KU-RING-GAI LOCAL PLANNING PANEL MEETING
TO BE HELD ON MONDAY, 21 JULY 2025 AT 10:30 AM
BY ZOOM CONFERENCING

Items GB.1, GB.2, GB.3 and GB.4 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). These items will be determined and published on Council's website after 48 hours of the closing of the determination meeting.

AGENDA

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

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

APOLOGIES

DECLARATIONS OF INTEREST

GENERAL BUSINESS

GB.1 **Planning Proposal - Dual Occupancy Floor Space Ratio (FSR) standard** **5**

File: S14848

To have the Ku-ring-gai Local Planning Panel consider a Planning Proposal amending the *Ku-ring-gai Local Environmental Plan 2015* to apply a Floor Space Ratio (FSR) to dual occupancy development.

Recommendation:

That the Ku-ring-gai Local Planning Panel advise Council to progress the Planning Proposal to the Department of Planning, Housing and Infrastructure for a Gateway Determination that will enable its exhibition and public consultation.

GB.2 **8A, 14 and 16 Buckingham Road Killara - Demolition of existing structures and construction of a residential flat development comprising three buildings with 34 units, basement car parking, lot amalgamation and associated works** **83**

File: EDA0020/25

Demolition of existing structures and construction of a residential flat development comprising three buildings with 34 units, basement car parking, lot amalgamation and associated works

RECOMMENDATION

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, refuse development consent to No eDA0020/25 for demolition of existing structures and construction of a residential flat development comprising of three buildings with 34 units, basement car parking, lot amalgamation and associated works at 8A, 14 and 16 Buckingham Road, Killara, for the reasons provided in the Development Assessment Report **(Attachment A1)**.

GB.3 2A, 2B and 4 Shinfield Avenue St Ives - Demolition of existing structures and construction of a residential flat building including 18 units, basement parking and associated works. 267

File: EDA0028/25

Demolition of existing structures and construction of a residential flat building including 18 units, basement parking and associated works.

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 the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979, is not satisfied that the request submitted under Clause 4.6 to vary the building height and floor space ratio development standards has met the requirements of Clause 4.6(3).

The Panel is also of the opinion that strict compliance with the development standards is not unreasonable or unnecessary in the circumstances of the case and that there are not sufficient environmental planning grounds to justify the variation to the development standards.

B. 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 eDA0028/25 for demolition of existing structures and construction of a residential flat building including 18 units, basement parking and associated works on land at 2A, 2B and 4 Shinfield Avenue, St Ives for the reasons provided in the Development Assessment Report (**Attachment A1)**.

GB.4 44 Shirley Road, Roseville - Significant Alterations and additions to existing dwelling house, construction of a swimming pool and associated works 455

File: EDA0123/25

Significant alterations and additions to existing dwelling house, construction of a swimming pool and associated works

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, is not satisfied that the request submitted under Clause 4.6 to vary the height of building development standard has met the requirements of Clause 4.6(3). The Panel is also of the opinion that strict compliance with the development standard is not unreasonable or unnecessary in the circumstances of the case and that there are not sufficient environmental planning grounds to justify the variation to the development standard; and

B. 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 eDA0123/25 for significant alterations and additions to existing dwelling house, construction of swimming pool and associated works on land at 44 Shirley Road, Roseville, for the reasons provided in the Development Assessment Report (**Attachment A1**).

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

PLANNING PROPOSAL - DUAL OCCUPANCY FLOOR SPACE RATIO (FSR) STANDARD

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To have the Ku-ring-gai Local Planning Panel consider a Planning Proposal amending the *Ku-ring-gai Local Environmental Plan 2015* to apply a Floor Space Ratio (FSR) to dual occupancy development.
BACKGROUND:	In July 2024 the NSW Government permitted dual occupancy on R2 Low Density Residential land within Ku-ring-gai, except for land with bushfire risk, heritage items, or within a Transport Oriented Development area. The NSW Government temporarily suspended the complying development pathway for dual occupancies to allow Council to nominate a minimum lot size able to deliver dual occupancies that would assimilate into the established area. On 18 March 2025, following public consultation, Council nominated a 1015 sqm minimum lot size. The formal gazettal of Council's minimum lot size by the NSW government is imminent. With the adoption of the 1015 sqm minimum lot size, staff have been able to investigate standards for dual occupancy within Ku-ring-gai, including the Floor Space Ratio.
COMMENTS:	This Planning Proposal is the only mechanism for Council to amend the *Ku-ring-gai Local Environmental Plan 2015* to insert a Floor Space Ratio (FSR) for dual occupancy development. The Planning Proposal is consistent with State and local planning instruments and has strategic and site specific merit. The proposed 0.5:1 FSR standard for 1015 sqm lots (and the associated sliding scale for larger lots) will apply to all development applications across Ku-ring-gai, except those that choose to use the *SEPP (Housing) 2021* standards that apply to land within the Local Housing Areas. The inclusion of an FSR standard in the KLEP 2015 will give the community clarity on the acceptable development standards for this typology and assist in improved delivery of dual occupancies.
RECOMMENDATION: (Refer to the full Recommendation at the end of this report)	That the Ku-ring-gai Local Planning Panel advise Council to progress the Planning Proposal to the Department of Planning, Housing and Infrastructure for a Gateway Determination that will enable its exhibition and public consultation.

PURPOSE OF REPORT

To have the Ku-ring-gai Local Planning Panel consider a Planning Proposal amending the *Ku-ring-gai Local Environmental Plan 2015* to apply a Floor Space Ratio (FSR) to dual occupancy development.

BACKGROUND

Dual Occupancies in Ku-ring-gai

Ku-ring-gai Council's planning controls have historically restricted dual occupancy development. This was due to concerns regarding small lot subdivision patterns and their inability to support deep soil and tree provision, impacting on the established character of built form in garden settings, including canopy trees, across the local government area and within heritage conservation areas.

Currently, dual occupancy within Ku-ring-gai is limited to a number of specified sites that are over 1200 sqm in area (with each dual occupancy dwelling having a minimum site area of 550 sqm). The sites are also generally corner lots that enable easy access and suitable distances between driveways for street tree planting. These sites are listed in the *Ku-ring-gai Local Environmental Plan 2015 - Schedule 1 Additional Permitted Uses*.

Housing Reforms

In July 2024 the NSW Government permitted dual occupancy housing across all land zoned R2 Low Density Residential within Ku-ring-gai, except for land with bushfire risk, heritage items, or within a Transport Oriented Development area, as illustrated at Figure 1.

The NSW Government temporarily suspended the complying development pathway for dual occupancies to allow Council to nominate a minimum lot size, able to deliver dual occupancies that would assimilate into the established area.

On 18 March 2025, following public consultation, Council nominated a 1015 sqm minimum lot size with the following resolution:

A. *That Council endorse a minimum lot size of 1015 sqm for dual occupancy development within the Ku-ring-gai local government area R2 (Low Density Residential) zones, excluding bushfire prone land, heritage items and land within a TOD area, and forward it to the Department of Planning, Housing and Infrastructure for finalisation as indicated in this report.*

B. *That Council prepare planning controls and development standards based on the 1015 sqm minimum lot size, for inclusion into the Ku-ring-gai Local Environmental Plan 2015 and the Ku-ring-gai Development Control Plan, and report these back to Council.*

C. *That the Director Strategy and Environment be given delegation to correct errors and improve clarification, provided it does not alter the direction of the minimum lot size and minimum lot width.*

This Planning Proposal seeks to meet the obligations of resolution B. It puts forward a Floor Space Ratio (FSR) standard for dual occupancy development. Also in accordance with this resolution, Council staff are separately investigating Development Control Plan standards for dual occupancies.

The Department of Planning, Housing and Infrastructure (DPHI) are expected to amend the KLEP 2015 in July-September and apply the 1015 sqm minimum lot size to dual occupancy development. The Department has advised that they will also include a minimum subdivision lot size of half the minimum lot size for each dual occupancy dwelling. Commencement of these standards is imminent.

Dual Occupancy Standards for Ku-ring-gai

At present, under the housing reforms, dual occupancy can be developed on any lot size via a development application; however, determination of these applications rely on merit assessment based on the prevailing development standards of the land. The prevailing standards are those applying to R2 Low Density Residential dwellings (single detached housing) which have a general 0.3-0.4:1 FSR and associated standards for that typology. Transposing those standards to dual occupancy applications is challenging and cannot be applied consistently; therefore, it is important to develop standards able to deliver dual occupancy across Ku-ring-gai in a considered manner that respects the dominant values of the area.

This Planning Proposal seeks to include an FSR standard for dual occupancy. The establishment of a FSR will enable improved assessment plus the preparation of further controls for the *Ku-ring-gai Development Control Plan* specific to dual occupancy development.

Once DPHI gazette Council's 1015 sqm minimum lot size and apply their minimum subdivision size, dual occupancies may be developed in Ku-ring-gai via the following pathways:

- Complying Development under the *SEPP (Exempt and Complying Development Codes) 2008:*

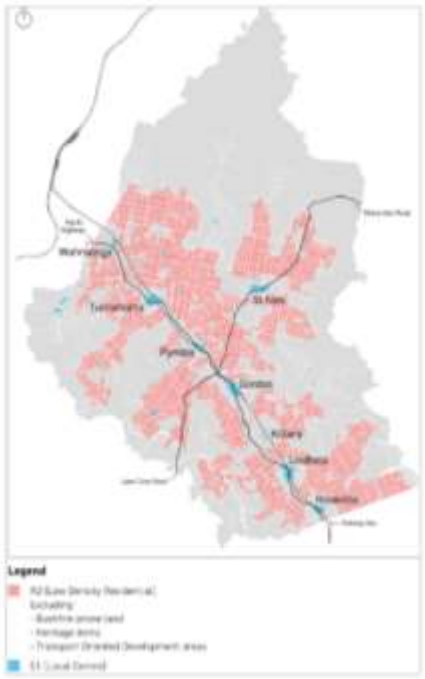
  - minimum lot size - 1015 sqm,
  - a GFA calculator based on lot size amounting to a floor space ratio range of 0.4-5.4:1,
  - other associated standards under the SEPP.

- Development Application under the *Ku-ring-gai Local Environmental Plan 2015*:

  - minimum lot size - 1015 sqm,
  - floor space ratio (FSR) - as the KLEP 2015 has no FSR applicable to dual occupancy development, any proposal would have to defer to the prevailing R2 Low Density Residential FSR, generally 0.3-0.4:1, and rely on a merit assessment,
  - since Council's Development Control Plan has limited controls for dual occupancy development applying to those properties listed under Schedule 1 of the KLEP 2015, the determination of any dual occupancy application would again rely on a merit assessment.

  Note: Development Applications within the NSW Government designated Local Housing Areas (LHA) have the option to be considered under the *SEPP (Housing) 2021* standards. The SEPP enables a minimum lot size of 450 sqm, floor space ratio of

0.65:1 and other associated standards under the SEPP. See Figure 1 for illustration of the NSW government Local Housing Areas.



Local Centre	Local Housing Areas - locations for dual occupancy
Roseville	400-800m from the station (excludes TOD SEPP areas)
Killara	400-800m from the station (excludes TOD SEPP areas)
Lindfield	From edge of E1 zone to 800m (excludes TOD SEPP areas)
Gordon	From edge of E1 zone to 800m (excludes TOD SEPP areas)
Turramurra	From edge of E1 zone to 800m
Pymble	0-800m from the station
Wahroonga	0-800m from the station
St Ives	From edge of E1 zone to 800m

Note:
For the purpose of this Study, Warrawee is excluded as there is no E1 (Local Centre) zoning at this location



FIGURE 1 -Areas where dual occupancy is permitted (left)
-Local Housing Areas (above)

Given the KLEP 2015 has no designated FSR standard for the dual occupancy under the housing reforms, this planning proposal seeks to amend the KLEP 2015 and insert this standard thereby providing more realistic and appropriate standards that facilitate delivery and that enable a consistency of determination.

Benefits of an applicable FSR

FSR is one of the key determinants of the character of built form. The dual occupancy FSR standard will influence the assimilation of this typology into Ku-ring-gai's low-density areas, characterised by single dwellings within high quality garden settings including tall canopy trees. Whilst it is understood that this typology will alter the fabric of the local government area as the NSW government has limited Council's ability to set a larger minimum lot size, the FSR seeks to ensure the provision of deep soil, trees and landscaping elements that will go some way towards reflecting the character of built form within a garden setting.

Adoption of the proposed FSR standard will enable the formulation of objectives and controls to insert into Council's *Development Control Plan*. These will assist in delivery of a typology that continues to support Ku-ring-gai's local character.

The process for a planning proposal can take 6-12 months. During this time Council's Development Assessment team will continue to undertake merit assessment of FSR and controls for dual occupancy development applications, including on the soon to be gazetted 1015 sqm minimum lot size.

COMMENTS

Determining an appropriate FSR for dual occupancy

Council staff have investigated the following to determine an appropriate FSR for dual occupancy development in Ku-ring-gai:

- testing of dual occupancy standards to determine development outcomes and their ability to assimilate into the prevailing character of the R2 Low Density Residential lands where they are located;
- comparative analysis of dual occupancy standards proposed via the complying development pathway and likely impacts on the Ku-ring-gai character;
- research into standards adopted by other local Councils in their LEP and DCP;
- investigation into the benefits of different configurations of dual occupancy that complying development does not offer, such as front/back and above/below;
- understanding the constraints of certain lot configurations, such as corner lots, and the standards they require to enable delivery of this typology.

The investigation, *Dual Occupancy Standards Testing, Ku-ring-gai Council, June 2025*, is provided as an appendix to the planning proposal at Attachment A1.

The Planning Proposal

This Planning Proposal seeks to amend the *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015) to include a base Floor Space Ratio (FSR) of 0.5:1 for dual occupancy development on 1015 sqm lot sizes, with a sliding scale FSR for larger lot sizes consistent with the KLEP 2015 approach for dwelling house FSR provision.

The Planning Proposal's *Dual Occupancy Standards Testing, Ku-ring-gai Council, June 2025* at Attachment A1 discusses the relationship between gross floor area (GFA) and FSR. It explains the need for a sliding scale: automatically allowing larger homes on larger sites would result in larger footprints and greater visual bulk. Moreover, the purpose of dual occupancy development is not to enable the subdivision of large lots that would otherwise not be permitted under the KLEP 2015, but to deliver housing diversity and provide smaller housing typologies that might be more affordable than a standard large detached dwelling. The use of a sliding scale is also adopted in the complying development pathway.

The comparative assessment in the *Dual Occupancy Standards Testing* indicates the Complying Development GFA (amounting to 0.54:1 FSR for a 1015 sqm site) cannot deliver the deep soil, tree planting, setbacks and landscape areas that will enable assimilation into Ku-ring-gai's local character, whereas an FSR of 0.5:1, when paired with potential DCP controls, is generally able to deliver improved outcomes with key elements that go towards defining the area's valued leafy green character.

Application of a lower 0.45:1 FSR was found to enable greater landscape outcomes, it significantly reduces internal floor area compared with that achievable under the CDC. While the DA pathway, when paired with potential DCP controls, can offer greater flexibility in some areas, the reduced yield under 0.45:1 is unlikely to attract developers away from the Complying Development pathway. This limits the potential to deliver better site-specific outcomes, including improved design, landscaping, and tree retention through the DA process.

The proposal also seeks to delete properties listed under the KLEP 2015 Schedule 1 that allow dual occupancy as an Additional Permittee Use and are zoned R2 Low Density Residential. Dual occupancy is now permitted on these sites as a result of the NSW Government's housing reforms. Sites that already have a higher zoning (for example R3 Medium Density Residential) and FSR applied to them will also be deleted from Schedule 1. Only those properties not designated under the housing reforms, for example within land zoned C4 Environmental Living, will be retained within Schedule 1. The Planning Proposal at Attachment A1 includes a list of all properties to be deleted from Schedule 1.

The intended outcome of this planning proposal is to have an FSR standard specifically for dual occupancy development that will override the prevailing R2 Low Density zoning FSR. This will enable delivery of a gross floor area (GFA) more suited to the delivery of the dual occupancy dwelling typology in a consistent manner across Ku-ring-gai.

Strategic and Site Specific Merit

The NSW Government's directions and standards on dual occupancy development were included in their *Explanation of Intended Effects: Changes to create Low and Mid-rise Housing* (EIE) which permitted dual occupancies on all R2 (Low Density Residential) zoned land across the LGA. This report commenced the rollout of the legislated pathways for dual occupancy delivery, via an amending SEPP, which enabled dual occupancy development across Ku-ring-gai. This Planning Proposal remains consistent with the strategic directions of the NSW Government's housing reforms, including the overarching EIE and the related amendments made to the *SEPP (Housing) 2021*.

The Planning Proposal has both strategic and site specific merit. The assignment of an FSR to the dual occupancy typology will enable its efficient and effective delivery within Ku-ring-gai. This is consistent with the strategic principles of both state and local strategic planning instruments which aim to increasing housing delivery and diversity.

The Planning Proposal is consistent with:

- *Greater Sydney Region Plan: A Metropolis of Three Cities (2018)*
- *North District Plan (2018)*
- *Ku-ring-gai Community Strategic Plan 2038 (2018)*
- *Ku-ring-gai's Local Strategic Planning Statement (2020)*
- Applicable State Environmental Planning Policies (SEPPs)
- Applicable Ministerial Directions (s.9.1 directions)

The Planning Proposal, and the proposed FSR, have given consideration to the local area character, the environmental values and the historical fabric of Council's low density residential areas. In addition, the tripartite planning parameters of social, economic and environmental issues have been considered. In preparing the planning proposal, the changing structures of households and the need for housing diversity within Ku-ring-gai, the economic value to the local commercial and industrial sectors within the local government area, and the potential ecological impacts of this typology have been understood.

Timing

Given the gazettal of Council's 1015 sqm minimum lot size is imminent, there is some urgency to have an FSR in place for dual occupancy development. This will:

- enable ease and consistency of assessment within the Department of Planning, Housing and Infrastructure's (DPHI) short assessment timelines;
- clarity and greater certainty to landowners on the standards expected in their applications; and
- provide flexibility in delivery outcomes to those offered through the complying development pathway and the development application pathway for Local Housing Areas.

Due to the urgency, Council will seek delegation to process and finalise this Planning Proposal as part of the Gateway Determination. This will reduce reliance on DPHI timelines and enable Council to deliver this outcome in the most efficient manner.

Development Control Plan standards

This Planning Proposal seeks to include an FSR standard for dual occupancy. The establishment of the FSR will enable the preparation of further controls for the *Ku-ring-gai Development Control Plan* (DCP) specific to dual occupancy development, in accordance with Council's 18 March 2025 resolution.

These controls will be prepared, reported to Council and exhibited with the planning proposal should a Gateway Determination be forthcoming. A concurrent exhibition will enable the DCP amendment to be made at the same time as the KLEP 2015 amendment to include the proposed FSR.

Next steps

The next steps in the progression of the planning proposal are as follows:

1. Report the Planning Proposal to Council and seek endorsement to submit the proposal the Department of Planning, Housing and Infrastructure (DPHI)for a Gateway Determination.
2. Upon receipt of any Gateway Determination, place the FSR Planning Proposal and DCP controls on public exhibition and invite community comment.
3. Undertake consultation with State Agencies as nominated in any Gateway Determination.
4. Assess all submissions and report the findings back to Council.
5. Should the proposal be adopted, finalise the amendment to the KLEP 2015 and submit to DPHI for gazettal.

INTEGRATED PLANNING AND REPORTING

Theme 1 – Community, People and Culture
Theme 3 – Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
C6.1 Housing diversity, adaptability and affordability is increased to support the needs of a changing community	C6.1.1 Councils planning approach to the provision of housing across Ku-ring-gai is responsive and addresses the supply, choice and affordability needs of the community and the changing population	C6.1.1.1 Implement the Ku-ring-gai Housing Strategy to 2036 C6.1.1.3 Identify opportunities to provide a range of housing choices and part of the implementation of the Ku-ring-gai Housing Strategy to 2036.
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	P2.1.1 Land use strategies, plans and processes are in place to effectively manage the impact of new development	P2.1.1.1 Prepare plans and strategies as required by the Local Strategic Planning Statement (LSPS)

GOVERNANCE MATTERS

On 15 December 2023 the NSW Government exhibited the *Explanation of Intended Effect; Changes to create Low and Mid Rise Housing (EIE).* The Department of Planning, Housing and Infrastructure (DPHI) has given some Councils, including Ku-ring-gai, an opportunity to consider an appropriate minimum lot size for dual occupancy dwellings within the R2 (Low Density Residential) zone, excluding land with bushfire risk, heritage items, or within a Transport Oriented Development area.

RISK IMPLICATION STATEMENT

Council's reputation could be at risk if it does not nominate an appropriate floor space ratio for dual occupancies. Without a formal FSR standard staff are not able to investigate and include Development Control Plan standards to guide the delivery of dual occupancy development. Applications will continue to be assessed on merit by Council staff resulting in an inconsistent outcome for the typology across Ku-ring-gai.

FINANCIAL CONSIDERATIONS

The cost of preparing this report is covered by the Urban Planning and Heritage budget.

SOCIAL CONSIDERATIONS

Updated planning provisions for dual occupancy development in Ku-ring-gai will assist in increasing housing supply and diversity to support the needs of the changing community and changing population.

ENVIRONMENTAL CONSIDERATIONS

Council's approach to planning for dual occupancy provisions have taken into account the protection of biodiversity, reducing threat from bushfire, minimising and mitigating heat island effects, maintain the character of buildings within a garden setting that includes tall canopy trees as much as is possible.

COMMUNITY CONSULTATION

Community consultation for this Planning Proposal will be consistent with the requirements of Council's *Community Participation Plan*, the requirements of the Gateway Determination, the requirements of the *Environmental Planning and Assessment Act* and the *Environmental Planning and Assessment Regulation 2000*, the consultation guidelines contained within the and the NSW Department of Planning and Environment's *'Local Environmental Plan Making Guideline''* (August 2023).

In accordance with the documents above, the public exhibition of a planning proposal is generally undertaken through notification on Council's website on the 'Have my say' exhibition page:

- providing a description of the objectives or intended outcomes of the planning proposal;
- indicating the land affected by the Planning Proposal;
- providing details for the receipt of submissions;
- indicating the last date for submissions;
- confirming whether delegation for making the LEP has been issued to Council.

Upon receipt of a Gateway determination enabling the public exhibition of the planning proposal, a Dual Occupancy Development Control Plan will be produced to support the planning proposal.

INTERNAL CONSULTATION

Where relevant, other sections of Council have been consulted in the preparation of this report.

SUMMARY

The NSW Government commenced their rollout of housing reforms during 2024. Enabling dual occupancy development across Ku-ring-gai was one of the first steps in this process. Since then, Council has agreed a minimum lot size of 1015 sqm. The formal gazettal of this lot size by the Department of Planning, Housing and Infrastructure is imminent.

This Planning Proposal is the only mechanism for Council to amend the *Ku-ring-gai Local Environmental Plan 2015* to implement a Floor Space Ratio (FSR) standard for dual occupancy development. It is consistent with State and local strategic planning and has strategic and site specific merit. The proposed 0.5:1 FSR standard for 1015 sqm lots (and the associated sliding scale for larger lots) will apply to all development applications across Ku-ring-gai, except those that choose to adopt the SEPP (Housing) 2021 standards that apply to land within the Local housing Areas.

The setting of a FSR standard for dual occupancy proposals will provide clarity on the development standards, avoid the current ambiguity where the prevailing low density residential FSR of 0.3:1 has to be considered via a merit assessment, generally resulting in a complex and inconsistent assessment pathway. The inclusion of a FSR standard in the KLEP 2015 will give the community clarity on the acceptable development standards for this typology and assist in improved delivery of this typology.

The new FSR standard will enable the preparation of dual occupancy controls to be inserted into Council's Development Control Plan.

RECOMMENDATION:

A. That the Ku-ring-gai Local Planning Panel advise Council that the Planning Proposal has site specific and strategic merit and that it be submitted to the Department of Planning, Housing and Infrastructure for a Gateway Determination that will enable its exhibition and public consultation.

B. That Council seek authority to finalise the planning proposal under delegation.

Rathna Rana
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Manager Urban & Heritage Planning

Andrew Watson
Director Strategy & Environment

Attachments: A1⇩ Planning Proposal - FSR standard for dual occupancy 2025/216823

Ku-ring-gai Council

PLANNING PROPOSAL

- **amending the Ku-ring-gai Local Environmental Plan 2015 to include a Floor Space Ratio standard for Dual Occupancy development**

July 2025

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A *Dual Occupancy Standards Testing*, Ku-ring-gai Council, June 2025.

INTRODUCTION

Overview

This planning proposal seeks amendment the *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015) to include a base Floor Space Ratio (FSR) of 0.5:1 for dual occupancy development on 1015sqm lot sizes, with a sliding scale FSR for larger lot sizes. This standard will apply to all dual occupancy development applications. This lot size has been agreed with the NSW government and its gazettal is imminent.

The proposal is based on testing of development standards seeking to deliver dual occupancy dwellings able to assimilate into the prevailing character of the R2 Low Density Residential areas where they will be located.

The testing has been conducted by Council and is attached at **Appendix A** *Dual Occupancy Standards Testing*.

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the NSW Department of Planning and Environment's *'Local Environmental Plan Making Guideline''* (September 2022).

Council will request plan making delegation under section 3.36 of the Environmental Planning and Assessment Act for this planning proposal.

Background

Ku-ring-gai Council's planning controls have historically restricted dual occupancy development due to concerns regarding small lot subdivision patterns, their ability to support deep soil and tree provision, and impacts on the established and historical high quality character of built form in garden settings including canopy trees, across the LGA and within Heritage Conservation Areas.

Currently, dual occupancy in the Ku-ring-gai LGA is limited to a number of specified sites that are over 1200sqm in area (with each dual occupancy dwelling having a minimum site area of 550sqm). The sites are also generally corner lots that enable easy access and suitable distances between driveways for street tree planting. These sites are listed in the *Ku-ring-gai Local Environmental Plan 2015 - Schedule 1 Additional Permitted Uses*.

In July 2024 the NSW government permitted dual occupancy housing across all land zoned R2 Low Density Residential within Ku-ring-gai, except for land with bushfire risk, heritage items, or within a Transport Oriented Development area.

The NSW government has temporarily suspended the complying development pathway for dual occupancies as that pathway currently enables dual occupancy on a minimum 400 sqm lot size. It is recognised that intensified development on such small lot sizes would irreversibly alter key characteristics of most established local areas where lot sizes are generally double or triple this size.

In Ku-ring-gai, the larger lot sizes are fundamental to sustaining the area character and its tall canopy trees. Ku-ring-gai also has a significant population of critically endangered Blue Gum High Forest and Sydney Turpentine Ironbark Forest located within private land. Larger lot sizes provide some opportunity to retain these vegetation communities, although it is recognised that this typology will result in an inevitable loss of Ku-ring-gai's existing canopy cover.

During 2024 the NSW Government gave Council the opportunity to nominate a minimum lot size that would manage the impacts of small lot sizes. Council's investigations resulted in a 1015 sqm minimum lot size to both meet the NSW government numerical requirements and manage some of the impacts across Ku-ring-gai. Council was not able to nominate its existing 1200sqm dual occupancy minimum lot size as it did not satisfy the NSW government's lot count number.

The 1015sqm lot size seeks to:

- reduce the illegal removal of threatened Blue Gum High Forest and Sydney Turpentine Ironbark Forest trees within private land;
- retain the heritage fabric associated with early settlement subdivision patterns along the ridgeline transport routes;
- minimise removal of tree canopy cover which is fundamental in contributing to reduction in heat island effects and improving biodiversity corridors that support survival of flora/fauna;
- establish valued local character through streetscapes that support large trees by limiting driveway crossings, and delivery of well resolved built form within high quality landscaped garden settings.

Council engaged specialist consultant Hill Thalis to determine a suitable minimum lot size for dual occupancy development within Ku-ring-gai. The proposed lot size options were exhibited from 22 January to 20 February 2025. The final minimum lot size was reported and adopted by Council on 18 March 2025 where Council resolved to prepare planning controls and development standards based on the 1015 sqm minimum lot size, for inclusion into the *Ku-ring-gai Local Environmental Plan 2015* and the *Ku-ring-gai Development Control Plan*.

In May 2025, DPHI confirmed acceptance of Council's 1015 sqm minimum lot size with inclusion of a minimum lot subdivision size of half the minimum lot size for each dual occupancy dwelling. Council is awaiting the formal gazettal of the 1015sqm lot size and subdivision.

Council has been advised that DPHI will switch on the complying development pathway for dual occupancy development during or shortly after July 2025. Thereafter, all dual occupancy development outside the NSW government's Local Housing Areas will be required to have a 1015 sqm minimum lot size, for both complying development and development applications.

At this stage, complying development applications will be able to apply the 0.54:1 FSR stated in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*; however, the absence of an FSR that applies to the development application pathway will mean that those applications will have to apply the existing general 0.3 to 0.4:1 FSR standards relating to the R2 Low Density Residential zoning, more akin to the single detached house typology, plus rely on a merit assessment in the absence of a recognised FSR.

The NSW government has also allocated Local Housing Areas (LHA) around all Local Centres that have a railway station and/or major retail facilities. Council's minimum 1015 sqm minimum lot size will - apply to all complying development sites within these LHAs. A development application will be required for proponents who wish to utilise the LHA standards set in the SEPP (Housing) 2021 (FSR 0.65:1 and 450sqm minimum lot size), or Council's 1015 sqm minimum lot size and the proposed 0.5:1 FSR (and sliding scale) standards under the KLEP 2015.

Technical Studies

Council has conducted testing to determine the most appropriate FSR for dual occupancy development in Ku-ring-gai. This study may be seen at **Appendix A** *Dual Occupancy Standards Testing.*

PART 1 – OBJECTIVE AND INTENDED OUTCOMES

A statement of the objectives and intended outcomes of the proposed instrument

The objective of the planning proposal is to include an appropriate FSR development standard for dual occupancy development within the Ku-ring-gai local government area. This standard will apply to all development seeking a development application on R2 Low Density Residential land outside the Local Housing Areas.

The intended outcome is to:

- have an FSR standard specifically for dual occupancy development that will override the prevailing R2 Low Density zoning FSR. This will enable delivery of a gross floor area more suited to the delivery of the dual occupancy typology.

- amend KLEP 2015 Schedule 1 Additional Permitted Uses to delete all sites that will retain their dual occupancy status under the new reforms, and delete those sites that have higher density zoning applied to them. Dual occupancy sites that are not captured by the new reforms will remain listed in Schedule 1 along with their existing development standards.

PART 2 – EXPLANATION OF PROVISIONS

An explanation of the provisions that are to be included in the proposed instrument

The planning proposal seeks to make the following amendments to the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015):

1. **Written instrument**

   - To amend clause 4.4 (2B) which stipulates an FSR standard for dual occupancy development as follows:

     - Existing clause:

     (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.

     - Proposed amendment:

     (2B) Despite subclause (2A),

     (a) if a dual occupancy (attached or detached) is permissible on land stated in Schedule 1 Additional Permitted Uses, the floor space ratio for the dual occupancy (attached or detached) must not exceed 0.4:1.

     (b) the floor space ratio for a dual occupancy (attached or detached) 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.

Column 1	Column 2
More than 2,000 square metres	0.4:1
More than 1,015 square metres but not more than 2,000 square metres	((200 + (0.3 × site area)) / site area):1
1,015 square metres or less	0.5:1

   - To amend Schedule 1 Additional Permitted Uses to delete clauses relating to sites that will

be captured by the NSW government's housing reform amendments, or sites that already have higher FSR applied to them via a higher density zoning. The following clauses are to be deleted:

1 Use of certain land at 16 Elva Avenue, Gordon (1) This clause applies to land at 16 Elva Avenue, Gordon, being Lot 8, DP 11885. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
2 Use of certain land at 18 Elva Avenue, Gordon (1) This clause applies to land at 18 Elva Avenue, Gordon, being Lot 1, DP 166199. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
3 Use of certain land at 8 Highlands Avenue, Gordon (1) This clause applies to land at 8 Highlands Avenue, Gordon, being Lot A, DP 366349. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
4 Use of certain land at 9 Highlands Avenue, Gordon (1) This clause applies to land at 9 Highlands Avenue, Gordon, being Lot 12, DP 523433. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
5 Use of certain land at 24 Park Avenue, Gordon (1) This clause applies to land at 24 Park Avenue, Gordon, being Lot 192, DP 107056. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
6 Use of certain land at 14 Vale Street, Gordon (1) This clause applies to land at 14 Vale Street, Gordon, being Lot A, DP 313951. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
9 Use of certain land at 21 Buckingham Road, Killara (1) This clause applies to land at 21 Buckingham Road, Killara, being Lot 1, DP 125640. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
11 Use of certain land at 31 Karranga Avenue, Killara (1) This clause applies to land at 31 Karranga Avenue, Killara, being Lot 1, DP 233232. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
12 Use of certain land at 38 Karranga Avenue, Killara (1) This clause applies to land at 38 Karranga Avenue, Killara, being Lot 8, DP 666962. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
13 Use of certain land at 2 Lynwood Avenue, Killara (1) This clause applies to land at 2 Lynwood Avenue, Killara, being Part Lot 14, DP 7363. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
14 Use of certain land at 20 Stanhope Road, Killara (1) This clause applies to land at 20 Stanhope Road, Killara, being Lot 1, DP 726066. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
15 Use of certain land at 21 Highfield Road, Lindfield (1) This clause applies to land at 21 Highfield Road, Lindfield, being Lot 2, DP 309598. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
16 Use of certain land at 25 Highfield Road, Lindfield (1) This clause applies to land at 25 Highfield Road, Lindfield, being Lot A, DP 376477. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
17 Use of certain land at 31 Highfield Road, Lindfield (1) This clause applies to land at 31 Highfield Road, Lindfield, being Lot 1, DP 104200. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
18 Use of certain land at 16 Provincial Road, Lindfield (1) This clause applies to land at 16 Provincial Road, Lindfield, being Lot 1, DP 319129. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
19 Use of certain land at 21 Provincial Road, Lindfield (1) This clause applies to land at 21 Provincial Road, Lindfield, being Lot 1, DP 970838. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
21 Use of certain land at 12 Alma Street, Pymble (1) This clause applies to land at 12 Alma Street, Pymble, being Lot 4, DP 13280. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
23 Use of certain land at 33 Grandview Street, Pymble (1) This clause applies to land at 33 Grandview Street, Pymble, being Lot 2, DP 228015. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
24 Use of certain land at 16 Merrivale Road, Pymble (1) This clause applies to land at 16 Merrivale Road, Pymble, being Lot 22, DP 7321. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
25 Use of certain land at 2 Royston Close, Pymble (1) This clause applies to land at 2 Royston Close, Pymble, being Lot 6, DP 238142. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.

26 Use of certain land at 17 Ortona Avenue, Roseville (1) This clause applies to land at 17 Ortona Avenue, Roseville, being Lot 1, DP 974513. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
27 Use of certain land at 15 Brentwood Avenue, Turramurra (1) This clause applies to land at 15 Brentwood Avenue, Turramurra, being Lot 2, DP 311400. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
29 Use of certain land at 2 Ku-ring-gai Avenue, Turramurra (1) This clause applies to land at 2 Ku-ring-gai Avenue, Turramurra, being Lot 421, DP 556058. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
30 Use of certain land at 18 Ada Avenue, Wahroonga (1) This clause applies to land at 18 Ada Avenue, Wahroonga, being Lot 2, DP 538577. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
31 Use of certain land at 12 Burns Road, Wahroonga (1) This clause applies to land at 12 Burns Road, Wahroonga, being Lot B, DP 965438. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
32 Use of certain land at 2 Cleveland Street, Wahroonga (1) This clause applies to land at 2 Cleveland Street, Wahroonga, being Lot 3, DP 732161. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
33 Use of certain land at 4 Cleveland Street, Wahroonga (1) This clause applies to land at 4 Cleveland Street, Wahroonga, being Lot 1, DP 786729. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
34 Use of certain land at 4a Cleveland Street, Wahroonga (1) This clause applies to land at 4a Cleveland Street, Wahroonga, being Lot 21, DP 842525. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
35 Use of certain land at 79 Coonanbarra Road, Wahroonga (1) This clause applies to land at 79 Coonanbarra Road, Wahroonga, being Lot 4, DP 4239. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
36 Use of certain land at 12 Eulbertie Avenue, Warrawee (1) This clause applies to land at 12 Eulbertie Avenue, Warrawee, being Lot 1, DP 362318. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
37 Use of certain land at 17 Eulbertie Avenue, Wahroonga (1) This clause applies to land at 17 Eulbertie Avenue, Wahroonga, being Lot 1, DP 174560. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
38 Use of certain land at 28 Fox Valley Road, Wahroonga (1) This clause applies to land at 28 Fox Valley Road, Wahroonga, being Lot A, DP 960501. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
39 Use of certain land at 28 Gilda Avenue, Wahroonga (1) This clause applies to land at 28 Gilda Avenue, Wahroonga, being Lot A, DP 355105. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
40 Use of certain land at 10 Munderah Street, Wahroonga (1) This clause applies to land at 10 Munderah Street, Wahroonga, being Lot 1, DP 216542. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
41 Use of certain land at 1550 Pacific Highway, Wahroonga (1) This clause applies to land at 1550 Pacific Highway, Wahroonga, being Lots 1 and 2, DP 9991. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
42 Use of certain land at 1 Sutherland Avenue, Wahroonga (1) This clause applies to land at 1 Sutherland Avenue, Wahroonga, being Lot A, DP 387838. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
43 Use of certain land at 1 Water Street, Wahroonga (1) This clause applies to land at 1 Water Street, Wahroonga, being Lot 1, DP 726124. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
45 Use of certain land at 25 Bangalla Street Warrawee (1) This clause applies to land at 25 Bangalla Street, Warrawee, being Lot 7, DP 18087. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
46 Use of certain land at 40 Bangalla Street, Warrawee (1) This clause applies to land at 40 Bangalla Street, Warrawee, being Lot B, DP 392481. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
47 Use of certain land at 18 Chilton Parade, Warrawee (1) This clause applies to land at 18 Chilton Parade, Warrawee, being Lot 4, DP 18087. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
48 Use of certain land at A2 Heydon Avenue, Warrawee (1) This clause applies to land at A2 Heydon Avenue, Warrawee, being Lot 2, DP 220163. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.

49 Use of certain land at 15 Warrawee Avenue, Warrawee (1) This clause applies to land at 15 Warrawee Avenue, Warrawee, being Lot 1, DP 1190103. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
50 Use of certain land at 1 Yosefa Avenue, Warrawee (1) This clause applies to land at 1 Yosefa Avenue, Warrawee, being Lot 2, DP 575462. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
51 Use of certain land at 2 Yosefa Avenue, Warrawee (1) This clause applies to land at 2 Yosefa Avenue, Warrawee, being Lot 1, DP 13062. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
52 Use of certain land at 109 Bobbin Head Road, Turramurra (1) This clause applies to land at 109 Bobbin Head Road, Turramurra, being Lot 17, DP 19963. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
53 Use of certain land at 28 Clissold Road, Wahroonga (1) This clause applies to land at 28 Clissold Road, Wahroonga, being Lot 2, DP 210124. (2) Development for the purpose of a dual occupancy (detached) is permitted with development consent.
56 Use of certain land at 7 Burgoyne Street, Gordon (1) This clause applies to land at 7 Burgoyne Street, Gordon, being Lot 1, DP 81938. (2) Development for the purposes of dual occupancies (detached) is permitted with development consent.
58 Use of certain land at 2 Forsyth Street, Gordon (1) This clause applies to land at 2 Forsyth Street, Gordon, being Lot B, DP 398529. (2) Development for the purposes of dual occupancies (detached) is permitted with development consent.
60 Use of certain land at 15 Highfield Road, Lindfield (1) This clause applies to land at 15 Highfield Road, Lindfield, being Lot 5, DP 241714. (2) Development for the purposes of dual occupancies (detached) is permitted with development consent.
61 Use of certain land at 2 Highgate Road, Lindfield (1) This clause applies to land at 2 Highgate Road, Lindfield, being Lot 103, DP 6608. (2) Development for the purposes of dual occupancies (detached) is permitted with development consent.
64 Use of certain land at 8 Provincial Road, Lindfield (1) This clause applies to land at 8 Provincial Road, Lindfield, being Lot A, DP 325229. (2) Development for the purposes of dual occupancies (detached) is permitted with development consent.
66 Use of certain land at 21 and 51 Treatts Road, Lindfield (1) This clause applies to land at 21 and 51 Treatts Road, Lindfield, being Lot1, DP113085 and Lot151, DP6608. (2) Development for the purposes of dual occupancies (detached) is permitted with development consent.
67 Use of certain land at 2 King Edward Street, Pymble (1) This clause applies to land at 2 King Edward Street, Pymble, being Lot 7, DP 3519. (2) Development for the purposes of dual occupancies (detached) is permitted with development consent.
75 Use of certain land at 149 Mona Vale Road, St Ives (1) This clause applies to land at 149 Mona Vale Road, St Ives, being Lot 20, DP 576805. (2) Development for the purposes of dual occupancies (detached) is permitted with development consent.
80 Use of certain land at 20 Brentwood Avenue, Turramurra (1) This clause applies to land at 20 Brentwood Avenue, Turramurra, being Lot A, DP 341822. (2) Development for the purposes of dual occupancies (detached) is permitted with development consent.
81 Use of certain land at 2 Denman Street, Turramurra (1) This clause applies to land at 2 Denman Street, Turramurra, being Lot 3, DP 23804. (2) Development for the purposes of dual occupancies (detached) is permitted with development consent.
82 Use of certain land at 34 Eastern Road, Turramurra (1) This clause applies to land at 34 Eastern Road, Turramurra, being Lot 1, Section C, DP 2511. (2) Development for the purposes of dual occupancies (detached) is permitted with development consent.
83 Use of certain land at 1 and 4 Laurel Avenue, Turramurra (1) This clause applies to land at 1 and 4 Laurel Avenue, Turramurra, being Lots 2 and 3, DP 303928. (2) Development for the purposes of dual occupancies (detached) is permitted with development consent.

- **Mapping** No change.

PART 3 – JUSTIFICATION

The justification for those objectives, outcomes and the process for their implementation

A. NEED FOR THE PLANNING PROPOSAL

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The planning proposal has resulted from the housing reforms introduced by the NSW government and their associated reports and amendments to state level and local policy.

On 15 December 2023, the government exhibited the *Explanation of Intended Effects: Changes to create Low and Mid-rise Housing* (EIE) which aimed to permit dual occupancies on all R2 (Low Density Residential) zoned land across the LGA.

In July 2024 the NSW government permitted dual occupancy housing across all land zoned R2 (Low Density Residential) within Ku-ring-gai, except for land with bushfire risk, heritage items, or within a Transport Oriented Development area.

Thirteen NSW Councils, including Ku-ring-gai, that did not permit dual occupancy development within their R2 Low Density Residential zone, did not have a stipulated minimum lot size for widespread dual occupancy development. The NSW Government gave these Councils the opportunity to nominate a minimum lot size that would manage the impacts of small lot sizes within their established areas, provided the proposed minimum lot size delivered dual occupancies on 50% of eligible R2 Low Density Residential zoned land across the local government area.

Council has prepared the following studies to justify the development standards for dual occupancy development across Ku-ring-gai:

- Floor Space Ratio
  Appendix A *Dual Occupancy Standards Testing*
- Minimum Lot Size:
  Urban Design - Dual Occupancy Lot Size Study, Hill Thalis (December 2024)

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes; or is there a better way?

Yes, the planning proposal is the best and only means of achieving the objective to introduce FSR controls.

Whilst the NSW government has adopted Council's preferred minimum lot size of 1015sqm, and applied an associated minimum subdivision standard of half the minimum lot size for each dual occupancy dwelling via an amending SEPP, there are no FSR standards stipulated.

To include an FSR development standard that would apply to all dual occupancies in Ku-ring-gai, an amendment to the KLEP 2015 Written Instrument is required. This planning proposal seeks to make that amendment. There is no other mechanism for Council to amend the KLEP 2015.

B. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draftplans or strategies)?

Yes. The planning proposal is consistent with the relevant objectives of the *GreaterSydney Region Plan: A Metropolis of Three Cities* (2018) and the relevant actions ofthe *North District Plan* (2018), as discussed below.

1. Greater Sydney Region Plan: A Metropolis of Three Cities

CONSISTENCY WITH GREATER SYDNEY REGION PLAN 2056		
Directions	**Objectives**	**Consistent/Inconsistent**
Infrastructure and collaboration		
2. A collaborative city	**Objective 5.** Benefits of Growth realised by collaboration of governments, community, and business.	Consistent. Council has collaborated with the NSW government to accommodate housing for the expected population growth, including setting the proposed dual occupancy FSR standard to enable delivery of dual occupancy dwellings within Ku-ring-gai.
Liveability		
3. A city for people	**Objective 8.** Greater Sydney's communities are culturally rich with diverse neighbourhoods.	Consistent. The introduction of the 0.4 to 0.5:1 FSR control will enable improved delivery of a new housing typology within Ku-ring-gai. This provides opportunity for increased and diverse populations to move into the area.
4. Housing the city	**Objective 10.** Greater housing supply. **Objective 11.** Housing is more diverse and affordable.	Consistent. The proposed 0.4 to 0.5:1 FSR will encourage delivery of dual occupancies as it provides a more realistic standard for dual occupancy development, rather than the prevailing 0.3 to 0.4:1 FSR associated with the R2 Low Density Residential zone where the dual occupancy will be located. Dual occupancy dwellings will offer housing diversity within Ku-ring-gai.
Productivity		
6. A well connected city	**Objective 14.** A metropolis of three cities integrated land use and transport creates walkable 30-minute cities.	Consistent. Enabling delivery of dual occupancy dwellings on eligible R2 Low Density Residential land will result in some of the housing being located close to bus routes feeding into local railway stations and key retail areas, such as Hornsby and Chatswood.
Sustainability		
8. A city in landscape	**Objective 27.** Biodiversity is protected, urban bushland, and remnant vegetation is enhanced. **Objective 28.**	Consistent. The proposed FSR has resulted from investigation into dual occupancy development standards that would: ➢ deliver a balance of dwelling, landscaping and deep soil capable of protecting and enhancing existing onsite trees and vegetation;

	Scenic and cultural landscapes are protected. **Objective 30.** Urban tree canopy cover is increased.	➢ enable some retention of Ku-ring-gai's dominant character of buildings within high quality landscaped garden settings including tall canopy trees; ➢ enable the delivery of trees onsite that continue to support Ku-ring-gai's biodiversity corridors, increase tree canopy and align with Council's Urban Forest Strategy and the Green Grid. The proposed sliding scale will ensure the delivery of a manageable footprint and GFA appropriate to the dual occupancy dwelling type, and which does not surpass the GFA of the single dwelling typology.
10. A resilient city	**Objective 36.** People and places adapt to climate change and future shocks and stresses. **Objective 37.** Exposure to natural and urban hazards is reduced. **Objective 38.** Heatwaves and extreme heat are managed.	Consistent. The proposed 0.4 to 0.5:1 FSR seeks to enable onsite landscaping and deep soil capable of supporting canopy trees and enabling areas for water infiltration during rainfall. These aspects are critical in reducing heat island effects generated by rooftops and hard surfaces, and also critical in keeping the earth temperatures stable and healthy to protect soil structure and root zones. With the expected shift in climate, with extreme heat and deluge rainfall, the FSR goes towards reducing the impacts of highly urban areas by ensuring canopy and landscaping.

2. North District Plan

CONSISTENCY WITH THE NORTH DISTRICT PLAN 2056	
Planning Priority	**Consistent/ Inconsistent**
Infrastructure and Collaboration	
N2. Working through Collaboration.	Consistent. Council has collaborated with the NSW government to accommodate housing for the expected population growth, including setting of an FSR standard that provides certainty in delivery of dual occupancy dwellings within Ku-ring-gai.
Liveability	
N5. Providing housing supply, choice, and affordability, with access to jobs, services, and public transport.	Consistent. The proposed FSR will encourage delivery of dual occupancies as it provides a more realistic standard for dual occupancy development, rather than the prevailing 0.3:1 FSR associated with the R2 Low Density lands where the dual occupancy will be located. Dual occupancy dwellings will offer housing diversity within Ku-ring-gai. Some of the sites eligible for dual occupancy development are located close to bus routes linking to retail and employment areas.
Productivity	
N12. Delivering integrated land use and transport planning and a 30-minute city.	Consistent. Enabling delivery of dual occupancy dwellings on eligible R2 Low Density Residential land will result in

	some of the housing being located close to bus routes connected to local railway stations and key retail areas, such as Hornsby and Chatswood.
Sustainability	
N16. Protecting and enhancing bushland and biodiversity. **N17.** Protecting and enhancing scenic and cultural landscapes. **N19.** Increasing Urban tree canopy cover and delivering Green Grid connections.	Consistent. The proposed 0.5:1 FSR, and the sliding scale for larger lots, has resulted from investigation into dual occupancy development standards that would: ➢ deliver a balance of dwelling, landscaping and deep soil capable of protecting and enhancing existing biodiversity and bushland areas; ➢ enable some retention of Ku-ring-gai's dominant character of buildings within high quality landscaped garden settings including tall canopy trees, particularly on the bushland fringe areas that interface with and contribute to the scenic and cultural heritage landscapes of surrounding national parks and bushland reserves; ➢ enable the delivery of trees onsite that continue to support Ku-ring-gai's biodiversity corridors, increase tree canopy and align with Council's Urban Forest Strategy and the Green Grid.
N22. Adapting to the impacts of urban and natural hazards and climate change.	Consistent. The proposed FSR seeks to enable onsite landscaping and deep soil capable of supporting canopy trees and enabling areas for water infiltration during rainfall. These aspects are critical in reducing heat island effects generated by rooftops and hard surfaces, and also critical in keeping the earth temperatures stable and healthy to protect soil structure and root zones. With the expected shift in climate, with extreme heat and deluge rainfall, the FSR goes towards reducing the impacts of highly urban areas by ensuring canopy and landscaping.

Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Yes. The planning proposal is consistent with the following local strategies:

- *Ku-ring-gai Community Strategic Plan 2038 (2018)*

CONSISTENCY WITH COMMUNITY STRATEGIC PLAN 2030	
Theme	**Consistent/ Inconsistent**
01: Community, People and Culture A healthy, safe, and diverse community that respects our history, and celebrates our differences in a vibrant culture of learning.	Consistent. The provision of the FSR will better facilitate the delivery of dual occupancy development within Ku-ring-gai. The increased provision of a diverse housing typology may attract a more diverse community to live in the area.
02: Natural Environment Working together as a community to protect and enhance our natural environment and resources.	Consistent. The proposed FSR seeks to ensure provision of deep soil and landscaped areas. These go towards protecting the key asset of Ku-ring-gai: its biodiversity and landscape character of buildings within garden settings including tall canopy trees.
03: Places, Spaces, and Infrastructure A range of well planned, clean, and safe neighbourhoods and public spaces designed with a strong sense of identity and place.	Consistent. The proposed FSR seeks to ensure Ku-ring-gai's visual character and identity is maintained. The proposed FSR enables outcomes compatible with the local character, and will facilitate the delivery of a diverse housing typology in some accessible locations. Dual occupancies may also cater for different stages of life including for young couples, families, downsizers and retirees seeking to remain in the locality with more manageable gardens.

- *Ku-ring-gai's Local Strategic Planning Statement (2020)*

CONSISTENCY WITH THE KU-RING-GAI LOCAL STRATEGIC PLANNING STATEMENT	
Planning Priority	**Consistent/ Inconsistent**
Infrastructure and Collaboration	
Liveability	
Housing	
K3. Providing housing close to transport, services, and facilities to meet the existing and future requirements of a growing and changing community.	Consistent. Facilitating the delivery of dual occupancy dwellings by providing an appropriate FSR will result in some of the housing being located close to local bus routes connecting the new residents to railway stations and key retail areas such as Hornsby and Chatswood.
K4. Providing a range of diverse housing to accommodate the changing structure of families and households and enable ageing in place.	Consistent. Dual occupancy introduces a typology that has historically been limited within Ku-ring-gai. While it is expected the dwellings will remain large in keeping with market trends,

	this typology will provide increased housing choice for the community.
K5. Providing affordable housing that retains and strengthens the local residential and business community.	Inconsistent. Housing in Ku-ring-gai commands high sale and rental prices due to the demand for housing close to key schools, hospitals, services, transport links and facilities. It is unlikely that dual occupancy dwellings will be priced at affordable levels.
Local Character and Heritage	
K12. Managing change and growth in a way that conserves and enhances Ku-ring-gai's unique visual and landscape character.	Consistent. Given dual occupancies are permitted within heritage conservation areas, the inclusion of the FSR control will go towards the delivery of the landscaped gardens that are key to Ku-ring-gai's heritage conservation areas and heritage items.
K13. Identifying and conserving Ku-ring-gai's environmental heritage.	
Aboriginal Communities and Cultural Heritage	
K15. Strengthening recognition and support for Aboriginal communities and cultural heritage.	Consistent. The proposed FSR control seeks to provide onsite open space for landscaped gardens and to enable the retention of any trees and land features. This includes the consideration of design proposals able to accommodate any potential Aboriginal cultural heritage on the site.
K16. Protecting, conserving, and managing Ku-ring-gai's Aboriginal heritage objects, items, and significant places.	
Productivity	
30 Minute City	
K21. Prioritising new development and housing in locations that enable 30-minute access to key strategic centres.	Consistent. Enabling delivery of dual occupancy dwellings on eligible R2 Low Density Residential land will result in some of the housing being located close to bus routes to local railway stations and key retail areas such as Hornsby and Chatswood.
Sustainability	
Urban Forest	
K30. Improving the quality and diversity of Ku-ring-gai's urban forest.	Consistent. The provision of an FSR that enables delivery of deep soil areas, landscaping and canopy trees will contribute to the retention of the area's tree canopy central to the distinct Ku-ring-gai character.
K31. Increasing, managing, and protecting Ku-ring-gai's urban tree canopy.	
Green Grid	
K32. Protecting and improving Green Grid connections.	Consistent. The proposed FSR will facilitate development controls that stipulate tree provision numbers within every dwelling site.
Water Sensitive City	
K36. Enhancing the liveability of Ku-ring-gai's urban environment through integrated water infrastructure and landscaping solutions.	Consistent. The proposed FSR control will enable the inclusion of deep soil and landscaping provisions in the Development Control Plan that aim to contribute to the liveability of the dwellings and their locality.
Climate Resilience and Adaptation to the Impacts of Urban and Natural Hazards	

K39. Reducing the vulnerability, and increasing resilience, to the impacts of climate change on Council, the community and the natural and built environment.	Consistent. The proposed 0.5:1 FSR, and sliding FSR scale for larger lots, seek to enable onsite landscaping and deep soil areas capable of supporting canopy trees critical in reducing heat island effects generated by rooftops and hard surfaces. With the expected shift in climate, with extreme heat and deluge rainfall, the FSR goes towards reducing the impacts of highly urban areas by ensuring canopy and landscaping, and delivering more stable environments for residents.
K40. Increasing urban tree canopy and water in the landscape to mitigate the urban heat island effect and create greener, cooler places.	
K43. Mitigating the impacts of urban and natural hazards.	

Q5. ***Is the planning proposal consistent with any other applicable State and regional studies or strategies?***

Yes, the provision of an FSR standard that facilitates easier delivery of dual occupancy development across Ku-ring-gai is consistent with the NSW government's housing reforms seeking to increase dwelling delivery across the state.

The NSW government directions and standards on dual occupancy development were included in their *Explanation of Intended Effects: Changes to create Low and Mid-rise Housing* which permitted dual occupancies on all R2 (Low Density Residential) zoned land across the LGA. This report commenced the rollout of the legislated pathways for dual occupancy delivery, via an amending SEPP, which enabled dual occupancy development across Ku-ring-gai.

The Department of Planning, Housing and Infrastructure has accepted Council's 1015 sqm minimum lot size for dual occupancy development applications. The provision of an FSR control within the KLEP 2015 is the last stage of this roll out. Council will be developing controls based on the proposed 0.4 to 0.5:1 FSR for inclusion in its Development Control Plan.

Q6. ***Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?***

The following table identifies the key applicable SEPPs and outlines this Planning Proposal's consistency with those SEPPs.

SEPP	Comment on Consistency
SEPP (Biodiversity and Conservation) 2021	Consistent. This Biodiversity and Conservation SEPP provides controls related to conservation and management to ensure protection of the natural environment. The Ku-ring-gai local government area has significant amounts of biodiversity and riparian land mapping. The proposed 0.5:1 and sliding scale FSR aims to ensure the delivery of dwellings that are able to address biodiversity controls through the provision of deep soil and landscaping areas.
SEPP (Resilience and Hazards) 2021	Consistent. The Resilience and Hazard SEPP considers potential hazards and aims to minimize risks to communities and the environment. The NSW government has stipulated that no dual occupancy development will be permitted in areas of bushfire risk. This planning proposal does not seek to amend this position.
SEPP Building Sustainability Index : Basix 2004	Consistent. All dual occupancy development will be required to comply with BASIX standards. This planning proposal does not seek to amend this position.
SEPP (Transport and Infrastructure) 2021	Consistent. The Transport and Infrastructure SEPP aims to facilitate the delivery of infrastructure, including roads, schools, hospitals, across the state. In developing its housing reforms, the State government has not raised any issues nor made provision for increased infrastructure provision for the future additional residential density proposed across Ku-ring-gai. This planning proposal remains consistent with the NSW government's direction.
SEPP (Housing) 2021	Consistent. The Housing SEPP incorporates the Low and Mid-Rise Housing Policy and facilitates the delivery of low and mid-rise housing, including dual occupancies. The SEPP stipulates standards for dual occupancy development within the NSW government designated Local Housing Areas. This planning proposal remains consistent with the SEPP as it applies the proposed FSR to areas outside the Local Housing Areas and to development that is considered under the KLEP 2015.
SEPP Exempt and Complying Development Codes 2008	Consistent. The Codes SEPP aims to provide streamlined assessment processes for development certain types of development. The NSW government suspended the complying development pathway for dual occupancy development to enable Councils to put in place a minimum lot size. This is expected to

	recommence mid to end 2025. This planning proposal remains consistent with the SEPP as the proposed FSR only applies to the development application pathway. And does not seek to amend the FSR stated in the Codes SEPP.

Q7. ***Is the planning proposal consistent with applicable Ministerial Directions (s.9.1directions)?***

The following table identifies applicable section 9.1 Directions and outlines this planning proposal's consistency with those Directions.

Directions under S9.1	Objectives	Consistency
1. PLANNING SYSTEMS		
1.1 Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	Consistent. The planning proposal is consistent with the objectives of the *Greater Sydney Regional Plan: A Metropolis of Three Cities.*
1.3 Approval and Referral Requirements This direction applies to all relevant planning authorities when preparing a planning proposal.	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent. The planning proposal will enable easier assessment of dual occupancies development applications in the R2 Low Density Residential zone. At present dual occupancy development is being assessed under the KLEP 2015 standards for R2 zoning, including an FSR of 0.3:1.
3. BIODIVERSITY AND CONSERVATION		
3.1 Conservation zones This direction applies to all relevant planning authorities when preparing a planning proposal.	The objective of this direction is to protect and conserve environmentally sensitive areas.	Consistent. The planning proposal will not affect the conservation standards of any environmentally sensitive land.
3.2 Heritage Conservation This direction applies to all relevant planning authorities when preparing a planning proposal.	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Consistent. The planning proposal is consistent with this direction. The planning proposal sets an FSR that will enable the provision of deep soil and landscaped areas to facilitate retention of front setbacks, garden settings and tree canopy fundamental to the character of heritage conservation areas.

4. RESILIENCE AND HAZARDS		
4.3 **Planning for Bushfire Protection** This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land. This applies where the relevant planning authority is required to prepare a bush fire prone land map under section 10.3 of the EP&A Act, or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.	The objectives of this direction are to: (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) encourage sound management of bush fire prone areas.	Consistent. The planning proposal will not affect the application of controls that ensure development on bushfire prone land does not result in risk to life or damage to property. Th NSW government has deemed dual occupancy development not be permitted on bushfire prone land, this planning proposal does not seek to alter that position.
4.5 **Acid Sulfate Soils** This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils when preparing a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent. Existing acid sulfate soils provisions will not be altered by the planning proposal.
5. TRANSPORT AND INFRASTRUCTURE		
5.1 **Integrating Land Use and Transport** This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business,	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve improved access to housing, jobs and services by walking, cycling and public transport.	Consistent. The planning proposal will enable delivery of dual occupancy development across Ku-ring-gai including in areas serviced by local bus routes.

industrial, village or tourist purposes.		
6. HOUSING		
6.1 **Residential Zones** This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.	The objectives of this direction are to: (a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands.	Consistent. The planning proposal enables an FSR standard of 0.5:1 that is appropriate for dual occupancy development on 1015sqm lots. It will replace the existing 0.3:1 FSR applying to the prevailing R2 Low Density Residential land and facilitate improved uptake of this typology Dual occupancy housing will contribute to housing diversity within Ku-ring-gai. The proposed FSR has considered the extensive biodiversity mapped land and enables deep soil and landscaped areas capable of addressing onsite biodiversity, and limit sever impacts on the environment through planting that contribute to shading and cooling.

C. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q8. ***Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

The provision of the 0.5:1 and sliding scale FSR seeks to facilitate provision of open space and gardens within the dual occupancy development site. This is aimed at enabling the consideration of site features, landscaping and tree provision that will carry ecological merit. During any development application, proponents are required to investigate and accommodate flora and fauna on the site and .

Q9. ***Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

The proposed FSR will apply to all dual occupancy development applications outside the Local Housing Areas. All development applications will be assessed by Council. Any environmental effects will be assessed on a site by site basis and will be managed through the development assessment process.

Q10. ***Has the planning proposal adequately addressed any social and economic effects?***

The setting of an FSR standard for dual occupancy development applications will provide clarity on the development standards, avoid the current ambiguity where the prevailing low density residential FSR of 0.3:1 has to be considered via a merit assessment, and generally resulting in refusal of the application. The new standard will better facilitate improved take-up and approvals resulting in positive social and economic effects.

D. STATE AND COMMONWEALTH INTERESTS

Q11. ***Is there adequate public infrastructure for the planning proposal?***

As part of its housing reforms, the NSW government has indicated there is sufficient infrastructure to support the increased housing in Ku-ring-gai.

Q12. ***What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?***

Should the planning proposal proceed to public exhibition, consultation with the relevant public authorities will be conducted in accordance with the Gateway determination.

PART 4 – MAPPING

Maps, where relevant, to identify the intent of the planning proposal and the area to which it applie

No mapping amendments are proposed as part of this planning proposal.

PART 5 – COMMUNITY CONSULTATION

Details of the community consultation that is to be undertaken on the planning proposal

Community consultation for this planning proposal will be consistent with the requirements of Council's *Community Participation Plan*, the requirements of the Gateway determination, the requirements of the *Environmental Planning and Assessment Act* and the *Environmental Planning and Assessment Regulation 2000*, the consultation guidelines contained within the and the NSW Department of Planning and Environment's *'Local Environmental Plan Making Guideline''* (August 2023).

In accordance with the documents above, the public exhibition of a planning proposal is generally undertaken in the following manner:

- Notification on Council's website on the 'Have my say' exhibition page:
  - providing a description of the objectives or intended outcomes of the planning proposal;
  - indicating the land affected by the planning proposal;
  - providing details for the receipt of submissions;
  - indicating the last date for submissions;
  - confirming whether delegation for making the LEP has been issued to Council.

Upon receipt of a Gateway determination enabling the public exhibition of the planning proposal, a Dual Occupancy Development Control Plan will be produced to support the planning proposal.

The following material will be made available for viewing during the exhibition period:

- Gateway Determination
- Planning proposal and its appendices
- Development Control Plan
- Supporting information

The planning proposal is considered a basic category according to the *Local Environmental Plan Making Guideline* (August 2023) and proposed to be exhibited for 14 working days.

At the conclusion of the public exhibition period, a report will be prepared and presented to Council to allow for the consideration of submissions received from the community during the exhibition period. All authors of submissions will be notified of the reporting to Council.

PART 6 – PROJECT TIMELINE

Stage	Timing
Date submitted to Department for a Gateway	
Anticipated commencement date - date of Gateway determination (4 weeks)	
Timeframe for government agency consultation - pre and post exhibition as required by Gateway determination (3 weeks)	
Commencement and completion dates for public exhibition period (2 weeks)	
Post exhibition review and reporting	
Council meeting / consideration	
Legal drafting of LEP	
Anticipated date RPA will make the plan (if delegated)	
Notification of Plan on Legislation website	

APPENDIX A

Dual Occupancy Standards Testing,

Ku-ring-gai Council, June 2025.

DUAL OCCUPANCY STANDARD TESTING

Prepared by:
Ku-ring-gai Council
July 2025

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Introduction

This report outlines testing undertaken to determine a suitable FSR for dual occupancy development applications on a 1,105sqm lot size within Ku-ring-gai.

The intent of this work is to give evidence for the determination of an FSR and support the refinement of the DCP controls—particularly the use of FSR as a flexible but effective mechanism—to encourage development via the DA pathway where better outcomes for neighbourhood character, landscape setting, and housing quality can be achieved.

The report is structured in three parts:

PART 1 – FSR TESTING ON A 1,015SQM SITE

Part 1 examines three development scenarios on a 1,015sqm lot, each with a different FSR and car parking configuration. The scenarios are tested to assess the relationship between GFA, car parking requirements, built form and site allocation. Based on this testing, a sliding scale of FSR by lot size is developed, along with a cap for lots above 2,000sqm.

PART 2 – TESTING OF PROPOSED FSR AND DCP CONTROLS ACROSS TYPOLOGIES

Part 2 presents a set of draft Development Control Plan (DCP) controls designed to support the proposed 0.5:1 Floor Space Ratio (FSR). These controls are tested across a range of lot sizes and dual occupancy typologies to explore how the proposed FSR influences built form, site planning, and development outcomes.

The testing compares outcomes under the Complying Development (CDC) pathway and the Development Application (DA) pathway with the proposed FSR in place. Each scenario is evaluated against key planning objectives—such as landscaping, deep soil, private open space, car parking, and tree planting—to determine how well the 0.5:1 FSR performs in practice.

PART 3 – RATIONALE FOR PROPOSED DCP CONTROLS

Part 3 provides the background and justification for each of the proposed DCP controls. It includes a comparison between existing R2 zone controls and CDC standards, and sets out the recommended provisions for dual occupancies in Ku-ring-gai. Each control is accompanied by a rationale based on site testing, policy alignment, and intended neighbourhood outcomes.

PART 1:

FSR Testing on a 1,015sqm Site

This study investigates Floor Space Ratio (FSR) and Gross Floor Area as defined by the KLEP 2015.

Floor Space Ratio (FSR) is the ratio of a building's gross floor area (GFA) to the total area of the site. It is used to control the scale and intensity of development.

Gross Floor Area (GFA) is the total floor area of a building measured from the internal face of external walls, including habitable rooms, mezzanines, and certain basement areas, but excluding elements such as car parking, and non-habitable basement spaces.

This section explores appropriate Floor Space Ratio (FSR) controls for dual occupancy development on a standard 1,015sqm lot. It compares three development scenarios that vary in both FSR and parking provision, using a consistent site layout and planning assumptions. The aim is to assess how different FSRs affect built form, parking feasibility, and overall site functionality.

The analysis examines:

- The internal dwelling size (Gross Floor Area) achievable under each scenario
- Car parking requirements and the impact of including one versus two spaces per dwelling
- The total built form when combining GFA and garage area
- The site's capacity to accommodate required elements such as driveways, private open space, and landscaping

Each scenario is tested against realistic planning constraints to determine how much floor area can be accommodated on-site while still meeting key design and amenity standards. Based on this testing, a sliding scale of FSR is developed to guide dual occupancy development on lots larger than 1,015sqm.

Floor Space Ratio Rationale

Floor Space Ratio (FSR) and Gross Floor Area (GFA) govern two key aspects of development: the bulk and scale of built form, and the site's ability to accommodate non-built elements such as landscaping, open space, and access infrastructure.

This analysis considers three development scenarios on a 1,015sqm site, each exploring different combinations of FSR and car parking provision:

- *0.54:1 FSR with one car space per dwelling (aligned with Complying Development Controls [CDC])
- 0.54:1 FSR with two car spaces per dwelling (slightly more enabling than CDC)
- 0.5:1 FSR with two car spaces per dwelling (slightly less enabling than CDC)
- 0.45:1 FSR with two car spaces per dwelling (slightly less enabling than CDC)

*Please note there is no FSR control under complying development. The GFA of a 1,015sqm would equate to a 0.54:1 FSR.

1. HOUSE SIZE CONSIDERATIONS

Three main FSR options were assessed:

- 0.54:1 FSR - 274sqm per dwelling (excluding garage), as per the complying development standards under the SEPP
- 0.5:1 FSR - 254sqm per dwelling (excluding garage)
- 0.45:1 FSR - 228sqm per dwelling (excluding garage)

ABS data indicates that typical four-bedroom homes in Sydney range from 230–250sqm. While dual occupancies are generally more compact, 250sqm allows for a generous four-bedroom layout with ample living space.

At 274sqm, the 0.54:1 FSR produces dwellings more akin to five-bedroom homes, exceeding typical expectations for dual occupancies. This scale is considered unnecessary. A 0.5:1 FSR delivers a spaciousand flexible four-bedroom home and is considered appropriate for a 1,015sqm lot. At 228sqm, the 0.45:1 FSR still supports a functional three-to four-bedroom layout, offering a more compact yet practical option. Both the 0.5:1 and 0.45:1 FSR options are considered suitable, striking a balance between generous living space and efficient site use.

2. CAR PARKING REQUIREMENTS

Two minimum car parking requirements were explored:

- One car space per dwelling, as per the complying development standards under the SEPP.
- Two car spaces per dwelling, more reflective of dwelling size and household needs

With dwellings ranging from 250–274sqm, a single parking space is inadequate and would likely lead to increased on-street parking, vehicles encroaching into front setbacks or driveways, and a decline in streetscape quality and amenity. Two off-street car spaces per dwelling is a more realistic provision for homes over 125sqm (equivalent to a 2–3 bedroom dwelling) and aligns with the requirements for single dwellings. This standard should be integrated into both planning controls and site capacity assumptions.

3. BUILT FORM

Importantly, minimum car parking requirements are excluded from GFA calculations. To accurately assess the true physical built form, the GFA must be combined with the space allocated for garages.

Scenario	GFA (sqm)	GFA per dwelling (sqm)	Car Parking (sqm)	Total Built Form (sqm)
0.54:1 – 1 car space	548	274	48	596
0.54:1 – 2 car spaces	548	274	72	620
0.5:1 – 2 car spaces	508	254	72	580
0.45:1 - 2 car spaces	457	228	72	529

The 0.45:1 FSR scenario results in the most compact built form at 529sqm, while still supporting generous three- to four-bedroom homes with two car spaces. This makes it the most efficient option in terms of minimising built form impact. However, the 0.5:1 FSR scenario also represents an appropriate and balanced outcome—accommodating larger four-bedroom dwellings while still maintaining a moderate overall building footprint.

4. SITE ALLOCATION AND PRACTICAL CAPACITY

Beyond GFA, the FSR must also enable the site to accommodate other critical planning elements: garages, driveways, access paths, private open space, and landscaping (including deep soil). The table below compares three scenarios.

Scenario	Garage	GFA (60% ground split)	Driveways	Private open space	*Total Built upon area*	Landscaping (sqm)	*Deep soil* **Located in Landscaping*	Total	Flexible
0.54:1 – single car garage	48sqm	300sqm	203sqm	50sqm	*601*sqm *(59%)*	408sqm	*304 (30%)*	**1,009sqm**	**+6**
0.54:1 – double car garage	72sqm	300sqm	203sqm	50sqm	*625*sqm *(62%)*	408sqm	*304 (30%)*	**1,033sqm**	**–18**
0.5:1 – double car garage	72sqm	282sqm	203sqm	50sqm	*607*sqm *(60%)*	408sqm	*304 (30%)*	**1,015sqm**	**0**
0.45:1 – double car garage	72sqm	245sqm	203sqm	50sqm	*607*sqm *(60%)*	408sqm	*304 (30%)*	**978sqm**	**+37**

The 0.54:1 FSR with one car space fits within the 1,015sqm lot (1,009sqm total site demand) but does so by reducing garage size, potentially limiting functionality. With two car spaces, the 0.54:1 scenario exceeds the lot size by 18sqm (1,033sqm), making it unworkable without compromising planning requirements. The 0.5:1 FSR with two car spaces exactly meets the lot capacity (1,015sqm), achieving a fully compliant layout that balances built form, parking, landscaping, and open space. The 0.45:1 FSR with two car spaces has the lowest site demand (978sqm), leaving 37sqm of additional space. This allows greater flexibility for layout, enhanced landscaping, or deep soil zones.

In summary, both the 0.5:1 and 0.45:1 FSR options are suitable—0.5:1 delivers a balanced and efficient outcome, while 0.45:1 offers the greatest flexibility and lowest built form impact.

5. FSR TO SUPPORT VIABLE DA PATHWAYS

While the 0.45:1 FSR allows for greater landscaping and deep soil, it results in a significant reduction in GFA—91sqm less than what is typically achieved under the CDC (548.1sqm vs 456.75sqm). By comparison, the difference between 0.5:1 and 0.54:1 FSR is only 41sqm (or 20.5sqm per dwelling), and of that, around 24sqm would generally be used for additional garage space—leaving a net internal difference of just 17sqm (8.5sqm per dwelling).

Importantly, side-by-side dual occupancies are achievable under the CDC on 1,015sqm lots across most configurations (as shown in Part 2). However, this typology is not always desirable—particularly on corner lots, where it often fails to activate both frontages, lacks articulation, and provides minimal side setbacks for tree planting.

The 0.5:1 FSR is designed to support a comparable development scale to the CDC, while enabling improved built form outcomes through the DA pathway. When combined with the potential DCP controls outlined in Part 2, it allows for more responsive layouts, enhanced landscaping, and better integration with local character—providing a viable and attractive alternative to complying development without being overly restrictive.

CONCLUSION

This analysis clearly demonstrates that a 0.5:1 Floor Space Ratio (FSR) provides the most balanced and practical outcome for a 1,015sqm lot. It supports two generous four-bedroom dwellings—each with two off-street car spaces—while accommodating all key planning requirements, including driveways, private open space, compliant landscaping, and deep soil zones.

In contrast, the 0.54:1 FSR scenario presents several constraints. With two car spaces per dwelling, it exceeds the site's capacity by 18sqm, making full compliance impossible without sacrificing open space, landscaping, or built form standards. Reducing car parking to one space per dwelling may bring the scheme within limits, but this compromises amenity and functionality, increases on-street parking pressure, and risks front setback encroachments. Additionally, the resulting 274sqm dwellings exceed typical expectations for dual occupancies and contribute to unnecessary bulk and scale.

Although the 0.45:1 FSR enables stronger landscape outcomes, it significantly reduces internal floor area compared to what is achievable under the CDC. While the DA pathway—when paired with potential DCP controls—can offer greater flexibility in some areas, the reduced yield under 0.45:1 is unlikely to attract developers away from the CDC pathway. This limits the potential to deliver better site-specific outcomes, including improved design, landscaping, and tree retention, through the DA process.

In summary, the 0.5:1 FSR is the most appropriate and supportable control for this lot size—striking the optimal balance between development feasibility, built form efficiency, and improved planning and design outcomes.

Floor Space Ratio Rationale

The Floor Space Ratio (FSR) is a critical planning control that regulates building intensity and ensures new development aligns with the character, functionality, and amenity expectations of each zone. While a flat FSR (e.g. 0.5:1) may seem straightforward, applying it uniformly across all lot sizes can lead to disproportionate outcomes, particularly on larger sites where built form can increase significantly without clear need or benefit. It is also not in keeping with the dual occupancy typology which is a smaller home and different to the standard single detached detached dwelling.

A sliding scale FSR, which adjusts the allowable Gross Floor Area (GFA) based on lot size, provides a more balanced and context-sensitive approach. It ensures that dual occupancies remain:

- Proportional to the surrounding built form,
- Compatible with low-density character,
- And appropriately scaled to the functional needs of the lot.

The following section outlines three key reasons why a flat 0.5:1 FSR is not appropriate on larger lots and why a sliding scale is preferred.

1. LARGER LOTS DON'T REQUIRE MORE GFA TO ACHIEVE GOOD DESIGN OUTCOMES

While larger lots offer more space, this doesn't mean they need proportionally more GFA. A flat 0.5:1 FSR automatically grants larger sites significantly more floor area—up to 1,000sqm GFA on a 2,000sqm lot—even though additional GFA is rarely necessary to achieve a well-designed dual occupancy. This would allow 2x500sqm dwellings, which is the equivalent to a 5-7 bedroom house.

Larger lots already have:

- More site flexibility for setbacks, articulation, and solar access
- Greater capacity for driveways, private open space, and deep soil zones
- Fewer design constraints compared to smaller sites

They don't require additional floor area to meet planning controls—they simply have more room to work with.

Automatically allowing larger homes on larger sites does not improve functionality. It simply results in larger footprints, greater visual bulk, and more resource-intensive housing—without any clear benefit to occupants, neighbours, or the broader community. Morever, the purpose of dual occupancy development is not to enable the subdivision of large lots that would otherwise not be permitted, but to deliver housing diversity and provide smaller housing typologies that might be more affordable than a standard detached dwelling.

2. POTENTIALLY INCOMPATIBLE WITH R2 ZONE

The R2 Low Density Residential zone is designed to support suburban character, typically consisting of detached dwellings on landscaped lots. Dual occupancies are a more intensive land use, but they are still expected to be compatible with surrounding development.

To maintain this compatibility, it is reasonable for dual occupancies to have a modest increase in floor area compared to single dwellings—enough to account for two homes on one lot, but not so much that they dominate the neighbourhood.

Lot Size	R2 FSR	R2 Single Dwelling GFA	0.5:1 FSR (no sliding scale)	Dual Occ. GFA	GFA per dwelling	GFA % Increase*	0.5:1 FSR (sliding scale)	Proposed Dual Occ. GFA	GFA per dwelling	GFA % Increase*
1,015	((170 + (0.2 × site area)) / site area):1	373 sqm	0.5:1	507.5 sqm	253.75sqm	36%	0.5:1	507.5 sqm	253.75sqm	35%
1,250		420 sqm		625 sqm	312.5sqm	49%	((200 + (0.3 × site area)) / site area):1	575 sqm	287.5sqm	37%
1,500		470 sqm		750 sqm	375sqm	60%		650 sqm	325sqm	38%
1,750	(0.3:1)	525 sqm		875 sqm	437.5sqm	67%		725 sqm	362.5sqm	38%
2,000		600 sqm		1,000 sqm	500sqm	67%	0.4:1	800 sqm	400sqm	33%

** GFA % increase refers to the percentage increase in Gross Floor Area (GFA) compared to that of an R2 Single Dwelling. For example, 507.5 sqm represents a 35% increase from 373 sqm.*

With the proposed sliding FSR, the increase in floor area for dual occupancies ranges from 33% to 38% across typical lot sizes. This provides:

- Enough extra space to make a dual occupancy viable and liveable
- A built form increase that remains proportional to the single dwelling standard

In contrast, a flat 0.5:1 FSR results in built form increases of up to 67% compared to single dwellings. This could lead to:

- Abrupt jump in scales
- Development that is visually inconsistent with surrounding homes
- A loss of the low-density character the R2 zone is intended to preserve

3. INCONSISTENT WITH COMPLYING DEVELOPMENT GFA

A flat 0.5:1 FSR quickly results in built form that exceeds what is allowed under Complying Development (CDC), starting at a lot size of just 1,250sqm.

Lot Size	CDC GFA	Flat 0.5:1 GFA	Difference
1,015	553.75	507.5	–46.25
1,250	612.5	625	+12.5
1,500	675	750	+75.0
1,750	737.5	875	+137.5
2,000	800	1,000	+200.0

At 1,250sqm and above, a flat 0.5:1 FSR provides more GFA than CDC allows, with the difference growing significantly on larger lots. For example, on a 2,000sqm lot, it enables 200sqm more floor area than CDC.

RECOMMENDATION:

A sliding scale of FSR in relation to site area is recommended. The following formula for calculating FSR on lot sizes is shown below:

- 1,015 = 0.5:1
- More than 1,015sqm but not more than 2,000sqm = ((200 + (0.3 × site area)) / site area) : 1
- More than 2,000sqm = 0.4:1

This is how this FSR would be distributed on example lot sizes in Ku-ring-gai:

Lot Size	FSR	GFA
1,015	0.50	504.50
1,250	0.46	575.00
1,500	0.43	650.00
1,750	0.41	725.00
2,000	0.4	800.00

PART 2:

Testing of Proposed FSR and DCP Controls Across Typologies

This section tests the proposed Floor Space Ratio (FSR) of 0.5:1 on a 1,015sqm lot, alongside potential Development Control Plan (DCP) controls, across a range of dual occupancy typologies, lot widths, and site configurations. The objective is to assess how the proposed FSR performs in practice and how it compares with development outcomes permitted under the NSW Complying Development Codes (CDC).

Each of the four typologies—Side-by-Side, Corner, Front/Back, and Parallel Frontage—is evaluated against key planning objectives, including car parking, landscaping, deep soil, private open space, and tree planting.

For each scenario, two questions are considered:

- Which planning pathway—CDC or DA with the proposed 0.5:1 FSR—delivers a better outcome from an urban design and site planning perspective?
- Which is more likely to occur based on typical site constraints and compliance feasibility?

This testing provides a practical comparison of the two planning pathways and illustrates how a 0.5:1 FSR functions under real-world development conditions.

The results demonstrate that the proposed 0.5:1 FSR, when paired with potential DCP controls, delivers outcomes equal to or better than those permitted under CDC across all typologies tested. While CDC remains feasible for standard 20m side-by-side lots, it does not permit front/back configurations and performs less effectively on corner or irregular sites. In contrast, the DA pathway supports a wider range of typologies—including those not permitted under CDC—and performs more consistently across varied site conditions.

Beyond typology and feasibility, the two pathways also lead to different built form and landscape outcomes. The comparative assessment indicates that the CDC—effectively equivalent to a 0.54:1 FSR on a 1,015sqm lot—does not support the level of deep soil, tree planting, setbacks, and landscaping needed to integrate new development into Ku-ring-gai's established character. By contrast, the proposed 0.5:1 FSR, when paired with potential DCP controls, enables improved built form outcomes and better supports delivery of the key elements that contribute to the area's valued leafy, green character.

Results

Typology	Road Frontage	% of lots	Lot Width (m)	% of lots	Attached / Detached	Which outcome is better?	Which outcome is more likely?
Side by Side	1	85%	15	33%	Attached	Equal	CDC
					Detached	Not a valid typology	
			20	27%	Attached	Equal	CDC
					Detached	Equal	CDC
			25	12%	Attached	DA	DA
					Detached	DA	DA
Corner	2 - corner	11%	15	33%	Attached	Equal	DA
					Detached	Not a valid typology	
			20	27%	Attached	Equal	DA
					Detached	DA	DA
			25	12%	Attached	DA	DA
					Detached	DA	DA
Parallel	2 - parallel	3%	15	33%	Attached	Not a likely typology	
					Detached	Equal	CDC
			20	27%	Attached	Not a likely typology	
					Detached	Equal	DA
			25	12%	Attached	Not a likely typology	
					Detached	DA	DA
Front/back	1	85%	25	12%	Attached	DA	DA
					Detached	DA	DA

Dual Occupancy Standards / Controls

Key outcomes of testing conducted are documented on pages 14-33. FSR testing have determined the proposed KLEP and possible controls for the KDCP as tabled below.

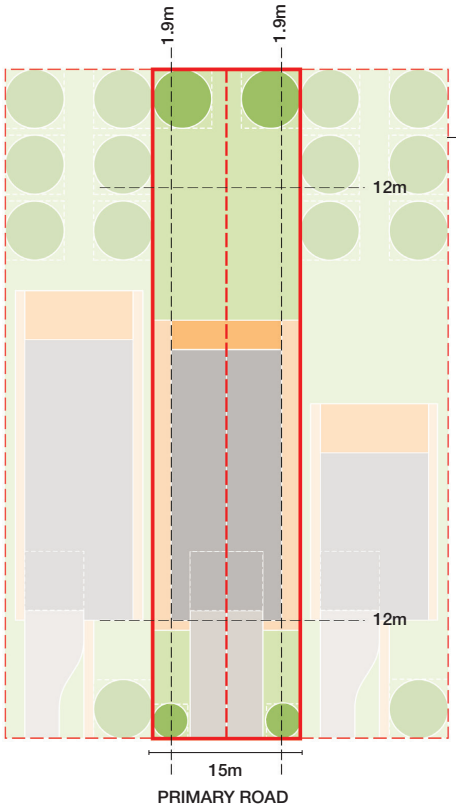
	COMPLYING DEVELOPMENT CONTROLS	PROPOSED LEP STANDARDS
FSR	Parent lot size: 400sqm–2,000sqm = 25% of lot area + 300sqm GFA Parent lot size: >2,000sqm = 800sqm GFA	Parent lot size: 1,015sqm-2,000sqm = 30% of site area + 200sqm GFA Parent lot size: >2,000sqm = 800sqm GFA
Maximum building height	8.5m	9.5m

	COMPLYING DEVELOPMENT CONTROLS	PROPOSED DCP CONTROLS
Minimum lot width	The parent lot must have a minimum width at the building line of: 12 metres, if car access is only from a secondary road, parallel road, or lane 15 metres, in all other cases	The parent lot must have a minimum width at the building line of: 12 metres, if car access is only from a secondary road, parallel road, or lane 15 metres, in all other cases The parent lot for front/back typologies is: 25m
Primary Road Setback	Min. front setback = avg. of 2 nearest dwellings within 40m (same side), or 6.5m if none.	Lot width 15-19m = minimum 12m front setback Lot width > 20m = minimum 8m front setback On frontages with more than one driveway crossover (such as the side-by-side typology), a minimum 12m front setback applies. In HCAs, the minimum front setback is the average. of 2 nearest dwellings within 40m (same side), or if none, 12m.
Primary road setback for detached dual occupancies on corner	N/A (treated as 'Primary Road Setback')	For detached dual occupancies on the corner, the second detached dwelling can have a reduced setback of 6m.
Secondary road setback for attached dual occupancies on corner lots	3m	Lot width 15-19m = 3m secondary road setback Lot width > 20m = 6m secondary road setback
Side setbacks	Width of parent lot: 12-24m = (building height– 4.5m) ÷ 4 + 0.9m Width of parent lot: 24-36m = (building height– 4.5m) ÷ 4 + 1.5m Width of parent lot: >36m = 2.5	Width of parent lot: 12-24m = (building height– 4.5m) ÷ 4 + 0.9m Width of parent lot: 24-36m = (building height– 4.5m) ÷ 4 + 1.5m Width of parent lot: >36m = 2.5
Rear setbacks	Height of building: 0m–4.5m = 5m Height of building: 4.5m – 8.5m = 12m	Lot width 15-19m = minimum 12m rear setback Lot width > 20m = minimum 8m rear setback
Dwelling configuration	Each dwelling must face a public road. No dwelling must be located behind another dwelling on the same lot (except on a corner lot or a parallel road lot where each dwelling fronts a different road).	Front/back typology allowed under particular circumstances, for example within heritage conservation areas, and only where the site will not require removal of trees and significant vegetation.

	COMPLYING DEVELOPMENT CONTROLS	PROPOSED DCP CONTROLS
Detached minimum distance	3m	A minimum separation distance between detached dwellings of 3m. A 1.8m tall fence is required between dwellings to ensure privacy.
Dwelling width	Minimum building width of 6.5m.	Minimum building width of 6.5m.
Minimum landscape	The minimum landscaped area that must be provided is 50% of the parent lot area minus 100sqm. At least 25% of the area of the lot forward of the building line must be landscaped. At least 50% of the area required to be landscaped must be located behind the building line. Each landscaped area must have a minimum dimension of 1.5m.	The minimum landscaped area that must be provided is 50% of the parent lot area minus 100sqm. At least 25% of the area of the lot forward of the building line must be landscaped. Each landscaped area must have a minimum dimension of 1.5m.
Principal private open space	16sqm with a minimum dimension of 3m.	25sqm with a minimum dimension of 3m.
Car parking	At least 1 off-street parking space must be provided for each dwelling.	For dwellings above 125sqm a minimum of 2 off-street parking spaces are provided for each dwelling. For dwellings under 125sqm, 1 off-street parking space must be provided for each dwelling.
Car parking setback	1m or more behind the building line of the dual occupancy.	1m or more behind the building line of the dual occupancy.
Width of garage door openings	The maximum width of all garage doors accessed from a primary road is: Lot width 15m-20m = 6m 20-25m = 9.2m >25m = 12m	The maximum width of all garage doors accessed from a primary road is: Lot width 15m-20m = 6m 20-25m = 9.2m >25m = 12m
Trees (per dwelling)	Front: 1 tree with height of 5m Rear: 1 tree with height of 8m	Either (number per dwelling): 2 x medium trees (6mx6m) and 1 x small tree (3.5mx3.5m) Or: 1 x medium trees (6mx6m) and 3 x small tree (3.5mx3.5m)
Deep soil	Minimum 15% of site area	Minimum 30% of site area
Maximum built upon area	N/A	Maximum built-upon area of 60%

1. Side-by-Side

ATTACHED TYPOLOGY



COMPLYING DEVELOPMENT

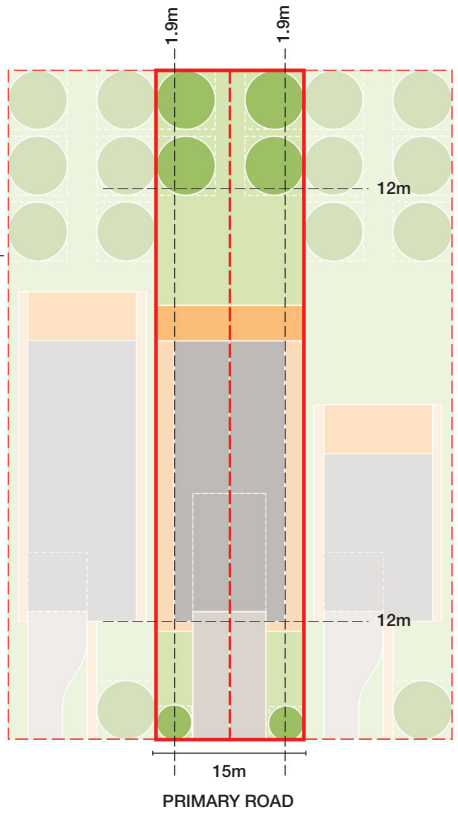
Compliant	✓
GFA / FSR	554sqm - 0.54:1 FSR
Car Parking Spaces	1 space / dwelling
Landscaped Area	466sqm
Deep Soil	15%
Trees	1 medium, 1 small / dwelling
Principal Open Space	16sqm

Outcome	—	Same as a Development Application
Likelihood	✓	More Likely than Development Application

DEVELOPMENT APPLICATION

Compliant	✓
GFA / FSR	507sqm - 0.5:1 FSR
Car Parking Spaces	2 spaces / dwelling
Landscaped Area	451sqm
Deep Soil	30%
Trees	2 medium, 1 small / dwelling
Principal Open Space	25sqm

Outcome	—	Same as a Complying Development
Likelihood	✗	Less Likely than Complying Development



1,015 Parent Lot
Dual occupancy lot
Dwelling
Garage
Driveway
Pathway
Open space
Trees
Landscaped Area
Non-compliances



*% of lots that have this characteristic on valid sites (i.e. residential lots on sites > 1015sqm).

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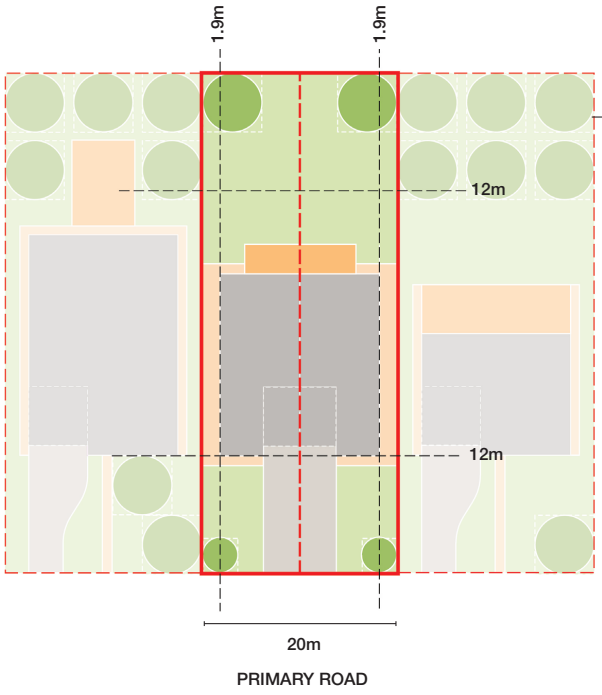
15m detached side-by-side not a valid typology on a 15m site width

1. Side-by-Side

ATTACHED TYPOLOGY



COMPLYING DEVELOPMENT

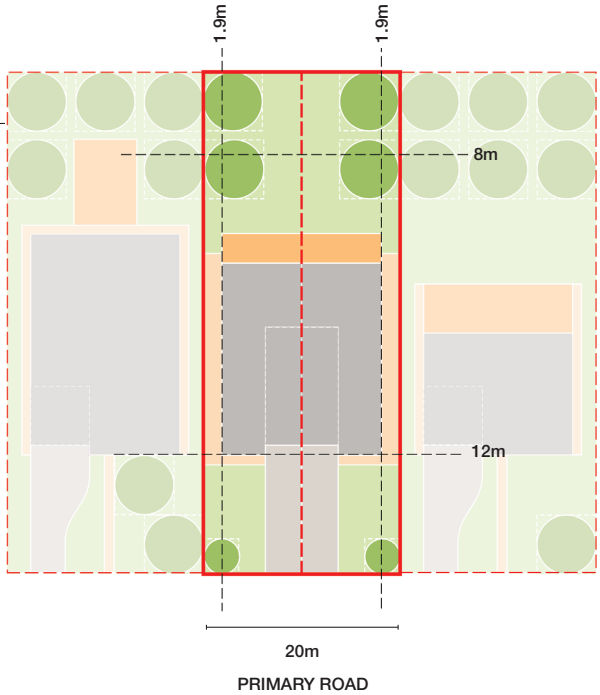
Compliant	✓
GFA / FSR	554sqm - 0.54:1 FSR
Car Parking Spaces	1 space / dwelling
Landscaped Area	506sqm
Deep Soil	15%
Trees	1 medium, 1 small / dwelling
Principal Open Space	16sqm

Outcome	—	Same as a Development Application
Likelihood	✓	More Likely than Development Application

DEVELOPMENT APPLICATION

Compliant	✓
GFA / FSR	507sqm - 0.5:1 FSR
Car Parking Spaces	2 spaces / dwelling
Landscaped Area	476sqm
Deep Soil	30%
Trees	2 medium, 1 small / dwelling
Principal Open Space	25sqm

Outcome	—	Same as a Complying Development
Likelihood	✗	Less Likely than Complying Development



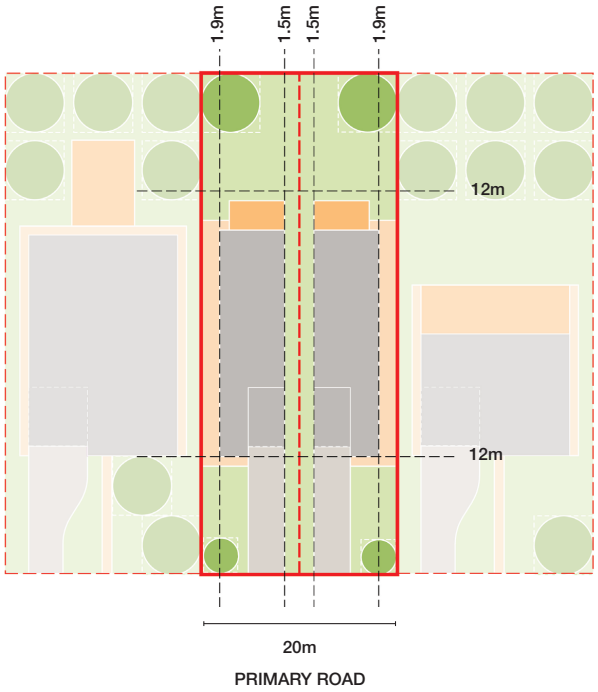
1,015 Parent Lot
Dual occupancy lot
Dwelling
Garage
Driveway
Pathway
Open space
Trees
Landscaped Area
Non-compliances

27%* LOT WIDTH = 20M

85%* ONE ROAD FRONTAGE

DETACHED TYPOLOGY

*% of lots that have this characteristic on valid sites (i.e. residential lots on sites > 1015sqm).



COMPLYING DEVELOPMENT

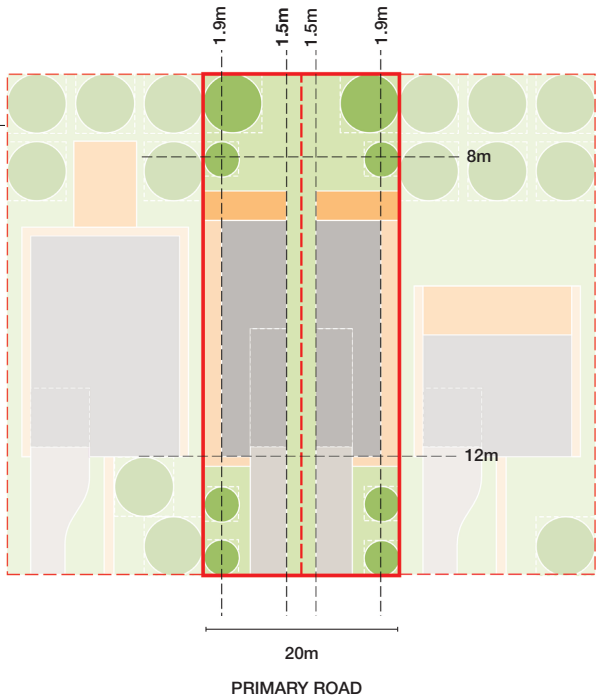
Compliant	✓
GFA / FSR	554sqm - 0.54:1 FSR
Car Parking Spaces	1 space / dwelling
Landscaped Area	490sqm
Deep Soil	15%
Trees	1 medium, 1 small / dwelling
Principal Open Space	16sqm

Outcome	—	Same as a Development Application
Likelihood	✓	More Likely than Development Application

DEVELOPMENT APPLICATION

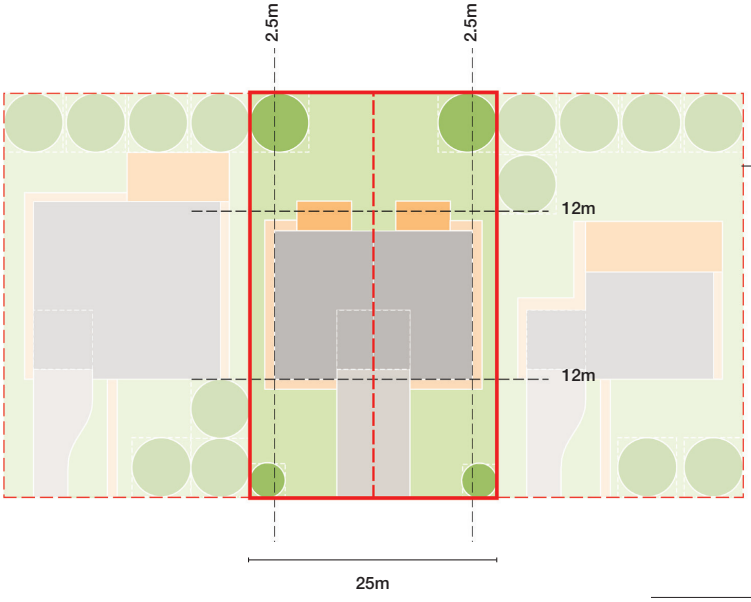
Compliant	✓
GFA / FSR	507sqm - 0.5:1 FSR
Car Parking Spaces	2 spaces / dwelling
Landscaped Area	462sqm
Deep Soil	30%
Trees	2 medium, 1 small / dwelling
Principal Open Space	25sqm

Outcome	—	Same as a Complying Development
Likelihood	✗	Less Likely than Complying Development



1. Side-by-Side

ATTACHED TYPOLOGY



COMPLYING DEVELOPMENT

Compliant	✓
GFA / FSR	554sqm - 0.54:1 FSR
Car Parking Spaces	1 space / dwelling
Landscaped Area	552sqm
Deep Soil	15%
Trees	1 medium, 1 small / dwelling
Principal Open Space	16sqm

Outcome	—	Same as a Development Application
Likelihood	✓	More Likely than Development Application

DEVELOPMENT APPLICATION

Compliant	✓
GFA / FSR	507sqm - 0.5:1 FSR
Car Parking Spaces	2 spaces / dwelling
Landscaped Area	516sqm
Deep Soil	30%
Trees	2 medium, 1 small / dwelling
Principal Open Space	25sqm

Outcome	—	Same as a Complying Development
Likelihood	✗	Less Likely than Complying Development



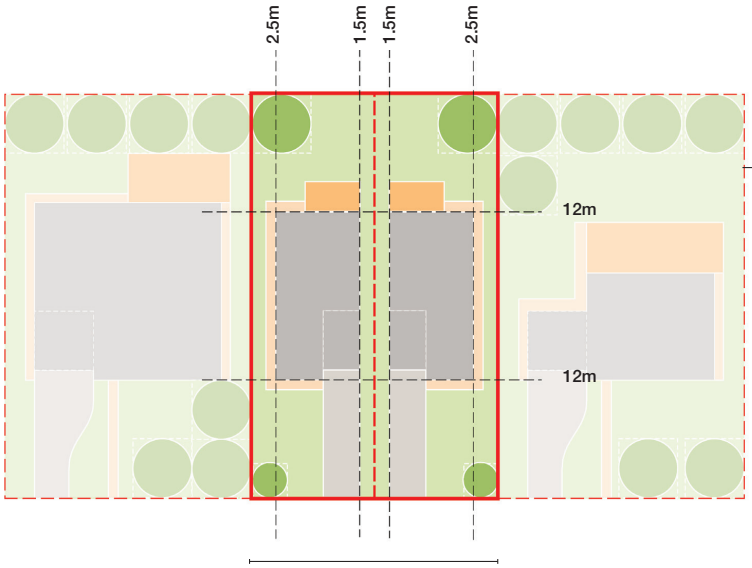
1,015 Parent Lot
Dual occupancy lot
Dwelling
Garage
Driveway
Pathway
Open space
Trees
Landscaped Area
Non-compliances

12%* LOT WIDTH = 25M

85%* ONE ROAD FRONTAGE

DETACHED TYPOLOGY

*% of lots that have this characteristic on valid sites (i.e. residential lots on sites > 1015sqm).



COMPLYING DEVELOPMENT

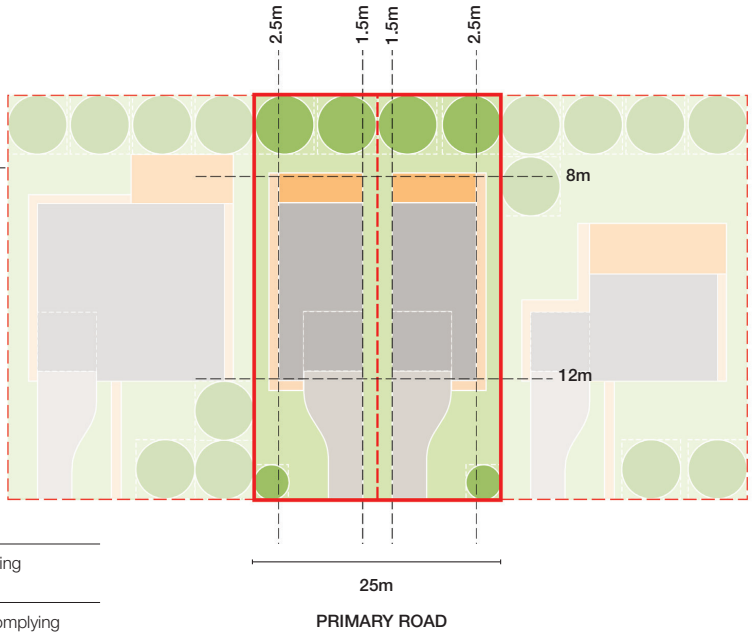
Compliant	✓
GFA / FSR	554sqm - 0.54:1 FSR
Car Parking Spaces	1 space / dwelling
Landscaped Area	541sqm
Deep Soil	15%
Trees	1 medium, 1 small / dwelling
Principal Open Space	16sqm

Outcome	✗	Worse than Development Application
Likelihood	✗	Less Likely than Development Application

DEVELOPMENT APPLICATION

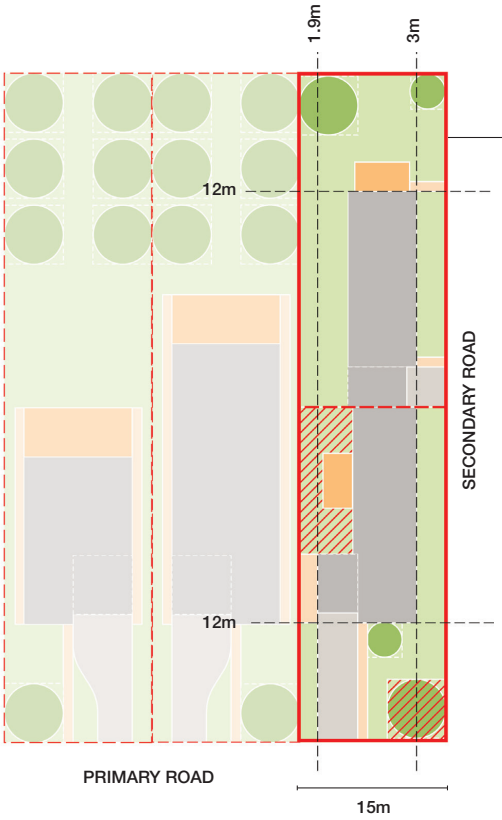
Compliant	✓
GFA / FSR	507sqm - 0.5:1 FSR
Car Parking Spaces	2 spaces / dwelling
Landscaped Area	507sqm
Deep Soil	30%
Trees	2 medium, 1 small / dwelling
Principal Open Space	25sqm

Outcome	✓	Better than Complying Development
Likelihood	✓	More Likely than Complying Development



2. Corner

ATTACHED TYPOLOGY



COMPLYING DEVELOPMENT

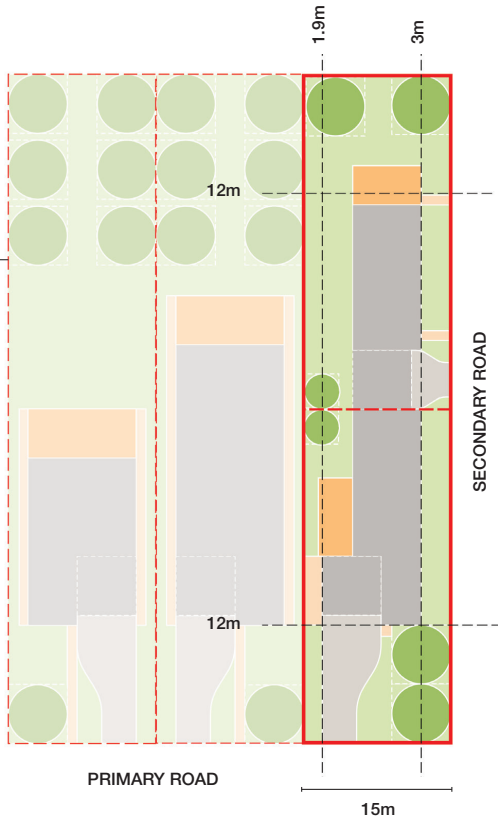
Compliant	✕	Medium tree not located behind building line, 50% of landscaping not behind building line.
GFA / FSR		554sqm - 0.54:1 FSR
Car Parking Spaces		1 space / dwelling
Landscaped Area		571sqm
Deep Soil		15%
Trees		1 medium, 1 small / dwelling
Principal Open Space		16sqm

Outcome	—	Same as a Development Application
Likelihood	✕	Less Likely than Development Application

DEVELOPMENT APPLICATION

Compliant	✓
GFA / FSR	507sqm - 0.5:1 FSR
Car Parking Spaces	2 spaces / dwelling
Landscaped Area	538sqm
Deep Soil	30%
Trees	2 medium, 1 small / dwelling
Principal Open Space	25sqm

Outcome	—	Same as a Complying Development
Likelihood	✓	More Likely than Complying Development



1,015 Parent Lot
Dual occupancy lot
Dwelling
Garage
Driveway
Pathway
Open space
Trees
Landscaped Area
Non-compliances



*% of lots that have this characteristic on valid sites (i.e. residential lots on sites > 1015sqm).

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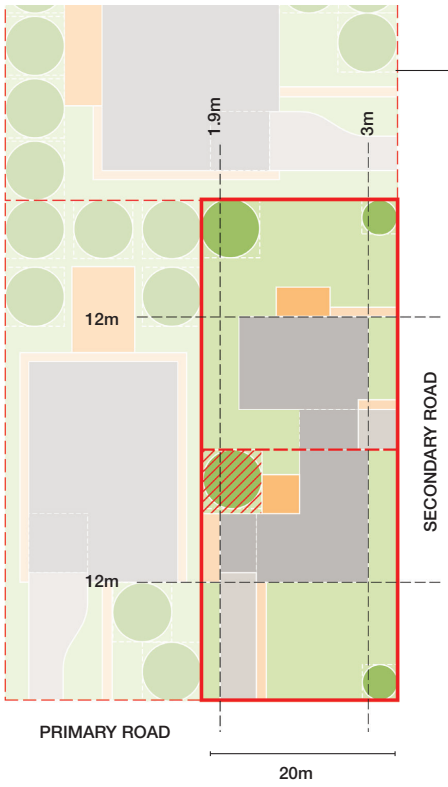
15m detached corner not a valid typology on a 15m site width

2. Corner

ATTACHED TYPOLOGY



COMPLYING DEVELOPMENT

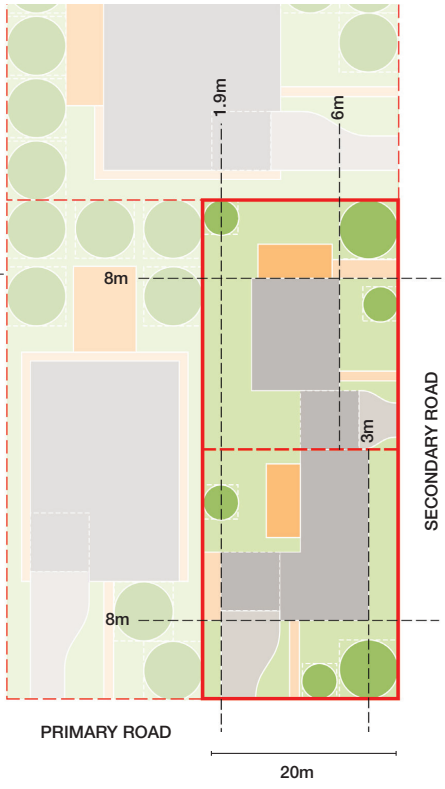
Compliant	✕	50% of landscaping not behind building line.
GFA / FSR		554sqm - 0.54:1 FSR
Car Parking Spaces		1 space / dwelling
Landscaped Area		593sqm
Deep Soil		15%
Trees		1 medium, 1 small / dwelling
Principal Open Space		16sqm

Outcome	—	Same as a Development Application
Likelihood	✕	Less Likely than Development Application

DEVELOPMENT APPLICATION

Compliant	✓
GFA / FSR	507sqm - 0.5:1 FSR
Car Parking Spaces	2 spaces / dwelling
Landscaped Area	537sqm
Deep Soil	30%
Trees	2 medium, 1 small / dwelling
Principal Open Space	25sqm

Outcome	—	Same as a Complying Development
Likelihood	✓	More Likely than Complying Development



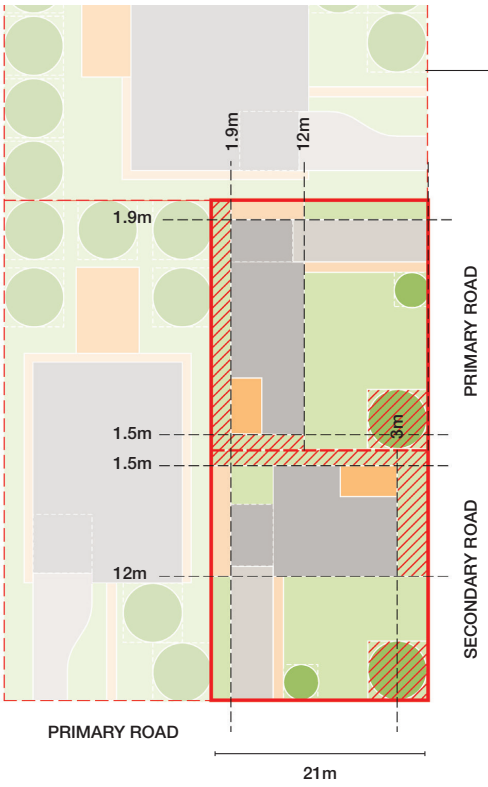
1,015 Parent Lot
Dual occupancy lot
Dwelling
Garage
Driveway
Pathway
Open space
Trees
Landscaped Area
Non-compliances

27%* LOT WIDTH = 20M

11%* CORNER ROAD FRONTAGE

DETACHED TYPOLOGY

*% of lots that have this characteristic on valid sites (i.e. residential lots on sites > 1015sqm).



COMPLYING DEVELOPMENT

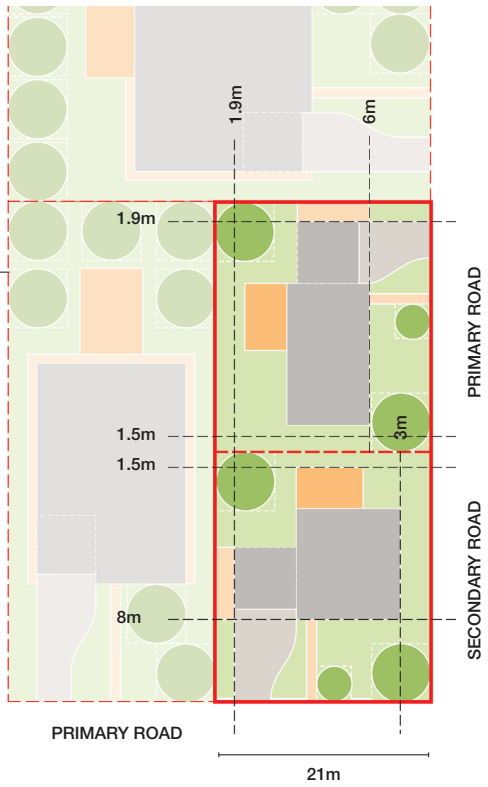
Compliant	✗	Medium tree not located behind building line, 50% of landscaping not behind building line.
GFA / FSR	✗	480sqm - 0.47:1 FSR
Car Parking Spaces		1 space / dwelling
Landscaped Area		564sqm
Deep Soil		15%
Trees		1 medium, 1 small / dwelling
Principal Open Space		16sqm

Outcome	✗	Worse than Development Application
Likelihood	✗	Less Likely than Development Application

DEVELOPMENT APPLICATION

Compliant	✓
GFA / FSR	507sqm - 0.5:1 FSR
Car Parking Spaces	2 spaces / dwelling
Landscaped Area	516sqm
Deep Soil	30%
Trees	2 medium, 1 small / dwelling
Principal Open Space	25sqm

Outcome	✓	Better than Complying Development
Likelihood	✓	More Likely than Complying Development



2. Corner

ATTACHED TYPOLOGY



COMPLYING DEVELOPMENT

Compliant	✗	Medium tree not located behind building line, 50% of landscaping not behind building line, open space not located behind building line.
GFA / FSR	✗	518sqm - 0.51:1 FSR
Car Parking Spaces		1 space / dwelling
Landscaped Area		614sqm
Deep Soil		15%
Trees		1 medium, 1 small / dwelling
Principal Open Space		16sqm

Outcome	✗	Worse than Development Application
Likelihood	✗	Less Likely than Development Application

DEVELOPMENT APPLICATION

Compliant	✓
GFA / FSR	507sqm - 0.5:1 FSR
Car Parking Spaces	2 spaces / dwelling
Landscaped Area	550sqm
Deep Soil	30%
Trees	2 medium, 1 small / dwelling
Principal Open Space	25sqm

Outcome	✓	Better than Complying Development
Likelihood	✓	More Likely than Complying Development



1,015 Parent Lot
Dual occupancy lot
Dwelling
Garage
Driveway
Pathway
Open space
Trees
Landscaped Area
Non-compliances

12%* LOT WIDTH = 25M

11%* CORNER ROAD FRONTAGE

DETACHED TYPOLOGY

*% of lots that have this characteristic on valid sites (i.e. residential lots on sites > 1015sqm).



COMPLYING DEVELOPMENT

Compliant	✗	Medium tree not located behind building line, 50% of landscaping not behind building line, open space not located behind building line.
GFA / FSR	✗	523sqm - 0.51:1 FSR
Car Parking Spaces		1 space / dwelling
Landscaped Area		546sqm
Deep Soil		15%
Trees		1 medium, 1 small / dwelling
Principal Open Space		16sqm

Outcome	✗	Worse than Development Application
Likelihood	✗	Less Likely than Development Application

DEVELOPMENT APPLICATION

Compliant	✓
GFA / FSR	507sqm - 0.5:1 FSR
Car Parking Spaces	2 spaces / dwelling
Landscaped Area	580sqm
Deep Soil	30%
Trees	2 medium, 1 small / dwelling
Principal Open Space	25sqm

Outcome	✓	Better than Complying Development
Likelihood	✓	More Likely than Complying Development



3. Parallel Road

ATTACHED TYPOLOGY

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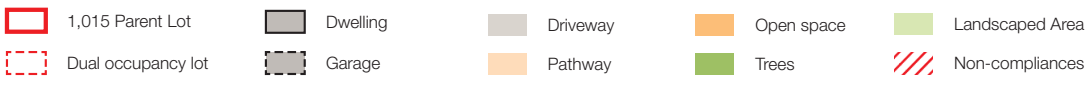
15m parallel road is a highly unlikely typology

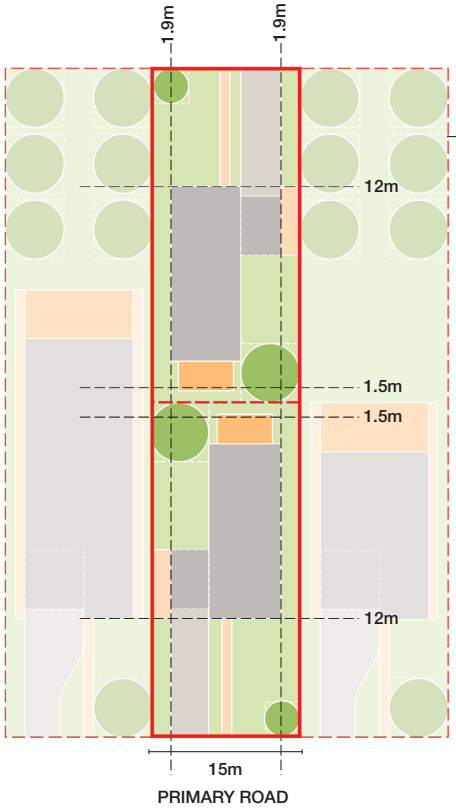


33%* LOT WIDTH = 15M

3%* PARALLEL ROAD FRONTAGE

DETACHED TYPOLOGY

*% of lots that have this characteristic on valid sites (i.e. residential lots on sites > 1015sqm).



COMPLYING DEVELOPMENT

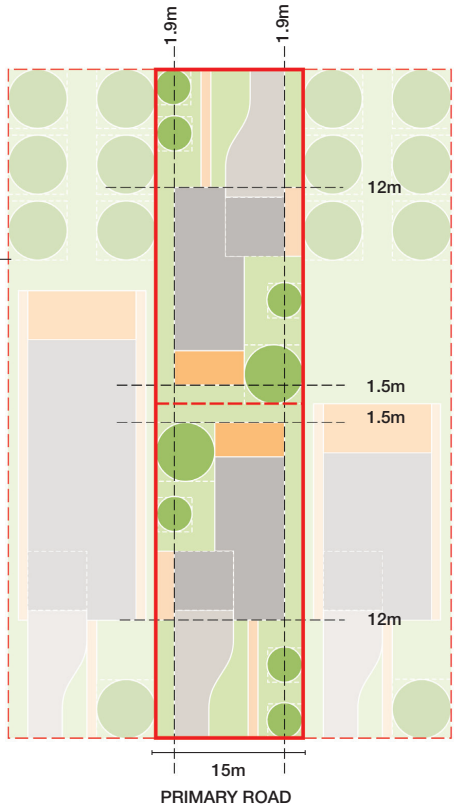
Compliant	✓
GFA / FSR	554sqm - 0.54:1 FSR
Car Parking Spaces	1 space / dwelling
Landscaped Area	528sqm
Deep Soil	15%
Trees	1 medium, 1 small / dwelling
Principal Open Space	16sqm

Outcome	—	Same as a Development Application
Likelihood	✓	More Likely than Development Application

DEVELOPMENT APPLICATION

Compliant	✓
GFA / FSR	507sqm - 0.5:1 FSR
Car Parking Spaces	2 spaces / dwelling
Landscaped Area	515sqm
Deep Soil	30%
Trees	2 medium, 1 small / dwelling
Principal Open Space	25sqm

Outcome	—	Same as a Complying Development
Likelihood	✗	Less Likely than Complying Development



3. Parallel Road

ATTACHED TYPOLOGY

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15m parallel road is a highly unlikely typology

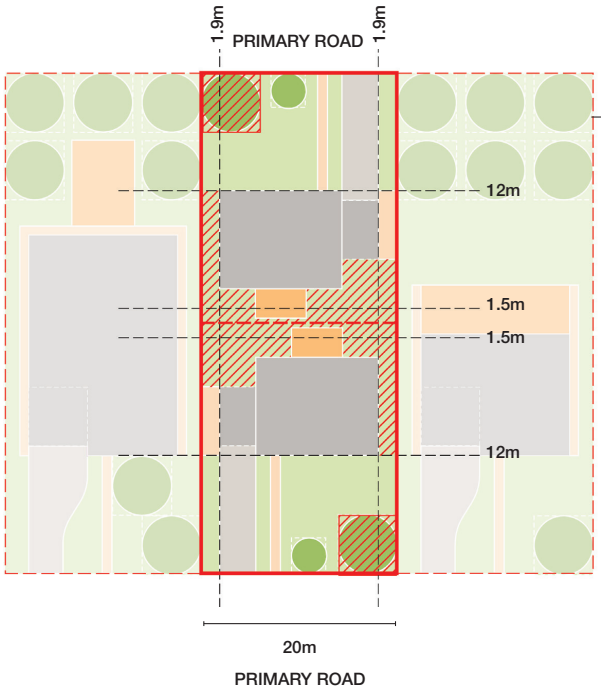
1,015 Parent Lot
Dual occupancy lot
Dwelling
Garage
Driveway
Pathway
Open space
Trees
Landscaped Area
Non-compliances

27%* LOT WIDTH = 20M

3%* PARALLEL ROAD FRONTAGE

DETACHED TYPOLOGY

*% of lots that have this characteristic on valid sites (i.e. residential lots on sites > 1015sqm).



COMPLYING DEVELOPMENT

Compliant	✕ Medium tree not locate behind the building line, 50% landscaping not be-hind building line.
GFA / FSR	554sqm - 0.54:1 FSR
Car Parking Spaces	1 space / dwelling
Landscaped Area	548sqm
Deep Soil	15%
Trees	1 medium, 1 small / dwelling
Principal Open Space	16sqm

Outcome	—	Same as a Development Application
Likelihood	✕	Less Likely than Development Application

DEVELOPMENT APPLICATION

Compliant	✓
GFA / FSR	507sqm - 0.5:1 FSR
Car Parking Spaces	2 spaces / dwelling
Landscaped Area	552sqm
Deep Soil	30%
Trees	2 medium, 1 small / dwelling
Principal Open Space	25sqm

Outcome	—	Same as a Complying Development
Likelihood	✓	More Likely than Complying Development



3. Parallel Road

ATTACHED TYPOLOGY

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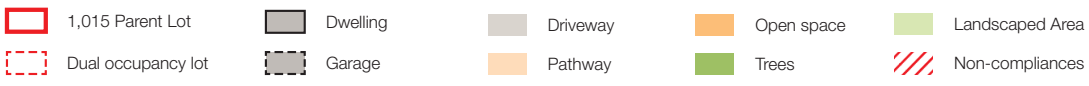
15m parallel road is a highly unlikely typology

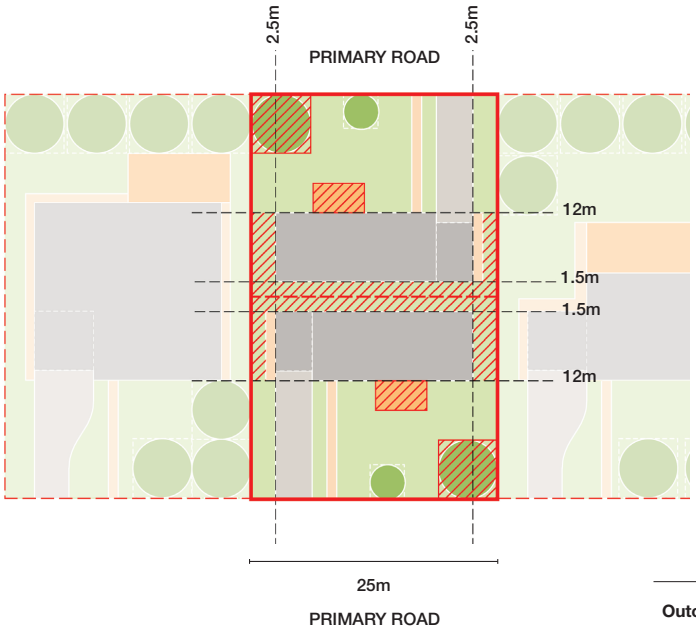


12%* LOT WIDTH = 25M

3%* PARALLEL ROAD FRONTAGE

DETACHED TYPOLOGY

*% of lots that have this characteristic on valid sites (i.e. residential lots on sites > 1015sqm).



COMPLYING DEVELOPMENT

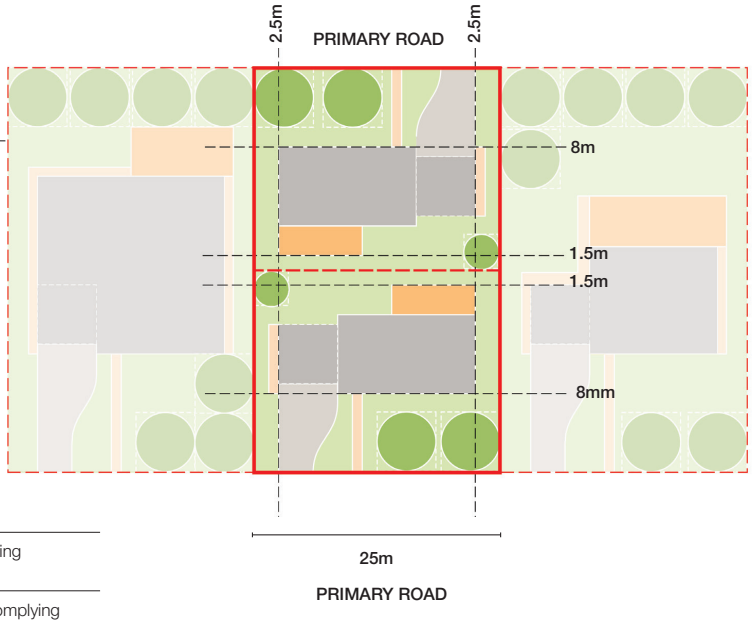
Compliant	✗	Medium tree not located behind the building line, principal open space not located behind building line, 50% landscaping not behind building line.
GFA / FSR	✗	473sqm - 0.47:1 FSR
Car Parking Spaces		1 space / dwelling
Landscaped Area		603sqm
Deep Soil		15%
Trees		1 medium, 1 small / dwelling
Principal Open Space		16sqm

Outcome	✗	Worse than Development Application
Likelihood	✗	Less Likely than Development Application

DEVELOPMENT APPLICATION

Compliant	✓
GFA / FSR	507sqm - 0.5:1 FSR
Car Parking Spaces	2 spaces / dwelling
Landscaped Area	557sqm
Deep Soil	30%
Trees	2 medium, 1 small / dwelling
Principal Open Space	25sqm

Outcome	✓	Better than Complying Development
Likelihood	✓	More Likely than Complying Development



1. Front/back

ATTACHED TYPOLOGY

Section left intentionally blank

There is no compliant front/back typology

DEVELOPMENT APPLICATION

Compliant	✓
GFA / FSR	507sqm - 0.5:1 FSR
Car Parking Spaces	2 spaces / dwelling
Landscaped Area	490sqm
Deep Soil	30%
Trees	2 medium, 1 small / dwelling
Principal Open Space	25sqm

Outcome	✗	Worse than DA
Likelihood	✗	Less Likely than DA



1,015 Parent Lot
Dual occupancy lot
Dwelling
Garage
Driveway
Pathway
Open space
Trees
Landscaped Area
Non-compliances

12%* LOT WIDTH = 25M

85%* ONE ROAD FRONTAGE

DETACHED TYPOLOGY

*% of lots that have this characteristic on valid sites (i.e. residential lots on sites > 1015sqm).

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There is no compliant front/back typology

DEVELOPMENT APPLICATION

Compliant	✓
GFA / FSR	507sqm - 0.5:1 FSR
Car Parking Spaces	2 spaces / dwelling
Landscaped Area	495sqm
Deep Soil	30%
Trees	2 medium, 1 small / dwelling
Principal Open Space	25sqm

Outcome	✗	Worse than DA
Likelihood	✗	Less Likely than DA



PART 3:

Rationale for Proposed DCP Controls

This section sets out the recommended planning controls for dual occupancy development and provides a rationale for each. It compares existing controls under the Ku-ring-gai Local Environmental Plan (KLEP 2015) and DCP, relevant provisions under the NSW Complying Development SEPP, and the practical outcomes observed during site and typology testing.

Each control is tested on a standard 1,015sqm lot, with reference to common dual occupancy typologies and planning requirements, including:

- Floor space ratio and gross floor area
- Minimum lot width and depth
- Primary and secondary street setbacks
- Side and rear setbacks
- Private open space
- Landscaped area and minimum dimensions
- Deep soil planting
- Car parking provision
- Garage and driveway design
- Dwelling separation distances
- Dwelling orientation and configuration

The purpose of this section is to identify appropriate, consistent, and achievable standards that support the proposed FSR and deliver development outcomes aligned with Ku-ring-gai's low-density character.

Recommended standards are provided alongside key comparisons and a brief explanation of how each recommendation supports the intended planning outcomes.

The controls outlined in this section are preliminary recommendations based on design testing and policy comparison, and may be refined through further review.

STANDARDS	KLEP 2015		COMPLYING DEVELOPMENT SEPP		STANDARDS TESTED	RECOMMENDED STANDARD AND RATIONALE FOR 1015 SQM LOTS
	DCP Controls for single house + dual occ	Likely standard on 1015sqm lot	SEPP standards	Likely standard on 1015sqm lot		
Maximum building height	9.5m	9.5m	8.5m	8.5m	-	**Recommended Standard** 9.5m
FSR	Single house - ((170 + (0.2 × site area)) / site area):1 Dual occ – 0.4:1	Single house FSR – 0.37:1 Single house GFA – 373sqm Dual occ FSR – 0.4:1 Dual occ GFA – 406sqm	Parent lot size: 400sqm–2,000sqm = 25% of lot area + 300sqm GFA Parent lot size: >2,000sqm = 800sqm GFA	GFA = 554sqm *FSR = 0.54:1 *Please note there is no FSR control under complying development. The GFA of a 1,015sqm would equate to a 0.54:1 FSR.	0.45:1 0.5:1 0.54:1	**Recommended Standard** Parent lot size: 1,015sqm-2,000sqm = 30% of site area + 200sqm GFA Parent lot size: >2,000sqm = 800sqm GFA **Rationale** 0.5:1 FSR is recommended for 1,015sqm sites. This allows for 507.5sqm of GFA (2 x 253.75sqm dwellings–4-bedroom dwellings). This excludes 2 x car parking spaces per dwelling. A sliding scale of GFA in relation to site area is recommended to prevent overdevelopment on smaller lots, while allowing greater development potential on larger sites where impacts can be effectively managed.
Min Lot Width			The parent lot must have a minimum width at the building line of: 12 metres, if car access is only from a secondary road, parallel road, or lane 15 metres, in all other cases	15m	15m 20m 25m	**Recommended Standard** The parent lot must have a minimum width at the building line of: 12 metres, if car access is only from a secondary road, parallel road, or lane 15 metres, in all other cases, except for: 25m for front/back typologies.

STANDARDS	KLEP 2015		COMPLYING DEVELOPMENT SEPP		STANDARDS TESTED	RECOMMENDED STANDARD AND RATIONALE FOR 1015 SQM LOTS
	DCP Controls for single house + dual occ	Likely standard on 1015sqm lot	SEPP standards	Likely standard on 1015sqm lot		
Primary road setback	Single Houses: Low side = 9m High side = 12m	12m	Min. front setback = avg. of 2 nearest dwellings within 40m (same side), or 6.5m if none.	12m	6m 8m 12m	**Recommended Control** Lot width 15-20m = 12m Lot width > 20m = 8m On frontages with more than one driveway crossover = 12m HCAs = avg. of 2 nearest dwellings within 40m (same side), or 12m if none. **Rationale** A 12m front setback It effective on narrow lots (< 20m) to allow for tree planting. This becomes overly restrictive on wider lots that can accommodate trees within a smaller setback. A 12m setback is recommended on sites with multiple driveway crossovers to maintain space for tree planting. In Heritage Conservation Areas (HCAs), using the average setback of the two nearest dwellings ensures that new development aligns with the prevailing streetscape pattern.
Primary road setback for detached dual occ on corner	Dual occs: The second dwelling is to have a 5m setback for no more than 25% of the elevation, and 7m for 75% of the elevation.	5-7m	Same as primary road setback	12m	5m 6m 7m 8m 12m	**Recommended Control** 6m **Rationale** Under Complying Development, requiring a second detached dwelling to match the typical 12 m primary road setback in Ku-ring-gai is often too restrictive, limiting design flexibility and feasibility, so a 6 m setback is recommended to balance tree planting with more practical site planning.

STANDARDS	KLEP 2015		COMPLYING DEVELOPMENT SEPP		STANDARDS TESTED	RECOMMENDED STANDARD AND RATIONALE FOR 1015 SQM LOTS
	DCP Controls for single house + dual occ	Likely standard on 1015sqm lot	SEPP standards	Likely standard on 1015sqm lot		
Secondary road setback for attached dual occupancies on corner lots	Dual occs: The second dwelling is to have a 5m setback for no more than 25% of the elevation, and 7m for 75% of the elevation.	3.8m – 4.5m	3m	3m	3m 3.8m 4.5m 6m	**Recommended Control** Lot width 15-19m = 3m secondary road setback Lot width > 20m = 6m secondary road setback **Rationale** A 15 m-wide lot requires a 12 m rear setback, so a reduced secondary road setback is supported. Wider lots have smaller rear setbacks and can accommodate a wider secondary setback while still providing a usable backyard.
Side setbacks	Single Houses: Site width < 20m = 2m Site width > 20m = 12% of site width	2m – 3m	Width of parent lot: 12-24m = (building height–4.5m) ÷ 4 + 0.9m Width of parent lot: 24-36m = (building height–4.5m) ÷ 4 + 1.5m Width of parent lot: >36m = 2.5	1.9m - 2.5m	1.9m 2m 2.5m 3m	**Recommended Control** Width of parent lot: 12-24m = (building height–4.5m) ÷ 4 + 0.9m Width of parent lot: 24-36m = (building height–4.5m) ÷ 4 + 1.5m Width of parent lot: >36m = 2.5 **Rationale** The side setbacks under Complying Development generally align with those in the R2 zone and should be adopted for consistency and simplicity.

STANDARDS	KLEP 2015		COMPLYING DEVELOPMENT SEPP		STANDARDS TESTED	RECOMMENDED STANDARD AND RATIONALE FOR 1015 SQM LOTS
	DCP Controls for single house + dual occ	Likely standard on 1015sqm lot	SEPP standards	Likely standard on 1015sqm lot		
Rear setback	Single Houses: Depth > 48m = 12m setback Depth < 48m = 25% of average site depth.	-	Height of building: 0m–4.5m = 5m Height of building: 4.5m – 8.5m = 12m	1 storey: 5m 2 storey: 12m	5m 8m 12m	**Recommended Control** Lot width 15-19m = 12m Lot width > 20m = 8m **Rationale** Under Complying Development, the 5m ground-floor rear setback is not supported in Ku-ring-gai due to potential impacts on significant rear vegetation. A 12 m rear setback is appropriate for narrower lots, as it helps preserve vegetation and amenity. However, on wider lots, this requirement can be overly restrictive, as these sites have more flexibility to accommodate tree planting in smaller setbacks.
Dwelling configuration	-	-	Each dwelling must face a public road. No dwelling must be located behind another dwelling on the same lot (except on a corner lot or a parallel road lot where each dwelling fronts a different road).	-	N/A	**Recommended Control** Front/back typology allowed under particular circumstances, for example within heritage conservation areas, and only where the site will not require removal of trees and significant vegetation. **Rationale** Supporting this typology in the DCP (with a minimum lot width) is recommended, as it reduces driveway crossovers, limits garage impacts, increases space for street trees, and suits owners wanting to keep an existing front dwelling and add one at the rear. This typology often leads to increased hardstand from longer driveways, so potential impacts on stormwater, landscaping, and amenity need to be carefully managed.

STANDARDS	KLEP 2015		COMPLYING DEVELOPMENT SEPP		STANDARDS TESTED	RECOMMENDED STANDARD AND RATIONALE FOR 1015 SQM LOTS
	DCP Controls for single house + dual occ	Likely standard on 1015sqm lot	SEPP standards	Likely standard on 1015sqm lot		
Detached minimum distance	Dual occs Separation between detached dual occupancy dwellings is to be a minimum of 7m.	7m	Must be located at least 3m from each other.	3m	-	**Recommended Control** A minimum separation distance between detached dwellings of 3m. A 1.8m tall fence is required between dwellings to ensure privacy. **Rationale** A 3m minimum separation distance can generally supported from a bulk and massing perspective, as it provides visual relief in the built form. The fence requirement will ensure visual privacy is retained. A separate sunlight access control will ensure sunlight access to habitable rooms.
Dwelling width	N/A	N/A	Each dwelling, including an off-street car parking space for the dwelling, must have a minimum width, measured at the building line, of 6.5m.	6.5m	6.5m	**Recommended Control** Minimum building width 6.5m **Rationale** A 6.5m minimum building width ensures a functional and liveable internal layout.

STANDARDS	KLEP 2015		COMPLYING DEVELOPMENT SEPP		STANDARDS TESTED	RECOMMENDED STANDARD AND RATIONALE FOR 1015 SQM LOTS
	DCP Controls for single house + dual occ	Likely standard on 1015sqm lot	SEPP standards	Likely standard on 1015sqm lot		
Minimum landscape	N/A Built-upon area maximum 50%	N/A	The minimum landscaped area that must be provided is 50% of the parent lot area minus 100m2. At least 25% of the area of the lot forward of the building line must be landscaped. At least 50% of the area required to be landscaped must be located behind the building line. Each landscaped area must have a minimum dimension of 1.5m.	407.5sqm (approximately 40%)	40% 50%	**Recommended Control** The minimum landscaped area that must be provided is 50% of the parent lot area minus 100m2. At least 25% of the area of the lot forward of the building line must be landscaped. Each landscaped area must have a minimum dimension of 1.5m. **Rationale** This level of landscaping is considered appropriate for dual occupancies. It is recommended that the requirement for 50% of landscaping to be behind the building line be removed, as it is overly restrictive and does not necessarily improve outcomes, while front yard landscaping offers greater benefits for streetscape and public amenity.
Principal private open space	Single house 50sqm, with a minimum dimension of 5m.	-	16sqm, with a minimum dimension of 3m.	16sqm, with a minimum dimension of 3m.	16sqm 25sqm 50sqm	**Recommended Control** 25sqm per dwelling. **Rationale** 16sqm is small for a 4-bedroom house. 25sqm is more likely to provide useable outdoor areas particularly for families.

STANDARDS	KLEP 2015		COMPLYING DEVELOPMENT SEPP		STANDARDS TESTED	RECOMMENDED STANDARD AND RATIONALE FOR 1015 SQM LOTS
	DCP Controls for single house + dual occ	Likely standard on 1015sqm lot	SEPP standards	Likely standard on 1015sqm lot		
Car parking	Dual occupancy under 125m2 : 1 space per dwelling. Dual occupancy over 125m2 : 2 spaces per dwelling.	-	At least 1 off-street parking space must be provided for each dwelling.	-	1 space per dwelling 2 spaces per dwelling	**Recommended Control** Dwelling under 125sqm: 1 space per dwelling. Dwelling over 125sqm: 2 spaces per dwelling. **Rationale** Under Complying Development, requiring only one off-street car space per (likely four-bedroom) dwelling is unrealistic and may increase on-street parking, so the existing DCP standard—requiring two spaces for larger dwellings—offers a more practical approach and should be retained for dual occupancies.
Car parking setback	Car parking spaces are to be located at or behind the required front setbacks.	-	1m or more behind the building line of the dual occupancy.	-	1m	**Recommended Control** 1m or more behind the building line of the dual occupancy. **Rationale** Recessing the garage façade assists in reducing the dominance of garages on the streetscape.

STANDARDS	KLEP 2015		COMPLYING DEVELOPMENT SEPP		STANDARDS TESTED	RECOMMENDED STANDARD AND RATIONALE FOR 1015 SQM LOTS
	DCP Controls for single house + dual occ	Likely standard on 1015sqm lot	SEPP standards	Likely standard on 1015sqm lot		
Width of garage door openings	The width of any detached or attached carport/garage visible from the street is not to be greater than 6m.	-	The maximum width of all garage doors accessed from a primary road is: Lot width 15m-20m = 6m 20-25m = 9.2m >25m = 12m	-	-	**Recommended Control** The maximum width of all garage doors accessed from a primary road is: Lot width 15m-20m = 6m 20-25m = 9.2m >25m = 12m **Rationale** The maximum garage door widths—scaled to lot size—balance the need for vehicle access in larger homes with the importance of maintaining habitable rooms overlooking the street to support passive surveillance and a more active, engaging streetscape.

STANDARDS	KLEP 2015		COMPLYING DEVELOPMENT SEPP		STANDARDS TESTED	RECOMMENDED STANDARD AND RATIONALE FOR 1015 SQM LOTS
	DCP Controls for single house + dual occ	Likely standard on 1015sqm lot	SEPP standards	Likely standard on 1015sqm lot		
Trees	Single House 7 trees with a height of 10-13m does the DCP stipulate number of trees according to site size? If yes, then show that here.	7 x 6 x 6m	Front: 1 tree with height of 5m Rear: 1 tree with height of 8m	Front: 3.5 x 3.5m Rear: 6 x 6m	-	**Recommended Control** At least one tree (per dwelling) in front of the building line Either (number per dwelling): 2 x medium trees (6mx6m) and 1 x small tree (3.5mx3.5m) Or: 1 x medium trees (6mx6m) and 3 x small tree (3.5mx3.5m) **Rationale** To better align with the established landscape character of the R2 zone while maintaining flexibility, it is recommended that each dwelling provide one tree in front of the building line and meet one of the following combinations: 2 medium trees and 1 small tree, or 1 medium tree and 3 small trees.
Deep soil	Insert the deep soil requirements for dwellings	-	Minimum 15% of site area	-	15% 20% 25% 30%	**Recommended Control** 30% **Rationale** Dual occupancies are also required to provide approximately 40% landscaped area, most of which is likely to be deep soil given that underground structures such as basement car parking is highly unlikely for this typology. However, to better align deep soil capacity with tree planting requirements, it is recommended that the deep soil area be increased to 30%.

STANDARDS	KLEP 2015		COMPLYING DEVELOPMENT SEPP		STANDARDS TESTED	RECOMMENDED STANDARD AND RATIONALE FOR 1015 SQM LOTS
	DCP Controls for single house + dual occ	Likely standard on 1015sqm lot	SEPP standards	Likely standard on 1015sqm lot		
Maximum built upon area	Single house - 52% Dual occ – 40%	40%-52%	n/a	n/a	40% 50% 60%	**Recommended Control** 60% **Rationale** Testing indicates a likely built-upon area of between 45%-55%. For maximum flexibility and to encourage articulation within the built form, 60% maximum built-upon area is recommended.

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	8A, 14 AND 16 BUCKINGHAM ROAD KILLARA - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A RESIDENTIAL FLAT DEVELOPMENT COMPRISING THREE BUILDINGS WITH 34 UNITS, BASEMENT CAR PARKING, LOT AMALGAMATION AND ASSOCIATED WORKS
ITEM/AGENDA NO:	GB.2

APPLICATION NO:	eDA0020/25
ADDRESS:	8A, 14 and 16 Buckingham Road, Killara
WARD:	Gordon
DESCRIPTION OF PROPOSAL:	Demolition of existing structures and construction of a residential flat development comprising three buildings with 34 units, basement car parking, lot amalgamation and associated works
APPLICANT:	BWSLD Killara Pty Ltd
OWNER:	Mr F Li, Mr A Hughes, Mrs SL Hughes, JW Kyd
DATE LODGED:	3 February 2025
SUBMISSIONS:	Six
ASSESSMENT OFFICER:	Brodee Gregory
RECOMMENDATION:	Refusal

KLPP REFERRAL CRITERION:	Sensitive development and variations to development Standards in excess of 10%.

PURPOSE OF REPORT

To determine Development Application No eDA0020/25 for demolition of existing structures and construction of a residential flat development comprising three buildings with 34 units, basement car parking, lot amalgamation and associated works at 8A, 14 and 16 Buckingham Road, Killara.

This application is reported to the Ku-ring-gai Local Planning Panel in accordance with the Minister's section 9.1 Local Planning Panels Direction, as it:

(a) is sensitive development to which Chapter 4 (Design of Residential Apartment Development) of SEPP (Housing) 2021 applies and

(b) it proposes departures from maximum height and floor space ratio development standards in excess of 10%.

RECOMMENDATION

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, refuse development consent to No eDA0020/25 for demolition of existing structures and construction of a residential flat development comprising of three buildings with 34 units, basement car parking, lot amalgamation and associated works at 8A, 14 and 16 Buckingham Road, Killara, for the reasons provided in the Development Assessment Report **(Attachment A1)**.

Brodee Gregory
Executive Assessment Officer

Luke Donovan
Acting Team Leader

Shaun Garland
Manager Development Assessment Services

Michael Miocic
Director Development & Regulation

Attachments:	A1⇩	Development Assessment Report	2025/159516
	A2⇩	Location Sketch	2025/191463
	A3⇩	Zoning Sketch	2025/191464
	A4⇩	Architectural Plans	2025/058165
	A5⇩	Landscape Plan	2025/018119
	A6⇩	Stormwater plans	2025/197502
	A7⇩	Clause 4.6 requests - building height and FSR	2025/194340

DEVELOPMENT APPLICATION

ASSESSMENT REPORT

REPORT TITLE	8A, 14 and 16 Buckingham Road, Killara - Demolition of existing structures and construction of a residential flat development comprising three buildings with 34 units, basement car parking, lot amalgamation and associated works

APPLICATION NO	eDA0020/25
PROPERTY DETAILS	8A, 14 and 16 Buckingham Road, Killara Lots 2, 3 and 4 DP 414101 4,989m^2 R4 High Density Residential
WARD	Gordon
PROPOSAL/PURPOSE	Demolition of existing structures and construction of a residential flat development comprising three buildings with 34 units, basement car parking, lot amalgamation and associated works
TYPE OF DEVELOPMENT	Local
APPLICANT	BWSLD Killara Pty Ltd
OWNER	Mr F Li, Mr A Hughes, Mrs SL Hughes, JW Kyd
DATE LODGED	3 February 2025
RECOMMENDATION	Refusal

PURPOSE OF REPORT

To determine Development Application No. eDA0020/25 for the demolition of existing structures and construction of a residential flat development comprising three buildings with 34 units, basement car parking, lot amalgamation and associated works.

This application is reported to the Ku-ring-gai Local Planning Panel in accordance with the Minister's section 9.1 Local Planning Panels Direction, as it:

(a) is sensitive development to which Chapter 4 (Design of Residential Apartment Development) of SEPP (Housing) 2021 applies, and

(b) as it proposes departures from maximum height and Floor Space ratio development standards 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

Building height
Density
Water management
Remediation/contamination
Heritage impacts
Driveway design
Landscape character
Deep soil landscape area
Tree removal and impact
Site analysis
Building form
Water proofing, building performance and resident amenity
Accessibility
Aesthetics
Sustainability

	Design Verification Statement Waste management Air conditioning condensers
Submissions	6
Land and Environment Court	Yes
Recommendation	Refusal

HISTORY

Site history

The site has a history of low density residential use.

Strategic planning history

Subject site

On 13 July 2022, planning proposal PP-2021-3494 was granted Gateway Determination for the site. The planning proposal amended the KLEP 2015 to:

i. rezone the site from R2 Low Density Residential to R4 High Density Residential;

ii. vary the height of building across the site, specifically –

i. increase the maximum height of building from 9.5 metres to RL110.5 (approximately 2 storeys) (**centre of site**) (**Figure 1**);

ii. increase the maximum height of the building from 9.5 metres to RL115.5 (**eastern and western parts of the site**) (approximately 3-4 storeys);

iii. increase the Floor Space Ratio from 0.3:1 to 0.7:1 (**Figure 2**);

iv. increase the minimum lot size from 840m^2 to 4,300m^2; and

v. include a site-specific local provision requiring that development consent not be granted unless all the subject lots (mapped as Area 2) are consolidated, in addition to the minimum 4,300m^2 lot size.

The amendments contemplated by the planning proposal were effected via an amendment to the Ku ring gai Local Environmental Plan (KLEP) on 17 March 2023.

A site-specific Development Control Plan, supporting the above amendments, is applicable for the site (Part 14N of Ku-ring-gai Development Control Plan).



Figure 1: Extract from Height of Building Map (Source: KLEP 2015)

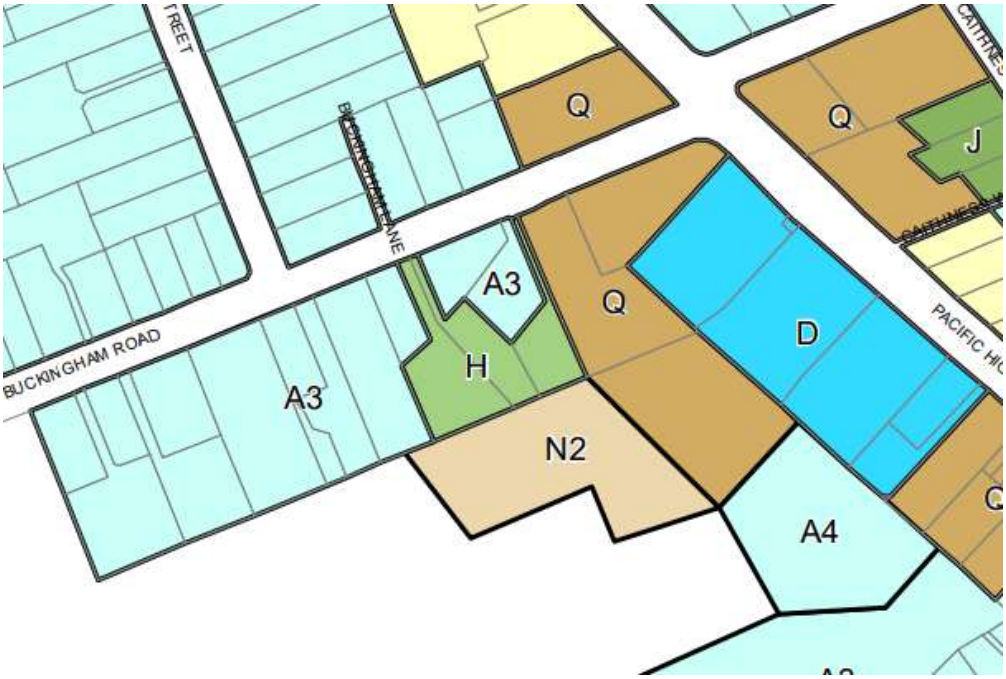


Figure 2: Extract from Floor Space Ratio Map (Source: KLEP 2015)

Adjoining land – Killara Golf Club

Planning proposal PP-2020-126 was granted Gateway Determination on 5 December 2017 for the Killara Golf Club land. The planning proposal amended the KLEP 2015 to rezone the

land currently comprising the clubhouse, bowling greens, tennis courts, parking and vehicular access from the Pacific Highway to part R2 Low Density Residential and part R4 High Density Residential (**Figure 3**).

The amendments contemplated by the planning proposal were effected via an amendment to the KLEP 2015 on 24 June 2022.

Council's records show no relevant previous Development Applications relating to the site.

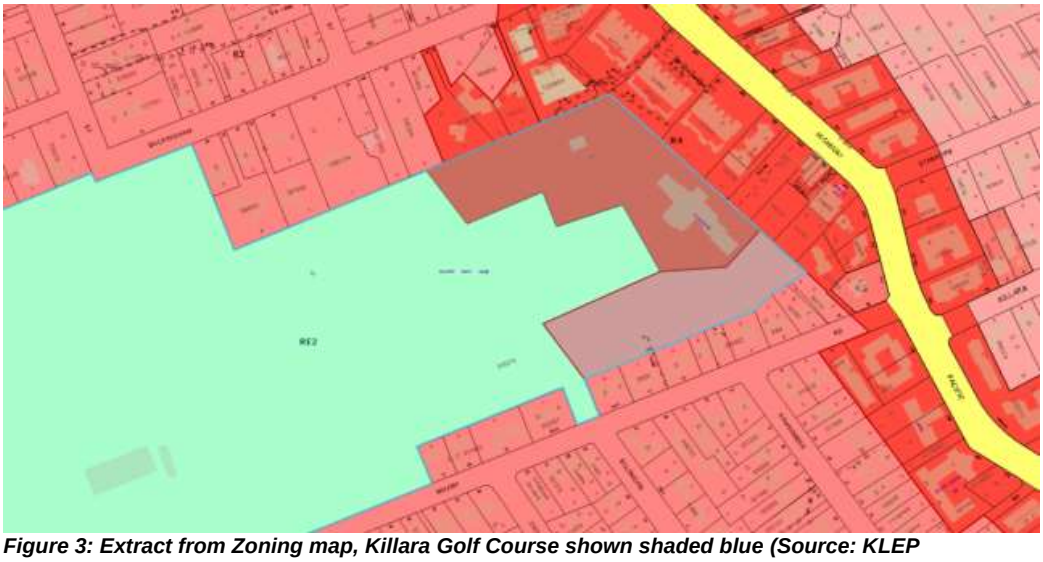


Figure 3: Extract from Zoning map, Killara Golf Course shown shaded blue (Source: KLEP 2015)

Current Development Application History

Date	Action
3/02/2025	Application lodged.
11/02/2025 – 20/03/2025	The application was notified to neighbouring property owners for a period of 40 days. Six submissions were received.

Land and Environment Court appeal history

There is a current Class 1 appeal against the deemed refusal of the subject Development Application which was filed with the Land and Environment Court (Court) on 19 March 2025. A Statement of Facts and Contentions (SOFAC) was filed with the Court on 2 May

2025. The Section 34 conciliation conference is scheduled for 28 August 2025.

THE SITE



Figure 4: Aerial photograph of the site and surrounding properties

Site description

The site is identified as follows –

- No. 8A Buckingham Road (battle axe allotment) identified as Lot 2 in DP 414101. Site area – 1,404m^2 (by title);
- No. 14 Buckingham Road (battle axe allotment) identified as Lot 4 in DP 520573. Site area – 1,492m^2 (by title); and
- No. 16 Buckingham Road (battle axe allotment) identified as Lot 3 in DP 520573. Site area – 2,093m^2 (by title).

The combined total site area (by title) is 4,989m^2.

The site is irregular in shape with the following combined boundary dimensions-

- Eastern boundary (adjoining No. 8 Buckingham Road) – 91.855 metres
- Northern boundary (3 x access handles) – 16.76 metres
- Splayed western boundary (adjoining Nos. 18 and 22 Buckingham Road) – 106.465 metres
- Southern boundary (adjoining Killara Golf Club) - 88.445 metres

The site generally falls from the north to the south, with the greatest level change occurring adjacent to the eastern boundary of the site largely owing to the steepness associated with parts of the access handle.

The site is characterised by several large mature trees and other forms of vegetation

located centrally and along the boundaries of the site.

Parts of the vegetation, particularly within the northern and northwestern parts of the site are mapped as containing biodiversity values and terrestrial biodiversity.

The existing structures and features of the allotments that comprise the site are described as follows –

- No. 16 Buckingham Road contains a large two storey dwelling house that is located toward the southern end of the lot. A detached carport is in the north-western corner of the lot. A bitumen driveway provides vehicular access from Buckingham Road to the carport.
- No. 14 Buckingham Road contains a part one, part two storey dwelling house that is centrally located on the lot. A single storey garage is in the north-eastern corner of the lot. The rear part of the lot contains several trees and lawn and slopes down towards Killara Golf Club. A concrete driveway provides vehicular access from Buckingham Road to the garage.
- No. 8A Buckingham Road contains a part one, part two storey dwelling house, with a mansard style roof and side dormers. The dwelling house is located adjacent to the eastern boundary of the site. A steep driveway provides vehicular access from Buckingham Road to the detached carport/garage adjacent to the north-western part of this lot. The rear part of the lot contains formal gardens, terracing and lawn areas. A path runs adjacent to the rear boundary of the lot.

The site is not located within the Transport Orientated Development Area pursuant to Chapter 5 of State Environmental Planning Policy (SEPP) Housing 2021.

Constraint:	**Application:**
Visual character study category	1920-1945
Easements/rights of way	Right of carriageway along the access handle of No. 8A Buckingham Road
Heritage Item - Local	No
Heritage Item - State	No
Heritage conservation area	No
Within 100m of a heritage item	Yes – Nos. 10, 11, 22 and 26 Buckingham Road and No. 556 Pacific Highway ('Killara Golf Course')
Bush fire prone land	No
Natural Resources Biodiversity	Yes – northern and western parts of site mapped
Natural Resources Greenweb	Yes – Support for Core Biodiversity and Biodiversity Corridors and Consolidation
Natural Resources Riparian	No
Within 25m of Urban Bushland	No
Contaminated land	No

Surrounding development

To the east of the site at No. 8 Buckingham Road are two residential flat buildings of between four and six storeys in scale. There is another residential flat building of four storeys at No. 2-4 Buckingham Road. This site also has a secondary frontage to Pacific Highway. These sites are zoned R4 High Density Residential under the KLEP 2015.

To the south is the Killara Golf Club. At the northern end of the Killara Golf Club, adjoining the site, is a bowling green, clubhouse, turf farm and machinery sheds. The majority of the Killara Golf Course is zoned RE2 under the KLEP 2015, however the north-eastern part of this site (adjoining the subject site) is zoned R4 High Density Residential under the KLEP 2015. As noted above, part of the Killara Golf Course, including the clubhouse, is heritage listed under Schedule 5 of the KLEP 2015.

To the north at No.10 Buckingham Road, is a single storey dwelling house that is, as noted above, identified as Heritage Item 'I255' known as 'Southdean' under Schedule 5 of the KLEP 2015. This property is technically a battle-axe allotment with a shallow access handle. This site is zoned R2 Low Density Residential under the KLEP 2015.

Also, to the north of the site at No.12 Buckingham Road, is a contemporary two storey dwelling house with a swimming pool and large paved terrace located within the front setback. This site is zoned R2 Low Density Residential under the KLEP 2015.

To the north-west of the site at No.18 Buckingham Road, is a part one, part two storey dwelling house with a paved rear courtyard. This site is zoned R2 Low Density Residential under the KLEP 2015.

To the west of the site at No. 22 Buckingham Road, is a large two storey dwelling house that is, as noted above, identified as Heritage Item 'I257' under Schedule 5 of the KLEP 2015. Located within the rear yard of this site is a tennis court, swimming pool, paved terracing, lawn and garden areas.

THE PROPOSAL

The application proposes the demolition of existing structures and construction of three multi storey residential flat buildings (Block A, Block B and Block C) across the site with interconnected basement levels:

- Block A is located to the eastern side of the site and is five to six storeys,
- Block B is centred on the site and is two storeys in height; and
- Block C is located to the western side of the site and is five storeys.

The residential flat buildings are proposed to comprise the following –

i. Basement level – accessed via an internal circular ramp from the lower ground floor level. The basement footprint generally aligns with the footprints of Blocks A, B and C. A two-way aisle connects the basements. The basement level comprises car parking for 36 vehicles including six visitor parking spaces (including 1 x car share and 1 x car wash bay). The basement level also comprises apartment storage areas, building services, on-site detention tank, and access to the upper levels via three lift cores and two fire stairs. The basement also includes bicycle parking within the storage areas of the lock up garages and electric vehicle (EV) charging points.

ii. Lower ground floor – A 3.5 metres wide driveway from Buckingham Road, via the access handle, provides access to the lower ground floor. The lower ground floor comprises car parking for 22 vehicles, waiting bay with traffic light system, services, pump room, bulk waste and waste rooms, waste collection point, service bay, resident and visitor bicycle racks, fire stairs and lifts. The lower ground floor also contains a 3 bedrooms apartment with balcony and landscaping.

iii. Ground floor – at the front boundary, an entry porte cochere and covered entry awning with chair lift. A waiting bay with traffic light system. The hydrant booster is located

between the pedestrian and vehicular entry points. A walkway alongside the driveway provides pedestrian access to Block A, B and C. An open space area with communal facilities is provided in front of Block B.

- *Block C* contains 4 x 3 bedrooms apartments at ground floor level with balconies.
- *Block B* contains a common entry podium with stairs/lift providing access to 2 x 4 bedrooms apartments with front and rear balconies.
- *Block A* contains 3 x 3 bedrooms apartments including access via a stair and lift to the lower ground floor level apartment. Balconies are provided to each of these apartments at ground floor level.
- a pedestrian path provides access, via the eastern access handle, to Buckingham Road.
- deep soil is provided around the perimeter of the site.

iv. Level 1 -

- *Block C* contains 4 x 3 bedrooms apartments at ground floor level with balconies. Stair and lift access is provided to this level.
- *Block B* contains 2 x 4 bedrooms apartments with rear facing winter gardens. Stair and lift access is provided to this level.
- *Block A* contains 3 x 3 bedrooms apartments including balconies for each of these apartments at the first-floor level. Stair and lift access is provided to this level.

v. Level 2 -

- *Block C* contains 3 x 3 bedrooms apartments and 1 x 2 bedrooms apartment. Balconies are provided to each of the apartments. Stair and lift access is provided to this level.
- *Block B* contains private open space at roof level with perimeter landscape planters. Staircase access is provided to these private open space areas.
- *Block A* contains 2 x 3 bedrooms apartments and a 1 x 2 bedrooms apartment. Balconies are provided to each of the apartments. Stair and lift access is provided to this level.

vi. Level 3 -

- *Block C* contains 3 x 3 bedrooms apartments and 1 x 2 bedrooms apartment. Balconies are provided to each of the apartments. Stair and lift access is provided to this level.
- *Block A* contains 1 x 4 bedrooms apartment with front and rear balconies. Stair and lift access is provided to this level.

ii. Level 4 -

- *Block C* contains 2 x 3 bedrooms apartments. Balconies are provided to each of the apartments. Stair and lift access is provided to this level.
- *Block A* contains 1 x 4 bedrooms apartment with front and rear balconies. Stair and lift access is provided to this level.

iii. Roof level -

- *Block C* contains private open space in association with the southern 3 bedrooms apartment on Level 4. Staircase access is provided to this level.
- Plant area including photovoltaic (PV) panels are provided over the northern parts of the roof of Block C.

- *Block A* contains private open space in association with the 4 bedrooms apartment on Level 4. Staircase access is provided to this level.
- Plant area including PV panels are provided over the northern parts of the roof of Block C.

a. The removal of 50 trees from the site.

b. Replacement trees and plantings across the site.

c. A new stormwater management system.

d. The amalgamation of the three existing lots to create one lot.

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, submissions from the following were received.

1. *N. and V. Henderson – 42/8 Buckingham Road, Killara*
2. *S. Howe on behalf of Killara Golf Club – No. 556 Pacific Highway, Killara*
3. *Urban Perspectives on behalf of B. Braham – No. 22 Buckingham Road, Killara*
4. *G. Tong – No. 17 Buckingham Road, Killara*
5. *B. Coombs Tucker and R. Tucker – No. 19 Buckingham Road, Killara*
6. *Ethos Urban on behalf of the owners/residents – No. 18 Buckingham Road, Killara*

The submissions raised the following issues:

a) Lack of a footpath in front of the site causing safety issues for pedestrians;
b) Buckingham Road is too narrow;
c) Issues with construction activities;
d) Driveway location and reduced visibility causing traffic impacts;
e) Inadequate consideration of and detrimental impacts on the current and potential future use of the Killara Golf Club lands;
f) The Clause 4.6 variation requests submitted in support of the proposed variation to maximum building height and Floor Space Ratio are not well founded and result in amenity impacts;
g) Inconsistencies with the Planning Proposal;
h) Inconsistencies with the controls in Part 14N of the KDCP;
i) Non compliances with building setback requirements under the ADG;
j) The proposal is an overdevelopment of the site;
k) Lack of on-site car parking;
l) Impacts on property values;
m) Lack of clarity about retention of Blue Gum trees;
n) The Development Application seeks to benefit from, but is not subject to, the Transport Orientated Development provisions under SEPP (Housing);
o) Amenity impacts with the two-way vehicle access.

Issues e), f), g), h), i), j), l), m), n) and o), as identified above, form part of the recommended reasons for the refusal of the application (specifically Reason 18). The remaining issues a), b), c), d), k), l), as identified above, are addressed throughout this report and are not recommended to be reasons for the refusal of the application.

Internal Referrals

Ecology

Council's Ecological Assessment Officer has reviewed the proposed development and has advised it is satisfactory, subject to conditions. As the recommendation of this report is to refuse the application, the conditions have not been included. Nevertheless, if the Panel are of a mind to approve the application, it is recommended the suggested conditions form part of any consent.

Environmental Health

Council's Environmental Health Officer has reviewed the proposed development and has raised concerns in relation to the location of air conditioning condensers and the design of the waste storage facilities. These concerns form Reasons 26 and 27 of the recommendation of refusal.

Building

Council's Senior Building Surveyor has reviewed the proposed development and has not raised concerns. Conditions concerning access and fire safety provisions would ordinarily be recommended if the application were recommended for approval.

Urban design

At the time of filing the deemed refusal, comments from Council's Consultant Urban Designer remained outstanding. However, during the preparation of the SOFAC in connection with the appeal, Council's Urban Design Consultant raised concerns with the site analysis, building form, waterproofing and building design and resident amenity, accessibility, aesthetics, sustainability, Design Verification Statement, skylights and shade protection. These issues form part of the recommended Reasons for refusal 10-16 and 22-25.

Heritage

At the time of filing the deemed refusal, comments from Council's Consultant Heritage Advisor remained outstanding. However, during the preparation of the SOFAC in connection with the appeal, Council's Consultant Heritage Advisor raised concerns in relation to impacts to nearby heritage items which is Reason 5 within the recommendation of refusal.

Landscaping

At the time of filing the deemed refusal, comments from Council's Senior Landscape and Tree Assessment Officer remained outstanding. However, during the preparation of the SOFAC in connection with the appeal, Council's Senior Landscape and Tree Assessment Officer raised concerns with the driveway design, deep soil landscape area, BASIX inconsistencies and tree removal and impact. Refer to Reasons 6-8 of the recommendation of refusal.

Engineering

At the time of filing the deemed refusal, comments from Council's Team Leader Development Engineers remained outstanding. However, during the preparation of the SOFAC in connection with the appeal, Council's Team Leader Development Engineers

raised concerns with water management, waste management and construction traffic management contained in Reasons 3, 19, 20, 21 and 27 of the recommendation of refusal. Concerns were raised in the submissions in respect of traffic, safety and parking. These issues were considered in the assessment of the application, however are not considered to be reasons to recommend refusal of the application.

Drainage Engineer

Council's Drainage Engineer has reviewed the proposed development and has raised concerns in relation to stormwater management and flood planning, as a consequence these concerns form part of Reason 3 of the recommended reasons for refusal.

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 low-density residential use. Nevertheless, several potential contaminants were identified in the Preliminary Site Investigation (prepared by Foundation Earth Services, dated June 2024). The Preliminary Investigation concludes that a detailed site investigation (Phase 2 Environmental Site assessment) is required, however such an investigation was not submitted with the Development Application. This issue forms a recommended reason for refusal (Reason 4).

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

A BASIX certificate has been submitted, however there are inconsistencies between the commitments made in the BASIX Certificate and the landscape plans. This issue forms a recommended reason for refusal (Reason 17).

State Environmental Planning Policy (Housing) 2021

SEPP Housing contains several principles including the promotion of the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services.

The subject application seeks development consent for a residential building on land that is zoned R4 High Density Residential.

The relevant sections of Chapter 4 of SEPP Housing are considered below -

Chapter 4 – Design of residential apartment development

The proposed development does not achieve the aims of this chapter as the proposed residential apartment development will not achieve a better built form and aesthetics of buildings, maximise amenity and safety of residents, support housing affordability and provide a variety of dwelling types to meet population growth.

Consideration is given below to the quality of the design of the residential apartment development when evaluated in accordance with the design principles set out in Schedule 9 of SEPP Housing –

1. Context and neighbourhood character

2. *Built form and scale*
3. *Density*
4. *Sustainability*
5. *Landscape*
6. *Amenity*
7. *Safety*
8. *Housing diversity and social interaction*
9. *Aesthetics*

The proposed development fails to achieve consistency with Design Principles 1, 2, 3, 4, 5, 6 and 9, consequently they form Reasons 1, 2, 7, 8, 9, 11, 12, 14 and 15 of the recommended refusal of the application.

Consideration is also given in the table below to the Apartment Design Guide -

ADG COMPLIANCE TABLE	
Guideline	**Compliance**
Objective 3A-1 Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	**NO**
Objective 3B-1 Building types and layouts respond to the streetscape and site while optimising solar access within the development	**YES**
Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid-winter	**NO**
Objective 3C-1 Transition between private and public domain is achieved without compromising safety and security	**YES**
Objective 3C-2 Amenity of the public domain is retained and enhanced	**YES**
Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	**YES**
Design criteria	
1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)	**YES**
2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	**YES**

ADG COMPLIANCE TABLE	
Guideline	**Compliance**
Objective 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	**YES**
Objective 3D-3 Communal open space is designed to maximise safety	**YES**
Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality	**NO**
Design criteria	
Deep soil zones are to meet the following minimum requirements: **Site area** / **Minimum dimensions** / **Deep soil zone (% of site area)** greater than 1,500m^2 with significant existing tree cover / 6m / >7%	**YES**
Objective 3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy	**YES**
Design criteria	
Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: **Building height** / **Habitable rooms and balconies** / **Non-habitable rooms** up to 12m (4 storeys) / 6m / 3m up to 25m (5-8 storeys) / 9m / 4.5m over 25m (9+ storeys) / 12m / 6m	**YES**
Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space	**YES**

ADG COMPLIANCE TABLE	
Guideline	**Compliance**
Objective 3G-1 Building entries and pedestrian access connects to and addresses the public domain	**YES**
Objective 3G-2 Access, entries and pathways are accessible and easy to identify	**NO**
Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations	**YES**
Objective 3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	**YES**
Design guidance	
Car park access should be integrated with the building's overall facade. Design solutions may include: • the materials and colour palette to minimise visibility from the street • security doors or gates at entries that minimise voids in the facade • where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed	**YES**
Objective 3J-1 1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	**YES**
Design criteria	
1 For development on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street	**YES**
Objective 3J-2 Parking and facilities are provided for other modes of transport	**YES**
Objective 3J-3 Car park design and access is safe and secure	**YES**

ADG COMPLIANCE TABLE	
Guideline	**Compliance**
Objective 3J-4 Visual and environmental impacts of underground car parking are minimised	**YES**
Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	**YES**
Design criteria	
1 Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas 3 A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	**YES** **YES**
Objective 4A-2 Daylight access is maximised where sunlight is limited	**YES**
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months	**NO**
Objective 4B-1 All habitable rooms are naturally ventilated	**YES**
Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation	**YES**
Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	**YES**
Design criteria	
1 At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed 2 Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	**YES**
Objective 4C-1 Ceiling height achieves sufficient natural ventilation and daylight access	**YES**

ADG COMPLIANCE TABLE	
Guideline	**Compliance**
Design criteria	
Measured from finished floor level to finished ceiling level, minimum ceiling heights are: **Minimum ceiling height for apartment and mixed use buildings** — **Proposal** Habitable rooms 2.7m — 2.7m Non-habitable 2.4m — 2.4m	**YES**
Objective 4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms	**YES**
Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	**YES**
Design criteria	
Apartments are required to have the following minimum internal areas: **Apartment type** — **Minimum internal area** — **Proposal** 2 bedroom — 70m^2 — >70m^2 — **YES** 3 bedroom — 90m^2 — >90m^2 — **YES** The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m^2 each A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	
Objective 4D-2 Environmental performance of the apartment is maximised	**YES**
Design criteria	
1 Habitable room depths are limited to a maximum of 2.5 x the ceiling height	**YES**
2 In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 metres from a window	**YES**
Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs	**YES**

ADG COMPLIANCE TABLE	
Guideline	**Compliance**
Design criteria	
1 Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space) 2 Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space) 3 Living rooms or combined living/dining rooms have a minimum width of: • 3.6 metres for studio and 1 bedroom apartments • 4 metres for 2 and 3 bedrooms apartments 4 The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts	**YES** **YES** **YES** **YES**
Objective 4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity	**YES**
Design criteria	
All apartments are required to have primary balconies as follows: **Dwelling type** / **Minimum area** / **Minimum depth** Studio apartments / 4m^2 / - 1 bedroom apartments / 8m^2 / 2m 2 bedroom apartments / 10m^2 / 2m 3+ bedroom apartments / 12m^2 / 2.4m The minimum Balcony depth to be counted as contributing to the balcony area is 1m / / Balconies width 2m For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m^2 and a minimum depth of 3 metres	**YES** **YES**
Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents	**YES**
Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	**NO**
Objective 4E-4 Private open space and balcony design maximises safety	**YES**

ADG COMPLIANCE TABLE	
Guideline	**Compliance**
Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments	**YES**
Design criteria	
1. The maximum number of apartments off a circulation core on a single level is eight	**YES**
Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents	**YES**
Objective 4G-1 Adequate, well designed storage is provided in each apartment	**YES**
Design criteria	
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: **Dwelling type** / **Storage size volume** / **Proposal** 2 bedroom apartments / 8m^3 / >8m^3 3+ bedroom apartments / 10m^3 / >10m^3 At least 50% of the required storage is to be located within the apartment	**YES** **YES**
Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments	**YES**
Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout	**YES**
Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	**YES**
Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	**YES**
Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	**YES**

ADG COMPLIANCE TABLE	
Guideline	**Compliance**
Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future	**YES**
Objective 4K-2 The apartment mix is distributed to suitable locations within the building	**YES**
Objective 4L-2 Design of ground floor apartments delivers amenity and safety for residents	**NO**
Objective 4M-2 Building functions are expressed by the façade	**YES**
Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street	**YES**
Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised	**YES**
Objective 4N-3 Roof design incorporates sustainability features	**YES**
Objective 4O-1 Landscape design is viable and sustainable	**NO**
Objective 4O-2 Landscape design contributes to the streetscape and amenity	**NO**
Objective 4P-1 Appropriate soil profiles are provided	**YES**
Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance	**NO**
Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members	**YES**
Objective 4Q-2 A variety of apartments with adaptable designs are provided	**YES**
Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs	**YES**

ADG COMPLIANCE TABLE	
Guideline	**Compliance**
Objective 4U-1 Development incorporates passive environmental design (screened outdoor areas are required for clothes drying)	**NO**
Objective 4U-2 Development incorporates passive environmental design to optimise heat storage and reduce heat transfer	**NO**
Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	**YES**
Objective 4V-1 Potable water use is minimised	**YES**
Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters	**YES**
Objective 4V-3 Flood management systems are integrated into site design	**NO**
Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	**NO**
Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	**YES**
Objective 4X-1 Building design detail provides protection from weathering	**YES**
Objective 4X-2 Systems and access enable ease of maintenance	**NO**
Objective 4X-3 Material selection reduces ongoing maintenance costs	**NO**

The specific departures from the requirements of the ADG are identified in the table above; these departures are not supported as the objectives underlying the guidelines have not been achieved. The following recommended reasons for refusal relate to the issues identified in the ADG compliance table:

Reason 3. Water management
Reason 7. Landscape Character
Reason 8. Deep soil landscape area
Reason 10. Site analysis
Reason 11. Building form
Reason 12. Waterproofing, building performance and resident amenity
Reason 13. Accessibility

Reason 14. Aesthetics
Reason 15. Sustainability
Reason 23. Shade protection
Reason 24. Aesthetics and amenity
Reason 25. Sustainability

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

Zoning and permissibility:

The site is zoned R4 High Density Residential. The proposed development is defined as a 'residential flat building' and is a permissible form of development within the zone.

Zone objectives:

The objectives of this zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for high density residential housing close to public transport, services and employment opportunities.*

The proposed development is consistent with the zone objectives.

Development standards:

Ku-ring-gai Local Environmental Plan 2015

Development standard	Proposed	Complies
Cl 4.3 - Height of buildings: Maximum Building Height – RL115.5 (No. 8A Buckingham Road) (eastern part of the site) RL110.5 (No. 14 Buckingham Road) (central part of the site) RL115.5 (No. 16 Buckingham Road) (western part of the site)	 RL126.6 (8.1 metres variation) RL113.4 (2.9 metres variation RL123.6 (8.1 metres variation)	 **NO** **NO** **NO**
Cl 4.4 - Floor space ratio (FSR): Maximum Floor Space Ratio – Subclause 2C Calculation 0.7:1 Gross Floor Area = 3,492.3m^2	GFA 4,818.98m^2 and FSR of 0.97:1	**NO**

Development standard	Proposed	Complies
Cl 6.6 - Requirements for multi dwelling housing and residential flat buildings: Minimum lot size of 4,300m^2 required per Subclause 3A	4,989m^2	**YES**

Clause 4.6 Exceptions to development standards

The proposed development breaches the building height and FSR development standards contained within the KLEP. The applicant has made two separate requests pursuant to Clause 4.6 seeking to vary those development standards which are considered separately below.

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.

Maximum Building Height

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

The applicant states that compliance with the building height development standard is unreasonable or unnecessary as the objectives of the development standard are met. The applicant's argument is summarised as follows:

- *Objective (a) - The proposed development does not result in any adverse amenity impacts with respect to solar access, views and visual privacy. The built form is*

recessed deep in the site and is masked from the public domain. The site is immediately to the west of development at Nos. 6A and 8 Buckingham Road which demonstrate desired future character and have a height of five to six storeys.

- *Objective (b) – The subject site is in transition to higher density development. The proposed development is compatible with the height, bulk and scale of the existing and emerging character of the locality. The development is recessed within the site and will not be visually jarring when viewed from the public domain.*

- *Objective (c) – The site is a large site considering the proposed yield of 34 apartments. The proposal demonstrates compliance with the site specific DCP and building separation controls and provides sufficient communal open space, landscaping and deep soil planting and maintains views, and visual and acoustic privacy to adjoining properties.*

The applicant has not demonstrated that compliance with the building height development standard is unreasonable and unnecessary, as outlined in recommended Reason for Refusal 1.

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 (summarised):

- *The proposed variation results in a built form which is contextually responsive and appropriate with regard to surrounding development. The maximum building height restricts the built form unnecessarily and an appropriate transition to the adjoining R2 Low Density Residential zone is proposed.*

- *The height breach facilitates an arrangement of floor space on the site in the manner which provides high levels of amenity to the occupants of the development and maintains the site's ecological features. The site specific setbacks are achieved and ADG compliance is achieved except for an isolated instance of Block C to the western boundary (adjoining R2 Low Density Residential land).*

- *Views of Killara Golf Club are maintained to the heritage dwelling at No. 10 Buckingham Road.*

- *The proposed height variation has limited impact on the public domain.*

- *There is an absence of significant material impacts attributed to the breach.*

- *The social benefits of providing additional housing stock in a sought after location should be given weight in considering the variation request.*

- *The site is located within an accessible area in accordance with the Housing SEPP (being 800 metres from Killara train station) and the provisions of Chapter 2 of the Housing SEPP could apply. The site is not within 400 metres of Killara Train Station and the provisions of Chapter 5 do not apply to the site, though they apply to sites within the vicinity.*

- *The proposed development meets the objectives of the development standard and the objectives of the R4 High Density Residential zone.*

- *The variation to the development standard will give better effect to the Principles of SEPP Housing.*

The environmental planning grounds advanced by the applicant are not sufficient to justify the proposed breach to the building height development standard, as outlined in the recommended reasons for refusal (Reason 1).

Authority to determine variation

Any variation to a numerical standard that exceeds 10% or relates to a non-numerical standard must be considered by the Ku-ring-gai Local Planning Panel. As the variation to the numerical standard is greater than 10% (up to 81% for Block A and 83.68% for Block C) the application is required to be referred 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.

Maximum Floor Space Ratio

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

The applicant states that compliance with the Floor Space Ratio (FSR) development standard is unreasonable or unnecessary as the objectives of the development standard are met. The applicant's argument is summarised as follows:

- *Objective (a) – The proposal delivers a high quality urban and architectural design which exhibits design excellence. The building is well articulated with separation distances largely consistent with the ADG and building setbacks in line with the site specific DCP. The proposal provides sufficient communal open space, landscaping and deep soil planting and maintains views, and visual and acoustic privacy to adjoining properties. The FSR of the adjoining development at No. 6A and 8 Buckingham Road is greater than proposed. Land to the south of the site has been rezoned for high density residential development. The proposed development provides an appropriate transition to development to the east and west.*

- *Objective (b) – The FSR applying to the site is uncharacteristically low and cannot cater to the high density residential use of the site.*

- *Objective (c) – The proposed development is compatible with the height, bulk and scale of the emerging character of the locality. The design achieves an appropriate transition from adjoining sites and therefore is not the result of a development that is excessive or incompatible with surrounding development.*

The applicant has not demonstrated that compliance with the FSR development standard is unreasonable and unnecessary, as outlined in the recommended reasons for refusal (Reason 2).

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 (summarised):

- *The proposed variation results in a built form which is contextually responsive and appropriate with regard to surrounding development.*
- *The FSR facilitates an arrangement of floor space on the site in a manner which is effective in providing high levels of amenity to occupants of the development.*
- *The FSR control at the subject site appears disproportionate to the R4 High Density Residential zone, particularly when noting the allowable FSR on land zoned R4 within Killara Golf Club.*
- *The proposed FSR variation will have minimal impact on the public domain due to the existing characteristics of the site as a battle-axe site.*
- *Lack of amenity impacts can be a reason (along with other reasons) advanced in support of environmental planning grounds. When considering the variation sought, the variation appears numerically significant with an area of 1,326.684m^2 or 37.99% however the non-compliance is largely attributed to the upper floors of Blocks A and C.*
- *There is an absence of significant material impacts attributed to the breach.*
- *The social benefits of providing additional housing stock in a sought after location should be given weight in considering the variation request.*
- *The site is located within an accessible area in accordance with the Housing SEPP (being 800 metres from Killara train station) and the provisions of Chapter 2 of the Housing SEPP could apply. The site is not within 400 metres of Killara Train Station and the provisions of Chapter 5 do not apply to the site, though they apply to sites within the vicinity.*
- *The proposed development meets the objectives of the development standard and the objectives of the R4 High Density residential zone.*
- *The variation to the development standard will give better effect to the Principles of SEPP Housing.*

The environmental planning grounds advanced are not sufficient to justify the proposed breach to the building height development standard, as outlined in the recommended reasons for refusal (Reason 2).

Authority to determine variation

Any variation to a numerical standard that exceeds 10% or relates to a non-numerical standard must be considered by the Ku-ring-gai Local Planning Panel. As the variation to the numerical standard is greater than 10% (37.99%) the application is required to be referred 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.

Part 5 Miscellaneous provisions

Clause 5.10 – Heritage conservation

The subject site does not contain a heritage item and is not located within a heritage conservation area but is located within 100 metres of heritage items at Nos. 10, 11, 22 and

26 Buckingham Road and No. 556 Pacific Highway ('Killara Golf Course'). The proposed development has an adverse impact upon these heritage items and this issue forms a recommended reason for refusal (Reason 5).

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 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 500 metres of 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 any known relics because of earthworks.

Clause 6.3 - Biodiversity protection

The western and northern parts of the site are mapped as land comprising biodiversity significance.

Council's Ecological Assessment Officer has considered the proposed development and is satisfied it has been designed to minimise impacts on the diversity and condition of native vegetation, fauna and habitat as per the requirements of the KLEP.

Clause 6.5 - Stormwater and water sensitive urban design

The stormwater design does not take all reasonable management actions to avoid, minimise or mitigate adverse impacts to adjoining properties. This issue forms a recommended reason for refusal (Reason 3).

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

The site analysis has not adequately identified existing site conditions and considerations within the KDCP or ADG. This issue forms a recommended reason for refusal (Reason 10).

Part 3: Land consolidation and subdivision

The proposed development requires the consolidation of the existing allotments. The consolidation will not result in any: irregular lot configurations, isolated sites or create allotments that cannot be reasonably developed due to constraints such as heritage, riparian or biodiversity. Therefore, the application is consistent with this Part of the KDCP.

Part 7: Residential Flat Buildings

COMPLIANCE TABLE		
Development Control	**Proposed**	**Complies**
Part 7 Residential Flat Buildings		
7A.1 – Local character and streetscape		
All Residential Flat Buildings are to be designed by an architect registered with the NSW Architects Registration Board.	BKA Architecture – Reg: 3552	**YES**
All residential flat buildings are to demonstrate how they provide a garden setting with buildings surrounded by landscaped gardens, including tall trees, on all sides.	Deep soil area non-compliant and inadequate consequently it forms recommended Reason 8 for refusal.	**NO**
Design components of new development are to be based on the existing predominant and high quality characteristics of the local neighbourhood.	The site analysis is unacceptable consequently it forms recommended Reason 10 for refusal.	**NO**
The appearance of the development 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 development is of excessive density and does not relate well to adjoining properties contrary to this provision, consequently it forms recommended Reason 2 for refusal.	**NO**
The predominant and high quality characteristics of the local neighbourhood are to be identified and considered as part of the site analysis.	The site analysis is inadequate consequently it forms recommended Reason 10 for refusal.	**NO**
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; ii. minimising overshadowing; and iii. integrating built form and soft landscaping (gardens and trees)	The proposed development is not of an appropriate scale and sufficient soft landscaping has not been provided. As a result, these issues form the recommended Reasons 1 and 7 for refusal.	**NO**

within the tree canopy that links the public and private domain throughout Ku-ring-gai.		
7A.2 – Site layout		
The site layout is to demonstrate a clear and appropriate design strategy and arrangement of building mass in response to the Site Analysis in Part 2 Site Analysis of this DCP. Demonstration of design strategies to address opportunities and constraints based on Site Analysis are to include: i. building location and orientation on the site optimising northern aspect; relationship with neighbouring developments; building setbacks; geographical aspect; views; access etc; ii. response of building development in maintaining site characteristics within the subject site, such as topography, vegetation, significant trees, any special features, etc. iii. building separation and internal layouts of buildings that respond to (i) above and be consistent with the requirements of the DCP. iv. limited apartments with no direct sunlight.	Building mass does not respond appropriately to site constraints and adjoining development resulting in recommended Reason 2 for refusal.	**NO**
A drawing and supporting written information is to demonstrate how the building and its layout has applied and responded to the site analysis required by Part 2 of the DCP.	The site analysis is inadequate which forms recommended Reason 10 for refusal.	**NO**
Soft landscaping, including tall trees, is to be provided between onsite buildings, fences and courtyard walls.	Appropriate levels of soft landscaping are not provided, as a result it forms recommended Reason 8 for refusal.	**NO**
Hard landscaping is to be minimised and to maximise opportunities for landscape planting	Sufficient deep soil area is not proposed contrary to this control consequently it forms recommended Reason 8 for refusal.	**NO**
Long straight driveways are not permitted, except where necessary for battle-axe sites. Driveways are to be designed to be of minimal visual impact.	The driveway design results in adverse tree impacts consequently it forms recommended Reason 6 for refusal.	**NO**

Provide a single pedestrian entry point into the development from the street. Other entries may be permitted where several buildings address the street along an extended street or where there are dual frontage sites.	Two pedestrian entries are proposed.	**YES**
Three hours of direct sunlight between 9am and 3pm on 21st June is to be maintained to the living rooms, primary private open spaces and any communal open spaces within i. existing residential flat buildings and multi-dwelling housing on adjoining lots, and ii. residential development in adjoining lower density zones.	Compliant solar access is achieved.	**YES**
Overshadowing should not compromise the development potential of the adjoining yet to be redeveloped sites.	Overshadowing limits development potential of the adjoining golf course land as a result it forms recommended Reason 1 for refusal.	**NO**
Developments are to allow the retention of a minimum of 4 hours direct sunlight between 9am to 3pm on 21st June to all existing solar collectors and solar hot water services on neighbouring buildings.	Compliant solar access is achieved.	**YES**
7A.3 – Building setbacks		
Residential flat buildings on the sites identified in Part 14 Urban Precincts and Sites of the DCP are to meet the following street setback requirements: i. street setbacks as specified in the Building Setback maps in Part 14 Urban Precincts and sites of this DCP; ii. a minimum of 8.0m from the street boundary to the fourth storey and above; iii. on corner sites, or sites with multiple street frontages, the street boundary setback is 8.0m to the fourth storey and above on all street frontages.	Refer to the assessment of the Part 14 controls as to why the proposal is unsatisfactory in this regard, which consequently form recommended Reasons 1, 2, 5 and 11 for refusal.	**NO**
Residential flat buildings are to meet the following side and rear setback requirements to ensure deep soil, landscaping and tall trees are accommodated to all sides of the building: i) a minimum of 6 metres from the side boundary for all levels up to the fourth storey. ii) a minimum of 9 metres to the fifth storey and above.	Compliant setbacks are provided.	**YES**

Side setback areas behind the building line are not to be used for driveways or for vehicular access into the building.	Side setbacks are not utilised for vehicular access.	**YES**
Driveways are to be set back a minimum of 6 metres from the side boundary within the street setback to allow for deep soil planting.	Driveway setback is a minimum of 2 metres contrary to this control and the variation does not meet the underlying objective of the control and therefore forms recommended Reason 6 for refusal.	**NO**
Setbacks are to respond to the attributes identified in the site analysis, conducted as required by Section A Part 2 Site Analysis of the DCP, including consideration of the location of adjoining buildings and views of the site.	An adequate site analysis has not been provided, as discussed earlier in this report.	**NO**
Side and rear setbacks at a zone interface Residential flat buildings are to provide the following side and rear setbacks to land which is zoned differently for lower density residential development: i. minimum 9m from the side and rear boundary up to the 4th storey ii. minimum 12m from the side and rear boundary for the 5th storey and above iii. greater setbacks may be required where residential flat building is located upslope from a lower density zone	Refer to Part 14 requirements	**NO**
Encroachments i. Basements do not encroach into any setback areas ii. Ground floor terrace/courtyard walls min 8m to street boundary / 4m to rear & side boundaries / 7m adjacent to lower density residential zone iii. No encroachments where site area is < 1800m^2 iv. No encroachments are permitted where minimum side setbacks have not been achieved. v. A maximum of 15% of the street setback area occupied by private terraces/courtyards	Basement is contained within the building footprint.	**YES**
Eaves, open pergolas, blades, fins and columns may encroach into the setback areas where they do not increase the apparent bulk of the building or create visual clutter:	There are no encroachments into setback areas.	**YES**

7A.4 – Building Separation		
Residential buildings on the same development site are to include areas of deep soil in between the buildings that are capable of housing substantial vegetation and tall trees.	Deep soil is not located between buildings, the non-compliance forms recommended Reason 8 for refusal.	**NO**
The minimum separation between residential buildings on the development site is to comply with the following controls: Up to 4th storey: • 12 metres between habitable rooms/balconies • 9 metres between habitable rooms/balconies and non-habitable rooms • 6 metres between non-habitable rooms 5th storey & above: • 18 metres between habitable rooms/balconies • 13.5 metres between habitable rooms/balconies and non-habitable rooms • 9 metres between non-habitable rooms	6 metres separation is proposed between habitable rooms (up to fourth storey).	**YES**
Buildings are to be located so that apartments benefit from views into and through onsite landscaped gardens.	Apartments have views onto gardens and/or the golf course.	**YES**
7A.5 – Site coverage		
The site coverage may be up to a maximum of 30% of the site area, provided that the deep soil landscaping requirements in Section A Part 7A.6 Deep Soil Landscaping are met.	Site coverage is 31% per the applicant's calculations. However, the calculations appear to include the access handles and are incorrect – see below comment.	**NO**
Where a site incorporates an access handle/s, the site coverage is not to exceed 30% of the total site area less 30% of the access handle/s.	The applicant's calculations include the entirety of the access handles, as a result this issue forms recommended Reason 8 for refusal.	**NO**

7A.6 – Deep soil landscaping		
A minimum deep soil landscaping area of 40% for a site area less than 1800m^2 and 50% for a site area of 1800m^2 or more.	Deep soil area has been calculated incorrectly by the applicant and is less than 40%. The non-compliance with the control is recommended Reason 8 for refusal.	**NO**
Deep soil zones are to be configured to retain healthy and significant trees on the site and adjoining sites, where possible.	Deep soil zone allows retention of three trees.	**YES**
Deep soil zones are to be configured to allow for required tree planting including tall tree planting and garden and screen planting at front, side and rear boundaries.	Insufficient tall tree planting is proposed and the non-compliance forms recommended Reason 7 of refusal.	**NO**
Deep soil landscaping is to be provided in the common areas as a buffer between buildings that softens the bulk and scale of the buildings.	Deep soil is not provided between buildings and is therefore recommended Reason 8 for refusal.	**NO**
Lots with the following sizes are to support a minimum number of tall trees capable of attaining a mature height of at least 18m on shale, transitional soils and 15m on sandstone derived soils. i. 1200m^2 or less – 1 tall tree per 400m^2 or part thereof ii. 1201m^2 – 1800m^2 – 1 tall tree per 350m^2 or part thereof iii. 1801m^2 + - 1 tall tree per 300m^2 or part thereof	17 trees are required to be provided. A total of six trees are proposed or retained. The non-compliance is recommended Reason 7 for refusal.	**NO**
In addition to the tall trees, a range of medium trees, small trees and shrubs are to be selected to ensure that vegetation softens the building form and creates a garden setting. At least 50% of all tree plantings are to be locally occurring trees and spread around the site.	Insufficient amenity (screen) planting is proposed, which forms recommended Reason 7 for refusal.	**NO**

Trees are to be planted within all setback areas. At least 30% of the required number of tall trees are to be planted within the front setback.	Trees are not proposed within the southern setback area of Block B failing to meet the objectives of this control. As a consequence of the non-compliance it forms recommended Reason 7 for refusal.	**NO**
7B – Access and parking		
7B.1 – Car parking provision		
All residential flat developments are to provide on-site car parking within basements.	Basement carparking is proposed.	**YES**
Basement car park areas are to be consolidated under building footprints.	Basement is consolidated beneath the building footprint.	**YES**
The use of single lane tunnels and single lane spiral ramps is not permitted. Double lane spiral ramps may be allowed where there are no other options but can only link a maximum of 2 floor levels.	Two-way traffic flow is proposed.	**YES**
The basement car park is not to project more than 1 metre above existing ground level.	The basement does not project above existing ground level.	**YES**
Single lane aisles, straight ramps and tunnels max 12 metres in length.	Basement design is satisfactory.	**YES**
Direct and continuous internal pedestrian access from basement car park is provided to each level of the building	Lift access is proposed to each level.	**YES**
Car park entry is to be integrated within the building and located behind the building line.	Carpark entry is behind the building line.	**YES**
Car parking design is to be in accordance with requirements for Silver and Platinum Level dwellings as required in this DCP and by the *Livable Housing Guidelines*. Circulation areas, roadways and ramps are to comply with AS2890.1. Where a conflict occurs, the *Livable Housing Guidelines 2012* is to take precedence.	Five accessible resident spaces are proposed.	**YES**

<table>
<tr><td>Car parking rates for residential flat developments on sites within 800m walking distance of a railway station entry:

<table><tr><td>Type</td><td>Minimum</td><td>Maximum</td></tr><tr><td>Two bedrooms</td><td>0.9 space</td><td>1.25 spaces</td></tr><tr><td>Three or more bedrooms</td><td>1.4 space</td><td>2 spaces</td></tr></table>Visitors: 1 per 6 units (at least one is accessible

Min 1 visitor parking space complies with the requirements of AS2890.6</td><td>The total resident car parking required is 47(min) – 66(max) spaces and six visitor spaces.

51 resident spaces are proposed along with five visitor spaces, one car wash/visitor space and one car share/visitor space.</td><td>YES</td></tr>
<tr><td>At least one visitor car space is to be accessible and be provided within the site for every 6 apartments or part thereof and is to comply with the dimensional and locational requirements of AS2890.6.</td><td>One accessible visitor space is proposed.</td><td>YES</td></tr>
<tr><td>A clearly signposted parking bay for temporary parking of service and removalist vehicles is to be provided. The space is to have the following standards:
i) a minimum dimension of 3.5 metres x 6 metres;
ii) a minimum manoeuvring area 7 metres wide.</td><td>A dedicated removalist bay is not proposed, however the car washing bay is of sufficient dimensions to accommodate a removalist vehicle.</td><td>YES</td></tr>
<tr><td>One visitor parking bay is to be provided with a tap, to make provision for on-site car washing.</td><td>A shared visitor/car washing space is proposed.</td><td>YES</td></tr>
<tr><td>At least one car share space is to be provided in the basement per 90 dwellings, or part thereof.</td><td>One car share space is proposed.</td><td>YES</td></tr>
<tr><td>Parking areas are to be designed and constructed so that electric vehicle charging points can be installed.</td><td>Provision is made for charging.</td><td>YES</td></tr>
<tr><td colspan="3">7B.2 – Bicycle parking and support facilities provision</td></tr>
<tr><td>Provide on-site, secure bicycle parking spaces and storage at the following rates:

i) 1 bicycle parking space per 5 units or part thereof for residents within the residential car park area; and
ii) 1 bicycle parking space (in the form of a bicycle rail) per 10 units for visitors in the visitor car park area.</td><td>Bicycle racks are proposed.</td><td>YES</td></tr>
</table>

All on-site bicycle parking spaces and storage are to be designed to AS2890.3.	Bicycle racks are satisfactory.	**YES**
7C – Building design and sustainability		
Part 7C.1 - SEPP 65 and Apartment Design Guide requirements		
All residential flat buildings are to comply with the objectives, Design Criteria and Design Guidance of the following *Apartment Design Guide* sections: 3F Visual Privacy 4A Solar and Daylight Access 4B Natural Ventilation 4C Ceiling Heights 4D Apartment Size and Layout 4E Private Open Space and Balconies 4F Common Circulation and Spaces 4G Storage	Refer to the ADG compliance table.	**NO**
7C.2 – Communal open space		
At least 10% of the site area must be provided as communal open space. Each parcel of communal open space is to have a minimum dimension of 5 metres.	Compliant communal open space is provided to the north of Block B.	**YES**
At least one single parcel of Primary communal open space with a minimum area of 80m^2 and a minimum dimension of 8 metres is to be provided.	Compliant communal open space is provided to the north of Block B.	**YES**
The Primary communal open space is to be directly accessible from the internal common circulation areas.	Communal open space is accessed via the entry lobbies.	**YES**
The Primary communal open space is to be located at or above finished ground level behind the building line. Roof top Primary communal open space may be provided where the ground level cannot meet performance requirements or is undesirable.	Communal open space is located forward of the building line, however the site is a battle-axe allotment.	**YES**
Access to and within the Primary communal open space is to be provided for people with a disability Part 2 Section 7 of AS1428.	Ramp access is proposed.	**YES**
The location and design of the Primary communal open space is to optimise opportunities for active and passive social and recreation activities, solar access and orientation, summer shade, outlook, and maintain the privacy of residents on adjoining sites zoned differently for lower density residential development sites.	Communal open space is appropriately located regarding solar access, outlook and amenity.	**YES**

At least 50% of the area of the Primary communal open space and any Secondary communal open space are to receive direct sunlight for at least two hours between 9am and 3pm on 21st June.	Compliant solar access is received.	**YES**
Communal open space is to be integrated with any significant natural feature(s) of the site and soft landscaping areas.	Communal open space is integrated with soft landscaping.	**YES**
The communal open space is to have surveillance from at least two onsite apartments for safety reasons.	Surveillance from multiple apartments will occur.	**YES**
Communal open space design is to avoid creation of concealment or entrapment areas.	The communal open space does not include entrapment areas.	**YES**
Shared facilities such as barbecue facilities, shade structures, play equipment and seating, are to be provided within the Primary communal open space.	Shared facilities are proposed.	**YES**
Garden maintenance storage areas, drainage and connections to water taps are to be provided with the Primary communal open space. Secondary communal open spaces are to have adequate connections to water for maintenance purposes.	Garden maintenance storage is not proposed. This is acceptable as maintenance will likely be carried out by an external party.	**NO**
7C.3 – Ground floor apartments		
Ground floor apartments are to be separated from noise sources such as common areas, communal open space and the public domain.	Ground floor units are appropriately separated from communal open space.	**YES**
Ground and podium level apartments are to have private outdoor areas differentiated from communal areas by at least one of the following: i) a change in level; ii) walls to deflect noise; iii) planting, such as hedges and low shrubs; iv) a fence/wall to a maximum height of 1.8m. Any solid wall component is to be a maximum height of 1.2m with at least 30% transparent component above.	Balustrades and fencing are proposed to demarcate public space from private.	**YES**
No subterranean rooms to any part of any apartment	Ground floor units do not demonstrate that walls are not in contact with soil consequently this forms	**NO**

	recommended Reason 12 for refusal.	
No ground floor apartments created as a result of excessive excavation.	Unit A.L.G.01 results from excavation contrary to this control consequently it forms recommended Reason 12 for refusal.	**NO**
No part of any wall used to accommodate any residential apartment uses, including storage areas outside the apartment, is to be in direct contact with soil or rely on any form of tanking including spaces that act as tanking.	Ground floor units do not demonstrate that walls are not in contact with soil consequently this forms recommended Reason 12 for refusal.	**NO**
Tanking may only be provided to basement parking levels. Where basement storage is located adjacent to external walls, they are to be separated from the tanked wall by an accessible maintenance passage.	A maintenance passage is not proposed as a result of the non-compliance it forms recommended Reason 12 for refusal.	**NO**
The internal finished floor level of any part of a ground floor apartment and/or private open space is not to be more than 0.9m below existing ground level at the building line.	Ground floor units do not demonstrate that walls are not in contact with soil, which forms recommended Reason 12 for refusal.	**NO**
Where the internal finished floor level of a ground floor apartment and/or private open space is not more than 0.9m below the existing ground level at the building line, the ground level adjacent to the building is to be levelled to the finished floor level for a distance of 3.0m from the building line.	Ground floor units do not demonstrate that landscaping is below adjacent floor levels consequently it forms recommended Reason 12 of the refusal.	**NO**
7C.4 – Apartment mix and accessibility		
Range of apartment sizes (one, two, three bedroom) included within the development	A range of two, three and four bedroom apartments is proposed.	**YES**
Mix of 1, 2 & 3 bedroom apartments located on	Only three and four	**NO**

the ground level.	bedroom apartments are proposed at ground level. This is acceptable in the circumstances of the proposal and does not warrant refusal of the application.	
All apartments are to be designed to Silver Level under the Livable Housing Design Guidelines	All apartments are designed to Silver level.	**YES**
At least 15% of the dwellings (or part thereof) are to be designed to Platinum Level under the Livable Housing Design Guidelines.	14.7% of apartments are designed to Platinum level. This is acceptable in the circumstances of the proposal and does not warrant refusal of the application.	**NO**
At least 70% of all dwellings are visitable.	External platform lifts are proposed. The access consultant has indicated that a Performance System will be required to satisfy the NCC requirements. This is unacceptable and forms recommended Reason 13 for refusal.	**NO**
7C.5 – Building entries		
The residential flat building entry is to be clearly expressed using appropriate architectural elements.	Building entries are appropriately expressed.	**YES**
Entry foyers are to be no more than 1 metres above ground level. Any ramped access required is to be integrated into the design of the building or landscape. Mechanical chairlifts and the like will not be accepted.	Entry foyers are situated close to ground level.	**YES**
Buildings are to have a clearly visible building entry for each vertical circulation core with clear way-finding signs integrated into the	Building entries are clear and way finding signs could	**YES**

external circulation pathway system.	be readily provided.	
All entry areas are to be well lit and designed to avoid any concealment or entrapment areas and avoid dog leg entry foyers. All light spill is prohibited.	Entry foyers are capable of being well lit.	**YES**
Lifts are to be directly visible from the building entry doorway.	Lifts are visible from building entries.	**YES**
Lockable mail boxes are to be: provided close to the street; and be at 90 degrees to the street and to Australia Post standards; and integrated with front fences or building entries.	A porte cochere (possible mailbox location) is shown adjacent to the western entry path on the architectural plans but not on the landscape plans. This issue could be resolved via condition if consent were to be granted.	**NO**
On large development sites comprising multiple separate buildings, each building is to have its own clear entry with good sightlines. Way-finding signs are to be provided.	Way finding signs can be readily provided.	**YES**
All entries are to be integrated into the external circulation pattern of the development.	Entries are integrated into the pedestrian path network.	**YES**
Building entry paths are to be minimum 1.2 metres wide and located within the common area with a minimum dimension of 1.2 metres on either side for landscape planting. Paths are to provide extra width at building entries to allow easy passing between pedestrians and to allow effective turning.	The western entry path is 1.2 metres wide. The eastern entry path is comprised of informal stepping stones.	**YES**
All common circulation corridors are to be at least 1.5 metres wide, and the area outside lifts is to be at least 1.8 metres wide.	Corridors exceed 1.5 metres in width.	**YES**
7C.6 – Building Form and Facades		
All building facades at ground level are to be designed to avoid the creation of entrapment areas.	Facades are designed to avoid entrapment.	**YES**
No single wall plane is to exceed 81m^2 in area.	Wall planes do not exceed 81m^2.	**YES**
The following are to be avoided on all building elevations:	Elevations are appropriately	**YES**

i) large flat walls; ii) undifferentiated window openings; iii) applied treatments; iv) one single predominant finish or material.	articulated.	
All facades are to place entries, habitable room windows, and balconies so that they maximise outlook and passive surveillance of the street and to common areas surrounding the building.	Passive surveillance of common areas is proposed.	**YES**
All building elements including shading devices, signage, drainage pipes awnings/colonnades and communication devices are to be coordinated and integrated into the overall facade design.	Shading devices not provided contrary to this requirement, consequently if forms recommended Reason 23 for refusal.	**NO**
Screening between adjacent apartments is to be integrated into the overall building design.	Integrated screening is not proposed and is unacceptable consequently it forms recommended Reason 14 for refusal.	**NO**
Facade elements that result in poor architectural design outcomes for internal spaces, such as snorkel windows, are not permitted.	Snorkel windows are not proposed.	**YES**
All facades are to be designed to minimise on-going maintenance and weathering through measures such as: i) selecting appropriate robust materials/finishes; and ii) including appropriate building edge, balcony edge, sill, head and parapet detailing that demonstrates protection from prevailing weather and harsh solar aspects.	Inadequate detail regarding solar shading has been provided. This lack of information forms recommended Reason 23 for refusal.	**NO**
Facade Articulation		
All building facades are to be articulated with wall planes varying in depth by not less than 0.6m, and supplemented with architectural elements.	Articulation is adequate.	**YES**
Facade articulation is to be well composed with attractive proportions and coherent rhythms and integrated into the building	Façade proportions are acceptable.	**YES**

form and structure. Methods of achieving articulated facades include: i) defining a base, middle and top relating to the overall proportion of the building; ii) expressing the internal building layout or structure, such as vertical bays or party walls; iii) using a variety of window types to create rhythm or express the building uses; iv) using recessed balconies and deep windows to add visual depth; v) use of eaves, louvres and sun shading devices to openings. vi) using elements that cast shadow and accentuate the appearance of depth; vii) using changes of material, texture and colour integrated with the building articulation to break down large or repetitive facades and reduce the bulk and scale of the building.		
Blade walls are not to be the sole element used to provide articulation.	Blade walls are not proposed.	**YES**
All developments are to utilise shading/glare control devices to articulate the facade and contribute to the streetscape. Design solutions can include: i) providing external horizontal shading to north-facing windows, such as eaves, overhangs, pergolas, awnings, colonnades, upper floor balconies, and/or deciduous vegetation; ii) providing vertical shading to east and west windows, such as sliding screens, adjustable louvres, blinds and/or shutters; iii) providing shading to glazed and transparent roofs; iv) integration of shading devices with solar energy collection technology.	Inadequate detail regarding solar shading has been provided. This shortfall in details is reflected in recommended Reason 23 for refusal.	**NO**
Building Length		
The continuous length of a single building on any elevation is not to exceed 36m.	Building length does not exceed 36 metres.	**YES**
Balconies		
Balcony or terrace design may incorporate building elements such as pergolas, sun screens, shutters, operable walls and the like to respond to the street context, building orientation and residential amenity. The use of such building elements are not to enable the	Full height glazing is proposed which is not a desirable architectural outcome. Screens should be provided.	**NO**

<table>
<tr><td>balcony or terrace to be used as a habitable room.</td><td>As a consequence, it forms recommended Reason 14 for refusal.</td><td></td></tr>
<tr><td>Balconies that run the full length of the building facade are not permitted.</td><td>Balconies that run the full length of the façade are not proposed.</td><td>YES</td></tr>
<tr><td>Continuous transparent or translucent balustrades are not permitted to balconies or terraces.</td><td>Transparent balustrades are proposed contrary to this control and therefore forms recommended Reason 14 for refusal.</td><td>NO</td></tr>
<tr><td>Balconies are not to project more than 1.5 metres from the outermost wall of the building facade.</td><td>North facing balconies project more than 1.5 metres, however the non-compliance is minimal and does not warrant refusal of the application.</td><td>NO</td></tr>
<tr><td colspan="3">7C.7 – Building storeys</td></tr>
<tr><td>Sites with the following maximum building heights under the KLEP are to have a maximum number of storeys above the basement as in the table below:

<table><tr><th>Maximum building height</th><th>Maximum number of storeys</th></tr><tr><td>11.5m</td><td>3</td></tr><tr><td>14.5m</td><td>4</td></tr><tr><td>17.5m</td><td>5</td></tr><tr><td>20.5</td><td>6</td></tr><tr><td>23.5m</td><td>7</td></tr></table></td><td>Refer to Part 14 controls for the reasons why the proposed development is not acceptable in this regard. As a consequence, it forms recommended Reason 1 for refusal.</td><td>NO</td></tr>
<tr><td colspan="3">7C.8 – Top storey design and roof forms</td></tr>
<tr><td>The top storey of a building is to be designed so that:
i) the GFA of the top storey of a residential flat building does not exceed 60% of the GFA of the storey immediately below it; and

ii) for the purposes of this section, the top storey applies to the building as a whole and does not apply to the top level of each</td><td>Top floor GFA comprises 100% for Block A, 99% for Block B and 59% for Block C. The variations cannot be supported consequently they</td><td>NO</td></tr>
</table>

part of a stepped building.	form recommended Reason 2 for refusal.	
The top storey of a building is to be set back a minimum of 2.4 metres from the outer face of the floors below on all sides (roof projection is allowed beyond the outer face of the top storey).	The upper floor of Block C is set back 1.3 metres to 4 metres. The upper floors of Blocks A and B are not set back from the floors below. The proposed variation is not supported and forms recommended Reason 2 for refusal.	**NO**
The upper storeys of residential buildings are to be articulated with differentiated roof forms, maisonettes or mezzanine penthouses and the like.	Upper storeys are appropriately articulated.	**YES**
Service elements are to be integrated into the overall design of the roof and not be visible from the public domain or any surrounding development. These elements include lift overruns, plant equipment, air conditioning units, chimneys, vent stacks, water storage, communication devices and signage.	Capable of resolution.	**YES**
Roof design is to respond to solar access and prevailing weather with the use of eaves, skillion roofs, awnings and the like with a minimum overhang of 0.6 metres	Roof design does not include eaves or awnings. This issue does not warrant refusal of the application subject to BASIX compliance.	**NO**
Where solar panels are provided they are to be integrated into the roof line or elevation.	Solar panels are integrated.	**YES**
Lightweight pergolas, sun screens, privacy screens and planters are permitted on the roof or podium, provided they are integrated with the building and facade design and do not increase the bulk of the building, create visual clutter or impact on significant views from adjoining properties.	Planters are proposed within the rooftop terraces.	**YES**
Roof top gardens for private or communal use are encouraged.	Private roof terraces are proposed.	**YES**

7C.9 – Laundry and air clothes drying facilities		
Each apartment is required to have access to an external air clothes drying area, such as a screened balcony, a terrace or clothes lines within the common area.	External clothes drying facilities are not proposed. This non-compliance is acceptable in the circumstances of the proposal and does not warrant refusal of the application.	**NO**
All external air clothes drying areas are to be screened and not be visible from any public domain area.	External clothes drying facilities are not proposed and are therefore not visible from the public domain.	**YES**
Storage volume calculation within laundries is to exclude the space required to accommodate a washing tub, washing machine and dryer.	Satisfactory storage is provided.	**YES**
7C.10 – Fencing		
Fences and walls are to step down and follow the natural contours of the site.	Timber paling boundary fences are proposed along the side and rear boundaries and can follow the contours of the site.	**YES**
External finishes for fencing are to be robust and graffiti resistant.	Timber boundary fences are robust.	**YES**
7C.11 – Acoustic Privacy		
Noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, other mechanical ventilation systems and other plant are to comply with the requirements in Part 23.8 of the DCP.	The location of the air conditioning condensers is not indicated on the plans. The lack of information forms recommended Reason 26 for refusal.	**NO**

The specific departures from the requirements of Section A, Part 7 of the KDCP are identified in the table above. These departures are not acceptable as the underlying objectives of the relevant controls have not been achieved. As a summary, the following reasons for refusal relate to the issues identified in the KDCP compliance table:

Reason 1. Excessive building height – Blocks A and C
Reason 2. Excessive density
Reason 5. Heritage impacts
Reason 6. Driveway design

Reason 7. Landscape Character
Reason 8. Deep soil landscape area
Reason 9. Tree removal and impact
Reason 10. Site analysis
Reason 11. Building form
Reason 12. Waterproofing, building performance and resident amenity
Reason 13. Accessibility
Reason 14. Aesthetics
Reason 23. Shade protection
Reason 26. Air conditioning condensers

Ku-ring-gai Development Control Plan

Section B

Part 14 – Urban Precincts and Sites

Part 14N 8A, 14 and 16 Buckingham Road, Killara

The site is within the Buckingham Road Urban Precinct. The relevant provisions of Section B are addressed below and within the Part 7 development compliance table above as many aspects the development controls overlap. The controls in Part 14 prevail in the event of inconsistencies:

Development Control	Complies
14N.1 URBAN PRECINCT 8A, 14, 16 BUCKINGHAM ROAD	
Planned Future Character	
All development within the site is to be designed to support and enhance the planned future character of the site. This is to be done through compliance with the site-specific requirements stated in this Part 14N of the DCP, and compliance with other relevant parts of Section A, B, C of the DCP.	
Where there is an inconsistency between Part 14N and other sections of the DCP, the controls in Part 14N will prevail to the extent of that inconsistency.	
New development is to include the following key components: i) small footprint buildings that reduce the bulk and scale to adjacent low density dwellings and Heritage Items; ii) an open space heritage setback zone to the adjacent Heritage Items at Nos. 10 and 22 Buckingham Road (refer to 14N.3 and 14N.5) iii) site design is to maximise deep soil landscape in accordance with 7A.6 of the DCP; iv) retention of existing mature trees and shrubs on the site.	 **NO** **NO** **NO** **NO**
Utilities	
Utilities, including fire hydrants and substations, are to be located within the site, not be visible from Buckingham Road, and not detract from the existing streetscape.	**YES**
All power lines and utilities are to be located underground.	**YES**
14N.3 BUILDING SETBACKS	
All building setbacks are to be in accordance with Figure 14N.3-1.	**YES**

Development Control	Complies
14N.1 URBAN PRECINCT 8A, 14, 16 BUCKINGHAM ROAD	
Planned Future Character	
Provide a minimum 6 metres setback to: i) the boundary with the Killara Golf Club, ii) the boundary with No. 8 Buckingham Road, iii) the boundary with No. 22 Buckingham Road.	**YES**
Provide a minimum 9 metres setback to i) the south-eastern boundary to No. 10 Buckingham Road. ii) the southern boundary to No. 18 Buckingham Road. Provide an Open Space Heritage Setback Zone, with dimensions as illustrated in Figure 14N.3-1. i) retention of existing mature trees and shrubs on the site.	 **NO** **YES** **NO** **NO**
Development is to demonstrate the protection of Tree Protection Zones as follows: i) Development is not to encroach into more than 10% of the Tree Protection Zone of trees inside a Landscape Area Buffer or setback. Setbacks are to be increased to accommodate Tree Protection Zones where necessary. ii) Where trees are located outside a Landscape Area Buffer and/or setback, development is to demonstrate protection of Tree Protection Zones. Note: If the proposed encroachment is greater than 10% of the Tree Protection Zone or inside the structural root zone, the project arborist must demonstrate that the tree(s) would remain viable.	 **NO** **NO**
14N.4 BUILT FORM	
The siting of buildings is to provide clear, visible building entry points and demonstrate good surveillance of pathways and communal access.	**YES**
A minimum of three small footprint buildings are to be provided on the site with separation compliant with Part 7A.4 of the DCP.	**YES**
New buildings are to be sited and orientated to provide view corridors from No. 10 Buckingham Road to the golf course.	**NO**
Building height is not to exceed the following (see Figure 14N.1-1, Figure 14N.4-1 and Figure 14N.4-2): i) Area 1: 3 storeys ii) Area 2: 2 storeys iii) Area 3: 4 storeys	 **NO** **YES** **NO**
Level 3 is to be stepped back on all elevations facing Nos. 18 and 22 Buckingham Road by a minimum of 2 metres.	**YES**
Levels 3-4 is to be stepped back on all elevations facing No. 10 Buckingham Road by a minimum of 2 metres.	**NO**
All plant equipment and services to buildings are to be located within the basement of buildings. No plant equipment is to be located on any rooftop.	**NO**
14N.5 HERITAGE	

Development Control	Complies
14N.1 URBAN PRECINCT 8A, 14, 16 BUCKINGHAM ROAD	
Planned Future Character	
Site layout and new buildings are to consider potential impacts when located in the vicinity of neighbouring Heritage Items at Nos. 10 and 22 Buckingham Road (refer to section 19F of the KDCP).	**NO**
Provide view corridors to and from the Heritage Item at No. 10 Buckingham Road - see **Figure 14N.5-1**.	**NO**
Provide an expanded curtilage at No .10 Buckingham Road, in the form of an Open Space Heritage Setback Zone – refer to **Figure 14N.5-1** to the effect of: i) the eastern boundary of the Heritage Item to have adequate landscaping to the boundary with No. 10 Buckingham Road. ii) the areas to the southeastern and southwestern boundaries are to be used as open space and preserve the visual amenity of the Heritage Item, as indicated on Figure 14N.5-1.	**NO**

The specific departures from the requirements of Section B of the KDCP are identified in the table above and within the particulars to the recommended reasons for refusal, as outlined below. These departures are not acceptable as the objectives have not been achieved. The following reasons for refusal relate to the issues identified in the KDCP Compliance Table:

Reason 1. Excessive building height
Reason 2. Excessive density
Reason 5. Heritage impacts
Reason 6. Driveway design
Reason 8. Deep soil landscape area
Reason 11. Building form
Reason 14. Aesthetics
Reason 24. Aesthetics and amenity

Part 18 – Biodiversity

The western and northern parts of the site are 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, subject to conditions. These conditions would have been included in the report if the application were recommended for approval.

Part 19 – Heritage and Conservation Areas

The subject site does not contain a heritage item and is not located within a heritage conservation area but is located within 100 metres of heritage items at Nos. 10, 11, 22 and 26 Buckingham Road and No. 556 Pacific Highway ('Killara Golf Course'). The proposed development has an unacceptable impact on these heritage items, as discussed within the report and consequently forms a recommended reason for refusal (Reason 5).

Section C

Development Control	Proposed	Complies
Part 21 General Site Design		
21.1 – Earthworks and slope		
Development consider site topography, drainage, soli landscapes, flora, fauna and bushfire hazard by: • Stepping buildings down the site • Locate finished ground level as close to the natural ground level as practicable • Level changes to occur primarily within building footprint • Minimum 0.6 metres width between retaining walls • Maintain existing ground level within 2 metres from any boundary • Limit slope for embankments to 1:6 (grassed) and 1:3 (soil stabilising vegetation) • No fill and excavation within sensitive environments • Minimise altered groundwater flows	Topography of site is generally maintained.	**YES**
21.2 – Landscape Design		
Appropriate and sensitive site planning and design Existing appropriate screen planting is retained	Proposed landscape design includes insufficient canopy trees and screen planting and is unsatisfactory consequently it forms a recommended reason for refusal (Reason 7).	**NO**
Planting more than 300 metres from bushland • 25% of trees and shrubs local native species	Landscape design primarily comprises native plans.	**YES**

Part 22 - General access and parking		
22.1 – Equitable Access		
Compliance with DDA demonstrated Entry access ramps located within the site and does not dominate the front façade Access ways for pedestrians and for vehicles are separated	Unclear. The access consultant has indicated that a Performance System will be required to satisfy the NCC requirements. The lack of clarity forms recommended Reason 13 for refusal.	**NO**
Residential only Multi Dwelling Housing, Residential Flat Buildings and Shop Top Housing within Mixed Use developments provide access to, and between, dwellings and parking in accordance with the Livable Housing Guidelines as stipulated in Part 6 Multi Dwelling Housing, Part 7 Residential Flat Buildings and Part 8 Mixed Use Development.	Platform lifts are proposed to provide pedestrian access to the development which is contrary to the Part 7 requirements. This forms recommended Reason 13 for refusal.	**NO**
22.2 – General vehicle access		
• Minimise width and number of vehicle access points • Access driveways set back at least 10 metres from street intersections and 3 metres from pedestrian entrances • Vehicle and pedestrian access to buildings clearly distinguished and separated • Vehicle crossing width is acceptable for intensity of use proposed • Vehicles must exit in a forward direction • Vehicle entries are integrated into the external façade and are finished in a high quality material • Retaining walls associated with driveways maximum height of 1.2 metres • No driveways are longer than 30 metres unless a passing bay is provided	Vehicle access point is satisfactory.	**YES**
22.3 – Basement car parking		
Logical and efficient basement design AS2890.1	Basement design is acceptable.	**YES**

Appropriate ceiling floor to ceiling heights and ventilation provided: • 2.5 metres for parking area for people with a disability; • 2.6 metres for residential waste collection and manoeuvring area • 4.5 metres for commercial waste collection and manoeuvring area	Head heights are acceptable.	**YES**
Basement is fully tanked	Capable of resolution.	**YES**
Unimpeded access to visitor parking and waste recycling rooms	Visitor parking and waste recycling rooms are well located.	**YES**
Vehicles access ways are not in close proximity to doors and windows of habitable rooms	Apartment A.LG.01 is accessed from the basement. Reason 12 of the recommended reasons for refusal.	**NO**
Safe and accessible intercom access provided	Capable of resolution.	**YES**
22.4 – Visitor parking		
Visitor parking located behind a security grille with an intercom system to gain entry At least one visitor space is accessible and designed in accordance with AS2890.6	Capable of resolution.	**YES**
22.5 – Parking for people with a disability		
Accessible spaces are signposted and have a continuous path of travel to the principal entrance or a lift	Accessible spaces are capable of being signposted.	**YES**
22.6 – Pedestrian Movement within Car Parks		
Pathways designed in accordance with AS1428.1	Carpark design is satisfactory.	**YES**
Marked pedestrian pathways have clear sightlines, appropriate lighting, are visible, conveniently located and constructed of non-slip material	Carpark design is satisfactory.	**YES**

22.7 – Bicycle Parking and facilities		
Bicycle parking and storage facilities satisfy AS2890.3	Bicycle storage areas are satisfactory.	**YES**
Part 23 – Building Design and Sustainability		
23.3 – Sustainability of Building Materials and 23.4 – Materials and Finishes		
External walls constructed of high quality and durable materials	External walls comprise durable materials (painted render and cladding).	**YES**
Use of materials and colours creates well-proportioned facades and minimises visual bulk	Proposed black and dark coloured material minimise bulk.	**YES**
23.5 – Roof Terraces and Podiums		
Podiums and roof terraces are trafficable and support landscaping	Partial roof terraces are proposed.	**YES**
Roof & terrace common areas design encourage usage	No common roof areas as proposed.	**YES**
23.6 – Building Services		
Services and related structures are appropriately located to minimise streetscape impact	Capable of being resolved.	**YES**
Air-conditioning units are well screened and do not create adverse noise impacts	Clarification regarding air conditioner condenser locations is required. As a result of the lack of information, this matter forms recommended Reason 26 for refusal.	**NO**
23.7 – Acoustic Privacy		
Design minimises impact of internal and external noise sources	Impacts from external noise sources are satisfactory.	**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	Capable of resolution.	**YES**

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.		
23.8 – Visual Privacy		
Visual privacy maintained for occupants and for neighbouring dwellings	Privacy levels are satisfactory.	**YES**
23.9 – Construction, Demolition and Disposal		
Satisfactory Environmental Site Management Plan	An Environmental Site Management Plan has not been provided but is not required in the circumstances of the proposal.	**NO**

The specific departures from the requirements of Section C of the KDCP are identified in the table above. These departures are not acceptable as the objectives have not been achieved. The following reasons for refusal relate to the issues identified in the above Compliance Table:

Reason 7. Landscape character
Reason 12. Waterproofing, building performance and resident amenity
Reason 13. Accessibility
Reason 16. Air conditioning condensers

Part 24 – Water management

The proposed development does not satisfy the requirements of Part 24 of KDCP. This issue forms a recommended reason for refusal (Reason 3).

Ku-ring-gai Contributions Plan 2010

The development, if approved, would attract a section 7.11 contribution. If the application were recommended for approval, a condition requiring payment of the required contribution would be included in the recommendation.

REGULATION

Section 29(1) of the *Environmental Planning & Assessment Regulation 2021* requires a

development application for residential flat building development to be accompanied by a statement by a qualified designer. Subclause (2) states that the statement must verify that the qualified designer designed or directed the design of the development and explain how the development addresses the design principles and the objectives of the ADG. The submitted Design Verification Statement is unsatisfactory as it refers to the incorrect provisions and does not form a single document. This issue forms a recommended reason for refusal (Reason 16).

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.* Conditions to manage demolition would be included in the event the application were to be approved.

LIKELY IMPACTS

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

SUITABILITY OF THE SITE

The site is not suitable for the proposed development for the reasons given 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.

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 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 eDA0020/25 for the demolition of existing structures and construction of a residential flat development comprising three buildings with 34 units, basement car parking, lot amalgamation and associated works on land at 8A, 14 and 16 Buckingham Road, Killara, for the following reasons:

1. Excessive building height – Blocks A and C

The building heights of Blocks A and C are excessive, do not provide for an appropriate scale transition at the zone interface and result in unacceptable amenity impacts on

adjoining properties. The Clause 4.6 variation request provided in support of the breach of the maximum height development standard contained in Clause 4.3 of the Ku-ring Local Environmental Plan 2015 (KLEP 2015) does not demonstrate that compliance with the height standard is unreasonable or unnecessary in the circumstances or that there are sufficient environment planning grounds to justify the contravention.

Particulars

a) The KLEP 2015 was amended in 2023 because of a planning proposal for the site. These amendments, among other things, amended the permissible building heights on the site from 9.5 metres (across the entire site) to RL115.5 at the eastern and western ends of the site (where proposed Blocks A and C are located) and RL110.5 through the centre (where proposed Block B is located).

b) The "Architectural Height Plane Diagram' (Drawing DA020, Rev A, prepared by BKA Architecture dated 3/10/2024) which accompanies the development application indicates the proposed building heights for Block A, B and C. The top of the plant screening on the roof of Blocks A and C is RL123.60 and the parapets are RL121.95 to Block A and RL118.85 to Block C. This results in Block A presenting as part 5, part 6 storeys and Block C presenting as 5 storeys when viewed from adjoining properties.

c) The proposed building heights for Blocks A and C do not provide for an appropriate transition in scale with existing and future development on adjoining lands, contrary to the objectives of Clause 4.3 of the KLEP 2015. Specifically, there is not an appropriate transition in scale to No. 10 Buckingham Road (zoned R2 Low Density Residential), the part of the Killara Golf Club land adjoining the site (zoned R4 High Density Residential), No. 18 Buckingham Road (zoned R2 Low Density Residential) and No. 22 Buckingham Road (zoned R2 Low Density Residential).

d) No. 10 Buckingham Road is a single storey dwelling house that is heritage listed under Schedule 5 of KLEP 2015. The proposed part 5, part 6 storeys scale of Block A will not establish an appropriate transition in scale between the subject property and this adjoining low scale dwelling house. This is reinforced by the fact that the patio at the rear of the dwelling at No. 10 Buckingham Road is RL112.01 and the parapet of Block A is RL121.95. The amenity of No. 10 Buckingham Road will not be protected by the scale of Block A. The scale of Block A will have an overbearing effect on the curtilage of this heritage item and significantly reduce views from this heritage item towards the Killara Golf Club.

e) The northern part of the Killara Golf Club is zoned R4 High Density Residential under the KLEP. This part of the site of the Killara Golf Club land is limited to a maximum building height of RL109.5. This height was established based on ensuring an appropriate transition in height and scale was established between the sites. The proposed 5 and 6 storeys scale for Blocks A and C will not provide an appropriate transition in scale with the 3 storeys future scale of development on the R4 High Density zoned part of the Killara Golf Club. The proposed 5 and 6 storeys scale will also have an adverse amenity impact on the current use of the northern part of the Killara Golf Club (bowling green and turf farm) and any future residential development on the R4 High Density zoned part of the Killara Golf Club. The bowling green and turf farm of the Killara Golf Club will be unreasonably overshadowed between 10am and 3pm on 21 June, due largely to the proposed scale of Blocks A and C.

f) No. 18 Buckingham Road is a part one, part two storeys dwelling house (single storey at rear) which is zoned R2 Low Density Residential under KLEP 2015. The proposed 5 storeys scale of Block C will not provide an appropriate transition in scale with the single

storey dwelling house on the adjoining property. The proposed 5 storeys scale of Block C will have a visually overbearing effect on the rear courtyard of this adjoining lower density residential property.

g) No. 22 Buckingham Road is a two storey dwelling house that is heritage listed under Schedule 5 of the KLEP 2015. The proposed 5 storeys scale of Block C will not provide a transition in scale with this dwelling house which is heritage listed and zoned R2 Low Density Residential, consequently the scale will remain low, increasing the importance of retaining such low scale development as envisaged for the site under the planning proposal, along with the need to preserve the heritage significance of the site. The proposed 5 storeys scale of Block C will result in an overbearing effect on the rear private open space, including the tennis court, terrace and lawn area of No. 22 Buckingham Road. The stepped built form and limit of 3 storeys to Block C (Area 1, as referenced in Figure 14N.4-1 in Ku-ring-gai Development Control Plan (KDCP)) was inserted into Controls 4 and 5 in Part 14N.4 in KDCP to reduce bulk and scale impacts on adjoining low-density properties. This is not achieved by the proposed 5 storeys of Block C.

h) The proposed building heights of Blocks A and C are not compatible with the parts of the site that are capable of development. The subject site is particularly constrained with battle-axe handles, existing significant vegetation mapped as containing biodiversity values and adjoining lower density zoned land, some of which is heritage listed. Whilst it is accepted that compatibility, does not mean “sameness”, the proposed scale of the development must exist in “harmony” with the constraints associated with the site as well as existing and future development on adjoining properties. The proposed scale of Block A and C is not compatible with the developable part of the site having regard to its relationship with existing and future development on adjoining properties.

i) The proposed building heights of Blocks A and C fail to achieve Objectives (1)(a), (b) and (c) in Clause 4.3 of the KLEP 2015.

j) The Clause 4.6 variation request submitted with the development application seeks to demonstrate that compliance with the building height development standard under KLEP 2015 is unreasonable and unnecessary in the circumstances. This is on the basis that the proposed development achieves the objectives of the building height development standard. The variation request fails to demonstrate that the proposed 5 and 6 storeys scale of Block A and C is compatible and provides an appropriate transition with existing and future development on adjoining properties to the north (No. 10 Buckingham Road), north west (No. 18 Buckingham Road), west (No. 22 Buckingham Road) and south (Killara Golf Club) of the site, where the majority of these sites are zoned R2 Low Density Residential under the KLEP 2015. Much of the applicant’s Clause 4.6 focus is the proposed development's relationship with existing development at No. 8 Buckingham Road. No. 8 Buckingham Road does not adjoin R2 Low Density Residential land. A part 4 storeys scale was established under the KDCP (Control 4 iii) in Part 14N.4 in KDCP) for Block A to acknowledge this transitional relationship with 8 Buckingham Road (zoned R4 High Density Residential) and No.10 Buckingham Road (zoned R2 Low Density Residential). The proposed development is contrary to this outcome.

k) The environmental planning grounds advanced to justify the contravention of the building height development standard, specifically 1, 2, 3, 5 (a), (c), 7, 9 (dot point 2) and 10 within the Clause 4.6 request are not sufficient to warrant the extent of the proposed breach to the building height development standard.

l) The request seeking a variation to the building height development standard in Clause

4.3 (2) of the KLEP 2015 is therefore not well founded.

m) The proposed building height of Blocks A and C are non-compliant with Controls 4, 5, 6 and Objectives 1 and 2 in Part 14N.4 of the KDCP.

Controls –

4 Building height is not to exceed the following (see Figure 14N.1-1, Figure 14N.4-1 and Figure 14N.4-2):

i) Area 1: 3 storeys
ii) Area 2: 2 storeys
iii) Area 3: 4 storeys

5 Level 3 is to be stepped back on all elevations facing 18 and 22 Buckingham Road by a minimum of 2 metres.

6 Levels 3-4 is to be stepped back on all elevations facing 10 Buckingham Road by a minimum of 2 metres.

Objectives –

1 To reduce bulk and scale impacts of new high density development on the adjacent low density neighbourhood.

2 To preserve the visual amenity of neighbouring low density dwellings and Heritage Items.

2. Excessive density

The proposed built form and density is not acceptable for the site, particularly having regard to its constraints and relationship to adjoining lower density residential properties. The Clause 4.6 variation request provided in support of the breach of the Floor Space Ratio (FSR) development standard contained in Clause 4.4 of the KLEP 2015 does not demonstrate that compliance with the height control is unreasonable or unnecessary in the circumstances or that there are sufficient environment planning grounds to justify the contravention.

Particulars

a) The proposed FSR of 0.97:1 is non-compliant with Clause 4.4 (2) in KLEP 2015 which provides that a maximum FSR of 0.7:1 applies to the site.

b) The proposed FSR results in a built form and density that is-

i. not compatible with the size of the site; and
ii. not compatible with lower density residential dwelling housing (zoned R2 Low Density Residential) that adjoins the site to the north (No.10 Buckingham Road, north-west (No. 18 Buckingham Road) and west (No. 22 Buckingham Road).

c) The FSR of 0.7:1 was established on the site through the Site Planning Proposal and subsequent amendment to the KLEP 2015. It was established on the basis that this site adjoins R2 Low Density Residential properties which are limited to an FSR of 0.3:1. The adjoining lands at No. 8 Buckingham Road and the part of the Killara Golf Club zoned R4 High Density Residential do not adjoin R2 Low Density Residential zone land

hence their higher FSRs of 1.3:1 and 1.05:1, respectively.

d) The proposed FSR of 0.97:1 is excessive for the site, particularly given that the site adjoins low density residential dwelling houses to the north, north-west and west at Nos 10, 12, 18 and 22 Buckingham Road which are subject to considerably lesser floor space control.

e) The proposed FSR fails to achieve objectives (1)(a) and (c) in Clause 4.4 in KLEP 2015.

f) The Clause 4.6 variation request submitted with the development application seeks to demonstrate that compliance with the FSR development standard under KLEP 2015 is unreasonable and unnecessary in the circumstances. This is on the basis that the proposed development achieves the objectives of the FSR development standard. In respect of Objectives (a) and (c), the built form and density are not compatible with the size of the site and its contextual relationship, and the density sought is not acceptable given the zoning transition that exists with the site and adjoining lands to the north, north-west and west of the site.

g) The environmental planning grounds advanced by the applicant seeking to justify the contravention of the floor space ratio development standard, specifically 1, 2, 3, 5, 6 a., c., 7, 8, 10 (dot point 2) and 11 are not adequate and do not justify the extent of proposed breach to the FSR development standard.

3. Water management

The development application does not take all reasonable management actions to avoid, minimise or mitigate adverse impacts to adjoining properties, contrary to Clause 6.5 of the KLEP 2015. The matters in Clause 6.5(2) of the KLEP 2015 are not satisfactorily addressed.

Particulars:

a) Clause 6.5(2) of the KLEP 2015 provides that, before granting development consent to development on any land to which the KLEP 2015 applies, the consent authority must be satisfied that, relevantly:

   i. the stormwater management system includes all reasonable management actions to avoid any adverse impacts on the land to which the development is to be carried out, adjoining properties, native bushland, waterways and groundwater systems; and
   ii. if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, native bushland, waterways and groundwater systems.

b) The development application proposes construction of a new 225 millimetres stormwater pipeline within a drainage easement burdening No. 8 Buckingham Road.

   i. The proposal fails to provide owners' consent from the Strata Corporation of No. 8 Buckingham Road, Killara.

   ii. Further, the defined benefited properties are Lots 1, 3 & 4 in DP414101. No. 8A Buckingham Road is Lot 2 in DP414101, and there is no documentary evidence to indicate that this property benefits from this easement.

iii. Council's drainage system is located within No 8 Buckingham Road and drains through Killara Golf Course. The two pits in Nos. 8A and 14 Buckingham Road are private drainage pits and do not have legal connection rights to drain into Council's trunk drainage system.

c) The proposal does not assess or otherwise particularise the works (methodology report) required to construct the 225 millimetres stormwater pipeline within the drainage easement within No. 8 Buckingham Road, and the impacts associated with those works inclusive of tree and vegetation impacts on adjoining properties. A report from a suitably qualified arborist has not been provided for the trees and vegetation to enable an assessment prior to an approval for the pipeline.

d) The Civil Engineering Report, prepared by Enstruct and dated December 2024 (Civil Engineering Report), states that "an overland flow is required to direct away from buildings towards the boundary". However, no overland flow path is shown on the stormwater plans, nor any data provided showing the velocity and depth of this overland flow.

e) The Civil Engineering Report states that "no flood planning controls are applicable for the subject site". However, the adjoining property at No. 8 Buckingham Road and nearby property No .556 Pacific Highway are subject to flooding. The proposal fails to demonstrate that it will not negatively impact the flooding conditions of adjacent properties.

4. Remediation / contamination

The development application does not contain sufficient information to confirm that the proposed use is suitable for the site. Accordingly, consent should not be granted pursuant to Clause 4.6 of the *State Environmental Planning Policy (Resilience and Hazards) 2021*.

Particulars

a) The Preliminary Site Investigation Report (*the Report*) prepared by Foundation Earth Science, dated June 2024, was submitted with the development application.

b) The Report concludes *"the risks to human health and the environment associated with the soil and groundwater contamination at the site are moderate in the context of the proposed use of the site. The site can be made suitable for the proposed development, subject to* [amongst other things] –

- *The preparation of a detailed site investigation (Phase 2 Environmental Site Assessment) by a suitably qualified Environmental Consultant".*

c) A detailed site investigation (Phase 2 Environmental Site assessment) was not submitted with the development application.

5. Heritage impacts

The proposed development will have unacceptable impacts on the setting of the heritage items adjacent to and in the vicinity of the site, which is inconsistent with Clause 5.10 'Heritage conservation' of the KLEP 2015.

Particulars:

a) The site is located directly adjacent to two heritage items as listed in Schedule 5 of the KLEP 2015, being No. 10 Buckingham Road ('Southdean - dwelling house' - Item I255) to the north, and No. 22 Buckingham Road ('Dwelling house' - Item I257) to the west. The site is also located in the vicinity of heritage items at 11 Buckingham Road ('Dwelling house' - Item I256), 26 Buckingham Road ('Sidmouth' Item I258) and No. 556 Pacific Highway (Killara Golf Course Clubhouse' - Item I341).

b) The proposed development has a height, bulk and scale that will dominate the adjacent low scale residential heritage items and impact on their settings and visual curtilage through loss of open space, removal of established landscaping and mature trees that contribute to their setting. It will also obstruct views between the items and Killara Golf Club. The proposed development also fails to provide an appropriate transitional interface with the lower scaled heritage items, which would result in unacceptable adverse impacts on the items and their settings and views. As such, the proposal fails to conserve the environmental heritage of the area, contrary to Objectives (a) and (b) of Clause 5.10(1) in the KLEP 2015.

c) The Heritage Impact Statement, prepared by Edwards Heritage Consultants and dated September 2024 does not acknowledge or assess the impacts of the proposed development against the site specific heritage controls in Section 14N of the KDCP and is therefore inadequate to permit an informed assessment under Clause 5.10(5) of the KLEP.

d) The proposed development has disregarded the intent of the site specific planning controls for the site within the KDCP, which seek to preserve the heritage significance, setting and views of the surrounding heritage items.

e) The proposed development is inconsistent with the objectives and controls relating to heritage contained within the site-specific Section 14N of the KDCP, in terms of scale, siting, setbacks, built form and landscaping.

f) Objective 2 of Section 14N.1 (Urban Precinct) within the KDCP seeks:

To reduce the impacts of bulk and scale on adjacent residential neighbourhoods and Heritage Items.

g) Contrary to this objective, the bulk and scale of the proposed development are excessive and would result in adverse impacts on the adjacent heritage items at Nos 10 and 22 Buckingham Street. The proposed development is of a bulk and scale that exceeds the site-specific controls with increased, rather than reduced, impacts on the visual curtilage, setting and views to and from the adjacent heritage items.

h) The proposal is inconsistent with Control 3 of Section 14N.1 within the KDCP, which provides as follows:

New development is to include the following key components:

i) small footprint buildings that reduce the bulk and scale to adjacent low density dwellings and heritage items;
ii) an open space heritage setback zone to the adjacent heritage items at 10 and 22 Buckingham Road (refer to 14N.3 and 14N.5)
iii) site design is to maximise deep soil landscape in accordance with clause 7A.6 of the DCP;
iv) retention of existing mature trees and shrubs on the site,

in that the proposed building footprints are excessive, the open space heritage setback zone to No. 10 Buckingham Road is inadequate, the site design has not maximised deep soil planting, and mature trees on the site are not retained, with resultant adverse impacts on the visual curtilage, setting and views to and from the adjacent heritage items and Killara Golf Club.

i) The proposed development is inconsistent with Objective 1 of Section 14N.3 (building setbacks) of the KDCP and Objective 2 of Section 14N.4 (Built Form) of the KDCP, which are identical to each other as follows:

> "*To preserve the visual amenity of adjoining heritage properties and low density dwellings."*

The excessive bulk and scale of the development proposal, inadequate open space and loss of mature trees will detract from and dominate, rather than preserve the visual amenity of the adjoining low scale heritage properties.

j) The proposal is inconsistent with Control 3 of Section 14N.5 of the KDCP, in that the proposed Open Space Heritage Impact Zone does not comply with the relevant diagram at Figure 14N.5 - 1: Heritage Plan and provides for a reduced open space curtilage to No. 10 Buckingham Road.

k) The proposed buildings have not been sited and oriented to provide view corridors from the heritage item at No. 10 Buckingham Road to the Killara Golf Course, contrary to Control 3 of 14N.4 of the KDCP. The view corridors are restricted and narrow and will not ensure that the views from the heritage item to the Killara Golf Course are retained.

l) The proposed development does not comply with the building heights and requirements for stepped elevations provided in Controls 4, 5 and 6 of 14N.4 of the KDCP, with resultant adverse impacts on the amenity and settings of the heritage items as described in the particulars above.

m) The proposed development is contrary to the heritage related objectives and controls within the site specific KDCP Section 14N. Section 14N.5 (Heritage) provides the following Objectives and Controls for the site:

> *"Objectives*
>
> 1. *To conserve the setting and amenity of adjacent Heritage Items.*
> 2. *Ensure new buildings respond to the scale, design, setting and character of the Heritage Item.*
> 3. *To ensure new development does not visually dominate the adjacent Heritage Items.*
> 4. *To retain views and vistas between Killara Golf Club and the Heritage Item at 10 Buckingham Road.*
> 5. *To retain the bushland context of the Heritage Items and the leafy character of the area.*
> 6. *To integrate into the low density street frontage and retain the street presentation of the Heritage Items at 10 and 22 Buckingham Road.*
>
> *Controls*
>
> 1. *Site layout and new buildings are to give consideration to being in the vicinity of neighbouring Heritage Items at 10 and 22 Buckingham Road (refer to section 19F of the DCP).*

2. *Provide view corridors to and from the Heritage Item at 10 Buckingham Road (see Figure 14N.5-1).*
3. *Provide an expanded curtilage at 10 Buckingham Road, in the form of an Open Space Heritage Setback Zone (see Figure 14N.5-1), to the effect of:*

    i) the eastern boundary of the heritage item to have adequate landscaping to the boundary with 10 Buckingham Road.
    ii) the areas to the southeastern and southwestern boundaries are to be used as open space and preserve the visual amenity of the Heritage Item, as indicated on figure 14N.5-1."

n) The proposed development is contrary to the objectives of 14N.5 of the KDCP as it will not conserve the setting and amenity of the adjacent heritage items, fails to respond to the scale, design, setting and character of the items, provides restricted views and vistas between the Killara Golf Club and the heritage item at No. 10 Buckingham Road, will not retain the bushland context of the heritage items or the leafy character of the area and does not integrate with the low density street frontage of the heritage items. These failures to meet the objectives of Part 14N.5 of the KDCP are due to the proposed development's excessive height, inadequate setbacks, built form, siting and orientation and the extent of tree removal.

o) The proposed development is also contrary to the objectives and controls of KDCP Section 19F (Development in the Vicinity of Heritage Items or Heritage Conservation Areas) for reasons provided in the particulars above.

p) Section 19F.1 provides the relevant objectives for local character and streetscape:

"Objectives

1. *To consider the impact on the historic curtilage and setting of the Heritage Item or HCA and related heritage features such as views, streetscape context, historical subdivisions, garden settings, alienated trees and other landscape features.*
2. *To retain the significance of Heritage Items or HCAs in their settings.*
3. *To ensure that the scale of new development does not dominate, detract from or compete with Heritage Items or HCAs in the vicinity.*
4. *To ensure that new development respects and conserves the significance of any nearby Heritage Items or HCA and their settings.*
5. *To ensure that new development does not visually dominate the adjoining or nearby Heritage Item or HCA.*
6. *To ensure that the scale of new development in the vicinity of a heritage item and HCA is in harmony with the streetscape and does not dominate, detract from or compete with the Heritage Item or HCA.*
7. *To protect significant views and vistas to and from the Heritage Item or HCA"*

q) Section 19F.2 provides the following objectives for building setbacks:

"Objectives

1. *To ensure new work in the vicinity of a Heritage Item or HCA respects and contributes to the established streetscape patterns through careful siting of new buildings.*
2. *To ensure new development provides an interface of scale and bulk to preserve the amenity to the adjacent Heritage Item or building within a HCA.*
3. *To ensure new medium and high density development does not visually dominate the Heritage Item or building within the HCA."*

r) Section 19F.3 provides the following objective for gardens and landscaping

1. *To ensure that new development does not impact on the landscape character and garden setting of any nearby Heritage Item or HCA."*

s) The proposed development will have an adverse impact on the landscaped setting of the heritage items in its vicinity and will visually dominate and compete with the heritage items due to its height, bulk, scale, siting and removal of mature trees. As such the proposal is contrary to the objectives of Section 19F of KDCP.

6. Driveway design

The proposed driveway design has failed to give due consideration to ensuring the protection of existing significant trees within the western access handle and the acoustic amenity of adjoining low density residential properties.

Particulars

a) The information submitted as part of the development application is inconsistent in respect of whether Trees 1 and 2 are to be removed or protected and retained.

b) The Arboricultural Impact Assessment prepared by Seasoned Tree Consulting and dated 16 October 2024 (Arborist Report) indicates that Tree 1 whilst extensively pruned remains as a "stag" which could be retained and used for habitat purposes, but also indicates that Tree 1 should be removed and replaced.

c) The Arborist Report similarly indicates that Tree 2, whilst retaining its extensive branching structure, could be pruned and remain as a "stag" which could also be used for habitat purposes like Tree 1, but also that it should be removed and replaced.

Control 1 in Part 14N.2 in KDCP requires that:

"Site access points, driveways and paths are to consider the location of major trees and retain existing significant trees, in particular T1, T2 and T3 (see Figure 14N.2-1)."

d) The proposed driveway does not comply with this control, noting that the proposed development (based on some of the information submitted) does not appear to retain existing significant Trees 1 and 2.

e) The proposed development does not incorporate a "loop driveway" as required by Control 2 in Part 14N.2 in KDCP –

"Vehicular access in and out of the site is to be via a maximum 3m wide one way loop road and include the following (see Figure 14.2-1):

i) entry is to be between 8 and 10 Buckingham Road, exit is to be between 12 and 18 Buckingham Road; and

v) no passing bay or other hardstands are to be provided in the site access handles"

f) An objective (specifically 6) of Control 2 in Part 14N.2 in KDCP is-

6 To minimise vehicular noise and privacy impacts to adjacent low density dwellings.

g) The information contained within the development application has not demonstrated that the proposed driveway design will minimise noise impacts to the adjoining low density residential property at No.18 Buckingham Road.

7. Landscape character

The proposed development fails to maintain the landscape character of the locality or to address relevant requirements of the KDCP with respect to landscape.

Particulars:

a) Part 7C.5 Control 12 within the KDCP requires building entry paths to be a minimum 1.2 metres wide and located within the common area with a minimum dimension of 1.2 metres on either side for landscape planting. The development proposal is inconsistent with this control as the pedestrian entry is located adjacent to the eastern side of the western access handle, preventing the provision of landscape planting contrary to the control.

b) Part 14N.2 Control 1 within the KDCP requires site access points, driveways and paths to consider the location of major trees and retain existing significant trees, in particular T1, T2 and T3.

i. Trees 1 and 2 appear to have been poisoned. Proposed outcomes for Trees 1 and 2 with the development application are inconsistent and unclear. The landscape plans propose Trees 1 and 2 to be removed, while the architectural plans show them to be retained.

ii. The development proposal includes construction works within the structural root zone (SRZ) of Tree 1 and tree protection zone (TPZ) of Tree 2 which may result in instability due to severance of structural roots.

iii. Tree 7: *Jacaranda mimosifolia* (Jacaranda) located adjacent to the western site boundary within the western access handle has high amenity and retention values and is in good health and condition. Tree 7 is proposed to be removed, however because it has grown in association with the existing driveway it could be viably retained. The proposed removal of Tree 7 is not acceptable.

i. Tree 57: *Jacaranda mimosifolia* (Jacaranda) located within the neighbouring property has an A1 retention value. Tree 57 is subject to a major encroachment from the proposed site cut for the entrance pathway construction within both its SRZ and TPZ. The project Arborist has recommended non-destructive root investigation works be undertaken along the alignment of development works. This has not been done. Further, the submitted plans do not provide sufficient information and detail as to the level of the proposed footpath to enable an assessment of the impacts in this regard. As a consequence, further information is required including longitudinal section of the proposed footpath with existing and proposed levels detailed within the TPZ of retained trees along with the suggested non-destructive root mapping along the alignment of proposed works, to ensure tree 57 remains viable. These comments are replicated below under 'insufficient information'.

c) Part 14N.3 Control 5 within the KDCP requires demonstration of the protection of TPZs as follows: Control 5 i) states development is not to encroach into more than 10% of the TPZ of trees inside a landscape area buffer and/ or setback. Setbacks are to be increased to accommodate TPZ's where necessary. The development proposal is inconsistent with this control as encroachments within the TPZ of Trees 14, 25, 57, 79 and 83, exceed 10% and it has not been demonstrated that these trees will remain viable.

d) Part 14N.4 Control 9 within the KDCP requires the design and setting of the built form and hard landscaping to demonstrate retention of existing vegetation and trees outlined in the tree retention plan. The proposal fails to satisfy this control as it has not been demonstrated that Trees 14, 25, 57, 79 and 83 are to be viably retained.

e) Part 14N Control 10 within the KDCP requires any future proposed landscaping to be of a species and design compatible with the existing site. The proposed landscape design utilising native species is inconsistent with the established landscape character/setting, which has a landscape aesthetic featuring a predominance of exotic species with natives.

f) Part 21.1 Control 5 within the KDCP requires existing ground level to be maintained for a distance of 2 metres from any boundary. The development proposal includes extensive grading works including the construction of retaining walls immediately adjacent to site boundaries. The extent of fill particularly within the southern boundary setback is inconsistent with the control and results in the dominance of the built form.

g) Tree replenishment requirements consistent with Control 7 of Part 7A.6 of the KDCP have not been satisfied which require the site to accommodate 17 trees capable of attaining a minimum height of 18 metres to enhance the treed landscape character of the locality.

h) The landscape design proposes replenishment tree plantings less than 3 metres from the proposed residential flat buildings, which under Council's controls allows for them to be removed without approval under the exemption from the requirements of Part 13 of the KDCP. For practicality, tree replenishment plantings should be appropriately located around the site and structures to ensure their viability to maturity without conflict.

i) The development proposal fails to provide amenity screen planting adjacent to the pedestrian access/driveway, which is uncharacteristic of the established landscape character of the locality, whereby site boundaries are well screened and softened with vegetation.

j) The development proposal fails to provide sufficient shrub layer planting within the western side setback of the western access handle for neighbour amenity. Only groundcover planting is proposed.

k) The landscape design fails to provide intermediate and taller plantings beyond a singular hedge (row planting) to the south of Block B. This is inconsistent with Part 7A.1 Objective 2 and Control 2 in KDCP to have development site within a garden setting and for trees to be provided within all setback areas. There is design opportunity to provide supplementary plantings to achieve partial screening and softening of the built form when viewed from Killara Golf Club. The provision of intermediate sized deciduous trees should be considered.

l) The landscape design fails to provide shrub plantings to the south of Block C for ground level amenity, shrub plantings shall be proposed.

m) The landscape design proposes the planting of a *Eucalyptus pilularis* (Blackbutt) centrally within the site and within the historic view corridor from the neighbouring heritage item 'Southdean' at No. 10 Buckingham Road to Killara Golf Course.The subject tree should be relocated to maintain established view corridors to retain the

historic link between 'Southdean' and Killara Golf Club.

n) The landscape plan fails to maintain deep soil landscape setbacks within common ownership. To ensure the integrity of the landscape design is maintained for the long term, rather than being personalised by ground floor residents, the landscape setback areas shall be maintained under common ownership and for maintenance.

o) The use of *Dodonaea triquetra* (Hop Bush) for amenity screen planting is inappropriate as the species is very short lived (<5yrs) and, as such, should not be relied upon for screen/amenity plantings where privacy and overlooking needs to be managed.

8. Deep soil landscape area

The proposal is inconsistent with minimum required deep soil landscape areas as provided by Part 7A.6 and 14N.1 of the KDCP.

Particulars:

a) Deep soil landscaping is defined in Part 1B.1 of the KDCP as follows:

the soft landscaped part of the site area:

i) that is not occupied by any structure whether above or below the surface of the ground except for minor structures such as:

- *paths to 1.2m wide;*
- *stormwater pipes of 300mm or less;*
- *lightweight fences;*
- *bench seats;*
- *lighting poles;*
- *drainage pits with a surface area less than 1m^2.*

ii) has a minimum width of 2.0m;

iii) that is not used for car parking; and ;

iv) may be used for water sensitive urban design, provided it does not compromise the ability to achieve the screen and canopy planting required by the KDCP

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

b) For a site area of 4518.6m^2 (excluding the access handles) Control 1 in Part 7A.6 of the KDCP requires a minimum of 50% of the site area to be deep soil landscaping.

The site area equates to 4989m^2, with an area of 4318sqm, excluding the access handles.

As per the KDCP a minimum of 2159m^2 of deep soil is required (excluding both access handles).

c) The applicant's calculations (as per the SEE) states that a deep soil landscape area of 2299m^2 / 46% is provided. The applicant's calculations are inconsistent with Control 6 within Part 7A.6 of the KDCP, as they are based on a site area that includes the eastern access handle.

d) The calculable area of deep soil landscape area within the development application is inconsistent with the definition set out above. The following areas are incorrectly

identified, as containing deep soil landscaping:

i. external BBQ area / pergola (considered a structure) 53m^2

ii. paths/paving greater than 1.2 metres wide.

iii. garden areas <2 metres wide between structures.

iv. retaining walls (considered a structure)

v. area of the eastern access handle (195m^2)

e) Areas ii, iii, and iv above equate to an area greater than 220m^2 and the total of all the above areas is greater than 470m^2. When excluded from the deep soil landscape (DSL) area calculation the result is 1,829m^2 or 42% DSL.

f) Control 4 within Part 7A.6 of the KDCP requires DSL to be provided in the common areas as a buffer between buildings that softens their bulk and scale. The development proposal does not satisfy this part as areas of private open space (POS) are proposed between buildings and within boundary setbacks fronting Killara Golf Club and neighbouring residential sites. These additionally excluded areas of POS significantly reduces the calculable area of deep soil landscaping even further than noted earlier.

9. Tree removal and impact

The proposed development fails to protect and enhance the aesthetic value of trees, local character and amenity due to tree removal and impact to retained trees beyond viable thresholds.

Particulars:

a) Trees 1 and 2: *Eucalyptus saligna* (Sydney Blue Gum) appear to have been poisoned and have since died. Tree 1 has been extensively pruned and remains as a 'stag'. The landscape plans propose Trees 1 and 2 to be removed, while the architectural plans show them to be retained, and the Arborist Report contains contradictory recommendations. It remains unclear what is proposed in respect of Trees 1 and 2.

b) The Arborist Report is contradictory. The recommendation is to remove and replace Trees 1 and 2, while the conclusion states '*The dead canopy should be removed with the trunk to be retained as a standing trunk with any hollows or habitat value retained, plus additional hollows created within the standing trunk and nest boxes installed*'.

c) The proposal includes the construction of an entry portico, chair lift, stairs, pedestrian access path and driveway within Tree 1's SRZ of 3.9 metres. These works are likely to result in spatial conflict with structural roots with their possible severance, potentially impacting stability. The applicant's arborist has not provided any assessment of impact if Tree 1 is to be retained. Particulars a), b) and c) above are to be read in conjunction with recommended Reason For Refusal 5.

d) Tree 7: *Jacaranda mimosifolia* (Jacaranda) located adjacent to the western site boundary within the western access handle. The tree is in good health and condition and contributes positively to the established landscape character with high amenity and retention value. Tree 7 has grown in association with the existing driveway and could be viably retained. The removal of tree 7 is not acceptable.

e) Tree 14: *Harpephyllum caffrum* (Kaffir Plum) is located adjacent to the internal northwest site corner in good health and condition with high amenity value. With a Category A significance rating the tree is sufficiently important to be a material constraint on the proposed development.

i. The Arborist Report identifies that Tree 14 will be subject to a major encroachment from the proposed site cut for driveway and building basement construction of up to 54m^2 = 22%.

ii. Root Investigation works are recommended to be undertaken to enable assessment of impact and ongoing viability but have not been completed.

f) Tree 25: *Acmena smithii* (Large Leaf Lilly Pilly) located adjacent to the south-western site corner, is in good health and condition with high amenity value. The tree is impacted by proposed stormwater works inclusive of a drainage pit and 225 millimetres diameter pipe through the tree's SRZ. The installation of the pipe and pit is likely to result in the severance of structural and feeder roots beyond an acceptable threshold and may cause tree instability.

g) Tree 57: *Jacaranda mimosifolia* (Jacaranda) located within the neighbouring property, adjacent to the eastern site boundary of the western access handle. As set out above, the tree has an A1 retention value and is located within the neighbouring site.

ii. Tree 57 will be subject to a major encroachment from the proposed site cut and for the entrance pathway construction within the SRZ and TPZ. The tree has grown in association with the existing driveway concrete slab in close proximity. As the tree is in the neighbour's property it must be retained in a viable condition.

iii. The Arborist Report recommends non-destructive root investigation works be undertaken along the alignment of development works.

iv. The submitted plans do not provide sufficient information and detail as to the level of the proposed footpath. Further detailed information is required including: longitudinal section of the proposed footpath with existing and proposed levels detailed within the TPZ of retained trees; and non-destructive root mapping along the alignment of proposed works.

h) Tree 79: *Jacaranda mimosifolia* (Jacaranda) located adjacent to the eastern site boundary, in good health and condition with high amenity and retention values providing valuable screening and landscape amenity between higher density properties. Tree 79 has grown in association with the existing driveway and dwelling. The Arborist Report recommends that no structural landscape works be proposed within the TPZ. The development proposal includes the construction of a retaining wall and paved path within the TPZ, which is inconsistent with the Arborist's recommendations and is likely to result in detrimental tree impact.

i) Tree 83: *Jacaranda mimosifolia* (Jacaranda) located adjacent to the eastern site boundary. The tree is in good health and condition with high amenity and retention values. Tree 83 spatially conflicts with two proposed drainage lines of 225 millimeters and 300 millimeters diametres. The excavation for the installation of these pipes within the SRZ/TPZ is likely to sever structural and feeder roots resulting in an adverse impact beyond a viable threshold.

10. Site analysis

The site analysis has not adequately identified existing site conditions and considerations within the Apartment Design Guide (ADG), including Part 1, Part 3 and Appendix 1, or the KDCP, Part 2. The site analysis provided does not demonstrate the design response satisfies the requirements of the SEPP (Housing) Section 147 and Schedule 9 Design Principles.

Particulars

a) The Site analysis does not include:

i. Topography – contour mapping across the wider context area to describe the ground conditions on and around the site including access from both street facing battle-axe handles.

ii. Urban structure interface and wider urban and heritage context – the site should be presented more centrally to include the wider context of the R2 zoned housing further to the west and north, the Killara Golf Club, clubhouse and residential zoned area to the south, as well as the R4 development to the east up to the Pacific Highway. An area of approximately 300 metres radius is considered adequate.

iii. Heritage context - of the site, including No 10 Buckingham Road and its visual links to the Killara Golf Clubhouse is to be addressed. KDCP Part 14N.5 Objective 4 provides that heritage considerations are to be demonstrated – related to Particular (ii) above.

iv. Reference to permitted building envelopes on the Killara Golf Course (KDCP Part 14N.I)– to be included as these are also needed for consideration of shadow impacts of the proposed development.

v. Existing trees – all existing significant trees identified by the Arborist Report, within the site and on neighbouring properties, are to be identified (and numbered).

11. Building form

The proposed development fails to address the KDCP's site-specific urban form controls for this site.

Particulars

a) Building form resulting in multiple steps in the vertical massing (ziggurat type) is not consistent with achieving a desirable urban form or the intended spatial definition across the site and its differing interface conditions under the KDCP Parts 14N.1, 14N.3 and 14.4.

b) Block C ziggurat form does not adequately resolve the increased interface setback for development above 4 storeys along the western boundary with heritage item I257 No. 22 Buckingham Road and as a low-density interface consistent with ADG Part 2F.

c) The ziggurat form of Block A does not present an adequate, sympathetic or complementary response to heritage item I255 No. 10 Buckingham Road.

12. Water proofing, building performance and resident amenity

The proposed development does not provide allowance to ensure that anticipated National Construction Code 2025 (NCC 2025) requirements for water-proofing, adequate long term building performance, low-cost maintenance and resident amenity can be achieved. While the NCC 2025 has not been formally released, relevant amendments that will be made to the current version of the NCC are well understood and should be addressed in the development proposal.

Particulars

a) Floor-to-floor height

i. proposed 3.1 metres floor-to-floor heights are due to be superseded by NCC 2025 waterproofing requirements for water-proofing, including increased gradients for integrated falls to drainage that are applicable to the development application.

ii. current industry advice (as supported by the NSW Building Commission) is that 3.2 metres floor-to-floor heights are the minimum needed to meet new requirements where wet areas are vertically aligned through the building.

iii. Additional height may be required where extensive areas of terraces are above habitable rooms of units below and/or where accessible paths of travel are required, such as for Platinum Level units, access to communal open spaces, and storeys set significantly inboard of the building edge of floors below.

b) Subterranean relationships

i. Ground floor units do not demonstrate that all adjacent landscape is below structural floor levels so that no walls above the internal floor levels are in contact with soil. This is for consistency with KDCP Part 7C.3 Objective 5 and Controls 4, 6, 9 and 10and to prevent potential for breaches of waterproofing over the long term.

c) Roof structural depth

i. Adequate allowances for structural depth are required to demonstrate the buildings will accommodate structure, integrated falls to drainage, insulation and services with the minimum unobstructed floor-to-ceiling heights of 2.7 metres required by the SEPP Housing 2021 development standard at Section 148 (2)(c) and Apartment Design Guide 4C.1.

d) Ziggurat form

i. Multiple steps/setbacks in the vertical massing introduce avoidable risk to long-term waterproofing and require additional floor-to-floor heights to accommodate structure, services, integrated falls to drainage, insulation and the like while achieving ADG minimum of 2.7 metres unobstructed floor-to-ceiling heights.

e) Variation to proposed building height

i. The Clause 4.6 request to vary the maximum building height development standard does not accommodate any increase to the proposed building height to achieve a minimum or greater 3.2 metres floor-to-floor height for future compliance.

13. Accessibility

The proposed development does not demonstrate adequate dignified equitable access or long-term building performance.

Particulars

a) Pedestrian access from Buckingham Road to each building proposes the use of external platform lifts. External platform lifts are not permitted by KDCP Part 7C.4 Control 8 All lifts are to be constructed within a shaft and provide full weather protection.

14. Aesthetics

The proposed development does not achieve minimum aesthetic outcomes consistent with the ADG and KDCP.

Particulars

a) Mechanical plant

i. The proposed location of plant on rooftops is contrary to KDCP Part 14.N.4 Control 7 which requires plant on this site to be accommodated in the basements or other locations and integrated into the building.

b) Balcony treatments

i. Drawing Numbered 'DA600 External Finishes Schedule 01' and 'DA601 External Finishes Schedule 02' propose full height clear or frosted glazing for balustrade treatments. This is inconsistent with ADG 4E-3, and KDCP Part 7C.6 Control 17 and 19, and Part 23.4 (1)(v), (vi) and (vii) that requires part solid balustrading.

ii. Full-height clear or translucent glazed balustrades are inconsistent with achieving Ku-ring-gai's intended urban character and aesthetic quality of all developments over the long-term.

iii. Operable screens, solid upstands, directional metal blade balustrades and/or combinations with handrails and part glazed are required to achieve consistency of the buildings' appearance and to avoid outcomes of ad hoc and low-quality screens being used by individual residents to manage desired visual privacy.

iv. The development would be viewed from the Killara Golf Course and Clubhouse heritage items, and heritage items at No. 10 and No. 22 Buckingham Road over the long-term.

15. Sustainability

The proposed development does not ensure long term sustainability with regard to materials.

a) Drawings Numbered DA600 'External Finishes Schedule 01' and DA601 'External Finishes Schedule 02' proposes black and dark materials that is inconsistent with requirements for mitigating heat loads and urban heat impacts, as required by KDCP Part 23.3, Objective 7 and Control (1)(vi).

16. Design (Verification) Statement

The Design (Verification) Statement prepared by Jesus Garcia of BKA Architecture, does not satisfy the requirements under SEPP (Housing) and the Environmental Planning and Assessment Regulation 2021 Section29.

Particulars

a) Incorrect policy is cited - SEPP 65 no longer exists. All references within the Statement are to refer to the applicable legislation, SEPP (Housing) – Chapter 4 and Schedule 9 provisions and associated relevant sections. Note: Design Statement provisions under SEPP (Housing) and Environmental Planning and Assessment Regulation regarding the Apartment Design Guide parts are different to those of the former SEPP 65.

b) The Design (Verification) Statement does not form a single document with the SEPP (Housing) Schedule 9 - Design Principles and ADG compliance table. All need to be signed off by the nominated architect.

17. BASIX

The proposal is inconsistent with the landscape outcomes nominated within the submitted BASIX certificate.

Particulars:

a) Certificate 1769177M dated 17/10/2024 is submitted with the application. The certificate includes:
   i. A water score of 50 (10 points above the target score – 40)
   ii. Common lawn area – 92m^2 .
   iii. Common garden area – 2397m^2 .
   iv. Indigenous/low water use planting – 2397m^2 .
   v. 3 Star common taps rating.
   vi. No private areas of garden and lawn is shown within the 'Description of project' table on pages 3 and 4.

b) The proposal includes private areas of garden and lawn (POS) only accessible from units: ALG.01, AGF.01, AGF.02, AGF.03, BGF.01, BGF.02, CGF01, CGF.02, CGF.03, CGF.04, B1.01, B1.02, A4.01, and C4.01.

c) The common area of garden and low water use/indigenous planting result in 100% of plantings being low water use/indigenous species. The proposed landscape planting palette is inconsistent as plant species known as high water use is proposed. For example: *Syzigium wilsonii* (Powderpuff Lilly pilly) is not a low water use species.

d) The common area of garden is incorrect. As the water score of 50 exceeds the target water score of 40, it is recommended the low water use/indigenous planting commitment be significantly reduced to ensure the proposed landscape aesthetic reflects the established landscape character and provides greater flexibility in design outcomes.

18. Public interest

The development application should be refused as it is not in the public interest, having regard to the contentions raised by Council and the matters raised by submissions, contrary to Section 4.15(1)(e) of the EP&A Act.

Particulars

a) The development application was notified in the circumstances set out in main body of the assessment report. The development application should be refused, having regard to the matters raised in the submissions received by Council, insofar as those matters coincide with the contentions raised by Council.

b) The development application is contrary to the public interest having regard to the numerous categories of insufficient information provided, which preclude the making of a proper assessment of the impacts of the proposed development.

19. Water management (insufficient information)

The stormwater management plans and CCTV video footage and report are inadequate to enable a thorough assessment of the development application.

Particulars:

a) There is uncertainty as to Council's drainage assets. The CCTV video footage does not show the entire path of the inter-allotment drainage pipeline to Council's public drainage system towards the watercourse within the Killara Golf Course.

b) The development application has not provided sufficient information to enable assessment of the inter-allotment drainage design and Council's assets. The CCTV footage and Report prepared by Quron Pty Ltd dated 13/12/2024 confirms that the pipe was in disrepair due to tree roots as well as having the pipe investigation being abandoned at approximately 2.8 metres due to 45-degree bend in pipe between Pit 3 and Pit 4.

c) There is uncertainty as to Pit 3 to Pit 4 stated on the Services Inspection Report dated 25/09/2024 prepared by Joseph Plumbing Pty Ltd as this is not shown on the services plan.

d) The stormwater plans, prepared by Enstruct, do not show the full extent of the stormwater pipeline to Council's public drainage system.

e) The stormwater plans do not clearly show what roof areas are to be collected and conveyed to the rainwater tank/water quality chamber.

f) The stormwater plans do not show the basement plans and associated drainage.

g) The stormwater plans should not be referred to within the Civil Engineering Report and should be separated.

h) An electronic DRAINS analysis file has not been submitted.

20. Waste management

The proposed development contains insufficient information to demonstrate compliance with Part 25A.5 'Residential Buildings' of the KDCP and AS2890.1:2004 Parking facilities Part 1: Off-street car parking.

Particulars:

a) The driveway longitudinal section shown on the architectural plans (DA340, revision A) is to start from the centreline of the public road to the basement carpark entry. The driveway gradient does not demonstrate a maximum 20% grade along the main access ramp to the basement entry as required under Part 25A.5 (17) of the KDCP as well as demonstrating the driveway gradient of 5% for the first 6 metres as per AS2890.1:2004.
b) No swept paths analysis has been submitted to demonstrate that Council's Waste Collection Vehicle (6.7 metres Mitsubishi Canter) can enter and depart the garbage/room recycle storage area in a forward direction.

21. Construction management

A Construction Traffic Management Plan has not been provided with the development application.

Particulars:

a) No indicative Construction Traffic Management Plan (CTMP) has been submitted (required under Council's DA Guide). The CTMP is to show the largest vehicle to be used entering and exiting the site for the demolition, excavation and construction stages, stockpiles and all necessary tree protection fencing. Consultation with a consulting arborist is recommended in preparation of any CTMP.

22. Skylights

The development application remains unclear as to whether the proposed skylights are all pop-up roof types with vertical glazed panels.

Particular:

a) The skylights are to be annotated and clearly represented on plans, elevations and section drawings. Horizontal skylights are not supported due to potential for long-term building performance for water-proofing and managing heat loads.

23. Shade protection

The development application is unclear in respect of external shade protection to apartments.

Particular:

a) All architectural documents are to annotate that openings with aspects within the range east through north to west have operable external shade protection where not protected by balconies or projected eaves of roofs or units above. This is required to achieve adequate solar shading amenity during hotter months to satisfy ADG Part 4A-3.

24. Aesthetics and amenity

The development application fails to identify the proposed glazing types.

Particular:

a) KDCP Part 23.4, Objectives 6, 7 and 8 do not support the use of dark tinted glazing to achieve thermal comfort due to poor long-term outcomes including impacts to building appearance as a contribution to streetscape and urban character, outlook amenity, beneficial natural daylight and desirable solar access amenity during colder months.

25. Sustainability

The proposed development fails to demonstrate all required sustainability measures.

Particular

a) The following sustainability measures should be demonstrated so the proposed development can meet the relevant Aims of Chapter 4 of SEPP (Housing) 2021:
   i. confirmation of potential substation requirements for proposed EV charging.
   ii. full electrification for all residential units - no gas connections due to avoidable wasted resources with redundancies for piping and connections.

26. Air conditioning condensers

The location of air conditioning condenser units is not indicated on the plans accompanying the development application.

Particulars

a) Air conditioning condensers must be located within the basement or within the roof structure of the upper most roof in accordance with the KDCP.
b) Where air conditioners are to be located within the roof structure, an updated acoustic report must be provided, confirming the required enclosure or screening needed to meet Council's noise requirements. Plans must be updated to display the height and construction of any acoustic enclosure(s) required.
c) Where air conditioners are located in the basement, certification from a mechanical engineer is to be provided confirming the nominated area/plantroom will be large enough to accommodate the number of proposed condenser units. This certification is also to indicate the likely required supply/extraction air flow within the plant room to demonstrate that ventilation requirements have been sufficiently incorporated into the basement design.
d) Additionally, there is to be sufficient service ducting incorporated into the development so that the systems operate efficiently.

27. Waste storage facilities

There is insufficient information contained as part of the development application in respect of the design of the waste storage facilities.

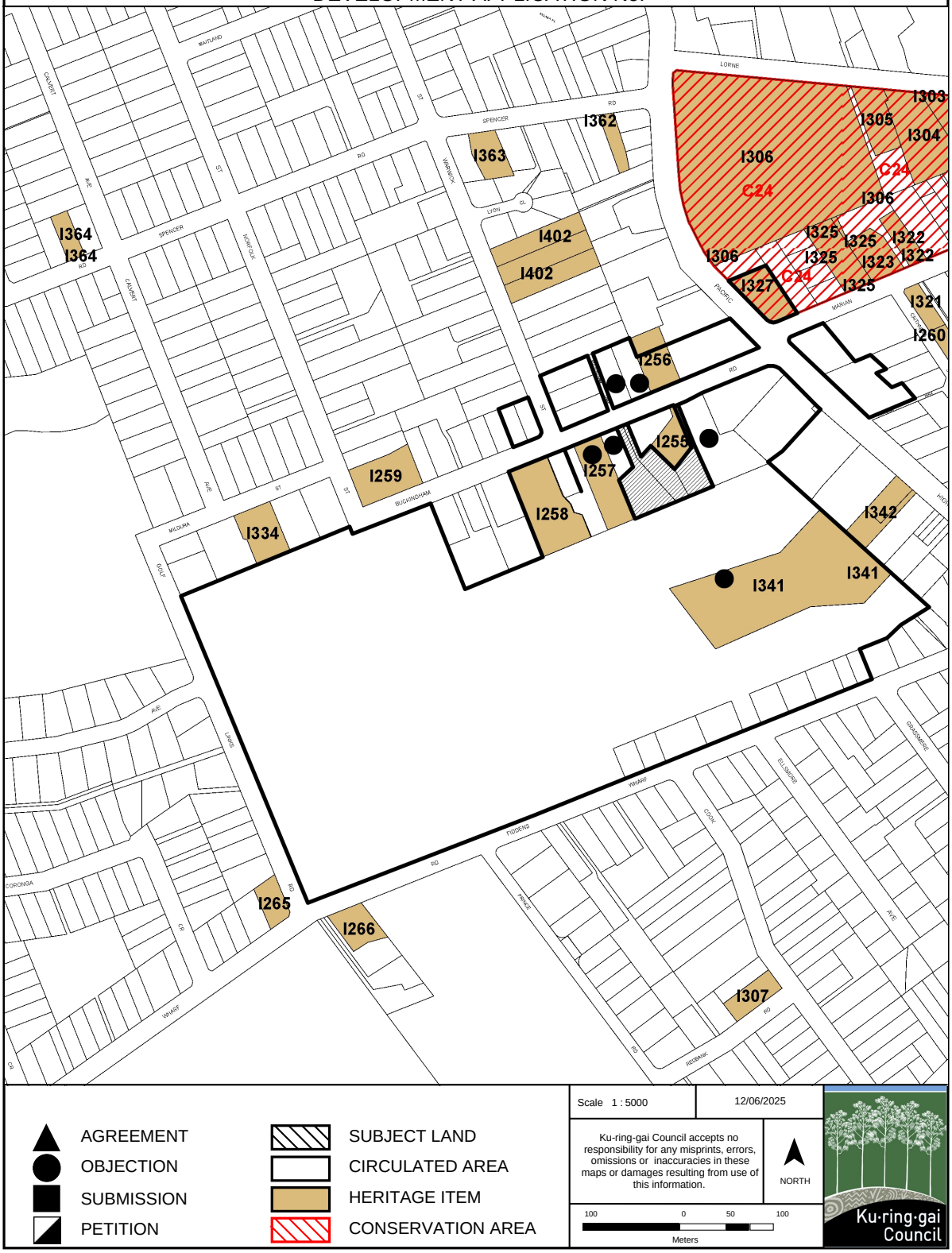
Particular

a) The plans must be annotated to display that waste storage facilities have all internal walls rendered and coved at the floor/wall intersection. The floor is to be graded and appropriately drained to the sewer and a tap with hot and cold water is to be located in close proximity to facilitate cleaning.

LOCATION SKETCH

8A, 14 and 16 Buckingham Road KILLARA

DEVELOPMENT APPLICATION No.



AGREEMENT
OBJECTION
SUBMISSION
PETITION

SUBJECT LAND
CIRCULATED AREA
HERITAGE ITEM
CONSERVATION AREA

Scale 1 : 5000

12/06/2025

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

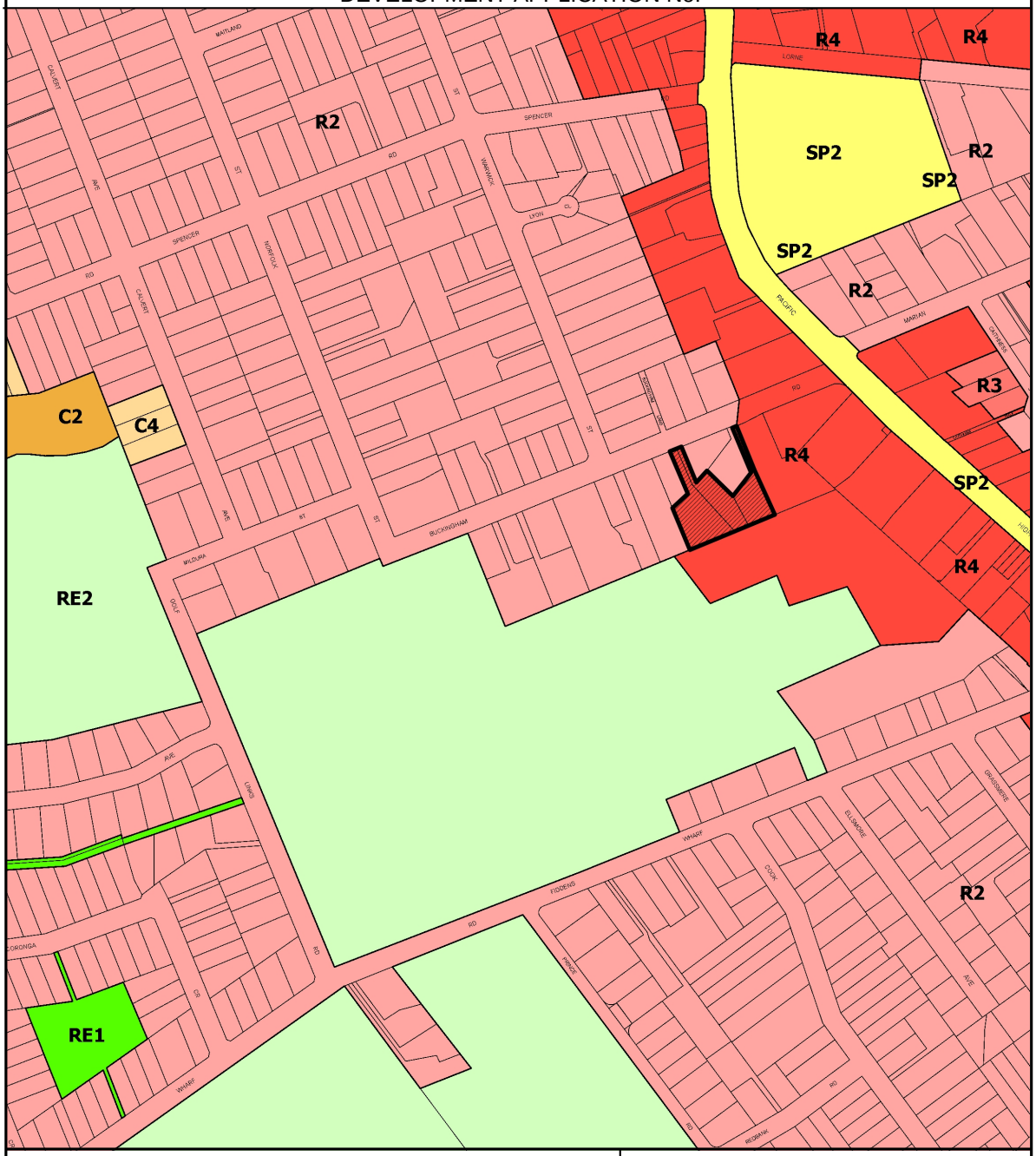
100 0 50 100
Meters

Ku·ring·gai Council

KU-RING-GAI LEP 2015 ZONING EXTRACT

8A, 14 and 16 Buckingham Road KILLARA

DEVELOPMENT APPLICATION No.



Legend

Zoning

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

Subject Land

Scale 1 : 5000

Date: 12/06/2025

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NORTH

0 100 200

Meters

Ku·ring·gai Council

Development Application: Multi-unit Residential Development

8A, 14, and 16 Buckingham Rd, Killara



Artist Impression - South Perspective from Killara Golf Club



Artist Impression - North Perspective from Communal Open Space



Location Plan, NTS

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ARCHITECTURAL DRAWINGS

Drawing No.	Drawing Name
DA 000	Cover Page
DA 001	Design Intent
DA 002	GFA Calculations
DA 003	ADG Compliance
DA 004	Site Images
DA 005	Site Analysis
DA 006	Demolition Plan
DA 007	Setback Analysis
DA 008	Site Plan
DA 009	Biodiversity Map
DA 010	Tree Management Plan
DA 011	Excavation Plan
DA 012	Deep Soil Plan
DA 020	Architectural Height Plane Diagram
DA 021	Architecture Analysis: Heritage Response
DA 022	Architecture Analysis: Circulation
DA 023	Architecture Analysis: Sustainability Initiatives
DA 024	Architecture Analysis: Typical Floor Plan
DA 025	Architecture Analysis: Facade Design
DA 026	Architecture Analysis: Street Presence
DA 027	Architecture Analysis: Urban Condition
DA 090	Basement Floor Plan
DA 091	Lower Ground Floor Plan
DA 100	Ground Floor Plan
DA 101	Level 1 Floor Plan
DA 102	Level 2 Floor Plan
DA 103	Level 3 Floor Plan
DA 104	Level 4 Floor Plan
DA 105	Roof Plan
DA 200	North Elevations
DA 201	South Elevations
DA 210	Block A - West Elevation
DA 211	Block A - East Elevation
DA 212	Block A - North Elevations
DA 213	Block A - South Elevation
DA 220	Block B - East Elevation
DA 221	Block B - West Elevation
DA 222	Block B - North Elevations
DA 223	Block B - South Elevation
DA 230	Block C - East Elevation
DA 231	Block C - West Elevation
DA 232	Block C - North South Elevations
DA 300	Section 1 Longitudinal
DA 310	Block A - Section 1 Transversal
DA 320	Block B - Section 1 Transversal
DA 330	Block C - Section 1 Transversal
DA 340	Driveway Ramp Sections
DA 341	Curved Ramp Sections
DA 600	External Finishes Schedule 01
DA 601	External Finishes Schedule 02
DA 700	Eye of the Sun Diagrams 9am
DA 701	Eye of the Sun Diagrams 10am
DA 702	Eye of the Sun Diagrams 11am
DA 703	Eye of the Sun Diagrams 12pm
DA 704	Eye of the Sun Diagrams 1pm
DA 705	Eye of the Sun Diagrams 2pm
DA 706	Eye of the Sun Diagrams 3pm
DA 710	Shadow Diagrams 01
DA 711	Shadow Diagrams 02
DA 712	Shadow Diagrams 03
DA 800	Existing Aerial
DA 801	Photomontage
DA 802	Photomontage

General Notes

DO NOT SCALE FROM DRAWING. USE FIGURED DIMENSIONS ONLY. CHECK ALL DIMENSIONS ON SITE BEFORE ANY MANUFACTURE OR CONSTRUCTION

All dimensions are in millimetres unless stated otherwise.
All architectural, drawings are to be read in conjunction with the relevant consultant documents. All dimensions and levels are to be checked and verified on site prior to the commencement of work, shop drawings or fabrication of any components. Refer all discrepancies to the Architect for determination. Drawings are not to be scaled, use only figured dimensions. This drawing is copyright and must not be used, reproduced or copied in any form without permission. This document has been prepared for and on behalf of the clients noted on the drawing. BKA Architecture's responsibility is to these clients only and not to any third party who may rely on these documents.
Nominated Architect (NSW) - John Buker 3552

Rev	Date	Issue
P1	25/7/2024	Issue for Co-ordination
P2	2/10/2024	Issue for Co-ordination
A	3/10/2024	Issue for DA

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Scale at A1

North

Project Address
8A, 14 & 16 Buckingham Rd, Killara

Drawing
Cover Page

Date
3/10/2024

Drawn
LC

Checked
JG

Status
Not for Construction

Project No.
23040

Revision
A

Drawing No.
DA 000

Design Intent



Perspective from Killara Golf Club - Artist Impression



Perspective from Principal Communal Open Space / Main pedestrian entry - Artist Impression

Location and Context

The subject site in Killara, part of the Ku-Ring-Gai council LGA, is currently zoned as R4 High-Density Residential under the Ku-Ring-Gai Local Environment Plan 2015. Spanning three amalgamated battle-axe lots (Lot 3 and 4 (DP 520573) and Lot 2 (DP 414101)) at 8A, 14, and 16 Buckingham Road, it covers 4989m². The Biodiversity Map in KLEP identifies an area on the subject site as a Biodiversity Area, and the site is generally concealed by large mature trees. Situated adjacent to Killara Golf Club, the site offers potential as a private residential oasis suitable for family living.

TOPOGRAPHY
The site has steep topography that falls from the North to the South at varying gradients. Notably, the North-South axis along the battle-axe handle at No. 8A has a significantly steep fall from Buckingham Rd. The subject site is adjacent to the heritage-listed "Southdean" dwelling house at No. 10 Buckingham Rd to the North. However, the subject site terrain lies substantially lower than this heritage item, featuring a steep drop-off and high retaining wall separating the two properties. The site terrain also slopes down from neighbouring buildings at No. 8, 12, and 18. The terrain then continues to fall, with a steep drop to the Killara Golf Club at the South.

The proposed buildings - Blocks A, B and C - have had to resolve the complex topography to provide a built form that situates itself pleasantly within the landscape, and presents respectfully to neighbouring properties while addressing the prominent challenge of vehicular and accessible pedestrian site access. Block A is positioned on the East of the site with the steepest topography. Block B is central and Block C is on the West-end. One major design strategy has been sculpting the terrain to accommodate the large proposed open space area to the North of Block B. The proposed terracing of this area is critical to ensure all Blocks are accessible and allows Block B to remain within the LEP height limit.

NEIGHBOURING DEVELOPMENTS
Surrounding the site are a variety of housing typologies, including similar-scale residential flat buildings (No. 6A and 8 Buckingham Rd), as well as one and two-storey residential dwellings - of which two are heritage items (No. 10 and No. 22 Buckingham Rd). Adjoining the Site to the East are No. 6A and No. 8 Buckingham Rd, which contain a six-storey and five-storey residential flat building, respectively. This existing development sets a precedent for this proposal, as it represents the height, bulk and scale that is appropriate for land zoned R4 within Killara. To the North is No. 10 Buckingham Road, which contains a one-storey heritage-listed brick residence with vehicular access from Buckingham Rd. As aforementioned, No 10. Buckingham Rd is located on a significantly higher vantage point than the existing and proposed buildings on site. The views from No. 10 Buckingham Rd to Killara Golf Club have been highly considered and protected by this proposal. It is important to note that there are no heritage items on the subject site, nor is it located within a Heritage Conservation Area.

VEHICULAR AND PEDESTRIAN ACCESS
The site has two primary access points from Buckingham Rd, with the major bulk of the site located further South. The battle-axe handles relevant to No. 14 and 16 Buckingham Rd provide the safest solution for vehicular access and accessible pedestrian access. Ku-ring-gai DCP (KDCP) Part 14N.2 Figure 14N.2-1 outlines a one-way vehicular access loop entering from the battle-axe handle at No. 8A Buckingham Rd, and exiting from the joined handles at No. 14 and 16. Pedestrian access is also recommended to be in and out of the larger handles at No. 14 and 16. However, when the site is examined in further detail, this approach is physically unable to be accommodated on-site for the following reasons:

1. The width of the battle-axe handle at No. 8A Buckingham Rd is too narrow for vehicular access. At only 4.57m wide, this handle can not facilitate a 3.6m minimum width driveway, with new shoring walls and draining.
2. The battle-axe handle connected to No. 8A Buckingham Rd has a significantly steeper slope than the other two handles. With a difference in level of over 10.5m from Buckingham Rd to the proposed finish floor level at Lower Ground, appropriate ramp gradients can not be achieved in this location.
3. A new driveway along the battle-axe handle at No. 8A Buckingham Rd would encroach into the Tree Protection zones of all existing trees in proximity to the boundary. Within the proposed vehicular access route, the trees are already in declining health.
4. A single-loop vehicular access-way creates issues with Waste Management, forcing a waste-truck to fully circulate through all three buildings underground before exiting

This battle axe handle at No. 8A is to be better utilised as a natural landscaped area with non-accessible pedestrian walkways, allowing for all existing trees to be retained, and fewer hard surfaces required in the development. The proposal offers a main pedestrian and vehicular access point from No. 14 & 16 Buckingham Rd, presenting as a sculptural form with brick materiality, timber screening, rendered concrete and green roof forms. In a similar style, the secondary pedestrian entry point at No. 8A Buckingham Rd offers a small gesture to the street.

PROXIMITY TO PUBLIC TRANSPORT AND LOCAL CENTRES
The site enjoys good access to public transport services, including two bus stops within 600m walking distance along the Pacific Highway, and Killara Train Station within 766m. The proposed development is contextual at its core, adapting its built form and landscape design harmoniously with the topography and adjacent consolidated high and low-medium-density residential neighbours by the desired future character of the area.

Housing Mix and Diversity

This proposal seeks to provide high-quality apartments designed for various family sizes, nestled in a landscape setting. Priority has been given to quality over quantity, to accommodate larger, more comfortable apartment sizes with more bedrooms. This approach has come from great demand within the Sydney buyer's market for 3-4 bedroom apartments. According to the ABS Census of Population and Housing data, around 25 per cent of households living in apartments in New South Wales are families with children. It is important to provide larger apartment typologies in the Sydney market to accommodate the changing needs of our communities. As houses in the Sydney region become more unaffordable, and the convenience of apartment lifestyles becomes more appealing, more families are looking to live in friendly, safe apartment complexes. However, a study conducted by UNSW Sydney in 2024 found the one and two-bedroom apartments dominate the market in Sydney, making up 81 per cent of all new apartments available across the LGAs. Prof. Philip Oldfield, Head of School at UNSW Built Environment, expresses that, "While more families are making apartments their homes, too few are being designed with their needs in mind." This site in Ku-ring-gai acts as a perfect opportunity to explore this approach, as it is situated in a private, safe and environmentally healthy landscape setting.

An appropriate density is proposed for the site, with ample private and public open space provided. The FSR set for the site by Ku-ring-gai Council LEP is 0.7:1. The proposed total gross floor area of the development is 4632m². The resultant FSR of 0.97: 1, therefore, doesn't comply with the Council's requirements for the site. A Clause 4.6 Variation has been prepared by Planning Ingenuity in support of the proposals non-compliant items, including the height and floor space ratio (FSR). This variation is imperative to allow the site to be most efficiently utilised to provide high-quality, family-oriented apartment typologies of an appropriate density. This also acts in accordance with the NSW Government's initiative to provide higher-density housing in well-located areas to meet high housing demand. Due to the site's complex sloped terrain, the site LEP zoning of R4 High-density residential, multiple neighbouring properties being five to six storeys high with a maximum allowable FSR of 1.3:1 (No. 6A and No 8 Buckingham Rd), and large amounts of space dedicated to open space and deep soil planting, compliance with FSR development standards seems unreasonable. Also, with the intentionally reduced yield to promote family living in larger apartments, greater FSR is necessary to achieve acceptable density on site. Despite the increase in height and FSR, the proposal presents as an appropriate scale to both the existing and desired future character of the area.

73.5% of the units are large 3-bedroom apartments with the remaining 17.6% of 4 and 8.8% of 2-bedroom units. Being in good proximity to the Killara Train Station with the T1 train line, and Pacific Highway, which is the main vehicular corridor with numerous bus routes, the apartments are ideal for the local community but particularly for families with children, and seniors wishing to downsize to a low-maintenance large apartment. Catering to this demographic provides ample opportunity for social interaction, with the inclusion of communal spaces on the ground level.

Architecture and Built Form

The architecture and built form of the project are informed by the complex nature of the site and the requirements outlined in the Ku-ring-gai DCP (KDCP) Part 14N and Apartment Design Guidelines (ADG).

BULK AND SCALE
Priority and immense consideration have been given to creating a high-quality development of reduced bulk and scale, which is eloquently situated within its environment and protects the heritage items at No. 10 and No. 22 Buckingham Rd. To reduce bulk and scale, the proposal is broken up into three separate buildings - Blocks A, B and C. The proportions and design of the three buildings are empathetic to the surrounding neighbours, as well as the potential capacity of the site zoned for R4 High-density residential development Block A, on the East of the site, aligns with the bulk and scale of its high-density residential neighbours at both No. 6A and No. 8 Buckingham Rd Killara. Block A is also positioned to allow for a major view line from Heritage item No. 10 Buckingham Rd to Killara Golf Club. The mass and height of Block B are significantly reduced in comparison to Block A and C, to respect the overall view of the Golf Club from No. 10 Buckingham Rd.

On the Western side of the site, Block C is positioned behind the building line of the adjacent Heritage item at No. 22 Buckingham Rd, with the bulk of Block C being opposite the rear open space on the neighbouring property. Block C does not impose onto No. 22's elegant driveway approach and heritage condition as it progressively sets back further from the boundary line and is also surrounded by the large existing tree canopy. This has also allowed for minimum impact of solar access to No. 22. Through the implementation of minimal openings towards the West, external metal awnings and louvres, as well as 6m of deep soil planting and major existing vegetation (including mature trees up to 25m in height), the visual privacy of No. 22 Buckingham Rd has been respected.

The resultant volumes are of human scale and are sympathetic to the character and scale of the area. All built form is further softened by being immersed in a high landscape setting, with high priority given to deep soil planting, open green space, planters, and permeable pavers featuring native flora relevant to the ecological communities present in Ku-ring-gai. Being sheltered from the street, the proposed residential development offers a respite away from the noise and pollution of the roads, while providing an opportunity for casual gathering.

Architecture and Built Form cont.

SETBACKS
The arrangement of the proposed development follows the setbacks relating to the context, and those outlined in Ku-ring-gai DCP (KDCP) Part 14N.3, as well as the Apartment Design Guide (ADG). On the Ground Floor, all Blocks A, B and C have a minimum 6m boundary setback, as required by the KDCP. Block A and C have an increased Ground Floor setback of 9m for the facades facing No. 10 and No. 18 Buckingham Rd, as required by the KDCP. Likewise, Block B features an increased Northern setback to accommodate an Open Space Heritage Setback Zone (Figure 14N.1-1) relative to No. 10 Buckingham Rd, also required by the KDCP.

GEOMETRY
Blocks A and C feature angular façades to the North, which are in direct response to the angled boundary lines of the site. Block B is more regular in shape, having a more open and connected interface with the communal open space located in the North. Curved design elements have been introduced to soften these angles and create more inviting geometry. This curved theme has been applied across the site, including walkways, planters, and façade elements, to enhance a sense of design cohesion. The facades of Block A and C step back as the buildings increase in height, as required by KDCP Part 14N and the ADG. The upper levels of Blocks A and C are further inset and are treated with materiality and geometry lighter in appearance to help dissolve them into the retained tree canopy.

FACADE ARTICULATION
The horizontal scale of Block A and C is broken down into two clear volumes for facade articulation. On the East and West façade of both buildings, a deep vertical cut corresponding to the building core is implemented, to create play with the volumes, as well as light and shadow. Further interest in the facades of all the buildings has been added using horizontal concrete banding demarcating each level, and external vertical louvres.

AMENITY
The proposal offers a high degree of amenity to its residents and employs environmentally sustainable design principles in the unit designs, with 70.59% of the units complying with the requirements for solar access. Room sizes are generous and ceiling heights are at 2.7 minimum required in the ADG, with a floor-to-floor height of 3100mm. Built-in and walk-in wardrobes provide adequate storage for the units, with additional storage in the basement. The floor plans are efficient, with little space required for access corridors. The majority of units enjoy open plans with cross ventilation to limit the degree of artificial cooling required in summer, as well as generous living areas and private outdoor spaces. 29 Silver Livable units and 5 Platinum Livable units (15%) have been provided within the development in compliance with KDCP. The North-facing balconies take advantage of the Northern winter sun and look towards perimeter deep soil planting while South-facing units gain enjoyable views of the scenic Killara Golf Club. This proposal achieved a good balance between orienting living spaces to the North for solar access, while allowing for the residents to enjoy the unique views to the South - all of which was achieved through the intricate layout design.

Visual privacy is achieved between units through deeper balconies set back from the façade, obstructing views between the apartments. All common walls in units will be built to the standards required for acoustic privacy in the Building Code of Australia. The configuration of units within the building also serves to maximise acoustic privacy between dwellings. In addition to the setbacks, the visual privacy of the neighbouring properties on the East and West have been further protected due to the limited openings on the facades facing these directions. Added privacy has been allowed for with the addition of external metal awnings and vertical louvres.

Materiality

The project seeks to make a high-quality contribution to the aesthetic amenity of the area with a unique façade, careful detailing, and quality finishes. Materials featured in the project focus on complementing the lush green surrounds of Killara, whilst being durable and providing a luxurious finish. The key materials used for the facade include aerated concrete panels with a vertical pattern, and rendered concrete, in soft earthy tones. Accents are achieved through the lineal pattern and concrete banding, non-combustible timber-looking batten screens, and bronze aluminium external louvres which all tie in with the brown colour palette. Contrast and definition of the façade are achieved through varying setbacks and balcony forms. Clear glass balcony balustrades and bronze powder-coated aluminium window awnings give a fresh contemporary look to the development, adding lightness and transparency to the facade. Other finishes include travertine-look porcelain flooring for lobbies, non-combustible timber-look balcony soffits, and permeable paving throughout the Ground floor.

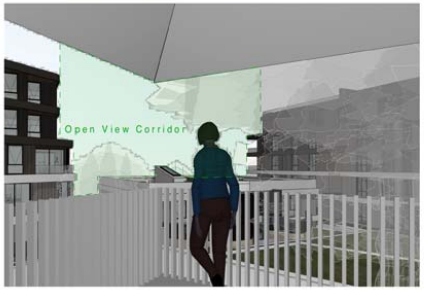
In alignment with Ku-ring-gai's DCP, the two entry points located at Buckingham Rd feature brickwork, timber screening, rendered concrete and green roof forms with native planting. Brick has been incorporated into the design to align with Council's requirements of face-brick materiality. As this is the only element of the proposal clearly visible from the street, it serves as a good opportunity to align with the desired aesthetic of the area.

Concluding Statement

The proposal to develop the site for residential purposes will make a great contribution to the community of Ku-ring-gai for those wishing to live within and around a high-quality family-centric development in a landscaped setting. Intentionally designed to meet the needs of different-sized families, as well as those wishing to downsize, the development fills the gap in the market for families living within an apartment complex. The development also positively contributes to the ecology of Ku-ring-gai, with large portions of the site being dedicated to deep soil, planters, permeable pavers, green communal open space, and naturalistic walkways.



View of Main Pedestrian and Vehicular Entry from Buckingham Rd - Artist Impression



Perspective of Site from No. 10 Buckingham Rd Patio

General Notes

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All dimensions are in millimetres unless stated otherwise.
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Nominated Architect (NSW) - John Buker 3552

Rev	Date	Issue
P1	25/7/2024	Issue for Co-ordination
P2	2/10/2024	Issue for Co-ordination
A	3/10/2024	Issue for DA

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Architect: BKA Architecture

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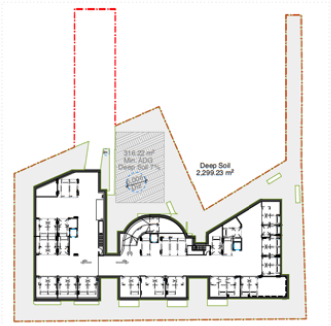
Scale at A1	North
Date: 3/10/2024	Drawn: LC
Checked: JG	Status: Not for Construction

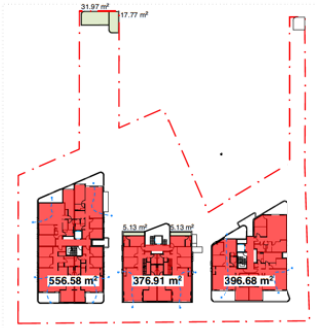
Project Address: 8A, 14 & 16 Buckingham Rd, Killara

Drawing: **Design Intent**

Project No.	Revision	Drawing No.
23040	A	DA 001



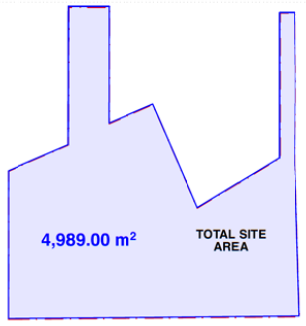
1 Basement / Deep Soil
1:650



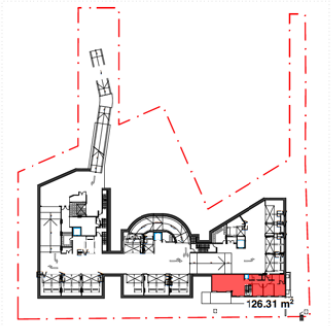
4 Level 01 Floor Plan
1:650



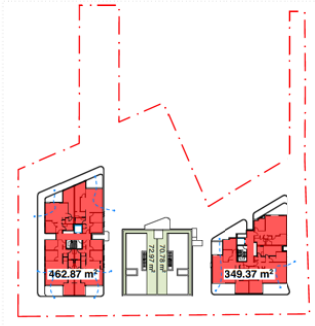
7 Level 04 Floor Pan
1:650



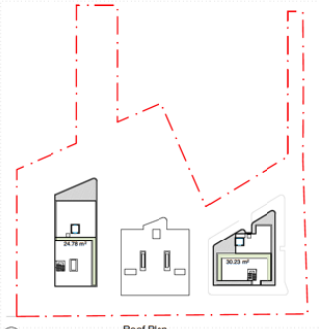
10 Site Area
1:650



2 Lower Ground Floor Plan
1:650

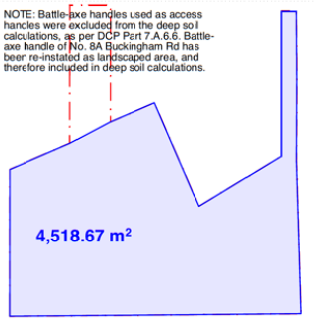


5 Level 02 Floor Plan
1:650

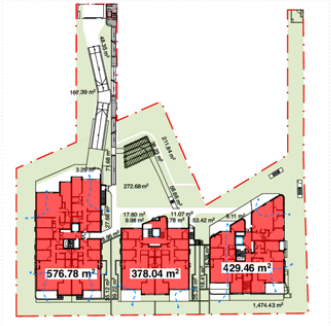


8 Roof Plan
1:650

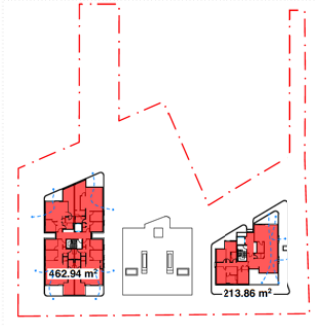
NOTE: Battle-axe handles used as access handles were excluded from the deep soil calculations, as per DCP Part 7.A.6.6. Battle-axe handle of No. 8A Buckingham Rd has been re-instated as landscaped area, and therefore included in deep soil calculations.



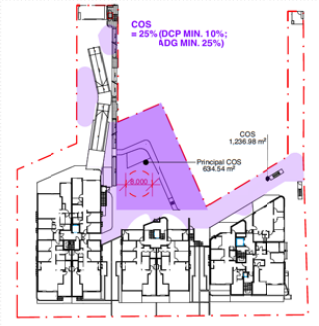
11 Site Area for DCP Deep Soil Calculations (DCP Part 7.A.6.6)
1:650



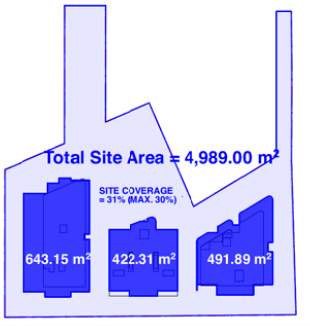
3 Ground Floor Plan / Landscaped Area
1:650



6 Level 03 Floor Plan
1:650



9 Ground Floor Plan Communal Open Space
1:650



12 Site Coverage
1:650

LEGEND

- GROSS FLOOR AREA
- COMMON OPEN SPACE (COS)
- PRINCIPLE COS
- ADG REQUIRED DEEP SOIL
- DCP REQUIRED DEEP SOIL
- LANDSCAPING
- SITE AREA
- SITE COVERAGE
- CROSS VENTILATION
- SITE BOUNDARY
- DCP REQUIRED OPEN SPACE

Site Area (m2):	4989	(On Title)
LEP Zoning:	R4 High Density Residential	
LEP Max Height:		
10 Buckingham Rd	RL 115.5	
14 Buckingham Rd	RL 116.5	
16 Buckingham Rd	RL 118.5	
Proposed Max Heights:	Proposed Top RL	Variation (m)
Roof over screening - Block A & C	RL 123.6	8.10
Lift overrun - Block A & C	RL 123.0	7.50
Lift overrun and balustrade - Block A & C	RL 122.8	7.30
Lift overrun and balustrade - Block B	RL 111.8	3.30
Roof to rooftop - Block B	RL 113.4	2.88

DCP Max Storeys	DCP		Proposed
10 Buckingham Rd	3		3
14 Buckingham Rd	4		4
16 Buckingham Rd	4		3+6
LEP Max FSR	0.7 : 1		0.97
LEP Max GFA (m2)	3492.3		4818.98

GFA CALCULATIONS	GFA (m2) approx.
Basement	0.00
Lower Ground Floor	126.31
Ground Floor	1384.28
Level 01	1330.17
Level 02	812.24
Level 03	676.80
Level 04	489.18
Total GFA	**4818.98**
Total FSR	**0.97 :1**
% Variation	37.99%

APARTMENT MIX	PROPOSED YIELD		DCP Compliant (y/n)
1 Bed	0	0%	yes
2 Bed	3	9%	yes
3 Bed	25	74%	yes
4 Bed	6	18%	yes
UNITS TOTAL	**34**		

APARTMENT TYPE DCP REQUIREMENTS	Required no. of units	Proposed no. units
Silver Level Livable* - 100% of units	34	34
Platinum Level Livable* - 15% of units	5.1	5
* under the Livable Housing Design Guidelines		

CAR PARKING REQUIREMENTS			REQUIRED space / unit		PROPOSED space /unit
	ADG - Guide to Traffic Generating Developments	DCP 22.R1 (minimum)	ADG - Guide to Traffic Generating Developments	DCP 22.R1 (minimum)	
1 Bed	0.6	1	0.6	1	1
2 Bed	0.9	1.25	2.7 (3)	3.75 (4)	3
3 Bed	1.4	2	35	50	36
4 Bed	1.4	2	8.4 (9)	12	12
Total Required			**47**	**66**	-
Total Residential					**51**
Visitors	1 space per 5 units	1 space per 4 units	6.8	8.5	-
Standard Bay	-	-	-	-	6
Accessible Bay	-	1	-	-	1
Car Wash Bay	-	1	-	-	1
Total Visitors			**6.8**	**8.5**	**7**
TOTAL CAR PARKING					**58**
Car Share Bay		1		1	1
Service Bay		1		1	1
Electric Car Charging Bay					All bays to be EV ready
Motorcycle Space					
Bicycle Space		1 space per unit		34	36
Visitor Bicycle Space		1 space (min) per 10 units		3.4	4

LANDSCAPING DCP REQUIREMENT	REQUIRED (m2)	PROPOSED (m2)
Deep Soil (50% of site area) (no dimension	2494.335	2299.23
Communal Space (10% of site area) 8m min dimension	498.9	1236.98
Principal Communal Space 8m min dimension	80	634.54
Site Coverage (%)	30%	31%
Site Coverage (m2)	1496.7	1557.35
Landscaped Area	N/A	2883.64

WASTE STORAGE DCP REQUIREMENT	REQUIRED	PROPOSED
Bulk Waste Storage Area	6m2	30.8m2
Waste (garbage)	1 x 120L MGB per unit or 1 x 240L MB per 2 units	17
Recycling (glass, steel, plastic) - For every 4 units	1 x 240L MGB (communal)	8.5
Recycling (paper, cardboard) - For every 4 units	1 x 240L MGB	8.5
Green Waste	3/fortnight	-
Total		**55**

Guidelines	Proposed Level Block A	Proposed Level Block B,C	Storey	Setback Requirements (m) 8A, 14, 16 Buckingham Rd				
				Front		Rear		Side
				10 Buckingham Rd	14 Buckingham Rd	Gold Course	20 Buckingham Rd	8A, 8 Buckingham Rd
DCP (Precinct)	LG	-	1st, 2nd	9	9	6	6	6
	GF	GF						
	L1	L1						
	L2	L2	3rd	11	11	-	8	-
	L3	L3	4th	11				
	L4	L4	5th	12	12	9	12	12
ADG	Between the buildings on same site			6				
	Between the building and lot boundary			-		9 1st-4th storey		

NOTE: Site within 800m walking distance of Killara Train Station Entry to ADG Section 3J.

NOTE: All units to be min. Livable Silver Level and min 15% to be Livable Platinum Level to DCP.

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Nominated Architect (NSW) - John Buker 3552

Energy Rating
Certificate Number: 0099995214
single-dwelling rating: 7.1 stars
multi-unit-development (attach listing of ratings): heating 22.0 MJ/m²; cooling 15.9 MJ/m²
Recessed downlights confirmation: Fitted with [X] Rated without
Assessor Name/Number: 10194
Assessor Signature: Date: 17/10/2024

Rev	Date	Issue
P1	25/7/2024	Issue for Co-ordination
P2	2/10/2024	Issue for Co-ordination
A	3/10/2024	Issue for DA

Client
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NORTH COAST 39-41 Main St, Cories NSW 2480 T: +61 2 6687 27 0

Scale at A1	North	Project Address
1:650		8A, 14 & 16 Buckingham Rd, Killara
Date	**Drawn**	**Checked** / **Status**
3/10/2024	LC	JG / Not for Construction

Drawing
GFA Calculations

Project No.	Revision	Drawing No.
23040	**A**	**DA 002**

LEVEL	NO.	LHA	INTERNAL AREA m2				PRIVATE OPEN SPACE m2					SOLAR ACCESS h						CROSS VENTILATION		STORAGE m3					
			BEDS	TOTAL	ADG Min	COMPL	LANDSCAPED	HARD PAV	TOTAL	ADG Min	COMPL	LIVING AREA	ADG Min	COMPL	POS	ADG Min	COMPL	ACHIEVED 60% Min		INTERNAL	ADG INTERNAL REQUIRED 50% Min	COMPL	BASEMENT REQUIRED	ADG TOTAL REQUIRED	COMPL
LGF	A.LG.01	SILVER	3	142.42	95.00	✓	172.84	20.55	193.39	12	✓	0	2	☐	0	2	☐	☐		6.88	5	✓	3.12	10	✓
GF	A.GF.01	SILVER	3	148.82	95.00	✓	57.09	41.22	98.31	12	✓	4	2	✓	5	2	✓	✓		12.67	5	✓	-2.67	10	✓
GF	A.GF.02	PLATINUM	3	106.69	95.00	✓	84.1	20.1	104.2	12	✓	3	2	✓	3	2	✓	✓		5.17	5	✓	4.83	10	✓
GF	A.GF.03	SILVER	3	122.82	95.00	✓	14.28	24.76	39.04	12	✓	1	2	☐	2	2	✓	✓		5.54	5	✓	4.46	10	✓
GF	B.GF.01	SILVER	4	169.64	95.00	✓	123.41	27.05	150.46	12	✓	0	2	☐	0	2	☐	✓		7.94	5	✓	2.06	10	✓
GF	B.GF.02	SILVER	4	169.64	95.00	✓	111.08	29.88	140.96	12	✓	0	2	☐	0	2	☐	✓		7.94	5	✓	2.06	10	✓
GF	C.GF.01	SILVER	3	157.9	95.00	✓	195.77	15.82	211.59	12	✓	0	2	☐	0	2	☐	✓		10.57	5	✓	-0.57	10	✓
GF	C.GF.02	SILVER	3	139.91	95.00	✓	214.19	37.03	251.22	12	✓	5	2	✓	6	2	✓	✓		7.76	5	✓	2.24	10	✓
GF	C.GF.03	SILVER	3	126.98	95.00	✓	3.29	19.66	22.95	12	✓	2	2	✓	5	2	✓	✓		14.66	5	✓	-4.66	10	✓
GF	C.GF.04	SILVER	3	126.13	95.00	✓	107.02	13.64	120.66	12	✓	1	2	☐	2	2	✓	✓		8.83	5	✓	1.17	10	✓
L1	A.1.01	SILVER	3	143.63	95.00	✓	0	39.38	39.38	12	✓	4	2	✓	5	2	✓	✓		5.68	5	✓	4.32	10	✓
L1	A.1.02	PLATINUM	3	102.94	95.00	✓	0	16.67	16.67	12	✓	6	2	✓	4	2	✓	✓		7.36	5	✓	2.64	10	✓
L1	A.1.03	SILVER	3	120.8	95.00	✓	0	25.33	25.33	12	✓	2	2	✓	4	2	✓	✓		5.89	5	✓	4.11	10	✓
L1	B.1.01	SILVER	4	178.66	95.00	✓	76.84	96.44	173.28	12	✓	5	2	✓	6	2	✓	✓		22.26	5	✓	-12.26	10	✓
L1	B.1.02	SILVER	4	178.66	95.00	✓	75.06	96.48	171.54	12	✓	5	2	✓	6	2	✓	✓		22.26	5	✓	-12.26	10	✓
L1	C.1.01	PLATINUM	3	148.13	95.00	✓	0	19.24	19.24	12	✓	0	2	☐	0	2	☐	✓		8.08	5	✓	1.92	10	✓
L1	C.1.02	SILVER	3	133.03	95.00	✓	0	20.32	20.32	12	✓	3	2	✓	4	2	✓	✓		7.76	5	✓	2.24	10	✓
L1	C.1.03	SILVER	3	127.1	95.00	✓	0	20.67	20.67	12	✓	6	2	✓	5	2	✓	✓		14.66	5	✓	-4.66	10	✓
L1	C.1.04	SILVER	3	117.81	95.00	✓	0	16.14	16.14	12	✓	3	2	✓	2	2	✓	✓		8.83	5	✓	1.17	10	✓
L2	A.2.01	SILVER	3	117.05	95.00	✓	0	35.12	35.12	12	✓	1	2	☐	5	2	✓	✓		6.01	5	✓	3.99	10	✓
L2	A.2.02	PLATINUM	2	82.67	75.00	✓	0	13.63	13.63	10	✓	6	2	✓	6	2	✓	✓		4.08	4	✓	3.92	8	✓
L2	A.2.03	SILVER	3	120.89	95.00	✓	0	25.33	25.33	12	✓	2	2	✓	4	2	✓	✓		5.89	5	✓	4.11	10	✓
L2	C.2.01	SILVER	3	117.73	95.00	✓	0	14.72	14.72	12	✓	0	2	☐	0	2	☐	✓		6.25	5	✓	3.75	10	✓
L2	C.2.02	SILVER	2	87.61	75.00	✓	0	11.27	11.27	10	✓	3	2	✓	4	2	✓	✓		6.67	4	✓	1.33	8	✓
L2	C.2.03	SILVER	3	111.13	95.00	✓	0	16.02	16.02	12	✓	4	2	✓	5	2	✓	✓		5.14	5	✓	4.86	10	✓
L2	C.2.04	SILVER	3	117.81	95.00	✓	0	16.14	16.14	12	✓	3	2	✓	2	2	✓	✓		7.02	5	✓	2.98	10	✓
L3	A.3.01	PLATINUM	4	199.8	95.00	✓	0	47.27	47.27	12	✓	4	2	✓	6	2	✓	✓		6.62	5	✓	3.38	10	✓
L3	C.3.01	SILVER	3	117.73	95.00	✓	0	14.72	14.72	12	✓	0	2	☐	0	2	☐	✓		6.25	5	✓	3.75	10	✓
L3	C.3.02	SILVER	2	87.61	75.00	✓	0	12.61	12.61	10	✓	3	2	✓	4	2	✓	✓		6.67	4	✓	1.33	8	✓
L3	C.3.03	SILVER	3	111.13	95.00	✓	0	17.88	17.88	12	✓	4	2	✓	5	2	✓	✓		5.14	5	✓	4.86	10	✓
L3	C.3.04	SILVER	3	117.81	95.00	✓	0	16.14	16.14	12	✓	3	2	✓	2	2	✓	✓		7.02	5	✓	2.98	10	✓
L4	A.4.01	SILVER	4	199.8	95.00	✓	30.76	132.04	162.8	12	✓	4	2	✓	6	2	✓	✓		6.62	5	✓	3.38	10	✓
L4	C.4.01	SILVER	3	143.24	95.00	✓	24.78	159.05	183.83	12	✓	6	2	✓	6	2	✓	✓		5.68	5	✓	4.32	10	✓
L4	C.4.02	SILVER	3	115.8	95.00	✓	0	35.85	35.85	12	✓	4	2	✓	6	2	✓	✓		5.71	5	✓	4.29	10	✓
TOTAL	34	-	-	-	-	-	-	-	-	-	-	70.59%	70% Min	✓	79.41%	70% Min	✓	97.06%	✓ 60% Min	-	-	-	-	-	-

LEVEL	NO.	BEDS	CEILING HEIGHT m				BEDROOMS AREA m2						BEDROOMS Min DIMENSIONS m		LIVING/ LIVING & DINING ROOMS Min WIDTH m	
			HABITABLE ROOMS ADG Min	COMPL	NON-HABITABLE ROOMS ADG Min	COMPL	MASTER BEDROOM ADG Min	COMPL	OTHER BEDROOM ADG Min	COMPL			Min DIMENSION	COMPL	LIVING/ LIVING & DINNG ROOM ADG Min	COMPL
LGF	A.LG.01	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
GF	A.GF.01	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
GF	A.GF.02	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
GF	A.GF.03	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
GF	B.GF.01	4	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
GF	B.GF.02	4	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
GF	C.GF.01	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
GF	C.GF.02	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
GF	C.GF.03	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
GF	C.GF.04	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L1	A.1.01	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L1	A.1.02	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L1	A.1.03	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L1	B.1.01	4	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L1	B.1.02	4	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L1	C.1.01	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L1	C.1.02	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L1	C.1.03	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L1	C.1.04	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L2	A.2.01	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L2	A.2.02	2	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L2	A.2.03	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L2	C.2.01	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L2	C.2.02	2	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L2	C.2.03	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L2	C.2.04	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L3	A.3.01	4	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L3	C.3.01	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L3	C.3.02	2	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L3	C.3.03	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L3	C.3.04	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L4	A.4.01	4	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L4	C.4.01	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
L4	C.4.02	3	2.7	✓	2.4	✓	10	✓	9	✓			3	✓	4	✓
TOTAL	34	-	-	-	-	-	-	-	-	-			-	-	-	-

General Notes

DO NOT SCALE FROM DRAWING. USE FIGURED DIMENSIONS ONLY. CHECK ALL DIMENSIONS ON SITE BEFORE ANY MANUFACTURE OR CONSTRUCTION

All dimensions are in millimetres unless stated otherwise.
All architectural, drawings are to be read in conjunction with the relevant consultant documents. All dimensions and levels are to be checked and verified on site prior to the commencement of work, shop drawings or fabrication of any components. Refer all discrepancies to the Architect for determination. Drawings are not to be scaled, use only figured dimensions. This drawing is copyright and must not be used, reproduced or altered without the permission of BKA Architecture. This document has been prepared for and on behalf of the clients noted on the drawing. BKA Architecture's responsibility is to these clients only and not to any third party who may rely on these documents.
Nominated Architect (NSW) - John Buker 3552

Energy Rating
Certificate Number: 0000002214
☐ single-dwelling rating
☒ multi-unit-development (attach listing of ratings)
7.1 stars
heating 22.0 MJ/m²
cooling 15.9 MJ/m²
Recessed downlights confirmation: ☐ Rated with ☒ Rated without
Assessor Name/Number: 10194
Assessor Signature: Date: 17/10/2024

Rev	Date	Issue
P1	25/7/2024	Issue for Co-ordination
P2	2/10/2024	Issue for Co-ordination
A	3/10/2024	Issue for DA

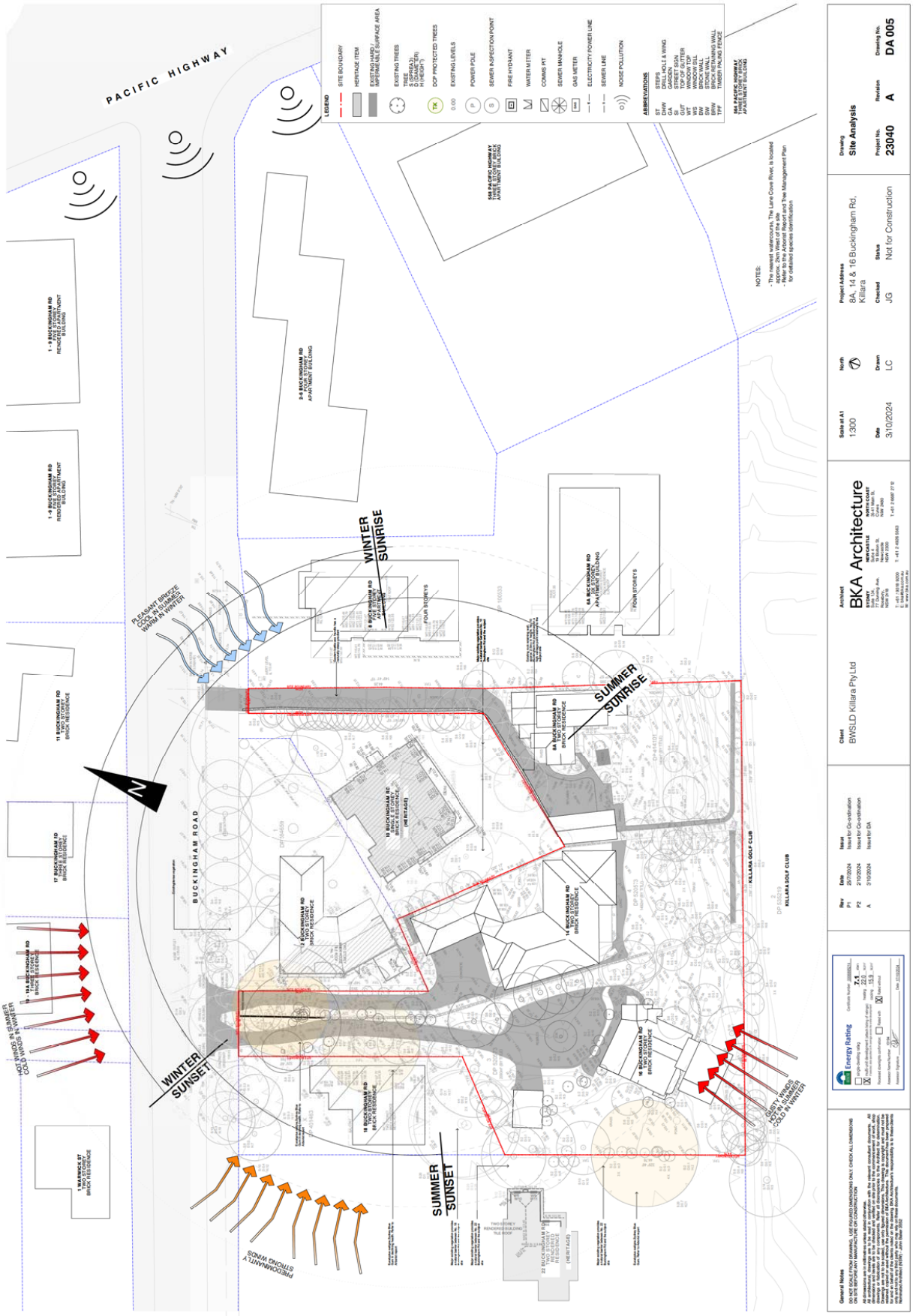
Client
BWSLD Killara PtyLtd

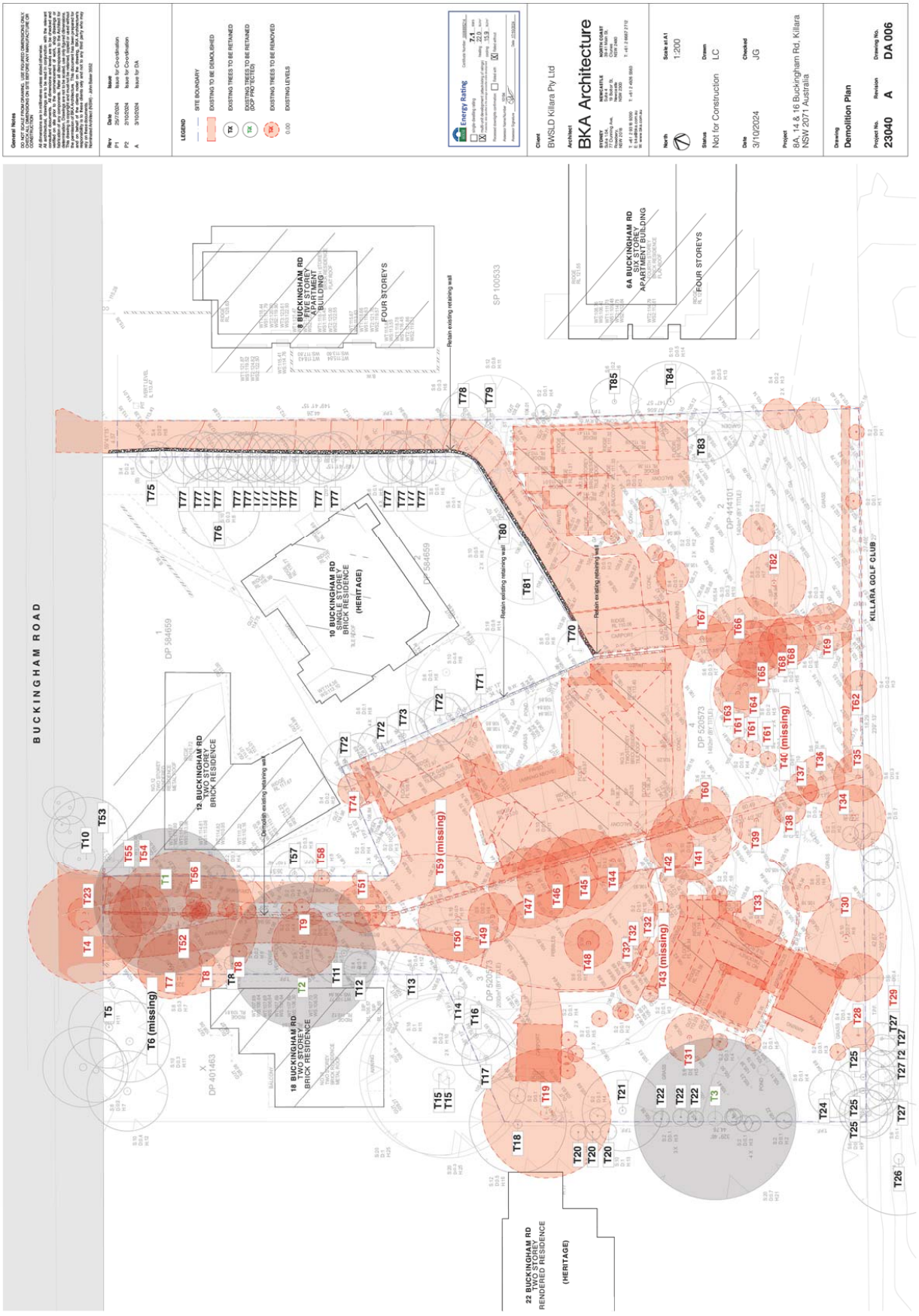
Architect
BKA Architecture
SYDNEY Suite 1.04, 77 Dunning Ave, Rosebery, NSW 2018 T: +61 2 9319 9200
NEWCASTLE Suite 4 19 Bolton St, Newcastle NSW 2300 T: +61 2 4926 5563
NORTH COAST 39-41 Main St, Crows Nest NSW 2065 T: +61 2 6687 27 10
E: bka@bka.com.au
W: www.bka.com.au

Scale at A1
North
Project Address: 8A, 14 & 16 Buckingham Rd, Killara
Date: 3/10/2024
Drawn: LC
Checked: JG
Status: Not for Construction

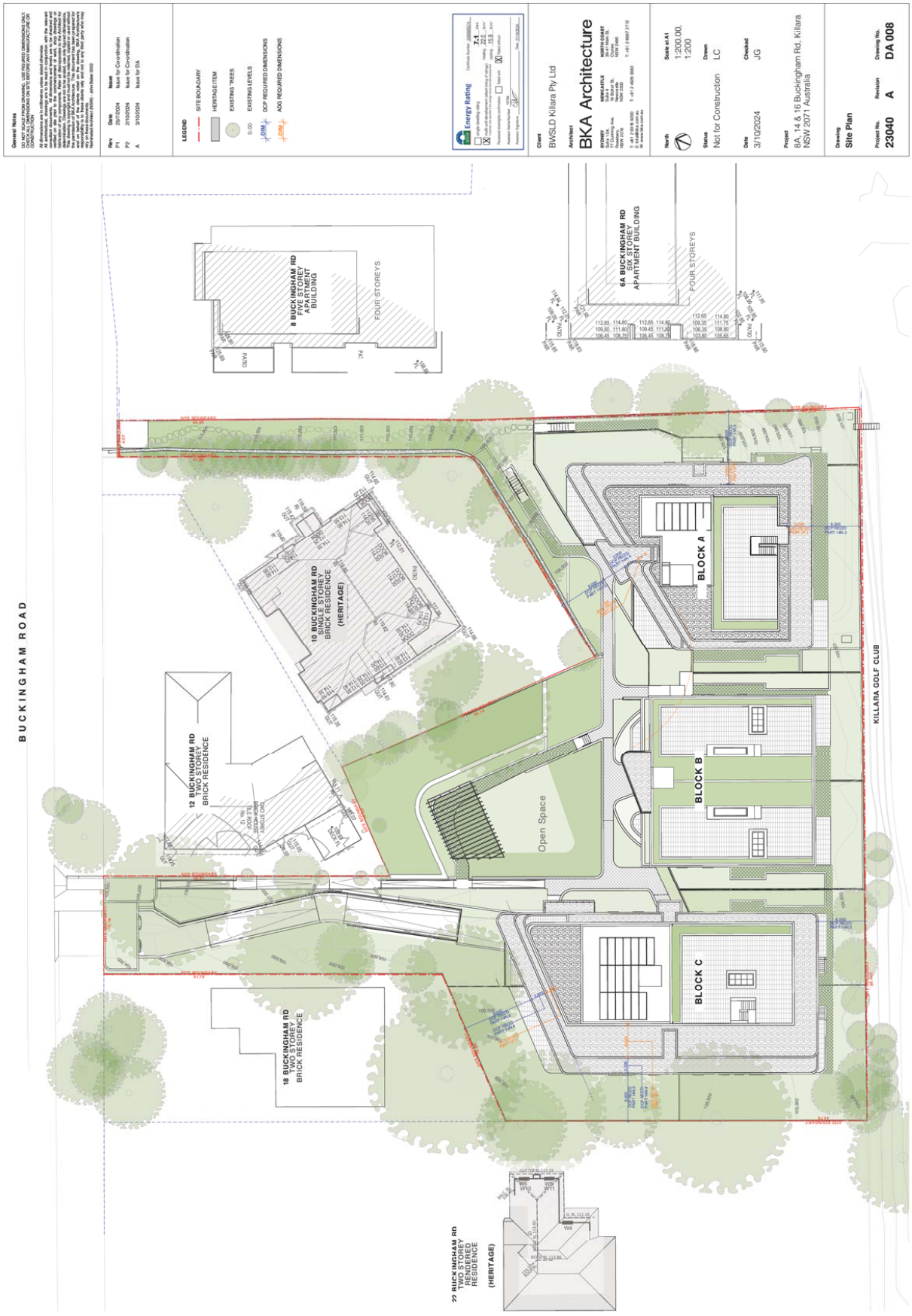
Drawing: ADG Compliance
Project No.: 23040
Revision: A
Drawing No.: DA 003

Aspect facing east
View of Buckingham Rd
Driveways to No. 14 & 16 Buckingham Rd
View of No. 12 Buckingham Rd from site
View of No. 14 Buckingham Rd
View of No. 16 Buckingham Rd
View of No. 16 Buckingham Rd
View of No. 22 Buckingham Rd
View of No. 8A Buckingham Rd
View of No. 8A Buckingham Rd
View of No. 8 Buckingham Rd
View of No. 10 Buckingham Rd from site
View of No. 10 Buckingham Rd from site
Birdseye of site
View of No. 8A Buckingham Rd from site
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Project Address
8A, 14 & 16 Buckingham Rd, Killara
Drawing
Site Images
Project No.
23040
Revision
A
Drawing No.
DA 004
Scale at A1
Date
3/10/2024
Drawn
LC
Checked
JG
Status
Not for Construction
Energy Rating
General Notes

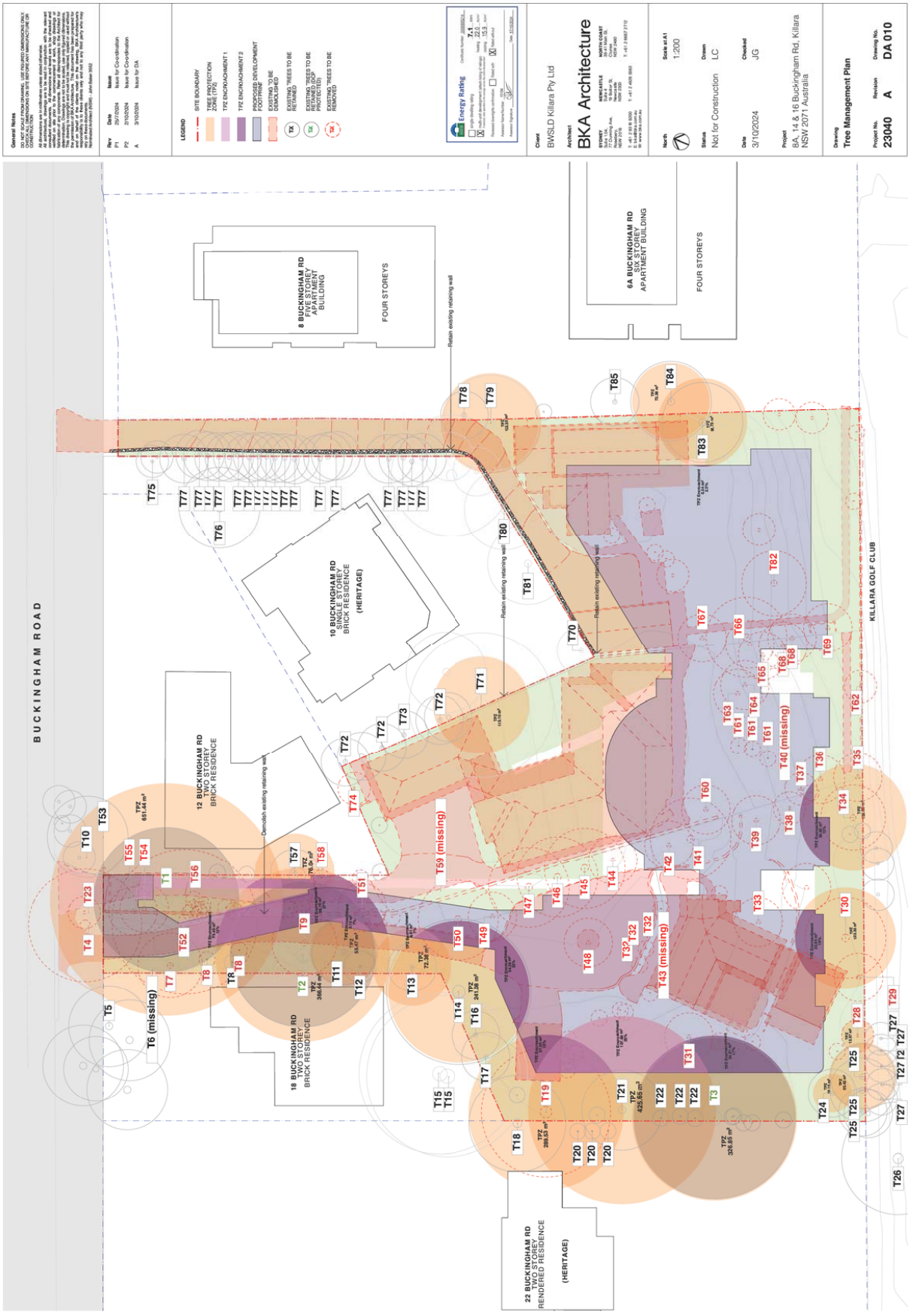

PACIFIC HIGHWAY
BUCKINGHAM ROAD
WINTER SUNRISE
SUMMER SUNRISE
WINTER SUNSET
SUMMER SUNSET
PLEASANT BREEZE COOL IN SUMMER WARM IN WINTER
HOT WINDS IN SUMMER COLD WINDS IN WINTER
PREDOMINANTLY STRONG WINDS
GUSTY WINDS HOT IN SUMMER COLD IN WINTER
KILLARA GOLF CLUB
LEGEND
SITE BOUNDARY
HERITAGE ITEM
EXISTING HARD / IMPERMEABLE SURFACE AREA
EXISTING TREES
DCP PROTECTED TREES
EXISTING LEVELS
POWER POLE
SEWER INSPECTION POINT
FIRE HYDRANT
WATER METER
COMMS PIT
SEWER MANHOLE
GAS METER
ELECTRICITY POWER LINE
SEWER LINE
NOISE POLLUTION
ABBREVIATIONS
NOTES:
- The nearest watercourse, The Lane Cove River, is located approx. 2km West of the site
- Refer to the Arborist Report and Tree Management Plan for detailed species identification
Drawing
Site Analysis
Project No.
23040
Revision
A
Drawing No.
DA 005
Project Address
8A, 14 & 16 Buckingham Rd, Killara
Scale at A1
1:300
North
Date
3/10/2024
Drawn
LC
Checked
JG
Status
Not for Construction
Architect
BKA Architecture
Client
BWSLD Killara Pty Ltd
Rev
Date
Issue
P1
25/7/2024
Issue for Co-ordination
P2
2/10/2024
Issue for Co-ordination
A
3/10/2024
Issue for DA
Energy Rating
General Notes

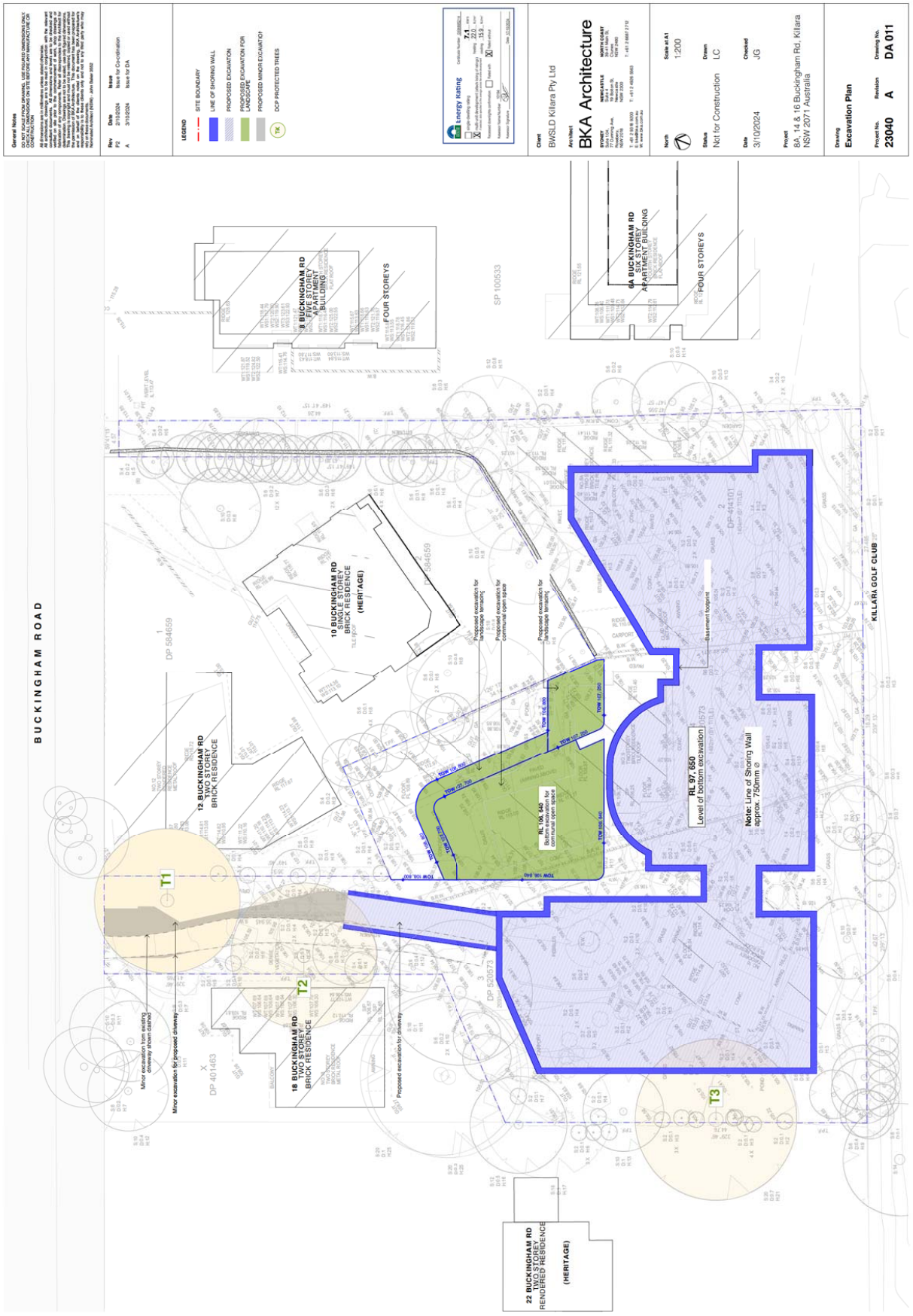

BUCKINGHAM ROAD
8 BUCKINGHAM RD FIVE STOREY APARTMENT BUILDING
FOUR STOREYS
6A BUCKINGHAM RD SIX STOREY APARTMENT BUILDING
FOUR STOREYS
10 BUCKINGHAM RD SINGLE STOREY BRICK RESIDENCE (HERITAGE)
12 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
18 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
22 BUCKINGHAM RD TWO STOREY RENDERED RESIDENCE (HERITAGE)
KILLARA GOLF CLUB
T6 (missing)
T59 (missing)
T43 (missing)
T4C (missing)
Retain existing retaining wall
Demolish existing retaining wall
SP 100533
DP 584659
DP 520573
DP 414101
DP 401453

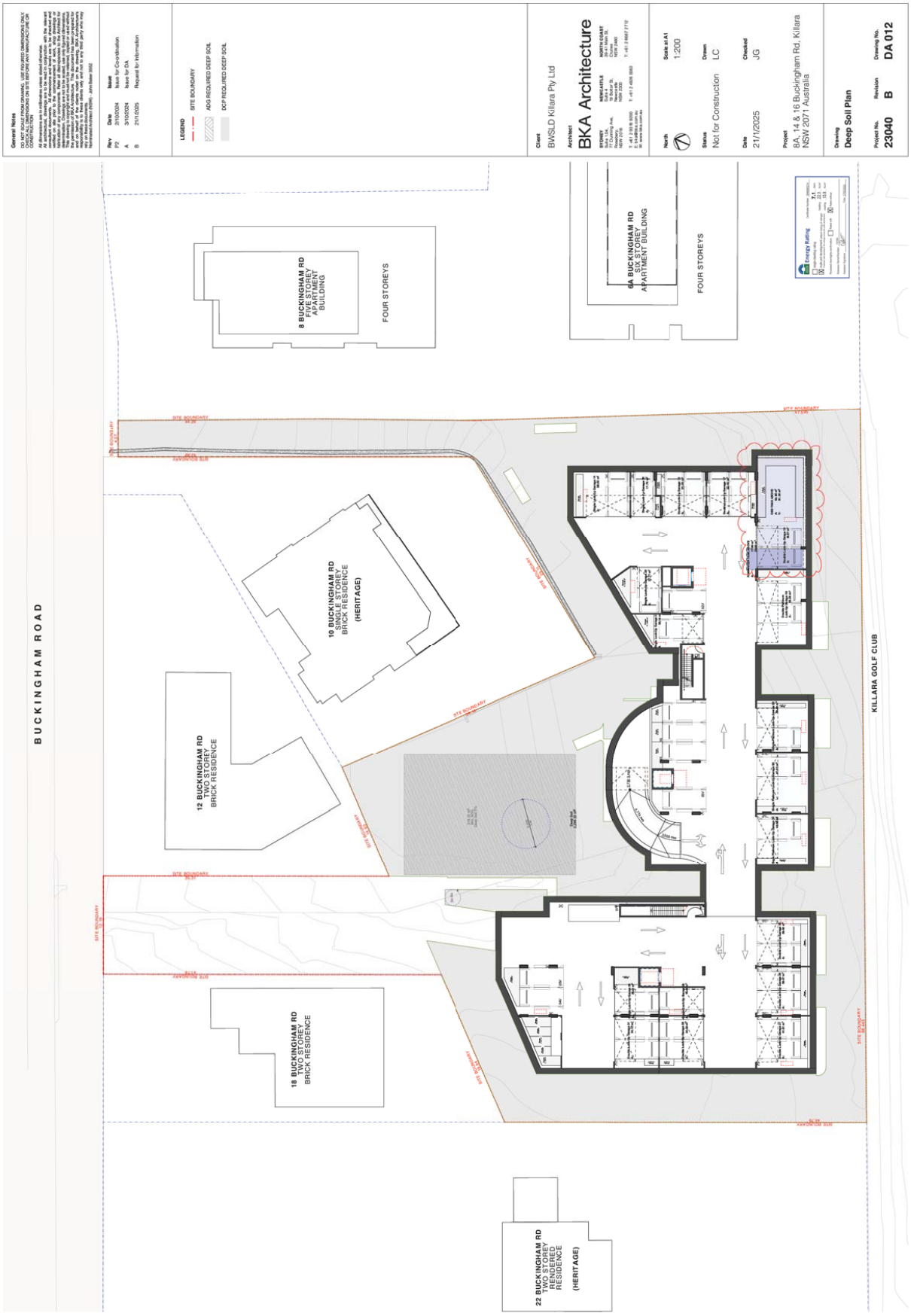

Level 01 Setback Analysis
1:500
Level 04 Setback Analysis
1:500
Ground Floor Setback Analysis
1:500
Level 03 Setback Analysis
1:500
Lower Ground Floor Setback Analysis
1:500
Level 02 Setback Analysis
1:500
BUCKINGHAM ROAD
Drawing
Setback Analysis
Project No.
23040
Revision
A
Drawing No.
DA 007
Project Address
8A, 14 & 16 Buckingham Rd, Killara
Scale at A1
1:500
Date
3/10/2024
Drawn
LC
Checked
JG
Status
Not for Construction
Architect
BKA Architecture
Client
BWSLD Killara Pty Ltd
Energy Rating


BUCKINGHAM ROAD
KILLARA GOLF CLUB
8 BUCKINGHAM RD FIVE STOREY APARTMENT BUILDING
FOUR STOREYS
6A BUCKINGHAM RD SIX STOREY APARTMENT BUILDING
FOUR STOREYS
10 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE (HERITAGE)
12 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
18 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
22 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE (HERITAGE)
BLOCK A
BLOCK B
BLOCK C
Open Space
LEGEND
SITE BOUNDARY
HERITAGE ITEM
EXISTING TREES
EXISTING LEVELS
DCP REQUIRED DIMENSIONS
ADG REQUIRED DIMENSIONS
Energy Rating
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Status
Not for Construction
Project
8A, 14 & 16 Buckingham Rd, Killara NSW 2071 Australia
Drawing
Site Plan
Project No.
23040
Revision
A
Drawing No.
DA 008

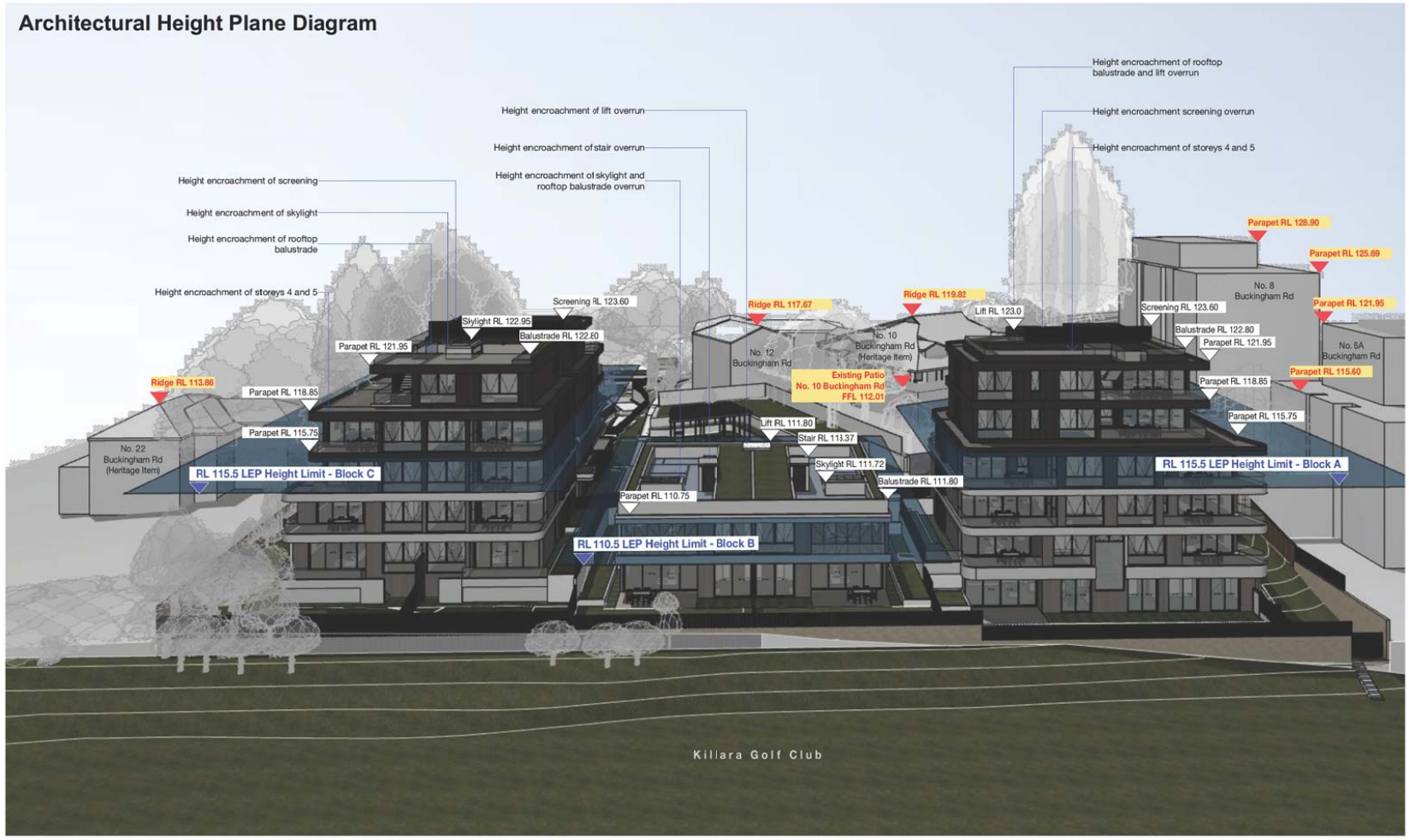

BUCKINGHAM ROAD
KILLARA GOLF CLUB
8 BUCKINGHAM RD FIVE STOREY APARTMENT BUILDING
FOUR STOREYS
6A BUCKINGHAM RD APARTMENT BUILDING
8A BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
10 BUCKINGHAM RD SINGLE STOREY BRICK RESIDENCE (HERITAGE)
12 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
14 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
16 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
18 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
22 BUCKINGHAM RD TWO STOREY RENDERED BRICK RESIDENCE (HERITAGE)
NOTE: This map is an estimate based on the NSW Government Biodiversity Values Map and Threshold Tool
LEGEND
BIODIVERSITY VALUES
EXISTING HARD / IMPERMEABLE SURFACE AREA
EXISTING TREES
DCP PROTECTED TREES
Energy Rating
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
North
Scale at A1
1:200
Status
Not for Construction
Drawn
LC
Date
3/10/2024
Checked
JG
Project
8A, 14 & 16 Buckingham Rd, Killara NSW 2071 Australia
Drawing
Biodiversity Map
Project No.
23040
Revision
A
Drawing No.
DA 009


BUCKINGHAM ROAD
KILLARA GOLF CLUB
8 BUCKINGHAM RD FIVE STOREY APARTMENT BUILDING FOUR STOREYS
6A BUCKINGHAM RD SIX STOREY APARTMENT BUILDING FOUR STOREYS
10 BUCKINGHAM RD SINGLE STOREY BRICK RESIDENCE (HERITAGE)
12 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
18 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
22 BUCKINGHAM RD TWO STOREY RENDERED RESIDENCE (HERITAGE)
T59 (missing)
T40 (missing)
T43 (missing)
T6 (missing)
Retain existing retaining wall
Demolish existing retaining wall
LEGEND
SITE BOUNDARY
TREE PROTECTION ZONE (TPZ)
TPZ ENCROACHMENT 1
TPZ ENCROACHMENT 2
PROPOSED DEVELOPMENT FOOTPRINT
EXISTING TO BE DEMOLISHED
EXISTING TREES TO BE RETAINED
EXISTING TREES TO BE REMOVED
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Project
8A, 14 & 16 Buckingham Rd, Killara NSW 2071 Australia
Drawing
Tree Management Plan
Project No.
23040
Revision
A
Drawing No.
DA 010
Scale at A1
1:200
Drawn
LC
Checked
JG
Date
3/10/2024
Status
Not for Construction


BUCKINGHAM ROAD
KILLARA GOLF CLUB
8 BUCKINGHAM RD FIVE STOREY APARTMENT BUILDING
FOUR STOREYS
6A BUCKINGHAM RD SIX STOREY APARTMENT BUILDING
10 BUCKINGHAM RD SINGLE STOREY BRICK RESIDENCE (HERITAGE)
12 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
18 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
22 BUCKINGHAM RD TWO STOREY RENDERED RESIDENCE (HERITAGE)
RL 97, 650
Level of bottom excavation
Note: Line of Shoring Wall approx. 750mm ø
RL 106, 640
Bottom excavation for communal open space
Proposed excavation for landscape terracing
Proposed excavation for communal open space
Proposed excavation for landscape terracing
Basement footprint
Minor excavation from existing driveway shown dashed
Minor excavation for proposed driveway
Proposed excavation for driveway
T1
T2
T3
DP 584659
DP 401463
DP 520573
DP 414101
SP 100533
LEGEND
SITE BOUNDARY
LINE OF SHORING WALL
PROPOSED EXCAVATION
PROPOSED EXCAVATION FOR LANDSCAPE
PROPOSED MINOR EXCAVATION
DCP PROTECTED TREES
Energy Rating
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
North
Scale at A1
1:200
Status
Not for Construction
Drawn
LC
Date
3/10/2024
Checked
JG
Project
8A, 14 & 16 Buckingham Rd, Killara
NSW 2071 Australia
Drawing
Excavation Plan
Project No.
23040
Revision
A
Drawing No.
DA 011


BUCKINGHAM ROAD
KILLARA GOLF CLUB
8 BUCKINGHAM RD FIVE STOREY APARTMENT BUILDING
FOUR STOREYS
6A BUCKINGHAM RD SIX STOREY APARTMENT BUILDING
FOUR STOREYS
10 BUCKINGHAM RD SINGLE STOREY BRICK RESIDENCE (HERITAGE)
12 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
18 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
22 BUCKINGHAM RD TWO STOREY RENDERED RESIDENCE (HERITAGE)
SITE BOUNDARY
LEGEND
SITE BOUNDARY
ADG REQUIRED DEEP SOIL
DCP REQUIRED DEEP SOIL
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Scale at A1
1:200
Drawn
LC
Checked
JG
Status
Not for Construction
Date
21/1/2025
Project
8A, 14 & 16 Buckingham Rd, Killara NSW 2071 Australia
Drawing
Deep Soil Plan
Project No.
23040
Revision
B
Drawing No.
DA 012

Architectural Height Plane Diagram



South Perspective from Killara Golf Club

General Notes

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Nominated Architect (NSW) - John Buller 5552

Energy Rating
Certificate Number 1099892214
☐ single dwelling rating
☒ multi-unit development (attach listing of ratings)
7.1 stars
heating 22.0 MJ/m²
cooling 15.9 MJ/m²
Assessed downlights conformation: ☐ Rated with ☒ Rated without
Assessor Name/Number 10184
Assessor Signature
Date 17/10/2024

Rev	Date	Issue
P1	25/7/2024	Issue for Co-ordination
P2	2/10/2024	Issue for Co-ordination
A	3/10/2024	Issue for DA

Client
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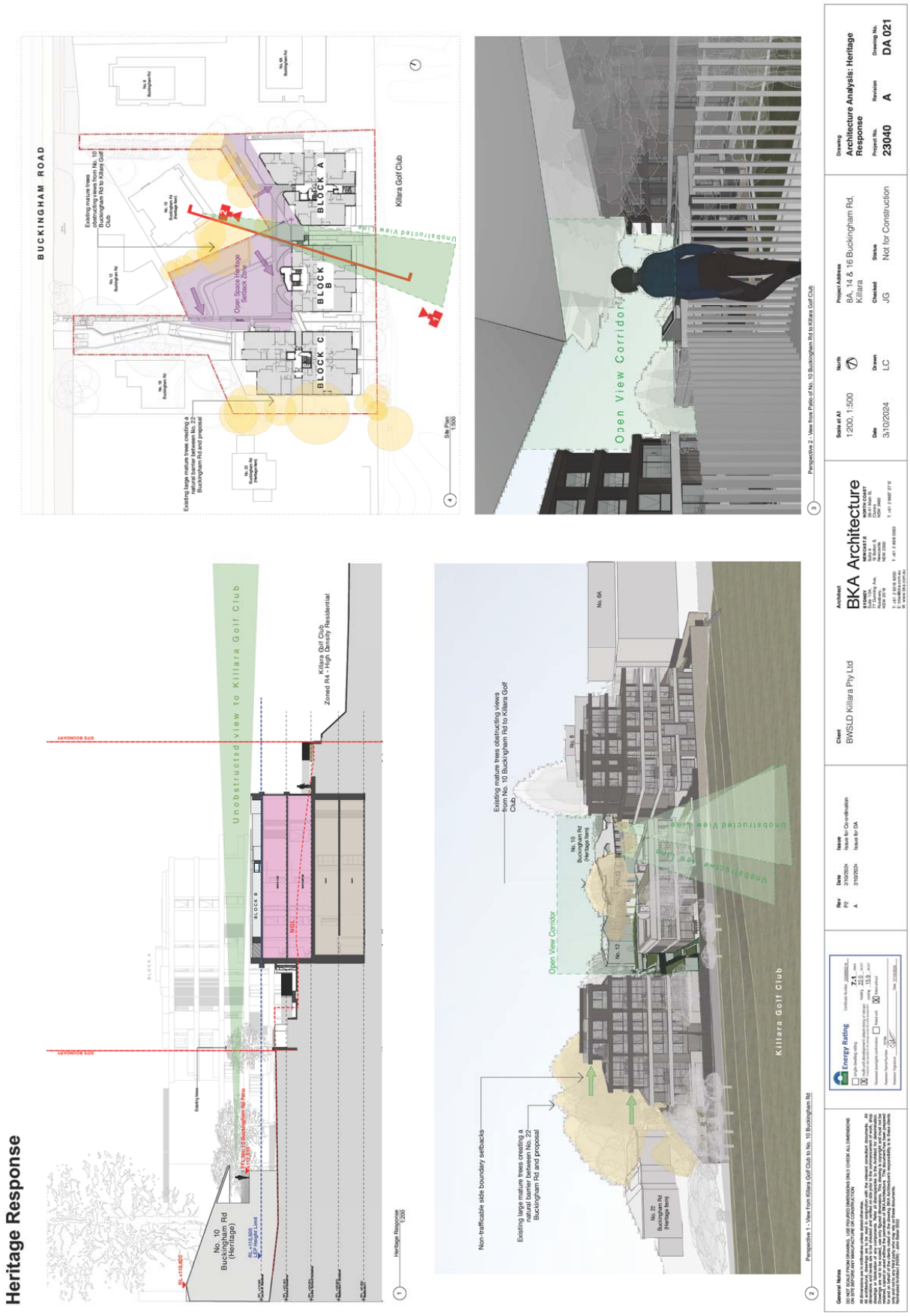
Scale at A1	North	Project Address
		8A, 14 & 16 Buckingham Rd, Killara

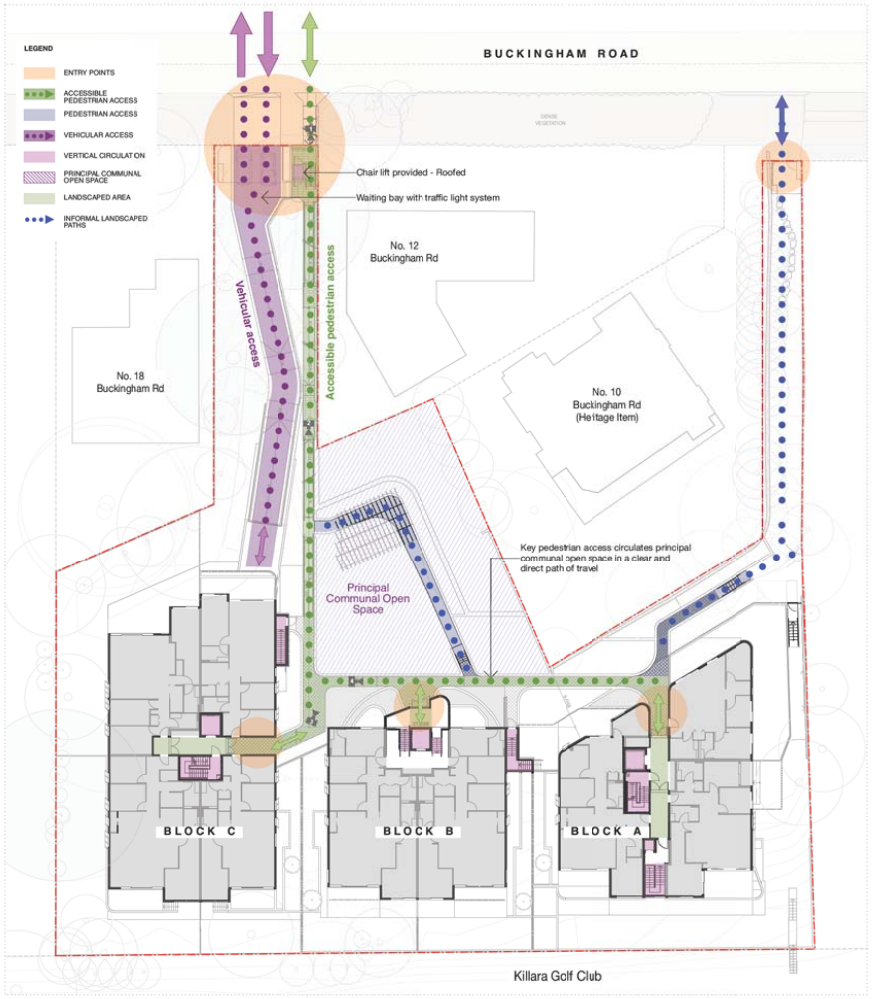
Date	Drawn	Checked	Status
3/10/2024	LC	JG	Not for Construction

Drawing
Architectural Height Plane Diagram

Project No.	Revision	Drawing No.
23040	A	DA 020


Heritage Response
BUCKINGHAM ROAD
Killara Golf Club
Open Space Heritage Setback Zone
Unobstructed View Line
BLOCK A
BLOCK B
BLOCK C
Existing mature trees obstructing views from No. 10 Buckingham Rd to Killara Golf Club
Existing large mature trees creating a natural barrier between No. 22 Buckingham Rd and proposal
Site Plan 1:500
Open View Corridor
Perspective 2 - View from Patio of No. 10 Buckingham Rd to Killara Golf Club
Unobstructed view to Killara Golf Club
Killara Golf Club Zoned R4 - High Density Residential
No. 10 Buckingham Rd (Heritage)
Heritage Response 1:200
Non-trafficable side boundary setbacks
Existing mature trees obstructing views from No. 10 Buckingham Rd to Killara Golf Club
Existing large mature trees creating a natural barrier between No. 22 Buckingham Rd and proposal
Perspective 1 - View from Killara Golf Club to No. 10 Buckingham Rd
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Scale at A1
1:200, 1:500
Date
3/10/2024
Drawn
LC
Project Address
8A, 14 & 16 Buckingham Rd, Killara
Checked
JG
Status
Not for Construction
Drawing
Architecture Analysis: Heritage Response
Project No.
23040
Revision
A
Drawing No.
DA 021

Circulation



1 Circulation Diagram 1:250



Location Plan, NTS

NOTE: Site within 800m walking distance to Killara Train Station



2 Pedestrian Perspective 1



3 Pedestrian Perspective 2



4 Pedestrian Perspective 3



5 Pedestrian Perspective 4

General Notes

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Nominated Architect (NSW) - John Baker 5552

Energy Rating

Certificate Number 0000995214

☐ single-dwelling rating 7.1 stars
☒ multi-unit development (attach listing of ratings) heating 22.0 MJ/m²
cooling 15.9 MJ/m²
Assessed downlights confirmation ☐ Rated with ☒ Rated without
Assessor Name/Number 10194
Assessor Signature Date 17/10/2024

Rev	Date	Issue
P2	2/10/2024	Issue for Co-ordination
A	3/10/2024	Issue for DA

Client: BWSLD Killara Pty Ltd

Architect: BKA Architecture

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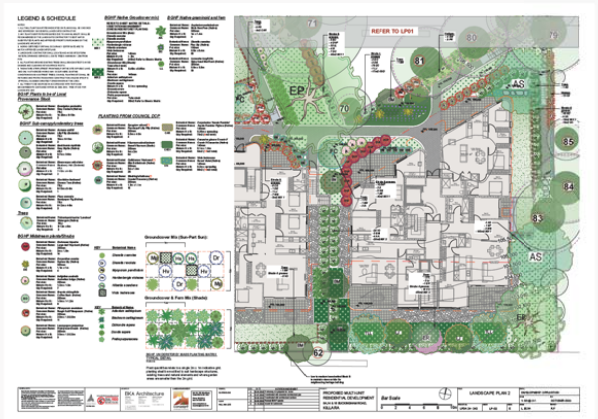
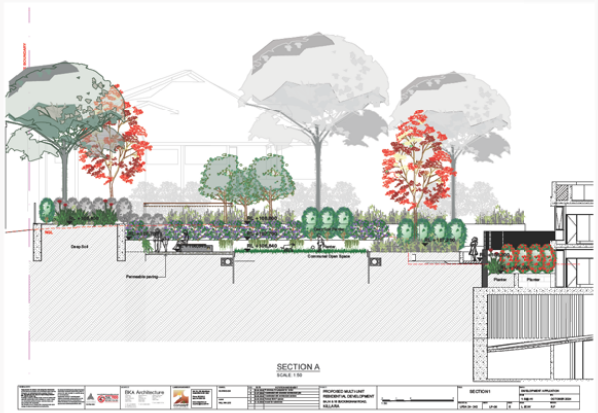
Scale at A1	North	Project Address	
1:250		8A, 14 & 16 Buckingham Rd, Killara	
Date	**Drawn**	**Checked**	**Status**
3/10/2024	LC	JG	Not for Construction

Drawing: **Architecture Analysis: Circulation**

Project No.	Revision	Drawing No.
23040	A	DA 022

Sustainability Initiatives





BIODIVERSITY

The proposal strives to retain as much of the existing vegetation and landscape as possible, while further contributing through additional deep soil and landscape planting specific to the to the Blue Gum High Forest (BGHF) community. Extensive Ecologist, Landscape and Arborist consultation has been undertaken to retain and protect a number of the existing mature trees. The landscape proposal drastically improves the current landscape condition with the provision of many new canopy trees, as well as endemic and native planting within the BGHF community throughout the site. Existing hard surface areas, such as the bitumen driveway to No. 8A Buckingham Rd, have also been converted to natural landscaped gardens and walkways.

source: Conzept Landscape Architects



MATERIALITY

High-performance, strong, yet low-maintenance materials are specified to extend the lifespan of the building and reduce its environmental footprint. The Australian-made façade technology - Auroclaved Aerated Concrete (AAC) - is proposed for several surfaces instead of traditional brick veneer. As a result of its aerated structure, AAC is lighter than concrete and masonry while still providing excellent structural strength, acoustic performance, thermal efficiency, and fire resistance. AAC helps the building to meet its energy efficiency targets, contain less embodied energy and reduces construction waste.

source: haba.com.au



RENEWABLE ENERGY

A 15kW solar panel system has been proposed on the roof levels to provide an alternative renewable source of energy. The solar panel arrangement faces an ideal north orientation to possible provide enough electricity for the lighting and power of the corrmon areas and amenities, as well as the electric vehicle charging stations.

Icon: Viral falalovers - Noun Project



NATHERS STAR RATING

The strategies outlined above contribute to an above average Nathers rating. The proposal will use water-saving fixtures and fittings, as well as energy-efficient lighting powered by a renewable source of energy (solar), reducing the water and energy oads. Passive design considerations further reduce the need fo' mechanical heating and cooling while contributing to thermal comfort. Low-maintenance landscaping and indigenous planting minimise water usage and complement the existing landscape conditions.

Icon: Made - Noun Project



RAINWATER IRRIGATION

Water efficiency is a key aspect of the proposal. Landscaping ard hydraulic design strategies have been considered to maximise water efficiency throughout the development. A rainwater tank is proposed for the irrigation of the landscaped. The landscaping features a high percentage of low consumption erdemic and native plants.

Icon: lazar tambular - Noun Project



PASSIVE DESIGN

The majority of units are designed to have a corner position, allowing for natural cross-ventilation. This strategy has reduced the need for mechanical ventilation during hot days.

The planning of the units allows for many of the apartments on a typical floor plate to be orientated towards the North. These north-facing apartments are recessed behind their balconies, shielding them from the harsh Summer sun, while allowing Winter daylight to penetrate the living spaces.

Icon: bijuahn - Noun Project



ELECTRIC CHARGING STATIONS

Electric Vehicle Charging Stations are proposed within Basement 1 and Lower Ground Lock-up garages for residents' exclusive use, embracing the imminent take-off of this clean technology and future-proofing the development. EVs produce zero emissions and can also save the average Australian driver around $1600 per year in fuel costs.

source: electricvehiclecouncil.com.au
Icon: Barkah Icon - Noun Project

General Notes

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Nominated Architect (NSW) - John Buker 5552

Energy Rating — Certificate Number 1099995214
single-dwelling rating — 7.1 stars
multi-unit-development (attach listing of ratings) — heating 22.0 MJ/m² — cooling 15.9 MJ/m²
Recessed downlights conformation: Fitted with [X] Sided without
Assessor Name/Number 10184
Assessor Signature — Date 17/10/2024

Rev	Date	Issue
P2	2/10/2024	Issue for Co-ordination
A	3/10/2024	Issue for DA

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NORTH COAST 39-41 Main St, Chinks NSW 2480 T: +61 2 6687 27 12

Scale at A1	North
12.12	
Date	**Drawn**
3/10/2024	LC

Project Address
8A, 14 & 16 Buckingham Rd, Killara

Checked	Status
JG	Not for Construction

Drawing
Architecture Analysis: Sustainability Initiatives

Project No.	Revision	Drawing No.
23040	A	DA 023


Typical Floor Plan
(Level 01)
70% of all units enjoy living spaces with min 2hrs solar access.
The vast majority of units receive natural cross-ventilation
The floor plates of Blocks A and C were carefully designed, despite the challenging triangular shape of the site, to provide regular and proportioned living areas for all dwellings. The apartment's layouts avoid acute corner rooms and idiosyncratic geometries for easy furnishing and comfortable living.
The horizontal scale of the three buildings is typically broken down into two clear volumes providing architectural articulation.
All building cores are efficiently designed, occupying minimal space but still providing a high level of amenity. Common corridors are 2m wide, naturally lit and ventilated. Large windows provide a bright and natural environment to lift cores
Facade articulation
North-facing living and POS
North-facing bedroom
BLOCK A
BLOCK B
BLOCK C
South-facing views to Killara Golf Club
Energy Rating
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Status
Not for Construction
Drawn
LC
Date
3/10/2024
Checked
JG
Project
8A, 14 & 16 Buckingham Rd, Killara NSW 2071 Australia
Drawing
Architecture Analysis: Typical Floor Plan
Project No.
23040
Revision
A
Drawing No.
DA 024

Facade Design



MATERIALITY

All three buildings - Blocks A, B, and C - share the same materiality of high-performance Autoclaved Aerated Concrete (AAC) over traditional brick veneer. Varying in colour and lineal pattern widths as the facade progresses in height, the material serves as an important choice for both the performance and aesthetic quality of the proposal.

source: hebel.com.au



FACADE ARTICULATION

All buildings express variation in their facades by outwardly expressing the internal common circulation core. Blocks A and C achieve this through a vertical recess, whilst Block B expresses this through a convex sculptural form. This articulation not only reduces the perceived bulk of the buildings but also helps to define the entry points to pedestrians at Ground level.



COLOUR SCHEME

The proposal predominantly features varying shades of elegant whites and browns, accented with dark bronze aluminium and dark mocha timber-looking battens. This approach acts as a natural canvas to accentuate the surrounding native flora.

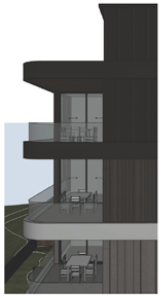


VISUAL PRIVACY

External vertical metal louvres and timber-look battens are key in achieving visual privacy for both residents and neighbours. The external louvres are angled to block unwanted views into private spaces whilst also providing some shading relief. All glazing, louvres and battens are strategically positioned and co-ordinated across all three buildings, to ensure residents are not overlooking each other.



1 Block A - North Facade



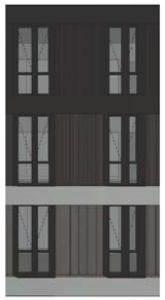
CURVED DESIGN ELEMENTS

The triangular site has been softened through thoughtfully applied curves, particularly in private open spaces.



LINEAL FEATURE PATTERN & CONTRASTING HORIZONTAL BANDING

Visual interest is added through vertical and horizontal lines of different scales.



EXTERNAL VERTICAL LOUVRES

Provide privacy for residents, whilst accentuating the verticality of the facade.



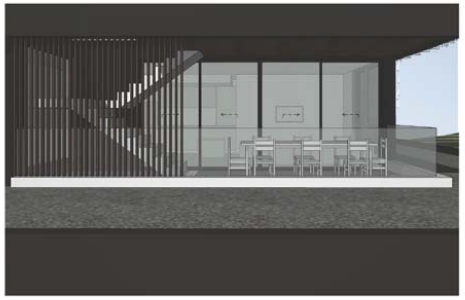
DARK BRONZE ALUMINIUM

Adds depth and contrast to the facade.



ARTICULATED ENTRIES

All key entry points are emphasised by a sculptural form - through the application of an extended awning or extruded volume.



TIMBER-LOOK BATTENS AND SOFFITS (non-combustible)

Timber-lock battens add further visual privacy, safety from falls, and warmth to the facade.

General Notes

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Nominated Architect (NSW) - John Baker 3552

Energy Rating
Certificate Number 0000095214
☐ single-dwelling rating 7.1 stars
☒ multi-unit development (attach listing of ratings) heating 22.0 MJ/m²
Facades also specified in the energy assess the solar transmittal cooling 15.9 MJ/m²
Received downlights confirmation: ☐ Rated with ☒ Rated without
Assessor Name/Number 10154
Assessor Signature Date 17/10/2024

Rev	Date	Issue
P2	2/10/2024	Issue for Co-ordination
A	3/10/2024	Issue for DA

Client
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39-41 Main St,
Clunes
NSW 2480
T: +61 2 6687 2712

Scale at A1

North

Project Address
8A, 14 & 16 Buckingham Rd, Killara

Date
3/10/2024

Drawn
LC

Checked
JG

Status
Not for Construction

Drawing
Architecture Analysis: Facade Design

Project No. **23040**

Revision **A**

Drawing No. **DA 025**

Street Presence

STREET PRESENCE

Located 49-56m from the street boundary via two battle-axe handles, the proposal has little impact on the atmosphere of Buckingham Rd. Shrowded by existing large mature trees - as tall as 18-20m - and dense vegetation, only glimpses of Blocks A, B and C can be seen from the street. The proposal offers a sensitive yet identifiable main and secondary entry point, including two green roofs, driveway and native landscaping. The materiality includes brickwork, timber screening, and rendered concrete.

EXISTING STREET CONDITION
No. 14 Buckingham Rd





View of Main Pedestrian and Vehicular Entry from 14 & 16 Buckingham Rd - Artist Impression Only

EXISTING STREET CONDITION
No. 8A Buckingham Rd





View of Secondary Pedestrian Entry from 8A Buckingham Rd - Artist Impression Only

EXISTING STREET CONDITION
No. 16 Buckingham Rd



View of Main Pedestrian and Vehicular Entry from 14 & 16 Buckingham Rd - Artist Impression Only

GREEN ROOFS



Source: Tom De Witte Landscape Design

NEUTRAL BRICK



Source: Austral Bricks

TIMBER SCREENING
(to conceal hydrant booster)



Source: Bunnings

SCULPTURAL FORM



General Notes

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Nominated Architect (NSW) - John Buller 3552

Energy Rating
Certificate Number 0008992574
single dwelling rating
7.1 stars
multi-unit development (attach listing of ratings)
heating 22.0 MJ/m²
cooling 15.9 MJ/m²
Recessed downlights confirmation: Rated with / Rated without
Assessor Name/Number 10194
Assessor Signature Date 17/10/2024

Rev	Date	Issue
P2	2/10/2024	Issue for Co-ordination
A	3/10/2024	Issue for DA

Client
BWSLD Killara Pty Ltd

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W: www.bka.com.au
T: +61 2 4926 5563
T: +61 2 6687 27 0

Scale at A1
North
Project Address
8A, 14 & 16 Buckingham Rd, Killara
Date
3/10/2024
Drawn
LC
Checked
JG
Status
Not for Construction

Drawing
Architecture Analysis: Street Presence
Project No. **23040**
Revision **A**
Drawing No. **DA 026**

Urban Condition

URBAN CONDITION

The proposal is in alignment with the character and scale of the area. The surrounding developments are of similar bulk and height - including multiple five and six-storey apartment buildings.

The proposal is designed to step back from the Western boundary, to respect the heritage item at No. 22 Buckingham Road, while still achieving an FSR that is appropriate for the R4 high-density zoning of the site.

To the East, the proposal also steps back from the boundary to achieve the ADG requirements. In height, the proposal aligns to the neighbouring development - continuing a pre-existing height datum line.

In relation to the broader context, the proposal sits amongst multiple high-amenity features, including Killara Golf Club and Regimental Park. Located off the Pacific Highway, the proposal offers an easily accessible location for high-quality housing to the community.



Aerial Perspective of Site from Killara Golf Club

Artist Impression

General Notes

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Nominated Architect (NSW) - John Baker 3552

Energy Rating
Certificate Number 0000095214
☐ single-dwelling rating 7.1 stars
☒ multi-unit development (attach listing of ratings) heating 22.0 MJ/m²
Assessed dwelling/s (no exceptions) cooling 15.9 MJ/m²
Recessed downlights confirmation: ☐ Rated with ☒ Rated without
Assessor Name/Number 12194
Assessor Signature Date 17/10/2024

Rev	Date	Issue
A	3/10/2024	Issue for DA

Client: BWSLD Killara PtyLtd

Architect: BKA Architecture
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NORTH COAST: 36-41 Main St, Cumes NSW 2480 — T: +61 2 6687 2712

Scale at A1: 1:100

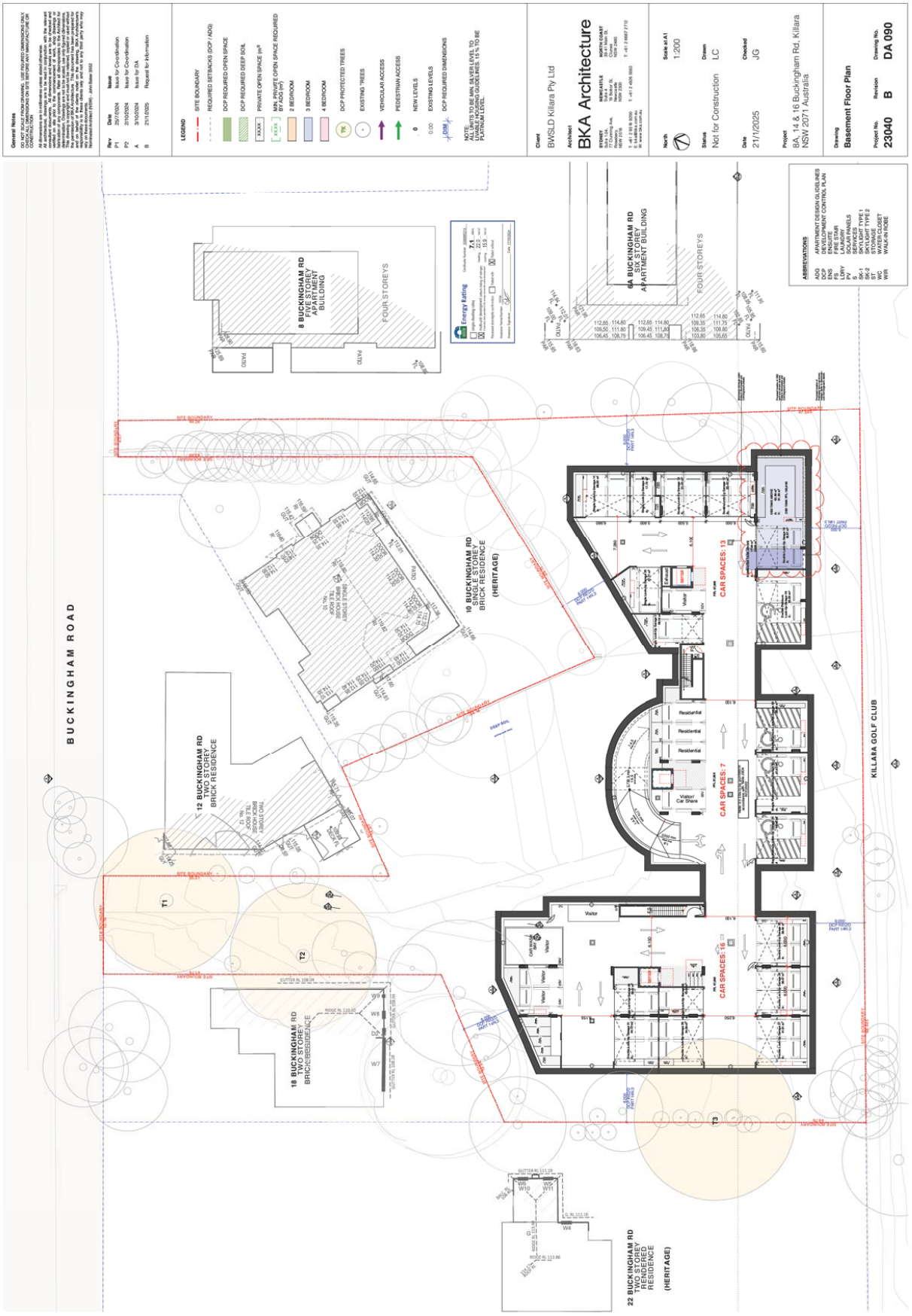
North: ⊘

Project Address: 8A, 14 & 16 Buckingham Rd, Killara

Date: 3/10/2024
Drawn: LC
Checked: JG
Status: Not for Construction

Drawing: Architecture Analysis: Urban Condition

Project No.: 23040
Revision: A
Drawing No.: DA 027


BUCKINGHAM ROAD
KILLARA GOLF CLUB
8 BUCKINGHAM RD FIVE STOREY APARTMENT BUILDING
FOUR STOREYS
6A BUCKINGHAM RD SIX STOREY APARTMENT BUILDING
10 BUCKINGHAM RD SINGLE STOREY BRICK RESIDENCE (HERITAGE)
12 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
16 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
22 BUCKINGHAM RD TWO STOREY RENDERED RESIDENCE (HERITAGE)
CAR SPACES: 13
CAR SPACES: 7
CAR SPACES: 16
Residential
Visitor / Car Share
Visitor
T1
T2
T3
LEGEND
SITE BOUNDARY
REQUIRED SETBACKS (DCP / ADG)
DCP REQUIRED OPEN SPACE
DCP REQUIRED DEEP SOIL
PRIVATE OPEN SPACE (m²)
MIN. PRIVATE OPEN SPACE REQUIRED BY ADG (m²)
2 BEDROOM
3 BEDROOM
4 BEDROOM
DCP PROTECTED TREES
EXISTING TREES
VEHICULAR ACCESS
PEDESTRIAN ACCESS
NEW LEVELS
EXISTING LEVELS
DCP REQUIRED DIMENSIONS
NOTE:
ALL UNITS TO ME MIN. SILVER LEVEL TO LIVEABLE HOUSING DESIGN GUIDELINES. 5% TO BE PLATINUM LEVEL
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
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NSW 2450
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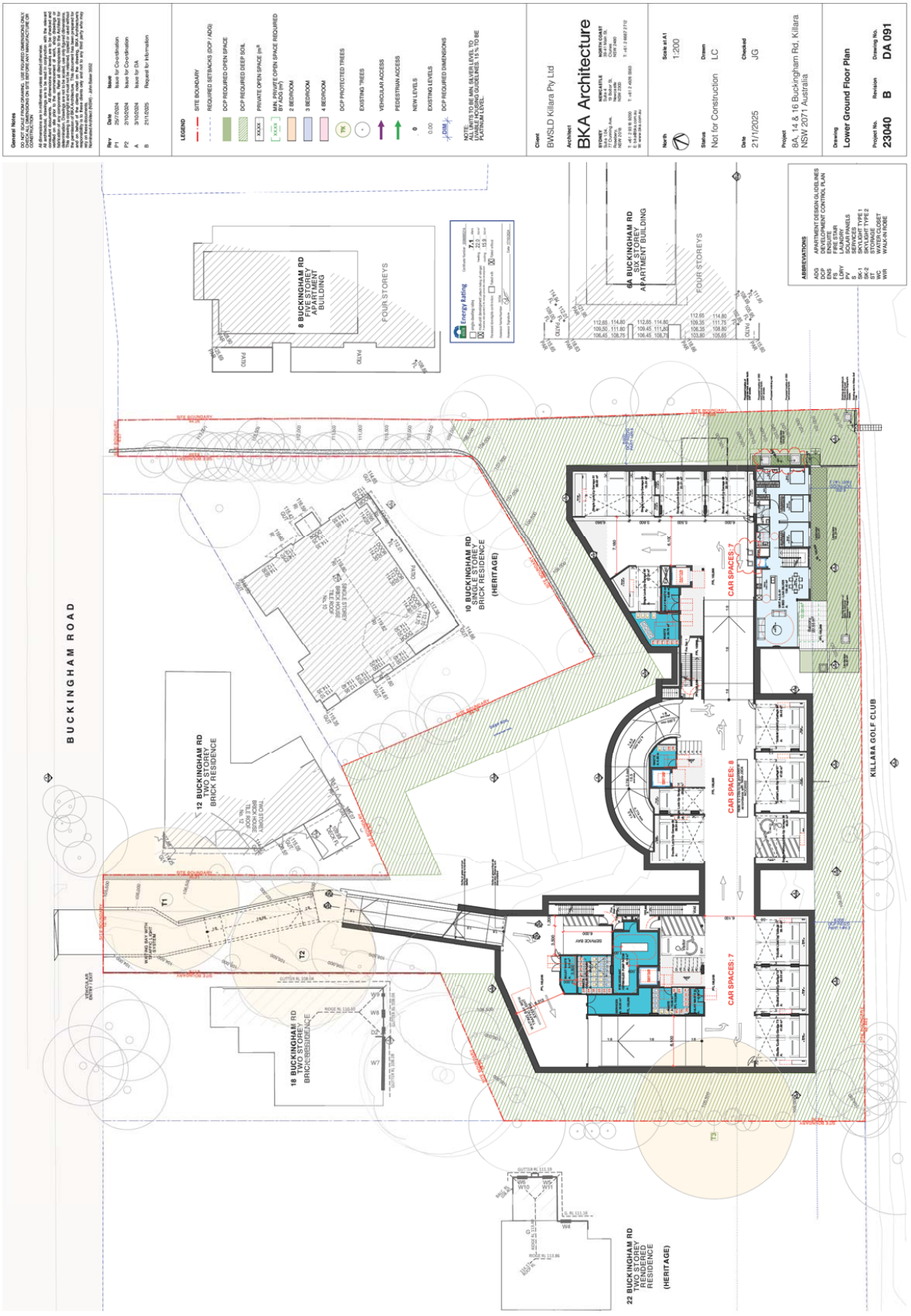
North
Scale at A1
1:200
Status
Not for Construction
Drawn
LC
Date
21/1/2025
Checked
JG
Project
8A, 14 & 16 Buckingham Rd, Killara
NSW 2071 Australia
Drawing
Basement Floor Plan
Project No.
23040
Revision
B
Drawing No.
DA 090
ABBREVIATIONS
ADG APARTMENT DESIGN GUIDELINES
DCP DEVELOPMENT CONTROL PLAN
ENS ENSUITE
FB FEATURE BRICK WALLS
LDRY LAUNDRY
PV PHOTOVOLTAIC
S SERVICES
SK-1 SKYLIGHT TYPE 1
SK-2 SKYLIGHT TYPE 2
ST STORAGE
WC WATER CLOSET
WIR WALK-IN ROBE

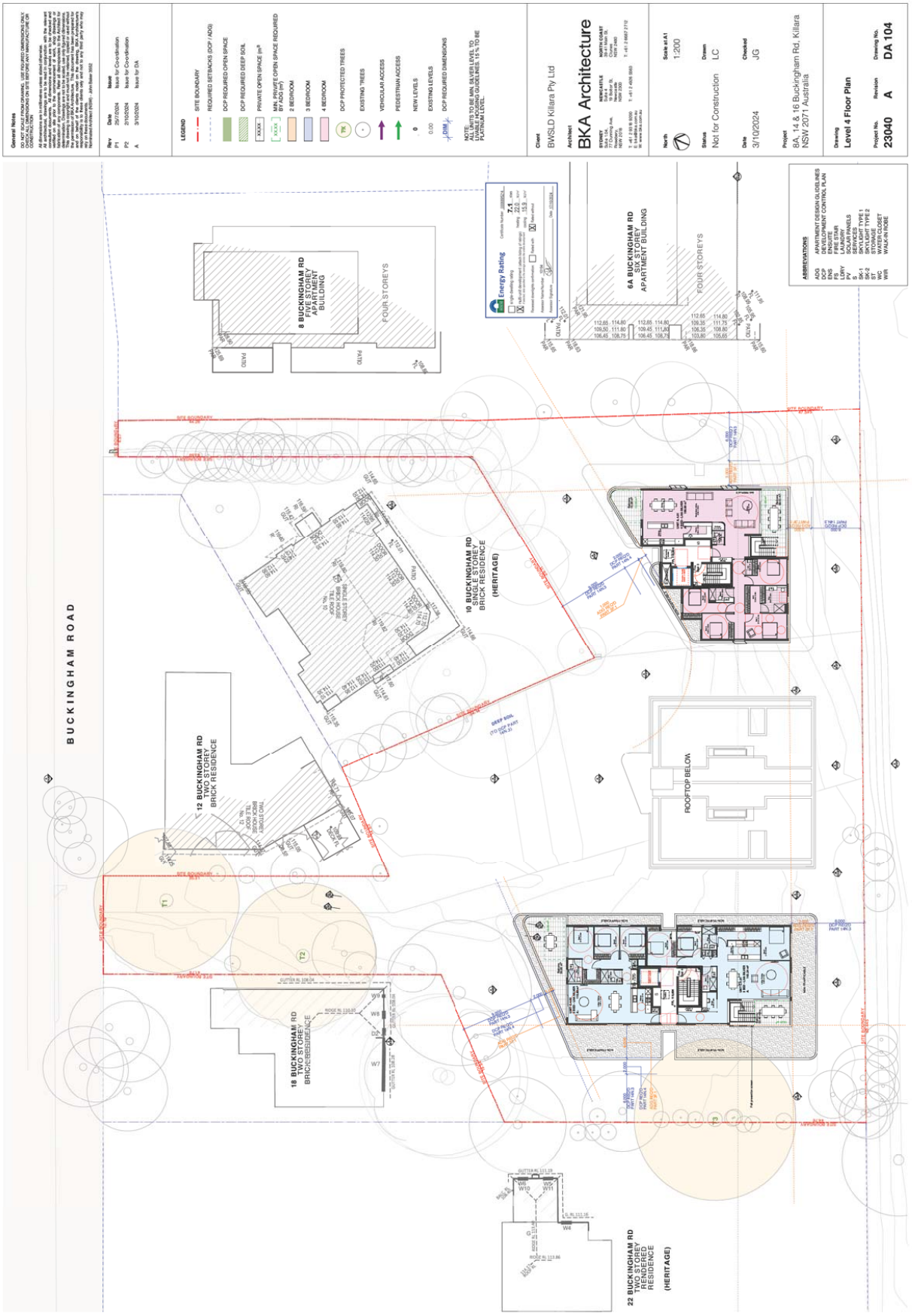

BUCKINGHAM ROAD
8 BUCKINGHAM RD FIVE STOREY APARTMENT BUILDING
FOUR STOREYS
6A BUCKINGHAM RD FIVE STOREY APARTMENT BUILDING
FOUR STOREYS
10 BUCKINGHAM RD SINGLE STOREY BRICK RESIDENCE (HERITAGE)
12 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
16 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
22 BUCKINGHAM RD TWO STOREY RENDERED RESIDENCE (HERITAGE)
CAR SPACES: 7
CAR SPACES: 8
CAR SPACES: 7
KILLARA GOLF CLUB
BWSLD Killara Pty Ltd
BKA Architecture
8A, 14 & 16 Buckingham Rd, Killara NSW 2071 Australia
Lower Ground Floor Plan
23040
B
DA 091
1:200
Not for Construction
LC
JG
21/1/2025

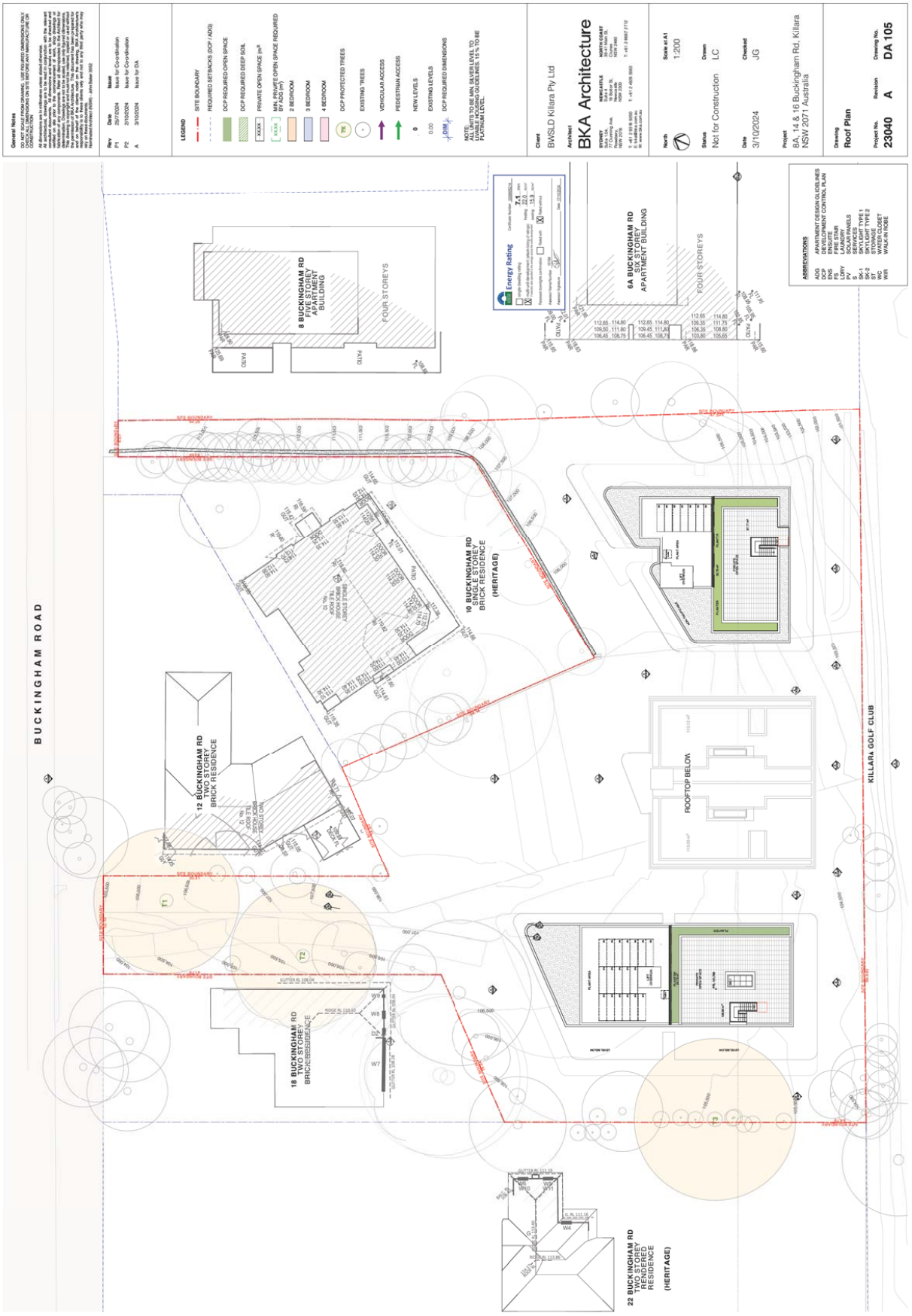

BUCKINGHAM ROAD
KILLARA GOLF CLUB
8 BUCKINGHAM RD FIVE STOREY APARTMENT BUILDING
6A BUCKINGHAM RD SIX STOREY APARTMENT BUILDING
10 BUCKINGHAM RD SINGLE STOREY BRICK RESIDENCE (HERITAGE)
12 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
18 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
22 BUCKINGHAM RD TWO STOREY RENDERED RESIDENCE (HERITAGE)
OPEN SPACE
FOUR STOREYS
Energy Rating
BWSLD Killara Pty Ltd
BKA Architecture
Not for Construction
1:200
LC
21/1/2025
JG
8A, 14 & 16 Buckingham Rd, Killara NSW 2071 Australia
Ground Floor Plan
23040
B
DA 100

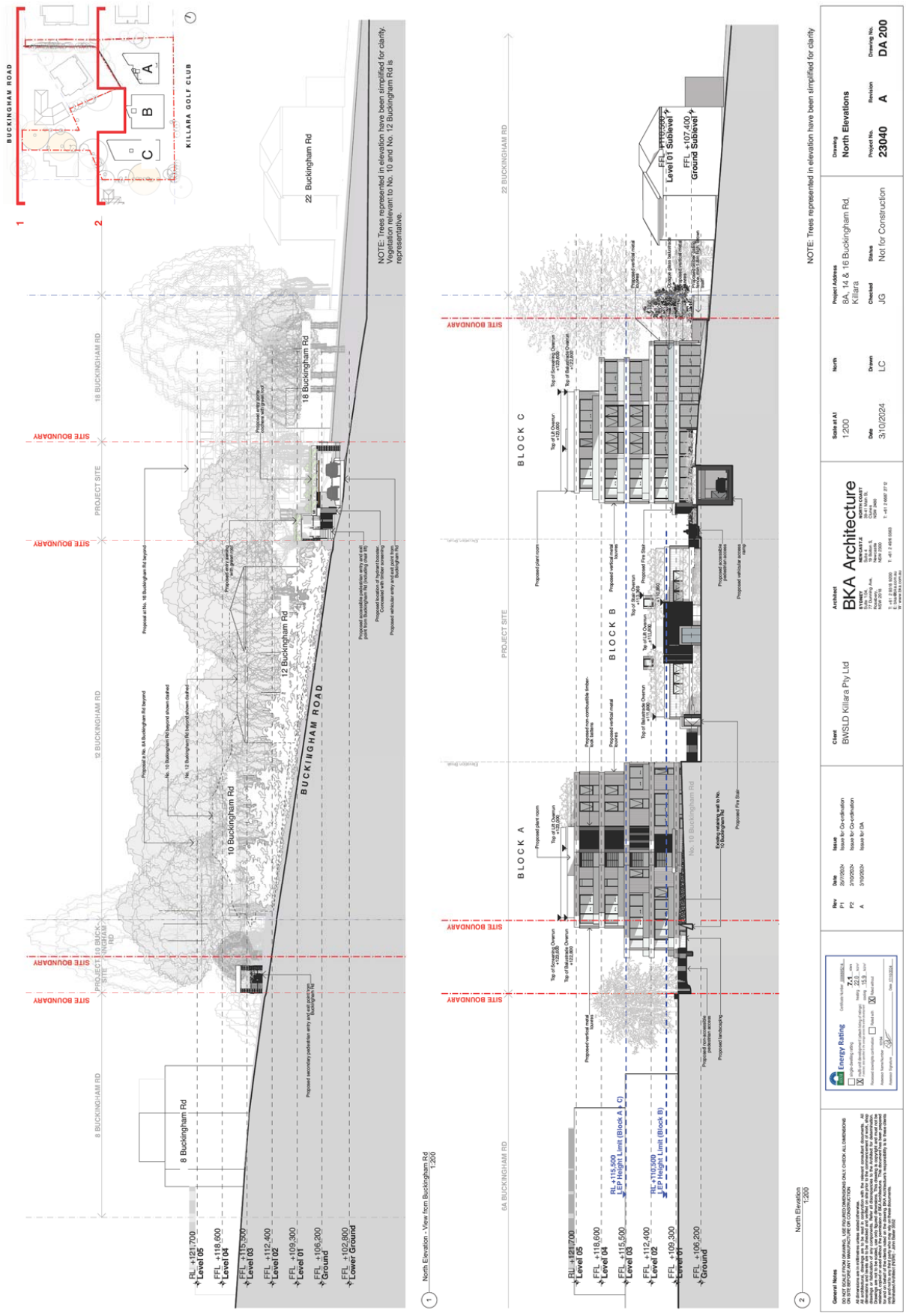

BUCKINGHAM ROAD
KILLARA GOLF CLUB
8 BUCKINGHAM RD FIVE STOREY APARTMENT BUILDING
6A BUCKINGHAM RD SIX STOREY APARTMENT BUILDING
10 BUCKINGHAM RD SINGLE STOREY BRICK RESIDENCE (HERITAGE)
12 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
18 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
22 BUCKINGHAM RD TWO STOREY RENDERED RESIDENCE (HERITAGE)
OPEN SPACE
FOUR STOREYS
Energy Rating
BKA Architecture
BWSLD Killara Pty Ltd
Not for Construction
1:200
3/10/2024
8A, 14 & 16 Buckingham Rd, Killara NSW 2071 Australia
Level 1 Floor Plan
23040
A
DA 101

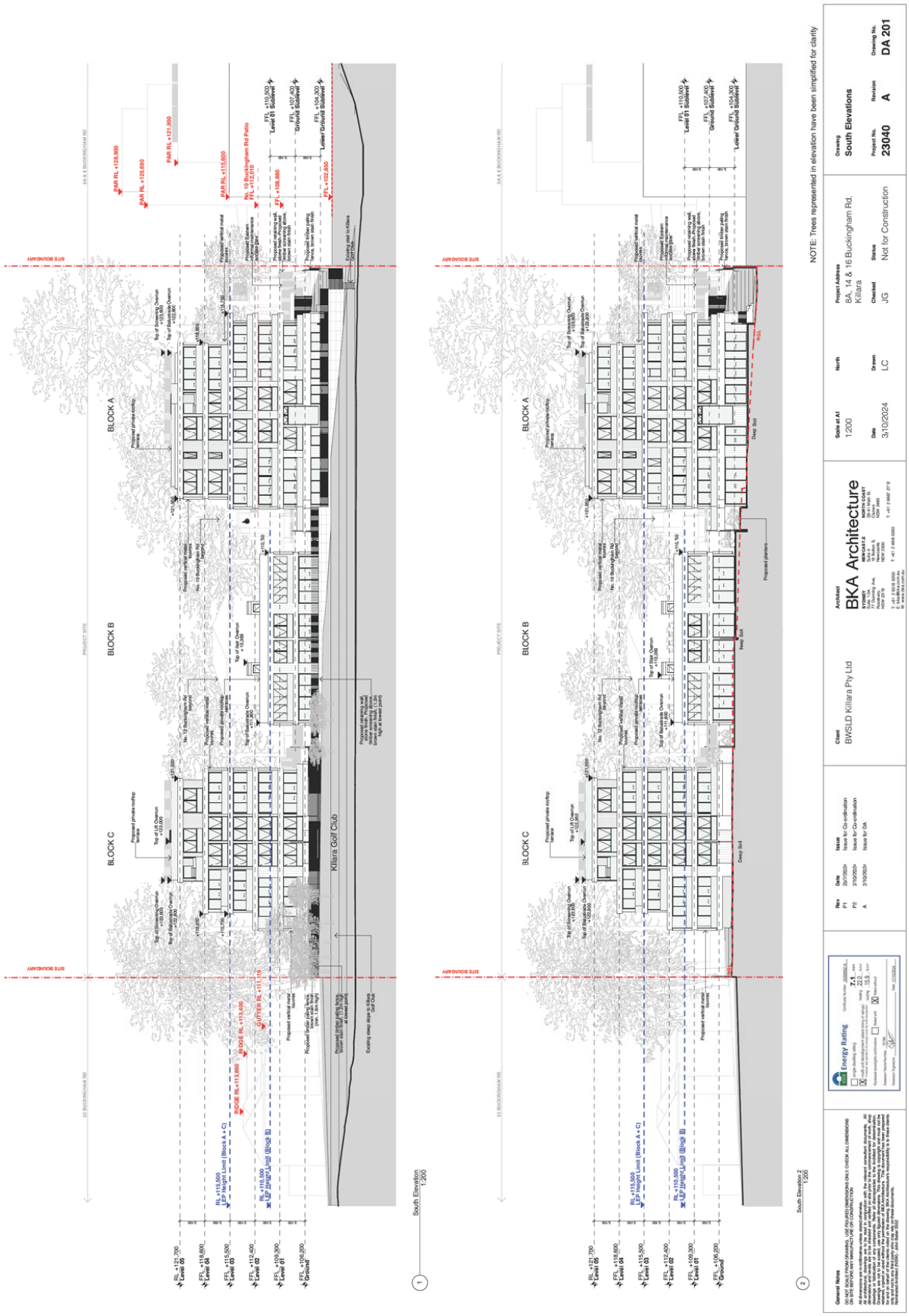

BUCKINGHAM ROAD
KILLARA GOLF CLUB
8 BUCKINGHAM RD FIVE STOREY APARTMENT BUILDING
FOUR STOREYS
6A BUCKINGHAM RD SIX STOREY APARTMENT BUILDING
10 BUCKINGHAM RD SINGLE STOREY BRICK RESIDENCE (HERITAGE)
12 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
16 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
22 BUCKINGHAM RD TWO STOREY RENDERED RESIDENCE (HERITAGE)
BWSLD Killara Pty Ltd
BKA Architecture
Not for Construction
3/10/2024
8A, 14 & 16 Buckingham Rd, Killara NSW 2071 Australia
Level 2 Floor Plan
23040
A
DA 102


BKA Architecture
BWSLD Killara Pty Ltd
Level 3 Floor Plan
Project No. 23040
Revision A
Drawing No. DA 103
Scale at A1 1:200
Not for Construction
3/10/2024
8A, 14 & 16 Buckingham Rd, Killara NSW 2071 Australia
8 BUCKINGHAM RD FIVE STOREY APARTMENT BUILDING
6A BUCKINGHAM RD SIX STOREY APARTMENT BUILDING
10 BUCKINGHAM RD SINGLE STOREY BRICK RESIDENCE (HERITAGE)
12 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
16 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
22 BUCKINGHAM RD TWO STOREY RENDERED RESIDENCE (HERITAGE)
BUCKINGHAM ROAD
KILLARA GOLF CLUB
ROOFTOP BELOW


BUCKINGHAM ROAD
8 BUCKINGHAM RD FIVE STOREY APARTMENT BUILDING
FOUR STOREYS
6A BUCKINGHAM RD SIX STOREY APARTMENT BUILDING
FOUR STOREYS
10 BUCKINGHAM RD SINGLE STOREY BRICK RESIDENCE (HERITAGE)
12 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
16 BUCKINGHAM RD TWO STOREY BRICK RESIDENCE
22 BUCKINGHAM RD TWO STOREY RENDERED RESIDENCE (HERITAGE)
ROOFTOP BELOW
BWSLD Killara Pty Ltd
BKA Architecture
1:200
Not for Construction
LC
JG
3/10/2024
8A, 14 & 16 Buckingham Rd, Killara NSW 2071 Australia
Level 4 Floor Plan
23040
A
DA 104


BUCKINGHAM ROAD
KILLARA GOLF CLUB
8 BUCKINGHAM RD
FIVE STOREY
APARTMENT
BUILDING
FOUR STOREYS
6A BUCKINGHAM RD
SIX STOREY
APARTMENT BUILDING
10 BUCKINGHAM RD
SINGLE STOREY
BRICK RESIDENCE
(HERITAGE)
12 BUCKINGHAM RD
TWO STOREY
BRICK RESIDENCE
18 BUCKINGHAM RD
TWO STOREY
BRICK RESIDENCE
22 BUCKINGHAM RD
TWO STOREY
RENDERED
RESIDENCE
(HERITAGE)
ROOFTOP BELOW
Energy Rating
BWSLD Killara Pty Ltd
BKA Architecture
Not for Construction
1:200
LC
3/10/2024
JG
8A, 14 & 16 Buckingham Rd, Killara
NSW 2071 Australia
Roof Plan
23040
A
DA 105


BUCKINGHAM ROAD
KILLARA GOLF CLUB
A
B
C
1
2
22 Buckingham Rd
18 Buckingham Rd
12 Buckingham Rd
10 Buckingham Rd
8 Buckingham Rd
BUCKINGHAM ROAD
SITE BOUNDARY
PROJECT SITE
18 BUCKINGHAM RD
12 BUCKINGHAM RD
10 BUCKINGHAM RD
8 BUCKINGHAM RD
6A BUCKINGHAM RD
22 BUCKINGHAM RD
BLOCK A
BLOCK B
BLOCK C
RL +121,700 Level 05
FFL +118,600 Level 04
FFL +115,500 Level 03
FFL +112,400 Level 02
FFL +109,300 Level 01
FFL +106,200 Ground
FFL +102,800 Lower Ground
RL +115,500 LEP Height Limit (Block A + C)
RL +110,500 LEP Height Limit (Block B)
FFL +107,400 Ground Sublevel
FFL +110,500 Level 01 Sublevel
NOTE: Trees represented in elevation have been simplified for clarity. Vegetation relevant to No. 10 and No. 12 Buckingham Rd is representative.
North Elevation - View from Buckingham Rd 1:200
North Elevation 1:200
Client BWSLD Killara Pty Ltd
Architect BKA Architecture
Scale at A1 1:200
Date 3/10/2024
Drawn LC
Checked JG
Status Not for Construction
Project Address 8A, 14 & 16 Buckingham Rd, Killara
Drawing North Elevations
Project No. 23040
Revision A
Drawing No. DA 200
Energy Rating



NOTE: Trees represented in elevation have been simplified for clarity

Rev	Date	Issue
P1	28/05/2024	Issue for Co-ordination
P2	21/09/2024	Issue for Co-ordination
A	3/10/2024	Issue for DA

Client: BWSLD Killara Pty Ltd

Architect: BKA Architecture
SYDNEY: Studio 1, 77 Fountain Street, Alexandria NSW 2015 T +61 2 8319 5000
NORTH COAST: Suite 2, 56 Short St, Byron Bay NSW 2481 T +61 2 6685 6022
W: www.bka.com.au

Scale at A1: 1:200
Date: 3/10/2024
North
Drawn: LC
Checked: JG
Status: Not for Construction

Project Address: 8A, 14 & 16 Buckingham Rd. Killara

Drawing: South Elevations
Project No.: 23040
Revision: A
Drawing No.: DA 201

Energy Rating
Certificate Number: 0009555
Rating: 7.1 stars
Area: 223.3 sqm
Date: 19/09/2024
Assessor Name/Number: 0009
Assessor Signature:

General Notes
DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. CHECK ALL DIMENSIONS ON SITE BEFORE ANY MANUFACTURE OR CONSTRUCTION.
All dimensions are in millimetres unless stated otherwise.
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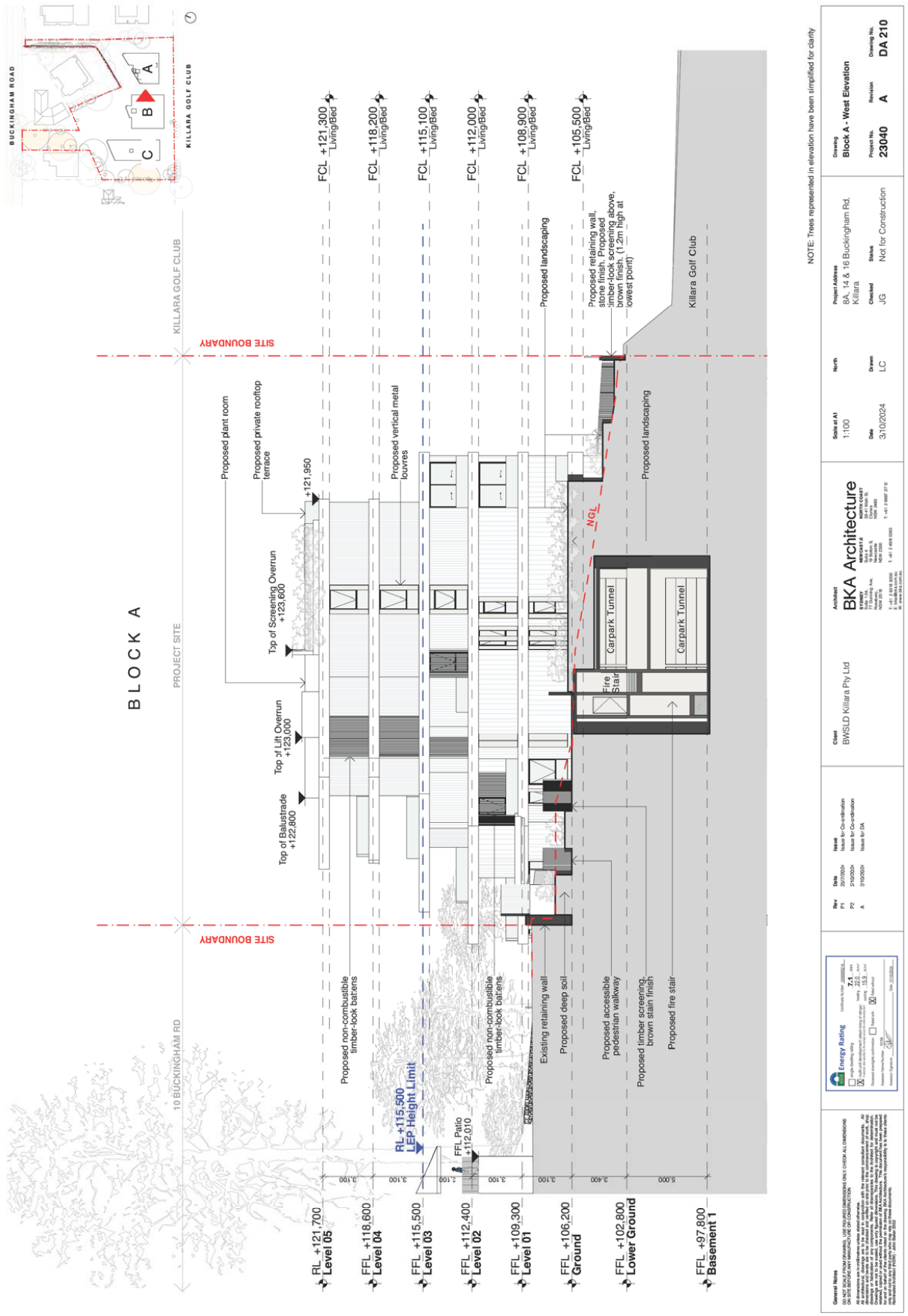
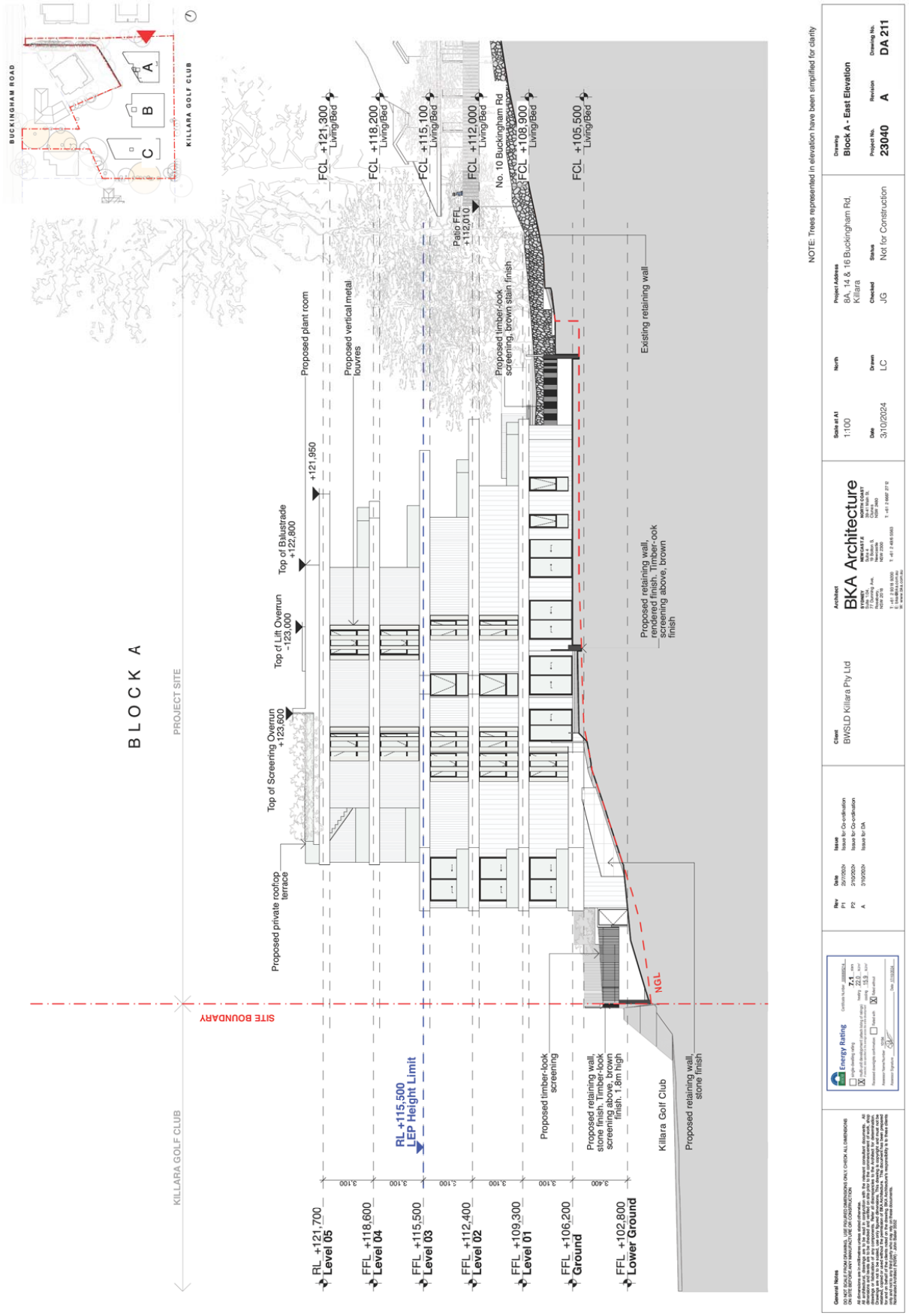
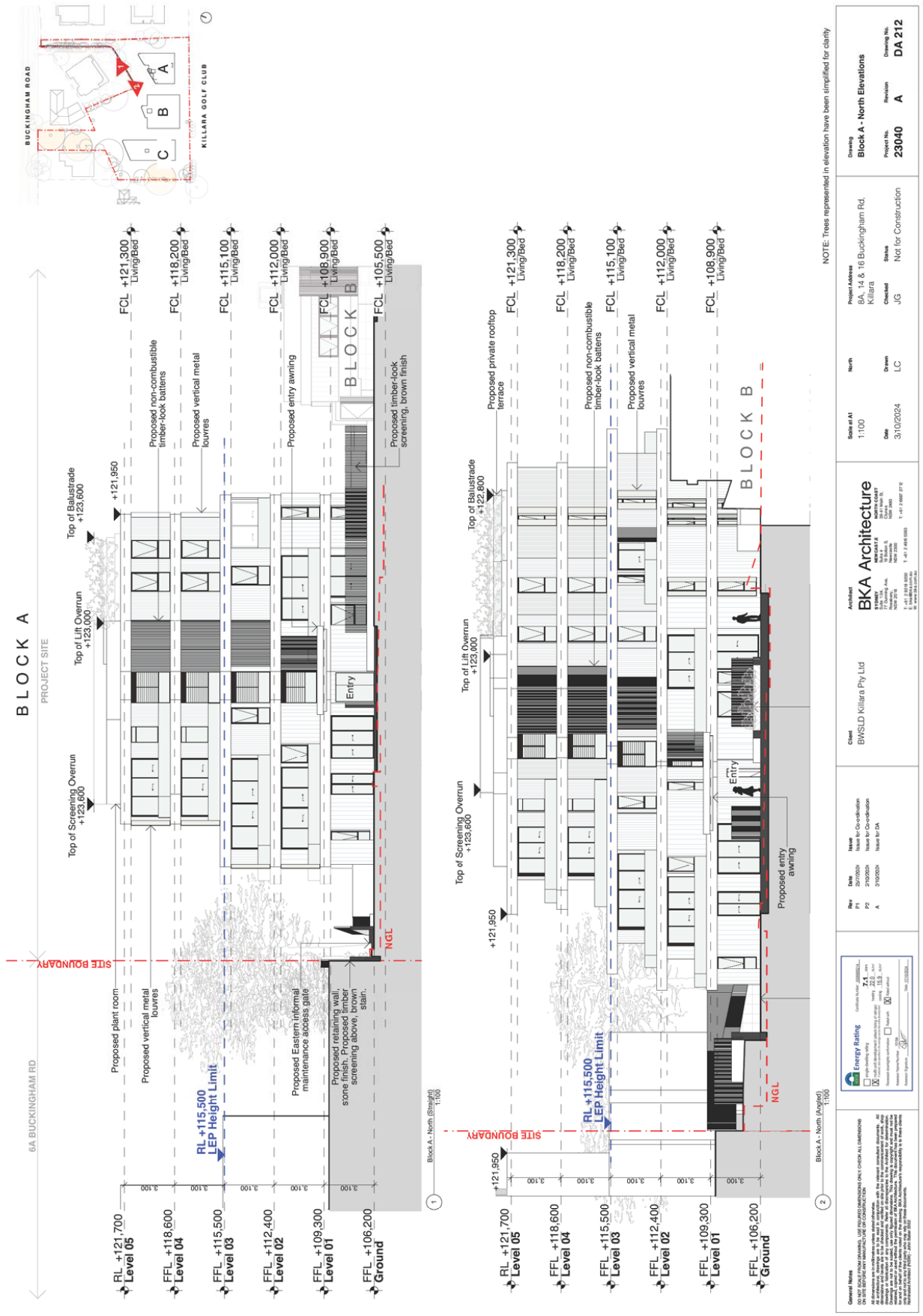
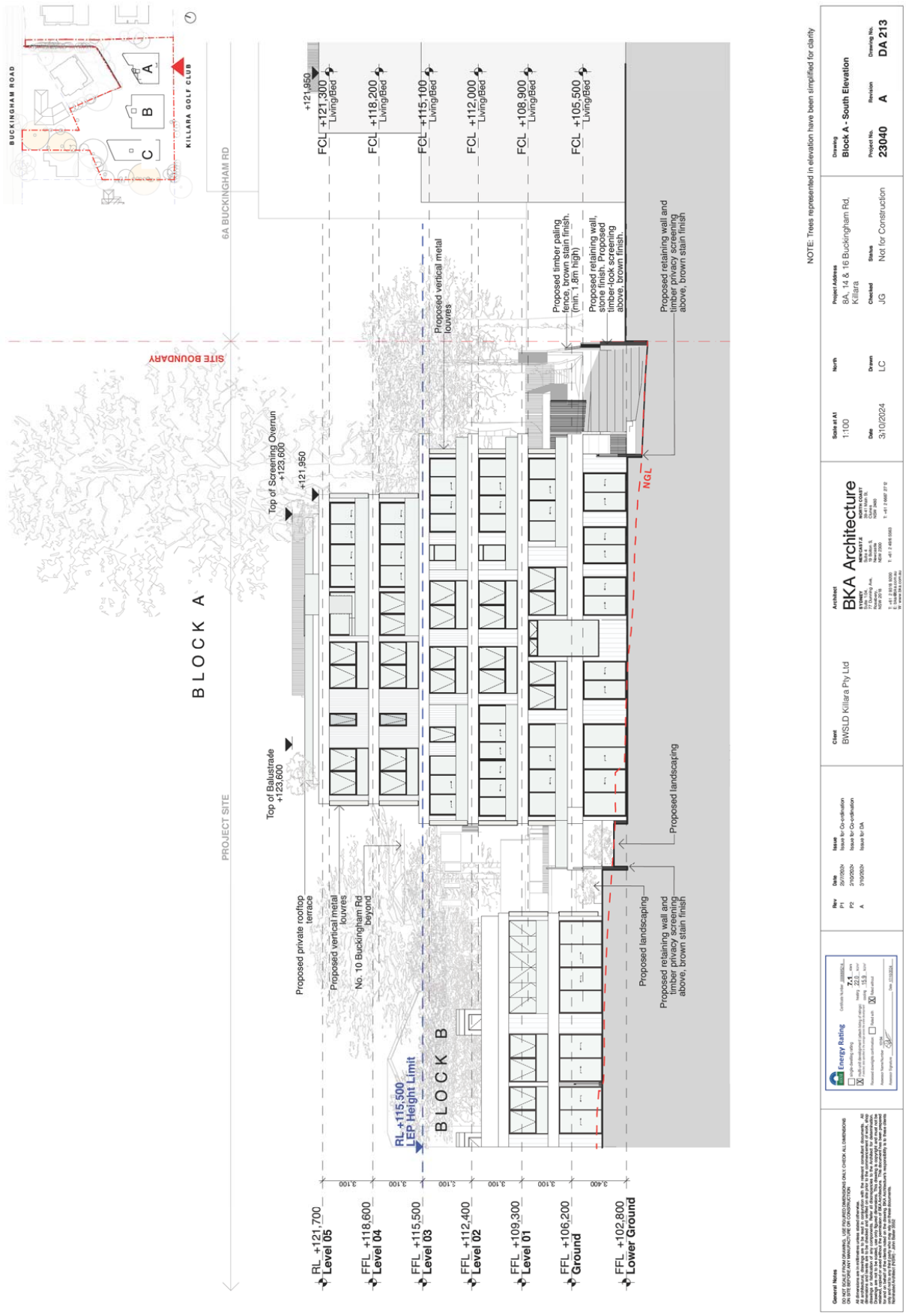
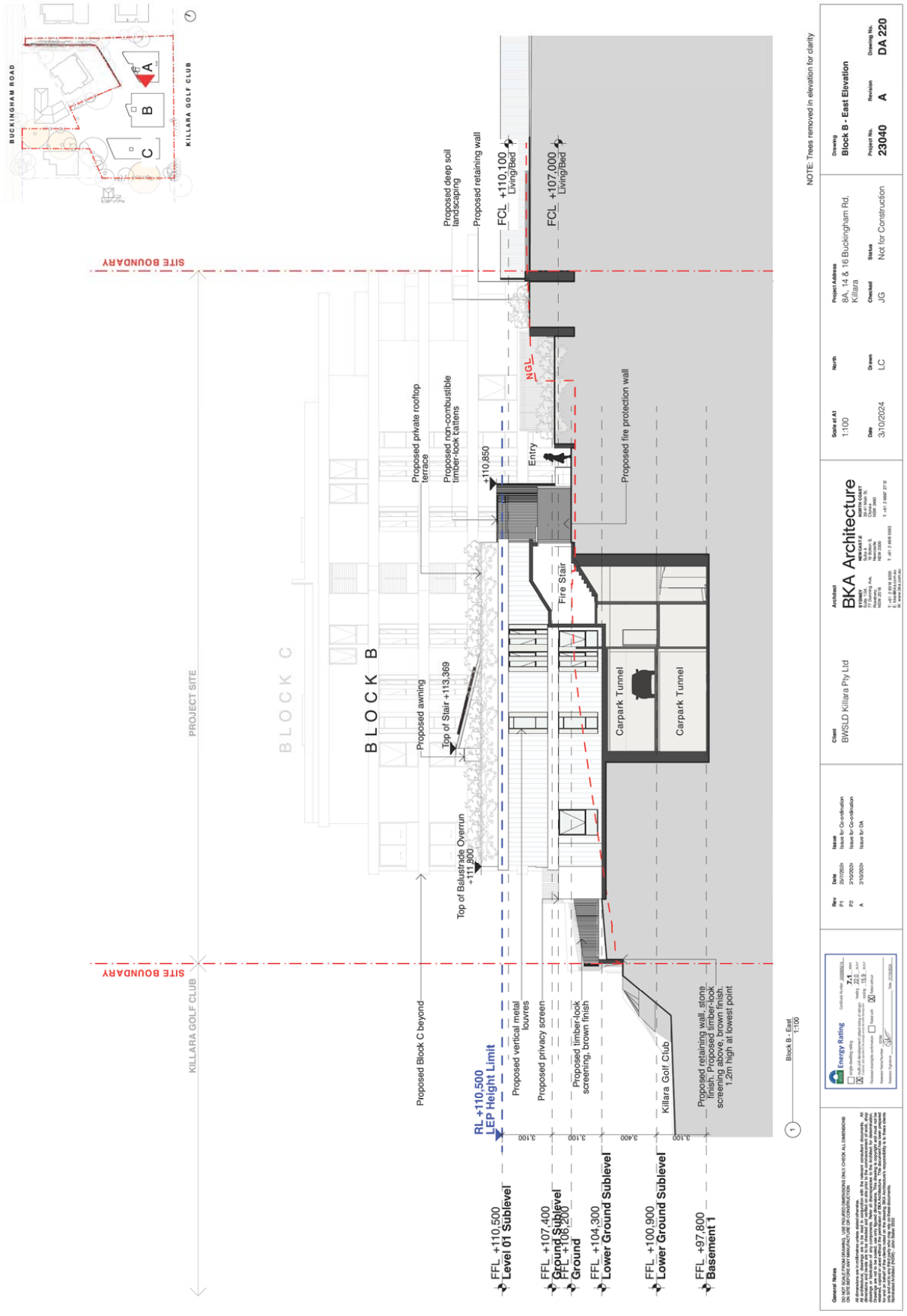
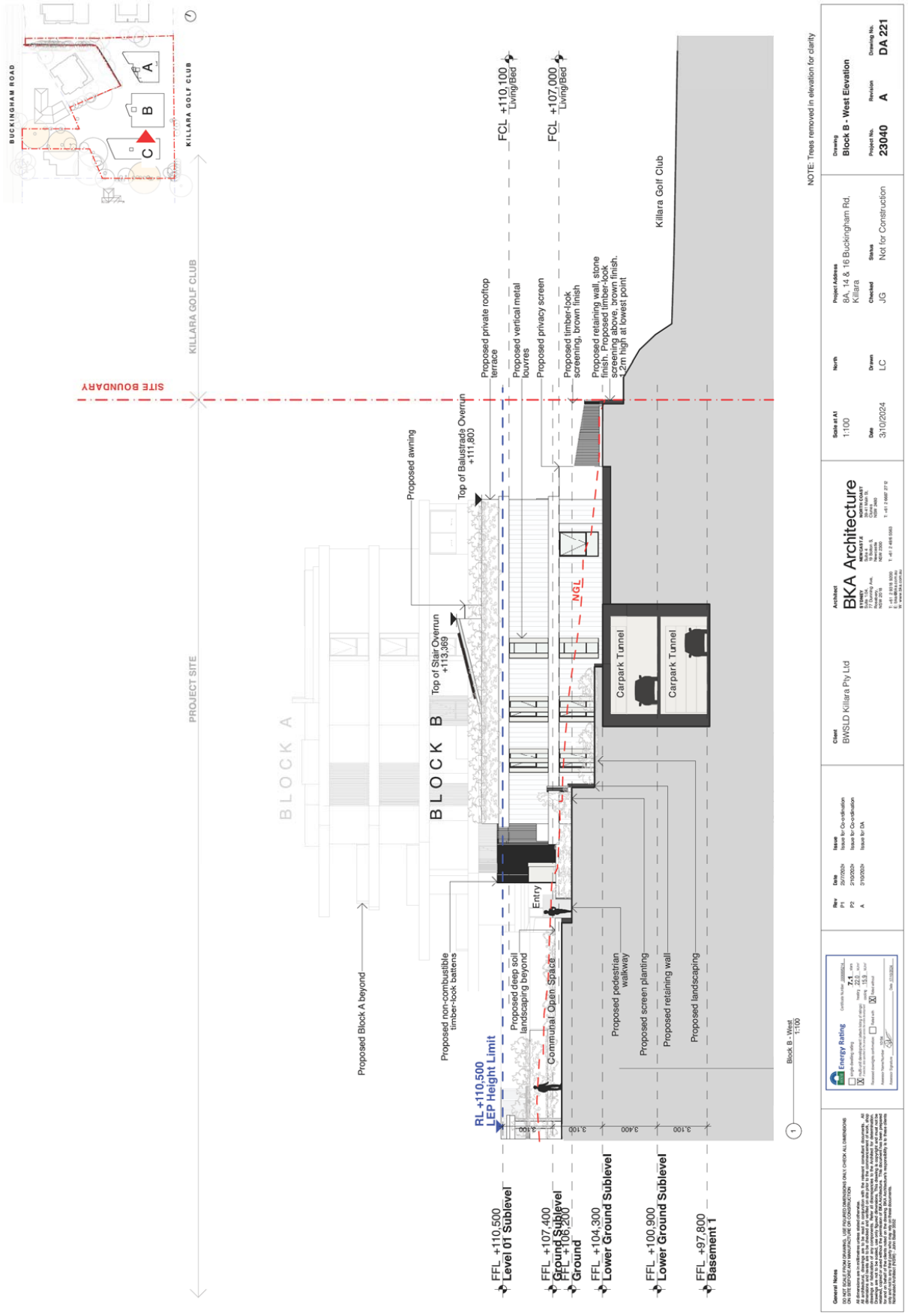

BUCKINGHAM ROAD
KILLARA GOLF CLUB
A
B
C
BLOCK A
PROJECT SITE
SITE BOUNDARY
10 BUCKINGHAM RD
FCL +121,300 Living/Bed
FCL +118,200 Living/Bed
FCL +115,100 Living/Bed
FCL +112,000 Living/Bed
FCL +108,900 Living/Bed
FCL +105,500 Living/Bed
Proposed plant room
Proposed private rooftop terrace
+121,950
Top of Screening Overrun +123,600
Top of Lift Overrun +123,000
Top of Balustrade +122,800
Proposed vertical metal louvres
Proposed landscaping
Proposed retaining wall, stone finish. Proposed timber-look screening above, brown finish. (1.2m high at lowest point)
Killara Golf Club
NGL
Carpark Tunnel
Carpark Tunnel
Fire Stair
Proposed non-combustible timber-look battens
Proposed non-combustible timber-look battens
Existing retaining wall
Proposed deep soil
Proposed accessible pedestrian walkway
Proposed timber screening, brown stain finish
Proposed fire stair
RL +115,500 LEP Height Limit
FFL Patio +112,010
3,100
3,100
3,100
3,100
3,100
3,400
5,000
RL +121,700 Level 05
FFL +118,600 Level 04
FFL +115,500 Level 03
FFL +112,400 Level 02
FFL +109,300 Level 01
FFL +106,200 Ground
FFL +102,800 Lower Ground
FFL +97,800 Basement 1
NOTE: Trees represented in elevation have been simplified for clarity
Drawing
Block A - West Elevation
Project No.
23040
Revision
A
Drawing No.
DA 210
Project Address
8A, 14 & 16 Buckingham Rd, Killara
Status
Not for Construction
Scale at A1
1:100
Date
3/10/2024
Drawn
LC
Checked
JG
North
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Rev
Date
Issue
P1
P2
A
Issue for Co-ordination
Issue for Co-ordination
Issue for DA
Energy Rating

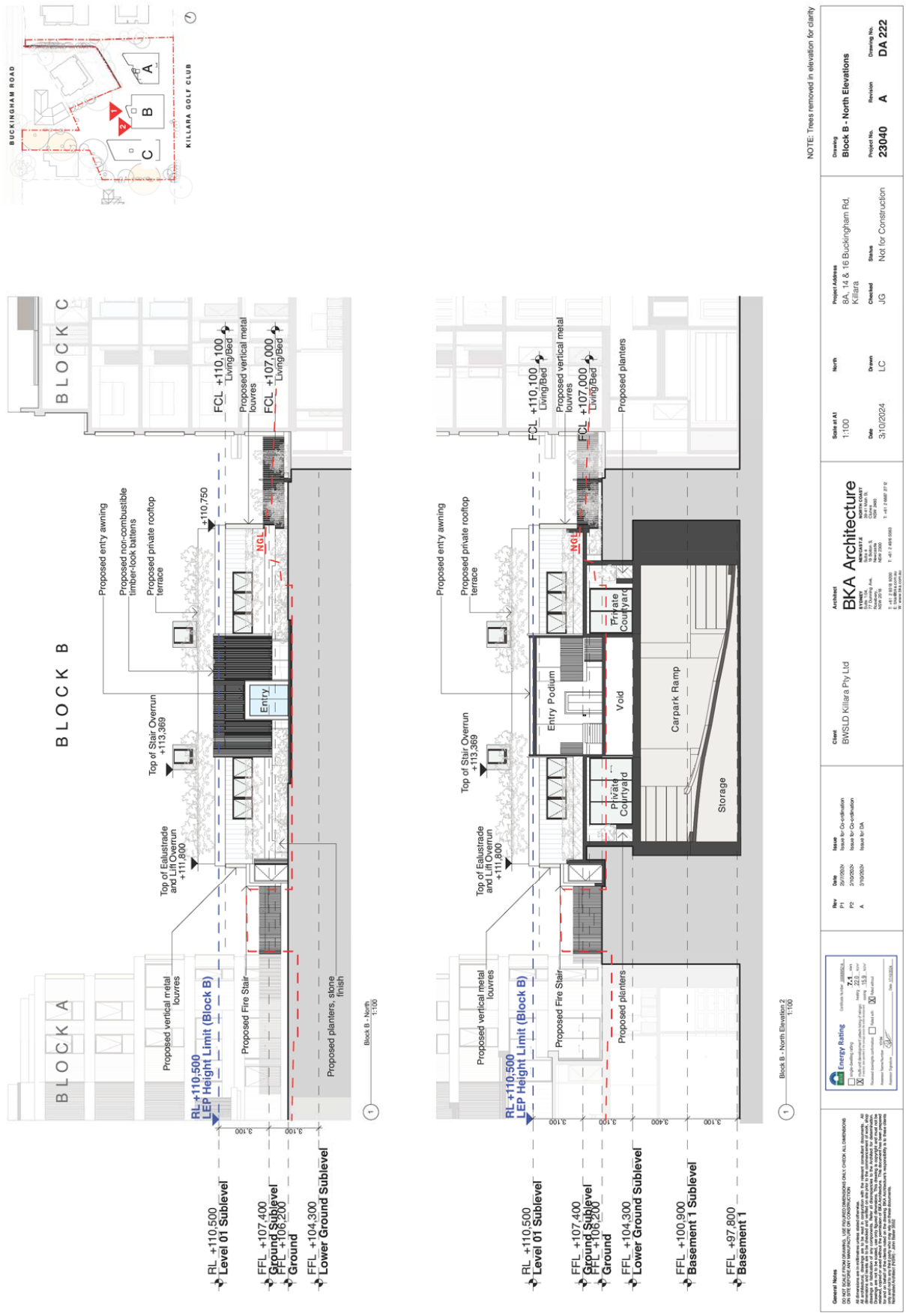

BUCKINGHAM ROAD
KILLARA GOLF CLUB
A
B
C
BLOCK A
PROJECT SITE
KILLARA GOLF CLUB
SITE BOUNDARY
Proposed private roofop terrace
Top of Screening Overrun +123,600
Top of Lift Overrun +123,000
Top of Balustrade +122,800
+121,950
Proposed plant room
Proposed vertical metal louvres
FCL +121,300 Living/Bed
FCL +118,200 Living/Bed
FCL +115,100 Living/Bed
FCL +112,000 Living/Bed
Patio FFL +112,010
No. 10 Buckingham Rd
FCL +108,900 Living/Bed
FCL +105,500 Living/Bed
Proposed timber-look screening, brown stain finish
Existing retaining wall
Proposed retaining wall, rendered finish. Timber-look screening above, brown finish
NGL
RL +115,500 LEP Height Limit
Proposed timber-look screening
Proposed retaining wall, stone finish. Timber-look screening above, brown finish. 1.8m high
Killara Golf Club
Proposed retaining wall, stone finish
3,100
3,100
3,100
3,100
3,100
3,400
RL +121,700 Level 05
FFL +118,600 Level 04
FFL +115,500 Level 03
FFL +112,400 Level 02
FFL +109,300 Level 01
FFL +106,200 Ground
FFL +102,800 Lower Ground
NOTE: Trees represented in elevation have been simplified for clarity
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Project Address
8A, 14 & 16 Buckingham Rd.
Killara
Drawing
Block A - East Elevation
Project No.
23040
Revision
A
Drawing No.
DA 211
Scale at A1
1:100
Date
3/10/2024
Drawn
LC
Checked
JG
Status
Not for Construction
North

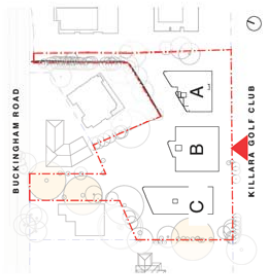

BUCKINGHAM ROAD
KILLARA GOLF CLUB
A
B
C
BLOCK A
PROJECT SITE
6A BUCKINGHAM RD
Top of Screening Overrun +123,600
Top of Lift Overrun +123,000
Top of Balustrade +123,600
+121,950
Proposed plant room
Proposed vertical metal louvres
Proposed non-combustible timber-look battens
Proposed vertical metal louvres
Proposed entry awning
Proposed timber-look screening, brown finish
Proposed retaining wall, stone finish. Proposed timber screening above, brown stain.
Proposed Eastern informal maintenance access gate
Entry
SITE BOUNDARY
NGL
RL +115,500 LEP Height Limit
FCL +121,300 Living/Bed
FCL +118,200 Living/Bed
FCL +115,100 Living/Bed
FCL +112,000 Living/Bed
FCL +108,900 Living/Bed
FCL +105,500 Living/Bed
RL +121,700 Level 05
FFL +118,600 Level 04
FFL +115,500 Level 03
FFL +112,400 Level 02
FFL +109,300 Level 01
FFL +106,200 Ground
3,100
Block A - North (Straight)
1:100
BLOCK B
Top of Balustrade +122,800
Proposed private rooftop terrace
Proposed non-combustible timber-look battens
Proposed vertical metal louvres
Proposed entry awning
FCL +121,300 Living/Bed
FCL +118,200 Living/Bed
FCL +115,100 Living/Bed
FCL +112,000 Living/Bed
FCL +108,900 Living/Bed
RL +121,700 Level 05
FFL +118,600 Level 04
FFL +115,500 Level 03
FFL +112,400 Level 02
FFL +109,300 Level 01
FFL +106,200 Ground
Block A - North (Angled)
1:100
NOTE: Trees represented in elevation have been simplified for clarity
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Scale at A1
1:100
North
Date
3/10/2024
Drawn
LC
Checked
JG
Status
Not for Construction
Project Address
6A, 14 & 16 Buckingham Rd, Killara
Drawing
Block A - North Elevations
Project No.
23040
Revision
A
Drawing No.
DA 212

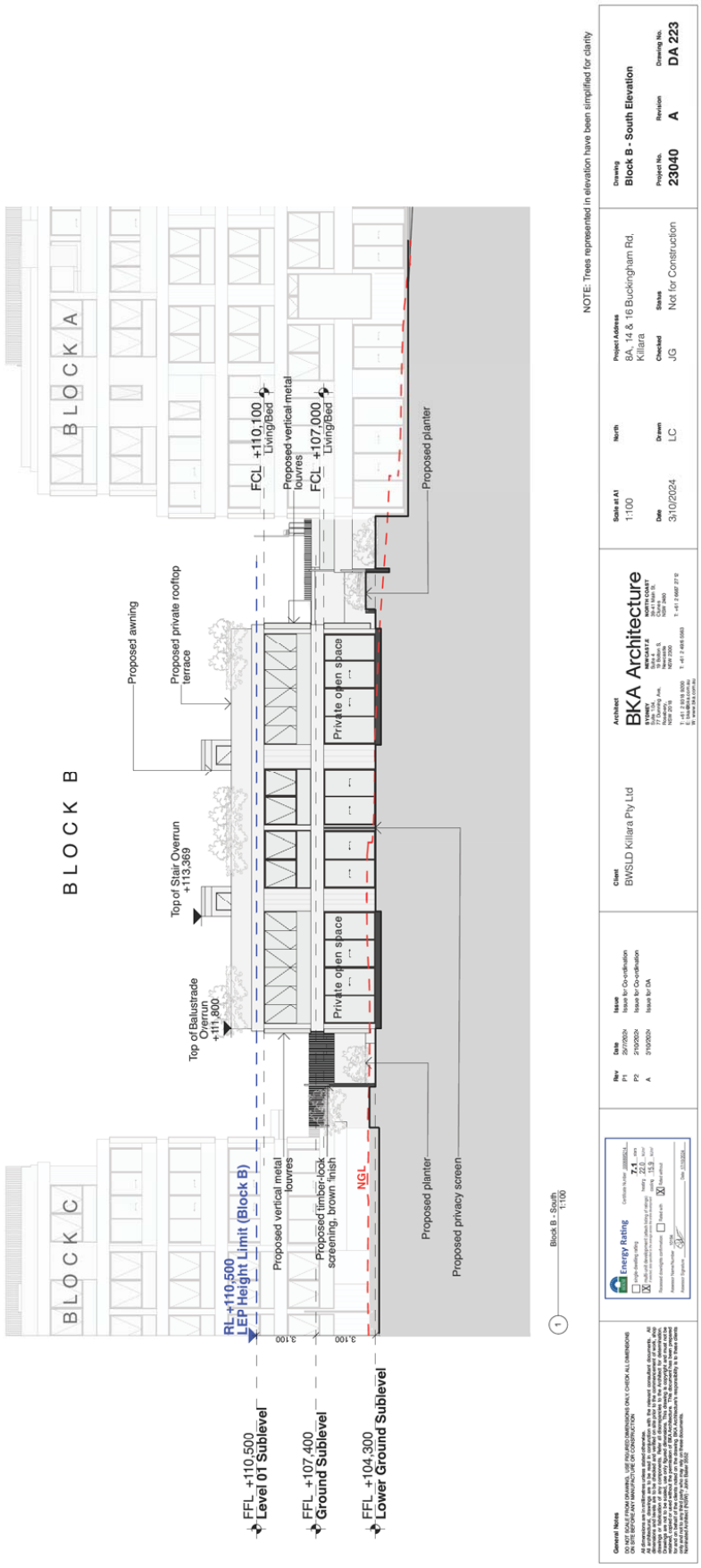

BUCKINGHAM ROAD
KILLARA GOLF CLUB
A
B
C
6A BUCKINGHAM RD
SITE BOUNDARY
PROJECT SITE
BLOCK A
BLOCK B
Top of Screening Overrun +123,600
+121,950
Top of Balustrade +123,600
Proposed private rooftop terrace
Proposed vertical metal louvres
No. 10 Buckingham Rd beyond
RL +115,500 LEP Height Limit
Proposed vertical metal louvres
Proposed timber paling fence, brown stain finish. (min. 1.8m high)
Proposed retaining wall, stone finish. Proposed timber-look screening above, brown finish.
Proposed retaining wall and timber privacy screening above, brown stain finish
Proposed landscaping
NGL
+121,950
FCL +121,300 Living/Bed
FCL +118,200 Living/Bed
FCL +115,100 Living/Bed
FCL +112,000 Living/Bed
FCL +108,900 Living/Bed
FCL +105,500 Living/Bed
3,100
3,100
3,100
3,100
3,100
3,400
RL +121,700 Level 05
FFL +118,600 Level 04
FFL +115,500 Level 03
FFL +112,400 Level 02
FFL +109,300 Level 01
FFL +106,200 Ground
FFL +102,800 Lower Ground
NOTE: Trees represented in elevation have been simplified for clarity
Drawing
Block A - South Elevation
Project No.
23040
Revision
A
Drawing No.
DA 213
Scale at A1
1:100
Date
3/10/2024
North
Drawn
LC
Project Address
8A, 14 & 16 Buckingham Rd, Killara
Checked
JG
Status
Not for Construction
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Energy Rating
General Notes

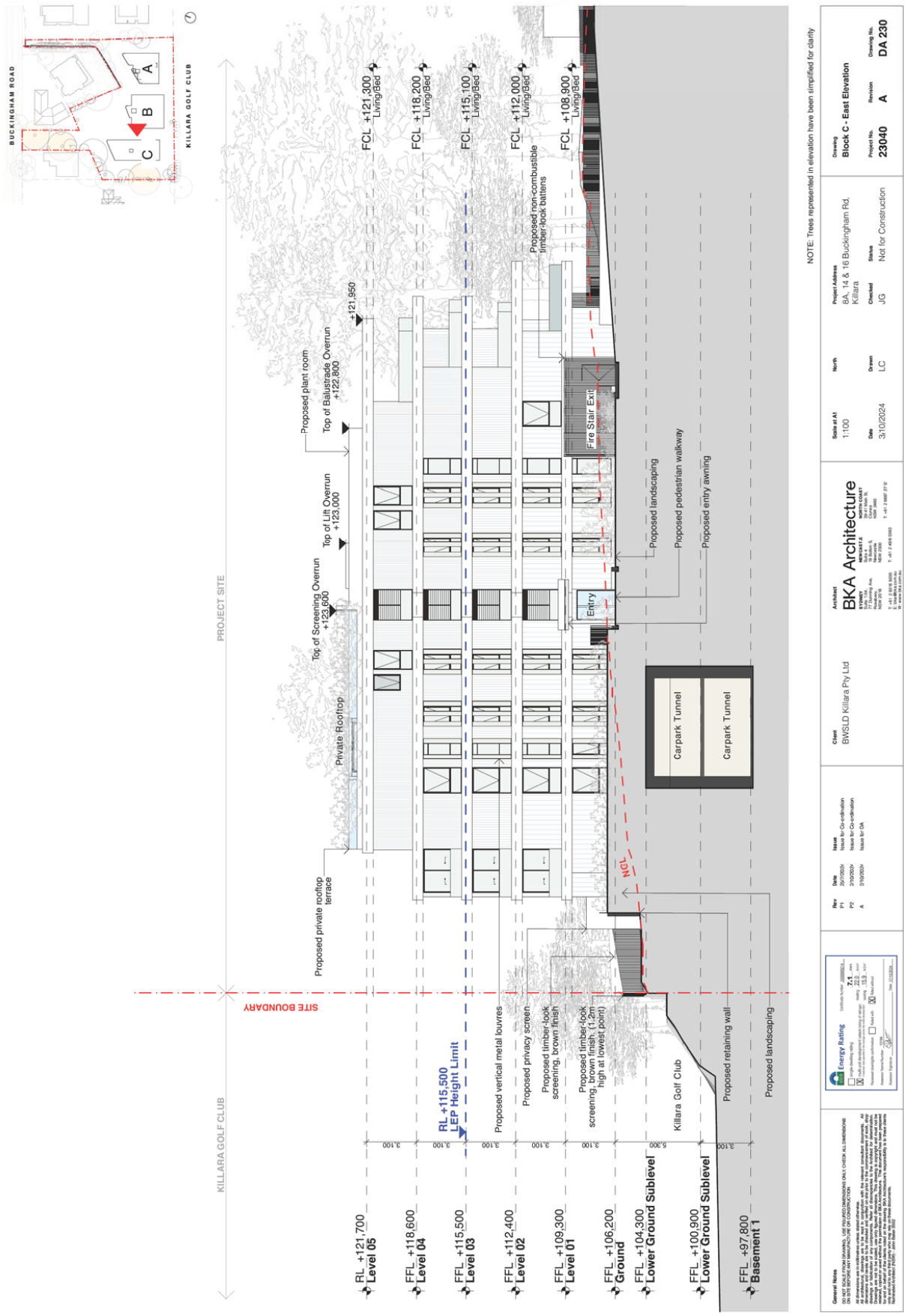

BUCKINGHAM ROAD
KILLARA GOLF CLUB
SITE BOUNDARY
PROJECT SITE
KILLARA GOLF CLUB
BLOCK C
BLOCK B
Proposed deep soil landscaping
Proposed retaining wall
FCL +110,100 Living/Bed
FCL +107,000 Living/Bed
NGL
Proposed private rooftop terrace
Proposed non-combustible timber-look battens
+110,850
Entry
Proposed fire protection wall
Fire Stair
Carpark Tunnel
Carpark Tunnel
Proposed awning
Top of Stair +113,369
Top of Balustrade Overrun +111,800
Proposed Block C beyond
RL +110,500 LEP Height Limit
Proposed vertical metal louvres
Proposed privacy screen
Proposed timber-look screening, brown finish
Killara Golf Club
Proposed retaining wall, stone finish. Proposed timber-look screening above, brown finish. 1.2m high at lowest point
FFL +110,500 Level 01 Sublevel
FFL +107,400 Ground Sublevel
FFL +106,200 Ground
FFL +104,300 Lower Ground Sublevel
FFL +100,900 Lower Ground Sublevel
FFL +97,800 Basement 1
Block B - East 1:100
NOTE: Trees removed in elevation for clarity
Drawing Block B - East Elevation
Project No. 23040
Revision A
Drawing No. DA 220
Project Address 8A, 14 & 16 Buckingham Rd, Killara
Status Not for Construction
Scale at A1 1:100
Date 3/10/2024
Drawn LC
Checked JG
Client BWSLD Killara Pty Ltd
Architect BKA Architecture
Energy Rating


BUCKINGHAM ROAD
KILLARA GOLF CLUB
A
B
C
SITE BOUNDARY
KILLARA GOLF CLUB
PROJECT SITE
BLOCK A
BLOCK B
Top of Stair Overrun +113,069
Top of Balustrade Overrun +111,800
Proposed awning
Proposed private rooftop terrace
Proposed vertical metal louvres
Proposed privacy screen
Proposed timber-look screening, brown finish
Proposed retaining wall, stone finish. Proposed timber-look screening above, brown finish. 2.2m high at lowest point
FCL +110,100 Living/Bed
FCL +107,000 Living/Bed
NGL
Killara Golf Club
Carpark Tunnel
Carpark Tunnel
Entry
Proposed Block A beyond
Proposed non-combustible timber-look battens
Proposed deep soil landscaping beyond
Communal Open Space
Proposed pedestrian walkway
Proposed screen planting
Proposed retaining wall
Proposed landscaping
RL +110,500
LEP Height Limit
3,100
3,400
3,100
3,100
FFL +110,500
Level 01 Sublevel
FFL +107,400
Ground Sublevel
FFL +106,200
Ground
FFL +104,300
Lower Ground Sublevel
FFL +100,900
Lower Ground Sublevel
FFL +97,800
Basement 1
Block B - West
1:100
NOTE: Trees removed in elevation for clarity
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Date
3/10/2024
Scale at A1
1:100
North
Drawn
LC
Checked
JG
Status
Not for Construction
Project Address
8A, 14 & 16 Buckingham Rd.
Killara
Drawing
Block B - West Elevation
Project No.
23040
Revision
A
Drawing No.
DA 221
Rev
Date
Issue
P1
2/10/2024
Issue for Co-ordination
P2
21/10/2024
Issue for Co-ordination
A
31/10/2024
Issue for DA
Energy Rating
General Notes

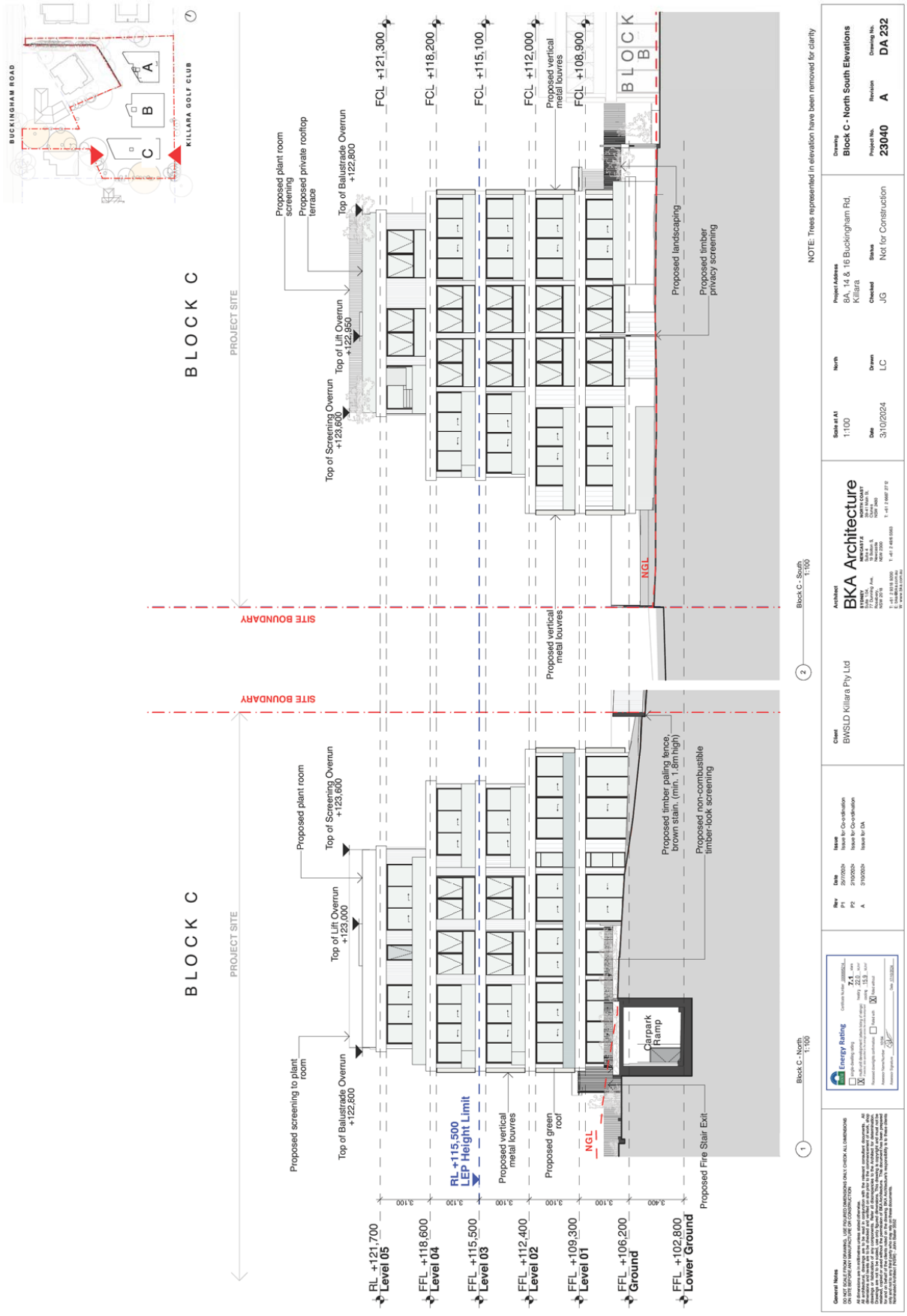

BUCKINGHAM ROAD
KILLARA GOLF CLUB
A
B
C
BLOCK A
BLOCK B
BLOCK C
RL +110,500
LEP Height Limit (Block B)
Proposed vertical metal louvres
Proposed Fire Stair
Proposed planters, stone finish
Top of Ealustrade and Lift Overrun +111,800
Top of Stair Overrun +113,369
Proposed entry awning
Proposed non-combustible timber-look battens
Proposed private rooftop terrace
+110,750
Entry
NGL
FCL +110,100 Living/Bed
Proposed vertical metal louvres
FCL +107,000 Living/Bed
Proposed planters
Entry Podium
Private Courtyard
Void
Carpark Ramp
Storage
RL +110,500 Level 01 Sublevel
FFL +107,400 Ground Sublevel
FFL +106,200 Ground
FFL +104,300 Lower Ground Sublevel
FFL +100,900 Basement 1 Sublevel
FFL +97,800 Basement 1
Block B - North 1:100
Block B - North Elevation 2 1:100
NOTE: Trees removed in elevation for clarity
Drawing
Block B - North Elevations
Project No. 23040
Revision A
Drawing No. DA 222
Project Address
8A, 14 & 16 Buckingham Rd, Killara
Status Not for Construction
Scale at A1 1:100
Date 3/10/2024
Drawn LC
Checked JG
Client BWSLD Killara Pty Ltd
Architect BKA Architecture
Energy Rating

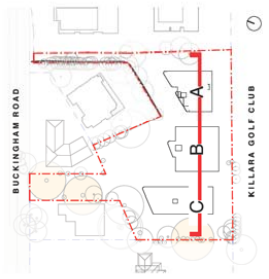

BUCKINGHAM ROAD
KILLARA GOLF CLUB
A
B
C

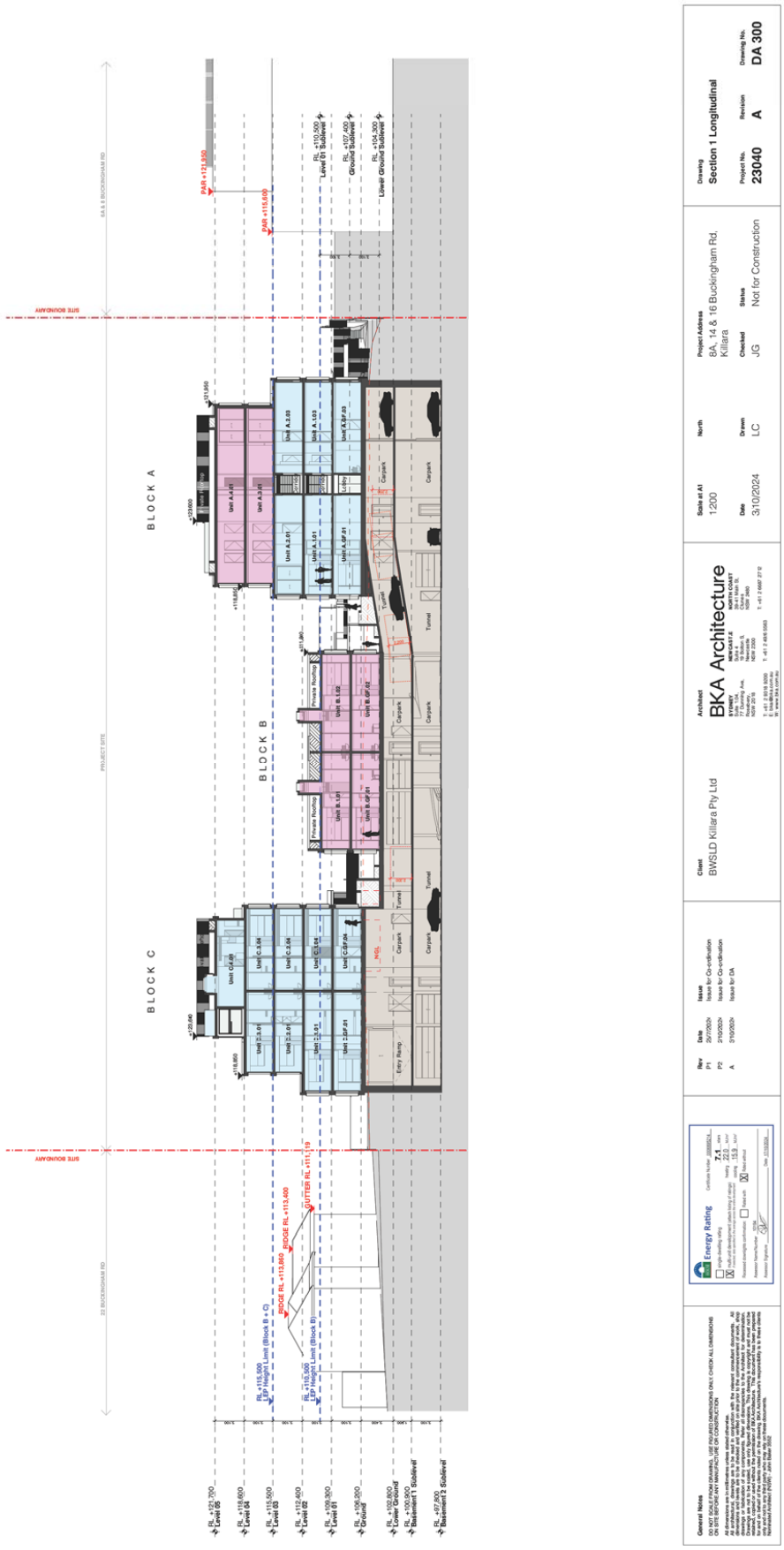

BLOCK A
BLOCK B
BLOCK C
FCL +110,100 Living/Bed
FCL +107,000 Living/Bed
Proposed vertical metal louvres
Proposed planter
Proposed awning
Proposed private rooftop terrace
Top of Stair Overrun +113,369
Top of Balustrade Overrun +111,800
Private open space
Private open space
RL +110,500 LEP Height Limit (Block B)
Proposed vertical metal louvres
Proposed timber-look screening, brown finish
NGL
Proposed planter
Proposed privacy screen
3,100
3,100
FFL +110,500 Level 01 Sublevel
FFL +107,400 Ground Sublevel
FFL +104,300 Lower Ground Sublevel
Block B - South 1:100
NOTE: Trees represented in elevation have been simplified for clarity
Drawing Block B - South Elevation
Project No. 23040
Revision A
Drawing No. DA 223
Project Address 8A, 14 & 16 Buckingham Rd, Killara
Scale at A1 1:100
North
Date 3/10/2024
Drawn LC
Checked JG
Status Not for Construction
Client BWSLD Killara Pty Ltd
Architect BKA Architecture
Rev P1 Date 26/7/2024 Issue Issue for Co-ordination
P2 2/10/2024 Issue for Co-ordination
A 3/10/2024 Issue for DA
Energy Rating

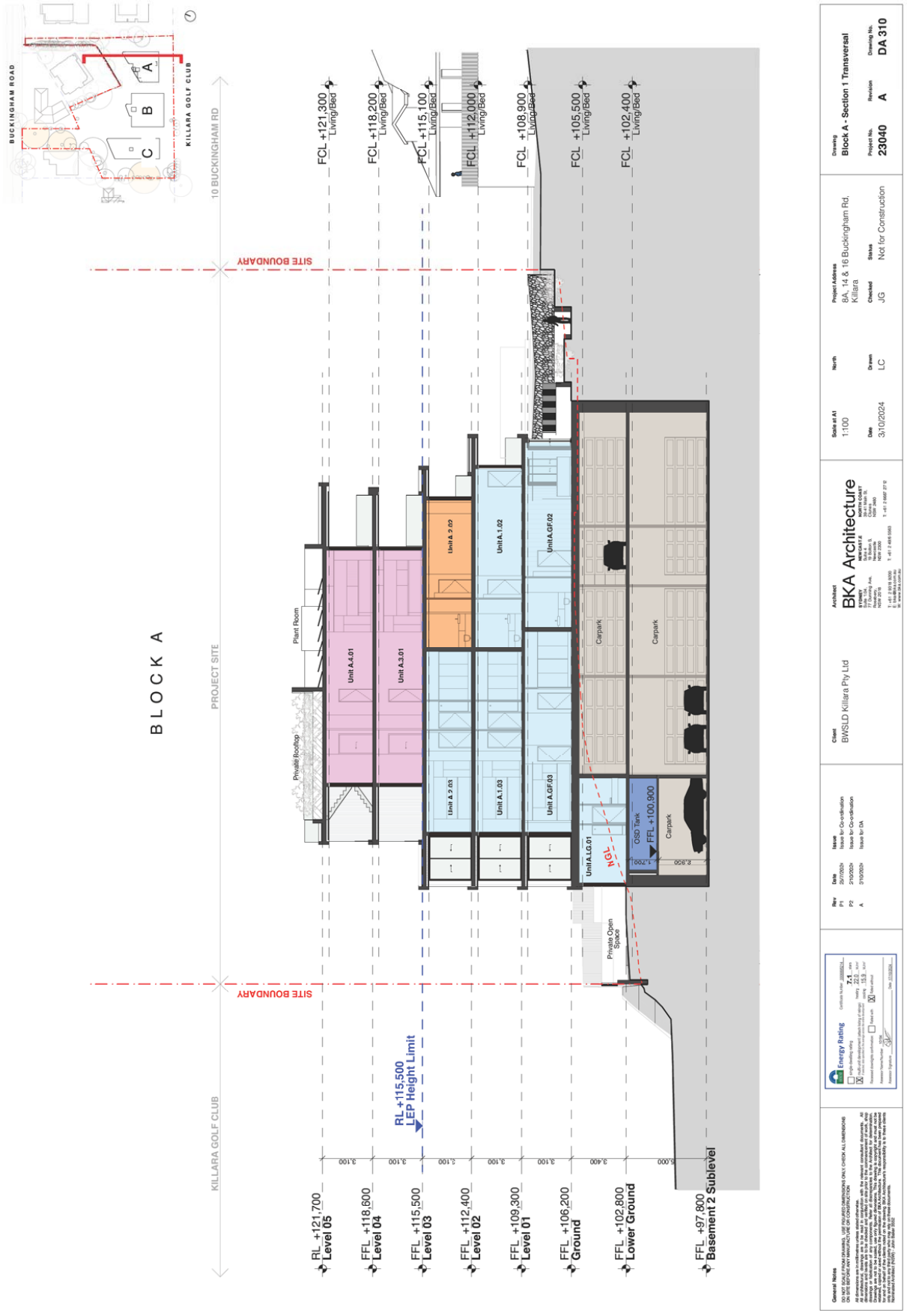

BUCKINGHAM ROAD
KILLARA GOLF CLUB
A
B
C
PROJECT SITE
SITE BOUNDARY
KILLARA GOLF CLUB
FCL +121,300 Living/Bed
FCL +118,200 Living/Bed
FCL +115,100 Living/Bed
FCL +112,000 Living/Bed
FCL +108,900 Living/Bed
+121,950
Proposed plant room
Top of Balustrade Overrun +122,800
Top of Lift Overrun +123,000
Top of Screening Overrun +123,600
Private Rooftop
Proposed private rooftop terrace
Proposed non-combustible timber-look battens
Fire Stair Exit
Entry
Proposed landscaping
Proposed pedestrian walkway
Proposed entry awning
Carpark Tunnel
Carpark Tunnel
NGL
RL +115,500 LEP Height Limit
Proposed vertical metal louvres
Proposed privacy screen
Proposed timber-look screening, brown finish
Proposed timber-look screening, brown finish (1.2m high at lowest point)
Killara Golf Club
Proposed retaining wall
Proposed landscaping
3,100
3,100
3,100
3,100
3,100
6,300
3,100
RL +121,700 Level 05
FFL +118,600 Level 04
FFL +115,500 Level 03
FFL +112,400 Level 02
FFL +109,300 Level 01
FFL +106,200 Ground
FFL +104,300 Lower Ground Sublevel
FFL +100,900 Lower Ground Sublevel
FFL +97,800 Basement 1
NOTE: Trees represented in elevation have been simplified for clarity
Drawing
Block C - East Elevation
Project No.
23040
Revision
A
Drawing No.
DA 230
Project Address
8A, 14 & 16 Buckingham Rd, Killara
Status
Not for Construction
Scale at A1
1:100
Date
3/10/2024
North
Drawn
LC
Checked
JG
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Rev
Date
Issue
P1
P2
A
Issue for Co-ordination
Issue for Co-ordination
Issue for DA
Energy Rating

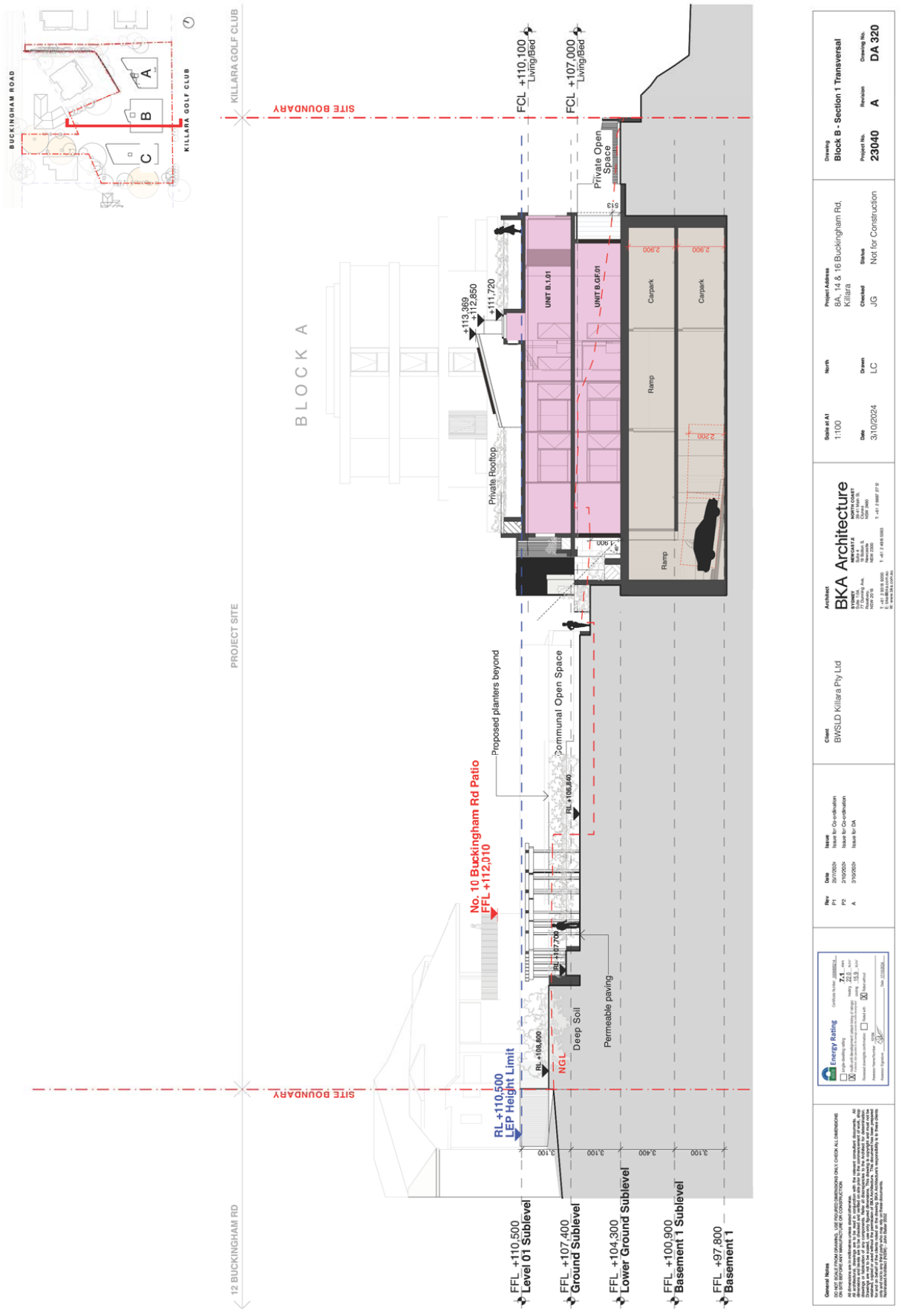
BUCKINGHAM ROAD
KILLARA GOLF CLUB
A
B
C
KILLARA GOLF CLUB
SITE BOUNDARY
PROJECT SITE
SITE BOUNDARY
18 BUCKINGHAM RD
FCL +121,300 Living/Bed
FCL +118,200 Living/Bed
FCL +115,100 Living/Bed
FCL +112,000 Living/Bed
FCL +108,900 Living/Bed
Proposed vertical metal louvres
Proposed privacy screen
Proposed timber-look screening, brown finish
Proposed timber-look screening, brown finish, (1.2m high at lowest point)
Killara Golf Club
Proposed private rooftop terrace
Top of Balustrade Overrun +122,900
Proposed non-combustible timber-look battens as fall prevention screening
Private Rooftop
Top of Screening Overrun +123,600
Top of Lift Overrun +123,000
Proposed plant room +121,950
NGL
RL +115,500 LEP Height Limit
Proposed timber paling fence, brown stain finish, (min. 1.8m high)
3,100
RL +121,700 Level 05
FFL +118,600 Level 04
FFL +115,500 Level 03
FFL +112,400 Level 02
FFL +109,300 Level 01
FFL +106,200 Ground
NOTE: Trees represented in elevation have been simplified for clarity
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Date
3/10/2024
Scale at A1
1:100
North
Drawn
LC
Checked
JG
Status
Not for Construction
Project Address
8A, 14 & 16 Buckingham Rd.
Killara
Drawing
Block C - West Elevation
Project No.
23040
Revision
A
Drawing No.
DA 231

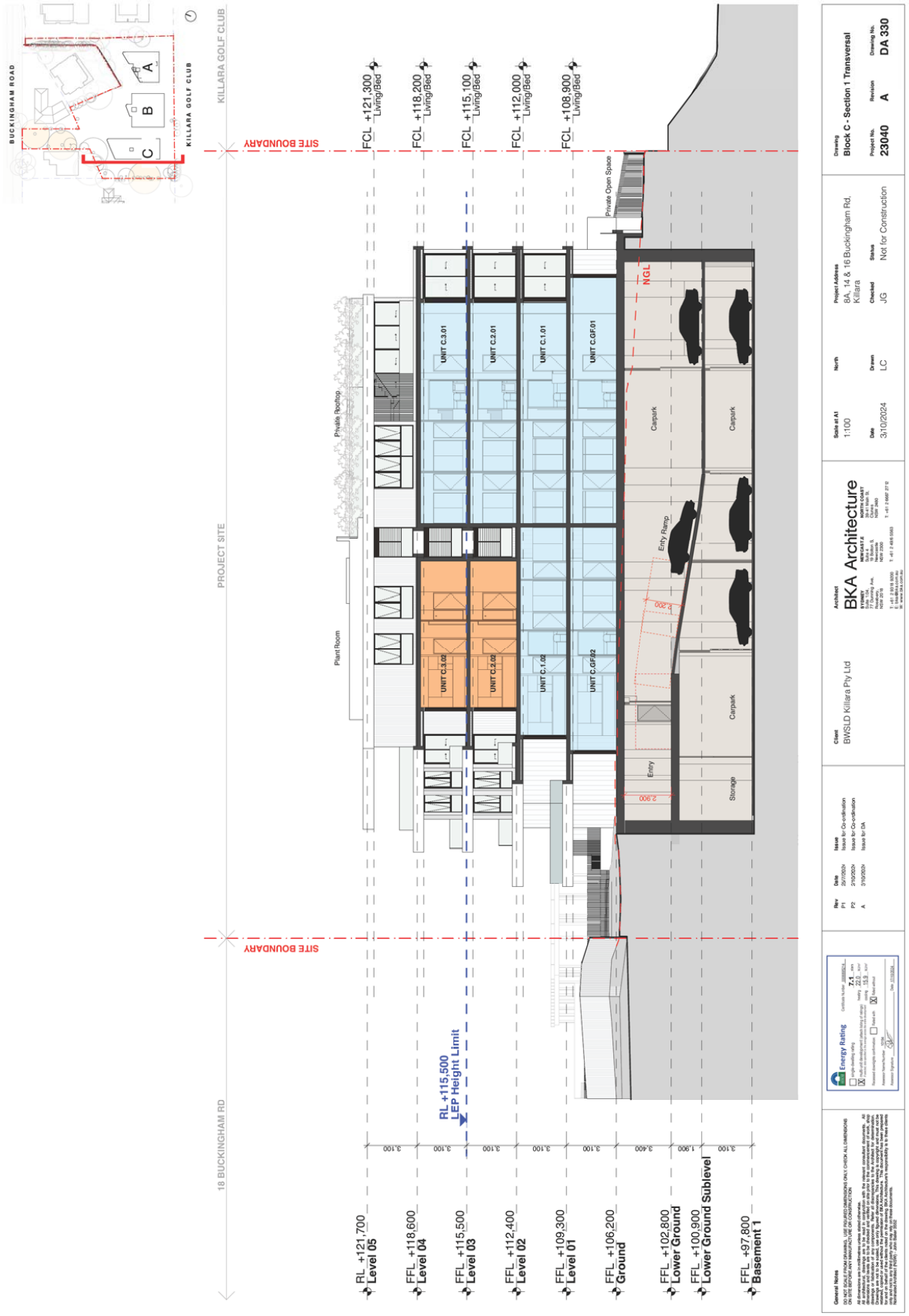

BUCKINGHAM ROAD
KILLARA GOLF CLUB
A
B
C
BLOCK C
PROJECT SITE
SITE BOUNDARY
Proposed plant room
Proposed private rooftop terrace
Top of Balustrade Overrun +122,800
Top of Lift Overrun +122,950
Top of Screening Overrun +123,600
FCL +121,300
FCL +118,200
FCL +115,100
FCL +112,000
Proposed vertical metal louvres
FCL +108,900
BLOCK B
Proposed landscaping
Proposed timber privacy screening
NGL
Proposed vertical metal louvres
Block C - South 1:100
Proposed plant room
Top of Screening Overrun +123,600
Top of Lift Overrun +123,000
Top of Balustrade Overrun +122,800
Proposed screening to plant room
RL +115,500 LEP Height Limit
Proposed vertical metal louvres
Proposed green roof
NGL
Carpark Ramp
Proposed timber paling fence, brown stain, (min. 1.8m high)
Proposed non-combustible timber-look screening
Proposed Fire Stair Exit
RL +121,700 Level 05
FFL +118,600 Level 04
FFL +115,500 Level 03
FFL +112,400 Level 02
FFL +109,300 Level 01
FFL +106,200 Ground
FFL +102,800 Lower Ground
3,100
3,100
3,100
3,100
3,100
3,400
Block C - North 1:100
NOTE: Trees represented in elevation have been removed for clarity
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Date
3/10/2024
Drawn
LC
Checked
JG
Status
Not for Construction
Project Address
8A, 14 & 16 Buckingham Rd, Killara
Drawing
Block C - North South Elevations
Project No.
23040
Revision
A
Drawing No.
DA 232

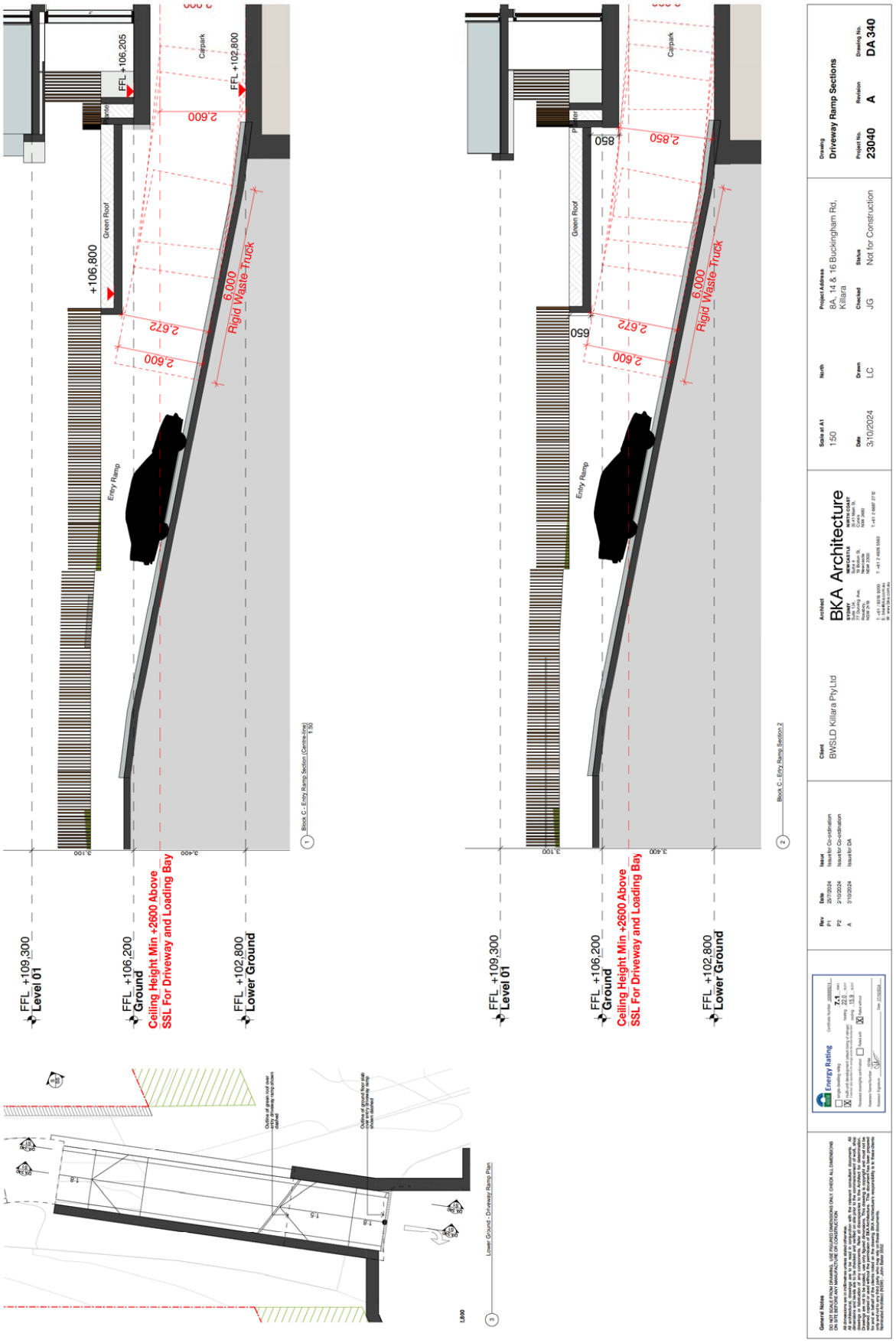

BUCKINGHAM ROAD
KILLARA GOLF CLUB
A
B
C


BLOCK A
BLOCK B
BLOCK C
SITE BOUNDARY
PROJECT SITE
Drawing
Section 1 Longitudinal
Project No.
23040
Revision
A
Drawing No.
DA 300
Project Address
8A, 14 & 16 Buckingham Rd, Killara
Status
Not for Construction
Scale at A1
1:200
Date
3/10/2024
Drawn
LC
Checked
JG
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Energy Rating


BUCKINGHAM ROAD
KILLARA GOLF CLUB
A
B
C
10 BUCKINGHAM RD
SITE BOUNDARY
FCL +121,300 Living/Bed
FCL +118,200 Living/Bed
FCL +115,100 Living/Bed
FCL +112,000 Living/Bed
FCL +108,900 Living/Bed
FCL +105,500 Living/Bed
FCL +102,400 Living/Bed
BLOCK A
PROJECT SITE
Plant Room
Private Rooftop
Unit A.4.01
Unit A.3.01
Unit A.2.02
Unit A.1.02
Unit A.GF.02
Unit A.2.03
Unit A.1.03
Unit A.GF.03
Unit A.LG.01
Carpark
Carpark
Carpark
OSD Tank
FFL +100.900
NGL
Private Open Space
RL +115,500
LEP Height Limit
3,100
3,100
3,100
3,100
3,100
3,400
5,000
RL +121,700
Level 05
FFL +118,600
Level 04
FFL +115,500
Level 03
FFL +112,400
Level 02
FFL +109,300
Level 01
FFL +106,200
Ground
FFL +102,800
Lower Ground
FFL +97,800
Basement 2 Sublevel
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Project Address
8A, 14 & 16 Buckingham Rd.
Killara
Drawing
Block A - Section 1 Transversal
Project No.
23040
Revision
A
Drawing No.
DA 310
Scale at A1
1:100
North
Date
3/10/2024
Drawn
LC
Checked
JG
Status
Not for Construction
Issue for Co-ordination
Issue for Co-ordination
Issue for DA
Energy Rating
General Notes


BUCKINGHAM ROAD
KILLARA GOLF CLUB
A
B
C
KILLARA GOLF CLUB
SITE BOUNDARY
FCL +110,100
Living/Bed
FCL +107,000
Living/Bed
Private Open Space
BLOCK A
+113,369
+112,850
+111,720
UNIT B.1.01
UNIT B.GF.01
Carpark
Carpark
Ramp
Ramp
Private Rooftop
PROJECT SITE
Proposed planters beyond
Communal Open Space
RL +106,840
No. 10 Buckingham Rd Patio
FFL +112,010
RL +107,700
RL +106,800
NGL
Deep Soil
Permeable paving
SITE BOUNDARY
RL +110,500
LEP Height Limit
12 BUCKINGHAM RD
FFL +110,500
Level 01 Sublevel
FFL +107,400
Ground Sublevel
FFL +104,300
Lower Ground Sublevel
FFL +100,900
Basement 1 Sublevel
FFL +97,800
Basement 1
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Project Address
8A, 14 & 16 Buckingham Rd.
Killara
Drawing
Block B - Section 1 Transversal
Project No.
23040
Revision
A
Drawing No.
DA 320
Scale at A1
1:100
Date
3/10/2024
Drawn
LC
Checked
JG
Status
Not for Construction
Energy Rating


BUCKINGHAM ROAD
KILLARA GOLF CLUB
A
B
C
KILLARA GOLF CLUB
SITE BOUNDARY
PROJECT SITE
18 BUCKINGHAM RD
FCL +121,300 Living/Bed
FCL +118,200 Living/Bed
FCL +115,100 Living/Bed
FCL +112,000 Living/Bed
FCL +108,900 Living/Bed
Private Open Space
Private Rooftop
Plant Room
UNIT C.3.01
UNIT C.2.01
UNIT C.1.01
UNIT C.GF.01
UNIT C.3.02
UNIT C.2.02
UNIT C.1.02
UNIT C.GF.02
NGL
Carpark
Entry Ramp
Entry
Storage
RL +115,500
LEP Height Limit
RL +121,700 Level 05
FFL +118,600 Level 04
FFL +115,500 Level 03
FFL +112,400 Level 02
FFL +109,300 Level 01
FFL +106,200 Ground
FFL +102,800 Lower Ground
FFL +100,900 Lower Ground Sublevel
FFL +97,800 Basement 1
Architect
BKA Architecture
Client
BWSLD Killara Pty Ltd
Project Address
8A, 14 & 16 Buckingham Rd.
Killara
Drawing
Block C - Section 1 Transversal
Project No. 23040
Revision A
Drawing No. DA 330
Date 3/10/2024
Drawn LC
Checked JG
Status Not for Construction
Scale at A1 1:100
North
Energy Rating
General Notes


FFL +106,205
FFL +102,800
Carpark
2,600
+106,800
Green Roof
6,000
Rigid Waste Truck
2,672
2,600
Entry Ramp
3,100
3,400
Block C - Entry Ramp Section (Centre-line)
1:50
FFL +109,300
Level 01
FFL +106,200
Ground
Ceiling Height Min +2600 Above
SSL For Driveway and Loading Bay
FFL +102,800
Lower Ground
850
650
Block C - Entry Ramp Section 2
Outline of green roof over driveway ramp below, dashed
Outline of ground floor slab over driveway ramp below, shown dashed
1:5
1:8
1:800
Lower Ground - Driveway Ramp Plan
Rev
Date
Issue
P1
28/10/2024
Issue for Co-ordination
P2
21/10/2024
Issue for Co-ordination
A
3/10/2024
Issue for DA
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
SYDNEY
Suite 2.02
275 Alfred St
North Sydney
NSW 2060
T: +61 2 9929 5000
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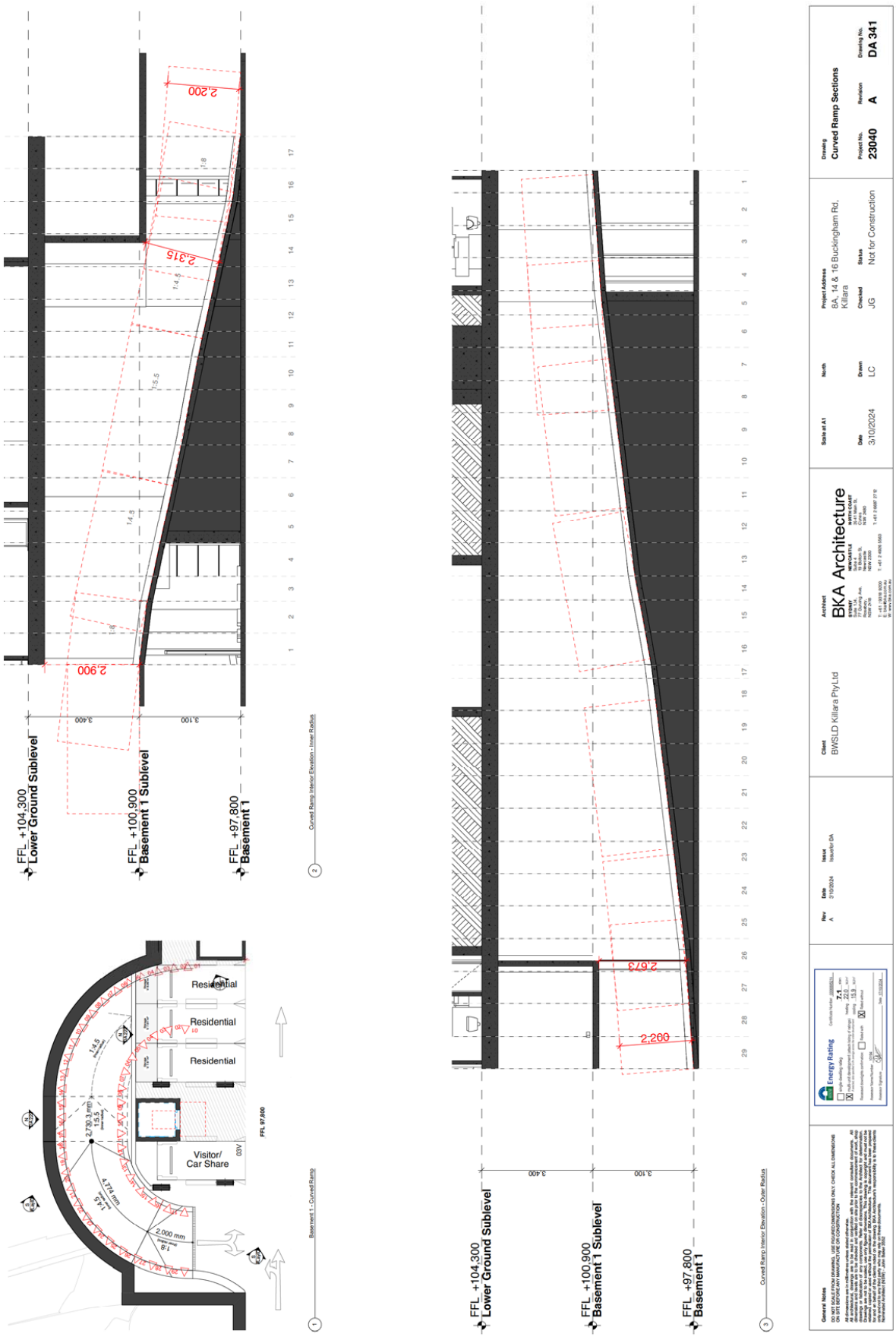
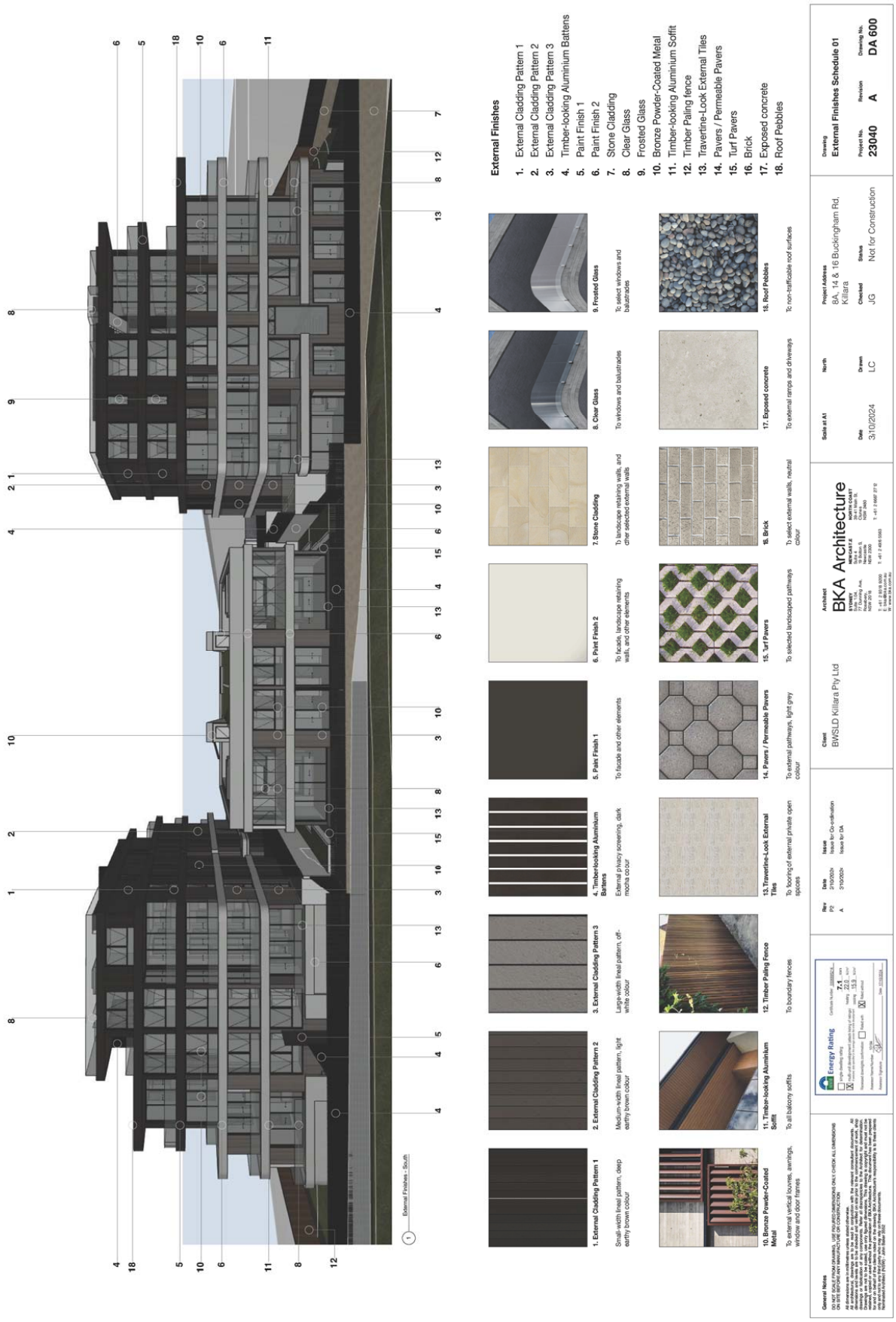
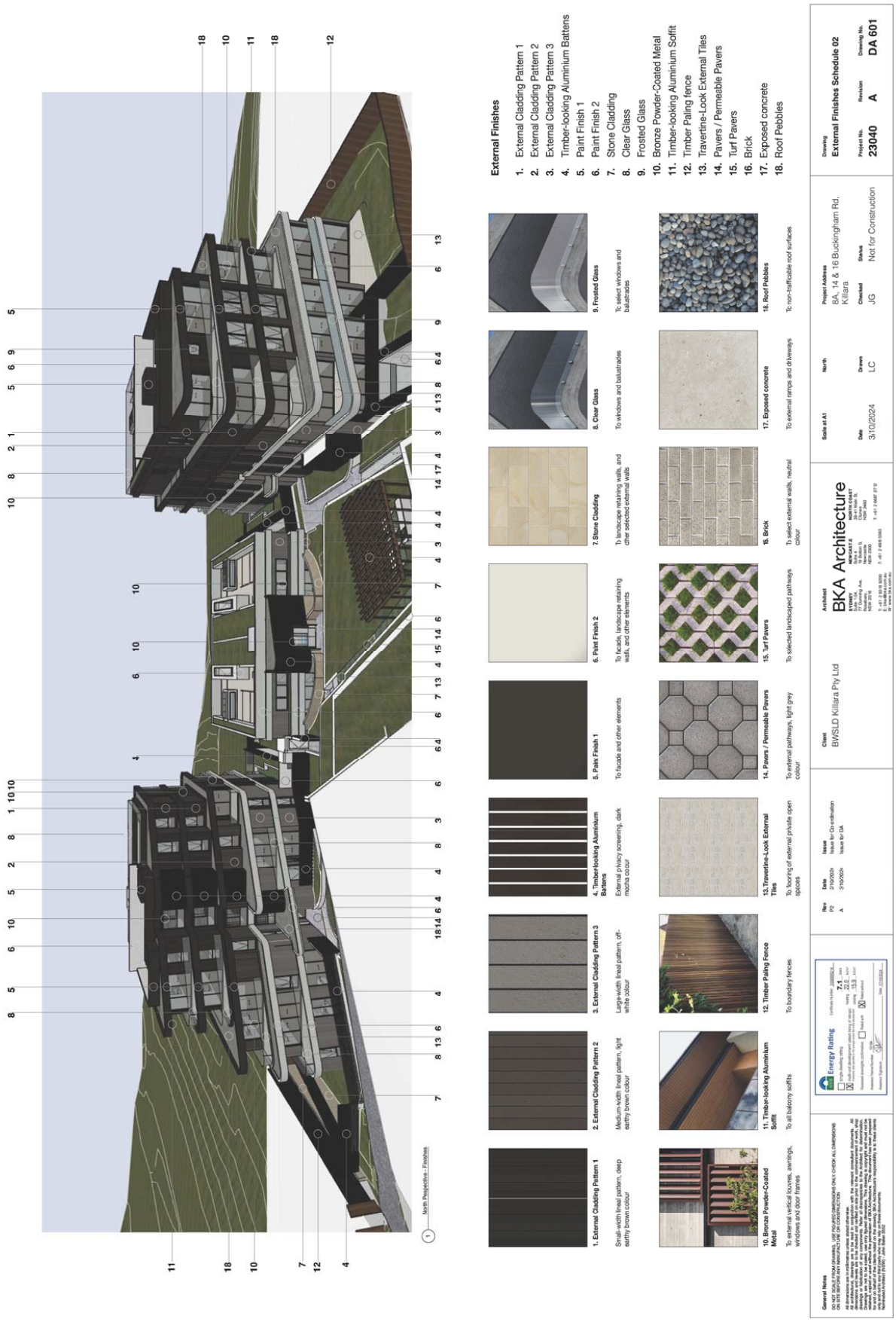
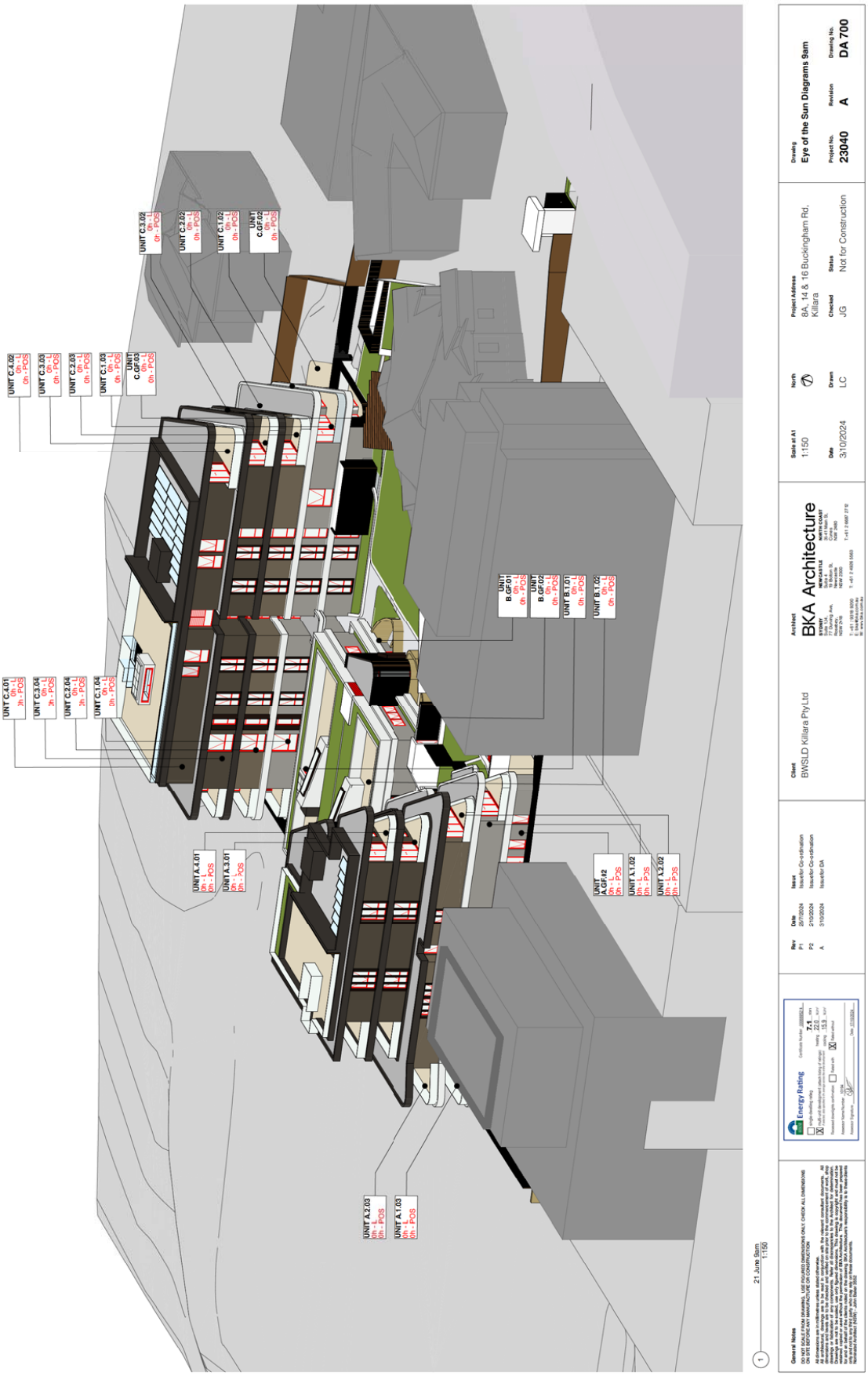
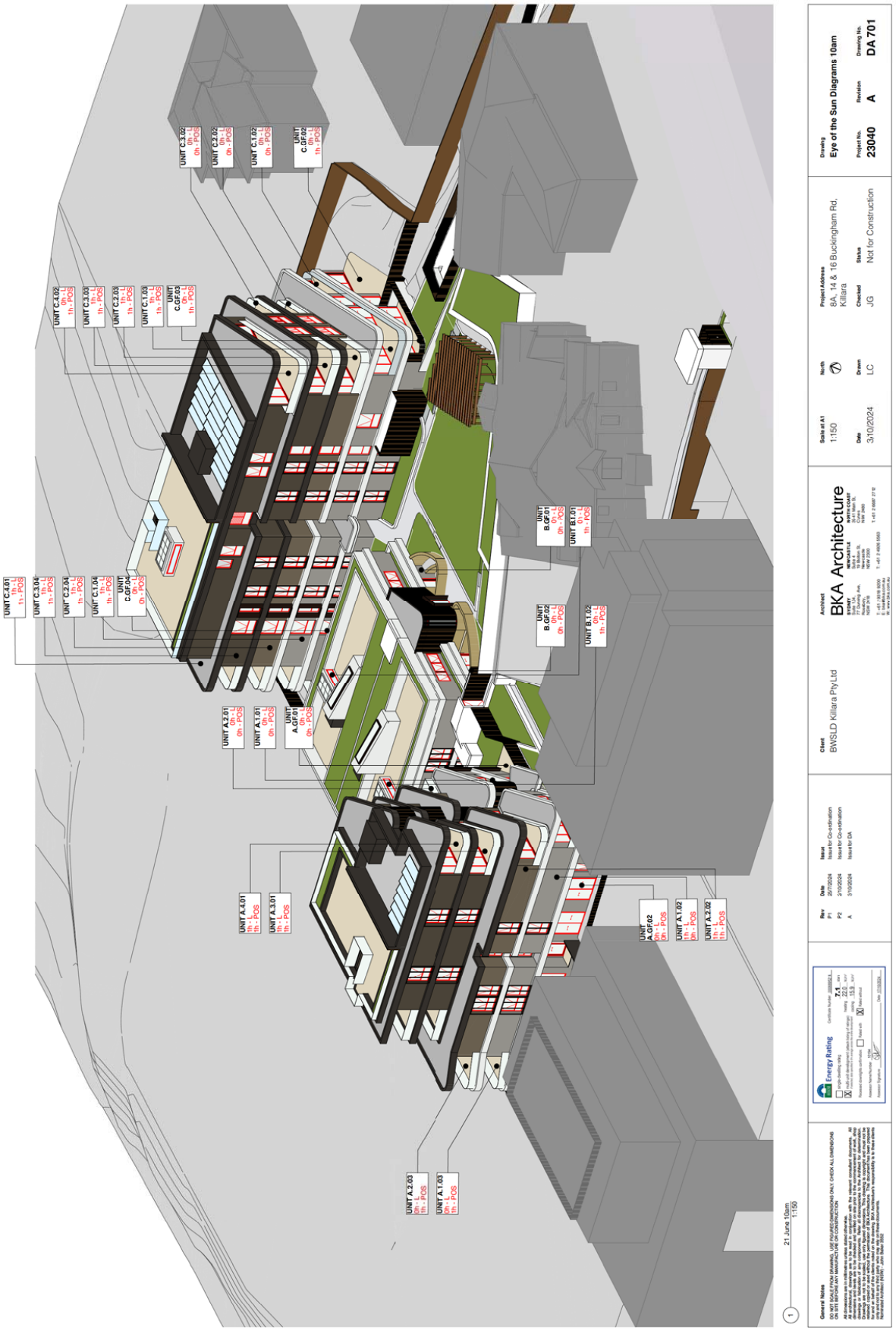
Suite 1, Level 1
Cnr Duke St &
Victoria St
Kempsey
NSW 2440
T: +61 2 6562 4377
E: info@bka.com.au
W: www.bka.com.au
Scale at A1
1:50
Date
3/10/2024
North
Drawn
LC
Project Address
8A, 14 & 16 Buckingham Rd,
Killara
Checked
JG
Status
Not for Construction
Drawing
Driveway Ramp Sections
Project No.
23040
Revision
A
Drawing No.
DA 340
Energy Rating
7.1 stars
General Notes
DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. CHECK ALL DIMENSIONS ON SITE BEFORE ANY MANUFACTURE OR CONSTRUCTION
All dimensions are in millimetres unless stated otherwise.
This drawing is to be read in conjunction with the relevant consultant documents. All discrepancies are to be referred to the Architect for direction before proceeding with the work affected. Any variations between the drawings and the site conditions are to be referred to the Architect for direction before proceeding with the work affected. Any variations between the drawings and the site conditions are to be referred to the Architect for direction before proceeding with the work affected. This drawing is the property of BKA Architecture. This drawing is not to be used, reproduced or copied without the permission of BKA Architecture. This drawing is not to be used by any person or company who has not been authorised by BKA Architecture to do so. BKA Architecture accepts no responsibility to any third parties who may rely upon this drawing or the information contained herein unless specifically agreed to in writing by BKA Architecture.

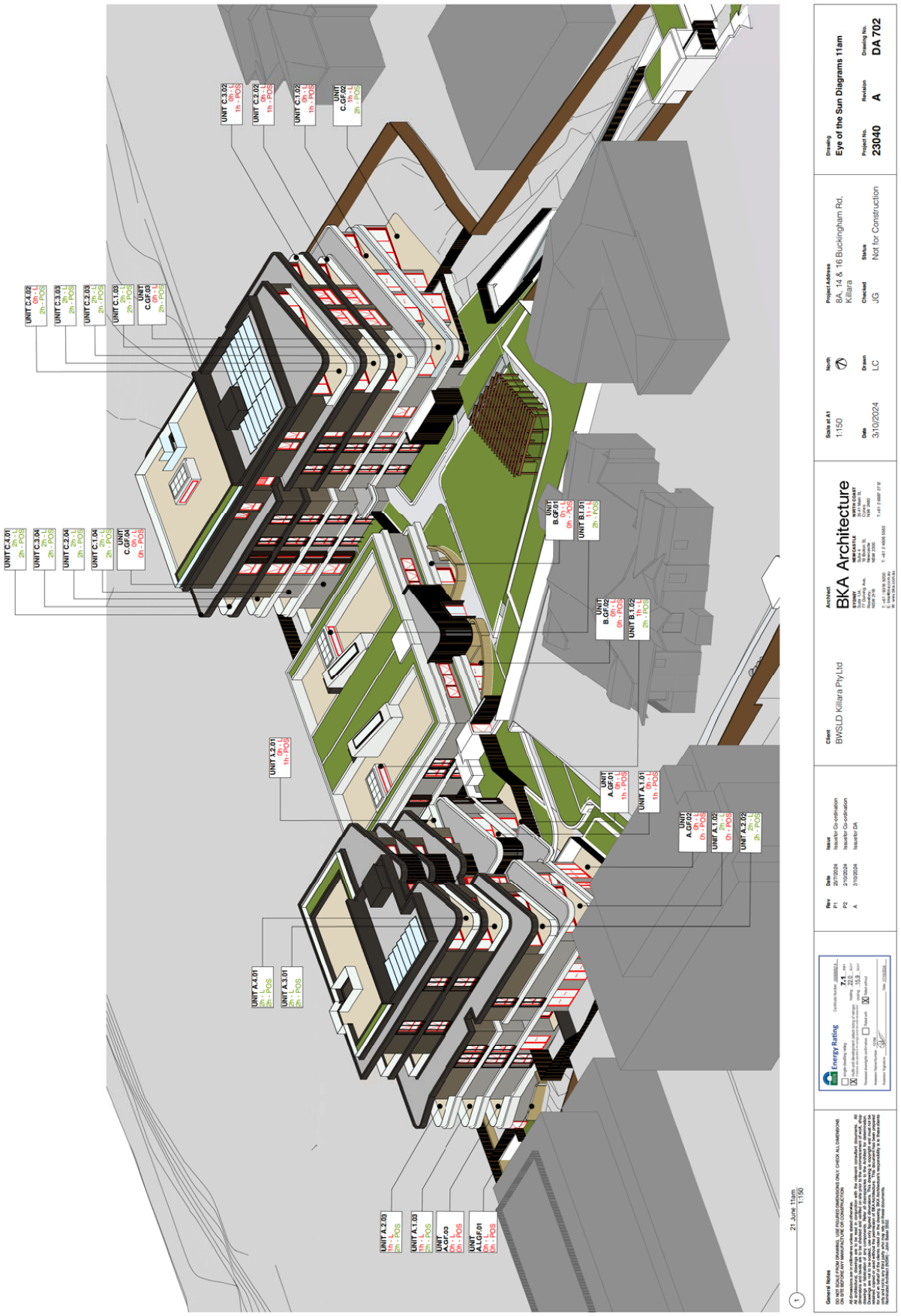

FFL +104,300
Lower Ground Sublevel
FFL +100,900
Basement 1 Sublevel
FFL +97,800
Basement 1
2,200
2,315
2,900
3,400
3,100
Curved Ramp Interior Elevation - Inner Radius
Residential
Residential
Residential
Visitor/
Car Share
FFL 97,800
Basement 1 - Curved Ramp
2,673
2,200
Curved Ramp Interior Elevation - Outer Radius
Drawing
Curved Ramp Sections
Project No.
23040
Revision
A
Drawing No.
DA 341
Project Address
8A, 14 & 16 Buckingham Rd,
Killara
Status
Not for Construction
Checked
JG
Drawn
LC
Date
3/10/2024
Scale at A1
North
Architect
BKA Architecture
Client
BWSLD Killara Pty Ltd
Rev
A
Date
3/10/2024
Issue
Issued for DA
Energy Rating

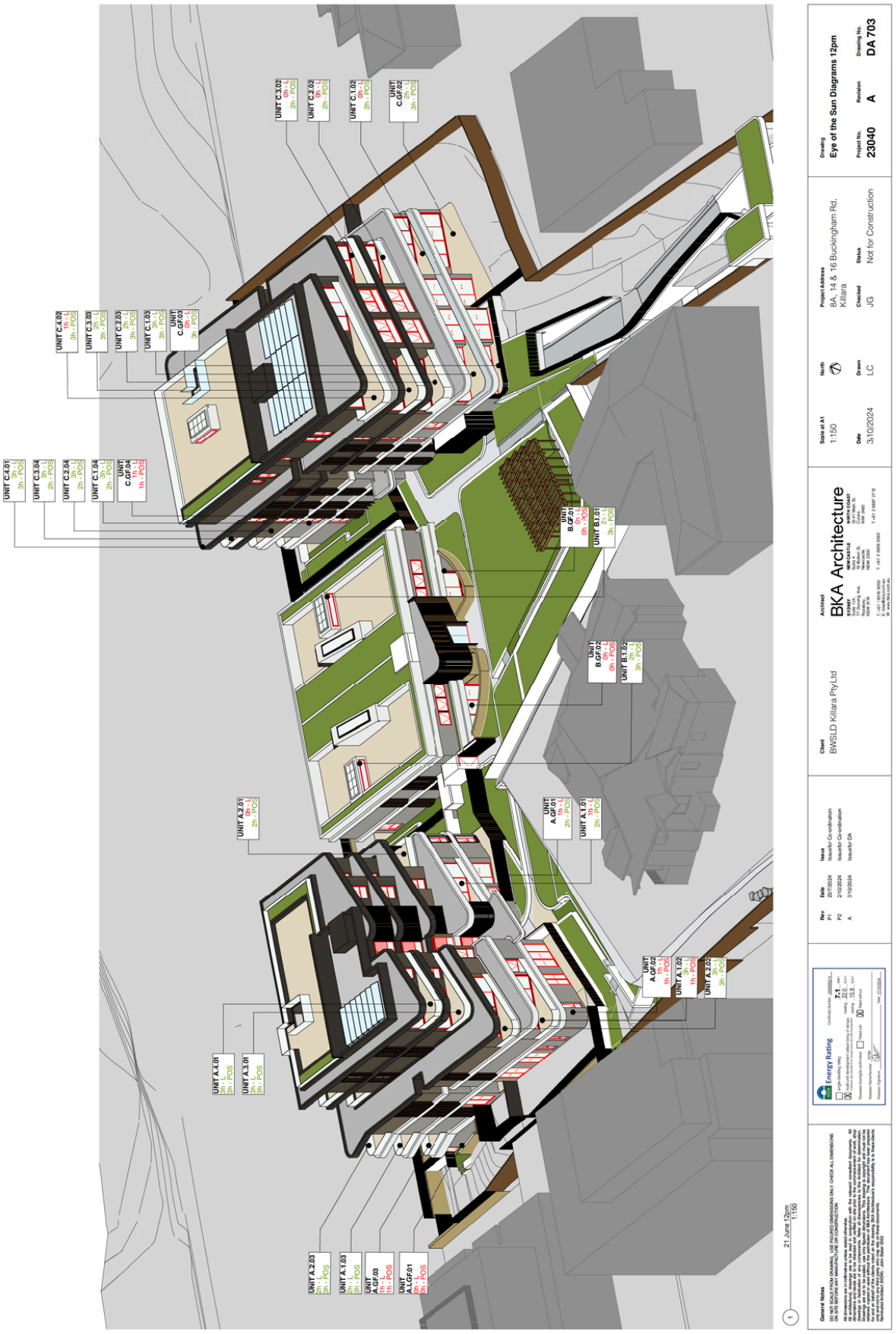

External Finishes
1. External Cladding Pattern 1
2. External Cladding Pattern 2
3. External Cladding Pattern 3
4. Timber-looking Aluminium Battens
5. Paint Finish 1
6. Paint Finish 2
7. Stone Cladding
8. Clear Glass
9. Frosted Glass
10. Bronze Powder-Coated Metal
11. Timber-looking Aluminium Soffit
12. Timber Paling fence
13. Travertine-Look External Tiles
14. Pavers / Permeable Pavers
15. Turf Pavers
16. Brick
17. Exposed concrete
18. Roof Pebbles
1. External Cladding Pattern 1
Small-width lineal pattern, deep earthy brown colour
2. External Cladding Pattern 2
Medium-width lineal pattern, light earthy brown colour
3. External Cladding Pattern 3
Large-width lineal pattern, off-white colour
4. Timber-looking Aluminium Battens
External privacy screening, dark mocha colour
5. Paint Finish 1
To facade and other elements
6. Paint Finish 2
To facade, landscape retaining walls, and other elements
7. Stone Cladding
To landscape retaining walls, and other selected external walls
8. Clear Glass
To windows and balustrades
9. Frosted Glass
To select windows and balustrades
10. Bronze Powder-Coated Metal
To external vertical louvres, awnings, window and door frames
11. Timber-looking Aluminium Soffit
To all balcony soffits
12. Timber Paling Fence
To boundary fences
13. Travertine-Look External Tiles
To flooring of external private open spaces
14. Pavers / Permeable Pavers
To external pathways, light grey colour
15. Turf Pavers
To selected landscaped pathways
16. Brick
To select external walls, neutral colour
17. Exposed concrete
To external ramps and driveways
18. Roof Pebbles
To non-trafficable roof surfaces
Drawing
External Finishes Schedule 01
Project No.
23040
Revision
A
Drawing No.
DA 600
Project Address
8A, 14 & 16 Buckingham Rd, Killara
Checked
JG
Status
Not for Construction
Scale at A1
North
Date
3/10/2024
Drawn
LC
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Energy Rating
General Notes

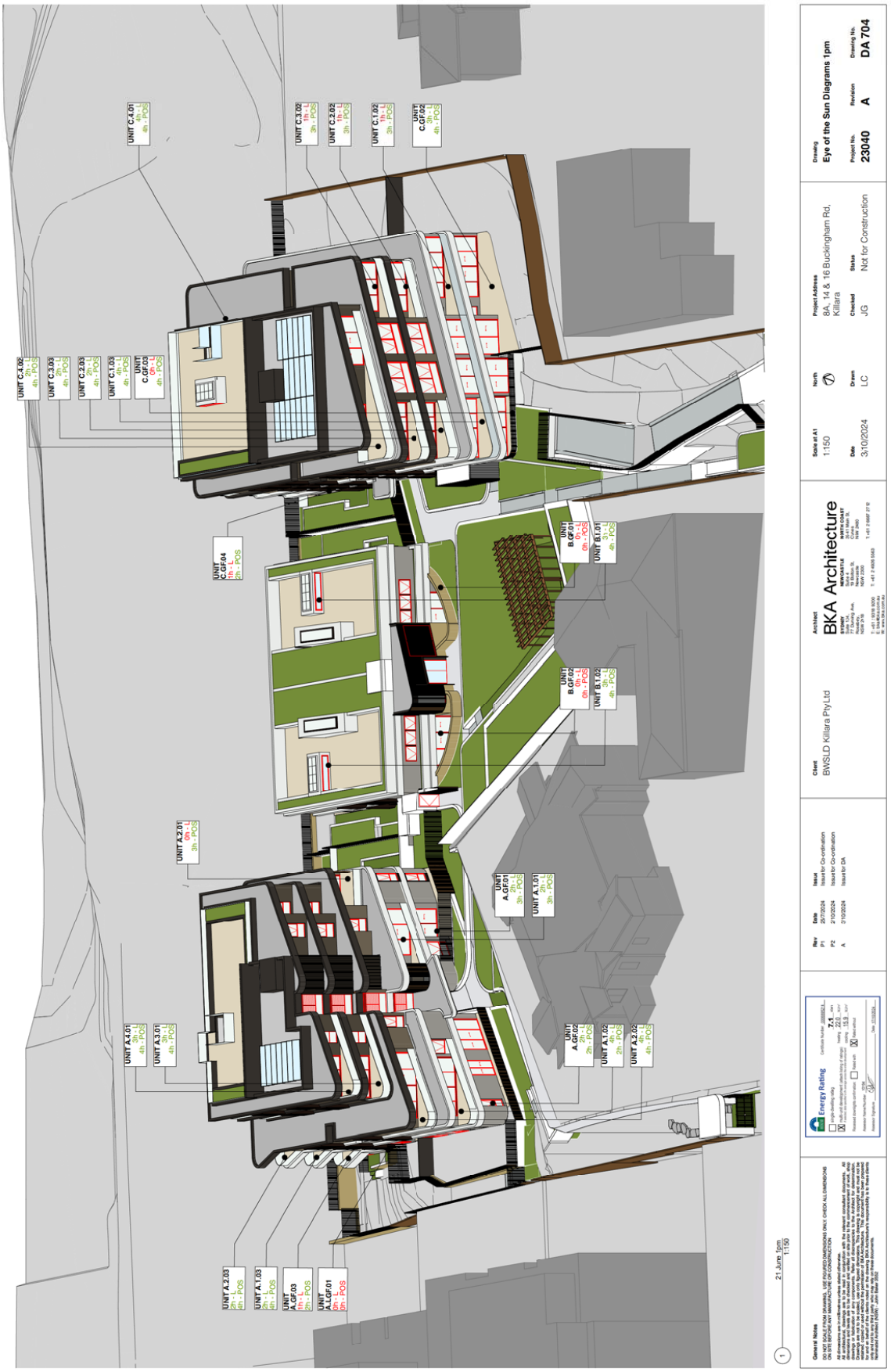

North Perspective - Finishes
External Finishes
1. External Cladding Pattern 1
2. External Cladding Pattern 2
3. External Cladding Pattern 3
4. Timber-looking Aluminium Battens
5. Paint Finish 1
6. Paint Finish 2
7. Stone Cladding
8. Clear Glass
9. Frosted Glass
10. Bronze Powder-Coated Metal
11. Timber-looking Aluminium Soffit
12. Timber Paling fence
13. Travertine-Look External Tiles
14. Pavers / Permeable Pavers
15. Turf Pavers
16. Brick
17. Exposed concrete
18. Roof Pebbles
1. External Cladding Pattern 1
Small-width lineal pattern, deep earthy brown colour
2. External Cladding Pattern 2
Medium-width lineal pattern, light earthy brown colour
3. External Cladding Pattern 3
Large-width lineal pattern, off-white colour
4. Timber-looking Aluminium Battens
External privacy screening, dark mocha colour
5. Paint Finish 1
To facade and other elements
6. Paint Finish 2
To facade, landscape retaining walls, and other elements
7. Stone Cladding
To landscape retaining walls, and other selected external walls
8. Clear Glass
To windows and balustrades
9. Frosted Glass
To select windows and balustrades
10. Bronze Powder-Coated Metal
To external vertical louvres, awnings, windows and door frames
11. Timber-looking Aluminium Soffit
To all balcony soffits
12. Timber Paling Fence
To boundary fences
13. Travertine-Look External Tiles
To flooring of external private open spices
14. Pavers / Permeable Pavers
To external pathways, light grey colour
15. Turf Pavers
To selected landscaped pathways
16. Brick
To select external walls, neutral colour
17. Exposed concrete
To external ramps and driveways
18. Roof Pebbles
To non-trafficable roof surfaces
Drawing
External Finishes Schedule 02
Project No.
23040
Revision
A
Drawing No.
DA 601
Project Address
8A, 14 & 16 Buckingham Rd, Killara
Scale at A1
North
Date
3/10/2024
Drawn
LC
Checked
JG
Status
Not for Construction
Architect
BKA Architecture
Client
BWSLD Killara Pty Ltd
Rev
P2
A
Date
2/10/2024
3/10/2024
Issue
Issue for Co-ordination
Issue for DA
Energy Rating
General Notes


UNIT C.4.02
UNIT C.3.03
UNIT C.2.03
UNIT C.1.03
UNIT C.GF.03
UNIT C.3.02
UNIT C.2.02
UNIT C.1.02
UNIT C.GF.02
UNIT C.4.01
UNIT C.3.04
UNIT C.2.04
UNIT C.1.04
UNIT B.GF.01
UNIT B.GF.02
UNIT B.1.01
UNIT B.1.02
UNIT A.4.01
UNIT A.3.01
UNIT A.GF.02
UNIT A.1.02
UNIT A.2.02
UNIT A.2.03
UNIT A.1.03
21 June 9am
1:150
Drawing
Eye of the Sun Diagrams 9am
Project No.
23040
Revision
A
Drawing No.
DA 700
Project Address
8A, 14 & 16 Buckingham Rd, Killara
Scale at A1
1:150
North
Date
3/10/2024
Drawn
LC
Checked
JG
Status
Not for Construction
Architect
BKA Architecture
Client
BWSLD Killara Pty Ltd
Rev
Date
Issue
P1
25/7/2024
Issue for Co-ordination
P2
2/10/2024
Issue for Co-ordination
A
3/10/2024
Issue for DA
Energy Rating
General Notes


Drawing
Eye of the Sun Diagrams 10am
Project No.
23040
Revision
A
Drawing No.
DA 701
Project Address
8A, 14 & 16 Buckingham Rd, Killara
Checked
JG
Status
Not for Construction
Scale at A1
1:150
Date
3/10/2024
North
Drawn
LC
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Rev
Date
Issue
P1
25/7/2024
Issue for Co-ordination
P2
2/10/2024
Issue for Co-ordination
A
3/10/2024
Issue for DA
Energy Rating
21 June 10am
1:150


Drawing
Eye of the Sun Diagrams 11am
Project No.
23040
Revision
A
Drawing No.
DA 702
Project Address
8A, 14 & 16 Buckingham Rd, Killara
Checked
JG
Status
Not for Construction
Scale at A1
1:150
Date
3/10/2024
North
Drawn
LC
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Rev
Date
Issue
P1
25/7/2024
Issue for Co-ordination
P2
2/10/2024
Issue for Co-ordination
A
3/10/2024
Issue for DA
Energy Rating
21 June 11am
1:150


Drawing
Eye of the Sun Diagrams 12pm
Project No.
23040
Revision
A
Drawing No.
DA 703
Project Address
8A, 14 & 16 Buckingham Rd, Killara
Checked
JG
Status
Not for Construction
Scale at A1
1:150
Date
3/10/2024
North
Drawn
LC
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Rev
Date
Issue
P1
25/7/2024
Issue for Co-ordination
P2
2/10/2024
Issue for Co-ordination
A
3/10/2024
Issue for DA
Energy Rating
21 June 12pm
1:150


Drawing
Eye of the Sun Diagrams 1pm
Project No.
23040
Revision
A
Drawing No.
DA 704
Project Address
8A, 14 & 16 Buckingham Rd, Killara
Checked
JG
Status
Not for Construction
Scale at A1
1:150
Date
3/10/2024
North
Drawn
LC
Client
BWSLD Killara Pty Ltd
Architect
BKA Architecture
Rev
Date
Issue
P1
25/7/2024
Issue for Co-ordination
P2
2/10/2024
Issue for Co-ordination
A
3/10/2024
Issue for DA
Energy Rating
General Notes
21 June 1pm
1:150
UNIT C.4.01
UNIT C.3.02
UNIT C.2.02
UNIT C.1.02
UNIT C.GF.02
UNIT C.4.02
UNIT C.3.03
UNIT C.2.03
UNIT C.1.03
UNIT C.GF.03
UNIT C.GF.04
UNIT B.GF.01
UNIT B.1.01
UNIT B.GF.02
UNIT B.1.02
UNIT A.2.01
UNIT A.GF.01
UNIT A.1.01
UNIT A.4.01
UNIT A.3.01
UNIT A.GF.02
UNIT A.1.02
UNIT A.2.02
UNIT A.2.03
UNIT A.1.03
UNIT A.GF.03
UNIT A.LGF.01



Rev | Date | Issue
P1 | 28/2/2024 | Issue for Co-ordination
P2 | 21/3/2024 | Issue for Co-ordination
A | 31/3/2024 | Issue for DA

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Date: 3/10/2024
Scale at A1: 1:150
North
Drawn: LC
Checked: JG
Status: Not for Construction
Project Address: 8A, 14 & 16 Buckingham Rd, Killara
Project No.: 23040
Revision: A
Drawing No.: DA 705
Drawing: Eye of the Sun Diagrams 2pm

Energy Rating
Certificate Number: 0008552LL_
Version: 7.1
Issued: 22/3/2024
Valid Until: 22/3/2025
Assessor Name/Number: 0294
Assessor Signature:

General Notes
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21 June 3pm
1:150

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Energy Rating
7.1 stars

Rev	Date	Issue
P1	28/05/2024	Issue for Co-ordination
P2	21/06/2024	Issue for Co-ordination
A	3/10/2024	Issue for DA

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W www.bka.com.au

Scale at A1
1:150

North

Date
3/10/2024

Drawn
LC

Checked
JG

Status
Not for Construction

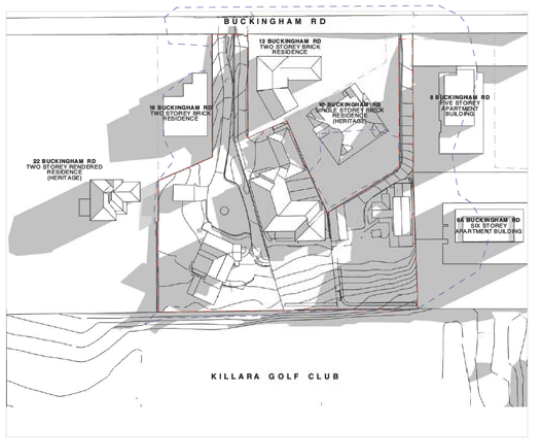
Project Address
8A, 14 & 16 Buckingham Rd,
Killara

Drawing
Eye of the Sun Diagrams 3pm

Project No.
23040

Revision
A

Drawing No.
DA 706



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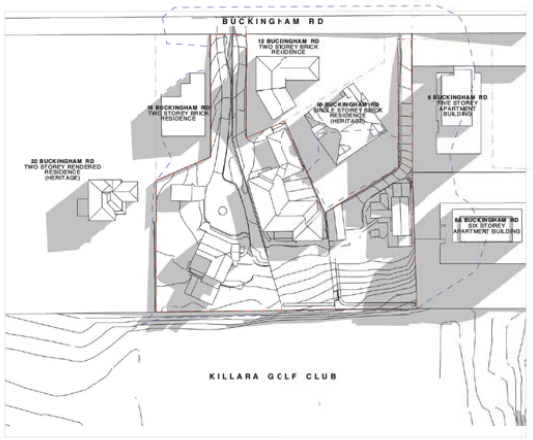

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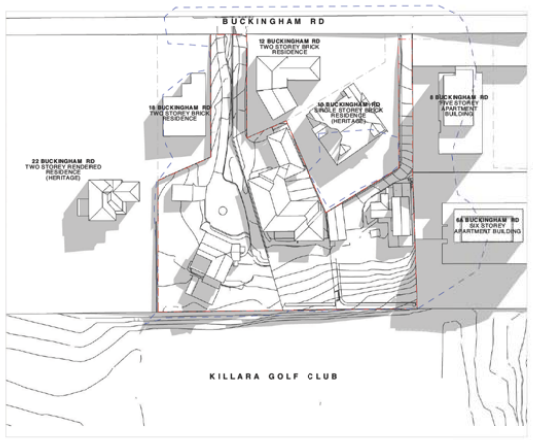

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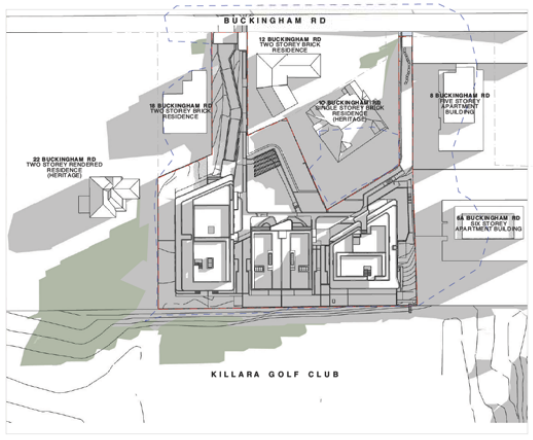
1:2000



3 Proposed Shadows_21 June_9:00
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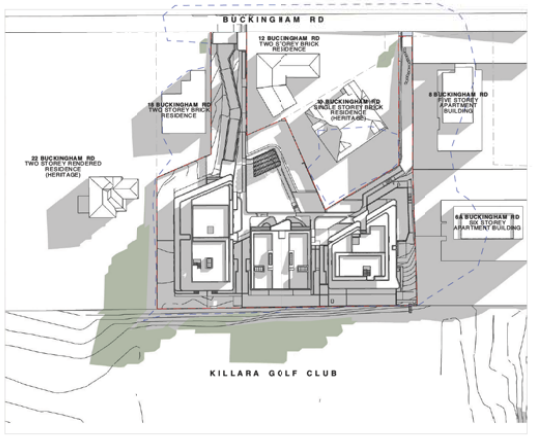

4 Proposed Shadows_21 June_10:00
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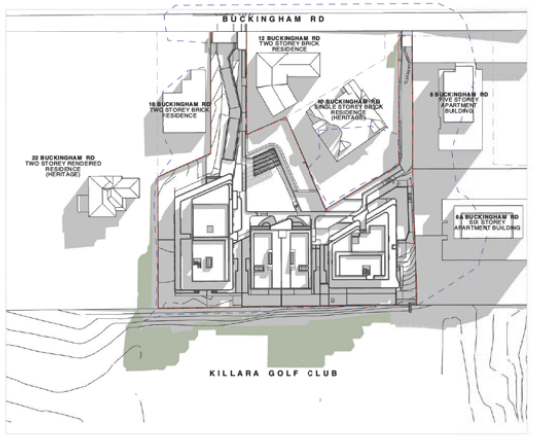

6 Proposed Shadows_21 June_11:00
1:2000

General Notes

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Nominated Architect (NSW) - John Buker 3552

LEGEND

- SITE BOUNDARY
- EXTENT OF SURVEY
- EXISTING SHADOWS
- ADDITIONAL SHADOWS TO NEIGHBOURS CAST BY PROPOSAL

Rev	Date	Issue
P1	25/7/2024	Issue for Co-ordination
P2	2/10/2024	Issue for Co-ordination
A	3/10/2024	Issue for DA

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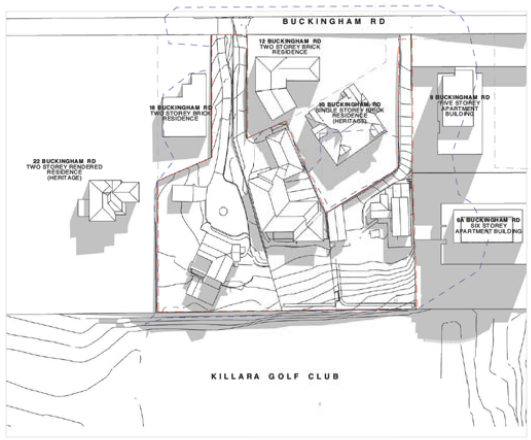
Scale at A1	North	Project Address
1:2000		8A, 14 & 16 Buckingham Rd, Killara

Date	Drawn	Checked	Status
3/10/2024	LC	JG	Not for Construction

Drawing
Shadow Diagrams 01

Project No.	Revision	Drawing No.
23040	A	DA 710



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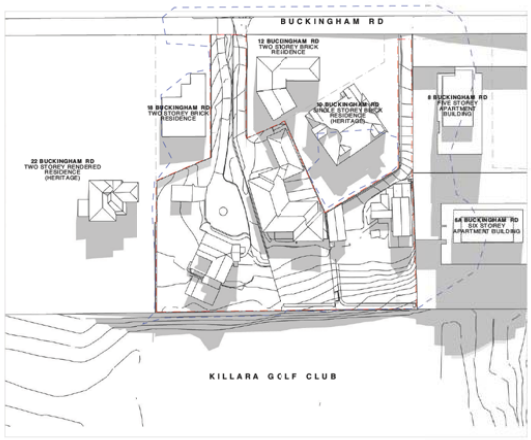

3 Existing Shadows_21 June_13:00
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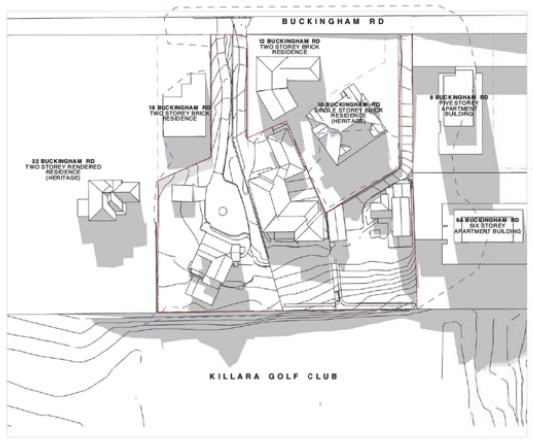

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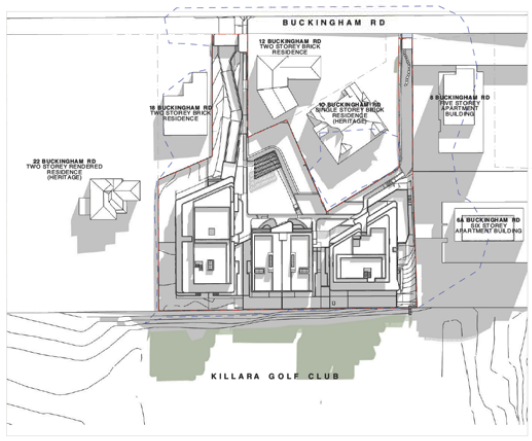

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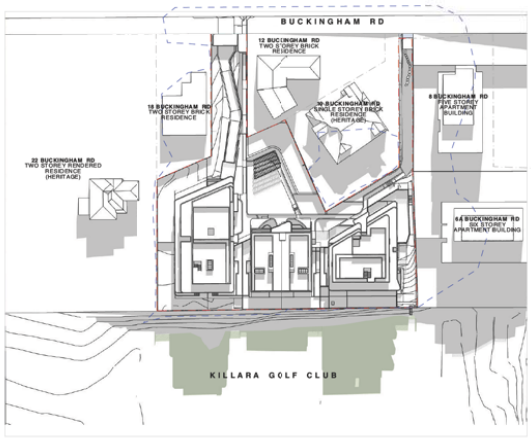

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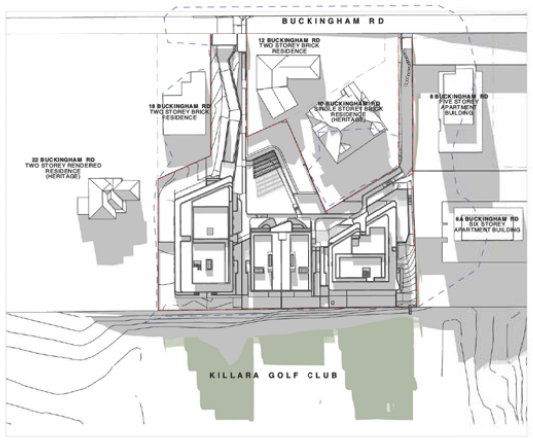

6 Proposed Shadows_21 June_14:00
1:2000

General Notes

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Nominated Architect (NSW) - John Buker 3552

LEGEND

- SITE BOUNDARY
- EXTENT OF SURVEY
- EXISTING SHADOWS
- ADDITIONAL SHADOWS TO NEIGHBOURS CAST BY PROPOSAL

Rev	Date	Issue
P1	25/7/2024	Issue for Co-ordination
P2	2/10/2024	Issue for Co-ordination
A	3/10/2024	Issue for DA

Client
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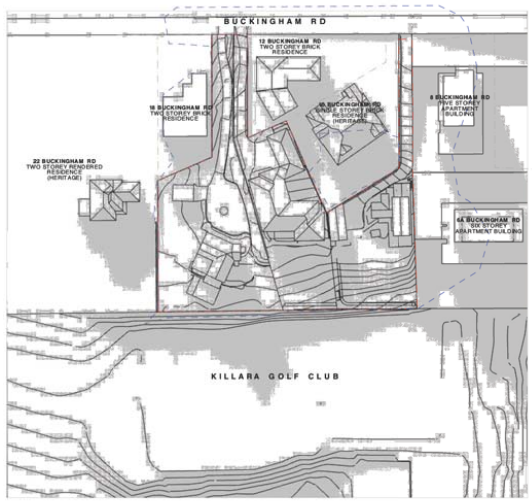
Scale at A1	North	Project Address
1:2000		8A, 14 & 16 Buckingham Rd, Killara

Date	Drawn	Checked	Status
3/10/2024	LC	JG	Not for Construction

Drawing
Shadow Diagrams 02

Project No.	Revision	Drawing No.
23040	A	DA 711



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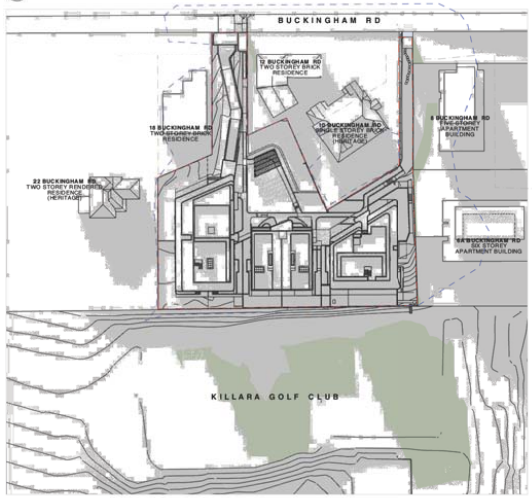

2 Proposed Shadows_21 June_15:00



General Notes

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Nominated Architect (NSW) - John Buller 5552

LEGEND

- SITE BOUNDARY
- EXTENT OF SURVEY
- EXISTING SHADOWS
- ADDITIONAL SHADOWS TO NEIGHBOURS CAST BY PROPOSAL

Rev	Date	Issue
P1	25/7/2024	Issue for Co-ordination
P2	2/10/2024	Issue for Co-ordination
A	3/10/2024	Issue for DA

Client
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Scale at A1

North

Project Address
8A, 14 & 16 Buckingham Rd, Killara

Date
3/10/2024

Drawn
LC

Checked
JG

Status
Not for Construction

Drawing
Shadow Diagrams 03

Project No.
23040

Revision
A

Drawing No.
DA 712



1 Existing South Perspective from Killara Golf Club

General Notes

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Nominated Architect (NSW) - John Baker 3552

Energy Rating — Certificate Number 0008995214

☐ single dwelling rating — 7.1 MJ/m²
☒ multi-unit development (attach listing of ratings) — heating 22.0 MJ/m² / cooling 15.9 MJ/m²
If partial data provided in an assessment, the data must be fully disclosed

Reviewed downlights confirmation: ☐ Rated with ☒ Rated without

Assessor Name/Number 10194

Assessor Signature _____ Date 17/10/2024

Rev	Date	Issue
A	3/10/2024	Issue for DA

Client
BWSLD Killara PtyLtd

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Cunes
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Scale at A1	North	Project Address	
		8A, 14 & 16 Buckingham Rd, Killara	
Date	**Drawn**	**Checked**	**Status**
3/10/2024	LC	JG	Not for Construction

Drawing
Existing Aerial

Project No.	Revision	Drawing No.
23040	A	DA 800



1 South Perspective from Killara Golf Club

General Notes

DO NOT SCALE FROM DRAWING. USE FIGURED DIMENSIONS ONLY. CHECK ALL DIMENSIONS ON SITE BEFORE ANY MANUFACTURE OR CONSTRUCTION

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All architectural, drawings are to be read in conjunction with the relevant consultant documents. All dimensions and levels are to be checked and verified on site prior to the commencement of work, shop drawings or fabrication of any components. Refer all discrepancies to the Architect for determination. Drawings are not to be scaled, use only figured dimensions. This drawing is copyright and must not be retained, copied or used without the permission of BKA Architecture. This document has been prepared for and on behalf of the clients noted on the drawing. BKA Architecture's responsibility is to these clients only and not to any third party who may rely on these documents.
Nominated Architect (NSW) - John Baker 3552

Energy Rating — Certificate Number 0008895214

- [ ] single dwelling rating — 7.1 MJ/m²
- [X] multi-unit development (attach listing of ratings) — heating 22.0 MJ/m² / cooling 15.9 MJ/m²
- [ ] Released downlights confirmation — [ ] Rated with — [X] Rated without

Assessor Name/Number 10194
Assessor Signature _____ Date 17/10/2024

Rev	Date	Issue
A	3/10/2024	Issue for DA

Client
BWSLD Killara Pty Ltd

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Scale at A1	North	Project Address	
		8A, 14 & 16 Buckingham Rd, Killara	
Date	**Drawn**	**Checked**	**Status**
3/10/2024	LC	JG	Not for Construction

Drawing
Photomontage

Project No.	Revision	Drawing No.
23040	A	DA 801



1 North Perspective from Communal Open Space

General Notes

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Nominated Architect (NSW) - John Baker 3552

Rev	Date	Issue
A	3/10/2024	Issue for DA

Client
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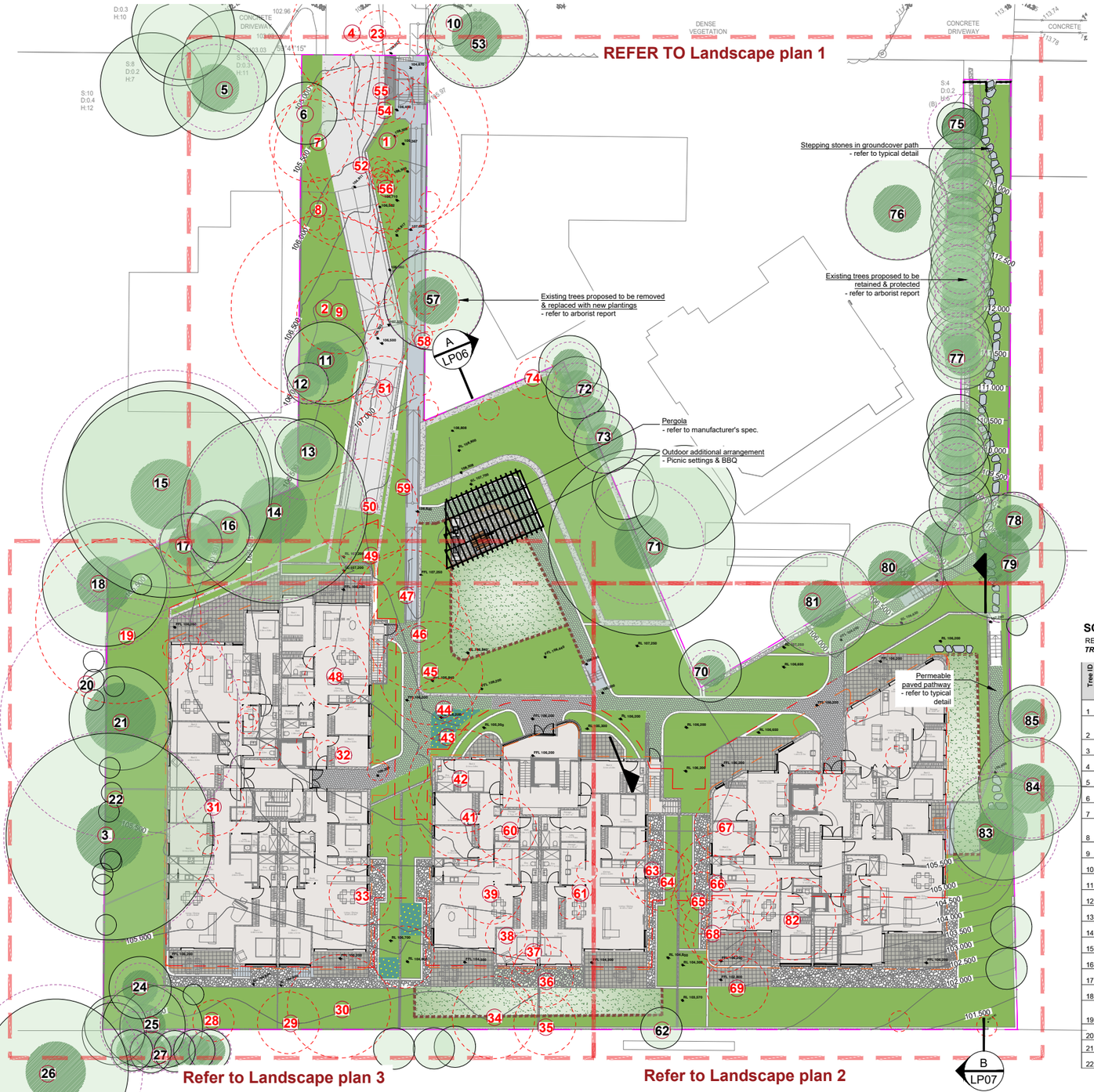
Scale at A1	North	Project Address	
		8A, 14 & 16 Buckingham Rd, Killara	
Date	**Drawn**	**Checked**	**Status**
3/10/2024	LC	JG	Not for Construction

Drawing
Photomontage

Project No.	Revision	Drawing No.
23040	A	DA 802



LANDSCAPE ITEMS

- Steel garden edging - refer detail
- Turf area - refer detail
- Stepping stones in groundcover- refer detail
- Retaining / raised planter wall - refer detail
- Gravel path
- Permeable paver-refer detail
- Outdoor BBQ area including: Table setting, BBQ facility, Pergola

EXISTING TREES

- Trees proposed to be removed and replaced with new landscaping
- Existing trees proposed to be retained and protected
- Existing trees to be retained (DCP protected)
- Trees Protection zone - refer project arborist's report
- Structural root zone - refer project arborist's report

LOCATION PLAN

Scale: NTS



DRAWING SCHEDULE

SHEET #	DRAWING TITLE	REV.
LP-00T	SITE ANALYSIS	E
LP-01	LANDSCAPE PLAN-1	E
LP-02	LANDSCAPE PLAN-2	E
LP-03	LANDSCAPE PLAN-3	E
LP-04	LANDSCAPE PLAN-L2	E
LP-05	LANDSCAPE PLAN-L5	E
LP-06	SECTION 1	E
LP-07	SECTION 2	E
LP-08	DETAILS & SPECIFICATION	E
LP-09	DETAILS 2	E



AREA INDICATED AS "BIODIVERSITY CORRIDORS AND BUFFER"

Planting is to consist of :

- not less than 50% locally native species;
- species that reflect the relevant vegetation communities within the area; and
- a mix of groundcover, shrubs and trees.

AREA INDICATED AS "SUPPORT FOR CORE BIODIVERSITY LANDS"

Planting within land identified as Support for Core Biodiversity Lands is to consist of:

100% locally native tree and understorey species within Core Riparian Zones;

- not less than 70% locally native tree species and 30% locally native understorey species for all other areas;
- species that reflect the relevant vegetation communities within the area; and
- a mix of groundcover shrubs and trees and is to exclude monocultures.

SCHEDULE OF EXISTING TREES

REFER TO ARBORICULTURAL IMPACT ASSESSMENT REPORT BY ***SEASONED TREE CONSULTING*** DATED 19 SEPTEMBER 2024 FOR DETAILS

Tree ID	Tree Species	Tree ID	Tree Species
1	Dead *Eucalyptus saligna*, Sydney Blue Gum	23	*Jacaranda mimosifolia*, Jacaranda
2	Dead/ majority declining *Eucalyptus saligna*, Sydney Blue Gum	24	*Psidium cattleyanum*, Strawberry guava
3	*Eucalyptus saligna*, Sydney Blue Gum	25	*Acmena smithii major*, Large leaf Lilly pilly
4	*Jacaranda mimosifolia*, Jacaranda	26	*Eucalyptus saligna*, Sydney Blue Gum
5	*Celtis sp*, Hackberry	27	*Murraya paniculata*, *Murraya*
6	*Ulmus parvifolia*, Chinese elm	28	*Fraxinus griffithii*, Evergreen ash
7	*Jacaranda mimosifolia*, Jacaranda	29	Dead tree
8	Group of weedy olives harpephyllum, Murraya, Streiltzia	30	*Quercus robur*, English oak
9	*Grevillea robusta*, Silky oak	31	*Camellia sasanqua*, Camellia
10	*Ligustrum lucidum*, Large-leaf privet plus African Olive	32	*Cupressus sempervirens Glauca*, Pencil pine x 3
11	*Jacaranda mimosifolia*, Jacaranda	33	*Lagerstroemia indica*, Crepe myrtle
12	*Alectryon tomentosus*, Hairy birds eye	34	*Harpephyllum caffrum*, Kaffir Plum
13	*Harpephyllum caffrum*, Kaffir Plum	35	*Ligustrum lucidum*, Large-leaf privet plus Sweet Pittosporum
14	*Harpephyllum caffrum*, Kaffir Plum	36	*Arbutus unedo*, Strawberry tree
15	*Eucalyptus pilularis*, Blackbutt	37	*Syncarpia glomulifera*, Turpentine
16	*Clarodendeum capense* Cape Chestnut	38	*Camellia japonica*, Camellia
17	*Sterocarpus sinuatus*, Firewheel	39	*Waterhousia floribunda*, Weeping Lilly Pilly- Cocos palm behind
18	Unknown Pine tree	40	*Juniperus sp*, Juniper
19	*Liquidambar formosana*, Chinese Liquid ambar	41	*Harpephyllum caffrum*, Kaffir Plum
20	*Cupressocyparis Leighton Green*, Leighton green	42	*Harpephyllum caffrum*, Kaffir Plum
21	Unknown Pine tree	43	*Harpephyllum caffrum*, Kaffir Plum
22	Hedge of *Photinia sp*, Photinia	44	*Harpephyllum caffrum*, Kaffir Plum

Tree ID	Tree Species	Tree ID	Tree Species
45	*Harpephyllum caffrum*, Kaffir Plum	67	*Ligustrum lucidum*, Large-leaf privet
46	*Harpephyllum caffrum*, Kaffir Plum	68	Alectryon plus crepe myrtle
47	*Harpephyllum caffrum*, Kaffir Plum	69	*Poinsettia sp*, Poinsettia
48	*Lagerstroemia indica*, Crepe myrtle	70	*Ligustrum lucidum*, Large-leaf privet
49	*Camellia japonica*, Camellia	71	*Grevillea robusta*, Silky Oak
50	*Camellia sasanqua*, Camellia	72	3 x *Viburnum odoratissimum*, Sweet viburnum
51	*Syagrus romanzoffiana*, Cocos palm	73	*Pittosporum undulatum*, Sweet Pittosporum
52	*Cupressus sp*, Cypress pine	74	*Syagrus romanzoffiana*, Cocos Palm
53	*Eucalyptus saligna*, Sydney Blue Gum	75	*Citharexylum spinosum*, Fiddlewood
54	*Jacaranda mimosifolia*, Jacaranda	76	*Jacaranda mimosifolia*, Jacaranda
55	*Jacaranda mimosifolia*, Jacaranda	77	Row of many *Xylosma japonica*, Shiny Xylosma
56	*Streiltzia nicolai*, Giant white bird of paradise to 7m and other shrubs	78	*Camellia sasanqua*, Camellia
57	*Jacaranda mimosifolia*, Jacaranda	79	*Jacaranda mimosifolia*, Jacaranda
58	Thuja sp, Eastern White Cedar	80	Melaleuca quinquenervia, Broad Leaf Paperbark
59	*Chamaecyparis lawsoniana*, Lawson's Golden	81	*Ligustrum lucidum*, Large-leaf privet
60	*Murraya paniculata*, Murraya	82	*Chamaecyparis lawsoniana*, Lawsons Cypress
61	*Callistemon sp*, Bottlebrush + 2 small pines	83	*Jacaranda mimosifolia*, Jacaranda
62	*Protea sp*, Protea	84	*Melia azerderach*, White cedar
63	*Thuja sp*, Red Cedar	85	*Camellia sasanqua*, Camellia
64	*Juniperus sp*, Juniper		
65	*Thuja sp*, Golden Red Cedar		
66	*Celtis sp*, Hackberry		

GENERAL NOTE:

Figured dimensions take preference to scale readings. Verify all dimensions on site. PDF'd plans may vary slightly in Scale for that indicated on plans. Report any discrepancies to the Landscape Architect before proceeding with the work.

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COUNCIL: KU-RING-GAI

CLIENT: WILLIAM LEE

REV	DATE	NOTATION/AMENDMENT
A	25.06.2024	Preliminary DA prepared for review
B	31.07.2024	Coordinated with amended architectural plan
C	23.08.2024	Coordinated with architectural sections
D	04.09.2024	Revised BGHF species
E	01.10.2024	Issued for submission

PROJECT: PROPOSED MULTI-UNIT RESIDENTIAL DEVELOPMENT
8A,14 & 16 BUCKINGHAM ROAD, KILLARA

Bar Scale: 0 4 8 12 16 20m

TITLE: HARDSCAPE PLAN

STATUS: DEVELOPMENT APPLICATION

SCALE: 1:200 @ A1

DATE: OCTOBER 2024

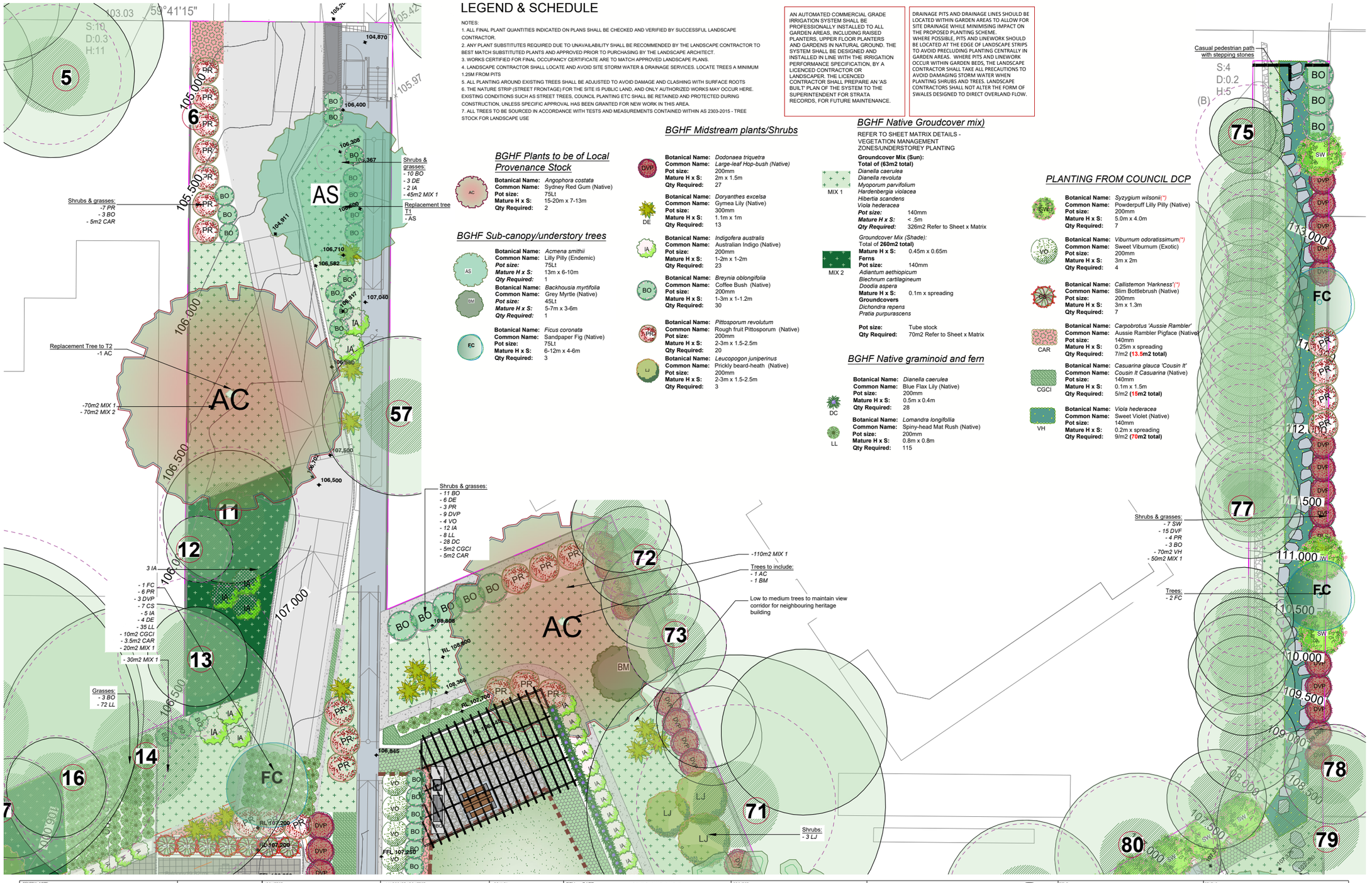
PROJECT No: LPDA 24 - 242

SHEET: LP-00T

ISSUE: E

DRAWN: L.Z/E.W

CHECKED: R.F



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

AN AUTOMATED COMMERCIAL GRADE IRRIGATION SYSTEM SHALL BE PROFESSIONALLY INSTALLED TO ALL GARDEN AREAS, INCLUDING RAISED PLANTERS, UPPER FLOOR PLANTERS AND GARDENS IN NATURAL GROUND. THE SYSTEM SHALL BE DESIGNED AND INSTALLED IN LINE WITH THE IRRIGATION PERFORMANCE SPECIFICATION, BY A LICENCED CONTRACTOR OR LANDSCAPER. THE LICENCED CONTRACTOR SHALL PREPARE AN 'AS BUILT' PLAN OF THE SYSTEM TO THE SUPERINTENDENT FOR STRATA RECORDS, FOR FUTURE MAINTENANCE.

DRAINAGE PITS AND DRAINAGE LINES SHOULD BE LOCATED WITHIN GARDEN AREAS TO ALLOW FOR SITE DRAINAGE WHILE MINIMISING IMPACT ON THE PROPOSED PLANTING SCHEME. WHERE POSSIBLE, PITS AND LINEWORK SHOULD BE LOCATED AT THE EDGE OF LANDSCAPE STRIPS TO AVOID PRECLUDING PLANTING CENTRALLY IN GARDEN AREAS. WHERE PITS AND LINEWORK OCCUR WITHIN GARDEN BEDS, THE LANDSCAPE CONTRACTOR SHALL TAKE ALL PRECAUTIONS TO AVOID DAMAGING STORM WATER WHEN PLANTING SHRUBS AND TREES. LANDSCAPE CONTRACTORS SHALL NOT ALTER THE FORM OF SWALES DESIGNED TO DIRECT OVERLAND FLOW.

BGHF Plants to be of Local Provenance Stock

AC
Botanical Name: *Angophora costata*
Common Name: Sydney Red Gum (Native)
Pot size: 75Lt
Mature H x S: 15-20m x 7-13m
Qty Required: 2

AS
Botanical Name: *Acmena smithii*
Common Name: Lilly Pilly (Endemic)
Pot size: 75Lt
Mature H x S: 13m x 6-10m
Qty Required: 1

BM
Botanical Name: *Backhousia myrtifolia*
Common Name: Grey Myrtle (Native)
Pot size: 45Lt
Mature H x S: 5-7m x 3-6m
Qty Required: 1

EC
Botanical Name: *Ficus coronata*
Common Name: Sandpaper Fig (Native)
Pot size: 75Lt
Mature H x S: 6-12m x 4-6m
Qty Required: 3

BGHF Sub-canopy/understory trees

DVP
Botanical Name: *Dodonaea triquetra*
Common Name: *Large-leaf Hop-bush (Native)*
Pot size: 200mm
Mature H x S: 2m x 1.5m
Qty Required: 27

DE
Botanical Name: *Doryanthes excelsa*
Common Name: Gymea Lily (Native)
Pot size: 300mm
Mature H x S: 1.1m x 1m
Qty Required: 13

IA
Botanical Name: *Indigofera australis*
Common Name: Australian Indigo (Native)
Pot size: 200mm
Mature H x S: 1-2m x 1-2m
Qty Required: 23

BO
Botanical Name: *Breynia oblongifolia*
Common Name: Coffee Bush (Native)
Pot size: 200mm
Mature H x S: 1-3m x 1-1.2m
Qty Required: 30

PR
Botanical Name: *Pittosporum revolutum*
Common Name: Rough fruit Pittosporum (Native)
Pot size: 200mm
Mature H x S: 2-3m x 1.5-2.5m
Qty Required: 20

LJ
Botanical Name: *Leucopogon juniperinus*
Common Name: Prickly beard-heath (Native)
Pot size: 200mm
Mature H x S: 2-3m x 1.5-2.5m
Qty Required: 3

BGHF Midstream plants/Shrubs

MIX 1
REFER TO SHEET MATRIX DETAILS -
VEGETATION MANAGEMENT ZONES/UNDERSTOREY PLANTING
Groundcover Mix (Sun):
Total of (63m2 total)
Dianella caerulea
Dianella revoluta
Myoporum parvifolium
Hardenbergia violacea
Hibertia scandens
Viola hederacea
Pot size: 140mm
Mature H x S: <_.5m
Qty Required: 326m2 Refer to Sheet x Matrix

MIX 2
Groundcover Mix (Shade):
Total of **260m2 total)**
Mature H x S: 0.45m x 0.65m
Ferns
Pot size: 140mm
Adiantum aethiopicum
Blechnum cartilagineum
Doodia aspera
Mature H x S: 0.1m x spreading
Groundcovers
Dichondra repens
Pratia purpurascens
Pot size: Tube stock
Qty Required: 70m2 Refer to Sheet x Matrix

BGHF Native graminoid and fern

DC
Botanical Name: *Dianella caerulea*
Common Name: Blue Flax Lily (Native)
Pot size: 200mm
Mature H x S: 0.5m x 0.4m
Qty Required: 28

LL
Botanical Name: *Lomandra longifollia*
Common Name: Spiny-head Mat Rush (Native)
Pot size: 200mm
Mature H x S: 0.8m x 0.8m
Qty Required: 115

PLANTING FROM COUNCIL DCP

SW
Botanical Name: *Syzygium wilsonii(*)*
Common Name: Powderpuff Lilly Pilly (Native)
Pot size: 200mm
Mature H x S: 5.0m x 4.0m
Qty Required: 7

VO
Botanical Name: *Viburnum odoratissimum(*)*
Common Name: Sweet Viburnum (Exotic)
Pot size: 200mm
Mature H x S: 3m x 2m
Qty Required: 4

CS
Botanical Name: *Callistemon 'Harkness'(*)*
Common Name: Slim Bottlebrush (Native)
Pot size: 200mm
Mature H x S: 3m x 1.3m
Qty Required: 7

CAR
Botanical Name: *Carpobrotus 'Aussie Rambler'*
Common Name: Aussie Rambler Pigface (Native)
Pot size: 140mm
Mature H x S: 0.25m x spreading
Qty Required: 7/m2 (**13.5m2 total)**

CGCI
Botanical Name: *Casuarina glauca 'Cousin It'*
Common Name: *Cousin It Casuarina* (Native)
Pot size: 140mm
Mature H x S: 0.1m x 1.5m
Qty Required: 5/m2 (**15m2 total)**

VH
Botanical Name: *Viola hederacea*
Common Name: Sweet Violet (Native)
Pot size: 140mm
Mature H x S: 0.2m x spreading
Qty Required: 9/m2 (**70m2 total)**

GENERAL NOTE:
Figured dimensions take preference to scale readings. Verify all dimensions on site. PDF's plans may vary slightly in Scale for that indicated on plans. Report any discrepancies to the Landscape Architect before proceeding with the work.
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COUNCIL
KU-RING-GAI

CLIENT
WILLIAM LEE

REV	DATE	NOTATION/AMENDMENT
A	25.06.2024	Preliminary DA prepared for review
B	31.07.2024	Coordinated with amended architectural plan
C	23.08.2024	Coordinated with architectural sections
D	04.09.2024	Revised BGHF species
E	01.10.2024	Issued for submission

PROJECT:
PROPOSED MULTI-UNIT RESIDENTIAL DEVELOPMENT
8A,14 & 16 BUCKINGHAM ROAD,
KILLARA

Bar Scale
0 2 4 6 8 10m

TITLE: LANDSCAPE PLAN 1
STATUS: DEVELOPMENT APPLICATION
SCALE: 1:100 @ A1
DATE: OCTOBER 2024
PROJECT No: LPDA 24 - 242
SHEET: LP-01
ISSUE: E
DRAWN: L.Z/E.W
CHECKED: R.F

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.
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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

BGHF Plants to be of Local Provenance Stock

FC — **Botanical Name:** *Eucalyptus paniculata* | **Common Name:** Grey Ironbark (Native) | **Pot size:** 75Lt | **Mature H x S:** 14-25m x 8-15m | **Qty Required:** 2

BGHF Sub-canopy/understory trees

AS — **Botanical Name:** *Acmena smithii* | **Common Name:** Lilly Pilly (Endemic) | ***Pot size:*** 75Lt | ***Mature H x S:*** 13m x 6-10m | ***Qty Required:*** 2

BM — **Botanical Name:** *Backhousia myrtifolia* | **Common Name:** Grey Myrtle (Native) | ***Pot size:*** 45Lt | ***Mature H x S:*** 5-7m x 3-6m | ***Qty Required:*** 5

ER — **Botanical Name:** *Elaeocarpus reticulatus* | **Common Name:** Blueberry Ash (Endemic) | ***Pot size:*** 45Lt | ***Mature H x S:*** 7-10m x 4-6m | ***Qty Required:*** 2

Gf — **Botanical Name:** *Glochidion ferdinandi* | **Common Name:** Cheese Tree (Native) | **Pot size:** 75Lt | **Mature H x S:** 8-10m x 5-9m | **Qty Required:** 1

FC — **Botanical Name:** *Ficus coronata* | **Common Name:** Sandpaper Fig (Native) | **Pot size:** 75Lt | **Mature H x S:** 6-12m x 4-6m | **Qty Required:** 2

Trees

TLL — **Botanical Name:** *Tristaniopsis laurina 'Luscious'* | **Common Name:** Watergum (Native) | **Pot size:** 75Lt | **Mature H x S:** 8-12m x 6m | **Qty Required:** 2

BGHF Midstream plants/Shrubs

DVP — **Botanical Name:** *Dodonaea triquetra* | **Common Name:** *Large-leaf Hop-bush (Native)* | **Pot size:** 200mm | **Mature H x S:** 2m x 1.5m | **Qty Required:** 14

DE — **Botanical Name:** *Doryanthes excelsa* | **Common Name:** Gymea Lily (Native) | **Pot size:** 300mm | **Mature H x S:** 1.1m x 1m | **Qty Required:** 4

IA — **Botanical Name:** *Indigofera australis* | **Common Name:** Australian Indigo (Native) | **Pot size:** 200mm | **Mature H x S:** 1-2m x 1-2m | **Qty Required:** 7

BO — **Botanical Name:** *Breynia oblongifolia* | **Common Name:** Coffee Bush (Native) | **Pot size:** 200mm | **Mature H x S:** 1-3m x 1-1.2m | **Qty Required:** 8

PR — **Botanical Name:** *Pittosporum revolutum* | **Common Name:** Rough fruit Pittosporum (Native) | **Pot size:** 200mm | **Mature H x S:** 2-3m x 1.5-2.5m | **Qty Required:** 11

LJ — **Botanical Name:** *Leucopogon juniperinus* | **Common Name:** Prickly beard-heath (Native) | **Pot size:** 200mm | **Mature H x S:** 2-3m x 1.5-2.5m | **Qty Required:** 3

BGHF Native Groudcover mix)

REFER TO SHEET MATRIX DETAILS - VEGETATION MANAGEMENT ZONES/UNDERSTOREY PLANTING

Groundcover Mix (Sun):
Dianella caerulea
Dianella revoluta
Myoporum parvifolium
Hardenbergia violacea
Hibertia scandens
Viola hederacea
Pot size: 140mm
Mature H x S: < .5m
Qty Required: 245m2 Refer to Sheet x Matrix

Groundcover Mix (Shade):
Total of **m2 total)**
Mature H x S: 0.45m x 0.65m
Ferns
Pot size: 140mm
Adiantum aethiopicum
Blechnum cartilagineum
Doodia aspera
Mature H x S: 0.1m x spreading
Groundcovers
Dichondra repens
Pratia purpurascens
Pot size: Tube stock
Qty Required: 85m2 Refer to Sheet x Matrix

MIX 1 — AA — DC — MIX 2 — LL

BGHF Native graminoid and fern

Botanical Name: *Asplenium australasicum* | **Common Name:** Birds Nest Fern (Native) | **Pot size:** 300mm | **Mature H x S:** 1m x 1.4m | **Qty Required:** 4

Botanical Name: *Dianella caerulea* | **Common Name:** Flax Lilly (Native) | **Pot size:** 150mm | **Mature H x S:** 0.5m x 0.4m | **Qty Required:** 85

Botanical Name: *Lomandra longifolia* | **Common Name:** Spiny-head Mat Rush (Native) | **Pot size:** 200mm | **Mature H x S:** 0.8m x 0.8m | **Qty Required:** 33

PLANTING FROM COUNCIL DCP

SW — **Botanical Name:** *Syzygium wilsonii(*)* | **Common Name:** Powderpuff Lilly Pilly (Native) | **Pot size:** 200mm | **Mature H x S:** 5.0m x 4.0m | **Qty Required:** 4

VO — **Botanical Name:** *Viburnum odoratissimum* | **Common Name:** Sweet Viburnum (Exotic) | **Pot size:** 200mm | **Mature H x S:** 3m x 2m | **Qty Required:** 64

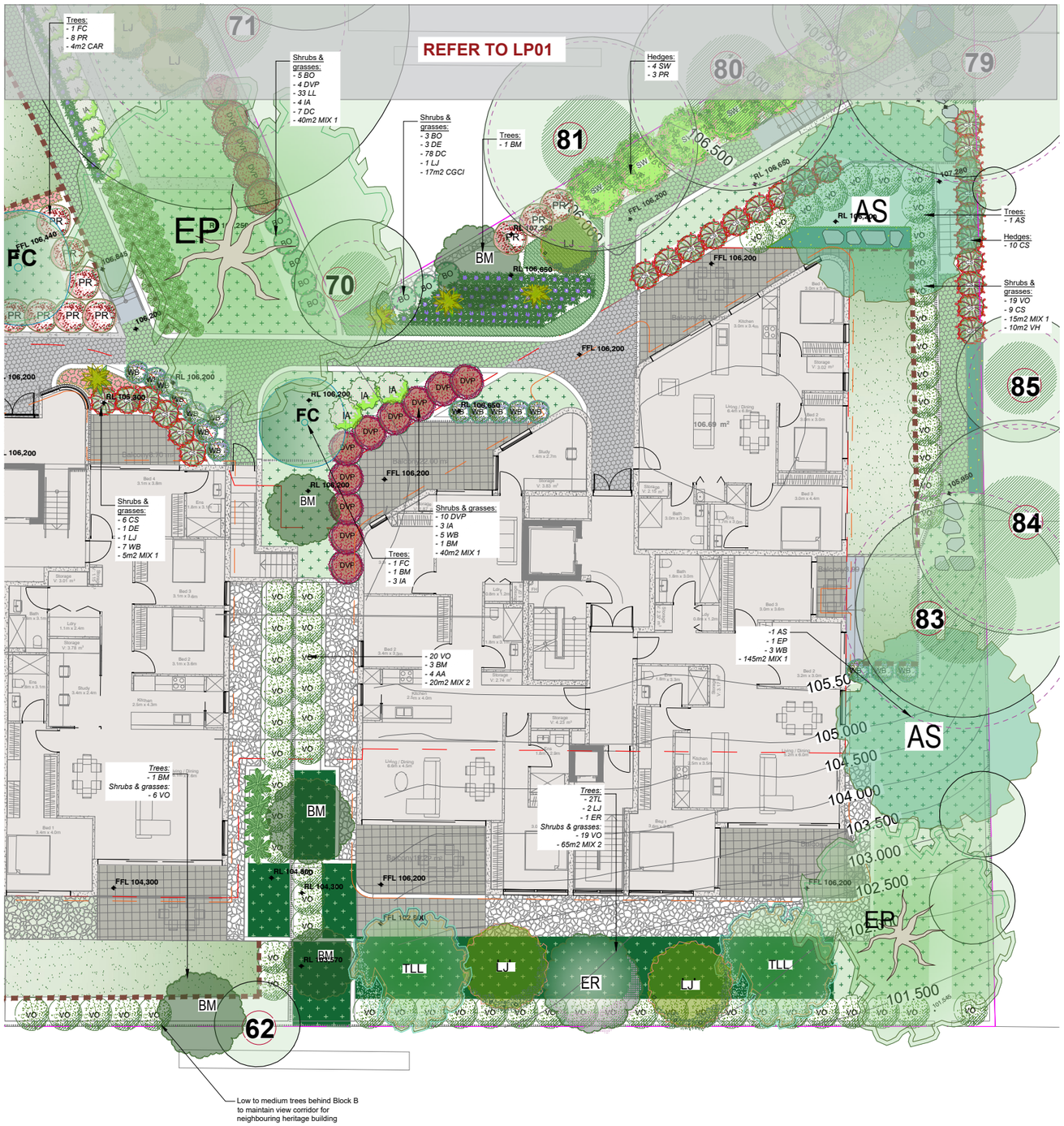
CS — **Botanical Name:** *Callistemon 'Harkness'(*)* | **Common Name:** Slim Bottlebrush (Native) | **Pot size:** 200mm | **Mature H x S:** 3m x 1.3m | **Qty Required:** 25

WB — **Botanical Name:** *Westringia fruticosa(*)* | **Common Name:** Coastal Rosemary (Native) | **Pot size:** 200mm | **Mature H x S:** 1.3m x 1.1m | **Qty Required:** 15

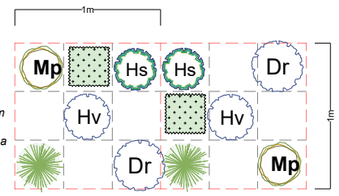
CAR — **Botanical Name:** *Carpobrotus 'Aussie Rambler'* | **Common Name:** Aussie Rambler Pigface (Native) | **Pot size:** 140mm | **Mature H x S:** 0.25m x spreading | **Qty Required:** 7/m2 (**4m2 total)**

CGCI — **Botanical Name:** *Casuarina glauca 'Cousin It'* | **Common Name:** *Cousin It Casuarina* (Native) | **Pot size:** 140mm | **Mature H x S:** 0.1m x 1.5m | **Qty Required:** 5/m2 (**17m2 total)**

VH — **Botanical Name:** *Viola hederacea* | **Common Name:** Sweet Violet (Native) | **Pot size:** 140mm | **Mature H x S:** 0.2m x spreading | **Qty Required:** 9/m2 (**10m2 total)**

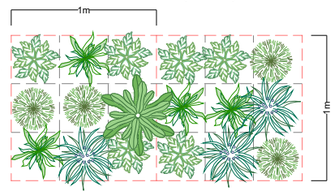


Groundcover Mix (Sun-Part Sun):



KEY	Botanical Name
	Dianella caerulea
Dr	*Dianella revoluta*
Mp	*Myoporum parvifolium*
Hv	*Hardenbergia violacea*
Hs	*Hibertia scandens*
	Viola hederacea

Groundcover & Fern Mix (Shade):



KEY	Botanical Name
	Adiantum aethiopicum
	Blechnum cartilagineum
	Dichondra repens
	Doodia aspera
	Pratia purpurascens

BGHF UNDERSTOREY MASS PLANTING MATRIX TYPICAL DETAIL
Scale nts

Plant quantities relate to a single 2m x 1m indicative grid. planting shall be modified to suit hardscape structures, existing trees and natural elements and where garden areas are smaller than the 2m grid.

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COUNCIL: KU-RING-GAI
CLIENT: WILLIAM LEE

REV	DATE	NOTATION/AMENDMENT
A	25.06.2024	Preliminary DA prepared for review
B	31.07.2024	Coordinated with amended architectural plan
C	23.08.2024	Coordinated with architectural sections
D	04.09.2024	Revised BGHF species
E	01.10.2024	Issued for submission

PROJECT:
PROPOSED MULTI-UNIT RESIDENTIAL DEVELOPMENT
8A,14 & 16 BUCKINGHAM ROAD, KILLARA

Bar Scale
0 2 4 6 8 10m

TITLE: LANDSCAPE PLAN 2
STATUS: DEVELOPMENT APPLICATION
SCALE: 1:100 @ A1
DATE: OCTOBER 2024
PROJECT No: LPDA 24 - 242
SHEET: LP-02
ISSUE: E
DRAWN: L.Z/E.W
CHECKED: R.F

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

BGHF Sub-canopy/understory trees

AS
Botanical Name: *Acmena smithii*
Common Name: Lilly Pilly (Endemic)
Pot size: 75Lt
Mature H x S: 13m x 6-10m
Qty Required: 2

BM
Botanical Name: *Backhousia myrtifolia*
Common Name: Grey Myrtle (Native)
Pot size: 45Lt
Mature H x S: 5-7m x 3-6m
Qty Required: 5

ER
Botanical Name: *Elaeocarpus reticulatus*
Common Name: Blueberry Ash (Endemic)
Pot size: 45Lt
Mature H x S: 7-10m x 4-6m
Qty Required: 1

FC
Botanical Name: *Ficus coronata*
Common Name: Sandpaper Fig (Native)
Pot size: 75Lt
Mature H x S: 6-12m x 4-6m
Qty Required: 3

BGHF Midstream plants/Shrubs

DVP
Botanical Name: *Dodonaea triquetra*
Common Name: *Large-leaf Hop-bush (Native)*
Pot size: 200mm
Mature H x S: 2m x 1.5m
Qty Required: 5

Botanical Name: *Doryanthes excelsa*
Common Name: Gymea Lily (Native)
Pot size: 300mm
Mature H x S: 1.1m x 1m
Qty Required: 9

IA
Botanical Name: *Indigofera australis*
Common Name: Australian Indigo (Native)
Pot size: 200mm
Mature H x S: 1-2m x 1-2m
Qty Required: 16

BO
Botanical Name: *Breynia oblongifolia*
Common Name: Coffee Bush (Native)
Pot size: 200mm
Mature H x S: 1-3m x 1-1.2m
Qty Required: 11

PR
Botanical Name: *Pittosporum revolutum*
Common Name: Rough fruit Pittosporum (Native)
Pot size: 200mm
Mature H x S: 2-3m x 1.5-2.5m
Qty Required: 10

LJ
Botanical Name: *Leucopogon juniperinus*
Common Name: Prickly beard-heath (Native)
Pot size: 200mm
Mature H x S: 2-3m x 1.5-2.5m
Qty Required: 1

BGHF Native Groudcover mix)

REFER TO SHEET MATRIX DETAILS - VEGETATION MANAGEMENT ZONES/UNDERSTOREY PLANTING

MIX 1
Groundcover Mix (Sun):
Clematis glycinoides
Dianella revoluta
Pandorea pandorana
Hardenbergia violacea
Hibertia scandens
Pot size: 140mm
Mature H x S: <. .5m
Qty Required: 150m2 Refer to Sheet x Matrix

MIX 2
Groundcover Mix (Shade):
Mature H x S: 0.45m x 0.65m
Ferns
Pot size: 140mm
Adiantum aethiopicum
Blechnum cartilagineum
Doodia aspera

Mature H x S: 0.1m x spreading
Groundcovers
Dichondra repens
Viola hederacea
Pot size: Tube stock
Qty Required: 286m2 Refer to Sheet x Matrix

BGHF Native graminoid and fern

AA
Botanical Name: *Asplenium australasicum*
Common Name: Birds Nest Fern (Native)
Pot size: 300mm
Mature H x S: 1m x 1.4m
Qty Required: 2

PLANTING FROM COUNCIL DCP

Botanical Name: *Banksia ericifolia(*)*
Common Name: Heath Banksia (Native)
Pot size: 200mm
Mature H x S: 3m x 2m
Qty Required: 3

SW
Botanical Name: *Syzygium wilsonii(*)*
Common Name: Powderpuff Lilly Pilly (Native)
Pot size: 200mm
Mature H x S: 5.0m x 4.0m
Qty Required: 3

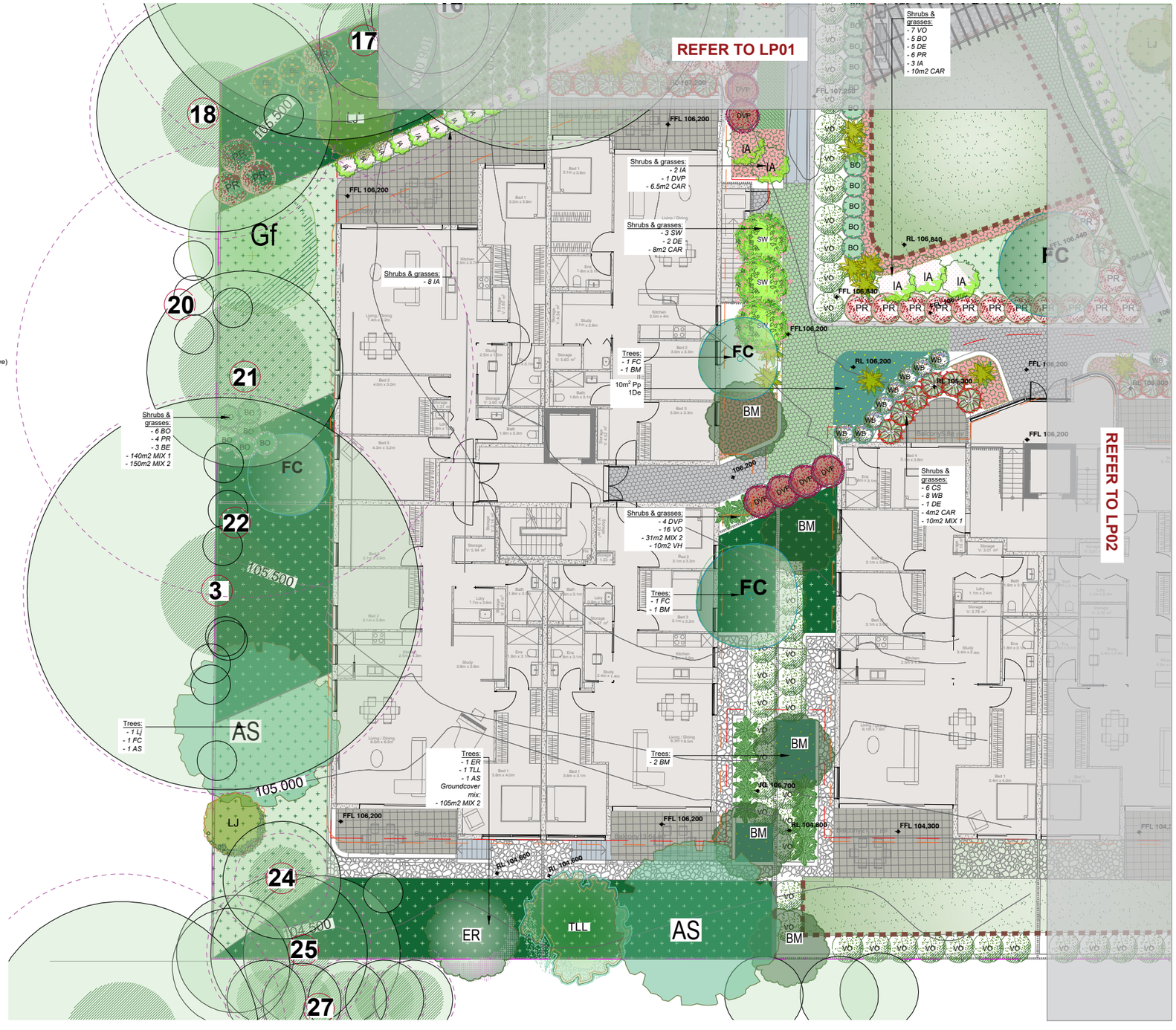
VO
Botanical Name: *Viburnum odoratissimum(*)*
Common Name: Sweet Viburnum (Exotic)
Pot size: 200mm
Mature H x S: 3m x 2m
Qty Required: 23

Botanical Name: *Callistemon 'Harkness'(*)*
Common Name: Slim Bottlebrush (Native)
Pot size: 200mm
Mature H x S: 3m x 1.3m
Qty Required: 6

WB
Botanical Name: *Westringia fruticosa(*)*
Common Name: Coastal Rosemary (Native)
Pot size: 200mm
Mature H x S: 1.3m x 1.1m
Qty Required: 8

CAR
Botanical Name: *Carpobrotus 'Aussie Rambler'*
Common Name: Aussie Rambler Pigface (Native)
Pot size: 140mm
Mature H x S: 0.25m x spreading
Qty Required: 7/m2 (**28.5m2 total)**

Pp
Botanical Name: *Plectranthus parviflorus*
Common Name: Little Spurflower
Pot size: 140mm
Mature H x S: 0.3-0.6m x 0.3-0.6m
Qty Required: 9/m2 (**10m2 total)**



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PROJECT: PROPOSED MULTI-UNIT RESIDENTIAL DEVELOPMENT
8A,14 & 16 BUCKINGHAM ROAD, KILLARA

Bar Scale 0 2 4 6 8 10m

TITLE: LANDSCAPE PLAN 3
STATUS: DEVELOPMENT APPLICATION
SCALE: 1:100 @ A1
DATE: OCTOBER 2024
PROJECT No: LPDA 24 - 242
SHEET: LP-03
ISSUE: E
DRAWN: L.Z/E.W
CHECKED: R.F

LEGEND & SCHEDULE

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7. ALL TREES TO BE SOURCED IN ACCORDANCE WITH TESTS AND MEASUREMENTS CONTAINED WITHIN AS 2303-2015 - TREE STOCK FOR LANDSCAPE USE

PA
Botanical Name: *Plumeria acutifolia*
Common Name: Frangipani (Exotic)
Pot size: 45Lt
Mature H x S: 5m x 4m
Qty Required: 4

BEL
Botanical Name: *Banksia ericifolia 'Little Eric'*
Common Name: Heath Banksia (Native)
Pot size: 200mm
Mature H x S: 1.4m x 1.4m
Qty Required: 12

CB
Botanical Name: *Callistemon 'Better John'*
Common Name: Better John Bottlebrush (Native)
Pot size: 200mm
Mature H x S: 1m x 0.9m
Qty Required: 64

WB
Botanical Name: *Westringia fruticosa*
Common Name: Coastal Rosemary (Native)
Pot size: 200mm
Mature H x S: 1.3m x 1.1m
Qty Required: 19

RE
Botanical Name: *Russelia equisetiformis*
Common Name: Firecracker (Exotic)
Pot size: 200mm
Mature H x S: 1m x 1.2m
Qty Required: 38

Botanical Name: *Doryanthes excelsa*
Common Name: Gymea Lily (Native)
Pot size: 300mm
Mature H x S: 1.1m x 1m
Qty Required: 8

Botanical Name: *Carpobrotus 'Aussie Rambler'*
Common Name: Aussie Rambler Pigface (Native)
Pot size: 140mm
Mature H x S: 0.25m x spreading
Qty Required: 7/m2 (**36m2 total)**

Botanical Name: *Casuarina glauca 'Cousin It'*
Common Name: *Cousin It Casuarina* (Native)
Pot size: 140mm
Mature H x S: 0.1m x 1.5m
Qty Required: 5/m2 (**11m2 total)**



'FOR ADVANCED TREE PLANTING IN HIGH WIND AND ROOFTOP LOCATIONS, IT IS RECOMMENDED THAT AN APPROVED ROOT BALL ANCHORING SYSTEM EQUAL TO 'PLATIPUS ANCHORS' SHALL BE USED. INSTALL AS PER THE MANUFACTURERS SPECIFICATION'

HARDSCAPE ITEMS

Approved & certified toughened glass balustrade system refer to architect's details.
MIN. height to comply with **NCC STANDARDS**

Communal Open Space Rooftop Terraces
GENERAL NOTE

BCA & Australian Standards (AS):

Building codes and standards are established on a federal level by the nationally recognised Building Code of Australia (BCA), & these apply to all phases of construction, including balustrade design and specification. Specifically, BCA 2012 Parts 3.9.1 (stairs) and 3.9.2 (balustrades) and Australian Standard 1170.1 cover regulations for balustrades on stairways, balconies, rooftop terraces and other surfaces between levels.

BCA Balustrade Regulations and Standards

A balustrade is defined as a rail and its balusters (posts or other supporting members). BCA regulations state that a balustrade must:

- Be at least 1 metre high as measured from the finished floor;
- Have openings between risers or posts no greater than 125mm; and
- Be able to withstand loads and impacts as determined by AS 1170.1

The height regulation of 1 metre ensures the balustrade is high enough to provide prevention against falling over the balustrade. The openings between risers or posts cannot be greater than 125mm to prevent children from falling between them. Load and impact regulations are designed to ensure balustrades can resist impact or will not collapse when pressure is applied to them from any direction.

Balustrade Safety & Planters

BCA regulations state that the balustrade must be 1 metre or more, higher than the finished floor. On roof-top terraces, planters & furniture are often incorporated in the landscape design. It's important for compliance and safety that these elements do not undermine the safety of Communal Open Space (COS) terraces and rooftops, and the compliance with the BCA and AS's are maintained.

Items to consider are:

- Where planters form the safety balustrade, their internal face must be 1m non-climbable
- Outdoor furniture such as tables, BBQs, and seating shall be fixed and located a minimum 1m away from balustrades
- Where furniture is proposed to be fixed or adjacent to COS terrace planters which form the balustrade, then a compliant handrail will be required to be fixed to the external edge of the planter

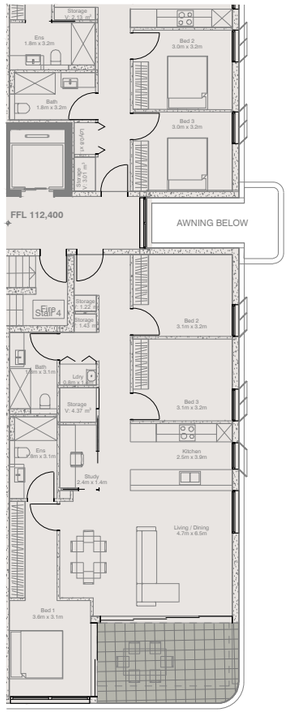
A concern for COS areas on rooftops or terrace areas is that the strata will add loose furniture which ultimately could undermine the safety of the installed balustrades. **In this case, it shall be the strata bodies responsibility to manage the safety of these areas.**

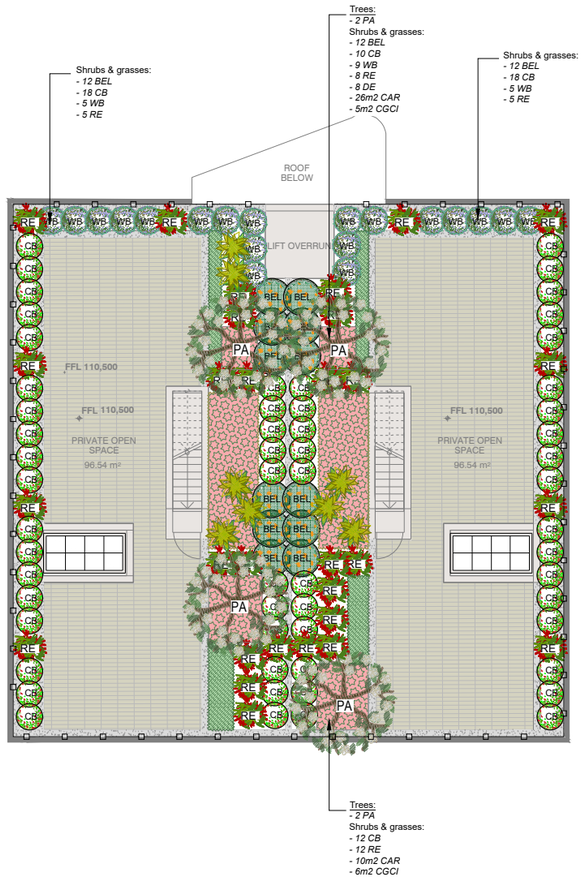
Ultimately, the compliance and safety of the COS areas shall be the responsibility of the builder, and carefully inspected and certified at the Occupation Certificate (OC) stage of the development

Maintenance of COS area

Communal Open Space terrace and rooftop areas are exposed to extremes (wind, sun, and extreme weather) so maintenance is important. The following item should be included or considered:

- **All planters shall be structurally water-proofed**, with this work certified and periodically inspected. Trades should be closely monitored so they do not subsequently damage completed waterproofing
- **All planters shall be irrigated with an automated system** set on an approved watering pattern. Moisture gauges should be installed in some planters to minimize overwatering
- **Tree Anchors** shall be installed in high wind areas to larger plants, such as palms & small trees
- Compliance for balustrades and handrails should be monitored regularly
- For the maintenance of large rooftop areas and planters without external balustrades, **anchoring points for tying off harnesses** for landscape maintenance workers are essential





LEVEL 2
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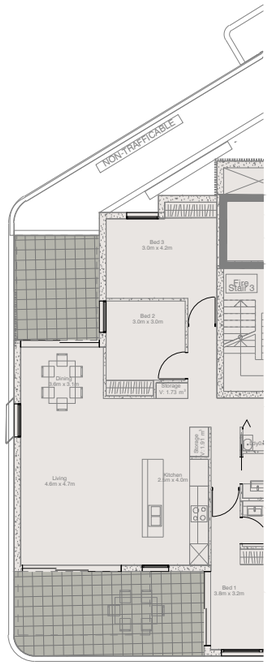
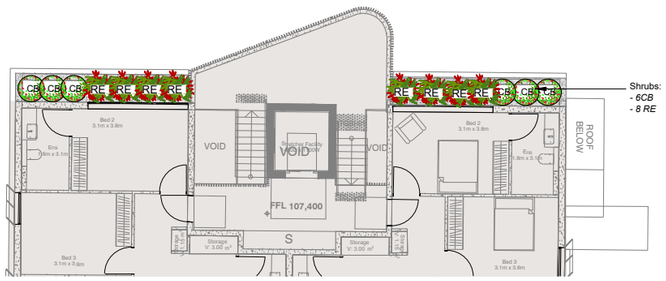


KILLARA GOLF CLUB



LEVEL 1
SCALE: 1:100

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COUNCIL: KU-RING-GAI
CLIENT: WILLIAM LEE

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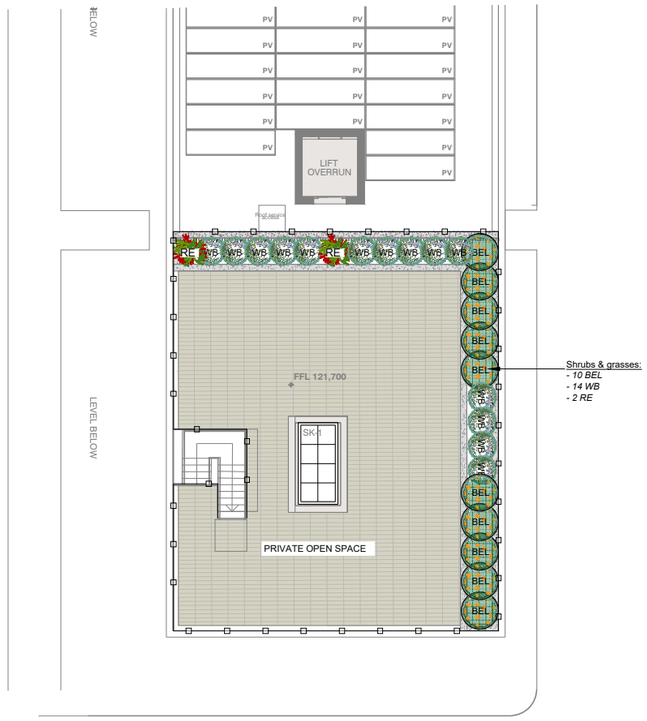
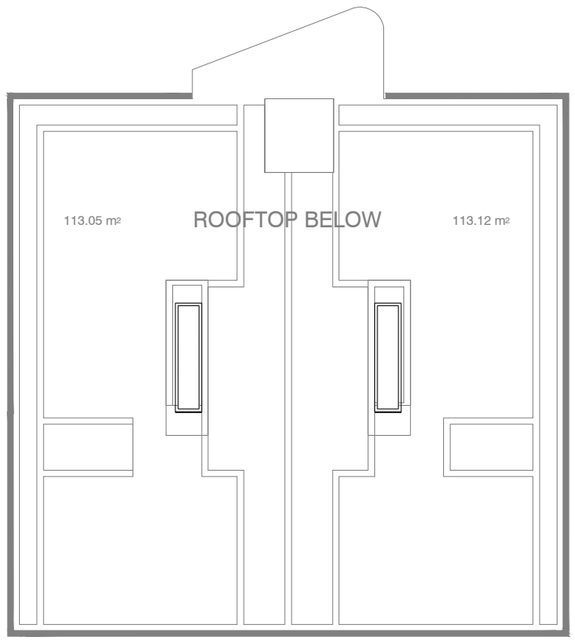
C	23.08.2024	Coordinated with architectural sections
D	04.09.2024	Revised BGHF species
E	01.10.2024	Issued for submission

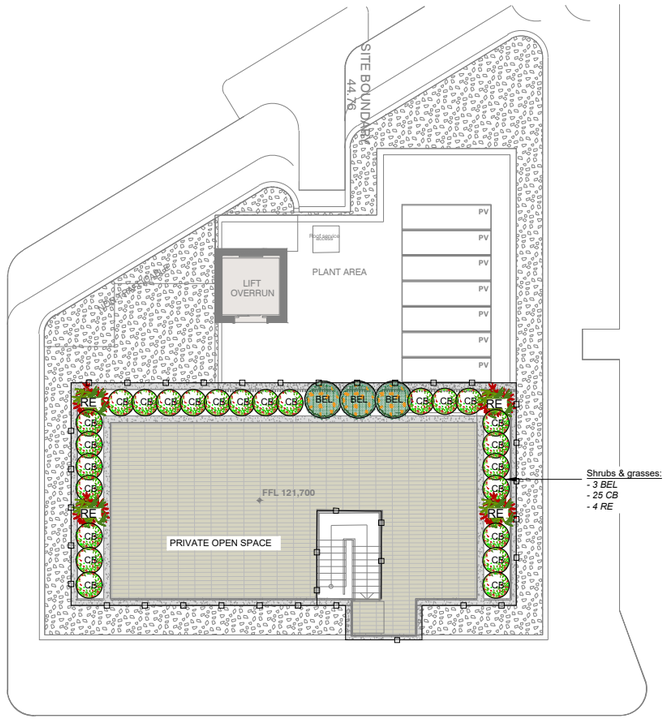
PROJECT:
PROPOSED MULTI-UNIT RESIDENTIAL DEVELOPMENT
8A,14 & 16 BUCKINGHAM ROAD, KILLARA

Bar Scale
0 2 4 6 8 10m

TITLE: LANDSCAPE PLAN - L1 & L2
STATUS: DEVELOPMENT APPLICATION
SCALE: 1:100@ A1
DATE: OCTOBER 2024
PROJECT No: LPDA 24 - 242
SHEET: LP-04
ISSUE: E
DRAWN: L.Z/E.W
CHECKED: R.F







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

BEL

Botanical Name: *Banksia ericifolia 'Little Eric'*
Common Name: Heath Banksia (Native)
Pot size: 200mm
Mature H x S: 1.4m x 1.4m
Qty Required: 13

CB

Botanical Name: *Callistemon 'Better John'*
Common Name: Better John Bottlebrush (Native)
Pot size: 200mm
Mature H x S: 1m x 0.9m
Qty Required: 25

WB

Botanical Name: *Westringia fruticosa*
Common Name: Coastal Rosemary (Native)
Pot size: 200mm
Mature H x S: 1.3m x 1.1m
Qty Required: 14

RE

Botanical Name: *Russelia equisetiformis*
Common Name: Firecracker (Exotic)
Pot size: 200mm
Mature H x S: 1m x 1.2m
Qty Required: 6

HARDSCAPE ITEMS

Approved & certified toughened glass balustrade system refer to architect's details.
MIN. height to comply with **NCC STANDARDS**

Communal Open Space Rooftop Terraces
GENERAL NOTE

BCA & Australian Standards (AS):

Building codes and standards are established on a federal level by the nationally recognised Building Code of Australia (BCA), & these apply to all phases of construction, including balustrade design and specification. Specifically, BCA 2012 Parts 3.9.1 (stairs) and 3.9.2 (balustrades) and Australian Standard 1170.1 cover regulations for balustrades on stairways, balconies, rooftop terraces and other surfaces between levels.

BCA Balustrade Regulations and Standards

A balustrade is defined as a rail and its balusters (posts or other supporting members). BCA regulations state that a balustrade must:

- Be at least 1 metre high as measured from the finished floor;
- Have openings between risers or posts no greater than 125mm; and
- Be able to withstand loads and impacts as determined by AS 1170.1

The height regulation of 1 metre ensures the balustrade is high enough to provide prevention against falling over the balustrade. The openings between risers or posts cannot be greater than 125mm to prevent children from falling between them. Load and impact regulations are designed to ensure balustrades can resist impact or will not collapse when pressure is applied to them from any direction.

Balustrade Safety & Planters

BCA regulations state that the balustrade must be 1 metre or more, higher than the finished floor. On roof-top terraces, planters & furniture are often incorporated in the landscape design. It's important for compliance and safety that these elements do not undermine the safety of Communal Open Space (COS) terraces and rooftops, and the compliance with the BCA and AS's are maintained.

Items to consider are:

- Where planters form the safety balustrade, their internal face must be 1m non-climbable
- Outdoor furniture such as tables, BBQs, and seating shall be fixed and located a minimum 1m away from balustrades
- Where furniture is proposed to be fixed or adjacent to COS terrace planters which form the balustrade, then a compliant handrail will be required to be fixed to the external edge of the planter

A concern for COS areas on rooftops or terrace areas is that the strata will add loose furniture which ultimately could undermine the safety of the installed balustrades. **In this case, it shall be the strata bodies responsibility to manage the safety of these areas.**

Ultimately, the compliance and safety of the COS areas shall be the responsibility of the builder, and carefully inspected and certified at the Occupation Certificate (OC) stage of the development

Maintenance of COS area

Communal Open Space terrace and rooftop areas are exposed to extremes (wind, sun, and extreme weather) so maintenance is important. The following item should be included or considered:

- **All planters shall be structurally water-proofed**, with this work certified and periodically inspected. Trades should be closely monitored so they do not subsequently damage completed waterproofing
- **All planters shall be irrigated with an automated system** set on an approved watering pattern. Moisture gauges should be installed in some planters to minimize overwatering
- **Tree Anchors** shall be installed in high wind areas to larger plants, such as palms & small trees
- Compliance for balustrades and handrails should be monitored regularly
- For the maintenance of large rooftop areas and planters without external balustrades, **anchoring points for tying off harnesses** for landscape maintenance workers are essential

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CLIENT: WILLIAM LEE

REV	DATE	NOTATION/AMENDMENT
A	25.06.2024	Preliminary DA prepared for review
B	31.07.2024	Coordinated with amended architectural plan
C	23.08.2024	Coordinated with architectural sections
D	04.09.2024	Revised BGHF species
E	01.10.2024	Issued for submission

PROJECT:
PROPOSED MULTI-UNIT RESIDENTIAL DEVELOPMENT
8A,14 & 16 BUCKINGHAM ROAD, KILLARA

Bar Scale
0 2 4 6 8 10m

TITLE: LANDSCAPE PLAN - L5
STATUS: DEVELOPMENT APPLICATION
SCALE: 1:100@ A1
DATE: OCTOBER 2024
PROJECT No: LPDA 24 - 242
SHEET: LP-05
ISSUE: E
DRAWN: L.Z/E.W
CHECKED: R.F



SECTION A

SCALE: 1:50

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PROJECT:
PROPOSED MULTI-UNIT RESIDENTIAL DEVELOPMENT
8A,14 & 16 BUCKINGHAM ROAD,
KILLARA

0 1 2 5
1:50

TITLE: SECTION1

STATUS: DEVELOPMENT APPLICATION

PROJECT No:	SHEET:	ISSUE:	SCALE:	DATE:
LPDA 24 - 242	LP-06	E	1:50@ A1	OCTOBER 2024

DRAWN: L.Z/E.W

CHECKED: R.F



SECTION B

SCALE: 1:50

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PROJECT:
PROPOSED MULTI-UNIT RESIDENTIAL DEVELOPMENT
8A,14 & 16 BUCKINGHAM ROAD,
KILLARA

0 1 2 5
1:50

TITLE:
SECTION2

STATUS:
DEVELOPMENT APPLICATION

SCALE:
1:50@ A1

DATE:
OCTOBER 2024

PROJECT No:
LPDA 24 - 242

SHEET:
LP-07

ISSUE:
E

DRAWN:
L.Z/E.W

CHECKED:
R.F

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 paving 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 **(AS)4970-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 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 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 bale & geotextile sediment filter.
- Exposed banks shall be pegged with an approved Jute matting in preparation for mass planting

Refer to "Sitewise 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 toxins 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 garden 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 when site topsoil runs out.

2.02 INSTALLATION (TO GARDEN OUTSIDE OF TREE PROTECTION ZONES OF TREES RECOMMENDED TO BY RETAINED)
Note: No level changes (Cut or Fill), soil ripping within the Tree 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 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 outside of tree 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 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 breakup of the subgrade into a reasonably coarse tilth. 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 twice 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 tilth 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.
Above - 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 trunk 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 Ross 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 is 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 sources organic mulch" as supplied by ANL. Mulch shall be completely free from any soil, weeds, rubbish or other debris. Mulch for bio-retention/rain garden area where is required shall be non-floatable materials that could include crushed 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 Zoysia macrantha '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 plumb 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 "Trees" 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/rolls 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) Steel garden edging
Where is required, the Contractor shall install Steel garden 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. **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 not timber construction materials, construction details to be provided by a qualified engineer. Install wall to suit site levels and to manufacture's specification.

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 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 useable, 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 bought 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) 8836 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 3500 & the Electrical Safety Act 2002, Workplace Health & Safety Act 2011, & 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 plantings.
- 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 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 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 :

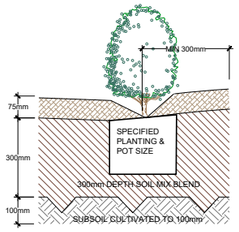
- 6 months beginning from the approved completion of the specified construction work (Practical Completion)
- as agreed to in the landscape contractors contractual obligations.
- or as specified by Council in the Determination.

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.
- 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.
- 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.



75mm DEPTH EUCY MULCH OR APPROVED EQUIVALENT NATURALLY SOURCES ORGANIC MULCH

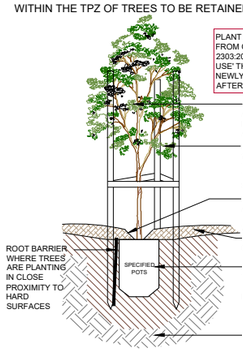
SOIL MIX:

50% OF STOCKPILED SITE TOPSOIL FREE FROM ALL BUILDER'S RUBBISH AND DELETERIOUS MATERIALS. TOPSOIL TO BE AMELIORATED, MIXED WITH MINIMUM 50% IMPORTED GARDEN MIX OR SOIL CONDITIONER/ COMPOSTED ORGANIC MATTER - SEE SPEC.
USE 100% IMPORTED SOIL MIX WHEN SITE TOPSOIL RUNS OUT.

TYPICAL GARDEN PREPARATION DETAIL

SCALE 1:10

(ONLY APPLICABLE FOR PLANTING AREA OUTSIDE TREE PROTECTION ZONE OF TREES TO BE RETAINED. NO CHANGES ARE TO OCCUR TO EXISTING LEVELS, INCLUDING RIPPING/CULTIVATING OF THE SOIL WITHIN THE TPZ OF TREES TO BE RETAINED ON SITE)



PLANT STOCK SHALL BE SOURCED FROM GROWERS CONFORMING TO AS 2303:2018 TREE STOCK FOR LANDSCAPE USE' THOROUGHLY WATER IN ALL NEWLY PLANTED STOCK IMMEDIATELY AFTER PLANTING.

QUALITY OF PLANT TO BE APPROVED BY PROJECT MANAGER OR LANDSCAPE ARCHITECT

PROVIDE 3 HARDWOOD STAKES 1.8m X 50mm X 50mm FOR ALL TREES. USE 50mm HESSIAN TIES TO SECURE LOWER TRUNK TO STAKES

PROVIDE SLIGHT DEPRESSION TO ALLOW FOR EFFECTIVE WATERING

75mm 'EUCY MULCH OR APPROVED EQUIVALENT NATURALLY SOURCES ORGANIC MULCH

BACKFILL HOLE WITH CLEAN, TESTED SITE TOP-SOIL BLEND OR IMPORTED SOIL MIX APPROVED BY LANDSCAPE ARCHITECT

CULTIVATE/ RIP SUBGRADE

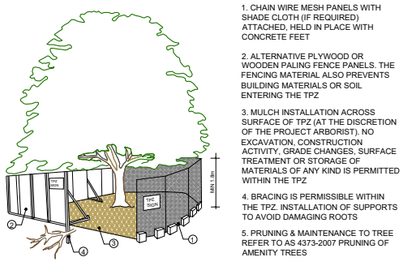
TREE PLANTING DETAIL

SCALE: 1:10

(ONLY APPLICABLE FOR PLANTING AREA OUTSIDE TREE PROTECTION ZONE OF TREES TO BE RETAINED. NO CHANGES ARE TO OCCUR TO EXISTING LEVELS, INCLUDING RIPPING/CULTIVATING OF THE SOIL WITHIN THE TPZ OF TREES TO BE RETAINED ON SITE)

MASS PLANTING SETOUT

N.T.S



1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST). NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

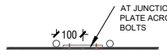
PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

TREE PROTECTION ZONE

N.T.S



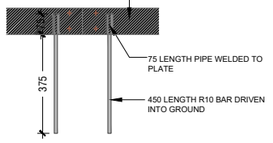
STEPPING STONES IN NATURAL DEEP- SOIL DESIGNED TO PROVIDE PRACTICAL ACCESS WHILE RETAINING A PERMEABLE ZONE & MINIMIZING STORM WATER RUN-OFF



AT JUNCTIONS FIX 150 LENGTH PLATE ACROSS JOIN, FIX WITH BOLTS

PLAN

SCALE: 1:10



DETAIL

SCALE: 1:10

NOTE: TURF AREAS TO FINISH FLUSH WITH SURROUNDING SURFACE FINISHES (EXCEPT GARDEN BEDS). ROLL AND WATER IMMEDIATELY AFTER LAYING

SOFT LEAF BUFFALO "SIR WALTER" OR SIMILAR

LAY TURF ON MINIMUM 100mm 80 : 20 TOP DRESS SOIL MIX SAND : ORGANIC MATTER

REFER GARDEN PREP DETAIL

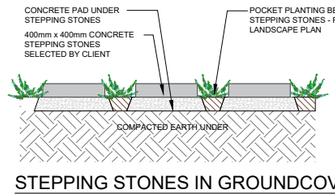
100mm DEEP TOPSOIL MIX

CULTIVATE SUBSOIL TO 100mm

100MM AG LINE IN BLUE METAL TRENCH TO CONNECT TO SITE DRAINAGE

SECTION

SCALE: 1:10



STEPPING STONES IN GROUNDCOVER PLANTING

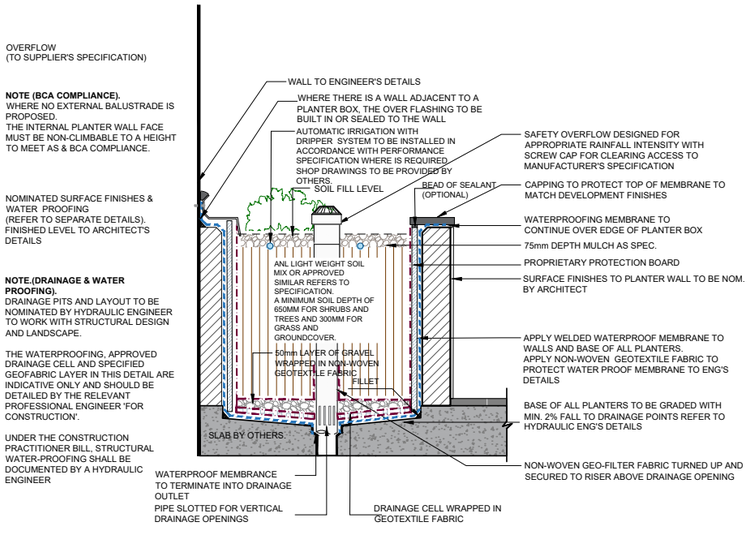
SCALE 1:10

STEEL EDGE DETAIL

SCALE: 1:10

CONCRETE PLINTH MOUNTED SEAT

SCALE 1:20



NOTE (BCA COMPLIANCE).
WHERE NO EXTERNAL BALUSTRADE IS PROPOSED.
THE INTERNAL PLANTER WALL FACE MUST BE NON-CLIMBABLE TO A HEIGHT TO MEET AS & BCA COMPLIANCE.

NOMINATED SURFACE FINISHES & WATER PROOFING (REFER TO SEPARATE DETAILS). FINISHED LEVEL TO ARCHITECT'S DETAILS

NOTE.(DRAINAGE & WATER PROOFING).
DRAINAGE PITS AND LAYOUT TO BE NOMINATED BY HYDRAULIC ENGINEER TO WORK WITH STRUCTURAL DESIGN AND LANDSCAPE.

THE WATERPROOFING, APPROVED DRAINAGE CELL AND SPECIFIED GEOFABRIC LAYER IN THIS DETAIL ARE INDICATIVE ONLY AND SHOULD BE DETAILED BY THE RELEVANT PROFESSIONAL ENGINEER 'FOR CONSTRUCTION'.

UNDER THE CONSTRUCTION PRACTITIONER BILL, STRUCTURAL WATER-PROOFING SHALL BE DOCUMENTED BY A HYDRAULIC ENGINEER

PLANTER WALL ON SLAB DETAIL

SCALE: nts

PLANTER DETAIL TO CONFORM AS 4654.2-2012

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COUNCIL: KU-RING-GAI

CLIENT: WILLIAM LEE

REV	DATE	NOTATION/AMENDMENT
A	25.06.2024	Preliminary DA prepared for review
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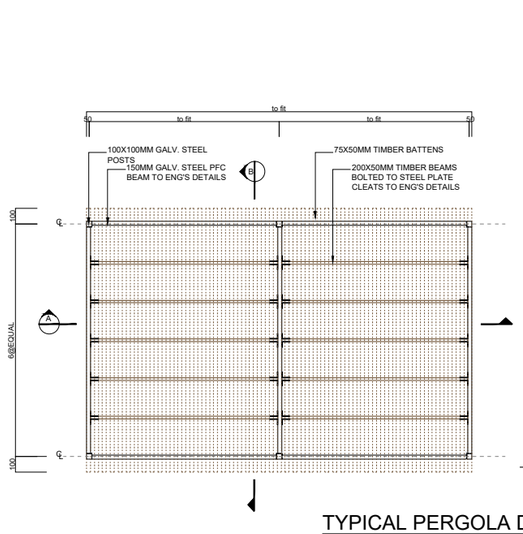
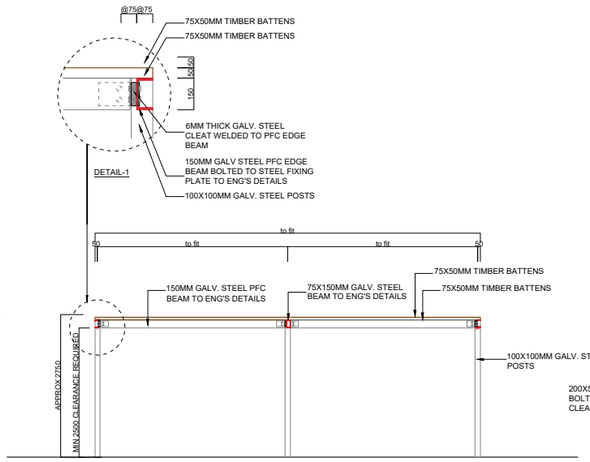
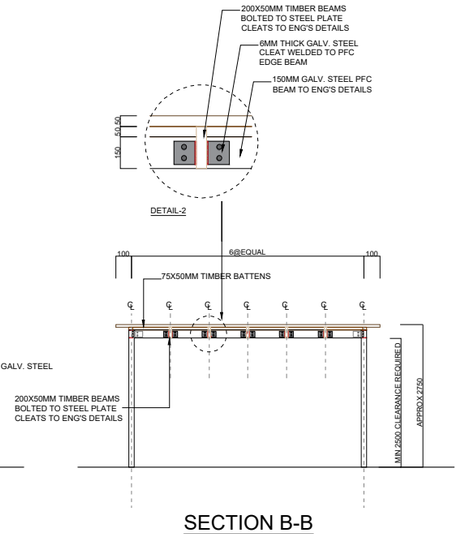
PROJECT: PROPOSED MULTI-UNIT RESIDENTIAL DEVELOPMENT
8A,14 & 16 BUCKINGHAM ROAD, KILLARA

TITLE: DETAILS & SPECIFICATION

STATUS: DEVELOPMENT APPLICATION
SCALE: AS SHOWN @ A1
DATE: OCTOBER 2024
PROJECT No: LPDA 24 - 242
SHEET: LP-08
ISSUE: E
DRAWN: L.Z/E.W
CHECKED: R.F







TYPICAL PERGOLA DETAIL

REFER TO MANUFACTURER'S DETAIL FOR FULL SPEC.

SCALE NTS

SECTION A-A

SECTION B-B

NOTE:
DETAIL PROVIDED FOR DESIGN INTENT ONLY, TO BE REVIEWED AND VERIFIED WITH FURTHER DETAILING PROVIDED AS REQUIRED FOR CONSTRUCTION BY ARCHITECT/ STRUCTURAL ENGINEER



SAMPLE IMAGE

HydroSTON 50 Block (50 x 200 x 100mm), HydroSTON 50 Flag (50 x 300 x 300mm) and extra large format HydroSTON 50 Flag XL (50 x 400 x 400mm pavers) are intended for pedestrian only purposes and are not designed to carry vehicles.

Colours

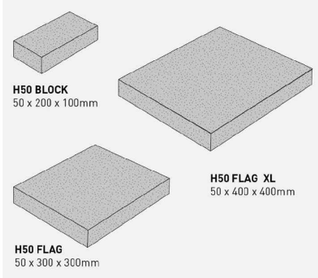
Standard colours are Light Grey and Charcoal. Other colours can be manufactured to order during scheduled production runs.

HydroCon endeavours to maintain good stocks of standard colours to meet normal customer requirements.

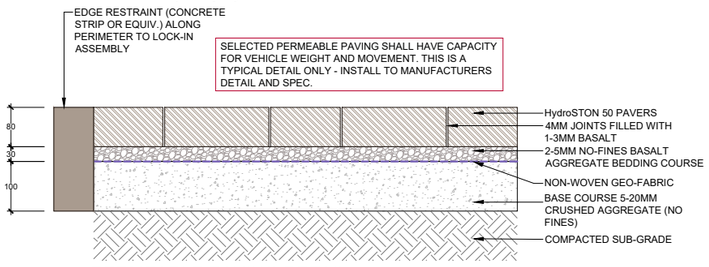
Non-standard colours can be manufactured to order during scheduled production runs of standard colours.

Early lead time advice is required for the manufacture of non-standard colours and customers need to be consulted on colour selection.

Colours shown are a guide only and may vary. Colour samples are available on request.

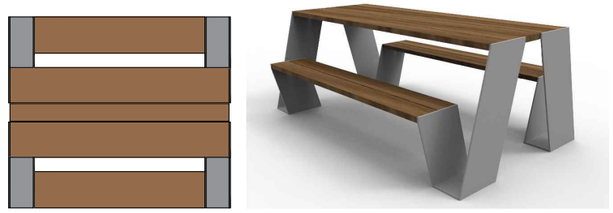


Refer to manufacturer's spec by *HydroCon*



PERMEABLE PAVING DETAIL

SCALE NTS



NOTE: DRAWING IS INDICATIVE ONLY. PRODUCT BY COMMERCIAL SYSTEMS AUSTRALIA. REFER MANUFACTURER'S SPECIFICATIONS & INSTRUCTIONS FOR INSTALLATION

ODYSSEY PICNIC SETTING BY CSA - PRODUCT CODE: TM4170

SCALE 1:20

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COUNCIL: KU-RING-GAI
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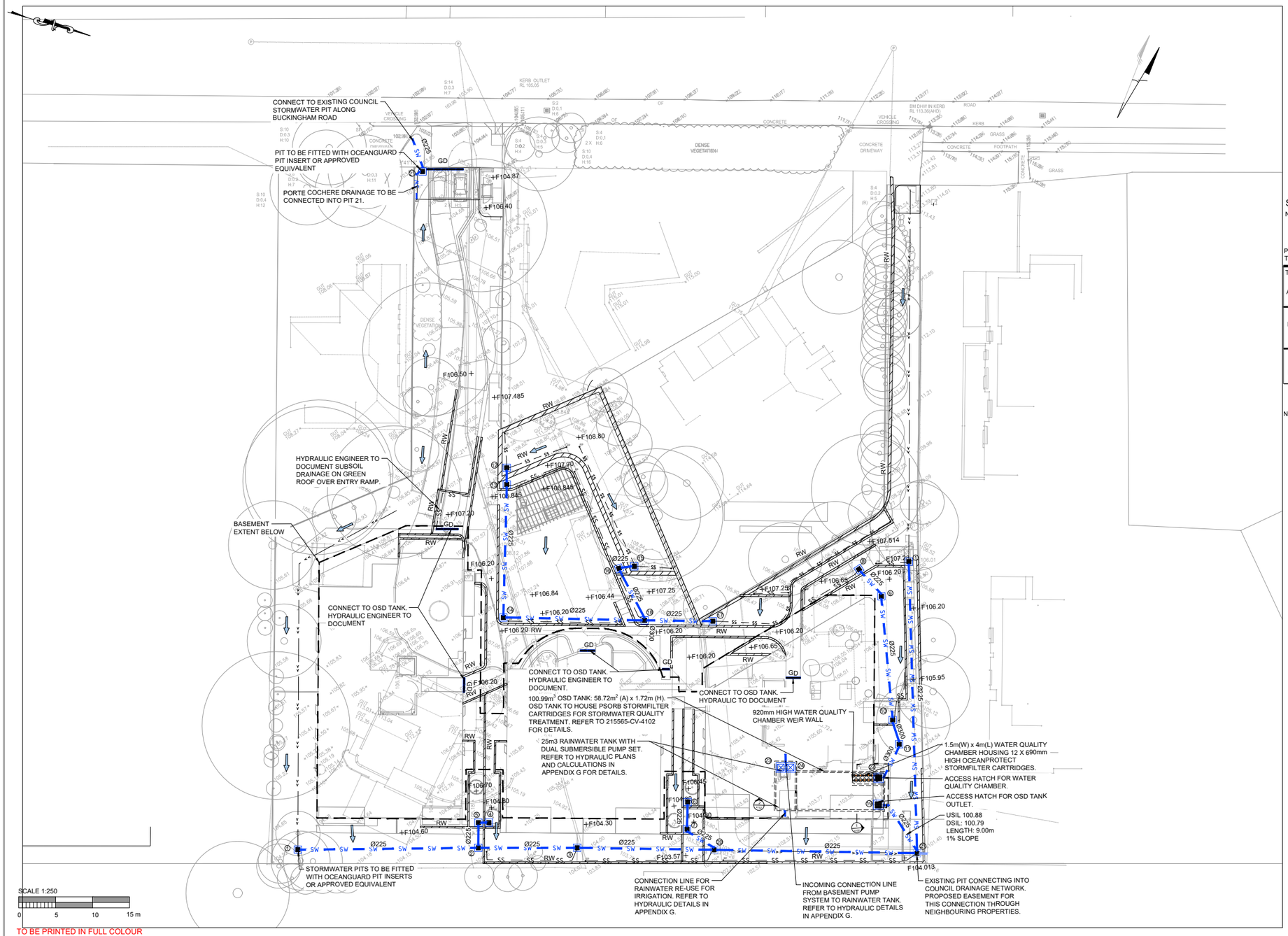
SCALE: AS SHOWN @ A1
DATE: OCTOBER 2024
PROJECT No: LPDA 24 - 242
SHEET: LP-09
ISSUE: E
DRAWN: L.Z/E.W
CHECKED: R.F

A1



DRAINAGE LEGEND

+FXX.XX	Proposed finished level
Ø100 SW	Stormwater pipe with size
	Grated and solid lid pits
	On-grade kerb inlet and sag pit
GD	Grated drain
SS SS	subsoil drainage line (100 dia) at 1% min slope (typ)
FP	Flushing point with subsoil drainage line (100 dia)
>>	Grass swale
	Overland flow path
RW	Blockwork retaining wall

STORMWATER PIT SCHEDULE

Note: Grate size does not necessarily reflect pit size. Final internal pit dimensions are to comply with AS3500

Pit Type	Pit Size	Lid Type	Water Quality	Number
Type A: OSD Tank Access Pits	900 x 900	Class B, Galvanised mild steel grate hinged to frame.		18,22
Type B: Grated Inlet Pits	600 x 600	Class B, Galvanised mild steel grate hinged to frame.	Oceanguard Pit Inserts (Pits1,2,3,5,11, 13,15,16,17, 19,21)	1,2,3,4,5, 6,7,8,9,10, 11,12,13, 14,15,16, 17,21
Type C: Existing Pits to Remain				19,20

NOTE: ALL STORMWATER PIPES TO HAVE MINIMUM 1% SLOPE.

TO BE PRINTED IN FULL COLOUR

NOT FOR CONSTRUCTION

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rev	date	description	drn	ch'k
04	20/12/24	REISSUE FOR DEVELOPMENT APPLICATION	ASE	PAL
03	21/11/24	ISSUE FOR DEVELOPMENT APPLICATION	ASE	PAL
02	11/10/24	ISSUE FOR DEVELOPMENT APPLICATION	MZV	PAL
01	04/10/24	DRAFT ISSUE FOR DEVELOPMENT APPLICATION	ASE	PAL

rev	date	description	drn	ch'k

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enstruct MEMBER OF WSP

project: 8A, 14 & 16 BUCKINGHAM ROAD, KILLARA NSW 2071

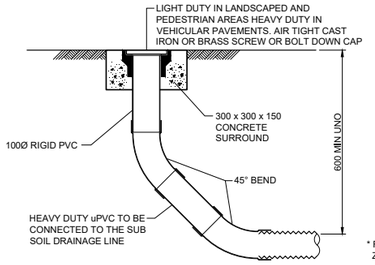
drawing title: STORMWATER DRAINAGE PLAN

status: FOR APPROVAL

scale at A1	drawn	checked	approved
1:250	ASE	PAL	NOV-24

project no.	sheet	rev.
215565	215565-CV-4001	04

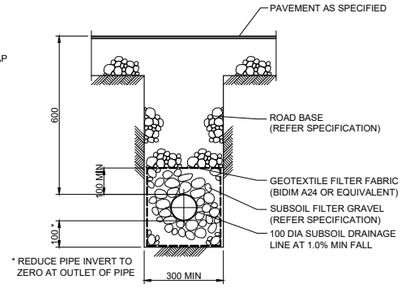
A1



FLUSHING POINT (FP)

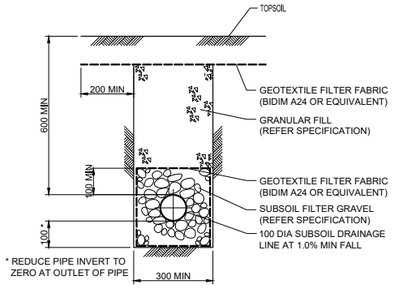
SCALE 1:10

NOTE: SLOTTED RIGID PVC PIPE AND FITTINGS MAY BE USED



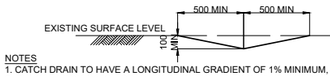
SUBSOIL IN PAVED AREAS

SCALE 1:10



SUBSOIL IN LANDSCAPED AREAS

SCALE 1:10

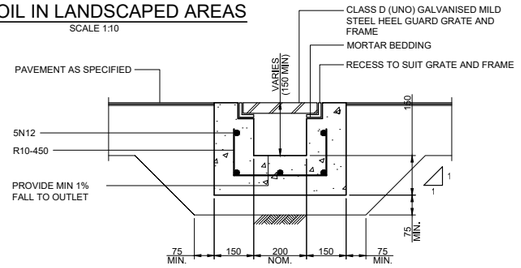


NOTES

1. CATCH DRAIN TO HAVE A LONGITUDINAL GRADIENT OF 1% MINIMUM, AND 5% MAXIMUM.
2. RUNOFF FROM CATCH DRAIN TO BE DIRECTED TO SUITABLE SEDIMENT FILTER OR SEDIMENT TRAP.

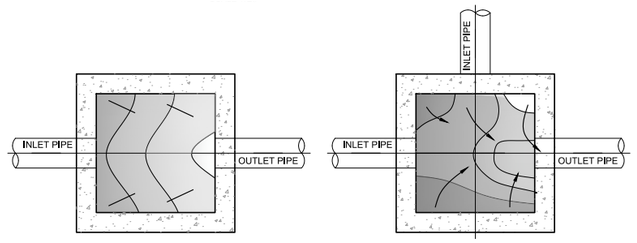
GRASS SWALE - TYPICAL SECTION

SCALE 1:20



GRATED DRAIN

SCALE 1:10

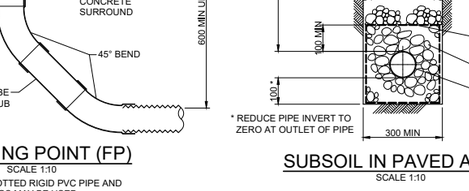


NOTES:

1. MASS CONCRETE BENCHING WITHIN PITS MUST BE FORMED SO AS TO CONVEY WATER FROM INLET(S) TO OUTLET.
2. BENCHING SHOULD BE ACHIEVE MINIMUM CROSS FALLS WITHIN PITS AS REQUIRED BY ENSTRUCT'S PIT DETAILS AND AUSTRALIAN STANDARDS.
3. NO WATER IS TO STAND IN PITS WHEN BENCHING IS COMPLETE.

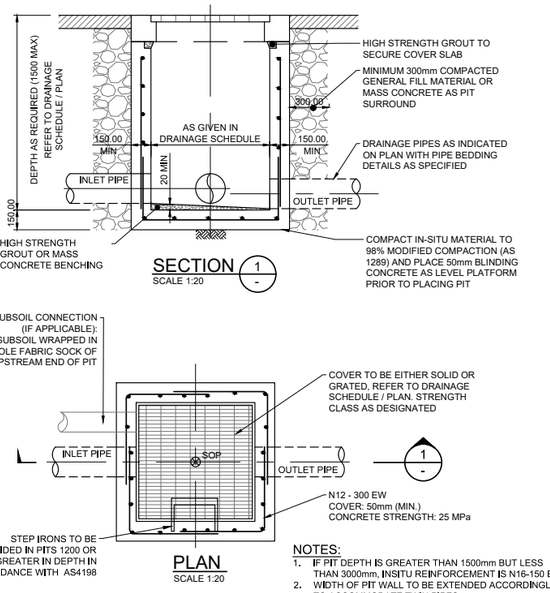
TYPICAL PIT BENCHING DETAILS

SCALE 1:20



GROSS POLLUTANT TRAP (GPT) PIT BASKET INSERT FOR SURFACE INLET PITS

SCALE: NTS



SECTION 1 -

SCALE 1:20

PLAN

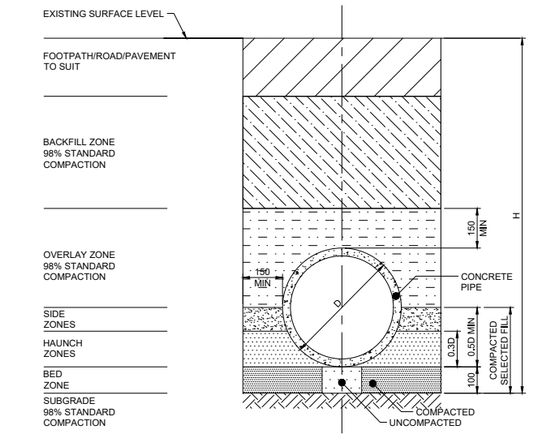
SCALE 1:20

NOTES:

1. IF PIT DEPTH IS GREATER THAN 1500mm BUT LESS THAN 3000mm, INSITU REINFORCEMENT IS N16-150 EW.
2. WIDTH OF PIT WALL TO BE EXTENDED ACCORDINGLY TO ACCOMMODATE TWIN PIPES.

IN-SITU GRATED PIT TYPICAL DETAIL

SCALE 1:20

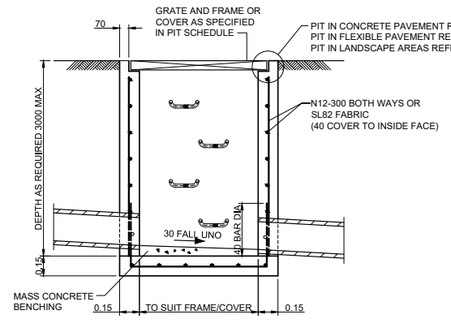


NOTE:

1. TRENCHING AS PER AS3725
2. DRAINAGE PIPE TO BE MIN. 375Ø, MAX. SIZE 900Ø U.N.O. REINFORCED CONCRETE PIPE

TYPICAL TRENCH 'HS' SUPPORT FOR CONCRETE PIPES

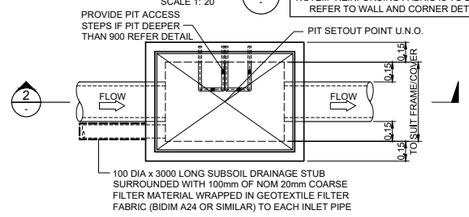
SCALE 1:10



SECTION 2 -

SCALE 1: 20

NOTE:IF REINFORCING FABRIC IS TO BE USED REFER TO WALL AND CORNER DETAILS



PLAN

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IN-SITU REGULAR JUNCTION PIT

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rev	date	description	drn	ch'k
03	20/12/24	REISSUE FOR DEVELOPMENT APPLICATION	ASE	PAL
02	21/11/24	ISSUE FOR DEVELOPMENT APPLICATION	ASE	PAL
01	04/10/24	DRAFT ISSUE FOR DEVELOPMENT APPLICATION	MZV	PAL

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project: 8A, 14 & 16 BUCKINGHAM ROAD, KILLARA NSW 2071

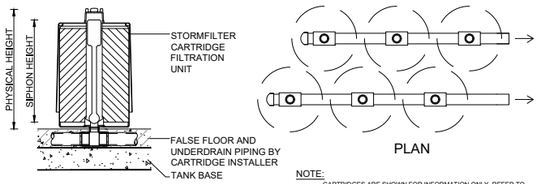
drawing title: STORMWATER DRAINAGE DETAIL SHEET 1

status: FOR APPROVAL

scale at A1	drawn	checked	approved
AS SHOWN	ASE	PAL	NOV-24

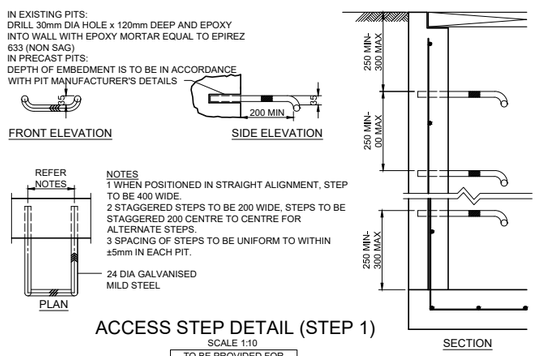
project no.	sheet	rev.
215565	215565-CV-4101	03

A1



TYPICAL CARTRIDGE DETAIL
NTS

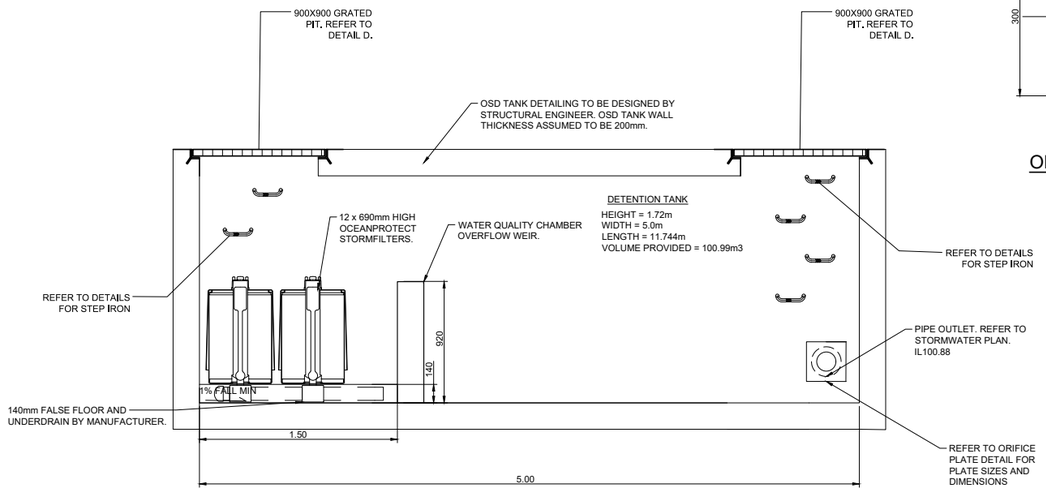
NOTE:
- CARTRIDGES ARE SHOWN FOR INFORMATION ONLY. REFER TO MANUFACTURER'S SPECIFICATIONS FOR TECHNICAL DETAILS AND SPECIFICATIONS.
- ALL WATER QUALITY DEVICES REQUIRE MAINTENANCE. REFER TO MANUFACTURER'S MAINTENANCE SPECIFICATIONS AND SCHEDULES.



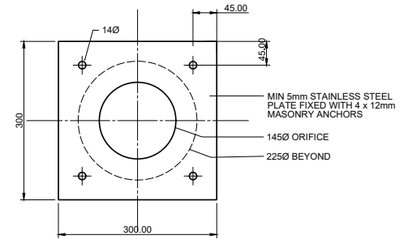
NOTES
1 WHEN POSITIONED IN STRAIGHT ALIGNMENT, STEP TO BE 400 WIDE.
2 STAGGERED STEPS TO BE 200 WIDE, STEPS TO BE STAGGERED 200 CENTRE TO CENTRE FOR ALTERNATE STEPS.
3 SPACING OF STEPS TO BE UNIFORM TO WITHIN ±5mm IN EACH PIT.

ACCESS STEP DETAIL (STEP 1)
SCALE 1:10

TO BE PROVIDED FOR PITS DEEPER THAN 900mm



ONSITE DETENTION TANK (OSD)
SECTION 1
SCALE 1:20



ORIFICE PLATE DETAIL
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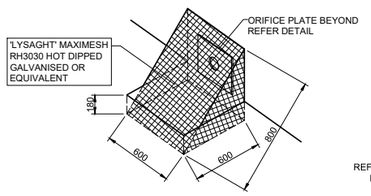

TRASH SCREEN DETAIL
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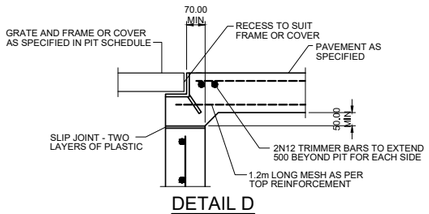

DETAIL D
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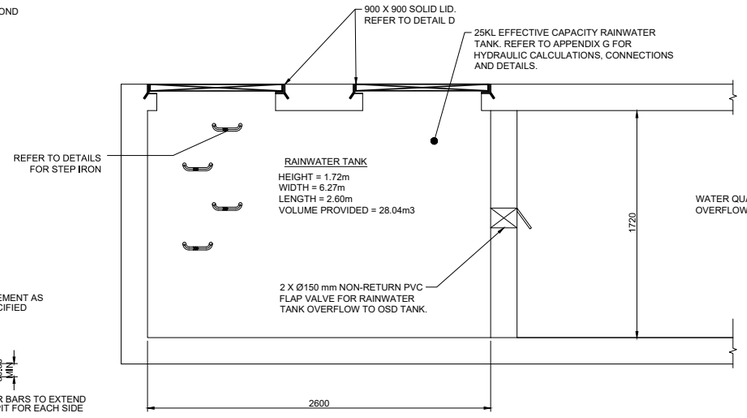

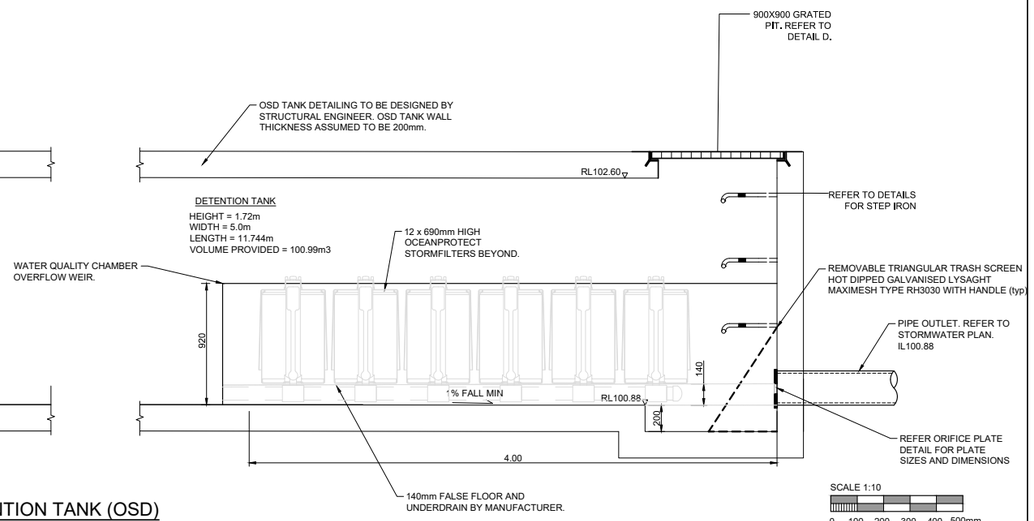

ONSITE DETENTION TANK (OSD)
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rev	date	description	drn	ch'k
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project: 8A, 14 & 16 BUCKINGHAM ROAD, KILLARA NSW 2071

drawing title: STORMWATER DRAINAGE DETAIL SHEET 2

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scale at A1	drawn	checked	approved
AS SHOWN	MZV	PAL	NOV-24

project no.	sheet	rev.
215565	215565-CV-4102	03

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ANNEXURE C

Clause 4.6 Variation Request –
Building Height



Clause 4.6 Variation Statement – Height of Buildings (Clause 4.3)

1. Introduction

This Variation Statement has been prepared in accordance with Clause 4.6 of the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015). The subject application seeks consent *for "demolition of existing buildings and structures, amalgamation of lots and the construction of three, multi-storey residential flat buildings totalling 34 apartments over two levels of basement parking'* at Nos. 8A, 14 and 16 Buckingham Road, Killara (the site).

2. Height of Building Standard

Clause 4.3 of KLEP 2015 relates to the maximum height requirements and refers to the Height of Buildings Map.

Building height is defined as:

> ***"building height*** *(or* ***height of building****) means—*
>
> *(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
>
> *(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*
>
> *including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like".*

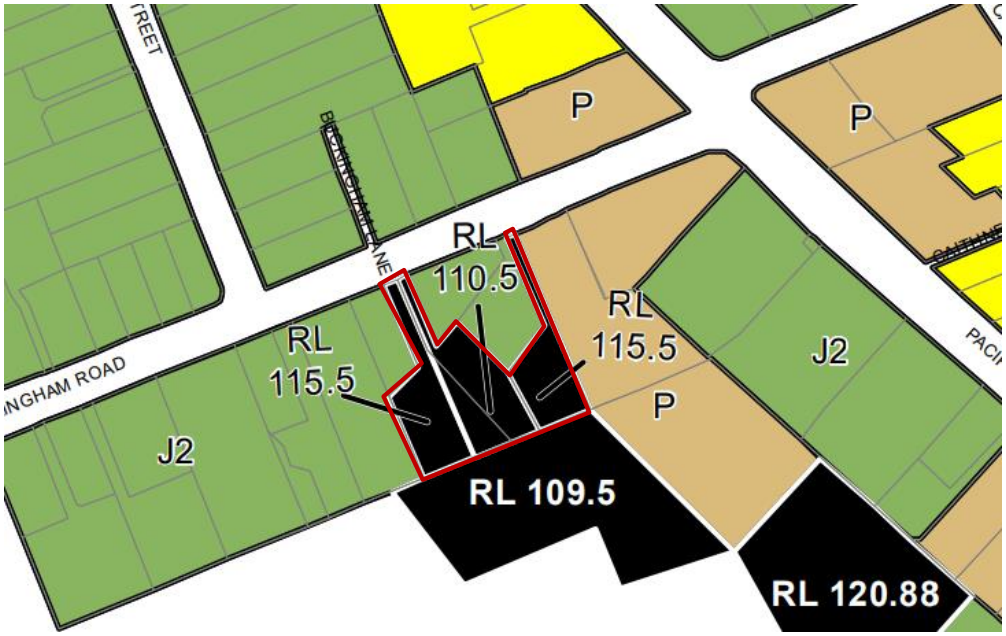


Figure 29 KLEP 2015 Max. Building Height (Source: KLEP 2015)

The relevant map reproduced above at **Figure 29** identifies the subject site as having a varying maximum building height of:

- 8A Buckingham Road – RL 115.5 (AHD)
- 14 Buckingham Road – RL 110.5 (AHD)
- 16 Buckingham Road – RL 115.5 (AHD)

3. Proposed variation to height of buildings development standard

The proposed development comprises three (3) RFBs across the site. The maximum RL (AHD) associated with each proposed building and the extent of contravention to the maximum height development standard is provided in **Table 7**.

Table 7 Maximum Building Height Variation

Proposed Maximum Building Height (RL)	Approximate Proposed Maximum Building Height (m)	Maximum Building Height Control (RL)	Extent of Variation (m)
Block A – RL 123.6	18.3m	RL 115.5	8.1m
Block B – RL 113.4	7.1m	RL 110.5 RL115.5	2.9m
Block C – RL 123.6	19.3m	RL 115.5	8.1m

The maximum extent of the proposed variation applies to Blocks A and C, measured to the top of the plant room screening, of which exceeds the maximum height limit by 8.1m. The height breach is depicted in **Figure 30** and **31**, below.

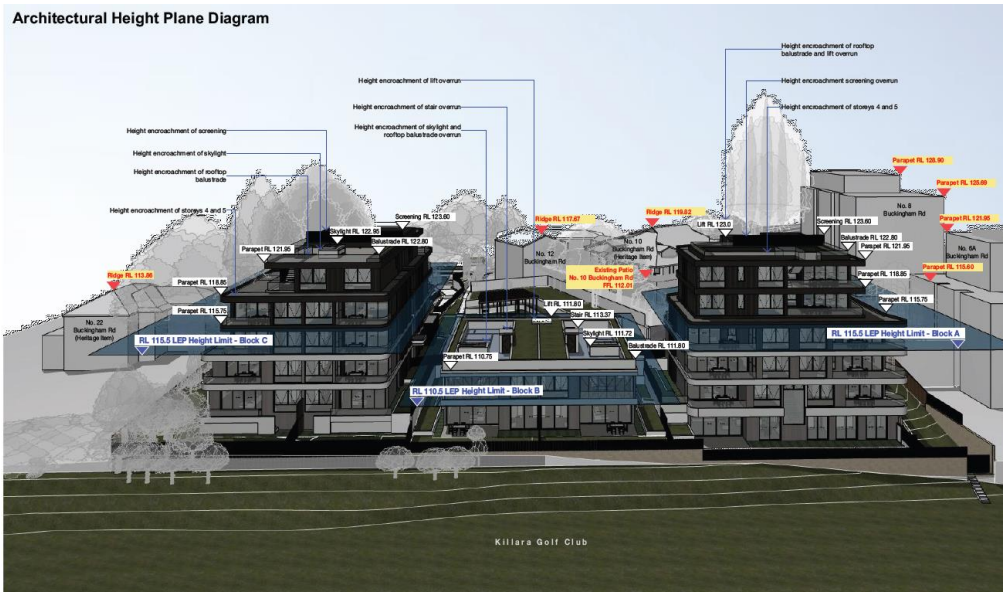


Figure 30 Height blanket diagram (Source: BKA Architecture)

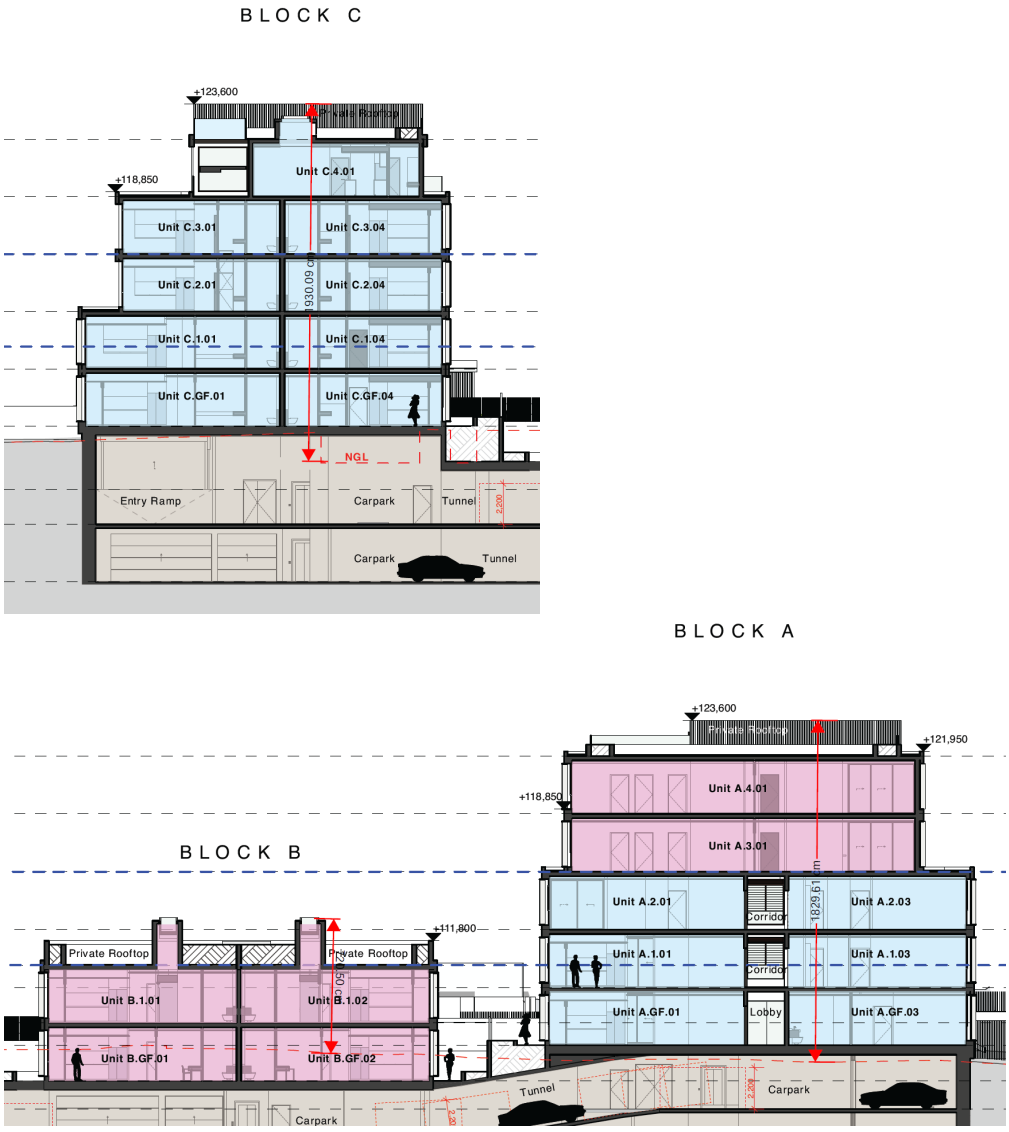


Figure 31 Section 1 depicting max. building height above NGL (Source: BKA Architecture)

The maximum building height control is a “development standard” to which exceptions can be granted pursuant to clause 4.6 of the LEP.

4. Clause 4.6 to KLEP 2015

The objectives and provisions of clause 4.6 are as follows:

> ***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.*
>
> ***Note—***
>
> *The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).*
>
> *(4) The consent authority must keep a record of its assessment carried out under subclause (3).*
>
> *(5) (Repealed)*
>
> *(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*
>
> *(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
>
> *(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
>
> ***Note—***
>
> *When this Plan was made it did not include all of these zones.*
>
> *(7) (Repealed)*

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4,

(caa) clause 5.5.

The development standard in clause 4.3 is not "expressly excluded" from the operation of clause 4.6.

Objective 1(a) of clause 4.6 is satisfied by the discretion granted to a consent authority by virtue of subclause 4.6(2) and the limitations to that discretion contained in subclauses (3) to (8). This submission will address the requirements of subclauses 4.6(3)(a) and (b). In this regard, the extent of the discretion afforded by subclause 4.6(2) is not numerically limited, in contrast with the development standards referred to in subclause 4.6(6).

The *Height of Buildings Map* nominates a maximum RL (AHD) of 110.5 and 115.5 for the site. It is hereby requested that an exception to this development standard be granted pursuant to clause 4.6 so as to permit a maximum height RL of 123.6 (AHD) which equates to a numerical variation of 8.1m.

5. Compliance is unreasonable or unnecessary in the circumstances of the case (Clause 4.6(3)(a))

Of relevance to Clause 4.6(3)(a), in *Wehbe V Pittwater Council* (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states, inter alia:

> *"An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."*

The judgement goes on to state that:

> *"The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."*

Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded, and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation [our underline]):

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 of 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 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 that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

Relevantly, in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (paragraph 16), Preston CJ makes reference to Wehbe and states:

> *"…Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary."*

Clause 4.6(3)(a) requires that the written request to vary a development standard demonstrate that compliance with the development standard is unnecessary or unreasonable in the circumstances of the case. The objectives and relevant provisions of Clause 4.3 of KLEP 2015 are as follows, inter alia:

> *(1) The objectives of this clause are 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,*
>
> *(b) to establish a transition in scale between the centres and the adjoining lower density residential and open space zones to protect local amenity,*
>
> *(c) to enable development with a built form that is compatible with the size of the land to be developed.*

The objectives of clause 4.3 are addressed in turn below.

Objective (a)

The site is not located but is in close proximity to Killara Train Station and town centre. The proposed development at maximum exceeds the height of buildings development standard by 8.1m to the plant room screening on the rooftop of Blocks A and C. Block B also exceeds the permitted height standard by 2.9m, which largely relates to services throughout the rooftop. Varying height controls apply to the site, with the central proposed building being Block B restricted to a conservative building height control of RL 110.5, which equates to approximately 4.6m above NGL. In the case of Blocks A and B, permitted a 5m height increase compared to the Block B counterpart, can still only achieve a 3-storey built form with the maximum building height controls applicable to the site.

The appropriateness of the proposed maximum building heights lies in the lack of amenity impacts incurred as a result of the non-compliant built form. The Architectural Plans by *BKA Architecture* and Section 4 of the SEE demonstrates neighbouring properties will retain solar access, views and acoustic and visual privacy. This in part can be attributed to the proposal's compliance with the DCP site specific setbacks and ADG building separation controls. The built form is recessed deep within the site given the battle-axe arrangement. The non-compliant built form is therefore masked from the public domain. When viewed from the rear golf course, Block A and C align with the building height of the neighbouring six (6) storey RFB at 6A Buckingham Road, constructed in 2018.

Contextually speaking, the site is governed by a site specific DCP and has been rezoned for considerable uplift alongside a portion of Killara Golf Club to the south. The site is immediately to the west of No. 6A and 8 Buckingham Road, which demonstrate the desired future character for land within the R4 High Residential zone. These sites contain

a five (5) and six (6) storey RFB with basement carparking and abut Killara Golf Club. A maximum building height of 17.5m is permitted at these sites.

Given the proximity of the site to Killara Train Station, lack of amenity impacts as a result of the height exceedance and built form precedence set by the neighbouring buildings to the east, the proposed building height can be deemed appropriate.

The proposal satisfies objective (a), despite the height breach.

Objective (b):

Objective (b) seeks to ensure that buildings are of a scale that is compatible with adjoining development and the character and amenity of the area is maintained. It is noted that objective (b) refers to a transition in scale between the built form, and hence being 'compatible'. It is considered that "compatible" does not promote "sameness" in built form but rather requires that development fits comfortably with its urban context. Of relevance to this assessment are the comments of Roseth SC in *Project Venture Developments Pty Ltd v Pittwater Council [*2005] NSWLEC 191:

> *"22 There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve."*

The subject site is in transition to higher density development reflective of the applicable planning controls and the proposed development follows a number of existing developments that seek to achieve this higher density. The proposed development, even with the height variation, is considered to be compatible with the height, bulk and scale of the existing and emerging character of the locality, yet still respects the existing building by creating a development that is not visually jarring, relative to the permissible planning controls.

As mentioned in objective (a), the design seeks to achieve appropriate separation from neighbouring sites and internally in relation to the three (3) proposed buildings. The height breaches are varied, with the built form associated with Block B only two (2) storeys to not inhibit the existing view corridor from No. 10 Buckingham Road.

The site is a battle-axe and contains a limited frontage to Buckingham Road. The proposed development is recessed deep within the site, with neighboring properties and existing vegetation obstructs views of the proposal from the public domain. Therefore, the building height exceedance will largely be unrecongisable form Buckingham Road.

As such, it is considered that this variation will not be visually jarring when viewed from the public domain and is considered to represent an appropriate transition in scale.

The proposal satisfies objective (b), despite the height breach.

Objective (c):

Objective (c) seeks to ensure the building bulk and scale is relative to the size of the site. The site consists of three (3) existing titles and provides a combined area of 4,989m^2. This is a large site area considering the apartment yield proposed for the site (34 apartments). Not including the western access handle, the site remains to provide an area of 4,518.67m^2. Even without the access handle, the built form relative to the site area is conservative.

It is noted there are reasons for the applicable built form controls to encourage a lesser density than that typically associated with the R4 High Density Residential zone. The site contains vegetation of ecological importance, is a battle-axe and adjoins the R2 Low Density Residential zone to the north and west. Notwithstanding this, the proposal demonstrates compliance with the setback controls of the site specific DCP and building separation controls of the

ADG. The proposal provides sufficient communal open space, landscaping and deep soil planting as well as maintaining views, visual and acoustic privacy to neighboring properties.

The neighboring site to the east (No. 6A and 8 Buckingham Road) contains two (2) RFBs of a 5 and 6 story nature. No. 6A and 8 Buckingham Road is on a single title, measuring approximately 3,681m^2. This site area is substantially less than the subject site, however, the intensity of development is greater. It can therefore be argued that if the building heights on the neighbouring site were deemed appropriate relative to the lot size, then those proposed on the subject site are acceptable.

The proposal satisfies objective (c), despite the height breach.

6. Sufficient environmental planning grounds (Clause 4.6(3)(b))

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard. Specifically, Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (paragraph 24) states:

> *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 assessment of this numerical non-compliance is also guided by the decisions of the NSW LEC in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 whereby Justice Pain ratified the decision of Commissioner Pearson. On the above basis, the following environmental planning grounds are submitted to justify contravening the maximum building height:

1. The proposed variation results in a built form which is contextually responsive and appropriate with regard to surrounding development. As discussed above and demonstrated in **Figure 32** (below), the site immediately to the east (Nos. 6A and 8 Buckingham Road) is afforded a maximum building height control of 17.5m and contains two (2) RFBs in a stacked arrangement. The RFB that addresses Buckingham Road is five (5) storeys and the rear RFB that addresses Killara Golf Club is 6 storeys. Similar to the subject site, Nos. 6A and 8 Buckingham Road immediately adjoin land zoned R2 Low Density Residential. Whilst it is understood there is an intention to restrict building height at the site to provide a transition from the R4 zone to the R2 zone, the same is not required for Nos, 6A and 8 Buckingham Road. It is further argued below that the maximum height control restricts the built form unnecessarily, as an appropriate transition and amenity is retained to the adjoining R2 zone under the proposal. As such, the proposed variation does not introduce new elements or present a bulk greater than already present in the immediate vicinity of the site, but will provide a contextually responsive development shared by surrounding properties.



Figure 32 Photomontage of the proposed development and existing development to the east (Source: BKA Architecture)

2. The height breach facilitates an arrangement of floor space on the site in a manner that is effective in providing high levels of amenity to occupants of the development and retaining the site's ecological features. Onerous site-specific building setbacks controls are prescribed in Section 14N.3 DCP (refer to **Figure 33**) which require varying building setbacks of 6m – 32m, including an open space heritage setback zone in front of the building line. In addition, the site contains numerous large mature trees, some mapped as 'biodiversity values' in accordance with the Biodiversity Conservation Act 2016. The proposed development has implemented the setback requirements of Section 14N.3 of the DCP and retained existing ecological values where feasible. The design intent in providing compliant DCP setbacks and retaining existing vegetation has been to increase the building height as opposed to the building floor plate. Under the proposed scheme, compliance with the ADG is similarly achieved with the exception of an isolated instance from Block C to the western boundary (adjoining R2 land). This non-compliance would render no amenity impacts for the neighbouring heritage dwelling at No.22 Buckingham Road given the large mature trees that line the boundary and 20m+ building separation achieved between Block C and the neighbouring heritage dwelling.

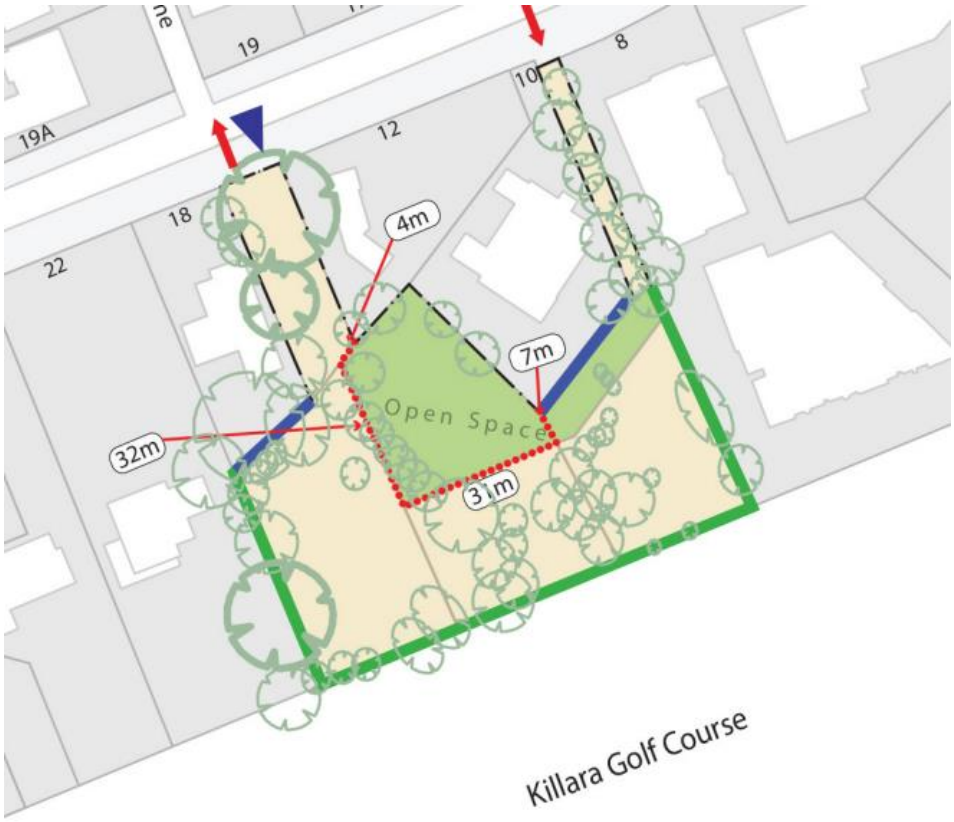


Figure 33 Site specific setbacks DCP 14N.3 (Source: BKA Architecture)

3. Despite the height exceedance in relation to No. 14 Buckingham Road (Block B), views of Killara Golf Club are retained to the heritage dwelling at No. 10 Buckingham Road. The Architectural Plans confirm from a 1.6m standing height along the rear balcony of No. 10 Buckingham Road, there is no view impact caused by Block B and an open view corridor is maintained (refer to **Figure 34**).

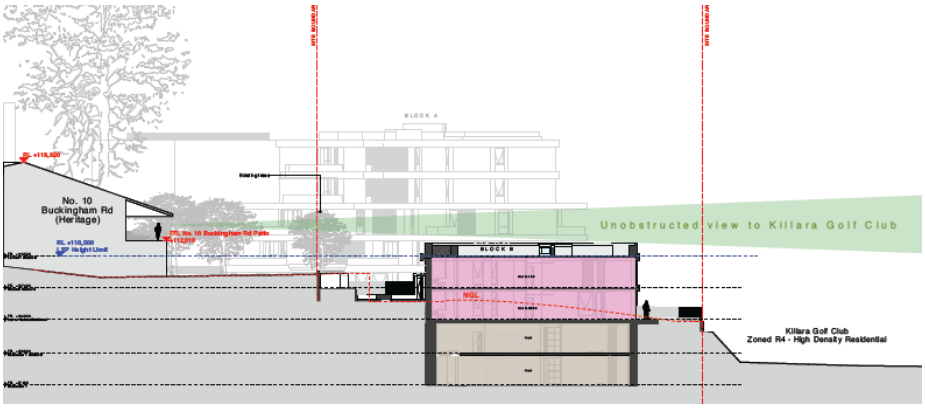


Figure 34 View impact analysis from No. 10 Buckingham Road (Source: BKA Architecture)

4. The proposed height variation would have minimal impact on the public domain due to the existing characteristics of the site. The site is a battle-axe, with the proposed development accessed via the western access handle containing a width of 12m. The eastern access handle will effectively be decommissioned with landscape planting and pedestrian access proposed. The eastern access handle contains a frontage of 5m. The access handles are approximately 40m in length, resulting in the built form sited deep within the site. Further consideration must be given to the prevalence of street trees that line Buckingham Road, further obscuring views of the proposed development. It can therefore be argued that the building height exceedance will not be discernable from the public realm and therefore impacts are negligible.

5. It is considered that there is an absence of any significant material impacts attributed to the breach on the amenity or the environmental values of surrounding properties, the amenity of future building occupants and on the character of the locality. Specifically:

   (a) The extent of the additional height creates no significant adverse overshadowing impacts to adjoining development when compared to a compliant building envelope. That is, although the additional height results in an extremely limited degree of overshadowing, this will not adversely impact the amenity of the neighbouring developments or public domain. As such, the increase to overshadowing caused by the non-compliant elements would be insignificant;

   (b) The height breach does not result in any adverse additional privacy impacts. The elements that breach the height limit are largely compliant with the visual privacy controls of the ADG. As such, the loss of privacy caused by the non-compliant elements would be insignificant; and

   (c) The height breach will not result in any significant view loss, as addressed in planning ground (3).

6. The social benefits of providing additional housing stock, especially much needed apartments, within a highly sought-after location should be given weight in consideration of the variation request. The additional distribution of floor space necessitates a form and scale that breaches the height limit. It would be a loss to the community (and contrary to the public interest) to deny the variation and require the removal of rooftop POS, and the top two (2) storeys from Blocks A and C. Resulting in the loss of 8 of 34 apartments, decreasing the yield by 23.5%.

7. The site is located in an *accessible area* in accordance with the Housing SEPP, located within 800m walking

distance of Killara Train Station. A such, the infill affordable housing provisions in Chapter 2 of the Housing SEPP could apply to the site and neighbouring properties. Potentially, permitting a maximum building height and FSR bonus of 30% where affordable housing is provided. Further, Killara Train Station is a nominated *transport orientated hub* in accordance with Chapter 5 of the of the Housing SEPP. The site is not within 400m of Killara Train Station, and therefore cannot be considered *transport orientated development* (TOD) which would permit a maximum building height of 22m and FSR of 2.5:1 where 5% affordable housing is provided. However, the site is in proximity to sites eligible for the TOD provisions. It should further be noted that the height and FSR bonuses under Chapter 2 and 5 can be layered so long as sufficient affordable housing is provided. Council should consider the impact of these provisions in shaping the future built form and character of the area, particularly in the context of the proposed height breach.

8. The proposed development meets the objectives of the development standards and meets the objectives of the Zone R4 High Density Residential as follows:

- The prosed development will provide for the housing needs of the community through delivering a mixture of apartment typologies within a medium density environment;
- As above, the proposed development will provide for a variety of apartment types including 3 x 2 bedroom, 25 x 3 bedroom and 6 x 4 bedroom apartments, including adaptable dwellings;
- The proposal is for a residential land use that is permissible in the zone.
- The proposal provides high quality housing within 800m of Killara Train Station. The site contains existing connections to critical services.

9. The proposed development achieves the objects in Section 1.3 of the EPA Act, specifically:

- The proposal promotes the orderly and economic use and development of land through the redevelopment of an underutilised site for residential uses (1.3(c));
- The proposed development promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context (1.3(g)).

10. The variation to the height of buildings development standard will give better effect to the Principles of the SEPP (Housing) 2021. In particular:

- The proposed variation will encourage the development of housing that will meet the needs of more vulnerable members of the community, including low to moderate income households, seniors and people with a disability;
- Approval of the development will promote the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,
- Approval of the proposed variation will ensure new housing development provides residents with a reasonable level of amenity;
- Approval of the proposed variation will support a variety of housing types by providing a well-located and compact development that will be a better choice for families and retirees in a socially inclusive building.

The above environmental planning grounds are not general propositions and are unique circumstances to the proposed development, particularly given the context of the locality and the height variation forms a transition without having any adverse impacts from the public domain. Furthermore, the additional height does not significantly impact the amenity of the neighbouring properties and has been designed in such a way to ensure the additional height is compatible with the character of the locality.

It is noted that in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:

> *The second way is in an error because it finds no basis in cl 4.6. Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development. This test is also inconsistent with objective (d) of the height development standard in cl 4.3(1) of minimising the impacts of new development on adjoining or nearby properties from disruption of views or visual intrusion. Compliance with the height development standard might be unreasonable or unnecessary if the non-compliant development achieves this objective of minimising view loss or visual intrusion. It is not necessary, contrary to what the Commissioner held, that the non- compliant development have no view loss or less view loss than a compliant development.*
>
> *The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.*

As outlined above, it is considered that in many respects, the proposal will provide for a better planning outcome than a strictly compliant development. At the very least, there are sufficient environmental planning grounds to justify contravening the development standard.

7. Conclusion

This written request has been prepared in relation to the proposed variation to the RL 110.5 and RL 115.5 height of buildings development standard contained in Clause 4.3 of KLEP 2015.

Having regard to all of the above, it is our opinion that compliance with the maximum height development standard is unreasonable and unnecessary in the circumstances of this case as the development meets the objectives of that standard and the zone objectives. The proposal has also demonstrated sufficient environmental planning grounds to support the breach.

Therefore, insistence upon strict compliance with that standard would be unreasonable. On this basis, the requirements of Clause 4.6(3) are satisfied and the variation supported.

ANNEXURE D

Clause 4.6 Variation Request –
Floor Space Ratio



Clause 4.6 Variation Statement – Floor Space Ratio (Clause 4.4)

1. Introduction

This Variation Statement has been prepared in accordance with Clause 4.6 of the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015). The subject application seeks consent for ''demolition of existing buildings and structures, amalgamation of lots and the construction of three, multi-storey residential flat buildings totaling 34 apartments over two levels of basement parking' at Nos. 8A, 14 and 16 Buckingham Road, Killara (the site).

2. Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015)

Clause 4.4 of KLEP 2015 relates to the maximum floor space ratio and refers to the Floor Space Ratio Map.

In the case of the subject site there is a maximum Floor Space Ratio (FSR) applicable under Clause 4.4 of the *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015) of 0.7:1 as illustrated on the FSR map reproduced below at **Figure 35.**



Figure 35 Extract from the FSR Map – site in red (H = 0.7:1)

3. Proposed variation to Floor Space Ratio development standard

The proposed development has a total site area of 4,989m^2. Based upon an FSR of 0.7:1, the site is capable of a building with a gross floor area of 3,492.3m^2.

In calculating gross floor area, the relevant definition from the standard instrument states that:

> ***"gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—*
>
> *(a) the area of a mezzanine, and*
>
> *(b) habitable rooms in a basement or an attic, and*
>
> *(c) any shop, auditorium, cinema, and the like, in a basement or attic,*
>
> *but excludes—*
>
> *(d) any area for common vertical circulation, such as lifts and stairs, and*
>
> *(e) any basement—*
>
> *(i) storage, and*
>
> *(ii) vehicular access, loading areas, garbage and services, and*
>
> *(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
>
> *(g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
>
> *(h) any space used for the loading or unloading of goods (including access to it), and*
>
> *(i) terraces and balconies with outer walls less than 1.4 metres high, and*
>
> *(j) voids above a floor at the level of a storey or storey above".*

Based on the submitted architectural plans prepared by *BKA Architecture*, the proposal will result in a gross floor area of 4,818.98m^2 or an FSR of 0.97:1. This represents a variation to the KLEP FSR control of 1,326.68m^2 or 37.99% to the FSR development standard.

4. Clause 4.6 of KLEP 2021

Clause 4.6 of the KLEP allows for flexibility in the application of development standards in certain circumstances.

The objectives and provisions of Clause 4.6 are reproduced 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.

Note—

The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

(4) The consent authority must keep a record of its assessment carried out under subclause (3).

(5) (Repealed)

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note—

When this Plan was made it did not include all of these zones.

(7) (Repealed)

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4,

(caa) clause 5.5.

The development standard in Clause 4.4 is not “expressly excluded” from the operation of Clause 4.6.

Objective 1(a) of clause 4.6 is satisfied by the discretion granted to a consent authority by virtue of subclause 4.6(2) and the limitations to that discretion contained in subclauses (3) to (8). This submission will address the requirements of subclauses 4.6(3)(a) and (b). In this regard, the extent of the discretion afforded by subclause 4.6(2) is not numerically limited, in contrast with the development standards referred to in subclause 4.6(6).

The *Floor Space Ration Map* nominates a FSR of 0.7:1 for the site. It is hereby requested that a variation to FSR be granted pursuant to Clause 4.6 of the KLEP 2015 so as to permit a maximum floor space ratio of 0.97:1 which equates to a numerical variation of 1,326.68m^2 and percentage exceedance of 37.99%.

5. That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (Clause 4.6(3)(a))

Of relevance to Clause 4.6(3)(a) is Preston CJ's judgment in *Wehbe v Pittwater Council* (2007) NSW LEC 827 which sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states (at [42]), inter alia:

> *"An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."*

The judgment goes on to state (at [43]) that:

> *" The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."*

Preston CJ then expressed the view that there are at least 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 written request [our underline]):

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 of 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 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 that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

Relevantly, in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (paragraph 16), Preston CJ makes reference to Wehbe and states:

> *"…Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary."*

Clause 4.6(3)(a) requires that the written request to vary a development standard demonstrate that compliance with the development standard is unnecessary or unreasonable in the circumstances of the case. The objectives and relevant provisions of Clause 4.4 of CLEP 2021 are as follows, inter alia:

(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.

The objectives of clause 4.4 are addressed in turn below.

Objective (a)

Objective (a) seeks to establish an appropriate development density via the FSR development standard, with respect to the size of the land and environmental constraints.

The proposal delivers a high quality urban and architectural design which clearly exhibits design excellence, despite the variation to the FSR development standard (37.99%) and will contribute positively to the emerging character in this high-density residential zone. The building is well articulated with separation distances largely consistent with the ADG and building setbacks in line with the site specific DCP. The upper levels of Blocks A and C are recessed to provide building articulation and adequate separation from site boundaries. Balconies are orientated to the north and south, prioritising views of Killara Golf Club.

The site consists of three (3) existing titles and provides a combined area of 4,989m^2. This is a large site area considering the apartment yield proposed for the site (34 apartments). Not including the western access handle, the site remains to provide an area of 4,518.67m^2. Even without the access handle, the built form relative to the site area is conservative.

It is noted there are reasons for the applicable built form controls to encourage a lesser density than that typically associated with the R4 High Density Residential zone. The site contains vegetation of ecological importance, is a battle-axe and adjoins the R2 Low Density Residential zone to the north and west. Notwithstanding this, the proposal provides sufficient communal open space, landscaping and deep soil planting as well as maintains views, visual and acoustic privacy to neighboring properties. The proposed development overall incurs and acceptable biodiversity impact, as referenced in the BDAR assessment by *SLR*.

The neighboring site to the east (No. 6A and 8 Buckingham Road) contains two (2) RFBs of a 5 and 6 storey nature. No. 6A and 8 Buckingham Road is on a single title, measuring approximately 3,681m^2. This site area is substantially less than the subject site, however, the intensity of development is greater. It can therefore be argued that if the FSR on the neighbouring site is deemed appropriate relative to the lot size, then the FSR proposed on the subject site is acceptable.

Further, the land immediately south of the site, currently comprising tennis courts and bowling greens, in association with Killara Golf Club, has been rezoned for high density residential development. These sites contain areas mapped as biodiversity conservation, similar to the site, however, are afforded a FSR of 1.05:1 (refer to **Figure 36**).

The proposed variation to the FSR development standard will provide an appropriate transition from development to the east (permitted FSR of 1.3:1) and development to the west (permitted FSR of 0.3:1). The contravention would further provide a more seamless transition to the rezoned land to the south within Killara Golf Club.

The proposal satisfies objective (a), despite the FSR variation.

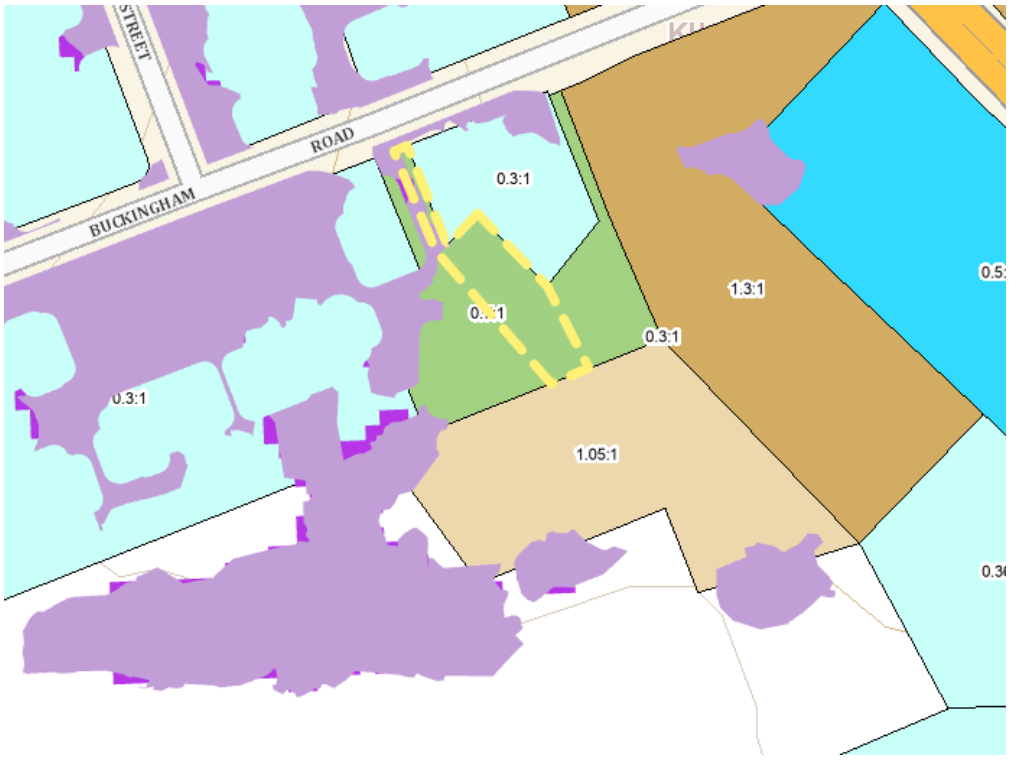


Figure 36 Planning mapping depicting FSR and land containing biodiversity values (Source: NSW Planning Portal)

Objective (b)

Objective (b) seeks to ensure that the FSR control can cater to a range of uses.

The proposal is solely for residential development, as permitted with consent in the R4 High Density Residential zone.

Whilst a range of uses aren't proposed, it can be argued that the current FSR control at the site does not adequately cater to the R4 High Density Residential zone. An FSR of 0.7:1 is uncharacteristically low in the R4 zone, in Killara, the broader Ku-ring-gai and when compared to other LGAs in Sydney. As outlined in relation to objective (a), the neighbouring sites to the south and east are permitted FSRs of 1.05:1 and 1.3:1. If the site were afforded a FSR in this range, the proposal would comply.

The FSR control currently cannot cater for the high-density residential use of the site, as intended by the zone.

The proposal satisfies objective (b), despite the FSR variation.

Objective (c)

Objective (c) seeks to ensure development density is appropriate for the locality.

In order to reflect appropriateness in scale, it is considered that the proposed development must be compatible with development in that locality. It is considered that "compatible" does not promote "sameness" in built form but rather

requires that development fits comfortably with its urban context. Of relevance to this assessment are the comments of Roseth SC in *Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191*:

> *"22 There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve."*

The subject site is in transition to higher density development reflective of the applicable planning controls and development to the east of the site. The proposed development, even with the FSR variation, is considered to be compatible with the height, bulk and scale of the emerging character of the locality. In this regard, the proposed development is clearly subservient to the higher density development adjoining Killara Train Station but remains compatible with the future scale of development on Buckingham Road.

As mentioned in objective (a), the design largely seeks to achieve appropriate separation from neighbouring sites that satisfies the requirements of the ADG and DCP. Therefore, the additional FSR is not the result of a development that is excessive or incompatible with surrounding development. It is proposed to be constructed of high-quality materials, well-articulated and provided with significant deep soil planting, which reflects its setting within a leafy residential area.

It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve. As such, it is considered that this variation will not be visually jarring when viewed from the public domain and is considered to be compatible with the character of the locality. Furthermore, the design ensures that the FSR variation will not have any adverse impact to the visual bulk and scale of the building and the proposal will remain compatible with the existing and emerging development character in the locality.

The proposal satisfies objective (c), despite the FSR variation.

Objective (d)

Objective (d) is only relevant to mixed use buildings in employment and mixed-use zones and therefore is not relevant to the proposal.

6. Sufficient Environmental Planning Grounds (Clause 4.6 (3)(b))

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, this Variation Request does so below. Specifically, Preston CJ in Initial *Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (paragraph 24) states:

> *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 following planning grounds are submitted to justify contravening the maximum FSR:

1. The proposed variation results in a built form which is contextually responsive and appropriate with regard to surrounding development. As discussed above and demonstrated in **Figure 37** (below), the site immediately to the east (Nos. 6A and 8 Buckingham Road) is afforded a FSR control of 1.3:1 and contains two (2) RFBs in a stacked arrangement. The RFB that addresses Buckingham Road is five (5) storeys and the rear RFB that addresses Killara Golf Club is 6 storeys. Similar to the subject site, Nos. 6A and 8 Buckingham Road immediately adjoin land zoned R2 Low Density Residential. Whilst it is understood there is an intention to restrict building density at the site to provide a transition from the R4 zone to the R2 zone, the same is not required for Nos, 6A and 8 Buckingham Road. It is further argued below that the FSR control restricts the built form unnecessarily, as an appropriate transition and amenity is retained to the adjoining R2 zone under the proposal. As such, the proposed variation does not introduce new elements or present a bulk greater than already present in the immediate vicinity of the site but will provide a contextually responsive development shared by surrounding properties.



Figure 37 Photomontage of the proposed development and existing development to the east (Source: BKA Architecture)

2. The FSR facilitates an arrangement of floor space on the site in a manner that is effective in providing high levels of amenity to occupants of the development and retaining the site's ecological features. Onerous site-specific building setbacks controls are prescribed in Section 14N.3 of the DCP (refer to **Figure 37**) which require varying building setbacks of 6m – 32m, including an open space heritage setback zone in front of the building line. In addition, the site contains numerous large mature trees, some mapped as 'biodiversity values' in accordance with the Biodiversity Conservation Act 2016. The proposed development has implemented the setback requirements of Section 14N.3 of the DCP and retains existing ecological values where feasible. Given the proposed design achieves compliance with the DCP setback controls, retains vegetation in line with the BDAR and proposes extensive landscaping/deep soil planting, additional FSR can be justified at the site. Under the proposed scheme, compliance with the ADG is similarly achieved with the exception of an isolated instance from Block C to the western boundary (adjoining R2 land). This non-compliance would render no amenity impacts for the neighbouring heritage dwelling at No.22 Buckingham Road given the large mature trees that line the boundary and 20m+ building separation achieved between Block C and the neighbouring dwelling. If the proposed development were required to comply with the FSR control, it is unlikely to remedy the minor ADG non-compliance.

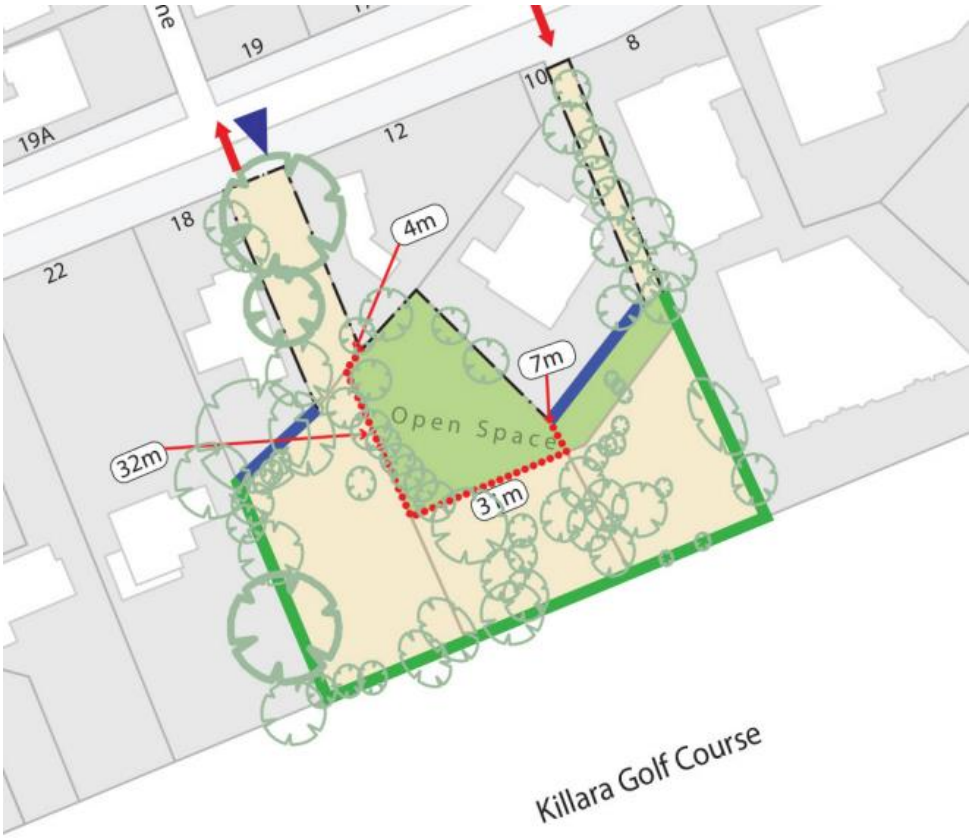


Figure 38 Site specific setbacks DCP 14N. 3 (Source: KDCP 2015)

3. The FSR control at the subject site appears disproportionate to the R4 High Density Residential zone, particularly when noting the allowable FSR on land zoned R4 within Killara Golf Club, to the south of the site. These neighbouring sites are yet to be developed and appear to still be utilized as part of Killara Golf Club. Notwithstanding this, these sites are intended for residential development of a comparable bulk and scale to the subject site. The maximum height limit at the neighbouring site that immediately adjoins the southern boundary is RL 109.5 (AHD). Given the topography of the area, this is envisaged to produce a comparable maximum height limit to that imposed at the subject site. However, in terms of FSR, the neighbouring site is granted a FSR of 1.05:1. If the same FSR were to be applied at the subject site, this would permit a GFA of 5,238.45m^2, to which the proposal would comply. By comparison, a maximum GFA of 3,492.3m^2 is currently permitted at the site, which is disproportionate to neighbouring counterparts.

4. The proposed FSR variation will have minimal impact on the public domain due to the existing characteristics of the site. The site is a battle-axe, with the proposed development accessed via the western access handle containing a width of 12m. The eastern access handle will effectively be decommissioned with landscape planting and pedestrian access proposed. The eastern access handle contains a frontage of 5m. The access handles are approximately 40m in length, resulting in the built form sited deep within the site. Further consideration must be given to the

prevalence of street trees that line Buckingham Road, further obscuring views of the proposed development. It can therefore be argued that the additional building bulk will not be discernable from the public realm and therefore impacts are negligible.

5. The extent of the FSR variation, whilst not numerically small, a lack of amenity impacts can be a reason (along with other reasons) advanced in support of environmental planning grounds: *Big Property Group Pty Ltd v Randwick City Council [2021] NSWLEC 1161 at [49])*. In Big Property the contravention was permitted — in part due to lack of adverse impacts — even though the numerical extent of the contravention was 43%. When considering the variation sought the variation appears numerically significant with an area of 1,326.684m^2 or 37.99%, however the non-compliance is largely attributed to the upper storeys of Blacks A and C. Both buildings demonstrate compliance with the amenity controls of the ADG and DCP, except where discussed in planning ground (2).

6. It is considered that there is an absence of any significant material impacts attributed to the breach on the amenity or the environmental values of surrounding properties, the amenity of future building occupants and on the character of the locality. Specifically:

    a. The extent of the additional FSR creates no significant adverse overshadowing impacts to adjoining development when compared to a compliant building envelope. That is, although the additional height results in an extremely limited degree of overshadowing, this will not adversely impact the amenity of the neighbouring developments or public domain. As such, the increase to overshadowing caused by the non-compliant elements will be insignificant;

    b. The FSR breach does not result in any adverse additional privacy impacts. The elements of the additional FSR breach the height limit are compliant with the visual privacy controls of the ADG. As such, the loss of privacy caused by the non-compliant elements would be insignificant; and

    c. The FSR breach will not result in any significant view loss. The architectural plans provide a view impact analysis for No. 10 Buckingham Road which confirms views form the heritage dwelling are protected despite the additional FSR proposed. It is anticipated that overall a compliant building envelope would to some degree obscure views of Killara Golf Club.

7. The social benefits of providing additional housing stock, especially much needed apartments, within a highly sought-after location should be given weight in consideration of the variation request. The additional distribution of floor space necessitates a form and scale that breaches the LEP control. It would be a loss to the community (and contrary to the public interest) to deny the variation and require the removal of several apartments to comply with the FSR control.

8. The site is located in an *accessible area* in accordance with the Housing SEPP, located within 800m walking distance of Killara Train Station. A such, the infill affordable housing provisions in Chapter 2 of the Housing SEPP could apply to the site and neighbouring properties. Potentially, permitting a maximum building height and FSR bonus of 30% where affordable housing is provided. Further, Killara Train Station is a nominated transport orientated hub in accordance with Chapter 5 of the of the Housing SEPP. The site is not within 400m of Killara Train Station, and therefore cannot be considered *transport orientated development* (TOD) which would permit a maximum building height of 22m and FSR of 2.5:1 where 5% affordable housing is provided. However, the site is in proximity to sites eligible for the TOD provisions. It should further be noted that the height and FSR bonuses under Chapter 2 and 5 can be layered so long as sufficient affordable housing is provided. Council should consider the impact of these provisions in shaping the future built form and character of the area, particularly in the context of the proposed FSR breach.

9. The proposed development meets the objectives of the development standards and meets the objectives of the Zone R4 High Density Residential zone as follows:

- The prosed development will provide for the housing needs of the community through delivering a mixture of apartment typologies within a medium density environment;
- As above, the proposed development will provide for a variety of apartment types including 3 x 2 bedroom, 25 x 3 bedroom and 6 x 4 bedroom apartments, including adaptable dwellings;
- The proposal is for a residential land use that is permissible in the zone.
- The proposal provides high quality housing within 800m of Killara Train Station. The site contains existing connections to critical services.

10. The proposed development achieves the objects in Section 1.3 of the EPA Act, specifically:

- The proposal promotes the orderly and economic use and development of land through the redevelopment of an underutilised site for residential uses (1.3(c));
- The proposed development promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context (1.3(g)).

11. The variation to the FSR development standard will give better effect to the Principles of the SEPP (Housing) 2021. In particular:

- The proposed variation will encourage the development of housing that will meet the needs of more vulnerable members of the community, including low to moderate income households, seniors and people with a disability;
- Approval of the development will promote the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,
- Approval of the proposed variation will ensure new housing development provides residents with a reasonable level of amenity;
- Approval of the proposed variation will support a variety of housing types by providing a well-located and compact development that will be a better choice for singles, couples and families in a socially inclusive building.

The above environmental planning grounds are not general propositions and are unique circumstances to the proposed development, especially the contextually responsive design and lack of material amenity impacts on surrounding properties.

It is noted that in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, Preston CJ clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome than that of a compliant development:

> *86. The second way is in an error because it finds no basis in cl 4.6. Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development. This test is also inconsistent with objective (d) of the height development standard in cl 4.3(1) of minimising the impacts of new development on adjoining or nearby properties from disruption of views or visual intrusion. Compliance with the height development standard might be unreasonable or unnecessary if the non-compliant development achieves this objective of minimising view loss or visual intrusion. It is not necessary, contrary to what the Commissioner held, that the non-compliant development have no view loss or less view loss than a compliant development.*
>
> *87. The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify*

contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.

As outlined above, it is considered that in many respects, the proposal will provide for a better planning outcome than a strictly compliant development. There are sufficient environmental planning grounds to justify contravening the development standard.

The proposal offers positive planning benefits that would not likely be available if the contravention were not allowed, being the provision of a much needed community facility within close proximity of local centres, employment areas, schools and public transport.

For completeness we note that the size of the variation to the KLEP 2015 standard (37.99% at its greatest extent) is not in itself, a material consideration as whether the variation should be allowed. There is no constraint on the degree to which a consent authority may depart from a numerical standard under clause 4.6: *GM Architects Pty Ltd v Strathfield Council* [2016] NSWLEC 1216 at [85].

Some examples that illustrate the wide range of commonplace numerical variation to development standards under clause 4.6 (as it appears in the Standard Instrument) are as follows:

- In *Baker Kavanagh Architects v Sydney City Council* [2014] NSWLEC 1003 the Land and Environment Court granted a development consent for a three storey shop top housing development in Woolloomooloo. In this decision, the Court, approved a floor space ratio variation of 187 per cent.
- In *Merman Investments Pty Ltd v Woollahra Municipal Council* [2021] NSWLEC 1582, the Court granted a development consent for a residential flat building. In this decision, the Court approved a floor space ratio variation of 85 per cent (from 0.65:1 to 1.21:1).
- In *Abrams v Council of the City of Sydney* [2019] NSWLEC 1583 the Court granted development consent for a four-storey mixed use development containing 11 residential apartments and a ground floor commercial tenancy with a floor space ratio exceedance of 75 per cent (2.63:1 compared to the permitted 1.5:1).
- In *Moskovich v Waverley Council* [2016] NSWLEC 1015, the Land and Environment Court approved a residential flat building in Bondi with a floor space ratio of 1.5:1. The development standard was 0.9:1. The exceedance was around 65 per cent.
- In *Edmondson Grange Pty Ltd v Liverpool City Council* [2020] NSWLEC 1594, the Court granted a development consent for three residential flat buildings. In this decision, the Court approved a floor space ratio variation of 59 per cent (from 0.75:1 to 1.19:1).
- In *Micaul Holdings Pty Limited v Randwick City Council* [2015] NSWLEC 1386, the Land and Environment Court approved a residential flat building in Randwick with a 55 per cent exceedance of the height limit (at its highest point) and a 20 per cent exceedance of the floor space ratio control.
- In *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112 the Court granted development consent to a six-storey shop top housing development with a floor space ratio exceedance of 42 per cent (3.54:1 compared to the permitted 2.5:1).
- In *Symond Family Investments Pty Ltd v Woollahra Municipal Council* [2023] NSWLEC 1789 the Court granted development consent to alterations to commercial premises and, in doing so, approved a 36.6 per cent contravention of the 14.7-metre height standard (to 20.075 metres). The Court also approved an 18.7 per cent contravention of the 2.5:1 floor space ratio standard (allowing development at 3.01:1).

- In *Artazan Property Group Pty Ltd v Inner West Council* [2019] NSWLEC 1555 the Court granted development consent for a three storey building containing a hardware and building supplies use with a floor space ratio exceedance of 27 per cent (1.27:1 compared to the permitted 1.0:1).
- In *88 Bay Street Pty Ltd v Woollahra Municipal Council* [2019] NSWLEC 1369 the Land and Environment Court granted development consent for a new dwelling house, swimming pool and landscaping at 6 Bayview Hill Road, Rose Bay with a height exceedance of 49 per cent (14.16m compared to the permitted 9.5m.
- In *Merman Investments Pty Ltd v Woollahra Municipal Counci*l [2021] NSWLEC 1582, the Court granted a development consent for a residential flat building. In this decision, the Court approved a floor space ratio variation of 85 percent (from 0.65:1 to 1.21:1).
- In *Leda Holdings Pty Ltd v Northern Beaches Council* [2022] NSWLEC 1179, the Court granted development consent for a mixed use building containing nine self-storage units and 27 industrial units (including car parking and landscaping works) with a height exceedance of 28 per cent (14.1m compared with the permitted 11m).

7. Conclusion

This written request has been prepared in relation to the proposed variation to the 0.7:1 FSR development standard contained in Clause 4.4 of KLEP 2015.

Having regard to all of the above, it is our opinion that compliance with the maximum FSR development standard is unreasonable and unnecessary in the circumstances of this case as the development meets the objectives of that standard and the zone objectives. The proposal has demonstrated sufficient environmental planning grounds to support the breach.

Therefore, insistence upon strict compliance with that standard would be unreasonable. On this basis, the requirements of Clause 4.6(3) are satisfied and the variation supported.

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	2A, 2B AND 4 SHINFIELD AVENUE ST IVES - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING INCLUDING 18 UNITS, BASEMENT PARKING AND ASSOCIATED WORKS.
ITEM/AGENDA NO:	GB.3

APPLICATION NO:	eDA0028/25
ADDRESS:	2A, 2B and 4 Shinfield Avenue, St Ives
WARD:	St Ives
DESCRIPTION OF PROPOSAL:	Demolition of existing structures and construction of a residential flat building including 18 units, basement parking and associated works.
APPLICANT:	Harry Touma
OWNER:	2A Shinfield Avenue: Jo-Anne Dockrey, 2B Shinfield Avenue: David Chenu and Laura Chenu, 4 Shinfield Ave: Maria Symonds and Dean Bryan and Anita Curtis
DATE LODGED:	07/02/2025
SUBMISSIONS:	Eight
ASSESSMENT OFFICER:	Brent Pearce
RECOMMENDATION:	Refusal

KLPP REFERRAL CRITERION:	Residential flat building and a greater than 10% departure from a development standard.

PURPOSE OF REPORT

To determine Development Application No. eDA0028/25 for demolition of existing structures and construction of a residential flat building including 18 units, basement parking and associated works.

This application is reported to the Ku-ring-gai Local Planning Panel for determination in accordance with the Minister's S 9.1 Local Planning Panels Direction as it proposes departures from two development standards in excess of 10%

- Departure 1: - 19.83% contravention of Clause 4.3 of KLEP 2015 (Maximum Building Height).
- Departure 2: - 10.6% contravention of Clause 4.4 of KLEP 2015 (Maximum Floor Space Ratio).

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 the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979, is not satisfied that the request submitted under Clause 4.6 to vary the building height and floor space ratio development standards has met the requirements of Clause 4.6(3).

   The Panel is also of the opinion that strict compliance with the development standards is not unreasonable or unnecessary in the circumstances of the case and that there are not sufficient environmental planning grounds to justify the variation to the development standards.

B. 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 eDA0028/25 for demolition of existing structures and construction of a residential flat building including 18 units, basement parking and associated works on land at 2A, 2B and 4 Shinfield Avenue, St Ives for the reasons provided in the Development Assessment Report (**Attachment A1)**.

Brent Pearce
Executive Assessment Officer

Selwyn Segall
Team Leader - Development Assessment

Shaun Garland
Manager Development Assessment Services

Michael Miocic
Director Development & Regulation

Attachments:

A1⇩	Development Assessment Report	2025/199971
A2⇩	Architectural Plans (BASIX stamped)	2025/032697
A3⇩	Stormwater Plans	2025/022178
A4⇩	Landscape Plans	2025/022173
A5⇩	Clause 4.6 Height	2025/022169
A6⇩	Clause 4.6 FSR	2025/022172
A7⇩	Design Verification Statement	2025/022154
A8⇩	Survey Plan	2025/022164
A9⇩	Statement of Facts and Contentions	2025/199501

DEVELOPMENT APPLICATION

ASSESSMENT REPORT

REPORT TITLE	2A, 2B AND 4 SHINFIELD AVENUE ST IVES - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING INCLUDING 18 UNITS, BASEMENT PARKING AND ASSOCIATED WORKS.

APPLICATION NO	eDA0028/25
PROPERTY DETAILS	2A, 2B and 4 Shinfield Avenue, St Ives Lot 101 and Lot 102 in DP 1067940 Lot 11 in DP 12504 R4 High Density residential
WARD	St Ives
PROPOSAL/PURPOSE	Demolition of existing structures and construction of a residential flat building including 18 units, basement parking and associated works.
TYPE OF DEVELOPMENT	Local
APPLICANT	Harry Touma
OWNER	2A Shinfield Avenue: Jo-Anne Dockrey 2B Shinfield Avenue: David Chenu and Laura Chenu 4 Shinfield Ave: Maria Symonds, Dean Valerio and Anita Curtis
DATE LODGED	7 February 2025
RECOMMENDATION	Refusal

PURPOSE OF REPORT

To determine Development Application No. eDA0028/25 for demolition of existing structures and construction of a residential flat building including 18 units, basement parking 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:

(a) is sensitive development to which Chapter 4 (Design of Residential Apartment Development) of SEPP (Housing) 2021 applies, and

(b) proposes departures from two development standards 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	Building height Floor space ratio Driveway design Landscape character Deep soil landscape area Tree removal and impact Site analysis Water proofing Sustainability Design Verification Statement
Submissions	8
Land and Environment Court	Yes
Recommendation	Refusal

HISTORY

Site history

The sites have a history of residential use.

Previous applications history

A Pre-DA consultation was not undertaken with Council. Council's records show previous applications relating to the sites as follows:

- No. 2A and 2B Shinfield Avenue are currently developed for the purposes of a semi-detached dwelling, this development was approved by Council (DA830/98).

- No. 4 Shinfield Avenue is currently developed for the purpose of a single dwelling house, there is no history relating to this development, however it is estimated that the house was constructed circa 1970.

Current Development Application History

Date	Action
7 February 2025	Application lodged.
17 February 2025	The application was notified to neighbouring property owners for a period of 30 days, from 24/02/2025 and 25/03/2025 and 8 submissions were received.
29 April 2025	Council sent a letter to the applicant seeking additional information, as follows: i. non-compliant building height, unsatisfactory Clause 4.6 ii. non-compliant floor space ratio, unsatisfactory Clause 4.6 iii. unsatisfactory deep soil area iv. unsatisfactory apartment amenity v. inadequate site analysis vi. unsatisfactory landscape outcomes vii. unsatisfactory consideration of waterproofing requirements viii. failure to identify which apartments comply with the liveable housing guidelines ix. unsatisfactory Design Verification Statement x. unsatisfactory external finishes and materials xi. inconsistencies between the BASIX Certificate and Architectural Plans xii. inconsistencies on the Survey Plan xiii. unsatisfactory water management outcomes

Land and Environment Court appeal history

Date	Action
22 May 2025	A Class 1 application for the deemed refusal of the subject Development Application was lodged with the Land and Environment Court (Court).
20 June 2025	A Statement of Facts and Contentions (SOFAC) prepared by Council was filed with the Court.
8 September 2025	Scheduled Section 34 conference.

THE SITE

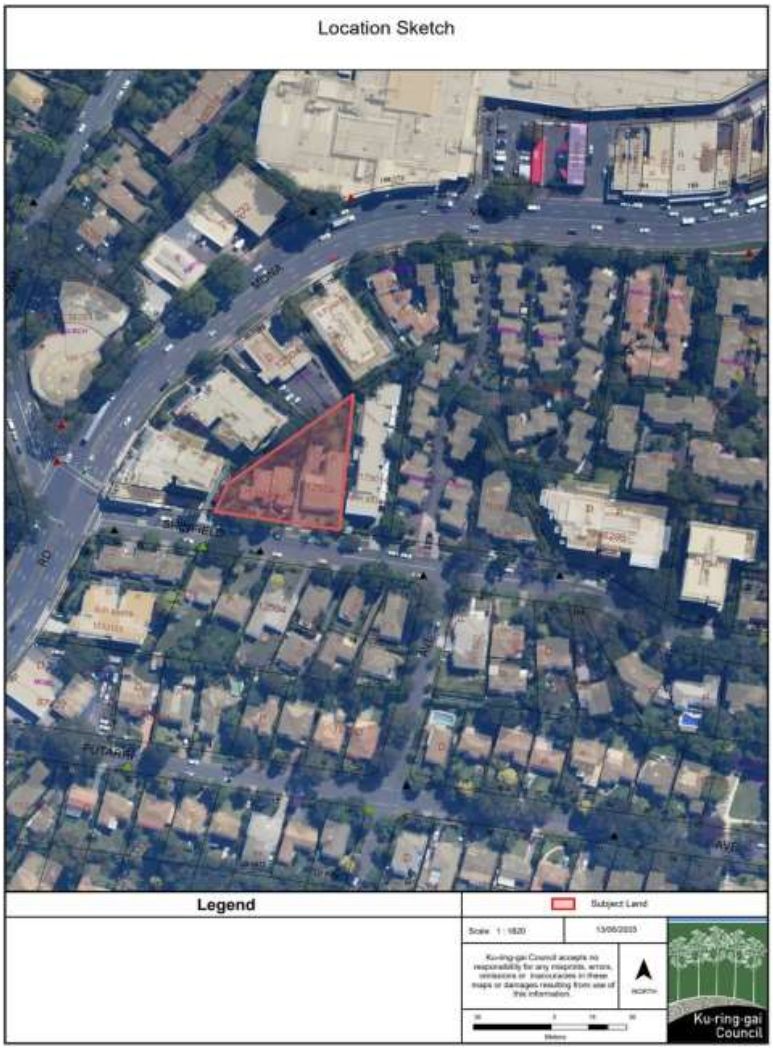


Figure 1: Aerial view of the subject site, as marked in red

Site description

The subject site comprises Nos 2A, 2B and 4 Shinfield Avenue, St Ives and are legally described as:

Street address	Property ID	Site Area	Configuration	Existing development
2A Shinfield Avenue, St Ives	Lot 101 in DP 1067940	519.4m^2	Street front	Semi-detached dwelling
2B Shinfield Avenue, St Ives	Lot 102 in DP 1067940	508.4m^2	Street front	Semi-detached dwelling
4 Shinfield Avenue, St Ives	Lot 11 in DP 12504	1,176m^2	Street front	Single dwelling house

The registered proprietors of each property comprising the subject site are not the applicant for the Development Application. A draft plan of subdivision has not been provided. However, when amalgamated the properties will comprise a single site, having the following approximate dimensions and total area:

(i) Northern boundary of 73.155 metres (irregular boundary line).
(ii) Eastern boundary of 66.385 metres (straight boundary line).
(iii) Southern boundary of 58.585 metres (straight boundary line).
(iv) Western boundary of 14.65 metres (irregular boundary line).
(v) an approximate total site area of 2,209m^2.

The site is located on the high side of Shinfield Avenue and has a fall approximately 4 metres from the front to the rear (south to north). The relevant RLs for each corner of the properties that comprise the site are:

Direction of corner	Reduced Level
North	RL 163.87
South-western	RL 170.13
South-eastern	RL 166.63

The sites is located on the boundary of the St Ives Local Centre and mapped within State Environmental Planning Policy (Housing) 2021 - Low to Medium Rise Housing Area.

Constraint:	Application:
Visual character study category	1945-19681945-19681945-1968.
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	Yes

Nos 4 and 6 Shinfield Avenue, St Ives are listed on Council's Contaminated Land Register. Council records indicate that the land was subject to Voluntary Investigation Agreement No. 19010 under the *Contaminated Land Management Act 1997*, which has now been completed. The Agreement includes relevant information about the condition of the land as documented in the applicable Planning Certificate.

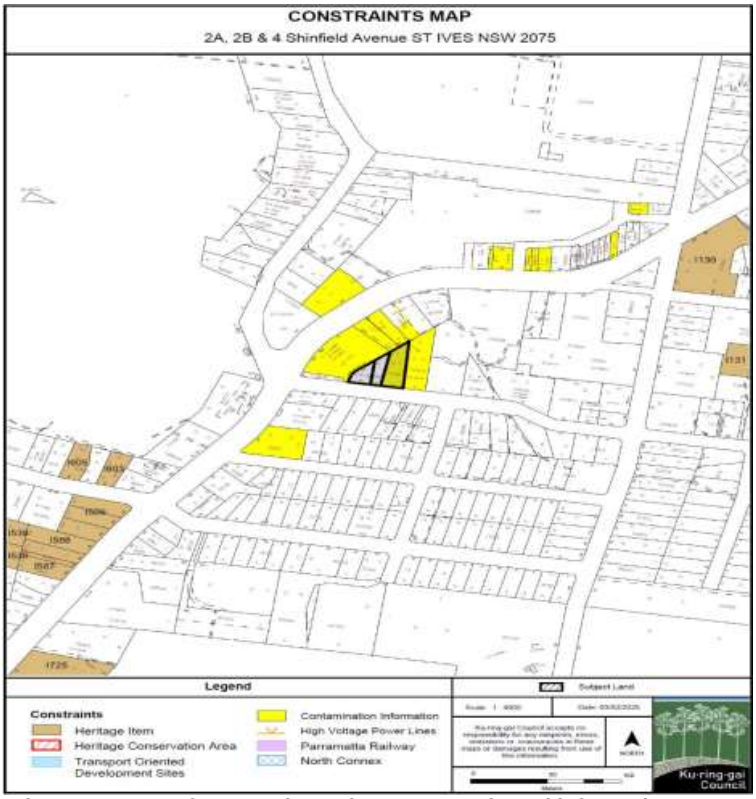


Figure 2: Extract from Ku-ring-gai LEP Contaminated information map

Surrounding development

Adjoining the western boundary of the site at No. 169-177 Mona Vale Road is a five-storey mixed -use building, comprising commercial office suites, medical suites, and residential apartments. It obtains its principal vehicular access from Shinfield Avenue via a right-of-way over No. 167 Mona Vale Road. Also adjoining the western boundary at No. 167 Mona Vale Road is a two-storey commercial building containing office suites. The building is located on the corner of Mona Vale Road and Shinfield Avenue and features an at-grade carpark at the rear which is accessed from Shinfield Avenue. Adjoining the eastern boundary of the site is No. 6 Shinfield Avenue, which comprises 11 townhouses. To the south-west of the site is No. 165 Mona Vale Road, which comprises three, two-storey townhouses. On the opposite side of Shinfield Avenue, to the south of the site, the surrounding development consists of low-density residential dwellings in the form of detached houses.

THE PROPOSAL

The development application seeks development consent for the demolition of existing

structures and the construction of a residential flat building containing 18 units, three levels of basement parking and associated works, including tree removal.

The proposed development comprises the following components:

Demolition

- demolition of all existing structures on the sites

Construction of residential flat building

- erection of a five-storey residential flat building containing 18 dwellings, with:
  - a maximum building height of 17.375 metres, being a 2.875 metres (19.83%) variation to the height standard in the Ku-ring-gai Local Environmental Plan 2015 (KLEP); and
  - a maximum gross floor area of 2,443.14m^2 (FSR of 1.11:1), being a 10.6% variation to the FSR development standard in the KLEP.

Basement car parking

- Provision of three basement levels of car parking:
  - Basement Level 3: 18 residential parking spaces, 7 bicycle lockers and 6 residential storage lockers.
  - Basement Level 2: 17 residential parking spaces, 6 residential storage lockers.
  - Basement Level 1: Main vehicular entrance from Shinfield Avenue, 4 residential parking spaces (3 accessible), 1 car share parking space, 1 visitor/car wash parking space, 4 visitor parking spaces (3 accessible), 13 bicycle lockers, bin storage area, pump room and service bay.

Dwelling configuration and amenities

- Ground floor: 4 x 3 bedroom units with terraces and planter boxes, main residents entrance; 3 “silver” level and 1 “Platinum” level units.
- First, second and third floors: Each level includes 4 x 3-bedroom units with balconies, 3 Silver and 1 Platinum adaptable units; south-facing balcony for AC condensers.
- Fourth floor: 2 x 4 bedroom units with balconies; south-facing balcony for AC condensers.
- Roof: 1-degree fall metal roof.

Site coverage and landscaping

- site coverage of 601.72m^2 (27.2%) in accordance with the KLEP.
- deep soil landscaping of 988m^2 (44.7%) in accordance with the Ku-ring-gai Development Control Plan (KDCP).

Tree removal and replacement

- Tree removal: 33 trees, as identified in the applicant’s Arborist Report.
- Tree replanting: 3 replacement canopy trees capable of attaining mature heigh of 18 metres:
  - 2x *Syncarpia glomulifera*
  - 1 x *Melaleuca quiqueniervia*

Stormwater management

- Combined on-site detention (OSD) and rainwater retention system consisting of:
    - $36m^3$ OSD tank
    - 13,000 litres rainwater retention tank located beneath the driveway

Lot amalgamation

- The proposed development spans three allotments. Although no draft subdivision plan is provided, the Statement of Environmental Effects indicates that the development will necessitate amalgamation of the three lots.

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, submissions from the following were received.

1. *Result Property Group, on behalf of SP95645 and SP95647, at 169 -177 Mona Vale Road, St Ives.*
2. *Ms Matsushima and Mr Morris, of 1108/169 - 177 Mona Vale Road, St Ives.*
3. *Ms Tang and Mr Tse, of 8/6 Shinfield Avenue, St Ives.*
4. *Ms Gilfoyle, address not supplied.*
5. *Mr Gilfoyle, address not supplied.*
6. *Ms Jacobs, address not supplied.*
7. *Ms Paulson, address not supplied.*

The submissions raised the following issues:

i. building height

ii. floor space ratio

iii. view loss

iv. setbacks

v. overshadowing

vi. geotechnical concerns, including dilapidation reporting and the potential for structural damage to neighbouring properties.

vii. flooding

It is agreed that the issues raised in i to v, as listed above result in a significant detrimental impact. Consequently, they form part of the recommended reasons for the refusal of the application. The remaining issues vi and vii are addressed throughout this report and are not

of a such concern to warrant refusal of the application.

Internal Referrals

Urban design

Council's Urban Design Consultant has reviewed the proposed development and objects to the proposal. The concerns raised in the referral form recommended reasons for refusal **(Reasons 5, 7, 8, 9, 10, 11, 12, 15, 18)**.

Landscaping

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

Recommendation

Not supported. Additional information required.

SEPP (Sustainable Buildings) 2022		
Chapter 2	***Proposed***	***Satisfies***
To encourage sustainable residential development	*Certificate 1770470M_02 dated 5 February 2025 is submitted with the application.* *The following miscalculation have been noted in the Report:* • *The common lawn areas in the submitted Basix Certificate is indicated as 1,117.5m^2. A total area of approximately 377.8m^2 of common lawn area is indicated in the landscape plan.* • *The common areas of garden in the Basix Certificate is indicated as 136m^2. A total area of approximately 618m^2 of common garden areas is indicated on landscape plans.* • *The Basix Certificate does not indicate any areas of garden and lawn for each dwelling. Unit G03 has a planter bed along the eastern side of eastern private terrace.*	***NO***

KDCP COMPLIANCE TABLE		
Control	***Proposed***	***Satisfies***
Part 7A.6 Deep Soil Landscaping and Part 13 Tree and Vegetation Preservation		
C1. Residential flat development is to have a minimum deep soil landscape area:	*Deep soil landscaping is defined as the soft landscaped part of the site area that is; not occupied by any structure whether above or below the surface of the ground except for minor structures such as: paths to 1.2 metres wide, stormwater pipes of 300 millimetres or less, lightweight fences; has a minimum width of 2 metres; is not used for car parking; and can be used for water sensitive urban design.*	***NO***

	<table><tr><td>*Site Area*</td><td>*Minimum Deep Soil Landscaping*</td></tr><tr><td>*1800m^2 or more*</td><td>*50% of the site*</td></tr><tr><td>*2209m^2*</td><td>*50% = 1,104m^2*</td></tr></table> *Given that the site area is 2,209m^2, the minimum required deep soil landscape area is 1,104m^2.* *The applicant has indicated a deep soil area of 1,249.01m^2 (56.5%), as detailed in the submitted Statement of Environmental Effects (SEE).* *This calculation is not agreed. The actual deep soil landscaped area is approximately 988m^2 , which is 44.7% of the site area. As a result, the deep soil area provision is deficient by 116m^{2}or 5.3%.* *The following areas are not calculable deep soil landscape area:* • *approximately 14m^2 between the proposed ramp to basement and eastern boundary because it is setback 1.7 metres and consequently has a width, which is less than the minimum 2 metres required for this area to be included in the landscape area calculation.* • *all planting areas with structures below are not considered deep soil landscaped areas, which are excluded from the calculation.* • *Planting areas with no structures below or above but are between retaining walls with a measurement less than 2 metres are excluded. Planter box along the northern portion of terrace of Unit G03, should be excluded.* *To minimise the impact on deep soil areas and Tree Protection Zone (TPZ) of T57, the access stairs to the rear yard from the terrace of Unit G02 shall be deleted and access to communal garden to be provided where soil levels are close to the terrace level, in the southern portion of the terrace. Front pathway is 2 metres wide. This could be narrowed to increase deep soil.* *The proposal does not satisfy this part.*	
C2. Deep soil zones are to be configured to retain healthy and significant trees on site and adjoining	***Tree removal*** *The proposal includes the removal of 32 trees including: T2, T3, T7, T8, T9, T10, T12, T13, T18, T28, T32, T34, T35, T40, T41, T42, T43, T44, T45, T46, T47, T48, T49, T50, T51, T52, T54, T55, T56, T58, T60, T61,* *The removal of T2, T3, T7, T8, T9, T10, T12, T13,*	***NO***

sites where possible.	*T18, T28, T32, T35, T40, T41, T43, T44, T46, T47, T48, T49, T50, T51, T52, T54, T58, T60, is acceptable as the trees have low retention value, and/or are in poor health or dead. Consequently, removal of the above trees is acceptable.* *Trees T55, T56, and T61 Camellia spp. should be retained to provide screening of the development.* ***Tree impacts*** *The following trees are impacted by the proposal:* ***T57** Quercus robur (English Oak)* • *building footprint encroachment within the TPZ is approximately 20.5%. This a major encroachment under AS4970-2009.* • *Arboricultural Impact Assessment has calculated only the basement structure and a raised planter box as an encroachment, (6%) and has excluded the building footprint as it is a suspended structure.* • *There has not been any consideration of the existing structures of 177 Mona Vale Road encroaching into the TPZ of T57.* • *The area of the building footprint is large and will result in, even if suspended, in the exclusion of natural water infiltration, sunlight and humus replenishment. This results in a poor soil environment to sustain root growth.* • *The Arborist Report has not assessed the required pruning to accommodate the proposed building, including the required scaffolding during construction stage.* • *Architectural drawings fail to provide enough information to assess impacts on T57. At least part of the building footprint within the TPZ may be below the natural ground level. There is insufficient information in relation to existing and proposed levels, and the building structure to determine if the building structures is suspended, as assumed by the Arborist.* *Additional information, including existing and proposed levels, construction details, and cross-sectional views, is required to facilitate a comprehensive assessment of the Tree Protection Zone for this tree.* *The survey provided is not adequate, substantial areas of the site have not been surveyed. Tree 57 has not been indicated.*	

	The proposed layout is not acceptable. Amended plans would be required to substantially reduce the encroachment to TPZ of T57. ***T14*** *Jacaranda mimosifolia,* • *Located in neighbour's site, adjacent to the driveway with OSD tank below. Landscape plan indicates the retention of this tree, however the Arboriculture Impact Assessment Report nominates the 14% encroachment into the TPZ as major. A 14% encroachment into TPZ of T14 is considered acceptable considering the species is very resilient to root pruning.* *T16 Cupressus torulosa* • *The proposed basement structures, paths and built envelope will encroach into the TPZ by 19%, which is a major encroachment under AS4970-2009.* • *Proposal shows the tree to be retained.* • *Arboricultural Impact Assessment Report did not include the 2 metres wide path nor the retaining wall adjacent to the building as part of the TPZ encroachment, which will result in a total encroachment of 25.9% into the TPZ.* • *The tree has an asymmetrical shape, due to pruning along the southern portion of the tree around present aerial power line.* *It is suggested that this tree is replaced with tall canopy trees.*	
C3. Deep soil zones are to be configured to allow for required tree planting including tall tree planting and garden and screen planting at front, side and rear boundaries	*The proposal satisfies this part.* *The proposed ramp to basement is set back 1.7 metres, for approximately 14 metres of the eastern boundary. This setback is inadequate for large trees. However, trees for screen planting that range in a mature height from 7 to 10 metres in height is proposed. This approach is acceptable on its merits, as the trees will create an effective screen between properties along this section of the driveway*	***YES***
C4. Deep soil landscaping is to be provided in the common areas as a buffer between	*The proposal satisfies this part.* *Refer to comments in C3 above.*	***YES***

<table>
<tr><td>buildings that softens the bulk and scale of the buildings</td><td></td><td></td></tr>
<tr><td>C7. Tree replenishment and planting.</td><td>The proposal does not satisfy this part

Lots with the following sizes are to support a minimum number of tall trees capable of attaining a mature height of at least 18 metres on shale, transitional soils.

<table><tr><td>Lot Size</td><td>Number of Tall Trees</td></tr><tr><td>1,200m^2 (or less)</td><td>1 per 400m^2 of site area or part thereof</td></tr><tr><td>1,201m^2 - 1,800m^2</td><td>1 per 350m^2 of site area or part thereof</td></tr><tr><td>1,801m^2 +</td><td>1 per 300m^2 of site area or part thereof</td></tr></table>
The development proposal shall provide at least 8 trees capable of attaining a mature height of 18 metres in local conditions. The proposal includes the following canopy trees capable of attaining a mature height of 18 metres:
2 x Syncarpia glommulifera
1x Melaleuca quiqueniervia

At least 5 more tall trees, capable of attaining a mature height of at least 18 metres on shale, transitional soils, are required to satisfy this control. At least 30% of these tall trees are to be in the front setback.</td><td>NO</td></tr>
<tr><td>C8. In addition to tall trees, a range of medium, small trees and shrubs are to be selected to ensure that vegetation softens the built form and creates a garden setting.

At least 50% of all tree plantings are to be locally occurring trees and spread around the site.</td><td>The proposal does not satisfy this part.

The landscape proposal has not indicated the percentage of native and local indigenous vegetation (at least 50% required) proposed in deep soil areas to meet this control.</td><td>NO</td></tr>
</table>

C9. Trees are to be planted within all setback areas. At least 30% of the required number of tall trees are to be planted within the front setback	*The proposal does not satisfy this part* *The proposal fails to include enough tall tree planting within the front setback to meet this requirement.*	***NO***
Part 7C.5 Building Entries		
To soften the impact of hard landscaping within the site. *C12. Building entry paths are to be a minimum 1.2m wide and located within the common area with a minimum dimension of 1.2m on either side for landscape planting.*	*The proposal satisfies this part.* *The front pathway is 2 metres wide. This could be narrowed to increase deep soil.*	***YES***
Part 21 General Site Design		
21.1 Earthworks and Slope *Landscape cut or fill should not be more than 600mm above or below natural ground line.* *A minimum 0.6m width is required between retaining walls.* *Existing ground level is to be maintained for*	*No cut or fill is proposed in the landscaped areas. The landscape proposal retains existing natural ground levels outside the footprint of the proposed building.*	***YES***

a distance of 2m from any boundary.		
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.	*The landscape plan is not acceptable.* *At least five (5) additional tall trees capable of attaining a mature height of at least 18 metres on shale, transitional soils shall be included in the proposal.* *At least 50% of all tree plantings are to be locally occurring trees and spread around the site.* *Trees T55, T56, and T61 Camellia spp. could be retained and provide screening consequently it is preferred that they are retained.* *Landscape plan shall clearly identify all proposed planting, particularly to the north-western side boundary.*	***NO***

The concerns raised by Council's Landscape and Tree Assessment Officer form recommended reasons for refusal **(Reasons 6, 13, 14)**.

Engineering

Council's Senior Development Engineer commented on the proposal as follows:

> ***Recommendation***
>
> *The application is unacceptable, additional information is required.*
>
> ***Water management***
>
> *The site has a fall of approximately 6 metres across the site towards the eastern boundary. The topography suggests the site is located near the crest of the local catchment and as such the site is not affected during a 1% AEP flood event. The stormwater plans show all roof areas to be collected and conveyed to a combined detention and retention tank of 36m^3 and 13,000 litres respectively located under the driveway. The overflow from the detention system is directed to the boundary pit prior to connection into kerb and gutter on Shinfield Avenue. The sizing of the detention system has been based on the actual built upon area and not based on the 60% of the total site area, as per Part 24C.5 of the Ku ring gai Development Control Plan (KDCP). The proposal provides for two overflow pipes from the OSD of 2 x 225 millimetres diameter has been provided as an emergency overflow, which is acceptable. The location of the access pits to the retention and detention system are readily accessible from within the building common area, which is acceptable. The design also incorporates suitable inlet pits to capture sub-surface water flows from hardstand areas and direct to the detention tank. Any uncontrolled runoffs can be directed to rainscaping.*
>
> *A pump-out pit of 20m^3 within the basement has been shown to capture only the driveway area of 125m^2 with the rising main, which is acceptable. The pump-out tank is to be designed based on the 100-year 2 hours storm, as required under Part 24B.5 of the KDCP. The rising main is connected to the OSD prior to discharging to the*

public drainage system, which is acceptable.

A BASIX Certificate has been submitted, with no water commitments. The water balance model submitted proposes to reduce the site runoff days by 50.1% which would satisfy Council's streamflow objectives under Part 24C.3 of the Ku-ring-gai DCP. The water balance model shows re-use to be provided for landscape irrigation purposes only, which is acceptable.

The captured stormwater is to be treated by using a proprietary 2 x Atlantis 'Atlanfilters' filtration system located within the detention tank as well as 'Atlan Stormstacks' within the boundary pit prior to connection into the public drainage system. The pollutant load standards set out in Part 24C.6 of the Ku-ring-gai DCP has been satisfied.

Car Parking and vehicular access

The site is not within 800 metres from any train Station. The site is zoned 'R4 High Density Residential' under the Ku-ring-gai LEP 2015 (KLEP). The proposed development comprises 16 x 3 bedrooms units and 2 x 4 bedrooms units.

Ku-ring-gai DCP Parking Requirements

Part 22R.1 of the KDCP provides the following parking requirements for apartment buildings:

- *Studio unit: 0.5 spaces per unit*
- *1 bedroom unit: 1 space per unit*
- *2 bedroom unit: 1.25 space per unit*
- *3 bedroom unit: 2 spaces per unit (18 x 2 = 36)*
- *Visitor parking: 1 space per 4 units (18 /4 = 4.5)*

Based on the KDCP. Part 22R.1, the proposal would require 36 residential parking spaces and 5 visitor parking spaces. A total of 38 residential parking spaces are proposed including 3 accessible spaces and 5 visitor parking spaces (including 3 accessible spaces). The parking requirements have therefore been met.

Control 8 of Part 7B.1 of the KDCP states that car parking is to be provided in accordance with the Livable Housing Guidelines 4th Edition. Platinum dwellings (of which three are proposed) require one of the allocated car spaces for each of the platinum dwellings to have an accessible parking space designed to AS2890.6. The DCP also requires one accessible visitor car space for every 6 apartments. The development proposes 3 accessible spaces for the 3 Platinum Level units and 3 accessible visitor spaces, which is acceptable.

One of the visitor spaces is shared as car wash bay, which is acceptable. Three accessible residential and one (1) accessible visitor parking space has been provided. The car space has been designed in accordance with AS2890.6 (2009) in terms of space width and providing a shared area.

The minimum sight lines for pedestrian safety as per Figure 3.3 of AS2890.1:2004 has not been demonstrated on the Architectural Plans however according to the Landscape Plan there does not appear to be any front boundary walls that would restrict the driveway line of sight.

A dedicated waste collection / loading area meets the minimum dimensions of 3.5 metres x 6 metres, as required in Part 7B.1(14) of the KDCP. It is worth noting that Council's SRV collection truck is 6.7 metres long.

Swept paths analysis using a B85 and B99 design vehicle for the car parking spaces and critical car spaces respectively has been submitted within the appendix of the traffic report demonstrating all cars can safely enter and exit in a forward direction.

The proposal provides on-site car parking within a basement accessed via a 5.5 metre wide entry / exit driveway for two-way traffic movements. The driveway width satisfies the requirements of Part 22.2 of the KDCP. A driveway longitudinal section starting from the centreline of the public road to the carpark entry has been submitted. The driveway gradient shows 5% for the first 6 metres within the site boundary. as well as having a maximum 20% grade with a 15% grade into the basement, as per the requirements of AS2890.1:2004 and Part 25 of the KDCP.

Traffic generation

According to the Transport for New South Wales (TfNSW) Guide to Transport Impact Assessments, the updated Technical Direction TDT 2013/04a provides revised trip generation rates for transport-oriented medium density residential apartment blocks in Sydney Metropolitan areas. The relevant trip rates are as follows:

Sydney Metropolitan Area:

- *0.39 vehicle trips per hour (vtph) per unit during the morning peak hour*
- *0.37 vehicle trips per hour (vtph) per unit during the evening peak hour*

A medium density residential development would generate 7 vehicle trips per unit in each peak hour period on weekdays or approximately 5 additional peak hour vehicle trips, compared to existing condition. The proposed development is estimated to generate 1 vehicle trip every 12.5 minutes. According to the above guidelines the vehicle trips are considered minimal and are not expected to generate any noticeable impacts of the existing local and arterial road network.

Waste management

According to the Waste Management Plan, general waste and recycling bins are proposed and located in a central garbage storage area in the basement which complies with Part 25 of the KDCP. Waste and recycling collection for residential development is to be undertaken by Council's Waste Services.

The development allows a garbage truck to enter and depart the garbage/room recycle storage area in a forward direction. Swept paths to be submitted in the traffic report demonstrating that Council's Waste Collection Vehicle of 6.3 metres length can enter and depart the garbage/room recycle storage area in a forward direction. The swept path analysis should be designed for Council waste collection vehicle of 6.7 metres long (Mitsubishi Canter), however there appears to be ample turning area to accommodate the truck turning manoeuvrability.

A longitudinal section is to be submitted demonstrating that a clear head height of 2.6 metres and throughout the basement carpark along the path of travel can be provided. The driveway grade of 20% for the small waste collection vehicle has been shown.

Construction management

An indicative Construction Traffic Management Plan (CTMP) has been submitted as part of the traffic report which provides limited information other than stating the arrival and departure routes being via Shinfield Avenue. In this instance, should the application be approved, a condition should be included requiring a detailed CTMP will need to be submitted prior to the issue of the Construction Certificate showing the construction vehicle routes for the southbound and northbound directions, largest vehicle to be used entering and exiting the site for the demolition, excavation and construction stages, stockpiles and all necessary tree protection fencing.

A Works Zone may be required along the site frontage and a condition can be included in the event of an approval, including the need for approval by Council's Traffic Committee and the payment of the necessary fees.

Geotechnical investigation

A geotechnical report has been submitted that assesses the subsurface conditions and provides preliminary recommendations for the excavation of the basement.

Construction of the basement will require excavating depth for three levels of basement below the existing ground surface. Localised deeper excavations may also be required to facilitate construction of the footings, lift overrun pits, crane pads and service trenches. As part of the investigation procedure, four boreholes and associated Standard Penetration Testing (SPT) were put down to determine the relative density of the overlying soil and the depth to bedrock. Two boreholes were converted into groundwater monitoring wells.

The subsurface conditions generally consist of fill material of 1.5 metres in depth, overlying silty clay to clay soils. Beneath this, extremely weathered shale is encountered between approximately 4 metres and 13.2 metres, followed by medium strength shale at a depth of around 14 metres. High strength shale is found at approximately 15.7 metres below ground level. Groundwater was not encountered during drilling, but seepage was observed in monitoring wells. A pump-out facility is recommended for the earthworks phase to manage seepage via a sump at the excavation base, with a capacity to handle expected inflows. Long-term groundwater control should include perforated drainage pipes behind the basement retaining walls, around the perimeter, and below the basement slab, connected to the sump-and-pump system. The drainage system should be designed to discharge into the on-site stormwater management system with appropriate flow rates and backflow prevention measures to ensure effective water management and prevent water ingress.

Whilst the findings would expect it to be less than the nominated 3Ml/year, in the event of an approved it should be conditioned that the basement excavations are to be fully tanked unless it can be demonstrated to the discretion of the Certifier that ongoing dewatering will be less than 3ML/year AND the proposal is approved by NSW Department Planning and Industry - Office of Water.

It is recommended that prior to demolition, bulk excavation and construction that a detailed dilapidation survey be carried out on the adjacent building and associated structures within the zone of influence. The purpose of a dilapidation report is to confirm that demolition, excavation and construction works, are not causing damage and therefore may prevent future claims of damage arising from the works. This can be conditioned, should the application be approved.

Contamination

Council's Team Leader of Natural Areas reviewed the Preliminary Site Investigation Report, prepared by GSNE Services Pty Ltd dated 23/01/2025. It was noted that the report did not contain any references to the Voluntary Investigation Agreement that took place on the site. Notwithstanding, it is considered that the risk of contaminated land can be managed via condition/s of consent.

Environmental Health and Building

Council's Senior Environmental Health Officer and Senior Building Inspector both reviewed the proposal development and provided recommended conditions of consent, should approval be granted.

External Referrals

No referrals to external authorities were required.

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 low density residential use, however several potential contaminants were identified in the Preliminary Site Investigation (prepared by GSNE Services Pty Ltd dated 23/01/2025), on page 29-30. The Preliminary Investigation concludes that a Detailed Site Investigation (Phase 2 Environmental Site assessment) is required, however such an investigation was not submitted with the development application.

It is accepted that this investigation may be practically executed prior to the issue of a Construction Certificate and, as such, this could be appropriately dealt with via a condition of consent.

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

A BASIX certificate has been submitted, however there are inconsistencies between the commitments made in the BASIX Certificate and the landscape plans. This issue forms a recommended reason for refusal (**Reason 16**).

State Environmental Planning Policy (Housing) 2021

SEPP Housing contains several principles including the promotion of the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services.

The subject application seeks development consent for a residential building on land that is zoned R4 High Density Residential.

The relevant sections of Chapter 4 of SEPP Housing are considered below -

Chapter 4 – Design of residential apartment development

The proposal does not achieve the aims of this chapter because the development it will not achieve a better built form or aesthetics of buildings, it does not maximise amenity and safety of residents nor does it support housing affordability and provide a variety of dwelling types to meet population growth, as discussed throughout this report.

Consideration is given below to the quality of the design of the residential apartment development when evaluated in accordance with the design principles set out in Schedule 9 of SEPP Housing –

1. *Context and neighbourhood character*
2. *Built form and scale*
3. *Density*
4. *Sustainability*
5. *Landscape*
6. *Amenity*
7. *Safety*
8. *Housing diversity and social interaction*
9. *Aesthetics*

Consideration is also given in the table below to the Apartment Design Guide:

ADG COMPLIANCE TABLE	
Guideline	**Compliance YES/NO**
Objective 3A-1 Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	**NO**
Objective 3B-1 Building types and layouts respond to the streetscape and site while optimising solar access within the development	**NO**
Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid-winter	**NO**
Objective 3C-1 Transition between private and public domain is achieved without compromising safety and security	**YES**
Objective 3C-2 Amenity of the public domain is retained and enhanced	**NO**
Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	**NO**
Design criteria	
1. Communal open space has a minimum area equal to 25% of the site. 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	**NO (14.6%)** **NO**
Objective 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	**YES**

<table>
<tr><th colspan="2">ADG COMPLIANCE TABLE</th></tr>
<tr><th>Guideline</th><th>Compliance YES/NO</th></tr>
<tr><td>Objective 3D-3
Communal open space is designed to maximise safety</td><td>YES</td></tr>
<tr><td>Objective 3D-4
Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</td><td>YES</td></tr>
<tr><td>Objective 3E-1
Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</td><td>NO</td></tr>
<tr><td colspan="2">Design criteria</td></tr>
<tr><td>Deep soil zones are to meet the following minimum requirement:
<table><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr><tr><td>greater than 1,500m^2 with significant existing tree cover</td><td>6 metres</td><td>Min. 7%

Preferred 15%</td></tr></table></td><td>YES</td></tr>
<tr><td>Objective 3F-1
Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</td><td>YES</td></tr>
<tr><td colspan="2">Design criteria</td></tr>
<tr><td>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are:
<table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th><th>Proposal</th></tr><tr><td>up to 25m (5-8 storeys)</td><td>9 metres</td><td>4.5 metres</td><td>9 metres</td></tr></table>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see Figure 3F.2) Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</td><td>YES</td></tr>
<tr><td>Objective 3F-2
Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space</td><td>YES</td></tr>
<tr><td>Objective 3G-1
Building entries and pedestrian access connects to and addresses the public domain</td><td>YES</td></tr>
<tr><td>Objective 3G-2
Access, entries and pathways are accessible and easy to identify</td><td>NO</td></tr>
<tr><td>Objective 3H-1
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</td><td>NO</td></tr>
</table>

ADG COMPLIANCE TABLE	
Guideline	**Compliance YES/NO**
Design guidance	
Car park access should be integrated with the building's overall facade. Design solutions may include: – the materials and colour palette to minimise visibility from the street – security doors or gates at entries that minimise voids in the facade – where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed	**YES**
Objective 3J-1 1. Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	**YES**
Design criteria	
Objective 3J-2 Parking and facilities are provided for other modes of transport	**YES**
Objective 3J-3 Car park design and access is safe and secure	**YES**
Objective 3J-4 Visual and environmental impacts of underground car parking are minimised	**NO**
Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	**NO**
Design criteria	
1 Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas 2 In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter 3 A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	**YES** **YES** **YES**
Objective 4A-2 Daylight access is maximised where sunlight is limited	**YES**
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months	**YES**
Objective 4B-1 All habitable rooms are naturally ventilated	**YES**
Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation	**YES**
Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	**YES**

ADG COMPLIANCE TABLE	
Guideline	**Compliance YES/NO**
Design criteria	
1 At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	**YES**
2 Overall depth of a cross-over or cross-through apartment does not exceed 18 metres, measured glass line to glass line	**YES**
Objective 4C-1 Ceiling height achieves sufficient natural ventilation and daylight access	**YES**
Design criteria	
Measured from finished floor level to finished ceiling level, minimum ceiling heights are: **Minimum ceiling height for apartment and mixed use buildings** — **Proposal** Habitable rooms — 2.7 metres — 3 metres Non-habitable — 2.4 metres — 3 metres For 2 storey apartments — 2.7 metres for main living area floor; 2.4 metres for second floor, where its area does not exceed 50% of the apartment area — N/A	**YES**
Objective 4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms	**YES**
Objective 4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building	**YES**
Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	**YES**

ADG COMPLIANCE TABLE	
Guideline	**Compliance YES/NO**
Design criteria	
Apartments are required to have the following minimum internal areas: **Apartment type** / **Minimum internal area** / **Proposal** Studio / 35m² / N/A 1 bedroom / 50m² / N/A 2 bedroom / 70m² / N/A 3 bedroom / 90m² / Min. 122m²	**YES**
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each	**YES**
A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each	**YES**
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	**YES**
Objective 4D-2 Environmental performance of the apartment is maximised	**YES**
Design criteria	
1 Habitable room depths are limited to a maximum of 2.5 x the ceiling height	**YES**
2 In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 metres from a window	**YES**
Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs	**YES**
Design criteria	
1 Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)	**YES**
2 Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space)	**YES**
3 Living rooms or combined living/dining rooms have a minimum width of: – 4 metres for 2 and 3 bedroom apartments	**YES**
4 The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts	**YES**
Objective 4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity	**YES**

ADG COMPLIANCE TABLE	
Guideline	**Compliance YES/NO**
Design criteria	
All apartments are required to have primary balconies as follows: **Dwelling type** / **Minimum area** / **Minimum depth** 3+ bedroom apartments / 12m² / 2.4 metres The minimum balcony depth to be counted as contributing to the balcony area is 1 metre / / Balconies width 2 metres	**YES**
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3 metres	**YES**
Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents	**NO**
Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	**YES**
Objective 4E-4 Private open space and balcony design maximises safety	**NO**
Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments	**YES**
Design criteria	
1. The maximum number of apartments off a circulation core on a single level is eight 2.	**YES**
Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents	**YES**
Objective 4G-1 Adequate, well designed storage is provided in each apartment	**YES**
Design criteria	
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: **Dwelling type** / **Storage size volume** / **Proposal** 3+ bedroom apartments / 10m³ / At least 50% of the required storage is to be located within the apartment.	**YES**
Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments	**YES**
Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout	**YES**

ADG COMPLIANCE TABLE	
Guideline	**Compliance YES/NO**
Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	**YES**
Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	**YES**
Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	**YES**
Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future	**YES**
Objective 4K-2 The apartment mix is distributed to suitable locations within the building	**YES**
Objective 4L-1 Street frontage activity is maximised where ground floor apartments are located	**YES**
Objective 4L-2 Design of ground floor apartments delivers amenity and safety for residents	**YES**
Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area	**YES**
Objective 4M-2 Building functions are expressed by the façade	**YES**
Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street	**YES**
Objective 4N-3 Roof design incorporates sustainability features	**NO**
Objective 4O-1 Landscape design is viable and sustainable	**NO**
Objective 4O-2 Landscape design contributes to the streetscape and amenity	**NO**
Objective 4P-1 Appropriate soil profiles are provided	**NO**
Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance	**NO**
Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces	**YES**
Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members	**YES**
Objective 4Q-2 A variety of apartments with adaptable designs are provided	**YES**

ADG COMPLIANCE TABLE	
Guideline	**Compliance YES/NO**
Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs	**YES**
Objective 4U-1 Development incorporates passive environmental design	**YES**
Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	**NO**
Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	**YES**
Objective 4V-1 Potable water use is minimised	**YES**
Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters	**YES**
Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	**YES**
Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	**NO**
Objective 4X-1 Building design detail provides protection from weathering	**YES**
Objective 4X-2 Systems and access enable ease of maintenance	**YES**
Objective 4X-3 Material selection reduces ongoing maintenance costs	**YES**

The specific departures from the requirements of the ADG are identified in the table above. The departures are not accepted, as the objectives to the respective controls have not been achieved and, consequently, have been particularised in the recommended reasons for refusal. These issues are summarised below reflective of the non-compliances detailed in the above ADG compliance table:

Reason 4: Apartment amenity
Reason 5: Site analysis
Reason 7: Waterproofing
Reason 8: Liveable housing
Reason 11: Aesthetics
Reason 12: Sustainability
Reason 15: Visual privacy

Local Content

Ku-ring-gai Local Environmental Plan 2015 (KLEP)

Clause 1.2 Aims of the Plan

The proposal has been assessed against the relevant Aims of the Plan. The proposal is inconsistent with the Aims for the reasons given within the assessment report.

Zoning and permissibility

The site is zoned R4 High Density Residential. The proposed development is defined as a 'residential flat building' and is permissible development within the zone.

Zone objectives

The objectives of this zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for high density residential housing close to public transport, services and employment opportunities.*

The proposed development is inconsistent with the zone objectives for the reasons outlined in this report.

Development standards

Ku-ring-gai Local Environmental Plan 2015

Development standard	Proposed	Complies
Cl 4.3 (2A) Height of buildings: (2A) Despite subclause (2), the height of a building on land in Zone R4 High Density Residential where the site area is within a range specified in Column 1 of the table to this subclause must not exceed the height specified opposite in Column 2 of the table. Site area >1,800m^2 = 14.5 metres	Lift overrun RL183.45 Main roof RL182.850 Max. 2.875 metres or 19.83% exceedance	**NO**
Cl 4.4 (2C) Floor space ratio (FSR): (2C) Despite subclause (2), the floor space ratio for a building on land in Zone R4 High 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. Site area >1,800m^2 and <2,400m^2 = 1.0:1	GFA of 2,443.14m^2 and FSR of 1.11:1. 234m^2, 10.6% exceedance	**NO**
Cl 6.6 - Requirements for multi dwelling housing and residential flat buildings: (2) Despite any other provision of this Plan, development consent must not be granted for the erection of multi dwelling housing or a residential flat building on a	Site area = 2,209m^2	**YES**

Development standard	Proposed	Complies
lot in a residential zone unless the lot has an area of at least 1,200 square metres and minimum dimensions (width and depth) of at least:		
(b) if the area of the land is 1,800 square metres or more: 30 metres.	58.585 metres (south boundary)	**YES**
	66.385 metres (east boundary)	**YES**
	48.77 metres (north boundary)	**YES**

Clause 4.6 Exceptions to development standards

The proposed development breaches the maximum height and FSR development standards contained within the KLEP. The applicant has made two separate submissions pursuant to Clause 4.6 seeking to vary those development standards, which are considered separately below.

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 for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Building height

A maximum building height of 17.375 metres is proposed, which equates to a 2.875 metres / 19.83% exceedance of the 14.5 metres building height development standard (Clause 4.3) in the KLEP.

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

The applicant states that compliance with the building height development standard is unreasonable or unnecessary as the objectives of the development standard are met. The applicant's reasoning is summarised as follows:

> *The proposal does provide for a built form that is compatible with the size of the land to be developed. This in my opinion is demonstrated by the following:*
>
> 1. *The proposal is provided with setbacks which comply with the requirements of the Council.*
> 2. *The proposal is provided with a site coverage which complies with the requirements of the Council.*
> 3. *The proposal is provided with a deep soil area which complies with the requirements of the Council.*
> 4. *The proposal will not result in any unreasonable arboricultural impacts.*
> 5. *The proposal will not result in any unreasonable ecological impacts,*
> 6. *The proposal has a height of building which is less than the maximum otherwise permitted in this locality.*
> 7. *The proposal will result in a height of building and number of storeys which is consistent with the prevailing character of development in Shinfield Avenue.*
> 8. *The proposal will not result in any unreasonable impacts upon the streetscape or character of the surrounding locality.*
> 9. *The proposal will not result in any unreasonable impacts upon the amenity of the adjoining properties.*
>
> *The proposal as detailed within the accompanying Design Verification Statement provides for a high quality architecturally designed building comprising of eighteen (18) residential units.*
>
> *The proposal also incorporates detailed landscaping which includes mature canopy tree planting, terrace planter boxes and screen planting that relates favourably to the neighbouring land uses and the natural environment.*
>
> *It is considered that the proposal will make a positive contribution to the character of the locality, particularly when viewed from the public domain.*
> *The proposed development is in my opinion compatible with the scale and character of the existing and desired future character of the locality.*
>
> *It is not considered that the proposal will result in any unreasonable amenity impacts upon adjoining properties.*
>
> *The proposal is therefore considered to be consistent with the objectives of the R4 High Density Residential Zone.*
>
> *On the basis of the above it is my opinion that compliance with the development standard unreasonable or unnecessary in the circumstances of this case.*

The applicant has not demonstrated that compliance with the building height development standard is unreasonable and unnecessary, as outlined in the recommended reasons for refusal (**Reason 1**).

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 (summarised):

> *It is my opinion the environmental planning grounds associated with the proposed departure primarily relate to:*
>
> 1. *The subject site is located upon land zoned R4 – High Density Residential and where the maximum permissible height for a residential flat building is 17.5m.*
> 2. *The proposal is provided with an overall height of building of 17.375m and which complies with this control.*
> 3. *The site has frontage to Shinfield Avenue and within which all properties on the northern side (excluding the subject site have been developed and comprising of a number of residential flat buildings properties with a height of five (5) storeys or approximately 17.5m.*
> 4. *The proposal will therefore result in a built form which is consistent with the predominant height of residential flat building development located within the visual catchment of the site.*
> 5. *The proposed design is such that a large proportion of the proposed fifth storey is contained within the 14.5m height control.*
> 6. *The proposed non-compliant height will allow for the provision of additional housing in a manner which does not result in any unreasonable impacts and noting the current shortage of housing across Sydney.*
> 7. *The development provides a building height that is 5 storeys tall and therefore is commensurate with the 5 storey height of the majority of existing buildings in the immediate surrounding locality (Woollahra Municipal Council v SJD DB2 Pty Ltd [2020] NSWLEC 1112 at [63]);*
> 8. *The development, despite the exceedance of the height control does not result in any significant adverse impact on the surrounding land (Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7 at [34]);*
> 9. *The development provides a taller building form and smaller building footprint that would otherwise be provided in order to avoid significant vegetation on the site (Auspat International No.2 Pty Ltd v Randwick City Council [2022] NSWLEC 1567 at [96]);*
> 10. *The numerical non-compliance with clause 4.3(2A) is the result of the site area being less than 2,400m2. If the site area was approximately 191m2 larger, the development would comply with the eligible building height control of 17.5m. Due to the significant landscaping the non-compliance with the 2,400m2 site area is not able to be perceived;*
> 11. *The development, despite the exceedance of the building height control achieves the objectives of the EPA Act.*
>
> *It is my opinion based upon the above that the proposed non-compliance will:*
>
> 1. *promote the orderly and economic use and development of land, and*
> 2. *promote good design and amenity of the built environment.*

The environmental planning grounds advanced by the applicant are not sufficient to justify the proposed breach to the building height development standard, as outlined in the recommended reasons for refusal (**Reason 1**).

Authority to determine variation

The proposed height variation equates to 2.875 metres / 19.83% exceedance to the 14.5 metre building height standard in the KLEP. Any variation to a numerical standard that exceeds 10% or relates to a non-numerical standard must be referred 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 of Clause 4.6(6) and (8).

Floor space ratio

A floor space ratio (FSR) of 1:11:1 is proposed, which is a 234m^2 / 10.6% exceedance of the FSR development standard in the KLEP.

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

The applicant states that compliance with the FSR development standard (Clause 4.4 – KLEP) is unreasonable or unnecessary as the objectives of the development standard are met. The applicant's reasoning is summarised as follows:

Clause 4.4 Objective (a):

> *The proposal whilst resulting in a non-compliant FSR is considered to provide for a built form which is consistent with the height, bulk and scale of surrounding development.*
>
> *It is also noted that the proposal will not result in any unreasonable impacts upon the amenity of the adjoining properties, particularly in relation to overshadowing and a loss of privacy.*
>
> *This in my opinion is further demonstrated by the following:*
>
> 1. *The proposal is provided with setbacks which comply with the requirements of the Council.*
> 2. *The proposal is provided with a site coverage which complies with the requirements of the Council.*
> 3. *The proposal is provided with a deep soil area which complies with the requirements of the Council.*
> 4. *The proposal will not result in any unreasonable arboricultural impacts.*
> 5. *The proposal has a height of building which is less than the maximum otherwise permitted in this locality.*
> 6. *The proposal will result in a height of building and number of storeys which is consistent with the prevailing character of development in Shinfield Avenue.*
> 7. *The proposal will not result in any unreasonable impacts upon the streetscape or character of the surrounding locality.*
> 8. *The proposal will not result in any unreasonable impacts upon the amenity of the adjoining properties.*

The applicant's submission in response to Clause 4.4 Objective (b):

> *The proposal is considered to provide for a floor space ratio that is compatible with the surrounding residential land uses.*

The applicant's submission in response to Clause 4.4 Objective (c):

> *This objective is not applicable as the site is not located within a local centre.*
>
> *The proposal is considered to provide for a floor space ratio that is compatible with the surrounding residential land uses.*

The applicant's submission in response to Clause 4.4 Objective (d):

> *This objective is not applicable as the proposal involves a residential flat building in the R4 - High Density Residential zone.*
>
> *The proposal is therefore considered to be consistent with the objectives of KLEP Clause 4.4.*

The applicant has made the following points in relation to meeting the objectives of the R4 High Density Residential Zone:

1. *The proposal as detailed within the accompanying Architectural Design Statement provides for a high quality architecturally designed building comprising of eighteen (18) residential units.*
2. *The proposal also incorporates detailed landscaping which includes mature canopy tree planting, balcony planter boxes and screen planting that relates favourably to the neighbouring land uses and the natural environment.*
3. *It is considered that the proposal will make a positive contribution to the character of the locality, particularly when viewed from the public domain.*
4. *The proposed development is in my opinion compatible with the scale and character of the existing and desired future character of the locality.*
5. *It is not considered that the proposal will result in any unreasonable amenity impacts upon adjoining properties.*
6. *The proposal is therefore considered to be consistent with the above objectives.*
7. *On the basis of the above it is my opinion that compliance with the development standard unreasonable or unnecessary in the circumstances of this case.*

The applicant has not demonstrated that compliance with the Floor space Ratio standard is unreasonable and unnecessary, as outlined in the recommended reasons for refusal (**Reason 2**).

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 (summarised):

> *It is my opinion the environmental planning grounds associated with the proposed departure primarily relate to:*

1. *The subject site is located upon land zoned R4 – High Density Residential and where the maximum permissible height for a residential flat building is 17.5m.*
2. *The proposal is provided with an overall height of building of 17.375m and which complies with this control.*
3. *The site has frontage to Shinfield Avenue and within which all properties on the northern side (excluding the subject site have been developed and comprising of a number of residential flat buildings properties with a height of five (5) storeys or approximately 17.5m.*
4. *The proposal will therefore result in a built form which is consistent with the predominant height of development located within the visual catchment of the site.*
5. *The proposed design is such that a large proportion of the proposed fifth storey is contained within the 14.5m height control.*
6. *The proposed non-compliant height and FSR will allow for the provision of additional housing in a manner which does not result in any unreasonable impacts and noting the current shortage of housing across Sydney.*
7. *The numerical non-compliance with clause 4.4(2C) is the result of the site area being less than 2,400m2. If the site area was approximately 191m2 larger, the development would comply with the eligible FSR control of 1.3:1. Due to the significant landscaping, the non-compliance with the site area requirement under clause 4.4(2C) is not able to be readily perceived;*
8. *The application provides a 5 storey building form that is commensurate in sale, bulk, design and character as the existing built form in the immediate locality (Shinfield Avenue). Accordingly, a building form that provides strict compliance with the FSR control of 1:1 would result in a building that is out of character with the predominant building form in the street (Woollahra Municipal Council v SJD DB2 Pty Ltd [2020] NSWLEC 1112 at [63];)*
9. *The development, despite the exceedance of the height control does not result in any significant adverse impact on the surrounding land (Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7 at [34]);*
10. *The development, despite the exceedance of the floor space ratio control achieves the objectives of the EPA Act.*

It is my opinion based upon the above that the proposed non-compliance will:

1. *promote the orderly and economic use and development of land, and*
2. *promote good design and amenity of the built environment.*

The environmental planning grounds advanced are not sufficient to justify the proposed breach to the building height development standard, as outlined in the recommended reasons for refusal (**Reason 2**).

Authority to determine variation

The request to vary the FSR equates to 234m^2 / 10.6% exceedance of the development standard. In this instance, any variation to a development standard that exceeds 10% or relates to a non-numerical standard must be considered by the Ku-ring-gai Local Planning Panel.

Development standards that cannot be varied

The variation request to the development standard is not contrary to the requirements of Clauses 4.6(6) and (8).

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 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 500 metres 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 any known relics.

Clause 6.5 - Stormwater and water sensitive urban design

The stormwater design does not take all reasonable management actions to avoid, minimise or mitigate adverse impacts to adjoining properties. This issue forms a recommended reason for refusal (**Reason 20**).

Ku-ring-gai Development Control Plan

Part 1A.5 General aims of the DCP

The proposed development is inconsistent with KDCP for the reason outlined below in this report.

Part 2: Site analysis

The site analysis has not adequately identified existing site conditions and is inconsistent with the KDCP and ADG in this regard. This issue forms a recommended reason for refusal **(Reason 5).**

Part 3: Land consolidation and subdivision

The proposed development requires the consolidation of the existing irregular allotments. This consolidation will not result in any isolated sites or result in the creation of remaining allotments that cannot be reasonably developed. Therefore, the application is assessed as consistent with this Part of the KDCP

Part 7: Residential Flat Buildings

COMPLIANCE TABLE		
Development Control	**Proposed**	**Complies**
Part 7 Residential Flat Buildings		
7A.1 – Local character and streetscape		
All Residential Flat Buildings are to be designed by an architect registered with the NSW Architects Registration Board.	Gelder Architects.	**YES**
All residential flat buildings are to demonstrate how they provide a garden setting with buildings surrounded by landscaped gardens, including tall trees, on all sides.	Adverse tree impacts are proposed, primary common open space (COS) has not been identified, deep soil does not comply.	**NO**
Design components of new development are to be based on the existing predominant and high quality characteristics of the local neighbourhood.	External finishes lack detail, and some are not suitable for long term sustainability.	**NO**
The appearance of the development 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.	Height and FSR variations result in adverse bulk and scale relationship with surrounding development.	**NO**
The predominant and high quality characteristics of the local neighbourhood are to be identified and considered as part of the site analysis.	The site analysis fails to identify high quality characteristics of the neighbourhood.	**NO**
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; 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 development is not of an appropriate scale nor has sufficient soft landscaping has not been provided, as detailed in the body of the report.	**NO**
7A.2 – Site layout		
The site layout is to demonstrate a clear and appropriate design strategy and arrangement of building mass in response to the site analysis requirements detailed in Part 2 of the DCP. Demonstration of design strategies to address opportunities and constraints based on site analysis is to include: i. building location and orientation on the site optimising northern aspect; relationship with neighbouring developments; building	The building mass does not respond appropriately to site constraints and adjoining development for the reasons discussed in the report.	**NO**

setbacks; geographical aspect; views; access etc; ii. response of building development in maintaining site characteristics within the subject site, such as topography, vegetation, significant trees, any special features, etc. iii. building separation and internal layouts of buildings that respond to (i) above and be consistent with the requirements of the DCP. iv. limited apartments with no direct sunlight.		
A drawing and supporting written information is to demonstrate how the building and its layout has applied and responded to the site analysis required by Part 2 of the DCP.	The site analysis is inadequate.	**NO**
Development near noise sources is to comply with Section B, Part 20 - Development Near Rail Corridors and Busy Roads of the DCP.	Compliance demonstrated.	**YES**
Any building with a frontage to the street is to address that street.	Compliance demonstrated.	**YES**
Soft landscaping, including tall trees, is to be provided between onsite buildings, fences and courtyard walls.	Deep soil is insufficient.	**NO**
Hard landscaping is to be minimised and to maximise opportunities for landscape planting	Further details required to demonstrate deep soil is not impacted.	**NO**
Long straight driveways are not permitted, except where necessary for battle-axe sites. Driveways are to be designed to be of minimal visual impact.	Compliance demonstrated.	**YES**
Provide a single pedestrian entry point into the development from the street. Other entries may be permitted where several buildings address the street along an extended street or where there are dual frontage sites.	Compliance demonstrated.	**YES**
Three hours of direct sunlight between 9am and 3pm on 21st June is to be maintained to the living rooms, primary private open spaces and any communal open spaces within i. existing residential flat buildings and multi-dwelling housing on adjoining lots, and ii. residential development in adjoining lower density zones. Note: Where an adjoining property does not currently receive the required hours of solar access, the proposed building is to ensure that solar access to neighbours is not reduced by more than 20%.	Additional solar access modelling is required to determine compliance with this control.	**NO**
Developments are to allow the retention of a minimum of 4 hours direct sunlight between 9am to 3pm on 21st June to all existing solar collectors and solar hot water services on neighbouring buildings.	Additional solar access modelling is required to determine compliance with this control.	**NO**

7A.3 – Building setbacks		
Residential flat buildings are to meet the following street setback requirements: i. 10 metres from the street boundary; ii. on corner sites and sites with multiple street frontages at 10 metres setback is to be provided on all street frontages. Note: Greater setbacks may be required where the site has significant existing trees.	Font setback = 10 metres to balconies.	**YES**
Residential flat buildings are to provide a 2 metres articulation zone behind the street setback, and no more than 40% of this zone (in plan) is to be occupied by the building.	Articulation zone of 2 metres is proposed and the maximum 40% control has been met.	**YES**
The building line to any street is to be parallel to the prevailing building line in the streetscape. For angled sites, a stepped façade may be appropriate.	Compliance demonstrated.	**YES**
Residential flat buildings are to meet the following side and rear setback requirements to ensure deep soil, landscaping and tall trees are accommodated to all sides of the building: i) a minimum of 6 metres from the side boundary for all levels up to the fourth storey. ii) a minimum of 9 metres to the fifth storey and above.	All sides are set back >6 metres.	**YES**
Side setback areas behind the building line are not to be used for driveways or for vehicular access into the building. Note: see Figure 7A.3-1).	Vehicular access is set back 2 metres from eastern boundary.	**NO**
Driveways are to be set back a minimum of 6 metres from the side boundary within the street setback to allow for deep soil planting. Note: see Figure 7A.3-1).	Vehicular access is set back 2 metres from eastern side boundary. Deep soil zones are <6 metres and non-compliant.	**NO**
Setbacks are to respond to the attributes identified in the site analysis, conducted as required by Section A, Part 2 Site Analysis of the DCP, including consideration of the location of adjoining buildings and views of the site.	Eastern side setback is insufficient for adjoining development.	**NO**

Encroachments i. Basements do not encroach into any setback areas	Basement encroaches into 6 metre western side and 10 metre southern side setback zones.	**NO**
ii. Ground floor terrace/courtyard walls minimum 8 metres to street boundary / 4 metres to rear & side boundaries / 7 metres adjacent to lower density residential zone	Compliance demonstrated.	**YES**
iii. No encroachments where site area is < 1800m^2	N/A	**N/A**
iv. No encroachments are permitted where minimum side setbacks have not been achieved.	N/A	**N/A**
v. A maximum of 15% of the street setback area occupied by private terraces/courtyards	No private courtyards on street frontage.	**NO**
Eaves, open pergolas, blades, fins and columns may encroach into the setback areas where they do not increase the apparent bulk of the building or create visual clutter.	South facing balcony for a/c encroaches into the 10 metres front setback zone but presents minimal bulk.	**YES**
7A.5 – Site coverage		
The site coverage may be up to a maximum of 30% of the site area, provided that the deep soil landscaping requirements in Section A, Part 7A.6 Deep Soil Landscaping are met. Note: Site coverage is not the inverse of deep soil landscaping. Refer to Part 1B Dictionary for clarification of site coverage.	Site coverage = 27.2% (601.72m^2)	**YES**
7A.6 – Deep soil landscaping		
A minimum deep soil landscaping area of 50% for a site area of 1800m^2 or more.	Deep soil = 988m^2 (44.7%) (116m^2 / 5.3% deficit).	**NO**
Deep soil zones are to be configured to retain healthy and significant trees on the site and adjoining sites, where possible.	T57 is not adequately protected due to insufficient deep soil zones.	**NO**
Deep soil zones are to be configured to allow for required tree planting including tall tree planting and garden and screen planting at front, side and rear boundaries.	Refer to the above comment in relation to tree T57.	**NO**
Deep soil landscaping is to be provided in the common areas as a buffer between buildings that softens the bulk and scale of the buildings.	Compliance demonstrated.	**YES**
Driveways are not to dominate the street setback area. Deep soil landscaping areas in the street setback are to be maximised.	Compliance demonstrated	**YES**
Lots with the following sizes are to support a minimum number of tall trees capable of attaining a mature height of at least 18	Insufficient tree replenishment (species and location).	**NO**

metres on shale, transitional soils and 15 metres on sandstone derived soils. i. 1200m^2 or less – 1 tall tree per 400m^2 or part thereof ii. 1201m^2 – 1800m^2 – 1 tall tree per 350m^2 or part thereof iii. 1801m^2 + - 1 tall tree per 300m^2 or part thereof		
In addition to the tall trees, a range of medium trees, small trees and shrubs are to be selected to ensure that vegetation softens the building form and creates a garden setting. At least 50% of all tree plantings are to be locally occurring trees and spread around the site.	The range of species is inadequate per the landscape referral and 3 of the 5 proposed canopy trees are unsuitable for the soil conditions.	**NO**
Trees are to be planted within all setback areas. At least 30% of the required number of tall trees are to be planted within the front setback.	Compliance is demonstrated.	**YES**
7B – Access and parking		
7B.1 – Car parking provision		
All residential flat developments are to provide on-site car parking within basements**.**	Compliance is demonstrated.	**NO**
Basement car park areas are to be consolidated under building footprints.	Basement encroaches into 6 metre western side and 10 metre southern side setback zones.	**NO**
The basement car park is not to project more than 1 metre above existing ground level. Note: Basements greater than 1 metre above the natural existing ground level are counted as a storey for the purposes of the DCP and will be included in the floor space ratio calculation as well as any control based on the number of storeys.	Not clear, subject to confirmation, additional information required.	**NO**
Single lane aisles, straight ramps and tunnels max 12.0m in length.	Compliance is demonstrated.	**YES**
Direct and continuous internal pedestrian access from basement car park is provided to each level of the building	Compliance is demonstrated.	**YES**
Car park entry is to be integrated within the building and located behind the building line.	Compliance is demonstrated.	**YES**
Car parking design is to be in accordance with requirements for Silver and Platinum Level dwellings as required in this DCP and by the *Livable Housing Guidelines*. Circulation areas, roadways and ramps are to comply with AS2890.1. Where a conflict occurs, the *Livable Housing Guidelines 2012* is to take precedence.	Compliance is demonstrated.	**YES**
At least one visitor car space is to be accessible and be provided within the site for every 6 apartments or part thereof and is to	Compliance is demonstrated.	**YES**

comply with the dimensional and locational requirements of AS2890.6.		
A clearly signposted parking bay for temporary parking of service and removalist vehicles is to be provided. The space is to have the following standards: i) a minimum dimension of 3.5 metres x 6 metres; ii) a minimum manoeuvring area 7 metres wide. Note: Where a separate space cannot be provided, one of the visitor spaces may be used as the service/removalist parking spaces provided it meets the dimensions stated in 13(i) and 13(ii) above.	Compliance is demonstrated.	**YES**
One visitor parking bay is to be provided with a tap, to make provision for on-site car washing.	Compliance is demonstrated	**YES**
At least one car share space is to be provided in the basement per 90 dwellings, or part thereof. **Note:** any proposed reduction in car parking based on providing car share space/s is to be justified by the proponent through supporting studies.	Compliance is demonstrated	**YES**
Parking areas are to be designed and constructed so that electric vehicle charging points can be installed.	Can be conditioned.	**YES**
7B.2 – Bicycle parking and support facilities provision		
Provide on-site, secure bicycle parking spaces and storage at the following rates: i) 1 bicycle parking space per 5 units or part thereof for residents within the residential car park area; and ii) 1 bicycle parking space (in the form of a bicycle rail) per 10 units for visitors in the visitor car park area.	Compliance is demonstrated	**YES**
All on-site bicycle parking spaces and storage are to be designed to AS2890.3.	Compliance is demonstrated	**YES**
7C – Building design and sustainability		
Part 7C.1 – Apartment Design Guide requirements		
All residential flat buildings are to comply with the objectives, Design Criteria and Design Guidance of the following *Apartment Design Guide* sections: 3F Visual Privacy 4A Solar and Daylight Access 4B Natural Ventilation 4C Ceiling Heights 4D Apartment Size and Layout 4E Private Open Space and Balconies 4F Common Circulation and Spaces 4G Storage	Refer to the ADG compliance table.	**NO**

7C.2 – Communal open space		
At least 10% of the site area must be provided as communal open space. Each parcel of communal open space is to have a minimum dimension of 5 metres.	Compliance is demonstrated.	**YES**
At least one single parcel of Primary communal open space with a minimum area of 80m^2 and a minimum dimension of 8 metres is to be provided.	Compliance is demonstrated.	**YES**
The primary communal open space is to be directly accessible from the internal common circulation areas.	Insufficient information.	**NO**
The primary communal open space is to be located at or above finished ground level behind the building line. Roof top primary communal open space may be provided where the ground level cannot meet performance requirements or is undesirable.	Insufficient information.	**NO**
Secondary communal open spaces are to have a minimum dimension of 5 metres and may be provided on roof tops.	Smaller areas of COS are all located at ground level.	**YES**
Access to and within the primary communal open space is to be provided for people with a disability Part 2, Section 7 of AS1428.	Compliance is demonstrated.	**YES**
The location and design of the primary communal open space is to optimise opportunities for active and passive social and recreation activities, solar access and orientation, summer shade, outlook, and maintain the privacy of residents on adjoining sites zoned differently for lower density residential development sites.	Compliance is demonstrated.	**YES**
At least 50% of the area of the primary communal open space and any secondary communal open space are to receive direct sunlight for at least two hours between 9am and 3pm on 21st June.	Insufficient information.	**NO**
Communal open space is to be integrated with any significant natural feature(s) of the site and soft landscaping areas.	Non-compliant deep soil makes this unachievable.	**NO**
The communal open space is to have surveillance from at least two onsite apartments for safety reasons.	Compliance is demonstrated.	**YES**
Communal open space design is to avoid creation of concealment or entrapment areas. Note: Communal open space is to be well lit with an energy efficient lighting system to be used in conjunction with timers or daylight controls. All light spill is prohibited.	Compliance is demonstrated.	**YES**
Shared facilities such as barbecue facilities, shade structures, play equipment and seating, are to be provided within the primary communal open space.	Insufficient information.	**NO**

Note: Selected items within communal open spaces are to be appropriate to the space and demonstrate consideration of the amenity of nearby apartments.		
Garden maintenance storage areas, drainage and connections to water taps are to be provided with the primary communal open space. Secondary communal open spaces are to have adequate connections to water for maintenance purposes. Note: Proposals are to demonstrate entry and access to communal open spaces and common areas for maintenance purposes. Note: Refer to Section A, Part 1B Dictionary for definitions of Communal Open Space and Common Area.	Insufficient information.	**NO**
7C.3 – Ground floor apartments		
Ground floor apartments are to be separated from noise sources such as common areas, communal open space and the public domain.	Compliance is demonstrated.	**YES**
Ground and podium level apartments are to have private outdoor areas differentiated from communal areas by at least one of the following: i) a change in level; ii) walls to deflect noise; iii) planting, such as hedges and low shrubs; iv) a fence/wall to a maximum height of 1.8m. Any solid wall component is to be a maximum height of 1.2m with at least 30% transparent component above.	Compliance is demonstrated.	**YES**
A gate is to be provided from each ground floor apartment private open space into common areas where practical.	Compliance is demonstrated.	**YES**
No subterranean rooms to any part of any apartment	Compliance is demonstrated.	**YES**
No ground floor apartments created because of excessive excavation.	Compliance is demonstrated.	**YES**
No part of any wall used to accommodate any residential apartment uses, including storage areas outside the apartment, is to be in direct contact with soil or rely on any form of tanking including spaces that act as tanking. Note: Tanking is only acceptable to basement parking levels.	Compliance is demonstrated.	**YES**
Tanking may only be provided to basement parking levels. Where basement storage is located adjacent to external walls, they are to	Compliance is demonstrated.	**YES**

be separated from the tanked wall by an accessible maintenance passage.		
The internal finished floor level of any part of a ground floor apartment and/or private open space is not to be more than 0.9 metres below existing ground level at the building line.	Compliance is demonstrated.	**YES**
Where the internal finished floor level of a ground floor apartment and/or private open space is not more than 0.9 metres below the existing ground level at the building line, the ground level adjacent to the building is to be levelled to the finished floor level for a distance of 3 metres from the building line.	Compliance is demonstrated.	**YES**
All obstructions, such as retaining walls or fences, are to be located below a 45˚ control plane, drawn from the finished ground level at the building line. Landscaping plants may project beyond the 45˚control plane.	Compliance is demonstrated.	**YES**
7C.4 – Apartment mix and accessibility		
Range of apartment sizes (one, two, three bedroom) included within the development	Compliance is demonstrated.	**YES**
Mix of 1, 2 & 3 bedrooms apartments located on the ground level.	Three-bedroom apartments only.	**NO**
All apartments are to be designed to Silver Level under the Livable Housing Design Guidelines	Insufficient information.	**NO**
At least 15% of the dwellings (or part thereof) are to be designed to Platinum Level under the Livable Housing Design Guidelines.	Compliance is demonstrated.	**YES**
At least 70% of all dwellings are visitable.	Compliance is demonstrated.	**YES**
7C.5 – Building entries		
The residential flat building entry is to be clearly expressed using appropriate architectural elements.	Compliance is demonstrated.	**YES**
Buildings are to address the street by providing visible entry points with the following: i) main building entrances that are level and directly accessible from the street; or, ii) where site configuration is conducive to having a side entry, the path to the building entrance is readily visible from the street, and the building entrance is signalled with appropriate architectural elements.	Compliance is demonstrated.	**YES**
Entry foyers are to be no more than 1 metre above ground level. Any ramped access required is to be integrated into the design of	Compliance is demonstrated.	**YES**

the building or landscape. Mechanical chairlifts and the like will not be accepted.		
Buildings are to have a clearly visible building entry for each vertical circulation core with clear way-finding signs integrated into the external circulation pathway system.	Compliance is demonstrated.	**YES**
The building entry is to be legible and integrated with horizontal and vertical building I architectural elements. At street level, the entry is to be articulated with awnings, porticos, recesses or projecting bays for clear identification.	Compliance is demonstrated.	**YES**
All entry areas are to be well lit and designed to avoid any concealment or entrapment areas and avoid dog leg entry foyers. All light spill is prohibited.	Compliance is demonstrated.	**YES**
Lifts are to be directly visible from the building entry doorway.	Compliance is demonstrated.	**YES**
Lockable mailboxes are to be: provided close to the street; and be at 90 degrees to the street and to Australia Post standards; and integrated with front fences or building entries.	Insufficient information.	**NO**
All entries are to be integrated into the external circulation pattern of the development.	Compliance is demonstrated.	**YES**
Building entry paths are to be minimum 1.2 metres wide and located within the common area with a minimum dimension of 1.2 metres on either side for landscape planting. Paths are to provide extra width at building entries to allow easy passing between pedestrians and to allow effective turning. **Note:** This may result in increased side setbacks.	Compliance is demonstrated.	**YES**
All common circulation corridors are to be at least 1.5 metres wide, and the area outside lifts is to be at least 1.8 metres wide.	Main corridor = 2 metres wide.	**YES**
7C.6 – Building Form and Facades		
All building facades at ground level are to be designed to avoid the creation of entrapment areas.	Compliance is demonstrated.	**YES**
No single wall plane is to exceed 81m^2 in area.	Compliance is demonstrated.	**YES**
The following are to be avoided on all building elevations: i) large flat walls; ii) undifferentiated window openings; iii) applied treatments; iv) one single predominant finish or material.	Compliance is demonstrated.	**YES**
All facades are to place entries, habitable room windows, and balconies so that they	Compliance is demonstrated.	**YES**

maximise outlook and passive surveillance of the street and to common areas surrounding the building.		
All building elements including shading devices, signage, drainage pipes awnings/colonnades and communication devices are to be coordinated and integrated into the overall I design. Note: Refer to Section A Part 12 Signage and Advertising for other signage controls.	Compliance is demonstrated.	**YES**
Air conditioning condensers are to be located within the basement or within the roof structure of the upper most roof. Air conditioning condensers are not to be located on: i) the building façade: ii) the top of a flat roof: iii) terraces; iv) private or communal open spaces; or v) balconies.	South-facing balconies are proposed to house a/cs. This is consistent with the acoustic report. The balcony design will shield the a/c's from the public domain.	**YES**
Screening between adjacent apartments is to be integrated into the overall building design.	Balustrade material needs to be specified.	**NO**
Facade elements that result in poor architectural design outcomes for internal spaces, such as snorkel windows, are not permitted. Note: Refer to Section A, Part 1B Dictionary for definition of snorkel window.	Compliance is demonstrated.	**YES**
All facades are to be designed to minimise on-going maintenance and weathering through measures such as: i) selecting appropriate robust materials/finishes; and ii) including appropriate building edge, balcony edge, sill, head and parapet detailing that demonstrates protection from prevailing weather and harsh solar aspects.	Insufficient information.	**NO**
Facade Articulation		
All building facades are to be articulated with wall planes varying in depth by not less than 0.6 metres and supplemented with architectural elements.	Compliance is demonstrated.	**YES**
Facade articulation is to be well composed with attractive proportions and coherent rhythms and integrated into the building form and structure. Methods of achieving articulated facades include: i) defining a base, middle and top relating to the overall proportion of the building;	Compliance is demonstrated.	**YES**

ii) expressing the internal building layout or structure, such as vertical bays or party walls; iii) using a variety of window types to create rhythm or express the building uses; iv) using recessed balconies and deep windows to add visual depth; v) use of eaves, louvres and sun shading devices to openings. vi) using elements that cast shadow and accentuate the appearance of depth; vii) using changes of material, texture and colour integrated with the building articulation to break down large or repetitive facades and reduce the bulk and scale of the building.		
All developments are to utilise shading/glare control devices to articulate the facade and contribute to the streetscape. Design solutions can include: i) providing external horizontal shading to north-facing windows, such as eaves, overhangs, pergolas, awnings, colonnades, upper floor balconies, and/or deciduous vegetation; ii) providing vertical shading to east and west windows, such as sliding screens, adjustable louvres, blinds and/or shutters; iii) providing shading to glazed and transparent roofs; iv) integration of shading devices with solar energy collection technology.	Northern elevation details pergolas but no windows shading devices.	**NO**
Building Length		
The continuous length of a single building on any elevation is not to exceed 36 metres.	Compliance is demonstrated.	**YES**
The length of a single building elevation facing the side or rear boundary may exceed 36 metres provided that: i) the façade is recessed in depth and width to appear as distinctive and separate building bays or wings; and ii) the recess is retained as common area with landscaping which includes at least one medium tree (at least 8 metres canopy diameter at maturity).	Compliance is demonstrated.	**YES**
Balconies		
Balcony or terrace design may incorporate building elements such as pergolas, sun screens, shutters, operable walls and the like to respond to the street context, building	Compliance is demonstrated.	**YES**

orientation and residential amenity. The use of such building elements are not to enable the balcony or terrace to be used as a habitable room.		
Balconies that run the full length of the building facade are not permitted.	Compliance is demonstrated.	**YES**
Continuous transparent or translucent balustrades are not permitted to balconies or terraces.	Insufficient information.	**NO**
Balconies are not to project more than 1.5 metres from the outermost wall of the building facade.	North-facing balconies that project >1.5 metres from the building line, form an architectural element at the 'pinch-point'. This depth is acceptable on merit.	**YES**
7C.7 – Building storeys		
Sites with the following maximum building heights under the KLEP are to have a maximum number of storeys above the basement as in the table below: **Maximum building height** / **Maximum number of storeys** 14.5m / 4 Note: The 1st storey is measured from a maximum 1 metre above the existing ground level. Also see figure 7C.7-1 in the DCP.	Proposed storeys = 5.	**NO**
7C.8 – Top storey design and roof forms		
The top storey of a building is to be designed so that: i) the GFA of the top storey of a residential flat building does not exceed 60% of the GFA of the storey immediately below it; and ii) for the purposes of this section, the top storey applies to the building as a whole and does not apply to the top level of each part of a stepped building. Note: See figures 7C.8-1 and 7C.8-2 in the DCP.	The proposed top floor level (level 4) details a GFA of 343.42m^2, which equates to 65.4% of the storey immediately below (level 3). Which is a 5.4% variation.	**NO**
The top storey of a building is to be set back a minimum of 2.4 metres from the outer face of the floors below on all sides (roof projection is allowed beyond the outer face of the top storey). Note: Lift cores are to be located internally within the building to facilitate the top storey setback.	Insufficient information.	**NO**
The upper storeys of residential buildings are to be articulated with differentiated roof forms, maisonettes or mezzanine penthouses and the like.	The penthouse has a similar floor plate to the levels below.	**NO**

Service elements are to be integrated into the overall design of the roof and not be visible from the public domain or any surrounding development. These elements include lift overruns, plant equipment, air conditioning units, chimneys, vent stacks, water storage, communication devices and signage.	The flat roof design (1-degree pitch) does not allow for this.	**NO**
Roof design is to respond to solar access and prevailing weather with the use of eaves, skillion roofs, awnings and the like with a minimum overhang of 0.6 metres.	Compliance is demonstrated.	**YES**
Lightweight pergolas, sun screens, privacy screens and planters are permitted on the roof or podium, provided they are integrated with the building and facade design and do not increase the bulk of the building, create visual clutter or impact on significant views from adjoining properties.	Compliance is demonstrated.	**YES**
Roof top gardens for private or communal use are encouraged.	The flat roof design (1-degree pitch) does not allow for this.	**NO**
7C.9 – Laundry and air clothes drying facilities		
Each apartment is required to have access to an external air clothes drying area, such as a screened balcony, a terrace or clothes lines within the common area. Note: see Figure 7C.9-1 in the DCP.	Insufficient information.	**NO**
All external air clothes drying areas are to be screened and not be visible from any public domain area.	Compliance is demonstrated.	**YES**
Storage volume calculation within laundries is to exclude the space required to accommodate a washing tub, washing machine and dryer.	Compliance is demonstrated.	**YES**
Where clothes drying is provided within private open space or within a communal open space, its area is to be additional to that required for the private open space or communal open space.	Insufficient information.	**NO**
7C.10 – Fencing		
Fences and walls are to step down and follow the natural contours of the site.	The proposed retaining walls respond to the site topography.	**YES**
Hedges and shrub planting are preferred to the street frontage, but no higher than 1.2 metres along the entire front boundary, or 1.8 metres on a site fronting a busy road.	Compliance is demonstrated.	**YES**
7C.11 – Acoustic Privacy		
Noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, other mechanical ventilation systems and other	Subject to compliance with acoustic report.	**YES**

plant are to comply with the requirements in Part 23.8 of the DCP.		

The departures from the requirements of Section A of KDCP are identified in the table above. The departures are not accepted as the objectives of the controls have not been achieved. The following reasons for refusal relate to the issues identified in the KDCP compliance table:

Reason 1. Excessive building height
Reason 2. Excessive density
Reason 3. Setbacks
Reason 4: Amenity
Reason 5. Site Analysis
Reason 6. Landscape Character
Reason 7. Waterproofing
Reason 8. Livable Housing
Reason 9. Design Verification Statement
Reason 10. Communal Open Space
Reason 11. Aesthetics
Reason 12. Sustainability
Reason 13. Tree impacts
Reason 14. Deep soil

Ku-ring-gai Development Control Plan Part 15 – Land Contamination

The site is mapped as potentially being contaminated and has a history of residential use that is adjacent to a petrol station.

Council's Team Leader of Natural Areas reviewed the Preliminary Site Investigation Report, prepared by GSNE Services Pty Ltd, dated 23/01/2025. It was noted that the report did not contain any references to the Voluntary Investigation Agreement that took place on the site. Notwithstanding, it is considered that the risk of contaminated land can be managed via condition/s, to be included in any approval issues for this development application.

Ku-ring-gai Development Control Plan

Section C

Development Control	Proposed	Complies
Part 21 General Site Design		
21.1 – Earthworks and slope		
Development consider site topography, drainage, soli landscapes, flora, fauna and bushfire hazard by: • Stepping buildings down the site • Locate finished ground level as close to the natural ground level as practicable • Level changes to occur primarily within building footprint • Minimum 0.6 metres width between retaining walls • Maintain existing ground level within 2 metres from any boundary	The topography of the site is generally maintained.	**YES**

• Limit slope for embankments to 1:6 (grassed) and 1:3 (soil stabilising vegetation) • No fill and excavation within sensitive environments • Minimise altered groundwater flows		
21.2 – Landscape Design		
• Appropriate and sensitive site planning and design • Existing appropriate screen planting is retained	Insufficient deep soil and tree replenishment planting.	**NO**
Planting between 100 metres – 300 metres from bushland • 50% of trees and shrubs local native species	Insufficient deep soil and tree replenishment planning.	**NO**
Part 22 - General access and parking		
22.1 – Equitable Access		
Compliance with DDA demonstrated Entry access ramps located within the site and does not dominate the front façade Access ways for pedestrians and for vehicles are separated.	The access consultant has not indicated there are any performance system/s or design failures. No design failures identified	**YES**
Residential only Multi Dwelling Housing, Residential Flat Buildings and Shop Top Housing within Mixed Use developments provide access to, and between, dwellings and parking in accordance with the Livable Housing Guidelines as stipulated in Part 6 Multi Dwelling Housing, Part 7 Residential Flat Buildings and Part 8 Mixed Use Development.	Compliance is demonstrated.	**YES**
22.2 – General vehicle access		
• Minimise width and number of vehicle access points • Access driveways set back at least 10 metres from street intersections and 3 metres from pedestrian entrances • Vehicle and pedestrian access to buildings clearly distinguished and separated at l • Vehicle crossing width is acceptable for intensity of use proposed • Vehicles must exit in a forward direction • Vehicle entries are integrated into the external façade and are finished in a high-quality material • Retaining walls associated with driveways maximum height of 1.2 metres	Compliance is demonstrated.	**YES**

• No driveways are longer than 30 metres unless a passing bay is provided		
22.3 – Basement car parking		
Logical and efficient basement design AS2890.1	Compliance is demonstrated.	**YES**
Appropriate ceiling floor to ceiling heights and ventilation provided: • 2.5 metres for parking area for people with a disability; • 2.6 metres for residential waste collection and manoeuvring area • 4.5 metres for commercial waste collection and manoeuvring area	Compliance is demonstrated.	**YES**
Basement is fully tanked	Compliance is demonstrated.	**YES**
Unimpeded access to visitor parking and waste recycling rooms	Compliance is demonstrated.	**YES**
Ventilation grilles and screening devices are integrated into the landscape design	Compliance is demonstrated.	**YES**
Vehicles access ways are not in close proximity to doors and windows of habitable rooms.	Compliance is demonstrated.	**YES**
Safe and accessible intercom access provided.	Insufficient information.	**NO**
22.4 – Visitor parking		
Visitor parking located behind a security grille with an intercom system to gain entry At least one visitor space is accessible and designed in accordance with AS2890.6	Subject to condition. Compliance is demonstrated.	**YES** **YES**
22.5 – Parking for people with a disability		
Accessible spaces are signposted and have a continuous path of travel to the principal entrance or a lift.	Accessible spaces are capable of being signposted.	**YES**
22.6 – Pedestrian Movement within Car Parks		
Pathways designed in accordance with AS1428.	Compliance is demonstrated.	**YES**
Marked pedestrian pathways have clear sightlines, appropriate lighting, are visible, conveniently located and constructed of non-slip material.	Compliance is demonstrated.	**YES**
22.7 – Bicycle Parking and facilities		
Bicycle parking and storage facilities satisfy AS2890.3	Compliance is demonstrated.	**YES**
Bicycle access paths have a minimum width of 1.5 metres	Compliance is demonstrated.	**YES**
Part 23 – Building Design and Sustainability		
23.3 – Sustainability of Building Materials and 23.4 – Materials and Finishes		

External walls constructed of high quality and durable materials.	Balustrades must be clarified.	**NO**
Use of materials and colours creates well-proportioned facades and minimises visual bulk.	Compliance is demonstrated.	**YES**
23.6 – Building Services		
Services and related structures are appropriately located to minimise streetscape impact.	Compliance is demonstrated.	**YES**
Air-conditioning units are well screened and do not create adverse noise impacts.	Street facing but behind a balcony.	**YES**
23.7 – Acoustic Privacy		
Design minimises impact of internal and external noise sources	Compliance is demonstrated.	**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.	Compliance is demonstrated.	**YES**
23.8 – Visual Privacy		
Visual privacy maintained for occupants and for neighbouring dwellings.	Can be managed via condition requiring privacy screens.	**YES**
23.9 – Construction, Demolition and Disposal		
Satisfactory Environmental Site Management Plan	Compliance is demonstrated.	**YES**

The departures from the requirements of Section C of the KDCP are identified in the table above. The departures are not accepted as the objectives of the controls have not been achieved. The following reasons for refusal relate to the issues identified in the KDCP compliance table:

Reason 6. Landscape character
Reason 7. Waterproofing, building performance and resident amenity
Reason 15. Visual Privacy

Part 24 – Water management

Additional information is required, per the recommendation by Council's Senior Development Engineer, before this part can be adequately assessed.

Ku-ring-gai Contributions Plan 2010

The development, if approved, would attract a Section 7.11 contribution.

Regulation

Section 29(1) of the *Environmental Planning & Assessment Regulation 2021* requires a development application for residential flat building development to be accompanied by a statement by a qualified designer. Subclause (2) states that the statement must verify that the qualified designer designed or directed the design of the development and explain how the development addresses the design principles and the objectives of the ADG. The submitted Design Verification Statement is unsatisfactory as it refers to the incorrect provisions and does not form a single document. This issue forms a recommended reason for refusal (**Reason 16**).

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.* Conditions to manage demolition would be included if the application were recommended for approval.

LIKELY IMPACTS

The likely impacts of the development have been considered within this report and are deemed to be unacceptable, for the reasons given in this report and as outlined below.

SUITABILITY OF THE SITE

The site is not suitable for the proposed development for the reasons given in this report and as outlined below.

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 given in this report and as outlined below. On this basis, the proposal is not considered to be in 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

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, is not satisfied that the request submitted under Clause 4.6 to vary the building height and floor space ratio development standards in KLEP 2015 has met the requirements of Clause 4.6(3).

   The Panel is also of the opinion that strict compliance with the development standard is not unreasonable or unnecessary in the circumstances of the case and that there are not 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 the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979, refuse development consent to eDA0028/25 for demolition of existing structures and construction of a residential flat building, including 18 units, basement parking and associated works on land at 2A, 2B and 4 Shinfield Avenue, St Ives for the following reasons:

1. Excessive building height

The proposed development exceeds the height of buildings development standard pursuant to Clause 4.3 of the KLEP, and the Clause 4.6 written request to vary this standard, prepared by Minto Planning, is unacceptable.

a) The proposed development has a building height of 17.375 metres which constitutes a (19.83%) (2.875 metres) exceedance of the development standard. The site is subject to a maximum building height of 14.5 metres.

b) Sites that are subject to a maximum building height of 14.5 metres are to be a maximum of 4 storeys high. Ground floor is measured a maximum of 1 metre above the existing ground level. The lack of Reduced Levels (RLs) that correspond with contours on the survey plan means this calculation of existing ground levels cannot determined.

c) The proposed development is 5 storeys - subject to confirmation that the first storey is in fact no more than 1 metre above existing ground level. Current best practice design is that 3.2 metres floor-to-floor heights are the minimum needed to meet new requirements where wet areas are vertically aligned through the building. This requirement has not been factored into the design and therefore the proposed building height as depicted is incorrect. A further variation to the building height standard will occur if/when this is applied to the development. The proposed development must be amended to show 3.2 metres floor to floor heights where required.

d) The Clause 4.6 request to vary the maximum height control is not well founded as it does not demonstrate that compliance with the development standard is unreasonable or unnecessary or that there are sufficient environmental planning grounds to justify contravening the development standard, for the following reasons:

   i) The Proposal fails to achieve the relevant objective in Clause 4.3(1)(c) of the Ku-ring-gai LEP which is:

to enable development with a built form that is compatible with the size of the land to be developed.

ii) Clause 4.3(2A) assigns a building height relative to lot size. The proposed 19.83% contravention of the development standard fails to have regard to this ratio and is therefore incompatible with the size of the land to be developed. Strict compliance with the development standard is necessary to achieve the objective in Clause 4.3(1)(c) and Clause 4.3(2A).

iii) The proposed 19.83% contravention of the development standard is incompatible with the properties in the vicinity of the site and its transitional position between the low and medium density development on Shinfield Avenue and the high-density development along Mona Vale Road.

iv) The proposed 19.83% contravention will adversely impact the local visual character and streetscape because it will exceed the building heights of development on neighbouring properties. Strict compliance with the development standard is necessary to achieve a development that is compatible with the local visual character and streetscape.

v) The proposed development fails to comply with the maximum number of building storeys permitted by Control 1 in Part 7C.7 of the KDCP, which assigns a maximum of 4 storeys above the basement where the maximum building height is 14.5 metres. The proposed development is 5 storeys. The request to vary the maximum height limit fails to acknowledge the direct correlation between the non-compliant fifth storey and the 19.83% contravention.

vi) Clause 4.3(2A) prescribes a height of buildings standard that is commensurate to the site area. The adjoining properties within the visual catchment of the site comply with this standard. Therefore, the environmental planning grounds advanced in the Clause 4.6 request to vary the height standard do not reflect the intent of Clause 4.3(2A).

e) For the reasons set out above, the proposed exceedance to the height of buildings development standard is also not in the public interest.

2. Excessive floor space ratio

The proposed development contravenes the floor space ratio development standard pursuant to Clause 4.4 of the KLEP, and the Clause 4.6 request to vary this standard, prepared by Minto Planning, is unacceptable.

a) The site is subject to a maximum floor space ratio of 1:0:1 (2,209m^2)

b) According to the Clause 4.6 variation request to the FSR control, the proposed development would have a maximum GFA of 2,443.14m^2, however, a note on Plan DA10 indicates an FSR of 2,529.5m^2. This matter must be clarified.

c) The Clause 4.6 variation request specifies a gross floor area of 2,443.14m^2 a 10.6% (234m^2) contravention.

d) The GFA of the penthouses combined (343.42m^2) accounts for 14.05% of the total GFA and, if deleted, would achieve a numerically compliant building height, as well as the number of Storeys Control in Part 7C.7 (1) of the KDCP.

e) The request to vary the FSR standard suggests that the proposed development complies with the KDCP on matters including setbacks, site coverage, deep soil, absence of arboricultural impacts and absence of unreasonable visual impacts. However, it is not compliant in all these areas, for the reasons outlined below.

f) The request to vary the FSR standard is not acceptable as it does not demonstrate that compliance with the development standard is not acceptable or unnecessary nor that there are sufficient environmental planning grounds to justify contravening the development standard, for the following reasons:

   i) The proposed development fails to achieve the objective in Clause 4.4(1a) of the KLEP, which states:

      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.

   ii) Clause 4.4(2C) assigns a maximum FSR relative to lot size. The proposed 10.6% contravention fails to have regard to this ratio and results in a development that is incompatible with the size of the land to be developed. Strict compliance with the development standard in this instance is considered necessary to achieve the objective in Clause 4.4(1a) and of Clause 4.4(2C) of the KLEP.

   iii) The contravention of the development standard is exacerbated by the proposed development's failure to comply with the following controls and objectives of the KDCP:

      - The proposed site coverage is greater than that prescribed by Control 1 in Part 7A.5 of the KDCP. As a result, there is insufficient communal open space, insufficient landscaped area, and excessive impervious area, which fail to satisfy the numerical control and the objectives that inform it.

      - The GFA of the penthouses combined (343.42m^2) fails to comply with the ratio permitted by Control 1 in Part 7C.8 of the KDCP (60% top floor level GFA x GFA of the storey immediately below). The proposed top floor level (Level 4) has a GFA of 343.42m^2, which equates to 65.4% of the storey immediately below (Level 3). The 5.4% variation does not comply with the control or the objectives which inform it and contributes to excessive and non-compliant FSR and bulk and scale of the built form.

   iv) The adverse outcomes directly related to the non-compliant gross floor area (GFA) are demonstrated by the failure of the proposed development to comply with the setback Controls 1(i), 3, 5(ii) and 11 in Part 7A.3 of the KDCP and by the fifth storey, which is not permitted on sites with a building height of 14.5 metres pursuant to Control 1 in Part 7C.7 of the KDCP.

   v) The environmental planning grounds advanced in the FSR development standard variation request relating to the height of buildings map are not acceptable as the site is not subject to a building height of 17.5 metres.

g) For the reasons set out above, the proposed exceedance to the FSR standard is also not in the public interest.

3. Unacceptable setbacks

The basement levels encroach into the 6 metres setback zones, resulting in insufficient deep soil area.

a) To maintain residential amenity and to achieve the objectives of the deep soil landscape (DSL) control, the building should not obstruct the ability to provide 6 metres DSL around the building. This has not been achieved.

b) To provide high quality landscape outcomes which support canopy trees and deep soil landscaping, the driveway and basement should not encroach into the side setback area.

4. Apartment amenity

High quality private open space (POS) has not been provided to all units.

Unit G04 is unnecessarily burdened by its proximity to a driveway beneath the terrace. The long, enclosed pedestrian walkway connecting the terrace and COS creates an additional maintenance burden and is unlikely to be used.

5. Site analysis

The submitted Site Analysis has not adequately identified existing site conditions and considerations.

a) Topographic information – there is no contour information communicating the topographical considerations, including the sloping ground levels from RL170.13 at the south-western corner to RL166.36 at the south-eastern corner to RL163.87 at the northern corner, necessary to understand the impacts of the proposed development.

b) Site contamination – the Preliminary Site Investigation (PSI), dated 23 January 2025 and prepared by GSNE Services, identified areas of possible contamination. These are not mapped on the Site Analysis. The PSI has not addressed the *Voluntary Investigation Agreement No.19010 under the Contaminated Land Management Act 1997.*

c) Existing trees – the Site Analysis has neither identified nor numbered the existing significant trees on the site and on neighbouring properties.

6. Landscape

The proposed development fails to demonstrate Ku-ring-gai's landscape requirements are satisfied for urban design.

a) Excavation and construction of new work

i) Excavation, construction and groundworks close to Tree 57 on the neighbouring property and Tree 16, along the Shinfield Avenue boundary, have not accommodated a realistic structural thickness for basement walls, which need to

include a separated wet and dry wall and waterproofing to comply with the National Construction Code 2025 (NCC 2025) requirements.

ii) The following proposed structure encroaches into the minimum required 6 metres deep soil landscape setback along the north-western boundary:

- three levels of excavation for basement car parking, some services a bicycle storage, and
- private open spaces of Units G02, G03, 102, 103, 202, 203, 302, 303 and 401 and 402.

7. Water proofing

The allowances for the NCC 2025 amendments for waterproofing are to be demonstrated in combination with accessibility requirements.

a) Floor-to-floor height

i) The proposed 3.1 metres floor-to-floor heights are due to be superseded by NCC 2025 waterproofing requirements for increased integrated fall gradients and this is applicable to the subject development.

ii) Current industry advice is that 3.2 metres floor-to-floor heights are the minimum needed to meet new requirements where wet areas are vertically aligned through the building.

iii) Additional height may be required where extensive areas of terraces are above habitable rooms below and where accessible paths of travel are required, such as for Platinum Level units, access to communal open spaces, and storeys significantly set in from the building edge of floors below.

b) Excavation

i) The basement wall structural thickness needs to accommodate a wet wall, separated cavity to an internal dry wall. Section drawings do not demonstrate realistic structural allowances and excavation area for required wall thickness and external drainage.

c) Skylights

i) The proposed horizontal skylights are conducive to water-proofing failures over the life of the proposed development. Vertical glazed panels with pop-up roof types are conducive to good long-term building performance.

d) Roof structural depth

i) Adequate allowances for structural depth are required to demonstrate it accommodates structure, integrated falls to drainage, insulation and services with the minimum unobstructed floor-to-ceiling heights of 2.7 metres required by the SEPP Housing development standard at Clause 148(2)(c) and Apartment Design Guide 4C.1.

8. Platinum level housing

The proposed development has not demonstrated the following Livable Housing Design Guideline requirements are accommodated for Platinum Level under Part 7C.4 of the KDCP.

a) Proposed Platinum Level units to be confirmed – DA06 Ground Floor Plan and DA07 Typical Floor Plan (Levels 1 to 3 assumed) identify Units G01 and 101 as Platinum Level. For completeness, the third required unit is to be nominated.

b) Laundries are to demonstrate minimum clearances of 1550 millimetres in front of fixed benches/appliances and to demonstrate a minimum 600 millimetres depth for tubs and appliances where future appliances are to be installed.

9. Design verification statement

The submitted Design Verification Statement is out of date.

a) The Design (Verification) Statement prepared by Stuart Gelder of Gelder Group, dated 17 December 2024 refers to SEPP 65 which no longer exists. All references within the Statement are to refer to the applicable legislation, SEPP (Housing) 2021 – Chapter 4 and Schedule 9 provisions and associated relevant sections. Note SEPP (Housing) Design Statement provisions regarding the Apartment Design Guide parts are different to those of the former SEPP 65.

10. Communal open space

The proposed primary communal open space does not demonstrate consistency with Part 7C.2 of the KDCP.

a) It is unclear where the proposed primary communal open space is located.

b) No ground level communal open space demonstrates Ku-ring-gai's minimum spatial requirements and minimum dimensions.

c) No primary communal open space appears to demonstrate direct access from the lobby, nor with a comfortable and accessible path of travel.

11. Aesthetics and maintenance

The elevations provided do not demonstrate that the Apartment Design Guide and KDCP provisions are satisfied.

a) Elevations

ii) Drawing DA22 Materials and Finishes includes proposed finishes. However, the following is unclear:

- no balustrade materials or details are included.

- elevations have not annotated where proposed finishes are located.

b) Balustrade materials and finishes

i) Elevations and sections indicate clear or translucent full-height glazing is proposed, however, no details are provided for balustrade treatments.

ii) This is inconsistent with Apartment Design Guide requirements at Part 4E.3 where fully glazed balcony balustrades are not supported due to impacts on resident visual privacy when viewed to and from the development from the public domain and neighbouring properties.

iii) Operable screens and/or elements of partially solid upstands with glazing and handrails are to be demonstrated.

c) Rooftop plant

i) Drawing DA07 Typical Floor Plan indicates air-conditioning condensers are proposed above the main building entry and/or on similar awning structures on levels above. These are not supported by Part 7C.12 of the KDCP.

ii) Elevations do not demonstrate that air-conditioning condensers are adequately screened from view.

iii) It is unclear how acoustic privacy is achieved in this location.

iv) Plant should be accommodated in the basements or on the roof and adequately screened consistent with the KDCP and Apartment Design Guide 4N-1 and 4N-3.

12. Sustainability

The Development Application does not demonstrate the following sustainability measures so that the proposed development can meet future requirements for Ku-ring-gai as it moves towards zero emissions over the life of the development:

a) Provision for maximising rooftop solar - rooftop photovoltaic panels (PVs) are to be annotated and appear on architectural plans and elevations.

b) Provisions to accommodate for EV charging and future battery storage including for any substation capacity.

c) No gas connections due to avoidable wasted resources with redundancies for piping and connections.

13. Landscaping and tree impacts

The proposed development fails to meet Control 2 of Part 7A.6 Deep Soil Landscaping and Part 13 of the KDCP due to the following impacts on T57 *Quercus robur,* which is located at the neighbouring property at No. 177 Mona Vale Road, St Ives.

a) The building footprint encroachment within the Tree Protection Zone (TPZ) is approximately 20.5%. This a major encroachment under the Australian Standard AS4970-2009.

b) The Arboricultural Impact Assessment (Arborist Report) provided by the applicant has calculated only the basement structure and a raised planter box as an encroachment, (6%) and has excluded the building footprint as a suspended structure. The submitted information is insufficient to assess the proposed structures in relation to the natural ground levels within TPZ of T57.

c) There has not been any consideration of the existing structures at 177 Mona Vale Road encroaching into the TPZ of T57.

d) The area of the building footprint is large and will result in, even if suspended, exclusion of natural water infiltration, sunlight and humus replenishment. This results in a poor soil environment to sustain root growth.

e) The Arborist Report has not assessed the required pruning to accommodate the proposed building, including the required scaffolding during construction stage.

f) The impacts of the stormwater structures proposed within the TPZ of T57 have not been assessed.

g) The impacts of proposed stormwater pits to existing T6 *Camellia sasanqua* located adjacent to proposed driveway have not been assessed.

h) The proposed layout is not acceptable. Amended plans will be required to substantially reduce the encroachment within the TPZ of T57.

14. Deep soil

The proposed development fails to satisfy the relevant objectives and controls under Part 7A.6 of the KDCP.

a) Deep soil Landscaped area is not compliant with Control 1 of Part 7A.6 of the KDCP. Since the site area is 2,209m^2 the minimum DSL to be provided is 1,104m^2. The applicant has indicated a deep soil area of 1,249.01m^2 (56.5%) in the submitted Statement of Environment Effects. This calculation is not concurred with, and the actual deep soil area is approximately 988s^2**,** which represents 44.7% of the site area. The minimum DSL area requirement is in deficit by 116m^2, equating to 5.3% of the requirement.

b) The following areas are not accepted as deep soil:

i) The proposed 1.7 metres setback between the basement ramp and the eastern boundary does not satisfy the minimum 2 metres dimension required for inclusion as landscape area under the KDCP.

ii) All planting areas located above structures, regardless of soil depth within planters, are not considered deep soil zones and are excluded from the landscape area calculation.

iii) Planting areas situation between retaining walls that are less than 2 metres in width and have no structures above or below are also excluded. This includes the plater box along the northern portion of the terrace of Unit G03.

iv) The existing stairs within the front setback exceed the maximum permitted width of 1.2 metres.

v) The proposed development must be amended to comply with Control 1 is to be amended to comply with Control 1 of Part 7A.6 Deep Soil Landscaping of the KDCP.

c) The landscape design fails to comply with Part 21.2 of the KDCP and must consider the following:

i) Existing T16 *Cupressus torulosa* is proposed to be retained. The Arborist Report did not include the 2 metres wide path nor the retaining wall adjacent to the building, which will result in a total encroachment of 25.9% into TPZ. The tree has an asymmetrical shape, due to pruning along the southern portion of the tree around present aerial power lines. Tree T16 is recommended to be removed and replaced with tall canopy trees within the front setback.

ii) The existing T6 *Camellia sasanqua* may be impacted by the proposed stormwater pits. This tree may need to be replaced.

iii) Planters proposed around the building in ground level, details of top of wall levels and proposed soil depths are to be provided.

iv) Include all relevant stormwater information related to landscape areas, including pits and pipes to assess full impacts on tree to be retained.

v) The proposed tree replenishment fails to meet Controls 7 and 9 of Part 7A.6 in the KDCP. Provide at least 8 trees capable of attaining a mature height of 18 meters on shale, transitional soils. At least 5 more tall trees capable of attaining a mature height of at least 18 metres on shale, transitional soils shall be included in the proposal to satisfy this control. At least 30% of the total trees are to be provided in the front setback. In this site at least three (3) tall trees are to be located in the front setback.

vi) The proposed boundary screening planting requires amendment to comply with Control 2 of Part 4A.6 of the KDCP. In particular, the landscape proposal should be revised to retain or provide for healthy buffer planting along the site's perimeter wherever practicable.

vii) Existing trees T55, T56, and T61 Camellia spp. could be retained and provide screening and it is preferred that they are retained.

viii) Additionally, the number of screening shrubs along the northern boundary should be increased, as the current planting density is insufficient to provide adequate screening between the development and the neighbouring property.

ix) Some of the depicted plantings are not specified in the landscape plan.

x) The landscape proposal should indicate the percentage of native and locally indigenous vegetation proposed in deep soil areas. To meet Control 8 of Part 7A.6 of the KDCP, at least 50% of all tree plantings are to be locally occurring trees and spread around the site.

xi) The landscape plan does not specify any shared facilities within the primary communal space.

15. Visual privacy impacts

The proposed development will result in adverse visual privacy impacts to adjoining properties, contrary to the Australian Design Guidelines (ADG) Objective 3F-1 and Part 23.9 of the KDCP.

a) The windows and balconies on the northern and western elevations result in unreasonable overlooking and cross viewing impacts to neighbouring properties. The impact does not comply with ADG Objective 3F-1 and Control 1 in Part 23.9 of the KDCP. Highlight windows or fixed obscure glazing to the lower portion of these windows would be required to achieve sufficient visual privacy.

16. Basix certificate inconsistencies

The following miscalculation and inconsistencies are apparent in the Basix Certificate 1770470M_02, dated 5th February 2025:

a) The common lawn areas in the submitted Basix Certificate is indicated as 1,117.5m^2. A total area of approximately 377.8m^2 of common lawn area is indicated in the landscape plan.

b) The common areas of garden in the Basix Certificate is indicated as 136m^2. A total area of approximately 618m^2 of common garden areas as indicated on the landscape plan.

c) The Basix Certificate does not indicate any areas of garden and lawn for each dwelling. Unit G03 has a planter bed along the eastern side of eastern private terrace

17. Plan errors and inconsistencies

The following errors and inconsistencies are apparent:

a) The survey plan does not show all existing trees to be retained in neighbouring properties, trees T57 and T64, are significant trees to be retained and have not been included in the survey plan. The accurate location of these trees is required to enable assessment.

b) No. 2B Shinfield Avenue has not been surveyed. As a result, critical information, including levels and structures on the site, has been omitted, leading to an inadequate assessment.

c) Relevant existing levels within the site and neighbouring properties are not included.

d) The proposed location of the fire hydrants setback from the front boundary will impact the landscape proposal. The location of the fire hydrant is to be confirmed with relevant authorities.

e) The architectural drawings fail to provide enough information to assess impacts on T57. At least part of the building footprint within the tree protection zone (TPZ) may be below the natural ground level. There is insufficient information in relation to existing and proposed levels relative to the proposed built form to determine if the building structures are suspended as assumed by the arborist. Additional information is required, including existing and proposed levels, details of any existing structures within the subject TPZ, construction details, cross sections to enable a full assessment with the TPZ of this tree.

18. Design statement

Further information is required to undertake a thorough assessment of the Development Application.

a) The Site Analysis and Design Statement are to be consistent with the requirements of Schedule 9 of SEPP (Housing) Chapter 4, which is necessary to satisfy Section 29 of the Environmental Planning and Assessment Regulation 2021.

19. Shade protection

Further information is required to undertake a thorough assessment the Development Application.

a) Further information is required to demonstrate that openings with aspects to the east, north and west have operable external shade protection where the openings are not protected by balconies or projected eaves of roofs or units above. This is necessary to determine whether there is adequate solar shading amenity during hotter months.

b) Ku-ring-gai does not accept the use of dark tinted glazing to achieve shade protection due to poor amenity over the long-term including impacts on building appearance as a contribution to streetscape character, outlook, beneficial natural daylight and desirable solar access amenity during colder months.

20. Water management

Further information is required to undertake a thorough assessment of the Development Application.

a) The on-site detention (OSD) storage volume must be calculated for 60% of the total site area, as per the requirements of Part 24, C.5 of the KDCP and Council's OSD Calculation Sheet referred to in the Ku-ring-gai Council Technical Guideline for Water Management.

21. Driveway headroom clearance

Further information is required to undertake a thorough assessment of the Development Application.

a) A longitudinal section is necessary through the driveway and into the basement carpark to clearly demonstrate that there will be 2.6 metres clear headroom along the travel path for the small waste collection vehicle. The section must include realistic slab/beam depths, stormwater pipelines and other overhead services.

22. Solar access impacts

The impact of overshadowing to neighbouring residential buildings has not been accurately modelled.

a) Solar access to existing north, north-west facing apartments at No. 169-171 Mona Vale Road has not been modelled. Overshadowing to these apartments should be modelled to demonstrate a compliant vs proposed building envelope/height.

23. Public interest

The development proposal is not in the public interest, by reason of the above contentions and the submissions made in objection to the Development Application.

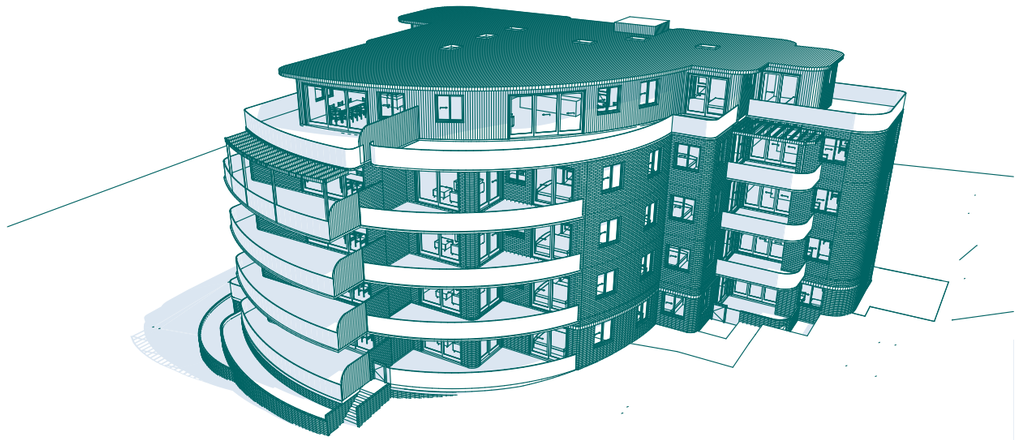
a) The proposal was notified and a total of 8 submissions have been received in objection. The submissions raised a large number of concerns in relation to the proposed development, a number of which are reflected in the contentions set out above.

b) The proposed development should be refused on the basis of the submissions that have been received by Council to the extent that such submissions are consistent

with the contentions set out above (noting that the contentions extend beyond the public concerns raised).

c) The proposed development does not satisfy section 4.15(e) of the EP&A Act29 which requires the consent authority to consider the public interest.

RESIDENTIAL APARTMENTS AT 2-4 SHINFIELD AVE, ST IVES





Drawing No	Drawing Name	Issue	Date
DA 01	Cover Page	I	27/11/2024
DA 02	Site Analysis	I	27/11/2024
DA 03	Basement 3	I	27/11/2024
DA 04	Basement 2	I	27/11/2024
DA 05	Basement 1	I	27/11/2024
DA 06	Ground Floor Plan	I	27/11/2024
DA 07	Typical Floor Plan	I	27/11/2024
DA 08	Penthouse Plan	I	27/11/2024
DA 09	Roof/ Site Plan	I	27/11/2024
DA 10	Area Calculations	I	27/11/2024
DA 11	Elevations	I	27/11/2024
DA 12	Elevations	I	27/11/2024
DA 13	Cross Section	I	27/11/2024
DA 14	Longitudinal Section	I	27/11/2024
DA 15	Longitudinal Section	I	27/11/2024
DA 16	Driveway & Ramp Section	I	27/11/2024
DA 17	3D Views	I	27/11/2024
DA 18	Solar Access - Internal Living Area	I	27/11/2024
DA 19	Solar Access - External Private Area	I	27/11/2024
DA 20	Shadow Diagrams	I	27/11/2024
DA 21	ESCP Plan	I	27/11/2024
DA 22	Material Finishes Schedule	I	27/11/2024
DA 23	Photomontage	I	27/11/2024
DA 24	Site Photographs	I	27/11/2024
DA 25	Cut and Fill Plan	I	27/11/2024
DA 26	Height Blanket Diagram 14.5m/17.5m	I	27/11/2024
DA 27	Site Coverage	I	27/11/2024

Area Calculations - Total Internal		
Unit Number	Internal Area	Total
Unit 101	133.52	1
Unit 102	133.34	1
Unit 103	135.55	1
Unit 104	122.52	1
Unit 201	133.52	1
Unit 202	133.34	1
Unit 203	135.55	1
Unit 204	122.52	1
Unit 301	133.52	1
Unit 302	133.34	1
Unit 303	135.55	1
Unit 304	122.52	1
Unit 401	174.48	1
Unit 402	168.94	1
Unit G01	133.52	1
Unit G02	133.34	1
Unit G03	135.55	1
Unit G04	122.52	1
	2,443.14 m²	18

Total 3 Bedroom Units - 16

Total 4 Bedroom Units (Penthouse) - 2

Issue	Amendment	Date
I	DA Issue	27/11/2024
H	Amendments to address Access consultant comments	25/11/2024
G	Amendments to address BCA consultant comments	09/10/2024
F	Traffic comments - Additional basement level added	06/09/2024
E	Arborist comments - Modifying basement layout	29/08/2024
D	Sketch Plan 03 - Amendments to basement layout	06/06/2024
C	Sketch Plan 03 - Increased to 18 units	09/05/2024
B	Sketch Plan 02 - New Layouts	18/04/2024
A	Sketch Plan 01 - 15 Units	26/03/2024

Residential Flat Building
at
2-4 Shinfield Ave,
St Ives
for
HMR Pty Ltd

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Cover Page

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Project No:	Date:	Issue
2119	NOV 2024	I
Drawing No:	Scale:	
DA 01	Date Plotted: 5/02/2025	

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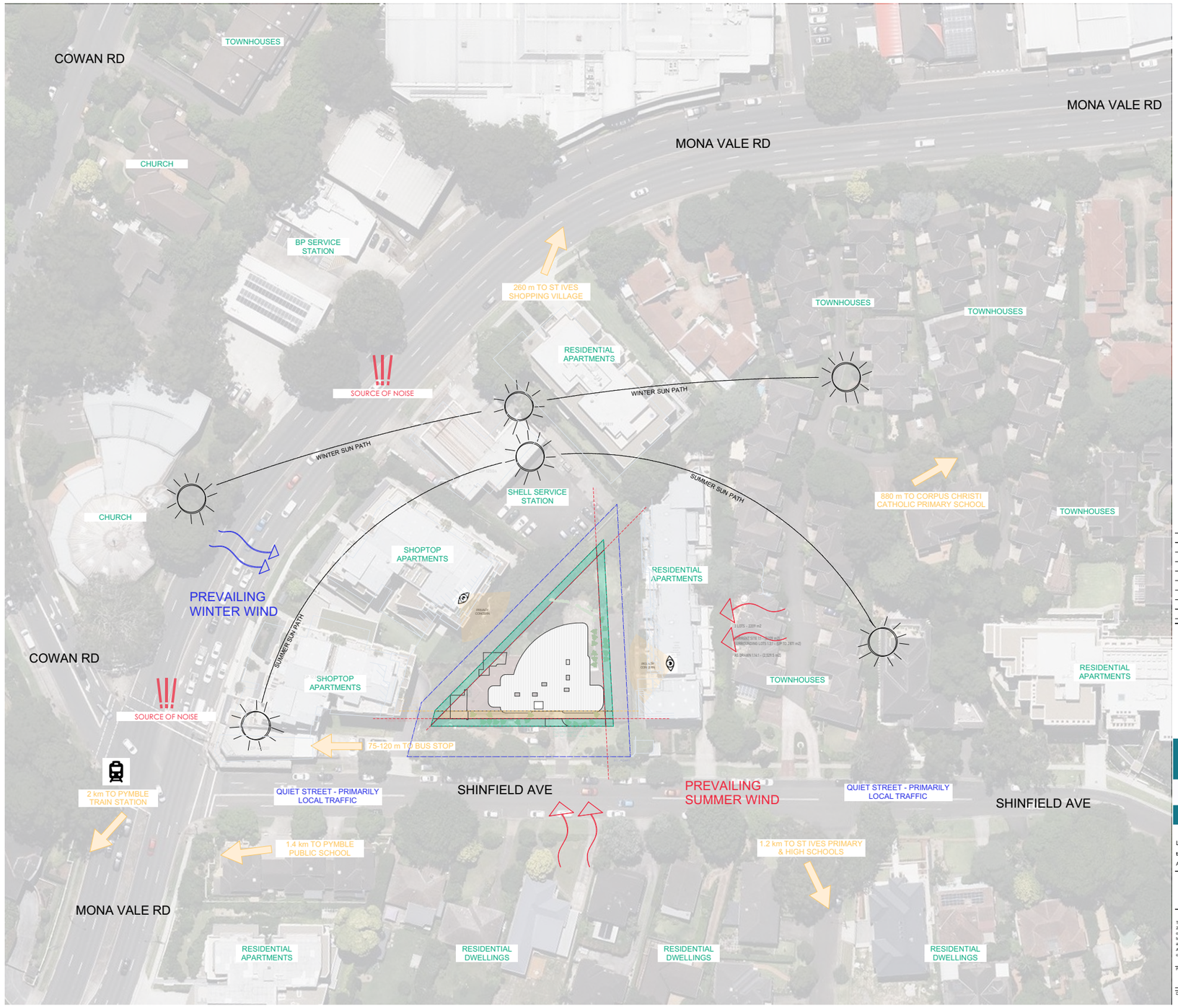


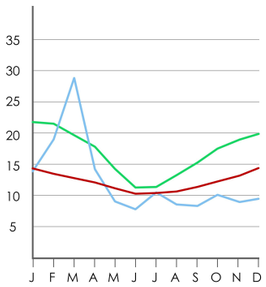
Ku Ring Gai DCP Controls:

BUSHFIRE PRONE LAND	No
SETBACKS:	Front - 10 m and 2m Articulation zone Sides - G-4th + 6 m, and 5th + + 9 m Rear - G-4th + 6 m, and 5th + + 9 m
	COMPLIANT
DEEP SOIL AREA	Min = 50% or 1104 m2
	Proposed 1051.07 m2 or (48%)
TALL TREE REQUIREMENTS	A minimum of 8 to be on site
	COMPLIANT

eSpatial Planner:

SITE AREA	2209 m2
FSR	1:1 (as drawn 1.22:1 or 2,704.14 m²)
ZONING	R4
MAX. BUILDING HEIGHT	4-Storey 14.5 m, and 5-Storey 17.5 m
HERRITAGE	No

Annual Weather Summary for St Ives



- Sunlight Hours/ Day
- Temperature °C
- Average Rainfall cm

Issue	Amendment	Date
I	DA Issue	27/11/2024
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G	Amendments to address BCA consultant comments	09/10/2024
F	Traffic comments - Additional basement level added	06/09/2024
E	Arborist comments - Modifying basement layout	26/08/2024
D	Sketch Plan 03 - Amendments to basement layout	06/06/2024
C	Sketch Plan 03 - Increased to 18 units	09/05/2024
B	Sketch Plan 02 - New Layouts	18/04/2024
A	Sketch Plan 01 - 15 Units	26/03/2024

Residential Flat Building
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Site Analysis

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Project No: 2119	Date: NOV 2024	Issue: I
Drawing No: DA 02	Scale: 1:500	
	Date Plotted: 5/02/2025	

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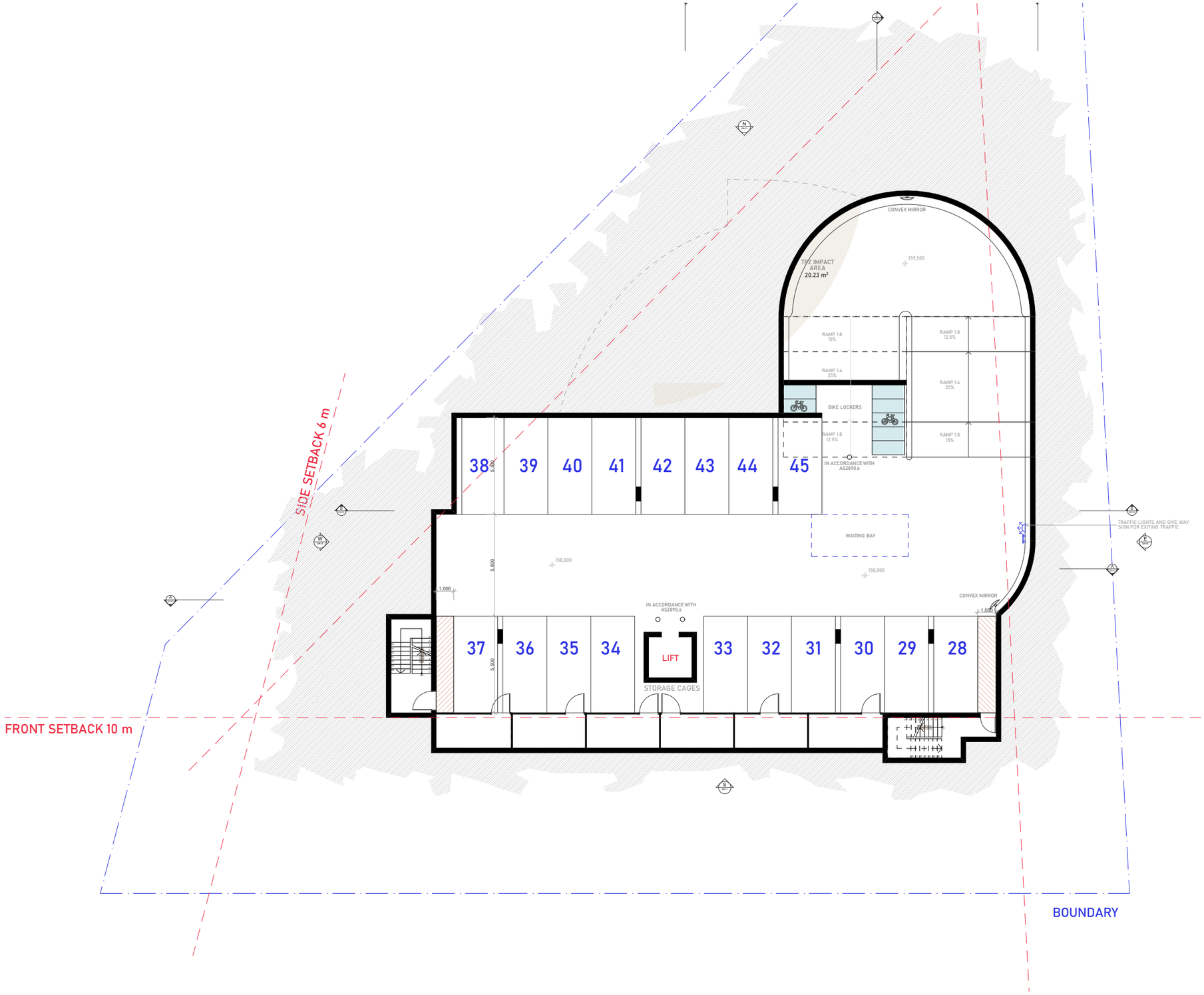

Issue	Amendment	Date
I	DA Issue	27/11/2024
H	Amendments to address Access consultant comments	25/11/2024
G	Amendments to address BCA consultant comments	09/10/2024
F	Traffic comments - Additional basement level added	06/09/2024
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Basement 3

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Project No:	2119	Date:	NOV 2024
Drawing No:	DA 03	Scale:	1:100
		Date Plotted:	5/02/2025
		Issue	I

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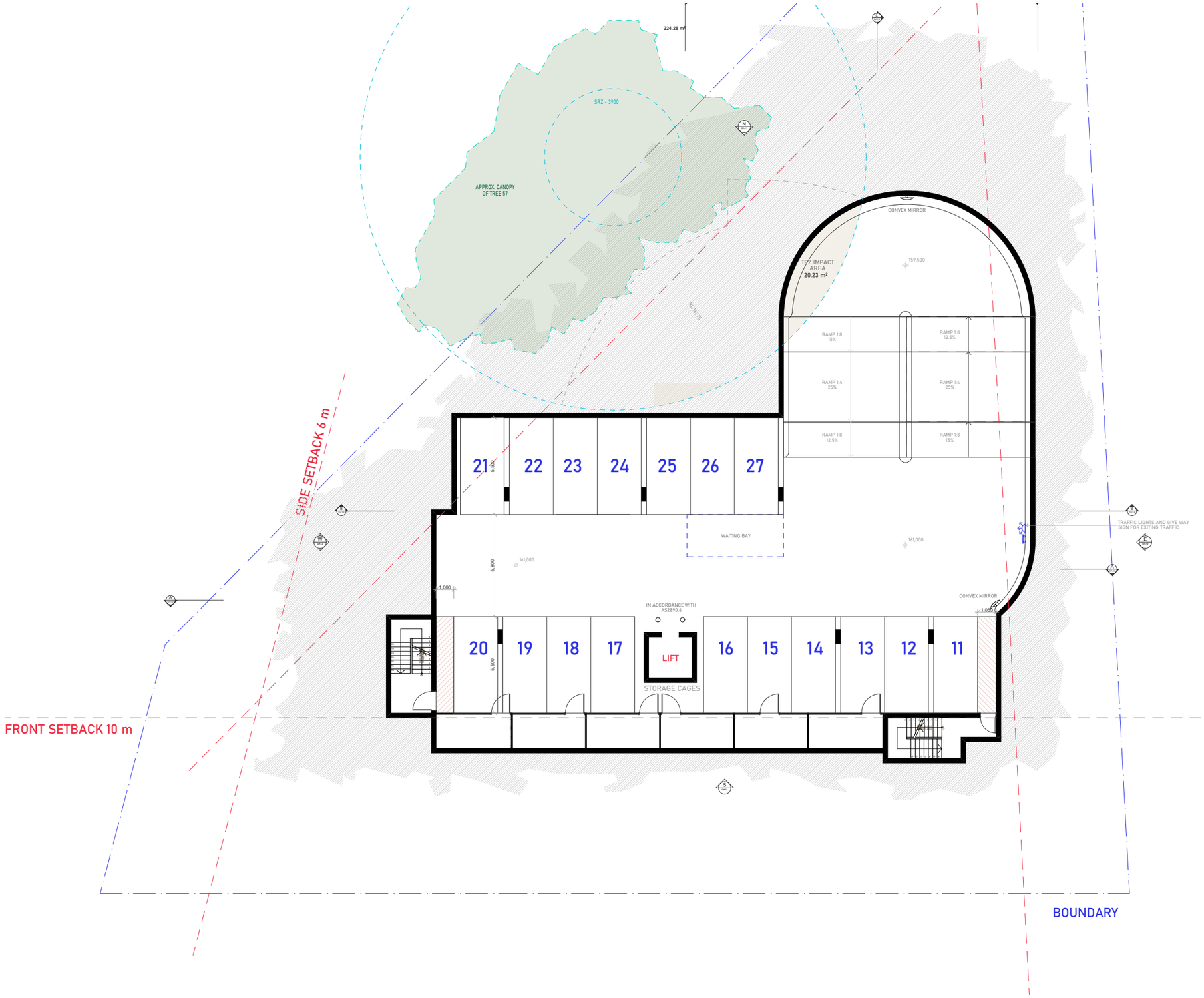

I	DA Issue	27/11/2024
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A	Sketch Plan 01 - 15 Units	26/03/2024
Issue	**Amendment**	**Date**

Residential Flat Building
at
2-4 Shinfield Ave,
St Ives
for
HMR Pty Ltd

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GELDER GROUP ARCHITECTS

Level 2 19-23 Bridge Street PYMBLE NSW 2073 AUSTRALIA
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Basement 2

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Project No:	2119	Date:	NOV 2024
Drawing No:	DA 04	Scale:	1:100
		Date Plotted:	5/02/2025
		Issue	I

D:\2 Projects\2119 2-4 Shinfield Ave, ST IVES\20 Plans\20 DA\20 19 06 ARCH-I.V20 - DA V20 For Assessment.pln

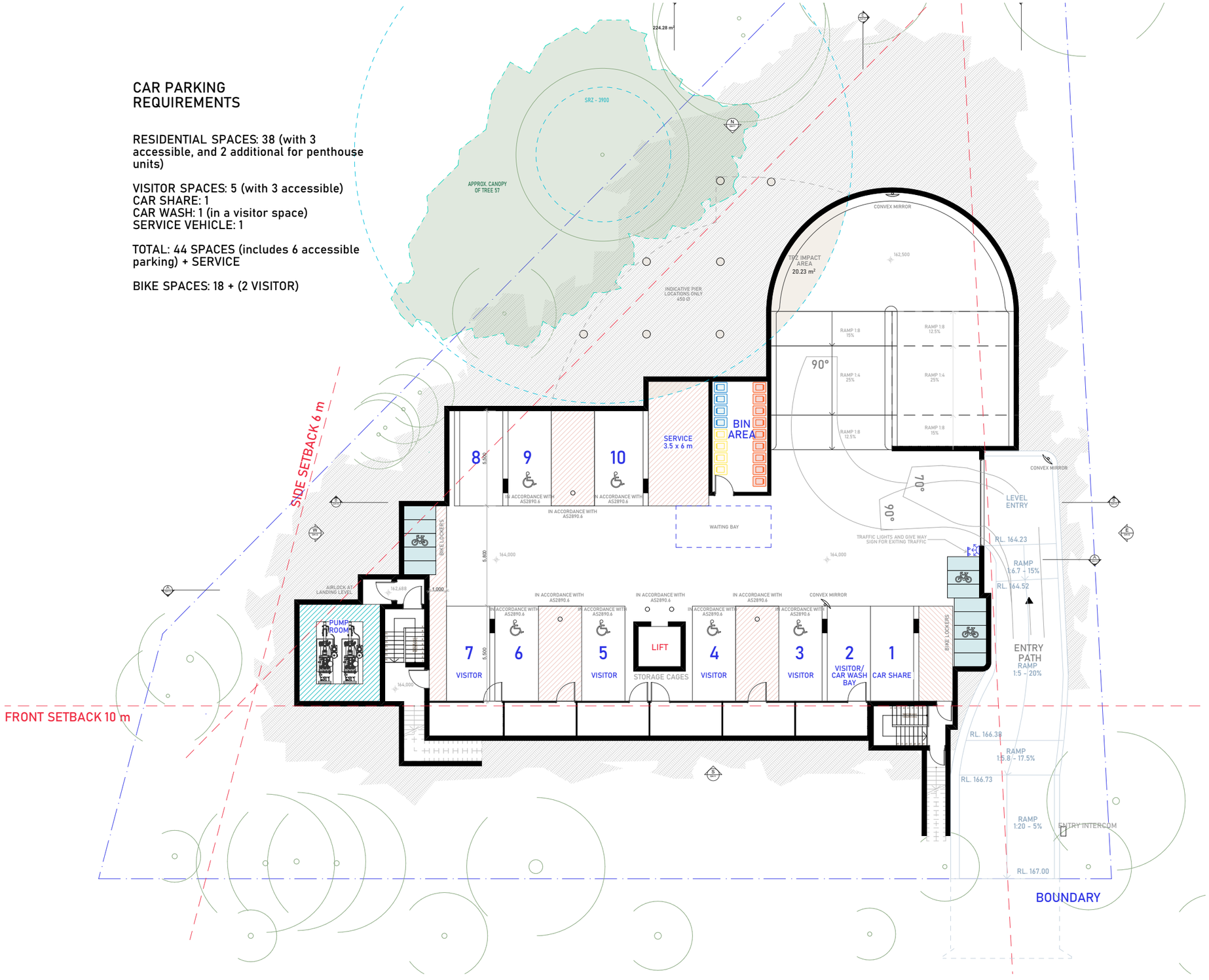
CAR PARKING REQUIREMENTS

RESIDENTIAL SPACES: 38 (with 3 accessible, and 2 additional for penthouse units)

VISITOR SPACES: 5 (with 3 accessible)
CAR SHARE: 1
CAR WASH: 1 (in a visitor space)
SERVICE VEHICLE: 1

TOTAL: 44 SPACES (includes 6 accessible parking) + SERVICE

BIKE SPACES: 18 + (2 VISITOR)



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Basement 1

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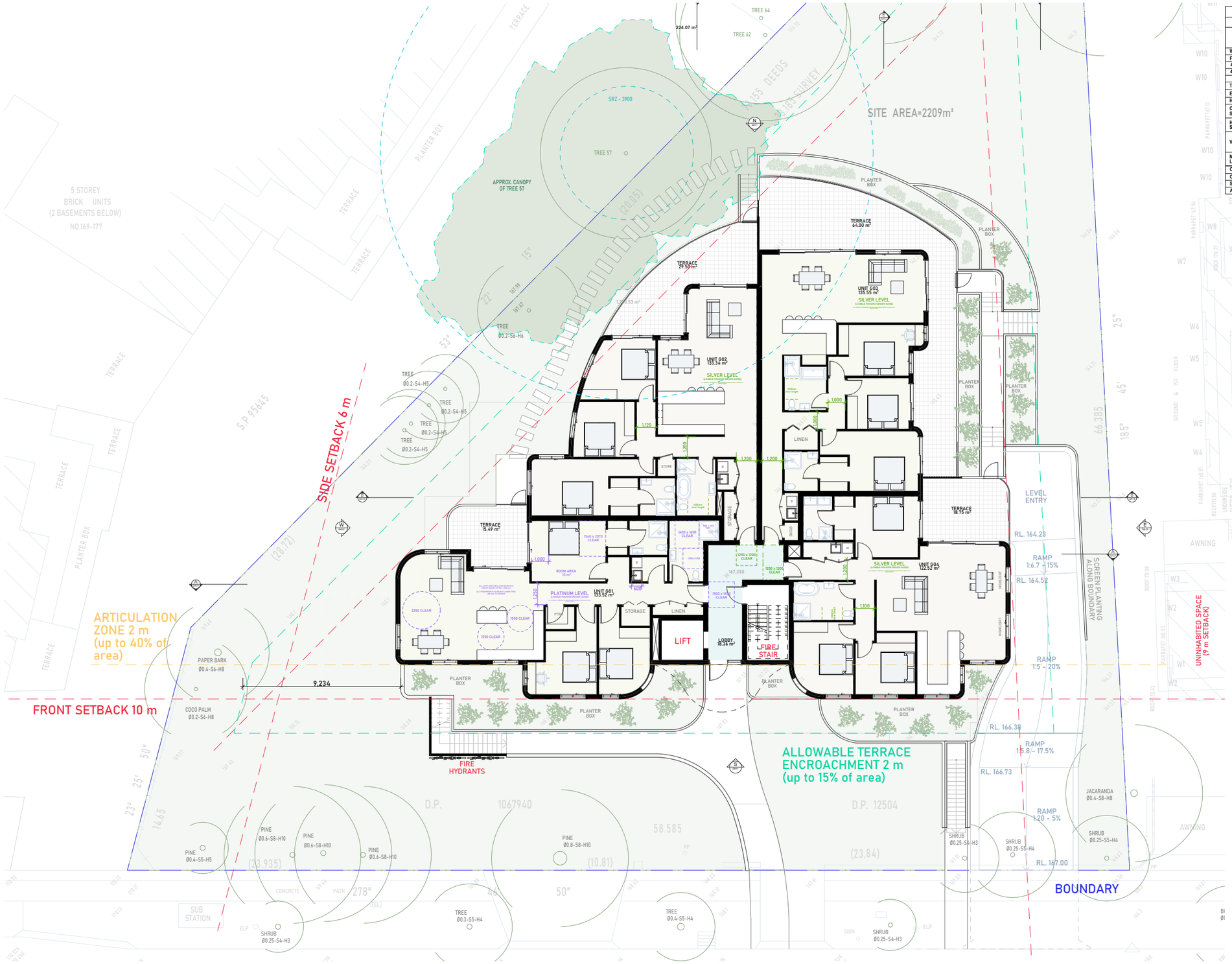
Project No: 2119	Date: NOV 2024	Issue I
Drawing No: DA 05	Scale: 1:100	
	Date Plotted: 5/02/2025	

G:\2 Projects\2119 2-4 Shinfield Ave, ST IVES\21 Plans\02 DA\2119 06 ARCHIV V22 - DA V5.0 For Assessment.pln



2-4 Shinfield Avenue St Ives

SUMMARY OF BASIX COMMITMENTS FOR EACH UNIT

This is a summary of the BASIX Commitments as detailed in the BASIX Certificate. Refer to the CURRENT BASIX Certificate for Complete details. For definitions refer to basix.nsw.gov.au

WATER COMMITMENTS				
Fixtures				
4 Star Shower Heads	Yes	**3 Dishwashers**	Yes	
4 Star Kitchen / Basin Taps	Yes	**4 Star Toilet**	Yes	
THERMAL COMFORT COMMITMENTS - Refer to TPA Specification on plans				
ENERGY COMMITMENTS				
Hot Water	Electric Instantaneous			
Cooling System	**Living**	1 Phase A/C Ducted	EER 3.0 - 3.5	
	Bedrooms	1 Phase A/C Ducted	EER 3.0 - 3.5	
Heating System	**Living**	1 Phase A/C Ducted	EER 3.0 - 3.5	
	Bedrooms	1 Phase A/C Ducted	EER 3.0 - 3.5	
Ventilation	**1 x Bathroom**	Fan ducted to exterior	Manual on/off	
	Kitchen	Fan ducted to exterior	Manual on/off	
	Laundry	Fan ducted to exterior	Manual on/off	
Natural Lighting	**Window/Skylight in Kitchen**		As drawn	
	Window/Skylight in Bathrooms/Toilets		As drawn	
OTHER COMMITMENTS				
Outdoor clothes line	No			
Stove/Oven	Induction cooktop & electric oven			
Alternative Energy	Photovoltaic System: 11 kW common system			

Certificate No. #HR-1WWBK7-01

Scan QR code or follow website link for rating details.

Assessor name	Krzysztof Kwiatkowski
Accreditation No.	DMN/24/2214
Property Address	2-4 Shinfield Avenue , St Ives, NSW, 2075

http://www.hero-software.com.au/pdf/HR-1WWBK7-01

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Ground Floor Plan

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Project No:	2119	Date:	NOV 2024
Drawing No:	**DA 06**	Scale:	1:100, 1:1
		Date Plotted:	5/02/2025
		Issue	I

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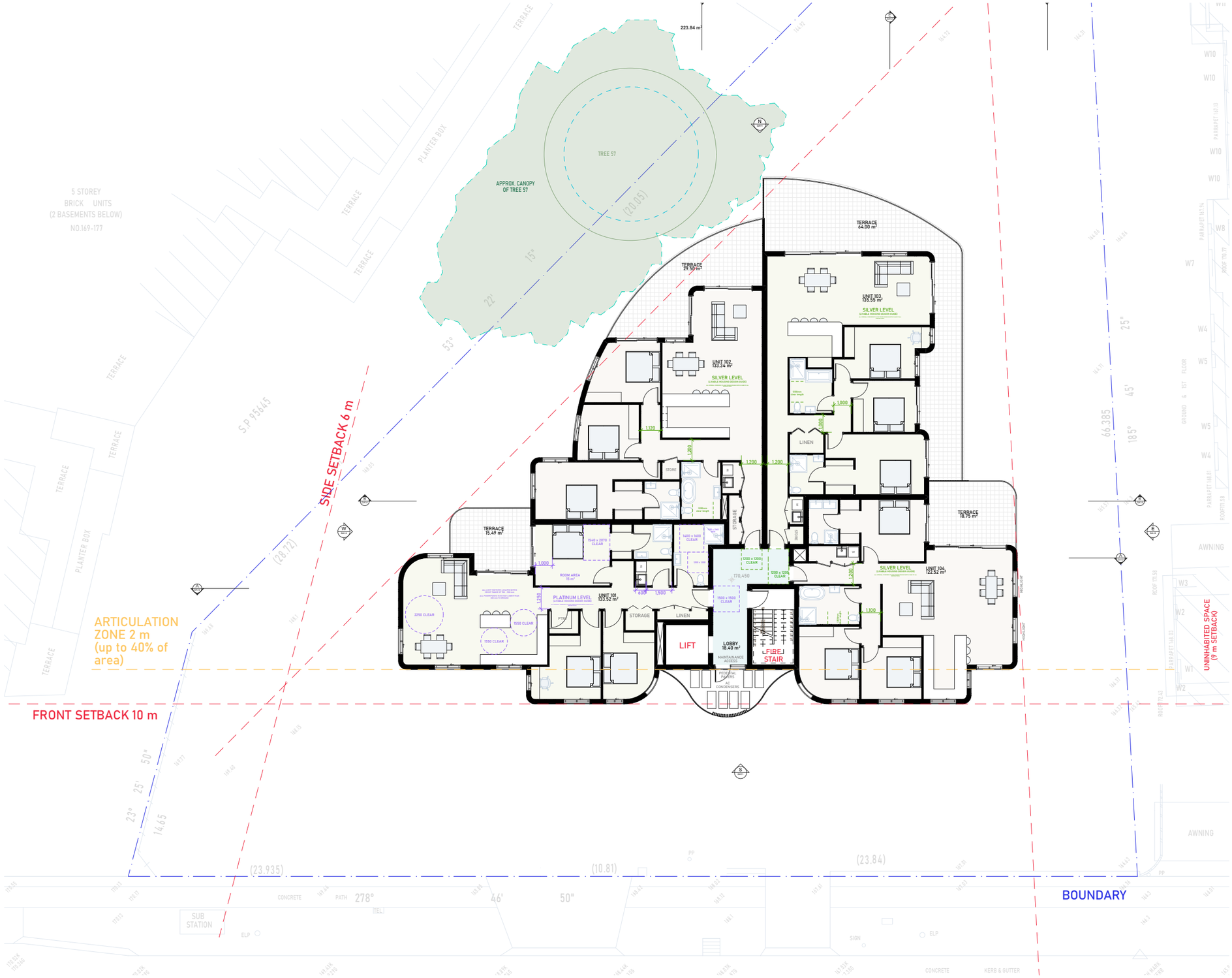

February 2025 BSA Reference: 20519
Building Sustainability Assessments Ph: (02) 4962 3439
enquiries@buildingsustainability.net.au www. buildingsustainability.net.au

Important Note

The following specification was used to achieve the thermal performance values indicated on the Assessor Certificate. If the proposed construction varies to those detailed below than the Assessor and NatHERS certificates will no longer be valid. Assessments assume that the BCA provisions for building sealing & ventilation are complied with at construction.
Be aware that BASIX does not over-ride the BCA and the NSW variations must be complied with.

Thermal Performance Specifications (does not apply to garage)

External Wall Construction		*Added Insulation*
Brick Veneer		R2.0
Internal Wall Construction		*Added Insulation*
Plasterboard on studs (internal to units)		None
Plasterboard on studs (adjacent to lobbies)		R2.0
Concrete (adjacent to lifts and stairwells)		None
Plasterboard + studs + shaft liner + studs + Plasterboard (between units)		R2.5 + R2.5
Ceiling Construction		*Added Insulation*
Plasterboard	R3.0 to ceilings adjacent to roof space & decks above	
Roof Construction	*Colour (Solar Absorptance)*	*Added Insulation*
Metal	Woodland Grey (SA 0.70)	Foil + R1.3 blanket
Concrete	Medium (SA 0.50)	None
Floor Construction	*Covering (if not noted default values used)*	*Added Insulation*
Concrete	As drawn	R1.0 to floors adjacent to basement carpark

Windows *Glass and frame type*	*U value*	*SHGC Range*	*Area sq m*
ALM-001-01 A Aluminium A SG Clear	6.70	0.54 - 0.60	As drawn
ALM-002-01 A Aluminium B SG Clear	6.70	0.67 - 0.74	As drawn

Type A windows are awning windows, bifolds, casements, tilt 'n turn' windows, entry doors, french doors
Type B windows are double hung windows, sliding windows & doors, fixed windows, stacker doors, louvres

Skylights *Glass and frame type*	*U*	*SHGC*	*Area sq m*	*Detail*
n/a				

U and SHGC values are according to AFRC. Alternate products may be used if the U value is lower & the SHGC is within the range specified

Shade elements	*(eaves, verandahs, awnings etc)*
All shade elements modelled as drawn	
Ceiling Penetrations	*(downlights, exhaust fans, flues etc)*
Downlights are modelled as IC rated with insulation fitted over the fixtures	
All exhaust fans are modelled as sealed	
Additional Notes	
Nil	

Certificate No. #HR-1WWBK7-01
Scan QR code or follow website link for rating details.
Assessor name Krzysztof Kwiatkowski
Accreditation No. DMN/24/2214
Property Address 2-4 Shinfield Avenue , St Ives, NSW, 2075
http://www.hero-software.com.au/pdf/HR-1WWBK7-01

Issue	Amendment	Date
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Typical Floor Plan

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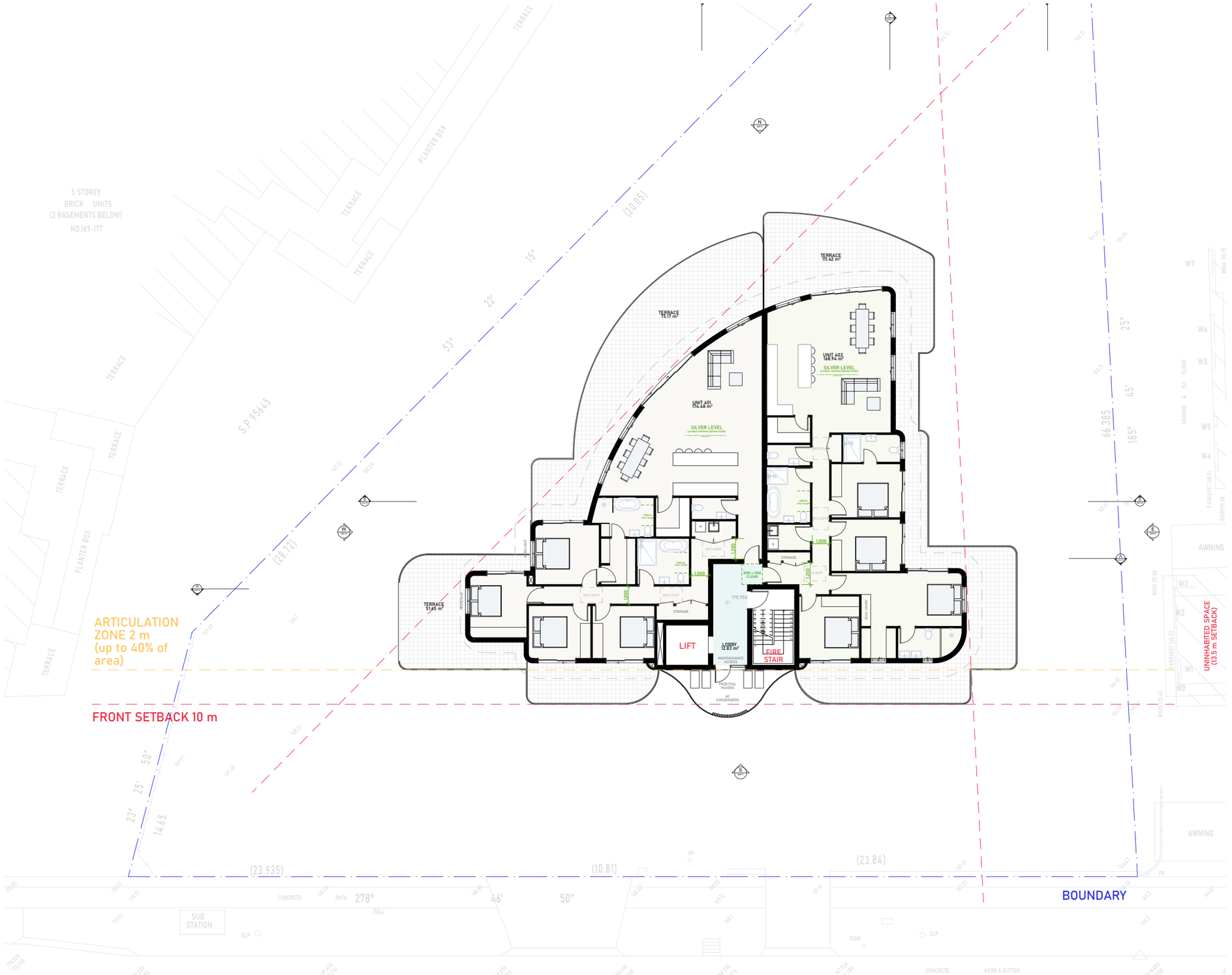
Project No:	Date:	Issue
2119	NOV 2024	I
Drawing No:	Scale:	
DA 07	1:100, 1:1	
	Date Plotted: 5/02/2025	

G:\2-Projects\2119 2-4 Shinfield Ave, ST HEDO\01 Plans\[G] Cad_01-19-06 AMDmnd V32 - DA 10c5 For Assessment.pln



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Penthouse Plan

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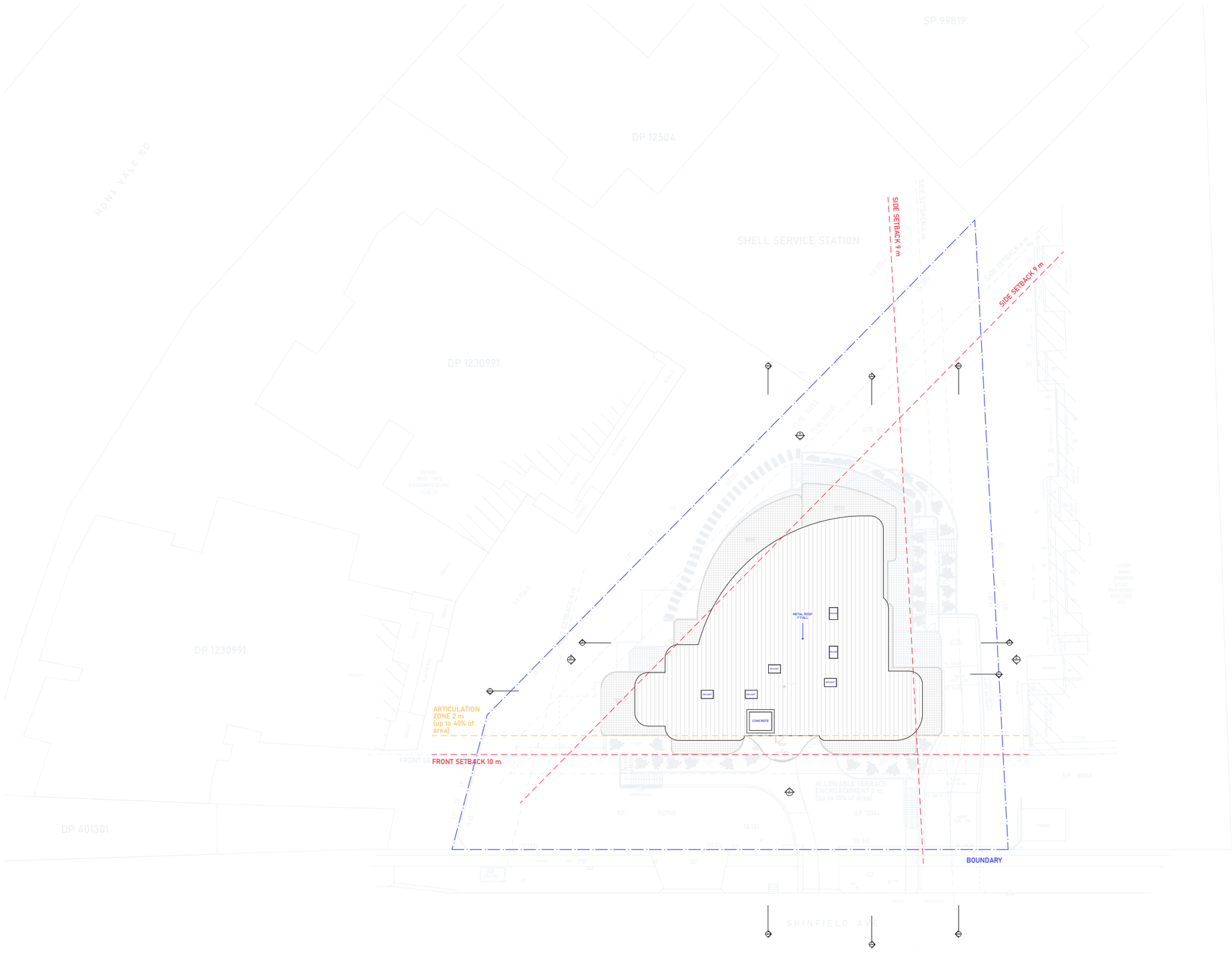
Project No: 2119	Date: NOV 2024	Issue: I
Drawing No: DA 08	Scale: 1:100	
	Date Plotted: 5/02/2025	

G:\2 Projects\2119 2-4 Shinfield Ave, ST IVES\01 Plans\02 DA\2119 04 e4Cm.vi V22 - DA V3.0 For Assessment.pln



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Accreditation No. DMN/24/2214
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Roof/ Site Plan

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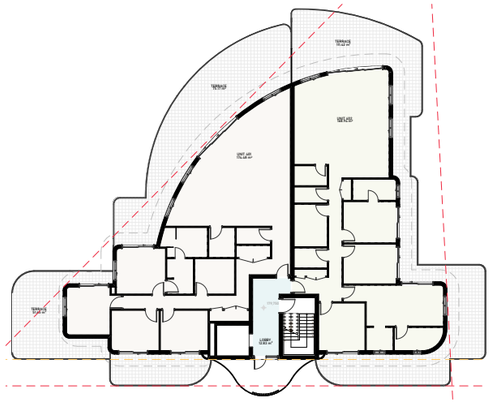
Project No:	2119
Drawing No:	DA 09
Date:	NOV 2024
Scale:	
Date Plotted:	5/02/2025
Issue	I

G:\2 Projects\2119 2-4 Shinfield Ave, ST IVES\01 Plans\02 DA\ 2119 04 ARCH.vwf V22 - DA 10.0 For Assessment.pln

TOTAL SITE AREA
3 LOTS - 2209 m2

EXISTING FSR (INTERNAL FLOOR AREA)
CURRENT SITE 1:1 - (2209 m2)
SURROUNDING LOTS 1.3:1 - (UP TO 2871 m2)

PROPOSED FSR (INTERNAL FLOOR AREA)
AS DRAWN 1.14:1 - (2,529.5 m2)



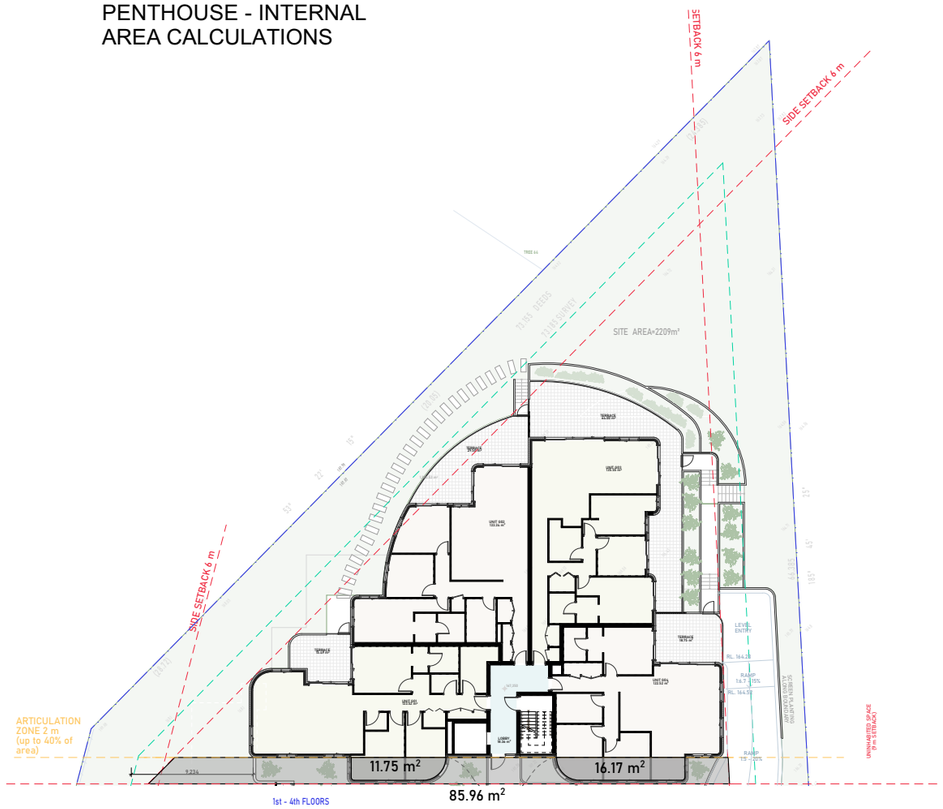
Area Calculations - Typical		
Unit Number	Internal Area	Total Units
Unit 101	133.52	1
Unit 102	133.34	1
Unit 103	135.55	1
Unit 104	122.52	1
Unit 201	133.52	1
Unit 202	133.34	1
Unit 203	135.55	1
Unit 204	122.52	1
Unit 301	133.52	1
Unit 302	133.34	1
Unit 303	135.55	1
Unit 304	122.52	1
Unit G01	133.52	1
Unit G02	133.34	1
Unit G03	135.55	1
Unit G04	122.52	1
	2,099.72 m²	16

Area Calculations - Penthouse		
Unit Number	Internal Area	Total Units
Unit 401	174.48	1
Unit 402	168.94	1
	343.42 m²	2

Area Calculations - Total Internal		
Unit Number	Internal Area	Total
Unit 101	133.52	1
Unit 102	133.34	1
Unit 103	135.55	1
Unit 104	122.52	1
Unit 201	133.52	1
Unit 202	133.34	1
Unit 203	135.55	1
Unit 204	122.52	1
Unit 301	133.52	1
Unit 302	133.34	1
Unit 303	135.55	1
Unit 304	122.52	1
Unit 401	174.48	1
Unit 402	168.94	1
Unit G01	133.52	1
Unit G02	133.34	1
Unit G03	135.55	1
Unit G04	122.52	1
	2,443.14 m²	18

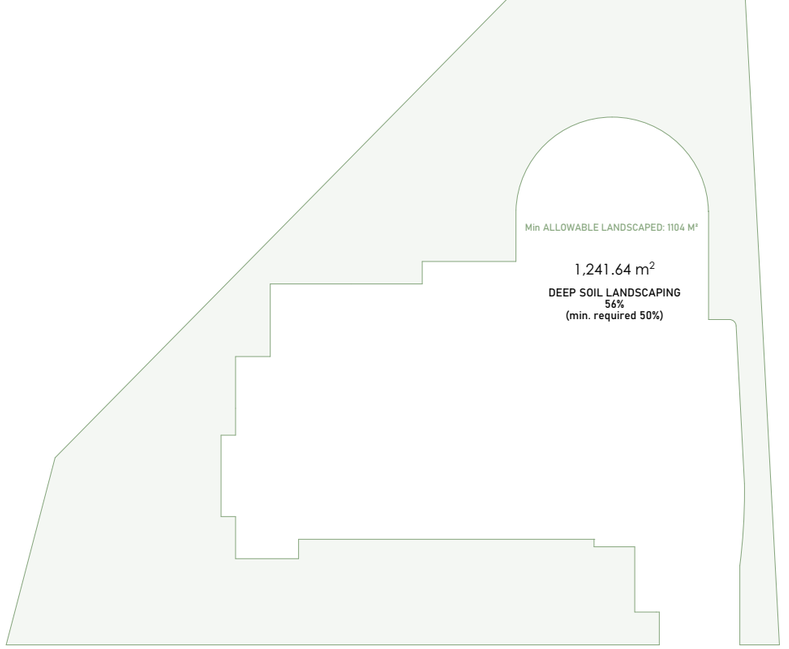
Area Calculations - Terraces & Lobbies		
Type	Calculated Area	Total
Lobby	86.37	5
Terrace 101	15.49	1
Terrace 102	29.50	1
Terrace 103	64.00	1
Terrace 104	18.75	1
Terrace 201	15.49	1
Terrace 202	29.50	1
Terrace 203	64.00	1
Terrace 204	18.75	1
Terrace 301	15.49	1
Terrace 302	29.50	1
Terrace 303	64.00	1
Terrace 304	18.75	1
Terrace 401	126.82	2
Terrace 402	111.42	1
Terrace G01	15.49	1
Terrace G02	29.50	1
Terrace G03	64.00	1
Terrace G04	18.75	1
		24

PENTHOUSE - INTERNAL
AREA CALCULATIONS



85.96 m²
(30%)
25.8 m2
Maximum

TYPICAL - INTERNAL
AREA CALCULATIONS



DEEP SOIL CALCULATION

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Area Calculations

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Project No:	2119	Date: NOV 2024
Drawing No:	DA 10	Scale: 1:200
		Date Plotted: 5/02/2025
		Issue: I

G:\2-Projects\2119 2-4 Shinfield Ave, ST IVES\01 Plans\02 DA\2119 DA #3Dmm V02 - DA 10.0 For Assessment.pln



South Elevation (Front)
1:100



North Elevation (Rear)
1:100

Certificate No. #HR-1WWBK7-01

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Elevations

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Project No.	2119	Date:	NOV 2024
Drawing No.	DA 11	Scale:	1:100
		Date Plotted:	5/02/2025

Issue: I



West Elevation
1:100



East Elevation
1:100

Certificate No. #HR-1WWBK7-01

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ABN 46 090 878 827 NSW ARB REG ARCHITECT: GELDER # 6126

Elevations

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Project No.	2119	Date:	NOV 2024
Drawing No.	DA 12	Scale:	1:100
		Date Plotted:	5/02/2025
		Issue:	I



AA Cross-Section 01
1:100

Certificate No. #HR-1WWBK7-01

I	DA Issue	27/11/2024
H	Amendments to address Access consultant comments	23/11/2024
G	Amendments to address BCA consultant comments	19/10/2024
F	Traffic comments - Additional basement level added	09/09/2024
E	Arborist comments - Modifying basement layout	29/08/2024
D	Sketch Plan 03 - Amendments to basement layout	09/08/2024
C	Sketch Plan 03 - Increased to 18 units	29/05/2024
B	Sketch Plan 02 - New Layouts	13/04/2024
A	Sketch Plan 01 - 16 Units	26/03/2024
Issue	Amendment	Date

Residential Flat Building
at
2-4 Shinfield Ave, St Ives
for
HMR Pty Ltd

GGA
GELDER GROUP ARCHITECTS
Level 2 19-23 Bridge Street PYMBLE NSW 2073 AUSTRALIA
t: (02) 9440 2455 e: info@gelder.com.au w: gelder.com.au
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Cross Section

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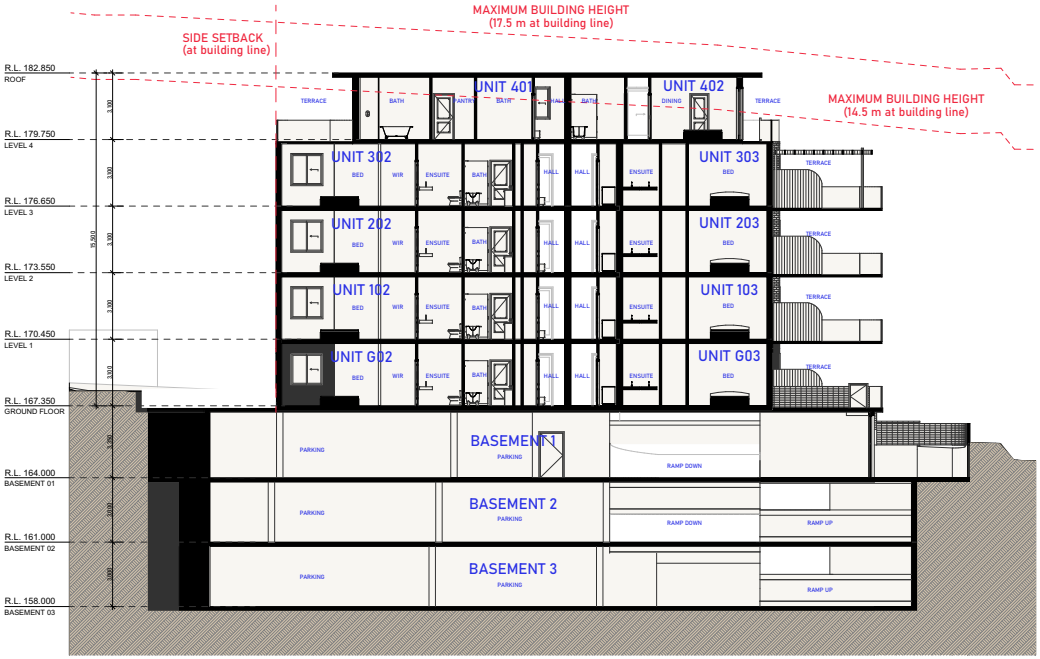
Project No.	2119	Date:	NOV 2024
Drawing No.	DA 13	Scale:	1:100
		Date Plotted:	5/02/2025
		Issue:	I



BB Longitudinal Section 1
1:100

Certificate No. #HR-1WWBK7-01

I	DA Issue	27/11/2024
H	Amendments to address Access consultant comments	22/11/2024
G	Amendments to address BCA consultant comments	19/10/2024
F	Traffic comments - Additional basement level added	09/09/2024
E	Arborist comments - Modifying basement layout	29/08/2024
D	Sketch Plan 03 - Amendments to basement layout	09/08/2024
C	Sketch Plan 03 - Increased to 19 units	29/05/2024
B	Sketch Plan 02 - New Layouts	13/05/2024
A	Sketch Plan 01 - 16 Units	26/03/2024
Issue	Amendment	Date

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Longitudinal Section

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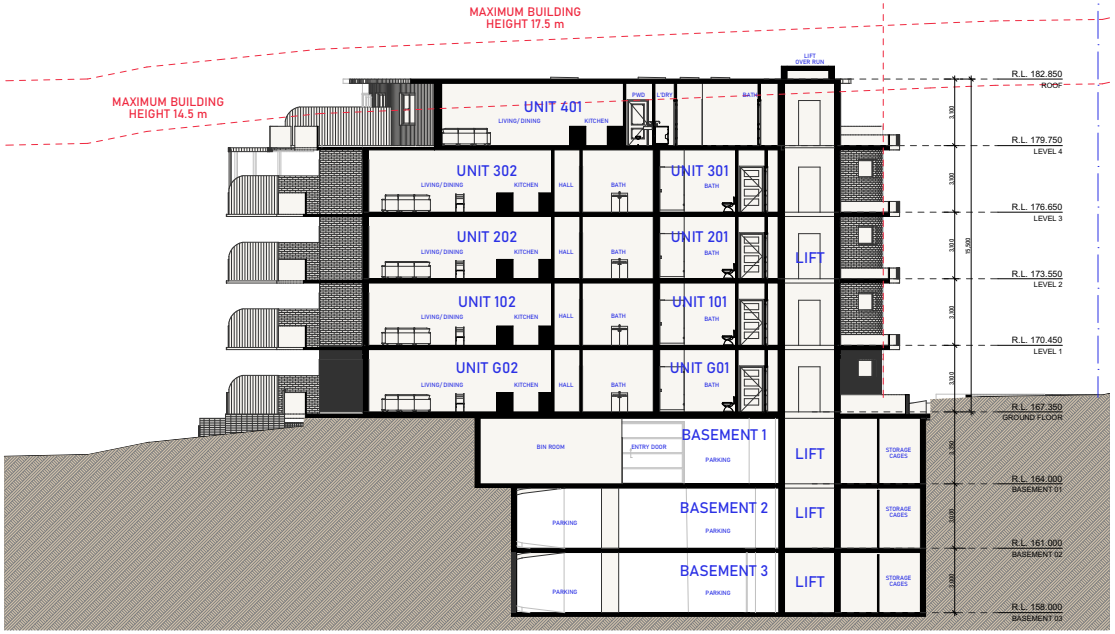
Project No.	2119	Date:	NOV 2024
Drawing No.	DA 14	Scale:	1:100
		Date Plotted:	5/02/2025
		Issue	I

ATTACHMENT NO: 2 - ARCHITECTURAL PLANS (BASIX STAMPED)

ITEM NO: GB.3



CC Longitudinal Section 2
1:100



Issue	Amendment	Date
I	DA Issue	27/11/2024
H	Amendments to address Assess consultant comments	25/11/2024
G	Amendments to address BCA consultant comments	09/10/2024
F	Traffic comments - Additional basement level added	09/09/2024
E	Arborist comments - Modifying basement layout	04/09/2024
D	Sketch Plan 03 - Amendments to basement layout	09/08/2024
C	Sketch Plan 03 - Increased to 18 units	29/05/2024
B	Sketch Plan 02 - New Layouts	19/04/2024
A	Sketch Plan 01 - 15 Units	26/03/2024

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Longitudinal Section

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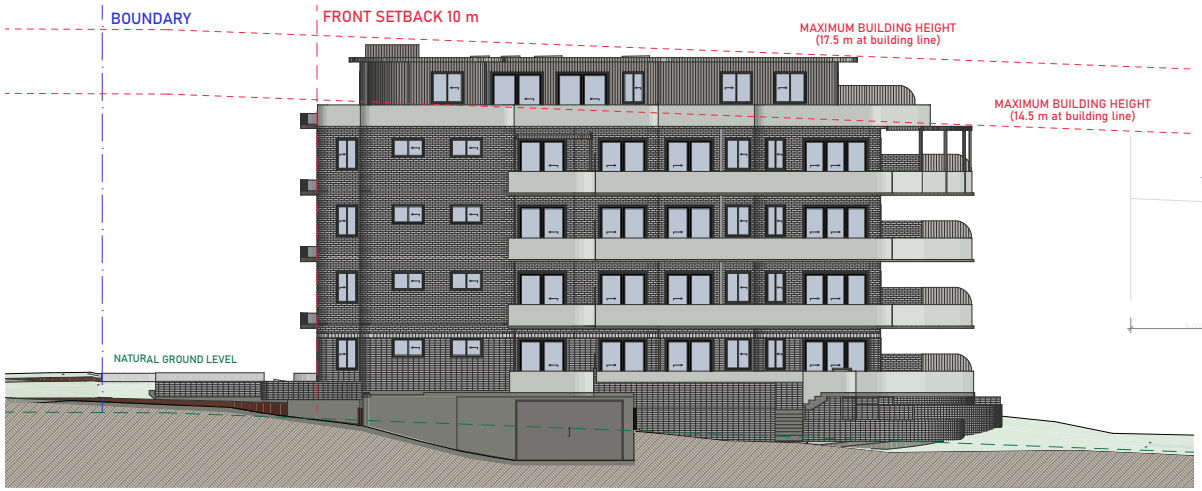
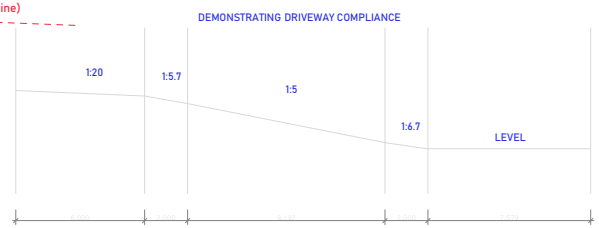
Project No.	Date	Issue
2119	NOV 2024	I
Drawing No.	Scale: 1:100	
DA 15	Date Plotted: 5/02/2025	



DD Driveway Section
1:100





EE Ramp Section Internal
1:100



I	DA Issue	27/11/2024
H	Amendments to address Access consultant comments	22/11/2024
G	Amendments to address BCA consultant comments	19/10/2024
F	Traffic comments - Additional basement level added	09/09/2024
E	Arborist comments - Modifying basement layout	29/08/2024
D	Sketch Plan 03 - Amendments to basement layout	09/08/2024
C	Sketch Plan 03 - Increased to 19 units	29/05/2024
B	Sketch Plan 02 - New Layouts	13/05/2024
A	Sketch Plan 01 - 16 Units	29/03/2024
Issue	Amendment	Date

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Driveway & Ramp Section

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Project No.	2119	Date:	NOV 2024
Drawing No.	DA 16	Scale:	1:100
		Date Plotted:	5/02/2025
		Issue:	I



Entry on South Facade



North Perspective



North Building Facade

I	DA Issue	27/11/2024
H	Amendments to address Access consultant comments	22/11/2024
G	Amendments to address BCA consultant comments	19/10/2024
F	Traffic comments - Additional basement level added	09/09/2024
E	Arborist comments - Modifying basement layout	29/08/2024
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A	Sketch Plan 01 - 16 Units	29/03/2024
Issue	**Amendment**	**Date**

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3D Views

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Project No. 2119	Date: NOV 2024	Issue: I
Drawing No: DA 17	Scale:	
	Date Plotted: 5/02/2025	



1 9AM



2 10AM



3 11AM



4 12PM



5 1PM



6 2PM

APPENDIX: VIEWS FROM THE SUN

The table reproduces the view from the sun at hourly increments to determine solar access projections on June 21st. The projections were prepared by Gelder Group Architects, from a 3D digital model in ArchiCAD v22 software.

Units - Internal Living Area

Unit Number	9am	10am	11am	12pm	1pm	2pm	Minimum 3 hours
G01	√	√	√	√	X	√	√
G02	X	√	√	√	√	X	√
G03	√	√	√	X	√	√	√
G04	√	√	√	X	X	X	√
101	√	√	√	√	√	√	√
102	X	√	√	√	√	X	√
103	√	√	√	√	√	√	√
104	√	√	√	X	X	X	√
201	√	√	√	√	√	√	√
202	X	√	√	√	√	X	√
203	√	√	√	√	√	√	√
204	√	√	√	X	X	X	√

Units - Internal Living Area

Unit Number	9am	10am	11am	12pm	1pm	2pm	Minimum 3 hours
301	√	√	√	√	√	√	√
302	√	√	√	√	√	√	√
303	√	√	√	√	√	√	√
304	√	√	√	√	√	X	√
401	√	√	√	√	√	√	√
402	√	√	√	√	√	√	√

3 hours solar access: 18/18 = 100%

Conclusion

18/18 units achieve a minimum of 3 hours sunlight between 9am - 3pm on June 21, Which equates to 100%; SEPP 65 requires 70% of apartments receive a minimum of 3 hours solar access between 9am - 3pm. The development complies for the living areas solar access requirement.

Issue	Amendment	Date
I	DA Issue	27/11/2024
H	Amendments to address Access consultant comments	25/11/2024
G	Amendments to address BCA consultant comments	08/10/2024
F	Traffic comments - Additional basement level added	09/09/2024
E	Arborist comments - Modifying basement layout	29/08/2024
D	Sketch Plan 03 - Amendments to basement layout	09/08/2024
C	Sketch Plan 03 - Increased to 18 units	29/05/2024
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Solar Access - Internal Living Area

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Project No. 2119
Date: NOV 2024
Drawing No. DA 18
Scale:
Date Plotted: 5/02/2025
Issue: I



1 9AM



2 10AM



3 11AM



4 12PM



5 1PM



6 2PM

APPENDIX: VIEWS FROM THE SUN

The table reproduces the view from the sun at hourly increments to determine solar access projections on June 21st. The projections were prepared by Gelder Group Architects, from a 3D digital model in ArchiCAD v22 software.

Units - External Private Area

Unit Number	9am	10am	11am	12pm	1pm	2pm	Minimum 3 hours
G01	√	√	√	√	X	√	√
G02	√	√	√	√	√	√	√
G03	√	√	√	√	√	√	√
G04	√	√	√	√	X	X	√
101	√	√	√	√	√	√	√
102	√	√	√	√	√	√	√
103	√	√	√	√	√	√	√
104	√	√	√	√	X	X	√
201	√	√	√	√	√	√	√
202	√	√	√	√	√	√	√
203	√	√	√	√	√	√	√
204	√	√	√	√	X	X	√

Units - External Private Area

Unit Number	9am	10am	11am	12pm	1pm	2pm	Minimum 3 hours
301	√	√	√	√	√	√	√
302	√	√	√	√	√	√	√
303	√	√	√	√	√	√	√
304	√	√	√	√	√	X	√
401	√	√	√	√	√	√	√
402	√	√	√	√	√	√	√

3 hours solar access: 18/18 = 100%

Conclusion

18/18 units achieve a minimum of 3 hours sunlight between 9am - 3pm on June 21, Which equates to 100%; SEPP 65 requires 70% of apartments receive a minimum of 3 hours solar access between 9am - 3pm. The development complies for the External Private Areas solar access requirement.

Issue	Amendment	Date
I	DA Issue	27/11/2024
H	Amendments to address Access consultant comments	22/11/2024
G	Amendments to address BCA consultant comments	08/10/2024
F	Traffic comments - Additional basement level added	09/09/2024
E	Arborist comments - Modifying basement layout	29/08/2024
D	Sketch Plan 03 - Amendments to basement layout	09/08/2024
C	Sketch Plan 03 - Increased to 18 units	29/05/2024
B	Sketch Plan 02 - New Layouts	13/05/2024
A	Sketch Plan 01 - 16 Units	29/03/2024

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Solar Access - External Private Area

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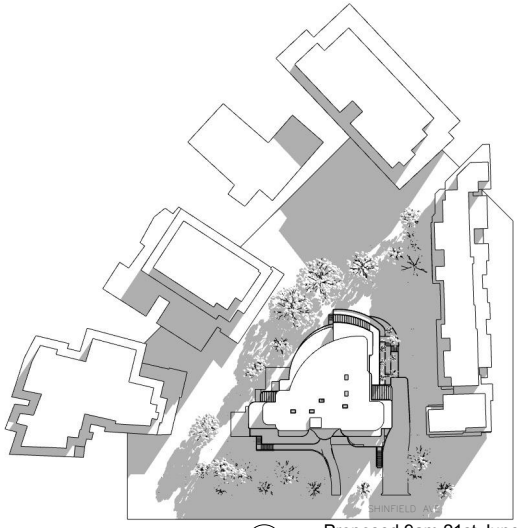
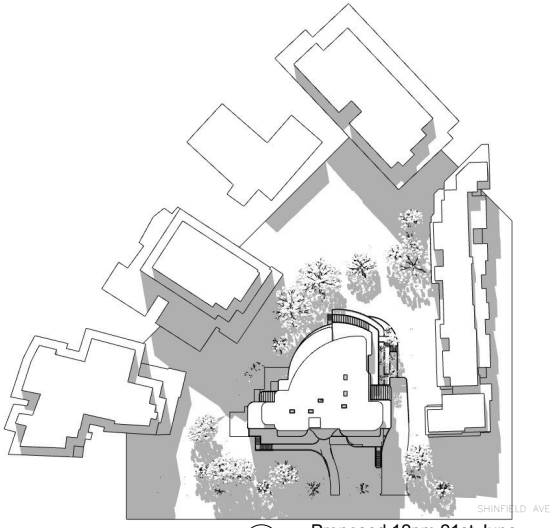
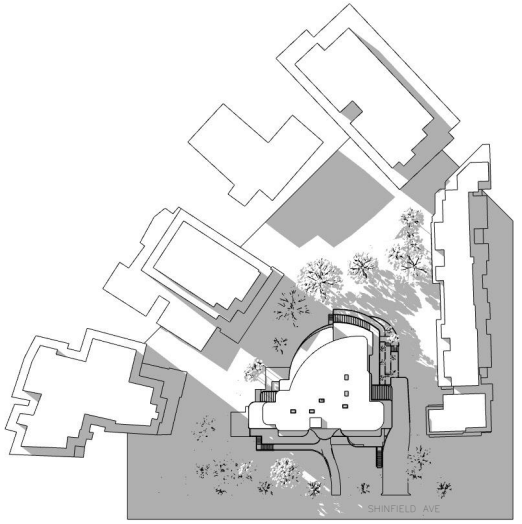
Project No.	Date	Issue
2119	NOV 2024	I
Drawing No.	Scale	
DA 19	Date Plotted: 5/02/2025	



1 Proposed 9am 21st June



2 Proposed 12pm 21st June



3 Proposed 3pm 21st June

Issue	Amendment	Date
I	DA Issue	27/11/2024
H	Amendments to address Access consultant comments	22/11/2024
G	Amendments to address BCA consultant comments	20/10/2024
F	Traffic comments - Additional basement level added	09/09/2024
E	Arborist comments - Modifying basement layout	29/08/2024
D	Sketch Plan 03 - Amendments to basement layout	09/08/2024
C	Sketch Plan 03 - Increased to 18 units	29/05/2024
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Shadow Diagrams

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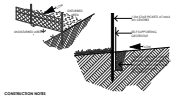
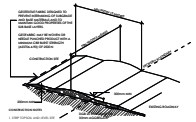
Project No.	2119	Date:	NOV 2024
Drawing No.	DA 20	Scale:	
		Date Plotted:	5/02/2025

Issue: I





SITE SEDIMENTATION FENCE DETAIL



STABILISED SITE ACCESS

Issue	Amendment	Date
I	DA Issue	27/11/2024
H	Amendments to address Access consultant comments	23/11/2024
G	Amendments to address BCA consultant comments	09/10/2024
F	Traffic comments - Additional basement level added	09/09/2024
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ESCP Plan

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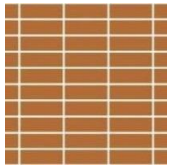
Project No.	2119
Drawing No.	DA 21
Date:	NOV 2024
Scale:	
Date Plotted:	5/02/2025
Issue:	I

EXTERNAL FINISHES & MATERIAL SCHEDULE

GROUND FLOOR



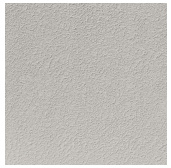
GROUND FLOOR WALLS TO BE STACKED BOND



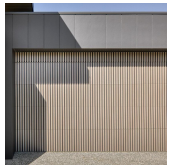
BRICKWORK TO BE FACEBRICK FELDSPAR TAUPE (above), GYPSUM TAN (right) OR SIMILAR



FACEBRICK GYPSUM TAN (above)



PLANTER BOXES; ROCKCOTE CERANO RENDER FINISH, PAINTED DULUX MILTON MOON OR SIMILAR

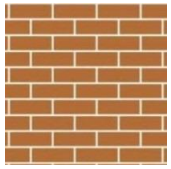


ALIWOOD ALUMINIUM BATTENS PANEL LIFT GARAGE DOOR, PAINTED EVENING HAZE



DARK PAINTED ALUMINIUM DOUBLE-GLAZED WINDOWS (existing window & door frames painted to match)

FIRST FLOOR TO PENTHOUSE



ALL FLOORS ABOVE GROUND TO BE COMMON/ STRETCHER BOND



BRICKWORK TO BE FACEBRICK FELDSPAR TAUPE (above), GYPSUM TAN (right) OR SIMILAR



FACEBRICK GYPSUM TAN (above)



DARK PAINTED ALUMINIUM DOUBLE-GLAZED WINDOWS (existing window & door frames painted to match)



LYSAGHT IMPERIAL, 325 mm COLORBOND PROFILE OR SIMILAR
(not visible from street)



COLORBOND - EVENING HAZE PAINT, FOR ROOF COLOUR, OR SIMILAR
(not visible from street)

Issue	Amendment	Date
I	DA Issue	27/11/2024
H	Amendments to address Access consultant comments	22/11/2024
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ABN 46 090 878 827 NSW ARB REG ARCHITECT: GELDER # 6126

Material Finishes Schedule

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Project No.	Date	Issue
2119	NOV 2024	I
Drawing No.	Scale	
DA 22	Date Plotted: 5/02/2025	

2-4 SHINFIELD AVE, ST IVES - PHOTOMONTAGE



VIEW FROM SHINFIELD AVE, LOOKING WESTWARD UP THE STREET TOWARDS PACIFIC HWY

Issue	Amendment	Date
I	DA Issue	27/11/2024
H	Amendments to address Access consultant comments	22/11/2024
G	Amendments to address BCA consultant comments	08/10/2024
F	Traffic comments - Additional basement level added	09/09/2024
E	Arborist comments - Modifying basement layout	29/08/2024
D	Sketch Plan 03 - Amendments to basement layout	09/08/2024
C	Sketch Plan 03 - Increased to 18 units	29/05/2024
B	Sketch Plan 02 - New Layouts	13/05/2024
A	Sketch Plan 01 - 16 Units	29/03/2024

Residential Flat Building
at
2-4 Shinfield Ave,
St Ives
for
HMR Pty Ltd

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Photomontage

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Project No.	Date	Issue
2119	NOV 2024	I
Drawing No.	Scale	
DA 23	Date Plotted: 5/02/2025	

2-4 SHINFIELD AVE, ST IVES - SITE PHOTOGRAPHS



Site Location - Source: SIXMaps



A - View from 169-171 Mona Vale Rd basement carpark entry looking along 2 Shinfield Avenue West boundary.



B - View towards 4 Shinfield Avenue Existing residence entry pathway



C - View towards existing residence 2 Shinfield Avenue



D - View towards existing residence 2 Shinfield Avenue fence. Image Taken from existing residence 4 Shinfield Avenue Entry Driveway



E - View towards existing residence 4 Shinfield Avenue entry pathway/driveway

I	DA Issue	27/11/2024
H	Amendments to address Access consultant comments	22/11/2024
G	Amendments to address BCA consultant comments	19/10/2024
F	Traffic comments - Additional basement level added	09/09/2024
E	Arborist comments - Modifying basement layout	29/08/2024
D	Sketch Plan 03 - Amendments to basement layout	09/08/2024
C	Sketch Plan 03 - Increased to 19 units	29/05/2024
B	Sketch Plan 02 - New Layouts	13/05/2024
A	Sketch Plan 01 - 16 Units	26/03/2024
Issue	Amendment	Date

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Site Photographs

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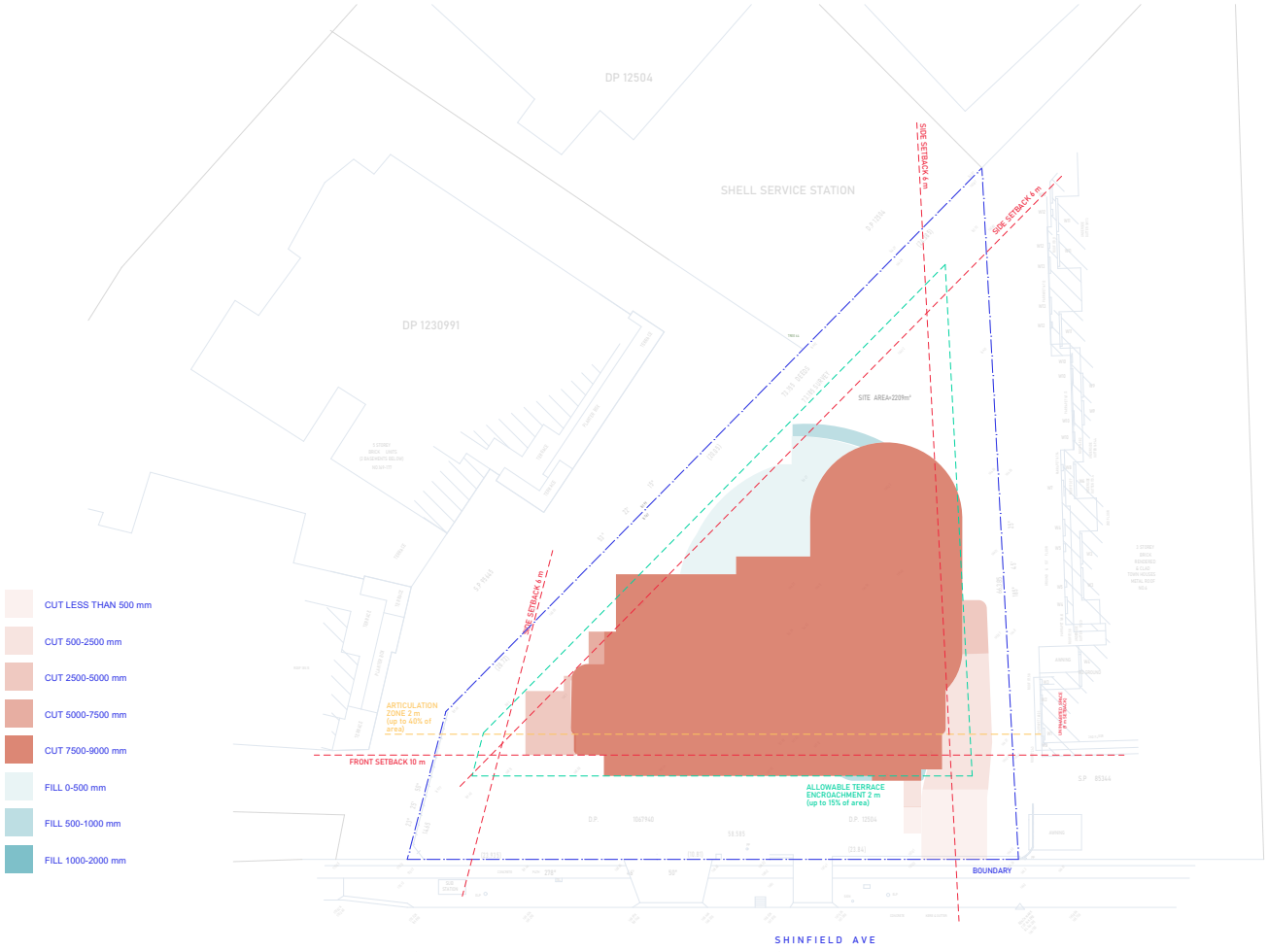
Project No.	2119	Date:	NOV 2024
Drawing No.	DA 24	Scale:	
		Date Plotted:	5/02/2025

Issue: I



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Cut and Fill Plan

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Project No.	2119	Date:	NOV 2024
Drawing No.	DA 25	Scale:	
		Date Plotted:	5/02/2025

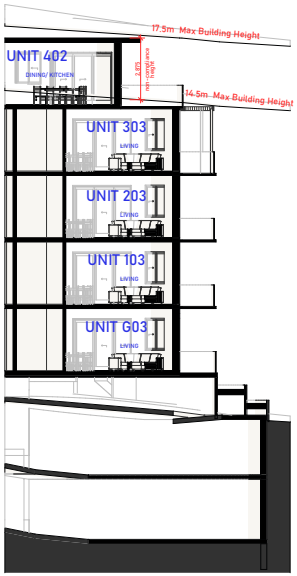
Issue: I



Height Blanket Diagram 17.5m



Height Blanket Diagram 14.5m



Height Blanket Diagram

Issue	Amendment	Date
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Height Blanket Diagram
14.5m/17.5m

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Project No.	Date	Issue
2119	NOV 2024	I
Drawing No.	Scale	
DA 26	Date Plotted: 5/02/2025	



Site Coverage

SITE COVERAGE

LANDSCAPED AREA

COMMUNAL OPEN SPACE

AREA CALCULATIONS -

SITE COVERAGE: 601.72 m2 (27.2%)	Max: (30%)
LANDSCAPED: 1249.01 m2 (56.5%)	Min: (50%)
COMMUNAL OPEN SPACE: 321.79 m2 (14.6%)	Min: (10%)

Issue	Amendment	Date
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Site Coverage

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Project No. 2119	Date: NOV 2024
Drawing No. DA 27	Scale:
	Date Plotted: 5/02/2025
	Issue: I

PROPOSED DEVELOPMENT
(No.2 - 4) SHINFIELD AVENUE, ST IVES
STORMWATER MANAGEMENT PLANS

LEGEND

- DENOTES ON-SITE DETENTION TANK
- DENOTES ON-SITE RETENTION TANK
- DENOTES DWELLING FOOTPRINT
- SW — DENOTES 100mm DIA. STORMWATER/SURFACE WATER SYSTEM PIPE AT 1% MIN. GRADE U.N.O.
- RW — DENOTES 100mm DIA. FULLY SEALED RAINWATER SYSTEM PIPE U.N.O.
- 150 RW — DENOTES RAINWATER PIPE AND DIA. WHEN PIPE EXCEEDS 100mm DIA.
- 150 SW — DENOTES STORMWATER/SURFACE WATER PIPE AND DIA. WHEN PIPE EXCEEDS 100mm DIA.
- W/RM — DENOTES RISING MAIN AND PIPE DIA. U.N.O.
- 100 SS — DENOTES SUBSOIL DRAINAGE LINE AND DIA. WRAPPED IN GEOFABRIC U.N.O.
- DP — DENOTES DOWNPIPE
- IO — DENOTES INSPECTION OPENING WITH SCREW DOWN LID AT FINISHED SURFACE LEVEL
- CO — DENOTES INSPECTION OPENING WITH SCREW DOWN LID AT FINISHED SURFACE LEVEL FOR SYSTEM FLUSHING PURPOSES
- STORMWATER PIT - SOLID COVER
- STORMWATER PIT - GRATED INLET
- DENOTES GRATED DRAIN
- DENOTES ABSORPTION TRENCH
- NON RETURN VALVE
- PUMP
- STOP VALVE (ISOLATION VALVE)
- 240v REQUIRED
- IL23.31 — DENOTES LEVEL OF INLET /OUTLET OF STORMWATER PIPE. NOTE: UNLESS NOTED OTHERWISE, THE BASE OF THE PIT IS THE SAME AS THE PIPE INLET/OUTLET.

DIAL BEFORE YOU DIG

DIAL BEFORE YOU DIG www.1100.com.au

IMPORTANT: THE CONTRACTOR IS TO MAINTAIN A CURRENT SET OF "DIAL BEFORE YOU DIG" DRAWINGS ON SITE AT ALL TIMES.

GENERAL NOTES

1. THESE PLANS SHALL BE READ IN CONJUNCTION WITH OTHER RELEVANT CONSULTANTS' PLANS, SPECIFICATIONS, CONDITIONS OF DEVELOPMENT CONSENT AND CONSTRUCTION CERTIFICATE REQUIREMENTS. WHERE DISCREPANCIES ARE FOUND HYDRACOR CONSULTING ENGINEERS PTY LTD MUST BE CONTACTED IMMEDIATELY FOR VERIFICATION
2. WHERE THESE PLANS ARE NOTED FOR DEVELOPMENT APPLICATION PURPOSES ONLY, THEY SHALL NOT BE USED FOR OBTAINING A CONSTRUCTION CERTIFICATE NOR USED FOR CONSTRUCTION PURPOSES
3. SUBSOIL DRAINAGE SHALL BE DESIGNED AND DETAILED BY THE STRUCTURAL ENGINEER. SUBSOIL DRAINAGE SHALL NOT BE CONNECTED INTO THE STORMWATER SYSTEM IDENTIFIED ON THESE PLANS UNLESS APPROVED BY HYDRACOR CONSULTING ENGINEERS PTY LTD.

STORMWATER CONSTRUCTION NOTES

1. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH AS/NZS 3500 (CURRENT EDITION) AND THE REQUIREMENTS OF THE LOCAL COUNCIL'S POLICIES AND CODES
2. THE MINIMUM SIZES OF THE STORMWATER DRAINS SHALL NOT BE LESS THAN DN90 FOR CLASS 1 BUILDINGS AND DN100 FOR OTHER CLASSES OF BUILDING OR AS REQUIRED BY THE REGULATORY AUTHORITY
3. THE MINIMUM GRADIENT OF STORMWATER DRAINS SHALL BE 1%, UNLESS NOTED OTHERWISE
4. COUNCIL'S TREE PRESERVATION ORDER IS TO BE STRICTLY ADHERED TO. NO TREES SHALL BE REMOVED UNTIL PERMIT IS OBTAINED
5. PUBLIC UTILITY SERVICES ARE TO BE ADJUSTED AS NECESSARY AT THE CLIENT'S EXPENSE
6. ALL PITS TO BE BENCHED AND STREAMLINED. PROVIDE STEP IRONS FOR ALL PITS OVER 1.2m DEEP
7. MAKE SMOOTH JUNCTION WITH ALL EXISTING WORK
8. VEHICULAR ACCESS AND ALL SERVICES TO BE MAINTAINED AT ALL TIMES TO ADJOINING PROPERTIES AFFECTED BY CONSTRUCTION
9. SERVICES SHOWN ON THESE PLANS HAVE BEEN LOCATED FROM INFORMATION SUPPLIED BY THE RELEVANT AUTHORITIES AND FIELD INVESTIGATIONS AND ARE NOT GUARANTEED COMPLETE NOR CORRECT. IT IS THE CLIENT & CONTRACTOR'S RESPONSIBILITY TO LOCATE ALL PRIOR TO CONSTRUCTION
10. ANY VARIATION TO THE WORKS AS SHOWN ON THE APPROVED DRAWINGS ARE TO BE CONFIRMED BY HYDRACOR CONSULTING ENGINEERS PTY LTD PRIOR TO THEIR COMMENCEMENT

RAINWATER RE-USE SYSTEM NOTES

1. RAINWATER SUPPLY PLUMBING TO BE CONNECTED TO OUTLETS WHERE REQUIRED BY BASIX CERTIFICATE (BY OTHERS)
2. TOWN WATER CONNECTION TO RAINWATER TANK TO BE TO THE SATISFACTION OF THE REGULATORY AUTHORITY. THIS MAY REQUIRE PROVISION OF:
   - 2.1. PERMANENT AIR GAP
   - 2.2. BACKFLOW PREVENTION DEVICE
3. NO DIRECT CONNECTION BETWEEN TOWN WATER SUPPLY AND THE RAIN WATER SUPPLY
4. AN APPROVED STOP VALVE AND/OR PRESSURE LIMITING VALVE AT THE RAINWATER TANK
5. PROVIDE APPROPRIATE FLOAT VALVES AND/OR SOLENOID VALVES TO CONTROL TOWN WATER SUPPLY INLET TO TANK IN ORDER TO ACHIEVE THE TOP-UP INDICATED ON THE TYPICAL DETAIL
6. ALL PLUMBING WORKS ARE TO BE CARRIED OUT BY LICENSED PLUMBERS IN ACCORDANCE WITH AS/NZS3500.1 NATIONAL PLUMBING AND DRAINAGE CODE
7. PRESSURE PUMP ELECTRICAL CONNECTION TO BE CARRIED OUT BY A LICENSED ELECTRICIAN
8. ONLY ROOF RUN-OFF IS TO BE DIRECTED TO THE RAINWATER TANK . SURFACE WATER INLETS ARE NOT TO BE CONNECTED
9. PIPE MATERIALS FOR RAINWATER SUPPLY PLUMBING ARE TO BE APPROVED MATERIALS TO AS/NZS3500 PART 1 SECTION 2 AND TO BE CLEARLY AND PERMANENTLY IDENTIFIED AS 'RAINWATER'. THIS MAY BE ACHIEVED FOR BELOW GROUND PIPES USING IDENTIFICATION TAPE (MADE IN ACCORDANCE WITH AS2648) OR FOR ABOVE GROUND PIPES BY USING ADHESIVE PIPE MARKERS (MADE IN ACCORDANCE WITH AS1345)
10. EVERY RAINWATER SUPPLY OUTLET POINT AND THE RAINWATER TANK ARE TO BE LABELED 'RAINWATER' ON A METALLIC SIGN IN ACCORDANCE WITH AS1319
11. ALL INLETS AND OUTLETS TO THE RAINWATER TANK ARE TO HAVE SUITABLE MEASURES PROVIDED TO PREVENT MOSQUITO AND VERMIN ENTRY

PIT GRATE INLET TYPE

GRATE TYPE	TRAFFIC CONDITIONS
A - EXTRA LIGHT DUTY	FOOTWAYS AND AREAS ACCESSIBLE ONLY TO PEDESTRIANS AND PEDAL CYCLISTS.
B - LIGHT DUTY	FOOTWAYS THAT CAN BE MOUNTED BY VEHICLE
C - MEDIUM DUTY	MALLS AND PEDESTRIAN AREAS OPEN TO SLOW MOVING COMMERCIAL VEHICLES.
D - HEAVY DUTY	CARRIAGEWAYS OF ROADS AND AREAS OPEN TO COMMERCIAL VEHICLES.

TABLE AS PER AS3996 - LATEST EDITION. ENGINEER TO BE NOTIFIED IF LOAD CONDITIONS LISTED ABOVE ARE EXCEEDED.

SHEET INDEX

COVER SHEET & NOTES	SHEET C1
STORMWATER DRAINAGE SUMMARY	SHEET C2
STORMWATER MANAGEMENT PLAN - BASEMENT 3	SHEET C3
STORMWATER MANAGEMETN PLAN - BASEMENT 2	SHEET C4
STORMWATER MANAGEMENT PLAN - BASEMENT 1	SHEET C5
STORMWATER MANAGEMENT PLAN - GROUND - PART 1	SHEET C6
STORMWATER MANAGEMENT PLAN - GROUND - PART 2	SHEET C7
STORMWATER MANAGEMENT DETAILS SHEET No.1	SHEET C8
STORMWATER MANAGEMENT DETAILS SHEET No.2	SHEET C9
STREAMFLOW CONTROL REPORT	SHEET C10
STORMWATER QUALITY REPORT SHEET 1 OF 2	SHEET C11
STORMWATER QUALITY REPORT SHEET 2 OF 2	SHEET C12

LOCALITY MAP



DEVELOPMENT APPLICATION ISSUE
NOT FOR CONSTRUCTION

DRAWINGS MUST BE PRINTED IN COLOUR

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Issue	Description	Date	Drawn	Approved
B	ISSUED FOR DEVELOPMENT APPROVAL	18.10.24	RH	BK
A	ISSUED FOR REVIEW & COMMENT	10.10.24	RH	BK

1cm at full size — 10cm

North

Client: LA SALLE GROUP HOLDINGS PTY LTD

Architect: GELDER GROUP ARCHITECTS

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Project: PROPOSED RESIDENTIAL DEVELOPMENT
No. 2 - 4
SHINFIELD AVENUE
ST IVES

Drawing Title: COVER SHEET & NOTES

Drawn	Date	Scale A1	Q.A. Check	Date
RH	SEPT 24	AS SHOWN	Q.A.	Q.A. DATE

Designed	Project No.	Dwg. No.	Issue
BK	CC240115	C1	B

KU-RING-GAI DCP PART 24 STORMWATER DRAINAGE SUMMARY

SITE AREA . . . . . 2209 m²

PRE-DEVELOPED IMPERVIOUS AREA . . . . . - m²

POST DEVELOPED IMPERVIOUS AREA 1048

DESIGN SUMMARY IN RESPONSE TO THE KU-RING-GAI DCP PART 24 - WATER MANAGEMENT:

- STORMWATER DISCHARGE (24B.5)

  ON-SITE DETENTION / RAINWATER TANK OVERFLOW AND SURFACE

  PITS TO DISCHARGE TO SHINFIELD AVENUE

- STREAM FLOW CONTROLS PART 24 CLAUSE 24.C3

  PROPOSAL

  PROVISION OF 13,000 LITRE RAINWATER TANK.

  REFER TO SHEET C6 & C8

- ON-SITE DETENTION PART 24 CLAUSE 24.C5

  REFER TO CALCULATION SHEET.

  PROPOSAL

  PROVISION OF 36,000 LITRE MIN. ON-SITE DETENTION TANK

  REFER TO SHEET C6 & C8

- WATER QUALITY PART 24 CLAUSE 24.C6

  PROPOSAL

  PROVISION OF: 13,000 LITRE MINIMUM RAINWATER TANK

  2 x SPEL FILTERS (FULL HEIGHT)

  1 x STORMSACK INSERT

  REFER TO SHEETS C10 & C12

CATCHMENT DETAIL ON-SITE DETENTION CALCULATION SHEET - 24R.4

1. CATCHMENT NAME RC1
2. CATCHMENT DISCHARGE RATE 0.0124 l/sec/m² **A**
3. CATCHMENT STORAGE RATE 0.0345 m³/m² **B**

SITE DETAILS

4. SITE AREA (m²) 2209 60% OF SITE AREA m² 1325 **C**
5. AREA(S) NOT DRAINING TO THE DETENTION SYSTEM N/A m²
6. TOTAL IMPERVIOUS AREA (ROOFS, DRIVEWAYS, PAVING, FUTURE DEV.) 1048 m² **D**
7. IMPERVIOUS AREA BYPASSING DETENTION SYSTEM 0 m² **E**

PERMITTED SITE DISCHARGE

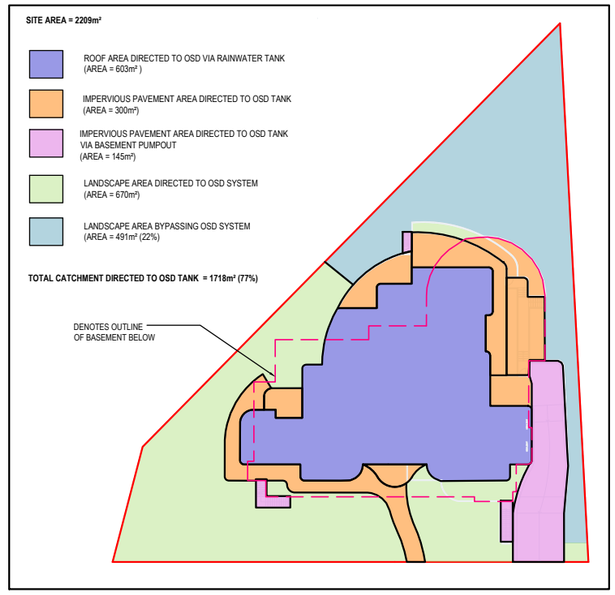
8. C[1048 * m²] x A [0.0124 l/sec/m²] = 13 l/sec **Flow 1**
9. ADJUSTMENT FOR ANY UNCONTROLLED IMPERVIOUS FLOW E / D= 0.0 (<0.25) **F**
10. FLOW 1 [- l/sec x F [-] = - l/sec **Flow 2**
11. FLOW 1 [-] - FLOW 2 [-] = - l/sec **PSD**

SITE STORAGE REQUIREMENT

12. C [1048 * m²] x B [0.0345 m³/m²] = 36 m³ **SSR1**
13. IF THE STORAGE IS IN A LANDSCAPED BASIN, SSR1 x 1.2 = m³ N/A **SSR2**

* NOTE: OSD HAS BEEN PROVIDED BASED ON BUILT UPON AREA (1048m²)

SITE CATCHMENT SUMMARY PLAN



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North

1cm at full size 10cm

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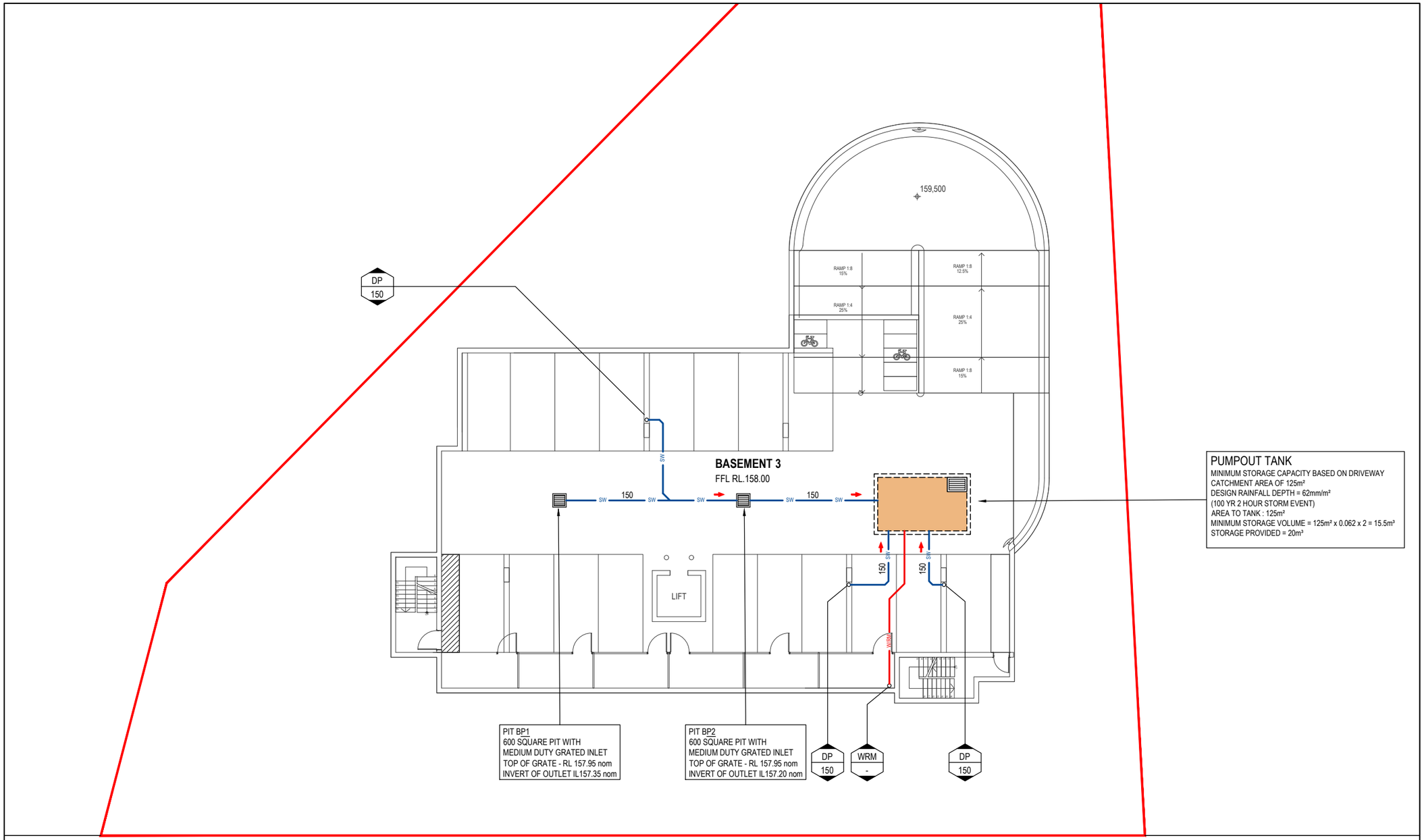
Project: PROPOSED RESIDENTIAL DEVELOPMENT
No. 2 - 4
SHINFIELD AVENUE
ST IVES

Drawing Title: STORMWATER DRAINAGE SUMMARY

Drawn	Date	Scale A1	Q.A. Check	Date
RH	SEPT 24	AS SHOWN	Q.A.	Q.A. DATE
Designed	**Project No.**		**Dwg. No.**	**Issue**
BK	CC240115		C2	B



STORMWATER MANAGEMENT PLAN

SCALE - 1:100/A1, 1:200/A3

0 1 2 4 6 8 10m

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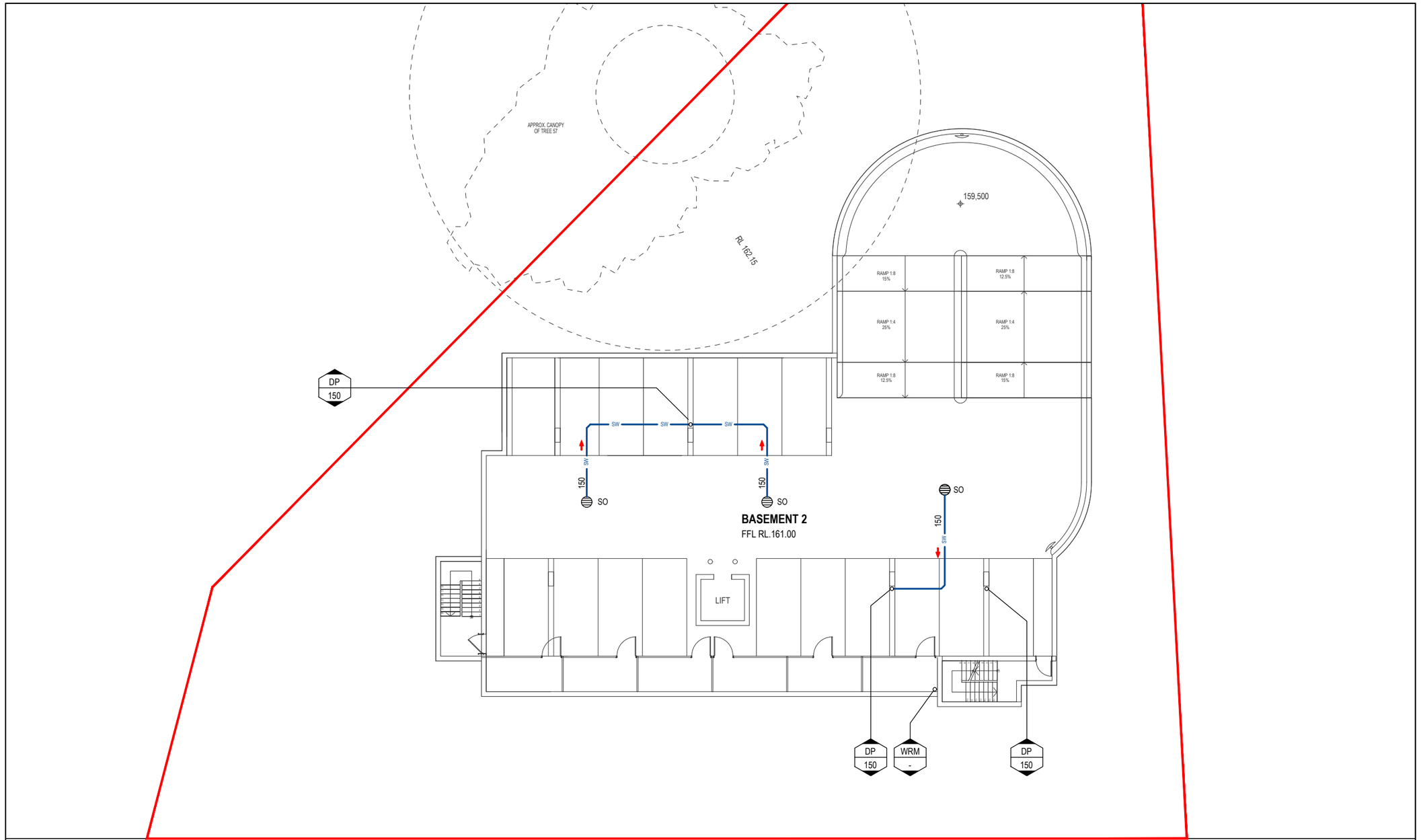
Project: PROPOSED RESIDENTIAL DEVELOPMENT
No. 2 - 4
SHINFIELD AVENUE
ST IVES

Drawing Title: STORMWATER MANAGEMENT PLAN - BASEMENT 3

Drawn	Date	Scale A1	Q.A. Check	Date
RH	SEPT 24	AS SHOWN	-	-
Designed	**Project No.**		**Dwg. No.**	**Issue**
BK	CC240115		C3	B



STORMWATER MANAGEMENT PLAN

SCALE - 1:100/A1, 1:200/A3

0 1 2 4 6 8 10m

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0 10cm at full size

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Project: PROPOSED RESIDENTIAL DEVELOPMENT
No. 2 - 4
SHINFIELD AVENUE
ST IVES

Drawing Title: STORMWATER MANAGEMENT PLAN - BASEMENT 2

Drawn	Date	Scale A1	Q.A. Check	Date
RH	SEPT 24	AS SHOWN	-	-

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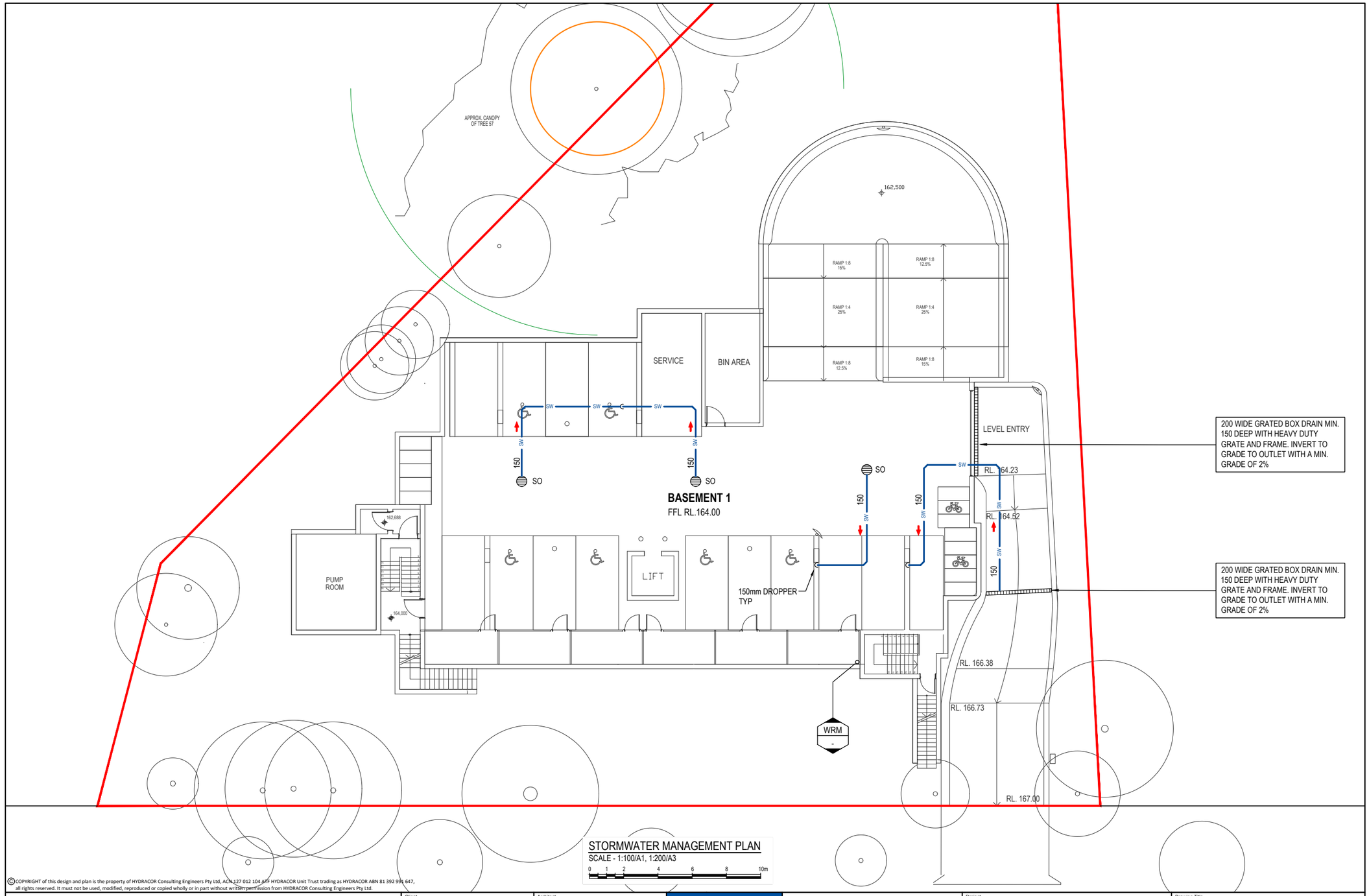
BK	CC240115	C4	B



STORMWATER MANAGEMENT PLAN
SCALE - 1:100/A1, 1:200/A3
0 1 2 4 6 8 10m

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North

Client: LA SALLE GROUP HOLDINGS PTY LTD

Architect: GELDER GROUP ARCHITECTS

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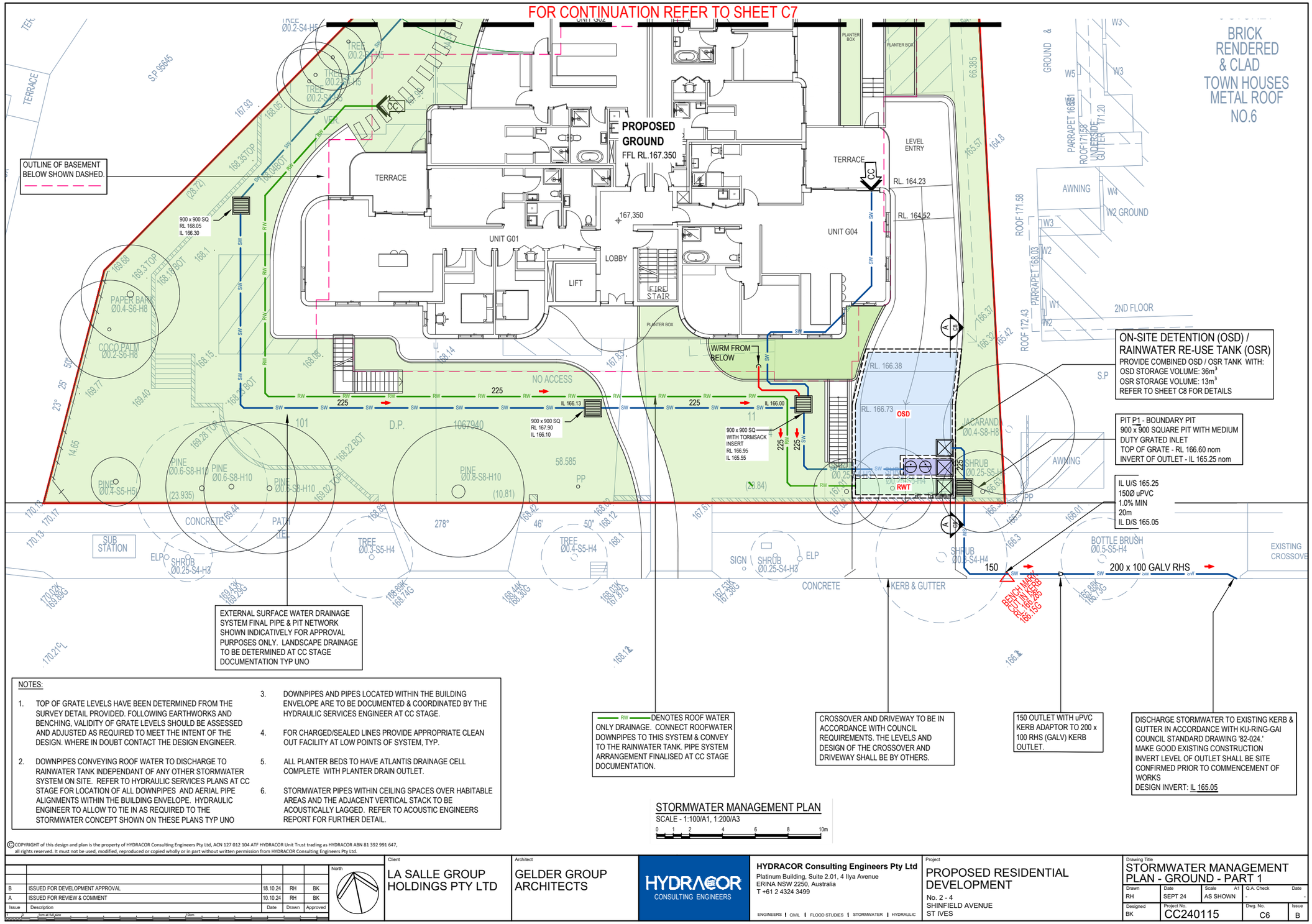
Project: PROPOSED RESIDENTIAL DEVELOPMENT
No. 2 - 4 SHINFIELD AVENUE ST IVES

Drawing Title: STORMWATER MANAGEMENT PLAN - BASEMENT 1

Drawn	Date	Scale A1	Q.A. Check	Date
RH	SEPT 24	AS SHOWN	-	-
Designed	**Project No.**		**Dwg. No.**	**Issue**
BK	CC240115		C5	B



NOTES:

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2. DOWNPIPES CONVEYING ROOF WATER TO DISCHARGE TO RAINWATER TANK INDEPENDANT OF ANY OTHER STORMWATER SYSTEM ON SITE. REFER TO HYDRAULIC SERVICES PLANS AT CC STAGE FOR LOCATION OF ALL DOWNPIPES AND AERIAL PIPE ALIGNMENTS WITHIN THE BUILDING ENVELOPE. HYDRAULIC ENGINEER TO ALLOW TO TIE IN AS REQUIRED TO THE STORMWATER CONCEPT SHOWN ON THESE PLANS TYP UNO
3. DOWNPIPES AND PIPES LOCATED WITHIN THE BUILDING ENVELOPE ARE TO BE DOCUMENTED & COORDINATED BY THE HYDRAULIC SERVICES ENGINEER AT CC STAGE.
4. FOR CHARGED/SEALED LINES PROVIDE APPROPRIATE CLEAN OUT FACILITY AT LOW POINTS OF SYSTEM, TYP.
5. ALL PLANTER BEDS TO HAVE ATLANTIS DRAINAGE CELL COMPLETE WITH PLANTER DRAIN OUTLET.
6. STORMWATER PIPES WITHIN CEILING SPACES OVER HABITABLE AREAS AND THE ADJACENT VERTICAL STACK TO BE ACOUSTICALLY LAGGED. REFER TO ACOUSTIC ENGINEERS REPORT FOR FURTHER DETAIL.

STORMWATER MANAGEMENT PLAN

SCALE - 1:100/A1, 1:200/A3

0 1 2 4 6 8 10m

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SHINFIELD AVENUE
ST IVES

Drawing Title: STORMWATER MANAGEMENT PLAN - GROUND - PART 1

Drawn	Date	Scale A1	Q.A. Check	Date
RH	SEPT 24	AS SHOWN	-	-
Designed	**Project No.**		**Dwg. No.**	**Issue**
BK	CC240115		C6	B

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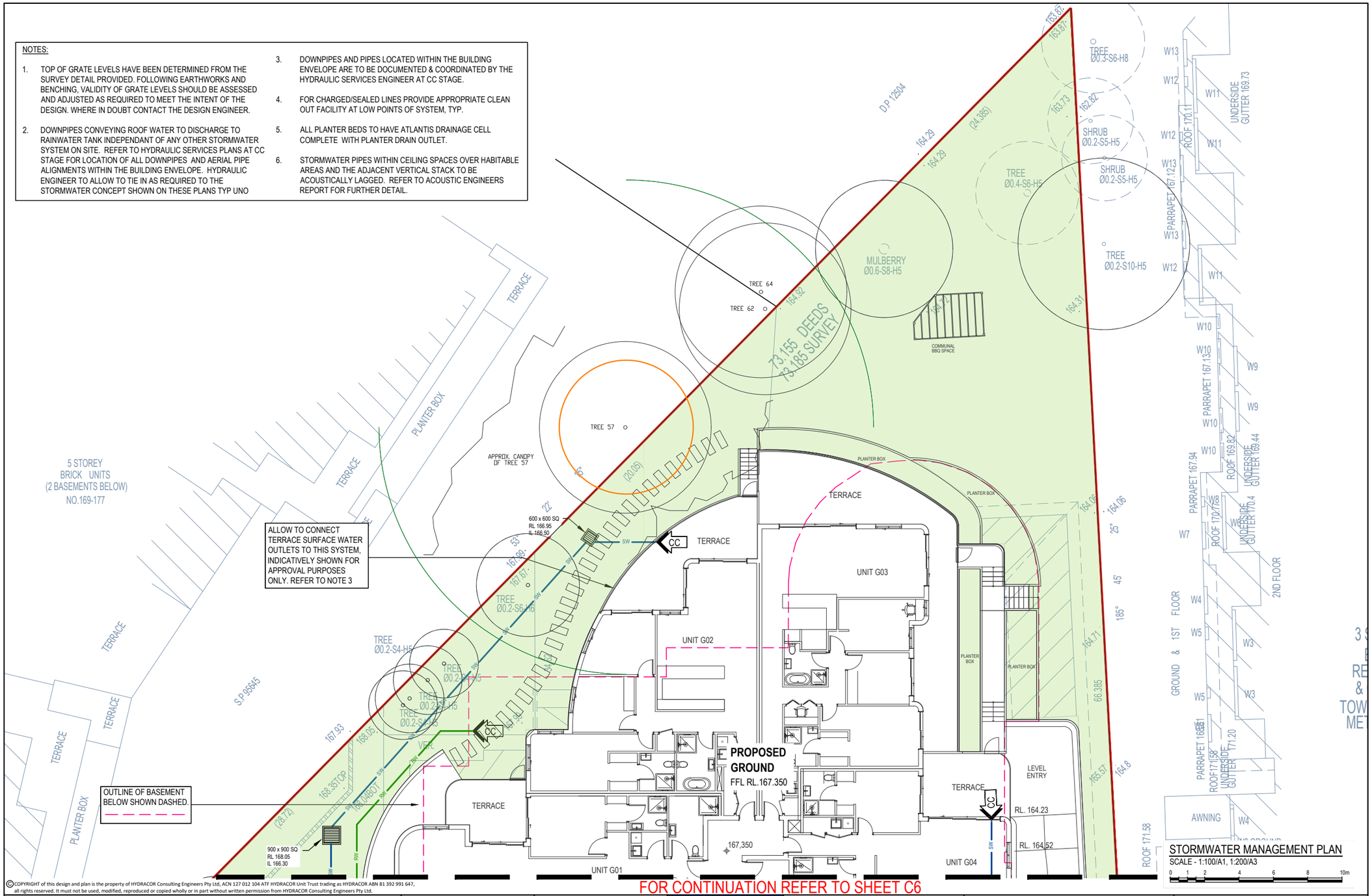

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FOR CONTINUATION REFER TO SHEET C6

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Architect: GELDER GROUP ARCHITECTS

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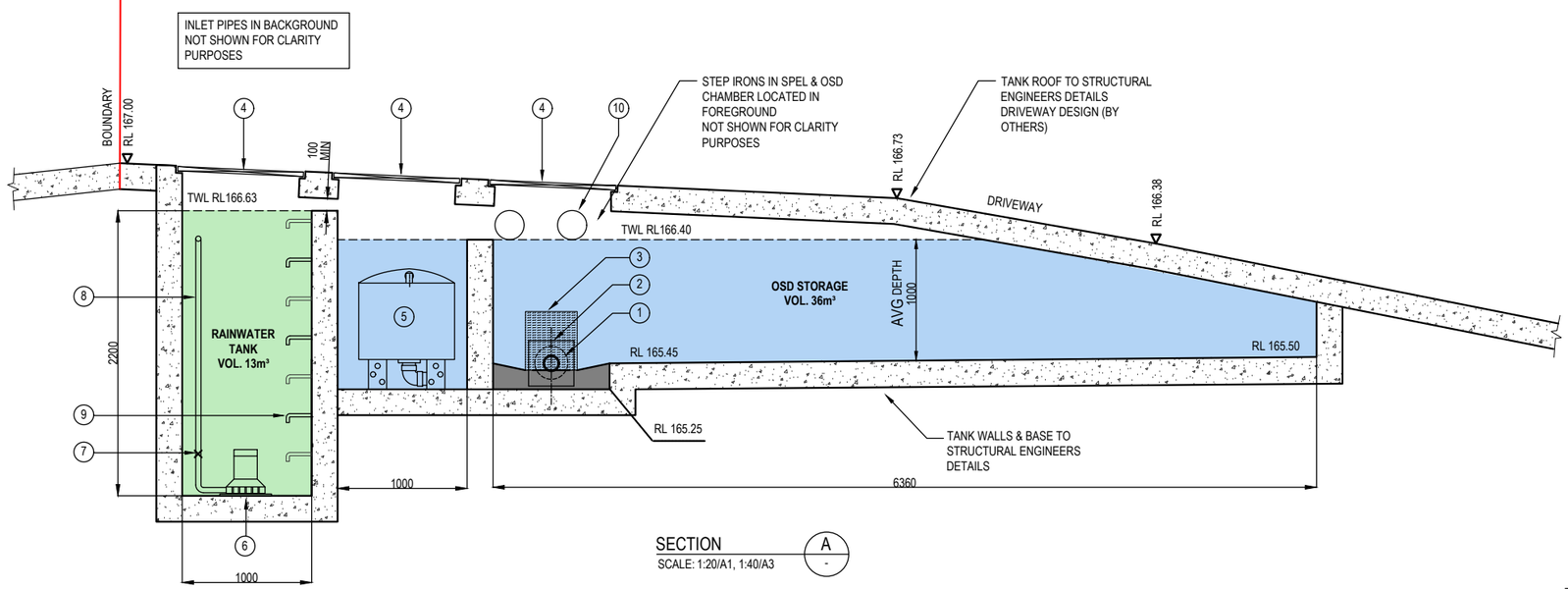
Project: PROPOSED RESIDENTIAL DEVELOPMENT
No. 2 - 4
SHINFIELD AVENUE
ST IVES

Drawing Title: STORMWATER MANAGEMENT PLAN - GROUND - PART 2

Drawn	Date	Scale	A1	Q.A. Check	Date
RH	SEPT 24	AS SHOWN		-	-
Designed	Project No.			Dwg. No.	Issue
BK	CC240115			C7	B



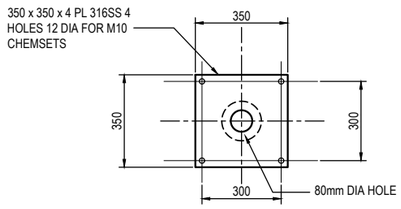
SECTION A
SCALE: 1:20/A1, 1:40/A3

DANGER
CONFINED SPACE
NO ENTRY WITHOUT CONFINED SPACE TRAINING

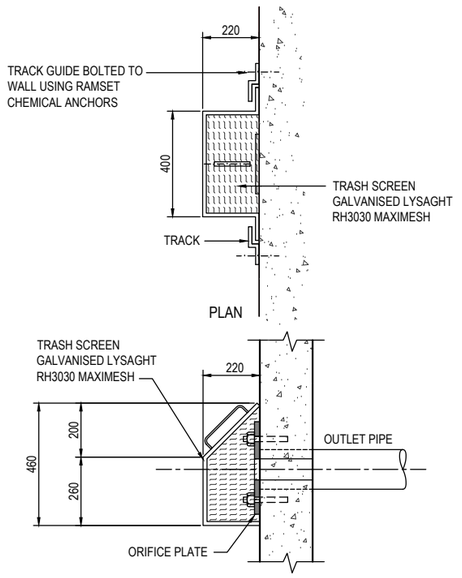
PROVIDE CONFINED SPACE SIGNAGE AT ENTRY POINTS INTO TANK.

LEGEND

1	OSD DISCHARGE PIPE	8	NON POTABLE WATER RISING MAIN BY OTHERS. REFER TO HYDRAULIC SERVICES ENGINEERS PLANS
2	350 x 350 x 4 PL 316SS 4 HOLES 12 DIA FOR M10 CHEMSETS	9	PROVIDE GALVANISED STEP IRONS AT 300mm CENTRES WHERE DEPTH EXCEEDS 1100mm IN ACCORDANCE WITH THE AUST. STANDARDS AT ALL ACCESS POINTS OF THE TANK, TYP.
3	TRASH SCREEN LYSAGHT RH3030 GALV. REMOVABLE WITH HANDLE	10	2 x 225 DIA HIGH LEVEL OVERFLOW PIPES
4	900 x 900 SOLID COVER BOLTED DOWN		
5	SPEL WATER QUALITY TREATMENT FILTER (2 OFF)		
6	RE-USE PUMP BY OTHERS. REFER TO HYDRAULIC SERVICES ENGINEERS PLANS FOR DETAILS		
7	NON-RETURN VALVE		



DETAIL 2 - ORIFICE PLATE
SCALE 1:10/A1, 1:20/A3



DETAIL 1 - TRASH SCREEN
SCALE 1:10/A1, 1:20/A3

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North

0 10cm at full size 100m

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ST IVES

Drawing Title: STORMWATER MANAGEMENT DETAIL SHEET No. 1

Drawn	Date	Scale A1	Q.A. Check	Date
RH	SEPT 24	AS SHOWN	Q.A.	Q.A. DATE
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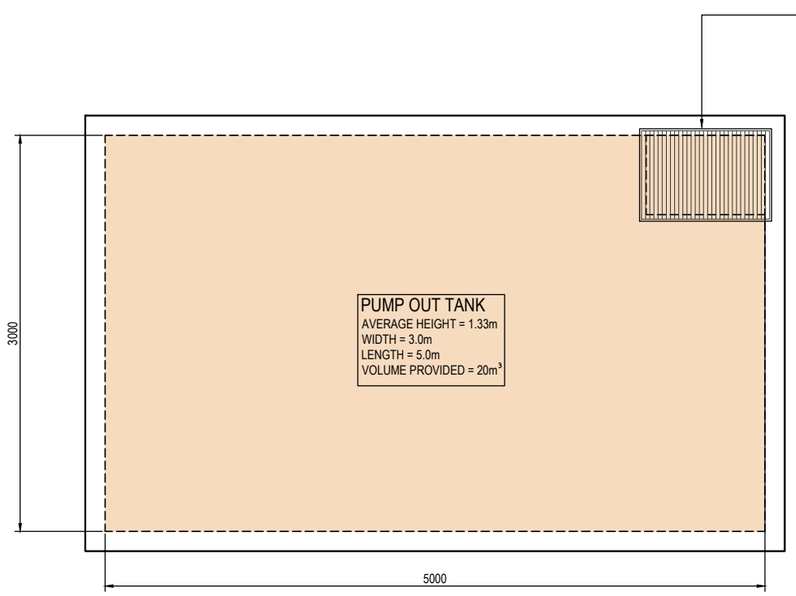
BK	CC240115		C8	B



PUMP OUT TANK PLAN
SCALE 1:20/A1, 1:40/A3

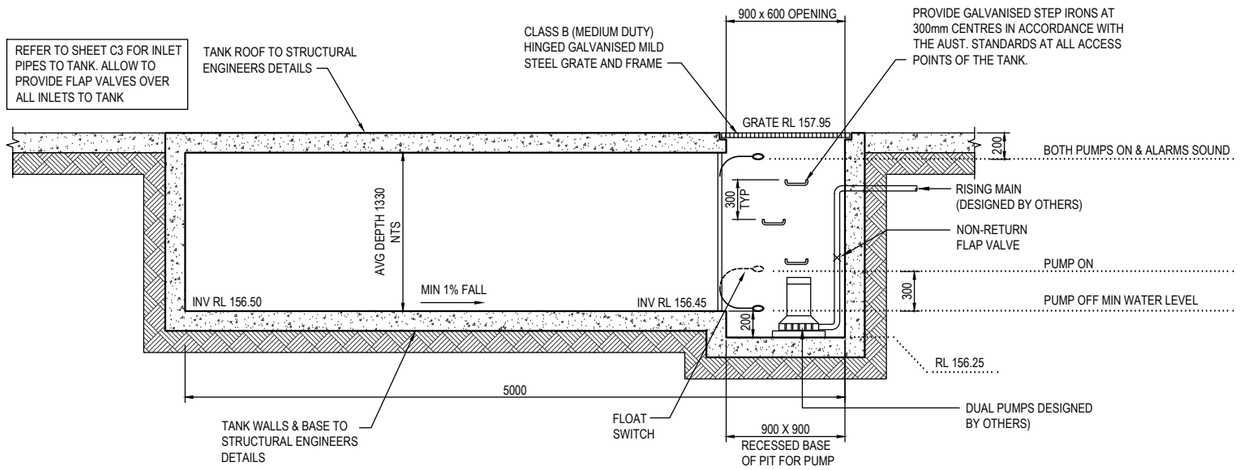


PROVIDE CONFINED SPACE SIGNAGE AT ENTRY POINTS INTO TANK.

STANDARD PUMP OUT DESIGN NOTES

THE PUMP SYSTEM SHALL BE OPERATED IN THE FOLLOWING MANNER:-

1. THE PUMPS SHALL BE PROGRAMMED TO WORK ALTERNATELY TO ALLOW BOTH PUMPS TO HAVE AN EQUAL OPERATION LOAD AND PUMP LIFE
2. A FLOAT SHALL BE PROVIDED TO ENSURE THAT THE MINIMUM REQUIRED WATER LEVEL IS MAINTAINED WITHIN THE SUMP AREA OF THE BELOW GROUND TANK. IN THIS REGARD THIS FLOAT WILL FUNCTION AS AN OFF SWITCH FOR THE PUMPS AT THE MINIMUM WATER LEVEL. THE SAME FLOAT SHALL BE SET TO TURN ONE OF THE PUMPS ON UPON WATER LEVEL IN THE TANK RISING TO APPROXIMATELY 300mm ABOVE THE MINIMUM WATER LEVEL. THE PUMP SHALL OPERATE UNTIL THE TANK IS DRAINED TO THE MINIMUM WATER LEVEL.
3. A SECOND FLOAT SHALL BE PROVIDED AT A HIGH LEVEL, WHICH IS APPROXIMATELY THE ROOF LEVEL OF THE BELOW GROUND TANK. THIS FLOAT SHALL START THE OTHER PUMP THAT IS NOT OPERATING AND ACTIVATE THE ALARM.
4. AN ALARM SYSTEM SHALL BE PROVIDED WITH A FLASHING STROBE LIGHT AND A PUMP FAILURE WARNING SIGN WHICH ARE TO BE LOCATED AT THE DRIVEWAY ENTRANCE TO THE BASEMENT LEVEL. THE ALARM SYSTEM SHALL BE PROVIDED WITH A BATTERY BACK-UP IN CASE OF POWER FAILURE.
5. A CONFINED SPACE DANGER SIGN SHALL BE PROVIDED AT ALL ACCESS POINTS TO THE PUMP OUT STORAGE TANK.



TYPICAL SECTION THROUGH PUMP OUT TANK
SCALE 1:20/A1, 1:40/A3

PUMP-OUT TANK MAINTENANCE SCHEDULE

MAINTENANCE CONTRACT

NOTE: A 24 HOUR X 12 MONTHLY EMERGENCY AND MAINTENANCE CONTRACT SHALL BE OBTAINED FROM A COMPANY CAPABLE OF EXECUTING THE WORK AND SHALL BE KEPT IN FORCE BY THE PROPERTY OWNER(S) FOR THE LIFE OF THE BUILDING.

THE MAINTENANCE CONTRACT SHALL BE CARRIED OUT EVERY THREE (3) MONTHS AND SHALL INCLUDE THE FOLLOWING ACTIVITIES:

1. CLEAN OUT ALL PITS OF SILT AND DEBRIS.
2. CHECK AND CLEAN OUT, IF NECESSARY, ALL PIPELINES.
3. CHECK:
   - 3.1. PUMPS FOR WEAR
   - 3.2. PUMP OIL SEALS
   - 3.3. PUMP STRAINER AND CLEAN
4. CARRY OUT ROUTINE MAINTENANCE TO PUMPS AS RECOMMENDED BY THE MANUFACTURER.
5. CHECK OPERATIONAL SEQUENCE OF LEVEL SWITCHES, PUMPS AND CONTROL PANEL.
6. THE EMERGENCY CONTRACT SHALL PROVIDE FOR A 24 HOUR X 7 DAY PER WEEK SERVICE.

THE CONTRACTOR SHALL PROVIDE A NAME PLATE STATING NAME, WORKING HOURS, TELEPHONE NUMBER AND OUT OF HOURS NUMBER AND SUCH NAME PLATE SHALL BE FIXED TO THE FRONT OF THE CONTROL PANEL.

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Architect: GELDER GROUP ARCHITECTS

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No. 2 - 4
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ST IVES

Drawing Title: STORMWATER MANAGEMENT DETAIL SHEET No. 2

Drawn	Date	Scale A1	Q.A. Check	Date
RH	SEPT 24	AS SHOWN	Q.A.	Q.A. DATE

Designed	Project No.	Dwg. No.	Issue
BK	CC240115	C9	B

STREAM FLOW CONTROL REPORT

INTRODUCTION & METHODOLOGY

WE REFER TO KU-RING-GAI COUNCIL DEVELOPMENT CONTROL PLAN AND SPECIFICALLY CLAUSE 24C.3 SECTION 4 WHICH REQUIRES THE ASSESSMENT OF A RAINWATER TANK SYSTEM WHICH PROVIDES A 50% REDUCTION IN RUNOFF DAYS. IN ORDER TO DETERMINE THE RAINWATER TANK VOLUME REQUIRED TO MEET THE 50% REDUCTION TARGET A WATER BALANCE MODEL WAS DEVELOPED TO REPRESENT THE WATER TRANSPORTATION PROCESS IDENTIFIED IN FIGURE 1 BELOW.

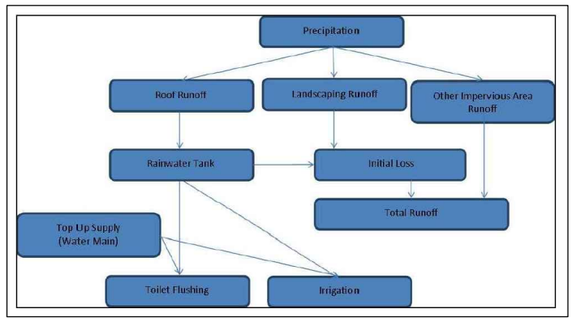

FIGURE 1. WATER BALANCE MODEL SUMMARY

THE METHODOLOGY ADOPTED, ASSESSES THE STORMWATER RUNOFF DIRECTED TO THE TANK ON A DAILY BASIS AND THE DAILY DRAWDOWN ASSOCIATED WITH DOMESTIC USAGE. THE MODELLING PRODUCES A DAILY TIME SERIES FOR THE AVAILABLE STORAGE IN THE TANK, DAILY MAINS WATER TOP UP, SPILL DURING STORMS, AND THE STORAGE LEVEL IN THE TANK.

WATER BALANCE SUMMARY

Post-development site (no management measures)			Post-development site (with management measures)		
areas			**areas**		
total area	2209.7	m^2	total area	2209.7	m^2
impervious area draining to re-use	0	m^2	impervious area draining to re-use	603.7	m^2
pervious area	1161	m^2	pervious area	1161	m^2
impervious area graded to landscaping	0	m^2	impervious area graded to landscaping	445	m^2
impervious area bypassing reuse & landscapin	1048.7	m^2	impervious area bypassing reuse & landscapin	0	m^2
reuse			**reuse**		
reuse tank volume	0	m^3	reuse tank volume	13	m^3
initial fraction full of reuse tanks	0		initial fraction full of reuse tanks	0	
daily reuse	0	m^3	daily reuse	0	m^3
irrgiation use per week	0	m	irrgiation use per week	0.02	m
losses			**losses**		
pervious area loss (mm)	12	mm	pervious area loss (mm)	12	mm
impervious area loss (mm) **	1	mm	impervious area loss (mm) **	1	mm
area to re-use loss (mm) *	0.5	mm	area to re-use loss (mm) *	0.5	mm
statistics			**statistics**		
Number of runoff days	3070		Number of runoff days	1533	
number of tank spill days	0		number of tank spill days	1071	
total runoff volume	59,034.18		total runoff volume	45,982.44	
number of simulated days	11323		number of simulated days	11323	
number of rain events	4595		number of rain events	4595	
days reuse demand met	0		days reuse demand met	9781	
number of irrigation days	0		number of irrigation days	1618	
			reduction in runoff days	**50.1%**	
			reduction in runoff volume	**22.1%**	

WATER BALANCE DATA SUMMARY

AS SHOWN ABOVE REUSE IS ONLY REQUIRED TO CONNECT TO IRRIGATION TO ACHIEVE COMPLIANCE WITH COUNCIL'S REQUIREMENTS FOR RUNOFF REDUCTION.

CONCLUSION

BASED ON THE FOREGOING A MINIMUM TOTAL RAINWATER TANK VOLUME OF 13KL IS REQUIRED TO REDUCE RUNOFF DAYS BY 50.1%.

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No. 2 - 4
SHINFIELD AVENUE
ST IVES

Drawing Title: STREAMFLOW QUALITY REPORT

Drawn	Date	Scale	A1	Q.A. Check	Date
RH	SEPT 24	NTS		Q.A.	Q.A. DATE

Designed	Project No.	Dwg. No.	Issue
BK	CC240115	C10	B

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STORMWATER QUALITY REPORT

1 INTRODUCTION

A CATCHMENT BASED WATER QUALITY MODEL WAS DEVELOPED TO ASSESS THE STORMWATER RUNOFF QUALITY IN ACCORDANCE WITH THE REQUIREMENTS OF KU-RING-GAI DEVELOPMENT CONTROL PLAN PART 24 CLAUSE 24C.6 'STORMWATER QUALITY CONTROL.' IN THIS REGARD WE REFER TO THE PRESCRIBED TARGETS TABLED FOLLOWING:

TABLE 1 - STORMWATER POLUTANT REDUCTION TARGETS (MUSIC v6.3.0)

STORMWATER POLLUTANT	REDUCTION TARGETS
GROSS POLLUTANT	70%
TOTAL SUSPENDED SOLIDS (TSS)	85%
TOTAL PHOSPHORUS (TP)	65%
TOTAL NITROGEN (TN)	45%

2 STUDY METHODOLOGY

THE OBJECTIVES OF THIS REPORT ARE TO:

- ASSESS THE RUNOFF QUALITY FOR THE UNTREATED POST DEVELOPED SCENARIO AND IDENTIFY STORMWATER QUALITY CONTROLS LIKELY TO IMPACT ON RUNOFF QUALITY.
- ASSESS THE STORMWATER QUALITY FOR THE POST DEVELOPED SCENARIO INCLUDING THE MEASURES PROPOSED TO MEET THE POLLUTANT REMOVAL TARGETS .

THE REPORT IS BASED ON THE APPLICATION OF MUSIC SOFTWARE (MODEL FOR URBAN STORMWATER IMPROVEMENT CONCEPTUALISATION). IN THIS REGARD THE MODEL IS DEFINED AS FOLLOWS:

- A STORMWATER QUALITY MODEL TO CONVERT RAINFALL AND EVAPOTRANSPIRATION INTO RUNOFF.
- ESTIMATION OF STORMWATER FLOW AND POLLUTION GENERATION BY SIMULATING THE PERFORMANCE OF STORMWATER TREATMENT DEVICES INDIVIDUALLY AND AS PART OF A TREATMENT TRAIN.

THE MODEL DEFINES WATER QUALITY PROFILES FOR BOTH TREATED AND UNTREATED POST DEVELOPED SCENARIOS. THE TREATED POST DEVELOPED MODEL INCLUDES PARAMETERS WHICH REPRESENT THE WATER QUALITY MEASURES.

3 STORMWATER QUALITY MODELLING

3.1 GENERAL

THE FOLLOWING PARAMETERS WERE ASSESSED FOR THE HYDROLOGICAL MODELLING ASSOCIATED WITH THE CATCHMENT.

- RAINFALL/RUNOFF AND EVAPOTRANSPIRATION.
- SUB CATCHMENT DIVERSIONS.
- LAND USE (PERVIOUS AND IMPERVIOUS)

3.2 RAINFALL/RUNOFF AND EVAPOTRANSPIRATION

COUNCIL'S MUSIC-LINK DATA VERSION 6.33 WAS UTILISED IN THIS STUDY. THEREFORE DAILY RAINFALL DATA WAS OBTAINED FROM THE SYDNEY OBSERVATORY HILL RAINFALL STATION WITH 6 min TIMESTEP, STATION NO. 066062. THE DEFAULT KU-RING-GAI COUNCIL MUSIC LINK MONTHLY AVERAGE POTENTIAL EVAPOTRANSPIRATION DATA WAS ALSO UTILISED IN THIS STUDY.
THE DETAILS ARE SUMMARISED IN TABLE 3.1 AND 3.2

TABLE 3.1 - DETAILS OF DAILY RAINFALL DATA

STATION	NAME	PERIOD	TIMESTEP
066062	SYDNEY OBSERVATORY HILL	01/01/1963-31/12/1993	6 min

TABLE 3.2 - SUMMARY OF POTENTIAL EVAPOTRANSPIRATION (PET)

JAN	FEB	MAR	APR	MAY	JUN
180	135	128	85	58	43
JUL	AUG	SEP	OCT	NOV	DEC
43	58	88	127	152	163

3.3 CATCHMENT DEFINITION

THE POST DEVELOPED CATCHMENT CHARACTERISTICS ARE IDENTIFIED IN TABLE 3.3.

TABLE 3.3 - POST DEVELOPMENT SUB CATCHMENT DETAILS

SUB CATCHMENT ID	SUB CATCHMENT AREA (ha)	% IMPERVIOUS AREA	% PERVIOUS AREA
ROOF	0.060	100	0
IMPERVIOUS AREA TO TREATMENT	0.045	100	0
LANDSCAPE AREA TO TREATMENT	0.067	0	100
LANDSCAPE BYPASS AREA	0.049	0	100

4 MUSIC MODEL

THE MUSIC MODEL IS BASED ON A 6 min RAINFALL-RUNOFF MODEL IN CONJUNCTION WITH REPRESENTATIVE BASEFLOW AND STORMFLOW EVENT MEAN CONCENTRATIONS (EMCs).

4.1 WATER QUALITY PARAMETERS

THE ADOPTED VALUES OF VARIOUS MUSIC RAINFALL AND RUNOFF PARAMETERS ARE SUMMARISED IN TABLE 4.1 AS PER THE DEFAULT NODE VALUES WHEN ADOPTING THE KU-RING-GAI COUNCIL MUSIC LINK.

TABLE 4.1 - ADOPTED MUSIC RAINFALL/RUNOFF PARAMETERS

PARAMETER	VALUE
IMPERVIOUS AREA PROPERTIES	
RAINFALL THRESHOLD (mm/DAY)	1.0
PERVIOUS AREA PROPERTIES	
SOIL STORAGE CAPACITY (mm)	170
SOIL INITIAL STORAGE (% OF CAPACITY)	30
FIELD CAPACITY (mm)	70
INFILTRATION CAPACITY COEFFICIENT - a	210
INFILTRATION CAPACITY EXPONENT - b	4.70
GROUNDWATER PROPERTIES	
INITIAL DEPTH (mm)	10
DAILY RECHARGE RATE (%)	50
DAILY BASEFLOW RATE (%)	5
DAILY DEEP SEEPAGE RATE (%)	0

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Issue	Description	Date	Drawn	Approved
B	ISSUED FOR DEVELOPMENT APPROVAL	18.10.24	RH	BK
A	ISSUED FOR REVIEW & COMMENT	10.10.24	RH	BK

North

Client: LA SALLE GROUP HOLDINGS PTY LTD

Architect: GELDER GROUP ARCHITECTS

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ENGINEERS | CIVIL | FLOOD STUDIES | STORMWATER | HYDRAULIC

Project: PROPOSED RESIDENTIAL DEVELOPMENT
No. 2 - 4
SHINFIELD AVENUE
ST IVES

Drawing Title: STORMWATER QUALITY REPORT SHEET 1 OF 2

Drawn	Date	Scale	A1	Q.A. Check	Date
RH	SEPT 24	NTS		Q.A.	Q.A. DATE
Designed	Project No.			Dwg. No.	Issue
BK	CC240115			C11	B

4.1 WATER QUALITY PARAMETERS CONT.

STORMWATER QUALITY IS CHARACTERISED USING EVENT MEAN CONCENTRATION (EMCs) UNDER STORM AND BASE FLOW CONDITIONS. THE VALUE OF WATER QUALITY PARAMETERS ADOPTED IN THIS STUDY IS SUMMARISED IN TABLE 4.2

TABLE 4.2 - ADOPTED MUSIC WATER QUALITY PARAMETERS

LAND-USE CATEGORY		Log_{10}TSS (mg/L)		Log_{10}TP (mg/L)		Log_{10}TN (mg/L)	
		STORM FLOW	BASE FLOW	STORM FLOW	BASE FLOW	STORM FLOW	BASE FLOW
GENERAL URBAN	MEAN	2.15	1.20	-0.60	-0.85	0.30	0.11
	STD DEV	0.32	0.17	0.25	0.19	0.19	0.12
ROADS	MEAN	2.43	1.20	-0.3	-0.85	0.34	0.11
	STD DEV	0.32	0.17	0.25	0.19	0.19	0.12
ROOFS	MEAN	1.30	1.10	-0.89	-0.82	0.30	0.32
	STD DEV	0.32	0.17	0.25	0.19	0.19	0.12

4.2 STORMWATER TREATMENT MEASURES

THE PROPOSED STORMWATER TREATMENT MEASURES INCLUDED IN THE POST DEVELOPED MODEL ARE AS FOLLOWS:

- 13,000 LITRE OSR TANK (FOR IRRIGATION ONLY)
- 1 X ATLAN STORMSACK BASKET
- 2 X ATLAN ATLANFILTERS (FULL HEIGHT)

THE SCHEMATIC LAYOUT FOR THE POST DEVELOPED MUSIC MODEL IS DEPICTED IN FOLLOWING FIGURE 1

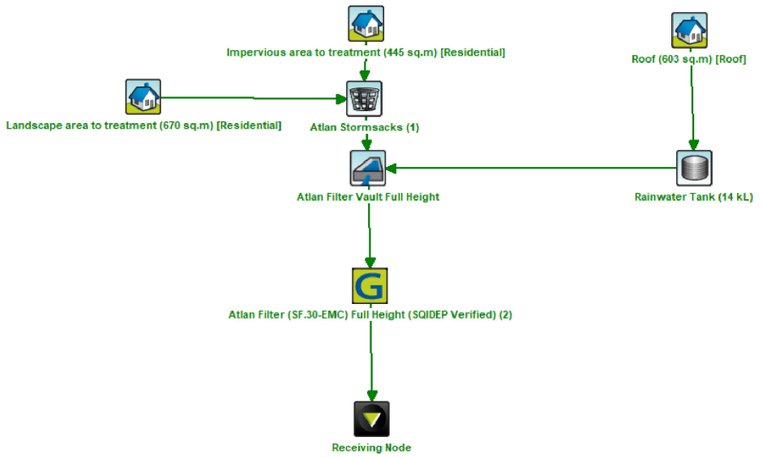

FIGURE 1 - MUSIC MODEL SCHEMATIC

5 RESULTS & CONCLUSION

BASED ON THE FOREGOING THE PROPOSED STORMWATER QUALITY TREATMENT MEASURES MEET THE REQUIRED TARGETS OF KU-RING-GAI COUNCIL.

REFER TO THE ASSOCIATED MUSIC LINK REPORT: 'CC240115 musicLink Report.pdf' AS PREPARED BY HYDRACOR CONSULTING ENGINEERS PTY LTD FOR FURTHER INFORMATION.

TABLE 5.1 - TREATMENT TRAIN EFFECTIVENESS

Treatment Train Effectiveness - Receiving Node

	Sources	Residual Load	% Reduction
Flow (ML/yr)	1.56	1.39	10.9
Total Suspended Solids (kg/yr)	146	16.7	88.5
Total Phosphorus (kg/yr)	0.334	0.0824	75.3
Total Nitrogen (kg/yr)	3.26	0.986	69.7
Gross Pollutants (kg/yr)	29.4	0	100

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Issue	Description	Date	Drawn	Approved
B	ISSUED FOR DEVELOPMENT APPROVAL	18.10.24	RH	BK
A	ISSUED FOR REVIEW & COMMENT	10.10.24	RH	BK

North

Client: LA SALLE GROUP HOLDINGS PTY LTD

Architect: GELDER GROUP ARCHITECTS

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ENGINEERS | CIVIL | FLOOD STUDIES | STORMWATER | HYDRAULIC

Project: PROPOSED RESIDENTIAL DEVELOPMENT
No. 2 - 4
SHINFIELD AVENUE
ST IVES

Drawing Title: STORMWATER QUALITY REPORT SHEET 2 OF 2

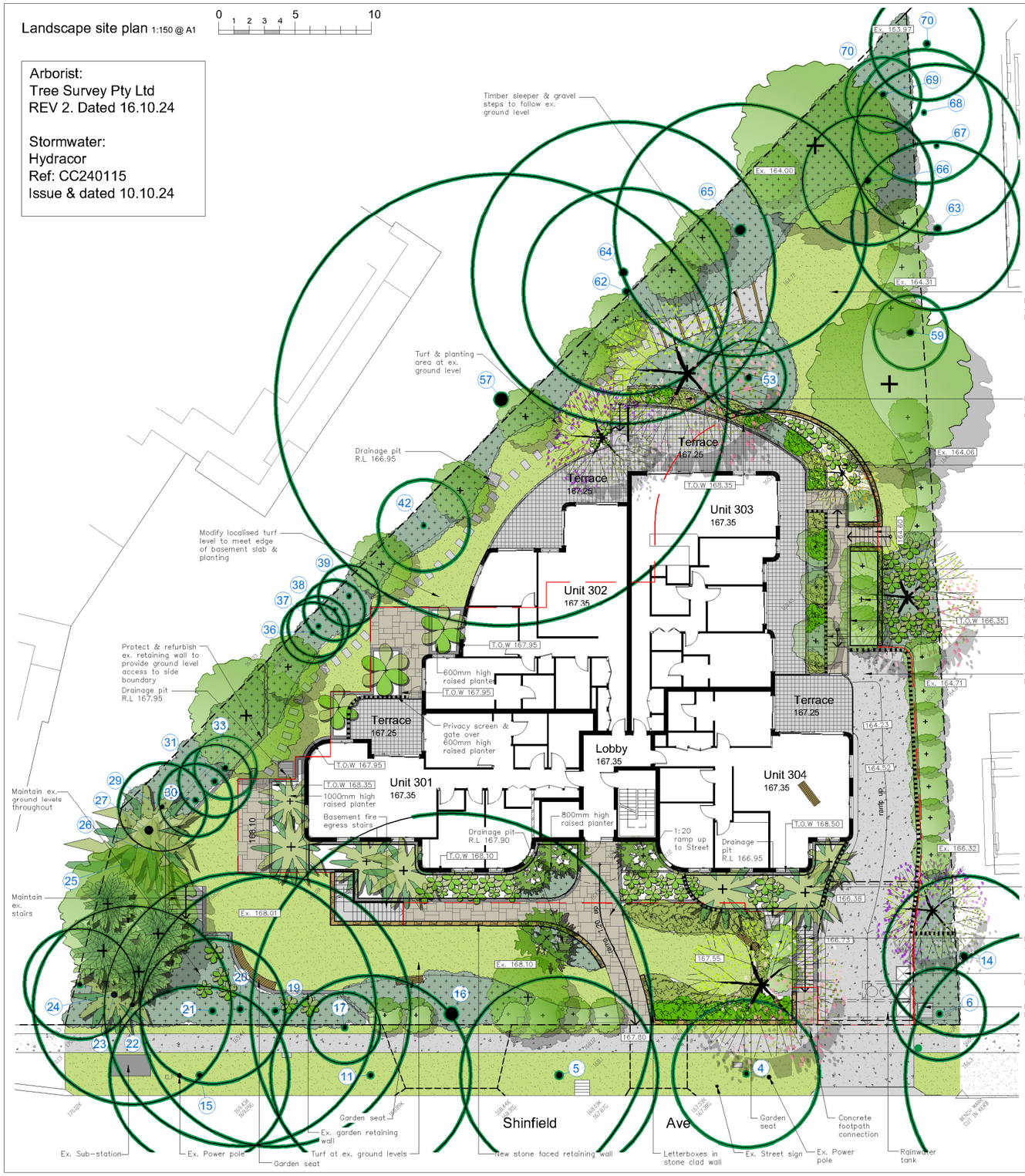
Drawn	Date	Scale	A1	Q.A. Check	Date
RH	SEPT 24	NTS		Q.A.	Q.A. DATE
Designed	Project No.			Dwg. No.	Issue
BK	CC240115			C12	B

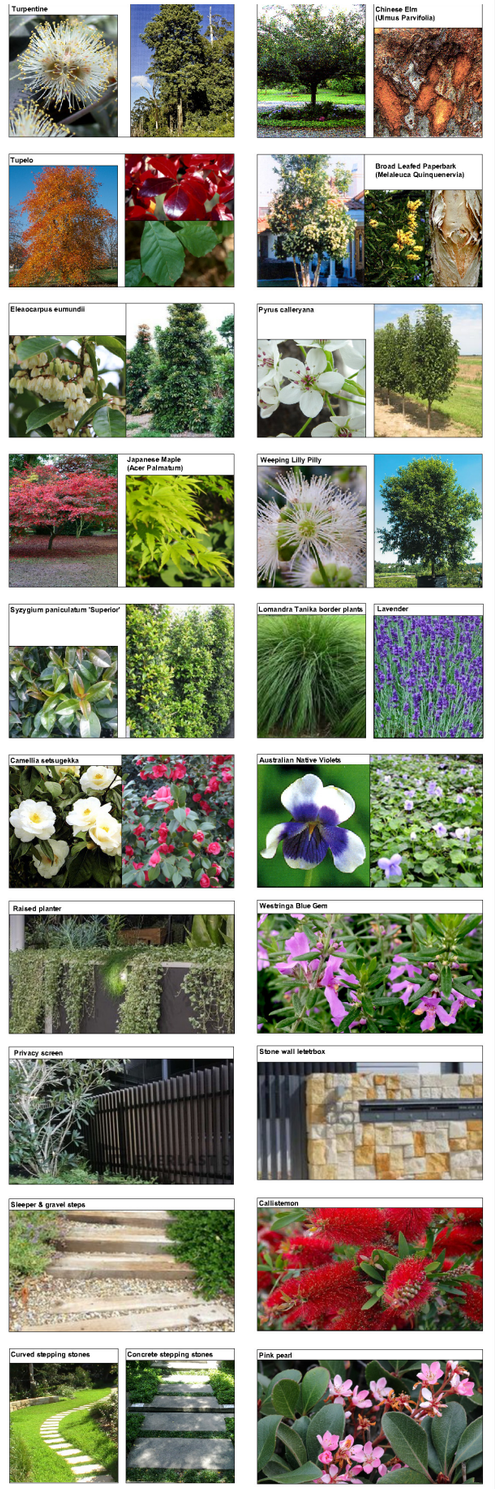
Landscape site plan 1:150 @ A1

0 1 2 3 4 5 10

Arborist:
Tree Survey Pty Ltd
REV 2. Dated 16.10.24

Stormwater:
Hydracor
Ref: CC240115
Issue & dated 10.10.24





Legend

- Existing trees as per Arborist Report
- Common open space paving
- Private open space paving
- Basement wall below
- Concrete
- Vertical battens
- Existing levels (Ex. 163.97)
- Proposed levels (166.73)
- Stone clad retaining wall
- Retaining walls

DA

Amendments

A	4.11.24	Review

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Project: New development
2-4 Shinfield Ave,
St Ives, NSW

Dwg: Landscape site plan

Date: 4.11.24 Scale: 1:150 @A1

Job Ref: 24/2774 Sheet No: 1 of 4

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1 of 4
ISSUE-A

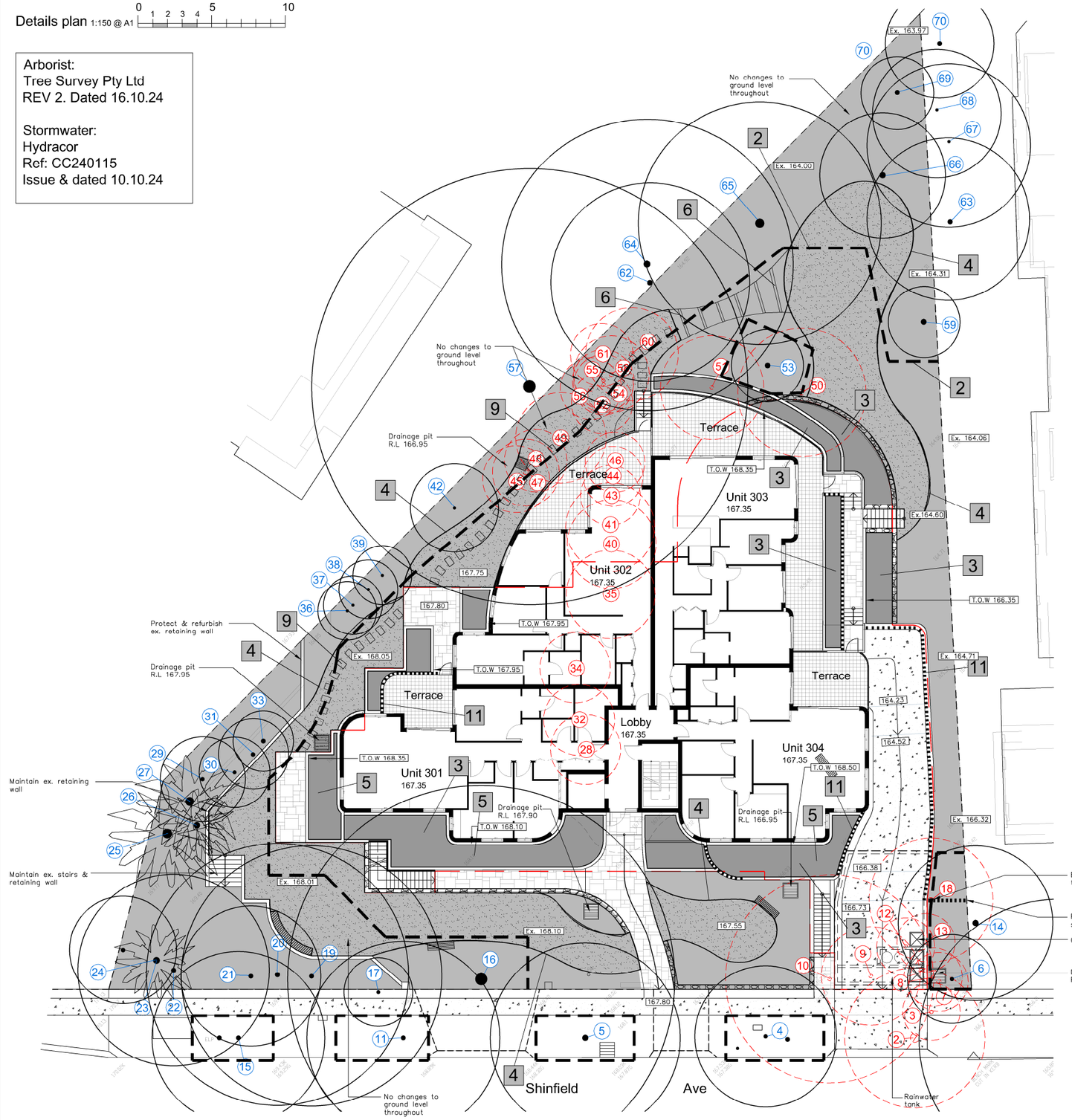
Job/ Gelder / 2-4 Shinfield/ 2774

Details plan 1:150 @ A1

0 1 2 3 4 5 10

Arborist:
Tree Survey Pty Ltd
REV 2. Dated 16.10.24

Stormwater:
Hydracor
Ref: CC240115
Issue & dated 10.10.24



General construction notes

1.Site preparation
Any existing trees and vegetation to be retained shall be preserved and protected from damage of any sort during the execution of landscape work. In particular, root systems of existing plants must not be disturbed if possible. Any nearby site works should be carried carefully using hand tools.

To ensure the survival and growth of existing trees during landscaping works, protect by fencing or armoring where necessary. Trees shall not be removed or lopped unless specific written approval to do so is given or is indicated on plan. Storage of materials, mixing of materials, vehicle parking, disposal of liquids, machinery repairs and refueling, site office and sheds, and the lighting of fires shall not occur within the dripline of any existing trees to be retained on or adjacent to the site. Do not stockpile soil, rubble or other debris cleared from the site, or building materials, within the drip line of existing trees. Vehicular access shall not be permitted within three (4) metres of any tree.

2.Soil preparation
All proposed planting areas to be ripped (by hand in tree protection zones) to 200mm and clay soils to be treated with clay breaker. Harvested existing top soil from site and store on site and mix with 25% A.N.L. Greenlife compost or approved equivalent. Apply at least 150mm soil depth to planting areas. All additional soil to be 100mm depth of good quality planting mix to be imported and combined with 50mm A.N.L. Greenlife compost or approved equivalent. To be worked in with rotary hoe or by hand in tree protection zones. In general all care to be taken to hand cultivate in any area where existing tree roots exist to preserve health of trees.

3.New plantings
Newly planted trees and large shrubs should be secured to stakes with hessian ties to prevent rocking by wind. Planting holes for plant material should be large enough in size to take root ball with additional space to take back filling of good quality planting mix. Mature heights of planting as shown on planting schedule show the greatest height possible in ideal conditions. These heights are subject to particular site conditions, possible container environments and intended hedging or pruning for functional requirements such as available planting width, intended access under branches and solar access.

4.Planter boxes & waterproofing.
All slab areas to be waterproofed and 'Atlantis' drainage cell installed with geotextile fabric . Refer Engineer's details for structural details for planter box drainage & construction. All internal planter slab levels to fall to drainage outlets as detailed by Hydraulic Engineer. Ensure minimum 50mm cavity between planter box and building wherever planter joins building. Keep cavity clear of debris by providing capping row butted against building. Exterior finishes as per Architect's detail. Ensure base of cavity is able to drain via weep holes in event water seeps into cavity so as to not build up against building wall. Containers to be at height as indicated on Architects' drawing. All planting containers or over slab planting to have the following:

- Water proofing as specified by Architects. To extend along base and up to top of soil level of containers
- 'Atlantis' drainage cell at base to be connected to drainage system of development (see typical detail sheet 2)
- A.N.L. planter box soil mix or equivalent to be installed in all containers and over slab planting situation
- Contractor to install all planter box finishes after other site works are completed to ensure no deterioration of waterproof membrane . Contractor to be responsible for the integrity of the waterproofing of the planter boxes
- All planter boxes are to have automatic dripline irrigation system. Connecting pipes to installed in slab structures prior to slab pour. Irrigation supply lines to be installed by building contractor prior to waterproofing and internal planter box finishes

5.Mulching
All planting areas to be mulched with a minimum 100mm thick cover of woodchip mulch and then all plant areas to be thoroughly soaked with water. All mulch shall be free of vegetative reproductive parts of all weed species

6.Irrigation
Automatic dripline system supplied by harvested rainwater to be incorporated.To extend to all common area landscaped areas included in works (excluding turfed areas and street trees that are to be hand watered as part of ongoing maintenance program). Include all over slab planting areas and all planter boxes where applicable. Hose cosks supplied to all private garden as well as common garden areas. Full irrigation scope to future Construction Certificate details

7.Fertliser
All planting areas to be fertilised with 9 month 'NPK' slow release fertiliser.
Mass planted areas: allow one slow release Agriform pellet per 5-25 litre plant. All fertilisers to be applied in accordance with the manufacturers instructions.
Turfed areas: Supply and install Agriform slow release fertiliser or approved equivalent lawn start fertiliser applied at the rate recommended by the manufacturer

8.Staking
To those plants indicated on the planting schedules provide: hardwood stakes as nominated and driven into ground to a depth able to achieve rigid support and to finish a minimum of 800-1000mm above finished levels

9.Engineering
All structural and hydraulic details whatsoever to Engineer's details.

10. Maintenance
The Landscape Contractor shall maintain the contract areas by accepted horticultural practices as well as rectifying any defects that become apparent in the works under normal use. The Landscape Contractor shall maintain the works and make good all defects for a period of thirteen (13) weeks after the date of practical completion. Practical completion of the landscape works shall include but not be limited to the replacement of plants which have failed or been damaged or stolen during work under the contract. Landscape maintenance shall include but not be limited to the following: watering, rubbish removal, spraying and wiping leaf surfaces, replacing failed plants, maintaining mulch, pruning, insect and disease control, cleaning of surrounding areas. Mow the turf when it is established at regular intervals to maintain an average height of 50mm.

- Existing trees to be removed
- Existing trees to be retained as per Arborist Report
- Detail # 4, Sheet 4
- Garden area (Detail 7, sheet 4)
- Turfed areas (Detail 8, sheet 4)
- Raised planters
- Ex. 163.97 Existing levels
- 166.73 Proposed levels
- T.O.W 167.95 Top of wall heights
- Masonry walls
- Tree protection planting (Detail 2, sheet 4)

DA

Amendments

A	4.11.24	Review

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Project: New development
2-4 Shinfield Ave,
St Ives, NSW

Dwg: Details plan

Date: 4.11.24 Scale: 1:150 @A1

Job Ref. 24/2774 Sheet No: 2 of 4

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ISSUE-A

Job/ Gelder / 2-4 Shinfield / 2774

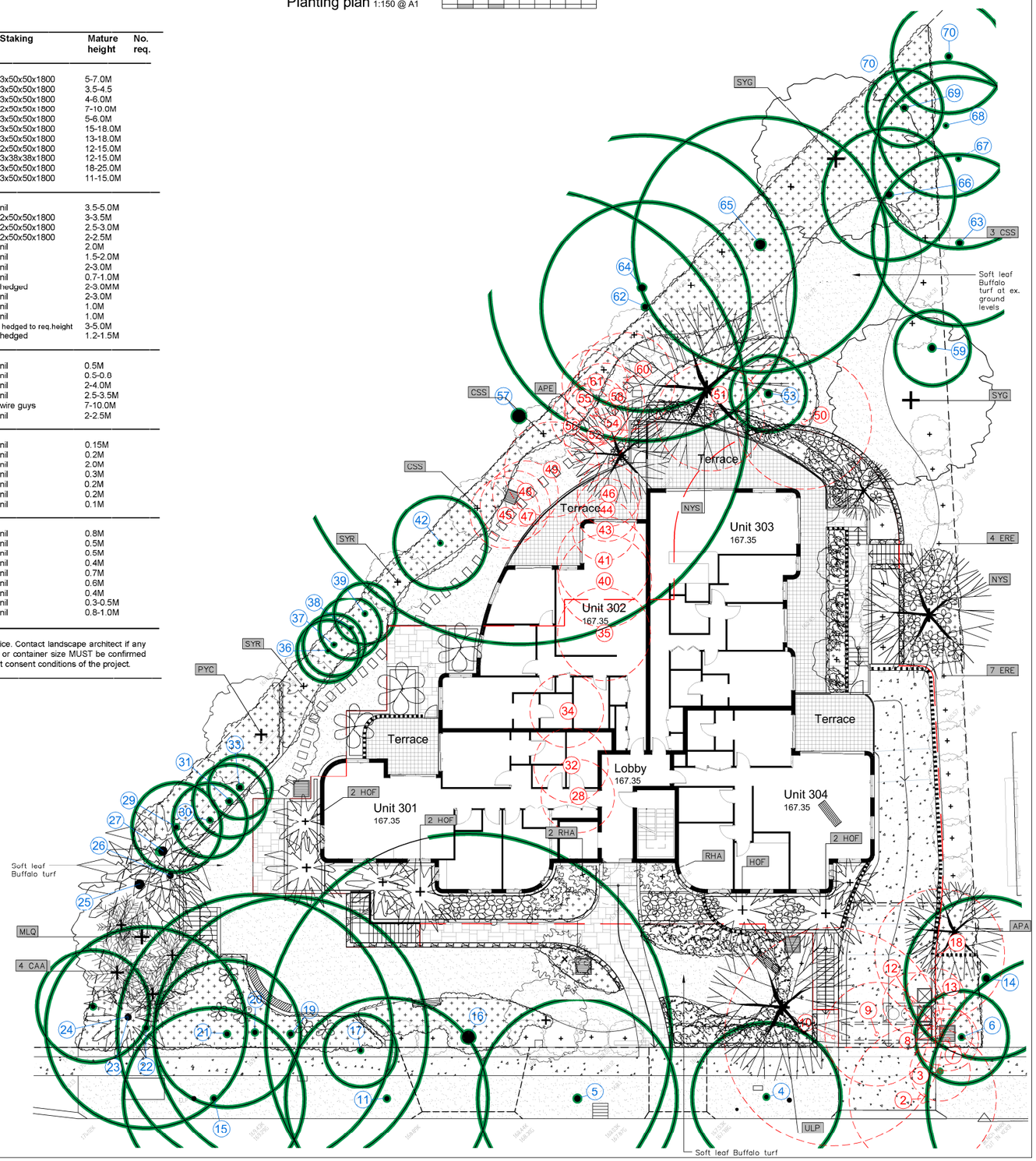
Planting schedule

Symbol	Botanical name	Common name	Cont. size	Staking	Mature height	No. req.
Trees						
APA	Acer palmatum	Japanese Maple (Versatile small deciduous garden tree)	75Lt	3x50x50x1800	5-7.0M	
APE	Acer palmatum 'Red Emperor 1'	Red Emperor 1 Maple (small maple tree. Red foliage)	45Lt	3x50x50x1800	3.5-4.5	
BAK	Backhousia myrtifolia	Grey Myrtle (Indigenous tree in deep soil)	45Lt	3x50x50x1800	4-6.0M	
ERE	Elaeocarpus eumundii	QLD Qondong (native vertical narrow screen tree)	45Lt	2x50x50x1800	7-10.0M	
LAI	Lagerstroemia indica 'Natchez'	White Crepe Myrtle (small deciduous tree)	45Lt	3x50x50x1800	5-6.0M	
MLQ	Melaluca quinquenervia	Flax Leaf Paperbark (indigenous medium tree)	75Lt	3x50x50x1800	15-18.0M	
NYS	Nyssa sylvatica	Tupelo (Bright red autumn foliage)	75Lt	3x50x50x1800	13-18.0M	
PYC	Pyrus calleryana 'Capital'	Ornamental Pear (medium deciduous narrow tree)	75Lt	2x50x50x1800	12-15.0M	
SYF	Waterhousia floribundum	Weeping Lilly Pilly (native screen tree)	150Lt	3x38x38x1800	12-15.0M	
SYG	Syncarpia glommulifera	Turpentine (indigenous canopy tree)	150t	3x50x50x1800	18-25.0M	
ULP	Umus parvifolia	Chinese Elm (Weeping branches deciduous tree)	75Lt	3x50x50x1800	11-15.0M	
Shrubs / standards / small feature trees						
ASB	Acmena smithii 'Sublime'	Hedged Sublime Lilly Pilly (Hedged native screen plant)	300mmt	nil	3.5-5.0M	
CKS	Callistemon Kings Park Special'	Bottlebrush small (native tree for planterbox)	300mm	2x50x50x1800	3-3.5M	
CSP	Camellia sasanqua 'Plantation Pink'	Camellia sasanqua (semi hedged Camellia)	300mm	2x50x50x1800	2.5-3.0M	
CSS	Camellia sasanqua 'Setsugekka'	Camellia sasanqua (semi hedged Camellia)	300mm	2x50x50x1800	2-2.5M	
EOM	Eriostemon australasius	Pink Wax Flower (flowering native shrub)	200mm	nil	2.0M	
IND	Indigofera australis	Australian Indigo (small flowering native shrub)	200mm	nil	1.5-2.0M	
KUA	Kunzea ambigua	Tick Bush (flowering native shrub)	250mm	nil	2-3.0M	
NOT	Notelaeo ovata	Narrow Leaved Geebung (small native shrub)	150mm	nil	0.7-1.0M	
MP	Murraya paniculata	Orange Jessamine (flowering screening plant)	300mm	hedged	2-3.0MM	
PRS	Persoonia linearis	Narrow Leaved Geebung	300mm	nil	2-3.0M	
RAI (PP)	Raphiolepis indica PP	Pink Pearl (hedging dense flowering plant)	300mm	nil	1.0M	
RAI (SM)	Raphiolepis indica SM	Snow Maiden (hedging dense flowering plant)	300mm	nil	1.0M	
SNN	Syzygium 'Straight & Narrow'	Straight & Narrow Lilly Pilly (very narrow and vertical screen)	300mm	hedged to req.height	3-5.0M	
WFB	Westringia fruticosa 'Blue Gem'	Dwarf Blue Westringia (hardy low gorwing plant)	140mm	hedged	1.2-1.5M	
Ferns / Palms / Succulents / shade tolerant understorey						
AGV	Agave attenuata	Century plant (striking spiky leaved succulent)	200mm	nil	0.5M	
DLC	Dlechnum cartilagineum	Fern (small clumping fern)	140mm	nil	0.5-0.8	
CAA	Cyathea australis	Tree Fern (Native tree ferns)	300mm	nil	2-4.0M	
DRD	Draceana draco	Dragon Tree (striking feature plant)	semi adv.	nil	2.5-3.5M	
HOF	Howea forsteriana	Kentia Palm (tall palm)	semi-adv	wire guys	7-10.0M	
RHA	Raphis excelsor	Lady Finger Palm	300mm	nil	2-2.5M	
Groundcovers/Climbers						
DSF	Dichondra 'Silver Falls	Silver Falls (cascading groundcover in roof garden)	200mm	nil	0.15M	
GPR	Grevillea 'Poorinda Royal Mantle'	Grevillea Groundcover (native low groundcover)	140mm	nil	0.2M	
HVI	Hardenbergia violacea	Native sarsaparilla (native groundcover)	200mm	nil	2.0M	
HIS	Hibbertia scandens	Guinea Flower (flowering climber / groundcover)	200mm	nil	0.3M	
MYP	Myoporum parvifolium	Creeping Boobliala (native cascading groundcover)	140mm	nil	0.2M	
TJA	Trachelospermum asiaticum	Flatmat Star Jasmine (FT01 Ozbbreed hyvrid groundcover)	200mm	nil	0.2M	
VH	Viola hederacea	Native Violets (native low groundcover)	tubes	nil	0.1M	
Ornamental grasses/strappy leaved plants						
ACI	Arthropodium cirratum	Renga Renga Lilly	200mm	nil	0.8M	
AGW	Agapanthus orientalis 'Blue'	Blue Lily of the Nile (Hardy strappy leaved groundcover)	200mm	nil	0.5M	
CM	Clivia miniata	Red Clivia (shade tolerant groundcover)	200mm	nil	0.5M	
DIC	Dianella caerulea	Blue Flax Lilly (native ornamental grass)	140mm	nil	0.4M	
DGS	Dietes grandiflora 'Grand Star'	Grand Star Dietes (ozbreed hybrid. Low seeding variety)	140mm	nil	0.7M	
ISN	Isolepsis (Finicia) nodosa	Knobby Club Rush (native ornamental grass)	140mm	nil	0.6M	
LOT	Lomandra Tanika	Dwarf Lomandra (ornamental grass)	140mm	nil	0.4M	
POF	Poa affinus	Tussock Grass (Native ornamental grass)	tubes	nil	0.3-0.5M	
PNA	Pennisetum alopecuroides Nafray	NAFRAY® 'PA300' PBR (flowering ornamental grass)	140mm	nil	0.8-1.0M	

Landscape contractor is to check all plant numbers on plan against the schedule prior to submitting tender price. Contact landscape architect if any number discrepancies are found. Council compliance controls require that any substitution of species variety or container size MUST be confirmed with landscape architect to ensure a compliance certificate can be issued that's meets the specific development consent conditions of the project.

Planting plan 1:150 @ A1

0 1 2 3 4 5 10



ER — Planting symbol (See schedule)

Arborist:
Tree Survey Pty Ltd
REV 2. Dated 16.10.24

Stormwater:
Hydracor
Ref: CC240115
Issue & dated 10.10.24

DA

Amendments

A	4.11.24	Review

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Project: New development
2-4 Shinfield Ave,
St Ives, NSW

Dwg: Planting plan

Date: 4.11.24 Scale: As shown @A1

Job Ref. 24/2774 Sheet No: 3 of 4

Builder must verify all dimensions of the site before work commences. Figured dimensions should be used in preference to those scaled off.

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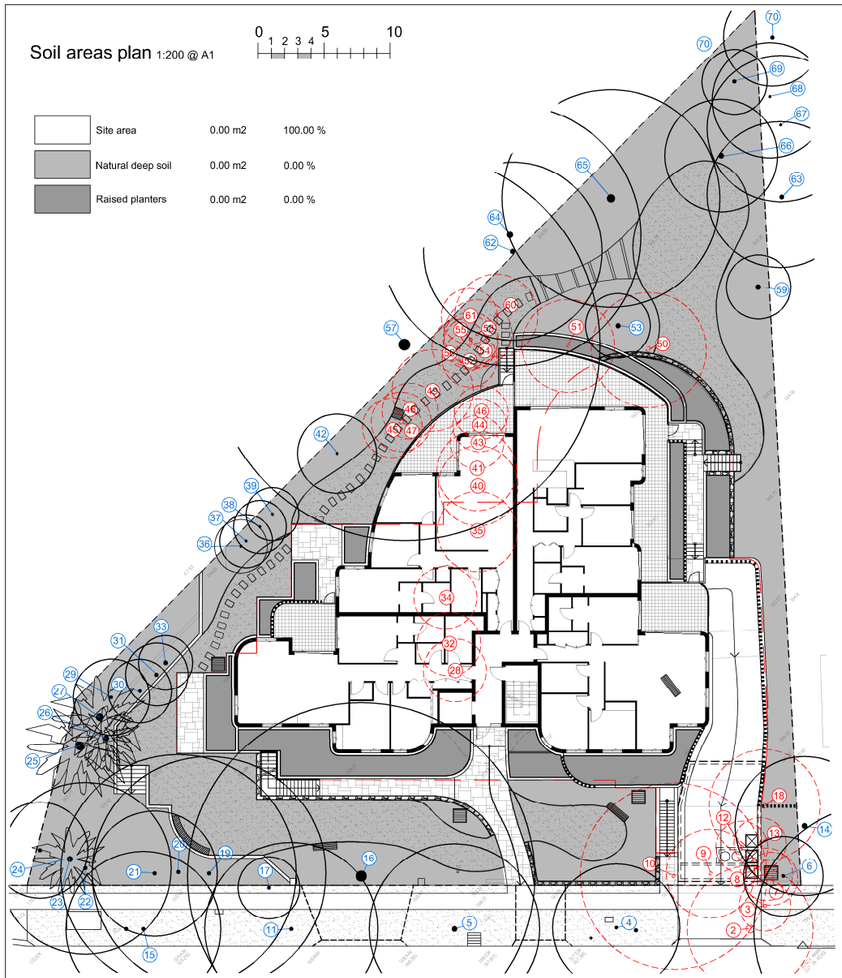
ISSUE-A

Job/ Gelder / 2-4 Shinfield / 2774

Soil areas plan 1:200 @ A1

0 1 2 3 4 5 10

Site area	0.00 m2	100.00 %
Natural deep soil	0.00 m2	0.00 %
Raised planters	0.00 m2	0.00 %



Irrigation notes

Automatic drip line watering system to be selected. To extend to ALL garden areas nominated on the deep soil and planter box areas and is to include all raised planter boxes over slab. (all lawn areas to be excluded) Water supply tap hosecocks as indicated on CC stage drawings.(To be coordinated with Hydraulic and Structural Engineer's details). Dripline supply system only to be incorporated.

Prior to approval by the project manager and prior to installation the Contractor responsible for the irrigation installation is to provide an irrigation design to meet the following requirements.

Generally: Supply an automatic drip line irrigation system. To include all piping to solenoids either PVC lines and/or class 12 pressure pipe or low density, rubber modified polypropeyline reticulation as required to provide water supply to the nominated areas. To be coordinated with Hydraulic engineers plans. To include all bends, junctions, ends, ball valves, solenoids and all other ancillary equipment. Backwash valve: An approved backwash prevention valve is to be located at the primary water source for top up valves to rainwater tanks (where applicable).

Ensure rain sesnsor is installed for common area garden zones connected to timers

Root inhibiting system. Driplines to be 'Netafim Techline AS XR' drip tubing or approved equivalent

.

Automatic Controller: Provide automatic 2 week timer with hourly multi-cycle operation for each zone as noted on the irrigation areas plan on sheet …. . Battery timers to isolated planter boxes is acceptable and to maintained by the owners corporation as part of the ongoing property maintenanace.

Performance: It shall be the Landscape Contractor's responsibility to ensure and guarantee satisfactory operation of the irrigation system. The system is to be fit for the purpose and should utilize sufficient solenoids to provide for the varying watering requirements of landscape areas to allow all plants and lawn areas to thrive and attain long term viability.

Testing: After the system has been installed to the satisfaction of the project manager, the installation shall be tested under working conditions. Acceptance of the installed plant and equipment shall be subject to these being satisfactory.

Warranty: A twelve month warranty is to be provided in writing by the Landscape Contractor, which shall commit the Landscape Contractor to rectify the system (the items they have installed) to the satisfaction of the project manager or nominated representative. This will apply should any fault develop, or the capacity or efficiency fall below that guaranteed, or should the discharge or pressure be inadequate, or should defects develop in the filter unit or control heads, or any blockages that may develop in the system.

Approvals: The Landscape Contractor is to liaise as necessary, to ensure that the irrigation system conforms with all Water Board, Council and Australian standards (AS)

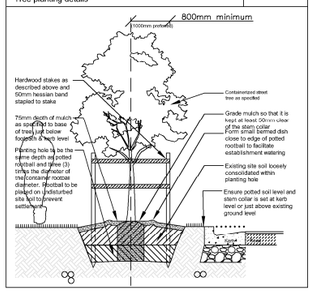
Maintenance schedule

The Landscape Contractor shall maintain the contract areas by accepted horticultural practices as well as rectifying any defects that become apparent in the works under normal use. The Landscape Contractor shall maintain the works and make good all defects for a period of twenty six (26) weeks after the date of practical completion. Practical completion of the landscape works shall include but not be limited to the replacement of plants which have failed or been damaged or stolen during work under the contract. Landscape maintenance shall include but not be limited to the following: watering, rubbish removal, spraying and wiping leaf surfaces, replacing failed plants, maintaining mulch, pruning, insect and disease control, cleaning of surrounding areas. Mow the turf when it is established at regular intervals to maintain an average height of 50mm.

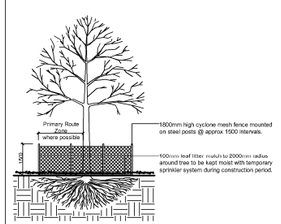
The owners of the residence are responsible for the ongoing maintenance and viability of the gardens and ongoing maintenance shall include the following:

- Regular hand watering of gardens if installed drip line irrigation system is turned off. Irrigation to be installed and maintained as per manufacturers specifications including regular checks for function of system, to check for leaks and to ensure general good working operation.
- Mulch is to be regularly topped up every 6 months to ensure an even 75mm coverage in all garden beds
- Regular pruning of plants is to be undertaken to ensure continued uniform growth of canopy and foliage of trees and shrubs.
- Regular assessment of plants for evidence of insect attack or disease. Appropriate pest oil, white oil of Yates pest spray or equivalent is to be employed if required
- Garden/lawn edging to be inspected regularly after practical completion to ensure it is maintained in good order. Replace where required if defective sections are discovered
- All garden refuse, rubbish and associated items that arise from the regular garden maintenance procedures are to be collected and stored in appropriate general waste or green waste containers as is appropriate. Excess waste unable to be stored in Council waste containers is to be removed from the site is a timely manner.

Detail 1 — Tree planting details — PSLA 67

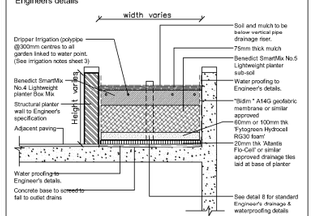


Detail 2 — Tree protection measure Type 2 n.t.s. — PSLA 2

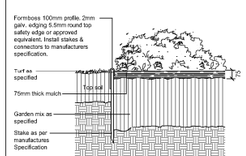


Detail 3 — On structure planter typical soil installation detail n.t.s — PSLA 17

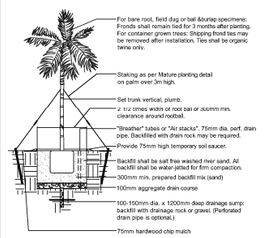
For soil & irrigation methodology only Structural & drainage to relevant Engineers details



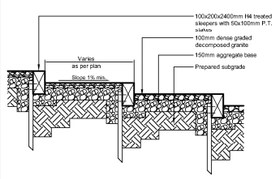
Detail 4 — Metal edging typical detail n.t.s — PSLA 18



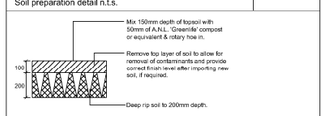
Detail 5 — Palm planting detail n.t.s — PSLA 5



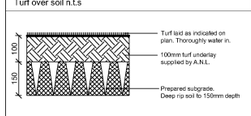
Detail 6 — Timber sleeper steps & granite steps n.t.s — PSLA 40



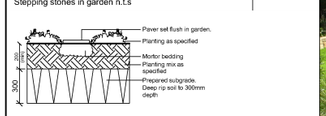
Detail 7 — Soil preparation detail n.t.s. — PSLA 8



Detail 8 — Turf over soil n.t.s — PSLA 12



Detail 9 — Stepping stones in garden n.t.s — PSLA 29



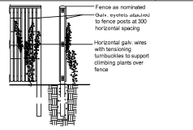
Curved stepping stones



Concrete stepping stones



Detail 10 — Wire supports for climbers on fence n.t.s — PSLA 50



Detail 11



DA

Amendments

A	4.11.24	Review

PAUL SCRIVENER
LANDSCAPE
PO Box 4050. ACT 2602
ABN: 16 949 100 279

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www.scrivener-design.com
Email: paul@scrivener-design.com

Project: New development
2-4 Shinfield Ave,
St Ives, NSW

Dwg: Details & notes

Date: 4.11.24 Scale: As shown @A1

Job Ref. 24/2774 Sheet No: 4 of 4

Builder must verify all dimensions of the site before work commences. Figured dimensions should be used in preference to those scaled off.

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North

4 of 4
ISSUE-A

Job/ Gelder / 2-4 Shinfield / 2774

Minto Planning Services
Town Planning Consultants

PROPOSED DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A NEW RESIDENTIAL FLAT BUILDING
2A, 2B & 4 SHINFIELD AVENUE, ST IVES

Clause 4.6 – Exceptions to development standards (Height of Building)

This Clause 4.6 Submission is prepared in support of a Development Application which seeks approval for the demolition of the sites existing structures followed by the construction of a new five (5) storey residential flat building comprising of eighteen (18) residential units and three (3) levels of basement carparking upon the subject land.

This variation is to be read in conjunction with the following documentation:

- Survey Plan prepared by W. Buxton P/L, Ref No. 205848 and dated 03/04/2024.
- Height Blanket Diagram prepared by Gelder Group Architects, Project No. 2119, Drawing No. DA 26, Issue I and dated 27/11/24.
- Design Verification Statement prepared by Gelder Group Architects, Project No. 2119 and dated 30/10/2024.

A variation is sought in respect of compliance with Clause 4.3 - Height of Buildings of the Ku-ring-gai LEP 2015.

The subject site is located within Building Height Zone "P" and which is ordinarily subject to a maximum building height control of 17.5m.

Despite this and in accordance with subclause (2A), the height of a building on land in Zone R4 High Density Residential, having a site area of more than 1,800m^2 but less than 2,400m^2 must not exceed 14.5m.

Building height is defined under the LEP as meaning:

> ***building height (or height of building)*** *means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

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The proposal as detailed on the accompanying plans will result in a maximum building height of 17.375m and which exceeds the requirements of this clause. The maximum non-compliance is 2.875m or 19.83%.

The proposed non-compliance relates to a portion of Level 4, the roof and lift overrun. The extent of non-compliance is illustrated on the accompanying height blanket diagram (Dwg No. DA 26) contained within the architectural plans (extract below).



The following Clause 4.6 variation is provided in support of the proposed height of building non-compliance.

This Clause 4.6 variation has been prepared in accordance with the approach adopted by the Land & Environment Court of NSW in its recent Court decisions.

It is submitted that the variation is well founded and is worthy of the support of the Council.

The following is an assessment of the proposed variation against the requirements of Clause 4.6.

1. **What are the objectives of Clause 4.6 and is the proposal consistent with them.**

The objectives of Clause 4.6(1) of the LEP are:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

It is my opinion, as is demonstrated by the responses to the questions below, that the proposed variation is consistent with the objectives of this clause.

It is also considered in the circumstances, a flexible approach to the application is warranted.

2. Is the standard to be varied a Development Standard to which Clause 4.6 applies.

A "development standard" is defined in Section 4 of the Environmental Planning & Assessment 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,*
> *(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.*

Clause 4.3 is contained within Part 4 of the Ku-ring-gai LEP 2015 and which is titled Principal Development Standards. It is also considered that the wording of the Clause is consistent with previous decisions of the Land & Environment Court of NSW in relation to what matters constitute development standards.

It is also noted that Clause 4.3 does not contain a provision which specifically excludes the application of Clause 4.6 and vice a versa.

On this basis it is considered that Clause 4.3 is a development standard for which Clause 4.6 applies.

3. Is compliance with the development standard unreasonable or unnecessary in the circumstances of this case.

Sub-clause 4.6(3) sets out the matters that must be demonstrated by a written request seeking to justify a contravention of the relevant development standard (that is not expressly excluded from the operation of clause 4.6 under the Ku-ring-gai Local Environmental Plan 2015):

> *(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
>
> *(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
> *(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

In *Wehbe v Pittwater Council* [2007] NSWLEC 827, Preston CJ set out five justifications that may be used to demonstrate that compliance with a development standard is unreasonable or unnecessary:

- The objectives of the development standard are achieved notwithstanding non-compliance with the standard.
- The underlying objective or purpose of the standard is not relevant to the development.
- The underlying objective or purpose would be defeated or thwarted if compliance was required.
- The standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and/or
- The zoning of the land was unreasonable or inappropriate such that the standards for that zoning are also unreasonable or unnecessary.

The first justification is applicable in this instance.

The following assessment of the proposal is provided against the objectives of Clause 4.3 of the Ku-ring-gai LEP 2015.

> *(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,*
>
> This objective is not considered to be applicable as the site is not located within a Ku-ring-gai centre. It is understood that this refers to the existing Local Centres.

(b) to establish a transition in scale between the centres and the adjoining lower density residential and open space zones to protect local amenity,

This objective is not applicable as the site is not located within a Ku-ring-gai centre. The site is also not located at the direct interface between a high density and a lower density residential zone.

(c) to enable development with a built form that is compatible with the size of the land to be developed.

It is my opinion that the proposal does provide for a built form that is compatible with the size of the land to be developed.

This in my opinion is demonstrated by the following:

1. The proposal is provided with setbacks which comply with the requirements of the Council.
2. The proposal is provided with a site coverage which complies with the requirements of the Council.
3. The proposal is provided with a deep soil area which complies with the requirements of the Council.
4. The proposal will not result in any unreasonable arboricultural impacts.
5. The proposal will not result in any unreasonable ecological impacts,
6. The proposal has a height of building which is less than the maximum otherwise permitted in this locality.
7. The proposal will result in a height of building and number of storeys which is consistent with the prevailing character of development in Shinfield Avenue.
8. The proposal will not result in any unreasonable impacts upon the streetscape or character of the surrounding locality.
9. The proposal will not result in any unreasonable impacts upon the amenity of the adjoining properties.

The following assessment is provided in relation to the objectives for development within the R4 High Density Residential zone:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for high density residential housing close to public transport, services and employment opportunities.*

The proposal seeks to provide for a new residential flat building upon the subject site.

The proposal as detailed within the accompanying Design Verification Statement provides for a high quality architecturally designed building comprising of eighteen (18) residential units.

The proposal also incorporates detailed landscaping which includes mature canopy tree planting, terrace planter boxes and screen planting that relates favourably to the neighbouring land uses and the natural environment.

It is considered that the proposal will make a positive contribution to the character of the locality, particularly when viewed from the public domain.

The proposed development is in my opinion compatible with the scale and character of the existing and desired future character of the locality.

It is not considered that the proposal will result in any unreasonable amenity impacts upon adjoining properties.

The proposal is therefore considered to be consistent with the above objectives.

On the basis of the above it is my opinion that compliance with the development standard unreasonable or unnecessary in the circumstances of this case.

4. Are there sufficient environmental planning grounds to justify contravening the development standard.

Consistent with the findings of the Court in *Initial Action P/L v Woollahra Municipal Council (2018) 236 LGERA 256; [2018] NSWLEC* an applicant is required to demonstrate in writing that there are sufficient environmental planning grounds to justify the variation.

In Initial Action at [24], Preston CJ stated, that 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".*

Further he stated,

> *"… 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)(i) that the written request has adequately addressed this matter".*

In order to determine environmental planning grounds relevant to the non-compliance it is often accepted to relate the departure to the objects of the Act as set out at Section 1.3 – Objects of the Act.

The following objects of the Act are considered to be relevant to the proposal.

(a) …..,
(b) …..,
(c) to promote the orderly and economic use and development of land,
(d) …..,
(e) …..,
(f) …….,
(g) to promote good design and amenity of the built environment,
(h) …..,
(i) …..,
(j) …..

Relevant to the proposal the following submission is provided in relation to the question as to whether there are sufficient environmental planning grounds to justify the non-compliance.

What is the aspect or element of the development that contravenes the development standard

The subject site is located within Building Height Zone "P" and which is ordinarily subject to a maximum building height control of 17.5m.

Despite this and in accordance with subclause (2A), the height of a building on land in Zone R4 High Density Residential, having a site area of more than 1,800m^2 but less than 2,400m^2 must not exceed 14.5m.

The proposal as detailed on the accompanying plans will result in a maximum building height of 17.375m (measured to the top of the eave of Unit 402) and which exceeds the requirements of this clause.

The maximum non-compliance is 2.875m or 19.83%.

The proposed non-compliance relates to a portion of Level 4, the roof and lift overrun. The extent of non-compliance is illustrated on the accompanying height blanket diagram (Dwg No. DA 26) contained within the architectural plans.

What are the environmental grounds associated with the departure

It is my opinion the environmental planning grounds associated with the proposed departure primarily relate to:

1. The subject site is located upon land zoned R4 – High Density Residential and where the maximum permissible height for a residential flat building is 17.5m.
2. The proposal is provided with an overall height of building of 17.375m and which complies with this control.
3. The site has frontage to Shinfield Avenue and within which all properties on the northern side (excluding the subject site have been developed and comprising of a number of residential flat buildings properties with a height of five (5) storeys or approximately 17.5m.
4. The proposal will therefore result in a built form which is consistent with the predominant height of residential flat building development located within the visual catchment of the site.



A photomontage showing the consistency of the proposal with the adjoining development to west

5. The proposed design is such that a large proportion of the proposed fifth storey is contained within the 14.5m height control.
6. The proposed non-compliant height will allow for the provision of additional housing in a manner which does not result in any unreasonable impacts and noting the current shortage of housing across Sydney.

In addition to the above it is submitted that:

(i) The development provides a building height that is 5 storeys tall and therefore is commensurate with the 5 storey height of the majority of existing buildings in the immediate surrounding locality (*Woollahra Municipal Council v SJD DB2 Pty Ltd* [2020] NSWLEC 1112 at [63]);
(ii) The development, despite the exceedance of the height control does not result in any significant adverse impact on the surrounding land (*Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 at [34]);
(iii) The development provides a taller building form and smaller building footprint that would otherwise be provided in order to avoid significant vegetation on the site (*Auspat International No.2 Pty Ltd v Randwick City Council* [2022] NSWLEC 1567 at [96]);
(iv) The numerical non-compliance with clause 4.3(2A) is the result of the site area being less than 2,400m^2. If the site area was approximately 191m^2 larger, the development would comply with the eligible building height control of 17.5m. Due to the significant landscaping the non-compliance with the 2,400m^2 site area is not able to be perceived;
(v) The development, despite the exceedance of the building height control achieves the objectives of the EPA Act.

Are the environmental planning grounds sufficient to justify contravening the development standard

It is my opinion for the reasons as set out within this submission that there are sufficient environmental planning grounds to justify contravening the development standard.

It is my opinion based upon the above that the proposed non-compliance will:

1. *promote the orderly and economic use and development of land, and*
2. *promote good design and amenity of the built environment.*

It is therefore my opinion based upon the above that this submission has demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard as required by Clause 4.6(3)(b) of the LEP.

Conclusion

It is therefore my opinion based upon the content of this submission that a variation of the maximum height of building control as required by Clause 4.3 of the Ku-ring-gai LEP 2015 is appropriate in this instance.



Andrew Minto
Graduate Diploma (Urban & Regional Planning), Associate Diploma (Health & Building Surveying). MPIA.
MINTO PLANNING SERVICES PTY LTD
2nd December 2024

Minto Planning Services
Town Planning Consultants

Clause 4.6 – Exceptions to Development Standards – Floor Space Ratio

Proposed Demolition of Existing Structures and Construction of a New Residential Flat Building – 2A, 2B & 4 Shinfield Avenue, St Ives

Variation to Clause 4.4 – Floor Space Ratio

The subject site is identified as being located within Floor Space Area "Q" and is subject to a maximum Floor Space Ratio (FSR) of 1.3:1.

Despite this and in accordance with subclause (2C), the floor space ratio of a building on land in Zone R4 High Density Residential, having a site area of more than 1,800m^2 but less than 2,400m^2 must not exceed 1.0:1.

The proposal as detailed on the accompanying plans will result in a gross floor area of 2,443.14m^2 and FSR of 1.11:1 and which exceeds the requirements of this clause.

The proposed variation equals 234m^2 or 10.6%.

Given that the proposal does not comply with the floor space ratio control and in order for consent to be granted to the proposal a variation pursuant to Clause 4.6 of the LEP is required.

This Clause 4.6 Variation has been prepared based upon the following documentation:

- Area Calculations Plan prepared by Gelder Group Architects, Project No. 2119, Drawing No. DA 10, Issue I and dated 27/11/2024.

This Clause 4.6 variation has been prepared having regard to the recent decisions of the Land & Environment Court.

It is submitted that the variation is well founded and is worthy of the support of the Council.

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The following is an assessment of the proposed variation against the requirements of Clause 4.6.

1. **What are the objectives of Clause 4.6 and is the proposal consistent with them.**

The objectives of Clause 4.6 of the LEP are:

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

It is my opinion, as is demonstrated by the responses to the questions below, that the proposed variation is consistent with the objectives of this clause.

2. **Is the standard to be varied a Development Standard to which Clause 4.6 applies.**

A "development standard" is defined in Section 4 of the Environmental Planning & Assessment 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,
(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.

Clause 4.4 is contained within Part 4 of the LEP and which is titled Principal Development Standards. It is also considered that the wording of the Clause is consistent with previous decisions of the Land & Environment Court of NSW in relation to matters which constitute development standards.

It is also noted that Clause 4.4 does not contain a provision which specifically excludes the application of Clause 4.6.

On this basis it is considered that Clause 4.4 is a development standard for which Clause 4.6 applies.

3. Is compliance with the development standard unreasonable or unnecessary in the circumstances of this case.

Sub-clause 4.6(3) sets out the matters that must be demonstrated by a written request seeking to justify a contravention of the relevant development standard (that is not expressly excluded from the operation of clause 4.6 under Ku-ring-gai Local Environmental Plan 2015):

> *(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
>
> *(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
>
> *(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

In *Wehbe v Pittwater Council* [2007] NSWLEC 827, Preston CJ set out five justifications that may be used to demonstrate that compliance with a development standard is unreasonable or unnecessary:

- The objectives of the development standard are achieved notwithstanding non-compliance with the standard.
- The underlying objective or purpose of the standard is not relevant to the development.
- The underlying objective or purpose would be defeated or thwarted if compliance was required.
- The standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and/or
- The zoning of the land was unreasonable or inappropriate such that the standards for that zoning are also unreasonable or unnecessary.

The first justification is applicable in this instance.

The following assessment of the proposal is provided against the objectives of Clause 4.4 of the LEP.

(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,

The subject site is identified as being located within Floor Space Area "Q" and is subject to a maximum Floor Space Ratio (FSR) of 1.3:1.

Despite this and in accordance with subclause (2C), the floor space ratio of a building on land in Zone R4 High Density Residential, having a site area of more than 1,800m^2 but less than 2,400m^2 must not exceed 1.0:1.

The proposal as detailed on the accompanying plans will result in a gross floor area of 2,443.14m^2 and FSR of 1.11:1 and which exceeds the requirements of this clause. The proposed variation equals 234m^2 or 10.6%.

The proposal whilst resulting in a non-compliant FSR is considered to provide for a built form which is consistent with the height, bulk and scale of surrounding development.

It is also noted that the proposal will not result in any unreasonable impacts upon the amenity of the adjoining properties, particularly in relation to overshadowing and a loss of privacy.

This in my opinion is further demonstrated by the following:

1. The proposal is provided with setbacks which comply with the requirements of the Council.
2. The proposal is provided with a site coverage which complies with the requirements of the Council.
3. The proposal is provided with a deep soil area which complies with the requirements of the Council.
4. The proposal will not result in any unreasonable arboricultural impacts.
5. The proposal has a height of building which is less than the maximum otherwise permitted in this locality.
6. The proposal will result in a height of building and number of storeys which is consistent with the prevailing character of development in Shinfield Avenue.
7. The proposal will not result in any unreasonable impacts upon the streetscape or character of the surrounding locality.
8. The proposal will not result in any unreasonable impacts upon the amenity of the adjoining properties.

(b) to provide for floor space ratios compatible with a range of uses,

The proposal is considered to provide for a floor space ratio that is compatible with the surrounding residential land uses.

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

This objective is not applicable as the site is not located within a local centre.

The proposal is considered to provide for a floor space ratio that is compatible with the surrounding residential land uses.

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

This objective is not applicable as the proposal involves a residential flat building in the R4 - High Density Residential zone.

The proposal is therefore considered to be consistent with the objectives of clause 4.4 of the LEP.

The following assessment is provided in relation to the objectives for development within the R4 High Density Residential zone:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for high density residential housing close to public transport, services and employment opportunities.*

The proposal seeks to provide for a new residential flat building upon the subject site.

The proposal as detailed within the accompanying Architectural Design Statement provides for a high quality architecturally designed building comprising of eighteen (18) residential units.

The proposal also incorporates detailed landscaping which includes mature canopy tree planting, balcony planter boxes and screen planting that relates favourably to the neighbouring land uses and the natural environment.

It is considered that the proposal will make a positive contribution to the character of the locality, particularly when viewed from the public domain.

The proposed development is in my opinion compatible with the scale and character of the existing and desired future character of the locality.

It is not considered that the proposal will result in any unreasonable amenity impacts upon adjoining properties.

The proposal is therefore considered to be consistent with the above objectives.

On the basis of the above it is my opinion that compliance with the development standard unreasonable or unnecessary in the circumstances of this case.

4. Are there sufficient environmental planning grounds to justify contravening the development standard.

Consistent with the findings of the Court in *Initial Action P/L v Woollahra Municipal Council (2018) 236 LGERA 256; [2018] NSWLEC* an applicant is required to demonstrate in writing that there are sufficient environmental planning grounds to justify the variation.

In Initial Action at [24], Preston CJ stated, that 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".*

Further he stated,

> *"… 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)(i) that the written request has adequately addressed this matter".*

In order to determine environmental planning grounds relevant to the non-compliance it is often accepted to relate the departure to the objects of the Act as set out at Section 1.3 – Objects of the Act.

The following objects of the Act are considered to be relevant to the proposal.

(a) …..,
(b) …..,
(c) to promote the orderly and economic use and development of land,

(d) …..,
(e) …..,
(f) …….,
(g) to promote good design and amenity of the built environment,
(h) …..,
(i) …..,
(j) …..

Relevant to the proposal the following submission is provided in relation to the question as to whether there are sufficient environmental planning grounds to justify the non-compliance.

What is the aspect or element of the development that contravenes the development standard

The subject site is identified as being located within Floor Space Area "Q" and is subject to a maximum Floor Space Ratio (FSR) of 1.3:1.

Despite this and in accordance with subclause (2C), the floor space ratio of a building on land in Zone R4 High Density Residential, having a site area of more than 1,800m^2 but less than 2,400m^2 must not exceed 1.0:1.

The proposal as detailed on the accompanying plans will result in a gross floor area of 2,443.14m^2 and FSR of 1.11:1 and which exceeds the requirements of this clause.

The proposed variation equals 234m^2 or 10.6%.

It is my opinion that the non-compliant FSR is primarily associated with Level 4 (the additional storey) of the proposed development.

What are the environmental grounds associated with the departure

It is my opinion the environmental planning grounds associated with the proposed departure primarily relate to:

1. The subject site is located upon land zoned R4 – High Density Residential and where the maximum permissible height for a residential flat building is 17.5m.
2. The proposal is provided with an overall height of building of 17.375m and which complies with this control.
3. The site has frontage to Shinfield Avenue and within which all properties on the northern side (excluding the subject site have been developed and comprising of a number of residential flat buildings properties with a height of five (5) storeys or approximately 17.5m.
4. The proposal will therefore result in a built form which is consistent with the predominant height of development located within the visual catchment of the site.

5. The proposed design is such that a large proportion of the proposed fifth storey is contained within the 14.5m height control.
6. The proposed non-compliant height and FSR will allow for the provision of additional housing in a manner which does not result in any unreasonable impacts and noting the current shortage of housing across Sydney.

In addition to the above, it is submitted that:

(i) The numerical non-compliance with clause 4.4(2C) is the result of the site area being less than 2,400m^2. If the site area was approximately 191m^2 larger, the development would comply with the eligible FSR control of 1.3:1. Due to the significant landscaping, the non-compliance with the site area requirement under clause 4.4(2C) is not able to be readily perceived;

(ii) The application provides a 5 storey building form that is commensurate in sale, bulk, design and character as the existing built form in the immediate locality (Shinfield Avenue). Accordingly, a building form that provides strict compliance with the FSR control of 1:1 would result in a building that is out of character with the predominant building form in the street (*Woollahra Municipal Council v SJD DB2 Pty Ltd* [2020] NSWLEC 1112 at [63];)

(iii) The development, despite the exceedance of the height control does not result in any significant adverse impact on the surrounding land (*Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 at [34]);

(iv) The development, despite the exceedance of the floor space ratio control achieves the objectives of the EPA Act.

Are the environmental planning grounds sufficient to justify contravening the development standard

It is my opinion for the reasons as set out within this submission that there are sufficient environmental planning grounds to justify contravening the development standard.

It is my opinion based upon the above that the proposed non-compliance will:

1. *promote the orderly and economic use and development of land, and*
2. *promote good design and amenity of the built environment*.

It is therefore my opinion based upon the above that this submission has demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard as required by Clause 4.6(3)(b) of the LEP.

Conclusion

It is therefore my opinion based upon the content of this submission that a variation of the floor space ratio requirements of Clause 4.4 of the Ku-ring-gai LEP 2015 is appropriate in this instance.



Andrew Minto
Graduate Diploma (Urban & Regional Planning), Associate Diploma (Health & Building Surveying). MPIA.
MINTO PLANNING SERVICES PTY LTD
2nd December 2024

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17/12/2024
Project Number; 2119

Ku-ring-gai Council
818 Pacific Hwy,
Gordon, 2072

Attention: Council Planners

To Whom it may concern,

Re **2a, 2b & 4 Shinfield Ave, St Ives**

DESIGN VERIFICATION STATEMENT

We wish to submit a design verification statement with the accompanying Development Application in line with SEPP 65 requirements implemented in July of 2003 and as revised in 2015, and the Ku-ring-gai Council Development Application lodgement requirements matrix.

This design has been directed by the Principal Architect at Gelder Group Architects, Mr Stuart Gelder who is registered in accordance with the *Architects Act 1921*. Registration number: 6126.

The building has been designed to comply with the design quality principles as set out in Part 2 of State Environmental Planning Policy No (SEPP 65) "Design Quality of Residential Flat Development." We have also ensured the appropriate measures have been taken to accommodate professional advice from various consultants, and the proposal remains in-line with the Ku-ring-gai DCP and Apartment Design Guide standards.

The Development complies with the objectives, Design Criteria and Design Guidance of the Apartment Design Guide Part 3 & 4 requirements**.**

Should you require any further information do not hesitate to phone Stuart Gelder at this office.

Yours faithfully



Stuart Gelder
Principal

Gelder Group Architects

Site Description
The subject site comprises 3 parcels of land known as 2A, 2B & 4 Shinfield Avenue, St Ives. The full description of the sites in question is as follows:

- 2A Shinfield Avenue, St Ives - Lot 101 of Deposited Plan (DP) 1067940
- 2B Shinfield Avenue, St Ives - Lot 102 of Deposited Plan (DP) 1067940
- 4 Shinfield Avenue, St Ives – Lot 11 of Deposited Plan (DP) 12504

The subject site is located within the Ku-ring-gai Local Government Area (LGA) and has a total amalgamated area of 2,209m²

The location of the subject site is illustrated in Figure 1 below, outlined in red. The subject site is bounded by:

- South Street frontage boundary to Shinfield Avenue of 58.585m
- Eastern boundary of 66.385m
- North western boundary of 87.805m



Figure 1

The existing development comprises:

- 2A & 2B Shinfield Avenue: two storey brick semi-detached dwellings with tiled roof
- 4 Shinfield Avenue: a single storey brick dwelling house with a tiled roof

Development Proposal
The Development Proposal incorporates:

- Approval for the construction of a residential flat development pursuant to the Ku-ring-gai LEP 2015 upon the subject site.
- The proposed development will comprise of a single building comprising of five (5) storeys and will provide for a total of eighteen (18) units.
- The proposed building is also to provide for three (3) levels of basement and which will provide for a total of 45 carparking spaces

Principle 1: Context and Neighbourhood Character
Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change

- The site is located within the Ku-ring-gai DCP 2015 with the zoning of R4. The site is an amalgamation of 3 separate sites with the combine shape of the site being trapezoidal. The site has a natural slope across the property from the South West to the North of approximately 6.26m

- The site has a number of established trees along the North and South boundary which are currently growing along the sites boundaries. The design has taken the retention of some of these trees into consideration with new landscaping and trees to provide screen planting to the neighbours and street.

- The surrounding site is predominantly residential with an increasing number of multi-unit residential buildings.

- The proposed development is in keeping with the neighbouring character and streetscape with size, scale, setbacks and landscaping. Given there are a number of apartments buildings of similar height and scale in the immediate vicinity of the site, the proposed building is suitable and appropriate for its context.

Principle 2: Built form and scale
Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

- The proposal maintains the character of the tree dominated streetscape of Shinfield Avenue by providing a residential building set within a richly landscaped garden.
- The proposed development's height, scale and bulk are all consistent with the Ku-ring-gai DCP 2015 as well as the context of neighbouring dwellings.
- The 5-storey nature of the proposed development keeps the design modest and provides a high-quality living environment for the residents. Its height has been designed to respond to the neighbouring developments.
- The internal layout of the dwellings takes advantage of solar access by having majority of the units with North or East facing living rooms.
- The building external finishes are purposely limited to face brick and rendered brickwork with paint finish keeping to the local context. Different brick patterns and brick laying techniques are employed to different parts of the building to show versatility of the material.
- Curved brick corners are introduced again to showcase the versatility of bricks as building material whilst providing the building design with a less aggressive way to address an acute angle corner.
- Variety of window types have been used throughout the development to express the building uses while recessed balconies add visual depth with covered open areas.

Principle 3: Density
Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

- The residential development provides medium density housing and comprises 18 apartments on a site area of 2,209m² which is consistent with the zoning of the site.
- The permissible FSR of the site is 1.3 : 1 The proposed GFA is 2,443.14m², resulting an FSR of 1.11:1. A Clause 4.6 variation has been prepared in support of the non-compliance and accompanies this application. The Clause 4.6 submission is considered to be well founded and worthy of the support of the Council.

- The development comprises of the following unit mix in response to market demand in relation to typologies and living arrangements. There are 16 x 3-bedroom apartments and 2 x 4-bedroom apartments.

- The density of the development is considered sustainable within the existing availability of infrastructure, commercial and retail precincts, public transport, recreational and community facilities, and environmental qualities of the site.

- The basement car parking houses 44 car spaces, including 3 accessible car parking as well as residential storage, a service/ loading zone and services areas. There is also parking for 20 Bicycles. Motor cycle parking is also provided.

Principle 4: Sustainability
Good design combines positive environmental, social and economic outcomes.

Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

- The proposal provides for a detailed management plan for the collection and disposal of stormwater from the site. In this regard the proposal provides for the on-site detention and retention (re-use) of collected stormwater via a combined below ground OSD having a 36m3 volume and 13m3 rainwater tank located beneath the proposed driveway and which is to ultimately discharge to the existing kerb and gutter.

- A BASIX assessment has been undertaken and submitted along with this Development Application and the proposal achieves all targets set out in the Certificate and complies with all relevant standards.

- 100% of all dwellings achieve the minimum requirement of 3 hours of sunlight in mid-winter between 9am to 3pm to both their living areas and private open spaces. Majority of the units achieve full natural cross ventilation.

- Water efficient bathrooms and kitchen fittings are to be provided.

- Recycling of demolition waste where deemed appropriate.

Principle 5: Landscape
Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long-term management.

- The landscape respects the existing nature of the site and works around the existing vegetation to protect the existing large trees on site.
- Trees which are proposed to be removed are to be replaced with species as recommended by Council, maintain the desired character of the area.
- The proposed landscaping provides a range of planting including small shrubs, native plants, ground cover and trees. The proposed landscaping and proposed species complement the existing landscape of the streetscape and neighbourhood while providing a high quality and inviting design for the residents.
- The design and articulation of the proposed building responds to the tree canopy and root structure and the use of native plants in the landscape provide visual amenity to the residents.
- Suitable deep soil landscaping is proposed to allow infiltration of rainwater and reduce stormwater runoff. Deep soil landscaping will also help sustain large trees that contribute to the residential precinct garden character.
- The landscape provisions comply with Ku-ring-gai DCP requirements as well as the SEPP.

Principle 6: Amenity
Good design positively influences internal and external amenity for residents and neighbours.

Achieving good amenity contributes to positive living environments and resident wellbeing.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.

- Consideration has been made to the amenity of each individual dwelling and its visitors, with north aspect achieved for all units.

- Considerations have been made with respect to visual and acoustic privacy, sun access, cross ventilation, outlook and efficiency and space provisions of the unit layout.

- The development has proposed a lift for easy access to the parking facilities and a bin storage area with easy access, and separation for reduced odour transmission.

- Each unit has ample storage including basement storage units, internal linen cupboards and built in robes.

- All lift foyers to be provided with natural light and ventilation with vertical louvre privacy screens for visual privacy for neighbours.

Principle 7: Safety
Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose.

Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.

- The proposed development incorporates several security measures including a controlled vehicular access to the building that is provided by a secured basement car park with entry via private driveway from Shinfield Avenue.

- There is only one pedestrian access from Shinfield Avenue with a security access entry door with intercoms to control the visitors to the development.

- Direct access from the carpark to the lift is provided to all residents and guests.

- Ample external lighting is provided throughout the development to aid in security at night.

- An intercom will be provided for visitors at each entry point including the basement carpark.

- Passive surveillance of communal areas is provided from lift foyers, corridors and from individual apartments.

Principle 8: Housing diversity and social interaction
Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.

- The site has main vehicle and pedestrian entry from Shinfield Avenue. The site is within 300m to St Ives Shopping Village and Pymble Golf Club. The proposed development provides car parking in the basement so residents have a choice of transportation.

- Necessary facilities including public transport, supermarkets, major retail outlets, educational and leisure facilities as well as healthcare, are located adjacent or nearby.

- The provision of residential units would provide a more affordable option to people wishing to live in the area.

- There are a range of unit types to allow use for people of differing stages of life, with units ranging from 3-4 bedrooms.

Principle 9: Aesthetics
Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

- The architectural design intent is to provide a high-quality living environment that will have a positive impact on the neighbourhood and the life of its residents.

- The bulk and scale of the development is appropriate and fits in with the neighbouring properties through architectural elements and design features that emphasize on horizontality instead of verticality.

- The natural palette of colours and textures are harmonious with the neighbouring area with a timeless contemporary finish to enhance the surrounding. The proposed building colours and materials will reflect the natural landscape and provide an aesthetically pleasing backdrop for the retained trees.

- Considerations has been given to the façade treatment when viewed from the surrounding properties and the need to blend into the urban context and not dominate. This has been achieved through various treatments of architectural elements such as proportions, colours and materiality. By maintaining a face-brick finish, the signs of ageing associated with other finishes such as cracking render, fading paint on aluminium, or staining of concrete, will not pose as large a concern.

Apartment Design Guide Part 3 & 4 Requirements:

3A Site Analysis:

- The site is located close to retail and commercial facilities and transport to the North along Mona Vale Road are cafes, supermarkets and other retail outlets. Masada College, St Ives Secondary schools are located to the North East and South East and South East less than 2km away.

- Medium density apartment complexes are surrounding the proposed site to the North East and West. The proposed development fits well with the existing context.

- The design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.

- Refer annexure 1 Photo Report and Site analysis plan.

3B Orientation:

- The building has been orientated to respond positively to the streetscape character. The individual units have been orientated to achieve maximum solar access and allowing for long views. All external private open areas face either the street or the rear landscaped area while enabling maximum privacy to the neighbouring properties.

- Communal open area to the rear allows for solar access during the winter months and shade during the hot summer months.

- Increased upper level setbacks gives better solar access to the neighbouring properties. Refer shadow diagrams.

3C Public domain interface:

- Transition between private and public domain is achieved without compromising safety and security. Building main entrance, although setback from the street, is well defined with a curved awning and landscaping to suit.

3D Communal and public open spaces:

- A well landscaped common open area is proposed to the rear with good solar access.
- The adjacent units are raised with screen planting to give privacy while enabling surveillance.
- Existing trees are retained as much as possible within the common open area with a lawned area for children to play.

3E Deep soil zones:

- Deep soil zones are located to the Front, side and rear of the site. A total of 1,241.61sq.m. has been provided. These areas are landscaped with a mix of native and exotic trees and shrubs.

3F Visual Privacy:

- All windows facing the side boundaries are either high light windows with sill height at 1550mm above floor level or are set back as to provide suitable privacy from neighbours as well as the residents of the proposed development.
- Balconies are orientated to the rear and sides which give increased setbacks for privacy.
- Landscaping and planters add to visual privacy along with 1800mm high fencing where appropriate.
- Where upper levels have been setback, pergolas provide shade and privacy for private open areas.
- Privacy screens are proposed between adjacent balconies.

3G Pedestrian access and entries:

- The pedestrian entry to the complex is clearly identifiable from the street frontage with complementary architectural features.
- Accessible entry ramp has been integrated to the overall building and landscape designs.

3H Vehicle Access:

- Carpark access has been integrated with the overall building façade with a recessed entry door.
- Carpark entry located behind the building line with entry from the lowest point of the site allowing for site splays at boundary.
- Carpark entry separated from habitable rooms to avoid headlight glare.
- Garbage bin collection to be within the basement.
- Separate vehicular and pedestrian access are proposed.

3I Bicycle and car parking:

- Off street parking for visitors and residents have been provided within a secure basement.
- 45 parking spaces including 3 accessible parking spaces have been provided for residents along with 5 car spaces for visitors (three of which are also accessible). This is in-line with Ku-ring-gai Councils' DCP.
- In addition, 20 bicycle spaces have been provided within the basement. Bicycle spaces are conveniently accessed, and secure with lock boxes for each park.
- Direct clearly visible and well-lit access has been provided to garbage bin storage area, bicycle parking and to storage areas without crossing car parking spaces. Lift entry is located in a central area.
- Car parking is well organised and efficiently designed with regular structural columns integrated with parking.

4A Solar and daylight access:

- 18 out of 18 apartments received 3 hours of solar access on June 21st between 9am and 3pm to the living areas and private open spaces. Refer Solar Report Annexure 2.
- All apartments are dual aspect with North aspect provided to each.
- High level windows are used for secondary light source to habitable rooms where possible.
- Privacy louvres are orientated to maximise North sun and as glare control devices.

4B Natural Ventilation:

- All habitable rooms are naturally ventilated and have dual aspects with large operable windows and secondary high-level windows. Depth of rooms are acceptable for natural light and ventilation and maximum airflow.

4C Ceiling heights:

- A Floor to floor height of 3.1m allows for all habitable areas to have a ceiling height of 2.9m.

4D Apartment size and layout:

- 3 bedroom apartments range from 122 sq.m. to 133 sq.m. and the 4 bedroom from 168 sq.m. to 174 sq.m. All apartments have 2 bathrooms, separate laundry and ample storage facilities.
- All bedrooms comply with minimum dimensions and living rooms with minimum widths. All bedrooms provided with robes to comply.
- All internal corridors to have a minimum of 1000mmn width clear of all obstructions.
- It is considered that all of the proposed units (100%) are accessible and will be designed to Silver Level. A total of 3 units (16.6%) have been designed so as to comply with Platinum Level requirements.

4E Private open space and balconies:

- All apartments balconies and private open areas on Ground floors complies with the minimum areas and 2m minimum width. (3m minimum width for Ground floor)
- All private open areas are directly accessible and adjacent to living rooms and face either the North or the East.
- Balustrades are solid, partially solid or glazed. Vertical privacy walls are proposed for visual privacy and passive surveillance.
- Balcony design is integrated to the overall architectural form and maximises safety.

4F Common circulation and spaces:

- The maximum number of apartments off the common circulation space is 4.
- Common circulation spaces are provided with natural light and ventilation.

- Complies with promoting safety and social interaction in common circulation spaces.

4G Storage:

- The proposed development complies with storage areas both internally and in basement. All storage areas are accessible from the living rooms or from central circulation space in basement. Those accessed from car spaces will be assigned to the same unit as the car space. At least 50% of the required storage area has been provided within the apartment.

4H Acoustic Privacy:

- Main bedrooms are located further away from the main road to mitigate acoustic impact. Spaces within the apartment too are grouped together to reduce noise transmittance. Complies with minimising acoustic impact. Refer Acoustic report.

4J Noise and Pollution:

- Complies with appropriately siting the apartments away from the main road and with the use of landscaping and other noise shielding and pollution reducing materials. Refer acoustic report

4K Apartment mix:

- A mix of 3 and 4 bedroom apartments have been proposed with them mixed appropriately. Complies. (100%) are accessible and will be designed to Silver Level. A total of 3 units (16.6%) have been designed so as to comply with Platinum Level requirements.

4L Ground Floor Apartments:

- Direct access has been provided via external gates on each apartment terrace located behind the front building line. Private open space facing the street and provides a buffer and additional privacy. Due to the car parking being in the basement, the main entrance to it is from the main lobby with lift access.

4M Facades:

- Complies with providing a visually interesting façade while respecting the character of the local area. The façade treatment with a varied brick pattern, curved walls and aesthetic entry with unique features as curved revealed slabs create a contemporary architectural design.

4N Roof Design:

- Roof design is integrated into the building design. A large flat roof follows the contours of the site allowing for reduced overshadowing and maximising solar access. This also contributes to safe access and maintenance when needed in the future.

4O Landscape Design:

- Indigenous, low water use plant species proposed. Refer landscape plans and BASIX Certificate.
- Retainment of trees at the street front will enhance the character of the area.

4P Planting on Structures:

- Refer Landscape plans for appropriate soil profiles for planters at upper levels.

4Q Universal Design:

- Apartments have been designed incorporating universal design principles for flexible housing for all community members. A variety of apartments with adaptable designs are provided. Apartment layouts are flexible and accommodate a range of lifestyle needs. All Apartments are compliant with the Liveable Housing Design Guide.

4U Energy Efficiency:

- All habitable rooms receive adequate natural light. Balconies are oversized to allow for clothes drying areas. Energy efficient appliances are to be provided to all units. Solid concrete floors and masonry wall construction provide thermal mass, overhanging roofs shade the units and cross ventilation to all units minimises reliance on air-conditioning. All apartments receive adequate natural ventilation.

- Refer to BASIX report.

4V Water management and conservation:

- Complies with minimising potable water usage.

- Rain water re-use tank proposed. Refer Stormwater plans.

4W Waste management:

- A large and easily accessible bin store has been provided in the basement for general waste and recycling away from street view. Refer waste management plan.

4X Building maintenance:

- Building design detail provides protection from weathering and ongoing maintenance with the predominant material being face brick. This ages far more consistency, and with minimal maintenance require

Annexure 1 – Photo Report

Residential Development
2-4 Shinfield Ave, St Ives

Dec 2024
2119

The photography study was undertaken to demonstrate the diversified character of the surrounding area to the subject site. We were unable to identify a distinct character in terms of scale, however acknowledge that there is a trend towards higher density in the area.



Figure 1: Aerial view of site (Google Maps view of subject site)

The subject site is 2,209sq.m. with a street frontage of 58.59m being the total of 2A, 2B & 4 Shinfield Avenue.

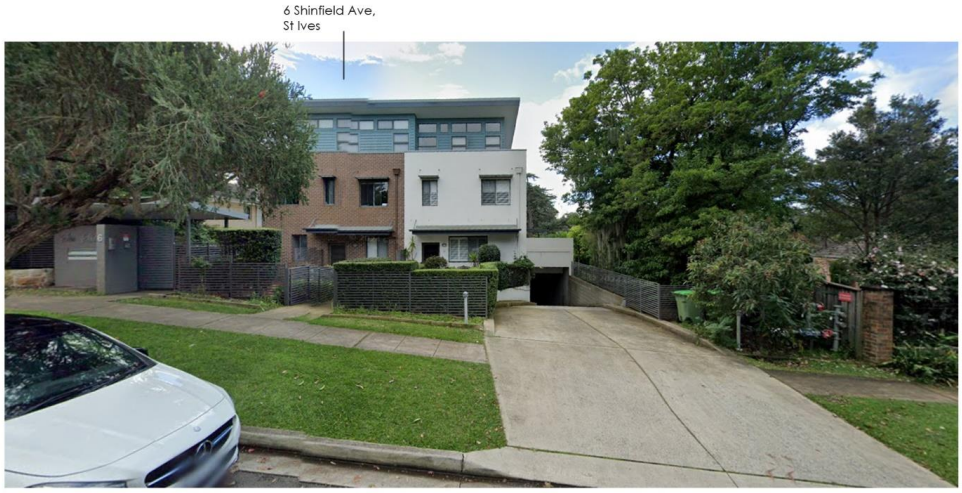


Figure 2: Number 6 Shinfield Ave (Source Google Maps)

The neighbouring development of medium-density residential units, with basement garage access from Shinfield Ave. There is substantial separation between the boundary of the subject site, and number 6 Shinfield. Featuring brick, render and weatherboard façade finishes.



Figure 3: Number 8 Shinfield Ave (Source Google Maps)

Moving further down Shinfield Ave features a development of medium-density residential townhouses (approx. 17 townhouses), with dual driveway access, and private road access from Shinfield Ave. Featuring brickwork finish.

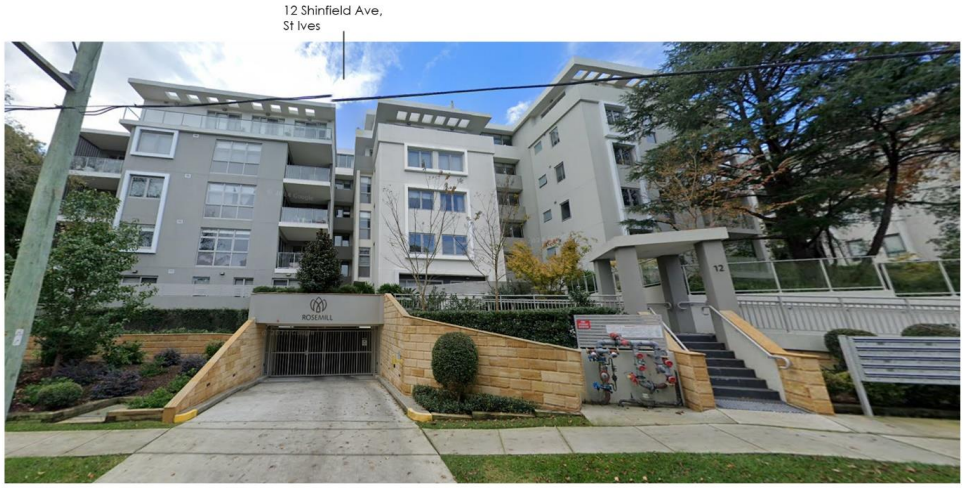


Figure 4: Number 12 Shinfield Ave (Source Google Maps)

Further along Shinfield Ave, additional medium-density residential units are found, with basement garage access from Shinfield Ave. Featuring sandstone blockwork and painted render façade finishes.

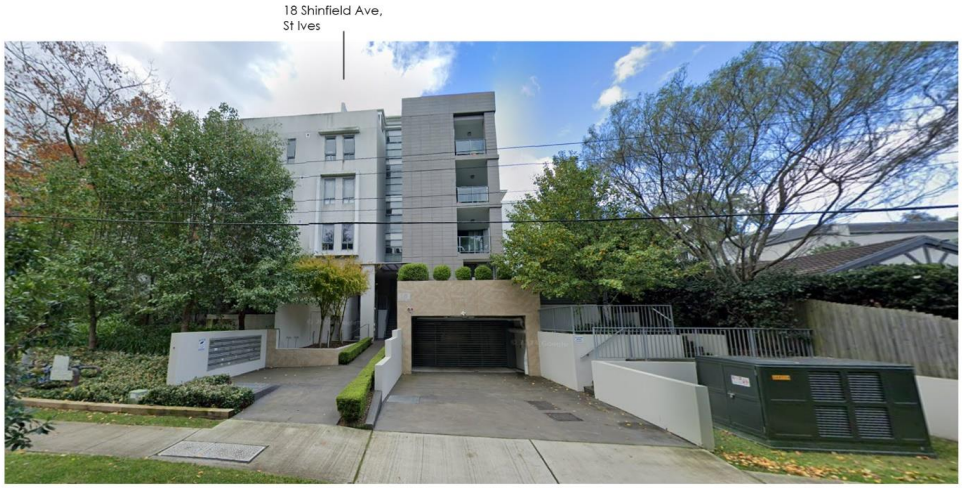


Figure 5: Number 18 Shinfield Ave (Source Google Maps)

Further down Shinfield Ave, additional medium-density residential units are found, with basement garage access from Shinfield Ave. Featuring two-toned tiled and painted render façade finishes.



Figure 6: Number 169C and 171B Mona Vale Rd (Source Google Maps)

Positioned to the North-West of the subject site, a number of medium-high density apartments can be observed. Each have a private driveway/ laneway to basement garages with access from Shinfield Ave (along the western boundary of 2A Shinfield Ave). These apartments feature brick on the ground level, and painted render façade finishes.



Figure 7: Number 169C and 171B Mona Vale Rd, and commercial shop 167 Mona Vale Rd (Source Google Maps)

Positioned to the North-West of the subject site, a number of medium-high density apartments can be observed. Each have a private driveway/ laneway to basement garages with access from Shinfield Ave (along the western boundary of 2A Shinfield

Ave). These apartments feature brick on the ground level, and painted render façade finishes.



Figure 5: Number 167 Mona Vale Rd (Source Google Maps)

Positioned directly West of the subject site, 167 features a commercial shop, with rear access parking spaces from Shinfield Ave. This shop features a painted render façade finish.



Figure 5: Number 185 Mona Vale Rd (Source Google Maps)

Further down Mona Vale Rd (North from subject site), further medium-density residential units are found, with basement garage access from Mona Vale Rd. This features two-toned painted render façade finishes.

APPENDIX: VIEWS FROM THE SUN

The table reproduces the view from the sun at hourly increments to determine solar access projections on June 21st. The projections were prepared by Gelder Group Architects, from a 3D digital model in ArchiCAD v22 software.

Internal Living Areas:

Unit Number	9am	10am	11am	12pm	1pm	2pm	Minimum 3 hours
G01	√	√	√	√	X	√	√
G02	X	√	√	√	√	X	√
G03	√	√	√	X	√	√	√
G04	√	√	√	X	X	X	√
101	√	√	√	√	√	√	√
102	X	√	√	√	√	X	√
103	√	√	√	√	√	√	√
104	√	√	√	X	X	X	√
201	√	√	√	√	√	√	√
202	X	√	√	√	√	X	√
203	√	√	√	√	√	√	√
204	√	√	√	X	X	X	√
301	√	√	√	√	√	√	√
302	√	√	√	√	√	√	√
303	√	√	√	√	√	√	√
304	√	√	√	√	√	X	√
401	√	√	√	√	√	√	√
402	√	√	√	√	√	√	√

3 hours solar access: 18/18 = 100%

External Private Open Space:

Unit Number	9am	10am	11am	12pm	1pm	2pm	Minimum 3 hours
G01	√	√	√	√	X	√	√
G02	√	√	√	√	√	√	√
G03	√	√	√	√	√	√	√
G04	√	√	√	√	X	X	√
101	√	√	√	√	√	√	√
102	√	√	√	√	√	√	√
103	√	√	√	√	√	√	√
104	√	√	√	√	X	X	√
201	√	√	√	√	√	√	√
202	√	√	√	√	√	√	√
203	√	√	√	√	√	√	√
204	√	√	√	√	X	X	√
301	√	√	√	√	√	√	√
302	√	√	√	√	√	√	√
303	√	√	√	√	√	√	√
304	√	√	√	√	√	X	√
401	√	√	√	√	√	√	√
402	√	√	√	√	√	√	√

3 hours solar access: 18/18 = 100%

18/18 units achieve a minimum of 3 hours sunlight between 9am - 3pm on June 21, which equates to 100%; SEPP 65 requires 70% of apartments receive a minimum of 3 hours solar access between 9am - 3pm. The development complies for the External Private Areas solar access requirement.

June 21st – Solar Study



1 9AM



2 10AM



3 11AM



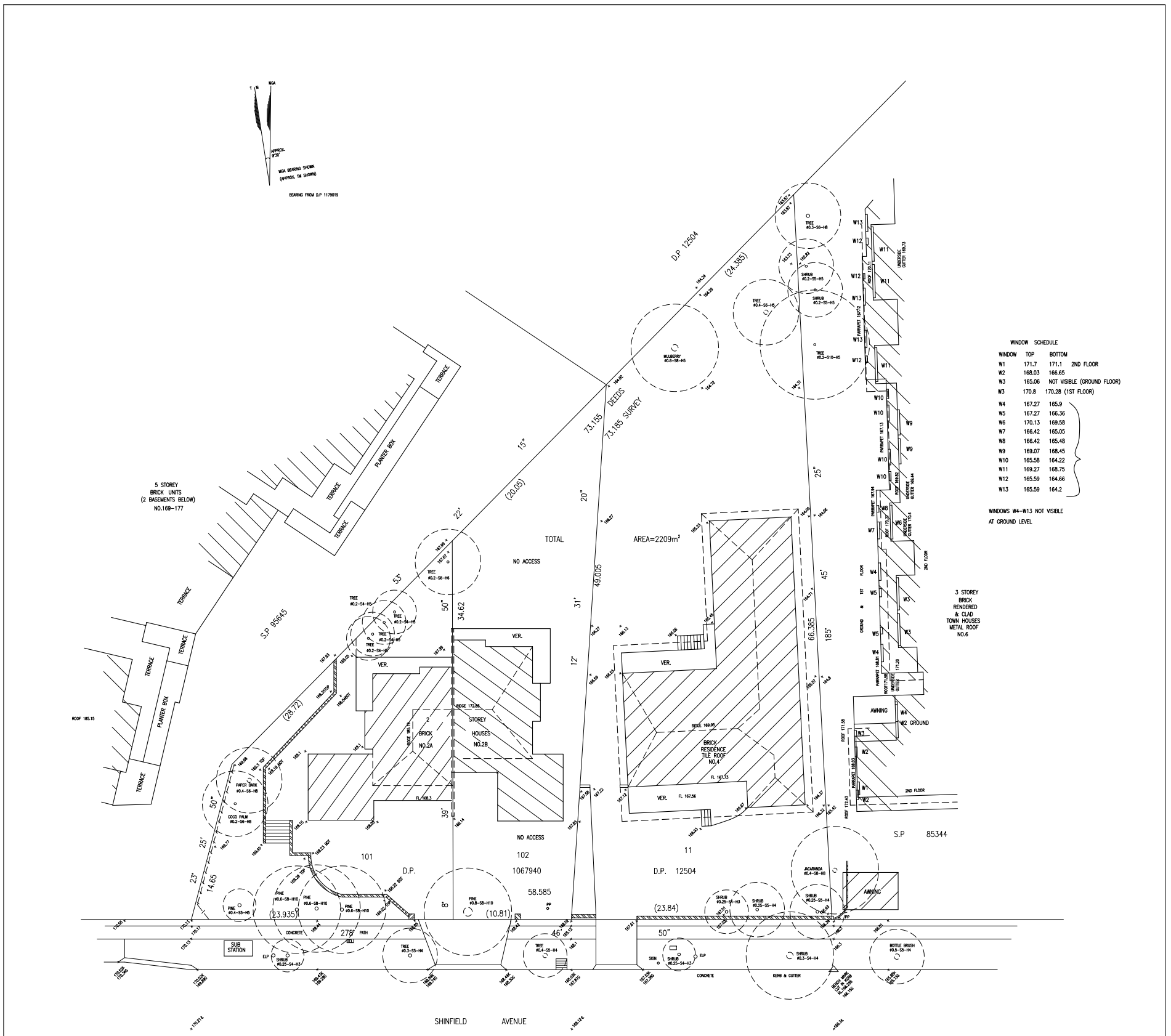
4 12PM



5 1PM



6 2PM



WINDOW SCHEDULE

WINDOW	TOP	BOTTOM	
W1	171.7	171.1	2ND FLOOR
W2	168.03	166.65	
W3	165.06	NOT VISIBLE (GROUND FLOOR)	
W3	170.8	170.28 (1ST FLOOR)	
W4	167.27	165.9	
W5	167.27	166.36	
W6	170.13	169.58	
W7	166.42	165.05	
W8	166.42	165.48	
W9	169.07	168.45	
W10	165.58	164.22	
W11	169.27	168.75	
W12	165.59	164.66	
W13	165.59	164.2	

WINDOWS W4-W13 NOT VISIBLE AT GROUND LEVEL

LEGEND
W - WINDOW
FL-FLOOR LEVEL
VER-VERANDAH
HYD - HYDRANT
PP - POWER POLE
TEL - TELECOM PIT
GAS - GAS MAIN
LP - LIGHT POLE
SV - STOP VALVE
INV - PIPE INVERT
K - KERB
G - GUTTER
ELP - POWER POLE WITH LIGHT

ORIGIN OF LEVELS SSM 149908 AHD RL 167.54

NOTE: No underground services search has been carried out. You are advised to "Dial 1100 Before You Dig Australia" before carrying out any building work.

REGISTERED SURVEYORS

V.J. Mansell Reg. No. SU 001566 .....

PLAN OF LEVELS AND DETAILS AT 2A,2B,-4 SHINFIELD AVENUE, ST IVES FOR JOSEPH TOUMA

Boundaries have not been surveyed. Dimensions and areas compiled from information obtained from NSWLRS Improvements shown are diagrammatic only and shown for plotting purposes only.

Contours if shown are approximate and preference should be given to spot levels. No services search has been made and only those visible at time of survey have been located. Levels under buildings unknown. Adjoining building details shown are approx. only due to restricted access.

DATUM	A.H.D.
REDUCTION RATIO	1:100
REFERENCE NO.	205848
DATE OF SURVEY	03/04/2024
SURVEYED BY	P.B/B.R/D.M
DRAWN BY	L.STOJKOVSKI

W. BUXTON PTY LTD
A.C.N. 098 878 810
REGISTERED SURVEYORS
76 VILLAGE ROAD
CARINGBAH 2229
TEL. (02) 9553 8800
Email vjmansell@bigpond.com

Filed: 18 June 2025 3:31 PM

D000267M4G

Statement of Facts and Contentions

COURT DETAILS	
Court	Land and Environment Court of NSW
Division	Class 1
Registry	Land and Environment Court Sydney
Case number	2025/00195994

TITLE OF PROCEEDINGS	
First Applicant	HMR Developments Pty Ltd
First Respondent	Ku-ring-gai Council ABN 86408856411

FILING DETAILS	
Filed for	Ku-ring-gai Council,Respondent 1
Legal representative	Christopher Henry Shaw
Legal representative reference	
Telephone	02 93752220

ATTACHMENT DETAILS

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Lodge Document, along with any other documents listed below, were filed by the Court.

Statement of Facts and Contentions (20250616 SOFAC.pdf)

[attach.]

Filed: 18/06/2025 15:31 PM

STATEMENT OF FACTS AND CONTENTIONS

COURT DETAILS	
Court	Land and Environment Court of New South Wales
Class	1
Case number	2025/195994
TITLE OF PROCEEDINGS	
Applicant	**HMR Developments Pty Ltd**
Respondent	**Ku-ring-gai Council**
FILING DETAILS	
Filed for	Ku-ring-gai Council, Respondent
Legal representative	Christopher Shaw, Shaw Reynolds Lawyers
Legal representative reference	SRL:RVV:250072
Contact name and telephone	Christopher Shaw, (02) 9375 2220
Contact email	chris.shaw@shawreynolds.com.au

PART A – FACTS

The Respondent, Ku-ring-gai Council (**Council**) says that the facts relevant to the refusal of development application number eDA0028/25/PAN-505513 (the **Development Application**) are as follows:

THE APPLICATION

1. This appeal has been lodged pursuant to Section 8.7 of the *Environmental Planning and Assessment Act 1979* (the **EPA Act**) against the deemed refusal of the Development Application.
2. The appeal was filed with the Land and Environment Court of NSW (**Court**) on 22 May 2025.

THE PROPOSAL

3. The Development Application seeks development consent for the demolition of existing structures and the construction of a residential flat building containing 18 units, three levels of basement parking and associated works, including tree removal on the sites (the **Proposed Development**) known as No. 2A, No. 2B and No. 4 Shinfield Avenue, St Ives (the **Sites**).

4. The Proposed Development comprises the following components:

(a) Demolition

- Demolition of all existing structures on the Sites.

(b) Construction of Residential Flat Building

- Erection of a five-storey residential flat building containing 18 dwellings, with:
    - a maximum building height of 17.375 metres, representing a 2.875 metre (19.83%) variation to the height standard in the *Ku-ring-gai Local Environmental Plan 2015* (**KLEP**); and
    - a maximum gross floor area of 2,443.14m^2 (FSR of 1.11:1), representing a 10.6% variation to the applicable FSR standard in the KLEP.

(c) Basement Car Parking

- Provision of three basement levels of car parking:
    - Basement Level 3: 18 residential parking spaces, 7 bicycle lockers and 6 residential storage lockers.
    - Basement Level 2: 17 residential parking spaces, 6 residential storage lockers.
    - Basement Level 1: Main vehicular entrance from Shinfield Avenue, 4 residential parking spaces (3 accessible), 1 car share parking space, 1 visitor/car wash parking space, 4 visitor parking spaces (3 accessible), 13 bicycle lockers, bin storage area, pump room and service bay.

(d) Dwelling Configuration and Amenities

- Ground Floor: 4 x 3-bedroom units with terraces and planter boxes, main resident entrance; 3 “silver” level and 1 “Platinum” level units.

- First, Second and Third Floors: Each level includes 4 x 3-bedroom units with balconies, 3 Silver and 1 Platinum adaptable units; south-facing balcony for AC condensers.
- Fourth Floor: 2 x 4-bedroom units with balconies; south-facing balcony for AC condensers.
- Roof: 1-degree fall metal roof.

(e) Site Coverage and Landscaping

- Site coverage of 601.72m^2 (27.2% of the Sites) in accordance with the KLEP.
- Depp soil landscaping of 988m^2 (44.7% of the Sites) in accordance with the *Ku-ring-gai Development Control Plan* (**KDCP**).

(f) Tree Removal and Replacement

- Tree Removal: the removal of 33 trees, as identified in the Applicant's Arborist Report.
- Tree Replanting: Provision of 3 replacement canopy trees capable of attaining mature heigh of 18m:
    - 2 x *Syncarpia glomulifera*
    - 1 x *Melaleuca quiquenervia*

(g) Stormwater Management:

- Combined on-site detention (**OSD**) and rainwater retention system comprising of:
    - 36m^3 OSD tank;
    - 13,000L rainwater retention tank
    - Infrastructure located beneath the driveway.

(h) Lot Amalgamation

- The Proposed Development spans three existing allotments. Although no draft subdivision plan is provided, the Statement of Environmental Effects indicates that the development will necessitate amalgamation of the three lots.

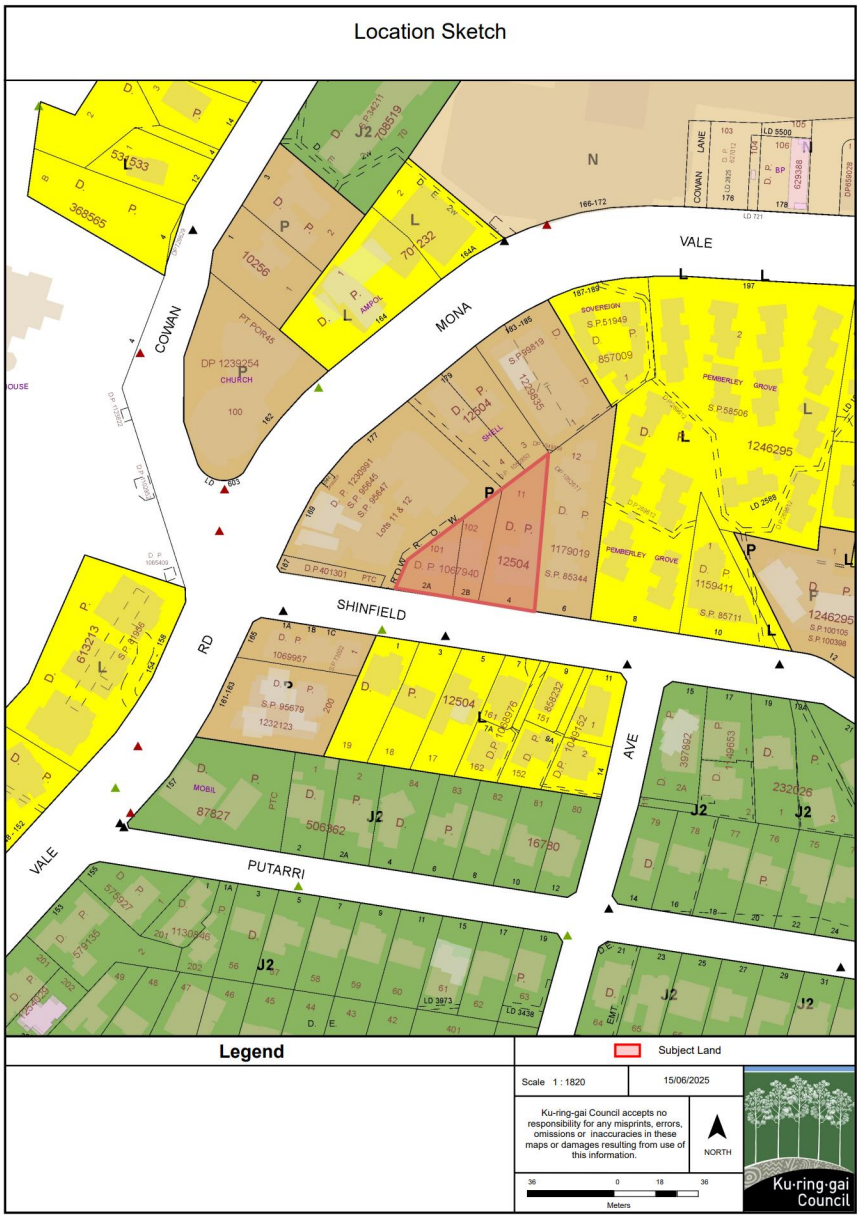


Figure 1: Extract from Ku-ring-gai LEP Height of buildings map



Figure 2: Extract from Ku-ring-gai LEP Floor space ratio map

THE SITES

5. The Sites are known as No. 2A, No. 2B and No. 4 Shinfield Avenue, St Ives, and are legally described as follows:

Street address	Property ID	Site Area	Configuration	Existing development
2A Shinfield Avenue, St Ives	Lot 101 in DP 1067940	519.4m^2	Street front	Semi-detached dwelling
2B Shinfield Avenue, St Ives	Lot 102 in DP 1067940	508.4m^2	Street front	Semi-detached dwelling
4 Shinfield Avenue, St Ives	Lot 11 in DP 12504	1,176m^2	Street front	Single dwelling house

6. The registered proprietors of each respective site are not the applicant for the Development Application.

7. A draft plan of subdivision has not been provided. However, when amalgamated, the Sites will comprise a single Site (the **Site**) having the following approximate dimensions:

   (i) Northern boundary of 73.155 metres (irregular boundary line).
   (ii) Eastern boundary of 66.385 metres (straight boundary line).
   (iii) Southern boundary of 58.585 metres (straight boundary line).
   (iv) Western boundary of 14.65 metres (irregular boundary line).
   (v) An approximate total Site area of 2,209m^2.

8. The Sites are located on the high side of Shinfield Avenue and fall approximately 4 metres from front to back (south to north). The relevant RLs for each corner of the Sites are:

Direction of corner	Reduced Level
North	RL 163.87
South west	RL 170.13
South east	RL 166.63

9. The Sites are located on the boundary of the *St Ives Local Centre* within the KDCP, and within the *Low to Medium Rise Housing Area* of the *State Environmental Planning Policy (Housing) 2021* (**Housing SEPP**).

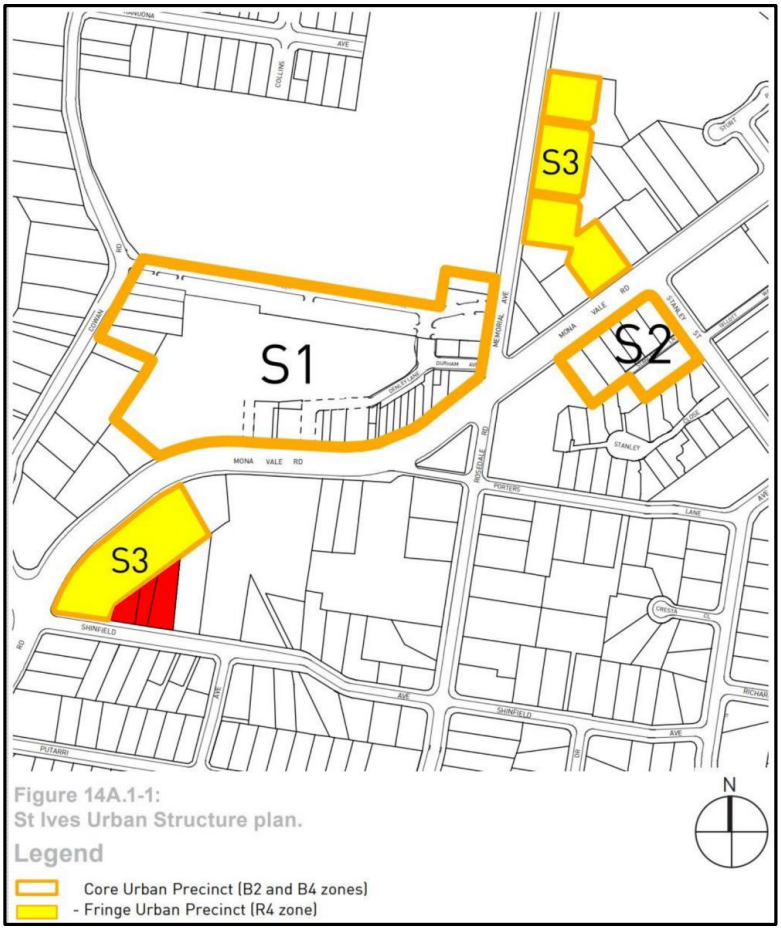


Figure 3:Extract from Ku-ring-gai DCP St Ives local Centre map

10. The Sites are zoned R4 High Density Residential under the KLEP.

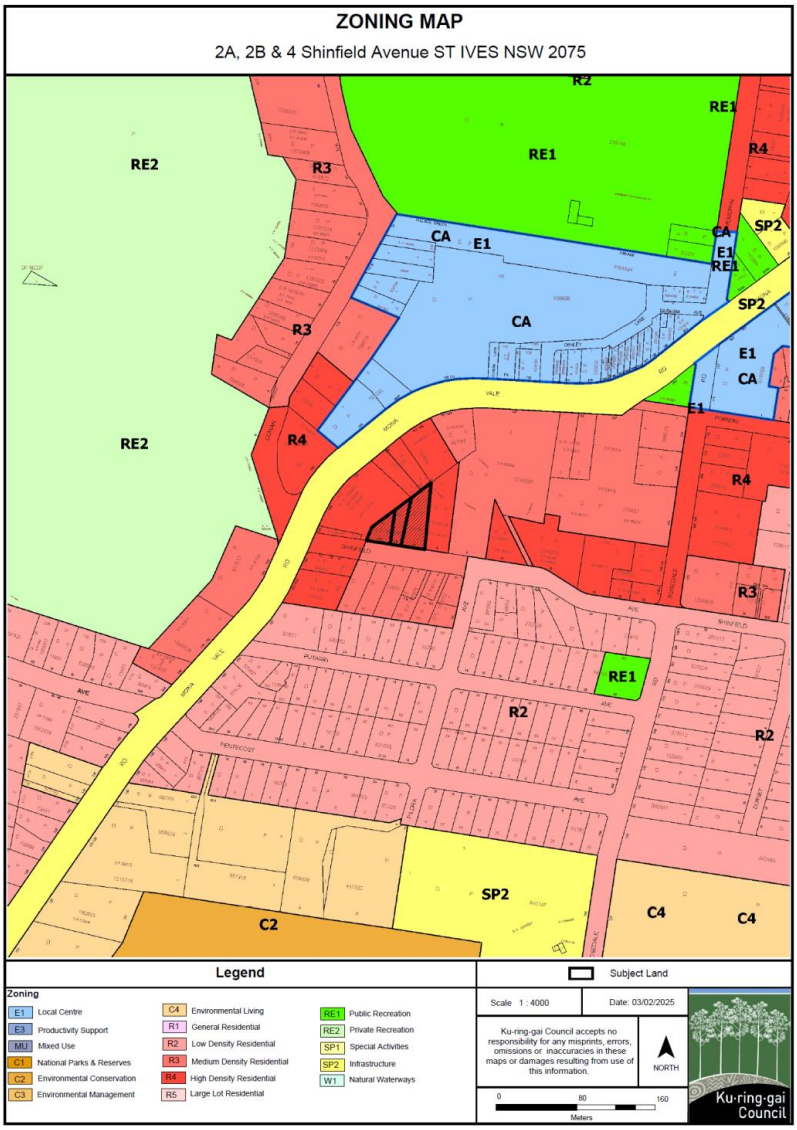


Figure 4: Extract from the Land Zoning Map [bordered dark black]

11. The Sites are located approximately 50 metres from Mona Vale Road (which is a classified Road) with the closest proximity being at the north western corner of No. 2A Shinfield Avenue.

12. Nos. 4 and 6 Shinfield Avenue, St Ives are listed on Council's contaminated land register. Council records indicate that the land was subject to Voluntary Investigation Agreement No. 19010 under the *Contaminated Land Management Act 1997*, which has now been completed. The Agreement includes relevant information about the condition of the land as documented in the applicable planning certificate.

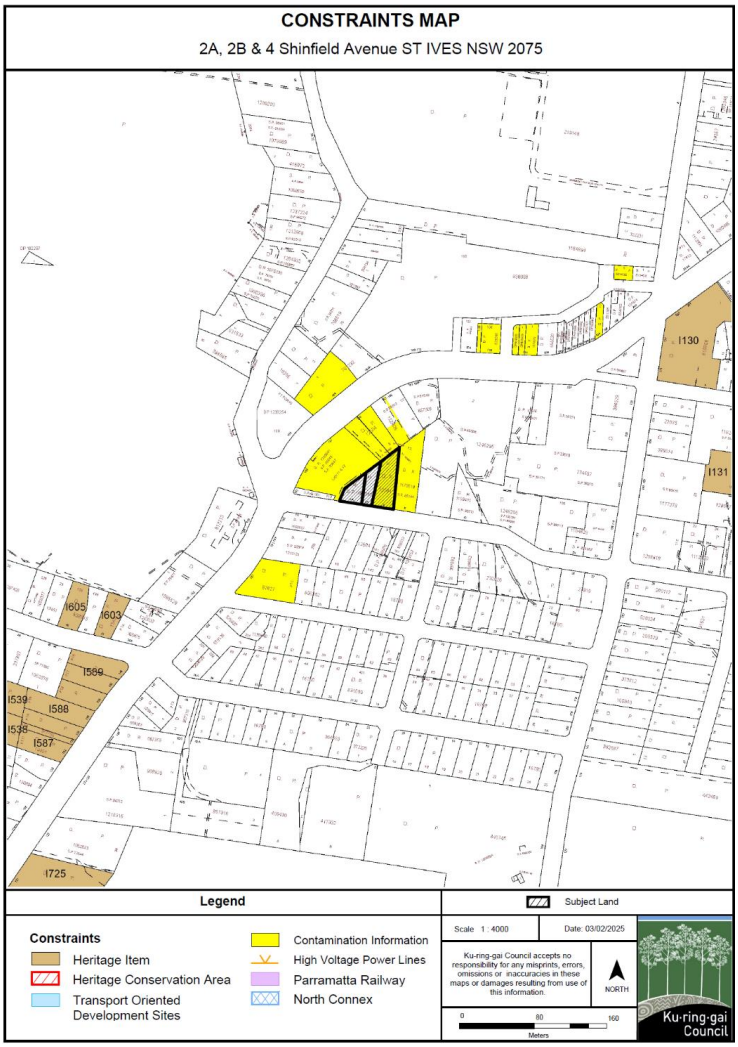


Figure 5: Extract from Ku-ring-gai LEP Contaminated information map

THE LOCALITY

13. An aerial photograph depicting the Sites and surrounding development is provided below:

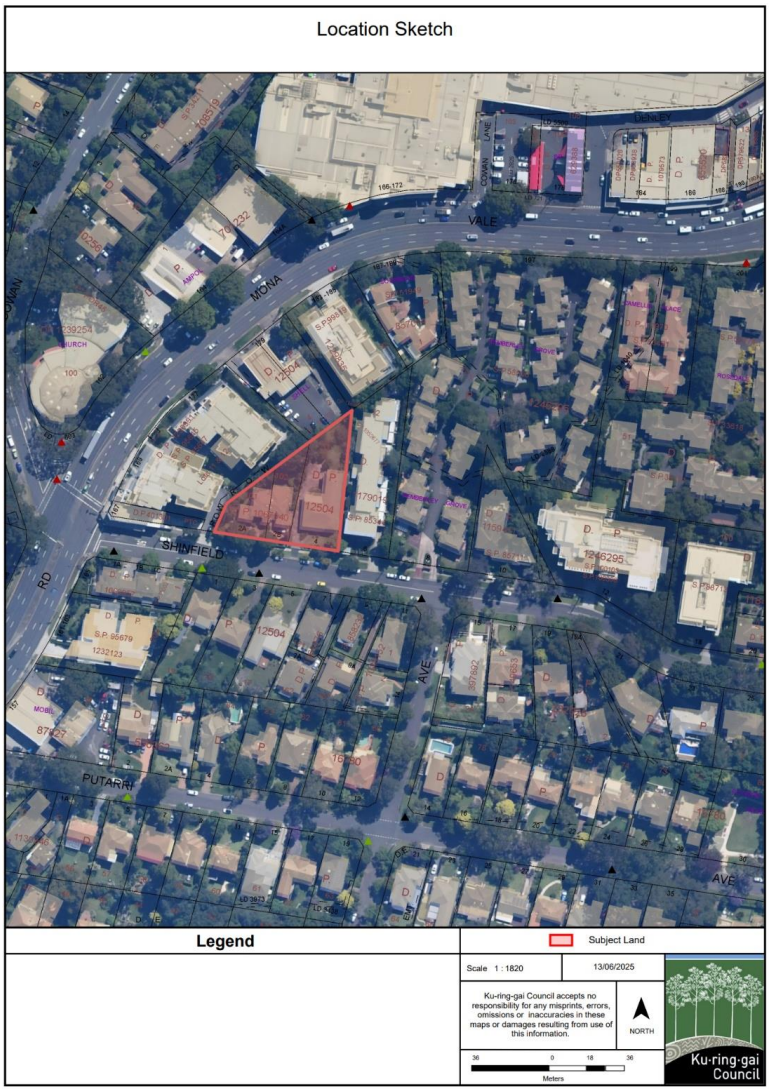


Figure 6: Aerial image of the Site in red and surrounding development

14. Adjoining the western boundary of the Sites at No. 169-177 Mona Vale Road. is a five-storey mixed -use building, comprising commercial office suites, medical suites, and residential apartments. It obtains its principal vehicular access via Shinfield Avenue through a right-of-way over No. 167 Mona Vale Road.

15. Also adjoining the western boundary at No. 167 Mona Vale Road, is a two-storey commercial building containing office suites. The building is located on the corner of Mona Vale Road and Shinfield Avenue and features an at-grade carpark at the rear, accessed from Shinfield Avenue.

16. Adjoining the eastern boundary of the Sites is No. 6 Shinfield Avenue, which comprises 11 townhouses.

17. To the south -west of the Sites is No. 165 Mona Vale Road, which comprises three, two-storey townhouses.

18. On the opposite side of Shinfield Avenue, to the south of the Sites, the surrounding development consists of low-density residential dwellings in the form of detached houses.

THE STATUTORY CONTROLS

19. The statutory controls applicable to the Development Application are as follows:

    (a) the EPA Act;
    (b) Environmental Planning and Assessment Regulation 2021 (the **EPA Regulation**)
    (d) State Environmental Planning Policy (Sustainable Buildings) 2022 (**SB SEPP**)
    (e) State Environmental Planning Policy (Resilience and Hazards) 2021 (**RH SEPP**)
        (i) Chapter 4 Remediation of Land
    (f) State Environmental Planning Policy (Biodiversity and Conservation) 2021 (**BC SEPP**)
        (i) Chapter 6 Water catchments
    (g) State Environmental Planning Policy (Housing) 2021 (**Housing SEPP**)
        (i) Chapter 4 Design of residential apartment development
        (ii) Schedule 9 Design principles for residential apartment development
    (h) State Environmental Planning Policy (Transport and Infrastructure) 2021 (**TI SEPP**)
        (i) Division 17, Subdivision 2 ‘Development in or adjacent to road corridors and road reservations’

(i) the KLEP
(j) the KDCP
  (i) Part 1 – Introduction
  (ii) Part 2 – Site Analysis
  (iii) Part 3 – Land Consolidation and Subdivision
  (iv) Part 7 – Residential Flat Building Controls
  (v) Part 13 – Tree and Vegetation Preservation
  (vi) Part 20 – Development near Road or Rail noise
  (vii) Part 21 – General Site Design
  (viii) Part 22 – General Access and Parking
  (ix) Part 23 – General Building Design and Sustainability
  (x) Part 24 – Water Management
  (xi) Part 25 – Waste Management
(k) Ku-ring-gai Contributions Plan 2010
(l) Ku-ring-gai Community Participation Plan
(m) Environmental Planning and Assessment (Housing and Productivity Contribution Order) 2024

ACTIONS OF THE RESPONDENT CONSENT AUTHORITY

20. On 30 January 2025, the Development Application was lodged with Council via the New South Wales Planning Portal. It was accepted by Council on 7 February 2025.

21. The Development Application was notified to the owners and occupiers of surrounding properties for a period of 30 days from 24 February 2025 to 25 March 2025, in accordance with the Ku-ring-gai Community Participation Plan.

22. Eight submissions were received during the notification period. These submissions raised, generally, the following concerns:

(a) Privacy,
(b) Overshadowing and solar access,
(c) Visual amenity,
(d) Traffic congestion and street parking
(e) Over excavation,

(f) Excessive floor space ratio,
(g) Construction noise,
(h) Insufficient information.

23. On 7 February 2025, the Development Application was referred for comments from Council's Senior Development Engineer, Senior Landscape and Tree Assessment Officer, Senior Building Surveyor, Senior Environment Health Officer, Team Leader of Natural Areas (for contamination) and external Urban Design Advisor.

24. On 29 April 2025, a preliminary assessment letter was sent to the Applicant requesting the following additional and/or amended information:

(a) Non-compliant building height and unsatisfactory Clause 4.6.
(b) Non-compliant floor space ratio and unsatisfactory Clause 4.6.
(c) Unsatisfactory deep soil area.
(d) Unsatisfactory apartment amenity.
(e) Inadequate site analysis.
(f) Unsatisfactory landscape outcomes.
(g) Unsatisfactory consideration of waterproofing requirements.
(h) Failure to identify which apartment compliance with the liveable housing guidelines.
(i) Unsatisfactory Design Verification Statement.
(j) Unsatisfactory external finishes and materials.
(k) Inconsistencies between the BASIX Certificate and Architectural Plans.
(l) Inconsistencies on the Survey Plan.
(m) Unsatisfactory water management outcomes.

25. On 22 May 2025, the Council was served with the Class 1 Application.

PART B – CONTENTIONS

The Respondent says that the contentions relevant to the determination of the Development Application are as follows: following facts, matters, and circumstances require or should cause the Court, in exercising the functions of the consent authority to refuse the Application.

B1 – CONTENTIONS THAT THE APPLICATION BE REFUSED

1. Excessive Building Height

The Development Application must be refused because the Proposed Development exceeds the height of buildings development standard pursuant to clause 4.3 of the KLEP, and the written request for variation prepared by Minto Planning (**Height Request**) cannot be supported.

Particulars

(a) The Proposed Development has a building height of 17.375 metres which constitutes a (19.83%) (2.875 metre) exceedance of the development standard. The Site is subject to a maximum building height of 14.5 metres.

(b) Sites that are subject to a maximum building height of 14.5 metres are to be a maximum of 4 storeys high. Ground floor is measured a maximum of 1 metre above the existing ground level. The lack of RLs that correspond with contours on the survey plan means this calculation of existing ground levels cannot determined.

(c) The Proposed Development details 5 storeys (subject to confirmation that the first storey is in fact no more than 1 metre above existing ground level). Current best practice design is that 3.2 metre floor-to-floor heights are the minimum needed to meet new requirements where wet areas are vertically aligned through the building. This requirement has not been factored into the design and therefore the proposed building height as depicted is incorrect. A further variation to the building height standard will occur if/when this is applied to the development. The Proposed Development must be amended to show 3.2 metre floor to floor heights where required.

(d) The Height Request is not well founded as it does not demonstrate that compliance with the development standard is unreasonable or unnecessary or that there are sufficient environmental planning grounds to justify contravening the development standard, for the following reasons:

(i) The Proposal fails to achieve the relevant objective in Clause 4.3(1)(c) of the Ku-ring-gai LEP which is:

> *to enable development with a built form that is compatible with the size of the land to be developed*

(ii) Clause 4.3(2A) denotes a building height relative to the lot size of the Site. The proposed 19.83% contravention of the development standard fails to have regard to this ratio and is therefore incompatible with the size of the land to be developed. Strict compliance with the development standard is necessary to achieve the objective in clause 4.3(1)(c) and of clause 4.3(2A).

(iii) The proposed 19.83% contravention of the development standard is incompatible with the properties in the vicinity of the Site and its transitional position between the low and medium density development on Shinfield Avenue and the high-density development on Mona Vale Road.

(iv) The proposed 19.83% contravention will adversely impact the local visual character and streetscape because it will exceed the building heights of development on neighbouring properties. Strict compliance with the development standard is necessary to achieve a development that is compatible with the local visual character and streetscape.

(v) The Proposed Development fails to comply with the maximum number of building storeys permitted by control 1 in Part 7C.7 of the KDCP, which permits a maximum of four (4) storeys above the basement where the maximum building height is 14.5m. The Proposed Development is for the development of a five-storey development. The Height Request fails to acknowledge the direct correlation between the non-compliant fifth storey and the 19.83% contravention.

(vi) Clause 4.3(2A) prescribes a height of buildings standard that is commensurate to the Site area. The adjoining properties within the visual catchment of the Site comply with

this standard. Therefore, the environmental planning grounds advanced in Height Request do not reflect the intent of clause 4.3(2A).

(e) For the reasons set out above, the proposed exceedance to the height of buildings development standard is not in the public interest.

2. Excessive Floor Space Ratio

The Development Application must be refused as the Proposed Development contravenes the floor space ratio development standard pursuant to clause 4.4 of the KLEP, and the written request for variation prepared by Minto Planning (**FSR Request**) cannot be supported.

Particulars

(a) The Site is subject to a maximum floor space ratio of 1:0:1 (2,209m^2)

(b) According to the FSR Request, the Proposed Development details a maximum GFA of 2,443.14m^2, however, a note on Plan DA10 indicates an FSR of 2,529.5m^2. This matter must be clarified.

(c) The FSR Request details a gross floor area of 2,443.14m^2 a 10.6% (234m^2) contravention.

(d) The GFA of the penthouses combined (343.42m^2) accounts for 14.05% of the total GFA and if deleted would achieve a numerically compliant building height, as well as the number of storeys control in Part 7C.7 (1) of the KDCP.

(e) The FSR Request suggests that the Proposed Development complies with the KDCP on matters including setbacks, site coverage, deep soil, absence of arboricultural impacts, absence of unreasonable visual impacts. However, it is not compliant in all these areas, for the reasons outlined in further detail below.

(f) The FSR Request is not supported as it does not demonstrate that compliance with the development standard is unreasonable or unnecessary nor that there are sufficient environmental planning grounds to justify contravening the development standard, for the following reasons:

(i) The Proposed Development fails to achieve the relevant objective in clause 4.4(1a) of the KLEP, which states:

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.

(ii) Clause 4.4(2C) denotes a maximum floor space ratio relative to the lot size of the Site. The proposed 10.6%) contravention fails to have regard to this ratio and is therefore incompatible with the size of the land to be developed. Strict compliance with the development standard is necessary to achieve the objective in clause 4.4(1a) and of clause 4.4(2C).

(iii) The contravention of the development standard is exacerbated by the Proposed Development's failure to comply with the following controls and objectives of the KDCP:

A. The Proposed Development's site coverage is greater than that prescribed by control 1 in Part 7A.5 of the KDCP. As a result, there is insufficient communal open space, insufficient landscaped area, and excessive impervious area, which fail to satisfy the numerical control and the objectives that inform it.

B. The GFA of the penthouses combined (343.42m^2) fails to comply with the ratio permitted by control 1 in Part 7C.8 of the KDCP (60% top floor level GFA x GFA of the storey immediately below). The proposed top floor level (level 4) details a GFA of 343.42m^2, which equates to 65.4% of the storey immediately below (level 3). The 5.4% variation does not comply with the control or the objectives which inform it and contributes to excessive (non-compliant) floor space ratio and excessive bulk.

(iv) The adverse outcomes directly related to the non-compliant GFA are demonstrated by the failure of the Proposed Development to comply with the setback controls 1(i), 3, 5(ii) and 11 in Part 7A.3 of the KDCP and by the fifth storey which is not permitted on sites with a building height of 14.5m pursuant to control 1 in Part 7C.7 of the KDCP.

(v) The environmental planning grounds advanced in the FSR request relating to the height of buildings map cannot be supported as the Sites are not subject to a building height of 17.5m.

(g) For the reasons set out above, the proposed exceedance to the FSR standard is not in the public interest.

3. Unacceptable Setbacks

The Development Application must be refused because the basement levels encroach into the 6 metre setback zones, resulting in insufficient deep soil area.

Particulars

(a) In order to maintain residential amenity and to achieve the objectives of the deep soil control, the building should not obstruct the ability to provide 6-metre-deep soil areas around the building. This has not been achieved.

(b) In order to provide high quality landscape outcomes (support for canopy trees and deep soil) the driveway and basement should not encroach into the side setback area.

(c) The building must be redesigned to avoid encroachments into the side setbacks.

4. Apartment amenity

The Development Application must be refused because high quality private open space has not been provided to all units.

Particulars

(a) Unit G04 unfairly burdened by proximity to driveway beneath the terrace. Long, enclosed pedestrian walkway connecting the terrace and communal open space creates additional maintenance burden and is unlikely to be used.

5. Site Analysis

The Development Application must be refused because the site analysis has not adequately identified existing site conditions and considerations.

Particulars

(a) Topographic information – there is no contour information communicating the topographical considerations including the sloping ground levels from RL170.13 at the south-western corner to RL166.36 at the south-eastern corner to RL163.87 at the northern corner.

(b) Site contamination – the Preliminary Site Investigation (**PSI**), dated 23 January 2025 prepared by GSNE Services identified areas of possible contamination. These are not mapped on the Site Analysis. The PSI has not addressed the *Voluntary Investigation Agreement No.19010 under the Contaminated Land Management Act 1997.*

(c) Existing trees – the Site Analysis has not identified (and numbered) existing significant trees within the site and on neighbouring properties.

6. Landscape

The Development Application must be refused because the Proposed Development fails to demonstrate Ku-ring-gai's landscape requirements are satisfied for urban design.

Particulars

(a) Excavation and construction of new work

(i) Excavation, construction and groundworks in close proximity to Tree 57 on the neighbouring property and Tree 16 along the Shinfield Avenue boundary has not accommodated a realistic structural thickness for basement walls that need to include a separated wet and dry wall and waterproofing to comply with the National Construction Code 2025 (**NCC 2025**) requirements.

(ii) The following proposed new structure encroaches into the minimum required 6-metres deep soil setback along the north-western boundary:

A. three (3) levels of excavation for basement car parking, some services a bicycle storage, and

B. private open spaces of Units G02, G03, 102, 103, 202, 203, 302, 303 and 401 and 402.

7. Water proofing

The Development Application must be refused because the allowances for the NCC 2025 amendments for waterproofing are to be demonstrated in combination with accessibility requirements.

Particulars

(a) Floor-to-floor height

(i) Proposed 3.1metre floor-to-floor heights are due to be superseded by NCC 2025 waterproofing requirements for increased integrated fall gradients and applicable to the subject development.

(ii) Current industry advice is that 3.2 metres floor-to-floor heights are the minimum needed to meet new requirements where wet areas are vertically aligned through the building.

(iii) Additional height may be required where extensive areas of terraces are above habitable rooms below and where accessible paths of travel are required, such as for Platinum Level units, access to communal open spaces, and storeys significantly set in from the building edge of floors below.

(b) Excavation

(i) Basement wall structural thickness needs to accommodate a wet wall, separated cavity to an internal dry wall. Section drawings do not demonstrate realistic structural allowances and excavation area for required wall thickness and external drainage.

(c) Skylights

(i) Proposed horizontal skylights are conducive to water-proofing failures over the life of the proposed development. Vertical glazed panels with pop-up roof types are conducive to good long-term building performance.

(d) Roof structural depth

(i) Adequate allowances for structural depth are required to demonstrate it accommodates structure, integrated falls to drainage, insulation and services with the minimum unobstructed floor-to-ceiling heights of 2.7 metres required by the SEPP Housing development standard at clause 148 (2)(c) and Apartment Design Guide 4C.1.

8. Platinum Level Housing

The Development Application must be refused because the Proposed Development has not demonstrated the following Liveable Housing Design Guideline requirements are accommodated for Platinum Level under Part 7C.4 of the KDCP.

Particulars

(a) Proposed Platinum Level units to be confirmed – DA06 Ground Floor Plan and DA07 Typical Floor Plan (Levels 1 to 3 assumed) identify Units G01 and 101 as Platinum Level. For completeness, the third required unit is to be nominated.

(b) Laundries are to demonstrate minimum clearances of 1550mm in front of fixed benches/appliances and to demonstrate a minimum 600mm depth for tubs and appliances where future appliances are to be installed.

9. Design Verification Statement

The Development Application must be refused because the Design Verification Statement is out of date.

Particulars

(a) The Design (Verification) Statement prepared by Stuart Gelder of Gelder Group, dated 17 December 2024 refers to SEPP 65 which no longer exists. All references within the Statement are to refer to the applicable legislation, SEPP (Housing) 2021 – Chapter 4 and Schedule 9 provisions and associated relevant sections. Note SEPP (Housing) Design Statement provisions regarding the Apartment Design Guide parts are different to those of SEPP 65.

10. Communal Open Space

The Development Application must be refused because the proposed primary communal open space does not demonstrate consistency with part 7C.2 of the KDCP.

Particulars

(a) It is unclear where the proposed primary communal open space is located.

(b) No ground level communal open space demonstrates Ku-ring-gai's minimum spatial requirements and minimum dimensions.

(c) No primary communal open space appears to demonstrate direct access from the lobby, nor with a comfortable and accessible path of travel.

11. Aesthetics and maintenance

The Development Application must be refused as the elevations provided do not demonstrate the Apartment Design Guide and KDCP provisions are satisfied.

Particulars

(a) Elevations

(i) DA22 Materials and Finishes includes proposed finishes. However, the following is unclear:

A. No balustrade materials or details are included.
B. Elevations have not annotated where proposed finishes are located.

(b) Balustrade materials and finishes

(i) Elevations and sections indicate clear or translucent full-height glazing is proposed, however, no details are provided for balustrade treatments.

(ii) This is inconsistent with Apartment Design Guide requirements at Part 4E.3 where fully glazed balcony balustrades are not supported due to impacts on resident visual privacy when viewed to and from the development from the public domain and neighbouring properties.

(iii) Operable screens and/or elements of partially solid upstands with glazing and handrails are to be demonstrated.

(c) Rooftop plant

(i) DA07 Typical Floor Plan indicates air-conditioning condensers are proposed above the main building entry and/or on similar awning structures on levels above. These are not supported by Part 7C.12 of the KDCP.

(ii) Elevations do not demonstrate air- conditioning condensers are adequately screened from view.

(iii) It is unclear how acoustic privacy is achieved in this location.

(iv) Plant should be accommodated in the basements or on the roof and adequately screened consistent with the KDCP and Apartment Design Guide 4N-1 and 4N-3.

12. Sustainability

The Development Application must be refused as it does not demonstrate the following sustainability measures so the Proposed Development can meet future requirements for Ku-ring-gai as it moves towards zero emissions over the life of the Proposed Development:

Particulars

(a) Provision for maximising rooftop solar - rooftop photovoltaic panels (PVs) are to be annotated and appear on architectural plans and elevations.

(b) Provisions to accommodate for EV charging and future battery storage including for any substation capacity.

(c) No gas connections due to avoidable wasted resources with redundancies for piping and connections.

13. Landscaping and Tree Impacts

The Development Application must be refused as the Proposed Development fails to meet Control 2 of Part 7A.6 Deep Soil Landscaping and Part 13 of the KDCP due to the following impacts on T57 *Quercus robur* which is located at the neighbouring property at No. 177 Mona Vale Road St Ives.

Particulars

(a) The building footprint encroachment within the Tree Protection Zone (TPZ) is approximately 20.5%. This a major encroachment under AS4970-2009.

(b) The Arboricultural Impact Assessment (**Arborist Report**) provided by the Applicant has calculated only the basement structure and a raised planter box as an encroachment, (6%) and has excluded the building footprint as a suspended structure. Submitted information is insufficient to assess the proposed structures in relation to the natural ground levels within TPZ of T57.

(c) There has not been any consideration of the existing structures of 177 Mona Vale Road encroaching into the TPZ of T57.

(d) The area of the building footprint is large and will result in, even if suspended, exclusion of natural water infiltration, sunlight and humus replenishment. This results in a poor soil environment to sustain root growth.

(e) The Arborist Report has not assessed the required pruning to accommodate the proposed building, including the required scaffolding during construction stage.

(f) The impact of the stormwater structures proposed within the TPZ of T57 have not been assessed.

(g) The impacts of proposed stormwater pits to existing T6 *Camellia sasanqua* located adjacent to proposed driveway have not been assessed.

(h) The proposed layout is not supported. Amended plans will be required to substantially reduce the encroachment within the TPZ of T57.

14. Deep Soil

The Development Application must be refused because the Proposed Development fails to satisfy the relevant objectives and controls under Part 7A.6 of the KDCP.

Particulars

(a) Deep Soil Provision is not compliant with Control 1 of Part 7A.6 Deep Soil Landscaping of the KDCP. Since the site area is 2,209 sqm the minimum deep soil landscape area to be provided is 1,104sqm. The Applicant has indicated a deep soil area of 1,249.01m2 (56.5%) in the submitted Statement of Environment Effects. This calculation is not agreed. The actual deep soil area is approximately 988sqm**,** which represents 44.7% of the site area. Deep soil area provision is in deficit by 116m2, equating to 5.3%.

(b) The following areas are not accepted as deep soil:

(i) The proposed 1.7 metre setback between the basement ramp and the eastern boundary does not satisfy the minimum 2 metre dimension required for inclusion as landscape area under the KDCP.

(ii) All planting areas located above structures, regardless of soil depth within planters, are not considered deep soil zones and are excluded from the landscape area calculation.

(iii) Planting areas situation between retaining walls that are less than 2 metres in width and have no structures above or below are also excluded. This includes the plater box along the northern portion of the terrace of Unit G03.

(iv) The existing stairs within the front setback exceed the permitted width of 1.2metres.

(v) The Proposed Development must be amended to comply with Control 1 is to be amended to comply with Control 1 of Part 7A.6 Deep Soil Landscaping of the KDCP.

(c) The landscape design fails to comply with Part 21.2 of the KDCP and must consider the following:

(i) Existing T16 *Cupressus torulosa* is proposed to be retained. The Arborist Report did not include the 2 meters wide path nor the retaining wall adjacent to the building, which will result in a total encroachment of 25.9% into TPZ. The tree has an asymmetrical shape, due to pruning along the southern portion of the tree around present aerial power lines. Tree T16 is recommended to be removed and replaced with tall canopy trees within the front setback.

(ii) The existing T6 *Camellia sasanqua* may be impacted by the proposed stormwater pits. This tree may need to be replaced.

(iii) Planters proposed around the building in ground level, details of top of wall levels and proposed soil depths are to be provided.

(iv) Include all relevant stormwater information related to landscape areas, including pits and pipes to assess full impacts on tree to be retained.

(v) Tree Replenishment fails to meet controls 7 and 9 of Part 7A.6 of KDCP. Provide at least eight (8) trees capable of attaining a mature height of 18 meters on shale, transitional soils. At least five (5) more tall trees capable of attaining a mature height of at least 18m on shale, transitional soils shall be included in the proposal to satisfy this control. At least 30% of the total trees are to be provided in the front setback. In this site at least three (3) tall trees are to be located in the front setback.

(vi) The proposed boundary screening planting requires amendment to comply with Control 2 of Part 4A.6 of the KDCP. In particular, the landscape proposal should be revised to retain or provide for healthy buffer planting along the site's perimeter wherever practicable.

(vii) Existing trees T55, T56, and T61 Camellia spp. could be retained and provide screening and it is preferred that they are retained.

(viii) Additionally, the Proposed Development should increase the number of screening shrubs along the northern boundary, as the current planting density is insufficient to provide adequate screening between the development and the neighbouring property.

(ix) Some of the depicted plantings are not specified in the landscape plan.

(x) The landscape proposal should indicate the percentage of native and locally indigenous vegetation proposed in deep soil areas. To meet control 8 of Part 7A.6 of the KDCP, at least 50% of all tree plantings are to be locally occurring trees and spread around the Site.

(xi) The landscape plan does not specify any shared facilities within the primary communal space.

15. Visual Privacy Impacts

The Development Application should be refused as the Proposed Development will result in adverse visual privacy impacts to adjoining properties, contrary to the Australian Design Guidelines (**ADG**) Objective 3F-1 and Part 23.9 of the KDCP.

Particulars

(a) The windows and balconies on the northern and western elevations of the Proposed Development will result in unreasonable overlooking and cross viewing impacts to neighbouring properties. The impact does not comply with ADG Objective 3F-1 and control 1 in Part 23.9 of the KDCP. Highlight windows or fixed obscure glazing to the lower portion of these windows would be required to achieve sufficient visual privacy.

B2 – CONTENTIONS THAT COULD BE RESOLVED BY CONDITION OF CONSENT

Nil.

B3 - CONTENTIONS THAT THERE IS INSUFFICIENT INFORMATION TO ENABLE ASSESSMENT

16. Basix Certificate Inconsistencies

The following miscalculation and inconsistencies have been noted in the Basix Certificate 1770470M_02 dated 5th February 2025:

Particulars

(a) The common lawn areas in the submitted Basix Certificate is indicated as 1,117.5m2. A total area of approximately 377.8m2 of common lawn area is indicated in the landscape plan.

(b) The common areas of garden in the Basix Certificate are indicated as 136m2. A total area of approximately 618m2 of common garden areas as indicated on the landscape plan.

(c) The Basix Certificate does not indicate any areas of garden and lawn for each dwelling. Unit G03 has a planter bed along the eastern side of eastern private terrace

17. Errors and Inconsistencies

The following errors and inconsistencies have been noted:

Particulars

(a) The survey does not show all existing trees to be retained in neighbouring properties, trees T57 and T64, significant trees to be retained, have not been included in survey. The accurate location of these trees is required to enable assessment.

(b) The entire site at 2B Shinfield Avenue has not been surveyed. As a result, critical information, including levels and structures on the site, has been omitted, leading to an inadequate assessment.

(c) Relevant existing levels within the Site and neighbouring properties are not included.

(d) The proposed location of the fire hydrants setback from the front boundary will impact the landscape proposal. Location of the fire hydrant is to be confirmed with relevant authorities.

(e) The architectural drawings fail to provide enough information to assess impacts on T57. At least part of the building footprint within the TPZ may be below the natural ground level. There is insufficient information in relation to existing and proposed levels, and the building structure to determinate if the building structures is suspended as assumed by the arborist. Additional information is required, including existing and proposed levels, details of any existing structures within the subject TPZ, construction details, cross sections to enable a full assessment with the TPZ of this tree.

18. Design Statement

Further information is required to assess the Development Application.

Particulars

(a) The site analysis and Design Statement are to be consistent with the requirements of Schedule 9 of SEPP (Housing) Chapter 4, which is necessary in order to satisfy section 29 (or section 102 if a MOD) of the Environmental Planning and Assessment Regulation.

19. Shade protection

Further information is required to assess the Development Application.

Particulars

(a) Further information is required to demonstrate that openings with aspects within the range east through north to west have operable external shade protection where not protected by balconies or projected eaves of roofs or units above in order to achieve adequate solar shading amenity during hotter months.

(b) Ku-ring-gai does not support the use of dark tinted glazing to achieve shade protection due to poor amenity over the long-term including impacts on building appearance as a

contribution to streetscape character, outlook, beneficial natural daylight and desirable solar access amenity during colder months.

20. Water Management

Particulars

(a) The OSD storage volume must be calculated upon 60% of the total site area as per the requirements of Part 24 C.5 of the KDCP and Council's OSD Calculation Sheet referred to in the Ku-ring-gai Council Technical Guideline for Water Management.

21. Driveway Headroom Clearance

Particulars

(b) Provide a longitudinal section through the driveway and into the basement carpark to clearly demonstrate that there will be 2.6 metres clear headroom along the whole of the travel path required for the small waste collection vehicle. The section must include realistic slab/beam depths, stormwater pipelines and other overhead services.

22. Solar Access Impacts

The impact of overshadowing to neighbouring residential buildings has not been accurately modelled.

Particulars

(a) Solar access to existing north, north-west facing apartments at No. 169-171 Mona Vale Road has not been modelled. Overshadowing to these apartments should be modelled to demonstrate a compliant vs proposed building envelope/height.

SIGNATURE

Signature of authorised officer of respondent consent authority	
Name of authorised officer	Brent Pearce
Capacity	Executive Assessment Officer, Ku-ring-gai Council
Date of signature	15/06/2025

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	44 SHIRLEY ROAD, ROSEVILLE - SIGNIFICANT ALTERATIONS AND ADDITIONS TO EXISTING DWELLING HOUSE, CONSTRUCTION OF A SWIMMING POOL AND ASSOCIATED WORKS
ITEM/AGENDA NO:	GB.4

APPLICATION NO:	eDA0123/25
ADDRESS:	44 Shirley Road, Roseville
WARD:	Roseville
DESCRIPTION OF PROPOSAL:	Significant alterations and additions to existing dwelling house, construction of a swimming pool and associated works
APPLICANT:	Harper Lane Design Pty Ltd
OWNER:	S Vakili, AC Vakili
DATE LODGED:	8 April 2025
SUBMISSIONS:	Two
ASSESSMENT OFFICER:	Tahlia Alexander
RECOMMENDATION:	Refusal

KLPP REFERRAL CRITERION:	Departure from a development standard in excess of 10%.

Item GB.4 EDA0123/25

PURPOSE OF REPORT

To determine Development Application No eDA0123/25 for 44 Shirley Road, Roseville.

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

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, is not satisfied that the request submitted under Clause 4.6 to vary the height of building development standard has met the requirements of Clause 4.6(3). The Panel is also of the opinion that strict compliance with the development standard is not unreasonable or unnecessary in the circumstances of the case and that there are not sufficient environmental planning grounds to justify the variation to the development standard; and

B. 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 eDA0123/25 for significant alterations and additions to existing dwelling house, construction of swimming pool and associated works on land at 44 Shirley Road, Roseville, for the reasons provided in the Development Assessment Report (**Attachment A1**).

Tahlia Alexander
Executive Assessment Officer

Luke Donovan
Acting Team Leader

Shaun Garland
Manager Development Assessment Services

Michael Miocic
Director Development & Regulation

Attachments:

A1⇩	Development Assessment Report	2025/113591
A2⇩	Location Sketch	2025/206671
A3⇩	Zoning Sketch	2025/206675
A4⇩	Architectural and landscape plans	2025/116735
A5⇩	Stormwater plans	2025/097467
A6⇩	Survey plan	2025/084630
A7⇩	Clause 4.6 (Building height)	2025/084603

DEVELOPMENT APPLICATION

ASSESSMENT REPORT

REPORT TITLE	44 Shirley Road, Roseville – Significant alterations and additions to existing dwelling house, construction of a swimming pool and associated works

APPLICATION NO	eDA0123/25
PROPERTY DETAILS	44 Shirley Road, Roseville Lot 11 DP 6329 4009.6m^2 C4 Environmental Living
WARD	Roseville
PROPOSAL/PURPOSE	Significant alterations and additions to existing dwelling house, construction of a swimming pool and associated works
TYPE OF DEVELOPMENT	Local
APPLICANT	Harper Lane Design Pty Ltd
OWNER	S Vakili, AC Vakili
DATE LODGED	8 April 2025
RECOMMENDATION	Refusal

PURPOSE OF REPORT

To determine Development Application No eDA0123/25 for significant alterations and additions to the existing dwelling house, construction of a swimming pool and associated works within a heritage conservation area.

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	Inadequacy of Clause 4.6 variation request (Clause 4.3 – height of building) Bulk and scale and associated heritage and streetscape impacts Excessive built upon area Tree impacts and insufficient landscape design Biodiversity impacts Inadequate stormwater management Visual and acoustic privacy impacts Insufficient information
Submissions	2
Land and Environment Court	N/A
Recommendation	Refusal

HISTORY

Site history

The site has a history of residential use.

Previous applications history

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
BA	83/02007	Alterations	Approved	Unknown
BA	86/02296	Alterations and additions	Approved	Unknown
BA	87/00955	Additions	Approved	Unknown

Current Development Application History

Date	Action
8 April 2025	Application lodged.
21 April 2025	The application was notified to neighbouring property owners for a period of 28 days. Two submissions were received.
2 June 2025	Council sent a letter to the applicant advising that the application was unsatisfactory for the following reasons: i. inadequate Clause 4.6 variation request to vary the height of building development standard. ii. excessive bulk and scale and associated streetscape and heritage impacts. iii. excessive built-upon area (BUA). iv. unacceptable tree impacts and insufficient landscape design. v. insufficient management of stormwater. vi. privacy impacts. vii. insufficient information in relation to the Biodiversity Development Assessment Report (BDAR), BASIX Certificate, swept path, estimated development cost, external finishes and tennis court changes. Council advised in the letter that a complete redesign was required due to the reasons identified above. This redesign should be form part of a new DA. Consequently, the applicant was not given the opportunity to amend the application.
9 June 2025	The landowners lodged a complaint (via email) with the Minister for Planning and Council's General Manager about procedural fairness with not being given the opportunity to amend the application. *Planner's comment:*

	For applications with significant issues which are unlikely to be adequately resolved within a reasonable timeframe, it is standard practice for Council to not provide an applicant with the opportunity to amend an application to ensure applications are determined in a timely manner consistent with the Minister's Statement of Expectations. Council's DA Process Fact Sheet, which is publicly available on Council's website, states: ***Amendments to an application*** *Amendments to an application may be made by an applicant before the application is determined. Amendments are usually made to resolve issues raised either by our assessment officers, objectors or both. Amendments can only be made with the permission of Council officers.* *The circumstances in which we may ask for or agree to amendments are where the changes required are not substantial but would result in an acceptable or reasonable outcome. As a rule, amendments are not requested or accepted where an application is fundamentally unacceptable.* Furthermore, Council's initial post lodgement letter to the applicant, dated 14 April 2025, states: *Our assessment officer will now commence the preliminary assessment of your application, which includes a site inspection. In the event that the assessment necessitates minor amendments, amended plans and documentation will be requested. The amended plans/documentation must be uploaded to the Planning Portal within the timeframe specified in the request. Please note additional information may not be requested if the concerns raised with your proposal are substantial and cannot be resolved within a reasonable timeframe. Should this be the case, your application will be determined in its current form.*

Land and Environment Court appeal history

On 19 June 2025, a Class 1 application was filed in the Land and Environment Court

against the deemed refusal of the subject DA.

THE SITE

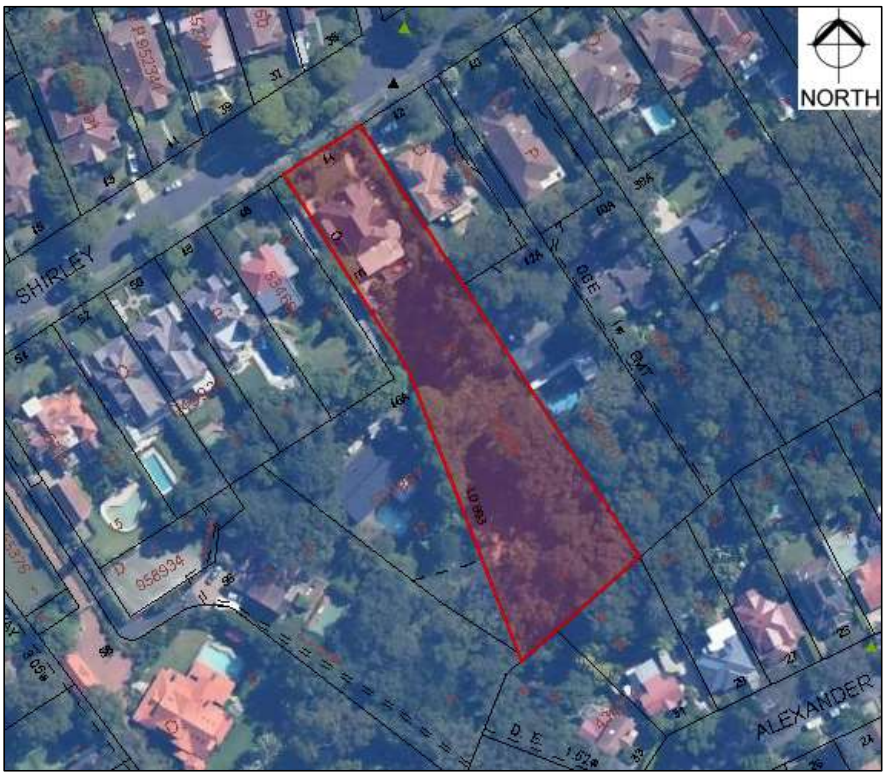


Figure 1: Aerial photograph of the site and surrounding development (Source: Geocortex Viewer)

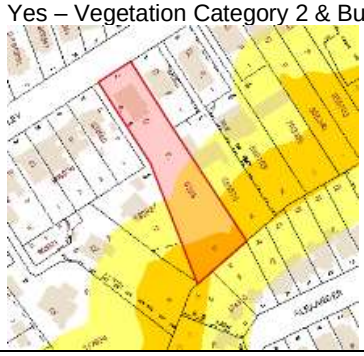
Site description

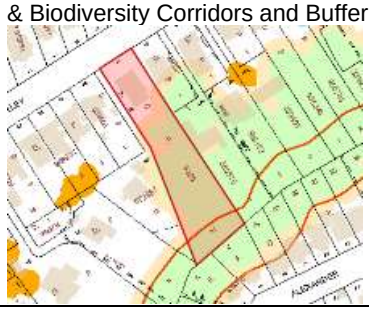
The subject site is described as Lot 11 in DP 6329 and is known as 44 Shirley Road, Roseville. The site has an area of 4009.6m^2 and is irregular in shape. It has a primary street frontage length of approximately 24.38 metres (m), average depth of 139.70m and rear boundary length of 41.68m. The site is located on the southern side of Shirley Road, which is the low side of the road. The site slopes from the front to the rear, with a gradient of approximately 10 degrees. The site contains established landscaping and is heavily vegetated at the rear. A natural watercourse which connects to Blue Gum Creek runs along the rear boundary of the site.

The site currently accommodates a Federation period dwelling house of brick construction, with a sandstone base and slate tiled roof. The dwelling presents as single storey to the street and two storeys at the rear. The rear portion of the existing dwelling house is elevated above the existing ground level and contains a rear balcony located off the living room. Stairs from the balcony connect the dwelling to the rear yard. The undercroft of the dwelling contains a laundry, WC and storage space. The existing driveway runs along the western side of the house and leads to a garage with studio above.

A grass tennis court, with lighting is sited approximately 62m from the dwelling and 21m from the rear boundary. The tennis court is accessible by a sandstone flagging pathway.

The site is affected by a number of constraints as detailed in the table below:

Constraint:	Application:
Visual character study category	1920-1945.
Easements/rights of way	Easement for drainage along the site's western side boundary
Heritage Item - Local	No
Heritage Item - State	No
Heritage conservation area	Yes – Shirley Road Conservation Area ("C38")
Within 100m of a heritage item	Yes – 33 Shirley Road ("I119), located 29m from the site: 
Bush fire prone land	Yes – Vegetation Category 2 & Buffer: 
Natural Resources Biodiversity	Yes: 

Natural Resources Greenweb	Yes – Support for Core Biodiversity Lands & Biodiversity Corridors and Buffer Areas: 
Natural Resources Riparian	Yes – Category 2: 
Within 25m of Urban Bushland	No
Contaminated land	No

Surrounding development

The site is surrounded by properties zoned E4 Environmental Living and R2 Low Density Residential. Roseville train station is located approximately 565m east of the site. The Willoughby Local Government Area is located approximately 65m from the site's rear boundary.

The surrounding lots are of various sizes and there is no uniform lot pattern. The subject site is one of the largest within the immediate area. The streetscape is characterised 1-2 storey dwellings.

The site is adjoined by five properties:

- 42 Shirley Road - located to the east of the subject site with frontage to Shirley Road. The property contains a part one, part two storey dwelling.
- 42A Shirley Road – this site is a battle-axe allotment with the access handle along the eastern side of No. 42. The property adjoins the rear portion of the subject site's eastern boundary and contains a two storey dwelling with swimming pool.
- 46A Shirley Road – this site is a battle-axe allotment with the access handle along the subject site's western boundary. The property contains a single storey dwelling with a pool. The dwelling is located approximately 44m from the existing dwelling on the subject site.
- 46 Shirley Road – this property does not immediately adjoin the subject site due to the access handle of No. 46A separating the two sites. However, the single storey dwelling fronts Shirley Road and is located approximately 12.5m from the existing dwelling on the subject site.

- 31 and 33 Alexander Parade – the rear of these properties adjoin the rear of the subject site. The dwellings on these properties front Alexander Parade. Due to dense vegetation, these dwellings are not visible from the subject site.

Photographs of the site and surrounding area are provided below:



Figure 2: Site viewed from Shirley Road



Figure 3: Front façade



Figure 4: View of 42 Shirley Road from the front yard of subject site



Figure 5: Driveway along western side of dwelling with garage at the rear



Figure 6: View from eastern side setback looking towards Shirley Road



Figure 7: View of backyard from rear deck



Figure 8: View from rear deck looking south-east towards 42A Shirley Road



Figure 9: View from rear deck looking south-west towards 46 & 46A Shirley Road



Figure 10: View of subject dwelling from rear yard



Figure 11: Grass tennis court and shade structure at rear of site



Figure 12: View of subject site from the corner of Shirey Road and Alston Way



Figure 13: View of 46 Shirley Road



Figure 14: View of subject dwelling from front boundary of 46 Shirley Road



Figure 15: View of Nos 48-54 Shirley Road



Figure 16: Streetscape on northern side of Shirley Road (opposite the site)

THE PROPOSAL

The application proposes significant alterations and additions to the existing dwelling house including a part three storey rear extension, swimming pool, landscaping and associated works. Specifically, the proposed works are:

Demolition:

- Partial demolition of the existing dwelling
- Partial demolition of internal walls to accommodate a reconfigured floor plan
- Demolition of the garage and studio
- Demolition / removal of existing driveway, front fence and some hard landscape features

The proposed alteration and additions to the dwelling house to comprise:

- Lower ground floor level:
    - 4 car garage and bin room
    - Rumpus
    - Au pair bedroom and ensuite
    - Cellar
    - Bathroom
    - Sauna
    - Pool room
    - Gym
    - Mudroom / laundry
    - Lift and stairs connecting to the upper levels
    - Rear alfresco area BBQ area and double stair case connecting to a balcony above

- Ground floor level:
    - Five bedrooms
    - Three bathrooms
    - Open plan living, kitchen and dining area
    - Library
    - Sitting room
    - Rear patio with glazed roof above
    - Rear balcony
    - Glazed roof above a portion of the open plan kitchen area
- First floor level:
    - Master suite
    - Two walk-in-robes
    - Two ensuites
    - Two skylights above stairwell
    - Construction of an addition comprising a new master bedroom with walk-in wardrobe

Ancillary works:

- Pool, spa and pond at the rear of the alfresco area
- Extensive landscaping works including paving, water fountain within the front setback and a new pathway leading from the dwelling to the tennis court
- Replacement of the existing driveway and construction of a new secondary driveway and vehicle crossover
- Refurbishment of tennis court
- New front fence
- New WC near the tennis court
- Tree removal
- On-site detention tank and rainwater tank located beneath the alfresco
- Excavation to accommodate new addition and swimming pool
- Retaining walls

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, submissions from the following were received.

1. *Peter Hunt - 42 Shirley Road, Roseville*

2. *Natalie O'Dea – 46A Shirley Road, Roseville*

The submissions raised the following issues:

Excessive height, bulk and scale - the proposed development does not adequately step down the site and results in the addition being visually prominent. Associated impacts on heritage conservation area and natural landscape.

It is agreed that the proposed development is of excessive height, bulk and scale and has not been designed to respond to the site's natural topography. The proposal would detract

from the natural character of the area and heritage conservation area, as discussed throughout this report.

Visual amenity and privacy impacts

It is agreed that the proposed development would be visually prominent when viewed from neighbouring properties. The balcony would result in unacceptable visual privacy impacts to 42 and 46 Shirley Road, as detailed further in the KDCP section of this report. However, it is not considered that the proposed balcony would result in direct or unreasonable overlooking of No. 46A due to dense vegetation and the distance of the proposed balcony to the dwelling at No. 46A Shirley Road.

Insufficient detail on the plans

Noted. Insufficient information and detail on the plans have been identified and discussed within this report.

No provision is shown for drainage associated with the proposed second driveway entrance. Drainage is required even if the second driveway does not proceed.

The second driveway is not acceptable. The applicant's proposed stormwater management plan is insufficient, as explained in the Engineering referral below.

Overshadowing impacts on 46 Shirley Road

The submitted shadow diagrams are insufficient and Council is unable to determine whether the extent of overshadowing to 46 Shirley Road complies with Part 4C.5 'Solar Access' of the KDCP.

Existing palm trees currently provide screening of the tennis court from the outdoor living space and living area windows of the dwelling at No. 46A. Removal of mature palm trees will reduce this screening, resulting in visual privacy impacts.

The two subject palm trees (T38 and T40) near the existing tennis court which are highlighted in **Figure 17** below. T38 is proposed to be transplanted and T40 is proposed to be removed.

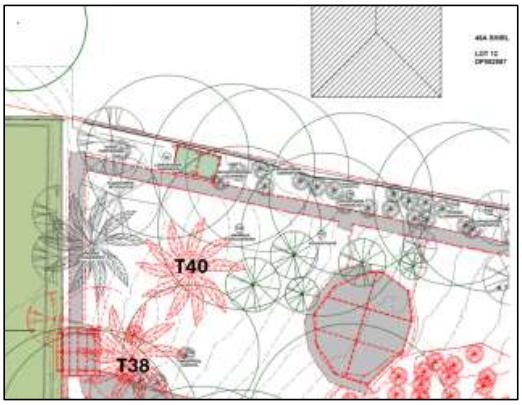


Figure 17: Site plan showing subject palm trees proposed to be removed / transplanted

Council's Senior Landscape and Tree Assessment Officer does not object to the removal of

tree T38, however does not accept the removal of tree T40. Removal of tree T38 is not considered to result in unreasonable loss of privacy screening as it is located approximately 16.5m from the western side boundary. Tree T40 will be retained which is considered acceptable to retain adequate screening of the tennis court when viewed from No.46A Shirley Road.

Internal Referrals

Heritage

Council's Heritage Advisor commented on the proposal as follows:

Heritage Status

Local Heritage Item	*NO*
Heritage Conservation Area (HCA)	*C38*
Immediate vicinity of a heritage item	*33 Shirley Road*

Statement of Significance
Council's heritage inventory sheet has the following statement of significance for Heritage Conservation Area and 33 Shirley Road, Roseville.

Shirley Road Heritage Conservation Area - C38 (KLEP 2015)
The Shirley Road Heritage Conservation Area has historic significance as part of the Henry Fitzgerald and Jenkins land grants. The conservation area has historic significance as a collection of early twentieth century of subdivisions including the Shirley Road Estate (1909), Jenkins Estate (Glenearn) (1909), Jenkins Estate 1st Subdivision (1912), Lynwood Estate (1915), and a collection of Inter-war subdivisions including Recreation Park Estate (1925), Toongarah Estate (1931), Millwood Estate (DP 17798) (1936) evident in the lots and some houses. The conservation area has aesthetic significance as it is highly intact Federation and Interwar development. Federation residences on Shirley Road have fine architectural detailing and are set in generously landscapes gardens. The type of buildings on Shirley Road range from large and notable residences, to smaller examples of both the Federation and the Inter-war periods.

33 Shirley Road, Roseville
No. 33 Shirley Road, Roseville, has historic and social significance as part of the initial residential development of the western area of the suburb during the early decades of the 20th Century. Although the house has undergone some additions including garage, pool and rear extensions, these additions are not visible from the street and the building retains a high level of aesthetic significance with its original form, massing and detail when viewed from Shirley Road. The building in its original gardens contributes positively to the streetscape character in the immediate area. The modern picket fence and lynch gate enhance the existing character.

Controls
The following objectives and controls of the Ku-ring-gai Development Control Plan (KDCP) apply:

Development Controls	*Complies*
19B. DEMOLITION WITHIN HCAs AND DEMOLITION RELATED TO A HERITAGE ITEM	
19B.1 Demolition within HCAs	
1. In accordance with the Ku-ring-gai Local Environmental Plan, development consent is required for demolishing or moving a building, work, relic or tree within a conservation area.	***YES***
4. In considering applications for partial demolition of buildings, structures and landscape features (including significant trees) within HCAs, Council will assess: *i) the significance of the building part or structure and/or landscape feature and whether its retention is considered necessary;* *ii) its contribution to the streetscape;* *iii) potential for modifying and/or removing neutral and/ or uncharacteristic elements that would re-establish the contributory status of the building or structure within the HCA;*	 ***NO*** ***NO*** ***NO***

An assessment of the variations to the controls identified in the compliance table is provided below:

19B.1 Demolition within HCAs
Objectives
1. *To ensure that sites, buildings and landscape features that contribute to the significance of an HCA are retained.*
2. *To provide a photographic record before and during major works within an HCA, including demolition.*

For the following reasons, the objectives of the controls are not achieved:

19B.1.4i + ii + iii

- *The extent of demolition required to facilitate the proposed additions and landscaping is unacceptable as the existing dwelling will be almost entirely unrecognisable. The proposed additions and landscaping are insensitive to the HCA and do not recognise the contribution the site makes to the HCA.*

Development Control	*Complies*
19C. DEVELOPMENT WITHIN HCAS: ALTERATIONS AND ADDITIONS AND NEW BUILDINGS	
19C.1 Local Character and Streetscape	
Built Form	
1. Where an HCA is characterised by single-storey dwellings: *i) the single-storey character of the streetscape is to be retained;* *ii) first-floor additions to contributory properties will generally not be permitted;* *iii) attic rooms to extensions behind the main roof of the house may be allowed.* *iv) additions to be kept at or below the existing roof ridge height.*	 ***NO*** ***NO*** ***NO*** ***NO***
2. Where an HCA is characterised by a mix of one and two storey buildings, proposed works to contributory properties are to: *i) retain the original character of a building;* *ii)match the scale and forms of the existing buildings within the streetscape.*	 ***NO***
3. Alterations and additions within an HCA are to respect the heritage significance and predominant architectural character of the HCA by having similar massing, style, form, proportions and arrangement of parts to the building itself, and to other contributory properties in the streetscape.	***NO***

19C.1 Local Character and Streetscape Built Form

Objectives

1. *To ensure that sites, buildings and landscape features that contribute to the significance of an HCA are retained.*

2. *To conserve and enhance the character and significant elements of the HCA.*

3. *To ensure that additions or changes to contributory properties within HCAs respect their original, built form, architectural style and character.*

4. *To ensure the visual impact of new work is minimised through appropriate design, detail, proportion, scale and massing.*

19C.1 (all) + 19C.1.2 + 19C.1.3

For the following reasons, the objectives of the controls are not achieved:

- *The proposed additions and landscaping are unacceptable as they fail to respect the built form character of the existing dwelling. The proposed additions and landscaping are insensitive to the HCA and do not recognise the contribution the site makes to the HCA.*

Development Control	*Complies*
19C.2 Setbacks and Building Separation	
Front and Side	
1. The siting of alterations, additions and new buildings are to maintain the established streetscape pattern, including principal dwellings, garages, carports and garden structures.	***YES***

Development Control	*Complies*
2. Where there is a uniform building setback within streets, alterations and additions and new buildings are to respect the established pattern and not be located forward of adjacent buildings. Where variations in setback exist, the larger setback will apply. Side setbacks are to be consistent with historic patterns.	***YES***
3. Where variations in setbacks exist within the immediate vicinity and the streetscape, the larger setback will apply.	***YES***
19C.3 Gardens and Landscaping	
1. The established landscape character (height of the tree canopy, early gardens, remnant trees, historic tree plantings) that contributes to the significance of the streetscape and the HCA are to be retained and conserved.	***NO***
2. Original garden features such as gates, paths, stonework, garden terracing, tiling, cement crazy paving, walling and garden edging are to be retained and conserved.	***NO***
3. New paving and hard surfacing, particularly to front setbacks is to be limited.	***NO***
4. Front gardens are to: i) have a minimum of 70% landscaped area; ii) include substantial tree and shrub planting along street frontages, iii) front boundary hedges are to be a maximum 1.2m.	***NO***
5. Materials for new garden paving or pathways are to be appropriate to the architectural style of the HCA, such as gravel for Federation style and sandstone flagging for Inter-war styles. Plain or stencilled concrete is not acceptable.	***NO***
6. New driveways are to provide landscaping on side boundaries.	***YES***
7. New, traditionally designed gardens that enhance historic and aesthetic character of the streetscape and the HCA as a whole are encouraged.	***NO***
8. New gardens should be horticulturally and stylistically sympathetic to the period of the HCA. The use of similar materials such as sandstone, brick and gravel is encouraged.	***NO***
9. The use of a variety of plant species to avoid mono-cultural plantings along street frontages and as screen planting is encouraged.	***NO***

19C.3 Gardens and Landscaping

Objectives

1. *To retain the garden character of Ku-ring-gai's HCAs which is largely due to the deep frontages and large lots that support remnant trees, early surviving gardens with established introduced trees and built garden features.*

2. *To conserve, retain and enhance the significance of the garden and landscape character within individual properties, streetscapes, and the HCA as a whole.*

3. *To ensure streetscapes within the HCAs are characterised by front gardens with substantial landscaped area and minimum hard surfaces.*

4. *To provide landscape screening to neighbouring properties.*

For the following reasons, the objectives of the controls are not achieved

19C.3.1 + 19C.3.2 + 19C.3.3 + 19C.3.4 + 19C.3.5 + 19C.3.7 + 19C.3.8 + 19C.3.9

- *The proposed replacement of the existing informal planting of mature shrubs and small trees within the front setback with formal, monoculture hedging of Buxus does not satisfy Objectives 1, 2 and 3.*
- *The proposed single formal row of Murraya along the north-east side, south-east and part of the south-west of the dwelling and pool does not satisfy Objectives 1 and 2 .*
- *The proposal fails to retain the existing planting within the front setback.*
- *The proposed replacement of the existing stone-flagged path, which extends from the front boundary along the north-eastern side of the dwelling, with concrete grass pavers does not satisfy Objectives 1, 2 and 3.*
- *The proposal fails to retain the existing stone flagged path and therefore does not satisfy Objectives 1 and 2 .*
- *The proposed circular driveway within the front setback does not satisfy Objective 1, 2 and 3.*

Development Control	***Complies***
19C.4 Access and Parking	
Equitable Access	
Note: Access requirements apply for public buildings and residential flat buildings; they are not generally required for dwelling houses. *Note: Access solutions will be unique to each property and will be assessed on their individual merits.* ***Note:*** *Refer to Disability Discrimination Act 1991.* ***Note:*** *Refer to Australian Standard 1428.*	
Driveways	
2. Original and existing rear lane or side entry vehicle access is to be retained.	***YES***
4. New parking areas, garages and driveways are to be designed carefully so that they do not dominate the principal elevations or detract from the immediate streetscape and incorporate provisions for landscaping.	***NO***
5.The siting of new driveways are to be consistent with the established pattern in the streetscape and the HCA.	***YES***
6. Double garages should only be accessed by a single driveway. Finishes to new or refurbished driveways are to match original driveway finishes or be appropriate to the architectural style of the HCA. Painted, coloured, stamped or stencilled concrete, pavers, aggregate, pebblecrete or cobblestones are not to be used for new driveways or driveway elements.	***NO***
7. Swing gates are preferred to sliding gates. Sliding gates may only be acceptable where the driveway is sloping upward from the street	***YES***
8. No excavation for a driveway is permitted in any front setback.	***YES***
9. Excavation for a driveway is only permitted: *i) in the side setback, at a minimum 3m behind the front building line;* *ii) a minimum 1m from the original building foundation;* *iii) where side setback requirements in the Ku-ring-gai Development Control Plan are met;* *iv) only if a side gate is provided to hide the commencement of the excavated driveway slope. Refer to Figure 19C.4-1 in the KDCP.*	 ***YES*** ***YES*** ***YES*** ***YES***
\New Garages and Carports	
11. New car parking is to be consistent with the historic placement of parking.	***YES***

Development Control	Complies
19C.4 Access and Parking	
12. Garages and carports are not permitted forward of the building line and are to be located at least 1m minimum behind the existing front building line, preferably to the rear of the main building.	**YES**
13. New carport and structures must pay regard to existing and original features of dwellings, such as windows, doors, string coursing.	**YES**
14. Only in exceptional circumstances and where a dwelling has a side setback of less than 3m, a hard stand area forward of the building line formed of suitable materials may be considered appropriate.	**YES**
15. New double garage doors are to be divided by a central mullion or constructed as two doors separated by a pier.	**YES**
16. New double garages must be located behind the rear building line to avoid being a visually dominant element within the streetscape.	**YES**
17. Original existing building fabric, including verandahs and balconies, are not to be altered to provide a carparking structure or hard stand area.	**YES**

19C.4 Access and Parking Equitable Access

Objective

1. *To ensure that modifications to provide access do not adversely affect significant built fabric of either individual buildings or the HCA as a whole.*

Driveways

Objectives

2. *To allow for on-site car parking where possible while retaining the character of the property, the streetscape and significance of the HCA.*

3. *To ensure that driveways do not have any adverse visual impact on the immediate streetscape and historic patterns in the HCA.*

4. *To minimise the visual impact of new car parking by locating it at the side or rear of properties, where possible.*

For the following reasons, the objectives of the controls are not achieved:

19C.4.2 + 19C.4.4

- *The proposed circular driveway and grass-crete is inappropriate for the HCA are to be deleted as it fails to satisfy Objective 3.*

Development Control	Complies
19C.5 Building Design	
Materials, Colours and Details	
1. Significant unpainted brickwork, sandstone and blockwork is not to be rendered, coated or painted.	**NO**
3. Natural and recessive colour schemes are encouraged for rendered and painted finishes, especially on sites rated as neutral or uncharacteristic.	**NO**

Development Control	Complies
19C.5 Building Design	
4. Contemporary materials are permitted for new work where they blend in with the existing character of the HCA.	**NO**
Additional Requirements for Alterations and Additions	
5. Development applications for alterations and additions within an HCA require a materials board and details of the colour scheme and finishes to be submitted.	**NO**
6. Significant materials and finishes such as decorative timber features, tiles, shingles, relief work, mouldings, incised designs in render, ashlar markings, tuckpointing and rough-cast stucco, are to be retained and repaired.	**YES**

Development Control	Complies
Verandahs	
16. Original verandahs to the front and visible side elevations of contributory buildings are to be retained. Infilling of verandahs is not permitted.	**YES**
18. New verandahs are to be simple in design and based on existing detail.	**YES**
19. Infilling or enclosure of verandahs and conversion to less reversible uses, such as bathrooms or kitchens, is not permitted.	**YES**
Doors and Windows	
20. Original doors and windows to principal and visible secondary elevations of contributory buildings are to be retained.	**NO**
21. The repair and restoration of original doors and windows to front and visible side elevations of contributory properties is encouraged. Authentic reconstruction of missing doors and windows using traditional materials, styles and craftsmanship is encouraged.	**NO**
22. New doors and windows in additions and alterations are to be compatible with existing doors and windows.	**NO**
23. New windows to principal and secondary elevations of contributory buildings are to be appropriate in form and material for the style of the house	**NO**
Basements	
27. Excavation in the front setback is not permitted.	**YES**
28. No basement is to be located under or within 1m of the original building fabric.	**YES**

1. ***19C.5 Building Design***

Verandahs

Doors and Windows

Objectives

7. *To ensure the retention and encourage reinstatement of early verandah and balcony forms.*

8. *To protect the original fabric and details of doors and windows of contributory properties.*

For the following reasons, the objectives of the controls are not achieved:

19C.5.1 + 19C.5.3

- *The existing dwelling materials and finishes are unclear.*

19C.5.4

- *The proposed addition has little to no architectural relationship with the existing dwelling. The proposed addition is insensitive to the HCA and does not recognise the contribution the site makes to the HCA.*

19C.5.20 + 19C.5.21 + 19C.5.22 + 19C.5.23

The proposed windows and doors have little to no architectural relationship with the existing dwelling. The proposed addition is insensitive to the HCA and does not recognise the contribution the site makes to the HCA.

Development Control	***Complies***
19C.6 Roof Forms and Structures Attached to Roofs	
Roofs, Chimneys, Dormers, and Skylights	
1. Fireplaces and chimneys are important building elements within HCAs and are to be retained.	***YES***
2. Roof forms and details vary widely according to building type and architectural style, and this variety of forms makes an important contribution to the visual complexity of the HCA and are to be retained	***NO***
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.	***NO***
Additional Requirements for Alterations and Additions	
8. On original buildings, new or replacement roof materials are to match, like-for-like, original roof materials in texture, pattern and colour.	***NO***
Solar Panels, Solar Water Heaters, Antennae and Other Roof Infrastructure	
Note*: For placement of solar panels, solar water heating, antennas etc on Heritage Items refer to Chapter 2, Division 4 of Part 2.3 of SEPP (Transport and Infrastructure) 2021*	

19C.6 Roof Forms and Structures Attached to Roofs
Roofs, Chimneys, Dormers, and Skylights
2. ***Solar Panels, Solar Water Heaters, Antennae and Other Roof Infrastructure***

Objectives

1. *To retain the character of the original roof forms within the HCA.*

2. *To protect the original fabric and details of roofs and chimneys.*

3. *To ensure that structures attached to roofs do not have an adverse impact on the character and significance of individual buildings, the immediate streetscape and the HCA.*

For the following reasons, the objectives of the controls are not achieved:

19C.6.2 + 19C.6.3 + 19C.6.8

- *The proposed roof has no architectural relationship with the existing dwelling. The proposed addition is insensitive to the HCA and does not recognise the contribution the site makes to the HCA.*

Development Control	***Complies***
19C.7 Outbuildings and Garden Structures (excluding garages and carports)	
1. Original and early outbuildings and garden structures are to be retained.	***YES***
2. No new garden structures or outbuildings including pools, water tanks, gazebos, sheds, stores, cabanas are to be located within the front setback.	***YES***
3. In considering any application for permission to erect an outbuilding or structure, the following will be considered: *(i) the location of the proposed structure in relation to the principal building, boundaries and other details of the site;* *(ii) the proposed form, scale, materials and colours of the structure. In this regard, the scale of any outbuilding or structure is to be subservient to the main house, colours and materials should be recessive;* *(iii) the relative prominence and visibility of the proposed structure from the street frontage or frontages of the site;* *(iv) neighbouring properties, and requirement for landscaped screening or planting to ensure that the proposed structure is well integrated.*	***YES***

Development Control	***Complies***
19C.8 Fencing	
New Front Fences	
5. New front fencing, pedestrian and vehicular access gates are to match the architectural style of the house and the character of the immediate streetscape.	***NO***
6. Replacement of unsympathetic fences, gates and walls with new elements of appropriate height, style and materials is encouraged.	***NO***
8. Where no evidence is available to guide reconstruction of missing fences and gates to contributory properties, new front fencing, pedestrian and vehicular access gates are to match the architectural style of the house, the period of construction and the character of the immediate streetscape.	***NO***
9. Front fences, gates and vehicular access gates are to be of open construction and no higher than 1.2m. Closed, solid elements such as masonry walls are only to be included as plinths no higher than 300mm and piers.	***NO***
11. New vehicular access gates must promote views to all properties, especially to battle-axe allotments with reduced visual permeability.	***YES***

19C.8 Fencing

Objectives

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 controls are not achieved:

19C.8.5 + 19C.8.6 + 19C.8.8 + 19C.8.9

- *The proposed front fence is inappropriate for the HCA. The design, the materials, the proportions are insensitive to the HCA.*

Development Control	***Complies***
19F. DEVELOPMENT IN THE VICINITY OF HERITAGE ITEMS OR HERITAGE CONSERVATION AREAS (HCAS)	
19F.1 Local Character and Streetscape	
General *1. All development in the vicinity of a Heritage Item or HCA is to include a Heritage Impact Statement (HIS). The HIS is to address the effect of the proposed development on a Heritage Item or HCA and demonstrate that the proposed works will not adversely impact upon significance, including any related heritage features within the identified curtilage and setting.*	***YES***
Built Form	
2. Development on sites that either directly adjoin or are in the vicinity of a Heritage Item or an HCA is to have regard to:	
i) the form of the existing building or buildings including height, roofline, setbacks and building alignment;	***NO***
ii) dominant architectural language such as horizontal lines and vertical segmentation;	***NO***
iii) proportions including door and window openings, bays, floor-to-ceiling heights and coursing levels;	***NO***
iv) materials and colours;	***NO***
v) siting and orientation;	***NO***
vi) setting and context;	***NO***
vii) streetscape patterns.	***YES***

Development Control	*Complies*
19F. DEVELOPMENT IN THE VICINITY OF HERITAGE ITEMS OR HERITAGE CONSERVATION AREAS (HCAS)	
Retail/Mixed Use Setting	
New development adjacent to or in the vicinity of a Heritage Item or HCA within a retail/mixed use setting such as an existing row of two-storey shops, are to retain the existing characteristics of the street including the setback, height and rhythm of facades, and is to be sympathetic to the materials and detailing of the earlier facades. Retain a pedestrian building scale at the street level and to set back any levels that are higher than the adjacent Heritage Item or HCA.	***YES***
Views	
New development in the vicinity of a Heritage Item or HCA is to demonstrate that it will not reduce or impair important views to and from the Heritage Item from the public domain.	***YES***

19F.1 Local Character and Streetscape
General
Built Form

Views

Objectives

1. To consider the impact on the historic curtilage and setting of the Heritage Item or HCA and related heritage features such as views, streetscape context, historical subdivisions, garden settings, alienated trees and other landscape features.

2. *To retain the significance of Heritage Items or HCAs in their settings.*

3. *To ensure that the scale of new development does not dominate, detract from or compete with Heritage Items or HCAs in the vicinity.*

4. *To ensure that new development respects and conserves the significance of any nearby Heritage Items or HCA and their settings.*

5. *To ensure that new development does not visually dominate the adjoining or nearby Heritage Item or HCA.*

6. *To ensure that the scale of new development in the vicinity of a heritage item and HCA is in harmony with the streetscape and does not dominate, detract from or compete with the Heritage Item or HCA.*

7. To protect significant views and vistas to and from the Heritage Item or HCA.

For the following reasons, the objectives of the controls are not achieved:

19F.1.2i) + ii) +iii) + iv) + v) + vi)

- *The proposed addition has little to no architectural relationship with the existing dwelling. The proposed addition is insensitive to the HCA and does not recognise the contribution the site makes to the HCA.*

Development Control	***Complies***
19F.2 Building Setbacks	
Setbacks	
1. The front setback of development adjacent to a Heritage Item or buildings within an HCA is to be greater than that of the Heritage Item or building within the HCA. Where variations in setbacks exist, the larger setback will apply.	***YES***
Residential Context	
2. All medium and high-density development is to have a stepped facade to any common boundary with a Heritage Item or building within the HCA. The facade is to be stepped back above an 8m height from natural ground level as per Figure 19E.2-1 in the KDCP. Facades greater than 8m high will not be permitted adjacent to a Heritage Item or building with an HCA.	***YES***
3. In addition to the side and rear setback controls in Section A of the KDCP, new development adjacent to a Heritage Item or building within an HCA, is to comply with the following: *i) adjacent developments are to have a minimum 12m building separation to the Heritage Item or building in the HCA (more if setback requirements are not met within the 12m) as per Figure 19D.3-1 in the KDCP;* *ii) adjacent development is to not exceed a facade height of 8m from existing ground level, including balustrades;* *iii) adjacent development with a building mass above 8m high from existing ground level is to be stepped back an additional 6m from the Heritage Item as per Figure 19D.3-1 in the KDCP;* *Where variations in setbacks exist, the larger setback will apply.*	***YES***
4. Any new development is to provide the following building separation to the building eaves or wall, whichever is closest, of: *i) a neighbouring Heritage Item building; or* *ii) a neighbouring building within a Heritage Conservation Area* **New Development Height** / **New Development Height** 1 or 2 levels / Minimum 6m 3 or more levels / Minimum 12m *Refer to Figure 19F.2-1 in the KDCP.*	***YES***

Development Control	***Complies***
19F.3 Gardens and Landscaping	
Gardens, Setting and Curtilage	
1. Development in the vicinity of a Heritage Item or an HCA is to: *i) retain original or significant landscape features associated with the Heritage Item or HCA, or which contribute to its setting. In particular, garden settings in the vicinity are not to be adversely affected in terms of overshadowing or physical impacts on significant trees;* *ii) retain the established landscape character of the Heritage Item or HCA including height of the tree canopy and density of boundary landscape plantings or otherwise reinstated them in the new development;* *iii) include appropriate screen planting on side and rear boundaries.*	***NO***

19F.3 Gardens and Landscaping

Objective

1. *To ensure that new development does not impact on the landscape character and garden setting of any nearby Heritage Item or HCA.*

For the following reasons, the objectives of the controls are not achieved:

19F.3.i + ii) + iii

- *The proposed replacement of the existing informal planting of mature shrubs and small trees within the front setback with formal, monoculture hedging of Buxus does not satisfy Objectives 1, 2 and 3.*
- *The proposed single formal row of Murraya along the north-east side, south-east and part of the south-west of the dwelling and pool does not satisfy Objectives 1 and 2.*
- *The proposal fails to retain the existing planting within the front setback.*
- *The proposed replacement of the existing stone-flagged path, which extends from the front boundary along the north-eastern side of the dwelling, with concrete grass pavers does not satisfy Objectives 1, 2 and 3.*
- *The proposal fails to retain the existing stone flagged path and therefore does not satisfy Objectives 1 and 2.*
- *The proposed circular driveway within the front setback does not satisfy Objective 1, 2 and 3.*

Development Control	***Complies***
19F.4 Fencing	
New Front Fences	
5. Replacement of unsympathetic fences, gates and walls with new elements of appropriate height, style and materials is encouraged.	***NO***
7. Where no evidence is available to guide reconstruction of missing fences and gates to contributory properties, new front fencing, pedestrian and vehicular access gates are to match the architectural style and period of the house.	***NO***
9. New vehicular access gates are to promote views to all properties, especially to battle-axe allotments with reduced visual permeability.	***YES***
10. Swing gates are preferred to sliding gates. Sliding gates may only be acceptable where the driveway is sloping upward from the street	***YES***

19F.4 Fencing

Objectives

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*

For the following reasons, the objectives of the controls are not achieved:

19F.4.5 + 19F.4.7

- *The proposed front fence is inappropriate for the HCA. The design, the materials, the proportions are insensitive to the HCA.*

Conclusion and recommendation

The proposed alterations and additions will have an adverse impact on the heritage conservation area and items in the vicinity and is unacceptable on heritage grounds for the reasons discussed above.

Landscaping

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

SEPP (Sustainable Buildings: BASIX) 2022		
Part 3 Aims	***Proposed***	***Complies***
To encourage sustainable residential development	*Certificate A1767459_02 dated 27/03/25* *The proposal is consistent with the landscape outcomes within the BASIX certificate.*	*YES*

KDCP COMPLIANCE TABLE		
Control	***Proposed***	***Complies***
Part 4A.2 Building Setbacks		
C12. Side setbacks are to accommodate a pathway and at least 0.6m of landscaping width for single storey houses, and 1.1m for 2 storey houses.	*The landscape plan does not satisfy this control:* • *The proposed additions will provide a minimum of 1.1 metre garden beds within the side setbacks except for the south-western side setback adjacent to the driveway. The new driveway will be within the same footprint as the existing driveway, which currently maintains a setback of up to 300mm from the south-western side boundary.*	*NO*
C13. Side setbacks are to accommodate shrubs to a height of 3-4m for 2 storey houses, and 2-3m for single storey houses.		

Part 4A.4 Landscaping and Part 13 Tree and Vegetation Preservation		
C1. Landscape proposals are to retain existing trees where possible	***Tree removal*** *The proposal includes the removal of 4 trees (trees T5, T12, T51, T52) and transplanting of 1 tree (tree T38):* • *The removal of trees T5, T12, T51 & T52 is acceptable as they are of low to moderate retention value.* ***Tree transplanting*** *<u>Tree T38 – Phoenix canariensis (Canary Island Date Palm)</u>* • *It is recommended that tree T38 be removed rather than transplanted. This recommendation is made to avoid potential damage to existing native trees that could occur during the transplanting process.* *<u>Tree T40 - Phoenix canariensis (Canary Island Date Palm)</u>* • *The transplanting of tree T40 is not accepted as it is in good health and, whilst the proposed path and tennis court terrace encroach marginally within the tree protection zone (TPZ), transplantation is not necessary.* ***Tree removal recommended*** *<u>T39 – Angophora costata (Sydney Red Gum)</u>* • *Tree T39 is proposed for retention, however, from an arboricultural perspective, its removal is recommended.* ***Tree impacts*** *The following trees are impacted by the proposal:* *<u>Tree T1 – Lophostemon confertus (Brush Box)</u>* • *Tree T1 is located on the nature strip.* • *The proposed additional driveway entrance for the circular driveway will encroach into the structural root zone (SRZ) which is a major encroachment under AS4970-2009.* • *The construction of the driveway across the nature strip is likely to sever supporting*	*YES* *NO* *NO* *YES* *NO*

	roots resulting in unacceptable impacts on tree T1.	*NO*
	<u>Tree T4 – Brachychiton acerifolius (Flame Tree)</u> • *The proposed driveway will encroach into the TPZ by 50% and within the SRZ which is a major encroachment under AS4970-2009.*	*NO*
	<u>Tree T13 – Syncarpia glomulifera (Turpentine)</u> • *The proposed pool, pool terrace, side path, associated cut and fill and retaining walls will encroach into the TPZ by 45% and within the SRZ which is a major encroachment under AS4970-2009.*	*NO*
	<u>Tree T23 - Syncarpia glomulifera (Turpentine)</u> *<u>Tree T24 – Angophora costata (Sydney red Gum)</u>* • *The information provided on the plans is insufficient and inconsistent to enable a full assessment of the impacts on tree T23 & T24.* • *The proposed circular tennis court terrace will encroach within the TPZ of both trees and within the SRZ of tree T24.* • *The finished level of the terrace area is inconsistent between the Site Analysis Plan and the Cut and Fill Plan. Regardless of this inconsistency, it appears that retaining walls will be required around the terrace to address and manage the changes in soil levels which are not indicated on the plans.*	
	<u>Trees T40 to T50</u> • *Additional information will be required as to location of the sewer and water pipes to service the proposed toilet adjacent to the existing tennis court.*	*NO*
	<u>Tree T53 – Jacaranda mimosifolia (Jacaranda)</u> *<u>Tree T54 – Lagerstroemia indica (Crepe Myrtle)</u>* • *T53 & T54 are located on the adjoining property at 46A Shirley Rd and therefore constitute a material constraint on the development of the site.* • *The proposed excavation required for the garage and driveway, and associated retaining wall along the south western side*	*NO*

	of the driveway will encroach into the TPZ by 45% and within the SRZ which is a major encroachment under AS4970-2009. ***Stormwater impacts*** • *The proposed stormwater pipes and pits will encroach within the TPZ of tree T3, T4, T48, T49, T50, T53 & T54.*	*NO*
C2. Tree replenishment and planting to be provided.	*The proposal satisfies this part.* ***Lot size*** | ***Number of trees*** *Over 1,500m2* | *10 or as directed* *The site area is 4,009 sqm therefore, the proposal is required to attain a total of 10 trees:* • *The proposal retains 19 tree/s capable of attaining a minimum height of 13m.* • *The proposal includes no trees capable of attaining a minimum height of 13m.*	*YES*
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 does not satisfy this control:* • *The proposed replacement of the existing informal planting of mature shrubs and small trees within the front setback with formal rows of monoculture hedging of Buxus does not satisfy this control.* • *The proposed single formal row of Murraya along the north-east side, south-east and part of the south west of the dwelling and pool does not satisfy this control.*	*NO*
C4. Landscape designs are to reflect the prevailing landscape character of the area.	*The landscape plan does not satisfy this control:* • *See comments above at C3*	*NO*
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 satisfies this control.* • *No new tree planting is required*	*YES*
C6. Hedges near boundaries are not to	*The landscape plan satisfies this control.*	*YES*

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.		
Part 4C.7 Ancillary Services		
Swimming Pools *C2. The pool/spa/enclosure is to be designed and located so that there is sufficient area adjacent to the property boundary for substantial landscape planting to:*		
i) minimise potentially adverse impacts such as glare and visual intrusion	*The proposal satisfies this part.*	*YES*
ii) minimise the impact on existing trees both on the site and on adjoining properties.	*The proposal does not satisfy this part.* • *See comments above at Part 13 in relation to tree T13.*	*NO*
C3. The pool/spa coping, decking, paving or the like is to be sited a minimum of 2m from a property boundary and not be more than 0.5m above existing ground level at any point. On steeply sloping sites, levels greater than 0.5m will be considered subject to increased setbacks and landscaping to protect the amenity and privacy of	*The proposal satisfies this part.*	*YES*

neighbouring properties. ***Note:*** *Refer to AS1926.1 2012 Part 1: Swimming pool safety for requirements on landscaping to non-climbable zones.*		
C4. Pool excavation should not be beneath the canopy of trees protected by Part 13 of this DCP.	*The proposal does not satisfy this part.* • *See comments above at Part 13 in relation to T13.* • *Amended plans required.*	*NO*
Part 16 Bushfire Risk		
16.1 Bushfire Risk Management	*Bushfire report has certified the landscape plan*	*YES*
Part 19 Heritage Items and Heritage Conservation Areas		
19C.3 Gardens and Landscaping – Within HCAs: Alts and Adds and New Dwellings *C1. The established landscape character (height of the tree canopy, early gardens, remnant trees, historic tree plantings) that contributes to the significance of the streetscape and the HCA as a whole are to be retained and conserved in any new development. The reinstatement of original planting, where known, is encouraged.*	*The proposal does not satisfy this part.* • *The proposed replacement of the existing informal planting of mature shrubs and small trees within the front setback with formal, monoculture hedging of Buxus does not comply with C1.* • *The proposed single formal row of Murraya along the north-east side, south-east and part of the south-west of the dwelling and pool does not satisfy C1.*	*NO*
C2. Original garden features such as gates, paths, stonework, garden terracing, tiling, cement crazy paving, walling and garden edging are to be	*The proposal does not satisfy this part.* • *The proposed replacement of the existing stone-flagged path, which extends from the front boundary along the north-eastern side of the dwelling, with concrete grass pavers does not satisfy C2.*	*NO*

retained and conserved.		
C3. New paving and hard surfacing, particularly to front setbacks is to be limited.	*The proposal does not satisfy this part.* • *The proposed circular driveway within the front setback does not comply with C3.* • *In accordance with the definition of built-upon area under Part 1B.1 of the KDCP, both paving and porous paving are classified as hard surfaces and must therefore be included in the built-upon area calculation.*	*NO*
C4. Front gardens are to avoid screening buildings from the street and: *i) have a minimum of 70% landscaped area;* *ii) include substantial tree and shrub planting along street frontages.* *iii) front boundary hedges are to be a maximum 1.2m.*	*The proposal does not satisfy this part.* • *The proposed landscaped area in the front setback, excluding the grasscrete paved driveway, is 61.4%, which does not satisfy C4(i).* • *The proposed replacement of the existing informal planting of mature shrubs and small trees within the front setback with formal, monoculture hedging of Buxus does not comply with C4(ii).* • *The proposal satisfies C4(iii)*	*NO*
C5. Materials for new garden paving or pathways are to be appropriate to the architectural style of the HCA, such as gravel for Federation style and sandstone flagging for Inter-war styles. Plain or stencilled concrete is not acceptable.	*The proposal does not satisfy this part.* • *See comments above at C2*	*NO*
C6. New driveways are to provide landscaping on side boundaries.	*The proposal does not satisfy this part.* • *The new driveway will be within the same footprint as the existing driveway, which currently maintains a setback of up to 300mm from the south-western side boundary which does not satisfy C6.*	*NO*
C7. New, traditionally designed gardens that enhance historic and	*The proposal does not satisfy this part.* • *See comments above at C1 and C2*	*NO*

aesthetic character of the streetscape and the HCA as a whole are encouraged.		
C8. New gardens should be horticulturally and stylistically sympathetic to the period of the HCA. The use of similar materials such as sandstone, brick and gravel is encouraged.	*The proposal does not satisfy this part.* • *See comments above at C2*	*NO*
C9. The use of a variety of plant species to avoid mono-cultural plantings along street frontages and as screen planting is encouraged.	*The proposal does not satisfy this part.* • *See comments above at C1*	*NO*
Part 21.1 Earthworks and Slope		
C3. Landscape cut or fill should not be more than 600mm above or below natural ground line.	*The proposal satisfies this part.* • *Landscape cut and fill is not proposed:*	*YES*
C4. A minimum 0.6m width is required between retaining walls.	*The proposal satisfies this part.* • *No terraced retaining walls are proposed.*	*YES*
C5. Existing ground level is to be maintained for a distance of 2m from any boundary.	*The proposal satisfies this part.* • *Existing ground level has been maintained for 2m from the northern boundary.*	*YES*
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.	*The proposal does not satisfy this part.* • *See comments above at Part 13 in relation to T23 and T24.*	*NO*

Part 21.2 Landscape Design		
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.*	*The landscape plan is not acceptable for the following reasons:* • *The proposed circular tennis court terrace will result in unacceptable impacts on T23 and T24 which does not satisfy C6. See comments at Part 13.* • *The proposed replacement of the existing informal planting of mature shrubs and small trees within the front setback with formal rows of monoculture hedging of Buxus does not satisfy C9.* • *The proposed single formal row of Murraya along the north-east side, south-east and part of the south -est of the dwelling and pool does not satisfy C9.* • *The proposal does not satisfy C1, C2, C3, C4, C5, C7, C8 & C9 of Part 19C.3. See comments above.* • *It is recommended that T38 be removed rather than transplanted, in order to minimise the risk of damage to existing native trees that may occur as a result of the transplanting process.* • *The transplanting of T40 is not accepted, as the tree is in good health. While the proposed path and tennis court terrace encroach marginally within the TPZ, the extent of the encroachment does not warrant transplantation.*	*NO*

Ecology

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

Biodiversity Conservation Act 2016		
Section 7.3	***Proposed***	***Complies***
The purpose of the Act is to maintain a healthy, productive and resilient environment	*The vegetation within the rear of the subject property is mapped as containing plant community type (PCT 3176) Sydney Enriched Sandstone Moist Forest.* *PCT 3176 does not correspond with any listed Endangered Ecological Communities (EEC's) under the Biodiversity Conservation Act 2016 (BC Act).*	*NO*

Biodiversity Conservation Act 2016		
Section 7.3	***Proposed***	***Complies***
	A biodiversity development assessment report (BDAR) has been submitted with the DA however the BDAR is not supported for the following: • *No site-specific plot data has been submitted with the DA.* • *The location of the BAM plot is to be clearly identified on a Figure.* • *A species polygon map for Swift Parrot is to be provided.* • *The BDAR is to be amended to take into account the proposed removal of an additional Angophora costata (Smooth-barked Apple) identified as tree 29.* • *A field validated vegetation map that identifies the extent of plant community 3176 to be retained/removed is to be provided.* • *The justification for the exclusion of Large-eared Pied Bat is insufficient. The site is located within 2km of areas supporting "rocky areas, containing caves, overhangs, escarpments, outcrops, or crevices, or within two kilometres of old mines or tunnels.* • *No justification provided for the exclusion of the following candidate species "Deyeuxia appressa Rhizanthella slateri, Rhodamnia rubescens".* • *All credit output reports are to be attached to the BDAR.*	

KLEP 2015 COMPLIANCE TABLE		
Part 6 Additional local provisions	***Proposed***	***Complies***
Clause 6.3 – Biodiversity Protection *The objective of this clause is to protect maintain and improve the diversity and condition of native vegetation and habitat*	*Tree T13 (Syncarpia glomulifera – Turpentine) is located within an area mapped as 'Terrestrial Biodiversity' under Clause 6.3 of the Local Environmental Plan (LEP). This tree forms part of "Terrestrial biodiversity". The proposed development will result in a direct impact on T13, as outlined in the Landscape Assessment Officer's comments. This impact is inconsistent with the objectives of Clause 6.3.*	*NO*

KDCP COMPLIANCE TABLE		
Control	***Proposed***	***Complies***
Part 18 Biodiversity Controls		
18.3 Category – Support for Core Biodiversity Lands.	*Tree T13 is located within an area designated as 'Terrestrial Biodiversity' and mapped under Part 18.3 – Category: Support for Core Biodiversity*	*NO*

18.5 Category – Biodiversity Corridors and Buffer Areas	*Lands of the Ku-ring-gai Development Control Plan (KDCP). This tree is part of the native vegetation within the mapped biodiversity area.* *The proposed development is likely to result in the loss of tree T13 as a result of a major encroachment within the tree protection zone (TPZ). The impacts resulting from the works encroaching within the TPZ are likely to result in the decline and loss of tree T13 as such the proposal is considered to be inconsistent with the objectives of this DCP.*	

Engineering

Council's Development Engineer commented on the proposal as follows:

> ***Water management***
>
> *The development is a Type 2 – Major Alterations and Additions in a Location 'D' (drains to rear).*
>
> *The site does not benefit from an on-site detention exemption as per Part 24R.5 - OSD Exemption Map. An on-site detention is not required for a Type 2 development where the increase in built upon area is less than 60% of the total site area. However, in this instance as connection is to an existing drainage easement, on-site detention (OSD) is required to satisfy Part 24C.5 of the KDCP.*
>
> *The site falls towards the rear and contains a drainage easement including Council's 450mm diameter pipe that runs along the western boundary. It is understood that the easement benefits Council only.*
>
> *The site area is 4,009 m^2. The pre-developed impervious area of 1,298.5m^2 and the post-developed impervious area of 2,222.22 m^2 shown on the submitted concept roof drainage plan is not consistent with the built-upon area schedule shown on the architectural plans.*
>
> *A concept roof drainage plan prepared by E2 Engineering has been submitted. The plan depicts stormwater runoff from the entire site will be directed to the existing Council drainage easement. The pipe location and its condition are however unknown as detailed below.*
>
> *The submitted plumber's letter by JGroup Plumbing dated 18/02/2025 states a visual site inspection has been carried out and the current stormwater drainage system is in a good working condition. However, no CCTV footage and accompanying report of the existing pipe within the easement has been submitted to confirm the findings of the licenced plumber which is required.*
>
> *According to the drainage plan, a belowground OSD tanks (2 x 5,000L) and a 3 x 5,000L below ground rainwater tanks have been proposed. Details of the proposed rainwater tanks and detention system have not been provided. In addition, an 'On-Site Stormwater Detention Calculation Sheet' shall be submitted as required as per Council's 'Technical Guideline for Water Management'.*

The proposed 3 x 5,000L below ground rainwater tanks satisfy Part 24C.4 of KDCP and the BASIX water requirements for a 12,206.25L rainwater tank for irrigation and the pool top up. As the proposed development is a Type 2 and involves additional bathrooms, the rainwater tank(s) shall be connected internally to the dwelling to satisfy Part 24C.4 of KDCP. Details of the rainwater tanks and their dimensions including the notation for internal reuse-shall be depicted on the stormwater plans.

Whilst water quality measures are not required for a Type 2 development, it is recommended that the stormwater runoff directed to the existing drainage system be addressed by providing silt arrestor pit prior to discharging into it. The requirements of Part 24C.6 of the KDCP would be satisfied.

Council's Drainage Engineer reviewed the proposal and cannot undertake a detailed assessment due to the following insufficient information:

1. *A surveyor has not identified the accurate location of drainage pits and pipes.*
2. *A CCTV inspection of the existing pipe within the drainage easement is required but not provided.*
3. *The proposed private drainage pit (P4) and pipe from P4 to Pit 6 are close to Council's drainage easement. A "Structural Certificate" prepared by a Structural Engineer is required to demonstrate the proposed private system is outside of "Zone of Influence" of Council's drainage pipeline. This certification was not provided.*
4. *The proposed discharge rate shown in the proposed plan is 89 L/s for 1% AEP which does not comply with Council's Technical Guideline for Water Management. An on-site detention (OSD) is required to reduce peak flow to 25 L/s for the 5% AEP event.*

Flood study

According to Council's mapping system (site is located within the Blue Gum Creek catchment (BG1)), no flood details are recorded for this property. However, given that a Council 450mm diameter pipe runs along the western site boundary, a flood study would be required as per Part 24D. 2 and 24R.3 of KDCP, but has not been provided.

Tennis court

According to the architectural drawings, the existing tennis court is to be refurbished. Given the proposal seeks to refurbish the court, it is however required that the tennis court be designed as a detention system.

Site access

The existing vehicular crossing will be retained. The driveway width at the boundary is approximately 2.7m, which is acceptable.

As per Part 22R.1 'Car Parking Rates' and 4B.2 'Car Parking Provision' of KDCP, single occupancy dwellings shall provide 2 car spaces on-site. The minimum has been met. A new garage of 10.95m x 6.32m on the lower ground floor level with provision for four vehicles is proposed.

Swept path analysis will be required to demonstrate that vehicles can enter and exit the site in a forwarded direction in accordance with Section 5.4 of AS2890.1:2004.

The submitted driveway plan and driveway long section have been checked and are compliant with the Australian Standard 2890.1 (2004) "Off-Street car parking".

Geotechnical assessment report

The excavations are proposed below the existing dwelling to accommodate the proposed four car garage including excavation for the construction of swimming pool, spa, pond and associated works.

The soil profile consists of shallow uncontrolled fill and silty topsoil (silty clay) and weathered bedrock. Based on the observations and the results of testing on site, it is expected weathered shale bedrock to be found within 1.0 to 1.70 metres below current surface levels across the majority portion of the site, with a change in geology and sandstone bedrock to be encountered in the location of the tennis court towards the rear of the site.

The majority of bulk excavation for the garage and pool is expected to be through stiff clay and highly weathered shale bedrock.

Temporary support or structural underpinning of the existing structure may to be required before excavations commence according to the applicant's geotechnical engineer. The applicant's geotechnical engineer has recommended that test pits be excavated along the edges of the footings to be retained within the zone of influence of the proposed excavations to confirm existing foundation materials. The assessment of the existing structure and footings, and the detail of any underpinning required is to be designed by the structural engineer.

The geotechnical report, recommends that detailed dilapidation reporting, undertaken by others (typically, by the structural engineer or building inspector), be prepared for all adjacent structures, before the demolition, installation of shoring systems or excavations commence on site.

Recommendation

The application is not acceptable on engineering grounds for the reasons provided above.

External Referrals

Rural Fire Service

In accordance with Section 4.14(1)(b) of the *Environmental Planning and Assessment Act 1979*, Council has been provided with 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. The Bushfire Risk Assessment states that the development conforms to the relevant specifications and requirements. As such, the application does not require a referral to Rural Fire Services.

Council has considered the measures to be taken with respect to the protection of persons, property and the environment from danger that may arise from a bush fire. Had the application been recommended for approval, appropriate conditions that adopt the

recommendations of the bush fire risk assessment report and certificate would have been recommended.

STATUTORY PROVISIONS

The Biodiversity Conservation Act 2016 – Section 7.3

The vegetation within the rear of the subject property is mapped as containing plant community type (PCT 3176) Sydney Enriched Sandstone Moist Forest. A biodiversity development assessment report (BDAR) was submitted with the application. Council's Ecological Assessment Officer has advised that the BDAR is insufficient and does not satisfy the assessment requirements under the Biodiversity Conservation Act 2016 and the Biodiversity Assessment Method (BAM), as detailed within the Ecology referral.

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 (Biodiversity & Conservation) 2021 - Chapter 6 Water catchments

The site is located within a regulated catchment (Sydney Harbour Catchment) and accordingly the provisions of Chapter 6 are applicable to the application.

Clause 6.6 water quality and quantity

In accordance with Clause 6.6, in deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following:

a) *whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,*
b) *whether the development will have an adverse impact on water flow in a natural waterbody,*
c) *whether the development will increase the amount of stormwater run-off from a site,*
d) *whether the development will incorporate on-site stormwater retention, infiltration or reuse,*
e) *the impact of the development on the level and quality of the water table,*
f) *the cumulative environmental impact of the development on the regulated catchment,*
g) *whether the development makes adequate provision to protect the quality and quantity of ground water.*

The matters identified above have been considered in the assessment of the application. As detailed in the Engineering referral, insufficient information has been submitted to demonstrate that stormwater will be adequately managed to ensure that:

- the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and
- the impact on water flow in a natural waterbody will be minimised.

Clause 6.7 Aquatic ecology

In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following:

a) whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation.
b) whether the development involves the clearing of riparian vegetation and, if so, whether the development will require-

(i) a controlled activity approval under the Water Management Act 2000, or
(ii) a permit under the Fisheries Management Act 1994.

c) whether the development will minimise or avoid-

(i) the erosion of land abutting a natural waterbody, or
(ii) the sedimentation of a natural waterbody.

d) whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area.

e) whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology.

f) if the development site adjoins a natural waterbody—whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.

The matters identified above have been considered in the assessment of the application. As detailed in the Engineering and Ecology referrals, the application has failed to demonstrate that stormwater will be adequately managed and ecological impacts will be minimised. Therefore, the proposal fails to demonstrate that:

- the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development, and
- the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves.

The proposal fails to satisfy the relevant matters for consideration.

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

A BASIX certificate has been submitted. The submitted drawings do not include all of the commitments required by the BASIX Certificate. The following items have been omitted:

- Hot water system (gas instantaneous) not indicated
- Doors “D01” and “D03” not notated
- Rainwater tank capacity not specified.

Therefore, the proposal does not meet the requirements of Clause 2.1(5) of the SEPP and Section 27(1)(b) of the Environmental Planning and Assessment Regulation 2021.

Local Content

Ku-ring-gai Local Environmental Plan 2015

Part 1 Preliminary

Clause 1.2 Aims of the Plan

The proposal has been assessed against the relevant Aims of the Plan. The proposal is inconsistent with the Aims for the reasons given within the assessment report.

Part 2 Permitted or prohibited development

Clause 2.1 – 2.3 Zoning and permissibility

The site is zoned C4 Environmental Living. The proposed development is defined as alterations and additions to a *dwelling house* and is permissible with consent.

The objectives of this zone are:

1. *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

2. *To ensure that residential development does not have an adverse effect on those values.*

3. *To ensure development does not result in further fragmentation of ecological communities, biodiversity corridors or other significant vegetation or habitat.*

4. *To minimise direct and indirect risks to life, property and the environment from bushfire events.*

5. *To ensure that development in this zone on land that adjoins land in Zone C1 National Parks and Nature Reserves or Zone C2 Environmental Conservation is compatible with the objectives of those zones.*

6. *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development is inconsistent with Objectives 1-3 as it:

i) fails to demonstrate how stormwater will be sufficiently managed

ii) would have an adverse impact on the special ecological and aesthetic value of the area; and

iii) would result in unacceptable impacts to significant vegetation on the site, as detailed further within this report.

Part 4 Principal development standards

Clause 4.3 Height of Building

The site is subject to a maximum building height of 9.5m. The proposed maximum building height is 10.91m which breaches the height of building standard by 1.41m or 14.84%. A Clause 4.6 variation request has been submitted and is considered below.

Clause 4.4 Floor Space Ratio

The site has an area of 4009.6m^2 as per the submitted survey plan, prepared by C & A Surveyors NSW P/L and dated 24/02/2024. Based on a site area of 4009.6m^2, the maximum permitted FSR is 0.212:1 pursuant to Clause 4.4(2D) of KLEP. This equates to 851.44m^2 of gross floor area (GFA).

According to Council's calculations, the proposed FSR is 0.212 (GFA of 848.34m^2) which complies.

Clause 4.6 Exceptions to development standards

The proposed development breaches the 9.5m height of building development standard by 1.41m contained within the KLEP, resulting in a variation of 14.84%. The applicant has made a submission pursuant to Clause 4.6 seeking to vary the 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.

It is noted that the applicant's variation request has incorrectly referenced the repealed version of Clause 4.6. Notwithstanding, the variation request has addressed the matters contained in subclause (3) and an assessment is provided below.

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

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

"In Wehbe, Preston CJ of the Land and Environment Court provided relevant assistance by identifying five traditional ways in which a variation to a development standard had been shown as unreasonable or unnecessary.

The five methods outlined in Wehbe include:

> *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 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.*

Of particular assistance in this matter, in establishing that compliance with a development standard is unreasonable or unnecessary, is the first method listed above. It is argued that the proposed development satisfies each of the relevant objectives of Clause 4.3(1) of KLEP 2015 as demonstrated below.

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,

The proposed development has been designed in harmony with the streetscape, retaining the Federation period facade of the dwelling house and its single storey presentation to the streetscape. The proposed works are contained to the rear of the dwelling house and are appropriately stepped down the sloping topography of the land, increasing to three storeys at the rear. It is evident that two and three storey buildings that are stepped down the sloping topography of the land are characteristic of the streetscape. The encroaching element of the building is contained to the first floor roof form as demonstrated by the height blanket image below and will not be perceivable from the public domain. The first floor roof form follows the roof ridge height of the existing building and does not encroach higher.

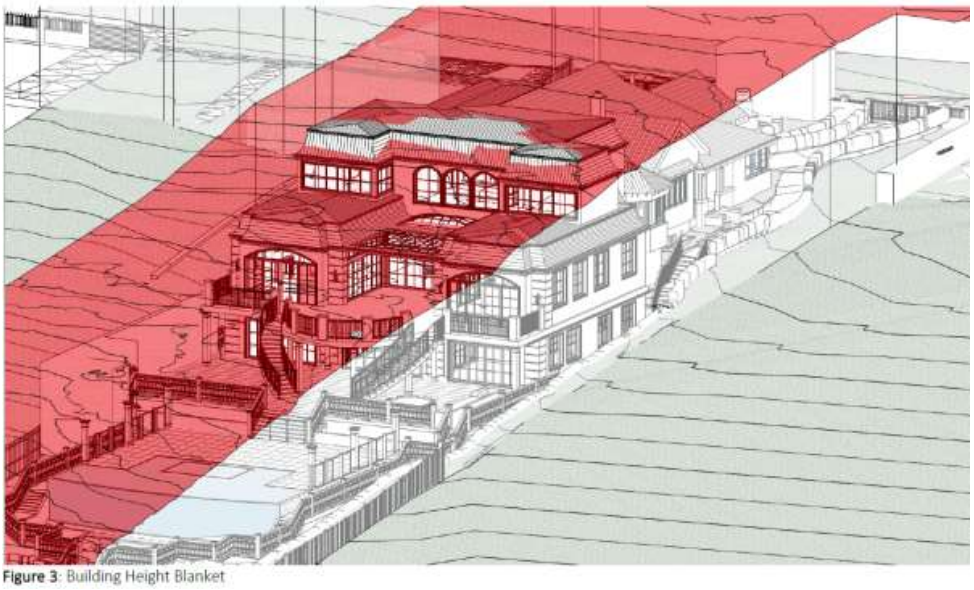


Figure 3: Building Height Blanket

The overall design achieves a high level of functionality and liveability for the residents and complies with the maximum built-upon and minimum landscaped area requirements. The development is considered to be consistent with Council's desired character of the street by contributing to the existing architectural styling of the Federation period dwelling house and affording a high level of articulation through the combination of building materials including architectural render, Colorbond roofing and decorative window treatments. The overall choice of materials and colour scheme is highly compatible with adjoining buildings to ensure that the streetscape presents as cohesive and well-designed when viewed from the public domain and surrounding Heritage Conservation Area.

The final development maintains an appropriate balance between the built form, landscaped areas and private open space thereby achieving compliance with the objectives of development in the C4 – Environmental Living zone. As detailed on the Architectural Plans submitted with this application, comprehensive site landscaping is retained and enhanced to the front, side and rear setbacks of the site that will contribute significantly to the natural landscape setting of the locality and will alleviate the perceived bulk and massing of the building when viewed from the public domain.

Whilst the height control is placed to ensure that the future character of the locality is maintained, the departure of the height control in this instance is a direct result of the inherent nature of adding to an existing dwelling house on a site with extreme changes in elevation. The control is therefore considered only a guide directed towards relatively level sites however applying the controls to a site with dramatic changes will inevitably create a departure from the control. While the proposed development seeks to increase the overall scale of the dwelling house and subsequently results in a development with a building height beyond the numerical control, the residential surroundings will not allow extreme departures for future developments where residential buildings will continue to dominate the streetscape.

b) to establish a transition in scale between the centres and the adjoining lower density residential and open space zones to protect local amenity,

The proposed building height is suitable in the context of the site and will not appear out of character when viewed from adjoining residential properties and the reserve to the rear. Majority of the built form is screened from the public domain and surrounding properties by dense vegetation and mature trees within the site setbacks. It is clearly demonstrated that the proposed development will not impact on the visual quality of surrounding buildings or impact on significant views and vistas. The proposed development will improve the visual appearance of the building as a result of sympathetic architectural design combined with comprehensive site landscaping. The final development reflects the historical character of the area and is site responsive, incorporating design elements that are sympathetic of characteristics of the streetscape and the inherent site constraints.

The increase in building height does not have any adverse impact on the potential of the building to undergo design articulation and modulation. The final dwelling house has varying building lines to allow for the play of building volume, solid and voids. The proposed development does not impede on existing low density dwelling houses in the vicinity of the site as it adheres to the setback provisions. The design of the building in accordance with appropriate setbacks, bulk, building transition and the existing facade design overrides the minimal breach in height as the main objective is to achieve good built form.

c) to enable development with a built form that is compatible with the size of the land to be developed.

The proposed development responds to the land and location of buildings throughout the streetscape, incorporating suitable setback distances and retaining and enhancing a significant amount of landscaping. The development is predominately located within the established building envelope on the site and maintains the single storey presentation of the dwelling house to the streetscape, in accordance with the façade appearance of adjoining residential buildings. The proposed departure from the maximum building height control is not considered likely to result in adverse impacts to adjoining buildings, or buildings in the vicinity of the site, in terms of views, loss of privacy, overshadowing or visual intrusion. The Shadow Diagrams submitted with this application clearly demonstrate that the final development achieves the solar access requirements stipulated under the KDCP 2015 both on the site and for adjoining properties. The sloping nature of the land and the location of adjoining dwellings ensures that the encroaching portion of the building does not significantly overshadow the living or private open space areas of these properties or compromise their ability to attain a suitable level of solar access to the internal areas."

Contrary to the applicant's justification, the following is noted:

The applicant states that two to three storey dwellings are characteristic of the area. Three storey dwellings are not characteristic of the local area. The streetscape is characterised by one to two storey dwelling houses.

Part 19C.1 of KDCP specifies types of rear additions which are acceptable in a heritage conservation area (**Figure 18**). Additionally, control 3 of Part 19C.6 of KDCP specifies that the original principal roof form is to be retained to the extent that it can be interpreted and that roofs of additions are to have a separated lined section. New roof forms for new work are to be complementary in design, not visible from the public domain and follow historic practices.

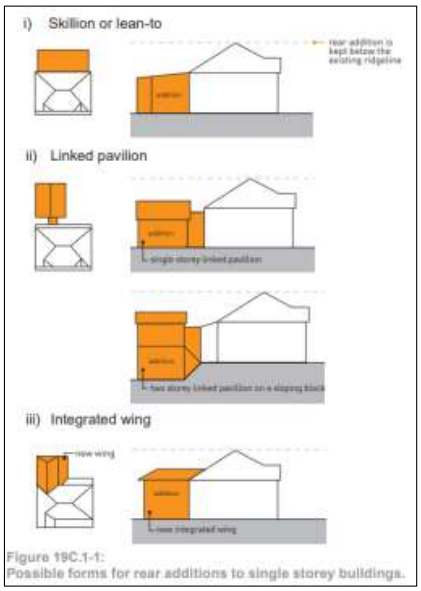


Figure 18: Figure 19C.1-1 of the KDCP showing possible forms for rear additions to dwellings in heritage conservation areas

The proposed three storey rear addition is located above the existing ridge and is not separated from the existing dwelling (**Figure 19**). The proposed style of rear addition is completely inconsistent with the types of permitted rear additions outlined in Part 19C.1 of KDCP.



Figure 19: Proposed western elevation

It is acknowledged that there are some examples of inappropriate rear additions within the street, however these additions were approved prior to the operation of the KLEP and KDCP and do not set a precedent for further inappropriate types of rear additions.

The proposed addition does not appear as visually subservient to the original dwelling and fails to retain the dwelling's single storey appearance from the street. The proposed roof addition (especially the third storey) will be visible from the public domain (**Figures 20-22**) and does not comply with control 3 of Part 19C.6 of KDCP.



Figure 20: Western elevation of the subject dwelling viewed from the street. Approximate location of proposed addition shown in red.



Figure 21: Front elevation of the subject dwelling viewed from the street. Approximate location of proposed addition shown in red.



Figure 22: Eastern elevation of the subject dwelling viewed from the street. Approximate location of proposed addition shown in red.

The height and bulk of the proposed addition detracts from the heritage significance of the dwelling and the conservation area and fails to satisfy Clause 5.10 of KLEP and numerous provisions contained in Part 4 and Part 19 of KDCP.

The breach of the height standard is to enable the third storey to be built. It is the third storey that is of notable concern as it does not preserve the original roof and does not retain the character of the dwelling, as outlined above. Had a complying design of two storeys been proposed, the rear addition would not be as visually dominant when viewed from the street and may comply with the height of buildings development standard.

The height of building standard is not a "guide" and is not directed at "relatively flat" sites. It is a maximum and a statutory development standard, and the maximum height may not be able to be realised on all sites, particularly those such as the subject site which are heritage affected and topographically constrained. The proposed development has not been designed to step down in response to the site's topography. Had the proposal been designed in accordance with Part 21.1 'Earthworks and Slope' of the KDCP, the proposal could comply with the development standard. Instead, the proposal includes excessive cut and fill and a breach to the 2 storey KDCP control in order to 'fit' three storeys on the site. Therefore, the proposed departure to the development standard is not due to the site's topography but is due to the proposed addition not responding the site's existing ground levels and the provision of a non-compliant third storey.

The proposed development substantially exceeds the maximum permitted BUA and results in unacceptable impacts to existing trees. The proposed development therefore does not provide an appropriate balance between built form and landscaping and does not achieve the objectives of the C4 Environmental Living zone.

The proposed development does not comply with KDCP controls relating to a maximum of 2 storeys, unrelieved walls, building height plane and built-upon area. The proposed bulk and scale is excessive and would have an overbearing impact on adjoining properties. Therefore, the proposed built form is not compatible with the size of the land to be developed.

The applicant has not demonstrated that the proposal would preserve 4 hours of solar access to north facing windows and the principal area of private open space of 46 Shirley Road, as detailed in the KDCP assessment section of this report.

The applicant has attempted to rely upon satisfying the first method in *Wehbe v Pittwater Council [2007]* NSWLEC 827 ("Wehbe") by justifying that the objectives of the standard are achieved notwithstanding non-compliance with the standard. For the reasons outlined above, the arguments advanced by the applicant are not agreed with and the proposed development does not meet the objectives of the standard. Therefore, the applicant has not satisfied the first method in *Wehbe* and thereby has not demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances.

For the reasons outlined above, the consent authority may not be satisfied that the requirements of Clause 4.6(3)(a) have been met.

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 height variation will not generate any unacceptable adverse environmental impacts in respect of overshadowing or wind impacts. This is clearly demonstrated by the Shadow Diagrams submitted with this application, with the development maintaining an appropriate level of solar access to adjoining living and private open space areas through the retention of suitable setback distances to the side property boundaries.*

- *The size of the building is appropriate to the lot size. The extent of the development is maximised to respond to the zone objectives of achieving the development potential of the land. The side and rear elevations of the building are articulated to convey interplay of solids and voids to mitigate the bulkiness of the building. The building can be considered as a positive contribution to design excellence in the locality.*

- *While the proposed development height of building exceeds the maximum requirements prescribed by the KLEP 2015, it is considered that impacts will be mitigated by achieving a centrally located building footprint on the site with well-planned green spaces and fenestration, which satisfies other controls.*

- *The provision of the internal green space around the perimeter of the subject site adds value to the streetscape. The transition of building to green space results in greater visual amenity, as opposed to hard edges in the streetscape due to poorly designed building separation. The proposed development does not impede on the existing low density dwelling houses in the vicinity of the site as it adheres to the setback provisions.*

- *The proposed height of building provides a high quality urban form with satisfactory exposure to the natural ventilation and sunlight.*

- *The proposed development will set a precedent for future development in the locality.*

- *Notwithstanding the proposed height variation, the final development continues to satisfy the objectives of the maximum building height control as demonstrated above.*

- *The complying building envelope is significantly compromised by the sloping topography of the land. It is therefore considered necessary to contravene the maximum building*

height control in order to provide a development that integrates seamlessly with the subject building, rather than present as piecemeal to the public domain.

- *The proposed variation will not result in a development that is out of character with that envisioned by Ku-Ring-Gai Council. The final development will present to the public domain as an architecturally designed dwelling house that sits comfortably within the site.*

The environmental planning grounds advanced by the applicant are not sufficient for the following reasons outlined below.

Pain J held in *Four2Five vs Ashfield Council* [2015] NSWLEC 90 that to satisfy Clause 4.6(3)(b), a Clause 4.6 variation request must do more than demonstrate that the development meets the objectives of the development standard and the zone – it must also demonstrate that there are other environmental planning grounds that justify contravening the development standard, preferably being grounds that are specific to the site.

Preston CJ noted in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, that in order for there to be 'sufficient' environmental planning grounds to justify a variation request under Clause 4.6, the aspect of the development that contravenes the development standard should be the focus (as opposed to the development as a whole) of any analysis. The variation request must not simply promote the benefits of the development.

The reasons advanced by the applicant are not sufficient as they fail to:

- Exhaust all reasons specific to the proposed breach and demonstrate why this breach is a better outcome than a compliant development.

- Demonstrate that a nexus exists between the non-compliant building height and the topography of the site that results in an unavoidable contravention of the building height standard.

- Demonstrate that the contravention of the building height standard will result in a better outcome for the site.

- Demonstrate that they are site specific and indeed relevant to the breach to the building height development standard. The following environmental planning grounds (dot points 1, 3, 4, 5 and 8 – as highlighted above) are general in nature (i.e. building elevations, green space, ventilation/sunlight, precedence and character) and do not address the specific elements that breach the building height development standard.

For the reasons outlined above, the consent authority may not be satisfied that the requirements of Clause 4.6(3)(b) have been met.

Authority to determine variation

Any variation to a numerical standard that exceeds 10% or relates to a non-numerical standard must be considered by the Ku-ring-gai Local Planning Panel. The application has been referred to the Ku-ring-gai Local Planning Panel as the variation to the development standard is greater than 10% (specifically 14.84%).

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 does not contain a heritage item, is located within 100m of an Item, and is within a heritage conservation area. The proposed works do not affect any known archaeological or Aboriginal objects or Aboriginal places of heritage significance.

The proposal would have an adverse impact on the heritage significance of the dwelling and conservation area. The application fails to meet the objectives and provisions of Clause 5.10 for the reasons detailed in the Heritage referral.

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 from adjacent Class 1, 2, 3 or 4 land.

Clause 6.2 - Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. In accordance with subclause (2), the following matters are to be considered:

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
(b) the effect of the development on the likely future use or redevelopment of the land,
(c) the quality of the fill or the soil to be excavated, or both,
(d) the effect of the development on the existing and likely amenity of adjoining properties,
(e) the source of any fill material and the destination of any excavated material,
(f) the likelihood of disturbing relics,
(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Excavation to a depth of approximately 1.23m is proposed to accommodate the dwelling. Additionally, approximately 1.76m of fill is proposed to accommodate a large elevated alfresco area. The proposed earthworks enable a three storey development and elevated alfresco. As detailed within the report, the design of the development is visually dominant and results in amenity impacts to adjoining properties.

As detailed in the Engineering referral, sufficient information regarding stormwater management has not been submitted and therefore the application does not demonstrate that the earthworks would not have a detrimental effect on drainage patterns.

Given the above, the proposed development is inconsistent with Clause 6.2 (2) (a), (d) and (h).

Additionally, the proposed development is not consistent with the objectives of Clause 6.2 of KLEP as the extent of earthworks substantially alters the natural ground levels, which is not sympathetic to the character of the area.

Clause 6.3 - Biodiversity protection

The site is mapped as land comprising biodiversity significance.

As detailed in the Ecology referral, the submitted BDAR is inadequate and the proposed development not been designed to minimise impacts on the site's native vegetation and habitat. The proposal fails to comply with the provisions of Clause 6.3.

Clause 6.4 – Riparian land and waterways

The site is mapped as riparian land and waterways.

As detailed in the Engineering referral, insufficient information has been submitted to demonstrate that the stormwater on the site will be adequately managed. Council is not satisfied that the proposed development would not result in adverse impacts on the adjoining waterway by way of water quality, natural flow regime and aquatic species. The proposal fails to comply with the provisions of Clause 6.4.

Clause 6.5 - Stormwater and water sensitive urban design

Consideration has been given to the objective of this clause which seeks to minimise the adverse impacts of urban water on the site and within the catchment. The stormwater design has not demonstrated that water quality and control discharge volumes and frequency will be adequately managed. The proposal fails to comply with the provisions of Clause 6.5.

Policy Provisions

Ku-ring-gai Development Control Plan

Part 1A.5 General aims of the KDCP

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 has been provided with the application. The proposed design of the addition does not respond to the existing character of the area. Therefore, the site analysis has not sufficiently identified the character of the surrounding area. Consequently, the site analysis does not 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**
4A – Site Design		
4A.1 Local Character and Streetscape		
Visual Character 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 of the proposed development have not been based on the visual character of the area.	**NO**
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 proposed addition is excessive in height, bulk and scale, and will be highly visible from the street. The proposed design is not in keeping with the visual character of the area.	**NO**
The prominent and high quality characteristics of the neighbourhood are to be identified and considered as part of the site analysis.	An inadequate site analysis has been provided.	**NO**
Public Domain and Communal Space 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 development is unacceptable because of adverse streetscape and heritage impacts due to the excessive height, bulk and scale. The proposed landscape design is not in keeping the character of the heritage conservation area due to excessive built upon area (BUA) and monoculture planting.	**NO**
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 proposed external colours comprise of white external walls, dark grey roof and black window frames. The specific tone of white has not been specified. A bright white would be out of character with the conservation area, existing dwelling and natural landscape setting.	**NO**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
4A.2 Building Setbacks		
Building Line (Front Setback)		
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.	Complies. The rear addition is set back behind the existing building line, approximately 23.5m from the front boundary.	
Two storey Low side – 9m (11m average)	The proposed front set back of the addition complies with the minimum and average set back requirements.	
Building Line (Rear Setbacks)		
For sites with a depth greater than 48m, a minimum 12m rear setback is to be provided.	The rear set back is approximately 91m.	**YES**
Building Line (Side Setbacks)		
>20m width (24.38m) - 9% of site width (single storey elements) = 2.19m - 12% of site width (two storey) = 2.92m	Eastern side: Lower & ground floors – 3.19m First floor – 3.85m Western side: Lower & ground floors – 3.08m First – 4.18m	 **YES** **YES** **YES** **YES**
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.	Unacceptable, as detailed in the Landscape referral.	**NO**
Side setbacks are to accommodate shrubs to a height of 3-4m for two storey houses, and 2-3m for single storey houses.	Unacceptable, as detailed in the Landscape referral.	**NO**
4A.3 Built-Upon Area		
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.	The existing BUA is approximately 1350m². The proposed BUA is approximately 1908.06 m².	**NO**
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	The proposed BUA is excessive.	**NO**
The BUA of the front setback is to be maximum 30%	The proposed BUA in the front setback is approximately 39.5%.	**NO**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
4A.4 Landscaping		
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.	Unsatisfactory, as detailed in the Landscape referral.	**NO**
Landscaping is to include tall trees, small trees, shrubs and ground covers.		
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.		
Tree replenishment Less than 850m^2 — 3 trees 850m^2 to 1,000m^2 — 5 trees 1,001m^2 to 1,500m^2 — 7 trees Over 1,500m^2 — 10 trees or as directed	Acceptable, as detailed in the Landscape referral.	**YES**
4B – Access and Parking		
4B.1 Vehicle access		
Vehicular Access		
Wherever possible, driveways must be located so that driver and pedestrian sight lines are clear.	Insufficient information has been submitted to demonstrate vehicles can exit the site in a forward direction, as detailed in the Engineering referral.	**NO**
The driveway must be designed so that vehicles may exit the property in a forward direction where: i) the access is located on a major roadway; or ii) the property is a battle-axe allotment; or iii) sight lines are restricted (such as at curves or crests).		
Driveways		
A maximum of two driveways may be provided on any property with a street frontage more than 18m.	The street frontage is 24.28m. Two driveways are proposed. It is noted that, while the two proposed driveways comply with this control, the second driveway (adjacent to the north-eastern corner of the site) is not acceptable as it results in significant	**YES**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
	impacts to a street tree and results in excessive BUA within the front setback area.	
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. Council may allow a wider width if site conditions require car parking accommodation to be provided close to the street boundary.	Driveway crossing widths of 2790mm and 2810mm respectively. Assessed as acceptable as per the Engineering referral.	**YES**
The location and construction of driveways and driveway crossings are to avoid disturbance (including altered soil level) to the root zones beneath the canopy of trees protected by Part 13 of the DCP.	The second driveway would result in unacceptable impacts to a street tree.	**NO**
Where long driveway are proposed, consideration is to be given to curving the entrance to the street.	The length of the driveway along the western side of the dwelling is acceptable as it is replacing the existing driveway. However, the design of the proposed driveway is not supported due to tree impacts, as detailed in the Landscape referral.	**YES**
Driveways designed in accordance with AS 2890.1 (2004) Off Street Car Parking	Acceptable as per the Engineering referral.	**YES**
4B.2 Car Parking Provision		
Single occupancy dwellings are to provide 2 spaces on-site as determined by Part 4B.3(5) of the DCP.	4 car parking spaces are proposed.	**YES**
Provision of more than 2 car spaces is discouraged in locations where there is availability of public transport.	The site is not within 400m walking distance of a train station.	**YES**
Where more than 2 car spaces are proposed, triple (or greater width) garage openings within the front elevation are not permitted.	The garage opening is on the western (side) elevation.	**YES**
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	Compliant.	**YES**
The area of garages in excess of $31m^2$ is included in floor space calculations.	The gross floor area of the garage exceeds $31m^2$ and the excess floor area has been included in Council's GFA calculation.	**YES**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
4B.3 Carports and Garages		
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 front building.	**YES**
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 design of the garage is acceptable as it is located on the western (side) elevation and will not be highly visible when viewed from the street.	**YES**
Works should not prevent ability to provide 2 spaces behind building line	4 car parking spaces are proposed behind the building line.	**YES**
4C – Building Design and Sustainability		
4C.1 Building Envelopes		
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 proposed development is 10.91m in height and contains three storeys. Three storey dwellings are not characteristic of the area. The proposed addition is excessive in height, bulk and scale, will be highly visible from the streetscape and detracts from the character of the existing dwelling and the conservation area. The proposed addition is not in keeping with the local character and streetscape. The proposal would result in an overbearing effect because of its excessive bulk and scale and breaches to the BHP due to the third storey.	**NO**
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.		
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 (BHP) as illustrated in Figure 4C.1-2 of the DCP (4m @ 45°); iii) the relationship with the streetscape.		

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
4C.2 Building facades		
Extensive blank or unarticulated walls to street frontages will not be permitted.	Acceptable.	**YES**
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.	The proposal contains unrelieved walls as detailed below.	**NO**
The maximum length for an unrelieved wall is 12m.	The proposal has unrelieved walls on the ground level on the east elevation (18.04m) and west elevation (15.84m).	**NO**
Where walls exceed 4m in height, the maximum length for an unrelieved wall is 8m.	The western elevation on the first floor level is 8.36m in length.	**NO**
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.	Unsatisfactory as detailed above.	**NO**
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 design of the new addition is excessive in bulk and scale. It visually dominates the existing dwelling and detracts from its heritage significance.	**NO**
Building design is to integrate soft landscaping and natural site features and make provision for tall shrub plantings.	The landscape plan is unacceptable, as detailed in the Landscape referral.	**NO**
4C.3 First Floor Design and Roof Forms		
First floor design		
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 addition breaches the height of building development standard, contains unrelieved walls and protrudes outside the BHP. The proposed addition would result in an unreasonable overbearing	**NO**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
	bulk/scale relationship with neighbouring dwellings.	
The placement of windows in first floor walls facing side boundaries are to respect the privacy of neighbouring properties.	No unreasonable privacy impacts for windows on the upper floor levels are evident.	**YES**
The form and placement of any windows is to respect the privacy of neighbouring properties	No unreasonable impacts for windows on the upper floor levels are evident.	**YES**
Attic rooms are to be located within the existing roof forms and retain the streetscape appearance of the existing buildings. In some cases depending on location of building and shape of roof, higher roof forms for attics may be considered.	Unacceptable roof design as detailed above.	**NO**
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 roof form detracts from the existing dwelling and character of the conservation area.	**NO**
Clerestory windows and skylights		
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 design and location of the proposed skylights would not detract from the dwelling or streetscape.	**YES**
Mechanical equipment		
Plant and equipment is to be integrated into the overall design of the roof and be contained within the roof form or screened behind parapet walls. These elements include lift overruns, plant equipment and air conditioning.	The lift overrun is contained within the roof. The roof plan does not show any mechanical equipment or air conditioning.	**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^2 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^2.	**YES**
Landscape areas are to provide functional outdoor areas that:	While the landscape areas provide for functional outdoor areas, the	**NO**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
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);	proposed landscaping is not compatible with the character of the area and fails to satisfy part (ii) of this control. Refer to the Landscape referral for further detail.	
Private open space is to constitute at least one north facing area providing adequate solar access.	Satisfactory.	**YES**
4C.5 Solar Access		
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 submitted shadow diagrams do not demonstrate that the required 4 hours of solar access to 46 Shirley Road will be maintained.	**NO**
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.		**NO**
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.	Satisfactory.	**YES**
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.	Satisfactory.	**YES**
Professionally prepared Shadow Diagrams must accompany all applications for new	Shadow diagrams have been provided. While they	**NO**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
dwellings and alterations/additions exceeding one storey.	have been professionally prepared, they do not meet the requirements of Council's DA Guide as hourly and elevational diagrams have not been provided.	
4C.6 Natural Ventilation		
Building design is to incorporate measures for natural cross ventilation as specified in Control 1.	Measures for natural cross ventilation are incorporated into the design.	**YES**
4C.7 Ancillary Facilities		
Swimming pools, spas, equipment and fences		
The swimming pool/spa and/or enclosure is to consider the location, design, finish and colour to minimise the impact on the landform when viewed from adjacent public domain and private property.	The proposed pool is located up to approximately 2.42m above existing ground level. The pool has not been designed to minimise visual impacts on the landform when viewed from adjoining properties.	**NO**
The swimming pool/spa and/or enclosure is to be designed and located so that there is sufficient area adjacent to the property boundary for substantial landscape planting to: i) minimise potentially adverse impacts such as noise, glare, and visual intrusion; ii) minimise the impact on existing trees both on site and on adjoining properties.	The proposed pool, pool terrace, side path, associated cut and fill and retaining walls will encroach into the TPZ of tree No. T13 by 45% and within the SRZ, which is a major encroachment under AS4970-2009.	**NO**
The swimming pool/spa coping is to be sited a minimum of 2m from a property boundary.	The swimming pool/spa and coping is set back more than 2m from the boundaries.	**YES**
The swimming pool/spa coping is to be not more than 0.5m above existing ground level at any point.	The proposed pool is located up to approximately 2.42m above existing ground level.	**NO**
On steeply sloping sites, coping levels greater than 0.5m above existing ground level will be considered subject to increased setbacks and landscaping to protect the amenity and privacy of neighbouring properties.	While the site is sloping, the levels are not steep enough to warrant a pool which protrudes 2.42m above existing ground level. The design of the pool could better respond to the site's existing ground levels.	**NO**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
Pool excavation should not be beneath the canopy of trees protected by Part 13 of the DCP.	Unacceptable, as detailed above.	**NO**
The swimming pool/spa is to be sited and designed to ensure that pool waters do not discharge to stormwater drains, natural waterways, natural bushland, or neighbouring private property by using the following methods: i) connecting backwash to the sewer; ii) installing a surface drain to collect overflow stormwater; or iii) ensure the immediate pool surrounds slope toward the pool; or iv) other acceptable design solutions approved by Council.	Compliance could be achieved via a condition, had the application been recommended for approval.	**YES**
All mechanical equipment, including filters, pumps and heaters associated with the swimming pool and/or spa are housed within an enclosure. The enclosure is to be sound-proofed to the extent that noise from the operation of the mechanical equipment does not exceed 5dB(A) above the background noise (LA90, 15 min) level during the day when measured at the boundary of the nearest potentially affected residential occupancies and is not audible in habitable rooms of any residences at night (from 8.00pm to 7.00am). The background (LA90, 15 min) level is to be determined without the noise source present.	Compliance could be achieved via a condition, had the application been recommended for approval.	**YES**
Tennis courts		
Tennis courts are to be located at the rear of properties. For corner allotments, or where the property has two street frontages, the location of tennis court is not to be in the primary frontage.	The tennis court will remain in the existing location at the rear of the site. The levels are not more than 1m above ground level.	**YES**
Noise and overlooking to neighbouring properties is to be minimised by: i) ensuring a distance of at least 3m between the court and the property boundary; ii) ensuring the finished tennis court level is not more than 1m above existing ground level at any point; and		**YES**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
iii) planting trees and tall shrubs between the tennis court and the property boundary.		
The increase of runoff associated with tennis courts is to be avoided by ensuring that an on-site stormwater detention system is provided, and utilising WSUD and filtration pits.	It is proposed to refurbish the tennis court. The tennis court has not been designed as a detention system, as detailed in the Engineering referral.	**NO**
The materials used in the construction of a tennis court, including the type and colour of court surfaces, are to be carefully selected to complement natural bushlands and any adjacent Heritage Item.	The application does not clearly specify the proposed material for refurbishment of the tennis court.	**NO**
Tennis courts are to be sited having regard to the location of habitable rooms both on-site and on adjoining properties, and to the maintenance of appropriate private open space areas. This is to be achieved by maintaining a minimum distance of 5m between the tennis court fence boundary and habitable rooms of any dwelling.	The tennis court will remain in the existing location at the rear of the site and will not have unacceptable additional amenity impacts.	**YES**
Tennis hit-up walls will not be permitted.	A tennis hit-up wall is not proposed.	**YES**
The tennis court is to be sited to minimise the visual impact of the structure when viewed from the adjacent public domain and private property and minimise the impact on the landform.	The tennis court will remain in the existing location at the rear of the site and is not highly visible from adjoining properties.	**YES**
Conversions of grass tennis courts to impervious surfaces are to consider impact to built-upon area, water management and existing trees.	The application does not clearly specify the proposed material for refurbishment of the tennis court. The tennis court has been included in the BUA calculations and the BUA does not comply, as discussed previously above. The application does not demonstrate sufficient management of stormwater as detailed in the Engineering referral.	**NO**
Outbuildings		
Outbuildings including studios, hobby rooms, storage structures, cubby houses or cabanas, are to be located on the site having regard to the relationship with existing development on-site and on adjoining properties.	A small outbuilding containing a WC is proposed to be located adjacent to the tennis court and approximately 1.5m – 2.2m from the	**YES**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
Consideration is to be given to the position of windows associated with habitable rooms and the potential impact of noise, fumes, loss of light, and ventilation	western side boundary The location of this outbuilding is acceptable.	
Outbuildings are not to exceed a single storey. All outbuildings will be included in both floor space ratio calculations and built upon area calculations.		
A minimum setback of 2m from boundaries is to apply for any outbuilding with a wall height exceeding 2m relative to the ground level at the boundary.		
Other Site Facilities		
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.	Acceptable.	**YES**
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.	Noise levels could be managed via conditions, had the application been recommended for approval.	**YES**
4C.8 Fencing		
Front fences		
Fences are to: i) restrict visually solid forms (such as masonry, lapped and capped timber or brushwood) to 0.9m in height above existing ground level; and ii) restrict the height of visually transparent fences (such as metal grille or timber picket) to 1.2m. (a transparent fence has an open to solid ratio of not less than 1:3).	Insufficient information has been submitted regarding the proposed height of the front fence. However, it appears that it is higher than 1.2m and is of a design which is not consistent with the established pattern of fences in the street.	**NO**
Front fences in excess of 1.2m will only be permitted in areas where they are compatible and consistent with the streetscape. All such fences are to be set back at least 1m from the street boundary with provision of low maintenance screen planting in the setback area.		**NO**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
Front fencing is not encouraged in areas where it does not form part of the overall streetscape. In such areas, the front boundary can be defined by low hob walls, by garden beds or planting.	Front fencing forms part of the overall streetscape.	**YES**
Front fencing is to enable outlook from dwellings to the street for safety and surveillance and should be generally low and visually permeable.	Insufficient information.	**NO**
High hedges along the entire front boundary are not encouraged, although shrub plantings are desirable.	High hedges are not proposed.	**YES**
The footings of a fence within the structural root zone of a tree is not to adversely affect the health of the tree.	No concern has been raised by Council's Landscape Assessment Officer.	**YES**
Hedges		
Hedges near boundaries are not to create an amenity loss to adjoining properties by either blocking significant district, bushland or water views of neighbouring properties or unreasonably shading neighbours' private open space or living areas in winter.	Acceptable.	**YES**
This should be achieved by ensuring appropriate species planted near boundaries do not grow to excessive height and can be readily maintained at a height below 2m unless taller hedges are a feature of the locality and there are no adverse impacts on solar access or views.	Acceptable.	**YES**
4C.9 Waste Management		
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.	**YES**
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.	Bin storage is provided within the garage.	**YES**
An area is to be nominated for on-site composting.	Sufficient space exists on site for a compost bin.	**YES**

DCP COMPLIANCE TABLE SECTION A - Part 4 Dwelling houses		
Development control	**Proposed**	**Complies**
4C.10 Materials and Finishes		
External walls must be constructed of high quality and durable materials and finishes.	Acceptable.	**YES**
Large, unbroken expanses of any single material and finish (rendered or not) to building facades must be avoided.	The rendered walls of the new addition are broken up by windows and corbelling.	**YES**
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.	**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 finish does not appear cosmetic.	**YES**
Where additions and alterations are proposed, external materials and finishes must complement the existing building.	Insufficient information provided. Council's Heritage Advisor has raised concern with the lack of information regarding proposed finishes to the existing dwelling.	**NO**
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.	Insufficient information provided. The proposed external colours comprise of white external walls, dark grey roof and black window frames. The specific tone of white has not been specified.	**NO**
Natural earth tones are to be used on building facades in close proximity to bushland.		

An assessment of the variations to the controls identified in the compliance table is provided below:

Part 4A.1 Local Character and Streetscape

Controls 1 and 2 require design components to maintain the existing and high quality visual character of the locality. Control 3 requires the prominent and high quality characteristics of the neighbourhood to be identified and considered as part of a site analysis. Control 4 requires development to be integrated with surrounding sites. Control 6 requires external colours to be in harmony with the built and natural landscaped elements of the area.

The site is located within a heritage conservation area and is located in the E4 Environmental Living zone. The existing dwelling house provides a positive contribution to the streetscape. The streetscape is characterised by 1-2 storey dwellings. Dwellings which are two storey typically contain modest rear additions. The area is characterised by dense vegetation and large trees. The street contains large mature street trees and front setbacks contain substantial landscaping with a variety of species and minimal hard surfaces. Front fences in the street are predominantly low timber picket fences (approximately 1.2m in height), with the exception of a few properties which contain fences with a sandstone/masonry base with pickets.

The objectives of Part 4A.1 of 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.*

The proposal does not comply with the abovementioned controls and the objectives of the controls are not achieved for the following reasons:

i) The proposed rear addition is excessive in bulk and scale. The proposed development is three storeys and is 10.91m in height, which exceeds the maximum permitted building height by 1.41m. The proposed addition is also non-compliant with the BHP and includes non-compliant unrelieved walls. The addition dominates the existing dwelling and is visually prominent when viewed from the street, as detailed in the KLEP Clause 4.6 section of this report. The scale of the addition is not consistent with the scale of rear additions within the streetscape and detracts from the character of the streetscape.

ii) The amount of BUA area in the front setback is excessive. The proposal includes two driveways which contributes to the excessive BUA and is not consistent with the streetscape which includes properties with only one driveway. Additionally, the proposed additional driveway would result in the removal of a street tree which provides a positive contribution to the street.

iii) The proposed replacement of the existing informal planting of mature shrubs and small trees within the front setback with formal monoculture hedging is inconsistent with the landscaped character of the street.

iv) As detailed in the Landscape referral, the proposal includes unacceptable tree removal and an insufficient landscape design across the site which is not keeping with the landscaped character of the area and KLEP objectives of the E4 zone.

v) Insufficient information has been submitted regarding the proposed height of the front fence. However, it appears that it is higher than 1.2m and is of a design which is not consistent with the established pattern of fences in the street.

vi) The proposed external colours comprise of white external walls. The specific tone of white has not been specified. A bright white would be out of character with the conservation area, existing dwelling and natural landscape setting.

vii) An adequate site analysis has not been provided.

viii)The additions are not sensitive to the established built form character along Shirley Road

Part 4A.2 Building Setbacks

Control 12 requires side setbacks to accommodate a pathway and at least 1.1m of landscaping width. Control 13 requires side setbacks to accommodate shrubs to a height of 3-4m.

The objectives of Part 4A.2 of 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.*

7. *To ensure dwellings on battle-axe lots are sited to have minimum impact on the amenity of private open spaces and living areas on neighbouring properties.*

8. *To ensure adequate privacy and amenity for each dual occupancy dwelling.*

The proposal will provide a minimum of 1.1m garden beds within the side setbacks except for a portion of the western side setback adjacent to the driveway, as outlined in red in **Figure 24** below:

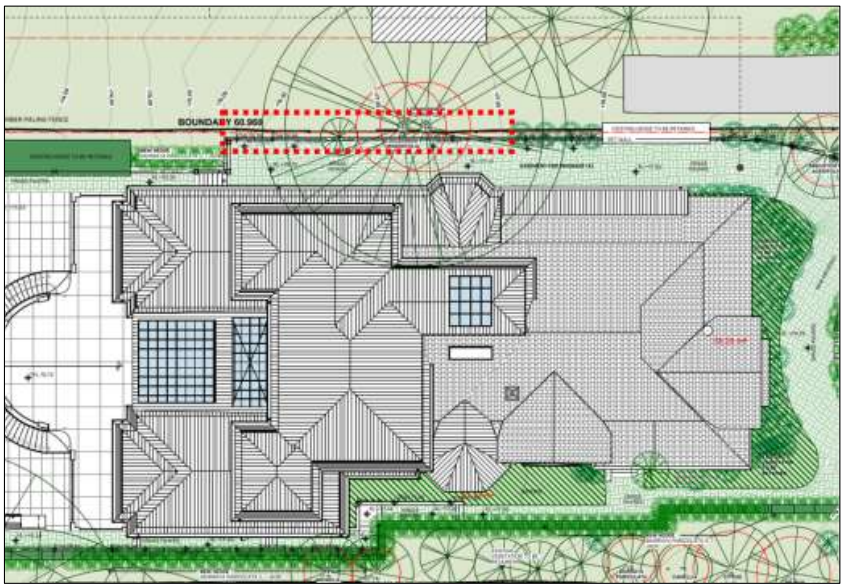


Figure 24: Area within western side setback which contains non-compliant landscaped width

The proposed driveway will be within the same footprint as the existing driveway, which currently has a set back of up to 300mm from the side boundary and does not include shrubs to a height of 3-4m within this area. The proposal does not comply with controls 12 and 13.

Due to the excessive height, bulk and scale of the rear addition, the proposed development will have an overbearing impact on the adjoining property at No. 46. Shirley Road. Screen planting is therefore particularly important for the proposed development. The lack of screen planting in this location further exacerbates the visual prominence of the addition. The proposal fails to meet the objectives of the controls and is not acceptable.

Part 4A.3 Built-Upon Area

Control 2(i) of Part 4A.3 species that on sites greater than 2050m^2 located in the E4 zone, a maximum BUA of 645m^2 is permitted and is subject to merit consideration. Part (ii) of the control states that *"for alterations and additions on sites where the existing BUA is greater than that listed above, the maximum BUA is the existing BUA, however, a reduction in BUA is desirable".*

The existing BUA is approximately 1350m². The proposed BUA is approximately 1908.06m², which is a substantial non-compliance.

Control 4 specifies that the front setback is to have a maximum BUA of 30%. The proposed BUA in the front setback is calculated to be approximately 39.5% which does not comply.

The objectives of Part 4A.3 of 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.*

The proposal does not comply with the abovementioned controls and the objectives of the control are not achieved for the following reasons:

i) The development results in an inappropriate balance between natural and built elements.

ii) The proposed BUA is excessive and limits the opportunity of the site to provide a soft landscape setting which is consistent with the character of the area.

iii) The design of the additional driveway contributes to the excessive BUA in the front setback area and is not keeping with the character of the streetscape, as discussed in Part 4A.1 above.

iv) The proposal includes the unacceptable removal of trees to accommodate built form, as detailed in the Landscaping referral.

v) The application has not demonstrated that there will be no adverse impacts to the ecological values on the site, as detailed in the Ecology referral.

vi) The application has not demonstrated that stormwater runoff will be sufficiently managed.

vii) The site does not include sufficient screen planting along a portion of the western side setback as detailed in Part 4A.4 above.

Part 4A.4 Landscaping

Control 1 of Part 4A.4 specifies that existing trees are to be retained where possible. Controls 3 specifies that continuous rows of monoculture planting are to be avoided. Control 4 states that *"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 objectives of Part 4A.4 of KDCP are:

1. *To ensure that the built form does not dominate views from adjacent streets, parks and neighbouring properties.*

2. *To provide habitat and connectivity for locally occurring native plants and animals and contribute to biodiversity.*

3. *To provide sustainable landscaped areas with high quality and amenity.*

4. *To protect and enhance the tree canopy and landscape character of Ku-ring-gai.*

The proposal does not comply with the abovementioned controls and the objectives of the control are not achieved for the following reasons:

i) The proposal will have unacceptable impacts upon 18 trees on the site, on adjoining land and within Council's road reserve, as detailed in the Landscaping referral.

ii) Of particular concern is the impact to tree No. T13 (Syncarpia glomulifera – Turpentine) which is located within an area mapped as 'Terrestrial Biodiversity' under Clause 6.3 of the KLEP. The proposed development will result in a direct impact on tree T13 which does not comply with the provisions of Clause 6.3 of KLEP.

iii) The proposed built form will dominate the streetscape and neighbouring properties. This is exacerbated by the insufficient screen planting discussed in Part 4A.4 above and tree removal.

iv) The proposed monoculture hedging within the front setback and the single row of *Murraya* along the side boundaries is inconsistent with the local character and is not supported by Council's Heritage Advisor and Senior Landscape and Tree Assessment Officer.

Part 4B.1 Vehicle Access

Control 6 of Part 4B.1 specifies that the location and construction of driveways and driveway crossings are to minimise disturbance (including altered soil level) to the Tree Protection Zones beneath the canopy of trees protected by Part 13 of this DCP.

The objectives of Part 4B.1 of KDCP are:

1. *To encourage the integrated design of vehicle access and functional car parking facilities to minimise adverse visual and environmental impacts on the streetscape.*

2. *To minimise stormwater run-off from driveway surfaces.*

3. *To minimise the extent of hard surfaces forward of the building line.*

4. *To reduce potential conflict with street traffic and pedestrians and optimise safety of vehicular movement.*

5. *To create functional, safe driveways that*

   i) minimise hard surface run off from the site;
   ii) are not visually intrusive on the existing streetscape; and
   iii) have minimal impact on existing trees.

6. *To avoid excavation and alteration of existing ground lines.*

As detailed in the Landscape referral, both driveways will result in unacceptable impacts to two trees (trees T1 and T4). The subject trees provide a positive contribution to the streetscape. Due to the impacts to these trees from the driveway design, the proposed development does not minimise adverse visual and environment impacts on the streetscape. The proposal therefore fails to comply with Control 6 and Objectives 1 and 5 of Part 4B.1.

Part 4C.1 Building Envelopes

Control 1 of Part 4C.1 specifies that the maximum height of a dwelling is 9.5m (including any garage, basement or the like) and that it must present as two storeys. The proposed development presents as part three storeys to the sides and rear and is 10.91m in height, which exceeds the maximum permitted KLEP height of building development standard by 1.41m.

Control 2 states:

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;
    iv) the relationship with the streetscape.

Control 3 of Part 4C.1 requires development to avoid the creation of an overbearing effect upon adjoining development by ensuring all built structures are within the BHP as illustrated in Figure 4C.1-2 of KDCP. The third storey results in the building protruding outside the BHP.

The objectives of Part 4C.1 of 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.*

8. *To minimise 3 storey streetscape building appearances and maintain a low density domestic scale in residential areas.*

9. *To avoid excavation outside the building line and ensure deep soil provision.*

The proposal does not comply with the abovementioned controls and is inconsistent with Objectives 1-3 for the following reasons:

i) The proposed bulk and scale of the addition is unacceptable and would detract from the established streetscape character for the reasons discussed in the Heritage referral, Clause 4.6 assessment and Part 4A.1 above.

ii) The proposed three storey development is not responsive to the site's context and fails to maintain the integrity of the streetscape which is characterised by 1-2 storey dwelling houses.

iii) The proposed height of the development, coupled with unacceptable tree removal and loss of tree canopy, will result in a development which visually dominates the natural landscape.

Part 4C.2 Building Facades

Control 2 requires all external facades to be articulated to reduce the apparent building mass and present at a human scale.

The proposal has unrelieved walls at ground level on the east elevation (18.04m) and western elevation (15.84m) which does not comply with the maximum permitted unrelieved wall length of 12m specified in Control 3. The west elevation on the first floor level is approximately 8.36m in length which does not comply with the maximum permitted length of 8m for walls exceeding 4m in height.

Control 4 states that side elevations are to avoid unrelieved walls and that this may be achieved by dividing the walls into sections, bay or modules; or separating wall sections with recesses or courtyards.

Control 5 states that alterations and additions to an existing dwelling are to be designed so that they are integrated into the existing building and 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.

Control 6 specifies that building design is to integrate soft landscaping and natural site features and make provision for tall shrub plantings.

The objectives of Part 4C.2 of KDCP are:

1. *To encourage well designed, attractive and site responsive buildings.*

2. *To minimise the bulk and scale of the built form.*

3. *To avoid massive and unrelieved walls to side boundaries*

The proposal does not comply with the abovementioned controls and is inconsistent with the objectives of the controls for the following reasons:

i) The proposed height, bulk and scale of the addition is unacceptable and would detract from the established streetscape character and result in an overbearing impact to adjoining for the reasons discussed in the Heritage referral, Clause 4.6 assessment and Part 4A.1 above.

ii) The proposed three storey development is not responsive to the site's context and fails to maintain the integrity of the streetscape which is characterised by 1-2 storey dwelling houses.

iii) The existing dwelling provides a positive contribution to the streetscape. The addition is located above the height of the existing ridge and also protrudes past the existing side setbacks of the existing dwelling. The design of the rear addition therefore dominates the existing dwelling in height, bulk and scale and detracts from its heritage significance.

iv) The proposal is not suitably integrated with the established landscaping due to the excessive built form which would be visible prominent from the street. The tree removal at the front of the property and insufficient screen planting further exacerbates the visual prominence of the addition.

Part 4C.3 First Floor Design and Roof Forms

Control 1 requires dwelling design 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.

Control 3 (i) and (iv) requires attic room designs to avoid increasing the bulk of the building and being excessive in scale and bulk relative to the rest of the building. Control 5 specifies that attic rooms are to be located within the existing roof forms and retain the streetscape appearance of the existing buildings.

Control 6 (ii) requires roof structures to be designed to minimise bulk which can be achieved by using low-angled pitched roofs providing that they are compatible with existing development and the streetscape character.

The proposed second and third storeys would significantly increase the bulk of the building and results in an overall rear addition which dominates the existing dwelling.

The objectives of Part 4C.3 of KDCP are:

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 reasons detailed in Parts 4A.1, 4C.1 and 4C.2 above, the proposed three storey rear addition is excessive in bulk and scale and would dominate the existing dwelling house, resulting in an overbearing impact on adjoining properties. Therefore, the proposal does not comply with Controls 1, 3, 5 and 6 and is inconsistent with Objectives 1 and 2 of Part 4C.3.

Part 4C.5 Solar Access

The objective of Part 4C.5 of 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.

Control 2 specifies that 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.

Council's DA Guide requires shadow diagrams to be submitted at hourly intervals between 9am and 3pm on 21 June. The DA Guide also states that if shadows will fall upon any wall of a neighbouring property, elevation or vertical shadow diagrams are required.

The submitted shadow diagrams have been prepared at 3 hourly intervals of 9am, 12pm and 3pm. No elevational shadow diagrams have been submitted. The submitted shadow diagrams show that substantial overshadowing of north facing windows and the principal private open space would occur to 46A Shirley Road at 9am. By 12pm the extent of overshadowing is reduced to some minor overshadowing of a rear portion of the backyard of No. 46A Shirley Road.

4 hours of the required solar access to No. 46A Shirley Road may potentially be maintained between 11am and 3pm, however this has not been demonstrated with hourly shadow diagrams. The 11am interval shadow diagram in particular is required to demonstrate compliance with control 2 of Part 4C.5.

Due to the insufficient shadow diagrams, Council cannot verify whether the proposal complies with Control 2 or meets the objective of the control.

Part 4C.7 Ancillary Facilities

Control 1 of Part 4C.7 requires swimming pools to consider the location, design, finish and colour to minimise the impact on the landform when viewed from adjacent public domain and private property. Control 3 stipulates that the swimming pool coping and paving is not to be more than 0.5m above existing ground level. On steeply sloping sites, levels greater than 0.5m may be considered. The proposed pool is located up to approximately 2.42m above existing ground level which does not comply with Controls 1 and 3, as shown in **Figure 25** below:

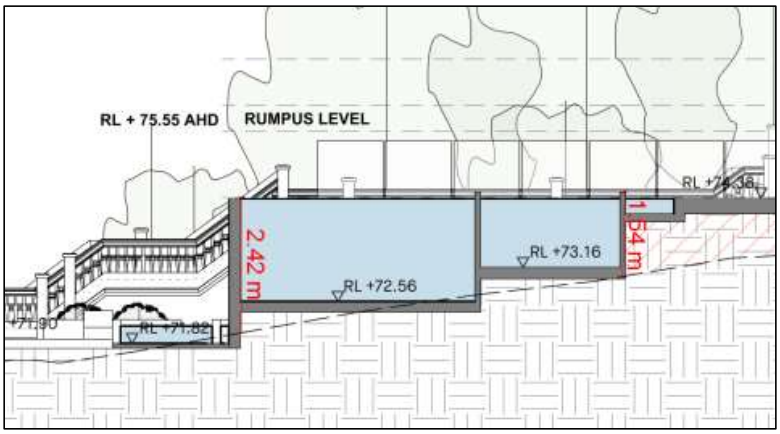


Figure 25: Section of pool showing heights above ground level in red

Controls 2 (ii) and 4 requires pools to be designed to minimise impacts on existing trees. As detailed in the Landscape referral, the design of the pool will result in unacceptable impacts to tree T13 – Syncarpia glomulifera (Turpentine) which does not comply.

The objectives of Part 4C.7 of KDCP are:

1. *To ensure that ancillary facilities are integrated into the landscape and are unobtrusive to neighbours and the public domain.*

2. *To ensure ancillary facilities are adequate, and well designed and located.*

3. *To ensure reasonable provision is made on site and within the site plan for the provision of ancillary facilities.*

4. *To prevent access to pool areas other than through the gate.*

5. *To ensure tennis courts are located with sufficient area between the court and the property boundary to:*

   i) Minimise adverse impacts such as noise, overlooking and visual intrusion.
   ii) Provide sufficient area for appropriate landscaping.
   iii) Minimise impacts to existing trees.

6. *To maintain amenity of surrounding properties in terms of noise, particularly at night.*

7. *To ensure outbuildings and utility areas are sympathetically positioned on the site and do not detract from the visual quality of the area.*

8. *To ensure that ancillary facilities are integrated into the landscape and are unobtrusive to neighbours and the public.*

The proposal is inconsistent with abovementioned controls and fails to meet Objectives 1, 2 and 8 for the following reasons:

i) The pool has not been designed to minimise its impact on the landform and rather appears to be designed to be visually prominent within the landform. The pool and associated paved area will be located substantially above the existing boundary fence height.

ii) Due to the excessive height of the pool and associated paving, the pool will result in amenity impacts to adjoining properties, particularly No. 42A (discussed further in Part 23.7 below).

iii) The design of the pool results in unacceptable tree impacts, as detailed in the Landscaping referral, and therefore does not integrate into the landscape.

Part 4C.8 Fencing

Control 1 of Part 4C.8 states that fences are to:

i) restrict visually solid forms (such as masonry, lapped and capped timber or brushwood) to 0.9m in height above existing ground level;

ii) restrict the height of visually transparent fences (such as metal grille or timber picket) to 1.2m, (a transparent fence has an open to solid ratio of not less than 1:3).

The objective of Part 4C.8 is:

1. *Front fences are to maintain the streetscape character by being consistent with the established pattern of fences.*

Front fences in the street are predominantly low timber pickets (approximately 1.2m in height), with the exception of a few properties which contain fences with a sandstone/ masonry base with pickets. Detailed plans showing the proposed height, proportions and materials of the front fence have not been submitted. The only documentation showing the front fence is provided below (**Figure 26**) which is not adequate for a detailed assessment against Part 4C.8 of KDCP to be made.

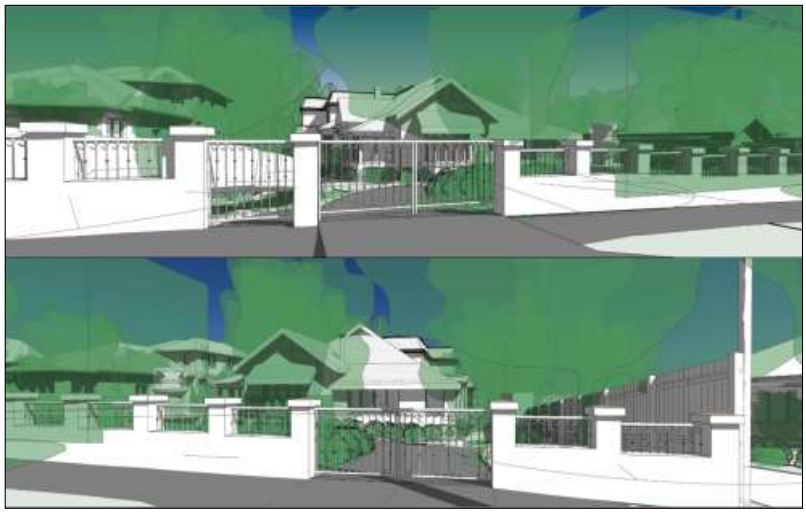


Figure 26: Render of proposal showing indicative front fence

Notwithstanding, Council's Heritage Advisor has undertaken an initial assessment based on the submitted documentation and considers that the proposed design and proportions of the fence are inappropriate for the heritage conservation area which also does not comply with Part 19C.8 of KDCP.

Given the above, the proposed fence does not comply with Control 1 and the Objective of the control of Part 4C.8 of KDCP.

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 16 – Bushfire Risk

The site is mapped as bush fire prone land.

The Bushfire Risk Assessment report states that the development conforms to the relevant specifications and requirements. As such, the application does not require a referral to Rural Fire Services.

Council has considered the measures to be taken with respect to the protection of persons, property and the environment from danger that may arise from a bush fire. Had the application been recommended for approval, appropriate conditions that adopt the recommendations of the bush fire risk assessment report and certificate would be recommended.

Part 17 – Riparian Lands

The site is mapped as riparian land.

As detailed in the KLEP section of this report, Council is not satisfied that the proposed development has been designed to minimise impacts on the riparian area. This is primarily due to insufficient information being submitted regarding stormwater management and potential adverse impacts on the adjoining waterway by way of water quality, natural flow regime and aquatic species.

Part 18 – Biodiversity

The site is mapped as land comprising biodiversity significance.

Council's Ecological Assessment Officer is not 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.

Part 19 – Heritage and Conservation Areas

The subject site does not contain a heritage item, is located within 100m of an Item, and is within a heritage conservation area. The proposed works do not affect any known archaeological or Aboriginal objects or Aboriginal places of heritage significance.

Council's Heritage Advisor objects to the proposal as it fails to satisfy the heritage considerations under Clause 5.10 of the KLEP, notably its inconsistency with objectives 1(a) and (b) of the KLEP in addition to further relevant provisions contained in this part of the DCP, as detailed in the referral comments earlier in the report. As a result, the proposal results in adverse impacts on the heritage conservation area.

Ku-ring-gai Development Control Plan

Section C

Development Control	Proposed	Complies
Part 21 General Site Design		
21.1 – Earthworks and slope		
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:	The proposed rear addition has not been designed to step down the site.	**NO**

i) stepping buildings down a site; and ii) locating the finished ground floor level as close to existing ground level as practicable.		
Fill and excavation is to be avoided within sensitive environments, such as riparian lands, bushland, vegetation or natural rock outcrops.	Acceptable	**YES**
Retaining walls, excavated and filled areas are to be located and constructed to have no adverse impact on: i) structures to be retained on the site; ii) structures on adjacent public or private land; iii) trees and vegetation to be retained on site or on adjoining sites	Insufficient information to demonstrate compliance. There are potential impacts on trees T23 and T24 from the proposed circular structure near the tennis court, as detailed in the Landscape referral.	**NO**
Excavated and filled areas are to be constructed so as not to redirect or concentrate stormwater or surface water runoff onto adjoining properties.	An insufficient stormwater management plan has been submitted, as detailed in the Engineering referral. Compliance has not been demonstrated.	**NO**
The design of the proposal is to consider the impacts of altered subsurface/groundwater flows or direction on groundwater dependent ecosystems or species	The submitted Geotechnical Report states that groundwater will not be encountered. No concern has been raised by Council's Engineer.	**YES**
For any dwelling house development, excavation within the building footprint is not to exceed 1.0m depth relative to ground level (existing), fill is not to exceed 1m relative to ground level, with a maximum level difference across the building footprint of 2m.	Excavation of up to approximately 1.32m is proposed. The level difference across the building footprint is approximately 3.3m. Fill of up to approximately 1.76m is proposed to accommodate the ground level alfresco.	**NO**
Retaining walls on low and medium residential density sites are not to exceed 1m in height above existing ground level. Where greater level change over the site is required, the site should be terraced.	Whilst retaining wall heights have not been clearly specified on the submitted drawings, it appears that retaining walls greater than 1m in height are proposed to accommodate the substantial fill for the alfresco.	**NO**

Excavation for basements and subterranean rooms are not permitted on low density single dwelling sites unless on sloping site where no more than 1m excavation is required.	More than 1m of excavation is proposed to accommodate subterranean rooms at the lower ground level.	**NO**
Part 23 – Building Design and Sustainability		
23.7 – Acoustic Privacy		
Buildings are to be designed to minimise noise transmission by, but not limited to: i) careful siting and orientation of the building; ii) locating bedrooms away from both internal and external noise generators of a development, eg by using storage or circulation areas as a buffer	Acceptable.	**YES**
When designing and siting active open space areas (eg BBQ areas, swimming pools, communal areas etc) regard is to be paid to potential noise impacts on adjacent rooms and buildings, such as bedrooms.	The proposed pool, alfresco and balcony are excessive in size and height above ground level and are likely to result in adverse amenity impacts on the adjoining properties.	**NO**
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.	Capable of complying, subject to conditions if approval was recommended.	**YES**
23.8 – Visual Privacy		
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.	The proposed rear balcony is located approximately 4.51m above existing ground level and would result in unreasonable overlooking of adjoining properties.	**NO**
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.		
23.10 – Construction, Demolition and Disposal		
Site disturbance during construction or demolition is to 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 could have been applied, had the application been recommended for approval.	**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.	An environmental site management plan was not submitted.	**NO**
A Waste Management Plan (WMP) is to be submitted with the application, in accordance with Part 23R.8 of the DCP and controls 3 and 4 of Part 23.10.	An acceptable WMP has been submitted.	**YES**
All development applications are to 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 is to be prepared in accordance with "Managing Urban Stormwater, Soil and Construction, 2006 (Landcom)".	An erosion and sediment control plan has been submitted.	**YES**
23 – Water Management		
This Part facilitates development in achieving the requirements of the clause titled '*Stormwater and water sensitive urban design'* in the KLEP.	An assessment of the proposal against the controls in Part 24 has been undertaken, it is agreed with Council's Development Engineer that the proposed stormwater management is unsatisfactory.	**NO**

Part 21.1 Earthworks and Slope

Control 1 of Part 21.1 requires development to be accommodated within the natural slope of the land. Control 11 specifies that for any dwelling house development, excavation within the

building is not to exceed 1m depth relative to existing ground level and fill is not to exceed 1m. The maximum level difference across the building footprint is restricted to 2m.

The proposed development has not been designed to step down the site. As shown in **Figure 27,** up to approximately 1.32m of excavation is proposed and the level difference across the building footprint is approximately 3.3m. Additionally, 1.76m of fill is proposed to accommodate the alfresco area. The proposed development does not comply with Controls 1 and 11.



Figure 27: Long section with cut and fill heights shown in red

Control 12 states that retaining walls are not to exceed in 1m in height. Whilst retaining wall heights have not been clearly specified on the submitted drawings, it appears that retaining

walls greater than 1m in height are proposed to accommodate the substantial fill for the alfresco.

More than 1m of excavation is proposed to accommodate subterranean rooms at lower ground level which does not comply Control 13.

The objectives of the abovementioned controls 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.*

The proposal fails to meet the objectives of the abovementioned controls for the following reasons:

i) The design of the proposed dwelling does not utilise a stepped-down approach in accordance with the site's natural topography. It includes an excessive amount of cut and fill to accommodate the building and alfresco area. The proposed excavation does not respect the natural topography. The proposed fill results in a large elevated alfresco which is located above the height of the existing boundary fences. Therefore, the proposed design does not preserve the visual amenity of the natural landscaped and heritage character of the area and does not minimise amenity impacts to neighbouring properties.

ii) The local area is characterised by dwellings which have been predominantly designed to respond to natural ground levels. The extent of excavation is not commensurate with that

of other dwellings within the area and in this regard the proposal does not sufficiently minimise excavated materials going off site.

Part 23.7 General Acoustic Privacy

Control 5 of Part 23.7 stipulates that when designing and siting active open space areas (eg BBQ areas, swimming pools, communal areas etc) regard is to be paid to potential noise impacts on adjacent rooms and buildings, such as bedrooms.

The objectives of Part 23.7 are:

1. *To ensure high standards of acoustic privacy for all occupants of the development.*
2. *To minimise the impact of the development on the acoustic privacy of neighbouring developments.*
3. *To ensure housing adjoining main roads is designed and constructed to minimise the impact of external noise and facilitate comfortable living conditions for residents.*
4. *To ensure measures to address acoustic privacy have regard to the existing or desired future character of the street.*

The existing dwelling at 42A Shirley Road is setback approximately 2.3m from the shared side boundary and contains windows facing the side boundary including windows to a home office. The proposed pool and alfresco areas (including BBQ) are set back between 3-5m from the side boundary. While the setbacks are generally acceptable, concern is raised with the acoustic privacy impacts due to the pool and alfresco being considerably elevated above existing ground levels which would result in greater noise reverberation.

Given the above, the proposal is inconsistent with Objective 2 of Part 23.7.

Part 23.8 General Visual Privacy

Control 1 of Part 23.8 requires private open spaces and principal living areas of adjoining dwellings to be protected from direct or unreasonable overlooking from new development. Control 2 states that first floor decks/balconies are not permitted where they unreasonably overlook principal living spaces or private open spaces of adjoining properties.

The objectives of Part 23.8 are:

1. *To ensure the impact of development on the visual privacy of neighbouring occupants is minimised.*
2. *To ensure that the level of visual privacy to principal living areas and private open spaces is appropriate to the development type.*
3. *To ensure high standards of visual privacy for all occupants within the low density residential development.*
4. *To ensure visual privacy measures do not compromise outlook, ventilation and solar access or the functioning of internal and external spaces.*

The proposed development includes a rear balcony at first floor level which is located approximately 4.51m above existing ground level (**Figure 29**).



Figure 29: Render of rear addition which shows the rear balcony being substantially higher than the existing side boundary fences

While it is acknowledged that there is currently an elevated rear deck on the site, the location of the existing deck does not result in unreasonable privacy impacts due to greater setbacks from the side boundaries and the existing 2 storey garage screening direct views into the rear yard of No. 46 (**Figure 30**).

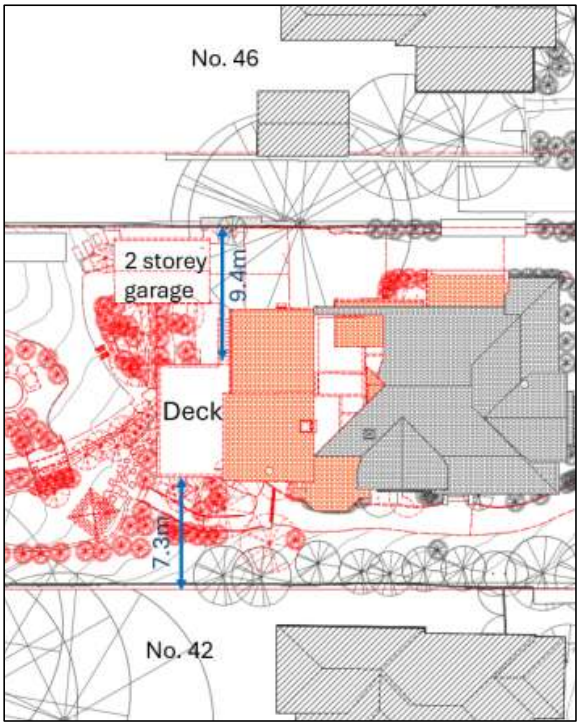


Figure 30: Location of existing deck

The location of the new balcony (**Figure 31**) is considered to enable a greater line of sight into adjoining properties, particularly 42 and 46 Shirley Road (**Figure 32 & 33**).

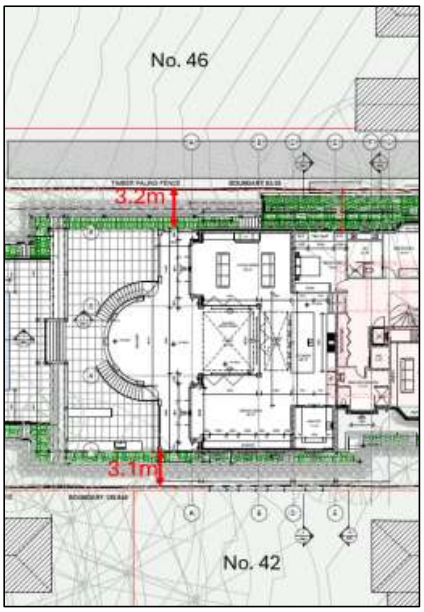


Figure 31: Location of proposed balcony relative to side boundaries



Figure 32: View from 42 Shirley Road, with indicative location of existing deck and proposed balcony indicated in red (Source: photo from submission of landowner of No. 42)



Figure 33: View from battle-axe handle of No. 46A (adjacent to rear yard of No. 46) showing existing 2 storey outbuilding which provides screening from the existing deck

As outlined above, the proposed balcony is considered to result in overlooking of the private open space of 42 and 44 Shirley Road. The proposal would reduce the high standard of visual privacy currently afforded to the adjoining subject residents. The application does not demonstrate that the objectives of the control have been achieved.

Ku-ring-gai Contributions Plan 2023

The proposed works are quoted as $10,274,000.00 being more than $100,000 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, a contribution of $102,740.00 would be required via condition if the proposed development were to be approved.

REGULATION

Demolition

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.* A condition to this effect would be included has the application been recommended for approval.

Estimated Development Cost

In accordance with section 6 of the Regulation, estimated development cost must include the cost of the design and erection of a building, such as professional service fees. The submitted Quantity Surveyor's Report has not included professional service fees in the estimated development cost. The proposed estimated development cost is therefore not accurate and does not comply with the Regulation.

LIKELY IMPACTS

The likely impacts of the development have been considered within this report and are not acceptable.

SUITABILITY OF THE SITE

The site is not 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 unacceptable. On this basis, the proposal is not considered to be in 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 not considered to be satisfactory.

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 the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979, is not satisfied that the request submitted under Clause 4.6 to vary the maximum height of building development standard has met the requirements of Clause 4.6(3). The Panel is also of the opinion that strict compliance with the development standard is not unreasonable or unnecessary in the circumstances of the case and that there are not sufficient environmental planning grounds to justify the variation to the development standard; and

B. 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 eDA0123/25 for significant alterations and additions to existing dwelling house, construction of swimming pool and associated works on land at 44 Shirley Road, Roseville, for the following reasons:

1. Inadequate Clause 4.6 variation request – Maximum height of building standard

The proposed development exceeds the maximum height permitted under Clause 4.3 of the Ku-ring-gai Local Environmental Plan 2015 (KLEP). The submitted Clause 4.6 variation request is not well founded.

Particulars:

a) The maximum permitted height is 9.5m under Clause 4.3 of KLEP. The proposed maximum building height is 10.91m which does not comply.

b) A Clause 4.6 variation request was prepared by In House Town Planning Studio (undated) seeking a variation to the height of building development standard in Clause 4.3 of KLEP.

c) In order to demonstrate that the compliance with the development standard is unreasonable or unnecessary, the applicant's variation request has attempted to satisfying the first method in *Wehbe v Pittwater Council [2007]* NSWLEC 827 by justifying that the objectives of the standard are achieved notwithstanding non-compliance with the development standard. The applicant has failed to demonstrate that the proposed development is consistent with objective (c) of Clause 4.3 of KLEP which states "*to enable development with a built form that is compatible with the size of the land to be developed"* for the following reasons:

   i) The proposed development does not comply with controls contained within the Ku-ring-gai Development Control Plan (KDCP) relating to a maximum of 2 storeys, unrelieved walls, building height plane, built-upon area and solar access.
   ii) The proposed bulk and scale of the rear addition is excessive and would have an overbearing impact on adjoining properties.
   iii) The proposed development is part three storeys which is inconsistent with the predominant one to two storey character of the local area.
   iv) The proposed non-compliant third storey would be highly visible from the streetscape and would result in adverse impacts to the character of the heritage conservation area.

d) The variation request fails to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard. The reasons advanced in the variation request are not sufficient as they fail to:

   i) Exhaust all reasons specific to the proposed breach and demonstrate why this breach is a better outcome than a compliant development.
   ii) Demonstrate that a nexus exists between the non-compliant building height and the topography of the site that results in an unavoidable contravention of the building height standard.
   iii) Demonstrate that the contravention of the building height standard will result in a better outcome for the site.
   iv) Demonstrate that they are site specific and indeed relevant to the breach to the building height development standard. Reasons provided are general in nature and do not address the specific elements that breach the building height development standard.

e) The consent authority is not satisfied that the requirements of Clause 4.6(3)(a) and (b) have been met as the applicant's variation request fails to demonstrate that compliance with the development standard is unreasonable or unnecessary nor that there are sufficient environmental planning grounds to justify contravening the development standard.

2. Adverse heritage impacts

The proposed partial demolition of the existing dwelling and construction of the rear addition will result in an adverse impact on the integrity and significance of the heritage conservation area. The proposed development will have an adverse impact on the heritage values of the site and is inconsistent with Clause 5.10 (1) (a) and (b) of KLEP and Part 19 of KDCP.

Particulars

a) The site is located within the Shirley Road Conservation Area (C38). The conservation area has aesthetic significance as it is highly intact Federation and Interwar development. Federation residences on Shirley Road have fine architectural detailing

and are set in generously landscaped gardens. The existing dwelling house on the site is a single-storey Federation period dwelling house. The existing dwelling house is a contributory building as it makes an important contribution to the character and significance of the Shirley Road Conservation Area ("HCA").

b) A heritage listed item (I119) of local significance at 33 Shirley Road, as listed in Schedule 5 of KLEP, is located approximately 31m north-east of the site on the opposite side of Shirley Road.

c) The proposed rear addition will detrimentally alter the character of the existing dwelling house from a one storey to a part three storey dwelling which will fail to conserve the heritage significance of the HCA. This is contrary to the general aim 1.2(2)(f) of the KLEP which seeks to recognise, protect and conserve Ku-ring-gai's indigenous and non-indigenous cultural heritage. This is also inconsistent with Clause 5.10 (1)(b) of the KLEP, which seeks to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings, and views.

d) The proposed rear addition is contrary to the general aim 1A.5(xi) of the KDCP as it does not respect the integrity and significance of the contributory dwelling in the HCA.

e) The proposed extent of demolition required to facilitate the proposed additions and the removal of existing landscaping within the front setback is insensitive to the HCA and fails to comply with Control 4 (i) and (ii) of Part 19B.1 in KDCP.

f) The proposed rear addition has no architectural relationship with the existing dwelling. It appears like two separate dwellings have been joined as opposed to an addition that responds to the existing dwelling. The proposed addition fails to comply with Control 1 of Part 19C.1 in KDCP.

g) Control 2 of Part 19C.1 in KDCP specifies that the single-storey character of the streetscape is to be retained and that first floor additions to contributory properties are generally not permitted. The current streetscape comprises single storey and or single storey with first-floor attics complemented by dormer windows. The new rear addition will be visible from Shirley Road and is a 'pop top' addition which is contrary to Control 3, specifically Figure 19C.6-1 in KDCP. The 'pop top' appearance is unacceptable for the HCA.

h) Furthermore, the proposed development is contrary to the provisions of Controls 2, 3 and 8 in Part 19C.6 of the KDCP as it does not retain the original principal roof form of the contributory building and the proposed roof of the addition does not have a separate linked section. The proposed roof of the addition has no architectural relationship with the existing dwelling.

i) The proposed windows and doors have little to no architectural relationship with the existing dwelling. The proposed doors and windows are insensitive to the HCA and does not recognise the contribution the site makes to the HCA. The proposal fails to comply with Controls 20, 22 and 23 of Part 19C.5.

j) For the reasons outlined above, the proposed development would also detract from the significance of the heritage item at 33 Shirley Road and fails to comply with the relevant objectives and controls of Part 19F of KDCP.

3. Excessive bulk and scale

The proposed rear addition is excessive in bulk and scale. The proposed development does not respond to the site's topography. The design of the rear addition results in a development which is inconsistent with the character of the local area and would have an overbearing visual impact on adjoining properties.

Particulars

a) The existing dwelling presents as single storey from the street and two storeys at the rear. The rear portion of the existing dwelling house is elevated above the existing ground level and contains an undercroft area.

b) The proposal includes excavation to create a storey beneath the existing dwelling, extension of the ground floor to sides and rear and an additional storey above. The proposed addition will appear as part three storeys from the side and rear which does not comply with control 1 of Part 4C.1 of KDCP which specifies that dwellings must present as two storeys.

c) The proposed three storey rear addition is located above the existing ridge and is not separated from the existing dwelling. The proposed second and third storeys would significantly increase the bulk of the building and results in an overall rear addition which dominates the existing dwelling. The design of the rear addition does not comply with the types of additions permitted in Part 19C.1 of KDCP and fails to comply with the objectives and Controls 1, 3, 6 of Part 4C.3 of KDCP.

d) Control 3 of Part 4C.1 of KDCP requires development to avoid the creation of an overbearing effect upon adjoining development by ensuring all built structures are within the building height plane (BHP) as illustrated in Figure 4C.1-2. The third storey results in the building protruding outside the BHP.

e) The proposal has unrelieved walls at ground level on the east elevation (18.04m) and west elevation (15.84m) which does not comply with the maximum permitted unrelieved wall length of 12m specified in Control 3 of Part 4C.2. The west elevation on the first floor level is approximately 8.36m in length which does not comply with the maximum permitted length of 8m for walls exceeding 4m in height. The proposal is inconsistent with the objectives and Controls 2, 3, 4 and 5 of Part 4C.2 of KDCP by failing to avoid massive unrelieved walls to side boundaries and failing to minimise the bulk and scale of the built form.

f) The design of the proposed rear addition does not utilise a stepped-down approach in accordance with the site's natural topography and the controls specified in Part 21.1 of KDCP. The proposal includes an excessive amount of excavation to enable three storeys to be built on the site which results in a building which is out of scale with surrounding dwellings. The elevated pool and alfresco further exacerbates the overall excessive bulk and scale and visual prominence of the entire development (detailed further in reason for refusal No. 4).

g) Furthermore, Control 12 of Part 4A.2 of KDCP requires side setbacks to accommodate a pathway and at least 1.1m of landscaping width. Control 13 requires side setbacks to accommodate shrubs to a height of 3-4m. No screen planting (3-4m in height) is proposed within a portion of the side setback (adjacent to the driveway). The lack of screen planting in this location further exacerbates the visual prominence of the addition.

h) The cumulative impact of the abovementioned non-compliances results in a building

which is excessive in height, bulk and scale and consequently results in an overbearing impact on adjoining properties and is not compatible with the local character and streetscape contrary to the objectives and controls contained in Part 4A.1 of KDCP.

4. The development does not respond to the site's topography and results in visual amenity impacts

The proposed development including alfresco and pool areas have not been designed to respond to the site's topography. The proposed development will be visually prominent within the landform and does not preserve the visual amenity of adjoining properties.

Particulars

a) Control 1 of Part 21.1 of KDCP requires development to be accommodated within the natural slope of the land. Control 11 specifies that for any dwelling house development, excavation within the building is not to exceed 1m depth relative to existing ground level and fill is not to exceed 1m. The maximum level difference across the building footprint is restricted to 2m. Control 13 specifies that excavation for subterranean rooms are not permitted on low density single dwelling sites unless on a sloping site where no more than 1m of excavation is required.

b) The proposed development has not been designed to step down the site. Up to approximately 1.32m of excavation is proposed and the level difference across the building footprint is approximately 3.3m. Additionally, 1.76m of fill is proposed to accommodate the alfresco area. More than 1m of excavation is proposed to accommodate subterranean rooms at lower ground level. The proposed development does not comply with Controls 1, 11 and 13 of Part 21.1.

c) Control 12 of Part 21.1 of KDCP states that retaining walls are not to exceed in 1m in height. Whilst retaining wall heights have not been clearly specified on the submitted drawings, it appears that retaining walls greater than 1m in height are proposed to accommodate the substantial fill for the alfresco.

d) Control 1 of Part 4C.7 of KDCP requires swimming pools to consider the location, design, finish and colour to minimise the impact on the landform when viewed from adjacent public domain and private property. Control 3 stipulates that the swimming pool coping and paving is not to be more than 0.5m above existing ground level. On steeply sloping sites, levels greater than 0.5m may be considered.

e) The part of the site where the pool is proposed is not steeply sloping. The proposed pool is located up to approximately 2.42m above existing ground level which is substantially above the existing boundary fence height. The pool and alfresco areas have not been designed to minimise its impact on the landform and rather appears to be designed to be visually prominent within the landform which does not comply with Controls 1 and 3 of Part 4C.7 of KDCP.

f) The overall design of the development does not utilise a stepped-down approach in accordance with the site's natural topography. The development includes an excessive amount of cut and fill to accommodate the building alfresco area and pool. The proposed excavation does not respect the natural topography. Therefore, the proposed design does not preserve the visual amenity of the natural landscaped and heritage character of the area and does not minimise visual amenity impacts to neighbouring properties.

g) The local area is characterised by dwellings which have been predominantly designed to respond to natural ground levels. The extent of excavation is not commensurate with that

of other dwellings within the area and in this regard the proposal does not sufficiently minimise excavated materials going off site.

h) The proposal fails to comply with the abovementioned controls and the objectives of Part 4C.7 and 21.1 of KDCP.

5. Acoustic privacy impacts from the elevated pool and alfresco area

The proposed pool and alfresco will result in unreasonable acoustic privacy impacts for adjoining properties.

Particulars

a) As detailed in reason for refusal No. 4, the pool and alfresco areas have not been designed to respond to the site's topography and are located substantially above natural ground level.

b) Control 5 of Part 23.7 of KDCP stipulates that when designing and siting active open space areas regard is to be paid to potential noise impacts (e.g. BBQ areas, swimming pools, communal areas etc.) on adjacent rooms and buildings.

c) The existing dwelling at No. 42A Shirley Road is setback approximately 2.3m from the shared side boundary and contains windows facing the side boundary, including windows to a home office. The proposed pool and alfresco areas (including BBQ) are setback between 3-5m from the side boundary.

d) The alfresco and pool areas will result in unreasonable acoustic privacy impacts to No. 42A Shirley Road due to the pool and alfresco being considerably elevated above existing ground levels which would result in greater noise reverberation.

6. Visual privacy impacts from the proposed balcony

The proposed first floor rear balcony will result in overlooking of private open space of 42 and 46 Shirley Road.

Particulars

a) Control 1 of Part 23.8 of KDCP requires private open spaces of adjoining dwellings to be protected from direct or unreasonable overlooking from new development. Control 2 states that first floor decks/balconies are not permitted where they unreasonably overlook principal living spaces or private open spaces of adjoining properties.

b) The proposed development includes a rear balcony at first floor level which is located approximately 4.51m above existing ground level. The proposed balcony is located approximately 3.1m-3.2m from the side boundaries.

c) There is currently an elevated rear deck on the site, however the location of the existing deck does not result in unreasonable privacy impacts due to greater setbacks from the side boundaries and the existing 2 storey garage screening direct views into the rear yard of No. 46 Shirley Road.

d) The proposed balcony is located substantially above the existing fence height and is located closer to the side boundaries than the existing rear deck. The location of the proposed balcony would enable a greater line of sight into the private open space of 42 and 46 Shirley due to the reduced side setbacks (compared to the existing deck) coupled

with the demolition of the 2 storey garage and the proposed rear balcony extending further beyond the existing rear building line.

e) The proposed balcony does not ensure a high standard of visual privacy is maintained to the adjoining properties which does not comply with the abovementioned controls and is inconsistent with Objective 3 of Part 23.8 of KDCP.

7. Excessive built-upon area

The proposed built-upon area (BUA) is excessive and does not comply with the objectives and controls of Part 4A.3 of KDCP. The proposed BUA is inconsistent with the built form and landscape character of the area.

Particulars

a) Control 2(i) of Part 4A.3 species that on sites greater than 2050m^2 located in the E4 zone, a maximum BUA of 645m^2 is permitted and is subject to merit consideration. Part (ii) of the control states that *"for alterations and additions on sites where the existing BUA is greater than that listed above, the maximum BUA is the existing BUA, however, a reduction in BUA is desirable".*

b) The existing BUA is approximately 1350m² which exceeds the BUA specified in part (i) of control 2. Therefore, in accordance with part (ii) of control 2, the proposed BUA is not to exceed the existing BUA (1350m²). The proposed BUA is approximately 1908.06m² which is a substantial non-compliance.

c) Control 4 specifies that the front setback is to have a maximum BUA of 30%. The proposed BUA in the front setback is calculated to be approximately 39.5% which does not comply.

d) The proposed BUA is excessive and limits the opportunity of the site to provide a soft landscape setting which is consistent with the character of the area. As a result, the development results in an inappropriate balance between natural and built elements. The non-compliance with the specified BUA also contributes to the proposal failing to meet the objectives and provisions of Part 4A.1 of KDCP.

8. The proposed front fence is not consistent with the streetscape character

The proposed height and design is not consistent with the established pattern of fences within the streetscape and would detract from the heritage conservation area.

Particulars

a) Control 1 of Part 4C.8 of KDCP states that fences are to:

   i) restrict visually solid forms (such as masonry, lapped and capped timber or brushwood) to 0.9m in height above existing ground level;

   ii) restrict the height of visually transparent fences (such as metal grille or timber picket) to 1.2m, (a transparent fence has an open to solid ratio of not less than 1:3).

b) Control 5 of Part 19C.8 of KDCP states that new front fencing, pedestrian and vehicular access gates are to match the architectural style of the house and character of the immediate streetscape.

c) Front fences in the street are predominantly low timber picket fences (approximately 1.2m in height), with the exception of a few properties which contain fences with a sandstone/ masonry base with pickets.

d) Detailed plans showing the proposed height, proportions and materials of the front fence have not been submitted. The only documentation showing the front fence is provided is a 3D streetscape render of the proposed development ("Sheet A602") which is not adequate for a detailed assessment against Part 4C.8 of KDCP to be made.

e) Notwithstanding, based on the submitted documentation it appears that the proposed design and proportions of the fence and gates are not consistent with the fences within the streetscape. The proposed front fence is not appropriate for the heritage conservation area. The design, materials and proportions are insensitive to the HCA.

f) The proposed front fence fails to comply with the abovementioned controls and the objectives of Part 4C.8 and Part 19C.8 of KDCP.

9. Unacceptable impacts on the landscape character of the Shirley Road Heritage Conservation Area

The proposed landscaping fails to maintain the landscape character of the Heritage Conservation Area.

Particulars

a) The proposed replacement of the existing informal planting of mature shrubs and small trees within the front setback with formal, monoculture hedging of *Buxus* species does not satisfy Controls 1, 7, 8, and 9 of Part 19C.3. These controls aim to retain the established landscape character, including the height of the tree canopy, early garden layouts, remnant vegetation, and historic plantings, all of which contribute significantly to the character and significance of the streetscape and the Heritage Conservation Area (HCA) as a whole.

b) The proposed single formal row of *Murraya* along the north-east side, south-east, and part of the south-west of the dwelling and pool does not satisfy Control 1. This control encourages the use of a variety of plant species to avoid mono-cultural plantings, particularly along street frontages and for screen planting, in order to maintain visual interest and ecological diversity in the landscape.

c) The proposed replacement of the existing stone-flagged path, which extends from the front boundary along the north-eastern side of the dwelling, with concrete grass pavers does not satisfy Control 2 and 5. These controls require the retention and conservation of original garden features, including gates, paths, stonework, garden terracing, tiling, cement crazy paving, walling, and garden edging, as these elements contribute to the historic character and significance of the landscape setting. Materials for new garden paving or pathways are to be appropriate to the architectural style of the HCA, such as gravel for Federation style and sandstone flagging for Inter-war styles.

d) The proposed circular driveway within the front setback does not comply with Control 3. This control requires limiting new paving and hard surfacing, particularly to front setbacks. The circular driveway contributes to the non-compliant BUA detailed in reason for refusal No. 7. It is noted that in accordance with the definition of *built-upon area* under Part 1B.1 of the KDCP, both paving and porous paving are classified as hard surfaces and must therefore be included in the built-upon area calculation.

e) The proposed landscaped area in the front setback (excluding the grasscrete paved driveway) is 61.4%. This does not satisfy Control 4(i) which requires a minimum of 70% landscaped area.

10. Unacceptable impacts on trees nominated for retention

The proposal fails to demonstrate that trees designated for retention, will not be adversely affected. As such, it does not comply with the objectives and controls of Parts 4C.7, 13.1, 21.1 and 21.2 of KDCP nor with the standards outlined in AS 4970-2009 – *Protection of Trees on Development Sites.*

Particulars

a) The proposal results in unacceptable impacts on the following trees and fails to demonstrate that the trees will remain healthy and viable. Consequently, appropriate design solutions to minimise these impacts to an acceptable level have not been implemented and detailed below -

Tree T1 – Lophostemon confertus (Brush Box)

- Tree T1 is located on the nature strip.
- The proposed additional driveway entrance for the circular driveway will encroach into the structural root zone (SRZ) of tree T1 which is a major encroachment under AS4970-2009.
- The construction of the driveway across the nature strip is likely to sever supporting roots resulting in unacceptable impacts on tree T1.

Tree T4 – Brachychiton acerifolius (Flame Tree)

- The proposed excavation for the replacement of the driveway will encroach into the tree protection zone (TPZ) by 50% and within the SRZ which is a major encroachment under AS4970-2009.
- The construction of the driveway across the nature strip is likely to sever supporting roots resulting in unacceptable impacts on tree T4.

Tree T13 – Syncarpia glomulifera (Turpentine)

- The proposed pool, pool terrace, side path, associated cut and fill and retaining walls will encroach into the TPZ by 45% and within the SRZ which is a major encroachment under AS4970-2009.
- The proposal fails to retain and protect Tree T13, which is located within land identified as Support for Core Biodiversity Lands in the DCP.
- The proposal is inconsistent with part18.3 of the Ku-ring-gai DCP, which requires development to avoid impacts to trees within core and support biodiversity areas.

Tree T23 - Syncarpia glomulifera (Turpentine)
Tree T24 – Angophora costata (Sydney red Gum)

- The information provided on the plans is insufficient and inconsistent to enable a full assessment of the impacts on trees T23 & T24.
- The proposed circular tennis court terrace will encroach within the TPZ of both trees and within the SRZ of tree T24.
- The finished level of the terrace area is inconsistent between the Site Analysis Plan and the Cut and Fill Plan. Regardless of this inconsistency, it appears that

retaining walls will be required around the terrace to address and manage the changes in soil levels potentially resulting in unacceptable impacts on the trees.

Trees - T40 to T50

- The information provided on the plans is insufficient to enable a full assessment of the impacts on these trees.
- Additional information is required as to location of the sewer and water pipes to service the proposed toilet adjacent to the existing tennis court.

Tree T53 – Jacaranda mimosifolia (Jacaranda)
Tree T54 – Lagerstroemia indica (Crepe Myrtle)

- Trees T53 & T54 are located on the adjoining property at 46A Shirley Rd and therefore constitute a material constraint on the development of the site.
- The proposed excavation required for the garage and driveway, and associated retaining wall along the south-western side of the driveway will encroach into the TPZ by 45% and within the SRZ which is a major encroachment under AS4970-2009.

Trees - T3, T4, T48, T49, T50, T53 & T54.

- The submitted stormwater plans indicate that stormwater pipes and pits are located within the TPZ and SRZ of trees T3, T4, T48, T49, T50, T53, and T54. This placement poses a significant risk of root severance, which may result in long-term impacts on the health and structural stability of these trees.

b) The stormwater drainage details have not been indicated on the landscape plan therefore it in unknown what impacts the stormwater design may have on existing trees to be retained.

c) The transplanting of tree T40 is not acceptable, as the tree is in good health.

11. Biodiversity impacts

The proposed development is inconsistent with Clause 6.3 'Biodiversity Protection' of KLEP and Part 18 'Biodiversity Controls' of KDCP.

Particulars:

a) The site is identified as an "Area of Biodiversity Significance" on the Natural Resources – Biodiversity Map under the KLEP and contains native vegetation consistent with Plant Community Type (PCT) 3176 – Sydney Enriched Sandstone Moist Forest.

b) While PCT 3176 is not listed as an Endangered Ecological Community (EEC) under the *Biodiversity Conservation Act 2016*, the vegetation is of local ecological significance and forms part of a mapped landscape remnant. The development proposal:

i) Involves encroachment into the TPZ of tree T13 – Syncarpia glomulifera (Turpentine), a mature native canopy species of high ecological and structural value within the remnant.

ii) Fails to avoid direct impacts to tree T13, which is likely to result in its decline and eventual loss, contrary to the planning controls requiring protection of significant native trees within biodiversity areas.

iii) Does not demonstrate that feasible design alternatives have been considered to retain and protect this tree.

c) The proposal is contrary to the objectives of Clause 6.3(1)(a)–(d) of KLEP, as it fails to:

i) Protect, maintain, and improve the biodiversity and ecological processes associated with the mapped native vegetation;

ii) Support the long-term viability of locally significant remnant vegetation communities such as PCT 3176;

iii) Safeguard habitat connectivity and native tree canopy structure;

iv) Ensure the development is sited and designed to avoid significant ecological impacts, including the potential loss of tree T13.

d) In accordance with Clause 6.3(4)(a) of the KLEP, consent cannot be granted because the consent authority is not satisfied that the requirements Clause 6.3(4)(b)(i), (ii), or (iv) have been met, for the following reasons:

i) The development is not designed or sited to avoid environmental impacts, including direct encroachment into the TPZ of tree T13;

ii) It fails to retain native vegetation in a condition and configuration that facilitates biodiversity protection and habitat continuity; and

iii) It does not achieve no net loss of significant native vegetation, particularly in relation to the loss of mature canopy trees such as tree T13.

12. Inadequate biodiversity development assessment report

The Biodiversity Development Assessment Report (BDAR) is incomplete and does not satisfy the assessment requirements under the *Biodiversity Conservation Act 2016* and the Biodiversity Assessment Method (BAM).

Particulars:

a) The BDAR lacks site-specific BAM plot data, which is essential for verifying vegetation condition and informing impact assessment.

b) Plot locations are not shown on a map, preventing independent verification of survey areas and vegetation condition classes.

c) A species polygon map for the Swift Parrot has not been included, and therefore the potential extent of habitat is not properly mapped or assessed.

d) The BDAR does not contain a field-verified vegetation map and fails to clearly delineate areas of PCT 3176 to be retained or removed.

e) The justification for excluding the Large-eared Pied Bat is insufficient given the proximity of the site to known suitable habitat features (e.g. rocky areas, caves, tunnels), requiring further ecological assessment or evidence.

f) Several candidate threatened species — Deyeuxia appressa, Rhizanthella slateri, and Rhodamnia rubescens have been excluded from assessment without justification.

13. Inadequate water management

The proposed development does not take all reasonable management actions to avoid, minimise or mitigate adverse impacts of stormwater runoff to adjoining properties, contrary to clause 6.5 of the KLEP. The Development Application is not accompanied by sufficient particulars to enable an assessment against Clause 6.5 of the KLEP and accordingly, development consent must be refused.

Particulars:

a) No flood study report prepared by a suitably qualified hydraulic engineer has been submitted to Council for the 1% AEP design storm to determine the extent of the flow path and freeboard requirements as required under Part 24 of KDCP.

b) No CCTV footage and accompanying report of the existing pipe within the easement has been submitted to confirm the findings of the licenced plumber.

c) Council's Drainage Asset IDs has not been provided for all pits near the site for reference (which is obtained from Council's Drainage Engineer).

d) No on-site detention (OSD) system has been provided to reduce the peak flow from the proposed discharge of 89L/s for 1% AEP, shown on the drainage plan to 25L/s for 5% AEP in accordance with Council's 'Technical Guideline for Water Management'.

e) No design details of the OSD has been submitted including, but not limited to cross sections, orifice, calculated TWL etc.

f) No OSD Calculation Sheet has been submitted to demonstrate compliance with Council's 'Technical Guideline for Water Management'.

g) No rainwater tank details including surface and invert levels have been provided as well as providing notation on the stormwater plan for rainwater internal reuse.

h) No junction pit details have been proposed over the existing Council pipe as well as a surcharge pit located within the boundary of the subject site.

i) No silt arrestor pit has been provided prior to runoff discharging into the drainage easement.

j) No structural certification prepared by a suitably qualified civil/structural engineer has been submitted to demonstrate that proposed Pit 4 and associated stormwater pipeline to Pit 6 is outside of "Zone of Influence" of Council drainage pipeline.

k) The tennis court has not been designed as OSD system as required by Control 10 of Part 24C.5 of KDCP.

14. Insufficient information

Insufficient information has been provided in the application to enable a comprehensive assessment.

Particulars

a) Only indicative 3D renders of the proposed front fence have been submitted. The proposed front fence is required to be shown on the site plan and landscape plan. Detailed elevation plans drawn to scale are required. Proposed materials and finishes of the fence are to be submitted.

b) Elevation plans of the detached WC adjacent to the tennis court are required but have not been submitted.

c) Insufficient levels are shown on the submitted drawings to enable a detailed assessment of changes to ground levels including heights of retaining walls. Existing and proposed ground levels must be shown on all plans where the existing level of the land is to be altered. Top of wall heights for all retaining walls proposed (as RLs) must be provided. The levels provided on the architectural and landscape drawings must be consistent. Existing retaining walls proposed to be retained should be clearly shown and differentiated from new retaining walls. The finished level of the terrace area is inconsistent between the Site Analysis Plan and the Cut and Fill Plan. All proposed finished levels must be consistent on all plans.

d) The location of the sewer and water pipes to service the proposed WC adjacent to the existing tennis court has not been shown on the plans to enable an assessment to be made to any tree impacts within the vicinity of the WC.

e) Solar access diagrams do not provide sufficient detail to determine whether compliance with the controls in Part 4C.5 of KDCP are achieved. Hourly shadow diagrams between 9.00am and 12.00pm and elevation shadow diagrams are required to determine the impact (if any) to north facing windows at No. 46 Shirley Road.

f) The submitted BUA diagrams have not been prepared in accordance with the BUA definition contained in Part 1B.1 of the KDCP. The submitted BUA diagrams do not include all built upon areas such as porous paving, the WC and pathway to WC and the water feature in the front yard. There is a discrepancy in the BUA figures shown on the architectural plans and drainage plans. The existing BUA and proposed BUA must be the same on both sets of plans.

g) It is not clear from the submitted documentation what is proposed for the tennis court. The Statement of Environmental Effects does not mention any proposed changes to the tennis court. The Landscape Concept Plan (A225) shows half of the tennis court being converted to a basketball court. The proposed Site Plan (A232) shows the tennis court as per existing with no changes indicated.

h) The specific tone of white for the proposed new external walls has not been specified to demonstrate compliance with Controls 8 and 9 of Part 4C.10 of KDCP. A bright white would be out of character with the conservation area, existing dwelling and natural landscape setting. Additionally, it is not clear whether there are any proposed changes to the exterior of the existing dwelling. All exterior finishes to the existing dwelling and proposed additions must be clearly specified including specific materials, colours and finishes.

i) In accordance with Section 6 of the EP&A Regulation 2021, the estimated development cost must include the cost of the design and erection of a building, such as professional service fees. The submitted Quantity Surveyor's Report has not included professional service fees in the estimated development cost. The proposed estimated development cost is therefore not accurate and does not comply with the Regulation.

j) An Environment Site Management Plan has not been submitted in accordance with Part 23.9 of KDCP.

k) It has not been demonstrated that vehicles can safely manoeuvre in and out of the garage. Swept path analysis prepared by a suitably qualified civil/traffic engineer has not been prepared to ensure vehicles can safely manoeuvre in and out of the garage using the Australian Standard 2890.1 (2004) "Off-Street car parking" B85 design template.

15. Public interest

The proposed development is not in the public interest.

Particulars:

a) The public interest is demonstrated by compliance with the controls and objectives of the environmental planning instruments and policies relevant to the assessment of the application.

b) The proposal does not comply with relevant provisions of KLEP and numerous controls of KDCP and fails to demonstrate achievement of the objectives of these controls. Therefore, approval of the non-compliances, would set a poor precedent for any future applications in the street which is not in the public interest.

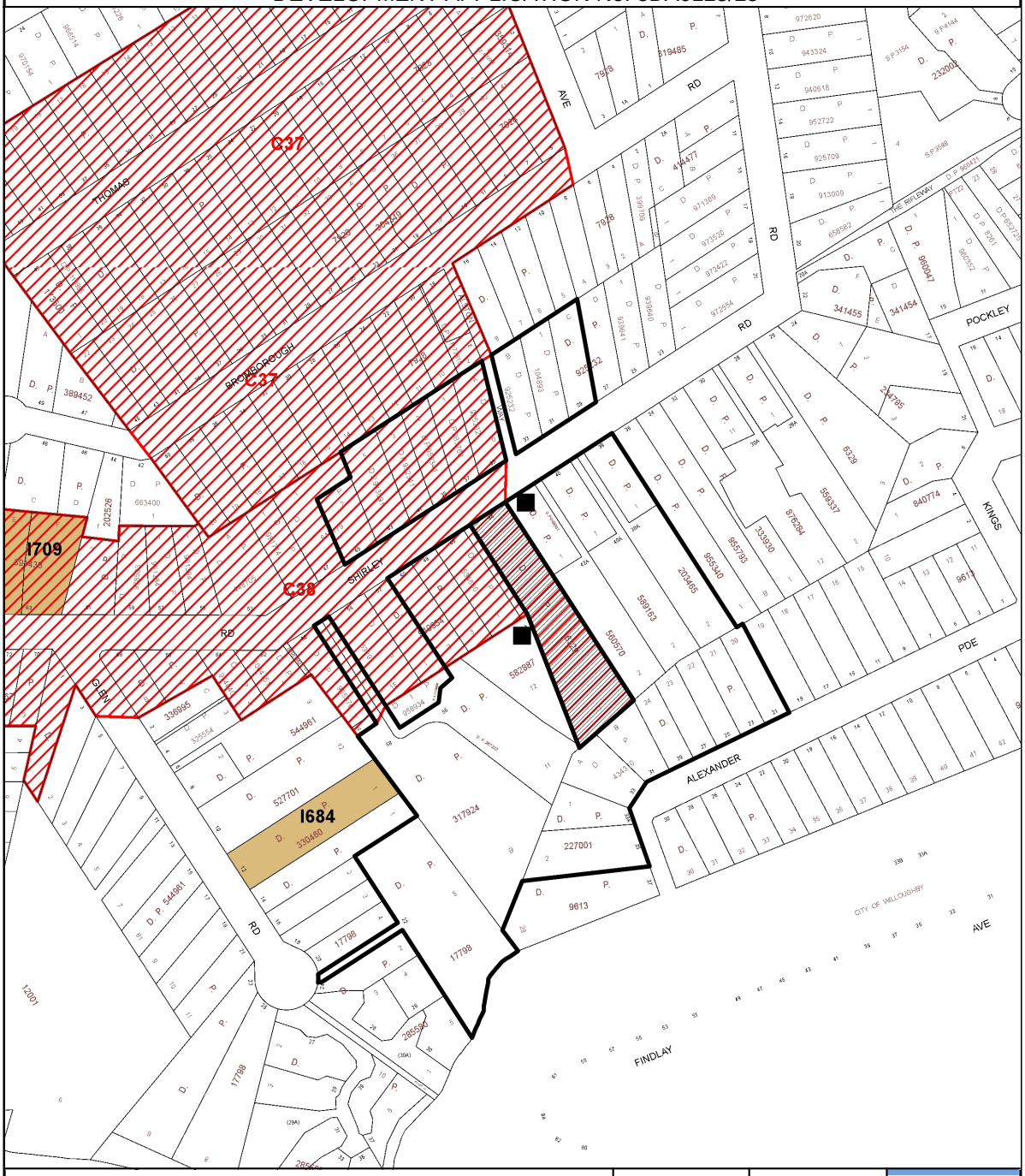
c) The public interest also is demonstrated by matters which have been raised by objectors and which are summarised in the assessment report.

d) Approval of the development application is not in the public interest as an assessment of the application, having regard to the matters listed in Section 4.15 of the Environmental *Planning and Assessment Act 1979*, has been undertaken and the proposal has been found to be unsatisfactory in this regard.

LOCATION SKETCH

44 Shirley Road ROSEVILLE NSW 2069

DEVELOPMENT APPLICATION No. eDA0123/25



AGREEMENT
OBJECTION
SUBMISSION
PETITION

SUBJECT LAND
CIRCULATED AREA
HERITAGE ITEM
CONSERVATION AREA

Scale 1 : 3000

25/06/2025

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NORTH

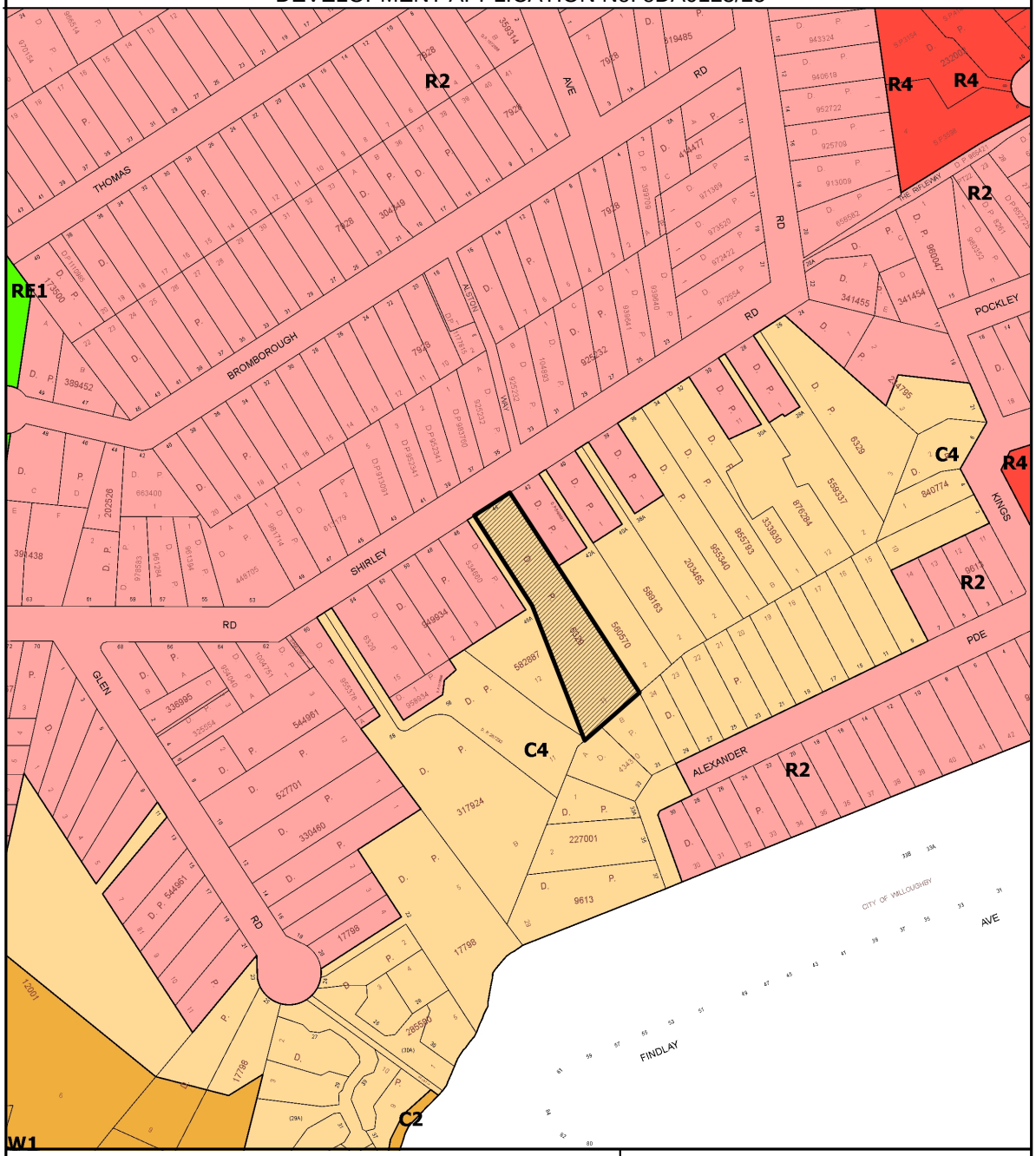
60 0 30 60
Meters

Ku·ring·gai Council

KU-RING-GAI LEP 2015 ZONING EXTRACT

44 Shirley Road ROSEVILLE NSW 2069

DEVELOPMENT APPLICATION No. eDA0123/25



Legend

Subject Land

Zoning

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

Scale 1 : 3000

Date: 25/06/2025

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NORTH

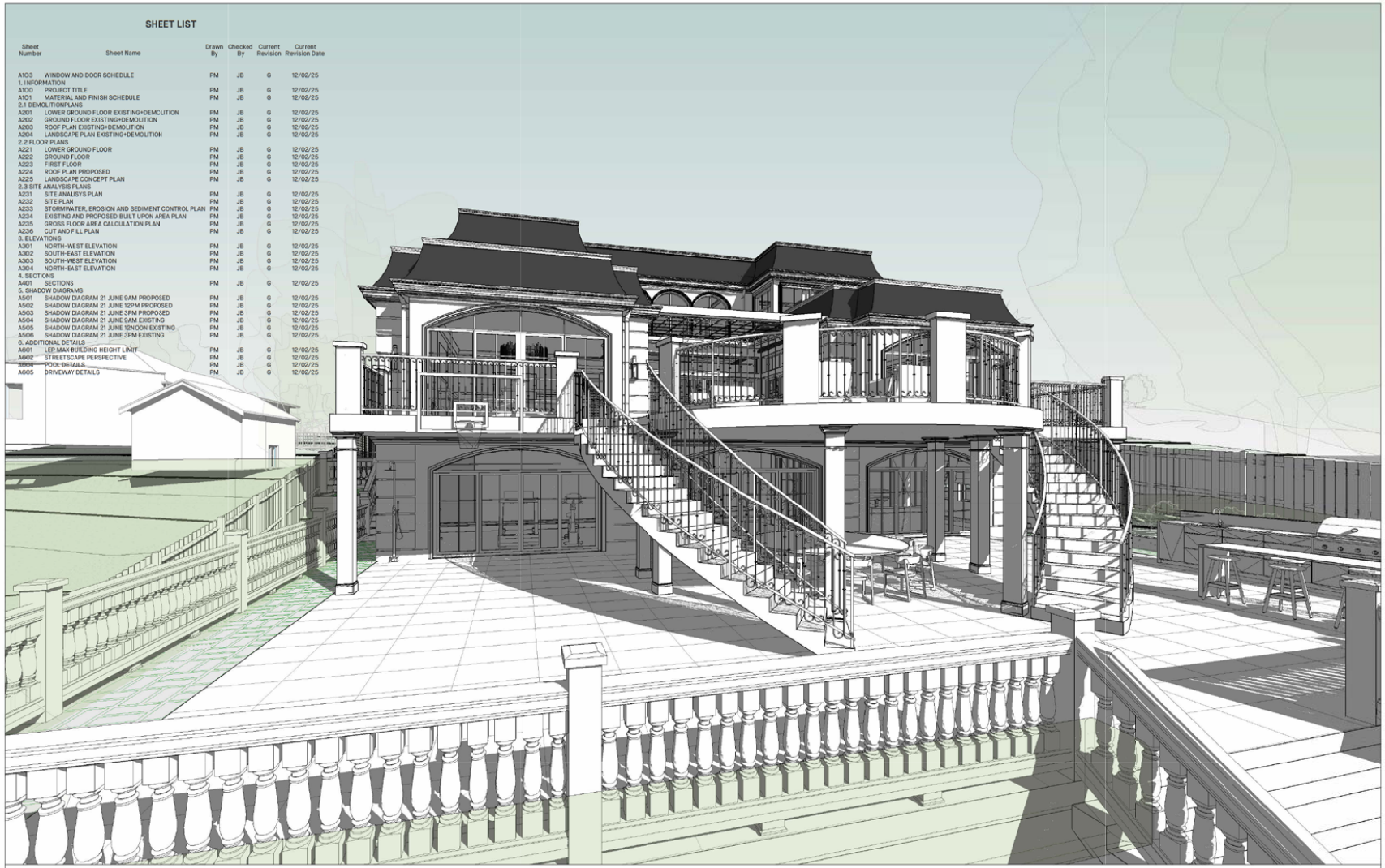
0 60 120

Meters

Ku·ring·gai Council

SHEET LIST

Sheet Number	Sheet Name	Drawn By	Checked By	Current Revision	Current Revision Date
A103	WINDOW AND DOOR SCHEDULE	PM	JB	G	12/02/25
1. INFORMATION					
A100	PROJECT TITLE	PM	JB	G	12/02/25
A101	MATERIAL AND FINISH SCHEDULE	PM	JB	G	12/02/25
2.1 DEMOLITIONPLANS					
A201	LOWER GROUND FLOOR EXISTING+DEMOLITION	PM	JB	G	12/02/25
A202	GROUND FLOOR EXISTING+DEMOLITION	PM	JB	G	12/02/25
A203	ROOF PLAN EXISTING+DEMOLITION	PM	JB	G	12/02/25
A204	LANDSCAPE PLAN EXISTING+DEMOLITION	PM	JB	G	12/02/25
2.2 FLOOR PLANS					
A221	LOWER GROUND FLOOR	PM	JB	G	12/02/25
A222	GROUND FLOOR	PM	JB	G	12/02/25
A223	FIRST FLOOR	PM	JB	G	12/02/25
A224	ROOF PLAN PROPOSED	PM	JB	G	12/02/25
A225	LANDSCAPE CONCEPT PLAN	PM	JB	G	12/02/25
2.3 SITE ANALYSIS PLANS					
A231	SITE ANALISYS PLAN	PM	JB	G	12/02/25
A232	SITE PLAN	PM	JB	G	12/02/25
A233	STORMWATER, EROSION AND SEDIMENT CONTROL PLAN	PM	JB	G	12/02/25
A234	EXISTING AND PROPOSED BUILT UPON AREA PLAN	PM	JB	G	12/02/25
A235	GROSS FLOOR AREA CALCULATION PLAN	PM	JB	G	12/02/25
A236	CUT AND FILL PLAN	PM	JB	G	12/02/25
3. ELEVATIONS					
A301	NORTH-WEST ELEVATION	PM	JB	G	12/02/25
A302	SOUTH-EAST ELEVATION	PM	JB	G	12/02/25
A303	SOUTH-WEST ELEVATION	PM	JB	G	12/02/25
A304	NORTH-EAST ELEVATION	PM	JB	G	12/02/25
4. SECTIONS					
A401	SECTIONS	PM	JB	G	12/02/25
5. SHADOW DIAGRAMS					
A501	SHADOW DIAGRAM 21 JUNE 9AM PROPOSED	PM	JB	G	12/02/25
A502	SHADOW DIAGRAM 21 JUNE 12PM PROPOSED	PM	JB	G	12/02/25
A503	SHADOW DIAGRAM 21 JUNE 3PM PROPOSED	PM	JB	G	12/02/25
A504	SHADOW DIAGRAM 21 JUNE 9AM EXISTING	PM	JB	G	12/02/25
A505	SHADOW DIAGRAM 21 JUNE 12NOON EXISTING	PM	JB	G	12/02/25
A506	SHADOW DIAGRAM 21 JUNE 3PM EXISTING	PM	JB	G	12/02/25
6. ADDITIONAL DETAILS					
A601	LEP MAX BUILDING HEIGHT LIMIT	PM	JB	G	12/02/25
A602	STREETSCAPE PERSPECTIVE	PM	JB	G	12/02/25
A604	POOL DETAILS	PM	JB	G	12/02/25
A605	DRIVEWAY DETAILS	PM	JB	G	12/02/25



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PROJECT INFORMATION

ADDRESS
44 SHIRLEY ROAD ROSEVILLE

CLIENT
Mr. & Mrs. Vakili

PROJECT NUMBER 24110

DRAWING INFORMATION

CONTENT
PROJECT TITLE

SHEET	A100	**DSN BY**	PM
ISSUE DATE	16/12/2024	**DRN BY**	PM
SCALE	@A3	**CHKD BY**	JB

REVISION SEQUENCE

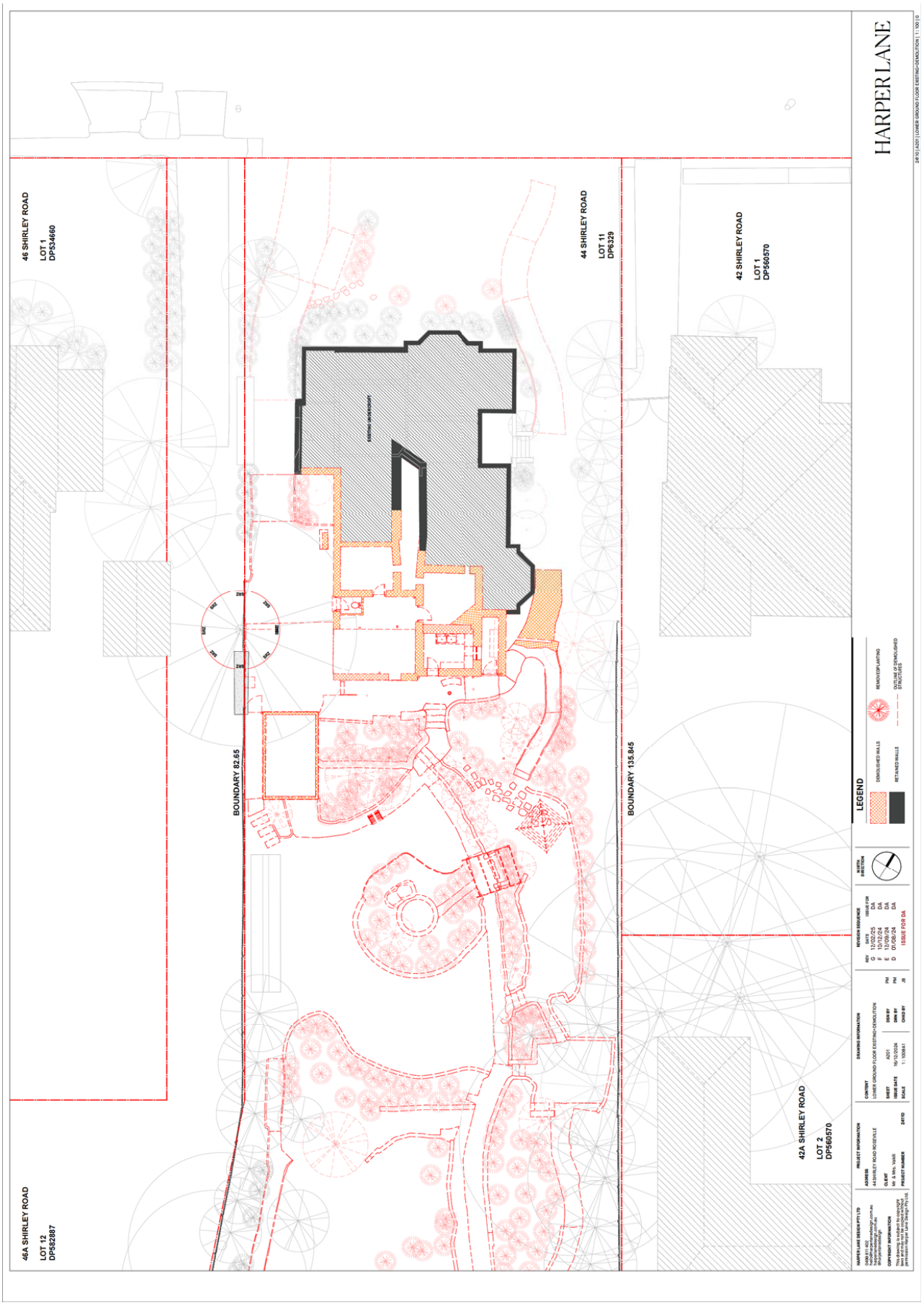
REV	DATE	ISSUE FOR
G	12/02/25	DA
F	10/12/24	DA
E	12/09/24	DA
D	01/08/24	DA

ISSUE FOR DA

HARPER LANE

24110 | A100 | PROJECT TITLE | | G


NEW ROOF
MATERIAL: METAL
COLOUR: DARK GREY
NEW WINDOWS
MATERIAL: ALUMINIUM
COLOUR: BLACK
NEW DOORS
MATERIAL: STEEL
COLOUR: BLACK
UPPER BALUSTRADE
MATERIAL: WROUGHT IRON
COLOUR: BLACK
LOWER BALUSTRADE
MATERIAL: COMPOSITE
COLOUR: WHITE
NEW WALLS
MATERIAL: RENDERED AAC PANELS
COLOUR: WHITE
ARCHITRAVES/CORNICES
MATERIAL: COMPOSITE
COLOUR: WHITE
NEW WALLS
MATERIAL: RENDERED BRICK
COLOUR: WHITE
PIERS
MATERIAL: RENDERED BRICK
COLOUR: WHITE
COLUMNS
MATERIAL: CONCRETE
COLOUR: WHITE
PAVING
MATERIAL: TRAVERTINE STONE
COLOUR: NATURAL
HARPER LANE
DRAWING INFORMATION
REVISION SEQUENCE
ISSUE FOR DA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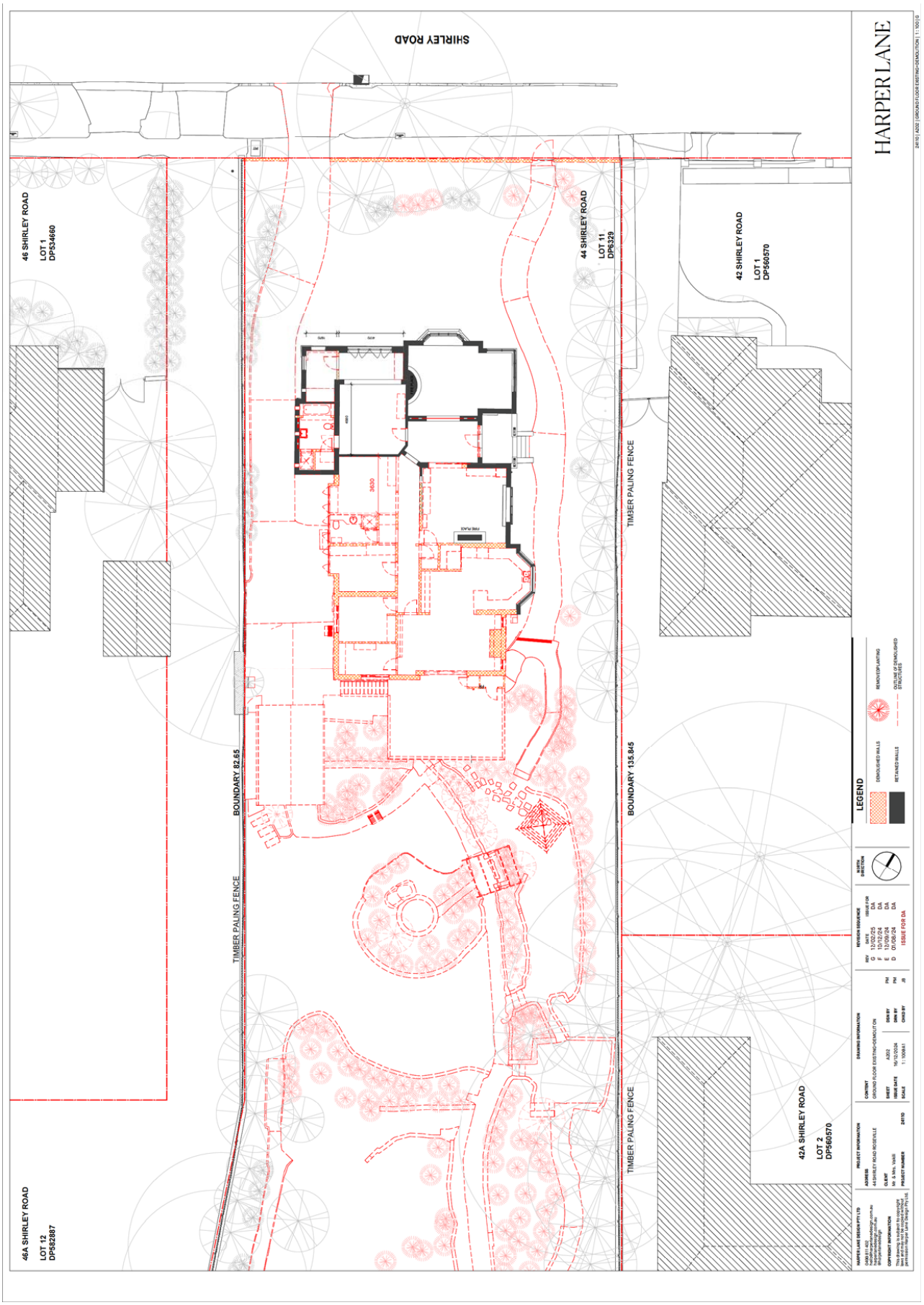
LOT 1
DP534660
44 SHIRLEY ROAD
LOT 11
DP6329
42 SHIRLEY ROAD
LOT 1
DP560570
46A SHIRLEY ROAD
LOT 12
DP582887
42A SHIRLEY ROAD
LOT 2
DP560570
BOUNDARY 82.65
BOUNDARY 135.845
LEGEND
DEMOLISHED WALLS
RETAINED WALLS
REMOVE/DEPLANTING
OUTLINE OF DEMOLISHED STRUCTURES
ISSUE FOR DA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DP534660
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LOT 11
DP6329
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LOT 1
DP560570
46A SHIRLEY ROAD
LOT 12
DP582887
42A SHIRLEY ROAD
LOT 2
DP560570
BOUNDARY 82.65
BOUNDARY 135.845
TIMBER PALING FENCE
TIMBER PALING FENCE
TIMBER PALING FENCE
HARPER LANE
LEGEND
DEMOLISHED WALLS
RETAINED WALLS
REMOVE EXISTING PLANTING
OUTLINE OF DEMOLISHED STRUCTURES
NORTH DIRECTION
REVISION ISSUANCE
REV DATE ISSUED FOR
G 13/02/25 DA
F 10/12/24 DA
E 11/09/24 DA
D 01/08/24 DA
ISSUE FOR DA
PROJECT INFORMATION
ADDRESS
44 SHIRLEY ROAD ROSEVILLE
CLIENT
Mr. S MR. YANG
PROJECT NUMBER 24110
DRAWING INFORMATION
CONTENT
GROUND FLOOR EXISTING+DEMOLITION
SHEET A202
ISSUE DATE 16/12/2024
SCALE 1 : 100@A1
DRN BY PM
CHKD BY JR
COPYRIGHT INFORMATION
3630
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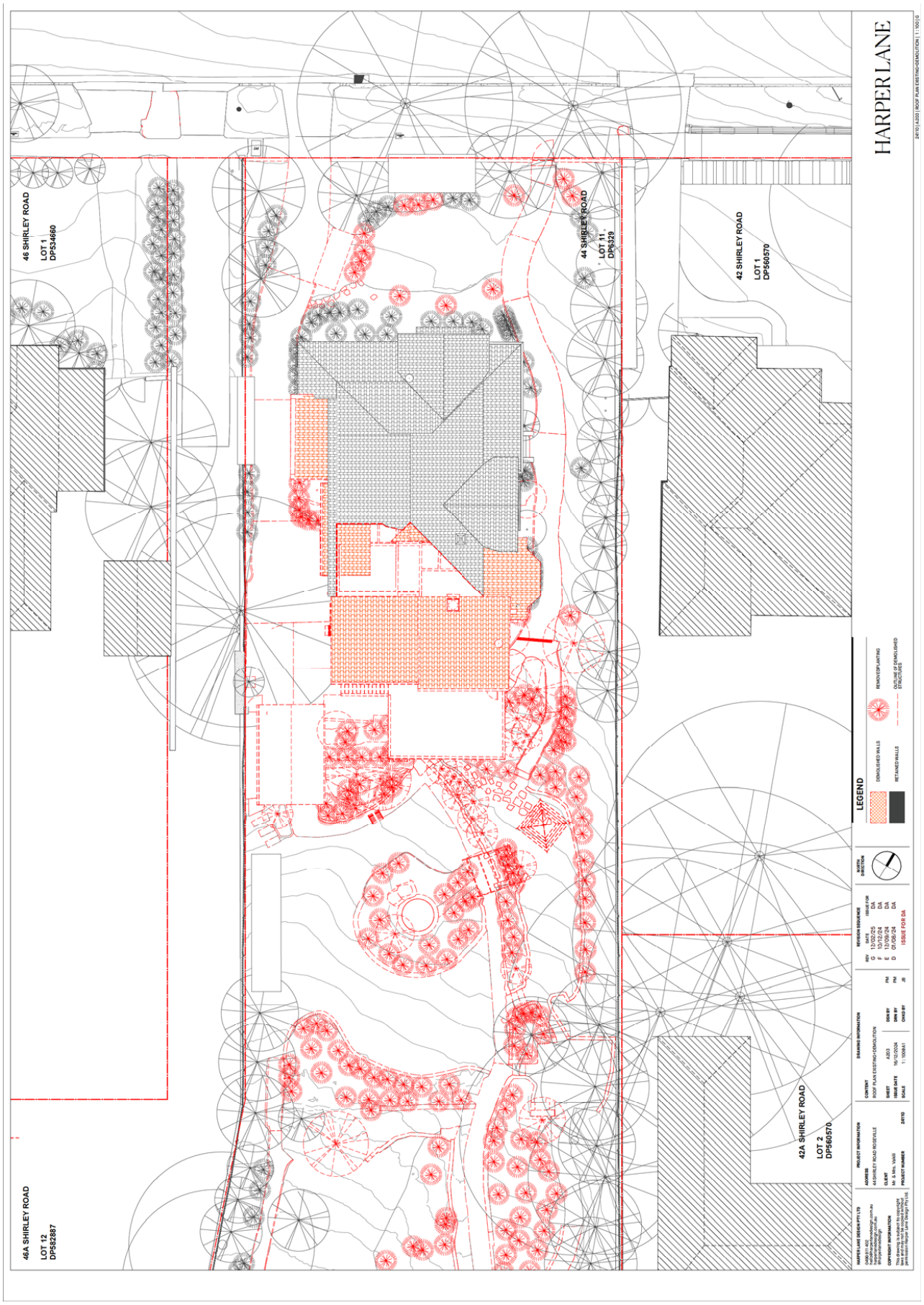
HARPER LANE
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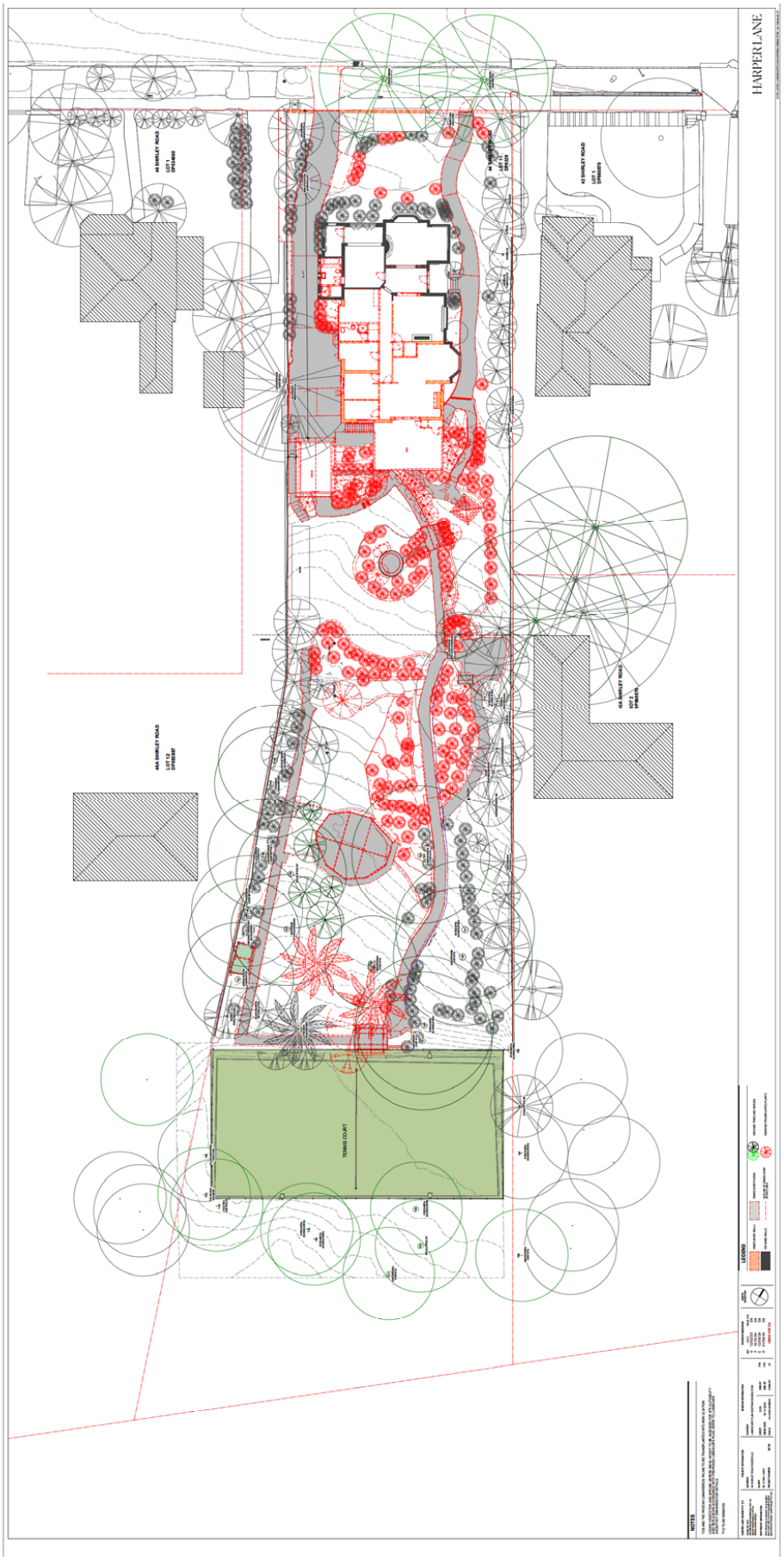
LOT 1
DP534660
44 SHIRLEY ROAD
LOT 11
DP5329
42 SHIRLEY ROAD
LOT 1
DP560570
46A SHIRLEY ROAD
LOT 12
DP562887
42A SHIRLEY ROAD
LOT 2
DP560570
LEGEND
DEMOLISHED WALLS
RETAINED WALLS
REMOVED PLANTING
OUTLINE OF DEMOLISHED STRUCTURES
NORTH DIRECTION
REVISION ISSUANCE
REV DATE ISSUED FOR
G 13/02/25 DA
F 10/12/24 DA
E 17/09/24 DA
D 01/08/24 DA
ISSUE FOR DA
DRAWING INFORMATION
CONTENT ROOF PLAN EXISTING+DEMOLITION
SHEET A203
ISSUE DATE 16/12/2024
SCALE 1 : 100@A1
DRN BY PM
CHKD BY JR
PROJECT INFORMATION
ADDRESS 44 SHIRLEY ROAD ROSEVILLE
CLIENT Mr. S Mrs. Vasili
PROJECT NUMBER 24110
COPYRIGHT INFORMATION
A4/A3 | A203 | ROOF PLAN EXISTING+DEMOLITION | 1 : 100 | 0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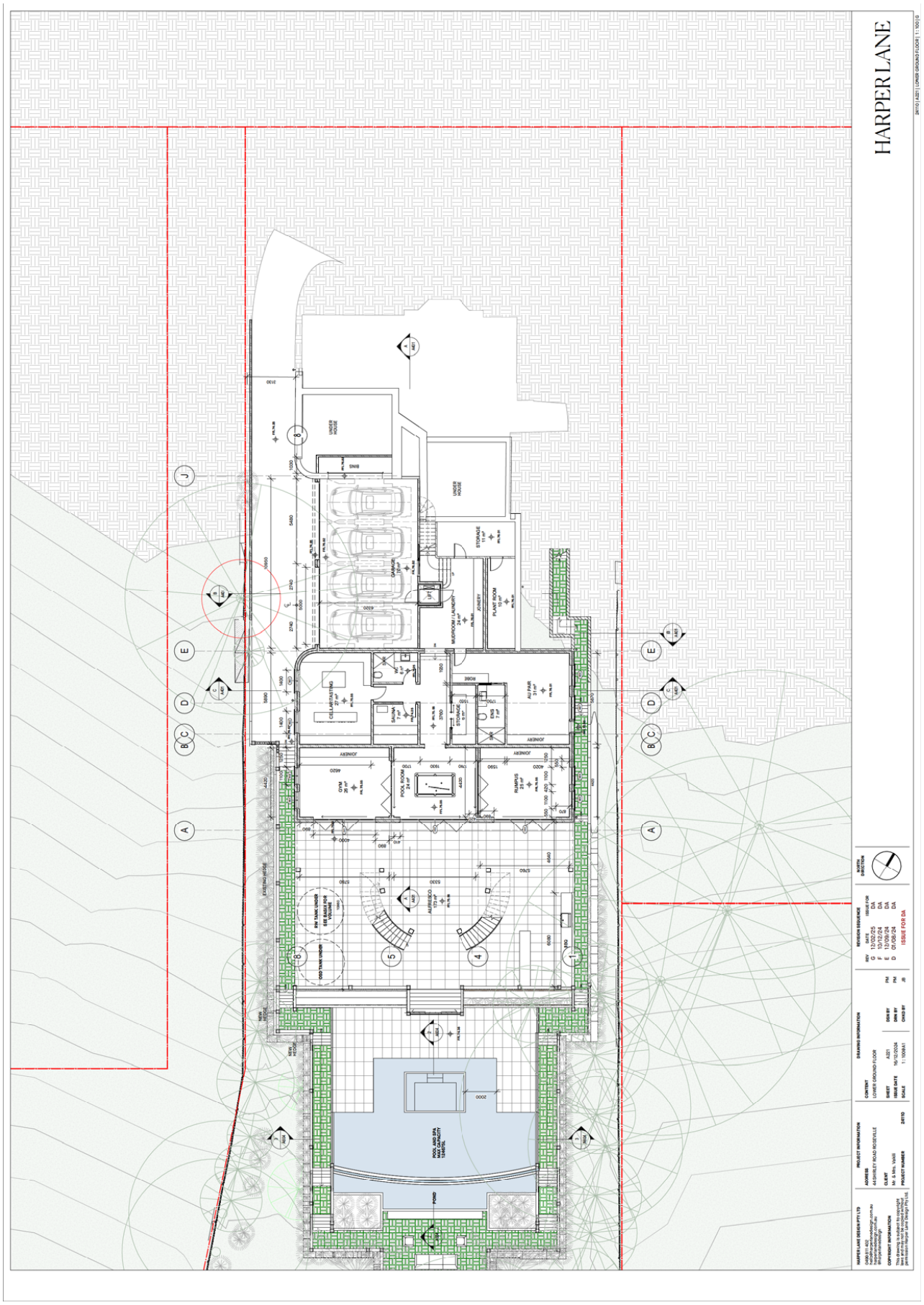
TENNIS COURT
LEGEND
NOTES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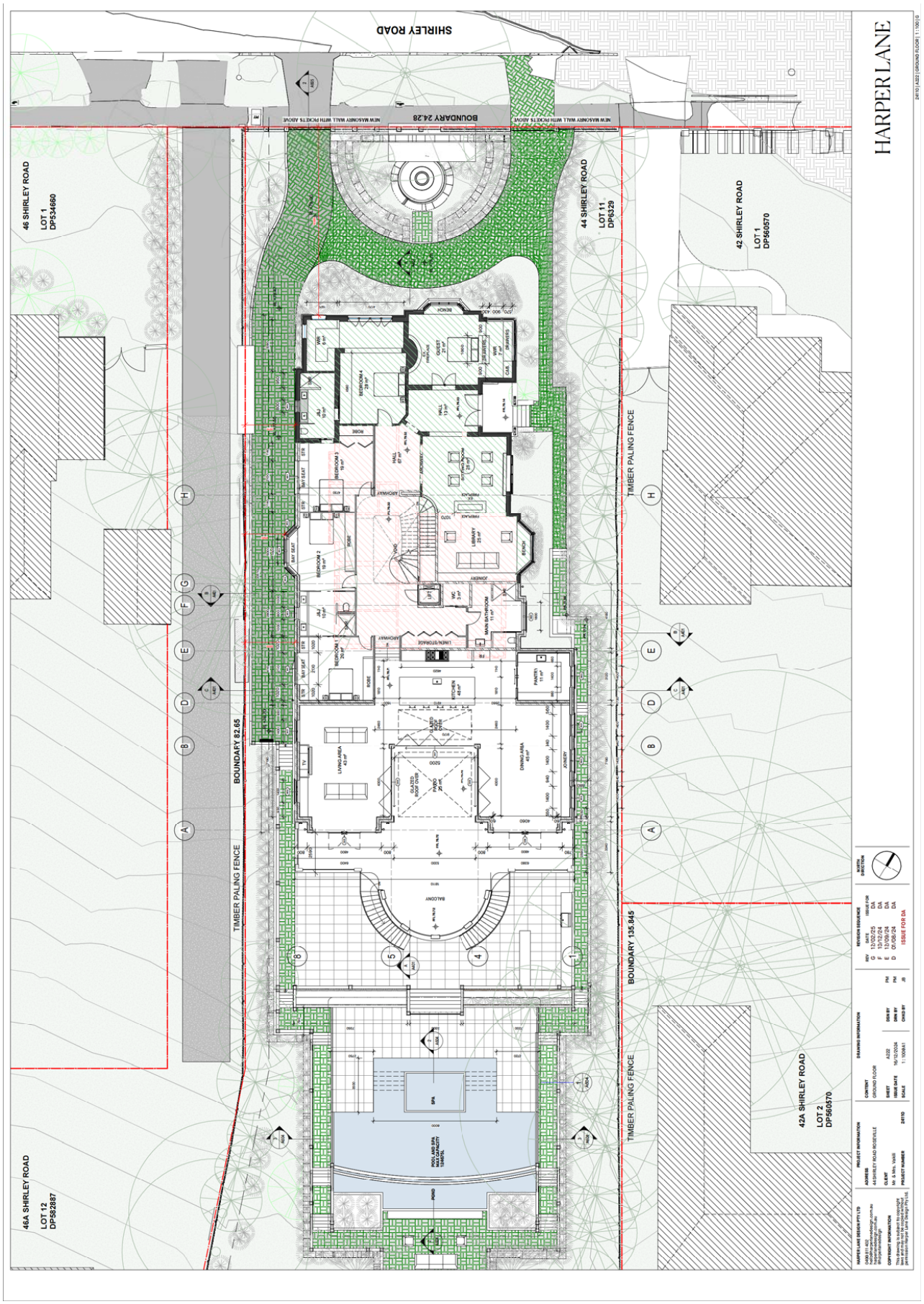
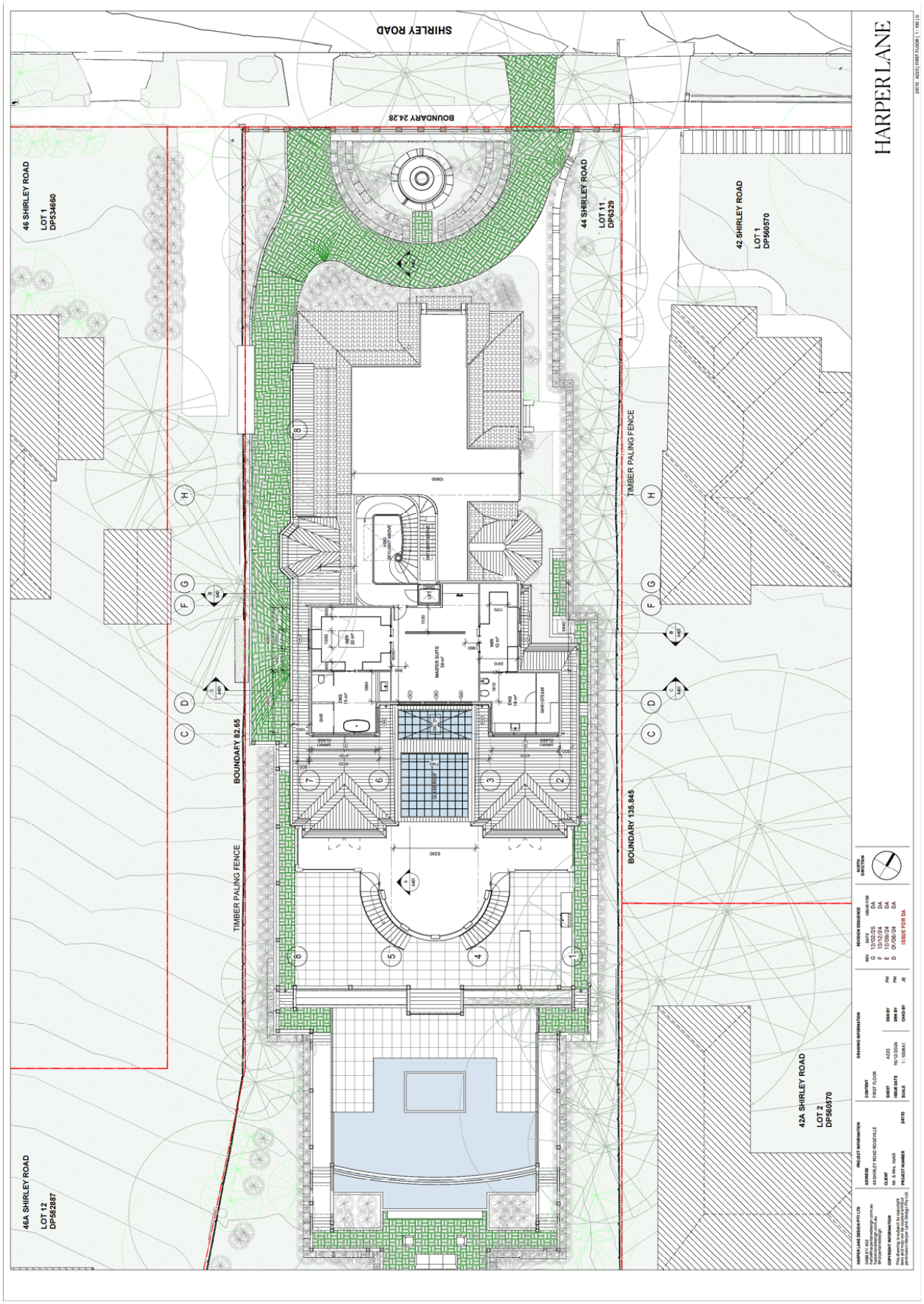
LOWER GROUND FLOOR
44 SHIRLEY ROAD ROSEVILLE
ISSUE FOR DA

ATTACHMENT NO: 4 - ARCHITECTURAL AND LANDSCAPE PLANS

ITEM NO: GB.4

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BOUNDARY 24.28
HARPER LANE
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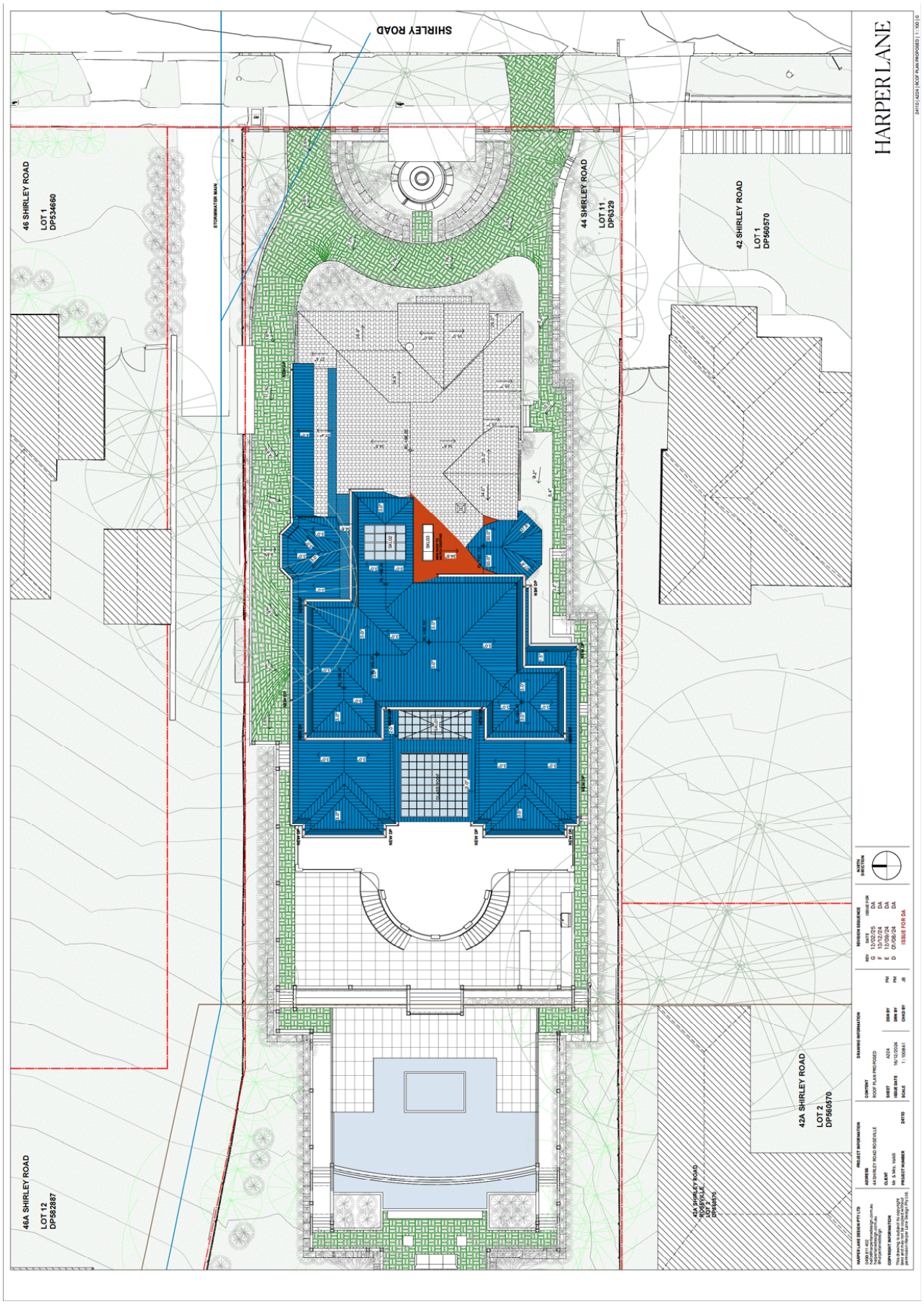
LOT 1
DP534660
44 SHIRLEY ROAD
LOT 11
DP6329
42 SHIRLEY ROAD
LOT 1
DP560570
TIMBER PALING FENCE
BOUNDARY 82.65
BOUNDARY 135.845
42A SHIRLEY ROAD
LOT 2
DP560570
46A SHIRLEY ROAD
LOT 12
DP582887
MASTER SUITE
SHR-STEAM
GLASS ROOF
ISSUE FOR DA


SHIRLEY ROAD
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LOT 1
DP534660
44 SHIRLEY ROAD
LOT 11
DP6329
42 SHIRLEY ROAD
LOT 1
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LOT 12
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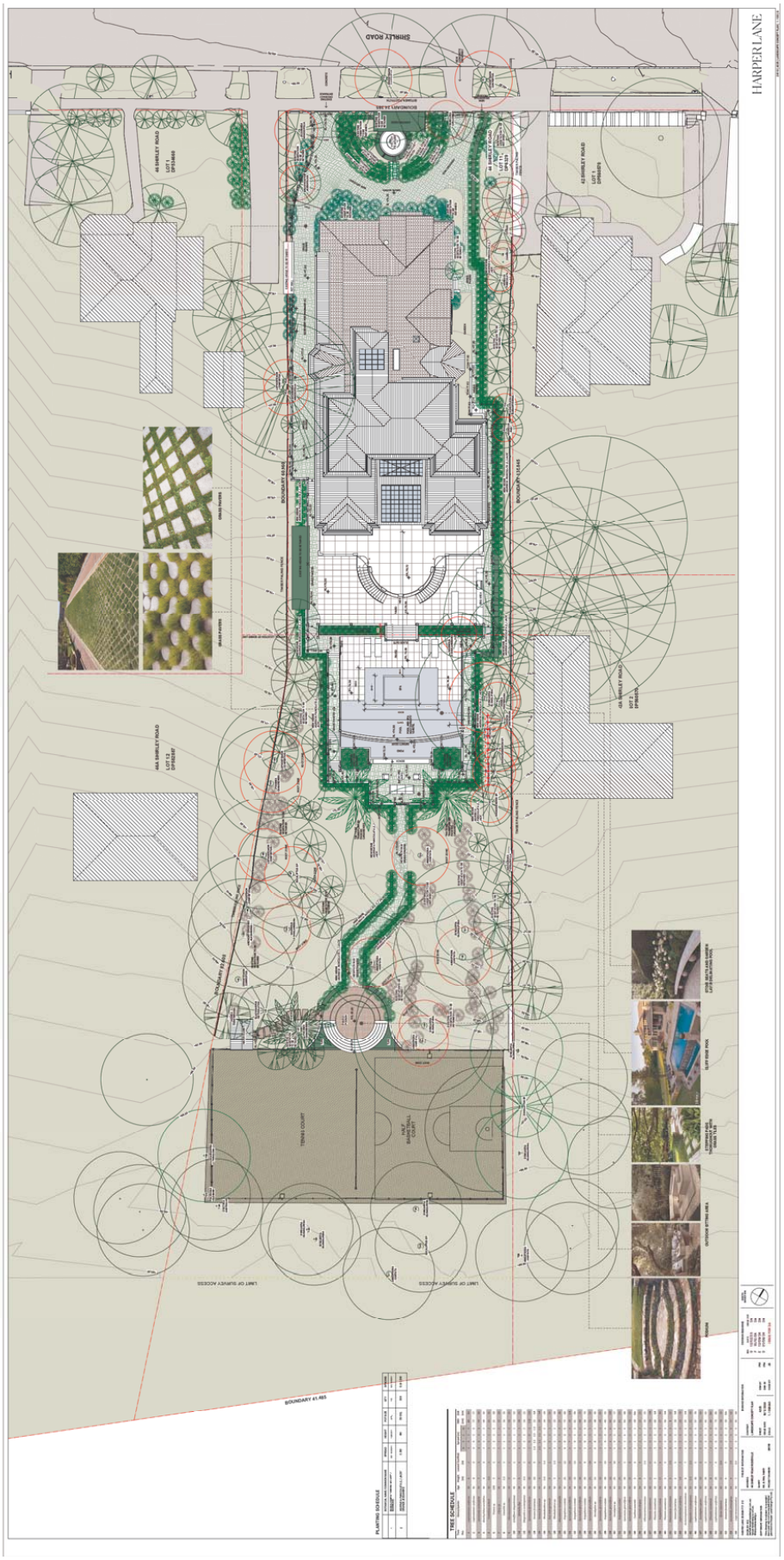
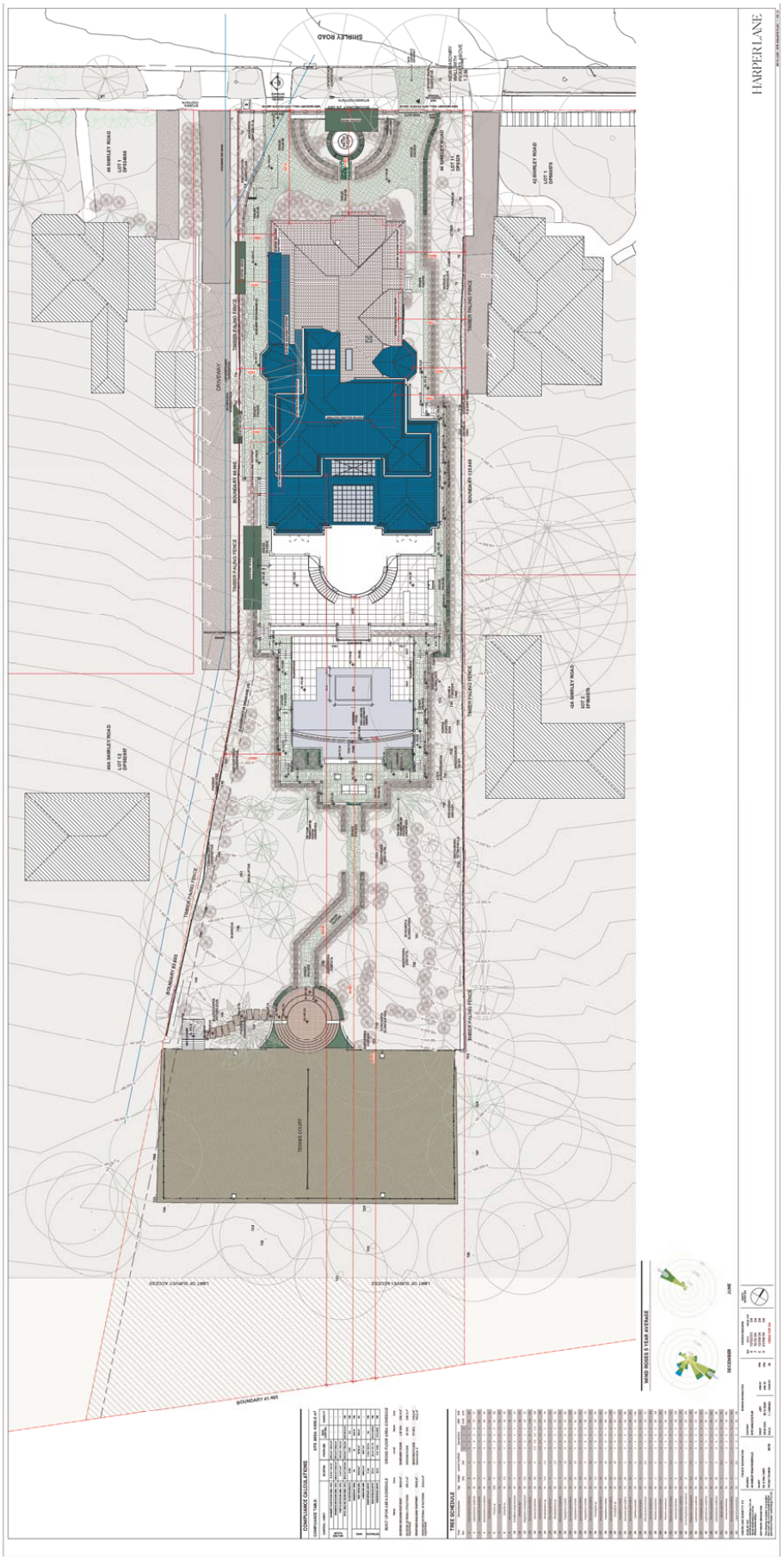
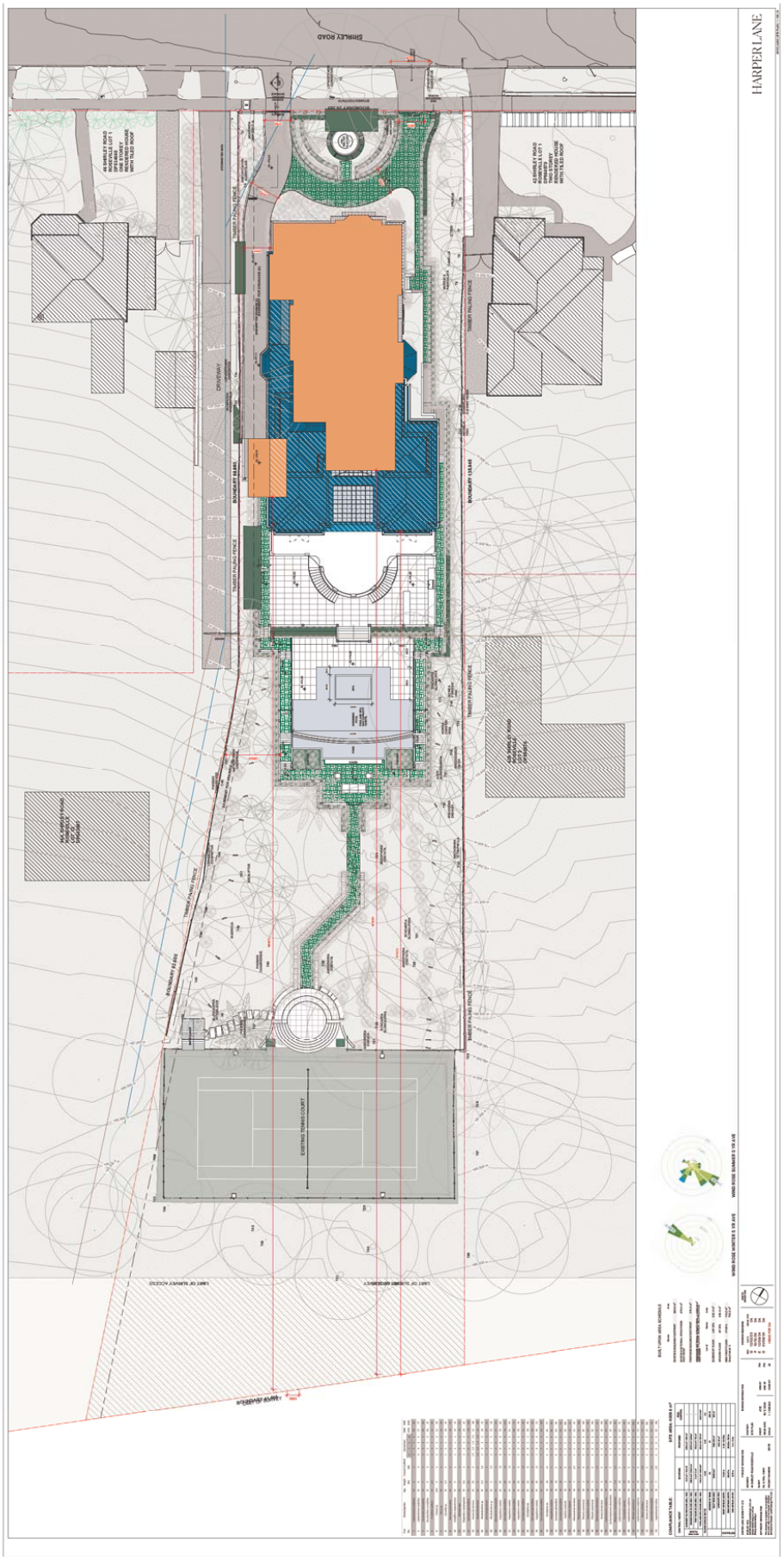
LOT 2
DP560570
HARPER LANE

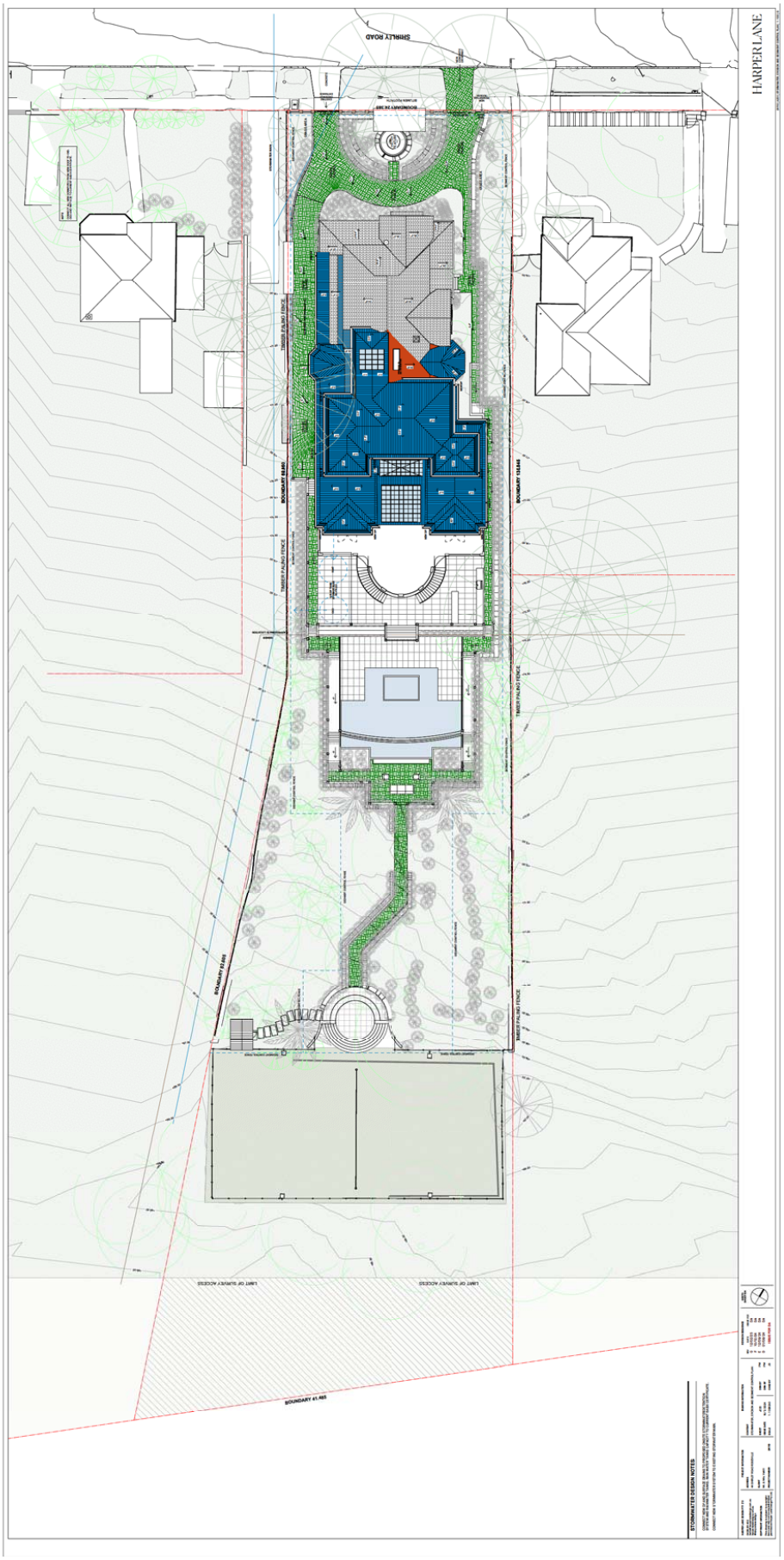

HARPERLANE
SHIRLEY ROAD
TENNIS COURT
HALF BASKETBALL COURT
BOUNDARY 41.485
PLANTING SCHEDULE
TREE SCHEDULE


SHIRLEY ROAD
HARPERLANE
TENNIS COURT
DRIVEWAY
TIMBER PALING FENCE
BOUNDARY 41.485
COMPLIANCE CALCULATIONS
TREE SCHEDULE

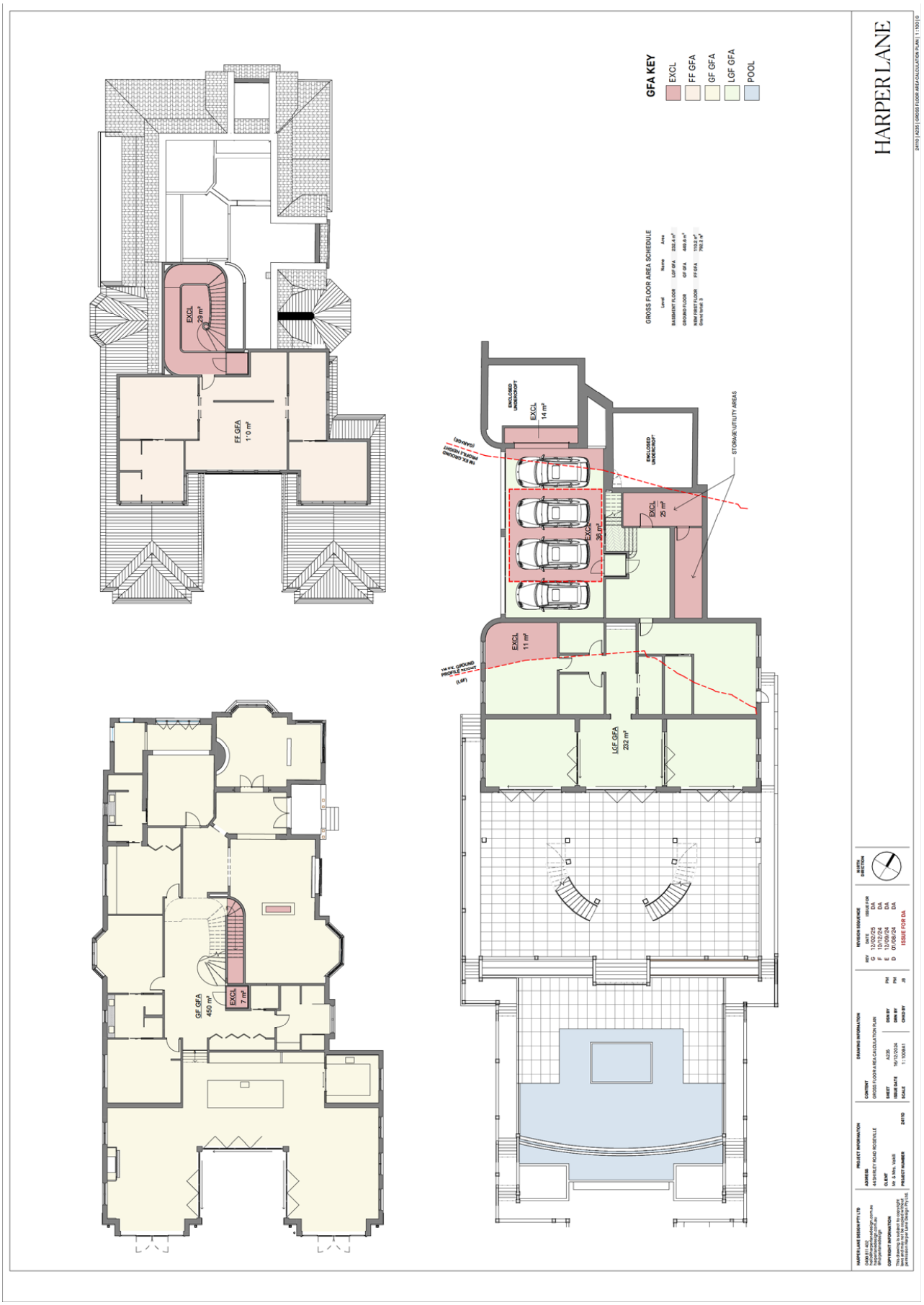
ATTACHMENT NO: 4 - ARCHITECTURAL AND LANDSCAPE PLANS

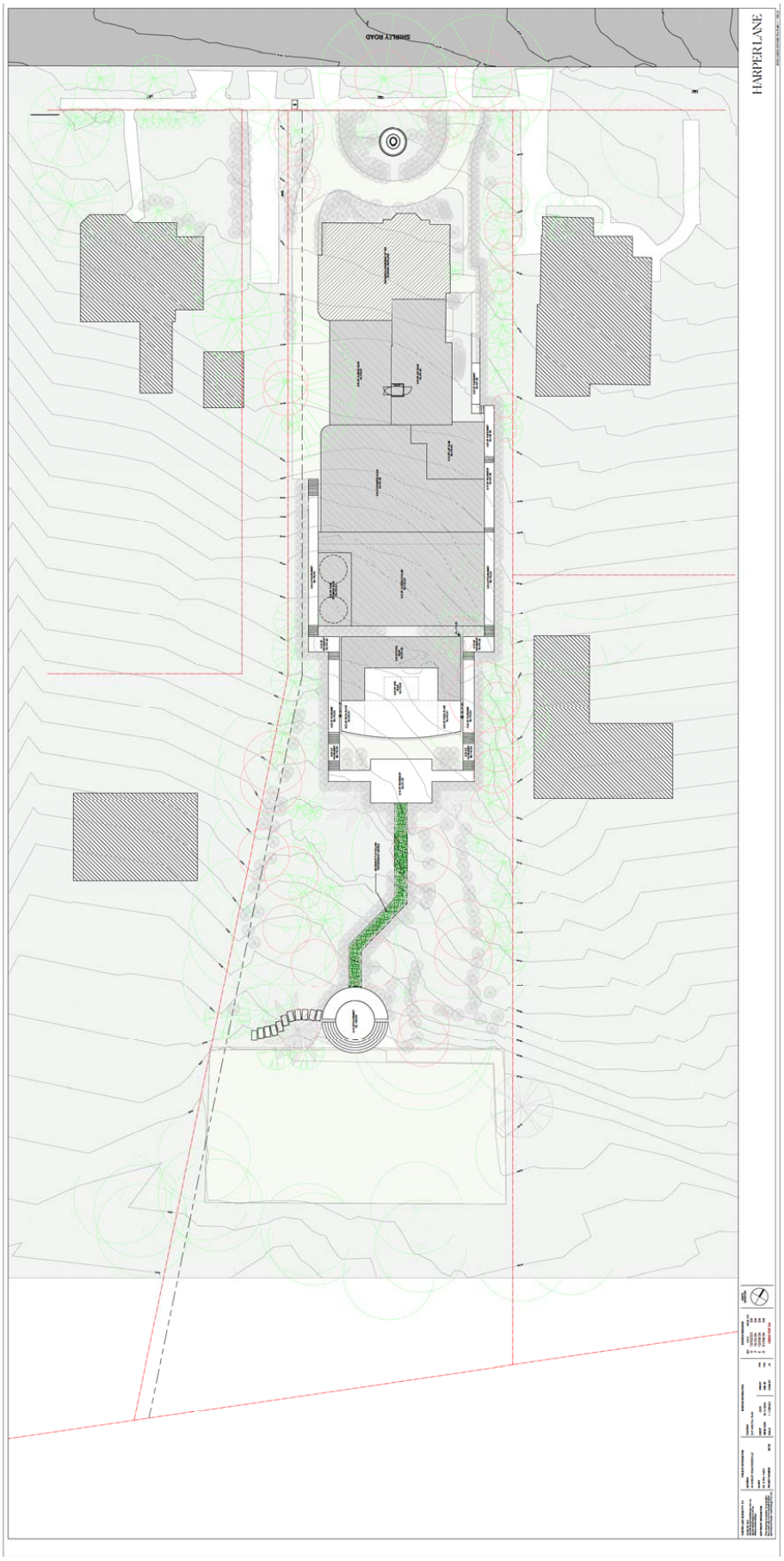
ITEM NO: GB.4

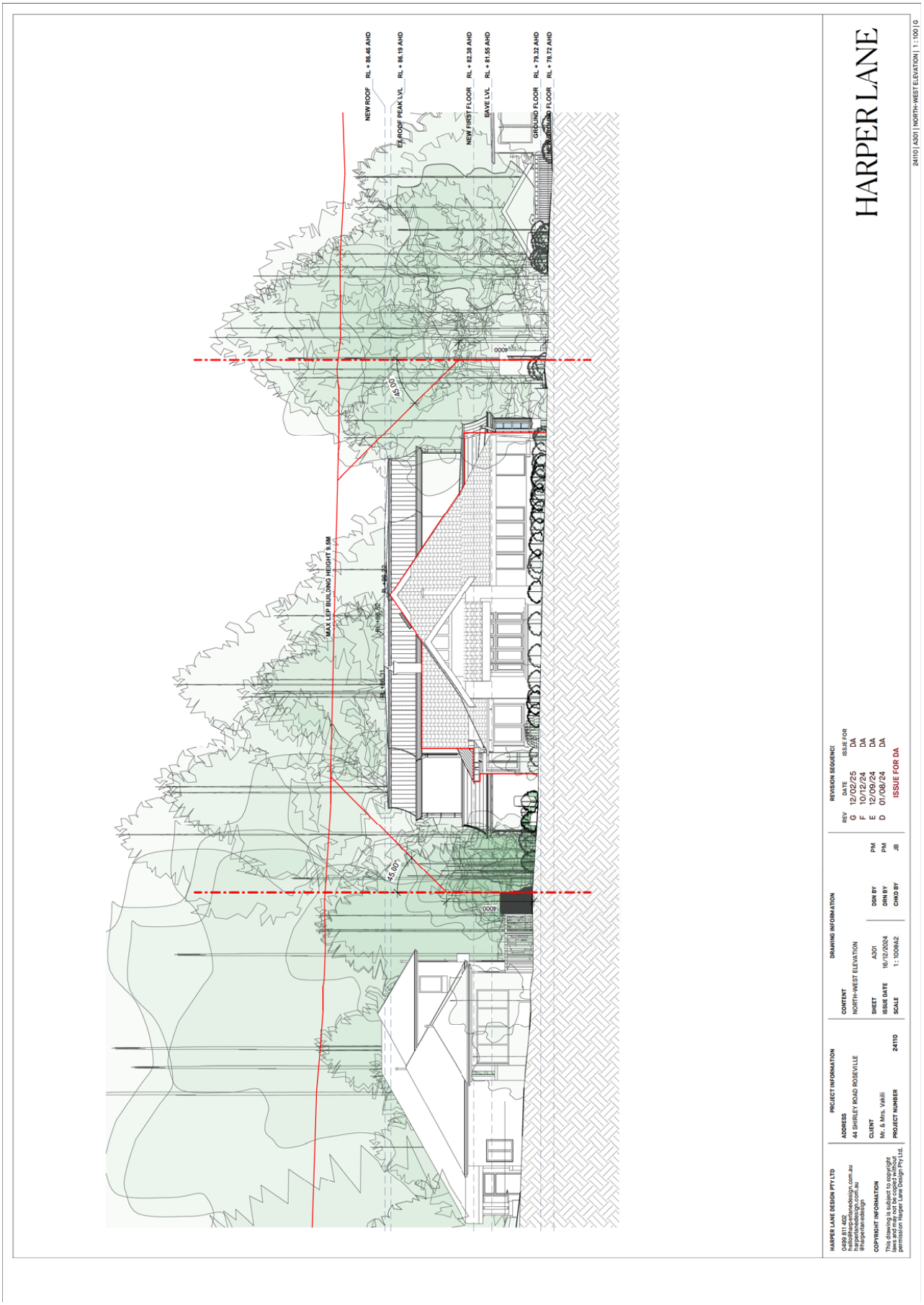



HARPER LANE
SHIRLEY ROAD
TIMBER PALING FENCE
BOUNDARY 82.005
BOUNDARY 133.046
BOUNDARY 41.485
LIMIT OF SURVEY ACCESS
STORMWATER DESIGN NOTES


SHIRLEY ROAD
HARPER LANE
EXISTING BUILT UPON AREA
1 A103 1:200
PROPOSED BUILT UPON AREA
2 A103 1:200
BUILT UPON AREA SCHEDULE
LEGEND
EXISTING PATHWAYS
EXISTING BUILDING
PROPOSED PAVING
PROPOSED BUILDING
ISSUE FOR DA


GFA KEY
EXCL
FF GFA
GF GFA
LGF GFA
POOL
GROSS FLOOR AREA SCHEDULE
EXCL 29 m²
FF GFA 110 m²
GF GFA 450 m²
EXCL 7 m²
ENCLOSED UNDERCROFT
EXCL 14 m²
ENCLOSED UNDERCROFT
EXCL 25 m²
EXCL 39 m²
EXCL 11 m²
LGF GFA 232 m²
STORAGE/UTILITY AREAS
HARPER LANE


SHIRLEY ROAD
HARPER LANE


NEW ROOF RL + 86.46 AHD
EX ROOF PEAK LVL RL + 86.19 AHD
NEW FIRST FLOOR RL + 82.39 AHD
EAVE LVL RL + 81.55 AHD
GROUND FLOOR RL + 79.32 AHD
EX GROUND FLOOR RL + 78.72 AHD
MAX LEP BUILDING HEIGHT 9.5M
RL 88.22
RL 86.72
RL 86.31
45.00°
4000
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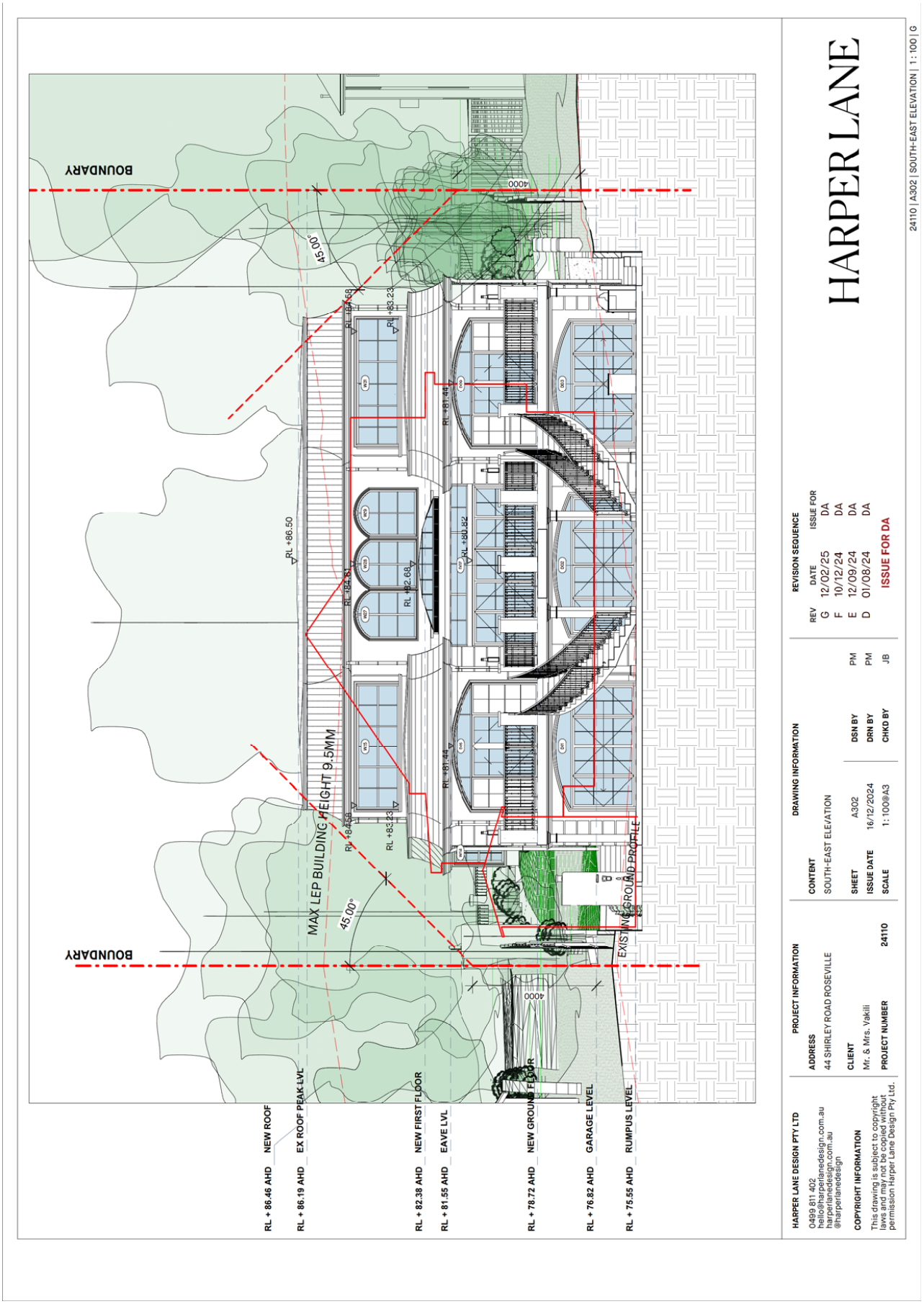
PROJECT INFORMATION
ADDRESS
44 SHIRLEY ROAD ROSEVILLE
CLIENT
Mr. & Mrs. Vakili
PROJECT NUMBER
24110
DRAWING INFORMATION
CONTENT
NORTH-WEST ELEVATION
SHEET
A301
ISSUE DATE
16/12/2024
SCALE
1 : 100@A2
DSN BY
PM
DRN BY
PM
CHKD BY
JB
REVISION SEQUENCE
REV DATE ISSUE FOR
G 12/02/25 DA
F 10/12/24 DA
E 12/09/24 DA
D 01/08/24 DA
ISSUE FOR DA
24110 | A301 | NORTH-WEST ELEVATION | 1 : 100 | G


BOUNDARY
BOUNDARY
45.00°
45.00°
4000
4000
MAX LEP BUILDING HEIGHT 9.5MM
EXISTING GROUND PROFILE
RL +86.50
RL +84.68
RL +83.23
RL +82.81
RL +82.68
RL +81.44
RL +80.82
RL + 86.46 AHD NEW ROOF
RL + 86.19 AHD EX ROOF PEAK LVL
RL + 82.38 AHD NEW FIRST FLOOR
RL + 81.55 AHD EAVE LVL
RL + 78.72 AHD NEW GROUND FLOOR
RL + 76.82 AHD GARAGE LEVEL
RL + 75.55 AHD RUMPUS LEVEL
HARPER LANE
REVISION SEQUENCE
REV DATE ISSUE FOR
G 12/02/25 DA
F 10/12/24 DA
E 12/09/24 DA
D 01/08/24 DA
ISSUE FOR DA
DRAWING INFORMATION
CONTENT SOUTH-EAST ELEVATION
SHEET A302
ISSUE DATE 16/12/2024
SCALE 1:100@A3
DSN BY PM
DRN BY PM
CHKD BY JB
PROJECT INFORMATION
ADDRESS 44 SHIRLEY ROAD ROSEVILLE
CLIENT Mr. & Mrs. Vakili
PROJECT NUMBER 24110
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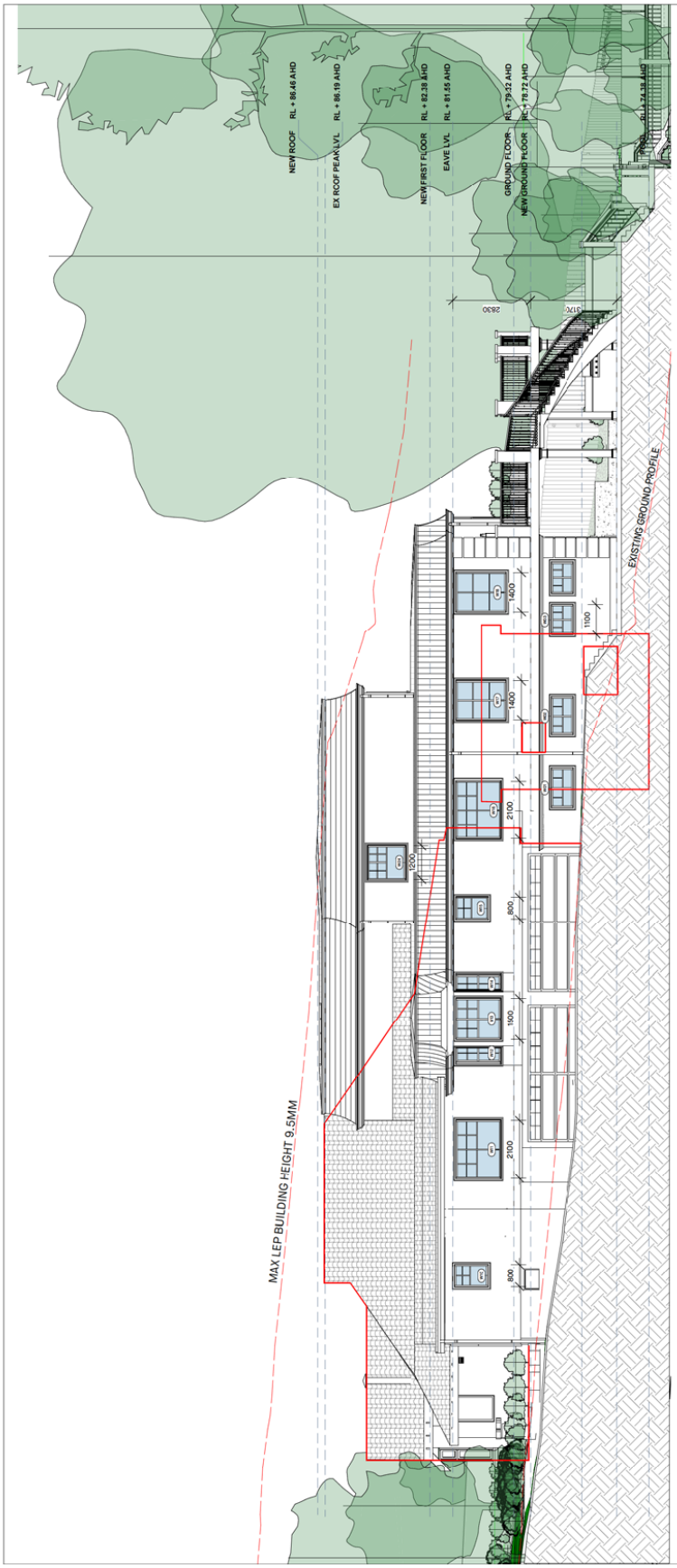
24110 | A302 | SOUTH-EAST ELEVATION | 1:100 | G



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PROJECT INFORMATION
ADDRESS: 44 SHIRLEY ROAD ROSEVILLE
CLIENT: Mr. & Mrs. Vakili
PROJECT NUMBER: 24110

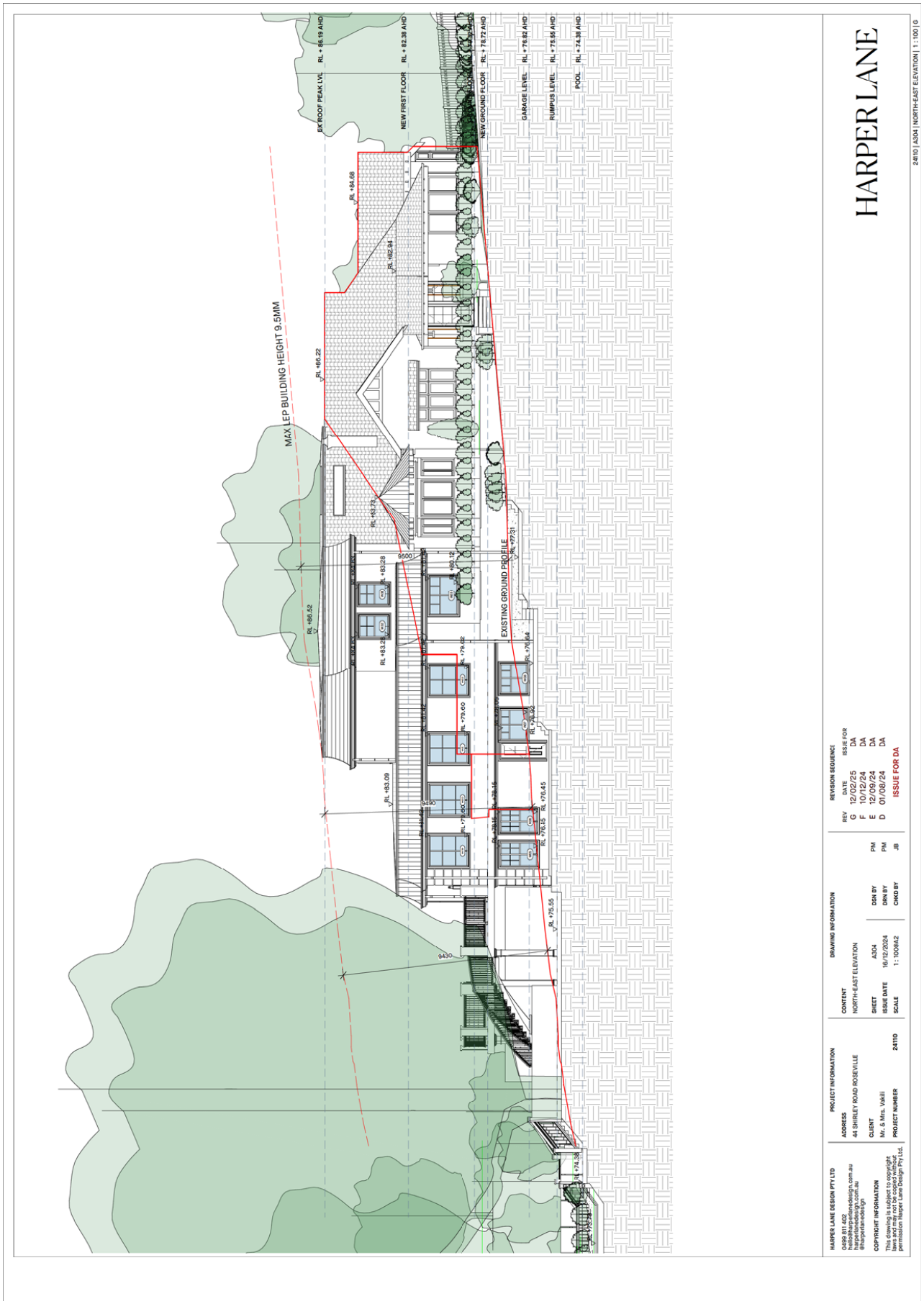
DRAWING INFORMATION
CONTENT: SOUTH-WEST ELEVATION
SHEET: A303
ISSUE DATE: 16/12/2024
SCALE: 1 : 100@A2
DSN BY: PM
DRN BY: PM
CHKD BY: JB

REVISION SEQUENCE

REV	DATE	ISSUE FOR
G	12/02/25	DA
F	10/12/24	DA
E	12/09/24	DA
D	01/08/24	DA

ISSUE FOR DA

24110 | A303 | SOUTH-WEST ELEVATION | 1 : 100 | G


HARPER LANE
24110 | A304 | NORTH-EAST ELEVATION | 1 : 100 | G
MAX LEP BUILDING HEIGHT 9.5MM
EXISTING GROUND PROFILE
EX ROOF PEAK LVL RL + 86.19 AHD
NEW FIRST FLOOR RL + 82.38 AHD
NEW GROUND FLOOR RL + 78.72 AHD
GARAGE LEVEL RL + 76.82 AHD
RUMPUS LEVEL RL + 75.55 AHD
POOL RL + 74.38 AHD
RL +84.68
RL +82.94
RL +86.22
RL +86.52
RL +83.28
RL +83.09
RL +79.60
RL +76.45
RL +75.55
RL +74.38
9500
9430
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PROJECT INFORMATION
ADDRESS
44 SHIRLEY ROAD ROSEVILLE
CLIENT
Mr. & Mrs. Vakili
PROJECT NUMBER 24110
DRAWING INFORMATION
CONTENT
NORTH-EAST ELEVATION
SHEET A304
ISSUE DATE 16/12/2024
SCALE 1 : 1009A2
DSN BY PM
DRN BY PM
CHKD BY JB
REVISION SEQUENCE
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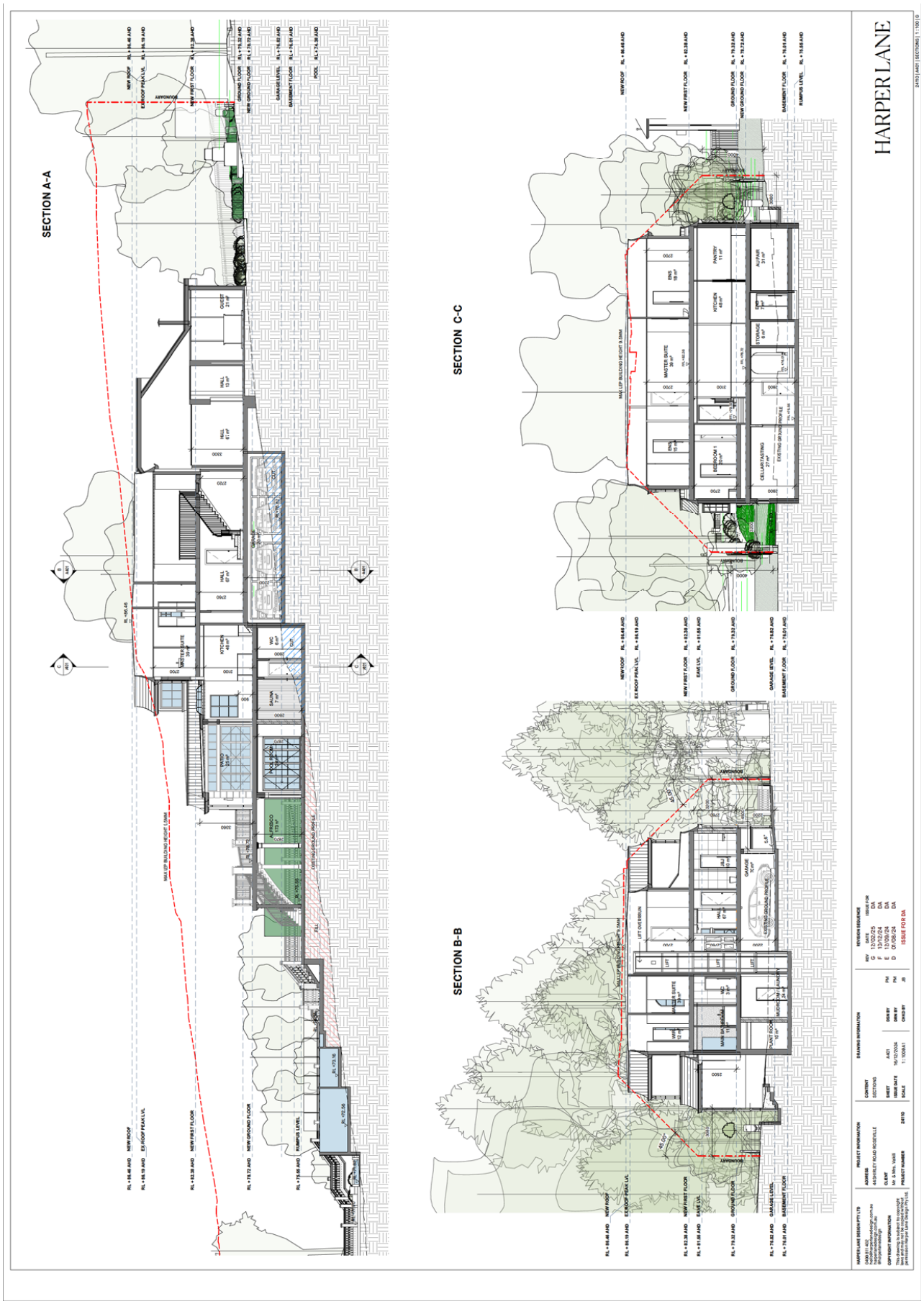
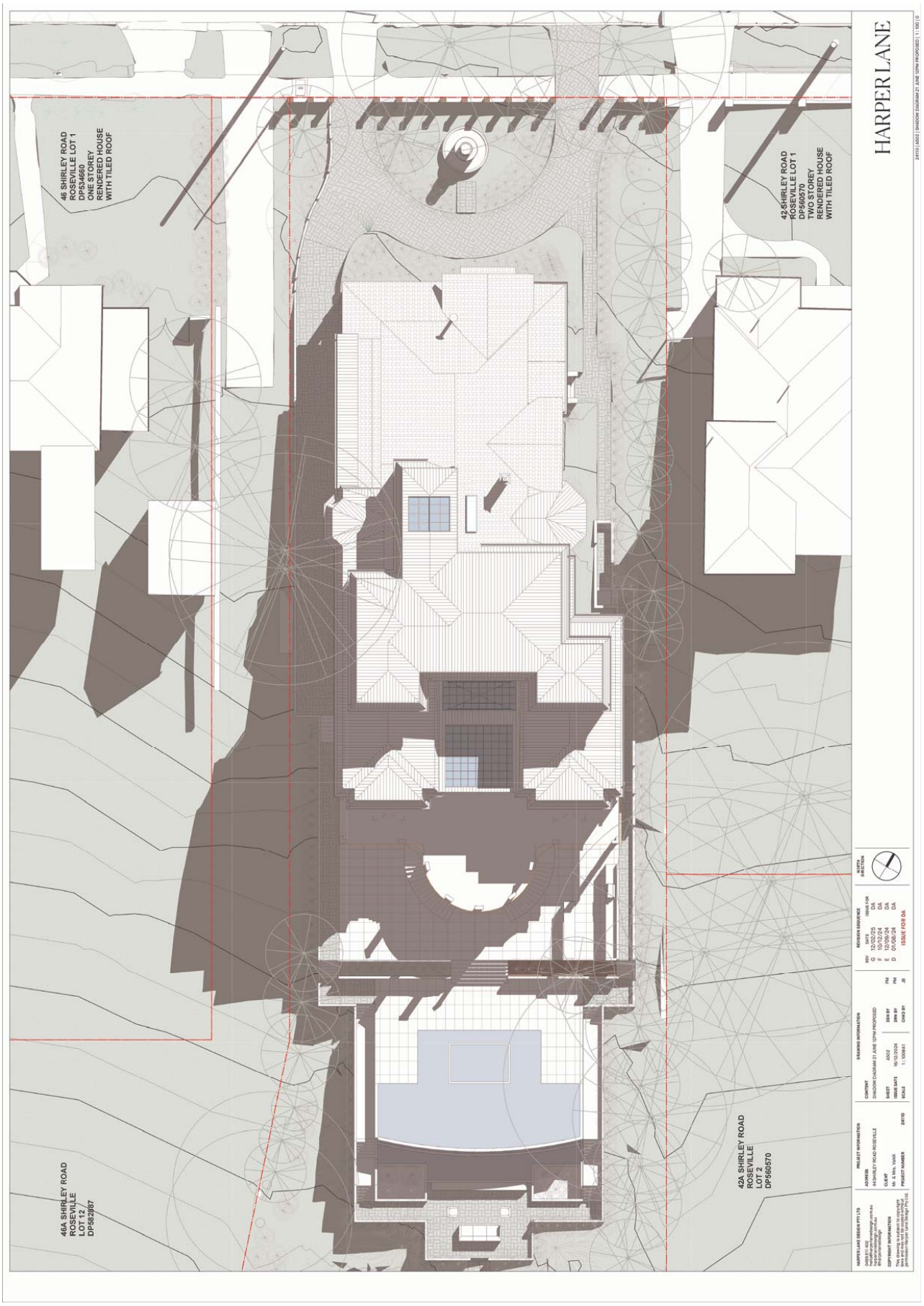
F 10/12/24 DA
E 12/09/24 DA
D 01/08/24 DA
ISSUE FOR DA


SECTION A-A
SECTION B-B
SECTION C-C
HARPER LANE


46 SHIRLEY ROAD
ROSEVILLE LOT 1
DP560570
ONE STOREY
RENDERED HOUSE
WITH TILED ROOF
42 SHIRLEY ROAD
ROSEVILLE LOT 1
DP560570
TWO STOREY
RENDERED HOUSE
WITH TILED ROOF
46A SHIRLEY ROAD
ROSEVILLE
LOT 12
DP582987
42A SHIRLEY ROAD
ROSEVILLE
LOT 2
DP560570
HARPER LANE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ONE STOREY
RENDERED HOUSE
WITH TILED ROOF
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ROSEVILLE LOT 1
DP560570
TWO STOREY
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WITH TILED ROOF
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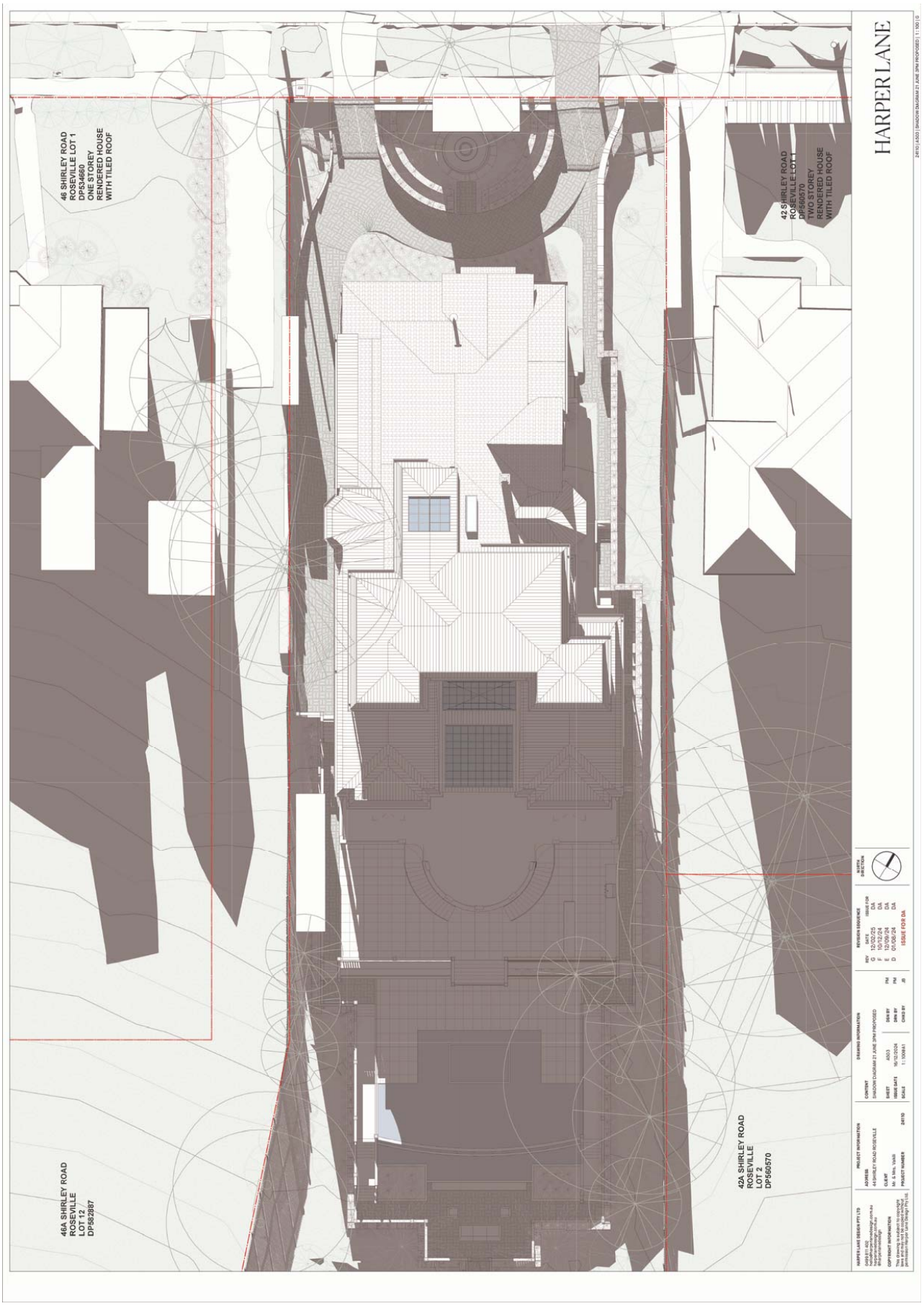
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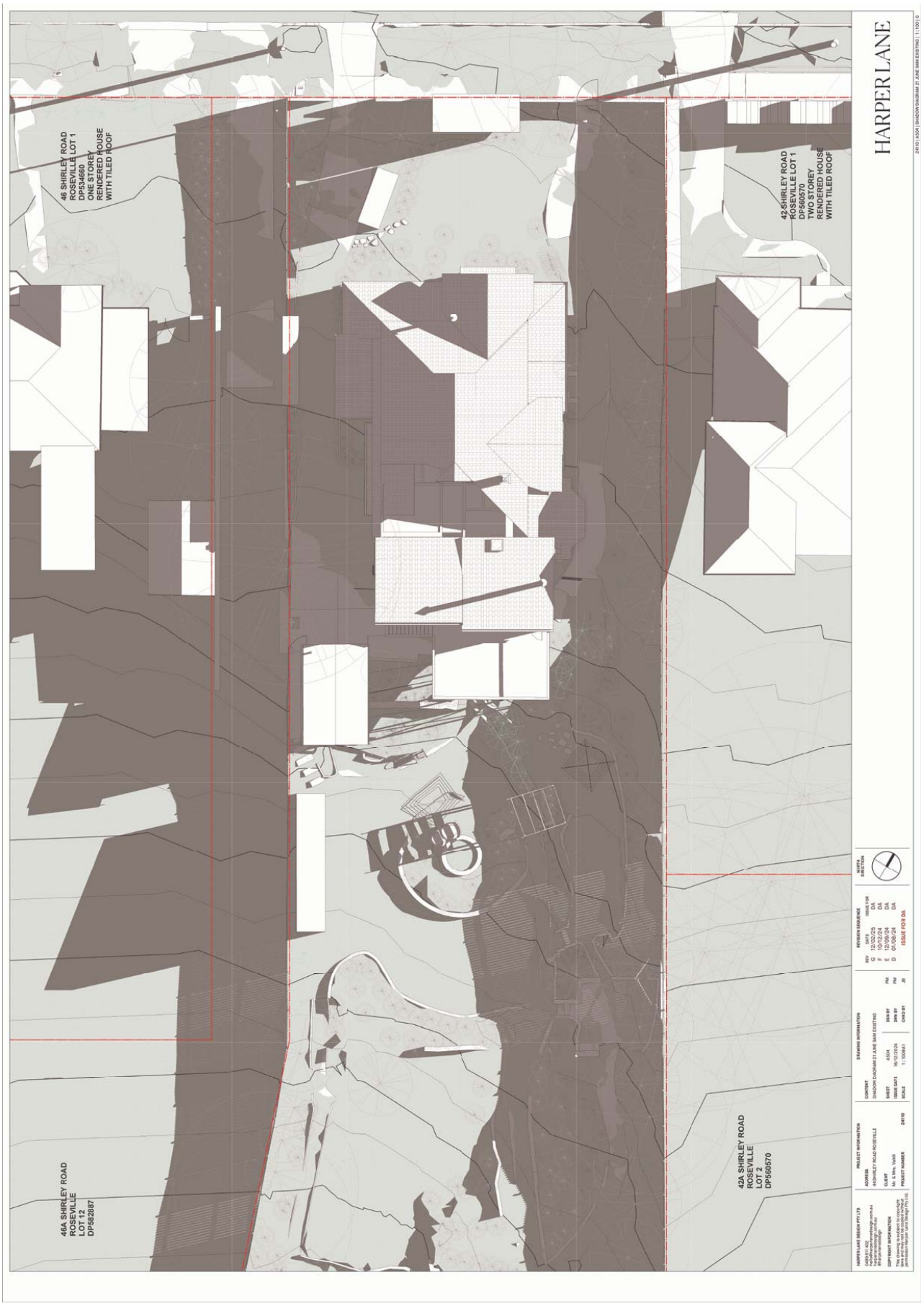
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LOT 12
DP582887
42A SHIRLEY ROAD
ROSEVILLE
LOT 2
DP560570
ISSUE FOR DA


46 SHIRLEY ROAD
ROSEVILLE LOT 1
DP562487
ONE STOREY
RENDERED HOUSE
WITH TILED ROOF
42 SHIRLEY ROAD
ROSEVILLE LOT 1
DP560570
TWO STOREY
RENDERED HOUSE
WITH TILED ROOF
46A SHIRLEY ROAD
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LOT 12
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42A SHIRLEY ROAD
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LOT 2
DP560570
HARPER LANE
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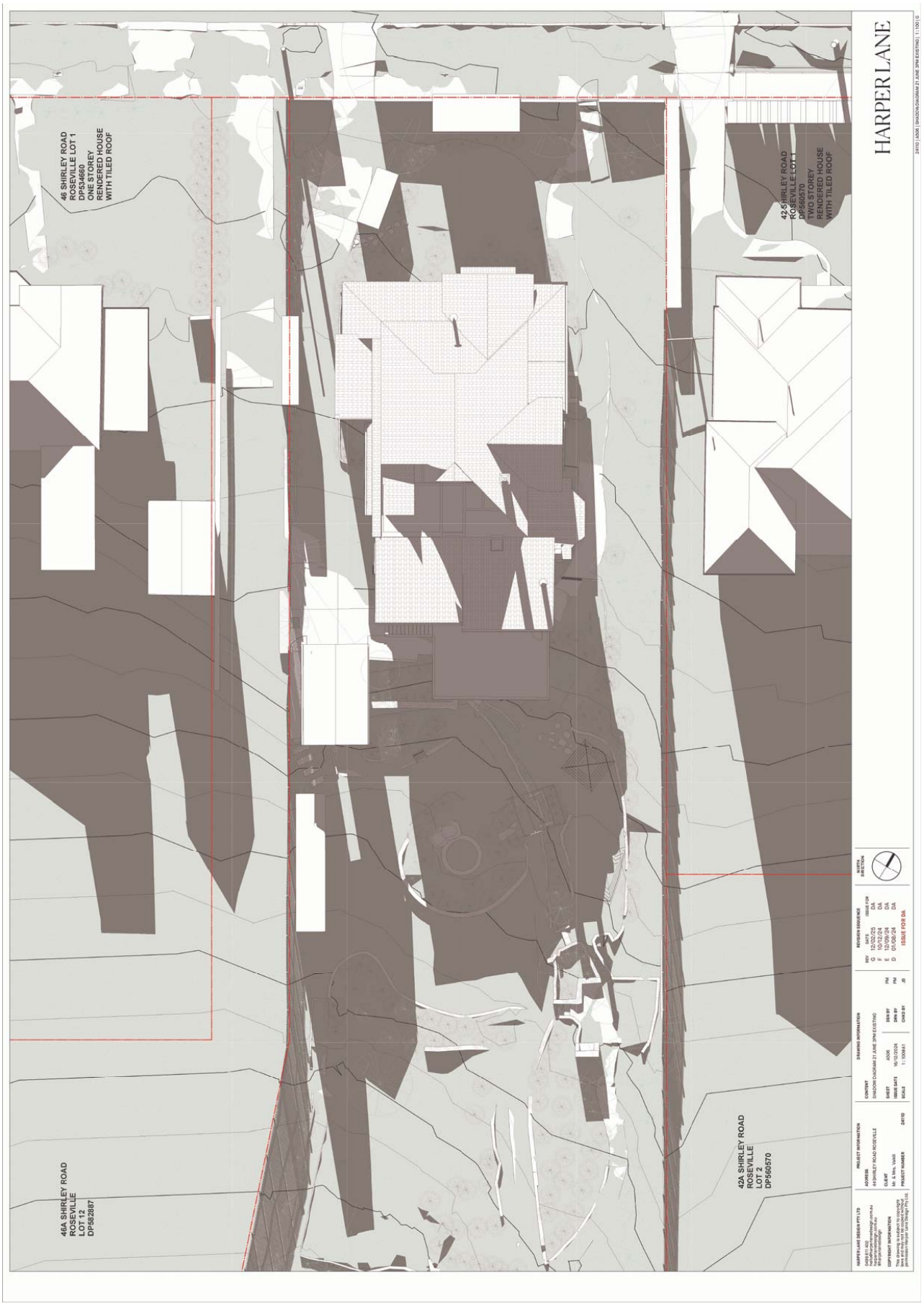
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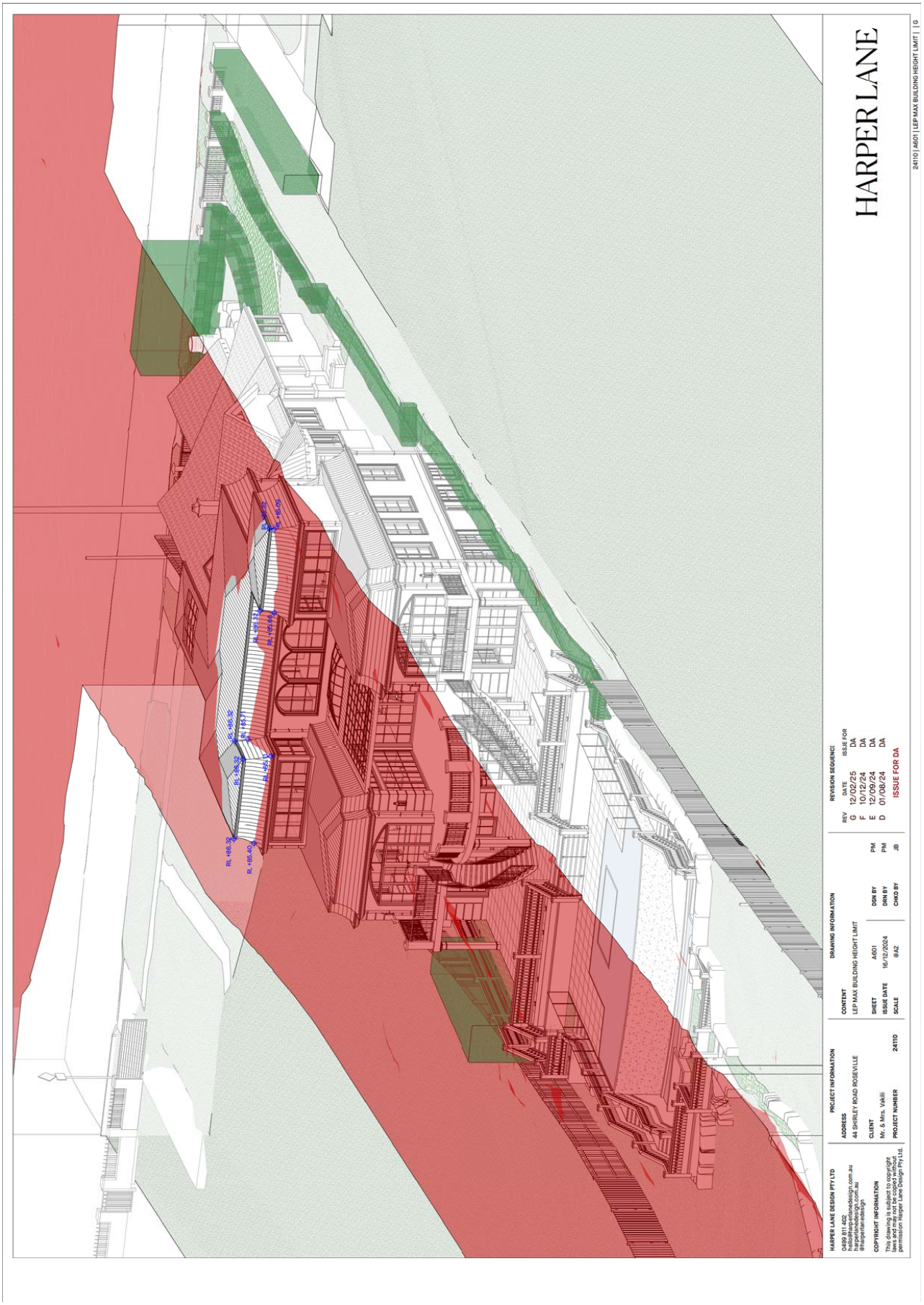
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Mr. & Mrs. Vakili
PROJECT NUMBER
24110
DRAWING INFORMATION
CONTENT
LEP MAX BUILDING HEIGHT LIMIT
SHEET
A601
ISSUE DATE
16/12/2024
SCALE
@A2
DSN BY
PM
DRN BY
PM
CHKD BY
JB
REVISION SEQUENCE
REV
DATE
ISSUE FOR
G
12/02/25
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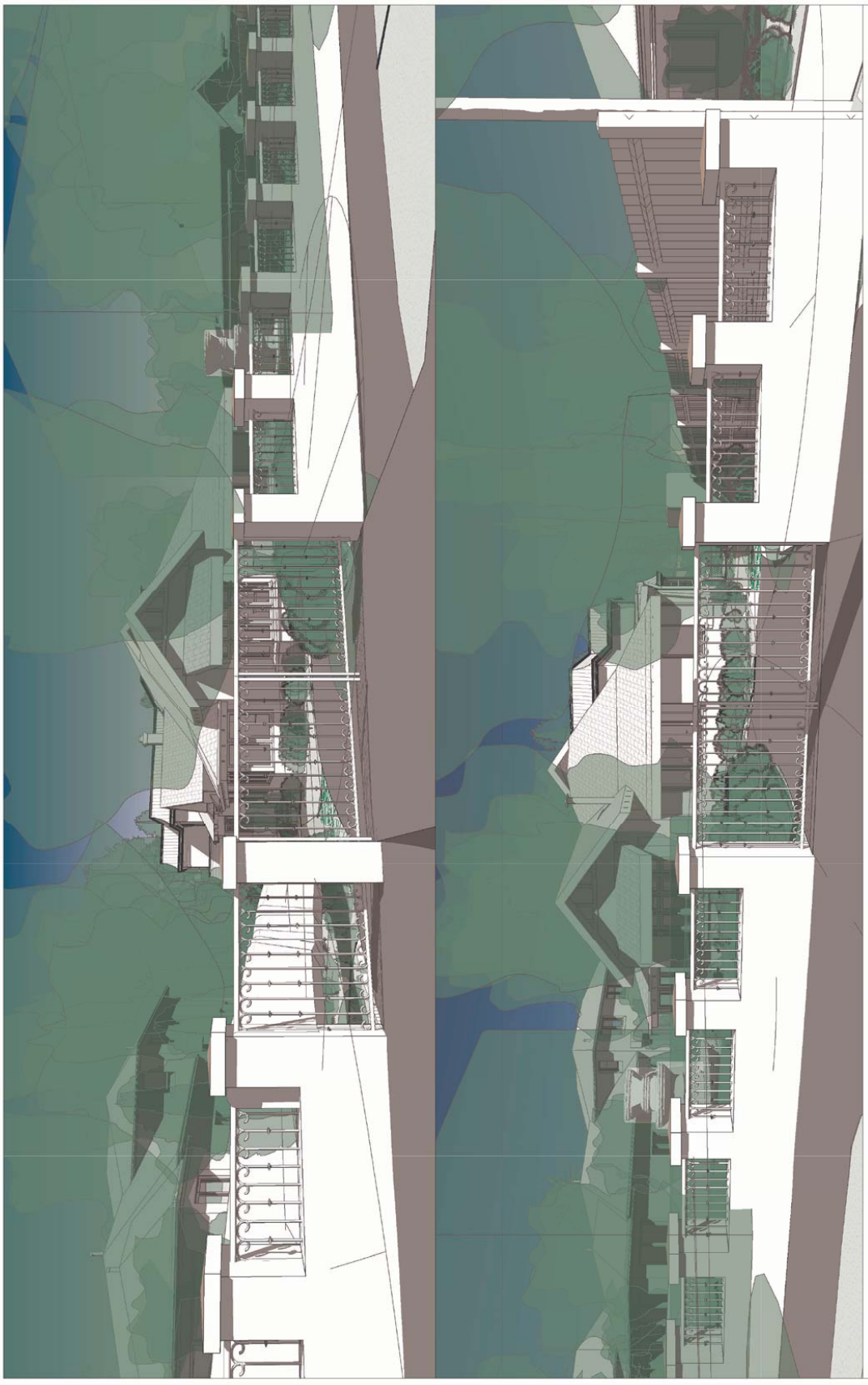
ISSUE FOR DA
24110 | A601 | LEP MAX BUILDING HEIGHT LIMIT | G



HARPER LANE

REVISION SEQUENCE

REV	DATE	ISSUE FOR
G	12/02/25	DA
F	10/12/24	DA
E	12/09/24	DA
D	01/08/24	DA

ISSUE FOR DA

DRAWING INFORMATION

CONTENT	STREETSCAPE PERSPECTIVE		
SHEET	A602	DSN BY	PM
ISSUE DATE	16/12/2024	DRN BY	PM
SCALE	@A3	CHKD BY	JB

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CLIENT	Mr. & Mrs. Vakili
PROJECT NUMBER	24110

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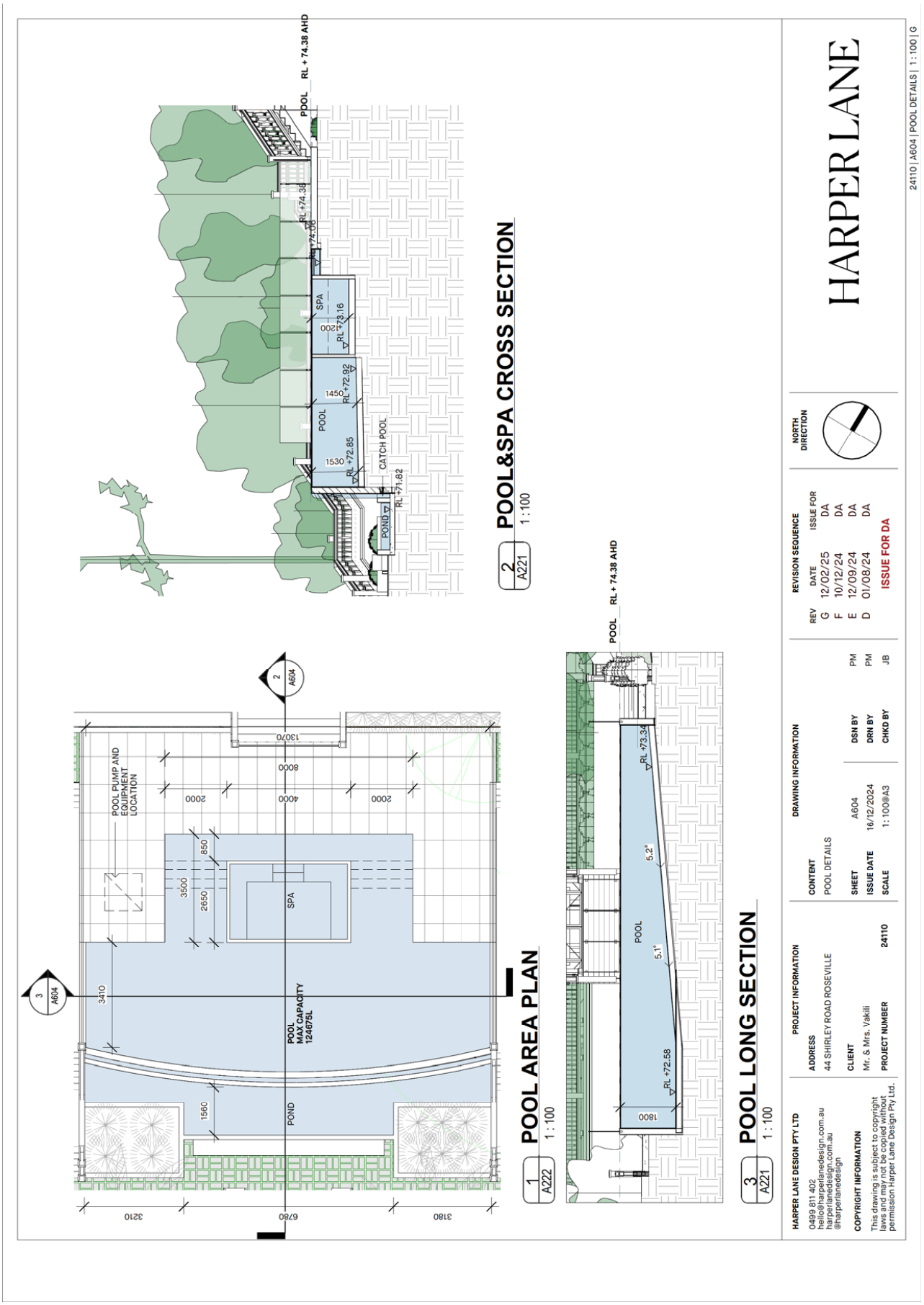
24110 | A602 | STREETSCAPE PERSPECTIVE | | G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RL +74.38
RL +74.08
SPA
200
RL +73.16
1450
RL +72.92
POOL
1530
RL +72.85
CATCH POOL
RL +71.82
POND
2 A221
POOL&SPA CROSS SECTION
1 : 100
POOL PUMP AND EQUIPMENT LOCATION
13070
8000
2000
4000
2000
850
3500
2650
SPA
3410
POOL
MAX CAPACITY
124675L
1560
POND
3210
6780
3180
3 A604
2 A604
1 A222
POOL AREA PLAN
1 : 100
POOL RL + 74.38 AHD
RL +73.34
5.2°
POOL
5.1°
RL +72.58
1800
3 A221
POOL LONG SECTION
1 : 100
HARPER LANE
NORTH DIRECTION
REVISION SEQUENCE
REV DATE ISSUE FOR
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PM
CHKD BY
JB
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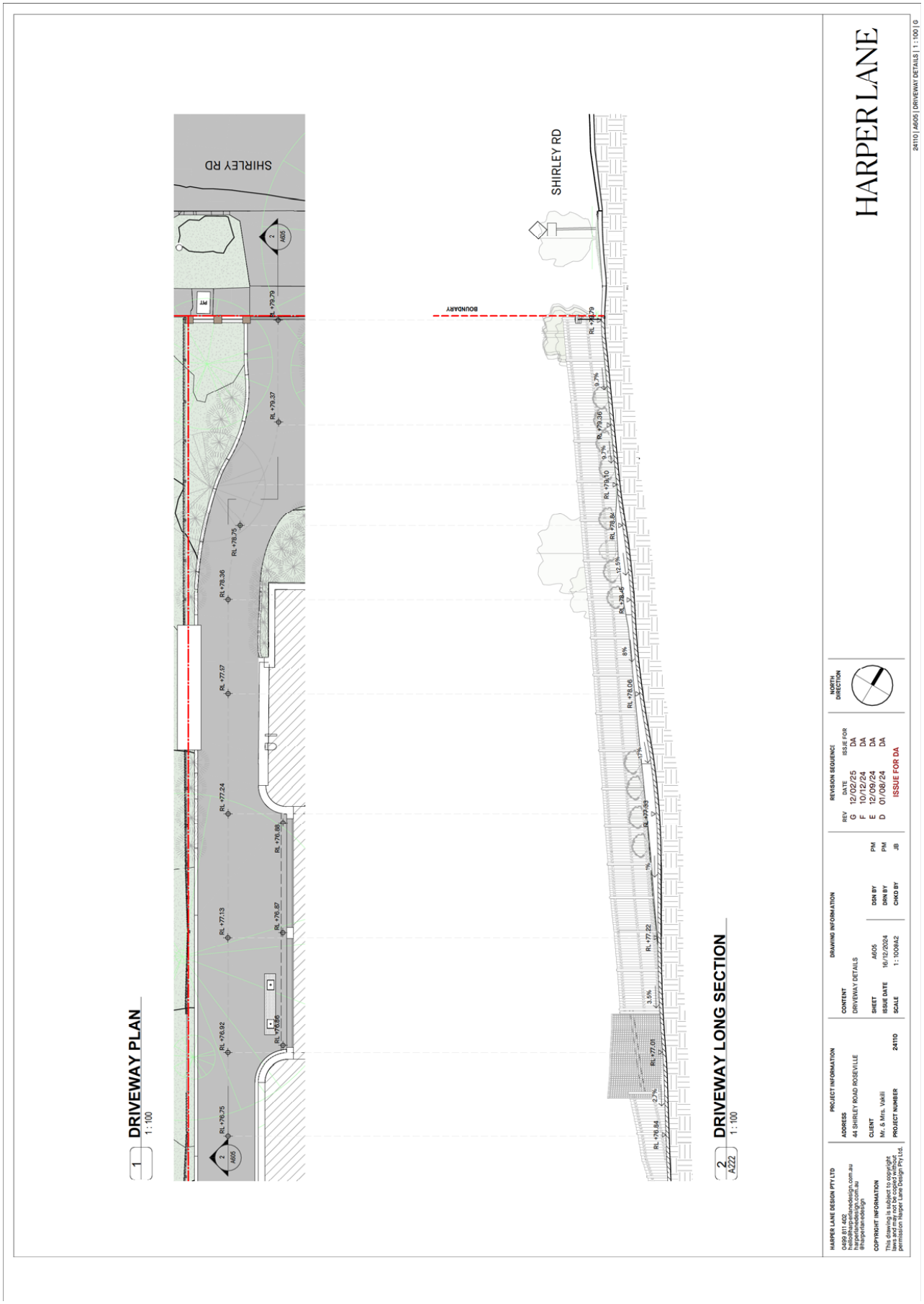
1 DRIVEWAY PLAN
1 : 100
SHIRLEY RD
RL +76.75
RL +76.82
RL +76.86
RL +76.87
RL +77.13
RL +77.24
RL +77.57
RL +78.36
RL +78.75
RL +79.37
RL +79.79
PIT
2 A605
2 A605
2 DRIVEWAY LONG SECTION
A222
1 : 100
SHIRLEY RD
BOUNDARY
RL +76.84
RL +77.01
RL +77.22
RL +77.68
RL +78.06
RL +78.46
RL +78.82
RL +79.10
RL +79.36
RL +79.79
3.5%
2.7%
1%
8%
12.5%
9.7%
9.7%
0.7%
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ISSUE FOR DA
NORTH DIRECTION
24110 | A605 | DRIVEWAY DETAILS | 1 : 100 | G

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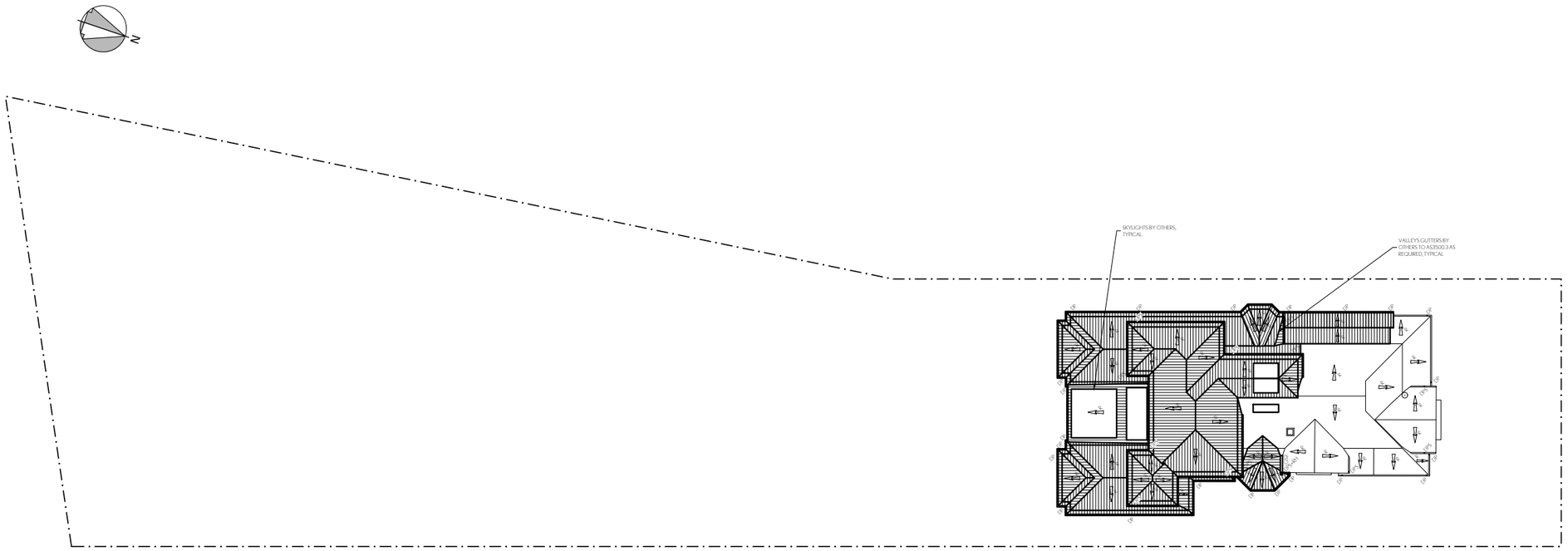
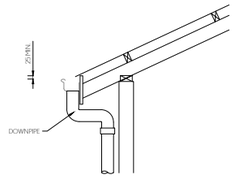
FOR DA APPROVAL ONLY



CONCEPT ROOF DRAINAGE PLAN 1:200

- All drainage lines shall be UPVC (Class SH) Stormwater Drainage Pipe, UNO.
- All drainage lines shall be laid @ 1% min fall, UNO.
- DP = Down Pipe
- DPS = Down Pipe Spreader
- RH = Rain Head



EAVES GUTTER DETAIL 1:20

DOWNPIPE & GUTTER SCHEDULE		
MARK	GUTTER SIZE	DP
GS1	Stramit M/S Pattern Eaves Gutter	Ø100
GS2	200W x 150D Box Gutter	Ø100

NOTE: All Gutter Systems shall be GS1, UNO.

DRAINAGE DESIGN CALCULATIONS:

Council: Ku-ring-gai

Type 2 Development
Location D

Site area = 4009.0 m² (0.4009 ha)
Pre-developed impervious area = 1298.5 m²
Post-developed impervious area = 2222.2 m²

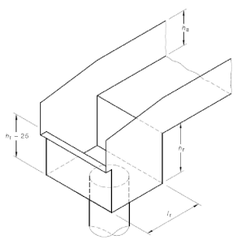
Drain to existing drainage easement onsite to council specifications.
Plumber to confirm existing drainage in clear and working order onsite during construction. Install min. 12206.25L rainwater tank capturing min. 382.6 m² roof area as per BASIX requirements

DRAINAGE LINE NOTE:

All underground pipes and pits shall not disturb tree roots.
All sub-soil drainage shall be installed to BCA requirements and connected to the drainage system.
Drainage line location is indicative and shown for clarity. Exact location subject to change to engineer's approval.
Existing drainage infrastructure shall be clean & in proper working order.
All levels shall be verified by builder on-site prior to commencing.
All charged drainage lines shall be solvent jointed UPVC pipes.

THRESHOLD NOTE:

All new slabs shall have compliant set downs at all thresholds.
Threshold design is the responsibility of the architect and builder to comply with the requirements of the NCC (previously BCA) section 3.1.3.
Engineered by E2 takes no responsibility for structures built without a compliant threshold set down.



NOTES:
1 This figure applies for $h_R \geq 1.25\ D_1$ or $1.25\ D_2$
2 For h_R and l_R see Figure E3.
3 Width of rainhead is equal to the width of box gutter.
4 The rainhead to be fully sealed to the box gutter and the front of the rainhead left open above the overflow weir.

FIGURE E2 RAINHEAD

RAINHEAD & BOX GUTTER DIMENSIONS	
MARK	MINIMUM DIMENSION
ha	150mm
hr	100mm
lr	200mm
Box Gutter Width	200mm

GENERAL

G1 These drawings shall be read in conjunction with the architectural and other consultants' drawings / specifications and with other such written instructions as may be issued during the construction. Any discrepancy shall be referred to the Engineer before commencing the work.
G2 All dimensions are in millimeters, UNO (unless noted otherwise).
G3 These drawings shall not be scaled, refer to dimensions given only or refer to the Architectural drawings.
G4 All levels and setting out dimensions shown on the drawings shall be checked on site prior to the commencement of the work.
G5 During construction the structure shall be maintained in a stable condition with no part being overstressed.
G6 Existing services, where shown, have been drawn based on supplied information and as such their accuracy can not be guaranteed. It is the responsibility of the contractor to determine their exact location prior to the commencement of work.
G7 All service trenches under vehicular pavements shall be back filled in accordance with the respective authorities requirements.
G8 All trench backfill material shall be compacted to the same density as the surround material.
G9 All site disturbed areas shall be reinstate to the original condition, including kerbs, footpaths, concrete areas, gravel and grassed areas, etc.
G10 It is the contractor responsibility to obtain all authority approvals.

STORMWATER DRAINAGE

S1 The stormwater drainage design has been carried out in accordance with AS / NZS 3500.3 "Stormwater Drainage" & AS / NZS 3500.0.2 "Stormwater Drainage - Acceptable Solutions".
S2 Any variations to the design levels shall be referred to the engineer immediately for approval.
S3 Any variations to specified products or details shall be referred to the engineer for approval prior to their installation.
S4 Subsoil drainage shall be provided to all retaining walls & embankments. They shall be a minimum of Ø100 slotted pape in filter sock surrounded by crushed rock. They shall drain to the stormwater drainage system.

SEDIMENT & EROSION CONTROL NOTES

E1 The sediment & erosion controls shall be maintained effectively for the duration of the project. They shall not be removed until the site has been stabilized or landscaped to the principal certifying authorities satisfaction.
E2 A single all weather access way shall be provided at the front of the property consisting of 50-80 mm aggregate or similar material with a minimum thickness of 150 mm laid over needle-punched geotextile fabric (Bidim A14 or similar) and installed prior to any works being commenced on site.
E3 Where the building works are greater than a single dwelling development, a shaker pad must be installed as part of the vehicular accessway. The shaker pad shall be:
- Established on suitable prepared & compacted material.
- Constructed such that it is flush with the adjoining surfaces.
- A minimum of 5000 mm in length and breadth.
- Designed with rumps spaced 200-250 mm apart & with a maximum width of 75 mm each.

E4 The contractor shall ensure that no spoil or fill encroaches upon adjacent areas during the project.
E5 The contractor shall ensure that all kerb inlets and drains affected by stormwater flow from the site are protected at all times during the project. Kerb inlet sediment traps shall be installed along the immediate vicinity along the street frontage. These shall be regularly maintained during the project.
E6 The street / road shall be kept clean from dirt and debris from vehicles departing the site.
E7 Sediment fencing shall be secured to posts (please note that if star pickets or similar are used then plastic safety caps shall be installed on top of the posts) at 2000 mm intervals with the geotextile fabric embedded a minimum of 200 mm in to the soil.
E8 All the topsoil stripped from the site shall be stockpiled such that it does not interfere with drainage lines and stormwater inlet pits. The stockpile shall be suitably covered with an impervious membrane and screened by sediment fencing.

SOIL CONSERVATION NOTE:

C1 Prior to the commencement of the site works the following shall be provided to capture water borne sediments:
- Sediment fencing
- Sediment trap
- Washout area

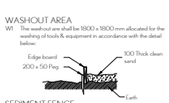
C2 These shall be maintained regularly during the course of the construction with the sediment trap cleaned after each storm event.

SEDIMENT TRAP

T1 A 1000 x 1000 mm square by 500 mm deep pit located at the lows point of the site.

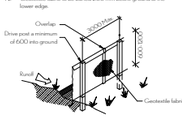
WASHOUT AREA

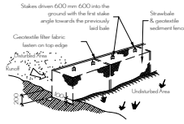
W1 The washout are shall be 1800 x 1800 mm allocated for the washing of tools & equipment in accordance with the detail below:



SEDIMENT FENCE

F1 Provide sediment fence or down slope boundary as shown on plan.
F2 Geotextile fabric to be buried 200 mm below ground at the lower edge.

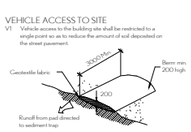




F3 Drainage area x 0.5 HA with a maximum slope gradient 1:2 maximum and a maximum slope length of 50 m.

VEHICLE ACCESS TO SITE

V1 Vehicle access to the building site shall be restricted to a single point so as to reduce the amount of soil deposited on the street pavement.



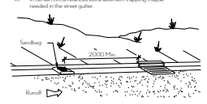
BUILDING MATERIAL STOCKPILES

M1 Where there are stockpiles of material on site they shall be located at least 2000 mm away from any hazard including surfaces with grades greater than 1:06, away from zones of concentrated stormwater flows, away from driveways, temporary vehicular accessways, footpaths, nature strips, kerbs, open swales & the drip zone of trees.
M2 Sediment fencing shall be installed downslope of all stockpiles.
M3 The stockpile shall be covered with a impervious cover and held down firmly at all corners and sides.



SANDBAG KERB SEDIMENT TRAP

K1 In certain circumstances extra sediment trapping maybe needed in the street gutter.



A	JDM	GENERAL REVISIONS - FOR DA APPROVAL ONLY	31.03.25
0	JDM	FOR DA APPROVAL ONLY	27.02.25
REV	APP	AMENDMENT DESCRIPTION	DATE

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PROPOSED ALTERATIONS
44 SHIRLEY ROAD
ROSEVILLE NSW 2069

VAKILI

Concept Roof Drainage Plan

SCALE:	DATE:	DESIGN:	REV:
1:200, 1:20	27 FEB 2025	JDM	A
JOB: 25036	DRW: SW1	SIGNED:	

engineered by...
E2
PO Box 608
WAVERLEY NSW 2024
02 8594 6111
info@E2design.com.au

A1 ORIGINAL SIZE

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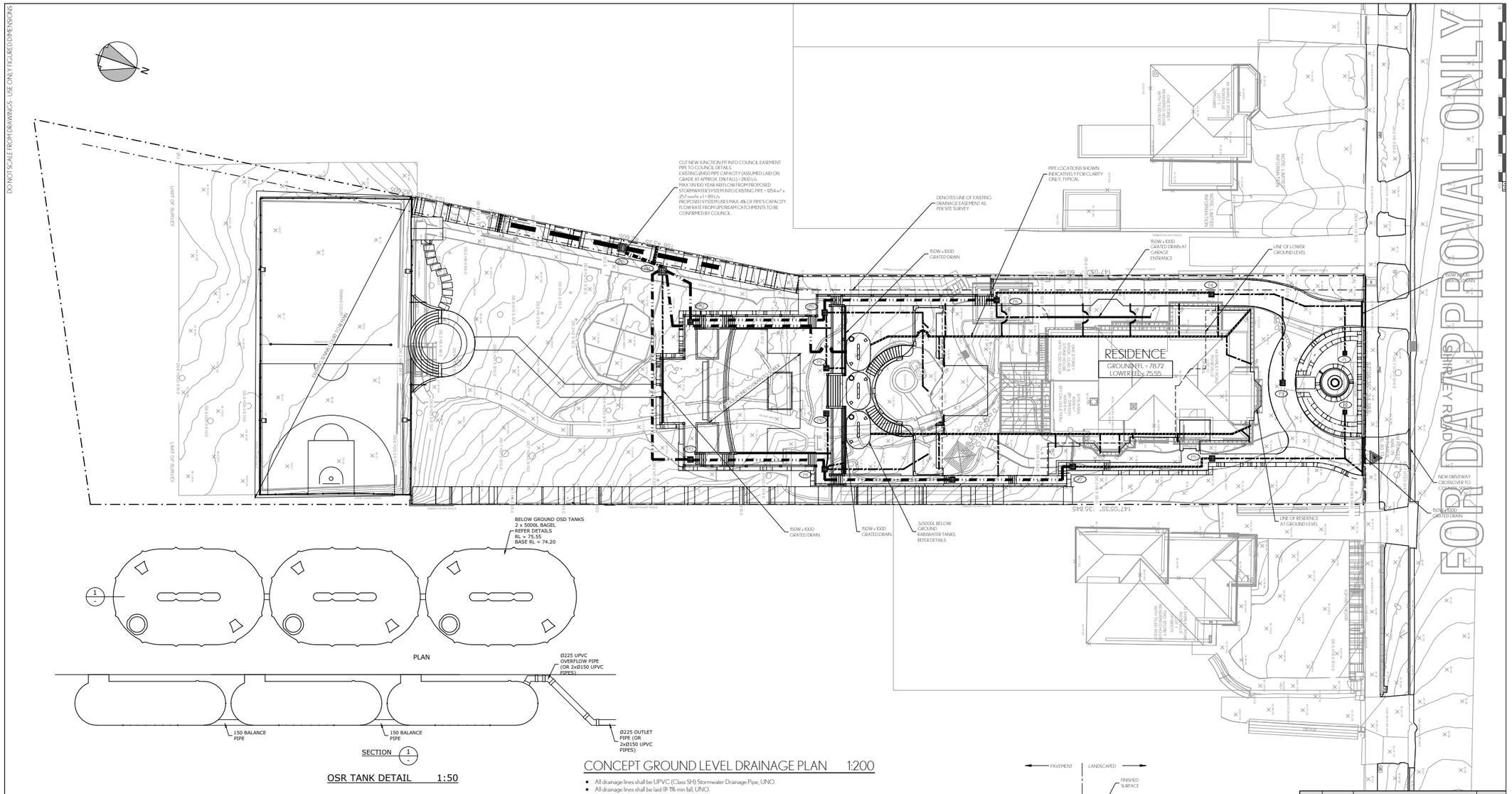


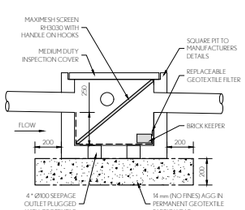
OSR TANK DETAIL 1:50

CONCEPT GROUND LEVEL DRAINAGE PLAN 1:200

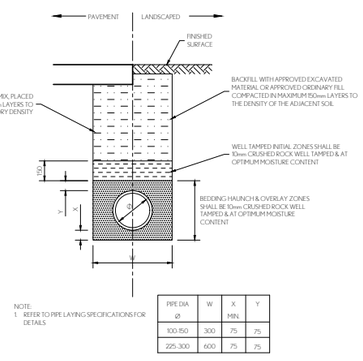
- All drainage lines shall be UPVC (Class SH) Stormwater Drainage Pipe, UNO.
- All drainage lines shall be laid @ 1% min fall, UNO.
- DP = Down Pipe
- FW = Floor Waste

DRAWING KEY:

- Ø100 UPVC Stormwater Drainage Line
- Ø150 UPVC Stormwater Drainage Line
- Ø225 UPVC Stormwater Drainage Line
- Ø300 UPVC Stormwater Drainage Line
- Existing Ø450 Drainage Line in Easement



SILT ARRESTOR PIT DETAIL 1:20



NOTE:
1. REFER TO PIPE LAYING SPECIFICATIONS FOR DETAILS

PIPE DIA Ø	W	X MIN.	Y
100-150	300	75	75
225-300	600	75	75

UPVC DRAINAGE PIPE

TYPICAL PIPE LAYING DETAILS 1:20

STORMWATER PIT SCHEDULE				
PIT	PIT DIMENSIONS	PIPE I.L.		TOP PIT
		IN	OUT	R.L.
P1	450 SQ. Grated Inlet Pit	-	79.21	79.46
P2	450 SQ. Grated Inlet Pit	-	79.21	79.46
P3	600 SQ. Grated Inlet Pit	-	79.00	79.25
P4	600 SQ. Grated Inlet Pit	77.75	77.70	78.00
P5	600 SQ. Grated Inlet Pit	77.95	77.90	78.20
P6	600 SQ. Grated Inlet Pit	76.45	76.40	76.70
P7	600 SQ. Grated Inlet Pit	77.34	77.29	77.59
P8	600 SQ. Grated Inlet Pit	74.02	73.97	74.38
P9	600 SQ. Grated Inlet Pit	74.13	74.08	74.38
P10	600 SQ. Grated Inlet Pit	-	74.08	74.38
P11	600 SQ. Grated Inlet Pit	74.02	73.97	74.38
P12	600 SQ. Grated Inlet Pit	71.60	71.55	71.90
P13	600 SQ. Grated Inlet Pit	71.60	71.55	71.90
P14	900 SQ. Grated Inlet Pit	69.50	69.10	70.10
P15	900 SQ. Grated Inlet Pit	69.07	TBC Onsite	69.80

All pits greater than 1200 mm deep shall have step irons.
Maximum pit depths: 450 x 450 - 600 mm max. 600 x 600 - 900 mm max. 600 x 900 - 1200 mm max. 900 x 900 - greater than 1200 mm

RAINWATER RE-USE:

1. All inlets to rainwater tank to be fitted with first flush device.
2. Gutter guard to be installed on all eaves gutters.
3. Pressure pump/tap to be provided for re-use of captured tank water.
4. A permanent sign to be located in the vicinity of the tank stating the tank is not potable for use.
5. All rainwater services shall be clearly labelled 'Non Potable Water' with appropriate hazard identification.
6. Pipework used for rainwater services shall be coloured purple in accordance with AS1344.
7. All valves and apertures shall be clearly and permanently labelled with safety signs to comply with AS1319.
8. An air gap or a RP.ZD to be installed to ensure backflow prevention.
9. Rainwater tank, reticulation system and mains top arrangement to be installed in accordance with AS/NZS3500.1.2-2003 and the NSW Code of Practice: Plumbing and Draining.
10. Rainwater tanks shall be plumbed to BASIX requirements.

REV.	APP.	AMENDMENT DESCRIPTION	DATE
A	JDM	GENERAL REVISIONS - FOR DA APPROVAL ONLY	31.03.25
0	JDM	FOR DA APPROVAL ONLY	27.02.25

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PROPOSED ALTERATIONS
44 SHIRLEY ROAD
ROSEVILLE NSW 2069

VAKILI

Concept Ground Level Drainage Plan

SCALE:	DATE:	DESIGN:	REV:
1:200, 1:20	27 FEB 2025	JDM	A
JOB: 25036	DRW: SW2	SIGNED:	

engineered by...
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PO Box 608
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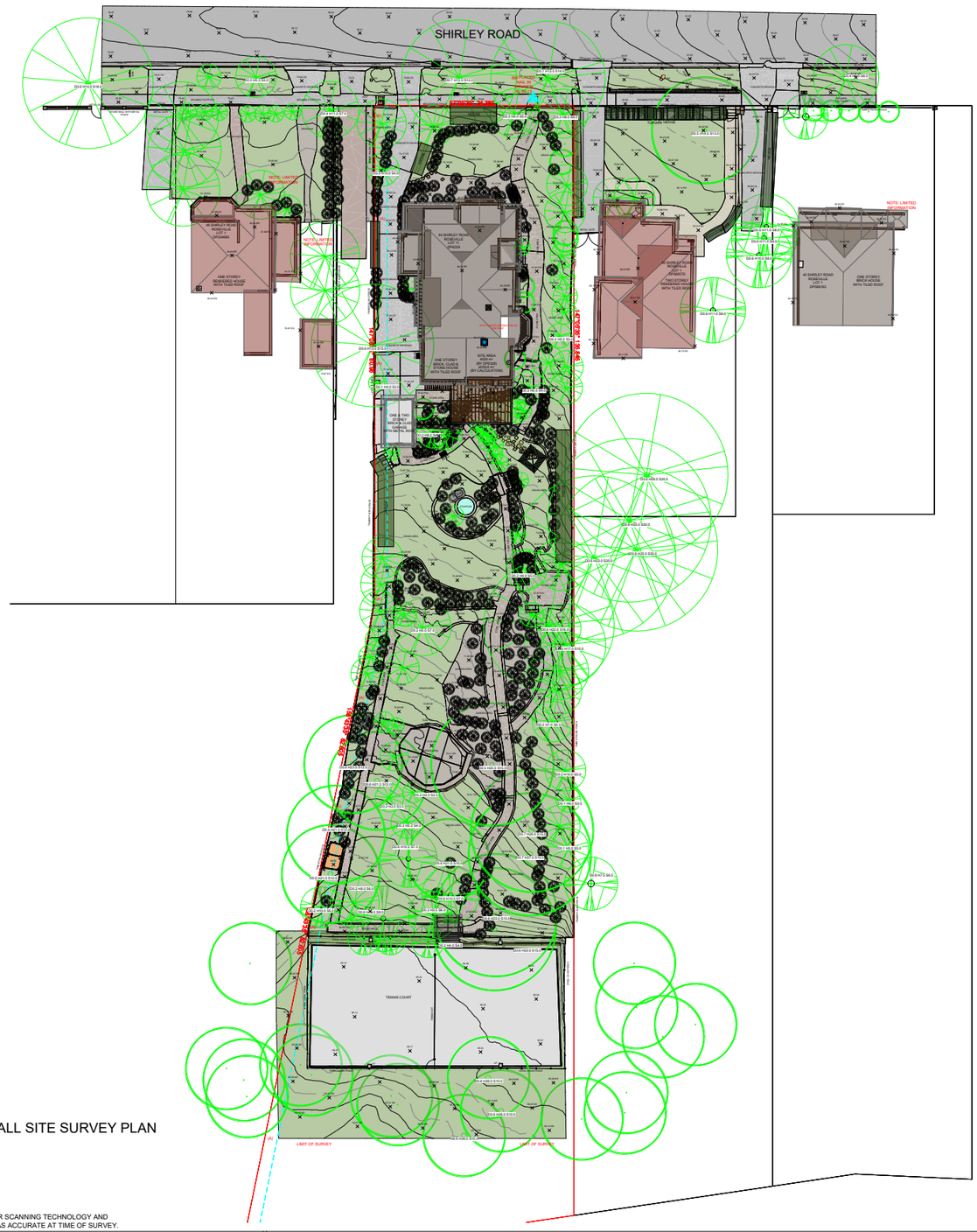



(A) - C219912 EASEMENT FOR DRAINAGE AFFECTING THE LAND SHOWN SO BURDENED IN VOL 2543 FOL 231

LEGEND:

AHD	AUSTRALIAN HEIGHT DATUM	PAV	PAVERS
AWN	AWNING	PP	POWER POLE
BM	BENCH MARK	RL	REDUCED LEVEL
CONC	CONCRETE	RR	ROOF RIDGE
CS	CONCRETE SURFACE	SC	SERVICE COVER
D/H/S	DIAMETER/HEIGHT/SPREAD	SV	STOP VALVE
D	DOOR	TEL	TELSTRA PIT
EC	EDGE OF CONCRETE	TK	TOP OF KERB
EG	EAVE & GUTTER	TW	TOP OF WALL
FL	FLOOR LEVEL	V	SERVICE VALVE
GDN	GARDEN	VC	VEHICLE CROSSING
HYD	HYDRANT	WM	WATER METER
IL	INVERT LEVEL	WS	WINDOW SILL
LH	LAMP POLE	WT	TOP OF WINDOW
NS	NATURAL SURFACE		

1 OVERALL SITE SURVEY PLAN
1 : 200

NOTE: THIS SURVEY WAS COMPLETED USING LASER SCANNING TECHNOLOGY AND CONVENTIONAL SURVEY EQUIPMENT. THE DATA WAS ACCURATE AT TIME OF SURVEY.

SECOND SCHEDULE (5 NOTIFICATIONS)AS SEARCHED ON 15/12/2023

1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2. A150872 COVENANT
3. C219912 EASEMENT FOR DRAINAGE AFFECTING THE LAND SHOWN SO BURDENED IN VOL 2543 FOL 231
4. AT698259 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA
5. AT698260 MORTGAGE TO BRYONY PENELOPE MACLEOD COX & TIMOTHY KENNETH FABIAN COX

NOTES:

A) SERVICES SHOWN HAVE BEEN DERIVED FROM VISUAL EVIDENCE APPARENT AT THE TIME OF SURVEY. SERVICES MAY EXIST WHICH ARE NOT SHOWN. THE RELEVANT SERVICE AUTHORITY SHOULD BE CONTACTED TO VERIFY THE EXISTENCE AND POSITION OF SERVICES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION OR EXCAVATION.
B) DIAMETER, HEIGHT & SPREAD OF TREES ARE APPROXIMATE ONLY.
C) LEVELS SHOWN ARE OF AUSTRALIAN HEIGHT DATUM.
ORIGIN OF LEVELS :SSM163083 RL 81.54 (AHD), CLASS D
D) USE STATED DIMENSIONS. DO NOT SCALE.
E) THESE NOTES FORM PART OF THIS PLAN AND CANNOT BE REMOVED.
F) NO COVENANTS AND/OR RESTRICTIONS HAVE BEEN INVESTIGATED BY C & A SURVEYORS PTY LTD.

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PARTIAL DETAIL & IDENTIFICATION SURVEY, FLOOR PLANS, SECTIONS, ELEVATIONS & 3D MODEL OF LOT 11 ON DP6329 AT
44 SHIRLEY ROAD ROSEVILLE

INSTRUCTING PARTY: HARPER LANE DESIGNS

Revision No.	Description	Date
01	PARTIAL DETAIL/IDENT SURVEY, FLOOR PLANS, SECTIONS, ELEVATIONS & 3D MODEL	11/03/2024
02		
03		
04		

NOTES ON SURVEY

1. THE IDENTIFICATION COMPONENT OF THIS SURVEY SHOWING DISTANCES BETWEEN STRUCTURES AS SURVEYED AND CADASTRAL BOUNDARIES HAS BEEN CONDUCTED IN ACCORDANCE WITH CLAUSE 10 OF THE SURVEYING AND SPATIAL INFORMATION REGULATION 2017.
2. THE 2D & 3D DETAIL AND MODELLING COMPONENT OF THIS SURVEY HAS BEEN CONDUCTED IN ACCORDANCE WITH CLAUSE 9 OF THE SURVEYING AND SPATIAL INFORMATION REGULATION 2017.

DATUM:	AHD	SURVEYED BY:	JG
SURVEY DATE:	22/02/2024	DRAWN BY:	TEAM
DATE DRAWN:	24/02/2024	SCALE:	1 : 200@A0
REFERENCE:	31765-24	SHEET:	2 OF 8

TOWN PLANNING STUDIO

CLAUSE 4.6 VARIATION STATEMENT

Clause 4.3 – Height of Buildings

ALTERATIONS AND ADDITIONS TO EXISTING DWELLING HOUSE, NEW SWIMMING POOL WITH SPA, PAVILLION AND LANDSCAPING

44 SHIRLEY ROAD
ROSEVILLE NSW 2069
LOT 11 DP 6329

1 INTRODUCTION

This Clause 4.6 Variation Statement has been prepared by In House Town Planning. It is submitted to Ku-ring-gai Council in support of a Development Application (DA) for alterations and additions to the existing dwelling house, a new swimming pool and spa, pavilion and landscaping on the site located at 44 Shirley Road, Roseville proposing a variation to the maximum building height limit.

Clauses 4.6 of the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015) enables Ku-ring-gai Council to grant consent for development even though the development contravenes the height development standard. The Clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

Clauses 4.6(3) requires the consent authority to consider a written request from the applicant that seeks to justify the contravention of the development standard. Clause 4.6(4)(a) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied:

- That the applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
- That the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard; and
- That the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The consent authority's satisfaction in respect of those matters must be informed by the objectives of Clause 4.6, which are to provide an appropriate degree of flexibility in the application of the relevant controls and to achieve better outcomes for and from the development in question by allowing flexibility in particular circumstances.

The Land and Environment Court has established a set of factors to guide assessment of whether a variation to development standards should be approved. The original approach was set out in the judgment of Justice Lloyd in Winten Property Group Ltd v North Sydney Council [2001] 130 LGERA 79 at 89 in relation to variations lodged under State Environmental Planning Policy 1 – Development Standards (SEPP 1). This approach was later rephrased by Chief Justice Preston, in the decision of Wehbe v Pittwater Council [2007] NSWLEC 827 (Wehbe). While these cases referred to the former SEPP 1, the analysis remains relevant to the application of Clause 4.6(3)(a).

In accordance with the KLEP 2015 requirements, this Clause 4.6 Variation Statement identifies the following:

- The development standard to be varied.
- The variation sought.
- Establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
- Demonstrates there are sufficient environmental planning grounds to justify the contravention.
- Demonstrates that the proposed variation is in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.
- Provides an assessment of the matters the Secretary is required to consider before providing concurrence.

This Clause 4.6 Variation Statement relates to the development standard for maximum building height under Clause 4.3 of the KLEP 2015 and should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by In House Town Planning. This document demonstrates that compliance with the maximum height

development standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravention of the standard.

This Clause 4.6 Variation Statement sufficiently demonstrates that:

- There are sufficient environmental grounds to justify the contravention. The proposed height variation does not generate any unacceptable environmental impacts in respect of overshadowing or wind and will not significantly impact on view lines and vistas from the public domain.
- There are site specific environmental grounds which justify the minor breach, due mainly to the existing steeply sloping site topography and the current excavated ground level. The height of building control of 9.5m is therefore unavoidably breached in proposing functional and cohesive alterations and additions to an existing dwelling house.
- The single storey presentation of the dwelling house to the streetscape is retained and the proposed development follows the existing ridge height of the dwelling house. The encroaching element of the building is located at the rear of the dwelling house where the slope of the land is the greatest in relation to the building above.
- The departure from the height of building control does not result in additional storeys over those envisaged by the Ku-Ring-Gai Development Control Plan 2015 (KDCP 2015) to be added to the development. The proposed built form remains consistent with the building envelope provisions for the site in terms of bulk and scale and as noted above, retains the single storey appearance of the dwelling when viewed from the streetscape. The three storey element of the building is only perceivable from the rear and will be screened from adjoining properties by dense vegetation within the site setbacks.
- The proposed development has been designed to provide for the highest and best use of the land, which ensures that the most efficient use of land is achieved. Strict compliance with the height control that applies to the site would result in a reduction in the overall development achievable on the site. The proposed development will contribute to the housing, amenity and car parking needs of the residents.
- The proposed development has mitigated the issue of bulk and scale by siting the building envelope centrally and adhering to the permissible setback controls. The space between the boundary lines and the building is dedicated to private green space within the development. This green space forms a buffer between the building and adjoining properties. The softening of the building edge, due to the green space buffer, adds value to the streetscape. The transition of building to green space results in greater visual amenity and affords improved areas of private open space for the benefit of the residents.
- Notwithstanding the proposed height variation, the proposed development remains consistent with the objectives of the height standard and the C4 – Environmental Living Residential zone.
- The proposed development is strongly in the public interest by contributing to the housing demand of the locality and enhancing the visual quality of the Heritage Conservation Area. The proposed variation to the height control does not result in the loss of amenity to the neighbouring properties as a result of overshadowing or loss of privacy and the proposed height is therefore considered to be acceptable particularly when balanced against the benefits of the project.

2 PROPOSED VARIATION

2.1 DEVELOPMENT STANDARD TO BE VARIED

This Clause 4.6 Variation Statement seeks to justify contravention of the development standard set out in Clause 4.3 of the KLEP 2015. Clause 4.3(2) of the KLEP 2015 requires that 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 site is subject to a maximum building height of 9.5m as shown on the Height of Buildings Map below.



Figure 1: Height of Buildings Map (Ku-ring-gai Local Environmental Plan 2015)

2.2 NATURE OF VARIATION SOUGHT

The departure from the height control is isolated to the first floor roof form of the dwelling house, where the existing topography in relation to the building is at its lowest point (as shown on the Architectural Plans submitted with this application and summarised below). The existing dwelling house on the site has a maximum building height of 9.37m measured from the highest point of the roof ridge to the excavated garage level. The proposed first floor addition follows the existing roof ridge height and does not encroach any higher. Due to the slope of the land, the overall building has a maximum height of 10.91m or RL + 86.46 above the lowest point of the existing excavated ground level at RL + 75.55. The proposed building height represents a variation of 1.41m or 12.93%. The remaining areas of the proposed development are fully compliant with the prescribed maximum building height control. In this instance, the variation to the height of buildings control relies on Clause 4.6 - *Exception to Development Standards* of the KLEP 2015.

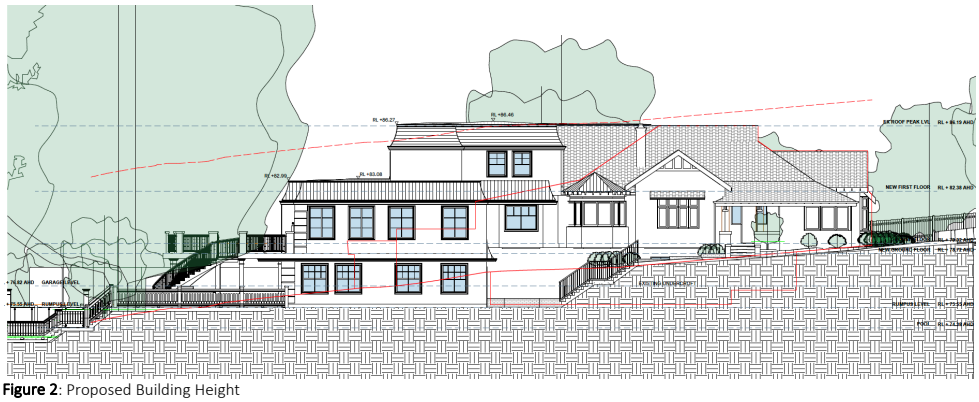

Figure 2: Proposed Building Height

3 JUSTIFICATION FOR CONTRAVENTION OF THE STANDARD

Clause 4.6(3) of the KLEP 2015 provides that:

3. *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
    a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
    b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Further, Clause 4.6(4)(a) of the KLEP 2015 provides that:

4. *Development consent must not be granted for development that contravenes a development standard unless:*
    a) *the consent authority is satisfied that:*
        i. *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
        ii. *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
    b) *the concurrence of the Secretary has been obtained.*

Assistance in the approach to justifying a contravention to a development standard is also to be taken from the applicable decisions of the NSW Land and Environment Court and the NSW Court of Appeal in:

- *Wehbe v Pittwater Council [2007] NSW LEC 827*; and
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009*.

The relevant matters contained in Clause 4.6 of the KLEP 2015, with respect to the maximum building height development standard, are each addressed below, including with regard to these decisions.

3.1 CLAUSE 4.6(3)(a): COMPLIANCE WITH THE DEVELOPMENT STANDARD IS UNREASONABLE AND UNECCCESARY IN THE CIRCUMSTANCES OF THE CASE

In Wehbe, Preston CJ of the Land and Environment Court provided relevant assistance by identifying five traditional ways in which a variation to a development standard had been shown as unreasonable or unnecessary. The five methods outlined in Wehbe include:

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 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.*

Of particular assistance in this matter, in establishing that compliance with a development standard is unreasonable or unnecessary, is the first method listed above. It is argued that the proposed development satisfies each of the relevant objectives of Clause 4.3(1) of KLEP 2015 as demonstrated below.

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,

The proposed development has been designed in harmony with the streetscape, retaining the Federation period facade of the dwelling house and its single storey presentation to the streetscape. The proposed works are contained to the rear of the dwelling house and are appropriately stepped down the sloping topography of the land, increasing to three storeys at the rear. It is evident that two and three storey buildings that are stepped down the sloping topography of the land are characteristic of the streetscape. The encroaching element of the building is contained to the first floor roof form as demonstrated by the height blanket image below and will not be perceivable from the public domain. The first floor roof form follows the roof ridge height of the existing building and does not encroach higher.

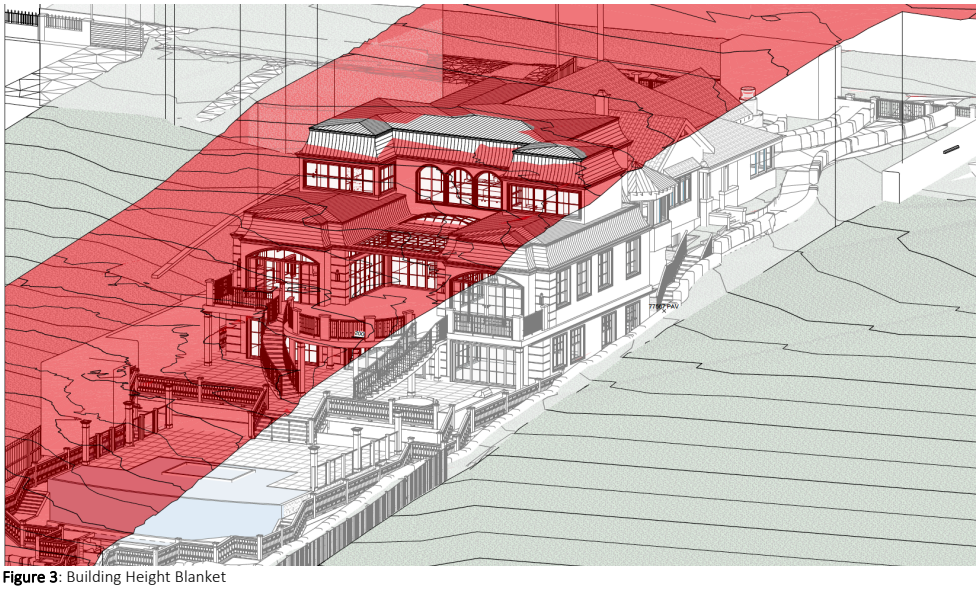

Figure 3: Building Height Blanket

The overall design achieves a high level of functionality and liveability for the residents and complies with the maximum built-upon and minimum landscaped area requirements. The development is considered to be consistent with Council's desired character of the street by contributing to the existing architectural styling of the Federation period dwelling house and affording a high level of articulation through the combination of building materials including architectural render, Colorbond roofing and decorative window treatments. The overall choice of materials and colour scheme is highly compatible with adjoining buildings to ensure that the streetscape presents as cohesive and well-designed when viewed from the public domain and surrounding Heritage Conservation Area.

The final development maintains an appropriate balance between the built form, landscaped areas and private open space thereby achieving compliance with the objectives of development in the C4 – Environmental Living zone. As detailed on the Architectural Plans submitted with this application, comprehensive site landscaping is retained and enhanced to the front, side and rear setbacks of the site that will contribute significantly to the natural landscape setting of the locality and will alleviate the perceived bulk and massing of the building when viewed from the public domain.

Whilst the height control is placed to ensure that the future character of the locality is maintained, the departure of the height control in this instance is a direct result of the inherent nature of adding to an existing dwelling house on a site with extreme changes in elevation. The control is therefore considered only a guide directed towards relatively level sites however applying the controls to a site with dramatic changes will inevitably create a departure from the control. While the proposed development seeks to increase the overall scale of the dwelling house and subsequently results in a development with a building height beyond the numerical control, the residential surroundings will not allow extreme departures for future developments where residential buildings will continue to dominate the streetscape.

b) to establish a transition in scale between the centres and the adjoining lower density residential and open space zones to protect local amenity,

The proposed building height is suitable in the context of the site and will not appear out of character when viewed from adjoining residential properties and the reserve to the rear. Majority of the built form is screened from the public domain and surrounding properties by dense vegetation and mature trees within the site setbacks. It is clearly demonstrated that the proposed development will not impact on the visual quality of surrounding buildings or impact on significant views and vistas. The proposed development will improve the visual appearance of the building as a result of sympathetic architectural design combined with comprehensive site landscaping. The final development reflects the historical character of the area and is site responsive, incorporating design elements that are sympathetic of characteristics of the streetscape and the inherent site constraints.

The increase in building height does not have any adverse impact on the potential of the building to undergo design articulation and modulation. The final dwelling house has varying building lines to allow for the play of building volume, solid and voids. The proposed development does not impede on existing low density dwelling houses in the vicinity of the site as it adheres to the setback provisions. The design of the building in accordance with appropriate setbacks, bulk, building transition and the existing facade design overrides the minimal breach in height as the main objective is to achieve good built form.

c) to enable development with a built form that is compatible with the size of the land to be developed.

The proposed development responds to the land and location of buildings throughout the streetscape, incorporating suitable setback distances and retaining and enhancing a significant amount of landscaping. The development is predominately located within the established building envelope on the site and maintains the single storey presentation of the dwelling house to the streetscape, in accordance with the façade appearance of adjoining residential buildings. The proposed departure from the maximum building height control is not considered likely to result in adverse impacts to adjoining buildings, or buildings in the vicinity of the site, in terms of views, loss of privacy, overshadowing or visual intrusion. The Shadow Diagrams submitted with this application clearly demonstrate that the final development achieves the solar access requirements stipulated under the KDCP 2015 both on the site and for adjoining properties. The sloping nature of the land and the location of adjoining dwellings ensures that the encroaching portion of the building does not significantly overshadow the living or private open space areas of these properties or compromise their ability to attain a suitable level of solar access to the internal areas.

3.2 CLAUSE 4.6(3)(b): ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD

The following site-specific environmental grounds further justify the proposed variation to the maximum height control:

- The proposed height variation will not generate any unacceptable adverse environmental impacts in respect of overshadowing or wind impacts. This is clearly demonstrated by the Shadow Diagrams submitted with this application, with the development maintaining an appropriate level of solar access to adjoining living and private open space areas through the retention of suitable setback distances to the side property boundaries.

- The size of the building is appropriate to the lot size. The extent of the development is maximised to respond to the zone objectives of achieving the development potential of the land. The side and rear elevations of the building are articulated to convey interplay of solids and voids to mitigate the bulkiness of the building. The building can be considered as a positive contribution to design excellence in the locality.
- While the proposed development height of building exceeds the maximum requirements prescribed by the KLEP 2015, it is considered that impacts will be mitigated by achieving a centrally located building footprint on the site with well-planned green spaces and fenestration, which satisfies other controls.
- The provision of the internal green space around the perimeter of the subject site adds value to the streetscape. The transition of building to green space results in greater visual amenity, as opposed to hard edges in the streetscape due to poorly designed building separation. The proposed development does not impede on the existing low density dwelling houses in the vicinity of the site as it adheres to the setback provisions.
- The proposed height of building provides a high quality urban form with satisfactory exposure to the natural ventilation and sunlight.
- The proposed development will set a precedent for future development in the locality.
- Notwithstanding the proposed height variation, the final development continues to satisfy the objectives of the maximum building height control as demonstrated above.
- The complying building envelope is significantly compromised by the sloping topography of the land. It is therefore considered necessary to contravene the maximum building height control in order to provide a development that integrates seamlessly with the subject building, rather than present as piecemeal to the public domain.
- The proposed variation will not result in a development that is out of character with that envisioned by Ku-Ring-Gai Council. The final development will present to the public domain as an architecturally designed dwelling house that sits comfortably within the site.

3.3 CLAUSE 4.6(3)(a)(ii): IN THE PUBLIC INTEREST BECAUSE IT IS CONSISTENT WITH THE OBJECTIVES OF THE ZONE AND DEVELOPMENT STANDARD

The proposed development is in the public interest as it achieves the objectives of the C4 – Environmental Living zone by contributing to a form of low impact residential development that is in keeping with adjoining land uses and will not adversely affect the scenic and aesthetic value of the land and the surrounding locality. The proposed development is appropriately situated on the site to limit potential impacts in terms of views to and from the public domain. The design of the development is in keeping with the established residential characteristics of the streetscape and will improve the sites presentation to the surrounding streetscape as a result of sympathetic architectural styling combined with appropriate landscaping works. The final development is highly compatible with the exiting and desired character of the surrounding Heritage Conservation Area.

The proposed height variation is in the overall public interest as it provides for the highest and best use of the site, is in keeping with the predominant built form characteristics of the streetscape, will not adversely impact on significant trees or vegetation and will promote the orderly and efficient use of land in accordance with the objects of the EP&A Act.

4 OTHER MATTERS FOR CONSIDERATION

Under clause 4.6(5) of the KLEP 2015 in deciding whether to grant concurrence, the Director-General must consider the following matters:

5. *In deciding whether to grant concurrence, the Secretary must consider:*
   a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
   b) *the public benefit of maintaining the development standard, and*
   c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

These matters are addressed in detail below.

4.1 CLAUSE 4.6(5)(a): WHETHER CONTRAVENTION OF THE DEVELOPMENT STANDARD RAISES ANY MATTER OF SIGNIFICANCE FOR STATE OR REGIONAL ENVIRONMENTAL PLANNING

The variation of the maximum height development standard does not raise any matter of significance for State or Regional planning.

4.2 CLAUSE 4.6(5)(b): THE PUBLIC BENEFIT OF MAINTAINING THE DEVELOPMENT STANDARD

There is no public benefit in maintaining the development standard in terms of State and Regional planning objectives. As noted in the preceding sections, the additional height proposed generally reflects the height of development throughout the locality and the non-compliance is largely due to the sloping nature of the site. The development will not appear out of character when viewed from the public domain and does not give rise to any significant adverse environmental impacts.

4.3 CLAUSE 4.6(5)(c): ANY OTHER MATTERS REQUIRED TO BE TAKEN INTO CONSIDERATION BY THE DIRECTOR-GENERAL BEFORE GRANTING CONCURRENCE.

There are no other relevant matters requiring consideration.

6 CONCLUSION

The assessment above sufficiently demonstrates that compliance with the maximum building height development standard contained in Clause 4.3 of the KLEP 2015 is unreasonable and unnecessary in the circumstances of the case and that the justification is well founded. It is considered that the variation allows for the orderly and economic use of the land in an appropriate manner. The development, including height variation, has been designed in harmony with adjoining buildings to ensure that the proposed works do not compete with the integrity of the streetscape.

This Clause 4.6 Variation Statement demonstrates that, notwithstanding the non-compliance with the maximum height development standard, the proposed height variation:

- Is consistent with the objectives of Clause 4.3 of the KLEP 2015.
- Will enhance the subject building in relation to scale, materials and external treatments and is sympathetic of the surrounding Heritage Conservation Area.
- Will promote the orderly and efficient use of land, in accordance with the objectives of the Act.

It is therefore demonstrated that the DA may be approved with the variation as proposed in accordance with the flexibility allowed under Clause 4.6 of the KLEP 2015.