



**KU-RING-GAI LOCAL PLANNING PANEL MEETING  
TO BE HELD ON MONDAY, 17 MARCH 2025 AT 11:00 AM  
BY ZOOM CONFERENCING**

**Items GB.1, GB.2 and GB.3 will be determined offline as these items do not fit the criteria for a public meeting (it is not contentious – does not have more than 10 objectors). This item will be determined and published on Council's website after 48 hours of the closing of the determination meeting.**



# AGENDA

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NOTE: For Full Details, See Council's Website –  
[www.krg.nsw.gov.au](http://www.krg.nsw.gov.au) under the link to business papers

## APOLOGIES

## DECLARATIONS OF INTEREST

## GENERAL BUSINESS

### GB.1 10A Auluba Road, South Turramurra - Replacement of boundary fencing

4

File: EDA0515/24

Replacement of boundary fencing

### RECOMMENDATION

A. THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979, being satisfied that the proposed development would be in the public interest, grant development consent to eDA0515/24 for replacement of boundary fencing at, 10A Auluba Road, South Turramurra, subject to conditions as per the Development Assessment Report (**Attachment A1**). Pursuant to Section 4.53 of the Environmental Planning and Assessment Act 1979, this consent lapses if the approved works are not physically commenced within five years of the date of the Notice of Determination.

### GB.2 12 Barana Parade, Roseville Chase - change of use of existing buildings to form a dual occupancy (detached) development, including alterations and additions

68

File: EDA0485/24

Change of use of existing buildings to form a dual occupancy (detached) development, including alterations and additions

### RECOMMENDATION

### PURSUANT TO SECTION 4.16(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as the consent authority, pursuant to Section 4.16 of the Environment Planning and

Assessment Act 1979, refuse development consent to eDA0485/24 for a change of use of existing structures to form a dual occupancy (detached) development, including alterations and additions, on land at 12 Barana Parade, Roseville Chase, for the reasons provided in the Development Assessment Report (**Attachment A1**).

GB.3

**3 Glenview Street, Gordon - Partial demolition works, conservation works, significant alterations and additions and associated works**

**277**

File: EDA0438/24

Partial demolition works, conservation works, significant alterations and additions and associated works

**RECOMMENDATION**

This application is reported to the Ku-ring-gai Local Planning Panel as it proposes a departure from a numerical development standard in excess of 10% for determination, in accordance with the Minister's Section 9.1 Local Planning Panels Direction.

- A. THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as consent authority, under Section 4.16 of the Environment Planning and Assessment Act 1979, is satisfied that the requests submitted under Clause 4.6 to vary the height of building and floor space ratio development standards contained in Clause 4.3(2) and Clause 4.4(2A) of KLEP 2015, respectively, have met the requirements of Clause 4.6(3). The Panel is also of the opinion that strict compliance with the development standards is unreasonable or unnecessary in the circumstances of the cases and that there are sufficient environmental planning grounds to justify the variations to the development standards.
- B. THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as consent authority, under Section 4.16 of the Environment Planning and Assessment Act 1979, being satisfied that the proposed development would be in the public interest, grant development consent to eDA0438/24 for partial demolition works, conservation works, significant alterations and additions and associated works at 3 Glenview Street, Gordon, subject to conditions in the Development Assessment Report (**Attachment A1**). Pursuant to Section 4.53 of the Environmental Planning and Assessment Act 1979, this consent lapses if the approved works are not physically commenced within five years of the date of the Notice of Determination.

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# DEVELOPMENT APPLICATION

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## *SUMMARY SHEET*

<b>REPORT TITLE:</b>	10A AULUBA ROAD, SOUTH TURRAMURRA - REPLACEMENT OF BOUNDARY FENCING
<b>ITEM/AGENDA NO:</b>	GB.1

<b>APPLICATION NO:</b>	eDA0515/24
<b>ADDRESS:</b>	10A Auluba Road, South Turramurra
<b>WARD:</b>	Comenarra
<b>DESCRIPTION OF PROPOSAL:</b>	Replacement of boundary fencing
<b>APPLICANT:</b>	Nagy Khoury Design Pty Ltd
<b>OWNER:</b>	Ku-ring-gai Council
<b>DATE LODGED:</b>	2 December 2024
<b>SUBMISSIONS:</b>	N/A
<b>ASSESSMENT OFFICER:</b>	Andrew Martin – Andrew Martin Planning Pty Ltd (Independent Planning)
<b>RECOMMENDATION:</b>	Approval

<b>KLPP REFERRAL CRITERION:</b>	The landowner is Ku-ring-gai Council.
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## PURPOSE OF REPORT

To determine Development Application No eDA0515/24 for 10A Auluba Road, South Turramurra.

This application is reported to the Ku-ring-gai Local Planning Panel for determination in accordance with the Minister's Section 9.1 Local Planning Panels Direction, dated 23 February 2018 as the landowner is Ku-ring-gai Council.

## RECOMMENDATION

- A. THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979, being satisfied that the proposed development would be in the public interest, grant development consent to eDA0515/24 for replacement of boundary fencing at, 10A Auluba Road, South Turramurra, subject to conditions as per the Development Assessment Report (**Attachment A1**). Pursuant to Section 4.53 of the Environmental Planning and Assessment Act 1979, this consent lapses if the approved works are not physically commenced within five years of the date of the Notice of Determination.

Andrew Martin  
Director, Andrew Martin Planning Pty Ltd

<b>Attachments:</b>	A1	Development Assessment Report	2025/048762
	A2	Location Sketch - 10A Auluba Road South Turramurra	2025/057312
	A3	Zoning Sketch - 10A Auluba Road South Turramurra	2025/057310
	A4	Survey Plan - 10A Auluba Road South Turramurra	2024/376865
	A5	Site Plan - 10A Auluba Road South Turramurra	2025/048162
	A6	Fencing Specifications - 10A Auluba Road South Turramurra	2025/048160
	A7	Fence Elevations - 10A Auluba Road South Turramurra	2025/048159
	A8	Bushfire Risk Assessment Certificate- 10A Auluba Road South Turramurra	2025/048082
	A9	Waste Management Plan - 10A Auluba Road South Turramurra	2025/048174

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## DEVELOPMENT APPLICATION

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### ASSESSMENT REPORT

<b>REPORT TITLE</b>	10A Auluba Road, South Turramurra - Replacement of boundary fencing
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<b>APPLICATION NO</b>	eDA0515/24
<b>PROPERTY DETAILS</b>	10A Auluba Road, South Turramurra Lot 1 DP 222070 1208m <sup>2</sup> RE1 Public Recreation
<b>WARD</b>	Comenarra
<b>PROPOSAL/PURPOSE</b>	Replacement of boundary fencing
<b>TYPE OF DEVELOPMENT</b>	Local
<b>APPLICANT</b>	Nagy Khoury Design Pty Ltd
<b>OWNER</b>	Ku-ring-gai Council
<b>DATE LODGED</b>	2 December 2024
<b>RECOMMENDATION</b>	Approval
<b>KLPP REFERRAL CRITERION</b>	Council owned land

## PURPOSE OF REPORT

This application is reported to the Ku-ring-gai Local Planning Panel for determination in accordance with the Minister's Section 9.1 Local Planning Panels Direction as the landowner is Ku-ring-gai Council.

## INTEGRATED PLANNING AND REPORTING

Places, Spaces & Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	Applications are assessed in accordance with state and local plans.	Assessments are of a high quality, accurate and consider all relevant legislative requirements.

## EXECUTIVE SUMMARY

<b>Issues</b>	Nil
<b>Submissions</b>	Nil
<b>Land and Environment Court</b>	N/A
<b>Recommendation</b>	Approval

## HISTORY

### Site history

The site has a history of use as South Turramurra Childcare (the Centre). The Centre was altered in 1990 to include a pergola, then again in 1999 for a playground upgrade and a new metal shed was constructed in 2003, which was located at the rear of the centre.

### Previous applications history

A Pre-DA consultation was not undertaken with Council.

Council's records show previous applications relating to the use of the site as a childcare centre.

Current Development Application History

Date	Action
2 December 2024	Application lodged.
30 December 2024	The application was notified to neighbouring property owners for a period of 28 days, between 30 December 2024 and 28 January 2025. No submissions were received.

THE SITE



Figure 1: The subject site highlighted in red

Site description

The subject site is described as Lot 1 in DP 222070 and is known as No. 10A Auluba Road, South Turrumurra. It is an irregularly shaped parcel, with a frontage of approximately 33.525 metres to Auluba Road, an average depth of 39.245 metres and a total area of 1208m<sup>2</sup>. The site falls from the front north-eastern corner to the rear south-western corner. The site is located on the southern (low) side of Auluba Road.


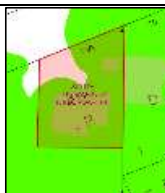
The site accommodates a single storey childcare centre positioned towards the rear setback. The playground, decking, cubby house and outdoor covered area are located within the front setback, visible to the streetscape. Two metal sheds occupy the rear corners of the site. The front boundary has a 1.2 metres transparent metal fence (**Figure 2**). Currently, temporary construction fencing with green mesh is located along the front and side boundaries of the site (**Figure 3**). Dense tree canopies and landscaping throughout the site contribute to the treed character, typical of Ku-ring-gai.



**Figure 2: The street view of the subject site. Source: Google Maps, Nov 2020.**



**Figure 3: The street view of the subject site reflecting construction fencing. Source: Google Maps, Nov 2024.**

Constraint:	Application:
Visual character study category	Not categorised on map.
Easements/rights of way	No
Heritage Item - Local	No
Heritage Item - State	No
Heritage conservation area	No
Within 100m of a heritage item	No
Bush fire prone land	<div>Yes</div> 
Natural Resources Biodiversity	<div>Yes</div> 



Natural Resources Greenweb	Yes	
Natural Resources Riparian	No	
Within 25m of Urban Bushland	No	
Contaminated land	No	

### Surrounding development

The site is located between a dwelling house on R2 Low Density Residential zoned land at No. 10 Auluba Road and RE1 Public Recreation zoned land being Auluba Oval, with its rear boundary adjoining C2 Environmental Conservation land. It is 40 metres from South Turramurra local shopping centre and petrol station.

Dwellings along Auluba Road are a mixture of one and two storey buildings set on lot sizes between 800m<sup>2</sup>-1,200m<sup>2</sup>. The street and public recreation areas are lined with mature trees, which are complemented by front setbacks containing mature plantings and landscaping. Low front fencing is a common feature in the streetscape and includes low brick pillars, open-style metal, picket style timber and masonry.

### THE PROPOSAL

The application proposes the replacement of boundary fencing to a height of 1.8 metres with a mixture of Colorbond and open form metal fencing.

The proposed fences and gates to the northern, southern and western boundaries include 1.8 metres high powder coated open-style metal fencing. The proposed fence between the adjoining residential property to the east at No. 10 Auluba Road is a 1.8 metres high Colorbond privacy fence.

The existing fencing will be dismantled by hand, including existing concrete pad footings. New fence posts will utilise the existing post holes where possible to reduce the overall extent of excavation.

### CONSULTATION

#### Community

In accordance with Appendix 1 of the Ku-ring-gai Community Participation Plan, owners of surrounding properties were given notice of the application. No submissions were received.

#### Rural Fire Service

In accordance with the provisions of Section 4.14 of the *Environmental Planning and Assessment Act 1979*, a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

For the following reasons a Bushfire Fire Safety Authority (BFSA) under the Rural Fires Act is not required:

*'Due to the nature of the proposal (development within an existing childcare centre), these types of developments within designated bushfire prone lands, are identified under 100B of the Rural Fires Act, 1997 as a Special Fire Protection Purpose (SFPP) which are integrated under division 4.8 of the Environmental Planning and Assessment Act. However, the proposal relates to the construction/replacement of fencing upon an existing childcare centre (Special Fire Protection Purpose) and therefore is deemed to fall under Section 6.5 Minor development in SFPP facilities in PBP.*

The proposal satisfies the statutory requirements for development on bushfire prone land.

### **Internal Referrals**

#### **Landscaping**

Council's Team Leader Landscape and Tree Assessment commented on the proposal as follows:

##### *Tree Impacts*

*The proposed fence is to be located along the alignment of the existing fence along the front and sides reducing impacts on trees. Any new post holes within the Tree Protection Zone (TPZ) of existing trees are to be hand excavated.*

*The fence alignment to rear will be located closer to existing trees within the site, as existing fence line is not located on the boundary. New fence posts are to be hand excavated under supervision of an arborist.*

*The existing ground level to north-western corner of the site is raised and retained by a low timber post and sleeper wall (300-400mm high), however, as the wall is disintegrating, a replacement wall will be required. The replacement wall should be post and timber sleeper to match existing with post holes in the same location as existing due to the proximity of the existing Eucalyptus saligna (Sydney Blue Gum). The Eucalyptus saligna (Sydney Blue Gum) in the north-western corner is not indicated on the Site Plan. These two issues are to be rectified through **Condition 3**. Tree and walling note to be added to plan.*

*The application is acceptable, subject to conditions (**Conditions 3, 9, 10, 11, 30, 31, 32 and 33**).*

### **Ecology**

Council's Ecological Assessment Officer commented on the proposal as follows:

*The native vegetation within the subject property is mapped as being plant community type (PCT) 3595 Sydney Coastal Sandstone Gully Forest.*

*The subject property is not mapped upon the Biodiversity Values Map.*

*The subject property adjoins "Public Bushland", the proposal is unlikely to directly or indirectly impact upon Public Bushland. The proposal is consistent with the matters for consideration in Clause 5.23(7) of the KLEP.*

*The proposed fence is located within lands designated on the Terrestrial*

*Biodiversity map. The proposed development will not result in the direct removal of terrestrial biodiversity. The proposal is consistent with the objectives of Clause 6.3 'Biodiversity protection', as it has been sited to avoid and minimise impacts on terrestrial biodiversity.*

*The proposed development will not result in the removal of native vegetation from lands mapped under Part 18 'Biodiversity' of the DCP.*

*The proposal is acceptable without conditions.*

## **STATUTORY PROVISIONS**

### **State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 Remediation of land**

The provisions of Chapter 4 require Council to consider the potential for a site to be contaminated. The subject site has a history of use as a centre-based childcare facility and, as such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

### **State Environmental Planning Policy (Biodiversity & Conservation) 2021 – Chapter 6 'Water catchments'**

The provisions of Clause 6.6 'Water quality and quantity' and Clause 6.7 'Aquatic ecology' have been considered in the assessment of the proposal. Stormwater measures are not required or proposed as the proposal does not increase the built upon area.

### **State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 3 Educational establishments and child-care facilities.**

The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State. Compliance with the aim is determined through the detailed application of the relevant requirements of the SEPP which, in this case are for a centre based childcare facility, which are found under Part 3.3. In particular, Clause 3.23, which requires that:

*'Before determining a development application for development for the purpose of a centre-based childcare facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.'*

As such, the proposal is considered against the Childcare Planning Guideline below. The Childcare Planning Guideline includes a National Quality Framework Assessment Checklist which considers compliance under each applicable National Regulation.

### **Part 3.3, Clause 3.22 – Child Care Planning Guideline – concurrence of Regulatory Authority required for certain development**

Under this Clause, concurrence is required where the indoor and outdoor unencumbered space requirements are not met, per regulation 107 and 108 of the [Education and Care Services National Regulations](#). As provided within the table below under Part 3.3, Clause 3.23, the proposal complies. The application does not relate to any component of the childcare building or its operations and purely relates to ancillary fencing only. The policy applies but only to the extent that it relates to the application as made.

### Part 3.3, Clause 3.23 – Child Care Planning Guideline – Design Quality Principles

Under this Clause, any application must consider the seven design quality principles which are addressed below:

Principle	Consideration
1. Context	<p>The proposed boundary fencing has regard to the surrounding context of front fences presenting to Auluba Road but also to the use and the need to provide a secure facility. The fencing incorporates metal posts and an open-style design to the primary street frontage which is consistent with other fences in the street. The open, permeable design improves safety and security of the area, particularly noting the centres juxtaposition to the public open space.</p> <p>The solid colorbond fencing has regard to the site's proximity to a residential dwelling. The colorbond fencing provides visual privacy to the adjoining residential property in a manner consistent with other side boundary treatments. <b>Condition 4</b> is recommended in regard to colours.</p>
2. Built Form	<p>The proposal relates to front and side boundary fencing only. There will be no impacts to the established built form or structures on site. The form of the fencing is different to the other fences in the area simply because of its overall height. Whilst higher than other fencing, the subject proposal is acceptable because of its open nature and the fact that the fencing is ancillary and incidental to the current approved operations.</p>
3. Adaptive learning spaces	<p>The proposed boundary fencing does not affect the existing indoor and outdoor play spaces.</p>
4. Sustainability	<p>The proposed works have been designed and underpinned by a methodology which aligns with the sustainability principles.</p> <p>The new fencing works seek to minimise the extent of overall excavation by utilising existing concrete footing holes for new poles and supports where possible.</p> <p>Ready-mix concrete will be poured by hand to support new fence poles and footings to avoid the use of a concrete truck and minimise the extent of environmental impacts.</p> <p>Excavated soils will be re-used in the landscape features and/or to fill existing uneven ground elements within the play spaces and surrounds. If soil is not needed for these purposes, it will be transported off site and disposed to authorised waste transfer station.</p>

5. Landscape	<p>Established landscape elements across the site and on neighbouring properties will be protected and preserved.</p> <p>As per the recommendations of Council's Team Leader Landscape &amp; Tree Assessment, excavation works are to be undertaken by hand under the supervision of a qualified arborist to ensure all trees are protected, including structural root zones. Additionally, an existing timber sleeper retaining wall supporting a garden bed in the north-western corner of the site is to be reconstructed to ensure the tree protection zones of two eucalyptus trees are retained.</p>
6. Amenity	The proposed fencing materials and finishes represent a reasonable design outcome being consistent with the quality of front fencing in the street. The solid colorbond style fencing will assist with noise containment. Fencing colour has been specified in <b>Condition 4</b> .
7. Safety	The new fencing to a height of 1.8 metres along the property boundaries is deemed appropriate for improving the existing site safety. The proposed fencing will better secure the site and restrict children from climbing over. The solid fencing is appropriate between the dwelling and the subject site to prevent dogs and other animals crossing the common boundary.

The proposal is found to meet all the principles considered above, as detailed in the Assessment Table. The proposal has also been assessed against the 'Matters for consideration' contained within the Policy, as detailed below:

### Part 3.3, Clause 3.23 – Child Care Planning Guideline – Matters for consideration

COMPLIANCE TABLE		
Provision	Comment	Complies
<p><b>3.1 Site Selection and Location Considerations</b></p> <p><b>Objective: To ensure that appropriate zone considerations are assessed when selecting the site.</b></p> <p><b>C1 –</b> For proposed developments in or adjacent to a residential zone, particularly if that zone is for low density residential uses consider:</p> <ul style="list-style-type: none"> <li>Acoustic Privacy;</li> <li>Visual amenity impacts (e.g. additional building bulk and</li> </ul>	<p>The site remains a suitable location for continued use as a childcare centre. The construction of new replacement fencing will better secure the site and improve child safety.</p>	<p><b>YES</b></p>

<p>overshadowing, local character);</p> <ul style="list-style-type: none"> <li>• Setbacks;</li> <li>• Traffic and parking impacts of the proposal;</li> <li>• Residential amenity and road safety</li> </ul> <p>For proposed developments in public or private recreation zones, consider:</p> <ul style="list-style-type: none"> <li>• Compatibly with community operations and nature</li> <li>• Use of Tenure (permanent or Casual) of site</li> <li>• Hours of operations</li> <li>• availability of appropriate and dedicated sanitation facilities for the development</li> </ul>		
<p><b>Objective: To ensure that the site selected for a proposed childcare facility is suitable for use.</b></p> <p><b>C2 –</b></p> <ul style="list-style-type: none"> <li>• Compatible with surrounding uses;</li> <li>• Not made unsafe by risk factors such as bushfire prone, landslip affected, flood prone etcetera;</li> <li>• Land is not contaminated or hazardous;</li> <li>• Site characteristics are suitable for scale proposed in terms of: <ul style="list-style-type: none"> <li>○ Size of street frontage, lot configuration, dimensions and size;</li> <li>○ Number of shared boundaries with residential properties;</li> <li>○ Will not have adverse environmental effects upon surrounding area, particularly in environmentally sensitive or culturally sensitive areas;</li> <li>○ There are suitable drop off and pickup areas and off street parking;</li> <li>○ Type of adjoining road e.g. classified, cul-de sac etc. is safe for use;</li> <li>○ Not located close to incompatible social uses</li> </ul> </li> </ul>	<p>As above.</p> <p>The existing childcare centre site is affected by bushfire risk.</p> <p>This development is exempt from the operations of the <i>Rural Fire Act 1997</i> and shall be carried out by <i>Planning for Bushfire Protection</i>. A Bushfire Risk Assessment, prepared by Clarke Dowdle &amp; Associates, supports the application. Dealing with the proposed new fencing as a Class 10 structure, the assessment concluded that the fencing is appropriate given that it would be of non-combustible materials.</p>	<p><b>YES</b></p>

such as restricted premises, injecting rooms, licensed premises, and gambling venues.		
<p><b>3.2 Local Character, streetscape and the public domain interface</b></p> <p><b>Objective: To ensure that the childcare facility is compatible with the local character and surrounding streetscape.</b></p> <p><b>C5</b> – The proposed development should: contribute to the local area by being designed in character with the locality and existing streetscape</p> <ul style="list-style-type: none"> <li>• reflect the predominant form of surrounding land uses, particularly in low density residential areas</li> <li>• recognise predominant streetscape qualities, such as building form, scale, materials and colours</li> <li>• include design and architectural treatments that respond to and integrate with the existing streetscape</li> <li>• use landscaping to positively contribute to the streetscape and neighbouring amenity</li> <li>• integrate car parking into the building</li> </ul>	<p>The proposed fencing will contribute to the visual quality of the streetscape, subject to <b>Condition 4</b>.</p> <p>The design and materials to be used in the construction are commensurate with existing front fences in Auluba Road.</p> <p>All existing landscape features across the site and neighbouring properties are to be preserved in accordance with recommended conditions (<b>Conditions 3, 9, 10, 11, 30, 31, 32 and 33</b>).</p>	<b>YES</b>
<p><b>Objective: To ensure clear delineation between the childcare facility and public spaces.</b></p> <p><b>C6</b> – Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> <li>• fencing to ensure safety for children entering and leaving the facility;</li> <li>• windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community;</li> <li>• integrating existing and proposed landscaping with fencing.</li> </ul> <p><b>C7</b> – On sites with multiple buildings</p>	<p>The new fencing is consistent with this objective. The proposal provides a new physical threshold in the form of a secure, 1.8 metres high fence and gates to the street frontage.</p> <p>Fencing is of an open-style palisade design (matt black in colour) to ensure passive surveillance is maintained between the centre, play areas and the public domain.</p> <p>New Colorbond fencing to the eastern boundary will</p>	<b>YES</b>

<p>and/or entries, pedestrian entries and spaces associated with the childcare facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p> <p><b>C8</b> – Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> <li>• clearly defined street access, pedestrian paths and building entries;</li> <li>• low fences and planting which delineate communal/ private open space from adjoining public open space;</li> <li>• minimal use of blank walls and high fences.</li> </ul>	<p>provide privacy screening to the adjoining residential neighbour as well as noise attenuation.</p> <p>A new front entrance gate is to be clearly positioned at the existing point of access from the road and will be legible to pedestrians.</p>	
<p><b>Objective: To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.</b></p> <p><b>C9</b> – Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p> <p><b>C10</b> – High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p>	<p>The new front fencing is to be positioned generally in place of the existing fence at the site boundary.</p> <p>The design and materiality of the fencing is compatible with the character of other front fencing observed in Auluba Road.</p> <p>1.8 metres high fencing is proposed to enclose the children's outdoor play space and ensure a degree of security and safety for ongoing use. An open-style form is proposed to ensure passive surveillance is maintained between the centre and the street frontage.</p>	YES
<p><b>3.3 Building orientation, envelope and design</b></p> <p><b>Objective: To respond to the streetscape and site, while</b></p>	<p>The incorporation of a new solid Colorbond fence to a height of 1.8 metres along the eastern site boundary</p>	YES



<p><b>optimising solar access and opportunities for shade.</b></p> <p><b>C11</b> – Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> <li>• ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> <li>○ facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties;</li> <li>○ placing play equipment away from common boundaries with residential properties;</li> <li>○ locating outdoor play areas away from residential dwellings and other sensitive uses.</li> </ul> </li> <li>• optimise solar access to internal and external play areas;</li> <li>• avoid overshadowing of adjoining residential properties;</li> <li>• minimise cut and fill;</li> <li>• ensure buildings along the street frontage define the street by facing it;</li> <li>• ensure that where a childcare facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.</li> </ul>	<p>will provide visual privacy and separation to the neighbouring residential property at No. 10 Auluba Road.</p>	
<p><b>Objective: To ensure that setbacks from the boundary of a childcare facility are consistent with the predominant development within the immediate context.</b></p> <p><b>C13</b> – Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p>	<p>No change to existing building setbacks, albeit, the fencing will vary slightly from the positioning of the existing fence to be replaced.</p>	<p><b>YES</b></p>

<p><b>C14</b> – On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>		
<p><b>Objective: To ensure that childcare facilities are designed to be accessible by all potential users.</b></p> <p><b>C16</b> - Accessible design can be achieved by:</p> <ul style="list-style-type: none"> <li>• providing accessibility to and within the building in accordance with all relevant legislation;</li> <li>• linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry;</li> <li>• providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible;</li> <li>• minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.</li> </ul> <p>NOTE: The <i>National Construction Code</i>, the <i>Discrimination Disability Act 1992</i> and the <i>Disability (Access to Premises – Buildings) Standards 2010</i> set out the requirements for access to buildings for people with disabilities.</p>	<p>The new entrance gate has been designed with an accessible grade and opening to allow for passage by all users and in accordance with the NCC access provisions and Disability Discrimination Act 1992.</p>	<p><b>YES</b></p>
<p><b>3.4 Landscaping</b></p> <p><b>Objective: To provide landscape design that contributes to the streetscape and amenity.</b></p> <p><b>C17</b> – Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:</p>	<p>All established landscape features across the site and neighbouring properties are to be retained.</p> <p>The proposed fencing can be undertaken in a manner that will not adversely impact any threatened species, significantly biodiversity values or prominent trees and vegetation.</p>	<p><b>YES</b></p>

<ul style="list-style-type: none"> <li>reflecting and reinforcing the local context</li> <li>incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.</li> </ul>		
<b>3.5 Visual and acoustic Privacy</b>  <b>Objective: To protect the privacy and security of children attending the facility.</b>  <b>C19 – N/A – Open Balconies</b>  <b>C20 – Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</b> <ul style="list-style-type: none"> <li>appropriate site and building layout;</li> <li>suitably locating pathways, windows and doors;</li> <li>permanent screening and landscape design.</li> </ul>	The incorporation of a new solid Colorbond fence to a height of 1.8 metres along the eastern site boundary will provide visual privacy and separation to the neighbouring residential property at No. 10 Auluba Road.	<b>YES</b>
<b>Objective: To minimise impacts on privacy of adjoining properties.</b>  <b>C21 – Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</b> <ul style="list-style-type: none"> <li>appropriate site and building layout;</li> <li>suitable location of pathways, windows and doors;</li> <li>landscape design and screening.</li> </ul>	As above.	<b>YES</b>
<b>Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</b>  <b>C33 – Alternate access must be demonstrated where the site fronts:</b> <ul style="list-style-type: none"> <li>- Classified road;</li> <li>- Road used for freight / dangerous goods / hazardous materials</li> </ul>	A vehicular access gate, designed for maintenance access only, is provided along the new fencing to Auluba Road.	<b>YES</b>
<b>Objective: To provide a safe and connected environment for pedestrians both on and around the site.</b>	Existing access arrangements would be generally maintained as a	<b>YES</b>

<p><b>C35</b> – Design solutions may be included to help provide safe pedestrian environment:</p> <ul style="list-style-type: none"> <li>- Separate pedestrian access from car park to facility;</li> <li>- N/A;</li> <li>- N/A;</li> <li>- Pedestrian paths that allow two prams to pass each other;</li> <li>- Delivery and loading areas located away from main pedestrian access;</li> <li>- N/A</li> <li>- Vehicles can enter and exit site in forward direction.</li> </ul>	<p>result of the proposed fencing. A separate pedestrian access is provided away from the vehicle access gate to the site frontage. No on-site parking is provided, therefore access by vehicles will be limited to off-peak times and generally limited in the number of anticipated movements.</p>	
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The proposal satisfies all the primary requirements of this part of the SEPP and is therefore acceptable.

#### **Consideration of Part 3.3, Clause 3.26 – Centre-based childcare facility—non-discretionary development standards**

Clause 3.26 details development standards to be applied to childcare centres, such as location, indoor and outdoor unencumbered space, site area and dimensions, colour of building materials and shade structure to childcare centres noting that councils cannot apply or seek more onerous requirements.

The proposed scope of works in this instance is limited to the replacement of boundary fencing. No matters of consideration under Clause 3.26 are relevant to the subject assessment and proposal.

#### **Consideration of Part 3.3, Clause 3.27 - Centre-based child care facility—development control plans**

Per Clause 3.27(1), the SEPP prevails over any DCP controls that are similar or the same as the above. The DCP provisions considered in this report do not go to any of the matters listed in Clause 3.27, as shown above.

Consideration of the Education and Care Services National Regulations (“National Regulations”) that apply to the proposed development is provided below:

#### **National Regulation No. 104 - Fencing or barrier that encloses outdoor spaces**

The proposal complies with Regulation 104 in that it seeks to construct an appropriate physical barrier along the site boundaries that will ensure that preschool aged children cannot go through, over or under the fence.

#### **Conclusion**

This assessment finds that the application meets all of the general requirements of the Guideline.

## **Ku-ring-gai Local Environmental Plan 2015**

### **Clause 1.2 Aims of the Plan**

The proposal has been assessed against the relevant Aims of the LEP 2015. The proposal is consistent with the Aims for the reasons given within this assessment report.

#### **Zoning and permissibility:**

The site is zoned RE1 Public Recreation. The proposed development is for fencing associated with an approved centre-based child care facility which is a permissible form of development in the RE1 zone.

#### **Zone objectives:**

The objectives of this zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*

The development upholds the zone objectives for the following reason:

- The proposed fencing increases the safety of the site to continue to be used as a centre-based childcare facility.
- The fencing is compatible with the land use and the activities of a centre-based childcare facility.
- The fencing design safeguards the natural environment and its ecological, scientific, cultural, and aesthetic values.

## **Part 5 Miscellaneous provisions**

### **Clause 5.23 Public bushland**

The site is located adjacent to the Blue Gum Creek Reserve.

The objectives of the control seek to:

- (1) *The objective of this clause is to protect and ensure the ecological viability of bushland, including rehabilitated areas in urban areas, by—*
  - (a) *preserving biodiversity, habitat corridors and links between public bushland and other nearby bushland, and*
  - (b) *preserving bushland as a natural stabiliser of the soil surface, and*
  - (c) *preserving existing hydrological landforms, processes and functions, including natural drainage lines, watercourses, wetlands and foreshores, and*
  - (d) *preserving the recreational, educational, scientific, aesthetic, environmental, ecological and cultural values and potential of bushland, and*
  - (e) *mitigating disturbance caused by development.*

Council's Ecological Assessment Officer has reviewed the application and is satisfied that

the proposal is acceptable and is consistent with the objectives of Clause 5.23. The proposal is set back from the line of the existing fencing on one of its boundaries. **Condition 8** is recommended to ensure that no unreasonable impacts occur to the public bushland. All natural and biodiversity values are protected given that fence posts are to be isolated pad style footings to limit impacts (i.e. no strip footing proposed). This in addition to hand excavation under the supervision of an arborist. No change to stormwater is proposed under the subject application.

## **Part 6 Additional local provisions**

### **Clause 6.1 – Acid sulphate soils**

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The land is mapped as Class 5 metres Acid sulfate soils. Development consent is required for works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. The proposal is not subject to this clause as the works are more than 500m from adjacent Class 1, 2, 3 or 4 land.

### **Clause 6.2 - Earthworks**

The proposed development will not restrict the existing or future use of the site, adversely impact on neighbouring amenity, the quality of the water table or disturb trees or any known relics. Additionally, the minimal topsoil excavated during fence and footing removal will be utilised elsewhere on the site in landscaping and padding out uneven ground surface areas where necessary.

### **Clause 6.3 - Biodiversity protection**

The site is mapped as “Biodiversity” on the Terrestrial Biodiversity Map, as shown within **Figure 4**.



**Figure 4: Mapped Area of Biodiversity Significance on the subject site.**

Council's Ecological Assessment Officer has considered the proposed development. The proposal has been designed to minimise impacts on the diversity and condition of native vegetation, fauna and habitat as per the requirements of the LEP, without the need for any conditions.

### **Policy Provisions (DCPs, Council policies, strategies and management plans)**

## **Ku-ring-gai Development Control Plan**

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

The proposed development has been assessed against the general aims of this DCP and is consistent in all relevant respects for the reasons given throughout this report.

### **Part 2: Site analysis**

A site analysis which identifies the existing characteristics of the site, and the surrounding area has been provided as part of the development application. The site analysis is considered to satisfy the objectives of this part of the DCP.

### **Part 10 Childcare centres**

There are no provisions in relation to fencing in this particular part.

## **Ku-ring-gai Development Control Plan**

### **Section B**

### **Part 15 – Land Contamination**

The site is not mapped as being contaminated and has a history of centre based child care centre use and as such, it is unlikely to contain contamination and further investigation is not warranted in this case.

### **Part 16 – Bushfire Risk**

The site is mapped as bush fire prone land.

The *Rural Fires Regulation 2022* states this development is exempt from the operations of the *Rural Fire Act 1997* and shall be carried out by *Planning for Bushfire Protection*. The supporting Bushfire Threat Assessment, prepared by Clarke Dowdle & Associates, assessed the impacts of the fencing as a Class 10 structure. The fencing as proposed is supported as construction materials will be non-combustible and are appropriately offset from existing habitable structures.

### **Part 18 – Biodiversity**

The site is mapped as land comprising biodiversity significance.

Council's Ecological Assessment Officer is satisfied that the proposed development will not result in a significant detrimental impact contrary to the objectives of these provisions in relation to the diversity and condition of native vegetation, fauna and habitat.

## Ku-ring-gai Development Control Plan

### Section C

Development Control	Proposed	Complies
<b>Part 21 General Site Design</b>		
<b>21.1 – Earthworks and slope</b>		
<p>Development consider site topography, drainage, soil, landscapes, flora, fauna and bushfire hazard by:</p> <ul style="list-style-type: none"> <li>Stepping buildings down the site</li> <li>Locate finished ground level as close to the natural ground level as practicable</li> <li>Level changes to occur primarily within building footprint</li> <li>Minimum 0.6 metres width between retaining walls</li> <li>Maintain existing ground level within 2m from any boundary</li> <li>Limit slope for embankments to 1:6 (grassed) and 1:3 (soil stabilising vegetation)</li> <li>No fill and excavation within sensitive environments</li> <li>Minimise altered groundwater flows</li> </ul>	<p>The proposed fencing has been positioned and will be constructed to step with the natural fall of the land across the site boundaries.</p> <p>Tree protection zones and structural root zones will be protected throughout the course of the construction works with all installation to be overseen by a suitably qualified arborist.</p> <p>No filling or significant excavation is required to accommodate the new fencing. Existing post holes are to be utilised where possible. All posts are to be located on the subject site.</p>	<b>YES</b>
<b>21.2 – Landscape Design</b>		
Appropriate and sensitive site planning and design. Existing appropriate screen planting is retained.	All existing landscaping elements are to be retained and preserved.	<b>YES</b>
Bushland Protection – buffer zone adjacent to bushland	No additional considerations. The fencing is to be of non-combustible materials.	<b>YES</b>
<b>Part 22 - General access and parking</b>		
<b>22.1 – Equitable Access</b>		
<p>Compliance with DDA demonstrated</p> <p>Entry access ramps located within the site and does not dominate the front façade</p> <p>Access ways for pedestrians and for vehicles are separated</p>	<p>The fencing is designed to comply with relevant access provisions under the NCC and Disability Discrimination Act 1992.</p> <p>Existing accessways are to be retained with gates incorporated into the site frontage to Auluba Road.</p>	<b>YES</b>
<b>22.2 – General vehicle access</b>		
<ul style="list-style-type: none"> <li>Minimise width and number of vehicle access points.</li> </ul>	Vehicular and pedestrian access to the site remains as per existing arrangements.	<b>YES</b>



<ul style="list-style-type: none"> <li>• Access driveways set back at least 10 metres from street intersections and 3 metres from pedestrian entrances.</li> <li>• Vehicle and pedestrian access to buildings clearly distinguished and separated.</li> <li>• Vehicle crossing width is acceptable for intensity of use proposed.</li> <li>• Vehicles must exit in a forward direction.</li> <li>• Vehicle entries are integrated into the external façade and are finished in a high-quality material.</li> <li>• Retaining walls associated with driveways maximum height of 1.2 metres.</li> <li>• No driveways are longer than 30 metres unless a passing bay is provided.</li> </ul>		
<b>23.8 – Visual Privacy</b>		
Visual privacy maintained for occupants and for neighbouring dwellings.	The proposed 1.8 metres high solid Colorbond fence to the eastern boundary provides sufficient visual privacy control to the neighbouring residential property.	<b>YES</b>
<b>23.9 – Construction, Demolition and Disposal</b>		
Satisfactory Environmental Site Management Plan	Suitable environmental controls are detailed in the supporting work method statement and subject to standard conditions.	<b>YES</b>

#### Part 24 – Water management

Council's Development Engineer is satisfied that the proposed development has been designed to manage urban stormwater as per the requirements of the DCP, subject to **Condition 29**.

#### **Ku-ring-gai Contributions Plan 2023**

The development does not attract a Section 7.12 Development Contribution as the cost of works is under \$100,000.

#### **REGULATION**

Section 61(1) of the Environmental Planning & Assessment Regulation 2021 requires the consent authority to consider the provisions of *Australian Standard AS 2601-2001: The demolition of structures*. The demolition of the existing structure(s) will be carried out in accordance with a work plan and statement of compliance that will be required to be submitted to the Principal Certifier prior to the commencement of any works. A condition to this effect (**Condition 12**) is recommended.

## LIKELY IMPACTS

The likely impacts of the development have been considered within this report and are deemed to be acceptable, subject to conditions.

## SUITABILITY OF THE SITE

The site is suitable for the proposed development.

## PUBLIC INTEREST

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by the Panel ensuring that any adverse effects on the surrounding area and the environment are minimised. The proposal has been assessed against the relevant environmental planning instruments and is deemed to be acceptable. On this basis, the proposal is not considered to raise any issues that are contrary to the public interest.

## CONCLUSION

Having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be satisfactory.

## RECOMMENDATION

### PURSUANT TO SECTION 4.16(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979, being satisfied that the proposed development would be in the public interest, grant development consent to eDA0515/24 for replacement of boundary fencing at 10A Auluba Road, South Turramurra, subject to conditions. Pursuant to Section 4.53 of the Environmental Planning and Assessment Act 1979, this consent lapses if the approved works are not physically commenced within five years of the date of the Notice of Determination.

**The conditions of the consent are set out as follows:**

### CONDITIONS THAT IDENTIFY APPROVED PLANS:

#### 1. Approved architectural plans and documentation (alterations and additions)

The development must be carried out in accordance with work shown in colour on the plans and as described or depicted in the documentation listed below and endorsed with Council's stamp, except as amended by other conditions of this Development Consent.

Plan no.	Drawn by	Dated
<i>Architectural Plans</i>		
Dwg No. 10223-02/03	Nagy Khoury Design Pty Ltd	14/07/2022
Dwg No. 10223-03/03	Nagy Khoury Design Pty Ltd	14/07/2022
Fencing Specifications	Unknown	Unknown
<b>Document(s)</b>		<b>Dated</b>

Bush fire risk assessment and certification prepared by Clarke Dowdle & Associates	July 2022
Waste Management Plan prepared by Nagy Khoury Design Pty Ltd	29/08/2022

**Reason:** To ensure that the development is in accordance with the Development Consent.

## 2. Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this Development Consent prevail.

**Reason:** To ensure that the development is in accordance with the Development Consent.

## 3. Amended architectural plans

Prior to the issue of a Construction Certificate, the Certifier shall be satisfied that the approved plans listed in Condition 1 of this Development Consent, have been amended in accordance with the requirements of this condition as well as other conditions of this Development Consent:

- (a) The Site Plan shall be updated to state that all fencing and related posts will be located wholly within the subject site.
- (b) All trees indicated on the Survey Plan are to be indicated on the Site Plan (Dwg No. 10223-02/03), including the *Eucalyptus saligna* (Sydney Blue Gum) to north-western corner, located outside of the site boundary.
- (c) The Architectural Plan shall be amended to indicate a replacement sleeper wall to the northwestern front corner. The new sleeper wall must replicate the existing wall, including retaining the existing ground levels and height (300-400mm high), be of timber material and with post holes in the same location as existing due to the proximity of the existing *Eucalyptus saligna* (Sydney Blue Gum).

**Reason:** To ensure that the health of trees is maintained and works remain wholly within the subject site.

## 4. Fence colours

The Colourbond fence is to be of cream and green colouring. All palisade fencing is to be matt black in colour consistent with the approved 'Fencing Specifications' listed in Condition 1 of this Development Consent.

**Reason:** To ensure the proposed fencing complements the visual quality of the locality.

## CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:

## 5. Asbestos works

All work involving asbestos products and materials, including asbestos-cement-sheeting (ie. fibro), must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.

**Reason:** To ensure public safety.

**6. Notice of commencement**

At least 48 hours prior to the commencement of any demolition, excavation or building works, a notice of commencement of building works or subdivision lodgement form and appointment of the Principal Certifier form shall be submitted to Council.

**Reason:** Statutory requirement.

**7. Notification of builder's details**

Prior to the commencement of any works, the Principal Certifier shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

**Reason:** Statutory requirement.

**8. Access through public reserve not permitted**

Access for construction purposes shall not be gained through the adjoining public reserve. Should no alternative access exist, an application for access to the construction site via the public reserve shall be submitted to Council for consideration and approval prior to the commencement of works. Parking of construction vehicles and employee vehicles on public reserves is also not permitted.

**Reason:** To protect public reserves.

**9. Trunk and branch protection**

Prior to the commencement of any works, the trunk/s and branches of the listed trees are to be protected by the placement of 50 x 100mm timbers over suitable protective padding material in accordance with Section 4.5.2 of the current version of **Australian Standard AS 4970 - Protection of trees on development sites**. The trunk and branch protection shall be maintained intact until the completion of all works.

Any damage to the tree/s is to be treated in a timely manner by an experienced arborist, with minimum AQF Level 5 qualification and a report detailing the works carried out shall be submitted to the Principal Certifier:

Tree/Location
All trees indicated on survey prepared by Cooper and Richards Surveyors and dated 15/6/22.

**Reason:** To protect existing trees.

**10. Inspection of tree protection measures**

Upon installation of the required tree protection measures, an inspection is to be conducted by the project arborist or the Principal Certifier to verify that tree protection measures comply with all relevant conditions of this Development Consent.

**Reason:** To protect existing trees.

#### **11. Project arborist**

Prior to the commencement of any works, a project arborist shall be engaged to ensure all tree protection measures and works are carried out in accordance with the conditions of this Development Consent.

The project arborist shall have a minimum AQF Level 5 qualification with a minimum of 5 years experience. Details of the arborist including name, business name and contact details shall be provided to the Principal Certifier and a copy shall be provided to Council.

**Reason:** To protect of existing trees.

#### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE:**

#### **12. Statement of compliance with Australian Standards**

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The applicant must provide work plans required by AS2601: 2001 and a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to and approved by the Certifier prior to the commencement of any demolition works.

**Reason:** To ensure compliance with the Australian Standards.

#### **13. Utility provider requirements**

Prior to issue of any Construction Certificate, the Applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifier, must be obtained. All utility services or appropriate conduits for the same must be provided in accordance with the specifications of the utility providers.

**Reason:** To ensure compliance with the requirements of relevant utility providers.

#### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE, OR PRIOR TO DEMOLITION, EXCAVATION OR BUILDING WORKS (WHICHEVER COMES FIRST):**

#### **14. Infrastructure damage security bond and inspection fee**

To ensure that any damage to Council property as a result of construction activity is rectified in a timely manner:

- (a) All work or activity undertaken pursuant to this development consent must be undertaken in a manner to avoid damage to Council property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- (b) The applicant, builder, developer or any person acting in reliance on this consent shall be responsible for making good any damage to Council property and for the removal from Council property of any waste bin, building materials, sediment, silt, or any other material or article.

- (c) The Infrastructure damage security bond and infrastructure inspection fee must be paid to Council by the applicant prior to both the issue of any Construction Certificate and the commencement of any earthworks or construction.
- (d) In consideration of payment of the infrastructure damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council Property as Council considers necessary and will also undertake, on behalf of the applicant, such restoration work to Council property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.
- (e) **Release of the bond** – Upon receipt by Council of an Occupation Certificate, Council will undertake an inspection of Councils Infrastructure and release the bond if no damage is found.

For development relating to more than 2 dwellings, there will be a six months holding period after the receipt by Council of the final occupation certificate, after which you may request Council to return any bond monies.

If there is damage found to Council property the bond will not be released until the damage has been rectified to Council's satisfaction.

- (f) In this condition:

"Council property" includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

"Infrastructure damage security bond and infrastructure inspection fee" means the Infrastructure damage security bond and infrastructure inspection fee as calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council property associated with this condition.

**Reason:** To maintain public infrastructure.

#### 15. Bush fire risk certification

In the carrying out of the approved development, bush fire protection measures shall be carried out and implemented in accordance with the following bush fire risk assessment, report and certificate, listed below and endorsed with Council's stamp, except where amended by other conditions of this Development Consent:

Document title	Prepared by	Dated
Bush fire risk assessment and certification prepared	Clarke Dowdle & Associates	July 2022

Prior to the issue of any Construction Certificate, the Certifier must be satisfied that the Construction Certificate incorporates and demonstrates the recommendations of the report and certificate as listed above.

**Reason:** To ensure that the development is in accordance with the Development Consent.

**CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:**

**16. Road opening permit**

The opening of any footway, roadway, road shoulder or any part of the road reserve (excluding where a Driveway Application and Roads Act Approval is required) shall not be carried out without a road opening permit being applied for and obtained from Council (and upon payment of any required fees) beforehand.

**Reason:** Statutory requirement (Roads Act 1993 Section 138) and to maintain the integrity of Council's infrastructure.

**17. Prescribed conditions**

The work shall comply with any relevant prescribed conditions of development consent under Sections 69, 70, 71, 72, 73, 74 and 75 of the Environmental Planning and Assessment Regulation 2021. For the purposes of section 4.17 (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

**Compliance with Building Code of Australia and insurance requirements under [Home Building Act 1989](#)**

- 1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- 2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the [Home Building Act 1989](#), Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
- 3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.
- 4) In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.
- 5) In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
- 6) This section does not apply -
  - (a) to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#), or
  - (b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
- 7) **relevant date** has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 19.

### Erection of signs

- 1) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- 2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out -
  - (a) showing the name, address and telephone number of the principal certifier for the work, and
  - (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- 3) The sign must be -
  - (a) maintained while the building work, subdivision work or demolition work is being carried out, and
  - (b) removed when the work has been completed.
- 4) This section does not apply in relation to -
  - (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
  - (b) Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

### Notification of [Home Building Act 1989](#) requirements

- 1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
- 2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following -
  - (a) for work that requires a principal contractor to be appointed -
    - i. the name and licence number of the principal contractor, and
    - ii. the name of the insurer of the work under the [Home Building Act 1989](#), Part 6,
  - (b) for work to be carried out by an owner-builder -
    - i. the name of the owner-builder, and
    - ii. if the owner-builder is required to hold an owner-builder permit under the [Home Building Act 1989](#) - the number of the owner-builder permit.
- 3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- 4) This section does not apply in relation to Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

### Shoring and adequacy of adjoining property

- 1) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
- 2) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense -
  - (a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and



- (b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
- 3) This section does not apply if -
  - (a) the person having the benefit of the development consent owns the adjoining land, or
  - (b) the owner of the adjoining land gives written consent to the condition not applying.

**Reason:** Statutory requirement.

## **18. Hours of work**

Demolition, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12 noon Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Demolition and/or excavation using machinery of any kind must be limited to between 7.00am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon and 1.00pm. No demolition and/or excavation using machinery of any kind is to occur on Saturdays, Sundays or public holidays.

Where it is necessary for works to occur outside of these hours (ie placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by Transport for NSW (TfNSW) from travelling during daylight hours to deliver, erect or remove machinery, tower cranes, pre-cast panels, beams, tanks or service equipment to or from the site), approval for such activities will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

Failure to obtain a permit to work outside of the approved hours will result in regulatory action.

**Reason:** To ensure reasonable standards of amenity for occupants of neighbouring properties.

## **19. Approved plans to be on site**

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifier.

**Reason:** To ensure that the development is in accordance with the determination.

## **20. Dust control**

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- ☐ all materials shall be stored or stockpiled at the best locations
- ☐ the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- ☐ cleaning of footpaths and roadways shall be carried out at least daily

**Reason:** To protect the environment and the amenity of surrounding properties.

#### **21. Use of road or footpath**

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The footpath shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost of rectification against the applicant/owner/builder or any other responsible person, as the case may be.

**Reason:** To ensure safety and amenity of the area.

#### **22. Toilet facilities**

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed. One toilet, plus one additional toilet for every 20 persons working at the site are to be provided. Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the Local Government Act 1993 [<https://www.legislation.nsw.gov.au/>](https://www.legislation.nsw.gov.au/), or
- c) be a temporary chemical closet approved under the Local Government Act 1993 [<https://www.legislation.nsw.gov.au/>](https://www.legislation.nsw.gov.au/).

**Reason:** Statutory requirement.

#### **23. Recycling of building material (general)**

During demolition and construction, the Principal Certifier shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

**Reason:** To facilitate recycling of materials.

#### **24. Garbage receptacle**

1. A garbage receptacle must be provided at the work site before works begin and must be maintained until all works are completed.
2. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
3. The receptacle lid must be kept closed at all times, other than when garbage is being deposited.

**Reason:** To ensure appropriate construction site waste management and to avoid injury to wildlife.

#### **25. Construction signage**

All construction signs must comply with the following requirements:

- ☐ are not to cover any mechanical ventilation inlet or outlet vent
- ☐ are not illuminated, self-illuminated or flashing at any time
- ☐ are located wholly within a property where construction is being undertaken

- ☐ refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- ☐ are restricted to one such sign per property
- ☐ do not exceed 2.5m<sup>2</sup>
- ☐ are removed within 14 days of the completion of all construction works

**Reason:** To ensure compliance with Council's controls regarding signage.

## **26. Road reserve safety**

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (2009) "Manual for Uniform Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may take actions to stop work, which may include the bringing of proceedings.

**Reason:** To ensure safe public footways and roadways during construction.

## **27. Services**

Where required, the adjustment or inclusion of any new utility service facilities must be carried out in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicant's responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

**Reason:** Provision of utility services.

## **28. Erosion control**

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifier and Council.

**Reason:** To protect the environment from erosion and sedimentation.

## **29. Drainage to existing system**

Stormwater runoff from the new retaining wall shall be piped to the existing site drainage system. The installation of new drainage components must be completed by a licensed contractor in accordance with AS3500.3 (Plumbing Code) and the NCC (BCA). No stormwater runoff is to be placed into the Sydney Water sewer system. If an illegal sewer connection is found during construction, the drainage system must be rectified to the satisfaction of Council and Sydney Water.

**Reason:** To protect the environment.

### 30. Arborist's inspection and reporting

The tree/s to be retained shall be inspected and monitored by an AQF Level 5 arborist in accordance with the current version of **Australian Standard AS 4970 - Protection of trees on development sites** during and after completion of development works to ensure their long term survival.

The Principal Certifier must be provided with reports by the project arborist within 7 days of the inspection detailing the date of inspection, identifying the trees by their number, the location and species, tree health, compliance with conditions of the Development Consent, description of the works inspected, description of any impacts to trees and any rectification and/or mitigation works prescribed and/or undertaken.

Regular inspections and documentation shall be given by the arborist to the Principal Certifier. These are required, at the following times or phases of work, but may be given more regularly:

Tree/location	Time of inspection
Within TPZ of all trees indicated on survey prepared by Cooper and Richards Surveyors and dated 15/6/22	Excavation for any new fencing and walling post holes required where not utilising existing post footings.

All works as recommended by the project arborist are to be undertaken by an experienced arborist with a minimum AQF Level 3 qualification.

**Reason:** To ensure protection of existing trees.

### 31. Retention of tree roots

No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s shall be severed or injured in the process of any works during the construction period. All pruning of roots less than 50mm in diameter shall be undertaken by an experienced arborist/horticulturalist, with a minimum AQF Level 3 qualification.

Tree/location	Radius in metres
All trees indicated on survey prepared by Cooper and Richards Surveyors and dated 15/6/22	Along proposed fence line

**Reason:** To protect existing trees.

### 32. Hand excavation

All excavation within the specified radius of the trunk/s of the following tree/s shall be carried out by hand digging and/or by an air knife and shall be supervised by an experienced arborist/horticulturalist, with a minimum AQF Level 3 qualification. The arborist /horticulturalist shall provide a report to the Principal Certifier confirming compliance with this condition:

Tree/Location	Radius in metres
All trees indicated on survey prepared by Cooper and Richards Surveyors and dated 15/6/22	Excavation for any new fencing and walling post holes required where not utilising existing post footings.

**Reason:** To protect existing trees.

### **33. No storage of materials beneath trees**

No activities, soil compaction, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Development Control Plan at any time unless specified in other conditions of this consent.

**Reason:** To protect existing trees.

### **34. Removal of refuse**

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

**Reason:** To protect the environment.

### **35. On site retention of waste dockets**

All demolition, excavation and construction waste dockets are to be retained on site, or at suitable location, in order to confirm which facility received materials generated from the site for recycling or disposal.

- ☐ each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing
- ☐ this information is to be made available at the request of an authorised Council officer.

**Reason:** To protect the environment.

### **36. Maintenance of site**

All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- ☐ all vehicles entering or leaving the site must have their loads covered, and
- ☐ all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris.

**Reason:** To ensure the site is appropriately maintained.

**37. Site fencing**

The site must be secured and fenced prior to works commencing. All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

If the work involved in the excavation, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, a hoarding is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place (note that separate approval is required prior to the commencement of works to erect a hoarding or temporary fence on public property).

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons on public property.

The site shall be secured/locked to prevent access at the end of each day.

Any hoarding, fence or awning is to be removed when the construction work has been completed.

**Reason:** To ensure public safety.

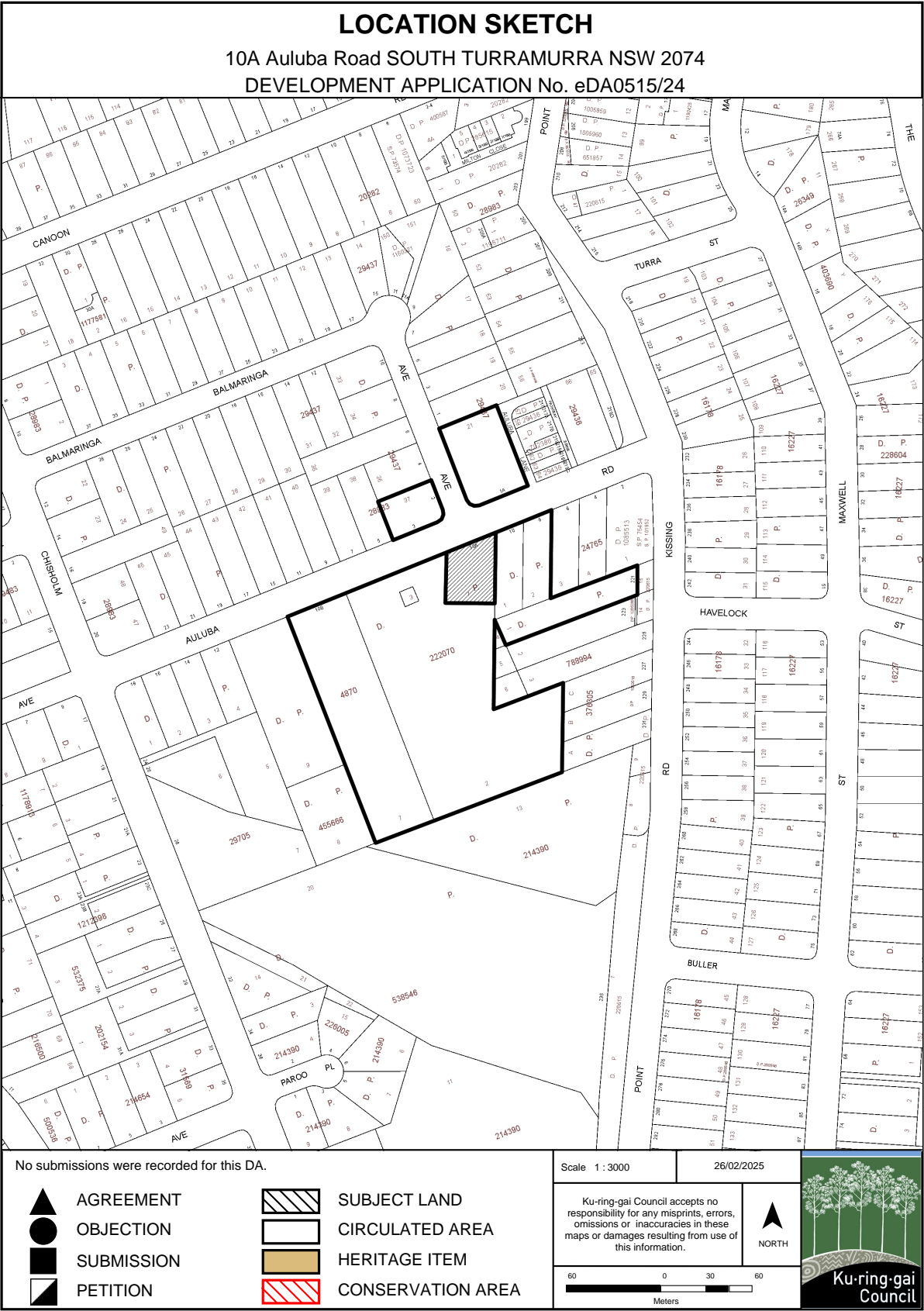
**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:**

**38. Compliance with bush fire assessment, report and certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that all recommendations listed in the bush fire risk assessment and report below have been complied with:

Document title	Prepared by	Dated
Bush fire risk assessment and certification prepared	Clarke Dowdle & Associates	July 2022

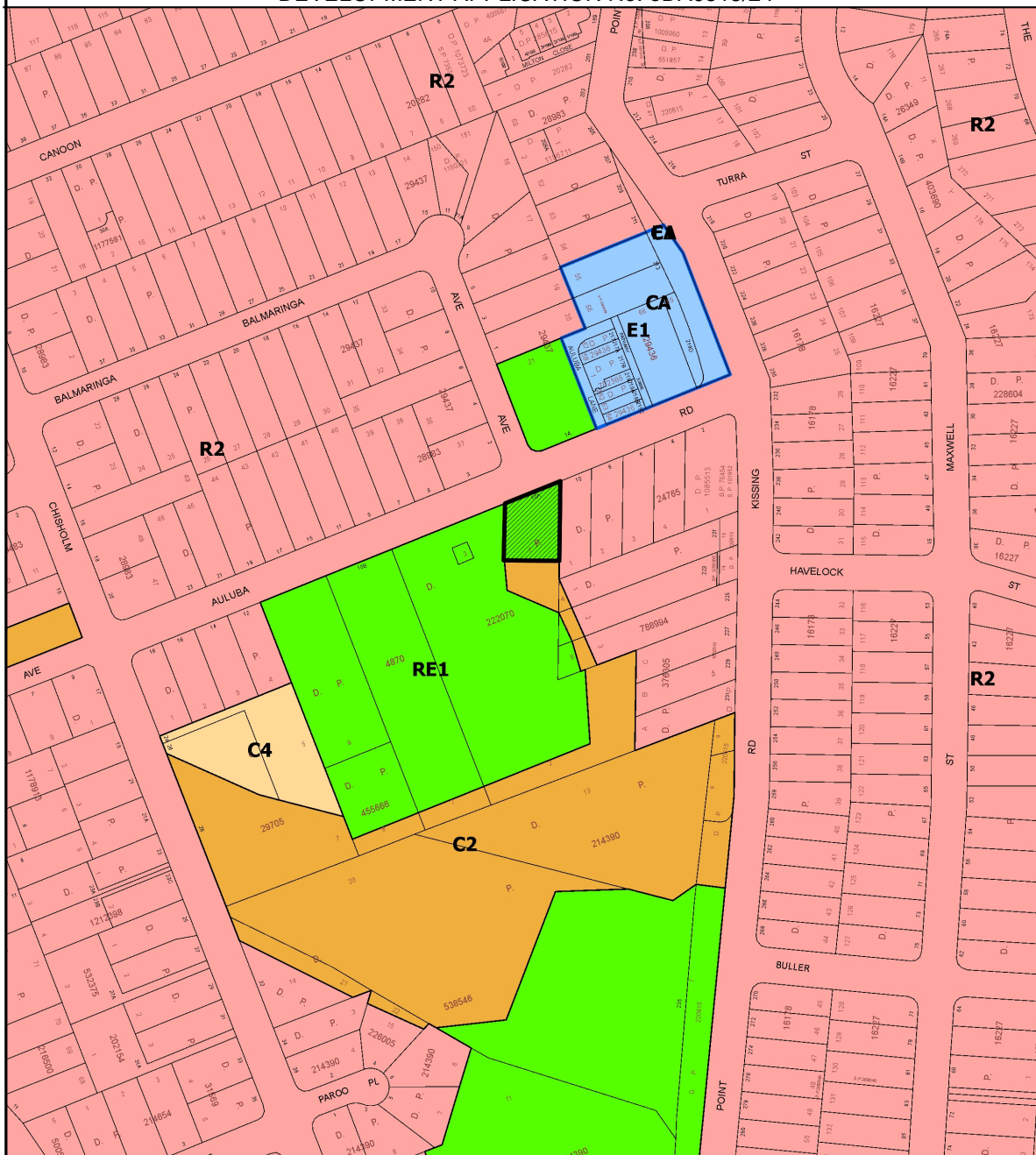
**Reason:** Statutory requirement.



## KU-RING-GAI LEP 2015 ZONING EXTRACT

10A Auluba Road SOUTH TURRAMURRA NSW 2074

DEVELOPMENT APPLICATION No. eDA0515/24



### Legend

#### Zoning

<b>E1</b> Local Centre	<b>C4</b> Environmental Living	<b>RE1</b> Public Recreation
<b>E3</b> Productivity Support	<b>R1</b> General Residential	<b>RE2</b> Private Recreation
<b>MU</b> Mixed Use	<b>R2</b> Low Density Residential	<b>SP1</b> Special Activities
<b>C1</b> National Parks & Reserves	<b>R3</b> Medium Density Residential	<b>SP2</b> Infrastructure
<b>C2</b> Environmental Conservation	<b>R4</b> High Density Residential	<b>W1</b> Natural Waterways
<b>C3</b> Environmental Management	<b>R5</b> Large Lot Residential	



Subject Land

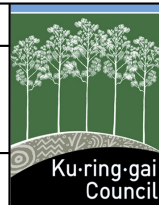
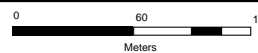
Scale 1 : 3000

Date: 26/02/2025

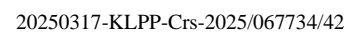
Ku-ring-gai Council accepts no responsibility for any misprints, errors, omissions or inaccuracies in these maps or damages resulting from use of this information.

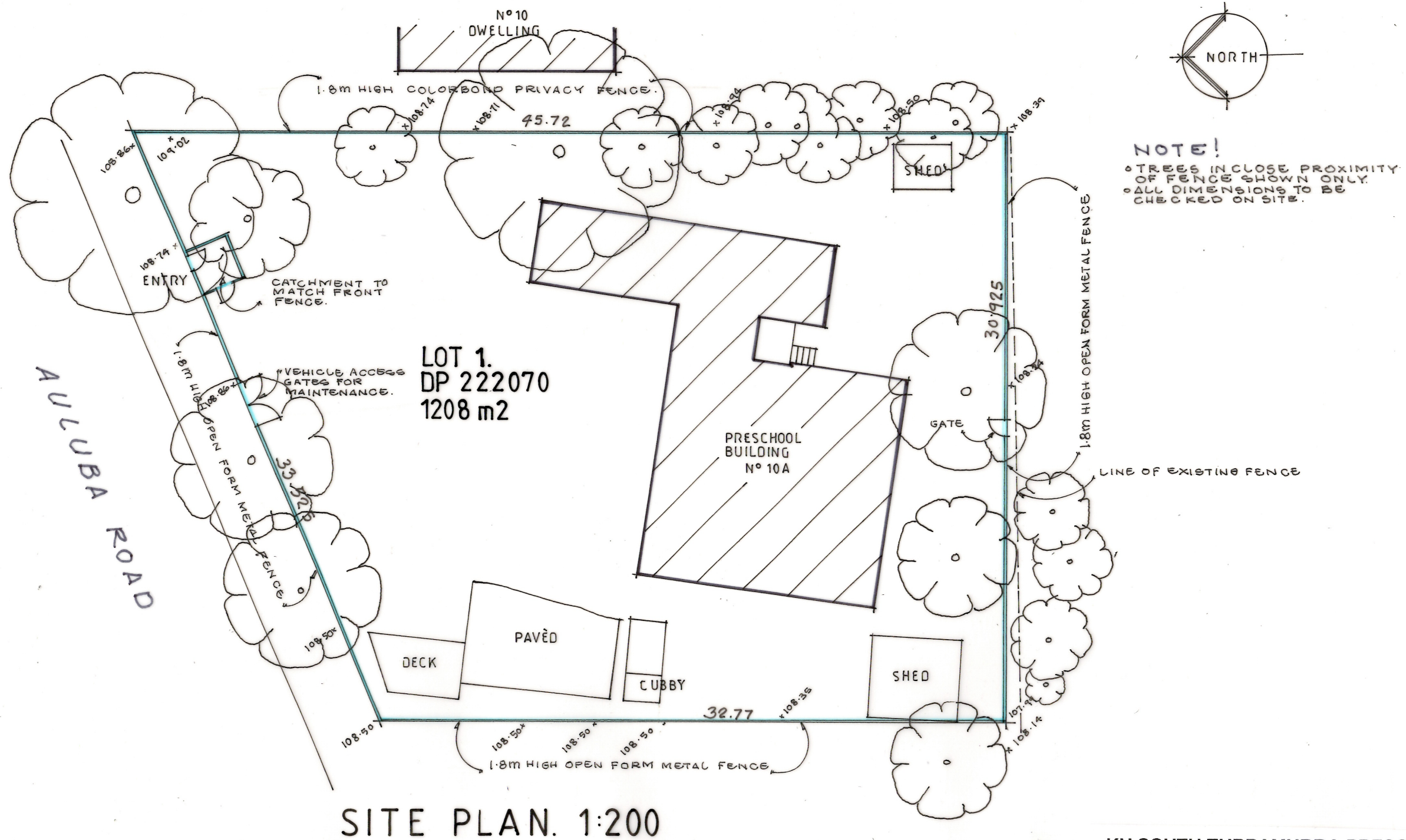


NORTH









**KU SOUTH TURRAMURRA PRESCHOOL**  
10A Auluba Road, South Turramurra. NSW 2074

**PROPOSED REPLACEMENT OF  
BOUNDARY FENCES TO PRESCHOOL**

**SITE PLAN**

Date: 14 July 2022 Scale: 1:200. Dwg No. 10223-02/03  
Nagy Khoury Design Pty Ltd.  
42/134 The Grand Parade, Brighton Le Sands. NSW 2216  
Ph: 0409 229 367 Email: nagy.khoury@gmail.com



## Fence Specification – For Quotation

### Boundary Fence (Non-Common) - Type 1



#### 1.0 Boundary Fence (Non-Common)

##### 1.1 PANELS

- Pickets and railed manufactured from pre-galvanised steel tube, zinc coated inside and outside as per AS 1450-1983 and AS 1397-2001.
- Height – ~~2100mm~~ 1800mm
- Length – 2400mm.
- 25mm x 25mm x 1.2mm Vertical Pickets with maximum 90mm spaces inserted through 40mm x 40mm x 1.6 punched rails with each picket to be welded at top and bottom of both top and bottom rails.
- Pickets to be cut and pressed to form spear point top.
- All welds to be silicon bronze
- Raised to be 150mm from both top and bottom of vertical pickets.
- Finished panels must be fully powder coated

## **2.2 FENCE POSTS**

- 65mm x 65mm x 2.5mm x 3000mm long pre-galvanised steel tube, zinc coated inside and outside to AS 1450-1983 and AS 1397-2001, complete with steel cap.
- Finished posts and caps must be fully powder coated.

## **2.3 FITTINGS**

- Galvanised internal rail brackets and sleeves fastened to posts using 5mm stainless steel rivets or tamper resistant fixings.
- Fixing are to be on the side of the fence unless prevented by bracket positioning.
- Where changed of direction are not 90°, the bracket is to be reconfigured on site to suit the angle, and the sleeve is to be cut at the required mitre from matching powder coated material.
- Bracket and sleeves must be powder coated to match finished panels and posts.

## **2.4 GATES**

### **2.4.1 Single Gates**

- Manufactured from pre-galvanised steel tube, zinc coated inside and outside to AS 1450-1983 and AS 1397-2001.
- 65mm x 65mm x 1.6mm, vertical stiles fitted with steel caps.
- 65mm x 65mm x 1.6mm horizontal rails.
- Top Rail to be 150mm from top vertical pickets.
- Supplied with twin bottom 65mm square rails.
- 25mm x 25mm x 1.2mm vertical pickets with maximum 90mm spaces inserted through 65mm x 65mm x 1.6mm punched rails with each picket to be welded at top and underside of top rails, underside of higher bottom rail, and top of bottom rail.
- Pickets are to be welded into punched bottom rail but not protrude through bottom rail.
- Pickets to be cut and pressed to form spear point top.

- Supplied and fitted with heavy-duty adjustable ball bearing hinge at top, and roller bearing hinge at bottom, which are welded to gate and bolted through gate posts.

**Locking Mechanism:**

**2.4.2 Double Gates**

- As per single gate unless otherwise specified

**2.5 GATE POSTS**

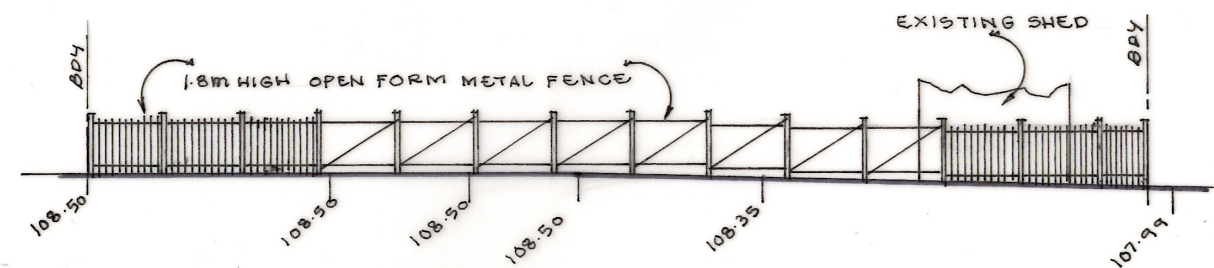
- Single gates with a 1.5m opening or less, and Double gates with a 3m opening or less, shall be hinged from a single 100mm x 100mm x 5mm x 3000mm long pre-galvanised steel tube posts, zinc coated inside and outside to AS 1163-1991 and AS 4750-2003, capped with galvanized steel caps.
- Finished posts must be fully powder coated.



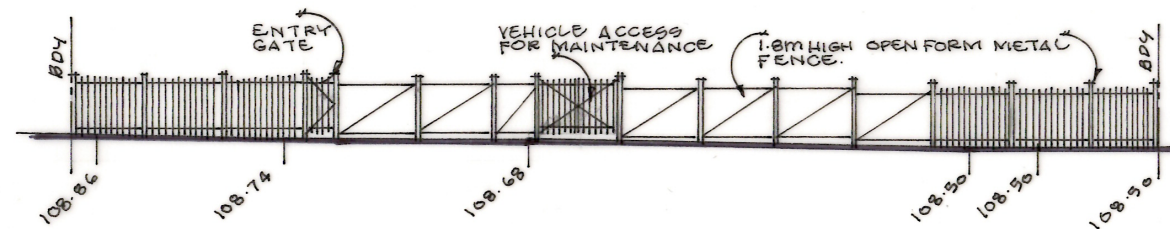


1.8M HIGH COLORBOND PRIVACY FENCE TO BE INSTALLED  
BETWEEN DWELLING AT N°10 AULUBA ROAD & SUBJECT SITE.  
(EAST BOUNDARY).

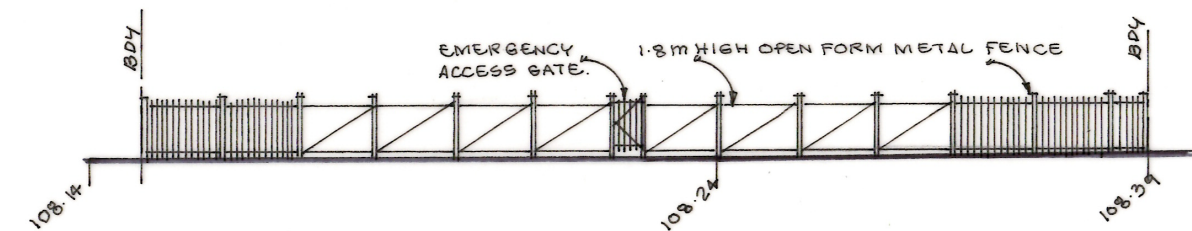




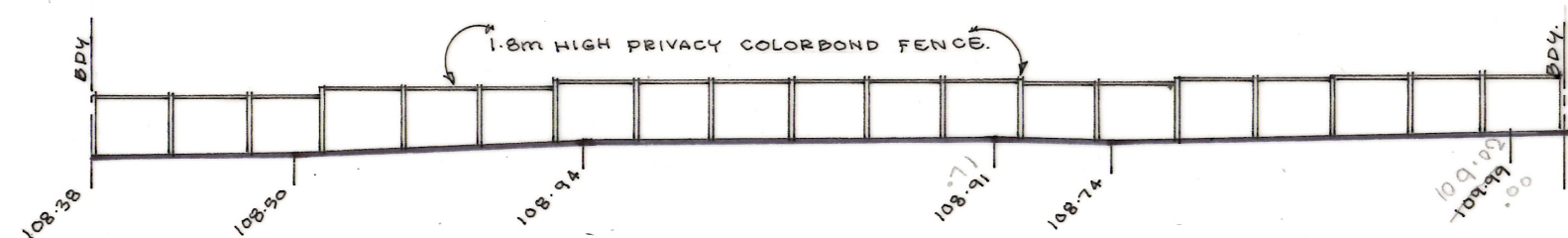
WEST ELEVATION.



NORTH ELEVATION. AULUBA ROAD



SOUTH ELEVATION



EAST ELEVATION.

**KU SOUTH TURRAMURRA PRESCHOOL**  
10A Auluba Road, South Turramurra. NSW 2074

**PROPOSED REPLACEMENT OF  
BOUNDARY FENCES TO PRESCHOOL**

**ELEVATIONS**

Date: 14 July 2022 Scale: 1:200. Dwg No. 10223-03/03  
Nagy Khoury Design Pty Ltd.  
42/134 The Grand Parade, Brighton Le Sands. NSW 2216  
Ph: 0409 229 367 Email: nagy.khoury@gmail.com



**CLARKE DOWDLE & ASSOCIATES**

DEVELOPMENT CONSULTANTS

SURVEYORS • PLANNERS • ECOLOGISTS • BUSHFIRE CONSULTANTS

## BUSH FIRE RISK ASSESSMENT CERTIFICATE

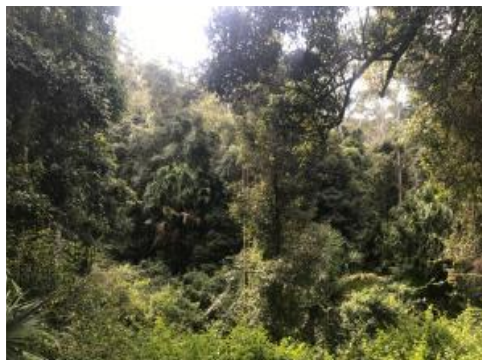


For  
Proposed Fencing  
At

**10A AULUBA ROAD,  
SOUTH TURRAMURRA, NSW  
(LOT 1 IN DP 222070)**

July 2022

PO Box 3122, Umina Beach NSW 2257  
Ph: (02) 4344 3553 Fax: (02) 4344 6636  
EMAIL: [admin@cdasurveys.com.au](mailto:admin@cdasurveys.com.au)  
WEBSITE: [www.cdasurveys.com.au](http://www.cdasurveys.com.au)





*July 2022  
Bush Fire Risk Assessment Certificate GO: 25303  
Property: 10A Auluba Road, South Turramurra, NSW*

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<b>1.0 INTRODUCTION .....</b>	<b>2</b>
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<b>4.0 BUSH FIRE RISK ASSESSMENT CERTIFICATE .....</b>	<b>7</b>

## **APPENDIX**

<b>APPENDIX A</b>	<b>FENCE SPECIFICATIONS.....</b>	<b>9</b>
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July 2022  
Bush Fire Risk Assessment Certificate GO: 25303  
Property: 10A Auluba Road, South Turramurra, NSW

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## **1.0 INTRODUCTION**

We have attended the above-described property for the purpose of undertaking a BAL Certificate in accordance with the guidelines outlined in Planning for Bushfire Protection, 2019 (PBP), to determine the level of bushfire threat to the site. Ku-ring-gai Council has provided mapping of Bushfire Prone Areas that identifies areas of bushfire threat. This mapping identifies properties that are in the buffer zone of 100m metres from Category 1 mapped vegetation or 30m from Category 2 & 3 mapped vegetation. All developments occurring on land mapped as bushfire prone are subject to the conditions detailed in the planning document PBP.

This BFAR serves to identify issues relating to the condition of the site as part of the level of assurance required for consent by the Ku-ring-gai Council to the Development Application (DA) pertaining to the proposed development on the site.

Due to the nature of the proposal (development within an existing child care centre), these types of developments within designated bushfire prone lands, are identified under *100B of the Rural Fires Act, 1997* as a *Special Fire Protection Purpose (SFPP)* which are integrated under division 4.8 of the *Environmental Planning and Assessment Act*. However, the proposal relates to the construction/replacement of fencing upon an existing child care centre (*Special Fire Protection Purpose*) and therefore is deemed to fall under Section 6.5 *Minor development in SFPP facilities in PBP*. This is justified for the following reasons;

- The proposal relates to fencing only;
- The proposed fencing will be constructed out of non-combustible material and will not have any influence on potential bush fire impacts and the bush fire protection of the buildings associated

Based on the above, the development is deemed to fall under 6.5 *Minor development in SFPP facilities* in PBP and therefore does not require referral to the RFS for the issue of a 'Bush Fire Safety Authority' and can be assessed under Section 4.14 of the *Environmental Assessment and Planning Act, 1979*.

This report will provide an independent assessment of the bushfire risk to the site, based upon the surrounding site conditions with reference to Section 4.14 of the *Environmental Planning and Assessment Act 1979*, PBP and AS3959-2018.

### **1.1 Proposed Development**

As stated, the proposed development will involve the construction of a new metal fence and gate (Class 10b) associated with the existing childcare/preschool centre. No other works are proposed. Figure 1 provides a site plan of the proposed fence locations.



July 2022  
 Bush Fire Risk Assessment Certificate GO: 25303  
 Property: 10A Auluba Road, South Turramurra, NSW

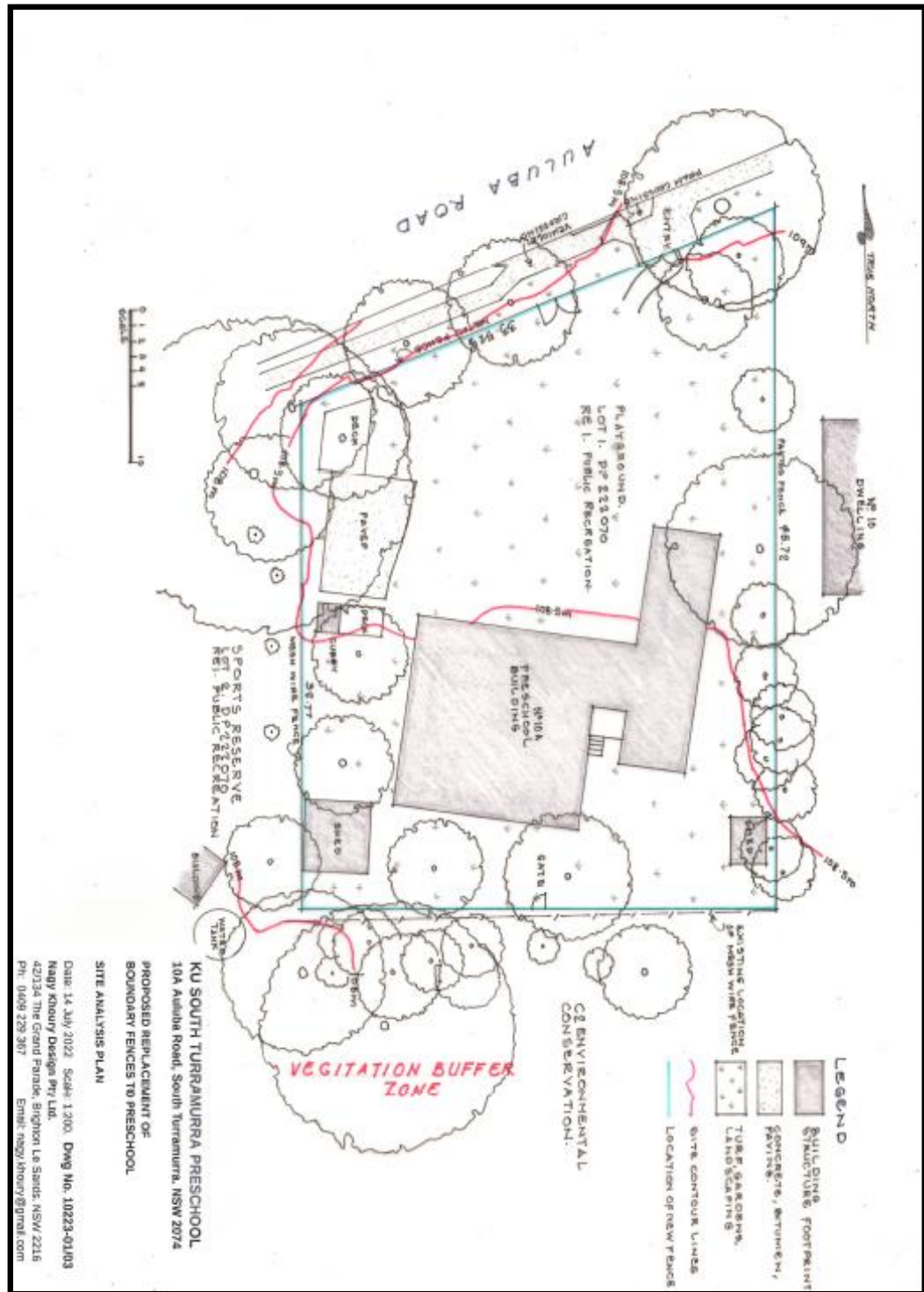


Figure 1: Proposed Development Site Plan

July 2022  
Bush Fire Risk Assessment Certificate GO: 25303  
Property: 10A Auluba Road, South Turramurra, NSW

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## 2.0 PROPERTY IDENTIFICATION

<b>Address:</b>	10A Auluba Road, South Turramurra (KU South Turramurra Preschool)
<b>Lot and Deposited Plan:</b>	Lot 1 DP 222070
<b>Local Government Area:</b>	Ku-ring-gai Council
<b>Zoning:</b>	RE1: Public Recreation (Ku-ring-gai LEP 2015)
<b>Fire Danger Index:</b>	100
<b>Water Supply:</b>	Reticulated; Hydrant <70m from the site



Figure 3: Aerial Photograph of the site (site boundary in yellow)  
Source: Nearmap, 2022



Figure 4: Bushfire Mapping (site boundary in yellow)  
Source: Department of Planning, 2022



July 2022  
Bush Fire Risk Assessment Certificate GO: 25303  
Property: 10A Auluba Road, South Turramurra, NSW

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### 3.0 BAL ASSESSMENT

With reference to the assessment procedures and Table A1.12.5 in PBP, aerial photography interpretation, the following Table outlines the BAL's were determined.

Aspect	Vegetation <sup>1</sup> within 100m of development	Effective Slope of Land	Distance to Vegetation	Bushfire Attack Level (BAL) <sup>2</sup>	Recommended Construction
Northern, Eastern & Western	Managed Properties	Not required	>100m	BAL Low	Non-combustible material <sup>3</sup>
Southern	Rainforest (Remnant)	0-5° Down Slope	<10m	BAL FZ	Non-combustible material <sup>3</sup>

**Notes for Table 1:**

- (1) Refer to Keith (2004), AS 3959-2018 and PBP
- (2) Bushfire Attack Levels are in accordance with the Table A1.12.5 in PBP
- (3) As per the requirements of Section 7.6 Fences and gates in PBP

As detailed above, the proposed works are for the construction of fencing and gate which are Class 10b structures. Section PBP states;

in circumstances where the fence is within 6m of a building or in areas of BAL-29 or greater, they should be made of non-combustible material only.

As the works are located within an area subject to BAL FZ, the fencing shall only be constructed of non-combustible material. Appendix A outlines the specifications of the proposed fencing which is wholly of metal.

As a result of the compliance with Section 7.6 Fences and gates in PBP, the proposal meets acceptable solutions of PBP.



July 2022  
Bush Fire Risk Assessment Certificate GO: 25303  
Property: 10A Auluba Road, South Turramurra, NSW


## 4.0 BUSH FIRE RISK ASSESSMENT CERTIFICATE

BUSHFIRE RISK ASSESSMENT CERTIFICATE ISSUED UNDER 4.14 1(b) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT Act, 1979.	
PROPERTY ADDRESS:	10A Auluba Road, South Turramurra (Lot 1 DP 222070)
DESCRIPTION OF WORKS:	Construction of a Fence and gate (Class 10B)
PLAN REFERENCE: (Relied upon for Report Preparation)	See Figure 1 and Appendix A
BAL RATING	<b>Not applicable for a Fence and Gate (Class 10b Structure)</b>  (If the BAL rating is <b>FZ</b> the application is to be referred to NSW RFS for assessment.)
DOES THE PROPOSAL RELY ON ALTERNATE SOLUTIONS:	<b>No</b> (If <b>YES</b> the application is to be referred to NSW RFS for assessment.)
REPORT REFERENCE:	GO: 25303
REPORT DATE:	25/07/22
CERTIFICATION No/ACCREDITED SCHEME:	BPAD15318

I **Kristan Dowdle** of **Clarke Dowdle & Associates** hereby certify, in accordance with Section 4.14 of the *Environmental Planning and Assessment Act 1979*:

1. That I am a person recognised by the *NSW Rural Fire Service* as a qualified consultant in bushfire risk assessment; and
2. That subject to the recommendations outlined within this certificate, the proposed development conforms to being; specifications and requirements of the document entitled *Planning for Bush Fire Protection* prepared by the *NSW Rural Fire Service* in co-operation with the Department of Planning and any other document as prescribed by Section 4.14(1) (a) of the *Environmental Planning and Assessment Act 1979 No 203*.

Yours sincerely,



**Kristan Dowdle**  
Bushfire Consultant *BPAD-Certified Practitioner*  
**B.ENV.SC.**(Environmental Management)  
**Grad. Dip.** (Design in Bushfire Prone Areas)





July 2022  
Bush Fire Risk Assessment Certificate GO: 25303  
Property: 10A Auluba Road, South Turramurra, NSW

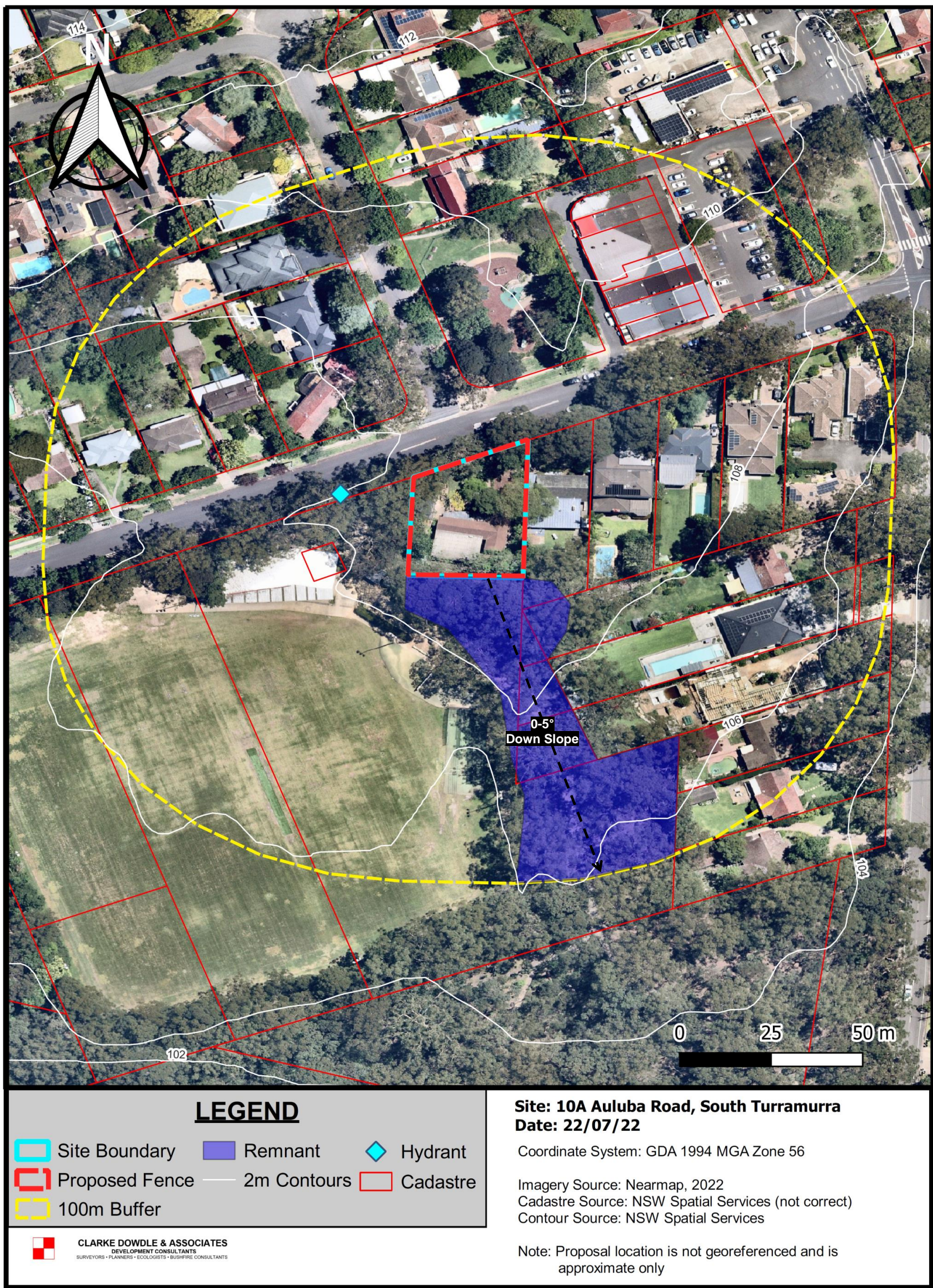


Figure 2: Bushfire Site Plan



July 2022  
Bush Fire Risk Assessment Certificate GO: 25303  
Property: 10A Auluba Road, South Turramurra, NSW

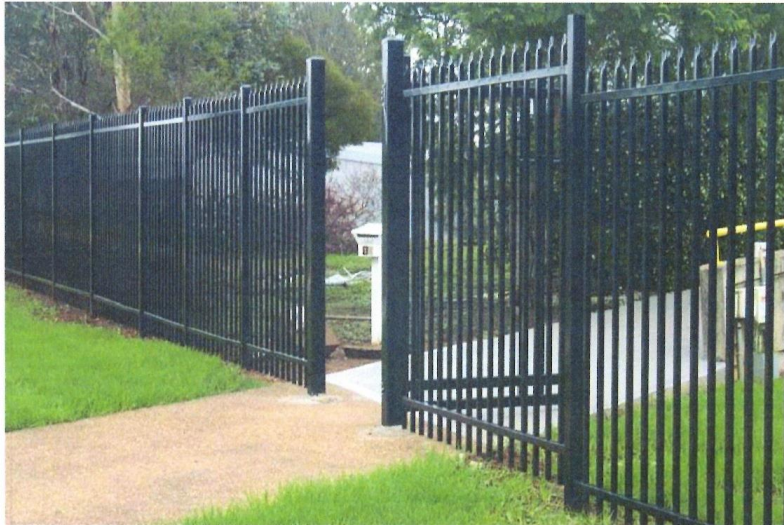
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## **APPENDIX A**

## **FENCE SPECIFICATIONS**

### **Fence Specification – For Quotation**

Boundary Fence (Non-Common) - Type 1



#### **1.0 Boundary Fence (Non-Common)**

##### **1.1 PANELS**

- Pickets and railed manufactured from pre-galvanised steel tube, zinc coated inside and outside as per AS 1450-1983 and AS 1397-2001.
- Height – ~~2100mm~~ 1800mm
- Length – 2400mm.
- 25mm x 25mm x 1.2mm Vertical Pickets with maximum 90mm spaces inserted through 40mm x 40mm x 1.6 punched rails with each picket to be welded at top and bottom of both top and bottom rails.
- Pickets to be cut and pressed to form spear point top.
- All welds to be silicon bronze
- Raised to be 150mm from both top and bottom of vertical pickets.
- Finished panels must be fully powder coated



**Clarke Dowdle & Associates**

9



July 2022  
Bush Fire Risk Assessment Certificate GO: 25303  
Property: 10A Auluba Road, South Turramurra, NSW

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## **2.2 FENCE POSTS**

- 65mm x 65mm x 2.5mm x 3000mm long pre-galvanised steel tube, zinc coated inside and outside to AS 1450-1983 and AS 1397-2001, complete with steel cap.
- Finished posts and caps must be fully powder coated.

## **2.3 FITTINGS**

- Galvanised internal rail brackets and sleeves fastened to posts using 5mm stainless steel rivets or tamper resistant fixings.
- Fixing are to be on the side of the fence unless prevented by bracket positioning.
- Where channed of direction are not 90%, the bracket is to be reconfigured on site to suit the angle, and the sleeve is to be cut at the required mitre from matching powder coated material.
- Bracket and sleeves must be powder coated to match finished panels and posts.

## **2.4 GATES**

### **2.4.1 Single Gates**

- Manufactured from pre-galvanised steel tube, zinc coated inside and outside to AS 1450-1983 and AS 1397-2001.
- 65mm x 65mm x 1.6,, vertical stiles fitted with steel caps.
- 65mm x 65mm x 1.6 horizontal rails.
- Top Rail to be 150mm from top vertical pickets.
- Supplied with twin bottom 65mm square rails.
- 25mm x 25mm x 1.2mm vertical pickets with maximum 90mm spaces inserted through 65mm x 65mm x 1.6mm punches rails with each picket to be welded at top and underside of top rails, underside of higher bottom rail, and top of bottom rail.
- Pickets are to be welded into punched bottom rail but not protrude through bottom rail.
- Pickets to be cut and pressed to form spear point top.



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- Supplied and fitted with heavy-duty adjustable ball bearing hinge at top, and roller bearing hinge at bottom, which are welded to gate and bolted through gate posts.

**Locking Mechanism:**

**2.4.2 Double Gates**

- As per single gate unless otherwise specified

**2.5 GATE POSTS**

- Single gates with a 1.5m opening or less, and Double gates with a 3m opening or less, shall be hinged from a single 100mm x 100mm x 5mm x 3000mm long pre-galvanised steel tube posts, zinc coated inside and outside to AS 1163-1991 and AS 4750-2003, capped with galvanized steel caps.
- Finished posts must be fully powder coated.



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1.8m High Colorbond fence to be used along south west boundary. stepped to suit fall of land.





# Waste Management Plan

## DEMOLITION, CONSTRUCTION & USE OF PREMISES

To facilitate waste management and reduction Council requires on-site sorting and storage of waste products pending reuse or collection.

The applicable sections of this table must be completed and submitted with your Development Application, or applications to erect a building, demolish a building or place a waste storage container in a public place.

Completing this table will assist you in identifying the type of waste that will be generated and in advising Council how you intend to reuse, recycle or dispose of the waste.

The information provided on the form (and on your plans) will be **assessed against the Objectives of the Guidelines** (eg. to maximise reuse and minimise disposal) and the Performance Criteria for your particular use.

If space is insufficient in the table please provide attachments.

### Outline of Proposal

Site Address: 10A AULUBA RD, SOUTH TURRAMURRA

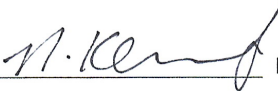
Applicant's name and address: NAGY KHOURY DESIGN P/L.  
42/134 The Grand Parade.  
Brighton Le Sands NSW. 2216.

Phone: 0409 229 367. Fax: \_\_\_\_\_

Buildings and other structures currently on the site: \_\_\_\_\_  
Preschool Building, Shed, Cubby,  
Playground Equipment.

Brief Description of Proposal: Remove existing boundary  
fencing & gates. Replace with new  
metal fences and gates.

The details provided on this form are the intentions for managing waste relating to this project

Signature of Applicant:  Date: 29.08.22.



SECTION ONE – DEMOLITION STAGE

MATERIALS ON SITE		DESTINATION		
		REUSE AND RECYCLING		DISPOSAL
TYPE OF MATERIAL	ESTIMATED VOLUME (m³)	ON-SITE *Specify proposed reuse or on-site recycling methods *See page 18 for suggestions	OFF-SITE *Specify contractor and recycling outlet	*Specify contractor and landfill site
Excavation Material	2 m³.	Spread over site to fill dips etc.		
Green Waste				
Bricks				
Concrete	1 m³.		By skip bin Contractor.	

(continued over page....)

(SECTION ONE – DEMOLITION STAGE Continued)

MATERIALS ON SITE	ESTIMATED VOLUME (m <sup>3</sup> )	DESTINATION		
		REUSE AND RECYCLING		DISPOSAL
TYPE OF MATERIAL		ON-SITE *Specify proposed reuse or on-site recycling methods *See page 18 for suggestions	OFF-SITE *Specify contractor and recycling outlet	*Specify contractor and landfill site
Timber – Please specify:	1 m <sup>3</sup> .			By Waste Bin Contractor.
Plasterboard				
Metals – Please specify:	1 m <sup>3</sup> .		By Waste Bin Contractor.	
Various types of metal fencing.				
Other – Please specify:				

Note: Details of site area to be used for onsite separation, treatment and storage (including weather protection) should be provided on the plan drawings accompanying your application.

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SECTION TWO – CONSTRUCTION STAGE

MATERIALS ON SITE		DESTINATION		
		REUSE AND RECYCLING		DISPOSAL
EXPECTED WASTE MATERIALS	ESTIMATED VOLUME (m <sup>3</sup> )	ON-SITE *Specify proposed reuse or on-site recycling methods *See page 18 for suggestions	OFF-SITE *Specify contractor and recycling outlet	*Specify contractor and landfill site
Excavation Material	2 m <sup>3</sup> .	Spred over site to fill dips etc.		
Green Waste				
Bricks				
Concrete				

(continued over page....)

(SECTION TWO - CONSTRUCTION STAGE Continued)

MATERIALS ON SITE	ESTIMATED VOLUME (m <sup>3</sup> )	DESTINATION		
		REUSE AND RECYCLING	DISPOSAL	
EXPECTED WASTE MATERIALS		ON-SITE *Specify proposed reuse or on-site recycling methods *See page 18 for suggestions	OFF-SITE *Specify contractor and recycling outlet	*Specify contractor and landfill site
Timber - Please specify:	NIL			
Plasterboard				
Metals - Please specify:	NIL			
Other - Please specify:				

Note: Details of site area to be used for onsite separation, treatment and storage (including weather protection) should be provided on the plan drawings accompanying your application.



SECTION THREE – USE OF PREMISES

TYPE OF WASTE TO BE GENERATED	EXPECTED VOLUME PER WEEK	PROPOSED ON-SITE STORAGE AND TREATMENT FACILITIES	DESTINATION
Please specify. For example: glass, paper, food waste, offcuts, etc.	*Litres or m <sup>3</sup> *See Appendix A for estimates	For example: *waste storage and recycling area *garbage chute *on-site composting *compaction equipment	*recycling *disposal *specify contractor
General waste from preschool collected by Council's contractors. Unchanged.			

Note: Details of on-site waste management facilities should be provided on the plan drawings accompanying your application.

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## SECTION FOUR – ON-GOING MANAGEMENT

Describe how you intend to ensure on-going management of waste on-site (eg. lease conditions, caretaker/manager on-site).

THE PROPOSED REPLACEMENT OF  
FENCES WILL NOT ALTER THE CURRENT  
ON-GOING WASTE MANAGEMENT FOR  
THE PRESCHOOL.

Thank you for the information.

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## DEVELOPMENT APPLICATION

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### *SUMMARY SHEET*

<b>REPORT TITLE:</b>	12 BARANA PARADE, ROSEVILLE CHASE - CHANGE OF USE OF EXISTING BUILDINGS TO FORM A DUAL OCCUPANCY (DETACHED) DEVELOPMENT, INCLUDING ALTERATIONS AND ADDITIONS
<b>ITEM/AGENDA NO:</b>	GB.2

<b>APPLICATION NO:</b>	eDA0485/24
<b>ADDRESS:</b>	12 Barana Parade, Roseville
<b>WARD:</b>	Roseville
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of existing buildings to form a dual occupancy (detached) development, including alterations and additions
<b>APPLICANT:</b>	Antranik Panoyan
<b>OWNER:</b>	Mr A Panoyan, Mrs A Panoyan
<b>DATE LODGED:</b>	15 November 2024
<b>SUBMISSIONS:</b>	One (1)
<b>ASSESSMENT OFFICER:</b>	Luke Donovan
<b>RECOMMENDATION:</b>	Refusal

<b>KLPP REFERRAL CRITERION:</b>	Departure from a development standard in excess of 10%.
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## PURPOSE OF REPORT

To determine Development Application No eDA0485/24 for 12 Barana Parade, Roseville Chase for the change of use of existing buildings to form a dual occupancy (detached) development and alterations and additions to the detached dwelling fronting Griffith Avenue, including an upper floor addition - SEPP Housing 2021.

This application is reported to the Ku-ring-gai Local Planning Panel for determination in accordance with the Minister's Section 9.1 Local Planning Panels Direction as it proposes a departure from a development standard in excess of 10%.

## RECOMMENDATION

### PURSUANT TO SECTION 4.16(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979, refuse development consent to eDA0485/24 for a change of use of existing structures to form a dual occupancy (detached) development, including alterations and additions, on land at 12 Barana Parade, Roseville Chase, for the reasons provided in the Development Assessment Report (**Attachment A1**).

Luke Donovan  
Executive Assessment Officer

Brodee Gregory  
Acting Team Leader

Shaun Garland  
Manager Development Assessment Services

Michael Miocic  
Director Development & Regulation

<b>Attachments:</b>	A1	Development Assessment Report	2025/017947
	A2	Location Sketch	2025/028141
	A3	Zoning Sketch	2025/028142
	A4	Architectural Plans (full set)	2024/363432
	A5	Architectural Plans (DA vs BIC works)	2024/414642
	A6	GFA Plans	2024/414643
	A7	Landscape Plans	2024/363435
	A8	Stormwater Plans	2024/363436
	A9	BASIX Certificate	2024/363426
	A10	Statement of Environmental Effects	2024/414641
	A11	Survey Plan	2024/363424
	A12	Clause 4.6 Request (Floor space ratio)	2024/363427
	A13	Development Control Order	2025/025821
	A14	Approved plans – DA0615/15	2016/281660

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**DEVELOPMENT APPLICATION**

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**ASSESSMENT REPORT**

<b>REPORT TITLE</b>	12 Barana Parade, Roseville Chase - change of use of existing buildings to form a dual occupancy (detached) development, including alterations and additions
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<b>APPLICATION NO</b>	eDA0485/24
<b>PROPERTY DETAILS</b>	12 Barana Parade, Roseville Chase Lot 10 DP 14083 1036m <sup>2</sup> R2 Low Density Residential
<b>WARD</b>	Roseville
<b>PROPOSAL/PURPOSE</b>	Change of use of existing buildings to form a dual occupancy (detached) development including alterations and additions
<b>TYPE OF DEVELOPMENT</b>	Local
<b>APPLICANT</b>	Antranik Panoyan
<b>OWNER</b>	Mr A Panoyan, Mrs A Panoyan
<b>DATE LODGED</b>	15 November 2024
<b>RECOMMENDATION</b>	Refusal

## PURPOSE OF REPORT

To determine Development Application No eDA0485/24 for the change of use of existing buildings to form a dual occupancy (detached) development and alterations and additions to the existing detached dwelling including an upper floor addition - SEPP Housing 2021.

This application is reported to the Ku-ring-gai Local Planning Panel for determination in accordance with the Minister's Section 9.1 Local Planning Panels Direction as it proposes a departure from a development standard in excess of 10%.

## INTEGRATED PLANNING AND REPORTING

Places, Spaces & Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	Applications are assessed in accordance with state and local plans.	Assessments are of a high quality, accurate and consider all relevant legislative requirements.

## EXECUTIVE SUMMARY

### Issues

Excessive gross floor area

Inadequacy of Clause 4.6 variation request (Clause 4.4 – floor space ratio)

Excessive bulk and scale for the detached dwelling fronting Griffith Avenue

Non-compliant built upon area and landscape area

Inadequate water management

Insufficient detail relating to proposed landscape outcomes

### Submissions

One

### Land and Environment Court

N/A

### Recommendation

Refusal

## HISTORY

### Site history

The site has a history of residential use.

### Previous applications

A Pre-DA consultation was not undertaken with Council.

Council's records show previous applications relating to the site as follows:

Type	Application	Description	Decision	Date
DA	DA0360/15	Construct secondary dwelling at rear (fronting Griffith Avenue)	Withdrawn	24/11/2015
DA	DA0615/15	Alterations and additions to existing dwelling plus construction of secondary dwelling	Approved	6/10/2016
REV	REV0006/16	Review of DA0615/15 seeking to delete Condition 14	Withdrawn	17/11/2016
Section96	MOD0190/16	Modification to DA0615/15 proposing to delete Condition 14 and amend Conditions 15, 16, 18 and 52 (see <b>Note</b> below)	Approved	18/11/2016
CC	CCPCA0248/17	CC - Private Certifier - Alterations and additions to existing dwelling plus construction of secondary dwelling.	Issued	19/06/2017
Section96	MOD0204/18	Modification to DA0615/15 proposing a retaining wall and a 1.8m high concrete block wall on the western side of the front garden of the secondary dwelling	Approved	22/02/2019
Section96	MOD0097/19	Modification of DA0615/15 proposing minor alterations to previously approved works	Rejected	13/06/2019
Section96	MOD0183/19	Modification to DA0615/15 proposing alterations to the approved secondary dwelling	Refused	7/05/2020
REV	REV0002/20	Review of determination of MOD0183/19 (DA0615/15) proposing alterations to the approved secondary dwelling.	Refused	7/05/2021

**Note** – MOD0190/16 granted, amongst other things, the deletion of Condition 14 of the consent to DA0615/15. Condition 14 of DA0615/15 reads:

***14. Completion of works prior to issue of construction certificate for secondary dwelling***

*A Construction Certificate for the secondary dwelling shall not be issued until all the works for the principal dwelling specified on the approved plans listed in Condition 1 and identified as Drawing Nos. DA-13, DA-15 and LPDA 16 - 040 /1 Issue I have been completed and a final Occupation Certificate for this work has been issued. The Certifying Authority shall not issue a Construction Certificate for the secondary dwelling unless the requirements of this condition have been satisfied.*

**Reason:** *To ensure that the works that are required to reduce the built-upon area of the site are completed prior to the construction of the secondary dwelling.*

It is however noted that under MOD0190/16, Condition 58 was added to the development consent. Condition 58 of DA0615/15, as modified, reads as follows:

**58. Completion of works**

*In the event that the secondary dwelling is complete prior to the completion of all works authorised under this consent, all outstanding works and an Occupation Certificate are to be obtained from the Certifying Authority within 36 months of the works associated with the secondary dwelling being complete. The secondary dwelling will be deemed to be complete when physical building works associated with the structure are finished to a standard that allows for occupation and use. When the secondary dwelling is to this standard it is the applicants and Certifying Authority's responsibility to advise Council in writing of the date of completion and that the 36 month window to complete the remaining works has commenced.*

**Reason:** *To ensure the orderly development of land.*

At the time of the site inspection in association with the subject application, it would appear, however it has not been confirmed, that the works associated with the secondary dwelling are complete and to a standard that would allow occupation and use. This is evident by the kitchen fittings and the way the dwelling is fitted out, particularly at ground floor level. Council is yet to be notified of its completion, as required in Condition 58 of the consent to DA0615/15. It is further noted the works required to the dwelling fronting Barana Parade, including associated landscaping works, do not appear to have commenced.

**Development Control Orders**

The following relevant Development Control Orders issued to the owners of the premises are detailed below –

On 27 September 2018, Modified Development Control Orders No: 3 and 11 (Council reference - EPA0108/18) were issued. The terms of Order 3 required demolition of an unauthorised retaining wall that was constructed adjacent to a masonry boundary fence between 12 Barana Parade and 56 Griffith Avenue.

The terms of Order 11 required compliance with conditions of consent for DA0615/15 & MOD0190/16, in particular Condition 1.

On 29 April 2019, Development Control Orders No: 3 and 11 (Council reference - EPA0045/19) were issued. The terms of Order 3 required the demolition and removal of all unauthorised work constructed contrary to development consent DA0615/15. The terms of Order 11 required compliance with conditions of consent for DA0163/17, in particular



Condition 1 (approved plans) and submission of an updated survey plan indicating works as constructed.

On 17 March 2020, Final Development Control Order (Council reference – EPA0020/20) was issued. The Terms of Order 3 required ceasing occupation of the secondary dwelling because an Occupation Certificate (OC) had not been issued for the building.

On 7 August 2020, a Modified Final Development Control Order (Council reference – EPA0087/20) was issued. The terms of Order 3 required the demolition and removal of the unauthorised development, which in its entirety has not been constructed in accordance with the approved plans listed in Condition 1 of the development consent for DA0615/15, or the issued Construction Certificate plans certified by Peter J Boyce & Associates and dated December 2016. The terms of Order 11 required compliance with the conditions of consnet for DA0163/17, including but not limited to Condition 1, by carrying out any development in accordance with the specified plans and documentation and the approved Construction Certificate plans.

On 16 October 2023, Development Control Order (Council reference – EPA00130/23) was issued. The terms of Order 3 required the demolition and removal of all buildings (except the boundary fencing), including stairs, located at the rear of the premises, which is accessed from Griffith Avenue, Roseville Chase.

On 21 November 2024, a Section 34 Agreement was reached in the NSW Land and Environment Court in respect of Development Control Order (Council reference - EPA0130/23) issued by Council on 16 October 2023. This Order is required to be substituted with the Terms of the Modified Development Control Orders 3 and 11 agreed to between the parties (**see Attachment 13**).

#### **Building Information Certificate**

On 11 November 2024, a Building Information Certificate (Council reference – EBCU0129/24) was submitted to Council seeking regularisation of the unauthorised secondary dwelling fronting Griffith Avenue. On 23 December 2024, the Building Information Certificate was refused by Council.

#### **Current Development Application History**

<b>Date</b>	<b>Action</b>
15 November 2024	Application lodged.
26 November 2024	The application was notified to neighbouring property owners for a period of 14 days in accordance with the Ku-ring-gai Community Participation Plan. One submission was received.

## THE SITE



**Figure 1 – Aerial photograph of subject site and surrounding development (Source: Geocortex Viewer)**

### Site description

The site is legally described as Lot 10 in DP 14083 and is known as 12 Barana Parade, Roseville Chase (**Figure 1**). The site has a dual frontage to Barana Parade and Griffith Avenue. The site is an irregular, generally rectangular shape with splayed frontages to Barana Parade of 15.4 metres and Griffith Avenue of 16.29 metres, with side boundary dimensions of 69.965 metres (west) and 66.2 metres (east) and an area of 1,036m<sup>2</sup> (by survey).

The site has a significant fall from Barana Parade to Griffith Avenue of approximately 17.2 metres, with a rock face/retaining wall of approximately 8 metres located at the rear of the existing dwelling fronting Barana Parade.

The site is currently developed with a two storey principal dwelling fronting Barana Parade and a secondary dwelling which is part one/two storey fronting Griffith Avenue.

The two-storey dwelling fronting Barana Parade contains a paved driveway that runs adjacent to the western side boundary servicing a lower-level double garage. A paved terraced area with perimeter planters surrounds the lower part of the principal dwelling. Directly below the paved terrace, is a lower ground floor storage area that is accessed via a staircase and pathway along the eastern side of the site. There are stepped retaining walls, water features and hedge plantings within the front setback to Barana Parade.

A rock cliff divides the principal dwelling from the secondary dwelling. Due to the height of the rock cliff, no access exists between the two dwellings on the site.

The secondary dwelling fronting Griffith Avenue was approved under DA0615/15 but has not been constructed in accordance with the development consent. A driveway provides access to the hard stand parking space in front of the unauthorised lower ground floor area. A corridor and laundry are also located at this lower ground floor with an internal staircase providing access to the ground floor of the dwelling. An external staircase also provides

access from the street to the front entry of the dwelling. A raised lawn terrace area is located alongside the entry stair and in front of the dwelling. A rendered retaining wall with metal palisade fence above forms the perimeter of the front lawn terrace.

The ground level of the dwelling currently contains a kitchen, dining/living room, bedroom, bathroom and a partially completed room at the rear of the dwelling. A set of double doors at the top of the stairs from the lower ground floor open onto a rear yard that contains predominantly rock and cavities around the perimeter of the walls at the lower ground floor. A substantial void area is located above the central ground level staircase.



**Figure 2 – Looking south from Griffith Avenue towards the existing secondary dwelling on the subject site**



**Figure 3 – Looking south-east from Griffith Avenue towards the existing secondary dwelling on the subject site (left) and the dwelling house on the adjoining property at 56 Griffith Avenue**



**Figure 4 – Looking along the corridor of the secondary dwelling, towards the rear wall, at lower ground floor level**



**Figure 5 – Looking towards the internal door that provides access from the corridor to the enclosed and unauthorised space at lower ground floor of the dwelling fronting Griffith Avenue**



**Figure 6 – Looking north from the unauthorised lower ground floor area towards the proposed garage door entry.**





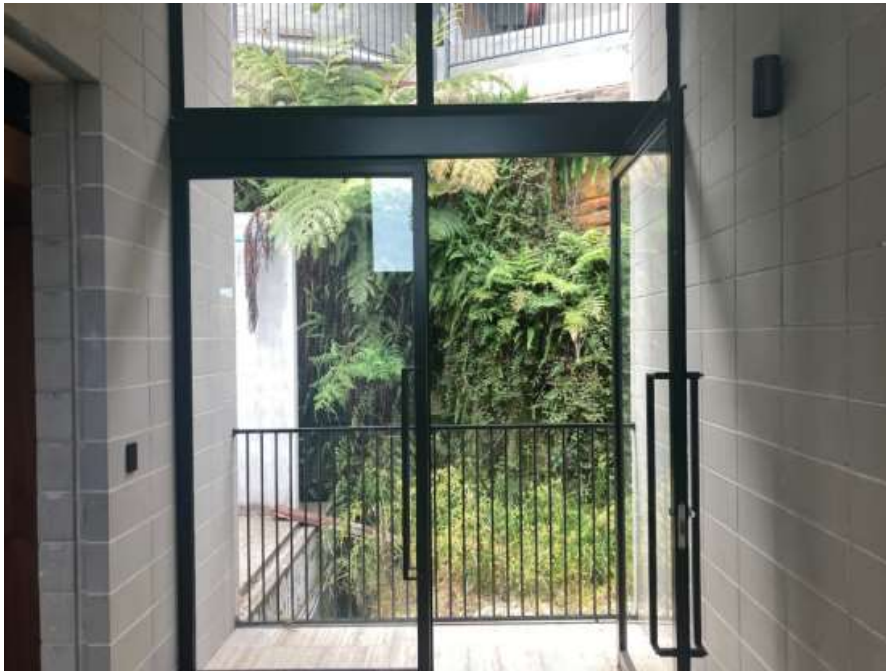
**Figure 7 - Looking south towards the rear wall of the unauthorised space at the lower ground floor level of the dwelling fronting Griffith Avenue**



**Figure 8 – The proposed laundry at the lower ground floor of the dwelling fronting Griffith Avenue**



**Figure 9 – Looking north-west from the existing kitchen towards the proposed living space and sliding doors at the front of the dwelling fronting Griffith Avenue**



**Figure 10 – Looking south towards the doors opening onto a landing area and rear yard**





**Figure 11 – Looking north towards the front window and balcony which is proposed to be converted to a kitchen under the subject application**



**Figure 12 – Looking south-east towards the partially completed and unauthorised space at the rear of the secondary dwelling fronting Griffith Avenue**



**Figure 13 – Looking north from the ground level rear terrace of the dwelling fronting Barana Parade towards the existing secondary dwelling fronting Griffith Avenue**



**Figure 14 – Looking from the top of the cliff straight down towards the rear of the secondary dwelling fronting Griffith Avenue**



**Figure 15 – Looking north-east from the ground level terrace of the dwelling fronting Barana Parade towards the partially completed and unauthorised room at the rear of the secondary dwelling fronting Griffith Avenue**



**Figure 16 – Looking west towards the entry to the lower ground floor storage room at the rear of the dwelling fronting Barana Parade**





**Figure 17 – Looking west across the ground level terrace at the rear of the dwelling fronting Barana Parade**



**Figure 18 – Looking north from the top of the driveway towards the front of the dwelling fronting Barana Parade**

<b>Constraint:</b>	<b>Application:</b>
Visual character study category	1945-1968
Easements/rights of way	No
Heritage Item - Local	No
Heritage Item - State	No
Heritage conservation area	No

Within 100m of a heritage item	No
Bush fire prone land	No
Natural Resources Biodiversity	No
Natural Resources Greenweb	No
Natural Resources Riparian	No
Within 25m of Urban Bushland	No
Contaminated land	No

### Surrounding development

Surrounding development along this section of Griffith Avenue and Barana Parade comprises low density residential dwelling houses of predominantly two storeys and of varying architectural styles. The subdivision character is also varied with some properties having dual frontages to both Barana and Griffith Avenue while others having single frontages to either Barana Parade or Griffith Avenue. The setback areas to the street frontages are generally well landscaped, with a combination of hedge plantings and small and medium trees interspersed with rock outcrops. The building setbacks to the front and rear boundaries are generally aligned with some properties accommodating a swimming pool in either the front or rear yards of the site.

The property to the west at No. 56 Griffith Avenue has a single frontage to Griffith Avenue. The property contains a part one, part two storeys dwelling with lower ground floor garaging and a large ground floor, which also contains a swimming pool in the front north-eastern corner and a private open space area behind that is partially covered refer to **Figures 19** and **19A** below. This property sits significantly lower than the subject site by virtue of the fall of the land.

Directly opposite the site, on the lower side of Griffith Avenue, at No. 73 Griffith Avenue, is a dwelling house which presents as two storeys with a detached single garage.

The property to the east at No.14 Barana Parade has a similar dual frontage to the subject site. This property is occupied by a dwelling house that primarily fronts Barana Parade. The rear yard of the site is adjacent to the existing secondary dwelling on the subject site, it is heavily vegetated with shrub and tree plantings including low retaining walls and rock outcrops.



**Figure 19 – Looking south towards the front of the dwelling house on the adjoining property at 56 Griffith Avenue**



**Figure 19A – Looking south-east towards the provide open space on the eastern side of the dwelling at 56 Griffith Avenue**





**Figure 20 – Looking north towards the front of the existing dwelling at 73 Griffith Avenue**

## THE PROPOSAL

The application proposes a change of use from that of a principal dwelling with a secondary dwelling to a dual occupancy (detached) development including alterations and additions to the dwelling fronting Griffith Avenue. The proposed works, as articulated in the amended Statement of Environmental Effects, are detailed as follows -

- i. *“Consent for the use of the structure fronting Griffith Avenue as one half of a detached dual occupancy;*
- ii. *Change of use of the existing detached dwelling house on site (facing Barana Parade) to one half of a detached dual occupancy;*
- iii. *Construction of a first floor addition to the dwelling fronting Griffith Avenue; and*
- iv. *Various alterations and additions to the existing dwelling fronting Griffith Avenue, including:*
  - a. *installation of new central staircase to provide access to the first floor;*
  - b. *relocation of kitchen;*
  - c. *addition of a new awning and privacy screen off the existing living room;*
  - d. *construction of new walls, window, and door within the ground floor bedroom.*
  - e. *construction of a new deck adjacent to the ground floor bedroom;*
  - f. *earthworks to fill area within the rear setback;*
  - g. *erection of new walls in the basement to establish a subfloor area;*
  - h. *construction of a new roller door to the garage; and*
  - i. *installation of a new window in the existing laundry.”*



## CONSULTATION

### Community

In accordance with Appendix 1 of the Ku-ring-gai Community Participation Plan, owners of surrounding properties were given notice of the application. In response, a submission from the following was received.

1. Michael and Helen Reidy, No. 56 Griffith Avenue, Roseville Chase

The submission raised the following issues:

#### ***Expansion of the building footprint fronting Griffith Avenue***

The proposal involves the expansion of the building footprint to accommodate a garage at lower ground floor level and new bedrooms at ground and first floor level of the dwelling fronting Griffith Avenue. This results in a further non-compliance with the built upon area control specified in KDCP.

#### ***Overshadowing***

The submitter has raised concerns with the “green space” at the rear of the dwelling overshadowing the swimming pool and barbeque area of the adjoining property. A “green space” or landscape area was approved as part of an earlier Development Application for the site (DA0615/15). The subject application seeks to increase the size of the “green space” through the provision of a new soft landscaped area located off the deck. The application is however unclear as to the extent of cut and/or fill required to construct the new soft landscaped area. No changes are proposed to the previously approved hedge planting along the western side boundary of the site. The “green space” proposed under this application will not overshadow the swimming pool and BBQ area of the adjoining property at No. 56 Griffith Avenue.

#### ***How to monitor development on the site including drainage and compliance***

Council is currently monitoring development on this site as evidenced by the earlier Section 34 Agreement that was entered into in the NSW Land and Environment Court in respect of the Modified Development Control Order Nos 3 and 11 relating to demolition and construction works. This was to ensure compliance with the earlier development consent to DA0615/15.

### Internal Referrals

#### Landscaping

Council's Senior Landscape and Tree Assessment Officer commented on the proposal as follows:

<b><i>SEPP (Sustainable Buildings) 2022</i></b>		
<b><i>Part 3 Aims</i></b>	<b><i>Proposed</i></b>	<b><i>Complies</i></b>
<i>To encourage sustainable residential development</i>	<i>There are no landscape requirements in the BASIX certificate. However, it is an incorrect BASIX certificate for the development type proposed (refer to comments later in this report)</i>	<b>YES</b>

KDCP COMPLIANCE TABLE												
Control	Proposed	Complies										
Part 4A.4 Landscaping and Part 13 Tree and Vegetation Preservation												
C1. Landscape proposals are to retain existing trees where possible	No trees are proposed for removal.	YES										
C2. Tree replenishment and planting to be provided.	<p>The proposal does not comply with the tree replenishment requirement identified in the table below –</p> <table><tr><th>Lot size</th><th>Number of trees</th></tr><tr><td>Less than 850m<sup>2</sup></td><td>3</td></tr><tr><td>850m<sup>2</sup> to 1,000m<sup>2</sup></td><td>5</td></tr><tr><td>1,001m<sup>2</sup> to 1,500m<sup>2</sup></td><td>7</td></tr><tr><td>Over 1,500m<sup>2</sup></td><td>10 or as directed</td></tr></table> <p>The proposal is required to attain a total of 7 trees:</p> <ul style="list-style-type: none"><li>• The proposal retains 1 tree/s capable of attaining a minimum height of 10 metres.</li><li>• The proposal includes 3 trees capable of attaining a minimum height of 10 metres.</li></ul> <p>The site is constrained by existing structures and areas of natural rock and is not capable of meeting the tree replenishment requirement of 7 trees. The number of trees proposed is therefore acceptable in the site circumstances.</p>	Lot size	Number of trees	Less than 850m <sup>2</sup>	3	850m <sup>2</sup> to 1,000m <sup>2</sup>	5	1,001m <sup>2</sup> to 1,500m <sup>2</sup>	7	Over 1,500m <sup>2</sup>	10 or as directed	YES
Lot size	Number of trees											
Less than 850m <sup>2</sup>	3											
850m <sup>2</sup> to 1,000m <sup>2</sup>	5											
1,001m <sup>2</sup> to 1,500m <sup>2</sup>	7											
Over 1,500m <sup>2</sup>	10 or as directed											
C3. Landscaping to include tall trees, small trees, shrubs and ground cover. Continuous rows of monoculture planting and high hedging to boundaries is to be avoided.	The landscape plan includes such plantings.	YES										
C4. Landscape designs are to reflect the prevailing landscape character of the area.	Acceptable.	YES										
C5. New trees are to be distributed across	The landscape plan is not acceptable.	NO										

<p><i>the site and are to be located to accommodate the mature growth of both new and existing trees.</i></p> <p><i>C6. Hedges near boundaries are not to impact the amenity of adjoining properties by blocking sunlight, bushland or water views or unreasonably shading neighbours' private open space or living areas in winter. Hedges are not to grow to excessive height and are to be maintained at a height below 2 metres.</i></p>	<p><i>The proposed Acmena smithii to the rear of the current secondary dwelling is too large for the space available. A smaller tree capable of growing up to 8 metres in height would be acceptable.</i></p> <p><i>The Acmena smithii proposed within the site frontage to Barana Parade is planted too close to the retaining wall. This tree should be centrally located and changed to a locally occurring native species such as Glochidion ferdinandii (Cheese Tree).</i></p> <p><i>The proposed hedging will not impact the amenity of the adjoining property.</i></p>	<p><b>YES</b></p>
<b>Part 21 General Site Design</b>		
<p><b>21.1 Earthworks and Slope</b></p> <p><i>C3. Landscape cut or fill should not be more than 600mm above or below natural ground line.</i></p> <p><i>C4. A minimum 0.6m width is required between retaining walls.</i></p> <p><i>C5. Existing ground level is to be maintained for a distance of 2m from any boundary.</i></p>	<p><i>Insufficient detail has been provided to confirm the extent of cut and fill into the rear rock to establish the proposed landscape area at the rear of the proposed dual occupancy dwelling fronting Griffith Avenue.</i></p> <p><i>No change to existing ground levels within 2 metres of the boundaries is proposed.</i></p> <p><i>No trees are impacted.</i></p>	<p><b>NO</b></p> <p><b>YES</b></p> <p><b>YES</b></p> <p><b>YES</b></p>

C8. Retaining walls, excavated and filled areas are to be located and constructed to have no adverse impact on iii) trees and vegetation to be retained on site or on adjoining sites	No trees are impacted.	
21.2 Landscape Design: To ensure the landscape design and species selection is suitable to the site its context and considers the amenity of residents and neighbours.	<p>The landscape plan is not acceptable.</p> <p>Insufficient detail has been provided concerning the rear landscape area which currently consists of an area of partially excavated rock at a higher level and a lower area of rock.</p> <p>The landscape plan shows replenishment tree planting and groundcover planting within this area. It is unclear what depth of soil will be achieved in this area, and whether this will be sufficient for the proposed tree planting.</p> <p>The extent and depth of rock removal is also unclear as no details such as sections or a plan at a large scale have been provided. This area will also require subsoil drainage.</p> <p>The proposed <i>Acmena smithii</i> to the rear of the current secondary dwelling is too large for the space available. A smaller tree capable of attaining up to 8 metres in height would be acceptable. This could be conditioned if the application were to be approved.</p> <p>The proposed <i>Acmena smithii</i> within the site frontage to Barana Parade is planted too close to the retaining wall. The tree should be repositioned centrally and changed to a locally occurring native species such as <i>Glochidion ferdinandi</i> (Cheese Tree). This could also be conditioned if the application were to be approved.</p>	NO

**Low Rise Housing Diversity Design Guide for development applications July 2020****Section 2.1 Dual Occupancy****2.1C Landscape Area**

Design Criteria	Proposed	Complies
C15. Where the LEP or DCP does not contain a minimum landscaped area the minimum landscaped	The KDCP does not contain a minimum landscape area. No landscape area compliance plan for the purposes of this control has been provided. The proposed landscape area, by calculation is 292.2m <sup>2</sup> . The requirement for this	NO

<p>area is: 50% of the parent lot area minus 100m<sup>2</sup>.</p> <p>C16. The minimum dimension of any area included in the landscaped area calculation is 1.5m.</p> <p>C17. At least 25% of the area forward of the building line is to be landscaped area. At least 50% of the required landscaped area must be behind the building line.</p>	<p>site is 418m<sup>2</sup>. The proposal is non-compliant.</p> <p>It is noted that some landscape areas indicated on the landscape plan for the primary dwelling as part of the approval for DA0615/15 have been deleted from the current landscape plan. These could be reinstated, and this would increase the landscape area. A specific condition regarding built upon area was included within the development consent to DA0615/15 to achieve this requirement (Condition 14).</p> <p>No landscape area compliance plan for the purposes of this control has been provided to confirm the dimensions of landscaped area.</p> <p>There is insufficient information to confirm whether the area behind the building line of the dual occupancy dwelling fronting Griffith Avenue can viably be used for the purposes of landscaped area.</p>	<p>NO</p> <p>NO</p>
<p><b>Objective 2.1C-2</b></p> <p>C19. Minimum soil standards for plant sizes are provided in accordance with the Table:</p> <p>C20. If the DCP does not specify tree planting of a particular size or species the following is to be provided:</p> <ul style="list-style-type: none"> <li>• Front: 1 tree with mature height of 5m if primary road setback is greater than 3m.</li> <li>• Rear: 1 tree with mature height of 8m.</li> </ul>	<p>There is insufficient information to confirm the soil depth at the rear of the dwelling fronting Griffith Avenue and whether it can sustain the proposed planting of an <i>Acmena smithii</i>.</p> <p>As the site is constrained due to rock and built structures at the rear, a smaller tree is preferred over that proposed. This could be conditioned if the application were approved.</p>	<p>NO</p> <p>YES</p>
<p><b>Objective 2.1C-3</b></p> <p>C21. Mature trees are to be retained,</p>	<p>The proposal is acceptable in this regard.</p>	<p>YES</p>

<p><i>particularly those along the boundary, (except those where approval is granted by Council for their removal).</i></p> <p><i>C22. Landscape features including trees and rock outcrops are to be retained where they contribute to the streetscape character or are located within the rear setback</i></p>	<p><i>The proposal is acceptable in this regard.</i></p>	<p><b>YES</b></p>
<p><b>Objective 2.1C-4</b></p> <p><i>C23. The landscape plan proposes a combination of tree planting, for shade, mid height shrubs, lawn and ground covers.</i></p> <p><i>C24. The landscape plan indicates that at least 50% of the overall number of trees and shrubs are species native to the region.</i></p>	<p><i>The proposal is acceptable in this regard.</i></p> <p><i>The proposal does not comply with this control as 50% of the planting are non-native trees and shrub species. However, the proposed planting is generally acceptable, being not uncharacteristic of the landscape character of the area and is therefore accepted on this basis.</i></p>	<p><b>YES</b></p> <p><b>YES</b></p>
<p><b>2.1E Public Domain Interface</b></p> <p><b>Objective 2.1E-2</b></p> <p><i>C31. Retaining walls greater than 600mm within the front setback are softened by planting for a minimum depth of 600mm on the low side of the retaining wall.</i></p>	<p><i>The existing rock outcrop to Griffith Avenue precludes planting in front of the existing retaining wall within the front setback. The proposal is however acceptable in this respect on merit.</i></p>	<p><b>NO</b></p>

The above assessment and relevant provisions have been reviewed. It is agreed that the proposal is mostly unsatisfactory for the reasons given by Council's Senior Landscape and Tree Assessment officer.



## Engineering

Council's Team Leader Development Engineers commented on the proposal as follows:

<b>State Environmental Planning Policy (Biodiversity &amp; Conservation) 2021</b>		
<b>Chapter</b>	<b>Proposed</b>	<b>Complies</b>
<b>Chapter 6 Water catchments</b>	<i>The site is located within a regulated catchment. The provisions of Clause 6.5 'Stormwater and water sensitive urban design and Clause 6.6 'Water quality and quantity' have been considered in the assessment of the proposal. The proposal does not include sufficient information confirming that the existing stormwater system functions hydraulically. Further, the proposal does not incorporate appropriate on-site stormwater retention or detention and no water quality measures are detailed on the plans.</i>	<b>NO</b>

<b>KDCP COMPLIANCE TABLE</b>		
<b>Control</b>	<b>Proposed</b>	<b>Complies</b>
<b>Part 4B.2 Car Parking Provision</b>		
<b>Number of car spaces</b>		
<i>The minimum dimensions of a residential parking space are to be as follows and as illustrated in Figure 4B.2-1</i>	<p>According to the 'Low Rise Housing Diversity Design Guide for development applications July 2020' Part 2.1N 'Car and Bicycle Parking', states that "Car parking is to be provided at the rate required for a dual occupancy within the DCP that applies to the land". In this instance, Part 22.1 'Car Parking Rates' of the KDCP stipulates the following:</p> <ul style="list-style-type: none"> <li>Dual occupancy under 125m<sup>2</sup>: 1 space per dwelling.</li> <li>Dual occupancy over 125m<sup>2</sup>: 2 spaces per dwelling</li> </ul> <p>The on-site parking requirements have been met for both dwellings.</p>	<b>YES</b>
<b>Part 24A. Site Design for Water Management</b>		
24A.1 Development Type 1, 2, 3, 4	The development is a Type 1 – 'Alterations and Additions' and Type 4 'Dual Occupancy'	<b>YES</b>
24A.2 Location A, B, C, D	Location 'A' (drains to the street).	<b>YES</b>
<b>Part 24B. Stormwater Disposal from Location A Properties</b>		
24B.2 Discharge to Kerb and Gutter/Table Drain	<p>The site has a steep fall of approximately 20 metres from Barana Parade to Griffith Avenue. The overflow from the rainwater tank and inlet pits discharges via the existing 150 millimetres diameter pipe to the kerb outlet in Griffith Avenue and is acceptable.</p> <p>The stormwater plans, however, fail to demonstrate how the stormwater runoff from the existing dwelling house on site (facing Barana Parade) will be conveyed in a controlled manner to a drainage</p>	<b>YES</b>       <b>NO</b>

	system in accordance with Part 24 'Water Management' of the KDCP.	
<b>Part 24C.4 On-site Stormwater Management</b>		
<b>Part 24C.4 Mandatory Rainwater Tank Requirements</b>		
Type 1 Alts & Adds < 20m2 A water tank is strongly recommended but not mandatory.	Stormwater management plans, prepared by Quantum Engineers, have been submitted. The plans show the connection from the new roof area from the first floor additions to the dwelling fronting Griffith Avenue to be connected to the existing charged rainwater tank.	<b>YES</b>
Type 4 Dual Occupancy	A BASIX Certificate for the dual occupancy is to be submitted with the water commitments shown on the stormwater plans.	<b>NO</b>
	Given that the proposal is now identified as a dual occupancy development, the on-site stormwater disposal will require rainwater retention and re-use as per the BASIX commitments, and to meet the 50% reduction in runoff days required under Part 24C.3-4 of the DCP. This has not been achieved. Clarification is also sought as to the purpose of the rainwater reuse given that a retention component is required.	<b>NO</b>
<b>Part 24C. 5 Controls for On-site Detention</b>		
<b>Development Types 3, 4, 5 and 6</b> OSD provided in accordance with the OSD Calculation sheet in Ku-ring-gai Council Technical Guideline for Water Management)	An on-site detention tank is required. The site storage requirements can be discounted for on-site retention as per Part 24C.5 Clause 6(iii) of Ku-ring Development Control Plan. An above ground detention tank is not desirable from a planning and landscape perspective.	<b>NO</b>
<b>Part 24C.6 Stormwater Quality Control</b>		
<b>Part</b>	<b>Proposed</b>	<b>Complies</b>
<b>Part 24C.6 Stormwater Quality Control</b>	Water quality measures are to be indicated on the drawings, with MUSIC modelling provided as described in Ku-ring-gai Development Control Plan Part 24C.6. This has not been demonstrated.	<b>NO</b>
<b>Low Rise Housing Diversity Design Guide for development applications July 2020</b>		

<b>Section 2.1 Dual Occupancy</b>		
<b>Design Criteria</b>	<b>Proposed</b>	<b>Complies</b>
<b>2.1F Pedestrian and Vehicle Circulation</b>  33. Vehicle circulation complies with AS2890.1.	<i>The proposal is acceptable. The on-site parking provisions of the Guide have been met for both dwellings.</i>	<b>YES</b>
<b>2.1N Car and Bicycle Parking</b>  75. Car parking is to be provided at the rate required for a dual occupancy within the DCP that applies to the land. If there is no rate in the DCP - 1 space per dwelling is to be provided.	<i>The proposal is acceptable in this respect.</i>	<b>YES</b>
<b>2.1V Water Management and Conservation</b>  108. A stormwater system must: <ul style="list-style-type: none"> <li>• Comply with requirements in the DCP that applies to the land.</li> <li>• Be approved (if required) under s.68 of the Local Government Act 1993.</li> </ul>	<i>The proposal does not comply with these controls of the KDCP.</i>	<b>NO</b>
109. Detention tanks are to be located under paved areas, driveways or in basements	<i>The proposal does not comply with these controls of the KDCP.</i>	<b>NO</b>
<b>2.1W Waste</b>		

<p><b>Management</b></p> <p>110. Provide storage space for the type and number of bins designated in council's waste policy.</p>	<p>The proposal is acceptable in this regard as there is adequate storage space on site to accommodate the required number of bins.</p>	<p><b>YES</b></p>
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The above assessment and relevant provisions have been reviewed. It is agreed that the proposal is mostly unsatisfactory in relation to engineering provisions for the reasons given by Council's Team Leader, Development Engineers.

### STATUTORY PROVISIONS

#### State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 Remediation of land

The provisions of Chapter 4 require Council to consider the potential for a site to be contaminated. The subject site has a history of residential use and, as such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

#### State Environmental Planning Policy (Housing) 2021 – Chapter 3 Diverse Housing, Part 12 Dual occupancies and semi-detached dwellings in Zone R2

Development for the purposes of dual occupancies is permitted with development consent on the subject site, in accordance with Section 141C of SEPP (Housing) 2021.

#### State Environmental Planning Policy (Biodiversity & Conservation) 2021 - Chapter 6 Water catchments

The site is located within a regulated catchment. The provisions of Clause 6.6 'Water quality and quantity' has been considered in the assessment of the proposal. The proposal does not include sufficient information confirming that the existing stormwater system functions hydraulically. Further, the proposal does not incorporate appropriate on-site stormwater retention or detention and no water quality measures are detailed on the plans. The proposal does not satisfy Clause 6.6 in SEPP (Biodiversity and Conservation) 2021.

Clause 6.7 'Aquatic ecology', Clause 6.8 'Flooding', 6.9 'Recreation and public access' and Clause 6.10 'Total catchment management' are not directly relevant to the merits of the proposal.

#### State Environmental Planning Policy (Sustainable Buildings) 2022 – Chapter 2 Standards for residential development – BASIX

The BASIX certificate submitted with the application is 'alterations and additions' for the purposes of a dwelling house (detached). This is inconsistent with the development application which proposes alterations and additions including a change of use for the purposes of a 'dual occupancy'. A 'multi dwelling' BASIX Certificate is required to be submitted. As a result of the lodgement of an incorrect BASIX Certificate, Council is not satisfied that the embodied emissions attributable to the development has been correctly quantified.

## Ku-ring-gai Local Environmental Plan 2015

### Clause 1.2 Aims of the Plan

The proposal has been assessed against the relevant Aims of the Plan. The relevant Aims of the Plan are as follows:

- (c) *to maintain and improve water quality within the catchments of Ku-ring-gai,*
- (o) *to protect the character of low density residential areas and the special aesthetic values of land in the Ku-ring-gai area.*

The proposal is inconsistent with these Aims for the reasons given within this assessment report.

### Zoning and permissibility

The site is zoned R2 Low Density Residential. The proposed development is defined as a dual occupancy (detached), which is prohibited under the KLEP but permitted under Section 141C of SEPP (Housing) 2021.

### Zone objectives:

The objectives of this zone are:

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for housing that is compatible with the existing environmental and built character of Ku-ring-gai.*

The development:

- will not provide housing that is compatible with the existing environmental and built character within this part of Roseville Chase. The development will result in –
  - excessive gross floor area and built upon area across the site;
  - insufficient landscaped area; and
  - an addition, which is in part three storeys fronting Griffith Avenue which is inconsistent with the predominantly two storey development fronting Griffith Avenue.

The proposed development is therefore inconsistent with the third objective of the R2 Low Density Residential zone.

### Development standards:

#### Ku-ring-gai Local Environmental Plan 2015

Development standard	Proposed	Complies
<b>CI 4.3 - Height of buildings:</b> Maximum Building Height - 9.5 metres	9.5 metres (existing lower ground floor slab level – RL72.63,	YES

Development standard	Proposed	Complies
	new roof level – RL82.13)	
<b>CI 4.4 - Floor space ratio (FSR):</b> Subclause 2B Calculation 0.40:1 Gross Floor Area = 414.4m <sup>2</sup>	0.493:1 (510.839m <sup>2</sup> ) or 23.27% variation to the standard.	<b>NO</b>

#### Clause 4.6 Exceptions to development standards

The proposed development breaches the floor space ratio development standard contained within the KLEP 2015. The applicant has made a submission pursuant to Clause 4.6 seeking to vary that development standard. Clause 4.6 provides flexibility in applying certain development standards and an assessment of the request to vary the development standard is provided below:

(1) *The objectives of this clause are as follows—*

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) *Development 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 operation of this clause.*

(3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

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

The applicant states that compliance with the development standard is unreasonable or unnecessary for the following reasons:

*“The first test of Wehbe requires demonstration that the objectives of a development standard can be achieved notwithstanding noncompliance with that particular standard. The objectives of Clause 4.4 are articulated at Clause 4.4(1): -*

*1) The objectives of this clause are as follows—*

- (a) *to enable development with a built form and density that is compatible with the size of the land to be developed, its environmental constraints and its contextual relationship,*
- (b) *to provide for floor space ratios compatible with a range of uses,*



(c) to ensure that development density is appropriate for the scale of the different centres within Ku-ring-gai,

(d) to ensure that development density provides a balanced mix of uses in buildings in the employment and mixed use zones.

**Objective (a)** The subject site, along with adjoining sites to the east, feature a dual road frontage to Barana Parade and Griffith Avenue. This lot configuration allows for dual occupancy (detached) development in which each dwelling fronts a separate road frontage. Consequently, the development will not resemble a conventional side-by-side or front-and-rear dual occupancy, but rather will appear as two detached single dwelling houses, consistent with the surrounding properties to the west and in keeping with the contextual character of the area.

The subject site is of a sufficient length and total area to accommodate the two dwellings whilst retaining sufficient residential amenity, not dissimilar to the properties to the west of the site and properties to the south between Barana Parade and Koongara Road. Further, the proposal does not unreasonably extend beyond the approved building footprint under DA0615/15, largely preserving the setbacks to the street and adjoining residential development.

**Objective (b)** This objective focuses on ensuring that the prescribed floor space ratio (FSR) is compatible with the range of permissible uses on any given site.

A FSR greater than the prescribed 0.4:1 is required in order to facilitate a permissible dual occupancy development with a built form comparable to that of surrounding dwellings. Currently, the dwelling fronting Griffith Parade contains only one bedroom, which is inadequate for meeting the needs of a typical family home. The proposed FSR of 0.546:1 will provide for an additional three bedrooms on the first floor, converting the structure into a suitable family residence. This is directly in line with the growing demand for housing in the Roseville Chase area.

The proposed FSR of 0.546:1, guided by the forthcoming non-refusal standards, is thus compatible with the proposed dual occupancy (detached) use of the site.

**Objective (c)** This objective focuses on ensuring future development maintains an appropriate density relative to the scale of the surrounding area.

The surrounding area is characterised by single dwellings, typically one to two storeys in height. As outlined in Objective (a), the proposed development will appear as two detached single dwellings due to the dual frontages of the lot. The height of the dwelling fronting Griffith Avenue remains compliant with the maximum building height under Clause 4.3 of the KLEP and presents as a two-storey dwelling with a basement garage. As such, the proposed dwelling fronting Griffith Parade will remain in line with the pattern of residential development in the street as the use of the site as a dual occupancy and the proposed density will not be discernible from the public domain or adjoining properties.

Notwithstanding the FSR non-compliance, the proposal remains compliant with the provisions of the KLEP and KDCP in relation to height, solar access, visual and acoustic privacy, and view loss. Accordingly, the proposed density of the dual occupancy development, as guided by the aforementioned proposed non-refusal standards, is in keeping with the scale of the surrounding residential area of Roseville Chase.

**Objective (d)** *The site is not located within the employment or mixed-use zones.*

*For the above reasons, I am of the view that the variation requested and the resultant development is consistent with the objectives of the development standard and an appropriate degree of flexibility is warranted. Furthermore, it is clear that strict compliance in this case would not serve a meaningful purpose, as the additional density is not anticipated to cause any unreasonable impact on the amenity of adjoining properties or the streetscape. Adhering rigidly to the standard would lead to a design that compromises the residential amenity that the site is otherwise capable of achieving.*

*Consequently, I conclude that the first test of Wehbe is achieved and thus strict compliance with the development standard is unreasonable or unnecessary in this particular case."*

Whilst the lot configuration and the siting and orientation of the existing dwellings are acknowledged, this has limited relevance to objective (a) in Clause 4.4 in KLEP which is:

*"to enable development with a built form and density that is compatible with the size of the land to be developed, its environmental constraints and its contextual relationship".*

The proposed upper floor addition to the dwelling fronting Griffith Avenue, when combined with the existing dwelling fronting Barana Parade, will result in a built form that is not compatible with the size of the site to be developed nor does it provide an appropriate contextual relationship with existing development on adjoining properties.

Further, it is not agreed that the proposed garage level of the dwelling fronting Griffith Avenue is 'basement level'. This is a lower ground floor level. The proposed addition to the dwelling fronting Griffith Avenue will present as part two, part three storeys which is not compatible with the scale of other dwellings along either side of Griffith Avenue which are predominantly two storeys. The development results in excessive gross floor area for the site.

It is not agreed that additional gross floor area needs to be provided to the dwelling house fronting Griffith Avenue to meet the housing demand within the Roseville Chase area. The existing floor plates could be re-configured in a manner that could provide additional bedroom accommodation without the need for an additional floor level or a further breach of the floor space ratio development standard.

**Whether there are sufficient environmental planning grounds to justify contravening the development standard.**

The applicant states that the following environmental planning grounds justify contravening the development standard:

*"The term 'environmental planning grounds' is not defined and may be interpreted with wide scope as has been the practice of the Land and Environment Court. The environmental planning grounds supporting variation are on the basis of:*

- The additional gross floor area permits the smaller dwelling to achieve a scale consistent with other development in Griffiths Avenue. As established in the response to Clause 4.6(3)(a) above, the proposed development will not resemble a conventional side-by-side or front-and-rear dual occupancy, but rather will appear as two detached single dwellings, consistent with the*

*surrounding properties to the west and in keeping with the contextual character of the area.*

- *At present the structure fronting Griffith Avenue contains only one bedroom, largely insufficient for the needs of a family home. The additional floor area will provide for an additional three bedrooms on the first floor, converting the dwelling into a suitable family residence. This is directly in line with the growing demand for housing in the Roseville Chase area.*
- *Given the suitability of the site and the lack of impact arising from the development, the proposal is consistent with object (c) of the EP& Act 1979 to promote the orderly and economic development of land.*
- *The additional gross floor area is not anticipated to result in any undue adverse impacts on adjoining development in terms of solar access, visual and acoustic privacy, and view loss, to the extent anticipated by the relevant controls. Compliance with the relevant controls is detailed within the provided Statement of Environmental Effects.*
- *The 151m<sup>2</sup> non-compliance and associated 0.54:1 FSR is compliant with the proposed non-refusal standards for dual occupancies in Greater Sydney, which prescribe a maximum FSR of 0.65:1, demonstrating that the additional floor area is suitable for the proposed development.*

*As set out in 'Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118', the aforementioned environmental planning grounds do not rely on the benefits of the development as a whole, but rather they directly relate to the proposed Floor Space Ratio aspect that contravenes the development standard.*

*For the reasons detailed in this request, I am of the opinion that there are sufficient environmental planning grounds for Council to be satisfied that the request is adequate and to allow appropriate flexibility."*

An assessment is provided below to each of the environmental planning grounds advanced in the applicant's Clause 4.6 variation request –

#### Ground 1

- *The additional gross floor area permits the smaller dwelling to achieve a scale consistent with other development in Griffiths Avenue. As established in the response to Clause 4.6(3)(a) above, the proposed development will not resemble a conventional side-by-side or front-and-rear dual occupancy, but rather will appear as two detached single dwellings, consistent with the surrounding properties to the west and in keeping with the contextual character of the area.*

The proposed scale of the dwelling fronting Griffith Avenue will be part two, part three storeys which is not consistent with the scale of other dwellings along Griffith Avenue that are predominantly two storeys. This ground is not agreed with and is not a sufficient environmental planning ground.

#### Ground 2

- *At present the structure fronting Griffith Avenue contains only one bedroom, largely insufficient for the needs of a family home. The additional floor area*

*will provide for an additional three bedrooms on the first floor, converting the dwelling into a suitable family residence. This is directly in line with the growing demand for housing in the Roseville Chase area.*

The need to increase the size of the dwelling from one to four bedrooms is not a sufficient environmental planning ground.

#### Ground 3

- *Given the suitability of the site and the lack of impact arising from the development, the proposal is consistent with object (c) of the EP& Act 1979 to promote the orderly and economic development of land.*

The orderly and economic development of the land can still be achieved without the proposed significant increase in gross floor area. This ground is not agreed with and is not a sufficient environmental planning ground.

#### Ground 4

- *The additional gross floor area is not anticipated to result in any undue adverse impacts on adjoining development in terms of solar access, visual and acoustic privacy, and view loss, to the extent anticipated by the relevant controls. Compliance with the relevant controls is detailed within the provided Statement of Environmental Effects.*

The information submitted with the application has not adequately demonstrated that solar access to the private open space on the north-eastern side of the dwelling to the adjoining property at No. 56 Griffith Avenue will not be adversely impacted by the proposed upper floor addition. This reason is not a sufficient environmental planning ground.

#### Ground 5

- *The 151m<sup>2</sup> non-compliance and associated 0.54:1 FSR is compliant with the proposed non-refusal standards for dual occupancies in Greater Sydney, which prescribe a maximum FSR of 0.65:1, demonstrating that the additional floor area is suitable for the proposed development.*

The NSW Government is yet to gazette any Instrument that contains non-discretionary standards for dual occupancy developments. This ground is not agreed with and is not a sufficient environmental planning ground.

The applicant's Clause 4.6 variation request has not advanced sufficient environmental planning grounds to justify contravening the floor space ratio development standard.

#### **Authority to determine variation**

This application is referred to the Ku-ring-gai Local Planning Panel for determination because it exceeds a numerical development standard by more than 10%.

#### **Development standards that cannot be varied**

The variation to the development standard is not contrary to the requirements in subclauses (6) or (8) of Clause 4.6 of the KLEP.

**Part 6 Additional local provisions****Clause 6.1 – Acid sulphate soils**

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The land is mapped as Class 5 Acid sulfate soils. Development consent is required for works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water-table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. The proposal is not subject to this clause as the works are more than 500 metres of adjacent Class 1, 2, 3 or 4 land.

**Clause 6.2 - Earthworks**

The proposed development involves only minimal earthworks for a new levelled soft landscape area at the rear of the dual occupancy dwelling fronting Griffith Avenue. These earthworks will not restrict the existing or future use of the site, nor will they adversely impact on neighbouring amenity, the quality of the water table or disturb any known relics. However, there are other issues associated with the proposed levelling.

**Clause 6.5- Stormwater and water sensitive urban design**

The applicant has not demonstrated that the proposal will avoid or minimise adverse impacts of urban stormwater on adjoining lands.

The proposed development fails to incorporate water sensitive urban design principles and/or reasonable management actions, as per Part 24 of the KDCP, to avoid adverse impacts on adjoining lands. The proposed development therefore fails to satisfy Clause 6.5 (2) in KLEP 2015.

**Ku-ring-gai Development Control Plan****Part 1A.5 General aims of the DCP**

The proposed development has been assessed against the general aims of this DCP and is not found to be acceptable in all relevant respects for the reasons given throughout this report.

**Part 2: Site analysis**

A site analysis which identifies the existing characteristics of the site, and the surrounding area has been provided as part of the development application. The site analysis is considered to satisfy the objectives of this part of the DCP.

**Part 4: Dwelling Houses**

The "Introduction" to Part 4 of the KDCP states that it guides dual occupancy development permitted under Schedule 1 of the KLEP 2015. Dual occupancy development on this site is not permitted under Schedule 1 of the KLEP, however is permitted under Chapter 3, Part 12 of SEPP (Housing) 2021. Notwithstanding, the relevant dual occupancy development controls in Part 4 of the KDCP have been used as a guide to assess the merits of this application.

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	Proposed	Complies
<b>4A – Site Design</b>		
<b>4A.1 Local Character and Streetscape</b>		
<b>Visual Character</b> Design components of new development are to be based on the existing predominant and high quality visual character of the local neighbourhood.	The proposed upper floor addition is not based on the existing predominant and high quality visual character along this part of Griffith Avenue.	<b>NO</b>
The appearance of the dwelling is to maintain the local visual character by considering the following elements:  i) visibility of on-site development when viewed from the street, public reserves and adjacent properties; and  ii) relationship to the scale, layout and character of the tree dominated streetscape of Ku-ring-gai.	The appearance of the dwelling fronting Griffith Avenue does not maintain the local visual character.	<b>NO</b>
The prominent and high quality characteristics of the neighbourhood are to be identified and considered as part of the site analysis.	The characteristics of the neighbourhood are identified as part of the site analysis.	<b>YES</b>
<b>Public Domain and Communal Space</b> Development is to integrate with surrounding sites by:  i) being of an appropriate scale retaining consistency with the surrounds when viewed from the street, public domain or adjoining development and not exceeding two storeys;  ii) minimising overshadowing; and  iii) integrating built form and soft landscaping (gardens and trees) within the tree canopy that links the public and private domain throughout Ku-ring-gai.	The dwelling fronting Griffith Avenue is proposed to be part two, part three storeys which is inconsistent with surrounding development which is predominantly two storeys.  The addition to the dwelling does not minimise overshadowing to the north-eastern private open space of No. 56 Griffith Avenue between 9am and 11.30am on 21 June.	<b>NO</b>
<b>4A.2 Building Setbacks</b>		
<b>Building Line (Front Setback)</b>		
The location of development on the site is to demonstrate its consideration of:  i) The existing setback of adjoining properties;  ii) The setback patterns of its street block; and  iii) Council's minimum and average setback requirements.	The proposed front setback at the first floor level varies between 10 metres and 12 metres, when measured parallel to the front boundary. The proposed front setback at the first floor level varies between 10.7 metres and 12.7 metres when	<b>NO</b>



DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	Proposed	Complies
	measured via a straight line. This proposed front setback is less than the average front setback of the dwelling house at No. 56 Griffith Avenue which is approximately 14.4 metres. The proposed front setback is also non-compliant with the average front setback specified by the control (see below).	
<u>Two storey</u> Low side – 9m (11m average) High side – 12m (14m average)	The two storey high side control of 12 metres (14 metres average) applies. The development does not comply with this requirement. An assessment of the variation is contained below this table.	<b>NO</b>
The proportion of the front elevation set back no less than the average setback is to be 75%.	All of the front elevation is set back forward of the average setback requirement of 14 metres.	<b>NO</b>
The proportion of the front elevation with the minimum setback is to be a maximum of 25%.	All of the front elevation is forward of the minimum setback requirement of 12 metres.	<b>NO</b>
Dual occupancy dwellings are to meet the design controls 4A.2-1 to 4A.2-8:	The dwelling fronting Griffith Avenue does not meet the front setback controls.	<b>NO</b>
Where dual occupancy is permitted under Schedule 1 of KLEP 2015, separation between detached dual occupancy dwellings is to be a minimum of 7m.	A separation of between 1.2 metres and 5.9 metres technically exists between the detached dual occupancy dwellings. However, this does not account for the rock cliff and significant level change between the dual occupancy dwellings by virtue of the location of the rock face that traverses the site. The separation is therefore acceptable.	<b>YES</b>
<b>Building Line (Side Setbacks)</b>		
<20m width - 2m two storey	The setback is 1.9 metres to the eastern boundary	<b>NO</b>

<b>DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses</b>		
<b>Development control</b>	<b>Proposed</b>	<b>Complies</b>
	and 1.92 metres to the western boundary. The setback is non-compliant.	
Side setbacks are to accommodate a pathway and at least 0.6m of landscaping width for single storey buildings, and 1.1m for 2 storey houses. Where sites are of greater widths (over 20m) larger side setbacks should be progressively provided.	A path is not provided along the eastern side of the dwelling fronting Griffith Avenue. This is, however, not possible due to the topography of the site.	<b>NO</b>
Side setbacks are to accommodate shrubs to a height of 3-4m for two storey houses, and 2-3m for single storey houses.	The western side setback accommodates shrubs of an appropriate height.	<b>YES</b>
<b>4A.3 Built-Up Area</b>		
Max BUA is 40% as 2 x 2 storey dwellings in a dual occupancy (detached) arrangement as proposed (414.4m <sup>2</sup> )	71.8% (743.783m <sup>2</sup> )	<b>NO</b>
For alterations and additions, on sites where the existing BUA is greater than the maximum permitted by control 1, the maximum BUA is the existing BUA, however, a reduction in BUA is desirable.	An increase in BUA from that previously approved (under DA0615/15) is proposed, with garage, deck and bedroom additions to the rear of the dwelling fronting Griffith Avenue proposed. A terrace to the rear of the dwelling fronting Barana Parade is also proposed.	<b>NO</b>
The proposal is to include a reasonable provision of built elements, normally associated with a residential property, such as pathways, and show consideration of these elements at an early stage of the design process	Reasonable provision of built elements is provided.	<b>YES</b>
<b>4A.4 Landscaping</b>		
Landscape proposals are to retain existing trees, where possible. This may be achieved by: i) minimising changes to existing ground levels; ii) confining building works where appropriate to pre-existing building footprints.	The tree is to be retained.	<b>YES</b>
Landscaping is to include tall trees, small trees, shrubs and ground covers.	The landscaping includes an appropriate mix as per the control notwithstanding earlier landscape concerns.	<b>YES</b>
Landscape designs are to reflect the prevailing landscape character of the area and relate to the existing streetscape in terms of scale and planting style.	The landscape design generally reflects the prevailing landscape character notwithstanding	<b>YES</b>

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses			
Development control		Proposed	Complies
		earlier landscaping comments.	
<b>Tree replenishment</b>		The proposal includes a total of 4 replenishment trees. The number of replenishment trees is acceptable in the site circumstances.	<b>YES</b>
Less than 850m <sup>2</sup>	3 trees		
850m <sup>2</sup> to 1,000m <sup>2</sup>	5 trees		
1,001m <sup>2</sup> to 1,500m <sup>2</sup>	7 trees		
Over 1,500m <sup>2</sup>	10 trees or as directed		
<b>4B – Access and Parking</b>			
<b>4B.2 Car Parking Provision</b>			
Single occupancy dwellings are to provide 2 spaces on-site as determined by Part 4B.3(5) of the DCP.		2 spaces are proposed in a tandem arrangement.	<b>YES</b>
The minimum dimensions of a residential parking space are to be:  i) open carport 2.7 x 5.4 m  ii) unobstructed single garage 3.0 x 5.4 m  iii) double garage 5.4 x 5.4m		Complies	<b>YES</b>
The area of garages in excess of 31m <sup>2</sup> is included in floor space calculations.		The area of the garage at the lower ground floor level of the dwelling fronting Griffith Avenue, in excess of 31m <sup>2</sup> is included in floor space calculations.	<b>YES</b>
<b>4B.3 Carports and Garages</b>			
The car parking spaces, whether covered or uncovered, are to be located at or behind the required front setback as specified in Part 4A.2(2)&(15) of the DCP, or behind the front building line defined by the existing dwelling where the dwelling is being retained, whichever is the lesser.		The garage is located behind the existing building line.	<b>YES</b>
The scale and design of carport and garage structures are:  i) to be sympathetic to existing development on-site;  ii) to consider adjacent buildings;  iii) to consider proximity to drainage systems;  iv) to be integrated into the building design; and  v) not to dominate the site, dwelling and landscape, or the streetscape.		The garage is integrated into the building design.	<b>YES</b>

<b>DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses</b>		
<b>Development control</b>	<b>Proposed</b>	<b>Complies</b>
Works should not prevent ability to provide 2 spaces behind building line	Two spaces are located behind the building line.	<b>YES</b>
Width of any carport/garage visible from the street is not to be greater than 6m (measured to the outer face of the exterior walls/columns/posts)	4.35 metres	<b>YES</b>
If the site has frontage to more than one road or lane vehicle access is to be obtained from the road/lane that is lower on the road hierarchy or carries a lower volume of traffic	Vehicular access is provided via both site frontages servicing each of the dwellings on the site.	<b>YES</b>
<b>4C – Building Design and Sustainability</b>		
<b>4C.1 Building Envelopes</b>		
The maximum height of a dwelling is 9.5m (including any garage, basement or the like) and present as a 2 storey dwelling house.	The maximum height of the dwelling fronting Griffith Avenue is 9.5 metres.	<b>YES</b>
	The dwelling presents as part 2, part 3 storeys.	<b>NO</b>
The following matters are to be considered with regard to the potential impact on neighbouring properties and local character:  i) opportunities to minimise overshadowing of living and private open space areas and solar panels;  ii) opportunities to minimise overlooking of living and private open space areas;  iii) opportunities to minimise adverse impacts on any significant bushland, or distant views;  iv) the relationship with the streetscape.	The additions to the dwelling fronting Griffith Avenue, resulting in part 3 storeys have given minimal consideration to the predominant 2 storeys scale of development along this part of Griffith Avenue.	<b>NO</b>
	The addition to the dwelling fronting Griffith Avenue also does not minimise overshadowing or privacy impacts to the private open space of No. 56 Griffith Avenue.	<b>NO</b>
Development is to avoid the creation of an overbearing effect upon adjoining development by:  i) ensuring appropriate side setbacks and landscaping are incorporated in the design;  ii) ensuring all built structures are within the building height plane as illustrated in Figure 4C.1-2 of the DCP (4m @ 45°);  iii) the relationship with the streetscape.	The setbacks at the upper floor level are not appropriate, resulting in structures located outside the building height plane and an overbearing effect on the streetscape and adjoining property at No. 56 Griffith Avenue.	<b>NO</b>
<b>4C.2 Building facades</b>		
Extensive blank or unarticulated walls to street frontages will not be permitted.	Complies	<b>YES</b>

<b>DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses</b>		
<b>Development control</b>	<b>Proposed</b>	<b>Complies</b>
All external facades are to be articulated to reduce the apparent building mass and present a human scale. This may be achieved through the use of bay window openings, window awnings, chimney and alcove features, verandas, pergolas, balconies, entry porches, staggered wall planes, a combination of materials and finishes, decorative architectural elements including brick corbelling, banding and recesses.	External walls are appropriately articulated.	<b>YES</b>
The maximum length for an unrelieved wall is 12m.	Complies	<b>YES</b>
Where walls exceed 4m in height, the maximum length for an unrelieved wall is 8m.	Complies	<b>YES</b>
Side elevations are to avoid unrelieved walls. This may be achieved by:  i) dividing walls into sections, bays or modules; ii) separating wall sections with recesses or courtyards.	Side elevations are appropriately relieved.	<b>YES</b>
Alterations and additions to an existing dwelling are to be:  i) designed so that they are integrated into the existing building;  ii) result in the new and old structures appearing as one building from the street.  This may be achieved through the choice of materials, detailing, building proportion and configuration.	The upper floor addition is integrated into the existing building.	<b>YES</b>
Building design is to integrate soft landscaping and natural site features and make provision for tall shrub plantings.	The building design integrates soft landscaping including tall shrub plantings.	<b>YES</b>
<b>4C.3 First Floor Design and Roof Forms</b>		
<b><i>First floor design</i></b>		
Dwelling design is to avoid an overbearing bulk/scale relationship with neighbouring properties. Consideration is to be given to avoiding large vertical wall surfaces by stepping back upper levels and containing within the existing/proposed roof space.	The upper floor is not appropriately stepped back, as evidenced by the non-compliances with building setback and building height plane controls. The upper floor addition will have an overbearing bulk/scale relationship with the adjoining property at No. 56 Griffith Avenue.	<b>NO</b>

<b>DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses</b>		
<b>Development control</b>	<b>Proposed</b>	<b>Complies</b>
The placement of windows in first floor walls facing side boundaries are to respect the privacy of neighbouring properties.	The first floor windows respect the privacy of neighbouring properties.	<b>YES</b>
<b>Roof line</b>		
Roof structures are to be designed to minimise bulk and overshadowing of neighbouring buildings and open spaces by: <ul style="list-style-type: none"> <li>i) considered selection of material, colour and pitch;</li> <li>ii) use of low-angled pitched roofs providing that they are compatible with existing development and the streetscape character; or</li> <li>iii) inclusion of habitable rooms within the roof space.</li> </ul>	The roof structure minimises bulk and overshadowing.	<b>YES</b>
<b>Clerestory windows</b>		
The location, size, configuration and layout of clerestory windows and skylights must be sympathetic to the overall design of the dwelling and the streetscape.	The clerestory windows above the stair are sympathetic to the overall design of the dwelling.	<b>YES</b>
<b>4C.4 Private Open Space</b>		
At least one area of useable private open space which has a minimum depth of 5m and a minimum area of 50m <sup>2</sup> is to be provided on each site. On steep sites Council may consider a reduction in the minimum depth requirement.	Provided	<b>YES</b>
On constrained sites (biodiversity, riparian, steep topography) Council may consider decks as open space.	The site is constrained, and appropriate areas of private open space are provided.	<b>YES</b>
Landscape areas are to provide functional outdoor areas that: <ul style="list-style-type: none"> <li>i) are useable and relate well to indoor living areas;</li> <li>ii) have a character that is consistent with or enhances the landscape character of the area;</li> <li>iii) are located in consideration of noise, temperature, shade and screening;</li> <li>iv) are not dominated by adjoining development (in terms of overshadowing and overlooking);</li> </ul>	Insufficient information provided in respect to landscape area at the rear of the dwelling fronting Griffith Avenue.	<b>NO</b>



<b>DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses</b>		
<b>Development control</b>	<b>Proposed</b>	<b>Complies</b>
Private open space is to constitute at least one north facing area providing adequate solar access.	The dwellings contain private open space areas that are north facing.	<b>YES</b>
<b>4C.5 Solar Access</b>		
Solar access to habitable areas, recreational space and solar collectors on the site and on neighbouring sites is to be preserved by:  i) consideration of siting and orientation of buildings;  ii) use of setbacks which increase with building heights;  iii) landscape design and location of vegetation including deciduous or tall trees;  iv) consideration of window locations and size.	Solar access is not preserved to the north-eastern private open space of the adjoining property at No. 56 Griffith Avenue.	<b>NO</b>
A building is to be designed and sited to maintain solar access to adjoining properties of at least 4 hours between 9am and 3pm on 21st June to north facing windows and all living areas (family rooms, rumpus, lounge and kitchen) and the principal private open space recreational areas, such as swimming pools and patios.	The proposal will not maintain 4 hours of solar access to the private open space of No. 56 Griffith Avenue between 9am and 3pm on 21 June. Solar access will only be maintained between 11.30am and 3pm.	<b>NO</b>
Dwelling design and orientation is to provide at least 4 hours between 9am and 3pm on 21st June to north facing windows and all living areas (family rooms, rumpus, lounge and kitchen) and the principal private open space including swimming pools and patios, to the proposed dwelling.	The proposal will provide more than 4 hours of solar access to the relocated kitchen and existing dining and living areas of the dwelling fronting Griffith Avenue.	<b>YES</b>
	The principal private open space area at the rear of the dwelling fronting Griffith Avenue will receive only 1 hour of solar access between 2pm and 3pm on 21 June.	<b>NO</b>
Development is to consider the use of sun protection devices that preserve internal amenity. These can include window shades and awnings, roof and eave overhangs, use of pergolas and landscaping for shading of openings.	An awning is proposed on the northern side of the existing living room to preserve internal amenity.	<b>YES</b>
Professionally prepared shadow diagrams must accompany all applications for new	Shadow diagrams have been provided, however, the 10am proposed	<b>NO</b>

<b>DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses</b>		
<b>Development control</b>	<b>Proposed</b>	<b>Complies</b>
dwelling and alterations/additions exceeding one storey.	shadow is incorrect.	
<b>4C.6 Natural Ventilation</b>		
Building design is to incorporate measures for natural cross ventilation as specified in Control 1.	The proposal incorporates measures for natural cross ventilation.	<b>YES</b>
<b>4C.9 Waste Management</b>		
During the design of the development, construction waste is to be minimised by:  i) using recycled materials, selecting materials that reduce waste or do not require disposal, or can be reused or recycled in the future;  ii) designing with minimal site disturbance by avoiding unnecessary excavation or fill.	Construction waste is minimised.	<b>YES</b>
Developments must allocate, within each property boundary, an area for storing Council waste and recycling bins, (1 X 120L, 2 x 240L, 1 x 360L) preferably located at the rear of the premises to minimise visual clutter. The storage area is to be a minimum of 3m from openable windows and integrated with the landscaping.	Council's waste and recycling bins can be stored in the garage.	<b>YES</b>
An area is to be nominated for on-site composting.	An area for composting can be provided alongside the new landscaped area at the rear of the dwelling fronting Griffith Avenue.	<b>YES</b>
<b>4C.10 Materials and Finishes</b>		
External walls must be constructed of high quality and durable materials and finishes.	Complies	<b>YES</b>
Large, unbroken expanses of any single material and finish (rendered or not) to building facades must be avoided.	Complies	<b>YES</b>
New development is to avoid extensive use of highly reflective or gloss materials on the exterior of buildings.	Highly reflective and gloss materials are not proposed.	<b>YES</b>
The exterior finish material (e.g. sandstone or brick) must be integral to the overall building façade design and must not appear to be cosmetic.	The exterior rendered finish is integral to the façade design and does not appear cosmetic.	<b>YES</b>
Where additions and alterations are proposed, external materials and finishes must complement the existing building.	The external materials and finishes of the upper level addition complement the existing building.	<b>YES</b>
<b>Colours</b>		
The selection of a colour scheme for new development and in the restoration of existing facades is to comply with the guidelines in Control 8.	The colour is an off white/ light grey which complies with the control. Black is limited only to the new	<b>YES</b>

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	Proposed	Complies
<p>Control 8 states:</p> <p>i) base colours for major areas of building façade are to be light in tone (e.g. earth tone) with minimal colour intensity (or hue) e.g. off white or grey colours. Larger expanses of bold colour, black and white must be avoided, as these detract from the prominence of other façade details. Contrasting tints, tones and shades are to be restricted to small areas.</p> <p>ii) highlight colours to window and door mouldings, string courses, parapet details and the like, are to be in sufficient contrast to the base colour. Strong colours to large sections of the building must be avoided. Details should be finished in a matt to semi-gloss range</p>	<p>window frames.</p>	

An assessment of the variations to the controls identified in the Compliance Table is provided below.

#### Part 4A.1 – Local character and streetscape

The proposed upper floor addition to the dwelling fails to maintain the established built form character along this part of Griffith Avenue. The proposal is non-compliant with Controls 1, 2, 3 and 4 in Part 4A.1 of the KDCP. The objectives of Part 4A.1 of the KDCP are:

- “1 To ensure the development is sensitive to the landscape setting, environmental conditions and established character of the street and locality.
- 2 To ensure the development conserves and enhances the visual character of the street with particular reference to integration of:
  - i) architectural themes;
  - ii) building scale and setbacks;
  - iii) landscape themes; and
  - iv) fencing styles.
- 3 To ensure development provides a positive contribution to the public domain and all areas shared by the community.
- 4 To ensure that the visual, scenic and environmental qualities on visually prominent sites are maintained.”

For the following reasons, the objectives of the control are not achieved because of the variation to the design controls, consequently the proposal is not acceptable in this regard:

- i. The proposed upper floor addition is not sensitive to the established character along this part of Griffith Avenue.
- ii. The established character along this part of Griffith Avenue is predominantly two storey dwellings, with generally consistent building alignment and well landscaped setback areas.

- iii. By virtue of the topography of the site and the fact that this part of the site is located on the high side of Griffith Avenue, the addition will be highly visible from adjoining properties and the streetscape and this exacerbated by the part three storey presentation of the dwelling and non-compliances with the building setback and building height plane controls.
- iv. The design of the upper floor addition does not enhance the visual character of this part of Griffith Avenue.

#### 4A.2 Building setbacks

##### Front setback

The proposed front setback at the upper floor level varies between 10 metres and 12 metres, resulting in an average front setback at upper floor level of approximately 11 metres. This is non-compliant with the average setback control of 14 metres specified in Control 3, Part 4A.2 of the KDCP. It is noted in Control 8, Part 4A.2 of the KDCP states that dual occupancy development is required to meet the above-mentioned control. The proposal also fails to comply with Control 5 in Part 4A.2 of the KDCP which requires that a minimum of 75% of the front elevation complies with the 14 metres front setback control. All of the front elevation is forward of the average front setback control of 14 metres.

##### Side setback

The proposed upper floor side setbacks are between 1.9 metres and 1.92 metres from the eastern and western side boundaries, respectively. This is non-compliant with the minimum side setback requirement of 2 metres specified in Control 11, Part 4A.2 of the KDCP, noting the site has a width of less than 20 metres.

The objectives of Part 4A.2 in the KDCP are:

- "1 To ensure that the appearance of new development is of a high visual quality, enhances the streetscape and complements good quality surrounding development.
- 2 To ensure development is appropriately located on site and
  - i) maintains streetscape character;
  - ii) ensures the amenity of neighbouring properties is maintained or enhanced;
  - iii) allows for the provision of landscaping and provide room for additional tree plantings to grow to maturity;
  - iv) facilitates solar access, daylight access and ventilation;
  - v) protects significant vegetation;
  - vi) facilitates efficient use of the site; and
  - vii) minimises bush fire hazard by preserving a "fuel free" zone (where development is adjacent to high bush fire hazard areas).
- 3 To enable landscaping to be provided between neighbouring buildings, particularly where there are two storey structures
- 4 To provide privacy and soften the visual appearance when viewed from the street and from the neighbouring property.
- 5 To maintain visual amenity and solar access of private open space.
- 6 To ensure that side setbacks provide adequate solar access and day light access."

For the following reasons, the objectives of the control are not achieved because of the variation to the design controls, consequently the proposal is unacceptable in this regard:

- i. The proposed front setback at upper floor level will not maintain the streetscape character. The upper floor addition is forward of the average front setback alignment of the dwelling on the adjoining property at No. 56 Griffith Avenue which is approximately 14.4 metres.
- ii. The proposed front setback at upper floor level does not assist in softening the visual appearance of the dwelling when viewed from Griffith Avenue. The dwelling presents as part 2, part 3 storeys in scale and is significantly higher than the dwelling on the adjoining property at No. 56 Griffith Avenue.
- iii. The proposed front and western side setback will result in a failure to maintain and enhance the amenity for this adjoining property at No. 56 Griffith Avenue. The design of the upper floor addition will not maintain existing levels of solar access to the ground level eastern private open space of the dwelling on the adjoining property at No. 56 Griffith Avenue between 9am and 11.30am on 21 June.
- iv. The proposed balcony to the front of the bedroom on the north-western side, at upper floor level, will not maintain privacy with the swimming pool area and private open space of the adjoining property at No. 56 Griffith Avenue.

#### 4A.3 Built-Upon Area (BUA)

The proposed built upon area for the site is 71.8% or 743.783m<sup>2</sup>, where the maximum under this control is 40% or 414.4m<sup>2</sup>. The proposed BUA includes unauthorised works, specifically built elements, that are sought to be relied upon for the purposes of the proposed additions, including lower ground floor structures and a rear ground floor bedroom.

The objectives of Part 4A.2 in the KDCP are:

- "1 To ensure that development is consistent with the local built and landscape character.
- 2 Ensure the built form is in scale with the tree canopy.
- 3 To provide sufficient soft landscaped area for the planting and retention of tall trees.
- 4 To provide an appropriate balance between the natural and built elements of the site.
- 5 To retain areas for habitat, connectivity and locally occurring native vegetation.
- 6 To minimise impervious surfaces generating storm water runoff.
- 7 To provide useable high quality open space.
- 8 To provide adequate space for screen planting between buildings."

For the following reasons, the objectives of the control are not achieved because of the variation to the design control:

- i. The proposed development on this site is excessive and inconsistent with the local built and landscape character along this part of Barana Parade and Griffith Avenue.
- ii. The proposed built form is not in scale with the tree canopy.
- iii. The required landscape outcomes under the previous DA (DA615/15) are not yet achieved, particularly to the rear of the dwelling fronting Griffith Avenue. These are,

however, required to have commenced, noting that the previously approved secondary dwelling appears now suitable for occupation and use.

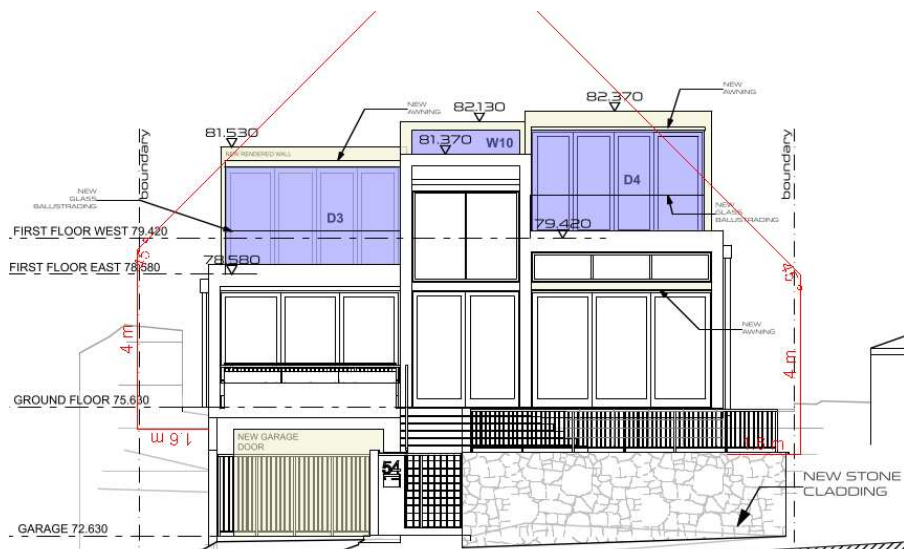
- iv. There is insufficient information to confirm the proposed cut and fill within the rear part of the dwelling fronting Griffith Avenue and whether sufficient soil depth can be provided for the planting of trees.
- v. There is an inappropriate balance between natural and built elements on the site. The built elements dominate the landscape elements.
- vi. The proposal does not minimise impervious surfaces generating stormwater runoff on the site.

#### 4C.1 Building envelopes

The proposed upper floor addition results in the dwelling fronting Griffith Avenue presenting as part 2, part 3 storeys and is non-compliant with Control 1 in Part 4C.1 of the KDCP.

The proposal fails to minimise overshadowing of the private open space located on the north-eastern side of the dwelling at No. 56 Griffith Avenue. The proposal is therefore non-compliant with Control 2 i) in Part 4C.1 of the KDCP.

The proposed upper floor addition does not provide appropriate side setbacks, resulting in elements that are located outside the building height plane (**Figure 21**). This creates an overbearing effect upon the streetscape and the adjoining property at No. 56 Griffith Avenue, causing the failure to comply with Control 3 i) and ii) in Part 4C.1 of the KDCP.



**Figure 21 – Front elevation of the dwelling fronting Griffith Avenue with building height plane marked – up in red**

The objectives of Part 4C.1 in KDCP are:

- “1 To limit the height and bulk of buildings so that they do not dominate the natural landscape or the tree canopy.
- 2 To ensure that buildings are responsive to the site.

- 3 *To maintain the integrity of the existing streetscape.*
- 4 *To provide for quality interior spaces while considering the external building form requirements.*
- 5 *To limit the extent of visual and noise intrusion on the private spaces of neighbouring properties.*
- 6 *To allow adequate daylight, sunlight and ventilation to habitable rooms and private open spaces for new and neighbouring dwellings of the site and of neighbouring sites.*
- 7 *To ensure that significant views from neighbouring dwellings and public reserves are not adversely impacted."*

For the following reasons, the objectives of the control are not achieved because of the variation to the design controls:

- i. The proposal will contribute significant additional bulk with the proposed upper floor addition to the dwelling fronting Griffith Avenue, which will dominate the natural landscape.
- ii. The proposed part 3 storey scale of the dwelling does not maintain the integrity of the streetscape, which is predominantly 2 storeys along this part of Griffith Avenue.
- iii. The upper floor addition is not responsive to the steep fall of the land.
- iv. The upper floor addition will not allow adequate sunlight to be maintained to the north-eastern private open space of the dwelling on the adjoining property at No. 56 Griffith Avenue between 9am and 11am on 21 June.

#### **4C.3 First Floor Design and Roof Forms**

The upper floor addition to the dwelling fronting Griffith Avenue is not appropriately stepped back from the ground floor which creates overbearing bulk/scale relationship with neighbouring properties, particularly No. 56 Griffith Avenue. The proposed upper floor addition to the dwelling fronting Griffith Avenue is non-compliant with Control 1 in Part 4C.3 in KDCP.

The objectives of Part 4C.3 in KDCP are as follows:

- "1 *To integrate the first floor of dwellings into the design of the development.*
- 2 *To avoid an overbearing bulk and scale relationship with neighbouring properties, particularly on sloping sites.*
- 3 *To allow adequate daylight, sunlight and ventilation to living area and private open spaces of new and neighbouring dwellings.*
- 4 *To encourage view sharing.*
- 5 *To encourage use of attic rooms within the roof space for habitable purposes as an alternative to a second storey, particularly in neighbourhoods that are predominantly single storey dwellings"*

For the following reasons, the objectives of the control are not achieved because of the variation to the design controls:

- i. The proposed upper floor addition to the dwelling fronting Griffith Avenue creates an overbearing bulk and scale relationship with the neighbouring property at No. 56 Griffith Avenue which is lower down by virtue of the fall of the land.



- ii. The proposed upper floor addition does not ensure adequate sunlight to the north-eastern private open space of the dwelling at No. 56 Griffith Avenue.

#### 4C.5 Solar Access

The upper floor addition to the dwelling fronting Griffith Avenue results in a reduction in solar access to the north-eastern private open space of the dwelling at No. 56 Griffith Avenue between 9am and 11.30am on 21 June. This is non-compliant with Control 2 in Part 4C.5 of the KDCP, which requires at least 4 hours of solar access to be maintained to the principal private open space of adjoining properties. It is to be noted that the 10am, June 21 shadow diagrams are incorrect in respect of the extent of shadow cast onto the adjoining property at 56 Griffith Avenue.

The objective of Part 4C.5 in KDCP is:

1. *"To ensure the design and siting of new development maintains a reasonable level of daylight and sunlight to habitable rooms, private open space, and solar collectors of new and neighbouring development."*

For the following reasons, the objectives of the control are not achieved because of the variation to the design control:

- i. The upper floor addition to the dwelling fronting Griffith Avenue fails to maintain a reasonable level of sunlight to the north-eastern private open space of the adjoining property at No. 56 Griffith Avenue.
- ii. The impacts of overshadowing to the adjoining property at No. 56 Griffith Avenue are in part, attributable to the additional floor area at upper floor level of the dwelling fronting Griffith Avenue. The additional gross floor area will contribute to a floor space ratio across the site that is significantly non-compliant with the development standard in Clause 4.4 (2A) of the KLEP.

#### Part 15 – Land Contamination

The site is not mapped as being contaminated and has a history of residential use and as such, it is unlikely to contain contamination and further investigation is not warranted in this case.

## Ku-ring-gai Development Control Plan

## Section C

Development Control	Proposed	Complies
<b>Part 21 General Site Design</b>		
<b>21.1 – Earthworks and slope</b>		
<p>Development considers site topography, drainage, landscapes, flora, fauna and bushfire hazard by:</p> <ul style="list-style-type: none"> <li>Stepping buildings down the site</li> <li>Locate finished ground level as close to the natural ground level as practicable</li> <li>Level changes to occur primarily within building footprint</li> <li>Minimum 0.6 metres width between retaining walls</li> <li>Maintain existing ground level within 2m from any boundary</li> <li>Limit slope for embankments to 1:6 (grassed) and 1:3 (soil stabilising vegetation)</li> <li>No fill and excavation within sensitive environments</li> <li>Minimise altered groundwater flows</li> </ul>	<p>Insufficient information is provided to confirm extent of cut and/or fill within the proposed new landscaped area to the rear of the dwelling fronting Griffith Avenue.</p>	<b>NO</b>
<b>21.2 – Landscape Design</b>		
<p>Appropriate and sensitive site planning and design</p> <p>Existing appropriate screen planting is retained</p>	<p>Insufficient information is provided to confirm the proposed landscape design to the rear of the dwelling fronting Griffith Avenue.</p>	<b>NO</b>
<b>Part 23 – Building Design and Sustainability</b>		
<b>23.7 – Acoustic Privacy</b>		
Design minimises impact of internal and external noise sources	Complies	<b>YES</b>
Noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and plant either as an individual piece of equipment or in combination shall not be audible within any habitable room in any residential premises before 7am and after 10pm. Outside of these restricted hours noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and	Noise levels with mechanical ventilation systems in association with new bathrooms and relocated kitchen could be managed via condition, if	<b>YES</b>

plant either as an individual piece of equipment or in combination shall not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the boundary of the nearest potentially affected neighbouring properties. The background (LA90, 15 min) level is to be determined without the source noise present.	consent was to be granted.	
<b>23.8 – Visual Privacy</b>		
Visual privacy maintained for occupants and for neighbouring dwellings	Visual privacy will not be maintained for the adjoining property at No. 56 Griffith Avenue with the new front balcony at upper floor level (north-western side).	<b>NO</b>
<b>23.9 – Construction, Demolition and Disposal</b>		
Satisfactory Environmental Site Management Plan	Sufficient detail is provided on the plans.	<b>YES</b>

#### Part 24 – Water management

Having reviewed the controls and the Team Leader, Development Engineer's referral comments, it is agreed that the proposed development has not been designed to manage urban stormwater, as per the requirements of the KDCP.

#### **Ku-ring-gai Contributions Plan 2023**

The development would attract a Section 7.12 contribution of \$3,304.92 if consent was to be granted.

#### **LOW RISE HOUSING DIVERSITY DESIGN GUIDE**

Ku-ring-gai Council is yet to develop its own controls for dual occupancy development. To assist Council, the NSW Government has developed the "Low Rise Housing Diversity Design Guide" ("Guide") which contains best practice controls and design standards to assist with the assessment of development applications for low rise diverse housing development including dual occupancy (detached). Section 2.1 of the Guide contains Objectives and Design Criteria for development that contains two dwellings that are located side by side. Whilst the proposal does not strictly involve development of this type, it is the most logical design criteria within the Guide for the proposed development. The table below considers the proposed development against the relevant design criteria in Section 2.1 of the Guide -

<b>Section 2.1A Building Envelopes</b>		
<b>Design Criteria</b>	<b>Proposed</b>	<b>Complies</b>
The maximum building height as specified in the LEP.	9.5 metres	<b>YES</b>

2. The maximum number of storeys excluding basements is: • 2	Part 2, part 3 storeys	<b>NO</b>
3. Refer to the DCP for front setback or envelope controls	The proposed first floor addition does not comply with the 12 metres (min) and 14 metres (average) front setback control in KDCP.	<b>NO</b>
9. Refer to the DCP for side setback or envelope controls.	The proposed first floor addition does not comply with the minimum 2 metres side setback control nor building height plane control in KDCP.	<b>NO</b>
<b>Section 2.1B Gross Floor Area/Floor Space Ratio</b>		
The floor space ratio / gross floor area as specified in the LEP.	The proposal does not comply with the floor space ratio development standard specified in the KLEP.	<b>NO</b>
<b>Section 2.1C Landscaped Area</b>		
15. Where the LEP or DCP does not contain a minimum landscaped area the minimum landscaped area is: 50% of the parent lot area minus 100m <sup>2</sup> .	The minimum required landscaped area is 418m <sup>2</sup> . The proposed landscape area, by calculation, is 292.217m <sup>2</sup> and non-compliant with the design criteria.	<b>NO</b>
16. The minimum dimension of any area included in the landscaped area calculation is 1.5m.	No landscape compliance plan was submitted with the application confirming the dimensions of landscape areas.	<b>NO</b>
17. At least 25% of the area forward of the building line is to be landscaped area. At least 50% of the required landscaped area must be behind the building line.	There is insufficient information to confirm whether the area behind the building line of the dual occupancy dwelling fronting Griffith Avenue can viably be used for the purposes of landscaped area.	<b>NO</b>
19. Minimum soil standards for plant sizes are provided in accordance with the Table below.	Soil depth is unclear at the rear of the dwelling fronting Griffith Avenue.	<b>NO</b>

Tree Size	Height	Spread	Min Soil Area	Min soil depth		
Large trees	>12m	>8m	10 x 10m	1.2m		
Medium trees	8-12m	4-8m	6 x 6m	1.0m		
Small trees	5-8m	<4m	3.5 x 3.5m	0.8m		
Shrubs				0.5-0.6m		
Groundcover				0.3-0.45m		
Turf				0.2m		
22. Landscape features including trees and rock outcrops are to be retained where they contribute to the streetscape character or are located within the rear setback.					Trees and rock outcrops are retained.	YES
23. The landscape plan proposes a combination of tree planting, for shade, mid height shrubs, lawn and ground covers.					The landscape plan proposes a combination of plantings.	YES
24. The landscape plan indicates that at least 50% of the overall number of trees and shrubs are species native to the region.					The proposed plantings are characteristic of the landscape character of the area.	YES
<b>2.1E Public Domain Interface</b>						
27. Windows from habitable rooms are to overlook the public domain.					The windows from the living room and kitchen face Griffith Avenue.	YES
<b>2.1F Pedestrian and Vehicle Circulation</b>						
33. Vehicle circulation complies with AS2890.1.					Vehicle circulation complies with AS2890.1	YES
<b>2.1G Orientation, Siting and Subdivision</b>						
42. The dwelling frontage is to be at least 5m.					11.98 metres	YES
46. Dwellings are located to step with the topography.					The design of the dwelling steps with the topography	YES
50. For a dual occupancy (detached) the minimum separation between two dwellings that is 3m.					A separation of between 1.2 metres and 5.9 metres exists between the two dwellings. The separation is acceptable given the topography and location of the rock cliff.	YES
<b>2.1H Solar and Daylight Access</b>						
51. A living room or principal private open space in each dwelling is to receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on the winter solstice (June 21).					More than 3 hours of direct sunlight is provided to the living rooms of the dwelling.	YES
					The principal private open space at the rear	YES

	of the dwelling would receive 1 hour of solar access. However, this is acceptable due to the rock cliff which impedes compliance.	
53. No part of a habitable room is more than 8m from a window.	Complies	YES
54. No part of a kitchen work surface is more than 6m from a window or skylight.	Complies	YES
56. A window is visible from 75% of the floor area of a habitable room.	Complies	YES
<b>2.1I Natural Ventilation</b>		
57. All habitable rooms are naturally ventilated.	Complies	YES
58. Each dwelling is naturally cross ventilated.	Complies	YES
<b>2.1J Ceiling Height</b>		
59. Minimum ceiling heights are: • 2.7m to ground floor habitable rooms. • 2.7m to upper level living rooms. • 2.4m to upper level habitable rooms (excluding living rooms).	2.7 metres – ground floor 2.4 metres – upper level bedrooms	YES YES
The ceiling height is measured from finished floor level to finished ceiling level.		
<b>2.1K Dwelling Size and Layout</b>		
60. Dwellings are to have the following minimum internal floor areas: • 1 bed 65m <sup>2</sup> • 2 bed 90m <sup>2</sup> • 3+ bed 115m <sup>2</sup>	Complies for a 3-bedroom dwelling.	YES
63. Kitchens are not part of a circulation space, such as a hallway	The kitchen is separate from the hallway.	YES
64. One bedroom has a minimum area of 10m <sup>2</sup> , excluding wardrobe space.	The master bedroom complies.	YES
65. Bedrooms have a minimum length and width of 3m, excluding wardrobe space.	Complies	YES
66. Combined living and dining rooms have a minimum area of: • 1 and 2 bed 24m <sup>2</sup> • 3+ bed 28m <sup>2</sup>	The existing living/dining room complies.	YES
67. Living room or lounge rooms are to have a minimum length and width of 4m, excluding fixtures.	Complies	YES
<b>2.1L Principal Private Open Spaces</b>		
68. The area of principal private open space provided for each dwelling is at least 16m <sup>2</sup> with a minimum length and width of 3m.	The area of the principal private open space at the rear of the dwelling exceeds 16m <sup>2</sup> .  The depth varies between approximately 2.9 metres and 4.2	YES  YES

	metres and is acceptable.	
69. The principal private open space is located behind the front building line.	The principal private open space is located at the rear of the dwelling.	YES
70. The principal private open space is located adjacent to the living room, dining room or kitchen to extend the living space.	The principal private open space is located adjacent to the open plan living/dining room.	YES
71. 25% of the private open space is to be covered to provide shade and protection from rain.	Complies	YES
<b>2.1M Storage</b>		
72. In addition to storage in kitchens and bedrooms, the following storage with a minimum dimension of 500mm is provided: • 1 bed 6m <sup>3</sup> • 2 bed 8m <sup>3</sup> • 3+ bed 10m <sup>3</sup>	Compliant storage exists within the dwelling fronting Griffith Avenue.	YES
<b>2.1N Car and Bicycle Parking</b>		
75. Car parking is to be provided at the rate required for a dual occupancy within the DCP that applies to the land. If there is no rate in the DCP - 1 space per dwelling is to be provided.	2 spaces are provided per dwelling.	YES
<b>2.1O Visual Privacy</b>		
84. Orientate living room windows, primary private open space to the street front or rear.	The living room and kitchen windows are predominantly orientated towards the street. The primary private open space is orientated towards the rock cliff through the central part of the site.	YES
87. A privacy screen is required at the edge of that part of a terrace, deck, balcony or verandah that is parallel or faces towards a side or rear boundary.	A privacy screen is proposed on the western side of the front terrace.	YES
	A privacy screen is not proposed to the north-western side of the balcony located off the upper level bedroom.	NO
<b>2.1R Architectural Form and Roof Design</b>		
92. Provide in the Design Verification Statement a description as to how the architectural form reduces the visual bulk and provides a cohesive design response	The architectural form does not reduce the visual bulk of the dwelling.	NO
93. Provide in the Design Verification Statement how the roof design integrates harmoniously with the overall building form	The roof form integrates with the overall building form.	YES



<b>2.1S Visual Appearance and Articulation</b>		
95. Provide in the Design Verification Statement a description as to how the aesthetics and articulation contribute to the character of the local area.	The aesthetics contribute to the character of the area.	<b>YES</b>
<b>2.1U Energy Efficiency</b>		
106. An outdoor area for clothes drying that can accommodate at least 16 lineal metres of clothesline is provided for each dwelling	An outdoor area for clothes drying could be provided within the rear private open space.	<b>YES</b>
<b>2.1V Water Management and Conservation</b>		
108. A stormwater system must: • Comply with requirements in the DCP that applies to the land. • Be approved (if required) under s.68 of the Local Government Act 1993.	No-compliant	<b>NO</b>
109. Detention tanks are to be located under paved areas, driveways or in basements.	Non-compliant	<b>NO</b>
<b>2.1W Waste Management</b>		
110. Provide storage space for the type and number of bins designated in Council's waste policy.	Bins can be stored within the garage.	<b>YES</b>

An assessment of the variations to the design criteria identified in the compliance table is provided below. Where the Guide refers to the compliance with the KLEP or KDCP, this assessment was provided earlier within this report.

### Section 2.1A Building Envelopes

The dwelling fronting Griffith Avenue has a maximum of 3 storeys which is non-compliant with Design Criteria 2 in Section 2.1 of the Guide.

The relevant objective (2.1A-1) states –

*“The building height is consistent with the desired scale and character of the street and locality and provides an acceptable impact on the amenity of adjoining properties.”*

For the following reasons, the proposal does not satisfy this objective –

- i. The desired scale along this part of Griffith Avenue is 2 storeys. The proposed scale is part 3 storeys and inconsistent with this desired scale.
- ii. The proposed upper floor addition with its non-compliant number of storeys and non-compliant front and side building setbacks will not ensure an acceptable level of amenity for the adjoining property at No. 56 Griffith Avenue.

### Section 2.1C Landscaped Area

The minimum required landscaped area as per design criteria 15 is 418m<sup>2</sup>. The proposed landscape area, by calculation, is 292.217m<sup>2</sup> and non-compliant with Design Criteria 15. The application was accompanied by insufficient information in respect of proposed landscaping and therefore it is unclear whether compliance is achieved with Design Criteria 16, 17 and 19 (refer to Table above relating to this insufficient information).

The relevant objective (2.1C-1) states –

*“To provide adequate opportunities for the retention of existing and provision of new vegetation that:*

- contributes to biodiversity;*
- enhances tree canopy; and*
- minimises urban runoff.”*

For the following reason, the proposal does not satisfy this objective –

- i. The proposal does not provide adequate opportunities for the provision of new vegetation to enhance the tree canopy and minimise urban runoff.

### **Section 2.1O Visual Privacy**

A privacy screen is not proposed to the north-western side of the balcony located off the upper-level bedroom. This is non-compliant with Design Criteria 87 which requires a privacy screen to the sides of balconies that face side boundaries.

The relevant objective (2.1O-1) states –

*“The separation of windows and terraces, decks and balconies within a site and to adjoining existing or future buildings provide a degree of visual privacy without the reliance on fixed screening.”*

For the following reason, the proposal does not satisfy this objective –

- i. The design and location of the proposed front balcony located off the master bedroom will result in direct overlooking of the swimming pool and private open space of the adjoining property at 56 Griffith Avenue.

### **Section 2.1R Architectural Form and Roof Design**

The upper level of the dwelling fronting Griffith Avenue is not appropriately stepped back from the lower levels. The proposed building form is part 2, part 3 storeys and does not appropriately respond to the built form character along this section of Griffith Avenue.

The relevant objective (2.1R-1) states -

*“The architectural form is defined by a balanced composition of elements. It responds to internal layouts and desirable elements in the streetscape.”*

For the following reason, the proposal does not satisfy this objective –

- i. The upper floor addition to the dwelling fronting Griffith Avenue does not respond to the desirable elements within the streetscape which is generally for upper floor additions to be set back behind ground level additions including garaging. The proposed upper-level addition, whilst providing some setback, will still present a dominant element in the streetscape due to the fall of the land and minimal landscaping within the front setback.

### Section 2.1V Water Management and Conservation

The proposed stormwater system including detention tank does not comply with the requirements of the KDCP.

### OTHER MATTERS

Stage 1 of the State Government planning reforms relating to dual occupancy development was the amendment to SEPP (Housing) 2021 giving permissibility to dual occupancy development in R2 Low Density Residential zoned land. To date, the State Government is yet to bring out any further planning reforms relating to dual occupancy development.

It is understood that Stage 2 reforms will include non-refusal standards relating to building height, floor space ratio and lot size. These were outlined in the “Explanation of Intended Effects” released by the State Government in December 2023, wherein community consultation followed. As the Stage 2 reforms will not come into effect until 28 February 2025, these non-refusal standards are unknown at present and are therefore not considered in the assessment of this application. For these same reasons, the applicant’s proposed reliance on these hypothetical non-refusal standards to provide environmental planning grounds for the proposed floor space ratio variation is unsatisfactory.

### REGULATION

Section 61(1) of the Environmental Planning & Assessment Regulation 2021 requires the consent authority to consider the provisions of *Australian Standard AS 2601-2001: The demolition of structures*. The partial demolition of the existing structure(s) would be required to be carried out in accordance with a work plan and statement of compliance in the event the application was approved.

### LIKELY IMPACTS

The likely impacts of the development have been considered within this report and are deemed to be unacceptable for the reasons provided throughout the report.

### SUITABILITY OF THE SITE

The site is unsuitable for the proposed development for the reasons provided throughout this report.

### PUBLIC INTEREST

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by the Panel ensuring that any adverse effects on the surrounding area and the environment are minimised. The proposal has been assessed against the relevant environmental planning instruments and is deemed to be unacceptable for the reasons provided throughout this report. On this basis, the proposal is considered to raise issues that are contrary to the public interest.

### CONCLUSION

Having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory.

**RECOMMENDATION****PURSUANT TO SECTION 4.16(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979, refuse development consent to eDA0485/24 for a change of use of existing structures to form a dual occupancy (detached) and alterations and additions to the dwelling fronting Griffith Avenue, including an upper floor addition on land at 12 Barana Parade, Roseville Chase, for the following reasons:

**1. Inadequate Clause 4.6 variation request – floor space ratio**

The Clause 4.6 variation request seeking a variation to the floor space ratio development standard is not well founded.

Particulars

- i. A Clause 4.6 variation request was prepared by Corona Projects, dated October 2024, seeking a variation to the floor space ratio development standard in Clause 4.6 in Ku-ring-gai Local Environmental Plan 2015 (KLEP).
- ii. The site area is 1036m<sup>2</sup> (by survey). Clause 4.4 (2B) in KLEP states that the maximum floor space ratio for this site is 0.4:1. This equates to a maximum gross floor area of 414.4m<sup>2</sup>. The proposed gross floor area is 510.839m<sup>2</sup>, resulting in a floor space ratio of 0.493:1.
- iii. The variation request seeks to demonstrate that the proposal is consistent with the objectives of Clause 4.4 (1) in KLEP, notwithstanding the non-compliance with the standard. The additional gross floor area proposed as part of the application, specifically the upper floor addition to the dwelling fronting Griffith Avenue, will result in a built form that is not compatible with the size of the land to be developed and its contextual relationship with other characteristic dwelling houses along Griffith Avenue. The proposal is therefore inconsistent with Objective (1) (a) of Clause 4.4 in KLEP.
- iv. The Clause 4.6 variation request has not demonstrated that compliance is unreasonable and unnecessary in the circumstances of this case.
- v. The environmental planning grounds advanced within the variation request relate, in part, to the need to provide a larger dwelling, lack of impacts, suitability of the site and compliance with a hypothetical non refusal standard for dual occupancy development. These are not sufficient environmental planning grounds to justify the significant additional variation sought to the floor space ratio development standard.
- vi. The Clause 4.6 variation request has also not demonstrated that there are sufficient environmental planning grounds to justify the contravention of the development standard.

**2. Retrospective consent**

The Development Application seeks, in part, to rely upon existing building works that have taken place on the site without obtaining the necessary development consent or appropriate regularisation.

Particulars

- i. The Development Application seeks to, in part, rely upon building works already undertaken on the site without development consent. This includes, but not limited to the lower floor enclosed space and the semi enclosed space at the rear of the ground floor.
- ii. These works that are sought to be relied upon for the proposed building works, including first floor addition, are not regularised through an issued Building Information Certificate.
- iii. The Environmental Planning and Assessment Act 1979 (as amended) does not give power to the consent authority when determining a Development Application to retrospectively grant consent to works already undertaken without development consent or appropriate regularisation.

**3. Excessive bulk and scale**

The proposed upper floor addition to the dwelling fronting Griffith Avenue will create an overbearing effect on the streetscape and on adjoining properties, in particular No. 56 Griffith Avenue.

Particulars

- i. The proposal will result in a part two, part three storey dwelling fronting Griffith Avenue. The upper-level addition will add significantly to the bulk and scale of the dwelling when viewed from Griffith Avenue and from the adjoining property at No. 56 Griffith Avenue.
- ii. This section of Griffith Avenue, wherein the dwelling is located, is predominantly characterised by two storey dwellings.
- iii. The elevated nature of the site and dwelling will further accentuate the bulk and scale of the dwelling, particularly when viewed from the neighbouring, lower, property at No. 56 Griffith Avenue.
- iv. The upper floor addition has a front setback between 10 metres and 12 metres, with an average of approximately 11 metres. This is non-compliant with Control 3 and 8 in Part 4A.2 in Ku-ring-gai Development Control Plan (KDCP), which requires a minimum front setback of 12 metres and an average front setback of 14 metres for this site. The proposed front setback is also significantly forward of the average front setback of the dwelling house on the adjoining property at No. 56 Griffith Avenue, which is approximately 14.4 metres.
- v. The proposed side setbacks at the upper level to the eastern and western boundaries are 1.9 metres and 1.92 metres, respectively, and non-compliant with the minimum 2 metres setback specified by Control 11 in Part 4A.2 of the KDCP.
- vi. The proposal also includes elements at first floor level that are located outside the building height plane specified in Control 3 ii) in Part 4C.1 of the KDCP. There is also very minimal stepping back at the upper floor from the lower-level side walls, which is required by Control 1 in Part 4C.3 of the KDCP. This further demonstrates the overbearing effect that the addition to the dwelling would have on the adjoining property at No. 56 Griffith Avenue, which is predominantly single storey.
- vii. The proposal will overshadow the north-eastern private open space of the dwelling at No. 56 Griffith Avenue between 9.00am and 11.30am on 21 June (midwinter). The north-eastern private open space of this dwelling will not receive the minimum 4 hours of solar access required by Control 2 in Part 4C.5 of the KDCP. The overshadowing is, in part, due to the non-compliant building setbacks, breaches to the building height plane and level change between the properties. A reasonable level of sunlight will not be maintained to this private open space of the adjoining property, inconsistent with Objective 1 in Part 4C.5 of the KDCP.

- viii. The proposed balcony to the front of the master bedroom on the north-western side, at upper floor level, will not maintain privacy to the swimming pool area and private open space of the adjoining property at No. 56 Griffith Avenue.
- ix. The proposal is also inconsistent with Objectives 1 and 2 ii) in Part 4A.1 of the KDCP, Objectives 1, 2 i), ii), and 4 in Part 4A.2 of the KDCP, Objectives 1, 2 and 3 in Part 4C.1 of the KDCP, Objective 2 in Part 4C.2 of the KDCP and Objective 2 in Part 4C.3 of the KDCP which relate to building bulk, visual privacy, access to sunlight for adjoining properties, streetscape character and building setbacks.

#### 4. Inappropriate balance between built and natural elements on the site

The proposal contributes to excessive built upon area and insufficient landscaped area across the site.

##### Particulars

- i. The proposed built upon area for the site is 71.8% or 743.783m<sup>2</sup>. This proposed built upon area includes unauthorised works, specifically built elements, that are sought to be relied upon for the purposes of the proposed additions, including lower ground floor structure and rear ground floor bedroom.
- ii. The proposed built upon area is non-compliant with Control 3 i) in Part 4A.3 of the KDCP which states a maximum built upon area of 40% for two storey dwellings. Under the Control, the maximum built upon area for the site is 414.4m<sup>2</sup>, the application proposes a variation of 329.383m<sup>2</sup>
- iii. The proposed development on this site is excessive and not consistent with the local built and landscape character along this part of Barana Parade and Griffith Avenue.
- iv. The proposed built form is not in scale with the tree canopy.
- v. There is an inappropriate balance between natural and built elements on the site. The built elements dominate the landscape elements.
- vi. The proposal does not minimise impervious surfaces, generating increased stormwater runoff on the site.
- vii. The proposal is inconsistent with Objectives 1, 2, 3, 4 and 6 in Part 4A.3 in KDCP.
- viii. The proposal is non-compliant with the landscape area design criteria specified in Section 2.1 of the "Low Rise Housing Diversity Design Guide" for development applications ("Guide").
- ix. The proposed landscape area for the site is 292.217m<sup>2</sup>. Control C8 in Section 2.1 of the Guide requires a landscape area for this site of 418m<sup>2</sup>. The proposed shortfall in landscape area results in the development failing to meet Objective 2.1C of the Guide, which requires development *"to provide adequate opportunities for the retention of existing and provision of new vegetation"*.

#### 5. Inadequate water management

The development fails to provide water sensitive urban design measures, as required by the KLEP and KDCP.

##### Particulars:

- i. The stormwater plans fail to demonstrate how the stormwater runoff from the existing detached dwelling house on site (facing Barana Parade) will be conveyed in a controlled manner to a stormwater system in accordance with Part 24 'Water Management' of the KDCP.
- ii. No licensed plumber's report has been submitted to accompany the stormwater plan to verify the existing drainage system and that the drainage system functions hydraulically.

- iii. The proposal is identified as a dual occupancy development and is subject to the KDCP. The KDCP has requirements for Type 4 Developments. The proposal has failed to address the following:
- a. No on-site detention has been provided.
  - b. Rainwater retention and re-use has not been provided as per BASIX commitments, and to meet the 50% reduction in runoff days required under Part 24C.3-4 of the KDCP.
  - c. No clarification has been provided as to the purpose of the rainwater reuse given that a retention component would be required.
  - d. No water quality measures have been indicated on the drawings, with MUSIC modelling provided, as required by Part 24C.6 in KDCP.
  - e. No BASIX Certificate for the 'Multi Dwelling' has been submitted with the water commitments shown on the stormwater plans.

#### 6. Insufficient information

The development application is not accompanied by correct and/or sufficient information to enable a proper assessment of the application.

##### Particulars

- i. The BASIX certificate submitted with the application is 'alterations and additions' for the purposes of a dwelling house (detached). This is inconsistent with the development application which proposes alterations and additions including a change of use for the purposes of a 'dual occupancy'. A 'multi dwelling' BASIX Certificate is required to be submitted as per Chapter 2 of SEPP (Sustainable Buildings) 2022. As a result of the lodgement of an incorrect BASIX Certificate, Council is not satisfied that the embodied emissions attributable to the development has been correctly quantified.
- ii. The application fails to contain sufficient detail relating to proposed landscaping, specifically -
  - a. The treatment of the landscape area to the rear of the dwelling fronting Griffith Avenue.
  - b. No details have been provided concerning the rear landscape area which currently consists of an area of partially excavated rock at a higher level and a lower area of rock.
  - c. The landscape plan shows replenishment tree planting and groundcover planting within this area. However, it is unclear what depth of soil will be achieved in this area, and whether this will be sufficient for the proposed tree planting.
  - d. The extent and depth of rock removal is unclear as no details, such as sections indicating the depth of excavation and fill, required retaining walls and sub soil drainage, have been provided.

#### 7. Inadequate landscape plan

The submitted landscape plan is inadequate and does not give any consideration to the approved landscape outcomes under the previous development application on the site (DA0615/15)

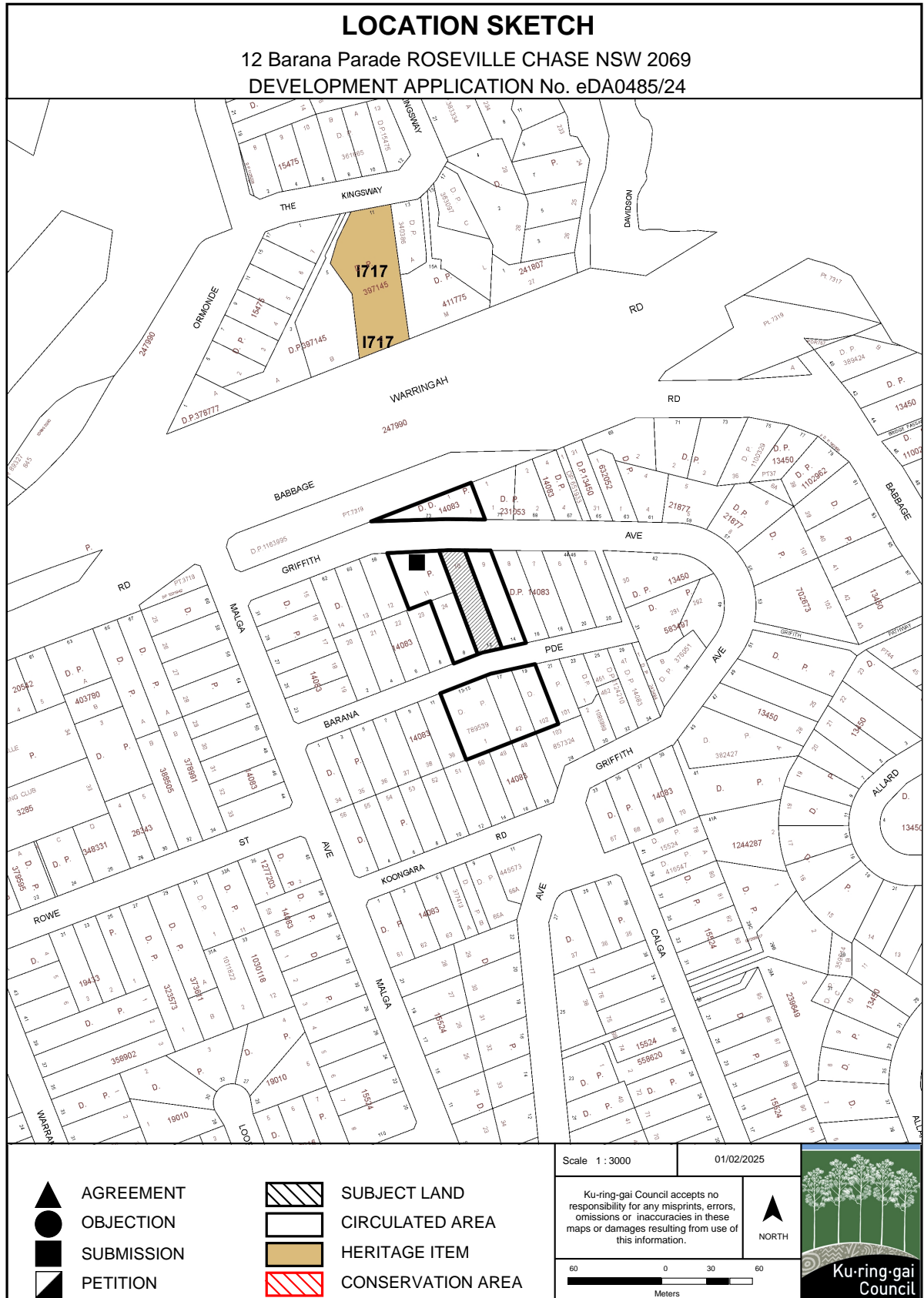
##### Particulars

- i. The required landscape outcomes under the previous development application



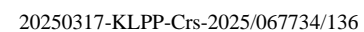
(DA615/15) are not yet achieved, particularly to the rear of the dwelling fronting Griffith Avenue. These are required to have commenced, noting that the previously approved secondary dwelling appears to be suitable for occupation and use. The landscape plan submitted with this development application has failed to give due consideration to this landscape requirement.

- ii. The proposed *Acmena smithii* to the rear of the current secondary dwelling is too large for the space available.
- iii. The proposed *Acmena smithii* within the site frontage to Griffith Avenue is planted too close to the retaining wall and is a species that is not native and uncharacteristic of the locality.
- iv. The new trees, referred to in ii. and iii. above, are either too large or inappropriately located on the site and non-compliant with Control 5 in Part 4A.4 in KDCP.

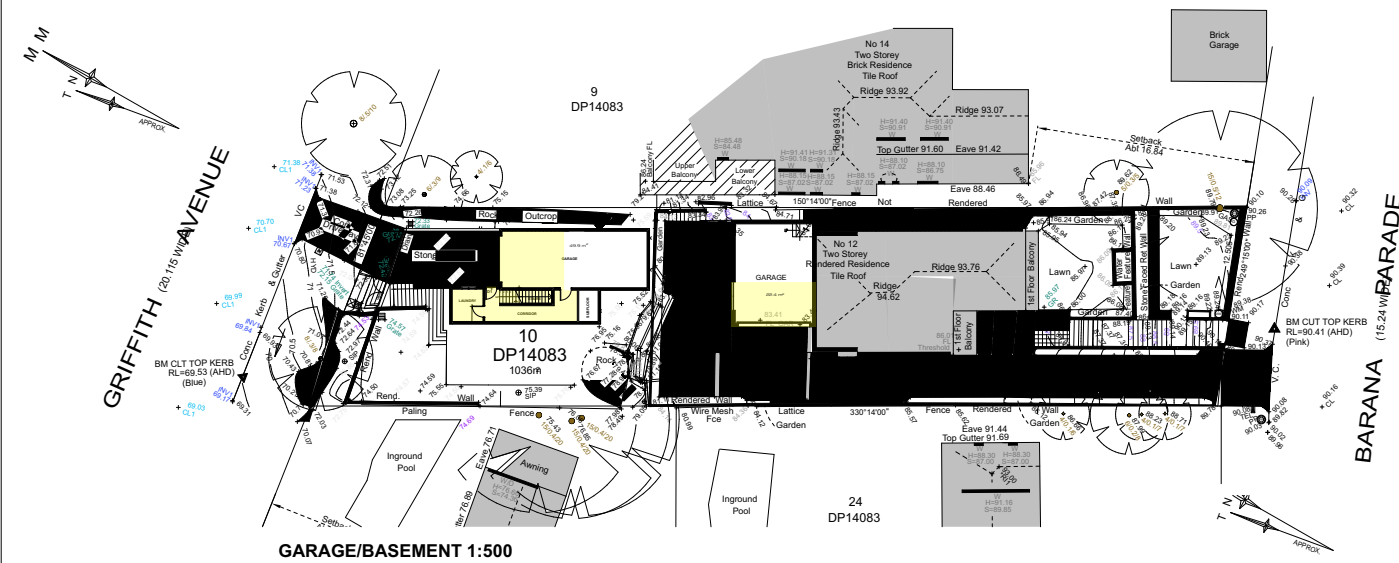


12 Barana Parade ROSEVILLE CHASE NSW 2069  
DEVELOPMENT APPLICATION No. eDA0485/24





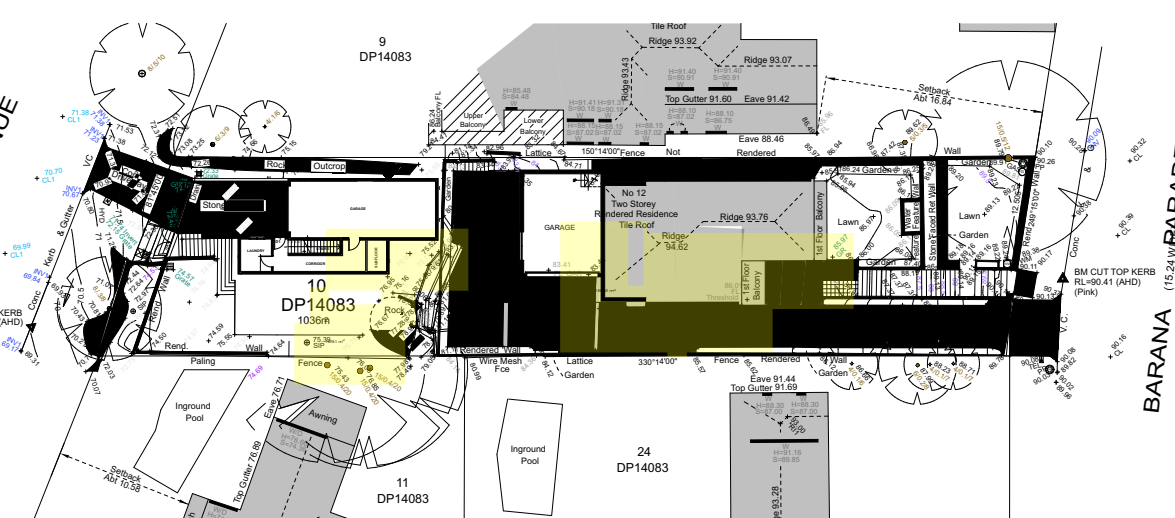




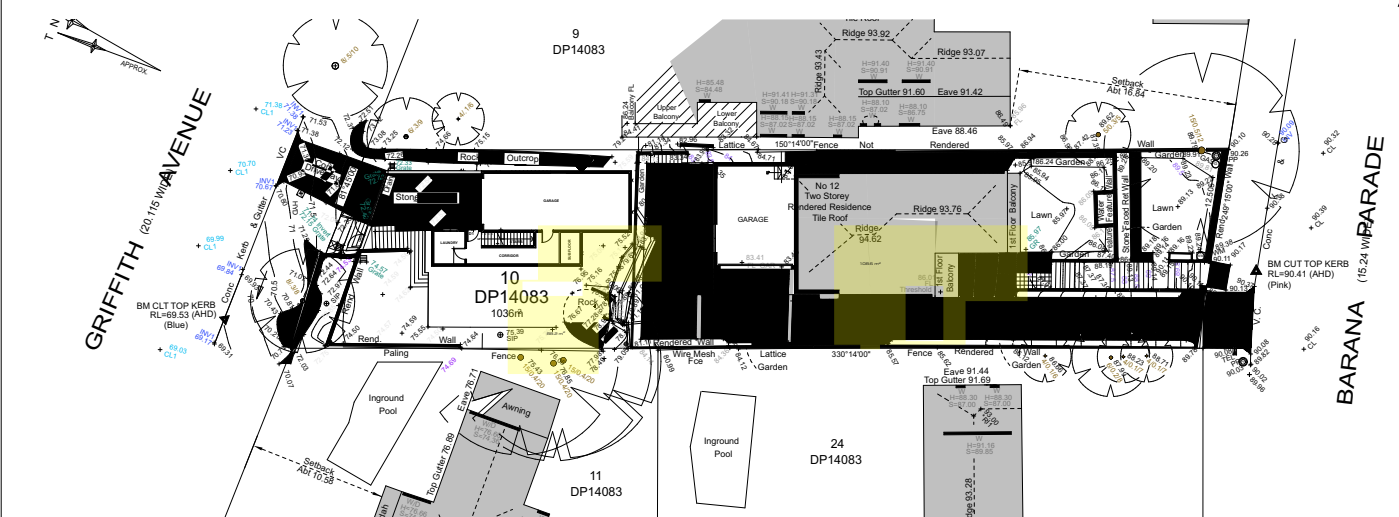
GARAGE/BASEMENT 1:500

GFA

Site Area	1036 sqm
Primary Dwelling	318.2 sqm
Secondary Dwelling	247.2 sqm
TOTAL	565.4 sqm 54%



GROUND FLOOR PLAN 1:500

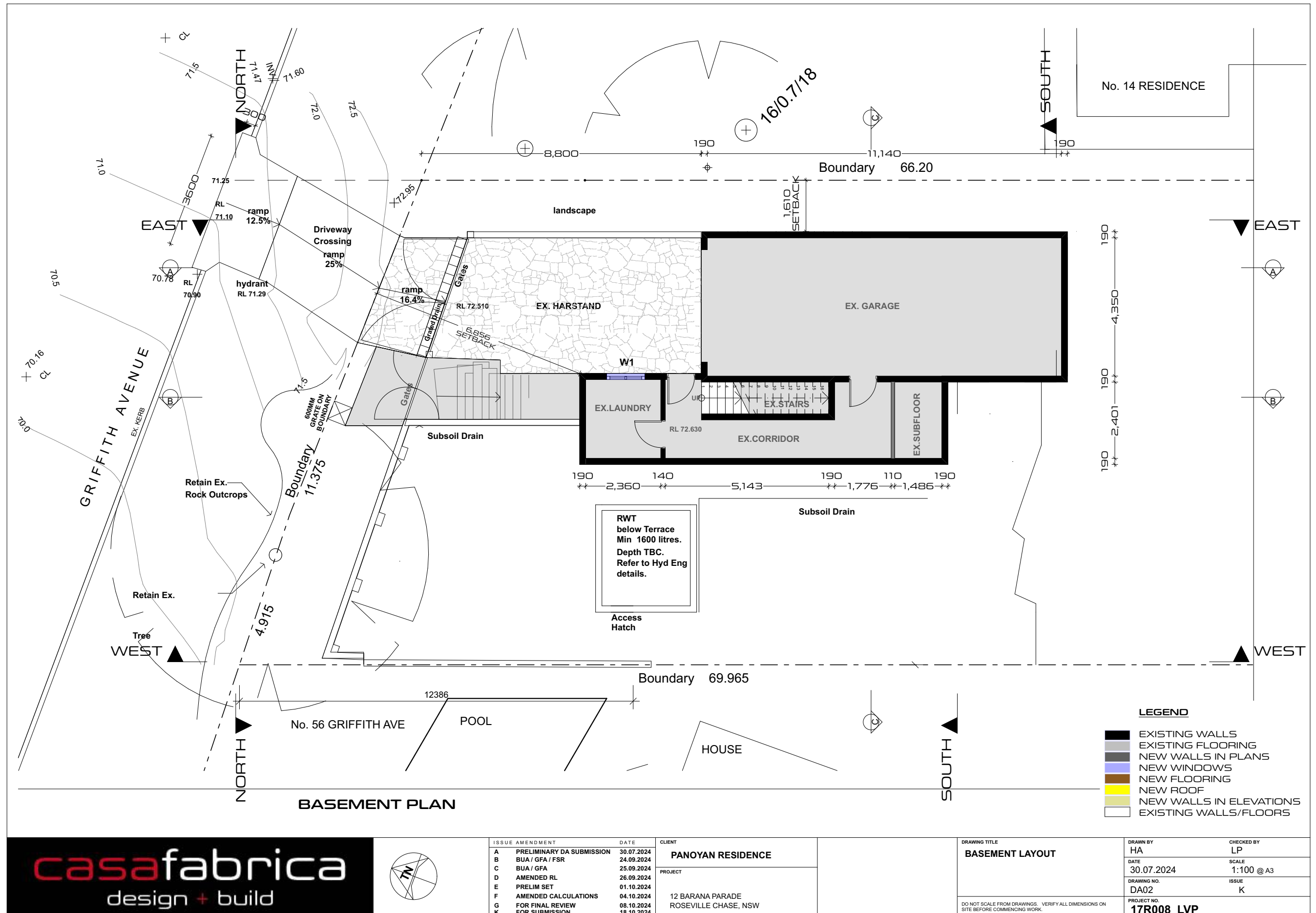


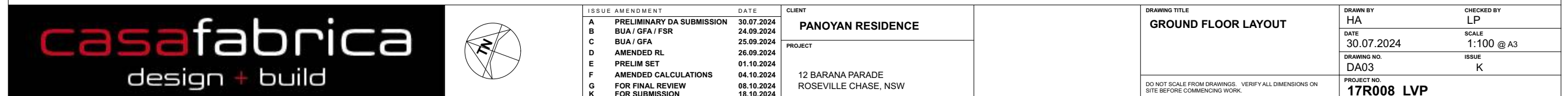
FIRST FLOOR PLAN 1:500

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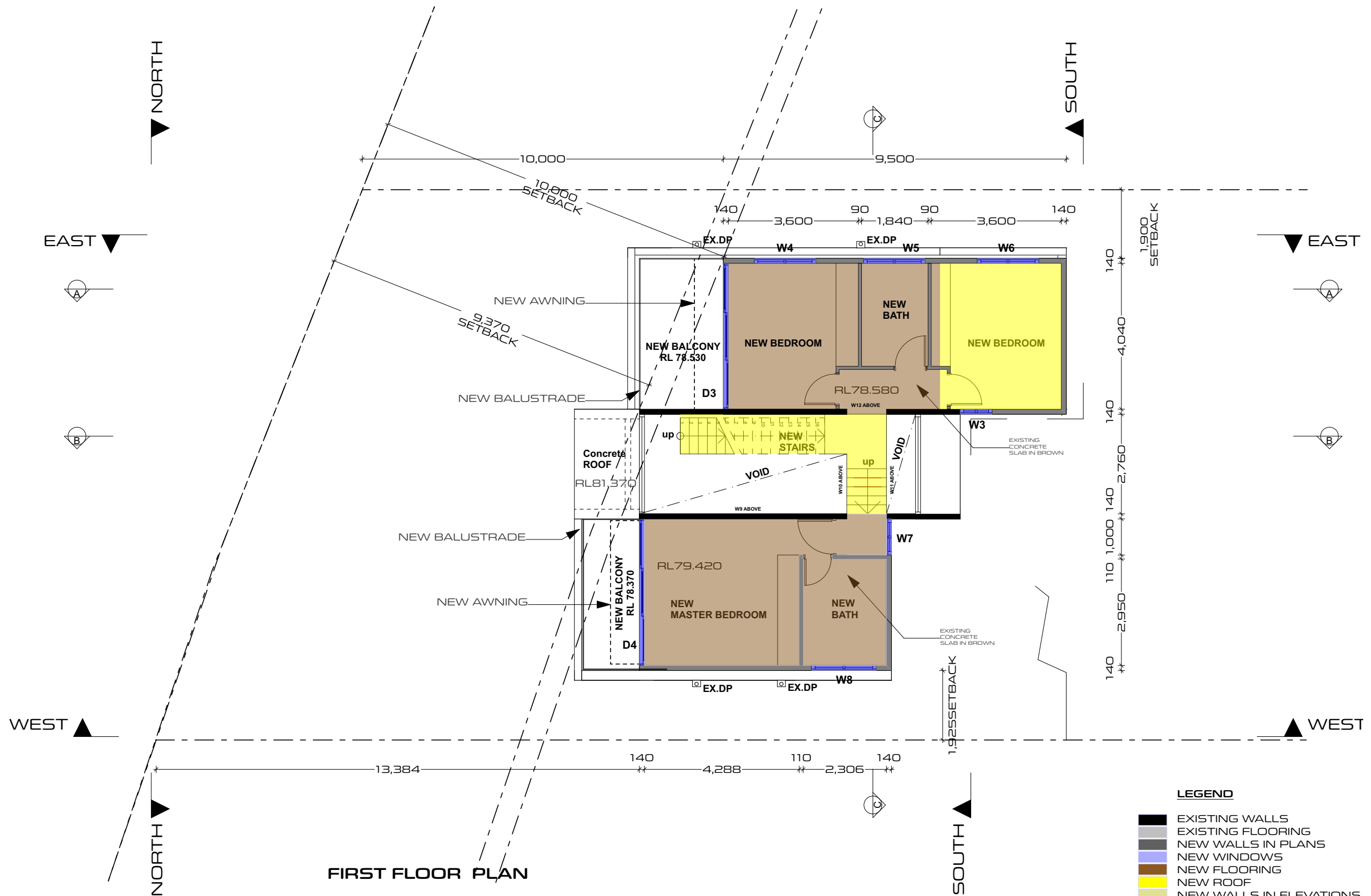


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B BUA / GFA / FSR	24.09.2024				
C BUA / GFA	25.09.2024				
D AMENDED RL	26.09.2024				
E PRELIM SET	01.10.2024				
F AMENDED CALCULATIONS	04.10.2024				
G FOR FINAL REVIEW	08.10.2024	12 BARANA PARADE ROSEVILLE CHASE, NSW			
K FOR SUBMISSION	18.10.2024				
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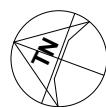








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K FOR SUBMISSION	18.10.2024

CLIENT  
**PANOYAN RESIDENCE**

PROJECT  
12 BARANA PARADE  
ROSEVILLE CHASE, NSW

DRAWING TITLE  
**FIRST FLOOR LAYOUT**

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**HA**

DATE  
30.07.2024

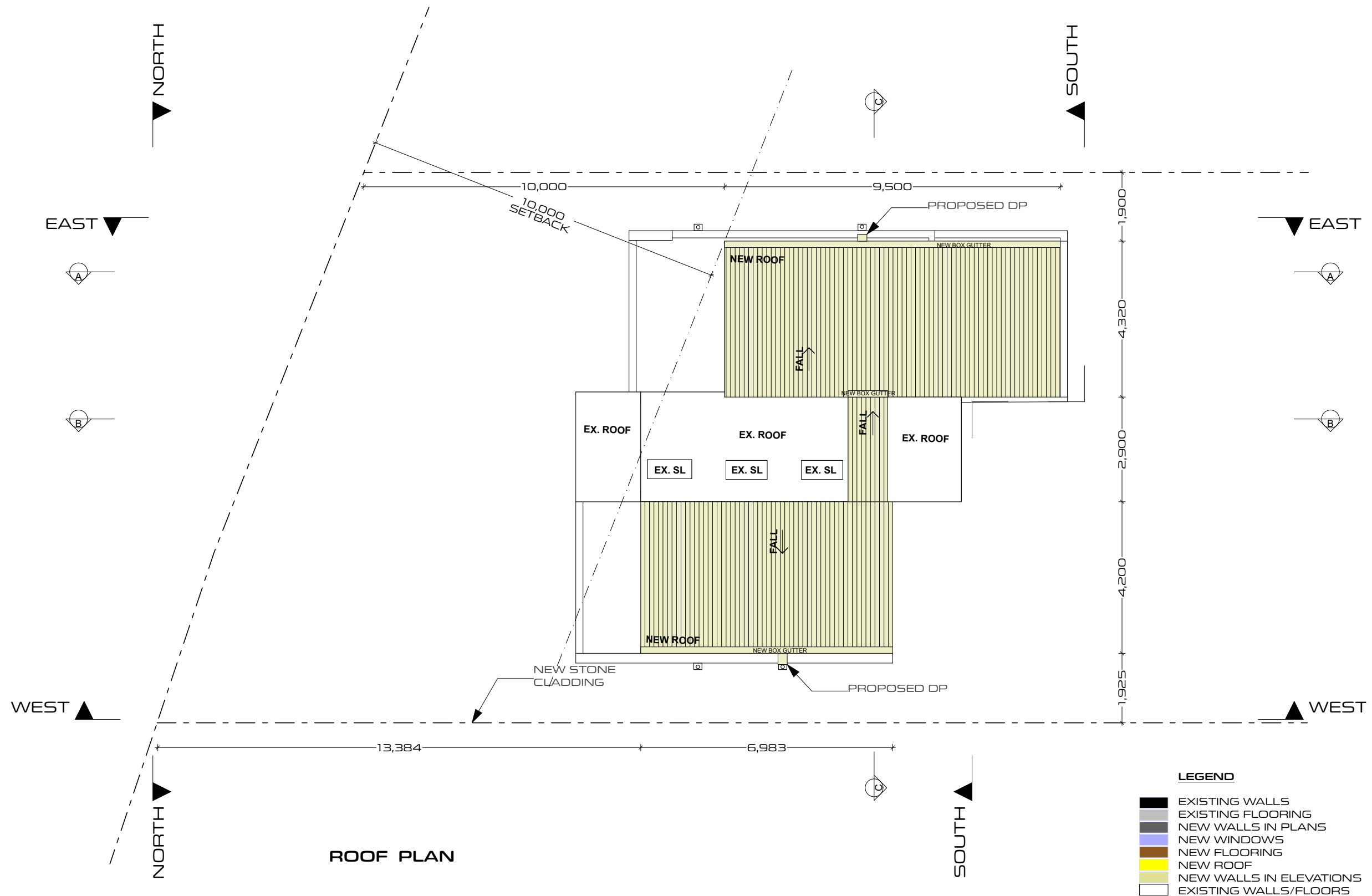
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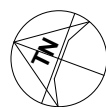
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ISSUE  
**K**



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CLIENT  
**PANOYAN RESIDENCE**

PROJECT  
12 BARANA PARADE  
ROSEVILLE CHASE, NSW

DRAWING TITLE  
**ROOF LAYOUT**

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30.07.2024

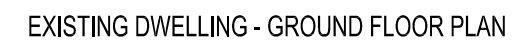
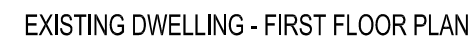
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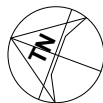
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**K**



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ISSUE	AMENDMENT	DATE
A	PRELIMINARY DA SUBMISSION	30.07.2024
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CLIENT  
**PANOYAN RESIDENCE**

PROJECT  
12 BARANA PARADE  
ROSEVILLE CHASE, NSW

DRAWING TITLE  
**EXISTING HOUSE ELEVATIONS**

DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.

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DATE  
30.07.2024

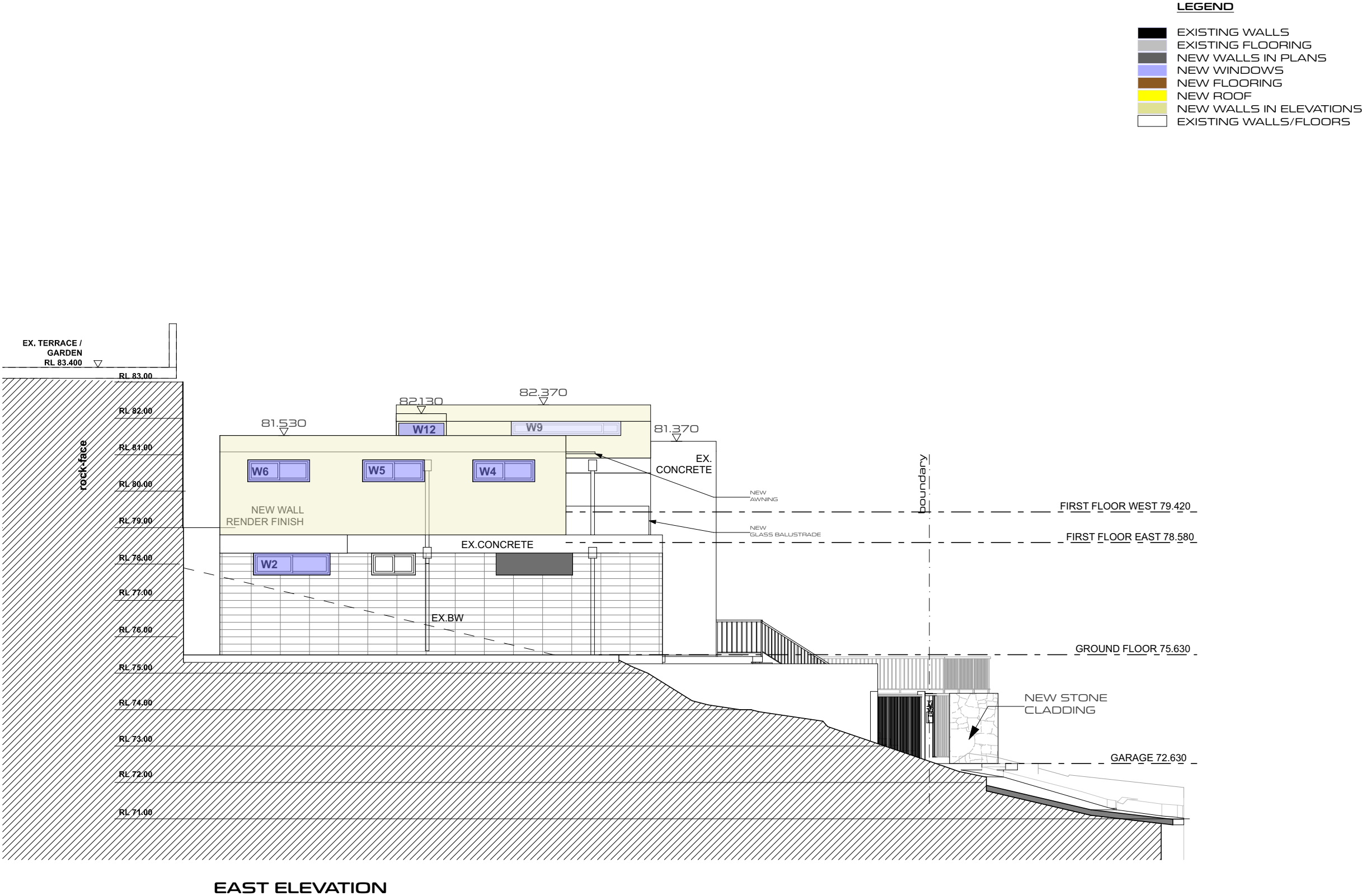
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**17R008\_LVP**

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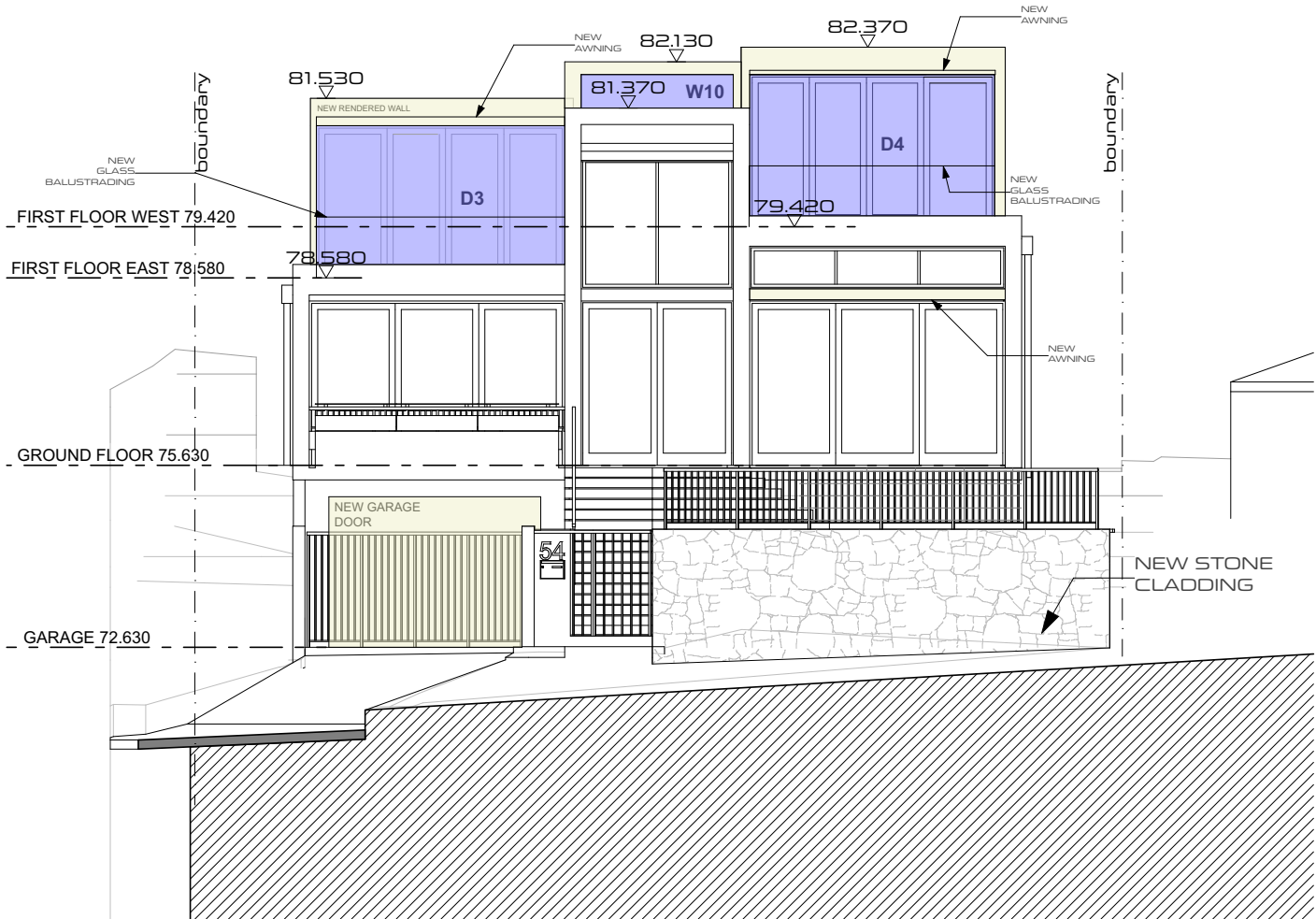
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**K**



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	D	AMENDED RL	26.09.2024			DRAWING NO.	ISSUE
	E	PRELIM SET	01.10.2024			DA08	K
	F	AMENDED CALCULATIONS	04.10.2024			PROJECT NO.	
	G	FOR FINAL REVIEW	08.10.2024			17R008_LVP	
	K	FOR SUBMISSION	18.10.2024				

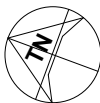
LEGEND

- EXISTING WALLS
- EXISTING FLOORING
- NEW WALLS IN PLANS
- NEW WINDOWS
- NEW FLOORING
- NEW ROOF
- NEW WALLS IN ELEVATIONS
- EXISTING WALLS/FLOORS



NORTH ELEVATION

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ISSUE AMENDMENT	DATE
A PRELIMINARY DA SUBMISSION	30.07.2024
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C BUA / GFA	25.09.2024
D AMENDED RL	26.09.2024
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K FOR SUBMISSION	18.10.2024

CLIENT  
**PANOYAN RESIDENCE**

PROJECT  
12 BARANA PARADE  
ROSEVILLE CHASE, NSW

DRAWING TITLE  
**NORTH ELEVATION**

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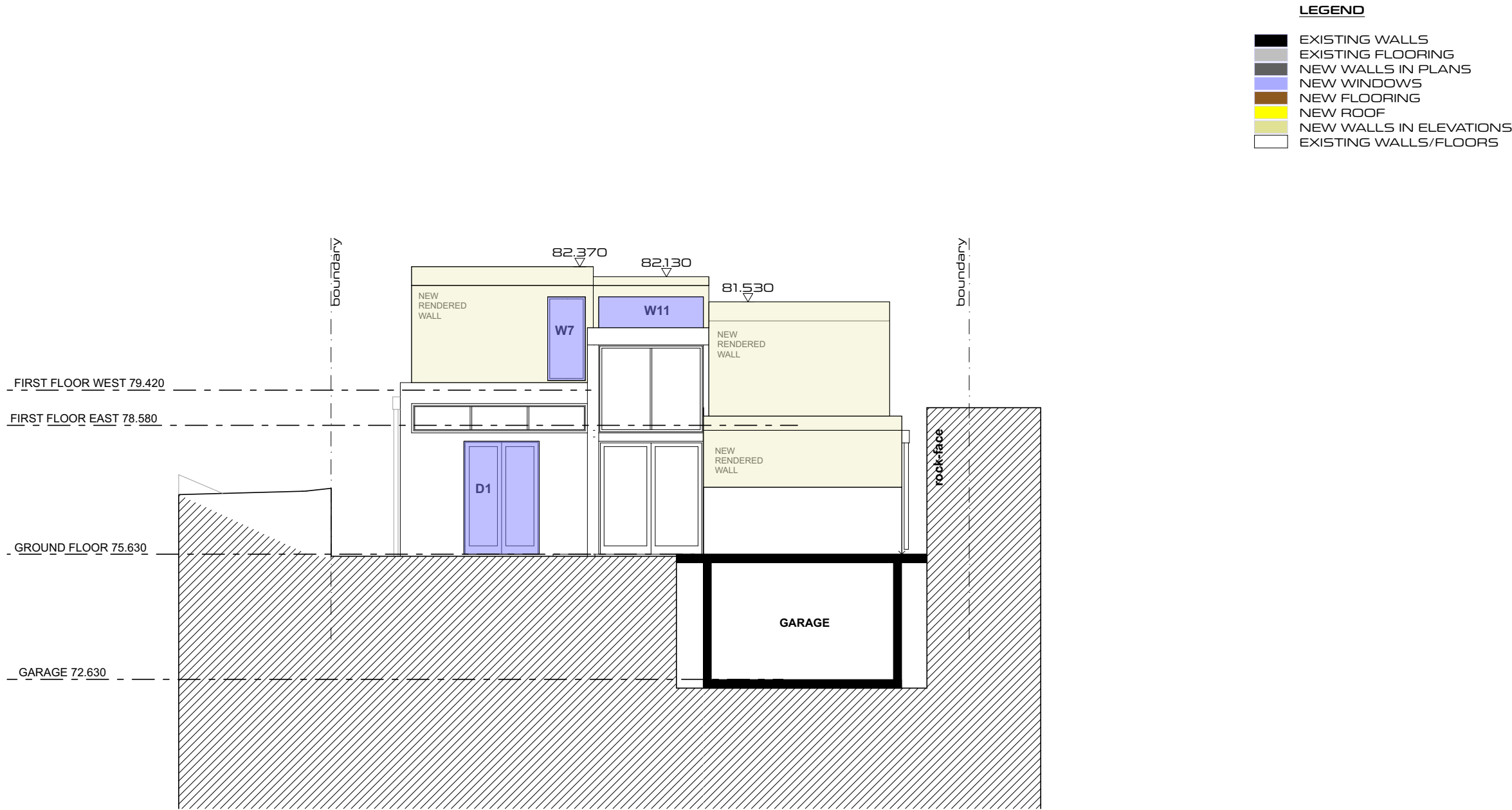
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**17R008\_LVP**

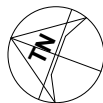
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ISSUE AMENDMENT	DATE
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**PANOYAN RESIDENCE**

PROJECT  
12 BARANA PARADE  
ROSEVILLE CHASE, NSW

DRAWING TITLE  
**SOUTH ELEVATION**

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DATE  
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PROJECT NO.  
**17R008\_LVP**

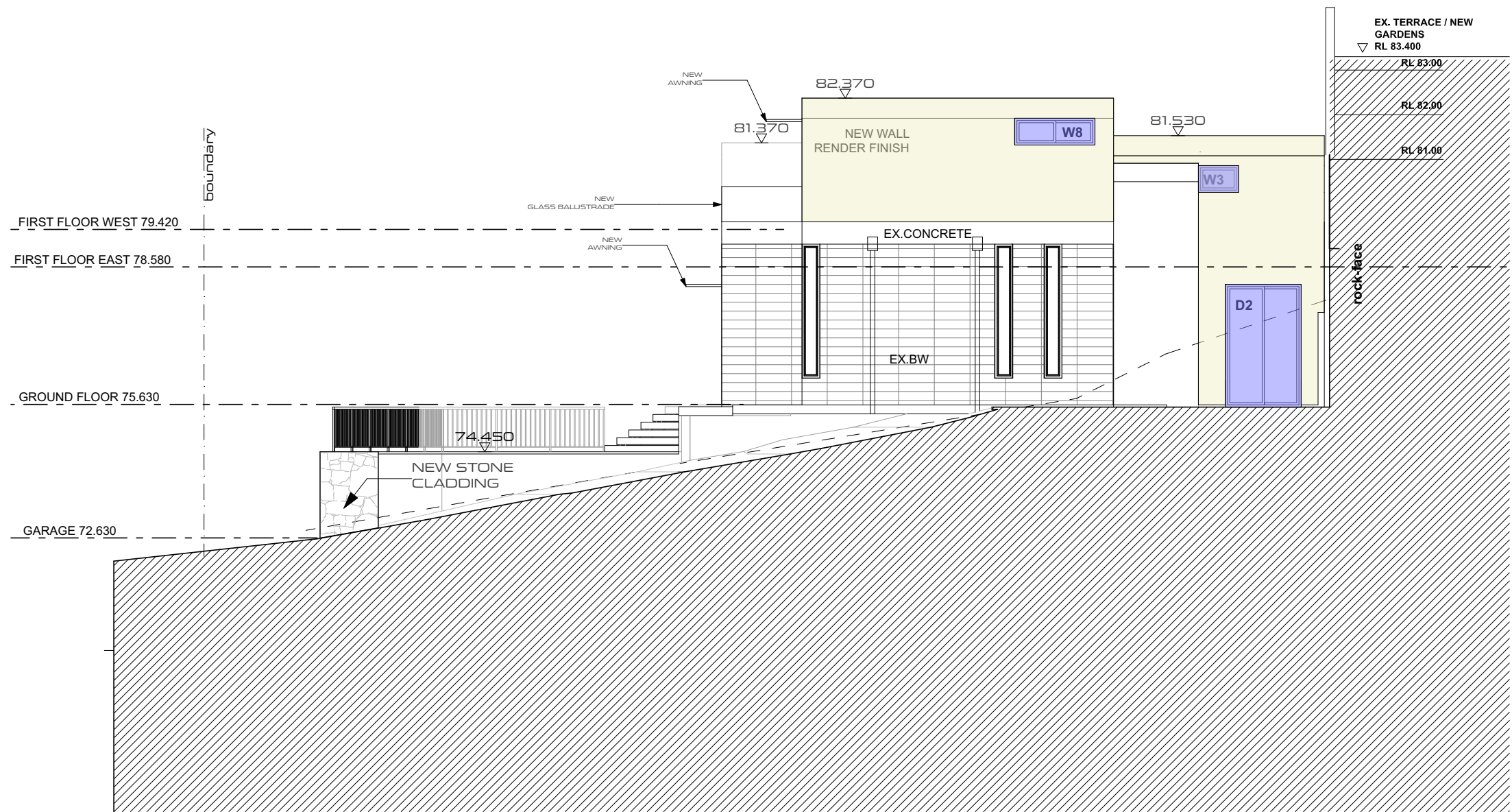
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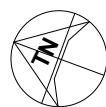
ISSUE  
**K**



- LEGEND**
- EXISTING WALLS
  - EXISTING FLOORING
  - NEW WALLS IN PLANS
  - NEW WINDOWS
  - NEW FLOORING
  - NEW ROOF
  - NEW WALLS IN ELEVATIONS
  - EXISTING WALLS/FLOORS



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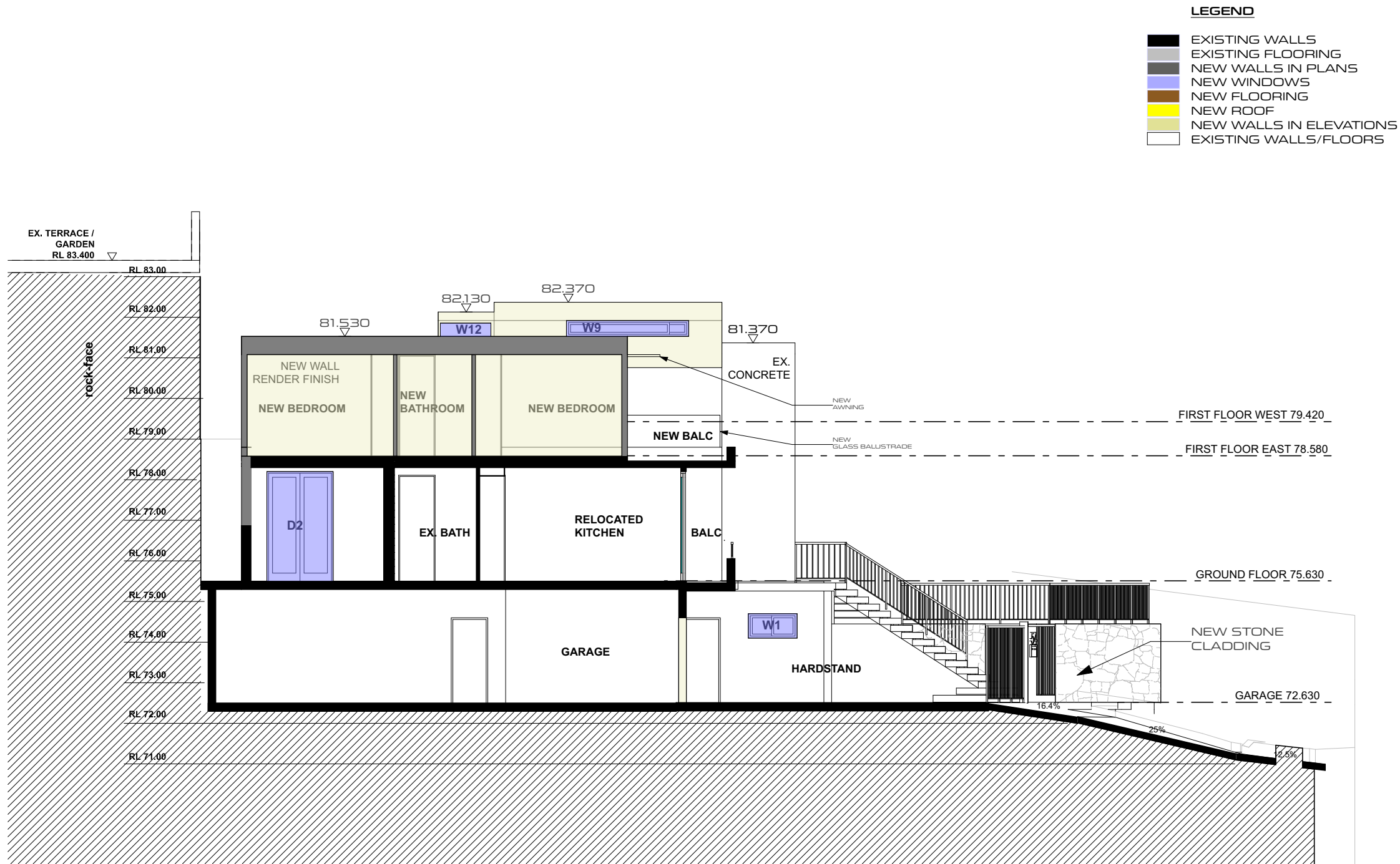
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PROJECT  
12 BARANA PARADE  
ROSEVILLE CHASE, NSW

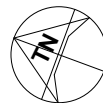
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DRAWING NO. DA11	ISSUE K
PROJECT NO. <b>17R008_LVP</b>	



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CLIENT  
**PANOYAN RESIDENCE**

PROJECT  
12 BARANA PARADE  
ROSEVILLE CHASE, NSW

DRAWING TITLE  
**SECTION AA**

DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON  
SITE BEFORE COMMENCING WORK.

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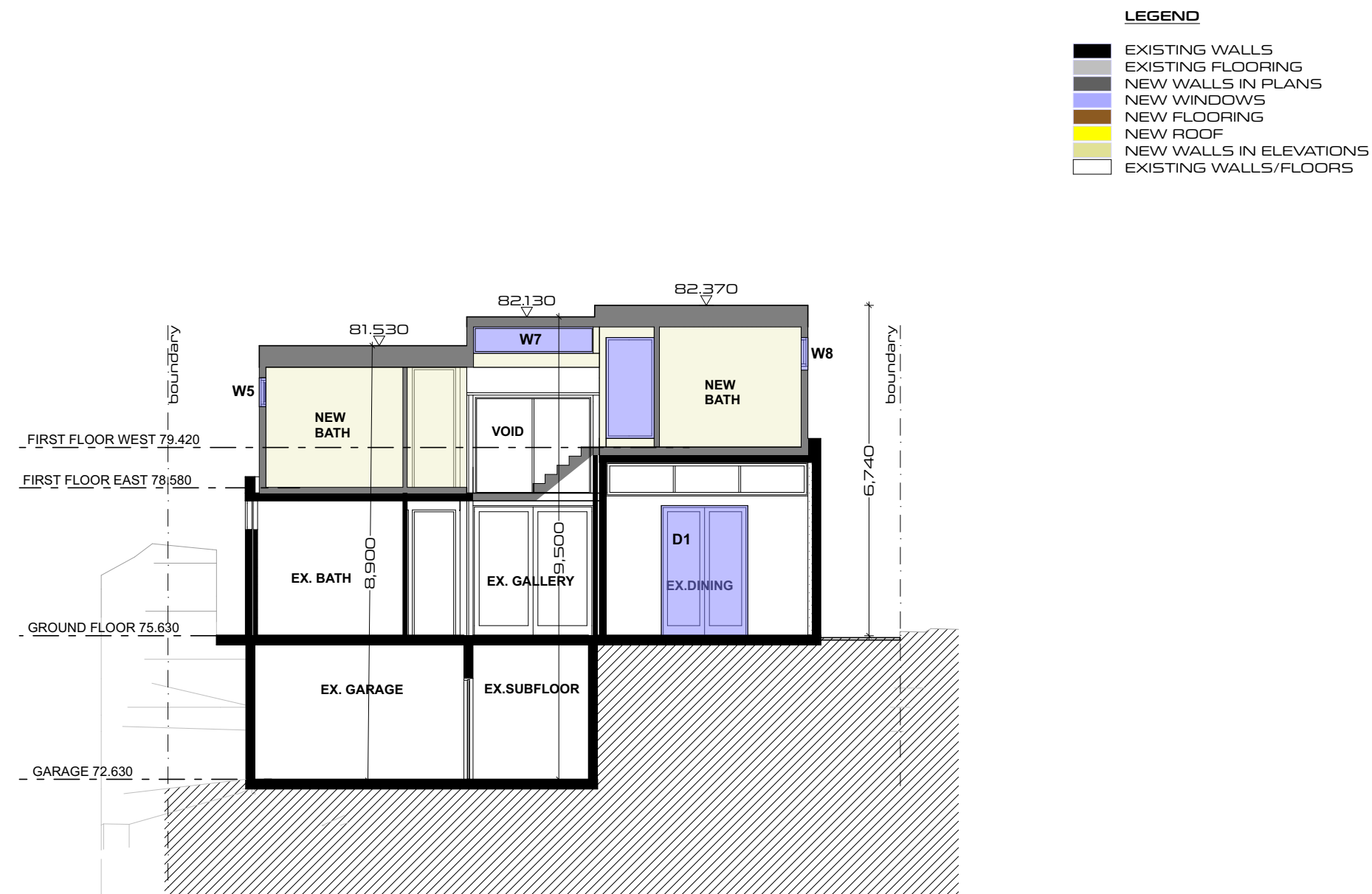
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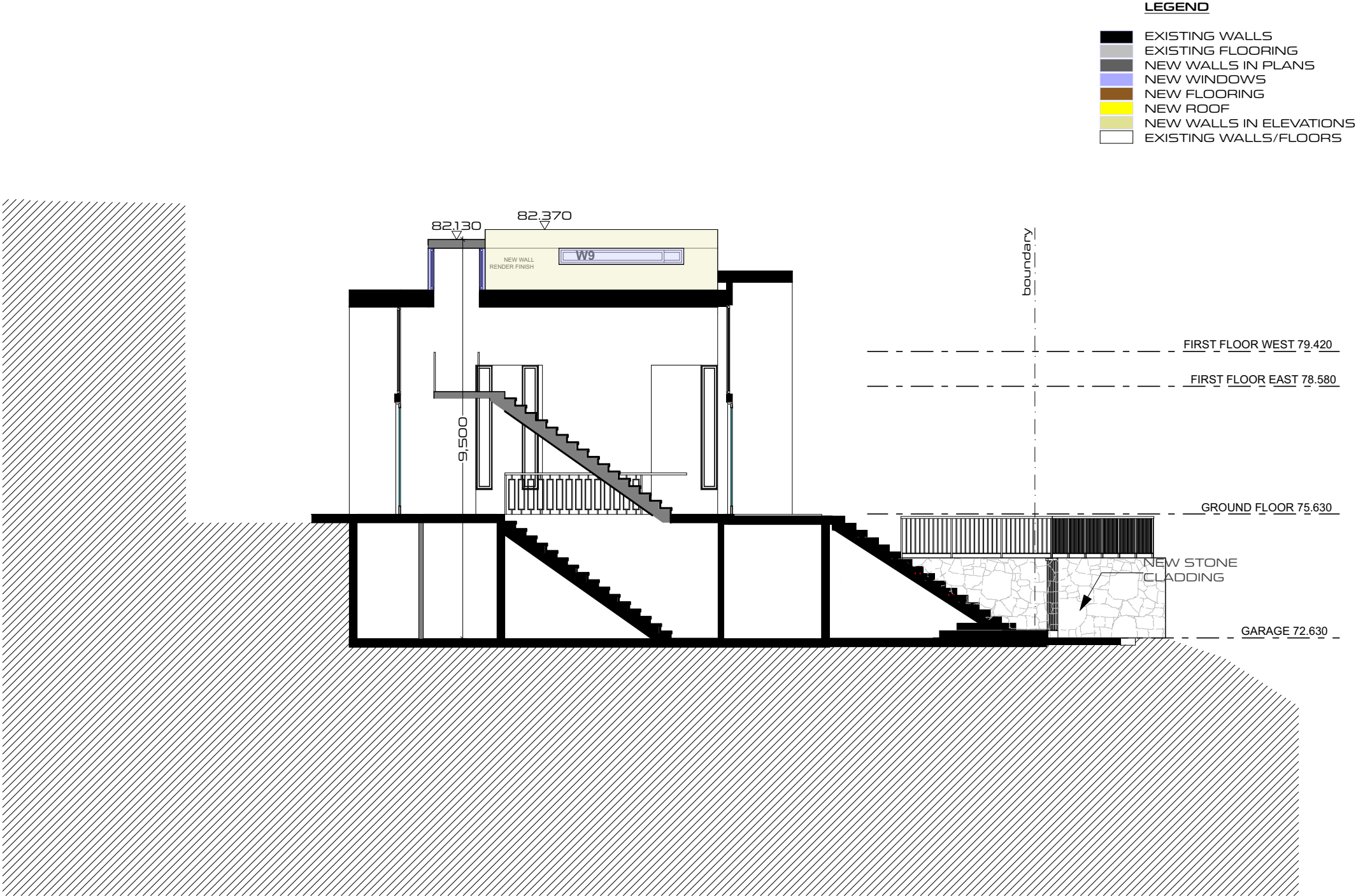
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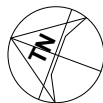
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PROJECT NO.  
**17R008\_LVP**





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ISSUE AMENDMENT	DATE
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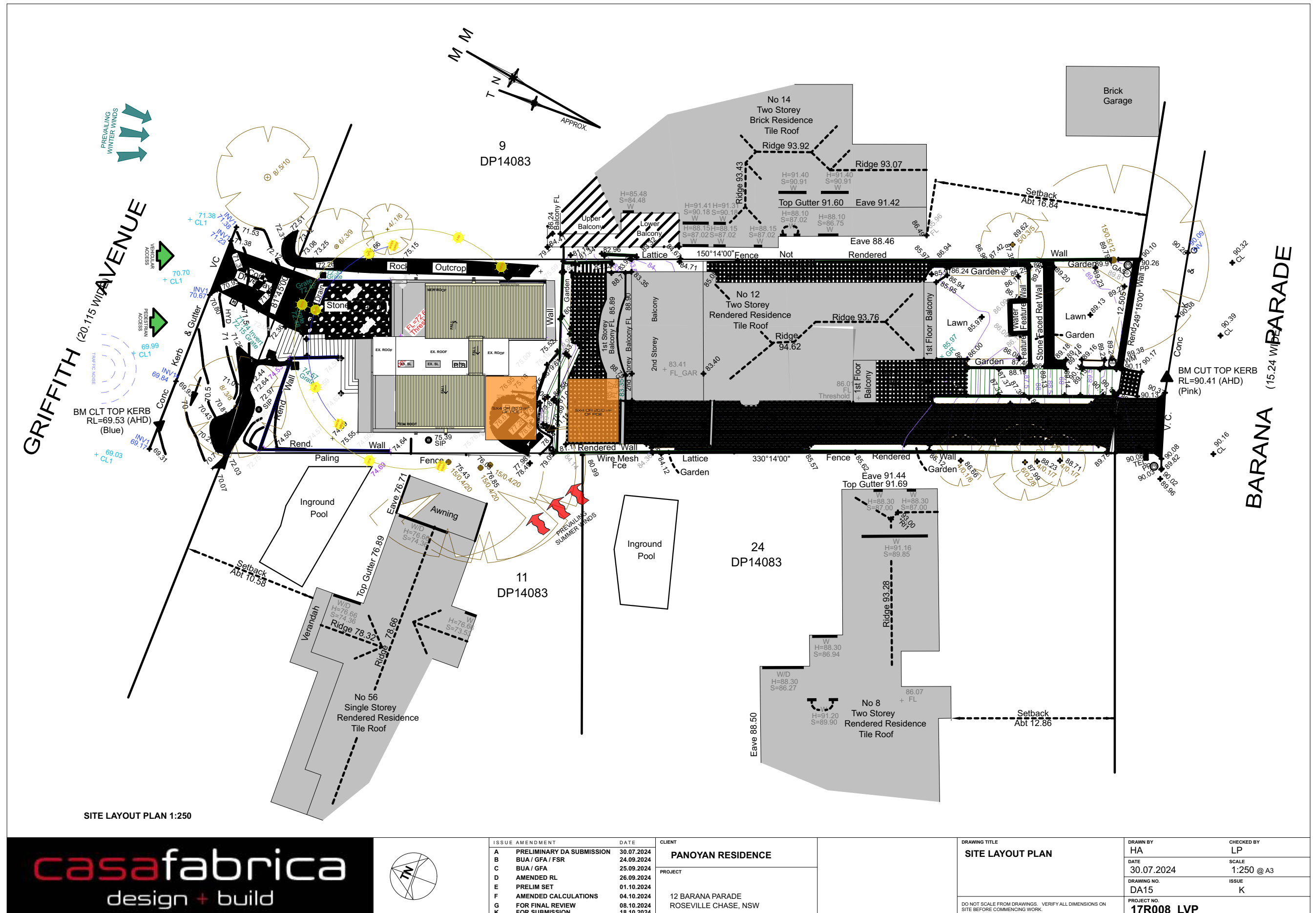
CLIENT  
**PANOYAN RESIDENCE**

PROJECT  
12 BARANA PARADE  
ROSEVILLE CHASE, NSW

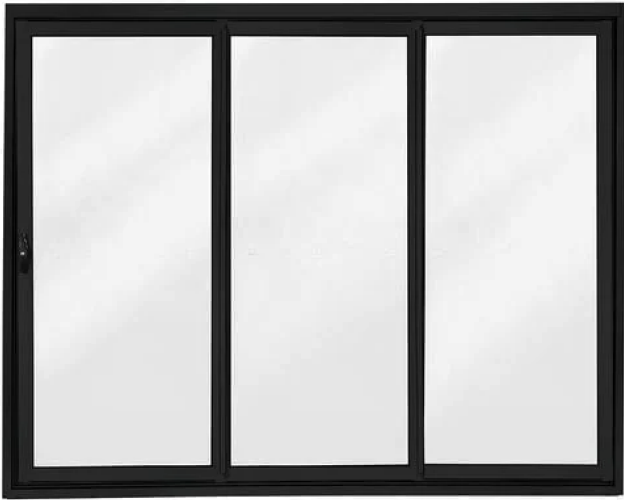
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PROJECT NO. <b>17R008_LVP</b>	



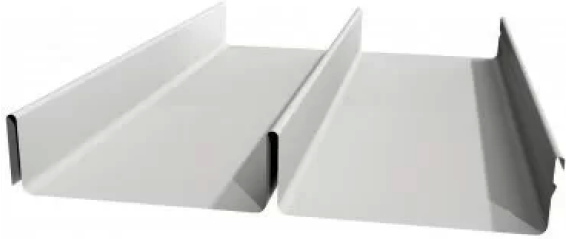




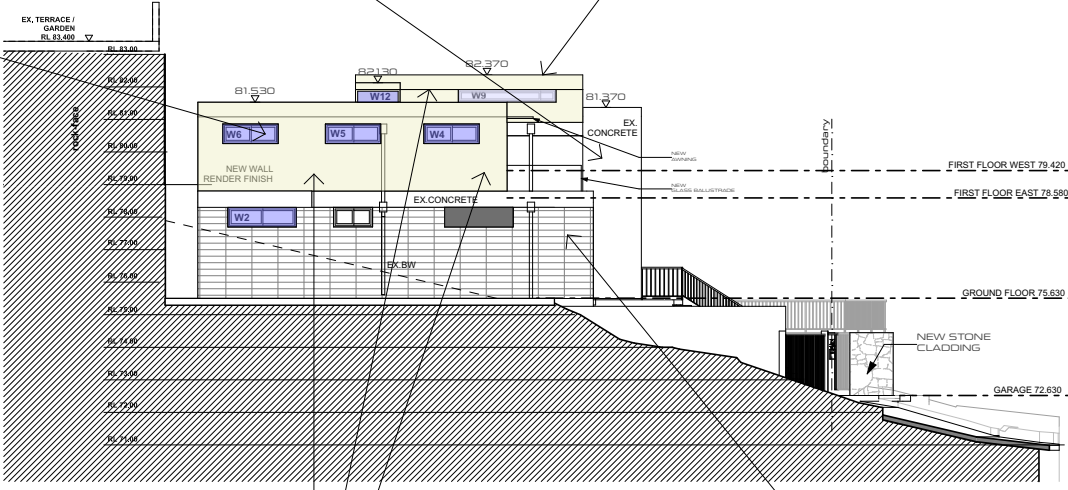
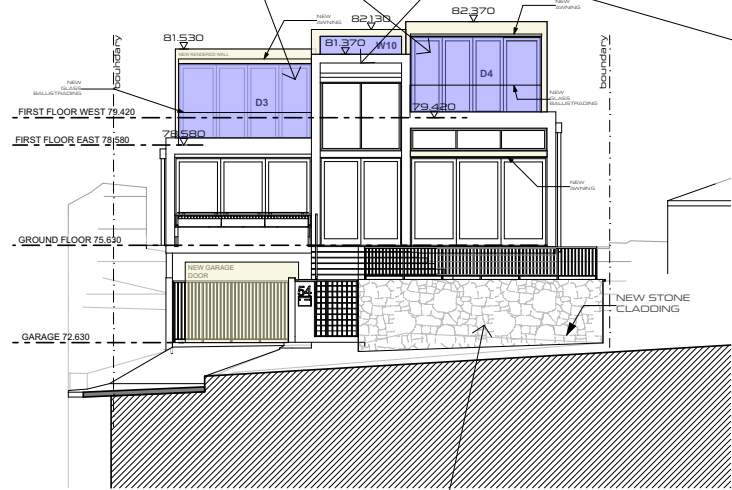
EXISTING AND NEW BLACK ALUMINIUM WINDOWS AND DOORS



EXISTING CONCRETE WALLS



WHITE COLORBOND STANDING SEAM




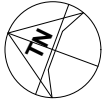
NEW SANDSTONE WALLS

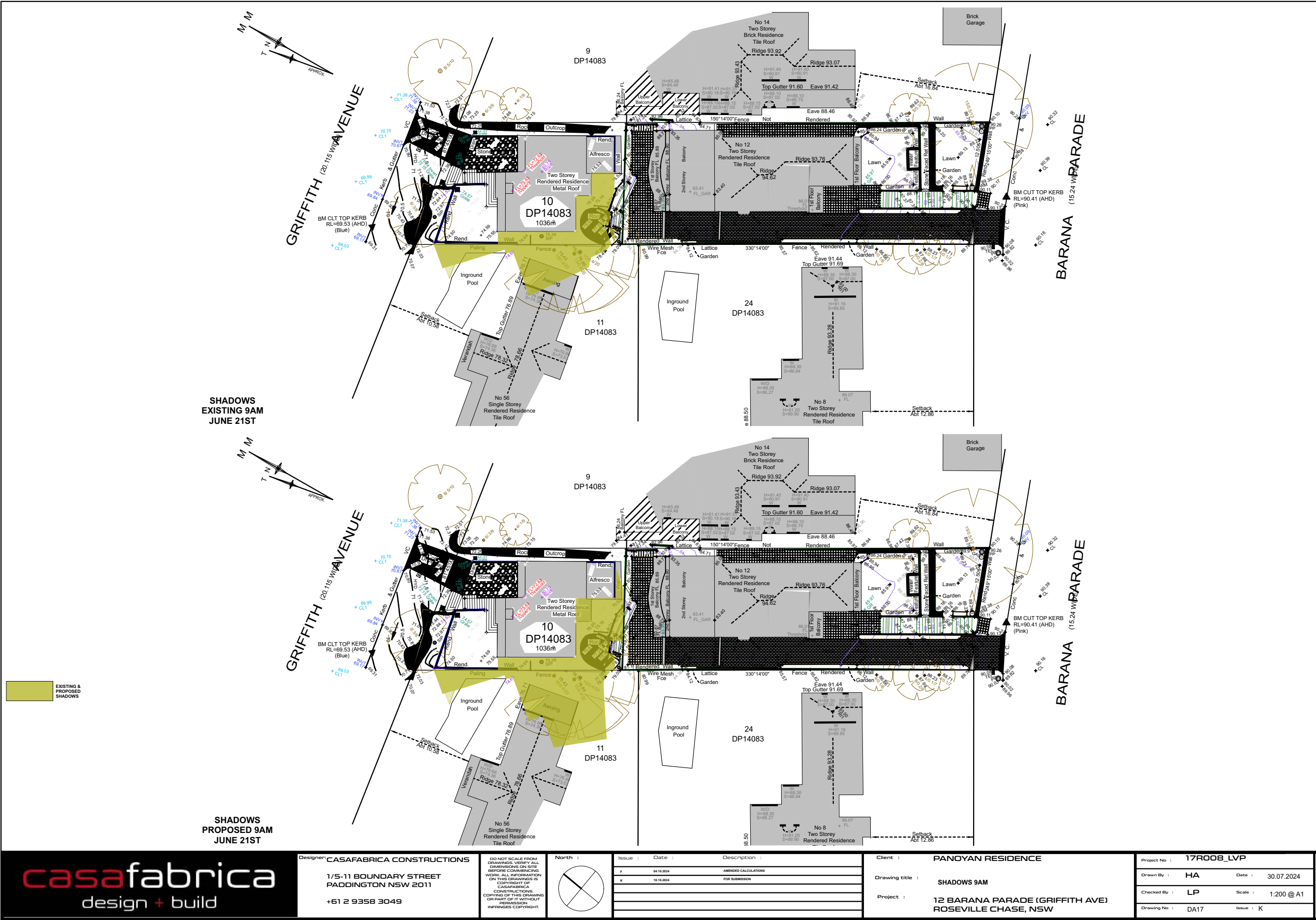


EXISTING AND NEW RENDERED WALLS

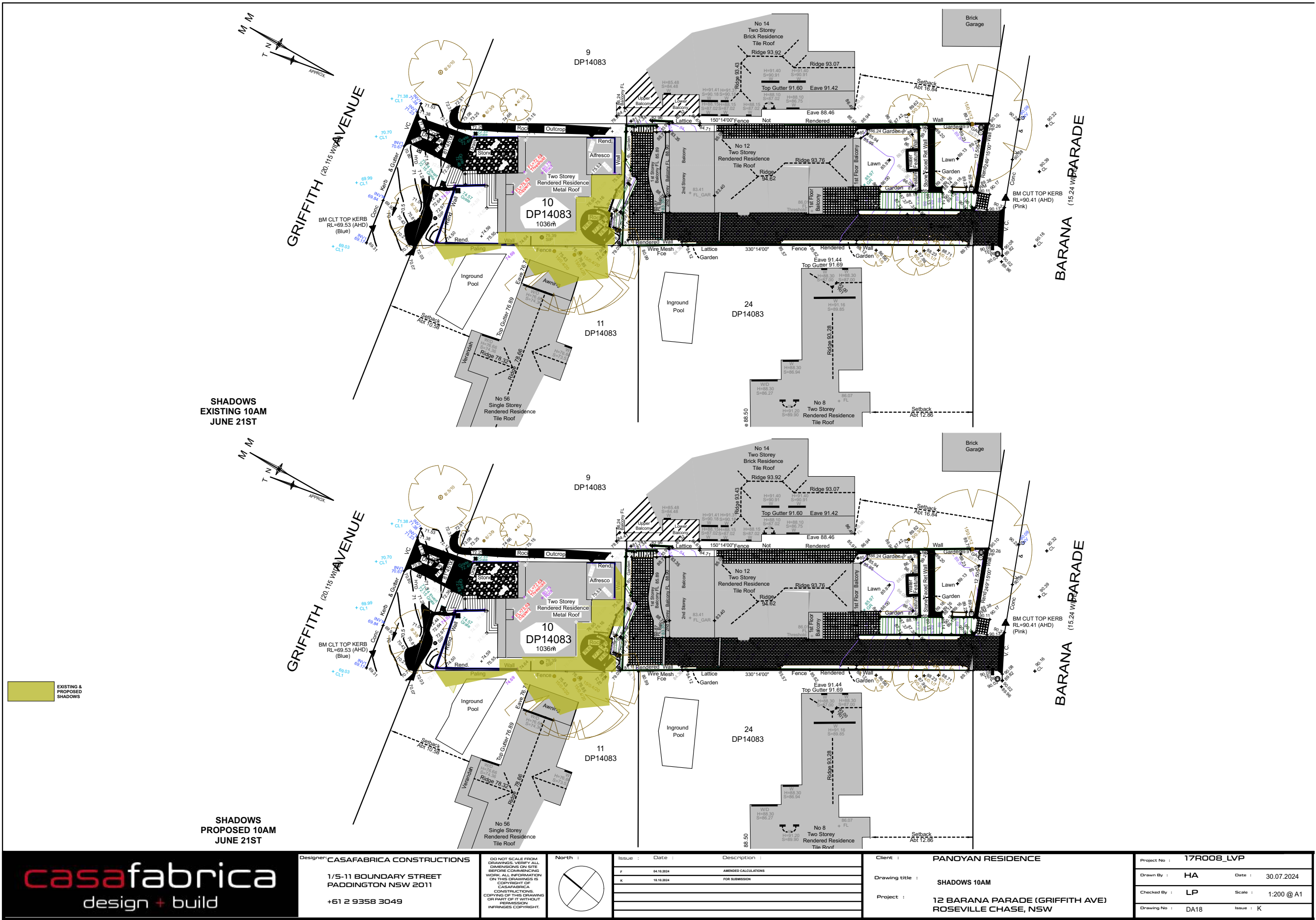


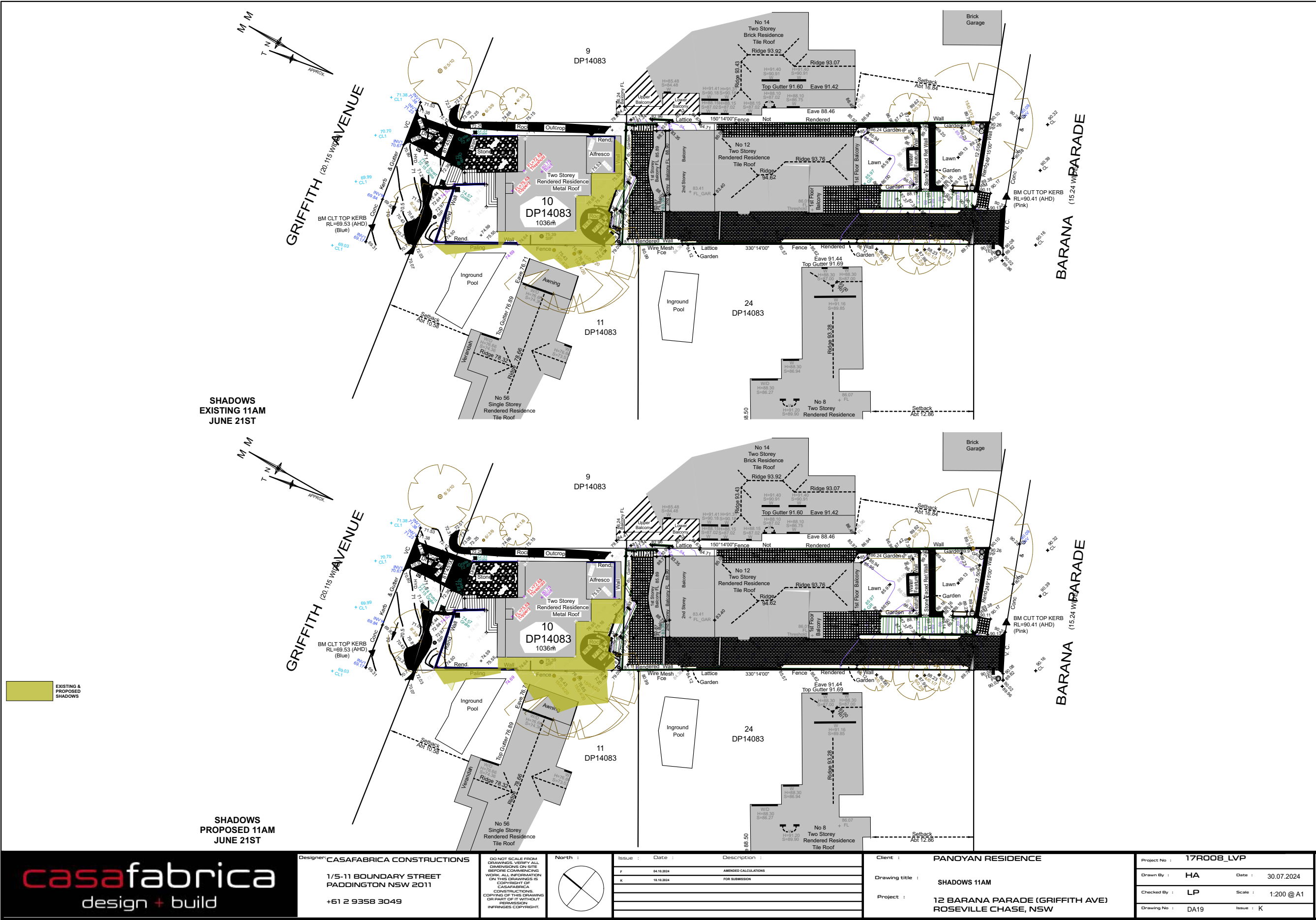
EXISTING BLOCK WALLS

 	ISSUE AMENDMENT		DATE	CLIENT <b>PANOYAN RESIDENCE</b>  PROJECT 12 BARANA PARADE ROSEVILLE CHASE, NSW	DRAWING TITLE <b>MATERIAL SCHEDULE</b>  <small>DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.</small>	DRAWN BY HA		CHECKED BY LP	
	A	PRELIMINARY DA SUBMISSION	30.07.2024			DATE 30.07.2024		SCALE 1:200 @ A3	
	B	BUA / GFA / FSR	24.09.2024			DRAWING NO. DA16		ISSUE K	
	C	BUA / GFA	25.09.2024			PROJECT NO. 17R008_LVP			
	D	AMENDED RL	26.09.2024						
	E	PRELIM SET	01.10.2024						
	F	AMENDED CALCULATIONS	04.10.2024						
	G	FOR FINAL REVIEW	08.10.2024						
	K	FOR SUBMISSION	18.10.2024						

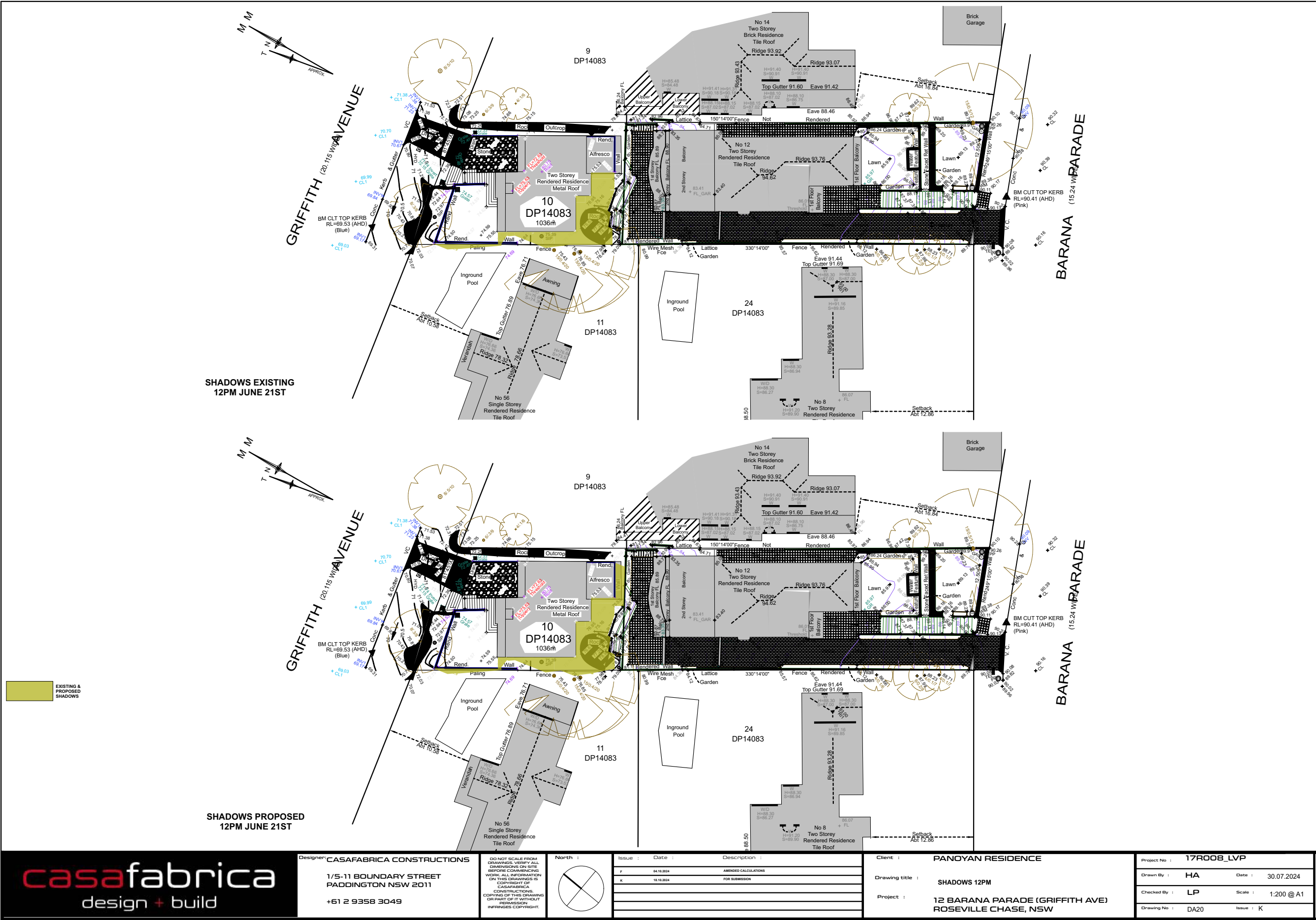


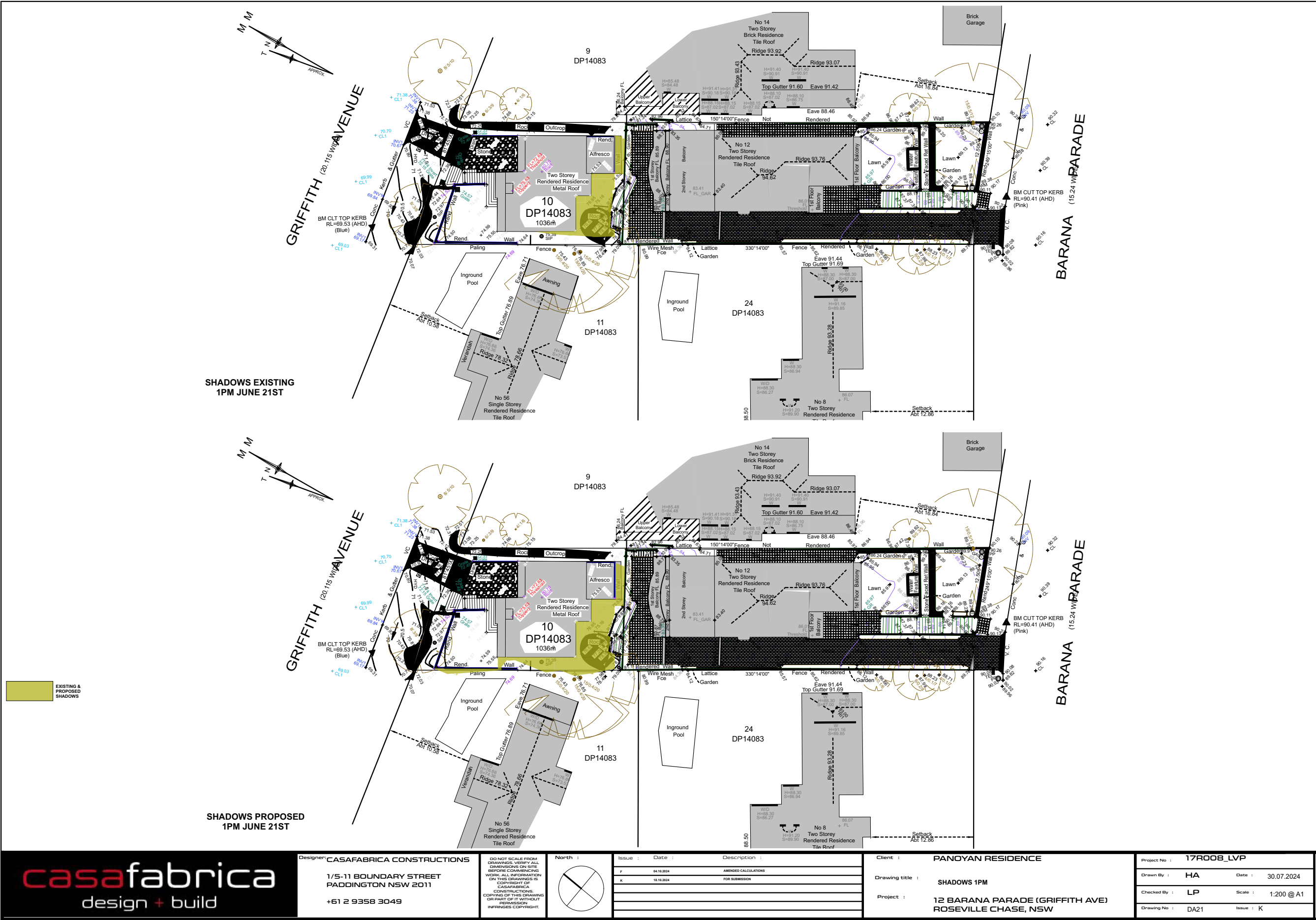




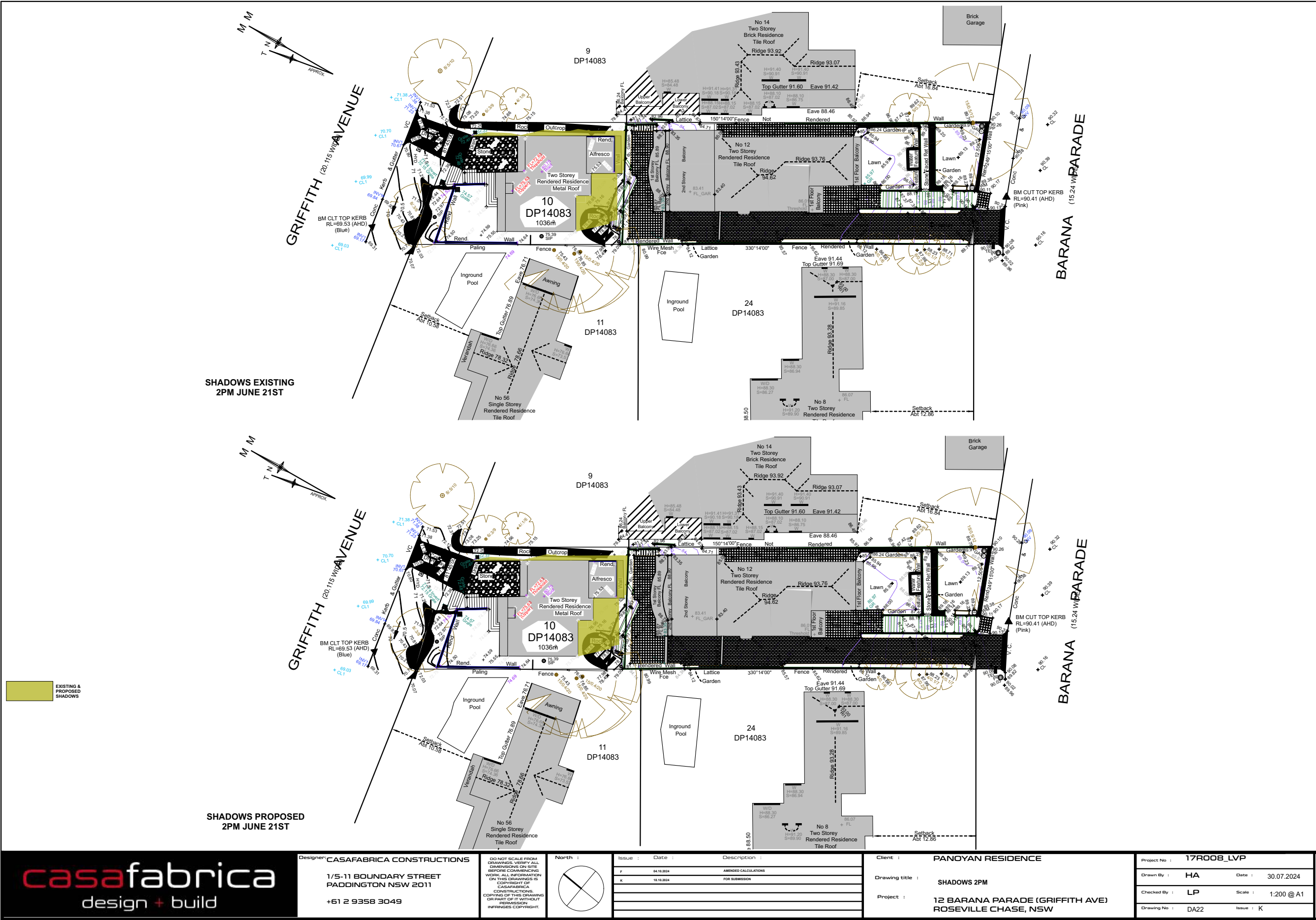


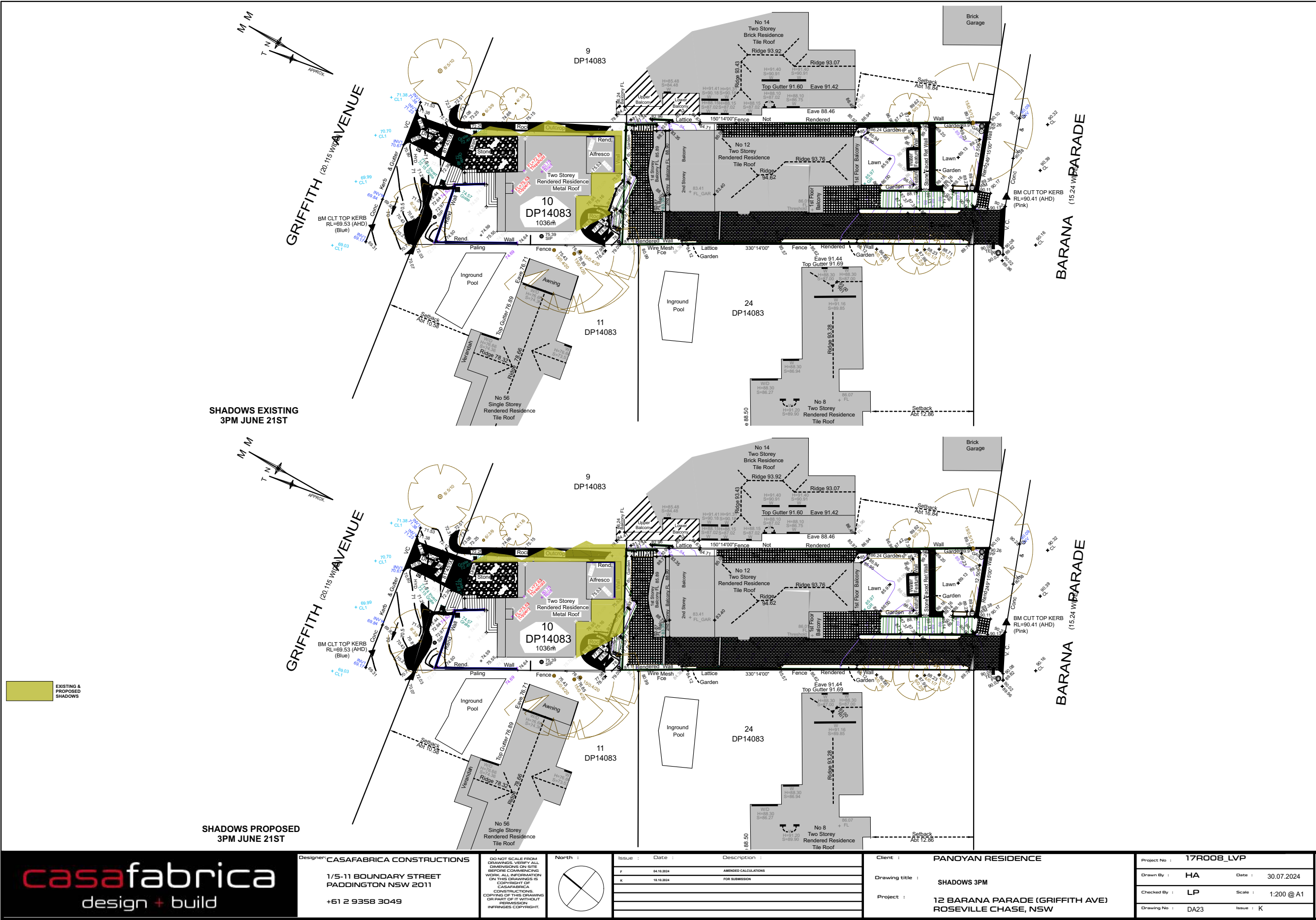


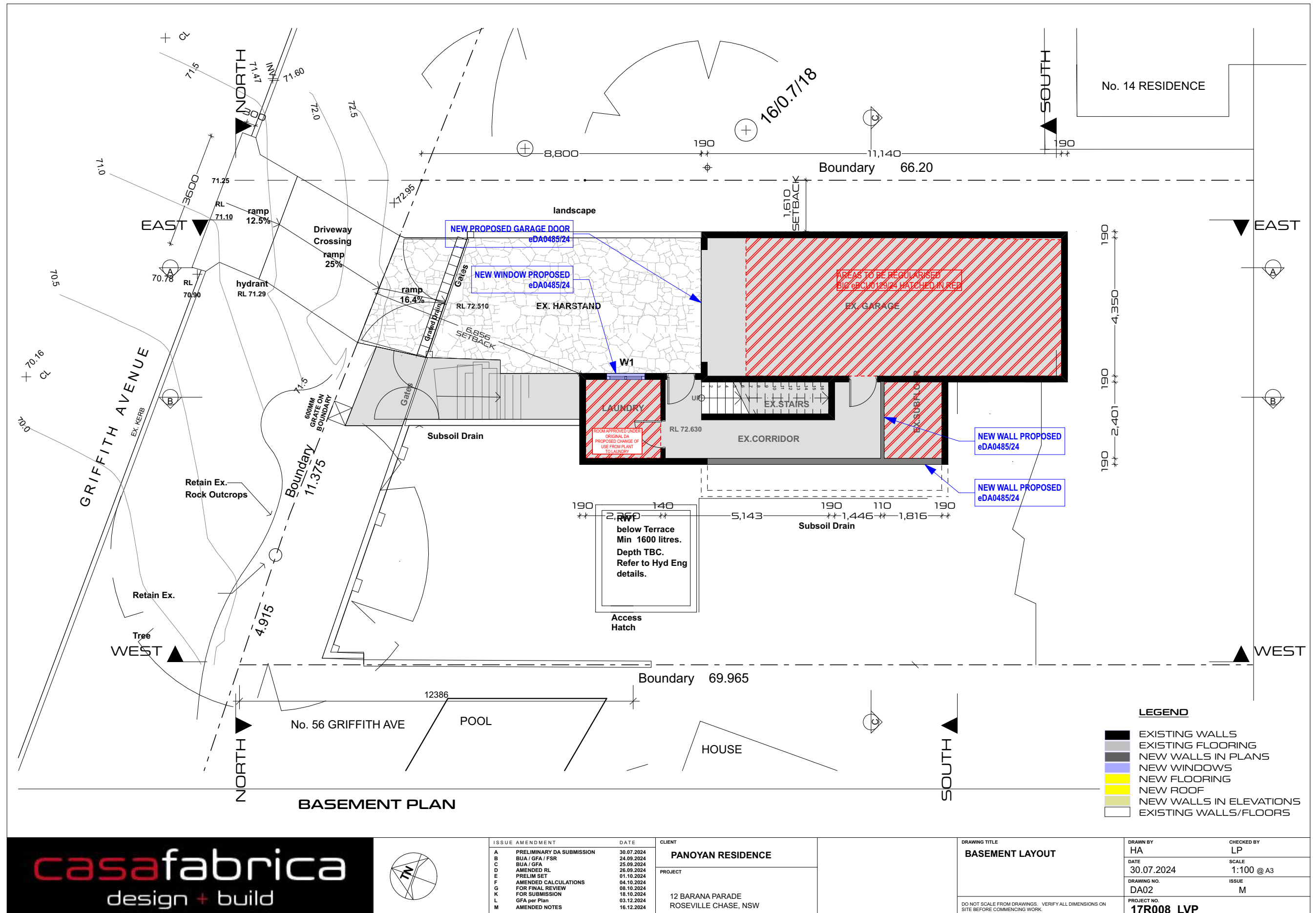




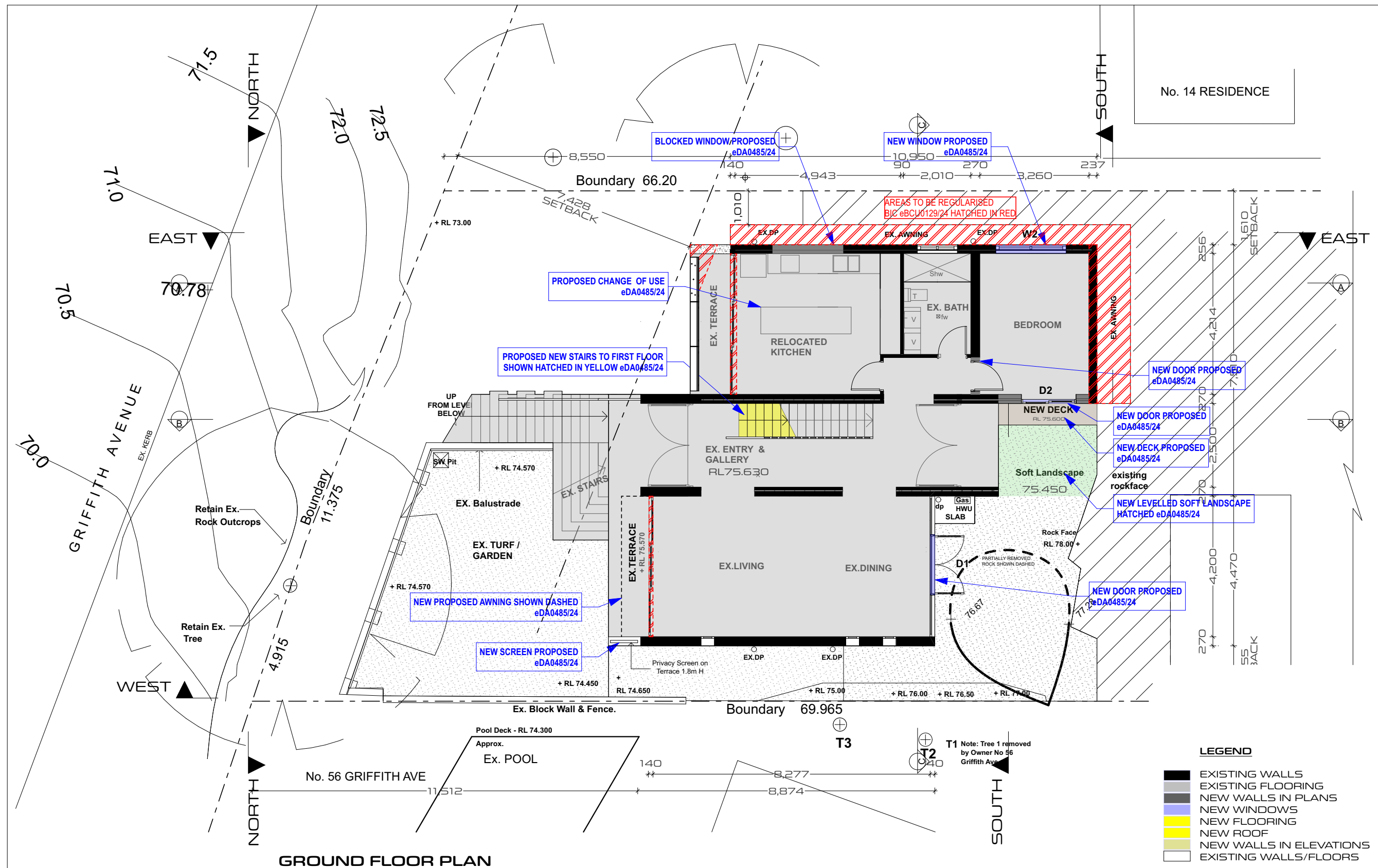












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ISSUE AMENDMENT	DATE
A PRELIMINARY DA SUBMISSION	30.07.2024
B BUA / GFA / FSR	24.09.2024
C BUA / GFA	25.09.2024
D AMENDED RL	26.09.2024
E PRELIM SET	01.10.2024
F AMENDED CALCULATIONS	04.10.2024
G FOR FINAL REVIEW	08.10.2024
K FOR SUBMISSION	18.10.2024
L GFA per Plan	03.12.2024
M AMENDED NOTES	16.12.2024

CLIENT  
**PANOYAN RESIDENCE**

PROJECT  
12 BARANA PARADE  
ROSEVILLE CHASE, NSW

DRAWING TITLE  
**GROUND FLOOR LAYOUT**

DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.

DRAWN BY  
HA

DATE  
30.07.2024

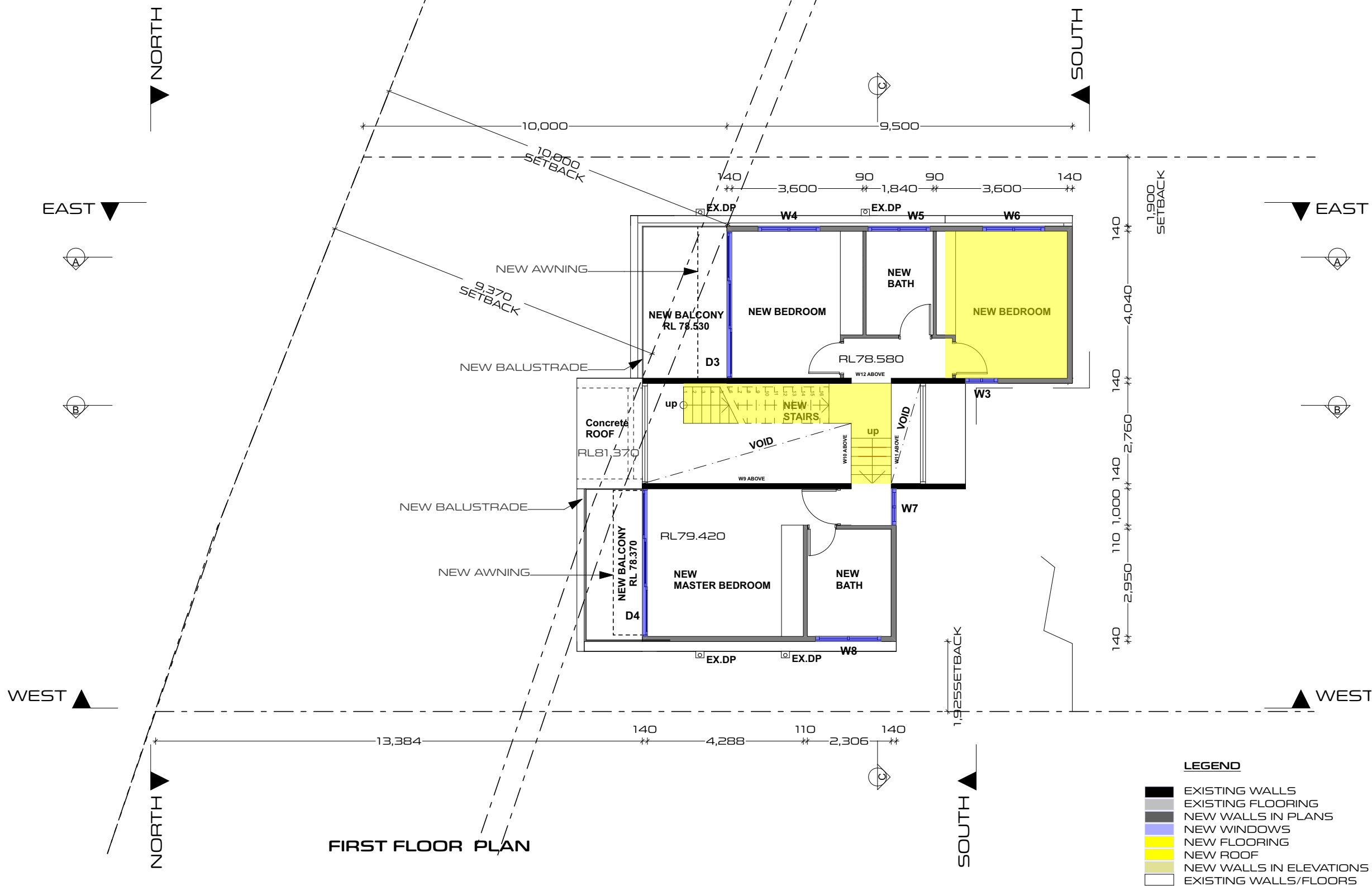
DRAWING NO.  
DA03

PROJECT NO.  
17R008\_LVP

CHECKED BY  
LP

SCALE  
1:100 @ A3

ISSUE  
M



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ISSUE AMENDMENT	DATE
A PRELIMINARY DA SUBMISSION	30.07.2024
B BUA / GFA / FSR	24.09.2024
C BUA / GFA	25.09.2024
D AMENDED RL	26.09.2024
E PRELIM SET	01.10.2024
F AMENDED CALCULATIONS	04.10.2024
G FOR FINAL REVIEW	08.10.2024
K FOR SUBMISSION	18.10.2024
L GFA per Plan	03.12.2024
M AMENDED NOTES	16.12.2024

CLIENT  
**PANOYAN RESIDENCE**

PROJECT  
12 BARANA PARADE  
ROSEVILLE CHASE, NSW

DRAWING TITLE  
**FIRST FLOOR LAYOUT**

DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.

DRAWN BY  
**HA**

DATE  
30.07.2024

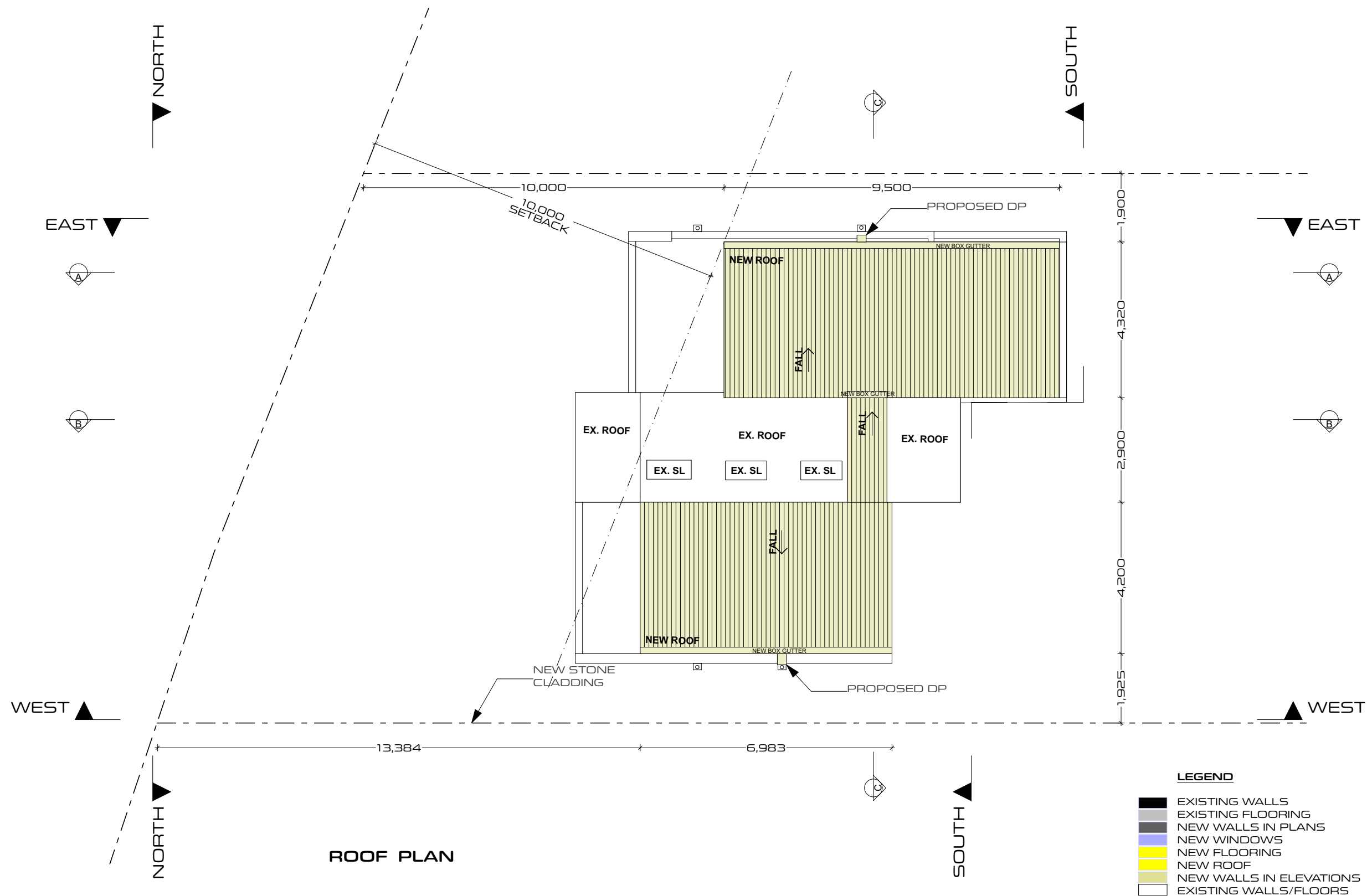
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DA04

PROJECT NO.  
17R008\_LVP

CHECKED BY  
**LP**

SCALE  
1:100 @ A3

ISSUE  
M



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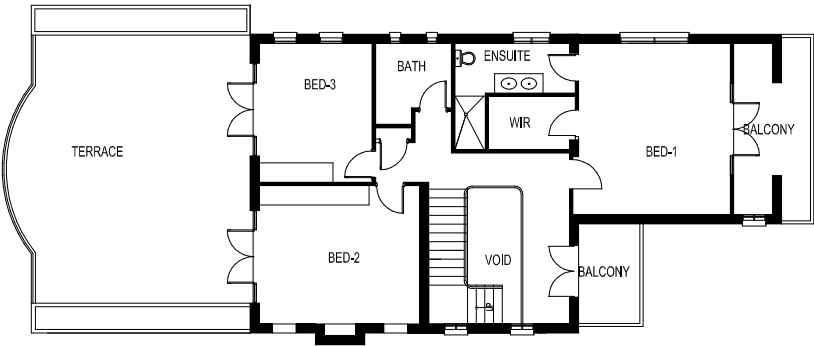
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A PRELIMINARY DA SUBMISSION	30.07.2024
B BUA / GFA / FSR	24.09.2024
C BUA / GFA	25.09.2024
D AMENDED RL	26.09.2024
E PRELIM SET	01.10.2024
F AMENDED CALCULATIONS	04.10.2024
G FOR FINAL REVIEW	08.10.2024
K FOR SUBMISSION	18.10.2024
L GFA per Plan	03.12.2024
M AMENDED NOTES	16.12.2024

CLIENT
PANOYAN RESIDENCE
PROJECT
12 BARANA PARADE ROSEVILLE CHASE, NSW

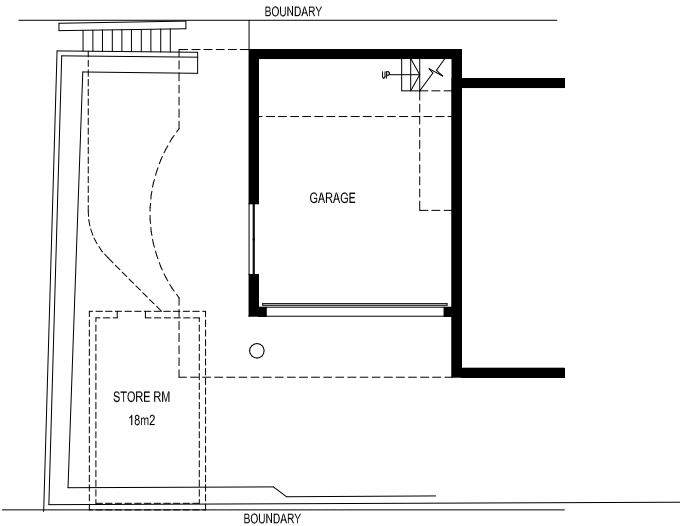
DRAWING TITLE  
**ROOF LAYOUT**

DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.

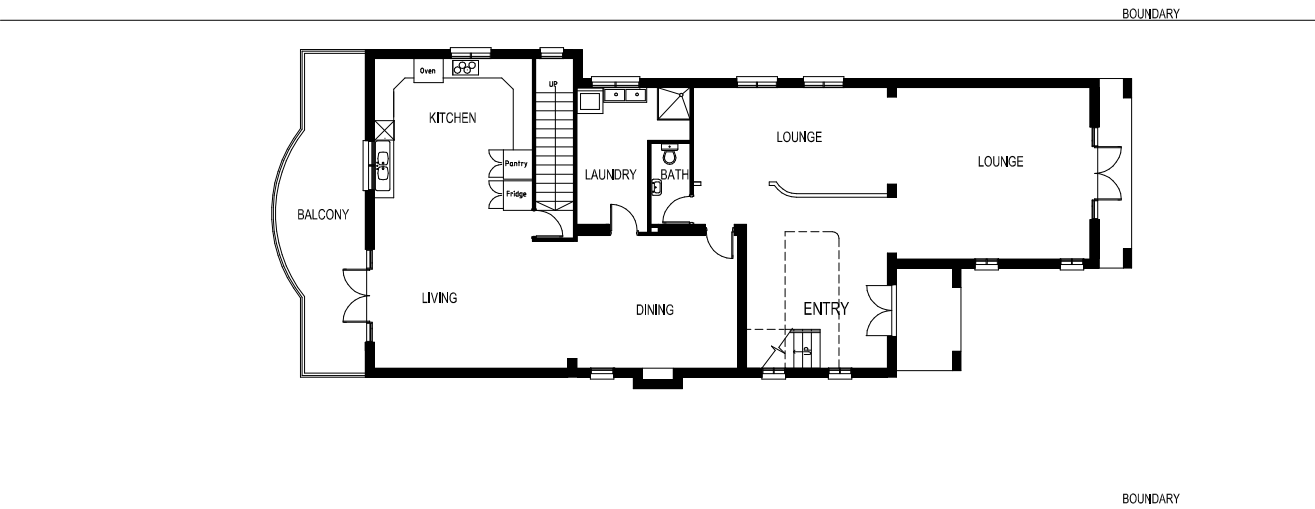
DRAWN BY HA	CHECKED BY LP
DATE 30.07.2024	SCALE 1:100 @ A3
DRAWING NO. DA05	ISSUE M
PROJECT NO. 17R008_LVP	



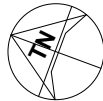

EXISTING DWELLING - FIRST FLOOR PLAN




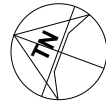
EXISTING DWELLING - GARAGE PLAN

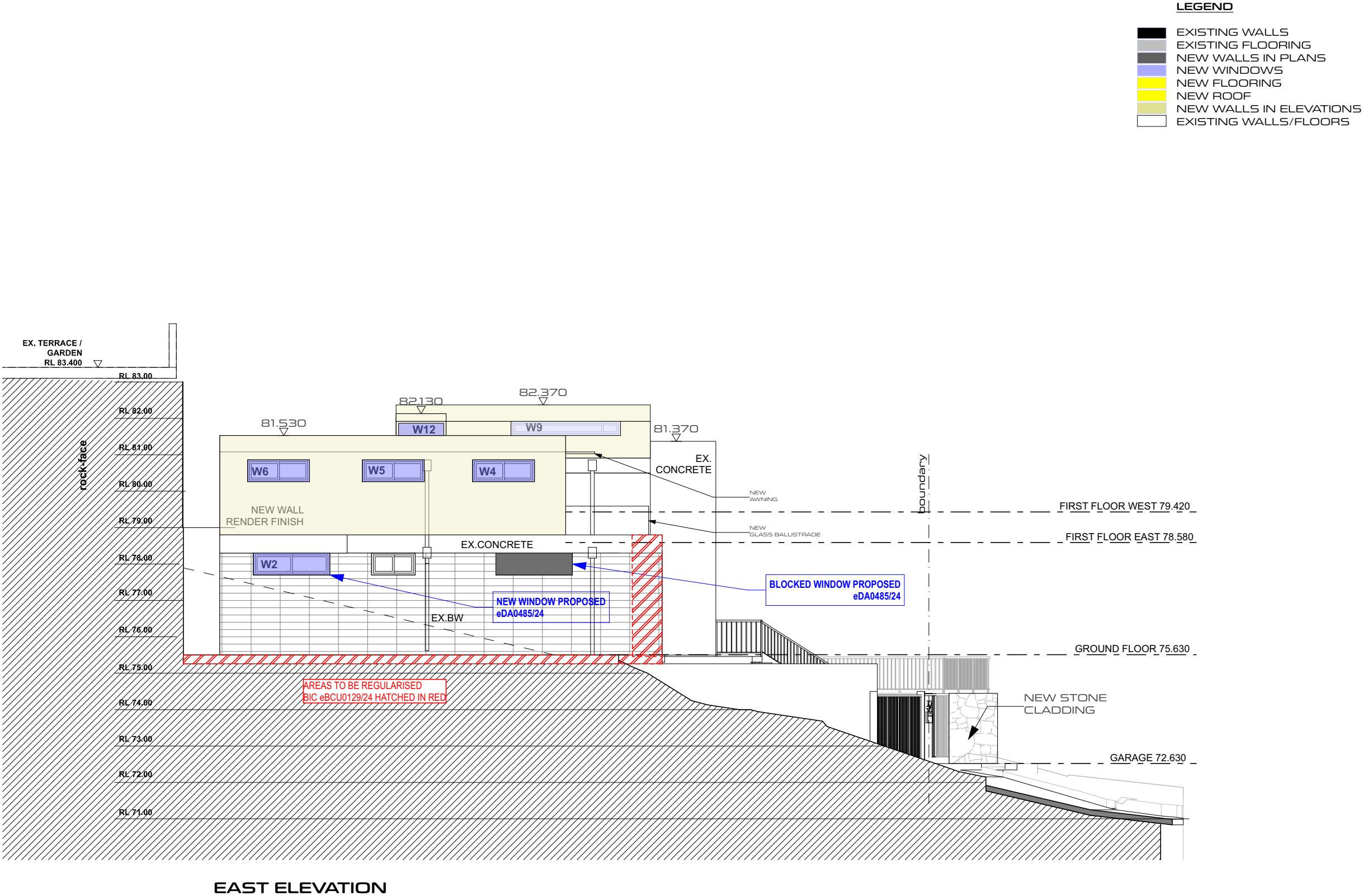




EXISTING DWELLING - GROUND FLOOR PLAN

<div></div>	ISSUE AMENDMENT	DATE	CLIENT	<div>DRAWING TITLE EXISTING HOUSE PLANS</div> <div>DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.</div>	DRAWN BY HA	CHECKED BY LP	
	A PRELIMINARY DA SUBMISSION	30.07.2024	PANOYAN RESIDENCE		DATE 30.07.2024	SCALE 1:200 @ A3	
	B BUA / GFA / FSR	24.09.2024	PROJECT 12 BARANA PARADE ROSEVILLE CHASE, NSW		DRAWING NO. DA06	ISSUE M	
	C BUA / GFA	25.09.2024			PROJECT NO. 17R008_LVP		
	D AMENDED RL	26.09.2024					
E PRELIM SET	01.10.2024						
F AMENDED CALCULATIONS	04.10.2024						
G FOR FINAL REVIEW	08.10.2024						
K FOR SUBMISSION	16.10.2024						
L GFA per Plan	03.12.2024						
M AMENDED NOTES	16.12.2024						



 	ISSUE AMENDMENT		DATE	CLIENT	DRAWING TITLE	DRAWN BY	CHECKED BY
	A	PRELIMINARY DA SUBMISSION	30.07.2024	PANOYAN RESIDENCE	EXISTING HOUSE ELEVATIONS	HA	LP
	B	BUA / GFA / FSR	24.09.2024			DATE	SCALE
	C	BUA / GFA	25.09.2024			30.07.2024	1:200 @ A3
	D	AMENDED RL	26.09.2024			DRAWING NO.	ISSUE
	E	PRELIM SET	01.10.2024			DA07	M
F	AMENDED CALCULATIONS	04.10.2024	PROJECT 12 BARANA PARADE ROSEVILLE CHASE, NSW			DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.	PROJECT NO.
G	FOR FINAL REVIEW	08.10.2024		17R008_LVP			
K	FOR SUBMISSION	18.10.2024					
L	GFA per Plan	03.12.2024					
M	AMENDED NOTES	16.12.2024					

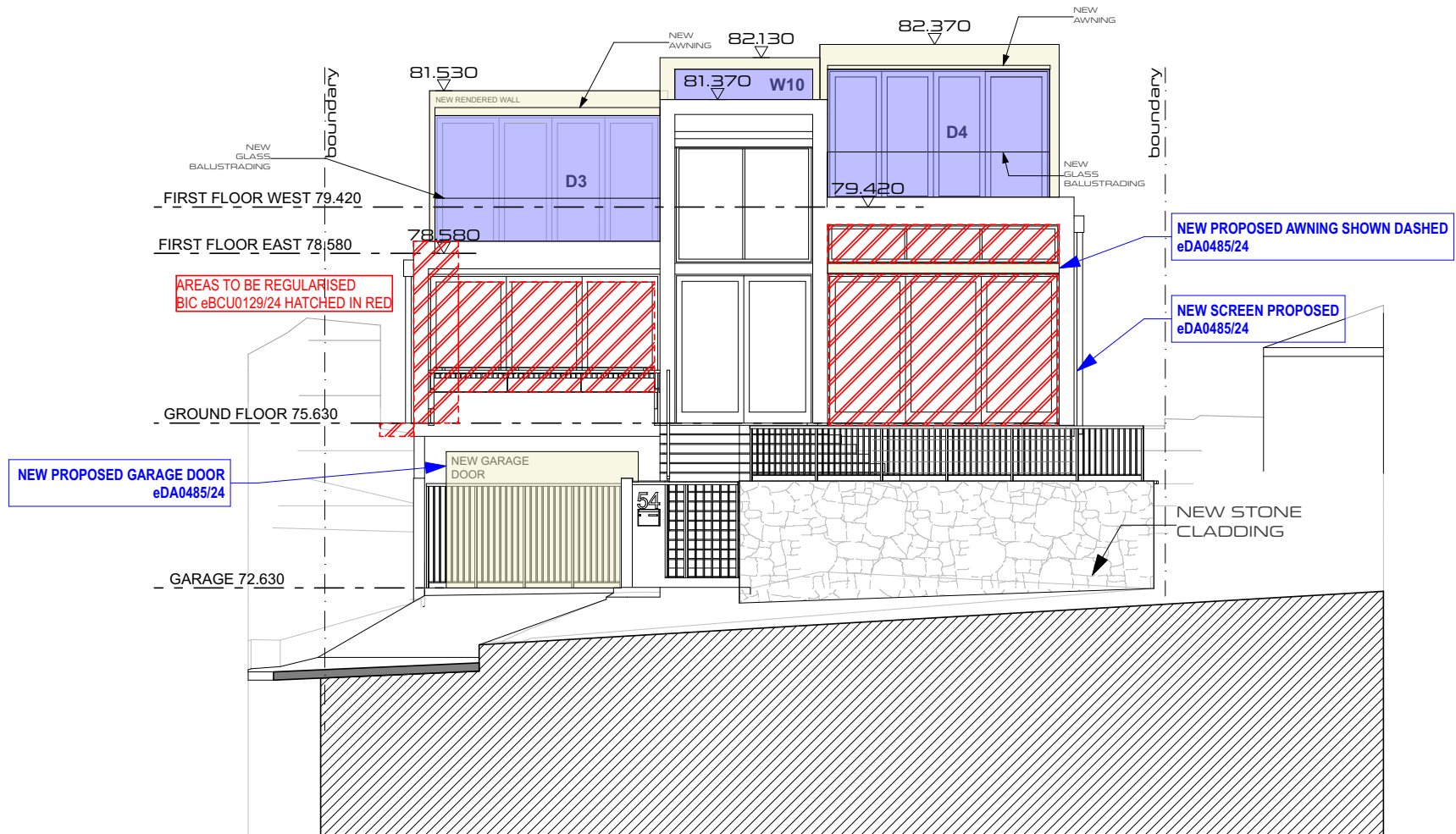


 	ISSUE AMENDMENT		DATE	CLIENT	DRAWING TITLE <b>EAST ELEVATION</b>  <small>DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.</small>	DRAWN BY	CHECKED BY	
	A	PRELIMINARY DA SUBMISSION	30.07.2024	PANOYAN RESIDENCE  PROJECT  12 BARANA PARADE ROSEVILLE CHASE, NSW		HA	LP	
	B	BUA / GFA / FSR	24.09.2024			DATE	SCALE	
	C	BUA / GFA	25.09.2024			30.07.2024	1:100 @ A3	
	D	AMENDED RL	26.09.2024			DRAWING NO.	ISSUE	
	E	PRELIM SET	01.10.2024			DA08	M	
	F	AMENDED CALCULATIONS	04.10.2024			PROJECT NO. <b>17R008_LVP</b>		
	G	FOR FINAL REVIEW	08.10.2024					
	K	FOR SUBMISSION	18.10.2024					
	L	GFA per Plan	03.12.2024					
	M	AMENDED NOTES	16.12.2024					



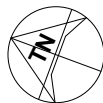
LEGEND

- EXISTING WALLS
- EXISTING FLOORING
- NEW WALLS IN PLANS
- NEW WINDOWS
- NEW FLOORING
- NEW ROOF
- NEW WALLS IN ELEVATIONS
- EXISTING WALLS/FLOORS



NORTH ELEVATION

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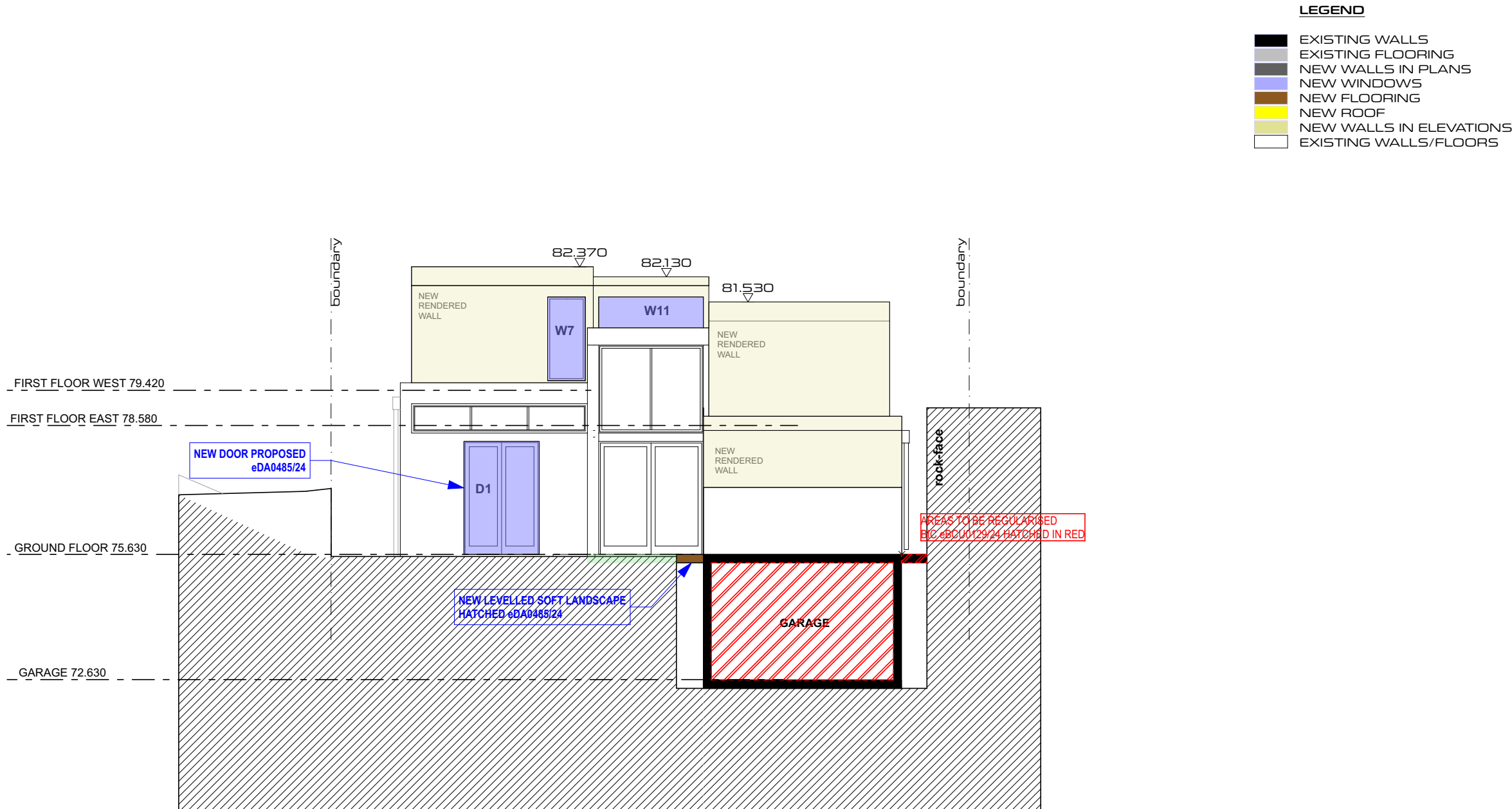
ISSUE AMENDMENT	DATE
A PRELIMINARY DA SUBMISSION	30.07.2024
B BUA / GFA / FSR	24.09.2024
C BUA / GFA	25.09.2024
D AMENDED RL	26.09.2024
E PRELIM SET	01.10.2024
F AMENDED CALCULATIONS	04.10.2024
G FOR FINAL REVIEW	08.10.2024
K FOR SUBMISSION	18.10.2024
L GFA per Plan	03.12.2024
M AMENDED NOTES	16.12.2024



CLIENT
PANOYAN RESIDENCE
PROJECT
12 BARANA PARADE ROSEVILLE CHASE, NSW

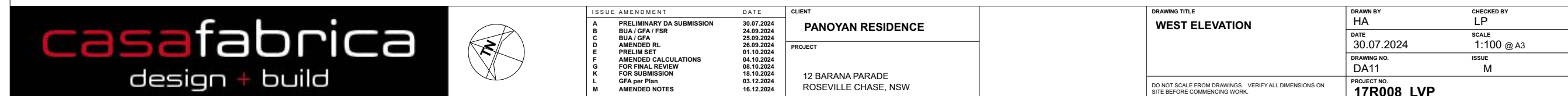
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NORTH ELEVATION

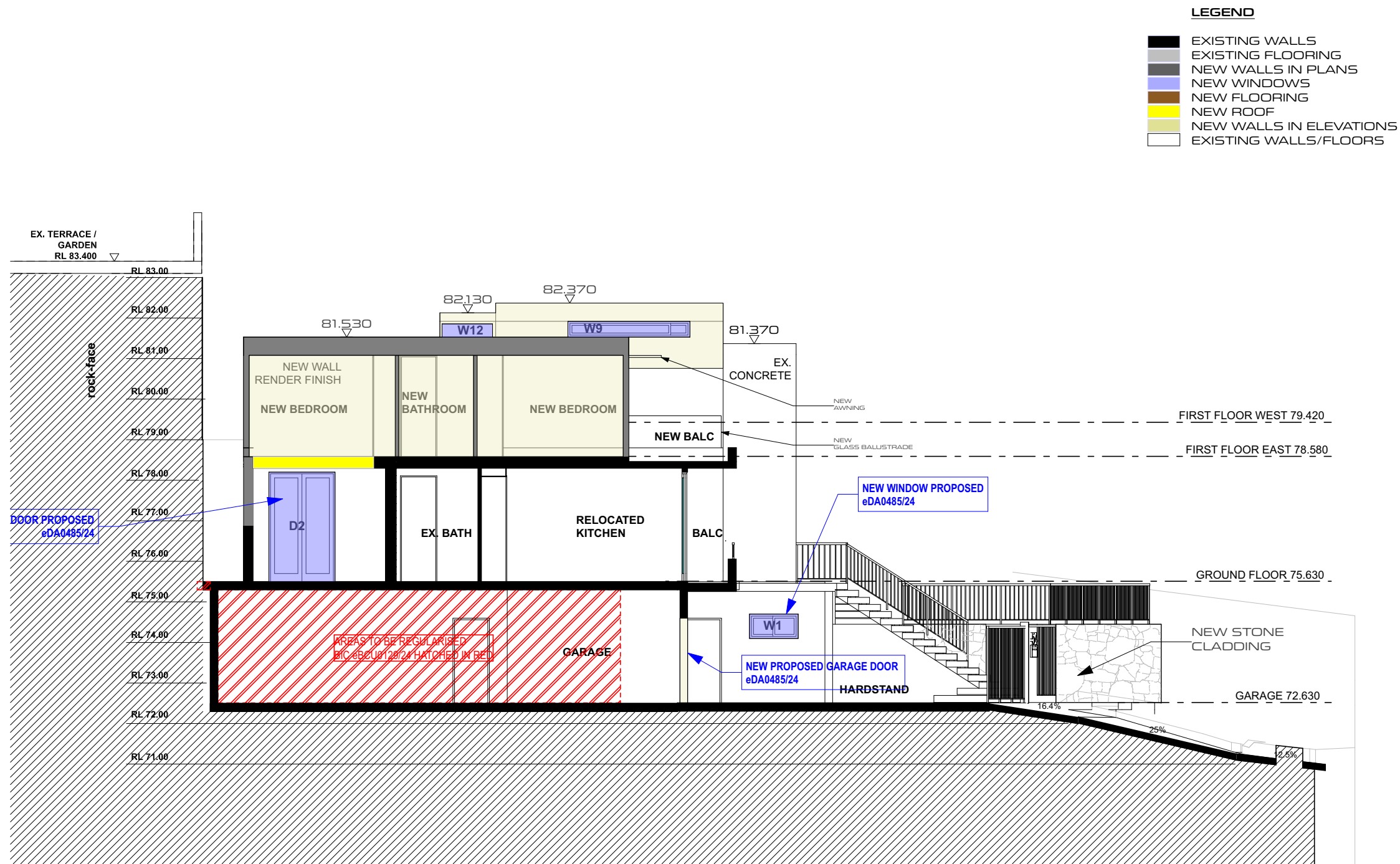
DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.

DRAWN BY	CHECKED BY
HA	LP
DATE	SCALE
30.07.2024	1:100 @ A3
DRAWING NO.	ISSUE
DA09	M
PROJECT NO.	
17R008_LVP	



 	ISSUE AMENDMENT		DATE	CLIENT <b>PANOYAN RESIDENCE</b>  PROJECT  12 BARANA PARADE ROSEVILLE CHASE, NSW	DRAWING TITLE <b>SOUTH ELEVATION</b>  DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.	DRAWN BY HA		CHECKED BY LP			
	A	PRELIMINARY DA SUBMISSION	30.07.2024			DATE	30.07.2024	SCALE	1:100 @ A3		
	B	BUA / GFA / FSR	24.09.2024			DRAWING NO.	DA10	ISSUE	M		
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	D	AMENDED RL	26.09.2024								
	E	PRELIM SET	01.10.2024								
	F	AMENDED CALCULATIONS	04.10.2024								
	G	FOR FINAL REVIEW	08.10.2024								
K	FOR SUBMISSION	18.10.2024									
L	GFA per Plan	03.12.2024									
M	AMENDED NOTES	16.12.2024									





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ISSUE	AMENDMENT	DATE
A	PRELIMINARY DA SUBMISSION	30.07.2024
B	BUA / GFA / FSR	24.09.2024
C	BUA / GFA	25.09.2024
D	AMENDED RL	26.09.2024
E	PRELIM SET	01.10.2024
F	AMENDED CALCULATIONS	04.10.2024
G	FOR FINAL REVIEW	08.10.2024
K	FOR SUBMISSION	18.10.2024
L	GFA per Plan	03.12.2024
M	AMENDED NOTES	16.12.2024

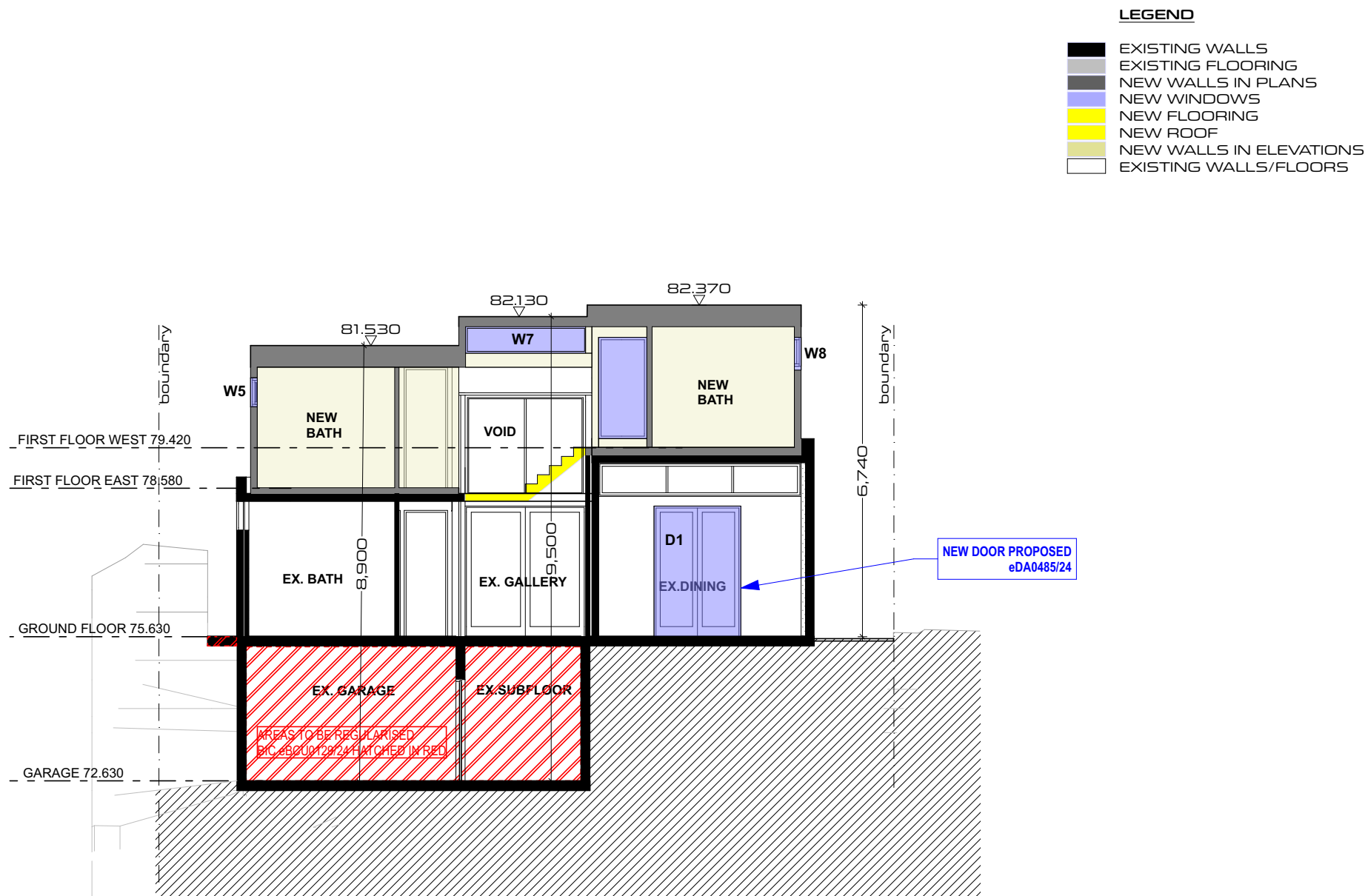
CLIENT  
**PANOYAN RESIDENCE**

PROJECT  
12 BARANA PARADE  
ROSEVILLE CHASE, NSW

DRAWING TITLE  
**SECTION AA**

DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.

DRAWN BY HA	CHECKED BY LP
DATE 30.07.2024	SCALE 1:100 @ A3
DRAWING NO. DA12	ISSUE M
PROJECT NO. 17R008_LVP	



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ISSUE AMENDMENT	DATE
A PRELIMINARY DA SUBMISSION	30.07.2024
B BUA / GFA / FSR	24.09.2024
C BUA / GFA	25.09.2024
D AMENDED RL	26.09.2024
E PRELIM SET	01.10.2024
F AMENDED CALCULATIONS	04.10.2024
G FOR FINAL REVIEW	08.10.2024
K FOR SUBMISSION	18.10.2024
L GFA per Plan	03.12.2024
M AMENDED NOTES	16.12.2024

CLIENT  
**PANOYAN RESIDENCE**

PROJECT  
12 BARANA PARADE  
ROSEVILLE CHASE, NSW

DRAWING TITLE  
**SECTION CC**

DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON  
SITE BEFORE COMMENCING WORK.

DRAWN BY  
HA

DATE  
30.07.2024

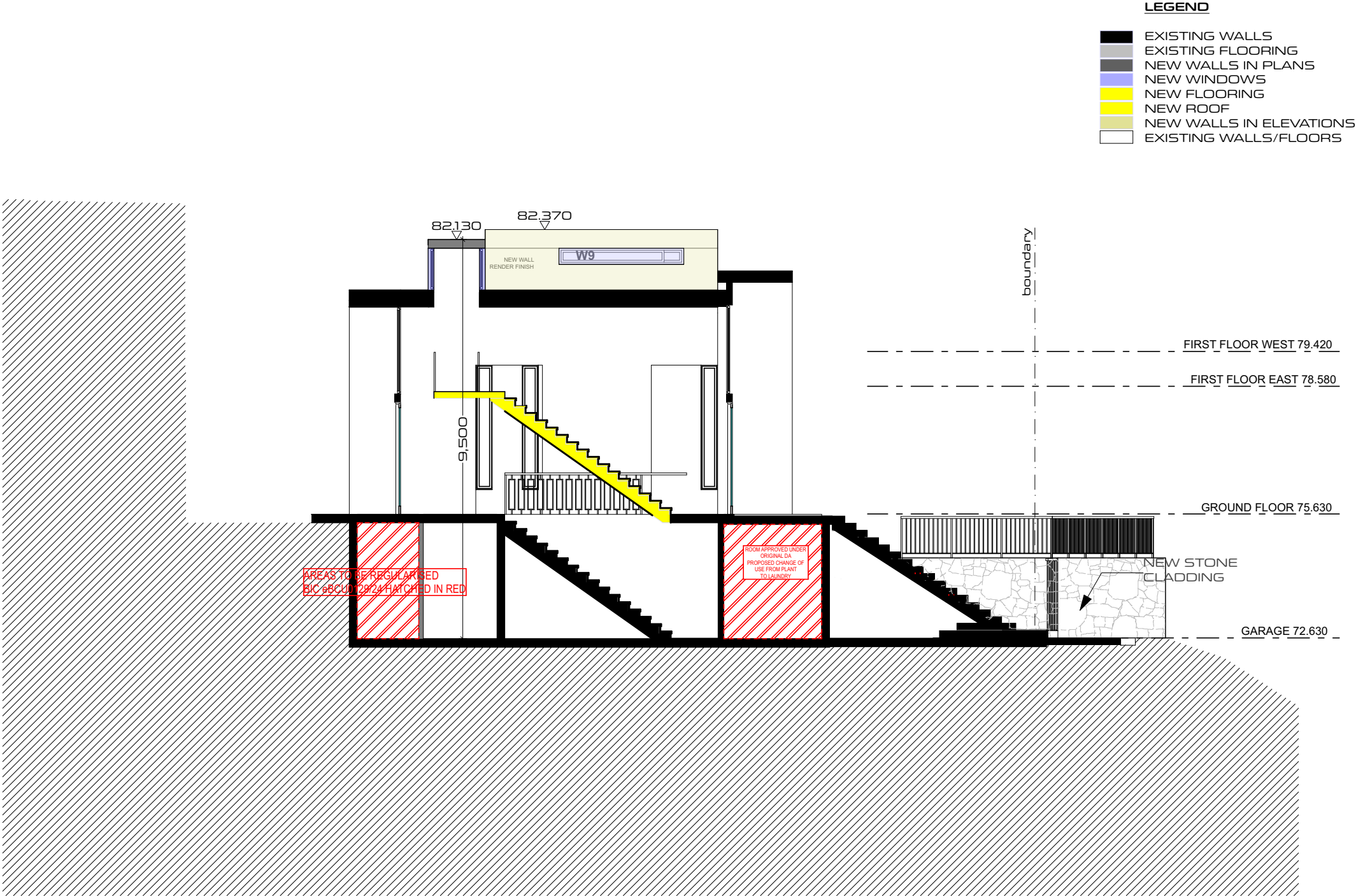
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PROJECT NO.  
17R008\_LVP

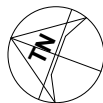
CHECKED BY  
LP

SCALE  
1:100 @ A3

ISSUE  
M



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ISSUE	AMENDMENT	DATE
A	PRELIMINARY DA SUBMISSION	30.07.2024
B	BUA / GFA / FSR	24.09.2024
C	BUA / GFA	25.09.2024
D	AMENDED RL	26.09.2024
E	PRELIM SET	01.10.2024
F	AMENDED CALCULATIONS	04.10.2024
G	FOR FINAL REVIEW	08.10.2024
K	FOR SUBMISSION	18.10.2024
L	GFA per Plan	03.12.2024
M	AMENDED NOTES	16.12.2024

CLIENT  
**PANOYAN RESIDENCE**

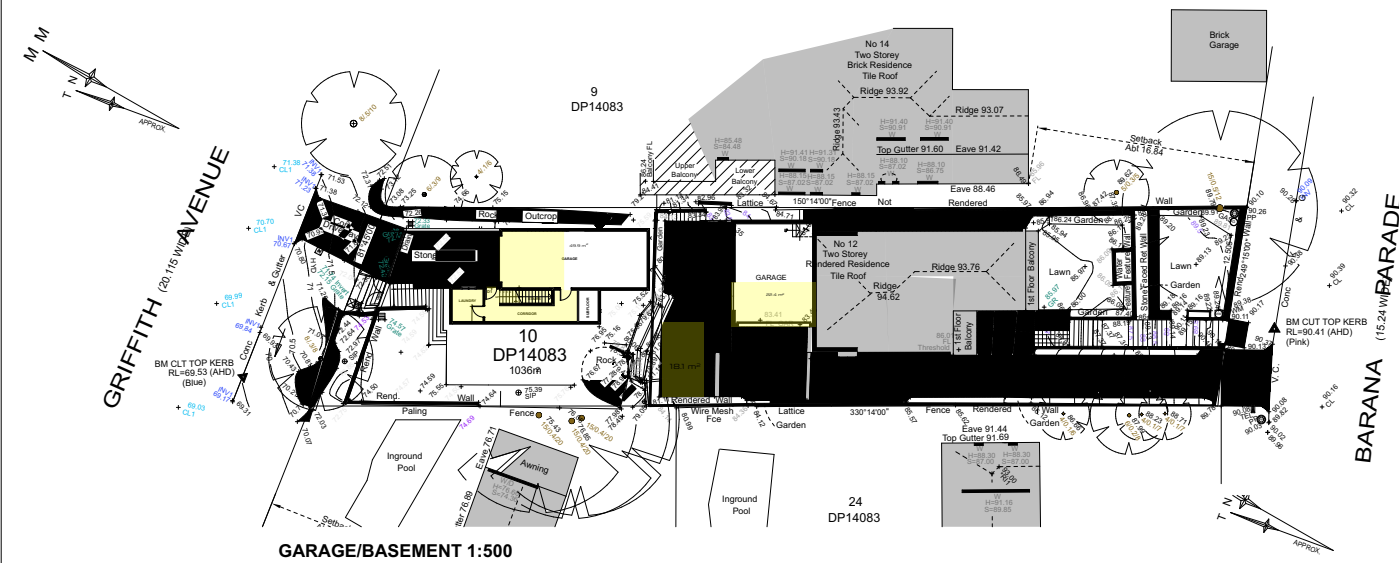
PROJECT  
12 BARANA PARADE  
ROSEVILLE CHASE, NSW

DRAWING TITLE  
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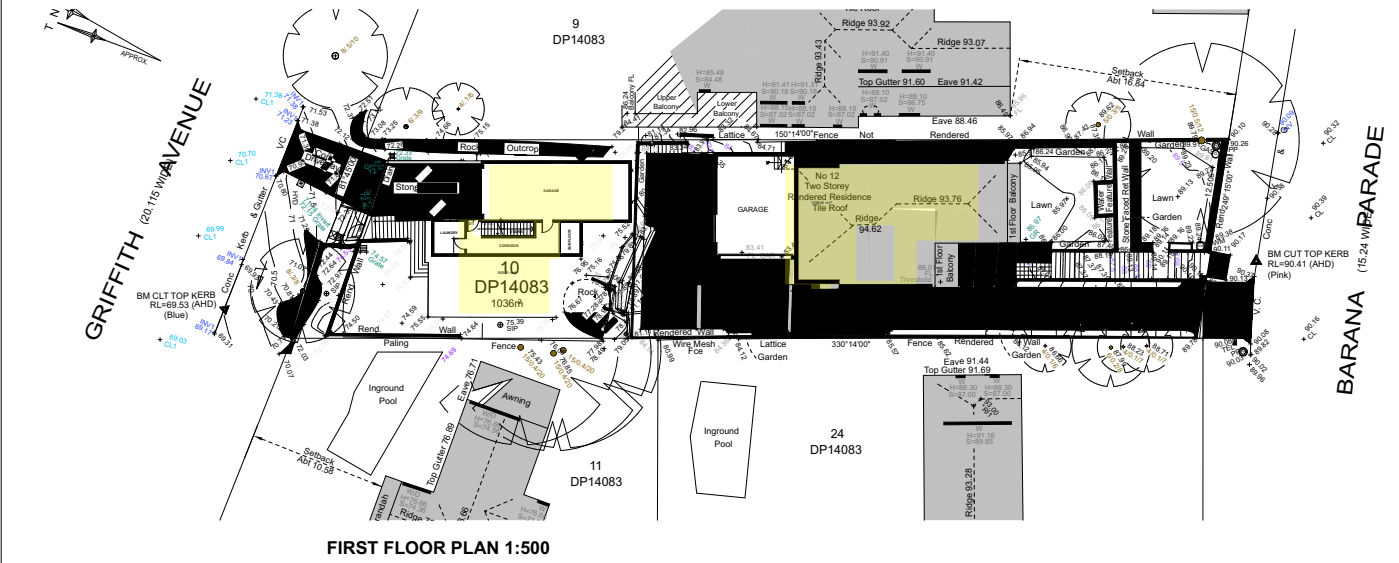
DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.

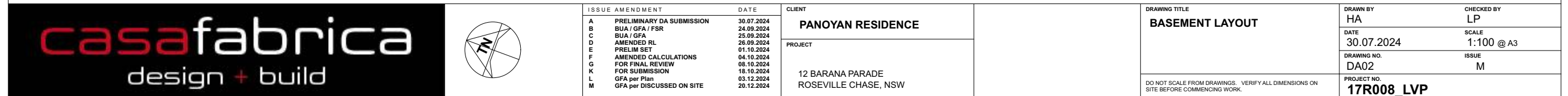
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DATE 30.07.2024	SCALE 1:100 @ A3
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PROJECT NO. 17R008_LVP	

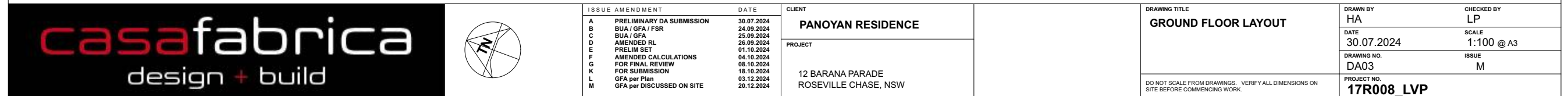


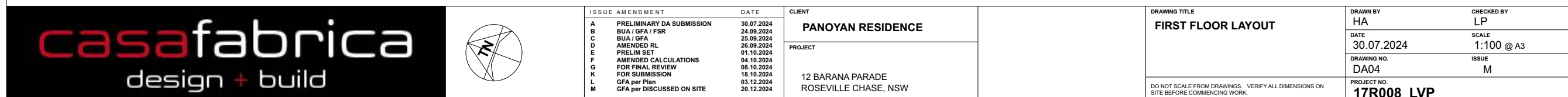


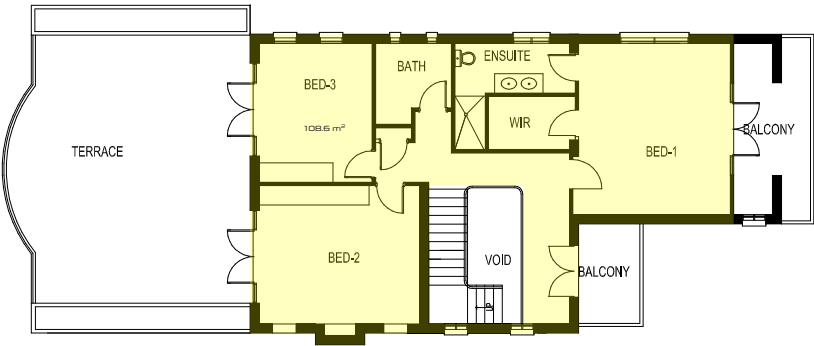
GFA	Site Area	1036 sqm
	Primary Dwelling	318.2 sqm + 18 sqm (added storage) = 336.2 sqm
	Secondary Dwelling	247.2 sqm
	TOTAL	583.4 sqm 56.3%



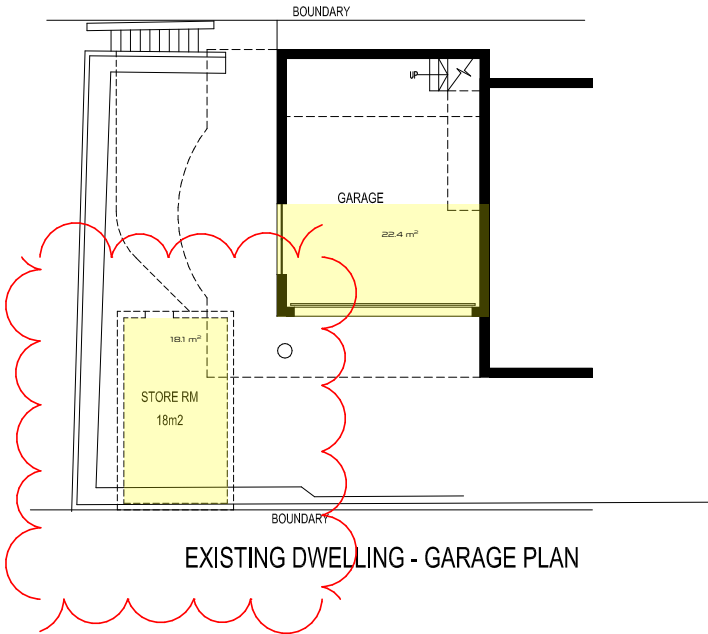




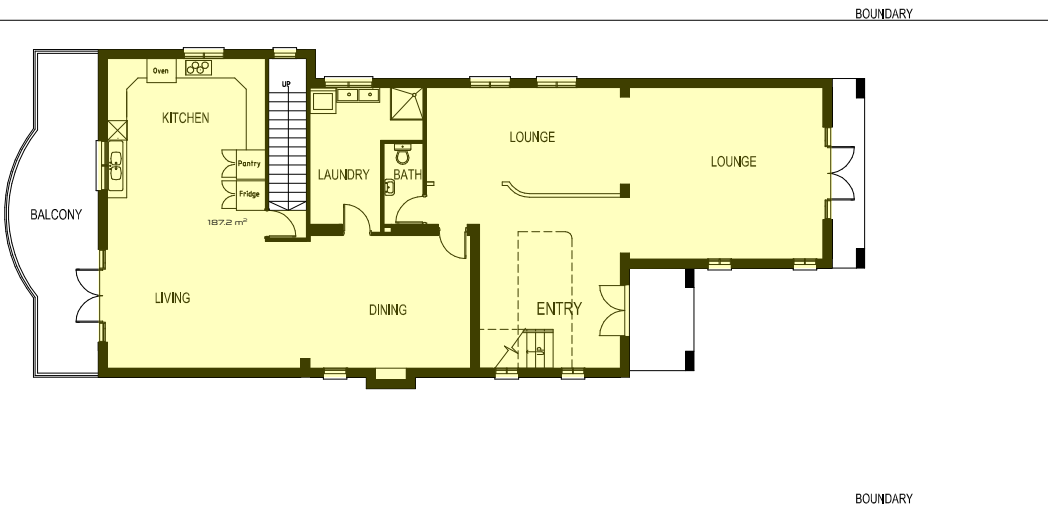





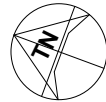
EXISTING DWELLING - FIRST FLOOR PLAN



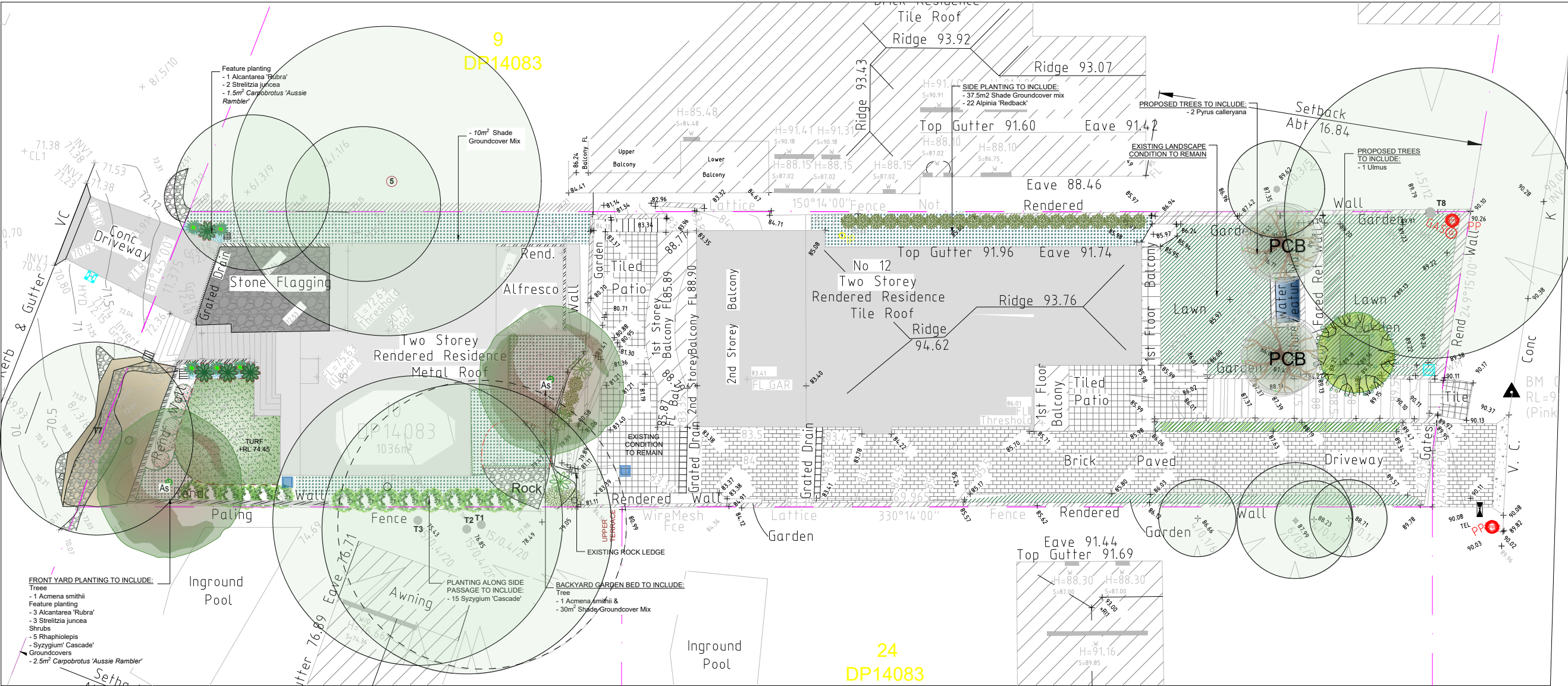
EXISTING DWELLING - GARAGE PLAN



EXISTING DWELLING - GROUND FLOOR PLAN

		ISSUE AMENDMENT		DATE	CLIENT <b>PANOYAN RESIDENCE</b>  PROJECT  12 BARANA PARADE ROSEVILLE CHASE, NSW	DRAWING TITLE <b>EXISTING HOUSE PLANS</b>  DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.	DRAWN BY HA		CHECKED BY LP		
		A	PRELIMINARY DA SUBMISSION	30.07.2024			DATE	30.07.2024	SCALE	1:200 @ A3	
		B	BUA / GFA / FSR	24.09.2024			DRAWING NO.	DA06	ISSUE	M	
		C	BUA / GFA	25.09.2024			PROJECT NO.	17R008_LVP			
		D	AMENDED RL	26.09.2024							
			E	PRELIM SET	01.10.2024						
			F	AMENDED CALCULATIONS	04.10.2024						
			G	FOR FINAL REVIEW	08.10.2024						
			K	FOR SUBMISSION	18.10.2024						
			L	GFA per Plan	03.12.2024						
			M	GFA per DISCUSSED ON SITE	20.12.2024						





LEGEND & SCHEDULE

- NOTES:
1. ALL FINAL PLANT QUANTITIES INDICATED ON PLANS SHALL BE CHECKED AND VERIFIED BY SUCCESSFUL LANDSCAPE CONTRACTOR.
  2. ANY PLANT SUBSTITUTES REQUIRED DUE TO UNAVAILABILITY SHALL BE RECOMMENDED BY THE LANDSCAPE CONTRACTOR TO BEST MATCH SUBSTITUTED PLANTS AND APPROVED PRIOR TO PURCHASING BY THE LANDSCAPE ARCHITECT.
  3. WORKS CERTIFIED FOR FINAL OCCUPANCY CERTIFICATE ARE TO MATCH APPROVED LANDSCAPE PLANS.
  4. LANDSCAPE CONTRACTOR SHALL LOCATE AND AVOID SITE STORM WATER & DRAINAGE SERVICES. LOCATE TREES A MINIMUM 1.25M FROM PITS.
  5. ALL PLANTING AROUND EXISTING TREES SHALL BE ADJUSTED TO AVOID DAMAGE AND CLASHING WITH SURFACE ROOTS.
  6. THE NATURE STRIP (STREET FRONTAGE) FOR THE SITE IS PUBLIC LAND, AND ONLY AUTHORIZED WORKS MAY OCCUR HERE. EXISTING CONDITIONS SUCH AS STREET TREES, COUNCIL PLANTING ETC SHALL BE RETAINED AND PROTECTED DURING CONSTRUCTION, UNLESS SPECIFIC APPROVAL HAS BEEN GRANTED FOR NEW WORK IN THIS AREA.
  7. ALL TREES TO BE SOURCED IN ACCORDANCE WITH TESTS AND MEASUREMENTS CONTAINED WITHIN AS 2303-2015 - TREE STOCK FOR LANDSCAPE USE.



Trees

- Botanical Name:** *Acmena smithii*  
**Common Name:** Lillypilly (Native)  
**Pot size:** 45L  
**Mature H x S:** 13 x 7m  
**Qty Required:** 2
- Botanical Name:** *Ulmus Parvifolia*  
**Common Name:** Chinese Elm (Exotic)  
**Pot size:** 45L  
**Mature H x S:** 13m x 6-8m  
**Qty Required:** 1
- Botanical Name:** *Pyrus calleryana*  
**Common Name:** Ornamental Pear (Exotic)  
**Pot size:** 45L  
**Mature H x S:** 13m x 3-5m  
**Qty Required:** 2

Shrubs

- Botanical Name:** *Syzygium 'cascade'*  
**Common Name:** Riberry (Native)  
**Pot size:** 300mm  
**Mature H x S:** 2-3m x 1.2m  
**Qty Required:** 15
- Botanical Name:** *Rhaphiolepis indica 'Oriental Pear'*  
**Common Name:** Indian Hawthorn (Exotic)  
**Pot size:** 300mm  
**Mature H x S:** 1m x 1m  
**Qty Required:** 5
- Botanical Name:** *Alcantarea imperialis*  
**Common Name:** Imperial Bromeliad (Exotic)  
**Pot size:** 300mm  
**Mature H x S:** 1.2m x 1.5m  
**Qty Required:** 7
- Botanical Name:** *Alpinia caerulea 'Red Back'*  
**Common Name:** Red Back Native Ginger (Exotic)  
**Pot size:** 300mm  
**Mature H x S:** 1.5m x 1-1.5m  
**Qty Required:** 27
- Botanical Name:** *Strelitzia juncea*  
**Common Name:** Rush-leaved Strelitzia (Exotic)  
**Pot size:** 200mm  
**Mature H x S:** 1.5m x 1m  
**Qty Required:** 5

Groundcovers

- Botanical Name:** *Carpobrotus 'Aussie Rambler'*  
**Common Name:** Aussie Rambler Pigface (Native)  
**Pot size:** 140mm  
**Mature H x S:** 0.25m x spreading  
**Qty Required:** 7m2 (4m<sup>2</sup> total)
- Shade Groundcover Mix:**  
*Viola hederacea* (7m2)  
*Philodendron 'Xanadu'* (5m2)  
*Liriodendron 'Just Right'* (5m2)  
**Pot size:** 140mm  
**Mature H x S:** 250mm x 750mm  
**Qty Required:** (40m<sup>2</sup> total)

Existing Landscaped condition

TREE REQUIREMENT

This site is 1033.5m2 and requires 7 trees that reach a height of 13m have been included in the Landscape Plan to comply with Ku-Ring-Gai Council's DCP Section A Part 4A.4. These trees have been selected from the Council's DCP38 Appendix C. Tree Species List.

**Existing trees include:**  
1 x *Glochidion ferdinandi* (Tree 7)  
1 x *Jacaranda mimosifolia* (Tree 8)

**New trees include:**  
2 x *Acmena smithii*  
1 x *Ulmus Parvifolia*  
2 x *Pyrus Calleryana*

LANDSCAPE PLAN NOTES

This plan should be read in conjunction with the architectural plans. Work specific to these plans should be prepared in accordance to these plans, including specification and details prior to the installation of landscaping, and should not be altered or compromised during landscape construction. Retaining wall details to engineers design.

This plan has been prepared FOR DA only, not for construction.

This plan has been prepared with reference to **Ku-Ring-Gai Councils** Landscaping Guidelines & requirements. Planting proposed using commercially available plant species selected from local planting lists

All noxious weeds listed in Councils weed lists & located on the site shall be continually removed & suppressed. Reinstate all boundary fencing in poor condition with Council approved 1.8m fencing to rear of building line, rake to 1m forward of BL. Pollution, sediment & erosion control devices as specified shall be in place, and maintained for the duration of the construction period. Proposed excavation near existing established trees to be supervised by arborist.

D A approved landscape plan's are required to be constructed as approved to obtain occupancy certificate. **Permeable areas may be indicated to achieve site coverage restrictions & should be constructed as drawn on this plan.**

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LANDSCAPE WORK SPECIFICATION

PRELIMINARIES

1.01 GENERAL

- The following general conditions should be considered prior to the commencement of landscape works:
- The landscape plans should be read in conjunction with the architectural plans, project arborist's assessment, hydraulic plans, service plans and survey prepared for the proposed development.
  - All services including existing drainage should be accurately located prior to the commencement of landscape installation. Any proposed tree planting which falls close to services will be relocated on site under the instruction of the landscape architect.
  - Installation of conduit for required irrigation, electrical and other services shall be completed prior to the commencement of hardscape works and hardstand pours.
  - All outdoor lighting specified by architect or client to be installed by qualified electrician.
  - Anomalies that occur in these plans should be brought to our immediate attention.
  - Where an Australian Standard applies for any landscape material testing or installation technique, that standard shall be followed.

1.02 PROTECTION OF ADJACENT FINISHES

The Contractor shall take all precautions to prevent damage to all or any adjacent finishes by providing adequate protection to these areas / surfaces prior to the commencement of the Works.

1.03 PROTECTION OF EXISTING TREES

Existing trees identified to be retained shall be done in accordance with **AS4970-Protection of trees on development sites** as well as in accordance with the tree protection measures prepared by project arborist.

Where general works are occurring around such trees, or pruning is required, a qualified Arborist shall be engaged to oversee such works and manage tree health. Existing trees designated on the drawing for retention shall be protected at all times during the construction period. Any soil within the drip-line of existing trees shall be excavated and removed by hand only. No stockpiling soil occur within the root zone of existing trees to be retained.

Any roots larger in diameter than 50mm shall only be severed under supervision by a qualified arborist. Roots smaller than 50mm diameter shall be cut cleanly with a saw.

Temporary fencing shall be installed around the base of all trees to be retained prior to the commencement of landscape works. Where possible this fencing will be located around the drip line of these trees, or a minimum of 3m from the trunk. The fencing shall be maintained for the full construction period.

1.04 EROSION & POLLUTION CONTROL

The Contractor shall take all proper precautions to prevent the erosion of soil from the subject site. The contractor shall install erosion & sediment control barriers and as required by council, and maintain these barriers throughout the construction period. Note that the sediment control measures adopted should reflect the soil type and erosion characteristics of the site.

- Erosion & pollution control measures shall incorporate the following:
- Construction of a sediment trap at the vehicle access point to the subject site.
  - Sediment fencing using a geotextile filter fabric in the location indicated on the erosion control plan or as instructed on site by the landscape architect.
  - Earth banks to prevent scour of stockpiles
  - Sandbag kerb sediment traps
  - Straw bales & geotextile sediment filter
  - Exposed banks shall be pegged with an approved Jute matting in preparation for mass planting

Refer to 'Slewies Reference Kit' as prepared by DLWC & WSROC (1997) for construction techniques

SOIL WORKS

2.01 MATERIALS

Specified Soil Conditioner (Generally to improve site soil)

The specified soil conditioner for site top-soil improvement shall be an organic mix, equal to 'Botany Humus', as supplied by ANL. Note that for sites where soil testing indicates toxics or extremes in pH, or soils that are extremely poor, allow to excavate and supply 300mm of imported soil mix.

New gardens & proposed planting

New gardens and planting areas shall consist of a 50/50 mix of clean site soil (refer d) below) and imported 'Organic Garden Mix' as supplied by ANL or approved equal. All mixes are to comply with AS 4419 Soils for landscaping & garden use, & AS 4454 Composts. Soil conditioners & mulches.

Specified Soil Mix - Turf

The specified soil mix for all turf areas shall be a min 75mm layer of imported soil mix consisting of 80% washed river sand (reasonably coarse), and 20% composted organic matter equivalent to mushroom compost or soil conditioner, or other approved lawn top dress.

Site Topsoil

Site topsoil is to be clean and free of unwanted matter such as gravel, clay lumps, grass, weeds, tree roots, sticks, rubbish and plastics, and any deleterious materials and materials toxic to plants. The topsoil must have a pH of between 5.5 and 7. Use 100% imported soil mix when site soil is poor.

2.02 INSTALLATION (TO GARDEN OUTSIDE OF FREE PROTECTION ZONES OF TREES RECOMMENDED TO BE RETAINED)

Note: No level changes (Cut or Fill), soil ripping within the Free Protection Zones of trees to be retained

a) Testing

All testing is to be conducted in accordance with AS 1289 Methods for testing soils for engineering purposes. Site soil shall be given a pH test prior to modifying to ensure conditions are appropriate for planting as stated above. Tests shall be taken in several areas where planting is proposed, and the pH shall be adjusted accordingly with sulphur or lime to suit.

Note that a soil test conducted by the 'Sydney Soil Lab' or approved equal shall be prepared for all commercial, industrial and multi-unit residential sites. The successful landscape architect should implement the recommendations of this test.

b) Set Out of Individual Trees & Mass Planting Areas

All individual tree planting positions and areas designated for mass planting shall be set out with stakes or another form of marking, ready for inspection and approval. Locate all services.

c) Establishing Subgrade Levels outside of free protection zones of trees to be retained

Subgrade levels are defined as the finished base levels prior to the placement of the specified material (i.e. soil conditioner). The following subgrade levels shall apply:

- Mass Planting Beds - 300mm below existing levels with specified imported soil mix.
- Turf areas - 100mm below finished surface level.

Note that all subgrades shall consist of a relatively free draining material, consisting of site topsoil placed previously by the Civil Contractor. No builders waste material shall be acceptable.

d) Subgrade Cultivation

Cultivate all subgrades to a minimum depth of 100mm in all planting beds and all turf areas, ensuring a thorough breakup of the subgrade into a reasonably coarse 10th. Grade subgrades to provide falls to surface and subsurface drains, prior to the placement of the final specified soil mix.

e) Drainage Works

Install surface and subsurface drainage where required and as detailed on the drawing. Drain subsurface drains to outlets provided, with a minimum fall of 1:100 to outlets and / or service pits.

f) Placement and Preparation of Specified Soil Conditioner & Mixes

Trees in turf & beds - Holes shall be taken as wide as root ball and minimum 100mm deeper - backfill hole with 50/50 mix of clean site soil and imported 'Organic Garden Mix' as supplied by ANL or approved equal.

Mass Planting Beds - Install specified soil conditioner to a compacted depth of 100mm. Place the specified soil conditioner to the required compacted depth and use a rotary hoe to thoroughly mix the conditioner into the top 300mm of garden bed soil. Ensure thorough mixing and the preparation of a reasonably fine 10th and good growing medium in preparation for planting.

Turf Areas - Install specified soil mix to a minimum compacted depth of 75mm. Place the specified soil mix to the required compacted depth and grade to required finished soil levels, in preparation for planting and turfing.

PLANTING

3.01 MATERIALS

a) Quality and Size of Plant Material

All trees supplied above a 25L container size must be grown and planted in accordance with **AS 2303:2018 'TREE STOCK FOR LANDSCAPE USE'** Certification that trees have been grown to AS 2303:2018 is to be provided upon request of Council's Tree Management Officer.

Below - Ground Assessment

The following plant quality assessment criteria should be followed:

Plant true to type, Good vigour and health, free from pest & disease, free from injury, self-supporting, good stem taper, has been pruned correctly, is apically dominant, has even crown symmetry, free from included bark & stem junctions, even form position in pot, good stem structure

Below - Ground Assessment

Good root division & direction, rootball occupancy, rootball depth, height of crown, non-suckering For further explanation and description of these assessment criteria, refer to Rose Clark's book.

All plant material shall be to the type and size specified. No substitutions of plant material shall be permitted without written prior approval by the Landscape Architect. No plant shall be accepted which does not conform to the standards listed above.

b) Stakes and Ties

Provide min. 3 No. Stakes and ties to all plants identified as trees in the plant schedule. Stakes shall be sound, unpainted, straight hardwood, free of knots and pointed at one end. They shall be 1800mm x 50mm x 50mm Hardwood timber, or as per council specification where available. Ties shall be 50mm wide hessian webbing material.

c) Fertilisers

Fertilisers shall be approved slow release fertilisers suitable for the proposed planting types. Note that for native plants, specifically Proteaceae family plants including Grevillea species, low phosphorus fertilisers shall be used.

d) Mulch

Mulch for general planter bed shall be an approved equal to 'Eucy Mulch' or approved equivalent naturally sourced organic mulch' as supplied by ANL. Mulch shall be completely free from any soil, weeds, rubbish or other debris. Mulch for bio-retention garden area where is required shall be non-flammable materials that could include coated rock, gravel, coarse river sand, scoria or river pebbles, 4-7mm screenings or similar.

e) Turf

Turf for project site shall be soft leaf Buffalo or 'Zoyzia macarantha 'Nana' or equivalent unless stated otherwise), free from any weeds and other grasses, and be in a healthy growing condition. Re-turfing to nature strip where is required shall use species that match existing on street.

3.02 INSTALLATION

a) Setting Out

All planting set out shall be in strict accordance with the drawings, or as directed. Note that proposed tree planting located near services should be adjusted at this stage. Notify Landscape Architect for inspection for approval prior to planting.

b) Planting

All plant material shall be planted as soon after delivery as possible. Planting holes for trees shall be excavated as detailed and specified. Plant containers shall be removed and discarded, and the outer roots gently teased from the soil mass. Immediately set plant in hole and backfill with specified soil mix, incorporating the approved quantity of fertiliser for each plant type. Ensure that plants are set plant vertically and root balls set to the consolidated finished grades detailed on the drawings. Compact the backfilled soil and saturate by hand watering to expel any remaining air pockets immediately after planting.

c) Staking and Tying

Staking and tying shall be in strict accordance with the drawings and shall occur immediately following plant placement and soil backfilling. All plants identified as 'Tree' on the planting schedule shall be staked with a min. 3 stakes.

d) Mulching

No combustible mulch should be used onsite. Mulch should be spread so that a compacted thickness of 75mm is achieved after settlement in all planting beds and around each individual plant. Apply immediately following planting and watering in, ensuring that a 50mm radius is maintained around the trunk of each plant. There shall be no mixing of soil and mulch material.

e) Turfing

Moisten soil prior to the turf being laid. Turf shall be neatly butt jointed and true to grade to finish flush with adjacent surfaces. Incorporate a lawn fertilizer and thoroughly water in. Keep turf moist until roots have taken and sods fully cannot be lifted. Keep all traffic off turf until this has occurred. Allow for top dressing of all turf areas. All turf shall be rolled immediately following installation.

f) Metal Edging

Where is required, the Contractor shall install Metal Edging as detailed on the drawings, to all mass planting beds adjoining turf or gravel installed areas, and where required. The resultant edge shall be to line and flush with adjacent surfaces. However, no edging shall be used within the Structural Root Zone (SRZ) of trees to be retained.

g) Earth retaining structure

All walls which form part of drainage works must be built as detailed by the hydraulic engineer. All walls exceeding 800mm shall be of 100mm timber construction materials, construction details to be provided by a qualified engineer. Install wall to suit site levels and to manufacturers' specification.

HAIRSCAPE WORKS

4.01 GENERAL

The Contractor shall undertake the installation of all hardscape works as detailed on the drawing, or where not detailed, by manufacturers specification.

Paving - refer to typical details provided, and applicable Australian Standards. Permeable paving may be used as a suitable means of satisfying Council permeable surface requirements, while providing a suitable, hardwearing, practical surface. In most instances, the client shall nominate the appropriate paving material to be used.

Australian Standards shall be adhered to in relation to all concrete, masonry & metal work. Some details are typical and may vary on site. All hardscape works shall be setout as per the drawings, and inspected and approved by the Landscape Architect prior to installation. All workmanship shall be of the highest standard. Any queries or problems that arise from hardscape variations should be brought to the attention of the Landscape Architect.

Your attention is directed to any obligations or responsibilities under the Dividing Fences Act, 1991 in respect of adjoining property owner's which may arise from this application. Any enquiries in this regard may be made to the Crown Lands Division on 02 8638 5332.

IRRIGATION WORKS

5.01 GENERAL (PERFORMANCE SPECIFICATION)

New irrigation systems to planting areas shall be a Commercial Grade Irrigation System conforming to all relevant Australian standards, including AS 3600 & the Electrical Safety Act 2002, Workplace Health & Safety Act 2017, & the latest Sydney Water Code

An automated drip-irrigation system is to be installed to all gardens, planters and lawn areas in accordance with the approved Irrigation Design. This system shall be designed and installed by a qualified and licensed irrigation specialist, to industry standards and to maximise the efficient usage of water.

Drawings:

The Landscape Contractor nominated Licensed Irrigation Specialist shall provide irrigation drawings for approval upon engagement.

Design Requirements:

The irrigation system shall be installed prior to all planting works. It shall incorporate a commercially available irrigation system, with sub-surface dripper lines to irrigate all gardens, planters and lawn areas.

It shall incorporate a suitable back flow prevention device for the scale of works, an in-line filter, check valves, and suitable high and low density poly hose fittings and PVC piping to achieve flow rates suitable for specified planting.

The irrigation application rate shall not exceed the infiltration rate of the soil or creates run-off.

The landscape contractor shall check the existing pressure available from the ring mains and size irrigation piping to suit. Supply shall be from local hose cock where available.

All piping and fittings shall be buried 50mm below the finished soil levels in garden and lawn areas, and secured in position at 500mm centres with galv wire pins.

Size of pipe shall be selected to ensure the working pressure at the end of the line does not decrease by more than 5%.

Services Coordination:

Co-ordination required by Landscape Contractor or Project Manager to provide required conduit, pipe work and penetration through slabs and planter walls for water and power provisions.

The Landscape Contractor shall be engaged with the Irrigation Specialist to co-ordinate with the Project Manager to identify the preferred service and conduit locations.

Project Manager and Landscape Contractor to establish area suitable for irrigation control system with required area, power provision and water supply.

Testing & Defects:

Upon completion of installation, the system shall be tested, including:

Main Line Pressure Test: The main line is pressurised to test for leaks. All valves are shut and the pressure is taken over a determined length of time.

Dripper Pressure Test: Measurement at flushing valves are taken and the pressure gauged to make sure it conforms to the manufacturer recommendations. The inlet pressure is then tested under the same conditions to check it does not exceed 300kpa.

All components are to be satisfactorily functional and operational prior to approval. Should any defect develop, or the capacity or efficiency of the system decline during the agreed maintenance system, then these faults shall be immediately rectified.

Warranty:

A full 12 month warranty shall be included to cover labour and all parts.

Further Documentation:

On request, a detailed irrigation performance specification report can be issued.

CONSOLIDATION AND MAINTENANCE

6.01 GENERAL

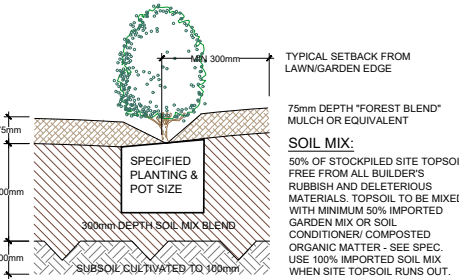
The consolidation and maintenance period shall be either:

- 6 months beginning from the approved completion of the specified construction work (Practical Completion)
- as agreed to in the landscape contractors contractual obligations.
- or as specified by Council in the Determination.

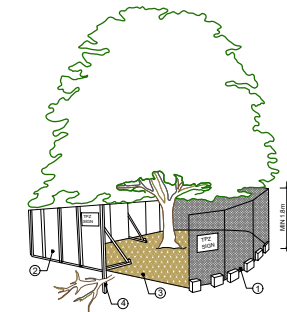
A qualified landscape maintenance contractor shall undertake the required landscape maintenance works. Consolidation and maintenance shall mean the care and maintenance of Contracted works by accepted landscaping or horticultural practices, ensuring that all plants are in optimum growing conditions and appearance at all times, as well as rectifying any defects that become apparent in the contracted works.

This shall include, but not be limited to, the following items where and as required:

- Watering all planting and lawn areas / irrigation maintenance.
  - Cleaning litter and other debris from landscaped areas.
  - Removal of weeds, pruning and general plant maintenance.
  - Replacement of damaged, stolon or unhealthy plants.
  - Make good areas of soil subsidence or erosion.
  - Topping up of mulched areas.
  - Spray / treatment for insect and disease control.
  - Fertilizing with approved fertilizers at correct rates.
  - Mowing lawns & trimming edges each 14 days in summer or 18 days in winter.
  - Adjusting ties to Stakes.
  - Maintenance of all paving, retaining and hardscape elements.
- On the completion of the maintenance period, the landscape works shall be inspected and at the satisfaction of the superintendent or landscape architect, the responsibility will be signed over to the client.

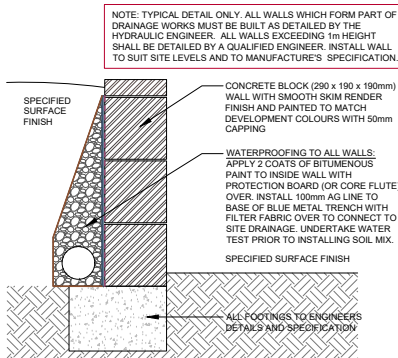


TYPICAL GARDEN PREPARATION DETAIL  
SCALE 1:10

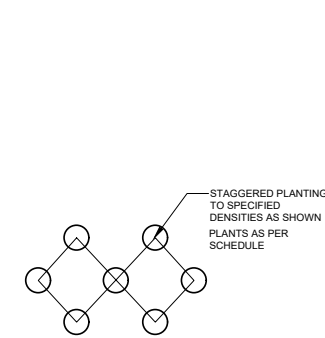


PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

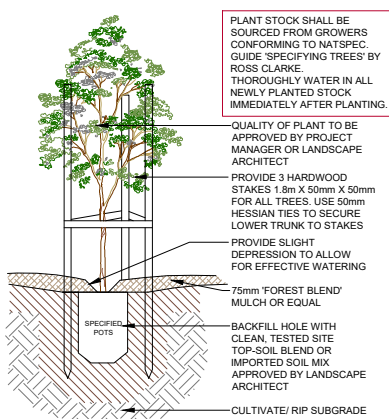
TREE PROTECTION ZONE  
N.T.S



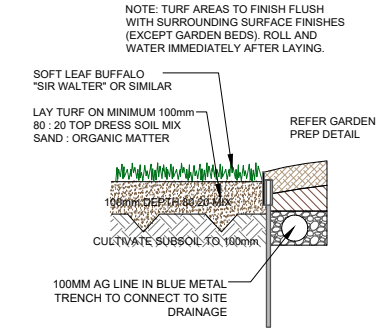
RETAINING WALL DETAIL  
SCALE 1:10



MASS PLANTING SETOUT  
N.T.S



TREE PLANTING DETAIL  
SCALE: 1:10



TYPICAL TURF AND STEEL EDGE DETAIL  
SCALE: 1:10

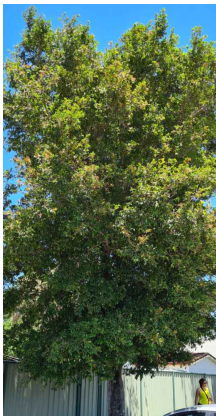
PLANT IMAGES



Pyrus calleryana



Ulmus parvifolius



Acmena smithii



Alcantarea imperialis 'Rubra'



Alpinia caerulea 'Red Back'



Carpobrotus 'Aussie Rambler'



Rhaphiolepis indica

Alcantarea imperialis 'Rubra'

Alpinia caerulea 'Red Back'

Carpobrotus 'Aussie Rambler'

Rhaphiolepis indica



Syzygium 'Cascade'



Philodendron 'Xanadu'



Liriope muscari 'Just Right'



Viola hederacea

STORMWATER MANAGEMENT PLANS  
PROPOSED ALTERATIONS & ADDITIONS  
Lot 10, 12 BARANA PARADE, ROSEVILLE CHASE

NOT FOR CONSTRUCTION

DRAINAGE NOTES

PIPE SIZE:

THE MINIMUM PIPE SIZE SHALL BE:

- 90mm DIA WHERE THE LINE ONLY RECEIVES ROOFWATER RUNOFF; OR
- 100mm DIA WHERE THE LINE RECEIVES RUNOFF FROM PAVED OR UNPAVED AREAS ON THE PROPERTY

THE MINIMUM PIPE VELOCITY SHOULD BE 0.6 m/s AND A MAXIMUM PIPE VELOCITY OF 6.0 m/s DURING THE DESIGN STORM.

PIPE GRADE:

THE MINIMUM PIPE GRADE SHALL BE:

- 1.0% FOR PIPES LESS THAN 225mm DIA
- 0.5% FOR ALL LARGER PIPES

PIPES WITH A GRADIENT GREATER THAN 20% WILL REQUIRE ANCHOR BLOCKS AT THE TOP AND BOTTOM OF THE INCLINED SECTION; AND AT INTERVALS NOT EXCEEDING 3.0m

ANCHOR BLOCKS ARE DESIGNED ACCORDING TO CLAUSE 7.9 OF AS3500.3:2021

DEPTH OF COVER FOR PVC PIPES:

MINIMUM PIPE COVER SHALL BE AS FOLLOWS:

LOCATION	MINIMUM COVER
NOT SUBJECT TO VEHICLE LOADING	100mm SINGLE RESIDENTIAL 300mm ALL OTHER DEVELOPMENTS
SUBJECT TO VEHICLE LOADING UNDER A SEALED ROAD	450mm WHERE NOT IN A ROAD
UNSEALED ROAD	600mm
PAVED DRIVEWAY	750mm
	100mm PLUS DEPTH OF CONCRETE

SEE AS2032 INSTALLATION OF UPVC PIPES FOR FURTHER INFORMATION.

CONCRETE PIPE COVER SHALL BE IN ACCORDANCE WITH AS3725-2007 LOADS ON BURIED CONCRETE PIPES, HOWEVER A MINIMUM COVER OF 450mm WILL APPLY.

WHERE INSUFFICIENT COVER IS PROVIDED, THE PIPE SHALL BE COVERED AT LEAST 50mm THICK OVERLAY AND SHALL THEN BE PAVED WITH AT LEAST:

- 150mm REINFORCED CONCRETE WHERE SUBJECT TO HEAVY VEHICLE TRAFFIC;
- 75mm THICKNESS OF BRICK OR 100mm OF CONCRETE PAVING WHERE SUBJECT TO LIGHT VEHICLE TRAFFIC; OR
- 50mm THICK BRICK OR CONCRETE PAVING WHERE NOT SUBJECT TO VEHICLE TRAFFIC.

CONNECTIONS TO STORMWATER DRAINS UNDER BUILDINGS:

SHALL BE CARRIED OUT IN ACCORDANCE WITH SECTION 6.2.8 OF AS3500.3:2021

ABOVE GROUND PIPEWORK:

SHALL BE CARRIED OUT IN ACCORDANCE WITH SECTION 6 OF AS3500.3:2021

PIT SIZES AND DESIGN:

DEPTH (mm)	MINIMUM PIT SIZE (mm)
UP TO 450mm	450 x 450
450mm TO 600mm	600 x 600
600mm TO 900mm	600 x 900
900mm TO 1500mm	900 x 900 (WITH STEP IRONS)
1500mm TO 2000mm	1200 x 1200 (WITH STEP IRONS)

ALL PIPES SHOULD BE CUT FLUSH WITH THE WALL OF THE PIT.

PITS GREATER THAN 600mm DEEP SHALL HAVE A MINIMUM ACCESS OPENING OF 600 x 600mm

THE GRATED COVERS OF PITS LARGER THAN 600 x 600mm ARE TO BE HINGED TO PREVENT THE GRATE FROM FALLING INTO THE PIT.

THE BASE OF THE DRAINAGE PITS SHOULD BE AT THE SAME LEVEL AS THE INVERT OF THE OUTLET PIPE. RAINWATER SHOULD NOT BE PERMITTED TO POND WITHIN THE STORMWATER SYSTEM

- TRENCH DRAINS:**  
CONTINUOUS TRENCH DRAINS ARE TO BE OF WIDTH NOT LESS THAN 150mm AND DEPTH NOT LESS THAN 100mm. THE BARS OF THE GRATING ARE TO BE PARALLEL TO THE DIRECTION OF SURFACE FLOW.
- STEP IRONS:**  
PITS BETWEEN 1.2m AND 6m ARE TO HAVE STEP IRONS IN ACCORDANCE WITH AS1657. FOR PITS GREATER THAN 6m OTHER MEANS OF ACCESS MUST BE PROVIDED.
- IN-SITU PITS:**  
IN-SITU PITS ARE TO BE CONSTRUCTED ON A CONCRETE BED OF AT LEAST 150mm THICK. THE WALLS ARE TO BE DESIGNED TO MEET THE MINIMUM REQUIREMENTS OF CLAUSE 7.5.5.1 OF AS3500.3:2021. PITS DEEPER THAN 1.8m SHALL BE CONSTRUCTED WITH REINFORCED CONCRETE.
- GRATES:**  
GRATES ARE TO BE GALVANISED STEEL GRID TYPE. GRATES ARE TO BE OF HEAVY-DUTY TYPE IN AREAS WHERE THEY MAY BE SUBJECT TO VEHICLE LOADING.

CLASS	USE
A	EXTRA LIGHT DUTY
B	LIGHT DUTY
C	MEDIUM DUTY
D	HEAVY DUTY
E	EXTRA HEAVY DUTY
F	EXTRA HEAVY DUTY
G	EXTRA HEAVY DUTY

CLASS	USE
A	EXTRA LIGHT DUTY
B	LIGHT DUTY
C	MEDIUM DUTY
D	HEAVY DUTY
E	EXTRA HEAVY DUTY
F	EXTRA HEAVY DUTY
G	EXTRA HEAVY DUTY

GENERAL NOTES

- FINAL LOCATION OF NEW DOWNPIPES TO BE DETERMINED BY BUILDER/ARCHITECT AT TIME OF CONSTRUCTION.
- THESE DRAWINGS TO BE READ IN CONJUNCTION WITH ARCHITECTS AND OTHER CONSULTANTS DRAWINGS. ANY DISCREPANCIES TO BE REFERRED TO THE ENGINEER BEFORE PROCEEDING WITH WORK.
- ALL MATERIALS AND WORKMANSHIP TO BE IN ACCORDANCE WITH AS/NZS 3500.3:2021 STORMWATER DRAINAGE, BCA AND LOCAL COUNCIL POLICY/CONSENT/REQUIREMENTS.
- ALL DIMENSIONS AND LEVELS TO BE VERIFIED BY BUILDER ON-SITE PRIOR TO COMMENCEMENT OF WORKS. THESE DRAWINGS ARE NOT TO BE SCALED FOR DIMENSIONS NOR TO BE USED FOR SETOUT PURPOSES.
- ALL SURVEY INFORMATION AND PROPOSED BUILDING AND FINISHED SURFACE LEVELS SHOWN IN THESE DRAWINGS ARE BASED ON LEVELS OBTAINED FROM DRAWINGS BY OTHERS. THESE DRAWINGS DEPICT THE DESIGN OF SURFACE STORMWATER RUNOFF DRAINAGE SYSTEMS ONLY AND DO NOT DEPICT ROOF DRAINAGE OR SUBSOIL DRAINAGE SYSTEMS UNLESS NOTED OTHERWISE. THE DESIGN OF ROOF AND SUBSOIL DRAINAGE SYSTEMS IS THE RESPONSIBILITY OF OTHERS.
- ALL STORMWATER DRAINAGE PIPES ARE TO BE uPVC AT MINIMUM 1% GRADE UNLESS NOTED OTHERWISE.
- IT IS THE CONTRACTORS RESPONSIBILITY TO LOCATE AND LEVEL ALL EXISTING SERVICES OR OTHER STRUCTURES WHICH MAY AFFECT/BE AFFECTED BY THIS DESIGN PRIOR TO COMMENCEMENT OF WORKS.
- ALL PITS WITHIN DRIVEWAYS TO BE 150mm THICK CONCRETE OR EQUAL.
- THIS PLAN IS THE PROPERTY OF QUANTUM ENGINEERS AND MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION FROM QUANTUM ENGINEERS.

PLAN NOTES

- ROOF DRAINAGE NOTE:** AS 3500 ROOF DRAINAGE REQUIRES EAVES GUTTERS TO BE SIZED FOR 20 YEAR 5 MIN. STORM = 205mm/hr. FOR EAVES GUTTERS, AS 3500.3:2021 THEN HAS THE FOLLOWING REQUIREMENTS:
  - FOR TYPICAL STANDARD QUAD GUTTER WITH  $A_e = 6000\text{mm}^2$  AND GUTTER SLOPE 1:500 AND STEEPER, THIS REQUIRES ONE DOWNPIPE PER  $30\text{m}^2$  ROOF AREA.
  - DOWNPIPES TO BE MINIMUM 90mm DIA. OR 100 x 50mm FOR GUTTERS SLOPE 1:500 AND STEPPER.
  - OVERFLOW METHOD TO FIGURE F.1 OF AS 3500.3:2021 IT IS THE RESPONSIBILITY OF THE PLUMBER AND / OR BUILDER TO COMPLY WITH THIS. THIS DRAWING SHOWS PRELIMINARY LOCATIONS / NUMBERS OF DOWNPIPES ONLY WHICH ARE TO BE VERIFIED BY BUILDER / PLUMBER
- TREE PRESERVATION:** IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN ANY PRIOR APPROVAL REQUIRED FROM COUNCIL WITH RESPECT TO POTENTIAL IMPACT ON TREES FOR ANY WORKS SHOWN ON THIS DRAWING PRIOR TO THE COMMENCEMENT OF THOSE WORKS
- ALL ROOF GUTTERS TO HAVE OVERFLOW PROVISION IN ACCORDANCE WITH AS 3500.3:2021 AND SECTIONS 3.5, 3.7.7 AND APPENDIX G OF AS 3500.3:2021
- THIS DRAWING IS NOT TO BE USED FOR SET-OUT PURPOSES - REFER TO ARCHITECTURAL DRAWINGS
- LOCATION OF SURFACE STORMWATER GRATED INLET PITS MAY BE VARIED OR NEW PITS INSTALLED AT THE CONSTRUCTION STAGE PROVIDED DESIGN INTENT OF THIS DRAWING IS MAINTAINED

SURFACE INLET PIT		<b>LEGEND</b>	GRATED TRENCH DRAIN	
SURFACE INLET PIT (WITH ENVIROPOD 200 MICRON)			ABSORPTION TRENCH	
ACCESS GRATE (WITH ENVIROPOD 200 MICRON)			PROPOSED ROOF GUTTER FALL	
ACCESS GRATE (TO HED PIT)			PROPOSED DOWNPIPE SPREADER	
450 SQUARE INTERVAL	450 X 450		STORMWATER PIPE 100mm DIA. MIN. UNO	
GRATE LEVEL = 75.50	SL 75.50		SUBSOIL PIPE	
INVERT LEVEL = RL 75.20	IL 75.20		EXISTING STORMWATER PIPE	
PROPOSED DOWNPIPE 90mm DIA. PVC			INSPECTION RISER	
			RAINWATER HEAD	



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APPROVED BY

ROBERT ELTOBBAGI  
BE(CIVIL) MIEAust CPEng  
NER (1052208) RPEQ (25464)  
APEC Engineer IntPE(Aus)

CLIENT

CASA FABRICA

OWNER

PANOYAN RESIDENCE

DRAWING TITLE

DETAILS, NOTES & LEGEND

PROPOSED ADDITIONS

Lot 10, 12 BARANA PARADE,  
ROSEVILLE CHASE

REVISION

DRAWN

DESCRIPTION

DATE

DESIGNED BY

No. IN SET

A

EW

ISSUED FOR DA

03.10.2024

EW

6

B

EW

RE-ISSUED FOR DA

04.10.2024

SCALE - SIZE

REVISION

-

B

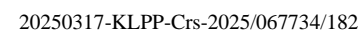
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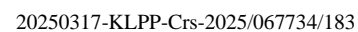
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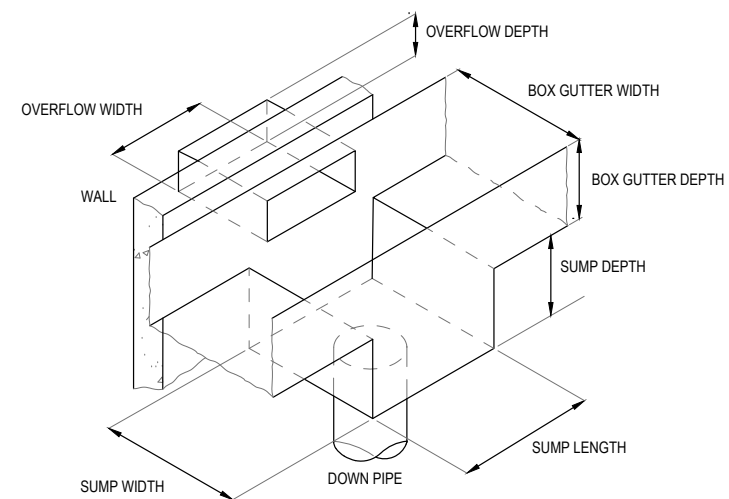
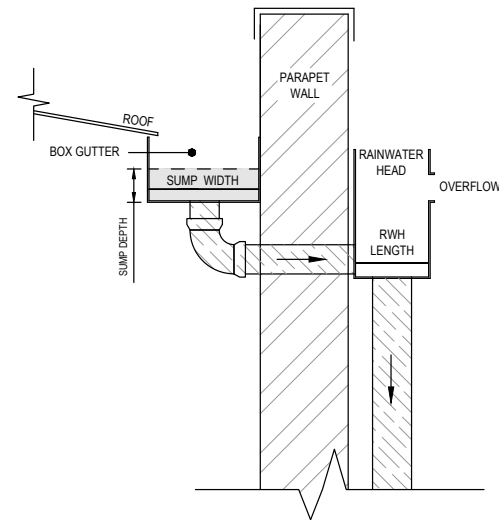
150051\_SW


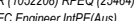
D1









 <div><b>QUANTUM ENGINEERS</b> Suite 1A, Level 2, 2 Rowe Street, EASTWOOD NSW 2122 02 9807 7800 admin@quantumengineers.com.au quantumengineers.com.au</div>	<b>APPROVED BY</b> ROBERT ELTOBAGI BE(CIVIL) MIEAust CPEng NER (1052208) RPEQ (25464) APEC Engineer IntPE(Aus) 	CLIENT CASA FABRICA	DRAWING TITLE STORMWATER DETAILS	REVISION A B	DRAWN EW EW	DESCRIPTION ISSUED FOR DA RE-ISSUED FOR DA	DATE 03.10.2024 04.10.2024	DESIGNED BY EW	No. IN SET 6
		OWNER PANOYAN RESIDENCE	PROPOSED ADDITIONS Lot 10, 12 BARANA PARADE, ROSEVILLE CHASE					SCALE - SIZE AS NOTED - A3	REVISION B
								JOB NUMBER 150051_SW	DRAWING No. D4



DUST CONTROL:

• NOTE: DURING EXCAVATION, DEMOLITION AND CONSTRUCTION, ADEQUATE MEASURES SHALL BE TAKEN TO PREVENT DUST FROM AFFECTING THE AMENITY OF THE NEIGHBORHOOD.

THE FOLLOWING MEASURES MUST BE ADOPTED:

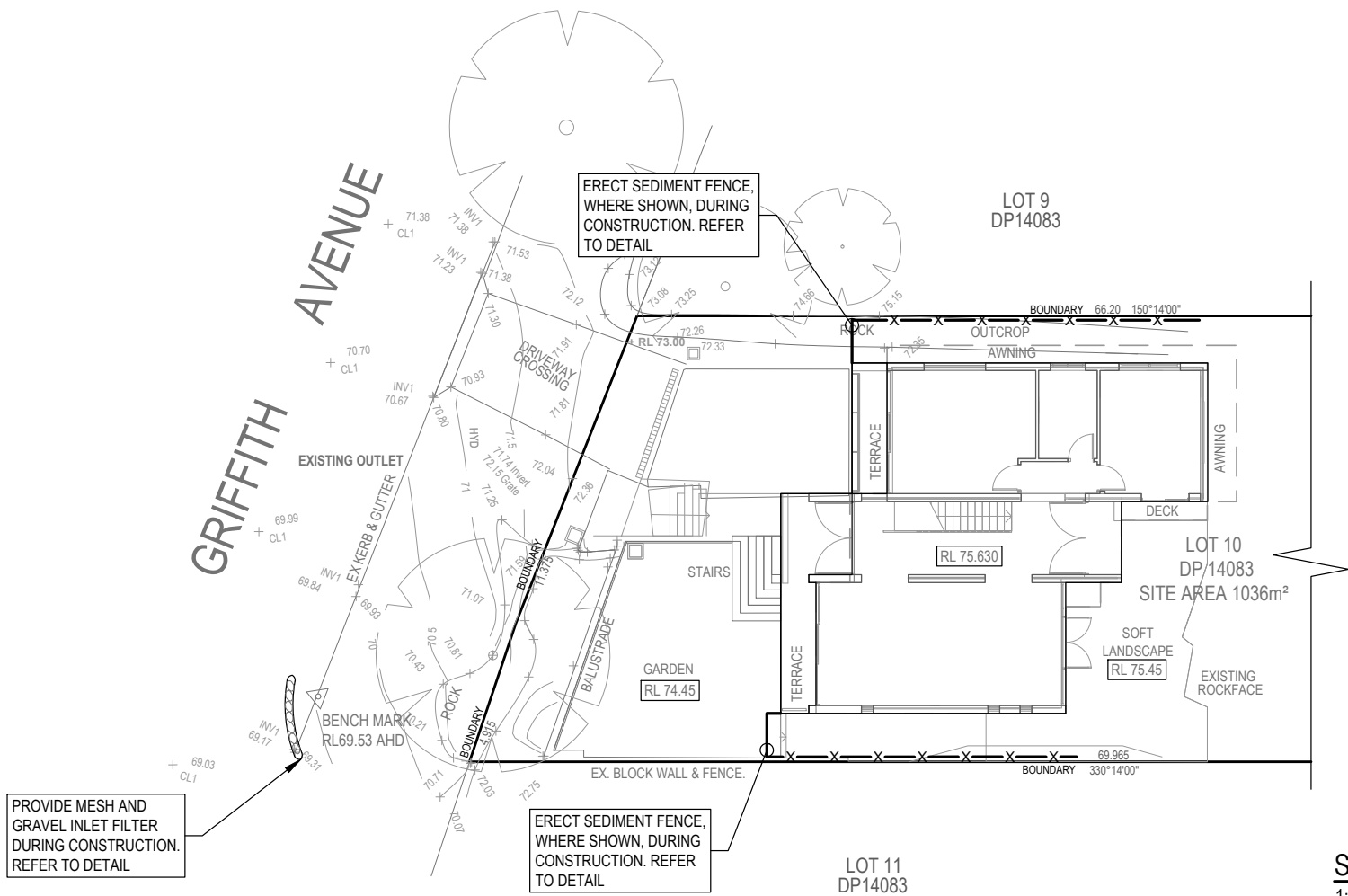
1. PHYSICAL BARRIERS SHALL BE ERECTED AT RIGHT ANGLES TO PREVENT WIND DIRECTION OR SHALL BE PLACED AROUND OR OVER DUST SOURCES TO PREVENT WIND OR ACTIVITY FROM GENERATING DUST.
2. EARTHWORKS AND SCHEDULING ACTIVITIES SHALL BE MANAGED TO COINCIDE WITH THE NEXT STAGE OF DEVELOPMENT TO MINIMISE THE AMOUNT OF TIME THE SITE IS LEFT TO CUT OR EXPOSED.
3. ALL MATERIALS SHALL BE STORED OR STOCKPILED AT THE BEST LOCATIONS.
4. THE GROUND SURFACE SHOULD BE DAMPENED SLIGHTLY TO PREVENT DUST FROM BECOMING AIRBORNE BUT SHOULD NOT BE WET TO THE EXTENT THAT RUN-OFF OCCURS.
5. ALL VEHICLES CARRYING SOIL OR RUBBLE TO OR FROM THE SITE SHALL AT ALL TIMES BE COVERED TO PREVENT THE ESCAPE OF DUST.
6. ALL EQUIPMENT WHEELS SHALL BE WASHED BEFORE EXISTING THE SITE USING MANUAL OR AUTOMATED SPRAYERS AND DRIVE - THROUGH WASHING BAYS.
7. GATES SHALL BE CLOSED BETWEEN VEHICLE MOVEMENTS SHALL BE FITTED WITH SHADE CLOTH.
8. CLEANING OF FOOTPATHS AND ROADWAYS SHALL CARRIED OUT DAILY.
9. ALL BUILDERS REFUSE, SPOIL AND/OR MATERIAL UNSUITABLE FOR USE IN LANDSCAPE AREAS SHALL BE REMOVED FROM SITE ON COMPLETION OF THE BUILDING WORKS.

NOTES:

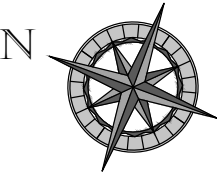
1. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED DAILY BY SITE MANAGER IN ACCORDANCE WITH COUNCIL REQUIREMENTS.
2. ALL STOCKPILES TO BE CLEAR FROM DRAINS, GUTTERS AND FOOTPATHS.
3. DRAINAGE IS TO BE CONNECTED TO STORMWATER SYSTEM AS SOON AS POSSIBLE.
4. ROADS AND FOOTPATH TO BE SWEEPED DAILY AS REQUIRED BY COUNCIL.
5. IF YOU DO NOT COMPLY WITH COUNCIL REQUIREMENTS & DOCUMENTATION, YOU MAY BE LIABLE TO PROSECUTION FROM GOVERNMENT AUTHORITIES.

LEGEND:

UNDISTURBED VEGETATION	
SEDIMENT FENCE	
STOCK PILES	
STABILIZED SITE ACCESS	
MESH & GRAVEL INLET FILTER	
WATER DIVERSION	
STORMWATER PIT WITH SEDIMENT BARRIER	



SEDIMENT CONTROL PLAN  
1:200 - A3



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APEC Engineer IntPE(Aus)

CLIENT

CASA FABRICA

OWNER

PANOYAN RESIDENCE

DRAWING TITLE

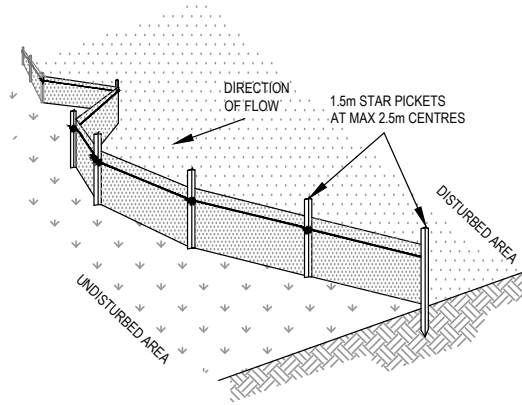
SEDIMENT CONTROL PLAN

PROPOSED ADDITIONS

Lot 10, 12 BARANA PARADE,  
ROSEVILLE CHASE

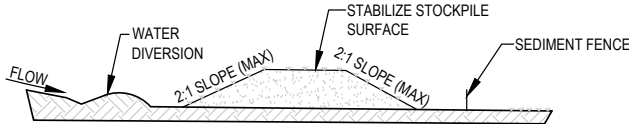
REVISION	DRAWN	DESCRIPTION	DATE	DESIGNED BY	No. IN SET
A	EW	ISSUED FOR DA	03.10.2024	EW	6
B	EW	RE-ISSUED FOR DA	04.10.2024		

SCALE - SIZE	REVISION
1:200 - A3	B
JOB NUMBER	DRAWING No.
150051_SW	D5



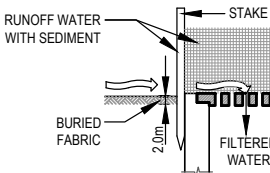
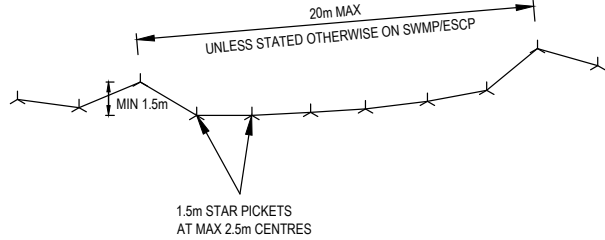
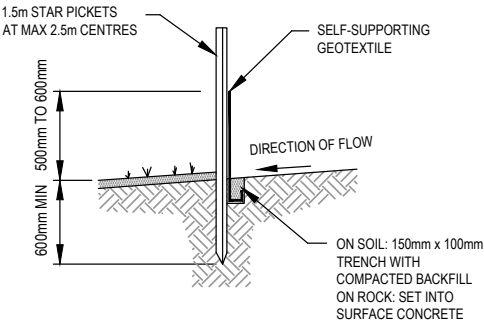
SEDIMENT FENCE DETAIL  
NTS

- CONSTRUCTION NOTES:**
1. CONSTRUCT SEDIMENT FENCES AS CLOSE AS POSSIBLE TO BEING PARALLEL TO THE CONTOURS OF THE SITE, BUT WITH SMALL RETURNS AS SHOWN IN THE DRAWING TO LIMIT THE CATCHMENTS AREA OF ANY ONE SECTION. THE CATCHMENTS AREA SHOULD BE SMALL ENOUGH TO LIMIT WATER FLOW IF CONCENTRATED AT ONE POINT TO 50 LITRES PER SECOND IN THE DESIGN STORM EVENT, USUALLY THE 10 YEAR EVENT.
  2. CUT A 150mm DEEP TRENCH ALONG THE UPSLOPE LINE OF THE FENCE FOR THE BOTTOM OF THE FABRIC TO BE ENTRENCHED.
  3. DRIVE 1.5m LONG STAR PICKETS INTO GROUND AT 2.5m INTERVALS (MAX) AT THE DOWNSLOPE EDGE OF THE TRENCH. ENSURE ANY STAR PICKETS ARE FITTED WITH SAFETY CAPS.
  4. FIX SELF-SUPPORTING GEOTEXTILE TO THE UPSLOPE SIDE OF THE POSTS ENSURING IT GOES TO THE BASE OF THE TRENCH. FIX THE GEOTEXTILE WITH WIRE TIES OR AS RECOMMENDED BY THE MANUFACTURER. ONLY USE GEOTEXTILE SPECIFICALLY PRODUCED FOR SEDIMENT FENCING. THE USE OF SHADE CLOTH FOR THIS PURPOSE IS NOT SATISFACTORY.
  5. JOIN SECTIONS OF FABRIC AT A SUPPORT POST WITH 150mm OVERLAP.
  6. BACKFILL THE TRENCH OVER THE BASE OF THE FABRIC AND COMPACT IT THOROUGHLY OVER THE GEOTEXTILE.



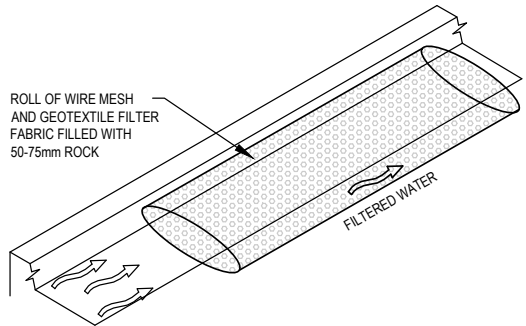
STOCKPILE  
NTS

- NOTE:**
1. PLACE STOCKPILES MORE THAN 2 (PREFERABLY 5) METRES FROM EXISTING VEGETATION, CONCENTRATED WATER FLOW, ROADS AND HAZARD AREAS.
  2. CONSTRUCT ON THE CONTOUR AS LOW, FLAT, ELONGATED MOUNDS.
  3. WHERE THERE IS SUFFICIENT AREA, TOPSOIL STOCKPILES SHALL BE LESS THAN 2 METRES IN HEIGHT.
  4. WHERE THEY ARE TO BE IN PLACE FOR MORE THAN 10 DAYS, STABILIZE FOLLOWING THE APPROVED ESCP OR SWMP TO REDUCE THE C-FACTOR TO LESS THAN 0.10.
  5. CONSTRUCT EARTH BANKS (LOW FLOW) ON THE UPSLOPE SIDE TO DIVERT WATER AROUND STOCKPILES AND SEDIMENT FENCES 1 TO 2 METRES ON THE DOWNSLOPE.



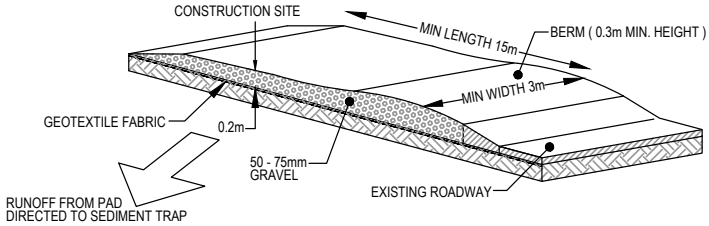
SEDIMENT BARRIER AROUND PIT  
NTS

- CONSTRUCTION NOTES:**
1. FABRICATE A SEDIMENT BARRIER MADE FROM GEOTEXTILE OR STRAW BALES.
  2. FOLLOW STRAW FILTER AND SEDIMENT FENCE FOR INSTALLATION PROCEDURES FOR THE STRAW BALES OR GEOTEXTILE. REDUCE THE PICKET SPACING TO 1 METRE CENTRES.
  3. IN WATERWAYS, ARTIFICIAL SAG POINTS CAN BE CREATED WITH SANDBAGS OR EARTH BANKS AS SHOWN IN THE DRAWING.
  4. DO NOT COVER THE INLET WITH GEOTEXTILE UNLESS THE DESIGN IS ADEQUATE TO ALLOW FOR ALL WATERS TO BYPASS IT.



MESH AND GRAVEL FILTER  
NTS

- CONSTRUCTION NOTES:**
1. INSTALL FILTERS TO KERB INLETS ONLY AT SAG POINTS
  2. FABRICATE A SLEEVE MADE FROM GEOTEXTILE OR WIRE MESH LONGER THAN THE LENGTH OF THE INLET PIT AND FILL IT WITH 25mm TO 50mm GRAVEL.
  3. FORM AN ELLIPTICAL CROSS-SECTION ABOUT 150mm(h) x 400mm(w).
  4. PLACE THE FILTER AT THE OPENING LEAVING AT LEAST 100mm SPACE BETWEEN IT AND THE KERB INLET. MAINTAIN THE OPENING WITH SPACER BLOCKS.
  5. FORM A SEAL WITH THE KERB TO PREVENT SEDIMENT BYPASSING THE FILTER.
  6. SANDBAGS FILLED WITH GRAVEL CAN SUBSTITUTE FOR THE MESH OR GEOTEXTILE PROVIDING THEY ARE PLACED SO THAT THEY FIRMLY ABUT EACH OTHER AND SEDIMENT-LADEN WATERS CANNOT PASS BETWEEN.



STABILIZED SITE ACCESS  
NTS

- CONSTRUCTION NOTES:**
1. STRIP THE TOPSOIL, LEVEL THE SITE AND COMPACT THE SUBGRADE
  2. COVER THE AREA WITH NEEDLE-PUNCHED GEOTEXTILE
  3. CONSTRUCT A 200mm THICK PAD OVER THE GEOTEXTILE USING ROAD BASED OR 30mm AGGREGATE
  4. ENSURE THE STRUCTURE IS AT LEAST 15m LONG OR TO BUILD ALIGNMENT AND AT LEAST 3 METRES WIDE.
  5. WHERE A SEDIMENT FENCE JOINS ONTO THE STABILIZED ACCESS, CONSTRUCT A HUMP IN THE STABILIZED ACCESS TO DIVERT WATER TO THE SEDIMENT FENCE.



**APPROVED BY**  
ROBERT ELTOBBAGI  
BE(CIVIL) MIEAust CPEng  
NER (1052208) RPEQ (25464)  
APEC Engineer IntPE(Aus)

**CLIENT**  
CASA FABRICA  
  
**OWNER**  
PANOYAN RESIDENCE

**DRAWING TITLE**  
SEDIMENT DETAILS  
  
**PROPOSED ADDITIONS**  
Lot 10, 12 BARANA PARADE,  
ROSEVILLE CHASE

REVISION	DRAWN	DESCRIPTION	DATE
A	EW	ISSUED FOR DA	03.10.2024
B	EW	RE-ISSUED FOR DA	04.10.2024

DESIGNED BY	No. IN SET
EW	6
SCALE - SIZE	REVISION
AS NOTED - A3	B
JOB NUMBER	DRAWING No.
150051_SW	D6

# BASIX<sup>®</sup>Certificate

Building Sustainability Index [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

## Alterations and Additions

Certificate number: A1767171

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

Secretary

Date of issue: Wednesday, 02 October 2024

To be valid, this certificate must be lodged within 3 months of the date of issue.



Project address	
Project name	Griffith Avenue
Street address	12 BARANA - ROSEVILLE CHASE 2069
Local Government Area	Ku-ring-gai Council
Plan type and number	Deposited Plan DP14083
Lot number	10
Section number	-
Project type	
Dwelling type	Dwelling house (detached)
Type of alteration and addition	The estimated development cost for my renovation work is \$50,000 or more, and does not include a pool (and/or spa).
N/A	N/A
<b>Certificate Prepared by</b> (please complete before submitting to Council or PCA)	
Name / Company Name: Mr Lee Panoyan	
ABN (if applicable):	

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
<b>Hot water</b>			
The applicant must install the following hot water system in the development: gas instantaneous.	✓	✓	✓
<b>Lighting</b>			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
<b>Fixtures</b>			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		✓	✓
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		✓	✓
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✓	

Construction			Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
<b>Insulation requirements</b>					
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m <sup>2</sup> , b) insulation specified is not required for parts of altered construction where insulation already exists.			✓	✓	✓
<b>Construction</b>	<b>Additional insulation required (R-value)</b>	<b>Other specifications</b>			
concrete slab on ground floor.	nil	N/A			
suspended floor with enclosed subfloor: concrete (R0.6).	R0.70 (down) (or R1.30 including construction)	N/A			
suspended floor above garage: concrete (R0.6).	nil	N/A			
floor above existing dwelling or building.	nil	N/A			
external wall: concrete block/ plasterboard	R1.18 (or R1.70 including construction)				
external wall: brick veneer	R1.16 (or R1.70 including construction)				
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)				
flat ceiling, flat roof: framed	ceiling: R2.32 (up), roof: foil/sarking	light (solar absorptance < 0.475)			

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
<b>Windows and glazed doors</b>			
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓
The following requirements must also be satisfied in relation to each window and glazed door:		✓	✓
Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.		✓	✓
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✓	✓	✓
For projections described as a ratio, the ratio of the projection from the wall to the height above the window or glazed door sill must be at least that shown in the table below.	✓	✓	✓
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.		✓	✓
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.		✓	✓



BASIX Certificate number:A1767171

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Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors glazing requirements									
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
W1	N	0.7	0	0	projection/ height above sill ratio ≥0.43	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			
W2	E	1.3	0	0	projection/ height above sill ratio ≥0.43	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			
W4	E	1	0	0	projection/ height above sill ratio ≥0.43	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			
W5	E	1	0	0	projection/ height above sill ratio ≥0.43	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			
W6	E	1	0	0	projection/ height above sill ratio ≥0.43	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			

BASIX Certificate number:A1767171

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Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
W9	E	1.2	0	0	projection/ height above sill ratio ≥0.43	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			
W12	E	0.4	0	0	none	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			
D3	N	9.3	0	0	eave/ verandah/ pergola/balcony ≥900 mm	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			
W10	N	1.4	0	0	projection/ height above sill ratio ≥0.43	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			
D4	N	9.3	0	0	eave/ verandah/ pergola/balcony ≥900 mm	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			

BASIX Certificate number:A1767171




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Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors glazing requirements									
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
D1	S	4.9	0	0	none	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			
W7	S	1.8	0	0	none	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			
W11	S	1.8	0	0	none	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			
W8	W	1.1	0	0	projection/ height above sill ratio >=0.43	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			
W3	W	0.5	0	0	projection/ height above sill ratio >=0.43	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			

BASIX Certificate number:A1767171

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Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
D2	W	4.7	0	0	projection/ height above sill ratio >=0.43	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			

Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a  in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a  in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a  in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.



**Corona Projects**

DEVELOPMENT APPLICATION  
**STATEMENT OF ENVIRONMENTAL EFFECTS**

Change of use of existing structures to a dual occupancy (detached)  
and a new first floor addition to a dwelling

**12 Barana Parade, Roseville Chase**

October 2024



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12 Barana Parade, Roseville Chase – Statement of Environmental Effects

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## PROJECT DETAILS

Client: Mr Antranik Panoyan and Mrs Anne Panoyan  
Subject land: 12 Barana Parade, Roseville Chase  
Lot Description: Lot 10/-/DP14083  
Proposed development: Change of use of existing structures to a dual occupancy (detached) and a new first floor addition to a dwelling

**The report is prepared by** Mathew Fortunato  
Bachelor of Architecture and Environments (USYD)

**The report is reviewed by** Madeline Maric  
Bachelor of Planning (MQU)

I certify that the contents of the Statement of Environmental Effects to the best of my knowledge, has been prepared as follows:

- In accordance with Section 4.12 of the Environmental Planning and Assessment Act 1979 and Clause 24 of the Environmental Planning and Assessment Regulation 2021;
- The statement contains all available information that is relevant to the environmental impact assessment of the proposed development;
- To the best of my knowledge the information contained in this report is neither false nor misleading.

## Quality Management

Issue	Description	Date	Written By	Reviewed By
1	Final Report	24.10.2024	MF	MM
2	Amendments to Part 3.1	16.12.2024	MF	MM

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## 1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared for Mr Antranik Panoyan and Mrs Anne Panoyan to accompany a Development Application (DA) to Ku-ring-gai Council for the Change of use of an existing structure to a dual occupancy (detached) and a new first floor addition to a dwelling at 12 Barana Parade, Roseville Chase.

More specifically, the proposed works include:

- Consent for the use of the structure fronting Griffith Avenue as one half of a detached dual occupancy;
- Change of use of the existing detached dwelling house on site (facing Barana Parade) to one half of a detached dual occupancy; and
- Construction of a first floor addition to the dwelling fronting Griffith Avenue.

A comprehensive list of proposed works is detailed within Part 3.1 of this report.

The purpose of this SEE is to:

- Describe the site to which the application applies and its context;
- Describe the proposed development
- Describe the legislative framework against which the application is to be assessed and determined; and
- Provide an assessment of the environmental impacts in accordance with the Section 4.15 of the EP&A Act 1979.

This Statement has been prepared in reference to the following:

Document	Author	Date
Architectural Plans	Casafabrica	03.12.2024 – Rev L
BASIX Certificate	Mr Lee Panoyan	02.10.2024
Clause 4.6	Corona Projects	October 2024
Landscape Plan	Conzept Landscape Architects	October 2024

## 2.0 SITE ANALYSIS & CONTEXT

### 2.1 The Site

The site is located at 12 Barana Parade, Roseville Chase and is legally described as Lot 10 in Deposited Plan 14083. The site has a frontage to both Barana Parade and Griffith Avenue.

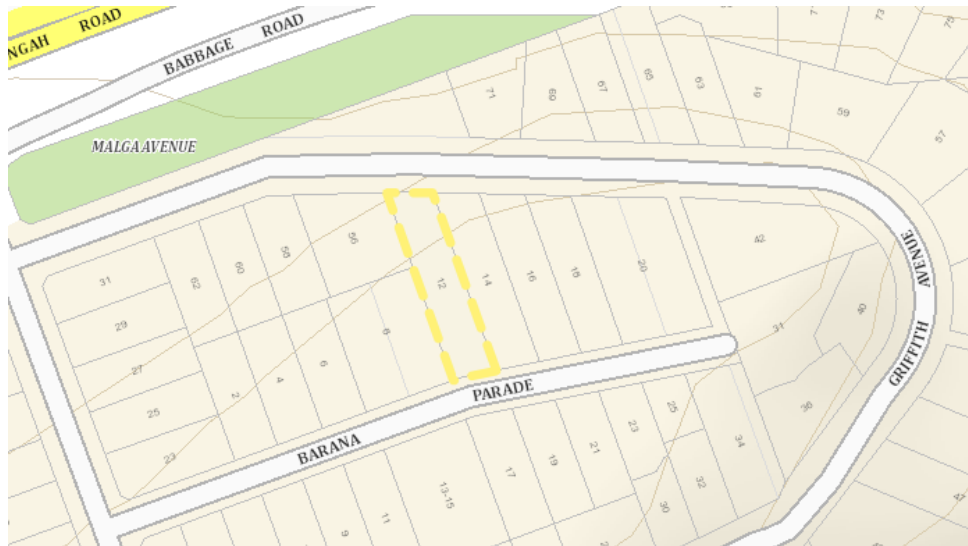


Figure 1: Site locality map (Google Maps 2024)

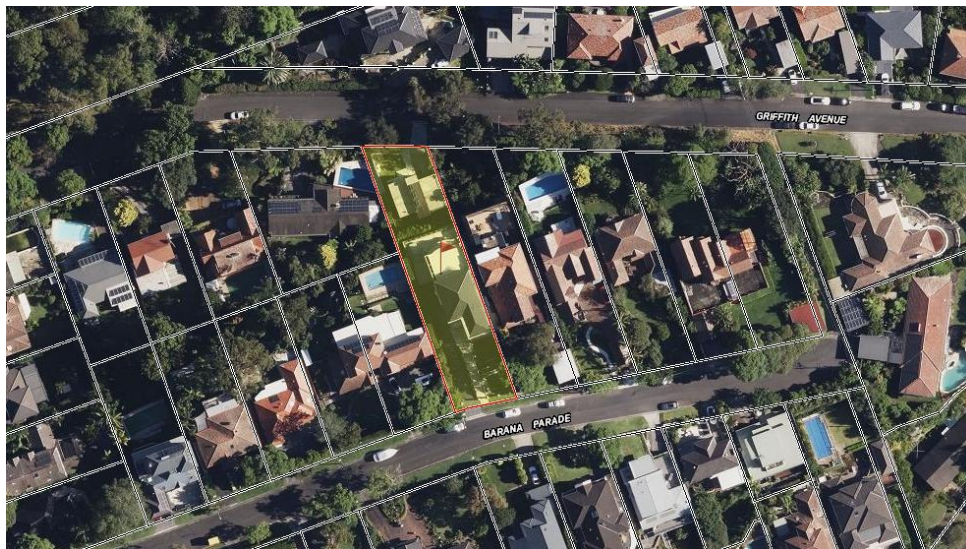


Figure 2: Aerial map (NSW SIX Maps 2024)

The site is rectangular with a total area of 1036 square metres by measurement, with a 15.4 metre street frontage to Barana Parade and a 16.29m frontage to Griffith Avenue. The eastern side boundary measures 66.2 metres and the western side boundary measures 66.965 metres. There is a sharp drop in topography of about 8 meters towards the rear third of the site. This change in topography separates the two dwellings.

The site currently contains a two-storey rendered dwelling with a tile roof fronting Barana Parade and a single storey concrete dwelling with a basement garage fronting Griffith Avenue. The land is zoned R2: Low Density Residential under the provisions of Ku-ring-gai Local Environmental Plan 2015 (LEP). The site is not identified as a Heritage Item, nor is it located within a Heritage Conservation Area (HCA). It is also not considered to be located within the close vicinity of any Item or HCA, or as a contributory item.



**Figure 3:** Subject site as viewed from Griffith Avenue (Corona Projects 2024)



12 Barana Parade, Roseville Chase – Statement of Environmental Effects

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**Figure 4:** Subject site as viewed from Barana Parade (Google Maps 2024)



**Figure 5:** Ground floor bathroom in the dwelling fronting Griffith Avenue (Corona Projects 2024)



## 2.2 The Locality

The site is located within the local residential area of Roseville Chase, situated approximately 12 kilometres north of the CBD and is part of the Ku-ring-gai Council area. The locality comprises of mostly residential development of buildings heights typically of one to two storeys.



**Figure 6:** 56 Griffith Ave, Roseville Chase - Adjoining the rear of the subject site to the west. (Google Maps 2024)



**Figure 7:** 60 Griffith Ave, Roseville Chase - Two storey dwelling with basement parking. (Google Maps 2024)

### 2.3 Development History

Applications relating to the site found on the Ku-ring-gai DA tracker are detailed in Table 1 below.

Application Number	Description	Determination & Date
DA0360/15	Construct secondary dwelling at rear (fronting Griffith Avenue)	Withdrawn - 25/11/2015
DA0615/15	Alterations and additions to existing dwelling plus construction of secondary dwelling.	Approved - 06/10/2016
REV0006/16	Review of DA0615/15 seeking to delete condition 14	Withdrawn - 23/11/2016
MOD0190/16	Modification to DA0615/15 proposing to delete condition 14 and amend conditions 15, 16, 18 and 52	Approved - 18/11/2016
MOD0204/18	Modification to DA0615/15 proposing a retaining wall and a 1.8m high concrete block wall on the western side of the front garden of the secondary dwelling	Approved - 22.02.2019
MOD0097/19	Modification of DA0615/15 proposing minor alterations to previously approved works	Rejected - 06/06/2019
MOD0183/19	Modification to DA0615/15 proposing alterations to the approved secondary dwelling	Refused - 07/05/2020
REV0002/20	Review of determination of MOD0183/19 (DA0615/15) proposing alterations to the approved secondary dwelling	Refused - 07/05/2021

**Table 1.** Development History

## 3.0 THE PROPOSAL

### 3.1 Overview

The Development Application proposes the change of use of existing structures to a detached dual occupancy and a new first floor addition at 12 Barana Parade, Roseville Chase.

More specifically, the proposed development comprises of:

- Consent for the use of the structure fronting Griffith Avenue as one half of a detached dual occupancy;
- Change of use of the existing detached dwelling house on site (facing Barana Parade) to one half of a detached dual occupancy;
- Construction of a first floor addition to the dwelling fronting Griffith Avenue; and
- Various alterations and additions to the existing dwelling fronting Griffith Avenue, including:

- Installation of new central staircase to provide access to the first floor;
- Relocation of kitchen;
- Addition of a new awning and privacy screen off the existing living room;
- Construction of new walls, window, and door within the ground floor bedroom.
- Construction of a new deck adjacent to the ground floor bedroom;
- Earthworks to fill area within the rear setback;
- Erection of new walls in the basement to establish a subfloor area;
- Construction of a new roller door to the garage; and
- Installation of a new window in the existing laundry.

The proposal has been designed to relate to its site and to the streetscape in relation to appearance, envelope, setbacks, bulk, and scale. The contemporary design utilises high quality materials and detailing to present an unobtrusive visual outcome for the locality. Please refer to plans prepared by Casafabrica.

### 3.2 Numerical Overview

A brief numerical overview of the development parameters for the proposed development is included in Table 2 below.

Component	Proposal
Site area	1036m <sup>2</sup>
Gross Floor Area	565.4m <sup>2</sup>
Floor Space Ratio	0.546:1
Maximum Height	2 storeys / 9.5m (Dwelling fronting Griffith Ave)
Boundary setbacks	
Front	7.6m (Griffith Ave)
Side (Eastern)	1.61m
Side (Western)	1.924m
Car spaces	2 tandem garage spaces (Dwelling fronting Griffith Ave)

**Table 2:** Key development components

## 4.0 STATUTORY PLANNING FRAMEWORK AND ENVIRONMENTAL ASSESSMENT

This Chapter provides an environmental assessment in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

### 4.1 Statutory and Policy Compliance

The relevant matters for consideration under Section 4.15(a) of the EP&A Act, 1979, are identified as:

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Housing) 2021
- Ku-ring-gai Local Environmental Plan 2015
- Ku-ring-gai Development Control Plan

The primary statutory document that relates to the subject site and the proposed development is Ku-ring-gai Local Environmental Plan 2015. The primary non-statutory plan relating to the subject site and the proposed development is Ku-ring-gai Development Control Plan.

Also relevant to the assessment of the DA is the Low Rise Housing Diversity Design Guide for development applications July 2020, published by the Department of Planning, Industry and Environment.

#### 4.1.1 State Environmental Planning Policy (Resilience and Hazards) 2021

This Policy is to provide for a state-wide planning approach to the remediation of contaminated land. Subject to Clause 4.6, considerations should be given to the suitability of land in terms of contamination.

The subject site has a long history of being used for the residential purpose. Thus, the land is not likely to be contaminated and, given that no change of use is proposed, no further consideration is required under Clause 4.6(1)(b) and (c) of the Resilience and Hazards SEPP.

#### 4.1.2 State Environmental Planning Policy (Sustainable Buildings) 2022

SEPP (Sustainable Buildings) 2022 applies to the proposed development. A BASIX Certificate is submitted with the application pertaining to the dwelling fronting Griffiths Avenue and confirms that the proposal will comply with the water, thermal comfort, and energy efficiency requirements of the policy.

#### 4.1.3 State Environmental Planning Policy (Housing) 2021

Part 12 'Dual occupancies and semi-detached dwellings in Zone R2' of the SEPP (Housing) 2021 applies to the subject site as per the criteria established under Clause 141B. Clause 141C states that development for the purposes of dual occupancies and semi-detached dwellings is permitted with development consent in Zone R2 Low Density Residential on land to which this part applies. As the subject site is zoned R2 Low Density Residential the proposed dual occupancy is therefore permissible in accordance with Clause 141C.

#### 4.1.4 Ku-ring-gai Local Environmental Plan 2015

##### Zoning and permissibility

The site is located in Zone R2: Low Density Residential.



**Figure 8:** Land Zoning Map (NSW Spatial Planning Viewer 2024)

The development is identified to be a *dual occupancy (detached)*, which is prohibited as per R2: Low Density Residential zone land use table.

However, Part 12 'Dual occupancies and semi-detached dwellings in Zone R2' of the SEPP (Housing) 2021 stipulates that dual occupancies are permitted with development consent in Zone R2 Low Density Residential on land to which this part applies. Accordingly, the proposed dual occupancy is permissible as the SEPP prevails over the LEP in the event of an inconsistency (s.3.28(1) of the EP&A Act 1979).

The objectives of the zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for housing that is compatible with the existing environmental and built character of Ku-ring-gai.*

The proposed dual occupancy development will provide for the housing needs of the community whilst maintaining a low-density residential environment. As the lot has two frontages, the development will not present as a side-by-side dual occupancy, but rather two separate dwellings, each with their own street frontage. Accordingly, the existing environmental and built character of Ku-ring-gai is to be maintained. Noting the above it is considered that the proposal aligns with the relevant objectives of the R2 zone.

#### **Clause 4.3 Height of buildings**

The LEP Height of Building Map stipulates that the maximum building height permitted for the site is 9.5 metres. The proposed height of the development is 9.5m and is therefore compliant.

#### **Clause 4.4 Floor space ratio**

The LEP Floor Space Ratio Map stipulates that the maximum floor space ratio permitted for the site is 0.3:1. However, subclause 2B stipulates that 'Despite subclause (2A), if a dual occupancy (detached) is permissible on the land, the floor space ratio for the dual occupancy (detached) must not exceed 0.4:1'.

The proposal has a floor space ratio of 0.546:1 with an associated non-compliance of 151m<sup>2</sup> or 36%.

Whilst not yet adopted, the proposed non-refusal standards for dual occupancies in Greater Sydney stipulate a maximum floor space ratio of 0.65:1. This is detailed within the Department of Planning and Environments Explanation of Intended Effect: Changes to create low-and mid-rise housing, dated December 2023. Accordingly, once the proposed non-refusal standards come into force, the proposed FSR of 0.546:1 will comply with the provisions of the SEPP (Housing) 2021 and will not be able to be refused on this basis.

Nevertheless, the Development Application is accompanied by a Clause 4.6 Report prepared by Corona Projects, dated October 2024.



**Clause 5.10 Heritage Conservation**

The site is not identified as a Heritage Item, nor is it located within a Heritage Conservation Area (HCA). It is also not considered to be located within the close vicinity of any Item or HCA, or as a contributory item.

**Clause 6.1 Acid sulphate soils**

The Acid Sulphate Soils Map stipulates that the site is Class 5. The proposed works will not be below 5 metres Australian Height Datum, and are unlikely to lower the water table below 1 metre Australian Height Datum on adjacent Class 1, 2, 3, or 4 land.

**4.1.5 Ku-ring-gai Development Control Plan**

The Ku-ring-gai Development Control Plan does not contain a comprehensive set of controls for the development of new dual occupancies. Prior to the implementation of Part 14 of the SEPP (Housing) 2021 which had the effect of permitting dual occupancies on certain land in the R2 land zone, only a select number of dual occupancies were permitted within the LGA, as detailed within Schedule 1 of the KLEP. Historically, the dwelling house controls of the DCP have been used as a guide for development applications pertaining to dual occupancies on land identified under Schedule 5 of the KLEP. As such, the subject proposal has been assessed against the dwelling house controls below.

Control		Comment	Compliance
<b>Section A</b>			
<b>Part 4 Dwelling Houses</b>			
4A Site Design			
4A.1 Local Character and Streetscape			
Visual Character			
1	Design components of new development are to be based on the existing predominant and high-quality visual character of the local neighbourhood.	The architectural style of the dwelling is to remain consistent with that of the secondary dwelling approved under DA0615/15.  The first floor has been skilfully designed in a manner that is respectful of the character of the streetscape. The proposed dwelling will complement the character of the area.	Complies.
2	The appearance of the dwelling is to maintain the local visual character by considering the following elements: i) visibility of on-site development when viewed from the street, public reserves and adjacent properties; and		

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Control		Comment	Compliance
	ii) relationship to the scale, layout and character of the tree dominated streetscape of Ku-ring-gai.	The development generally retains the existing landscape setting to the extent approved under DA0615/15.	
3	The prominent and high-quality characteristics of the neighbourhood are to be identified and considered as part of the site analysis.		
Public Domain and Communal Space			
4	Development is to integrate with surrounding sites by:  i) being of an appropriate scale retaining consistency with the surrounds when viewed from the street, public domain or adjoining development and not exceeding two storeys;  ii) minimising overshadowing; and  iii) integrating built form and soft landscaping (gardens and trees) within the tree canopy that links the public and private domain throughout Ku-ring-gai.	The proposed first floor addition is of an appropriate scale in the context of the street. The dwelling sits comfortably on the lower half of the site and provides appropriate setbacks.  The proposed first floor addition ensures that compliant solar access is achieved by the subject site and neighbouring sites.	Complies
Visually Prominent Sites			
5	Development on visually prominent sites is to:  i) be integrated into the existing landscape through the site planning process and avoid tall and bulky structures;  ii) have a selection of external colours and finishes that are sensitive to the site and locality;  iii) retain significant landscape and vegetation elements;  iv) consider views to the site as well as those from the site; and  v) soften visual impact by extensive landscaping including larger trees and shrubs.	The site is not considered to be a visually prominent site. As such this development control is not considered applicable to the subject development.	N/A
6	Colours of materials used in sites adjoining or in close proximity to bushland areas and conservation areas must be in harmony with the	The site does not adjoin and is not in close proximity to bushland areas and conservation areas.	N/A

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Control		Comment	Compliance									
	built and natural landscape elements of the area.											
4A.2 Building Setbacks												
Building Line (Front Setback)												
1	Basement areas are to be consolidated under the building footprint and meet all building setback requirements.	Basement areas are to remain largely under the building footprint, save for a small portion of the southern end of the garage.  Notwithstanding this minor non-compliance, the basement area complies with setback requirements and provides functional parking and storage area for the dwelling without impacting the bulk of the development.	Merit Assessment									
2	The location of development on the site is to demonstrate its consideration of i) the existing setback of adjoining properties; ii) the setback pattern of its street block; and iii) Council's minimum and average setback requirements.	The footprint of the development on site is largely consistent with the DA0615/15 approval.	Merit Assessment									
3	Minimum and average front setbacks are to be provided in accordance with the following table and illustrated in Figure 4A.2-1. <table><tr><th colspan="3">Two Storey:</th></tr><tr><th>Street</th><th>Minimum</th><th>Average</th></tr><tr><td>High side</td><td>12 metres</td><td>14 metres</td></tr></table>	Two Storey:			Street	Minimum	Average	High side	12 metres	14 metres	The proposal has a minimum front setback to Griffith Avenue of 6.856m to the existing laundry and 7.428m to the existing front terrace.  Whilst this non-compliance is acknowledged, the setback of the dwelling largely consistent with the approved secondary dwelling under DA0615/15, save for the existing front terrace.	Merit Assessment
Two Storey:												
Street	Minimum	Average										
High side	12 metres	14 metres										
4	Reduced setbacks may be considered on the low side of the street where gradients averaged over the front setback exceed 20 degrees.											
5	Buildings are to be located so that at least 75% of the front elevation of the building is set back not less than the specified average setbacks, and the balance of the building frontage (not more than 25%) may be located up to the minimum setback.	Whilst this terrace encroaches within the approved front setback (8.053m), it will remain behind the front building line due to the skewed frontage of the lot. As										

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Control		Comment	Compliance
		<p>such this encroachment will not be easily discernible when the property is viewed from the street.</p> <p>Further, given the location of the terrace adjoining the steeply sloping and heavily planted rear of the adjoining site at 14A Barana Parade, no adverse impacts in relation to visual privacy are anticipated.</p> <p>The dwelling has been designed to meet key development objectives by ensuring high visual quality and harmony with the streetscape, blending with the surrounding residential environment. The adequate setbacks also allow for landscaping and the growth of mature trees. Solar access, daylight, and ventilation are provided, while significant vegetation is protected. The design also ensures efficient land use, providing privacy through strategic landscaping, and maintaining both visual amenity and solar access for private open spaces.</p> <p>Noting the above, the front setback is considered acceptable upon merit.</p>	
6	Dual occupancy dwellings are to meet the controls 4A.2-1 to 4A.2-8	Noted. See above.	-
7	Where a dual occupancy development involves a corner allotment, the second dwelling or dwelling furthest from the primary street frontage is to have a minimum building line setback of 7m for 75% of the building frontage and a minimum building line setback of 5m for	The subject site is not a corner block.	N/A

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Control		Comment	Compliance						
	not more than 25% of the front elevation of the building.								
8	Where dual occupancy is permitted under Schedule 1 of KLEP, separation between detached dual occupancy dwellings is to be a minimum of 7m.	The dual occupancy is permitted not under Schedule 1 of KLEP.	N/A						
Building Line (Rear Setbacks)									
9	For sites with a depth greater than 48m, a minimum 12m rear setback is to be provided.	Given that each dwelling within the dual occupancy development addresses a separate street frontage and no subdivision is proposed within this application, there is no true rear setback.	N/A						
Building Line (Side Setbacks)									
11	<div><div>The minimum distances to a side boundary are as per the following table and illustrated in Figure 4A.2-2 to 4A.2-3:</div><table><tr><th>Site Width</th><th>Single Storey Setback</th><th>Two Storey Setback</th></tr><tr><td>20m or more</td><td>9% of site width</td><td>12% of site width</td></tr></table></div>	Site Width	Single Storey Setback	Two Storey Setback	20m or more	9% of site width	12% of site width	Site width = 15.244m 9% Site Width = 1.39m 12% Site Width = 1.82m  Eastern side setback: Ground floor - 1.61m First floor - 1.9m  Western side setback: Ground floor - 1.65m First floor - 1.924m	Complies.
Site Width	Single Storey Setback	Two Storey Setback							
20m or more	9% of site width	12% of site width							
12	Side setbacks are to accommodate a pathway and at least 0.6m of landscaping width for single storey buildings, and 1.1m for 2 storey houses. Where sites are of greater widths (over 20m) larger side setbacks should be progressively provided.	Access is provided down the western side setback (1.65m wide). Access is not provided down the eastern side setback.  Both side setback contains sufficient space for the planting of shrubs.	Merit Assessment  Merit Assessment						
13	Side setbacks are to accommodate shrubs to a height of 3-4m for two storey houses, and 2-3m for single storey houses.								
14	Corner and dual frontage site setbacks For building sites with a corner frontage, the front and rear boundary setbacks apply to the	The subject site is not a corner block.	N/A						

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Control		Comment	Compliance								
	Primary Street frontage as illustrated in Figure 4A.2-4.										
16	<p>The minimum and average setbacks to the secondary street frontage on corner sites are as per the following table and illustrated in Figure 4A.2-5.</p> <table><tr><th>Minimum</th><th>Average</th></tr><tr><td>3.8m</td><td>4.5</td></tr></table>	Minimum	Average	3.8m	4.5						
Minimum	Average										
3.8m	4.5										
4A.3 Built-Up on Area											
1	<p>All sites, except those within the C4 Environmental Living zone and dual occupancy permitted under Schedule 1 of KLEP, are to meet the following standards:</p> <p>i) sites with the following sizes shall have a maximum built-up on area (BUA) as follows:</p> <table><tr><th>Site Area (m2)</th><th>Maximum BUA (%)</th></tr><tr><td>1000-1199m2</td><td>52%</td></tr></table>	Site Area (m2)	Maximum BUA (%)	1000-1199m2	52%	<p>The dual occupancy is permitted not under Schedule 1 of KLEP.</p> <p>The BUA of the proposal is 66.5%. The total footprint of the dwelling fronting Griffith Avenue is largely in keeping with that of the DA approved under DA061515.</p>	Merit Assessment				
Site Area (m2)	Maximum BUA (%)										
1000-1199m2	52%										
3	<p>Where dual occupancy is permitted under Schedule 1 of KLEP the following standards are to be met: i) sites with the following development type are to have a maximum built-up on area (BUA) as follows:</p> <table><tr><th>Development Type</th><th>Maximum Built-up on Area</th></tr><tr><td>2 x 1 storey dwellings</td><td>50%</td></tr><tr><td>1 x 1 storey and 1 x 2 storey dwellings</td><td>45%</td></tr><tr><td>2 x 2 storey dwellings</td><td>40%</td></tr></table>	Development Type	Maximum Built-up on Area	2 x 1 storey dwellings	50%	1 x 1 storey and 1 x 2 storey dwellings	45%	2 x 2 storey dwellings	40%	<p>Notwithstanding this non-compliance, the proposed development has been designed to meet the relevant objectives, ensuring consistency with the local built and landscape character. The scale of the built form has been carefully balanced to align with the surrounding tree canopy, preserving the natural setting. Sufficient soft landscaping has been incorporated, allowing for the retention and planting of tall trees, and maintaining a harmonious relationship between the natural and built elements of the site. Sufficient open space has been provided, ensuring high usability, and adequate space for plantings.</p>	
Development Type	Maximum Built-up on Area										
2 x 1 storey dwellings	50%										
1 x 1 storey and 1 x 2 storey dwellings	45%										
2 x 2 storey dwellings	40%										



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Control		Comment	Compliance		
4	The front setback for any development for a dwelling house is to have a maximum BUA of 30%.	BUA of the front setback to Griffith Avenue is to remain largely as approved under DA0615/15.	As approved under DA0615/15.		
4A.4 Landscaping					
1	Landscape proposals are to retain existing trees, where possible. This may be achieved by: <div><div>i. Minimising changes to existing ground levels;</div><div>ii. Confining building works where appropriate to pre-existing building footprints.</div></div>	No trees are proposed for removal.	Complies.		
2	All lots are to support a minimum number of trees capable of attaining a minimum height of 13m on shale and transitional soils and 10m on sandstone derived soils as per the table below: <table><tr><td>1,001 m2 to 1,500m2</td><td>7</td></tr></table>	1,001 m2 to 1,500m2	7	<p>A total of 5 new trees are proposed across the site.</p> <p>Given the limitations of the existing open space across the site, 5 trees are considered sufficient whilst retaining suitable open areas for private recreation.</p> <p>Further, DA0615/15 was approved with fewer than 5 trees across the site. Accordingly, the proposal will serve to improve the landscaped character of the site and provide additional canopy area, notwithstanding the non-compliance.</p>	Merit Assessment
1,001 m2 to 1,500m2	7				
3	Landscaping is to include tall trees, small trees, shrubs and ground covers.	Noted. Refer to the provided landscape plan.	Complies.		
4	Landscape designs are to reflect the prevailing landscape character of the area and relate to the existing streetscape in terms of scale and planting style.				
5	New trees are to be distributed across the site and are to be located to accommodate the mature growth of both new and existing trees.				

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Control		Comment	Compliance				
4B Access and Parking							
4B.1 Vehicular Access							
1	Wherever possible, driveways must be located so that driver and pedestrian sight lines are clear.	Driveway from Griffith Avenue to remain as approved under DA0615/15.	As approved under DA0615/15.				
2	The driveway must be designed so that vehicles may exit the property in a forward direction where:  2) The access is located on a major roadway; or  2) The property is a battle-axe allotment; or  2) Sight lines are restricted (such as at curves or crests).						
3	Not more than one driveway is to be provided on any property with a street frontage width of less than 18m.						
5	The maximum crossing width for any driveway, as measured at the front site boundary, is 3.5m. Council may allow a narrower width where trees may be adversely affected.	The driveway crossing is 3.6m wide, as approved under DA0615/15.	As approved under DA0615/15.				
9	Driveways within the property are to be designed in accordance with AS 2890.1 (2004) Off Street Car Parking.	Existing driveway complies with AS 2890.1.	Complies.				
4B.2 Car Parking Provision							
Number of car spaces							
1	<div>The number of on-site parking spaces provided should be in accordance with Section C Part 22R of this DCP;</div> <table><tr><th>Land Use</th><th>Parking Rate</th></tr><tr><td>Dwellings houses</td><td>2 spaces</td></tr></table>	Land Use	Parking Rate	Dwellings houses	2 spaces	2 tandem parking spaces are provided within the as built garage. The existing dwelling fronting Barana Parade features 2 parking spaces within the existing double garage.	Complies.
Land Use	Parking Rate						
Dwellings houses	2 spaces						
2	Single occupancy dwellings are to provide 2 spaces on-site as determined by Section A Part 4B.3(5)						

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Control		Comment	Compliance
5	The minimum dimensions of a residential parking space to be as follows and as illustrated in Figure 4B.2-1 i) open carport 2.7 x 5.4 m ii) unobstructed single garage 3.0 x 5.4 m	The internal dimensions of the garage are 11.4m x 4.35m.	Complies
4B.3 Carports and Garages			
1	The car parking spaces, whether covered or uncovered, are to be located at or behind the required front setback as specified in Part 4A.2(2) & (15) of this DCP, or behind the front building line defined by the existing dwelling where the dwelling is being retained, whichever is the lesser.	The garage is provided behind the front building line for both properties.	Complies
	The scale and design of carport and garage structures are: i) to be sympathetic to existing development on-site; ii) to consider adjacent buildings; iii) to consider proximity to drainage systems; iv) to be integrated into the building design; and v) not to dominate the site, dwelling and landscape, or the streetscape.	The scale and design of the garage does not alter the bulk of the development, concealed behind the front façade.  The garage space makes effective use of an underutilised area on site, below the proposed kitchen area, without greatly impacting the presentation of the dwelling.	Complies.
6	The width of any detached or attached carport/garage visible from the street is not to be greater than 6m, as measured to the outer face of the exterior walls/column/posts (refer to Fig 4B.3-1).	Width of the garage does not exceed 6m.	Complies
4C Building Design and Sustainability			
4C.1 Building Envelopes			
1	The maximum height of a dwelling is 9.5m (including any garage, basement, or the like) and present as a 2-storey dwelling house.	The maximum height of the dwelling is 9.5m and is therefore compliant.  The dwelling will present as two stories plus a basement garage.	Complies.

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Control		Comment	Compliance
2	The following matters are to be considered with regard to the potential impact on neighbouring properties and local character:  i. opportunities to minimise overshadowing of living and private open space areas and solar panels;  ii. opportunities to minimise overlooking of living and private open space areas;  iii. opportunities to minimise adverse impacts on any significant bushland, or distant views; the relationship with the streetscape.	The proposed first floor addition contributes only minor additional overshadowing to the properties adjoining the site. No undue opportunities for overlooking are facilitated by the proposed first floor.  Refer to the provided shadow diagrams.	Complies
3	Development is to avoid the creation of an overbearing effect upon adjoining development by:  i. ensuring appropriate side setbacks and landscaping are incorporated in the design;  ii. ensuring all built structures are within the building height plane the relationship with the streetscape	Site setbacks remain compliant. Total building height remains compliant.	Complies.
4C.2 Building Facades			
1	Extensive blank or unarticulated walls to street frontages will not be permitted.	No extensive blank or unarticulated walls are proposed.	Complies.
2	All external facades are to be articulated to reduce the apparent building mass and present a human scale. This may be achieved through the use of bay window openings, window awnings, chimney and alcove features, verandas, pergolas, balconies, entry porches, staggered wall planes, a combination of materials and finishes, decorative architectural elements including brick corbelling, banding and recesses.	Sufficient articulation is provided on all elevations through the use of window placement, balconies, and recesses in the walls.	Complies
3	The maximum length for an unrelieved wall is 12m. Where walls exceed 4m in height, the maximum length for an unrelieved wall is 8m.	No unrelieved walls exceeding 8m are proposed.	Complies
4	Side elevations are to avoid unrelieved walls. This may be achieved by:	The proposed first floor is divided into two modules, to either side of the site.	Complies

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Control		Comment	Compliance
	<ul style="list-style-type: none"> <li>i. dividing walls into sections, bays or modules.</li> <li>ii. Separating wall sections with recesses or courtyards.</li> </ul>		
6	Building design is to integrate soft landscaping and natural site features and make provision for tall shrub plantings.	Soft landscaping is integrated into the site as was approved under DA0615/15.	Complies
4C.3 First Floor Designs and Roof Forms			
First Floor Design			
1	Dwelling design is to avoid an overbearing bulk/scale relationship with neighbouring properties. Consideration is to be given to avoiding large vertical wall surfaces by stepping back upper levels and containing within the existing/proposed roof space.	The proposed first floor has been set in from the existing ground floor by 270mm, thereby reducing the potential bulk and scale. Large unarticulated walls are not proposed.	Complies.
2	The placement of windows in first floor walls facing side boundaries are to respect the privacy of neighbouring properties.	The proposed windows on the first floor are not located directly opposite the windows of adjoining dwellings.	Complies.
Roof Line			
6	<p>Roof structures are to be designed to minimise bulk and overshadowing of neighbouring buildings and open spaces by:</p> <ul style="list-style-type: none"> <li>i) considered selection of material, colour and pitch;</li> <li>ii) use of low-angled pitched roofs providing that they are compatible with existing development and the streetscape character; or</li> <li>iii) inclusion of habitable rooms within the roof space.</li> </ul>	The proposed flat roof minimises overshadowing impact when compared to the potential impact of a pitched roof. As evidenced by the provided shadow diagrams, the additional shadow impact resultant of the proposal is minor and remains compliant with the solar access controls of the DCP.	Complies.
4C.4 Private Open Space			
1	At least one area of useable private open space which has a minimum depth of 5m and a minimum area of 50m <sup>2</sup> is to be provided on each site. On steep sites Council may consider a reduction in the minimum depth requirement.	Private open space on site is to remain as approved under DA0615/15 with a minimum dimension of 5m x 4m.	Merit Assessment

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Control		Comment	Compliance
		<p>Whilst the total area of private open space is less than 50m<sup>2</sup> the provided area remains compliant with the provisions for dual occupancies (detached) under the Low Rise Housing Diversity Design Guide. Refer to part 4.1.7 of this report.</p> <p>Furthermore, the proposal aligns with the objective of the clause, providing a useable area of private open space to the rear of the dwelling as evidenced through compliance with the provisions of the Low Rise Housing Diversity Design Guide.</p>	
3	<p>Landscape areas are to provide functional outdoor areas that:</p> <ul style="list-style-type: none"> <li>i. are useable and relate well to indoor living areas;</li> <li>ii. have a character that is consistent with or enhances the landscape character of the area;</li> <li>iii. are located in consideration of noise, temperature, shade and screening;</li> <li>iv. are not dominated by adjoining development (in terms of overshadowing and overlooking).</li> </ul>	<p>Landscape areas are to remain largely as approved under DA0615/15.</p> <p>These areas provide functional outdoor space for the day to day use of the future residents.</p>	Complies.
4	Private open space is to constitute at least one north facing area providing adequate solar access. Refer to 4C.5 of this Part.	Private open space on site is to remain as approved under DA0615/15.	As approved under DA0615/15.
4C.5 Solar Access			
1	<p>Solar access to habitable areas, recreational space, and solar collectors on the site and on neighbouring sites is to be preserved by:</p> <ul style="list-style-type: none"> <li>i. consideration of siting and orientation of buildings;</li> </ul>	Neighbouring sites will retain compliant solar access to the principal private open space and windows to living areas.	Complies



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Control	Comment	Compliance
<ul style="list-style-type: none"> <li>ii. use of setbacks which increase with building heights;</li> <li>iii. landscape design and location of vegetation including deciduous or high canopy trees;</li> <li>iv. consideration of window locations and size.</li> </ul>		
2 A building is to be designed and sited to maintain solar access to adjoining properties of at least 4 hours between 9am and 3pm on 22 June to north facing windows and all living areas (family rooms, rumpus, lounge and kitchen) and the principal private open space recreational areas, such as swimming pools and patios.		
3 Dwelling design and orientation is to provide at least 4 hours between 9am and 3pm on 22 June to north facing windows and all living areas (family rooms, rumpus, lounge and kitchen) and the principal private open space including swimming pools and patios, to the proposed dwelling.	<p>Due to the orientation of the site, solar access to the north facing windows is entirely retained within this application.</p> <p>The existing provision of private open space does not receive 4 hours of direct solar access. However, no further overshadowing of this private open space is proposed. Therefore, the impact will remain as per existing. Refer to the provided shadow diagrams.</p> <p>Although the site's orientation and topography mean that the rear private open space and southern-facing windows are to receive less than the required amount of solar access, the proposal remains consistent with the chapter's objectives. The design ensures that, despite the existing non-compliance, a reasonable level of direct solar access is provided to the habitable</p>	Merit Assessment.

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Control		Comment	Compliance
		room windows and private open space, taking into account the inherent limitations of the site's orientation and topography.	
4	Where shadows cast by existing buildings preclude satisfying the above requirements, sunlight during winter solstice (21 <sup>st</sup> June) should not be reduced by more than 20%.	Noted.	-
5	Development is to consider the use of sun protection devices that preserve internal amenity. These can include window shades and awnings, roof and eave overhangs, use of pergolas and landscaping for shading of openings.	Awnings are proposed on the northern façade where practical.	Complies.
4C.6 Natural Ventilation			
1	Building design is to incorporate measures for natural cross ventilation	The first floor design allows for sufficient opportunities for cross ventilation.	Complies
4C.10 Materials and Finishes			
1	External walls must be constructed of high quality and durable materials and finishes.	The external walls will be constructed of high quality and durable materials and finishes.	Complies
<b>SECTION C</b>			
<b>PART 21 SITE DESIGN</b>			
21.1 Earthworks and Slope			
1	Development must be accommodated within the natural slope of the land. Level changes across the site are to be primarily resolved within the building footprint. This may be achieved by: i) stepping buildings down a site; and ii) locating the finished ground floor level as close to existing ground level as practicable.	The development is respectful of the existing slope of the land. No further significant excavation is proposed.	Complies
5	Existing ground level is to be maintained for a distance of 2m from any boundary.	No further significant excavation or fill is proposed within this application.	Complies

Control		Comment	Compliance
7	Fill and excavation are not permitted within sensitive environments, such as riparian lands, bushland, or significant vegetation.		
11	For any dwelling house development, excavation within the building footprint must not exceed 1.0m depth relative to ground level (existing), fill must not exceed 1m relative to ground level, with a maximum level difference across the building footprint of 2m. See Figure 21.2-1.		

#### 4.1.6 Draft Planning Instruments

Ku-ring-gai Council does not have any current Draft Planning Instruments that apply to the proposed development.

The NSW State Government has advertised Stage 2 of the proposed amendments to the SEPP (Housing) 2021. This is detailed within the Department of Planning and Environment's *Explanation of Intended Effect: Changes to Create Low- and Mid-Rise Housing* (December 2023). Whilst not yet adopted, the proposed non-refusal standards for dual occupancies in Greater Sydney stipulate a maximum floor space ratio of 0.65:1. Accordingly, once the proposed non-refusal standards come into force, the proposed FSR of 0.546:1 will comply with the provisions of the SEPP (Housing) 2021 and will not be able to be refused on this basis.

#### 4.1.7 Low Rise Housing Diversity Design Guide

The Low Rise Housing Diversity Design Guide for Development Applications (Design Guide for DAs) provides consistent planning and design standards for low rise diverse residential dwellings across NSW. The Design Guide for DAs provides councils with best practice controls and design standards for various forms of low-rise diverse housing, including dual occupancies, manor houses, terraces, townhouses and villas. The Design Guide for DAs is a tool for councils to use to assess diverse low rise housing developments.

In instances where the Ku-ring-gai DCP is silent on controls specific to dual occupancies, the proposal has been assessed against the Design Guide controls for dual occupancies (side by side) within the below table.

12 Barana Parade, Roseville Chase – Statement of Environmental Effects

Control	Comment	Compliance																		
<b>2.1 Dual occupancy (side by side)</b>																				
<b>2.1A Building Envelopes</b>																				
2	<p>The maximum number of storeys excluding basements is:</p> <ul style="list-style-type: none"> <li>• 2, or</li> <li>• For detached dual occupancies in a battle axe arrangement, the dwelling furthest from the street: 1</li> </ul>	<p>The proposed development is two storeys plus a basement.</p> <p>Complies</p>																		
3	Refer to the DCP for front setback or envelope controls.	Refer to the DCP compliance table above. -																		
9	Refer to the DCP for side setback or envelope controls.	Refer to the DCP compliance table above. -																		
10	<p>Where the DCP does not contain side setback controls the following apply:</p> <table border="1"> <thead> <tr> <th>Lot width at the building line (m)</th><th>Building height at any height</th><th>Minimum required setback from each side boundary</th></tr> </thead> <tbody> <tr> <td>0 – 24</td><td>0m – 4.5m</td><td>0.9m</td></tr> <tr> <td></td><td>&gt; 4.5m – 8.5m</td><td>= (building height – 4.5m) ÷ 4 + 0.9m</td></tr> <tr> <td>&gt; 24 – 36</td><td>0m – 4.5m</td><td>1.5m</td></tr> <tr> <td></td><td>&gt; 4.5m – 8.5m</td><td>= (building height – 4.5m) ÷ 4 + 1.5m</td></tr> <tr> <td>&gt; 36</td><td>0m – 8.5m</td><td>2.5m</td></tr> </tbody> </table>	Lot width at the building line (m)	Building height at any height	Minimum required setback from each side boundary	0 – 24	0m – 4.5m	0.9m		> 4.5m – 8.5m	= (building height – 4.5m) ÷ 4 + 0.9m	> 24 – 36	0m – 4.5m	1.5m		> 4.5m – 8.5m	= (building height – 4.5m) ÷ 4 + 1.5m	> 36	0m – 8.5m	2.5m	<p>The DCP does not specify side setback controls for dual occupancies.</p> <p>Lot width at the building line = 15.244m.</p> <p><math>(8.5 - 4.5) / 4 + 1.5 = 2.5\text{m}</math> minimum side setback.</p> <p>Eastern side setback: Ground floor – 1.61m First floor – 1.9m</p> <p>Western side setback: Ground floor – 1.65m First floor – 1.924m</p> <p>The side setbacks of the dwelling are to remain as approved under DA0615/15. Further, the side setbacks of the proposal comply with the side setback controls applicable to dwelling houses under the KDCP.</p> <p>Merit Assessment</p>
Lot width at the building line (m)	Building height at any height	Minimum required setback from each side boundary																		
0 – 24	0m – 4.5m	0.9m																		
	> 4.5m – 8.5m	= (building height – 4.5m) ÷ 4 + 0.9m																		
> 24 – 36	0m – 4.5m	1.5m																		
	> 4.5m – 8.5m	= (building height – 4.5m) ÷ 4 + 1.5m																		
> 36	0m – 8.5m	2.5m																		

12 Barana Parade, Roseville Chase – Statement of Environmental Effects

Control		Comment	Compliance																		
		Accordingly, the proposed side setbacks are considered acceptable in the circumstances of the case.																			
11	Refer to DCP for rear setback or envelope controls.	Refer to the DCP compliance table above.																			
12	Where the DCP does not contain rear setback controls the following apply: <table><tr><th>Lot Area (m²)</th><th>Building height</th><th>Minimum required setback from Rear boundary</th></tr><tr><td rowspan="2">0 - 900</td><td>0m - 4.5m</td><td>3m</td></tr><tr><td>&gt; 4.5m</td><td>8m</td></tr><tr><td rowspan="2">&gt;900 - 1500</td><td>0m - 4.5m</td><td>5m</td></tr><tr><td>&gt; 4.5m</td><td>12m</td></tr><tr><td rowspan="2">&gt;1500</td><td>0m - 4.5m</td><td>10m</td></tr><tr><td>&gt; 4.5m</td><td>15m</td></tr></table>	Lot Area (m²)	Building height	Minimum required setback from Rear boundary	0 - 900	0m - 4.5m	3m	> 4.5m	8m	>900 - 1500	0m - 4.5m	5m	> 4.5m	12m	>1500	0m - 4.5m	10m	> 4.5m	15m	The DCP does not specify rear setback controls for dual occupancies.  Given that each dwelling within the dual occupancy development addresses a separate street frontage and no subdivision is proposed within this application, there is no rear boundary.	N/A
Lot Area (m²)	Building height	Minimum required setback from Rear boundary																			
0 - 900	0m - 4.5m	3m																			
	> 4.5m	8m																			
>900 - 1500	0m - 4.5m	5m																			
	> 4.5m	12m																			
>1500	0m - 4.5m	10m																			
	> 4.5m	15m																			
2.1C Landscaped Area																					
15	Where the LEP or DCP does not contain a minimum landscaped area the minimum landscaped area is:  50% of the parent lot area minus 100m².	The KDCP does not specify a minimum landscaped area.  (50% x 1036) – 100 = 418m2 minimum landscaped area.  The proposal features 326.4m² of landscaped area.  Despite the noted non-compliance, the total footprint of the dwelling fronting Griffith Avenue remains largely consistent with that approved under DA061515, with minimal deviation from the existing form. Furthermore, the proposal provides a functional private open space at the rear of the dwelling, enhancing the usability of the site.	Merit Assessment																		
16	The minimum dimension of any area included in the landscaped area calculation is 1.5m.	Noted.	-																		
17	At least 25% of the area forward of the building line is to be landscaped area. At least 50% of the	The proposal retains in excess of 25% landscaped area forward of the	Complies																		

12 Barana Parade, Roseville Chase – Statement of Environmental Effects

Control		Comment	Compliance																																			
	required landscaped area must be behind the building line.	building line and 50% landscaped are behind the building line.																																				
18	An ongoing maintenance plan is to be provided as part of the landscape plan.	Refer to the provided landscape plan prepared by Conzept Landscape Architects.	Complies.																																			
19	Minimum soil standards for plant sizes are provided in accordance with the Table below. <table><tr><th>Tree Size</th><th>Height</th><th>Spread</th><th>Min Soil Area</th><th>Min soil depth</th></tr><tr><td>Large trees</td><td>&gt;12m</td><td>&gt;8m</td><td>10 x 10m</td><td>1.2m</td></tr><tr><td>Medium trees</td><td>8-12m</td><td>4-8m</td><td>6 x 6m</td><td>1.0m</td></tr><tr><td>Small trees</td><td>5-8m</td><td>&lt;4m</td><td>3.5 x 3.5m</td><td>0.8m</td></tr><tr><td>Shrubs</td><td></td><td></td><td></td><td>0.5-0.6m</td></tr><tr><td>Groundcover</td><td></td><td></td><td></td><td>0.3-0.45m</td></tr><tr><td>Turf</td><td></td><td></td><td></td><td>0.2m</td></tr></table>	Tree Size	Height	Spread	Min Soil Area	Min soil depth	Large trees	>12m	>8m	10 x 10m	1.2m	Medium trees	8-12m	4-8m	6 x 6m	1.0m	Small trees	5-8m	<4m	3.5 x 3.5m	0.8m	Shrubs				0.5-0.6m	Groundcover				0.3-0.45m	Turf				0.2m	The proposed soil standards are achieved where possible on site whilst still providing for adequate planting.  Refer to the provided landscape plan prepared by Conzept Landscape Architects.	Merit Assessment
Tree Size	Height	Spread	Min Soil Area	Min soil depth																																		
Large trees	>12m	>8m	10 x 10m	1.2m																																		
Medium trees	8-12m	4-8m	6 x 6m	1.0m																																		
Small trees	5-8m	<4m	3.5 x 3.5m	0.8m																																		
Shrubs				0.5-0.6m																																		
Groundcover				0.3-0.45m																																		
Turf				0.2m																																		
21	Mature trees are to be retained, particularly those along the boundary, (except those where approval is granted by Council for their removal).	No trees are proposed for removal under this application.	Complies.																																			
22	Landscape features including trees and rock outcrops are to be retained where they contribute to the streetscape character or are located within the rear setback.	No landscaped features are proposed to be removed.	Complies.																																			
23	The landscape plan proposes a combination of tree planting, for shade, mid height shrubs, lawn and ground covers.	Noted. Refer to the provided landscape plan prepared by Conzept Landscape Architects.	Complies																																			
24	The landscape plan indicates that at least 50% of the overall number of trees and shrubs are species native to the region.	The proposal features a mixture of native an exotic planting.  Whilst the native planning comprises less than 50% of the total plantings, 17 large native plantings are proposed. Given the quantity of native plantings proposed, the percentage shortfall is considered acceptable.  Refer to the provided landscape plan prepared by Conzept Landscape Architects.	Merit Assessment																																			
2.1G Orientation, Siting and Subdivision																																						



12 Barana Parade, Roseville Chase – Statement of Environmental Effects

Control		Comment	Compliance
50	For a dual occupancy (detached) the minimum separation between two dwellings that is 3m.	Separation between dwellings exceeds 3m.	Complies.
2.1K Dwelling Size and Layout			
60	Dwellings are to have the following minimum internal floor areas: 1        1 bed 65m <sup>2</sup> 2        2 bed 90m <sup>2</sup> 3        3+ bed 115m <sup>2</sup>	Internal floor areas comply.	Complies.
2.1L Principal Private Open Spaces			
68	The area of principal private open space provided for each dwelling is at least 16m <sup>2</sup> with a minimum length and width of 3m.	The principal area of POS complies with the minimum area and dimension.	Complies
69	The principal private open space is located behind the front building line.	The principal POS is located behind the front building line to Griffith Avenue.	Complies.
70	The principal private open space is located adjacent to the living room, dining room or kitchen to extend the living space.	The principal POS is located adjacent to the existing dining and living area.	Complies.
71	25% of the private open space is to be covered to provide shade and protection from rain.	The POS is to remain uncovered as per existing and as approved under DA0615/15. POS in relation to the existing dwelling fronting Barana Parade is to remain as per existing.	As approved under DA0615/15.
2.1M Storage			
72	In addition to storage in kitchens and bedrooms, the following storage with a minimum dimension of 500mm is provided: •        1 bed 6m <sup>3</sup> •        2 bed 8m <sup>3</sup> •        3+ bed 10m <sup>3</sup>	Sufficient internal storage space is provided for the dwelling.	Complies.
73	At least 50% of the required storage is located inside the dwelling.		

#### 4.2 Impacts of the Development

As noted in the above assessment against the provisions of the relevant Environmental Planning Instruments and Development Control Plan, the development is of a reasonable scale and nature, and does not present unreasonable environmental, social, and economic impacts.

##### 4.2.1 Natural and Built Environment Impacts

The development does not impact upon native vegetation, soil conditions, foreshore environment or air quality. The proposed built form allows the neighbouring sites to retain their access to privacy, solar access, pleasant outlook, and overall residential amenity.

##### 4.2.2 Social and Economic Impacts

The development increases the amenity of the property with the proposed first floor addition. The development will thus also upgrade the presentation of the site to the street and improve aesthetic quality of the streetscape. The short-term economic impacts are positive, with the generation of employment opportunity through the physical construction stages. The use of high-quality materials will ensure a durable final built outcome, reducing the need to rebuild in the near future, resulting in a positive long term financial and sustainability outcome. The proposal does not engender any negative social or economic outputs.

#### 4.3 Suitability of the Site

The subject site is considered suitable in size and shape to accommodate the development. The proposal does not introduce any incompatible uses to the site. The works are permissible under the R2: Low Density Residential zone.

##### 4.3.1 Access to Services

The site is located within an established residential area with excellent access to services and public transport. As the site is within an established urban area, electricity, sewer, telephone, and water services are readily available to the subject site.

##### 4.3.2 Parking and Access

The on-site parking provided complies with the parking requirements as prescribed by Ku-ring-gai Development Control Plan. It provides a logical and considered approach to the provision of off-street car parking.

#### 4.3.3 Hazards

The site is not in an area recognised by Council as being subject to flooding, landslip, bushfire, or any other particular hazards. The proposed development is not likely to increase the likelihood of such hazards occurring and is considered appropriate in this instance.

#### 4.4 The Public Interest

The proposal is considered to be in the public interest as it produces nominal environmental, social, and economic impacts. The proposed development has been designed to relate to the size, shape and context of the site and has been designed in accordance with the desired future character for development in the area.

The proposal seeks to provide a dual occupancy development that makes efficient use of space on the site in a prime location that is in high demand for residential accommodation. In addition, the proposal has been designed to minimise as far as practical any adverse effects on existing and future neighbouring properties. The proposal is consistent with the applicable LEP and DCP provisions except where identified and justified in this Statement of Environmental Effects. Accordingly, the proposed development is considered to be in the public interest.

### 5.0 CONCLUSION

The Statement of Environmental Effects (SEE) has been prepared to consider the environmental, social, and economic impacts of the development at 12 Barana Parade, Roseville Chase. The report has addressed the applicable policies and plans, and has provided an environmental assessment in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

The application proposes a permissible development within the subject site locality. The proposal incorporates appropriate design considerations to minimise any adverse impacts on the natural and built environment, and the amenity of the surrounding neighbourhood.

Given the benefits of the development and compliance with the relevant policies and plans, we conclude that the proposed development at 12 Barana Parade, Roseville Chase as described in this application is reasonable and supportable, and worthy of approval by Ku-ring-gai Council.

12 Barana Parade, Roseville Chase – Statement of Environmental Effects

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Prepared By:



Mathew Fortunato

Town Planner

**Bachelor of Architecture and Environments  
(USYD)**

Reviewed By:



Madeline Maric

Town Planner

**Bachelor of Planning (MQU)**

**Planning Institute of Australia (Member)**







**Corona Projects**

## DEVELOPMENT APPLICATION

### **CI4.6 Variation Request – Clause 4.4 Floor Space Ratio**

Change of use of existing structures to a dual occupancy (detached)  
and a new first floor addition to a dwelling

**12 Barana Parade, Roseville Chase**

October 2024



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**PROJECT DETAILS**

Client:	Mr Antranik Panoyan and Mrs Anne Panoyan
Subject land:	12 Barana Parade, Roseville Chase
Lot Description:	Lot 10 / - / DP14083
Proposed development:	Change of use of existing structures to a detached dual occupancy and a new first floor addition to a dwelling
Clause being varied:	Clause 4.4 (2B) Floor Space Ratio

**The report is prepared by** Mathew Fortunato  
Bachelor of Architecture and Environments (USYD)

**The report is reviewed by** Madeline Maric  
Bachelor of Planning (MQU)

I certify that the contents of the Clause 4.6 Variation request to the best of my knowledge, has been prepared as follows:

- The statement contains all available information that is relevant to the environmental impact assessment of the proposed development; and
- To the best of my knowledge the information contained in this report is neither false nor misleading.

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## 1.0 BACKGROUND

This Clause 4.6 variation is a written request to vary a development standard to support a Development Application for the change of use of existing structures to a detached dual occupancy and a new first floor addition to a dwelling at 12 Barana Parade, Roseville Chase. The proposal is in direct response to the growing housing needs of the Roseville Chase locality.

The proposed works include:

- Consent for the use of the structure fronting Griffith Avenue as one half of a detached dual occupancy;
- Change of use of the existing detached dwelling house on site (facing Barana Parade) to one half of a detached dual occupancy; and
- Construction of a first floor addition to the dwelling fronting Griffith Avenue.

Clause 4.4 (2) of Ku-ring-gai Local Environmental Plan (LEP) 2015 relates to the Floor Space Ratio requirements and states that: *“the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map”*. Notwithstanding Clause 4.4 (2), Clause 4.4 (2A) provides maximum floor space ratio for buildings on land zoned R2: Low Density residential.

Further, Clause 4.4 (2B) states that: *“Despite subclause (2A), if a dual occupancy (detached) is permissible on the land, the floor space ratio for the dual occupancy (detached) must not exceed 0.4:1.”* The subject dual occupancy (detached) is permissible in accordance with Part 12 of the SEPP (Housing) 2021. The maximum permissible FSR for the proposed dual occupancy (detached) is thus **0.4:1**.

The architectural plans submitted with the Development Application at 12 Barana Parade, Roseville Chase indicate that the proposed development has a FSR of 0.54:1. This results in a 36.4% variation to the development standard and non-compliance of 151m<sup>2</sup>.

Prior to the adoption of Part 12 of the SEPP (Housing) 2021, new dual occupancy (detached) development within the Ku-ring-gai LGA was only permissible on a select few properties listed under Schedule 1 of the KLEP. The provided 0.4:1 maximum floor space ratio (FSR) applicable to dual occupancy (detached) development under Clause 4.4 (2B) of the KLEP, whilst not specified in the wording of the Clause, previously only applied to those few properties listed under Schedule 1 of the KLEP.

However, following the recent adoption of Part 12 of the SEPP (Housing) 2021, Clause 4.4(2B) now applies to all dual occupancy (detached) development that has been made permissible within the R2 Low Density Residential zone by way of the SEPP. The prescribed maximum FSR of 0.4:1 may not be sufficient to facilitate dual occupancy (detached) development with a satisfactory level of amenity on many of the sites zoned R2 within the Ku-ring-gai LGA. This is in part due to the size of existing lots and the constraints of existing development.

In anticipation of this issue, the State Government has advertised Stage 2 of the proposed reforms, which include the proposed non-refusal standards for Part 12 of the SEPP (Housing) 2021. Whilst not yet adopted, the proposed non-refusal standards for dual occupancies in Greater Sydney stipulate a maximum floor space ratio of 0.65:1. This is detailed within the Department of Planning and Environment's *Explanation of Intended Effect: Changes to Create Low- and Mid-Rise Housing* (December 2023). Accordingly, once the proposed non-refusal standards come into force, the proposed FSR of 0.546:1 will comply with the provisions of the SEPP (Housing) 2021 and will not be able to be refused on this basis.

Nevertheless, as the forthcoming non-refusal standards are yet to be adopted, this Clause 4.6 Variation request has been prepared to address the technical non-compliance.

The documentation upon which this report has been prepared is as follows:

Description	Date	Author
Architectural Plans	October 2024 – Rev K	CasaFabrica
Statement of Environmental Effects	October 2024	Corona Projects

12 Barana Parade, Roseville Chase – Cl4.6 Variation Request Report – Clause 4.4 (2B) Floor Space Ratio

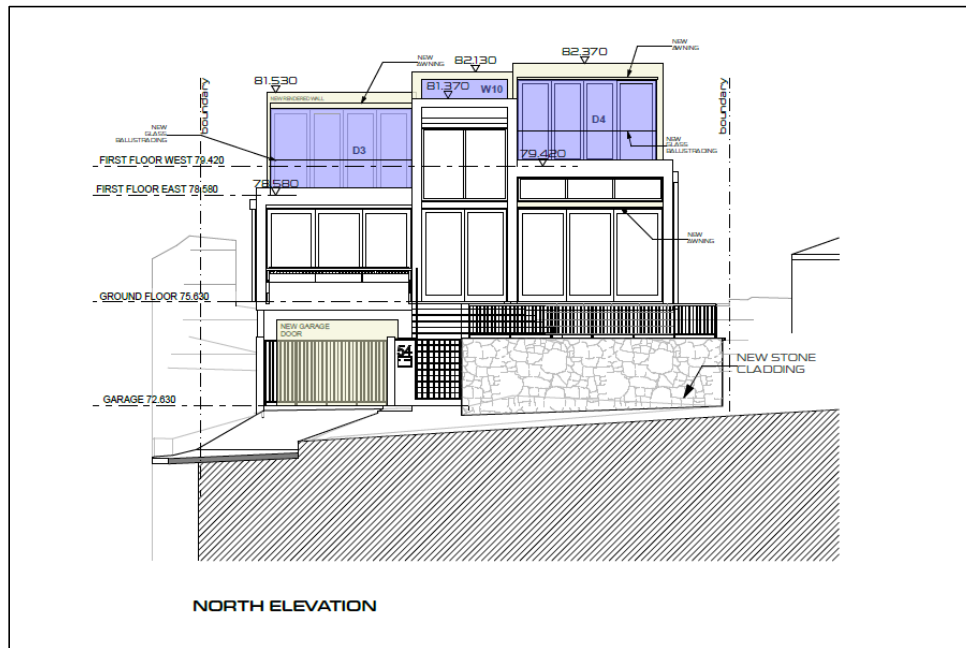


Figure 1: Proposed northern elevation (CasaFabrica, 2024)

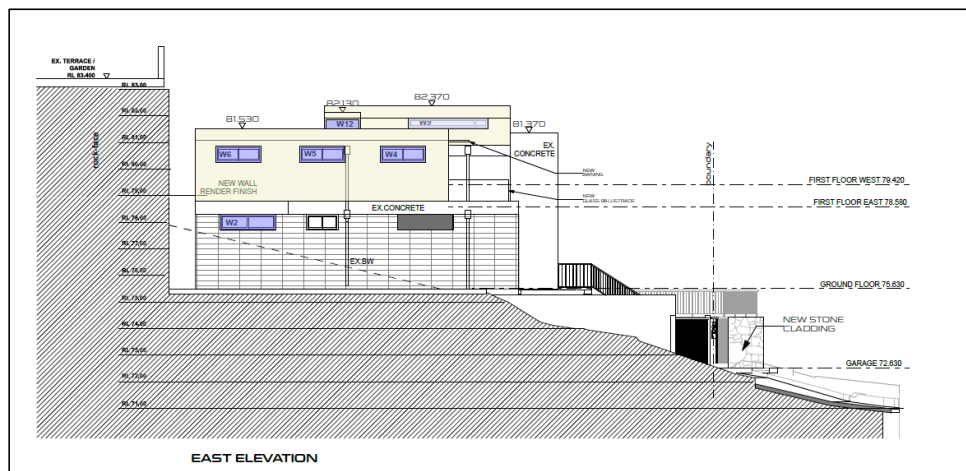


Figure 2: Proposed eastern elevation (CasaFabrica, 2024)

## 2.0 IS THE STANDARD A DEVELOPMENT STANDARD?

Clause 4.4 (2B) of the Ku-ring-gai Local Environmental Plan (LEP) 2015 states that:

*2B) Despite subclause (2A), if a dual occupancy (detached) is permissible on the land, the floor space ratio for the dual occupancy (detached) must not exceed 0.4:1.*

A development standard is defined in Section 1.4 of the Environmental Planning and Assessment Act 1979 ("EPA Act") to mean:

*"provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:*

- a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,*
- b) the proportion or percentage of the area of a site which a building or work may occupy,*
- c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,*
- d) the cubic content or floor space of a building,***
- e) the intensity or density of the use of any land, building or work,*
- f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,*
- g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,*
- h) the volume, nature and type of traffic generated by the development,*
- i) road patterns,*
- j) drainage,*
- k) the carrying out of earthworks,*
- l) the effects of development on patterns of wind, sunlight, daylight or shadows,*
- m) the provision of services, facilities and amenities demanded by development,*
- n) the emission of pollution and means for its prevention or control or mitigation, and*
- o) such other matters as may be prescribed."*



The Floor Space Ratio control falls under subsection (d); therefore, the control is a development standard and Clause 4.6 of the Ku-ring-gai Local Environmental Plan 2015 is applicable.

### 3.0 CLAUSE 4.6 OF THE KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2015

The Standard Instrument LEP contains its own variations clause (Clause 4.6) to allow the variation of development standards. Clause 4.6 of the Standard Instrument is similar in tenor to the former State Environmental Planning Policy No. 1; however, the variations clause contains considerations which are different to those in SEPP 1. The language of Clause 4.6(3)(a)(b) and case law suggests a similar approach to SEPP 1 may be taken in part.

There is abundant judicial guidance on how variations under Clause 4.6 variations should be assessed. Some of these cases are taken into consideration in this request for variation.

While it is not necessary to refer to case law, we do so as it has become customary in sustaining requests under Clause 4.6.

### 4.0 THE ONUS ON THE APPLICANT

Under Clause 4.6(3)(a), it is the onus of the applicant to demonstrate: -

- 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.

The judgement by Chief Justice Preston in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* clarified the correct approach to Clause 4.6 variation requests, including that:

Paragraph 13 -15 of the judgement states: -

*The permissive power in cl 4.6(2) to grant development consent for a development that contravenes the development standard is, however, subject to conditions. Clause 4.6(4) establishes preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard*

*The first precondition, in cl 4.6(4)(a), is that the consent authority, or the Court on appeal exercising the functions of the consent authority, must form two positive opinions of satisfaction under cl 4.6(4)(a)(i) and (ii). Each opinion of satisfaction of the consent authority, or the Court on appeal, as to the matters in cl 4.6(4)(a) is a jurisdictional fact of a special kind: see Woolworths Ltd v Pallas Newco Pty Ltd (2004) 61 NSWLR 707; [2004] NSWCA 442 at [25]. The formation of the opinions of satisfaction as to the matters in cl 4.6(4)(a) enlivens the power of the consent authority to grant development consent for development that contravenes the development standard.*

*The first opinion of satisfaction, in cl 4.6(4)(a)(i), is that the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by cl 4.6(3). These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (cl 4.6(3)(a)) and, secondly, that there are sufficient environmental planning grounds to justify contravening the development standard (cl 4.6(3)(b)). The written request needs to demonstrate both of these matters.*

Accordingly, the matters required to be demonstrated by cl 4.6(3) are set out below using the relevant principles established by the Court.

**Clause 4.6 (3) (a) - Compliance with the development standard is unreasonable or unnecessary in this particular case.**

In *Wehbe V Pittwater* [2007] NSW LEC 827 (Wehbe) a five-part test was established in which a variation to a development standard is considered to be unreasonable or unnecessary as per Clause 4.6(3A). The five tests established in *Wehbe* are (emphasis added):

- 1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;**
- 2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- 3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- 4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*

5. *The zoning of the land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

Satisfaction of any one of these tests is sufficient to demonstrate the compliance with the standard is unreasonable or unnecessary. This variation is based on the first test, which is addressed below.

Consistency with the objectives of the standard:

The first test of Wehbe requires demonstration that the objectives of a development standard can be achieved notwithstanding noncompliance with that particular standard. The objectives of Clause 4.4 are articulated at Clause 4.4(1): -

- 1) *The objectives of this clause are as follows—*

- (a) to enable development with a built form and density that is compatible with the size of the land to be developed, its environmental constraints and its contextual relationship,*
- (b) to provide for floor space ratios compatible with a range of uses,*
- (c) to ensure that development density is appropriate for the scale of the different centres within Ku-ring-gai,*
- (d) to ensure that development density provides a balanced mix of uses in buildings in the employment and mixed use zones.*

**Objective (a)** The subject site, along with adjoining sites to the east, feature a dual road frontage to Barana Parade and Griffith Avenue. This lot configuration allows for dual occupancy (detached) development in which each dwelling fronts a separate road frontage. Consequently, the development will not resemble a conventional side-by-side or front-and-rear dual occupancy, but rather will appear as two detached single dwelling houses, consistent with the surrounding properties to the west and in keeping with the contextual character of the area.

The subject site is of a sufficient length and total area to accommodate the two dwellings whilst retaining sufficient residential amenity, not dissimilar to the properties to the west of the site and properties to the south between Barana Parade and Koongara Road. Further, the proposal does not unreasonably extend beyond the approved building footprint under DA0615/15, largely preserving the setbacks to the street and adjoining residential development.

**Objective (b)** This objective focuses on ensuring that the prescribed floor space ratio (FSR) is compatible with the range of permissible uses on any given site.

A FSR greater than the prescribed 0.4:1 is required in order to facilitate a permissible dual occupancy development with a built form comparable to that of surrounding dwellings. Currently, the dwelling fronting Griffith Parade contains only one bedroom, which is inadequate for meeting the needs of a typical family home. The proposed FSR of 0.546:1 will provide for an additional three bedrooms on the first floor, converting the structure into a suitable family residence. This is directly in line with the growing demand for housing in the Roseville Chase area.

The proposed FSR of 0.546:1, guided by the forthcoming non-refusal standards, is thus compatible with the proposed dual occupancy (detached) use of the site.

**Objective (c)** This objective focuses on ensuring future development maintains an appropriate density relative to the scale of the surrounding area.

The surrounding area is characterised by single dwellings, typically one to two storeys in height. As outlined in Objective (a), the proposed development will appear as two detached single dwellings due to the dual frontages of the lot. The height of the dwelling fronting Griffith Avenue remains compliant with the maximum building height under Clause 4.3 of the KLEP and presents as a two-storey dwelling with a basement garage. As such, the proposed dwelling fronting Griffith Parade will remain in line with the pattern of residential development in the street as the use of the site as a dual occupancy and the proposed density will not be discernible from the public domain or adjoining properties.

Notwithstanding the FSR non-compliance, the proposal remains compliant with the provisions of the Ku-ring-gai LEP and DCP in relation to height, solar access, visual and acoustic privacy, and view loss. Accordingly, the proposed density of the dual occupancy development, as guided by the aforementioned proposed non-refusal standards, is in keeping with the scale of the surrounding residential area of Roseville Chase.

**Objective (d)** The site is not located within the employment or mixed-use zones.

For the above reasons, I am of the view that the variation requested and the resultant development is consistent with the objectives of the development standard and an appropriate degree of flexibility is warranted. Furthermore, it is clear that strict compliance in this case would not serve a meaningful purpose, as the additional density is not anticipated to cause any unreasonable impact on the amenity of adjoining properties or the streetscape. Adhering rigidly to the standard would lead to a design that compromises the residential amenity that the site is otherwise capable of achieving.

Consequently, I conclude that the first test of Wehbe is achieved and thus strict compliance with the development standard is unreasonable or unnecessary in this particular case.

**Clause 4.6 (3) (b) - That there are sufficient environmental planning grounds to justify contravening the development standard**

Satisfaction as to sufficient environmental planning grounds is a matter for the Council to determine and can be site specific as set out in the judgement of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

Paragraph 23 -24 of the judgement states: -

*As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.*

*The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient". There are two respects in which the written request needs to be "sufficient". First, the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are*

*sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [31].*

The term 'environmental planning grounds' is not defined and may be interpreted with wide scope as has been the practice of the Land and Environment Court. The environmental planning grounds supporting variation are on the basis of:

- The additional gross floor area permits the smaller dwelling to achieve a scale consistent with other development in Griffiths Avenue. As established in the response to Clause 4.6(3)(a) above, the proposed development will not resemble a conventional side-by-side or front-and-rear dual occupancy, but rather will appear as two detached single dwellings, consistent with the surrounding properties to the west and in keeping with the contextual character of the area.
- At present the structure fronting Griffith Avenue contains only 1 bedroom, largely insufficient for the needs of a family home. The additional floor area will provide for an additional three bedrooms on the first floor, converting the dwelling into a suitable family residence. This is directly in line with the growing demand for housing in the Roseville Chase area.
- Given the suitability of the site and the lack of impact arising from the development, the proposal is consistent with object (c) of the EP& Act 1979 to promote the orderly and economic development of land.
- The additional gross floor area is not anticipated to result in any undue adverse impacts on adjoining development in terms of solar access, visual and acoustic privacy, and view loss, to the extent anticipated by the relevant controls. Compliance with the relevant controls is detailed within the provided Statement of Environmental Effects.
- The 151m<sup>2</sup> non-compliance and associated 0.54:1 FSR is compliant with the proposed non-refusal standards for dual occupancies in Greater Sydney, which prescribe a maximum FSR of 0.65:1, demonstrating that the additional floor area is suitable for the proposed development.

As set out in *'Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118'*, the aforementioned environmental planning grounds do not rely on the benefits of the development as a whole, but rather they directly relate to the proposed Floor Space Ratio aspect that contravenes the development standard.

For the reasons detailed in this request, I am of the opinion that there are sufficient environmental planning grounds for Council to be satisfied that the request is adequate and to allow appropriate flexibility.

## 5.0 CONCLUSION

The purpose of the application is to apply for the change of use of existing structure to a detached dual occupancy and a new first floor addition at 12 Barana Parade, Roseville Chase. The nature of the proposal necessitates a variation to the Floor Space Ratio development standard; however, the proposal will be commensurate in bulk and siting to surrounding development within the locality.

As development standards tend to be strictly numerical in nature, they fail to take into consideration the nature of the development, any site constraints, or qualitative aspects of the development or of the particular circumstances of the case. Clause 4.6 of the standard instrument LEP allows such an analysis to be carried out.

It has been demonstrated in this request that strict compliance with the Floor Space Ratio development standard is both unreasonable and unnecessary and that there are sufficient environmental planning grounds to allow Council to form the opinion of satisfaction that this written request has adequately addressed the matters required to be demonstrated by Cl.4.6(3)(a) and (b).



Therefore, I request that Council support the variation on the basis that this Clause 4.6 variation demonstrates that strict compliance with the development standard is both unreasonable and unnecessary and that there are sufficient environmental planning grounds to justify a variation to the development standard.

Prepared By:



Mathew Fortunato  
Town Planner  
**Bachelor of Architecture and Environments  
(USYD)**

Reviewed By:



Madeline Maric  
Town Planner  
**Bachelor of Planning (MQU)**  
**Planning Institute of Australia (Assoc.)**



Form A (version 2)

SECTION 34 AGREEMENT

(Section 34 *Land and Environment Court Act 1979* NSW)

COURT DETAILS	
Court	Land and Environment Court of New South Wales
Class	1
Case number	2023/00347008
TITLE OF PROCEEDINGS	
First Applicant	Antranik Panoyan
Second Applicant	Anne Panoyan
Respondent	Ku-ring-gai Municipal Council
PREPARATION DETAILS	
Prepared for	Antranik and Anne Panoyan, First and Second Applicants
	Ku-ring-gai Municipal Council, Respondent
Legal representatives	Andrew Gough, Storey & Gough Michael Winram, Maddocks Lawyers
Legal representative reference	BWAR:BDYE:9408827
Contact name and telephone	APG:230306
Contact email	Andrew Gough 9689 0700
TERMS OF AGREEMENT	

The Court orders that:

- The parties have reached an agreement under s.34(3) of the *Land & Environment Court Act 1979* as to the terms of a decision in the proceedings that would be acceptable to the parties, being a decision that the Court could have made in the proper exercise of its function.
- The terms of the decision are as follows:
  - The appeal is upheld.

[9393803:46188152\_1]

- (b) Pursuant to s 8.18(4) of the *Environmental Planning and Assessment Act 1979* (NSW), Development Control Order No. EPA0130/23 dated 16 October 2023 issued by the Respondent to the Applicants is substituted with the Order annexed to these orders and marked “**Annexure A**” (**Order**).
- (c) The Order is made pursuant to Division 9.3, Schedule 5 (Orders No. 3 and 11) of the *Environmental Planning and Assessment Act 1979*.

**SIGNATURE**

Signature of First and Second

Applicant's legal representative

Capacity:

Solicitor

Date of Signature:

21 November 2024

Signature of Respondent's legal representative

Capacity:

Solicitor

Date of Signature:

21 November 2024

**ANNEXURE A****TERMS OF DEVELOPMENT CONTROL ORDER 3 AND 11 (issued by the Land and Environment Court Proceedings 2023/347008 ('the Proceedings'))**

Division 9.3 Environmental Planning & Assessment Act 1979

**DATE:** The date of the Orders of the Land & Environment Court in proceedings No. 2023/347008

**TO:** Antranik Panoyan and Anne Panoyan

**PREMISES/LAND:** No. 12 Barana Parade, Roseville Chase

Lot: 10, DP: 14083

This Development Control Order is given pursuant to s.9.34(1)(a), s.8.18(4)(c) and s.8.18(4)(f) of the *Environmental Planning and Assessment Act 1979* (the "**EP&A Act**") and requires you to carry out the following required actions.

**Actions Required**

**You are required to**

**Order No. 3 – Demolish Works Order**

Demolish and remove the unauthorised development in the subparagraphs that follow, all of which have not been constructed in accordance with the approved plans listed in Condition 1 of the Notice of Determination for DA0615/15, or the approved construction certificate plans certified by Peter J Boyce & Associates and dated December 2016 (such unauthorised development identified in the rectification plans at Attachment 1 of this Development Control Order):

- (a) the following parts of the northern facade of building:
  - (i) the front 1.2m of the as-built terrace 2 in front of the constructed bedroom;
  - (ii) the front 1.2m of the as-built bedroom including walls and roof;

[9393803:46188152\_1]

- (iii) the front 1.4m of the as-built living room including the whole of the front living room wall;
- (iv) the front wall of the eastern side of the basement (underneath the bedroom);
- (b) the concrete ledge (or awning) that extends from the ground floor concrete slab constructed around the eastern side of the building;
- (c) the wall on the southern side of the courtyard constructed at the rear of the bathroom;
- (d) the portion of the wall on the eastern side of the courtyard constructed at the rear of the bathroom above RL 78.3;
- (e) the portion of the basement that projects beyond the southern wall of the bathroom constructed above the basement;
- (f) the portion of the wall on the eastern side of the car parking hardstand area that has not been constructed in accordance with the wall depicted in drawing CC-7 Issue A;

**Conditions of Order No. 3**

1. Demolition works shall be restricted to the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 5.00pm, Saturday. No demolition work shall take place on Sunday or any Public Holiday.
2. All waste must be contained within the Premises during demolition and then be recycled or removed to an authorised waste disposal facility. No waste shall be placed in any location or in any manner that would allow it to fall descend, blow, wash, percolate or otherwise escape from the Premises.

**Order 11 – Compliance Order**

1. Carry out the following work in order to construct the development in accordance with the approved plans listed in Condition 1 of the Notice of Determination for DA0615/15, and/or the approved construction certificate plans certified by Peter J Boyce & Associates and dated December 2016 (such work identified in the rectification plans at Attachment 1 of this Development Control Order):
  - (a) construct a new masonry front wall for the basement on the eastern side of the building, in a position 1m to the south of the current as-built front wall (which is to be demolished per order (a)(iv) above).

[9393803:46188152\_1]

- (b) install a front wall and sliding glass doors for the bedroom, in a position 1.2m to the south of the current as-built front wall (which is to be demolished per order (a)(ii) above);
  - (c) install a 1m high glass balustrade to the northern edge of terrace 2;
  - (d) construct a retaining wall on the southern side of the basement level in the location immediately below the as-built southern wall of the bathroom constructed above, and associated drainage;
  - (e) fill the excavated space between the natural rock and the retaining wall on the southern side of the basement level (which is to be constructed per order 1(d) above) to RL 75.35;
  - (f) construct a masonry wall on the western side of the basement as a continuation of the western wall of the approved plant room;
  - (g) in-fill the door space constructed to access the eastern part of the basement with masonry;
  - (h) in-fill the boarded-up window on the eastern side of the plant room with masonry;
  - (i) construct a 1.8m high privacy screen on the western end of terrace 1;
  - (j) install a front wall and sliding glass doors for the living room, in a position 2.4m to the south of the front of the terrace (to replace the front wall which is to be demolished per order (a)(iii) above);
  - (k) construct a raised garden bed on the southern side of the courtyard at the rear of the as-built bathroom, with a width of 1.6m and a wall height of RL 75.85;
  - (l) landscape the site in accordance with approved landscape plans listed in Condition 1 of DA0615/15; and
  - (m) construct the wall on the eastern side of the car parking hardstand area in accordance with the wall depicted in drawing CC-7 Issue A.
2. Provide to Council an up to date survey of the secondary dwelling approved under DA0615/15, showing the internal square meterage dimensions, the external dimensions to all boundaries and height of dwelling.

**Period of Compliance**

You will have 90 days to comply with the requirements of this Development Control Order from the date when the Order takes effect.

The Order takes effect 7 days after the final determination of the following applications, in the event that those application are determined by way of a refusal:

1. Development Application No. eDA0485/24 lodged on 14 November 2024; and
2. Building Information Certificate Application No. eBCU0129/24 lodged on 11 November 2024.

It is a requirement of this Development Control Order that any appeal of Council's refusal of the applications to the Land & Environment Court is to be made within 21 days following receipt of a Notice of Determination. In the event that an appeal is not lodged within 21 days following determination by way of refusal, the Development Control Order will take effect.



**REASONS FOR THE ORDER**

1. Development has been carried out on the Premises in contravention of section 4.2 of the EP&A Act, which states:
  - (1) If an environmental planning instrument provides that specified development may not be carried out except with development consent, a person must not carry the development out on land to which the provision applies unless:
    - (a) such development consent has been obtained and is in force, and;
    - (b) the development is carried out in accordance with the consent and the instrument.
2. The Premises are located in the R2 Zone - Low Density Residential under the provisions of the *Ku-ring-gai Local Environmental Plan 2015 (KLEP)*.
3. All development requires approval (Development Consent, Activity Approval or Complying Development Certificate) and Construction Certificate to be issued prior to commencing development except development that is identified as Exempt under a relevant Environmental Planning Instrument.
4. In this regard, development that is Exempt in Ku-ring-gai (full detail of the provisions can be found at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)) is identified under:
  - *Ku-ring-gai Local Environmental Plan 2015,*
  - *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008,*
  - *State Environmental Planning Policy (Transport and Infrastructure) 2021*
  - *State Environmental Planning Policy (Housing) 2021*
5. The building at the rear of the Premises has been constructed not in accordance with development consent granted to DA0615/15. DA0615/15 provides development consent for "alterations and additions to the existing dwelling plus construction of a secondary dwelling".
6. The building constructed at the rear of the Premises is not in accordance with the plans approved under DA0615/15 and is not development for the purpose of a "secondary dwelling" as defined under the environmental planning instruments applicable to the Premises because of the exceedance of the total permissible floor area for a "secondary dwelling".
7. Council is of the view that the whole of the building at the rear of the Premises has been constructed in contravention of the EP&A Act. This is because additional excavation, beyond that which was approved in DA0615/15, has been undertaken on the rear of the Premises, and the building has been constructed on top of a large basement area that was not approved in DA0615/15.
8. The total floor area of the building at the rear of the Premises, as built, exceeds the total floor area permitted under clause 22(3)(b) of the *State Environmental Planning Policy (Affordable Rental Housing Code) 2009* and clause 5.4(9)(b) of the KLEP 2015.
9. The basement area that has been constructed in the building on the Premises contributes substantially to the exceedance of the total floor area of the building

[9393803:46188152\_1]

10. A contravention of this nature alters the characterisation of the development from a "secondary dwelling" to a "dual occupancy".
11. The development, as constructed, increases the dominance of the building at the rear of the Premises and adversely impacts the amenity of the natural and built environments of the local area.
12. It is in the public interest to ensure compliance with the law and the maintenance of the integrity of the planning system.

**FAILURE TO COMPLY WITH ORDER**

It is an offence pursuant to Part 9, Division 9.3, section 9.37 of the EP&A Act to fail to comply with a Development Control Order.

You are reminded that should the Order not be complied with, Council may commence legal proceedings in the Land and Environment Court of NSW seeking enforcement of the Order, costs and other orders as may be required or as the Court sees fit to make..

The EP&A Act provides a maximum penalty for the offence of failing to comply with a Development Control Order.

Tier 1 for the failure to comply with a Development Control Order, being:

- (a) in the case of a corporation:
  - (i) \$5 million, and
  - (ii) for a continuing offence—a further \$50,000 for each day the offence continues, or
- (b) in the case of an individual:
  - (i) \$1 million, and
  - (ii) for a continuing offence—a further \$10,000 for each day the offence continues.

**COMPLIANCE COST NOTICE**

You are advised that Schedule 5, section 37 of the EP&A Act enables Council to issue a Compliance Cost Notice to recover costs and expenses incurred for ensuring compliance with this Order.

A Compliance Cost Notice will require a person who is the subject of a Development Control Order to pay all, or any reasonable costs and expenses in connection with monitoring action and ensuring the Development Control Order is complied.

**RIGHT OF APPEAL AGAINST THE ORDER**

There is no right of appeal against an order issued under s.8.18 of the EP&A Act.

**COMPLETION OF WORKS**

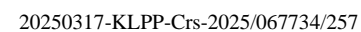
Upon completion of the terms of the Order, please contact Council to arrange an inspection to determine whether the terms of the Order have been completed to the satisfaction of Council.

Should contact not be made following the expiry of the compliance period applicable to the Order, Council will arrange to undertake an inspection to ascertain whether compliance with the terms of the Order has been achieved to Council's satisfaction.

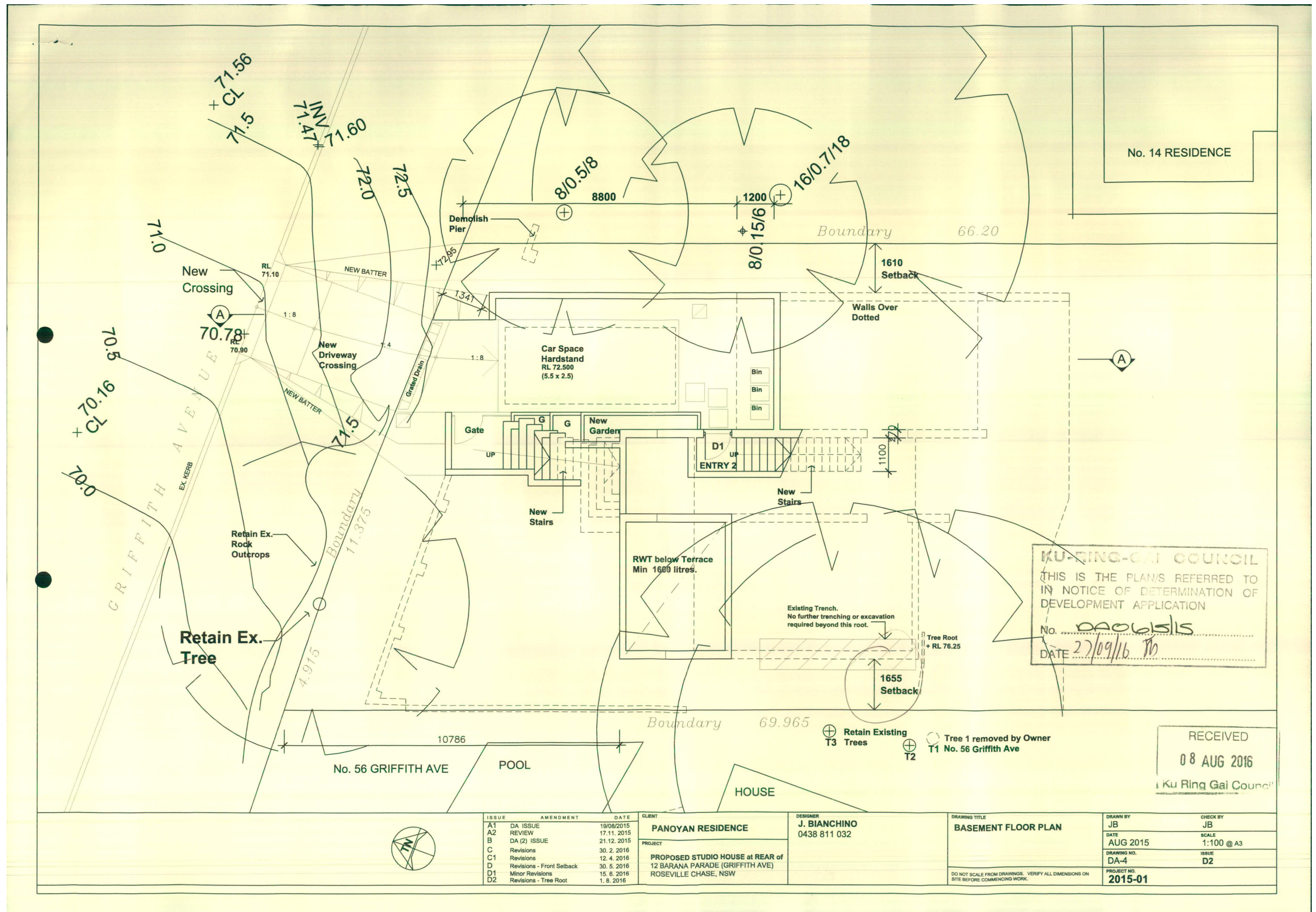
**ATTACHMENT 1 – RECTIFICATION PLANS**

**[INSERT UPON RECEIPT FROM APPLICANT]**

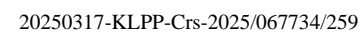
*END OF DEVELOPMENT CONTROL ORDER*



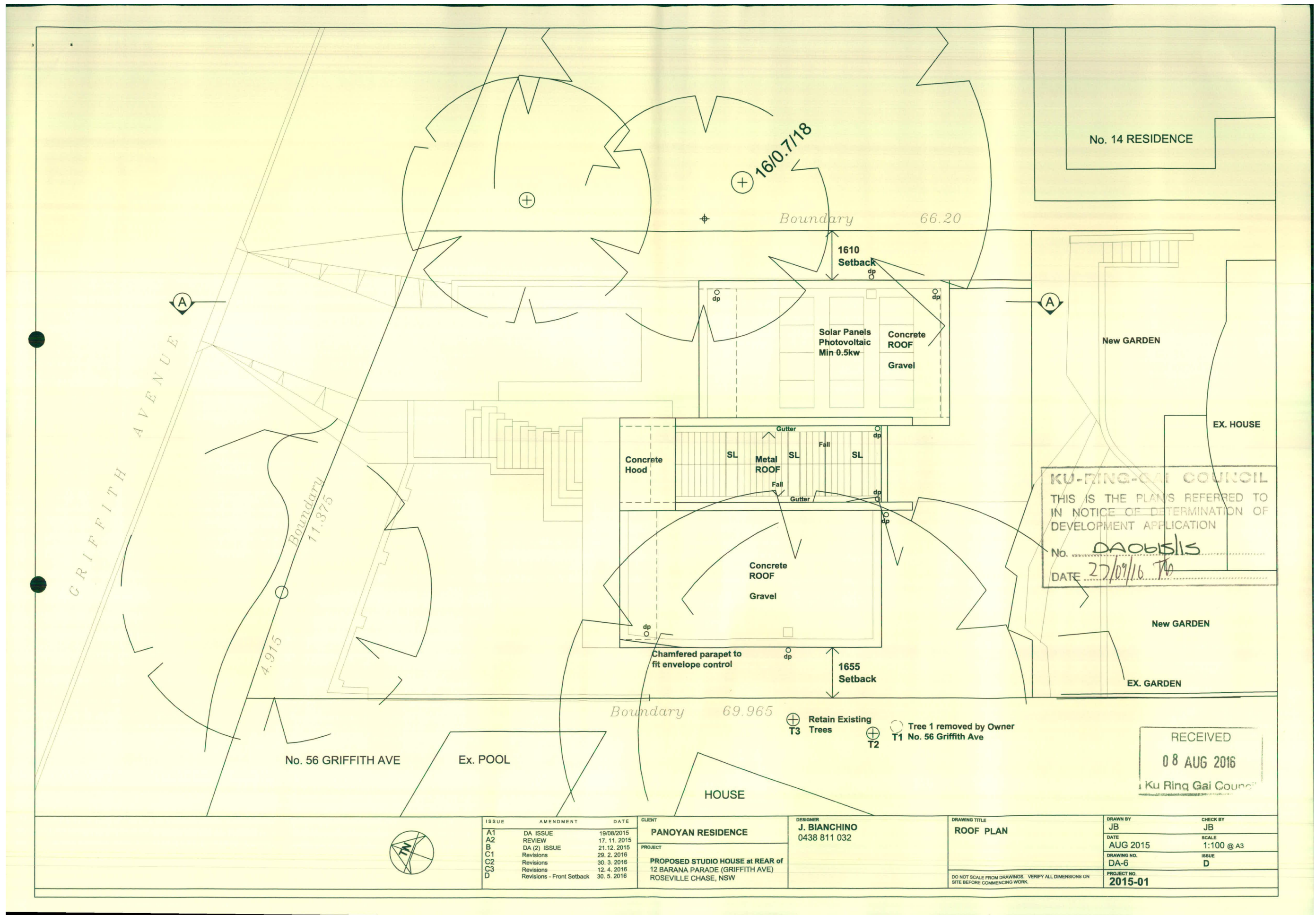




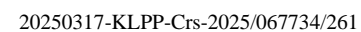




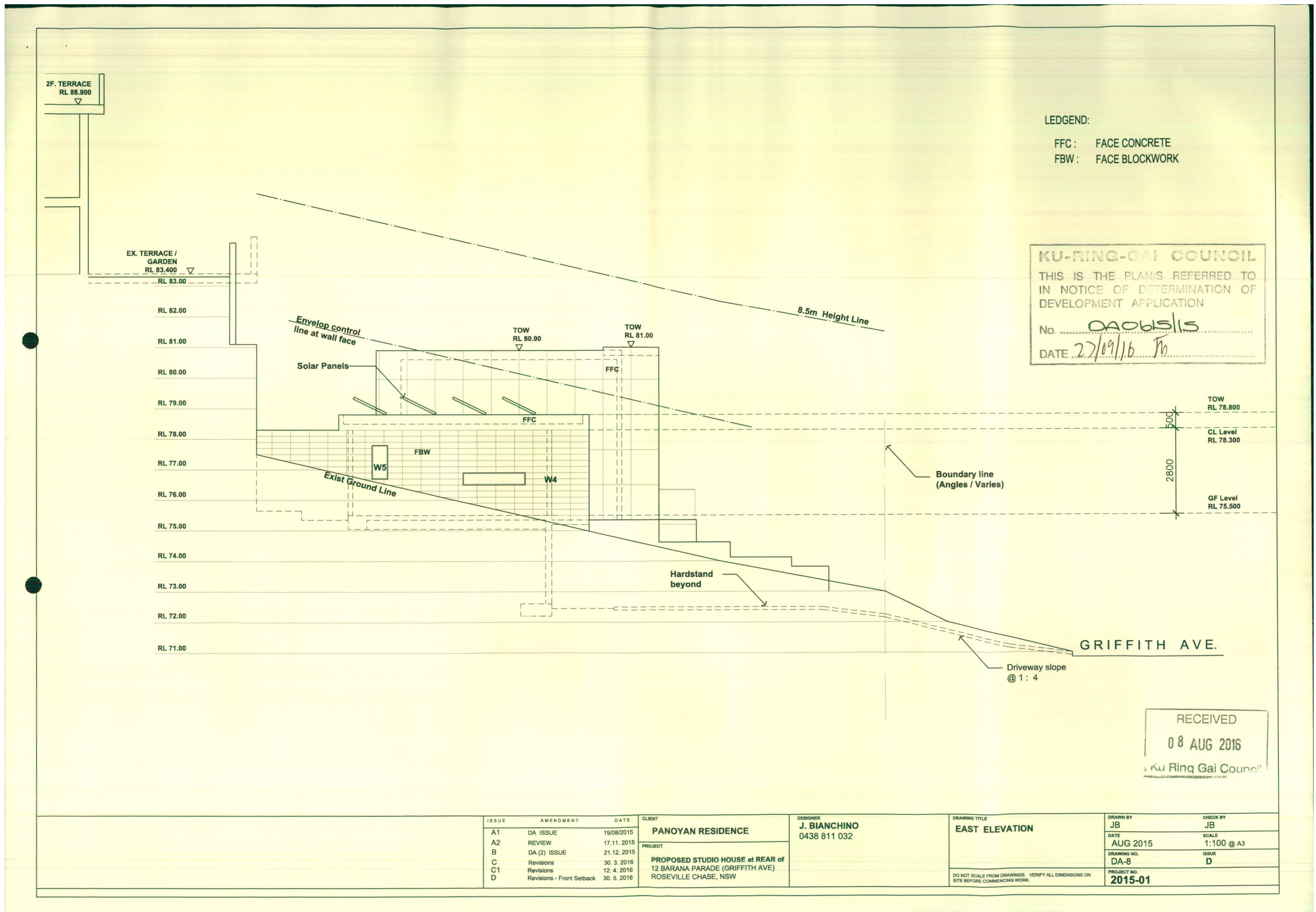




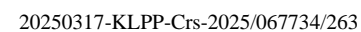




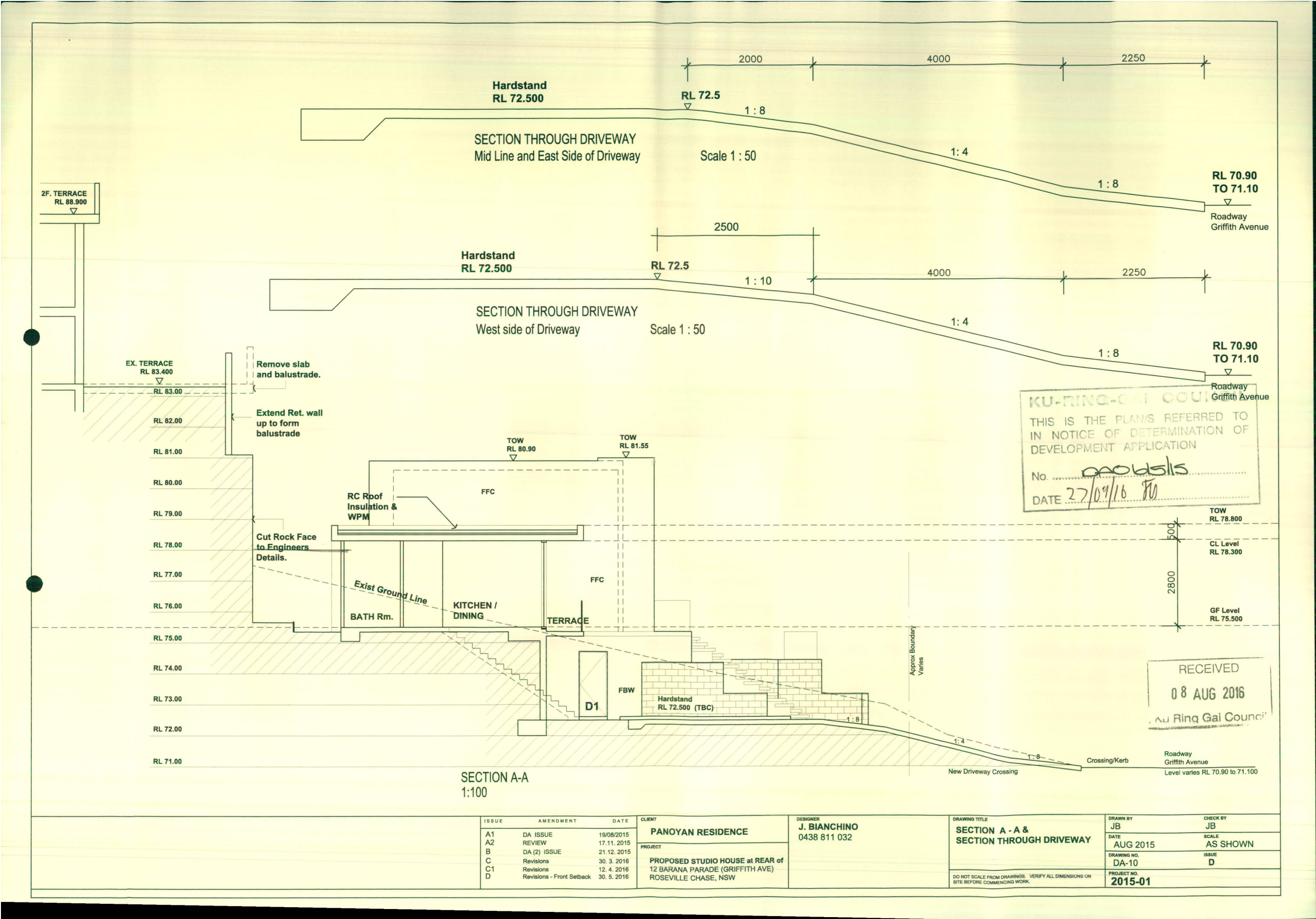




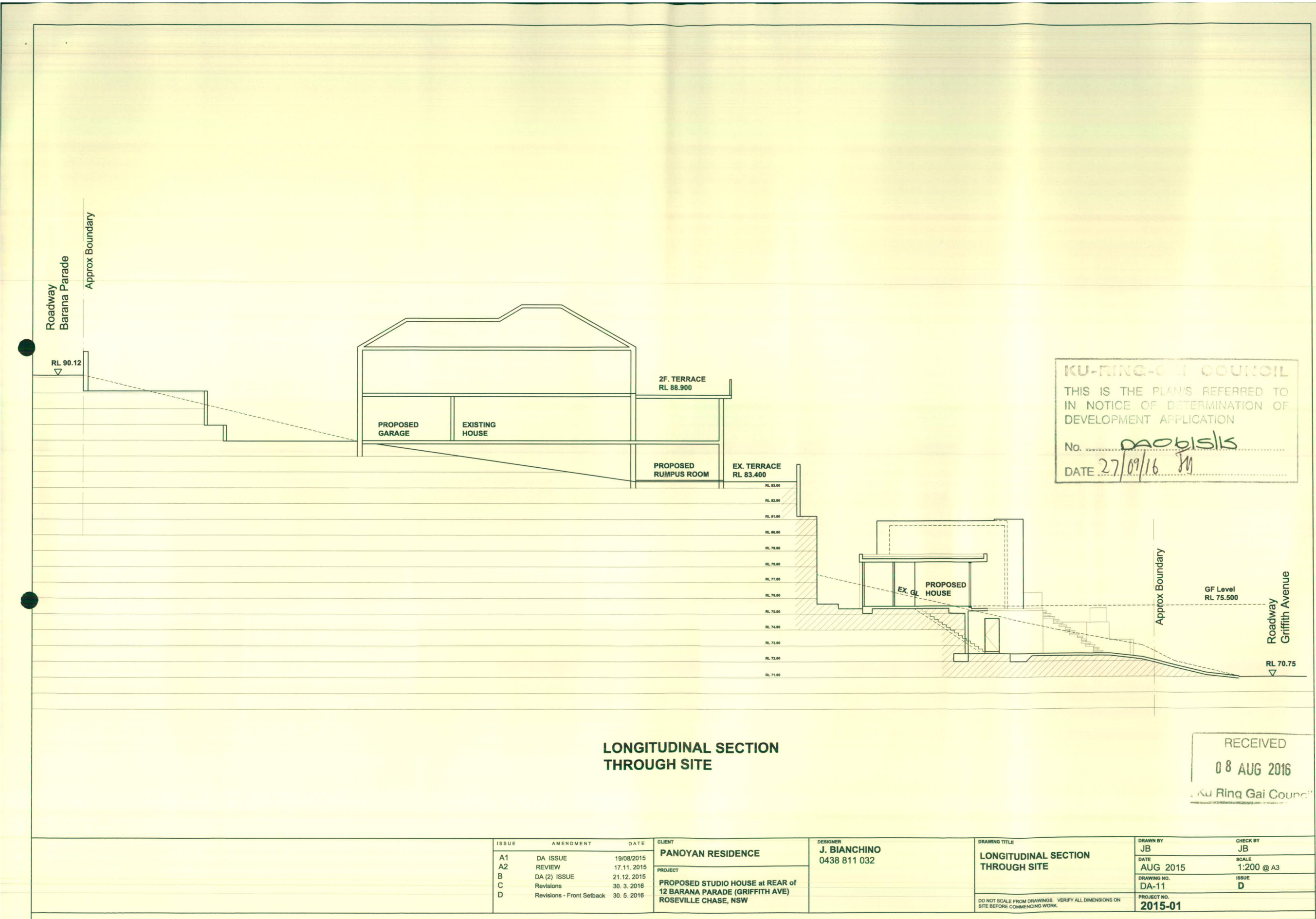


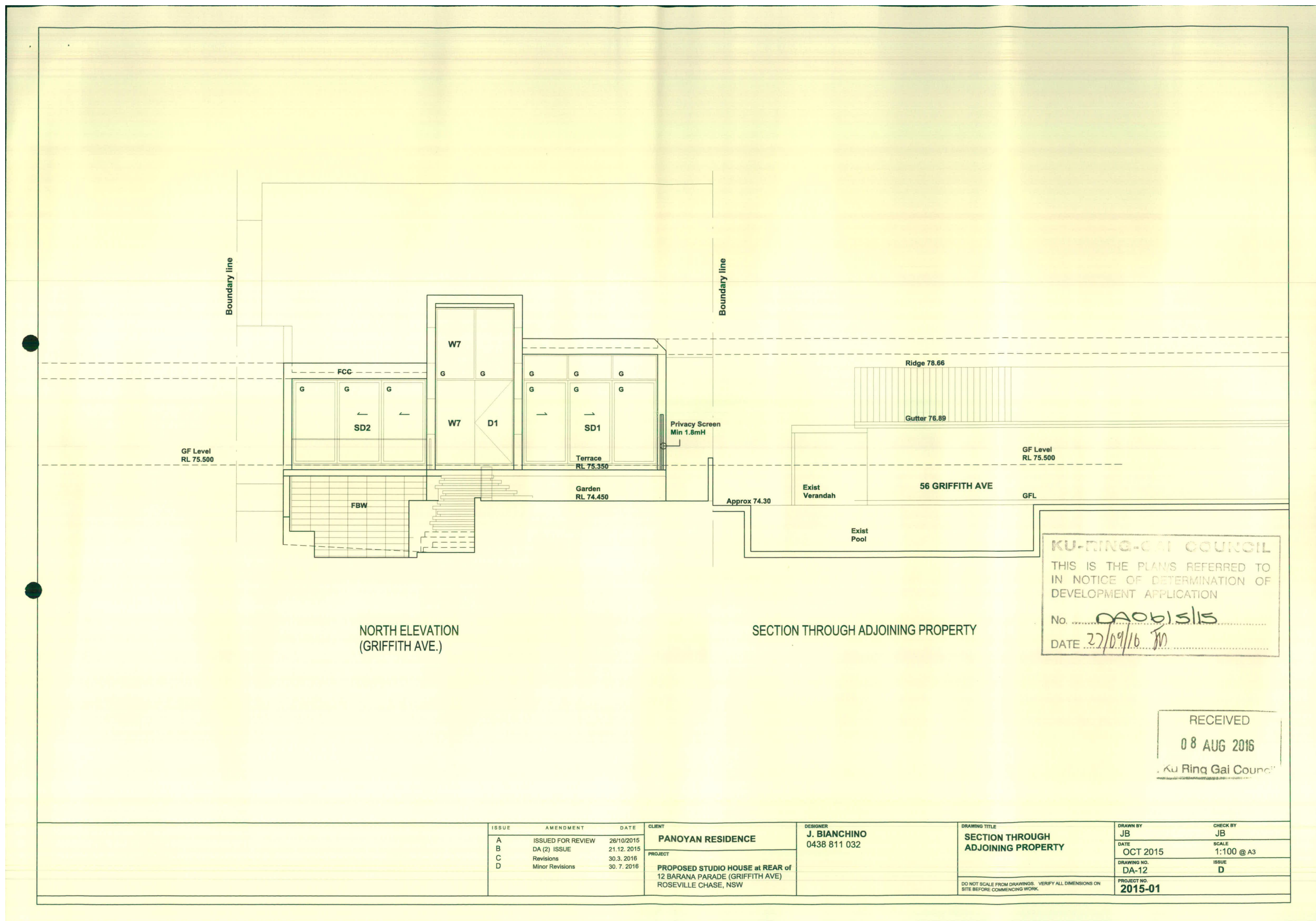




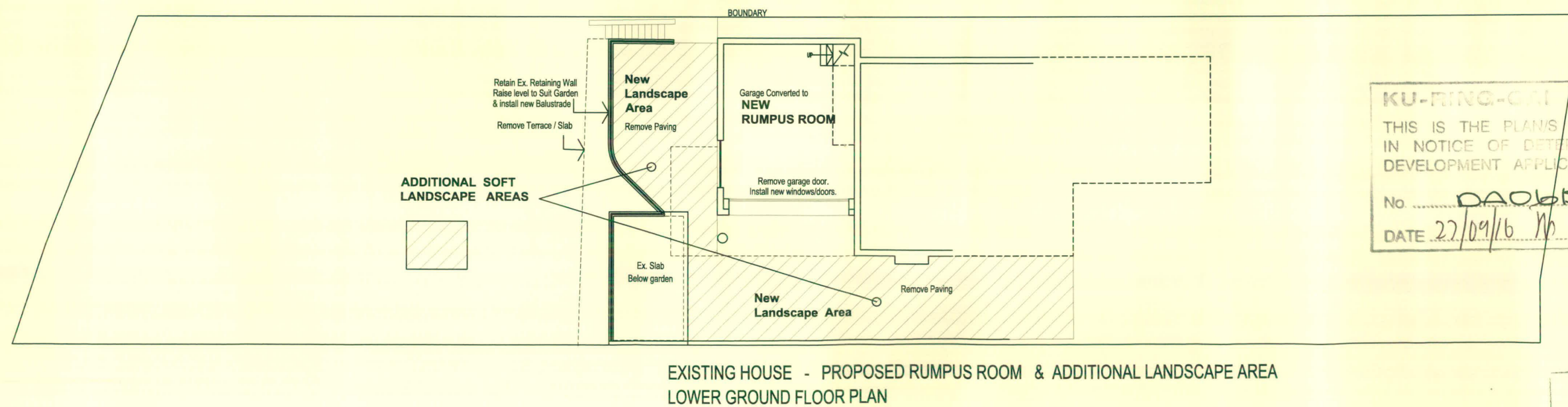
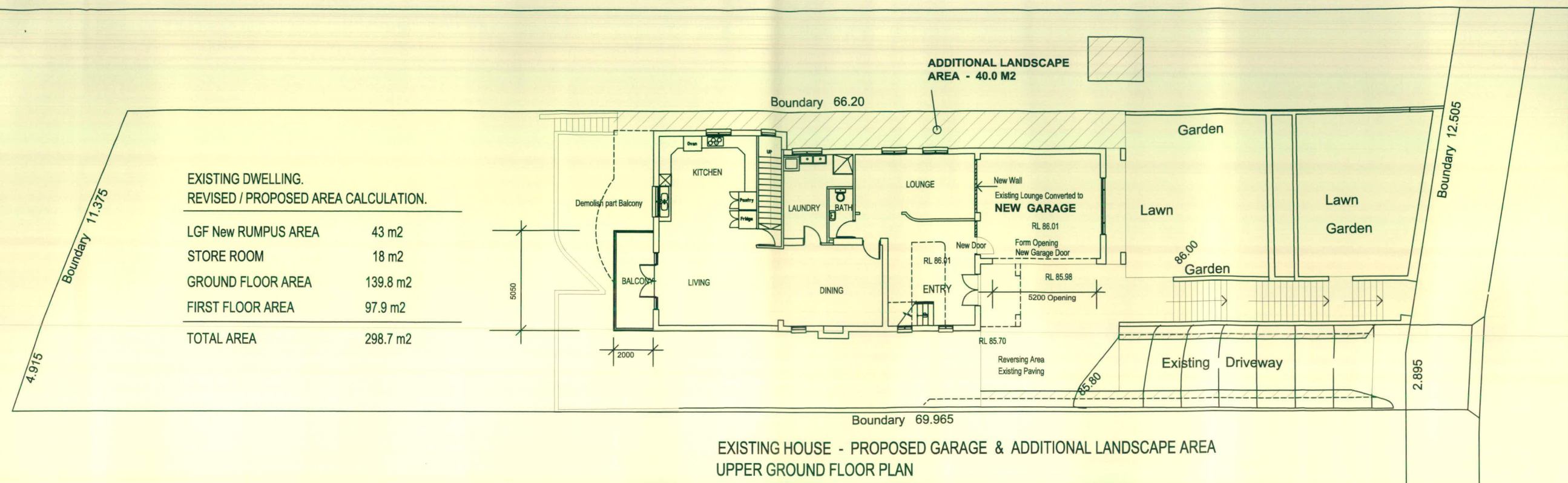












KU-RING-GAI COUNCIL

THIS IS THE PLAN/S REFERRED TO  
IN NOTICE OF DETERMINATION OF  
DEVELOPMENT APPLICATION

No. DA0615/15

DATE 27/09/16

RECEIVED

08 AUG 2016

Ku-ring-gai Council



ISSUE	AMENDMENT	DATE
A	REVIEW	17.11.2015
B	DA (2) ISSUE	21.12.2015
C1	Rear Balcony Demolish	26.2.2016
C2	Revisions	26.2.2016
C3	Revisions	12.4.2016
C4	Store Rm Area Added	14.6.2016

CLIENT  
**PANOYAN RESIDENCE**

PROJECT  
**PROPOSED STUDIO HOUSE at REAR of  
12 BARANA PARADE (GRIFFITH AVE)  
ROSEVILLE CHASE, NSW**

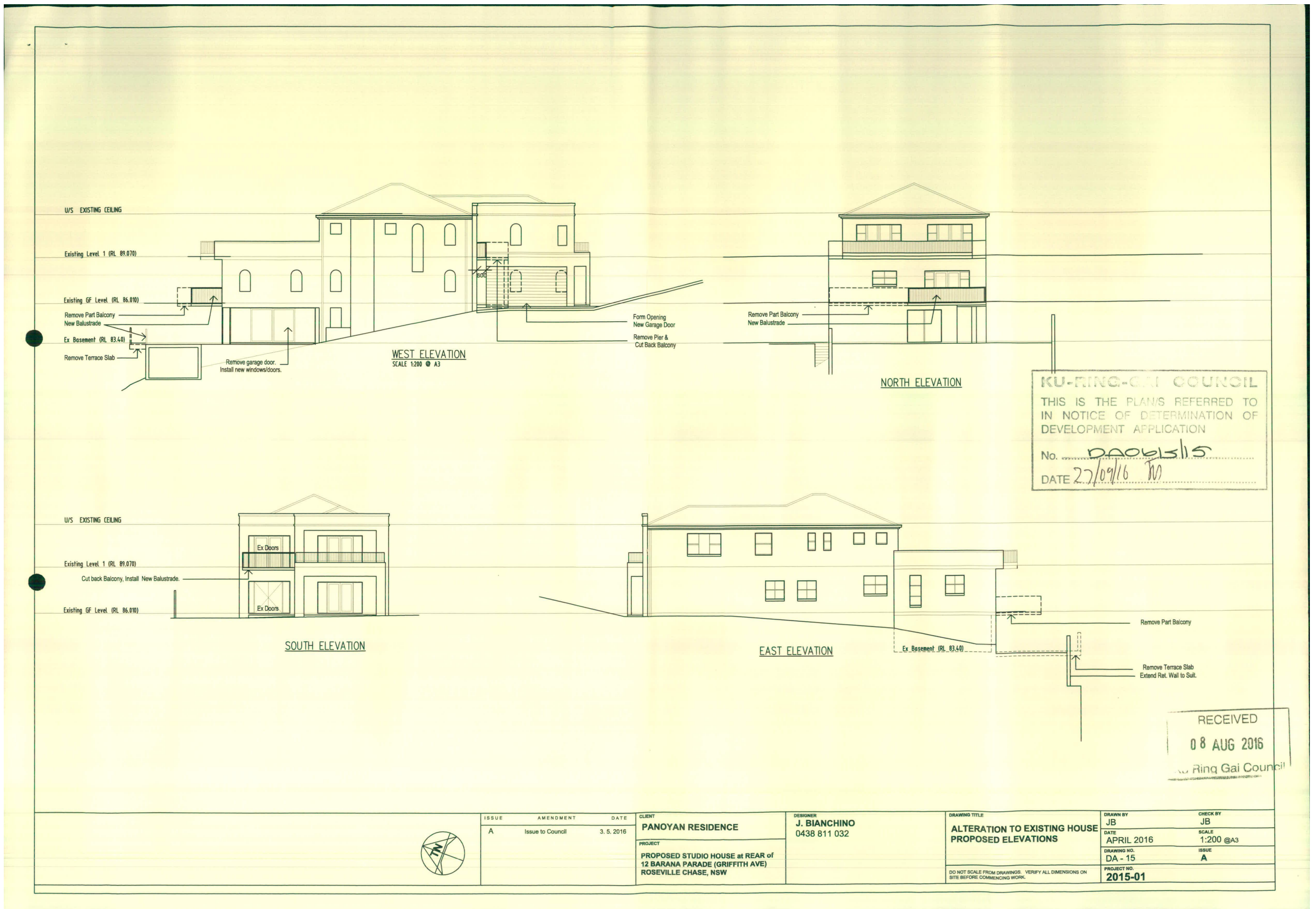
DESIGNER  
**J. BIANCHINO**  
0438 811 032

DRAWING TITLE  
**ALTERATION TO EXISTING HOUSE  
PROPOSED FLOOR PLANS**

DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON  
SITE BEFORE COMMENCING WORK.

DRAWN BY JB	CHECK BY JB
DATE NOV 2015	SCALE 1:200 @A3
DRAWING NO. DA - 13	ISSUE C4
PROJECT NO. 2015-01	







STORMWATER MANAGEMENT PLAN  
PROPOSED STUDIO HOUSE  
Lot 10, 12 BARANA PARADE, ROSEVILLE CHASE

KU-RING-GAI COUNCIL  
THIS IS THE PLAN/S REFERRED TO  
IN NOTICE OF DETERMINATION OF  
DEVELOPMENT APPLICATION  
No. DA0615/15  
DATE 27/09/16 To

DRAINAGE NOTES

**PIPE SIZE:**  
THE MINIMUM PIPE SIZE SHALL BE:

- 90mm DIA WHERE THE LINE ONLY RECEIVES ROOFWATER RUNOFF; OR
- 100mm DIA WHERE THE LINE RECEIVES RUNOFF FROM PAVED OR UNPAVED AREAS ON THE PROPERTY

THE MINIMUM PIPE VELOCITY SHOULD BE 0.6 m/s AND A MAXIMUM PIPE VELOCITY OF 6.0 m/s DURING THE DESIGN STORM.

**PIPE GRADE:**  
THE MINIMUM PIPE GRADE SHALL BE:

- 1.0% FOR PIPES LESS THAN 225mm DIA
- 0.5% FOR ALL LARGER PIPES

PIPES WITH A GRADIENT GREATER THAN 20% WILL REQUIRE ANCHOR BLOCKS AT THE TOP AND BOTTOM OF THE INCLINED SECTION; AND AT INTERVALS NOT EXCEEDING 3.0m

ANCHOR BLOCKS ARE DESIGNED ACCORDING TO CLAUSE 3.5.3 OF AS3500.3-1990

**DEPTH OF COVER FOR PVC PIPES:**  
MINIMUM PIPE COVER SHALL BE AS FOLLOWS:

LOCATION	MINIMUM COVER
NOT SUBJECT TO VEHICLE LOADING	100mm SINGLE RESIDENTIAL 300mm ALL OTHER DEVELOPMENTS
SUBJECT TO VEHICLE LOADING	450mm WHERE NOT IN A ROAD
UNDER A SEALED ROAD	600mm
UNSEALED ROAD	750mm
PAVED DRIVEWAY	100mm PLUS DEPTH OF CONCRETE

SEE AS2032 INSTALLATION OF UPVC PIPES FOR FURTHER INFORMATION.

CONCRETE PIPE COVER SHALL BE IN ACCORDANCE WITH AS3725-1989 LOADS ON BURIED CONCRETE PIPES, HOWEVER A MINIMUM COVER OF 450mm WILL APPLY.

WHERE INSUFFICIENT COVER IS PROVIDED, THE PIPE SHALL BE COVERED AT LEAST 50mm THICK OVERLAY AND SHALL THEN BE PAVED WITH AT LEAST:

- 150mm REINFORCED CONCRETE WHERE SUBJECT TO HEAVY VEHICLE TRAFFIC;
- 75mm THICKNESS OF BRICK OR 100mm OF CONCRETE PAVING WHERE SUBJECT TO LIGHT VEHICLE TRAFFIC; OR
- 50mm THICK BRICK OR CONCRETE PAVING WHERE NOT SUBJECT TO VEHICLE TRAFFIC.

**CONNECTIONS TO STORMWATER DRAINS UNDER BUILDINGS:**  
SHALL BE CARRIED OUT IN ACCORDANCE WITH SECTION 3.10 OF AS3500.3-1990

**ABOVE GROUND PIPEWORK:**  
SHALL BE CARRIED OUT IN ACCORDANCE WITH SECTION 6 OF AS3500.3-1990

PIT SIZES AND DESIGN:

DEPTH (mm)	MINIMUM PIT SIZE (mm)
UP TO 450mm	450 x 450
450mm TO 600mm	600 x 600
600mm TO 900mm	600 x 900
900mm TO 1500mm	900 x 900 (WITH STEP IRONS)
1500mm TO 2000mm	1200 x 1200 (WITH STEP IRONS)

ALL PIPES SHOULD BE CUT FLUSH WITH THE WALL OF THE PIT.

PITS GREATER THAN 600mm DEEP SHALL HAVE A MINIMUM ACCESS OPENING OF 600 x 600mm

THE GRATED COVERS OF PITS LARGER THAN 600 x 600mm ARE TO BE HINGED TO PREVENT THE GRATE FROM FALLING INTO THE PIT.

THE BASE OF THE DRAINAGE PITS SHOULD BE AT THE SAME LEVEL AS THE INVERT OF THE OUTLET PIPE. RAINWATER SHOULD NOT BE PERMITTED TO POND WITHIN THE STORMWATER SYSTEM

- TRENCH DRAINS:**  
CONTINUOUS TRENCH DRAINS ARE TO BE OF WIDTH NOT LESS THAN 150mm AND DEPTH NOT LESS THAN 100mm. THE BARS OF THE GRATING ARE TO BE PARALLEL TO THE DIRECTION OF SURFACE FLOW.

- STEP IRONS:**  
PITS BETWEEN 1.2m AND 6m ARE TO HAVE STEP IRONS IN ACCORDANCE WITH AS1657. FOR PITS GREATER THAN 6m OTHER MEANS OF ACCESS MUST BE PROVIDED.

- PVC PITS:**  
PVC PITS WILL ONLY BE PERMITTED IF THEY ARE NOT A GREATER SIZE THAN 450 x 450mm (MAXIMUM DEPTH 450mm) AND ARE HEAVY DUTY

- IN-SITU PITS:**  
IN-SITU PITS ARE TO BE CONSTRUCTED ON A CONCRETE BED OF AT LEAST 150mm THICK. THE WALLS ARE TO BE DESIGNED TO MEET THE MINIMUM REQUIREMENTS OF CLAUSE 4.6.3 OF AS3500.4-1990. PITS DEEPER THAN 1.8m SHALL BE CONSTRUCTED WITH REINFORCED CONCRETE.

- GRATES:**  
GRATES ARE TO BE GALVANISED STEEL GRID TYPE. GRATES ARE TO BE OF HEAVY-DUTY TYPE IN AREAS WHERE THEY MAY BE SUBJECT TO VEHICLE LOADING.

GENERAL NOTES

- FINAL LOCATION OF NEW DOWNPIPES TO BE DETERMINED BY BUILDER/ARCHITECT AT TIME OF CONSTRUCTION.
- THESE DRAWINGS TO BE READ IN CONJUNCTION WITH ARCHITECTS AND OTHER CONSULTANTS DRAWINGS. ANY DISCREPANCIES TO BE REFERRED TO THE ENGINEER BEFORE PROCEEDING WITH WORK.
- ALL MATERIALS AND WORKMANSHIP TO BE IN ACCORDANCE WITH AS/NZS 3500.3:2003 STORMWATER DRAINAGE, BCA AND LOCAL COUNCIL POLICY/CONSENT/REQUIREMENTS.
- ALL DIMENSIONS AND LEVELS TO BE VERIFIED BY BUILDER ON-SITE PRIOR TO COMMENCEMENT OF WORKS. THESE DRAWINGS ARE NOT TO BE SCALED FOR DIMENSIONS NOR TO BE USED FOR SETOUT PURPOSES.
- ALL SURVEY INFORMATION AND PROPOSED BUILDING AND FINISHED SURFACE LEVELS SHOWN IN THESE DRAWINGS ARE BASED ON LEVELS OBTAINED FROM DRAWINGS BY OTHERS. THESE DRAWINGS DEPICT THE DESIGN OF SURFACE STORMWATER RUNOFF DRAINAGE SYSTEMS ONLY AND DO NOT DEPICT ROOF DRAINAGE OR SUBSOIL DRAINAGE SYSTEMS UNLESS NOTED OTHERWISE. THE DESIGN OF ROOF AND SUBSOIL DRAINAGE SYSTEMS IS THE RESPONSIBILITY OF OTHERS.
- ALL STORMWATER DRAINAGE PIPES ARE TO BE UPVC AT MINIMUM 1% GRADE UNLESS NOTED OTHERWISE.
- IT IS THE CONTRACTORS RESPONSIBILITY TO LOCATE AND LEVEL ALL EXISTING SERVICES OR OTHER STRUCTURES WHICH MAY AFFECT/BE AFFECTED BY THIS DESIGN PRIOR TO COMMENCEMENT OF WORKS.
- ALL PITS WITHIN DRIVEWAYS TO BE 150mm THICK CONCRETE OR EQUAL.
- THIS PLAN IS THE PROPERTY OF QUANTUM ENGINEERS AND MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION FROM QUANTUM ENGINEERS.

PLAN NOTES

- ROOF DRAINAGE NOTE:** AS 3500 ROOF DRAINAGE REQUIRES EAVES GUTTERS TO BE SIZED FOR 20 YEAR 5 MIN. STORM = 205mm/hr. FOR EAVES GUTTERS, AS 3500.3:2003 THEN HAS THE FOLLOWING REQUIREMENTS:
  - FOR TYPICAL STANDARD QUAD GUTTER WITH  $A_e = 6000\text{mm}^2$  AND GUTTER SLOPE 1:500 AND STEEPER, THIS REQUIRES ONE DOWNPIPE PER  $30\text{m}^2$  ROOF AREA.
  - DOWNPIPES TO BE MINIMUM 90mm DIA. OR 100 x 50mm FOR GUTTERS SLOPE 1:500 AND STEEPER.
  - OVERFLOW METHOD TO FIGURE G1 OF AS 3500.3:2003 IT IS THE RESPONSIBILITY OF THE PLUMBER AND / OR BUILDER TO COMPLY WITH THIS. THIS DRAWING SHOWS PRELIMINARY LOCATIONS / NUMBERS OF DOWNPIPES ONLY WHICH ARE TO BE VERIFIED BY BUILDER / PLUMBER
- TREE PRESERVATION:** IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN ANY PRIOR APPROVAL REQUIRED FROM COUNCIL WITH RESPECT TO POTENTIAL IMPACT ON TREES FOR ANY WORKS SHOWN ON THIS DRAWING PRIOR TO THE COMMENCEMENT OF THOSE WORKS
- ALL ROOF GUTTERS TO HAVE OVERFLOW PROVISION IN ACCORDANCE WITH AS 3500.3:2003 AND SECTIONS 3.5.3, 3.7.5 AND APPENDIX G OF AS 3500.3:2003
- THIS DRAWING IS NOT TO BE USED FOR SET-OUT PURPOSES - REFER TO ARCHITECTURAL DRAWINGS
- LOCATION OF SURFACE STORMWATER GRATED INLET PITS MAY BE VARIED OR NEW PITS INSTALLED AT THE CONSTRUCTION STAGE PROVIDED DESIGN INTENT OF THIS DRAWING IS MAINTAINED

LEGEND	
SURFACE INLET PIT	
SURFACE INLET PIT (WITH ENVIROPOD 200 MICRON)	
ACCESS GRATE (WITH ENVIROPOD 200 MICRON)	
ACCESS GRATE (TO HED PIT)	
450 SQUARE INTERVAL	450 X 450
GRATE LEVEL = 75.50	SL 75.50
INVERT LEVEL = RL 75.20	IL 75.20
PROPOSED DOWNPIPE 90mm DIA. OR 100mm x 50mm MIN.	
GRATED TRENCH DRAIN	
ABSORPTION TRENCH	
PROPOSED ROOF GUTTER FALL	
PROPOSED DOWNPIPE SPREADER	
STORMWATER PIPE 100mm DIA. MIN. UNO	
SUBSOIL PIPE	
EXISTING STORMWATER PIPE	
INSPECTION RISER	
RAINWATER HEAD	



APPROVED BY  
ROBERT ELTOBAGI  
MIEAust CPEng

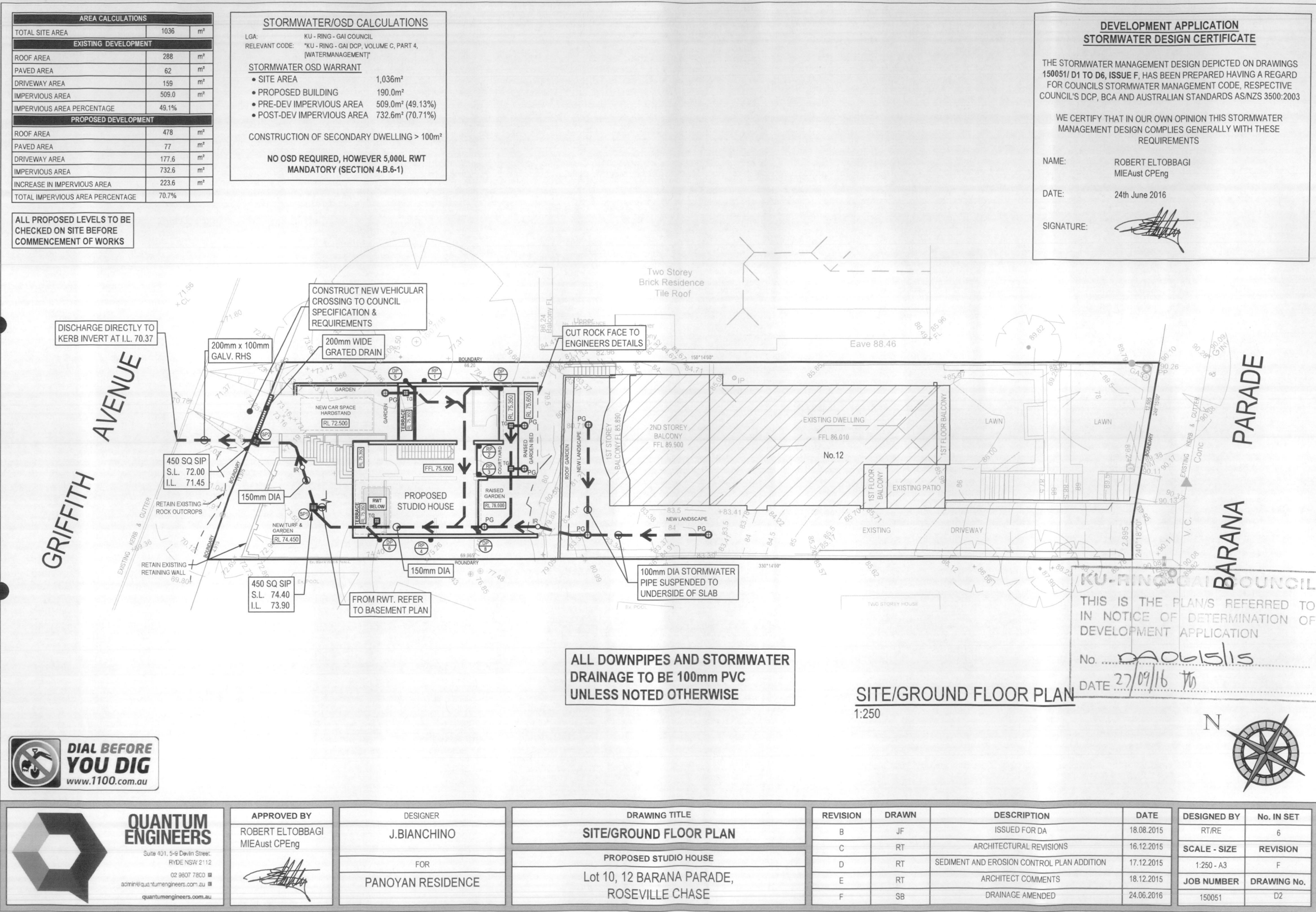
DESIGNER  
J.BIANCHINO  
  
FOR  
PANOYAN RESIDENCE

DRAWING TITLE  
DETAILS, NOTES & LEGEND  
  
PROPOSED STUDIO HOUSE  
Lot 10, 12 BARANA PARADE,  
ROSEVILLE CHASE

REVISION	DRAWN	DESCRIPTION	DATE
B	JF	ISSUED FOR DA	18.08.2015
C	RT	ARCHITECTURAL REVISIONS	16.12.2015
D	RT	SEDIMENT AND EROSION CONTROL PLAN ADDITION	17.12.2015
E	RT	ARCHITECT COMMENTS	18.12.2015
F	SB	DRAINAGE AMENDED	24.06.2016

DESIGNED BY	No. IN SET
RT/RE	6
SCALE - SIZE	REVISION
-	F
JOB NUMBER	DRAWING No.
150051	D1





**RAINWATER RE-USE TANK - RWT**  
(AS PER BASIX REQUIREMENTS)

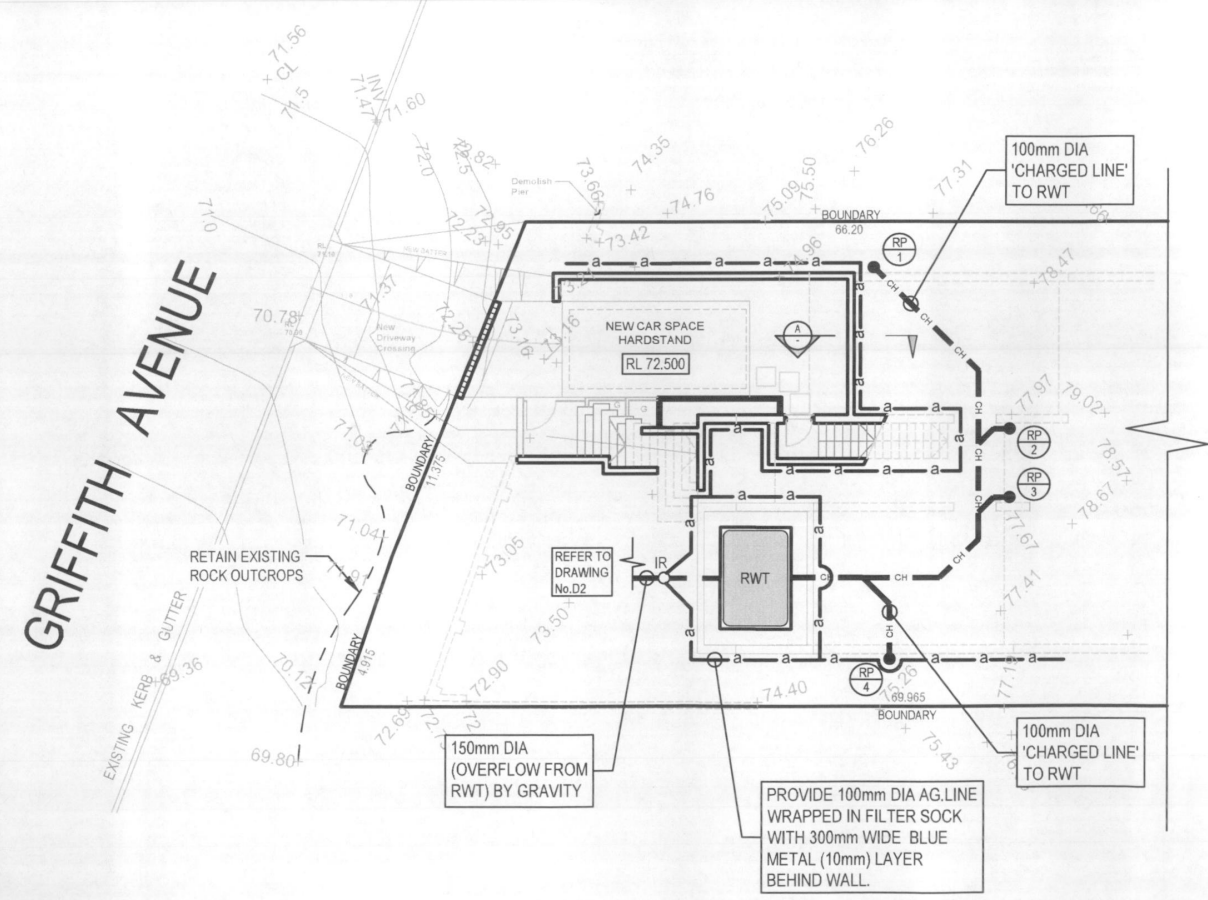
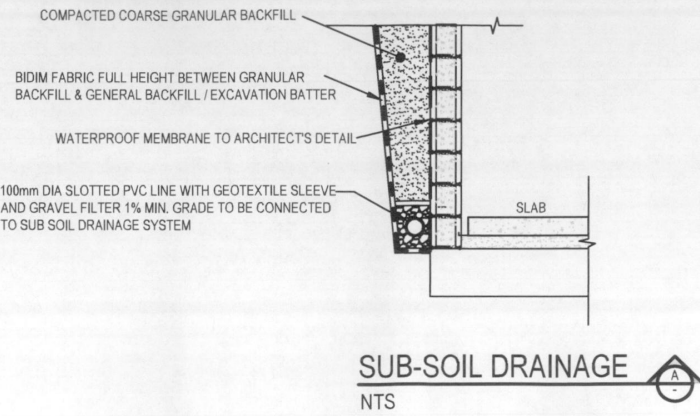
SIZE: 5,000 LITRES (MIN)  
(3000L x 2000W x 834H)

INSTALL TO MANUFACTURES SPECIFICATIONS, AS3500 AND COUNCIL REQUIREMENTS

- FOR RE-USE AS SPECIFIED BY BASIX CERTIFICATE
- TANK TO BE INSTALLED BY LICENSED PLUMBER IN ACCORDANCE WITH AS/NZS 3500:2003 AND NSW CODE OF PRACTICE PLUMBING AND DRAINAGE 2006

**DRAINAGE PIPE LEGEND**

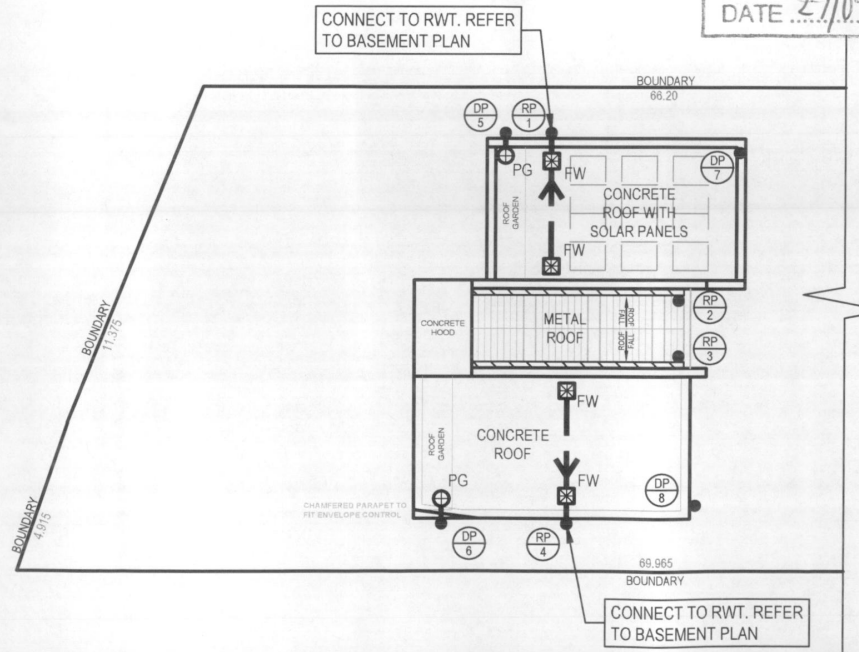
- DRAINAGE PIPES VIA GRAVITY
- CHARGED DRAINAGE PIPES



**BASEMENT PLAN**  
1:200

**ROOF DRAINAGE**

- BOX GUTTER - 200mm WIDE x 150mm DEEP
- RP - DOWNPIPE FOR ROOF AREA
- DP - DOWNPIPE FOR TERRACE AND PLANTERS
- FW - 225mm SQUARE FLOOR DRAIN



**ROOF PLAN**  
1:200

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No. DA0615/15

DATE 27/09/16 *TM*

ALL 'RP' DOWNPIPES DIRECTED TO THE BASEMENT LEVEL. REFER TO THE BASEMENT PLAN

ALL 'DP' DOWNPIPES DIRECTED TO THE GROUND FLOOR LEVEL. REFER TO THE GROUND FLOOR PLAN



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FOR

PANOYAN RESIDENCE

DRAWING TITLE

**BASEMENT AND ROOF PLANS**

PROPOSED STUDIO HOUSE

Lot 10, 12 BARANA PARADE,  
ROSEVILLE CHASE

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DESIGNED BY	No. IN SET
RT/RE	6
SCALE - SIZE	REVISION
AS NOTED - A3	F
JOB NUMBER	DRAWING No.
150051	D3

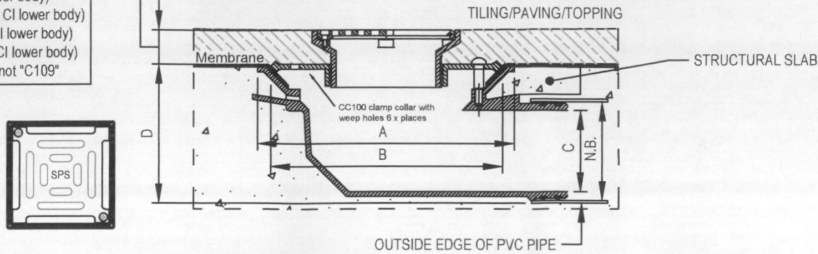


SPS 150MM SQUARE VARI-LEVEL FLOOR DRAIN WITH SIDE-OUTLET LOWER BODY

Specification codes:  
Q150G/C109 (bronze grate, CI lower body)  
Q150N/C109 (nickel bronze grate, CI lower body)  
Q150S4/C109 (polished 304SS, CI lower body)  
Q150S/C109 (satin 316SS grate, CI lower body)  
For 80mm outlet, use suffix "C89" not "C109"

HEIGHT ADJUSTMENT:  
MIN. 25mm  
MAX. 60mm\*

EP100 EXTENSION PIECE AVAILABLE TO INCREASE MAX. HEIGHT



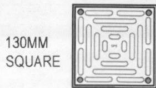
N.B.	A	B	C	D	E
80	260	240	110	115	28
100	260	240	110	140	28

FLOOR WASTE (SPS) - FW

NTS

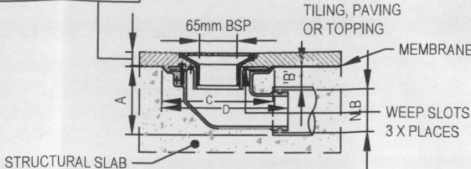
SPS 130MM SQUARE VARI-LEVEL SIDE OUTLET DRAIN 65/50MM OUTLET

SPECIFICATION CODE:  
Q130S4/C90 (POLISHED 304 STAINLESS STEEL, ABS LOWER BODY)  
Q130S/C90 (SATIN 316 STAINLESS STEEL GRATE, ABS LOWER BODY)



- SQUARE GRATE POLISHED 304 OR SATIN 316 STAINLESS STEEL
- UPVC 90° BODY AND REVERSIBLE MEMBRANE CLAMP COLLAR WITH FEMALE 65MM BSP THREAD.

HEIGHT ADJUSTMENT:  
MIN. 25mm  
MAX. 68mm



SPIGOT PUSHES INTO 65MM PVC OR COPPER WITH O-RING CONNECTION, OR CONNECTS TO 50MM PVC/HDPE WITH NO-HUB COUPLING.

N.B.	A	B	C	D
50	100	40	180	200
65	105	37	180	200

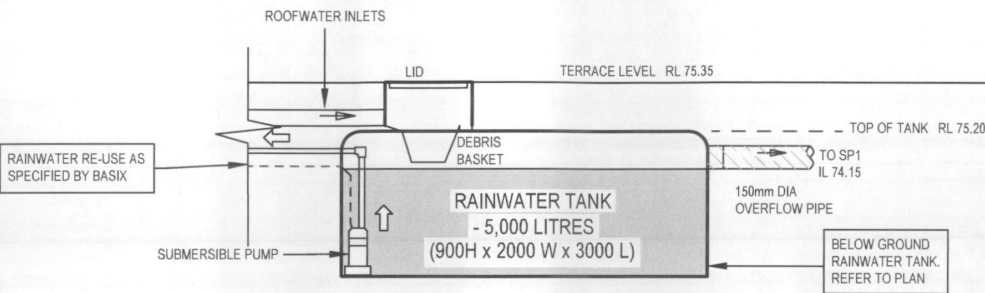
TERRACE GRATE (SPS) - TG

NTS

KU-RING-GAI COUNCIL

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No. DA0615/15  
DATE 27/09/16 TJ

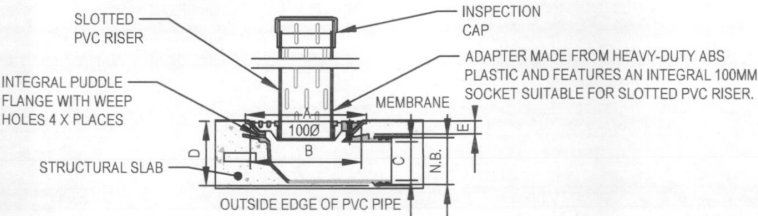


RAINWATER RE-USE TANK - BELOW GROUND

NTS

SPS TRUFLO 80MM & 100MM 90° RWO WITH ALL-PURPOSE PLANTER BOX ADAPTER

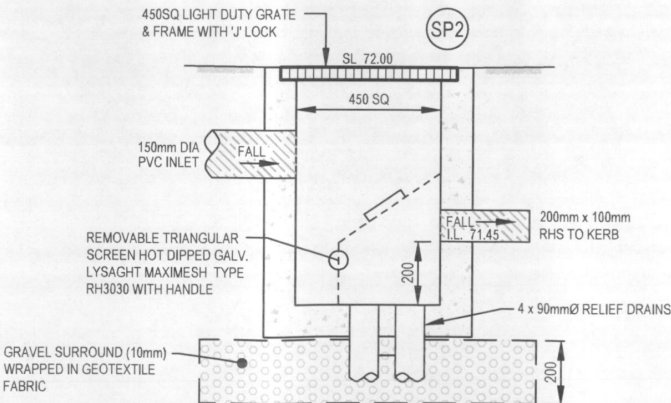
SPECIFICATION CODE:  
TIA80/90PB (80MM CI BODY WITH PLANTER BOX INSERT)  
TIA100/90PB (100MM CI BODY WITH PLANTER BOX INSERT)



N.B.	A	B	C	D	E
80	260	240	62	115	28
100	260	240	83	140	28

PLANTER GRATE (SPS) - PG

NTS



SEDIMENT CONTROL PIT - SP2

1:20



APPROVED BY  
ROBERT ELTOBAGI  
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*[Signature]*

DESIGNER  
J.BIANCHINO

FOR  
PANOYAN RESIDENCE

DRAWING TITLE  
STORMWATER DETAILS

PROPOSED STUDIO HOUSE  
Lot 10, 12 BARANA PARADE,  
ROSEVILLE CHASE

REVISION	DRAWN	DESCRIPTION	DATE	DESIGNED BY	No. IN SET
B	JF	ISSUED FOR DA	18.08.2015	RT/RE	6
C	RT	ARCHITECTURAL REVISIONS	16.12.2015	SCALE - SIZE	REVISION
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E	RT	ARCHITECT COMMENTS	18.12.2015	JOB NUMBER	DRAWING No.
F	SB	DRAINAGE AMENDED	24.06.2016	150051	D4



**DUST CONTROL:**

• NOTE: DURING EXCAVATION, DEMOLITION AND CONSTRUCTION, ADEQUATE MEASURES SHALL BE TAKEN TO PREVENT DUST FROM AFFECTING THE AMENITY OF THE NEIGHBORHOOD.

THE FOLLOWING MEASURES MUST BE ADOPTED:

1. PHYSICAL BARRIERS SHALL BE ERECTED AT RIGHT ANGLES TO PREVENT WIND DIRECTION OR SHALL BE PLACED AROUND OR OVER DUST SOURCES TO PREVENT WIND OR ACTIVITY FROM GENERATING DUST.
2. EARTHWORKS AND SCHEDULING ACTIVITIES SHALL BE MANAGED TO COINCIDE WITH THE NEXT STAGE OF DEVELOPMENT TO MINIMISE THE AMOUNT OF TIME THE SITE IS LEFT TO CUT OR EXPOSED.
3. ALL MATERIALS SHALL BE STORED OR STOCKPILED AT THE BEST LOCATIONS.
4. THE GROUND SURFACE SHOULD BE DAMPENED SLIGHTLY TO PREVENT DUST FROM BECOMING AIRBORNE BUT SHOULD NOT BE WET TO THE EXTENT THAT RUN-OFF OCCURS.
5. ALL VEHICLES CARRYING SOIL OR RUBBLE TO OR FROM THE SITE SHALL AT ALL TIMES BE COVERED TO PREVENT THE ESCAPE OF DUST.
6. ALL EQUIPMENT WHEELS SHALL BE WASHED BEFORE EXISTING THE SITE USING MANUAL OR AUTOMATED SPRAYERS AND DRIVE - THROUGH WASHING BAYS.
7. GATES SHALL BE CLOSED BETWEEN VEHICLE MOVEMENTS SHALL BE FITTED WITH SHADE CLOTH.
8. CLEANING OF FOOTPATHS AND ROADWAYS SHALL CARRIED OUT DAILY.
9. ALL BUILDERS REFUSE, SPOIL AND/OR MATERIAL UNSUITABLE FOR USE IN LANDSCAPE AREAS SHALL BE REMOVED FROM SITE ON COMPLETION OF THE BUILDING WORKS.

**NOTES:**

1. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED DAILY BY SITE MANAGER IN ACCORDANCE WITH COUNCIL REQUIREMENTS.
2. ALL STOCKPILES TO BE CLEAR FROM DRAINS, GUTTERS AND FOOTPATHS.
3. DRAINAGE IS TO BE CONNECTED TO STORMWATER SYSTEM AS SOON AS POSSIBLE.
4. ROADS AND FOOTPATH TO BE SWEEPED DAILY AS REQUIRED BY COUNCIL.
5. IF YOU DO NOT COMPLY WITH COUNCIL REQUIREMENTS & DOCUMENTATION, YOU MAY BE LIABLE TO PROSECUTION FROM GOVERNMENT AUTHORITIES.

**LEGEND:**

UNDISTURBED VEGETATION

SEDIMENT FENCE

STOCK PILES

STABILIZED SITE ACCESS

MESH & GRAVEL INLET FILTER

WATER DIVERSION

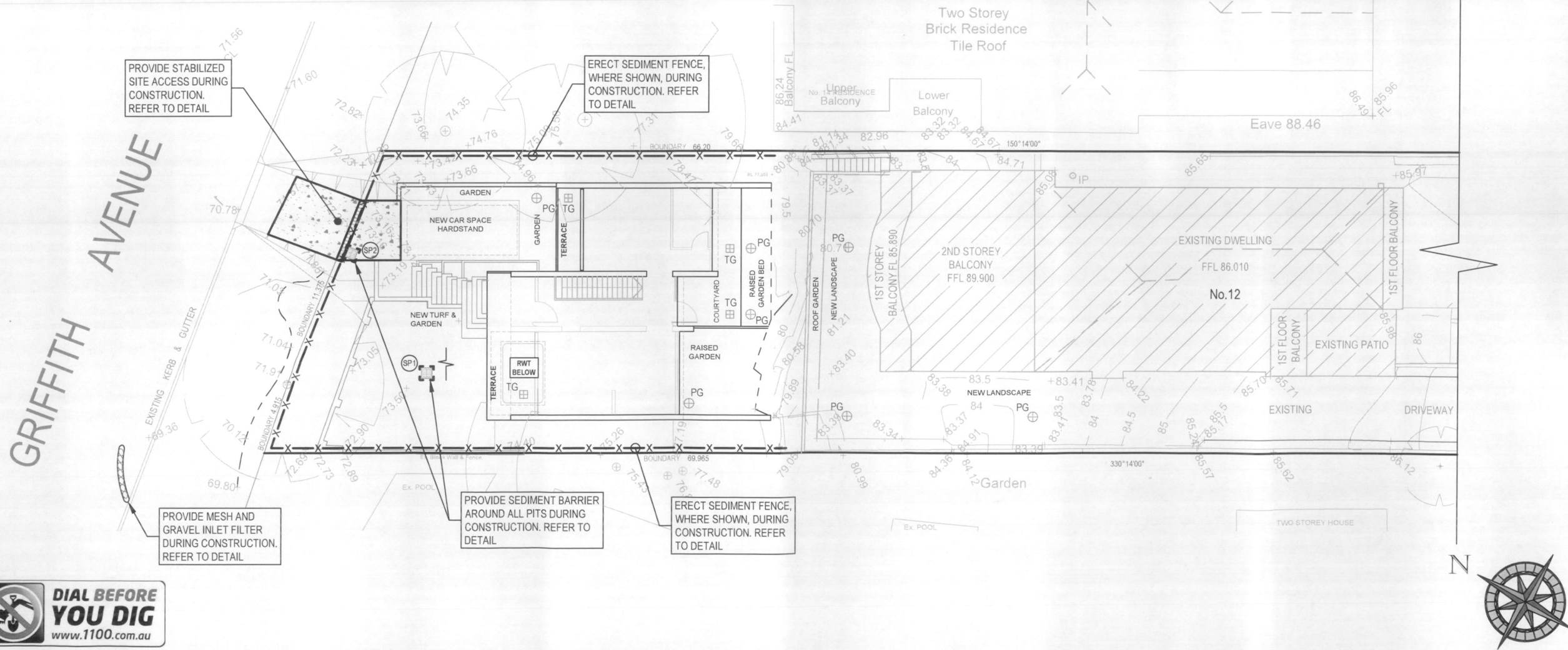
STORMWATER PIT WITH SEDIMENT BARRIER

**KU-RING-GAI COUNCIL**

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No. DA0615/15

DATE 27/09/16 M



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MIEAust CPEng

**DESIGNER**

J. BIANCHINO

**FOR**

PANOYAN RESIDENCE

**DRAWING TITLE**

**SEDIMENT CONTROL PLAN**

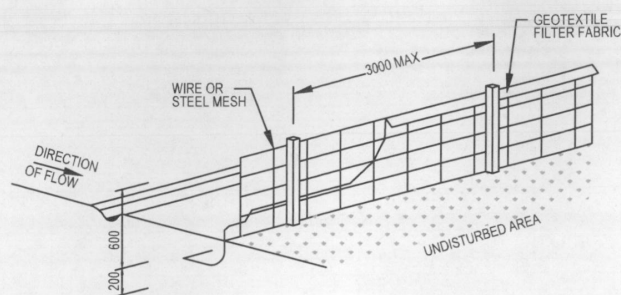
**PROPOSED STUDIO HOUSE**

Lot 10, 12 BARANA PARADE,  
ROSEVILLE CHASE

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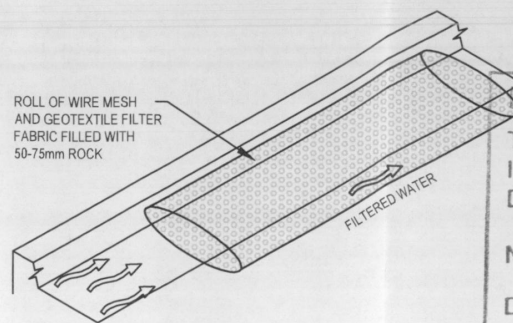
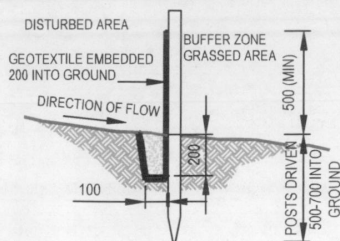
DESIGNED BY	No. IN SET
RT/RE	6
SCALE - SIZE	REVISION
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JOB NUMBER	DRAWING No.
150051	D5





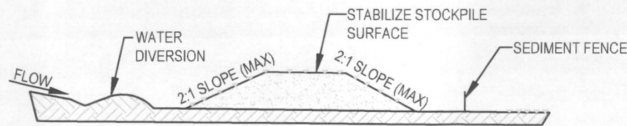
SEDIMENT FENCE DETAIL  
NTS

- CONSTRUCTION NOTES:**
1. CONSTRUCT SEDIMENT FENCES AS CLOSE AS POSSIBLE TO BEING PARALLEL TO THE CONTOURS OF THE SITE, BUT WITH SMALL RETURNS AS SHOWN IN THE DRAWING TO LIMIT THE CATCHMENTS AREA OF ANY ONE SECTION. THE CATCHMENTS AREA SHOULD BE SMALL ENOUGH TO LIMIT WATER FLOW IF CONCENTRATED AT ONE POINT TO 50 LITRES PER SECOND IN THE DESIGN STORM EVENT, USUALLY THE 10 YEAR EVENT.
  2. CUT A 150mm DEEP TRENCH ALONG THE UPSLOPE LINE OF THE FENCE FOR THE BOTTOM OF THE FABRIC TO BE ENTRENCHED.
  3. DRIVE 1.5m LONG STAR PICKETS INTO GROUND AT 2.5m INTERVALS (MAX) AT THE DOWNSLOPE EDGE OF THE TRENCH. ENSURE ANY STAR PICKETS ARE FITTED WITH SAFETY CAPS.
  4. FIX SELF-SUPPORTING GEOTEXTILE TO THE UPSLOPE SIDE OF THE POSTS ENSURING IT GOES TO THE BASE OF THE TRENCH. FIX THE GEOTEXTILE WITH WIRE TIES OR AS RECOMMENDED BY THE MANUFACTURER. ONLY USE GEOTEXTILE SPECIFICALLY PRODUCED FOR SEDIMENT FENCING. THE USE OF SHADE CLOTH FOR THIS PURPOSE IS NOT SATISFACTORY.
  5. JOIN SECTIONS OF FABRIC AT A SUPPORT POST WITH 150mm OVERLAP.
  6. BACKFILL THE TRENCH OVER THE BASE OF THE FABRIC AND COMPACT IT THOROUGHLY OVER THE GEOTEXTILE.



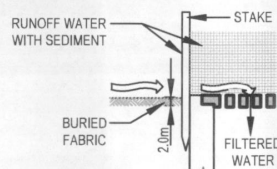
MESH AND GRAVEL FILTER  
NTS

- CONSTRUCTION NOTES:**
1. INSTALL FILTERS TO KERB INLETS ONLY AT SAG POINTS
  2. FABRICATE A SLEEVE MADE FROM GEOTEXTILE OR WIRE MESH LONGER THAN THE LENGTH OF THE INLET PIT AND FILL IT WITH 25mm TO 50mm GRAVEL.
  3. FORM AN ELLIPTICAL CROSS-SECTION ABOUT 150mm(h) x 400mm(w).
  4. PLACE THE FILTER AT THE OPENING LEAVING AT LEAST 100mm SPACE BETWEEN IT AND THE KERB INLET. MAINTAIN THE OPENING WITH SPACER BLOCKS.
  5. FORM A SEAL WITH THE KERB TO PREVENT SEDIMENT BYPASSING THE FILTER.
  6. SANDBAGS FILLED WITH GRAVEL CAN SUBSTITUTE FOR THE MESH OR GEOTEXTILE PROVIDING THEY ARE PLACED SO THAT THEY FIRMLY ABUT EACH OTHER AND SEDIMENT-LADEN WATERS CANNOT PASS BETWEEN.



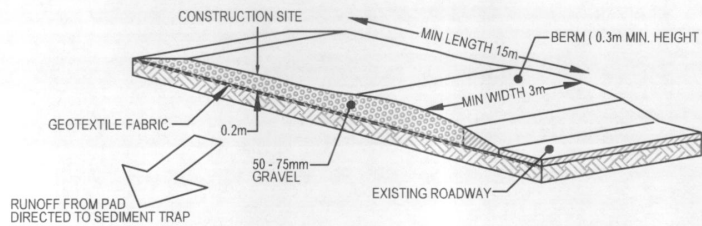
STOCKPILE  
NTS

- NOTE:**
1. PLACE STOCKPILES MORE THAN 2 (PREFERABLY 5) METRES FROM EXISTING VEGETATION, CONCENTRATED WATER FLOW, ROADS AND HAZARD AREAS.
  2. CONSTRUCT ON THE CONTOUR AS LOW, FLAT, ELONGATED MOUNDS.
  3. WHERE THERE IS SUFFICIENT AREA, TOPSOIL STOCKPILES SHALL BE LESS THAN 2 METRES IN HEIGHT.
  4. WHERE THEY ARE TO BE IN PLACE FOR MORE THAN 10 DAYS, STABILIZE FOLLOWING THE APPROVED ESCP OR SWMP TO REDUCE THE C-FACTOR TO LESS THAN 0.10.
  5. CONSTRUCT EARTH BANKS (LOW FLOW) ON THE UPSLOPE SIDE TO DIVERT WATER AROUND STOCKPILES AND SEDIMENT FENCES 1 TO 2 METRES ON THE DOWNSLOPE.



SEDIMENT BARRIER AROUND PIT  
NTS

- CONSTRUCTION NOTES:**
1. FABRICATE A SEDIMENT BARRIER MADE FROM GEOTEXTILE OR STRAW BALES.
  2. FOLLOW STRAW FILTER AND SEDIMENT FENCE FOR INSTALLATION PROCEDURES FOR THE STRAW BALES OR GEOFABRIC. REDUCE THE PICKET SPACING TO 1 METRE CENTRES.
  3. IN WATERWAYS, ARTIFICIAL SAG POINTS CAN BE CREATED WITH SANDBAGS OR EARTH BANKS AS SHOWN IN THE DRAWING.
  4. DO NOT COVER THE INLET WITH GEOTEXTILE UNLESS THE DESIGN IS ADEQUATE TO ALLOW FOR ALL WATERS TO BYPASS IT.



STABILIZED SITE ACCESS  
NTS

- CONSTRUCTION NOTES:**
1. STRIP THE TOPSOIL, LEVEL THE SITE AND COMPACT THE SUBGRADE
  2. COVER THE AREA WITH NEEDLE-PUNCHED GEOTEXTILE
  3. CONSTRUCT A 200mm THICK PAD OVER THE GEOTEXTILE USING ROAD BASED OR 30mm AGGREGATE
  4. ENSURE THE STRUCTURE IS AT LEAST 15m LONG OR TO BUILD ALIGNMENT AND AT LEAST 3 METRES WIDE.
  5. WHERE A SEDIMENT FENCE JOINS ONTO THE STABILIZED ACCESS, CONSTRUCT A HUMP IN THE STABILIZED ACCESS TO DIVERT WATER TO THE SEDIMENT FENCE.



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MIEAust CPEng

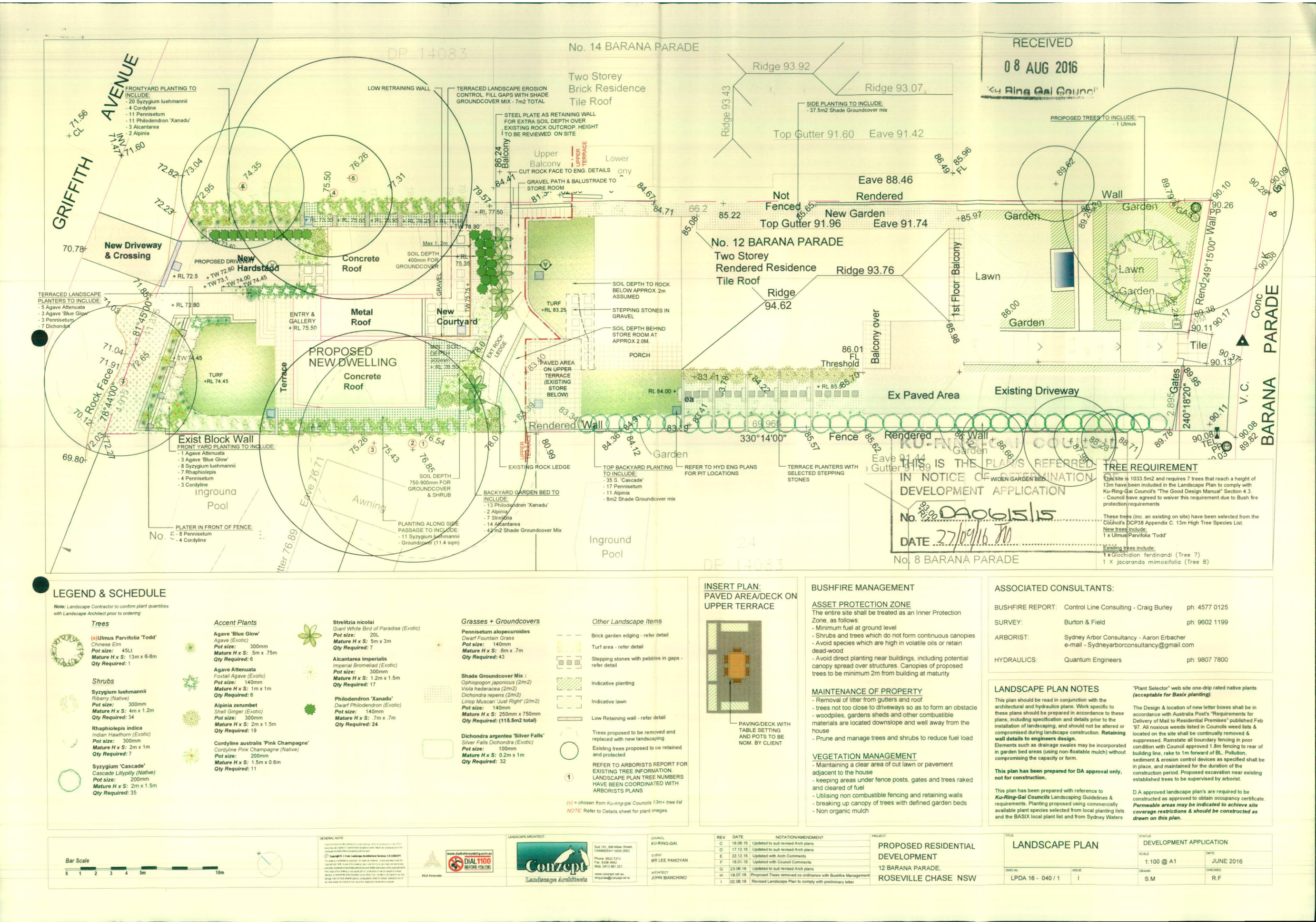
DESIGNER  
J.BIANCHINO  
  
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DRAWING TITLE  
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PROPOSED STUDIO HOUSE  
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SCALE - SIZE	REVISION
AS NOTED - A3	F
JOB NUMBER	DRAWING No.
150051	D6







## LANDSCAPE WORK SPECIFICATION

## PRELIMINARIES

## 1.01 GENERAL

- The following general conditions should be considered prior to the commencement of landscape works:
- The landscape plans should be read in conjunction with the architectural plans, hydraulic plans, service plans and survey prepared for the proposed development.
- All services including existing drainage should be accurately located prior to the commencement of landscape installation. Any proposed tree planting which falls close to services will be relocated on site under the instruction of the landscape architect.
- Installation of conduit for required irrigation, electrical and other services shall be completed prior to the commencement of landscape works and hardscape works.
- All outdoor lighting specified by architect or client to be installed by qualified electrician.
- Assemblies that occur in these plans should be brought to our immediate attention.
- Where an Australian Standard applies for any landscape material testing or installation technique, that standard shall be followed.

## 1.02 PROTECTION OF ADJACENT FINISHES

The Contractor shall take all precautions to prevent damage to all or any adjacent finishes by providing adequate protection to these areas / surfaces prior to the commencement of the Works.

## 1.03 PROTECTION OF EXISTING TREES

Existing trees identified to be retained shall be done so in accordance with NATSPEC Guide 2 "A Guide to Assessing Tree Quality". Where general works are occurring around such trees, or pruning is required, a qualified Arborist shall be engaged to oversee such works and manage tree health. Existing trees designated on the drawing for retention shall be protected at all times during the construction period. Any soil within the drip-line of existing trees shall be excavated and removed by hand only. No stockpiling shall occur within the root zone of existing trees to be retained.

Any roots larger in diameter than 50mm shall only be severed under instruction by a qualified arborist. Roots smaller than 50mm diameter shall be cut cleanly with a saw. Temporary fencing shall be erected around the base of all trees to be retained prior to the commencement of landscape works. Where possible this fencing will be located around the drip line of these trees, or a minimum of 3m from the trunk. The fencing shall be maintained for the full construction period.

## 1.04 EROSION &amp; POLLUTION CONTROL

The Contractor shall take all proper precautions to prevent the erosion of soil from the subject site. The contractor shall install erosion & sediment control barriers and as required by council, and maintain these barriers throughout the construction period. Note that the sediment control measures adopted should reflect the soil type and erosion characteristics of the site.

- Erosion & pollution control measures shall incorporate the following:
  - Construction of a sediment trap at the vehicle access point to the subject site.
  - Sediment fencing using a geotextile filter fabric in the location indicated on the erosion control plan or as instructed on site by the landscape architect.
  - Earth banks to prevent scour of stoep/slopes.
  - Handing with sediment traps.
  - Straw bale & geotextile sediment filter.
  - Exposed banks shall be pegged with an approved tube matting in preparation for mass planting.

Refer to "Shovel Reference Kit" as prepared by DLWC & WSROC (1997) for construction techniques.

## SOIL WORKS

## 2.01 MATERIALS

**Specified Soil Conditioner (Generally to improve site soil)**  
The specified soil conditioner for site top soil improvement shall be an organic mix, equal to "Society Humus", as supplied by ANL. Note that for sites where soil testing indicates toxic or extremely high pH, or soils that are extremely poor, allow to excavate and supply 300mm of imported soil mix.

## New gardens &amp; proposed Planting

New garden and planting areas shall consist of a 5000 m<sup>2</sup> of clean site soil (refer to below) and imported "Organic Garden Mix" as supplied by ANL, or approved equal. All mixes are to comply with AS 4419 Soil for Landscaping & garden use, AS 4545 Composts, Soil conditioners & mulches.

**Specified Soil Mix - Turf**  
The specified soil mix for all turf areas shall be a 150mm layer of imported soil mix consisting of 80% washed river sand (reasonably coarse) and 20% composted organic matter equivalent to mushroom compost or soil conditioner, or other approved lawn top dress.

## Site Topsoil

Site topsoil to be clean and free of unwanted matter such as gravel, clay lumps, grass, weeds, tree roots, sticks, rubbish and plastics, and any deleterious materials and materials toxic to plants. The topsoil must have a pH of between 5.5 and 7. Use 100% imported soil mix where site soil is topped out.

## 2.02 INSTALLATION

**a) Testing**  
All testing is to be conducted in accordance with AS 1339 Methods for testing soils for engineering purposes. Site soil shall be given a pre test prior to installation to ensure conditions are suitable for planting as stated above. Tests shall be taken in several areas where planting is proposed, and the test shall be repeated accordingly with subsoil or time to time.

Note that a soil test conducted by the "Sydney Soil Lab" or approved equal shall be prepared for all commercial, industrial and multi-unit residential sites. The successful landscape contractor shall implement the recommendations of this test.

**b) Set Out of Individual Trees & Mass Planting Areas**  
All individual tree planting positions and areas designated for mass planting shall be set out with stakes or another form of marking, ready for inspection and approval. Locate all services.

**c) Establishing Subgrade Levels**  
Subgrade levels are defined as the finished base levels prior to the placement of the specified material (i.e. soil conditioner). The following subgrade levels shall apply:

- Mass Planting beds: 300mm below existing levels with specified imported soil mix.
- Turf areas: 100mm below finished surface level.

Note that all subgrades shall consist of a relatively free draining natural material, consisting of site topsoil placed previously by the Civil Contractor. No builders waste material shall be acceptable.

**d) Subgrade Cultivation**  
Cultivate all subgrades to a minimum depth of 100mm in all planting beds and all turf areas, ensuring a thorough break-up of the subgrade into a reasonably coarse 10th. Grade subgrades to provide falls to surface and subsurface drains, prior to the placement of the final specified soil mix.

**e) Drainage Works**  
Install surface and subsurface drainage where required and as detailed on the drawing. Drain subsurface drains to outlets provided, with a minimum fall of 1:100 to outlets and 1:50 to service pits.

**f) Placement and Preparation of Specified Soil Conditioner & Mixes**

- Trees in turf & beds: Notes shall be to be set out with a 100mm deep, 100mm diameter, 100mm hole with 5000 mix of clean site soil and imported "Organic Garden Mix" as supplied by ANL, or approved equal.
- Mass Planting beds: Install specified soil conditioner to a compacted depth of 100mm.

Place the specified soil conditioner to the required compacted depth and use a rotary hoe to thoroughly mix the conditioner into the top 300mm of garden bed soil. Ensure thorough mixing and the preparation of a reasonably fine 10th and good growing medium in preparation for planting.

**g) Turf Areas:** Install specified soil mix to a minimum compacted depth of 75mm.

Place the specified soil mix to the required compacted depth and grade to required finished soil levels, in preparation for planting and turfing.

## 3.01 MATERIALS

**a) Quality and Size of Plant Material**  
All trees supplied above a 25L container size must be grown and planted in accordance with Clause 1.196 Purchasing Landscape Trees. A guide to assessing tree quality, NATSPEC Guide No. 2, Certification that trees have been grown to NATSPEC guidelines is to be provided upon request of Council's Tree Management Officer.

**Below - Ground Assessment**  
The following plant quality assessment criteria should be followed:

Plant true to type. Good vigour and health. Free from pest & disease. Free from injury. Self-supporting. Good stem taper. Even form position in pot. Good stem structure.

**Below - Ground Assessment**  
Good root division & direction. Good root occupancy. Rootball depth. Height of crown. Non-suckering. For further explanation and description of these assessment criteria, refer to Rose Clark's book.

All plant material shall be to the type and size specified. No substitutions of plant material shall be permitted without written prior approval by the Landscape Architect.

No plant shall be accepted which does not conform to the standards listed above.

**Stakes and Ties**  
Provide min. 3 No. Stakes and ties to all plants identified as trees in the plant schedule. Stakes shall be sound, unpainted, straight hardwood, free of knots and pointed at one end. They shall be 200mm x 50mm x 50mm hardwood, or approved alternative. Ties shall be 50mm wide hessian webbing material.

## c) Fertilisers

Fertilisers shall be approved slow release fertilisers suitable for the proposed planting types. Note that for native plants, specifically Proteaceae family plants including *Ononis* species, low phosphorus fertilisers shall be used.

## d) Mulch

Mulch shall be an approved equal to "Forest Blend" as supplied by ANL. Mulch shall be completely free from any soil, weeds, rubbish or other debris.

## e) Turf

Turf shall be "St. Walter" Buffalo or equivalent (unless stated otherwise), free from any weeds and other grasses, and be in a healthy growing condition.

## 3.02 INSTALLATION

**a) Setting Out**  
All planting set out shall be in strict accordance with the drawings, or as directed. Note that proposed tree planting located near services should be adjusted at this stage. Notify Landscape Architect for inspection for approval prior to planting.

**b) Planting**  
All plant material shall be planted as soon after delivery as possible. Planting holes for trees shall be excavated as detailed and specified. Plant containers shall be removed and discarded, and the outer roots gently teased from the soil mass. Immediately set plant in hole and backfill with specified soil mix, incorporating the approved quantity of fertiliser for each plant type. Ensure that plants are set plants vertically and not balled up to the consolidated finished grade detailed on the drawings. Compact the backfilled soil and saturate by hand watering to expel any remaining air pockets immediately after planting.

**c) Staking and Tying**  
Staking and tying shall be in strict accordance with the drawings and shall occur immediately following plant placement and soil backfilling. All plants identified as "Trees" on the planting schedule shall be staked with a min. 3 stakes.

**d) Mulching**  
Mulch should be spread so that a compacted thickness of 75mm is achieved after settlement in all planting beds and around each individual plant. Apply immediately following planting and watering in, ensuring that a 50mm radius is maintained around the trunk of each plant. There shall be no mowing of soil and mulch material.

**e) Turfing**  
Mow lawn prior to the turf being laid. Turf shall be neatly cut, pointed and true to grade to finish flush with adjacent surfaces. Incorporate a lawn fertilizer and thoroughly water in. Keep turf moist until roots have taken and sods can be lifted. Keep all traffic off turf until this has occurred. Allow for top dressing of all turf areas. All turf shall be rolled immediately following installation.

**f) Brick Edging**  
The Contractor shall install Brick edging as detailed on the drawings, to all mass planting beds adjoining turf or gravel mulched areas, and where required. The resultant edge shall be true to line and flush with adjacent surfaces.

## HARDSCAPE WORKS

## 4.01 GENERAL

The Contractor shall undertake the installation of all hardscape works as detailed on the drawing, or where not detailed, by manufacturer specification.

Driveways, refer to typical details provided, and applicable Australian Standards. Permeable paving may be used as a suitable means of providing permeable surface requirements, while providing a suitable, low-maintenance, practical surface. In most instances, the client will nominate the appropriate paving material to be used.

Australian Standards shall be adhered to in relation to all concrete, masonry & metal work. Some details are typical and may vary on site. All hardscape works shall be set out as per the drawings, and inspected and approved by the Landscape Architect prior to installation. All workmanship shall be of the highest standard. Any queries or problems that arise from hardscape variations should be brought to the attention of the Landscape Architect.

Your attention is directed to any obligations or responsibilities under the Dividing Fences Act, 1961 in respect of adjoining property owners which may arise from this application. Any enquiries in this regard may be made to the Crown Lands Division on (02) 8808 5332.

## IRRIGATION WORKS

## 5.01 GENERAL (PERFORMANCE SPECIFICATION)

New irrigation systems to planting areas shall be a Commercial Grade Irrigation System conforming to all relevant Australian standards, including AS 3000 & the Electrical Safety Act 2002, Workplace Health & Safety Act 1985, & the latest Sydney Water Code.

An automated drip-irrigation system is to be installed to all gardens, planters and lawn areas in accordance with the approved irrigation design.

This system shall be designed and installed by a qualified and licensed irrigation specialist, to the highest industry standards and to maximise the efficient usage of water.

The installer is required to obtain all approvals necessary for the completion of works in accordance with the Laws of Australia, Laws of the State of NSW, Ku-ring Gai Council By Laws and Ordinances.

## Drawings:

The Landscape Contractor nominated Licensed Irrigation Specialist shall provide irrigation drawings for approval upon engagement.

**Design Requirements:**  
The irrigation system shall be installed prior to all planting works. It shall incorporate a commercially available irrigation system, with sub-surface dripper lines to irrigate all gardens, planters and lawn areas.

It shall incorporate a suitable back-flow prevention device for the scale of works, an in-line filter, check valves, and suitable high and low density poly hose fittings and PVC piping to achieve flow rates suitable for specified planting.

The irrigation application rate shall not exceed the infiltration rate of the soil or creates run-off.

The landscape contractor shall check the existing pressure available from the ring mains and size irrigation piping to suit. Supply shall be from local hose clock where available.

All piping and fittings shall be buried 50mm below the finished soil levels in gardens and lawn areas, and secured in position at 500mm centres with galv wire pins.

Size of pipes shall be selected to ensure the working pressure at the end of the line does not decrease by more than 5%.

**Services Co-ordination:**  
Co-ordination required by Landscape Contractor or Project Manager to provide required conduit, pipe work and penetration through slabs and planter walls for water and power provisions.

The Landscape Contractor shall be engaged with the Irrigation Specialist to co-ordinate with the Project Manager to identify the preferred service and conduit locations.

Project Manager and Landscape Contractor to establish area suitable for irrigation control system with required area power provision and water supply.

**Testing & Defects:**  
Upon completion of installation, the system shall be tested, including:

Main Line Pressure Test: The main line is pressurised to test for leaks. All valves are shut and the pressure is taken over a determined length of time.

Dripper Pressure Test: Measurement of dripper valves are taken and the pressure gauged to make sure it conforms to the manufacturer recommendations. The test pressure is then tested under the same conditions to check it does not exceed 300Kpa.

All components are to be satisfactorily functional and operational prior to approval. Should any defect develop, or the capacity or efficiency of the system decline during the agreed maintenance system, then these faults shall be immediately rectified.

**Warranty:**  
A full 12 month warranty shall be included to cover labour and all parts.

**Further Documentation:**  
On request, a detailed irrigation performance specification report can be issued.

## CONSOLIDATION AND MAINTENANCE

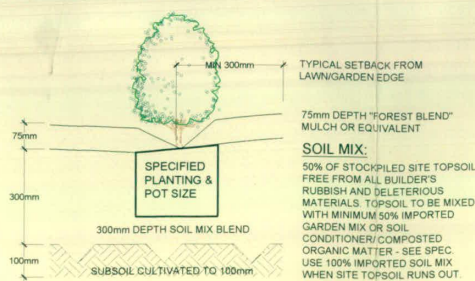
## 6.01 GENERAL

The consolidation and maintenance period shall be 12 months beginning from the approved completion of the specified construction works (Practical Completion). A qualified landscape maintenance contractor shall undertake the required landscape maintenance works. Consolidation and maintenance shall mean the care and maintenance of constructed works by accepted landscaping or horticultural practices, ensuring that all plants are in optimum growing conditions and appearance at all times, as well as rectifying any defects that become apparent in the constructed works.

This shall include, but not be limited to, the following items where and as required:

- Watering all planting and lawn areas in irrigation maintenance.
- Clearing litter and other debris from landscaped areas.
- Removing weeds, pruning and general plant maintenance.
- Replacement of damaged, stolen or unhealthy plants.
- Make good areas of soil subsidence or erosion.
- Topsoil up of mulched areas.
- Spray / treatment for insect and disease control.
- Fertilising with approved fertilisers at correct rates.
- Mowing lawns & trimming edges each 14 days in summer or 18 days in winter.
- Adjusting ties to stakes.
- Maintenance of all paving, retaining and hardscape elements.

On the completion of the maintenance period, the landscape works shall be inspected and at the satisfaction of the superintendent or landscape architect, the responsibility will be signed over to the client.



TYPICAL GARDEN PREPARATION DETAIL

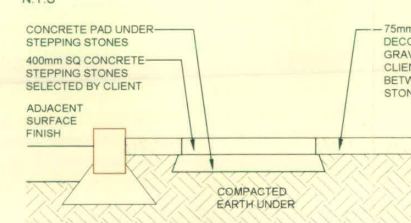
SCALE 1:10



PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

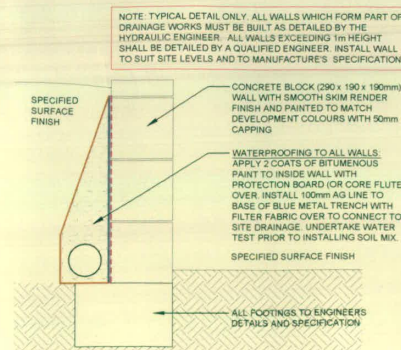
## TREE PROTECTION ZONE

N.T.S



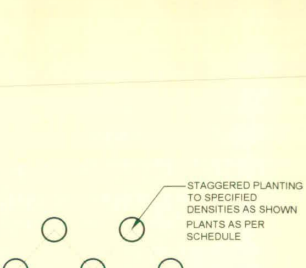
STEPPING STONES IN GRAVEL

SCALE 1:10



RETAINING WALL DETAIL

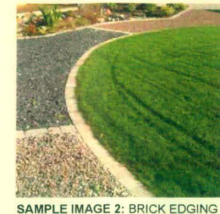
SCALE 1:10



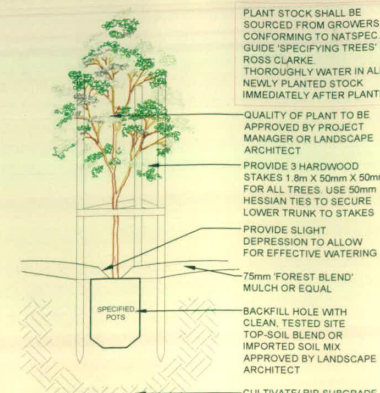
## MASS PLANTING SETOUT

N.T.S

STAGGERED PLANTING TO SPECIFIED DENSITIES AS SHOWN PLANTS AS PER SCHEDULE

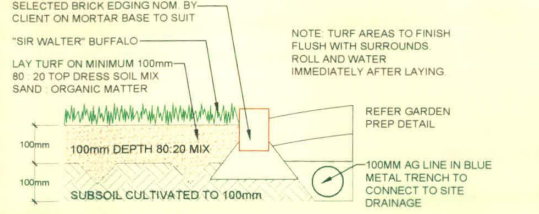


SAMPLE IMAGE 2: BRICK EDGING



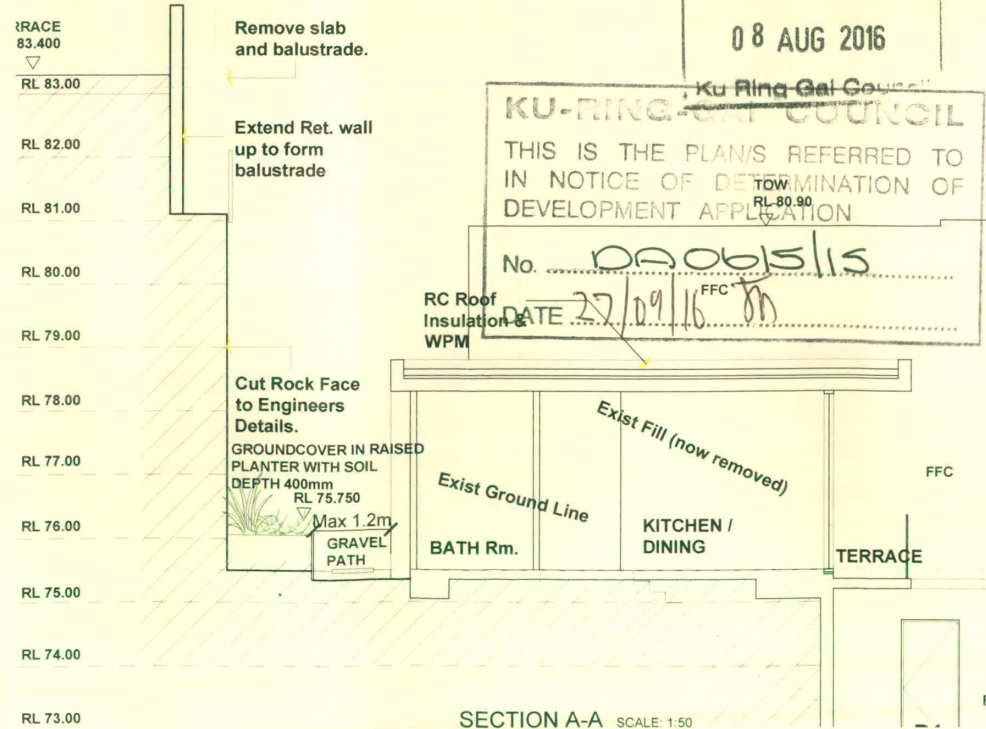
TREE PLANTING DETAIL

SCALE 1:10



TYPICAL TURF AND BRICK EDGE DETAIL

SCALE 1:10



SECTION A-A

SCALE 1:50

GENERAL NOTE	LANDSCAPE ARCHITECT	COUNCIL	REV	DATE	NOTATION/AMENDMENT	PROJECT	TITLE	STATUS
All trees supplied above a 25L container size must be grown and planted in accordance with Clause 1.196 Purchasing Landscape Trees. A guide to assessing tree quality, NATSPEC Guide No. 2, Certification that trees have been grown to NATSPEC guidelines is to be provided upon request of Council's Tree Management Officer.	Concept Landscape Architects	KU-RING-GAI	A	04.08.15	Preliminary plan prepared for review	PROPOSED RESIDENTIAL DEVELOPMENT	DETAILS AND SPECIFICATION	DEVELOPMENT APPLICATION
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**DEVELOPMENT APPLICATION**

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***SUMMARY SHEET***

<b>REPORT TITLE:</b>	3 GLENVIEW STREET, GORDON - PARTIAL DEMOLITION WORKS, CONSERVATION WORKS, SIGNIFICANT ALTERATIONS AND ADDITIONS AND ASSOCIATED WORKS
<b>ITEM/AGENDA NO:</b>	GB.3

<b>APPLICATION NO:</b>	eDA0438/24
<b>ADDRESS:</b>	3 Glenview Street, Gordon
<b>WARD:</b>	Gordon
<b>DESCRIPTION OF PROPOSAL:</b>	Partial demolition works, conservation works, significant alterations and additions and associated works
<b>APPLICANT:</b>	Gang Zhou
<b>OWNER:</b>	G Zhou & Y Zhao
<b>DATE LODGED:</b>	22 October 2024
<b>SUBMISSIONS:</b>	1 submission
<b>ASSESSMENT OFFICER:</b>	Stuart Wilson
<b>RECOMMENDATION:</b>	Approval

<b>KLPP REFERRAL CRITERION:</b>	Greater than 10% departure from a numerical development standard (floor space ratio).
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## PURPOSE OF REPORT

To determine Development Application No eDA0438/24 for 3 Glenview Street, Gordon.

This application is reported to the Ku-ring-gai Local Planning Panel in accordance with the Minister's S 9.1 Local Planning Panels Direction for determination as it proposes a departure from a development standard (floor space ratio) in excess of 10%.

## RECOMMENDATION

This application is reported to the Ku-ring-gai Local Planning Panel as it proposes a departure from a numerical development standard in excess of 10% for determination, in accordance with the Minister's Section 9.1 Local Planning Panels Direction.

- A. THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as consent authority, under Section 4.16 of the Environment Planning and Assessment Act 1979, is satisfied that the requests submitted under Clause 4.6 to vary the height of building and floor space ratio development standards contained in Clause 4.3(2) and Clause 4.4(2A) of KLEP 2015, respectively, have met the requirements of Clause 4.6(3). The Panel is also of the opinion that strict compliance with the development standards is unreasonable or unnecessary in the circumstances of the cases and that there are sufficient environmental planning grounds to justify the variations to the development standards.
- B. THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as consent authority, under Section 4.16 of the Environment Planning and Assessment Act 1979, being satisfied that the proposed development would be in the public interest, grant development consent to eDA0438/24 for partial demolition works, conservation works, significant alterations and additions and associated works at 3 Glenview Street, Gordon, subject to conditions in the Development Assessment Report (**Attachment A1**). Pursuant to Section 4.53 of the Environmental Planning and Assessment Act 1979, this consent lapses if the approved works are not physically commenced within five years of the date of the Notice of Determination.

Stuart Wilson  
Executive Assessment Officer

Brodee Gregory  
Acting Team Leader

Shaun Garland  
Manager Development Assessment Services

Michael Miocic  
Director Development & Regulation

**Attachments:** A1 [↓](#) Development Assessment Report  
A2 [↓](#) Location sketch

2025/025990  
2025/051479



Item GB.3

EDA0438/24

A3	<a href="#">↓</a>	Zoning sketch	2025/051473
A4	<a href="#">↓</a>	Architectural plans	2025/047033
A5	<a href="#">↓</a>	Landscape plans	2025/047016
A6	<a href="#">↓</a>	Materials board	2025/047037
A7	<a href="#">↓</a>	Clause 4.6 variation request - building height	2024/337780
A8	<a href="#">↓</a>	Clause 4.6 variation request - floor space ratio	2025/044902



## DEVELOPMENT APPLICATION

### ASSESSMENT REPORT

<b>REPORT TITLE</b>	3 Glenview Street, Gordon - Partial demolition works, conservation works, significant alterations and additions and associated works.
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<b>APPLICATION NO</b>	eDA0438/24
<b>PROPERTY DETAILS</b>	3 Glenview Street Lot 2 DP 242900 1295m <sup>2</sup> R2 Low Density Residential
<b>WARD</b>	Gordon
<b>PROPOSAL/PURPOSE</b>	Partial demolition works, conservation works, significant alterations and additions and associated works.
<b>TYPE OF DEVELOPMENT</b>	Local
<b>APPLICANT</b>	Gang Zhou
<b>OWNER</b>	G Zhou, Y Zhao
<b>DATE LODGED</b>	22 October 2024
<b>RECOMMENDATION</b>	Approval

## PURPOSE OF REPORT

To determine Development Application No eDA0438/24 for partial demolition works, conservation works, significant alterations and additions and associated works.

This application is reported to the Ku-ring-gai Local Planning Panel for determination in accordance with the Minister's Section 9.1 Local Planning Panels Direction as it proposes a departure from a numerical development standard (floor space ratio) in excess of 10%.

## INTEGRATED PLANNING AND REPORTING

Places, Spaces & Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	Applications are assessed in accordance with state and local plans.	Assessments are of a high quality, accurate and consider all relevant legislative requirements.

## EXECUTIVE SUMMARY

<b>Issues</b>	Floor space ratio
<b>Submissions</b>	Notification period 31/10/2024 – 02/12/2024 1
<b>Land and Environment Court</b>	N/A
<b>Recommendation</b>	Approval

## HISTORY

### Site history

The site has a history of residential use.

### Previous applications history

A Pre-DA consultation was not undertaken with Council prior to the lodgement of this Development Application.

Council's records show previous applications relating to the site as follows:

Type	Application	Description	Decision	Date
BA	84/00794	Pool	Approved	26/07/1984
BA	84/01356	Pool	Approved	17/08/1984
DA	276/01/DL	Alterations to heritage listed property	Approved	04/04/2001
CC	01/00217/FL	Alterations to heritage listed property	Issued	04/04/2001
DA	811/01/DB	Internal alterations to heritage property	Approved	16/08/2001
CC	01/00679/FB	Internal alterations to heritage property	Issued	16/08/2001

**Current development application history**

Date	Action
22 October 2024	Application lodged.
31 October 2024	The application was notified to neighbouring property owners for a period of 30 days. One submission was received.
15 January 2025	<p>Council sent a preliminary planning assessment letter to the applicant. The following issues were identified:</p> <ul style="list-style-type: none"> <li>i. incorrect calculation of FSR/GFA</li> <li>ii. inadequate Clause 4.6 – FSR</li> <li>iii. adverse design and landscape changes to heritage item</li> <li>iv. removal of some vegetation not shown on landscape plans</li> <li>v. adverse tree impacts due to bin storage area</li> <li>vi. insufficient variety of landscaping</li> <li>vii. adverse impacts to building integrity due to species selection</li> <li>viii. insufficient information to determine existing drainage system is adequate</li> <li>ix. OSD detention required due to large increase in built-upon area</li> <li>x. inadequate rainwater tank capacity</li> <li>xi. overshadowing and visual privacy issues raised in the submission</li> </ul>
29 January 2025	<p>The applicant responded to Council's preliminary assessment letter and submitted amended plans and additional information. The additional information and amended plans contained the following:</p> <ul style="list-style-type: none"> <li>i. revised FSR Clause 4.6 variation request</li> <li>ii. amended GFA calculations and diagrams</li> <li>iii. updated shadow diagrams, including sun-eye diagrams</li> <li>iv. increased setback of retaining wall to western boundary from zero metres to 1 metre, with the existing ground level maintained in between</li> <li>v. planter boxes and bench seat design amended from angled to curvilinear form</li> <li>vi. stone clad finish added to retaining walls and stairs</li> <li>vii. steel garden edging replaced with edge common brick</li> </ul>

	<ul style="list-style-type: none"> <li>viii. provision of screen planting between proposed bin store and front boundary</li> <li>ix. deletion of Cook Pines and Cheese tree</li> <li>x. 5 x <i>Syzygium smithii</i> (Lilly Pilly) within planting zone 3 replaced with a fastigiate form cultivar</li> <li>xi. removal of metal gate to northern garden wall and replacement with a new metal gate to match existing design</li> <li>xii. retention of existing openings and windows to 1976 kitchen addition</li> <li>xiii. reduction in lift shaft slot window size</li> <li>xiv. various window changes to match existing proportions and materials</li> <li>xv. changes to door openings to rumpus room to be orthogonal</li> <li>xvi. retention of original stone wall between kitchen and family room (proposed butler's kitchen)</li> <li>xvii. retention of deep wall nibs to existing 1976 addition between proposed kitchen and casual dining</li> <li>xviii. provision of CCTV video of existing drainage pipe within easement</li> <li>xix. new 2000 litres rainwater tank for irrigation</li> <li>xx. amended stormwater plans showing rainwater tank</li> <li>xxi. deletion of angled projecting awning structure section</li> <li>xxii. 'pop top' roof form removed from existing outbuilding, new roof form amended to align with existing castellated parapet</li> <li>xxiii. deletion of roof mounted photovoltaic solar panels</li> </ul>
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#### THE SITE AND SURROUNDING AREA

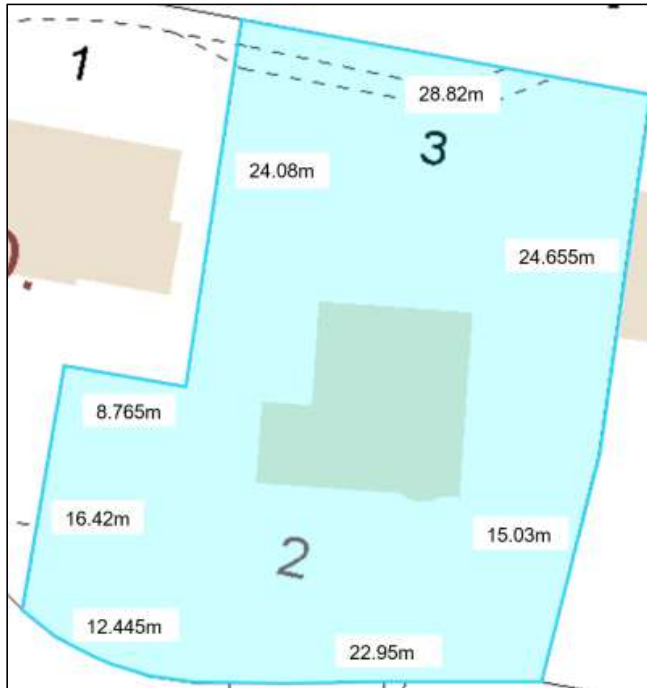


**Figure 1: Aerial photograph of subject site and surrounding properties (Source: Geocortex Viewer)**



### Site description

The site is legally described as Lot 2 in DP 112549 and is known as No. 3 Glenview Street, Gordon (**Figure 1**). The site is located on the southern side of Glenview Street and is irregular in shape, with boundary dimensions as depicted in **Figure 2**.



**Figure 2: Boundary dimensions of the subject site (dimensions taken from survey prepared by Project Surveyor)**

The site can be categorised into three parts. The front garden (northern end of the site) is relatively level with a gentle fall across a lawn surrounded by perimeter plantings (**Figure 3**). A low stone wall forms the front boundary. Pedestrian access is through a metal gate with stone posts at the site's north-western corner.

The middle of the site currently accommodates a heritage listed dwelling ("Killarney Castle") which is a two-storeys dwelling house with attic storage. The aesthetic design of the dwelling house is like a castle and comprises stone walls, a pitched slate roof and an octagonal tower with turret. There is a lean-to addition to the dwelling's western side, with an adjoining level lawn area (**Figure 4**). Adjoining the site's western boundary and the level lawn area is a single storey annexe building (**Figure 5**).

The final (third) part of the site contains a swimming pool positioned lower and to the south-east of the level lawn area (**Figure 6**). Below a part of the level lawn area and the pool is a basement floor level comprising of a garage with two car spaces, laundry, bathroom, gym, storage areas and a cellar.



**Figure 3: Front façade of original dwelling ("Killarney Castle")**



**Figure 4: Lawn adjacent to south-western rear corner of original dwelling**



**Figure 5: Annexe building within site's south-western rear corner**



**Figure 6: Swimming pool and original dwelling (source: Realestate.com.au)**

The site benefits from a right of carriageway for vehicular access over No. 1 Glenview Street, which adjoins the northern and southern boundaries of the subject property, leading



to an internal driveway which provides access to the garage at the southern (rear) end of the site. The site also benefits from easements for sewer and drainage over No. 3A Glenview Street and No. 10 Minns Road.

The site falls approximately 14 metres from its northern end fronting Glenview Street down to the southern (rear) boundary.



Figure 7: 'Birds-eye view' of the rear of the subject site (source: Realestate.com.au)

Constraint:	Application:
Visual character study category	1945-1968
Easements/rights of way	Yes – vehicular right of carriageway, drainage and sewer easements
Heritage Item – Local	Yes – Item No. 1195 'Killarney Castle'
Heritage Item – State	No
Heritage conservation area	No
Within 100m of a heritage item	Yes – No. 11 Minns Road, Gordon
	<p>Heritage Items</p>

Bush fire prone land	No
Natural Resources Biodiversity	No
Natural Resources Greenweb	No
Natural Resources Riparian	Yes – Part of north-eastern corner of the site is mapped as category 'Terrestrial and Aquatic Habitat'
Within 25m of Urban Bushland	Yes – No. 32A Rosedale Road, Gordon
Contaminated land	No



**Figure 8: The subject site when viewed from Rosedale Road and above Ku-ring-gai Flying-fox Reserve (Source: Google Streetview)**

### Surrounding development

The site is surrounded by low density residential development, mostly comprised of dwelling houses of brick construction with gable roofs.

The adjoining property to the east is No. 5 Glenview Street which contains a two-storeys dwelling house.

The adjoining property to the west is No. 1 Glenview Street which contains a single storey dwelling house with a swimming pool in the rear yard.



To the south-east of the subject site, is No. 10 Minns Road, which accommodates a single storey dwelling house with a part gable, part hexagonal roof (**Figure 9**). To the south-west of the site is No. 3A Glenview Street, which accommodates a two-storeys dwelling house, with a side gable roof. The upper storey of the dwelling house is mostly contained within the roof, with a small section of clerestory windows facing the subject site (**Figure 10**).



**Figure 9: View of No. 10 Minns Road from the turret**



**Figure 10: View of No. 3A Glenview Street from the turret**

Further south of the subject site is a bushland reserve known as Ku-ring-gai Flying-fox Reserve, which is recognised as nationally significant for the survival of this threatened species. The reserve also contains Stony Creek.

## THE PROPOSAL

The proposal is for alterations and additions to the existing dwelling house and associated works. The proposed works are:

### Basement level

- removal of internal walls and new internal wall to create a storage room and gym
- replacement of the garage door
- replacement of stairs to ground level and installation of a lift
- internal reconfiguration of the laundry room, including a new linen store and change room

### Ground floor level

- demolition of the raised patio terrace adjacent to the western side boundary and replacement with a new, partially covered, terrace
- demolition of the raised skylight structure next to the pool
- demolition of the lean-to addition on the western side of the dwelling and construction of new addition at the north-western corner of the original dwelling to create a dining room
- removal of the roof above the existing annexe building (turrets retained)
- provision of a new roof to the annexe building
- construction of a new single storey glazed link addition, between the annexe and the main dwelling
- replacement of the existing raised outdoor patio adjacent to the western boundary with a new patio area
- removal of part of the lawn area at the south-western corner of the dwelling and its replacement with a paved terrace
- removal of a cement rendered wall (balustrade) along the southern end of the lawn area and its replacement with a glass balustrade
- lift access from the basement and upper floor levels



**Figure 11: raised patio terrace (left), raised skylight (middle), lean-to addition (right) (source: Statement of Environmental Effects)**

### First floor level

- addition to the north-western corner of the dwelling to align with footprint below
- internal reconfiguration to Bed 1 and replacement of ensuite facilities
- new pull-down ladder to turret
- lift access

#### **Conservation works**

- repairs to external stonework, turret and faceted bay windows
- conservation work to internal fabric associated with the hall, staircase and formal rooms

### **CONSULTATION**

#### **Community**

In accordance with Appendix 1 of the Ku-ring-gai Community Participation Plan, owners of surrounding properties were given notice of the application. In response, one submission from the following was received:

1. *Mrs MK James and Mr RA James – No. 3A Glenview Street, Gordon*

The submission raised the following issues:

#### ***Solar access***

Part 4C.5 of Ku-ring-gai Development Control Plan (KDCP) sets out controls to ensure the proposed development maintains a minimum number of hours of solar access to living areas, north facing windows and areas of private open space on adjoining properties on 21 June being the winter solstice.

The submitted shadow diagrams demonstrate compliance with the KDCP solar access controls.

#### ***Visual privacy impacts***

The submission raises concerns about the visual privacy impacts caused by the removal of an existing cement rendered wall along the southern end of the lawn above the garage and replacement with a glass balustrade (**Figure 12**).





**Figure 12: Cement rendered wall to be removed and replaced with a glass balustrade**

The submission states the residents of No. 3A Glenview Street will be able to view the new development from their top storey and vice versa. The relationship between the two properties is shown in **Figure 13**.



**Figure 13: No. 3A Glenview Street as viewed from the right of carriageway**

The lawn level is set back a minimum of 15 metres from the ground floor building line of the dwelling at No. 3A Glenview Street. The first floor clerestory windows of No. 3A Glenview

Street are small and appear to relate to a bathroom, WC and a void above the stairwell.

In response to the submission, the applicant has noted that the first floor windows:

*“...appear to be used for secondary purposes and either have frosted glazing or have a reflective film applied.” (Figure 14)*



**Figure 14: First floor northern elevation windows at No. 3A Glenview Street (source: Response to RFI letter dated 27 January 2025)**

At the ground floor level, the dwelling's front entrance features a deck which is partly obscured by an awning structure. There is a covered private open space located to the west of the dwelling, which is obscured from view from the subject site due to existing vegetation and the roof of the dwelling at No. 3A Glenview Street.

The viewing angle from the proposed outdoor terrace to the dwelling at No. 3A Glenview Street would be oblique due to the difference in levels.

Given the distance, viewing angle, room types and location of private open space, the removal of an opaque balustrade and replacement with a transparent balustrade would not result in unreasonable visual privacy impacts to No. 3A Glenview Street.

#### ***Unsuitable plantings***

The submission raises concerns about the size and location of proposed plantings and their impact in terms of structural damage, overshadowing, maintenance, and fire risk. In particular, the following proposed plantings were identified in the submission:

- 3 x *Araucaria columnaris* (Cook Pine)
- 1 x *Glochidion ferdinandii* (Cheese Tree)
- 1 x *Cyathea australis* (Tree Fern)
- 5 x *Syzygium smithii* (Lilly Pilly)

Upon request from Council's Senior Landscape and Tree Assessment Officer, an amended landscape plan was submitted to address some of these concerns. This includes:



- deletion of the 3 x *Araucaria columnaris* (Cook Pine) and 1 x *Glochidion ferdinandii* (Cheese Tree) and replacement with the planting of smaller growing species along the southern boundary including 3 x *Elaeocarpus eumundi* (Eumundi Quandong)
- deletion of 5 x *Syzygium smithii* (Lilly Pilly) and replacement with a smaller growing cultivar *Syzygium* 'Resilience'

The 1 x *Cyathea australis* (Rough Tree Fern) will not impact the amenity of the adjoining property as it is very slow growing, with a single trunk and a small terminal canopy.

KDCP encourages the retention and planting of trees where appropriate to maintain and enhance Ku-ring-gai's tree canopy, the landscape character of the locality and for habitat for local fauna among other things. Maintenance such as removing debris from a neighbour's tree is part and parcel of living within a leafy low density residential environment and is not considered to be an unreasonable impost when balanced against the benefits that trees provide to the community and environment. The replacement species are not considered to generate an unreasonable amount of debris nor the impacts as suggested given the changes to the proposed species.

Notwithstanding above, overshadowing caused by vegetation is generally not a consideration (refer to *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082), unless that overshadowing can be quantified (such as from a dense hedge). The proposed plantings are not of a height or a density similar to a dense hedge, therefore the proposed plantings would not result in unreasonable overshadowing of adjoining properties.

Concerns were raised in the submission about the Cook Pines and their flammability. While the amended plans have deleted the Cook Pines, the subject site is not identified as bush fire prone land therefore species selection relating to the flammability of vegetation is not a consideration for this development application.

#### **Stormwater runoff**

The submission states:

*There is stormwater runoff on the existing shared driveway which is an ongoing issue from previous development. The runoff requires remediation and the proposed development is an opportunity for this remediation.*

*The Stormwater Management Plan is silent on this issue.*

The shared driveway is located outside the subject property and there are no proposed works in this area. As such, the applicant is not responsible for making any remediation works as part of this development application because they are unrelated to the proposal.

#### **Vehicular access**

The submission raises concerns about vehicular use of the shared driveway during the construction stage, in particular, the absence of information submitted with the development application outlining use of the shared driveway and the potential for damage caused by heavy vehicles. To address this, conditions requiring pre and post construction dilapidation reports are recommended (**Conditions 9 and 32**). The dilapidation reports will form a record of the condition of the shared driveway structures to inform monitoring during works and any disputes which may arise.

A condition is recommended to ensure the right of carriageway remains unobstructed during the demolition and construction phases and that construction vehicles must not park in the right of carriageway (**Condition 26**).

#### **Amended plans submitted on 29 January 2025**

The amended plans were not required to be notified as the proposed amendments do not result in a greater environmental impact than the original proposal.

#### **Internal Referrals**

##### **Heritage**

Council's Heritage Advisor commented on the proposal as follows:

##### ***Statement of Significance***

*Council's heritage inventory sheet provides the following Statement of Significance for the heritage item, which is based on a National Trust listing proposal:*

*Reasons for listing; historic, social, architectural, rarity value, State significance. Killarney Castle is a late example of picturesque influence on domestic design, similar to Innisfallen Castle at No. 14 Cherry Place, Castle Cove (c.1905). It is a well-known landmark in Gordon and enhances the landscape by its integration with the rocky slopes of the adjacent natural bushland reserve.*

##### ***Description of the building***

*Council's heritage inventory contains the following Statement of Significance of the heritage item:*

*The slate-roofed castle is a 3-floor structure built over a period of several years from stone hand hewn on the site. It sits in its own quarry and the bridge to the second level gives a moat-like appearance. Originally it was surrounded by 2 acres of landscaped gardens including a small orchard. In 1969, Ku-ring-gai Council purchased a rear portion of the property, which has resulted in bush reserves on 3 sides of the initial holding. Individually cut stones, unsuitable for the house, were used to construct dry stone walls and walkways throughout the property. The District Air Raid Shelter still exists below the castle.*

*The inventory sheet also notes:*

*Internal material: 4 leadlight windows in the vestibule and stairwell; embossed ceiling in vestibule; bedroom ceiling with heads of Spanish Kings; large open fireplace in the vestibule with a 12-legged U-shaped stool; cast iron spiral staircase leading to main tower.*

**History of the building**

Built for Thomas (Tommy) Edward Taylor, an 1880s immigrant from Ireland, the land was purchased from Mr Roberts who received a grant from the Government in 1865. Tommy Taylor then donated a portion of it to the local council to be used for parkland (Richmond Park). Taylor Street, Gordon was named after him. This site for his dream castle was selected as it reminded him of the lakes of Killarney in Munster Province in the south-west of Ireland. The castle was completed and opened in conjunction with the suspension bridge across the valley, by Governor and Lady Davidson on 18 August 1918. A champagne banquet was held in the entertainment rooms of the castle to mark this opening. It has always been a well-known landmark in the Gordon district. Tommy Taylor sold the house to the Gastineau-Hills family, who owned it for 25 years before selling it in 1969 to the Cave family.

**Heritage items within vicinity of the site**

There is a heritage item located within 100 metres of the subject site, at No. 11 Minns Road, Gordon. The proposed development will not have a significant impact to the item, given the substantial separation of the works from the subject site and the minor and acceptable nature of the works.

**Background**

The original proposal was reviewed and the following conclusion and recommendations were made:

*The project program is generally achievable, subject to changes in design. The main adverse impact is visual and arises from design which follows the geometry of the 1980s pool rather than that of the original house and garden. This is particularly evident in areas facing the street and visible from that direction. The proposal also includes some unjustified demolition of significant fabric.*

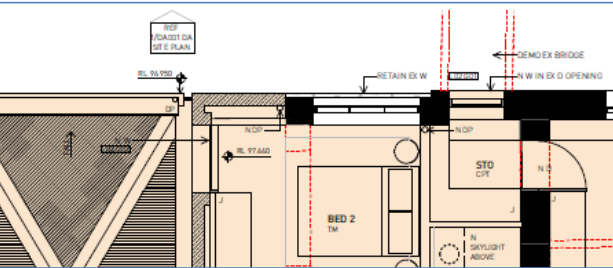
*Design amendments were recommended to minimise impact upon the heritage significance of the heritage item:*

- *Geometric forms of garden elements should be adjusted to harmonise with the original garden forms and elements. This includes curved forms and paths.*
- *The geometry of the proposed additions should follow that of the original house; original house (no walls under angle on the front). Elements of the house which present to the main elevation should not protrude in front of the main elevation.*
- *New openings in the front external wall are not acceptable and are to be removed from proposal. Widening original openings in the front façade is not acceptable.*
- *Where new (internal) door openings must be created, the cut must be perpendicular to the original wall plane.*
- *Demolition of two original walls and beam in basement is not acceptable as these form original fabric.*

### ***Assessment of amended proposal***

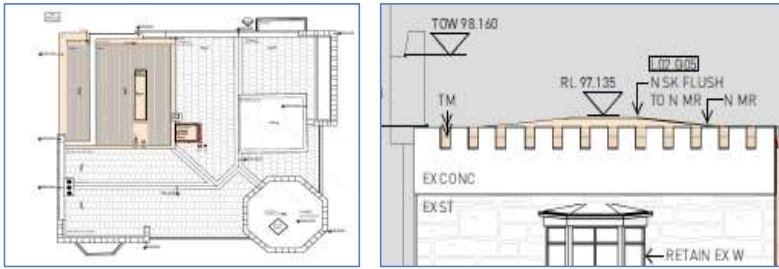
*Amended plans were submitted in response to the above recommendations. The following is an assessment of the amended proposal:*

Development Control	Complies
<b>19D HERITAGE ITEMS</b>	
<b>19D.3 Gardens and Landscaping</b>	
1. Trees, and garden elements and structures which contribute to the significance of the Heritage Item are to be retained and conserved. Examples of historic garden elements and structures can include, but are not limited to, tennis courts, croquet lawns, grottos, ferneries, garden terracing, lawn edgings etc.	<b>YES</b>
2. New gardens should be horticulturally and stylistically sympathetic to the period of the Heritage Item. The use of similar materials such as sandstone, brick and gravel is encouraged.	<b>YES</b>

Development Control		Complies
19D.5 Building Design		
Alterations and Additions – External		
<p>Note: The amended plans have resolved the issues relating to compliance with Part 19D.5.</p>  <p>Updated plans indicate the original windows will not be impacted or altered and additions will not protrude in front of the façade line, which is acceptable.</p>		
1. All works to a Heritage Item are to comply with the controls in this section regardless of whether the property is located in an HCA or not.		YES
3. New work to Heritage Items may be identifiable as new; however, works are to respect and have minimal impact on the property's heritage significance.		YES
6. Alterations and additions are to respect the scale, form, height, materials and colours of the Heritage Item.		YES
7. Alterations and additions are to be located at the rear or side of the building to maintain the integrity of the prominent elevations and streetscape contribution.		YES
8. Extensions, alterations and additions are not to visually dominate or compete with the original scale of the existing building.		YES
9. Alterations and additions to a Heritage Item site are to respect the heritage significance and predominant architectural character of the Heritage Item by having similar massing, style, form, proportions and arrangement of parts to the building itself. Extensions and additions are to be kept at or below the existing roof ridge height.		YES
Alterations and Additions - Internal		

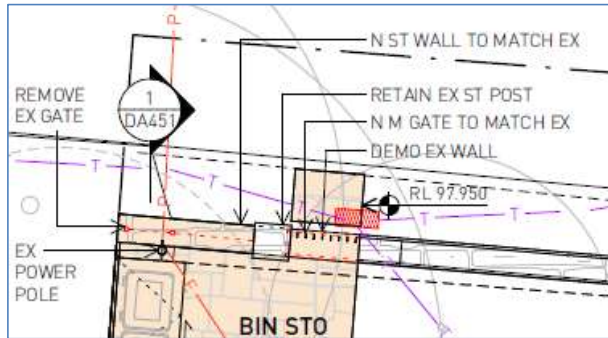
Development Control	Complies
<b>19D.5 Building Design</b>	
11. Major internal alterations resulting in the loss of significant interior details, finishes, built fabric, room layout and original floor plan are unlikely to be supported unless it can be demonstrated that there is no adverse impact.	YES
<b>Views</b>	
15. New development on the site of a Heritage Item is to demonstrate that it will not reduce or impair important views to and from the Heritage Item from the public domain.	YES
<b>Doors and Windows</b>	
21. Original doors and windows to front and side elevations of heritage items are to be retained where contributing to the significance of the property.	YES
23. New doors and windows in additions and alterations are to be compatible with the proportions, position, size and detailing of existing doors and windows.	YES
24. New windows to front and visible side elevations of heritage items are to be appropriate in form and material for the style of the house (based on original fabric or photographic evidence or on the evidence of original houses of the same style in the streetscape).	YES

Development Control	Complies
<b>19D.6 Outbuildings and garden structures (excluding garages and carports)</b>	
Note: amended plans have altered the position and design of the garbage enclosure which satisfies Part 19.6.	
3. In considering any application for permission to erect an outbuilding or structure, the following will be considered:	
iii) the relative prominence and visibility of the proposed structure from the street frontage or frontages of the site.	YES

Development Control	Complies
<b>19D.7 Roof Forms and Structures Attached to Roofs</b>	
<b>Roofs, Chimneys, Dormers, and Skylights</b>	
Note: forms were amended and skylights which would be visible from the street were deleted from the proposal which is acceptable.	
	



Development Control	Complies
<b>19D.7 Roof Forms and Structures Attached to Roofs</b>	
3. The existing principal roof form is to be retained to the extent that it can be interpreted. The roofs of alterations and additions are to have a separate linked section. New roof forms for new work will be considered where they are complementary in design, not visible from the public domain (No pop tops) and follow historic practices, such as rear skillion roofs.	YES
4. Dormer windows are not to be used on the street-facing roof elevations. Skylights are to have a low profile and be flush with the roof surface.	YES

Development Control	Complies
<b>19D.8 Fencing</b>	
<b>Original and Early Fences, Gates and Retaining Walls</b>	
<p>Note: fence details were amended. The replacement fabric is now detailed to match existing.</p> 	
1. Original and early fences, piers, gates and retaining walls are to be retained and conserved. The height of original and early fences is not to be altered.	YES
3. The configuration, finishes and details of original sandstone retaining walls that are located at the street front boundaries (whether identified as contributory properties or not) are to be retained and conserved.	NO

An assessment of the non-compliance detailed in the above Table is detailed below:

#### Part 19D.8 Fencing

The objectives in Part 19D.8 are:

1. To retain early and original fences, gates and retaining walls where they survive, and where they reinforce the original landscape character of the garden and streetscape.
2. To retain those streetscapes where front and side fencing do not form part of the original streetscape.
3. To encourage the reinstatement of the original form of fencing and gates, where known.
4. To encourage new front fences and gates which contribute to the streetscape character of the HCA by being consistent with the established pattern of existing original fences.

5. To promote visual permeability with sightlines and visibility between the property and the public domain.

For the following reasons the objectives of the control are achieved despite the variation of the design control:

- changes to the front fence are necessary, however, they have been adjusted to have a minimal or negligible impact on the original fence.

#### Recommendation

The amended proposal is acceptable as it will not have any significant impact on the heritage item. The proposal is acceptable from a heritage perspective subject to archival reporting (**Condition 5**)

The above heritage referral comments have been considered and it is agreed that the proposed development is satisfactory in relation to the relevant provisions under Part 19 of the KDCP. The proposal is consistent with the provisions of Clause 5.10 of KLEP 2015, as it will conserve the heritage significance of the heritage item and will not impact the nearby item located within 100 metres at No. 11 Minns Road, Gordon.

#### Landscaping

Council's Senior Landscape and Tree Assessment Officer commented on the proposal as follows:

<b>SEPP (Sustainable Buildings) 2022</b>		
<b>Chapter 2</b>	<b>Proposed</b>	<b>Complies</b>
To encourage sustainable residential development.	<p>Certificate A1766655 dated 30/09/24 is submitted with the application.</p> <p>The proposal is consistent with the landscape outcomes within the BASIX certificate.</p>	<b>YES</b>

<b>KDCP COMPLIANCE TABLE</b>		
<b>Control</b>	<b>Proposed</b>	<b>Complies</b>
<b>Part 4A.4 Landscaping and Part 13 Tree and Vegetation Preservation</b>		
C1. Landscape proposals are to retain existing trees where possible	<p><b>Tree removal</b></p> <p>The proposal indicates the removal of 10 trees and shrubs (S3, S4, S5, S6, S7, S11, S12, S13, T8 and T9).</p> <ul style="list-style-type: none"> <li>The removal of trees T8 and T9 is acceptable as they are in declining health and of low to moderate retention value.</li> <li>The removal of shrubs S3, S4, S5, S6, S7, S11, S12 and S13 is acceptable as they are shrubs of low retention value.</li> </ul> <p>As a result, the proposed tree and shrub removal is acceptable.</p>	<b>YES</b>

	<p><b>Tree impacts</b></p> <p>The following trees are impacted by the proposal:</p> <p><u>T15 – Jacaranda mimosifolia (Jacaranda)</u></p> <ul style="list-style-type: none"> <li>The proposed amendments to the bin storage area have satisfactorily addressed the concerns raised previously</li> <li>The impacts on T15 are within an acceptable level under AS4970-2009 Protection of trees on development sites.</li> </ul> <p><u>T6 – Platanus sp. (Plane Tree)</u></p> <p><u>T7 – Syncarpia glomulifera</u></p> <ul style="list-style-type: none"> <li>The proposed stormwater pipes and rainwater tank will encroach within the Structural Root Zone (SRZ) of T6 and T7, which is a major encroachment under AS4970-2009 Protection of Trees on development sites.</li> <li>To reduce the impacts to an acceptable level, a condition is recommended to ensure that the stormwater works are installed using tree sensitive methods (<b>Condition 17</b>).</li> </ul>	<p><b>YES</b></p> <p><b>YES</b></p>				
<p>C2. Tree replenishment and planting to be provided.</p>	<table border="1"> <tr> <th>Lot size</th> <th>Number of trees</th> </tr> <tr> <td>1,001m<sup>2</sup> to 1,500m<sup>2</sup></td> <td>7</td> </tr> </table> <p>The proposal is required to attain a total of 7 trees:</p> <ul style="list-style-type: none"> <li>The proposal retains 2 trees capable of attaining a minimum height of 13 metres.</li> <li>The proposal includes 5 trees capable of attaining a minimum height of 13 metres.</li> </ul> <p>7 trees are provided in total which complies with Council's requirement.</p>	Lot size	Number of trees	1,001m <sup>2</sup> to 1,500m <sup>2</sup>	7	<p><b>YES</b></p>
Lot size	Number of trees					
1,001m <sup>2</sup> to 1,500m <sup>2</sup>	7					
<p>C3. Landscaping to include tall trees, small trees, shrubs and ground cover. Continuous rows of monoculture planting and high hedging to boundaries is to be avoided.</p>	<p>The landscape plan is acceptable.</p>	<p><b>YES</b></p>				

C4. Landscape designs are to reflect the prevailing landscape character of the area.	The landscape plan is acceptable.	YES
C5. New trees are to be distributed across the site and are to be located to accommodate the mature growth of both new and existing trees.	The landscape plan is acceptable.	YES
C6. Hedges near boundaries are not to impact the amenity of adjoining properties by blocking sunlight, bushland or water views or unreasonably shading neighbours' private open space or living areas in winter. Hedges are not to grow to excessive height and are to be maintained at a height below 2 metres.	The landscape plan is acceptable.	YES
<b>Part 19 Heritage Items and Heritage Conservation Areas</b>		
19D.3 Gardens and Landscaping – Heritage Items	<p>Amended landscape plans have resolved the following issues:</p> <ul style="list-style-type: none"> <li>Insufficient information provided regarding the stone clad finish of the proposed retaining walls and service stairs adjacent to the western boundary. A schedule of finishes is required.</li> </ul> <p><u>Resolved</u> – The amended plans notate that the retaining walls within the front setback will be clad with stone to match the existing architecture.</p>	YES

	<ul style="list-style-type: none"> <li>The proposed timber retaining wall indicated on Drawing no. 806_DA_20 will not be characteristic of the heritage item.</li> </ul> <p><u>Resolved</u> – The timber wall has been replaced with a stone clad masonry wall to match other walls.</p> <ul style="list-style-type: none"> <li>The proposed steel garden edge is not characteristic of the heritage item. Common brick edging is to be used.</li> </ul> <p><u>Resolved</u> – Edging amended to common brick.</p> <ul style="list-style-type: none"> <li>The proposed angled corners of the retaining walls are not characteristic of the heritage item. The proposed garden retaining walls are to be curved to match the informal garden elements such as the path, front fence and garden edges.</li> </ul> <p><u>Resolved</u> – Terraced garden retaining walls have been amended to a curvilinear design.</p> <p>A condition is recommended to amend the stormwater plans so that they are consistent with the retaining walls indicated on the landscape plan (<b>Condition 17</b>).</p> <ul style="list-style-type: none"> <li>A greater variety of shrub planting is required including species characteristic of heritage gardens such as <i>Photinia</i>, <i>Daphne</i>, <i>Elaeagnus</i>, <i>Feijoa</i>, <i>Viburnum tinus</i>, <i>Viburnum x burkwoodii</i>, <i>Azalea</i>, <i>Gardenia</i>, <i>Rhododendron</i>, <i>Syringa</i>, <i>Chaenomeles</i>.</li> </ul> <p><u>Resolved</u> – A greater variety of planting is proposed under the amended landscape plan.</p> <ul style="list-style-type: none"> <li>To minimise the amenity impacts of the proposed bin storage area, screen planting is to be carried out between the bin storage area and the driveway.</li> </ul> <p><u>Resolved</u> – Screen planting of bin storage area is proposed under the amended landscape plan.</p>	
<b>Part 21 General Site Design</b>		
21.1 Earthworks and Slope	The proposal is acceptable on merit as it achieves the objectives of the controls in Part 21.1.	
C3. Landscape cut or fill should not be more than 600 millimetres above or below	The proposed terraced retaining walls within the front setback range from 400 to 960 millimetres in height. This is slightly more than specified under this control however, the variation is acceptable as it will allow more light into the dwelling and will not significantly	<b>YES</b>



<p><i>natural ground line.</i></p> <p><i>C4. A minimum 0.6m width is required between retaining walls.</i></p> <p><i>C5. Existing ground level is to be maintained for a distance of 2 metres from any boundary.</i></p> <p><i>C8. Retaining walls, excavated and filled areas are to be located and constructed to have no adverse impact on iii) trees and vegetation to be retained on site or on adjoining sites.</i></p>	<p><i>transform the natural topography of the land.</i></p> <p><i>A minimum 0.6 metres is provided between the retaining walls.</i></p> <p><i>The proposed construction of a retaining wall 1 metre from the western boundary does not comply with Control 5 however the variation to the control is acceptable on merit due to current site constraints. The variation achieves the objectives in Part 21.1 as it would not substantially alter the natural topography of the site and maintains the health of existing trees.</i></p> <p><i>The plans have been amended to reduce the impacts on T15 to an acceptable level.</i></p>	<p><b>YES</b></p> <p><b>YES</b></p> <p><b>YES</b></p>
<p><b>21.2 Landscape Design</b></p> <p><i>To ensure the landscape design and species selection is suitable to the site its context and considers the amenity of residents and neighbours.</i></p>	<p><u>Tree impacts – Tree 15</u></p> <ul style="list-style-type: none"> <li><i>The proposed amendments to the bin storage area have satisfactorily addressed the issues raised previously.</i></li> <li><i>The impacts on T15 are now within an acceptable level under AS4970-2009.</i></li> </ul> <p><u>Earthworks</u></p> <ul style="list-style-type: none"> <li><i>The proposed construction of a retaining wall 1 metre from the western boundary does not satisfy this control, however it is acceptable on merit due to the current site constraints.</i></li> </ul> <p><u>Submission</u></p> <ul style="list-style-type: none"> <li><i>To minimise any potential impacts on the structural integrity of the heritage item and the adjoining property, the proposed Cook Pines and Cheese Tree have been replaced with a smaller growing cultivar including 3 x <i>Elaeocarpus eumundi</i> (Eumundi Quandong).</i></li> </ul>	<p><b>YES</b></p>

**Response to submission**

The neighbour residing at No. 3A Glenview Street raised concerns about the proposed planting within the existing narrow garden bed on the southern (rear) side of the site between the dwelling and the driveway. They assert that the planting will have an adverse impact on their property due to the potential mature heights of the trees. The amended landscape plan has satisfactorily resolved this issue as follows:

- the 3 x *Araucaria columnaris* (Cook Pine) and 1 x *Glochidion ferdinandii* (Cheese Tree) have been replaced by the planting of smaller growing species along the southern boundary including 3 x *Elaeocarpus eumundi* (Eumundi Quandong)
- the 5 x *Syzygium smithii* (Lilly Pilly) have been replaced with a smaller growing cultivar *Syzygium 'Resilience'*
- the 1 x *Cyathea australis* (Rough Tree Fern) will not impact the amenity of the adjoining property as it is very slow growing with a single trunk and a small terminal canopy

**Recommendation**

The proposal is acceptable on landscape grounds, subject to conditions (**Conditions 11, 12, 13, 14, 17, 21, 25, 41, 42, 43, 44, 46, 52 and 59**)

The above landscape referral comments have been considered and it is agreed that the proposed development is satisfactory in relation to the relevant provisions under the DCP. The proposed tree removal and landscaping is acceptable, subject to conditions, as referenced in the above referral comments. The proposal therefore satisfies the relevant objectives and controls under Parts 4A.2, 4A.4, 13 and 19 of the KDCP.

**Engineering**

Council's Development Engineer commented on the amended proposal as follows:

<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>		
<b>Control</b>	<b>Proposed</b>	<b>Complies</b>
Chapter 6 Water catchments	The site falls within a regulated catchment. The proposal includes appropriate stormwater measures to minimise any adverse impacts on the regulated catchment. The proposal is satisfactory with regard to Chapter 6 'Water Catchments' of State Environmental Planning Policy (Biodiversity and Conservation) 2021.	<b>YES</b>

<b>KDCP COMPLIANCE TABLE</b>		
<b>Control</b>	<b>Proposed</b>	<b>Complies</b>
<b>Part 4B.1 Vehicle access</b>		
<b>Driveway</b>		
The maximum crossing width for any driveway, as measured at the	According to the architectural and landscape plans, the access to the site is via the existing shared driveway crossing. No change to width of the crossing is proposed.	<b>YES</b>

front site boundary, is 3.5 metres.		
Driveways within the property are to be designed in accordance with AS 2890.1 (2004) Off Street Car Parking	Access to the site is via the existing driveway which widens internally to the modified garage. The driveway gradients have been assessed based on architectural drawings. The plans depict an average grade of 4.5% which complies with AS 2890.1 (2004) 'Off street car parking.'	<b>YES</b>
<b>Part 4B.2 Car parking provision</b>		
<b>Number of car spaces</b>		
The minimum dimensions of a residential parking space are to be as follows and as illustrated in Figure 4B.2-1.	<p>No changes to the existing number of off-street parking are proposed.</p> <p>The garage dimensions of 6.89 metres x 5.44 metres as well as the 6.07 metres internal door opening width are compliant with AS 2890.1 (2004) – 'Off-street car parking.'</p>	<b>YES</b>
<b>Part 24A Site design for water management</b>		
24A.1 Development Type 1, 2, 3, 4	The proposed development is Type 1 'Alterations and Additions'.	<b>YES</b>
24A.2 Location A, B, C, D	The proposed development is located on a property that is Location D (fall to the rear / easement).	<b>YES</b>
<b>Part 24B Stormwater disposal from location d properties</b>		
24B.5 Discharge to rear	<p>The site is benefitted and burdened by easements for drainage and other restrictions and slopes towards the south. The site is not located within a flood prone area.</p> <p>The subject site has a fall towards the rear by approximately 14 metres. The decrease in built upon area (BUA) for the proposed development is 12m<sup>2</sup>.</p> <p>According to Council's mapping system, title documents of the subject site with associated 88B instruments demonstrate that the subject site benefits from an existing drainage easement which runs within the neighbouring property (No. 10 Minns Road) prior to discharging to Stony Creek.</p> <p>A CCTV video of the existing pipe within the easement and plumber's report has been submitted. According to the plumber's report, the existing pipe is in very poor condition and will need to be rectified before the commencement of construction works. A condition requiring repair of the pipe is recommended (<b>Condition 16</b>).</p>	<b>YES</b>

<b>Part 24C.4 On-site stormwater management</b>		
<b>Part 24C.4</b> <b>Rainwater Tank</b> <b>Requirements</b>  <b>Type 1</b> <b>Alts and Adds</b> A rainwater tank is strongly recommended but not mandatory.	Amended stormwater management plans have been submitted. Built upon areas have been corrected and now show a reduction in impervious surface for the post development scenario. A 2,000 litres rainwater tank is proposed with connection for garden irrigation, which is acceptable.	<b>YES</b>
<b>Part 24C.5 Controls for on-site detention</b>		
<b>Development Type</b> <b>1 and 2</b>  OSD is not required for development Types 1 and 2 unless the development increases the BUA to over 60% of the site area.	The post development impervious surface has been reduced to 59% of the total site area and as such no on-site detention tank will be required under Part 24C.5 of KDCP.	<b>YES</b>
<b>Part 24C.6 Stormwater quality control</b>		
<b>Part 24C.6</b> <b>Stormwater Quality</b> <b>Control</b>	Water quality measures have been addressed by directing runoff from the roof area to the rainwater tank. Any uncontrolled surface runoff can be directed to rain-scaping which satisfies Part 24C.6.	<b>YES</b>

#### **Statutory considerations**

Consideration has been given to the proposed development in relation to the relevant provisions of Clause 6.5 'Stormwater and water sensitive urban design' of KLEP 2015. As the requirements of Part 24 'Water Management' of the KDCP have been met, the proposal is satisfactory in relation to Clause 6.5.

#### **Geotechnical investigation**

A geotechnical investigation report was carried out for this development. The testing comprised two boreholes to a maximum depth of 0.61 metres. The subsoil conditions were assessed to consist of fill, with silty sandy clay up to 0.6 metres to refusal depth or weathered sandstone.

Groundwater observations were made in all boreholes during drilling, on completion of drilling and a short time after completion of drilling. No longer term monitoring of groundwater was carried out.

*The geotechnical recommendations regarding excavation support, vibration monitoring and dilapidation shall be carried out during construction as specified within the report and this is conditioned (**Condition 33**).*

**Response to submission**

Stormwater runoff

*Concerns have been raised from the downstream neighbour (No. 3A Glenview Street, Gordon) with regards to stormwater runoff. The shared driveway lies outside the subject property and the applicant is not responsible for making any remediation works as part of this development application.*

Construction impacts to driveway

*It is recommended that a dilapidation report of the right of way be conducted prior to the commencement of works and following the completion of works (**Conditions 8 and 30**). The report will form a record of the condition of the shared driveway structures to inform monitoring during works and any disputes which may arise.*

**Recommendation**

*The proposal is acceptable from an engineering perspective, subject to conditions (**Conditions 8, 9, 10, 16, 17, 32, 33, 53 and 54**).*

The above engineering referral comments have been considered and it is agreed that the proposed development is satisfactory in relation to the provisions under Part 24 of the KDCP. The development also provides water sensitive urban design measures and services on the subject site and is therefore consistent with Clause 6.5 of KLEP 2015.

**STATUTORY PROVISIONS**

**State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4  
Remediation of land**

The provisions of Chapter 4 require Council to consider the potential for a site to be contaminated. The subject site has a history of residential use and, as such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

**Draft State Environmental Planning Policy (Remediation of Land)**

The draft SEPP is a relevant matter for consideration as it is an Environmental Planning Instrument that has been placed on exhibition. New provisions will be added in the SEPP to:

- *require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant*
- *categorise remediation work based on the scale, risk and complexity of the work*
- *require environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to Council*

The site is unlikely to contain any contamination and further investigation is not warranted in this case.



### State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Water catchments

The provisions of Clause 6.6 'Water quality and quantity' have been considered in the assessment of the proposal. The proposal includes measures to capture and minimise stormwater runoff from the site that would adversely impact upon any natural waterbody or the regulated catchment. The proposal is also found to be consistent with the requirements of Clause 6.7 as it is unlikely to impact on aquatic ecology and appropriate erosion and sediment control measures are proposed. The proposal is consistent with the provisions of Clauses 6.6, 6.7 and Chapter 6 of the SEPP.

### State Environmental Planning Policy (Sustainable Buildings) 2022 – Chapter 2 Standards for residential development – BASIX

A valid BASIX certificate has been submitted and the proposal is consistent with commitments identified in the certificate. As per the requirements of Clause 2.1(5), the consent authority is satisfied that the submission of a BASIX certificate demonstrates that the embodied emissions attributable to the development have been quantified.

### Local Content

#### Ku-ring-gai Local Environmental Plan 2015

#### Part 1 Preliminary

##### Aims of the KLEP

The proposal has been assessed against the relevant Aims of the Plan. The proposal is consistent with the Aims for the reasons given within the assessment report.

#### Part 2 Permitted or prohibited development

##### Clauses 2.1 – 2.3 Zoning and permissibility

The site is zoned R2 Low Density Residential under KLEP 2015. The proposed development is defined as alterations and additions for the purposes of a dwelling house and is permissible with development consent.


The objectives of a R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for housing that is compatible with the existing environmental and built character of Ku-ring-gai.*

The proposed development is consistent with the zone objectives as it results in housing that is compatible with the existing environmental and built character of Ku-ring-gai.

#### Part 4 Principal development standards

Development standard	Proposed	Complies
<b>CI 4.3 - Height of buildings:</b> Maximum Building Height - 9.5 metres	9.7m (repair cracks to external façade of turret, no change to	<b>NO</b>

Development standard	Proposed	Complies
	maximum height of turret) 	
<b>CI 4.4 - Floor space ratio (FSR):</b> Subclause 2A Calculation <b>0.33:1 (max)</b> Gross Floor Area (GFA) = <b>429m<sup>2</sup> (max)</b>	<b>Level L00</b> <b>94m<sup>2</sup></b> (excludes cellar, storage rooms below lawn and pool, plant room and non-habitable basement areas)  <b>Level L01</b> <b>259m<sup>2</sup></b> (excludes stairs from L00 and lift core)  <b>Level L02</b> <b>122m<sup>2</sup></b> (excludes stairs from L01 and lift core)  <b>Level L03</b> <b>23m<sup>2</sup></b> (excludes stairs from L02 and habitable areas less than 1.4 metres height)  <b>Total GFA – 498m<sup>2</sup></b> <b>FSR – 0.385:1</b>	<b>NO</b>

Note: Calculations above based on the land area of 1295m<sup>2</sup> in accordance with the submitted survey plan, prepared by Project Surveyor.

The proposed development results in a 2.1% departure from the development standard for building height contained within Clause 4.3. The proposed development also results in a 16.08% departure from Council's development standard for floor space ratio contained within Clause 4.4. Accordingly, Clause 4.6 variation requests in respect of both development standards have been provided and are considered below.

**Clause 4.6 Exceptions to development standards – Building height**

The proposed development contravenes the building height development standard contained within Clause 4.3 of the KLEP. The applicant has made a submission pursuant to Clause 4.6 seeking to vary that development standard. Clause 4.6 provides flexibility in applying certain development standards and an assessment of the request to vary the development standard is provided below:

- (1) *The objectives of this clause are as follows—*
  - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development 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 operation of this clause.*
- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
  - (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
  - (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

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

The applicant states that compliance with the development standard is unreasonable or unnecessary for the following reasons:

*As to whether or not compliance with the standard is “unreasonable and unnecessary”, in Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009, the consideration provided in NSWLEC Wehbe v Pittwater 2007 (which previously applied to SEPP 1 and earlier versions of Clause 4.6) is still of relevance and is assistance with the consideration of this question under Clause 4.6.*

*‘Wehbe’ sets out five means for progressing an argument as to why compliance is “unreasonable and unnecessary” as follows:*

- a) *the objectives of the standard are achieved notwithstanding non-compliance with the standard;*
- b) *the underlying objective or purpose of the standard is not relevant to the development and*
- c) *therefore compliance is unnecessary;*
- d) *the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- e) *the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*

- f) *the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

*We submit that it is unreasonable and unnecessary to strictly comply with Clause 4.3 of the KLEP for reasons related to (a) above, in terms of the consistency of the proposed development with the objectives of the development standard.*

*'Webhe' (a) The objectives of the standard are achieved notwithstanding non-compliance with the Standard*

*The objectives of the development standard are addressed as follows:*

- a) to ensure that the height of buildings is appropriate for the scale of the different centres within the hierarchy of Ku-ring-gai centres*

*Comment: N/A – the site is not located with a local centre.*

- b) to establish a transition in scale between the centres and the adjoining lower density residential and open space zones to protect local amenity*

*Comment: N/A – the site is not located with a local centre.*

- c) to enable development with a built form that is compatible with the size of the land to be developed*

*The proposed breach arises through proposed restorative heritage conservation works to the existing building, specifically, to repair cracks in the turret parapet. The proposed works in breach of the standard do not result in any change to the built form of the building nor does it have any relationship to the development capacity of the land.*

It is agreed that contravention of the building height development standard is unreasonable and unnecessary in this instance because the works solely relate to repair works to a portion of the building that is already non-compliant. The works do not change the form of the building, including its overall height.

#### **Whether there are sufficient environmental planning grounds to justify contravening the development standard**

The applicant states that the following environmental planning grounds justify contravening the development standard:

- the proposed works relate to part of the building which already breaches the standard and no additional height is proposed to the non-compliant part;*
- the building is heritage listed and the proposed restorative works breaching the height plane are urgency [sic] required to repair the large cracks in the turret/parapet. The HIS states: "The external repairs, especially the stonework, are necessary as some of the fabric is degraded;" and,*
- the variation to the height standard will better satisfy the Aims of the KLEP at Clause 1.2 in terms of protecting and conserving Ku-ring-gai's indigenous and non-indigenous cultural heritage, and the objectives at Clause 5.10 'Heritage conservation'.*

It is agreed, that the justifications provided by the applicant constitute suitable environmental planning grounds justifying the contravention of the standard. The repair works do not change the existing non-compliant building height. The repairs works are designed to conserve the heritage item and therefore would achieve the objectives of Clause 5.10 of the KLEP and to require compliance would be unreasonable and result in detrimental heritage impacts by removing existing fabric.

#### **Authority to determine variation**

As the variation to the numerical standard is less than 10% (specifically 2.1%) this variation, in isolation, would not require the application to be referred to the Ku-ring-gai Local Planning Panel for determination. However, the variation to the floor space ratio development standard does exceed 10%, as detailed earlier, hence the requirement to refer to the Ku-ring-gai Local Planning Panel for determination.

#### **Development standards that cannot be varied**

The variation to the development standard is not contrary to the requirements in subclauses (6) or (8) of Clause 4.6.

#### **Clause 4.6 Exceptions to development standards – Floor space ratio**

The proposed development contravenes the floor space ratio development standard contained within Clause 4.4 of the KLEP. The applicant has made a submission pursuant to Clause 4.6 seeking to vary that development standard. Clause 4.6 provides flexibility in applying certain development standards and an assessment of the request to vary the development standard is provided below:

- (1) The objectives of this clause are as follows—
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.**
- (2) Development 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 operation of this clause.*
- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—
  - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
  - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.**

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

The applicant states that compliance with the development standard is unreasonable or unnecessary for the following reasons:



As to whether or not compliance with the standard is “unreasonable and unnecessary”, in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009, the consideration provided in *NSWLEC Wehbe v Pittwater* 2007 (which previously applied to SEPP 1 and earlier versions of Clause 4.6) is still of relevance and is assistance with the consideration of this question under Clause 4.6.

‘Wehbe’ sets out five means for progressing an argument as to why compliance is “unreasonable and unnecessary” as follows:

- a) the objectives of the standard are achieved notwithstanding non-compliance with the standard;
- b) the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- c) the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- d) the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
- e) the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

We submit that it is unreasonable and unnecessary to strictly comply with Clause 4.4 of the KLEP for reasons related to (a) above, in terms of the consistency of the proposed development with the objectives of the development standard.

‘Wehbe’ (a) The objectives of the standard are achieved notwithstanding non-compliance with the Standard

The objectives of the development standard are addressed as follows:

a) to enable development with a built form and density that is compatible with the size of the and to be developed, its environmental constraints and its contextual relationship

The proposed development is entirely compatible with the context on the site and its visual setting, with respect to massing and density, for the following reasons:

- the submissive scale of the addition in relation to the existing building and neighbouring structures;
- the use of materials which are sympathetic to the existing dwelling and the visual context of the site;
- whilst visible from limited locations, from both Glenview Street and Rosedale Road, the proposed addition will not result in any adverse visual impacts given the use of a mid-grey roofing material, contextually appropriate to the existing slate material, integrating the additions into the rest of the building, and since the views available to the addition from the public domain are downwards, thereby not introducing significant massing related impacts;
- the addition is located within the existing building footprint;
- the proposed FSR is considered to be compatible with the anticipated density of the site;

- elements of GFA are excavated into the site limiting the perceived massing.



**Figure 15: Southern elevated perspective of proposed development.**

b) to provide for floor space ratios compatible with a range of uses

The proposed FSR, albeit in breach of the standard, is considered to be compatible with the particular circumstances of this residential development for the following reasons:

- The unusual design and heritage listing of the building;
- The pre-existing breach introduced by earlier improvements;
- The inefficient use of available FSR during past improvements. The existing western annexe building, originally constructed as a squash court in 1981, had the effect of accumulating and ultimately breaching the GFA available with poor utility and amenity floor space.
- It is not an unreasonable expectation for the occupants, within reason, to enjoy contemporary living amenity standards.
- The degree of intervention to the original fabric [to achieve compliance and] to achieve good amenity levels, would not be feasible from a heritage conservation perspective. Similarly, the annexe building cannot be adaptively reused to create a high-quality living space since it is largely below ground level and is southerly orientated.
- The proposed variation allows for a new structure providing living space to better align the dwelling with modern living standards, and to satisfy the KDCP with respect to solar access and natural ventilation.

c) to ensure that development density is appropriate for the scale of the different centres within Ku-ring-gai,

Comment: N/A – the site is not located with a local centre.

*d) to ensure that development density provides a balanced mix of uses in buildings in the employment and mixed use zones*

*Comment: N/A – the site is not located in an employment of mixed use zone.*

The justification provided by the applicant is accepted for the following reasons:

- The additional built form that is proposed – the glass link building containing a living area – is compatible with the built form of surrounding development. This is due to its small scale, use of sympathetic materials and visually recessive colours which integrate the building into the existing development and landscape.
- The glass link building makes use of the underutilised annexe building by connecting this building with the dwelling and providing a living space that achieves compliant internal solar access, which does not currently exist within the heritage listed dwelling.
- The glass link building enhances internal amenity, while conserving the significant fabric of the heritage listed dwelling and to modify the building in order to improve compliance would have a significant detrimental heritage impact.

**Whether there are sufficient environmental planning grounds to justify contravening the development standard.**

The applicant states that the following environmental planning grounds justify contravening the development standard.

**1. Improvements to Amenity and Design Rationale**

*It is not unreasonable for the owners to improve the internal amenity levels within the dwelling, given existing deficiencies in this respect, as expanded upon below.*

*Due to the heritage significance of the external stone walls and inability to alter the dimensions of existing window openings, the ability to improve internal amenity levels at the ground floor of the original part of the building is significantly curtailed.*

*Instead, the proposal involves a new wing, which includes the additional GFA and is therefore directly linked to this variation request. The new wing creates a new habitable room with good levels of amenity for the residents.*

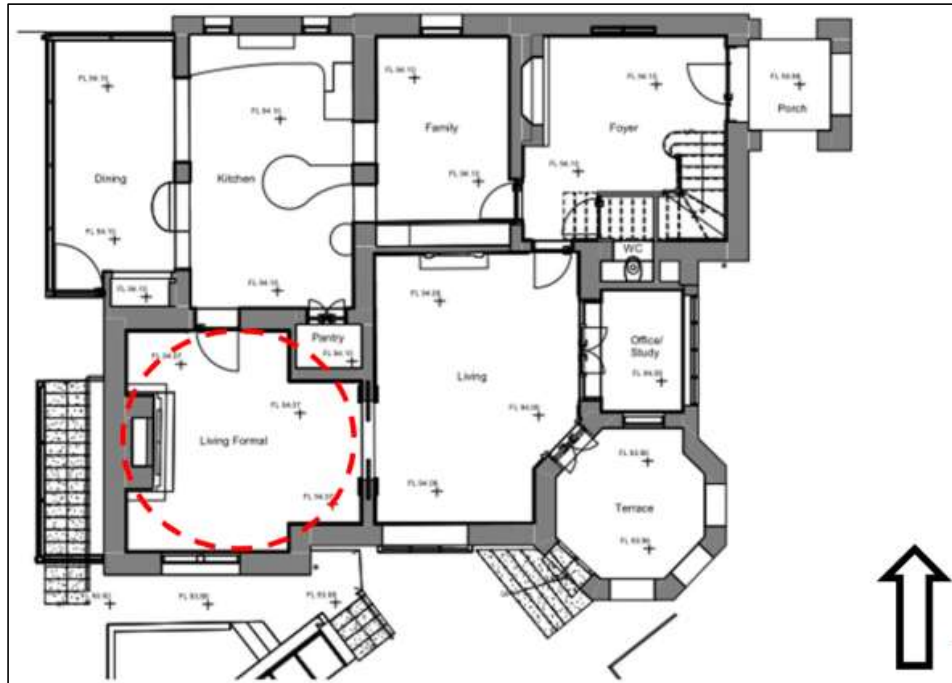
*The approach involving the proposed new link wing and retention of the annexe:*

- *Makes the most effective and efficient use of existing buildings with only a very minor increase to existing GFA of 18m<sup>2</sup>;*
- *Minimises intervention into the existing building fabric by limiting its interface with the original part of the dwelling and by the substantive retention of the annexe building.*

**Existing Amenity**

*The ground floor of the dwelling comprises the main living room, a kitchen, and later added dining room. The living room is south facing and limited/no direct solar access is available to the remainder of the space due to the narrow window dimensions and*

existing mature vegetation. Refer to the extract from the existing ground floor plan below.

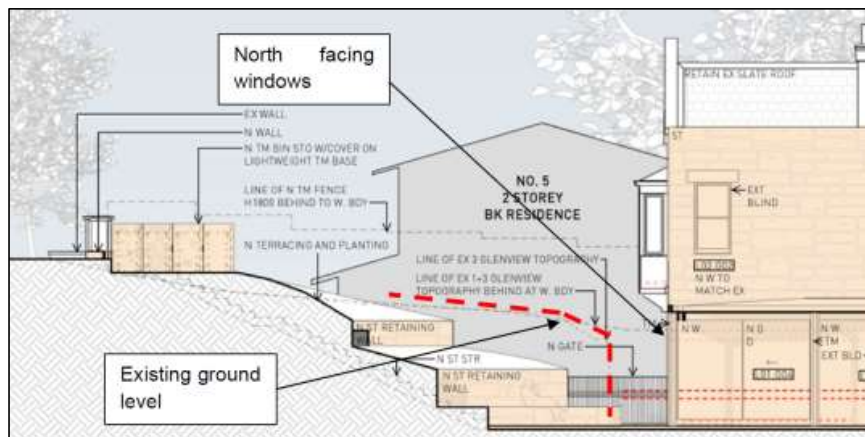


**Figure 16: Extract existing ground floor plan.**

The KDCP requires 4 hours solar access to north facing living areas. The existing principal living area and other secondary living spaces receive little, if any, direct solar access. The existing building cannot be altered to the degree necessary to improve solar access and the approach of creating the link building evolved.

The existing living areas do not benefit from good levels of natural ventilation. The ground floor plan is divided into small rooms, with few windows of narrow dimensions, and is entirely inconsistent with Controls at Part 4C.6 of the KDCP related to natural ventilation.

**Figure 17** below shows the front of the building in relation to the adjacent existing and proposed ground condition. The ground level sits below the front garden level, diminishing natural light and ventilation.



**Figure 17: Extract proposed west elevation**

*Due to the orientation of the annexe building, and its relationship with ground level, it is not conducive to good levels of residential amenity.*

*To provide a new living space for the residents which is commensurate with current living standards, a new link building is proposed, (which contains the GFA in excess of the development standard).*

*On balance, such an approach is considered to be the most appropriate design response to accomplish improved internal levels of amenity for the residents and to protect the heritage fabric of the building.*

*Alternatives to comply with the FSR standard would involve at least the partial demolition and/or the reuse of the annexe building to include more areas of inefficient excluded GFA. The annexe building has an important function, in particular [...] it links the basement and the original part of the building, but as previously identified, is non-conductive to good amenity levels, even with substantive intervention.*

*The decision to create the new wing (and retain the annexe) involves relatively minor intervention to the existing building; makes the most efficient use of the existing buildings and protects the heritage significance of the building.*

## **2. Lack of impacts associated with additional GFA**

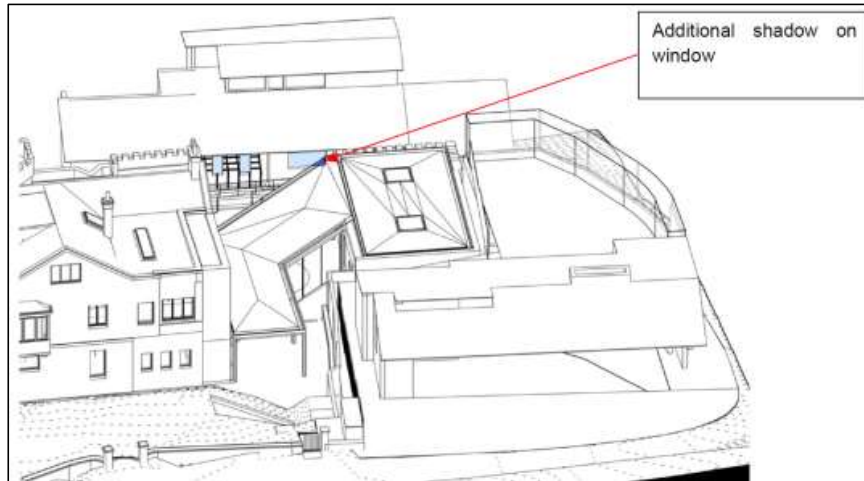
*The link building, which accommodates the GFA in breach of the standard, does not introduce any adverse impacts usually associated with excessive floor space such as unacceptable bulk or massing or other visual related impacts on the public domain or when viewed from neighbouring properties.*

*No significant adverse overshadowing or privacy related impacts on surrounding properties are anticipated as a result of the addition to the building.*

*The room comprising the GFA in excess of the standard has no direct sightlines to the ground floor on No. 3A Glenview Street to the south. The sightline available to the upper-level windows at No. 3A Glenview Street is in excess of 20 metres and the windows at this level in the neighbouring building are either frosted or coated with a reflective film and service non-habitable or secondary rooms.*



*The architectural drawings, prepared by Smart Design Studio, include re-modelled shadow diagrams in plan and sun view format. As shown below in the extract from the 11am mid-winter sun view model, the building addition, at worst, overshadows a small corner of a north facing window. A similar impact occurs (to an even lesser degree) to a different window at 10am, mid-winter.*



**Figure 18: Sun-eye view 11am mid-winter**

*The degree of overshadowing is considered to be minor/negligible and will not give rise to any significant or unacceptable amenity related impacts.*

*The proposed addition sits within the existing building footprint. The proposed breach to the standard does not result in a reduction to landscaped area nor an increase to 'Built Upon Area'.*

The justification provided by the applicant is accepted for the following reasons:

- The annexe building and existing living area within the dwelling are constrained by their southerly aspect. The glass link building appropriately responds to this constraint by enhancing internal levels of amenity while conserving the heritage fabric of the dwelling.
- The additional built form resulting partly in the contravention of the FSR standard is the glass link building. This building is set back from the southern edge of the floor below and located approximately 20 metres from the first floor windows at No. 3A Glenview Street. The viewing angle and large distance separating the two locations are unlikely to result in unreasonable visual privacy impacts to No. 3A Glenview Street.
- The proposed development provides a compliant amount solar access to surrounding properties in accordance with Council's DCP.

#### **Authority to determine variation**

As the subject application proposes a variation of a numerical development standard in excess of 10%, (16.08%) delegation to determine the application lies with the Ku-ring-gai Local Planning Panel (KLPP). Consequently, the application has been referred to the KLPP for determination.

**Development standards that cannot be varied**

The variation to the development standard is not contrary to the requirements in subclauses (6) or (8) of Clause 4.6.

**Part 5 Miscellaneous provisions**Clause 5.10 Heritage conservation

The subject site contains a heritage item, is located within 100 metres of a heritage item (No. 11 Minns Road, Gordon) however is not within a heritage conservation area. The proposed works do not affect any known archaeological or Aboriginal objects or Aboriginal places of heritage significance.

The amended plans were assessed by Council's Heritage Advisor as having acceptable impacts on the aesthetic and historic setting of the subject and nearby heritage items. The proposal will not adversely affect the heritage significance of the heritage item and heritage items within the vicinity of the site.

The development is consistent with the provisions of the clause to conserve heritage significance.

**Part 6 Additional local provisions**Clause 6.2 Earthworks

A geotechnical report has been provided. The proposed development will not restrict the existing or future use of the site, adversely impact on neighbouring amenity, the quality of the water table or disturb any known relics.

Clause 6.4 Riparian land and adjoining waterways

The north-eastern tip of the site is mapped as comprising Category 2 Riparian Land on the Riparian Land and Watercourses Map.

The subject application was not referred to Council's Ecological Assessment Officer as the works are not located within or in close proximity to mapped lands. The proposal is consistent with the provisions of Clause 6.4.

Clause 6.5 Stormwater and water sensitive urban design

The objectives of this clause seek to avoid or minimise the adverse impacts of urban stormwater on the land on which development is to be carried out, adjoining properties, native bushland, waterways and groundwater systems.

The proposal has been considered against the objectives of this clause. The stormwater design adequately manages stormwater runoff, with no anticipated adverse impacts of stormwater runoff to adjoining properties. The proposal is consistent with the objectives of this clause.

**Policy Provisions (DCPs, Council policies, strategies and management plans)****Ku-ring-gai Development Control Plan**

Part 1A.5 General aims of the DCP

The proposed development has been assessed against the general aims of the KDCP and is found to be acceptable in all relevant respects for the reasons given throughout this report.

Part 2 Site analysis

A site analysis which identifies the existing characteristics of the site and the surrounding area has been provided as part of the development application. The site analysis is considered to satisfy the objectives of this part of the KDCP.

Part 4 Dwelling houses

The table below addresses the assessment criteria contained under Part 4 of the KDCP.

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	Proposed	Complies
<b>4A – Site Design</b>		
<b>4A.1 Local Character and Streetscape</b>		
<b>Visual Character</b> Design components of new development are to be based on the existing predominant and high quality visual character of the local neighbourhood.	The design components are consistent with the predominant visual character of the neighbourhood.	YES
The appearance of the dwelling is to maintain the local visual character by considering the following elements: i) visibility of on-site development when viewed from the street, public reserves and adjacent properties; and ii) relationship to the scale, layout and character of the tree dominated streetscape of Ku-ring-gai.	The design of the proposal maintains the local visual character.	YES
The prominent and high quality characteristics of the neighbourhood are to be identified and considered as part of the site analysis.	The design of the proposal maintains the local visual character.	YES
<b>Public Domain and Communal Space</b> Development is to integrate with surrounding sites by: i) being of an appropriate scale retaining consistency with the surrounds when viewed from the street, public domain or adjoining development and not exceeding two storeys; ii) minimising overshadowing; and iii) integrating built form and soft landscaping (gardens and trees) within the tree canopy that links the public and private domain throughout Ku-ring-gai.	The proposal is of an appropriate scale which minimises overshadowing and retains consistency with the surrounds when viewed from the street and adjoining development.	YES
<b>Visually Prominent Sites</b> Development on visually prominent sites is to:	The site is visually prominent. The additional built form (glass link building) is small in scale	YES

<b>DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses</b>		
<b>Development control</b>	<b>Proposed</b>	<b>Complies</b>
i) be integrated into the existing landscape through the site planning process and avoid tall and bulky structures; ii) have a selection of external colours and finishes that are sensitive to the site and locality; iii) retain significant landscape and vegetation elements; iv) consider views to the site as well as those from the site; and v) soften visual impact by extensive landscaping including larger trees and shrubs.	and consistent with the height of the annexe building. Sympathetic materials and colours are proposed to integrate the building into existing development and the landscape. The visual impact of the structure is softened by proposed landscaping.	
Colours of materials used in sites adjoining or in close proximity to bushland areas and conservation areas must be in harmony with the built and natural landscape elements of the area.	The earth tone colours of materials are in harmony with the built and natural landscape elements of the area.	<b>YES</b>
<b>4A.2 Building Setbacks</b>		
<b><i>Building Line (Front Setback)</i></b>		
Basement areas are to be consolidated under the building footprint and meet all building setbacks requirements.	The proposal includes a refurbished layout of a basement level within the existing building setbacks.	<b>YES</b>
The location of development on the site is to demonstrate its consideration of: i) The existing setback of adjoining properties; ii) The setback patterns of its street block; and iii) Council's minimum and average setback requirements.	The location of the development responds to the setbacks of adjoining properties, the street block and the KDCP setback controls.	<b>YES</b>
Two storey Low side – 9m (11m average)	The proposed front setback is 14.8 metres.	<b>YES</b>
<b><i>Building Line (Rear Setbacks)</i></b>		
Where sites have a depth of less than 48m, a minimum rear setback of 25% of the average site depth is to be provided.	The maximum site depth is 43.5 metres, measured where the proposed glass link building is. The minimum setback is 10.875 metres (25%). The setback of the glass link building is 7.4 metres.	<b>NO</b>
>20m width - 9% of site width (single storey elements) - 12% of site width (two storey)	The site is irregularly shaped. Site width measured at the proposed western terrace is 27.5 metres, therefore a minimum ground floor side building setback is 2.47 metres is required.	

<b>DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses</b>		
<b>Development control</b>	<b>Proposed</b>	<b>Complies</b>
	Minimum proposed western side building setback is 2 metres (western terrace support post).	<b>NO</b>
Side setbacks are to accommodate a pathway and at least 0.6m of landscaping width for single storey buildings, and 1.1m for 2 storey houses. Where sites are of greater widths (over 20m) larger side setbacks should be progressively provided.	The eastern side setback accommodates a pathway and at least 1.1 metres of landscaping.  The western side setback accommodates a pathway but no landscaping.	<b>YES</b>  <b>NO</b>
Side setbacks are to accommodate shrubs to a height of 3-4m for two storey houses, and 2-3m for single storey houses.	Existing landscaping within eastern side setback.  No landscaping within western side setback	<b>YES</b>  <b>NO</b>
<b>4A.3 Built-Up Area</b>		
Max BUA: 50% (647.5m <sup>2</sup> )	N/A as existing site BUA is greater than the control.	<b>N/A</b>
For alterations and additions, on sites where the existing BUA is greater than the maximum permitted by control 1, the maximum BUA is the existing BUA, however, a reduction in BUA is desirable.	Existing site BUA is 778m <sup>2</sup> . Proposed site BUA is 766m <sup>2</sup> .	<b>YES</b>
The proposal is to include a reasonable provision of built elements, normally associated with a residential property, such as pathways, and show consideration of these elements at an early stage of the design process.	Reasonable provision of built elements is provided.	<b>YES</b>
The front setback for any development for a dwelling house is to have a maximum BUA of 30% (see Figure 4A.3-1 of the DCP).	Total front setback area is 416.4m <sup>2</sup> . Maximum BUA is 124.9m <sup>2</sup> (30%). Proposed BUA is 104.4m <sup>2</sup> (25%).	<b>YES</b>
<b>4B – Access and Parking</b>		
<b>4B.2 Car Parking Provision</b>		
Single occupancy dwellings are to provide 2 spaces on-site as determined by Part 4B.3(5) of the DCP.  Internal access to car parking and the required car parking area is to be no greater than 31sqm. Car parking and access to that car parking, exceeding the requirements of this control will not be excluded from the gross floor area as defined in KLEP 2015.	2 spaces are provided behind the building line of the dwelling.  The GFA of the garage is more than 31m <sup>2</sup> . 31m <sup>2</sup> of garage GFA is excluded as is the additional 3.5m <sup>2</sup> within the garage as it is basement non-habitable area. As per the KDCP control, 2.9m <sup>2</sup> of garage GFA is included in the GFA calculation as it is not basement or non-habitable	<b>YES</b>  <b>YES</b>

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	Proposed	Complies
	space.	
<b>4C – Building Design and Sustainability</b>		
<b>4C.1 Building Envelopes</b>		
The maximum height of a dwelling is 9.5m (including any garage, basement or the like) and present as a 2 storey dwelling house.	9.7 metres (repairs to turret).  The proposed development maintains presentation of a two-storey dwelling house to Glenview Street.	<b>NO</b>  <b>YES</b>
The following matters are to be considered with regard to the potential impact on neighbouring properties and local character: i) opportunities to minimise overshadowing of living and private open space areas and solar panels; ii) opportunities to minimise overlooking of living and private open space areas; iii) opportunities to minimise adverse impacts on any significant bushland, or distant views; iv) the relationship with the streetscape.	The proposal responds to the streetscape character and minimises overshadowing, overlooking and impacts upon views.	<b>YES</b>
Development is to avoid the creation of an overbearing effect upon adjoining development by: i) ensuring appropriate side setbacks and landscaping are incorporated in the design; ii) ensuring all built structures are within the building height plane as illustrated in Figure 4C.1-2 of the DCP (4m @ 45°); iii) the relationship with the streetscape.	The proposal maintains existing side setbacks and new development does not project outside the building height plane.	<b>YES</b>
<b>4C.2 Building Facades</b>		
Extensive blank or unarticulated walls to street frontages will not be permitted.	A blank or unarticulated street elevation is not proposed.	<b>YES</b>
All external facades are to be articulated to reduce the apparent building mass and present a human scale. This may be achieved through the use of bay window openings, window awnings, chimney and alcove features, verandas, pergolas, balconies, entry porches, staggered wall planes, a combination of materials and finishes, decorative architectural elements including brick corbelling, banding and recesses.	All external facades are adequately articulated.	<b>YES</b>
The maximum length for an unrelieved wall is 12m.	11 metres (north-western elevation of glass link building).	<b>YES</b>
Side elevations are to avoid unrelieved walls. This may be achieved by:	Eastern elevation remains unchanged.	<b>YES</b>



DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	Proposed	Complies
i) dividing walls into sections, bays or modules; ii) separating wall sections with recesses or courtyards.	Glass link building and alterations to dining room add adequate relief to the western wall.	
Alterations and additions to an existing dwelling are to be: i) designed so that they are integrated into the existing building; ii) result in the new and old structures appearing as one building from the street. This may be achieved through the choice of materials, detailing, building proportion and configuration.	The proposed works are adequately integrated into the existing building and result in the appearance of one building as viewed from the street.	YES
Building design is to integrate soft landscaping and natural site features and make provision for tall shrub plantings.	The building design appropriately integrated into existing soft landscaping.	YES
4C.3 First Floor Design and Roof Forms		
Roof line		
Roof structures are to be designed to minimise bulk and overshadowing of neighbouring buildings and open spaces by: i) considered selection of material, colour and pitch; ii) use of low-angled pitched roofs providing that they are compatible with existing development and the streetscape character; or iii) inclusion of habitable rooms within the roof space.	The proposed roofing has been designed to minimise impacts to adjoining properties, featuring an appropriate pitch and materials consistent with the existing development and streetscape.	YES
4C.4 Private Open Space		
At least one area of useable private open space which has a minimum depth of 5m and a minimum area of 50m <sup>2</sup> is to be provided on each site. On steep sites Council may consider a reduction in the minimum depth requirement.	There is at least one area of private open space which has a minimum depth of 5m and minimum area of 50m <sup>2</sup> .	YES
Landscape areas are to provide functional outdoor areas that: i) are useable and relate well to indoor living areas; ii) have a character that is consistent with or enhances the landscape character of the area; iii) are located in consideration of noise, temperature, shade and screening; iv) are not dominated by adjoining development (in terms of overshadowing and overlooking);	Functional outdoor areas are provided that relate well to indoor living areas and would not be dominated by adjoining development in terms of overshadowing and overlooking.	YES
Private open space is to constitute at least one north facing area providing adequate solar access.	At least one north-facing area providing adequate solar access is maintained.	YES

<b>DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses</b>		
<b>Development control</b>	<b>Proposed</b>	<b>Complies</b>
<b>4C.5 Solar Access</b>		
Solar access to habitable areas, recreational space and solar collectors on the site and on neighbouring sites is to be preserved by: i) consideration of siting and orientation of buildings; ii) use of setbacks which increase with building heights; iii) landscape design and location of vegetation including deciduous or tall trees; iv) consideration of window locations and size.	The proposal has been designed to minimise overshadowing of neighbouring sites and maximise solar access to the dwelling.	<b>YES</b>
A building is to be designed and sited to maintain solar access to adjoining properties of at least 4 hours between 9am and 3pm on 21st June to north facing windows and all living areas (family rooms, rumpus, lounge and kitchen) and the principal private open space recreational areas, such as swimming pools and patios.	At least 4 hours between 9am and 3pm on 21st June to north-facing windows and all living areas (family rooms, rumpus, lounge and kitchen) and the principal private open space recreational areas on adjoining properties is provided.	<b>YES</b>
Dwelling design and orientation is to provide at least 4 hours between 9am and 3pm on 21st June to north facing windows and all living areas (family rooms, rumpus, lounge and kitchen) and the principal private open space including swimming pools and patios, to the proposed dwelling.	At least 4 hours between 9am and 3pm on 21st June to north-facing windows and all living areas (family rooms, rumpus, lounge and kitchen) and the principal private open space recreational areas to the proposed dwelling is provided.	<b>YES</b>
Development is to consider the use of sun protection devices that preserve internal amenity. These can include window shades and awnings, roof and eave overhangs, use of pergolas and landscaping for shading of openings.	The proposal includes a roof over a proposed terrace which will provide shade to western elevation windows. Existing landscaping within the front setback will assist in providing shade to northern elevation windows	<b>YES</b>
<b>4C.6 Natural Ventilation</b>		
Building design is to incorporate measures for natural cross ventilation as specified in Control 1.	The building design incorporates adequate measures for natural cross ventilation.	<b>YES</b>
<b>4C.7 Ancillary Facilities</b>		
<b>Other Site Facilities</b>		

<b>DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses</b>		
<b>Development control</b>	<b>Proposed</b>	<b>Complies</b>
The location and design of facilities such as mail boxes, utility poles, bin storage and enclosures, clothes drying areas are to be an integrated and sympathetically designed as part of the site design and development. This may be achieved by: i) the undergrounding of utilities; ii) ensuring that clothes lines are not visible from the street; and iii) provision of bin enclosures.	The proposal includes a bin storage area which is sympathetically designed and screened by existing and proposed landscaping.	<b>YES</b>
For requirements on noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and other plant refer to Part 23.8 of the DCP.	The proposal includes new mechanical plant (e.g. replacement of garage roller door) and appropriate conditions to address potential acoustic impacts have been recommended <b>(Conditions 55, 56 and 57).</b>	<b>YES</b>
<b>4C.9 Waste Management</b>		
During the design of the development, construction waste is to be minimised by: i) using recycled materials, selecting materials that reduce waste or do not require disposal, or can be reused or recycled in the future; ii) designing with minimal site disturbance by avoiding unnecessary excavation or fill.	A satisfactory waste management plan has been submitted.	<b>YES</b>
Developments must allocate, within each property boundary, an area for storing Council waste and recycling bins, (1 X 120L, 2 x 240L, 1 x 360L) preferably located at the rear of the premises to minimise visual clutter. The storage area is to be a minimum of 3m from openable windows and integrated with the landscaping.	The proposal includes a new waste storage area which is appropriately located on the site.	<b>YES</b>
An area is to be nominated for on-site composting.	Sufficient on-site area for composting of green and food waste.	<b>YES</b>
<b>4C.10 Materials and Finishes</b>		
External walls must be constructed of high quality and durable materials and finishes.	The link building utilises glass which is of acceptable quality and durability.	<b>YES</b>
Reuse or recycling of existing local materials such as sandstone and brick is encouraged.	The waste management plan indicates reuse of materials and where not possible, recycling.	<b>YES</b>
Large, unbroken expanses of any single material and finish (rendered or not) to building facades must be avoided.	Large unbroken expanses of render are not proposed.	<b>YES</b>

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	Proposed	Complies
New development is to avoid extensive use of highly reflective or gloss materials on the exterior of buildings.	Extensive use of highly reflective and gloss materials is not proposed.	YES
The exterior finish material (e.g. sandstone or brick) must be integral to the overall building façade design and must not appear to be cosmetic.	The exterior glass finish provides a clear distinction between the historical and modern.	YES
Where additions and alterations are proposed, external materials and finishes must complement the existing building.	The materials and finishes used for the alterations and additions complement the existing building.	YES
Colours		
The selection of a colour scheme for new development and in the restoration of existing facades is to comply with the guidelines in Control 8.	The colour scheme is consistent with the guidelines in Control 8.	YES

An assessment of the variations to the controls identified in the compliance table is provided below.

#### Part 4A.2 Building setbacks

##### Rear setback

Control 10 specifies where sites have a depth less than 48 metres, a minimum rear setback of 25% of the average site depth is to be provided. The maximum site depth measured where the proposed glass link building is to be located is 43.5 metres. The minimum rear setback requirement is 10.875 metres and the proposed minimum rear setback is 7.4 metres (glass link building).

The objectives of the control are:

1. To ensure that the appearance of new development is of a high visual quality, enhances the streetscape and complements good quality surrounding development.
2. To ensure development is appropriately located on site and
  - i) maintains streetscape character;
  - ii) ensures the amenity of neighbouring properties is maintained or enhanced;
  - iii) allows for the provision of landscaping and provide room for additional tree plantings to grow to maturity;
  - iv) facilitates solar access, daylight access and ventilation;
  - v) protects significant vegetation;
  - vi) facilitates efficient use of the site; and
  - vii) minimises bush fire hazard by preserving a "fuel free" zone (where development is adjacent to high bush fire hazard areas).
3. To enable landscaping to be provided between neighbouring buildings, particularly where there are two storey structures.
4. To provide privacy and soften the visual appearance when viewed from the street and from the neighbouring property.
5. To maintain visual amenity and solar access of private open space.

For the following reasons, the objectives of the control are achieved despite the variation to the design control:

- i. The non-compliance relates to the glass link building which provides a high quality living space that minimises impact to the heritage significance of the item and connects an underutilised space (annexe building) with the existing dwelling.
- ii. The glass link building has minimal bulk and scale impacts due to its single storey built form and large use of glass.
- iii. The glass link building is set back from the existing rear building setback and extends away from the rear boundary, thereby having minimal visual and amenity impacts on adjoining properties.
- iv. The proposed setback does not affect the site's ability to retain sufficient soft landscaped area for the retention and planting of tall trees, noting the proposal achieves compliant tree replenishment requirements under the KDCP.
- v. The non-compliance does not result in the removal of significant vegetation or adversely impact upon existing significant vegetation.
- vi. The non-compliance does not result in a non-compliance with the KDCP solar access controls regarding impacts to adjoining properties.

#### Side setback

Control 11 requires a minimum ground floor side building setback of 2.47 metres based on a site width of 27.5 metres, measured at the location of the proposed western terrace. The proposed western terrace has a minimum side building setback of 2 metres from the western boundary which does not comply.

The objectives of the control are:

1. *To ensure that the appearance of new development is of a high visual quality, enhances the streetscape and complements good quality surrounding development.*
2. *To ensure development is appropriately located on site and*
  - i) *maintains streetscape character;*
  - ii) *ensures the amenity of neighbouring properties is maintained or enhanced;*
  - iii) *allows for the provision of landscaping and provide room for additional tree plantings to grow to maturity;*
  - iv) *facilitates solar access, daylight access and ventilation;*
  - v) *protects significant vegetation;*
  - vi) *facilitates efficient use of the site; and*
  - vii) *minimises bush fire hazard by preserving a "fuel free" zone (where development is adjacent to high bush fire hazard areas).*
3. *To enable landscaping to be provided between neighbouring buildings, particularly where there are two storey structures.*
4. *To provide privacy and soften the visual appearance when viewed from the street and from the neighbouring property.*
5. *To maintain visual amenity and solar access of private open space.*
6. *To ensure that side setbacks provide adequate solar access and day light access.*

For the following reasons, the objectives of the control are achieved, despite the variation to the design control:

- i. The non-compliance relates to a covered private open space, therefore the setback is measured to the support posts. The open sided structure utilises an existing split

level private open space by providing a single level private open space with direct and level access to the main internal living areas. This private open space is functional and enhances amenity for the occupants, while having minimal visual impact on the streetscape.

- ii. The western space is sunken in the topography compared to the adjoining property (No. 1 Glenview Street) and set further back than the dwelling of the adjoining property from the shared boundary (900 millimetres). The proposed side building setback is appropriately located and adequately responds to its context.
- iii. The proposal avoids the creation of an overbearing effect upon adjoining development by being located within the building height plane.
- iv. The western terrace structure does not result in a built form that has or would create an overbearing effect upon adjoining development. As a result, landscaping is not required to visually soften the development when viewed from the adjoining property.
- v. The proposed development does not result in the removal of significant vegetation or adversely impact upon retained trees.
- vi. Solar access to adjoining properties is maintained in accordance with the KDCP solar access controls.
- vii. The adjoining property is protected from direct or unreasonable overlooking due to an existing high solid western boundary fence and the sunken floor level of the western terrace.

Controls 12 and 13 state that side setbacks are to accommodate a pathway and a minimum landscaping width of 1.1 metres for two storeys houses and side setbacks are to accommodate shrubs to a height of 3-4 metres for two storey houses. The proposal does not provide a landscaping width of 1.1 metres and shrub planting to the western side setback adjoining the dwelling.

The objectives of the control are reflective of those detailed in the setback controls above. For the following reasons the objectives of the control are achieved, despite the variation to the controls:

- i. The existing western side setback contains a paved split level private open space (**Figure 19**) and a retaining wall to the western boundary. As a result, there is insufficient room to accommodate shrub planting in the current side setback.
- ii. Due to the ground level differences between the western side setback and the adjoining property (No. 1 Glenview Street), the proposed western terrace roof and glass link building (both ridges RL 97.135) is positioned lower than the adjoining property and would be mostly obscured from view from the adjoining property due to the existing retaining wall to the western boundary (RL 96.830 adjacent to the western terrace and 96.400 adjacent to glass link building).
- iii. The new western terrace roof and glass link building do not result in a built form that would create an overbearing effect on adjoining development that requires visual softening by shrub planting.



- iv. The location of the western terrace is an efficient and better use of the site as it will alter the existing split level terrace to a single level, providing direct and level access to the internal living areas and a more functional private open space.



*Figure 19: Terrace adjoining north-western front corner of dwelling*

#### **Part 4C.1 Building envelopes**

##### Maximum building height

Control 1 requires a maximum building height of 9.5 metres. The proposal includes works to repair large cracks in the turret. As a result, the maximum building height of these works is 9.7 metres which does not comply. However, the works solely relate to repair works to a portion of the building that is already non-compliant. The works do not change the built form of the building including the overall height. As such, these works achieve the objectives of Part 4C.1 of the KDCP, which is to limit the height and bulk of buildings.

#### **Ku-ring-gai Development Control Plan**

##### **Section B**

##### Part 15 Land contamination

The site is not mapped as being contaminated and has a history of residential use and as such, it is unlikely to contain contamination and further investigation is not warranted in this case.

##### Part 17 Riparian lands

The tip of the north-eastern corner of the site is mapped as containing Category 2 'Terrestrial and Aquatic Habitat' on the Riparian Lands and Watercourses Map under Clause 6.4(2) of KLEP 2015.

The subject application was not referred to Council's Ecological Assessment Officer as the works are not located within or in close proximity to the riparian mapped lands.

Part 19 Heritage items and heritage conservation areas

The site is heritage listed and within 100 metres of a heritage item at No. 11 Minns Road, Gordon, however it is not within a heritage conservation area.

The proposed development has been assessed against the relevant heritage provisions under Part 19 of the KDCP. The proposal has minimal impact on the heritage item and the nearby item.

Council's Heritage Advisor has raised no concerns or objection to the proposal. The proposal is consistent with the provisions of Part 19.

**Ku-ring-gai Development Control Plan**

**Section C**

<b>DCP COMPLIANCE TABLE SECTION C</b>		
<b>Development control</b>	<b>Proposed</b>	<b>Complies</b>
<b>21.1 Earthworks and Slope</b>		
Development is to be accommodated within the natural slope of the land. Level changes across the site are to be primarily resolved within the building footprint. This may be achieved by: i) stepping buildings down a site; and ii) locating the finished ground floor level as close to existing ground level as practicable.	The proposed development maintains the topography of the site.	<b>YES</b>
Landscape cut or fill should not be more than 600mm above or below natural ground line. <b>Note:</b> Landscape cut or fill means cut or fill not required to accommodate building works such as footprints, driveways, swimming pools and the like	The proposed terraced retaining walls within the front setback range from 400 to 960 millimetres in height.	<b>NO</b>
A minimum 0.6m width is required between retaining walls to provide adequate soil area and depth to ensure that they do not read as a single level change, and for the viability of landscaping.	A minimum of 0.6 metres is provided between retaining walls.	<b>YES</b>
Existing ground level is to be maintained for a distance of 2m from any boundary.	The ground level is partly not maintained within 2 metres of the western boundary.	<b>NO</b>
Retaining walls on low and medium residential density sites are not to exceed 1m in height above existing ground level. Where	The maximum height of retaining walls is 1 metre.	<b>YES</b>

greater level change over the site is required, the site should be terraced.		
<b>23.8 General Acoustic Privacy</b>		
When designing and siting active open space areas (eg BBQ areas, swimming pools, communal areas etc) regard must be paid to potential noise impacts on adjacent rooms and buildings, such as bedrooms.	The proposal includes works to enhance an existing private open space. No additional significant noise impacts are envisaged.	YES
Noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and plant either as an individual piece of equipment or in combination shall not be audible within any habitable room in any residential premises before 7am and after 10pm. Outside of these restricted hours noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and plant either as an individual piece of equipment or in combination shall not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the boundary of the nearest potentially affected neighbouring properties. The background (LA90, 15 min) level is to be determined without the source noise present.	The proposal includes new mechanical plant; conditions which seek to minimise potential acoustic impacts have been included in the recommendation <b>(Conditions 55, 56 and 57)</b> .	YES
<b>23.9 General Visual Privacy</b>		
Private open spaces and principal living spaces of the proposed dwelling/s and adjacent dwellings are to be protected from direct or unreasonable overlooking from all new residential and non-residential developments. Siting and design measures to achieve this include: i) use of distance or slope; ii) appropriate dwelling layout; iii) off-setting windows in relation to adjacent windows; iv) use of obscure glass or highlight windows; v) screening devices such as fences, louvres, translucent screens, perforated panels, trellises and courtyard walls; vi) using louvres. Screen panels to windows and balconies; vii) using solid or semi-transparent balustrades or screens to balconies or terraces; viii) off-setting balconies in relation to adjacent balconies; ix) using recessed balconies and/ or vertical fins between adjacent private balconies;	No new windows that would afford direct or unreasonable overlooking of adjacent dwellings are proposed. The proposed private open spaces are sunken in the landscape, well separated from neighbours and screened either by existing fencing or landscaping.	YES

x) using deep sills with planter boxes or incorporating planter boxes into walls or balustrades; xi) providing vegetation as a screen between spaces; xii) utilising pergolas or shading devices to limit overlooking of lower building levels or communal and private open space.		
For low density residential development first floor decks, balconies and roof top terraces are not permitted where they unreasonably overlook or would directly overlook principal living spaces or private open space and the impact cannot be adequately mitigated.	The terrace above the garage would not result in unreasonable overlooking due to the large distance to surrounding properties and the oblique viewing angle.	YES
<b>23.10 Construction, Demolition and Disposal</b>		
Site disturbance during construction or demolition must be minimised by: i) avoiding excavation beyond the building area; ii) restricting machinery and vehicle movement to the building footprint and access corridor; iii) locating service lines close to the building or within previously excavated areas where possible; and iv) locating storage areas to areas outside the tree protection zones of trees to be retained.	Conditions concerning storage of materials and tree protection are recommended <b>(Conditions 11, 12, 13, 14, 17, 21, 41, 42 and 44).</b>	YES
An environmental site management plan showing tree protection areas, machinery usage zones, storage areas, site sheds and location of stormwater pollution barriers is to be submitted with the application as per Councils DA Guide.	Conditions concerning provision of sediment controls and storage of materials are recommended <b>(Conditions 40 and 44).</b>	YES
A Waste Management Plan is to be submitted with the application, in accordance with controls 3 and 4 of Part 23.10.	An adequate Waste Management plan has been submitted.	YES
All development applications must be accompanied by an 'Erosion and Sediment Control Plan' (ESCP) that describes the measures undertaken at development sites to minimise land disturbance and to control sediment pollution. The ESCP shall be prepared in accordance with "Managing Urban Stormwater, Soil and Construction, 2006 (Landcom)".	A condition is recommended to ensure that erosion control measures and maintenance of the site are undertaken <b>(Condition 40)</b> .	YES
<b>24 Water Management</b>		
This Part facilitates development in achieving the requirements of the clause titled ' <i>Stormwater and water sensitive urban design</i> ' in KLEP 2015.	An assessment of the proposal against the controls in Part 24 has been undertaken.	YES

An assessment of the variations to the controls identified in the compliance table is provided below.

### Part 21.1 Earthworks and slope

Control 3 states landscape cut or fill should not be more than 600 millimetres above or below the natural ground line. The proposal includes partial terracing of the front garden, resulting in landscape cut and fill of between 400 to 960 millimetres.

The objectives in Part 21.1 are:

1. *To respect the natural topography of a site.*
2. *To maintain the health of existing trees.*
3. *To maintain subsurface and groundwater flows and direction.*
4. *To minimise downstream impacts from erosion and sedimentation or altered water flows due to site earthworks or retaining walls.*
5. *To ensure that development is designed considering the stability of the land on which it is located.*
6. *To prevent damage to buildings and structures on adjoining land.*
7. *To minimise excavated materials going off site.*
8. *To minimise land degradation, water pollution and damage to infrastructure from erosion and accumulated sediment.*
9. *To preserve the visual amenity and privacy of neighbouring properties.*
10. *To ensure excavation does not inhibit ground water movement.*

For the following reasons, the objectives of the control are achieved despite the variation to the design control:

- i. The non-compliance relates to earthworks within a part of the front garden to manage the fall in the topography of the site. The natural topography is generally maintained outside of these areas. The earthworks do not result in a substantial transformation of the site's topography and will have minimal visual impact to the streetscape due to the large setback distance from the street and the sunken location of the earthworks.
- ii. There are no trees of significance that would be adversely affected by the earthworks.
- iii. Subsurface and groundwater flows and direction are not adversely affected by the non-compliance as the surrounding natural topography is generally maintained. Council's Development Engineer is satisfied that the proposal complies with the requirements of the water management controls in the KDCP.
- iv. It is unlikely the proposed earthworks would result in damage to buildings and structures on adjoining land due to the setback distance from property boundaries.

Control 5 requires existing ground level be maintained for a distance of 2 metres from a boundary. The proposed earthworks will result in level changes within 2 metres of the western boundary.

The objectives of this control are detailed above for Part 21.1. For the following reasons, the objectives of the control are achieved despite the variation to the design control:

- i. The non-compliance relates to earthworks within the western side setback to remove the upper level of the existing split level private open space adjoining the north-western corner of the dwelling (**Figure 19**). The natural topography is generally maintained outside of this area. The non-compliance does not result in a substantial transformation of the topography.

- ii. There are no trees of significance located that would be adversely affected by the proposed earthworks.
- iii. Subsurface and groundwater flows and direction are unlikely to be adversely affected by the non-compliance due to the minor nature of the proposed earthworks. Council's Development Engineer has reviewed the proposal and is satisfied that the proposal will not result in any adverse impacts.
- iv. Council's Development Engineer has recommended conditions requiring a pre and post construction dilapidation report on the visible and structural condition of all structures within No. 1 Glenview Street to be prepared and submitted (**Conditions 9 and 32**). This is a precautionary approach to provide a record of the impact of construction works on adjoining buildings, infrastructure and roads.

#### **Section 7.12 Development Contributions Plan 2023**

The estimated cost of the proposed works is **\$6,737,228** which would attract the payment of a contribution in accordance with Section 4.17(1) of the Environmental Planning and Assessment Act 1979 and Ku-ring-gai S7.12 Contributions Plan 2023. Accordingly, **\$67,372.28** shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development, based on development costs (**Condition 24**).

#### **REGULATION**

Section 61(1) of the Environmental Planning and Assessment Regulation 2021 requires the consent authority to consider the provisions of *Australian Standard AS 2601-2001: The demolition of structures*. The partial demolition of the existing structure(s) will be carried out in accordance with a work plan and statement of compliance that will be required to be submitted to the Principal Certifier prior to the commencement of any works. A condition to this effect has been included in the recommendation section of this report (**Condition 19**).

#### **LIKELY IMPACTS**

The likely impacts of the development have been considered within this report and are deemed to be acceptable, subject to the recommended conditions.

#### **SUITABILITY OF THE SITE**

The site is suitable for the proposed development for the reasons given throughout this assessment.

#### **PUBLIC INTEREST**

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by the Panel ensuring that any adverse effects on the surrounding area and the environment are minimised. The proposal has been assessed against the relevant environmental planning instruments and is deemed to be acceptable. On this basis, the proposal is not considered to raise any issues that are contrary to the public interest.



## CONCLUSION

Having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be satisfactory, subject to conditions.

## RECOMMENDATION

### PURSUANT TO SECTION 4.16(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

- A. THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as consent authority, under Section 4.16 of the Environment Planning and Assessment Act 1979, is satisfied that the request submitted under Clause 4.6 to vary the height of building and floor space ratio development standards contained in Clause 4.3(2) and Clause 4.4(2A), respectively, of the KLEP 2015 has met the requirements of Clause 4.6(3). The Panel is also of the opinion that strict compliance with the development standards is unreasonable or unnecessary in the circumstances of the cases and that there are sufficient environmental planning grounds to justify the variations to the development standards.
- B. THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as consent authority, under Section 4.16 of the Environment Planning and Assessment Act 1979, being satisfied that the proposed development would be in the public interest, grant development consent to eDA0438/24 for partial demolition works, conservation works, significant alterations and additions and associated works at 3 Glenview Street, Gordon, subject to conditions. Pursuant to Section 4.53 of the Environmental Planning and Assessment Act 1979, this consent lapses if the approved works are not physically commenced within five years of the date of the Notice of Determination.

**The conditions of the consent are set out as follows:**

#### CONDITIONS THAT IDENTIFY APPROVED PLANS:

##### 1. Approved architectural plans and documentation (alterations and additions)

The development must be carried out in accordance with work shown in colour on the plans and as described or depicted in the documentation listed below and endorsed with Council's stamp, except as amended by other conditions of this Development Consent.

Plan no.	Drawn by	Dated
<i>Architectural Plans</i>		
Legend, Drawing List, Site Map Drawing No. DA000 Revision B	Smart Studio Design	29/01/2025
DA Site Plan Drawing No. DA001 Revision B	Smart Studio Design	29/01/2025
L00 Plan Drawing No. DA100 Revision B	Smart Studio Design	29/01/2025
L01 Plan Drawing No. DA101 Revision B	Smart Studio Design	29/01/2025
L02 Plan Drawing No. DA102 Revision B	Smart Studio Design	29/01/2025

L03 Plan Drawing No. DA103 Revision B	Smart Studio Design	29/01/2025
Roof Plan Drawing No. DA104 Revision B	Smart Studio Design	29/01/2025
North & South Elev Drawing No. DA400 Revision B	Smart Studio Design	29/01/2025
East & West Elev Drawing No. DA401 Revision B	Smart Studio Design	29/01/2025
Section A Drawing No. DA450 Revision B	Smart Studio Design	29/01/2025
Section B Drawing No. DA451 Revision B	Smart Studio Design	29/01/2025
<i>Landscape Plans</i>		
Cover Page Drawing No. 806_DA_01 Issue C	Myles Baldwin Design	29/01/2025
Plant Schedule Drawing No. 806_DA_02 Issue C	Myles Baldwin Design	29/01/2025
Site Plan Drawing No. 806_DA_05 Issue C	Myles Baldwin Design	29/01/2025
Landscape Plan 1 – Front Garden Drawing No. 806_DA_10 Issue C	Myles Baldwin Design	29/01/2025
Landscape Plan 2 – Rear Garden Drawing No. 806_DA_11 Issue C	Myles Baldwin Design	29/01/2025
Landscape Plan 3 – Rear Garden Drawing No. 806_DA_12 Issue C	Myles Baldwin Design	29/01/2025
Section 1 – Retaining Wall & Finishes Schedule Drawing No. 806_DA_20 Issue C	Myles Baldwin Design	29/01/2025
Typical Details Drawing No. 806_DA_45 Issue C	Myles Baldwin Design	29/01/2025
General Specification Drawing No. 806_DA_50 Issue C	Myles Baldwin Design	29/01/2025
<i>Stormwater Management Plans</i>		
Stormwater Management Plan and General Notes Drawing No. SWDA 1.2 Revision 2	Partridge Hydraulic Pty Ltd	29/01/2025
Existing and Proposed Site Plan and Impervious Areas Drawing No. SWDA 1.4 Revision 2	Partridge Hydraulic Pty Ltd	29/01/2025
00 Level Layout Plan Drawing No. SWDA 1.5 Revision 2	Partridge Hydraulic Pty Ltd	29/01/2025
01 Level Layout Plan Drawing No. SWDA 1.6 Revision 2	Partridge Hydraulic Pty Ltd	29/01/2025
02 Level Layout Plan Drawing No. SWDA 1.7 Revision 2	Partridge Hydraulic Pty Ltd	29/01/2025
Details Sheet Drawing No. SWDA 1.8 Revision 2	Partridge Hydraulic Pty Ltd	29/01/2025

Document(s)	Dated
BASIX Certificate No. A1766655	30/09/2024
Geotechnical Investigation Report Ref: GG11407.001 prepared by	28/02/2024

Green Geotechnics Pty Ltd	
Material Sample Board prepared by Smart Design Studio	Undated
Waste Management Plan prepared by Smart Design Studio	30/09/2024

**Reason:** To ensure that the development is in accordance with the Development Consent.

## 2. Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this Development Consent prevail.

**Reason:** To ensure that the development is in accordance with the Development Consent.

## 3. No demolition of extra fabric

Alterations to, and demolition of, the existing building shall be limited to that part of the existing building as documented on the approved plans (by way of notation or otherwise). No approval is given for removal and/or rebuilding of any part of the existing building which is shown to be retained by the approved plans.

**Reason:** To ensure compliance with the Development Consent.

## CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:

### 4. Asbestos works

All work involving asbestos products and materials, including asbestos-cement-sheeting (ie. fibro), must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.

**Reason:** To ensure public safety.

### 5. Archival recording of buildings

Prior to the issue of any Construction Certificate, the Principal Certifier shall be satisfied that an archival report has been submitted in PDF format to Council's Heritage Advisor. Written acknowledgement from Council must be obtained, attesting to this condition being satisfied and submitted to the Principal Certifier.

The report must consist of the following:

- High resolution photographic images of the building internally and externally only where there are alterations and additions. The photographic images are to include important details as well as external views showing the building's relationship to its site.
- Scaled site plan, showing the location of each photograph and the direction from which the photographic images were taken;
- A photographic catalogue sheet, with photo numbers cross-referenced to the site plan.
- The PDF report is to be uploaded to Council via drop box (or another file sharing service) and sent to [kg@kg.nsw.gov.au](mailto:kg@kg.nsw.gov.au). Separate PDF files containing

photographic images are to have a 100MB.

A perpetual, non-exclusive licence to reproduce the report, including the photographic images contained therein, shall be granted to Council, which shall include the right to permit use of the licenced material by third parties.

Note: Ku-ring-gai Council is committed to protecting personal information. For further details on how Council manages personal information, refer to our Privacy Management Plan.

**Reason:** To ensure there is a historical record of buildings to be altered or demolished.

#### **6. Notice of commencement**

At least 48 hours prior to the commencement of any demolition, excavation or building works, a notice of commencement of building works or subdivision lodgement form and appointment of the Principal Certifier form shall be submitted to Council.

**Reason:** Statutory requirement.

#### **7. Notification of builder's details**

Prior to the commencement of any works, the Principal Certifier shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

**Reason:** Statutory requirement.

#### **8. Dilapidation survey and report (public infrastructure)**

Prior to the commencement of any works, the applicant must obtain a dilapidation report on the public infrastructure and the Principal Certifier shall be satisfied that a dilapidation report on the visible and structural condition of all structures of the following public infrastructure has been completed and submitted to Council:

Public infrastructure includes:

- the full road pavement width, including kerb and gutter, of Glenview Street over the site frontage, including the full intersection, and
- all driveway crossings and laybacks opposite the subject site

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both written and photographic) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The Applicant may be held liable for any recent damage to public infrastructure in the vicinity of the site caused by the carrying out of the development, where such damage is not accurately recorded by the requirements of this condition prior to the commencement of works.

A written acknowledgment from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier prior to the commencement of any excavation works.

**Reason:** To record the structural condition of public infrastructure before works

commence.

#### **9. Dilapidation survey and report (private property)**

Prior to the commencement of any works, the Applicant must obtain a dilapidation report on the identified private properties below and the Principal Certifier shall be satisfied that a dilapidation report on the visible and structural condition of all structures on the following properties has been completed and submitted to Council:

Address:

- 1 Glenview Street, Gordon
- 3A Glenview Street, Gordon
- 5 Glenview Street, Gordon

The dilapidation report must include a photographic record of adjoining properties detailing their physical condition, both internally and externally, including such items as walls ceilings, roof and structural members. The report must be completed by a qualified structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the submitted geotechnical report.

In the event that access for undertaking the dilapidation survey is denied by a property owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

A copy of the dilapidation report is to be provided to Council prior to the commencement of any works. The dilapidation report is for record keeping purposes only and may be used by the Applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

**Reason:** To record the structural condition of likely affected properties before works commence.

#### **10. Structural adequacy (alterations and additions)**

Prior to commencement of any works, the Principal Certifier shall be satisfied that those components of the building to be retained and/or altered will be structurally sound and able to withstand the excavation and demolition process.

Evidence from a qualified practising structural engineer, demonstrating compliance with the above and detailing, where relevant, means of support for those parts of the retained building shall be provided to the Principal Certifier.

**Reason:** To ensure that the development can be undertaken in accordance with accepted construction practices as indicated on the endorsed development plans, without the need for modification of the Development Consent.

#### **11. Tree protection fencing**

Prior to the commencement of any works, the tree protection zone of the listed trees is to be fenced off at the specified radius from the trunk/s to prevent any activities or storage of material within the fenced area. The fence/s shall remain in place and be kept intact until the completion of all demolition/building work.

Tree/Location	Radius in metres
T18 / Refer to approved landscape plan	1 metre

**Reason:** To protect existing trees.

#### 12. Tree protective fencing type galvanised mesh

Tree protection fencing shall be constructed of galvanised pipe at 2.4 metres spacing and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres.

**Reason:** To protect existing trees.

#### 13. Trunk and branch protection

Prior to the commencement of any works, the trunk/s and branches of the listed trees are to be protected by the placement of 50 x 100mm timbers over suitable protective padding material in accordance with Section 4.5.2 of the current version of **Australian Standard AS 4970 - Protection of trees on development sites**. The trunk and branch protection shall be maintained intact until the completion of all works.

Any damage to the tree/s is to be treated in a timely manner by an experienced arborist, with minimum AQF Level 5 qualification and a report detailing the works carried out shall be submitted to the Principal Certifier:

Tree/Location
T6 and T7 / Refer to approved landscape plans

**Reason:** To protect existing trees.

#### 14. Inspection of tree protection measures

Upon installation of the required tree protection measures, an inspection is to be conducted by the project arborist or the Principal Certifier to verify that tree protection measures comply with all relevant conditions of this Development Consent.

**Reason:** To protect existing trees.

#### 15. Swimming pool maintenance

Prior to the commencement of any works the Principal Certifier is to be satisfied that, if any water is held within the swimming pool:

- the quantity of water in the pool is maintained at a minimum of 50% of the capacity of the pool; and
- the clarity of the water in the pool is maintained through chlorination either by automatic or manual dosing; and
- a swimming pool barrier is in place and maintained in accordance with the NSW Swimming Pools Act 1992.

**Reason:** To ensure the swimming pool does not present a risk to health or safety.

#### CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE:



**16. Connection to inter-allotment stormwater pipe**

Prior to the issue of any Construction Certificate, the applicant shall submit for approval by the Principal Certifier, that the recommendations outlined within the 'CCTV Drain Inspection Report' prepared by 'Sydney Blocked Drains' dated 24 January 2025 have been completed by a licensed contractor in accordance with AS3500.3 (Plumbing Code) and the NCC (BCA).

**Reason:** To protect the environment.

**17. Amendments to approved stormwater plan**

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the approved plan, listed below and endorsed with Council's stamp, has been amended in accordance with the requirements of this condition as well as other conditions of this Development Consent:

Plan no.	Drawn by	Dated
01 Level Layout Plan Drawing No. SWDA 1.6 Revision 2	Partridge Hydraulic Pty Ltd	29/01/2025

The above plan shall be amended as follows:

- i. T6, T7 and T18 shall be indicated on the plan in accordance with the approved landscape plans listed in Condition 1 of this Development Consent.
- ii. The retaining walls within the front setback shall be amended to be consistent with the approved landscape plans listed in Condition 1 of this Development Consent.
- iii. The plan must notate that all excavation works within the structural root zones of T6 and T7 must be carried out by hand and roots greater than 50 millimetres left intact.

An amended plan, prepared by a suitably qualified engineer shall be submitted to the Certifier with the application for any Construction Certificate.

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the stormwater plan has been amended as required by this condition.

**Reason:** To ensure consistency with the development consent and to protect trees.

**18. Compliance with BASIX Certificate**

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that all commitments listed in the approved BASIX Certificate (referred to under Condition 1) are detailed on the plans forming the Construction Certificate.

**Reason:** Statutory requirement.

**19. Statement of compliance with Australian Standards**

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The applicant must provide work plans required by AS2601: 2001 and a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to and approved by the Certifier prior to the commencement of any demolition works.

**Reason:** To ensure compliance with the Australian Standards.

#### 20. Long service levy

A Construction Certificate shall not be issued until any long service levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* (or where such levy is payable by instalments, the first instalment of the levy) has been paid. In order to pay your levy, you will need to register an account with The Long Service Corporation on the online portal at [www.longservice.nsw.gov.au](http://www.longservice.nsw.gov.au).

**Reason:** Statutory requirement.

#### 21. Excavation for services

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that no proposed underground services (ie: water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under the Ku-ring-gai Development Control Plan, located on the subject allotment and adjoining allotments.

**Reason:** To protect existing trees.

#### 22. Utility provider requirements

Prior to issue of any Construction Certificate, the Applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifier, must be obtained. All utility services or appropriate conduits for the same must be provided in accordance with the specifications of the utility providers.

**Reason:** To ensure compliance with the requirements of relevant utility providers.

#### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE, OR PRIOR TO DEMOLITION, EXCAVATION OR BUILDING WORKS (WHICHEVER COMES FIRST):**

#### 23. Infrastructure damage security bond and inspection fee

To ensure that any damage to Council property as a result of construction activity is rectified in a timely manner:

- (a) All work or activity undertaken pursuant to this development consent must be undertaken in a manner to avoid damage to Council property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- (b) The applicant, builder, developer or any person acting in reliance on this consent shall be responsible for making good any damage to Council property and for the removal from Council property of any waste bin, building materials, sediment, silt, or any other material or article.
- (c) The Infrastructure damage security bond and infrastructure inspection fee must be paid to Council by the applicant prior to both the issue of any Construction Certificate and the commencement of any earthworks or construction.

- (d) In consideration of payment of the infrastructure damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council Property as Council considers necessary and will also undertake, on behalf of the applicant, such restoration work to Council property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.
- (e) **Release of the bond** – Upon receipt by Council of an Occupation Certificate, Council will undertake an inspection of Councils Infrastructure and release the bond if no damage is found.

For development relating to more than 2 dwellings, there will be a six months holding period after the receipt by Council of the final occupation certificate, after which you may request Council to return any bond monies.

If there is damage found to Council property the bond will not be released until the damage has been rectified to Council's satisfaction.

- (f) In this condition:

"Council property" includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

"Infrastructure damage security bond and infrastructure inspection fee" means the Infrastructure damage security bond and infrastructure inspection fee as calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council property associated with this condition.

**Reason:** To maintain public infrastructure.

#### **24. Section 7.12 fixed development consent levy contributions**

In accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979 and Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023, **\$6,737,228** based on development costs of **\$67,372.28**, shall be paid to Council to provide for additional local infrastructure improvements in accordance with the works programme listed in the s7.12 Contributions Plan.

Contributions payable will be adjusted in accordance with the provisions of the Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023 and inflated by the Consumer Price Index (All Groups Sydney) until they are paid. Contact Council to ensure your payment is current prior to payment. See Council's website for more information about inflation and paying contributions.

- (a) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
- (b) prior to the issue of the first Construction Certificate where the development is for building work; or
- (c) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever

- (d) occurs first, where the development involves both subdivision and building work; or prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

It is the professional responsibility of the Principal Certifier to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023 may be viewed at on Council's webpage at [www.krg.nsw.gov.au](http://www.krg.nsw.gov.au) or a copy may be inspected at Council's Administration Centre during normal business hours.

**Reason:** To cater for the increased demand for upgrades in the public domain resulting from cumulative developments in accordance with Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023.

## 25. Tree transplantation

The following trees must be transplanted and successfully established elsewhere within the site:

- T16, T17, S8, S9, S10 / Refer to approved landscape plan

The abovementioned tree/s shall be transplanted to a suitable alternate location on the site. The transplantation must be supervised by a qualified arborist. A transplantation method statement, detailing the following is to be prepared by an arborist qualified at certificate three (3) or above and must be provided to the Certifier and approved prior to the issue of any Construction Certificate:

- pre-transplantation schedule of works
- preparation of transplantation site
- transplantation method
- post-transplantation after care and duration

**Reason:** To ensure the safe and successful transplantation of trees.

## CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:

### 26. Right of carriageway

During the demolition and construction phases, the right of carriageway is to remain unobstructed at all times. Construction vehicles must not park in the right of carriageway.

**Reason:** To ensure the right of carriageway is unobstructed during construction.

### 27. Road opening permit

The opening of any footway, roadway, road shoulder or any part of the road reserve (excluding where a Driveway Application and Roads Act Approval is required) shall not be carried out without a road opening permit being applied for and obtained from Council (and upon payment of any required fees) beforehand.

**Reason:** Statutory requirement (Roads Act 1993 Section 138) and to maintain the integrity of Council's infrastructure.

## 28. Prescribed conditions

The work shall comply with any relevant prescribed conditions of development consent under Sections 69, 70, 71, 72, 73, 74 and 75 of the Environmental Planning and Assessment Regulation 2021. For the purposes of Section 4.17 (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

### Compliance with Building Code of Australia and insurance requirements under [Home Building Act 1989](#)

- 1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- 2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the [Home Building Act 1989](#), Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
- 3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.
- 4) In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.
- 5) In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
- 6) This section does not apply -
  - (a) to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#), or
  - (b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
- 7) **relevant date** has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, Section 19.

### Erection of signs

- 1) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- 2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out -
  - (a) showing the name, address and telephone number of the principal certifier for the work, and

- (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- 3) The sign must be -
  - (a) maintained while the building work, subdivision work or demolition work is being carried out, and
  - (b) removed when the work has been completed.
- 4) This section does not apply in relation to -
  - (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
  - (b) Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

#### Notification of [Home Building Act 1989](#) requirements

- 1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
- 2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following -
  - (a) for work that requires a principal contractor to be appointed -
    - i. the name and licence number of the principal contractor, and
    - ii. the name of the insurer of the work under the [Home Building Act 1989](#), Part 6,
  - (b) for work to be carried out by an owner-builder -
    - i. the name of the owner-builder, and
    - ii. if the owner-builder is required to hold an owner-builder permit under the [Home Building Act 1989](#) - the number of the owner-builder permit.
- 3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- 4) This section does not apply in relation to Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

#### Shoring and adequacy of adjoining property

- 1) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
- 2) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense -
  - (a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and



- (b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
- 3) This section does not apply if -
  - (a) the person having the benefit of the development consent owns the adjoining land, or
  - (b) the owner of the adjoining land gives written consent to the condition not applying.

**Fulfilment of BASIX commitments**

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled -

- a) BASIX development,
- b) BASIX optional development, if the development application was accompanied by a BASIX certificate.

**Reason:** Statutory requirement.

**29. Hours of work**

Demolition, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12 noon Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Demolition and/or excavation using machinery of any kind must be limited to between 7.00am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon and 1.00pm. No demolition and/or excavation using machinery of any kind is to occur on Saturdays, Sundays or public holidays.

Where it is necessary for works to occur outside of these hours (ie placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by Transport for NSW (TfNSW) from travelling during daylight hours to deliver, erect or remove machinery, tower cranes, pre-cast panels, beams, tanks or service equipment to or from the site), approval for such activities will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

Failure to obtain a permit to work outside of the approved hours will result in regulatory action.

**Reason:** To ensure reasonable standards of amenity for occupants of neighbouring properties.

**30. Approved plans to be on site**

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifier.

**Reason:** To ensure that the development is in accordance with the determination.

**31. Dust control**

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out at least daily
- no advertising or signage is permitted to be attached to dust cloth material.

**Reason:** To protect the environment and the amenity of surrounding properties.

**32. Post-construction dilapidation report**

A suitably qualified person shall prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Principal Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifier must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads

A copy of this report is to be forwarded to Council at the completion of construction works.

**Reason:** Management of records.

**33. Compliance with submitted geotechnical report**

A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified consulting geotechnical engineer must oversee the excavation.

Geotechnical aspects of the development work, namely:

- appropriate excavation method and vibration control
- support and retention of excavated faces
- hydro-geological considerations

must be undertaken in accordance with the recommendations of the approved geotechnical report listed in Condition 1 of this Development Consent.

Prior approval must be obtained from all affected property owners, including Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

**Reason:** To ensure the safety and protection of property.

#### **34. Use of road or footpath**

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The footpath shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost of rectification against the applicant/owner/builder or any other responsible person, as the case may be.

**Reason:** To ensure safety and amenity of the area.

#### **35. Toilet facilities**

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed. One toilet, plus one additional toilet for every 20 persons working at the site are to be provided. Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the Local Government Act 1993 <https://www.legislation.nsw.gov.au/>, or
- c) be a temporary chemical closet approved under the Local Government Act 1993 <https://www.legislation.nsw.gov.au/>.

**Reason:** Statutory requirement.

#### **36. Garbage receptacle**

1. A garbage receptacle must be provided at the work site before works begin and must be maintained until all works are completed.
2. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
3. The receptacle lid must be kept closed at all times, other than when garbage is being deposited.

**Reason:** To ensure appropriate construction site waste management and to avoid injury to wildlife.

#### **37. Construction signage**

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken

- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m<sup>2</sup>
- are removed within 14 days of the completion of all construction works

**Reason:** To ensure compliance with Council's controls regarding signage.

### 38. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (2009) "Manual for Uniform Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may take actions to stop work, which may include the bringing of proceedings.

**Reason:** To ensure safe public footways and roadways during construction.

### 39. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicant's responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

**Reason:** Provision of utility services.

### 40. Erosion control

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifier and Council.

**Reason:** To protect the environment from erosion and sedimentation.

### 41. Arborist's inspection and reporting

The tree/s to be retained shall be inspected and monitored by an AQF Level 5 arborist in accordance with the current version of **Australian Standard AS 4970 - Protection of trees on development sites** during and after completion of development works to ensure their long term survival.

The Principal Certifier must be provided with reports by the project arborist within 7 days of the inspection detailing the date of inspection, identifying the trees by their number, the location and species, tree health, compliance with conditions of the Development Consent, description of the works inspected, description of any impacts to trees and any rectification and/or mitigation works prescribed and/or undertaken.

Regular inspections and documentation shall be given by the arborist to the Principal Certifier. These are required, at the following times or phases of work, but may be given more regularly:

Tree/location	Time of inspection
T6 & T7 / Eastern side setback	During the excavation works for the installation of the stormwater works within the designated structural root zones (SRZ). All excavation works within the SRZ must be carried out by hand and roots greater than 50 millimetres left intact.

All works as recommended by the project arborist are to be undertaken by an experienced arborist with a minimum AQF Level 3 qualification.

**Reason:** To ensure protection of existing trees.

#### 42. Cutting of tree roots and branches

Where it is unavoidable, tree roots and branches severed for the purposes of constructing the approved works shall be cut cleanly by hand, by an experienced arborist/horticulturist with a minimum AQF Level 3 qualification. All pruning works shall be undertaken as specified in current version of **Australian Standard AS 4373 - Pruning of amenity trees**. The arborist/horticulturist shall provide a report to the Certifier confirming compliance with this condition.

**Reason:** To protect existing trees.

#### 43. Approved tree works

Prior to the commencement of any works, the following is to be undertaken to the specified trees:

Tree/location	Approved tree works
S3, S4, S5, S6, S7, S11, S12, S13, T8 & T9 / Refer to approved landscape plans	Removal

All trees are to be clearly tagged and identified in accordance with the specifications in the arborist report prior to the removal or pruning of any trees.

Removal or pruning of any other tree on the site is not approved, excluding species and works exempt under Council's Development Control Plan.

**Reason:** To ensure that the development is in accordance with the Development Consent.

#### 44. No storage of materials beneath trees

No activities, soil compaction, storage or disposal of materials shall take place beneath the

canopy of any tree protected under Council's Development Control Plan at any time unless specified in other conditions of this consent.

**Reason:** To protect existing trees.

**45. Removal of refuse**

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

**Reason:** To protect the environment.

**46. Canopy replenishment trees to be planted**

The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5 metres when they will be protected by Council's Development Control Plan. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

**Reason:** To maintain the treed character of the area.

**47. On site retention of waste dockets**

All demolition, excavation and construction waste dockets are to be retained on site, or at suitable location, in order to confirm which facility received materials generated from the site for recycling or disposal.

- each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing
- this information is to be made available at the request of an authorised Council officer.

**Reason:** To protect the environment.

**48. Maintenance of site**

All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- all vehicles entering or leaving the site must have their loads covered, and
- all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris.

**Reason:** To ensure the site is appropriately maintained.



**49. Swimming pool maintenance**

During demolition, excavation or construction if water is held within the swimming pool:

- a) the quantity of water in the pool is maintained at a minimum of 50% of the capacity of the pool; and
- b) the clarity of the water in the pool is maintained through chlorination either by automatic or manual dosing; and
- c) a swimming pool barrier is in place and maintained in accordance with the NSW Swimming Pools Act 1992.

**Reason:** To ensure the swimming pool does not present a risk to health or safety.

**50. Site fencing**

The site must be secured and fenced prior to works commencing. All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

If the work involved in the excavation, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, a hoarding is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place (note that separate approval is required prior to the commencement of works to erect a hoarding or temporary fence on public property).

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons on public property.

The site shall be secured/locked to prevent access at the end of each day.

Any hoarding, fence or awning is to be removed when the construction work has been completed.

**Reason:** To ensure public safety.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:****51. Compliance with BASIX Certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that all commitments listed in approved BASIX Certificate (referred to under Condition No 1) have been complied with.

**Reason:** Statutory requirement.

**52. Completion of landscape works**

Prior to the issue of an Occupation Certificate, the Principal Certifier is to be satisfied that all landscape works have been undertaken in accordance with the approved plan(s) and

conditions of this development consent.

**Reason:** To ensure that the landscape works are consistent with the Development Consent.

#### **53. Retention and re-use positive covenant/restriction**

Prior to issue of an Occupation Certificate, the positive covenant and restriction on the use of land under Section 88D/88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property shall be created.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to Part 24R.8.2 of the Ku-ring-gai Development Control Plan). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the NSW Land Registry Services in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifier prior to issue of an Occupation Certificate.

**Reason:** To ensure appropriate stormwater management.

#### **54. Certification of drainage works (alterations and additions)**

Prior to issue of an Occupation Certificate, the Principal Certifier is to be satisfied that:

1. The components of the new drainage system have been installed by a licensed contractor in accordance with the National Plumbing and Drainage Code AS3500.3 and the Building Code of Australia.
2. The stormwater drainage works have been completed in accordance with the approved Construction Certificate drainage plans, the nominated BASIX commitments and Ku-ring-gai DCP Part 24 'Water Management'.

Evidence from the plumbing contractor or a qualified civil/hydraulic engineer confirming compliance with this condition is to be provided to Council prior to the issue of an Occupation Certificate.

**Reason:** To ensure appropriate stormwater management.

#### **CONDITIONS TO BE SATISFIED AT ALL TIMES:**

#### **55. Noise control - mechanical plant**

Noise levels associated with mechanical plant installed on the premises must not be audible within any habitable room in any other neighbouring residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with mechanical plant installed on the premises either as an individual piece of equipment or in combination must not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

**Reason:** To protect the amenity of neighbouring residential occupants and neighbouring properties.

**56. Noise control - rainwater re-use system**

Noise levels associated with rainwater re-use system(s) installed on the premises must not be audible within any habitable room in any other neighbouring residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with rainwater re-use system(s) installed on the premises either as an individual piece of equipment or in combination must not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

**Reason:** To protect the amenity of neighbouring residential occupants and neighbouring properties.

**57. Noise control - mechanical exhaust ventilation**

Noise levels associated with mechanical exhaust ventilation installed on the premises must not be audible within any habitable room in any other neighbouring residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with mechanical exhaust ventilation installed on the premises either as an individual piece of equipment or in combination must not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

**Reason:** To protect the amenity of neighbouring residential occupants and neighbouring properties.

**58. Swimming pool**

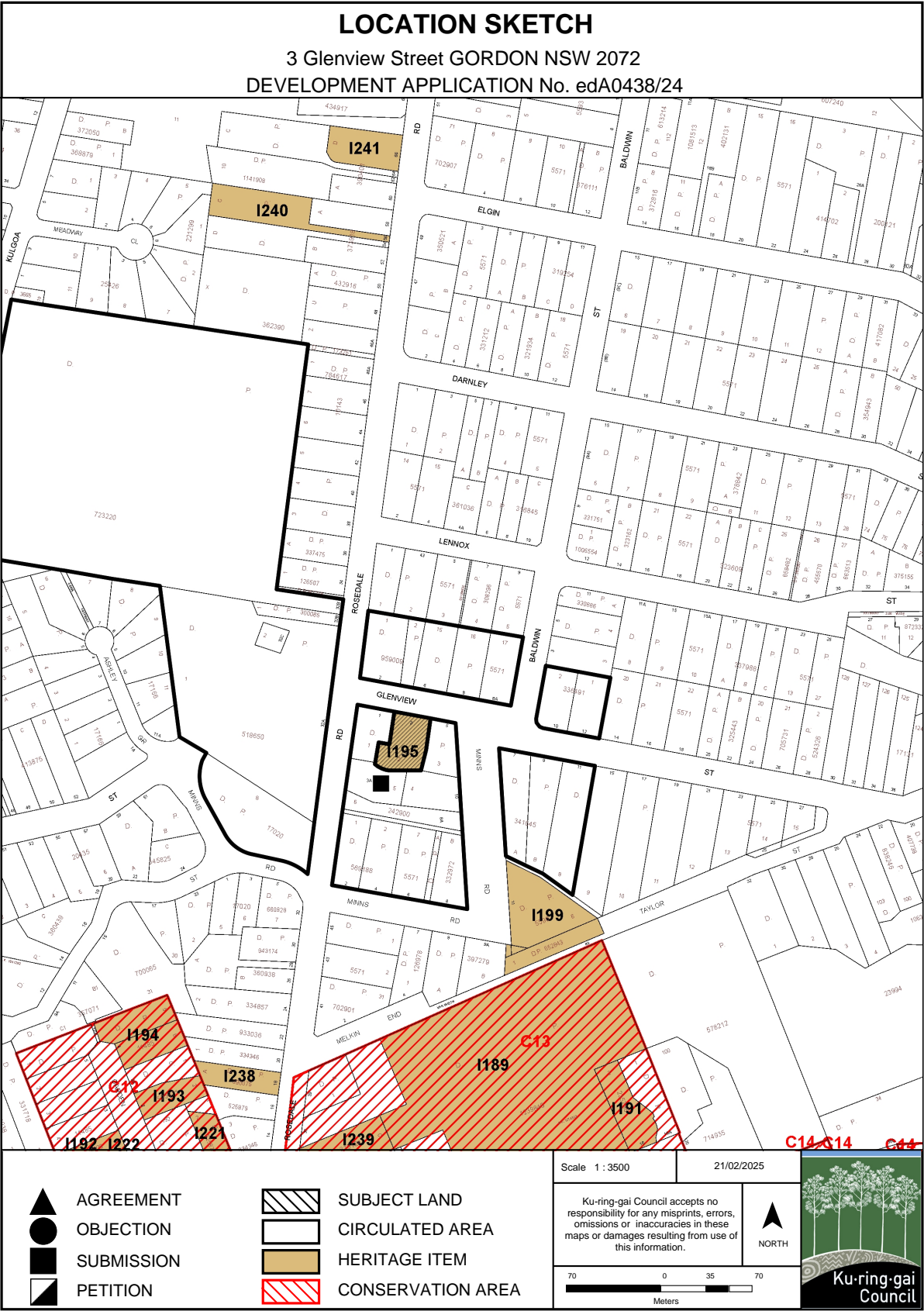
Access to the swimming pool must be restricted by a child resistant barrier in accordance with the Swimming Pools Act 1992.

**Reason:** To ensure the safety of children.

**59. Canopy replenishment trees to be maintained**

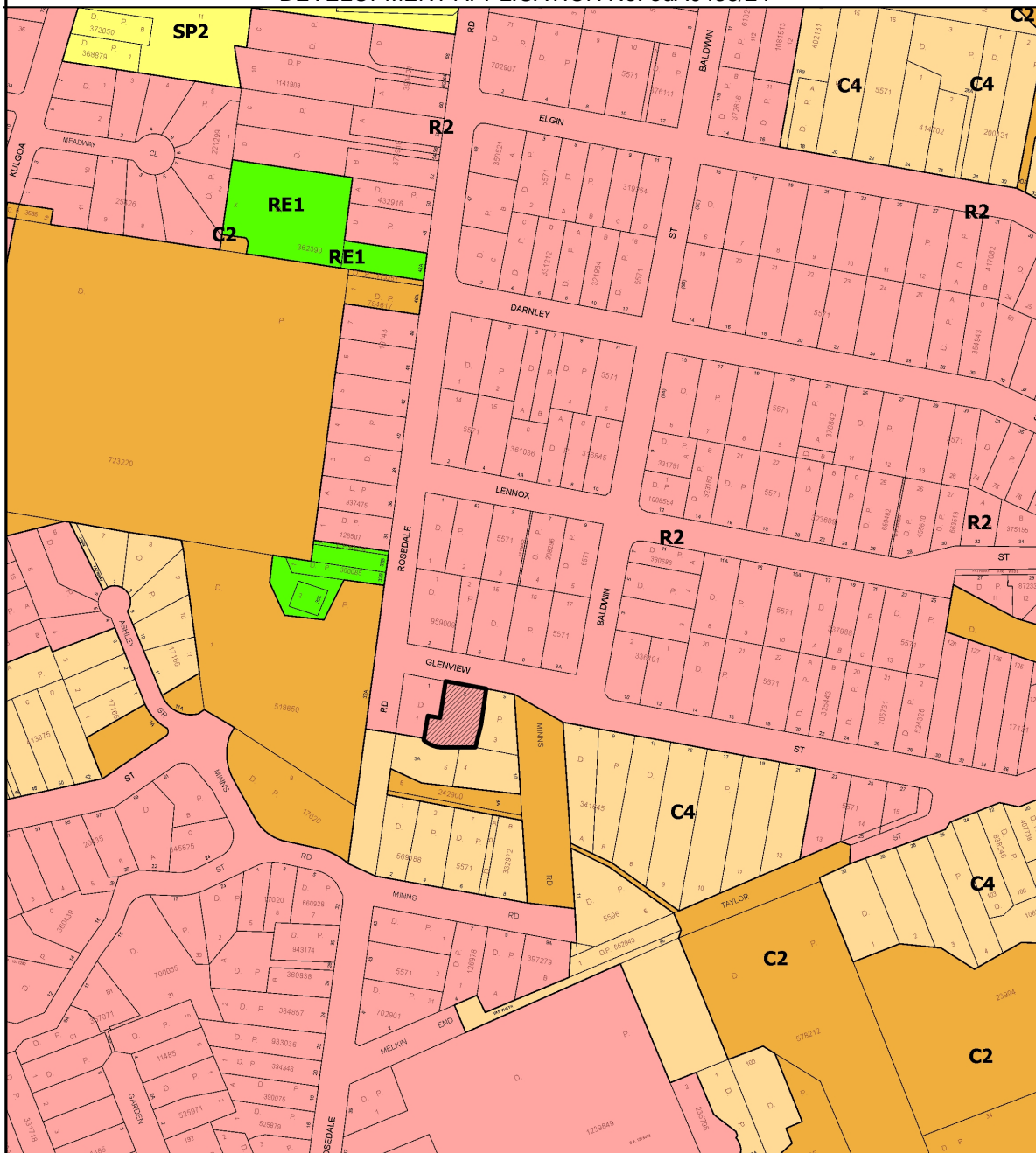
The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5 metres when they will be protected by Council's Development Control Plan. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

**Reason:** To maintain the treed character of the area.



# KU-RING-GAI LEP 2015 ZONING EXTRACT

3 Glenview Street GORDON NSW 2072  
DEVELOPMENT APPLICATION No. edA0438/24



## Legend

### Zoning

<b>E1</b> Local Centre	<b>C4</b> Environmental Living	<b>RE1</b> Public Recreation
<b>E3</b> Productivity Support	<b>R1</b> General Residential	<b>RE2</b> Private Recreation
<b>MU</b> Mixed Use	<b>R2</b> Low Density Residential	<b>SP1</b> Special Activities
<b>C1</b> National Parks & Reserves	<b>R3</b> Medium Density Residential	<b>SP2</b> Infrastructure
<b>C2</b> Environmental Conservation	<b>R4</b> High Density Residential	<b>W1</b> Natural Waterways
<b>C3</b> Environmental Management	<b>R5</b> Large Lot Residential	



Subject Land

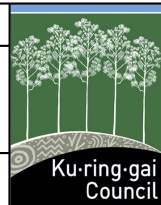
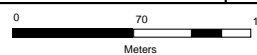
Scale 1 : 3500

Date: 21/02/2025

Ku-ring-gai Council accepts no responsibility for any misprints, errors, omissions or inaccuracies in these maps or damages resulting from use of this information.



NORTH





DRAWING SCHEDULE

000 - LEGEND, SITE, DEMOLITION  
DA000 - LEGEND, DRAWING LIST, SITE MAP  
DA001 - DA SITE PLAN  
DA002 - DA SITE ANALYSIS

100 - PLANS  
DA100 - L00 PLAN  
DA101 - L01 PLAN  
DA102 - L02 PLAN  
DA103 - L03 PLAN  
DA104 - ROOF PLAN

400 - ELEVATIONS  
DA400 - NORTH & SOUTH ELEV  
DA401 - EAST & WEST ELEV

450 - SECTIONS  
DA450 - SECTION A  
DA451 - SECTION B

900 - DIAGRAMS  
DA900 - CALCULATIONS  
DA901 - CALCULATIONS  
DA905 - SHADOW STUDY 9AM  
DA906 - SHADOW STUDY 10AM  
DA907 - SHADOW STUDY 11AM  
DA908 - SHADOW STUDY 12PM  
DA909 - SHADOW STUDY 1PM  
DA910 - SHADOW STUDY 2PM  
DA911 - SHADOW STUDY 3PM

DA920 - SUN EYE STUDY EXISTING 1 - JUNE 21  
DA921 - SUN EYE STUDY EXISTING 2 - JUNE 21  
DA925 - SUN EYE STUDY PROPOSED 1 - JUNE 21  
DA926 - SUN EYE STUDY PROPOSED 2 - JUNE 21

NOTES

- All dimensions to be verified on site.
- Report any discrepancies or omissions to SDS prior to construction.
- Refer to architect for ambiguous details or when clarification is required.
- All drawings to be read in conjunction with specification.
- All drawings to be read in conjunction with consultants' drawings.
- All structure to structural engineer's details.

PRELIMINARY  
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	DA SUBMISSION	09.10.24
B	DA SUBMISSION	29.01.25

ABBREVIATIONS

AC	Air Conditioning	FIP-M	Fire Mimic Panel	RL	Relative Level
ACC-SHR	Accessible SHR	FM	Flexible Mastic	ROBE	Robe/Wardrobe
ACU	Air Condensor Unit	FOY	Foyer	RS	Roller Shutter
AFFL	Above Finished Floor Level	FW	Floor Waste	RWO	Rain Water Outlet
ALC	Aluminium Composite System	G	Glass / Glazing	SCR	Screen
ALCP	Solid Aluminium Cladding Panel	G-BAL	Glass Balustrade	SHR	Shower
APT	Apartment, Apartments	G-CB	Glass - Colour Backed	SHS	Square Hollow Section
AS	Australian Standard	G-F	Glazing - Fixed	SIM	Similar
BAL	Balustrade	GALV	Galvanneal - hot dipped	SK	Skylight
BALC	Balcony	GAR	Garage	SNK	Sink
BCA	Building Code of Australia	GND	Ground	SRO	Shower Rose
BDY	Boundary	GRL#	Grab Rail (number)	SRV	Services
BED	Bedroom	HALL	Hallway/Corridor	SS	Stainless Steel
BG	Box Gutter	HRL	Handrail	ST	Stone
BIT	Bitumen	HWS	Hot Water Service	STL	Steel
BR	Brick	HYD	Hydraulic	STN	Stair Nosing
BL	Building Line	INS	Insulation - Thermal / Acoustic	STD	Storage
BLD	Blind	J	Joinery Item	STR FIRE	Fire Stair
BLDG	Building	KITCH	Kitchen	STRM	Stair (number)
BLS	Ballast	KRB	Kerb	STRUCT	Structural
BN	Bin	LND	Laundry	SUBST	Substation
BOL	Ballard	LIV	Living Room	SWP	Stormwater Pit
BRAC	Bicycle Rack	LBB	Lobby	TBA	To Be Advised
BTH	Bath	LV	Louvre	TBC	To Be Confirmed
CB	Concrete Block	MB	Mailbox	TEL	Telephone
CBD	Cupboard	MC	Metal Cladding	TERR	Terrace
CFC	Compressed Fibre Cement	MDB	Main Distribution Board	TG	Trench Grate
CJ	Construction Joint	ME	Metal	TGSI	Tactile Ground Surface Indicator
CLN	Chamber	MECH	Mechanical	TM	Timber
COBB	Cobblestone	MEET	Meeting Room	TOB	Top of Balustrade
COL	Column	MO	Microwave Oven	TOC	Top of Column
COMMS	Communications	MR	Metal Roof	TOF	Top of Fence
CONC	Concrete	MS	Mild Steel	TOK	Top of Kerb
COS	Confirm On Site	MSB	Main Switch Board	TOP	Top of Parapet
CPL	Contiguous Piling	MSH	Stainless Steel Mesh	TOW	Top of Wall
CPT	Carpet	MW	Maxwell (with mail)	TPZ	Tree Protection Zone
CR	Cement Render	MZ	Mezzanine	TT	Tessellated Tiles
CT	Ceramic Tile	N	New Item	TYP	Typical
D	Door	N/A	Not Applicable	TZ	Terrazzo
DD	Dish Drain	NBN	National Broadband Network	UGD	Underground
DIA	Diameter	NTS	Not To Scale	UGS	Underside
DP	Downpipe	O/H	Overhead	UA	Unequal Angle
DRC	Drencher	OF	Overflow Spitter	UB	Universal Beam
DW	Dishwasher	OPT	Option	UC	Universal Column
DWG	Drawing	DV	Oven	UNO	Unless Noted Otherwise
EA	Equal Angle	P	Pantry	UOS	Unless Otherwise Specified
EDB	Electrical Distribution Board	PB	Plasterboard	VP	Vent Pipe
EGL	Existing Ground Level	PB-FR	Plasterboard - Fire Resistant	W	Window
ELEC	Electrical	PB-MR	Plasterboard - Moisture Resistant	WC	Water Closet
ENG	Engineer	PCD	Powdercoat	WC-ACC	Accessible WC
ENS	Ensuite	PF	Paint Finish	WC-AMB	Ambulant WC
ENTRY	Entry	PFC	Parallel Flange Channel	WC-F	Female WC
EQ	Equal	PLT	Plant Room	WC-M	Male WC
EX/EXIST	Existing Structure or Finish	POL	Polyurethane Finish	WC-U	Unisex WC
EXH	Exhaust	PT	Porcelain Tile	WIR	Walk In Robe
EXT	External	PU	Paving Unit	WK	Workstation
F	Fired	PV	Photovoltaic Panel	WM	Washing Machine
FAM	Family	R	Refrigerator	WP	Waste Pipe
FC	Fibre Cement	R-COMM	Comms. Riser	WS	Wheliskop
FCL	Finished Ceiling Level	R-ELEC	Electrical Riser	WSC	Waste Chute
FCU	Fan Coil Unit	R-HYD	Hydraulic Riser	WST	Waste / Waste Storage
FE	Fire Extinguisher	R-MECH	Mechanical Riser	WT	Water Tank
FFL	Finished Floor Level	RAM	Road Access Hatch		
FG	Floor Grate	RENDERED BRICK	Rendered Brick		
FGL	Finished Ground Level	REF	Reference		
FH	Fire Hydrant	REQ	Required		
FHR	Fire Hose Reel	RF	Roofing		
FIP	Fire Indicator Panel	RHS	Rectangular Hollow Section		

BASIX<sup>®</sup> Certificate  
Building Sustainability Index www.basix.nsw.gov.au

Alterations and Additions

Certificate number: A1766655

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

Secretary  
Date of issue: Monday, 30 September 2024  
To be valid, this certificate must be lodged within 3 months of the date of issue.



page 1/9

Project address	
Project name	3 Glenview St
Street address	3 GLENVIEW Street GORDON 2072
Local Government Area	Kuring-gai Council
Plan type and number	Deposited Plan DP242300
Lot number	2
Section number	N/A
Project type	
Dwelling type	Dwelling house (detached)
Type of alteration and addition	The estimated development cost for my renovation work is \$50,000 or more, and does not include a pool (and/or spa)
N/A	N/A
Certificate Prepared by (please complete before submitting to Council or PCA)	
Name / Company Name:	Delisle Hunt Wood Pty Ltd
ABN (if applicable):	



1 CGI IMAGE



2 LOCATION PLAN

14 STOKES AVE  
ALEXANDRIA NSW 2015  
TEL +61 2 8332 4333  
NOM ARCH WILLIAM SMART 4381

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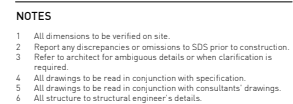
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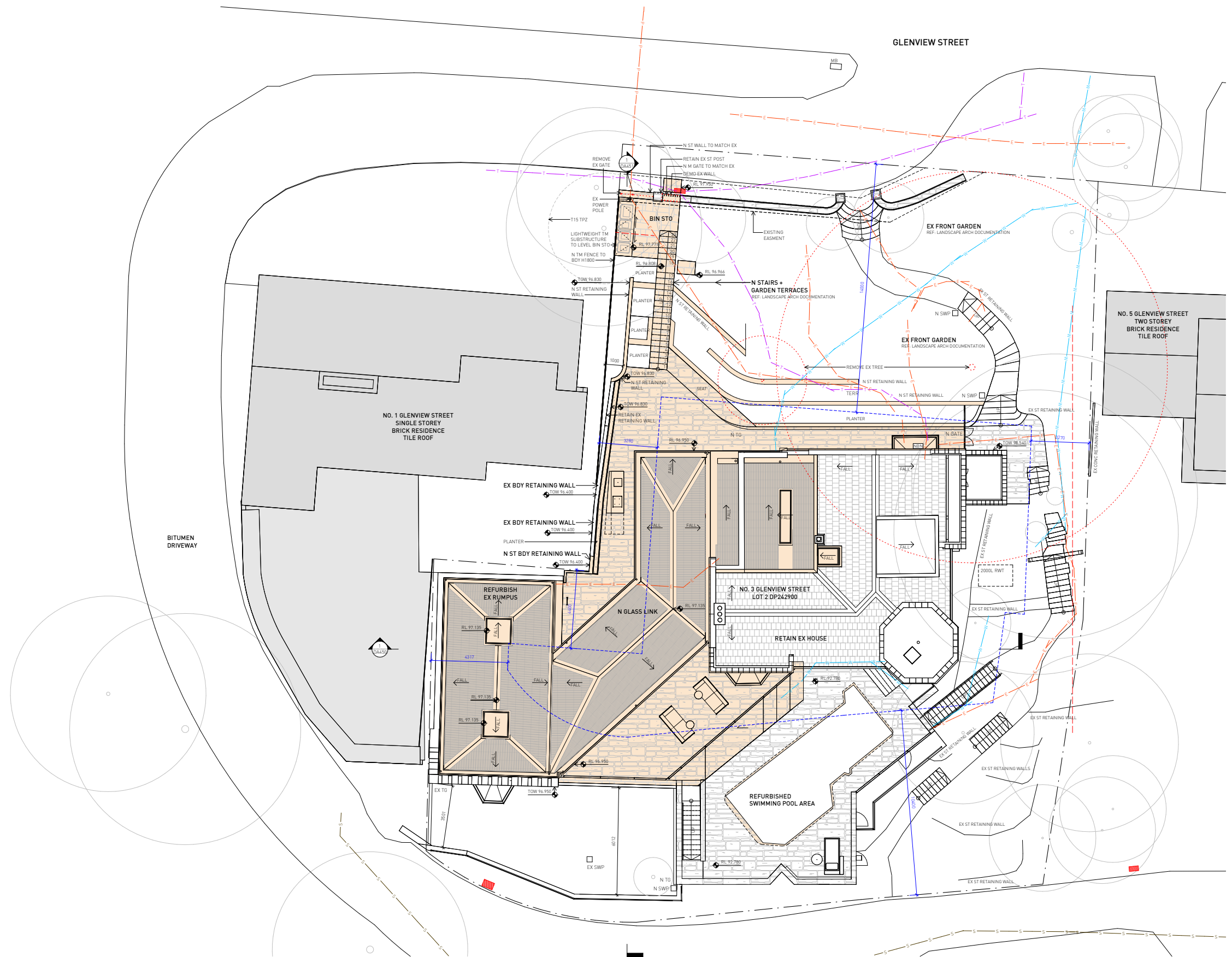
PROJECT  
2207 GLENVIEW 3  
DRAWN SENIOR QA APP'D  
AE ST WS

DWG TITLE  
LEGEND, DRAWING LIST, SITE MAP  
DWG NO REV  
DA000 B





ISSUE	REASON	DATE
A	DA SUBMISSION	09.10.24
B	DA SUBMISSION	29.01.25



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PROJECT  
**2207 GLENVIEW 3**

DRAWN SENIOR QA APP'D  
**AE ST WS**

DWG TITLE  
**DA SITE PLAN**

DWG NO  
**DA001**

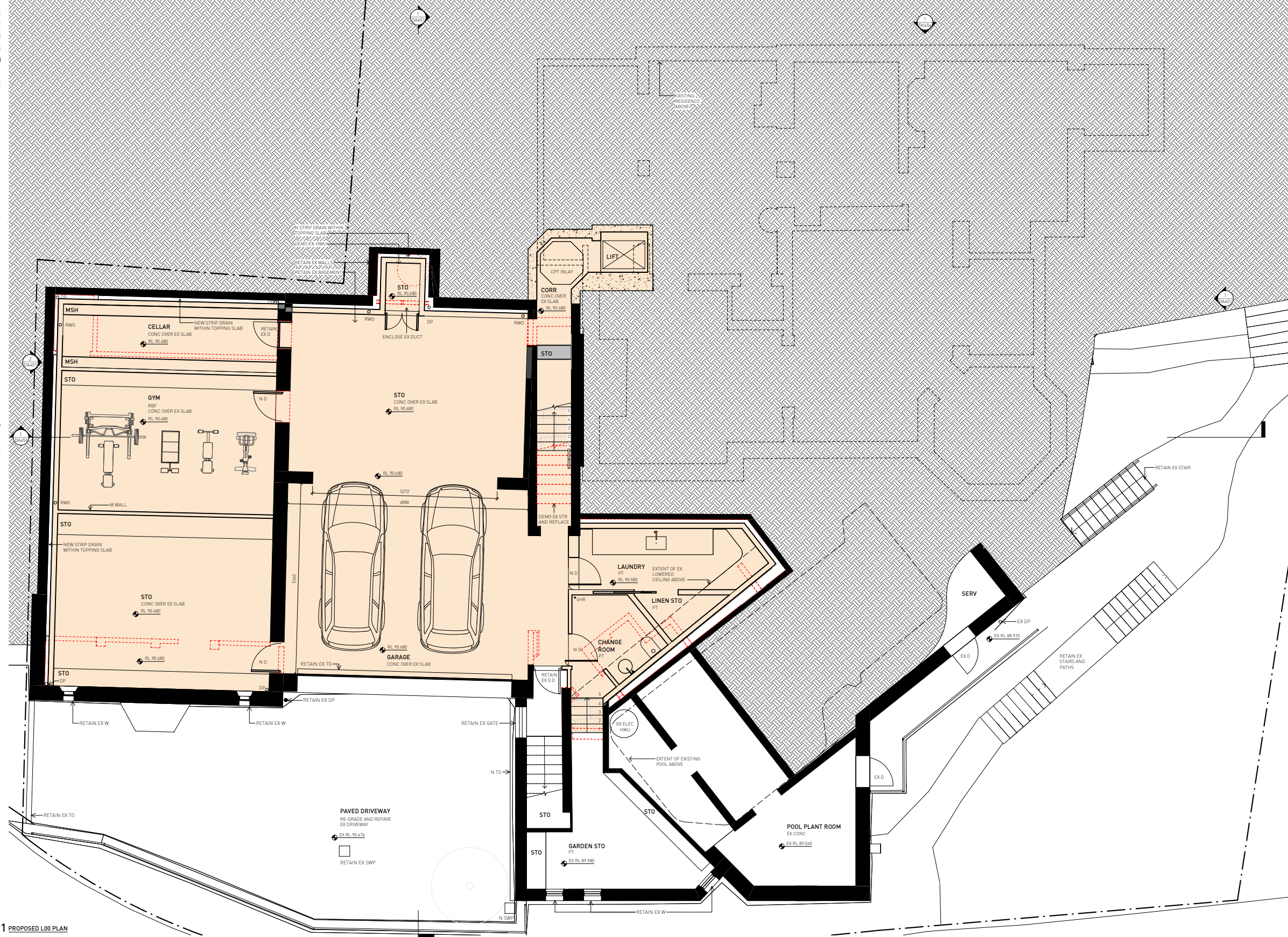
REV  
**B**

LEGEND	
STUD WALL / PARTITION	
CONCRETE WALL	
BLIND WALL	
STUD WALL	
EXISTING WALL, RETAINED (GREY SHOWS DETAIL)	
WALL TO BE DEMOLISHED	
STONE WALL	

- NOTES
- All dimensions to be verified on site.
  - Report any discrepancies or omissions to SDS prior to construction.
  - Refer to architect for ambiguous details or when clarification is required.
  - All drawings to be read in conjunction with specification.
  - All drawings to be read in conjunction with consultants' drawings.
  - All structure to structural engineer's details.

PRELIMINARY  
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	DA SUBMISSION	09.10.24
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1 PROPOSED L00 PLAN

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2207 GLENVIEW 3  
DRAWN SENIOR QA APP'D  
AE ST WS

DWG TITLE  
L00 PLAN  
DWG NO DA100 REV B



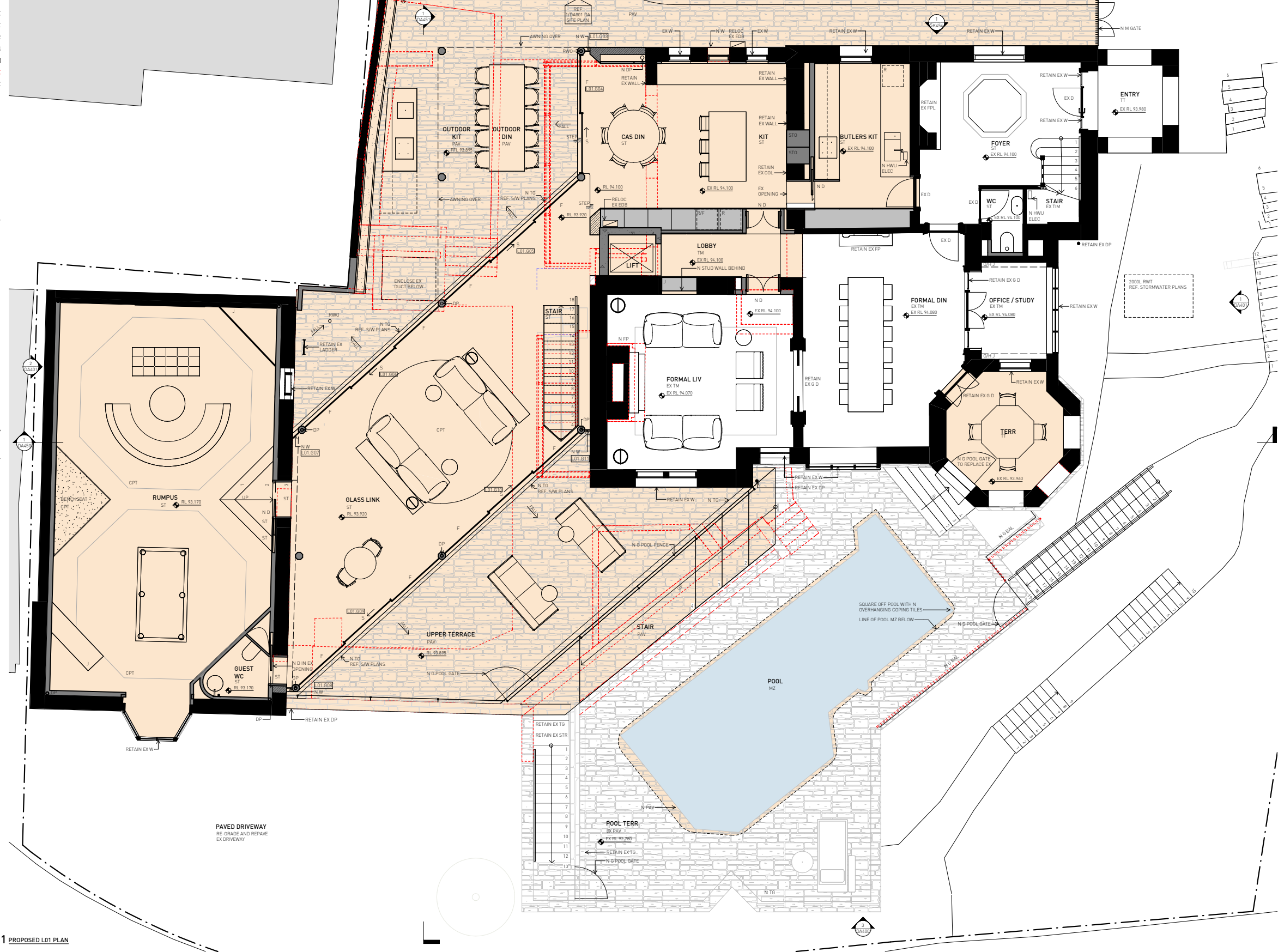
LEGEND

STUD WALL / PARTITION
CONCRETE WALL
BRICK WALL
BRICK WALL
EXISTING WALL, RETAINED (GREY SHOWS DETAIL)
WALL TO BE DEMOLISHED
STONE WALL

- NOTES
- All dimensions to be verified on site.
  - Report any discrepancies or omissions to SDS prior to construction.
  - Refer to architect for ambiguous details or when clarification is required.
  - All drawings to be read in conjunction with specification.
  - All drawings to be read in conjunction with consultants' drawings.
  - All structure to structural engineer's details.

**PRELIMINARY**  
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	DA SUBMISSION	09.10.24
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1 PROPOSED L01 PLAN

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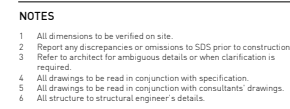
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DRAWN AE SENIOR QA ST APP'D WS

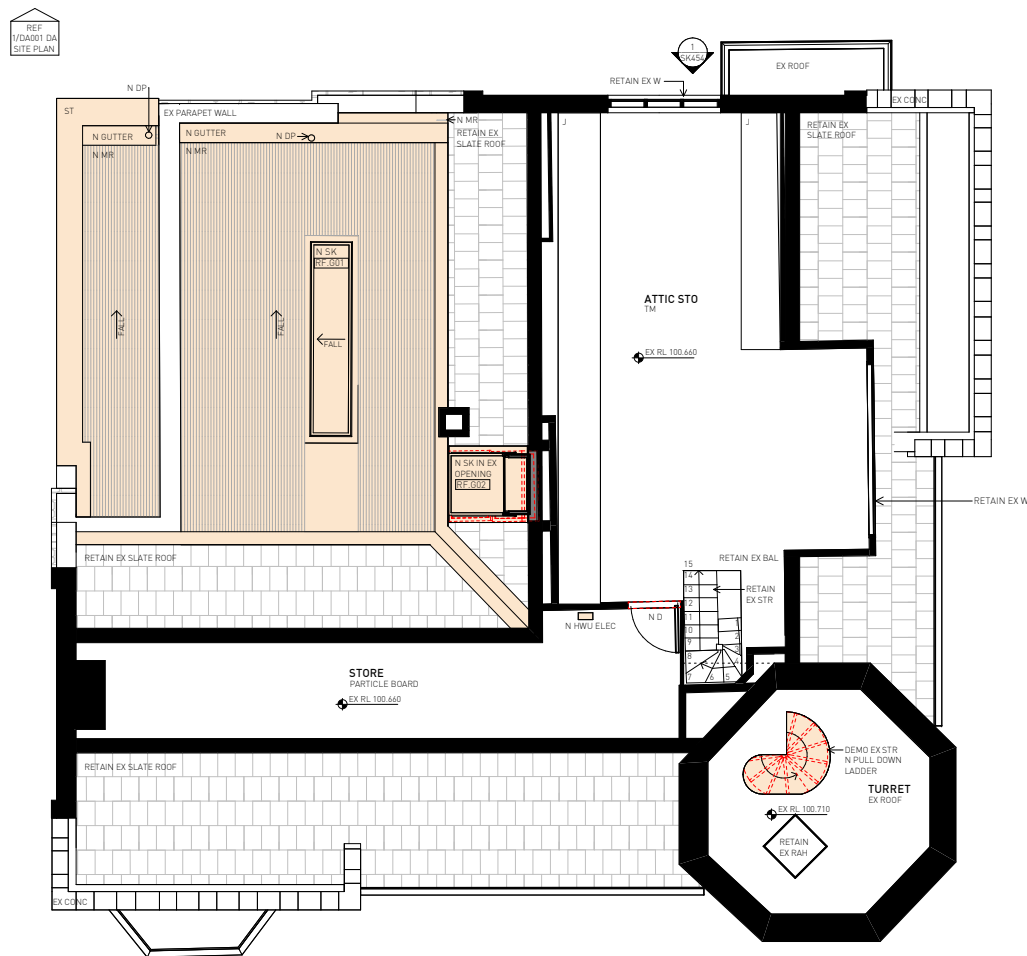
DWG TITLE  
L01 PLAN  
DWG NO DA101 REV B





**PRELIMINARY**  
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	DA SUBMISSION	09.10.24
B	DA SUBMISSION	29.01.25



## 1 PROPOSED L03 PLAN

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PROJECT	2207 GLENVIEW 3	
DRAWN	SENIOR QA	APP'D
AE	ST	WS

DWG TITLE  
**L03 PLAN**

DWG NO  
**DA103**

REV  
**B**

LEGEND

STUD WALL / PARTITION
CONCRETE WALL
BLOCK WALL
BRICK WALL
EXISTING WALL RETAINED (GREY SHOWS DETAIL)
WALL TO BE DEMOLISHED
STONE WALL

NOTES

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- Report any discrepancies or omissions to SDS prior to construction.
- Refer to architect for ambiguous details or when clarification is required.
- All drawings to be read in conjunction with specification.
- All drawings to be read in conjunction with consultants' drawings.
- All structure to structural engineer's details.

PRELIMINARY  
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
A	DA SUBMISSION	09.10.24
B	DA SUBMISSION	29.01.25

1 PROPOSED RF PLAN

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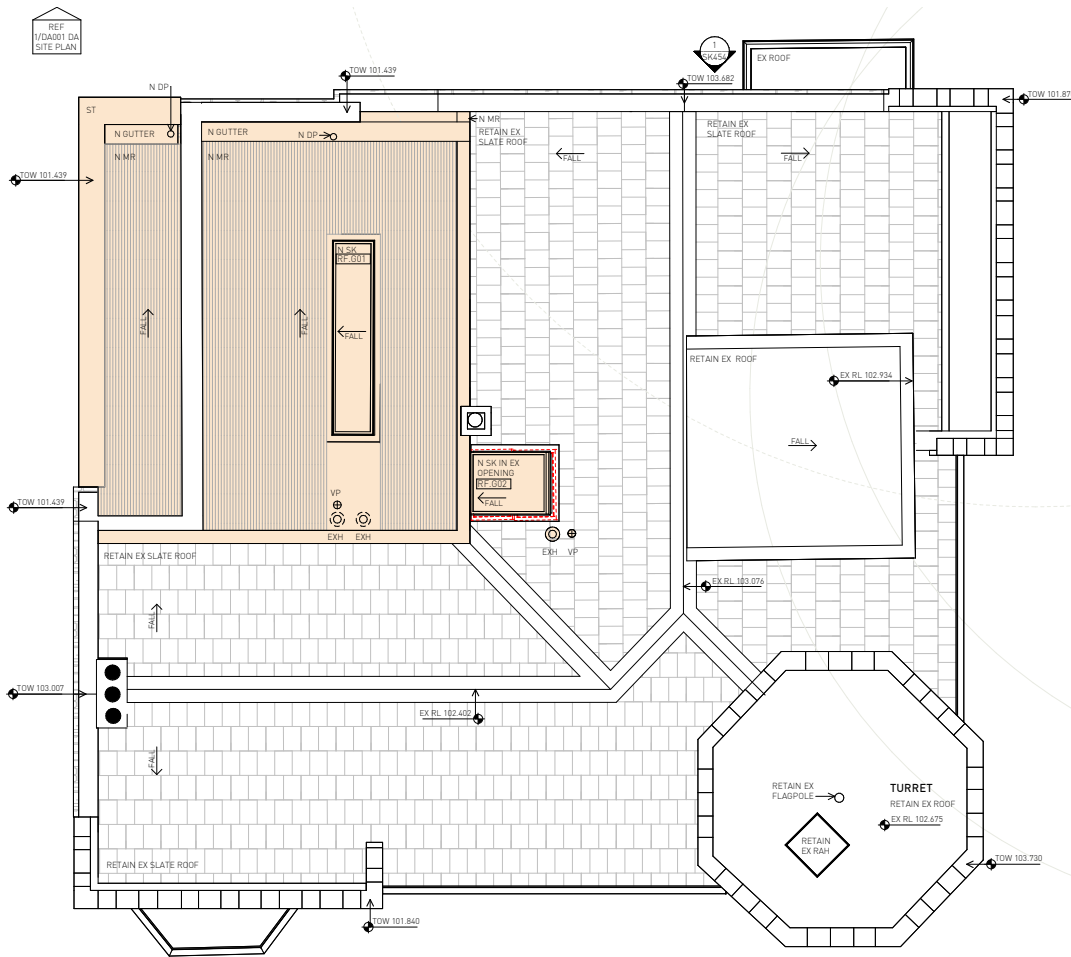
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PROJECT  
2207 GLENVIEW 3  
DRAWN SENIOR DA AE ST  
APP'D WS

DWG TITLE  
ROOF PLAN  
DWG NO DA104  
REV B





STUD WALL / PARTITION

CONCRETE WALL

BLOCK WALL

BRICK WALL

EXISTING WALL RETAINED (GREY SHOWS DETAIL)

WALL TO BE DEMOLISHED

STONE WALL

- 1 All dimensions to be verified on site.
- 2 Report any discrepancies or omissions to SDS prior to construction.
- 3 Refer to architect for ambiguous details or when clarification is required.
- 4 All drawings to be read in conjunction with specification.
- 5 All drawings to be read in conjunction with consultants' drawings.
- 6 All structure to structural engineer's details.

ISSUE	REASON	DATE
A	DA SUBMISSION	09.10.24
B	DA SUBMISSION	29.01.25

## 2 PROPOSED NORTH ELEV EXISITING ENTRY WALL

### 3 PROPOSED SOUTH ELEV

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DWG TITLE  
**NORTH & SOUTH ELEV**

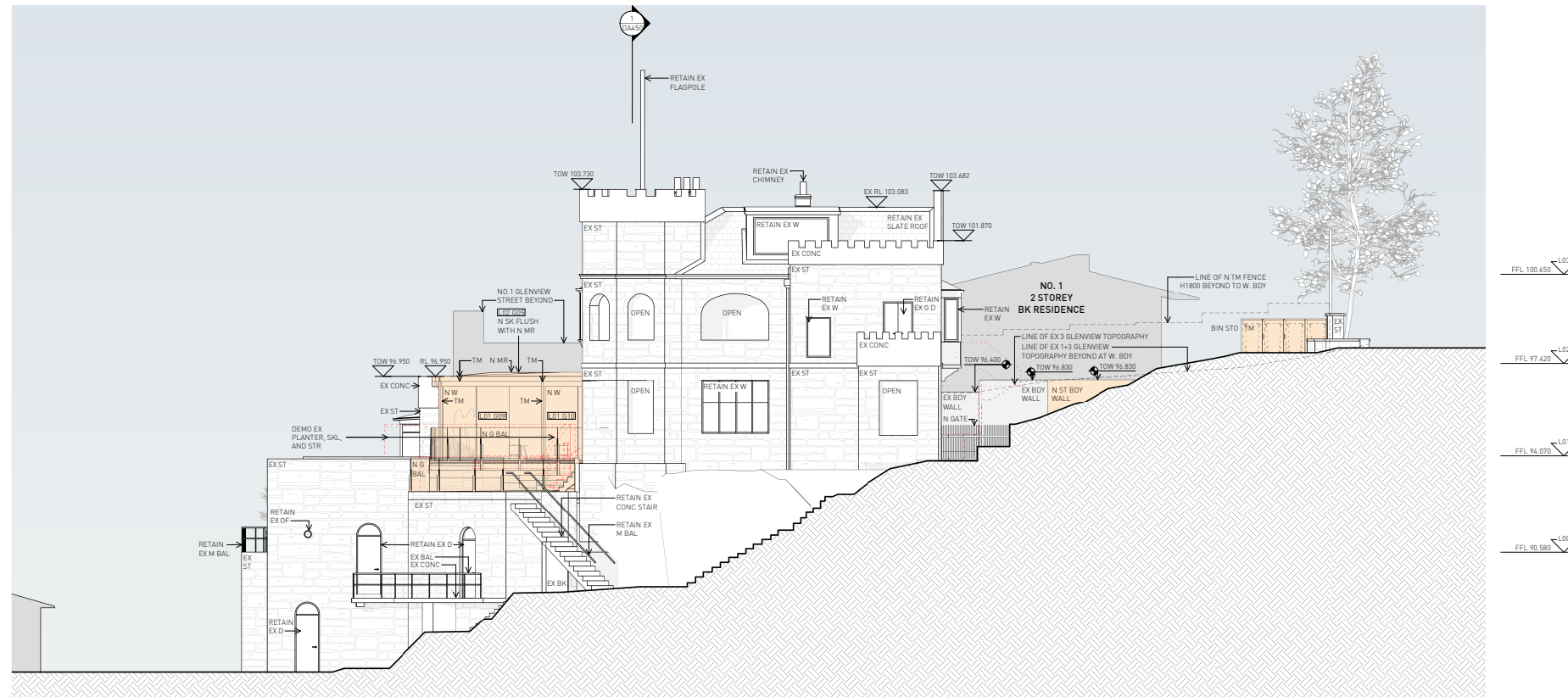
DWG NO  
**DA400**

REV  
**B**

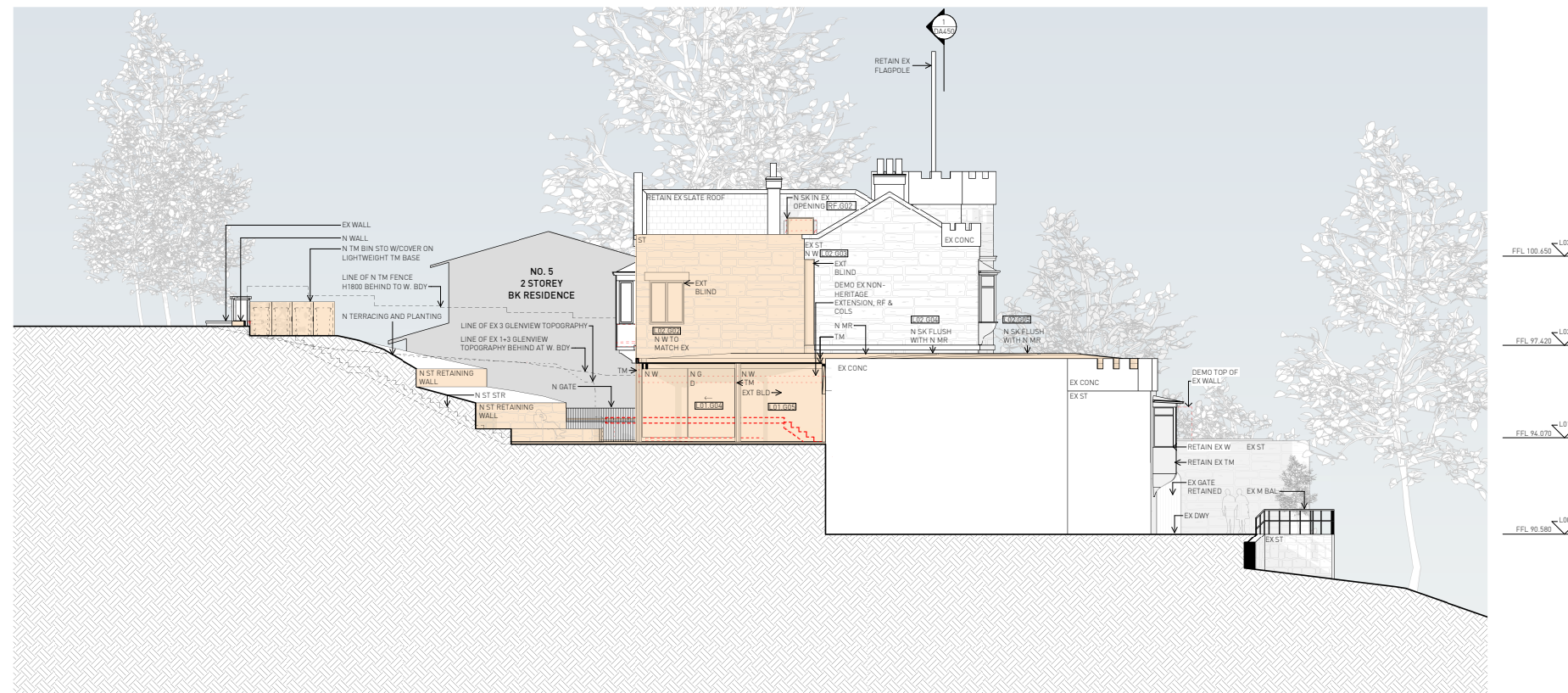
A cross-section diagram of a wall assembly. From top to bottom, the layers are: STUCCO / PARTITION (indicated by a dashed line), CONCRETE WALL (indicated by a solid line), BLOCK WALL (indicated by a pattern of horizontal lines with vertical dashes), BRICK WALL (indicated by a pattern of horizontal lines with vertical dashes), EXISTING WALL RETAINED (GREY SHOWS DETAIL) (indicated by a solid grey area), WALL TO BE DEMOLISHED (indicated by a dashed line), and STONE WALL (indicated by a pattern of horizontal lines with vertical dashes). The diagram is labeled with dimensions and materials.

- 1 All dimensions to be verified on site.
- 2 Report any discrepancies or omissions to SDS prior to construction.
- 3 Refer to architect for ambiguous details or when clarification is required.
- 4 All drawings to be read in conjunction with specification.
- 5 All drawings to be read in conjunction with consultants' drawings.
- 6 All structure to structural engineer's details.

ISSUE	REASON	DATE
A	DA SUBMISSION	09.10.24
B	DA SUBMISSION	29.01.25



**1** PROPOSED EAST ELEV



## 2 PROPOSED WEST ELEV

==	==	==	==	==
==	==	==	==	==
	==	==	==	==
==	==		==	==
==	==	==	==	==

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PROJECT  
**2207 GLENVIEW 3**

DRAWN SENIOR QA APP'D  
**JR ST WS**

DWG TITLE  
**EAST & WEST ELEV**

DWG NO  
**DA401**

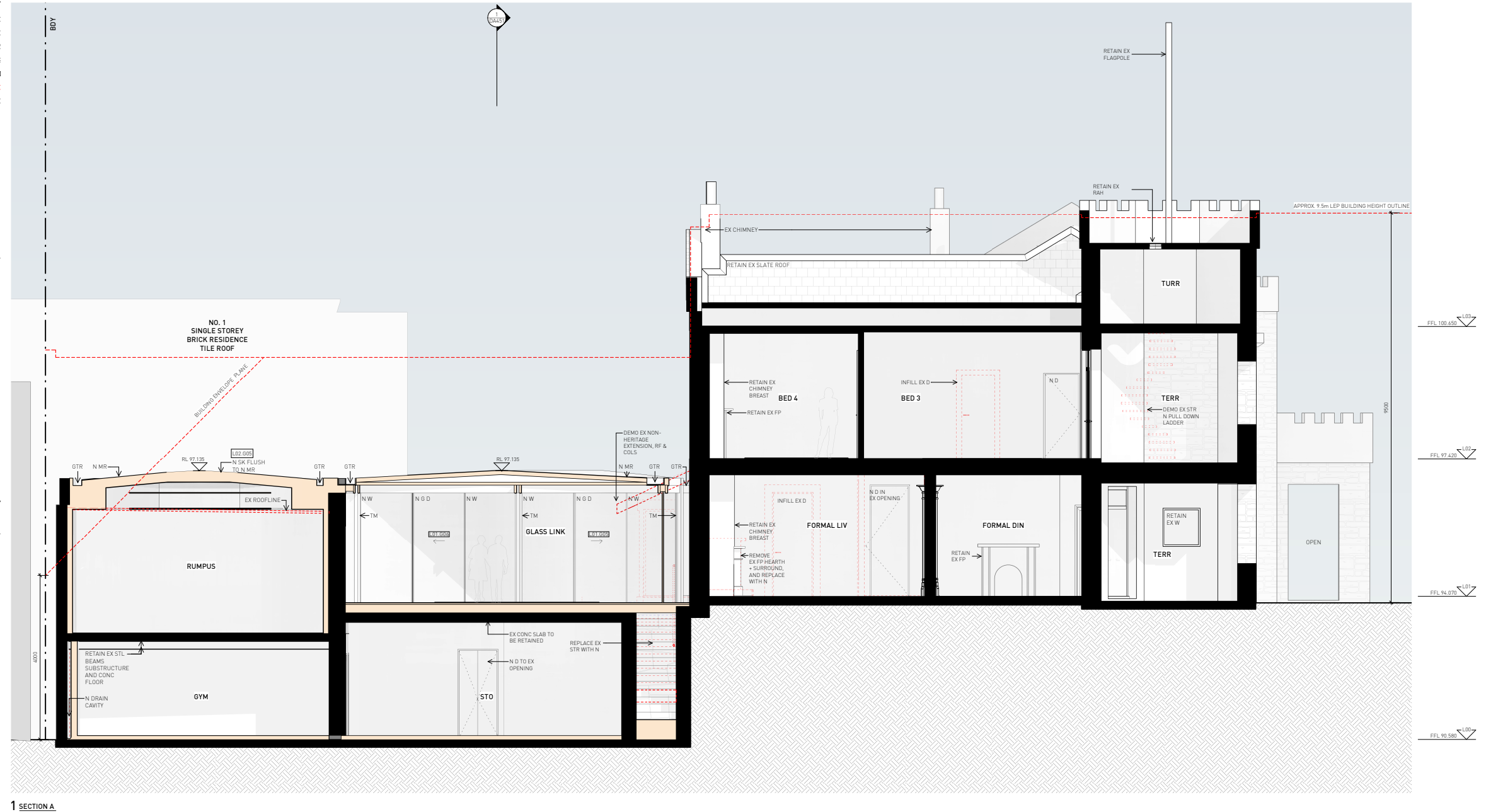
REV  
**B**



The diagram illustrates a cross-section of a wall assembly. At the top, a horizontal line is labeled 'STUD WALL / PARTITION'. Below this, the wall is composed of several layers: a 'CONCRETE WALL' (solid grey), a 'BLOCK WALL' (hatched with diagonal lines), and a 'BRICK WALL' (hatched with horizontal lines). Below the brick wall is a thick black layer labeled 'EXISTING WALL RETAINED (GREY SHOWS DETAIL)'. Underneath this is a layer of 'WALL TO BE DEMOLISHED' (hatched with diagonal lines). At the bottom is a 'STONE WALL' (hatched with horizontal lines). The diagram is divided into three vertical sections by dashed lines, with labels '150', '21', and '150' appearing above and below the wall layers.

- 1 All dimensions to be verified on site.
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- 5 All drawings to be read in conjunction with consultants' drawings.
- 6 All structure to structural engineer's details.

ISSUE	REASON	DATE
A	DA SUBMISSION	09.10.24
B	DA SUBMISSION	29.01.25

1 SECTION A

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PROJECT  
**2207 GLENVIEW 3**

DRAWN SENIOR QA APP'D  
**JR ST WS**

DWG TITLE  
**SECTION A**

DWG NO  
**DA450**

REV  
**B**

STUD WALL / PARTITION

CONCRETE WALL

BLOCK WALL

BRICK WALL

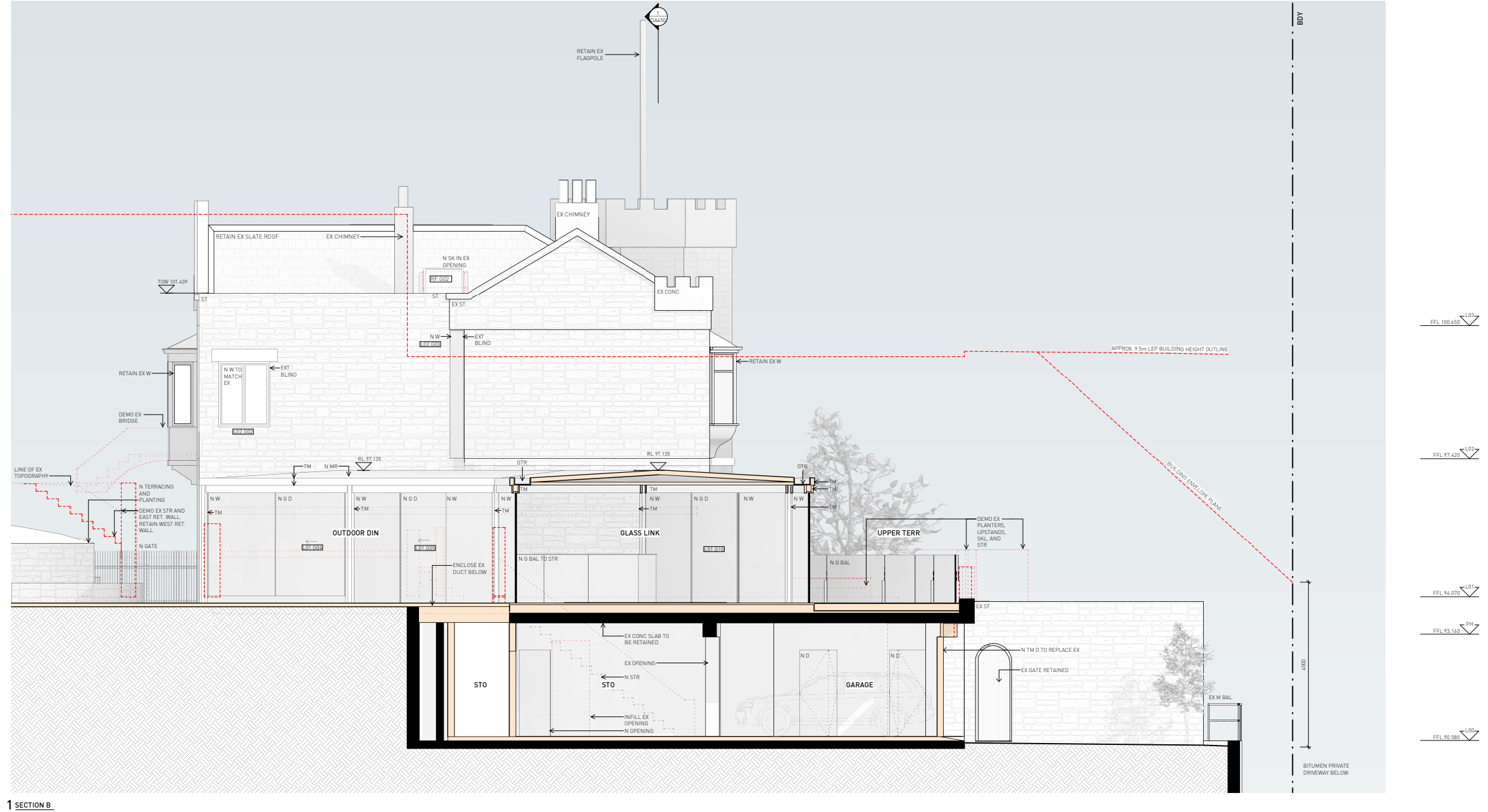
EXISTING WALL RETAINED (GREY SHOWS DETAIL)

WALL TO BE DEMOLISHED

STONE WALL

- 1 All dimensions to be verified on site.
- 2 Report any discrepancies or omissions to SDS prior to construction.
- 3 Refer to architect for ambiguous details or when clarification is required.
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- 5 All drawings to be read in conjunction with consultants' drawings.
- 6 All structure to structural engineer's details.

ISSUE	REASON	DATE
A	DA SUBMISSION	09.10.24
B	DA SUBMISSION	29.01.25

1 SECTION B

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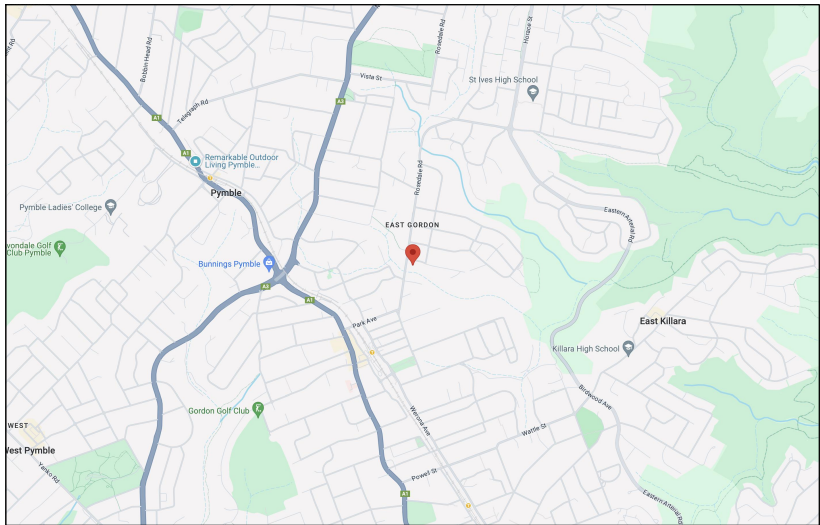
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**2207 GLENVIEW 3**

DRAWN SENIOR QA APP'D  
**JR ST WS**

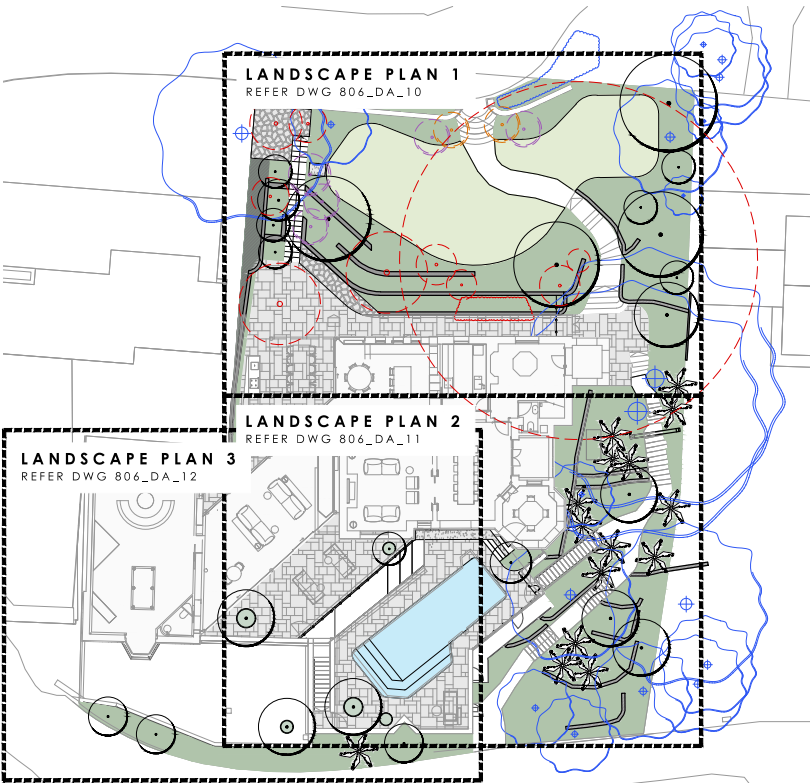
DWG TITLE  
**SECTION B**

DWG NO  
**DA451**

REV  
**B**



SITE LOCATION  
NTS | GOOGLE MAPS



SITE PLAN  
SCALE 1:200 @ A1

DRAWING SCHEDULE

806_DA_01	COVER PAGE
806_DA_02	PLANT SCHEDULE
806_DA_05	SITE PLAN
806_DA_10	LANDSCAPE PLAN 1 - FRONT GARDEN
806_DA_11	LANDSCAPE PLAN 2 - REAR GARDEN
806_DA_12	LANDSCAPE PLAN 3 - REAR GARDEN
806_DA_20	SECTION 1 - RETAINING WALL & FINISHES SCHEDULE
806_DA_45	TYPICAL DETAILS
806_DA_50	GENERAL SPECIFICATION

GENERAL NOTES

- ALL LANDSCAPE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE ARCHITECTS AND ADDITIONAL CONSULTANTS DRAWINGS, SPECIFICATIONS AND REPORTS
- ALL PUBLIC UTILITY SERVICES ARE TO BE LOCATED ON SITE BY THE CONTRACTOR PRIOR TO THE COMMENCEMENT OF WORKS. THE LOCATION, PRESENCE AND EXTENT OF SERVICES SHOWN ARE NOT GUARANTEED COMPLETE OR CORRECT
- PERFORM EXCAVATION IN THE VICINITY OF UNDERGROUND UTILITIES WITH CARE AND IF NECESSARY, BY HAND. THE CONTRACTOR BEARS FULL RESPONSIBILITY FOR THIS WORK AND DISRUPTION OR DAMAGE TO UTILITIES SHALL BE REPAIRED IMMEDIATELY AT NO EXPENSE TO THE OWNER
- NO TREES PROTECTED UNDER THE LOCAL COUNCIL'S TREE PRESERVATION ORDER ARE TO BE REMOVED UNLESS APPROVED BY DEVELOPMENT CONSENT OR PERMIT OBTAINED FROM COUNCIL
- ALL PAVING IS INDICATIVE, TO BE TO FUTURE SPECIFICATION, AND SET OUT ON SITE
- ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE LOCAL COUNCIL'S APPROVAL, STANDARDS AND CODES
- THE CONTRACTOR IS TO ENSURE THAT ALL THE WORKS ARE CARRIED OUT IN ACCORDANCE WITH THE WORK HEALTH AND SAFETY ACT
- MBD TO REVIEW PLANT MATERIALS AT SOURCE OR BY PHOTOGRAPHS PRIOR TO PURCHASE AND DELIVERY
- EXACT LOCATIONS OF NEW PLANT MATERIAL TO BE SETOUT AND APPROVED BY THE MBD ONSITE PRIOR TO INSTALLATION. MBD RESERVES THE RIGHT TO ADJUST PLANTS TO EXACT LOCATION ONSITE

DRAINAGE AND IRRIGATION NOTES

- REFER TO CIVIL ENGINEER'S UTILITY AND DRAINAGE PLANS FOR UTILITY LOCATION AND DRAINAGE INFORMATION.
- REQUIREMENTS FOR LANDSCAPE DRAINAGE TO BE CONFIRMED ONSITE UNLESS OTHERWISE SHOWN ON THE LANDSCAPE PLANS
- TREE PITS THAT HAVE BEEN EXCAVATED INTO HEAVY EARTH OR STONE TO CONTAIN A RING OF AG PIPE LAID AT THE INVERT OF THE PIT WITHIN A MINIMUM 200mm LAYER OF FREE DRAINING MATERIAL. AG PIPE TO BE CONNECTED TO A DRAINAGE OUTLET (REFER TO TYPICAL TREE PIT DRAINAGE SECTION)
- WATER / IRRIGATION CONTROLLER POINTS SHOWN INDICATIVELY ONLY. EXACT LOCATION TO BE CONFIRMED ONSITE
- ALL POTS TO HAVE AN IRRIGATION ALLOWANCE (SHRUBBLERS OR DRIP)
- FOR POTS LOCATED ON PAVED SURFACES, TYPICAL PAVING IRRIGATION DETAIL TO BE USED AS SHOWN
- POTS ADJACENT TO GARDEN BEDS TO BE IRRIGATED VIA IN GARDEN IRRIGATION SYSTEM
- ALL LAWN AREAS TO HAVE POPUP ROTORS
- ALL GARDEN BEDS TO HAVE FIXED SOLID RISERS WITH SPRAYS
- LOCATIONS OF IRRIGATION LINES, VALVES, SPRAY HEADS ETC ARE SHOWN INDICATIVELY ONLY. THE EXACT LOCATION AND FREQUENCY OF THE ABOVE TO BE NOMINATED BY THE IRRIGATION PROVIDER



**MYLES BALDWIN DESIGN**  
8 Moddison Lane, Redfern, NSW 2016 Australia  
PH +61 2 9699 2622 | www.mylesbaldwin.com

PROJECT:  
**3 GLENVIEW STREET, GORDON**  
CLIENT:  
**GARY & EVELYN ZHOU**

AMENDMENT	DATE	DETAIL
A	17.05.24	ISSUE FOR DA
B	15.06.24	ISSUE FOR DA
C	28.07.25	ISSUE FOR DA

MBD MUST BE PRESENT ON-SITE FOR THE POSITIONING OF **ALL PLANTS**  
CONTACT MBD IF DISCREPANCIES OCCUR BETWEEN LANDSCAPE AND CONSULTANTS DOCUMENTS.  
BUILDER TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION.

DRAWING:  
**COVER PAGE**



DWG No: 806\_DA\_01  
SCALE: AS NOTED  
DRAWN: TC

CHECKED: LM  
ISSUE: C  
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PLANTING KEY PLAN  
SCALE 1:200 @ A1

EXISTING TREE SCHEDULE

EXISTING TREES						
CODE	BOTANIC NAME	COMMON NAME	HEIGHT (M)	SPREAD (M)	DBH (MM)	RETAIN / REMOVE
T1	Eriobotrya japonica	Loquat	8	4	300	RETAIN
T2	Zeikova serrata	Japanese zelkova	6	3	150	RETAIN
T3	Zeikova serrata	Japanese zelkova	6	2	100	RETAIN
T4	Cinnamomum camphora	Camphor tree	7	2	150	RETAIN
T5	Cinnamomum camphora	Camphor tree	10	4	220	RETAIN
T6	Platanus x acerifolia	London plane tree	12	10	750	RETAIN
T7	Syncarpia glomulifera	Turpentine tree	13	11	700	RETAIN
T8	Ulmus spp.	Elms	9	8	650	REMOVE
T9	Arbutus unedo	Strawberry tree	5	3	150	REMOVE
T10	Molus	Crap apple	4	3	120	RETAIN
T11	Cupressus sp.	Cypress	6	2	180	RETAIN
T12	Cupressus sp.	Cypress	6	2	120	RETAIN
T13	Cupressus sp.	Cypress	8	2	150	RETAIN
T14	Camellia sasanqua	Camellia Sasanqua	4	2	80	RETAIN
T15	Jacaranda mimosifolia	Jacaranda	7	7	350	RETAIN
T16	Acer palmatum	Japanese maple	1.5	2	60	RETAIN
T17	Acer palmatum	Japanese maple	1.5	2	60	RETAIN
T18	Camellia sasanqua	Camellia Sasanqua	4	4	80	RETAIN
T19	Cyathea cooperi	Tree fern	3	2	NA	RETAIN

NOTES

- REFER TO ARBORIST REPORT, PREPARED BY COMPLETE ARBORCARE, DATE 23.05.24

EXISTING SHRUB SCHEDULE

EXISTING SHRUBS		
CODE	BOTANIC NAME	RETAIN / REMOVE
S1	Buxus microphylla	RETAIN
S2	Camellia japonica	RETAIN
S3	Camellia sp.	REMOVE
S4	Rhaphiolepis snow maiden	REMOVE
S5	Loropetalum chinense	REMOVE
S6	Loropetalum chinense	REMOVE
S7	Species TBC	REMOVE
S8	Muraya paniculata	TRANSPLANT
S9	Muraya paniculata	TRANSPLANT
S10	Prunus campanulata	TRANSPLANT
S11	Elaeagnus macrophylla	REMOVE
S12	Elaeagnus macrophylla	REMOVE
S13	Camellia sasanqua	REMOVE

PLANT SCHEDULE

TREES									
CODE	BOTANIC NAME	COMMON NAME	ZONE 1	ZONE 2	ZONE 3	TOTAL	POT SIZE	MATURE HEIGHT	NOTES
AP	Acer palmatum	Japanese Maple		3		3	500L	6m	
CC	Cyathea australis	Tree Fern		14	1	15	200L	15m	
*EE	Elaeocarpus eumundi	Eumundi Quandong			3	3	300L	8m	
*ER	Elaeocarpus reticulatus*	Blueberry Ash	6			6	200L	15m	
GB	Ginkgo biloba	Maidenhair Tree	1			1	500L	24m	
*GF	Glochidion ferdinandii	Cheese Tree	1	1		2	300L	8m	
JM	Jacaranda mimosifolia	Jacaranda	1			1	500L	15m	
MG	Magnolia grandiflora	Bull Bay Magnolia	1			1	1000L	15m	
NS	Nyssa sylvatica	Tupelo	1			1	500L	15m	
UP	Ulmus parvifolia	Chinese Elm	1			1	500L	12m	
SHRUBS									
CODE	BOTANIC NAME	COMMON NAME	ZONE 1	ZONE 2	ZONE 3	TOTAL	POT SIZE	MATURE HEIGHT	NOTES
Cs	Camellia sinensis	Camellia	9			9	500mm	0.3m	
Do	Daphne odora	Winter Daphne	45			45	200mm	1m	
Em	Elaeagnus macrophylla	Oleaster	20			20	200mm	3m	
Jc	Justicia camea	Brazilian Plume	25	10	12	47	300mm	1.5m	
Sv	Syringa vulgaris	Common Lilac	5			5	300mm	4m	
*Ss	Syzygium smithii	Lilly Pilly	12	10		22	100L	6m	
*Sr	Syzygium Resilience	Lilly Pilly			5	5	100L	3m	
Vt	Viburnum tinus	Laurustinus	15			15	200mm	3m	
FERNS									
CODE	BOTANIC NAME	COMMON NAME	ZONE 1	ZONE 2	ZONE 3	TOTAL	POT SIZE	MATURE HEIGHT	NOTES
Aa	Adiantum aethiopicum	Common Maidenhair Fern		100		100	100mm	0.5m	
Ae	Angiopteris evecta	Elephant Fern		6		6	500mm	1.8m	
An	Asplenium nidus	Bird's-nest Fern		25		25	200mm	1.5m	
Bn	Blechnum nudum	Silver Lady Fern	15	120	25	160	200mm	1m	
Tb	Todea barbara	King Fern		250		250	140mm	3m	
PERENNIALS									
CODE	BOTANIC NAME	COMMON NAME	ZONE 1	ZONE 2	ZONE 3	TOTAL	POT SIZE	MATURE HEIGHT	NOTES
Bs	Bartlettia sordida	Blue mist plant	18	8	6	32	200mm	Groundcover	
*Dc	Dianella caerulea	Blue flax lily	150			150	200mm	Groundcover	
Li	Lomandra confertifolia 'Little Con'	Mat Rush	200		50	250	200mm	Groundcover	
Pa	Pennisetum alopecuroides	Chinese fountain grass	90			90	200mm	Groundcover	
GROUNDCOVERS & CLIMBERS									
CODE	BOTANIC NAME	COMMON NAME	ZONE 1	ZONE 2	ZONE 3	TOTAL	POT SIZE	MATURE HEIGHT	NOTES
*Hv	Hardenbergia violacea	False sarsparilla	75		40	115	100mm	Groundcover	
*Hs	Hibbertia scandens	Golden guinea flower	75			75	100mm	Groundcover	
*Pd	Pandorea pandorana	Wonga wonga vine	12			12	100mm	Climber	
Ta	Trachelospermum asiaticum	Asiatic Jasmine	150		50	200	100mm	Groundcover	

NOTES

- IF SPECIFIED POT SIZES ARE NOT READILY AVAILABLE, PLEASE CONTACT MBD TO CLARIFY SUBSTITUTE SIZES AND CHANGES TO QUANTITIES
- ALL MATURE TREES TO BE SOURCED AND SUPPLIED BY MYLES BALDWIN DESIGN
- THE PLANT SCHEDULE IS CALCULATED BASED OFF THE LANDSCAPE PLANS PROVIDED BY MBD. ADDITIONAL PLANTS OUTSIDE OF THIS SCHEDULE MAY BE REQUIRED TO REACH THE DESIRED PLANT DENSITIES ONSITE
- ALL PLANT MATERIAL TO BE SETOUT ONSITE BY MYLES BALDWIN DESIGN PRIOR TO INSTALLATION
- AS PER KU-RING-GAI COUNCIL DCP, FOR DEVELOPMENT ON SITES WHERE SINGLE RESIDENTIAL DEVELOPMENT IS PERMITTED, AND ALL PROPERTY BOUNDARIES ARE GREATER THAN 300M FROM BUSHLAND, AT LEAST 25% OF THE OVERALL NUMBER OF TREES AND SHRUBS ARE TO BE LOCALLY INDIGENOUS VEGETATION

\* INDICATES LOCALLY INDIGENOUS SPECIES



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PROJECT:  
**3 GLENVIEW STREET, GORDON**  
CLIENT:  
**GARY & EVELYN ZHOU**

AMENDMENT		DATE	DETAIL
A	18.05.24	ISSUE FOR DA	
B	15.06.24	ISSUE FOR DA	
C	28.05.25	ISSUE FOR DA	

MBD MUST BE PRESENT ON-SITE FOR THE POSITIONING OF **ALL PLANTS**  
CONTACT MBD IF DISCREPANCIES OCCUR BETWEEN LANDSCAPE AND CONSULTANTS DOCUMENTS.  
BUILDER TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION.

DRAWING:  
**PLANT SCHEDULE**



DWG No: 806\_DA\_02  
SCALE: AS NOTED  
DRAWN: TC

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DATE	BY	DETAIL
17/05/24	ISSUED FOR DA	A
15/06/24	ISSUED FOR DA	B
28/07/24	ISSUED FOR DA	C

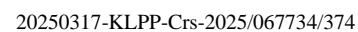
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DRAWING:  
**SITE PLAN**



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17/05/24	ISSUED FOR DA	
15/06/24	ISSUED FOR DA	
28/07/24	ISSUED FOR DA	

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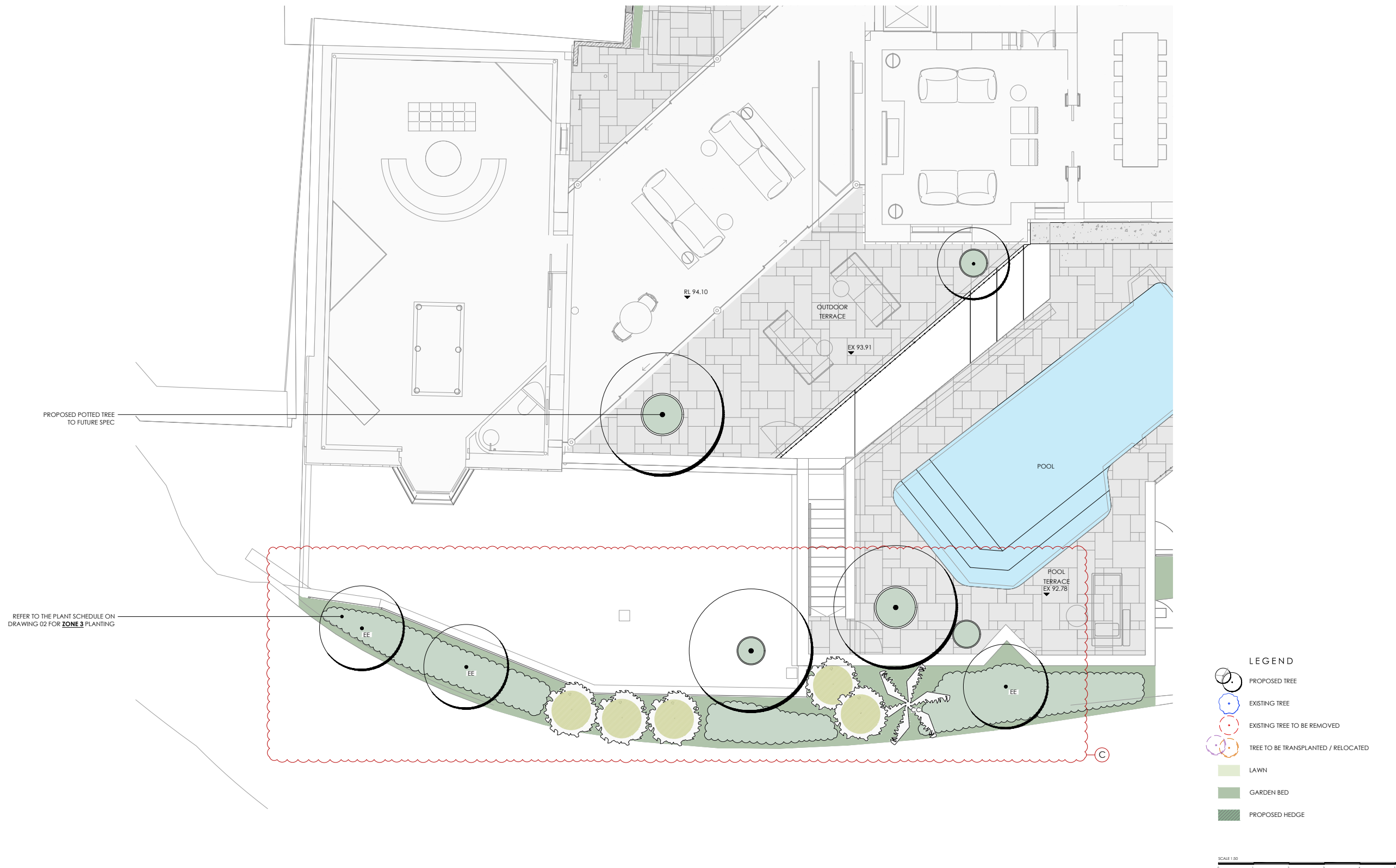
DRAWING:  
**LANDSCAPE PLAN 2 -  
REAR GARDEN**



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AMENDMENT	DATE	DETAIL
A	17.05.24	ISSUE FOR DA
B	15.06.24	ISSUE FOR DA
C	29.07.25	ISSUE FOR DA

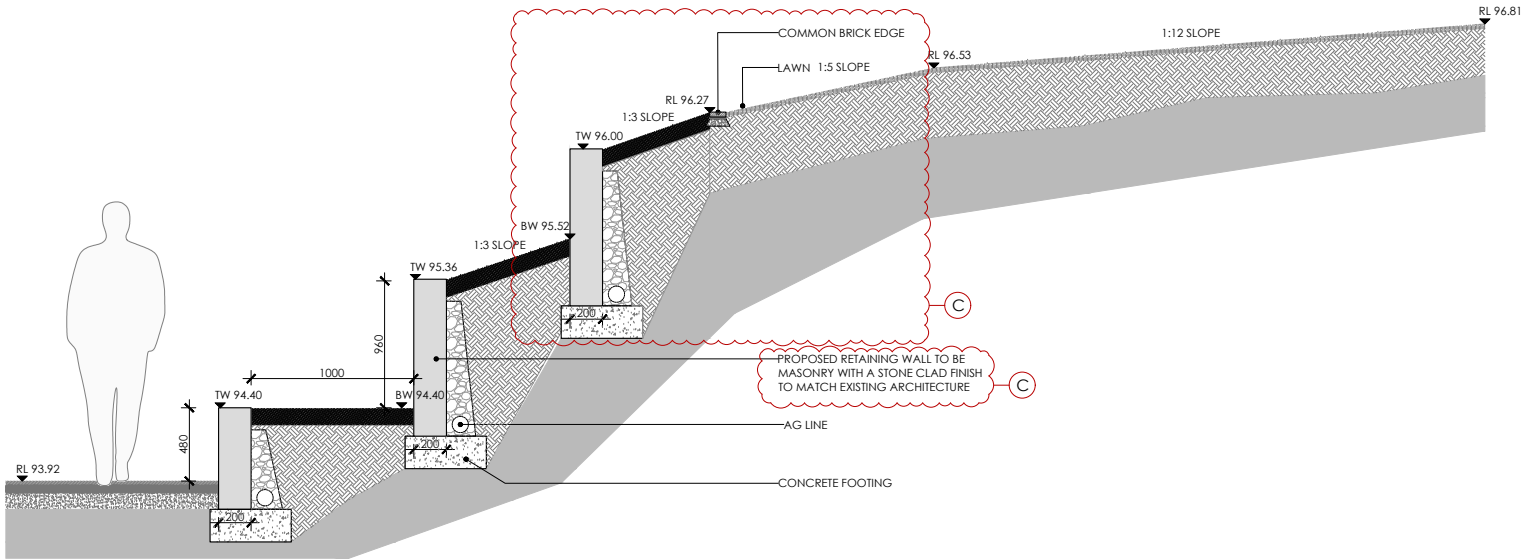
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DRAWING:  
**LANDSCAPE PLAN 3 -  
REAR GARDEN**



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SECTION A  
SCALE 1:20 @ A1

FINISHES SCHEDULE

WALLING			
CODE	DESCRIPTION		NOTES
W1	Name / Description	Stone cladding	To match existing architecture
	Format	Free form	
	Colour	Natural	
	Finish	Heavily distressed	
	Dimensions	Random sizes	
	Thickness	20-40mm	
	Supplier	TBC by contractor	
	Grout Colour	TBC	
	Joint Size	5-10mm	

NOTE

FINISHES TO BE CONFIRMED AND APPROVED BY THE CLIENT PRIOR PURCHASE AND DELIVERY



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AMENDMENT		
DATE	BY	DETAIL
18/05/24	ISSUE FOR DA	A
15/06/24	ISSUE FOR DA	B
28/07/24	ISSUE FOR DA	C

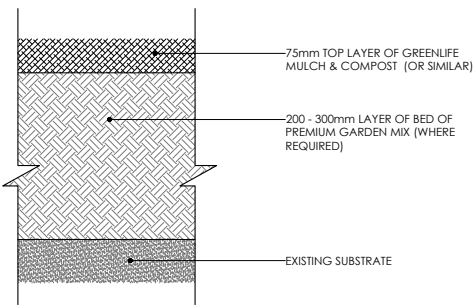
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DRAWING:  
**SECTION 1 - RETAINING WALL &  
FINISHES SCHEDULE**

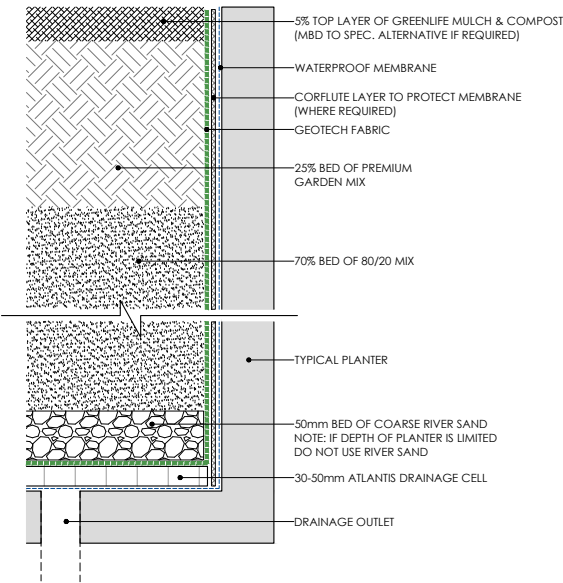


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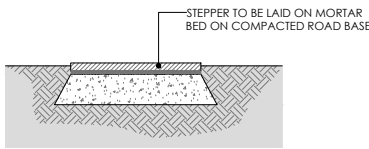
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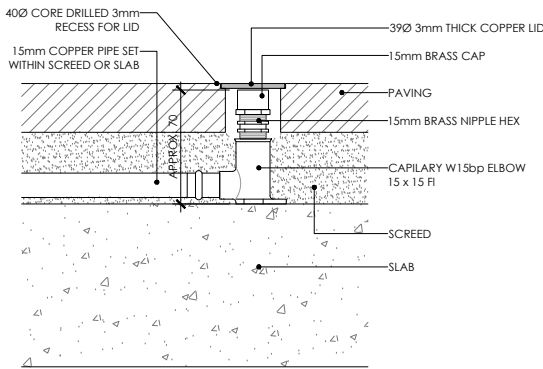
TYPICAL GARDEN SOIL PROFILE  
SCALE: 1:5 @ A1



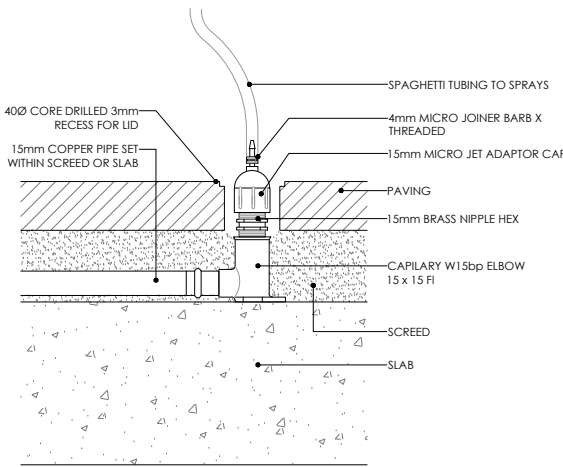
TYPICAL PLANTER SOIL PROFILE  
SCALE: 1:5 @ A1



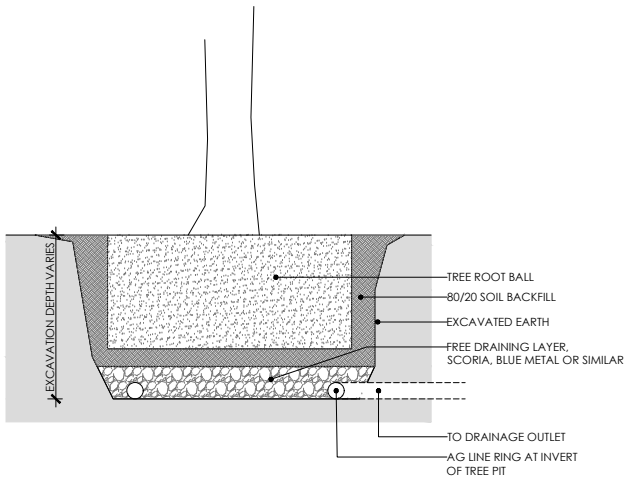
TYPICAL GARDEN STEPPER  
SCALE: 1:10 @ A1



TYPICAL PAVING IRRIGATION CLOSED  
SCALE 1:2 @ A1



TYPICAL PAVING IRRIGATION OPEN  
SCALE 1:2 @ A1



TYPICAL TREE PIT DRAINAGE  
SCALE 1:20 @ A1



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CLIENT:  
**GARY & EVELYN ZHOU**

AMENDMENT	DATE	BY	REASON
A	17.05.24	MBD	ISSUE FOR QA
B	15.06.24	MBD	ISSUE FOR QA
C	29.05.25	MBD	ISSUE FOR QA

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DRAWING:  
**TYPICAL DETAILS**



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GENERAL SPECIFICATION NOTES

1.0 STANDARDS

1.1 SOILS

- AS 4419: Soils for Landscaping and Garden Use
- AS 3743: Potting Mixes
- AS 4454: Composts, Soil Conditioners and Mulches

1.2 Plants

- AS 2303: Tree Stock for Landscape Use
- AS 4970: Protection of Trees on Development Sites

2.0 PRODUCTS

2.1 MATERIAL

Topsoil

- Source: Provide topsoil, which contains organic matter, is free from stones, contaminants and weeds
- Site: If available, provide material recovered from the site

Turf

- Supplier: Obtain turf from a specialist grower of cultivated turf
- Quality: Provide turf of even thickness, free from weeds and other foreign matter

Fertiliser

- General: Provide proprietary fertilisers, delivered to the site in sealed bags marked to show manufacturer or vendor, weight, fertiliser type, N:P:K ratio, recommended uses and application rates

Plants

- Health: Supply plants with foliage size, texture and colour at time of delivery consistent with the size, texture and colour shown in healthy specimens of the nominated species
- Vigour: Supply plants with extension growth consistent with that exhibited in vigorous specimens of the species nominated
- Damage: Supply plants free from damage and from restricted habit due to growth in nursery rows
- Pests and disease: Supply plants with foliage free from pest attack or disease
- Substitutes: Plant substitution (species or quantities) is not acceptable unless approved by Myles Baldwin Design.

3.0 EXECUTION

3.1 SITE PREPARATION

Weed eradication

- Herbicide: Eradicate weeds with a non-residual glyphosate herbicide in any of its registered formulae, at the recommended maximum rate
- Earth mounds
- Placing: Place clean filling in layers approximately 150 mm thick compacted to 85% of the dry density ratio of the surrounding soil as determined by AS 1289.5.4.1. Minimise slumping and further internal packing down

Edges

- Construct changes in grade over a minimum width of 500 mm to smooth, gradual and rounded profiles with no distinct joint

Existing trees

- Tree protection zones (TPZ) shall be established around all trees to be retained and in accordance of AS 4970. The area within the fence shall be mulched and maintained at 75mm depth
- No excavation, construction activity, grade changes, storage of materials, stock piling, siting of sheds, preparation of mixes or cleaning of falls is permitted within the TPZ

Planting beds

- Excavated: Excavate to bring the subsoil to at least 300 mm below finished design levels. Shape the subsoil to fall to subsoil drains where applicable. Break up the subs to a further depth of 100 mm
- Unexcavated: Remove weeds, roots, building rubble and other debris. Bring the planting bed to 75 mm below finished design levels
- Services and roots: Do not disturb services or tree roots; if necessary, cultivate these areas by hand

Placing topsoil

- General: Spread the topsoil on the prepared subsoil and grade evenly, making the necessary allowances to permit the following:
- Required finished levels and contours may be achieved after light compaction
- Grassed areas may be finished flush with adjacent hard surfaces such as kerbs, paths and mowing strips

Topsoil depths

- General: Spread topsoil to the following typical depths:
- Excavated planting areas: If using organic soil, 300 mm. Refer to typical soil profile detail
- Irrigated grassed areas generally: 150 mm
- Irrigated grassed areas, heavy use (e.g. playing fields, playgrounds, and public parks): 200 mm

Sediment and Erosion Control

- Sediment and erosion control measures are required during the construction of all developments and building works. It shall be the contractor's responsibility that works are carried out in accordance with a sediment and erosion control plan and council/approving authority's requirements.

3.2 TURFING

General

- Supply: Deliver the turf within 24 hours of cutting, and lay it within 36 hours of cutting. Prevent the turf from drying out between cutting and laying. If it is not laid within 36 hours of cutting, roll it out on a flat surface with the grass up, and water as necessary to maintain a good condition
- Laying: Lay the turf in the following manner:
- In stretcher pattern with the joints staggered and close butted
- Parallel with the long sides of level areas, and with contours on slopes
- To finish flush, after tamping, with adjacent finished surfaces of ground, paving edging, or grass seeded areas
- Tamping: Lightly tamp to an even surface immediately after laying. Do not use a roller
- Fertilising: Mix the fertiliser thoroughly into the topsoil before placing the turf. Apply lawn fertiliser at the completion of the first and last mowings, and at other times as required to maintain healthy grass cover
- Watering: Water immediately after laying until the topsoil is moistened to its full depth. Continue watering to maintain moisture to this depth
- Levels: Where levels have deviated from the design levels after placing and watering, lift turf and re-grade topsoil to achieve design levels

3.3 PLANTING

General

- Individual plantings in grassed areas: Excavate a hole twice the diameter of the root ball and at least 100 mm deeper than the root ball. Break up the base of the hole to a further depth of 100 mm, and loosen compacted sides of the hole to prevent confinement of root growth
- Watering: Thoroughly water the plants before planting, immediately after planting, and as required to maintain growth rates free of stress
- Placing: Remove the plant from the container with minimum disturbance to the root ball, ensure that the root ball is moist and place it in its final position, in the center of the hole and plumb, and with the top soil level of the plant root ball level with the finished surface of the surrounding soil
- Fertilising plants: In planting beds and individual plantings, place fertiliser pellets around the plants at the time of planting
- Backfilling: Backfill with topsoil mixture. Lightly tamp and water to eliminate air pockets

3.4 TREES

General

- All trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturalist

Clay Soils

- The base of each tree pit within clay soils shall be laid with 100mm deep scoria. A 90mm ag line ring shall sit within the scoria and drain directly to a suitable location. Lay geo-textile fabric evenly above the scoria, prior to tree placement and backfilling with 80/20 mineral soil

3.5 MULCHING

Placing mulch

- General: Place mulch to the required depth, clear of plant stems, and rake to an even surface flush with the surrounding finished levels. Spread and roll mulch so that after settling, or after rolling, it is smooth and evenly graded between design surface levels sloped towards the base of plant stems in plantation beds, and not closer to the stem than 50 mm in the case of gravel mulches.
- Garden beds: Greenlife Mulch and Compost
- Tree mulch ring: Mushroom compost
- Depths: Spread organic mulch to a depth of 75 mm, and gravel mulch to a depth of 50 mm

3.6 STAKES AND TIES

Stakes

- Material: Hardwood, straight, free from knots or twists, pointed at one end
- Installation: Drive stakes into the ground at least one third of their length, avoiding damage to the root system

Ties

- General: Provide 50 mm hessian webbing ties fixed securely to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant

3.7 WATERING

Establishment

- Extent: Available soil moisture content of grass areas and garden beds to be monitored on a weekly basis using an approved moisture probe and water applied on a demand basis. Readings should be taken at a depth of 250mm
- All grass areas and garden beds should be maintained within a range of 50-80% available soil moisture. Under no circumstance should areas under irrigation fall below a level of 30% available soil moisture
- No visible signs of wilting of leaves or stems, with all plants fully turgid at all times.
- No sign of over-watering such as constantly wet soil, brown leaf margins, stem rot or brown spots on foliage

3.8 LANDSCAPE SUBSOIL DRAINAGE

General

- Include subsoil drainage behind retaining walls, along path edges and in mass planting beds, including lawn areas. Maintenance access points shall be every 15m

Materials

- Geotextile fabric: shall consist of a woven or a non-woven type to be manufactured from synthetic materials other than polyamide
- Aggregate: shall be a single size with a nominal dimension of 10-40mm
- Subsoil pipe: shall be 90 mm diameter corrugated flexible slotted PVC pipe in a geofabric sock, or 100mm µPVC if under pavement. All pipes to requirements of AS 1254. Where vehicle loads are encountered, reinforced concrete pipe shall be used only

Construction

- Trenches to be minimum 300mm wide and extend 500mm below the subgrade level or 150mm if into bed rock
- Trenches to be lined with geotextile fabric and backfilled with aggregate. Pipe to be laid 50mm above trench floor
- Prior to backfilling the trench, drainage and connection to stormwater is to be approved by the site manager

3.9 COMPLETION

Cleaning

- Stakes and ties: Remove those no longer required at the end of the planting establishment period
- Temporary fences: Remove temporary protective fences at the end of the planting establishment period

4.0 ESTABLISHMENT & DEFECTS LIABILITY

4.1 ESTABLISHMENT

General

- All landscaping works will have an establishment period of 26 weeks in which the subcontractor will be responsible for the maintenance and upkeep of the contracted scope, unless otherwise noted in the project documentation. If applicable refer to the project manager / builder for confirmation

4.2 DEFECTS LIABILITY PERIOD

General

- All landscaping works will be subject to a defects liability period of 52 weeks, commencing from the date of Practical Completion, unless otherwise noted in the project documentation. If applicable refer to the project manager / builder for confirmation

4.3 FAILED PLANTINGS

General

- Photographic images of plants shall be approved by Myles Baldwin Design prior to procurement of replacement plant and tree stock



MYLES BALDWIN DESIGN

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AMENDMENT		
DATE	BY	DETAIL
A	17.05.24	ISSUE FOR QA
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C	28.05.25	ISSUE FOR QA

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DRAWING:

GENERAL SPECIFICATION



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material sample board

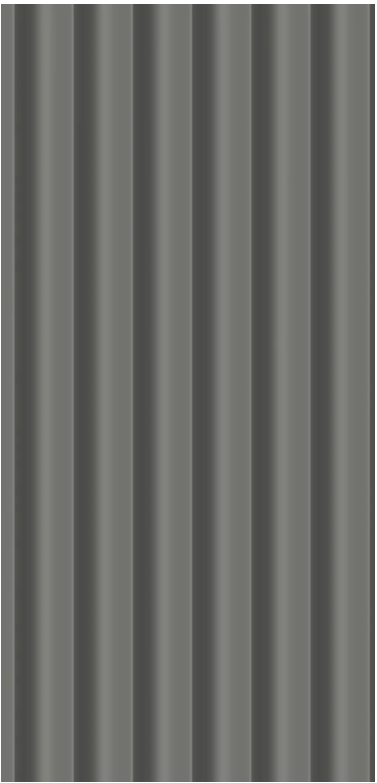
- 1 ST - existing and new sandstone walls, split faced
- 2 W(TM) - timber framed windows to existing building, painted white
- 3 existing slate roof
- 4 MR - colour bond metal roof, woodland grey
- 5 TM - greyed off timber to glass link addition, garage door and bin store
- 6 PAV - sandstone pavers, crazy paving to match existing
- 7 W - charcoal glazing frames to glass link and skylights
- 8 CONC - concrete render to match existing
- 9 MZ - dark blue/black pool mosaic tile/render



1 - ST



3



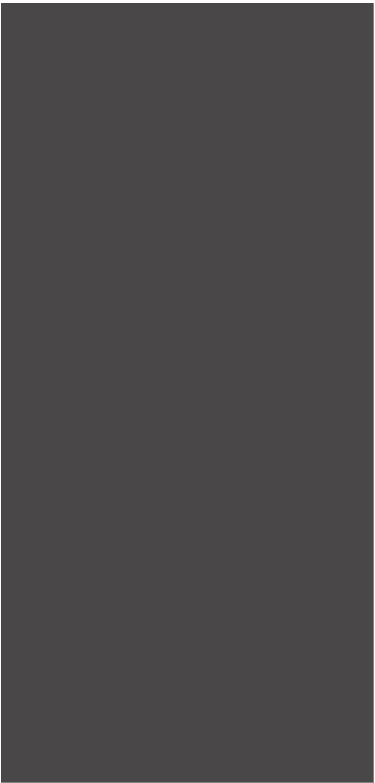
4 - MR



5 - TM



6 - PAV



7 - W



8 - CONC



9 - MZ

APPENDICES

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**APPENDIX A**

Clause 4.6 Variation – ‘Height of Buildings’



APPENDICES

**Clause 4.6 Request to Vary Clause 4.3 of *Ku-ring-gai LEP 2015 – ‘Height of buildings’***

**INTRODUCTION**

This variation request is made in accordance with *Section 35B* of the *Environmental Planning and Assessment Regulation 2021* (the Regulation), and *Clause 4.6* of *Ku-ring-gai Local Environmental Plan 2015*, (the LEP), with respect to a proposed technical breach to Clause 4.3 'Height of buildings'. Sub-clause 4.3(2) states:

(2) *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.*

The map indicates a maximum height of 9.5m.

**PROPOSED HEIGHT**

As shown below on the extract from the proposed section drawing, prepared by Smart Design Studio, the proposed new link building and roof comfortably satisfy the height standard having a height of ~7.2m.

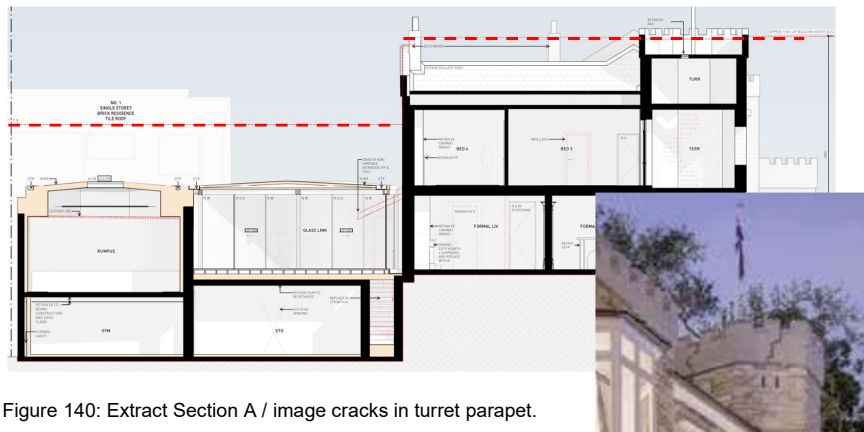


Figure 140: Extract Section A / image cracks in turret parapet.

The proposed development also includes heritage conservation works to the external parts of the existing building, including the repair of cracks in the turret as shown above. The cracks extend to the lower part of the top of the turret parapet which is sits above the 9.5m height plane by approximately 200mm. These works constitute development and a Clause 4.6 variation request is provided to address this technical breach.

**CLAUSE 4.6 VARIATION REQUEST – HEIGHT**

To address the breaches to Clause 4.3 of the LEP, we offer the following variation request, in accordance with Clause 4.6 of the LEP and Section 35B of the Regulation.

The following decisions of the NSW Land and Environment Court have been referred to in the drafting of this request:

- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009;
- *Wehbe v Pittwater Council* [2007] NSW LEC 827;

APPENDICES

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- *Moskovich v Waverley Council [2016] NSWLEC 1015; and*
- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118.*

These decisions were handed down prior to the changes to Clause 4.6 in 2023, and the introduction of Section 35B to the Regulation. In light of the similar objectives and language of the amended version of Clause 4.6, the past case law is still considered to be relevant.

Clause 4.6 of the LEP states:

***“4.6 Exceptions to development standards***

- 1) *The objectives of this clause are as follows—*
  - a. *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - b. *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- 2) *Development 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 operation of this clause.*
- 3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
  - a. *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
  - b. *there are sufficient environmental planning grounds to justify the contravention of the development standard.”*

**Is the requirement a development standard?**

A “development standard” is defined at Section 4 of the Act as:

***“development standards*** means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

- (a) *the area, shape or frontage of any land, **the dimensions of any land, buildings or works**, or the distance of any land, building or work from any specified point,...*
- (c) *the character, location, siting, bulk, scale, shape, size, **height**, density, design or external appearance of a building or work,”*

***[emphasis added]***

Clause 4.3 of the LEP is considered to be a “development standard”, is not expressly excluded, and may be varied under Clause 4.6 of the LEP.

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APPENDICES

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The variation request must address two key threshold considerations, being:

1. *"Whether compliance with the development standard is **unreasonable or unnecessary** in the circumstances of the case; and*
2. *Whether there are **sufficient environmental planning grounds** to justify contravening the development standard.*  
**[emphasis added]**

*Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?*

As to whether or not compliance with the standard is "*unreasonable and unnecessary*", in *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009*, the consideration provided in *NSWLEC Wehbe v Pittwater 2007* (with previously applied to SEPP 1 and earlier versions of Clause 4.6) is still of relevance and is assistance with the consideration of this question under Clause 4.6.

'Wehbe' sets out five means or progressing an argument as to why compliance is "*unreasonable and unnecessary*" as follows:

- a) the objectives of the standard are achieved notwithstanding non-compliance with the standard;
- b) the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- c) the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- d) the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
- e) the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

We submit that it is unreasonable and unnecessary to strictly comply with Clause 4.3 of the LEP for reasons related to (a) above, in terms of the consistency of the proposed development with the objectives of the development standard.

'Wehbe' (a) *The objectives of the standard are achieved notwithstanding non-compliance with the standard*

The objectives of the development standard are addressed as follows:

- a) *to ensure that the height of buildings is appropriate for the scale of the different centres within the hierarchy of Ku-ring-gai centres,*

Comment: N/A – the site is not located with a local centre.

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APPENDICES

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- b) to establish a transition in scale between the centres and the adjoining lower density residential and open space zones to protect local amenity,*

Comment: N/A – the site is not located with a local centre.

- c) to enable development with a built form that is compatible with the size of the land to be developed*

Comment: The proposed breach arises through proposed restorative heritage conservation works to the existing building, specifically, to repair cracks in the turret parapet. The proposed works in breach of the standard do not result in any change to the built form of the building nor does it have any relationship to the development capacity of the land.

Compliance with Clause 4.3 of the LEP is considered to be unreasonable or unnecessary in the circumstances of this case since the objectives of the standard are achieved notwithstanding non-compliance with the standard.

***Are there sufficient environmental planning grounds to justify contravening the development standard?***

The proposed variation under Clause 4.6 is considered to be justified on the following environmental planning grounds:

- the proposed works relate to part of the building which already breaches the standard and no additional height is proposed to the non-compliant part;
- the building is heritage listed and the proposed restorative works breaching the height plane are urgency required to repair the large cracks in the turret/parapet.

The HIS states: "The external repairs, especially the stonework, are necessary as some of the fabric is degraded"; and,

- the variation to the height standard will better satisfy the Aims of the LEP at Clause 1.2 in terms of protecting and conserving Ku-ring-gai's indigenous and non-indigenous cultural heritage, and the objectives at Clause 5.10 'Heritage conservation'.

**Conclusion**

Strict compliance with Clause 4.3 of the LEP is considered to be unreasonable and unnecessary and there are satisfactory environmental planning grounds to warrant a variation to the height standard in the circumstances of this case.

Subject to the mechanisms of Clause 4.6, the proposed development satisfactorily addresses Clause 4.3 of the LEP, and consent may be granted.

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## EVOLUTION PLANNING

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17 February  
2025

Ku-Ring-Gai Council  
818 Pacific Highway,  
Gordon NSW 2072.

Att: Mr. Stuart Wilson, Executive Assessment Officer

Dear Stuart,

**RE: DA438/25 - 3 Glenview Street, Gordon – Response to RFI – Clause 4.6 Variation - FSR**

### INTRODUCTION

This variation request is made in accordance with *Section 35B* of the *Environmental Planning and Assessment Regulation 2021* (the Regulation), and *Clause 4.6* of *Ku-ring-gai Local Environmental Plan 2015*, (the LEP), with respect to a proposed technical breach to *Clause 4.4* 'FSR'.

Sub-clause 4.4(2) states:

*(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

The map indicates a maximum FSR of 0.3:1.

Subclause (2A) states:

*"Despite subclause (2), the floor space ratio for a building on land in Zone R2 Low Density Residential where the site area is within a specified range in Column 1 of the table to this subclause must not exceed the ratio specified opposite in Column 2 of the table.*

<b>Column 1</b>	<b>Column 2</b>
<i>More than 1,700 square metres</i>	<i>0.3:1</i>
<i>More than 1,000 square metres but not more than 1,700 square metres</i>	<i><math>((170 + (0.2 \times \text{site area})) / \text{site area}):1</math></i>
<i>More than 800 square metres but not more than 1,000 square metres</i>	<i><math>((120 + (0.25 \times \text{site area})) / \text{site area}):1</math></i>
<i>800 square metres or less</i>	<i>0.4:1"</i>



#### PROPOSED FSR

The site has an area of 1,295.0sq.m and in accordance with Clause 4.4(2A), the maximum FSR for a building on the site is calculated as follows:

$$((170 + (0.20 \times \text{site area})) / \text{site area}):1$$

$$((170 + (0.2 \times 1,295.0)) / 1,295.0$$

$$\text{Max. FSR} = 0.33:1$$

$$\text{Max GFA} = 429\text{sq.m}$$

Proposed FSR: 0.385:1.

Proposed GFA: 498sq.m.

The existing building has an FSR of 0.37:1 and it is proposed to increase the GFA by 18sq.m to an FSR of **0.385:1**. This equates to a variation to the standard of 69sq.m, (16.1%), (including the pre-existing non-compliance).

The overall increase in GFA amounts to 18sq.m. The area of the new link building is approximately 120sq.m. To clarify, this apparent disjunct is due to the proposed adaptive reuse of the basement area, where an area used now as a gym (included as GFA) is proposed to be used as storage (partly excluded as GFA). The gym is to be re-located, separating it from the car parking.

The location of the excess GFA of 69sq.m above the standard cannot be determined precisely, since the part of the proposal involving an addition to the building, (the proposed link wing), has an area of approximately 120sq.m. For the purpose of this variation request, it may be assumed that the GFA in excess of the development standard is located within, and makes up approximately half of the GFA within the new link wing, being the added part to the building.

Refer to the Amended Architectural Drawings, (including the Schedule of Areas), prepared by Smart Design Studio. The schedule has been prepared in accordance with the definitions for “*gross floor area*” and “*basement*” at Clause 1.4 of the LEP, and the further limitation on excluding car parking under the DCP.

#### CLAUSE 4.6 VARIATION REQUEST – FSR

To address the breaches to Clause 4.3 of the LEP, we offer the following variation request, in accordance with Clause 4.6 of the LEP and Section 35B of the Regulation.

The following decisions of the NSW Land and Environment Court have been referred to in the drafting of this request:

- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009;
- *Wehbe v Pittwater Council* [2007] NSW LEC 827;
- *Moskovich v Waverley Council* [2016] NSWLEC 1015; and
- *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.



These decisions were handed down prior to the changes to Clause 4.6 in 2023, and the introduction of Section 35B to the Regulation. In light of the similar objectives and language of the amended version of Clause 4.6, the past case law is still considered to be relevant.

Clause 4.6 of the LEP states:

***“4.6 Exceptions to development standards***

- 1) *The objectives of this clause are as follows—*
  - a. *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - b. *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- 2) *Development 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 operation of this clause.*
- 3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
  - a. *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
  - b. *there are sufficient environmental planning grounds to justify the contravention of the development standard.”*

**Is the requirement a development standard?**

A “development standard” is defined at Section 4 of the Act as:

*“development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:*

- “... (4)(a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,*
- (b) the proportion or percentage of the area of a site which a building or work may occupy...*
- (e) the intensity or density of the use of any land, building or work.”*

***[emphasis added]***



Clause 4.3 of the LEP is considered to be a “*development standard*”, is not expressly excluded, and may be varied under Clause 4.6 of the LEP.

The variation request must address two key threshold considerations, being:

1. “Whether compliance with the development standard is **unreasonable or unnecessary** in the circumstances of the case; and
2. Whether there are **sufficient environmental planning grounds** to justify contravening the development standard.  
**[emphasis added]**

*Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?*

As to whether or not compliance with the standard is “*unreasonable and unnecessary*”, in *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009*, the consideration provided in *NSWLEC Wehbe v Pittwater 2007* (with previously applied to SEPP 1 and earlier versions of Clause 4.6) is still of relevance and is assistance with the consideration of this question under Clause 4.6.

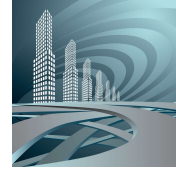
‘*Wehbe*’ sets out five means or progressing an argument as to why compliance is “*unreasonable and unnecessary*” as follows:

- a) the objectives of the standard are achieved notwithstanding non-compliance with the standard;
- b) the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- c) the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- d) the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
- e) the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

We submit that it is unreasonable and unnecessary to strictly comply with Clause 4.4 of the LEP for reasons related to (a) above, in terms of the consistency of the proposed development with the objectives of the development standard.

‘*Wehbe*’ (a) *The objectives of the standard are achieved notwithstanding non-compliance with the standard*

The objectives of the development standard are addressed as follows:



- a) *to enable development with a built form and density that is compatible with the size of the land to be developed, its environmental constraints and its contextual relationship,*

Comment: The proposed development is entirely compatible with the context on the site and its visual setting, with respect to massing and density, for the following reasons:

- the submissive scale of the addition in relation to the existing building and neighbouring structures;
- the use of materials which are sympathetic to the existing dwelling and the visual context of the site;
- whilst visible from limited locations, from both Glenview Street and Rosedale Road, the proposed addition will not result in any adverse visual impacts given the use of a mid-grey roofing material, contextually appropriate to the existing slate material, integrating the additions into the rest of the building, and since the views available to the addition from the public domain are downwards, thereby not introducing significant massing related impacts;
- the addition is located within the existing building footprint;
- the proposed FSR is considered to be compatible with the anticipated density of the site;
- elements of GFA are excavated into the site limiting the perceived massing.





Figure 1: Southern elevated perspective of proposed development.

*b) to provide for floor space ratios compatible with a range of uses,*

**Comment:** The proposed FSR, albeit in breach of the standard, is considered to be compatible with the particular circumstances of this residential development for the following reasons:

- The unusual design and heritage listing of the building;
- The pre-existing breach introduced by earlier improvements;
- The inefficient use of available FSR during past improvements. The existing western annexe building, originally constructed as a squash court in 1981, had the effect of accumulating and ultimately breaching the GFA available with poor utility and amenity floor space.
- It is not an unreasonable expectation for the occupants, within reason, to enjoy contemporary living amenity standards.

The degree of intervention to the original fabric, to achieve good amenity levels, would not be feasible from a heritage conservation perspective. Similarly, the annexe building cannot be adaptively reused to create a high-quality living space since it is largely below ground level and is southerly orientated. Refer to further discussion below ‘*Sufficient Environmental Planning Grounds*’.



The proposed variation allows for a new structure providing living space to better align the dwelling with modern living standards, and to satisfy the DCP with respect to solar access and natural ventilation.

- c) *to ensure that development density is appropriate for the scale of the different centres within Ku-ring-gai,*

Comment: N/A – the site is not located with a local centre.

- d) *to ensure that development density provides a balanced mix of uses in buildings in the employment and mixed use zones*

Comment: N/A – the site is not located in an employment of mixed use zone.

Compliance with Clause 4.4 of the LEP is considered to be unreasonable or unnecessary in the circumstances of this case since the objectives of the standard are achieved notwithstanding non-compliance with the standard.

***Are there sufficient environmental planning grounds to justify contravening the development standard?***

The proposed variation under Clause 4.6 is considered to be justified on the following environmental planning grounds:

**1. Improvements to Amenity and Design Rationale**

It is not unreasonable for the owners to improve the internal amenity levels within the dwelling, given existing deficiencies in this respect, as expanded upon below.

Due to the heritage significance of the external stone walls and inability to alter the dimensions of existing window openings, the ability to improve internal amenity levels at the ground floor of the original part of the building is significantly curtailed.

Instead, the proposal involves a new wing, which includes the additional GFA and is therefore directly linked to this variation request. The new wing creates a new habitable room with good levels of amenity for the residents.

The approach involving the proposed new link wing and retention of the annexe:

- Makes the most effective and efficient use of existing buildings with only a very minor increase to existing GFA of 18sq.m;
- Minimises intervention into the existing building fabric by limiting its interface with the original part of the dwelling and by the substantive retention of the annexe building.

**Existing Amenity**

The ground floor of the dwelling comprises the main living room, a kitchen, and later added dining room. The living room is south facing and limited-no direct solar access is available to the remainder



of the space due to the narrow window dimensions and existing mature vegetation. Refer to the extract from the existing ground floor plan below.

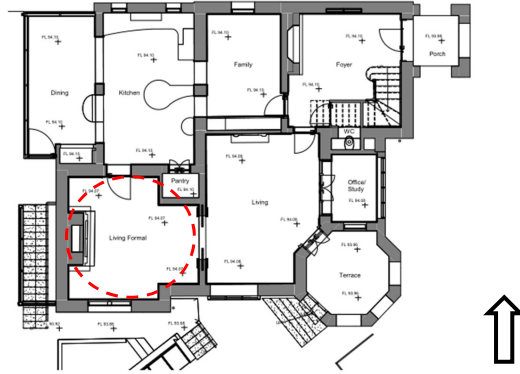


Figure 2: Extract existing ground floor plan.

The DCP requires 4 hours solar access to north facing living areas, the existing principal living area and other secondary living spaces receive little, if any, direct solar access. The existing building cannot be altered to the degree necessary to improve solar access and the approach of creating the link building evolved.

The existing living areas do not benefit from good levels of natural ventilation. The ground floor plan is divided into small rooms, with few windows of narrow dimensions, and is entirely inconsistent with Controls at Part 4C.6 of the DCP related to natural ventilation. Figure 3 below shows the front of the building in relation to the adjacent existing and proposed ground condition. The ground level sits below the front garden level, diminishing natural light and ventilation.

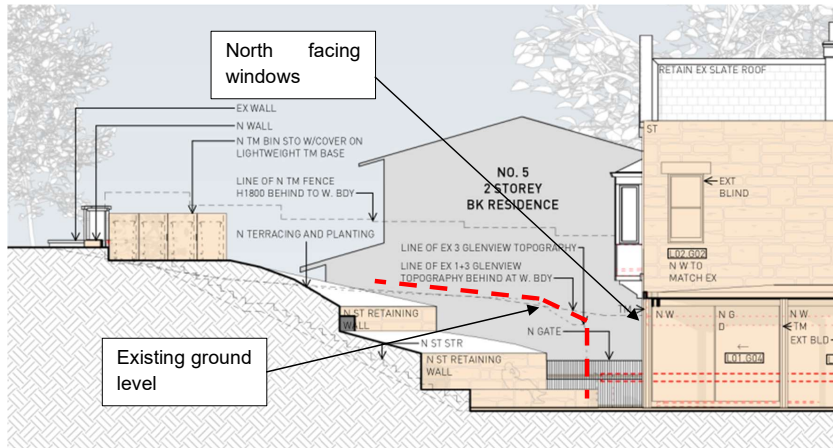
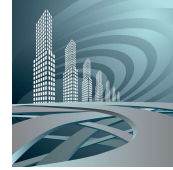


Figure 3: Extract proposed west elevation

Due to the orientation of the annexe building, and its relationship with ground level, it is not conducive to good levels of residential amenity.

To provide a new living space for the residents which is commensurate with current living standards, a new link building is proposed, (which contains the GFA in excess of the development standard).

On balance, such an approach is considered to be the most appropriate design response to accomplish improved internal levels of amenity for the residents and to protect the heritage fabric of the building.

Alternatives to comply with the FSR standard would involve at least the partial demolition and/or the re-use of the annexe building to include more areas of inefficient excluded GFA. The annexe building has an important function, in particular the means how it links the basement and the original part of the building, but as previously identified, is non-conductive to good amenity levels, even with substantive intervention.

The decision to create the new wing (and retain the annexe) involves relatively minor intervention to the existing building; makes the most efficient use of the existing buildings; and, protects the heritage significance of the building.

## **2. Lack of impacts associated with additional GFA**

The link building, which accommodates the GFA in breach of the standard, does not introduce any adverse impacts usually associated with excessive floor space such as unacceptable bulk or massing or other visual related impacts on the public domain or when viewed from neighbouring properties.

No significant adverse overshadowing or privacy related impacts on surrounding properties are anticipated as a result of the addition to the building.



The room comprising the GFA in excess of the standard has no direct sightlines to the ground floor on 3A Glenview Street to the south. The sightline available to the upper-level windows at 3A Glenview Street is in excess of 20m and the windows at this level in the neighbouring building are either frosted or coated with a reflective film and service non-habitable or secondary rooms.

The architectural drawings, prepared by Smart Design Studio, include re-modelled shadow diagrams in plan and sun view format. As shown below in the extract from the 11am mid-winter sun view model, the building addition, at worst, overshadows a small corner of a north facing window. A similar impact occurs (to an even lesser degree) to a different window at 10am, mid-winter.

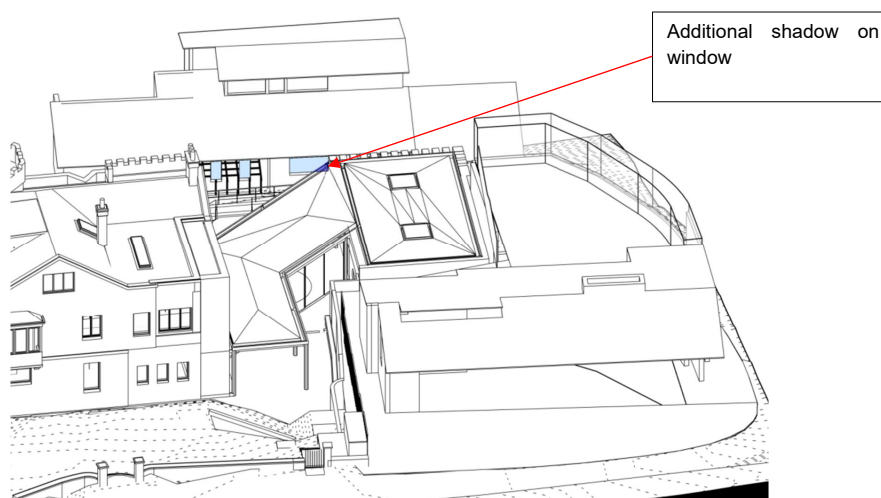


Figure 4: Sun-eye view 11am mid-winter

Source: Smart Design Studio

The degree of overshadowing is considered to be minor-negligible and will not give rise to any significant or unacceptable amenity related impacts.

The proposed addition sits within the existing building footprint. The proposed breach to the standard does not result in a reduction to landscaped area nor an increase to 'Built Upon Area'.

### Conclusion

Strict compliance with Clause 4.4 of the LEP is considered to be unreasonable and unnecessary and there are satisfactory environmental planning grounds to warrant a variation to the FSR standard, in the particular circumstances of this case.

Subject to the mechanisms of Clause 4.6, the proposed development satisfactorily addresses Clause 4.4 of the LEP, and consent may be granted.



Please contact the undersigned, or the project architect, Smart Design Studio, should you wish to discuss these matters further.

Yours sincerely,

Tony Robb  
BA (Hons) UPS, Grad.Dip.TP (Westminster)RPIA  
Principal.

