qualified landscape architect and the controls are considered suitable for this type of development

G. Landscaping buffers and setbacks

The following will reduce development potential in the Town Centres:

- large landscaped front setbacks that are required to all residential streets (Section 2.2.4 Built Form and those in, for example, Section 4.6.8 of 10-24m);

Council Response:

These are site specific controls and development is not constrained as building envelopes have been prepared to ensure development potential.

- limitations with respect to Environmental Corridor (50 metres) (Section 6.2.2 Locating the Development on Site) (also set for Exempt and Complying development in the LEP);
- limitations on locating the development or associated services on the site relative to a Category 1 Environmental Corridor, or a Category 2 Terrestrial and Aquatic Habitat (Section 6.2.2). There does not appear to be any information about the verification process for the map A6.10. Any inaccuracies could be challenged by developers;

Council Response:

No environmental corridors will apply to development within the town centres. In a limited number of cases a category 3 riparian zone has been identified in the fringe residential areas and a 10m buffer zone will apply. In these cases development has not been constrained as additional height has been apportioned to offset the requirements of the setbacks.

- the additional requirement for a buffer zone between bushland and a development site (relies on accurate Council mapping) (Section 6.2.2) and the requirement for a buffer of a minimum of 25m for endangered

flora/fauna species. Council needs to demonstrate the accuracy of such mapping and provide details of how these buffers were determined and the likely presence of these in the Town Centres.

Council Response:

These issues must be based on a site assessment at the DA stage, rather than on Council mapping.

- unnecessary repetitions in the text e.g. Section 7 which repeats the text of the LEP;
- the distinction between balconies etc and the buildings these are attached to in Section 7.1.4.2. The requirement removes the landowner's capacity to remove branches overhanging these structures without a development application. There is the potential for conflict with common law rights.

Summary Requirement: These are not consistent with requirements to increase existing development potential in the St Ives or other Town Centres.

Council Response:

To avoid unnecessary repetition of the LEP it is recommended that Section 7.1.3 be amended to the following:

For the purpose of Clause 33 and this Section "tree" is defined as:

- (1) 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*
- (2) a plant that has a trunk diameter of 150mm or more measured at ground level.*

Section 7.1.4.1 provides for the removal of branches directly over roof lines. This covers integrated roofs over balconies and carports/garages, but does not include open balconies or decks, or other non-integrated structures. The inclusion of such structures within section 7.1.4.2 would result in trees adjacent to such structures becoming exempt, which may result in their removal without consideration of any potential impacts. This is likely to result in applications for such structures being refused where this would result in the potential loss of adjacent significant trees. It is preferred that such structures can be considered in conjunction with measures that would preserve significant adjacent trees, for biodiversity, aesthetic and/or amenity reasons. Accordingly no further change is recommended to the Tree Preservation Controls.

H. Deep soil requirements

Large deep soil zones have been provided to enable plantings of non-indigenous trees e.g. in Sections 2.2.4 & 4.6.2 to 4.6.8. Similarly, percentages of soil areas up to 50% of the site area e.g. section 5.5.1 are in the DCP. These should be removed as they constrain site use unnecessarily and are not in keeping with Town Centre land uses.

Summary Requirement: Extensive soil areas and deep soil planting requirements are not consistent with requirements to increase existing development potential in the St Ives or the other Town Centres.

Council Response:

These controls are based directly from LEP 194 and are now in the draft DCP and only apply to residential sites. In the case where building envelopes have been prepared eg Eden Brae demonstrate with a 35% site cover, 50% deep soil is available. This control does not apply to the core commercial areas.

I. External building requirements

Additional criteria which limit opportunities to fulfil the Minister's s.55 direction and to provide consolidation under the Metropolitan Strategy include the following DCP requirements:

- that side setback areas are not to be used for vehicle access (Sections G9, 5.13.2);

Council Response:

This is a preferred approach only and applied to DAs under LEP 194 and has been demonstrated to be achievable in the majority of sites. In commercial/retail zones there are no side setbacks so this clause does not apply.

- the requirement that front set backs for awnings on the front façade limit buildings to only 40% of the façade within a minimum of 10m of the front boundary with the rest behind a 12m limit (Section 4.3);
- the requirement of 60% of the top floor for both commercial and residential development (Section 4.5);

Council Response:

This setback would normally only apply to a residential component and is based on urban design principles- it reduces appropriate height of buildings, provides articulated roof forms and design and is based on the Residential Flat Design Code. Building Form- Roof Design (page 91)- Objectives, and Better design practice.

- setbacks of up to 10-12m for front setbacks (residential and commercial) and 6-18m side setbacks (Section 4.5, 4.6). The 9m setback for only 2(d3) sites (equivalent to higher density R4) is not necessary in the Town Centres and shorter setbacks need to be provided for the R3 (medium density zone);

Council Response:

The controls shown in the master plan are a minimum 6 metre setback for residential at ground level in all cases. The 9 metre applies only to the 3 and 4th floors.

- that development occur within the footprints for each building on each allotment included in the St Ives Town Centre (in maps in Section 4.6);

Council Response:

See Residential Design Flat Code- building envelopes based on the principles Page 23- where sufficient flexibility between the FSR and building envelope to allow for building articulation and architectural expression- these have also been economically tested.

- building separation of 18m minimum window separation between 2 habitable rooms/balconies for neighbouring buildings of 5 storeys and above (Section 5.1.2) since 5 storeys is already set in the LEP and a further limitation of the footprint of the top floor being 60% of the floor beneath constrains this further;

Council Response:

Noted and clarified with a additional wording within the DCP to read in relation to 3-4 storey an additional note- under point (i) to read the effective wall height of 4 storeys separation is 12 metres. In relation to the section 5 storeys and above insert note under (i) "where the effective wall height is 5 storeys and above."

- building facades required to be modulated and articulated between 600mm and 2.5m (Section 5.2.1). This has the effect of reducing the top floor upper floor plate as the top floor is required to be 60% of the floor below; The 60% control is an area control only and is independent of the built form and does not relate to any particular built form outcome.
- that a single wall cannot exceed 120 sqm in area (Section 5.2.1);

Council Response:

These controls have been applied in the assessment of applications under LEP 194. As DCP controls they can be varied where appropriate.

- corner building articulation that requires both street addresses to be addressed (Section 5.2.2);

Council Response:

This is corner development control based on good design not sure how this limits development.

- for clear glazing to min 3 stars for all street frontage windows in ground street frontages are unlikely to be ideal for businesses where privacy from the street is an issue (e.g. medical centres etc) (Section 5.2.3);

Council Response:

This is a DCP control and can be varied on a case by case basis.

- the requirement that solid building materials such as brick, concrete and stone (rendered or not) are to be used for external walls of the lower part of the buildings up to 3rd storey (except for ground floor in mixed use developments) and light weight building materials such as timber, copper or stucco and glass to be considered for the 4th storey and above. These requirements are prescriptive and could lead to a lack of lack visual cohesion (Section 5.2.6);

Council Response:

Noted and will be reworded to insert the words “are desirable”.

- that vertical canvas drop blinds are not permitted along the outer edge of awnings/ colonnades in mixed use zones (Section 5.3.1).

Council Response:

Noted and deleted

- that private open space requirements (Section 5.4.1) in residential units include:
 - for ground and podium level apartments a terrace or private courtyard with a minimum area of 25m²;
 - for other units a minimum area of: 10 m² for each one bedroom unit; 12 m² for each 2 bedroom unit; and 15 m² for reach unit with 3 or more bedrooms (Section 5.4.1). These are too restrictive.

Council Response:

These controls provide a guide for private open space for the apartment dwellers and consistent with best practice design and amenity for future residents- as a DCP control variations can be made subject to appropriate justification by the proponent.

- that primary open space has a minimum dimension of 2.4m and shall be directly accessible from the main living areas and not be oriented to the south (constraining on certain sites);
- that common open space requirements in residential units include:
 - it be visible from the street and/or apartments;
 - at least 30% of the deep soil zone be principally for tall tree planting;
 - it is located at the front and rear of lots to optimise solar access to the open space and apartments (Section 5.4.2);

Council Response:

These controls provide a guide for open space for the apartment dwellers and consistent with best practice design and amenity for future residents for – both private and common open space as a DCP control variations can be made subject to appropriate justification by the proponent. In the case of LEP 194

applications the majority of applications have been able to provide or exceed these standards and do not constrain development.

- site coverage as low as 30-35% in addition to setbacks and other requirements;

Council Response:

Site coverage for residential development is consistent with the LEP 194 standards and have been transferred across as DCP controls.

- that all developments must be oriented to optimise northern aspect. Locate living areas to the north and service areas to the south and west (Section 5.8.2). This would constrain development on certain allotments combined with the requirement that:
 - no single aspect units to have a southern orientation and not more than 15% of total units to be single aspect and have western orientation (Section 5.8.2);

Council Response:

This is recommended to read “it is desirable that developments be orientated to optimise northern aspect for living areas and service and circulation areas to the south and west.

Up to maximum of 10% of units may have a single south orientation and 10% a western orientation.

- that all developments must have appropriate shading and glare control by providing external horizontal shading to north-facing windows (eaves, overhangs, pergolas, awnings, colonnades, upper floor balconies, and/or deciduous vegetation); vertical shading to east and west windows, (sliding screens, adjustable louvres, blinds and/or shutters); and shading to glazed and transparent roofs (section 5.8.3);

Council Response:

These controls promote good design do not constrain development.

- that requirements include visual impact including colour scheme, texture, screening, rhythms, silhouetting of elements of building roof tops (Section 5.17.3).

Council Response:

These controls promote good design do not constrain development.

Summary Requirement: *Safer by Design* is the NSW Government’s guideline (similar to the USA’s Crime Prevention Through Environment Design (CPTED)) The criteria of *Safer By Design* would be applied to specific development at development application stage, or prior to Council’s decision to rezone land for public thoroughfares, where appropriate.

Council Response:

Overall the above controls promote good design do not constrain development, as outlined above changes have been made to the DCP to ensure flexibility.

Multiple requirements constrain development in the Town Centre to an unnecessary degree. Council needs to review these controls.

J. Internal building requirements

Of concern in unnecessarily limiting development are:

- Building depth: for commercial premises: limitation to internal plan depth of office floors with openings on one side to be 10m from glass line to wall; for residential width constraint of a maximum internal plan depth of 18m from glass line to wall. Single aspect apartments requiring a maximum internal plan depth of 10m from glass line to wall (Section 5.1.1);
- For residential developments wider than 18m, achievement of satisfactory daylight and natural ventilation have to be demonstrated (Section 5.1.1);
- The width of a single building on any elevation facing the street shall not exceed 36m (Section 5.2.1). This unnecessarily constrains development flexibility on sites. Also it is apparently not consistent with Section 5.1.1 (Building Depth);
- Internal commercial/retail in mixed use buildings ceiling height; 3.5m for ground floor; 3.3m for 2nd storey (or 3rd where relevant)(Section 5.6.1);
- The requirement for internal residential flat buildings with flexible ground floor commercial be provided in high density residential areas: minimum floor height of 3.3m for ground floor commercial; minimum of 2.7m for all habitable rooms on other floors; min 2.4m for other rooms (Section 5.6.1); Council response; This requirement is only specified for sites for commercial ground floor development is permitted, it does not apply to all residential sites see 4.6.1
- Room size requirements of a min dimension of 3m (excluding wardrobe space) in at least 2 bedrooms if there are three or more bedrooms, otherwise in all bedrooms (Section 5.6.2);
- Building Depth Controls in section 5.1.1 must be complied with (Section 5.8.1). Council response; the wording under 5.8.1 G1 to be deleted as it is already referenced under 5.1.1.
- Minimum 65% apartments to have cross ventilation; at least 45% of window and door areas in habitable rooms to have operable windows or doors, grouping of similar useage rooms together; operable windows for 90% of workspaces; other requirements (Section 5.8.1); Council response: noted and amended to read At least of 60% of apartments must have natural cross ventilation.

- The minimum size for units requirement and a requirement to locate one-bedroom and three bedroom units on the ground level (Section 5.15.2).

Summary Requirement: Multiple requirements constrain development in the Town Centre to an unnecessary degree. Council needs to review these controls in the light of the existing controls under the BCA.

Council Response:

The controls are located within a DCP to promote good design consistent with SEPP 65 and NSW RFDC as a DC P control flexibility is provided where an applicant can vary the standard with an appropriate justification. In the case of residential apartment buildings the controls are consistent with LEP 194 controls. A further review of these controls with consideration of the BCA, will be made in a subsequent version of the DCP.

K. Parking and access requirements

Matters to be addressed include the following:

- Roads should be classified using the RTA classification. It is not necessary or appropriate to list roads in A5.

Council Response:

These are listed to assist in the locational requirements for Childcare centres and is not based on RTA classifications.

- In Section 2.2.5, the Community Activity Space 3 in zone B2 is not obviously linked to other active areas in the St Ives Town Centre such as the Town Square and it is not clear how linkages would be achieved. Council needs to ensure any areas set aside for such use address *Safer By Design* guidelines and that adequate provision for lost development potential is addressed through other provisions. This is an existing Council and community facilities area, restaurant and carpark located on Council land. There is road access through the site from Stanley Street with an entry/exit onto Porters lane.
- It is not clear how Space 3 (Section 2.2.5) conforms to requirements in Section 2.2.8.

Council Response:

The existing buildings and facilities within the community space could be re-organised to provided updated facilities- the strategy diagram indicates this.

- Widened access for the service lane (Stanley Lane) including 6 m setbacks on either side of the laneway to provide parking and footpaths will reduce the viability of any development on land adjoining the land (effect on “Eden Brae” site and land with Mona Vale frontages) (section 3.2.7).

Council Response: *the building setbacks have been reduced from 6m to 3.5m.*

- Car parking requirements set as minimum and maximum for certain types of development (Section 5.14.1). (in the past, Council does not appear to have supported DAs which provide fewer parking spaces than those set down in the relevant DCP) Maximum limits should be set as an interim until a Metropolitan Parking Policy is provided. The text should make it clear that developers will not be penalised for providing fewer parking spaces than the maximums set in the Town Centre.

Summary Requirement: Council needs to address these issues to ensure conformance with existing or lower amounts of parking should be encouraged over increased parking and Council needs to ensure alignment with the Metropolitan Parking Policy when it is released.

Council Response:

The DCP (Section 5.14.1), only sets minimum and maximum car parking rates for non residential uses within commercial centres. The use of minimum and maximum car parking rates is to provide balance between the desires of discouraging car usage and the need to manage traffic and parking issues within centres. The maximum car parking rates used in the DCP are consistent with Council's current requirements, while the minimum rates are significantly reduced and are in keeping with rates used elsewhere in the Sydney metropolitan area.

In terms of car parking provision for residential purposes, only maximum car parking requirements are specified. It is noted that this is inconsistent with LEP 194, which includes minimum parking rates, a requirement inserted by the Department following Council's inclusion of only maximum rates within DLEP194.

A full review of parking rates within the DCP should be undertaken by Council following the release of the Metropolitan Parking Strategy.

L. Specific issues

The following are not supported:

- The majority of pedestrian access routes shown in Section 2.2.9 rely on land acquisition or dedication from private holdings.
- Provision of parking off Porter's Lane and Mona Vale Road east of the main shopping centre is likely to be an inappropriate land use given the likely floor space of shops in that block (section 2.2.13);
- All residential buildings that have access to more than two storeys are required to have lift access (Section 5.13.1). Controls should not seek to control residential flat development in excess of existing relevant State and Commonwealth Government standards and guidelines.
- Barrier free access required to all common areas of all buildings and not less than 20% of dwellings in each development (Section 5.13.1).

This unnecessarily constrains residential flats and villas/townhouses of 2-3 storeys;

- The constraint that “car parking space is included in floor space calculations where it is not located in the basement i.e. where the floor level of the storey immediately above is one metre or more above existing ground level” constrains, unnecessarily, developers utilising sloping sites (Section 5.14.4);
- Visitor parking (Section 5.14.3), includes that one external visitor parking bay is to be provided with a tap to make provision for on-site (Section 5.14.3); service vehicle requirements including a space with a minimum dimension of 3.5m x 6m and a minimum manoeuvring area 7m wide (Section 5.14.3);
- Minimum height in basement car parking of 2.2m and for an internal collection point, minimum 3.5m to allow collection vehicles access (Section 5.14.4);
- Defining residential basement car parking as that which can only project up to 600mm average and 1.2m maximum above natural ground level to the underside of the floor above (Section 5.14.4) as car parking above this is included in floor space calculations;
- Multi-storey mixed use parking that requires a minimum floor to ceiling height of 2.7m (Section 5.14.5);
- Constraint on dual occupancy: under 125 m²: 1 space per dwelling and for dual occupancy over 125 m²: 2 spaces per dwelling.

Summary Requirement: Council is to remove unnecessary constraints to provide consistency with the Minister’s requirements.

Council response *noted and will be reviewed*

M. Drainage, Stormwater and Water Management requirements

General

- There are no creek lines in the vicinity of St Ives or the other town centres that remain in a natural state. Section 2.2.7 implies there are such water courses.

Summary Requirement: Council is to remove this unnecessary constraint.

Council response *noted and will be reviewed*

N. Interface between town centres and adjoining lower density residential/open space (cl 21(2)(b))

- Currently the DCP identifies the interface between the town centres and single residential development (Section 2.2).
- In LEP 200 there are 9m set backs from any boundary (cl 25L) but only for the 2(d3) zone (equivalent to R4). This in itself is a generous setback in areas away from the town centres rather than in the Town Centres.

- The proposed addition of such setbacks to any land in the town centres (including R3) shouldn't be necessary, has been translated as 6-9m setbacks in the DCP and is not supported.

Summary Requirement: A 9m setback for R4 is generous and it is advisable to reduce it in the town centre. It is also not supported for the R3 zone, which would more appropriately have a maximum setback of the order of 4m or less.

Council Response:

These controls have only been applied to the former 2(d3) zoned residential land under the LEP 194 standards. In relation to the R3 zone generic controls will be prepared for setbacks.

O. Land contamination

- Requires use of Council's Contaminated Land Policy 2004 (Section 5.12.3).

Summary Requirement: This section needs to have the POEO Act and SEPP 55 as the primary references

Council response:

Noted and will be reviewed.

P. Adaptable Housing

This should follow requirements set down in the Seniors Living SEPP and avoid the following:

- At least 70% of residential units to be "visitable" in accordance with the definition in A4 in the DCP Appendices (Section 5.15.1). "Visitable" is not defined in the Seniors Living SEPP but "accessible" is defined. Council needs to apply existing definitions rather than providing additional definitions;
- For flats without lifts, gradients set requirements (100% for relatively flat land, proportion of land or 50% visitable whichever is greater) (Section 5.15.1). This is a repetition from the SEPP and is not necessary.

Summary Requirement: Council is to remove new definitions that may conflict with State Policy and remove repetitions in the document.

Council response:

Noted and will be reviewed.

Q. Advertising/signage/notification

- Advertising and signage requirements should follow SEPP 64 – Advertising and Signage. Any requirements in Sections 5.16.5 and 5.16.7 of the DCP need to be should consistent with this SEPP.
- This DCP is one of the first development as an outcome of the Standard LEP. As such it would be preferable to ensure Section 10 that

includes advertising and notification is kept as simple as possible and follows the requirements set out in the EP&A Act and Regulation.

Summary Requirement: Council is to remove repetitions and unnecessary detail in the DCP.

Council response:

Council has reviewed the advertising controls in relation to SEPP 64 and the following amendments are recommended to be consistent with the SEPP:

- *In Section 5.16.5, delete G1 vii) in regard to wall advertisements, which has stricter controls in the SEPP.*
- *In Section 5.16.8:*
 - *amend the title “Real Estate Signs” to “Real Estate Signs in Business Zones”*
 - *List the controls as M1, M2 etc*
 - *Insert a note at the end of the Real Estate section, advising applicants that Real Estate signs (in both residential and business zones) are also be permissible as exempt development under Schedule 2 of the LEP.*

Council recently adopted Development Control Plan No. 56 – Notification, (July 2005) which currently applies to the whole of the LGA. Prior to this Council had a notification policy. The DCP was made because a DCP is now required under the EP&A Act to extend the advertising and notification requirements. Public consultation was undertaken as part of this process, as required by the Act. Section 10 – Notification is consistent with the provisions of DCP 56. No objections to the controls in this section have been received in the community consultation. The retention of notification controls that are consistent across the LGA enables efficient processing of applications, and equity for applicants and the community. For ease of understanding, however, it is recommended that the controls be numbered.

Summary of matters raised in submissions -St Ives Town Centre

Matters of policy related to the introduction of increased density	Issue	Comment	Recommendation
General (not limited to St Ives)	Adverse impacts from additional traffic at the following intersections: <ul style="list-style-type: none"> Livingstone Ave & Pacific Hwy Pymble Telegraph Rd & Pacific Hwy Pymble Grandview Pde & Pacific Hwy Pymble St Johns Ave & Pacific Hwy Gordon 	Traffic studies have been carried out for other town centres and have recommended improvements at these intersections. It is not anticipated that these intersections will adversely impact on the traffic in the St Ives Town Centre and growth rates were considered in the St Ives Town Centre traffic study.	No change recommended
	Support the integrated planning approach, believe plans provide for future growth and provide for development to meet the current and future needs of residents and visitors.	Noted	No change recommended
	St Ives should be reclassified to the principal centre. St Ives is more attractive, and has greater potential to attract facilities such as cinemas than Gordon, despite lack of rail link. The market should be allowed to drive the type of facilities in a centre. Identified undersupply of retail/commercial in the area supports such a hierarchy. The higher retail/commercial target suggested by Hill PDA should be adopted. (Detail - Submission 46)	Council has resolved that Gordon will be the principal centre within Ku-ring-gai. This resolution is consistent with State Government planning.	No change recommended
	Agrees that St Ives should be the location for a regional shopping centre.	St Ives will accommodate a shopping centre of approximately 30,000sqm in size this is classified as a large village. A regional centre such as Hornsby and Chatswood typically provide in excess of 100,000sqm of retail floor space	No change recommended
	Ku-ring-gai LGA should not have a regional shopping centre at all.	St Ives centre is not proposed to be a regional centre, refer comment above. The regional centres are Chatswood, Hornsby and Macquarie	No change recommended

ATTACHMENT 4

		Centre.	
	Support for a supermarket on the Stanley St side of Mona Vale Rd to underpin the viability of this precinct, with controls to support this outcome. Ideally would involve closure of Stanley Lane and should include rezoning of 6-10 Stanley St.	<p>This option has been explored in considerable detail by Council. The outcome was that a supermarket could not be made feasible in this location due to a combination of factors including the cost of underground car parking and land ownership.</p> <p>9-10 Stanley Street was rezoned in 2004 under LEP 194 for 5 storey apartment buildings.</p> <p>6 Stanley Street has been identified as a possible future park.</p>	No change recommended
	Increased residential densities provide an opportunity for improved facilities and public transport which should be taken.	Noted.	No change recommended
	A timetable should be included for matters that are under more direct control of council to indicate time scales of when different aspects will be realised (such as the introduction of traffic signals at Cowan/Killeaton).	<p>It is difficult for Council to indicate a timetable because most of the changes are funded through development contributions. It is not possible to determine accurately when funds will be available.</p> <p>Future planning work will begin to look at these issues in more detail.</p>	No change recommended
	For equity the burden of development should be shared with Wahroonga, West Lindfield and East Killara.	Noted. This will be further considered during the process of preparing a comprehensive Local Environment Plan for the whole of the Ku-ring-gai Local Government Area.	No change recommended
	Concerns re any proposed aquatic centre – especially parking and traffic. Could centre be provided over carpark on community land off Stanley St- adding vitality to this area – or to new underground carpark at Wade Lane Gordon?	<p>The Aquatic Centre Study has not formed part of the St Ives Town Centre process. It is a separate study being undertaken by the Open Space Department of Council.</p> <p>The Council owned land on Cowan Road has been identified as one of two preferred sites</p>	No change recommended

ATTACHMENT 4

		If Council resolves that St Ives is the preferred location then further design and planning work will be necessary including a traffic study	
	Aquatic centre not suitable in this area due to traffic and parking issues – should be in West Pymble	This is beyond the scope of this report Refer notes above	No change recommended
Traffic planning	Accident hotspot turning off Mona Vale Rd into Stanley St will get more dangerous. (For detail see Traffic section of Submission of 34)	Although the traffic volumes turning from Mona Vale Road into Stanley Street may increase, the green time will be similar to the present situation and therefore unlikely to create a worse situation. Not currently a black spot.	No change recommended
	Strongly supports all of the proposed traffic changes, especially at the Mona Vale/Memorial/Rosedale intersection.	This comment supports the proposed changes.	No change recommended
	Use of kerbside lane as a dedicated lane for shoppers to new entry, will result in loss of parking and bus stop.	The final design of the entry into the shopping centre is yet to be determined but it is expected that a slip lane will be created. It is important that traffic flow be maintained. Sufficient parking is to be provided in the centre as required by the DCP.	Await final design details
	Expansion of centre will require increased patronage from wider catchment(both staff and customers) resulting in increased traffic issues	This was taken into consideration in the traffic modelling.	No change recommended
	Failure to widen roads will result in increased congestion	Modelling does not support this claim.	No change recommended
	Porters Lane is too narrow for the additional density	Porters Lane is proposed to be one way.	No change recommended
	One way on Porters Lane unacceptable as it would increase traffic on Richard Rd, Shinfield Ave, Rosedale Rd and Memorial Ave, Horace St. suggest increase width of Porters Lane and/or ensure no parking policy along the Lane.	Traffic flow around the area was modelled and does not support this claim.	No change recommended
	Roundabout at Stanley St inadequate for vehicles now,	Noted. Traffic study, considered traffic at this	Traffic signals will be

ATTACHMENT 4

	and unsafe for pedestrians from schools, churches etc. The problem will worsen with increased density. The provision of traffic lights should be investigated.	intersection. Indicated that traffic signals may be required in the future.	investigated in the future but at this stage it is not included in the proposed traffic improvements.
	The RTA did not approve of traffic lights at Killeaton/Link or Mona Vale/Killeaton, however pedestrian crossings are shown in this area (DCP 2.2.9). Legend is unclear, however, without lights this would be unsafe. Further, without the crossing, the pedestrian access from Killeaton St, opposite Kenthurst Rd goes nowhere. Pedestrian crossing on Mona Vale Rd between Link Rd and Killeaton St without signals unsafe. Pedestrian link between Mona Vale Rd and Shinfield goes nowhere.	RTA is recommending no change. Pedestrian signal crossing currently exists. The proposed new traffic signals at Mona Vale Road and the Shopping centre provides for a pedestrian signalised crossing.	No change recommended
	Slip Rd north of Link Rd and south of Mona Vale Rd should be retained. This area already has a high number of accidents, and the loss of the slip road would make it more dangerous. (Details in Submission No. 61)	Minor improvements are proposed by Council. RTA did not support major changes at this intersection.	No change recommended
	RTA concerns about traffic impacts should not be dismissed. (Submission Nos. 34, 51, 54)	RTA provided response to Council's study and generally supported Council's proposal.	No change recommended
	Support RTA requirement to keep right hand turn from Mona Vale Rd into Rosedale Rd due to excessive extra travel otherwise required for some local residents.	This right hand turn will be retained.	Right hand turn from Mona Vale Road into Rosedale Road will be maintained.
	Support RTA prohibition of new access road from Stanley St connecting to Mona Vale Rd due to potential hazard on Mona Vale Rd.	The new access road is not proposed to be included and should be removed from the DCP.	Remove access road from Mona Vale Road into Stanley Lane from DCP.
	Traffic Report fails to: <ul style="list-style-type: none"> Completely assess impact of the proposal (with 3+ car families, no railway line, lack of parking at railway, high number of schools, lack of street access south side between Link Rd and Pacific 	Traffic study is based on current RTA guidelines and traffic generation tables based on unit types and sizes.	No change recommended.

ATTACHMENT 4

	<p>Hghwy and resultant U-turns, 45% more retail, but only 15% more cars allowed for, accident rate and pollution, impact of loading dock overflow, truck access to Village Centre)</p> <ul style="list-style-type: none"> • Make clear recommendations • Provide accurate data: <ul style="list-style-type: none"> ▪ Out of date: most recent AADT count 2003 ▪ Incomplete – no data on Link/Horace/Stanley ▪ Mathematical errors throughout 	AADT data not totally relevant. Analysis is based on recent hourly counts and expected growth rates. The RTA supported Council's analysis	
	Unclear why 2016 is the year chosen by the RTA as a benchmark for traffic signal design testing as traffic is already beyond design capability.	Study based on ten year projections.	No change recommended.
	Traffic flow in and around the shopping village is already congested. Objection to changing Village Green Rd to one-way along with the entry to the multi-storey car park from Mona Vale Rd because it will increase congestion.	New proposed entry into the Shopping Centre of Mona Vale Road will improve flow on Village Green Parade.	No change recommended
	Adverse impact on Mona Vale Road and Killeaton Street/ Link Rd (including the intersection), which are already struggling to handle congestion. Also concern re future impact on Shinfield/Rosedale, Lynbara/Stanley, Lynbara/Shinfield and Horace/Stanley intersections.	The RTA did not support Council's proposed changes to the intersection of Mona Vale Road/Link Road and no changes are proposed at this intersection apart from some minor improvements to Link Road and Killeaton Street. Traffic study examined impacts on other intersections.	No change recommended.
	Unacceptable impacts from traffic increase at intersection Mona Vale Rd & Memorial Ave/Rosedale Rd.	Proposal is designed to improve flow and access.	No change recommended
	Additional commercial retail on southern side of Mona Vale Rd, on top of the Village Centre expansion will exacerbate potential traffic impacts.	Proposed increases included in traffic modelling.	No change recommended
	Counterpeak clearways on Mona Vale Rd may also be required, to prevent the current practice of parking opposite strip shops.	Not supported by Council and RTA.	No change recommended
	Conflicting plans shown for new access road to	New access road from Mona Vale Road to	DCP to be amended to

ATTACHMENT 4

	Stanley St, part of which is shown as Eden Brae land, which will not be able to be acquired. How will the Old School site carpark be accessed? Narrow sections of the lane are dangerous, and it is too narrow for two way. (Submission 34)	Stanley Lane is not proposed and will be removed from DCP. Access to community facilities will be maintained.	remove new access road from Mona Vale Road to Stanley Lane.
	Due to increased traffic on Mona Vale Rd, and increasing number of drivers ignoring red arrows, pedestrian crossing will be more dangerous. This is particularly important given age of resident population – older residents (eg. Eden Brae) and younger (from schools and sporting facilities). Developers should be required to contribute for a pedestrian bridge with escalators.	Pedestrian signal crossings provide the safest form of crossing for pedestrians.	No change recommended. Pedestrian bridges can be considered separately in the future.
	Before any proposals are finalised Council needs to undertake a very detailed traffic flow and volume study which projects the increased levels of traffic over the next 7 years.	This was included in the traffic study and analysis.	No change recommended
	New bus stop at Memorial/Mona Vale Rd too close to intersection and vehicular access to Memorial Ave. (Submission 43)	Further consideration may need to be given to the preferred location for the bus stop.	Await detail design considerations.
Parking	Increased population and failure to widen roads will result in increased parking difficulties	Parking numbers have been considered in the study and DCP.	Parking management plan to be prepared.
	Parking is provided to support new growth but should also be increased to overcome current shortfall.	Included in traffic study and identifies shortfall. St Ives centre parking rates make up for current shortfalls.	Parking management plan to be prepared.
	Visitor and resident car parking at proposed units at the Village Green and Memorial Drive needs to be addressed. Overflow of parking to Memorial Ave is a dangerous obstacle course at times. Use of facilities on the Green, especially on weekends increases parking shortfalls.	Considered under the DCP.	Parking management plan to be prepared.
	Parking needs to be specifically provided for community facilities and sports area and should include significant areas of above ground parking for practicality.	Parking provisions have been considered by Council. Retention of Cowan Rd car park for use by users of Village Green provided for in Council plans.	Parking management plan to be prepared.

ATTACHMENT 4

	Running costs for underground parking are expensive and should be factored into Council's budget.	Ongoing costs will be included in financial analysis.	Noted
	Council should provide a multi-storey car park on its land and lease it to the centre	Noted and for Council's consideration when any Council considers reclassification issues and financial modelling.	Noted
	Council should address the loss of parking on Mona Vale Rd with the implementation of clearways, by providing parking to the rear of the strip shops, and requiring dual frontages on these shops.	This is proposed as part of the parking study.	Parking management plan to be prepared.
	The strip shops on Mona Vale Rd should be required to supply their own parking, as well as Council providing extra parking.	This has been included in the DCP and parking will be provided at the rear.	Parking management plan to be prepared. No further change recommended.
	Removal of parked cars along Mona Vale Road (outside St Ives Shopping Village) -loss of viability of these businesses- strip shops should be integrated into the existing shopping centre. This will increase accessibility from off street car parking facilities and provide a uniform façade to the main road.	RTA will ultimately require clear way for peak traffic only. Parking will be available outside peak traffic conditions. Parking will be available at the rear of through increased set backs providing public parking.	Parking management plan to be prepared.
	Multi-storey development on 261 Mona Vale Road and 23, 25 and 27 Link Road would cause parking problems during peak periods at Corpus Christi Cathedral and Corpus Christi Primary School (see submission No. 50)	Assessment under LEP and DCP requires sufficient on site parking for new developments.	No change recommended
	Object to reduction of total parking spaces on southern side of Mona Vale Rd (from 160 spaces to 120 spaces) which are concentrated into one space which is difficult to access. (Submission 54)	Noted	To be considered as part of the Parking Management plan
	Parking bays for buses should be catered for to avoid the current visibility issues on Memorial Ave.	This will be considered when detailed plans are prepared.	Await detail plans.
Lack of other infrastructure/ services	Lack of rail link –St Ives is not an appropriate centre for expansion- increases car dependence, traffic congestion. Increased densities should be provided near railway stations only.	Bus transport is provided and traffic study considered vehicle numbers. Strategic bus corridors would provide regional connectivity, as 2 corridors intersect in St Ives. These corridors would provide regional	No change recommended

Summary of St Ives public submissions

7/59

ATTACHMENT 4

		<p>connectivity to Hornsby, Chatswood, Mona Vale and Macquarie Park as well as Gordon railway station. Local bus services are expected to be reviewed as part of the State Government's Bus Reform program.</p> <p>Bicycle links are considered in the study, as are improved pedestrian accessibility. These are considered to be useful alternatives to cars.</p>	
	Improved public transport links, especially to rail are critical: especially important for aged and younger population, but also given rising costs of fuel.	The strategic bus corridor along Mona Vale Road would connect St Ives with Gordon railway station and Macquarie Park (location of future rail station in Epping-Chatswood Rail Link). Another bus corridor would connect Hornsby with Chatswood (along Burns Road/Killeaton St/Eastern Arterial Road route). These services are intended to operate at high frequency during peak periods. Local bus services would provide local connectivity. Improved pedestrian and cycle access would promote alternative travel modes.	No change recommended
	Local public transport links are also important – eg. to St Ives Chase (current service only to Warrimoo shops).	Local bus services currently provide local access to St Ives Chase via Warrimoo Road. Local bus services are expected to be reviewed as part of the State Government's Bus Reform program, which aims to develop bus services that reflect community needs. The needs of the St Ives Chase area could be considered during the Bus Reform process.	No change recommended
	Public transport links at night will be critical to the success of restaurants and other late night services and also for youth who can't drive or want to drink (social disadvantages) (Additional detailed recommendations see submission No. 41).	Strategic bus corridor along Mona Vale Road would connect St Ives with Gordon railway station and Macquarie Park. Another bus corridor would connect Hornsby with Chatswood (along Burns Road/Killeaton St/Eastern Arterial Road route). These services	No change recommended

ATTACHMENT 4

		are intended to operate at high frequency during peak periods. Bus service times could be reviewed in light of the State Government's Bus Reform program.	
	Public transport to and from the centre is also an issue not appropriately addressed in the plan -review of current bus timetables is required. Public transport issues should be addressed when the strategic bus corridors are implemented.	Strategic bus corridors would provide regional connectivity, as 2 corridors intersect in St Ives. These corridors would provide regional connectivity to Hornsby, Chatswood, Mona Vale and Macquarie Park and Gordon railway station. Local bus services are expected to be reviewed as part of the State Government's Bus Reform program. This would include frequencies and coverage. Bicycle links are considered in the study, as are improved pedestrian accessibility. These are considered to be useful alternatives to cars.	No change recommended
Community Issues/Services	Neighbourhood Centre performs essential service for the retirees and elderly who live in the area, due to its position, this should not change.	Noted. The proposed location as exhibited is within 50 metres of the current location. Final location subject to further design and consultation	No change recommended at this stage
	Any change in location of community facilities should be considered in terms of accessibility. Neighbourhood Centre, if relocated, should be visible, accessible, and on bus & taxi route.	Noted. Proposed location complies to all these criteria. Detailed proposals should be reviewed to ensure these matters are included in future.	Noted
	The planned community facilities must meet future demands eg. current community hall does not meet the need for functions with over 200 people.	Noted. All new facilities will go through a detailed design process involving consultation with both staff and users (both existing and prospective).	No change recommended
	Need passive youth and family leisure facilities, such as a 4 cinema complex.	The draft LEP and Draft DCP does not prohibit these uses.	No change recommended

ATTACHMENT 4

	St Ives should have the higher priority for a cinema instead of Gordon	Whether these uses are viable will be determined by the developer of the centre. Council will then need to make a decision at the DA stage as to whether that use is appropriate in St Ives.	
	Partnerships with local schools should be explored for potential pool sharing.	This is outside the scope of the town centre study	No change recommended
	Increase in population should be balanced by an increase in public space and sporting facilities, rather than reducing the oval as proposed.	There is no proposal to reduce the physical size of William Cowan Oval. The Plans note the potential to reduce the use of the Village Green for active recreation over the longer term and thereby providing more open space for passive pursuits such as walking, cycling etc and refers more to the use of the Village Green area rather than William Cowan.	No change recommended
Negative social impacts	Expansion of shopping centre and general overdevelopment will result in social problems	Without evidence it is not possible to comment on this submission.	No change recommended
	Security, safety and lifestyle problems- no threat analysis in relation to an increase in criminal offences, violence and unpleasant behaviour has been done. These problems may occur due to the major increase in population and with underground parking facilities. Recommend combined approach to planning in terms of security and safety must be made with the NSW Police (or their planning division).	The Environment Planning and Assessment Act (EPA) Section 79C(1) Potential Matters for Consideration identifies Safety, security and crime prevention as one of the likely impacts of development to be assessed. At the Development Application stage Council can request a Safety Audit to be completed.	No change recommended
Character and amenity	Proposal is out of character. The 'village atmosphere' which will be lost. Multi-storey apartment buildings do not "fit" with character of Ku-ring-gai. Europe is moving away from high rise due to social impacts. We should learn from them.	Most European cities have building heights of between 4 and 7 storeys. The term high rise typically refers to buildings of 10 or more storeys. The Plans comply with the Section 55 Direction from the Minister	No change recommended
	Shops are currently adequate, providing good choice	This may be the case at the moment however	No change

ATTACHMENT 4

	and service, while the proposal would increase the likelihood of chain stores and reduce the diversity of shops.	<p>Council is planning for the next 30 years. Council's Retail Study indicated that expansion will be required.</p> <p>No evidence is presented to support the claim that the "proposal would increase the likelihood of chain stores and reduce the diversity of shops". It is therefore not possible to comment.</p>	recommended
	Plans could ruin alternative shopping experience provided by strip shops on Stanley St. The community carpark at 208-210 Mona Vale should be retained for parking till adequate parking is provided for these shops.	<p>The plans have been prepared with the objective of supporting the long term retention and growth of local shops on Stanley Street.</p> <p>The community car park at 208-210 Mona Vale is not proposed to be removed. A small part has been identified as potential future public space. The potential loss of parking can be made up elsewhere on the site.</p> <p>There is no timetable for this work and any further work will be subject to detailed design and consultation.</p>	No change recommended
	Plans will exacerbate existing detrimental impact from high rise under LEP 194.	This is speculation with no evidence to support the claim.	No change recommended
	Commercial benefits appear to take precedence over residential amenity.	Both commercial aspects and residential amenity are factors that have been considered during the preparation of the plans.	No change recommended
	<p>Maximising views to the Village Green from the retail area (maximising private benefit) should not be a priority for Council. Shop-top housing destroys view from the Green.</p> <p>Such housing may compromise future community use of the Village Green. With its current usage, it causes noise problems- future residents may oppose this.</p>	<p>Residential amenity of people who live in apartments is a necessary consideration.</p> <p>Building heights have been kept to a minimum. The claim that "Shop-top housing destroys view from the Green" cannot be supported given that the current view is of car parks and the rear of a building.</p>	No change recommended

ATTACHMENT 4

		The comment “such housing may compromise future community use of the Village Green” is speculation and council cannot comment as no evidence is provided to support the claim.	
Heritage	Should preserve heritage of the area - “lovely old homes” and ‘beautiful gardens’	All heritage items have been retained. Residential character is protected away from the centre refer Draft DCP Objectives and Strategies 2.2.1 page 21	No change recommended
Economic issues	Loss of property values/saleability – due to current uncertainty regarding re-development	The level of uncertainty is likely to be temporary and in the longer term housing prices will stabilise. An example of this is Bondi Junction.	No change recommended
	Shopping centre should be confined to existing size to give shop keepers better investment through increased sales, enhanced future sale value. No need to increase retail. Ku-ring-gai doesn’t suffer from the “escape economy” and if residents choose to spend some of their income outside of the LGA it won’t impact on Ku-ring-gai LGA.	This is not consistent with the findings of the Retail Study which found that approximately \$400 million is spent by residents outside of the LGA. While it is acknowledged that residents will always spend a proportion of their money outside the LGA this is almost 50% of the total. Resident’s travelling longer distances for shopping has broader impacts related to sustainability.	No change recommended
	Increased capacity of centre may present an attractive future sale proposition- at expense of community.	This is speculation with no evidence to support the claim.	No change recommended
	Expansion of the centre by 75-100% and the change from community land to operational land is for economic gain rather than community benefit.	The plan carefully balances private economic gain with increased public benefit including new community facilities, open space and traffic improvements.	No change recommended
	Residential development will be too expensive and the local residents won’t be able afford to downsize even if they wished to. Affordability has not been considered.	Noted. However this is something Council cannot control. Council will consider further options for housing	No change recommended

ATTACHMENT 4

		choice as part of the comprehensive LEP process to be completed within the next 4 years.	
Overdevelopment	Proposal provides more high density housing and retail/commercial than required by the State Government and is overdevelopment of the town centre.	There is no evidence to support this claim.	No change recommended
	Council's retail consultant recommended a maximum of 35,000 sq m of retail space because of traffic and parking constraints. The proposed 38,000 sq m is overdevelopment.	Council's Retail Study identified up to 40,000sqm of retail could be accommodated within St Ives. Council resolved to transfer some of this to Gordon. Council's retail consultant did not consider issues of traffic and parking as limiting factors. These matters were considered by traffic and parking consultants.	No change recommended
	Council's retail consultant recommended a maximum of 26,000 sq m of retail space because of traffic and parking constraints. It is unclear if the retail calculations include the southern side of Mona Vale Rd. The proposed retail area is excessive.	Refer comments above The figure of 26,000 refers to the St Ives Shopping Village.	No change recommended
Other	A number of items that are not within the plans have raised objections: <ul style="list-style-type: none"> • Pedestrian overpass across Mona Vale Rd (cost/benefit) • Rezoning of 8 Shinfield Ave • Rezoning of 12-22 Stanley St • Rezoning of 201 Mona Vale Rd • Rezoning of 5-9 Cowan Rd 	The proposed pedestrian facilities across Mona Vale Rd contained in the traffic plans are considered adequate 8 Shinfield Avenue is not proposed to be rezoned. 12-22 Stanley St are not proposed to be rezoned 201 Mona Vale Rd is not proposed to be rezoned. 5-9 Cowan Rd is not proposed to be rezoned.	No change recommended

ATTACHMENT 4

Matters related to the standards of the DLEP	Issue	Comment	Recommendation
Permissible uses	Schedule 1 – Permitting additional uses on some R4 sites fails to result in a more simplified planning system across the state, as required by the state government. Where additional commercial uses are proposed at ground level, these sites should be zoned B4 to provide consistency.	The R4 zone with office and business uses as additional permitted uses has been used for certain sites rather than the B2 zone in order to control the amount of future retail development potential in St Ives in line with Council's adopted retail strategy. The sites where this approach has been taken mainly applies to existing residential sites along Mona vale road and Memorial Avenue where ground floor office or professional suite uses would be desirable. These sites are not considered appropriate for retail uses. The B2 Zone is not appropriate for these locations as retail is a mandatory use within the B2 zone.	No amendment recommended
	Swimming pools and spas are not permitted in R4, but are allowed in B2. Reduces potential quality of purely residential developments.	It is intended that swimming pools and spas would be ancillary to residential development within the R3 and R4 zones. The specific listing of swimming pools and spas as permissible development with the land use table for the R3 and R4 zones would clarify their permissibility.	Include swimming pools and spas as permissible uses in the R3 and R4 zones.
	"Exempt development" is not included in the land use table to cl. 12 under "Permitted without consent". Given the matter listed under "Prohibited" "Exempt development would be prohibited by cl. 12.	Section 76 of the EP&A Act and clause 16 of the LEP are the overriding provisions which enable the carrying out of exempt development. The inclusion of exempt development under 'Item 2 Permitted without consent' in all zones in the land use table would avoid any confusion in the matter.	Include "Exempt development" under 'Item 2 Permitted without consent' in all zones in the land use table.
	R3 and R4 do not allow signage, and given the issue with "exempt development" above, for sale/lease signs would be prohibited.	Limited signage would be permitted in the R3 and R4 Zones under the exempt development provisions. It is not desirable to have large scale signage or advertising in these residential zones.	No amendment recommended.
	Neighbourhood shops should not be permissible in R3,	Neighbourhood shops are mandatory	No amendment

ATTACHMENT 4

	given their distance from the main commercial areas – appears to be contrary to the objectives of the plan, and the Hill PDA retail study.	permissible land use in R3 zone under the standard LEP template. Council does not have the authority to remove the permissibility of this use within the zone.	recommended.
	238-240 Mona Vale Rd. Legal advice has suggested that the only permissible use, which would achieve the maximum 1.3:1 FSR allowed on the site, would be for a hospital only use, rather than a hospital and aged care/residential facility. Previous submissions have demonstrated the capability of the site to support such a combined facility and the benefits to residents and the wider community of such a facility. It is recommended that the map to Clause 22 be amended to delete <i>Hospital (1.3:1)</i> and insert <i>Hospital or Hospital and Seniors Housing or Residential Flat Building (1.3:1)</i> . The Height map to Clause 21 would also require amendment to delete <i>Hospital (51)</i> and insert <i>Hospital or Hospital and Seniors Housing or Residential Flat Building (5)</i> . This would be consistent with the Desired Future Character as expressed in Part 4.6.6 of the DDCP, which refers to possibly accommodating aged care facilities. Aged care facilities are not separately defined, but are a part of <i>seniors housing</i> . Therefore the R4 zone should also permit <i>seniors housing</i> to allow this development. (Submission 45)	Refer detailed discussion in the body of the report in relation to <i>Submission number 45: 240 Mona Vale Road (former Camellia Grove Nursery), St Ives</i>	<p>It is recommended that:</p> <ul style="list-style-type: none"> • “Seniors housing” be included in the item 3 (Permitted with consent) of the land use table for the R4 zone • No change is made to the development standards applying to the site under the DLEP. • The DLEP Floor Space Ratio Map include a reference to the maximum site FSR of 1.3:1 <p>The inclusion of an overall site maximum FSR of 1.3:1 in addition to the maximums currently set for the different uses would help clarify this matter.</p> <p>Additional changes are required to the DCP in relation to this site. Discussion of this is provided in this summary</p>

ATTACHMENT 4

			table below.
Minimum lot sizes	Cl. 19(2) prohibits subdivision below a certain land size, shown on the relevant map. In effect these minimum lot sizes will prohibit strata subdivision of completed developments. Suggest minimum lot amalgamation sizes, rather than minimum lot subdivision sizes to avoid this problem.	It is not considered that wording of cl 19(2) would prohibit strata subdivision. The subdivision have been reviewed as a result of issues raised by DoP that the provisions are inconsistent with the subdivision provisions of LEP 194. To avoid any confusion and to ensure compliance with Departmental requirements it is proposed that all applicable subdivision provisions of LEP 194 be included within the town centre LEP. This would also involve reducing the minimum lot size standard in the R4 zone from 1800sqm to 1200sqm.	That the applicable provisions of clauses 25E (1), 25H(4), 25I(3), 25I (4) and 25I(5) be included as local provisions under clause 19 of the LEP.
	Minimum lot size for R4 should be raised to 3,000 sq m to all for greater minimum setbacks.	The current minimum lot size provisions are consistent with the requirements of 4 storey plus residential flat buildings under LEP 194. A minimum area of 3000sqm would be in excess of the requirements for the Minister's direction.	No amendment recommended.
Height	Height controls are unworkable – “storey” definition includes basement areas, therefore heights described by the number of “storeys” is meaningless and would result in much lower development than that intended. DLEP must include a height in metres, in accordance with the definition of “building height” as used in cl 21. However, even this refers to “existing ground level” which in the case of St Ives, is already excavated, again resulting in lower development than that anticipated.	<p>The DLEP currently contains standards for maximum height of buildings in number of storeys. Council has been advised by the Department of Planning that clause 21 of the standard LEP and the definition of building height requires maximum heights to be shown as metres.</p> <p>As a result, it is necessary to amend the height maps in the DLEP to metres rather than number of storeys. Council's urban design consultants have been requested to consider the envelope controls and provide appropriate maximum building heights for all sites covered by the LEP, taking into consideration the definition contained in the standard LEP and intended future uses of each site.</p>	The Height of buildings map to be amended to identify maximum height of buildings in metres rather than storeys.

ATTACHMENT 4

		A number of limitations with the definition of “building height” in the standard LEP have been identified, including the use of existing ground level as a basis for calculation. Council is currently liaising with DoP and other Councils to seek changes to the definition within the standard LEP.	
	Variety of heights should be rationalised to allow 5 storeys, with greater setbacks instead of reduced heights.	<p>The maximum 5 storey height limit within the centre is consistently applied across the centre in the B2 and R4 zones in accordance with the Minister’s section 55 direction which requires development standards consistent with those currently applying under LEP 194.</p> <p>Building envelopes show variation in height on individual sites so as to ensure achievement or the required density while complying with SEPP 65 requirements for the design of residential development.</p>	No amendment recommended unless identified for specific sites below.
	Consistent 5 storey approach is undesirable. Currently 5 storeys are proposed adjacent to single storey residential and in centre of commercial area. There should be a visual hierarchy emphasising the shopping centre as the focal point and reinforcing the other planning controls designed to activate this area.	<p>The maximum 5 storey height limit within the centre is driven by the Minister’s section 55 direction which requires development standards consistent with those currently applying within the 2(d3) zone.</p> <p>The future structure and urban form of the centre will be shaped by the building envelope controls contained in the DCP. These controls take into consideration the interrelationship between buildings and also the relationship between future development and adjoining existing lower scale residential development.</p>	No amendment recommended unless identified for specific sites below.
Floor space ratio	Floor space ratio control is unnecessary given the	The FSR controls contained in the DLEP have	Amendments only as

ATTACHMENT 4

	<p>extensive use of other built form controls in the LEP and DCP. FSR control does not help to achieve the stated objectives in Cl 22 (2) (see Submission No 39). On the basis of assessment of LEP 194 controls, the envelope, footprint controls and landscape controls provided the greatest limitations, and therefore it is unlikely that all the controls will be consistent in these plans. Alternatively, if FSR is to be kept, envelope controls should be relaxed.</p>	<p>been derived from the detailed building envelope controls contained in the DCP. The envelope controls demonstrate how the objective under cl 22(2) can be achieved.</p> <p>The building envelope controls are also consistent with the built upon area and landscaping controls contained in the DCP. In the case of the R4 zone, these are based on the development standards contained in the 2(d3) zone, as required by the ministers s 55 direction.</p> <p>This provides for complete consistency between the FSR standards in the LEP and the various DCP controls.</p>	<p>specifically identified within the main body of the report or later in this table when considering specific sites.</p>
	<p>FSR of 1.3:1 for residential flat buildings not economically feasible. (Details/Calculations- see submission no. 39)</p>	<p>The FSR of 1.3:1 is derived from the development standards which currently apply to the 2(d3) zone. Given that there is a number of existing developments approved and under construction in the 2(d3) zone, it is considered that an FSR of 1.3:1 in the R4 zone is viable.</p>	<p>No amendment recommended.</p>
	<p>FSR for B2 zones not economically feasible. Should be raised to 2.5:1 which would be more appropriate to the 5 storey height limit. The retail FSR for B2 (other than St Ives Village Centre) should be raised to 0.5:1 to 0.75:1 (0.5:1 in KPSO) to encourage orderly development of older strips on Mona Vale Rd and Stanley St.</p>	<p>Council has undertaken economic feasibility testing of the proposed FSR controls in the B2 zone, which indicates their feasibility. This report has been submitted to the Department of Planning.</p> <p>Matters to do with feasibility on particular sites are addressed in the discussion of site specific issues below.</p>	<p>No amendment recommended, unless identified for specific sites below.</p>
Other	<p>There should be clear assessment of the impacts of rezoning to R3 and of Camellia Grove.</p>	<p>All sites to be zoned R3 have been assessed for urban design and traffic issues and appropriate built form controls have been included in the DCP to support the LEP provisions applying to these sites.</p>	<p>No amendment recommended</p>

ATTACHMENT 4

Matters related to specific areas & properties - DLEP	Issue	Comment	Recommendation
Rezoning/ reclassification of community lands	Reclassification of community land will result in loss of community benefit. No guarantee that future Council could not sell off the land, lose management and control over the facilities or that future community services would be provided in the locality. Insufficient information for the community to make an informed decision at this stage, however any negotiations should ensure that the facilities remain on community land, independent of the shopping centre and under Council control and management.	It is not intended that there be any loss in community benefit. Lands where sold will be used to fund new and improved community facilities. These new facilities will then be reclassified to “community” land. Seeking to retain existing community facilities on their existing sites will not allow for a logical integration with new development when it occurs.	The main body of the report considers the report of the independent public hearing regarding reclassification of community land within St Ives.
	Assets could be retained instead and leased for specific purposes for limited periods.	New community facilities will be able to be leased in the same way as existing facilities and at better pro rata rates for Council.	Submission noted.
	Community does not require increased facilities, which is costly and wasteful.	With increasing residential population the need for community facilities will also increase. It is Councils responsibility to respond to this need.	The main body of the report considers the results of the independent public hearing into reclassification.
	Reclassifying community land will allow developers to determine what is needed by the local community.	The format of future development on community land will be directed by the provisions of the new LEP and DCP as applying to the land. It will not be for developers to determine.	Refer to comment above.
	Rate payers should have a voice as to how council spends its funds/use of community land.	Rate payers via their elected Councillors and the community consultation process will continue to determine how Council spends its funds and uses its lands. The act provides a process which includes an independent public hearing prior to formal decision making by Council.	Refer to comment above.
	No mandate or benefit in reclassifying or selling Community Land.	Council has a mandate to act in the best interest of its community. It is to benefit the community	Refer to comment above.

ATTACHMENT 4

		that Council will be able to develop/sell lands to fund the provision of new and better community facilities.	
	“Trading” of 208-210 Mona Vale Rd acceptable.	This conditional support is noted.	Refer to comment above.
	Loss of parking due to reclassification of land (eg. 208-210 Mona Vale Rd) unacceptable unless there are guarantees that rezoning/reclassification would result in increased community benefit.	It is Councils intention that no community facilities are to be lost. Replacement of displaced community facilities is proposed where this occurs. This includes all car parking.	Submission noted.
	Supports the reclassification of community land in the retail core only on the condition that any community facilities such as the library remain classified as community land (integrated into zoning)	The old library is proposed to be relocated and replaced in larger adjacent premises. It is the intention that the new premises will then be reclassified as community land.	Refer to comment above regarding report from consultant undertaking public hearing.
	St Ives Community Centre should be retained by Council and adapted.	The Council is planning for the next thirty years. Given this time frame it is considered that the current building and location is not ideal. Adaptation may be a short term option.	No amendment recommended
	Up-zoning of 261 Mona Vale Rd, 27 Link rd and 23-25 Link Rd will exacerbate traffic in this accident prone area. This site should not be zoned R4.	These sites are currently zoned 2(d3). The R4 zone maintains the existing development capacity.	No amendment recommended
	YMCA site should be considered for a Youth Centre or other facility, rather than relocating to the Village Green which would reduce the amenity of the Green.	The Village Green has been identified as the preferred location for a youth facility as it removed from residential uses thereby minimising potential conflicts. The proposed building will be subject to detailed design and consultation.	No amendment recommended
	Congratulations on attempting to resolve issues in regard to Council controlled land.	Noted	No amendment recommended
Private lands			
Seeking increased density/height	Increased height and FSR sought for 2 Memorial Ave (Commonwealth Bank) to 5 storey and 3.5:1 (0.8 on 3 upper storeys and 0.3 on 5 th storey). If upper floors become commercial, there will be no requirement to reduce FSR, as amenity would be protected. Impact on solar access to Durham Lane, (as	Refer detailed discussion in the body of the report in relation to Submission number 12: 2 Durham Lane/2 Memorial Avenue (Commonwealth Bank), St Ives.	Taking into account the analysis of economic, urban design, planning and traffic impacts the recommendation is to: ▪ Amend the LEP to

ATTACHMENT 4

	<p>it runs east/west) would be minimal. Additional density/height would be consistent with other sites in the vicinity. (Submission No.12).</p> <p>It would be preferable to allow other commercial uses above the retail on site 7, rather than residential, due to:</p> <ul style="list-style-type: none"> • the pivotal location of the site • the strong demand for commercial use of the building • noise of town square and nearby services favours commercial uses over residential (ie non-residential B2 uses) • improved achievement of strategies of DCP : <ul style="list-style-type: none"> ▪ space for professional suites/small businesses ▪ integration of new town square and adjacent community/pedestrian facilities with commercial activities ▪ proximity to bus stops ▪ proximity to on & off street parking, including short stay. 		<p>allow height in metres to accommodate a 4 storey commercial/retail building;</p> <ul style="list-style-type: none"> ▪ Change the DCP block plan A page 60 to show retail/commercial building only; and ▪ Add notes to the Draft DCP page 61 to indicate top floor for commercial building to comply with the 60% rule. <p>It is recommended that the site FSR of 2.5:1 remain as per the exhibited version.</p>
	<p>It will not be economically feasible to provide residential development above the retail podium of St Ives Shopping Village within a 5 storey limit & therefore the Housing Vision in the DCP will not be achieved. 5 storeys of residential above the podium is required for viability. It is suggested that this would consist of 3-5 storeys including parking. A setback of 20m to the 5 storey portion would ensure minimisation of visual intrusion on nearby properties, would still allow the identification of the site from a distance as a focal point and would increase activity in the town, especially at night. (Submission No.23 includes a summary of the SPC viability study)</p>	<p>Refer detailed discussion in the body of the report in relation to <i>Submission number 23: St Ives Shopping Village, Mona Vale Road, St Ives.</i></p>	<p>Based on the analysis undertaken and taking into account traffic impacts, issues of public interest, economic issues and urban design issues it is recommended that there be no change to the proposed residential FSR of 0.67:1</p> <p>The issue of rezoning Council's land at 11-19 Cowan Road has been</p>

ATTACHMENT 4

	To allow for viable residential development above the retail podium a residential FSR of 1.3:1 is sought (SPC report attached to submission 23 recommends 1.7:1). This would then give a total FSR for the site of 2.97:1.		dealt with separately in this table.
	Due to problems with the definition of “building height” a maximum building height in metres should be allowed for the Village Centre, which allows for 5m floor to floor retail heights, 3.35m floor to floor for residential and 3.25m for a roof structure, with a total of 23.4 to 30m above the lowest retail floor (rather than existing ground level). (Submission 23)	The DLEP currently contains standards for maximum height of buildings in number of storeys. Council has been advised by the Department of Planning that clause 21 of the standard LEP and the definition of building height requires maximum heights to be shown as metres.	The Height of buildings map in the DLEP to be amended to identify maximum height of buildings in metres rather than storeys.
	The DLEP is inequitable, unreasonably favouring small sites. The DLEP provides a lower FSR (2.29:1) for the large St Ives Village Centre site than for small sites, such as the 2.5:1 allowed on 2 Memorial Ave (small at approx 600m ²). A larger FSR for the Village would be consistent with the scale of the centre, the planning for adjacent areas and would not result in adverse amenity impacts.	The planning process has been design-based whereby Council has prepared building envelopes for each site in consultation with landowners and the community. The proposed FSR's are considered to provide a balanced outcome in relation to a range of factors. All proposals have been subject to detailed economic viability analysis. The FSR's for the B2 zone range between 2.0:1 and 2.5:1. The FSR for the Shopping Village, at 2.29:1, is in the middle of this range.	No Change recommended
	Increased FSR from 0.5:1 to 1.1:1 and a 5 storey maximum height are sought for the Commonwealth Bank Training Centre site, 27 College St and a change from R3 to R4 to allow apartment buildings: <ul style="list-style-type: none"> The site is very large at 12,150 sq m in comparison to other nearby sites which are zoned R4 to 5 storeys with an FSR of 1.3:1. A development including residential flat buildings and townhouses can be designed appropriate to the context of the site: maintaining significant trees; retaining forested frontage to Link Rd; avoiding 	Refer detailed discussion in the body of the report in relation to Submission number 40: Callahan College (Commonwealth Bank Training College), 27 College Crescent, St Ives Detailed analysis identified the following amendments should be considered for the site: <ul style="list-style-type: none"> A site FSR of 0.8:1 (increased from 0.5:1); A maximum 3 storey height limit; A 3 storey height limit (increased from 	It is recommended that the It is recommended that: Council resolve to adopt the Draft LEP and DCP as exhibited for this site at an as R3 - medium density FSR of 0.5:1 and a maximum height of 2 storeys and that the process of revising the

	<p>overshadowing and overlooking of neighbouring dwellings.</p> <ul style="list-style-type: none"> • A concept proposal seeks LEP and DCP controls to allow 2-3 storey townhouses adjacent to the southern and eastern boundaries, and 4.6 storey apartment buildings adjacent to the northern boundary, with a central street between. Dual (but unconnected) access (College St and Link Rd) is proposed. Relaxation of setbacks and separation requirements are justified as streetscape, privacy and overshadowing impacts are acceptable. • Reconsideration of pedestrian access through northern part of the site is sought. • Details, concept plans and tree assessment report provided – see Submission No. 47). 	<p>2 storeys) along the eastern and northern boundaries;</p> <ul style="list-style-type: none"> • 2 storey height limit (as exhibited) along the southern boundary; • Adjustment of setbacks on southern boundary to protect existing trees; and • Removal of requirement for public access easement through the site. 	<p>LEP (to 3 storeys and an FSR of 0.8:1) and DCP be delayed either for consideration as an early amendment to the Town Centre LEP or for consideration during the Comprehensive LEP process.</p>
	<p>Increased FSR to 2:1 sought for 15-17 Stanley St for economic feasibility. Similarly, retail FSR increase sought to 0.5:1 to .75:1. Current maximum retail FSR of 0.45:1 is not consistent with the conditions listed on Schedule 2 of the Section 65(2) certificate in terms of land use <i>intensity</i>, (rather than only the range of uses - Details see Submission No. 46). Current maximum retail FSR also not consistent with neighbouring sites. Yields need to be increased to prevent continuation of undersupply of retail and commercial.</p> <p>15-17 Stanley St is too small a site for 5 storeys and should not be rezoned except as part of the eventual Eden Brae redevelopment to protect privacy & solar access to Eden Brae. With setbacks required to achieve neighbouring amenity, and the requirement for basement parking redevelopment unlikely to be financially viable. (See also Submission No. 34)</p> <p>15-17 Stanley Street should retain current zoning as a</p>	<p>Refer detailed discussion in the body of the report in relation to <i>Submission number 46: 15-17 Stanley Street, St Ives</i></p>	<p>It is recommended that there be no change to the site FSR of 2.0:1.</p> <p>It is recommended that the Draft LEP be amended as follows:</p> <ul style="list-style-type: none"> • a maximum retail FSR of 0.6:1 (increased from 0.45:1 maximum) <p>It is recommended that the Draft DCP Block C Built Form Controls be amended as follows:</p> <ul style="list-style-type: none"> • a setback of 3.5 metre (reduced from 6 metres) to Stanley Lane.

ATTACHMENT 4

	buffer to shops. Additional retail/commercial not required here and appears to benefit commercial interests over residential.		<ul style="list-style-type: none"> The amalgamation line to indicate 15-17 Stanley Street as part of Eden Brae development site with notes in the DCP to support amalgamation of the sites. (refer also discussion below in relation to <i>Submissions (multiple): Eden Brae, Stanley Close, St Ives</i>)
	<p>Increased overall FSR from 1.5:1 to 2.1 sought for 167-181 (submission on behalf of 173-177) Mona Vale Rd (between Shinfield Rd and to service station). Maximum commercial should be 1:1 and residential 1.5:1.</p> <ul style="list-style-type: none"> The change could be accommodated without any increase in ground floor footprint or built upon area. Increased traffic impacts anticipated in expansion generally Built form impacts acceptable given landscaped setback controls, and comparison to existing nil setbacks The increased commercial could potentially reduce the shortfall of some 4,000m² of commercial space (identified in council minutes 15/12/2005) by 70%. Proposed FSR fails to provide economic incentive to redevelop: <ul style="list-style-type: none"> Loss of current high rental returns for net lettable area of each property Future reduced yields due to increased setbacks 	Refer detailed discussion in the body of the report in relation to <i>Submission number 17 and 63: 167-181 Mona Vale Road (near the intersection of Shinfield Avenue), St Ives</i>	<p>Based on the discussion and analysis above it is recommended that:</p> <p>in relation to 173-186 Mona Vale Road there be no change to the LEP provisions</p> <p>In relation to the existing shops 167-171 Mona Vale Road (on the corner of Shinfield Avenue) it is recommended that the Draft LEP be amended as follows:</p> <ul style="list-style-type: none"> Increase the site FSR to 2.0:1 (from 1.5:1 as exhibited); Increase maximum commercial FSR to

	<p>(from nil street setback to 10-12m setback and roads)</p> <p>(Economic analysis of site 167-181 Mona Vale Rd in submission no. 17 pp 5-8)</p> <p>Limiting commercial uses to ground floor of 167-181 (submission on behalf of 173-177) Mona Vale Rd overly restrictive and will not encourage variety of business/office uses. The uses permitted by Schedule 1 do not traditionally require a shopfront and have historically been located both at ground & first floor levels. Commercial FSR should be increased from 0.5:1 to 1.1. Residential uses should not be permitted at ground level.</p> <p>In addition the following uses should be included: restaurant, take-away, convenience store:</p> <ul style="list-style-type: none"> • The existing facilities are doing well • The demand is likely to increase with increased population in this area • Provides the opportunity to not have to cross Mona Vale Rd to access these services <p>Reduces the likelihood of reliance on “existing use” provisions, which may compromise the desired setbacks.</p>		<p>1.0:1;</p> <ul style="list-style-type: none"> ▪ Allow café uses (with limitations on the license to allow day time opening only) in Schedule 1 Additional Permitted Uses <p>Further it is recommended the Draft DCP Block B Built Form Controls be amended to be consistent with the Draft LEP and as follows:</p> <ul style="list-style-type: none"> ▪ Adjust amalgamation boundaries to identify 167-171 Mona Vale Road as a separate site; ▪ Show up to 2 storeys of commercial uses and 3 storeys of residential uses; ▪ Delete front setbacks requirements of 10-12 metres to Mona Vale Road and allow buildings to be built to the front property boundary; and ▪ Provide additional text re amalgamation and setbacks and mix of uses.
--	---	--	---

	<p>Council's Cowan Rd Carpark should include a height limit to 5 storeys and FSR of 1.7:1. Failure to include a height and FSR limit consistent with adjacent development:</p> <ul style="list-style-type: none"> technically may allow development to any height eliminates flexibility for Council to use the site to its highest benefit (which should include access as well as carparking) and therefore is not in accordance with the charter of the Local Government Act fails to integrate the site within the overall planning for the Town Centre is not consistent with the strategy for re-orienting the retail uses towards the Green and providing pedestrian priority (2.2.2 and 2.2.3 in the DCP) is not consistent with the strategy to “where appropriate, relocate existing Council owned car parking underground” (s. 2.2.13) 	<p>The Department of Planning has requested that Council include development standards for the Cowan Road Car park. DoP have also requested that no site be down zoned from its current zoning. This applies to development standards and permissible uses.</p> <p>The car park is currently zoned Business 3(a) (A2) and has a maximum FSR of 1:1 and a maximum height of 2 storeys. As Council's expressed intended future use of the site is only for car parking purposes, it is proposed that the existing development standards for the site be retained in the new LEP.</p> <p>The uses permitted in the B2 zone include all uses currently permitted in the Business 3(a) (A2). This includes car parking uses.</p>	<p>That the LEP included development standards applying to 11 -19 Cowan Road (Cowan Road car park) that are consistent with those that currently apply to the site.</p>
	<p>99 Killeaton seeks up-zoning from 2(c) to R3 for 97-99 Killeaton St and 265-267 Mona Vale Rd similar to the proposal for the other side of Killeaton St. The uses on 97 Killeaton, 265-7 Mona Vale Rd are already more intensive, with a synagogue, child care centre and classrooms.</p>	<p>The properties at 97-99 Killeaton St and 265-267 Mona Vale Rd are outside land covered by the DLEP. Zoning of all land outside of the draft LEP will be reviewed as part of the comprehensive LEP process.</p>	<p>No amendments to the DLEP recommended.</p>
	<p>A number of properties currently zoned 2(c) in the Pentecost Rd area seeks up-zoning to R3. (Submission No. 28)</p>	<p>Zoning of all land outside of the draft LEP will be reviewed as part of the comprehensive LEP process.</p>	<p>No amendments to the DLEP recommended.</p>
Seeking decreased density/height	<p>Eden Brae -Objection to rezoning /increase to 5 storey</p> <ul style="list-style-type: none"> will result in loss of villa style development, therefore: <ul style="list-style-type: none"> results in loss of desirable form of housing close to facilities fails to comply with the Minister's directive to 	<p>Refer detailed discussion in the body of the report in relation to <i>Submissions (multiple): Eden Brae, Stanley Close, St Ives</i></p>	<p>Given the changing context within which Eden Brae is likely to find itself over the next twenty or so years rezoning of the site is considered to be an</p>

ATTACHMENT 4

	<p>increase housing choice</p> <ul style="list-style-type: none"> • inconsistent- other 2(d) and 2(e) developments close to the centre have not been rezoned • will result in loss of “ageing in place” • rezoning is not an “achievable outcome” as required by the state government due to the lack of feasibility of re-development given complicated ownership (number of owners, areas of common ownership under the Community Land Management Act [CLMA]) • impact of resultant economic and emotional uncertainty on residents • Loss of property value <p>Rezoning should be delayed till the CLMA is changed, so that an individual owner cannot stop a resale of any individual site. (More details: Submission No. 34)</p> <ul style="list-style-type: none"> • Other houses with large blocks of land that are as close to the shops as Eden Brae, on the same side of the Mona Vale Rd, these could be rezoned as well as/ instead of Eden Brae. • Eden Brae complex is unique and should be retained. 		<p>appropriate planning response to the issues. It is therefore recommended there be no change to Draft LEP.</p> <p>However it is acknowledged that the possible redevelopment of 15-17 Stanley Street may impact on the residents of Eden Brae. It is therefore recommended that:</p> <ul style="list-style-type: none"> • The amalgamation line shown on 4.6.4 Block C Built Form Controls be amended to include both 15-17 Stanley Street and Eden Brae; • Notes are added to the Draft DCP to clarify Council’s preferred position that 15-17 Stanley Street and Eden Brae redevelop together as the impacts on residents of 15-17 redeveloping separately would be inappropriate.
	5 storey development in the area around Memorial Park and the Old School area is not consistent with the objectives of s.3.1.5 of the DDCP. It will surround the area in concrete boxes, which will dominate public	The maximum 5 storey height limit applying to R4 zone within this precinct is in accordance with the Minister’s Section 55 direction which requires development standards consistent with	No amendments to the DLEP recommended.

	<p>spaces, pedestrian circulation and heritage sites. It is suggested that redevelopment of the Kannona Ave, Cowan Rd and Killeaton Rd block would be more appropriate given existing redevelopment approved nearby, flat grade of the land, and older single dwelling nature of the block.</p> <p>187-189 Mona Vale Rd (Sovereign) and 199 Mona Vale Rd (Camellia Place) should be rezoned to R3 or retain current zoning: to provide housing choice, protect neighbouring amenity and for consistency with Pemberley Grove. These developments are under 10 years old, the only access to Mona Vale Rd is opposite the new lights and they are adjacent to a dangerous section of Mona Vale Rd. 187-189 contains a drainage easement and is adjacent to a dwelling which should be listed for its heritage significance, while 199 is too small for stand-alone redevelopment and the irregularity of the site makes it difficult to redevelop. The large blackbutt in front of 199 Mona Vale Rd should be protected. There was also lack of transparency in the original decision to rezone these sites to 2(d3) with no notification to owners and the owners would prefer the original zoning.</p> <p>Do not accept that Section 117 directions require re-zoning of these sites. These directions allow for down zoning if it can be justified. The LEP process is the time to do this. It is justifiable. (Submission No. 51- Pemberley Grove and No. 54 –joint locality submission)</p>	<p>those currently applying under LEP 194.</p> <p>Housing is only on two sides and overshadowing is minimised.</p> <p>These sites are currently zoned 2(d3) under LEP 194. The proposed R4 zone maintains the sites existing development potential.</p> <p>It is acknowledged that the properties at 187-189 and 199 Mona Vale Road are relatively new and are unlikely to redevelop in the short term. However, the DLEP plans for housing provision over the next 25 years and provides capacity for these sites to redevelop in the longer term.</p> <p>Matters of drainage easements, vehicular access and retention of existing vegetation are detailed matters that are required to be addressed at the development application stage, should these sites be developed in the future</p> <p>The property at 185 Mona Vale Road is not currently identified as a heritage item nor is it proposed to be a heritage item under the DLEP. As a result, there are no constraints relating to heritage matters on the future development of this or the adjoining sites.</p> <p>The property at 199 Mona Vale Road has an area of over 2400sqm and therefore has the potential to achieve the full development capacity under LEP 194 and the proposed R4 zone.</p>	
--	--	--	--

		<p>LEP 194 was prepared in accordance with statutory requirements.</p> <p>Council has had consistent advice from the Department of Planning that it is to maintain the existing development standards under LEP 194 and the Section 65 Certificate issued by the Director General is conditional on the LEP including no down zonings. This position is supported by the Minister's Section 55 Direction as well as Direction G21 under Section 117(2) of the EP&A Act.</p>	
	<p>10 Shinfield Ave is zoned R4. Under LEP 194 it was permitted a maximum of 3 storeys. The minimum lot size in the DLEP for R4 is 1800 sqm, but this lot is only 1268 sq m. The building height should be reduced to 3 storeys.</p>	<p>The site area is confirmed as being less than 1800sqm. The development potential of this site under LEP 194 would be a maximum 3 storeys at an FSR of 0.8:1. The R4 should be retained on the site to permit the development of residential flat buildings.</p>	<p>The development standards in the DLEP applying to 10 Shinfield Avenue be amended to have a maximum height of 3 storeys and a maximum FSR of 0.8:1.</p>
	<p>24 Stanley St (Monterey) should be down zoned from current 2(d3) to R3 or 2(c). current zoning issues include:</p> <ul style="list-style-type: none"> • interface issues (overshadowing and privacy), which would be exacerbated by the Minister's requirement to remove the top floor setback provision from the most enforceable document, the LEP. • Proximity to accident black spots • Owners moved in to "age in place" • Loss of property value • Shape of land reduces likely yield and economic feasibility • Reduced housing diversity • Owners seek downzoning • Zoning to 2(d3) never notified. 	<p>This site is outside the land covered by the DLEP and is not subject to rezoning.</p> <p>Nevertheless, the Minister's Section 55 Direction requires Council to maintain the existing development standards under LEP 194 and the Section 65 Certificate issued by the Director General is conditional on the LEP including no down zonings. This position is supported by Direction G21 under Section 117(2) of the EP&A Act.</p>	<p>No amendments to the DLEP recommended.</p>

	<p>6 Shinfield Ave, 126 & 128 Rosedale Rd & 251-257 Mona Vale Rd (Kari Court) and the ambulance Station should be down-zoned from current 2(d3) under LEP 194 to R3 (or original zoning) and 3 storeys, due to interface and traffic issues.</p> <p>Kari Court, a specialised age care facility is an important facility in the area.</p> <p>5 storeys on 126 and 128 Rosedale would also overshadow Memorial Park and is out of character with heritage buildings.</p> <p>State government has advised that backzoning is possible to correct an error and would be allowed under Section 117 direction no. 21(5) (Submission No. 54).</p>	<p>251-257 Mona Vale Rd (Kari Court) and 8-10 Stanley St (Ambulance Station) are outside the land covered by the DLEP and is not being subject to rezoning.</p> <p>6 Shinfield Ave, 126 & 128 Rosedale Road are currently zoned 2(d3). The proposed R4 zone will maintain existing development potential and will not create any additional impact on surrounding land uses. Building envelopes have been included in the DCP to guide any future redevelopment of these sites.</p> <p>There are no grounds on which to down zone any site as there are no errors in zoning. LEP 194 was prepared in accordance with statutory requirements and was legitimately made.</p> <p>Existing uses may be maintained on all sites. There is no compulsion on land owners to cease existing uses and redevelop.</p>	No amendments to the DLEP recommended.
	Due to traffic impacts it is recommended that the yield should be achieved from development elsewhere in St Ives (ie not on the southern side of Mona Vale Rd) or other centres not targeted at this time.	The traffic modelling has taken into consideration all future growth and the impacts considered satisfactory.	No amendments to the DLEP recommended.
	238-240 Mona Vale Rd (Camellia Grove site) is not an adequate size block of land for five storey development. This site should be kept as open space for the suburb. The proposed use for the site (hospital or residential) is also not acceptable for the site due to high traffic flows.	<p>The site has an area of over 5500sqm and is considered appropriate for residential use.</p> <p>The site is not appropriate for a useable open space. Area.</p> <p>The impacts of traffic from this site have been assessed as part of the St Ives centre traffic study and have been deemed to be satisfactory. Specific traffic management issues and</p>	No amendments to the DLEP recommended.

		solutions would need to be addressed on the site as part of any future development application	
	165 Mona Vale Rd should not be rezoned as the site is unlikely to be redeveloped, and is not appropriate within the residential area.	The adjoining sites at 161 and 163 Mona Vale road were rezoned to 2(d3) under LEP 200. The inclusion of all 3 sites in the R4 zone is to facilitate a more orderly long term redevelopment of these sites through amalgamation.	No amendments to the DLEP recommended.
	There is a lack of measures to provide a transition from R3 , which allows up to 4 storeys, and single residential development. Suggest a transition down to 2 storey townhouses adjacent to single residential. (Developer submission).	The R3 zone permits townhouse style development with a maximum height of 2 and 3 storeys. This is considered appropriate to provide an adequate transition to adjoining single residential development.	No amendments to the DLEP recommended.
	<p>Rezoning of 2(d3) sites to R4 with proposed controls results in reduced yield, and therefore is not in accordance with the Section 54 directions, as follows:</p> <ul style="list-style-type: none"> Increased potential yield on steep sites allowed for in Cl. 25K of LEP 194 is not included in the DLEP. “Non-discretionary” controls of Cl 25M of LEP 194 are not included in the DLEP. Site specific building footprints and envelopes will reduce yield in comparison to general controls in LEP 194 and DCP 55. <p>Resultant loss of development potential on sites where development is currently proposed may result in Council being sued for costs and loss of profit.</p>	<ul style="list-style-type: none"> The purpose of cl. 25K in LEP 194 is to provide flexibility in building design on steeply sloping sites, not to provide a yield bonus. The application of the “building height” definition under the LEP template will provide a similar design flexibility as to that possible under cl.25K. A non-discretionary development standards clause similar to cl.25M of LEP 194 has not been included in the DLEP as there is no equivalent clause in the standard LEP template. The site specific building footprint and envelope controls contained in the Draft DCP have been derived from the development standards contained in LEP 194 and also applied to the FSR and height standards in the town centre LEP. This has ensured a consistent development yield across the 2 LEPs. There is no mechanism within NSW 	No amendments to the DLEP recommended.

ATTACHMENT 4

		planning legislation for the compensation for the losses of developers resulting from the making of environmental planning instruments. The Minister for Planning is the ultimate authority in the plan making process	
	Object to inclusion of R3 zones . These sites should be left and additional FSR added to R4 sites to make up shortfall.	The R3 zone has been included to provide housing choice by identifying sites for town house and villa development.	No amendments to the DLEP recommended.
	R3 not a workable zone, as it does not even allow 2 storey “flats”. FSR too small to encourage redevelopment on R3 sites.	The purpose of the R3 zone is to provide housing alternatives to residential flat buildings. All sites to be zoned R3 are currently zoned for single dwellings (ie, 2(c) or 2(c2). The R3 zone generally permits the development of villas and town houses at a maximum FSR of 0.8:1 and a maximum height of 3 storeys. These are equivalent standards to those applicable to this form of development contained in LEP 194.	No amendments to the DLEP recommended.
Other	Support rezoning of path to Newhaven Place.	Noted	No amendments to the DLEP recommended.

ATTACHMENT 4

Matters related to drafting of the document	Issue	Comment	Recommendation
Complexity	Complexity should be reduced by adopting the Residential Flat Design Code instead of introducing a large number of new controls. Similarly, DoP's design guide for mixed use buildings could be adopted.	The draft DCP has been prepared with reference to these documents and has incorporated the relevant controls.	No amendments to the DLEP or DCP recommended.
Inconsistency	(Unspecified) inconsistency between site coverage ratios and FSR with storey restrictions. (Submission 21)	All FSRs included in the DLEP are derived from the building envelopes contained in the DCP and are therefore consistent. In the case of the R4 zone, the FSR is derived from the development standards contained in LEP 194, which includes maximum site coverage of 35% and a 60% limit to the top floor of buildings of 3 storeys or more. The controls in the DCP reflect these standards.	No amendments to the DLEP or DCP recommended.

Matters related to state government requirements/standard template	Issue	Comment	Recommendation
Savings provision	Absence of a savings provision inequitable – eg for rezoning 2d(3) to R4.	The Department of Planning has requested has requested that a savings provisions be included in the LEP.	That a savings provision be included as a local provision under clause 8 of the LEP.
Definitions	Definitions of “multi-dwelling housing” and “residential flat building” are ambiguous. The definition of “multi-dwelling housing” should clarify that only villas and townhouses are permissible and that residential flat buildings are not.	<p>Council is bound by the definitions of multi-dwelling housing” and “residential flat building” contained in the standard LEP template and therefore cannot be amended by Council.</p> <p>The LEP Practice Note PN 06-003 issued by the Department of Planning clearly indicates that the definition is intended to apply to town houses and Villas style developments as opposed to residential flat buildings.</p> <p>In order to clarify this ambiguity, it is recommended that residential flat buildings are included as prohibited development in part 4 of the R3 zone land use table. This would then exclude residential flat buildings in the R3 zone except for those sites identified in Schedule 1 of the LEP, thus ensuring the R3 zone provides the alternative forms of multi dwelling housing as intended.</p>	That “residential flat building” be listed as prohibited development under part 4 of the land use table applying to the R3 zone.
	“Community land” and “operational land” should be defined.	Both terms are defined in the LEP by reference to the Local Government Act.	No amendments to the DLEP is required
	“Sub-regional centre” and “district centre” should be defined.	These terms are not referred to in the LEP, therefore do not require definition.	No amendments to the DLEP is required

ATTACHMENT 4

	<p>“Road” and “commercial” are used in the DLEP and associated maps, but not defined.</p>	<p>The term “road” is as defined by the Roads Act 1993.</p> <p>The LEP Practice Note PN 06-003 issued by the Department of Planning indicates that in cases where terms used in the standard LEP which are not defined in the standard instrument dictionary the ordinary meaning of the word is to be used, which can usually be ascertained by referring to a common dictionary such as The Macquarie Dictionary.</p> <p>Where Council has used the term “commercial” in relation to a specific land use, it is proposed to change this term to “business premises”, which is the equivalent term that is defined in the standard instrument dictionary.</p> <p>Where the term commercial is used in the broader sense, eg, when used in LEP objectives, the common definition of commercial would be relied upon.</p>	<p>Where the term “commercial” is used in the DLEP in relation to a specific land use, it be replaced with the term to “business premises”,</p>
	<p>The inclusion at the end of b) under “Building line or setback” of “or the like”, could prevent courtyard walls at ground level from being located within the setbacks, in effect changing an intended setback of, say 6m to 8.4m (given a 2.4m wide courtyard). This may result in ground level building facades being setback further than the level above.</p> <p>This would also reduce the development potential of 2(d3) sites rezoned to R4, and therefore fails to comply with the Section 54 directions.</p>	<p>The definition of “Building line or setback” is from the standard LEP template and therefore cannot be amended by Council.</p>	<p>No amendments to the DLEP is required</p>
	<p>“Gross floor area” excludes “car parking to meet any</p>	<p>Council’s require car parking rates are specified</p>	<p>No amendments to the</p>

ATTACHMENT 4

	requirements of the consent authority (including access to that car parking”. Therefore if you provide more than the minimum, it is included in the GFA	in the DCP and included minimum and maximum rates. It would be parking in excess of the maximum rates that would be counted as part of GFA.	DLEP is required
	Clause 23-“Exceptions to development standards” is overly complex. The legal integrity of attempting to secure a non-discretionary nature to certain controls is considered questionable. Cl. 23(8)(c) refers to a table. No table is attached.	Clause 23 is a mandatory clause from the standard LEP template and therefore cannot be amended by Council	No amendments to the DLEP is required
	Courtyards do not seem to be counted as “site coverage”, but are included in the GFA(see above). The definitions appear poorly co-ordinated.	Definitions are from the standard LEP template and therefore cannot be amended by Council.	No amendments to the DLEP is required
	Suggest addition to the definition of “storey” of: <ul style="list-style-type: none"> the word “vertically” after “level” in the second line “d) any space within the wall thickness of any enclosing wall of the like.” <p>This would avoid confusion, where buildings are stepped, as to the horizontal extent of a particular storey and where floor slabs overlap for structural reasons. (see diagram submission No. 15 p. 9)</p>	The definition of storey is from the standard LEP template and therefore cannot be amended by Council.	No amendments to the DLEP is required
	Definition of “storey” should exclude voids, which may be designed to minimise the storey count and maximise built form.	The definition of storey is from the standard LEP template and therefore cannot be amended by Council.	No amendments to the DLEP is required

Draft Development Control Plan	Issue	Comment	Recommendation
Vision, objectives & strategies	Substantial infrastructure changes and complexity of plans will increase development costs to the point where development is too risky and will not proceed.	<p>Council's position is that an increase in density must be accompanied by an increase in community infrastructure. This approach has been accepted by the State Government. The DCP clearly articulates the desired outcomes both within the private and public realms and assists with preparation of Section 94 Contributions Plan.</p> <p>Plans provide a high degree of certainty to both community and applicants.</p>	Provide statement in Preliminaries clarifying the role of the DCP
	<p>The Vision Statement, strategies in s.2.2.9 & s.2.2.12 and objectives in s3.1, 3.1.2 & s.3.2.4 will not be achieved while:</p> <ul style="list-style-type: none"> • Council's carpark site is not integrated into the plan, and • Village Green Parade is a busy road splitting the Green from the pedestrian zone. This road should become pedestrian space. (Submission No. 23) 	<p>The submission refers to:</p> <ul style="list-style-type: none"> • 2.2.9 Pedestrian Access strategy • 2.2.12 Vehicle access strategy • 3.1.2 Village Green Promenade • 3.2.4 Village Green Parade <p>The issue of the Council owned car park on Cowan Road has been addressed by the State Government who have requested Council to provide height and FSR controls for the site</p> <p>The Village Green Parade is not designed to service the Shopping Village and it is not proposed to be a busy road. It will be a narrow one way access road between Cowan Road and Memorial Avenue with public on-street parking.</p> <p>The road would provide an edge defining the public interface between the commercial zone</p>	No change to the DCP recommended

ATTACHMENT 4

		<p>and the public open space. Given the low traffic volumes the road could be temporarily closed for special community events or the like.</p> <p>The area of the commercial zone adjoining the Village Green is almost 200 metres long. This area is proposed to be public and requires a level of activity and surveillance at night to ensure safety. A road way has been shown to be one of the best ways of achieving this.</p>	
	<p>Park at south eastern end of Village Green (DP 32331) is shown as to be enhanced at 2.2.5, but parking retained at 2.2.13. 2/2/6 shows site as existing open space (other car parks are not shown this way). Traffic plan shows new access point. This should not result in the removal of trees or loss of parkland. Inconsistencies should be addressed.</p>	<p>Noted. This is an error in the strategy drawings 2.2.5 and 2.2.6. the area is currently part bitumen paved car park and part grass and trees. The area is proposed to be retained.</p> <p>Strategy 2.2.13 is correct.</p> <p>No removal of significant trees identified at this stage of the planning</p>	<p>Amend strategy drawings 2.2.5 and 2.2.6 in the draft DCP to be consistent in relation to treatment of public parking area near Memorial Avenue</p>
	<p>Requirement for water tanks (s.2.2.7) should not impact on existing amenity or vegetation.</p>	<p>Noted</p>	<p>Insert note in 2.2.7 regarding requirement for water tanks not to impact on existing amenity or vegetation.</p>
	<p>Bus stop shown on Killeaton St at north-eastern corner of Village Green (s. 2.2.11) may not exist.</p>	<p>To be confirmed on site</p>	<p>Amend s. 2.2.11 as necessary</p>
	<p>Taxi rank at Rosedale Rd (s.2.2.11) would be hazardous given the traffic proposal and plans for Rosedale Rd, and inconsistent with pedestrian link between Memorial Gardens and the Old School site.</p>	<p>Noted.</p> <p>Shown as possible new taxi rank however it is acknowledged that the location may not warrant taxi rank.</p>	<p>Amend s. 2.2.11 to remove Taxi rank at Rosedale Rd.</p>
	<p>Proposed new lane off Mona Vale Rd should be shown at s.2.2.13.</p>	<p>RTA have not allowed this access lane</p>	<p>No change to 2.2.13</p> <p>Amend Block Plan C to</p>

ATTACHMENT 4

			remove the proposed extension of Stanley Lane to Mona Vale Road
Public domain controls			
Public open space	New community and youth centre, walkway and cycleway should not reduce size of open space area of Village Green.	<p>Noted.</p> <p>The proposal will increase the amount of open space and create new consolidated area of open space directly adjoining the Village Green Promenade. This is achieved by relocating the girl guides/scout hall and the multi-purpose hall, and by consolidating uses into one new building located further to the east adjoining existing car park.</p>	No change to the DCP recommended
	<p>Town square location (s.3.1.1) will not achieve its objectives:</p> <ul style="list-style-type: none"> • will be overshadowed by 5 storey buildings • roads on two sides- uninviting • views from the major intersection of Mona Vale Rd will be obstructed 5 storey buildings on Commonwealth Bank Site and Mona Vale Rd • views generally are to car parking areas, 5 storey buildings • views to the Village Green to the north are dependent on demolition of well used Community Hall. • The square should be moved to a more central location. Council should retain ownership. 	<p>Disagree. The town square has a north east aspect which is generally considered the preferred aspect in Sydney. The five storey building is on the western side of the square so the square would be sheltered from westerly and southerly winds. The square would get morning, midday and early afternoon sun and would be shaded from western sun.</p> <p>Disagree. Roads provide activity, drop off and pick-up which are key components of creating an active urban space</p> <p>Yes, views to the area are currently blocked. Visibility from this intersection is not considered critical. The town square is located where people will tend to walk through. Pedestrians arriving from the Mona Vale Road will walk to a new entry to the shopping Centre in the south west corner of the square.</p>	Note in Design Objectives S.3.1.1 that the Town Square is to be Council owned and managed.

		<p>Car parking will be generally underground so the future view will be greatly improved. On-street parking will adjoin the square and this is partly the nature of an urban place</p> <p>Yes, views to the Village Green to the north are dependent on demolition of the existing Community Hall.</p> <p>Disagree. The proposed location of the square is the most central location. It is located at the geographic centre approximately mid way between Cowan Road and Stanley Street, and Shinfield Avenue and Killeaton Street.</p> <p>It is intended that the land would be dedicated to Council.</p>	
	s. 3.1.2 Village Green promenade should be kept in Community Title to ensure it is developed, managed and retained for community benefit.	Agree. It is intended that this land would remain under Council ownership and control. It will be possible to reclassify the land as community in the future.	Note in S.3.1.2 Design Objectives Village Green Promenade to be publicly owned
	s.3.1.3 Removal of sporting uses from the Village Green unlikely to become a reality given pressures on these areas.	The long term objective is to achieve more passive open space for residents	No change to the DCP recommended
	s.3.1.3 Children's play area, and guide hall do not need to be changed. Bicycle track should not go through Bowling Club (which should be retained). Village Green works should be deferred for further consultation.	<p>Guide Hall relocation will be subject to further consultation.</p> <p>The playground is proposed for expansion to provide more facilities</p> <p>S.3.1.3 does not show Bicycle track through Bowling Club, proposed to go around perimeter of the Village Green</p> <p>S.3.1.3 shows Bowling Club retained. There is</p>	<p>Note s.3.1.3 relocation of guide hall subject to further consultation</p> <p>Explanatory notes – the drawings are Concept Plans only. All design and construction works subject to further consultation</p>

ATTACHMENT 4

		no proposal to remove the Bowling Club.	
	Development of Rotary Park, Memorial Park, the Village Green and the Old School site all involve the destruction of trees, contradict community values and the principle of preserving the “high forest” character (s.2.1).	At this stage of planning no trees within these areas are identified for removal. 3.1.3 Village Green Design Controls Page 38 indicates removal of some trees along the southern side of William Cowan Oval to facilitate seating, terracing and improved surveillance. This will be subject to further design and consultation	Remove reference to tree removal in 3.1.3
	Council has done a good job of planning for open spaces and other aspects of the plan.	Noted.	No change to DCP recommended
Primary development controls			
General			
Site amalgamations	Even with site amalgamation patterns conflicts between built form and the provision of amenity (eg. solar access, common open space) will arise due to current street configurations. The lack of clear hierarchy in the controls will therefore lead to increased litigation.	The hierarchy of controls is as follows: 1. LEP provisions - Height, FSR etc. 2. DCP envelope controls 3. Part 5 General controls Building envelopes have been designed with the provision of amenity eg. solar access, common open space and noise	Clarify hierarchy of controls in Preliminaries
	Plans discriminate against small lots, despite objective (DDCP p.55) <i>to encourage the development of both small to large sites.</i> Proposed amalgamation patterns will be not always be achievable economically. Density controls and footprint, height and setback controls, which do not depend on the proposed buildings, discriminate against small sites, and reduce the diversity and outlook of the town centre. On smaller sites, the envelope controls will result in FSRs of a maximum of 0.6-0.7:1 which is uneconomical. Small boutique developments should be	Amalgamation is not compulsory. However in order to achieve the full FSR and height as well as parking requirements amalgamation will be necessary. Development of smaller sites is specifically not prohibited within the DCP as there is no minimum lot size in the LEP for the B2 zone. Single sites can redevelop however will not achieve full FSR. Parking provision will also be an issue on	No change to the DCP recommended

ATTACHMENT 4

	<p>allowed with an FSR of 1.1 to 1.2:1 for 1200-1800 m² and 0.85 -0.9:1 for 900-1200m².</p> <p>Smaller townhouse development on corner sites are desirable, but cannot be achieved under these controls.</p>	<p>smaller sites</p> <p>The potential for further town house development can be reviewed as part of the Comprehensive LEP for the LGA</p>	
Site coverage	It is recommended that the term <i>site coverage</i> not be used for the sake of consistency, and that <i>built upon area</i> be used as it is already defined in Chapter 1.	Noted.	Amend DCP to replace all references to built-upon area with site coverage
Specific built form controls			
General	Controls and diagrams re heights do not clearly indicate whether parts of underground stories contribute to the 5 storey maximum. Diagrams show flat sites with underground area apparently not counted. Weight given the diagrams unclear. SEPP 6 does not clarify as underground storeys are considered storeys. Unclear whether partially underground areas count as a storey.	This issue will be clarified in the final LEP as the Department of Planning has requested Council revise the building heights map in the LEP to show height in metres rather than storeys.	No change to the DCP recommended
Precinct A Bounded by Village Green Pde, Mona Vale Rd and Cowan Rd.	Site 7 (Bank) is assumed to have a setback to Mona Vale Rd. It does not, and therefore reference to the site should be deleted from this provision. (p61)	The text on page 61 has omitted reference to Memorial Road. Block Plan A shows a proposed 2 metre setback to the Memorial Road frontage for provision of wider footpaths and street trees.	Amend text Block A Built Form Controls – Building Setbacks page 61 to say “...Mona Vale Road and Memorial Road”
	s.2.2.4, s.3.2.2 & s.4.2 Buildings in the St Ives Village Centre should be built to the street alignment (Mona Vale Rd) consistent with their commercial character, rather than setback to provide for trees. Existing footpath is adequate. Street trees can still be provided. The concept of canopy trees dominating the shopping centre site is inappropriate.	<p>The sections referred to are:</p> <ul style="list-style-type: none"> • s.2.2.4 Built Form • s.3.2.2 Mona Vale Road Section & • s.4.3 Building Alignments <p>A 2 metre setback is required for all mixed use buildings fronting the northern side of Mona Vale Road and Memorial Road. The objective is to provide adequate space for street tree planting along Mona Vale Road as well as space for an</p>	No change to the DCP recommended

		<p>awning.</p> <p>Intention is to utilise deciduous or flowering trees along this frontage to highlight the commercial area.</p> <p>The existing footpath is about 3.7metres wide which, considering conflicts with underground services, is inadequate to provide optimal growing conditions for a tree adjoining an awning.</p>	
	<p>A 10-12 m setback for the residential development above the retail podium along the northern boundary of the site is an inappropriate residential application within a commercial precinct. (Submission No.23)</p>	<p>Noted.</p> <p>This was a specific Council resolution which stated: “That the building envelopes in the DLEP and the DDCP 3.2.2 for the area fronting the Village Green Parade set the three storey residential component (including articulation zone) back behind the land strip currently designated as community land and owned by Council.”</p> <p>The impacts of this resolution on the internal building design of the shopping Village are considerable particularly in relation to the design and location of lift cores. It is understood that in order to make the DCP controls workable the buildings need to be within 2-3 metres of the retail podium</p> <p>In urban design terms this location is preferred as the apartments would have a street address and easy access to the lifts and stairs, without</p>	<p>Amend 4.6.2 Block A Built Form Controls as follows:</p> <ul style="list-style-type: none"> • reduce setback requirement for residential development to 2m back from the edge of the retail podium along the northern boundary of the site

ATTACHMENT 4

		unnecessarily cutting into the retail levels below with long access corridors.	
	s. 2.2.5, s. 2.2.8 & s.3.1.1. It is inappropriate to designate a specific area of privately owned land as open space (town square) or for community facilities (library, neighbourhood centre) within the DCP. The provision and location of open space and community facilities within this area should be the subject of a more detailed design process and negotiation. (Submission No. 23).	<p>Refers to Objectives and Strategies within:</p> <ul style="list-style-type: none"> • S.2.2.5 Parks and Open Space • S. 2.2.8 Community Services and Facilities and • S.3.1.1 St Ives Town Square Concept Plan. <p>The identification of locations for open space and facilities by Council has not been undertaken in isolation. There has been considerable consultation and design to this point in time with the land owner.</p> <p>The proposal also provides an opportunity for community comment and a degree of certainty for the community.</p>	No change to the DCP recommended
	s. 4.4 The specific awning and colonnade requirements for the St Ives Village Centre are too restrictive, given that detailed building and open space design is still in the future. Should simply specify that weather protection is required.	<p>The objective is to provide more than just weather protection but to ensure a building design with a high quality interface with the public areas.</p> <p>An alternative can be submitted as long as it meets the objective.</p>	No change to the DCP recommended
	<p>s.4.5 and s2.2.2 Active frontage to Cowan Road d car park does not allow for integration of car park site or community facility in this location.</p> <p>Unclear why commercial only frontage is specified on Mona Vale Rd.</p> <p>10-12m setback on Mona Vale Rd is not consistent</p>	<p>Noted</p> <p>St Ives Centre is also subject to an overall cap in retail floor space.</p> <p>Commercial only frontage is specified on Mona</p>	Revise s.4.5 and s2.2.2 to delete reference to active frontage along the western side of the Shopping Centre

ATTACHMENT 4

	with an active frontage.	Vale Rd. west of new entry to shopping village. Objective is to concentrate retail within a core area to the east centred around Memorial Avenue and Mona Vale Road intersection with supporting commercial uses on the fringe.	
	s.4.6.2 Block A Built form controls is overly restrictive. In the absence of comment as to how these are to be applied it is assumed that they are to be strictly adhered to. Such prescription removes the ability to provide creative solutions and interesting architecture, especially given the large size of the site. Vehicular and pedestrian access points, location of open space and residential buildings and building depth and separation details are relative to the specific design. Where controls are required, they should be in the generic controls in Section 5. (Submissions 23)	Council has prepared building envelopes for all key sites in each of the town centres. The envelopes have been prepared in conjunction with the land owners. The requirements for Block A are no more restrictive than other blocks. The building envelopes can be varied with justification (and within the fixed provisions of the LEP) as long as it meets the objectives Intention of DCP is to give some certainty to both community and landowners about what can be achieved.	No change to the DCP recommended
	Provision for landscaping in front of blank Shopping Centre walls should be made to reduce visual impact. Similarly, trees should be planted to protect view from Village Green.	Blank walls are minimised refer s.4.5 and s2.2.2. Active frontages are required (refers to requirement for shopfronts) to all public streets. S.3.1.2 and S3.2.4 shows new avenue of trees along edge of Village Green	Amend 4.6.2 Block A Built Form Controls as follows: <ul style="list-style-type: none">• requirement for landscape setback and screening to western wall of shopping centre adjoining Council owned car park
Precinct B Bounded by Mona Vale Rd, Porters Lane, Shinfield	Setbacks should ensure visual privacy to 9 Porters Lane	The building setbacks allow up to 30 metre separation between the proposed 5 storey apartment buildings and the detached dwelling at 9 Porters Lane	No change to the DCP recommended

ATTACHMENT 4

Ave, Rosedale Rd & extending 1-2 sites to the east.			
Precinct C Bounded by Mona Vale Rd, Porters Lane, Lynbara Ave & Stanley St.	Setback controls to Stanley Lane (6m) excessive given depth of sites facing Mona Vale Rd and width of Stanley St (24.4m). Setback controls (3m assumed to SE) will result in building only 15.4m wide to Stanley Lane, resulting in a vertically exaggerated built form. Seeking reduction of setback to the lane to 3.4m to allow 18m wide building or a varied setback from 2-3 to 6m providing for articulation.	The building envelopes allow a 15 metre wide building up to 5 storeys high (15 metres). This results in a square form with no vertical exaggeration. Refer detailed discussion in the body of the report in relation to <i>Submission number 46: 15-17 Stanley Street, St Ives</i>	Refer recommendations in relation to 15-17 Stanley Street above in this table
	s.3.2.7 Stanley Lane should be a one way shared pedestrian and service lane with a maximum speed of 20kph. Underground public parking should be extended under the lane (as in kind S94 contribution) preferably discharging to Stanley St.	As a result of RTA requirements Stanley Lane will be two-way. Traffic speed designation subject to future design work. Noted. The plans do not limit the potential to extend parking under the lane however surface parking on Stanley Lane will be more cost effective.	No change to the DCP recommended
	10-12m setback to 15-17 Stanley shown at s.3.2.8 is excessive, and is inconsistent with the Block C Plan and with state government's direction.	s.3.2.8 of the DCP shows a 3m setback to the western side of Stanley applying to 15-17 Stanley Street. A 10-12 metre setback applies to the eastern side of Stanley Street and is therefore consistent with the Block C Plan.	No change to the DCP recommended
	55% site coverage for 15-17 Stanley St is not realistic taking into account the 6m setback, which will be mostly paved to contribute to the public domain. A concession to the extent of the 6m setback is sought.	Noted. Refer detailed discussion in the body of the report in relation to <i>Submission number 46: 15-17 Stanley Street, St Ives</i>	Amend 4.6.4 Block C Built Form Controls as follows: <ul style="list-style-type: none">• reduce the building setback from the Stanley Lane from 6m to 3.5m.

ATTACHMENT 4

			<ul style="list-style-type: none"> delete the proposed car parking bays in this section of the lane Retain proposed footpath and street trees <p>Adjust 4.1 Site Coverage diagram accordingly</p>
	According to Block C plan deep soil area of 50% is required for mixed use. This is excessive.	Block C plan requires maximisation of deep soil on mixed use sites. The 50% control only applies to full residential sites.	No change to the DCP recommended
	It is understood that both sides of Stanley Lane were to be active retail frontages. Block C plan does not show this.	<p>Block C Plan shows retail uses on the ground floor on both sides of the lane.</p> <p>However it should be noted that Stanley Lane will remain a service Lane for properties fronting Mona Vale Road and that full active frontage is not realistic.</p>	Clarify with additional notes under Block C Plan - Building Uses and Ground Floor Activities
	<p>The DCP controls on the residential portion will result in an unaesthetic tall skinny residential/office building over the retail portion. Seek increase in depth of buildings over levels 2 and 3.</p> <p>The minimum retail FSR is not achievable for 235 Mona Vale Rd (Old Post Office) given the setback controls in the DCP. Seeking increased FSR/reduction in setback controls and retail over 2 levels.</p>	<p>Building envelopes are 18 metres deep and 12 metres high (4 storeys @ 3 metres per storey). Buildings will in fact be wider than they are tall.</p> <p>A maximum 18 metre building depth is consistent with SEPP 65.</p> <p>The Draft DCP/LEP controls allow an FSR of 2.0:1 maximum, including up to 0.75:1 retail FSR, are a substantial increase on the existing control of 1:1 total FSR. The building envelopes show a 38m deep ground floor retail shop, on a 46m deep lot (with a 2m setback from the front boundary and a 6m setback from the rear boundary). This equates to 82% site cover by retail. With some allowance for servicing, such</p>	<p>No change to the DCP recommended</p> <p>No change to the DCP recommended</p>

		<p>as a possible car ramp, which may reduce this gross figure to a nett FSR figure, it is evident that 75% of the site could be retail FSR, which equates to the retail maximum allowable of 0.75 : 1. It is also evident that the minimum retail allowable, of 0.5 : 1 FSR, is also achievable in the envelope, and that it is not affected by the required setbacks from the street and lane.</p> <p>There is no need for a change to the setbacks for the site.</p> <p>Council's economic consultant HillPDA has advised that given the high land value/high rental value of the properties; the good/new condition of existing shops; and the presence of strata title property at 213-231 Mona Vale Road these shops were unlikely to change in short term to medium term even with the substantial increase in FSR proposed.</p>	
<p>Precinct E Bounded by Mona Vale Rd, Killeaton St & Link Rd.</p>	<p>Desired future character refers to residential with possible aged care. There is no reference to a hospital, despite Council's February resolution and other references to a hospital in the DDCP and DLEP.</p> <p>In addition, the option for a mixed hospital and seniors housing/RFB should be allowed for.</p>	<p>Noted.</p> <p>The Desired Future Character statement on page 69 of the DCP does not refer to a hospital use.</p> <p>Noted</p>	<p>Amend S4.6.6 Block E Built Form Controls to include references to be consistent with Council resolution.</p> <p>Recommend two building envelope options shown in the DCP S4.6.6 Block E Built Form controls:</p> <ul style="list-style-type: none"> • Option 1 - Seniors housing/residential 0.9:1 and hospital 0.4:1 • Option 2 -

ATTACHMENT 4

	<p>The “Building uses and street frontages” section would also need similar amendment.</p> <p>The character statement also refers to <i>major open space to Killeaton Street</i>. This was not intended to apply hospital/aged care facilities, but purely to residential development, which has a lower FSR, and should be amended.</p> <p>Request opportunity to comment on recommendations of future economic viability report.</p>	<p>Noted</p> <p>Noted. Reference to major open space is misleading. It is intended to be private open space in the form of a large courtyard for residents within a residential development. A Hospital will have a significantly smaller central courtyard.</p> <p>In terms of the submissions request for the opportunity to comment on recommendations of future economic viability report for the site it is Council’s Policy is that all economic feasibility reports remain confidential.</p>	<p>Residential 0.9:1</p> <p>Amend S4.6.6 Block E Built Form Controls to include references to be consistent with Council resolution</p> <p>Revise character statement to reflect two possible options</p>
	<p>The DDCP site cover control for 238-240 Mona Vale Rd (of 35%) is not consistent with Council’s resolution (February) allowing 40% site cover. There is no indication of a difference in site cover for residential use.</p>	<p>Noted</p>	<p>Amend 4.1 Site Coverage diagram to show site coverage for hospital 40% and for residential 35% consistent with Council resolution</p>
<p>Precinct F</p> <p>Northern portion of block bounded by Mona Vale Rd, Killeaton St & Link Rd and College Crescent.</p>	<ul style="list-style-type: none"> • 3D perspective inaccurately shows a large seminary with cloister. Should be amended to reflect the accurate Block F plan. • 9 m setbacks to side & rear boundaries onerous and unnecessary: <ul style="list-style-type: none"> ▪ western and southern boundaries shared with Special use zones rather than low density residential zones ▪ not consistent with 6m LEP 194 setback requirements ▪ should be reduced to 7m on southern and western boundaries. • Suggest trade-off for reduction of setbacks to west and south – setback along northern part of eastern 	<p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>Amend 4.6.7 Block F Built Form controls as follows</p> <ul style="list-style-type: none"> • Amend 3D drawing page 70 • reduce side and rear setbacks to 7 metres • increase setbacks to eastern boundary to 12 metre to protect existing trees • Amend text page 70 to refer to Character building rather than

ATTACHMENT 4

	<p>boundary be increased to 12m to protect brushbox trees delineating existing driveway. 9m along the rest of the boundary acceptable.</p> <ul style="list-style-type: none"> • Restriction of top floor to 60% of the footprint below is onerous and unnecessary: <ul style="list-style-type: none"> ▪ Large site where most of the buildings will not be visible from the street ▪ Achievement of FSR will result in loss of opportunities to provide deep soil area. • Reference to the existing seminary building as heritage item is misleading, as the building is not listed. Reference should be deleted. Willing to retain building. 	<p>Do not support</p> <p>Noted</p>	<p>heritage building</p> <p>It is recommended that no change be made to the control for the top floor to be a maximum 60% of the footprint below</p>
Precinct G Commonwealth Bank Training Site, College Crescent.	<p>Section on Block G should be Section K(not Section I as shown)</p> <p>The submission seeks a reduction of the setback to Link Road setback which cannot be supported.</p> <p>The submission seeks an increased setback to the southern boundary to protect existing trees on the site.</p> <p>Reconsideration of pedestrian access through northern part of the site is sought.</p>	<p>Noted</p> <p>The character of Link Road is created by the dense landscape of Masada College and Callaghan College, which the Draft DCP retains with a 24m setback from the road. A reduction of this setback which cannot be supported.</p> <p>The submission supports the request with a Tree assessment report. The proposal is supported</p> <p>The Draft DCP proposes a 12m setback from the northern boundary to allow for a public through site link along the northern boundary.</p> <p>It is noted that there is currently a pedestrian access easement along the southern boundary of Masada College. The proposed pedestrian access in the Draft DCP, through the subject</p>	<p>Amend drawing Block G Built Form Controls to show section K (not Section I as shown)</p> <p>Recommend adjustment of setbacks on southern boundary to protect existing trees</p> <p>Recommend deletion of requirement in the DCP for public access easement through the site</p>

ATTACHMENT 4

		site, is therefore not warranted.	
General development controls			
Building articulation	5.2.5 R2 The requirement for the top floor to “not result in ANY overshadowing of adjoining properties” is not achievable. Also not clear what constitutes “adjoining properties” – only those with boundary? How much of the property? Habitable rooms, any area of open space? At what times?	Noted. Requirement for no overshadowing in 5.2.5 R2 ii) is overly restrictive. Minimisation of overshadowing addressed in objectives.	Delete Control 5.2.5 R2 ii)
	Control requiring setback of top floor to minimise visual bulk is unclear. Bulk viewed from where? Combination of no overshadowing and bulk minimisation will often result in less than 60% of the floor below, resulting in a useless space.	The reference to minimising visual bulk is in 5.2.5 Design Objectives page 81. This is not a control. Conflict will be removed with deletion overshadowing control 5.2.5 R2 ii)	No change to DCP recommended
	The above requirements are not consistent with the definition of “storey” in the LEP, which does not include an attic. As the attic is within the roof form and is not a storey, its shadow impact is not caught by Clause 5.2.5R2, but the floor below is caught. This might mean if there is a loft the shadow impact of the top floor doesn’t matter.	This issue will be nullified by the requirement of the State Government to convert building height controls in the DLEP to metres and removal of overshadowing control.	No change to DCP recommended
Open space & landscaping	Common open space provisions will be almost impossible to locate in a complying manner.	The common open space controls at 5.4.2 page 86 of the Draft DCP are not numerical. Common open space is not a requirement within the mixed use buildings rather it is strongly encouraged. Common open space is achievable in the R4 zone as the requirements are the same as those in DCP 55.	No change to DCP recommended
	Deep soil zones should be reworked, as some 3m wide	Design Control R2 page 87 of the Draft DCP	No change to DCP

ATTACHMENT 4

	<p>areas will not support large trees.</p>	<p>states the minimum width for deep soil zones is 2 metres.</p> <p>Deep soil requirements only apply to residential buildings, they do not apply to mixed use buildings. Side setbacks and building separation requirements generally result in wider deep soil zones</p> <p>The minimum requirement is to ensure areas less than 2 metres wide are not counted.</p>	<p>recommended</p>
<p>Internal amenity, solar access, energy efficiency, construction materials</p>	<p>Current street configuration will result in lots or buildings on the southern side being unlikely to be able to achieve 70% solar access (eg. Eden Brae). Suggest computer generated shadows be overlaid over the 3D models to test the workability of the controls.</p>	<p>Building envelopes are only suggestions and buildings must still meet solar access controls.</p> <p>The controls in 5.8.2 Solar Access are consistent with SEPP 65.</p> <p>These controls need to be read in conjunction with other controls including 5.1.1 Building Depth and 5.8.1 Building Separation</p> <p>Within St Ives building heights are limited to 5 storeys and the minimum building separation is 12 metres. Using a 33 degree angle (representing the sun at its lowest point in winter) it can be shown that generally the requirement for solar access in 5.8.2 of the Draft DCP is achievable.</p> <p>To test this Council has prepared 3D shadow diagrams for the proposed Eden Brae development and the diagram shows that all buildings envelopes comply with 5.8.2 of the DCP. The Shadow diagrams are in Attachment 12 of this report.</p>	<p>No change to DCP recommended</p>

ATTACHMENT 4

Water management controls	Controls to gain easements across private or Council controlled lands are unjustified, given Council is selecting the sites for redevelopment. S. 6.3.5.4(b), requiring approaches and financial compensation to owners of downstream properties may result in deliberate frustration of the changes in urban form envisaged in the plans. The Note suggesting the approach be made pre-DA exacerbates this impact. Neighbours are not likely to respond to approaches made under s.6.3.5.4(b). A maximum 28 day period should be set for a response, before litigation (6.3.5.5) can be commenced. Council may also incur some liability for damage. (Submission No 15. p9) However, applications under 88K may take 2 years. It would be faster for an applicant to appeal a decision and allow the Land and Environment Court to deal with it under s.40.	Further review of these matters will be undertaken and a final recommendation will be made to Council for consideration in one of the remaining centres. Changes made in this respect to the DCP will apply equally across all centres.	Any changes will be recommended in a subsequent DCP (Town Centres DCP) prior to the end of December 2006.
	s.6.3.5.4 (b) refers to a sample letter in Appendix 6.8. Should be Appendix 6.7.	See comment above	Any changes will be recommended in a subsequent DCP (Town Centres DCP) prior to the end of December 2006.
	Maximum built upon area of 30% for Location D properties works against desired urban design outcomes. If underground dispersion system is to be an expert report could be provided by the applicant to demonstrate effectiveness.	See comment above	Any changes will be recommended in a subsequent DCP (Town Centres DCP) prior to the end of December 2006.
	Section 94 contributions should be used to upgrade trunk drains where required, rather than requiring the developer to pay the full cost of such works.	See comment above	Any changes will be recommended in a subsequent DCP (Town Centres DCP) prior to the end of December 2006.
	s. 6.6.1 Section on stormwater control during construction unnecessarily extensive given the application of the Protection of the Environment	See comment above	Any changes will be recommended in a subsequent DCP (Town

ATTACHMENT 4

	Operations Act to such work.		Centres DCP) prior to the end of December 2006.
	s.6.6.1 (f) Given legislation on “compensation for injury in NSW” it is unnecessary to have an amount of \$20 million in Public Liability Insurance.	See comment above	Any changes will be recommended in a subsequent DCP (Town Centres DCP) prior to the end of December 2006.
	s.6.6.1(s). 2 week time limit to stockpile topsoil means soil will be removed and then brought back towards end of project- resulting in increased environmental impacts.	See comment above	Any changes will be recommended in a subsequent DCP (Town Centres DCP) prior to the end of December 2006.
	s.6.6.1.3(a) An Environmental Site Management Plan should be required at Construction Certificate stage (rather than DA stage as proposed) as it relates to the construction phase.	See comment above	Any changes will be recommended in a subsequent DCP (Town Centres DCP) prior to the end of December 2006.
	s.6.7.1.2(c) The consideration of likely future development within the catchment is inequitable, as it may require the first developer to upgrade infrastructure for the needs of the whole catchment’s future development. This should be dealt with via S. 94 contributions.	See comment above	Any changes will be recommended in a subsequent DCP (Town Centres DCP) prior to the end of December 2006.
	Riparian zones on the map do not always accord with the physical reality on the ground. This will result in litigation.	See comment above	Any changes will be recommended in a subsequent DCP (Town Centres DCP) prior to the end of December 2006.
	Some (unspecified) controls cross over with BASIX requirements and are unnecessary.	Review of potential crossover of controls with BASIX has been undertaken.	Specific changes recommended in body of report.

ATTACHMENT 4

	Object to the inclusion of maximum built upon area in the water management controls. Stormwater management systems routinely required can adequately address these issues without the need for built upon area controls.	See comments above regarding further review of comments and subsequent reporting to Council.	Any changes will be recommended in a subsequent DCP (Town Centres DCP) prior to the end of December 2006.
--	--	--	---

Matters related to drafting of the DCP	Issue	Comment	Recommendation
Comprehensibility	Degree of complexity and length of documentation (approximately 400 pages of material to be overlaid with SEPPs and the Residential Flat Code) frustrates public consultation.	<p>Council has undertaken a comprehensive and integrated planning process the results of which are documented in the DCP. Council would equally be criticised if it provided too little information</p> <p>To prepare a Development Application reference will only be required to specific parts of Part 3 and 4 of the DCP as well as Part 5 rather than the whole document</p> <p>Parts 2 and 3 of the DCP primarily apply to public lands.</p> <p>Parts 6-10 are current Council DCP's that have been incorporated within the Town Centre DCP as required by State Government legislation</p> <p>It is Council's intention in the future to convert the DCP so that it will be available in an electronic database form.</p> <p>The DCP has been written with reference to both SEPP 65 and the Residential Flat Code. There should be no need to overlay these documents.</p>	Provide additional text in the preliminaries to explain
Internal relationships	Relationship between the various parts of the DCP is not sufficiently clear.	Noted	Expand explanation in Part 1 of DCP
Consistency	Clarity and consistency within and between plans is critical to allow for consistency of application of the provision of the DCP. Despite the provision for Part 4	Precedence is given to Part 4 over Part 5. This is noted in the Preliminaries.	No change recommended

ATTACHMENT 4

	controls to prevail over Part 5 controls in the event of an inconsistency, the inconsistencies are so extensive and the question of what constitutes an inconsistency, as opposed to a different control, so fraught with difficulty, that consistent application is not possible.	Difficult to comment without examples of inconsistencies	
	Zoning map shows SP2 for substation site (206 Mona Vale Rd), Housing map (2.2.1) shows site as residential flat building with ground floor retail, while Activities and Uses map (2.2.2) shows strip retail/commercial.	Noted	Amend diagram S2.2.1 to show substation rather than housing Amend 2.2.2 to show substation
	Plans (eg. 2.2.3) and exhibition material are inconsistent with RTA requirements: <ul style="list-style-type: none"> • no entry from Mona Vale Rd into the Community Centre car park • right hand turn into Rosedale Rd • clearway along Mona Vale Rd. 	Noted	Amend the following to be consistent with RTA requirements: <ul style="list-style-type: none"> • 2.2.3 Diagram page 23 and text • 2.2.12 to show clearway on Mona Vale Road page 32 • 4.6.4 Block Plan C page 65 • 4.6.2 Block A page 60
	St Ives is called both a “town” (with limited residential appeal) and a “village” (indicating peaceful residential compatibility).	St Ives is classified a Large Village under the Metropolitan Strategy classification. This is a technical classification rather than an indication of character. The DCP has avoided use of the word “village” because of the confusion with the privately owned St Ives Village Shopping Centre. The term St Ives Centre has been used to designate the DCP area.	Review DCP and remove all references to ‘Town’ or ‘village’ centre

ATTACHMENT 4

		Reference is made in the DCP to St Ives Village Green, Village Green Parade and the Village Green Promenade which are place/street names.	
--	--	---	--

Process			
	<p>Planning process has been to disadvantage of residents:</p> <ul style="list-style-type: none"> • Planning meetings closed to the public • Information unavailable, questions unanswered • Changes made along the way, including last minute changes and contradictions in the exhibited plans, eg. traffic plan changes that have not gone to Council. <p>Consultation process misleading and evasive</p>	The process of community involvement has been extensive.	Noted.
	2 week preliminary exhibition inadequate. Individual letters should advise residents 4 weeks before exhibition, to allow comment prior to formal exhibition. LEP, DCP, proposed reclassifications, traffic plans and public domain plans should not be submitted to DoP prior to this. (Submission 9. B, K, N, P, Q, R, S). Alternative methods of consultation should be considered.	Council proposals have been available to the community well in excess of statutory requirements and have formed one of the most comprehensive undertakings by Council in terms of community involvement and notification.	Noted.
	Section 62 notifications (to agencies) and public hearings should be delayed "till all possible consequences are clearly understood". (Submission 9. C , J)	Considerable information is available; Council is working to a 31 December deadline on the Town Centre plans.	Noted
	Large scale detailed and coloured maps should be publicly available at all stages of the formal process.	All available maps and plans have been publicly available.	Noted
	3 week exhibition period is not enough time to analyse the documents and lodge a submission.	Formal exhibition has been for 4 weeks with a number of earlier stages providing substantial opportunity for input.	Noted
	Consultation re Eden Brae is a sham. Reports to Council confidential, feasibility study flawed in its assumptions. No detailed discussion of pros and cons	Disagree. Refer to specific consideration of Eden Brae submission within this attachment and in the body of the report.	Noted. No change recommended.

Summary of St Ives public submissions

58/59

ATTACHMENT 4

	of arguments put by Eden Brae in relation to the obstacles of the Community Land Management Act. Process is a denial of natural justice. (List of contacts with Council supplied –Submission No. 34).	Council is subject to a Ministers directive and has complied with all statutory processes required in the development of the LEP and DCP.	
	Object that brief to Hill PDA appears to have required only a commercial/retail assessment based on population, while ignoring the resultant inconveniences to residents.	A broad based planning approach has been undertaken within the constraints of the Ministers direction.	No change recommended.
	Reclassification of community facilities should only be undertaken following an open and equitable process of community consultation.	An open and equitable process has been undertaken including an independent public hearing as required by statute.	Noted. Refer to main body of report for comments regarding reclassification.
	It is unclear if Council has been unduly influenced by: <ul style="list-style-type: none"> • Consultants' reports • Commercial interests • Councillor aspirations for a "monument" • Whether such aspirations should be declared 	Council has carefully balanced requirements of the Ministers directive, community and expert input and economic feasibility to plan for the future of St Ives.	Changes as appropriate have been recommended following the formal period of public exhibition and submission.
	Community groups appear not to have been consulted.	Extensive consultation and notification has been undertaken.	Refer to the main body of report.
	Potential inclusion of aquatic centre after completion of current detailed planning could seriously impact on other crucial aspects of the plan.	Comments noted. Any consideration of an aquatic centre would have to specifically consider impacts on what has already been identified in this plan.	As per comments.

Draft
Ku-ring-gai Local Environmental Plan 2006 (Town Centres)

under the

Environmental Planning and Assessment Act 1979

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

Minister for Planning

Contents

Contents

Part 1 Preliminary

1	Name of Plan	4
2	Aims of Plan	4
3	Land to which Plan applies	4
4	Definitions	4
5	Notes	4
6	Consent authority	4
7	Maps	4
8	Repeal of other local planning instruments applying to land	5
9	Application of SEPPs and REPs	5

Part 2 Permitted or prohibited development

10	Land use zones	6
11	Zoning of land to which Plan applies	6
12	Zone objectives and land use table	6
13	Unzoned land	6
14	Additional permitted uses for particular land	7
15	Subdivision—consent requirements	7

Land Use Table

Zone R3	Medium Density Residential	8
Zone R4	High Density Residential	8
Zone B2	Local Centre	9
Zone SP2	Infrastructure	10

Part 3 Exempt and complying development

16	Exempt development	11
17	Complying development	11
18	Environmentally sensitive areas excluded	12

Part 4 Principal development standards

19	Minimum subdivision lot size	14
20	Rural subdivision	15
21	Height of buildings	15
22	Floor space ratio	15
23	Calculation of floor space ratio and site area	16
24	Exceptions to development standards	17

Part 5 Miscellaneous provisions

25	Land acquisition within certain zones	19
26	Development on proposed classified road	19
27	Classification and reclassification of public land	20
28	Development near zone boundaries	20
29	Community use of educational establishments	20
30	Classified roads	21

Contents

31	Development in proximity to a rail corridor	21
32	Development within the coastal zone	22
33	Development below mean high water mark	22
34	Preservation of trees or vegetation	22
35	Heritage conservation	23
36	Bush fire hazard reduction	25
37	Development for group homes	25
38	Crown development and public utilities	26
	Schedule 1 Additional permitted uses	29
	Schedule 2 Exempt development	30
	Schedule 3 Complying development	62
	Schedule 4 Classification and reclassification of public land	68
	Schedule 5 Environmental heritage	69
	Dictionary	70

Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres)

Part 1 Preliminary

1 Name of Plan

This Plan is Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres).

2 Aims of Plan

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

3 Land to which Plan applies

This Plan applies to the land identified on the Land Application Map.

4 Definitions

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

5 Notes

Notes in this Plan are provided for guidance and do not form part of this Plan.

6 Consent authority

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

7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended from time to time by maps declared by environmental planning instruments to amend that map, and approved by the Minister when the instruments are made.

- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

Note. The maps adopted by this plan are:

- i) Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Land Application Map
- ii) Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Land Zoning Map
- iii) Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Lot Size Map
- iv) Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Height of Buildings Map
- v) Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Floor Space Ratio Map

8 Repeal of other local planning instruments applying to land

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.
- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.
- (3) If a development application has been made, before the commencement of this Plan, in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application is to be determined as if this Plan had been exhibited but not commenced.

9 Application of SEPPs and REPs

- (1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this Plan as provided by section 36 of the Act.

Note. Section 36 of the Act generally provides that SEPPs prevail over REPs and REPs prevail over LEPs. However, a LEP may (by an additional provision included in the Plan) displace or amend a SEPP or REP to deal specifically with the relationship between this Plan and the SEPP or REP.

- (2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies:

State Environmental Planning Policy No 1—Development Standards

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development (clause 6)

State Environmental Planning Policy No 9—Group Homes

State Environmental Planning Policy No 60—Exempt and Complying Development

Part 2 Permitted or prohibited development

10 Land use zones

The land use zones under this Plan are as follows:

Residential Zones

R3 Medium Density Residential

R4 High Density Residential

Business Zones

B2 Local centre

Special Purpose Zones

SP2 Infrastructure

11 Zoning of land to which Plan applies

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

12 Zone objectives and land use table

- (1) The Table at the end of this Part specifies for each zone:
 - (a) the objectives for development, and
 - (b) development that may be carried out without consent, and
 - (c) development that may be carried out only with consent, and
 - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Table at the end of this Part:
 - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
 - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

Notes.

1. Schedule 1 sets out additional permitted uses for particular land.
2. Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
3. Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
4. Clause 15 requires consent for subdivision of land.
5. Part 5 contains other provisions which require consent for particular development.

13 Unzoned land

- (1) Development may be carried out on unzoned land only with consent.
- (2) Before granting consent, the consent authority:

Part 2 Permitted or prohibited development

- (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
- (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

14 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
 - (a) with consent, or
 - (b) if the Schedule so provides—without consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

15 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
 - (a) widening a public road,
 - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
 - (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
 - (d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (e) rectifying an encroachment on a lot,
 - (f) creating a public reserve,
 - (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences.

Note. If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.

Land Use Table

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide housing that is compatible with the existing environmental character of Ku-ring-gai and the desired future character of the locality.
- To provide a comfortable living environment for residents.
- To provide buildings within a landscape setting.

2 Permitted without consent

Exempt development

3 Permitted with consent

Bed and Breakfast Accommodation; Boarding houses; Child care centres; Community facilities; Demolition of a building or work; Drainage; Dual Occupancies; Educational establishments; Group homes; Home industries; Home occupations; Hospitals; Hostels; Medical centres; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public utility undertakings; Recreation areas; Roads; Schools; Seniors housing; Shop top housing; Spa pools; Swimming pools; Telecommunications facilities; Utility installations

4 Prohibited

Residential flat buildings; any other development not otherwise specified in item 2 and 3

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide housing that is compatible with the existing environmental character of Ku-ring-gai and the desired future character of the locality.
- To provide buildings within a landscape setting.

Part 2 Land Use Table

- To provide a comfortable living environment for residents.
- To appropriately integrate commercial land uses into residential areas adjacent to town centres.

2 Permitted without consent

Exempt development;

3 Permitted with consent

Bed and Breakfast Accommodation; Boarding houses; [Child care centres](#); [Community facilities](#); Demolition of a building or work; Drainage; Educational establishments; Home industries; Home occupations; Hospitals; Medical centres; Multi dwelling housing; [Neighbourhood shops](#); [Places of public worship](#); Public utility undertakings; Recreation areas; [Residential flat buildings](#); Roads; Schools; Seniors housing; [Shop top housing](#); Spa pools; Swimming pools; Telecommunications facilities; Utility installations

4 Prohibited

Any other development not otherwise specified in item 2 and 3

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses which serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To integrate residential development with retail and commercial development that is compatible with the village character of the centre.
- To provide a vibrant and pleasant public domain.

2 Permitted without consent

Exempt development;

3 Permitted with consent

Advertising structures; Bed and breakfast accommodation; Boarding Houses; Car parks; [Child care centres](#); Business Premises; [Community facilities](#); Demolition of a building or work; Drainage; Earthworks; [Educational establishments](#); [Entertainment facilities](#); Environmental facilities; Environmental protection works; Excavations; Fill; Filming; [Function centres](#); Home-based child care or family day care home; Home businesses; Hospitals; Hotel accommodations; [Information and education facilities](#); Medical centres; Mixed use development; Multi dwelling housing; Neighbourhood shops; [Office premises](#); [Passenger transport facilities](#); Places of public worship; Public administration buildings; Public hall; Public utility undertakings; Rainwater tanks; Recreation areas; [Recreation facilities \(indoor\)](#); [Registered clubs](#); Pub; Restaurants; [Retail premises](#); Roads; [Service stations](#); [Shop top housing](#); Signage; Spa pools; Swimming pools;

Telecommunications facilities; Temporary structures; Tourist and visitor accommodation; Utility installations

4 Prohibited

Any use not otherwise permitted with or without consent in items 2 or 3.

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Exempt development;

3 Permitted with consent

Roads; Telecommunications facilities; Public utility undertakings; Utility installations; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.

4 Prohibited

Any other development not otherwise specified in item 2 and 3.

Part 3 Exempt and complying development

16 Exempt development

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
 - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
 - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
 - (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
 - (3) To be exempt development:
 - (a) the development must:
 - (i) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (ii) if it relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9, the building must have a current fire safety certificate or fire safety statement or the building must be a building for which no fire safety measures are currently implemented, required or proposed, and
 - (b) the development must not:
 - (i) if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, or
 - (ii) create interference with the neighbourhood because it is noisy, causes vibrations, creates smells, fumes, smoke, vapour, steam, soot, ash, dust, waste water, grit or oil, or
 - (iii) be designated development, or
 - (iv) be development on land that comprises, or on which there is, an item of environmental heritage that is listed on the State Heritage Register under the *Heritage Act 1977* or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*.

17 Complying development

Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
- (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
- (c) the development is designated development, or

Part 3 Exempt and complying development

- (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
 - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment and Conservation in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*).
- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Schedule 3 that is carried out in compliance with the applicable development standards listed in that Schedule and that complies with the requirements of section 76A (6) of the Act and the requirements of this Part is complying development.
- (3) To be complying development, the development must:
 - (a) be permissible, with consent, in the zone in which it is carried out, and
 - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.

18 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:
environmentally sensitive area for exempt or complying development means:
 - (a) a sensitive coastal location, or
 - (b) coastal waters of the State, or
 - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies, or
 - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*, or
 - (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention, or
 - (f) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance, or
 - (g) land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*, or
 - (h) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or

Part 3 Exempt and complying development

- (i) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

Part 4 Principal development standards

19 Minimum subdivision lot size

- (1) This clause applies to a subdivision of any land shown on the Lot Size Map that requires consent and that is carried out after the commencement of this Plan.
- (2) The size of any lot resulting from any such subdivision of land is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (3) The objectives of this clause are:
 - To set minimum lot areas and minimum street frontage lot widths that provide for the orderly and economic development of land while maintaining the local character, and
 - To set minimum lot areas and minimum street frontage lot widths for lots in residential zones that provide for development to occur in a garden setting by substantial setbacks to enable long term sustainability of trees.
- (4) Where development for the purpose of multi-dwelling housing or a residential flat building is permissible in a zone, consent may be granted only if the land has an area of at least 1,200 square metres
- (5) Where development listed in Column 1 of the Table to this subclause is permissible in a zone, a subdivision of land (excluding strata subdivision or a neighbourhood subdivision) to create a lot to be used for that development must not result in an allotment with a street frontage less than the minimum street frontage specified for the development in Column 2 of that Table:

Minimum street frontage

Column 1	Column 2
Development for the purpose of:	Minimum street frontages width:
Dual occupancies	18 metres
Residential flat buildings; Multi dwelling housing	23 Metres

- (6) The standards for street frontages set out in the Table to this subclause apply to a site used for the purpose of multi dwelling housing or residential flat buildings:

Minimum street frontages

Site area	Minimum street frontages
1,800 square metres or more	30 metres
1,200 square metres or more but less than 1,800 square metres	23 Metres

- (7) Without limiting the other provisions of this clause, consent may be given to subdivision of or to create, battle-axe allotments.
- (8) Despite clause 19(4), multi dwelling housing or residential flat buildings may be carried on a site that has a site area of less than 1,200 square metres, or a street frontage of less than 23 metres, if the proposed development complies with all other requirements of this plan.

20 Rural subdivision

Not applicable

21 Height of buildings

- (1) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
- (2) The objectives of the maximum height of buildings restrictions are:
 - (a) to ensure that development responds to the desired scale and character of the Town Centre as described in the Development Control Plan applying to the land,
 - (b) to ensure an appropriate interface between the town centres and the adjoining lower density residential and open space zones,
 - (c) to regulate the visual bulk of multi-storey buildings, and
 - (d) to provide reasonable solar access and natural ventilation for buildings, open space and private landscaped areas.
- (3) Notwithstanding clause 21(1), the maximum height of buildings in the R4 - High Density Residential Zone is not to exceed the maximum height in the table below.

Site Area	Maximum Height of Buildings
Less than 1800sqm	12 metres
1800sqm or more but less than 2400sqm	15 metres
2400sqm or more	Maximum height indicated on the Height of Buildings Map.

22 Floor space ratio

- (1) The floor space ratio of a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- (2) The objectives of the floor space ratio restrictions are:
 - (a) to ensure development density is in keeping with the desired future landscape and built character,

Part 4 Principal Development standards

- (b) to ensure the desirable mix of uses in each building in the mixed use zone,
- (c) to regulate traffic generation from development, and
- (d) to regulate the visual bulk of multi-storey buildings.

23 Calculation of floor space ratio and site area

(1) Objectives

The objectives of this clause are as follows:

- (a) to define *floor space ratio*,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
 - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
 - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
 - (iii) require community land and public places to be dealt with separately.

(2) Definition of “floor space ratio”

The *floor space ratio* of buildings on a site is the ratio of the total floor space area of all buildings within the site to the site area.

(3) Site area

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) Exclusions from site area

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

(5) Strata subdivisions

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

Part 4 Principal Development standards

(6) **Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered**

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings**

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”**

When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites**

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition**

In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

24 Exceptions to development standards

(1) The objectives of this clause are:

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

(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the

Part 4 Principal Development standards

operation of this clause or of *State Environmental Planning Policy No 1—Development Standards*.

- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Consent must not be granted under this clause for a subdivision of land in Zone RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4 if:
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow consent to be granted for development that would contravene any of the following:
 - (a) a development standard for complying development,
 - (b) a development standard for development in the coastal zone,
 - (c) a development standard listed in the table to this clause.

Part 5 Miscellaneous provisions

25 Land acquisition within certain zones

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (**the owner-initiated acquisition provisions**).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked “Local open space”	Council
Zone RE1 Public Recreation and marked “Regional open space”	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked “Classified road”	Roads and Traffic Authority

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

26 Development on proposed classified road

- (1) Consent for development on land reserved for the purposes of a classified road may, before the land becomes a classified road, be granted only if:
- the development is carried out with the concurrence of the Roads and Traffic Authority (**the RTA**), and
 - the development is of a kind, or is compatible with development of a kind, that may be carried out on land in an adjoining zone.
- (2) In deciding whether to grant concurrence to proposed development under this clause, the RTA must take the following matters into consideration:
- the need to carry out development on the land for the purposes of a classified road or a proposed classified road,
 - the imminence of acquisition of the land by the RTA,
 - the likely additional cost to the RTA resulting from the carrying out of the proposed development.

27 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council, by means of this Plan, to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

Note. Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

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

28 Development near zone boundaries

Not adopted

29 Community use of educational establishments

- (1) The objective of this clause is to allow the use of educational establishments, including their site and facilities, for other community purposes.

Part 5 Miscellaneous provisions

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

30 Classified roads

- (1) The objectives of this clause are:
 - (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads (within the meaning of the *Roads Act 1993*), and
 - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.
- (2) Consent must not be granted to the development of land that has a frontage to a classified road unless the consent authority is satisfied that:
 - (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the proposed development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the proposed development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the proposed development.

31 Development in proximity to a rail corridor

- (1) The objective of this clause is to ensure that development for the purpose of residential accommodation, places of public worship, hospitals, educational establishments or other noise sensitive buildings in the proximity of operating or proposed railways is not adversely affected by rail noise or vibration.
- (2) This clause applies to land comprising, or within 60 metres of, an operating railway line or land reserved for the construction of a railway line (referred in this clause as a ***rail corridor***).
- (3) Development consent must not be granted to development:
 - (a) that is within a rail corridor, and
 - (b) that the consent authority considers is, or is likely to be, adversely affected by rail noise or vibration,unless the consent authority is satisfied that the proposed development incorporates all practical mitigation measures for rail noise or vibration recommended by Rail Corporation New South Wales for development of that kind.

32 Development within the coastal zone

Not applicable

33 Development below mean high water mark

Not applicable.

34 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item, or
- (b) that is within a heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 33 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

- (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

- (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying Act 2002*, or
- (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

35 Heritage conservation

(1) Objectives

The objectives of this clause are:

- (a) to conserve the environmental heritage of Ku-ring-gai, and
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
- (c) to conserve archaeological sites, and
- (d) to conserve places of Aboriginal heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

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

(3) When consent not required

However, consent under this clause is not required if:

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

Part 5 Miscellaneous provisions

- (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
- (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) **Heritage impact assessment**

The consent authority may, before granting consent to any development on land:

- (a) on which a heritage item is situated, or
- (b) within a heritage conservation area, or
- (c) within the vicinity of land referred to in paragraph (a) or (b),

require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(5) **Heritage conservation management plans**

The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(6) **Archaeological sites**

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

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(7) **Places of Aboriginal heritage significance**

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

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

(8) **Demolition of item of State significance**

The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State heritage significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council about the application, and

Part 5 Miscellaneous provisions

- (b) take into consideration any response received within 28 days after the notice is sent.

(9) **Conservation incentives**

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

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

36 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent.

Note. The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

37 Development for group homes

- (1) The objective of this clause is to facilitate the establishment of:
 - (a) permanent group homes in which disabled persons or socially disadvantaged persons may live in an ordinary residential household environment instead of an institutional environment, and
 - (b) transitional group homes which provide temporary accommodation for disabled persons or socially disadvantaged persons in an ordinary residential household environment instead of an institutional environment for such purposes as alcohol or drug rehabilitation and half-way rehabilitation for persons formerly living in institutions and refuges for men, women or young persons.
- (2) If development for the purpose of a dwelling house or a dwelling in a residential flat building may lawfully be carried out in accordance with this Plan, development for the purposes of a group home may, subject to this clause, be carried out.
- (3) Consent is required to carry out development for the purposes of a transitional group home.
- (4) Consent is required to carry out development for the purposes of a permanent group home that contains more than 5 bedrooms.
- (5) Consent is required to carry out development for the purposes of a permanent group home that contains 5 or less bedrooms and that is occupied by more residents (including any resident staff) than the number equal to the

number calculated by multiplying the number of bedrooms in that home by 2.

- (6) Consent may not be refused under this clause unless an assessment has been made of the need for the group home concerned.
- (7) Nothing in this clause requires consent to be obtained by the Department of Housing (or by a person acting jointly with the Department of Housing) to carry out development for the purposes of a transitional group home.

38 Crown development and public utilities

- (1) Nothing in this Plan is to be construed as restricting or prohibiting or enabling the consent authority to restrict or prohibit:
 - (a) the carrying out of development of any description specified in subclauses (2)–(12), or
 - (b) the use of existing buildings of the Crown by the Crown.
- (2) The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:
 - (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
 - (b) the erection within the limits of a railway station of buildings for any purpose,but excluding:
 - (c) the construction of new railways, railway stations and bridges over roads, and
 - (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect their design, of railway stations or bridges, and
 - (e) the formation or alteration of any means of access to a road, and
 - (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.
- (3) The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:
 - (a) development of any description at or below the surface of the ground,
 - (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the commencement of this Plan of any plant or other structures or erections required in connection with the station or substation,
 - (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface

Part 5 Miscellaneous provisions

- of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housing of stone, concrete or brickworks,
- (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
 - (e) the erection of service reservoirs on land acquired or in the process of being acquired for the purpose before the commencement of this Plan, provided reasonable notice of the proposed erection is given to the consent authority,
 - (f) any other development, except:
 - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (ii) the formation or alteration of any means of access to a road.
- (4) The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (5) The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:
- (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (6) The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (7) The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road,

Part 5 Miscellaneous provisions

including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (8) The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purposes of a mine, except:
 - (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (9) The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.
- (10) The carrying out of any forestry work by the Forestry Commission or Community Forest Authorities empowered under relevant Acts to undertake afforestation, the construction of roads, protection, cutting and marketing of timber, and other forestry purposes under such Acts or upon any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*.
- (11) The carrying out by a rural lands protection board of any development required for the improvement and maintenance of travelling stock and water reserves, except:
 - (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purposes, and
 - (b) any development designed to change the use or purpose of any such reserve.
- (12) The carrying out or causing to be carried out by the consent authority, where engaged in flood mitigation works, or by the Department of Natural Resources, of any work for the purposes of soil conservation, irrigation, afforestation, reafforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the *Water Act 1912*, the *Water Management Act 2000*, the *Farm Water Supplies Act 1946* or the *Rivers and Foreshores Improvement Act 1948*, except:
 - (a) the erection of buildings, and installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, and
 - (b) the formation or alteration of any means of access to a road.

Schedule 1 Additional permitted uses

(Clause 14)

Lot Description	Address	Additional Permitted Uses
Part Lot C DP 401301, Lot 1 and 2 DP 856121, Lot 1 DP 578867	167, 169, 169A, 171 Mona Vale Road, St Ives	Business premises; Office premises; Restaurants.
Lot 1 DP 653503, Lot 1 DP 126732, Lot 5 DP 12504	173, 177 Mona Vale Road, St Ives	Business premises; Office premises.
Lot 3 and 4 DP 12504	179 Mona Vale Road, St Ives	Business premises; Offices premises; Service stations
Lot 10 and 11 DP 829668, Part Lot A DP 344776, Part Lot 1 DP 1084135, LOot1 DP 857009	183, 183A, 185, 187-189 Mona Vale Road, St Ives	Business premises; Office premises.
Lot 2 to 23 DP 285276	1-20, 22, 24 Stanley Close, St Ives	Business premises; Retail
Part Lot 3 DP 17413, Part Lot 1, 11, 12 and 13 DP 29167, Lot 14 DP 631319, Lot 2, 3, 4, 5 and 6 DP 29167	208, 210, 212, 214 Mona Vale Road, St Ives 3, 5, 5a, 7, 9 Memorial Avenue, St Ives	Offices premises.
Lots 6 & 7 DP 17970, Lot C DP394529, Lot B DP394529, Lot A DP 385614, Lot 2 DP22035, Lot 1 DP22035, Lot B 385614	199 Mona Vale Road, St Ives 126, 128, 169, 171, 173 Rosedale Road, St Ives 3 Porters lane, St Ives	Offices premises.

Schedule 2 Exempt development

(Clause 16)

<i>Development Type</i>	<i>Exempt Development Conditions</i>
Access ramps	See “Disability access”
Advertising structures	
<ul style="list-style-type: none"> ▪ business identification signs on building facades 	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) shall be limited to one per shopfront; b) do not cover any mechanical ventilation inlet or outlet vents; c) are erected in a business zone; d) relate to the activity carried out on the premises to which the sign is affixed; e) do not exceed 400mm in height with a maximum length of 4m or the length of the shopfront, whichever is the smaller; f) do not project more than 150mm from the building facade; g) shall be set back from side boundaries to satisfy fire regulations h) are not higher than the awning, if one is present, or otherwise do not exceed 3.0 metres in height above ground level (existing) at any point; i) allow a proportion of wall surface area of the top hamper to be exposed; j) do not cover more than 20% of the building façade; k) are not illuminated, self-illuminated or flashing at any time.
<ul style="list-style-type: none"> ▪ business advertising signs- in windows 	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) are erected in a business zone; b) relate to the activity carried out on the premises to which the sign is affixed; c) do not obscure more than 20% of the glass; d) are not illuminated, self-illuminated or flashing at any time.
<ul style="list-style-type: none"> ▪ business identification signs – suspended under-awning 	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) shall be limited to one per shopfront; b) do not cover any mechanical ventilation inlet or outlet vents; c) are erected in a business zone; d) relate to the activity carried out on the premises to which the sign is affixed; e) do not exceed 2.5m in length or more than 300mm in depth; f) do not project beyond the awning fascia if an awning exists; g) is set back at least 600mm from the face of the kerb; h) are not higher than 3.0 metres above ground level (existing) at any point; i) are suspended with a clearance of at least 2.6 metres as measured from the ground / pavement level; j) are at least 3m from other under awning signs; k) are horizontal and erected at right angles to the building to which they are attached; l) if illuminated: <ul style="list-style-type: none"> (i) are not flashing at any time; and (ii) are connected to an automatic timer; (iii) is only illuminated for up to 1 hour before the operating hours of

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
	the business and no later than 10 pm.
<ul style="list-style-type: none"> ▪ community signs (temporary) 	See “Banners”.
<ul style="list-style-type: none"> ▪ construction signs (temporary) 	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) do not cover any mechanical ventilation inlet or outlet vents; b) are not illuminated, self-illuminated or flashing at any time; c) are located wholly within a property where construction is being undertaken; d) refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken; e) are restricted to one such sign per property; f) do not exceed 2.5m² and f) are removed within 14 days of the completion of all construction works.
<ul style="list-style-type: none"> ▪ home occupation identification signs 	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) do not cover any mechanical ventilation inlet or outlet vents; b) are displayed wholly within the property boundaries; c) are not affixed to a front fence; d) have a height not greater than 1.5 metres above ground level (existing); e) do not exceed 0.9m² in area; and f) are not illuminated, self-illuminated or flashing at any time.
<ul style="list-style-type: none"> ▪ real estate and property promotional signs (temporary) 	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) do not cover any mechanical ventilation inlet or outlet vents; b) are not illuminated, self-illuminated or flashing at any time; c) advertise only the premises and/or land to be sold, leased or currently under construction; d) are located wholly within the properties to which they refer; e) not more than one such sign is erected on any premises except <ul style="list-style-type: none"> (i) on inspection day, when directional signs not more than 0.8m² in area may be erected within the property during the advertised hours of inspection and (ii) on the day of sale by auction, when bunting may be erected fully within the property, provided that it is removed promptly after the sale by auction; f) are not more than 2.5m² in area; g) are removed within 14 days of the completion of the sale or granting of the lease, or 1 year after erection, whichever is the sooner.
<ul style="list-style-type: none"> ▪ building identification signs 	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) they are erected on gateways, fences or building facades only;

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
	<p>b) measure not more than 2.5m² unless erected on a multi-dwelling housing development or residential flat building, in which event they measure not more than 5.5m² .</p> <p>c) have a maximum height not greater than 2.5 metres as measured from ground level.</p>
<p>▪ sporting and special events signs (temporary)</p>	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <p>a) do not cover any mechanical ventilation inlet or outlet vents;</p> <p>b) are not illuminated, self-illuminated or flashing at any time;</p> <p>c) are securely fixed;</p> <p>d) are present only for on the day of the sporting or special event at which they are erected;</p> <p>e) are located entirely within the property at which the event is taking place; and</p> <p>f) are removed immediately upon the conclusion of the event.</p>
<p>Aerials / antennae including microwave antennae</p>	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <p>a) are installed for domestic purposes only;</p> <p>b) are single mast only;</p> <p>c) are wall mounted or roof mounted;</p> <p>d) are, at the highest point, not more than 3.6 metres higher than the roof ridge of the dwelling;</p> <p>e) have a width not greater than 1.5 metres;</p> <p>f) are not located within or beneath the canopy of an existing tree or within 10 metres of bushland;</p> <p>g) are limited to one per allotment; and</p> <p>h) if located on a property listed as a heritage item or located within a heritage conservation area, are not visible from the street or any public place.</p> <p>Note: See also “Satellite dishes”.</p>
<p>Air conditioning units</p> <p>▪ for dwelling houses and dual occupancies</p>	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <p>a) are limited to one per dwelling;</p> <p>b) are not located along the front building line;</p> <p>c) are either ground-mounted or attached to an external wall;</p> <p>d) are located at least 1.2 metres from any pool safety fence;</p> <p>e) will not compromise the structural integrity of the buildings to which they are attached;</p> <p>f) any openings created for the purposes of installing the units are adequately weatherproofed;</p> <p>g) are located at least 3 metres from the nearest property boundary and any existing trees and bushland;</p> <p>h) the noise levels do not, at any time, exceed the ambient sound pressure levels by 5dB(A) at the property boundary; and</p>

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
	<p>i) in accordance with the <i>Protection of the Environment Operations Act 1997</i>, the unit is not audible within any habitable room of an adjoining building between 10pm and 7am on weekdays or 10pm and 8am on weekends and public holidays.</p>
<p>▪ for commercial premises</p>	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <p>a) are not located along the front building line;</p> <p>b) in accordance with the <i>Protection of the Environment Operations Act 1997</i>, the unit is not audible within any habitable room of an adjoining premises between 10pm and 7am on weekdays or 10pm and 8am on weekends and public holidays;</p> <p>c) the noise levels do not, at any time, exceed the ambient sound pressure levels by 5dB(A) at the property boundary;</p> <p>d) will not alter the structural integrity of the building to which they are attached; and</p> <p>e) any openings created for the purposes of installing the units are weatherproofed; and</p> <p>f) approval from the body corporate / owners corporation is obtained in the first instance.</p>
Alterations	<p>Note: See also “Alterations and additions to dwelling houses” and “alterations to commercial premises” in Schedule 3 - Complying Development.</p>
<p>▪ external alterations to dwelling houses</p>	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <p>a) involve work of the following nature: rendering, painting (in accordance with Council’s adopted colour palette, available from Council), plastering, cladding of existing walls, bagging, attachment of fittings and decorative work;</p> <p>b) are conducted on dwelling houses, sheds, carports, garages and/or cabanas only;</p> <p>c) are non-structural changes and do not affect the stability of the dwelling;</p> <p>d) do not increase the number or size of windows;</p> <p>e) do not alter the amount of natural light or natural ventilation capable of entering the dwelling;</p> <p>f) if located on bushfire prone land, any new fittings are of non-combustible materials and comply with the relevant standards of the relevant Australian Standard in relation to such land and <i>Planning for Bushfire Protection</i>;</p> <p>g) any removal of asbestos, asbestos cement or lead paint complies fully with any requirements of WorkCover Authority NSW, and, in particular, no contamination to the air, soil or surrounding lands results;</p> <p>h) removal of asbestos complies with the Code of Practice for the Safe Removal of Asbestos contained in the Worksafe Australia Code <i>Asbestos</i> prepared by the National Occupational Health and Safety Commission; and</p> <p>i) all lead and asbestos contaminated material is disposed of in accordance with the NSW Environment Protection Authority requirements.</p> <p>Note: See also “Maintenance works”.</p>
<p>▪ internal alterations to</p>	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p>

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
dwelling houses	<ul style="list-style-type: none"> a) do not affect the load-bearing capacity of any load-bearing component of the building; b) involve work of the following nature: replacement of doors, non-structural walls, ceiling linings, floor linings and/or deteriorated frame members with materials of equivalent or greater quality than those being replaced; renovations to bathrooms, laundries and kitchens; renovation of rooms (including where change of use is proposed); and/or addition of vanities, cupboards, wardrobes and other fixed storage spaces; c) do not, for any reason, result in the addition of rooms; d) do not alter the floor space of the dwelling; e) any work involving the removal of asbestos, asbestos cement or lead paint complies fully with any requirements of WorkCover Authority NSW and, in particular, no contamination to the air, soil or surrounding lands results; f) works involving the removal of asbestos comply with the Code of Practice for the Safe Removal of Asbestos contained in the Worksafe Australia Code <i>Asbestos</i> prepared by the National Occupational Health and Safety Commission; and g) all lead and asbestos contaminated material is disposed of in accordance with the NSW Environment Protection Authority requirements.
Amusement devices (temporary)	
<ul style="list-style-type: none"> ▪ automated 	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) are designed primarily for the use of children 12 years of age or under; b) are mini ferris wheels, battery operated cars, miniature railways or the like; c) are erected for not more than 96 hours in total; d) are removed within 24 hours of the close of the event for which they were erected; e) in the case of rotating devices, have a maximum rotation of 14 revolutions per minute; f) the ground or other surface on which they are to be erected and operated is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason; g) are registered under the Construction Safety Regulations 1950; h) are erected and operated in accordance with all conditions relating to their erection and operation set out in the current certificate of registration issued for the device under those Regulations; i) there exist for the devices a current log book within the meaning of those Regulations; j) in the case of devices that are installed in a building, fire egress is not obstructed; k) there is in force a contract of insurance or indemnity that indemnifies to an unlimited extent (or up to an amount of not less than \$10,000,000 in respect of each incident) each person who would be liable for damages for death or personal injury arising out of the operation or use of the device and any total or partial failure or collapse of the device against that liability; l) a certificate of adequacy from a practicing structural engineer to certify that they have been erected to operate safely under the intended load is provided to Council not less than one week before they are used; m) WorkCover approval for their operation is provided to Council;

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
	<p>n) proof of public liability is provided to Council not less than one week before they are used; and</p> <p>o) the structures do not alter the availability of car parking at the site on which they are erected.</p> <p>Note: Approval may be required under the Local Government Act 1993, even where the development is exempt development.</p>
<p>▪ non-automated</p>	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <p>a) are not erected for more than 96 hours;</p> <p>b) are removed within 12 hours of the close of the event for which they were erected;</p> <p>c) are structurally sound;</p> <p>d) the ground or other surface on which they are to be erected and operated is sufficiently firm to sustain the devices while they are in operation and is not dangerous because of its slope or irregularity or for any other reason;</p> <p>e) there is in force a contract of insurance or indemnity that indemnifies to an unlimited extent (or up to an amount of not less than \$10,000,000 in respect of each incident) each person who would be liable for damages for death or personal injury arising out of the operation or use of the device and any total or partial failure or collapse of the device against that liability; and</p> <p>f) proof of public liability is provided to Council not less than one week before they are used.</p>
Antennae	See “Aerials and antennae”.
Attachment of fittings	See “Alterations – external alterations to dwelling houses”.
Aviaries	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <p>a) are used for birds other than poultry or pigeons only and are not used for commercial purposes;</p> <p>b) have an area not greater than 10m²;</p> <p>c) have a height not greater than 2.4 metres;</p> <p>d) for sites containing a dwelling house, are set back at least 2 metres from any property boundary</p> <p>e) for sites containing multi –dwelling housing or a residential flat building, are set back at least 6 metres from a side or rear boundary</p> <p>f) are set back at least 2 metres from a tree;</p> <p>g) are located at least 4.5 metres from the nearest dwelling;</p> <p>h) if located on a residential property, the total site landscaped area at the completion of the development is at least 50%;</p> <p>i) if located on bushfire prone land, comply with the relevant Australian Standard in relation to such land and <i>Planning for Bushfire Protection</i> and are:</p> <p>(i) located at least 10 metres from any dwelling or tree, or</p> <p>(ii) constructed of non-combustible materials other than aluminium;</p> <p>j) are not constructed of masonry or brick and have a non-reflective finish;</p> <p>k) are not to be located over a drainage easement, Council stormwater pipe or within a 100 year ARI overland flowpath (flood conveyance zone);</p>

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
	<ul style="list-style-type: none"> l) are not located forward of the front building line or within the setback to a secondary street frontage, except where they are <ul style="list-style-type: none"> (i) located on a battleaxe allotment, or (ii) located on a property that is used for multi-dwelling housing or residential flat building, and are not visible from the street; m) are designed and located so as to ensure that all wash-down waste removed from the structure is contained within the subject property; and n) are limited to one such structure per property.
Awnings	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) the maximum total area of all awnings erected on the property is 10m²; b) the property on which they are located is not listed as a heritage item and is not located within a heritage conservation area; c) are located wholly within the property boundary; d) are not located forward of the building line or within the setback to a secondary street frontage, except where they are <ul style="list-style-type: none"> (i) located on a battleaxe allotment, or (ii) located on a property that is used for multi-dwelling housing or residential flat building and are not visible from the street; e) if located on a site containing a dwelling house, are set back at least 2 metres from any property boundary; f) if located on a site containing a residential flat building or multi-dwelling housing, are set back at least 6 metres from any property boundary; g) is not located in a Business Zone h) if located on bushfire prone land, comply with the relevant Australian Standard in relation to such land and <i>Planning for Bushfire Protection</i>, are constructed of non-combustible materials other than aluminium and are not sail cloths; and i) have a non-reflective finish. <p>Note: See also Complying Development for awnings up to 20m².</p>
Bagging	See “Alterations – external alterations to dwelling houses”.
Banners	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) are installed at a Council-approved banner location listed in the Ku-ring-gai Council Banner Policy; b) are booked and paid for in accordance with Council’s Banner Policy (Note: fees are not charged to not-for-profit groups and community organisations); c) display appropriate content in relation to community activities and conform with Council’s Corporate Communication standards; d) are securely attached to poles; e) are not illuminated or self-illuminated in any way; f) are not more than 2.8 x 1.0 metres in size, except at the Council Chambers, where the standard and size must accord with the appropriate Council Corporate Communication standard; g) are installed in accordance with the Ku-ring-gai Council Banner Policy.
Barbecues	

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
<ul style="list-style-type: none"> ▪ on Council land 	<p>Will not require development consent if they meet the requirements for exempt development listed in Section 2 of this schedule, are established by or on behalf of Council on Council managed land for Council purposes and are not located within 600mm of a property boundary.</p> <p>Note: For shelters over barbecues, refer to “Shade structures”.</p>
<ul style="list-style-type: none"> ▪ in residential or business zones (portable gas) 	<p>Will not require development consent if they meet the requirements for exempt development listed in Section 2 of this schedule.</p>
<ul style="list-style-type: none"> ▪ in residential or business zones (solid fuel) 	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) have a total maximum area of 3m²; b) have a maximum height of 1.8 metres above ground level or patio / deck level; c) are not located forward of the front building line or within the setback to a secondary street frontage, except where they are located <ul style="list-style-type: none"> (i) on a battleaxe allotment, or (ii) on a property that is used for multi-dwelling housing or residential flat building <p>and are not visible from the street;</p> <ul style="list-style-type: none"> d) if located on bushfire prone land, comply with the relevant Australian Standard in relation to such land and <i>Planning for Bushfire Protection</i> and are located at least 10 metres from any building or tree; e) are located at least 1.2 metres from any pool safety fence; f) are not to be located over a drainage easement, Council stormwater pipe or within a 100 year ARI overland flowpath (flood conveyance zone); <p>and</p> <ul style="list-style-type: none"> g) are limited to one per property. <p>Note: For shelters over barbecues, refer to “Shade structures”.</p>
Basketball Hoops and Stands	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) are freestanding on posts and concreted into the ground; b) if located on a residential property, are located in the rear yard; c) if located on a residential property, have a maximum height of 2.5 metres; d) backboards and posts are securely affixed so as to prevent vibration and noise; and e) comply with the relevant Australian Standard in relation to safe housing design.
Bird Houses	See “Aviaries”
Boardwalks	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) are constructed by or on behalf of Council on Council owned and/or managed land; b) are installed and maintained in accordance with an adopted Plan of

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
	<p>Management for the subject land;</p> <ul style="list-style-type: none"> c) do not involve topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Clause 33 of this LEP applies; d) are not constructed in a natural area or bushland as defined in <i>State Environmental Planning Policy No. 19 – Bushland in Urban Areas</i> as identified in the natural area category listed in Ku-ring-gai Bushland Reserves Plan of Management ; and e) have a width of not more than 4 metres. <p>Note: An approval or permit other than development consent may be required, for example under then <i>Water Management Act</i>. Contact the Department of Natural Resources for further information.</p>
Bollards	Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and are installed by or on behalf of Council on Council managed land for Council purposes.
Boundary adjustments	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) no additional lot is created by the boundary adjustment; b) is not undertaken on bushfire prone land; c) is implemented for one of the following purposes: <ul style="list-style-type: none"> (i) making an adjustment to a boundary between allotments; (ii) rectifying an encroachment upon an allotment; d) is not implemented for the purpose of leasing land; e) the size of any lot is not altered by more than 10%; f) no new property boundary is located within 0.9 metres of any building; g) all buildings on the subject properties will continue to meet deemed-to-satisfy provisions of the <i>Building Code of Australia</i>; h) the boundary adjustment is not within 3 metres of any tree to which Clause 33 of this LEP applies; i) there is no impact on the drainage or access rights for any of the subject allotments or any adjoining premises; j) a written notice and copy of the plan of subdivision is lodged with Council prior to lodgement with the Land Titles Office; and k) any notice of transfer is forwarded to Council with the appropriate lodgement fee. <p>Note: A Section 73 compliance certificate must be obtained from Sydney Water and submitted to Council with the plan of subdivision.</p>
Bridges	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) are constructed by or on behalf of Council in a public park or recreation space for pedestrian / bicycle use only; b) do not involve topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Clause 33 of this LEP applies; c) are not constructed in a natural area or bushland as defined in <i>State Environmental Planning Policy No. 19 – Bushland in Urban Areas</i> as identified in the natural category in Ku-ring-gai Bushland Reserves Plan of Management; d) are installed and maintained in accordance with an adopted Plan of

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
	<p>Management for the subject land;</p> <ul style="list-style-type: none"> e) have a span not greater than 10 metres between abutments; f) the height of the underside of the bridge is 500mm above the 1 in 100 year flood level; g) are designed, fabricated and installed in accordance with the relevant Australian Standards. <p>Note: An approval or permit other than development consent may be required, for example under then the <i>Water Management Act 2000</i>. Contact the Department of Natural Resources for further information.</p>
Building alterations	See “Alterations”.
Cabanas	The requirements for cabanas are the same as those for gazebos.
Canopies	See “Awnings”.
Cat exercise enclosures	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) are used for the exercise of domestic cats only; b) are not larger than 10m²; c) have an overall height not greater than 2.4 metres; d) on sites containing a dwelling house, are set back at least 1 metre from any property boundary and at least 4.5 metres from the nearest dwelling; e) on sites containing a residential flat building or multi-dwelling housing, is setback at least 6 metres from any property boundary; f) a minimum landscaped area of 50% of the total site is retained at the completion of the development; g) do not involve topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Clause 33 of this applies; h) if located on bushfire prone land, comply with the relevant Australian Standard in relation to such land and <i>Planning for Bushfire Protection</i> and are: <ul style="list-style-type: none"> (i) located at least 10 metres from any dwelling or tree, or (ii) constructed of non-combustible materials other than aluminium; i) are not located forward of the front building line or within the setback to a secondary street frontage, except where they are located <ul style="list-style-type: none"> (i) on a battleaxe allotment, or (ii) on a property that is used for multi-dwelling housing or residential flat building, and are not visible from the street; j) are designed and located so as to ensure that all wash-down waste removed from the structure is contained within the subject property; k) is located on a residential property, and l) are limited to one such structure per property.
Change of use	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) involves one of the following changes: office to office; office to business premises; business premises to office; or shop to shop; b) the new use is permissible in the zone and does not contravene the conditions of the most recent development consent issued; c) does not involve change of use to a refreshment room, hairdressing

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
	<p>salon, beauty salon, restricted premises, sex services premises, remedial massage, food shop, funeral home or mortuary;</p> <p>d) the new use does not involve the exhibition, display, sale or showing of restricted publications within the meaning of the <i>Indecent Articles and Classified Publications Act 1975</i> and/or the display or exhibition of any non-printed matter that is an article, within the meaning of that Act, that is primarily concerned with sexual behaviour;</p> <p>e) the new use does not involve the conduct of activities to which Section 10 of the <i>Indecent Articles and Classified Publications Act 1975</i> applies;</p> <p>f) the new use is consistent with the classification of the building under the <i>Building Code of Australia</i>;</p> <p>g) the hours of operation are not altered;</p> <p>h) the change of use will not involve any change to the floorspace, car parking requirements or landscaping area;</p> <p>i) internal alterations to the premises do not involve any alteration to the load-bearing capacity of load-bearing components;</p> <p>j) where trade waste is to be discharged into a Sydney Water sewerage system, written permission is obtained from Sydney Water Corporation prior to the change of use being made; and</p> <p>k) the building complies with the Category 1 fire safety provisions applicable to the proposed new use.</p> <p>Note 1: ‘Category 1 fire safety provisions’ has the same meaning as in Part 9 of the <i>Environmental Planning and Assessment Regulation</i>.</p> <p>Note 2: Signage associated with the new use will require development consent if not exempt under this Schedule.</p>
Children’s play equipment	See “Cubby houses” and “Playground equipment”
Cladding	See “Alterations – external alterations to dwelling houses”
Clothes lines or clothes hoists	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <p>a) are not located forward of the front building line or within the setback to a secondary street frontage; and</p> <p>b) are installed in accordance with the manufacturer’s specifications.</p>
Clothing bins	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <p>a) are associated with, run and collected by a registered charity;</p> <p>b) are not located within a road reserve (including footpath); and</p> <p>c) are maintained in a presentable state.</p>
Community banners	See “Banners”.
Cubby houses	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <p>a) are free standing and are not tree houses;</p> <p>b) if located on a residential property, the total site landscaped area at the completion of the development is at least 50%;</p> <p>c) have a maximum floor area of 10m²;</p>

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
	<ul style="list-style-type: none"> d) have a maximum height of 2.4 metres; e) are not located forward of the front building line or within the setback to a secondary street frontage, except where they are located <ul style="list-style-type: none"> (i) on a battleaxe allotment, or (ii) on a property that is used for multi-dwelling housing or residential building, and are not visible from the street; f) are located not less than 5 metres from any dwelling on an adjoining property and not less than 2 metres from a tree; g) if located on a site containing a dwelling house, is setback at least 1.5 metres from any property boundary; h) if located on a site containing residential flat building or multi-dwelling housing, is set back 6 metres from any property boundary; i) is located on residential zoned land; g) do not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Clause 33 of this LEP applies; h) if located on bushfire prone land, are: <ul style="list-style-type: none"> (i) located at least 10 metres from any dwelling or tree, or (ii) constructed of non-combustible materials other than aluminium; i) are not constructed of brick or masonry; j) are not to be located over a drainage easement, Council stormwater pipe or within a 100 year ARI overland flowpath (flood conveyance zone); and k) have a non-reflective finish.
Decks	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) are not located forward of the front building line or within the setback to a secondary street frontage, except where they are located <ul style="list-style-type: none"> (i) on a battleaxe allotment, or (ii) on a property that is used for multi-dwelling housing or residential flat building, and are not visible from the street; b) are set back at least 2 metres from any tree; c) if the site contains a dwelling house, are set back at least 2 metres from any property boundary; d) if the site contains residential flat building or multi-dwelling housing, are set back at least 6 metres from any property boundary; e) are not larger in area than 10m²; f) is located on a residential property; g) the total site landscaped area at the completion of the development is at least 50%; h) do not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Clause 33 of this LEP applies; i) if located on bushfire prone land, comply with the relevant Australian Standard in relation to such land and <i>Planning for Bushfire Protection</i> and are constructed of non-combustible materials other than aluminium; j) have a finished surface not more than 500mm above ground level, except where the area of land on which they are located has a slope of more than 15%, in which event the finished surface may be not more than 800mm above ground level; k) if constructed of timber, have a minimum clearance of 200mm to the underside of the bearers; and l) are limited to one such structure per allotment.

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
<p>Note: See also Complying Development for decks up to 20m².</p>	
Decorative work	See “Alterations – external alterations to dwelling houses”
Demolition	<p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) the property on which it is undertaken is not within a draft heritage conservation area or on a site adjoining a listed heritage item; b) either construction of the item would be exempt development under this LEP or the total footprint of the structures to be demolished at the site measure not more than 40m²; c) the structure to be demolished is not a dwelling or part of a dwelling; d) is not undertaken within 5 metres of the trunk of any tree to which Clause 33 of this LEP applies; e) is carried out in accordance with the relevant Australian Standard in relation to such land; f) is undertaken between the hours of 7am and 5:30pm on Mondays to Fridays and between the hours of 8am and 12 noon on Saturdays and is not undertaken on Sundays or public holidays; g) sediment control devices are in place prior to any works taking place and until the site is stabilised; h) any work involving the removal of asbestos, asbestos cement or lead paint complies fully with any requirements of WorkCover Authority NSW, and, in particular, no contamination to the air, soil or surrounding lands results; i) works involving the removal of asbestos comply with the Code of Practice for the Safe Removal of Asbestos contained in the Worksafe Australia Code <i>Asbestos</i> prepared by the National Occupational Health and Safety Commission; and j) all lead and asbestos contaminated material is disposed of in accordance with the NSW Environment Protection Authority requirements. <p>Note: Approval or permit other than development consent may be required, for example under then <i>Water Management Act 2000</i>. Contact the Department of Natural Resources for further information.</p>
Disability access including ramps, paths and internal inclinator for people with disabilities	<p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) is constructed wholly within the boundaries of the subject property; b) is not installed on a heritage item or in a heritage conservation area; c) is not an elevator (lift); d) has a maximum height of 600mm above ground level; e) has a maximum grade, at any section, of 1:14; f) is not longer than 9m; and g) complies with the relevant Australian Standards.
Display of merchandise	For display of goods and merchandise on footpaths, see “Footpath Activities”.
Dog houses	See “Kennels”

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
Effluent discharge into sewer	<p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and is connected to Sydney Water's sewerage system and satisfies any Sydney Water Trade Waste requirements.</p> <p>Note 1: Discharge of effluent into a sewer will require approval by Council under section 68 of the <i>Local Government Act 1993</i>.</p> <p>Note 2: See also "Sewage discharge into sewer".</p>
Electricity poles	See "Power Poles"
Events	See "Special events"
External alterations	See "Alterations"
Fences including gates and boom gates	
<ul style="list-style-type: none"> ▪ hoardings and other temporary fencing 	<p>May be erected without development consent if it meets all the requirements for exempt development listed in Clauses 16 and 18 of this LEP and where it is required to ensure that danger is not posed to life, property and/or the environment.</p> <p>Note: If located on Council land, an application must be made to Council under s.68 of the <i>Local Government Act</i>.</p>
<ul style="list-style-type: none"> ▪ on Council land 	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) are erected by or on behalf of Council on Council managed land for Council purposes; b) are erected in accordance with an adopted Plan of Management for the subject land; or c) are erected for the purpose of increasing public safety.
<ul style="list-style-type: none"> ▪ boundary fencing on residential land 	<p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) are not situated between the street frontage and the existing front building line or along a secondary street frontage; b) are not fences around swimming pools; c) will not impede the natural flow of stormwater from the site; d) if erected over a drainage easement, Council stormwater pipe or within a 100 year ARI overland flowpath (flood conveyance zone), the fence is open to 300mm above the flood design standard level; e) comply with all relevant provisions of the <i>Dividing Fences Act 1991</i>; f) are consistent in style and material with those typical to the area; g) if erected on bushfire prone land, comply with the requirements of <i>Planning for Bushfire Protection</i> and <ul style="list-style-type: none"> (i) are constructed of non-combustible materials other than aluminium and are not brushwood fencing, or

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
	<p>(ii) are located at least 10 metres from any other building or tree;</p> <p>h) are not higher than 1.8 metres unless constructed adjacent to bushland, in which event they must be not higher than 1.5 metres and constructed of cyclone wire or metal frame;</p> <p>i) do not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Clause 33 of this LEP applies;</p> <p>j) the erection of the fence does not require any earthworks; and</p> <p>k) gates open inwards to the property.</p> <p>Note: It is highly recommended that persons wishing to erect a side or rear boundary fence consult with all neighbours prior to construction.</p>
<p>▪ front fences (fencing to a public street)</p>	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <p>a) their maximum height as measured from ground level to the top of the fence is</p> <p>(i) 1.2 metres if the fence is of transparent design and construction, or</p> <p>(ii) 900mm if the fence is of non-transparent design and construction and constructed of timber, metal or light-weight material;</p> <p>b) 75% or more of the properties in the street in the subject block and on the same side of the subject street have a front fence that has been erected with development consent or in accordance with this Plan; and</p> <p>c) the properties on which they are erected are not heritage items or in heritage conservation areas;</p> <p>d) if erected over a drainage easement, Council stormwater pipe or within a 100 year ARI overland flowpath (flood conveyance zone), the fence is open to 300mm above the flood design standard level;</p> <p>e) if erected on bushfire prone land, comply with the requirements of Planning for Bushfire Protection and</p> <p>(i) are constructed of non-combustible materials other than aluminium and are not brushwood fencing, or</p> <p>(ii) are located at least 10 metres from any other building or tree.</p> <p>f) do not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Clause 33 of this LEP applies;</p> <p>Note: See also “Maintenance works – fence maintenance”.</p>
Filming	<p>Certain types of filming are exempt development in accordance with <i>State Environmental Planning Policy No. 4</i>. The criteria listed in this instrument were developed by the Department of Planning.</p>
Fish ponds	<p>See “Ponds”</p>
Fireworks	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <p>a) are set off as part of an event held on land that is not zoned for residential purposes;</p> <p>b) are planned, prepared and set off by appropriately qualified persons;</p> <p>c) are set off no later than 12:30 am, except where set off in association with a school, scout or similar event in a residential area, in which event they must be set off no later than 9:30 pm.</p>

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
	<ul style="list-style-type: none"> d) the duration of the fireworks display is not longer than twenty minutes on any single night; e) not less than seven days prior to the event, written notice of the intention to set off fireworks is given to any residential properties within a 200m radius of the land on which the fireworks are to be set off to advise the date and time of the fireworks display.
Flagpoles	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) are not used for corporate or commercial advertising; b) have a height not greater than 6m; c) no filling of the land occurs for or as a result of the flagpole installation; d) are set back at least 7m from any property boundary; e) are structurally sound and installed to manufacturer's specifications; f) protocol relating to Australian flags is observed; and g) not more than one flagpole is established on any residential property.
Footpath activities	<p>Footpath activities carried out in accordance with Council's adopted <i>Outdoor Dining and Footpath Trading Policy</i>, do not require development consent. However, approval may be required under the <i>Roads Act 1993</i>. Please consult the Policy for further information.</p>
Fountains	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) are not more than 10m² in area; b) have a minimum setback of 1 metre to the nearest property boundary; c) if located on residential properties, the total site area at the completion of the development is at least 50%; d) are not more than 1.8 metres high or wide; e) have a maximum water depth of not more than 300mm; f) appropriate barriers (eg. vegetation, wire mesh or edging) are established so that young children cannot readily access the water; g) the noise levels do not, at any time, exceed the ambient sound pressure levels by 5dB(A) at the property boundary and the fountain is not audible within any habitable room of an adjoining premises; and h) not more than one fountain is established on any single allotment.
Garden	<p>See "Sheds"</p> <p>s h e d s</p>
Gates	<p>See "Fences" for standard gates and boom gates.</p> <p>See "Lychgates" for roofed gates.</p>
Gazebos	<p>Will not require development consent if they meet the requirements for</p>

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
	<p>exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) are not located forward of the front building line or within the setback to a secondary street frontage, except where they are located <ul style="list-style-type: none"> (i) on a battleaxe allotment, or (ii) on a property that is used for multi-dwelling housing or residential flat building <p>and are not visible from the street;</p> <ul style="list-style-type: none"> b) if located on residential properties, the total site landscaped area at the completion of the development is at least 50%; c) do not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Clause 33 of this LEP applies; d) are open-sided on all sides; e) have a maximum area of 10m²; f) are not greater than 2.4 metres in height; g) if the site contains a dwelling house, are set back at least 2 metres from any property boundary; h) if the site contains residential flat building or multi-dwelling housing, are set back at least 6 metres from any property boundary; i) are located at least 4.5 metres from the nearest dwelling; j) not more than one such structure is erected on the property; k) are not to be located over a drainage easement, Council stormwater pipe or within a 100 year ARI overland flowpath (flood conveyance zone); l) if erected on bushfire prone land, comply with the requirements of the relevant Australian Standard in relation to such land and <i>Planning for Bushfire Protection</i> and <ul style="list-style-type: none"> (i) are constructed of non-combustible material other than aluminium, or (ii) are located at least 10 metres from any other building or tree.
Goal posts	See “Sporting structures”
Greenhouses	See “Sheds”
Heaters	See “Solid fuel heaters”
Hire of community land	See “Lease of community land”
Hoarding	See “Fencing”
Hoods for doors and windows	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) the property on which they are located is not listed as a heritage item or located in a heritage conservation area; and b) do not project more than 650mm from any façade of the building.
Home occupations	Will not require development consent if they are consistent with the definition of Home Occupation in the Dictionary contained in this Plan.

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
Inclinators	See “Disability access”
Internal alterations	See “Alterations”
Kennels	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) do not exceed 10m² in area; b) is located on a residential property, c) the total site landscaped area at the completion of the development is at least 50%; c) do not exceed 2.0 metres in height; d) if the site contains a dwelling house, have a setback of not less than 1.0 metres from the side and rear boundaries; e) if the site contains residential flat building or multi-dwelling housing, are set back at least 6 metres from any property boundary; f) are not less than 2.0 metres from any tree; g) are not to be located over a drainage easement, Council stormwater pipe or within a 100 year ARI overland flowpath (flood conveyance zone); h) are not located forward of the front building line or within the setback to a secondary street frontage, except where they are located <ul style="list-style-type: none"> (i) on a battleaxe allotment, or (ii) on a property that is used for multi-dwelling housing or residential flat building, <p>and are not visible from the street.</p>
Landscape Works	
▪ landscape works on residential land	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> (i) do not involve the removal of any tree except in accordance with Clause 33 of this LEP 2006; (iii) do not involve earthworks in excess of 300mm above or below ground level; (iv) no plants used are declared noxious weeds; (v) if any noise-generating equipment is used, works are undertaken between the hours of 7am and 5:30pm on Mondays to Fridays and between the hours of 8am and 12noon on Saturdays and are not undertaken on Sundays or public holidays; and (vi) any fill used is clean fill or is sourced from the property on which the works are to be undertaken. <p>Note 1: “Paving”, “Retaining walls” and “Ponds” are listed separately in Exempt Development.</p> <p>Note 2: See also “Maintenance”.</p>
▪ landscape works on Council land	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and</p> <ul style="list-style-type: none"> a) are located on land zoned RE1.
Lease of community	May be undertaken without development consent in accordance with the provisions of the <i>Local Government Act 1993</i> and the relevant Plan of

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
land	Management for the land.
Letter boxes	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) if they are detached new structures, measure not more than 1.2 metres at any point above existing ground level; b) are not more than 500mm in width; c) not more than one letter box is established per dwelling; and d) not more than three letterbox structures are established for any one allotment, regardless of the number of dwellings on the allotment.
Lighting	<p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) is installed by or on behalf of Council on Council open space land for Council purposes; b) is of a post top design; c) is not designed to be used for lighting of playing fields; d) light is directed and/or shielded so as not to cause light spill to habitable rooms of adjoining premises; e) security lighting is located and focuses so as not to cause light spill into habitable rooms of adjoining premises; and f) garden lighting is established in accordance with the relevant Australian Standard g) Control of the obtrusive effects of outdoor lighting, so as not to generate light spill into habitable rooms of adjoining premises. <p>Note: See also “Replacement of Items” and “Landscape Works”.</p>
Loudspeaker Use including use of sound amplifying devices	<p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) the loudspeaker or sound amplifying device is set up, operated or used on community land; b) it is undertaken in association with a special event that has been booked with Council (see “Special events”); or c) if a notice has been erected by Council on the land on which it is undertaken, it is done in accordance with that notice; or otherwise d) is undertaken between the hours of 9am and 6pm on Mondays to Fridays and between the hours of 10am and 6pm on Saturdays and is not undertaken on Sundays or public holidays. <p>Note: An application for use of loudspeakers must be made under section 68 of the <i>Local Government Act 1993</i>.</p>
Lychgates	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) the width and depth of the structures is not greater than 1.8 metres; b) the height of the structures is not greater than 2.4 metres as measured from ground level to the highest point of the roof; c) are located at least 2.0 metres from any tree; and d) if erected on bushfire prone land, comply with the requirements of the relevant Australian Standard in relation to such land and <i>Planning for</i>

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
	<p><i>Bushfire Protection</i> and:</p> <ul style="list-style-type: none"> (i) are located at least 10 metres from any structure or tree, or (ii) are constructed of non-combustible material other than aluminium.
Maintenance works	<p>Note: See also “Replacement of items” and “Alterations – external alterations to dwelling houses”</p> <ul style="list-style-type: none"> ▪ cleaning <p>Will not require development consent if it meets the requirements for exempt development listed in Section 2 of this schedule, except where the cleaning is undertaken on a heritage item, in which event the works may comprise the cleaning of gutters, drainage systems, ponds, dams and other water storage drainage areas only.</p> ▪ fence maintenance <p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and the appearance, height, design and material of the existing fence is not altered, except where the fence must be straightened or resecured to its original position, but not where:</p> <ul style="list-style-type: none"> a) the fence is a side or rear boundary fence constructed of or comprising asbestos, or b) the fence is a front fence constructed of or comprising asbestos, colourbond or rough-sawn timber materials. <p>Note: Materials must not be stored on the nature strip.</p> ▪ roof maintenance <p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) involves the resecuring of loose elements on a roof; or b) involves structural repairs to guttering or the like. ▪ tree surgery <p>Will not require development consent if it meets the requirements for exempt development listed in Section 2 of this schedule, is undertaken by a qualified horticulturalist or tree surgeon and is necessary for the survival of the vegetation.</p> <p>Note: Clause 33 of this LEP prohibits the cutting down, topping, lopping, pruning, removing, injuring or wilful destruction of certain trees unless prior approval has been obtained from Council.</p> ▪ other maintenance <p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) there is no alteration to design, material and/or appearance of the structure to be maintained; and b) the building or property on which it is undertaken is not a heritage item.
Marquees	See “Temporary buildings”
Meetings	See “Public meetings”
Outdoor dining	Approval is required under the <i>Roads Act 1993</i> . See Council’s adopted <i>Outdoor Dining and Footpath Trading Policy</i> .

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
Outdoor furniture	<p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) involves the erection and/or installation of one or more seats, rubbish bins, picnic tables, picnic platforms and/or shelters over picnic facilities; b) if established for or on behalf of Council, on Council managed public land, is established in accordance with a Plan of Management; and <p>Note: See also “Gazebos”.</p>
Park Furniture	See “Outdoor furniture”
Paths	See “Paving”, “Decks” or “Disability access”
Patios	See “Paving” or “Disability access”
Paving including patios	Note: See also “Driveways” in Complying Development.
<ul style="list-style-type: none"> ▪ on private property 	<p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) there will not be more than 35m² of paving laid; b) if established on a residential property, the total site landscaped area at the completion of the development is at least 50%; c) no stormwater is directed to neighbouring properties as a result of the paving; d) is not established within seven metres of the trunk of any tree to which Clause 33 of this LEP applies; e) the level of the fill placed at any point on the site does not exceed 500mm above existing ground level; f) if located over a drainage easement, Council stormwater pipe or within a 100 year ARI overland flowpath (flood conveyance zone), there is no change to existing ground level; f) any fill used in establishing the paving is sourced from the site on which the paving is established or is clean sand / gravel.
<ul style="list-style-type: none"> ▪ in open space lands and road reserves 	<p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) is established on land that is managed by Council in accordance with a Plan of Management; b) is established by or on behalf of Council on Council managed land for Council purposes.
Pergolas	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) are not roofed; b) measure not more than 10m² in area; c) have a maximum height of 2.4 metres above ground level; d) are set back at least 2 metres from any tree; e) if the site contains a dwelling house, are set back at least 2 metres from

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
	<p>any property boundary;</p> <p>f) if the site contains residential flat building or multi-dwelling housing, are set back at least 6 metres from any property boundary;</p> <p>g) if erected on bushfire prone land, comply with the requirements of the relevant Australian Standard in relation to such land and <i>Planning for Bushfire Protection</i> and:</p> <p>(i) are constructed of non-combustible material other than aluminium; or</p> <p>(ii) are located at least 10 metres from any other building or tree;</p> <p>h) are not located forward of the building line or within the setback to a secondary street frontage, except where they are located</p> <p>(i) on a battleaxe allotment, or</p> <p>(ii) on a property that is used for multi-dwelling housing or residential flat building</p> <p>and are not visible from the street; and</p> <p>g) not more than one pergola is erected per property.</p>
Plastering	See “Alterations – external alterations to dwelling houses”
Playground equipment	
<ul style="list-style-type: none"> ▪ on private property 	<p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <p>a) is free standing;</p> <p>b) if softfall is installed, it is done so in accordance with the manufacturer’s instructions and the relevant safety standards;</p> <p>c) occupies a maximum area of 15m², including any softfall area;</p> <p>d) has a maximum height of 2.4 metres;</p> <p>e) is not located forward of the front building line or within the setback to a secondary street frontage, except where it is located:</p> <p>(i) on a battleaxe allotment, or</p> <p>(ii) on a property that is used for multi-dwelling housing or residential flat building</p> <p>and is not visible from the street; and</p> <p>f) is located not less than 5 metres from any dwelling on an adjoining property ;</p> <p>g) if the site contains a dwelling house, are set back at least 2 metres from any property boundary;</p> <p>h) if the site contains residential flat building or multi-dwelling housing, are set back at least 6 metres from any property boundary.</p>
<ul style="list-style-type: none"> ▪ in open space lands and road reserves 	<p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and is established by or on behalf of Council on Council managed land for Council purposes.</p>
Plumbing works	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <p>a) appropriate approvals for the works are obtained from Sydney Water Corporation;</p> <p>b) works involving the removal of asbestos comply with the Code of Practice for the Safe Removal of Asbestos contained in the Worksafe</p>

Schedule 2 Exempt Development

<i>Development Type</i>	<i>Exempt Development Conditions</i>
	<p>Australia Code <i>Asbestos</i> prepared by the National Occupational Health and Safety Commission; and</p> <p>c) all lead and asbestos contaminated material is disposed of in accordance with the NSW Environment Protection Authority requirements.</p> <p>Note: See also “Stormwater drainage”.</p>
Ponds including fish ponds	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <p>a) are not more than 10m² in area;</p> <p>b) are located at least 1m from the nearest property boundary;</p> <p>c) are designed such that the maximum water depth is not more than 300mm at any point;</p> <p>d) are not located forward of the front building line or within the setback to a secondary street frontage, except where they are located</p> <p>(i) on a battleaxe allotment, or</p> <p>(ii) on a property that is used for multi-dwelling housing or residential flat building</p> <p>and are not visible from the street;</p> <p>e) appropriate barriers (eg. vegetation, wire mesh or edging) are established so that young children cannot readily access the water;</p> <p>f) the noise level does not, at any time, exceed the ambient sound pressure level by 5dB(A) at the property boundary; and</p> <p>g) not more than one pond is established on any allotment.</p>

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
Portable classrooms	May be exempt development under the provisions of SEPP 4.
Portaloos	See “Temporary structures”
Power poles	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) are installed in accordance with the requirements of EnergyAustralia; b) are located within 3 metres of a side property boundary; and c) evidence is provided by EnergyAustralia that underground connection is not available.
Privacy screens	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) are not located forward of the building line or within the setback to a secondary street frontage, except where they are located <ul style="list-style-type: none"> (i) on a battleaxe allotment, or (ii) on a property that is used for multi-dwelling housing or residential flat building, and are not visible from the street; b) are not more than 2.1 metres in height; c) if erected on bushfire prone land, comply with the requirements of the relevant Australian Standard in relation to such land and <i>Planning for Bushfire Protection</i> and: <ul style="list-style-type: none"> (i) are constructed of non-combustible materials other than aluminium, or (ii) are located at least 10 metres from any other building or tree; d) are constructed of lightweight materials; and e) if installed at ground level, landscaping is employed at or around the privacy screen in order to soften its appearance.
Public art	Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and is carried out or installed by or on behalf of Ku-ring-gai Council and in accordance with Council’s Public Art policy.
Public meetings	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and they are conducted either outdoors or in a building that is a Class 9b building, being a building of a public nature, as defined by the <i>Building Code of Australia</i>.</p> <p>Note: Approval from Council may be required under section 68 of the Local Government Act.</p>
Public toilets	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) have a maximum area of 30m² ; b) are designed for access and use by persons of any gender with physical disabilities; c) are designed to be energy and water efficient; d) are installed by or on behalf of Ku-ring-gai Council on Council managed land;

Schedule 2 Exempt Development

<i>Development Type</i>	<i>Exempt Development Conditions</i>
	<ul style="list-style-type: none"> e) are installed and maintained in accordance with any adopted Council Plan of Management for the site; f) a section 73 Compliance Certificate is obtained from the Sydney Water Corporation.
Rainwater tanks	<p>Rainwater tanks are exempt development where they comply with <i>State Environmental Planning Policy No. 4</i> (SEPP 4). Council holds copies of the document.</p> <p>Further to the rainwater tank requirements listed in SEPP 4:</p> <ul style="list-style-type: none"> a) rainwater tanks installed on bushfire prone land must be constructed of non-combustible materials and must not be plastic or aluminium; b) are not to be located over a drainage easement, Council stormwater pipe or within a 100 year ARI overland flowpath (flood conveyance zone).
Ramps	See “Disability access”
Recladding	See “Alterations – external alterations to dwelling houses”
Remediation	See “Contaminated Land Remediation”
Rendering	See “Alterations – external alterations to dwelling houses”
Renovations	See “Alterations”
Replacement of structures and materials	Note: See also “Maintenance”
<ul style="list-style-type: none"> ▪ carport and garage replacement 	<p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) the structure is not a heritage item or in a heritage conservation area; b) no part of the structure is located forward of the front building line; and c) the new materials are similar to those being replaced in terms of design and appearance, except where located on bushfire prone land, in which event the materials may be altered to non-combustible materials other than aluminium.
<ul style="list-style-type: none"> ▪ deck replacement 	<p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) if located on bushfire prone land, complies with the requirements of the relevant Australian Standard in relation to such land and <i>Planning for Bushfire Protection</i> and is constructed of non-combustible materials other than aluminium; and b) the new deck is similar to the deck that it replaces in terms of appearance, height, design and material.

Schedule 2 Exempt Development

<i>Development Type</i>	<i>Exempt Development Conditions</i>
<ul style="list-style-type: none"> ▪ driveway replacement 	<p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) it has the same or lesser site coverage as the driveway being replaced; and b) it is contained wholly within the property boundaries.
<ul style="list-style-type: none"> ▪ garage replacement 	<p>See “carport and garage replacement” above.</p>
<ul style="list-style-type: none"> ▪ glass replacement 	<p>See “Maintenance – window and glass door maintenance”.</p>
<ul style="list-style-type: none"> ▪ lighting replacement (including floodlighting towers) on Council land 	<p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) the height of the lighting is not greater than that being replaced; b) the appearance is substantially the same as that being replaced; c) structural integrity is not reduced; and d) the alignment and lux levels of the lighting, including at adjoining and surrounding properties, are equivalent to those at the site prior to the pole being replaced.
<ul style="list-style-type: none"> ▪ paving replacement 	<p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) it has the same or lesser site coverage as the paving being replaced; b) it is contained wholly within the property boundaries; and c) it is graded away from the house and does not obstruct drainage of the site on which it is carried out or in any way affect the drainage of neighbouring properties.
<ul style="list-style-type: none"> ▪ roofing material replacement 	<p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and the new materials (tiles, corrugated iron or the like) are similar to those being replaced in terms of design and appearance, except where located on bushfire prone land, in which event the materials (but not the appearance) may be altered so as to comply with the relevant Australian Standard in relation to such land.</p>
Retaining walls	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) they are not located at the site of a heritage item or in a heritage conservation area; b) the total combined height of all retaining walls is not more than 900mm above or below ground level (existing); c) backfill used consists of either clean granular backfill or fill sourced from the property on which they are located; d) are designed and constructed so as to cause no interference to the natural flow of stormwater across the site and do not result in additional surface runoff being directed to neighbouring properties; e) the retained area is not located within the drip line of any tree; f) where erected on residential properties, are set back at least 2 metres

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
	<p>from any property boundary;</p> <p>g) are not located over a drainage easement, Council stormwater pipe or within a 100 year ARI overland flowpath (flood conveyance zone);</p> <p>h) construction complies with the relevant Australian Standard.</p> <p>Note 1: See also “Maintenance”.</p> <p>Note 2: An approval or permit other than development consent may be required, for example under the <i>Water Management Act 2000</i>. Contact the Department of Natural Resources for further information.</p>
Sail cloths	See “Awnings”
Satellite TV dishes	<p>Note: See also “Aerials / antennae”</p> <p>Satellite TV dishes are exempt development where they comply with <i>State Environmental Planning Policy No. 4</i> (SEPP 4). Council holds copies of the document.</p> <p>Further to the requirements listed in SEPP 4 satellite TV dishes:</p> <p>▪ ground mounted</p> <p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <p>a) not more than one satellite dish is established per allotment;</p> <p>b) are located in the rear yard except where they are located</p> <p>(i) on a battleaxe allotment, or</p> <p>(ii) on a property that is used for multi-dwelling housing or residential flat building;</p> <p>and are not visible from the street;</p> <p>c) are located at least 900mm from any property boundary;</p> <p>d) if located on business premises, do not reduce the amount of car parking available.</p> <p>roof mounted</p> <p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <p>a) not more than one satellite dish is established per allotment.</p>
Satellite dishes (other)	
▪ ground mounted	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <p>a) not more than one satellite dish is established per allotment;</p> <p>b) are not more than 1.8 metres high at any point above ground level (existing); inconsistent with SEPP 4 which says 1.2m above flat roof, 1.8m (business) above roof of building</p> <p>c) have a diameter not greater than 1.0 metres;</p> <p>d) are located in the rear yard except where they are located</p> <p>(i) on a battleaxe allotment, or</p> <p>(ii) on a property that is used for multi-dwelling housing or residential flat building;</p> <p>and are not visible from the street;</p> <p>e) are located at least 900mm from any property boundary; f) are structurally sound;</p>

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
<ul style="list-style-type: none"> ▪ roof mounted 	<p>g) if located on business premises, do not reduce the amount of car parking available.</p> <p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) are not visible from any public place; b) have a diameter not greater than 1.0 metre; c) are erected below the ridge level of a pitched roof and not more than 1m above a flat roof; d) are structurally sound; and e) not more than one satellite dish is established per allotment.
Scaffolding	<p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP.</p> <p>Note: Scaffolding erected on Council land requires an application under Section 68 of the <i>Local Government Act</i>.</p>
Sewage discharge into sewer	<p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and is connected to Sydney Water's sewerage system and satisfies any Sydney Water Trade Waste requirements.</p> <p>Note 1: See also "Effluent Discharge into Sewer".</p>
Shade structures	
<ul style="list-style-type: none"> ▪ residential 	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) have a maximum area of 20m²; b) are not located forward of the building line or within the setback to a secondary street frontage except where they are <ul style="list-style-type: none"> (i) located on battleaxe allotments, or (ii) located on a property that is used for multi-dwelling housing or residential flat building; c) have a maximum height of 2.4 metres at any one point; and d) if erected on bushfire prone land, comply with the requirements of the relevant Australian Standard in relation to such land and <i>Planning for Bushfire Protection</i> and are <ul style="list-style-type: none"> (i) located not closer than 10 metres to any structure or tree, or (ii) constructed of non-combustible materials other than aluminium; e) if the site contains residential flat building or multi-dwelling housing, are set back at least 6 metres from any property boundary;
<ul style="list-style-type: none"> ▪ other locations 	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) if installed at a Council managed park or recreation area, are installed and maintained by or on behalf of Council in accordance with any relevant adopted Council Plan of Management; b) if erected on bushfire prone land, comply with the requirements of the relevant Australian Standard in relation to such land and <i>Planning for Bushfire Protection</i>, and are <ul style="list-style-type: none"> (i) located not closer than 10 metres to any structure or tree, or

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
	(ii) constructed of non-combustible materials other than aluminium.
Sheds and greenhouses including shadehouses	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) are located in the rear yard, except where they are located <ul style="list-style-type: none"> (i) on battleaxe allotments, or and are not visible from the street; b) are not located on a site containing residential flat building or multi-dwelling housing; c) have a floor area not larger than 12m² ; c) have a height not greater than 2.4 metres; d) if the site contains a dwelling house, are set back at least 2 metres from any side or rear property boundary if higher than 1.8 metres or otherwise 1.0 metre; d) for other sites, are set back at least 2 metres from any property boundary; e) are set back at least 2 metres from all trees; f) are free-standing; g) are not located over a drainage easement, Council stormwater pipe or within a 100 year ARI overland flowpath (flood conveyance zone); h) if erected on bushfire prone land, comply with the requirements of the relevant Australian Standard in relation to such land and <i>Planning for Bushfire Protection</i>; and <ul style="list-style-type: none"> (i) are constructed of non-combustible materials other than aluminium, or (ii) are located at least 10 metres from any other building or tree; <p>are finished in a manner that ensures non-reflectivity; and</p> <ul style="list-style-type: none"> i) if erected on residential premises, not more than one shed and / or greenhouse is erected per allotment. <p>Note: If the proposed shed is not exempt development, see “Sheds and Greenhouses” under Complying Development.</p>
Sight screens	See “Sporting structures”
Signs	See “Advertising structures”
Skylights	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) the area occupied by skylights is not more than 5% of the total area of the roof; and b) on properties listed as heritage items or located within a heritage conservation area, are erected on the rear roof elevation and are not visible from the streetscape or a public place.
Solar cells	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) no trees are lopped in order to achieve solar access for the cells; b) are not located on the front façade of the building to which they are attached except where they are located:

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
	<ul style="list-style-type: none"> (i) on battleaxe allotments, or (ii) on properties that are used for multi-dwelling housing or residential flat building, <p>and are not visible from the street; and</p> <ul style="list-style-type: none"> c) if the property at which they are to be established is on bushfire prone land, solar matting on roofs for pools is not permitted.
Solar water heaters	See “Water heaters”
Solid Fuel Heaters	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP.</p> <p>Note: Council approval under the <i>Local Government Act 1993</i> section 68 may be required.</p>
Special events	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) are social, family, corporate or community functions, markets or events; b) if located on Council owned or managed land: <ul style="list-style-type: none"> (i) are purposes listed in a Plan of Management for the location, (ii) will not occur outside the standard hours of operation for that land, (iii) are formally booked with Council in accordance with Council’s Open Space Booking Policy, and (iv) all relevant fees are paid to Council prior to the event; c) do not contravene any specific condition of development consent that applies to the land on which they will be held; d) will not occur outside the standard hours of operation for the land; e) have a duration of not more than 7 days over any 3 month period if located on land supporting: <ul style="list-style-type: none"> i) a place of public worship; ii) educational establishment; iii) hospital; iv) community facility; v) residential care facility; vi) child care centre; f) no alcohol is consumed on land that is an alcohol free zone; g) any amplification of sounds, erection of temporary structures or erection of amusement devices is undertaken in accordance with the specific conditions listed in this schedule for those development types (see “Loudspeaker Use”, “Amusement Devices” and “Temporary Structures” in this table); h) not more than 2000 people will attend the event at any one time, or if the event is held at St Ives Showground, Bicentennial Park or the SAN Hospital, not more than 5000 people will attend the event at any one time; i) all lighting is directed away from the residential properties; j) does not involve laser shows or bonfires; k) if the event will disrupt normal traffic and transport systems: <ul style="list-style-type: none"> (i) a detailed Local Traffic Management Plan is submitted to Council in accordance with Council’s requirements and approved prior to the event, and (ii) the local police are informed of the event, and (iii) not less than seven days prior to the event, written notice of the special event is given to any residential properties within a 200m

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
	<p>radius of the land at which the event is to be held to advise the time, date and type of event;</p> <ul style="list-style-type: none"> l) arrangements are made for the collection and disposal of waste and recyclable materials by an authorised trade waste contractor; m) adequate provision of sanitary facilities is made for all anticipated staff and patrons; and n) temporary food premises, stalls and mobile vendors comply with Council's <i>Food Premises Code</i> and/or <i>Food Vending Vehicles Code</i>, as applicable. <p>Note 1: Events that do not involve erection of temporary structures, erection of amusement devices or disruption to normal traffic and pedestrian flows and are events for which the land has been designed will not require any form of development consent. Such activities include family picnics, regular sports training or games, casual exercise, and passive enjoyment of a park.</p> <p>Note 2: In accordance with the provisions of the <i>Local Government Act 1993</i>, certain activities and works including temporary structures, food stalls, mobile food vendors, activities on community land, installation of moveable dwellings, certain amusement devices and public entertainment, will require a separate approval from Council that is not development consent.</p> <p>Note 3: See also "Lease of community land" and "Fireworks" in this schedule and "Special events" in the Complying Development schedule.</p>
Sporting structures including goal posts, sight screens and the like	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) are established for the playing of team and / or ball sports on public open space land that is managed by Council; b) are installed and maintained in accordance with the applicable adopted Sportsgrounds Plan of Management; and c) are structurally sound. <p>Note 1: Sportsfield lighting, grandstands, amenities buildings and dressing sheds are not exempt development.</p> <p>Note 2: See also "Basketball hoops".</p>
Stages	See "Temporary structures"
Stairs	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) if are constructed by or on behalf of Council in a public park or recreation space, are installed and maintained in accordance with an adopted Plan of Management for the subject land; b) are designed, fabricated and installed in accordance with the relevant Australian Standard.
Storm blinds	See "Awnings" or "Hoods for doors and windows".
Stormwater drainage works (minor)	Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:

Schedule 2 Exempt Development

Development Type	Exempt Development Conditions
	<p>a) the works are undertaken wholly within the subject property and/or within a legal interallotment drainage easement benefiting the subject property and do not traverse more than a single property benefited by the works and not more than one associated interallotment drainage easement;</p> <p>b) the works are not undertaken within 7 metres of any tree subject to Clause 33 of this LEP ;</p> <p>c) the pipes measure between 100 to 150mm (inclusive) in diameter;</p> <p>d) no pipes or trenches are located, either during or at the completion of works, within the zone of influence of the footing system for any structure; and</p> <p>e) a Road Opening Permit is obtained for any works undertaken within Council property (including a public road reserve).</p> <p>Note 1: Works undertaken within an interallotment drainage easement by or on behalf of the owner of the property benefited by the easement do not require concurrence of the owner of the land over which the easement has been established.</p> <p>Note 2: See also “Plumbing Works”.</p> <p>Note 3: An approval or permit other than development consent may be required, for example under then <i>Rivers and Foreshores Improvement Act</i> 1948. Contact the Department of Natural Resources for further information.</p>
Street furniture	See “Outdoor furniture”
Subdivision	See “Boundary adjustments”
Telephones	See “Public telephones”
Temporary structures including portaloos, marquees, tents, stages and construction sheds	<p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <p>a) except where associated with a special event, are not erected for more than 96 hours;</p> <p>b) are removed within 24 hours of the close of the event for which they were erected;</p> <p>c) the availability of car parking on the site is not altered; and</p> <p>d) where they are tents or stages, WorkCover approval for their use is provided to Council.</p> <p>Note 1: See also “Amusement devices”.</p> <p>Note 2: Council approval may be required under section 68 of the <i>Local Government Act 1993</i>.</p>
Tents	See “Temporary structures”
Toilets	<p>For public toilets see “Public toilets”.</p> <p>For portaloos (temporary toilets) see “Temporary structures”</p>

Development Type	Exempt Development Conditions
Use of community land	See “Lease of community land”
Waste disposal	Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and, in accordance with the <i>Local Government (Approvals) Regulation</i> it is done in accordance with the arrangements for waste disposal put in place by the Council. The disposal of waste where no bins or other waste disposal units have been provided is not permitted.
Waste transportation	<p>Will not require development consent if it meets the requirements for exempt development listed in Clauses 16 and 18 of this LEP and, in accordance with the <i>Local Government (Approvals) Regulation</i>, it involves the transportation of waste through open space in the Ku-ring-gai local government area and:</p> <ul style="list-style-type: none"> a) the transportation of waste has been licensed under the <i>Protection of the Environment Operations Act 1997</i> or, if a licence is not required, the transportation of waste complies with the requirements of the <i>Protection of the Environment Operations (Waste) Regulation 1996</i>; and b) the waste is not deposited or collected in the Council area.
Water heaters including solar hot water heaters and solar matting / panels for pools	<p>Will not require development consent if they meet the requirements for exempt development listed in Clauses 16 and 18 of this LEP and:</p> <ul style="list-style-type: none"> a) at their highest point, do not exceed the highest point of pitched roof, or are not more than 1 metre higher than a flat roof, of the buildings they serve; b) do not require topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Clause 33 of this LEP applies in order to achieve solar access for the water heater; c) are not located on the front façade of the building to which they are attached except where they are located <ul style="list-style-type: none"> (i) on battleaxe allotments, or (ii) on properties that are used for multi-dwelling housing and residential flat building, and are not visible from the street; and d) if the property at which they are to be established is on bushfire prone land, solar matting on roofs for pools is not permitted.
Water features	See “Ponds” or “Fountains” as appropriate.
Water tanks	See “Rainwater tanks”.
Windows	See “Maintenance Work” and “Alterations”

Schedule 3 Complying development

(Clause 17)

Note: All complying Development certificates must be Issued with a copy of all the relevant conditions for a particular development. Copies of the relevant Complying Development Conditions are available from Council. These conditions must be attached to the Certificate and issued in their entirety.

Before work commences, the applicant is required to appoint a Principal Certifying Authority and give Council 2 days notice prior to the commencement of work.

<i>Development Type</i>	<i>Complying Development Conditions</i>
Alterations and additions to commercial premises	
▪ internal	<p>An application for a Complying Development Certificate may be submitted if the alterations comply with all conditions listed at Clauses 17 and 18 of this Plan and:</p> <ul style="list-style-type: none"> a) if the commercial premises are used as a food shop, hairdressing salon, beauty salon, sex services premises, funeral home or mortuary, the alterations are changes to appearance only (ie, not structural changes) and do not include changes to food preparation facilities or to water supply or disposal facilities; b) where trade waste is to be discharged into a Sydney Water sewerage system, written permission is obtained from Sydney Water Corporation prior to the alterations being made; c) the works are wholly contained within the walls of the building; and d) the number of shops at the premises is not altered. <p>Note: For change of use requirements, see Schedule 2 – Exempt Development.</p>
▪ external	<p>An application for a Complying Development Certificate may be submitted if the alterations comply with all conditions listed at Clauses 17 and 18 of this Plan and:</p> <ul style="list-style-type: none"> a) the alterations are to a shopfront, window and/or awning only; b) the alterations are not carried above the level of the awning level; c) no alteration works are undertaken beyond the boundaries of the property at which the premises are located; and d) it does not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Clause 33 of this LEP applies; e) the alterations do not involve or result in an alteration to the car parking or landscaping at the site.
Awnings and sail cloths	<p>An application for a Complying Development Certificate may be submitted if the awning / sail cloth complies with all conditions listed at Clauses 17 and 18 of this Plan and:</p> <ul style="list-style-type: none"> a) the total area of awning and sail cloth at the property, whether attached to the building or not, is not more than 30m² ; b) has a maximum height of 2.7 metres above ground level; c) if erected in a bushfire prone area, complies with the relevant Australian Standards in relation to construction on such lands, is not less than 10

Schedule 3 Complying Development

Development Type	Complying Development Conditions
	<p>metres from bushland and is not a sail cloth;</p> <p>d) is not located forward of the existing building line, except where it is located on a battleaxe allotment and is not visible from the street;</p> <p>e) for residential sites, is set back at least 6 metres from any property boundary.</p> <p>Note: Awnings and sail cloths up to 10m² may be Exempt Development under Schedule 2.</p>
Decks and verandahs	<p>An application for a Complying Development Certificate may be submitted if the deck /verandah complies with all conditions listed at Clauses 17 and 18 of this Plan and:</p> <p>a) the total area of deck and/or verandah attached to the building will not be more than 20m² ;</p> <p>b) where erected on a residential property, the total site landscaped area at the completion of the development is at least 50%, except where the property falls away from the street and a drainage easement is unavailable, in which case the landscaped area following development is at least 70%;</p> <p>c) where roofed, has a maximum roof height of 2.7 metres above the existing ground level;</p> <p>d) has a maximum finished floor level of 500mm above ground level;</p> <p>e) where located on bushfire prone land, complies with relevant Australian Standards in relation to construction on such lands;</p> <p>f) it does not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Clause 33 of this LEP applies;</p> <p>Location</p> <p>g) the site is not located in a business zone;</p> <p>h) no part of the deck / verandah is located within:</p> <p>(i) 50 metres of a Category 1 Environmental Corridor, or</p> <p>(ii) 30 metres of a Category 2 Terrestrial and Aquatic Habitat, or</p> <p>(iii) 10 metres of a Category 3 Bank Stability and Water Quality zone, as defined in Council's adopted Riparian Policy;</p> <p>i) is not located forward of the existing front building line on any street frontage, except where it is not visible from the street;</p> <p>j) is set back at least 6 metres from all side and rear property boundaries;</p> <p>k) the works do not encroach into a drainage easement, Council stormwater pipe or within a 100 year ARI overland flowpath (flood standard conveyance zone);</p> <p>External Finish</p> <p>l) in its appearance is compatible with the building to which it is attached.</p> <p>Drainage</p> <p>m) the stormwater disposal method does not adversely affect the subject or any adjoining property; and</p> <p>n) stormwater drainage is either:</p> <p>(i) by gravity to the street gutter or to a legal interallotment drainage easement and associated pipes or</p> <p>(ii) not possible via a legal interallotment drainage easement, in which event, the stormwater is drained to an on-site dispersal system designed, by a consulting hydraulic engineer, for the whole site coverage area and the landscaped area is at least 70% if the pre-development landscaped area is at least 70%.</p> <p>Note: Decks and verandahs up to 10m² may be Exempt Development under</p>

Schedule 3 Complying Development

Development Type	Complying Development Conditions
	Schedule 2.
Greenhouses	See “Sheds and Greenhouses”
Pergolas	<p>An application for a Complying Development Certificate may be submitted if the pergola complies with all conditions listed at Clauses 17 and 18 of this Plan and:</p> <ul style="list-style-type: none"> a) the total area of all pergolas at the property is not more than 25m² at the completion of the development; b) has a maximum height of 2.7 metres; c) is not covered with any material that may serve as a roof; d) the site is not located in a business zone; e) if located on bushfire prone land, complies with the relevant Australian Standards in relation to construction on such lands; f) is not located forward of the front building line, except where <ul style="list-style-type: none"> (i) it is located on a battleaxe allotment, or (ii) it is located on a property that is used for multi-dwelling housing or a residential flat building; <p>and is not visible from the street;</p> <ul style="list-style-type: none"> g) is set back at least 6 metres from any side property boundary; h) in its appearance, including with respect to colour, is compatible with the building to which it is attached. <p>Note 1: Pergolas up to 10m² may be Exempt Development under Schedule 2.</p> <p>Note 2: Where paving beneath the pergola is proposed, the requirements will be the same as at “Decks and verandahs”.</p>
Pools	See “Swimming Pools”
Sail cloths	See “Awnings and sail cloths”
Shadehouses	See “Sheds and greenhouses”
Sheds and greenhouses	<p>An application for a Complying Development Certificate may be submitted if the building complies with all conditions listed at Clauses 17 and 18 of this Plan and:</p> <ul style="list-style-type: none"> a) upon completion, the maximum total gross floor area of all sheds and greenhouses on the property does not exceed 25m² ; b) the total site landscaped area at the completion of the development is at least 50%, except where the property falls away from the street and a drainage easement is unavailable, in which case the landscaped area following development is at least 70%; c) the site is not located in a business zone; d) if located on bushfire prone land, complies with the relevant Australian Standards in regard to construction on such lands; e) it does not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Clause 33 of this LEP applies;

Schedule 3 Complying Development

Development Type	Complying Development Conditions
	<p>Location</p> <ul style="list-style-type: none"> f) no part of the structure is located within: <ul style="list-style-type: none"> (i) 50 metres of a Category 1 Environmental Corridor, or (ii) 30 metres of a Category 2 Terrestrial and Aquatic Habitat, or (iii) 10 metres of a Category 3 Bank Stability and Water Quality zone, as defined in Council's adopted Riparian Policy. g) is on land with a slope of 15% or less; h) is not located forward of the front building line except where it is located on a battleaxe allotment; i) is not located within the dripline of any tree to which Clause 33 of this LEP applies; j) the works do not encroach into a drainage easement, Council stormwater pipe or within a 100 year ARI overland flowpath (flood standard conveyance zone); k) has a minimum setback of 6 metres from any side or rear property boundary to the nearest external wall of the shed / greenhouse; <p>Design</p> <ul style="list-style-type: none"> l) the roof, if pitched, has a maximum ridge height of 4.0 metres and, if flat, has a maximum height of 3.0 metres; m) the measurement from the finished floor level to the underside of the eaves is not more than 2.7 metres; n) has a finished floor level of not more than 500mm at any one point above natural ground level and not more than 900mm below natural ground level; <p>Drainage</p> <ul style="list-style-type: none"> o) the stormwater disposal method does not adversely affect any adjoining property; p) stormwater drainage is either: <ul style="list-style-type: none"> (i) to the street gutter or to an existing legal drainage easement by gravity, or (ii) not possible via a legal interallotment drainage easement, in which event the stormwater is drained to an on-site dispersal system designed, by a consulting hydraulic engineer, for the whole site coverage and the landscaped area is at least 70% if the pre-development landscaped area is at least 70%, <p>External finishes</p> <ul style="list-style-type: none"> q) the external materials and finish are compatible with those of the main building on the site; and r) the finish is non-reflective.
Spas	See "Swimming pools and spas"
Swimming pools and spas	<ul style="list-style-type: none"> ▪ construction of pools and spas An application for a Complying Development Certificate may be submitted if the swimming pool and/or spa complies with all conditions listed at Clauses 17 and 18 of this Plan and: <ul style="list-style-type: none"> a) has a maximum water surface area of 40m² ; b) the total site landscaped area at the completion of the development is at least 50%, except where the property falls away from the street and a

Schedule 3 Complying Development

Development Type	Complying Development Conditions
	<p>drainage easement is unavailable, in which case the landscaped area following development is at least 70%;</p> <p>c) complies fully with the <i>Swimming Pool Act 1992</i> and the <i>Swimming Pool Regulation 1998</i>;</p> <p>d) the pool, pool fencing and ancillary items shall be constructed and installed in accordance with the relevant Australian Standards;</p> <p>e) it does not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Clause 33 of this LEP applies;</p>
	<p>Location and Setbacks</p> <p>f) no part of the swimming pool / spa (including the coping) is located within:</p> <p>(i) 50 metres of a Category 1 Environmental Corridor, or</p> <p>(ii) 30 metres of a Category 2 Terrestrial and Aquatic Habitat, or</p> <p>(iii) 10 metres of a Category 3 Bank Stability and Water Quality zone as defined in Council's adopted Riparian Policy.</p> <p>g) is located on a residential property and will not be used for commercial purposes;</p> <p>h) is not located forward of the front building line, except where</p> <p>(i) it is located on a battleaxe allotment, or</p> <p>(ii) it is located on a property that is used for multi-dwelling housing or a residential flat building;</p> <p>and is not visible from the street;</p> <p>i) is set back a minimum of 6 metres from any side or rear property boundary to the outer edge of the nearest coping edge</p> <p>j) is set back a minimum of 6 metres from any window or door to a habitable room on an adjoining residential property;</p> <p>k) is not located within the dripline of any tree protected under Clause 33 of this LEP;</p> <p>l) the works do not encroach into a drainage easement, Council stormwater pipe or within a 100 year ARI overland flowpath (flood standard conveyance zone);</p>
	<p>Design</p> <p>n) including the coping, projects above ground level not more than:</p> <p>(i) 500mm, where the pool is an in-ground construction or</p> <p>(ii) 1.5 metres, where the pool is an above-ground construction;</p> <p>o) including the coping, is surrounded by not more than 25m² of paving;</p> <p>p) is not enclosed by walls or roof;</p> <p>q) pool and spa filter equipment are encased in an acoustic enclosure, so that the maximum noise increase is 5dBA above the ambient background level, when measured at any property boundary of the subject site;</p>
	<p>Drainage</p> <p>r) no water is diverted from the pool or spa to an adjacent property;</p> <p>s) stormwater drainage is either:</p> <p>(i) to the street gutter or to an existing legal drainage easement by gravity, or</p> <p>(ii) not possible via a legal interallotment drainage easement, in which event the stormwater is drained to an on-site dispersal system designed, by a consulting hydraulic engineer, for the whole site coverage area and the landscaped area is either:</p> <p>- At least 70% if the pre-development landscaped area is at least 70%</p> <p>- No less than the existing landscaped area if the pre-development landscaped area is less than 70%.</p>

Schedule 3 Complying Development

Development Type	Complying Development Conditions
	t) all pool waste shall be disposed of via an approved sewerage system.
<ul style="list-style-type: none"> ▪ alterations to pools and spas 	<p>An application for a Complying Development Certificate may be submitted if the swimming pool and/or spa complies with all conditions listed at Clauses 17 and 18 of this Plan and:</p> <ul style="list-style-type: none"> a) the water surface area is not increased beyond 40m² ; b) where erected on a residential property, the total site landscaped area at the completion of the development is at least 50%, except where the property falls away from the street and a drainage easement is unavailable, in which case the landscaped area following development is at least 70%; c) is set back a minimum of 6 metres from any side or rear property boundary to the outer edge of the nearest coping edge; d) is set back a minimum of 6 metres from any window or door to a habitable room on an adjoining residential property; e) it does not require the topping, lopping, pruning, removing, injuring or wilful destruction of any tree to which Clause 33 of this LEP applies; f) the works do not encroach into a drainage easement, Council stormwater pipe or within a 100 year ARI overland flowpath (flood standard conveyance zone); g) the height of the coping is not increased; h) complies fully with the <i>Swimming Pool Act 1992</i> and the <i>Swimming Pool Regulation 1998</i>; i) the pool, pool fencing and ancillary items are constructed and installed in accordance with the relevant Australian Standards; j) pool and spa filter equipment are encased in an acoustic enclosure, so that there is a maximum noise increase of 5dB(A) above the ambient background level, when measured at any property boundary of the subject site.
Verandahs	See “Decks and Verandahs”

Schedule 4 Classification and reclassification of public land

(Clause 27)

Part 1. Land classified, or reclassified, as operational land – no interests changed

Nil

Part 2. Land classified, or reclassified, as operational land – interests changed

Nil

Part 3. Land classified, or reclassified, as community land

Nil

Schedule 5 Environmental heritage

(Clause 35)

Part 1. Heritage Items

Column 1 Suburb	Column 2 Item Name	Column 3 Address	Column 4 Property Description	Column 5 Significance
St Ives	St Ives Public School – original school building	207 Mona Vale Road	Lot 1 DP 816806	Local

Part 2. Heritage Conservation Areas

Nil

Dictionary

(Clause 4)

Direction. The Plan must include the following definitions of those words or expressions that are used in the Plan, but not a definition of a word or expression that is not used in the Plan.

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

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

Acid Sulfate Soils Guidelines means guidelines by that name approved for the purposes of this definition by the Director-General and made publicly available.

advertisement has the same meaning as in the Act.

Note. 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 Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement.

affordable housing has the same meaning as in the Act.

Note. The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

agricultural produce industry means a rural industry involving the handling, treating, processing or packing of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

agriculture means extensive agriculture, cotton and rice cultivation, intensive livestock agriculture, horticulture, viticulture, turf farming, animal boarding or training establishments, aquaculture or farm forestry.

airport means a place used for the landing, taking-off or parking of aeroplanes (including terminals, buildings for the parking or maintenance of aeroplanes, associated installations and movement areas), and includes heliports.

airstrip means a single runway for the landing, taking-off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

amusement centre means a building or place (not being part of a hotel or pub) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary clinic.

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

Note. The term is defined as follows:

Dictionary

aquaculture means:

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

but does not include:

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

archaeological site means the site (as shown on the Heritage Map or listed in Schedule 5) of one or more relics.

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

backpackers' accommodation means tourist and visitor accommodation:

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

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).

bed and breakfast accommodation means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling for a maximum of 6 guests and:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

biodiversity means biological diversity.

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

Note. The term is defined as follows:

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

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

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

boarding house means a building:

- (a) that is wholly or partly let in lodgings, and
- (b) that provides lodgers with a principal place of residence for 3 months or more, and

Dictionary

(c) that generally has shared facilities, such as a communal bathroom, kitchen or laundry, and

(d) that has rooms that accommodate one or more lodgers,

but does not include backpackers' accommodation, a serviced apartment, seniors housing or hotel accommodation.

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

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

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

building has the same meaning as in the Act.

Note. The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure) or a temporary structure within the meaning of the *Local Government Act 1993*.

building height (or **height of building**) means the vertical distance between ground level (existing) at any point to highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

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

building line or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

bulky goods premises means a building or place used primarily for the sale by retail, wholesale or auction of (or for the hire or display of) goods that are of such size or weight as to require:

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

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

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

Note. The term is defined as follows:

bush fire hazard reduction work means:

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

Dictionary

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

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

Note. The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the *Environmental Planning and Assessment Act 1979*.

bush fire risk management plan means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

business identification sign means a sign:

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

but that does not include any advertising relating to a person that does not carry on business at the premises or place.

business premises means a building or place at which an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis.

canal estate development means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
 - (i) dwellings that are permitted on rural land, and
 - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

catchment action plan has the same meaning as in the *Catchment Management Authorities Act 2003*.

Note. The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

cellar door premises means retail premises that sell wine by retail and that are situated on land on which there is a commercial vineyard, where all of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

cemetery means a building or place for the interment of deceased persons or pets or their ashes, and includes a funeral chapel or crematorium.

Dictionary

charter and tourism boating facility means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

child care centre means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a family day care home or home-based child care home, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the NSW Office of the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of section 200 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

classified road has the same meaning as in the *Roads Act 1993*.

Note. The term is defined as follows:

classified road means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(see *Roads Act 1993* for meanings of these terms).

clearing native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

Dictionary

clearing native vegetation means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities).

coastal foreshore means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

coastal lake means a body of water specified in Schedule 1 to the *State Environmental Planning Policy 71—Coastal Protection*.

coastal waters of the State—see section 58 of the *Interpretation Act 1987*.

coastal zone has the same meaning as in the *Coastal Protection Act 1979*.

Note. The term is defined as follows:

coastal zone means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

commercial port facility means a facility (including any building or other structure) used in connection with the carrying of goods or persons by water from one port to another for business or commercial purposes, being a facility having a direct structural connection between the foreshore and the waterway.

community facility means a building or place owned or controlled by a public authority and used for the physical, social, cultural or intellectual development or welfare of the community.

community land has the same meaning as in the *Local Government Act 1993*.

correctional centre means a correctional centre under the *Crimes (Administration of Sentences) Act 1999* or a detention centre under the *Children (Detention Centres) Act 1987*.

Council means the Ku-ring-gai Council

crematorium means a building in which deceased persons or pets are cremated, and includes a funeral chapel.

Crown reserve means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or
- (c) land within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, which contributes to its heritage significance.

Dictionary

dairy (pasture based) means a dairy where the only restriction facilities present are the milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

demolish, in relation to a heritage item, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, relic or tree.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (which support the operations of an existing undertaking) when not required for use.

drainage means any activity which intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

dual occupancy means 2 dwellings (whether attached or detached) on one lot of land.

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

dwelling house means a building containing only one dwelling.

earthworks means excavation or filling.

ecologically sustainable development has the same meaning as in the Act.

educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE college, that provides formal education and is constituted by or under an Act.

electricity generating works means a building or place used for the purpose of making or generating electricity.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall, amusement centre and the like.

environmental facility means a building or place which provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like.

estuary has the same meaning as in the *Water Management Act 2000*.

Note. The term is defined as follows:

estuary means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

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

Dictionary

extensive agriculture means:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops), or
- (b) the grazing of livestock, or
- (c) bee keeping,

for commercial purposes, but does not include any of the following

- (d) cotton and rice cultivation,
- (e) intensive livestock agriculture,
- (f) aquaculture,
- (g) turf farming,
- (h) animal boarding or training establishments,
- (i) farm forestry,
- (j) horticulture or viticulture.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

feedlot means a confined or restricted area used to rear and fatten cattle, sheep or other animals for the purpose of meat production, fed (wholly or substantially) on prepared and manufactured feed, but does not include a poultry farm, dairy or piggery.

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 significantly alter the shape, natural form or drainage of the land, or
- (b) a waste disposal landfill operation.

filming means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

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

Note. The term is defined as follows:

Definition of “fish”

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

Dictionary

(2) **Fish** includes:

oysters and other aquatic molluscs, and
crustaceans, and
echinoderms, and
beachworms and other aquatic polychaetes.

(3) **Fish** also includes any part of a fish.

(4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

flood mitigation work means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

floor space ratio—see clause 23.

Floor Space Ratio Map means the Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Floor Space Ratio Map.

food and drink premises means retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food shops, milk bars and pubs.

forestry has the same meaning as **forestry operations** in the *Forestry and National Park Estate Act 1998*.

Note. The term is defined as follows:

forestry operations means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

funeral chapel means business premises used to arrange, conduct and cater for funerals and memorial services, and includes facilities for the short term storage, dressing and viewing of bodies of deceased persons, but does not include premises with mortuary facilities.

funeral home means business premises used to arrange and conduct funerals and memorial services, and includes facilities for the short term storage, dressing and viewing of bodies of deceased persons and premises with mortuary facilities.

gross floor area means the sum of the floor area of each storey of a building measured from the internal face of external walls, or from the internal face of walls separating the

Dictionary

building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine within the storey, and
- (b) habitable rooms in a basement, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

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 which 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.

group home means a dwelling that is a permanent group home or a transitional group home.

hazardous industry means development for the purpose of an industry that, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

hazardous storage establishment means any establishment where goods, materials or products are stored that, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

headland includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

health care professional means any person registered under an Act for the purpose of providing health care.

health consulting rooms means one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals who practise in partnership (if there is more than one such professional) who provide professional health care services to members of the public.

heavy industry means an industry that requires separation from other land uses because of the nature of the processes involved, or the materials used, stored or produced. It may consist of or include a hazardous or offensive industry or involve the use of a hazardous or offensive storage establishment.

Height of Buildings Map means the Ku-ring-gai Local Environmental Plan 2006 (Town Centres Height of Buildings Map).

helipad means a place not open to the public used for the taking off and landing of helicopters.

heliport means a place open to the public used for the taking off and landing of helicopters whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

heritage conservation area means:

- (a) an area of land that is shown as a heritage conservation area on the Heritage Map (including any heritage items situated on or within that conservation area), or
- (b) a place of Aboriginal heritage significance shown on the Heritage Map.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item, archaeological site, place of Aboriginal heritage significance or other heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

heritage item means a building, work, archaeological site, tree, place or Aboriginal object specified in an inventory of heritage items that is available at the office of the Council and the site and nature of which is described in Schedule 5.

Heritage Map means the Ku-ring-gai Local Environmental Plan 2006 (Town Centres Heritage Map).

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

home-based child care or family day care home means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and which satisfies the following conditions:

- (a) the service is appropriately licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

Dictionary

home business means a business carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
 - (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
 - (c) involve the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
 - (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), or
 - (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, or
 - (f) the use of more than 50 square metres of floor area to carry on the business,
- but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

home industry means a light industry carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
 - (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
 - (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
 - (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the light industry carried on in the dwelling), or
 - (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, or
 - (f) the use of more than 70 square metres of floor area to carry on the light industry,
- but does not include bed and breakfast accommodation or sex services premises.

home occupation means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation or home occupation (sex services).

home occupation (sex services) means the provision of sex services in a dwelling, or in a building ancillary to a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any notice, advertisement or sign, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include retail sales or viticulture.

hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops or refreshment rooms,
- (e) transport of patients, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

hostel means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

hotel accommodation means a building (whether or not a hotel within the meaning of the *Liquor Act 1982*) that provides tourist and visitor accommodation consisting of rooms or self-contained suites, but does not include backpackers' accommodation, a boarding house or bed and breakfast accommodation.

industry means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but does not include extractive industry or a mine.

Dictionary

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

intensive livestock agriculture means the keeping or breeding of cattle, poultry, goats, horses or other livestock, that are fed wholly or substantially on externally-sourced feed, and includes operation of feed lots, piggeries, poultry farms or restricted dairies, but does not include the operation of facilities for drought or similar emergency relief or extensive agriculture or aquaculture.

jetty means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

kiosk means retail premises with a gross floor area not exceeding 10 square metres and that provides food, light refreshments and other small convenience items such as newspapers, films and the like.

Land Application Map means the Ku-ring-gai Local Environmental Plan 2006 (Town Centres Land Application Map).

Land Reservation Acquisition Map means the Ku-ring-gai Local Environmental Plan 2006 (Town Centres Land Reservation Acquisition Map).

Land Zoning Map means the Ku-ring-gai Local Environmental Plan 2006 (Town Centres Land Zoning Map).

landscape and garden supplies means a building or place where trees, shrubs, plants, bulbs, seeds and propagating material are offered for sale (whether by retail or wholesale), and may include the sale of landscape supplies (including earth products or other landscape and horticulture products) and the carrying out of horticulture.

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

light industry means an industry, not being a hazardous or offensive industry or involving use of a hazardous or offensive storage establishment, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

liquid fuel depot means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid and at which no retail trade is conducted.

livestock processing industry means a rural industry that involves the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes such activities as abattoirs, knackeries, tanneries, woolscours and rendering plants.

local heritage significance, in relation to a place, building, work, archaeological site, tree or precinct, means its heritage significance to an area.

Lot Size Map means the Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Lot Size Map.

maintenance in relation to a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care. It does not include the removal or disturbance of existing fabric, alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

marina means a permanent boat storage facility (whether located wholly on land, wholly on the waterway or partly on land and partly on the waterway) together with any associated facilities, including:

Dictionary

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats, and
- (b) any facility for providing fuelling, sewage pump-out or other services for boats, and
- (c) any facility for launching or landing boats, such as slipways or hoists, and
- (d) any associated car parking, commercial, tourist or recreational or club facility that is ancillary to a boat storage facility, and
- (e) any associated single mooring.

market means retail premises comprising an open-air area or an existing building used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

materials recycling or recovery centre means a building or place used for the recycling or recovery of resource materials (excluding sludge-like material) from waste materials, and that involves separating and sorting, processing (such as baling, crushing, shredding and composting), transferring and the sale of recycled or recovered material, but that does not involve the re-manufacture, chemical manufacture or incineration of the material.

mean high water mark means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

medical centre means business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services.

mezzanine means an intermediate floor within a room.

mine means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

mine subsidence district means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

mining means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

mixed use development means a building or place comprising 2 or more different land uses.

mooring means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel.

mortuary means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

moveable dwelling has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or

Dictionary

- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land.

native fauna means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

native flora means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

Meaning of “native vegetation”

Native vegetation means any of the following types of indigenous vegetation:

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

Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.

Native vegetation does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

natural water-based aquaculture means aquaculture undertaken in natural waterbodies (including any part of the aquaculture undertaken in tanks, ponds or other facilities such as during hatchery or depuration phases).

Note. Typical natural water-based aquaculture is fin fish culture in cages and oyster, mussel or scallop culture on or in racks, strings or cages.

navigable waterway means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

neighbourhood shop means retail premises used for the purpose of selling foodstuffs, personal care products, and other small daily convenience goods for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank, newsagency or dry cleaning.

non-potable water means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

offensive industry means any development for the purpose of an industry that would, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

offensive storage establishment means any establishment where goods, materials or products are stored and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a

Dictionary

significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

operational land has the same meaning as in the *Local Government Act 1993*.

parking space means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

passenger transport facility means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

permanent group home means a dwelling:

- (a) used to provide a household environment for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

but does not include a building to which *State Environmental Planning Policy (Seniors Living) 2004* applies or a transitional group home.

place of Aboriginal heritage significance means an area of land shown on the Heritage Map that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

pond based aquaculture means aquaculture undertaken in structures that are constructed by excavating and reshaping earth, which may be earthen or lined, and includes any part of the aquaculture undertaken in tanks, such as during the hatchery or pre-market conditioning phases, but does not include aquaculture in a natural waterbody.

Note. Typical pond based aquaculture is the pond culture of prawns, yabbies or silver perch.

potable water means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

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.

property vegetation plan has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

property vegetation plan means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

Dictionary

pub means licensed premises under the *Liquor Act 1982* the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include hotel accommodation and whether or not food is sold on the premises.

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes.

public authority has the same meaning as in the Act.

public entertainment has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public entertainment.

- (a) means entertainment to which admission may ordinarily be gained by members of the public on payment of money, or other consideration, as the price or condition of admission and an entertainment does not cease to be a public entertainment merely because:
 - (i) some (but not all) persons may be admitted to the entertainment otherwise than on payment of money, or other consideration, as the price or condition of admission, or
 - (ii) such payment, or other consideration, is demanded as the charge for a meal or other refreshment, or for any other service or thing, before admission to the entertainment is granted or as the charge for the entertainment after admission to the entertainment has been granted, and
- (b) includes a public meeting.

public land has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

public meeting has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public meeting means an assembly held for a public purpose to which admission may ordinarily be gained by members of the public (whether or not on payment of money, or other consideration, as the price or condition of admission), but does not include an assembly held for the purpose of religious worship only.

public reserve has the same meaning as in the *Local Government Act 1993*.

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

rainwater tank means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or

Dictionary

(b) an area used for community sporting activities, or

(c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and include sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Reduced Level (RL) means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

registered club means a club in respect of which a certificate of registration under the *Registered Clubs Act 1976* is in force.

relic means any deposit, object or other material evidence of human habitation:

(a) that relates to the settlement of the area of [*insert name local government area*], not being Aboriginal settlement, and

(b) that is more than 50 years old, and

(c) that is a fixture or is wholly or partly within the ground.

residential accommodation means a building or place used predominantly as a place of residence, but does not include tourist and visitor accommodation.

residential care facility means accommodation for seniors (people aged 55 years or more) or people with a disability that includes:

(a) meals and cleaning services, and

(b) personal care or nursing care, or both, and

(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hospital or psychiatric facility.

residential flat building means a building containing 3 or more dwellings.

restaurant means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises and that may also provide takeaway meals and beverages.

restricted dairy means a dairy (other than a dairy (pasture-based)) where restriction facilities are present in addition to milking sheds and holding yards, and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during periods

Dictionary

of drought or similar emergency relief). A restricted dairy may comprise the whole or part of a restriction facility.

restricted premises means business premises or retail premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises but does not include hotel accommodation, a pub, home occupation (sex services) or sex services premises.

restriction facilities means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

retail premises means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

roadside stall means a place or temporary structure with a gross floor area not exceeding [insert number] square metres used for retail selling of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

rural industry means an industry that involves the handling, treating, production, processing or packing of animal or plant agricultural products, and includes:

- (a) agricultural produce industry, or
- (b) livestock processing industry, or
- (c) use of composting facilities and works (including to produce mushroom substrate), or
- (d) use of sawmill or log processing works, or
- (e) use of stock and sale yards, or
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise,

undertaken for commercial purposes.

rural worker's dwelling means a dwelling, ancillary to a dwelling house on the same landholding, used as the principal place of residence by persons employed for the purpose of agriculture or a rural industry on that land.

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

school means a government school or non-government school within the meaning of the *Education Act 1990*.

seniors housing means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or

Dictionary

- (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation, but does not include a hospital.

sensitive coastal location means land in the coastal zone that is any of the following:

- (a) land within 100 metres above mean high water mark of the sea, a bay or an estuary,
- (b) a coastal lake,
- (c) a declared Ramsar wetland within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth,
- (d) a declared World Heritage property within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth,
- (e) land declared as an aquatic reserve under the *Fisheries Management Act 1994*,
- (f) land declared as a marine park under the *Marine Parks Act 1997*,
- (g) land within 100 metres of any of the following:
 - (i) the water's edge of a coastal lake,
 - (ii) land to which paragraph (b), (c), (d) or (e) applies,
 - (iii) land reserved under the *National Parks and Wildlife Act 1974*,
 - (iv) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* applies,
- (h) residential land (within the meaning of *State Environmental Planning Policy No 26—Littoral Rainforests*) that is within a distance of 100 metres from the outer edge of the heavy black line on the series of maps held in the Department of Planning and marked "State Environmental Planning Policy No 26—Littoral Rainforests (Amendment No 2)".

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

serviced apartment means a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

sewage treatment works means works or land used for the collection, treatment and disposal of sewage by or for a public authority.

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means premises used primarily for the provision of sex services, but does not include home occupation (sex services).

shop top housing means mixed use development comprising one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

signage 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:

Dictionary

- (a) building identification signs, and
- (b) business identification signs, and
- (c) advertisements,

but does not include traffic signs or traffic control facilities.

site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other.

Note. The effect of this definition is varied by clause 23 for the purpose of the determination of permitted floor space area for proposed development.

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:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed decks, pergolas and the like.

spa pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

stock and sale yard means a building or place used on a commercial basis for the purpose of offering livestock or poultry for sale and may be used for the short-term storage and watering of stock.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

swimming pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined as follows:

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of this Act.

take away food or drink premises means food or drink premises that are predominantly used for the preparation and sale of food or drink for immediate consumption away from the premises.

tank-based aquaculture means aquaculture utilising structures that are constructed from materials such as fibreglass, plastics, concrete, glass or metals, are usually situated either wholly or partly above ground, and may be contained within a purpose built farm or industrial style sheds or plastic covered hothouse to assist in controlling environmental factors.

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or

Dictionary

- (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or to be used, in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

the Act means the *Environmental Planning and Assessment Act 1979*.

timber and building supplies means a building or place used for the display and sale (whether by retail or wholesale, or both) of goods or materials used in the construction and maintenance of buildings, where those goods or materials are of such size or weight as to require customers to have direct vehicular access to the building or place in order to load or unload those goods or materials.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel accommodation, serviced apartments, bed and breakfast accommodation and backpackers' accommodation.

transitional group home means a dwelling:

- (a) used to provide temporary accommodation, for the purposes of relief or rehabilitation, for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, either with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

but does not include a building to which *State Environmental Planning Policy (Seniors Living) 2004* applies.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, business, industry or shop.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

turf farming means the commercial cultivation of turf for sale and the removal of turf for that purpose.

utility installation means a building, work or place used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

vehicle repair station means a building or place used for the purpose of carrying out repairs or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop.

vehicle showroom means a building or place used for the display or sale of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

Dictionary

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

waste disposal land fill operation means use of land for the purpose of disposing of industrial, trade or domestic waste on that land.

waste management facility means a facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from that waste, and whether or not any such operations are carried out on a commercial basis. It may include but is not limited to:

- (a) an extractive industry ancillary to, required for or associated with the preparation or remediation of the site for such storage, treatment, purifying or disposal, and
- (b) eco-generating works ancillary to or associated with such storage, treatment, purifying or disposal.

water recreation structure means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

waterbody means a waterbody (artificial) or waterbody (natural).

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

waterbody (natural) means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

wetland means:

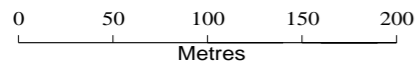
- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow water body (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.



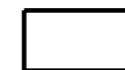
NORTH



SCALE:1:4000



LOCALITY - ST IVES



Land to which this plan applies

DRAWN BY: COUNCILS LAND INFORMATION DIVISION

PLANNING OFFICER : ANTONY FABBRO

COUNCIL FILE NO.

DEPT. FILE NO.

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

GOVT. GAZETTE NO. DATE

ENVIRONMENTAL PLANNING & ASSESSMENT ACT,1979

KU-RING-GAI COUNCIL

DRAFT KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2006 - (TOWN CENTRES)

Land Application Map (clause 3)

SHEET 1

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMENDS THE KU-RING-GAI PLANNING SCHEME


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

GENERAL MANAGER

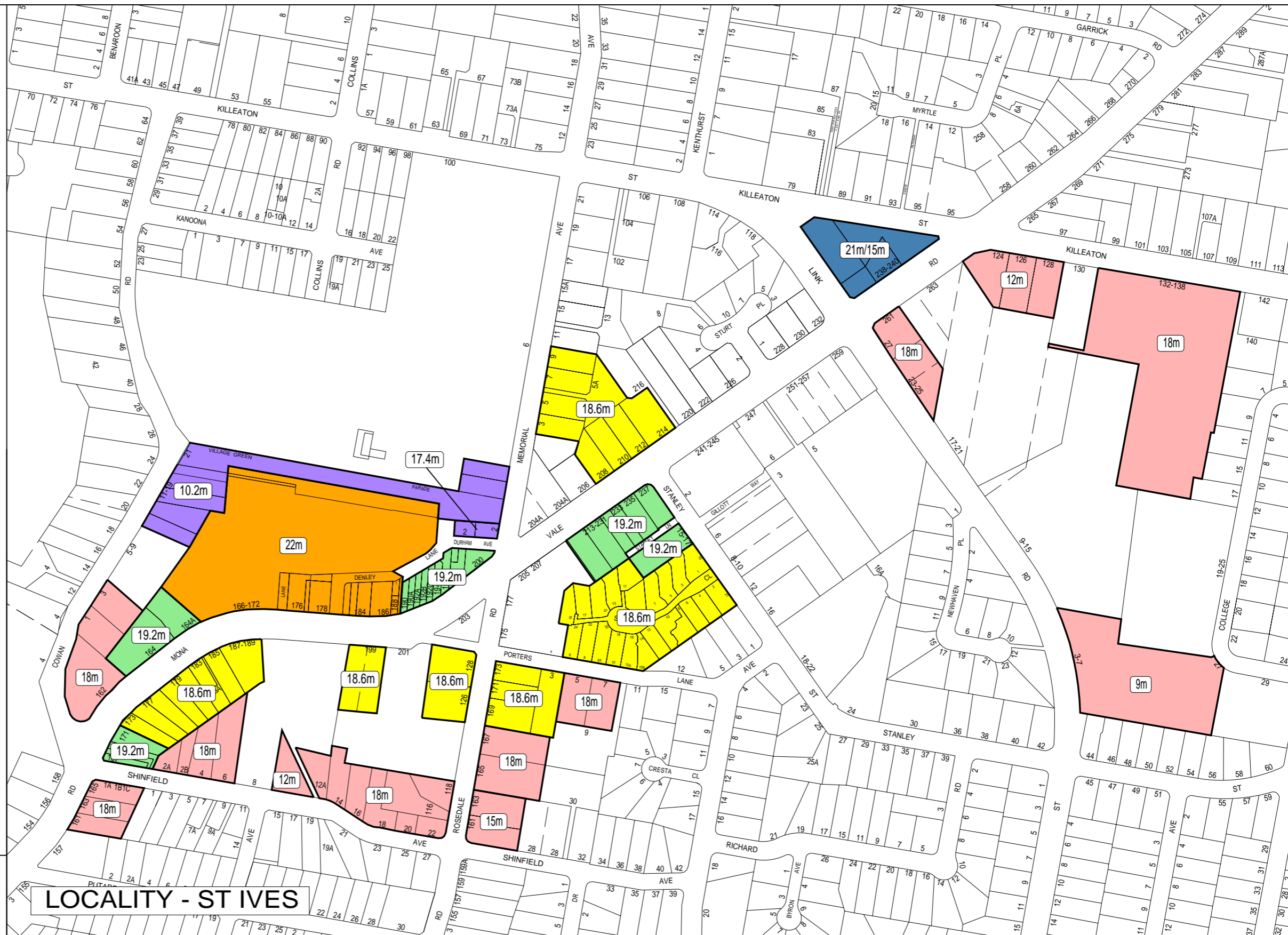
DATE 31 October 2006

-  Residential only
5 storeys residential
(5 x 3m) + 2m (lift over run) + 1m (parking*) = 18m
4 storeys residential
(4 x 3m) + 2m (lift over run) + 1m (parking*) = 15m
3 storeys residential
(3 x 3m) + 2m (lift over run) + 1m (parking*) = 12m
2 storeys residential
(2 x 3m) + 2m (lift over run) + 1m (parking*) = 9m
-  Commercial only
4 storeys commercial
(4 x 3.6m) + 2m (lift over run) + 1m (parking*) = 17.4m
2 storeys commercial
(2 x 3.6m) + 2m (lift over run) + 1m (parking*) = 10.2m
-  5 storeys hospital
(5 x 3.6m) + 2m (lift over run) + 1m (parking*) = 21m
4 storeys residential
(4 x 3m) + 2m (lift over run) + 1m (parking*) = 15m
-  2 storeys commercial + 3 storeys residential
(2 x 3.6m) + (3 x 3m) + 2m (lift over run) + 1m (parking*) = 19.2m
-  1 storeys commercial + 4 storeys residential
(1 x 3.6m) + (4 x 3m) + 2m (lift over run) + 1m (parking*) = 18.6m
-  2 storeys retail + 3 storeys residential
(2 x 5m) + (3 x 3m) + 2m (lift over run) + 1m (parking*) = 22m

* plus 1m for potential basement parking projecting out of the ground

NORTH

SCALE: 1:4000
0 50 100 150 200
Metres

LOCALITY - ST IVES



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
KU-RING-GAI COUNCIL

DRAFT KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2006 - (TOWN CENTRES)
Height Map (clause 21)
SHEET 1

STATEMENT OF RELATIONSHIP WITH OTHER PLANS
AMENDS THE KU-RING-GAI PLANNING SCHEME

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

GENERAL MANAGER DATE 31 October 2006

DRAWN BY: COUNCIL'S LAND INFORMATION DIVISION

PLANNING OFFICER : ANTONY FABBRO

COUNCIL FILE NO.

DEPT. FILE NO.

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

GOVT. GAZETTE NO. DATE

*St Ives centre***Summary of surveys, consultations, displays, emails & mail-outs**

(November 2004 to date)

The following list indicates the extent of work undertaken by Council's staff to inform and consult with a deep and wide diversity of people who are stakeholders in the future of St Ives town centre:

• St Ives Household Survey	7300 (sent)	12 Nov 04
• St Ives Business Consultation	7.-8.30 am	15 Nov 04
• St Ives Shopper Survey	700	17 Nov 04
• St Ives Business Consultation	7.-8.30 am	22 Nov 04
• Youth Survey – St Ives High & Anglican Youth	50	26 Nov 04
• St Ives Business Consultation	7.-8.30 am	29 Nov 04
• St Ives Business Consultation	4.30-6.30pm	29 Nov 04
• Cotswolds Retirement Village	14	30 Nov 04
• St Ives Business Consultation	7.30-8.30 am	1 Dec 04
• Huon Park Retirement Village	2	6 Dec 04
• St Ives Resident Group Consultation	19	7 Dec 04
• SIPA Resident Group Consultation AM	14	13 Dec 04
• SIPA Resident Group Consultation	11	13 Dec 04
• SIRAG Resident Group Consult	19	13 Dec 04
• Masada College SRC consultations	12	14 Dec 04
• StIves - RFR Vision Workshop	48	17 March 05
• St Ives – Business feedback / consultation	25	29 March 05
• St Ives Vision RFR email Survey	200	29Apr 05
• St Ives Options Workshop – Land owners	12	26 May 05
• St Ives Options Workshop – Resid. & Business	60	26 May 05

• St Ives Options RFR email survey advice	750	15 June 05
• St Ives Village Green Fair – options survey	119	19 June 05
• St Ives Chamber of Commerce – feedback session	20	20 July 05
• St Ives Chamber of Commerce – town centre update	25	8 Feb 06
• Email update to StIves Residents	750	10 Feb 06
• Email update to St Ives Stakeholders	800	21 Aug 06
• Email reminder to St Ives Stakeholders	800	23 Aug 06
• Email update to St Ives Stakeholders	800	25 Aug 06
• Email media update to St Ives Stakeholders	800	8 Sep 06
• Email to St Ives stakeholders - Council Meet	800	27 Oct 06

St Ives Planning Exhibition 2006 – staffed displays:

- Tue 22 Aug 10-2pm
- Thu 24 10-2pm
- Thu 24 6-8pm
- Sat 26 Aug 10-2pm

- Tue 29 Aug 10-2pm
- ***Public Info Sessions - Wed 30 Aug 2.30-3.30pm & 7-8.30 pm***
- Thu 31 10-2pm
- Thu 31 6-8pm
- Sat 2 Sept -10-2pm

- Tue 5 Sept 10-2pm
- Thu 7 Sept 10-2pm
- Thu 7 Sept 6-8pm
- Sat 9 Sept -10-2pm

- Tue 12 Sept 10-2pm
- Thu 14 10-2pm
- Thu 14 6-8pm
- Sat 16 Sept -10-2pm.

Using feedback via local press, email messages, letters and other means, Council will continue to provide effective, detailed advice on the remaining steps towards adoption of a plan for St Ives town centre.

REPORT TO KU-RING-GAI COUNCIL

PROPOSED LAND RECLASSIFICATION

ST IVES TOWN CENTRE

Report on a Public Hearing Held in Accordance with the Provisions of
Section 29 of the Local Government Act 1993 &
Section 68 of the Environmental Planning and Assessment Act 1979

Prepared by
Peter Walsh Appointed Chairperson

OCTOBER 2006

MEMO

TO: Bill Royal
FROM: Mick Bridgman
DATE: 26 October 2006
RE: St Ives Traffic Study
Email: broyal@kmc.nsw.gov.au

Bill,

Further to your email of yesterday.

1. Precinct L6 - an additional 170 residential units results in plus 102 AM and PM vehicle trips and 80 Saturday noon trips. With access to / from Cowan Road this should not be a major problem on a first glance basis.
2. Precinct L9 - + 1100m² of commercial (office type) floor space equals plus 11 and 6 peak hour Thursday PM and Saturday noon trips, minimal AM impacts. These volumes are so small, say +1 vehicle every 6 to 10 minutes that it will only affect the traffic modelling average delay times by 1 or 2 seconds and therefore be of no major consequence in the broader perspective.
3. Precinct I – 30 additional dwellings equals plus 18 AM / PM trips. This should be OK.
4. Precinct P - +2000m² commercial (office type) floor space equals plus 20 and 10 Thursday PM and Saturday noon peak hour trips. This should be OK.

I have not modelled any of these options and with current work loads probably can't get to any modelling until end of next week. But apart from Point 2 - Durham Lane, the other proposals are either so small in traffic terms or isolated as to be unlikely to result in any serious traffic impacts when viewed in the context of all other proposals.

Regards,

Mick Bridgman

ST IVES DRAFT LEP / DCP

**RESPONSE TO SUBMISSIONS
FOR KEY SITES**

OCTOBER 2006

1.0 Introduction

Ku-ring-gai Council has requested an urban design review of a number of submissions made by landowners to the Draft LEP/DCP exhibition. Olsson and Associates have prepared these responses and recommendations.

2.0 Submission No. 23 : St Ives Shopping Village, Mona Vale Road

2.1 Development Type in the Draft LEP/DCP

This is the most important site in the St Ives Town Centre, as it is the largest and most central site, and it forms long prominent edges to the Village Green and Mona Vale Road. The development type in the draft LEP/DCP reinforces the existing form of the Village Green and Mona Vale Road, with retail and residential buildings addressing the spaces with major facades. At ground level, this provides continuous retail frontages to activate Village Green Parade and Mona Vale Road. At the upper levels, residential buildings look out across Mona Vale Road and the Village Green.

The building height of 5 storeys is appropriate, as this is the same height as most other sites in the town centre, and is the maximum height in the town centre. The St Ives Shopping Village site is able to contain a large amount of development within this height as ground and first floors cover almost the entire site on both levels with retail shops. The top three floors create a scale of development which is appropriate to the scale and character of St Ives town centre and is consistent with almost all other sites.

The street frontages are carefully designed to provide a balance between landscape and built form. The Mona Vale Road frontage has the buildings set back at ground level to allow street trees, wide footpaths and awnings. The residential levels are set back 2m to allow for articulated facades in the balcony zone and gaps are provided between the buildings to create further articulation in the streetscape. On Village Green Parade, an active ground level is served by a one way, small scale street with parking bays, to provide access, security and safety at night and day time. A wide pedestrian promenade with multiple rows of street trees allows for window shopping and outdoor dining.

The residential dwellings are located towards the edge of the shopping village podium, to allow views across the open spaces surrounding the site, rather than having the apartments isolated in the middle of a wide flat concrete podium. At the edge, the apartments have a street address and have easy access to the lifts and stairs, without unnecessarily cutting into the retail levels with long access corridors. The residential apartments around the perimeter benefit in terms of views, address and access compared to apartments isolated in the middle of the shopping roof top.

2.2 Recommendation

It is recommended that

- the development controls in the draft LEP/DCP are retained.
- height is expressed in metres as required by the DoP LEP template.
- the maximum floor to floor height for big box retail is 5m and the maximum floor to floor height for residential is 3m.

3.0 Submission No 40 : Callaghan College, 27 College Crescent, St Ives

The submission requests an increased FSR from 0.5:1 to 1.1:1 and an increase in height from 2 storeys to a 5 storey maximum height and a change from R3 to R4 to allow apartment buildings.

The Callaghan College site is at the periphery of the St Ives town centre, on the eastern side of Link Road. The character of Link Road is created by the dense landscape of Masada College and Callaghan College, which the Draft DCP retains with a 24m setback from the road. A 12m setback from the northern boundary allows for a public through site link along the northern boundary and vehicular access from College Crescent.

The existing scale of development on adjoining sites is one and two storeys. The proposed scale of development reflects this low rise development on the edge of the town centre. The appropriate building type, at this scale of development, is for townhouses. This maximises the development potential while relating to the scale of existing adjoining housing.

The two storey scale of development should be retained along the southern boundary of the site, to avoid undue impact on the adjoining houses and yards to the south. The same issue of immediate impact does not exist in relation to sites to the east and north. Within the R3 zoning, an additional floor of development may be appropriate on the buildings along the eastern and northern boundaries.

3.1 It is recommended that

- the buildings to the north and the west have an additional floor of residential ie 3 storeys in total.
- the building to the south stay as 2 storey to reduce the impact on the adjoining houses and yards to the south.

4.0 Submission No 58 : 235 Mona Vale Road (the Old Post Office) St Ives

The submission requests an increase in the FSR and a reduction in the setback controls stating that the minimum FSR is not achievable for this site given the setback controls in the DCP. The submission also requests 2 levels of retail.

The Draft DCP controls of 2:1 FSR maximum, including up to 0.75 : 1 retail FSR, are a substantial increase on the existing control of 1:1 total FSR. The building envelopes show a 38m deep ground floor retail shop, on a 46m deep lot (with a 2m setback from the front boundary and a 6m setback from the rear boundary). This equates to 82% site cover by retail. With some allowance for servicing, such as a possible car ramp, which may reduce this gross figure to a nett FSR figure, it is evident that 75% of the site could be retail FSR, which equates to the retail maximum allowable of 0.75 : 1. It is obvious that the minimum retail allowable, of 0.5 : 1 FSR, is also achievable in the envelope, and that it is not affected by the required setbacks from the street and lane.

4.1 Recommendation

It is recommended that

- there is no need for a change to the minimum or maximum retail FSRs, or the total FSR of 2:1.

5.0 Submission No 46 : 15-17 Stanley Street, St Ives

The submission requests an increased FSR of 2.5:1 for economic feasibility. Similarly, retail FSR increase sought to 0.5:1 to 0.75:1. Current maximum retail FSR is 0.45:1 which is not consistent with the conditions listed on Schedule 2 of the Section 65(2) certificate in terms of land use *intensity*. Current maximum retail FSR is also not consistent with neighbouring sites.

Submission also argues that the yields need to be increased to prevent continuation of undersupply of retail and commercial floor space.

The building envelope for this site reflects the need to provide setbacks of:

- 3m from the Eden Brae boundary, to reduce impact on the existing and future houses, and to avoid a blank wall in future development
- 3m from Stanley Street, to align with the existing shops and widen the footpath at this point
- 6m from Stanley lane, to allow for trees and kerbside parking in the lane with a footpath
- 3m from the rear boundary to avoid a blank wall in future development

The existing building envelope at ground floor covers only 56% of the site, which would allow for a retail FSR of 0.5 : 1 (allowing for servicing, such as a possible car ramp). It would be possible to increase this to 0.6 : 1 by reducing the building setback from the lane from 6m to 3.5m. This would require deletion of the existing car parking bays in this section of the lane, however the footpath and street trees could be retained. It is recommended that this amendment is made, so that the retail FSR is a maximum of 0.6 : 1 and the total retail and residential FSR remains at 2:1. See amended building envelope plan.

5.1 Recommendation

It is recommended that

- the footpath along Stanley Lane and adjacent to the site be reduced from 6m to 3.5m and the parking bays removed.
- the building envelope be increased from 15m to 18m.

6.0 Submission No 17 and 63 : 167-181 Mona Vale Road (near the intersection with Shinfield Avenue), St Ives

The submission requests:

- an FSR increase from 1.5 : 1 to 2.1 : 1 for the above sites. Maximum commercial should be 1:1 and residential 1.5 : 1.
- an allowance for second floor commercial.

The Draft DCP development controls for all the 2 (d3) sites in this part of Mona Vale Road have a maximum total FSR of 1.5 : 1 including a maximum commercial FSR of 0.5 : 1.

The following design calculations are based on the amalgamation of two of the amalgamated sites in the draft DCP : 167 to 171 and 173 to 177. The total site under consideration is therefore 167 to 177. It is recommended that the development controls for the rest of the lots, from 179 to 189, remain as in the draft DCP.

The written submission from the site owners proposes to amalgamate the sites from 167 – 181 Mona Vale Road. This is a very large amalgamation that would cover two and a half of the amalgamated sites shown in the draft DCP. It would have a continuous street frontage length of more than 100m, which is excessive in comparison to the other street frontage lengths in the town centre and the draft DCP. An FSR derived from this street frontage length would be unrealistically high, as it would be based on a continuous building length that exceeds the

recommended built form controls. The following recommendations are therefore for the sites from 167 to 177 Mona Vale Road.

Site 167-171 Mona Vale Road has existing shops which have a zero setback to Mona Vale Road. Site tests have followed this precedent, with a zero setback to Mona Vale Road and a zero setback to Shinfield Avenue for approximately 20m of the site and the remainder of the site having a 10m setback. With this building envelope and 2 storeys of retail/commercial and 3 storeys of residential an FSR of 2.0 :1 can be achieved.

On other sites in Mona Vale Road with existing shops, such as the Mona Vale Road / Stanley Street shops and the Mona Vale Road / Memorial Avenue shops, the building envelopes in the DCP have no front setback. A zero setback on the corner three lots could be made on these sites without creating a precedent, if the rationale was clearly stated in the "Street Frontages " text for Block B.

Site 173-177 Mona Vale Road building envelope has remained unchanged

The advantage of these building envelopes is that the 2 buildings will have a separation of 12m between this will significantly reduce the bulk of the buildings.

6.1 Recommendation

It is recommended that

- on site 167-171 Mona Vale Road there is an increase from one level of retail/commercial to 2 levels.
- for site 167-171 Mona Vale Road the setbacks are reduced to zero along Mona Vale Road.
- for site 167-171 Mona Vale Road the setbacks are reduced to zero along Shinfield Avenue for approximately 20m of the site the remainder to have a 10m setback.

APPENDIX

1. Plan and FSR calculations for 167-177 Mona Vale Road
2. Plan and FSR calculations for 15-17 Stanley Street
3. St Ives base plan showing amended heights
4. St Ives plan showing heights in metres
5. Block C Shadow Diagram
6. Block C Shadow Diagram
7. Block C Shadow Diagram
8. Block C Shadow Diagram
9. Block C Shadow Diagram

MEMORANDUM

TO: STEVEN HEAD
DIRECTOR OPEN SPACE & PLANNING

COPY TO: ANTONY FABBRO

FROM: TEAM LEADER LANDSCAPE

SUBJECT: **COUNCILLOR REQUEST 060926- OMC -382
REVIEW OF ST IVES VILLAGE GREEN CONCEPT**

Steven ,

Members from landscape assessment have undertaken a review of the concept for St Ives Village as requested.

It should be noted that as we have not been involved in the process in respect of the overall planning of the St Ives Village and associated Open spaces, landscape assessment is not privy to the various planning and design decisions that have flowed from this process.

Therefore our comments are based on an initial response to the concept design as landscape architects rather than a thorough analysis and response to a brief and the various considerations which have informed the planning and design, other than those set out in the DCP design controls.

The comments should be read with this in mind and as suggestions and ideas rather than being definitive assessments.

Comments.

1. Relationship between the Village green and associated areas

The village green and shopping centre and associated areas should be strongly linked both physically and visually. At present this is not the case, and there is a poor relationship between these two areas, due to lack of a strong visual link and the existence of parking areas and roadways along at the interface between the shopping centre and the open space.

Many of the features and structures to the edge of the village green parkland contribute to this relationship as does the shopping centre design itself which in effect turns its back on the parkland.

This issue needs to be addressed so that there is greater integration between the two. The promenade and increase in activity is one means by which this is to be achieved in the proposal.

The continued existence of a roadway between these areas obviously contributes to a limiting the ability to integrate the village green and shopping centre and village square precincts. However are obviously planning and traffic imperatives regarding vehicular access to this area and in this respect we are unable to comment at this time.

2. Promenade , Village Green side.

Consideration could be given of providing a wider a more generous promenade space to the edge of the village green itself. This area seems a little restricted in width compared to the area opposite to shops. This would in our opinion provide a better proportioned edge to the village green space. Note that this may conflict with existing trees in some areas along this edge.

3. Proposed Playground

Consideration of the proposed playground of the playground, juxtaposed with the community centre. The position of the playground may functionally and visually cut off the proposed community centre from the area of passive open space. There are opportunities for the centre to more strongly and directly link to the passive open space functionally and for that open space to provide a context and setting for this building.

Consideration of the size of the playground as indicated and whether there is sufficient area provided for a district playground.

4. Trees along edge of village and oval

It is noted that it is proposed to thin out trees in this area to enable seating and improve surveillance.

Notwithstanding the above it is our observation that these trees particularly along the southern edge of William Cowan Oval (largely densely planted with Tallowood with some locally occurring species) provide a sense of enclosure for this oval but visually cut off this area from the shopping centre.

Given the change of use to the shopping centre edge from carparking to promenade, consideration should be given to encouraging a visual relationship between the green space to the North (the oval) and the promenade area. Removal of trees at certain points, and or thinning of trees to create ‘windows’ into this space , so that there is a stronger visual relationship between these areas is an option in this respect. This is indicated in the concept.

While these trees are important they should not be viewed an absolute as a constraint in relation to this issue.

Relocation of community buildings as indicated, particularly scout and guide halls would enable a useable and useful and functionally and visually, passive space and is considered desirable in this respect.

5. Physical relationship between town square and village green

The village square, library and community centre can provide an opportunity for a “community facility zone” towards the eastern end of the promenade and there is an opportunity for integration visually and physically of these three functional areas

The town square and should be linked strongly to the village green and community centre precinct by way of use of materials and design of roadway and promenade. The roadway does not assist with this integration however narrowing of the road combined design treatments may assist here..

6. Rotary park

Consider the issue of improving access from Rotary Park linking to the bus stop to this area in Memorial Avenue.

7. Terracing to Village green bank

If designed well this terracing may allow for both access while also providing a functional area for seating etc, however there may well be impacts on trees in this zone. There is a mixture of tree species through this area some of which are good specimens however some arguably would not necessarily assist in the integration of the village green with promenade. The edge to the promenade and transition area (terracing) and passive open space area needs in our opinion a high degree of visual clarity and visual strength and consistency of treatment in order for these areas to be successful.

Ian Francis

Team leader Landscape and Tree Assessment

Revised Yield Table - Draft Ku-ring-gai Local Environmental Plan 2006 – St Ives Centre

NOTE: Figures included in this table for retail and commercial floor space are presented as gross floor area (GFA). Previous figure retail and commercial floor space presented to Council have been in net letable floor area (NLFA), which appears lower due to the different elements of a building they are measuring. GFA has been used in this instance as it is a direct translation of the floor space ratio figures contained in the Local Environmental Plan.

	EXISTING				EXISTING + APPROVED				FULL DEVELOPMENT SCENARIO				
	2006				2006 + approved DAs				Full development under Town Centre LEP and LEP 194/200				
Precinct (refer to attached map)	Dwellings	Population	Commercial GFA(m2)	Retail GFA(m2)	Dwellings	Population	Commercial GFA (m2)	Retail GFA(m2)	Dwellings	Population	Commercial GFA (m2)	Retail GFA(m2)	Adaptable Commercial*
Village Centre (Cowan/Mona Vale/Memorial)	12	42	8,630	25,900	12	42	8,630	25,900	245	454	5,850	44,300	**
Shinfield/Mona Vale/Rosedale	91	235	1,368	600	91	235	1,368	600	553	985	5,184	0	3,231
Porters/Stanley/Mona Vale/Rosedale	26	90	3,052	2400	72	205	3,052	2400	301	542	791	5,172	**
Mona Vale/Stanley/Link	126	346	0	0	318	606	0	0	589	1,049	0	0	
Killeaton/Mona Vale/Link/College	3	10	0	0	3	10	0	0	427	760	0	0	
Killeaton/Mona Vale/Link	0	0	0	0	0	0	0	0	45	81	0	0	
Memorial/Mona Vale/Link/Killeaton	35	102	600	0	244	633	600	0	601	1,069	0	0	2,376
Totals	293	825	13,650	28,900	740	1,731	13,650	28,900	2,761	4,940	11,825	49,472	5,607
Approx. Net Letable Floor Area (NLFA)							10,920	21,500			9,460	38,180	4,500

* Potential adaptable ground floor residential that can be used as commercial space. Dwelling figures assumes 100% take up as residential.

**There is scope within LEP to provide additional commercial than that shown on these sites. Additional Commercial floor space would be in lieu of residential. There is no clear data available on the expected commercial floor space take up

St Ives Centre Development Precincts

